

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes May 4, 2006 REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:38 p.m. with the reading of the legal notice.

ROLL CALL

Present: James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Philip Weisbecker. Alternates: Steven Castronova, Thomas Harraka. Chairman: Michael Tfank. Board Attorney: Bryant Gonzalez, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Edward Orthouse, Kurt Wagner.

Chairman appointed Messrs. Castronova and Harraka to sit for the absent members.

PUBLIC PORTION

As no one wished to speak, a **MOTION** was made by James O'Bryant, seconded by Leslie Tallaksen, to close the public hearing. On voice vote all were in favor.

SITE PLAN WAIVER APPLICATIONS

J. TSAKOTELIS SMOKE SHOP

Site Plan Waiver #0620-0241W

Block 6401: Lot 11

1588 Union Valley Road; CC Zone

Mr. Castronova recused himself.

J. Taskotelis, the applicant, testified that he is the owner of the Town Center Smoke Shop, which is relocating from another site in town. In response to questions Mr. Taskotelis advised that this is a retail shop for the sale of tobacco and cigars; that there would be one or two employees at any one time; that under the new law people are permitted to smoke on the premises; that he had installed the proper ventilation for this activity; that on occasion there could be ten to twelve people in the store; that there was sufficient parking for his clientele; that there are 28 parking spaces throughout the entire lot, which included the restaurant; his peak selling time is between 6 and 8 p.m.

Planning Director, William Drew, noted that reports were distributed to the Board noting that some interior work had been done on the property without the proper permits being obtained. He further noted that violation notices had been sent and the matter would be pursued by the Building Department. Mr. Gonzalez, the Board Attorney, advised that the Board was not an enforcement agency, that this was a matter for the building officials. The Board was to determine if the site improvements met the Township requirements. Internal changes are not the subject of the Board. It was noted that the site is currently open for business and that changes had been made to the site. Mr. Drew noted that the Zoning Officer reported that sections of the parking lot had been repaved and there is no indication as to when this was completed. The site plan submitted with the application was the one that was approved by the Board in 1980. Since that time new striping and retaining walls for landscaping have been installed at the site, which was not reflected on the plan. He further noted that the building on the plan does not match the existing building.

Steven Castronova, 12 Valley View Lane, West Milford, a member of the corporation that owns the property, testified that the plan submitted with the waiver application was the original site plan from when the building was built in 1976. He further testified that the parking had not changed and that there was no additional paving. He noted that in the mid 80s there was an addition to the building, which required more parking and pavement. He

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

JACK JAUST
Preliminary and Final Site Plan #0520-0222AB
Bulk Variance #0530-0721

COMPLETE: 01-27-06
DEADLINE: 05-27-06

Block 16005; Lot 12
96 Oak Ridge Road

Preliminary and final site plan requesting approval of a paved parking lot and driveway.

Bryant Gonzalez, Board Attorney, advised that this matter was carried from the February 23, 2006 meeting at which time the Board requested that improvements be made to the site plan.

The applicant, John Jaust, Phoenix Marketing, Inc., 100 Oak Ridge Road, Oak Ridge, NJ was represented by Paul M. Califf, Esq., 1167 Route 23 South, Kinnelon, NJ and Mark Palus, PE, 170 Kinnelon Road, Kinnelon, NJ.

Mr. Califf explained that the application involved the paving of a parking lot and driveway at the applicant's existing building. He noted that at the time the property was purchased by Mr. Jaust in 1994 it was an old dilapidated house. The applicant had completely renovated the building, which was used as a home based business. The applicant was now proposing to use the building for commercial purposes.

Mr. Palus explained the changes to the plans that were made to comply with the requests of the Board at the last hearing. He remarked that the subject property consisted of two (2) structures. The first was a principle building and the second was an accessory garage. He noted that there were two (2) uses on the property. One was a commercial use on the first floor and, the other was residential use on the second floor. He further remarked that a gravel driveway was previously used on the subject property, but that the applicant had paved the lot almost three (3) years ago. He remarked that the use on the subject property was not a new use, but rather the same use being continued. As such, a use variance was not necessary.

Mr. Palus further remarked in this regard, that there was no intensification of the use but rather improvements made to the exterior of the subject property. In this regard, he noted that the applicant had paved the former gravel driveway. Consequently, he noted that the applicant had removed a parking space from the frame garage and there were nine (9) spaces on the site. Parking as proposed was sufficient pursuant to the Ordinance requirements. Mr. Palus remarked that per County requirements, a traffic stop bar and double yellow line were to be installed on the driveway along with a stop sign. With respect to landscaping, the existing landscaping was now shown on the plans and the applicant was not proposing any new landscaping. With respect to lighting, Mr. Palus noted that the applicant was not proposing any new lighting but rather just to continue the existing lighting. In this regard, he noted that light meter readings were undertaken and shown on the plans. The lighting on the subject property met the Ordinance requirements for lighting and as such no variance was needed for lighting.

With regard to the existing inlet in the paved area on the subject property, this had been installed by the County, but the applicant was proposing to remove asphalt nearby to control access to the site and to assist the surface runoff pattern in the area.

William Drew, the Board Planner, noted that an updated report had not been prepared by the Planning Department, but that the plans submitted satisfied the prior report dated February 16, 2006 that was submitted to the Board. With respect to the plans submitted, he noted that no handicap spaces were noted on the plans and that this matter should be reviewed with the Building Subcode Official to determine whether a handicap space was required.

Mr. Kirkpatrick, the Board Engineer, then remarked that drainage as proposed was satisfactory but details needed to be added to the plans. In this regard, he believed that details with respect to stop signs and pavement thickness as well as other matters needed to be added to the plans. He further recommended that fencing and screening be placed around

No - None

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

MISCELLANEOUS

Planning Board Attorney: Contract Award Resolution 2006-1

William Drew advised that this contract was awarded under the open and fair process as per the new legislation. He noted that one proposal was received in response to our advertisement for a Request for Proposal. That law firm was notified and was to appear before the Board at the February meeting, which was cancelled due to inclement weather. The matter was carried to two subsequent Board meetings with no one appearing on behalf of the firm. As no member of the firm called to advise they could not attend these meetings and as no correspondence had been received from this firm, it was determined that the firm was no longer interested in pursuing the position of Board Attorney. The contract before the Board for consideration was submitted by Weiner Lesniak in January.

MOTION made by James O'Bryant, seconded by Leslie Tallaksen, to adopt the resolution.

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

Planning Board By-Laws: Discussion on amendments to by-laws. Matter carried.

Mandatory Educational Requirements: Proposal from the Zoning Board of Adjustment that the Township hold a joint education session with the Planning Board.

William Drew advised that a training session was to be conducted by the Historic Preservation Commission on May 13th. He noted that the session, which would bring the Township Council, Planning Board, Board of Adjustment, Environmental Commission and the Historic Preservation Commission together, was to train the various boards and commissions on the relationship of each body to historic preservation. He noted that verbal indication had been received from the State that this five-hour session would qualify as the educational component for the Board. Written verification is pending. Formal invitations, which were to be sent to each Board member, would indicate if this session qualified for the educational requirements of the State.

Open Space Plan: William Drew advised that a public hearing would be scheduled for the May 25, 2006 Board meeting for the purpose of adopting the Open Space Plan as a element of the Master Plan. He noted that the plan was prepared by the Open Space Committee and was reviewed by the Environmental Commission. The plan was submitted to and approved by the State Green Acres Program.

Board of Adjustment Annual Report to Township Council and Planning Board: This matter, which was carried from the April work meeting, cited the numerous variance applications heard by the Board. The report recommended the Township Council review amending the LR Zone. Mr. Drew noted that several years ago an extensive analysis was completed on the LR Zone, which included an analysis of the existing floor area of all existing homes within the LR Zone. An FAR ordinance was prepared and forwarded to the Township Council. The ordinance, however, was never introduced. It was suggested that a meeting be set up with representatives of the various lake communities. Matter to be further discussed at a Master Plan Subcommittee meeting.

PLANNING DIRECTOR'S REPORT – See above.

PLANNING BOARD ATTORNEY'S REPORT

Bryant Gonzalez updated the Board on various litigation matters.

MINUTES

It was noted that the February 23, 2006 minutes had been approved at a previous meeting. Due to the absence of the Board Secretary for a personal emergency the minutes of the March 23, 2006 regular meeting were carried to the May meeting.

COMMUNICATIONS

The following correspondence was received and filed:

County Planning Board reports to the Planning Board regarding the following applications:

Valley Ridge at West Milford, Site Plan, Block 8002; Lot 4, Union Valley Road. Approval continuing to be withheld pending receipt of additional information.

Village on Ridge, Final Subdivision, Block 5201; Lots 16, 19, 20, Ridge Road. Approval granted.

Notice dated March 13, 2006 advising that Richard Van Wolde is applying for a general permit for the installation of a subsurface sanitary disposal system on property located at 31 Setting Sun Trail, Block 12311; Lot 15.

Notice dated March 15, 2006 advising that Neil Chiarello is applying for a Letter of Interpretation for property located at Burlington and Newton Drives, Block 12305; Lots 17.01 and 17.02.

Notice dated March 22, 2006 advising that Peter Rodriguez is applying for a General Permit # 25 for the repair of an existing septic system located at 328 Lakeshore Drive, Block 2416; Lot 7.

Copy of memo dated March 29, 2006 from Linda Lutz, Principal Planner/Secretary to ZBOA to Richard Kunze, Township Administrator, and Fred Semrau, Esq., Township Attorney, regarding meeting to discuss legal expenses.

Copy of letter dated April 11, 2006 from the Department of Transportation to Thomas A. Celano advising that the review of his application for a permit to build within the airport safety zone was suspended pending receipt of proof that the minor subdivision approval had been extended.

Notice dated April 7, 2006 advising that Thomas Scala is applying for an extension of an existing Freshwater Wetlands Statewide General Permit, Water Quality Certification, Waiver of Transition Area for Access and Letter of Verification and Line Verification for property known as Laurel Hollow, Block 5010, Lots 3 – 14.

Notice dated April 3, 2006 advising that Greg A. Ryan is applying for a Letter of Interpretation for property located on Van Cleef Road, Block 12501; Lot 20.

Copy of letter from William Drew, Planning Director, to Richard Slifer advising that a preliminary and final site plan is required to convert the single-family residence located at 5 Allison Avenue, Block 15701; Lot 34, for business use.

Letter dated March 24, 2006 from KSM Environmental Engineering – P.C. advising that Teresa Wallace is applying for a Treatment Works Approval for the construction of a disposal field on property located at Florence Road, Block 905; Lot 2.

Copy of memo dated March 31, 2006 from William Drew, Planning Director, to Antoinette Battaglia, Township Clerk, regarding status of DEP permits for Valley Ridge Gardens, Block 8002; Lot 4.

Notice dated March 13, 2006 advising that Vincent Lanza is applying for a Letter of Interpretation for property located at 775 Macopin Road, Block 12108; Lot 1.

Copy of Township of West Milford Resolution No. 2006-102 authorizing execution of a Green Acres Agreement with the DEP.

Copy of letter dated April 7, 2006 from James Van Hooker, Chairman of the Township Historic Preservation Commission, to Steven J. Edmond, Passaic County Engineer, regarding the reconstruction of the wall in front of the West Milford Presbyterian Church.

William Drew noted that work proposed by the County is within a proposed historic district identified in the Historic Preservation Element of the Master Plan. Mr. Van Hooker requested that the County not pursue the project as designed, but that the County meet with the Township to consider alternatives. Mr. Drew advised that as a result of the letters a meeting had been scheduled with the County Engineer and various Township Officials.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

The following correspondence was received and filed:

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

Carl Bierwas, 1945 Macopin Road, Block 8201; Lot 2.

Determinations from the DEP regarding the following applications:

The Lane Group, West Milford Shopping Center, 1926 Union Valley Road, Block 6701; Lot 10. Notice of Technical Incompleteness.

Letter dated March 31, 2006 from Dante Di Pirro, Executive Director, Highlands Water Protection and Planning Council enclosing the Council's Annual Report for 2005.

ADJOURNMENT

Meeting adjourned by unanimous consent at 9:17 p.m.

Respectfully submitted,

Grace R. Davis
Secretary