

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**MINUTES
February 28, 2008
REGULAR MEETING**

The Regular meeting of the Township of West Milford Planning Board was called to order at 7:31 p.m. by Chairman Andrew Gargano, with a reading of the Legal Notice, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Steven Castronova (7:34), Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Michael Siesta, Dennis Kirwan, Chairman Andrew Gargano, Planning Director William Drew, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero.

Absent: Councilman Philip Weisbecker, Dennis Kirwan.

Chairman Gargano asked Michael Siesta to sit in for Councilman Philip Weisbecker.

PUBLIC PORTION

Pete Remy, Macopin Road, had addressed the Board at a prior meeting regarding garbage collection times, and advised that his comments about a neighbor's early garbage collection was not to reflect negatively against the property owner. He also asked that cell towers no longer in use be removed.

With no one else present wishing to address the Board, the Public Portion was closed by unanimous consent on a **motion** by Michael Siesta and a **second** by Mayor Bettina Bieri.

SITE PLAN APPLICATION REVIEW WAIVERS

WHITE MOUNTAIN REALTY GROUP

Site Plan Review Waiver #0720-0311W

Block 6303; Lot 17

1542 Union Valley Road; VC Zone

Prior to the applicant proceeding with testimony, Mr. Drew reviewed the process of the Site Plan Application Review Waiver. He advised that this was, in effect, a re-tenancy for commercial businesses. The process includes an application with no fees, and the applicant is not required to submit prepared plans. Inspections are made and the application is evaluated by the Planning staff and Board to insure the safety of the customer and proper maintenance of the site.

The applicant, August Montalbano, was represented by his attorney, Joseph Affinito, Esq. Mr. Affinito advised the Board that the applicant was seeking to turn the two floor, 4000 square foot commercial space, into commercial space on the first floor and two one-bedroom apartments on the second floor. He testified that there would be no parking or traffic issues due to the large size of the site. The Chairman noted that there was insufficient information to properly evaluate this request for a waiver. Mr. Germinario, the Board Attorney, questioned the applicant's attorney about prior and current use of the site. Mr. Drew advised that he has reviewed this application with the Zoning Officer and the Construction Official, and both expressed that the occupancy at this site has been problematic over the past several years. He also noted that the past Planning Board had issues with this site, which included occupancy, improvements made without CO's and septic suitability, and he recommended an evaluation of this facility to determine intensity of occupancy and function of the site. The Board inquired about several issues with Mr. Affinito, including septic capacity, waste removal, well yields, gravel versus paving, and whether current CO's were issued. Mr. Montalbano was sworn in by the Board Attorney and replied to several of the Board's inquiries. There were further questions from the Board about renovations to the two

apartments on the second level and whether permits had been issued. Mr. Drew advised that this site has had unresolved issues for the past 6 years. He reviewed the history of the site, the fines that were imposed on the applicant for not obtaining a certificate of occupancy, and the applicant's subsequent appeal to Passaic County Construction Board of Appeals.

Mr. Drew advised that a site plan was required, that the applicant has testified that the site has been upgraded. He noted that the major concern was occupancy of the building without site plan approval and CO's. The applicant appealed to the Board, stating that filing a site plan would cost him over \$20,000.00. The Chairman advised that other applicant's are required to file applications with associated documents and fees, often at great cost. Mr. Rosica ascertained whether any renovations had been done at the site and the applicant's attorney replied that the applicant has done nothing to renovate the site.

Mr. Germinario advised the Board that this application and potential use raises several planning problems. The site has mixed uses and concerns have been raised about the safety of residential tenants and commercial tenants with regard to parking and pedestrian traffic. The Chairman noted that there are major planning issues at this site. Mr. Drew advised the Board that this application would exceed the limits of a minor site plan, adding that a preliminary and final site plan would be required. The detailed checklist that is part of a site plan application provides for waiver of items. Waivers would be evaluated and determined by the Board professionals. He advised that the applicant could obtain a preliminary and final site plan application in the Planning office.

Motion by Mayor Bettina Bieri with a **second** by Chris Rosica to **deny** the site plan application review waiver for White Mountain Realty.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden,
 Douglas Ott, Chris Rosica, Michael Siesta, Clinton Smith, Geoffrey Syme,
 Chairman Andrew Gargano.
 No - None.

CHRISTOPHER BRAWLEY
Site Plan Review Waiver #0820-0314W
Block 5708; Lot 4
54 Marshall Hill Road; CC Zone

The applicant was present to address the Board and was sworn in by the Board Attorney. He proceeded to testify with regard to the site plan review waiver for his proposed small engine repair business. He testified that improvements would be made to the parking lot in the Spring. Joseph Van Hook, owner of the site, was also present and concurred with the applicant about the parking lot improvements. The applicant also advised that he would be installing some landscaping features to improve the site. The Chairman inquired about ADA accessibility and parking, sidewalks, and septic capacity, and the applicant replied to the Board's satisfaction. Upon inquiry from a Board member about imposing conditions of approval for the waiver, Mr. Germinario advised that the Board generally should not impose conditions for approval. The applicant testified satisfactorily to all inquiries and concerns of the Board.

Motion by Michael Siesta with a **second** by Chris Rosica to **approve** the site plan application review waiver for Christopher Brawley.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden,
 Douglas Ott, Chris Rosica, Michael Siesta, Clinton Smith, Geoffrey Syme,
 Chairman Andrew Gargano.
 No - None.

CONTINUED PUBLIC HEARINGS

WOODWARD AND CORINNE BALL
Preliminary and Final Site Plan #0620-0253AB

COMPLETE: 12/24/2007
DEADLINE: 02/08/2008

Block 16005; Lots 8 and 9
25 Paradise Road; LMI Zone

EXTENSION: 03/31/2008

Seeking Preliminary and Final Site Plan approval for various site improvements.

Chairman Gargano advised that this application will be carried to the April 24th Planning Board meeting as a result of a request from the applicant's attorney to carry the hearing.

SUNNY BLUE, LLC

Preliminary and Final Site Plan #0720- 0286AB

Bulk Variance #0730-0787

Block 5701, Lot 1

1502-12 Union Valley Rd; CC Zone

Seeking Preliminary and Final Site Plan approval with Bulk Variances to permit the applicant to construct a Walgreens Pharmacy following demolition of the existing structure.

COMPLETE: 10/23/2007

DEADLINE: 02/20/2008

EXTENSION: 03/31/2008

Prior to the testimony commencing, the following Board members recused themselves from this hearing: Mayor Bettina Bieri, Steven Castronova, Michael Siesta, and Clinton Smith.

The applicant was represented by Joseph Russo, Esq., of Hackensack, NJ. Also in attendance were Larry Murphy, P.E., the applicant's engineer and project manager, and John Harder, P.E., engineer and traffic specialist for Atlantic Traffic. Mr. Russo advised that testimony at this meeting was scheduled to be a review of traffic studies and impact for the proposed Walgreens site. He also advised that the project manager had revised plans and was prepared to review these plans with the Board at this meeting.

The applicant employed the services of a transcriber, John Castiglione. A copy of the complete transcript for the public hearing of February 28, 2008 is on file in the office of the Planning Department and may be viewed during regular business hours.

Following testimony, the Chairman advised that this application would be carried to the March 27, 2008 regular Planning Board meeting.

The Chairman announced a short recess at 9:42 p.m. The meeting was called back to order by Chairman Gargano at 9:49 p.m.

MEMORIALIZATIONS

RESOLUTION NO. 2008 - 4

HENRY JECKER

Minor Subdivision #0710-1982

Block 9901; Lot 7

870 Union Valley Road

Granted: Time Extension

Motion by Douglas Ott with a **second** by Steven Castronova to approve Resolution No. 2008-4.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Michael Siesta, Clinton Smith, Chairman Andrew Gargano.
No - None.

RESOLUTION NO. 2008 - 5

STEVEN & CHRISTINE CASTRONOVA

Minor Subdivision #0510-1973

Bulk Variance #0530-0702

Block 7213; Lot 1

12 Valley View Lane; R-2 Zone

Granted: Time Extension

Motion by Douglas Ott with a **second** by Rich McFadden to approve Resolution No. 2008-5.

Roll Call: Yes - Richard McFadden, Douglas Ott, Chris Rosica, Michael Siesta.
 No - None.

RESOLUTION No. 2008 - 6

ROBERT COYMAN

Minor Subdivision #0710-1980

Block 7902; Lots 5 and 6

2016 Macopin Road; OT Zone

Granted: Time Extension.

Motion by Mayor Bettina Bieri with a **second** by Steven Castronova to approve Resolution No. 2008-6.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden,
 Douglas Ott, Chris Rosica, Clinton Smith, Chairman Andrew Gargano.
 No - None.

RESOLUTION No. 2008 - 7

VINCENT LANZA

Minor Subdivision #0510-1976

Bulk Variance #0530-0718

Preliminary and Final Site Plan #0520-219AB

Block 9501; Lot 12

1383 Macopin Road; R-3 Zone

Granted: Minor Subdivision with Variances, Preliminary & Final Site Plan Approval.

The Board discussed various conditions of approval found in the final report to the Board and those to be listed on the Resolution. Following discussion, it was determined that the motion for approval also includes conditions listed in the final Report to the Board.

Motion by Chris Rosica with a **second** by Steven Castronova to approve Resolution No. 2008-7 to include the conditions found in the final report to the Board and those in the Resolution.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Douglas Ott, Chris Rosica,
 Clinton Smith, Geoffrey Syme.
 No - None.

RESOLUTION No. 2008 - 8

NEW CINGULAR WIRELESS PCS, LLC

D/b/a AT&T WIRELESS (OAK RIDGE)

Amended Preliminary & Final Site Plan # 0720-0190AB

Bulk Variance 0730-0791

Block 16307; Lot 21

364 Oak Ridge Road; CC Zone

Granted: Preliminary & Final Site Plan Approval.

Motion by Steven Castronova with a **second** by Richard McFadden to approve Resolution No. 2008-8 to include the conditions listed in the final report to the Board.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden,
 Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Chairman
 Andrew Gargano.
 No - None.

The Board continued to discuss conditions of approval being listed in detail in the Memorializing Resolutions. The Board concurred that final copies with all conditions stipulated will be provided to members prior to voting on the Resolution.

Motion by Michael Siesta with a **second** by Richard McFadden for final copies of resolutions to be provided to Board members, with conditions of approval included in the resolutions.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Chairman Andrew Gargano.
No - None.

PLANNING DIRECTOR'S REPORT

Mr. Drew advised that a legal notice was received advising that work will be commencing on the Wallisch Estates Nature Trail and Wetlands Restoration project by Ramapo College. Mr. Drew also advised that he would be reviewing the Master Plan with the Board at the workshop meeting. Upon inquiry by the Chairman on removal of cell towers no longer in use, Mr. Drew advised that this is already included in the cell tower ordinance.

MISCELLANEOUS

Motion by Mayor Bettina Bieri with a **second** by Chris Rosica to approve the invoices for Thomas Germinario and Michael Hakim as presented.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Geoffrey Syme, Chairman Andrew Gargano.
No - Clinton Smith.
Abstain – Michael Siesta.

Mayor Bieri advised that she recently met representatives from the Highlands Council and anticipated a presentation to the Township Council on the Highlands Master Plan.

MINUTES

Motion by Steven Castronova with a **second** by Douglas Ott to approve the minutes of the October 25, 2007 Planning Board meeting.

On Roll Call Vote: Yes– Steven Castronova, Douglas Ott, Clinton Smith, Michael Siesta.
No - None.

Motion by Mayor Bettina Bieri with a **second** by Richard McFadden to approve the minutes of the January 17, 2008 Reorganization meeting.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Chairman Andrew Gargano.
No - None.

COMMUNICATIONS

The following communications were noted and filed:

Application notification for Cecile Murad, 1856 Clinton Road; Block 206; Lot 2 for a General Permit #25 for installation of a sub-surface sanitary disposal system.

Notification received January 28, 2008 from the Passaic County Planning Department regarding Minor Subdivision for Jon Kleckner, 75 Marshall Hill Road, Block 6303; Lots 6 and 7 withholding their approval of the submitted plan pending removal of excess asphalt in the Marshall Hill Road right-of-way and receipt of revised plans showing sidewalk easement along Marshall Hill Road.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

The following correspondence was noted and filed:

Agency Determination dated January 9, 2008 for Verizon -Upper Greenwood Lake Fire Co., 776 Warwick Turnpike, Hewitt – Highlands Act – Exemption #4; Water Quality Management Plan – Not Addressed.

Highlands Exemption Application with additional information requested by the NJDEP for WV's Coffee Express, 3034 Route 23, West Milford, from Conklin Associates dated January 7, 2008.

Notice of Technical Incompleteness for a Highlands Applicability and Water Quality Management Plan Consistency Determination dated January 16, 2008 for Chiarello Family Trust, Burlington Drive, West Milford, Block 12305; Lots 17.01 and 17.02 with a request for additional information.

Letter dated February 5, 2008 received from NJDEP for Block 5307; Lot 11.04, Ridge Road, regarding request by owner Randall Vreeland to withdraw Highlands Applicability application and refund application fees.

A discussion ensued regarding continuation of providing copies of all correspondence to each Board member, in addition to listing each item in detail on the agenda. The Board concurred that correspondence would be available for review at each meeting and listed on the agenda, but copies would only be made for the Board professionals, unless otherwise requested by a Board member.

Motion by Mayor Bettina Bieri with a **second** by Douglas Ott to approve correspondence copies to be provided only to Board professionals, unless a Board member requests copies.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden,
 Douglas Ott, Chris Rosica, Michael Siesta, Clinton Smith, Geoffrey Syme,
 Chairman Andrew Gargano.
 No - None.

ADJOURNMENT

With no further business to come before the Board, **motion** by Chris Rosica, with a **second** by Richard McFadden to adjourn the February 28, 2008 regular meeting of the Planning Board at 10:33 p.m. On a Voice Vote, all were in favor of adjourning.

Approved: April 24, 2008

Respectfully submitted by

Tonya E. Cubby, Secretary