

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

April 22, 2021

Regular Meeting

Virtual Meeting Via Zoom

Chairman Christopher Garcia opened the April 22, 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, James Rogers, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia, Alt. #1 Michael DeJohn, Alt. #2 JoAnn Blom, Board Planner Jessica Caldwell.

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

Chairman Christopher Garcia requested the Alternate members to sit in for those who were absent, and 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 Ada Erik with a **second** by Glenn Wenzel.

APPLICATIONS – None.

PENDING APPLICATIONS – None.

MEMORIALIZATIONS – None.

NEW OR ONGOING BUSINESS

Highlands Sustainable Economic Development Plan Update – Jessica Caldwell of J. Caldwell & Associates advised the Board that her firm is preparing the final draft of the document. The Highlands SEDP will then be ready for review by the Master Plan Committee in the next several weeks.

Assessing and Mitigating Effects of Climate Change in West Milford - The “White Paper”, prepared by Jim Rogers and the WM Environmental Commission, had been provided to the Board for review. Chairman Garcia advised that the paper addressed the requirement for developing a plan to assess the effects of climate change for eventual inclusion into the Master Plan. Jessica Caldwell noted that she would review the document as it pertains to the Master Plan. With regard to a Re-examination of the Master Plan, she noted that this white paper on climate change assessments provided a good background and will be an initial step for a re-examination. She will

reach out to the Highlands Council regarding funding through a grant for the re-examination. Jim Rogers commented that the Environmental Commission was prepared to bring awareness of the effects of climate change to West Milford, and this document is an attempt to alert the public and Governing Body about the effects on the community.

Open Space and Recreation Plan Update – Chairman Christopher Garcia advised that the Planning Board public meeting to review the draft Open Space and Recreation Plan Update was tentatively scheduled for June 3, 2021. Jim Rogers remarked that he had reviewed a draft of the OSRP and it is very well documented, lengthy but comprehensive, and suggested that the Board review it prior to the June 3rd meeting. Board member Geoffrey Syme concurred with this, and suggested that the Board members receive a copy of the draft and the Master Plan Committee can meet to review it prior to the presentation. Chairman Garcia also noted that this OSRP plan should be reviewed by the Board Planner in conjunction with the Sustainable Economic Development Plan.

Ordinance #2021-013 – Bulk Standards – Chairman Christopher Garcia advised the Board that he had intended to convene the Ordinance Committee to review Ordinance #2021-013 with regard to the proposed amendments to the bulk standards, but was advised that the Council referred the ordinance to the Zoning Board of Adjustment for review and comment, contrary to accepted practice. That being said, he did not want to assemble the Ordinance Committee and create any conflict with the other Board. He reported that he was in contact with the Board of Adjustment Chairman who advised that they had concerns about the proposed ordinance and will carefully review the matter. Once they have provided their comments, it should be referred to the Planning Board as a policy-making standpoint. Chairman Garcia further reported that he had reached out to several Councilmembers and found that there were some misconceptions about the procedures, and observed that if the Governing Body intends to take a lead on land use matters, that they should be familiar with the process and gather all the information prior to taking formal action. He requested Councilwoman Ada Erik to apprise the Planning Board of any pending future land use ordinances under consideration. Ms. Erik remarked that the Council is expecting input from the Boards before proceeding with this zoning ordinance. Chairman Garcia understood that the Councilmembers are attempting to simplify the zoning process for the residents, but careful study is required before amending established ordinances. He noted that the Annual Board of Adjustment reports outline the variance applications that were processed during the prior year, and there are recommendations with the reports, which the Planning Board reviews when the reports are provided to them. Ms. Erik said that she also spoke to the Board of Adjustment Chairman and maintained that the Council assumed that the [bulk standard] changes were what the Boards wanted. She observed that the Board of Adjustment is the only way to deviate from the requirements, and with the number of variance applications, it was appearing that the “one size fits all” was not working with regard to setbacks in the bulk standards. Chairman Garcia remarked that the BOA includes a comprehensive explanation in their reports for each of the applications pertaining to the variances.

Subsequent to the discussion on Ordinance #2021-013, Chairman Garcia stressed that the Planning Board did not want to be viewed as an obstacle, and if there are any

deficiencies in the existing ordinance, the Board wants to address them. He hoped that with careful examination and input from various entities, this matter will be satisfactorily resolved. Councilwoman Erik noted that she would be the eyes and ears for the Board with regard to land use matters that come before the Council. Linda Connolly thanked the Chairman for reaching out to the Board of Adjustment and several of the Councilmembers. She concurred that communication was essential between the boards, and noted that there were few people available to accomplish all the work that needed to be done. The whole process is time consuming, but she felt that the comprehensive review process was more of a benefit than a hindrance to the Township. Chairman Garcia observed that there have been changes in the last several years in Administration and on the Council, so there are different perspectives on procedures, but open lines of communication is essential.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES/RESOLUTIONS REFERRED FROM COUNCIL – It was noted that the “Outdoor dining” ordinance had been adopted by the Governing Body, but it may have been a continuation of the emergency authorization received during the Covid-19 pandemic. The Planning Board Attorney should review it for any inconsistencies with regard to the Master Plan.

BOARD PLANNER’S REPORT – None.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

Invoices

The Planning Board professionals’ invoices were **unanimously approved** on a **motion** made by Jim Rogers, with a **second** by Geoffrey Syme.

MINUTES

The Minutes from the March 25, 2021 Regular Meeting were **unanimously approved**, with a minor edit, on a **motion** by Glenn Wenzel with a **second** by Linda Connolly.

The following correspondence items were reviewed by the Board:

CORRESPONDENCE RECEIVED:

Highlands Water Protection and Planning Act Correspondence

1. Notification dated March 26, 2021 that a Highlands Applicability Determination application was being submitted by Mallick & Shcherer for B&B Organic Waste Recycling, Block 6002; Lot 29, 280 Marshall Hill Rd., seeking exemption #4 for the demolition of an existing building and the construction of a mixed use building with retail, office, shop/maintenance, as well as associated site improvements.

NJ Department of Environmental Protection Correspondence

1. Notification dated April 8, 2021 from Parsons, on behalf of BP North American Productions, advising that an investigation is being conducted into ground water contamination at BP #4300 Site, 2897 Rt. 23, Newfoundland, NJDEP PI # 000986, with elevated levels of VOC TICs detected in the ground water. Water Samples will be collected from nearby potable wells, including 2891 Rt. 23, Block 15505; Lot 2 to determine if they have been impacted by ground water contamination from the BP site.
2. Notification dated April 8, 2021 from Parsons, on behalf of BP North American Productions, advising that an investigation is being conducted into ground water contamination at BP #4300 Site, 2897 Rt. 23, Newfoundland, NJDEP PI # 000986, with elevated levels of VOC TICs detected in the ground water. Water Samples will be collected from nearby potable wells, including 2903 Rt. 23, Block 15804; Lot 16, (Dunkin Donuts) to determine if they have been impacted by ground water contamination from the BP site. Potable well questionnaire was included for the property owner to complete and return to Parsons.
3. Suspected Hazardous Discharge notification, dated April 10, 2021, received from the NJDEP regarding Paterson-Hamburg Tpk. and Route 23, advising that an unknown liquid from an unknown source was dumped into the Pequannock River resulting in all the rocks in the river turning white.
4. Suspected Hazardous Discharge notification, dated April 15, 2021, received from the NJDEP, regarding Lake Shore Drive, Block 1816; Lot 26, advising that a 550 gallon AGST was reported to be placed on the lot by the neighboring property owner from 623 Lake Shore Drive, with no leaks observed.

Miscellaneous Correspondence

1. NJPO – Mandatory Training notice for Spring 2021.

ADJOURNMENT

Prior to adjourning, the Board was advised that the May 6, 2021 meeting is cancelled and the status of the May 27, 2021 meeting is pending. The Planning Board will hold a regular meeting on June 3, 2021 at which time the Open Space & Recreation Plan Update will be reviewed with The Land Conservancy.

With no other matters to be brought to the Planning Board, Chairman Christopher Garcia **adjourned** the meeting of April 22, 2021 at 8:05 pm on a **motion** by Geoffrey Syme, with a **second** by Jim Rogers.

Approved: June 3, 2021

Respectfully submitted by

Tonya E. Cubby, Secretary

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