

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

September 27, 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: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Luciano Signorino (7:58), Chairman Geoffrey Syme, Alternates Steven Castronova and Michael Siesta, Board Attorney Thomas Germinario, Board Planner Chuck McGroarty, Board Engineer Paul Ferreiro, P.E.

Absent: None.

Chairman Geoffrey Syme appointed Alternates Steven Castronova and Michael Siesta to sit on the Board for the vacant positions.

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 Douglas Ott.

PRESENTATIONS

Highlands Preservation Area Master Plan Element Public Hearing – Charles McGroarty, P.P., Board Planner, distributed copies of an overview that he provided regarding the Highlands Master Plan Element. Mr. McGroarty noted that the Township has complied with all the Highlands requirements, thus far, and the Board could adopt the master plan element at this meeting, and hold another hearing if changes are made in the future. Mr. McGroarty proceeded with his summary report, advising that the Township was required to follow the plan conformance that was established by the Highlands Council, and some form of the plan must be adopted. He noted that for any future development, unless an applicant meets one of the 17 exemptions, development applications would have to go through the Highlands (DEP) for approval. He further explained that the Highlands Master Plan Element was similar to a mini master plan, adding that the document was provided to the Township and changes were made that were specific to West Milford, but some of the text and data were mandatory and could not be changed even if it did not apply to the Township. Mr. McGroarty stressed that this Highlands Master Plan Element would not replace West Milford's master plan, but would be a companion master plan, and if an applicant was exempt from the Highlands, they would still have to comply with the Township's ordinances. If not, they would have to comply with the Highland's requirements. Mr. McGroarty observed that since West Milford is 1 of the 5 municipalities entirely in the preservation area, with a total of 88 municipalities in the Highlands region, some development applications may take years for approval, and he provided Oak Ridge Road Associates as an example of an application that took over 5 years to get Highlands approval before they could receive local site plan approval. Mr. McGroarty noted that Paul Ferreiro, the Board and Township Engineer, was preparing the Township's wastewater and stormwater management plans with regard to the Highlands requirements. Referencing the housing plan, Mr. McGroarty advised that an affordable housing plan had been submitted to COAH, so the Township will not be subject to any lawsuit, adding that we will be informed of any changes that are made to COAH requirements. Mr. McGroarty reviewed the summary that he prepared for the Board, advising that he made some minor corrections to the June 12, 2012 master plan element document, he removed the TDR (Transfer of Development Rights) plan since the Board did not intend to pursue this, he made changes to some of the historically designated properties with the assistance of the Historic Preservation Commission, and he removed the state development and redevelopment references and included the state strategic plan.

Chairman Geoffrey Syme opened the matter up to the public for comment. Anthony Patire, West Milford Lake owner, inquired if he could obtain a copy of the Township's Highlands Preservation Area Master Plan Element, and Mr. McGroarty responded that he would provide the revised copy to the Planning Department and the Secretary noted that it would be posted on the Township website. With no one else requesting to comment on this matter, the public portion was **closed** on a **motion** by Andrew Gargano, with a **second** by Robert Nolan.

Motion by Andrew Gargano with a **second** by Robert Nolan to **approve** the Highlands Preservation Area Master Plan Element with the revisions noted by Chuck McGroarty, Board Planner.

Roll Call:

Yes – Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Michael Siesta, Chairman Geoffrey Syme.

No – None.

Motion approved.

APPLICATIONS

EXTENSIONS OF TIME - None.

PENDING 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 and for building height. This hearing was carried from the August 23, 2012 Planning Board regular meeting.

Board Attorney Thomas Germinario advised the Planning Board that the public hearing on this matter was closed at the last Planning Board meeting on August 23, 2012. The applicant was instructed to submit revised plans and indicate the phasing that he intended to secure approval for with this site plan. Revised plans were submitted and a resolution was prepared with the conditions outlined. Mr. Germinario advised that the Board would vote to approve the preliminary and final site plan and memorialize the resolution. Mr. Ferriero noted that he did not have time to review the revised plans, but since the applicant has other approvals to secure (Highlands, DEP) Mr. Ferriero will review the plans in conjunction with subsequent approvals from other agencies. Robert Moshman, Esq., attorney for the applicant, advised that he reviewed the resolution and had no changes.

Motion was made by Councilman Luciano Signorino, with a **second** by Steven Castronova to **approve** Resolution 2012-13, granting preliminary and site plan approval for Twins Realty Group LLC.

Roll Call:

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

No – None.

Motion approved.

NEW APPLICATIONS

INSERRA/WEST MILFORD, LLC (SHOPRITE)

Amended Preliminary & Final Site Plan #PB-08-12-06

Block 6303; Lots 15 & 16

Marshall Hill Road; CC Zone

Seeking: Preliminary and Final Site Plan approval for the renovation and expansion of the existing Shop Rite Supermarket, additional retail space, construction of a new retail building in the area of the former theater, in addition to a new building façade, landscaping, lighting and improvement to the driveways and parking lot areas served by the Shopping Center. This application is amending the prior site plan application approved by the Planning Board on February 5, 2009.

John Wyciskala, attorney for the applicant appeared before the Board and provided an overview of the history of the project, advising that Inserra/West Milford had submitted an Amended Preliminary and Final Site Plan application to the Board, which proposes to amend the prior approval received from the Planning Board in December 2008, memorialized in February 2009. Mr. Wyciskala testified that the 2008/2009 approval included upgrades to the Shop Rite site for the building façade and parking lot upgrades, with stone and brick elements as well as hardy plank siding, and had incorporated the Township's and County streetscape designs, with an addition to the rear of the site. He noted that the prior approved site plan presented numerous difficulties for the applicant to complete the renovations and keep the store open for business. In the ensuing years, Mr. Wyciskala advised that they were able to work through some issues regarding a buffer with a neighboring property owner (McDonalds) and redesigned the Shop Rite complex with modifications from the previously approved plan. With regard to the parking lot area and the basic design elements on the buildings, they will remain essentially the same. With this amended plan, the applicant proposes to remove the theater building due to difficulties anticipated in renovating the existing structure, and this building will be replaced by a 7,500 s.f. building. Mr. Wyciskala noted that there was no end user at this time, but they are continuing to market the site and it is proposed to include several retail spaces, with the building to mirror the approved design for the main Inserra buildings.

William Hamilton, P.E. of Omland Engineering, was sworn in to testify, qualified himself for the Board, and proceeded to compare the prior approved site plan with the current amended plan. Mr. Hamilton noted that with the prior plan, which proposed a rear expansion, a water tank had to be relocated, much of the infrastructure was affected, and a fence had to be installed since the addition was closer to a residential area. He advised that the new addition would be placed in the front and side of the existing building, that the architectural details would be carried through from the prior approval, no change was proposed for signage, there were proposed drainage improvements, and minor changes would be made to the parking for the theater building. Addressing reports from the various professionals, Mr. Hamilton stated that there was no issue with the 4 bullet items in the Fire Marshall's report, and they are complying with the 25 foot wide lane and do not intend to change to 30 feet for all the lanes, adding that there were no changes proposed for the fire lane. He further noted that he reassessed the calculations and determined that the fire department would not need the additional space that they maintain is needed for adequate set up and maneuvering of the fire trucks. He also noted that there is 30 feet for the lead portion of the building. Mayor Bieri commented that the fire trucks are driven on normal streets and can adequately maneuver, so as long as

they have sufficient room for setting up their equipment in the front of the building, it shouldn't be an issue. Mr. Hamilton discussed with the Board the ADA requirements and recent ADA Committee request, the proposed number of van accessible and ADA spaces, and it was noted that the number of spaces proposed exceeds the number of spaces required. The Board concurred that the amended plan with the current ADA spaces should remain and not be altered, since it would result in either the landscaping aisle or another regular parking space to be lost, as well as reconfiguration of the site plan. With regard to the Police Dept. memo in which a request was made to limit a left hand turn exiting from the rear of the building onto Union Valley Road, Mr. Hamilton noted that this was not Inserra's property and they had no control over the ingress and egress at this location, but would consult with the Wells Fargo Bank, the owners of that portion of the site, and Passaic County since it is a County road. Board member Steven Castronova commented that there seem to be problems with the trucks that make left turns when exiting the site, although both cars and trucks use this location for ingress and egress. Mr. Hamilton advised that a one-way circulation for the trucks was previously approved, and Mayor Bieri inquired if a one-way circulation can be imposed on all vehicles. Mr. Wyciskala suggested that this could be a condition of approval, and Mr. Germinario suggested that a condition be imposed that the applicant is to make a reasonable effort to get concurrence on no left turn exiting the rear of the site. Mr. Wyciskala reviewed Board Engineer Paul Ferriero's report and they had no issue with most of the items and were amenable to complying with the requested items and revisions. Mr. Ferriero inquired about the parking count and suggested that Mr. Hamilton hash out one space. Board Planner, Chuck McGroarty, inquired about the entrance wall sign as well as the new freestanding sign, which, as shown on the plans, is not in compliance with the new standards that have been instituted since the applicant was before the Board in 2008-9. There was some discussion about the sign standards and Mr. Hamilton advised that they would comply with the new sign ordinance.

Board member Robert Nolan inquired about the snow removal and it was noted that this was a subject for discussion at the prior site plan hearing. Mr. Wyciskala observed that with the reduced parking area, landscaping and islands, there were not many options for temporary storage of the snow. Several options were considered, including removing the snow to the rear of the building, although it was noted that the neighboring property owners had issues with storm water drainage and this could exacerbate the situation. A Board member suggested use of a snow melting truck as a solution, but it was also noted that these vehicles could create noise issues. Board member Steven Castronova inquired about landscaping for the rear corner of the site to reduce exposure of the back of the building since the majority of the traffic travels up Union Valley Road and this is their only view of the Shop Rite shopping center. Mr. Hamilton responded that landscaping in this area has improved, but that a tree could be planted on the island to enhance the area. There was some discussion regarding the main driveway on Marshall Hill Road and a Board member inquired about a clock tower that was proposed with the previous plan, but Mr. Wyciskala stated that it was not a design feature that the applicant chose to incorporate. Mr. Wyciskala advised the Board that he was also the attorney for the McDonald's Board of Adjustment application, which proposed to tear down and rebuild the fast food restaurant on the existing site. Councilman Lou Signorino inquired when Shop Rite intended to begin construction, and Mr. Wyciskala replied that the applicant was anxious to proceed with the project.

Anthony Guzzo, architect for Inserra West Milford, was sworn in and qualified himself for the Board. He reviewed the various architectural exhibits for the site plan application, beginning with the prior approved plan, and compared it with the amended plan, noting that some of the design elements were slightly modified. He noted that the clock tower was removed, but the materials remained the same, and advised that the brick and stone features are also proposed for the retail section of the site for consistency. Mr. Guzzo testified that the proportions had been refined and two vestibules were created for easier access from the main vestibule, with the circulation plans revised for better flow. There was some discussion about the sidewalk area and ramps, and Mr. Guzzo commented that the primary entrance will be on the left of the front of the building. Mr. Castronova inquired whether the noisy metal entry mats would be used in the renovated store and Mr. Guzzo commented that they may be eliminated. Chuck McGroarty inquired about the exterior historic murals that the prior Board had approved, and it was noted that these are not proposed with the amended plan since they are typically incorporated inside the store. Chairman Geoffrey Syme inquired whether there will be outside sale of plants and flowers, and Mr. Wyciskala replied that all Township ordinances will be complied with regarding this matter. Mr. Guzzo testified on the interior changes to the store layout, noting that some areas will be relocated, an island for seafood, bakery, produce and specialty items proposed for the front interior of the building will be condensed and brought to the side. Board member Christopher Garcia inquired about the colors of the building and Mr. Guzzo observed that the applicant had chosen more natural and traditional colors, with stone and varied colored brick. Mr. Castronova commented that the deli was the busiest area, and the applicant had proposed to place it in the front near the entrance, which could pose an issue with lines, and Mr. Guzzo stated that he would take another look at the plans. Board member Linda Connolly inquired if the applicant would be using the front windows for posting sale items, and Mr. McGroarty noted that the applicant is on record that they will comply with Township ordinances regarding window signage. Board member Andrew Gargano inquired about the storage of shopping carts, and Mr. Guzzo replied that they are proposed to be stored in the vestibule, and Mr. Ferriero commented that there are some areas blocked out for shopping carts. Mr. Gargano observed that he was at a Shop Rite where there was a charge of 25 cents for the carts to encourage return to a designated area, adding that it enhanced the overall appearance of the parking lot. Mr. Wyciskala stated that he would bring the suggestion up to the owner for consideration. With regard to the shopping cart corrals, the Board suggested an earth tone color, subject to the Board professionals' approval.

With no further comments from the Board professionals or Board members, the meeting was open to the public for comment by Chairman Geoffrey Syme. With no one from the public wishing to comment on this matter, the public portion was closed on a motion by Christopher Garcia and seconded by Andrew Gargano. Mr. Germinario requested that Mr. Wyciskala provide a recap of the issues that have been addressed prior to the Board's consideration of approval. Mr. Wyciskala advised that the applicant would comply with four of the comments in the Fire Marshall's report, the applicant would make a reasonable effort to get Passaic County and Wells Fargo to agree to a no left turn designation at the rear exit of the site unto Union Valley Road, the applicant will comply with revisions to the plans consistent with Mr. Ferriero's report of September 21, 2012 including the dumpster and loading area notes, and corrections will be made to the impervious cover, etc., as well as comply with Township regulations on window signage, wall signage on the stand alone retail building, as well as incorporating earth tone cart covers.

Motion made by Councilman Luciano Signorino, with a **second** by Robert Nolan to **approve** the application for Amended Preliminary and Final Site Plan for Inserra/West Milford, PB#08-12-06 for renovation and expansion of the Shop Rite Supermarket, with additional retail space, construction of a new retail building in the area of the former theater, in addition to a new building façade, landscaping, lighting and improvement to the driveways and parking lot areas served by the shopping center.

Roll Call:

Yes – Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Luciano Signorino, Chairman Geoffrey Syme.

No – None.

Motion approved.

MEMORIALIZATIONS

RESOLUTION NO. 2012 - 13

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

Motion was made by Councilman Luciano Signorino, with a **second** by Steven Castronova, to **approve** Resolution 2012-13, granting preliminary and site plan approval for Twins Realty Group LLC.

Roll Call:

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

No – None.

Motion approved.

NEW BUSINESS

Annual Report of the Zoning Board of Adjustment – This matter was carried to the next meeting for review.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL - None.

BOARD PLANNER'S REPORT - None.

BOARD ATTORNEY'S REPORT - None.

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 and August 2012. The invoices were **unanimously approved** for payment on a **motion** by Steven Castronova with a **second** by Christopher Garcia.

Cancel October 4, 2012 Workshop/Regular Meeting

Following a brief discussion by the Board, Chairman Syme **cancelled** the Workshop/Regular Meeting scheduled for October 4, 2012.

MINUTES

The Minutes for the May 24, 2012 Regular Meeting were **approved** by those members eligible to vote on a **motion** by Steven Castronova with a **second** by Douglas Ott. Robert Nolan voted present.

The following documents were reviewed by the board and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Copy of a revised Highlands Plot Plan received August 22, 2012 from Careaga Engineering, Inc. for Surjit Singh, 555 Warwick Tpk., Block 703; Lot 3 regarding a revised coverage table required by the NJDEP.

2. Copy of a Highlands Applicability and Water Quality Management Plan application to the NJDEP, dated September 14, 2012, received from Schwanewede/Hals Engineering for Kurt Renzland, 921 Burnt Meadow Road, Block 6002; Lot 39.02 regarding the proposed construction of a new 4,250 s.f. warehouse and a 9,000 s.f. addition to an existing warehouse, with a new parking area to be installed, for a proposed impervious coverage of 85,093 s. f.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. No Further Action and Covenant Not To Sue letter received from the NJDEP, dated August 27, 2012, regarding the removal of a 275 gallon #2 heating oil underground storage tank system for 141 Point Breeze Drive, Block 2601; Lot 18.
2. Copy of an application for a GP#25 regarding the installation of a sub-surface sanitary disposal system received on September 4, 2012 for Robert Morrison, 1673 Macopin Road, Block 8401; Lot 12 from Ballester, Eid & Lapatka Inc.
3. Copy of an updated plan received on September 4, 2012 from Amy S. Greene Environmental Consultants for an NJDEP GP#10A regarding a proposed driveway for applicant Dr. Joseph Leone of Short Hills and owner George & Linda DeBoer, 22 Madison Avenue, Block 7801; Lot 62.
4. Copy of an application to the NJDEP, received August 22, 2012 from Houser Engineering, LLC for a Treatment Works Approval for the construction of an onsite wastewater treatment and disposal system for World For Christ Crusade Inc., 1005 Union Valley Road, Block 7701; Lots 11 & 12.
5. Notice from the NJDEP, dated August 21, 2012, advising of the withdrawal of an application for a GP#25 for 1316 Westbrook Road, Block 9001; Lot 2, for Jason Woyke.
6. Invitation from the NJDEP State Forestry Services, dated September 5, 2012, to attend the Shade Tree Conference on October 26 & 27, 2012 in Cherry Hill, NJ.
7. Copy of a plan received on September 4, 2012 from Amy S. Greene Environmental Consultants regarding an additional submission to the NJDEP with reference to a proposed driveway plan for Dr. Joseph Leone and George DeBoer, 22 Madison Avenue, Block 7801; Lot 62.

CORRESPONDENCE

1. Notice dated August 16, 2012 from the Passaic County Planning Department inviting the (former) Township GIS Specialist to attend a half-day work session to contribute to the development of the Passaic County Heritage Tourism Plan on September 20, 2012 at 8:30 at the Passaic County Safety Academy, Wayne, NJ. Attendance is open to invitees only.
2. Notice received September 12, 2012 from Passaic County Planning Department advising of a public hearing on the Transportation Element, a proposed element of the County Master Plan, in addition to a review of the 2012 Annual Report on the status of the County Corridor Enhancement Program.
3. Correspondence from the Passaic County Planning Board, dated September 12, 2012, regarding county site plan review for Twins Realty Group LLC, Burnt Meadow Road, advising of several conditions that must be met prior to the application being considered for unconditional approval. The conditions include: revised drainage calculations including capacity calculations for the seepage pits and addressing the impact on culvert #247 under Burnt Meadow Road; revised plans eliminating county signature block on the plans; submission of a copy of the Highlands Applicability Determination from the NJDEP; copies of any additional permits required from the NJDEP.
4. Information Notice of Section 106 Fillings received from the Federal Communications Commission, dated September 5, 2012 regarding the collocation submission packet from Crown Castle USA for a collocation at the West Milford town Hall, 1480 Union Valley Road, West Milford, NJ.
5. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan, dated August 21, 2012, certifying the plan for 3.5 years for Caruso Residence, 179 Clinton Road, Block 15601; Lot 4.
6. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan, dated August 24, 2012, certifying the plan for 3.5 years for McDonald's Restaurant #5903, 41 Marshall Hill Road, West Milford, Block 6303; Lot 14 & 15.
7. Pipeline Awareness Newsletter received from the Pipeline Association for Public Awareness, Fall 2012, Volume 7, Issue 1.

ADJOURNMENT

With no further business to come before the Planning Board, a **motion** was made to **adjourn** the Regular Meeting of September 27 at **9:40 p.m.** by Mayor Bettina Bieri with a **second** by Christopher Garcia.

Approved: January 3, 2013

Respectfully submitted by,

Tonya E. Cubby, Secretary