

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

December 3, 2015

Regular Meeting

Chairman Christopher Garcia opened the December 3, 2015 Regular Meeting of the West Milford Planning Board at **7:33 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance and Roll Call.

ROLL CALL

Present: Linda Connolly, Councilwoman Ada Erik, Andrew Gargano, Warren Gross, Geoffrey Syme, Glenn Wenzel, Michael Siesta, Chairman Christopher Garcia, Board Attorney Thomas Germinario, Board Engineer John Hansen.

Absent: Mayor Bettina Bieri, Douglas Ott, Steven Castronova, Board Planner Chuck McGroarty.

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

PUBLIC PORTION

Chairman Garcia opened the meeting for public comment. With no one 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 Glenn Wenzel.

APPLICATIONS

NEW APPLICATIONS

DAVID LIVERANCE

Minor Subdivision & Bulk Variances #PB-09-15-02

Block 12203; Lots 12, 13, 14

59, 61, 63 Poplar Grove Terrace; LR Zone

Seeking: Minor Subdivision & Bulk Variance Approval to subdivide Lot 13 and add portions of Lot 13 to Lot 12 and Lot 14, with bulk variances for area and yard requirements per section 500-12.D for the Lakeside Residential Zone.

Applicant David Liverance was present to testify regarding the proposed subdivision of Lot 13, Block 12203, Poplar Grove Terrace, and was sworn in by Board Attorney Thomas Germinario. Mr. Liverance reviewed the application before the Board which included minor subdivision plans and a survey prepared by Rigg Associates, P.A. He advised that he was proposing the subdivision of the 45' x 100' Lot 13, also known as #61 Poplar Grove Terrace, and joining a 15' x 100' section to his Lot 12 and a 30' x 100' section to his neighbor's Lot 14. Mr. Germinario advised that he conferred with Board Planner Chuck McGroarty, and determined that he was not required to be present at this hearing since the variances that he had outlined in his report to the Board were not legally required with this application. He further advised that the applicant was taking non-conforming lots and making them more conforming, so therefore, the variances were not required under the law, although if there were variances needed for this application, the Board would grant them. Mr. Germinario stated that this subdivision proposal was a continuation of a pre-existing non-conformity, making it more conforming to the ordinance, and many towns treat this simply as a lot line adjustment, but West Milford requires a minor subdivision.

John Hansen, Board Engineer, reported that the applicant is reducing the number of lots from three to two, and he noted several comments in Paul Ferriero's report to the Board: a CAD file is to be provided to the Board, the tax lots must be confirmed by the Tax Assessor, and the deed description and lot closure descriptions must be reviewed and approved by the Board Engineer.

With no further testimony, a **motion** was made by Andrew Gargano, with a **second** by Councilwoman Ada Erik, to **approve** the minor subdivision approval for David Liverance, for Block 12203, Lots 12, 13, 14, Poplar Grove Terrace.

Roll Call:

Yes: Linda Connolly, Councilwoman Ada Erik, Andrew Gargano, Warren Gross, Geoffrey Syme, Glenn Wenzel, Michael Siesta, Chairman Christopher Garcia.

No: None.

Motion approved.

PENDING APPLICATIONS – None.

MEMORIALIZATIONS

RESOLUTION NO. 2015 – 12

AUTHORIZING AMENDMENT OF THE 2015 CONTRACT FOR PROFESSIONAL SERVICES FOR THOMAS J. GERMINARIO, ESQ.

The Board Secretary advised that Resolution No. 2015-12 was required to authorize an increase in Thomas Germinario's 2015 contract by \$6,000.00 due to unanticipated litigation matters with regard to one of the Board's applications. Chairman Garcia suggested that Mr. Germinario's contract should be increased for the following year by the same amount.

A **motion** was made by Andrew Gargano, with a **second** by Councilwoman Ada Erik, to **approve** Resolution No. 2015-12.

Roll Call:

Yes: Linda Connolly, Councilwoman Ada Erik, Andrew Gargano, Warren Gross, Geoffrey Syme, Glenn Wenzel, Michael Siesta, Chairman Christopher Garcia.

No: None.

Motion approved.

NEW OR ONGOING BUSINESS

***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. He requested the Board Secretary contact Chuck McGroarty, Board Planner, to schedule a Master Plan Committee meeting prior to the next Planning Board meeting.

With regard to a minor subdivision required for a lot line adjustment, Mr. Germinario suggested the Township consider adoption of an ordinance to permit this, and he could provide a sample from another town. Mr. Gargano suggested that the Ordinance Committee should meet and review this matter.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

BOARD PLANNER'S REPORT – None.

BOARD ATTORNEY'S REPORT – Mr. Germinario advised the Board members that there were on-going discussions with the principals of Braemar at West Milford, and the applicant was considering returning to the Board to amend their subdivision with a scaled down project if they can comply with all the requirements of the water supply ordinance. He noted that this was a provision that was included in the prior resolution (September 24, 2015). Therefore, he advised, a hearing for Braemar at West Milford has been tentatively scheduled for the December 17, 2015 Planning Board meeting.

BOARD ENGINEER'S REPORT – Board Engineer John Hansen reported that the John Aiello Major Soil Movement Permit project is underway. He also noted that the new Library project has been started. Andrew Gargano advised the Board that the footings are in on the new Library and the foundation was scheduled to be installed the following week. He also reported that the target date for completion was October 2016. The Groundbreaking Ceremony was scheduled for Saturday, December 5, 2015.

MISCELLANEOUS

Approval of Invoices

The Invoices from the Planning Board professionals were **unanimously approved** on a **motion** by Andrew Gargano with a **second** by Councilwoman Ada Erik.

MINUTES

The Minutes from the Planning Board regular meeting of April 2, 2015 were **unanimously approved** on a **motion** by Glenn Wenzel with a **second** by Warren Gross.

CORRESPONDENCE

The following correspondence was reviewed by the Board:

With regard to copies of several telecommunication applications submitted for Highlands approval that the Board received under correspondence, Mr. Germinario advised that there is a state statute that permits collocation without Board approval, but any expansion in height, width, or structures for existing cell towers must be reviewed by the Board even if the cell companies claim they are an inherently beneficial use. He further advised that all proposed work needed zoning permits before proceeding.

Highlands Water Protection And Planning Act Correspondence

1. Highlands Exemption #4, Water Quality Management Plan Consistency Determination, dated November 7, 2015, received for Christopher Leahy, NY, NY, of Browns Point Lake Services, LLC, regarding the Proposed Redevelopment of the Former Bowling Alley, Block 3610; Lot 26, 1975 Greenwood Lake Tpk., for the construction of a 78,261 s.f. indoor boat storage facility. The project will be served by an ISSDS with a discharge to groundwater to be less than 2,000 GPD. This project was published in the October 7, 2015 DEP Bulletin and no public comments were received. This proposed project is subject to any other Federal, State, County, or Municipal review and approval.
2. Notification of a Highlands Application, dated November 3, 2015, submitted by E2PM Project Management LLC for NYSMSA dba Verizon Wireless – West Milford 14, 1894 Route 23, Block 13602; Lot 7.01, to construct and install additional telecommunications elements within an existing wireless communication facility at the subject site, including the installation of 12 wireless communications antennas on a proposed ten-foot extension on top of an existing 120 foot tall monopole, and installation of a 6x6 ft concrete slab in the compound for the installation of a hydrogen cell emergency generator, with additional telecommunications related construction.
3. Notification of a Highlands Application, dated November 4, 2015, submitted by E2PM Project Management LLC for NYSMSA dba Verizon Wireless – West Milford 15, 333 Warwick Tpk., Block 2802; Lot 3, to install 12 wireless communication antennas on an existing 90 foot tall tree type monopole, expansion of the compound, wireless communication equipment, 35 kw propane generator, and 12 x 26 equipment shelter, with additional telecommunications related construction.

NJ Department of Environmental Protection Correspondence

1. Notice from the NJDEP – Bureau of Dam Safety & Flood Control, for Farm Crest Acres Association, regarding the Upper and Lower Crest lake Dams (NJDEP File #22-333 & 334), advising that following a review of the 2015 Inspection Reports, both dams were found to be in POOR condition, with maintenance and repairs necessary. Per the Dam Safety Compliance Schedule, a conceptual design for the rehabilitation of both dams is to be submitted by December 2015.
2. Copy of correspondence dated October 28, 2015 from the Environmental Group (Investigations) LLC to Lee Steneken, ESCO Optics, regarding 171 Oak Ridge Road, transmitting the Community Right To Know Reporting Exemption Form that had been submitted indicating that the user (ESCO Optics) was below the threshold of environmental hazardous substances, and advising that the NJDEP will be conducting random inspections to verify the accuracy of the submittals.
3. Flood Hazard Area Applicability Determination, dated November 4, 2015, received from the NJDEP, Div. of L.U.R., regarding 53 Roaring Brook Way, Block 11106; Lot 7 – per the Grading Plan submitted for a proposed single family dwelling in the vicinity of West Brook, advising that a Flood Hazard Area Permit is not required since no activity is proposed for the flood hazard area of West Brook nor is it within the riparian zone.
4. Copy of a Receptor Evaluation Form, dated November 9, 2015, from Geo-Enviro Consulting & Remediation LLC, regarding contamination at the Shell Gas Station, PI #004714, 2731 Route 23, Newfoundland, NJ.
5. Notification from the NJDEP, dated September 29, 2015, regarding DeLillo (currently Stelmach), 634 Warwick Tpk, Block 901; Lot 5 and Block 902; Lot 11, advising that an inspection on June 25, 2015 revealed the removal of woody vegetation and construction of a rock retaining wall and graveled parking area within a freshwater wetlands area, with a disturbance of 2,250 sq. ft., which requires a permit from the Div. of L.U.R. for the disturbance, or removal of the stone wall and gravel parking area and restoring the transition area to the pre-disturbed condition.

Miscellaneous Correspondence Received/Sent

1. HEPSCD Certified Soil Erosion and Sediment Control Plan, dated October 26, 2015, received for Majed Tayar for a proposed single family home on 23 Apple Lane, Block 14113; Lot 44, with a proposed disturbance of 15,000 s.f.

ADJOURNMENT

Prior to adjourning, the Board reviewed the upcoming meetings. With no further business to come before the Planning Board, Chairman Garcia **adjourned** the Regular meeting of **December 3, 2015** at **8:21 p.m.** on a **motion** made by Andrew Gargano and a **second** by Councilwoman Ada Erik.

Approved: February 4, 2016

Respectfully submitted by,

Tonya E. Cubby, Secretary