

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

November 5, 2015

Regular Meeting

Chairman Christopher Garcia opened the November 5, 2015 Regular Meeting of the West Milford Planning Board at **7:38 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, Councilwoman Ada Erik, Warren Gross, Douglas Ott, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia,

Absent: Andrew Gargano, Alternate Michael Siesta, Alternate Steven Castronova, Board Attorney Thomas Germinario, Board Planner Chuck McGroarty, Board Engineer Paul Ferriero.

Chairman Garcia advised that a quorum was present to hold this meeting.

PUBLIC PORTION

Chairman Garcia opened the meeting for public comment and the following addressed the Planning Board:

Richard Randazzo – Wooley Road – Chairman Garcia cautioned Mr. Randazzo that the comment period was for matters that were not still pending. Mr. Randazzo commented that he had been attending Planning Board meetings for the past 10 years, and he observed that the Board's professionals have always reviewed all aspects of each application, and most of the time the Board members listen to the advice of their professionals. He further commented that he was not please that two of the Board members did not follow the advice of the Board's professionals at a recent hearing for an application. Mr. Randazzo then inquired about the status of the application he was referring to (Braemar at West Milford – Green Valley Estates) and Chairman Garcia responded that the applicant had several options at their disposal. Mr. Randazzo inquired whether the requests that he had on file for receiving all information relating to the application would still apply, and Chairman Garcia replied that it could not be an open ended request, and if he wanted additional or updated information, he should make the request. The Board Secretary noted that, under the advisement of the Board Attorney, Thomas Germinario, she has accommodated Mr. Randazzo's requests for information up to this point. Mr. Randazzo then suggested that the Braemar subdivision property be acquired by the Township for open space since it was a beautiful piece of property that the public could enjoy. The Board Secretary advised that, generally, it is up to the property owner to contact the Township of an intention to sell or donate land for public use and the Township would consider the offer. Mr. Randazzo then stated that if anything ends up in court, he and his neighbors want to attend. Mayor Bieri commented that the Board would have to defer to the Board's Attorney on this.

With no one else present wishing to address the Planning Board, the public portion was closed by a unanimous vote on a **motion** by Councilwoman Ada Erik, with a **second** by Geoffrey Syme.

RESOLUTION NO. 2015-11

538 LAKESIDE ROAD LLC

Preliminary & Final Site Plan With Conditional Use Approval #PB-09-14-03

Block 3610; Lot 30

Greenwood Lake Turnpike; LC Zone

Granted: Preliminary and Final Site Plan with Conditional Use approval for Block 3610; Lot 30, Greenwood Lake Turnpike, for the construction of a marine supply and boat storage facility on an existing gravel parking lot, with installation of privacy fencing and parking for boat storage. This resolution is a memorialization of action taken by the Planning Board on September 24, 2015.

Motion made by Ada Erik, with a **second** by Glenn Wenzel to **approve** Resolution No. 2015-11 for 538 Lakeside Road LLC.

Roll Call:

Yes: Mayor Bettina Bieri, Councilwoman Ada Erik, Warren Gross, Douglas Ott, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia.

No: None.

Abstain: Linda Connolly

Motion approved.

***RESOLUTION NO. 2015 –**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD PLANNING BOARD
ADOPTING THE LAND USE PLAN ELEMENT OF THE TOWNSHIP OF WEST
MILFORD MASTER PLAN**

*Receipt of correspondence dated September 16, 2015 from the Zoning Board of Adjustment regarding the Draft Land Use Plan Element is currently under review by the Planning Board Planner.

Chairman Garcia advised the Board that this matter was under review by the Board Planner and the Master Plan Committee.

NEW OR ONGOING BUSINESS –

2015 Board Professional Services Contract – Planning Board Attorney - Litigation

The Board discussed the requested \$6,000.00 increase in the 2015 contract for the Planning Board Attorney due to the amount of litigation involved with the Braemar at West Milford application. The Board concurred that the increase was necessary and requested that the Board Secretary prepare a resolution for the next Planning Board meeting.

2016 Budget Requests – The Board discussed their professionals' contracts for 2016 and requested the Secretary to prepare historical data for the past 3 years outlining each professionals' contract award and total expenditures for each year. The Board concurred, based on recommendation from the Township's C.F.O., that Mr. Germinario's contract should be increased by \$6,000.00 for 2016 due to possible litigation matters with regard to Board applications.

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

The Invoices from the Planning Board professionals **unanimously approved** on a **motion** by Mayor Bettina Bieri with a **second** by Glenn Wenzel.

2016 Meeting Dates

The Planning Board meeting dates for 2016 were reviewed by the Board members. Mayor Bieri noted that it was good to keep two meeting dates reserved each month since it gives the Board flexibility for Board applications and other matters, and the Board members concurred. The 2016 meeting dates were **unanimously approved** on a **motion** by Councilwoman Ada Erik with a **second** by Glenn Wenzel.

MINUTES

The Minutes from the Planning Board regular meeting of September 24, 2015 were **unanimously approved** on a **motion** by Councilwoman Ada Erik with a **second** by Mayor Bettina Bieri.

The following correspondence was reviewed and filed:

Highlands Water Protection And Planning Act Correspondence

Highlands Exemption #4 and Water Quality Management Plan Consistency notification, dated October 15, 2015, regarding the proposed Redevelopment of the existing Westbrook Park, Block 11101; Lot 1, reducing the overall impervious surface by 3,479 sq. ft. (net).

2. Highlands Exemption #4 and Water Quality Management Plan Consistency notification, dated October 14, 2015, regarding the proposed redevelopment of the existing Nosenzo Pond Park, Block 9302; Lot 16, expanding the impervious surface by 421 sq. ft. (net).

3. Notification from the NJDEP, Division of Land Use Regulation, dated October 14, 2015, that the application for a Highlands Applicability Determination for Block 411; Larchmont Drive, regarding the construction of a 5 bedroom residential dwelling, has been withdrawn by the applicant Buddy Forest.

NJ Department of Environmental Protection Correspondence

1. Copy of a Freshwater Wetlands General Permit #6, dated Sept. 3, 2015, for John & Stacy Clarke, 147 Maple Road, regarding filling 1,864 sq. ft. of an isolated freshwater wetlands for the replacement and expansion of an existing septic system with associated grading. Wetlands affected by this permit are of intermediate resource value and the standard transition area/buffer required adjacent to these wetlands is 50 ft.
2. No Further Action and Covenant Not To Sue notification, dated September 10, 2015, received from the NJDEP, regarding the removal of a 550 Gallon #2 Heating Oil UGST for Block 14501; Lot 12, 57 Blakely Lane.
3. Copy of LURP, Freshwater Wetlands G.P. 1, and Flood Hazard Area Individual Permit applications for the NJDEP, dated Sept. 30, 2015, from the Upper Greenwood Lake Property Owners Association, regarding the proposed Clubhouse Bulkhead Removal and Replacement project at 435 Lakeshore Drive, Block 2007; Lots 9.01 & 9.02.
4. Copy of a Flood Hazard Area Individual Permit and Flood Hazard Area Verification, dated October 1, 2015, received from the NJDEP regarding the construction of a single family dwelling by Environmental Construction Co./Vincent Lanza, Block 4301; Lot 17, 81 Forest Lake Drive.
5. Correspondence from the NJDEP Bureau of Dam Safety and Flood Control, dated October 8, 2015, to the Bald Eagle Village Condo Association, regarding the Pettet Pond Dam, requesting the following for the Dam Safety application: 1. engineering calculations justifying the proposed riprap sizing and the depth of the riprap; a multistage granular filter or crushed stone with geotextile filter fabric added to the riprap to prevent erosion of embankment fill through the riprap during overtopping events, with armoring protecting all areas subject to flow; 2. specifications to be submitted for grout around the ductile iron pipe, or consideration of a hydrophilic waterstop at the interface. The NJDEP advised that the proposed repairs will be an improvement to the dam but will not bring the dam into compliance with Dam Safety Standards due to inadequate spillway capacity.
6. Copy of an application to the NJDEP for a Freshwater Wetlands General Permit #2 and Flood Hazard Area Individual Permit, dated September 3, 2015, received from Langan Associates, regarding Orange and Rockland Utilities "Union Valley Road/Marshall Hill Road/West Shore Road" Utility Improvements.
7. Copy of an application for a General Permit #1 to the NJDEP, dated October 19, 2015, received from CH2M for the Tennessee Gas Pipeline Co., LLC, regarding the regular maintenance activities along the TGP network within Bergen, Passaic and Sussex Counties.
8. Notification received from Motiva Enterprises, LLC, dated September 30, 2015, for Block 14604; Lot 1, 2731 Route 23, PMG NJ LLC, advising that an environmental investigation is being conducted with regard to former retail gasoline service station operations, identifying petroleum and non-petroleum related contaminants in groundwater and/or soil at the site. Clean up is being conducted in accord with NJDEP requirements.

Miscellaneous Correspondence Received/Sent

1. HEPSCD Certification, dated Sept. 18, 2015, regarding the Rockland Electric Union Valley and Marshall Hill Utility Improvements with total land disturbed to be 0.91 acres – the plan is valid for 3.5 years.
2. HEPSCD, dated Sept. 3, 2015, for Roman Szymansky, Block 11701; Lot 4, 4 Lake Isle Drive, for the construction of a S.F. dwelling with total land disturbance to be 0.35 acres – the plan is certified for 3.5 years.
3. Notification from the Township of Hardyston, dated October 2, 2015, advising of a public hearing on October 22, 2015 regarding an amendment to their Master Plan to adopt the Highlands Preservation Area Master Plan Conformance Element.
4. Notification from the Borough of Butler Planning Board, received October 23, 2015, advising that a public hearing will be held on November 12, 2015 regarding the 2015 Periodic Re-Examination of the Master Plan that was adopted in August 2004.

ADJOURNMENT

With no further business to come before the Planning Board, Chairman Garcia **adjourned** the Regular meeting of **November 5, 2015 at 8:15 p.m.** on a **motion** made by Councilwoman Ada Erik and a **second** by Linda Connolly.

Approved: February 4, 2016

Respectfully submitted by,

Tonya E. Cubby, Secretary