

**Township of West Milford  
PLANNING BOARD  
REGULAR MEETING AGENDA  
May 23, 2013  
7:30 p.m.  
Main Meeting Room of Town Hall**

**LEGAL**

*In accordance with Chapter 231, Public Laws of 1975 of the State of New Jersey, adequate advance notice of this Regular Meeting was published in the Herald News. A copy has been filed with the Township Clerk's office, posted on the bulletin board in the main corridor of the Town Hall, and posted on the Township's website. The main meeting room is ADA accessible; special needs can be accommodated by contacting the Planning Board at (973) 728-2798. Please take note of the Fire Exits located in this room in the event of an emergency.*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Regular Members: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Luciano Signorino, Glenn Wenzel, Chairman Geoffrey Syme.  
Alternates: Michael Siesta, Steven Castronova.  
Board Attorney: Thomas Germinario, Esq.  
Board Engineer: Paul Ferriero, P.E./John Hansen, P.E.  
Board Planner: Charles McGroarty, P.P.

**PUBLIC PORTION**

Up to half-hour reserved.

**PRESENTATIONS** - None.

**APPLICATIONS**

**NEW APPLICATIONS** – None.

**EXTENSIONS OF TIME** – None.

**AMENDMENT TO APPLICATION**

**SUN YOUNG JOO**

**Amended Major Soil Removal/Fill Permit #PB-05-12-05**

Block 10402; Lot 12

55 Green Terrace Way; R-4 Zone

**Re:** Review and possible amendment of stormwater, drainage, and soil erosion remediation measures pertaining to the Major Soil Removal/Fill Permit approval memorialized by Resolution No. 2013-7 and Resolution 2013-10 for the prior re-grading of an existing 4-acre residential site.

**PENDING APPLICATIONS**

**TRIPLE T CONSTRUCTION, LLC**

**Preliminary & Final Site Plan With Bulk Variance #PB-03-11-01**

Block 6002; Lot 29

280 Marshall Hill Road; LMI Zone

**Re:** Status of Preliminary and Final Site Plan application.

**MEMORIALIZATIONS** – None.

**NEW BUSINESS**

**Hydraulic Fracturing - Aquifer Testing** – Discussion.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL** - None.

**BOARD PLANNER’S REPORT** -

**BOARD ATTORNEY’S REPORT** -

**BOARD ENGINEER’S REPORT** -

**MISCELLANEOUS**

**Approval Of Invoices – Board Professionals**

Approval of invoices submitted by the Planning Board professionals for services performed during the month of February, March and April 2013.

NJ DCA – DLGS – Financial Disclosure Forms due May 31, 2013.

**MINUTES**

Approval of minutes from the January 3, 2013, February 7, 2013, March 7, 2013, and April 4, 2013 regular meetings.

**CORRESPONDENCE RECEIVED**

**Highlands Water Protection And Planning Act Correspondence**

1. Responding to an NJDEP letter of March 8, 2013, a revised plan/survey submission for a Highlands Applicability and Water Quality Management Plan Determination, dated April 11, 2013, from Twins Realty Group LLC, 937 & 943 Burnt Meadow Road, Block 3906, Lots 9 & 10; Block 6002, Lot 39.01, including survey dated April 9, 2013 with site conditions indicated as of August 10, 2004, and confirmation from the Township of West Milford, dated April 10, 2013, confirming the site conditions as of August 10, 2004 as depicted on the survey.
2. Highlands Act – Exemption #4, Water Quality Management Plan–Not Addressed, dated April 12, 2103, received for Verizon Wireless – Ringwood 4 (Westbrook), Block 4701; Lot 61, 750 Westbrook Road, regarding the installation of a 40 ft x 70 ft wireless telecommunication compound including a 120 ft tall monopole supporting a total of 12 wireless antennas on 131.9 acre property.
3. Highlands Act – Exemption #2, WQMP – Consistent, dated April 18, 2013, received fro Lobosco Single Family Home, Vine Avenue & Ridge Road, Block 5603; Lots 2.01 and 2.02, for the construction of a four bedroom single family dwelling on a .46 acre site. No additional impervious surfaces such as sheds, pools, decks, or additions, and no disturbance may occur that would cause this site to meet or exceed the ¼ acre of impervious surface.
4. Highlands Area Delegated Exemption Certification Program, April 25 and May 1, 2013, applicable for municipalities who have approved petitions for Highlands Plan Conformance, with certification for issuing local exemption #1, 2, 4, 5, 6, 7, and 8.

**NJ Department of Environmental Protection Correspondence**

1. Notification from John Moyle of the NJDEP, Bureau of Dam Safety, dated April 4, 2013, to Allison Hosford, Weaver Road, advising that the Zeliff Pond Dam, NJDEP Dam File # 22-76, was determined to

be in Satisfactory Condition based on the report submitted by Richard Deubert, P.E., and further advising that the dam will be reclassified as a Class III, low hazard dam.

2. Notification from John Moyle of the NJDEP, Bureau of Dam Safety, dated March 19, 2013, to Lindy's Lake Association, advising that Lindy's Lake Dam, NJDEP File # 22-54, was repaired in accordance with the approved plans, but request revised as-built plans to be submitted by May 31, 2013, in addition to other repairs to the dam outlined in the NJDEP letter of November 4, 2011. The next regular inspection is due by July 2013.

3. Notification from John Moyle, NJDEP Bureau of Dam Safety, dated April 16, 2013, to Camp Vacamas, 256 Macopin Road, regarding the Henion Pond Dam, NJDEP File # 22-18, advising that, in response to a request from Civil Dynamics dated April 2, 2013, a 6" increase in the lake level during the summer season is approved and they will permit the installation of one, 6" high stoplog in each spillway section for the period of March 27, 2013 to August 31, 2013 provided that all the conditions outlined in the letter from Civil Dynamics are met. The Bureau may rescind the approval to raise the lake level if there is any indication of instability or deterioration of the embankment or spillway.

4. Correspondence from John Moyle, NJDEP Bureau of Dam Safety, dated April 5, 2013, to the City of Newark, Department of Water and Sewer Utilities, regarding Pequannock Watershed Dams and the 2011 Formal and 2012 Regular Inspection Reports for Canistear Reservoir Dam Nos. 1 & 2, Charlotteburg Dam, River Wall Dam, Clinton Reservoir Dam, and Oak Ridge Reservoir Dam, advising that a review of the 2011 Formal Inspection Reports from Civil Dynamics found the dams to be in fair condition with maintenance repairs and studies necessary, but noting that more details were needed regarding a No. 2 cone valve in the sluice gate for the Charlotteburg Dam. Also noted by the NJDEP were numerous immediate and long-term recommendations from prior reports that have not been addressed. With regard to the 2012 Regular Inspection Reports, NJDEP records indicate that the 2012 dam safety visual inspection reports were overdue. Additional comments note that inspections have been completed in winter months which are not permitted under NJAC 7:20-1:11(f) or they were conducted a year after they were due and not submitted in a timely manner; enforcement action is warranted and may be taken by the NJDEP if the matters are not addressed. The 2012 dam safety inspection reports for the above referenced dams must be submitted by May 31, 2013 and the 2013 inspections must be completed prior to November 2013, with a report filed within 30 days of the inspections.

5. No Further Action, Covenant Not To Sue, dated April 5, 2013, received from the NJDEP, regarding 28 Hewitt Road, Block 1903; Lot 2, for Edward Pevny, related to the removal of one 275 gal #2 heating oil AST.

6. Notice from Careaga Engineering Inc., dated April 8, 2013, regarding Surjit Singh, 555 Warwick Tpk., Block 703; Lot 3, advising that a Treatment Works Approval (TWA) application is being submitted to the NJDEP for the abandonment of a septic disposal system and replacement with a new tank, pre-treatment tank, and a chambered disposal bed for a proposed gas station convenience store.

7. Private Potable Well Water Analysis from the NJDEP, dated April 24, 2013 received for GPS Enterprises, 551 Warwick Tpk, Block 703; Lot 3, advising that water obtained from the well tested on January 23, 2013 was found to be acceptable for drinking water and other domestic uses.

8. Copy of an application for a GP 25 received on April 16, 2013 for Katie Beier, 18 Crescent Road, Block 12305; Lot 13 for the repair of a malfunctioning septic system.

9. Notice of an On Scene Coordinator Residential Discharge Authorization Approval from the NJDEP, dated April 19, 2013, to Gerald Struble and Andrew Allen, regarding 305 Germantown Road, Block 14202; Lot 3, with respect to the emergency discharge of treated ground water to a storm sewer, outlining the procedures to be followed with regard to the construction and operation for a ground water recovery and treatment system.

10. Freshwater Wetlands Individual Permit and flood Hazard Area Individual Permit – Modification No. 2, dated March 27, 2013, received for Tennessee Gas Pipeline from the NJDEP – Land Use Div., with a change to condition #55 requiring the applicant to only use non-petroleum based hydraulic fluids in equipment in connection to the Monksville Reservoir HDD crossing. If this is determined to be impractical, the contractor shall install a secondary containment around the operating equipment, as well as impermeable material to be placed under and around all equipment, with an inspector to be on site at all times to monitor for spills and leakage.

11. Notice from the NJ DEP Natural and Historic Resources, dated May 1, 2013, advising that Michael Friedman of Vacamas Programs for Youth, 256 Macopin Road, has been awarded a loan in the amount of up to \$1,165,000.00 for the repair of the **Henion Pond Dam (NJ File No. 22-18)**.

12. Notice to the Township of West Milford, dated May 7, 2013, from the NJDEP Bureau of Dam Safety & Flood Control, advising that the State is unable to offer any funding assistance at this time from the Dam Restoration and Inland Water Projects Loan Program for the repair of the **Bubbling Springs Lower Pond Dam (NJ File No. 22-320)** and advising that the Township should continue efforts to bring the dam into compliance with the Dam Safety Standards.

13. Notice to Tom McNair, Farmcrest Acres Association, Inc., dated May 7, 2013, from the NJDEP Bureau of Dam Safety & Flood Control, advising that the State is unable to offer any funding assistance at this time from the Dam Restoration and Inland Water Projects Loan Program for the repair of the **Lower Crest Lake Dam (NJ File No. 22-334)** and advising that Farmcrest Acres Association should continue efforts to bring the dam into compliance with the Dam Safety Standards.

14. Notice to Tom McNair, Farmcrest Acres Association, Inc., dated May 7, 2013, from the NJDEP Bureau of Dam Safety & Flood Control, advising that the State is unable to offer any funding assistance at this time from the Dam Restoration and Inland Water Projects Loan Program for the repair of the **Upper Crest Lake Dam (NJ File No. 22-333)** and advising that Farmcrest Acres Association should continue efforts to bring the dam into compliance with the Dam Safety Standards.

#### **MISCELLANEOUS CORRESPONDENCE**

1. Correspondence received from Sean Thompson, Acting Director of COAH, dated May 1, 2013, to the Township of West Milford regarding the Municipal Affordable Housing Trust Fund Current Balance, advising that their records indicate that the Township had not committed or expended the affordable housing funds by March 31, 2013, and requested certification and documentation that the funds have been committed in a manner consistent with the municipality's fair share plan, the Fair Housing Act, an approved Spending Plan, and all applicable regulations.

2. Notice from the HEPSCD dated April 19, 2013 advising that the Joo Fill & Grade Project Revised Plans for Grading and Drainage have been approved and their soil erosion and sediment plan remains certified.

3. Notice from the HEPSCD dated April 1, 2013 advising that the First, Second and Third Avenue Improvements plan by the Township of West Milford has been certified for 3.5 years.

4. Notice from the Passaic County Freeholders and Division of Economic Development regarding a free seminar on "Greening Your company in 2013: Opportunities to Improve Cashflow and Maximize Environmental Benefits" on June 19, 2013 at William Paterson University – registration required. Passaic County will also award certificates to municipalities/companies organizations in Passaic County who have implemented green design concepts and techniques including recycling, alternative green power, green new or rehab construction. Contact Deborah Hoffman, Dept of Planning & Economic Development at 973-569-4725.

#### **ADJOURNMENT**