

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes January 26, 2006 REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:34 p.m. with the reading of the legal notice.

ROLL CALL

Present: James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith. Alternates: Steven Castronova, Thomas Harraka. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Bryant Gonzalez, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Philip Weisbecker.

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

PUBLIC PORTION

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

SITE PLAN WAIVER APPLICATIONS

KATTNER ENTERPRISES LLC
Site Plan Waiver #0620-0225W
Block 16605; Lot 22
3050 Route 23, HC Zone

The above matter was carried to the February 2, 2006 meeting.

APPLICATIONS

STEVEN & CHRISTINE CASTRONOVA
Minor Subdivision #0510-1973
Bulk Variance #0530-0702

COMPLETE: 10-28-05
DEADLINE: 02-25-06

Block 7213; Lot 1
12 Valley View Lane; R-2 Zone
Minor subdivision to subdivide Lot 1 into two lots to create one new building lot.

Michael Tfank recused himself.

Planning Director, William Drew, advised that the applicant had requested the above matter be carried to the February 23, 2006 meeting. The applicant, Steven Castronova, was present and granted the Board a 30-day time extension to March 25, 2006.

MOTION made by James O'Bryant, seconded by Douglas Ott, to carry the matter to the February 23, 2006 meeting.

On roll call vote: Yes – James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Thomas Harraka
No - None

GETTY PETROLEUM MARKETING, INC.
Minor Site Plan #0520-0217
Variance #0530-0714
Block 6701; Lot 8
1910 Union Valley Road; CC Zone

COMPLETE: 11-15-05
DEADLINE: 03-15-06

Installation of kiosk for attendants and metal bollards by the existing front gas island.

George J. Kroclic, Esq., Duane Morris LLP, 30 South 17th Street, Philadelphia, PA represented the applicant. Also appearing before the Board on behalf of the applicant were James Miller, P.P., A.I.C.P., who was sworn and accepted by the Board for the purposes of providing planning testimony. Also sworn and accepted by the Board for the purposes of providing expert engineering testimony was Glenn Phillips, P.E., Core States Engineering, 379 Campus Drive, Somerset, NJ.

Mr. Kroclic indicated that the application before the Board was to allow the applicant to construct a kiosk to be placed on the western side of the gas pump island nearest to Union Valley Road.

Mr. Phillips then testified that there were three (3) bays, two (2) dispensers located on the subject property for the purposes of providing gasoline to drivers of motor vehicles. In this regard, the applicant was not proposing any changes to these existing structures on the property. The kiosk would measure 3-feet by 4-feet and would be utilized so that a gasoline attendant could stand inside the kiosk during periods of inclement weather. He further remarked that a credit card machine would be located inside the kiosk rather than inside the existing building.

Mr. Kroclic explained that customers preferred seeing gasoline attendants utilizing their credit card before their eyes as opposed to disappearing into a building and as such part of the reason for the kiosk was to better serve customer preferences. He further indicated that no merchandise would be sold from the kiosk.

Mr. Phillips further testified that the kiosk would be internally lit for the gasoline attendant but that there would be no signs or windows on the kiosk. With respect to electricity to be supplied to the kiosk, he indicated that a trench would be dug underground to provide electricity to the kiosk. The kiosk itself, he indicated, was a prefabricated structure. Mr. Kroclic then asked that a photo of the kiosk from the manufacturer be marked into evidence as Exhibit A-1.

With respect to the limits of pavement, Mr. Phillips indicated that the existing pavement was asphalt and noted that asphalt covered most of the existing property with the exception of the fueling areas, which were primarily made of concrete. With respect to sidewalks, Mr. Phillips remarked that the applicant was willing to provide painted sidewalks and extended plantings to further delineate space and assist the Board in achieving a planning goal of encouraging pedestrian flow in the neighborhood.

Mr. Kroclic then indicated that the kiosk was also an advantage to both the public and the applicant in that it would expedite people in refueling their vehicles in an efficient manner, since gasoline attendants would no longer have to go back and forth to the building to service a customer paying with a credit card.

The Board Planner noted that he had reviewed the plans submitted by the applicant prepared by Glenn M. Phillips, P.E. with a last revision date of September 10, 2005. The proposal he remarked was for the addition of a 3-foot by 4-foot kiosk to be placed on the western side of the gas pump island closest to Union Valley Road. The plan, he noted, called for the kiosk to be serviced by electricity, which would be accomplished by running an underground conduit from the kiosk to the gas station building on the site. Two (2) bollards were proposed to be placed 10 feet to the west of the kiosk. Aside from these proposed changes, no other changes were proposed on the plans. The Board Planner then noted that on December 15, 2005, the applicant's engineer received a zoning permit to reface the signage on-site to read "Lukoil". Mr. Kroclic remarked that Lukoil was the new name for the gasoline station.

The Board Planner then noted that bulk variance relief was required because accessory structures were not permitted in the front yard in the CC Zone.

Mr. Miller then testified with respect to why variance relief could be provided to the applicant. In this regard, Mr. Miller remarked that the applicant was seeking a variance for the kiosk, as it was a non-permitted accessory use in the front yard of the subject property. He remarked that the applicant was entitled to a c(1) variance for a hardship in that the

housing to assist the Township in meeting its affordable housing obligation. In 1997, under a settlement agreement with COAH, the Planning Board approved the application for 109 townhouse units, 11 of which were affordable housing units. The property is now under contract of sale to the current applicant and final site plans have been submitted reducing the number of townhouses to a total of 100 units.

Mr. Cirrotti then testified with respect to engineering matters. He indicated that the subject property is located along the easterly side of Union Valley Road, north of its intersection with Dockerty Hollow Road. Belchers Creek runs along the entire frontage of this property, parallel to Union Valley Road. The property will be accessed at the northwesterly corner of the property with a bridge spanning Belchers Creek and the associated wetlands. The internal road pattern will be a looped road with two cul-de-sacs. All units will front along these internal roads and will have direct driveway access from these roads. These roads are to be privately owned and maintained by the homeowners association. Sidewalks will be provided throughout the project as well as a trail easement to Dockerty Hollow Road, which was part of the preliminary plan. Two bus shelters will also be provided.

Mr. Cirrotti further stated that the units proposed would vary between 2 and 3 stories depending upon whether they are an “uphill” or “downhill” unit with a mix of one and two car garages. The bedroom mix will be 80 two-bedroom units, and 20 three-bedroom units. There is a community pool and cabana proposed for the site and a playground area will be centrally located. Mr. Cirrotti further noted that the applicant proposed to connect with the Olde Milford sanitary sewer plant for sewage treatment, and had received the NJDEP amendment to tie into that plant. He stated that the applicant also proposed to loop the water system with Bald Eagle Village. Both the water and sewer systems are owned and operated by the MUA.

The meeting was opened to the public and the following people spoke: Robin O’Hearn, representing Skylands Clean, Ringwood, NJ; Susie Premus, 30D Concord Road, Bald Eagle Village, West Milford, NJ; Charlie DeKoning, 35C Salem, Bald Eagle Village, West Milford, NJ; Laetitia Munro, 49 Hilltop Road, Newfoundland, NJ; Richard Nobis, 401 Ridge Road, West Milford, NJ; Robert Nolan, 1 Winding Way, West Milford, NJ; Doug Trainor, Bald Eagle Village, West Milford, NJ; Barry DiGiacinto, 1854 Macopin Road, West Milford, NJ; Rene Alessio, 39 Hillcrest Drive, Hewitt, NJ; Robert Jennerich, McCarthy & Jennerich, 47 Orient Way, Rutherford, NJ representing Bald Eagle Village Condominium Association.

With no other members of the public wishing to speak, the Board closed the public comment portion of the hearing and carried the matter to the February 23, 2006 meeting.

MEMORIALIZATIONS

MARY BARRETT

Resolution No. 2006 - 3

Minor Subdivision #0510-1974

Variance #0530-0711

Block 807; Lots 1 and 4

2001 Clinton Road; LR Zone

APPROVED: Request to permit the subdivision of lot 4 into 2 lots to create one new building lot.

William Drew, Planning Director, advised that there was an omission in the conditions of the resolution regarding an amendment to the minor subdivision plan to delete any reference to lot 1. The item was discussed by the applicant and the Board at the hearing and it was agreed that the map would be so changed. The applicant, Mary Barrett, was present and confirmed that she agreed to this amendment.

MOTION made by Michael Siesta, seconded by Douglas Ott, to memorialize the resolution with the proposed amendment.

On roll call vote: Yes – Douglas Ott, Michael Siesta, Clinton Smith, Steven Castronova,
Michael Tfrank
No - None

DEMOTT POST

Resolution No. 2006 - 4

Minor Subdivision #0410-1971

Block 12106; Lots 2 and 3

802 and 810 Macopin Road; R-2 Zone

APPROVED: Request for time extension.

MOTION made by Steven Castronova, seconded by Michael Siesta, to memorialize the resolution.

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

THOMAS & CHRISTINE SCHNEIDER

Resolution No. 2006 - 5

Minor Subdivision #0410-1962

Variance #0430-0676

Block 2303; Lots 8 and 10

23 & 29 Gladstone Road; LR Zone

APPROVED: Request for time extension.

MOTION made by Douglas Ott, seconded by Michael Siesta, to memorialize the resolution.

On roll call vote: Yes – Douglas Ott, Michael Siesta, Michael Tfank
No - None

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

MISCELLANEOUS – None.

PLANNING DIRECTOR'S REPORT

William Drew advised that copies of the report prepared and submitted to the Highlands Council would be distributed to the Board at the next meeting.

PLANNING BOARD ATTORNEY'S REPORT

Mr. Gonzalez reported that the Castle Rock litigation matter is proceeding. With respect to the O'Shea matter he advised that Mr. O'Shea has filed an appeal.

MINUTES

MOTION made by Michael Siesta, seconded by Douglas Ott, to approve the minutes of the December 8, 2005 and December 14, 2005 regular meetings.

On roll call vote: Yes – James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith,
Steven Castronova, Michael Tfank
No - None

COMMUNICATIONS

The following correspondence was received and filed:

Copy of letter dated December 6, 2005 from Assemblyman Alex DeCroce to the Mayor and Council expressing his displeasure with the Administrative Order issued by the DEP to terminate plans for sewer and septic service in communities throughout the state.

Letter dated December 12, 2005 to Michael Tfrank, Planning Board Chairman, advising that Passaic County is applying for a General Permit for the emergency repair to the roadway embankment and Clinton Road culvert over Clinton Brook.

Copy of letter dated December 13, 2005 from William Drew to the DEP submitting a grant application for the 2006 Recreational Trails Program.

Copy of letter dated December 19, 2005 from William Drew to the Council on Affordable Housing enclosing the Township Housing Element and Fair Share Plan and Township Council Resolution.

Notice dated December 20, 2005 advising that Richard Brands is applying for a General Permit for the installation of a subsurface sanitary disposal system for property located at 117 Germantown Road, Block 13704; Lot 9.

Letter dated December 22, 2005 from Stewart Surveying & Engineering, LLC enclosing a revised grading plan/septic design and Treatment Works Approval application for Geraldine Mines, Block 10901; Lot 10.01, Otterhole Road.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

The following correspondence was received and filed:

Letter dated December 14, 2005 from the DEP Division of Watershed Management advising that the application of Sprint Wireless for Highlands Determination for property located at 776 Warwick Turnpike, Block 1701; Lot 59 has been deemed exempt. The Northeast Water Quality Management Plan was not addressed.

Letter dated December 14, 2005 from the DEP Division of Watershed Management advising that the application of Omnipoint for Highlands Determination for property located at 776 Warwick Turnpike, Block 1701; Lot 59 has been deemed exempt. The Northeast Water Quality Management Plan was not addressed.

Letter dated December 13, 2005 from the DEP Division of Watershed Management advising that the application of Omnipoint for Highlands Determination for property located at 666 Macopin Road, Block 12501; Lot 26 has been deemed exempt. The Northeast Water Quality Management Plan was not addressed.

Letter dated December 16, 2005 from the DEP advising that the application for Lin Cellular Communications, LLC for property located at 333 Warwick Turnpike, Block 2802; Lot 2 has been approved for the construction of a wireless telecommunications facility.

Letter dated December 15, 2005 from the DEP Division of Watershed Management advising that the application of Omnipoint for Highlands Determination for property located on Dockerty Hollow Road, Block 8002; Lot 2 has been deemed exempt. The Northeast Water Quality Management Plan was not addressed.

Addendum to Agenda

MEMORIALIZATIONS

Resolution No. 2006 – 1.

Adoption of Resolution approving Attorney's contract

Mr. Gonzalez advised that the firm would only accept position under the fair and open process. Matter carried to the February meeting to permit notice to be placed in newspaper.

Resolution No. 2006 – 2.

Adoption of Resolution approving Engineer's contract

MOTION made by James O'Bryant, seconded by Michael Siesta, to approve the contract and memorialize the resolution.

On roll call vote: Yes – James O’Bryant, Douglas Ott, Michael Siesta, Clinton Smith,
Steven Castronova, Thomas Harraka, Michael Tfank
No - None

Resolution No. 2006 – 6

Adoption of Resolution approving Landscape Architect’s contract

MOTION made by James O’Bryant, seconded by Douglas Ott, to approve the contract and memorialize the resolution.

On roll call vote: Yes – James O’Bryant, Douglas Ott, Michael Siesta, Clinton Smith,
Steven Castronova, Thomas Harraka, Michael Tfank
No - None

HIGHLANDS WATER PROTECTION AND PLANNING ACT

The following correspondence was received and filed:

Notice received January 23, 2006 advising that the Lane Group is applying for a Highlands Letter of Interpretation for the proposed installation of a sub-surface sanitary disposal system for property located at 1962 Union Valley Road; Block 6701; Lot 10.

Letter dated December 30, 2006 from Dewberry-Goodkind, Inc. advising that Omnipoint Communications, Inc. is applying for a Highlands Applicability Determination for property located on the Center Island of Route 23, Block 14102; Lot 1.

Notice dated January 5, 2006 advising that Verizon Wireless is applying for a Highlands Applicability Determination for property located on Larsen Road, Block 11401; Lot 8.05.

Letter dated January 3, 2006 from the DEP advising that the application submitted by Rui Filipe for a Highlands Applicability and Water Quality Management Plan for property located at 934 Macopin Road, Block 14001; Lots 11 and 12 is technically incomplete.

ADJOURNMENT

Meeting adjourned by unanimous consent at 10:22 p.m.

Respectfully submitted,

Grace R. Davis
Secretary