

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

MINUTES

October 2, 2008

REGULAR MEETING

The regular meeting of the Planning Board was opened at 7:34 by Chairman Andrew Gargano with a reading of the Legal Notice followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano, Alternates Michael Siesta, Kerry Goceljak, Board Planner Charles McGroarty, Consulting Engineer John Hansen, Board Attorney Thomas Germinario, Land Use Administrator Dorrie Fox,.

Absent: None.

Chairman Gargano introduced Dorrie Fox, the Township's new Land Use Administrator, and welcomed her on behalf of the Board.

PUBLIC PORTION

Jim Novack – Larchmont Drive – Mr. Novack addressed the Board about his concerns that handicapped striping and signs do not comply at numerous sites in town, including Town Hall. He added that the businesses are not using the proper paint and asked that the two Boards consider including an item on the checklist for compliance. The Chairman suggested that the Zoning Officer be asked to look into this matter.

With no one else present wishing to address the Board on matters other than those on the agenda, the Public Portion was closed on a **motion** by Chris Rosica and a **second** by Steven Castronova.

SITE PLAN APPLICATION REVIEW WAIVERS – None.

APPLICATIONS

CARRIED APPLICATIONS:

AWOSTING ASSOCIATION INC.

Minor Subdivision #0810-1984

Bulk Variance #0830-0807

Block 4106; Lot 1

99 Long Pond Road; LR Zone

Chairman Gargano announced that the Awosting Association, Inc. minor subdivision and bulk variance application would be carried to the October 23, 2008 meeting. Mr. Germinario advised that there would no further notice to the public required.

INSERRA/WEST MILFORD, LLC (SHOPRITE)

Preliminary & Final Site Plan #0720-0308AB

Bulk Variance #0730-0793

Block 6303; Lots 15 & 16

Marshall Hill Road; CC Zone

Seeking preliminary & final site plan approval and variance relief for expansion of existing supermarket and improvements to Shopping Center.

The applicant, Inserra/West Milford, LLC (ShopRite) was represented by John Wyciskala, Esq. who addressed the Board regarding the concept plans that were reviewed at this meeting. He advised that the applicant's professionals worked diligently to revise the plans to address the concerns and comments of the Board and public that were voiced at the public hearing on September 25, 2008. Some of the changes suggested have been included in the revised plans and the applicant was presenting a concept plan at this meeting in order to get feedback from the Board and the Board's professionals before they are incorporated into the site plans. Included in the revisions were changes in the streetscape along the front, and the location of the water tank and utility building. Bill Hamilton of Omland Engineering, professional planner and landscape architect, and Anthony Guzzo, the applicant's architect, were present to address the Board about the concept plans. Mr. Wyciskala noted that variances would not be covered at this meeting.

William Hamilton, P.P. was sworn in by Board Attorney Thomas Germinario and presented his qualifications for the Board. He noted that he had testified before the Board in July on a conceptual basis for the applicant. He noted that he sat in the audience at the prior week's hearing and listened to the comments of the Board and residents. He presented **Exhibit A-4 - Concept Layout Plan**, dated 09-30-08, representing parking lot alterations to provide a 10-foot planting area, reconfigured parking along Marshall Hill Road to accommodate snow removal, and additional plantings along the main entrance to the facility, adding that it will not impact traffic circulation. To Mr. Wyciskala's inquiry about obstruction of view for ingress and egress, Mr. Hamilton replied that there will be a better vantage point with this new design. 18 handicapped parking spaces have been added, exceeding the requirements, and there are stop bars for each aisle. An 8-foot high solid wood fence has been designed for the rear of the property. With regard to landscaping, he indicated that there is a

significant slope and there isn't much room for landscaping, so at this time only the fence is planned for the rear. With respect to the loading docks, the engineers worked out turning templates for the trucks and indicated on exhibit A-4 the diagram for the turning flow. One loading area is eliminated, and they are proposing to remove some parking by the Wachovia Bank to allow trucks to maneuver onto Union Valley Road. In response to the concerns about drainage issues and the skateboarders using the parking area behind the theater, the applicant is proposing to remove the pavement and make it a gravel area. Board member Rich McFadden expressed concerns that the gravel will wash into the inlets, to which Mr. Hamilton replied that they are still working on the curbing and drainage. He noted that, overall, the reduction in impervious cover on the site will be ¼ acre. Clinton Smith inquired about a culvert, and Mr. Hamilton replied that additional measures are being looked at. He continued to testify on the concept plan, noting one loading dock in the rear of the building and a one-way traffic pattern. Mr. McFadden recommended continuing the sidewalks across the driveway entrances, and Mr. Hamilton confirmed that they will be doing this, but it is not depicted on the plan. There will be significant revisions to the landscape plan, lighting, etc. that will be in conformance with the Township's streetscape standards, and they will be in contact with the Township Engineering Department regarding this. Mr. Germinario advised that the Township's landscape architect, Michael Hakim of Hakim Associates, should be contacted for review of their plans before finalizing them.

The Chairman inquired how much parking will be lost, and Mr. Hamilton replied that 27 spaces have been removed from the plan presented the week before. The Mayor inquired about the narrowness of the parking stalls, and the Board discussed the widths with the applicant's expert, who noted that the standard is 24 to 26 foot wide, and Mr. Hansen, the Board Engineer, confirmed this. The Mayor requested signage for deliveries only in the rear, and Mr. Hamilton commented that this should not be a problem to include. Board members inquired about the use of sound barriers instead of a wooden fence, and Mr. Hamilton replied that the cost for this would be astronomical. A Board member commented on wood fences being difficult to maintain, and Mr. Hamilton noted that other options will be discussed with his client. There was discussion about dumpster locations and enclosures, and possible installation of evergreens along the fence. Mr. Hamilton advised, as a landscape architect, that evergreens along the fence would not help much for noise reduction. Mr. McGroarty, Board Planner, advised that there are fences with acoustical panels within the fence for sound proofing that has been used in some cell towers. Mr. Hansen inquired why gravel was being used behind the theater instead of vegetation, and Mr. Hamilton replied that gravel is considered impervious cover by the Highland's standards, and the applicant wants to maintain the impervious cover in the event that it is needed in the future. The Board discussed parking space sizes, curbing (belgium block), the option of installing brick speed tables, and crosswalk materials.

Mr. McGroarty noted that in addition to variances discussed at the next meeting, the applicant should be prepared to address lighting in the rear which needs to be redesigned with security lighting that is consistent with the ordinance, enclosed with a 90-degree angle, underground utilities that are consistent with the ordinance standards, and signage. Mr. McGroarty inquired about the two lots and Mr. Wyciskala replied that they are separate. The Board Planner stated that two signs are permitted for the site as it consists of two separate lots. The Chairman inquired about dumpster pickup times, delivery times, streetsweep times, and regular long haul trailer delivery times. Mr. Wyciskala advised that the architect will only be able to touch briefly on these topics, but the applicant is cognizant of the issues. The Mayor inquired about the icing from roof runoff from the drains, and Mr. Hamilton replied that the roof leaders may be tied into the existing drainage system. Rich McFadden suggested that these drain into a drywell, and Mr. Hamilton said he would pass that suggestion on to the engineer. Response to inquiries about the movie theater site having few improvements, Mr. Wyciskala advised that the future of the site is in question, so the changes will be minimal, with exception of the façade. Mr. Hamilton advised that screening of the dumpsters from Union Valley Road either individually or grouping them will be looked at. Councilman Weisbecker inquired about the number of dumpsters per unit being proposed. Mr. Wyciskala noted that this will be addressed by the architect, and Mr. Hamilton added that this is an existing facility that is being renovated, but that he will speak with the owner and address it with the new submission. Mr. McFadden suggested that a recycling dumpster should be included, especially if clustering the dumpsters.

The Chairman opened the meeting to the public. The following addressed the Board about their concerns:

Ray Kilgallon – 48 Adelaide Terrace – Mr. Kilgallon inquired about the proposed location of the water tower and utility building. Mr. Hamilton responded that the water tower would be 145 feet from the property line and the utility building would be 100 feet from the property line. Mr. Kilgallon questioned the location and whether the two structures could be moved to a grassy area, to which Mr. Hamilton replied that they could not. Another issue was whether two smaller towers could be used, and the applicant replied in the negative due to fire safety requirements. The resident inquired about the contents of the utility building and the noise level produced by the machinery to be housed in the building. Mr. Wyciskala replied that this information will be provided at another meeting. Mr. Kilgallon commented about the debris from the uncovered dumpsters and the garbage along the fence. He requested a concrete fence be erected instead of a wooden fence to help screen against noise and also for easier maintenance. He stated that he was opposed to anything but stone or concrete, adding that although the cost would be higher, Shop Rite “was not exactly hurting.” He also

commented about poor drainage on one section of the property and suggested a retention basin. Mr. Hamilton noted that they will look into the drainage matter and try to rectify it. The size of the existing and proposed parking spaces was discussed. The Chairman inquired about the linear footage of the fence proposed by the applicant. Mr. Hamilton replied that 750 feet of fence was proposed from Shop Rite to the movie theater. Mr. Hamilton advised that the architect would also have information on the location of the electrical service.

Pete Oselador – Heather Lane – Mr. Oselador thanked the Board and Shop Rite for reworking the plans so quickly. He advised the Board that he does not want a wooden fence and asked the applicant to construct a cinder block fence. The Chairman commented that his father was a bricklayer and he knows that this would be a tremendous cost. The Mayor suggested an interlocking concrete block fence. Mr. Oselador commented on two evergreens that thrived after he replanted them and requested that evergreens be considered for screening and noise along the fence area. The Chairman commented that the applicant could consider a combination of masonry and wooden fence. Mr. Germinario advised that Michael Hakim, landscape architect for the Board, will have suggestions.

Jim Novack – Larchmont Drive – Mr. Novack made comments about the McDonald's use of the Inserra parking spaces and the garbage that is produced by the fast food restaurant and advised the applicant to look into any agreement they may have with regard to parking and keeping the site clear of debris. Mr. Novack inquired about the size of the utility building, and the noise levels produced by equipment in the building. Mr. McGroarty referenced Section 500-77d of the local town codes with regard to the noise ordinance. Mr. Novack asked the Board to recommend the dumpsters be emptied after 8:00 am. The Chairman replied that this matter has been discussed and it will be a condition of approval. Mr. Novack requested more handicapped spaces directly in front of the Shop Rite. A suggestion was made to depict the existing and the proposed handicapped parking. Mr. Hamilton noted that the applicant has exceeded the required handicapped parking spaces. He will address the issues with the Construction Official and the ADA official for the Township.

With no one else present wishing to be heard on this matter, the public portion on the testimony on the planning concept plans was closed on a **motion** by Chris Rosica with a **second** by Councilman Weisbecker.

Councilman Weisbecker commented on the fence area and suggested a berm with a fence on top. Mr. Hamilton replied that there wasn't enough room for a berm and that the slope was too steep to accommodate this.

Anthony Guzzo, Architect for the applicant was present to address the Board, and was sworn in by Mr. Germinario and qualified by Mr. Wyciskala. Mr. Guzzo revealed **Exhibit A-5 – Proposed Front Elevations of Shop Rite, Retail Stores and Bank, Retail Stores and Theater**, dated 10-02-08 and **Exhibit A-6 – Proposed Fixture Plans & Elevations for Shop Rite**. Mr. Guzzo testified that the existing Shop Rite was constructed in the 1960's and he stressed the need for upgrades, especially from an architectural standpoint, and due to its prominent location in the center of town. He noted that the shopping center is fairly long and many elements were needed, from an architectural standpoint, to break up the expanse and bring more visual interest. Multiple access points were included for entrance and exit to the Shop Rite store, a clock tower was added for a decorative element, and a variety of materials would be used in the renovation. He identified the arches and columns that were part of the design, and when asked if they were structural, he replied that the majority of them were structural, enclosing existing steel supports. The walkway along the storefronts would be canopied with lighting. Mr. Rosica addressed Mr. Guzzo regarding the building design, stating that feedback was given by the Board in prior meetings and these design suggestions were apparently not heeded by the applicant, adding that the building concept resembled something that would be constructed on Route 46. Mr. Wyciskala advised the Board that their comments did not fall on deaf ears, and they understand that the Board wants something that is more in keeping with the proposed streetscape, but a streetscape plan has not been approved. Aside from the clipboard that the Board suggested, various other design elements suggested were incorporated. There was some discussion about the design criteria, and the applicant's attorney advised that they did not have anything in writing or anything specific required by the Township. Mr. Ott inquired if an alternate design was possible, adding that the Walgreen's building originally looked similar to the proposed Shop Rite before design changes were made. Mr. Guzzo testified that the design elements that the Board proposes are not appropriate for such a large building and are more conducive to a small building. Councilman Weisbecker requested that the Board's design requests be incorporated into the proposed plan, adding that the Board does appreciate the effort made by the applicant to try to work with them on this project. Mr. Guzzo reviewed the materials to be used, including brick and artificial stucco, noting that the applicant was retrofitting the building and trying to reuse what they could with refacing. A Board member requested clearer renderings to identify the windows on the storefronts. Mr. Guzzo advised that the signage requirements are still being investigated. With regard to the design changes, Mr. Wyciskala stated that this was the design that Inserra had authorized and it had been on file for over a year, and they were not aware of any document with specific design criteria. A Board member referenced a document [later identified as "A Vision Plan For West Milford", dated August 2006] and inquired whether the applicant had been aware of it, to which Mr. Wyciskala replied that they had not. The Chairman noted that the Board was looking for something different than what was being presented. The Mayor observed that perhaps a former employee had not

provided the necessary information to the applicant in regard to the building design standards. Mr. Weisbecker commented on the town center project. Mr. Wyciskala advised the Board that there were numerous communications in the past week between the professionals regarding revisions to the plans in an effort to address concerns and suggestions that were expressed at the last hearing. In response to a Board comment that the proposed building lines are too harsh, Mr. Guzzo noted that during revisions they will attempt to soften the lines architecturally.

Mr. Guzzo reviewed Exhibit A-6, the proposed interior layout of the Shop Rite. He testified that part of the front square footage will be removed, so the resulting addition will be about 7500 sq feet. All interiors will be redone with a coffee area, an expanded produce area, new checkouts, new ceilings, a specialty food market, and dairy storage in the addition. For the loading areas for refrigerated foods, one will be maintained and one will be eliminated. With regard to truck delivery times, he advised they are on a fixed schedule and deliver between 7:00 am and 8:00 pm, and only deliver later if they are behind in schedule. Chairman Gargano inquired about a refrigerated truck at the site, and Mr. Guzzo replied that it would occur rarely, more probably on holidays, and they would possibly be powered by electric. Mr. Gargano noted that often diesel trucks are used for refrigerated items that are temporarily stored and they are very noisy. Mr. Wyciskala commented that this would be looked into. The Board Planner, Mr. McGroarty, inquired why the loading dock was being kept in the back as it does not meet the ordinance, and Mr. Guzzo replied that the owner needs to keep this dock and platform, and made reference to the grade being higher in another area. Mr. Guzzo reviewed other changes to the interior, including lighting, ADA compliant bathrooms in the front of the building, and a pharmacy. With respect to the second entrance, Mr. Guzzo reviewed the ramp that would provide access to the store and the ADA parking near the entrances. Mayor Bieri inquired about the 90-degree angle planned for exiting the store and Mr. Guzzo replied that the space was increased to allow maneuverability. Sliding doors will not be used due to the resulting temperature differential, making them inefficient. Michael Siesta inquired about the mezzanine area in the addition and Mr. Guzzo replied that this was a mechanical mezzanine for the compressors, adding that a slight bump-out might result on the roofline with the condensing equipment. In answer to the cart storage location, Mr. Guzzo testified that it will be located under a canopy. The Mayor commented on the metal entrance pad in the existing store and inquired whether it will be replaced due to the noise created with the shopping carts rolling over the grooves. Mr. Guzzo said he will review this.

The Chairman opened the meeting to the public. The following addressed the Board about their concerns:

Jim Novack – Larchmont Drive – Mr. Novack inquired about outside storage sales and Mr. Guzzo replied that they will continue in a covered area, off the parking lot. Mr. McGroarty advised that if this is allowed to continue, the plans should indicate where the outside storage and sales will occur. A Board member commented about the covered storage of pallets of peat moss, fertilizer, etc., and Mr. Guzzo replied that this will be addressed on the plans.

With no one else present wishing to be heard on this matter, the public portion on the testimony on the planning concept plans was closed on a **motion** by Chris Rosica with a **second** by Councilman Weisbecker.

Councilman Weisbecker advised the Board and the applicant that the sign ordinance and noise ordinances are being discussed by the Council. Mr. Wyciskala requested that testimony on this application be carried until the November 6, 2008 Planning Board meeting, stating that the professionals needed some time to make changes to the engineering and architectural plans based on the comments of the residents, Board professionals and the Board. Mr. Hansen, Board Engineer, advised the applicant that at least 10 days were needed to review any new plans. This matter was carried to the November 6, 2008 Regular meeting of the Planning Board.

MEMORIALIZATIONS – None.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD ATTORNEY'S REPORT

Board Attorney Tom Germinario reported that he had left several messages for the attorney for Living Word Alliance Church, John Barbarula, and has had no reply, and therefore had nothing new to report on this matter.

Mr. Germinario reported that he had not been paid for any litigation. The Board Secretary advised that there were no provisions in the original contract for litigation. The Township Treasurer had confirmed that there are sufficient funds in the account for Mr. Germinario for litigation, and this matter will be rectified at the next meeting with an amendment to the contract.

PLANNER'S REPORT

Mr. McGroarty had nothing new to report at this time.

MISCELLANEOUS

Chairman Gargano reported that the Board had been provided with copies of the Township Council draft email policy. Board members were asked to review the policy and be prepared to make comments on this matter at the October 23, 2008 Planning Board meeting.

SUBCOMMITTEE REPORTS

MASTER PLAN SUBCOMMITTEE – None.

ORDINANCE SUBCOMMITTEE – The Chairman announced that the Ordinance Subcommittee meeting is scheduled for November 6, 2008 at 5:00 p.m.

BUILDING DESIGN SUBCOMMITTEE – None.

SITE PLAN COMMITTEE – None.

MINUTES

Mr. Germinario advised that the Closed Session minutes for April 24, 2008 and May 22, 2008 may be approved for release to the public after the Board adopts them. Upon inquiry from the Mayor whether the minutes were detailed enough, Mr. Germinario stated that more detailed minutes will be before the Board for adoption and will be made available for release to the public when the matters have been resolved.

Motion by Steven Castronova with a **second** by Douglas Ott to approve the Closed Session Portion minutes of the April 24, 2008 Regular meeting and the May 22, 2008 Regular meeting, as amended, to reflect Andrew Gargano as Chairman, not Councilman.

Roll Call: **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica (May 22, 2008), Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.
 No - None.
 Abstain – Chris Rosica on April 24, 2008

Approval of minutes of the July 24, 2008 Regular meeting of the Planning Board was carried to the next meeting.

COMMUNICATIONS

1. Notice of application received September 22, 2008 from Buchart Horn, Inc. regarding Route 23 over Pequannock River - Hamburg Turnpike Bridge Repair.
2. Copy of letter from NJ DEP dated September 15, 2008 to Anthony Patire, Marshall Hill, LLC, regarding the West Milford Lake Dam, granting an extension of time until November 12, 2008 for submission of a detailed schedule for complete repair or permanent removal of the dam, and requesting the owner to contact their office to discuss the matter.
3. Notification from the NJ DEP Site Remediation Program announcing new regulations regarding contaminated sites, notification and public outreach. New requirements include notification of local health officials, municipal clerks, and residents within 200 feet of the subject property. The web site for more information is www.state.nj.us/dep/srp/community/public.htm.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Copy of letter from NJ Highlands Council regarding the Highlands Regional Master Plan, notifying municipalities of CD's and DVD's that will be distributed containing requirements and reports for conformance. Additionally, the Council advised municipalities on matters of Initial Assessment Grants, Notice of Intent, Regional Planning for Affordable Housing and Extension Request to COAH.

ADJOURNMENT

With no further business to come before the Planning Board, the meeting was adjourned at 10:23 pm by unanimous consent on a **motion** by Mayor Bettina Bieri with a **second** by Geoffrey Syme.

Approved: November 6, 2008

Respectfully submitted by

Tonya E. Cubby, Secretary