

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

September 4, 2014

Regular Meeting

Chairman Geoffrey Syme opened the September 4, 2014 Regular Meeting of the West Milford Planning Board at **7:34 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance and Roll Call.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly (7:42), Christopher Garcia, Robert Nolan, Douglas Ott, Councilman Luciano Signorino (7:49), Alternate Steven Castronova, Chairman Geoffrey Syme, Board Planner Charles McGroarty.

Absent: Andrew Gargano, Glenn Wenzel, Alternate Michael Siesta, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero.

Chairman Syme requested Steven Castronova to sit in for absent Board Member Andrew Gargano, and advised that a quorum was present to hold this meeting.

PUBLIC PORTION

Chairman Syme opened the Public Portion of the meeting. With no one wishing to address the Board, the Public Portion was **closed** following a **motion** by Douglas Ott and a **second** by Christopher Garcia.

PRESENTATIONS – None.

APPLICATIONS – None.

MEMORIALIZATIONS – See below.

NEW OR ONGOING BUSINESS –

Draft Master Plan Land Use Plan Element – Chairman Syme advised that the Board Planner will review this document at the September 25, 2014 Planning Board meeting.

Draft Sustainable Land Use Pledge – Chairman Syme noted that the Board Attorney requested that this matter be carried to the September 25, 2014 Planning Board meeting, at which time he will be present to provide comments.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL

Ordinance of the Township of West Milford, County of Passaic, State of New Jersey to Amend Chapter 500, “Zoning”, Article III, “Residential Districts” Section §500-13, “Sewer and Water Facilities” of the Township Code – Master Plan Consistency Review and Determination.

Board Planner, Chuck McGroarty, referred to the above ordinance that had been referred by the Township Council to determine whether or not the ordinance is inconsistent with the Township’s Master Plan. Mr. McGroarty noted M.L.U.L. 40:55D-26 that outlines the referral powers to the Planning Board, and the Board’s determination as to consistency or inconsistency with the master plan. He noted that if an ordinance is inconsistent, comments regarding the ordinance must be referred to the Governing Body. Referring to the ordinance introduced by the Township Council at the August 20, 2014, Mr. McGroarty explained that the proposed amendment to the existing ordinance basically permits a developer to reduce his lot size, in the absence of a central water system, subject to fulfilling the requirements aquifer-testing ordinance. Following a review of the ordinance, Mr. McGroarty stated that he did not feel that it was inconsistent with the Township’s current Master Plan or the Highlands Regional Master Plan. He noted that the 1987 Master Plan was structured more on the requirement of sewer service, adding that the ordinances reference sanitary and water potability and availability, as well as the requirements that developments would have to adhere to. Essentially, Mr. McGroarty noted, there was nothing inconsistent with the amendment as it related to the Township’s land use policies. Board Member Robert Nolan inquired whether the ordinance was drafted by the Township Attorney and approved for introduction by the Township Council, and Mayor Bieri confirmed that the Township and Board Attorneys discussed the matter, and drafted the ordinance amendment, adding that the Township Council was fine with the ordinance. She further explained that the ordinance would, in the absence of use of a central water system, permit a development with approved central sewer connections to install wells on individual lots, subject to complying with the aquifer-testing ordinance. Mr. McGroarty stated that the ordinance made sense since it clarifies the language in the zoning, particularly with the different zone districts. With regard to any additional new developments (that had not already received approvals), Mr. McGroarty doubted that there would be many in the

future, but the aquifer ordinance that is in effect provides a protection for the water resources. Chairman Syme requested clarification on the original ordinance as it related to the proposed amendment, and Mr. McGroarty noted that the first section of the ordinance contains the same language, but the last section is new, and states that “If public sewer facilities are provided, but it is determined by the Planning Board that it is impractical to provide public water facilities, the Applicant may nonetheless utilize the reduced area and yard requirements of §500-12B, provided that the Applicant complies with the requirements of §470-15.1, “Water Supply and Water Quality Requirements” with respect to individual wells to serve the subdivision lots. The applicant for a subdivision would have to demonstrate to the approving authority that sufficient water supplies are present. Board Member Linda Connolly requested additional clarification on the ordinance and the basis, or reason, for the amendment, and Mr. McGroarty responded that he was not given that information, Ms. Connolly suggested that the Council Liaison to the Board, Lou Signorino, might have the information for the basis of this amendment. Ms. Connolly noted that she had researched the ordinances so that she would be prepared to form an educated opinion on the matter, but wanted to confirm the information on zoning requirements in §500-12 A and B for the reduced yard area requirements with public sewer and no public water. Mr. McGroarty observed that she was referring to the zoning requirements with §500-12 A applying to residential zones and lot sizes for lots with individual septic systems and wells. §500-12 B refers to central sewerage and water facilities located in the wastewater management plan. The additional language that is proposed attempts to clarify that if an applicant comes before the Board to avail himself of section B to develop residential lots that have central sewer, they may install individual wells with the reduced lot size. Councilman Lou Signorino, who recently arrived at the meeting, requested clarification from Mr. McGroarty on the reduced lot sizes, from R-3 and R-4 to cluster lots, essentially reducing the zoning requirements for each lot. Mayor Bieri noted that the matter was discussed by the Township Council and approved for introduction, and that the Planning Board was only determining whether or not the ordinance would be consistent with the Master Plan. As for cluster developments, they will still require central sewers, but the ordinance, if adopted, will permit smaller lots with individual wells and central sewers if it is determined that central water facilities are not feasible. Councilman Signorino inquired about the impact on any proposed or pending applications before the Board. Mr. McGroarty noted that the language of the ordinance, as originally written, specified central sewerage facilities, but was not specific on the water facilities as central water facilities, and this amended ordinance makes the ordinance much clearer in this regard. Chairman Syme inquired whether Mr. McGroarty found anything in the amendment ordinance that would be inconsistent with either the Highlands Regional Master Plan or the Township Master Plans from 1987 to the present, and he replied that he did not.

Resolution No. 2014 - 10

MASTER PLAN CONSISTENCY DETERMINATION FOR ORDINANCE NO. 2014-007 TO AMEND CHAPTER 500 “ZONING”, ARTICLE III, “RESIDENTIAL DISTRICTS” SECTION §500-13, “SEWER AND WATER FACILITIES” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

Following discussion on this matter, a **motion** was made by Steven Castronova, with a **second** by Mayor Bettina Bieri, to **approve** Resolution No. 2014-10, Finding Master Plan Consistency Determination for Ordinance No. 2014-007 to Amend Chapter 500 “Zoning”, Article III, “Residential Districts”, Section §500-13, “Sewer and Water Facilities” of the Township Code of the Township of West Milford, County of Passaic, State of New Jersey.

Roll Call:

Yes: Mayor Bettina Bieri, Steven Castronova, Christopher Garcia, Douglas Ott, Chairman Geoffrey Syme.

No: Linda Connolly, Robert Nolan.

Abstain: Councilman Lou Signorino.

Motion approved.

BOARD PLANNER’S REPORT

Chuck McGroarty advised the Board that he would have the Draft Land Use Plan Element for the new Master Plan with maps available for the next Planning Board meeting, and the Board can either hold a public hearing for the document, or it can just be reviewed and discussed by the Board. The Board concurred that they would prefer to review the document with Mr. McGroarty before it is presented to the public and Council.

Mr. McGroarty reported that the COAH rules were recently released and there were over 2000 comments sent in by various municipalities, including West Milford. He noted that the original plan was to have the COAH rules adopted in November, but new litigation may prolong the adoption. He would keep the Board updated.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

Approval Of Invoices – Board Professionals

Motion was made by Chris Garcia with a **second** by Robert Nolan to **approve** the invoices submitted by the Planning Board professionals for services performed during the month of July 2014. The Planning Board **unanimously approved** the invoices for payment.

Approval Of 2015 Planning Board Meeting Dates

Following a review of the proposed Planning Board meeting dates for 2015, the Board **unanimously approved** the dates on a **motion** by Douglas Ott and **second** by Councilman Lou Signorino.

MINUTES

The Minutes from the **June 26, 2014** Planning Board meeting were **unanimously approved**, by all who were present at the meeting, on a **motion** by Robert Nolan and a **second** by Chris Garcia.

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

Highlands Water Protection And Planning Act Correspondence

1. Highlands Exemption #4, WQMP–Not Addressed, dated August 5, 2014, received for the West Milford Salt Storage Project, Lycosky Drive, Block 6002; Lot 28.

NJ Department of Environmental Protection Correspondence

1. No further Action - Covenant Not To Sue notice received from the NJDEP, dated July 21, 2014, regarding the removal of a 550 gallon #2 Heating Oil UGST at 77 High Crest Drive, Block 12901; Lot 43.
2. Freshwater Wetlands Letter of Interpretation – Line Verification, dated July 16, 2014, received from the NJDEP regarding James and Linda Antonucci for Block 101; Lot 29, Cherry Ridge Road, advising that the subject site's wetlands are of Exceptional Resource Value and require a transition area adjacent to the wetlands of 150 feet.
3. Freshwater Wetlands General Permit #10A for a Minor Road Crossing, and Freshwater Wetlands Transition Area Waiver Averaging Plan, dated July 16, 2014, with an expiration date of July 15, 2019, received from the NJDEP for James and Linda Antonucci, regarding Block 101; Lot 29, authorizing the disturbance of 4,341 sq ft of freshwater wetlands transition area for the construction of a driveway, as well as a modification of the transition area for a proposed dwelling.
4. Copy of an application for a NJDEP General Permit #8, dated July 29, 2014, regarding the proposed construction of a 494 sq. ft. garage on 280 Weaver Road, Block 12402; Lot 5.
5. No Further Action - Covenant Not To Sue notice received from the NJDEP, dated August 12, 2014, regarding the removal of a 550 gallon #2 Heating Oil UGST at 61 Cherry Ridge Road, Block 17201; Lot 19.
6. Application for a Freshwater Wetlands GP#25, dated August 12, 2014, received from Houser Engineering regarding 28 Louis Avenue, Block 6604; Lot 21, for the repair of an existing septic system.
7. Flood Hazard Area Applicability Determination, dated August 5, 2014, received from the NJDEP for the Living Word Alliance Church, 93 Lake Shore Drive, Block 2701; Lot 25 and Block 2705; Lot 4, regarding a septic alteration and building renovation, indicating that a general permit and flood hazard area individual permit are not required.
8. Draft Surface Water Renewal Permit Action for Sanitary Wastewater, dated July 23, 2014, received from the NJDEP for the Reflection Lakes Garden Apartments STP, 1177 Union Valley Road, Block 7702, Lot 9.

Miscellaneous Correspondence Received/Sent

1. Notice from Jefferson Township regarding the adoption of the following ordinances: Ordinance #2-14 Establishing Chapter 370 Of The Jefferson Township Municipal Code Entitled "Riparian Zones" For The Purpose Of Establishing Riparian Zones Within The Township Of Jefferson And Regulating The Use Thereof; Ordinance #3-14 Establishing Chapter 417 Of The Jefferson Township Municipal Code Entitled Steep Slopes; Ordinance #4-14 Amending Chapter 436 Of The Jefferson Township Municipal Code Entitled "Subsurface Sewage Disposal System Management."
2. Notice from the Township of Jefferson, dated July 21, 2014, advising of a First Reading of the following: Ordinance #16-14, Ordinance Establishing A Redevelopment Plan For Certain Properties Located Along Route 15 In The Township Of Jefferson, And Amending Ordinance Number 14-11, Establishing The Redevelopment Area –3 Zoning District (RA-3), By Adding The Properties Included In This Ordinance To The RA-3 Zone. Chapter 490 Of The Land Development Code Of The Township Of Jefferson Is Amended To Include The Properties In This Ordinance In The RA-3 Zone; And Amending Chapter 490-8, The Zoning Map.
3. HEPSCD certification of a soil erosion and sediment control plan, dated June 27, 2014, regarding the West Milford Public Library, 1470 Union Valley Road, Block 7903; Lot 13, 14, certifying the plan for 3.5 years.

4. HEPSCD certification of a soil erosion and sediment control plan, dated June 2, 2014, regarding the Salt Storage Project at 30 Lycosky Drive, Block 6002; Lot 28.01, certifying the plan for 3.5 years.
5. Correspondence dated July 24, 2014 from Passaic County Planning Department regarding the proposed West Milford Library, Block 7903; Lots 13 – 16, 1470 Union Valley Road, advising of the following needed prior to consideration of unconditional site plan approval: Deed for road widening for 33 feet from the centerline of Union Valley Road, in addition to Title Policy, Affidavit of Consideration and NJ Form GIT3; Revised road profile for southern driveway with no more of a 2% grade for the first 25 feet from the back of the sidewalk with a revised waiver request; Revised plans for southern driveway that will use a dropped curb with raised sidewalk and apron for pedestrian access; ROW access permit required for the southern driveway. Required permits and bond amounts will be sent once unconditional approval is granted.
6. Copy of West Milford Zoning Permit Approval #ZP-07-14-0226, dated 07-29-14, for 538 Lakeside Road LLC regarding proposed boat storage on existing gravel site with installation of a privacy fence along the property frontage, subject to the following conditions: prior to any work commencing on the site, the owner is required to obtain approval from the West Milford Planning Board, Passaic County Planning Board, and receive a Highlands Determination.
7. Resolution from Vernon Township, dated 07-28-14, advising of a request for Federal and/or State funds to address the single lane underpass on Canistear Road.
8. NJ Shade Tree Foundation Seminar – Planting the Right Tree in the Right Place Post Superstorm Sandy, 09/26/14, Passaic County Public Safety Academy, 300 Ham Road, Wayne, NJ, 8:30-11 a.m., RSVP required.
9. Memo dated August 11, 2014 from the WM Environmental Commission, advising that the Trails Master Plan has been approved by the Commission following a public meeting on August 4, 2014, and requesting that the document be forwarded to the Township Council for review and approval.
10. Notice from the NJDOT, dated August 1, 2014, regarding the proposed replacement of the Route 23 Bridge over the Pequannock River, and advising that the Township is entitled to participate in the Section 106 Process with regard to historic resources in the area that may be affected by the project.
11. HEPSCD certification of the soil erosion and sediment control plan, dated July 7, 2014, regarding Battle Creek Paintball, 625 Macopin Road, Block 13501; Lot 2.
12. Resolution No. 2014 – 273 of the Township of West Milford authorizing the release of a cash bond posted by Sun Young Joo as a performance bond for major soil removal/fill permit #PB-05-12-05-A at 55 Green Terrace Way, Block 10402; Lot 12.
13. Resolution No. 2014 – 266 of the Township of West Milford authorizing the reduction of a cash performance bond for Oak Ridge Associates, LLC at 209 Oak Ridge Road, Block 15901; Lot 1, retaining \$15,000. to complete required landscaping, and subject to the posting of a \$10,164.23 maintenance bond.

ADJOURNMENT

Prior to adjourning, the Board Secretary provided a brief update on the status of several pending Planning Board applications. Chairman Syme announced that the next Board meeting would be held on September 25, 2014.

With no further business to come before the Planning Board, Chairman Syme **adjourned** the Regular meeting of September 4, 2014 at **8:35 p.m.** on a **motion** made by Steven Castronova with a **second** by Douglas Ott.

Approved: September 25, 2014

Respectfully submitted by,

Tonya E. Cubby, Secretary