

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**August 2, 2012**

**Regular Meeting**

The Regular Meeting of the Planning Board was opened at **7:30 p.m.** by Acting Chairman Christopher Garcia, in the absence of Chairman Geoffrey Syme, with a reading of the Legal Notice, followed by the Pledge of Allegiance.

**ROLL CALL**

**Present:** Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Luciano Signorino, *Vacancy*, Alternate Michael Siesta.

**Absent:** Mayor Bettina Bieri, Alternate Steven Castronova, Chairman Geoffrey Syme, Board Attorney Thomas Germinario, Board Planner Charles McGroarty, P.P., Board Engineer Paul Ferriero, P.E.

Acting Chairman Christopher Garcia appointed Alternate Michael Siesta to sit on the Board for Geoffrey Syme.

**PUBLIC PORTION**

Acting Chairman Garcia opened the Public Portion of the meeting and the following addressed the Board:

Richard Randazzo, Wooley Road – Mr. Randazzo addressed the Board, thanking them for their recent efforts in having amendments made to the aquifer testing ordinance. He noted that he would remain vigilant to make sure that the ordinance was being adhered to.

Robert Coyman, West Milford – Mr. Coyman inquired whether the Highland's Master Plan Element was a matter for discussion at this meeting, and he was advised by the Acting Chairman that this matter was being held until the September 27, 2012 Planning Board meeting, at which time he could provide his comments.

With no one else present wishing to address the Planning Board on any matter of concern, the Public Portion was **closed** on a **motion** by Robert Nolan with a **second** by Michael Siesta.

**PRESENTATIONS**

**Highlands Master Plan Element Public Hearing** – Acting Chairman Garcia advised that it was the Board Planner's understanding that there were several changes within the Highlands Council, which may have an effect on the master plan document, so he has requested that the matter be carried until the issues have been clarified and resolved. The Board Secretary advised that she would post the notice on the Township website, but according to the Board Attorney, no further formal notice is required other than the announcement at this meeting. She would also try to contact some of the journalists who usually attend the Board's meetings.

**Motion** by Michael Siesta with a **second** by Andrew Gargano to **carry** the Public Hearing on the Highlands Master Plan Element to the September 27, 2012 Planning Board meeting.

**Roll Call:**

**Yes** - Linda Connolly, Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Lou Signorino, Michael Siesta, Acting Chairman Christopher Garcia.

**No** – None.

Motion carried. This Public Hearing is carried to the September 27, 2012 Regular Meeting of the West Milford Planning Board.

**APPLICATIONS**

**EXTENSIONS OF TIME** - None.

**PENDING APPLICATIONS**

**TRIPLE T CONSTRUCTION, LLC**

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

Block 6002; Lot 29

280 Marshall Hill Road; LMI Zone

**Status:** Matter carried.

Acting Chairman Garcia advised the Board that a request had been made by the applicant's attorney to carry this matter to a future meeting based on several issues that needed to be addressed by the applicant and his professionals; this matter may be continued at one of the September meetings.

**Motion** by Andrew Gargano with a **second** by Michael Siesta to **carry** this matter to a future meeting.

**Roll Call:**

**Yes** - Linda Connolly, Andrew Gargano, Douglas Ott, Michael Siesta, Acting Chairman Christopher Garcia.

**No** - Robert Nolan, Councilman Lou Signorino.

Motion carried.

**NEW APPLICATIONS** – None.

**MEMORIALIZATIONS** – None.

**NEW BUSINESS** - None.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL** - None.

**BOARD PLANNER'S REPORT** - None.

**BOARD ATTORNEY'S REPORT** - None.

**CLOSED SESSION**

**RESOLUTION NO. 2012-11**

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

Acting Chairman Garcia announced that the Closed Session scheduled for this meeting has been postponed until the August 23, 2012 Regular Meeting of the Planning Board, per Thomas Germinario, Planning Board Attorney, who has advised that some of the language in the settlement agreement required clarification and possible modification.

**MINUTES**

The Minutes for the September 22, 2011 Regular Meeting were **approved** by unanimous consent by those eligible to vote on a **motion** by Robert Nolan with a **second** by Christopher Garcia.

The Minutes for the February 23, 2012 Regular Meeting were unanimously **approved** on a **motion** by Robert Nolan and a **second** by Douglas Ott.

**MISCELLANEOUS**

**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 May and June 2012. The invoices were **unanimously approved** for payment on a **motion** by Robert Nolan with a **second** by Andrew Gargano.

The Board Secretary advised the Board of an application that is scheduled for the August 23, 2012 Planning Board meeting for Twins Realty, LLC, as well as several other applications recently submitted or anticipated, including Inserra/West Milford (Shop Rite) and Awosting Inn.

***The following documents were reviewed and filed:***

**HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Highlands Exemption #4, WQMP-Not Addressed received from the NJDEP dated July 2, 2012 regarding Verizon Wireless – Upper Greenwood Lake Fire Co. #5 GenSet, Block 1701; Lot 59, 776 Warwick Tpk., for the proposed installation of a new 150 kw emergency power back up generator associated with an existing telecommunications facility.
2. Copy of an application received from Wander Ecological Consultants, dated June 20, 2012, regarding a request for a Highlands Applicability Determination Exemption #4 for proposed improvement at Block 4701; Lot 38.02, 374 Morsetown Road (Momentos II). Application is in response to Notice Of Violation received from the NJDEP for expansion without a Highlands determination.
3. Notice of Intent to Cancel, dated June 21, 2012 received from the NJDEP regarding a Highlands Applicability and WQMP Consistency Determination application submitted for Donald & Kathleen Davies, Block 5003; Lot 9, Rockburn Pass, regarding construction of a single family dwelling, requesting that the required documents outlined in the Notice of Technical Incompleteness, dated December 22, 2011, be submitted within 15 days or provide an explanation for the delay.

**NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. No Further Action-Covenant Not To Sue notice dated June 15, 2012 received from the NJDEP regarding removal of a 1000 gallon #2 Heating Oil Underground Storage Tank from 251 Bearfort Road, Block 7402; Lot 11, and advising that all monitoring wells should be decommissioned as part of the remediation.
2. Notice of an application to the NJDEP from MAP Engineering for a GP#25 for the alteration to a malfunctioning septic system at Block 8102; Lot 1, 1948-1950 Macopin Road. Subject property is in a Freshwater Wetlands Transition Area.
3. Notice of a proposed application to the NJDEP from Map Engineering for a GP#25 for the remediation of an existing septic system for an existing residential dwelling, with no proposed expansion,

for Block 12001; Lot 28, 1002 Macopin Road. Subject property is in a Freshwater Wetlands Transition Area.

4. Copy of a Receptor Evaluation Form submitted to the NJDEP Bureau of Case Assignment and Initial Notice for Site Remediation Program, dated July 7, 2012 from LAN Associates, regarding Village Garage, 101 Otterhole Road, Block 12403; Lot 1, aka Block 12402; Lot 7.
5. No Further Action-Covenant Not To Sue notice dated July 13, 2012 received from the NJDEP regarding removal of a 550 gallon #2 Heating Oil Underground Storage Tank from 112 Lake Park Terrace, Block 4303; Lot 9.
6. Notice of Violation and Offer of Settlement (NVOS) dated July 11, 2012 received for Upper Greenwood Lake POA regarding the Upper Greenwood Lake Dam (NJDEP File No. 22-97), Block 2007; Lot 9.03, advising that the owner was required to submit a formal inspection report on May 16, 2011, which has not been received, to date, a violation of the Safe Dam Act. Owner was requested to have the dam inspected and submit a report by August 15, 2012, in addition to submitting \$2500.00 as a settlement offer for the \$5000. fine.
7. Private Potable Well Water Analysis received for GPS Enterprises (Old School Pub), 551 Warwick Tpk, Block 703; Lot 2, advising that the water obtained from the well was acceptable for drinking.
8. Notice from Map Engineering dated July 18, 2012, advising of an application for a GP#25 for Block 14301; Lot 24, 859 Macopin Road for remediation of a malfunctioning subsurface septic system.

### **CORRESPONDENCE**

1. Letter from Passaic County Planning Department, dated June 25, 2012, regarding the filing of a Certificate of Appropriateness with the Township of West Milford for the demolition of the Tichenor House, a local historic landmark, which is in a state of advanced deterioration and must be removed for public safety, with attached photos of the site's current condition. Also advising that the Historic Preservation commission and Friends of the Tichenor House will be included in the Parks, Recreation and Open Space Master Plan.
2. Memo dated July 16, 2012 from the Planning Board to the Township Administrator requesting that funds be appropriated for a tarp to cover the roof of the Wallisch house and barn.
3. Letter of introduction dated July 6, 2012 from Gene Feyl, Executive Director of the Highlands Council providing contact information.
4. Notice from Passaic County Planning advising of the Morris Canal Greenway Study and Draft Transportation Element of the Passaic County Master Plan public hearing on September 20, 2012 at their office on Riverview Drive in Totowa, NJ.
5. Notice from William Gas Pipeline, operators of the Transco Pipeline, received July 10, 2012, advising of security measures that are in place regarding emergency response, and listing contact information regarding their operations.

### **ADJOURNMENT**

With no further business to come before the Planning Board, a **motion** was made to **adjourn** the Regular Meeting of August 2, 2012 at **8:00 p.m.** by Douglas Ott with a **second** by Robert Nolan.

Approved: August 23, 2012

Respectfully submitted by,

Tonya E. Cubby, Secretary