

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**May 26, 2016**

**Regular Meeting**

Chairman Christopher Garcia opened the May 26, 2016 Regular Meeting of the West Milford Planning Board at **7:34 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance.

**ROLL CALL**

**Present:** Mayor Bettina Bieri, Steven Castronova, Warren Gross, Councilman Lou Signorino, Geoffrey Syme, Chairman Christopher Garcia, Board Attorney Thomas Germinario, Board Engineer Mark Denisiuk.

**Absent:** Linda Connolly, Andrew Gargano, Douglas Ott, Glenn Wenzel, Edward Rosone, Board Planner Chuck McGroarty.

Chairman Garcia requested Mr. Castronova to sit on the Board in the absence of one of the regular Board members, and advised that a quorum was present to hold this meeting.

**PUBLIC PORTION**

Chairman Garcia opened the meeting for public comment. With no one present wishing to address the Planning Board on matters other than those pending or those on the current agenda, the public portion was **closed** by unanimous vote on a **motion** by Councilman Signorino, with a **second** by Steven Castronova.

**APPLICATIONS**

**NEW APPLICATIONS**

**AWOSTING ASSOCIATION INC.**

**Amended Preliminary /Final Site Plan #PB-03-16-01**

Block 4105; Lot 1

Long Pond Road; LR Zone

**Seeking:** Amended Preliminary and Final Site Plan Application for Awosting Association Inc. for a new lake community clubhouse, amending the previously approved site plan under Planning Board application #0820-0320, approved on January 3, 2013 by Resolution No. 2013-05.

Chairman Garcia announced the Amended Preliminary and Final Site Plan application for Awosting Association, Inc. Prior to commencing with the hearing, Board Member Warren Gross recused himself from this application due to his residency in the Awosting community and membership in the Awosting Association.

Lee Levitt, Esq., was present as attorney for the Awosting Association. He advised that this application before the Board was amending the prior site plan approval that was received from this Board on January 3, 2013. He noted that minor changes are proposed to the originally approved plan. Mr. Levitt introduced Joseph Vince, P.E. of Schwanewede Hals Engineering Inc., and following qualification for the Board, was accepted as expert witness for the applicant. Mr. Vince testified that he had been a civil engineer for 11 years, and had appeared before various Planning Boards and Boards of Adjustment during his career.

Mr. Vince reviewed the amended site plan for the Board, marked as exhibit A-1, prepared by Schwanewede Hals Engineering, with a revised date of 04-27-16. The site for the proposed new community clubhouse was located on Long Pond Road, Mt. Hope Avenue, and Lake Avenue, consisting of 4.47 acres on property associated with the lake community (basketball, tennis, etc.). Mr. Vince testified that the previously approved site plan was for a proposed building totaling 8,643 s.f., but it was determined to be too costly, so it has been reduced to 7,701 s.f., resulting in a 942 s.f. reduction. He testified that the building has been shifted to the north by 25 feet, providing more room between the tennis courts and the clubhouse, with the front yard setback at 16 feet; they will maintain the required setbacks with the new location, and will stay within the limit of disturbance. With regard to a condition noted in the Board Engineer's correspondence to show grading for the ADA, this has been revised in the new plan with the addition of a straight walkway. Mr. Vince addressed the Construction Official/ADA Compliance Officer's request from a memo dated May 17, 2016 regarding the straightening of the head of the ADA spaces so that they are parallel to the previously approved fence, and he advised that they will square off the tops of all the parking spaces. The second comment from the Construction Official regarding the

van accessible space will be included in the revised plan. Board Member Steven Castronova inquired about the low number of spaces that are being installed, with only two handicapped spaces, and wondered if that would be sufficient, and Mr. Vince responded that the two spaces are all that are required. Mr. Castronova inquired about the 93 spaces he recalled from testimony at the prior site plan hearing, and Mr. Vince advised that the prior approval included on-street parking. Mr. Castronova expressed some concern about the road intersections and safety issues with the on-street parking. Mr. Vince observed that the first space would be 50 feet from an intersection, and the road is striped, indicating no parking near the intersection. It was noted that this was a lake community and most residents would walk to the site for an event. Mr. Castronova wondered if the field had been considered for additional parking spaces. One of the Awosting Association members commented that he clearly recalled testimony from the prior site plan application hearing regarding the parking, and it was understood that the parking would be mainly along the road. Mayor Bieri acknowledged that this was a private lake community, and requested that Mr. Vince review the site plan items that the Board had jurisdiction over. Board Attorney Thomas Germinario advised the Board that they are only hearing testimony on the amended plan, and anything previously approved was not a concern with this new application. Mr. Vince continued to review the revisions made to the prior approved site plan, including the squared off parking spaces and relocating the dumpster pad.

Mr. Levitt reviewed the correspondence from Board Engineer Paul Ferriero, dated May 18, 2016, and referenced a note requesting clarification about a basement, and advised that the architect would address this with his testimony. With regard to the Board Engineer's comments on the trash enclosure, Mr. Vince advised that the Association wanted a chain link fence enclosure with decorative slats. Mr. Vince referenced the conditions of prior site plan approval and the items that remained to be satisfied or those that were continuing conditions of approval. Mr. Germinario raised the issue of the trash enclosure and suggested that the Board may want to recommend a "board on board" enclosure that would be more aesthetically pleasing. Councilman Lou Signorino commented that what they proposed was fine with him, and Mr. Castronova observed that the chain link fence is strong, while Mayor Bieri commented that vinyl fencing may be more aesthetically pleasing. Chairman Christopher Garcia inquired what the cost factor was between the chain link fence and vinyl board on board fencing, and Councilman Signorino noted that the chain link fence was less costly and more rigid than plastic. Chairman Garcia inquired whether landscaping was proposed around the dumpster enclosure, and Mr. Vince advised that none was proposed, but that the Association will maintain the site. Mayor Bieri remarked that although she suggested vinyl, she was willing to agree with the Association in whatever they feel is appropriate and what works for them. Mr. Vince requested that the resolution reflect the options available based on the Association's determination during construction.

With regard to the Township Environmental Commission's comments in their memo dated May 9, 2016 recommending sedimentation basins to be included in the storm drains to prevent road grits and debris from draining into the lake, Mr. Vince testified that none of the on-site drainage systems are designed to drain into the street basins, adding that the stormwater is draining into seepage pits and dry wells. Mr. Germinario noted that the amended plan is proposing a reduction in impervious surface, so the stormwater runoff will be decreased. With regard to rain barrels, Mr. Vince did not feel that they would apply to this project since there were dry wells and seepage pits proposed. Mr. Castronova inquired whether the applicant was proposing three dumpsters, one each for paper, plastic/glass recyclables, and garbage, and whether there would be room for three dumpsters in the enclosure proposed. Mr. Vince advised that the applicant will comply with the law and that there will be receptacles for recycling. Mr. Vince reviewed the May 26, 2016 memo from the Health Dept. and the issues that they noted in a memo of December 10, 2012 from the prior application. Mr. Levitt advised that a letter from the MUA (Municipal Utilities Authority) was received that day by the applicant, advising that they have no objections to sewer connection to the Awosting MUA plant. A copy was to be provided to the Board secretary for the file. Councilman Signorino requested that the record reflect that the MUA has no objection to the proposed flow for the new clubhouse. It was noted that the Health Dept.'s comments regarding the MUA and possible NJDEP issues with the sewer plant had no bearing on the Awosting site plan application. Mr. Levitt stated that the MUA has advised in their letter that they have the ability to treat the capacity from the proposed new community clubhouse, and he maintained that this letter satisfies the Health Dept.'s concerns. With regard to the comments about requiring floor plans and confirmation from the MUA regarding possible grease traps, Mr. Levitt asserted that this was more of a construction matter. Mr. Castronova commented about the grease traps and noted that it was his understanding that the Health Dept. determined the size. Mr. Vince advised that there was no formal kitchen proposed for the clubhouse, only a warming kitchen. Mr. Levitt further advised that the applicant has applied for an extension of the soil erosion and sediment control plan approval from HEP Soil Conservation District.

Chairman Garcia opened the meeting to the public. With no comments from the public, the public portion on this testimony was closed on a **motion** by Councilman Lou Signorino and a **second** by Mayor Bettina Bieri.

Architect Fred Klenk, AIA, was sworn in as expert witness for the applicant to testify regarding the architectural elements of the amended site plan application. Mr. Klenk provided his professional background for the Board, advising that he was an architect since 1968 and had appeared before various Planning Boards and Boards of Adjustment during his career. Mr. Klenk proceeded with testimony on the previously approved architectural plans that were part of the prior site plan application. The exhibits were entered into the record (A-1 through A-9), with A-1 depicting the revised site plan, prepared by Schwanewede Hals Engineering, revised dated 04/27/16. Mr. Klenk referred to A-2, architectural plans prepared by Blueline Architectural, dated 09/13/12, consisting of three sheets that included the proposed building elevations, with colonial design elements, fiberglass shingle roof, and split block siding. Exhibit A-3 consisted of the redesigned rendering of the proposed clubhouse, with a similar exterior, but with added lines, columns on 3 sides, and doghouse dormers. Mr. Klenk advised that the entrance will face the tennis courts, the roof will be a composite material, and the building will consist of aluminum windows with split face block walls. Mr. Klenk then reviewed exhibit A-4, the first floor plan (1,810 sf), noting that the original plan was a t-shape with a basement across the front of the building, with a second floor over the first floor consisting of 1,525 sf. Mr. Klenk testified that when he was retained to redesign the building, he revised the shape of the building to more of a rectangle rather than a t-shape. Exhibit A-5 depicted the previously approved basement area and A-6 the upper level. He reviewed the new building design characteristics, testifying that the height will be 25 feet as opposed to the 22.6 ft. prior approved building, noting that this will provide a better pitch to the roof with the reduced footprint. Exhibit A-7 – A-9 consisted of Sheets 1 - 4, revised dated April 2016, depicting various elevations of the new proposed community clubhouse, and Mr. Klenk noted design elements that were added or removed from the new plan. He testified that the applicant hopes to construct the fireplace included on the plan, and he reviewed the proposed floor plan, noting that the roof is a truss structure, with only the mechanicals to be located in the unfinished basement. Mr. Klenk testified that the new structure encompassed 5,630 sf plus the 6 ft. overhang; the prior building was 6,160 sf, resulting in approximately 500 sf less in footprint. He indicated on Sheet 8 that the majority of the clubhouse was on a slab with a basement that would measure 26.4 ft. x 50 ft. With regard to all the revisions reviewed, Mr. Klenk advised that cost was the main factor, and the goal was to tighten up the building, reduce the size, remove the ramp to the building, make it more cost efficient, and try to adhere to what the Board had approved with the prior site plan application. With regard to the grease trap, Mr. Klenk maintained that it was a code driven issue, and they will work with the Health Dept. to make sure that the right specifications are included on the construction plans. Mr. Levitt stated that whatever the standards are, the applicant and his professionals will comply.

The Chairman inquired if the Board members had any questions or comments, and Mr. Castronova commented about the elevation plans, and suggested that the applicant might consider siding or stone rather than split faced block. Mayor Bieri inquired about the number of columns, and Mr. Klenk advised that they will be placed along the front and down the side to the side entrance, and noted that they were not increasing the span; the number of columns will be diminished near the secondary entrance. The Board Attorney advised the Board that the plans that are being exhibited at this meeting do not match what was submitted for review by the Board. The applicant's and Board's professionals reviewed the date of the plans submitted for review (March 2, 2016) as opposed to those presented at this hearing (April 2016), and Mr. Levitt stated that the architect will submit new plans for review. Mr. Germinario inquired of the Board Engineer, Mark Denisiuk, whether Paul Ferriero would require a review of the updated plans prior to the Board approving this application, and Mr. Denisiuk responded that Mr. Ferriero felt that these were more building/construction related plans and were not necessary for the site plan approval by the Board. Mr. Germinario deliberated whether the Board should approve the site plan with the plans submitted or the plans presented at the hearing. Mr. Klenk stated that the sheet numbers and dates were different, but everything matched with the exception of more details in the hearing exhibit plans. It was noted that what was submitted to this Board for review prior to the hearing was sufficient for site plan approval. The plans presented at this hearing contain more construction related detail that will included in the building permit application.

With no further testimony on this matter, the public portion of the hearing was closed on a **motion** by Mayor Bettina Bieri with a **second** by Councilman Lou Signorino. Mr. Levitt advised that unless there were questions for the Board from the Awosting Association, he requested that the Board approve the amended preliminary and final site plan application, noting that it includes tighter and more economic revisions to the prior approved plan.

Sean Rice, President of the Awosting Association, addressed the Board, noting that this project has been in the planning stages for a long time. He advised that the new plan reduces the size of the building and made it more cost effective; they simplified the design and site plan, and attempted to make it more maintenance free. Mayor Bieri inquired if they were “ready to go” and ready to break ground, or whether they needed additional fundraising, and Mr. Rice advised that they were ready to move forward once they receive their approvals. Mr. Levitt stated that he had worked with members of the Association for about a year and he found them to be very motivated.

Chairman Garcia opened the meeting for public comment. With no one from the public wishing to speak on this matter, the public portion was closed on a **motion** by Councilman Lou Signorino, with a **second** by Steven Castronova.

The Board Engineer was asked for comments regarding the subject application, and Mr. Denisiuk advised that the applicant had addressed all the comments in Mr. Ferriero’s report to the Board. He noted that Mr. Ferriero requested details for the gate on the dumpster enclosure, and he wondered whether the Board wanted final determination on the dumpster enclosure material. Mr. Germinario responded that the applicant can choose between board on board and chain link. Mr. Germinario advised that the revised plans required a complete set of the prior approved plans prepared by Conklin Engineering. He then reviewed the conditions of approval that would be included in the memorializing resolution:

- A complete set of plans and documents, as required by the resolution compliance letter of Paul Ferriero, PE, CME, dated 04/22/14, shall be submitted as a complete package for the Board’s records. Updated Soil Conservation and MUA approvals shall also be submitted.
- The architectural plans shall note whether the clubhouse basement is to be finished.
- The current plans indicate that the trash enclosure will be a simple chain link fence located between the building and Long Pond Road. This shall be revised to allow alternative trash enclosure designs consisting of either chain link fence with decorative slats, white vinyl or board-on-board construction, at the discretion of the Applicant, with the gate detail to be provided.
- Digital plans shall be submitted in accordance with condition #26 of the 2013 Resolution.
- The amended site plan includes two handicapped parking spaces; one must be a van accessible parking space with the appropriate ADA signage.
- The two designated handicapped parking spaces are currently designed on an angle. The upper ends of the two handicapped spaces shall be redesigned to be squared off parallel to the “previously approved relocated fence,” as referenced on Sheet 1 of the amended site plan. The Applicant has indicated that the remaining four angled parking stalls may also be squared off.
- Except as noted during the hearing, all the conditions of the 2013 Resolution remain in effect.

Mr. Denisiuk advised that a complete set of any documentation submitted with the prior approval should be re-submitted for resolution compliance.

**Motion** by Councilman Lou Signorino, with a **second** by Steven Castronova to **approve** the Amended Preliminary and Final Site Plan application #PB-03-16-01 with the conditions noted.

**Roll Call:**

**Yes:** Mayor Bettina Bieri, Steven Castronova, Councilman Lou Signorino, Geoffrey Syme, Chairman Christopher Garcia.

**No:** None.

**Motion approved.**

Mr. Germinario advised that the resolution memorializing the Board’s decision will be on the agenda for the June 23, 2106 Planning Board meeting.

**MEMORIALIZATIONS** – None.

**NEW OR ONGOING BUSINESS** – None.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL** –

**ORDINANCE NO. 2016 – 009**

Ordinance of the Township of West Milford, county of Passaic, State of New Jersey authorizing Stop signs at the Intersection of Terrace Road and Cliff Road.

Mr. Germinario advised that the ordinance was not a Master Plan ordinance and no vote was needed by the Board on this matter.

**BOARD PLANNER'S REPORT** – Chairman Garcia reported that Mr. McGroarty had advised that the next COAH hearing would be held in July, so there was nothing new on this matter at this time.

**BOARD ATTORNEY'S REPORT** – None.

**BOARD ENGINEER'S REPORT** – None.

**MISCELLANEOUS**

**Approval of Invoices**

The Invoices from the Planning Board professionals for the months of March and April 2016 were **unanimously approved** on a **motion** by Mayor Bieri and a **second** by Steven Castronova.

**MINUTES**

The Minutes from the Planning Board regular meeting of January 7, 2016 were **unanimously approved** by all those present at the subject meeting on a **motion** by Steven Castronova with a **second** by Mayor Bettina Bieri.

The Minutes from the Planning Board regular meeting of April 28, 2016 were **unanimously approved** by all those present at the subject meeting on a **motion** by Geoffrey Syme with a **second** by Chairman Christopher Garcia.

**CORRESPONDENCE**

***The following correspondence was reviewed by the Board and filed:***

**Highlands Water Protection and Planning Act Correspondence**

1. Highlands Resource Area Determination application, dated 05-05-16, received from Randa Investments LLC regarding 1463 Union Valley Road for cutting or clearing of trees and vegetation, placement of pavement or other impervious surface, placement of one or more buildings or other structures.

**NJ Department of Environmental Protection Correspondence**

1. Notification from the NJDEP Bureau of Dam Safety & Flood Control, dated April 27, 2016, regarding Nosenzo Pond Dam (NJDEP File #22-241), advising that the Inspection Report submitted on April 7, 2016 found the dam to be in Satisfactory Condition, with maintenance and repairs, as well as Operation and Maintenance Manual and the Emergency Action Plan, to be completed by July 31, 2016.

2. Public Notification and Outreach Form and Classification Exception Area/Well Restriction Area Fact Sheet Form and Receptor Evaluation Form, dated April 29, 2016, received from Leidos regarding the former Texaco Station aka Towne Center, 1457 (1463) Union Valley Road, Block 7601; Lot 2.

3. Notification and Public Outreach with Fact Sheet received from Geo-Enviro Consulting & Remediation LLC, dated April 3, 2016, regarding SBP Gas Station, 555 Warwick Tpk, Block 703; Lot 3, NJDEP Case #95-11-14-1023-32, providing an update for the on-going environmental and remedial investigations for soil and groundwater contamination identified at the site.

4. Copy of a Treatment Works Approval application notification, dated May 5, 2016, received from McKittrick Engineering regarding Block 11001; Lot 12 for the construction of a septic system that is not in conformance with N.J.A.C., 7:9A et seq. – the distance from a water course is less than 50 feet.

5. Copy of a Treatment Works Approval application notification, dated May 4, 2016, received from Houser Engineering LLC, regarding Greenwood Lake Services LLC, 322, 330, 341 Lakeside Road, Block 3107; Lots 1 & 2 and Block 3101; Lot 9 for the construction of an on-site wastewater treatment and disposal system alteration.

6. NJDEP No Further Action letter dated May 5, 2016, for the removal of a 550 gal UGST at 5 Charcoal Road, Block 15201; Lot 26.

7. NJDEP No Further Action letter dated May 5, 2016, for the removal of a 550 gal UGST at 5 Charcoal Road, Block 15401; Lot 17.

8. Suspected Hazardous Substance Discharge Notification, dated May 5, 2016, NJDEP Case #16-05-04-0935-40 regarding receipt of verbal notification of a possible discharge of a hazardous substance at Clinton Road/Warwick Tpk. Substance released was natural gas venting in the area by NJ Natural Gas Co.
9. Suspected Hazardous Substance Discharge Notification, dated April 20, 2016, NJDEP Case #16-04-19-1248-03 regarding receipt of verbal notification of a possible discharge of a hazardous substance at 176 Morsetown Road. This incident was related to the removal of a 1000 gal UGST with remediation pending.
10. Public notification received from Environmental & Geotechnical Services, dated May 5, 2016, regarding the submission of a groundwater Classification Exemption Area for Service Concrete/Oak Ridge Road Assoc. LLC at 173 Oak Ridge Road, Block 15901; Lots 5 & 13 with respect to recent groundwater samples indicating concentrations of lead, tetrachloroethylene (PCE), (VO-TICs) and (SVO TICs) that are above the applicable NJDEP Ground Water Quality Standards.
11. Notification from LAN Assoc, dated May 16, 2016, of additional document submissions to the NJDEP regarding the remediation at the West Milford Board of Education Transportation Depot, NJDEP #PI032446.
12. Copy of a Freshwater Wetlands General Permit #17, #1615-15-0026.1, dated May 11, 2016, authorizing the disturbance of 200 s.f. for the replacement of pre-existing footbridge over the Wanaque River within Block 4502; Lot 2 (Long Pond Ironworks).
13. Potable Well Analyses, dated May 19, 2016, received from BETTS Environmental regarding the Westbrook Friendly Service at 1205 Westbrook Road, Block 10901; Lot 8 and results of analyses conducted at 1204 Westbrook Road, Block 5101; Lot 2, which indicates that none of the compounds were detected in the potable well sample from 1204 Westbrook Road, and the contamination has not migrated to this property.

#### **Miscellaneous Correspondence Received/Sent**

1. Legal Notice of the Planning Board of the Borough of Bloomingdale advising of a Public Hearing on an Amendment to the Borough of Bloomingdale Re-Examination of the Master Plan – relating to the Meer Tract and Tilcon Quarry, Blocks 105; Lots 14 & 84, and the promotion of the provision of affordable housing and future economic development in the Borough.
2. Orange & Rockland Utilities notification, dated May 2016, advising of the Nelson Tree Service performing preventative maintenance to vegetation in proximity to the overhead electrical conductors.
3. HEPSCD certification of the soil erosion and sediment control plan, dated April 1, 2016, received from Guzhva, 21 Northwood Drive, Block 13203; Lot 32 in relation to a Stop Work Order issued on 10-18-15 for soil movement and improvements totally 0.31 acres to be disturbed on a 0.71 acre site.
4. HEPSCD certification of the soil erosion and sediment control plan, dated April 11, 2016, received from Greenwood - Crest Lake Improvements, 50 Crest Lake Drive, Block 16703; Lot 16 for soil movement activities totaling 0.413 acres on a 1.107 acre site.

#### **ADJOURNMENT**

Prior to adjourning, the Board concurred that the June 2, 2016 Planning Board meeting should be cancelled.

With no other matters to be brought before the Planning Board, Chairman Garcia **adjourned** the Regular meeting of May 26, 2016 at **8:50 p.m.** on a **motion** made by Mayor Bettina Bieri and a **second** by Councilman Lou Signorino.

Approved: June 23, 2016

Respectfully submitted by,

Tonya E. Cubby, Secretary