

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**September 3, 2009**

**Regular Meeting**

The Regular Meeting of the Planning Board was opened at **7:35 pm** by Chairman Andrew Gargano with a reading of the Legal Notice, followed by the Pledge of Allegiance.

**ADMINISTRATION OF OATH**

Mayor Bettina Bieri administered the oath of office to Linda Connolly, newly appointed Planning Board member fulfilling the term of Chris Rosica, who resigned due to relocation.

**ROLL CALL**

**Present:** Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Richard McFadden, Douglas Ott, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Alternates Michael Siesta and Kerry Goceljak, Chairman Andrew Gargano, Board Planner Charles McGroarty.

**Absent:** Board Attorney Thomas Germinario and Board Engineer John Hansen of Ferriero Engineering, Inc.

**PUBLIC PORTION**

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

Doris Aaronson, Bearfort Road – Ms. Aaronson addressed the Board regarding the Draft Highlands Element for Municipal Master Plans. She reviewed approximately half of the document and asked that she be permitted to submit her comments on the other half, in writing, at a later Planning Board meeting. The Chairman replied that the Board would take a submission in writing, and that the discussion on this document would take place over a period of time. Ms. Aaronson commented that the document being extremely well written in comparison with the original Highlands' documents. She requested that on [page 5], in section B – General Purposes of Zoning, #D, a word be changed to “*promote*” or “*encourage*” rather than the word “*insure*” because the Township may want to do something that may conflict with another municipality or county, adding that this would provide an opportunity for “home rule.” With #K [page 6] she had concerns about the reference to planned unit developments and suggested the use of the term “particular site and region” in place of the term “site.” She referred to a past development application that relied on the adoption of a storm water ordinance. A regional ordinance was developed, but this was replaced by the adoption of a site-specific storm water ordinance. She noted that potential for flooding of an adjacent housing community could have resulted because the region was not considered in the study. Ms. Aaronson continued to comment on General Zoning, and requested two new items be added (P and Q) with regard to drinking water and the millions of residents in the State who benefit from the water supplies. She requested that (1) language be included indicating that “the preservation of the water in the Highland’s Act, and use of some of our lands to support the State’s residential and commercial ***economic value***”. Language emphasizing the economic value to the State, and more specifically to the City of Newark, and a strong statement about the zoning dealing with the economics of water should be added to the document. She continued with (2) the addition of an explicit item indicating that the environment supercedes COAH, commenting that West Milford is overdeveloped, and affordable housing units are worthless without sufficient groundwater and wells. On page 8, #2 – Existing Community Zones, she questioned the purple blotches that have turned to yellow blotches, and she inquired about the status of these areas and whether the current maps are correct. Ms. Aaronson commented about groundwater recharge areas, and requested that the Highlands Council address the issue to insure that the MUA or other community or commercial water treatment companies will not pollute or contaminate the groundwater, and suggested that the standards in these locations exceed the DEP standards. She referenced page #14, Water Availability (#2) with regard to public water supplies and requested that the document include language requiring all new major housing developments to comply with well testing procedures and to comply with any Township well ordinances. Ms. Aaronson also commented about the nature of soil types being considered with regard to water supplies, and requested that language be included in the document about soil types. Upon conclusion, Ms. Aaronson was requested to send the written comments to the Planning Board secretary, who would provide them to the Township Planner.

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

**PRESENTATION – Draft Highlands Element for Municipal Master Plans Public Meeting #2**

Chuck McGroarty, Township Planner, addressed the Planning Board regarding the Draft Highlands Element. He noted that he was not the author of the document, but he would pass on

Ms. Aaronson's compliment about the document being well written. Mr. McGroarty referenced a memo, dated August 26, 2009, that he had sent to the Board that explained the need for the review and filing of the draft Highlands Element. He referenced the first public meeting that was held, and the subsequent submission of the Draft Highlands Element on September 1, 2009. Mr. McGroarty requested from the Board Secretary verbatim minutes of that first public meeting to supplement his submission to the Highland's Council. He then referred to a memo he composed that included definitions, per Board member Michael Siesta's request, which will assist in clarifying sections of the Highland's document. He commented that he will be doing this in other towns that he is working with and will also pass the definitions memo on to the Highlands Council. He distributed new, corrected maps and asked that he be contacted as soon as possible with any mistakes noted. Mr. McGroarty reviewed floor area ratio, and noted that the Highland's may be changing the use of this implement following review of the submitted drafts from the municipalities. He discussed the anticipated model land use document, noting that this will supplement the land use ordinance and will affect new development. He referred to the Lake Management Areas, and noted that, while they cannot be changed, he suggested the Lakes Committee and Health Dept. review them and submit comments. Mr. McGroarty said that the Highland's Council commended West Milford for developing a septic maintenance ordinance that will be a model for the whole State. He discussed the build out analysis and said that he will provide a summary, adding that the information will be used for the housing element and fair share plan. He discussed housing development in West Milford and the map overlay zones on a large exhibit he provided. He noted that we will have our own maps included in the final document that will be more accurate and have better clarity. The goal, he continued, is to go through the plan document over a period of time and include all the pertinent information until the final plan is complete. Mr. McGroarty discussed options under redevelopment, as new development will be restricted in this preservation area, and he gave examples of redevelopment such as the Shop Rite renovation, and also brownfield sites. A Board member inquired about development on small lots in lake communities being restricted to prevent stress on the lakes. The Mayor then requested that all comments from the Lakes Committee, Environmental Commission, and Township Council be forwarded to the Board Secretary at [planningboard@westmilford.org](mailto:planningboard@westmilford.org) who will compile them and provide them to Mr. McGroarty for the Highlands Council. Mr. McGroarty concurred with this process as a way of documenting the comments. Several Board members suggested ways to keep the comment period organized, allowing for discussion on all suggestions. Councilman Weisbecker suggested the documents be compiled into binders, similar to the municipal budget, but it was decided that this might be cumbersome.

Councilman Joseph Smolinski, 2 Camelot Drive, requested that all comments also be provided to the Township Council, and all Planning Board memorandums from the Planner be sent to the Council, too. Chairman Gargano stressed that the goal was to get as many comments as possible from all entities. Councilman Smolinski inquired if all the comments and revisions were due by December, and Mr. McGroarty advised that the Township could continue to provide comments. Several Township departments wanted to be on the distribution list for copies of all documents, and the Mayor advised that the documents will be available on the Township website, so continually making additional copies should not be necessary. Mr. McGroarty advised that he would be going to the Township Council at the end of the month to discuss the Highlands document. Councilman Smolinski inquired if zoning changes can be made once the plan is filed, and Mr. McGroarty replied that changes could be made if the Township desires, adding that everyone is still becoming familiar with the model ordinance, so specifics on zoning could be reviewed at a later date. There was a discussion about undersized lots and it was noted that variances would not have to be granted for development of undersized lots. Mr. McGroarty commented that the Zoning Board of Adjustment should be looking at numerous factors when deciding a variance, including the character of a neighborhood, the size of the house and land, adding that options exist for denial if a project does not meet both the positive and negative criteria. Rich McFadden confirmed that the Board of Adjustment reviews all the applicable criteria for each application. Councilman Weisbecker requested that meetings be set up throughout the Township to get feedback on the Highlands document. Board member Clinton Smith suggested using several public relations tools, such as brochures. Mr. McGroarty was not sure if the grant had funds for publication materials, but he would check into it. He agreed that the more public input we receive, the better for us. Mayor Bieri inquired if the grant would cover his attendance at off-site meetings. Mr. McGroarty said that he would look into this, as the Highlands did not want professionals to charge time to the grant if it is not specifically Highlands related. Geoffrey Syme commented that he likes the idea of off-site meetings, but thought that it would be more cost effective to have discussions at regularly scheduled meetings. Councilman Weisbecker commented that if the meetings were brought to people's "backyards" there would be more response and input. Mr. Smith replied that from past experience, the off-site meetings encourage people to raise issues that are affecting them personally, and it may not be very productive with regard to the Highland's document.

Doris Aaronson inquired about the areas designated as "yellow" on the main preservation map, and advised that in the past, Exxon had wanted to mine for uranium, but the State imposed a moratorium. She requested some sort of documentation on this, and warned that the

moratorium had expired, expressing concern that uranium mining might once again be attempted.

With no further discussion from the Board and the public, Chairman Gargano announced that this matter would continue to be discussed at future meetings.

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

**APPLICATIONS**

**TIME EXTENSIONS** – None.

**PENDING APPLICATIONS** – None.

**NEW APPLICATIONS** – None.

**NEW BUSINESS** – None.

**MEMORIALIZATIONS**

**RESOLUTION NO. 2009-14**

**PASSAIC VALLEY WATER COMMISSION**

**Minor Site Plan #PB-05-09-02**

Block 13102; Lot 31.02

Pawnee Terrace & High Crest Drive; LR and R-4

**Granted:** Minor Site Plan and Conditional Use Approval for the replacement of two High Crest Water Storage Tank, including demolition of two existing tanks and their replacement with two larger tanks, plus revised piping and valves.

**Resolution No. 2009-14**, memorializing a minor site plan with conditional use approval for Passaic Valley Water Commission was approved on a **motion** by Mayor Bettina Bieri, with a **second** by Douglas Ott.

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

**No** - None.

**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**

The invoices of the June 25, 2009 Planning Board meetings were unanimously approved on a **motion** by Richard McFadden and a **second** by Mayor Bettina Bieri.

**Meetings Dates for 2010**

The meeting dates for the 2010 Planning Board meetings were unanimously approved on a **motion** by Geoffrey Syme and a **second** by Richard McFadden.

**Subcommittee Reports**

Master Plan Subcommittee  
Ordinance Subcommittee  
Building Design Subcommittee  
Site Plan Committee

There were no subcommittee reports at this meeting.

**MINUTES**

The minutes of the June 25, 2009 Planning Board meetings were unanimously approved on a **motion** by Steven Castronova and a **second** by Councilman Weisbecker. The minutes for August 6, 2009 were in draft form and will be on the agenda for approval at the next meeting.

**The following were reviewed by the Planning Board and filed:**

**COMMUNICATIONS**

1. Copy of an Application for a NJDEP Letter of Interpretation Regulatory Line Verification, dated August 17, 2009, received from Amy S. Greene Environmental for Bruce Patrono,

Block 3705; Lot 27, 31 Olcott Road, with regard a determination that wetlands are not present on the subject property and confirmation of the location of the wetlands transition areas on adjacent properties.

2. Notice from the NJDEP, dated August 13, 2009, to the County of Passaic regarding the Apshawa Main Dam and Apshawa Auxiliary Dam, following a review of the revised as-builts and reports, finding that the work has been completed in substantial accordance with the approved plans and specification in the Dam Safety Permit #1144. Regular inspections of the dams are required in 2010 and formal inspection is required in 2018.
3. Authorization for a Freshwater Wetlands General Permit #25 and Waiver of Transition Area for Access received from the NJDEP, dated August 7, 2009, for John Willekes, Block 16307; Lot 2, 30 Circle Oak Drive, regarding the repair or replacement of a malfunctioning subsurface Sewage disposal system.
4. No Further Action and Covenant Not To Sue letter received from the NJDEP, dated August 11, 2009, regarding Block 6102; Lot 2, 6 George Street, Frank Popa, with reference to the remediation of a 550 gallon #2 heating oil underground storage tank.
5. No Further Action and Covenant Not To Sue letter received from the NJDEP, dated August 11, 2009, regarding Block 1609; Lot 2, 9 Taft Road, Michael Giannantonio, with reference to the remediation of a 550 gallon #2 heating oil underground storage tank.
6. Notice received from Betts Environmental Services Corp., dated August 14, 2009, regarding investigation and clean up of environmental contamination at 225 Oak Ridge Road, Oak Ridge, Block 16102; Lot 29, for Fredericks Fuel & Heating Service.
7. Notice received on August 18, 2009, from James Dunne, Block 10816; Lot 3 310 Maple Road, regarding a general permit application for the proposed installation of a sub-surface sanitary disposal system.
8. Notice received on August 17, 2009 from Michael DelVecchio, Block 10301; Lot 16, 53 Krattiger Court, regarding a general permit application for the proposed installation of a sub-surface sanitary disposal system.

**HIGHLANDS WATER PROTECTION AND PLANNING ACT** – None.

**ADJOURNMENT**

With no further business to come before the Board, the Planning Board meeting of September 3, 2009 **adjourned** at **9:20 pm** on a **motion** by Mayor Bieri and a **second** by Councilman Philip Weisbecker.

Approved: December 3, 2009

Respectfully submitted by,

Tonya E. Cubby, Secretary