

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes

October 26, 2005

REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:32 p.m. with the reading of the legal notice.

ROLL CALL

Present: Joseph Elcavage, James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner. Alternates: Steven Castronova, Richard Altieri. 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.

Chairman appointed Mr. Castronova to sit for absent member.

PUBLIC PORTION

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

APPLICATIONS

MARY BARRETT

Minor Subdivision #0510-1974

Variance #0530-0711

Block 807; Lots 1 and 4

2001 Clinton Road; LR Zone

Request to permit the subdivision of lot 4 into 2 lots

COMPLETE: 09-27-05

DEADLINE: 01-25-06

The applicant, Mary Barrett, 2001 Clinton Road, Hewitt, NJ, appeared without professionals. She indicated that she had received the Planning Department's report dated October 20, 2005. She further indicated that she had spoken to her engineer and was prepared to answer the questions raised in the report. Ms. Barrett testified that she had purchased the lot as an investment and now wished to make use of that investment. She noted that access to the new house is proposed via the private Netcong Road right-of-way, which is off Shadyside Road. The applicant proposed to install an asphalt driveway from Shadyside Road for approximately 80 feet to the building lot.

The Board Attorney and Board Engineer addressed the issue of the applicability of the RSIS with respect to the improvements to Netcong Road. Ms. Barrett was advised that if the improvements do not meet the RSIS, then the applicant should amend her application to seek a *de minimis* exception and provide testimony for the Board to consider. Ms. Barrett advised that she would file an application with respect to the Residential Site Improvement Standards (RSIS).

The Planning Director addressed the variances associated with the application. After discussion with the Board, Ms. Barrett advised that the plan would be revised to indicate that the steep slope area would not be affected by the limit of disturbance line. She quoted from paragraph 4 of a letter dated October 25, 2005 prepared by Michael J. Berry, PLS, PP. A copy of the letter was submitted for the record. An alternative lot configuration proposed by a Board member was discussed and rejected by the Board and the applicant. After a discussion on improvements to Netcong Road Ms. Barrett requested the matter be carried to the next meeting in order for her to speak to her engineer. The Board suggested that the engineer appear at the next meeting to answer the questions raised regarding RSIS and *de minimis* exception.

MICHAEL & ROBERT VANDER PLOEG
Preliminary Site Plan #0220-0042

Block 16006; Lot 1

16007 4

16008 3

140 Oak Ridge Road; CC/R-4 Zones

Request for time extension.

The application before the Board is a request for a second extension of preliminary site plan approval for the subject property.

The applicants, Michael and Robert Vander Ploeg, P. O. Box 521, Oak Ridge, NJ, appeared before the Board to explain pursuant to N.J.S.A. 40:55D-49 as to why an extension of the preliminary site plan approval was needed in this matter. The applicants indicated that of the four (4) buildings to be constructed pursuant to the approvals obtained from the Board, two (2) had been completed but two (2) still remained. The applicants indicated that site work had commenced on the subject property and improvements had been installed, however, additional time was needed to complete all construction. The applicants indicated that they have continued to experience significant delays in the construction of the buildings and as such requested the Board grant another one-year extension of the preliminary site plan approval.

The Board Planner indicated that pursuant to N.J.S.A. 40:55D-49 an extension for one (1) year could be granted to the applicants as it appeared that the applicants were diligently pursuing the construction of the improvements to be installed on the subject property.

There were no members of the public present expressing an interest in this application.

MOTION made by Joseph Elcavage, seconded by Douglas Ott, to approve a one-year time extension.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Steven Castronova, Michael Tfank
No - None

X-TRA SPACE CENTER
Preliminary & Final Site Plan #0220-0127
Bulk Variance #0230-0589

Block 6902; Lot 17

54 White Road; CC Zone

Request for time extension.

The applicant was represented by Steven Eisenstein, Esq., who indicated that the applicant was seeking another extension of its final site plan approval for one year pursuant to N.J.S.A. 40:55D-52. In this regard, Mr. Eisenstein remarked that the applicant wished to ensure the economic viability of the project prior to completion of the remainder of the improvements to be made to the subject property. He commented that the applicant had continued to experience a fluctuation in occupancy levels and wanted to continue monitoring occupancy levels to determine whether the market would justify the expense of constructing the expansion of the facilities that were granted site plan approval by the Board. He also commented that the applicant had been diligently following the standards prescribed for final approval such that another extension could be granted.

The Board Attorney indicated that pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-52, the Planning Board could grant 3 one-year extensions of final approval and at present only one one-year extension had been granted to the applicant.

The Board then opened the meeting to the public. With no members of the public present expressing an interest in this application, the Board promptly closed the public comment portion of the hearing to the public.

Notice dated September 28, 2005 advising that Elaine Berkowitz is applying for a General Permit for the installation of a sub-surface disposal system on property located at 628 Warwick Turnpike, Block 902; Lot 9.

Letter dated October 4, 2005 from MCB Engineering Associates, L.L.C. advising that Wesley Drive/Leslie Drive Extension is applying for a Treatment Works Approval for property to be known as Block 9501; Lots 19.03, 19.04, 19.05 and 19.06.

Notice dated September 26, 2005 advising that Tennessee Gas Pipeline is applying for a General Permit to authorize them to conduct regulated activities on the pipeline right of way, which traverses the Township.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

The following correspondence was noted and filed:

Notice dated September 26, 2005 from The Cedars Group, Inc. advising that Sprint Spectrum, L.P. is applying for an exemption from the Highlands Act for property located at 776 Warwick Turnpike, Block 1701; Lot 59.

Notice dated September 29, 2005 from Dewberry Goodkind, Inc. advising that an application has been submitted by Omnipoint Communications, Inc. for a Highlands Applicability Determination for property located on Dockerty Hollow Road, Block 8002; Lot 2.

Notice dated September 29, 2005 from Dewberry Goodkind, Inc. advising that an application has been submitted by Omnipoint Communications, Inc. for a Highlands Applicability Determination for property located at 776 Warwick Turnpike (Upper Greenwood Lake Fire Company), Block 1701; Lot 59.

Notice dated September 29, 2005 from Dewberry Goodkind, Inc. advising that an application has been submitted by Omnipoint Communications, Inc. for a Highlands Applicability Determination for property located at 17 Wooley Road, Block 9901; Lot 39.

Notice dated September 29, 2005 from Dewberry Goodkind, Inc. advising that an application has been submitted by Omnipoint Communications, Inc. for a Highlands Applicability Determination for property located at 666 Macopin Road (Apshawa Fire House), Block 12501; Lot 26.

Notice of Technical Incompleteness dated October 6, 2005 from DEP, Bureau of Watershed Regulation, for application submitted for Browns Point Plaza, Block 3610; Lot 26.

Letter dated October 7, 2005 from Wander Ecological Consultants advising that Roy and Ursula Filipe are applying for an Exemption from the Highlands Act for property located on Macopin Road, Block 14001; Lots 11 and 12.

ADJOURNMENT

Meeting adjourned by unanimous consent at 9:05 p.m.

Respectfully submitted,

Grace R. Davis
Secretary