

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

October 23, 2014

Regular Meeting

Chairman Geoffrey Syme opened the October 23, 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.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Chairman Geoffrey Syme, Alternate Michael Siesta.

Absent: Andrew Gargano, Robert Nolan, Douglas Ott, Councilman Luciano Signorino, Glenn Wenzel, Alternate Steven Castronova, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero, Board Planner Charles McGroarty.

Chairman Syme 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

Chairman Syme opened the Public Portion of the meeting. The following addressed the Board:

Richard Randazzo, 278 Wooley Road, inquired whether several questions and comments that he emailed to the Board Secretary had been received, and the Board Secretary advised that they had been forwarded to Matt Mulhall of M2 at the direction of Mr. Germinario, and to date, we had not received a response from Mr. Mulhall to the inquiries submitted. Mr. Randazzo addressed the Planning Board regarding possible amendments to the aquifer-testing ordinance, based on his personal experience with the recent well testing related to the proposed subdivision off Wooley Road. Mr. Randazzo had been informed that changes to the aquifer testing ordinance had to be recommended by the Planning Board, so he made the following suggestions for consideration: 1) Currently, residents within 550 feet of a particular aquifer test site have the opportunity to have their wells monitored during the testing phase, and the applicant must test a minimum of 3 wells - Mr. Randazzo requested that the ordinance be amended to state that it was at the discretion of the hydrogeologist to determine the minimum number of wells to be tested; 2) Mr. Randazzo requested that the ordinance be amended to state that testing and monitoring should not be conducted on the weekends since it was a hardship to the residents who are requested not to use water during the testing phases; 3) Mr. Randazzo requested that the residents be provided data that had been collected during an aquifer testing phase that was not completed since the data could put the resident at a disadvantage. Mr. Randazzo stated that the public should be aware of all the information, and residents should receive all the data, whether complete or incomplete. Mr. Randazzo stated that he was not interested in the wells that are tested for proposed houses, but only wells [monitored] for the existing houses.

Board member Chris Garcia inquired whether these questions were sent to the Township Hydrogeological consultant, and Mayor Bieri noted that the Board had previously concurred that Mr. Randazzo could send appropriate inquiries to the Board Secretary, who would send it to the Board Attorney to determine if it was a valid inquiry that the Township's hydrogeologist should respond to. Mr. Randazzo commented that he was not requesting the data that belonged to the applicant for the proposed houses, but if there is testing done outside of the testing area, he feels that he is entitled to the data. Mr. Garcia responded that Mr. Randazzo did not pay for the data, and that it belongs to the applicant. He referred to his profession in real estate, and raised an example of a client who requests a copy of a house inspection that was performed for the owner or another buyer, and noted that this information is not required to be provided to a potential buyer.

A member of the public addressed the Board and inquired about the correspondence listed on the agenda, under Highland's Water Protection and Planning Act Correspondence, for 1141 Greenwood Lake Turnpike, Block 3610; Lot 30, submitted by Elena Dykstra of 538 Lakeside Road LLC, and the Board Secretary advised that this was a Highlands exemption issued by the NJDEP for a proposed project to include a marine boat maintenance facility. The Secretary also advised that the Planning Board did not have an application on file for this project, but an application had recently been submitted for site plan approval for boat storage only on an existing gravel lot at the same location. This site plan application was declared incomplete by the Planning Board professionals pending the submission of additional information, revisions, and/or documentation. The Planning Board Attorney had advised that although the Board may be aware of a potential development for a particular site, the Board could only address the matters that are submitted through a land use application. The Board Secretary provided a copy of the document for the resident to review and noted that a copy could be obtained in the Planning Office the following day.

With no one else present wishing to address the Board, the Public Portion was **closed** by Chairman Syme following a **motion** by Michael Siesta and a **second** by Christopher Garcia.

PRESENTATIONS – Draft Master Plan Land Use Plan Element

Chairman Syme advised that Chuck McGroarty, Board Planner, informed the Board that revisions were necessary to the draft Master Plan – Land Use Plan Element Map, and he requested that this matter be adjourned to December 4, 2014. He will have the revisions completed and will review them with the Planning Board at their meeting on November 6, 2014.

APPLICATIONS – None.

EXTENSIONS OF TIME

**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: One Year Extension of Final Site Plan Approval, or until October 25, 2015, 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, new building façade, landscaping, lighting and improvement to the driveways and parking lot areas served by the Shopping Center.

Chairman Syme advised that the applicant’s attorney had requested an adjournment on this matter until the December 4, 2014 Planning Board meeting.

**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: One Year Extension of Final Site Plan Approval, or until September 27, 2015, for a proposed 5-phase project including the removal of an existing commercial structure, construction of new commercial buildings, and installation of parking areas for an existing pre-cast concrete manufacturing facility.

Chairman Syme advised that the applicant had requested an adjournment on this matter until the December 4, 2014 Planning Board meeting.

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. Chairman Syme noted that he was not comfortable with revising the language of the resolution without the presence of the Board Attorney to explain his reservations with the pledge.

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

Motion was made by Mayor Bettina Bieri with a **second** by Chris Garcia to **approve** the invoices submitted by the Planning Board professionals for services performed during the month of September 2014. The Planning Board **unanimously approved** the invoices for payment.

MINUTES

The Minutes from the September 25, 2014 Planning Board meeting were **unanimously approved, as amended**, to include the two sentences that were missing from the first page during a printing error, on a **motion** by Chris Garcia and a **second** by Michael Siesta, with an abstention by Mayor Bieri.

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

Highlands Water Protection And Planning Act Correspondence

1. Highlands Exemption #4, Water Quality Management Plan–Consistent, dated September 25, 2014, received from the NJDEP for Greenwood Lake Marine Supply, Elena Dykstra, 538 Lakeside Road LLC, for property at 1141 Greenwood Lake Turnpike, regarding a proposed marine supply facility project.

NJ Department of Environmental Protection Correspondence

1. Remedial Action Outcome report received from Kleinfelder, dated 10/09/14, regarding the former Exxon Station at 4 Marshall Hill Road, Block 5701; Lot 3, advising that the remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites per N.J.A.C. 7:26C. Remediation includes Site Investigation, Remedial Investigation and Remedial Action per N.J.A.C. 7:26E. This remediation does not pertain to the following: Building Interiors, Known Onsite Contamination Source Not Yet Remediated, Ground Water Contamination Not Yet Investigated.

Miscellaneous Correspondence Received/Sent

1. Notification from Maser Consulting, dated October 13, 2014, advising that aquifer testing for the Pequannock River Basin including proposed Lots 7, 8, 9, 10 in Block 10001 was scheduled to begin on October 15, 2014, dependent on weather conditions.

2. Notice from the Borough of Wanaque, dated October 7, 2014, advising of an Ordinance Clarifying The Redevelopment Plan Established In Ordinance #5-0-14 Creating The Fourth Avenue Residential Overlay Zone (FAR) Consistent With The Fourth Avenue Redevelopment Plan So As To Provide Herein Plan Clarifications.

3. Notice from the Borough of Bloomingdale, dated October 9, 2014, advising of an application by Cybelle Guerrero, for a preliminary and final minor subdivision, preliminary and final site plan, and bulk variance on property known as Block 3007, Lots 17, 20 & 22, or 291 Macopin Road, to combine three lots into two lots for the construction of one single family dwelling on one lot in the R-20 and M-1 Zones in a Restricted Slope Area. Hearing to be conducted on October 23, 2014 at 7:30 at the Bloomingdale Borough Hall.

4. Notice from the City of Paterson and Borough of Woodland Park regarding a meeting on October 16, 2014 regarding the proposed closing of three reservoirs by the Passaic Valley Water Commission.

5. Notice from the Passaic County Planning Department regarding upcoming meetings at various Passaic County locations to review and discuss the Passaic County Heritage Tourism Plan. Meetings include October 20, 2014 in Paterson, October 21, 2014 in West Milford, October 29, 2014 in Little Falls, and November 6, 2014 in Pompton Lakes. RSVP to giancarlod@passaiccountynj.org.

6. Notice from the Borough of Ringwood advising of a public meeting with Passaic County regarding the Route 511 & Skyline Drive Intersection Improvement Program. The meeting is scheduled for Thursday, October 9, 2014 at 7:30 pm at the Martin J. Ryerson Middle School, 130 Valley Road, Ringwood, NJ.

ADJOURNMENT

With no further business to come before the Planning Board, Chairman Syme **adjourned** the Regular meeting of October 23, 2014 at 8:10 p.m. on a **motion** made by Mayor Bieri with a **second** by Linda Connolly.

Approved: November 6, 2014

Respectfully submitted by,

Tonya E. Cubby, Secretary