

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

August 23, 2012

Regular Meeting

The Regular Meeting of the Planning Board was opened at **7:30 p.m.** by Chairman Geoffrey Syme with a reading of the Legal Notice, followed by the Pledge of Allegiance. Chairman Syme noted that there was a quorum present for this regular meeting.

ROLL CALL

Present: Steven Castronova, Christopher Garcia, Andrew Gargano, Councilman Luciano Signorino, Chairman Geoffrey Syme, Board Attorney Thomas Germinario, Board Planning Consultant Joanna Slagle, P.P., Board Engineering Consultant John Hansen, P.E.

Absent: Mayor Bettina Bieri, Linda Connolly, Robert Nolan, Douglas Ott, Michael Siesta,

Chairman Geoffrey Syme appointed Alternate Steven Castronova to sit on the Board for one of the absent Board members.

PUBLIC PORTION

Chairman Syme opened the Public Portion of the meeting. With no one present wishing to address the Planning Board on any matter of concern, the Public Portion was **closed** on a **motion** by Steven Castronova with a **second** by Councilman Lou Signorino.

APPLICATIONS

EXTENSIONS OF TIME - None.

PENDING APPLICATIONS – None.

NEW APPLICATIONS

TWINS REALTY GROUP LLC

Preliminary and Final Site Plan #PB-03-12-02

Block 6002; Lot 39.01, Block 3906; Lots 9 & 10

937 & 943 Burnt Meadow Road; LMI Zone

Seeking: Preliminary and Final Site Plan approval for an existing pre-cast concrete manufacturing facility that proposes a 5-phase project including the removal of an existing commercial structure, construction of new commercial buildings, and installation of parking areas, with variances requested for number of parking spaces, building height, and absence of loading zones.

Robert Moshman, Attorney for the applicant Twins Realty Group, LLC, addressed the Planning Board regarding the request for preliminary and final site plan approval, advising that the proposed project has been in the planning stages for several years. David Hals, P.E., L.S., P.P. of Schwanewede Hals Engineering, 9 Post Road, Oakland, NJ was sworn and qualified for the Board as a professional witness for the applicant in the capacity of planner, engineer and surveyor. Mr. Hals addressed the Board regarding property located at 947 – 953 Burnt Meadow Road and referred to the latest revised plans from 05-30-12 that he prepared and submitted for this application. Citing Exhibit A-1, Sheet 2, topographic map of the site, Mr. Hals familiarized the Board with the location of the property in relation to the surrounding properties, identifying the applicant's site on the westerly side of Burnt Meadow Road, across from the former quarry site. Other businesses surrounding the subject site consist of a steel manufacturing commercial business and a contractor equipment site. Mr. Hals testified that the Twins Realty application consists of 13.15 acres, with a 6000 s.f. existing metal building, 4 trailers, a residential home, and concrete manufacturing facility. He noted that the residential home is a non-conforming use and it will be removed to comply with the zoning standards, but is being used currently by some of the employees at the site. Mr. Hals testified that the site is currently 44% impervious surface, and he indicated this on the color map (Exhibit A-1) and he proceeded to explain how the concrete manufacturing operates on a pad, with the product removed to other areas on the site for curing once they have been removed from the forms. He noted the stockpile and delivery areas, as well as the underground holding tanks used in the concrete production, and the existing structures that are served by two (2) private wells and two (2) septic systems. Mr. Hals advised that there were currently 13 employees on the site for the concrete manufacturing business including office workers, managers, and truck drivers. Commercial equipment is included on the site, and Mr. Hals noted that the majority of the business is conducted outside, except for a small processing area. The front of the property is along a Category 1 Stream (Hewitt Brook), and state regulated floodplain and riparian buffer. Steep slopes are located along the banks of the stream and towards the western portion of the site, an area that is mainly undeveloped.

Mr. Hals continued to provide an explanation on the proposed site plan, referring to Exhibit A-2, advising that during several phases, the lots would be combined, the existing commercial building, residential house, and trailers would be removed and replaced with two commercial buildings forming a t-shape that would consist of manufacturing and maintenance buildings, as well as a 16 car parking area for the staff, as well as a new septic system that will be installed. The proposed site plan intends to move the pre-cast concrete manufacturing process to enclosed buildings, with an overhead rail system, making the operations more efficient and enable the company to continue with production during all types of weather conditions. The applicant plans to add two additional employees to the current staff. Mr. Hals noted that the development would be contained to existing impervious areas, and an exterior gate will be removed with interior gates to be installed for security, allowing trucks to move onto the site while waiting for the product to be delivered

or picked up. He also testified that landscaping would be added to screen the daily operations. Mr. Hals displayed Exhibit A-3 that included recent photos of the site and explained that, topographically, the site was relatively flat in the areas of the proposed building and parking lot, and the stockpile area on the upper portion of the property will not be altered. He testified that the project would reduce impervious cover by approximately 11,000 s.f. including some of the asphalt to be removed along the northern berm near the brook, adding that they will be making application to the NJDEP for this.

With regard to variances, Mr. Hals outlined the variances that the applicant was requesting with this application: Bulk Variance for building height, since the maximum height permitted for the LMI zone is 35 feet per §500-49C, while 38.5 feet is proposed for the principal building to accommodate the overhead rail system, although they originally had been advised that 40 feet was permitted on a lot exceeding 10 acres; Bulk Variance for parking spaces, with 16 spaces proposed, while 76 spaces are required; Bulk Variance for loading zones, since none are proposed but 4 are required. The applicant proposes to have loading completed by an overhead rail system, which is proposed for the interior of the manufacturing facility. Outdoor storage was also proposed by the applicant and must be approved by the Board. Mr. Hals discussed the stormwater plan and noted that the soil was very permeable, mainly sand and gravel, which was excellent for percolation, and aided in improving the water quality. He also noted that the applicant would meet groundwater recharge and observed that the additional use of roof drains tied into seepage pits would reduce runoff.

With regard to phases, Mr. Hals reviewed Exhibit A-4, sheet 5 of the plans, outlining the construction to be completed in each phase: Phase 1 will include the construction of the front building, which will entail the fabrication portion of the operations, and the parking area; Phase 2 will include the office area, the trailers removed, kitchen and septic installed; in Phase 3 the rear of the building will be constructed, and the existing 6000 s.f. building will be removed; Phase 4 will include the construction of the maintenance building. Mr. Hals advised that the applicant was requesting both preliminary and final approval from the Board due to the time and expense of returning to the Board each time for final approval when a new phase is proposed. The purpose for the phasing of the project was to keep the business functioning and operational. The applicant was aware that he requires approvals from the Highlands, NJDEP, Passaic County, and HEPSCD. Mr. Hals noted that it is estimated to take two years for the completion of the project. With regard to the report from the Police Dept., the Board discussed the comments with the applicant, and it was noted that the intersection of Burnt Meadow Road and Greenwood Lake Tpk. has always had limited site distance, but the applicant noted that they would not be increasing truck traffic, and that most of the daily trucking is done by the neighboring businesses, adding that it would create an undue hardship on the applicant to try to solve the intersection issues. Following discussion, the Board reached consensus that the Board Engineer should be requested by memo to address this matter with Passaic County and specifically request signage that would alert traffic in both directions that trucks were entering and existing the intersection. The applicant was released from complying with installation of a sign at the intersection since this was a county road and township road. With regard to the lot consolidation, the applicant proposed to execute a deed of consolidation. With regard to bonding for stormwater, the Board Engineer, John Hansen, advised that this is a usual requirement and should be included in the resolution. Joanna Slagle, Board Planner, inquired whether there would be any additional disturbance near the steep slopes other than the stock piles, and Mr. Hals responded that most of the disturbance on that portion of the property was done by the Tennessee Gas Pipeline project. With regard to a wooded area between the gravel pit and the new building, nothing new is proposed. Ms. Slagle inquired about the storage containers (trailers) and Mr. Hals replied that they would be removed in Phase 4 of the project. In answer to Ms. Slagle's inquiry about the tractor-trailer parking, Mr. Hals replied that they currently park wherever there is a space on the lot. Ms. Slagle observed that between the detailed testimony and the engineer's responses to the reports, all the issues seemed to have been addressed.

Board member Steven Castronova inquired about the parking, and observed that there will not be many spaces for visitors and quests, and Mr. Hals responded that there are more spaces proposed than will be needed, and that there are few visitors to the site. With regard to ADA parking, it was noted that the accessible space will be at the front of the building by the main door, contrary to the architectural plans that show the entrance is a different location. The plans will be revised to correspond with each other. Concerning the dumpster pad, Boardmember Andrew Gargano requested that the applicant fence the dumpster, although Mr. Hals advised that very little rubbish is created with the business and a dumpster was not necessary. It was also noted that the front façade of the building will be covered with a concrete panel or skin to disguise the metal exterior, and this will be reflected on the revised plans, but the precise material has not been determined. Mr. Hals testified that the comments of the Fire Bureau would be complied with. When discussing the Burnt Meadow Road culverts, Mr. Hansen commented that this was one of the matters that the Township has on its agenda to address, especially since the last hurricane damaged some of the culverts and the road sustained damage. Mr. Hals noted that at some time in the past the brook was moved, and during significant rain events the brook wants to return to its former path, adding that Burnt Meadow Road tends to be a funnel for water.

The reports from the Board Engineer and Board Planner were reviewed, and lighting was discussed, with the final decision on lighting to be the responsibility of the Board Engineer. Mr. Hals concurred with most of the comments raised in the reports, but he stressed that the applicant was requesting preliminary and final approval and did not want to come back to the Board for approval on each phase of the project. Mr. Hansen responded that, following testimony, he understood Mr. Hals reasoning with respect to this project, and if the Board were agreeable, he would change his recommendation to the Board approving this application for a preliminary and final site plan approval provided that the plans are revised to include more details on the phasing, and he would determine how the project would be bonded as each phase commenced. He advised that the applicant's engineer should clarify and quantify what will transpire in each

phase and indicate that on the drawings, and this should provide sufficient protection for the Township so that there isn't any confusion during the ensuing time that it will take to complete this project. Thomas Germinario, Board Attorney, advised that a detailed narrative of the phasing and revised plans should be submitted and the C.O. for each phase would be subject to the Board Engineer's approval. The Board concurred that a draft of the resolution would be verbally approved at this meeting, with revised plans and a detailed narrative submitted for review, and if all requirements are satisfactorily met, the preliminary and final site plan approval would be granted at the next Planning Board meeting along with the memorialization of the resolution of the Board's decision.

Motion by Councilman Lou Signorino with a **second** by Andrew Gargano to approve the drafting of a resolution and revised plans for review and approval, with preliminary and final site plan approval to be voted on at the next Planning Board meeting on September 27, 2012.

Roll Call:

Yes – Steven Castronova, Christopher Garcia, Andrew Gargano, Councilman Lou Signorino, Chairman Geoffrey Syme.

No – None.

Motion approved.

MEMORIALIZATIONS – None.

NEW BUSINESS

Annual Report of the Zoning Board of Adjustment – Steven Castronova commented that a review of the Board of Adjustment Annual Reports in the past seemed to indicate that there are a large number of variances required in lake communities due to the 20,000 s.f. minimum lot size in this zone and the existing undersized lots. Andrew Gargano noted that this matter was discussed in the Ordinance Sub-committee meetings and it was determined that to change the ordinance and make the lot size requirements smaller may create other problems. He also noted that this matter was discussed with the Board Planner, Chuck McGroarty, and Mr. McGroarty was to have contacted the Board of Adjustment regarding this. Following discussion, the Planning Board tabled this matter until the next meeting so that the Planner can comment on it.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL - None.

BOARD PLANNER'S REPORT – None.

BOARD ATTORNEY'S REPORT – Mr. Germinario noted that there will be a closed session at the end of the meeting regarding the Braemar matter.

BOARD ENGINEER'S REPORT – None.

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 July 2012. The invoices were **unanimously approved** for payment on a **motion** by Andrew Gargano with a **second** by Christopher Garcia.

- Following a brief discussion by the Board, Chairman Syme cancelled the Workshop/Regular Meeting scheduled for September 6, 2012.

MINUTES

The Minutes for the April 5, 2012 Regular Meeting were **approved** by unanimous consent by those eligible to vote on a **motion** by Steven Castronova with a **second** by Christopher Garcia.

The Minutes for the August 2, 2012 Regular Meeting were unanimously **approved** by those eligible to vote on a **motion** by Christopher Garcia and a **second** by Andrew Gargano.

CLOSED SESSION

Motion by Councilman Lou Signorino with a **second** by Christopher Garcia to close the public portion of the Planning Board Regular Meeting at **9:10 p.m.** and withdraw into Closed Session.

Board member Andrew Gargano was recused from this matter and left the meeting room. Board Planner Joanna Slagle and Board Engineer John Hansen were excused from the meeting.

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.

Roll Call:

Present: Steven Castronova, Christopher Garcia, Councilman Lou Signorino, Chairman Geoffrey Syme, Board Attorney Thomas Germinario, Board Secretary Tonya Cubby.

Following the closed session, **motion** by Councilman Lou Signorino with a **second** by Christopher Garcia to reopen the public portion of the Planning Board meeting at **9:35 p.m.**

The Following Documents Were Reviewed By The Board And Filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT - None.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. NJDEP Individual Permit and Freshwater Wetlands GP#10B dated July 23, 2012 for Passaic County regarding reconstruction and realignment of Clinton Road Bridge over Mossmans Brook within Clinton Road ROW and disturbance of 0.011 acres and 0.10 acres of wetlands and transition areas for the reconstruction of the bridge.
2. NJDEP Flood Hazard Area Individual Permit and Freshwater Wetlands GP #1 dated July 26, 2012 for Passaic County regarding the placement of 481 s.y. of A-Jacks concrete armor unit scour protection under an existing bridge spanning Clinton Brook on La Rue Road and disturbance of 3,054 s.f. of State open waters for the proposed bridge scour protection.
3. NJDEP Flood Hazard Area Individual Permit and Freshwater Wetlands GP#1 dated July 26, 2012 for Passaic County regarding the placement of scour protection on the stream bed and banks of the West Brook Road Bridge and authorization to disturb 1,326 s.f. of State open waters and freshwater wetlands for proposed scour protection.
4. Letter from the NJDEP Bureau of Dam Safety, dated July 24, 2012, to Lake Lookover Property Owners Association, Hewitt, NJ regarding the Lake Lookover Dam 2011 Formal Inspection Report submitted on December 9, 2011, advising that, per the report, the dam was found to be in satisfactory condition with regular maintenance items recommended; these activities will not require a permit. Also advised that an inspection report is required within two years of the original report.
5. Copy of an application for a GP#25 received August 10, 2012 from MAP Engineering regarding the alteration of an existing septic system for Roger Knight, 1047 Union Valley Road, Block 7701; Lot 6.
6. Copy of an application for a GP#25 received on August 6, 2012 from Richard Deubert, P.E. regarding the replacement of an existing septic system in freshwater and wetlands transition areas for Jason Woyke, 1316 Westbrook Road, Block 9001; Lot 2.
7. Copy of a Public Notification Letter to property owners within 200 feet of the Getty Service Station, 2048 Route 23 North, Block 14104; Lot 2, dated August 2, 2012, regarding the investigation and remediation of the site from the presence of benzene, tertiary butyl alcohol, and total tentatively identified compounds found in soil and groundwater samples.
8. Notice from the NJDEP Bureau of Dam Safety, dated August 6, 2012, regarding Apshawa Auxiliary Dam (NJDEP File #22-314) advising that, after reviewing the Stability Analysis report prepared by John Chayko, P.E., dated June 18, 2012, they have determined that additional information and revisions are required.
9. GP#25 and Water Quality Certificate issued from the NJDEP, dated August 7, 2012, for Rosine Roush, 1948/1950 Macopin Road, Block 8102; Lot 1 for the replacement of a malfunctioning septic system.
10. Copy of an application to the NJDEP for a GP#25 from MAP Engineering, dated August 10, 2012, regarding Maureen Pankalla, 41 Sugar Maple Road, West Milford, Block 15203; Lot 5.
11. Copy of an application to the NJDEP for a GP#25 from MAP Engineering, dated July 31, 2012, regarding Roger Knight, 1047 Union Valley Road, Block 7701; Lot 6.

CORRESPONDENCE

1. Annual Report of the West Milford Zoning Board of Adjustment dated July 18, 2012.
2. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan dated July 18, 2012 received for Oak Ridge Road Associates, 209 Oak Ridge Road, Block 15901; Lot 1.
3. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan dated July 16, 2012 received for Daretown SFD, Fair Lawn Drive, Block 1606; Lot 3.03.
4. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan dated July 25, 2012 received for Gallucci Lakeshore SFD Demo and Rebuild, 499 Lakeshore Drive, Block 2007; Lot 3.02.
5. Hudson Essex Passaic Soil Conservation District re-certification of soil erosion and sediment control plan dated July 13, 2012 received for Kerry Greene SFD Demo and Rebuild, 28 Vista Road, Block 7615; Lot 10, valid to November 3, 2015.
6. Approval of Site Plan received from the Passaic County Planning Board, dated August 2, 2012, regarding Esco Products, 171 Oak Ridge Road, Block 15901; Lot 7, requiring the applicant to apply for a right of way access permit to modify the western driveway.
7. Notice from the New York/New Jersey Trails Conference advising of the upcoming publication of the Kittatinny Trails map set available for purchase for \$13.95 in September 2012.
8. Correspondence from Passaic County Planning Board, dated August 14, 2012, regarding Oak Ridge Road Associates, 195 Oak Ridge Road, Block 15901; Lots 1 & 2, with reference to their submission of a draft deed for filing in connection with conditions of the County approval.

ADJOURNMENT

With no further business to come before the Planning Board, a **motion** was made to **adjourn** the Regular Meeting of August 23, 2012 at **9:45 p.m.** by Councilman Lou Signorino with a **second** by Christopher Garcia.

Approved: October 25, 2012

Respectfully submitted by,

Tonya E. Cubby, Secretary