

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**WORKSHOP  
December 6, 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, Douglas Ott, Michael Siesta, Clinton Smith,  
Leslie Tallaksen, Kurt Wagner, Philip Weisbecker, Thomas Harraka  
Chairperson: Michael Tfank  
Planning Director: William Drew, P.P.

Absent: David Volpe.

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

**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**

None.

**APPLICATIONS**

**JACK LEVKOVITZ (VILLAGE ON RIDGE-SEC II)  
Amended Final Subdivision #0410-1744C  
Block 5201; Lots 16, 19, 20  
Block 5303; Lot 1  
Ridge Road; R-3 Zone  
Request for Time Extension**

The Chairman proceeded to recuse himself from this application and left the room for the duration. Vice Chairperson Leslie Tallaksen presided over the meeting. The applicant, Jack Levkovitz, was present to address the Board regarding his request for a time extension. Ms. Tallaksen asked the applicant to explain the basis for his request. Mr. Levkovitz explained that the NJ DEP permit for a water tower at the above referenced subdivision had expired while he was in the process of obtaining a Highlands Exemption. He is attempting to satisfy the requests of the DEP for a new water permit and is asking the Board for additional time for subdivision approval in order to get the permit processed. The Planning Director, citing Subsection F, advised the Board that Municipal Land Use Law allows for a 1 year time extension due to the applicant being precluded from proceeding with a Planning Board application because of delays in obtaining legally necessary approvals from other government entities. The Board members questioned the applicant about the proposed water tower. The applicant replied that he previously had the State permit and Planning Board approval, but he had to get an exemption from the Highlands. The permit had belonged to Nell McCann prior to him, and while waiting for an exemption determination from the Highlands Council, his permit from the DEP expired. The Board inquired whether Mr. Levkovitz has filed for a new water permit, to which he replied in the affirmative.

**Motion** by Kurt Wagner with a **second** by Douglas Ott to approve a 1 year time extension for Jack Levkovitz (Village on Ridge – Sec II), Amended Final Subdivision for Block 5201; Lots 16, 19, 20; and Block 5303; Lot 1.

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

Chairman Tfrank returned and presided over the meeting. He explained that he had proceeded to recuse himself from the prior application because the applicant had donated funds to the Creative Playground project, and Mr. Tfrank had been a member of the committee responsible for the playground's construction and maintenance. He wanted to remove any question of impropriety.

## MISCELLANEOUS

Mr. Drew reviewed the items listed for discussion on the agenda.

1.    Curb Installation on Warwick Turnpike from Lakeshore Drive North to the Township Border - The Township Engineer had requested input from the Planning Board regarding the type of curbing to be used on Warwick Turnpike as part of the repaving program. When asked by a member if this was covered by a grant, Mr. Drew replied that it was part of a capital improvement program and some grant money may be involved. The two materials being considered were belgium (granite) block and asphalt (rolled paving). The Board members discussed several issues, including erosion, drainage, and related stormwater runoff. Cost was considered, as well as replacement in the event of damage. It was determined that belgium block curbing was the most efficient type for this project.

**Motion** by Leslie Tallaksen to approve the recommendation of belgium block curbing for the Warwick Turnpike repaving project, with a **second** by Philip Weisbecker. On a **Voice Vote**, all members were in favor of a recommendation to the Township Engineer to use belgium block curbing for the Warwick Turnpike repaving project. The Board Secretary was directed to forward the Board's recommendation to the Township Engineer.

2.    Draft Farmland Preservation Plan for Passaic County - The Chairman and Planning Director reviewed the request for the Planning Board examination of the draft Farmland Preservation Plan, and provide their comments as the plan relates to West Milford. Retail that supported farming was mentioned, including Indian Ridge Nursery and Pequannock Feed. The report was silent on a number of items, including the open space plan, and more notably that the zoning ordinance in West Milford Township allowed farming as a permitted use. Mr. Drew had contacted the Passaic County Planning Board about the missing information and various other recommendations. He was contacted by the consultant hired by Passaic County (T&M), and was advised that they were given very little time to prepare the plan, and that an amended draft plan would be provided for review very shortly. The consultant confirmed that they have not completed the project and amendments would be made. He advised that the public hearing would be in February.

The Chairman inquired what constituted farmland as it relates to the farmland plan. It was noted by the Planning Director that West Milford has the most land devoted to farmland in the County, but we were not included in the report, adding that there are over 2000 tax lots designated as farmland in the Township. The Chairman commented that it was the Board's understanding that farmland was to be preserved. The Board members continued to discuss the draft plan. Mr. Drew advised that the public hearing was scheduled for February. He would update the Board when information became available.

Mr. Weisbecker advised the Board that he had several issues brought to his attention that he wanted to discuss:

1. Billboard Ordinance – In response to concerns about inappropriate billboard signs that may be erected in the Township, the Council had been asked to investigate a billboard ordinance. The Planning Board is being asked to provide a recommendation to the Township Council on the composition of such an ordinance. Mr. Drew advised that our current ordinance refers to offsite signage and that we may run into freedom of speech issues on this matter. Mr. Weisbecker referred to an attorney in Florida who had devised an ordinance that would assist a municipality in being protected from inappropriate billboard signs. He inquired whether a sample ordinance could be drafted. Mr. Drew advised that he would consult the Board Attorney.
  
2. 5 Allison Avenue – Mr. Weisbecker advised that a number of residents had appeared before the Township Council regarding the owner of property at 5 Allison Avenue. The Council had been asked to intervene on their behalf regarding violations by the owner at the site. The Township Attorney had also been asked to become involved. Mr. Weisbecker expressed surprise that a sign had been erected at the site. Mr. Drew advised that the pylons for the sign had been approved by the Planning Board. He added that the owner had ‘decorated’ the sign for the holidays. Mr. Drew continued that the owner, Richard Slifer, was in violation and had been in court that day as a result of those violations. An agreement had been reached in court, stipulating that the trucks not associated with the business must be removed by December 10. In addition, all other site improvements were to be completed by June 2008, and any agreements not complied with are to be brought immediately to the attention of the courts. Mr. Drew reviewed for the Board the events that led to the current situation. The applicant had applied for a zoning permit and site plan and had moved into the site without approval. Following the Municipal Land Use Law, all avenues were explored in order to get the application processed. A timeline of the history regarding this site plan application has been compiled for the Township Council. The Planning Board is in enforcement proceedings at this time. Upon comment by a member that penalties should have been assessed immediately, Mr. Drew replied that multiple penalties in tens of thousands of dollars had been issued, but the court will allow those to be dropped if the applicant complies with the conditions of the agreement reached in court. He added that the neighboring residents don’t have complaints about the applicant operating a business, but are concerned with continuous non compliance with the zoning ordinance.
  
3. Living Word Alliance Church – Mr. Weisbecker referred to a letter from Dennis Kirwan, resident of Upper Greenwood Lake, who wrote on behalf of several other residents regarding the Site Plan Application Review Waiver that had been granted to the applicant for the Living Word Alliance Church. Mr. Weisbecker noted that the residents are concerned about the lighting on the building that is shining into their homes. He continued, stating that the building was never used for religious services, and that it previously was used as a Jewish community clubhouse. Chairman Tfrank commented that notification should be considered as part of the site plan application review process. Mr. Drew advised that the lighting at the site had been installed by Rockland Electric, and the light on the building were not part of the site plan application review waiver conditions. Mr. Weisbecker continued to inform the Board that the applicant, Living word Alliance Church, had two backhoes operating on the site, and the neighbors are unhappy with this. Mr. Drew advised that he would consult with the Health Department, adding that this may be related to septic upgrades. He was informed by the Health Department that the applicant had not yet been given approval at the site. Mr. Weisbecker asked that the property lines be determined to ensure that there is no encroachment on Upper Greenwood Lake Property Owners Association. The Chairman stated that the Planning Board did not approve encroachment on another’s property. Mr. Drew reviewed the application, stating that the Planning Board’s discussion regarding this waiver was centered around the parking site across the road from the proposed church site. The Board determined, following testimony from the applicant, that the parking site was suitable providing certain improvements were made. He added that he and the Planning Board Engineer are meeting at the site the following Monday to discuss appropriate sign location and review site improvements. The Police

Department is reviewing the plan and site for safety issues regarding crossing of pedestrians from the parking lot. A member noted that one of the Board's main concerns was the site distance problems. Another member asked that the light issue be investigated. Mr. Weisbecker added that the lights are very bright. When Chairman Tfank inquired about notification of neighboring property owners, Mr. Drew explained the Site Plan Application Review Waiver process. There is currently no fee for an applicant who would be in the process of locating a business at an existing site. Applicants are requested to provide existing information and the waiver application is put on the next available agenda for review by the Planning Board. If the applicant was required to notify adjoining property owners it could delay the application, thereby negatively affecting the applicant with time delays. The Board continued with discussion about the process. Mr. Weisbecker suggested that a fee could be charged to cover the costs associated with the review of the waiver request. Mr. Drew advised that he would consult with the Planning Board Attorney about a fee applied to a waiver request.

### **Master Plan Subcommittee**

Mr. Drew advised that the Master Plan Subcommittee has not met recently. He would compile updated information for the meetings that will be scheduled by members of the subcommittee. Planning Board member Clinton Smith inquired about the recent Highlands Master Plan meeting attended by the Planning Director. Mr. Drew noted that the meeting was civil, although there appeared to be some division within the council regarding the amendments that were presented, adding that none of the amendments passed. The Highlands Master Plan was released as presented and will have a public comment period before consideration for adoption. The Board members briefly discussed some issues regarding the Highlands region, and a member questioned the approximate number of residents in the Highlands.

### **MINUTES**

**Motion** by Philip Weisbecker with a **second** by Steve Castronova to approve the minutes of the November 8, 2007 Workshop meeting. On a Voice Vote, all were in favor of approving the Workshop minutes.

Chairman Tfank advised the Board members that the official minutes on the agenda for October 23, 1996, December 5, 1996 and December 11, 1996 had not been completed by the secretary serving at that time, and had not been adopted by the Planning Board, adding that the draft minutes, secretary's notes, and recordings for these meetings had remained on file in the Planning Department and had been available for review at all times following the meetings. As the only member on the current Planning Board who was a member in 1996, and therefore, the only one eligible to approve the minutes, and based on his recollection of the events, Chairman Tfank motioned to approve the minutes as written.

### **ADJOURNMENT**

**Motion** by Philip Weisbecker and a **second** Leslie Tallaksen to adjourn the Workshop meeting of December 6, 2007 at 8:35 p.m. Upon unanimous consent, the Board adjourned.

Approved: January 17, 2008

Respectfully submitted,

Tonya E. Cubby  
Secretary