

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**June 5, 2008  
WORKSHOP MEETING**

The Workshop meeting of the June 5, 2008 Township of West Milford Planning Board was called to order at 7:31 p.m. 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, Richard McFadden, Chris Rosica, Michael Siesta, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano, Planning Consultant Charles McGroarty, Board Engineer John Hansen, GIS Specialist Rob Sparkes.

**Absent:** Douglas Ott, Board Attorney Thomas Germinario.

Chairman Gargano advised that Douglas Ott notified the Planning Board of his absence, and asked Alternate Michael Siesta to sit in for Mr. Ott. He announced that Mr. Germinario would not be present at this Workshop meeting. The Chairman also advised the Board that Alternate member Dennis Kirwan had submitted his resignation from the Planning Board.

**PUBLIC PORTION**

With no one present wishing to address the Board, the Public Portion was closed by unanimous consent on a **motion** by Michael Siesta and a **second** by Steven Castronova.

**SITE PLAN APPLICATION REVIEW WAIVERS**

None.

**MISCELLANEOUS**

Chairman Gargano asked for the Board's concurrence on cancelling the July 10, 2008 and August 7, 2008 Workshop meetings. The Board gave unanimous consent and the Chairman advised that notice will be given that the meetings are cancelled.

The Chairman expressed the importance of appointment by the Township Council of an alternate member to the Planning Board to fulfill Mr. Kirwan's unexpired term.

**MASTER PLAN SUBCOMMITTEE**

Rob Sparkes advised the Board that he will work with the Township's Planner, Charles McGroarty, on the Highland's Initial Assessment Grant Application. Their work will include a determination on the updates needed, changes required for consistency with the Highlands Plan, and plan conformance. The Board made several inquiries regarding the grant, including feasibility for grant award, additional funding availability, and whether this would be a matching grant. Mr. Sparkes noted that there are sufficient funds in the grant, and the Township is in a good position for award. He added that the grant, with a maximum of \$15,000., does not require a match as the ANJEC grants do, but in-kind service matches are an option. Mr. McGroarty advised the Board that there is no deadline for this grant, but the Highlands has asked for submissions by July 17, 2008, and compliance would increase the Township's chances for receiving grant funds. He noted that Rob Sparkes can complete many of the required items, and he can begin the assessment as soon as possible. He advised that he will compile a list of items that need to be completed by the subcommittee.

Mr. Sparkes commented that the Township of West Milford is the largest municipality in the highlands region, and is entirely within the highlands preservation area, so the maximum award should be available to the Township. Mr. McGroarty agreed, noting that we would essentially be completing a master plan with this grant, adding that following the initial assessment grant, more money would be made available.

**DESIGN CRITERIA SUBCOMMITTEE**

Regarding the Office of Smart Growth Grant, Rob Sparkes advised the Board that he had prepared a grant report for the Board and wanted the Board to review the preliminary report before he prepared the final documents for submission to the Office of Smart Growth. This grant, for approximately \$22,000., would be in support of the Federal Streetscape Improvement Grant. The Chairman noted that William Drew, former Planning Director, had originally authored this document. The Board members discussed the various aspects of the proposal, architectural design of existing structures in the central business district, and also historic districts. When asked for clarification on historic districts, Mr. Sparkes reviewed some of the criteria used in determining qualifications for historic districts. Chris Rosica, Board member, stressed that the goal of the

Design Criteria Subcommittee is to promote consistency in appearance in specific areas of the Township. Councilman Weisbecker noted that there were some residents who did not want restrictions with regard to their properties, specifically referring to historic designation. It was noted that any new applications coming before the Board would have guidelines and this would allow the Board to have more input on design. Mr. McGroarty commented that imposing design guidelines could present some issues, and he would have to confer with the Board Engineer, the Board Attorney, and the Township Attorney on this matter. Mr. Sparkes noted that adding this report to the Master Plan will enhance the plan document. Councilman Weisbecker inquired whether there would be any financial transactions involved with this submittal, and Mr. Sparkes replied in the negative.

Rob Sparkes reviewed the Sustainable Design Planning Assistance Program proposal for the Planning Board. He noted that the Township Council had adopted the resolution and he and the Board Planner have drafted a proposal, explaining that this town center improvement grant would cover the cost of work sessions with a professional planning staff to develop suggestions for future projects. Part of the requirement for this grant was a visioning plan, which has already been completed by the Township. This project would focus on development of a plan that applicants would be asked to coordinate their improvements with and he gave an example of the current Shop Rite site plan application. Mr. McGroarty noted that an applicant will not be required to comply with the plan unless the ordinance is changed, but he stated that ideas could be generated between the Planning staff and the applicant in review of the plans. Applicants would probably be receptive to this because the design work that would normally be part of a project would be completed by the professionals hired through the program.

With respect to the Inserra (Shop Rite) application, there was Board consensus for the Board's professionals to contact the engineers for Shop Rite in order to develop a more consistent plan for their site improvements in conjunction with the Town Center proposed improvements. Mr. McGroarty and Paul Ferriero will arrange a meeting with the Shop Rite project professionals. The applicant would also be requested to appear before the Board for a concept meeting to review their plans. Councilman Weisbecker suggested a committee be formed that included members of the public who would have input on design standards in specific areas of the Township. The Board discussed possible committee parameters. Mr. Sparkes cautioned that the Township might not receive the grant referenced to. Mr. McGroarty noted that the Township meets all the required criteria for the grant, and if the Township does not receive the award, a visioning plan already in place can be applied to pending and future development projects.

### **MINUTES**

**Motion** by Councilman Philip Weisbecker with a **second** by Richard McFadden to approve the minutes of the March 27, 2008 meeting.

**Roll Call:**               **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Chris Rosica, Michael Siesta, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano,

**No** - None.

### **ORDINANCES REFERRED**

#### **Lake Commercial Zone**

Mr. McGroarty, Board Planner, advised the Board that he met with the Ordinance Subcommittee to review changes for sections of the Lake Commercial Zone ordinance. This is in response to concerns about what uses can be permitted within this district. Language in the ordinance could be changed to keep within the spirit of the ordinance, but also keep out undesirable businesses. He noted that it was not a good idea to put prohibited uses in one zone. Under conditional uses, the language referring to drive in banks and drive in restaurants was removed. Following comments from the Board, he advised that the Board can keep the drive-in language in if they prefer. He noted that essential services are a permitted use. He cautioned that certain uses should not be permitted in one area and prohibited in another, as it would open the Board up to potential litigation. The Board discussed various uses in the Lake Commercial Zone and other zones with regard to auto service repair, printing businesses, and drive in restaurants. A Board member inquired about existing businesses, and Mr. McGroarty noted that pre-existing non-conforming use businesses could be required to get certification within one year of the ordinance's adoption; this is basically a grandfathering clause. The Board expressed concerns about businesses that use chemicals, including dry cleaners and antique shops, and it was noted that language could be included that would prohibit chemical usage. The Mayor noted that recommendations needed to be sent to the Council as soon as possible. Mr. McGroarty advised that once the Township Council has introduced the ordinance, the Board could review it to make sure they are comfortable with the language and send back a recommendation to the Council.

### **Fence Ordinance**

The Ordinance Subcommittee reviewed the fence ordinance to include new language with regard to sight triangles and consistency with regard to aesthetic character of the neighborhood in color and appearance. Mr. McGroarty advised that a zoning permit, which asks the applicant for type of fence and color, could be applied for and the zoning officer can deny the permit or be the enforcer if a fence is constructed that does not comply. He noted that trying to regulate specifically with regard to color and design might bring problems. A Board member reviewed some of the past issues that resulted in this ordinance being examined for changes. Following discussion about fence colors, there was a consensus by the Board to leave it up to the discretion of the zoning officer. Mr. McGroarty suggested that the language could include that the color, material and type should be clearly identified in the zoning permit.

### **Other Ordinances Referred**

The Chairman noted that the Township Council had discussed three ordinances at their meeting the night before: steep slope, massage therapists, and sign/billboard ordinances. The steep slope ordinance was discussed, and the Chairman noted that this was reviewed by prior Councils, and they were advised that the ordinance was sufficient and should not be changed as it could be challenged. The Board discussed an ordinance adopted recently in Butler regarding massage parlors. Mr. McGroarty stated that whatever zones allow this use, a stipulation could be that state licensing and certification is required. Chairman Gargano had researched the licensing, and reported to the Board on the requirements by State law, adding that they may not be in effect yet. The Board Planner will review the licensing requirements and incorporate them into the draft ordinance. The Chairman asked for consensus that the subcommittee should meet to “iron out” the details before bringing it back to the Board for review. On another matter, a Board member inquired about the Township’s proposed email policy, and the Chairman advised that if the Township accepts the policy, Board members would have to comply. There was a brief discussion on the matter. Rob Sparkes advised that incoming and outgoing email for all those with Township email addresses are recorded on the Township’s server.

### **COMMUNICATIONS**

The following communications were noted by the Planning Board and filed:

Letter dated May 21, 2008 from NJDEP regarding “Total Maximum Daily Load Reports Addressing Total Phosphorous Impairment in the Non-Tidal Passaic River Basin, Pompton Lake and Ramapo River.”

Letter dated May 23, 2008 from NJDEP regarding Butler Intake Reservoir Dam, approving the Class III, low hazard classification as recommended.

Authorization for a Freshwater Wetlands Statewide General Permit No. 25 and Waiver for Transition Area for Access for Agatha Klocek, Block 13901; Lot 1, 28 Mt. Springs Road, regarding a septic alteration.

Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the Submittal and Acceptance of a Grant Application for Assistance in the Design of a Plan for a Project in the Central Business District of West Milford.

### **HIGHLANDS WATER PROTECTION AND PLANNING ACT**

The following communications regarding the Highlands Council were noted and filed by the Planning Board:

Notification of application to be made for Highlands Applicability Determination from Edward Ostrowicz, 350 Morsetown Road, Block 4701; Lot 33.04.

Notice dated May 29, 2008 of Application for Highlands Applicability Determination for Mountain Lakes Autowash – Soil Movement Activity, Block 6701; Lot 13, Union Valley Road.

### **ADJOURNMENT**

With no further business to come before the Board, **motion** by Councilman Weisbecker with a **second** by Chris Rosica to adjourn the June 5, 2008 Workshop meeting of the Planning Board at 9:45 p.m. On a Voice Vote, the meeting was adjourned by unanimous consent.

Approved: September 4, 2008

Respectfully submitted by

Tonya E. Cubby, Secretary