

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

April 6, 2017

Regular Meeting

Chairman Christopher Garcia opened the April 6, 2017 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. This meeting was preceded by an Ordinance Committee meeting at 6:00 pm with Board Attorney Thomas Germinario and Board Hydrogeologist Matthew Mulhall.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly, Andrew Gargano, Warren Gross, Douglas Ott, Michael Siesta, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia, Board Attorney Thomas Germinario.

Absent: Steven Castronova, Councilman Lou Signorino, Board Planner Chuck McGroarty, Board Engineer Paul Ferriero.

Chairman Garcia requested Alternate #2 Michael Siesta to sit in for Councilman Signorino. He advised that a quorum was present to hold this regular meeting. Board professionals Chuck McGroarty and Paul Ferriero were excused from attending this regular meeting.

PUBLIC PORTION

Chairman Garcia opened the meeting for public comment. With no one present wishing to address the Board, the public portion of the meeting was **closed** on a **motion** by Mayor Bettina Bieri with a **second** by Glenn Wenzel.

APPLICATIONS – None.

NEW OR ONGOING BUSINESS

Inserra/West Milford LLC– **Review minor waiver of condition of site plan approval in order to permit the applicant to pave a portion of the parking lot beyond the hours of construction that were stipulated in Resolution #2009-05, memorialized on February 5, 2009.**

Chairman Garcia referred the Board to the correspondence dated April 3, 2017 from John Wyciskala, attorney for Inserra West Milford LLC, requesting permission for night time paving of the parking lot at the Shop Rite shopping center. Mr. Germinario advised that the resolution granting site plan approval for the recent renovations specified limited “work hours” from 7 am to 5 pm, Monday through Saturday. He noted that the applicant’s attorney indicated that the paving would occur on the main parking lot of the shopping center for a maximum of three days. The rationale for the request to pave at night was to limit the disturbance to the stores and businesses, since paving in the day would be too disruptive. Mr. Germinario advised the Board that this approval did not require a modification of the resolution, just a limited waiver granted by the Board. Mayor Bieri inquired if the paving would only be limited to 3 nights, and Mr. Germinario confirmed that the applicant advised that it should take a maximum of three nights and would begin within the next 60 days. He referred to an email from Board/Township Engineer Paul Ferriero that stated that this waiver should include only the front portion of the parking lot, but the rear portion should be excluded from this waiver since there are residents living behind the shopping center who would be affected. Mr. Wyciskala sent an email to Mr. Germinario to confirm that the paving would take place in the front parking lot, but since his letter did not specify this, the Board Secretary was requested to contact him to request clarification in writing. Mayor Bieri commented that the request seemed reasonable and logical, and the noise from the paving should not be loud enough to disturb anyone, adding that there were no residents who could be disturbed across the street from the shopping center. She also noted the havoc that it would cause paving during the day, and the Board members concurred.

Following discussion, Mr. Germinario requested that the applicant be advised that the limited waiver for paving at night would be only for the front portion of the parking lot, but to stipulate that the rear portion must be paved during the day time construction hours outlined in the site plan resolution. A **motion** was made by Michael Siesta, with a **second**

by Geoffrey Syme, to **approve** a limited waiver to Inserra West Milford LLC to permit night paving in the front portion of the shopping center parking lot only.

ORDINANCES FOR INTRODUCTION

Chairman Garcia advised that the Ordinance Committee had met with Tom Germinario and Matthew Mulhall prior to the regular meeting, and they discussed proposed revisions to the existing aquifer (water supply and water quality) ordinance. Mr. Germinario will re-draft the amendments and provide them for the Board to review before referring them to the Council for consideration.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD PLANNER’S REPORT – None.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

Invoices

The Invoices from the Planning Board professionals for the month February and March 2017 were **unanimously approved** on a **motion** by Andrew Gargano with a **second** by Geoffrey Syme.

Mayor Bieri advised that the Council discussed various budget cuts at a recent budget hearing, and she recalled that there were cuts to the Planning Board budget, but they recommended that the reductions not include specific line items since the Board would be better able to determine where the adjustments can be made. She suggested that there may be time for the Council to make some adjustments to those recommended cuts since the final budget has not yet been approved. Andrew Gargano commented that the Council knows that the Planning Board is frugal with their expenditures, and Mayor Bieri concurred, noting that the Board does not request the presence of its professionals at meetings if it is not necessary. She observed that the Council and Administration may feel that if we haven’t spent our entire budget in prior years, then we must not need it. Mr. Gargano noted that all surpluses from the budget go back to the general fund of the Township. He then inquired that if more funds are needed for the operation of the Planning Board, would the Board be able to request additional funds? Mayor Bieri suggested that the Secretary contact the Clerk’s Office to inquire about the suggested cuts to make sure that there is enough in the Planning Board budget. She noted that if the cuts are unreasonable, that we should justify the reasons for maintaining the budget amounts originally requested.

MINUTES

The Minutes from the February 23, 2017 meeting were **unanimously approved** on a **motion** by Geoffrey Syme and a **second** by Michael Siesta.

The following correspondence items were reviewed and filed:

Highlands Water Protection And Planning Act Correspondence – None.

NJ Department of Environmental Protection Correspondence

1. Suspected Hazardous Substance Discharge Notification, dated February 21, 2017, NJDEP Case Number 17-02-20-0913-25, with regard to 264 Marshall Hill Road, Block 6002; Lot 27, advising of a “Kerey Trecker” machine leaking a water soluble oil onto concrete. A moat was created to contain the oil spill and the substance was pumped back into the machine.
2. Notification of a Freshwater Wetlands General Permit #10A and Transition Area Letter of Exemption application, dated February 15, 2017, submitted to the NJDEP by PK Environmental for Thomas Berry, Snake Den Road, Block 11101; Lot 23.03, with regard to placement of 1,530 s.f. of pavement or other impervious surface (gravel) across wetlands for installation of a driveway to access a tree house.
3. No Further Action notification from the NJDEP, dated February 22, 2017, regarding 35 Lake Park Terrace, Block 4201; Lot 19, related to the removal of a 275 gallon #2 heating oil above ground storage tank.

4. Notification from Practical Environmental Solutions, dated February 17, 2017, to HJK Cleaners, 1590 Union Valley Road, Block 6401; Lot 1 regarding an investigation into groundwater contamination at the Belchers Run site located at 1592 Union Valley Road, NJDEP Preferred Identification #741599, advising that elevated levels of volatile organic compounds (VOCs) were detected in the groundwater, and requesting to perform a vapor intrusion evaluation at the cleaner's site. The evaluation will include collection of samples of the soil gas beneath the slab and indoor air for analysis of VOCs.
5. Correspondence received from Synergy Environmental, dated February 27, 2017, requesting water supply information for the Township's current and potential groundwater use to satisfy the NJDEP requirements with regard to a CEA and an environmental investigation for 2 Lakeside Drive (Lakeside Amoco), NJDEP PI#012599, Block 3509; Lot 16.
6. Freshwater Wetlands Transition Area Redevelopment Waiver, dated March 15, 2017, received from the NJDEP regarding Block 9302; Lot 16, Nosenzo Pond Park, regarding the rehabilitation of an existing athletic field, construction of a playground area, wood fiber walkway, chain link fence, removal of existing structures and pavements and placement of a porous paved parking area within existing disturbed areas under a FWTARW, with an expiration date of March 14, 2022.
7. Notification received from ADR Environmental, dated February 28, 2017, regarding 3520 Rt. 23, Block 16901; Lot 2, NJDEP SRP PI #90763 identifying 2 areas of concern with 2 550 Gal Leaded Gasoline UST removed in 2001. Site investigation confirmed soil contamination above the default impact to groundwater levels and groundwater contamination has been confirmed, with additional remedial investigations will be conducted.
8. No Further Action correspondence received from the NJDEP, dated March 21, 2017, regarding 58 Shadyside Road, Block 806; Lot 12, regarding the removal of a 550 gal UST.
9. Supplement to a Response Action Outcome received from the Environmental Group regarding ESCO Optics, 171 Oak Ridge Road, Block 15901; Lot 7, advising and correcting some administrative errors on the documents with regard to Communication Center # and ISRA Transaction notations.
10. Remedial Action Protectiveness/Biennial Certification Form for Groundwater received from Synergy Environmental, dated March 22, 2017, regarding Lakeside Amoco, 2 Lakeside Road, Block 3509; Lot 16, including Summary of Groundwater Sampling, Description of Maintenance and Evaluation for Wells, and Results of Well Search (The contaminate plume associated with the site is stable/decreasing and limited in extent. Previous groundwater modeling has shown that concentrations in groundwater are expected to migrate approximately 60 feet (25 feet past the property boundary).

Miscellaneous Correspondence – None.

ADJOURNMENT

Prior to adjourning the meeting Chairman Christopher Garcia confirmed that Mr. Germinario would not be available for the April 27, 2017, and the Board concurred that the meeting should be cancelled. The next regular Planning Board meeting would be held on May 4, 2017.

With no other matters to be brought before the Planning Board, Chairman Christopher Garcia **adjourned** the regular meeting of April 6, 2017 at **7:55 p.m.** on a **motion** made by Andrew Gargano and a **second** by Geoffrey Syme.

Approved: May 4, 2017

Respectfully submitted by,

Tonya E. Cubby, Secretary