

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD
MINUTES**

September 27, 2018

Regular Meeting

Chairman Andrew Gargano opened the September 27, 2018 Regular Meeting of the West Milford Planning Board at 7:00 p.m. with a reading of the Legal Notice followed by the Pledge of Allegiance.

ROLL CALL

Present: Steven Castronova, Linda Connolly, Christopher Garcia, Councilman Luciano Signorino, Mayor Tim Wagner, Glenn Wenzel, Chairman Andrew Gargano.

Absent: Warren Gross, Douglas Ott, Michael Siesta, Geoffrey Syme, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero, Board Planner Jessica Caldwell.

Chairman Andrew Gargano requested that Mr. Castronova sit on the Board for one of the absent members and advised that a quorum was present to hold this regular meeting.

The public portion was opened by Chairman Gargano who advised that no comments can be taken on new or pending applications.

PUBLIC PORTION

Pat Sherry – 31 Forest Lake Drive, addressed the Board by reading from a prepared statement regarding the issue of Airbnb – Short Term Rentals in the Township. She expressed her concerns about transient renters who occupy neighboring homes for short periods of time, essentially creating commercial establishments in year round residential communities. She noted that there are safety issues for neighboring residents, as well as negative effects on surrounding property values. Ms. Sherry requested the Board to consider regulations which would limit the rentals to one month minimum, and commented on several surrounding towns that have banned the short term rentals either in entirety, or until regulations have been established. Board member Steven Castronova commented about regulations being considered that may make current homeowners more comfortable with the short term rentals including parking requirements, fire and health inspections, etc. Ms. Sherry observed that with these short term rentals, there could be two or three renters in the span of a week, and often the renters invite their friends and families, so regulations may not be observed by all the occupants.

Chairman Gargano advised those present at the meeting that the Ordinance Subcommittee has met twice to discuss this matter and to prepare a draft 11 page ordinance for review and consideration by the Township Council. He noted that the Subcommittee met prior to this meeting and requested several revisions which will be on the agenda for Board review and discussion at the end of October. He suggested that the Council may have it available for consideration in January or February. Chairman Gargano noted that even though some towns have banned short term rentals, they still exist, so the Board intends to recommend an ordinance that satisfies the requirements of the codes.

Sean Beach – 69 Lake Park Terrace, addressed the Board regarding Airbnb's, stating that he is a regular patron of the businesses for approximately 6 to 8 months a year, and is considering establishing a site at his home. He observed that the owner may be present or absent at these rental locations, and the customers are regulated by the Airbnb company. He commented that some of the homeowners are just trying to offset their high taxes by having the short term rentals, and questioned why it was an issue for renters to be at a site for two to three days a week when some of the homeowners may only be at their vacation houses on weekends. He concluded his remarks by noting that he discovered West Milford through an Airbnb site.

Chairman Gargano suggested that those residents who have comments on this matter can send them to the Planning Board Secretary and she will provide them to the Board members for consideration in drafting the ordinance for referral.

Lauren Engleman - 483 Lakeshore Drive, advised the Board that she was an Airbnb owner in Upper Greenwood Lake and hosts families on a regular basis. She supported the regulation of the short term rentals in West Milford, and noted that she currently regulates the customers herself. She observed that that one of the Airbnb customers bought a home in West Milford following a vacation here, and she commented that the customers shop locally and spend money at local businesses.

Dennis Constantine – 93 Bearfort Road, addressed the Board, advising that he rents out his home as an Airbnb facility and it helps to pay the taxes. He noted that he has return customers that bring income to the town, and if there are any issues, he is alerted by the neighbors. He observed that Greenwood Lake is a larger lake and it may attract partygoers, so he is agreeable to limited regulations being established, but he did not feel that, constitutionally, anyone can regulate what he does with his own property.

Wayne Desaulniers – 65 Lake Park Terrace, advised the Board that he is a registered Airbnb owner, and his business is regulated by Airbnb, but he is interested in the proposed ordinance to see what regulations will be included.

Kelly Rigler? (Filipowicz) – 165 Pt. Breeze Drive, addressed the Board and advised that she is an Airbnb owner who rents out her home to Airbnb customers. Her experience has been positive with the business, and it helps her pay the high taxes on her lake front property. She screens her customers carefully since they are renting the home with her family members present.

Alice Dobson – 35 Lake Park Terrace, addressed the Board and stated that she has lived in West Milford for 42 years and has been an Airbnb business owner for 4 years. She requested the Board to take into consideration that permitting the Airbnb businesses and short term rentals allows people to remain in their homes and provides income for them to renovate their dwellings and properties.

Piper Pope – 29 Forest Lake Drive, addressed the Board regarding the number of short term rentals in the Township, with an estimated 200 facilities, and expressed that there was a need for this type of business since there are no hotels in West Milford. She supported regulating the businesses.

John Bossolt (?) – 67 Lake Park Terrace, commented to the Board that he manages two Airbnb facilities in the Township and he has had only a few noise complaints. He does not want the business owners to get “killed” with regulations, and he offered to meet with Township officials to show them the facts regarding this issue.

Piper Pope – 29 Forest Lake Drive, commented that the Village of Greenwood Lake has regulations in place, but she did not want to see West Milford’s short term rental requirements limit renters to one week or longer. She feels that many customers will be lost to short term rental facilities in New York and the money will not stay in West Milford.

Mike Leswing – 161 Pt. Breeze Drive, commented that he feels short term rentals was a positive for the town.

Kai Ding – Lakeshore Dr.?, commented that he has an Airbnb and decided to buy a property here after a [short term] rental; he lives in NY City.

Pat Sherry – 31 Forest Lake Drive, advised the Board and the residents that she has nothing against the Airbnb owners since they own their homes, but she is concerned about new people continually coming and going into the neighboring homes as short term renters. She expressed that it was very unsettling and uncomfortable to have transient residents, especially with the lake houses so close in proximity to each other. She understands that it is a business for people and that these renters put money into the town, but owners of homes not being used for short term rentals also use and support local businesses.

With no one else present requesting to address the Board, Chairman Andrew Gargano **closed** the public portion on a **motion** made by Councilman Lou Signorino with a **second** by Steven Castronova, followed by a few comments from the Board members.

Chairman Gargano thanked the attendees for expressing their opinions of the Airbnb – Short Term Rental issue. Councilman Lou Signorino commented that he was happy to hear the remarks on this issue and he looked forward to reviewing the draft ordinance. Chairman Gargano advised that the Ordinance Subcommittee had just received the draft ordinance that night and they were trying to make sure that it was compliant with Health, Fire and Zoning before the Board discusses it at the next regular meeting. Board member Chris Garcia noted his impression was that the short term rental was a mechanism for people who were struggling in these economic times, adding that we need more people (and restaurants) to come to West Milford to help improve the local economy.

APPLICATIONS

NEW APPLICATIONS – None.

PENDING APPLICATIONS – None.

MEMORIALIZATIONS – None.

NEW OR ONGOING BUSINESS

West Milford Board of Adjustment 2016 Annual Report – This matter is under review by the Ordinance Committee.

Bed & Breakfast and AirBNB Facilities – Chairman Gargano advised that this matter has been under review by the Ordinance Subcommittee and should be ready for discussion at the next regular meeting.

Horses and Farm Animals - Chairman Gargano advised that a review was being conducted by the Ordinance Subcommittee on the current ordinance regulating the keeping of horses based on a referral from the Township Administrator. This matter may be discussed by the Board at the next meeting on October 25, 2018.

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

Invoices

The Planning Board professionals’ invoices from July/August 2018 were unanimously **approved** on a **motion** by Steven Castronova with a **second** by Chris Garcia.

MINUTES

The Minutes from the July 26, 2018 regular meeting were **unanimously approved** by the Board members who were present at that meeting, on a **motion** by Glenn Wenzel and a **second** by Linda Connolly.

CORRESPONDENCE RECEIVED:

The following correspondence items were reviewed and filed:

Highlands Water Protection and Planning Act Correspondence

1. Highlands Applicability Determination application submitted by Dynamic Engineering on behalf of Kingwood Flex, LLC, dated August 30, 2018, regarding Block 6401; Lots 1 & 3, 1592 Union Valley Road/New Jersey Avenue, requesting an Exemption #4 for building improvements proposed for a Doller Tree retail store and associated site improvements at an existing mixed use retail, office and apartment building site. Project will include modifications to the existing building, lighting, landscaping, grading, walkways, driveways, utilities, parking, and associated items.

NJ Department of Environmental Protection Correspondence

1. Correspondence from the NJDEP, dated August 6, 2018, to the City of Newark Dept. of Water & Sewer Utilities, regarding Cotter’s Brook Diversion Dam, NJ Dam File No. 22-39, advising that the Dam will remain classified as a Class III low hazard dam, with sufficient spillway capacity to safely pass the 100 year, 24 hour Type III storm event. In addition to regular inspections every four years, maintenance activities and update of the Maintenance Manual should proceed.

2. NJDEP Flood Hazard Area (FHA) General Permit #6 and FHA Verification, dated August 9, 2018, regarding 38B Lexington Lane, for the total permanent disturbance of 3,644 s.f of riparian zone vegetation for the construction of a single family dwelling, associated driveway, garage, well and septic partially in the riparian zone of the Sawmill Pond Brook.

3. Suspected Hazardous Discharge notification from the NJDEP, dated August 4, 2018, regarding 203 Stephens Road, Block 15001; Lot 5, and the removal of one 2000 gallon non-regulated UST, with clean-up pending.
4. Suspected Hazardous Discharge notification from the NJDEP, dated August 5, 2018, regarding the Clinton Road area and Tennessee Gas Pipeline, for the venting of an 8-inch and 24 inch gas line for maintenance.
5. NJDEP No Further Action notification, dated August 3, 2018, regarding Block 8201; Lot 16, 1895 Macopin Road, for the removal of three 1,000 gallon and one 550 gallon #2 H.O. UST.
6. NJDEP No Further Action notification, dated August 23, 2018, regarding Block 8802; Lot 8, 50 Sweetman Lane, for the removal of one 550 gallon #2 H.O. UST.
7. NJDEP No Further Action notification, dated August 30, 2018, regarding Block 15001; Lot 5, 203 Stephens Road, for the removal of one 2,000 gallon #2 HO UST.
8. Response Action Outcome, dated September 6, 2018, received from Viridian Environmental Consultants, regarding Delta Service Station, Preferred ID 030578, 1850 Route 23 N, Block 13602; Lot 2, advising that the remediation for two 4,000 gallon unleaded gasoline and one 3,000 gallon unleaded gasoline UST have been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites (NJAC 7:26C).
9. Suspected Hazardous Substance Discharge notification from the NJDEP, dated July 24, 2018, regarding the intersection of Hewitt Road and Lakeshore Drive, Block 1908; Lot 1, advising of a spill of hydraulic fluid due to a leak in a bucket truck from Orange and Rockland Utilities; DEP # 18-07-23-2030-18; cleanup was pending.
10. Response Action Outcome, dated July 23, 2018, received from EWMA, regarding the Village Garage, Block 12403; Lot 1, 101 Otterhole Road, advising that remediation for ground water impacts associated with one 6,000 gallon leaded gasoline UST, and one 6,000 gallon unleaded UST has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites (NJAC 7:26C).

Miscellaneous

1. HEPSCD certification of a soil erosion and sediment control plan, dated August 30, 2018, for Block 6101; Lot 26, 46 Moore Road, regarding a single family dwelling demolition and rebuild.
2. HEPSCD certification of a soil erosion and sediment control plan, dated July 5, 2018, for Messineo Virginia SFD, Block 10002; Lot 1, 11 Virginia Lane.
3. HEPSCD certification of a soil erosion and sediment control plan, dated July 26, 2018, for Bos Lakeside SFD Reconstruction, Block 3107; Lot 12, 384 Lakeside Rd.
4. HEPSCD certification of a soil erosion and sediment control plan, dated July 12, 2018, for Aikey Leslie SFD, Block 9501; Lot 19.07.
5. HEPSCD certification of a soil erosion and sediment control plan, dated July 5, 2018, for Williams Virginia SFD, Block 1002; Lot 14.
6. New Jersey Planner Newsletter, July/August 2018.
7. NJ Planning Officials Mandatory Training Courses, Fall 2018.

ADJOURNMENT

Prior to adjourning, the Board concurred that the October 4, 2018 meeting should be cancelled. The next regular meeting will be held on October 25, 2018.

With no other matters to be brought before the Planning Board, Chairman Andrew Gargano **adjourned** the regular meeting of September 27, 2018 at 8:00 p.m. on a **motion** made by Steven Castronova with a **second** by Councilman Lou Signorino.

Approved: October 25, 2018

Respectfully submitted by,

Tonya E. Cubby, Secretary