

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**WORKSHOP
January 17, 2008**

MINUTES

Following the Reorganization Meeting, the Workshop meeting of the Township of West Milford Planning Board was called to order at 8:50 p.m. 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, Clinton Smith, Geoffrey Syme, Councilman Philip Weisbecker, Alternates Michael Siesta, Dennis Kirwan, Chairman Andrew Gargano, Consulting Engineer Paul Ferriero, Board Attorney Thomas Germinario, Planning Director William Drew.

Absent: None.

PUBLIC PORTION

The meeting was open for public comment. With no one present wishing to be heard, the public portion of the meeting was closed on a **motion** by Steven Castronova with a **second** by Douglas Ott. On a Roll Call vote, all were in favor.

SITE PLAN APPLICATION REVIEW WAIVERS

None.

APPLICATIONS

William Drew, Board Planner, reviewed the following applications for the Planning Board members:

SUNNY BLUE, LLC	COMPLETE: 10/23/2007
Preliminary and Final Site Plan #0720- 0286AB	DEADLINE: 02/20/2008
Bulk Variance #0730-0787	

Block 5701, Lot 1

1502-12 Union Valley Rd; CC Zone

Seeking Preliminary and Final Site Plan Approval with Bulk Variances to permit the applicant to construct a Walgreens pharmacy following demolition of the existing structure.

Mr. Drew advised that the applicant, Sunny Blue, LLC was prepared for the public hearing in November, the matter was carried to the regular meeting in December, which was cancelled due to inclement weather, and is now scheduled for the January 24, 2008 meeting. The plans were distributed to the Board members, and all other pertinent information was provided to them. He asked that the Board review the plans and be prepared for the public hearing on January 24th. A Board member inquired about the applicant's prior appearances before the Board, and Mr. Drew reviewed their past attendance at work sessions, noting that all discussions were on an informal basis. A Board member inquired about the time frame for completeness and decision date. Mr. Drew reviewed the time-table with respect to this application.

NEW CINGULAR WIRELESS PCS, LLC	COMPLETE: 10/26/2007
D/b/a AT&T WIRELESS (OAK RIDGE)	DEADLINE: 02/23/2008

Amended Preliminary & Final Site Plan # 0720-0190AB

Bulk Variance 0730-0791

Block 16307; Lot 21

364 Oak Ridge Road; CC Zone

Seeking Amended Preliminary & Final Site Plan Approval for a Telecommunications Facility.

Mr. Drew advised the Board about the circumstances that resulted in the New Cingular Wireless/AT&T application, noting that the applicant had received approval from the Planning Board, but upon receipt of Highlands's approval, the applicant was required to resituate the equipment shelter, necessitating an amended preliminary and final site plan with bulk variance. The Attorney for the applicant, Renu Shevade, Esq., was present in the audience. Mr. Drew advised the Board that the applicant receives notification when their application is scheduled for review at a work meeting.

WOODWARD AND CORINNE BALL

COMPLETE: 12/24/2007

Preliminary and Final Site Plan #0620-0253AB

DEADLINE: 02/07/2008

Block 16005; Lots 8 and 9

25 Paradise Road; LMI Zone

Seeking Preliminary and Final Site Plan Approval for various site improvements.

Mr. Drew reviewed the Ball application for the Board, in addition to providing plans and an Environmental Impact Statement, noting that the report was included in their packets. The application did not include any variances, with site plan approval sought for a landscaping business.

Mr. Drew advised the Board that Shoebox Storage, LLC, Block 16006; Lot 1, Block 16007; Lot 4, and Block 16008; Lot 3, listed on the agenda under Miscellaneous, would be carried to the next month's Workshop.

MISCELLANEOUS

Mr. Drew advised that he, the Planning Board Attorney, and the Board Engineer would review the activities and responsibilities of the Board. The next several workshop meetings will be used as informational sessions on various Planning Board matters.

For the benefit of the new Planning Board members, Mr. Drew reviewed the Planning Board application process, including the proposal by the applicant, required check lists, review by various entities, including Planning, Health, Engineering and Zoning, until the application is deemed complete for a public hearing. He continued with an explanation of time extensions, legal noticing required by the applicant, and variance requirements. Mr. Germinario, Board Attorney, reviewed the waiver process. He advised the Board about their quasi-judicial status, noting that witnesses, testimony, evidence, and findings of fact are part of the record for each application before the Board for approval. He cautioned the Board members to disqualify themselves if there is a personal or financial conflict with an application before the Board. Mr. Germinario continued with a review on the process of the hearing and the Board's responsibilities in rendering a decision. He noted that an applicant has a 45 day period to take a matter to superior court if not satisfied with a decision of the Board.

Mr. Drew reviewed the resolution process in which the action by the Board is memorialized, advising that the Board has the ability at the time of application approval and during memorialization to put conditions on the approval, which the applicant is obligated to meet prior to proceeding with the work proposed. The Board Attorney added several comments on conditions imposed by the Board. A Board member noted that it was very helpful for Board members to visit a site prior to a public hearing, adding that, on occasion, submitted plans did not accurately reflect the existing site of a proposed application.

On another matter, a Board member inquired about a sign ordinance, and review of a billboard ordinance. Mr. Drew advised that he would consult with the Board Attorney and the matter would be discussed at a future work meeting.

A Board member requested that copies of all correspondence to the Board be available in the Board packets. Following discussion, the Chairman directed copies of all correspondence and communications be provided to the Board in the packets.

A Board member inquired about lighting at a church site in Upper Greenwood Lake. Mr. Drew reviewed the lighting and parking issues for an application that had received a site plan review waiver by the prior Board.

On another matter, a Board member inquired about the Major Soil Removal Permit for Eric Hastings and the site in question. Mr. Weisbecker recused himself from any discussion on the matter.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

Mr. Drew reviewed the correspondence from the Highlands Council, explaining the two criteria involved in a Highlands application, exemption and water quality management plan consistency.

Mr. Ferriero, Board Engineer, discussed the engineer's role as a translator in reviewing applications and plans for completeness, review of deeds, and submission of comments and reports to the Board. He noted that he does a detailed technical review of the plans submitted, to make sure that the project will function once it is complete. He does not review plans based on his opinion of how a project should be designed. His reviews will go page by page, with dozens of comments, specifically done for inclusion in a report and resolution. He added that he also tends to be a gate-keeper, to make sure the conditions, from an engineering perspective, are met. Mr. Drew added that various other departments in the Township receive a copy of the application and plans when an application is deemed complete, in order to provide input and comments prior to the public hearing.

MINUTES

The Attorney advised that the new members who are not eligible to vote should abstain on the approval.

Motion by Steven Castronova with a **second** Douglas Ott to approve the minutes of the December 6, 2007 Workshop meeting.

Roll Call: Yes: Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Councilman Philip Weisbecker.
 Abstain: Mayor Bettina Bieri, Dennis Kirwan, Richard McFadden, Chris Rosica, Geoffrey Syme, Chairman Andrew Gargano.
 No: None

ADJOURNMENT

Prior to adjournment, Chairman Gargano advised the newly sworn in Planning Board members to sign their Oaths of Office. Rich McFadden's oath needed to be corrected; he was referred to the Township Clerk for a new oath form.

Motion by Doug Ott and a **second** Michael Siesta to adjourn the Workshop meeting of January 17, 2008 at 9:50 p.m. Upon unanimous consent, the Board adjourned.

Approved:

Respectfully submitted,

Tonya E. Cubby
Secretary