

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

February 25, 2021

Regular Meeting

Virtual Meeting Via Zoom

Chairman Christopher Garcia opened the February 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. The oaths of Public Office were administered to the Board members who were required to be sworn in.

ROLL CALL

Present: Steven Castronova, Linda Connolly, Councilwoman Ada Erik (L-7:42), Councilman Warren Gross, Robert Nolan, James Rogers, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia, Alt. #2 JoAnn Blom, Board Attorney Thomas J. Germinario, Board Planner Jessica Caldwell.

Absent: Alt. #1 Michael DeJohn, Board Engineer Paul W. Ferriero.

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

Chairman Christopher Garcia requested Alt. #2 JoAnn Blom to sit in for Ada Erik until her arrival, 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 Glenn Wenzel with a **second** by Warren Gross.

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. She advised that the public/business surveys were now closed, and she had tabulated the responses from the 53 businesses that responded. She noted that a good range of responses from a variety of businesses were received, including some from the more established businesses. Ms. Kopsco had previously reported that a sufficient number of resident/visitor responses had been submitted for the study. The majority of responses included tourism, connectivity, permitting process, advertisement of businesses, and underutilized facilities as items to be addressed. She will review the details of the report at the next Board meeting, and then finalize the plan. Board Planner Jessica Caldwell advised the Board that March 25 will mark the end of the outreach for the public data, with feedback and recommendations obtained from the Board, before the final report is provided. Board member Robert Nolan inquired if the Board could receive a copy of the draft plan before their meeting, and Ms. Kopsco replied that she would send it to the Secretary for distribution.

Councilman Warren Gross reported that the Economic Development Committee was preparing a plan for encouraging and highlighting tourism, which will include developing a map on trails and historic sites, and a brochure that will include places to visit and local events in the Township. He commented that they did not want to duplicate any of the efforts that are being proposed with the Highlands SEDP. He advised that Don Weise with the NY/NJ Trail Conference was preparing a [water resistant] trails map, which they would have available at various locations in the Township and possibly at kiosks at trail heads. The EDC had reached out to several businesses for input when developing the brochure. He suggested that all the entities should join forces and collaborate their efforts. Ms. Kopsco remarked that the Historic

Preservation Commission discussed the creation of a map of historic sites and landmarks and was glad that the EDC was moving forward on this. Board member Steven Castronova inquired about possible charges for the trail maps, and noted that the cost was usually covered by advertising fees received from local business. He felt that charging visitors for the maps was not necessarily the best idea to encourage tourism. Mr. Gross responded that the EDC was still planning to sell the maps and brochures. Chairman Garcia noted that it was an initiative of the EDC and it would be up to them whether or not to charge the public. He requested that an electronic version of the map of historic sites and the trails map be forwarded to the Board Planner in relation to their work on the Highlands SEDP.

On a similar matter, the Chair reported that he had reached out to Barbara Davis and The Land Conservancy, who are in the process of preparing the Open Space and Recreation Plan Update. He requested that the draft plan of the OSRP be forwarded to the Board for review when completed.

ORDINANCES/RESOLUTIONS REFERRED FROM COUNCIL

Ordinance No. 2021-005 To Repeal Article XV “Stormwater Management” In Chapter 470 “Subdivision Of Land And Site Plan Review” Of The Code Of The Township Of West Milford And Replace With A New Article XV In Accordance With Revised New Jersey Department Of Environmental Protection Regulations

Planning Board Attorney Thomas Germinario advised the Board that their only duty in this matter was to determine Master Plan Consistency with this ordinance, and they should not engage in a debate on the merits of the ordinance. He stated that this ordinance addresses updated regulations on stormwater management within the Township that are required by the State. Board Planner Jessica Caldwell noted that the NJDEP provided municipalities with a year to adopt new stormwater regulations, and they provided the template for the Township Attorney to use when drafting the ordinance. Mr. Germinario advised that Fred Semrau, the Township Attorney, does consult with him regarding land use ordinances. Ms. Caldwell remarked that she assisted with drafting some of the amended bulk standards ordinance, and Paul Ferriero, the Board Engineer, assisted with drafting the stormwater ordinance. Ms. Caldwell expressed in her report to the Board that the new stormwater regulations require green infrastructure and incorporation of the NJDEP’s BMP’s (Best Management Practices). She noted that the ordinance is consistent with the Township’s Master Plan Element Goal III, as well as the Highlands Element of the Master Plan, which seeks to preserve and protect water resources. Board member Warren Gross requested clarification regarding the term “reasonable” in the ordinance, and Mr. Germinario replied that there is the presumption that the agency that has the expertise will have an understanding of the issues.

Board member Glenn Wenzel maintained that the Planning Board has Master Plan and Ordinance Subcommittees, and inquired why the Board members serving on the committees were not apprised of the ordinances that were before them at this meeting prior to introduction by the Governing Body. With regard to the updated stormwater ordinance, Ms. Caldwell advised that the Governing Body was under a deadline and proceeded with adoption prior to referring it to the Planning Board. She noted that both she and the Board Chairman have communicated to the Administration that all land use matters as they relate to Master Plan consistency should be brought to the Board, and the Chairman concurred that the Board needs to be apprised and consulted in these matters.

Following discussion on the ordinance, a **motion** was made by Steven Castronova with a **second** by Robert Nolan to **approve** Planning Board Resolution No. 2021-06 finding Master Plan Consistency for Ordinance No. 2021-005 to Repeal Article XV “Stormwater Management” In Chapter 470 “Subdivision Of Land And Site Plan Review” Of The Code Of The Township Of West Milford And Replace Article XV With A New Article XV In Accordance With Revised New Jersey Department Of Environmental Protection Regulations.

Roll Call

Yes: Steven Castronova, Linda Connolly, Warren Gross, Robert Nolan, James Rogers, Geoffrey Syme, Glenn Wenzel, JoAnn Blom, Chairman Christopher Garcia.

No: None.

Motion approved.

Resolution No. 2021-073 Of The Township Of West Milford, County Of Passaic And State Of New Jersey Designating All Property Throughout The Township As An Area In Need Of Rehabilitation Pursuant to N.J.S.A. 40A:12A-14

The Board Planner Jessica Caldwell provided a report to the Board on the resolution designating the entire Township of West Milford as a study area in need of rehabilitation. She advised that she completed the study and found that the criteria could be met for the designation. Her report, dated February 23, 2021 stated that "The designation is consistent with the Master Plan objectives, in particular Goal IV: Land Use and Growth Management. Promoting rehabilitation would focus growth around existing business districts by encouraging infill, mixed land use, and commercial growth in appropriate areas by utilizing existing infrastructure." Essentially, this resolution provided incentives for improvements to properties within the Township through a tax abatement, and a program of rehabilitation, as defined by N.J.S.A. 40A:12A-3, and may prevent further deterioration of properties and promote overall development of the community. Outlining the criteria, her report dated February 23, 2021 noted that, based on the 2018 U.S. Census Data, the age of half of the Township's housing stock was more than 50 years old, and a pattern of vacancy existed in the Township with the existing housing stock, and therefore, the Township met two of the six criteria for the designation. Mr. Germinario advised the Board that they were tasked with finding consistency with the Master Plan, and there was not much room for change other than to make recommendations for modifications on the resolution.

Ms. Caldwell noted that the Board could make recommendations, but taking into consideration the vacancy rate of the past several years, this would be an opportunity for the Council to approve tax abatements for residents qualifying for the rehabilitation program. She noted that there were no real negatives with the program and it would create potential incentives for homeowners to improve their properties. Board member Steven Castronova inquired if other towns had this designation and whether this program was working for them. Ms. Caldwell responded that Newton used the rehabilitation designation, which included a 5 year tax abatement, and did not see it as a negative designation. Mr. Castronova inquired if residents were applying for the tax abatement in Newton, and Ms. Caldwell responded that she was not sure of the number of residents who were receiving the abatements. Board member Robert Nolan inquired if the tax abatements are given to a select number of residents, and will the remaining Township residents make up the difference for the taxes. Ms. Caldwell advised that the abatements are on the new improvements to the property, and there would just be a delay in the municipality getting the reassessment portion of the taxes. Mr. Nolan then raised the issue of the assessment for the County and schools and inquired how the difference is made up. Ms. Caldwell noted that the schools do not get additional funds until the abatement period is over and the County gets 5% [of the assessment]. Mr. Nolan requested further clarification, and citing his experience as a former Council member, noted that the schools get more taxes based on the higher assessments of the properties. If the homeowner has an abatement and is not required to pay the higher taxes, the school would still get the funds that are due to them based on the new assessment. Chairman Garcia requested more clarification, and Board member Ada Erik advised that the assessment would not increase for 5 years, and the schools would not have a claim on the new assessment until that time. Board member Warren Gross interjected that the program would allow residents to get a low interest loan, possibly up to \$15,000., with no tax on the improvements, adding that there are many houses in the Township that need improvements. Ms. Caldwell advised that the municipality sets up the parameters of the program.

Mr. Nolan inquired where the funds will come from to support the program, and Mr. Gross surmised that it was the State of NJ that would underwrite the program, adding that it would only be for residents who reside in the house. Ms. Caldwell commented

that the Board would make the recommendation and the Council would approve the program and set up the parameters. Mr. Nolan observed that most of the houses in Bergen County are more than 50 years old and the towns are not designated as areas in need of rehabilitation, and Board member Jim Rogers inquired if there was a stigma associated with a town having this designation. Ms. Caldwell responded that the rehabilitation designation would not be advertised so there should not be an adverse effect on the town. Board member Linda Connolly inquired if businesses would be affected by the designation, and Ms. Caldwell replied that the abatement would only be on improvements to residences, and businesses shouldn't be affected. Chairman Christopher Garcia inquired about the qualifications for determining vacancies, and Ms. Caldwell advised that the census data consistently indicated that there were a considerable number of vacant year round homes, not including seasonal homes. Mr. Nolan commented that in his development, houses are selling within a month, and Mr. Gross responded that traveling through the Township, he observed numerous vacant residences. Ms. Connolly suggested that this designation be delayed until the pandemic subsides since so many of the properties in the Township are being sold or renovated at a rapid pace, and Mr. Gross maintained his opinion that numerous houses are vacant in the Township. Board member Geoffrey Syme inquired how this resolution and rehabilitation designation would help the Township if the program and tax abatement does not apply to any vacant houses. Ada Erik remarked that there may be a property owner who is struggling financially and cannot afford to do necessary repairs, for example a roof, and this is why the Mayor suggested that it be applied to the entire Township. Glenn Wenzel commented that the Township had a program in the 1990's that provided loans and grants to about 15-20 homeowners, and it increased their values significantly. Ms. Connolly noted that homeowners who need help should be given the opportunity, but not businesses, and Chairman Garcia observed that if the houses are improved, then the ultimately businesses will benefit. Mr. Nolan inquired about the improvements that would qualify, and Mr. Gross replied that the State and County would set up the parameters.

Chairman Garcia advised the Board that they may be missing the context of the matter, and emphasized that they are faced with a yes or no on the rehabilitation designation for the Township. The Chairman attempted to clarify what the program consisted of and noted that no details were provided to the Board. Mr. Germinario advised that the Board was only determining that, 1) the Township study area meets the rehabilitation standards outlined in the redevelopment law and, 2) does the Board have any comments or recommendations to add for the Council to consider or does the Board want to recommend adoption of the resolution. He understood that the Board wanted to examine the process of rehabilitation that is part of the study, and he acknowledged that the Board members had good public policy in mind with the inquiries that they were making. He noted that unless the Board responds to the Governing Body within 45 days, they can adopt the resolution without comments from the Board. If there is language in the resolution that the Board is uncomfortable with, a recommendation can be made to the Governing Body. Mr. Syme expressed some reservations regarding the resolution, as well as Ms. Connolly, who was concerned with the effects on the Township as a whole. Mr. Germinario advised that the Board was not a policy making body in this matter, but he understood their concerns. Chairman Garcia inquired about the City of Newark Watershed and their rights with regard to the Township's potential rehabilitation designation, and Ms. Erik responded that Newark Watershed consists of land and water, not houses. Ms. Caldwell advised that the Council controls how the program is implemented, and they will develop the program. Mr. Castronova referred to some of the programs in the past with regard to roof repairs and energy projects, and Ms. Caldwell concurred, noting that the program provided an opportunity for homeowners to be eligible for the rehabilitation funds. Ms. Erik commented that anyone can apply, but not everyone will qualify, adding that the State and the County will provide the funds, but the Township has to "opt in" for the rehabilitation designation. Mr. Nolan inquired how long the Township will be in the program, and Ms. Erik responded that it would depend on the cycling out of the program and the amount of funds available. Mr. Gross advised that the Township has to qualify for the program, and the residents will be notified once the Township qualifies.

Chairman Garcia noted that the Planner has advised in her report that this rehabilitation resolution meets the goals and objectives of the Master Plan. Mr. Nolan remarked that many of the questions from the Board members were due to a lack of communication between the Council and the Board. Ms. Connolly concurred with this,

adding that proper communication would have kept the Board from a lengthy discussion on the matter. Ms. Erik commented that what the Board received is what the Council members received. The document was sent to the Township/Board Planner, then back to the Council, then referred to the Planning Board. Chairman Garcia noted that the Board did not receive much more than the resolution and the report from the Planner, and the Board did not have much time to research the matter before being required to vote.

Following discussion on this matter, a **motion** was made by Steven Castronova, with a **second** by Glenn Wenzel, to **approve** the Planning Board Resolution No. 2021-09 regarding A Resolution Of The Township Of West Milford, County Of Passaic And State Of New Jersey Designating All Property Throughout The Township As An Area In Need Of Rehabilitation Pursuant to N.J.S.A. 40A:12A-14.

Roll Call

Yes: Steven Castronova, Linda Connolly, Ada Erik, Warren Gross, Robert Nolan, James Rogers, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia.

No: None.

Motion approved.

Ordinance No. 2021-012 of the Township Of West Milford, County Of Passaic, State Of New Jersey Amending Chapter 460 “Soil Removal And Soil Fill” Of The Code Of The Township Of West Milford

The Planning Board discussed the amendment to the Soil Removal and Soil Fill ordinance and reviewed the memo from the Board Planner, dated February 23, 2021, with regard to Master Plan Consistency. Planner Jessica Caldwell noted in her report that the amendments were to address issues with the code delineating storage of soil and fill and also to improve enforcement provisions of the ordinance. She maintained that the Master Plan Element Goal I, to preserve and protect the semi-rural character and environmentally sensitive character of the Township, and Goal III, to protect water resources, were met by the amended ordinance. Linda Connolly commented that this amended ordinance may result in a drastic impact on neighboring property owners and inquired if an amendment to this ordinance can be made in the future after researching this matter. Board Attorney Thomas Germinario advised that the Ordinance Committee can make recommendations, and the Chair noted that this matter will be taken up by the Ordinance Committee. Mr. Germinario further advised that commenting on their concerns was not part of the procedural requirements for the Board during this Master Plan Consistency determination, but that it can be done independently. Geoffrey Syme inquired why the Planning Board was not provided a copy of the ordinance prior to introduction and first reading, and Mr. Germinario noted that administrations in other municipalities that he has worked in have provided drafts to the Planning Boards for review prior to introduction.

Chairman Garcia inquired if there were any concerns with consistency with the Master Plan, and Ms. Caldwell advised that she reviewed several portions of the Master Plan that are concerned with soil movement, and she believes that it is consistent. The Chair observed that the enforcement for soil movement activities is being assigned to the Engineer, and Ms. Caldwell remarked that this was an option, but since there were engineering issues associated with soil movement, it made sense to add the engineer as the other enforcement officer. Mr. Germinario noted that most municipalities have the engineer as the enforcement officer in soil matters. Steve Castronova inquired if the Zoning Officer was still included for enforcement of the ordinance, and Ms. Caldwell responded that the Zoning Officer and Township Engineer are designated, with the Zoning Officer citing the violation and then the Engineering Dept. would get involved. Chairman Garcia noted that the Township does not have a Zoning Officer on staff anymore, and Mr. Germinario remarked that if the Zoning Officer was designated in the prior ordinance, then this amendment would not change that.

At the conclusion of the discussion, a **motion** was made by Steven Castronova, with a **second** by Robert Nolan, to **approve** Planning Board Resolution No. 2021-07 finding Master Plan Consistency regarding Ordinance 2021-012 of the Township Of West Milford, County Of Passaic, State Of New Jersey Amending Chapter 460 “Soil Removal And Soil Fill” Of The Code Of The Township Of West Milford.

Roll Call

Yes: Steven Castronova, Linda Connolly, Ada Erik, Warren Gross, Robert Nolan, James Rogers, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia.

No: None.

Motion approved.

Ordinance No. 2021-013 Of The Township Of West Milford, County Of Passaic, State Of New Jersey Amending Chapter 500 “Zoning” Of The Code Of The Township Of West Milford To Add A New Section 500-17-A Entitled “Bulk Standards For Residential Development On Existing Lots Of Less Than One Acre”

Jessica Caldwell reviewed the report that she had provided to the Board regarding Township Ordinance No. 2021-013 which proposed to amend the bulk standards on lots less than one acre. Ms. Caldwell explained that the reasoning for this ordinance’s introduction by the Governing Body was to allow development on undersized lots, and the setbacks that are proposed will alleviate the need to go to the Board of Adjustment for many of the variances for lots less than one acre. Steve Castronova requested clarification of the setbacks, and concurred that the new setbacks would eliminate a lot of the variance applications for the Board of Adjustment. Ms. Caldwell noted that this was the main idea for pre-existing lots that would permit some reasonable development, especially since the Board of Adjustment usually approves the variance requests that they receive. Robert Nolan inquired if this would create more septic issues by allowing smaller setbacks and increased lot coverage. The Board Attorney noted that there are NJDEP setbacks that would apply with regard to septic systems and wells. Mr. Nolan commented that an annual report would usually be provided to the Planning Board from the Board of Adjustment, and Mr. Germinario confirmed that an annual report to the Governing Body is required by the M.L.U.L., and it is only a courtesy to provide the report to the Planning Board. Glenn Wenzel noted that the maximum building size of 1000 s.f. would be huge for a small lot. Linda Connolly inquired about the height requirements, and Ms. Caldwell advised that the height requirements go with the zone. Mr. Castronova observed from his experience as a B.O.A. member that they were considering a height change, but no changes were made, and he commented about the F.A.R.. Ms. Caldwell noted that the “floor area ratio” did not apply to the residential zone. Mr. Germinario clarified that floor area is a ratio of the floor area to the lot, and lot coverage includes the footprint coverage. Warren Gross observed that the septic and well requirements, as well as the soils on the property have to be taken into consideration, and if a neighboring property owner has a well close to the property line, it will affect the permitted setbacks. Ms. Caldwell concurred, adding that the Highlands restrictions will limit development, aside from the bulk standards.

Geoffrey Syme inquired whether there was a pattern with the B.O.A. applications, and Mr. Castronova noted that many of the variances are on undersized lots, with residents applying for additions, garages, expansions, and these variances are outlined in the report that the Planning Board gets each year from the B.O.A. Many times the applicants can’t meet the setbacks, so that creates a lot of variance applications. Linda Connolly remarked that 25% was giving a lot of leeway for lot development, and questioned how 25% can be proposed for both a lake residential lot and a lot in the R-4 zone. Mr. Syme referred to the second paragraph of the ordinance that States “Whereas, a review of the Township Code demonstrates that there are currently no standards set forth with regard to existing lots less than one acre in size;” and he expressed that the Ordinance Committee should have been given an opportunity to review the ordinance. Ms. Caldwell commented that she did not compose that part of the ordinance. Mr. Germinario advised that changing the language at this time was not within the Board’s purview, and it was only referred to the Board per M.L.U.L. requirements. If the Board members wish to comment, they can attend the Council meeting for the second reading and voice their concerns. Ms. Connolly Stated that it was hard to understand that such broad setbacks could be applied to all zones, especially in the LR (Lakeside Residential) zones, especially when it would have such as impact. Mr. Castronova commented that he did not think that 25% of a lot would have much of an impact.

Chairman Garcia advised the Board that there are many issues that have been raised with this ordinance, but they do not have the mechanism to deal with it at this meeting.

He inquired of the Board Attorney what the ramifications would be if the Board found this ordinance to be inconsistent with the Master Plan. Mr. Germinario advised that the Governing Body could override the Board, and he noted, this matter was referred to the Board Planner who has submitted a detailed report on Master Plan Consistency, so unless one of the Board members can identify a portion of the Master Plan [that would deem it inconsistent], the Board should concur with the findings of consistency. He reiterated that the objective was to relieve the burden on the homeowners so they don't have to go to the Board of Adjustment for variances, and most Master Plans would encourage that. Chairman Garcia remarked that going to a 5 foot setback was substantial and residents could not control what the neighboring properties will construct 5 feet from the property line. Ms. Caldwell advised that the Master Plan does not specify setbacks, and she reviewed the business districts and other items listed in her memo, emphasizing three of the objectives of Goal IV - Land Use and Growth Management, which State 1) Focus growth around existing business districts, encouraging infill and mixed land use; 2) Provide a range of housing opportunities that will encourage "least cost" housing and housing geared toward municipal needs; and 5) Provide for zoning standards that are consistent with existing neighborhoods.

Following the discussion on this matter, a **motion** was made by Steven Castronova, with a **second** by Warren Gross, to **approve** Planning Board Resolution No. 2021-08 finding Master Plan Consistency regarding Ordinance No. 2021-013 Of The Township Of West Milford, County Of Passaic, State Of New Jersey Amending Chapter 500 "Zoning" Of The Code Of The Township Of West Milford To Add A New Section 500-17-A Entitled "Bulk Standards For Residential Development On Existing Lots Of Less Than One Acre"

Roll Call

Yes: Steven Castronova, Ada Erik, Warren Gross, Robert Nolan, James Rogers, Chairman Christopher Garcia.

No: Geoffrey Syme, Glenn Wenzel.

Abstain: Linda Connolly.

Motion approved.

Ordinance No. 2021-002 Of The Township Of West Milford, County Of Passaic, State Of New Jersey Amending §500-90 B(3) Of The Township Code To Allow The Keeping Of Poultry On Less Than One Acre Of Lot Area – Amended.

Board Planner Jessica Caldwell reviewed her report on Ordinance No. 2021-002 regarding the keeping of poultry on lots less than one acre. This ordinance was adopted by the Governing Body on February 3, 2021. Jim Rogers inquired if the ordinance meant chickens or any farm animals and noted that this section of the ordinance refers to farm animals. The Board requested clarification, and Ada Erik commented that the ordinance reads that less than an acre allows only hens. Referring to the bulk standards amendment ordinance, Geoffrey Syme inquired if a neighbor would be permitted to install a chicken coop five feet from the property line potentially next to a neighbor's house, and Mr. Germinario answered that they could if it was a pre-existing lot, but the chicken ordinance may have their own setbacks. Ms. Caldwell reviewed the farm animal ordinance and did not notice any setbacks outlined in the ordinance, but noted there are setbacks stated for horses. Mr. Syme expressed that he understood that it was beyond the scope of the Board, but if a resident has to make an application to the Board of Adjustment for a variance, the neighbors would have the opportunity to go to the hearing and voice their concerns and the B.O.A. would take their concerns into consideration, but with the proposed ordinance, there is no opportunity for input, and it would create nuisance issues. Glenn Wenzel commented that his son has chickens and chicken coops create odors. Ms. Erik stated that since the small acreage ordinance for chickens was adopted recently, most of the people affected have fenced yards so there have been no problems. Mr. Castronova inquired who came up with the number of 32 chickens per acre, and Ms. Erik replied that it was in the ordinance before they amended the ordinance. Mr. Germinario stated that the ordinance has already been adopted with no prior referral for Master Plan Consistency.

Following the discussion on this matter, a **motion** was made by Steven Castronova, with a **second** by Warren Gross, to **approve** Planning Board Resolution No. 2021-05

finding Master Plan Consistency regarding Ordinance No. 2021-002 Of The Township Of West Milford, County Of Passaic, State Of New Jersey Amending §500-90 B(3) Of The Township Code To Allow The Keeping Of Poultry On Less Than One Acre Of Lot Area – Amended.

Roll Call

Yes: Steven Castronova, Linda Connolly, Ada Erik, Warren Gross, Robert Nolan, Chairman Christopher Garcia.

No: Geoffrey Syme, Glenn Wenzel.

Abstain: James Rogers.

Motion approved.

BOARD PLANNER’S REPORT – None.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

Invoices

The Board professional’s invoices for the months of December and January were **unanimously approved** on a **motion** by Geoffrey Syme with a **second** by Robert Nolan.

MINUTES

The Minutes from the January 7, 2021 Reorganization and Regular meetings were **approved** by the Board members who were present at that meeting, on a **motion** by Robert Nolan and a **second** by Jim Rogers.

CORRESPONDENCE RECEIVED:

The following correspondence items were reviewed by the Board:

Highlands Water Protection and Planning Act Correspondence

1. Correspondence from Arcadis, dated 02-10-21, advising that an application for a Highlands Applicability Determination was being submitted for Block 7601; Lot 2, former Texaco Service Station, owned by Randa Investments, 1463 Union Valley Road, regarding the installation of a groundwater treatment system, and requesting Exemption #15 which provides conditions for exempted projects focused on the remediation of a contaminated site pursuant to N.J.S.A. 58:10B-1 et seq.

2. Correspondence from Mott MacDonald, dated 02-11-21, advising that an application for a Highlands Applicability Determination – Exemption #11 was being submitted on behalf of the City of Newark, Department of Water and Sewer Utilities, Pequannock Water Treatment Plant Improvement Phase 2 – Chlorination Upgrades Chemical Line, at Block 14102; Lot 1 and Block 14101; Lot 1, 2224 Rt. 23 N.

NJ Department of Environmental Protection Correspondence

1. Suspected Hazardous Substance Discharge Notice received from the NJDEP, dated January 7, 2021, regarding JB Enterprises and Diversification, 26 Wooley Rd, Block 10001; Lot 9, for an anonymous report regarding approximately 100 derelict vehicles at the site and possible petroleum products leakage, as well as dredging operations in progress in suspected wetlands.

2. Notification from McKittrick Engineering, dated 01-19-21, regarding an application to be made for a general permit authorization for a new septic in a wetlands transition area at 10 Oakwood Ave., Block 13808; Lot 13.

3. Correspondence from the NJDEP – Division of Dam Safety, dated December 21, 2020, regarding the Upper Greenwood Lake Dam, Block 2901; Lot 1, NJDEP Dam File No. 22-97, advising that the 2020 dam safety inspection report which found the dam to be in Satisfactory condition. Existing inundation mapping is outdated and must be updated and submitted to the Division of Dam Safety by April 15, 2021.

4. Correspondence from Stewart Surveying & Engineering, dated January 26, 2021, advising of an application being made to the NJDEP for a Treatment Works Approval for Lighty Residence, Block 11106; Lot 7, Roaring Brook Way.

5. Suspected Hazardous Substance Discharge Notice received from the NJDEP, dated February 6, 2021, for 169 Long Pond Road, Block 4104: Lot 1, regarding removal of a 1000 gal UST, with clean up pending.
6. Correspondence from the NJDEP, dated February 5, 2021, acknowledging the Withdrawal of a Treatment Works Approval Application #20-0434 for Donald Dickert, 4 Emerson Road, Block 2511; Lot 6.
7. Correspondence and Public Notice from Dynamic Engineering and the NJDEP Division of Water Monitoring and Standards, received February 19, 2021, regarding the Belcher's Run (Kingwood Flex) Dollar Tree Building Expansion; Block 6401; Lot 1, and a proposed amendment to the Northeast Water Quality Management Plan (WQMP), requesting a written Statement of consent, in the form of a resolution from the Governing Body, in support of the proposed amendment to the WQMP, altering the West Milford Wastewater Management plan to expand the Belcher's Run Shopping Center discharge to groundwater (DGW) wastewater treatment facility sewer service area (SSA) by 0.125 acres to include the proposed increase of square footage to the existing shopping center for the proposed Dollar Tree retail store.

Miscellaneous Correspondence

1. Correspondence from Hudson Essex Passaic Soil Conservation District (HEPSCD), dated January 6, 2021, regarding Vento, 40 Stephens Road, West Milford, NJ, Block 7701; Lot 19, addressing complaints received related to soil movement activities and erosion issues, for soil disturbance that exceeds 5,000 square feet in area. An explanation of the activities and documentation to HEPSCD is required by 01-20-21. Application for a NJ Soil Erosion and Sediment Control certification is also required and owner is to refrain from additional activity until such time that proper permits have been obtained.
2. HEPSCD re-certification of soil erosion and sediment control plan, dated 11-30-20, regarding Stafford Macopin Improvements, 711 Macopin Rd., Block 14001; Lot 16, with limit of disturbance at 0.805 acre in total.
3. HEPSCD certification of soil erosion and sediment control plan, dated 11-09-20, regarding Hernandez Point Breeze, 111 & 115 Pt. Breeze, Hewitt, NJ, Block 2601; Lots 1, 7, 8.

ADJOURNMENT

Prior to adjourning, the Board members reviewed the upcoming meeting dates and concurred that the March 4, 2021 meeting would be cancelled, and the next regular meeting would be held on March 25, 2021.

With no other matters to be brought before the Planning Board, Chairman Christopher Garcia **adjourned** the regular meeting of February 25, 2021 at 9:45 p.m. on a **motion** made by Glenn Wenzel with a **second** by Warren Gross.

Approved: March 25, 2021

Respectfully submitted by

Tonya E. Cubby, Secretary