

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

June 3, 2021

Regular Meeting

Chairman Christopher Garcia opened the June 3, 2021 regular meeting of the West Milford Planning Board at 7:00 p.m. with a reading of the Legal Notice, followed by the Pledge of Allegiance.

ROLL CALL

Present: Steven Castronova, Linda Connolly, Councilman Warren Gross, Robert Nolan, James Rogers, Glenn Wenzel, Chairman Christopher Garcia, Alt. #1 Michael DeJohn, Board Planner Jessica Caldwell.

Absent: Councilwoman Ada Erik, Geoffrey Syme, Alt. 2 JoAnn Blom, Board Attorney Thomas J. Germinario, Board Engineer Paul W. Ferriero.

Also Present: Barbara Heskins Davis – The Land Conservancy
Don Weise – West Milford Environmental Commission
Alison Kopsco, Associate Planner

Chairman Christopher Garcia requested Michael DeJohn to sit in for one of the absent members, 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 Linda Connolly, with a **second** by Robert Nolan.

PRESENTATION

Open Space and Recreation Plan Update

Don Weise, WM Environmental Commissioner and Open Space Coordinator, provided opening comments to the Planning Board, thanking them, and the Governing Body, for their consideration of the updated Open Space and Recreation Plan, completed in June 2021. He expressed the Commission's belief that the plan will ultimately bolster the local economy, and provide funding for tourism options. He noted that The Land Conservancy has been a good partner with the Township with various projects over the years, and they have been diligent with their efforts regarding many land use matters.

Barbara Heskins Davis, P.P., AICP, Vice President of The Land Conservancy was in attendance at the meeting to provide an update and powerpoint presentation on the draft Open Space and Recreation Plan Update. She advised the Board that the cost for TLC's fees for preparation of the plan were covered by grants from the Highlands Council. She noted that the reasons for updating the OSRP include an opportunity for greater access to funding, using this document preparation to take a proactive look at the land base to identify what is protected and how it is protected, and to review

properties that may be acquired for open space preservation. Per the ML.U.L., the Open Space Plan should be updated every 10 years, and the current plan is outdated. Ms. Davis has worked closely with the WM Environmental Commission to make sure that the goals, outlined in prior plans, were still applicable. Goals for the 2021 Plan Update include: preservation of a semi-rural character and unique natural features of the Township, enhance quality of life and promote an active, healthy lifestyle for residents, protecting land which contributes to drinking water quality and quantity, and expansion of the trail and bicycle systems. Ms. Davis observed that having access to some of the preserved lands (which account for 70% of the Township) was expressed by stakeholders and residents during the plan preparation.

Details regarding the Open Space Trust Fund are included in the plan, and Ms. Davis reviewed the history of the fund, beginning with the adoption of the Township's trust fund by ordinance in 2001. The fund currently collects, through taxes, \$0.0054 per \$100. of assessment, and as of 2020, it has amassed \$2.86 million, and expended \$3.78 million, including additional grant funds received. The Township received \$3.3 million in grants from Passaic County, and \$2.07 million in grants from Green Acres. The balance at the time of this updated plan is \$1.43 million. She noted that Green Acres funding is available and she recommended that the Township pursue grants either for acquisition of lands or recreation. Ms. Davis also recommended that the Township approach Passaic County regarding funding for land for agriculture (City Green for Urban Gardens) and noted that there are several smaller neighborhoods that may benefit from this funding for small farms or community gardens.

Ms. Davis reviewed portions of the plan regarding the Township parks system, which include recreational facilities, adding that the sports leagues were approached to obtain feedback for the OSRP update. She noted that the Recreation Director is very engaged and involved with the parks system, adding that the municipality is a very active community. Some of the recommendations in the plan include completing facility improvements at Bubbling Springs, Brown's Point, and Melody Lake, additional walking trails around lakes and fishing access, tracking and assessing usage and future needs for additional facilities, improve municipal park sites, assess and implement field rotation practices, share the plan update with the Board of Education to assist in planning efforts, make improvements to walking and bicycle paths, and consider an updated recreation master plan. A review of the ROSI (Recreation and Open Space Inventory) was provided by Ms. Davis, who also noted that it was the 60th anniversary of Green Acres, established for preservation of land for recreation and conservation. She explained that if funding for open space and recreation facilities is received from the State of New Jersey, existing parklands must be identified and included in the ROSI. The properties that are funded by Green Acres essentially require contracts between a municipality and the State, and the properties are restricted, with the restrictions noted in the deeds.

Reviewing the acreage of the preserved lands, which amounts to a total of 35,927 acres, Ms. Davis recommended that the Environmental Commission monitor the properties included in this total. The Commission has also promoted a Town Center Loop, incorporating some of the properties in the approved Greenway plan that would also serve as a guide for future acquisitions. The proposed loop is approximately 4 miles and would include existing sidewalks and paths, providing pedestrian, bikeway, and multi-use trails service, linking neighborhoods, civic, commercial areas, as well as destinations. The Governing Body has reviewed and discussed the proposal, but a plan

must be developed for this loop to be implemented, so it is being documented in the OSRP plan for potential development in the future. Regarding the creation of a trail along Belchers Creek, a tributary to Greenwood Lake, Ms. Davis noted that this would include a partnership with the NY-NJ Trail Conference. The site traverses residential neighborhoods, and preservation of the water body corridor would provide access for hikers and boaters, but trail easements would be needed to access the river corridor.

Referring to the Hewitt Butler Trail, Ms. Davis noted that the trail passes through the Norvin Green State Forest and connects to Long Pond Ironworks, the Highlands Trail, as well as other trails. Since a portion of the trail falls outside of the State Park boundaries, protection of the land would prevent it from being used for alternate uses. The Greenway Plan, prepared by the Environmental Commission, highlights the Village Center as the business/civic area, Pinecliff Lake, Belchers Creek, Hewitt Butler Trail, and various backcountry land. It identifies opportunities for connectivity and protection, provides a locally connected and strong system of open space, enhances the values of properties, encourages visitorship and tourism, and provides a boost to the local economy.

The steps in the Action Plan for the OSRP were outlined by Ms. Davis: Adopt the OSRP as part of the Master Plan, submit the OSRP to the State Green Acres program, conduct an on-the ground review of priority parcels using field visits and aerial mapping, meet and work with the NY/NJ Trail Conference to connect the Jeremy Glick Trail as a prelude to establishing the Appalachian Trail Connector, and pursue recognition as an Appalachian Trail community, like Vernon, NJ. Ms. Davis advised that the plan would be good for ten years once approved by the State.

Several of the Board members inquired about items in the OSRP, including the amount of preserved land in the Township (70% including Newark Watershed), and Ms. Davis stressed that the key connecting properties will make a difference and make the land more accessible without affecting the integrity of the preservation status. She suggested that easements could be put in place that will permit public use, but the Township would still receive the taxes from the properties. Councilman Warren Gross commented that the Mayor was involved in discussions to create a boat launch at Brown's Point, which is owned by the State, with a lease to the Township. Board member Robert Nolan observed that the traffic is heavy in the area of the proposed Town Center Loop. Ms. Davis advised that the "complete streets program" provides funding to assess the roads system and helps to find approaches to slow traffic and create multi use roads. Chairman Christopher Garcia remarked that the Township had received funding to develop plans for a sidewalk from Shop Rite along Marshall Hill Road to Lincoln Hill Village, but the cost became prohibitive with the property easements required, etc. He stated that the loop around the Town Center would be challenging. Don Weise noted that Shop Rite to Bearfort Plaza is almost completed, so it is a good start for the project. Referring to the Belchers Creek trail corridor, Chairman Garcia inquired of Ms. Davis how the process can be simplified for such an involved project that could provide a boost to the local economy and revitalize the creek. Ms. Davis advised that there has to be a firm local commitment to a particular project, adding that the funding is available for projects that provide public access areas, recreation and promote public health.

Chairman Garcia advised that the Planning Board is in the process of completing the Highlands funded Sustainable Economic Development Plan, and Ms. Davis noted that there is overwhelming support for recreation and trail use that can be noted in the plan.

Councilman Gross commented that he is on the Economic Development Commission and they are creating a map of West Milford, but are getting little support for the information that they need. Ms. Davis referred him to the NY/NJ Trail Conference who are on a GIS based system, and would be able to provide the maps of the trails and connectors. She also noted that Andover Township has a map access on their website, prepared by their Green Team, and it encourages visitors to buy local by pinpointing various locations. Chairman Garcia inquired about access for the Tennessee Gas Pipeline and Fema flood plains, and Ms. Davis advised that Green Acres has funds for properties that are abandoned and in the designated flood plains. As for trails through wetlands, Ms. Davis noted that it is difficult to get authorization, but it is possible. Don Weise commented that the owners of the properties have not encouraged trails along the TGP pipeline corridor, but there are some trails that traverse the pipeline. He further noted that the NY/NJ Trail Conference provided detailed maps and overlays of trails to the Township on April 30, 2021.

Ms. Davis concluded by advising that she would send the final OSRP plan to the Planning Board for noticing and public hearing. She noted that the Environmental Commission is very active in their stewardship of the preserved lands, and this OSRP should be reviewed every few years for possible amendments that may be required. The Chairman inquired if the Township has a valid Recreation Plan, and Ms. Davis recommended that the Township develop a new plan, but it would require an engineer, and it would fall under the purview of the Recreation Department, with Planning Board input for consideration for the Master Plan.

Chairman Garcia thanked Ms. Davis and Mr. Weise for the presentation and their services in preparing the updated OSRP document. He advised that the Master Plan Committee would convene prior to the next Planning Board meeting on July 1, 2021 at 5:30 to review the plan in preparation of a public hearing, possibly in August, and recommendation as an amendment to the Master Plan.

APPLICATIONS – None.

MEMORIALIZATIONS

Resolution No. 2020-10

ENVIRONMENTAL CONSTRUCTION CO.

Extension of Minor Subdivision Approval #PB-01-18-02

Block 4106; Lot 1

99 Long Pond Road; LR Zone

Granted: Extension of Time to re-file deeds for the approved Minor Subdivision and Bulk Variance for the subdivision of an existing lot into two individual building lots for proposed single-family dwellings.

A **motion** was made by Glenn Wenzel, with a **second** by Steven Castronova, to **approve** Planning Board Resolution No. 2021-10 regarding Environmental Construction Co. for an Extension of Minor Subdivision Approval.

Roll Call

Yes: Steven Castronova, Linda Connolly, Warren Gross, Robert Nolan, James Rogers, Glenn Wenzel, Michael DeJohn, Chairman Christopher Garcia.

No: None.

Motion approved.

NEW OR ONGOING BUSINESS

Highlands Sustainable Economic Development Plan – Chairman Garcia advised that the Planning Board would need some time to digest the updated Open Space and Recreation Plan, and suggested to the Board Planner that they should consider incorporating some of the concepts in the OSRP into the Sustainable Economic Development Plan.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES/RESOLUTIONS REFERRED FROM COUNCIL

Ordinance #2021-013 – Chairman Garcia advised that, in addition to meeting at 5:30 prior to this meeting, the Ordinance Committee met on May 20, 2021 at a Roundtable meeting, which included various stakeholders, and they reviewed the proposed bulk standards ordinance as well as several zoning issues. He noted that there was good feedback from the participants and discussion about the concerns of the Governing Body that prompted the development of an amended bulk standards ordinance for lots under one acre. He expressed that progress had been made with the input and expertise of the Planning Board Planner, the Board of Adjustment Planner and Chairman, as well as the Construction Official, Councilman Marsden, and Ordinance Committee members. He noted that the Planning Board Attorney should be included in further discussions regarding zoning regulations and would reach out to include him in the next meeting. The next Ordinance Committee and Roundtable is tentatively scheduled for June 24, 2021 at 5:30 pm. The Chairman noted that the revisions to the ordinance would be available at the next Planning Board meeting on July 1, 2021 so that recommendation can be sent to the Governing Body.

BOARD PLANNER’S REPORT – None.

BOARD ATTORNEY’S REPORT – None.

BOARD ENGINEER’S REPORT – None.

MISCELLANEOUS

Chairman Garcia inquired of Councilman Gross about the status of the cannabis ordinance, and Councilman Gross did not have specific details, which were being developed by the Planner, but he noted that the Township had the option of adopting the ordinance now or wait two years. The Chair requested that the document be forwarded to the Planning Board for review and comment, as well as master plan consistency, as soon as it is available.

With regard to the rehabilitation zoning of the entire Township, Councilman Gross advised that he was not aware of anyone obtaining a loan yet under the provisions of the new designation. Mr. Nolan inquired about the affordable housing obligation, and Councilman Gross commented that the Township is not being penalized, to date, and that we are still under review. Mr. Nolan stated that the Township should be proactive on this matter, and made reference to other municipalities that have had issues.

The Chairman inquired about the Governing Body taking action on amending the existing water quality and quantity [well] ordinance, and Councilman Gross could not

confirm what amendments, if any, would be considered. Chairman Garcia advised that the ordinance was created with the aid of scientific research and careful deliberation that benefits the entire Township. It was noted that a local developer was concerned that his development projects could be hindered by the process due to the time that it takes to complete the testing and obtain reviews and approvals required under the well ordinance. Board member Linda Connolly commented that the issue is not the ordinances as much as it is not having sufficient staff to review the ordinances and process the documents that are required, adding that the Township cannot function properly and serve the public with limited resources. She expressed frustration that ordinances continue to be adopted or amended without seeking the input of the professionals and the Boards and Commissions, who are the advisors to the Governing Body. Chairman Garcia noted that being short staffed, the Township cannot perform the customer service functions that they are required as public servants. Councilman Gross noted that the Council is aware of the issues, but many of the positions are not being filled. The Chairman stated that, with regard to all land use concerns, the Board is always available to assist the Governing Body.

Invoices

The Planning Board professionals' invoices were **approved** on **motion** by Robert Nolan with a **second** by Warren Gross.

MINUTES

The Minutes from the April 22, 2021 Regular Meeting were **approved** by those members present at that meeting 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. None.

NJ Department of Environmental Protection Correspondence

1. Suspected Hazardous Discharge notification, dated April 29, 2021, received from the NJDEP, for 1433 Union Valley Road, Block 7520; Lot 1, regarding the removal of a 550 Gal UST, with clean-up pending.
2. Groundwater Remedial Action Permit Modification Request, dated April 15, 2021, received from Envirotrac regarding the former Getty Service Station #56009, 2048 Route 23 north, PI # 001649.
3. Suspected Hazardous Discharge notification, dated April 22, 2021, received from the NJDEP, regarding 37 Sweet Briar, Block 12102; Lot 6 for the removal of a 1000 Gal UST, with clean up pending.
4. Suspected Hazardous Discharge notification, dated May 25, 2021, received from the NJDEP, for 22 Henry Road, Block 1406; Lot 2, regarding the removal of a 550 Gal UST, with clean-up pending.

5. Suspected Hazardous Discharge notification, dated May 15, 2021, received from the NJDEP, for Suez WWTP, Richmond Road, Block 5501; Lot 21, regarding exceedance of nitrogen readings.
6. LSRP General Information Notice, dated 05-07-21, from E2 Project Management LLC, regarding Matrax LLC (ESCO Products), 171 Oak Ridge Rd., Block 15901; Lot 7, for property sale/transfer of title.
7. CEA/WRA-Classification Exception Area, Well Restriction Area fact sheet public notice received from Environmental & Geotechnical Services, dated May 10, 2021, regarding Service Concrete, 173 Oak Ridge Road, Block 15901; Lots 5 & 13, advising that the CEA/WRA was to be removed following the completion of the cleanup and groundwater remediation at the site.
8. Suspected Hazardous Discharge notification, dated May 6, 2021, received from the NJDEP, for 45 Heritage Drive, Block 5204; Lot 5, regarding suspected dumping of contaminated soil, bricks and concrete by Intra Coastal Restoration, NY.
9. Notice from GZA Geoenvironmental, Inc. on behalf of Farm Crest Acres Assoc., dated May 13, 2021, advising of a submission of a Freshwater Wetlands General Permit #18 to the NJDEP for the rehabilitation of the Upper Crest Lake Dam and Lower Crest Lake Dam to bring them into compliance with the NJ Dam Safety Standards.
10. NJDEP Flood Hazard Area Verification and Individual Permit #1615-18-0011.1 LUP 200002, approved January 14, 2021, expiration date January 13, 2026, received for Kingwood Flex, LLC (formerly Belchers Run), regarding Block 6401; Lots 1 and 3, authorizing the grading within the flood hazard area of Belchers Creek, access, and parking and other site improvements partially in the flood hazard area of Belchers Creek, with special conditions.

Miscellaneous

1. Hudson Essex Passaic Soil Conservation District denial of a request for Non-Applicability Determination - Ch. 251 for proposed soil disturbance activities up 15,000 s.f. of soil, dated 04-29-21, for Battinelli, 41 Castle Rock Road, advising that unless the disturbance is strictly for field production agriculture, exceeding 5000 s.f. does not qualify for this exemption.
2. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 8, 2021, for Randa Investment – Texaco Station Remediation, 1463 Union Valley Road, Block 7601; Lot 2.
3. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 17, 2021, for Bruce Rigg – Lake Park Terrace Improvements at 3 Lake Park Terrace, Block 4201; Lot 35.
4. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 19, 2021, for Tom & Laurel Harraka SFD at 28 Virginia Lane, Block 10002; Lot 16.
5. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 23, 2021, for Bubbling Springs Park Ballfield Reconstruction at 1428 Macopin Road, Block 9001; Lot 13.
6. The Land Conservancy 2020 Annual Report and updated website – TLC-NJ.com.

7. New Jersey Planner Newsletter – March April 2021

ADJOURNMENT

Prior to adjourning, the Board was advised that the June 24, 2021 meeting will be cancelled, with the next regular meeting scheduled for July 1, 2021.

With no other matters to come before the Planning Board, Chairman Christopher Garcia **adjourned** the meeting of June 3, 2021 at 9:00 pm on a **motion** by Robert Nolan, with a **second** by Warren Gross.

Approved:

Respectfully submitted by

Tonya E. Cubby, Secretary