

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

June 25, 2015

Regular Meeting

Acting Chairman Andrew Gargano opened the June 25, 2015 Regular Meeting of the West Milford Planning Board at **7:34 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, Councilwoman Ada Erik, Warren Gross, Douglas Ott, Geoffrey Syme, Glenn Wenzel, Acting Chairman Andrew Gargano, Alternate Michael Siesta, Board Attorney Thomas Germinario, Board Planner Chuck McGroarty, Board Engineer John Hansen.

Absent: Chairman Christopher Garcia, Alternate Steven Castronova.

Acting Chairman Andrew Gargano requested Michael Siesta to sit in for Christopher Garcia and advised that a quorum was present to hold this meeting.

PUBLIC PORTION

Acting Chairman Gargano 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 Councilwoman Ada Erik and a **second** by Douglas Ott.

PRESENTATIONS – None.

APPLICATIONS

538 LAKESIDE ROAD LLC

Preliminary /Final Site Plan #PB-09-14-03

Block 3610; Lot 30

Greenwood Lake Turnpike; LC Zone

Seeking: Preliminary and Final Site Plan approval for Block 3610; Lot 30, Greenwood Lake Turnpike for the construction of a marine supply and boat storage facility on an existing gravel parking lot, with installation of privacy fencing and parking for boat storage.

Richard Clemack, Esq., Attorney for the Applicant, advised the Board that the application before the Board was for a Preliminary and Final Site Plan for boat storage only, and that there would be no sales or repairs on the site. Employees would only be present when the boats are moved onto, or off, the premises. He introduced Elena Dykstra, owner of the Greenwood Lake Marina on Lakeside Road in Hewitt, NJ, and she was subsequently sworn in by Thomas Germinario, Board Attorney, prior to presenting testimony. Ms. Dykstra testified that she a principal in ownership of the subject premises and also owner of the Greenwood Lake Marina, and maintained that the site plan application before the Board was strictly for storing boats. She noted that the marina that she managed currently has 110 slips and there was no room to store boats. Ms. Dykstra testified that there would be no employees on the premises except when they were moving the boats to or from storage, and the main work hours would occur between 8 am and 6 pm, and rarely on a Sunday. Board Planner Chuck McGroarty inquired whether trailers would be stored on the site, and Ms. Dykstra responded that they would also be stored on the boat storage racks, adding that during the summer there would only be trailers, but both boats and trailers would be stored during the winter. Ms. Dykstra advised that there would be a maximum of 60 boats and/or trailers stored on the site. Board Engineer John Hansen clarified with the Applicant that the only employees on the site would be present during the movement of the boats and trailers, and that no customers would be on the site. Mr. Germinario inquired whether a building or office was proposed for the site, and Ms. Dykstra replied that just boat storage was proposed. Ms. Dykstra reviewed the proposed boat storage rack system, and noted that the stored boats would not be visible from the street since the side of the boat storage unit would be facing Greenwood Lake Turnpike.

Mr. McGroarty requested clarification from the Applicant as to whether the rack system and the stored boats would exceed 21 feet, and he cited §500-103 "A" with regard to outdoor storage of boats as a principal use. He referred to the conditional use criteria that must be adhered to as outlined in his report dated June 17, 2015, page 2, item #4. He advised that if the boats on the rack system exceeded 21 feet, then this matter requires a use variance from the Board of Adjustment. Ms. Dykstra responded that she believed the height to be approximately 27 feet in height. Mr. Germinario and Mayor Bettina Bieri advised the Applicant that if it exceeded 21 feet required by ordinance, this matter would have to fall under the jurisdiction of the Board of

Adjustment for a use variance. Mr. Germinario advised that if the Applicant remains with the Planning Board, there would be a condition of approval to keep the boats stored at less than 21 feet. Ms. Dykstra suggested that they would only use two tiers and could lower the top rack and not store boats on the top level to abide by conditional use height requirements. Mr. McGroarty maintained that the Board must know the maximum height before they vote on the application. Board Member Geoffrey Syme observed that if the Applicant removed one level, they would be reducing their storage capacity by 1/3.

Tyler VanderValk, P.E. of Houser Engineering, engineer for the Applicant, was sworn in to testify by the Board Attorney, Thomas Germinario, and presented his qualifications to the Board. Mr. VanderValk referred to Exhibit A-1, a detail of the storage rack elevations, and he indicated that the top rack was at 21 feet, but boats could be stored on top of the 21 foot rack. He testified that since the conditional use approval did not permit structures exceeding 21 feet, approval would include conditions limiting the height of boat storage to 21 feet maximum. He would present details with two levels of boat storage racks or three levels that would not exceed 21 feet. Mr. Germinario inquired if the Applicant was ready to commit to two levels of boat storage, reducing the number of boats that could be stored on the site, and the Applicant responded that they would be willing to do this since she is the owner of the property and had no other plans for the site.

Acting Chairman Gargano advised that the matter appears to be incomplete at this time and that it may be difficult for the Board to vote on this application. The Applicant's attorney, Richard Clemack, requested that the Board grant a continuance of the hearing until the plans can be revised. Mr. Germinario advised that the Applicant would have advise if they want to take this application to the Board of Adjustment if the conditional use standards cannot be met, or re-notice when they are ready to return to the Planning Board. Mr. Clemack inquired whether there were any other issues with regard to this matter that the Board wished to explore, and the Board members inquired whether all the reports from the Board's professionals were reviewed since all the issues that require addressing were in the reports. Board Member Warren Gross inquired whether the Board could approve the application on the condition that they don't use the third rack for storage, and Mr. Germinario advised that this would be problematic and that it would not be good for the Board to approve this application on a condition that they wouldn't use the third rack for boat storage since there would be no guarantee that all the employees would know not to use the top rack. Mayor Bieri commented that she had seen this in the past with conditions that often get abused, and added that new employees or owners may not know about the conditions that are imposed. She preferred that the Applicant return to the Board with the rack storage system downsized or that the Applicant takes their application to the Board of Adjustment for the full amount of rack storage. Board Member Linda Connolly inquired about the red color of the boat storage unit, and Ms. Dykstra indicated that it could be whatever color the Board requested, with the Board concurring that a neutral color would be preferable.

With no further comments from the Board, and prior to adjourning this matter until such time that the Applicant makes a determination on how they wish to address the conditional use criteria, Acting Chairman Gargano opened this matter up to the public for comments. The following member of the public addressed the Board:

Alyson Intveld, 17 Cottage Cove, requested clarification about the boat storage being visible from the road or by neighboring property owners, and the Applicant responded that the boat storage would not be that high or noticeably visible, and explained that the side of the boat storage unit would be the portion that would be visible from the front of the property. Ms. Intveld also inquired whether there were plans for bathroom facilities or buildings, and the Applicant responded that there weren't. Mr. Germinario advised that any change or addition to the site plan would require the Applicant returning to the Board.

Mayor Bieri addressed the Applicant and advised that they have the option of revising the plans and addressing the comments of the Board's professionals if they wish to remain with this Board. Mr. VanderValk stated that he had responded to the Board Engineer's comments with a letter and submission dated June 23, 2015. Mr. McGroarty advised that he just received the plans that day and needed to review them for sign and fencing detail, but he stressed that the Applicant's engineer must meet the conditional use standards. Councilmember Ada Erik referred to the Applicant's Highlands approval and inquired about the approval for a boat storage facility, and the Applicant responded that no building was proposed with this Board application. Mr. VanderValk advised that the use for this site that was initially proposed in the Highlands application no longer applies. He noted that a determination would be made whether this matter should remain with the Planning Board or whether the Applicant would apply for a use variance with the Board of Adjustment. Mr. Germinario announced that this matter would be continued, and may potentially be before this Board, unless the Board is notified that the Applicant wishes to go to the BOA for a use variance.

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)*

Mr. McGroarty advised that it was his understanding that this matter was still being reviewed by the Board of Adjustment.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD PLANNER’S REPORT – Board Planner Chuck McGroarty reported that the Township was moving ahead to file the new Housing Element and Fair Share Plan with the courts, and that the Township Attorney Fred Semrau is handling the legal issues associated with this matter. He noted that all the other towns are in the same position as West Milford.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – Board Engineer John Hansen advised that the Shop Rite/TJ Maxx project should be moving forward soon; they are trying to complete their resolution compliance requirements. With regard to the Aiello Major Soil Movement project, Mr. Hansen noted that this project is currently under construction. Mr. Hansen reported that the new Library project would be going out to bid on the following Monday.

MISCELLANEOUS

Approval of Invoices

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

MINUTES

Approval of Minutes from the April and May 2015 Regular Planning Board meetings were held to another Board meeting.

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

Highlands Water Protection And Planning Act Correspondence

1. Notification of an Application for a Highlands Applicability Determination for a project on Nosenzo Pond Road, Block 9302; Lot 16, submitted to the NJDEP by the Township of West Milford.
2. Highlands Pre-Application Meeting Follow-up correspondence from the NJDEP to the Township of West Milford, dated June 11, 2015, regarding “Renovations to Nosenzo Pond Park”, Block 9302; Lot 16, advising that the proposed project may be exempt from the Highlands under Exemption #4 if the net increase in impervious is less than 0.25 acres from the amount of impervious that existed in 2004, and is less than 25% of the impervious that existed in 2004. An application for a Highlands Applicability Determination would verify if the exemption is applicable.

NJ Department of Environmental Protection Correspondence

1. No Further Action notice received from the NJDEP, dated June 9, 2015, regarding removal of a 1000 gal U.G.S.T. at 684 Morsetown Road, Block 6102; Lot 13, Joseph Aurelia..
2. No Further Action notice received from the NJDEP, dated June 2, 2015, regarding removal of a 1000 gal U.G.S.T. at 68 Morsetown Road, Block 4903; Lot 13, Joel & Michelle Freire.
3. Notification from the NJDEP, Division of Water Monitoring and Standards, dated June 15, 2015, advising that the grant submitted by the Township of West Milford Environmental Commission, through Princeton Hydro, entitled “Proposal Submitted in Response to the SFY2015 319(h) Request for Proposals: “Continue to Implement Watershed Based Measures to Reduce NPS Loading and Comply with the New Jersey End of Greenwood Lake (Passaic County NJ – Orange County NY) TMDL for Total Phosphorous” will not receive funding at this time.

Miscellaneous Correspondence Received/Sent

1. Notice of public hearing and consideration of final adoption, received from the Township of West Milford, to be held on June 17, 2015 regarding “Ordinance of the Township of West Milford, County of Passaic, State of New Jersey Vacating the Unimproved Portion of a “Paper Street” Know as Quinty Place.”
2. Hudson Essex Passaic Soil Conservation District notice, dated June 1, 2015, certifying the soil erosion and sediment control plan for 3.5 years for Union Valley Land Trust Site Improvements for a minor site plan at 1554 Union Valley Road, Block 6301; Lot 5.
3. Hudson Essex Passaic Soil Conservation District notice, dated May 15, 2015, re-certifying the soil erosion and sediment control plan for Shop Rite Expansion – Revised Layout, Marshall Hill Road, Block 6303; Lots 15 & 16, until November 4, 2018.

ADJOURNMENT

Prior to adjourning, Board Member Warren Gross inquired why the Applicant needed to meet the 21 feet height requirement when other building height limits are at 35 feet. The Board Secretary requested that Mr. Gross send his inquiry in an email and she would forward it to Mr. McGroarty for a response since he was no longer in attendance at this meeting.

Mr. Gross provided an update to the Planning Board regarding the recent Redevelopment Committee meeting that was held with Chuck McGroarty and two Councilmembers. He noted that Mr. McGroarty was researching several matters and would choose another date for a followup meeting.

The Board reviewed the upcoming meetings and concurred that the July 2, 2015 meeting should be Cancelled. Acting Chairman Gargano advised that the Braemar matter was scheduled for a compliance hearing on July 23, 2015 and Board members were to notify the Board Secretary if they were unable to attend the meeting.

With no further business to come before the Planning Board, Acting Chairman Andrew Gargano **adjourned** the Regular meeting of June 25, 2015 at 8:15 p.m. on a **motion** made by Mayor Bettina Bieri and a **second** by Michael Siesta.

Approved: September 24, 2015

Respectfully submitted by,

Tonya E. Cubby, Secretary