

**Township of West Milford  
PLANNING BOARD  
REGULAR MEETING AGENDA  
January 26, 2012  
7:30 p.m.  
Main Meeting Room of Town Hall**

**LEGAL**

*In accordance with Chapter 231, Public Laws of 1975 of the State of New Jersey, adequate advance notice of this Regular Meeting was published in the Herald News. A copy has been filed with the Township Clerk's office and posted on the bulletin board in the main corridor of the Town Hall. The main meeting room is ADA accessible; special needs can be accommodated by contacting the Planning Board at (973) 728-2798. Please take note of the Fire Exits located in this room in the event of an emergency.*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL                      Administer Oaths to New Members**

Regular Members:      Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Councilmember Luciano Signorino, *Vacancy*  
Chairman:                      Geoffrey Syme  
Alternates:                      Michael Siesta, Steven Castronova  
Board Attorney:              Thomas Germinario, Esq.  
Board Engineer:              Paul Ferriero, P.E. / John Hansen, P.E.  
Board Planner:              Charles McGroarty, P.P.

**PUBLIC PORTION**

Up to half-hour reserved.

**PRESENTATIONS** – None.

**APPLICATIONS**

**EXTENSIONS OF TIME**

**INSERRA/WEST MILFORD, LLC (SHOPRITE)**

**Preliminary & Final Site Plan #0720-0308AB**

**Bulk Variance #0730-0793**

Block 6303; Lots 15 & 16

Marshall Hill Road; CC Zone

**SEEKING:** Second 1- Year Extension of Time for Site Plan Approval per N.J.S.A. 40:55D-52(a).

**PENDING APPLICATIONS**

**TRIPLE T CONSTRUCTION, LLC**

**Preliminary Site Plan #PB-03-11-01**

**Bulk Variance**

Block 6002; Lot 29

280 Marshall Hill Road; LMI Zone

**Seeking:** Preliminary Site Plan and Variance Approval for rehabilitation of existing building and site to accommodate a warehouse/distribution center/office and construction storage. This application was bifurcated and prior approval was granted by the Planning Board for the boat storage portion of the site plan on October 27, 2011.

**REQUEST FOR CARRY TO FEBRUARY 23, 2012**

**NEW APPLICATIONS** – None.

## **MEMORIALIZATIONS**

Appointment of M2 Associates Inc. as the Township of West Milford Planning Board's Hydro Geologist to provide consulting services with regard to hydro geologic issues.

### **RESOLUTION NO. 2012 – 5**

**A Resolution Of The Township Of West Milford Planning Board Authorizing The Award Of A Professional Services Contract Without Competitive Bidding For Hydro Geologic Services To M2 Associates Inc In An Amount Not To Exceed \$5,000.**

## **NEW BUSINESS**

**Amendments to Well Testing Ordinance: Review report from M2 Associates.**

## **CLOSED SESSION**

### **RESOLUTION No. 2012 – 6**

- Braemar at West Milford, LLC v. Township of West Milford Planning Board and the Township of West Milford, Docket #PAS-L-5709-11.

## **ORDINANCES FOR INTRODUCTION**

## **ORDINANCES REFERRED FROM COUNCIL**

## **BOARD PLANNER'S REPORT**

**Highlands Plan Conformance Update: Chuck McGroarty, P.P.**

## **BOARD ATTORNEY'S REPORT**

## **BOARD ENGINEER'S REPORT**

## **MISCELLANEOUS**

### **Approval Of Invoices – Board Professionals**

Approval of the invoices submitted by the Planning Board professionals for services performed during the months of January, February, November and December 2011.

## **MINUTES**

Approval of Minutes from the September 22, 2011, December 1, 2011, December 15, 2011 Regular Planning Board meetings, and January 12, 2012 Reorganization Meeting.

## **HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Notice of Technical Incompleteness, dated December 22, 2011, regarding a Highlands Applicability and Water Quality Management Plan Consistency Determination for Donald & Kathleen Davies, Rockburn Pass, Block 5003; Lot 9 with respect to an exemption for the construction of a single family dwelling, advising that additional information is required. Follow up emails from the NJDEP and the applicant's engineer advised that, due to the recent death of the applicant's prior engineer, a 90-extension for compliance was granted.

2. Notice received from ANJEC on January 11, 2012 regarding a program being offered entitled "Economic Development Opportunities in the Highlands" on Thursday, January 31, 2012 at 7:00 – 9:30 pm at the Morris County Cultural Center, Morristown, NJ. Registration is required.

3. Updated information received on January 19, 2011 from the Highlands Council regarding the Highlands Plan Conformance, including the WM Environmental Resource Inventory and Figures, WM Master Plan Element and Exhibits, and the WM Highlands Area Land Use Ordinance with Exhibits.

**NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. Correspondence dated December 29, 2011 from the NJDEP to David Hyland, 1281 Macopin Road, Block 11601; Lot 9, advising that an inspection had been made of the site and restoration was performed per the department's requirements, and also advising that further disturbance would require a permit, with any unregulated activity subject to enforcement action without necessary the approvals.

2. Correspondence dated December 14, 2011 from the NJDEP to Tim Birkoff, 470 Ridge Road, Block 5501; Lot 2.03, 2.04, advising that an inspection had been made of the site and restoration was performed per the department's requirements, and also advising that further disturbance would require a permit, with any unregulated activity subject to enforcement action without necessary the approvals.

3. Copy of correspondence to the NJDEP, dated December 20, 2011, from the Bald Eagle Village Condominium Association, regarding the Pettet Pond Dam (NJ Dam File No. 22-293), advising that they have engaged the services of Morris Engineering of Somerville, NJ to perform the dam inspections and address the recommendations required by the NJDEP.

4. Copy of Memorandum from John Moyle of the NJDEP Bureau of Dam Safety & Flood to John Trontis, NJDEP Division of Parks & Forestry, advising that the No Name Dam No. 40 (NJ Dam File No. 22-181) Dam Safety Compliance Schedule was unacceptable because no deadline was given for an EAP (Emergency Action Plan) update, and the EAP has not been updated since 2003. Updated information must be received by February 15, 2012, with the next regular inspection to be conducted by August 2012, with only regular maintenance of the site permitted without further approval by the Department.

5. Copy of a Response Action Outcome, dated December 8, 2011, superceding the September 1, 2011 RAO, received from Conestoga-Rovers & Associates, regarding the remediation of the gasoline UST system for the Lukoil Station #57360, 1910 Union Valley Road.

6. Copy of Public Notification and Outreach with attachments, dated December 20, 2011, sent to the NJDEP from the Elm Group, regarding the West Milford Shopping Center, LLC, Block 6701; Lot 10, advising that the required signs have been erected at the site and all requirements had been met regarding the site investigation as a result of PCE (tetrachloroethylene), TCE (trichloroethylene, and (PCBs) polychlorinated biphenols discovered at the site.

7. Notice from the NJDEP Bureau of Dam Safety, dated January 10, 2012, advising that, based on the inspection report dated 12/22/11, the Apshawa Main Dam and Auxiliary Dam (NJDEP File No. 22-1, 22-314) are in Satisfactory condition with improvements necessary, and requesting the next inspection report by December 11, 2013. Although the compliance schedule was acceptable, a request was made for an evaluation to be completed of the overtopping by March 31, 2012 to ensure that the overtopping during storm events does not affect the integrity of the dam structure.

8. Response from the NJDEP, dated January 10, 2012, regarding the Henion Pond Dam, NJ File No. 22-18, advising that the request for additional time for submission of the Dam Safety Permit Application could not be approved, and provided two options for the owner, Camp Vacamas Assn, Inc., namely that 1) the extension could be granted until December 31, 2012 if the lake is drained completely and remains drained until the dam is in compliance, or 2) the lake may remain at the current lowered level (2' below normal pool) if a contract has been made with an engineering consultant within 30 days of this letter and a permit application submitted by July 31, 2012.

9. Notice received from Gerald Gardner Assoc, dated January 6, 2012, regarding the submission of an application to the NJDEP for a GP 25 and a Flood Hazard Area Applicability Determination regarding the repair of an existing septic system for Shamsji Property, 31 Cherry Ridge Road, Block 17201; Lot 21.

10. Notice dated January 15, 2012 received from Synergy Environmental Inc. regarding the Biennial Certification for Kimber Petroleum – Lakeside Amoco – 2 Lakeside Road, Hewitt, regarding remediation of the site, in accordance with NJAC 7:26E-8.6-2.

11. Correspondence dated January 16, 2012 from HCI regarding a request to conduct Vapor Intrusion Testing at 5 Lambert Road, Block 3603; Lot 2, and advising that this is part of an investigation into ground water contamination at the Adelo site, 2019 Greenwood Lake Tpk., which includes elevated levels of Tetrachloroethene (PCE) and Vinyl Chloride (VC) which were detected in the ground water. The testing is expected to be conducted in February 2012.
12. No Further Action Letter, dated January 11, 2012, received from the NJDEP regarding Remedial Action for Unrestricted Use for the Mercury Discharge Areas of Concern, Tennessee Gas Pipeline/Station 02-0339, Greenwood Lake Tpk., Block 332; Lot 37.
13. Notice of an application to the NJDEP, dated January 11, 2012 regarding a GP 25 received from Houser Engineering, LLC for the repair of an existing septic system at 10 Chester Road, Block 2018; Lot 4.
14. Notice of an application to the NJDEP, dated January 10, 2012 regarding a GP 25 received from Houser Engineering, LLC for the repair of an existing septic system at 16 Jenkins Road, Block 1611; Lot 22.
15. Notice dated January 11, 2012 from the NJDEP advising that online "E-Permitting" will be available for property owners and contractors to obtain certain types of freshwater wetlands permits.
16. Notice from the NJDEP, dated January 11, 2012, advising NJ residents to test for radon during January, Radon Action Month, and also advising that several NJ towns and counties, including Passaic County Health Dept., were honored for their efforts to bring attention to the potential dangers of radon.
17. Notice of Deficiency dated January 13, 2012 received from the NJDEP, Bureau of Underground Storage Tanks, acknowledging receipt of the Remediation Plan for Singh Brothers Petroleum, 555 Warwick Tpk., but noting deficiencies with regard to the delineation of contaminants previously detected in soil borings SB-9 & SB-10, as well as delineation of the septic area contamination, completion of overburden groundwater delineation, completion of additional bedrock delineation wells, failure to adequately characterize the impacted bedrock aquifer, and failure to perform a Preliminary Assessment and Site Investigation (PASI) for a contaminant (tetrachloroethene) not related to the material stored in the UST. Corrective Action includes completion and submission of required items by May 1, 2012, and formulation of a Remedial Action Workplan to be submitted May 1, 2012.

### **CORRESPONDENCE**

1. Copy of correspondence, dated December 6, 2011, received from William Longhi, President and CEO of Orange & Rockland Utilities, addressed to the Mayor and Township Council, recapping O&R's response during the numerous 2011 storms, and requesting to meet with various municipalities in 2012 to review the planned changes and upgrades to response services.
2. Copy of correspondence dated December 16, 2011 from the Passaic County Planning Department regarding the Q & S Deli, 1952 Union Valley Road, Block 3601; Lots 1 and 3, advising that a corrected Deed with Description, Title Policy, New Jersey Form GIT3 and an Affidavit of Consideration indicating that no transfer tax is due must be submitted to Passaic County for review and filing, and upon receipt of these documents, the project will be considered for unconditional approval.
3. Notice from the NJ State Department Office of Planning Advocacy regarding six presentations and public hearings for the Draft Final State Strategic State Plan: New Jersey's State Development and Redevelopment Plan and the Draft Infrastructure Needs Assessment – including February 27, 2012 beginning at 6:00 p.m., Frelinghuysen Arboretum, Haggerty Center, 353 East Hanover Avenue, Morris Township, NJ 07962.
4. Copy of Historic Preservation Commission December 2011 agenda and November 15, 2011 minutes indicating that the Historic Preservation Commission is sending an application for the Wallisch Estate to be considered as one of New Jersey's 10 most endangered historic places.

### **ADJOURNMENT**