

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**May 8, 2008**

**REGULAR MEETING**

The Regular meeting of the Township of West Milford Planning Board was called to order at 7:33 p.m. 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, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano, Planning Director William Drew, Board Attorney Thomas Germinario, Consulting Engineer John Hansen.

Absent: Richard McFadden, Michael Siesta, Dennis Kirwan.

**PUBLIC PORTION**

Richard Schnyder, 22 Marshall Hill Road, addressed the Board regarding the Sunny Blue (Walgreen's) application. He inquired whether an impact study had been done to determine the effect on local businesses with the establishment of a major chain store in the Township. He inquired about the driveway easement and the close proximity of the proposed Walgreen's to the existing gas station and asked the Board to change their decision and deny approval of the variance. Board Attorney, Thomas Germinario, responded to each one of Mr. Schnyder's concerns, explaining the legal parameters within which the Board functions. William Drew, Planning Director, advised that the easement referred to would be on file with the Passaic County Registrar of Deeds and commented on Mr. Schnyder's request for the Board to deny the variance.

With no one else present wishing to address the Board, the Public Portion was closed by unanimous consent on a **motion** by Steven Castronova and a **second** by Chris Rosica.

**MEMORIALIZATIONS**

**RESOLUTION NO. 2008-12**

**SUNNY BLUE, LLC**

**Preliminary and Final Site Plan #0720- 0286AB**

**Bulk Variance #0730-0787**

Block 5701, Lot 1

1502-12 Union Valley Rd; CC Zone

**Granted: Preliminary and Final Site Plan Approval with Bulk Variances** to construct a Walgreen's pharmacy.

Chairman Gargano ascertained whether the Board had reviewed the resolution of approval for the Sunny Blue, LLC application. The Board Attorney advised the Board that a last minute request was received from the Township Police Chief for the inclusion of a Do Not Enter sign by the traffic light, referring to page 6 of the plans. The additional sign was approved by the applicant.

**Motion** by Councilman Philip Weisbecker with a **second** by Douglas Ott to approve Resolution No. 2008-12 granting Preliminary and Final Site Plan approval with Bulk Variances for Sunny Blue, LLC, as amended.

Roll Call: **Yes** - Douglas Ott, Chris Rosica, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.  
**No** - None.

**RESOLUTION NO. 2008-13**

**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.

**Motion** by Mayor Bettina Bieri with a **second** by Steven Castronova to approve Resolution No. 2008-13 granting a one year time extension to applicant Ernest Oberer.

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

**RESOLUTION NO. 2008-14**

**WILLIAM AND DAWN GERVENS**

**Minor Subdivision #0810-1983**

Block 15101; Lot 6  
70 Coventry Road; R-4

**Granted: Minor Subdivision** for lot line adjustment.

**Motion** by Councilman Philip Weisbecker with a **second** by Steven Castronova to approve Resolution No. 2008-14 granting a minor subdivision to applicants William and Dawn Gervens.

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

**SITE PLAN APPLICATION REVIEW WAIVERS**

**VILARDI KITCHEN DESIGNS, LLC**

**Site Plan Review Waiver #0820-0319W**

Block 13602; Lot 1  
1846 Route 23; HC Zone

Vito Vilardi was present to address the Board regarding his waiver request. Mr. Vilardi advised the Board that he intended to establish a kitchen design showroom at the site of the former Degnarò's Sporting Goods shop on Route 23 N. Under questioning by Board members, Mr. Vilardi asserted that there was one apartment on the site and he had no intention of increasing the number of apartments, that he had not done any work at the site with the exception of cleaning and clearing of debris. Mr. Drew informed the Board that he and the Construction Official, Kurt Wagner, had made a site visit and it appeared that recent electrical modifications had been made. He advised the applicant to contact the Building Department to obtain the necessary permits before proceeding any further. Mr. Vilardi stated that this location would be a showroom only and that no construction would occur at the site. In response to questions about the parking area, he advised that he would patch the potholes initially, with paving in the future. There were some questions regarding encroachment and a shed at the site, and the applicant advised that the shed would be moved. A Board member inquired about deliveries at the site and the applicant advised that this would be a showroom only. Mr. Germinario, Board Attorney, advised the Board that they could approve the site plan application review waiver conditioned that the site would only be used as a showroom and for retail sales, and that no manufacturing or shipping of merchandise from this location would take place. Also, the applicant should apply for all applicable permits for site improvements.

**Motion** by Councilman Philip Weisbecker with a **second** by Chris Rosica to approve the site plan application review waiver for Vilardi Kitchen Designs subject to the conditions that the site is used only for a showroom and for retail sales, no manufacturing or shipping of merchandise from this location will take place, and all permits will be applied for.

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

**SCOTT REID**  
**Site Plan Review Waiver #0820-0321W**  
Block 15505; Lot 2.02  
2887 Route 23 So.; H.C. Zone

Scott Reid, 120 Koonen Road, Highlands Lakes, was present to address the Board regarding his waiver request. He advised the Board that he was proposing a custom embroidery silk screening and retail business with some clothing at the site near the Village Square Inn on Route 23 N. Printing would be done at this site, but no manufacturing of the screen would occur. The applicant stated that the showroom would be on the first level, with a workroom on the second floor. A Board member inquired about parking at the site and Mr. Reid advised the Board that the owner has agreed to allow signs for parking to distinguish between the adjacent restaurant and the silk screening business. A Board member expressed concerns about the disposal of ink into the septic. Mr. Drew advised the applicant to apply for the proper building permits prior to any renovation of the site.

**Motion** by Chris Rosica with a **second** by Steven Castronova to approve a site plan application review waiver for Scott Reid with the conditions that there will be no production of the screens for silk screening on the premises which could be harmful to the septic system, there will be no ink disposal on the premises or through the septic system, all inks will be recycled, only parcels will be used for pickup and delivery, and there will be no tractor-trailer deliveries at the site.

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

**MISCELLANEOUS**

The Board Attorney expressed concerns about litigation reimbursement, adding that his contract did not specify an amount for litigation, noting that there were numerous ongoing litigation cases that he was involved with on behalf of the Planning Board. The original contract was \$10,000, not including escrow and litigation. Mr. Drew advised that the prior Board Attorney's contract amount for litigation was \$16,000.00, which was in addition to his monthly retainer for meetings and miscellaneous business. Following discussion, the Chairman advised that an amended resolution was necessary to allocate funds for litigation, in addition to a certification of funds and amended contract for Mr. Germinario.

**Motion** by Mayor Bettina Bieri with a **second** by Chris Rosica to amend the contract to include litigation provisions for Thomas Germinario, Esq.

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

The Mayor advised that she will investigate past Planning Board litigation accounts to determine the best course of action for establishing a litigation account for Mr. Germinario and would have the information available for the next Planning Board meeting. Mr. Germinario stated that he was making an effort to control costs to stay within the contractual amount, but that he could not control litigation. Noting that his legal services were no longer required for the remainder of the agenda, he left the meeting at this time.

## **PLANNING DIRECTOR'S REPORT**

Mr. Drew advised the Planning Board that the Environmental Commission and their consultants had made a presentation to the Township Council regarding a formal recommendation to amend the Open Space portion of the Master Plan to include West Milford Lake. He suggested the Board confer with their attorney on the specific procedures as notification and a public hearing were required.

Regarding the Building Design Subcommittee, Mr. Drew advised that the committee had met several times and reviewed various buildings in the center of town. The subcommittee has recommended pursuing a grant from the American Planning Association that would assist in controlling design standards in the Township. He added that there was a pending Shop Rite application that would benefit from grant-funded professionals reviewing their site plans for conformance with the proposed streetscape plan. When asked by the Mayor if matching funds were part of the grant, Mr. Drew replied that only in-house services would be required. He advised that a recommendation to the Township Council be made to proceed with the grant application.

## **APPROVAL OF INVOICES – BOARD PROFESSIONALS**

Following an inquiry and brief discussion on whether the invoices for the Board's Engineer and Planner will exceed the contracted amount due to litigation, Mr. Drew confirmed that these professional charges are applied to applicants' escrow accounts. A **motion** was made by Councilman Philip Weisbecker with a **second** by Steven Castronova to approve the invoices submitted for Paul Ferriero, P.E. for services rendered for March 2008.

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

## **MINUTES**

Approval of minutes of the March 6, 2008 Workshop Meeting.

A **motion** was made by Councilman Philip Weisbecker with a **second** by Chris Rosica to approve the minutes of March 6, 2008 Workshop.

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

**ORDINANCES FOR INTRODUCTION** – None.

## **ORDINANCES REFERRED**

Mr. Drew advised that the Lake Commercial zone change was under review with the Township Attorney and also awaiting input from the Greenwood Lake Commission. As for the streetscape grant, Mr. Drew advised that Rich McFadden and Rob Sparkes are aware of the deadlines and will work with the consultants to ensure the deadlines are met. There will be a "kickoff" meeting planned with schematics and potential streetscape designs presented to the Township Council. He advised that there is a firm deadline on this, with no extensions.

Mr. Drew made some final comments, noting that this was his last meeting with the Planning Board. He thanked the Planning Board for the opportunity to work with them, as well as other Boards, adding that he had worked with very fine, dedicated volunteers over the years. Chairman Gargano, Vice Chairman Syme and several Board members thanked him and wished him well in his future endeavors.

**COMMUNICATIONS** - None.

**HIGHLANDS WATER PROTECTION AND PLANNING ACT**

The following Highland's correspondence was provided to the Board professionals and noted by the Board and filed:

Agency Determination dated April 16, 2008 from the NJ DEP regarding the Jaust Site Plan, 96 Oak Ridge Road, Block 16005; Lot 12 – Highlands Act – Exemption #4, Water Quality Management Plan - Consistent.

Application notification from Edward Ostrowicz, 350 Morsetown Road, Block 4701: Lot 33.04 for "After the fact" construction of utility line through wetlands area.

Notification received April 8, 2008 of a Flood Hazard Area Individual Permit to be submitted to NJDEP regarding James Rupeikis, 2 Island Trail, Hewitt, Block 504; Lot 2.

Freshwater Wetlands Application received April 7, 2008 for a Letter of Interpretation for Ernest Oberer, 350 Germantown Road, West Milford, Block 14201; Lot 14.

Notification received April 8, 2008 for a Highlands Applicability Application for the Christian Life Center, 184 Marshall Hill Road, West Milford, Block 6203; Lot 13.

**ADJOURNMENT**

With no further business to come before the Board, **motion** by Chris Rosica, with a **second** by Councilman Philip Weisbecker to adjourn the May 8, 2008 Regular meeting of the Planning Board at 8:56 p.m. On a Voice Vote, all were in favor of adjourning.

Approved: July 24, 2008

Respectfully submitted by

Tonya E. Cubby, Secretary