

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes
May 24, 2007
REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:37 p.m. with the reading of the legal notice and Pledge of Allegiance.

ROLL CALL

Present: Steven Castronova, James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Philip Weisbecker. Alternate: David Volpe Chairman: Michael Tfank. Board Attorney: Bryant Gonzalez, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Leslie Tallaksen. Alternate: Thomas Harraka.

Chairman appointed Mr. Volpe to sit for Ms. Tallaksen.

PUBLIC PORTION

No one wished to speak.

SITE PLAN WAIVERS

PATRICIA NICHOLSON

Site Plan Waiver # 0720-0291W

Block 15803; Lot 4

8 Oak Ridge Road; CC Zone

PATRICIA NICHOLSON

Site Plan Waiver # 0720-0293W

Block 15803; Lot 4

8 Oak Ridge Road; CC Zone

The applicant, Patricia Nicholson, 10 Upper Lake Road, Oak Ridge, NJ was represented by Otto F. Blazsek, 1035 Route 46 East, Clifton, NJ. Mr. Blazsek explained that the applicant purchased the two buildings on the subject site and proposed to rent two commercial spaces in the one building for a country gift shop and a yoga studio.

Planning Director, William Drew, advised that he and the Construction Official, Kurt Wagner, had conducted a site inspection and that there appeared to be a total of 12 units being rented. He noted that there were no records on file indicating that number of units for this facility. Mr. Drew also noted that the parking spaces were not delineated and, therefore, the location and number of spaces could not be determined. He raised concern as to whether the site can accommodate the various activities occurring on the site.

In response Ms. Nicholson advised that in she had two apartments in Building #4 and five apartments in the Building #8 for a total of 7 apartments. In addition, there are three commercial units, one in Building #4 and two in Building #8. Mr. Blazsek advised that the facility had recently been inspected by the State and that he would provide a copy of that report to the Board. Ms. Nicholson noted that she had tenants who wished to move in on June 1. She further noted that she needed to rent the units as soon as possible, as they had been vacant for over a year.

Bryant Gonzalez, Board Attorney, recommended that the matter be carried until clarification was received on the number of units. He suggested that a site visit be conducted with the applicant to determine the location of the parking.

Mr. Barbarula than had Claude Ballester, P.E. sworn for purposes of providing site plan engineering testimony relative to the amended preliminary and final site plan submitted. Mr. Ballester then testified with respect to Sheet 1 of 2 of the plans submitted with respect to the wetlands delineation on the subject property. He described the wetland areas and noted that any areas that were to be disturbed would be landscaped and reseeded. He noted that the applicant had reduced the scope of the proposed development and was now only seeking to build a 4,000 square foot building towards the southerly side property line and encroaching upon the 75-foot required side yard setback for the LMI Zone. For this encroachment the applicant required bulk variance relief. Mr. Ballester also noted that driveway access to Burnt Meadow Road had also been shifted further down on the property so as to avoid the 150-foot transition area on the subject property. The proposed driveway was to be paved at a width of 16 feet.

In considering this application, the Board reviewed the reports of its planning and engineering professionals. It first reviewed the report dated May 18, 2007 prepared by William H. Drew. The Board reviewed the recommendations at page 3 of 3 of his report. At Item 1, the Board Planner recommended the applicant testify regarding the proposed width of the driveway to assure that safe ingress and egress could be provided.

The applicant, Ernest Oakes, was then sworn and testified that single axle trucks and/or small trailers would be used and that no oversized vehicles would be utilized such that the proposed width of the road at 16 feet was adequate to provide access to the property.

With regard to Item 2 of the Board Planner's report the applicant responded that there would be four (4) employees on-site and as such, four (4) employees would travel to the site and parking was adequate to address the need for employee parking. He noted further that parking would be towards the rear of the property by the garage and that in his experience the maximum number of employees at any time would be six (6) and consequently the property would still be adequate for providing parking for said number of employees.

With regard to Item 3 of the Board Planner's report Mr. Ballester responded that the plans submitted were generic but specific plans would provide for doors on the building on the southerly side of the property. The applicant agreed that it would provide a copy of the final building plans for the proposed building as a condition of approval.

With respect to Item 4 of the Board Planner's report, the applicant indicated that there would be approximately 150 feet of retaining wall constructed on the subject property and that approximately 50 feet of this structure would exceed 4 feet in height. In this regard the applicant agreed that it would provide a structural engineer's design and certification for the as built construction.

With regard to Item 5 of the Board Planner's report Mr. Ballester responded that the proposed fuel storage tank would be located outside of the proposed building and it would be utilized for the heating of the building. He further confirmed that environmental safeguards would be installed to protect against potential spillage and/or leakage into groundwater.

With respect to Item 6 of the Board Planner's report, the applicant indicated that areas within the limits of disturbance would be treated and disturbed areas would be reseeded and landscaped according to the plan submitted.

The Board next reviewed the report of the Board Engineer, Robert C. Kirkpatrick, P.E., dated May 6, 2007. Mr. Ballester indicated that one of the Board Engineer's comments was with respect to a typographical error on the design plans, which he indicated the applicant would correct as a condition of approval. He next indicated that the applicant would provide the Board with one bound set of plans for all plans submitted which would be signed by the Chairman as a condition of approval.

The Board Engineer, Robert Kirkpatrick, then commented that while generic building plans were acceptable for preliminary, they were not acceptable for final. In this regard, the building plans needed to depict the proposed parking, proposal access, the location of the

Variance # 0630-0734

Block 12110; Lots 6 & 17
463 Germantown Rd. & 9 Martha St.; R-2 Zone
GRANTED: Six-month time extension
Matter carried.

CELLULAR TELEPHONE COMPANY

RESOLUTION NO. 2007 - 21

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

Preliminary & Final Site Plan # 0420-0190AB

Block 16307; Lot 21
394 Oak Ridge Road; CC Zone
GRANTED: Time extension
Matter carried.

ORDINANCES FOR INTRODUCTION

Amendment to the Lake Commercial Zone permitted uses.

The Board discussed the above referenced amendment. They noted that the Planning Director had done considerable research on the subject and had worked with the Board and the Environmental Commission to address water quality issues from a variety of different approaches. They further noted that such uses as car washes and gasoline service stations would not be appropriate in close proximity to the lake as they could potentially create an adverse impact to water quality should something happen.

In response to questions raised by Councilman Weisbecker Mr. Drew advised that the proposed change would not affect Upper Greenwood Lake.

After discussion, the Board recommended that the Township Council introduced the proposed amendment.

Kurt Wagner recused himself.

MOTION made by Michael Siesta, seconded by Philip Weisbecker, to recommend to the Township Council that the amendment to the Lake Commercial Zone be introduced.

On roll call vote: Yes - Steven Castronova, James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Philip Weisbecker, David Volpe, Michael Tfrank
No - None

Tree Ordinance - Matter carried.

Fence Ordinance – Matter carried.

ORDINANCES REFERRED FROM COUNCIL - None.

PLANNING DIRECTOR'S REPORT - None.

PLANNING BOARD ATTORNEY'S REPORT - None.

MINUTES

MOTION made by Michael Siesta, seconded by Douglas Ott, to approve the minutes of the March 22, 2007 regular meeting.

On roll call vote: Yes - Steven Castronova, James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, David Volpe, Michael Tfrank
No - None

MOTION made by Kurt Wagner, seconded by Philip Weisbecker, to approve the minutes of the April 12, 2007 regular meeting.

On roll call vote: Yes - Steven Castronova, Michael Siesta, Clinton Smith, Kurt Wagner,
Philip Weisbecker, David Volpe, Michael Tfrank
 No - None

MOTION made by Philip Weisbecker, seconded by Michael Siesta, to approve the minutes of the April 26, 2007 regular meeting.

On roll call vote: Yes - Steven Castronova, James O'Bryant, Douglas Ott, Michael Siesta,
Clinton Smith, Kurt Wagner, Philip Weisbecker,
 No - None

COMMUNICATIONS

The following correspondence was received and filed:

Letter dated April 17, 2007 from Tara Donohue advising that she is applying for a Presence/Absence Letter of Interpretation for property located at 98 Riverside Road, Block 2302; Lot 4.

Notice dated April 16, 2007 advising that Vincent Lanza is applying for a general permit for the installation of a driveway on property located on Lookover Drive, Block 206; Lot 14.02.

Letter dated March 23, 2007 from EcolSciences, Inc. advising that Environmental Construction Company is applying for a General Permit Number 6 for property located on Inwood Road, Block 12110; Lot 5.03.

Letter dated March 23, 2007 from EcolSciences, Inc. advising that Environmental Construction Company is applying for a General Permit Number 6 for property located on Inwood Road, Block 12110; Lot 3.01.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

The following correspondence was received and filed:

Notice that the following applicants have applied for a Highlands Applicability Determination:

Paul and Judy Polo, Alp Road, Block 1604; Lot 1.02.

Ted Porebski, Jr., Bearfort Shopping Village, 1640 Union Valley Road, Block 7006; Lot 3.

ADJOURNMENT

Meeting adjourned by unanimous consent at 10:20 p.m.

Respectfully submitted,

Grace R. Davis
Secretary