

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**December 20, 2018**

**Regular Meeting**

Vice Chairperson Linda Connolly, who assumed the position of Acting Chair in the absence of Chairman Andrew Gargano, opened the December 20, 2018 Regular Meeting of the West Milford Planning Board at 7:00 p.m. with a reading of the Legal Notice followed by the Pledge of Allegiance.

**ROLL CALL**

**Present:** Steven Castronova, Mayor Michele Dale, Christopher Garcia, Warren Gross, Douglas Ott, Michael Siesta, Councilman Luciano Signorino, Geoffrey Syme, Glenn Wenzel, Vice Chairperson Linda Connolly, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero, Board Planner Jessica Caldwell.

**Absent:** Chairman Andrew Gargano.

Acting Chairperson Connolly requested that Mr. Castronova sit on the Board for Andrew Gargano and advised that a quorum was present to hold this regular meeting.

**PUBLIC PORTION**

The Public Portion was opened by Acting Chairperson Connolly. With no one present requesting to address the Board, the Public Portion was **closed** on a **motion** by Steven Castronova, with a **second** by Councilman Lou Signorino.

**APPLICATIONS**

**NEW APPLICATIONS**

**ENVIRONMENTAL CONSTRUCTION CO.**

**Minor Subdivision & Bulk Variance #PB-01-18-02**

Block 4106; Lot 1

99 Long Pond Road; LR Zone

(Former Awosting Clubhouse Site)

**Seeking:** Minor Subdivision and Bulk Variance approvals to subdivide an existing lot into two individual building lots for proposed single family dwellings.

Ben Cascio, Esq., representing the applicant, Environmental Construction Co., advised that he last appeared before this Planning Board for the original applicant, Awosting Association, Inc., for a minor subdivision of the former Awosting Clubhouse property in 2008 (12-18-08). Mr. Cascio further advised that the original minor subdivision application was approved, but was conditional on receiving a Highlands approval. Since the Highlands approval had not been secured at that time, the subdivision approval expired. The new applicant, Environmental Construction Co., is seeking a minor subdivision on property that is owned by Ken Carroll, a resident who lives across from the subject property. Mr. Cascio noted that the single family dwellings proposed for the lots were smaller than those previously proposed in 2008.

Tyler Vandervalk, P.E., was sworn in by Board Attorney Thomas Germinario to testify on behalf of the applicant, and provided his qualifications as a licensed engineer in the State of New Jersey, receiving a BA from NJIT. He advised that he has testified before this Planning Board, the West Milford Board of Adjustment, as well as other Boards in various municipalities. Mr. Vandervalk testified that the subject property comprised 25,209 s.f. and previously was the site of the original Awosting Community Clubhouse. The current application proposes the creation of two single family dwelling lots. The property has frontage on Long Pond Road East and West, with garages on Long Pond Road West, as well water and sewer; a prior well on the site is to be abandoned. Mr. Cascio inquired whether the plans being used to depict the proposed subdivision should be entered as exhibits, and Mr. Germinario advised that since they were submitted with the application and all the Board members had reviewed the plans, it was not necessary.

Mr. Vandervalk continued with his testimony, advising that the two lots comprised 13,651 s.f. for proposed Lot 1.01 and 11,558 s.f. for proposed Lot 1.02, and since they are undersized for the Lakeside Residential Zone, they would require variances for lot size. Variances are also requested for lot depth and 2 front yard setbacks for each lot since the

lots fronted on two sides. He testified that the original Awosting Clubhouse front yard setback was 5 ft., and the applicant is proposing 20.5 ft. and 25 ft. front yard setback on Long Pond Road East and West. With regard to building coverage, 10% is permitted and the applicant is proposing 12.5% for Lot 1.01 and 14.7% for Lot 1.02. Mr. Vandervalk noted that the height is conforming to the zoning and the primary front of the dwelling will face West. Mr. Germinario inquired if Mr. Vandervalk was a professional planner, and Mr. Vandervalk replied that he is not, but he would be reviewing the variances that require engineering expertise. With regard to the surrounding lots, Mr. Vandervalk reviewed the surrounding lots which ranged from 3,000 s.f. to 16,000 s.f., with the average at approximately 10,500 s.f. He maintained that the proposed lot sizes for this minor subdivision were consistent with the surrounding area. He testified that with the unique character and shape of the original lot, the applicant cannot meet the 40 ft. front yard setbacks, and are proposing 25' on the westerly side, with surrounding some properties containing just 15 ft. setbacks. With regard to building coverage, Mr. Vandervalk advised that the former clubhouse consisted of 17.3% building coverage, so the proposed dwellings would not have a negative impact. Additionally, lot disturbance on the original lot was 16,000 s.f., and the applicant is proposing 12,000 combined total for lot development. Mr. Vandervalk testified that there would be no tree removal required for the development.

Mr. Germinario advised that the minor subdivision approval from 2008 was conditioned on reduction of the proposed dwelling size to 1550 s.f. on Lot 1.02, reducing the lot coverage from 14.7% to 13.4%. Upon consultation with the applicant, Mr. Vandervalk responded that they would not be opposed to the reduction and agreed to the revision. Board Member Warren Gross inquired when the Lakeside Residential Zone was established, and inquired whether the current existing lots conformed to the zoning requirements. Board member Steven Castronova commented that it was established prior to 2008, to which Mr. Gross inquired if the lot sizes being established with the new subdivision would set a precedent in the lake community. Mr. Vandervalk noted that the precedent had already been set by the other small lot sizes in the community, and the applicant is attempting to conform to what is present in the neighborhood. Mr. Germinario clarified with Mr. Vandervalk the disturbance that had occurred on the original lot and then inquired about the status of the wetlands. Mr. Vandervalk advised that EcolSciences had identified wetlands in the area, and stated that any approval by the Board would be conditioned on getting required wetlands approvals. The Highlands Exemption was a condition of the original approval, and they had received the exemption before they came back to the Board with this minor subdivision application. Mr. Germinario advised the Board that Highlands Exemption #4 had been received from the NJDEP and a copy had been included with the Board's application documents.

Paul Ferriero, Board Engineer, advised that he had a few comments in his recent report for the Board, but a number of them had been addressed by the applicant's professionals. He stressed that the NJDEP approvals must be a condition of any approval from the Board. With regard to the grading plan, he advised that this can be deferred until the building plan is submitted. With respect to the issue of a sight easement requirement, he wondered whether it would provide any benefit. Mr. Vandervalk advised that the proposed house will not interfere, but he has not completed studies to determine if the easement area would fall within the sight triangle, adding that, hopefully, an easement will not be required. Mr. Ferriero requested that the sight triangle be shown on the plan, and if it is on the lot, he will need to see where it falls.

Mr. Germinario inquired of Mr. Cascio whether the prior conditions of approval should apply, and Mr. Cascio concurred, clarifying whether the subdivision deeds should be filed with the map. Mr. Germinario advised that the deeds are all that is required for filing with a two lot subdivision, and it was not necessary to include the resolution either, although there is language in the 2008 approval indicating what is needed in terms of referencing the resolution. With regard to a lot development plan, Mr. Germinario confirmed with Mr. Ferriero that it would be a condition of approval. Mr. Ferriero advised that it could be included in the grading plan.

Jessica Caldwell, Board Planner, provided some clarification to the Board with regard to the variances being requested, noting that some fall into a different category, and it was necessary to note the public benefits for each. With lot coverage, there will be a reduction from the original, which is a benefit. The front yard setback is needed, but it is something that the Board must consider. Mr. Germinario advised that the variances are consistent with the findings that were made in the 2008 minor subdivision application.

The Board members had no further comments on this application. The hearing was then opened for a Public Portion. With no one present wishing to address the Board on this

matter, the Public Portion was **closed** on a **motion** by Steven Castronova with a **second** by Chris Garcia.

Vice Chairperson Connolly inquired of Ms. Caldwell about the benefits to the community as a whole with the variances, and Ms. Caldwell advised that the Board should consider whether the variances would make the lots more conforming to current zoning standards, which they appear to do.

With no further comments, a **motion** was made by Councilman Lou Signorino to **approve** application #PB-01-18-02, **subject to the conditions expressed**, for a minor subdivision for Environmental Construction Co, Block 4106; Lot 1, with a **second** made by Geoffrey Syme.

### **Roll Call**

**Yes:** Steven Castronova, Mayor Michele Dale, Christopher Garcia, Warren Gross, Douglas Ott, Councilman Lou Signorino, Geoffrey Syme, Glenn Wenzel, Vice Chairperson Linda Connolly.

**No:** None.

**Motion approved.**

### **H.S. FIELD - BLEACHER REPLACEMENT PROJECT**

#### **Courtesy Review**

West Milford High School

Block 10202; Lot 9

46 Highlander Drive; R-4 Zone

The Board members reviewed the plan for the West Milford High School Grandstand Replacement Project. Mr. Germinario advised that a Master Plan Consistency Determination was not required for this project. Referring to the plans, Mr. Ferriero advised that the bleachers are slightly set back, but there appears to be no major changes to what exists. The ADA accessibility requirements are being met. Following discussion, and with Board consensus, Mr. Germinario advised that a memo should be sent to the project manager advising that the proposed design is an improvement to what currently exists.

**PENDING APPLICATIONS** – None.

**MEMORIALIZATIONS** – None.

### **NEW OR ONGOING BUSINESS**

**Bed & Breakfast and Airbnb Facilities** – Board Planner Jessica Caldwell advised the Board that the Ordinance Committee met prior to this regular meeting to discuss revisions to the draft, as well as the 4 emails and comments received from the public. The Ordinance Committee will review Greenwood Lake Village and the Town of Warwick ordinances on short term rentals, and discuss whether to incorporate some of their requirements into the draft. Vice Chairperson Connolly advised that this process for developing a draft ordinance was ongoing, and once the document revisions are completed, it will be provided to the Planning Board for further review prior to being presented to the Governing Body for consideration. She noted that, ultimately, the Governing Body will make the decision on whether to adopt an ordinance, as well as what terms the ordinance will contain. Ms. Caldwell commented that the Planning Board is taking time to develop and present the best ordinance possible for the Governing Body to consider, and that the Governing Body will make the determination whether or not to take action on it.

**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**

## **Invoices**

The Planning Board professionals' invoices from October and November 2018 were **approved** by the Board on a **motion** by Steven Castronova and a **second** by Councilman Lou Signorino, with an abstention by Mayor Michele Dale.

## **MINUTES**

The Minutes of the October 25, 2018 were **approved** by the Board members who were present at that meeting, on a **motion** by Steven Castronova and a **second** by Glenn Wenzel, with an abstention by Mayor Michele Dale.

## **CORRESPONDENCE RECEIVED:**

*The following correspondence items were reviewed and filed:*

### **Highlands Water Protection and Planning Act Correspondence**

1. Highlands Exemption #4, Water Quality Management Plan – Inconsistent notification received from the NJDEP, dated November 30, 2018, regarding 1590-1610 (1592) Union Valley Road, Block 6401; Lots 1 & 3, Kingwood Flex LLC, for a proposed Dollar Tree building expansion and associated site improvements, with no additional impervious surfaces, with all proposed construction within previously disturbed areas. This exemption determination does not eliminate the need for any other permits or approvals by federal, state, county and local agencies with regard to freshwater wetlands or flood hazard permits, or storm water management. The proposed building expansion extends outside the current sewer service area and therefore requires an amendment to the Water Quality Management Plan before construction.

2. Copy of an application for a Highlands Applicability Determination, Exemption #9, submitted by Jacobs Engineering Group, dated November 20, 2018, regarding the Bridge Replacement Project on State Rt. 23 Over Pequannock River/Hamburg Tpk/NYS&W Railway, Structure No. 1405-156 in the Township of West Milford and Borough of Kinnelon.

### **NJ Department of Environmental Protection Correspondence**

1. Correspondence from the NJDEP Historic Preservation Office dated November 5, 2018 advising that proposed Trail Re-route and Sterling Connector Trail in Ringwood State Park meets the Secretary of Interior's Standard for Rehabilitation and does not constitute and encroachment on Ringwood Manor (NJ Historic Register 05-27-71).

2. Notification and Public Outreach dated November 1, 2018 received from Shell Oil Products (Equilon Enterprises LLC) regarding a site at Rt. 23 and Union Valley Road, Block 14604; Lot 1, advising that the company is continuing to investigate environmental conditions in order to determine the presence or absence of petroleum related constituents potentially resulting from the gasoline station operation that were evident during an investigation.

3. Suspected Hazardous Substance notice received from the NJDEP, #18-11-28-1113-33, dated November 29, 2018, regarding 1038 Westbrook Road, Block 5009; Lot 17, with respect to the removal of a 1000 gal #2 H.O. UST, with clean up pending.

4. Notification and Public Outreach dated November 8, 2018 received from Getty Realty Corporation regarding a site at 2048 Rt. 23 North, Block 14104; Lot 2, advising that they are continuing to investigate and remediate environmental contamination as a result of the presence in the soil and groundwater of benzene, xylenes, MTBE, TBA, and total volatile organic compounds.

5. Suspected Hazardous Substance notice received from the NJDEP, #18-11-18-1117-48, dated November 9, 2018, regarding 195 Vreeland Road, Block 8704; Lot 1, with respect to a pad mount transformer found to be leaking from corrosion, with clean-up pending.

6. Response Action Outcome RAO and Receptor Evaluation correspondence dated November 1, 2018 received from Applied Earth Solutions regarding Petro-Two Inc, 4 Marshall Hill Road, Block 5701; Lot 3, NJDEP # 05-02-14-1252-25, advising that the remediation has been completed per N.J.A.C. 7:26C.

7. Copy of a Notice of Violation and Offer of Settlement received from the NJDEP division of Dam Safety and Flood Control, dated November 8, 2018, regarding the City of Newark Charlotteburg Reservoir Dam and River Wall Dam (NJDEP File #22-70 and 22-194), the Canistear Reservoir Dam No 1 & 2 (NJDEP File #22-192 & 22-193, the Oak Ridge Reservoir Dam (NJDEP file #22-2), and the Clinton Reservoir Dam (NJDEP File #22-40),

advising that the dam prioritization and compliance schedules must be submitted within 30 days pursuant to a request and deficiency letter previously sent on May 18, 2018.

8. NJDEP Division of Dam Safety and Flood Control, dated October 29, 2018, regarding the High Crest Lake Dam, File #22-161, advising that the 2018 Conceptual Rehabilitation Design and the 2016 Incremental Damage Assessment Study for High Crest Lake Dam prepared by Civil Dynamics is acceptable for achieving compliance, with a dam safety permit application to be submitted by May 31, 2019.

9. No Further Action letter received from the NJDEP, dated November 7, 2018, regarding 97 Greendale Drive, Block 16801; Lot 1, with respect to the removal of one 550 gal #2 HO UST.

10. No Further Action letter received from the NJDEP, dated November 7, 2018, regarding 9 Ramapo Road, Block 4107; Lot 5, with respect to the removal of one 550 gal #2 HO UST.

11. No Further Action letter received from the NJDEP, dated December 6, 2018, regarding 8 Mayfair Rd, Block 12208; Lot 25, with respect to the removal of one 275 gal #2 HO AST.

12. Suspected Hazardous Substance notice received from the NJDEP, #18-12-07-1348-20, dated December 8, 2018, regarding 84 circle Dr., Block 16307; Lot 14, with respect to one 550 gal #2 HO UST, with clean-up pending.

13. Suspected Hazardous Substance notice received from the NJDEP, #18-12-10-1606-15, dated December 11, 2018, regarding 1367 Union Valley Rd, Block 7508; Lot 16, with respect to a historic discharge and soil contamination for a previously removed gasoline UST, with the removal of one 10,000 gal and one 12,000 gal. gasoline UST, and one 10,000 gal diesel UST pending.

### **Miscellaneous**

1. County of Passaic notification dated October 29, 2018 regarding a public hearing on November 29, 2018 on a Green Stormwater Infrastructure Element proposed as an additional element of the Passaic County Master Plan.

2. HEPSCD Re-certification of a soil erosion and sediment control plan for West Milford Township Salt Storage Project 30 Lycosky Drive, Block 6002; Lot 28.01, recertifying the plan until June 2, 2012.

3. Notice of Public Hearing received from Randa Investments, LLC regarding a Board of Adjustment hearing scheduled for December 18, 2018 at 7:30 at the West Milford Town Hall with respect to an application for Use and Bulk Variances for property at 1463 Union Valley Road, Block 7601; Lot 2 in the Village Commercial Zone for the construction of 8 town houses.

4. HEPSCD Re-certification of a soil erosion and sediment control plan for Marshall Hill Road Culvert Replacement 1600-282, Marshall Hill Rd over Belchers Creek Tributary, Blocks 5708 & 6303; Lots Various ROW, recertifying the plan until April 16, 2022.

### **ADJOURNMENT**

Prior to adjourning, Board Attorney Thomas Germinario advised that he has a conflict and will not be present for the Planning Board Re-organization meeting on January 3, 2019. He further advised that the Board Secretary will witness the oaths, and he will review any resolutions prior to the meeting.

With no other matters to be brought before the Planning Board, Vice Chairperson Linda Connolly **adjourned** the regular meeting of December 20, 2018 at 7:50 p.m. on a **motion** made by Councilman Lou Signorino with a **second** by Steven Castronova.

Approved: January 3, 2019

Respectfully submitted by,

Tonya E. Cubby, Secretary