

TOWNSHIP OF WEST MILFORD
PLANNING BOARD
MINUTES
February 5, 2009
Regular Meeting

The Regular Meeting of the Planning Board was opened at 7:36 pm by Chairman Andrew Gargano with a reading of the Legal Notice followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Alternate Kerry Goceljak, Chairman Andrew Gargano.

Absent: Alternate Michael Siesta, Board Attorney Thomas Germinario, Board Planner Charles McGroarty, Board Engineer Paul Ferriero.

PUBLIC PORTION

Tom Davis – 5 Richmond Road – Mr. Davis commented about the Shop Rite renovations, Walgreens, and the need for a traffic light by the intersection of Union Valley Road and Greenwood Lake Turnpike. The Chairman advised Mr. Davis that the 1952 Union Valley Road, LLC site plan hearing was carried to the March 5, 2009 meeting.

With no one else present wishing to address the Planning Board, the Public Portion was closed on a **motion** by Councilman Philip Weisbecker and a **second** by Chris Rosica.

SITE PLAN APPLICATION REVIEW WAIVERS – None.

APPLICATIONS

TIME EXTENSION REQUESTS

JACK LEVKOVITZ (VILLAGE ON RIDGE SECTION II)

Amended Final Subdivision #0510-1744C

Block 5201; Lots 16, 19 & 20; Block 5301; Lot 1; R-3

Ridge Road; R-3 Zone

Seeking time extension for filing deeds and timing of conditions of approval.

Chairman Gargano announced that the applicant needed to provide certain documents to the Board Engineer, so this matter would be carried to the February 26, 2009 Planning Board meeting.

CARRIED APPLICATIONS

1952 UNION VALLEY ROAD, LLC

Preliminary & Final Site Plan #0820-0167AB

Block 3601; Lots 1 & 3

1952 Union Valley Road; CC Zone

Seeking preliminary and final site plan approval and variance relief for the removal of an existing structure and the construction of a new deli/convenience store with two apartments.

Chairman Gargano advised that this matter was being carried to the March 5, 2009 in order to address potential modifications.

NEW APPLICATIONS - None.

MEMORIALIZATIONS

RESOLUTION No. 2009 – 6

AMENDING RESOLUTION NO. 2008 – 17

MACOPIN VOLUNTEER FIRE CO.

Minor Site Plan #0820-0316

Block 9301; Lot 6

4 Black Sheep Lane; R-3

Chairman Gargano read the amendment to #2 of the resolution of approval for the Macopin Fire House Minor Site Plan for a pavillion. Following a brief discussion, the Chairman asked for a motion to approve Resolution No. 2009-6 amending Resolution 2008-17 regarding the use of an approved pavilion specifically for storage of a brush truck and fire equipment.

Motion was made by Steven Castronova with a **second** by Douglas Ott to approve Resolution No. 2009 – 6.

Roll Call: **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Geoffrey Syme, Councilman Philip Weisbecker and Chairman Andrew Gargano.
No - Clinton Smith.

RESOLUTION NO. 2009 - 5
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

Granted: Preliminary & final site plan approval and variance relief for expansion of existing supermarket and improvements to Shopping Center.

Motion was made by Steven Castronova with a **second** by Chris Rosica to approve Resolution No. 2009-5 memorializing the approval of the preliminary & final site plan with variances for Inserra/West Milford – Shop Rite.

Prior to the Roll Call the Board discussed the wastewater treatment facility. The Mayor inquired whether the expansion of the site could be handled by the treatment plant. The Chairman replied that the Board Attorney advised that this issue is part of the requirements of the permitting process. Mr. Smith was advised that he voted no on the approval of the application and would not be voting on the resolution of memorialization.

Roll Call: **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Geoffrey Syme, Councilman Philip Weisbecker and Chairman Andrew Gargano.
No - None.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD ATTORNEY’S REPORT – None.

MISCELLANEOUS

By-Laws – The Planning Board discussed amendments to the by-laws and these would be provided to the Board Attorney for revisions. The Board discussed clarifying that “new testimony” would not mean an applicant would be stopped at that time from providing his testimony. Board members debated whether new testimony meant any testimony. Rich McFadden noted that the Zoning Board of Adjustment has in their by-laws that no new applications after 10:30pm and no new testimony after 11:00pm. A statement advising of this is also read at the beginning of the meeting by the Chairman. Chairman Gargano requested that the Planning Board secretary forward the language from the Board of Adjustment by-laws to Mr. Germinario, the Board Attorney.

On another issue, the Mayor clarified that by state statute she appoints all Planning Board members except the alternates and the council appointment. Following a brief discussion, the Chairman advised that the by-laws may be available for adoption at the February 26, 2009 Planning Board meeting.

SUBCOMMITTEE REPORTS

Master Plan Subcommittee – Chairman Gargano advised that the Master Plan Subcommittee met the prior week and before this meeting. Rob Sparkes was working on amendments that were discussed for final review before providing the information to the Board Planner for filing as part of module one of the Highlands Regional Master Plan.

Ordinance Subcommittee – Nothing at this time.

Design Standards Subcommittee – Chris Rosica reported that Chuck McGroarty, Board Planner, was preparing a booklet with the design standards that the subcommittee had developed.

Site Plan Subcommittee – Nothing at this time.

APPROVAL OF INVOICES – BOARD PROFESSIONALS

Chris Rosica inquired when the new system will be in place and the Mayor advised this will begin when the 2009 invoices are received.

Motion was made by Chris Rosica with a **second** by Steven Castronova to approve the payment of current invoices from Board professionals (Ferriero Engineering – December 2008.)

Roll Call: **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker and Chairman Andrew Gargano.
No - None.

MINUTES

The approval of minutes of the January 8, 2009 Workshop Meeting and the January 22, 2009 Regular Meeting of the Planning Board will be available for approval at the next meeting.

MISCELLANEOUS

Councilman Weisbecker inquired about the status of the Dunkin Donuts complaints that he raised at a prior Planning Board meeting. The Mayor advised that Mr. Weisbecker should contact the Township Administrator rather than speaking to a Township employee about the matter. He replied that he wants a review of the records and it was noted that the former Planner and Zoning Officer had looked into this. Douglas Ott commented that there were reports of tractor-trailers backing in the site at 8:30 a.m. and that this was a violation of former approvals, adding that the owner had been brought back to the Planning Board regarding the violations. The Chairman directed that Dorrie Fox, the Land Use Administrator, get copies of the records and provide a memo to the Planning Board updating the status. The Chairman also advised that there may be legal issues to be looked at. Mr. Weisbecker noted that it is a Planning Board issue and the current Board needs to be apprised.

Clinton Smith inquired about drainage from the Shop Rite site and Rich McFadden clarified the issue in question.

The following were noted and filed:

COMMUNICATIONS

1. Notice of the 2009 New Jersey Land Conservation Rally on March 7, 2009, New Brunswick, NJ.
2. Notice from Cefes Financial, Inc. of an application for a Letter of Interpretation and Transition Area Waiver for Block 16504; Lot 4, Apple Tree Lane.
3. Notice of Violation from the NJ DEP for Paul Vanderveen, Block 8201; Lot 22; 1855 Macopin Road, for unauthorized placement of fill, destruction of vegetation and construction of a barn in a wetlands transition area.
4. Copy of an application for a preliminary permit from Riverbank Sparta, LLC to the Federal Energy Regulatory Commission for a feasibility assessment of a pumped storage project at the Limecrest Quarry in Sparta, NJ.
5. Copy of an application packet from LAN Associates for a Transition Area Waiver for the Christian Life Center, Block 6203; Lot 13, regarding paving of the parking area and installation of stormwater management features.
6. No Further Action Letter and Covenant Not to Sue from the NJ DEP for Block 14501; Lot 5, 41 Blakely Lane, regarding a 550 gallon underground oil tank.
7. Notice from Cerenzio & Panaro, P.C. regarding the WMMUA Awosting Wastewater Treatment Plant Upgrade.
8. Copy of an application and associated plans to NJ DEP – Northeast Water Quality Plan – regarding Awosting Minor Subdivision, Block 4106; Lot 1, 99 Long Pond Road in response to the Second Notice of Technical Incompleteness dated January 7, 2009.
9. Copy of a notice from the NJ DEP – Revision Disapproval – sent to Gerald Gardner Associates regarding the Northeast Water Quality Management Plan for the Brown's Point Plaza project, Block 3601; Lot 26, Greenwood Lake Turnpike.
10. Copy of a letter dated January 12, 2009 from Tibor Latinesics of Conklin Associates regarding Marshall Hill, LLC and the West Milford Lake site, including various attachments, with comments regarding possible development of a portion of the site, and a request for a meeting to discuss the dam decommissioning plans.
11. Information from the Land Conservancy of New Jersey regarding services available to municipalities for Environmental Resource Inventories, Recreation and Open Space Inventories, GIS Mapping and Data Analysis, Open Space and Farmland Planning.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Copy of an application for a Highlands Exemption received from G. Gloede & Associates regarding Mr. Wonton, LLC, Block 6303; Lot 18.
2. Notice from the Highlands Council regarding the 2009 Plan Conformance Grant Program for Highland's municipalities to fund reasonable expenses for municipal Plan Conformance studies for lands in the Preservation Area and the Planning Area, with municipal grant amounts available to a maximum of \$100,000.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 8:04 p.m. on a **motion** by Chris Rosica and a **second** by Councilman Weisbecker.

Approved: February 26, 2009

Respectfully submitted by,

Tonya E. Cubby
Secretary