

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**WORKSHOP  
October 4, 2007**

**Minutes**

The Workshop meeting of the Township of West Milford Planning Board was called to order at 7:36 p.m. by Chairman Michael Tfank, with a reading of the Legal Notice, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Steven Castronova, Michael Siesta, Leslie Tallaksen, Kurt Wagner, Philip Weisbecker, Thomas Harraka, Chairperson: Michael Tfank, Planning Director: William Drew, P.P.

Absent: Douglas Ott, Clinton Smith, David Volpe.

Chairman Michael Tfank asked Thomas Harraka to sit on the Board for Douglas Ott.

Councilmember Philip Weisbecker asked all present to observe a moment of silence for the Township's first Police Chief, John Moeller, who recently passed away.

**PUBLIC PORTION**

The meeting was open for public comment. With no one present wishing to be heard, the public portion of the meeting was closed on a motion by Michael Siesta and a second by Philip Weisbecker.

**SITE PLAN REVIEW WAIVERS**

**SETH & DAVID REHFUSS**

**Site Plan Waiver #0720-0304W**

Block 2404; Lot 1.02

396 Lakeshore Drive; NC Zone

Pizzeria, Deli, Convenience Store

The Chairman asked applicants Seth and David Rehfuss, for Site Plan Waiver #0720-0304W, to come before the Board. Leslie Tallaksen recused herself from hearing this waiver request. David Rehfuss, the applicant, was present to address the Board. William Drew, Planning Director, reviewed the waiver request, noting that this is the second waiver request received for this site. Mr. Drew advised that he had made a site visit with the Building Official, Kurt Wagner, and they noted major concerns about the parking at the site. The southwesterly side of the building is on Lakeshore Drive, a main road into the lake community, and safety issues would be present if the road is used for parking. He noted a grassy area that might be considered for parking. This would require a site plan before the Board. He advised that he could not recommend a site plan review waiver for this application.

Mr. Weisbecker, a long time resident of Upper Greenwood Lake, noted that he is very familiar with the subject location, which was once a pizzeria and deli. He advised that there are numerous accidents on Lakeshore Road, and sight distance was a major problem. The area is heavily trafficked and the additional parking across the road proposed by the applicant is not recommended. Robert Kirkpatrick, the Board Engineer inquired what type of business had been at this location previously. Mr. Drew replied that Planning Department records indicate a real estate business had been there until recently, and prior to that was a convenience store/deli and pizzeria. The real estate business had limited traffic and parking. The prior deli had parking on the site. Mr. Weisbecker interjected that parking was often on the road and all around the site.

Chairman Tfrank inquired how many spaces are required, to which Mr. Drew replied that 5 spaces are required per 1000 square feet of floor space. Mr. Kirkpatrick noted that 1500 square feet is indicated in the owner's letter. David Rehfuss addressed the Board and advised that the convenience store/deli area is less than 1000 square feet. Kurt Wagner inquired about the number of apartments, and the applicant replied that there were two apartments and their parking was separate from the business parking.

The applicant testified that the owner and landlord of the property, Edward Azar, was in Italy and was not present to answer questions about prior businesses at the site. He advised that he is working with the Health Department and preparing to open his business.

Following discussion about the proposed parking location, Mr. Drew suggested that the applicant could submit a site plan with additional parking and the location of the septic detailed. The applicant could employ an engineer to devise a plan for parking at this irregular site. The Chairman addressed the applicant, advising him that the Planning Board was not trying to hurt a business trying to establish itself, but the Board had serious concerns about the parking at the site and across the road, and pedestrians crossing the road. The applicant stated that the owner would pave and stripe the parking site. Mr. Kirkpatrick inquired about the right of way line and noted that the plan does not indicate the limit of the pavement. His understanding was that employees would be parking across the street and customers would be parking on the convenience store/deli site. He commented that the applicant should have a separate parking agreement for off-site parking. Mr. Weisbecker indicated that it would be difficult to ensure that customers would not park across the road. Mr. Drew stated that there were insufficient improvements to grant a site plan waiver. The Board discussed the septic location and additional parking spaces being added.

The Board Engineer advised that updated drawing needed to be submitted by the owner. Mr. Drew stated that one parking space was required for each 200 square feet of floor space, in addition to the two apartments. Mr. Kirkpatrick and the Chairman explained the site plan waiver process to the applicant, and advised that the purpose of the site plan waiver is to have properties improved each time a business changes hands. The Chairman apologized to the applicant and asked him to contact the Planning Director and get guidance on the best way to proceed and return to the Planning Board when the issues are resolved. The Board members voted unanimously to carry this application until the applicant and owner of the subject site meet with the Board Planner and a revised plan is submitted.

## **APPLICATIONS**

### **RICHARD SLIFER**

#### **Amended Preliminary & Final Site Plan #0620-0260AB**

Block 15701; Lot 34

5 Allison Avenue, HC Zone

Letter from Applicant requesting a change in the Board resolution concerning grading and 3 on 1 slope.

Applicant Richard Slifer appeared before the Board. Mr. Drew advised that the applicant had submitted a letter to the Board requesting a change in the condition of approval in the resolution granting final site plan for 5 Allison Avenue.

Michael Siesta recused himself from this application request.

The subject site is to be occupied by a business and the applicant is questioning the requirement for 3 to 1 grading. Mr. Drew read the conditions from the resolution. Robert Kirkpatrick, Board Engineer, had initially expressed concern about a 2 to 1 slope and so had the Planning Board. The Board Engineer has not heard any justification to allow the slopes to remain.

Mr. Weisbecker inquired about the other issues concerning the applicant and the subject site. Mr. Drew advised that there are issues still to be worked out, that the project is behind in schedule, and the Planning Department is in the process of enforcement procedures with Mr. Slifer and the courts. Mr. Weisbecker inquired whether the Board should be addressing the applicant if there are enforcement procedures pending. Mr. Drew replied that enforcement is not a matter that involves the Board. Under advice from the Board Attorney, the Board can proceed with this request.

Mr. Slifer advised the Board that he was not aware that there were enforcement proceedings pending against him, and further stated that he had a letter from the Planning Department that states that he cannot do any work at the [subject] property, including cutting the grass. The issue he came before the Board for is the bank on Route 23, bordering his property. He stated that there are 4-foot banks with 40-foot trees. Mr. Kirkpatrick noted that he had spoken to the applicant's engineer about the grading and contours, specifying a 3 to 1 or flatter slope. The DOT has an easement on this property and this does not impede the applicant from complying with the conditions of the remainder of the property. Mr. Slifer stated that he had removed soil from the bank and lowered the slope. Mr. Kirkpatrick explained the grading and environmental issues related to the subject site. Mr. Drew indicated a set of plans dated 05/05/07 were the latest received for review. Leslie Tallaksen inquired about additional landscaping on the site, to which Mr. Slifer replied that he had a landscaping plan and desired to have the entire project completed. The Board continued discussion on the matter. Mr. Kirkpatrick stated that the plans need to reflect the property line to the parking lot as a 3 to 1 slope and had stressed this at the last meeting Mr. Slifer came before the Board. Mr. Slifer interjected that he disagreed with what transpired at that meeting. Mr. Drew advised the applicant that the slope issue was addressed at the meeting in question. He also referred to his letter of August 10, 2007 stating that the remaining conditions must be resolved and the rear of the property must conform to the slope requirements.

Mr. Drew advised the applicant that this matter needs his engineer's immediate attention. The Board Engineer reiterated several times to the applicant that the property on Allison Avenue should be a 3 to 1 slope or flatter on the entire property. The area along Route 23 is set by the State of New Jersey. All of the grading, with the exception of the area along Route 23 should be 3 to 1 or flatter, and this must be complied with. The Chairman advised the applicant, Mr. Slifer, to have his engineer contact the Board Engineer for clarification.

**SUNNY BLUE, LLC**  
**Preliminary and Final Site Plan #0720-0286AB**  
**Bulk Variance #0730-**  
Block 5701; Lot 1  
1502-12 Union Valley Road; CC Zone

The following is a verbatim account of the Planning Board review of the above referenced application.

(Chairman Michael Tfank) MT  
Next we have Sunny Blue, LLC, Preliminary and Final Site Plan

(William Drew, Board Planner) WD  
Mr. Chairman, I believe the engineer is here tonight to present revised plans; we have not received them before hand so we have nothing to distribute you.

MT  
Who is coming up with you?

(Larry Murphy, P.E.) LM  
Just me, today. I didn't bring any of my cohorts with me.

MT  
Before the Board goes any further, I have a couple of questions for you. Exactly what are you going to be presenting to us tonight?

LM

I am going to be presenting...basically the reason for our absence over the past month and a half was that we've been working with the County trying to resolve some of their outstanding comments they had regarding what we developed in here (points to exhibit).

MT

And their outstanding comments, exactly what were they that concerned you? That's what concerns us...

LM

What concerned me was the location of the building...

MT

And since when does the County have the authority for the location of a building in our municipality?

LM

Never, and that's what we pointed out to them.

MT

And you are up here tonight to show us what?

LM

To show you guys the compromise that we worked out.

MT

Between whom?

LM

Between me and the County, us and the County.

MT

In spite of the fact that the county has no jurisdiction over a local application.

LM

They do not.

MT

Absolutely not.

LM

I am in complete agreement with you.

MT

So then why are we discussing this, this evening?

LM

I'll explain that briefly. Our goal was to basically keep the same exact plan we had, and what we developed together, and permit that. We went to the ... we attempted to satisfy the County by acknowledging that they did not have jurisdiction, they did not have a right to comment on the location of the building, and address their traffic concerns.

MT

Yet they determined that they would exceed their limits of authority and move forward and tell you where to put the placement of the building.

LM

Absolutely.

MT

Okay. Well this Board already told you that we are not interested in what the County thinks about the locations and the buildings within our municipality. This is a local issue and it is going to remain a local issue.

BOARD MEMBER

The building stays where it is.

LM

Okay. That is why we came back here, that's why we tried to resolve the issues with the County, pushed as hard as we could with the County to basically keep the building where it was, keep exactly what we had, basically develop together and not change it. The county, in essence, told us that, we know that's not our jurisdiction, but our jurisdiction is traffic, and we have, and will continue to have concerns with traffic. So, their jurisdiction is traffic.

MT

So they're are of the opinion that by you moving the building a little bit this way or that way is going to affect the level of the traffic.

LM

Its going to affect...we all know that their jurisdiction is drainage and traffic. That's where their jurisdiction is limited to. We pointed that out.

MT

Offsite.

LM

The traffic off site. So they didn't...

MT

I think you see what I am driving at.

LM

Yes.

MT

I am not trying to cut you off, but Bill, can I just ask you a question...I am not trying to be rude to you (Murphy), but this just puts a little burr under my saddle. You are going to have to excuse me.

LM

Same here.

MT

This was reviewed or discussed last night by the Environmental Commission? Can you tell me what the opinion was of the Environmental Commission was last night?

WD

Well, it was Monday night, and the Commission members didn't see why the placement of the building up by the curb would be more desirable that what was presented, and was discussed and agreed to by the applicant and the Planning Board. They felt that a Walgreen's was not the type of building that had curb appeal, and that there wouldn't be window shopping and the like taking place at a Walgreen's store.

MT

And they felt more comfortable with the placement of the building where we had originally discussed as a Board?

WD

Yes.

BOARD MEMBER

And that's where it is staying.

LM

If you don't mind, if I could just continue my discussion. So, unfortunately, I need approval from the Highlands, the Town of West Milford, I need approval from the County, I need approval from SCD, and without approval from all of that, Bill Drew can't allow me to construct. So, each entity, each jurisdiction has to give approval to get it, so if I get it from you and everyone else, and I don't get it from the County...

(Philip Weisbecker) PW

They're not going to give you approval on where the building is going to be placed, that's our jurisdiction. They can't do that.

LM  
Absolutely.

PW  
They're not going to do that, so all they're going to approve is your traffic flow program. That's it. That is the only thing that they can say yes to.

LM  
You're definitely preaching to the choir. I raised my voice.

PW  
So you've got our approval. The building is great, right where we said to put it. We like it there.

MT  
Well, it's not exactly an approval; the process has not been completed.

(Leslie Tallaksen) LT  
Want to rephrase that?

MT  
What is your issue with the County that you feel you have to accommodate them by going back and re-working an entire plan?

LM  
The concern I have with the County is that they have jurisdiction over traffic and they can identify that we have offsite traffic concerns that are, you're (we're) going to have to improve the traffic signal, you're (we're) going to have to pay \$300,000. to improve the traffic, you know, change the light, change the approach.

BOARD MEMBER  
They're trying to get us to do what they want.

LM  
In essence, they can, if they want to, not saying that its their intention but, they could delay us by up to a year on this project if...

LT  
It's been done before.

LM  
Yes. So, in essence, I could get approval from you guys, and then get delayed for up to a year, and Walgreen's loses interest, or the developer loses interest because its costing too much money, and then it disappears.

MT  
So, what would you have this Board do that would prevent that from happening.

LM  
I've no idea. I'm not offering that, but what I'm coming to you guys with is the compromise that we worked out between the County and us to see what your thoughts are on it, and if we can get a compromise between everyone and then get that approved, then I have a feeling that the County will let our application go through more smoothly and we'll build able to build this at an earlier date. That's my goal.

PW  
I don't trust the County.

(Kurt Wagner) KW  
Well, nobody does, but he's in a Catch 22.

#### BOARD COMMENTS

MT  
I don't see where this Board should compromise what they feel is appropriate for this Township to accommodate the County.

KW

I would agree with you, but...

MT

And, quite frankly, the County is going to hear about this one.

LM

So, can I present my plans so I can get your thoughts on it? I think I know the thoughts, but I just want to...

MT

I'll tell you what, I hate to put it to you this way, and I know you guys probably spent a lot of time and a lot of money putting this plan together, and with all due respect, I'm going to give you 5 minutes to show us this plan.

LT

Should we even make comments...?

MS

Did the County even indicate specifically to you which plan was acceptable, that your traffic would flow...?

LM

They did not. I think that they're smarter than that. So, but obviously no direct quotes basically identified that.

MT

Let me just ask you this... who was in the meeting with you when you sat down with the County and they decided that where they wanted the building?

LM

They actually wanted the building up front, right on the property line...

LT

No, who did you speak to within the County?

LM

Michael LaPlace, the Planner, Elizabeth Newton, their Traffic Engineer, and also their Engineer, I don't have their cards, but ...

PW

That was it?

LM

No, there were one or two other people, I don't have a list in front of me.

PW

Was there a lady there by the name of Kathleen Caren.

LM

I believe so.

MT

And under what authority was she sitting in on this meeting?

LM

I didn't have any questions about her...

MT

She has no Planning credentials, and she has absolutely no authority to sit in on a planning meeting concerning this Township.

LM

That's out of my comfort level there. I understand. We were upset with the County, and we identified that it was not their jurisdiction, and ...

PW

And what were their thoughts when you said that?

LM

They said, we know, our jurisdiction is traffic and drainage.

(Steven Castronova) SC

They should be working on that.

BOARD MEMBER

Exactly.

LM

So... you're taking up my 5 minutes here....

KW

You only have 4 1/2 minutes left.

LM

They wanted the building up forward, right closer to the property line, and we said no, we can't do that. It not good for circulation, so what we offered, and what we think we got Walgreen's and the County to accept is eliminating a row of parking spaces in the front of the building, and moving the building 18 or 20 feet up and putting that row of parking spaces here. There are some benefits to the plan and then there are some detriments. There are ways that this improves the other plan, and there are ways that makes it worse.

LT

So you drive down the road and all you see is a brick building there.

MT

And in addition to that, you have the people who are along this road here who are adamant that they didn't want all the parking in the back because they felt that that would disturb their quality of life.

PW

You're going to have what you have now, just about.

LM

Yes.

MT

But you're going to have a considerable more traffic than you have now, and that's the concern of the residents.

LM

So, it sounds like you guys aren't interested in this plan at all for numerous reasons...

MT

No. Nothing personal. I understand and appreciate how much you put into this.

BOARD COMMENTS

LM

(Showing new plan) So, this is what you're looking at, still the same streetscape design, you have 5 to 6 feet of landscaping, drive aisle, then you have the building and, basically, what you have is two way circulation around the building, which is a plus, you have a longer approach so you don't have to immediately make a decision to make a left or right regarding whether you are going to Walgreen's or the gas station, so there's an improvement there. The detriment is that there is a slight increase to the impervious surface, less convenience to Walgreen's customers. There are benefits and there are problems, but it's really a preference. Either works from a civil engineering perspective. It's really what we can get approved. The problem is, and the difficulty is, that we have to get approval, as an engineering firm, from all agencies. You can make our lives difficult, the County can make our lives difficult.

MT

This Board, and quite frankly, the way this Board has worked with you, and I understand what you are saying, I wasn't trying to slight you, but things were sailing along very well...

LM

I agree.

MT

Everyone looked like they were very comfortable with what had been presented, and the changes that had been made, and the only thing that has made this more difficult is the fact that the County has stepped in beyond their purview and moved into our local application process, which is not permissible by law. In addition, they have brought in people that don't belong in these meetings, who are political appointees, and they are sitting in on these meetings and they are making judgments on where you should have a placement, which is the purview of this Board.

LM

I agree.

MT

And that is extremely unsettling to me.

LM

This is my first experience with the County as part of predicting the location of a building. I've yet to see it. When I was explaining the County's interjections and project ideas ... I was, to a certain degree at a loss for words at how they were able to do it... you don't predict that the County's going to have a say in it. The County obviously has a deep concern regarding the placement of the building. So, the question I have is, how do we go about resolving this? We worked a plan up before, and now I need to find a way to get my approval from the County, and I don't know how to do that, because we repeatedly went back to the County and told them that we couldn't move the building, we couldn't move the building, and...

PW

I think that, there's no way we can have an answer for this gentleman tonight, and as Councilman, I would like to take the time to contact the Township Attorney and ask him a couple of questions, and that you and I can, once again, have a sit down with the Township Attorney and then meet with Planning Board Attorney and ask him a few questions before we even bother going any further with this. I think that it is... As far as I'm concerned, I agree with you, I also know that it is outside their purview, and I think we should give some serious consideration to how we want to move forward to this with any kind of, shall we say, negotiations with the County before we go and put him in a difficult situation. So, I would ask you if we could defer any comments tonight, and you and I have an opportunity to go and speak to the attorney's and see what direction we could go with this.

LT

Well, I'm going to take a spin off of you, its going to cost the Township dollars to do this, and the County just ... well, what I was saying is that the County is forcing us to spend not only our Planning Board Attorney money, but Township funding. Why?

KW

What's the alternative? There isn't any, unfortunately. The question is, has a study been done, on the traffic flow?

LM

Yes.

KW

Okay. And that was it acceptable to the Board?

LM and WD

Well, we really didn't get that far.

KW

That might be helpful then, eventually.

MS

And was that checked with the County? And was it acceptable to them?

LM

They accepted it. They didn't make comments... they made comments specifically relating to the traffic report, asking for additional information, some additional studies.

PW

You said that they said something about changing traffic flow patterns, light patterns, etc. This is why I would ask the Board to allow the Chairman and I to confer with the Attorneys before we go any further.

LM

Do you want to see a copy of their letter?

PW

If that's alright with the Board. Because I really don't want to go... personally, I don't know... Mr. Chairman, its completely up to you.

MT

I'm not trying to put you on the spot. I completely understand the position you are in, I understand the Catch 22, but this is a very unsettling situation that the County would push itself or muscle itself into one or our local applications. It's unprecedented, and I think that it's inappropriate.

BOARD MEMBERS

I agree.

MT

What would like to do as a Board on this?

KW

I would agree with you that to get together with the Township Attorney and let us know by tomorrow.

MT

Okay.

(Robert Kirkpatrick, Board Engineer) RK

The Board should understand that the traffic issue is not affected since there are no additional points of entrance than what the Board had previously approved.

WD

Exactly. There is a reduction in the amount of square footage of what currently exists.

RK

So the County is not in a technical position to say that what you wanted creates a traffic problem for them that this solves.

KW

But we have to do this expeditiously because of the time frame...

LM

We'd like to be on the November agenda, we'd like to proceed with whatever application is desired.

MT

We'll work with you on it. We're not looking to... again, we were satisfied with the way things were moving along, we're not looking to create an issue for you, I think I made that abundantly clear...

LM

Absolutely.

MT

We're just upset over certain events that have happened.

LM

Yes. Well, this is why I came back here tonight, to discuss it before we revised our application or did anything ... to get your blessing before, we basically proceeded any further, and we appreciate your feedback.

BOARD COMMENT

Put the skids on it now.

MT

Well, before you went through all this time and expense you should have come back to us.

KW

I don't think he had a choice.

RK

Well, he could have at least told us that the County is making a building change and what should I do? That's what I would have expected you to say, hey, the County is forcing me to change the building, and, should I go along with them, or, what do I do?

(Michael Siesta) MS

Then this conversation could have happened a month ago.

LT

Do we need a motion for this?

MT

No. I don't think we need a motion on this. So, we take it up tomorrow?

PW

Tomorrow, I'll call.

Board makes minor comments and jokes with Applicant's engineer.

MT

Anything else beyond this that you need to inform us of?

LT

You didn't change anything else than what you went over?

LM

Well, there were the sight lines discussion, you had notes that you had, and that is something I would love to discuss, regarding the existing set of plans.

MT

Was this from our original discussions that we had?

LM

Yes. A memo was issued regarding the set of plans that was developed and additional information was required regarding the enclosures, the loading areas, recommendation for the roadway on First Avenue and how that should be treated. It was recommended that this be put into a fund??? for ten years, and it should be 24 feet wide. There was another discussion that basically its possible to miss the turn from the common driveway in front of the parking lot by Walgreen's, and therefore, a vehicle turning into the Quik Chek site...

RK

This move makes that corner there better, it makes it clearer. This creates two way traffic all the way through. We had one-way traffic part way and two-way traffic the half of the way. That was one of the things we were concerned about. This works because as you slide the building forward, that triangle, or that portion of the loading area moves up and creates more room in the back, because the line is not perpendicular to the front, its at an angle. So, if there is any benefit to this it is in that loading area, and the two-way driveway, adjusts and lengthens the driveway, though its inefficient because there's no parking off of it...

MT

Lets stick with the plan that I think we're all a bit more comfortable with.

SC

Well, when you think about it, the proposed Quik Chek is set back, the pumps are back, the building's back, that would actually block it, and hurt the next application that may or may not be ...

WD

They have similar comments.

LM

We have typical cross sections for the streetscape improvements...

LT

Did they tell you how much you are going to have to fork over for the County roadway improvement affair? Money that we never see.

LM

\$6,000.

BOARD MEMBERS

\$6,000.? That's all? \$5,600. Comments....

LM

And then, you wanted additional pedestrian access points. Let me grab the original plans.

WD

Mike these were staff comments that we had, the changes, the comments he was just discussing.

LM

There was a comment regarding an additional pedestrian access points, there is a need to provide additional access points for the Walgreen's from the street frontages, there should be at least one by the common driveway, and at least one by the Ridge Road. (Points to plan) There should be one here and here, and there should be one on Ridge Road, but that's another comment, there should be a sidewalk on Ridge Road.

MT

That another point that we are trying to do, is that we are trying to put sidewalks in the center of town to increase activity, create more foot traffic and get more people into the downtown willing to park their car and get out and walk to the next store.

LM

Okay. So, sidewalk along the frontage and access pedestrian walkway in, or down to here?

WD

The entrance way is in the southeasterly corner?

LM

Yes.

WD

I don't think its critical that there be a pedestrian into the site.

LM

Alright, so we'll have a sidewalk run up and anyone coming down Ridge Road can walk and cross at the intersection.

Various comments.

LM

There was a concern regarding the underground chambers that we were placing within in the grass, there was a thought to move them under the pavement and change those to heavy duty and preserve the existing vegetation. The reason we have the units in the grass that, one it lowers the cost, and two, our landscape architect looked at the existing trees on site in that location, and didn't feel that those were worth saving, that they could put different trees in that would grow to a larger height and also provide more screening in the future than what the existing ones do, but the recommendation is to move the units into the pavement and leave the existing trees, so...

WD

These comments haven't really been discussed with the Board before tonight. They are the result of a staff meeting with the Town Engineer, the consulting landscape architect that the Board has retained, the Board Engineer, and myself, for the purpose, really, of taking a look at both your site and the site next door, make sure that both sites work, that we coordinate them

properly, and then, in the process we pointed out different site related issues that we thought may be of importance and that would enhance the overall site development. I don't think that the Board is prepared to give you any sort of direction on this tonight. These are things that can be brought up at the hearing. The Board, before the hearing, will have our staff reports and they will be more prepared to talk about them.

LM

Okay.

WD

Something that may be of interest to the applicant. We just received a site plan for the Shop Rite Shopping Center, the beginning of the week, and they're proposing an entire architectural facelift to the shopping center, in addition to the Shop Rite Supermarket, and overall enhanced landscaping plan for the site. So, that will provide an improvement across the street from your site, which I think would be a benefit to everybody.

PW

Did they get it approved by the County?

WD

Yeah, they want the whole thing moved up front.

BOARD

(Laughs and comments)

RK

Bill, that raises the issue that someone needs to decide on amenities, the sidewalk, the style, the type, so that you are consistent...

WD

Well, we are in the process of going out for proposals for services with consultants to design the streetscape, and we want to make that uniform throughout the downtown area.

LM

The last thing we have is a request to look at the sight line as it relates to the HVAC unit and the roofline. (Shows plan) From Union Valley Road, as you can see the sight line, the pedestrian on the sidewalk, from the road, you can't see the HVAC units.

(Various comments by Board.)

MT

Is that it? Well, thank you very much. I think we got off to a rocky start, but you finished off pretty well.

PW

A strong finish.

LM

Thank you (to Board members.) What is the timing as far as the Board...?

WD

I will give you a call.

LM

Well, I hope to see everyone on, November 8?

WD

We have one Board meeting in November because of the Holiday. We have a combined work and regular meeting that evening.

LM

So is it feasible to meet that meeting?

WD

Hopefully. Talking about the notice for public hearing? Hopefully.

The applicant's left the meeting at this time.

## MISCELLANEOUS

### **Fence Ordinance**

Mr. Drew reported that a draft Fence Ordinance amendment was being forwarded to the Township Council based on the comments of the Planning Board. The Chairman inquired about a review board being involved in processing applications and Mr. Drew replied that this is not within the purview of the Buildings Standards Board. Mr. Weisbecker stated that outer appearance and conformity to surrounding environment be addressed in the fence ordinance. He stressed that the term "consistency" be included in the ordinance. Mr. Wagner and Chairman Tfrank both concurred that the jurisdiction for authority should be with the zoning officer, to which Mr. Drew replied that the zoning officer is the current authority for fence maintenance. Following discussion, the Board concurred that the zoning officer remains the official regarding fence applications and maintenance. The Board concurred with the changes that were presented and the recommendation to the Township Council.

### **Master Plan Subcommittee**

Mr. Drew advised that the new site plans for the Shop Rite Plaza have been received and the Master Plan Subcommittee may want to meet to review these plans. The members will check their calendars and set some dates when available.

### **Well Testing Ordinance**

The Chairman advised that there will be a Special meeting on October 9, 2007 in order for the Board members to review the proposed well testing ordinance and make a recommendation to the Township Council.

## MINUTES

**Motion** by Philip Weisbecker with a **second** by Michael Siesta to approve the minutes of the September 6, 2007 Workshop meeting. On a Voice Vote, all were in favor of approving the Workshop minutes.

## ADJOURNMENT

Motion by Philip Weisbecker and a second Leslie Tallaksen to adjourn the Workshop meeting of October 4, 2007 at 9:10 p.m. Upon unanimous consent, the Board adjourned.

Respectfully submitted,

Tonya E. Cubby  
Secretary