

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**Minutes  
October 22, 2003  
Regular Meeting**

Chairman, Michael Tfank, called the meeting to order at 7:42 p.m. with the reading of the legal notice.

**ROLL CALL**

Present: Paul Donoghue, Ada Erik, Andrew Gargano (Arrived Late), Edward Orthouse, Andrew Tynan, Kurt Wagner. Alternates: Leslie Tallaksen, Kathleen Caren. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. (Arrived Late) and Bryant Gonzalez, Esq. (Arrived Late). Special Counsel: Stephen B. Glatt, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: James O'Bryant, Philip Weisbecker.

Chairman appointed Leslie Tallaksen and Kathleen Caren to sit for absent members.

Mr. Gargano was sworn in as a new member of the Board.

**PUBLIC PORTION**

The following people addressed the Board: Douglas Doyle, Esq. and Louis D'Arminio, Esq.

**SITE PLAN WAIVER APPLICATIONS**

**MARCO SILVESTRI**  
**Site Plan Waiver # 0320-0154W**  
Block 14605; Lot 4.04  
2713 Route 23 South; HC Zone

Matter carried – applicant not present.

**APPLICATIONS**

**MARK LINDSAY**  
**Preliminary and Final Site Plan #0220-0130**  
Block 6404; Lot 1.02  
Greenwood Lake Turnpike; CC Zone  
Construct new office/storage building for plumbing business.

COMPLETE: 07-02-03  
DEADLINE: 11-15-03

John Barbarula, Esq. and Douglas McKittrick, P.E. represented the applicant, who was present.

The Board found that the proposed plan satisfied all of the bulk requirements pursuant to the CC Zone and as such, the applicant required no variance relief. The applicant is seeking approval to construct an office/storage building to house a future office and plumbing supply business. Subject to the review and determination of NJDEP with respect to the location of wetlands transition areas, and the location of sidewalks for the subject property, the Board was satisfied that the applicant had provided sufficient information to render a decision. The applicant had provided detailed drawings, specifications and estimates of the application for preliminary and final approval, which conform to the standards established by Ordinance for preliminary and final approval. Based upon the plans, testimony and application submitted by the applicant, the Board was satisfied that the Township requirements had been met such that the relief requested could be granted.

During the public hearing Celeste Byrne spoke.

**MOTION** made by Paul Donoghue, seconded by Ada Erik, to approve the application subject to the Planning Staff report dated October 17, 2003; the Board Engineer's report dated September 23, 2003; that the applicant will remove the curbing along the row of parking at the rear of the site; the Environmental Commission memo dated October 16, 2003 memo regarding lights; the installation of sidewalks along Greenwood Lake Turnpike provided that the NJ DEP approves the transition area waiver request for the installation of sidewalks and provided that sidewalks are installed on properties adjacent to the subject lot; and that a bond in the amount of \$2,400 be posted for a five-year period to guarantee placement of said sidewalks.

On roll call vote: Yes – Paul Donoghue, Ada Erik, Andrew Gargano, Edward Orthouse, Andrew Tynan, Kurt Wagner, Leslie Tallaksen, Kathleen Caren, Michael Tfank.  
No - None

**MICHAEL & CHRISTINE VANDER PLOEG**  
**Minor Subdivision #0310-1955**  
**Bulk Variance #0330-0628**

COMPLETE: 08-18-03  
DEADLINE: 12-16-03

Block 16006; Lot 1

Grove Street; CC & R-4 Zones

Application for subdivision with variance relief to create 1 residential building lot.

Application carried to the November 12, 2003 meeting.

**LINDSAY PLUMBING AND HEATING**  
**Minor Subdivision #0210-1948**  
**Bulk Variance #0130-0596**

Block 7701; Lot 2

Union Valley Road; R-1 Zone

Request for time extension for filing of deeds.

The Board noted that the applicant had experienced delays in filing the minor subdivision deeds and the applicant could be granted an extension of 190 days from October 2, 2003, which was by law the date by which the applicant was to have filed the deeds in this matter. The 190-day extension would give the applicant until April 9, 2003, which was more than sufficient time, to complete the filing of the deeds.

**MOTION** made by Paul Donoghue, seconded by Ada Erik, to grant a 190-day time extension.

On roll call vote: Yes – Paul Donoghue, Ada Erik, Andrew Gargano, Edward Orthouse, Andrew Tynan, Kurt Wagner, Leslie Tallaksen, Kathleen Caren, Michael Tfank.  
No - None

**YOUR HOME TEAM, L.L.C.**  
**Preliminary Subdivision #0210-1949A**

Block 9801; Lots 28.01; 28.02 and 28.03

Union Valley Road; R-1 Zone

Request to consult with the Board regarding the conditions of approval of Resolution 2003 – 9 for the subdivision approval granted.

Application carried. Applicant to renotece.

## **MEMORIALIZATIONS**

**JULIUS CARPIGNANO**  
**Resolution No. 2003 - 22**  
**Minor Subdivision #0110-1942**

Block 5301; Lots 42.02 and 45

Morsetown Road; R-3 Zone

**DENIED:** Request to subdivide existing lot to create two new residential building lots.

**MOTION** made by Paul Donoghue, seconded by Leslie Tallaksen, to memorialize the resolution.

On roll call vote: Yes – Paul Donoghue, Ada Erik, Edward Orthouse, Kurt Wagner, Leslie Tallaksen, Michael Tfank.  
No - None

Meryl Gonchar, Esq., representing the applicant, was present to clarify language in the following three resolutions.

**K. HOVNIANIAN AT WEST MILFORD L.L.C.  
(EAGLE RIDGE AT WEST MILFORD)  
Resolution No. 2003 - 23  
Amended Preliminary Site Plan #0320-0091A**

Block 5405; Lot 8

5301 20

Cahill Cross Road; R1/PN Zone

**APPROVED:** Amended preliminary site plan for the construction of 280 townhouses.

**MOTION** made by Paul Donoghue, seconded by Kurt Wagner, to memorialize the resolution.

On roll call vote: Yes – Paul Donoghue, Edward Orthouse, Kurt Wagner, Leslie Tallaksen, Michael Tfank.  
No - None

**K. HOVNIANIAN AT WEST MILFORD L.L.C.  
(EAGLE RIDGE AT WEST MILFORD)  
Resolution No. 2003 - 24  
Final Site Plan #0320-0091B**

Block 5405; Lot 8

5302 20

Cahill Cross Road; R1/PN Zone

**APPROVED:** Final site plan for the construction of 280 townhouses.

**MOTION** made by Paul Donoghue, seconded by Kurt Wagner, to memorialize the resolution subject to the Township Engineer report dated October 20, 2003, the Planning Staff report dated October 17, 2003 final report incorporating the red line changes as presented this night, discussed and agreed, and with the following change: a new condition # 12: Landscaping shall be installed in accordance with the approved plans and be accepted by the Township's Landscape Architect and a two-year maintenance and replacement guarantee in an amount acceptable to the Township be posted upon acceptance.

On roll call vote: Yes – Paul Donoghue, Edward Orthouse, Kurt Wagner, Leslie Tallaksen, Michael Tfank.  
No - None

**K. HOVNIANIAN AT WEST MILFORD L.L.C.  
(EAGLE RIDGE AT WEST MILFORD)  
Resolution No. 2003 - 25  
Final Subdivision #0310-1929B**

Block 5405; Lot 8

5303 20

Cahill Cross Road; R1/PN Zone

**APPROVED**

**MOTION** made by Paul Donoghue, seconded by Leslie Tallaksen, to memorialize the resolutions subject to the Planning Staff's report dated October 17, 2003 marked final

report, being the one presented this night, with the red lined changes as discussed and agreed.

On roll call vote: Yes – Paul Donoghue, Edward Orthouse, Kurt Wagner, Leslie Tallaksen, Michael Tfank.  
No - None

**JACK LEVKOVITZ (VILLAGE ON RIDGE)**

**Resolution No. 2003 - 27**

**Final Subdivision #0310-1744B**

**Section I**

Block 5303; Lot 1

5201; 19, 20

Ridge Road; R-3 Zone

**APPROVED:** Final subdivision for Section I consisting of 10 lots.

**MOTION** made by Paul Donoghue, seconded by Ada Erik, to memorialize the resolution.

On roll call vote: Yes – Paul Donoghue, Ada Erik, Edward Orthouse, Kurt Wagner, Leslie Tallaksen, Michael Tfank.  
No - None

**Amendment to West Milford Master Plan; Land Use Element and Land Use Plan:** Adoption of Resolution 2003 – 26.

**MOTION** made by Paul Donoghue, seconded by Ada Erik, to memorialize the resolution.

On roll call vote: Yes – Paul Donoghue, Ada Erik, Edward Orthouse, Kurt Wagner, Leslie Tallaksen, Kathleen Caren, Michael Tfank.  
No - None

**MISCELLANEOUS**

**Wireless Telecommunications Ordinance:** Recommendation to Council to introduce Ordinance.

**MOTION** made by Paul Donoghue, seconded by Ada Erik, to recommend that the Township Council introduce the above referenced ordinance.

On roll call vote: Yes – Paul Donoghue, Ada Erik, Andrew Gargano, Edward Orthouse, Andrew Tynan, Kurt Wagner, Leslie Tallaksen, Kathleen Caren, Michael Tfank.  
No - None

**Eagle Ridge at West Milford:** Review of Stream Water Quality Monitoring Plan submitted by applicant pursuant to a condition of approval. Matter referred to work meeting.

**ORDINANCES REFERRED FROM COUNCIL**

Ordinance to rezone properties from R-3 residential to R-4 residential – Union Valley Road. Recommendation to Council.

Ordinance to rezone property from R-1 residential to R-4 residential – Union Valley and Stephens Road. Recommendation to Council.

Ordinance to rezone properties from SHD/R-2, R-1/PN and R-2 residential to R-4 residential – Union Valley, Macopin and Wooley Roads. Recommendation to Council.

**MOTION** made by Ada Erik, seconded by Leslie Tallaksen, to recommend that the Township Council adopt the above referenced ordinances.

On roll call vote: Yes – Ada Erik, Andrew Gargano, Andrew Tynan, Kurt Wagner, Leslie Tallaksen, Kathleen Caren, Michael Tfrank.  
No - Paul Donoghue, Edward Orthouse.

Ordinance to establish a new RPLS – Residential and Professional/Limited Services Zone district and rezone properties along Union Valley Road from R-1 residential to RPLS. Recommendation to Council. Matter carried to the November work meeting.

**PLANNING DIRECTOR’S REPORT** – No report.

**PLANNING BOARD ATTORNEY’S REPORT** – No report.

**STAFF REPORTS/MEMOS FROM TOWNSHIP MANAGER**

Memo dated October 7, 2003 from Township Manager transmitting the Smart Growth survey questionnaire forms completed by residents relating to the Smart Growth Study. Noted and filed.

**COMMUNICATIONS**

The following correspondence was noted and filed:

Letters from the Passaic County Planning Board regarding the following applications:

Lindsay Plumbing and Heating – Minor Subdivision – Block 7701; Lot 2, Union Valley Road. Approval withheld pending receipt of additional information.

Notice dated July 22, 2003 advising that Michael Costello is applying for a Letter of Interpretation and General Permit for property located at Lincoln and Tintle Avenues, Block 6403; Lot 1.2.

Notice dated September 26, 2003 advising that Vincent Lanza is applying for a Transition Area Waiver for property located on Vanessa Court, Block 6002; Lots 2.01, 2.02 and 2.03.

Notice dated September 29, 2003 advising that Adelaid Gisler is applying for a General Permit for property located at 41 Schofield Road, Block 11501; Lot 3.

Letter dated September 24, 2003 from Groundwater & Environmental Services, Inc. advising that the Exxon Mobil Corporation is applying for a Treatment Works Approval for property located at 1367 Union Valley Road, Block 7508; Lot 16.

Copy of *High Ground* the Highlands Coalition News from ANJEC/Fall 2003.

**ADDENDUM TO AGENDA - COMMUNICATIONS**

Letters from the Passaic County Planning Board regarding the following applications were noted and filed:

Inserra/West Milford LLC – Minor Subdivision – Block 6303; Lot 13, 45 Marshal Hill Road. Approval withheld pending receipt of additional information.

Rita’s Italian Ice – Site Plan – Block 3503; Lot 23, 1939 Union Valley Road. County advised that not all of the required work has been completed and requested Certificate of Occupancy be withheld.

Rockburn North – Preliminary Subdivision – Block 206; Lot 9, Hansen Lane. Approval withheld pending receipt of additional information.

Village on Ridge – Final Subdivision – Block 5201; Lots 16, 19 and 20 and Block 5303; Lot 1, Ridge Road. Approval withheld pending receipt of additional information.

Notice dated October 14, 2003 from Northeast Environmental advising that Castle Rock Estates, LLC is applying for a Letter of Interpretation for property located at 870 Union Valley Road, Block 9901; Lot 7.

**ADJOURNMENT**

Meeting adjourned by unanimous consent at 9:52 p.m.

Respectfully submitted,

Grace R. Davis  
Secretary