

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES  
May 6, 2004**

Chairman, Michael Tfank, called the meeting to order at 7:54 p.m. with the reading of the legal notice.

**ROLL CALL**

Present: Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Leslie Tallaksen, Kurt Wagner. Alternate: Matthew DeFede. 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: Michael Siesta, Andrew Tynan. Alternate: Clinton Smith.

Chairman appointed Matthew DeFede to sit for Mr. Siesta.

**PUBLIC PORTION**

No one wished to speak.

**APPLICATIONS**

**CASTLE ROCK ESTATES, LLC**  
**Preliminary Subdivision #0310-1958**  
**Variance #0430-0651**

COMPLETE: 02-13-04  
DEADLINE: 06-12-04

Block 9901; Lot 7  
870 Union Valley Road; R-1 Zone  
Request to subdivide property to create 17 residential building lots.

The Board Attorney verified the members eligible to vote on this application.

The applicant was represented by Louis D'Arminio, Esq. and Alex Zepponi, P.E. The application is a request for preliminary major subdivision approval with ancillary "c" variance relief. The applicant proposed a 17-lot subdivision with the construction of a new road. Due to encroachment upon steep slope areas by the proposed road, the applicant required variance relief for encroachment of steep slope areas in excess of 35 percent (35%). With respect to lot size, all of the proposed lots are larger than 1 acre and are thus in conformance with the Zone.

In reviewing the application, plans and testimony, the Board concluded that while the applicant could clearly adhere to Ordinance requirements by the locating of the proposed road to avoid certain steep slopes identified on the subject property, the proposed location of the road is a better plan which required "c" variance relief. The Board concluded that the testimony provided by the applicant's engineer, Alex Zepponi, P.E., was appropriate and that the applicant had met the affirmative and negative criteria of the Municipal Land Use Law. This is truly a unique parcel of land, one that is appropriate for development and the overall scheme of the development is an acceptable and viable land use plan for the subject property. The Board acknowledged that the applicant was forced to eliminate one (1) lot as a result of certain depressed areas on the subject property, however, in this instance, that too is acceptable. The Board also concluded that the proposed road would not in any way, shape or form negatively impact the public good or the zone plan or zone scheme for the area since the stabilization of the steeply sloped areas are internal to the site. The filling in and stabilizing of these areas does not adversely impact the surrounding land. As such, the Board concluded that the applicant's encroachment of steep sloped areas and the stabilization of the proposed road in these areas is a de minimis issue.

