

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**Minutes  
July 26, 2007  
REGULAR MEETING**

The regular meeting of the Township of West Milford Planning Board was called to order at 7:37 pm by Michael Tfank, Chairman, with a reading of the Legal Notice and the Pledge of Allegiance.

**ROLL CALL**

Present: Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Chairman Michael Tfank, Board Attorney Glenn Kienz, Esq., Planning Director William Drew, P.P.

Absent: James O'Bryant, Philip Weisbecker, Thomas Harraka, David Volpe, Board Engineer Robert Kirkpatrick

**PUBLIC PORTION**

With no one present wishing to be heard, a motion to close the public portion of the meeting was made by Douglas Ott, with a second by Kurt Wagner.

**SITE PLAN WAIVERS**

**LIVING WORLD ALLIANCE CHURCH**

**Site Plan Waiver #0720-0300W**

Block 2201 & 2750; Lot 25 & 4

Lake Shore Drive; LR Zone

Steven M. Honig Esq., 167 Franklin Tpke., Waldwick, N.J appeared on behalf of the applicant, and proceeded to review the site plan waiver application. He referred to the site plan that included a house of worship and small frame dwelling occupied by the caretaker. Mr. Drew, Board Planner, noted that the plans did not include the access area to the lake. Mr. Honig stated that the applicant was not proposing anything new on the site, they were not increasing the size of the building, and were keeping the same parking lot area. The plan inside would be renovated to conform to their needs and current building standards. He noted that the building was used as a house of worship before 1994.

Mr. Honig then asked Pastor Timothy Barnes and Cruz Perez, congregation member, to come before the Board. Pastor Barnes testified that the congregation would have approximately 120-130 people in attendance for Sunday church services, from 10am to 12 noon, consisting of mostly local residents. He said that there would be approximately 35-40 cars entering and exiting the site and using the parking area. Sunday would have the highest use, and approximately 5 to 10 cars would need parking during the week for small group meetings and daily staffing. Special events would require more cars using the site. He stated that parking in the lot across the street would be used only for Sunday services and large events.

Mr. Cruz Perez, contractor and congregation member, testified to the number of cars that would use the site, concurring with Pastor Barnes number of 35 to 40 cars. Upon questioning about the parking lot, he stated that the lot was partially paved, with dirt and grass on part of the area. He said that the lot could provide parking for 60 to 70 cars at one time. He noted that the lot is currently permeable to water, and that there are no water issues, either with flooding or drainage. He ascertained from the caretaker that the prior congregation has 50 to 60 cars for their services and special events. He testified that there were 5 rows for parking spaces. With regard to the sight distance, he stated that there are no issues with sight either exiting or entering the premises, and that there a sight distance down the road of 500 feet on either side of the property. He

testified that there is sufficient lighting of the parking lot at night. Mr. Cruz stated that he planned to clean up the drainage area, install quarry process and get prepared for paving in the future.

Kurt Wagner, Construction Official, inquired whether there would be any screening from the adjacent house, to which Mr. Perez replied that a fence was currently at the site, but agreed that it was not much of a barrier. He indicated that he would comply with the Board's recommendation regarding this issue. Mr. Wagner noted that some type of screening is needed at the site. A Board member inquired about the in ground pool at the site. Mr. Perez noted that it was functional, and added that it is fenced in. When asked about the septic location, Mr. Perez noted that it is under the parking area, but the tanks are rated for heavy loads and will be able to withstand extra weight. Another Board member questioned the condition and location of the septic and Mr. Perez replied that the records indicated the location and condition as acceptable.

The Board Planner, William Drew, addressed the Board regarding the application, stating that it does not meet the standards of the ordinance. He noted that the site is on Lakeshore Drive, and that there are sight distance and pedestrian crossing concerns. He advised that the applicant should submit a site plan before occupancy occurs due to the lack of improvements on the property.

The applicant's attorney stated that the applicant will do whatever the Board deems necessary, but added that this is a grandfathered use and nothing will be changed. Michael Tfrank, Board Chair, inquired about the sight distance and existing shrubs, to which Mr. Drew replied that trimming of the vegetation was needed. He then inquired about the terrain of the property, and the applicant's contractor noted that the site is fairly level, and parking would remain in the current location.

The Board Attorney, Bryant Gonzalez, inquired about any highlands issues. The applicant's attorney replied that the use was grandfathered, and that nothing would be changed, thereby speeding up the process to closing, and avoiding any Highland's issues. Ms. Pizza, an employee of Mr. Honig, interjected that the applicant is exempt from the Highlands, that it has been used prior to 1994, and that as a house of worship is exempt from the Highlands. Mr. Honig stated, as a officer of the court, that the site has been used for 30 years.

Mr. Drew noted, once again, that the site does not meet current standards, and the public will be using the site. He added that he had no knowledge about prior use of the structure or the parking area across the road, and a recent visit to the site indicated that the building had been boarded up. Mr. Ott inquired about the QP stone being compacted, rolled, and maintained, to which Mr. Perez replied that he would be responsible to that it is done. He also noted that the caretaker who is currently on the site will remain. He stated that the shrubs will be removed immediately, and a screening will be installed to shield the neighboring property from the site.

The Board Chairman expressed concerns about the sight distance, and advised that the police department be contacted for a recommendation. He also advised that the Board Engineer recommend thickness of the QP required. A Board member inquired about stripping and crosswalks, and whether they would be required.

The meeting was opened to the public for comment on the application. With no members of the public present expressing an interest in this application, the Chairman closed the public comment portion of the hearing on a motion by Kurt Wagner with a second by Michael Siesta.

The Board Chairman advised the conditions of approval include shrub removal to improve sight distance, referral to the police department for any concerns about traffic safety, the thickness of the QP be determined by the Board Engineer prior to installation, and a fence or shrub to shield the site from the neighboring property.

**Motion** made by Steven Castronova, seconded by Douglas Ott, to approve the application subject to conditions stated and as required by the Board Planner and Engineer.

On roll call vote:    Yes - Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Chairman Michael Tfrank  
                          No - None

Mr. Drew advised the applicant that a letter will be forthcoming regarding the Planning Board's approval of the Site Plan Waiver and conditions that must be met.

## **APPLICATIONS**

### **HENRY JECKER**

#### **Minor Subdivision #0710-1982**

Block 9901; Lot 7

870 Union Valley Road; R-1 Zone

Request for minor subdivision approval to create two lots for property located on Union Valley Road.

Henry Jecker, 23044 Mt. Cloud Road, Bowling Green, VA was present to address the Board regarding his application for a minor subdivision of Block 9901, Lot 7 at 870 Union Valley Road, West Milford, NJ.

Addressing the Board, Mr. Drew advised that the application was made based upon a court order of a divorce settlement in which a three acre parcel was to be separated to create an individual lot that included an existing house and ancillary improvements. He noted that all the setbacks have been met, no variance was required, and that the new lots would meet the current R-1 Zoning. He referred to a related application of the Castle Rock subdivision, and said that the lot lines on the preliminary subdivision plans are different than what exists. He further stated that if this minor subdivision is approved, it will prevail. When asked by a Board member if this subdivision will take precedence over the Castle Rock subdivision, Mr. Drew replied in the affirmative. He added that due to the circumstances of the court order, a Resolution had been prepared, and can be memorialized at this meeting, if the Board approves the subdivision.

Mr. Gonzalez, Board Attorney inquired about the proposed Castle Rock subdivision, and Mr. Jecker replied that the contract with him has run out. When asked about the divorce agreement as it relates to this application, Mr. Jecker replied that he had been ordered by the court to have the property subdivided. Mr. Gonzalez advised that the court did not order the subdivision, and there would be no guarantees that the Board would grant approval of the subdivision. When questioned further about the Castle Rock agreement, Mr. Jecker replied that the contracted purchaser had issues with the Highlands and the contract with him had expired. A Board member inquired whether Mr. Jecker would own the property he was subdividing, to which Mr. Jecker replied that he was selling it to his nephew, with the remaining parcel to remain in his ownership. Mr. Jecker then stated that Castle Rock never had rights to the three-acre parcel with the existing house.

The meeting was opened to the public for comment on the application. With no members of the public present expressing an interest in this application, the Chairman closed the public comment portion of the hearing on a motion by Kurt Wagner with a second by Michael Siesta.

Mr. Drew noted that the Board Engineer had made comments in his report about driveway access to and from the property. Mr. Jecker noted that his engineer, Jim Schappell, was not present at this meeting, and he was not prepared to comment on the driveway configuration. He would consult with his engineer/surveyor and get his comments following a review.

**Motion** made by Leslie Tallaksen, seconded by Steven Castronova, to approve the application subject to conditions requested by the Board Planner and Engineer.

On roll call vote: Yes - Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Chairman Michael Tfank  
No - None

**RESOLUTION NO. 2007-31**

**Motion** made by Leslie Tallaksen, seconded by Steven Castronova, to approve Resolution 2007-31.

On roll call vote: Yes - Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Chairman Michael Tfank  
No - None

**MEMORIALIZATIONS**

**NEW YORK SMSA LP (LAKELAND PLAZA)  
D/B/A VERIZON WIRELESS  
RESOLUTION NO. 2007-27  
Preliminary and Final Site Plan #0620-0238AB  
Variance #0630-0744**

Block 14605; Lot 2  
2727 Route 23 South; HC Zone  
Request to co-locate on existing telecommunications monopole - Granted

**Motion** made by Leslie Tallaksen, seconded by Steven Castronova, to approve Resolution 2007-22.

On roll call vote: Yes - Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Chairman Michael Tfank  
No - None

**NYSMSA LIMITED PARTNERSHIP  
D/B/A VERIZON WIRELESS (UGL FIRE)  
RESOLUTION NO. 2007-28  
Preliminary & Final Site Plan #0520-0205AB**

Block 1701; Lot 59  
776 Warwick Turnpike; LR Zone  
Request to co-locate on existing telecommunications monopole - Granted

**Motion** made by Leslie Tallaksen, seconded by Michael Siesta, to approve Resolution 2007-23.

On roll call vote: Yes - Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Chairman Michael Tfank  
No - None

The Chairman noted that Resolution 2007-29 and Resolution 2007-30 would be presented for memorialization at the September 6, 2006 Planning Board meeting.

**ORDINANCES FOR INTRODUCTION**

**Fence Ordinance:** Mr. Drew advised that there was not enough time for changes to be made in order for presentation to the Township Council for introduction. The matter will be addressed at the next Planning Board meeting in September.

**ORDINANCES REFERRED FROM COUNCIL** - None.

**PLANNING DIRECTOR'S REPORT** - None.

**PLANNING BOARD ATTORNEY'S REPORT** - None.

## **MISCELLANEOUS**

### **MINUTES**

Approval of minutes of the March 22, 2000 regular meeting.

On a motion by the Chairman Michael Tfank to accept the minutes of the March 22, 2000 regular meeting, the minutes were approved.

Approval of minutes of the April 26, 2000 regular meeting.

On a motion by the Chairman Michael Tfank to accept the minutes of the April 26, 2000 regular meeting, with amendments, the minutes were approved.

## **COMMUNICATIONS**

Mr. Drew advised that Passaic County was withholding site plan approval on the Sunny Blue, LLC (Walgreen's) application based on the County Visioning Plan. He also noted that a traffic study was to be provided, and the applicant was expected to make a contribution of \$5600. for the County Corridor Enhancement Program. Chairman Michael Tfank inquired whether the Township had received any of the funds that the County received as part of the community enhancement program. Mr. Drew replied in the negative. The Chair then inquired if a letter was sent to the County requesting these monies to be released, to which Mr. Drew replied that no correspondence had been sent recently, although he advised the County during his last conversation with them that the Board was requesting return of these monies. The Board Attorney said that he will discuss this matter with the Planning Director, and review and prepare any correspondence sent to the County.

## **ADJOURNMENT**

**Motion** by Leslie Tallaksen and a second by Kurt Wagner to adjourn the Regular meeting of the West Milford Planning Board at 8:45 p.m. On a Voice Vote, all were in favor.

Approved: September 6, 2007

Respectfully submitted,

Tonya E. Cubby  
Secretary