

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**April 2, 2015**

**Regular Meeting**

Chairman Christopher Garcia opened the April 2, 2015 Regular Meeting of the West Milford Planning Board at **7:33 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance and Roll Call.

**ROLL CALL**

**Present:** Mayor Bettina Bieri, Councilwoman Ada Erik, Andrew Gargano, Warren Gross, Douglas Ott, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia, Board Attorney Thomas Germinario, Board Planner Chuck McGroarty, Board Engineer John Hansen.

**Absent:** Linda Connolly, Alternate Michael Siesta, Alternate Steven Castronova.

**Also Present:** Michael Hakim, Landscape Architect.

Chairman Christopher Garcia advised that a quorum was present to hold this meeting.

**PUBLIC PORTION**

Chairman Garcia opened the Public Portion of the meeting. With no one present wishing to address the Board, the Public Portion was **closed** on a **motion** by Ada Erik and a **second** by Andrew Gargano.

**PRESENTATIONS** – None.

**APPLICATIONS**

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

**Amended Preliminary & Final Site Plan #PB-08-12-06-2**

Block 6303; Lots 15 & 16

Marshall Hill Road; CC Zone

**Seeking:** Amended Preliminary and Final Site Plan Approval for the proposed expansion of the existing Shop Rite Supermarket and improvement of the overall shopping center, including improvements to building facades and parking lot areas, with the theater building to be renovated as a TJ Maxx department store. Proposed project to be completed in 2 phases.

John Wyciskala, attorney for the Applicant, Inserra/West Milford LLC (Shop Rite), provided a brief history of the site plan project, noting that the Wells Fargo Bank is included in the site plan application. In 2008, an application was submitted for an expansion of the Shop Rite building, including new facades, but the Applicant did not have a user for the theater building. The Applicant addressed the exterior appearance of the shopping center, and because they were proposing to expand off the rear, they complied with the neighbor's concerns by incorporating 8 foot fencing and sound walls in the plans. Mr. Wyciskala advised that the Applicant subsequently returned to the Planning Board in 2012 with an amended site plan, proposing to expand in the front of the building so that the rear addition would not be so close to the neighboring property owners. The Applicant did not have a tenant for the former theater building, so a decision was made to demolish the building and construct a new retail building. There were discussions with Tractor Supply, but the fenced off area for equipment they required would have infringed on the McDonald's parking lot.

Mr. Wyciskala advised that a new tenant, TJ Maxx, was now under contract for the theater building, so the current plan before the Board proposes to retain the old theater building, renovate it and match the façade to the other buildings on the site, noting that the end cap on the Shop Rite side of the mall was removed. With regard to the anticipated project commencement, Mr. Wyciskala advised that TJ Maxx was very anxious to open and they were hoping to have the renovations completed by "Black Friday" in November 2015. Inserra has also indicated that they want to coordinate their Shop Rite project for completion by that date. He introduced Eric Keller who was present for Bill Hamilton of Omland Engineering, Joseph Smith, an architect for TJ Maxx, Anthony Guzzo, architect for Inserra, and Steve Hittman from Inserra. Mr. Wyciskala acknowledged receipt of Board Member Steve Castronova's comment, via email, that missing from the plans was a tree to be planted near the Wells Fargo bank per Board approval in 2012, and he advised that this will be included in revisions to the plans. Mr. Wyciskala also stated that the total square footage was incorrect in relation to the shopping center application, and he advised that the revised plans will reflect the accurate square footage.

Eric Keller, P.E. was sworn in by Board Attorney Thomas Germinario, followed by Mr. Keller providing his qualifications for the Board, noting that he was "pinch hitting" for Mr. Hamilton. Mr. Keller presented a sketch of the existing Amended Site Plan Rendering, dated 09-27-12, entered as Exhibit A-1. Mr. Keller also displayed a rendering of the proposed Amended Site Plan, dated 04-02-15, entered as Exhibit A-2. He indicated that the new amended site plan proposed to refurbish the existing theater building, expanding 10 feet in the front with a canopy, and maintaining the utilities in the rear. The

proposed mall expansion is removed with the new amended plan so the drive thru to the rear remains the same. Mr. Keller stated that there were 749 parking spaces in the new plan, 3 more than the prior approved plan, and he briefly reviewed the industry data as it related to the proposed parking. With regard to the tenant, TJ Maxx, Mr. Keller noted that the use was complimentary to the existing shopping center. Mr. Keller testified that he did not believe that there would be an increase in traffic, nor would there be the same level of activity with the proposed TJ Maxx compared to what it would be if there was an active theater. Board Member Andrew Gargano inquired about timing of the deliveries, and Mr. Wyciskala stated that he did not recall if this was a condition of prior site plan approval. Mr. Keller advised that the loading dock was in the back of the building and deliveries would be made with full sized tractor-trailers. Mr. Gargano inquired whether trucks will be staying on site for long periods of time, and Mr. Keller advised that they would not, and deliveries would be less frequent for TJ Maxx than Shop Rite. Referring to Board Engineer Paul Ferriero's report, #4, with regard to the footings for the proposed retaining wall at the rear of the TJ Maxx store, a test pit will be dug to determine where the sanitary and water lines are located. Mr. Keller did not feel that there will be an impact on them with the retaining wall.

Mr. Keller testified that TJ Maxx is very anxious to occupy the former theater building, so the Applicant is proposing to complete the renovations in one phase, with staging done during construction. He noted that there will be some minor disruptions during construction, and the TJ Maxx building will be fenced off. With regard to the on-site treatment facility, even though there will be reduced usage, Mr. Keller advised that the Applicant must get approval from the NJDEP. Referring to Board Planner Chuck McGroarty's report, the applicant will comply with the outdoor storage conditions for garden supplies imposed by the former site plan approval. Mr. McGroarty stated that the two plans need to be consistent with the square footage, and Mr. Keller concurred. The Applicant's engineer reviewed the lighting and signage. Referring to Board Landscape Architect Michael Hakim's report, Mr. Keller testified that the Applicant will monitor the 2 trees in front of the current Franks Restaurant and will replace the Marshall Hill Road trees as necessary. With regard to comment #3, the light stanchions will be moved from the aisle into the parking lot, but they would not be increasing the number of fixtures, adding that the Applicant was working with a lighting designer. Mr. Hakim discussed the proposed islands in the parking lot with Mr. Keller and suggested that plantings be included that would be consistent with the Shop Rite parking lot. Mr. Keller noted that McDonalds was concerned about maneuverability for the cars with an additional island in the parking lot since their lot is much smaller and tighter than the TJ Maxx site. With regard to the proposed locust trees, Mr. Keller advised that he has clients that request this type of tree due to its lightness and airiness, and he suggested that they keep them consistent with the remaining trees.

Referring to the Fire and Health Departments memos, Mr. Keller advised that they had no problems with the comments made. He noted that they are modifying the plans for the NJDEP, and he didn't feel that there would be equipment reviews needed by Health, but they will submit them if required. He advised that the tree near Wells Fargo Bank requested by Mr. Castronova will be included on the revised plan. Board Member Ada Erik advised Mr. Keller that she was contacted by a neighboring property owner on Marshall Hill Road who wanted to know what Inserra was proposing to keep the garbage and debris from flying onto the neighboring properties and into the brook that is located near the site. Mr. Keller advised that no fencing is proposed along the edge of the property, but that there is a hedge that runs from the east to the west which will be about 3 ft. in height and will catch most of the debris that flies across the parking lot. He observed that some of the debris is a property maintenance issue. Board member Warren Gross inquired about the lighting, and Mr. Keller noted that the lighting will be replaced as approved in the previously approved site plan, and TJ Maxx will get their lighting approved prior to final approval of the plans. Mr. McGroarty commented that all the sheets should show TJ Maxx occupying the former theater building and the phasing comments are to be removed. Mr. Gross inquired whether the lighting will be LED, and Mr. Keller responded that they will be metal halide.

Chairman Garcia opened the hearing to the public and a resident inquired if there will be solar panels on the light fixtures. Mr. Keller responded that the Applicant has addressed sustainability by retaining the existing building, with interior demolition and reconstruction using modern fixtures and building material. He noted that there will also be added green space and trees, but there were no plans to include solar panels at this time. One of the resident's at the rear of the Shop Rite property inquired about delivery restrictions, and thought that they were included in prior approvals from the Board for this site. Mr. Wyciskala stated that whatever conditions were included with prior site plan approvals will be complied with, as well as any conditions with the new approval which will be included in the resolution. With no one else from the public wishing to address the Board on this matter, the Chairman Garcia **closed** the public portion on a **motion** by Andrew Gargano with a **second** by Glenn Wenzel.

Chairman Garcia inquired if the Board members had comments or questions for the Applicant's professionals. Mr. Gargano addressed Mr. Keller regarding the lighting and suggested that the Applicant should use newer lighting options, adding that metal halide would not be upgradeable and would eventually have to be replaced. Mr. Gargano also recalled that the streetscape plan called for LED light fixtures. Mr. Keller responded that this has not been discussed with his client, and while there have been advances in lighting choices, there are cost differentials involved. He advised that he would have a discussion on the lighting options with the Applicant, but could not guarantee the outcome since the plans have already been prepared for the metal halide lighting. Mr. Wyciskala stated that they would take this matter under advisement.

Joseph Smith, architect for TJ Maxx, was sworn in and provided his qualifications for the Board. Mr. Smith testified that his client proposed the recycling of the old movie theater including removing the front end and marquee to create a new canopy to match Shop Rite, but the store will be fitted out to

accommodate the TJ Maxx Department store. Mr. Smith reviewed Exhibit A-3, which depicted the proposed floor plan for the store that will include fitting rooms, updated fire protection, and utilizing a water tank in the rear for domestic water use. With regard to the front façade, Mr. Smith testified that they will be using cement board siding and brick to match the Shop Rite shopping center, providing visual continuity. He indicated that the original proposal from TJ Maxx included a stucco façade, but they convinced TJ Maxx that the buildings should be coordinated, adding that with regard to materials, it would make sense economically since all the buildings would be undergoing exterior renovation at the same time. Mr. Smith advised that they were proposing one conforming sign, but if the tenant wants different or additional smaller signage, it will be their prerogative to return to the Board to amend the plan. Mayor Bieri stated that she wanted to see a plan of the entire site so that the facades could be compared. It was noted that the scales were off and the colors were based on the printers used. With regard to Exhibit A-4, TJ Maxx front elevation, the use of a flat roof was raised and Mr. Smith advised that they did their best to negotiate with the client, but TJ Maxx has their own corporate image and design aesthetic that they need to incorporate in the façade, adding that the same materials and finishes as the Shop Rite center will be used to for the TJ Maxx store. Chairman Garcia opened the hearing to the public. With no one wishing to comment on the proposed TJ Maxx store, the public portion was closed on a motion by Councilwoman Ada Erik and a second by Glenn Wenzel.

Mr. Wyciskala addressed the Board stating that the goal from Inserra was to move as quickly as possible, adding that their demolition packages are prepared. He advised that the Developers Agreement needed to be reviewed, and there were some bonding issues to address. Mr. Wyciskala stated that the Applicant would comply with all the items in the Landscape Architect's report. Mr. Germinario advised the Applicant that he would have the resolution of approval prepared for the April 23, 2015 Planning Board meeting. Mr. Gross inquired what Inserra's end date for this project was, and Mr. Wyciskala responded that his client was very anxious and their goal was the Fall 2015 - Black Friday. Mr. Gross inquired whether they were scouring the macadam, and Mr. Wyciskala said that if it was in the plans, they would be doing that. Chairman Garcia inquired about the pitched floor in the movie theater and how that would be addressed, and Mr. Wyciskala acknowledged that it took a lot of convincing for their tenant to agree to the theater building site with the renovations that are required.

Mr. Wyciskala reviewed the testimony and the conditions that the Applicant will comply with including all the comments in the Board Engineer's report, they will try to secure a letter from the DEP regarding the on-site sanitary treatment facility and hopefully no modifications will be necessary to their current permit, and the Applicant will dig a test pit to make sure that the subsurface utilities are not impacted before erecting the retaining wall. Referring to the Board Planner's report dated March 23, 2015, Mr. Wyciskala advised that the plans will be revised based on clarification of #4.1 of the report with regard to total square footage of the TJ Maxx floor plan, #4.3 regarding the wall mounted light on the rear of the building with cut off times so the neighbors will not be affected, the TJ Maxx sign will be within the square footage permitted for this site, all plan sheets will eliminate the phasing reference, and the outdoor storage will be modified. With regard to the Board Landscape Architect's report, the light stanchions will be removed from the islands by TJ Maxx, and they will be curbed and planted to be consistent with the Shop Rite parking lot with the exception of the southeast island adjacent to McDonald's drive thru and loading area (which would impact the circulation). The use of LED lighting will be taken under advisement. Mr. Germinario noted the tree that should be included by the Wells Fargo Bank. Mr. Hakim noted that as per #3 in his report, he requested all light stanchions by the TJ Maxx building be located by the parking stalls to allow for much needed plantings on the islands within such a large parking lot; the front island will not be planted. Mr. Germinario advised that the comments from the Health and Fire Departments must be included and addressed by the Applicant.

With no further comments, a **motion** was made by Andrew Gargano with a **second** by Councilwoman Ada Erik to **approve** Amended Preliminary and Final Site Plan #PB-08-12-06-2 for Inserra/West Milford, LLC (Shop Rite) with all the conditions outlined by Mr. Wyciskala and Mr. Germinario.

**Roll Call:**

**Yes:** Mayor Bettina Bieri, Councilwoman Ada Erik, Andrew Gargano, Warren Gross, Douglas Ott, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia.

**No:** None.

**Motion approved.**

Mr. Wyciskala thanked the Board and noted that he always enjoys coming to West Milford, but hoped that this was the last time he had to appear before the Board for this particular application. At the conclusion of this hearing the Board Landscape Architect Michael Hakim was excused from the meeting.

**MEMORIALIZATIONS**

**RESOLUTION NO. 2015 –  
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD PLANNING BOARD  
ADOPTING THE LAND USE PLAN ELEMENT OF THE TOWNSHIP OF WEST  
MILFORD MASTER PLAN**

\*Chairman Garcia advised that this matter has been carried in order to permit a review by the Zoning Board of Adjustment as requested by the Planning Board and Township Council)

**NEW OR ONGOING BUSINESS** – None.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL** – None.

**BOARD PLANNER'S REPORT** – None.

**BOARD ATTORNEY'S REPORT** – None.

**BOARD ENGINEER'S REPORT** – Board/Township Engineer John Hansen reported that the plans and bid specs for the new library and the new salt shed were under review. He noted that there were also plans to re-habilitate Westbrook Park and Nosenzo Park, and that field work on the parks were completed that week. Chairman Garcia inquired if the Planning Board would have a courtesy review on any of the projects. Mayor Bieri advised that there was an engineering study on the park layout and that a grant had been approved for a playground. Chairman Garcia inquired about parking feasibility study since parking in the Nosenzo Pond Road area is limited, and Mayor Bieri believed that parking layouts were included.

With regard to Westbrook Park, Mr. Hansen advised that the plan was to abandon the pool, resurface the courts, re-build a retaining wall, and make the site ADA compliant for the coffee house. Mayor Bieri added that new lighting was included in the plan. Chairman Garcia requested that the Planning Board receive a courtesy review of the project.

With regard to the salt shed project, Mayor Bieri advised that there was a proposal for a dividing wall and they were waiting for County feedback on this since a concern surfaced about truck traffic and maneuverability. The project proposed building a movable wall to allow access to the salt supplies, and permit trucks to travel in and out efficiently.

### **MISCELLANEOUS**

Mayor Bieri advised the Board that she spoke to the representatives of Inserra to suggest that they try to solicit Panera Bread into renting one of their store units, and that that type of business would be a nice addition to the Township.

The Board members requested that the Secretary contact the Township Administration and Clerk's Office to request that an additional microphone be available for the Main Meeting Room.

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

The Board Secretary advised that invoices for the Board professionals will be available for approval at the April 23, 2015 Planning Board meeting.

### **MINUTES**

The Minutes from the February 26, 2015 Regular Planning Board meeting were **approved** on a **motion** by Councilwoman Ada Erik, with a **second** by Andrew Gargano.

### **Highlands Water Protection And Planning Act Correspondence**

1. Notification dated March 26, 2015 from Maser Consulting, on behalf of the County of Passaic Engineering Department, advising the NJDEP that they are eligible for a Highlands Exemption for reconstruction of the Warwick Turnpike Culvert No. 1600-447 (Warwick Turnpike over Little Green Brook) based on the following criteria: Rehabilitation or reconstruction of transportation systems by a State entity or local government unit provided such activity i. Does not result in a cumulative increase in impervious surface by 0.5 acres or more; ii. Does not involve the ultimate disturbance of 1 or more acres of land, and iii. Does not create new travel lanes or increase the length of an existing travel lane by more than 2640 feet, not including tapers.

### **NJ Department of Environmental Protection Correspondence**

1. Notification of an application, dated March 25, 2015 from Maser Consulting on behalf of Passaic County Engineering Department, submitted to the NJDEP regarding a Freshwater Wetlands General Permit #10A and Flood Hazard Area Individual Permit for the replacement of the Warwick Turnpike Culvert no. 1600-447 at Warwick Turnpike over Little Green Brook.

2. Notice from the NJDEP Bureau of Dam Safety and Flood Control, dated March 24, 2015, regarding the Gibbs Dam, owned by The Land Conservancy of New Jersey. The letter acknowledges receipt of a report dated January 30, 2015 that states the dam had been partially breached and that the water level rises under 5 feet both during normal conditions and during storm events, with the former lake bed re-vegetated and stable. The NJDEP advises that the dam is considered removed and is not subject to the NJ Dam Safety Standards.

3. Notice from Houser Engineering, dated March 23, 2015, regarding an application t the NJDEP for a Freshwater Wetlands General Permit #25 for the repair of an existing septic system.

**Miscellaneous Correspondence Received/Sent**

1. Memo from the Zoning Board of Adjustment, dated March 26, 2015, advising that the Board has discussed the Draft Land Use Plan Element for the Township’s Master Plan, as requested by the Planning Board. The Zoning Board of Adjustment intends to provide meaningful input within the next several months based on an analysis of the content of variance records from prior years.

**ADJOURNMENT**

With no further business to come before the Planning Board, Chairman Garcia **adjourned** the Regular meeting of April 2, 2015 at 8:53 p.m. on a **motion** made by Councilwoman Ada Erik and a **second** by Andrew Gargano.

Approved: December 3, 2015

Respectfully submitted by,

Tonya E. Cubby, Secretary