

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

JUNE 28, 2012

Regular Meeting

The Regular Meeting of the Planning Board was opened at **7:35 p.m.** by Chairman Geoffrey Syme with a reading of the Legal Notice, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, *Vacancy*, Alternate Steven Castronova, Chairman Geoffrey Syme, Board Attorney Thomas Germinario, Board Planner Charles McGroarty, P.P., Board Engineer Paul Ferriero, P.E.

Absent: Councilman Luciano Signorino, Alternate Michael Siesta.

Alternate Steven Castronova was requested to sit on the Board in a vacant seat.

PUBLIC PORTION

Chairman Geoffrey Syme opened the Public Portion of the meeting. The following addressed the Board:

Doris Aaronson, Bearfort Road – Ms. Aaronson commented that the recent appointments by the Governor to the Highlands Council were “pro development”, and she inquired what would happen if they disagreed with the Highlands Preservation Area Master Plan Element. Chuck McGroarty, Board Planner, responded that he had no comment since he did not have any knowledge about the Highlands political views nor what they intend to do. Thomas Germinario, Board Attorney concurred with McGroarty, adding that the Highlands Master Plan Element is essentially a master plan and must be complied with by law.

Richard Randazzo, Wooley Road – Mr. Randazzo requested that the Board consider amendments to the well ordinance, thanking the Board, Township Council, and others for their efforts regarding the local aquifer ordinance, but stressed that time limits should be included in the amendments. He recounted his experiences with the well equipment left in his well, even though the testing never took place. Mr. Germinario responded that an applicant would have to provide an implementation schedule, and if they fail to follow the implementation schedule the neighboring property owners would have the option to have the well monitoring equipment removed. Mr. Randazzo also requested that the ordinance language state that the neighboring wells would be included in the monitoring in any future testing. Mr. Germinario referred to Township Attorney Fred Semrau’s remarks at a prior Township Council meeting, noting that if an applicant does not comply with an implementation schedule, they would have to submit a new test plan to be reviewed by the hydrogeologist, adding that they could submit a new plan which they are entitled to do, not just a new schedule. Mayor Bieri commented that the Board’s hydrogeologist has to approve the plan, and the Board/Township is paying the hydrogeologist who will be making the determination on the location of the wells tested. Mr. Randazzo insisted that the ordinance requirements be more specific including dates, etc. and Mr. Germinario responded that the aquifer testing ordinance was newly adopted in 2007, and over the years the Board/Township has gotten better at interpretation and implementation of the ordinance and amendments. With regard to the length of time from testing and approval, he advised that the time is variable, especially with the observation wells, monitoring equipment in off site wells, etc., and it is difficult to state that an applicant has “x number of days” since it could change with each application. He stated that the hydrogeologist has to make the call on this and the Board has to have confidence in their professional, and no one should make an assumption that the professionals will be unethical. He further stated that he has been involved with matters that included hydrogeologists for over 30 years and he has yet to meet one that is unethical. With regard to amending the ordinance language, Mr. Germinario advised that legal drafting is a difficult art and a balance has to be struck, and adding more verbiage is not the answer. He noted that a document can say too little or too much, and cautioned that using more words does not close any loopholes and, in fact, may create more loopholes. Mr. Randazzo maintained that the original ordinance does not specifically state the “Township” hydrogeologist and he requested that the term be included to state that the Township’s hydrogeologist would choose the wells to be tested. Mr. Germinario advised that he would speak to the Township Attorney regarding this matter and the ordinance would be reviewed. The Board Secretary was instructed to provide a memo to the Township Administrator and Township Attorney regarding the specification of the Township hydrogeologist in the aquifer testing ordinance with regard to approval of wells to be tested.

With no one else present wishing to address the Board, the Public Portion was **closed** on a **motion** by Steven Castronova and a **second** by Robert Nolan.

MEMORIALIZATION

RESOLUTION No. 2012 - 9

OAK RIDGE ROAD ASSOCIATES, LLC

Preliminary /Final Site Plan #PB-11-11-04

Block 15901; Lot 1

197 - 209 Oak Ridge Road; LMI

Granted: Preliminary and Final Site Plan approval with conditions and design waivers to construct a 21,916 s.f. parking lot in the LMI Zone.

Motion by Andrew Gargano with a **second** by Robert Nolan to **approve** the Resolution No. 2012 – 9 memorializing the Preliminary and Final Site Plan approval for Oak Ridge Road Associates, #PB-11-11-04.

Roll Call:

Yes - Mayor Bettina Bieri, Steven Castronova, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Chairman Geoffrey Syme.

No – None.

Motion approved.

PENDING APPLICATIONS

TRIPLE T CONSTRUCTION, LLC

Preliminary & Final Site Plan With Bulk Variance #PB-03-11-01

Block 6002; Lot 29

280 Marshall Hill Road; LMI Zone

Seeking: Preliminary and Final Site Plan for rehabilitation of an existing building and site to accommodate a warehouse/distribution center/office with construction storage. This application was initially heard by the Planning Board on December 1, 2011 and was carried due to revisions necessary prior to consideration for approval. The boat storage portion of the application, with approval granted by the Planning Board on October 27, 2011, was bifurcated from the remaining portion of the application.

Present to provide testimony on this matter were Richard Saunders, Esq., Scott Ridings, the applicant, Patrick McClellan, P.E., the applicant's engineer, and Michael Berry, L.S., P.P. professional planner. Paul Ferreiro, Board Engineer, advised the Board that there were fundamental issues that must be addressed as a result of recently revised plans on this application, including the insufficient depth of the parking stalls that are inadequately sized, referencing a parallel parking stall which will result in a car door hitting the building, among other issues, as he acknowledged that the site is very tight and space is limited. He continued to note that the roof of the existing building was raised by 13 feet as indicated on the architectural plans, and with regard to reconstruction, he advised that a new septic code had been instituted and the septic system needed to be redesigned to meet the new standards. Mr. Ferreiro noted that the Health Department had not approved the septic design, but the new codes will be applicable for this commercial property. He also stated that this project was a major Highlands development and inquired what had been filed with the NJDEP. Mr. Saunders responded that the applicant was waiting for approval from the Planning Board before presenting their plan to the Highlands Council for approval. Mr. Ferreiro advised that the NJDEP Bureau of Regulations will review this application, not the Highlands Council staff. He then stated that the applicant is at the point that they should be going for Highlands approval at this time since it takes approximately 9 to 15 months to get through the process. He then referred to his memo and noted that the applicant should not be working at cross-purposes and should go to the DEP/Highlands now since that will be their biggest hurdle. Mr. Saunders responded that the applicant and his professionals took Mr. Ferreiro's comments to heart and they have been considered, but they want to address them and get input before going for Highland's approval. Mr. McGroarty reiterated Mr. Ferreiro's comments, noting that from a procedural process, the Highlands/DEP do not consider local approval before their own, and will review their standards first. Mr. Saunders suggested that a "second set of eyes" may turn up something before it is sent to the Highlands. Board member Robert Nolan commented that the applicant was "putting the cart before the horse," and that he assumed that the applicant would want the approval of the Highlands before proceeding further with the application. Mr. Ferreiro stated that this project was major development for stormwater since there is no area for recharge, and he advised that the NJDEP will not look past that and it will have to be done. Chairman Geoffrey Syme advised the applicant that he was submitting an application to the Planning Board and the septic had not even been addressed. Mr. McGroarty advised that in his report dated June 25, 2012, he noted that the architectural plans indicated a second story had been added and did not meet the height requirements, adding that this can be addressed during testimony, but it was done without an explanation. He further noted that it was his understanding that a tenant, Shore Grip, was no longer going to be involved, but the name is shown on the site plan and floor plan, and Mr. McGroarty advised that this raises a question about parking and floor space, and how this is to be designed for an unnamed tenant. He also raised the issue that the Board and their professionals just received a new lighting plan at this meeting, which leaves no time for a review. Mr. McGroarty stated that, in his opinion, the applicant was not ready for the Board to consider this application. Chairman Syme addressed the applicant and his professionals and inquired whether they were prepared to go forward with the testimony in light of the fact that the Board Engineer and Planner stated that the plans were incomplete. Mr. Saunders advised the Board that the applicant was prepared to address the reports from the Board professionals. Mr. Germinario advised the applicant that he must understand that with all the gaps in the plans and documentation submitted for this application that the Board's professionals may not be prepared to answer all the questions for the Board to render a decision on this matter and the applicant may have to return for another Board hearing. Board member Douglas Ott suggested that the applicant begin by addressing the major items. Mr. Saunders responded that the applicant will need both the DEP and the Planning Board approval, but having the Board review and approve the application first was their objective. Mr. Germinario advised that it would be contrary to his advice for the Board to give final approval on this matter unless the Highlands approval was received. Mr. Saunders then stated that the preliminary approval can be conditional, and that he understood about the necessary requirements for final approval.

Patrick McClellan, P.E., was sworn in and qualified as a professional engineer and expert witness for the applicant. He began by reviewing Paul Ferreiro's report regarding the existing stormwater drainage, and

testified that this site was previously disturbed and although there will be an increase in impervious cover, there will be less than what was required for a major Highlands development, and further, it was his opinion that it did not require stormwater management plan, adding that a more sophisticated water collection system had been designed. With regard to the Highlands approval, Mr. McClellan stated that the applicant wanted to receive the local land use (Board) approval for the plan before going to the DEP. Mr. Ferriero expressed to the applicant's engineer that this project is a major stormwater development based on the regulations developed by the DEP. Chairman Syme then questioned whether the Board could grant conditional approval if the professionals disagree. Mr. Ferreiro stated that under DEP regulations this application was a major Highlands development because it is not a residential site. Mr. McClellan advised the Board that he intended to go to the author of the source of the DEP regulations and obtain an interpretation of their position on this matter. Mr. Ferriero strongly advised the Board against giving conditional approval for this site plan application at this meeting. Mr. McClellan noted that nothing was being disturbed on the site that hadn't already been disturbed, and he read the definition from the DEP regulations, further stating that the applicant was under the threshold for a major Highlands development since they were only disturbing a limited amount of land, with the repaving over old asphalt etc. Mr. Ferriero advised that the ordinance regarding stormwater is a Township ordinance, with the Highlands providing the template that the Township adopted. The Board and their professionals continued to discuss the issues with the applicant's professionals, and several discrepancies were noted in the plans and documents. Mr. McClellan stated that he expected to receive the Board's approval and then would go to the Highlands/DEP knowing what the Township wants. Chairman Syme advised that the Board was not attempting to delay the project and noted that everyone wanted to get this project moving, but the Board's professionals had concerns that needed to be addressed, adding that the Board cannot approve an application if there is disagreement among the professionals. Mr. Germinario advised the applicant's professionals that the stormwater management plan was a municipal ordinance and the DEP does not, in his experience, give an advisory opinion about this matter, and that it was not something that should be given to them to provide opinions or comment on. He then advised that if the applicant's attorney wished to put their interpretation of the regulations in writing, he would review and consider it. Mr. Saunders responded that there is some legal interpretation involved in this, as well, and although he values Mr. McClellan's expertise, it was clear that he was not changing Mr. Ferriero's opinion regarding this, and they will have to come back to the Board. He inquired whether they could attempt to get something from the DEP on this matter to clarify whether this was a major stormwater development, and if it is, they will have to submit a stormwater management plan. Mr. Ferriero advised that if they go to the DEP for an interpretation, it would be helpful if they had a plan. He explained to the applicant and the Board that if a storm drain is installed by removing pavement, placing piping for drainage, and it is repaved, that is considered disturbance. Mr. Germinario advised that the response the applicant receives from the DEP depends on the information given to them, and an interpretation from the DEP would not bind the Board to a decision. Mr. Ferriero stated that each time he sends a plan to the DEP he must identify the area of disturbance. Mr. McClellan noted that his experience with the DEP has been different than Mr. Ferriero's and he would apologize to the Board if he is wrong about his interpretation. Mr. Germinario suggested that Mr. McClellan draft a submission to the DEP so Mr. Ferriero can review it and comment on it before submission to the DEP. Mr. McClellan responded that his past experience with the DEP comments gave him a clear idea of what they expected and he was able to proceed with other applications based on that.

Mr. Saunders advised that he wished to address the other items in the Board professionals' reports, referencing Mr. McGroarty's report regarding building height. The applicant, Scott Ridings, was asked if he was adding another floor to the existing building, and Mr. Ridings advised that he was not, but that he wished to attract more tenants with the increased ceiling height, noting that the windows on the second story were for aesthetics only. Mr. Germinario advised that if the Board approved the plan, it would be conditioned that no second floor could be installed. Mr. Ferriero advised that according to the plan, only 200 square feet of office space is proposed and the rest was to be warehouse, adding that if the office space is increased, more parking will be required and there is no room to accommodate more spaces. Mr. Saunders advised that the applicant does not need a variance for parking spaces, and if they need additional parking, there were 11 spaces in the boat storage area that can be utilized. Mr. Ferreiro responded that if the applicant expands the office space beyond 200 square feet then he would have to return to the Board for a variance. The applicant's professionals reviewed the revised lighting plan that was submitted at this hearing. Mr. McGroarty advised that the plans should be revised to remove Shore Grip since the applicant is testifying that he is the only tenant at this time. He further noted that the warehouse distribution center and office constituted the largest portion of the site and if the Board approves this application, that would be the type of tenant that would be sought, and if there was a different tenant, the Board would need to know. Mr. Saunders responded that a zoning permit would be needed for a change in tenancy and any major change would require a return to the Board. Mr. McGroarty clarified that a larger office space would generate a different traffic pattern, and the Board would need to know this before any approval is considered. Mr. McGroarty inquired whether Central Boiler was still an option as a tenant and Mr. Ridings replied that this was still not decided, and that this was a business venture of his that was being explored. Mr. Saunders advised that they would comply with all the zoning ordinances. Regarding the proposed trailer and comments by Mr. McGroarty in his report, Mr. Ridings testified that it was for his day-to-day use for the vegetative operation at the Recycling Center. Mr. McGroarty replied that this application was concerned with the warehouse building, and the applicant was discussing a trailer for the vegetative recycling business, inquiring if there was a separate use to be considered on the site. He added that it may be an accessory structure, but there is nothing in the application about a vegetative recycling business, so this trailer triggers some questions about the application. Mr. Saunders responded that a trailer on wheels was on the site, but the applicant

would remove if it were a problem. Mr. McGroarty inquired whether there will be an expansion of the recycling business, and expressed that the dual uses are an issue, noting that the existing building is permitted, but the trailer for office space for the recycling business is another matter. Mr. Saunders noted that there is a separate driveway that the applicant installed, and Mr. Ferriero stated that this was part of the site disturbance that he made reference to, and Mr. McClellan concurred with this. Mr. McGroarty advised that the applicant must explain what he will be doing on the site, who is there now, what the purpose is, and what are they doing, and if the trailer remains, it will need clarification since zoning requirements must be met.

Mr. Ferriero then advised that there are a number of things that can be addressed before the applicant returns to the Board, and he noted that he will need more time to review the plans, adding that submissions are required a minimum of 10 days prior to a hearing. Mr. Saunders noted that they would be prepared to come back to the Board on August 2, 2012, and Mr. Ott inquired whether they would have an answer from the DEP by then. Mr. McClellan commented that he may not have a determination from the DEP by that time, but he wanted to meet with Mr. Ferriero so that they can agree on the plans. Mr. Germinario advised that this matter was carried to the August 2, 2012 Planning Board meeting and no further notice was necessary.

Following the carried hearing on this matter, representatives from Environmental Renewal LLC appeared before the Board and requested to distribute a written submission regarding Triple T Construction and the recycling business. Mr. Germinario advised that the law did not allow written communications to be submitted to the Board members at a hearing, and Chairman Syme explained the process, advising that if they wanted to address this application, they should return for the August 2, 2012 hearing and present their comments during the public portion of the hearing.

Highlands Preservation Area Master Plan Element for the Township of West Milford - Public Hearing

– Charles McGroarty, P.P., Board and Township Planner, advised that the notice had been provided for the public hearing for the Township to consider the Highlands Master Plan Element to be eventually included in the Township's Master Plan. He suggested that the discussion on this matter be postponed since there is an indication that there may be some changes made to the Highlands preservation ordinance that may affect the Township, and given the limited funds allotted for the process, he felt that a postponement was prudent. Mr. McGroarty noted that he has not been able to confirm the information he received, but there is enough to suggest that the ordinance may be changed, hopefully become more streamlined, and if so, there would be time to make the changes to the land use element before adoption. Mr. Germinario, Board Attorney, concurred with carrying the hearing on this matter until some clarification is received, and advised that, procedurally, the matter could be carried without formal noticing, with one month as sufficient time to get more information on what may transpire. The Board briefly discussed this matter, and Mr. McGroarty noted that the hearing shouldn't take more than about 15 to 20 minutes based on his experience in another town where the public hearing had already taken place. Robert Nolan suggested that a press release be posted regarding this hearing being carried to August 2, 2012.

Motion by Andrew Gargano with a **second** by Christopher Garcia to **carry** the hearing on the Highlands Preservation Area Master Plan Element for the Township of West Milford until the August 2, 2012 Regular Planning Board meeting. The Board **approved** the carry by unanimous consent.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL - None.

BOARD PLANNER'S REPORT – Chuck McGroarty reported on the housing trust fund, and advised that everything is in place for the construction of a single family house on a Township owned lot with the use of the appropriated funds (\$50,639.00) with the remaining funds to be raised by Habitat for Humanity, the organization that is constructing the house. He noted that this will give us one credit for our affordable housing obligation.

BOARD ATTORNEY'S REPORT – Mr. Germinario reported that a Closed Session will take place at the end of the meeting regarding the Braemar matter.

BOARD ENGINEER'S REPORT – Mr. Ferriero reported that there may be some “light at the end of the tunnel” with a memorandum of understanding that has been reached with the Highlands regulations regarding the delegation of some of the exemption decisions to the local level which will shorten the time for some Highlands determinations.

MISCELLANEOUS

■ Board member Chris Garcia inquired of the Board Secretary if an application had been filed for a soil movement permit for Lakeshore Inn in Upper Greenwood Lake, and the Secretary replied that no application had been received. Mr. Ferriero advised that he would contact the Engineering Dept. to look into whether any soil movement activities have taken place.

■ Steven Castronova inquired about the Streetscape Plan and noted that the Environmental Commission has made an inquiry also. Mr. Ferriero advised that the project is in major “re-boot” presently, and that the conceptual plan was essentially unbuildable since a significant portion was not feasible. He further advised that under the direction of the Township Council the scope of the project

would be reduced due to the anticipated costs for acquiring the easements required for the original plan. He also noted that the engineering firm had never completed the construction drawings due to the great amount of funds that were expended on the conceptual plans. Mayor Bettina Bieri inquired whether it would make sense to concentrate on making the streetscape improvements extend from Shop Rite Shopping Center to Bearfort Shopping Center instead. Mr. Ferreiro responded that the Township is trying to determine the amount of funds remaining and he does not have much information on this project, but there is some question as to whether the grant funds were received from the government entity that awarded the grant (State or Federal). The Board Secretary advised that she would look into the files to see if there is anything she can locate on this matter, noting that the project was managed by the former Township Engineer since most of the aspects of the improvement project were engineering related, and they may have files in the Engineering office. Andrew Gargano and Robert Nolan recalled being notified of receipt of the federal funds for this project when they were both serving as councilmen. Mayor Bieri suggested that a grant fund account might have been established for this.

■ With regard to a request from the Historic Preservation Commission that the Planning Board recommend the purchase of a tarp for the Wallisch house to prevent further deterioration, a **motion** was made by Andrew Gargano with a **second** by Douglas Ott to request the Township Administrator and Township Council to appropriate funds for the purchase and installation of a tarp at the site. The motion was **unanimously approved** by the Board.

Approval Of Invoices – Board Professionals

The Board reviewed the invoice report for the invoices submitted by the Planning Board professionals for services performed during the months of April and May 2012. The invoices were **unanimously approved** for payment on a **motion** by Robert Nolan with a **second** by Andrew Gargano.

MINUTES

The minutes from the September 22, 2012 Regular Meeting would be approved at the next Board meeting following review by all the Board members. Draft copies of the February 23, 2012, and April 5, 2012 minutes were available upon request.

The following documents were reviewed and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Twins Realty Group LLC application for a Highlands Applicability Determination received on June 15, 2012 regarding the demolition of two existing buildings and four trailers and construction of two new buildings for an existing pre-cast concrete manufacturing facility at 937 & 943 Burnt Meadow Road, Block 3906; Lots 9 & 10 and Block 6002; Lot 39.01. The new buildings will be constructed on existing impervious surfaces, with new septic and new parking area proposed, with total impervious coverage reduced by 8,500 s.f.
2. Notification dated June 12, 2012 received from E2 Project Management regarding an application for a Highlands Applicability and Water Quality Management Plan Consistency Determination for Verizon Wireless West Milford 8, 246 Morsetown Road, Block 4701; Lot 43, regarding the co-location of 12 wireless antennas on an existing 130 foot PSE&G electrical tower, with equipment shelter, CSC telco cabinet and meter bank.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notification received June 22, 2012 from Environmental Compliance Brigade Corp., advising that the owner of Getty Petroleum/Lukoil, 1367 Union Valley Road, has failed to submit to the NJDEP an LSRP Notification by the deadline of May 7, 2012.
2. Notification from Buchart Horn, Inc., received June 22, 2012 regarding an application submitted to the NJDEP by the NJDOT for a Flood Hazard Area General Permit and a Freshwater Wetlands General Permit for the installation of rip rap along portions of the exposed footings on Route 23/Pequannock River Scour Repairs.
3. Community Notification Documents received from Synergy Environmental on June 18, 2012 for site remediation of the groundwater for the Lakeside Amoco, 2 Lakeside Drive, Hewitt, Block 3509; Lot 16.
4. Notice of a treatment works permit application for a septic alteration at The Manor At Smith Mills, 524 Hamburg Tpk, Block 12701; Lots 9.01, 9.02, 9.03 received on June 15, 2012 from Richard Deubert, P.E.
5. Notice from the NJDEP, dated June 12, 2012, regarding the High Crest Lake Dam, NJ Dam File No. 22-161, advising that the dam was in poor condition with studies and repairs necessary, and a conceptual design to be provided to the DEP by July 31, 2012. Also advised of a 2004 Dam Restoration Loan Program from the NJDEP that is available to fund dam restoration projects.
6. Notice from the NJDEP, dated June 7, 2012, advising that the Pettet Pond Dam, NJ Dam File No. 22-293, was found to be in fair condition with maintenance and repairs necessary, with a schedule for submission of repair details due by July 31, 2012.
7. Notice from the NJDEP, dated May 30, 2012, regarding the Lower Mount Glen Lake Dam, NJ Dam File No. 22-102, advising that the Bureau of Dam Safety has no objections to the replacement of a storage shed provided that it is within the footprint of the existing structure as shown on the plans.

8. Notice from the NJDEP, dated June 12, 2012, regarding the Butler Intake Reservoir Dam, NJ Dam File No. 22-3, advising that a review of the submitted report finds the dam to be in satisfactory condition with minor maintenance required.

9. Authorization Renewal Notice from the NJDEP Bureau of Nonpoint Source Pollution Control, dated June 5, 2012, regarding the Greenwood Lake Airport for the NJ Pollutant Discharge Elimination System Discharge to Ground Water General Permit under the Existing Sanitary Septic System General Permit that was effective June 1, 2003.

10. Notice of Violation, dated June 6, 2012 received from the NJDEP for the Tennessee Gas Pipeline 300 Line Upgrade, regarding the absence of the required Primary Level Venomous Snake Construction Monitor during re-vegetation activities in violation of condition 4a of the permits.

11. No further Action and Covenant Not To Sue notice received from the NJDEP, dated May 29, 2012, regarding 1163 Macopin Road, Block 10102; Lot 3 for the removal of one 550 gallon #2 heating oil underground storage tank.

CORRESPONDENCE

1. Notice from the NJ Planning Officials that they will host lunchtime webinars for new Planning Board and Zoning Board of Adjustment members, with recorded webinars available to the public at a later date at www.NJPO.org

2. Notice from the Township Clerk regarding a request for a waiver to permit a street opening for the installation of gas service at 26 Ridge Road, with waiver required for any roads paved within a period of five years.

3. Certification of the soil erosion and sediment control plan received from the HEPSCD for Verizon West Milford 8-Tower 61-4 PSE&G, 246 Morsetown Road, Block 4701; Lot 22, 43, dated May 21, 2012.

4. Certification of the soil erosion and sediment control plan received from the HEPSCD for Reilly Ridge Rd. Fill & Grade, 281 Ridge Rd., Block 8602; Lot 17, dated May 21, 2012.

5. Notice from Rockland Electric, dated May 30, 2012, requesting that we advise them of any work that we become aware of taking place in RECO easement areas located in the Township, noting that working in the easement areas and placement of obstructions in the easements is restricted.

CLOSED SESSION

Motion by Robert Nolan with a **second** by Douglas Ott to close the public portion of the Planning Board Regular Meeting at **9:54 p.m.** and withdraw into Closed Session.

Board members Andrew Gargano and Linda Connolly were recused from this matter and left the meeting room.

RESOLUTION NO. 2012-10

- Braemar at West Milford, LLC v. Township of West Milford Planning Board and the Township of West Milford, Docket #PAS-L-5709-11.

Following the closed session, **motion** by Christopher Garcia with a **second** by Robert Nolan to reopen the public portion of the Planning Board meeting at **10:24 p.m.**

ADJOURNMENT

With no further business to come before the Planning Board, a **motion** was made to **adjourn** the Regular Meeting of June 28, 2012 at **10:25 p.m.** by Christopher Garcia with a **second** by Robert Nolan.

Approved: October 25, 2012

Respectfully submitted by,

Tonya E. Cubby, Secretary