

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**Minutes
November 8, 2007
REGULAR MEETING**

Michael Tfank, Chairman called the regular meeting of the Township of West Milford Planning Board to order at 7:48 p.m., 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, Philip Weisbecker, Thomas Harraka, Chairman Michael Tfank, Board Attorney Glenn Kienz, Esq., Planning Director William Drew, P.P., Board Engineer Robert Kirkpatrick, P.E.

Absent: David Volpe

Chairman Michael Tfank asked Alternate Member Thomas Harraka to sit in for the Board's vacant seat.

PUBLIC PORTION

The public portion was opened by Chairman Tfank. With no one present wishing to be heard, a motion to close the public portion of the meeting was made by Michael Siesta, with a second by Kurt Wagner. All were in favor of closing the public portion.

SITE PLAN APPLICATION WAIVER REVIEW

SETH & DAVID REHFUSS

Site Plan Waiver Review #0720-0304W

Block 2404; Lot 1.02

396 Lakeshore Drive; NC Zone

Pizzeria, Deli, Convenience Store

CARRIED FROM OCTOBER 25, 2007

Vice Chairperson Leslie Tallaksen recused herself from this application. The Board Attorney, Glenn Kienz, advised that this waiver request had been before the Board on October 4, 2007 and again on October 25, 2007, at which time it was carried to this meeting. A review of the revised plans and a site inspection were conducted prior to the applicant appearing at this meeting. The owner of the subject site, Edward Azar, his assistant, Brian Schakale, and applicant Seth Rehfuss were present and sworn in by Glenn Kienz, Board Attorney. Mr. Azar gave a brief overview of the site and the reason for waiver request. He informed the Board that his tenant had completed renovations on the existing structure, had applied for the necessary permits, and were anxious to begin operating their pizzeria, deli, and convenience store. The site also includes two apartments that are currently occupied by tenants, who require parking spaces. He acknowledged that parking is a problem at the site. The Board Engineer, Robert Kirkpatrick, advised that he had inspected the site and the submitted plans, and he noted the plans do not reflect what exists at the site. The parking is difficult and may require a minor site plan. He noted several concerns, including the difficulty of backing out of, or driving up hill from the site. The parking spaces need to be delineated with stripes and bumpers, and suggested the lower parking level, that is graveled, be re-worked and possibly paved. A triangle shown on the drawing is not what presently exists. If the area is modified, it could resemble the plans. Six or seven suitable spaces could result from modifications to the site. The Planning Director, William Drew, opined that a minor site plan could be made that would require noticing, but would be less rigorous than a full site plan. Mr. Azar stated that he would not pave the parking area, that the site conditions were existing. He added that paving would result in thousands of dollars in cost and months in delaying the business operation. Mr. Drew

advised that the submitted plan does not reflect what presently exists at the site. He continued, noting that the ordinance requires improvement of the site based on the submitted plan. The plans indicate an expansion of the site. If it were properly surfaced and delineated, the parking could work at the site. Mr. Rehfuss inquired about having the current tenants' park on the lower level and move the deli parking to the upper lot. The Board Engineer advised the applicant to have his engineer contact him prior to revising the plans, so that the required parking spaces can be configured.

Mr. Weisbecker inquired about truck deliveries at the site, and expressed concern about the possible "stacking" of trucks, when several trucks would line the site during deliveries. Both the owner and applicant replied in the negative when asked if delivery trucks would be 'stacked.' Mr. Kirkpatrick suggested moving the loading area to the current dumpster area. He also suggested right angle parking in front of the building. Mr. Weisbecker voiced his concerns about safety, including school buses, pedestrians crossing, and line of sight at the subject location. The applicant assured the Board that every attempt to insure safety at the sight would be made. Mr. Kienz, Board Attorney, advised the applicant that a satisfactory revision of the plan was necessary, including gravel parking on the left of the building. The plans were to be submitted to the Planner and Engineer. He stated that the applicant could return to the Board if he wanted to do more improvements at the site. Mr. Weisbecker stated that stacking of trucks would be allowed, and that all deliveries would be staggered, with one truck at the site at a time. Mr. Harraka inquired about lane striping, and Mr. Drew advised that this should be part of the revised plan. The meeting was open to the public for comment. With no one present wishing to comment on this waiver application, a motion was made to close and confirm.

Motion by Philip Weisbecker to approve the site plan application waiver with the conditions noted, with a **second** by Douglas Ott.

On roll call vote: Yes - Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Philip Weisbecker, Thomas Harraka, Chairman Michael Tfrank
 No - None

ALEX BRANCACCIO
Site Plan Waiver Review #0720-0307W
Block 5708; Lot 4
54 Marshall Hill Road; CC Zone
Small Engine Service and Repair

Planning Director William Drew advised that the applicant had withdrawn his site plan application waiver request.

SCOTT C. THOMPSON
Site Plan Waiver Review #0720-0309W
Block 7520; Lot 1
1433 Union Valley Road; VC Zone

The applicant was present and was sworn in by Planning Board Attorney Kienz. The applicant testified that he was operating a construction management business at this site. The Planner advised that the applicant was proposing a re-occupancy and was in conformance with what had been approved for a prior site plan application. There were no concerns following inspection of the site. The applicant advised that he intended to proceed with the approved site plan, and was referred to the Planning Director for guidance. Kurt Wagner, Construction Official, advised the applicant to get a Continuing Certificate of Occupancy from the Building Department. The meeting was open to the public for comment. With no one present wishing to comment on this waiver application, a motion was made to close and confirm.

Motion by Steven Castronova to approve the site plan application waiver, with a **second** by Philip Weisbecker. All were in favor of approval of the waiver.

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

JOHN BRADY SHEDS
Site Plan Waiver Review #0720-0310W
Block 15701; Lot 35
2986 Route 23 N; HC Zone

Kevin Down and Tom Sammer were present for the waiver application and were sworn in by the Board Attorney. The applicants advised that they wished to operate a shed business. Mr. Drew advised the Board that a business was being conducted on the subject site that included the manufacture and sale of wood sheds and gazebos. He noted that the business has several displays on Route 23 and a sign on the property, in addition to stockpiled wood on the site. Mr. Drew advised that this was not acceptable for highway commercial zone, and that the applicant needed to file a minor site plan application for conformance. Mr. Kienz, Board Attorney, established the Board's jurisdiction in this matter. Upon questioning, the applicants testified that the sheds are constructed at the subject site. They stated that they have three or four sample sheds at the site, the largest measuring 10 x 10 or 10 x 12. They noted that these are custom built sheds, and materials are cut and prepared at the site. Mr. Drew advised the Board that a minor site plan is needed. The Board Attorney addressed the applicants and referred them to the Planning Director for assistance with a minor site plan application, recommending that the waiver request not be granted. Mr. Kirkpatrick, Board Engineer, advised that a recent survey completed when the applicant purchased the site in July could be the basis for the site plan. The meeting was open to the public for comment. With no one present wishing to comment on this waiver application, a motion was made to close and confirm.

Motion by Michael Siesta to deny the site plan application waiver, with a **second** by Leslie Tallaksen. All were in favor of denying the waiver.

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

APPLICATIONS

MICHAEL ZUPP
Minor Subdivision #0610-1977
Variance # 0630-0734
Block 12110; Lots 6 & 17
463 Germantown Rd. & 9 Martha St.; R-2 Zone
Request Time Extension.

The applicant was present to address the Board to request a time extension to complete filing of the deeds. The Board Attorney advised that the applicant was close to completing the process. Mr. Drew also advised the Board that the deeds were reviewed and were being prepared for signing and filing with the County. The applicant had a deadline of November 1, 2007, and had submitted a request for a time extension prior to November 1. The meeting was open to the public for comment. With no one present wishing to comment on this request, a motion was made to close and confirm.

Motion by Leslie Tallaksen to approve a six-month extension, with a **second** by Philip Weisbecker. All were in favor of granting the applicant a six month extension to May 1, 2008 in order to perfect the deeds for the minor subdivision.

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

The Chairman called a short break at 8:30 p.m. The Board returned and the meeting was resumed at 8:38 p.m.

THOMAS MCCANN
Site Plan Waiver Review #0720-0311W
Block 7601; Lot 1.02
1465 Union Valley Road;

Mr. Kienz, Board Attorney, advised that a site plan application review waiver was added to the agenda as an addendum item. He explained that the applicant had a fire at the subject site and was attempting to rebuild. Mr. Drew advised that he had met with the applicant and reviewed the waiver request for the Board. The applicant wished to reconstruct the building, removing some commercial space in order to provide a stairway for the second floor apartments. The applicant planned to square off the edge of the building. The Planner had requested the owner to submit calculations from an architect in order to determine if the change would adversely affect parking spaces. The architect calculated a decrease in commercial floor space, with no impact on parking. The applicant is requesting a site plan waiver so he can apply for building permits. The Board Attorney confirmed whether the applicant agreed with the overview by the Board Planner, and the applicant replied in the affirmative. The meeting was open to the public for comment. With no one present wishing to comment on this waiver application, a motion was made to close and confirm.

Motion by Philip Weisbecker to approve the site plan application waiver, with a **second** by Kurt Wagner.

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

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 with Bulk Variances to permit the applicant to construct a Walgreens pharmacy following demolition of the existing structure.

Joseph Russo, Esq., Hackensack, NJ, attorney for the applicant, Larry Murphy, P.E. from Bohler Engineering, John Hart from Atlantic Traffic, and Shawn Perry, AIA from the Bannet Group, appeared before the Board. Mr. Russo began with a brief overview of the application. He advised that he was in possession of the certified notification list, affidavit of publication, and certified mail receipts. Mr. Kienz, the Board Attorney, inquired whether the subject site was within 200 feet of county or state property, to which Mr. Russo relied in the affirmative. Mr. Kienz ascertained whether the county had received notice of this public hearing. Following a review of the certified list and mail receipts, it was confirmed that Passaic County had not been notified of this hearing by certified mail. Mr. Kienz ruled that the hearing could not commence, and advised that the Board does not have jurisdiction. He gave an informal review of the application, describing the proposed adaptive re-use of an existing shopping center with less square footage than the existing site. He advised that the Planning Board does have jurisdiction on the layout of this site, whereas the County can review and make

recommendations specifically on drainage and traffic. Mr. Russo, the applicant's attorney, reviewed the purpose of the notice, and stated that the applicant had met with the County regarding this application, and the County was aware of the pending site plan application, although not officially notified of the date of the hearing. He added that Passaic County was not on the certified list received from the Tax Assessor. Mr. Kienz announced that the Sunny Blue, LLC application was deemed procedurally complete, but not jurisdictionally complete due to lack of noticing Passaic County. There was discussion as to when the application would be carried. It was determined that this application would be carried to the December 13, 2007 Regular meeting. Mr. Kienz advised that any member of the public who were present for this application were invited to the December 13, 2007 Regular meeting. He advised the applicant's attorney that notice to Passaic County was required, but no additional notice to the property owners on the certified list was necessary.

MEMORIALIZATIONS

Chairman Tfrank advised that the following resolutions on the agenda would be carried to the December 13, 2007 Regular meeting:

RESOLUTION 2007-36
NEW YORK SMSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS (CANISTEAR ROAD)
Preliminary & Final Site Plan #0720-0285AB
Bulk Variance #0730-0771

RESOLUTION 2007-37
PASSAIC VALLEY WATER COMMISSION
Conditional Use with Preliminary &
Final Site Plan #0720-0301AB

RESOLUTION 2007-38
CASTLE ROCK ESTATES, LLC
Preliminary Subdivision #0310-1958A
Variance #0430-0651

RESOLUTION 2007-39
BERKAN & ABBIE DEMIRBULAKI
Minor Subdivision #0610-1979
Bulk Variance #0730-0780

ORDINANCES FOR INTRODUCTION - None.

ORDINANCES REFERRED FROM COUNCIL - None.

PLANNING DIRECTOR'S REPORT - None.

PLANNING BOARD ATTORNEY'S REPORT - None.

MISCELLANEOUS - None.

MINUTES - None.

COMMUNICATIONS

The following communication was presented to the Board:

Letter from Passaic County Planning Board dated October 11, 2007 noting that they have reviewed the site plan and drainage calculations for the Shop Rite site on Marshall Hill Road and have withheld approval pending receipt of revised plans for drainage, driveways, sidewalks, crosswalks, signage, and other documents stipulated in the letter.

HIGHLANDS WATER PROTECTION AND PLANNING ACT – None.

ADJOURNMENT

Motion by Leslie Tallaksen and a **second** by Kurt Wagner to adjourn the Regular Meeting of the West Milford Planning Board at 9:05 p.m., to be followed by the Workshop meeting. On a Voice Vote, all were in favor.

Approved: January 24, 2008

Respectfully submitted,

Tonya E. Cubby
Secretary