

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

March 25, 2021

Regular Meeting

Virtual Meeting Via Zoom

Chairman Christopher Garcia opened the March 25, 2021 regular meeting of the West Milford Planning Board, held virtually via Zoom, at 7:00 p.m. with a reading of the Legal Notice followed by the Pledge of Allegiance.

ROLL CALL

Present: Linda Connolly, Councilwoman Ada Erik, Councilman Warren Gross, Robert Nolan, James Rogers, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia, Alt. #1 Michael DeJohn, Alt. #2 JoAnn Blom, Board Planner Jessica Caldwell.

Absent: Steven Castronova, Board Attorney Thomas J. Germinario, Board Engineer Paul W. Ferriero.

Also Present: Alison Kopsco of J. Caldwell & Associates.

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

PUBLIC PORTION

The public portion was opened by Chairman Garcia. With no members of the public wishing to address the Board, the public portion was **closed** on a **motion** by Robert Nolan with a **second** by Geoffrey Syme.

APPLICATIONS – None.

PENDING APPLICATIONS – None.

MEMORIALIZATIONS – None.

NEW OR ONGOING BUSINESS

Highlands Sustainable Economic Development Plan

Alison Kopsco from J. Caldwell & Associates provided a report to the Board regarding the Highlands Sustainable Economic Development Study. 53 business responses to the survey were received, which included a variety of responses including comments on hours of operation of businesses, ease for working with the Township, and creating a healthy business climate. Some of the advantages of operating a business in West Milford noted by the business owners included the sense of community, repeat customers, and the hometown character in the town. Some of the disadvantages noted by the surveys include a sense that there is a lack of support for businesses, too much red tape for permitting, lack of visibility of the businesses, lack of the public's knowledge about the businesses operating in town. The survey feedback indicated that more improvements need to be made to achieve attractive business districts. Ms. Kopsco noted that the responses were consistent with the stakeholder meetings held with various organizations. Some of the main

recommendations from the survey responses were to encourage year round tourism and increased connectivity for businesses, as well as with other areas in the Township through trails, walking and bike paths. Among the action items that will be included in the plan are the development of inventory of vacant open space for businesses to plan events, connectivity of open space and trails, and walkability between various areas. One of the primary recommendations is to create a dedicated business liaison that can facilitate businesses in dealing with the Township and the Highlands Council, as well as other regulatory entities, and also the creation of a user friendly guide to permitting. Ms. Kopsco noted that the complete draft would be ready for April or May.

Chairman Christopher Garcia inquired about concerns with the municipality or the state, and Ms. Kopsco replied that this requires further research, but from the responses received on the surveys there was an indication that the local permitting process and the Highlands regulations were a large deterrent, especially since the Highlands restricts most new development in the Township. Board member Robert Nolan commented that if a business wants to develop on a vacant lot with a building and paving, it was not within the Township's control what regulations that the Highlands Act imposed. Jessica Caldwell, Board Planner, commented that the liaison could work with the Highlands to find ways to navigate through the restrictions. Board member Linda Connolly inquired if there were any issues indicated in the surveys regarding Covid and its impact on the businesses. Ms. Caldwell advised that tourism and recreational activities have been positive during the last year, and the forest service and parks associations have reported an increase in visitors to their sites, including in West Milford. Realtors have advised that housing purchases have increased. She noted that we probably did not get responses from people who were struggling during this Covid period. The Chairman surmised that West Milford probably benefitted economically from people working from home and using local businesses. Board member Jim Rogers commented that the use of trails has greatly increased, and wondered if the Township should concentrate their efforts on rehabilitation projects since new building is limited or restricted. Ms. Kopsco and Ms. Caldwell noted that recommendations are being made to use open space for recreation, and to explore areas for rehabilitation. Board member Geoffrey Syme inquired about the resident survey responses, and Ms. Kopsco advised that the presentation was the compilation of the responses from residents, businesses, and stakeholder meetings with various groups such as the EDC, Chamber, Rotary, and other organizations. Ms. Caldwell advised that the stakeholders were asked for input on economic development, adding that the responses will be collated into the report. Chairman Garcia suggested that the draft be reviewed with the Master Plan Committee first, and any comments and edits can be made before provided the final draft to the Board.

WM Historic Preservation Commission

The Board received a copy of a draft Letter of Support for the Friends of Long Pond Ironworks 2021 Capital Preservation Grant Application for Rehabilitation of the Hewitt Church. The Secretary reviewed the ongoing project on the church and the Board concurred their support for the grant, noting that the site was a gateway to the Township.

Open Space and Recreation Plan Update

Board member Jim Rogers provide a report on the Open Space and Recreation Plan Update that was prepared by the Land Conservancy in collaboration with the Environmental Commission. He advised that the draft OSRP will be reviewed at the April 5, 2021 EC meeting, and then it will be presented to the Governing Body at a public

meeting in May, and then referred to the Planning Board. Mr. Rogers advised that the Environmental Commission had prepared a “white paper” report on the assessment and mitigation of the effects of climate change in the Township which municipalities are required to incorporate into the Master Plan. Mr. Rogers noted that the OSRP Update is a good plan, and observed that there is a lot of overlap with the open space plan and the Highlands Sustainable Economic Development Plan. He opined that the plans will provide the opportunity for a lot of issues to be considered and, hopefully, for the Township leaders to act on in the future.

Sludge into Storm drains

Mr. Rogers reported on the dumping to sewage sludge into storm drains by West Milford Lake. He noted that the Environmental Commission has been monitoring the nitrates and phosphates with samples taken by the bridge on Marshall Hill Road since this could affect the waterways that lead to Greenwood Lake. Chairman Garcia thanked Mr. Rogers for his reports as the Environmental Commission member on the Planning Board.

BOARD PLANNER’S REPORT

Jessica Caldwell advised that she will work on the ordinances that the Planning Board reviewed at the prior meeting in February. She will communicate with the Administrator/Clerk to forward the land use ordinances to the Planning Board, if possible, before introduction by the Governing Body, so they can be reviewed by the Ordinance Committee.

With regard to COAH - Affordable Housing, Ms. Caldwell did not have an update on West Milford’s status. She noted that the Highlands Council has master plan funding and the Board should re-visit the housing portion. Mr. Syme commented that Wayne Township has been in the news lately regarding affordable housing issues and West Milford does not want to find themselves in the position that Wayne is currently in. Ms. Caldwell stated that she would check with the Township Attorney on the affordable housing status for West Milford.

Bulk Standards Ordinance

Chairman Garcia commented on the recent proposed bulk standards ordinance and thanked those responsible for contributing to the beneficial discussions that resulted regarding the ordinance. He noted that the Planning Board and Board of Adjustment did not have the opportunity to review the ordinance in the development stages or prior to introduction by the Governing Body. He advised that he sent a letter to the Council opposing the new standards and feels that they will result in an urbanization of the Township, and hopes that the Board gets a chance to re-visit the matter, and the Council ultimately takes a more reasonable approach. Ms. Caldwell commented that the Administrator requested the reduced setbacks to limit the amount of bulk variance applications going to the Zoning Board of Adjustment. She had worked on the ordinance with the Township Attorney and noted that it was only for undersized lots. The Board Secretary interjected that the Board of Adjustment’s annual reports for 2019 and 2020 have been drafted and will be forwarded to the Council and Planning Board for review. Chairman Garcia observed that the bulk standard ordinances need to be vetted as a body, and recommended that the Ordinance Committee review the ordinance, and possibly arrange to meet with the Board of Adjustment. Board member Ada Erik advised that she

spoke to members on the Board of Adjustment and there are a lot of discussions that needs to take place. She noted that it is assumed by the Council that the issues with local legislations (ordinances-resolutions) have already been vetted, and the Council was not aware that they had not been reviewed prior to introduction. Mr. Nolan commented that one of the Council members had tried to reintroduce the bulk standards ordinance at the meeting the night before. Ms. Caldwell commented that it is usually referred to the Planning Board for comments, then introduced after changes or edits are made. Ada Erik was requested to advise the Council, if it is re-introduced, that it should be referred to the Planning Board for comment since the Board of Adjustment report will be forthcoming and is under review. She noted that the ordinance should be reviewed in conjunction with the BOA report, adding that the Council ultimately makes the decision on the ordinances.

The Board Planner was requested to research the outdoor dining ordinance that the Council adopted recently, to determine if it was a land use ordinance and whether it should come to the Planning Board for Master Plan Consistency. The Chairman stated that with all the new ordinances converging, he feels that the Township Master Plan needs to be reviewed. He wants to see a spirit of cooperation with the Governing Body and wants them to rely on the Planning Board as a resource for land use matters. Linda Connolly concurred with this and maintained that communication is essential with all entities, especially with the issues and events occurring. Chairman Garcia thanked the Board for their comments and feedback. Mr. Nolan stated that he was not on the Planning Board to rubber stamp things after the fact. Mr. Rogers suggested that the Board be more proactive and approach the Council on various matters before they become set in stone. Chairman Garcia noted that Ms. Erik and Mr. Gross are the liaisons with the Governing Body and are asked to be the “eyes and ears” for the Board. He further noted that there may have been more of a disconnect with the past year with meetings held virtually and/or in person, but hopefully we have reached a point where we have communication and cooperation between the various entities. Ms. Erik agreed with the Chairman, and suggested that he send a monthly report to the Council, noting that it will reinforce the work that is being performed by other people and boards.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

Invoices

The recent Board professionals’ invoices were **unanimously approved** on a **motion** by Jim Rogers with a **second** by Robert Nolan.

MINUTES

The Minutes from the February 25, 2021 Regular meeting were **approved** by the Board members who were present at that meeting, on a **motion** by Robert Nolan and a **second** by Linda Connolly.

CORRESPONDENCE RECEIVED:

The following correspondence items were reviewed by the Board:

Highlands Water Protection and Planning Act Correspondence

1. Application for a Highlands Resource Area Determination received from ACER Associates and AT&T Wireless, dated March 3, 2021, regarding 325 Lakeside Rd., Block 3101; Lot 8, for the construction of a 155 ft monopole cell tower and a 20 x 50 ft compound with associated equipment.
2. Highlands Applicability Determination Application notice received from the Township of West Milford regarding a request for an exemption determination for work at Bubbling Springs, 1468 Macopin Road, Block 9001; Lot 13.

NJ Department of Environmental Protection Correspondence

1. Suspected Hazardous Substance Discharge notification, received from the NJDEP, dated February 23, 2021, regarding removal of a 550 gal UST at 57 Greenbrook Dr., Block 6714; Lot 6, with clean up pending.
2. Suspected Hazardous Substance Discharge notification, received from the NJDEP, dated February 25, 2021, regarding removal of a 550 Gal UST at 9 Avalon Rd., Block 1808; Lot 7, with clean up pending.
3. Suspected Hazardous Substance Discharge notification, received from the NJDEP, dated March 12, 2021, regarding a report of high nitrate in the potable water at the Highland Avenue Well, owner Wonder Lake Properties, with caller reporting nitrate levels of 11.40, possibly due to high groundwater.
4. NJDEP correspondence dated January 26, 2021 regarding Dam Safety Inspection Reports submitted for Upper Crest Lake Dam File No. 22-333 and Lower Crest Lake Dam File No. 22-334, advising that the structures were found to be in Poor condition, with permit applications for the rehabilitation of the dams to be submitted by March 31, 2021.

Miscellaneous Correspondence

1. HEPSCD approval of a certified soil erosion and sediment control plan, dated January 8, 2021, for Paradise Road Holdings Pole Bard, 28 Paradise Rd., Block 15803; Lots 21 & 22.
2. HEPSCD approval of a certified soil erosion and sediment control plan, dated January 25, 2021, for Dunsdon Enterprises Condo Building & Parking, 165 Lakeside Road, Block 3401 and 3406; Lots 21 & 23.
3. Notification of a freshwater wetlands general permit application for 797 Warwick Tpk., Block 1401; Lot 7 for septic alteration.
4. NJDEP Freshwater Wetlands Application notification received from ACER Associates and AT&T Wireless, dated February 25, 2021, regarding 325 Lakeside Rd., Block 3101; Lot 8, for the construction of a 155 ft monopole cell tower and a 20 x 50 ft compound with associated equipment.
5. Public Notification received March 19, 2021 from Mott MacDonald, regarding applications for a Freshwater Wetlands General Permit #2, Flood Hazard Area Individual Permit for the replacement of chemical feed lines between the City of Newark Pequannock Water Treatment Plant at Block 14102; Lot 1 and the Pretreatment Facility at Block 14101; Lot 1. A hardship exception is being sought for the lines that were installed within 10 feet of the top of the bank per 7:13-12.8(b)3.

ADJOURNMENT

Prior to adjourning, the Board members reviewed the upcoming meeting dates and concurred that the April 1, 2021 meeting would be cancelled, and the next regular meeting would be held on April 22, 2021. The Ordinance Committee and Master Plan Committee will arrange to meet prior to the next Planning Board meeting. The Board Planner will coordinate the date and time with the Board committee members

With no other matters to be brought before the Planning Board, Chairman Christopher Garcia **adjourned** the regular meeting of March 25, 2021 at 8:10 p.m. on a **motion** made by Robert Nolan with a **second** by Warren Gross.

Approved: April 22, 2021

Respectfully submitted by

Tonya E. Cubby, Secretary

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BOARD ATTORNEY’S REPORT – None.

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