

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

January 6, 2011

Workshop Meeting

The Workshop Meeting of the Planning Board was opened at 8:21 pm by Chairman Andrew Gargano with a reading of the Legal Notice followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Alternate Michael Siesta, Alternate Steven Castronova, Chairman Andrew Gargano, John Hansen, P.E., Charles McGroarty, P.P.

Absent: Thomas Germinario, Esq.

Chairman Gargano requested Michael Siesta was asked to sit on the Board in the vacant position.

PUBLIC PORTION

The Public Portion was opened by Chairman Gargano. With no one present wishing to address the Planning Board on any matter of concern, the Public Portion was closed on a **motion** by Councilman Philip Weisbecker with a **second** by Michael Siesta.

MISCELLANEOUS

**Draft Consistency Review and Recommendations Report – 12-23-10
Petition for Highlands Master Plan Conformance for West Milford Township**

Mr. McGroarty briefly reviewed the Draft Consistency Report from the Highlands, advising that the Highlands took the 3 main documents of the plan and offered them to the Township for comment, which will be required for submission within 45 days. He noted that he met with Eileen Swan that day to review the Highlands ordinance and other documents. Mr. McGroarty will summarize and consolidate the report for the Planning Board. He asked that the Board not be concerned with the 45-day deadline for comments, although the Highlands Council has scheduled West Milford's hearing for February. He and Paul Ferriero will be meeting with the Highlands Council and will report back to the Board at the last meeting in January. As for Highlands Plan Conformance, Mr. McGroarty advised that there is much to be done in 2011, but he confirmed that all items have been submitted within the established timetable, and he will discuss them further at the next meeting. Mr. McGroarty suggested that the Township meet with the Highlands Council before the public hearing to discuss the issues, noting that an engineer and administrator from another town were at the Highlands Office that day to discuss their concerns about the ordinance. Chairman Gargano and Michael Siesta requested to attend the pre-hearing meeting, along with Paul Ferriero and Chuck McGroarty. Mr. Ferriero's office will get some dates together and advise the Board Secretary for coordination. Mr. Siesta requested a copy of the Draft Consistency Review and Recommendation Report on CD, and the Secretary was directed to provide copies to all of the Board members (9). Councilman Weisbecker asked that the Township Council receive a copy of this report and the meeting that will take place to keep them abreast of the process.

Sign Regulations / Ordinance

Mr. McGroarty advised the Board that, at their direction, he would prepare a final draft of the sign ordinance for introduction and first reading by the Council. The Board requested a copy of the draft before it is sent to the Council.

Wind and Solar Ordinance

It was noted that the ordinance on wind turbines provided by the Board to the Council has not been adopted. Councilman Weisbecker advised that the Council is reviewing an ordinance from Hardyston that includes wind and solar systems, but they are waiting for more information to be provided by Councilman Jurkovic. Chairman Gargano suggested that maybe the wind ordinance could be revised to include solar systems once more information is provided.

COAH Update

Mr. McGroarty provided an update on some of the legislation that was being proposed within the state on COAH regulations. He noted that the Mayor prepared a letter that was sent to the Governor advising of the detrimental impact that the new COAH regulations would have for West Milford, greatly increasing our affordable housing obligations. He commented that there were a number of items in the legislation that will be problematic and West Milford would not be able to meet the new standards. Mr. McGroarty advised that COAH is still in existence and we have submitted the housing element and fair share plan. We will continue to comply with the regulations as long as COAH is in existence and he will keep us updated on the matter.

Zoning Changes

Mr. McGroarty advised that as of May 2011, according to the Time of Decision ruling, the laws that are in existence on the day an application is filed, must apply. He explained that in the past, zoning could change before an application is given final approval, but the new amendment to the land use law does not

allow rezoning after an application is filed. He noted that there is little time to address rezoning and suggested that the Master Plan Subcommittee and Board review this issue in the coming months for possible zone changes before May.

Approval Of Invoices – Board Professionals

The invoices submitted by the Planning Board professionals depicted on the November/December 2010 report that was provided to the Planning Board were **approved** by the Board on a **motion** by Geoffrey Syme with a **second** by Douglas Ott. The Board requested that the invoice report reflect the past year. The Secretary advised that when all the invoices for the prior year are submitted, the report would be provided.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

Recused - Robert Nolan.

No - None.

MINUTES

Approval of the minutes of the October 28, 2010, November 4, 2010 and December 2, 2010 Regular Meetings were carried to the next meeting.

The following were noted by the Planning Board and filed:

COMMUNICATIONS

1. Recertification of HEP File #93-P-1764, Audit #210-P-0008, SESC Plan dated 6/4/91 by Gerald Henry, received for Village on Ridge, Block 5201, 5303; Lots 16, 19, 20; 1, dated November 7, 2010.
2. Recertification of HEP File #202-P-2582, Audit #210-P-0007, SESC Plan dated 10/01/02 by Berry Associates, dated November 1, 2010.
3. Notice of Penalty Assessment and Offer of Settlement, in the amount of \$4,500., received from the County of Passaic regarding Swen Bos, 268 Wooley Road, Block 10001; Lot 18, for the improper disposal of buried asphalt, and requiring receipts from certified solid waste hauler that the material has been disposed of in a proper disposal facility. Violator is requested to comply within 30 days of the notice or request a meeting within 20 days and submission of a compliance plan, subject to approval by the Passaic County Dept. of Health.
4. Ordinance 2010-018, adopted December 15, 2010, rezoning certain parcels in the Township from R-1/PN Zone to R-4 Zone and amendment to zone district map, effective January 4, 2011.
5. Memo from the Township Administrator to State Senator Joseph Pennacchio regarding recent proposed legislation on COAH, and requesting further review and consideration based on the potential impact on West Milford and other municipalities within the Highlands preservation area.
6. Memo from the Township Administrator, dated December 14, 2010, transmitting articles from the NJ League of Municipalities magazine regarding sustainability and streetscapes and Sustainable Jersey recognition on national level.
7. Memo to the Township Administrator from the Environmental Commission, dated December 17, 2010, regarding possible donation of property by Tennessee Gas Pipeline/El Paso Gas, and recommending certain greenways properties for consideration.
8. Memo dated December 14, 2010 to the Mayor and Council and Administrator regarding a review of the Tennessee Gas Pipeline project and potential environmental impact on the Wallisch site on Lincoln Avenue, addressing various concerns of the Commission.
9. Copy of Ordinance #2010-25, adopted November 23, 2010 from the Township of Hardyston addressing Wind and Solar Energy and establishing standards.

HIGHLANDS WATER PROTECTION & PLANNING ACT / NJ DEP CORRESPONDENCE

1. Highlands Act – Exempt #1 – Water Quality Management Plan – Consistent, dated December 17, 2010, received for Alan and Giannella Buffalino for Block 14301; Lot 14.01, 30 Misty Lane, regarding construction of a 4 bedroom single family dwelling with septic and associated improvements.
2. Application for a Highlands Applicability Determination received on December 17, 2010 from MAP Engineering regarding Michael VanderPloeg, for Block 16005; Lot 16, Paul Street regarding construction of a single family, two story dwelling, and associated improvements.
3. Notice from the NJDEP, dated December 20, 2010, of applicant's request for Withdrawal of application for a Highlands Determination with regard to Michael VanderPloeg, Block 16005; Lot 16, Paul Street due to the application not meeting ownership criteria and the expiration of the LOI. Applicant was advised to also consult with the Div of LUR with regard to current Flood Control Act rules.
4. Notice of Administrative Completeness received December 21, 2010 from the NJDEP regarding a Highlands Applicability and Water Quality Management Plan Consistency Determination application for the Replacement of Clinton Road Bridge over Mossman's Brook, West Milford, submitted by the Passaic County Engineering Division.

5. Public Notice from the NJDEP Division of Water Supply, received December 20, 2010, regarding Tennessee Gas Pipeline Loop 300 Project and Applications Nos. 1290D and 1291D to divert water from a series of trenches and 6 surface waters in Vernon and West Milford Township (Bearfort Waters and Monksville Reservoir). Hearing on January 3, 2011 if request for hearings are received by December 22, 2010.
6. Notice from the NJ Dept. of Transportation, Div. of Aeronautics, dated December 22, 2010, regarding an Intent to Renew An Aeronautical Facility License for Greenwood Lake Airport (A-6), a Public Use Aeronautical Facility for the Period February 1, 2011 through January 31, 2012. Comments must be received within 30 days of the notice.
7. Notice from PSE&G of application for a Statewide General Permit to cut or clear trees and other vegetation, in addition to repair and maintenance of PSE&G's Natural Gas Distribution Mains in Public Rights of Way within PSE&G's Natural Gas Service Area. Comments must be received in writing within 30 days after publication in the NJDEP Bulletin.
8. Certification of Market Value for the Green Valley Park property, Block 9901; Lot 27.01, received from the NJ DEP – Green Acres Program, dated December 15, 2010.
9. Response Action Outcome – for Apple Valley Estates, Block 9901; Lot 12 regarding Soil Blending of 8.93 Acres received from Norton Conservation Company, Inc., certifying that the remediation is completed in compliance with Administrative Requirements for the Remediation of Contaminated Site – NJAC 7:26C-6.2(c), and that post remediation soil samples were reported below the most current NJDEP Residential Soil Cleanup Criteria (June 2008). This RAO notice supercedes the RAO dated November 16, 2010 to correct administrative errors.
10. Follow-Up Notice of Violation, dated December 3, 2010, received from the NJDEP regarding 3 Momentos Inc., 374 Morsetown Road, Block 4701; Lot 38.02, in response to owner's letter of October 8, 2010 addressing violations. NJDEP investigation revealed unauthorized activities within environmentally sensitive areas requiring permit approval. NOV requires proposal for restoration of disturbed areas to pre-existing condition or application to the NJDEP Div. of L.U.R. for appropriate after-the-fact approvals.
11. Residual General Permit Authorization New, dated December 10, 2010, received for Ray Barnitt, R-D Trucking, 1874 Route 23, for a NJ Pollutant Discharge Elimination System Authorization, allowing permittee to temporarily store liquid domestic sewage sludge, domestic septage, and grease in a permanently fixed storage tank located at this facility, at a capacity not to exceed 30,000 gallons, prior to transfer to a duly approved residual management operations.
12. Notice of application from Brookside Development, LLC for Union Valley Road, Block 14601; Lots 5 & 6 for a NJDEP Letter of Interpretation to establish where regulated wetlands are located.
13. Copy of application, dated December 2, 2010, for a GP25 received for Joann Aron, 103 Gould Road, Block 10102; Lot 33, regarding repair of existing septic system.
14. Copy of application for a GP25, received December 14, 2010, for Michael Guli, 228 Ridge Road, Block 5303; Lot 5, regarding a septic alteration.

ADJOURNMENT

With no further business to come before the Board, the Planning Board Workshop Meeting of January 6, 2011 **adjourned** at **9:00 p.m.** on a **motion** by Councilman Philip Weisbecker with a **second** by Michael Siesta.

Approved: April 28, 2011

Respectfully submitted by,

Tonya E. Cubby, Secretary