

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

December 2, 2010

Regular Meeting

The Regular Meeting of the Planning Board was opened at 7:31pm 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, Linda Connolly, Christopher Garcia, Geoffrey Syme, *Vacancy*, Michael Siesta, Thomas Harraka, Chairman Andrew Gargano, Board Planner Charles McGroarty, P.P.

Absent: Douglas Ott, Councilman Philip Weisbecker, Board Attorney Thomas Germinario, Esq., Board Engineer Paul Ferriero/John Hansen, P.E.

Chairman Andrew Gargano requested Planning Board Alternate Michael Siesta to sit on the Board in the vacant position and Alternate Thomas Harraka to sit in for one of the absent Board members.

PUBLIC PORTION

Chairman Gargano opened the Public Portion of the meeting. No one present wished to address the Planning Board, and the Public Portion was **closed** on a **motion** by Steven Castronova with a **second** by Michael Siesta.

MEMORIALIZATIONS

RESOLUTION 2010-20

JACK LEVKOVITZ

Village on Ridge – Section II

Extension of Time for Amended Final Subdivision Approval #0510-1744C with Amendments

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

Ridge Road; R-3 Zone

Granted: Time extension for filing final major subdivision deeds and amendment to Resolution No. 2005-42 to modify certain conditions regarding the filing of the plat and the use of a private water purveyor to operate a water distribution system.

Motion by Steven Castronova with a **second** by Michael Siesta to **approve** Resolution No. 2010-20 granting Extension of Time for Amended Final Subdivision for Jack Levkovitz (Village on Ridge-Section II), with a modification of conditions in Resolution No. 2005-42.

Eligible to Vote Roll Call:

Yes: Steven Castronova, Thomas Harraka, Michael Siesta.

No: None.

APPLICATIONS

NEW APPLICATIONS – None.

PENDING APPLICATIONS – None.

NEW BUSINESS -

Wallisch Estates Memo from Historic Preservation Commission – Chairman Gargano reviewed the memo from the Historic Preservation Commission, dated November 22, 2010, that advised of a deteriorating condition of the structures on the Wallisch site. Following discussion, the Board Secretary was directed to send a memo to the Township Council recommending that the structures be weather proofed and stabilized to prevent further deterioration. It was also suggested that the Public Works Department assist with “shoring up” the residence for the winter, perhaps with a tarp to keep water out. The Board Planner advised that he would investigate the availability of grant funds for repairing the structure.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL

Ordinance 2010 - 18

Ordinance of the Township of West Milford, County of Passaic, State of New Jersey, to Re-Zone Certain Parcels in the Township of West Milford from the R-1/PN Zone District to the R-4 Zone District and to the LR/Lakeside Residential Zone District and to Amend Chapter 500 Entitled “Zoning”, Article 1, Entitled “Zone Districts and Map” to Establish a Revised Zoning Map to Reflect Said Re-Zoning.

Chuck McGroarty, Board Planner, reviewed the ordinance referred from the Township Council, advising that this ordinance regarding re-zoning was recommended in the recent Master Plan Amendment adopted by the Board, and further advised that this ordinance re-zones certain properties from the R1/PN Zone (Planned Neighborhood) to R-4 Zone. He noted an exception in the ordinance of one of the properties that was located in a LR-Lakeside Residential Zone (Pinecliff Lake

Community), advising that this property would not become zoned R-4, adding that the impact from zoning this property LR would be negligible and subdivision in the future would be highly unlikely. Mr. McGroarty noted that, in total, 22 lots were affected by the re-zoning, and he referred to the attached maps and ownership list. He did note that the Township Council had recommended that a courtesy letter be sent to the property owners to advise them of the re-zoning, although it is not a requirement under the M.L.U.L. He and the Township Attorney will be preparing the letter for property owners.

With regard to the Community Zones or Public Zones that were also recommended by the Board during the Re-examination Report, Mr. McGroarty advised that, at this time, the Township would not pursue re-zoning of certain public properties encompassing approximately 16,000 acres due to the extensive noticing required for this action. Additionally, the Township needs to completely verify that all of the properties are publicly owned.

Mr. McGroarty provided an excerpt from the M.L.U.L. that directs the Planning Board to review the proposed ordinance and advise of any inconsistencies with the ordinance and the Master Plan, and to notify the Township Council of any inconsistencies. A Board member inquired further about the one LR zoned property in the ordinance and Mr. McGroarty offered clarification, adding that the 20,000 sq. ft. minimum lot size was an issue raised by the Zoning Board of Adjustment in their annual reports to the Township Council and Planning Board. He also noted that the re-examination report stated that the Planning Board would work with the Board of Adjustment to re-evaluate the zoning requirements on these properties so that they are consistent with the lots that exist in lake communities. Chairman Gargano inquired if Mr. Castronova was an owner listed on the 200-foot list attached to the ordinance. Mr. Castronova noted that he was an owner of a property affected by the re-zoning in Ordinance 2010-18, and recused himself from voting on Resolution No. 2010-21 – Finding Master Plan Consistency with regard to this ordinance.

RESOLUTION NO. 2010 – 21

A RESOLUTION FINDING MASTER PLAN CONSISTENCY

In The Matter Of Master Plan Consistency Determination Ordinance No. 2010-18 To Re-zone Certain Parcels In The Township Of West Milford From The R-1/Pn Zone District To The R-4 Zone District And To The LR/Lakeside Residential Zone District And To Amend Chapter 500 Entitled “Zoning”, Article I, Entitled “Zone Districts And Map” To Establish A Revised Zoning Map To Reflect Said Re-zoning Of The Revised Ordinances Of The Township Of West Milford, County Of Passaic, State Of New Jersey

Motion by Mayor Bettina Bieri with a **second** by Christopher Garcia to **approve RESOLUTION NO. 2010-21**, Resolution Finding Master Plan Consistency with regard to Ordinance No. 2010 – 18.

Roll Call:

Yes: Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Thomas Harraka, Michael Siesta, Geoffrey Syme, Chairman Andrew Gargano.

No: None.

BOARD PLANNER’S REPORT

Mr. McGroarty advised that he has not had any communication from the Highlands, although several other towns that he worked for have received correspondence from the Highlands Council on Plan Conformance. He commented that he has been using his experience with these towns to become educated in the Highlands Master Plan process, to the benefit of West Milford. He also noted that, if he is re-appointed for another year, he will work with the Board on the Master Plan and the Environmental Resource Inventory (ERI), adding that he felt there were inaccuracies in the current ERI. He further noted that the Highland’s Council has been very flexible with the towns during the Highlands Master Plan Conformance process.

Chairman Gargano requested that Mr. McGroarty outline what tasks are necessary and what the Board needs to undertake in the coming year so that the Board can insure there are sufficient funds in the budget for the professionals’ contracts.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT –None.

MISCELLANEOUS

Approval Of Invoices – Board Professionals

Motion by Steven Castronova with a **second** by Michael Siesta to **approve** payment of the invoices for the months of September and October 2010. Invoice payment was approved **unanimously** by the Board

Subcommittee Reports

Master Plan Subcommittee
Ordinance Subcommittee

Building Design Subcommittee
Site Plan Subcommittee

No reports at this time.

MINUTES

Motion by Steven Castronova with a **second** by Michael Siesta to **approve** the Planning Board Regular Meeting Minutes of October 7, 2010 and the Workshop Meeting Minutes of October 7, 2010. The Minutes were **approved** by unanimous consent.

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

COMMUNICATIONS

1. Notice of Penalty Assessment and Offer of Settlement from the County of Passaic, dated November 10, 2010, for Swen Bos, 268 Wooley Road, for disposal of asphalt millings on subject property, and requiring proper disposal and certified proof of disposal of material to the Passaic County Health Department.

HIGHLANDS WATER PROTECTION & PLANNING ACT / NJ DEP CORRESPONDENCE

1. Notice of application, with plans, for a NJ DEP General Permit for Mount Glen Lakes Association received November 9, 2010, for the rehabilitation of Lower Mount Glen Lake Dam, including the addition of a 150-foot long auxiliary spillway and a new mid-level outlet.

2. Notice dated October 28, 2010 from the NJ DEP Highlands Office, for Paul Aiazzino, 8 Glencross Road, Block 7005; Lot 2, regarding a prior violation for conducting an activity regulated by the Freshwater Wetlands Protection Act without prior approval from the NJ DEP, and advising that the restoration of the site has been completed to the satisfaction of the DEP.

3. Letter dated November 4, 2010 from the NJ DEP – Highlands Office to the Federal Energy Regulatory Commission regarding the Tennessee Gas Pipeline – Notice of Intent to Prepare and Environmental Assessment for the Planned Northeast Upgrade Project, providing an overview of the anticipated activities of the Highland's Council during the review of Tennessee Gas Pipeline's proposal.

4. Notice to Shoebox Storage, LLC, Block 16006; Lot 16, Paul Street from the NJ DEP, dated November 5, 2010, regarding a technical review of an application for Highland's Applicability and Water Quality Management Plan Consistency Determination, advising that the determination is not applicable to the proposed project/activity due to the lot not being owned by an individual, noting that the L.O.I. had expired in May 2010, additional DEP permits may be required, and advising that this application may be withdrawn by the applicant.

5. Highlands Determination – Not a Major Highlands Development – Water Quality Management Plan – Consistent – received for Kathleen Lota, Manor at Smith Mills Condo Association, 524 Hamburg Tpk., Block 12701; Lots 9.01, 9.02, 9.03 for the replacement of a failed septic tank and an undersized tank with two new conforming tanks.

6. Highlands Act – Exemption # 2 – Water Quality Management Plan – Consistent, received for Frank Schultz, 38 Setting Sun Trail, Block 12307; Lot 32, for the demolition of the existing dwelling and the construction of a new two bedroom, single family dwelling with alterations to the existing septic system.

7. Highlands Act – Exemption # 2 – Water Quality Management Plan – Consistent, received for Jack Lipari, Lone Pine Lane/Split Rock Road, Block 5306; Lot 4.02, for the construction of a new 4 bedroom single family dwelling with driveway, septic and private well.

8. Notice of application, with plans, from 1952 Union Valley Road (Q & S Deli), dated November 16, 2010, for a Highlands Exemption and Water Quality Management Plan for the removal of the existing structure and related paved areas and construction of a new two story 5,000 SF building with associated parking, loading, landscaping, septic system, and drainage for a new deli with two apartments.

ADJOURNMENT

Prior to adjourning the meeting, Chairman Gargano advised that the next scheduled Regular Meeting for December 16, 2010 might be canceled if there are no matters to be brought before the Board. The following meeting for the Planning Board will be the Re-organization Meeting followed immediately by a Workshop Meeting on January 6, 2011.

With no further business to come before the Board, Chairman Andrew Gargano **adjourned** the December 2, 2010 Regular Meeting of the West Milford Planning Board at **8:15 pm** on a **motion** by Steven Castronova and a **second** by Michael Siesta.

Approved: April 28, 2011

Respectfully submitted by,

Tonya E. Cubby, Secretary