

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes September 28, 2005 REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:35 p.m. with the reading of the legal notice.

ROLL CALL

Present: Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Clinton Smith, Leslie Tallaksen, Kurt Wagner. Alternates: Steven Castronova, Richard Altieri. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Stephen B. Glatt, Esq. Planning Director: William Drew, P.P.

Absent: Michael Siesta. Consulting Engineer: Robert Kirkpatrick, P.E.

Chairman appointed Mr. Castronova to sit for absent member.

PUBLIC PORTION

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

SITE PLAN WAIVER APPLICATIONS

LAKELAND BANK/HEWITT

Site Plan Waiver # 0420-0188W

Block 3504; Lots 1, 4

1943 Union Valley Road; CC Zone

The applicant was represented by Robert Jones, Esq., Hunziker, Jones, Caserta & Romer, P.A., 155 Route 46 West, Plaza II, Wayne, NJ 07470 and Tina George, Facilities Officer, Lakeland Bank, Oak Ridge Road, Oak Ridge, NJ 07438. Mr. Jones explained the applicant proposed to install an ATM machine in a forth lane of the drive-in facility at the above location. He advised that the only change proposed would be the widening of the lane.

After discussion, a **MOTION** was made by Joseph Elcavage, seconded by Kurt Wagner, to approve the request for a site plan waiver. Permits are to be acquired from the Division of Building Safety.

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

ELITE IMPORTS INC.

Site Plan Waiver #0520-0223W

Block 12601; Lot 7

251 Macopin Road; R-4 Zone

William O'Brien, 473 Main Road, Towaco, NJ 07082, represented the applicant. Mr. O'Brien explained that he was one of the owners of the business located at 251 Macopin Road. He indicated that they were the current tenants of the facility, that they were applying for a new license at that location, that no changes were proposed to the building. They have operated the business since December 2004.

William Drew, Planning Director, advised that the Zoning Officer had made a site inspection. He reported that although there had been violations under the previous operator, there are currently no violations on the property. In response to questions

regarding the encroachment onto an adjacent lot, it was noted that this issue had been resolved.

After discussion a **MOTION** made by Kurt Wagner, seconded by James O'Bryant, to approve the request for a site plan waiver with the condition that, prior to their placing additional gravel in the parking area, they are to schedule a site meeting with the Department of Planning and Building.

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

APPLICATIONS

K. HOVNANIAN AT WEST MILFORD L.L.C.

(EAGLE RIDGE AT WEST MILFORD)

Final Site Plan #0320-0091B

Final Subdivision #0310-1929B

Block 5405; Lot 8

5301 20

Cahill Cross Road; R-1/PN Zone

Request for extension of vesting period for Final Site Plan and Subdivision approval

Meryl A. G. Gonchar, Esq., Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP, Metro Corporate Campus One, Woodbridge, NJ 07095-0988 appeared on behalf of the applicant. Ms. Gonchar noted that she had provided the Board with a letter dated August 24, 2005 outlining the basis for this request. She explained the statute regarding time extensions and noted that this request is the first of three extensions provided for under the statute. She noted that all of the permits required had been obtained with the exception of the water allocation permit. The failure of the State to act on that permit has resulted in litigation, which is pending. She noted that but for the delay of the DEP in acting on that permit, the applicant would have been able to act on the approval granted by the Board. Ms. Gonchar requested the Board grant a one-year extension to protect that approval.

During discussion the Board questioned the status of the water allocation permit and if the applicant had done any additional testing.

MOTION made by Joseph Elcavage, seconded by James O'Bryant, to deny the request.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Michael Tfrank
No - Steven Castronova

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

MISCELLANEOUS

Attorney Contract:

Amendment to contract regarding litigation. Resolution No. 2005-32.

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

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Steven Castronova, Michael Tfrank

No - None

PLANNING DIRECTOR'S REPORT – None.

PLANNING BOARD ATTORNEY'S REPORT – None.

MINUTES

MOTION made by James O'Bryant, seconded by Kurt Wagner, to approve the minutes of the September 8, 2005 regular meeting.

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

COMMUNICATIONS

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

Mark and Cindy Lindsay, Minor Subdivision, Block 7701; Lot 2.01, 1087 Union Valley Road. Approval granted for Lot 2.01. Noted and filed.

Battinelli Farm and Garden Center, Site Plan, Block 3907; Lots 1.01, 1.02, 1611 Greenwood Lake Turnpike. Approval withheld pending receipt of additional information. Planning Director, William Drew, explained that this application is for changes to the parking lot resulting from the pending realignment of Greenwood Lake Turnpike. He noted that the applicant had been notified that site plan approval was required from the Township. It was also noted that the County had advised the applicant that he had to make a contribution of over \$5,000.00 to the County Enhancement Program.

Notice dated September 5, 2005 advising that Marek Wiktorzak is applying for a General Permit for the installation of a subsurface sanitary disposal system for property located at 25 Hanover Road, Block 1006; Lot 8. Noted and filed.

Copy of letter dated September 19, 2005 from William Drew, Planning Director, and Kurt Wagner, Construction Official, to the Historic Preservation Commission regarding Certificates of Appropriateness requested by the Newark Watershed Conservation and Development Corporation for the demolition of the remaining structures at New City. William Drew, Planning Director, noted that he and Kurt Wagner, the Construction Official, had made a site inspection of the buildings and determined that they were unsafe. At their recommendation the Historic Preservation Commission had granted the request for demolition.

ADDENDEUM

COMMUNICATIONS

Notice dated September 12, 2005 advising that Eric Hastings is applying for a General Permit 25 for the repair of an existing septic system located at 1541 Greenwood Lake Turnpike, Block 3906; Lot4. Noted and filed.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

Notice of technical incompleteness dated September 22, 2005 issued to Eugene and Elaine Prais for property located at 114 Dockerty Hollow Road; Block 8401; Lots 22 and 23. William Drew explained the items that had been requested by the DEP and noted that the applicant had 30 days in which to respond or they would act on the application as presented.

ADJOURNMENT

Meeting adjourned by unanimous consent at 8:28 p.m.

Respectfully submitted,

Grace R. Davis
Secretary