

**TOWNSHIP OF WEST MILFORD**  
**PLANNING BOARD**  
**MINUTES**  
**April 23, 2009**  
**Regular Meeting**

The Regular Meeting of the Planning Board was opened at 7:32 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.

Chairman Gargano advised that, due to the nature of the agenda, he requested that the Board Attorney, Mr. Germinario, the Board Engineer, Mr. Ferriero, and Planner, Mr. McGroarty, not attend this meeting as their services were not required.

**PUBLIC PORTION**

With no one present wishing to address the Planning Board, the Public Portion was closed on a **motion** by Douglas Ott and a **second** by Geoffrey Syme.

**SITE PLAN APPLICATION REVIEW WAIVERS** – None.

**APPLICATIONS**

**TIME EXTENSION REQUESTS** – None.

**CARRIED APPLICATIONS**

**1952 UNION VALLEY ROAD, LLC**  
**Preliminary & Final Site Plan #0820-0167AB**

*Complete: September 8, 2008*  
*Decision By: July 2, 2009*

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 advised that this matter was carried to the June 4, 2009 Planning Board meeting.

**NEW APPLICATIONS** - None.

**NEW APPLICATIONS** – None.

**NEW BUSINESS** – None.

**MEMORIALIZATIONS** – None.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL**

**Ordinance No. 2009-005 (Revised)**

Following clarification that this ordinance included a revision with the addition of “Chapter 414, Section 7 – “Waiver of Application and Permit Fee” with regard to non-profit organizations. This ordinance was introduced by the Township Council on March 25, 2009 and passed its first reading. Following a recommendation from the Planning Board, the amendment will be included in the Ordinance and presented at the next Township Council meeting.

**Motion** by Richard McFadden with a **second** by Chris Rosica to approve the amendment to the Township Ordinance No. 2009-005.

**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.

## **ADDENDUM**

### **RESOLUTION NO. 2009 – 10**

#### **RESOLUTION FINDING MASTER PLAN CONSISTENCY**

#### **In The Matter Of Master Plan Consistency Determination - Ordinance No. 2009-05 To Amend Chapter 414 “Fees, Land Development” Of The Revised General Ordinances Of The Township Of West Milford, County Of Passaic, State Of New Jersey**

**Motion** by Steven Castronova with a **second** by Richard McFadden to approve Planning Board Resolution No. 2009-10 Finding Master Plan Consistency with the Township of West Milford Ordinance No. 2009-005.

**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.

**PLANNING BOARD PLANNER’S REPORT** – None.

**PLANNING BOARD ATTORNEY’S REPORT** – None.

**PLANNING BOARD ENGINEER’S REPORT** – None.

## **MISCELLANEOUS**

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

**Motion** by Chris Rosica with a **second** by Richard McFadden to approve the invoices for contract charges and escrow charges for the Planning Board professionals. The board approved the payment by **unanimous consent**.

### **Subcommittee Reports**

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

## **MINUTES**

The minutes of the March 5, 2009 Workshop Meeting were approved by **unanimous consent** on a **motion** by Steven Castronova with a **second** by Richard McFadden.

The minutes of the April 2, 2009 Regular Meeting were approved as amended by **unanimous consent** on a **motion** by Steven Castronova with a **second** by Councilman Weisbecker.

### **The following were noted and filed:**

## **COMMUNICATIONS**

1. Letter from NJ DEP dated March 30, 2009 regarding the West Milford Shopping Center Sewage Treatment Plant Service Area, Block 6303; Lots 15 & 16, acknowledging revisions to their Northeast Quality Management Plan.
2. Letter from the NJ DEP dated March 27, 2009 regarding a Letter of Interpretation determination inquiry for Charles Aikey, Block 9501: Lot 19.02 (Portion), requesting that application be made to the DEP for an official determination of the site.
3. Application for a Letter of Interpretation from Yoram and Beth Rosen, Block 4901; Lot 15 regarding a repair of the existing sanitary disposal system, received on March 30, 2009.
4. No Further Action Plan and Covenant Not To Sue letter received April 9, 2009 from the NJ DEP to William McLaughlin, 537 Burnt Meadow Road, Block 4701; Lot 54 with regard to a 550 gallon # heating oil underground storage tank.
5. Correspondence to Anthony Patire, Marshall Hill, LLC from the NJ DEP dated April 8, 2009 regarding the West Milford Lake Dam, notifying the owner of the DEP’s intent to remove the dam, thus making the owner liable for the costs if an acceptable implementation plan is not submitted by June 15, 2009 that outlines the actions to be taken by the owner to bring the dam into compliance.

6. Update from the NJ League of Municipalities on the DEP Permit Efficiency Review Task Force Implementation Plan noting a final report submitted by the task force that is available on the DEP website.
7. Resolution 2009-155 adopted April 8, 2009 approving recommendations of the Planning Board with regard to the streetscape improvement plan.
8. No Further Action and Covenant Not To Sue letter received from the NJ DEP regarding Finke property at 73 High Crest Drive, Block 12401; Lot 42 with regard to replacement of a 550 gallon # 2 fuel oil underground storage tank.

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

1. Notice of Cancellation of the Application for a Highlands Applicability Determination dated March 27, 2009 from the NJ DEP regarding the Minor Subdivision for Awosting Association, Block 4106; Lot 1 citing insufficient documentation for processing the application and failure to withdraw without penalty within the time period provided.
2. Agency Determination – Exempt #4, Water Quality Management Plan – Consistent - received for Inserra West Milford/Shop Rite expansion; Block 6303; Lots 15 & 16, dated March 27, 2009.
3. Re-Application packet for Highlands Applicability Determination dated April 9, 2009 received from Giordano, Halleran & Ciesla for Tennessee Gas Pipeline Company – 300 Line Project through Vernon, West Milford and Ringwood in response to the Highland's determination of Administrative Incompleteness dated March 10, 2009.

#### **ADJOURNMENT**

Prior to adjournment, Chairman Gargano announced that the Planning Board Workshop/Regular meeting of May 7, 2009 may be cancelled if there are no applications to come before the Board. Board members will be notified if there is a cancellation and proper notices will provided to the newspapers and public.

With no further business to come before the Board, the meeting **adjourned** at 7:55 pm on a **motion** by Douglas Ott and a **second** by Councilman Weisbecker.

Approved: May 28, 2009

Respectfully submitted by,

Tonya E. Cubby  
Secretary