

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

May 26, 2011

Regular Meeting

The Regular Meeting of the Planning Board was opened at **7:33 pm** by Chairman Andrew Gargano with a reading of the Legal Notice, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Robert Nolan, Geoffrey Syme, Councilman Philip Weisbecker, *Vacancy*, Alternates Michael Siesta and Steven Castronova, Chairman Andrew Gargano, Board Engineer Paul Ferriero, P.E.

Absent: Douglas Ott, Board Attorney Thomas Germinario, Esq., Board Planner Charles McGroarty, P.P.

Chairman Andrew Gargano requested Planning Board Alternate Michael Siesta to sit on the Board in the vacant position.

PUBLIC PORTION

Chairman Gargano opened the Public Portion of the meeting. The following addressed the Planning Board about matters of concern:

Richard Randazzo, 278 Wooley Road, spoke to the Board about the Braemar aquifer testing, stating that the testing had been delayed due to weather, but that the process is ongoing. He noted that Board Attorney Thomas Germinario was not present, so he did not expect that the Board could comment on the issue. He spoke about events that took place in the past regarding this subdivision, and expressed his opinion that there were no approvals or enforcement regarding the construction of the houses, roads, electric service, and well installations. He commented about the prior aquifer testing and the results that were unsatisfactory. He requested that the Board investigate and determine whether the applicant has lost the Highlands Exemption for this development based on the assertion that no work was performed at the site for several years. Mr. Randazzo also questioned whether the applicant has permits to proceed with any of the work, and asked the Board to monitor this application to make sure that everything is in order before they proceed any further.

Chairman Gargano advised that the Board Attorney has cautioned the Board against making any comment on this matter. Paul Ferriero, Board Engineer commented that Mr. Germinario has written to the NJDEP to determine if the Highlands Exemption was still valid.

Walter Kassler, Lakeshore Drive, stated that he was present regarding the Filippo application. Chairman Gargano advised that this application was carried to the next regular meeting on June 23, 2011, and also advised that the file was available for review in the Planning Office during regular business hours.

With no one else present wishing to address the Planning Board, the Public Portion was **closed** on a **motion** by Councilman Philip Weisbecker with a **second** by Michael Siesta.

APPLICATIONS

NEW APPLICATIONS

FILIPPO ENTERPRISES LLC

Minor Site Plan #PB-04-10-01

Bulk Variance

Block 2402; Lot 2

399 Lakeshore Drive; NC Zone

Seeking: Minor Site Plan approval and Bulk Variances for construction of a fenced and roof-covered smoking area for patrons.

Chairman Gargano advised that this matter was carried to the next regular meeting on June 23, 2011 due to deficiencies in the noticing requirements.

PENDING APPLICATIONS – None.

EXTENSION OF TIME -None.

NEW BUSINESS

Review of Land Use Application Checklist Revisions – Paul Ferriero, Board Engineer, inquired whether there were any further comments regarding the checklists, particularly from the Zoning Board of Adjustment. The Board Secretary advised that the only comment she knew of was that they would not require 26 plans for a bulk variance application. Mr. Ferriero suggested that we wait for the ZBOA comments before proceeding, as they will be using the checklist for all their applications as well as the Planning Board. The Secretary was directed to send a memo to the ZBOA requesting a review of the checklists and comments prior to the next Planning Board meeting. Chairman Gargano also requested that this matter be kept on the agenda as a pending matter.

Update on Streetscape – Chairman Gargano referred to a memo received from the Township Administrator that advises the Board of the need for an information session for the public on the proposed streetscape plans due to the duration since the project was last discussed. Mr. Castronova commented that this was where the project was left off two years ago. Councilman Weisbecker remarked

that the Township Administrator was under the assumption that the streetscape included the length of Union Valley Road from Macopin to Marshall Hill Road. The Board members commented on the project and noted that the streetscape included the area from Park Lane to West Shore Road, across from McDonalds, and this should all be reflected in the minutes from prior meetings where this matter was discussed. Councilman Weisbecker requested that the Secretary send a memo to the Administrator with the minutes reflecting the discussions about the streetscape project. Mr. Ferriero commented that the Township Administrator will be the coordinator overseeing the project to insure that the remaining funds are not spent unnecessarily on additional engineering work for the project. The Board members requested that the invoices submitted by Dewberry be reviewed, and Mayor Bieri suggested that a request be made for the Administrator to review all the invoices and to report back to the Planning Board about any invoices that may be outstanding. In addition, the Board members requested that the amount of remaining grant funds be determined for this project. Several Board members had inquired about the County Corridor Enhancement Fund at a prior meeting, and Chairman Gargano advised that the current amount in the fund was \$28,611.00 per the Township Administrator. Chairman Gargano requested that the streetscape matter be placed on the agenda for further discussion with regard to future applications that come before the Board to determine whether they will be required to incorporate the streetscape plan in their application.

Time Extension Requests – Paul Ferreiro advised the Board that he and Tom Germinario had discussed the time extension procedures after the last meeting. They determined that when a request is made for a time extension of Board approval, an explanation will be required by the applicant. He noted that Dorrie Fox, the Land Use Administrator, had provided some suggestions with regard to this matter and he will incorporate the request for department comments with the information he needs for making a determination on the request. He will provide us with a draft for review at the next meeting. Mr. Nolan inquired if the Township database system was operating, as this could be a means to apprise other departments about extension requests. The Secretary advised him that the Building and Planning Department use it daily, but she was not sure about the other departments. Mr. Ferriero responded that the Spatial Data System was an internal tool for the Township but not something that the Board professionals can use for their own determinations with regard to the extensions.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD PLANNER'S REPORT – None.

BOARD ATTORNEY'S REPORT – None.

BOARD ENGINEER'S REPORT – Mr. Ferreiro reported that the Township had received notification from the NJDEP that the Wastewater Management Plan was not required as this will be done in conjunction with the Highlands Plan Conformance. A grant in the amount of \$15,000. was received for this work with the Highlands Plan, and he has begun the process to coordinate this with the Highlands Council. He also advised that a notice was received about a \$5,000. grant from the Highlands for a pilot program that a portion of the Township is involved in regarding Water Use and Conservation Management Plan. There is a meeting scheduled for June 23, 2011(?) at the Highlands Council to discuss the program.

MISCELLANEOUS

Chairman Gargano reported that he had received an email from a resident concerned about the lack of movement with the ShopRite/Inserra renovation project. Mr. Ferriero responded that Inserra has their approval from the Board and the Board cannot pressure them to complete the project. He noted that their attorney indicated to Mr. Ferriero that the plan they have now may not work to their advantage, and they have gone back to the engineers and architects for revisions before coming back to the Board.

Approval Of Invoices – Board Professionals

Motion by Mayor Bettina Bieri with a **second** by Robert Nolan to **approve** payment of the invoices for the months of March and April 2011. The invoices were approved by **unanimous consent** of the Board.

MINUTES

Motion by Councilman Philip Weisbecker with a **second** by Robert Nolan to **approve** the April 28, 2011 Regular Meeting Minutes of the Planning Board. The minutes were approved by **unanimous consent** of the Board.

The following documents were reviewed by the Planning Board and filed:

COMMUNICATIONS

1. Copy of a letter from Passaic County Planning Engineer to the NJDEP regarding an application for a Highlands Applicability Determination and Northeast Water Quality Management Plan with regard to the Clinton Road Bridge over Mossman's Brook, Block 16908; Lot 6, Clinton Road ROW, requesting that application process be expedited due to the urgency of the realignment project.

2. Mayors Fax Advisory from the NJLM regarding Regulation of Solar Panels by S-2006/A-3125, prohibiting municipal zoning ordinances from regulating solar panels and limiting fees on certain installations of renewable energy.

HIGHLANDS WATER PROTECTION & PLANNING ACT / NJ DEP CORRESPONDENCE

1. Correspondence from the Highlands Council, dated May 6, 2011, regarding Highlands Recommended Steps for Implementation of Plan Conformance Actions with a matrix table indicating the responsible entity for each action.
2. Notice of Administrative Completeness regarding an application for Highlands Determination for Donald and Kathleen Davies, Rockburn Pass, Block 5003; Lot 9 with regard to the construction of a 5 bedroom single family dwelling and septic system.
3. Notice of Administrative Completeness regarding an application for Highlands Determination for Paul Kas, Lukoil Site Plan, Block 6701; Lots 8 & 9, 1910 Union Valley Road, regarding the construction of a convenience store with an existing service station.
4. Copy of an application from the PSEG for a Highlands Applicability Determination regarding the restoration of the right of way to the original width in accord wit the BPU ROW maintenance requirements.
5. Notice of an application for a General Permit #25 from the NJDEP for Chris Gruber, 119 Morsetown Road, Block 5001; Lot 2 with regard to the alteration of an existing septic system with no expansion or change of use.
6. No Further Action Letter from the NJDEP dated April 13, 2011 for Robert Koeppel, 315 High Crest Drive, Block 12901; Lot 18, with regard to the removal of a 550 gallon #2 Heating Oil Underground Storage Tank System.
7. No Further Action Letter from the NJDEP dated May 10, 2011 for Earl Hine, 26 Binnacle Avenue, Block 7702; Lot 1, with regard to the removal of a 1000 gallon #2 Heating Oil Underground Storage Tank System.
8. No Further Action Letter from the NJDEP dated April 19, 2011 for Tina George, Lakeland Bank with regard to 1943 Union Valley Road, Block 3504; Lot 1, for removal of a 1000 gallon #2 Heating Oil Underground Storage Tank System.
9. No Further Action Letter from the NJDEP dated April 26, 2011 for Carol and Nick Ligosh, 123 Vreeland Road, Block 8802; Lot 27, with regard to the removal of a 550 gallon #2 Heating Oil Underground Storage Tank System.
10. Authorization dated May 10, 2011 for a Freshwater Wetlands General Permit and Water Quality Certification received from the NJDEP for the Restoration of the Lower Mount Glen Lake Dam, Block 11001, Lots 50 & 51.
11. Copy of an application to the NJDEP for an FHA Verification and Individual Permit and FWW Transition Area Waiver for Inserra/West Milford, 47 Marshall Hill Road, Block 6303; Lot 12 with regard to construction of a single family dwelling.
12. Copy of an update to a recent submittal of a Receptor Evaluation Form for Fredericks Fuel, 225 Oak Ridge Road.

ADJOURNMENT

Prior to adjourning, Chairman Gargano advised that the next Planning Board Workshop meeting on June 2, 2011 would be canceled if there were no matters that require Board attention.

With no further business to come before the Board, Chairman Andrew Gargano **adjourned** the May 26, 2011 Regular Meeting of the West Milford Planning Board at **8:17 pm** on a **motion** by Councilman Weisbecker with a **second** by Robert Nolan.

Approved: June 23, 2011

Respectfully submitted by,

Tonya E. Cubby, Secretary