

# TOWNSHIP OF WEST MILFORD

## PLANNING BOARD

### Minutes May 25, 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, Kurt Wagner.  
Alternates: Steven Castronova, Thomas Harraka. Chairman: Michael Tfank.  
Board Attorneys: Glenn Kienz, Esq. and Bryant Gonzalez, Esq. Planning  
Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Edward Orthouse, Leslie Tallaksen, Philip Weisbecker.

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

#### PUBLIC PORTION

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

#### ADDENDUM

Consideration of special counsel with respect to the application for Final Site Plan #0220-0041B; TCR NJ/PA Land Acquisition L.P. (Valley Ridge); Block 8002; Lot 4, Union Valley Road; R-1/PN Zone and its pending litigation. Resolution No. 2006 – 14.

Planning Director, William Drew, advised that two resolutions with regard to the hiring of Stephen Glatt, Esq. had been prepared for the Board's consideration.

**MOTION** made by James O'Bryant, seconded by Kurt Wagner, to adopt resolution No. 2006 – 14 appointing Stephen B. Glatt, Esq. to serve as conflict counsel.

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

**MOTION** made by James O'Bryant, seconded by Kurt Wagner, to adopt resolution No. 2006 – 15 authorizing Stephen B. Glatt, Esq. to supersede as counsel to the Planning Board with respect to Docket No. PAS-1429-06.

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

In response to questions from the Board, Mr. Kienz explained that, as a member of a large law firm with more than 50 attorneys, conflicts happen frequently. He noted that the firm covers the entire State and that Trammel Crow had asked the firm to represent them in an unrelated matter. Mr. Kienz further noted that as soon as he learned that the firm had been retained, he contacted all the appropriate people and indicated that there was, in fact, a conflict and they would have to step down from representing the West Milford Planning Board. He further noted that the interesting thing regarding the case in question is that the position with Counsel to the Board was one in which they were trying to get the Board out of the middle of a conflict between Skylands Clean, represented by Michael Kates, and Trammel Crow represented by a Mr. Epstein. Mr. Kienz advised that conflicts routinely come up. In fact, the firm had substituted for Stephen Glatt on the Zoning Board on a

number of occasions because he had a conflict; and, he is a single practitioner. Mr. Kienz suggested that the Board appoint a conflict counsel when they reorganize at the beginning of the year. He again noted that once they learned about the conflict they stepped down and Mr. Glatt took over and will handle the matter.

It was further noted that Mr. Glatt would prepare the brief. Mr. Kienz emphasized that any redundant costs that would be incurred as a result of the substitution would be deducted from their fees. He stated that the municipality would not be billed for any duplicate work necessary to bring Mr. Glatt up to date on the matter.

Martin O'Shea questioned the Board and Attorney with regard to when the substitution of attorneys took place and when the attorney became aware of the conflict. In response Mr. Kienz advised that he learned of the conflict on Thursday, May 12<sup>th</sup>. Mr. Kienz again noted that the matter was dealt with as soon as he discovered it.

## **SITE PLAN WAIVER APPLICATIONS**

### **JACK LONGO**

#### **Site Plan Waiver #0620-0242W**

Block 16004; Lot 1  
16006; 15  
140 Oak Ridge Road, CC Zone

William Drew, Planning Director, advised that the waiver application was carried from a previous meeting at which time the applicant was required to provide additional information. As the department had not heard from the applicant it was suggested that Mr. Drew contact the applicant to determine if he is still interested in pursuing the application.

### **EKHO WALKER**

#### **Site Plan Waiver # 0620-0243W**

Block 5708; Lot 4  
54 Marshall Hill Road; CC Zone

The applicant, Ekho Walker, 32 Point Breeze Drive, Hewitt, NJ testified that she proposed to move her grooming business to the subject site. William Drew advised that a site inspection had been conducted and it was noted that the parking lot is in poor condition and there are no delineated parking spaces. It was recommended that the landlord be required to bring the parking lot up to a reasonable standard for the safety of people accessing the business.

Joseph Van Hook, 460 Snake Den Road, West Milford, the owner of the building, stated that there was a lot of debris on the parking lot, which could be corrected with the filling of some holes and having the lot swept. He did not believe it needed to be repaved. Mr. Van Hook stated that he was willing to address the issue and would be agreeable to striping the lot after the sweeping was completed. A handicap space with proper signage would also be provided. Mr. Van Hook further noted that some signage was going to be removed, which would provide space for Ms. Walker's sign.

**MOTION** made by Michael Siesta, seconded by Kurt Wagner, to approve the site plan waiver, conditioned upon the property owner mechanically sweeping the parking lot and striping the parking spaces. This was to be completed within three (3) months or before August 25, 2006.

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

### **GEORGE PETROU**

#### **Site Plan Waiver #0620-0245W**

Block 3906; Lot 2  
1555 Greenwood Lake Turnpike; LMI Zone



Mr. Carrozza remarked that the applicant was a manufacturer of optical products. The applicant he noted utilized machines in its manufacturing business and over time with the change in technology and increased demand, the applicant had required additional space to conduct its operations. He noted that over time the applicant had attempted to expand its operations as well as consolidate its operations within the existing space provided to it on the subject property. The purpose of the present application was to attempt to better utilize the existing space within the building for office personnel and administrative functions as well as manufacturing operations. In this regard he noted that the applicant was looking to utilize the truss-rafter design of the upper level of the building on the subject property to construct a second level to be utilized for office personnel and administrative functions. Manufacturing operations would continue to be located on the first floor. The second floor would now consist of 2,500 square feet of office space. The applicant was also seeking to install two (2) barrier free toilets, sufficient clearance and improved fire safety as a result of the proposed redesign of the interior space.

Mr. Carrozza remarked that there were no exterior changes to the subject property being made with the exception of an existing stairwell being removed and the addition of a window where the stairwell was formerly located. As a result of this change, building coverage has actually been reduced by a very small percentage he noted.

Mr. Carrozza noted that the number of employees was not being increased as a result of the proposed changes, but rather staying the same and being utilized more efficiently on the subject property. With respect to lighting, he reviewed the lighting and believed that it was sufficient for purposes of satisfying the Ordinance requirements. He further remarked that the proposed changes to the subject property improved the safety of the building in that barrier free toilets were being installed, improved lighting and fire safety would result from the proposed changes.

With respect to septic, Mr. Carrozza noted that there would be no septic impact as a result of the proposed changes. In this regard he noted that the 1.6-gallon toilets to be installed on the second level would actually utilize less water and thereby have less of an impact upon the existing septic system.

Mr. Steneken then remarked that in the 1980s the septic system had been renewed and that in the 80s the system serviced 32 employees. At present he noted the applicant only had 21 employees and as such there would be no additional impact to the septic system on the subject property as a result of the proposed interior changes.

With respect to parking, Mr. Carrozza remarked that parking as it presently existed on the subject property was sufficient and would remain sufficient despite the proposed interior changes to the subject property. In this regard he noted that there were 21 employees and this number had not increased but rather decreased over time such that additional parking was not necessary.

William H. Drew, the Board Planner, noted that the applicant was proposing to convert the existing attic area into a second story within the existing building for use as office space. The floor plans submitted, he noted, showed the production operations area on the first floor being reconfigured to increase the production area square footage. With respect to the subject property, the Board Planner noted that the site was approximately 1 acre in size and developed with an existing industrial building and parking lot. The existing amount of building coverage he noted was being slightly reduced from 63.94 percent to 63.74 percent as a result of the removal of an outdoor stairway on the westerly side of the building.

With respect to parking, Mr. Drew noted that the existing primary parking lot was paved to the east of the building and small gravel area at the southwesterly corner existed where two (2) spaces and a dumpster were located. Individual parking spaces within the paved parking lot were not delineated, however, the site plan showed 29 spaces, 27 of which were shown in the paved parking lot area. An analysis of the parking requirements indicated that the applicant would require 19 spaces such that the total number of spaces required by Ordinance were satisfied by what was existing on the subject property. Mr. Drew recommended, however, that the parking spaces be delineated in accordance with the illustrated demarcations shown on the plan. He further recommended that the Board



**MOTION** made by Kurt Wagner, seconded by Douglas Ott, to 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

**JACK JAUST**

**Resolution No. 2006 - 13**  
**Preliminary and Final Site Plan #0520-0222AB**  
**Bulk Variance #0530-0721**

Block 16005; Lot 12  
96 Oak Ridge Road

**APPROVED:** Preliminary and final site plan approval for a paved parking lot and driveway.

**MOTION** made by James O'Bryant, seconded by Michael Siesta, to 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

The following resolution was inadvertently omitted on the agenda:

As the Chairman had recused himself on this matter, a **MOTION** made by James O'Bryant, seconded by Kurt Wagner, to appoint Mr. Ott to chair this matter. On voice vote all were in favor.

**STEVEN & CHRISTINE CASTRONOVA**

**Resolution No. 2006 - 10**  
**Minor Subdivision #0510-1973**  
**Bulk Variance #0530-0702**

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

William Drew, Planning Director, advised that a correction to the resolution was required. On page two he recommended that the paragraph be rewritten as follows: There were several members of the public present expressing an interest in this application and the Board received and considered correspondence from one neighboring property owner concerning the application. The Board determined that the concerns raised could be addressed by appropriate conditions being placed in the resolution on the development of the house to be placed on the new lot.

**MOTION** made by Michael Siesta, seconded by Clinton Smith, to memorialize the resolution.

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

Mr. Tfank resumed the Chairmanship.

**MASTER PLAN**

**Adoption of Open Space Plan as an Element of the Master Plan:** Public hearing.

William Drew, Planning Director, provided an overview of the plan. He noted that the Open Space Committee prepared the plan before the Board several years ago. The Environmental Commission reviewed the plan and the Commission had provided a priority map of the properties identified in the plan. Upon adoption by the Board this plan would become an element of the Master Plan. He noted that according to the State Green Acres Program this would provide more flexibility in terms of allocating state funding for the purchase of open space lands. Any state funds spent for open space must be in conformance with the Township Open Space Plan.



and the complaint was dismissed. Mr. Gonzalez also succeeded in having the complaint against the Township dismissed.

James O'Bryant suggested the Board swear in the Board's professionals prior to every meeting. After discussion the Board carried the matter to the work meeting for further consideration.

## **MINUTES**

**MOTION** made by James O'Bryant, seconded by Michael Siesta, to approve the minutes of the March 23, 2006 and May 4, 2006 regular meetings. On voice vote all eligible members voted in the affirmative.

## **COMMUNICATIONS**

The following correspondence was received and filed:

Notice dated April 21, 2006 advising that Henry Peterson is applying for a General Permit for the repair of a malfunctioning septic disposal system for property located at 77 Lake Arcadia Road, Block 12501; Lot 13.

Notice dated April 22, 2006 advising that Michael Fitzpatrick is applying for Treatment Works Approval for a subsurface sewage disposal system for property located on Upper High Crest Road, Block 13102; Lot 37.

Notice dated April 12, 2006 advising that Judith Hascup is applying for a Letter of Interpretation for property located at 430 Ridge Road, Block 5401; Lot 3.

Notice dated April 28, 2006 from MAP Engineering advising that Gregorio Hernandez is applying for a General Permit #25 for the alteration to a subsurface disposal system for property located at 534 Macopin Road, Block 13401; Lots 12 and 13.

Copy of letter dated May 12, 2006 from William Drew, Planning Director, to Neil Muller, Passaic County Planning Director, regarding a consultant for visioning sessions concerning the Township streetscape project.

Copy of memo dated May 16, 2006 from William Drew, Planning Director, to Richard Kunze, Township Administrator, regarding a review of development applications by the Greenwood Lake Commission.

Notice dated May 1, 2006 advising that Tim and Elizabeth McCoy are applying for a General Permit for the cutting or clearing of trees and expansion of existing pavement, buildings, or other structures for property located at 8 Jamesburg Road, Block 2313; Lot 13.

## **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:

Geraldine Mines & Sharon Mines, Otterhole Road, Block 10901; Lot 10.01.

Determinations from the DEP regarding the following applications:

Eugene Prais, 114 Dockerty Hollow Road, Block 8401; Lots 22 and 23. Notice of Technical Incompleteness.

Violation Notices

Evergreen Farms, 1750 Union Valley Road, Block 6402; Lot 5.

**ADJOURNMENT**

Meeting adjourned by unanimous consent at 9:20 p.m.

Respectfully submitted,

Grace R. Davis  
Secretary