

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

MAY 24, 2012

Regular Meeting

The Regular Meeting of the Planning Board was opened at **7:33 p.m.** by Chairman Geoffrey Syme with a reading of the Legal Notice, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Luciano Signorino, *Vacancy*, Alternate Steven Castronova, Chairman Geoffrey Syme, Board Attorney Thomas Germinario, Board Planner Charles McGroarty, P.P., Board Engineer Paul Ferriero, P.E.

Absent: Linda Connolly, Alternate Michael Siesta.

Alternate Steven Castronova was requested to sit on the Board for Linda Connolly.

PUBLIC PORTION

Chairman Geoffrey Syme 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 Christopher Garcia and a **second** by Andrew Gargano.

PENDING APPLICATIONS

TRIPLE T CONSTRUCTION, LLC
Preliminary & Final Site Plan #PB-03-11-01
W Bulk Variance
Block 6002; Lot 29
280 Marshall Hill Road; LMI Zone
Status: Matter carried.

Chairman Syme advised that this matter has been carried and tentatively scheduled for the June 28, 2012 regular meeting of the Planning Board. The Board was advised by the Secretary that additional escrow had been required before this matter could be scheduled for a hearing, in addition to plan revisions necessary as a result of prior hearing recommendations.

NEW APPLICATIONS

OAK RIDGE ROAD ASSOCIATES, LLC
Preliminary /Final Site Plan #PB-11-11-04
Block 15901; Lot 1
197 - 209 Oak Ridge Road; LMI

Seeking: Preliminary and Final Site Plan approval and consideration of waivers to construct a 21,916 s.f. parking lot in the LMI Zone, with variances from buffer and/or landscaping requirements under Ordinance §500-49. Continuation of the public hearing from April 5, 2012.

Applicant Bernard Schwartz and Paul Lapatka of Ballester, Eid and Lapatka were present to address this matter for the Board. Mr. Lapatka qualified himself for the Board and, following a review of his credentials, was accepted as an expert in civil engineering. Mr. Lapatka reviewed the revisions that had been made as a result of the Board hearing on April 5, 2012 and the subsequent reviews and comments by the Board's professionals. He noted that the plans had been revised, but based on recent reports, additional revisions were necessary. Mr. Lapatka reviewed the parking configurations that will include 4 handicapped spaces, with two van accessible spaces, additional landscape screening, 18 RV site parking stalls, the grade in the rear to be lowered by 3 feet to the existing grade with 59 spaces in the rear, circulation revisions, silt stabilization to be addressed, painting/stripping for the fire lanes, the former gravel drive to be removed with no access to the main road with a 2 foot wall to prevent access, dumpster areas provided (one for the main building and one for the auto body), the lighting will be revised for point by point and intensity, a walkway to be added for employee access, the ingress and egress to be noted for the front of the building, with the rear used only for emergencies. Mr. Lapatka advised the Board that Paul Ferriero made additional comments following the aforementioned revisions, and Mr. Ferriero advised the applicant's engineer that his comments could be conditions of Board approval. Mr. Ferriero noted that he was pleased to see that the applicant was addressing the lighting, adding that the lower intensity may mean more poles, but he can work with the applicant on this. Mr. Ferriero then recommended that the Board approve a design waiver and allow him to work with the applicant for the best layout with regard to lighting. Mr. Schwartz then commented to the Board that his goal was to receive conditional approval at this hearing. The Board inquired about the comments from the Board Planner, Chuck McGroarty, regarding the lighting to be on timers, and discussed several factors, including access to the building at off hours and safety issues. Mr. Schwartz testified that the occupants of the commercial building are rarely at on the site after 5:00, with limited personnel on Saturdays. Mr. Ferriero recommended that the Board make a condition that the lights would be off at 10:00 except for security lighting. Mr. Germinario advised that the Board could conditionally grant a design waiver so the applicant would not have to come back before the Board. With regard to existing mechanical equipment that will be removed from the side of the building, Mr. Schwartz stated that the equipment and concrete pad will

be removed, and Mr. Gargano noted that this will be a condition of approval. Mr. Schwartz advised the Board that he fully understands that they are interested in safety, but he noted that his insurance carrier is also, so he will comply with all the conditions.

Chuck McGroarty, Board Planner, advised the Board that the applicant has proposed a walkway, but this is not yet shown on the plans. He also recommended that with the low intensity lighting and the existing and proposed swales, that one parking space be eliminated for better access by pedestrians. He further noted that the access should be in line with the walkway, the proposed spruce trees should be indicated on the plan to make it easier to verify, and the gravel area should be topsoiled and seeded. With regard to the spotlight proposed for the rear of the building, Mr. McGroarty noted that it is not consistent with the Township ordinance and the light source should be directed downward, adding that this was an issue that could be worked out between the engineers. He also noted that the dumpster on the front area of the site is not practical, and Mr. Schwartz advised that this was a mistake on the plans and should not be located there. Mr. McGroarty recommended screening to comply with the Board's preferences on prior application with regard to dumpsters, and he requested that the two dumpster locations should be identified on the plans with the particular enclosures noted. Mr. Schwartz stated that whatever the engineers recommend is agreeable to him, adding that he preferred whatever was the most durable. Mayor Bieri suggested board on board vinyl, and Mr. Ferriero observed that this was a semi industrial site with lots of activity, and large vehicles with large amounts of trash. He recommended a chain link fence with vinyl slats for easier maintenance and durability, and the Board concurred. Chairman Syme inquired why the plans do not depict the new handicapped spaces, and Mr. Schwartz provided the Board with an explanation of this discrepancy, noting that they are complying with the law and providing a space in the front of the building. The Board inquired whether the applicant intended to comply with the Construction Official's memo regarding ADA accessibility and recommendation of a van accessible space, and Mr. Lapatka noted that they may lose a parking space if they comply. The Board discussed the matter in detail, and Mr. Ferriero recommended that the applicant comply with the request of the Construction Official/ADA Subcode Official since he is the one who will ultimately issue the C.O.

With regard to the Fire Marshall's comments in his memo dated March 16, 2012, Mr. Lapatka advised that the applicant would be providing signage and striping per the memo. With regard to the correspondence from Passaic County, Mr. Lapatka advised that the applicant desired Board approval before addressing the County's recommendations. Mr. Schwartz was then advised by Mr. Germinario that any major modifications to his site following Board approval would require an amended site plan. Mr. Lapatka advised the Board that the applicant requests a waiver for a 24-foot aisle width where 25 feet is required, and the Board granted the waiver. With regard to the items in Mr. Ferriero's memo of April 21, 2012 referencing storm water maintenance, seepage pits, etc, the applicant would comply, as well as receiving required approval from other agencies (Passaic County, HEPCSD).

Mr. Germinario reviewed the following conditions for the Board and the applicant:

- Revised plans shall indicate a pedestrian walkway between the new easterly parking lot and the northern building frontage of the main building, along with the relocation of the existing swale in that area needed to accommodate the walkway.
- Revised plans shall indicate a striped pedestrian path from the new parking area leading to the pedestrian walkway referred to above.
- Revised plans shall locate the two proposed dumpster areas as directed by the Township Engineer. A dumpster enclosure detail shall be added to the plans providing for a vinyl-coated chain-link fence with slats, which shall be reviewed and approved by the Township Engineer.
- Revised plans shall depict a van-accessible handicap parking space in front of the 1½ story masonry/frame building on the west side of the property. The loss of one parking space due to this is approved.
- The revised plans show 21 Norway spruce at a planting height of five feet in a double staggered row along the northerly edge of the new parking area. Planting details shall be added to the plans and notes added to the plans that the former gravel driveway will be properly restored with topsoil in the area of the proposed plantings.
- "Light type A" shall be modified to meet Ordinance standards in §500-69 B for the light source to be "directed downward."
- There is a note stating the existing concrete slab to the east of the building is to be removed, along with the mechanical equipment that shall be relocated off of the property.
- A point-to-point lighting diagram, showing the minimum, average maintained, and maximum to minimum shall be provided. Reduced lighting intensity shall be provided as directed by the Township Engineer, and the Board grants a design waiver for this purpose to the extent necessary. Lighting shall be on timers to be off by 10 p.m. each night, with the exception of security lighting.
- A Stormwater Management Operations and Maintenance Manual must be prepared and submitted for the bio-retention basin, consistent with Highlands Preservation Area Approval, Special Highlands Condition 18.
- After construction of the bio-retention basin, the infiltration rate of the planting soil bed and the permeability of the subsoil below must be tested in accordance the Highlands Preservation Area

Approval, Special Highlands Condition 20. A certified copy of the test results shall be submitted to the Township Engineer.

- Approval is required from the Hudson Essex Passaic County Soil Conservation District.
- Approval is required from the Passaic County Planning Board.

Motion by Andrew Gargano with a **second** by Councilman Luciano Signorino to **approve** the Preliminary and Final Site Plan application for Oak Ridge Road Associates, #PB-11-11-04, with the conditions noted.

Roll Call:

Yes - Mayor Bettina Bieri, Steven Castronova, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Lou Signorino, Chairman Geoffrey Syme.

No – None.

Mr. Schwartz addressed the Board, advising that he began the process of this site plan application in January 2005, noting that it took a long time to get approvals, including from the Highlands, but he thanked the Board for their efforts on behalf of his application and for their subsequent approval.

MEMORIALIZATIONS – None.

NEW BUSINESS

Draft Amendments to Well Testing Ordinance #2007-028 – The Planning Board discussed the proposed draft of the amendments to the aquifer testing ordinance. Mr. Germinario advised the Board that the amendments are being proposed in an effort to avoid situations where an applicant delays the testing procedures following approval of the test plan. He further advised that this amendment requires a an implementation schedule, subject to the Township’s hydrogeologist, and subject to an acceptable, the Board may extend for a period of 60 days upon the submission of a revised plan and schedule that is approved by the Township hydrogeologist. The amendment also takes into consideration the property owners who have monitoring equipment in their wells and gives them the right to have the equipment removed. Mr. Germinario advised that he had received a note from Board member Linda Connolly, who was unable to attend this meeting, but inquired about the submission of a “preliminary report.” He noted that he understood her confusion at this terminology, and the language indicates that it precedes the aquifer test, which is the way the ordinance is written, and it does not mean “preliminary” in the sense of preliminary application. With regard to the other comments from Ms. Connolly, Mr. Germinario advised that the additional language she suggested would be redundant. With regard to additional escrow funds required, he advised that the implementation schedule would change, not the hydro report itself, so it would not be necessary to require this. Mr. Germinario then advised the Board that following their review and approval, he would forward the ordinance amendment to Fred Semrau, Township Attorney, who has already reviewed it, and he will provide it to the governing body.

Motion by Andrew Gargano with a **second** by Mayor Bettina Bieri to **approve** the amendments to the aquifer testing ordinance and recommending that the Board Attorney forward same to the Township Attorney for Township Council consideration. The Planning Board **voted unanimously** to refer this matter for Council consideration.

ORDINANCES FOR INTRODUCTION – See above.

ORDINANCES REFERRED FROM COUNCIL - None.

BOARD PLANNER’S REPORT

Environmental Resource Inventory – Chuck McGroarty advised that he had reviewed the comments from the Environmental Commission and noted that he needed to review them in more detail, adding that there were some areas in the ERI document that could not be altered.

Highlands Master Plan Update - Chuck McGroarty advised the Board that he would require approximately one month to review the draft Master Plan Element prior to a public hearing being scheduled. The Board concurred that at the June 28, 2012 Planning Board regular meeting, a public hearing would be held to address the matter of the Highlands Preservation Area Master Plan Element. Mr. McGroarty advised that he would review certain highlights of the plan for the Board and the public, but that much of the document cannot change since the Township is entirely in the preservation area. He noted that in other towns where he is a planning consultant, he has spent more time on the ordinance than the master plan, and suggested that a half hour be reserved for this public hearing. He also advised the Secretary that the public hearing requires legal notice as well as notification of the surrounding communities and County.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

- Douglas Ott inquired whether the Planning Board could send a memo to the Health Dept. regarding item #8 under the NJDEP Correspondence with reference to the attempted Vapor Intrusion Testing at various residential sites in the vicinity of 2019 Greenwood Lake Turnpike as part of an ongoing remediation effort. The Board directed the Secretary to send a memo to the Township Administrator to request follow up by the Health Dept. on this matter.
- Following a brief discussion about upcoming meetings and Board matters, the Board concurred that the June 7, 2012 meeting would be cancelled.

Approval Of Invoices – Board Professionals

The Board reviewed the invoice report for the invoices submitted by the Planning Board professionals for services performed during the months of March and April 2012. The invoices were **unanimously approved** for payment on a **motion** by Andrew Gargano with a **second** by Douglas Ott.

MINUTES

The Minutes from the September 22, 2012, February 23, 2012, and April 5, 2012 Regular Meetings were not available for approval. Draft minutes were available upon request.

The following documents were reviewed and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Notice dated April 20, 2012 of an application being submitted for a Highlands Applicability Determination and a Water Quality Management Plan from Surjit Singh, 555 Warwick Tpk., Block 703; Lot 3.
2. Letter to Tennessee Gas Pipeline from the NJDEP, dated April 3, 2012, regarding modifications to the TGP 300 Line Project-Loop 325, advising that the new modifications do not change the February 11, 2011 determination of Exempt and Not Addressed, and advising that all stipulations identified in their letter still applies. In addition, the Highlands Resolution 2012-7, dated February 16, 2012, determined that the revised project constitutes routine maintenance operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines or systems and is consistent with the goals and purposes of the Highlands Act.
3. Highlands Act Exempt-Exemption #11; Water Quality Management Plan-Not Addressed received from the NJDEP regarding the Northeast Upgrade Project (Loop 325) – an extension of the previous project known as the “300 Line Project” which involves construction of approximately 7.6 miles of new 30-inch outside diameter underground natural gas pipeline adjacent to the existing 24 inch natural gas pipeline. The pipeline extends from West Milford, through Ringwood and terminates in Mahwah.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice from Ballester, Eid & Lapatka dated April 30, 2012 advising of submission of a Treatment Works Approval Permit Application to the NJDEP for 206 Lakeside Road, Block 3202; Lot 1 & 3201; Lot 12 for the installation of septic field on an adjacent vacant lot.
2. Notice of Deficiency dated April 16, 2012 regarding a Remedial Action Report for 30 Windsor Road, Block 7003; Lot 8.01, advising that confirmation ground water sampling had not been performed as required. Updated ground water information is required for submission as an addendum to the RAR within 60 days of the notice.
3. No Further Action and Covenant Not To Sue letter dated April 2, 2012 received for 16 Walker Avenue, Block 13809; Lot 14, regarding the remediation of BTEX compounds found in potable well.
4. Letter from the NJDEP Bureau of Dam Safety, dated April 9, 2012 to the Township of West Milford advising that a portion of the Upper Mount Glen Lake Dam (Block 11302; Lot 36), NJ File #22-101 is located on Township property, and that the Township is required to bring the dam into compliance per the standards established by the Safe Dam Act, N.J.S.A. 58:4 along with the co-owners, Mount Glen Lakes Association, John Kasper and Walter Russell.
5. Letter from the NJDEP Bureau of Dam Safety, dated March 27, 2012, to the City of Newark regarding Hanks Pond Dam, NJ File #22-242, advising that based upon the inspection report by Civil Dynamics, the dam was found to be in an unsatisfactory condition with repairs and maintenance necessary, and outlining several concerns that must be addressed following a review of the Hazard Classification documents. The owner was advised to implement the recommendations presented in the report, with the next inspection conducted by December 2012.
6. Letter from the NJDEP, dated April 2, 2012, regarding GPS Enterprises (Old School Pub), 551 Warwick Tpk, Block 703; Lot 3, providing a summary of the February 22, 2012 Private Potable Well Water Analysis in the vicinity of SB Petroleum, advising that the well water is acceptable for drinking water and other domestic uses.
7. Notice from PSE&G, received April 10, 2012, advising that an application is being submitted to the NJDEP for a Freshwater Wetlands Individual Permit in order to conduct regulated activities in order to bring the ROW into compliance with the BPU and NERC vegetation maintenance regulations.

8. Copy of a letter to several residents in the vicinity of 2019 Greenwood Lake Tpk from HCI-Hydrrotechnology Consultants, dated April 2, 2012, requesting access to the properties for the purpose of conducting state mandated testing. The request, on behalf of Adelo Corporation, is for the purpose of conducting Vapor Intrusion Testing due to elevated levels of tetrachloroethene, trichloroethylene and vinyl chloride detected in ground water near this site as required by the NJDEP. Testing will be performed at no cost to the homeowner with results made available to them. A prior request was made on March 7, 2012 with no response from the property owners. Notices were sent to the following property owners: 1 Lambert Rd, Bl 3603; Lt 4; 3 Lambert Rd, Bl 3603; Lt 3; 5 Lambert Rd, Bl 3603; Lt 2; 5 Stainsby Rd, Bl 3603; Lt 6; 7 Lambert Rd, Bl 3603; Lt 1; 2007-2011 Greenwood Lake Tpk, Bl 3603; Lt 8.
9. Request for a Budget Amendment on SFY04 NPS Grant (RP04-081) [319(h)] dated April 4, 2012, to the NJDEP from the Township Administrator, requesting an additional project to be approved for the unexpended balance of the grant. The project would implement a riparian planting vegetative filter strip along Morsetown Brook and Belchers Creek.
10. Request to the NJDEP for a Budget Amendment on SFY07 NPS Grant (RP07-052) [319(h)], dated April 4, 2012, with an update on May 1, 2012, from the Township Administrator, requesting that the remaining 2007 grant funds be used to implement 4 additional watershed based projects, including projects on Marshall Hill Road: design, permits, and construction management services for a rain garden and culvert replacement; Stainsby Road: design, permits, and construction management services for a culvert removal (daylighting) and swale stabilization; Adelaide Terrace: design, permits, and construction management services for a stormwater Manufactured Treatment Device; and Reidy Place: design, permits, and construction management services for a Filterra/vegetated inlet at the intersection of Reidy Place and Millington Avenue.
11. Notice from Rutgers of the 2012 Spring Wetlands Training Courses including the Wetlands Delineation Certificate Series, Basic Wetlands Training, Hydrology of Wetlands, Freshwater Wetlands Permits, and Endangered and Threatened Species of NJ.
12. Notice from John Moyle, Bureau of Dam Safety, dated April 27, 2012, regarding the Henion Pond Dam, NJ file #22-18, Camp Vacamas, 256 Macopin Road, advising that a recent inspection, associated with a request to raise the lake level by 6" for the summer camp, revealed that a 6" stoplog had been placed in the middle of the center spillway with additional stoplogs blocking the left spillway section. The "stoplogs have raised the level of the lake without the approval from the Bureau in direct violation of the Bureau's directive to maintain the lake at a safe operating level until the dam is in compliance with NJ Dam Safety Standards. All stoplogs must be immediately removed from all spillway sections." Approval for the installation of one 6" high stoplog in each spillway for a period of June 1 – August 31 was given provided certain conditions were met.
13. Notice to Lake Arcadia Association from the NJDEP, dated May 14, 2012, regarding the Lake Arcadia Dams No. 1 & 2 and Saddle Dikes, advising that the dams are currently in poor condition because critical studies (hydraulic, hydraulic studies, and Dam Breach Analysis) are necessary. Lake Arcadia Association is required to have necessary studies performed by a licensed engineer, as well as plans prepared for implementation of the recommended repairs in the November 19, 2011 report.
14. Notice dated May 8, 2012 from PK Environmental regarding an application to the NJDEP for a Flood Hazard Area Verification for Inserra West Milford LLC, Block 6303; Lot 12, 47 Marshall Hill Road, regarding proposed construction of a single family dwelling.

CORRESPONDENCE

1. Notice from the Passaic County Planning Department regarding ESCO Products, Block 15901; Lot 7, 171 Oak Ridge Road, advising that the site plan approval is withheld pending receipt of a quit-claim deed for a portion of the property in the county right of way.
2. Certification of soil erosion and sediment control plan from the Hudson Essex Passaic Soil Conservation District, dated April 20, 2012, received for the Tennessee Gas Northeast Upgrade Loop 325.

ADJOURNMENT

With no further business to come before the Planning Board, a **motion** was made to **adjourn** the Regular Meeting of May 24, 2012 at **8:50 p.m.** by Councilman Lou Signorino with a **second** by Douglas Ott.

Approved: September 27, 2012

Respectfully submitted by,

Tonya E. Cubby, Secretary