

TOWNSHIP OF WEST MILFORD
PLANNING BOARD
MINUTES
November 6, 2008
REGULAR MEETING

The regular meeting of the Planning Board was opened at 7:36 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 (7:55 pm), Clinton Smith, Councilman Philip Weisbecker, Chairman Andrew Gargano, Alternates Michael Siesta, Kerry Goceljak, Board Planning Consultant Joanna Schlagel, Board Engineer Paul Ferriero, Board Attorney Thomas Germinario.

Absent: Geoffrey Syme.

With the consent of the Board, Chairman Andrew Gargano asked Douglas Ott to act as Vice Chairman in the absence of Geoffrey Syme.

Motion by Mayor Bettina Bieri with a **second** by Clinton Smith to approve the appointment of Douglas Ott as Vice Chairman for this regular meeting of the Planning Board.

Roll Call: **Yes** - Mayor Bettina Bieri, Steven Castronova, Kerry Goceljak Richard McFadden, Douglas Ott, Michael Siesta, Clinton Smith, Councilman Philip Weisbecker, Chairman Andrew Gargano
No – None.

Chairman Gargano requested Michael Siesta to sit on the Board for Geoffrey Syme and Kerry Goceljak to sit in for Chris Rosica, who would be arriving late.

Chairman Gargano announced that there would be no Workshop at this meeting of the Planning Board.

PUBLIC PORTION

Jim Novack – Larchmont Drive – Mr. Novack addressed the Board as a member of the Beautification & Recycling Task Force Committee, and requested that the Board apprise the Committee of all new applications coming before the Board to insure that they are ADA compliant. He will report to the Board further at a future meeting when he has more information. He commented on his recent experience of not having immediate access to a voting poll, and asked that compliance be enforced with respect to access and ADA parking designations.

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 Councilman Weisbecker and a **second** by Michael Siesta.

SITE PLAN APPLICATION REVIEW WAIVERS – None.

APPLICATIONS

NEW APPLICATIONS

1952 UNION VALLEY ROAD, LLC

Preliminary & Final Site Plan #0820-0167AB

Block 3601; Lots 1 & 3

1952 Union Valley Road; CC Zone

Seeking preliminary and final site plan approval and variance relief for the removal of an existing structure and the construction of a new deli/convenience store with two apartments.

Complete: September 8, 2008

Decision By: January 5, 2009

Board Attorney, Thomas Germinario, inquired about the application as it pertained to the Highlands approval. The applicant's attorney, John Barbarula, Esq. advised that the applicant preferred to have his hearing before this Board and, if approved, submit the approved plan to the NJ DEP, noting that the applicant was aware that the Board's approval would be subject to receipt of Highlands approval. After conferring with his client, Mr. Barbarula advised that the matter could be carried to the next Planning Board meeting on December 4, 2008 so that sufficient time could be allotted for testimony to be presented. Mr. Germinario announced the carry to all those present for this application and advised that no further notice would be required for this application.

TIME EXTENSION REQUEST

JACK LEVKOVITZ (VILLAGE ON RIDGE SECTION II)

Amended Final Subdivision #0510-1744C

Block 5201; Lots 16, 19 & 20; Block 5301; Lot 1; R-3

Ridge Road; R-3 Zone

Seeking time extension for filing deeds and revision of conditions of approval.

Rob Simon, Attorney for the applicant Jack Levkovitz, addressed the Board regarding the granting of an extension of time for filing the major subdivision plats for this application, in addition to a timing revision per the resolution for the amended final subdivision that required well permits prior to the filing of the final plats. Lynn Inhoffer, hydrogeologist and expert witness for the applicant, addressed

the Board regarding the two wells that exist and are ready to be implemented, and a third well that needs necessary permits from the state - a water allocation permit and the permit for construction of the well. Mr. Simon noted that the MUA has granted a request by the applicant to change the timing for recording the plats so there is sufficient time to acquire the permits necessary. Mr. Inhoffer advised that all other permits, including sewer treatment permits, have been obtained. The permits to build the wells and the water permit were originally received in 1999, but they expired while the applicant was attempting to get other approvals from various government agencies. Mr. Simon advised the Board that all other approvals have been received from the county and other entities.

Mr. Ferriero, Board Engineer, stated that more information is needed in order to make a determination on the matter. He advised that he will work with Mr. Simon and Mr. Inhoffer in clarifying the issues. Mr. Germinario advised the Board that the extension can be granted retroactive to December 6, 2008 if the Board determines that it is appropriate. Following a brief discussion on upcoming Board meetings, it was determined that this matter would be heard at the January 8, 2008 regular meeting.

CARRIED APPLICATIONS

**INSERRA/WEST MILFORD, LLC (SHOPRITE)
Preliminary & Final Site Plan #0720-0308AB
Bulk Variance #0730-0793**

*Complete: June 9, 2008
Decision By: October 3, 2008
Extension: January 30, 2009*

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.

John Wyciskala, Esq., Bill Hamilton, Jim Woods, and Anthony Guzzo were present for the applicant Inserra/West Milford, LLC. Mr. Wyciskala advised the Board that a site visit had occurred with the applicant's professionals and Chuck McGroarty, Board Planner, and Michael Hakim, the Board's Landscape Architect. The site visit included a review of several other shopping centers in the vicinity, and the applicant's professionals have developed revisions to their original designs based on the site visit. Mr. Wyciskala noted that there are limitations to the building design because the project involves existing structures. He advised that the engineering plans would be reviewed at this meeting, in addition to the latest conceptual plans from the architect. Testimony regarding the variances required will be reviewed along with signage at the next meeting.

Bill Hamilton, under oath from a prior meeting, testified that he had amended the site plans as a result of comments and concerns raised at the October 23, 2008 meeting. He presented Exhibit A-7, Shop Rite Proposed Conditions, dated 11-03-08. The major changes were the parking that was moved from close proximity to Marshall Hill Road, with a buffer created, the addition of more crosswalks, speed tables, a more defined circulation plan with a truck turn template, the asphalt was removed from the rear of the movie theater, and the water tank and utility building were relocated. The lighting along the streetscape would be consistent with the fixtures approved for the streetscape plan. He noted that a proposal for ornamental fixtures was provided to the Board Planner for comments. With regard to landscaping, per Landscape Architect Michael Hakim's suggestions, there will be an increase in the number of trees and shrubs planted, in addition to a pedestrian walk from Marshall Hill Road to Shop Rite. He commented on the proposed crosswalks at the intersections and an entrance to the site. A brown vinyl 8-foot fence is proposed for the north of the site that will be low maintenance. The applicant considered a masonry fence and soundproofing materials, but the cost would be four times the cost of the vinyl fence, well over \$100,000. for 750 feet of fencing. Mr. Hamilton testified that the enclosures around the dumpsters would be wooden with gates, shielded from the street, and the dumpsters would now be confined to four areas. He has been in contact with Paul Ferriero, Board Engineer, regarding the stormwater management. The Chairman inquired about a sidewalk that has been requested by seniors who reside in a senior citizen complex on the corner of Lincoln Avenue and Marshall Hill Road. Mr. Hamilton advised that a six-foot sidewalk was a possibility. The Chairman asked for consensus from the Board. Rich McFadden commented that a sidewalk down Marshall Hill would tie in with the Township's plans for a crosswalk on West Shore Road. Mr. Hakim, Landscape Architect, asked Mr. Hamilton if a shift in the sidewalk location was possible, and Mr. Hamilton advised that he could not encroach on McDonald's property, and was concerned about grade changes at this location. Mr. Hamilton reviewed the parking space requirements of the Township, noting that 858 spaces are required and the applicant is proposing 741. 2% of this number will be used for handicapped spaces. He indicated that 8 spaces were proposed for Shop Rite, 4 spaces for the retail stores, 4 for the bank, and 4 for the theater, adding that this is above the required amount.

The Chairman opened the meeting to public comment on this portion of application. The following addressed the Board on matters of concern:

Jim Novack, Larchmont Drive, commented on the ADA parking spaces and requested that the number of spaces be increased at the major entrances to Shop Rite, suggesting two groups of eight spaces each. He noted his own difficulty in finding available handicapped spaces to park. Mr. Hamilton advised that there would be no problem to reconfigure the spaces to concentrate them at the Shop Rite

entrances if the Board so desires. The Board concurred with the grouping of the spaces, and Mr. Wyciskala advised that two groups of six handicapped spaces in front of shop Rite would be included.

Ray Kilgallon, 48 Adelaide Terrace, advised the Board that he still has the same issues that he raised at prior Board hearings for this application. He inquired about the lighting, and Mr. Hamilton advised that the poles would be 15 feet high along the curb, with recessed shoebox fixtures that are shielded and directed down. He will get back to the Board regarding timers on the lights and will need to consult with management to coordinate lighting with hours of operation of the stores. Mr. Kilgallon noted concerns with drainage and leaves and advised that he checks the drains daily to monitor the maintenance issues, and distributed photos to the Board of the site in question. Mr. Hamilton advised that the curb line has been moved in the plans and that no run off of the gravel would occur, to which Mr. Kilgallon requested an engineer to confirm. He also raised the issue of the storage trailers at the site. Mr. Wyciskala advised that a condition of approval could be that no storage trailers would be allowed on the site. Mr. Ferriero noted that normal turnover of delivery trailers is acceptable, but long-term storage is a violation of the current ordinance, to which Mr. Wyciskala advised that he will apprise the owner regarding the trailer storage. There was discussion about use of a sound barrier fence and the proximity of the proposed vinyl fence to adjacent properties. Mr. Hamilton stated that the existing fence is closer than the proposed fence, which will be 15 feet away. There was discussion on the visibility of the fence and water tower, and Mr. Hamilton noted that the grade is lower by 6 feet than the grade of the existing fence. The Board concurred that the proposed fencing is better than the existing. There was discussion about fencing around the water tank and the height of the tank at the new location. Mr. Kilgallon was dissatisfied with the comments from the Board and the information from the applicant's professionals about the type of fence proposed and the costs. Mr. Wyciskala noted that if there is another alternative product, to let him know. Mr. Kilgallon inquired about the noise level on the utilities at the site, to which Mr. Wyciskala replied that they will comply with local ordinances. Mr. Guzzo, the applicant's architect advised that the equipment will be located in a 12-inch block masonry building, which will be insulated for sound. Mr. Wyciskala advised that Spring is the anticipated start for construction. Mr. Guzzo reviewed the various phases of construction that will include the rear addition and interior renovations, adding that it will be about three months to construct the addition. He will speak to the owners about the current use of the refrigerated trucks, noting that during high demand seasons, they may be necessary for the additional deliveries.

Michelle Buntsen, Adelaide Terrace, addressed the Board regarding the fence adjacent to the neighboring properties.

Pete Oselador – Heather Lane, addressed the Board regarding the noise levels emanating from the shopping complex from the trucks and loading docks, and noted that he has a view of the Shop Rite and water tower from his house. Mr. Ferriero advised that he would meet with the applicant to explore soundproofing measures around the loading docks. Mr. Hakim commented on additional plantings along the fence and at the water tower that will aid with the visual impact, noting that they would have a slight impact on reducing noise.

Jim Novack, Larchmont Drive, noted that he observed two trailers delivering to Shop Rite late in the evening, and asked that the deliveries be made earlier. He also suggested that the water tower be disguised as a barn or stable.

Diana Businetch, adjacent property owner, asked that the snow removal contractors be restricted from dumping snow over the fence, which has occurred in the past, increasing water and drainage problems.

Anna Brown, Adelaide Terrace, inquired about the noise levels that will be emitted from the utility building, noting that she hears noises from the site late at night.

With no one else wishing to address the Board on the testimony presented by the applicant, the public portion was **closed** on a **motion** by Councilman Weisbecker and a **second** by Douglas Ott.

Mayor Bieri asked that the issues raised and discussed be incorporated as conditions of approval. Clinton Smith noted the issues that always exist when there are residential areas next to commercial sites. Mr. McGroarty, Board Planner, concurred, noting that this is the problem with incompatible uses, adding that buffers may be incorporated, but certain issues will exist that wouldn't exist in an entirely residential area. He also noted that what is proposed by the applicant will be much better than what currently exists.

Anthony Guzzo, the applicant's architect, testified that he met with the Board's Landscape Architect and Planner, and reviewed Exhibit A-8, a rendering of the proposed front elevation that resulted from the meeting and site visit. He also compared Exhibit A-5 to the current rendition, noting the change of materials, the variety of elements proposed including cultured stone, brick, cement clapboard siding, and louvers. Mr. Guzzo reviewed the types and colors of brick proposed, and a Board member inquired about seeing samples of the materials. Mr. Guzzo advised that there are limitations working with an existing building when designing the roof lines. He testified that the mechanicals will be

located on the roof of the building but would be located further from the roof edge. When asked about the use of green materials in the project, Mr. Guzzo advised that the lighting controls, the air system into the building, and the cement board siding are among the products proposed that are considered "green" products. Several Board members commented on the new sketch rendering, inquired about the use of towers, and asked for samples of the building materials for the façade.

Mr. Wyciskala noted that the building signs from the current tenants would be maintained, but the signs may be replaced with new tenants to make them more uniform, adding that the Shop Rite sign would be prominent in order to distinguish it from the other businesses. Councilman Weisbecker suggested that new signs be included in new leases with the tenants.

The Chairman opened the meeting to the public. With no one wishing to address the Board on the testimony presented by the applicant, the public portion was **closed** on a **motion** by Councilman Weisbecker and a **second** by Michael Siesta.

Mr. Wyciskala noted that the architect will redo the architectural plans based on the Board comments. The applicant's professionals will meet with Mr. Ferriero on sound attenuation for the rear, a review of the variances requested, and the roof plans will be carried to the next meeting. The applicant granted an extension to January 30, 2009. Chairman Gargano advised that this application will be carried to the December 18, 2008 Planning Board meeting.

MEMORIALIZATIONS

RESOLUTION NO. 2008-26

MR. WONTON LLC

PRELIMINARY & FINAL SITE PLAN #0720-0305AB

Block 6303; Lot 18

1546 Union Valley Road; VC Zone

Granted: Preliminary and final site plan approval and variance relief for proposed site improvements to existing parking lot with conditions.

The Chairman announced that the memorializing resolution of approval would be available for adoption at the next meeting.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD ATTORNEY'S REPORT – None.

PLANNER'S REPORT – None.

ENGINEER'S REPORT – None.

MISCELLANEOUS – None.

SUBCOMMITTEE REPORTS

Master Plan Subcommittee – None.

Ordinance Subcommittee – The committee met before this meeting and is working on several matters that will be brought before the Board in the near future.

Building Design Subcommittee – None.

Site Plan Subcommittee – None.

APPROVAL OF INVOICES – BOARD PROFESSIONALS

Motion by Chris Rosica with a **second** by Councilman Weisbecker to approve the payment of current invoices from Paul Ferriero, P.E., Thomas Germinario, Esq., and Chuck McGroarty, P.P.

Roll Call: **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Clinton Smith, Councilman Philip Weisbecker and Chairman Andrew Gargano.
No - None.
Abstain – Michael Siesta

MINUTES

Motion by Councilman Weisbecker with a **second** by Michael Siesta to approve the minutes of the October 2, 2008 Planning Board Regular meeting.

Roll Call: **Yes** - Mayor Bettina Bieri, Steven Castronova, Richard McFadden, Douglas Ott, Chris Rosica, Michael Siesta, Clinton Smith, Councilman Philip Weisbecker and Chairman Andrew Gargano.
No - None.

COMMUNICATIONS

The following communications were noted and filed:

1. Notice received on October 9, 2008 from NJ DEP regarding Emil Krahulik, 863 Shore Road - No Further Action Letter and Covenant Not To Sue.
2. Notice and copy of an application for the NJ DEP, Land Use Regulation, by the Township of Jefferson for an FHA Individual Permit and FHA G.P. 6 for Improvements to Moosepac Wellhouse for the construction of a watermain in a riparian area.
3. Letter from the NJ DEP to DIO Satellite regarding an extension of time until December 31, 2008 for submission of revisions for the Carpi Lake Dam Emergency Action Plan.
4. Copy of plan to the NJ DEP from Ed Ostrowicz for a General Permit #2 for Block 4701; Lot 33.04, 350 Morsetown Road, designating the wetlands transition area.
5. Remedial Action Report Addendum from the NJ DEP for 546 Otterhole Road, requesting a Remedial Investigation Work Plan.
6. Remedial Action Report regarding 9 Taft Road, noting deficiencies in the Site Investigation Report with regard to monitoring well sampling.
7. Authorization for Freshwater Wetlands Permit #25 for Gerald Storms, 1043 Westbrook Road, Block 11104; Lot 2 regarding an on-site waste water treatment system.
8. Highlands Conformance and Municipal Environmental Resource Inventories program, November 18, 2008, 7:30 – 9:30 pm.

HIGHLANDS WATER PROTECTION AND PLANNING ACT – None.

ADJOURNMENT

With no further business to come before the Board, the November 6, 2008 Regular meeting of the Planning Board was adjourned at 10:46 p.m. by unanimous consent on a **motion** by Councilman Weisbecker with a **second** by Michael Siesta.

Approved: December 18, 2008

Respectfully submitted by

Tonya E. Cubby, Secretary