

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes

September 7, 2006

REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:36 p.m. with the reading of the legal notice.

ROLL CALL

Present: James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Philip Weisbecker. Alternate: Thomas Harraka. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Steven Castronova, Leslie Tallaksen, Kurt Wagner.

Chairman appointed Mr. Harraka to sit for Mr. Castronova.

PUBLIC PORTION

Eleanor Decker, Lincoln Hill Senior Housing, Marshall Hill Road, West Milford, NJ, advised the Board that she had written to the County regarding the installation of sidewalks along Marshall Hill Road. Ms. Decker submitted copies of her letter and the County response. The Chairman advised her that the Township would continue to pursue grants for this project.

Georgina Rotenberg, Lincoln Hill Senior Housing, Marshall Hill Road, West Milford, NJ, also spoke of the need for sidewalks from the housing complex to the shopping area.

SITE PLAN WAIVER APPLICATIONS

VINCENT LANZA

Site Plan Waiver #0620-0250W

Block 9501; Lot 12

1383 Macopin Road; R-3 Zone

The applicant, Vincent Lanza, Ringwood, NJ, appeared before the Board and explained that he proposed to open the old Vreeland Store, which he had renovated according to the historic preservation requirements. However, he needed approval to use the existing parking layout. Mr. Lanza indicated that due to a Highlands determination he was unable to pave the parking lot at this time. He noted that he was pursuing negotiations with the Highlands on this matter and would pave it upon receipt of their approval.

William Drew, Planning Director, advised that the Zoning Officer and Construction Official had inspected the premises and had no concerns. They did, however, request that a handicap parking space be delineated. Mr. Drew also suggested that the Board grant an exemption from the Highlands' regulations, as this was a reoccupancy of an existing building.

The Board noted that the applicant had refurbished an historic Township structure, which was in poor condition and saved it from demolition.

The matter was opened to the public and Eleanor Decker, Marshall Hill Road, West Milford, advised that the building was beautiful and she was looking forward to it being reopened.

MOTION made by James O'Bryant, seconded by Michael Siesta, to approve the request for a site plan waiver, subject to concrete bumpers being installed to delineate parking

spaces in the existing gravel parking lot and one signed handicapped parking space being provided.

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

GLENN LIEBAU
Site Plan Waiver #0620-0252W
Block 5701; Lot 2
Union Valley Road; CC Zone

The applicant, Glenn Liebau, 31 Shadowy Lane, West Milford, NJ, appeared before the Board. Mr. Liebau advised that he proposed to reopen a deli previously located at the subject site. He indicated that at present he intended to occupy only a portion of the premises, namely the deli and the rear seating area. The front portion of the store will not be utilized.

Mr. Drew advised that the Construction Official had attempted to inspect the premises, but was unable to do gain access. He advised Mr. Liebau to set up an inspection and obtain any permits that may be required.

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

MOTION made by James O'Bryant, seconded by Douglas Ott, to approve the request for a site plan waiver subject to the following condition: Apply for and receive any building permits that may be required.

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

WINDSOR SCHOOL, INC.
Site Plan Waiver #0620-0255W
Block 14002; Lot 1
484 Germantown Road; R-3 Zone

Michael Siesta was recused.

The applicant was represented by Peter Wolfson, Esq., Porzio Bromberg & Newman P.C., 100 Southgate Parkway, Morristown, NJ. Mr. Wolfson advised that the applicant planned to utilize the existing school associated with St. Joseph's church at the subject property. Except for the name no change was proposed to the signage.

William Drew noted that this was a permitted use. The applicant intended to reoccupy an existing school, which had been in existence for over 50 years. Inspections were conducted by the Zoning Officer and Construction Official, who reported that there was no need for any improvements.

Richard Lynch, a co-director of the school, testified that the school worked with handicapped children referred from several municipalities. There are small classes and transportation is provided by the municipalities.

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

MOTION made by Philip Weisbecker, seconded by James O'Bryant, to approve the application.

On roll call vote: Yes - James O'Bryant, Douglas Ott, Clinton Smith, Philip
Weisbecker, Thomas Harraka, Michael Tfank.
No - None

APPLICATIONS

VERIZON NEW JERSEY, INC.
Conditional Use/w
Minor Site Plan #0420-0182
Variance #0430-0675
Block 16003; Lot 4
45 Paradise Road; R-4 Zone
Request for time extension

Thomas S. DiBiasi, Esq., DiBiasi & Rinaldi LLC, 345 Centre Street, Nutley, NJ represented the applicant. Mr. DiBiasi explained that the applicant had experienced delays in obtaining an exemption from the Highlands. Due to this delay the applicant lost his funding window. He indicated that the applicant was now ready to proceed; however, funding would not be available until 2007. He requested the Board grant a two-year extension.

The Board Attorney, Glenn Kienz, noted that under Section 21 of the MLUL the Board had the authority to grant a two-year time extension when an applicant was unable to obtain approvals from other agencies. Mr. Kienz recommended that the approval be granted for one year plus the time it took the applicant to obtain approval from the Highlands Commission. Said approval to be subject to the Planning Staff confirming the time frame of the original approval. Mr. DiBiasi stated he would provide a letter of acceptance from the Highlands Commission. He noted that the Planning Board originally approved the application on October 27, 2004.

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

MOTION made by James O'Bryant, seconded by Michael Siesta, to approve a time extension of one year plus the amount of time it took the applicant to obtain a Highlands exemption.

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

MEMORIALIZATIONS

BRAEMAR AT WEST MILFORD (FORMERLY KERRY GREENE)
Resolution No. 2006 -19
Preliminary Subdivision #0110-1910
Bulk Variance # 0130-0501
Block 10001; Lots 14, 19, 20, 23
Wooley Road; R-3 and R-4 Zones
APPROVED: One-year time extension

MOTION made by James O'Bryant, seconded by Douglas Ott, to memorialize the resolution.

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

DEMOTT POST
Resolution No. 2006 -20
Minor Subdivision #0410-1971
Block 12106; Lots 2 and 3
802 and 810 Macopin Road; R-2 Zone
APPROVED: One-year time extension

MOTION made by James O'Bryant, seconded by Douglas Ott, to memorialize the resolution.

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

VICTOR MARCHIAFAVA

Resolution No. 2006 – 21

Amended Minor Subdivision #0510-1972

Amended Variance #0530-0713

Block 13602; Lot 7

1894 Route 23 North; LMI Zone

APPROVED: Amended minor subdivision

MOTION made by James O'Bryant, seconded by Douglas Ott, to memorialize the resolution.

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

MICHAEL ZUPP

Resolution No. 2006 – 22

Minor Subdivision #0610-1977

Variance # 0630-0734

Block 12110; Lots 6 & 17

463 Germantown Rd. & 9 Martha St.; R-2 Zone

APPROVED: Relocation of lot line

MOTION made by James O'Bryant, seconded by Douglas Ott, to memorialize the resolution.

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

JACK & GERALDINE LIPARI

Resolution No. 2006 - 23

Amended Subdivision #0610-1936

Amended Variance #0630-0534

Block 5306; Lot 4.02

42 Lone Pine Lane, R-4 Zone

APPROVED: Amended minor subdivision with variance.

MOTION made by James O'Bryant, seconded by Douglas Ott, to memorialize the resolution.

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

Resolution No. 2006 – 24

Adoption of Open Space Plan as an Element of the Master Plan

MOTION made by James O'Bryant, seconded by Douglas Ott, to memorialize the resolution.

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

Resolution No. 2006 – 25

Adoption of Stormwater Management Plan as an Element of the Master Plan

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

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

The Chairman advised that due to staff vacations and the downsizing of the Planning Department, the following resolutions would be carried:

MARY BARRETT

Resolution No. 2006 - 27

Minor Subdivision #0510-1974

Variance #0530-0711

Block 807; Lot 4

2001 Clinton Road; LR Zone

APPROVED: Request for time extension.

JOHN KOESTLER

Resolution No. 2006 - 28

Minor Subdivision #0610-1978

Variance #0630-0741

Block 3004; Lots 17 and 18

15 Dogwood Lane; LR Zone

APPROVED: Relocation of a lot line

APSHAWA VOLUNTEER FIRE COMPANY

Resolution No. 2006 - 29

Preliminary & Final Site Plan #0520-0210AB

Conditional Use

Variance #0630-0740

Block 12501; Lot 26

666 Macopin Road; R-3 Zone

APPROVED: Addition of garage bay to existing firehouse

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL

In response to inquiries from Mr. Weisbecker, Mr. Drew advised that no ordinance had been forwarded to the Board from the Council regarding lawn fertilizers. With regard to a fencing ordinance Mr. Drew advised that the matter had been referred to the Ordinance Subcommittee for review.

MISCELLANEOUS

Attorney Contract:

Resolution No. 2006–30 – Amendment to 2005 contract regarding litigation.

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

On roll call vote: Yes - James O’Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Philip Weisbecker, Thomas Harraka, Michael Tfank.
No - None

Resolution No. 2006–31 – Amendment to 2006 contract regarding litigation.

Notice dated August 4, 2006 advising that Miquel & Elsa Iglesias are applying for a General Permit No. 25 for property located at 14 Stowaway Road, Block 7506; Lot 6 for the installation of a sub-surface septic system.

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:

Steven & Christine Castronova, 12 Valley View Lane, Block 7213; Lot 1.

Robert Mazzocchi, 4 Clubhouse Trail, Block 504; Lot 1.

Determinations from the DEP regarding the following applications:

Mines, Otterhole Road, Block 10901; Lot 10.01. Exemption #1. Water Quality Management Plan – Consistent.

The Lane Group, 1926 Union Valley Road, Block 6701; Lot 10. Not major Highlands Development. Water Quality Management Plan – Consistent.

Passaic County, Reconstruction of Apshawa Dams, Block 13501; Lot 5. Notice of Technical Incompleteness.

ADJOURNMENT

Meeting adjourned by unanimous consent at 8:30 p.m.

Respectfully submitted,

Grace R. Davis
Secretary