

MINUTES
Of the Township of West Milford
PLANNING BOARD
January 26, 2023
Regular Meeting

Chairman Garcia read the legal Notice

ROLL CALL
8:02 PM

Present: Mayor Dale, Councilwoman Erik, Michael Gerst, James Rogers, Geoffrey Syme, Linda Connolly, Christopher Garcia, Steven Castronova, Joann Blom
Also Present: Pamela Jordan, Jessica Caldwell, J Caldwell Assoc.
Absent: Paul Ferrario
Late:

I. APPLICATIONS

ARBRA LLC
PB 07-22-07
Walker Avenue; LR Zone
Block 13812 Lots 7, 8, 10
Seeking: Minor Subdivision approval to merge Block 13812 Lots 7, 8 & 10 to create two lots for more conforming parcels for future builds.

Complete: November 3, 2022
Approved: January 26, 2023

John Barbarula, John Barbarula Law with an office located in Wanaque came forward for the Applicant. Mr. Barbarula stated this application was in compliance with what the Township Master Plan wants.

Cory VanderValk, PE from MAP Engineering came forward and raised his hand, was sworn in and stated his credentials and education and experience. Mr. VanderValk was accepted as an expert witness Mr. VanderValk described the property to be reconfigured as block 13812, lots 7, 8 and 10 located on the west side of Walker Ave in the LR Zone. All 3 lots are vacant and wooded with several nonconformities.

Lot 7

- Lot area of 4000 sq ft, 20,000 sq ft is required.
- Lot frontage of 40 ft, 120 ft required
- Lot width of 40 ft where 120 ft is required
- Lot depth of 100 where 150 ft is required

Lot 8

- Lot area of 12, 000 sq ft where 20,000 sq feet is required
- Lot depth of 100 ft where 150 ft is required

Lot 10

- Lot area of 6000 sq ft where 20,000 is required
- Lot frontage of 60 ft where 120 ft is required
- Lot width of 60 ft where 120 ft is required
- Lot depth of 100 ft where 150 is required

Per the septic code, lot 7 and 10 (as is) are not buildable due to size.

The Applicant is applying for a Highlands exception for a single family home with less than 1/4 acre of impervious coverage and less than an acre of disturbance.

The Applicant proposes to join 3 properties to form 2 new larger properties to suit 2 single family homes (conceptually shown) with a footprint of 1760 sq ft. Each home would be served by septic and well with locations (conforming 100% to state regulations). Each septic (conceptually) is currently sized for 3 bedroom homes. The proposed project would not increase Runoff. Roof and driveway storm water runoff will be collected and discharged into two new 1000 gallon seepage pits – one on each property, reducing runoff.

Proposed lot 8 measures

- lot size of 11,000 sq ft, 20,000 is required
- lot frontage of 110 ft, 120 ft is required
- lot width of 110, 120 is required
- lot depth (existing) 100 ft, 150 ft is required
- side yard setback (N) 25 ft, 30 ft is required
- rear yard setback 25 ft, 60 is required
- lot coverage 16%, 10% is permitted as max

Proposed lot 10 was described as having very similar size and setbacks.

The location of the well on lot 10 is proposed 10 ft off the street, 3 ft off of the right of way. The location for the well for lot 8 is proposed to be approximately 8 1/2 ft off of the street and 2 ft off of the right of way.

Distance restrictions for septic and well limits viable locations on the proposed parcels. Mr. Barbarula indicated that bollards could be inserted into the ground in front of the well heads 2 ft into the ground for protection from vehicles and plows. Mr. Barbarula then stated a plow would not tear out a bollard 3 – 4 feet into the ground. Double bollards could be added.

Fulfilling the attempt to purchase vacant land, Mr. VanderValk stated the applicant attempted to contact the owner of lot 11, located to the South, no response has been received. The Applicant contacted the Township, owner of Lot 6. Language in the letter of response indicated, *if the property was obtained by a neighbor it cannot be used for further subdividing your property.*

Chairman Garcia opened the floor to questions from the Board and public for Mr. VanderValk.

Seeing no further members of the public, a **motion** was made by Council woman Erik to close the public portion, and **second** by Michael Gerst
All in favor

Donna Holmqvist, Planner for the applicant stated she is the founder and CEO of Preferred Planning with an office in Montvale NJ. She holds an undergraduate degree from Rutgers, a minor in Urban Planning and a Master degree in Urban Planning from NYU. Ms. Holmqvist has been employed in this field since 1985 and licensed since 1990. Ms. Holmqvist has been qualified as an expert and appeared before many Boards. Ms. Holmqvist was accepted by this Board as an expert.

Exhibit A1 Introduced – FIGURE 1 Walker Ave. Subdivision Land Use, dated 11/22/22. Nearmap aerial Technology was used to generate the underlay for the exhibit. Tax area classification was considered when preparing the exhibit describing yellow to indicate residential property and pink indicating township owned/tax exempt & green surrounding the subject area. Located to the rear of the subject property is a tax exempt parcel, *use is unknown*, to the south is vacant property, farther north opposite of walker is vacant property.
Exhibit A2 Introduced – FIGURE 2 Walker Ave. Subdivision Nonconforming Lots, dated 11/22/22.

INAUDIBLE 8:27pm – 8:31pm

Ms. Holmqvist stated the proposed subdivision is entirely consistent with the master plan. Three small parcels will be combined and divided in two more compatible parcels with the developed character and pattern of the area. Typical lots in the study area are generally small. The subject area “natural cutoff” was considered Hunter Blvd.

As stated, two purposes of planning from the MLUL; Subsection A - Municipal Action for Appropriate Development to Promote the public health safety and welfare & Subsection I – Promoting a desirable visual environment - Ms. Holmqvist opined that the development of two, updated, modern single family homes would complement the neighborhood and add to the benefit of the community. Individual lot development plans will be submitted at a later date.

(Discussion)

If the neighboring township owned lot 6 were available the Applicant could consider a purchase and have one of the (two subject lots) increase in size for a more conforming or complete conforming lot.

Julio Cengarle came forward and was sworn stating he is a managing member of the Applicant with a business location of 190 Main Street, Hackensack, NJ. Mr. Cengarle confirmed he

attempts to contact the vacant property owner was not successful, no response received. Mr. Cengarle further stated the applicant did not pursue town owned property (lot 6) due to the language in the notification received related to future subdividing.

Mr. Barbarula concluded, people traveled to West Milford many years ago, establishing summer homes. Lot sizes are small. There is no negative impact if this application were approved.

The Board Planner stated going from 3 lots to 2 makes sense. The Master Plan encourages merging lots. A memo from the Highlands Council, dated November 9, 2022 indicated this project would be covered by the Highlands Act only if it would constitute a Major Highlands Development.

Mayor Dale encourages making highland exemptions locally.

The Applicant had no issue with the memo from the West Milford Health Department and agreed to comply with all.

Mr. Barbarula requests that a condition of approval be listed to include the stipulation of placing bollards as discussed during testimony. Mayor Dale suggests the condition of Highlands Approval to be submitted to Jessica Caldwell for approval based on the memo from the Highlands Council.

The Application was opened to the public for comment with no one present.

Michael Gerst made a **motion** to approved PB 07-22-07, combining 3 lots, to make 2 with the conditions of adding bollards as discussed and allowing the Planner to sign off on the Highlands **approval**, second by Ada Erik.

Roll Call:

Yes: Mayor Dale, Councilwoman Erik, Michael Gerst, James Rogers, Geoffrey Syme, Linda Connolly, Christopher Garcia

No:

Abstain:

II. PUBLIC PORTION

The public portion was opened by Chairman Garcia.

Seeing no further members of the public, a **motion** was made by Council woman Erik to close the public portion, and **second** by Steven Castronova

All in favor

III. MEMORIALIZATIONS

DALE JONES

Decided: December 1, 2022

RESOLUTION 2022-21

Memorialized: January 26, 2023

PB 07-22-20

20 Penmere Road

Block 12304 Lots 14 & 4.01

Approval - Minor Subdivision, Lot Line Adjustment and Bulk Variance(s) for existing nonconforming conditions.

Eligible to vote - Mayor Michele Dale, Councilwoman Ada Erik, James Rogers, Geoffrey Syme, Linda Connolly, Christopher Garcia, Steven Castronova, Daniel Kocchajki, Robert Nolan,

Geoffrey Syme made a **motion** to amend Resolution 2022-21 memorialization date to January 26, 2023, second by Councilwoman Erik

Roll Call:

Yes: Mayor Dale, Councilwoman Erik, James Rogers, Geoffrey Syme, Linda Connolly, Christopher Garcia, Steven Castronova.

No:

Abstain:

A **motion** was made by Geoffrey Syme to approve Resolution 2022-21, **second** by Councilwoman Ada Erik

Roll Call:

Yes: Mayor Dale, Councilwoman Erik, James Rogers, Geoffrey Syme, Linda Connolly, Christopher Garcia, Steven Castronova.

No:

Abstain:

IV. NEW OR ONGOING BUSINESS

Master Plan Committee – Moving forward after receiving a \$44,000 Grant. Jessica Caldwell stated the Master Plan could be done in sections and reviewed by the Board.

BOARD PLANNERS REPORT

Recapping 2022, the Board received 3 applications. There were several Ordinances in for review with “clean up” of language. There was work done to review the commercial zones and a redevelopment study for quarry site as well as the Belchers Creek study.

ENGINEER REPORT

ATTORNEY REPORT

Michael Gerst shared a map showing West Milford Hamlets with eateries scattered in residential zones. There was discussion of their importance to the communities they serve and realizing the difficulties faced in zoning being situated in a nonconforming zone.

Geoffrey Syme made a **motion to approve professional invoices**, second by James Rogers

In favor: Mayor Dale, Councilwoman Erik, James Rogers, Geoffrey Syme, Linda Connolly, Christopher Garcia, Steven Castronova, Joann Blom

Abstain: Michael Gerst

Councilwoman Erik made a **motion** to approve minutes from the December 15, 2022 meeting with a **second** from Geoffrey Syme.

All eligible were in favor.

Geoffrey Syme made a **motion to adjourn** the meeting and **second** by Michael Gerst

Time: 9:15

All were in favor

Respectfully submitted;



Pamela Jordan,
Zoning Board Secretary
Approved February 23, 2022