

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

May 28, 2015

Regular Meeting

Chairman Christopher Garcia opened the April 23, 2015 Regular Meeting of the West Milford Planning Board at **7:32 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance and Roll Call.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly (7:47), Andrew Gargano, Warren Gross, Douglas Ott, Geoffrey Syme, Alternate Steven Castronova, Chairman Christopher Garcia.

Absent: Councilwoman Ada Erik, Glenn Wenzel, Alternate Michael Siesta, Board Attorney Thomas Germinario, Board Planner Chuck McGroarty, Board Engineer Paul Ferriero.

Chairman Garcia requested Steven Castronova to sit in for one of the absent Board members and advised that a quorum was present to hold this meeting.

PUBLIC PORTION

Chairman Garcia 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 Mayor Bettina Bieri and a **second** by Andrew Gargano.

PRESENTATIONS – None.

APPLICATIONS - None.

EXTENSIONS OF TIME – None.

MEMORIALIZATIONS

****RESOLUTION NO. 2015 – 06***

***RESOLUTION OF THE TOWNSHIP OF WEST MILFORD PLANNING BOARD
ADOPTING THE LAND USE PLAN ELEMENT OF THE TOWNSHIP OF WEST
MILFORD MASTER PLAN***

****(This matter has been carried in order to permit a review by the Zoning Board of Adjustment
as requested by the Township Council)***

The Secretary referred to the memo received from the Zoning Board of Adjustment Secretary on March 26, 2015 advising that the Draft Land Use Plan has been discussed at each meeting of the Board, and its Planner had provided an overview. The Zoning Board of Adjustment subsequently requested a composite analysis of prior variances, as recommended by the Draft LUP. The Zoning Board of Adjustment noted that it appreciates the opportunity to offer comment on the document, and intends to provide meaningful input based upon an analysis of prior records maintained, and plans to submit recommendations within the next several months.

NEW OR ONGOING BUSINESS

Chairman Garcia advised that a request was made to the Planning Board to appoint one of its members to a Redevelopment Zoning initiative to work with several Council members and the Township/Board Planner Chuck McGroarty. Board member Andrew Gargano inquired about the purpose for this newly formed committee, and Chairman Garcia noted that with the adoption of the Highlands Act, development has been somewhat hindered and there is an interest in researching properties that may be eligible for redevelopment. Mayor Bieri responded that it was basically an attempt to identify areas that exist, if there were any, and those that could be redeveloped. The Council members who were appointed to the Redevelopment Committee were Marilyn Lichtenberg and Michael Hensley. The Secretary advised that she had been contacted by Alternate Board member Michael Siesta who expressed interest in being appointed to the committee. Warren Gross expressed that he would be very interested in being appointed to this committee.

Motion was made by Douglas Ott with a **second** by Mayor Bettina Bieri to **approve** the appointment of Warren Gross for the Planning Board position on the newly formed Redevelopment Committee.

Roll Call:

Yes: Mayor Bettina Bieri, Andrew Gargano, Warren Gross, Douglas Ott, Geoffrey Syme, Steven Castronova, Chairman Christopher Garcia.

No: None.

Motion approved.

Mayor Bieri requested that the Secretary advise the Township Administrator about the Planning Board appointment of Warren Gross to the Redevelopment Committee.

With regard to ongoing business, Chairman Garcia noted that the Planning Board is still waiting for a report from the Board's hydrogeological consultant, Matt Mulhall, on the aquifer test results submitted by Maser Consulting for the Braemar subdivision (Greene Valley Estates).

Chairman Garcia observed that, from all indications, the Inserra/West Milford-Shop Rite project seemed to be moving along. Mayor Bieri requested that the Construction Official reach out to Inserra's attorney and professionals to inform them of the timeline with regard to the permitting process to insure that this project does not encounter any undue delays, adding that everyone involved is anxious to see this project move forward. Board member Warren Gross inquired if the Township would permit demolition of the interior of the movie theater building prior to the building permits actually being issued. The Secretary responded that the Construction Official would work closely with them to make sure that this moves forward, and she would relay the request of the Board that he contact them directly.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD PLANNER'S REPORT – None.

BOARD ATTORNEY'S REPORT – None.

BOARD ENGINEER'S REPORT – None.

MISCELLANEOUS

Approval Of Invoices – Board Professionals

A **motion** was made by Andrew Gargano with a **second** by Geoffrey Syme to **approve** the invoices submitted by the Planning Board professionals for services performed during the month of April 2015. The Planning Board **unanimously approved** the invoices for payment.

MINUTES

The Minutes from the December 4, 2014 Planning Board Regular Meeting were **unanimously approved** on a **motion** by Steven Castronova and a **second** by Geoffrey Syme.

The Minutes from the March 26, 2015 Planning Board Regular Meeting were **unanimously approved** on a **motion** by Steven Castronova and a **second** by Douglas Ott.

The following correspondence was reviewed by the Planning Board and filed:

Highlands Water Protection And Planning Act Correspondence

1. Highlands Exemption #4 and WQMP Consistency Determination received from the NJDEP, dated May 18, 2015 for Inserra-West Milford–Shop Rite, 9-27 Marshall Hill Road, Block 6303; Lots 15 & 16, regarding the proposed renovation and expansion of the existing movie theater to accommodate a TJ Maxx department store.

NJ Department of Environmental Protection Correspondence

1. Compliance Status Letter, dated April 7, 2015, received from the NJDEP regarding 3 Momentos, 374 Morsetown Road, Block 4701; Lot 38.02, with respect to the August 31, 2010 Notice of Violation, and a meeting on May 30, 2014 following receipt of a site plan dated February 2012 depicting changes in impervious cover between 2003 and 2012. The owner was advised that the impervious cover does not appear to exceed 125% of impervious cover that existed in August 2004, so there is no violation of the Highlands Act. All other requirements as a result of the NOV must be restored as outlined in the correspondence, including removal of all fill from the watercourse, trees to be removed from the fill area and replaced after final topography is restored and final grading is complete, all disturbed soils shall be stabilized with seed and straw, installation of 5 red maple and 5 black oak trees within the restoration area, with all restoration to be completed no later than November 1, 2015.

2. No Further Action Letter received from the NJDEP, dated May 14, 2015, regarding removal of a 550 gallon # 2 H.O. U.G.S.T. for DePeola, 55 Wayside Road, Block 801; Lot 1.

3. Notification from the NJDEP – Bureau of Dam Safety & Flood Control for Forest Hill Park Dam, c/o Sean Clark, 32 Peach Lane, NJ Dam File No. 22-51, advising that the 2015 Regular Dam Safety Inspection Report and their records indicate that that the dam was in Satisfactory condition with minor repairs and maintenance recommended. The Operation and Maintenance Manual and Emergency Action plan updates are to be submitted by July 31, 2015, and advising that Class II Dams are required to be inspected every two years.
4. No Further Action Letter received from the NJDEP, dated May 1, 2015, regarding removal of a 550 gallon #2 H.O. U.G.S.T. for Schopp, 2 Arundel Road, Block 8802; Lot 4.
5. No Further Action Letter received from the NJDEP, dated May 4, 2015, regarding removal of a 550 gallon # 2 H.O. U.G.S.T. for Hoon, 17 Mallory Road, Block 13101; Lot 1.
6. Notification from the NJDEP, dated May 6, 2015 for the Former Shell Service Station, 2771 (2731) Route 23, Block 14604; Lot 1, advising that a Classification Exception Area/Well Restriction Area was established for ground water at the site due to the contamination that exceeds the Ground Water Quality Standards. Remediation of the contamination at the site is planned, and attainment of GWQS will be confirmed through sampling; the CEA/WRA may be revised to upon relevant data reflecting ground water conditions.
7. Notification from HCI (Hydrotechnology Consultants Inc.), dated May 14, 2015, to DeMaio, 27 Ringwood Lane, Block 3604; Lot 2, regarding an investigation of ground water contamination at 2019 Greenwood Lake Tpk., for Adelo Corporation. Elevated levels of COC's (contaminants of concern) were detected in groundwater at the 2019 Greenwood Lake Tpk. site, necessitating collection of water samples from nearby potable wells to determine if they have been impacted from the contamination at 2019 Greenwood Lake Tpk. HCI requested completion of a questionnaire prior to the water sampling. Sampling is proposed to occur between June and July 2015, with all potable well sampling results being provided to the NJDEP; information from the sampling results will be available to any interested party from the NJDEP.
8. Treatment Works Approval Public Notification, dated May 6, 2015, received from Houser Engineering LLC for 81 Forest Lake Drive, Block 4301; Lot 17, regarding the construction of a individual subsurface sewage disposal system.
9. Administrative Order for the West Milford Municipal Utilities Authority, dated April 28, 2015, from the NJDEP – Northern Bureau of Water Compliance and Enforcement, advising that the WM MUA is entitled to request an administrative hearing regarding the findings and orders included in the Administrative Order for their 1 public non-community and 7 public community water systems.
10. No Further Action Letter, dated April 14, 2015, from the NJDEP, regarding removal of a 550 gal UGST at 30 Glen Ridge Road, Block 1802; Lot 23.

Miscellaneous Correspondence Received/Sent

1. Notification from Passaic County Planning Department, dated April 29, 2015, to the West Milford Zoning Board of Adjustment and Planning Board regarding Greenwood Lake 2 – NYSMSA Verizon Wireless, for Block 3101; Lots 7, 8, 9, (325 Lakeside Road), for a proposed telecommunication tower, advising that approval has been withheld pending receipt of additional information including proposed new impervious cover, drainage report, identification of proposed improvements to gravel road, frequency of use of boat storage that is onsite, encroachment easement for bath house or remove from County ROW, and a deposit of \$5,000 to County Corridor Enhancement Fund.
2. H.E.P.S.C.D. certification, dated April 16, 2015, of the Soil Erosion and Sediment Control Plan prepared by Steve Edmond, P.E., County of Passaic, for the Marshall Hill Road Culvert Replacement 1600-282, Block 5708 and 6303, Lot ROW, certifying the plan dated March 2015 for 3.5 years.
3. Notification from the New York/New Jersey Trail Conference regarding the recent publication of "Hikes in Harriman..." highlighting hikes in Harriman and Bear Mountain State Parks, available for purchase.
4. Ordinance No. 2015 – 003 for the Township of West Milford, Renaming a Portion of Dockerty Hollow Road to Arnold Road, adopted April 22, 2015, effective May 12, 2015.

ADJOURNMENT

Prior to adjourning, the Board reviewed the upcoming meetings and concurred that the June 4, 2015 meeting should be Cancelled.

The Secretary advised that the hearing for the 538 Lakeside Road LLC boat storage facility has now been tentatively scheduled for the June 25, 2015 Planning Board meeting. Several Board members inquired about the site and Board member Steven Castronova provided some historical information based on his personal knowledge of the properties. Mayor Bieri observed that if there is a change in tenancy at a commercial site, the Planning Board should be notified so that they can address lighting, parking, etc., and she recalled that there was a process to notify the

Board when new businesses are moving in. The Secretary advised that there used to be the Site Plan Waiver process, but that they were no longer used by the Township/Planning Board. The Zoning Permits that are required for changes in tenancy are reviewed and must be approved by the Zoning Officer. Copies could be made available to the Board members if they request them. Andrew Gargano noted that the Zoning Officer was responsible for making sure that the new businesses locating at a site are permitted, and that all the applications that are permitted get approval, and he did not feel the Board needed to be involved. Chairman Garcia remarked that he did not feel that it was within the Planning Board's jurisdiction.

With no further business to come before the Planning Board, Chairman Garcia **adjourned** the Regular meeting of May 28, 2015 at 8:10 p.m. on a **motion** made by Douglas Ott and a **second** by Andrew Gargano.

Approved: July 23, 2015

Respectfully submitted by,

Tonya E. Cubby, Secretary