

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

**March 6, 2008
WORKSHOP MEETING**

The Regular meeting of the Township of West Milford Planning Board was called to order at 7:30 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, Chris Rosica, Clinton Smith, Geoffrey Syme, Michael Siesta, Dennis Kirwan, Chairman Andrew Gargano, Planning Director William Drew, Board Attorney Thomas Germinario, Board Engineer John Hansen, GIS Specialist Rob Sparkes.

Absent: Douglas Ott.

Chairman Gargano advised that Douglas Ott notified the Planning Board of his absence, and asked Michael Siesta to sit in for Mr. Ott.

PUBLIC PORTION

With no one present wishing to address the Board, the Public Portion was closed by unanimous consent on a **motion** by Steven Castronova and a **second** by Michael Siesta.

SITE PLAN APPLICATION REVIEW WAIVERS

WALKER'S DELI, TOO LLC
Site Plan Review Waiver #0820-0315W
Block 9201; Lot 6
717 Otterhole Road; NC Zone

Michael Walker, 626 Snake Den Road, owner of Walker's Deli Too LLC, was present to address the Board and was sworn in by the Board Attorney Thomas Germinario. William Drew, Planning Director, advised that there were no concerns by the Zoning Officer and Construction Official following a site inspection. The Board Attorney concurred that the proposed business was identical in use with the prior business. A Board member, who had visited the site, observed that this was merely a change in ownership, and by all accounts, a good operation. Another Board member inquired if there would be any changes on the interior, and if there were any septic problems. The owner replied that an additional sink would be installed, that all permits for plumbing upgrades were applied for, and he anticipated Building and Health Department approval.

One Board member expressed disapproval of the process for a site plan review waiver and opined that a resolution of approval was needed. The Board Attorney advised the Board that this was an application for a waiver from filing a site plan, and that, in this instance, no site plan is necessary. He added that this was a good conservative approach to reviewing changes in tenancy. Mr. Germinario continued, noting that memorialization of the Board's approval for a waiver was not necessary as the Board is not approving or disapproving an action of a development application. He cautioned about the Board adding conditions of approval with a site plan application review waiver, and noted that they should be limited. There were no engineering concerns with regard to this waiver application.

Motion by Chris Rosica with a **second** by Michael Siesta to approve the site plan application review waiver for Walker's Deli Too, LLC.

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

Following approval of this waiver, the Board discussed the issue of imposing conditions with approval with site plan review waivers. The Board Attorney advised that if there are building code violations and maintenance code issues, they should be referred to the appropriate officials. The Board discussed requiring a notice of neighbors within 200 feet of an applicant's site when a site plan waiver is applied for. The Board Attorney voiced his concerns about this with regard to M.L.U.L., and advised the Board to develop a particular mindset for review of a waiver request. In that regard, any doubt or concerns not addressed would be cause for denial of the waiver by the Board. Mr. Drew reviewed the process from its inception. The Board discussed imposing a fee for the site plan review waiver. This would be reviewed at a future workshop. Mr. Germinario offered to review the existing site plan waiver process and report to the Board with suggestions for changes. The Board members concurred that a review was necessary.

MINUTES

Motion by Councilman Philip Weisbecker with a **second** by Michael Siesta to approve the minutes of the January 17, 2008 Workshop meeting.

Roll Call: Yes - Mayor Bettina Bieri, Steven Castronova, Richard McFadden,
 Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme, Chairman
 Andrew Gargano.
 No - None.

MISCELLANEOUS

The Board Attorney reviewed the use of email by Board members, advising that current law treats email like a written document. He noted that discussion by Board members via email is viewed as official business. He cautioned against communications regarding any application, and advised that emails should be limited and should be conducted through the Planning Department. He stated that all email discussions are discoverable, and referred to a recent request for all Planning Board member emails from the beginning of the current year to present. He also cautioned against discussions outside of the meetings if there is a quorum present, noting possible violation of the Sunshine Act.

The Board Attorney discussed his required attendance at all meetings, and advised that he would attend Planning Board meetings when necessary, but may not attend Workshops. He would confer with the Planning Director and his attendance would be evaluated on a meeting-by-meeting basis. The Board Engineer's attendance would be required at each meeting.

The Planning Board Attorney and Planning Board Engineer left the meeting at this time.

For the benefit of the new Board members, Planning Director William Drew and Rob Sparkes, GIS Specialist, provided the following reports on CD at a prior meeting and proceeded to review them with the Board members:

FEDERAL STREETSCAPE GRANT

Mr. Drew reviewed the grant amount received as seed money for this collaborative effort between Passaic County and the Township to develop an improvement plan. Requirements by property owners for installation of sidewalks were discussed. Mr. Drew advised that Dewberry Goodkind was retained to do surveys, concept plans and construction drawings. Rich McFadden noted that September 2009 was the anticipated date for the work to begin. Mr. Sparkes noted that monies have to be allocated before the end of this year. The approving authority will be the Township Council. Monies allocated and private investment from business and property owners will fund the project. Mr. Drew reported that positive feedback was received when the streetscape was reviewed as part of the visioning session previewed several years ago. The Board discussed underground wiring options and Mr. McFadden noted that it was ultimately the decision of Orange and Rockland Electric Co. Mr. Sparkes reviewed the grant monies and deadlines for the streetscape project.

Following Board discussion, a Buildings Design Standards Subcommittee was formed with Chris Rosica, Steven Castronova, Councilman Philip Weisbecker and Chairman Gargano. Stephen Boschart of the Historic Preservation Commission would be contacted for availability.

MP3 HIGHLANDS GRANT

Mr. Sparkes reviewed the MP3 grant projects information. The Board viewed aerial photography and discussed impervious cover calculations. The data and information will be part of the Master Plan.

REVIEW OF FINAL DRAFT – HIGHLANDS REGIONAL MASTER PLAN

Mr. Drew advised that the Master Plan Subcommittee should plan to meet as soon as possible; April 3, 2008 at 5:00 was set for the first subcommittee meeting of this Board.

RECESS

The Chairman called a short recess at 9:23 p.m. The meeting was called back to order at 9:28 p.m.

WEST MILFORD OPEN SPACE PLAN

Mr. Drew reviewed the role of the Planning Board in the process of land acquisition for Open Space. He advised that the Environmental Commission has been working with the residents of West Milford Lake to prepare them for the dam decommissioning scheduled for this year. Several options have been drafted for remediation of the site after the dam is breached. He noted that the Planning Board should consider amending the Open Space Plan to add West Milford Lake to its list of properties.

A VISION PLAN FOR WEST MILFORD

Mr. Drew advised the Board that six of the seven items identified in the Visioning Plan will be achieved by the Township. He reviewed those items with the Board.

WEST MILFORD LAKE NJDEP MANDATED DAM BREACH

The Board discussed West Milford Lake and attempts to have the lake owners repair the dam. Several Board members commented that the site is in the center of the Town and should be part of an improvement effort. Mr. Drew noted that West Milford Lake was an integral part of the visioning session.

Mr. Sparkes reviewed the 319H grant for Greenwood Lake, explaining the scope of the project that included monitoring of phosphorous levels. He noted the correlation between West Milford Lake and Greenwood Lake with regard to phosphorous leaching. Mr. Drew advised that Fred Lubnow from Princeton Hydro will make a presentation at a work meeting in April. The Board discussed phosphorous levels and monitoring. Mr. Sparkes advised that the Environmental Commission is applying for the next round of Smart Growth Planning Grant. Mr. Drew noted that the overall concern is water quality in the lakes. Mr. Sparkes reviewed the ANJEC grant and the proposed lake manual for lake communities that would guide them in managing their lakes with regard to water quality. The Planning Board concurred that a letter of recommendation be made from them to ANJEC for this grant. It would be drafted by Mr. Sparkes and approved by the Board at the March 27 meeting.

Mr. Weisbecker inquired about a sign ordinance and asked for a status. Mr. Drew commented that he needed to speak to Mr. Germinario regarding this, as his input is crucial for the legal aspects.

MASTER PLAN SUBCOMMITTEE

The first meeting of the Master Plan Subcommittee was scheduled for April 3, 2008 at 5:00.

COMMUNICATIONS

The following communications were noted and filed:

Notice from McKittrick Engineering received February 19, 2008 regarding George Petrou, Tintle Avenue, Block 3609; Lot 13.02 advising of intent to apply for a Treatment Works Approval.

Notice from McKittrick Engineering received February 19, 2008 regarding Robert Mazzochi, 4 Clubhouse Trail, Block 504; Lot 1, advising of intent to re-apply for Treatment Works Approval.

Copy of letter sent on February 21, 2008 to the NJDEP from WV's Coffee Express, 3034 Route 23, Block 16001; Lot 5 & 6 responding to requests for additional information for the Highlands Exemption Application.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

None.

ADJOURNMENT

With no further business to come before the Board, **motion** by Steven Castronova, with a **second** by Councilman Philip Weisbecker to adjourn the March 6, 2008 Workshop meeting of the Planning Board at 9:55 p.m. On a Voice Vote, all were in favor of adjourning.

Approved: May 8, 2008

Respectfully submitted by

Tonya E. Cubby, Secretary