

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

September 25, 2014

Regular Meeting

Acting Chairman Christopher Garcia opened the September 25, 2014 Regular Meeting of the West Milford Planning Board at **7:35 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance and Roll Call. Chairman Geoffrey Syme gave prior notice that he would arrive late to the meeting.

ROLL CALL

Present: Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Glenn Wenzel, Chairman Geoffrey Syme (7:45), Alternate Michael Siesta, Board Planner Charles McGroarty.

Absent: Mayor Bettina Bieri, Councilman Luciano Signorino, Alternate Steven Castronova, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero.

Acting Chairman Garcia requested Michael Siesta to sit in for one of the absent Board Members, and advised that a quorum was present to hold this meeting.

PUBLIC PORTION

Acting Chairman Garcia 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 Michael Siesta.

PRESENTATIONS – Draft Master Plan Land Use Plan Element

Chuck McGroarty, Board Planner, addressed the Board regarding the revised draft of the Land Use Plan Element of the Township's Master Plan, advising that the notice and hearing can take place at a subsequent meeting if the Board is satisfied with the document following this review. He would be responsible for providing a copy to the NJ Highlands Council for review. Mr. McGroarty made reference to larger maps he had on display, and distributed several copies of the land use maps to the Board for review. He noted that changes needed to be made to the public conservation zones, with the intention to identify municipal and Board of Education property, open space, etc. as a public land zone, adding that this would acknowledge public facilities. The lands to be designated as public property zones have already been included on the ROSI and/or Open Space data. Mr. McGroarty discussed properties in the NC or Neighborhood Commercial and CC or Community Commercial Zones, and asked the Board to consider recommending a change in their zoning due to multiple factors with the sites and uses. With regard to the LR or Lake Residential Zone, Mr. McGroarty noted that past Zoning Board of Adjustment Annual Reports had recommended that the lot size in this zone be reduced to 10,000 s.f. from the current 20,000 s.f., based on the numerous non-conforming lots in this zone, but he observed that reducing the lot size would create another set of problems. He noted that the 2003 report recommended reduction in the bulk standards, and he suggested that the Board could consider making this recommendation to the Township. With regard to bulk standards for accessory structures, Mr. McGroarty requested the Board to also review this matter.

Mr. McGroarty reviewed several zones and properties, and a prior report that recommended that certain properties be examined during the new master plan process, particularly land in the NC Zone on the upper section of Warwick Tpk. Mr. McGroarty reviewed the recommendations in the Land Use Plan Element and the proposed changes for Newark Watershed to low density residential, elimination of the Office Research Zone and the Historic District for the former New City. He also noted that the Special Economic District and the Rental Overlay Zones were predicated on the availability of central water and sewer service, which is no longer available in those areas under the Highlands regulations. Mr. McGroarty advised that the Land Use Plan Element, which hadn't been completely updated since 1987, needed to be cleaned up, and nothing radical was being proposed with this document. He added that the zoning ordinance needed to be focused on next year by the Board, and it should be made consistent with the master plan.

Mr. McGroarty noted that some may inquire why this document would be necessary, especially since West Milford is entirely in the Highlands Preservation Area, and we are restricted by the Highlands regulations, with all major development required to be reviewed and approved by the NJDEP and the Highlands Council. In spite of this, Mr. McGroarty noted, local zoning is still very important since there are local exemptions that can be granted, and this document acts as a guide for municipal land use.

The Board discussed the LR-Lakeside Residential Zone, and whether a recommendation should be made to reduce the standards. They reviewed height as well as other standards, and concurred that the current standards should remain, with several Board Members noting that recommending a change in the bulk standards could create more issues. It was also noted by the Board that they weren't aware of complaints regarding restrictions by the bulk requirements. Board Member Chris Garcia inquired if the Board of Adjustment could have an opportunity to comment on the

recommended changes, and Mr. McGroarty noted that Passaic County and surrounding municipalities will receive a copy of the master plan document, and that the adoption of the document does not close the door on this matter since the ZBOA can still modify the ordinance to change the bulk standards by going to the Township Council if they choose. Board Member Linda Connolly inquired about group homes, and whether the zoning would be different, and Mr. McGroarty advised that they fall under residential. Board Member Doug Ott requested a larger copy of the map so that he could make revisions to some of the street names, and the Secretary noted that she would request a copy from the Township Engineering Dept. Board Member Michael Siesta inquired if property owners would have to be notified of any proposed changes in zoning since it may affect the value of their land or their proposed use of the land, and Mr. McGroarty responded that with a master plan change they would not be notified. He emphasized that the Board was not re-zoning, but merely doing the master plan, which was a function of the Board.

Following discussion, the Board concurred that the public hearing for the Land Use Plan Element of the Township's Master Plan would be held on October 23, 2014 at the regular Planning Board meeting. The Board Secretary would prepare the notice to the surrounding municipalities, the County, and advertise the hearing no later than 10 days prior to the hearing.

APPLICATIONS – None.

MEMORIALIZATIONS – None.

NEW OR ONGOING BUSINESS –

Draft Sustainable Land Use Pledge – The Draft Sustainable Land Use Pledge, forwarded to the Board by the Environmental Commission, was carried to the next Planning Board meeting when the Board Attorney would be present to discuss his written comments to the Board regarding this matter.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD PLANNER'S REPORT – See above Draft Land Use Plan Element.

BOARD ATTORNEY'S REPORT – None.

BOARD ENGINEER'S REPORT – None.

MISCELLANEOUS

Approval Of Invoices – Board Professionals

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

MINUTES

The Minutes from the July 24, 2014 Planning Board meeting were **unanimously approved**, by all who were present at the meeting, on a **motion** by Andrew Gargano and a **second** by Chris Garcia, with an abstention by Robert Nolan.

The Minutes from the September 4, 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 Douglas Ott, with an abstention by Andrew Gargano.

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

Highlands Water Protection And Planning Act Correspondence

1. None.

NJ Department of Environmental Protection Correspondence

1. Freshwater Wetlands Letter of Interpretation/Line Verification Extension, dated September 10, 2014, received from the NJDEP for Jonathon Frank, Shiloh Bible Camp, 753 Burnt Meadow Road, Block 6002; Lot 47, with regard to wetlands delineation, extending the L.OI. to April 21, 2019.

2. Freshwater Wetlands Letter of Interpretation/Line Verification Extension, dated September 11, 2014, received for Donald Davies, 70 Rockburn Pass, Block 5003; Lot 9, advising that the wetlands value classification is Exceptional and require a 150 ft. buffer. A Highlands Exemption has been issued for a proposed single-family residential dwelling.

3. No Further Action letter from the NJDEP, dated September 9, 2014, regarding 684 Lake Shore Drive, Block 1810; Lot 11, for removal of a 275 gal #2 H.O. AGST.

4. Remedial Action Report – Notice of Deficiency, dated September 15, 2014 received from the NJDEP regarding 65 White Road, Block 6902; Lot 10, regarding failure to implement interim remedial measures to remove, contain, or stabilize a source of contamination to prevent contaminant migration.
5. Freshwater Wetlands General Permit #18, dated September 8, 2014, received from the NJDEP for Vacamas Youth Program, 256 Macopin Road, Block 12501; Lot 41.01, regarding temporary disturbance of wetlands for the rehabilitation of the existing Henion Pond Dam (NJDEP #22-18).
6. Freshwater Wetlands Transition Area Averaging Plan, dated September 8, 2014, received from the NJDEP for Chelsea Senior Residences, Block 5310; Lot 1, regarding the addition to an existing senior assisted living facility building, concrete sidewalks, concrete patio area, creating wall and grass pavers for emergency vehicle parking.
7. Notice of Violation from the NJDEP, dated August 11, 2014, received for Thomas Berry, Snake Den Road, Block 11101; Lot 23.03, regarding unauthorized regulated activities within a freshwater wetlands transition area including the placement of fill/gravel covering approximately 1530 sf, and construction of an 8 in culvert to construct a driveway.
8. Notice of Violation from the NJDEP, dated August 22, 2014, received for Ruckus Paintball–Camp Ocawasin, 623 Macopin Road, Block 13501; Lot 2 for the placement of soil and rocks covering approximately 7,200 sf for the expansion of a paintball facility.
9. Notice dated September 2, 2014 from McKittrick Engineering advising of a re-application for a Treatment Works Approval regarding World For Christ Crusade (Bethel Ranch), located at 1005 Union Valley Road, Block 7701; Lots 11 & 12, for the construction of a septic system for a facility that generate more than 2000 gallons of effluent per day to service the kitchen and dining facility, as well as a residential structure.
10. Notice dated September 2, 2014 from McKittrick Engineering advising of a re-application for a Treatment Works Approval regarding 60 Lake Park Terrace, Block 4202; Lots 7 & 8, for the construction of a septic system to service a re-constructed dwelling, with no expansion or change in use, but which will not be in conformance with N.J.A.C. 7:9A et seq., specifically the site water table is less than two feet from the surface.

Miscellaneous Correspondence Received/Sent

1. Passaic County Heritage Tourism Meeting, October 21, 2014, 6 – 8 pm at West Milford Town Hall, providing an overview of Passaic County’s Heritage Tourism Plan and Tourism Economics, RSVP–giancarlod@passaiccountynj.org.
2. Sustainable Jersey Small Grants Program Announcement – Applications due November 5, 2014.

ADJOURNMENT

Prior to adjourning, the Board Secretary provided a brief update on the status of several pending Planning Board applications. Following discussion, the Board concurred that the October 2, 2014 Planning Board meeting should be cancelled. Chairman Syme announced that the next Board meeting would be held on October 23, 2014.

With no further business to come before the Planning Board, Chairman Syme **adjourned** the Regular meeting of September 25, 2014 at **9:01 p.m.** on a **motion** made by Andrew Gargano with a **second** by Robert Nolan.

Approved: October 23, 2014

Respectfully submitted by,

Tonya E. Cubby, Secretary