

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

July 26, 2018

Regular Meeting

Chairman Andrew Gargano opened the July 26, 2018 Regular Meeting of the West Milford Planning Board at 7:00 p.m. with a reading of the Legal Notice followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly, Warren Gross, Douglas Ott, Michael Siesta, Councilman Luciano Signorino, Glenn Wenzel, Chairman Andrew Gargano.

Absent: Steven Castronova, Christopher Garcia, Geoffrey Syme, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero, Board Planner Jessica Caldwell.

Chairman Andrew Gargano requested that Mr. Siesta sit on the Board for one of the absent members and advised that a quorum was present to hold this regular meeting.

PUBLIC PORTION

Julia Held, 4 Oradell Road, was present to address the Planning Board regarding the vacant store space at the West Milford Shopping Plaza (former A & P). She inquired if the Board had been given any indication about what the property owner planned for the empty store space. Mrs. Held inquired what the Board could do to promote business for that location and noted that she reached out to Aldi Supermarkets as a possible tenant for the site. Chairman Andrew Gargano responded that the Board is usually not aware of a new business in the Township unless there is an application for a permit, or if a Board application has been submitted. He advised that the Board handles land use issues, but there are no applications at this time for the site, so it is not a matter that the Board would be involved with. Mrs. Held inquired about Tractor Supply, and the Board Secretary advised that the Board of Adjustment gave approval for outside storage and displays, and the building permits for the renovation project were being processed. Mrs. Held was under the assumption that the Planning Board approved commercial applications, and she recalled the presentation on the shopping center plans at a Board meeting when the A & P was initially leasing the space. She wondered whether we received any other applications for this particular site, and Chairman Gargano replied that we have not. The Board Secretary advised that any application which requires a use variance, like Tractor Supply, would go to the Board of Adjustment. Mrs. Held commented that not all commercial sites would require a variance, and the Board Secretary explained that a Zoning Permit would be the first step before any application is submitted. Mrs. Held inquired if the Board was concerned about the vacancy at the site, and Mayor Bieri explained that there were basically 3 different entities or levels, Zoning Permit, Zoning Board of Adjustment and Planning Board, and she attempted to clarify the requirements. With regard to the property of the former A&P, she noted that it is privately owned and everyone on the Board and in the Township is concerned that the store is empty, but it is the responsibility of the landlord to locate a tenant. She noted that the Township can encourage businesses to be considered, or lobby for appropriate businesses for the site, but it is up to the landlord to locate a tenant. Mayor Bieri observed that it is a cost to the landlord to have the store vacant, and she is quite sure that they are seeking to find a tenant, but the Township cannot force them to put a tenant at that location. The Board concurred that once Tractor Supply has opened (at the former Sears site), it may attract other tenants.

With no one else present requesting to address the Board, Chairman Andrew Gargano **closed** the public portion on a **motion** made by Michael Siesta with a **second** by Warren Gross.

APPLICATIONS

NEW APPLICATIONS – None.

PENDING APPLICATIONS – None.

MEMORIALIZATIONS

RESOLUTION NO. 2018-05

ASHLEY SCATTERGOOD-TOOEY

Major Soil Fill Permit & Bulk Variance #PB-07-17-02

Block 1301; Lot 1

104 Carmel Road; R-2 Zone

Granted: Major Soil Fill Permit for importing approximately 2257 cubic yards of soil fill to a residential site, with a bulk variance for proposed 1610 sq. ft addition to an accessory structure.

A motion to **approve** Resolution No. 2018-05 for a Major Soil Permit with Bulk Variance for Ashley Scattergood-Tooey was made by Linda Connolly, with a **second** by Douglas Ott.

Eligible to Vote Roll Call

Yes: Linda Connolly, Warren Gross, Douglas Ott, Chairman Andrew Gargano.

No: None.

Motion approved.

NEW OR ONGOING BUSINESS

West Milford Board of Adjustment 2016 Annual Report – This matter is under review by the Ordinance Committee.

Bed & Breakfast and AirBNB Facilities – This matter is under review by the Ordinance Committee.

Chairman Gargano advised that the BOA Annual Report and the B&B and Airbnb matters were under review by the Ordinance Committee with the Board's Planner, Jessica Caldwell. The Committee met this evening at 5:30 pm prior to the regular meeting of the Board. They will continue to review these matters and draft an ordinance for the Board's consideration at an upcoming meeting. With regard to the Board of Adjustment Annual Report, Ms. Caldwell will provide an assessment for the Ordinance Committee prior to the Board's review.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD PLANNER'S REPORT – None.

BOARD ATTORNEY'S REPORT – None.

BOARD ENGINEER'S REPORT – None.

MISCELLANEOUS

Invoices

The Planning Board professionals' invoices from May/June 2018 were unanimously **approved** on a **motion** by Mayor Bettina Bieri with a **second** by Councilman Lou Signorino.

MINUTES

The Minutes from the June 28, 2018 regular meeting were **unanimously approved** by the Board members who were present at that meeting on a **motion** by Warren Gross and a **second** by Linda Connolly.

CORRESPONDENCE RECEIVED:

The following correspondence items were reviewed and filed:

Highlands Water Protection and Planning Act Correspondence

1. None.

NJ Department of Environmental Protection Correspondence

1. Correspondence from the NJDEP – Division of Dam Safety & Flood Control, dated June 25, 2018, regarding the Dam Safety Inspection Reports for the Upper Crest Lake Dam - NJ Dam File No. 22-333 and the Lower Crest Lake Dam - NJ Dam File No. 22-334, finding the dams to be in POOR Condition, and advising that the recommendations of the

engineer should be implemented, with any repairs to be approved by the Division that are not considered general maintenance.

2. NJDEP Suspected Hazardous Substance Discharge Notification, dated 06-29-18, regarding 264 Marshall Hill Road, Block 6002; Lot 27, advising that leachate from a dumpster containing Q-Cut 245C (a product to clean metals) spilled onto the ground. No storm drains or waterways were compromised – clean-up completed.
3. Correspondence from the NJDEP – Division of Land Use Regulation, dated May 31, 2018, regarding GFM Development Inc., Canistear Road, Block 16901; Lot 4, advising that the applications for a Transition Area Waiver and Letter of Interpretation have been inactive for two months or more, and the Department is cancelling the application, effective May 30, 2018. A new application with the required Highlands Exemption Determination and new fee will be required to reactivate the Department's review.
4. Correspondence from the NJDEP Division of Dam Safety & Flood Control, dated June 5, 2018, regarding the Dam Safety Inspection Report for Bubbling Springs Lower Pond Dam, NJ Dam File No. 22-320, finding the dam to be in POOR Condition with recommendations of their engineer to be implemented, and any repairs other than general maintenance must be approved by the Division.
5. Suspected Hazardous Substance Discharge Notification received from the NJDEP dated July 6, 2018, regarding a natural gas leak due to the retirement of a 12" steel gas main in the vicinity of 58 Marshall Hill Rd., Block 5708; Lot 5.
6. Copy of an application for renewal of NJPDES/B4B Permit #NJG0076511, dated June 28, 2018 received from GHD Services regarding Phillips 66, 1367 Union Valley Road, Block 7508; Lot 16.
7. Correspondence from the NJDEP – Division of Dam Safety & Flood Control, dated July 2, 2018, regarding the Dam Safety report for Carpi Lake Dam, NJ Dam File # 22-129, 363 Morsetown Road, Block 5301; Lot 42.02, advising that the dam was found to be in Fair Condition, with recommended general maintenance or minor repair work permitted without further approval of the office.

Miscellaneous

1. Update on the MUA purchase by Suez dated June 25, 2018 from the Township Administrator.
2. HEPSCD certification of the soil erosion and sediment control plan, dated 06-22-18, received for 105-177 Ridge Road, Block ROW; Lot ROW, regarding road work being performed on Ridge Road, Section 3 (Contract 5).
3. HEPSCD certification of the soil erosion and sediment control plan, dated 05-29-18, received for Barakat Hearthstone Pool and Grading, 37 Hearthstone Drive, Block 13001; Lot 4.
4. Correspondence from the County of Passaic Planning and Economic Development, dated June 22, 2018, advising of unconditional approval for the Green Meadow Organics Site Plan, regarding 960 Burnt Meadow Road, Block 4601; Lots 17 & 21.
5. New Jersey Planner Newsletter, May/June 2018.

ADJOURNMENT

The Board concurred that the August 2, 2018 meeting should be cancelled. The August 23, 2018 meeting may be cancelled if there are no hearings scheduled.

With no other matters to be brought before the Planning Board, Chairman Andrew Gargano **adjourned** the regular meeting of July 26, 2018 at 7:20 p.m. on a **motion** made by Glenn Wenzel with a **second** by Councilman Lou Signorino.

Approved: September 27, 2018

Respectfully submitted by,

Tonya E. Cubby, Secretary