

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

July 22, 2010

Regular Meeting

The Regular Meeting of the Planning Board was opened at 7:31 pm 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, Christopher Garcia (7:35), Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Thomas Harraka, Chairman Andrew Gargano, Board Planner Chuck McGroarty, P.P., Board Engineer Paul Ferriero, Board Attorney Thomas Germinario, Esq.

Absent: Linda Connolly.

Chairman Gargano requested the Planning Board Alternates Michael Siesta and Thomas Harraka to sit on the Board for the vacant Board position and absent Board member Linda Connolly.

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 Councilman Weisbecker with a **second** by Douglas Ott.

PRESENTATIONS - None.

APPLICATIONS

PENDING APPLICATIONS

**1952 UNION VALLEY ROAD, LLC
Preliminary & Final Site Plan #0820-0167AB
Bulk Variance**

Block 3601; Lots 1 & 3
1952 Union Valley Road; CC Zone

Seeking: Preliminary and final site plan approval and variance relief regarding the removal of an existing 1200 square foot retail structure and the construction of a new 5000 square foot 2-story delicatessen with two apartments, including construction of a parking lot and new entrance on Union Valley Road.

Chairman Gargano recused himself from this application. Vice Chairman Geoffrey Syme announced that this application was carried to the September 23, 2010 Planning Board meeting.

EXTENSION OF TIME REQUESTS

**ERIC & CAROL LOUER
(Greenwood Lake Animal Hospital)
Preliminary Site Plan #0620-0249A**

Block 3503; Lot 46
1925 Union Valley Road; CC Zone

Seeking: Time Extension for Preliminary Site Plan Approval.

Chairman Gargano announced the request for a Time Extension for Preliminary Site Plan Approval for Eric and Carol Louer and asked Thomas Germinario, Board Attorney, to give a brief overview. Mr. Germinario advised that the applicant, Eric and Carol Louer, had preliminary approval for their site plan for 1925 Union Valley Road, Block 3503; Lot 46, but that approval had expired on February 22, 2010 before the final site plan application came before the Planning Board. He noted that this extension was basically a technicality because final site plan approval cannot be granted unless the preliminary site plan is in effect.

Motion to **approve** the Time Extension for Preliminary Site Plan Approval made by Councilman Weisbecker with a **second** by Steven Castronova.

Roll Call: Yes: Mayor Bettina Bieri, Steven Castronova, Thomas Harraka, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.

No: None.

Abstain: Christopher Garcia

NEW APPLICATIONS

**ERIC & CAROL LOUER
(Greenwood Lake Animal Hospital)
Final Site Plan #PB-05-10-06**

Block 3503; Lot 46
1925 Union Valley Road; CC Zone

Seeking: Final Site Plan Approval for renovation and expansion of the Greenwood Lake Animal Hospital.

Eric Louer, the applicant, was present to testify before the Planning Board with regard to this application and was sworn in by Thomas Germinario, Board Attorney. Mr. Germinario reviewed the final site plan application and addressed the comments from the Board Engineer's report of July 19, 2010. Mr. Ferriero,

Board Engineer, inquired if the applicant would be constructing a gazebo that was in the original plans but not on the as-built survey, and the applicant replied that it will not be installed. Mr. Louer also testified that the existing lights will remain, and that the lighting depicted on the plan had been incorrectly noted by the applicant's engineer. Mr. Louer inquired about the comment in Mr. Ferriero's report about a "PVC pipe connected to the existing drainage that needs to be grouted" and Mr. Ferriero explained that his recent inspection revealed the hole in the inlet that is larger than the PVC piping, and this needs to be in-filled with mortar or there will be a risk of a sink hole. With regard to the van accessible handicapped parking, Mr. Louer testified that the sign has been ordered and will be installed as soon as it is available. Mr. Germinario advised the Board that this application could be considered for approval with the two conditions that include the grouting of the PVC drainage pipe inlet, and the van accessible handicapped parking sign to be installed.

Chairman Gargano opened the application to the public for comment, although Mr. Germinario had advised the Board that public comment was not required for final site plan approval. No one from the public commented on the application. Board members Mayor Bieri and Steven Castronova complimented the applicant on the successful completion of the project, noting that this site is an asset to the community. Mr. Louer inquired about the Municipal Utility Authority's comments in their memo to the Board noting the requirement for the applicant to connect to M.U.A. well and sewer per the Township ordinance. He noted that this matter was not addressed with preliminary approval and that all the improvements have been made. He advised that he addressed the M.U.A. about the matter in the Spring of 2009, and the M.U.A. had granted him a 3-year extension to have the sewer and water connections made. Mr. Louer testified that this will be a great hardship for him because his site is on a county road and opening the road and installing the connections will be time consuming, costly, and will require county permits. He also advised that he had requested a list of approved contractors from the M.U.A. in order to estimate the scope of the project but had not received a reply. Mr. Ferriero advised the applicant that the Planning Board does not have jurisdiction in this matter and it must be taken up with the M.U.A. Mayor Bieri inquired if there were any exemptions from the local ordinance and Mr. Germinario replied that he did not believe there was anything that could be done, but he would research this further. Mr. Louer was advised to get a copy of the ordinance and address the matter again with the M.U.A.

Motion to **approve** the Final Site Plan #PB-05-10-06 for Eric and Carol Louer made by Councilman Weisbecker with a **second** by Michael Siesta.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Christopher Garcia, Thomas Harraka, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.
No: None.

NEW BUSINESS

Finn Property Structures and Town Center Historic Designation – The request for current status by the Historic Preservation Commission on the designation of the Finn property as an historic site and the Town Center Historic District designation was reviewed. The Board Secretary provided some background information from the Planning Department files, noting that when this matter was presented at public hearings and the affected property owners were notified by certified mail, the majority of the property owners in the Town Center corridor objected to the historic district designation. The property owners were also asked to reply in writing, and the majority opposed historic designation, with the exception of the Township owned properties that include the Museum (already designated), Municipal Building, and Library, and the Presbyterian Church (already designated). It was noted that the owners of the Finn property (future site of the new Township Library) declined historic designation of their site. Chairman Gargano requested that a memo be sent to the Historic Preservation Commission advising that the Town Center historic district was not approved in the past by the residents, and that the affected property owners did not agree to the designation following the required notification and public hearings.

M2 Associates Inc. Report – The status of the Water Use Permitting for Village on Ridge Project was reviewed by the Board members. Mr. Germinario advised that this matter had been before the Board for extension of final subdivision approval about a year prior. The final plat had not been filed because the applicant needed water permits for the wells. Matt Mulhall of M2 was hired to review the matter and report to the Board on the status. Mr. Germinario noted that Mr. Mulhall's report, dated June 7, 2010, determined that the applicant and the M.U.A. had not followed through on the permitting process and two of the permits had not been obtained from the DEP. Mr. Germinario continued, stating that 10 houses had already been constructed in Phase I, and 50 were planned for Phase II, but that there was no water availability with a public water facility. The water use approvals necessary may take 2 to 5 years from the NJ DEP. Mr. Germinario advised that he and Mr. Ferriero met with the applicant, Jack Levkovitz, and his attorney Rob Simon, approximately a month ago, and they did not feel that it was feasible to apply for the water permits for the two wells at this time. The applicant indicated that he was considering installation of individual wells with each lot, and possibly reducing the number of lots to be built following a meeting he had with the DEP. If this is the case, Mr. Germinario noted, the applicant may be required to get amended subdivision approval for the change in utilities from public to private wells, but the applicant and his attorney had contested this on the basis that their Highland's Approval may be affected. There was also the possibility of a private water system being used for the site, either by the applicant or another entity, and this may not require an amendment, but would require Township and Board of Public Utilities approval for a private water company. Mr. Germinario advised that since the last meeting with the applicant, he has had no further communication on this matter.

Mayor Bieri inquired whether the M2 report established whether or not there was any water available, and Mr. Germinario replied that the testing did not progress that far because the permits had not been filed, and Mr. Ferriero advised the Board that there was inadequate information to make a determination on water availability. Mr. Germinario noted that the applicant was advised that if he went to individual wells that he would have to comply with the Township well ordinance. Mayor Bieri reported that she was contacted by a resident from Phase I of Village on Ridge who contends that she has inadequate water, and if Phase II water supplies are not installed, the Mayor wondered what recourse the homeowner would have. Mr. Germinario advised that the Planning Board does not have jurisdiction regarding Phase I, and that the homeowners in Phase I may have contractual rights, or the local Health Department regulations may assist them. Chairman Gargano advised that this report to the Board had addressed all the issues that were necessary at this time. Steven Castronova inquired how many homes were proposed to be built and whether the Township can require the applicant to close the roads that had some improvements if the remaining homes were not built. Mr. Germinario advised that the road improvements were associated with approval of the subdivision, and Mr. Ferriero added that the Highlands approval requires that some work must continue to keep the Highlands approval in effect.

MEMORIALIZATIONS – None.

ORDINANCES FOR INTRODUCTION

Updated Draft Sign Ordinance – Chuck McGroarty, Board Planner, reviewed the alterations that he made with the draft sign concepts, noting that he had located a sandwich board sign that was smaller than the vinyl signs used by some of the business owners. He reviewed the information from the prior meetings and discussions with both the business owners and the Board members, noting that the consensus was for non-permanent, but more uniform signs to be permitted. Once the Board agrees on the temporary signage, the ordinance can be referred to the Township Council. Mayor Bieri interjected that Bearfort Shopping Center has installed new white non-permanent sandwich board signs that are placed back from the road and have uniform lettering. The Board members concurred that the new signs are much more aesthetically pleasing and would be acceptable to them. Mr. McGroarty stated that if the business owners were willing to address the matter among themselves to purchase new uniform signage, and if they were willing to police themselves, then this would not be a problem. The Mayor commented on a letter received from a resident that was sent via email to the Board members and Board professionals, noting that this resident had several suggestions on signage.

Following discussion, a **motion** was made by Councilman Weisbecker with a **second** by Michael Siesta to **table** this matter, with the Board **unanimously approving** the motion.

ORDINANCES REFERRED FROM COUNCIL

BOARD PLANNER'S REPORT– Mr. McGroarty advised that the Wind Turbine Ordinance was provided to the Township Council and Councilman Weisbecker commented that the Council is in the process of reviewing the ordinance.

BOARD ATTORNEY'S REPORT – Mr. Germinario advised that the Weiner Lesniak litigation had been settled, with the plaintiff receiving a portion (1/3) of the amount requested for settlement.

BOARD ENGINEER'S REPORT – Paul Ferriero reported that he was continuing to work through the Wastewater Management Plan for the Township and he referred to his emails for further details. He also reported that the 2011 extension no longer permitted an interim plan to be submitted, and that a final W.M.P. was required by the NJ DEP, adding that this deadline presents some advantages and disadvantages for the Township. Mayor Bieri thanked Mr. Ferreiro for his assistance in lobbying for additional funding for this project.

MISCELLANEOUS

Chairman Gargano advised that the next scheduled meeting for the Planning Board was on August 5, 2010, and this meeting may include a courtesy review for an artificial turf field that is proposed for McCormack Field at the High School complex. He noted that if the turf field professionals are not prepared to do their presentation for the Planning Board on August 5th, the Board meeting will be cancelled. Members and the public will be notified in the event of a cancellation.

Approval Of Invoices – Board Professionals

The invoices submitted by the Planning Board professionals depicted on the April, May, and June 2010 report that was provided to the Planning Board were **unanimously approved** by the Board on a **motion** by Mayor Bieri with a **second** by Steven Castronova.

Subcommittee Reports

Master Plan Subcommittee – Chairman Gargano reported that a meeting will be held for the Master Plan Subcommittee on August 5, 2010 at 6:00 in the Main Meeting Room at Town Hall. Reminders will be sent by the Board Secretary.

Ordinance Subcommittee – No report.

Building Design Subcommittee – No report.

Site Plan Committee – No report.

MINUTES

Motion by Councilman Philip Weisbecker with a **second** by Mayor Bieri to **approve** the minutes of the May 27, 2010 Regular Meeting of the Planning Board.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.
No: None.

Motion by Steven Castronova with a **second** by Christopher Garcia to **approve** the minutes of the June 3, 2010 Regular Meeting of the Planning Board.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Christopher Garcia, Douglas Ott, Chairman Andrew Gargano.
No: None.

The following were reviewed by the Planning Board and filed:

COMMUNICATIONS

1. Memo from West Milford Historic Preservation Commission regarding Block 7903; Lot 13, Union Valley Road, requesting consideration of structures on the "Finn property" for historic significance, and requesting the status of the Main Street Historic Designation with regard to the Master Plan.
2. Hudson Essex Passaic Soil Conservation District notice, dated June 16, 2010, certifying the soil erosion and sediment control plan for Shiloh Bible Camp Gymnasium, Block 6002; Lot 47, 753 Burnt Meadow Road.
3. Notice from the NJ League of Municipalities regarding the 5 year Bid Threshold Increase for award of contracts by various state contracting units, from \$21,000 to \$26,000.

HIGHLANDS WATER PROTECTION & PLANNING ACT AND NJ DEP CORRESPONDENCE

1. Flood Hazard Area Applicability Determination dated June 1, 2010 received for Andrzej Soljan regarding Block 8509; Lot 8, 65 Dockerty Hollow Road, for a septic alteration.
2. Authorization for Freshwater Wetlands Statewide GP No. 25 and Waiver of Transition Area for Access dated June 3, 2010 for Andrzej Soljan, Block 8509 Lot 8.
3. Notification of an application for a General Permit #25 for a septic alteration for 38 Florence Road, Block 906; Lot 5.
4. Letter from the NJDEP regarding Upper Mount Glen Lake Dam, advising John Kasper, 22 Rosemont Avenue, Block 11302; Lot 37, that the spillway for the dam is located on his property, and he is required to bring the dam into compliance.
5. Addendum to Highlands Applicability Determination and WQMP Consistency Determination from Black & Veatch to NJDEP for the AT&T/New Cingular Wireless Facility on Greenwood Lake Turnpike and East Shore Road regarding the installation of radio equipment on a concrete slab within an existing fenced equipment compound, with antennas to be installed on exiting monopole.
6. No Further Action and Covenant Not To Sue letter received for Harriet Hodges, 180 High Crest Drive, Block 13202; Lot 1 with regard to removal of a 550 gallon No 2 Fuel Oil Underground Storage Tank.
7. Letter from NJDEP regarding Michael Vanderploeg, Shoebox Storage LLC, Block 16006; Lot 1.01, 140 Oak Ridge Road, replying to a request for information on Condition B of the Highlands Applicability Determination. Following review, the DEP determined that the area of concern is within the exempted area and does not violate Condition B.
8. Copy of a Highlands Applicability Determination application received June 14, 2010 from Inserra West Milford LLC for Block 6303; Lot 12, 47 Marshall Hill Road, regarding construction of a single-family 4-bedroom residence and septic system.
9. Notice of Technical Incompleteness regarding an application for a Highlands Applicability and Water Quality Management Plan Consistency Determination for Jack Lipari, Split Rock Road, Block 5306; Lot 4.02, requesting additional documents including a land survey with the disturbed area delineated, and supporting calculated values for proposed impervious surfaces and areas of disturbances.
10. Notice of Administrative Completeness, pending further review, dated June 21, 2010, from the NJ DEP regarding an application for Highlands Applicability and Water Quality Management Plan Consistency Determination for Inserra – Proposed Single Family Residence, Block 6303; Lot 12, 47 Marshall Hill Road.
11. Highlands Act – Exempt, Exemption #4 and #6; Water Quality Management Plan – Consistent, received for Michael Hoek and West Milford Presbyterian Church, Block 7903; Lots 11 & 12, regarding the expansion and improvement to the parking lot for Town Cycle.
12. Letter to the NJ DEP, dated June 14, 2010, from Giordano, Halleran & Ciesla, requesting withdrawal of an application for Highlands Determination for the Tennessee Gas Pipeline 300 Line Project.
13. Notice of Withdrawal of Pending Highlands Preservation Area Approval, dated June 21, 2010, for Lin Cellular Communications/Thomas Ambrosino for Block 2802; Lot 3 received from the NJ DEP.
14. Notice of Technical Deficiencies from the NJ DEP, dated June 28, 2010, for David Lindroth, SRP PI #208828, for 85 Broadway, Block 11002; Lot 21, outlining several deficiencies to be addressed prior to closure of the case, including failure to conduct remediation in accordance with NJAC 7:26E, failure to conduct Remedial Investigation of ground water when required, and failure to include fully executed manifests documenting offsite transport of waste material in the Remedial Action Report.
15. Notice of an application for a GP 25 for Richard Zorilla, Block 12307; Lot 45, 2 Truro Road, regarding installation of a septic system for an existing dwelling with no expansion or change of use.

16. Notice of an application for a GP 25 for Diane Duciewicz, Block 402; Lot 1, 37 Commanche Lane, regarding installation of a septic system for an existing 3 bedroom dwelling, including the removal of trees and shrubs.
17. Notice from the NJ DEP, dated June 18, 2010, approving an extension request for the West Milford DPW Banker Road Depot, SRP PI #022271 regarding the submission of the Preliminary Assessment/Site Investigation Remedial Action Reports to January 30, 2010 (2011?).
18. Public Notice received June 25, 2010 from the NJ DEP Division of Water Supply regarding the Tennessee Gas Pipeline 300 Loop Project for Temporary Dewatering Applications to divert water from a series of trenches and six surface water sources in Wantage, Vernon, and West Milford for the installation of a 30-inch natural gas pipeline. The surface water sites in West Milford Township are at the Bearfort Waters and Monksville Reservoir. Comments requesting a hearing must be received by July 14, 2010. A hearing has been scheduled for July 22, 2010 at 11:00 AM at the NJ DEP, 3rd Floor, 401 East State Street, Trenton, NJ and will be cancelled if no requests or comments are received by July 14, 2010.
19. Letter to the NJ DEP, dated June 24, 2010, from Michael Rudolph, Esq., attorney for John Kasper, regarding Mt. Glen Lake Association dam repair, requesting additional time to complete the research necessary to reach an acceptable resolution with the Association on the matter of the dam repair.
20. Letter from the NJ DEP, dated June 25, 2010, to the Bald Eagle Village and Condo Association, regarding the Pettet Pond Dam, NJ File #22-293, approving the Class III, low hazard classification with a 100 year storm design.
21. Notice of an application for a GP 25 for Catherine Cannella, Block 7501; Lot 3, 12 Binnacle Avenue, regarding installation/alteration of a septic system, including the removal of trees and shrubs.
22. Notice of an application for a GP 11 for Bruno Walczak (Xander Homes LLC), Block 8509; Lot 15, 8 Pinecrest Trail, regarding drilling of a new private well for an existing 2 bedroom house in a wetlands transition area in an area already modified by an existing gravel driveway.
23. Flood Hazard Area Applicability Determination received from the NJ DEP, dated May 28, 2010, for James and Linda Antonucci, Block 101; Lot 29, regarding a proposed single family dwelling along Sawmill Pond Brook, advising that an individual flood hazard area permit must be obtained prior to commencement of the project.
24. Flood Hazard Area Applicability Determination, dated June 18, 2010, received for Everitt Burrows, regarding Block 3509; Lot 6, 22 DeHart Avenue, advising that an individual flood hazard area permit must be obtained prior to commencement of a proposed septic alteration along Greenwood Lake.
26. Letter from the NJ DEP, dated June 17, 2010, to the Township of West Milford, regarding Gordon Lakes Dam, NJDEP Dam File #22-74, advising that the completion report and as built documents submitted have been reviewed and a determination made that the dam was constructed in accordance with the plans submitted and specifications approved. Also requested inspection of eroded riprap, especially following heavy rains, and repaired when necessary, following notification of the NJDEP.
27. Letter from the NJDEP, dated June 16, 2010, to West Milford Township M.U.A. regarding the Draft Surface Water Renewal Permit Action for Sanitary Wastewater, NJPDES Permit #NJ0028541, for the Birch Hill Park STP.
28. Notification of Withdrawn Application Status for HAD and WQMPCD, dated July 12, 2010, from the NJDEP regarding the Tennessee Gas Pipeline 300 Line Project Eastern Alternative. The project included and alternative alignment for an existing natural gas delivery system for the following West Milford Blocks/Lots 17401/1, 17302/7, 17302/8, 6902/32, 7101/7, 8, 9, 10, 13, 14 & 15, 6402/5, 6, & 7, 7001/1, 6401/5, 6607/1, 6404/12, 13, 2.01, 8, 2.02, 6 & 7, 6002/33, 37, 38, 39.01 & 39.02, 4601/ 8 & 17.

ADJOURNMENT

With no further business to come before the Board, Chairman Gargano **adjourned** the July 22, 2010 Regular Meeting of the West Milford Planning Board at **8:20 pm** on a **motion** by Mayor Bieri with a **second** by Councilman Weisbecker.

Approved: August 26, 2010

Respectfully submitted by,

Tonya E. Cubby, Secretary