

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

November 7, 2019

Regular Meeting

Chairman Christopher Garcia opened the November 7, 2019 regular meeting of the West Milford Planning Board at 7:08 p.m. with a reading of the Legal Notice followed by the Pledge of Allegiance.

ROLL CALL

Present: Matthew Conlon, Warren Gross, Douglas Ott, Councilman Luciano Signorino, Geoffrey Syme, Chairman Christopher Garcia.

Absent: Steven Castronova, Linda Connolly, Ada Erik, James Rogers, Glenn Wenzel, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero, Board Planner Jessica Caldwell.

Chairman Christopher Garcia requested Matthew Conlon to sit on the Board for one of the absent members and advised that a quorum was present to hold this regular meeting.

PUBLIC PORTION

The public portion was opened by Chairman Christopher Garcia. The following addressed the Planning Board:

Lynn Mandon, Paul Matzer, representing the Lakes Committee, were present to address the Board regarding the Short Term Rental Ordinance. Chairman Garcia advised that the Board was conducting a courtesy review of the introduced ordinance and referred them to the December 4, 2019 Township Council meeting to present their comments or concerns. Ms. Mandon referred to the correspondence received by the Planning Board addressing the Lakes Committee's concerns regarding the ordinance. She commented that the ordinance is a business friendly ordinance but is not resident friendly. Mr. Matzer referred to the language in the ordinance regarding regulation for condo associations, and suggested that the ordinance include regulations for lake associations.

Ron Sherry, 31 Forest lake Drive, commented that the township has the ability to control the short term rentals with regulations. He referred to Jersey City's recent issues with short term rental units. He suggested that the STRP should be owner-occupied so that there would be more monitoring and control.

With no other members of the public wishing to address the Board, the public portion was **closed** on a **motion** by Matthew Conlon with a **second** by Douglas Ott.

APPLICATIONS – None.

PENDING APPLICATIONS – None.

MEMORIALIZATIONS – None.

NEW OR ONGOING BUSINESS

Chairman Christopher Garcia referred to a memo from the Township Attorney, Fred Semrau, regarding the establishment of a redevelopment study for certain properties in the Township, including the former A&P shopping center at 1938 Union Valley Road, Hewitt, NJ 07421. A resolution has been adopted by the Governing Body authorizing the Planning Board to begin the study. There was consensus by the Board members present at this meeting to comply with the request and initiate the study by contacting the Board Planner to commence with the research on this matter. Chairman Garcia noted that this was not a concept, and he recalled that this was part of the discussions with the former Planner, Chuck McGroarty, when the Master plan Committee met to review revisions to the Master Plan. Board member Geoffrey Syme suggested that the Board Planner reach out to the former planner regarding this matter.

Following discussion by the Board, a **motion** was made by Matthew Conlon, with a **second** by Geoffrey Syme, to begin the research on this matter as soon as practicably possible.

Roll Call

Yes: Matthew Conlon, Warren Gross, Douglas Ott, Councilman Luciano Signorino, Geoffrey Syme, Chairman Christopher Garcia.

No: None.

Motion approved.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL

ORDINANCE NO. 2019-20 – An Ordinance Amending and Supplementing Chapter 285, Entitled “Property Maintenance,” of the “Code of the Township of West Milford, New Jersey” Regulating and Establishing Registration Requirements for Short Term Rentals in the Township of West Milford, New Jersey – Request by the Governing Body for a review by the Planning Board.

The Board members held a lengthy discussion regarding the comments provided by members who were unable to attend this meeting, as well as those raised by Board members during the reviews of the STRP Ordinance, and with consideration of the concerns expressed by the Lakes Committee. The following is a summation of their review of the ordinance:

- The Board concurred that this ordinance may present enforcement issues.
- The Board discussed STRP as commercial uses, and expressed concern that all rentals, both long and short term, could become commercial uses.
- The Board reviewed the reference to mediator in 285-13.G-d, and discussed who would be responsible for the cost of a mediator. It was noted that the Township or taxpayers should not incur the cost for mediation. Following discussion, the Board members suggested that “d” should be removed from 285-13.G-d, or if included, “mediator” could be changed to “arbitrator”.
- Legal counsel should be consulted to advise whether a decision by a mediator or arbitrator on an STRP appeal is enforceable.
- The Board maintained that there is an appeal process established under law with the Zoning Board of Adjustment, and applicants can use this process to appeal a denial of their STRP permit. They suggested the Council could consider eliminating the option of mediator or arbitrator.
- The Board members inquired about the cost for legal representation if the appeal is denied by the local Board of Adjustment and the matter must be heard in the courts.
- The Board recommended an addition of #8 to 285-13.H-e, noting that it shall be the responsibility of the STRP owner or agent to provide all lake association/property owner/ condo association regulations, applicable for that particular STRP, to all renters.
- The Board recommended that language be included for compliance with all Health Department requirements with regard to septic pumping and water quality for private wells.

The Planning Board requested that a copy of the draft memo to the Governing Body be sent to the Planning Board Attorney and Planner for review and possible additional comments on this matter. The Planning Board’s comments should then be forwarded to the Township Administrator and Governing Body for the December 4, 2019 Council Meeting, at which time a public hearing will be held on this ordinance.

BOARD PLANNER’S REPORT – None.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

Invoices

There were no invoices for approval at this meeting.

MINUTES

The Minutes from the October 24, 2019 regular meeting were **unanimously approved** by the Board members who were present at that meeting, on a **motion** by Matthew Conlon and a **second** by Douglas Ott.

CORRESPONDENCE RECEIVED:

The following correspondence items were reviewed by the Board:

Highlands Water Protection and Planning Act Correspondence

1. None.

NJ Department of Environmental Protection Correspondence

1. Notification dated 10/09/19 received from Sovereign Consulting Inc. regarding the filing of a Classification Exception Area for the Shell Service Station, 2731 Route 23, Block 14604; Lot 1, NJDEP Case # 95-03-31-1421.
2. Notification from the NJDEP, dated October 16, 2019, regarding 43 Rockburn Pass, Block 5001; Lot 1, NJDEP Incident #720519, advising that an inspection was conducted on September 20, 2019 and it appears that freshwater wetlands and freshwater wetlands transition areas exist on or adjacent to the site where alleged recent filling activities have occurred. A site meeting with NJDEP personnel is required.
3. Correspondence dated October 22, 2019 to Pat Gilroy and James Schaffer, received from the NJDEP Division of Dam Safety regarding Iona Grove Dam, NJ Dam File No. 22-144, advising that the dam report submitted by the owner's engineer found the dam to be in Fair condition, and the implementation of general maintenance/repairs not requiring Division approval may commence.
4. Suspected Hazardous Substance Discharge Notification dated October 25, 2019 received from the NJDEP, regarding 16 Jefferson Street, Block 16002; Lot 4, with respect to the removal of one 550 gallon UST, with clean up pending.
5. Notice from Houser Engineering LLC, dated October 25, 2019, advising of a Treatment Works Approval (TWA) Application to be submitted for the YMCA of Montclair, 131 Germantown Road, Block 14108; Lot 6 for the construction of an On-Site Wastewater Treatment System alteration.
6. Notice from Houser Engineering LLC, dated October 23, 2019, advising that an application was being submitted for a Flood Hazard Area Individual Permit for the alteration to an existing septic system located within a Floodway for 37 Madelyn Avenue, Block 6604; Lot 1.

Miscellaneous Correspondence

1. NJ Tree Foundation announces "Right Tree – Right Place Seminar", Cherry Hill, NJ, December 6, 2019, 8 am -12 pm.

ADJOURNMENT

Prior to adjourning, the Board members reviewed the upcoming meeting schedule. The Secretary advised of several applications that would be placed on the December 5, 2019 agenda for hearings. It was noted that the Governing Body would not hold their annual Re-organization meeting until January 6, 2020, therefore, the re-appointments or new appointments for the Planning Board will not be made until that time. The Board members concurred that the 2020 Planning Board meeting schedule should be amended to delete the January 2, 2020 meeting. The first Regular meeting will be held on January 23, 2020.

With no other matters to be brought before the Planning Board, Chairman Christopher Garcia **adjourned** the regular meeting of November 7, 2019 at 9:15 p.m. on a **motion** made by Matthew Conlon with a **second** by Douglas Ott.

Approved: December 5, 2019

Respectfully submitted by,

Tonya E. Cubby, Secretary