

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**October 7, 2010**

**Workshop Meeting**

The Workshop Meeting of the Planning Board was opened at 8:25 pm by Chairman Andrew Gargano with a reading of the Legal Notice.

**ROLL CALL**

**Present:** Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta (LE 9:40), Chairman Andrew Gargano, Board Planner Charles McGroarty, P.P., John Hansen, P.E. (LE 9:30).

**Absent:** Thomas Harraka, Board Attorney Thomas Germinario, Esq.

Chairman Gargano requested Michael Siesta to continue to sit on the Board in the vacant position.

**PUBLIC PORTION**

The Public Portion was opened by Chairman Gargano. The following addressed the Planning Board:

Doris Aaronson – 19 Bearfort Road – Ms. Aaronson requested that the MUA be required to upgrade their Highview facilities with regard to sewer service.

With no one else present wishing to address the Planning Board, the Public Portion was closed on a **motion** by Douglas Ott and a **second** by Councilman Weisbecker.

**DRAFT SIGN ORDINANCE**

Chuck McGroarty reviewed his memo of October 4, 2010 regarding the Draft Sign Ordinance. He suggested that the sign regulations be located in one area in the zoning ordinance, and also the addition of a new definition for an electronic message center upon the determination of the Board to permit or prohibit them. Mr. McGroarty made several suggestions to formatting, including the removal of many of the footnotes and eliminating repetitious language. He inquired whether the Planning Board considered permitting lake community signs due to the numerous lake communities present in the Township and because of several requests by residents. He noted that he did not address sandwich board signs (temporary and portable signs), as this matter seems to have worked itself out for now as evidenced by the uniform signs at the Bearfort Shopping Center. Board member Michael Siesta inquired about the special economic development area by the airport, and Mr. McGroarty replied that many of the areas fall under public lands. Mr. Siesta commented that he was leery of not permitting window signs in all areas and Mr. McGroarty advised that window signs would not be permitted in the office transition zone. Mayor Bieri inquired about the sandwich board signs and Mr. McGroarty read from the L.D.O. under the section for portable or temporary signs. Councilman Weisbecker suggested an amendment to make the terms for temporary signs more uniform, and Mayor Bieri agreed that the standards should be set in the ordinance. Mr. McGroarty replied that he had not seen the size or type of sign regulated except in an historic district, adding that the size can be established, but not the color or style. The Board discussed various matters with regard to the signs, including the number per business, spacing between signs, visibility based on the speed limit and distance from the road, and whether home occupation signs were permitted. The Board also discussed the use of banners and flags at businesses. Following discussion, the Board concurred that 15 feet between signs with a maximum height of 4 feet was appropriate. Mr. McGroarty advised that he would go through the sign ordinance and re-organize and simplify the language, in addition to researching some of the issues raised by the Board before referring it to the Township Attorney and Council. Mayor Bieri suggested that Mr. McGroarty plan to attend the November 3, 2010 Council meeting to discuss the proposed sign ordinance.

**Motion** by Councilman Weisbecker with a **second** by Chris Garcia to refer the draft sign ordinance to the Township Council. The Planning Board voted unanimously to refer the sign ordinance to the Township Council for review, discussion and introduction.

**MASTER PLAN RE-EXAMINATION REPORT AND RE-ZONING**

Chuck McGroarty began discussing the Master Plan Re-Examination Report and Re-Zoning by noting that there appeared to be some problems with names of ownership for properties designated for the recreation (ROSI) list. He explained that these properties, if under ROSI, are purchased by Green Acres, and ownership needs to be determined, but added that some of the problems may be title transfer issues. He noted that he left certain properties unnamed in the ordinance until the matter could be clarified. He continued by stating that the Township's anniversary for a Re-Examination Report was due last year, but the Township had determined that because of the Highlands Master Plan process, the Re-Exam could be delayed until after the adoption of the Highlands MP. Unfortunately, he noted, if re-zoning is attempted without a Re-examination report, the Township would have extensive noticing requirements to fulfill, and that our position would be more defensible if we state in a Re-Examination report why re-zoning is necessary. Mr. McGroarty stated that he had contacted Eileen Swan of the Highlands Council and she advised that the Highlands grant would not pay for the re-examination or re-zoning costs and suggested that it be done in conjunction with the Highlands Master Plan. Mr. McGroarty also advised that Fred Semrau, the Township Attorney, requested the Planning Board to go through with re-zoning due to litigation issues with certain properties. Mayor Bieri concurred, adding that zoning was not considered part of the Highlands Master Plan conformance. Chairman Gargano commented that he did not have a

problem with the Board incurring the cost of the re-zoning because the Township Attorney had requested that it be done and found it to be in the best interests of the Township. Councilman Weisbecker cautioned about money being spent if it was not necessary, and also inquired about COAH obligations being affected. Mr. McGroarty replied that from COAH's standpoint, the units do not exist based on the history of the sites. Mayor Bieri commented that the Board has to pay for services performed already with regard to this matter, and inquired how much more time and money was needed to complete the process. Mr. McGroarty advised that he did not need to spend much time on the Re-Examination Report, and that another day's labor would be needed. Chairman Gargano stressed that the Township Attorney has addressed this matter multiple times with the Council. Mr. McGroarty commented that he has known Mr. Semrau a long time and that he is a cautious attorney, and is not prone to frivolous action or recommendations. He further advised that he will coordinate the Master Plan Amendment with the Board Secretary with regard to noticing requirements, and also advised that the Public Hearing on this matter would be held at the October 28, 2010 Planning Board meeting.

### **MISCELLANEOUS**

Chairman Gargano advised that Paul Ferriero, P.E. was the Interim Township Engineer and suggested that the Board get an update from him about the Streetscape project.

Mr. McGroarty noted that he received a phone call from COAH and they started their review of the Township's Fair Share and Housing Plan. He expressed an opinion on their procedures, and noted that COAH disagrees with the position that Highland's towns should have a lower number of COAH obligations.

### **The following were reviewed by the Planning Board and filed:**

#### **COMMUNICATIONS –**

1. Notice from the Borough of Wanaque of an amendment to Ordinance #2-0-06 regarding amendment to the zoning of the Borough of Wanaque Code to include said municipal parcels Block 437; Lots 1.02 and 1.03 to the Ringwood Avenue Service Business Zoning District.

#### **HIGHLANDS WATER PROTECTION AND PLANNING ACT – NJ DEP**

1. Highlands Act - Exemption # 4 – Water Quality Management Plan – Not Addressed received from the NJ DEP dated September 7, 2010 for Peter Anoll, AT&T Wireless – W-1054, Block 4601; Lot 22, Greenwood Lake Tpk, for the placement of a GPS antenna, an ice bridge, and radio equipment on an existing 124 foot monopole.

2. Notice of an application dated 09/24/10 for a Highlands Applicability Determination for Alan and Giannella Buffalino, 30 Misty Lane, Block 14301; Lot 14.01, for the construction of a single family residence, driveway, and septic on a 4.04 acre property.

3. Copy of an Application for a Highlands Applicability Determination for Lone Pine Lane/Split Rock Road, Block 5306; Lot 4.02 with Lot Disturbance Plan.

4. Treatment Works Approval #09-0256a received from the NJ DEP, dated August 17, 2010, for Shiloh Bible Camp, 735 Burnt Meadow Road, Block 6002; Lot 47, for the replacement and operation of a treatment works facility, valid for a period of 2 years.

5. Notice from the NJ DEP dated August 31, 2010, with regard to the Nosenzo Pond Dam Repair (NJDEP File #22-241), advising that an inspection of the as-built plans, completion report and a site inspection resulted in several matters that must be addressed.

6. Notice dated September 12, 2010 for a Freshwater Wetlands Application submitted by Patrick Restaino, 108 Timber Lane; Block 14901; Lot 26, for a general permit to repair a septic system.

7. Notice from Houser Engineering, dated September 29, 2010, regarding an application for a Freshwater Wetlands Application - general permit – for repair of a septic system at 21 Grove Street, Block 16004; Lot 14.

### **ADJOURNMENT**

With no further business to come before the Board, the Planning Board Workshop Meeting of October 7, 2010 **adjourned** at **10:04 pm** on a **motion** by Councilman Philip Weisbecker with a **second** by Linda Connolly.

Approved: December 2, 2010

Respectfully submitted by,

Tonya E. Cubby, Secretary