

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**August 27, 2009**

**Regular Meeting**

The Regular Meeting of the Planning Board was opened at 7:37 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, Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Alternates Michael Siesta and Kerry Goceljak, Chairman Andrew Gargano, Board Attorney Thomas Germinario, Board Planner Charles McGroarty, Board Engineer John Hansen.

**Absent:** None.

**PUBLIC PORTION**

The Public Portion was opened by Chairman Gargano and the following addressed the Planning Board:

Jim Novack, Larchmont Drive – Mr. Novack requested that the Planning Board pay particular attention to landscaping of a site when the Board is considering applications. He commented about the exterior of the municipal building and the recent removal of shrubs. On another topic, Mr. Novack voiced concerns that the ADA Committee was not receiving Board applications for review, and requested enforcement of compliance for any business that has a change in tenancy. He cited several buildings that did not have ADA accessibility or ADA parking available. Chairman Gargano noted that the ADA Committee had reviewed the Hoek Minor Site Plan and the Board received comments from the ADA secretary regarding the application. Mayor Bieri responded about the municipal building landscaping, advising that the plants and shrubs had insect infestation and had to be removed, and the stones that were installed in the garden areas are for drainage.

With no one else present wishing to address the Planning Board, the Public Portion was closed on a **motion** by Chris Rosica and a **second** by Councilman Philip Weisbecker.

**PRESENTATION** – *Draft Highlands Element for Municipal Master Plans Public Meeting #1*

Chuck McGroarty addressed the Board about the Draft Highlands Element for Municipal Master Plans (Module 5) and the ongoing process of compliance with the Highlands Master Plan. He advised that the document provided to the Board was a draft that would be submitted to the Highlands Council on September 1, 2009. He explained that this was not an official hearing for a Master Plan and the Board will not be asked to adopt this document at this meeting or any time this year. The emphasis this year was to have discussions on various documents provided by the Highlands, to get input from the public, from the Board and municipality, and submit them back to Highlands Council. Next year, the Township will refine the documents and go through the adoption process. Mr. McGroarty explained that the reviews are being done to satisfy the Plan Conformance requirements, or what is known as Basic Plan Conformance with regard to the Highlands Regional Master Plan, adding that by December 8, 2009 the Township must show that West Milford can satisfy the Basic Plan Conformance. Mr. McGroarty answered Board questions with regard to the Draft Highlands Element for Municipal Master Plans, and advised that several more reviews will be conducted at upcoming Planning Board meetings. The Township Boards, Commissions and Committees were requested to submit comments to Mr. McGroarty upon review of the document. It was also noted by Board Member Geoffrey Syme, that the Master Plan Subcommittee had met previously to review various aspects of this document and had decided to have a public meeting prior to submission of the draft on September 1, 2009. Michael Siesta inquired about definitions that would assist in interpreting the terms used in the documents, and Mr. McGroarty concurred with this suggestion, adding that he would prepare an attachment of definitions to be distributed to the Board. He also advised that posting the document on the Township website and providing copies to various committees and the Library would result in more feedback for the Highlands Council.

Following the discussion, a **motion of resolution** was made by Mayor Bieri, with a **second** by Chris Rosica, confirming the Board's endorsement for Mr. McGroarty to submit the Draft Highlands Element for Municipal Master Plans to the Highlands Council.

**Roll Call:** **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker and Chairman Andrew Gargano.

**No** –None

*(A Verbatim Transcription of this first public meeting has been prepared and submitted to the Highland's Council in conjunction with the Module 5 Draft submission. This document can be viewed on the Township's website, under the Forms and Documents section, Highlands Water Protection and Planning Act.)*

**SITE PLAN APPLICATION REVIEW WAIVERS** – None.

## **APPLICATIONS**

**TIME EXTENSIONS** – None.

**PENDING APPLICATIONS** – None.

## **NEW APPLICATIONS**

**MICHAEL J. HOEK**  
**Minor Site Plan #PB-05-09-01**  
**Bulk Variance**  
Block 7903; Lot 12  
1468 Union Valley Road; VC

The applicant Michael J. Hoek was present, and was represented by his attorney Joseph Russo, Esq. Also present to provide testimony was the applicant's engineer, Matthew Greco, and Joseph Janisheski, proposed tenant. Mr. Russo advised that the application before the Board was a simple minor site plan, with the applicant proposing to pave and stripe the existing parking lot, install a handicapped ramp, with no additional exterior renovations. The applicant intended to rent space for a photography studio on the second floor, and interior minor renovations would take place. Mr. Russo reviewed the site plan, noting that a variance would be triggered with the proposed site plan. The applicant was proposing to install 18 parking spaces with 4 banked for future use, if needed, in an effort to keep what little trees and shrubs that were present; 25 spaces were required for this site. Michael Hoek testified that he purchased the building in June 1991, has three employees for his bicycle shop, and he has a maximum of about 20 customers a day. The Board discussed various issues with the applicant with regard to the parking lot, streetscape, interior renovations, recyclable and dumpster enclosure, bicycle parking, and easements with the adjoining property owner, the Presbyterian Church. The applicant's engineer, Matthew Greco, P.E., testified that he had met with Passaic County and the County stressed that the applicant comply with the streetscape. Exhibits A-1 (Minor Site Plan) and A-2 (Storm Drainage Report) were reviewed by Mr. Greco and the Board, including discussions on the proposed digital photography studio, shared parking with adjacent property, storm drains, outdoor lighting, sight triangles, well covers, septic capacity, sidewalks and landscaping. The various departmental reports were reviewed. There was a question about possible wetlands near the subject site, but a review of the site and maps do not support this. The ADA Committee sent comments with regard to handicapped accessibility for the photo studio. The applicant and his tenant testified that the majority of the photography business is conducted off site, and that there will be one employee occupying the photography studio. Following extensive review of the application and testimony from the applicant and his professionals, the application was opened to the public. The following residents addressed the Board on this matter:

Jim Novack, Larchmont Drive, requested that the applicant be required to install the landscaping and sidewalks at this site, he suggested that parking may be insufficient for holiday shopping at the bicycle shop and photo studio, inquired about the handicapped accessible bathroom proposed for the photography studio, and stated that the second floor should not be occupied unless it is handicapped accessible.

With no further comments from the public, the Chairman closed the public portion on a **motion** by Douglas Ott and a **second** by Councilman Weisbecker.

A **motion** was made by Chris Rosica to approve with conditions application #PB-05-09-01 for a Minor Site Plan with Variances for Michael J. Hoek, with a **second** by Douglas Ott. The following conditions were reviewed by Mr. Germinario, Board Attorney:

- A variance is required for the proposed 14 spaces with 4 banked spaces. A change of tenancy will require the Zoning Officer to review the number of parking spaces, and spaces will be added, if required
- Photo processing is restricted on the site
- A waiver will be granted for a dumpster enclosure, loading dock, and lighting
- The recycling area will be fenced with 4 ft vinyl board on board fencing
- In lieu of sidewalks and curbing the applicant will install landscaping in compliance with the Planning Board's Landscape Architect recommendations
- The Township will install all sidewalks and curbing on the property frontage in accordance with the streetscape plans
- The applicant shall comply with the recommendations of the Passaic County Planning Department
- The applicant shall comply with the recommendations of the Health Department with regard to septic and well
- The sight triangle will be depicted on the revised minor site plan
- A bicycle rack will be installed on the westerly side of the building for bicycle parking
- The paving will be done in accordance with Township standards, with the pavement detail revised to show 2 inches of top course and 3 inches of base course.
- The plans will be revised with the access manhole over the well, septic and additional storm drains depicted
- Mount Laurel fees are to paid, if applicable
- A 5-foot easement shall be granted to the Township for streetscape improvements
- Signage for the photo studio will be reviewed by the Zoning Officer

- The existing building exit way shall be fire rated or a second egress installed and noted on the revised plans
- The van accessible handicapped parking stall shall be an 11 foot van space with 5 foot access aisle

**Roll Call:**    **Yes** - Mayor Bettina Bieri, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, and Chairman Andrew Gargano.

**No** - Steven Castronova, Richard McFadden, Councilman Philip Weisbecker.

**Motion approved.**

Douglas Ott commented about the approval of Planning Board applications, noting that many factors are taken into consideration in deciding whether to approve an application or not. With regard to the Hoek application, he noted the significant differences between the recent local Shop Rite application, the Walgreen's site, and the bicycle shop minor site plan. Mr. Rosica commented that he has voted pro business, and expressed hope that the design guidelines that were being developed by the Design Standards Subcommittee would be considered in other applications, adding that it was crucial for the Board and Township to establish standards.

**NEW BUSINESS**

The meeting dates for 2010 were held for approval at the September 3, 2009 meeting.

Chairman Gargano advised that two of the Planning Board members are resigning: Chris Rosica, effective September 1, 2009, and Kerry Goceljak, effective September 30, 2009. He thanked them for their service and added that they will be missed.

**MEMORIALIZATIONS**

**RESOLUTION NO. 2009-14**  
                  **PASSAIC VALLEY WATER COMMISSION**  
                  **Minor Site Plan and Conditional Use #PB-05-09-02**  
                  Block 13102; Lot 31.02  
                  Pawnee Terrace & High Crest Drive; LR and R-4

This resolution of approval for this application was held to the next meeting.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL**- None.

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

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

**PLANNING BOARD ENGINEER'S REPORT**- None.

**MISCELLANEOUS**

**Approval Of Invoices – Board Professionals** – None.

**Subcommittee Reports**

                  Master Plan Subcommittee  
                  Ordinance Subcommittee  
                  Building Design Subcommittee  
                  Site Plan Committee

There were no subcommittee reports at this meeting.

**MINUTES**

The Chairman announced that the minutes of the June 25, 2009 and August 6, 2009 Planning Board meetings were available in draft form, and would be on the agenda for approval at the next meeting.

**The following were noted and filed:**

**COMMUNICATIONS**

1. Copy of an application dated July 30, 2009 from MAP Engineering for a GP#25 – Septic Alteration, for 119 Apple Lane, Block 16504; Lot 9.
2. Copy of an application from the Township of West Milford with the NJ DEP dated July 29, 2009 regarding miscellaneous erosion remediation and park improvements.
3. Application to the NJ DEP dated July 29, 2009 from John Willekes for 30 Circle Drive, Block 16307; Lot 2 for repair of an existing malfunctioning septic system.
4. Copy of a letter to the NJ DEP Bureau of Underground Storage Tanks regarding SB Petroleum, 555 Warwick Tpk, addressing the deficiencies noted in the DEP's NOD letter of July 9, 2009.

5. Report from Passaic County Planning Dept. dated July 28, 2009 regarding Jack Jaust, Block 16005; Lot 12, 96 Oak Ridge Road, withholding approval of a site plan pending receipt of revised plans for drainage, TV inspection of abandoned pipe, permission from Newark Watershed to discharge stormwater across Newark's property, and agreement to maintain abandoned drainage system being used by applicant.
6. NJDEP Child Care Facility Approval letter dated July 20, 2009 received for Circle Time Castle, 65 La Rue Road, Newfoundland; Block 15101; Lot 3.
7. Notice of an application for a GP#25 for Roy and Karen Praschil, Block 905; Lot 6, 27 Florence Road, West Milford, regarding proposed installation of a sub-surface sanitary disposal system.
8. Notice of an application for a GP#25 for John Mileski, Block 16201; Lot 6, 12 Albertine Place, West Milford, regarding proposed replacement of a sub-surface sanitary disposal system.
9. Notice of an application for a GP#25 for William Thayer, Block 2609; Lot 1, 11 Glenwood Road, West Milford, regarding proposed installation of a sub-surface sanitary disposal system.
10. Notice from the Hudson-Essex-Passaic Soil Conservation of certification of soil erosion and sediment plan for Ken Carroll, 26 Commanche Lane, Block 401; Lots 19 & 21.
11. Notice of Approval of Extension Request until August 30, 2009 for SBP Petroleum, 555 Warwick Tpk, regarding submission of a carbon change out schedule.
12. Notice from the NJ DEP to Kanouse Enterprises, Kanouse & Brown Road, Newfoundland, dated July 31, 2009, regarding remediation of the site, following contamination from an underground storage tank, noting that the contamination is not initially identified as being a significant risk to humans or ecological receptors, permitting the remediation to continue, and outlining the procedures.
13. Notice from the Hudson-Essex-Passaic Soil Conservation of certification of soil erosion and sediment plan for Scott Leonescu, Warwick Tpk SFD, 694 Warwick Tpk, West Milford, Block 1816; Lot 1.
14. Notice of Draft Permit Actions regarding Scrap Metal Industrial Stormwater General Permit (SM2) and Vehicle Recycling Industrial Stormwater General Permit (RVR), advising that the DEP recognizes the significant difference between the two industries, with separate permitting standards set for each with the new permits.
15. Notice from the NJ DEP dated August 6, 2009 to Camp Vacamas, 256 Macopin Road, West Milford, regarding the Henion Pond Dam, NJ File # 22-18, advising that "prior to approval of plans and specifications for the rehabilitation of the dam incorporating the reduced SDF, the owners must provide written acknowledgement of this responsibility" to modify their dam to provide additional spillway capacity. Deadline for submission of Conceptual Alternative Analyses is December 1, 2009.
16. Letter from the NJ DEP dated August 6, 2009 to the Upper Greenwood Lake POA regarding the Upper Greenwood Lake Dam, referencing the 2009 Formal Dam Safety Inspection Report by Gerald Cross, P.E., advising that a review of that report and the DEP's records finds the dam to be in satisfactory condition with maintenance and minor repairs necessary, and advising that an updated Emergency Action Plan is required by 10/10/09.

#### **HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Letter dated July 31, 2009 from Giordano, Halleran & Ciesla for Tennessee Gas Pipeline to NJ DEP regarding Highlands Exemption for the 300 Line Project – Eastern Alternative, specifically requesting that this alternative project be assigned a separate Program Interest Number and Activity Number than the original primary route for the 300 Line Project that is currently under review for exemption.
2. Notice from Dr. Greg Rubenstein regarding application for a Highlands Exemption for Block 4201; Lot 12, 49 Lake Park Terrace.
3. Copy of revised plans for a Highlands Determination and Northeast Water Quality Management Plan, dated August 5, 2009, received from Schwanewede/Hals Engineering for Shoebox Storage, LLC, 140 Oak Ridge Road, Block 16006; Lot 1.01.

#### **ADJOURNMENT**

With no further business to come before the Board, the Planning Board meeting of August 6, 2009 **adjourned** at **10:46pm** on a **motion** by Councilman Philip Weisbecker and a **second** by Rich McFadden.

Approved: October 22, 2009

Respectfully submitted by,

Tonya E. Cubby, Secretary