

MINUTES
Township of West Milford
PLANNING BOARD
REGULAR MEETING
October 26, 2023
7:00 p.m.
Main Meeting Room

LEGAL

In accordance with Chapter 231, Public Laws of 1975 of the State of New Jersey, adequate advance notice of this Regular Meeting was published in the Herald News. A copy has been filed with the Township Clerk's office and posted on the bulletin board in the main corridor of the Town Hall. Please take note of the fire exits in this room in the event of an emergency.

7:03 PM

THE PLEDGE OF ALLEGIANCE WAS RECITED

ROLL CALL

Regular Members: Councilwoman Erik, Michael Gerst, James Rogers, Geoffrey Syme, Joanne Blom

Late:

Absent: Mayor Michele Dale, Linda Connolly, Steven Castronova

Board Attorney: Thomas Collins Esq. VCCS Law

Board Engineer: Patrick McClellan MCB Engineering

Board Planner: Justin Singleton, J. Caldwell Assoc.

Alternate JoAnn Blom appointed a voting member of the Board for this evening.

PUBLIC PORTION

The meeting was opened to the public at 7:06 PM.

Seeing no one Councilwoman Erik **moved to close** the public portion, **second** by Michael Gerst.

All were in favor

MEMORIALIZATIONS

RESOLUTION 2023-9

PB 04-23-02

MS Equipment Inc.

899 Burnt Meadow Road

Block 6002 Lot 44.01 Zone LMI

APPROVED: Minor Site Plan - commercial expansion to construct a 30 ft. x 80 ft. pole barn

Bulk Variance - Side yard setback, 50 ft is required, 27 ft is proposed for the construction of a 30 ft x 80 ft pole barn.

Motion: Councilwoman Erik

Second: Michael Gerst

Roll Call:

Yes: Councilwoman Erik, Michael Gerst, James Rogers, Geoffrey Syme, Chairman Garcia

No:

Abstain

NEW APPLICATIONS

PB 10-22-08

VEOLIA WATER NEW JERSEY

1 Beacon Hill Road

Block 7801 Lot 65 Zone R1

SEEKING Preliminary & Final Site Plan

Bulk Variance for an existing non-conforming side yard setback- 25 feet is required, 13.3 exists and a front yard fence where 4 feet is permitted and 8 feet is proposed to construct an operations building for new and upgraded wastewater treatment plant to house equipment and an odor control system.

Council for the Applicant Veolia Inc., Craig Bossong, from the Law Offices of Florio, Perrucci, Steinhardt, Cappeli, Tipton & Taylor stepped forward and stated; The Application was to build an upgraded wastewater treatment facility where one currently exists. Notice and Advertising have been previously presented and the Board has jurisdiction. The operations building will upgrade the existing plant with technology, upgraded odor control. The current system services approximately 440 unit in the area. The property is in the R1 PN zone, *multifamily residential*, public utilities are permitted. The project includes demolition of two buildings onsite and replace with one. Impervious surface will be reduced. The variance request if for an 8 foot fence where 4 feet is permitted. The fence is proposed for security. A pre-existing non-conforming side yard setback exists of 13.3 feet, 25 feet is required. The existing plant is old and in need of improvements. The improvements will benefit the site and help to reduce odor.

Frank Visingardi from HDR, Engineer for the Applicant stepped forward. His office is located at 10 Steep Hill Road, Nanuet, NY. He hold a Bachelor's of Science in Civil Engineering and a Master's of Engineering in Environmental Engineering. His NJ licenses is valid and in good standing. Mr. Visingardi was recognized and accepted as a Professional Engineer.

Mr. Bossong referenced 2 easels for Board and Public viewing.

Mr. Visingardi confirmed all could see the viewing boards and copies of plans were distributed.

Explaining, the existing site is located at the intersection of Beacon Hill Road and Union Valley Road on the Southwest corner. The Lot is approximately 1 acre. There are currently 4 buildings housing equipment for wastewater treatment. A "bury tank" is located at the head of the plant. The site has County Road frontage. Two entrances to the site are private ROW provided by the HOA. There are wetlands along Union Valley Road frontage on a portion of the lot and wetlands located on the other side of Union Valley Road, both with transition areas entering the site and subject to state regulations. The state regulates how wastewater is treated and disposed of. The Treatment Works Approval (TWA) application has been submitted to the state. The proposed upgrade will meet state regulations. The anticipated approval is January 2024.

The site is fairly flat with a shallow grade from Union Valley Road to New Bedford Road, storm water drains off site.

Referring to the Site Plan

Sheet C-004, The Demolition Plan – Two buildings used for wastewater treatment will be removed (hashed out) Two buildings will remain on site, the equipment will be removed from the buildings – 1 will remain for storage, 1 will be retrofitted for use of the wastewater treatment process. The area will be cleared and prepared for the proposed new building. The gravel / stone base currently used for vehicle entrance and exit are to be removed for the improvements.

Sheet C-006, Site Plan

Entry from Beacon Hill Road and New Bedford Road will remain the same. A security fence is proposed around the buildings and tankage. The fence is 8 foot with a sliding gate requires a variance. The buildings closest to the side lot and closets to New Bedford will remain. Next to the operations building are tanks for wastewater treatment. The top of the covered tanks are proposed 18 inches above grade as required by the state.

The odor control system will be located at the corner of Union Valley Road and Beacon Hill Road. The system will maintain a constant draw air out of the tanks. One room in the operations building will have open tanks for the fine filtration of water occurs and air will run through odor control tower. Odor control runs 24 hours per day.

The unmanned facility will have staff on site to maintain equipment and monitor the system for short periods of time on a daily basis. There are 3 parking spaces for personnel. ADA compliance is not required. Visits to the site will decrease due to less frequent visits to remove sludge. Above ground wastewater storage will be eliminated.

A rain garden is proposed in the center of the site designed to receive storm water and to seep into the ground.

The standby generator is located at the corner of the operations building off of Union Valley Road. The generator falls under the standard accessory structure requirements of 15 feet from adjacent building. A 6 foot distance is proposed requiring an additional Variance. Mr. Bossong requested to amend the Application to include this Variance in the Application before the Board. The generator will be "exercised" to maintain optimal functionality during normal working hours. One fan will be in operation at any time for the outdoor odor control system. The fans are enclosed to reduce sound. He confirmed they are in full compliance with the standards, and that the Applicant will do the necessary improvements to comply with the nighttime noise standard of 50 decibels. An 8 foot security fence of chain link is proposed and appropriate to secure the operations area. The fence is substantially located within the interior of the site to surround the parking and delivery area. Three parking spaces are proposed. ADA spaces are not necessary because it is not a public parking area. EV parking spaces will not be necessary, as parking is not for the public.

"Visual" is the software manufacturer used to provide the output from light fixtures onto the ground. An HDR Engineer prepared the plan. The lighting on site is based on the Illuminating Engineering Society standards. The brightest area is located at the loading docks of the operations building. Lamps and fixtures are mounted on the building. Pole mounted lamps and fixtures will provide light for vehicles. Lighting is designed with a photo sensor based on darkness or light. Mr. Visingardi shall check if the existing lighting remains on buildings. Mr. Bossong offered a 6 month lookback at the lighting if the lights are found to be too bright could be altered.

Chemicals are used in waste water treatment. Small quantities (55 gallon drums) will be stored in secondary containment for storage that would contain any leakage. Double wall pipes will contain sensors to detect any leaks.

Mr. Austin Seid, Architect for the Applicant was sworn in and stated he is from Warwick, NY. He has a Masters of Architecture from the University of Pennsylvania. A Bachelors of Professional Studies in Architecture from S U N Y Buffalo. His license is valid and in good standing. Mr. Seid was accepted as registered Architect. Mr. Seid described the architectural and landscape plan as barn like buildings to keep within the current character of the area.

Exhibit A1- Described as a visualization of the operations building East/South elevation. The building is approximately 38 feet x 55 feet, 31 ½ feet tall. The design is barn like with a vertical vinyl wood siding, asphalt shingle roof. Buildings have windows.

Exhibit A2 – Described as West Elevation rendition. Overhead doors allow for access and movement of equipment in and out. The design is consistent with the architecture.

Exhibit A3 – Described as the Landscape Architecture Plan. The desire is to protect the mature trees on site and protect the wetlands and create a natural filter of vegetation around the site. Woody flowering and deciduous vegetation.

Exhibit A4 – Described as a simulated view of the new building from New Bedford Road looking into the property showing the 8 foot fence in the distance. The existing barn will remain. The rain garden is shown.

Exhibit A5 – Described as a view from Union Valley Road and Beacon Hill. A simulated rendition example of the vegetative screen in its full maturity.

The existing equalization tank, which is approximately 30,000 gallons will be increased in size to approximately 80,000 gallons and that all the improvements will substantially improve the operations of the sewage treatment plan, reduce odors and reduce noise. He explained the methods that the Applicant will undertake to reduce the odors. The odor control tower is 8 – 9 feet tall.

The Chairman opened the Application to the public in accordance with NJ Open meetings act.

Valerie Varick from West Milford stepped forward, was sworn in and stated she is a resident in Bald Eagle Village. She is a direct neighbor of the site. Ms. Varick would like the applicant to consider a sound and privacy permanent fence along building 4 down to New Bedford Road to help with noise and disturbance. Ms. Varick showed the Applicants Engineer where she lived on the Plans.

The Board Planner suggested a vertical vegetation wall for sound. Ms. Varick stated Veolia would be making a presentation to Bald Eagle Village November 6 and would like to address the wall or vegetation screening. The Applicant offered to install giant green arborvitaes along the southern chain link fence line are to help buffer the construction and improvement from the townhouses located to the south of the property. Landscape plan revisions and lighting shall be subject to the review and approval of the Boards Conflict Engineer.

Dave Varick from West Milford stepped forward, was sworn in and stated his concerns are visual and lighting – his property is located on the line. He would like screening or a fence to block activity of the building.

Mr. Bossong stated Veolia could rework the landscaping plan along the property line Ms. And Mr. Varick show concern for.

The Board Engineer stated the planting season and pending DEP Permits would dictate when planting may occur.

Jeanine Mooney from West Milford stepped forward, was sworn in and stated she has concern with the proposed 8 foot fence. Ms. Mooney asked for clarification on the landscape plan.

Architect Austin Seid from HDR referenced the plan, explained to Ms. Mooney where her property is in proximity to the proposed fence. The fence would be located on the interior of the lot. The fences is proposed to be black powder coated, galvanized steel. The existing wood fence stays at the current location.

Ms. Mooney asked if lights could be dimmed at night.

The Board Engineer asked for the findings of any studies regarding piping. No one had information on results of testing.

Seeing no one Ada Erik moved to close the public portion
Second Michael Gerst
All were in favor

Chairman referenced previous discussion where it was agreed a 6 month lookback at the lighting.

Michael Gerst **made a motion** to re-open the public portion
Second Geoffrey Syme
All were in favor

Ms. Mooney stepped forward asking the location of the fence on the Beacon Hill side. The Applicant Architect pointed to the plans and explained where Ms. Mooney's

property was located in proximity to the 8 foot fence. A Board member marked the exhibit showing Ms. Mooney where the fence was located and where her house was located.

Michael Gerst **made a motion** to close the public portion
Second Ada Erik
All were in favor

A motion was made to approve the Preliminary and Final Site Plan and related C Variances and Site Plan exceptions discussed. The approval is subject to the standard conditions and the review reports of the Boards Engineer and Boards Planner. The applicant has offered a 6 month lookback at lighting and if appropriate shall adjust lighting as a result of the look back. A landscape plan shall be revised to include arborvitaes or similar evergreen plantings along the Southern side of the fence to provide greenspace buffer in the first phase of construction before heavy construction to offer to the townhouses that is reasonably feasible. The fence will be 8 foot black coated chain link for security purposes. All approvals are in accordance with the testimony and representation and plans submitted, including colors and renderings. The motion is to include all variances including the generator to the building

Motion as stated above by Michael Gerst

Second Ada Erik

Roll call

Yes: Councilwoman Erik, Michael Gerst, James Rogers, Geoffrey Syme, Joanne Blom, Chairman Garcia

No:

Abstain:

Mr. Chairman stated the Master Plan Committee would be meeting before the next public meeting.

No Master Plan Committee report

No Board Planners report

No Board Attorney report

No Board Engineer report

MISCELLANEOUS

The Board discussed the proposed 2024 proposed meeting dates. Dates were carried to the January meeting for approval.

INVOICES

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

All were in favor

MINUTES -

ADJOURNMENT 8:40 PM

A **motion** was made by Councilwoman Erik, **second** by Michael Gerst.
All were in favor

Respectfully submitted;

Pamela Jordan,
Zoning Board Secretary

Approved December 7, 2023