

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

June 3, 2010

Regular Meeting

The Regular Meeting of the Planning Board was opened at 7:30pm 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, Linda Connolly, Christopher Garcia, Douglas Ott, Chairman Andrew Gargano, Board Planner Charles McGroarty, P.P., Board Engineer John Hansen.

Absent: Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Thomas Harraka, Board Attorney Thomas Germinario, Esq.

PUBLIC PORTION

The Chairman opened the meeting to the public. With no one present wishing to address the Planning Board, the Public Portion was **closed** on a **motion** by Steven Castronova with a **second** by Douglas Ott.

PRESENTATIONS

Camp Hope Renovations - Comerro Coppa, P.C. Architects - Courtesy Review

Steve Coppa, of Comerro Coppa Architects, Totowa, NJ, was in attendance to represent the County of Passaic's Camp Hope proposed renovation project. He reviewed the plans for the replacement of the business offices, currently 40–60 years old. He noted that the building was constructed with a wooden foundation and was in poor condition. The proposed building will be energy efficient, with solar panels, new windows and toilets, clapboard siding with masonry, and will house the administrative offices. The design will consist of a shed roof, with modular type construction. Mr. Coppa anticipated that the construction would be completed in the Fall of 2010. Reviewing the site plan, he noted that the existing septic will remain, as there will be a decrease in the number of bathrooms, and the existing well will also be used. He advised that the County of Passaic will be submitting a request for a waiver from the Highlands because the proposed impervious cover is within the 125% limit. Chairman Gargano inquired about ADA and fire safety compliancy. Mr. Coppa responded that the site is ADA compliant. He reported that new electric service will be added, and he will address the requirements with the Building Department. Steve Castronova inquired whether the Health Department had provided comments, noting that they may have remarks about use of the existing well and septic, and Mr. Coppa replied that this will be addressed at the time of application for building permits. He commented that the camp director requested more windows in the office and that may alter the plans slightly. A Board member inquired about landscaping, and suggested that the casement windows proposed may cause injury to a passerby if there is no landscaping as a buffer.

With no further comments from the Planning Board, Mr. Coppa thanked the Board for their time with this courtesy review.

SITE PLAN APPLICATION REVIEW WAIVERS – None.

APPLICATIONS

EXTENSION OF TIME REQUESTS – None.

PENDING APPLICATIONS – None.

NEW APPLICATIONS – None.

NEW BUSINESS – None.

MEMORIALIZATIONS – None.

ORDINANCES FOR INTRODUCTION

Draft Sign Ordinance

Chuck McGroarty addressed the Board regarding the revisions to the draft sign ordinance, noting that he tried to incorporate the suggestions and comments that were made at prior meetings. He distributed an outline with photos and discussed what he understood to be the three main concerns about the sign regulations. First, comments had been made about the difficulty in locating shopping centers in the Township, and Mr. McGroarty suggested that directional or way finding signs could be the solution, and noted the possibility of expanding those found in the center of town and by the intersection of Macopin and Echo Lake Roads. He added that no ordinance was necessary if these way finding signs were located on municipal property. Second, he noted the issue of identifying the stores in the shopping plazas, and he referenced aerial photos of various shopping centers. He observed that the Shop Rite Shopping Center was set back from the road and business signs are visible from the street, adding that the straight façade also makes them more visible. Mr. McGroarty advised that he had met with Nancy Hunt from the Chamber of Commerce and discussed some options with regard to the issues facing the business owners. He noted that there were several examples to identify the shopping centers, including freestanding signs out on the street or banners on telephone poles. Third, the issue of temporary signage has been discussed during the past several meetings, and Mr. McGroarty referred to the local regulations regarding a-frame or sandwich board signs. He stated that the problem with this type of sign is that many are becoming permanent, and this was not aesthetically pleasing, not only due to the number of these signs, but because they deteriorate over time.

He reported that he had reviewed studies of the most optimal signage for businesses and observed that it was not just a matter of numbers, but the type and placement of the signs. As for whether the a-frames are temporary or portable, he advised that if they have permits, they are considered temporary and are permitted, and if not, they should not be used. He then referred to the ordinance, stating that portable signs are those not permanently attached to the ground. Mr. McGroarty noted that most shopping centers have pylon signs and these are often ill placed and tend to shield buildings. He strongly suggested way finding signs, but noted caution about where they should be installed. Chairman Gargano then addressed the Chamber of Commerce and the business owners present and stated that a solution must be found.

Nancy Hunt, Clinton Road, Hewitt, President of the Chamber of Commerce, addressed the Board, stating that there were no easy solutions due to the location of the buildings geographically in relation to developments and main thoroughfares. She also noted the current economic climate was not good, and new large signs may not be feasible, but the smaller temporary signs were needed by many of the businesses. She suggested the Board delay changing the ordinance regarding temporary signs, and as an alternative, have business owners conform with a certain size, style and color, specific to each shopping center. As for the center of town way finding sign, she commented that this was financed and installed by the Chamber of Commerce, but it is in poor condition and may be removed by the landscaper who maintains the site. Chairman Gargano advised that this sign should not be removed and replaced with shrubs or anything else until the Township has been contact to insure that this site conforms to the draft streetscape design.

Board member Steve Castronova commented that he wanted to install new signs on his shopping center site, but he was waiting for some direction with the proposed sign ordinance. Several Board members made suggestions on signage, including lowering the signs and bringing them closer to street. Chairman Gargano noted that the goal was to make the signs more uniform and attractive, and if the business owners came to the Board, the Board would consider their suggestions for inclusion into the ordinance. Mr. McGroarty advised that the Board and Township cannot dictate design, but dimensions can be included in the ordinance language. With secondary signage, preferred materials may be noted in the ordinance. Mr. Castronova referred to the design preferences that had been developed with members of the Planning Board's Design Standards Subcommittee, and Mr. McGroarty commented that within the Village Commercial Zone, certain designs could be identified. As for Community Commercial, rationale was necessary for developing design standards. When asked why the sign ordinance is being revised, Mr. McGroarty advised that much of the existing ordinance was being condensed, adding that 95% of the revisions are completed. The Board further discussed portable signs versus temporary signs, and Mr. Castronova inquired about the reference to portable signs not permitted on vehicles, and wondered how this could be regulated. Mr. McGroarty replied that he did not write the existing ordinance. He referred again to the ordinance, noting portable signs are allowed in Commercial Zones with a permit required.

Ted Porebski, Bearfort Park Shopping Center, addressed the Board, stating that the pylon sign that is on his property has existed for many years and will not be changed. He thought the main issue was the use of a-frame signs along the road, their unsightliness, and the fact that they are often illegible. Mayor Bieri inquired about the number of businesses at several shopping centers, and suggested that the number of temporary a-frame signs be limited in number. Mr. McGroarty observed that the problem with pylon signs was the number of businesses on the sign, and the difficulty in deciphering various businesses. He suggested that the Board consider one sign identifying the shopping center name, and using banners to identify the shops or businesses, adding that many towns are using the banners in place of residential street signs. He recognized the dilemma that occurs with numerous merchants on a site and a corresponding number of signs along the street.

Debbie Johnson, 1614 Union Valley Road, owner of the UPS Store, addressed the Board, stating that the main purpose of her signs are to advertise what she has available in her store that are in addition to her UPS deliveries. She noted that she has many of the services and supplies that are carried by the larger stationary stores. She agreed with the comments about uniformity in temporary signs, but hoped that the signs would allow sufficient space for advertising her services. Mr. Castronova concurred with her, but noted that the Planning Board has to draw the line somewhere with the amount of signs that are being installed. Ms. Johnson agreed that too many signs would be counterproductive, but using solely the name of a business may be a detriment to the business, and she asked the Board to compromise. She suggested alternating weeks for business signs and said she preferred uniform signs for different shopping centers. Ms. Johnson also stated that she was not aware that a sign permit was necessary, but that her signs were always in good condition.

Andrew Abdul, A & P Shopping Plaza in Hewitt, owner of a gift and flag shop, addressed the Planning Board, noting that he recently sent a letter to them expressing his concern with the revised sign ordinance. He observed that the large stores have major advertising budgets that attract customers, but the small business owner has to rely on getting customers by using a-frame signs by the street. He stated that he is in the sign business and will speak to other business owners in an attempt to get more appropriate signage. Mr. Abdul asked the Board to leave the existing sign ordinance as is, adding that a-frames may be an eyesore to some, but empty storefronts are worse, and the odds of a small business owner succeeding is slim. He expressed that the business community was seeking the consideration of the Board to continue to allow a-frame signs, noting that they are an inexpensive but effective way to attract customers. He stated that he had secured a permit for his a-frame sign. Chairman Gargano referred to the ordinance, noting that the application for a permit was one page with a one-time fee. There were size requirements (not larger than 9 square feet on either side) and the signs cannot block the line of sight, with each permit individually reviewed.

Chuck McGroarty addressed the Board and business community, observing that by the comments heard at this meeting, the issue was not about identifying specific shopping centers, but that the businesses want

more expression on the street, and this was a legitimate point of view. He added that it was unusual for multiple signs to be permitted along the street, but that does not mean it cannot be allowed by ordinance. He clarified the ordinance, and noted that one temporary sign for each 50 foot of frontage was permitted, or for a property with 150 feet frontage, only 2 or 3 signs would be permitted. Mr. Porebski, of Bearfort Shopping Park, commented that he had about a 600-foot frontage, and a Board member commented that he was permitted 12 signs under the ordinance. Mayor Bieri reiterated her choice to have the signs lower to the ground, and more uniformity in color and style. She suggested an alternative to numerous smaller signs by allowing somewhat larger signs and having space bought on the signs for those who wanted to advertise their services. The Board discussed various options. A business owner inquired who would enforce the ordinance if it is revised to require signs be taken in at night, and Mr. McGroarty replied that it would be difficult, at best, to enforce. Mayor Bieri remarked that it may be a hardship on business owners to take signs in each night. Chairman Gargano commented that he works in Oakland and sandwich board or a-frame signs are not permitted unless they are worn while standing. He also noted that on his office building, only the name of the business is permitted. Mr. McGroarty advised that he has been reviewing signs and ordinances in other towns, adding that Oakland changed their ordinance in 1996. Business owner Andrew Abdul commented that some adjacent towns permit sandwich board signs in an attempt to attract business. Chairman Gargano expressed his opinion against signs that are hand made and unsightly. Board member Linda Connolly noted her preference for uniform size and color and suggested a directory near the entrance of a site. She agreed with limiting the number of a-frame signs and the sharing of space, although that could be problematic for some. When she inquired about the responsible party for signage at Belchers Run shopping center, Steve Castronova, the owner, commented that his large sign was installed about 20 years ago, and that he was hoping for a reasonable solution with the sign ordinance before installing a new sign, adding that he was amenable to two smaller signs on the front of the property. The Board continued to discuss sign options, with comments and suggestions from those present from the business community. Chris Garcia noted the hazard of portable signs in inclement weather, adding that they could be blown into the path of a car or person in the vicinity. He stated that he supports local business and feels that landlords need to bear some of the responsibility of helping the tenants attract business. He also concurred that the signs would be more aesthetically pleasing if they were more standardized and suggested that if multiple names were required on a sign, separating them with borders or spacing would be preferable.

Chairman Gargano addressed the business owners and stated that he wanted collaboration between the Township and the business community. He suggested that, in order to reach closure on this matter, all ideas and comments should be presented to the Board for their consideration. He asked that comments be sent via email to the Board Secretary at PlanningBoard@WestMilford.org. Mayor Bieri commented that the Board was attempting to accommodate all parties in this matter. Mr. McGroarty noted that he will prepare some examples of the suggested signs and inquired whether the signs should be perpendicular to the road or parallel to the road. The Mayor suggested that the shopping center signs might be angled for better visibility. She suggested that Mr. McGroarty superimpose various types of preferable signs (including the 175th anniversary sign) on a streetscape to give a better depiction of how the signs will look. Chairman Gargano also commented that a change in the speed limit would allow more visibility of the businesses.

Zoning Changes

Chuck McGroarty reviewed potential zoning changes for the Township, noting that not all the changes would be covered at this meeting. He referred to a recent memo from the Zoning Board of Adjustment regarding their annual report to the Township Council. He commented that he needs to review the number of variances that are the result of zoning in specific areas, particularly (LR) Lakeside Residential zones. He noted that the Master Plan Re-examination Report must be completed in the near future. He also noted that a new stormwater management plan is being developed for the Township by Board Engineer, Paul Ferreiro. Mr. McGroarty referred to the (R-1 PN) Residential 1 Acre - Planned Neighborhood Zone, that had included Stanford Village, Valley Ridge Gardens and Apple Valley Estates, all of which relied on central sewer and water. He advised that, when the Re-examination Report is completed, Mr. Ferreiro will be required to comment on the status of those projects and why there is no longer a need for the water and sewer services. Mr. McGroarty reviewed the zoning map with the Board. He suggested that it would not make sense to keep the properties that are no longer developable in the residential zones. He noted that Newark Watershed comprised a very large area, 16000 or 17000 acres, and after review, he suggested that it might make sense to put this property in a public zone or possibly add an overlay to the current zone, adding that zoning would have mattered in the past because it would affect buildout, but as this is no longer applicable, a more appropriate zone should be applied. Chairman Gargano commented that the biggest concern with zoning is how it will affect ratables. Several Board members concurred. For the Newark Watershed site, Mr. McGroarty suggested possibly a conservation easement, with certain allowable uses, resulting in a modified public zone. It could also remain as an R-4 zone with an overlay identifying the watershed, which would not take away any use of the land. He did not know how the land was assessed currently, and Chairman Gargano replied that there were apparently two different tax rates on different sections of the land. Mr. McGroarty commented that the Township would be careful not to institute any changes that would affect current litigation. Mr. McGroarty noted that there was some discussion of solar and wind projects on the Newark Watershed site and Chairman Gargano responded that there was some speculation that this would elevate the value of the land, and thereby increase ratables. Mr. McGroarty replied that there is the question of whether this was realistic or practical, adding that numerous tracts of forest might have to be cleared for wind energy.

Mr. McGroarty reported that he would proceed with identifying the town center (including Stanford Village, Valley Ridge, and Apple Valley Estates) and provide a paper trail of the reasons for no longer pursuing the current zoning. He also noted that this area would no longer be sewered, verified and clarified with the interim wastewater management plan, and because these projects are no longer being constructed, we are

not putting the Township in jeopardy with prior round obligations by changing the zoning in this respect. Chairman Gargano inquired whether he was working with Fred Semrau on these zoning changes, and Mr. McGroarty replied that his practice is to draft the changes and provide them to the Township Attorney and Engineers for their input. Mr. Castronova inquired about the status of several housing developments and Mr. McGroarty responded. He reviewed the upcoming discussions with the Board, which will include zoning requests, and whether they are viable, and industrial zoning. Mayor Bieri inquired about the undeveloped R1-PN zoned areas, and Mr. McGroarty replied that they would become R-4. Mr. Castronova inquired about the Master Plan and Mr. McGroarty commented that the last Master Plan was completed in 1987, and from that time to present, only Re-examination Reports were necessary. He added that a new Master Plan and Re-examination Report can be done at this time.

Miscellaneous

Chairman Gargano advised Planning Board members that financial disclosure forms are due.

Approval Of Invoices – Board Professionals

There were no professional invoices requiring Planning Board approval at this time.

Subcommittee Reports

There were no Subcommittee Reports.

MINUTES

Chairman Gargano announced that the Minutes for the May 27, 2010 Regular Meeting of the Planning Board will be available for approval at the next regular meeting.

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

COMMUNICATIONS

1. Notice from Orange and Rockland Utilities, Spring Valley, NY regarding easements that include the electric utilities, and advising that only "RECO" workers and equipment are permitted in the easement areas, and requesting notification at 845-577-2204 if the Planning Board becomes aware of any work to be performed in RECO's easements, and also to remind applicants to call 811 (Call Before You Dig).
2. Mayors Fax Advisory regarding New Jersey's Special Needs Registry for Disasters, advising of the free, voluntary registration program to assist people with special needs who may find it difficult to get to safety in the event of an emergency, including hurricane's, floods. Registration is available by calling 2-1-1, or by accessing <http://www.ready.nj.gov/about/association.html>.
3. Notice from the Borough of Kinnelon advising of a Housing Element and Fair Share Plan Public Hearing on June 3, 2010 at 7:30pm at the Kinnelon Municipal Building, 130 Kinnelon Road, Kinnelon, NJ.
4. Notice from Rockaway Township advising of a Housing Element and Fair Share Plan Public Hearing on June 1, 2010 at 6:30 pm in the Rockaway Township Municipal Building, 65 Mount Hope Road, Rockaway, NJ.

HIGHLANDS WATER PROTECTION & PLANNING ACT/NJ DEP CORRESPONDENCE

1. No Further Action and Covenant Not To Sue notice received from the NJDEP, dated May 11, 2010, for Laurie Chiuchiolo, Block 12901; Lot 68, 207 High Crest Drive, regarding removal of a 550 gallon #2 heating oil underground storage tank.
2. No Further Action and Covenant Not To Sue notice received from the NJDEP, dated May 17, 2010, for Stacey Caropreso, 72 Larsen Road, Block 11201; Lot 1, regarding remediation of the site and monitoring well decommissioning.
3. Highlands Applicability and Water Quality Management Plan – Notice of Administrative Completeness received for Harold Smith, Cefes Financial, Block 16504; Lot 4, Apple Tree Lane for a proposed single family dwelling.
4. No Further Action and Covenant Not To Sue notice received from NJDEP regarding Edgar Van Horn, 10 North Glenwood Road, Block 12106; Lot 4 regarding removal of a 550 gallon #2 heating oil underground storage tank.
5. Authorization for a Freshwater Wetlands General Permit, Water Quality Certification, and Waiver of Transition Area For Access for Mr. & Mrs. Robert Michaud, Block 7005; Lot 4, 6 Glencross Road, dated May 19, 2010, regarding a septic alteration.
6. NJDEP Child Care Facility Approval Letter–Revised, dated May 19, 2010, for Children's Castle, 1614 Union Valley Road, Block 7006; Lot 2.

ADJOURNMENT

With no further business to come before the Board, Chairman Gargano **adjourned** the June 3, 2010 Regular Meeting of the West Milford Planning Board at **9:40pm** on a **motion** by Steven Castronova with a **second** by Douglas Ott.

Approved: July 22, 2010

Respectfully submitted by,

Tonya E. Cubby, Secretary