

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

March 26, 2009

Regular Meeting

The audio recorder was not operating at this time but began operating at 8:28 pm.

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, Richard McFadden, Geoffrey Syme, Councilman Philip Weisbecker, Alternate Michael Siesta, Chairman Andrew Gargano, Board Planner Charles McGroarty, Board Engineer Paul Ferriero.

Absent: Steven Castronova, Douglas Ott, Chris Rosica, Clinton Smith, Alternate Kerry Goceljak, Board Attorney Thomas Germinario.

Chairman Gargano requested Michael Siesta to sit on the Board in the absence of one of the regular Board members.

PUBLIC PORTION

With no one present wishing to address the Planning Board, the Public Portion was closed on a **motion** by Mayor Bettina Bieri and a **second** by Councilman Weisbecker.

SITE PLAN APPLICATION REVIEW WAIVERS – None.

Chairman Gargano requested that the next items listed on the agenda be held to later in the meeting in order to review the streetscape presentation by Bill Deane of Dewberry Goodkind and the lighting specialists.

PRESENTATION - STREETScape

Present before the Planning Board was Bill Deane of Dewberry Goodkind, consultants hired for developing plans for the Township's streetscape project. Also present was Paul Estok, a lighting specialist and Product Manager from Pennsylvania Globe Gaslight Co. (aka Penn Globe) in North Branford, CT., who would display full size lighting fixtures for the Planning Board's review prior to the Board making recommendations to the Township Council. Mr. Deane noted that he had been involved in the streetscape projects in Morristown, Ramsey, Bloomingdale and Roxbury. Mr. Estok reported that his company had been in business since 1876, originally producing gas light fixtures. His company offered different types of lighting options, and he was at this meeting to demonstrate several types of fixtures. He advised that the Township should request to see the actual fixtures before purchasing them from a manufacturer. He also noted that if the LED is preferable, certain fixtures that are chosen may not be convertible from metal halite to LED. Rich McFadden commented on the costs involved and noted that the payback was based on the fixture purchase, the energy cost and bulb replacement. Mr. Estok noted that payback based on the initial fixture charge, which may be costly, would be roughly a 6 to 7 year payback, and depending on the particular purchase, may be reduced to a 4 to 5 year payback. He reviewed costs for kilowatt-hours and provided handouts for the Board. Mr. Estok advised that metal halite would last approximately 15,000 hours or 3 years, whereas LED would last 50,000 hours or 14 years. He also advised that the LED would not fail, but over time, would produce less output. He cautioned that the manufacturer should warranty the fixture. There was discussion about thermal convection, and Mr. Estok noted that the LED is a heat source, but could not produce enough to heat up a room. His company produces high-end fixtures, mostly stainless steel, and do not produce "shoebox" style fixtures. He added that most fixture poles are aluminum, but the Township may choose to upgrade to steel or cast iron, noting that the paint on the pole should last approximately 5 to 10 years, and is affected by salt from the roads. The Board inquired about various specifications on the brochures distributed. Following this review, Mr. Estok left the meeting room to prepare the lighting demonstrations.

Bill Deane reviewed some of the lighting fixtures in the brochures and discussed aluminum poles, elements affecting the fixtures, and the cost of repainting the fixtures, which would be approximately \$350. each. The Board inquired about the gauge of the aluminum, the safety of the electrical wiring, and the voltage to operate the lights.

At this time, the Planning Board and Board professionals left the meeting room to preview the full size lighting fixtures on display in the front of Town Hall.

At 8:28 pm the Board reconvened in the meeting room. *The audio recorder was now operating.*

Rich McFadden commented about his preference for the LED lights. Michael Siesta concurred, but requested that the lights be "softened, less glaring." Mr. Weisbecker also preferred the LED lights, but wondered if they could illuminate a broader area. Paul Ferriero, Board Engineer, advised that LED lighting is the leading edge, and by the time the streetscape lighting is installed, it will be the standard. He suggested using "LED 3000," and Chuck McGroarty, Board Planner, concurred with this. The Planning Board also concurred.

Motion was made by Councilman Weisbecker with a **second** by Geoffrey Syme to approve LED 3000 lighting for the streetscape. The Board approved the motion by **unanimous consent**.

The fixture styles were reviewed and Board members were asked to determine if they wanted to match the Museum fixtures or choose an alternate style, being advised that Walgreen's and Shop Rite will need to go to bid soon for their fixtures, and they should be coordinated with the streetscape choice. The Mayor commented that she was not concerned with matching the Museum lights as they were set back off the street in a parking area and suggested the Board choose the style they preferred for the streetscape. Poles, fixtures, sizes and finishes were reviewed and discussed until the Board reached a consensus.

Motion was made by Councilman Weisbecker with a **second** by Michael Siesta to approve the black, non-textured Frisco lantern and Stanton pole with movable banner brackets, and a high mounted receptacle outlet. The medallions on the lanterns would be black. The Board approved the motion by **unanimous consent**.

The Board discussed sidewalk recommendations with Mr. Deane of Dewberry. In his comments to the Board he noted that in the past, he had usually recommended consistency for streetscape projects. He still advised that lighting should be consistent throughout, but varying sidewalk widths, materials and landscaping would bring some interest to the streetscape project. The Board members discussed several materials including concrete, belgium block and brick pavers. The consensus was not to use pavers for the sidewalks due to the weed problems and the safety factors involved as they settle or are dislodged. It was suggested that brick pavers be used between the sidewalk and curb, and Mr. Deane advised that grass was preferable with belgium block curbs due to joint issues with pavers. There was further discussion about sidewalk widths, street lawn widths, colored concrete, and the use of soldier course brick pavers on the edge of the sidewalks or a running bond. The Board reviewed photos of sidewalk features in other streetscape projects. It was suggested that the sidewalks be four feet in width with a soldier course on either side. The Board Engineer, Paul Ferriero, suggested that the more intricate sidewalk features could be completed in the commercial areas such as Walgreen's and Shop Rite, with simpler features in other sections of the town center. Rich McFadden asked for clarification on where the sidewalks with edging would end, and Mr. Deane recommended ending it at the Presbyterian Church. A concern was expressed about the minimum area allowed for the street lawn. The Board and their professionals agreed that a soldier course, with no running bond, and concrete sidewalks with street lawn would be recommended for the Township's streetscape. following clarification on the sidewalk design for the Walgreen's and Shop Rite sites, Mr. Deane advised that he would get the specifications to Paul Ferriero as soon as possible so that he could provide them to engineers for Walgreen's and Shop Rite.

Motion was made by Councilman Weisbecker with a **second** by Mayor Bieri to approve 4-foot wide concrete sidewalks with soldier course on both sides and a street lawn. The Board approved the motion by **unanimous consent**.

The Board discussed the crosswalks and reviewed costs for brick pavers, stamped and colored concrete, and painted lines. The County is on a 15-year paving schedule, so it was suggested that the Board recommend white painted crosswalks with diagonal lines to help keep costs down, and plan for a more decorative crosswalk after the County re-paves Union Valley Road and Marshall Hill Road.

Motion was made by Mayor Bieri with a **second** by Councilman Weisbecker to approve white painted crosswalks with diagonal lines. The Board approved the motion by **unanimous consent**.

Anna Cheng Young of Dewberry Goodkind also presented options for the renovation of the center island at the intersection of Marshall Hill Road and Union Valley Road. Exhibits were previewed by the Board. The Board discussed the issues that would arise with too much vegetation and trees interfering with traffic at the intersection. One plan provided for a clock tower and lower growing shrubs, and although it was the more expensive plan, the Board considered this as the best option for the site. It was recommended that the County Corridor Enhancement funds be used to purchase and install the clock. The cost for the clock would be approximately \$15,000., and the County funds could cover most of the cost. It was also suggested that a local landscaper who currently maintains the site, Eden Farms, be contacted by Mr. McFadden to determine if he would assist with giving input about the intersection, as the goal was to continue to have a landscaped, not concrete, island intersection. Mr. McFadden cautioned the Board that easements were necessary for certain areas of the streetscape and could take some time. Chairman Gargano advised that the Board's recommendations would be prepared in a memo and reviewed at the next meeting on April 2, 2009.

APPLICATIONS

PENDING APPLICATIONS

Carried To April 2, 2009

**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.

Complete: September 8, 2008

Decision By: April 2, 2009

Chairman Gargano advised that this matter was carried to the April 2, 2009 Planning Board meeting.

NEW APPLICATIONS - None.

NEW BUSINESS – None.

MEMORIALIZATIONS

RESOLUTION 2009-9

ERNEST OBERER

Minor Subdivision #0510-1975

Block 14201; Lots 14 and 15

350 Germantown Road; R-3 Zone

Granted: Time Extension to file Minor Subdivision deeds.

The applicant was not present due to a family emergency, but had requested a 90-day extension in order to complete the minor subdivision deeds and have them filed with the County. After review, the Board Attorney recommended the time extension, and had prepared a resolution in anticipation of the Board's approval.

Motion was made by Councilman Weisbecker with a **second** by Michael Siesta to **approve** a 90-day time extension for filing minor subdivision deeds and also Resolution 2009-9 **memorializing** that extension.

Roll Call: **Yes** - Mayor Bettina Bieri, Richard McFadden, Geoffrey Syme, Michael Siesta, Councilman Philip Weisbecker, Chairman Gargano.
No - None.

RESOLUTION 2009 - 8

JACK LEVKOVITZ (Village On Ridge-Section II)

Denial of Time Extension Request

Amended Final Subdivision #0510-1744C

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

Ridge Road; R-3 Zone

Denied: Time extension for filing Major Subdivision Deeds and amendment of conditions of approval.

Motion was made by Mayor Bettina Bieri with a **second** by Geoffrey Syme to **approve** Resolution 2009 - 8 **denying** an amendment to and extension of the major subdivision approval for Jack Levkovitz – Village on Ridge Section II.

Eligible to Vote

Roll Call: **Yes** - Mayor Bettina Bieri, Richard McFadden, Geoffrey Syme, Michael Siesta, Councilman Philip Weisbecker.
No - None.

ORDINANCES FOR INTRODUCTION

Review Land Use Ordinance Amendments

Chuck McGroarty, Planning Board and Township Planner, reported on some of the changes on the ordinances that he had been reviewing and distributed the changes to the Board. The farmer's market language had been revised. There was language to provide for temporary outdoor sales limiting them to six per year, with a maximum of three days for each sale. There was also language for a farmer's market from June to October. He reviewed the language for exemption of farmer's markets in certain zones. A Board member was concerned about limitations on certain zones. The Mayor requested that the language include use of public or quasi-public lands. A Board member inquired how this would affect the sale of hot dogs at ball fields in the Township. After discussion, Mr. McGroarty advised that he would revise the language referring to use of these events in residential zones. Councilman Weisbecker noted that he wanted the ordinance language to hold up under scrutiny. Mr. McGroarty will make some changes and provide to the Township Attorney for preparation before the Council.

ORDINANCES REFERRED FROM COUNCIL

PLANNING BOARD PLANNER'S REPORT

Mr. McGroarty advised that Module 1 of the Highlands Regional Master Plan was just submitted. Documentation for Module 2 and 3 is being prepared. After being reviewed by the Highlands, the Board will review any comments that are received back on the documentation provided to the Highlands.

PLANNING BOARD ATTORNEY'S REPORT – None.

PLANNING BOARD ENGINEER'S REPORT

Mr. Ferriero requested that correspondence listed on the agenda from the Department of Transportation regarding the Wastewater Management Plan be provided to him, the Mayor, and the Township Administrator. The Planning Board was copied on this letter, but apparently it had not been received by all the relevant parties.

MISCELLANEOUS

Approval Of Invoices – Board Professionals

Motion to approve the professional invoices from Planning Board professionals for January and February made by Mayor Bieri with a **second** by Richard McFadden. The payment of invoices was approved by **unanimous consent**.

Subcommittee Reports

- Master Plan Subcommittee – None.
- Ordinance Subcommittee – None.
- Building Design Subcommittee – None.
- Site Plan Committee – None.

MINUTES

Motion to approve the minutes of the March 5, 2009 Regular Meeting of the Planning Board made by Councilman Weisbecker with a **second** by Richard McFadden. The minutes were approved by **unanimous consent**.

The following were noted and filed:

COMMUNICATIONS

1. Notice from the Hudson Essex Passaic Soil Conservation District regarding Awosting WWTP Upgrade by the M.U.A., Block 3802; Lot 3, certifying the plan submitted.
2. Notice from the Hudson Essex Passaic Soil Conservation District regarding Dr. Greg Rubenstein, 49 Lake Park Terrace, Block 4201; Lot 12, certifying the plan submitted.
3. No Further Action and Covenant Not to Sue Letter dated March 3, 2009 from the NJ DEP for Anne Pryor, 73 Sugar Maple Avenue, Block 15302; Lot 12, regarding remediation of a 1000 gallon underground heating oil storage tank.
4. Notice and application copy for a General Permit #25 for Gary Stromberg, 60 Marshall Hill Road, Block 5708; Lot 5 with reference to proposed installation of a subsurface sanitary disposal system.
5. Notice of an application to the NJDEP for a General Permit from Russell Curving, Block 9001; Lot 17, 1494 Macopin Road, for construction of one or more buildings in areas adjacent to wetlands.
6. Letter from the NJDEP dated March 12, 2009 regarding the Township's compliance with the Water Quality Planning Rules as they relate to the Municipal Wastewater Management Plan (WMP), requesting the Township assume responsibility for filing the plan through alternative assignment.
7. Copy of a letter dated March 6, 2009 to the NJDEP, Bureau of Water Systems and Well Permitting, from Herold & Haines, attorney for Jack Levkovitz, with responses to the DEP's letter of February 5, 2009 requesting clarification of certain deficiencies in the permit application for the Old Milford System.
8. Freshwater Wetlands Letter of Interpretation from the NJDEP for Kurt Gardenier, Block 6204; Lot 16, 83 McKinley Place, with reference to construction of a proposed garage.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Notice and copy of application from Tennessee Gas Pipeline Company for a Highlands Applicability Determination regarding installation of a 30-inch underground natural gas pipeline within West Milford.
2. Notice and copy of application from Manor at Smith Mills for a Highlands Applicability Determination regarding 524 Hamburg Turnpike, Block 12701; Lots 9.01, 9.02, 9.03 for installation of a new septic system in an existing 3 unit condominium.
3. Notice of Technical Incompleteness received from NJDEP regarding a Highlands Applicability Determination for Cefes Financial, Block 1806; Lots 4 and 5, Magnolia Road for construction of a single family home. Requested information included metes and bounds disturbance area and narrative delineation; disturbance area calculations; supporting calculated values for proposed impervious surfaces; deeds for the subject property; notarized statement regarding subdivision for Lots 4 and 5; and various other documentation certifying to the amended information.

ADJOURNMENT

With no further business to come before the Board, the Regular Meeting of the Planning Board was adjourned at 10:23 p.m. on a **motion** by Councilman Weisbecker with a **second** by Geoffrey Syme.

Approved: May 28, 2009

Respectfully submitted by

Tonya E. Cubby
Secretary