

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

July 24, 2014

Regular Meeting

Chairman Geoffrey Syme opened the July 24, 2014 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 and Roll Call.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Douglas Ott, Glenn Wenzel, Chairman Geoffrey Syme, Alternate Michael Siesta.

Absent: Alternate Steven Castronova, Robert Nolan, Councilman Luciano Signorino, Board Planner Charles McGroarty, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero.

Chairman Syme requested Michael Siesta to sit in for Robert Nolan and advised that a quorum was present to hold this meeting.

PUBLIC PORTION

Chairman Syme opened the Public Portion of the meeting. With no one wishing to address the Board, the Public Portion was **closed** following a **motion** by Michael Siesta and a **second** by Linda Connolly.

PRESENTATIONS – None.

APPLICATIONS – None.

MEMORIALIZATIONS

RESOLUTION No. 2014 - 09

ROBERT & BARBARA SCHMIDT

Amended Minor Subdivision & Bulk Variance #PB-04-14-01

Block 2001; Lots 12.01 & 12.02

11 & 13 Paterson Road; LR Zone

Granted: Amended Minor Subdivision and Bulk Variance approval.

Board Member Andrew Gargano said that he had reviewed copies of prior minutes for the original minor subdivision in 2005 for the subject properties, and suggested that the Board should review the history of an application, such as this, before a hearing on the matter. He said that he did not want to sway the Board's opinion on this matter, but he felt that when lot coverage is reduced significantly and a side yard is only 2 feet from a neighboring property, that it was incomprehensible to him that this would ever be approved. He stated that he opposed the amended subdivision at the recent hearing, and after reviewing the minutes from the original minor subdivision, he noted discrepancies that were supposed to be corrected and monuments that were required to be installed. Mayor Bieri observed that Mr. Schmidt received minor subdivision approval in 2005, but whether the conditions of that approval were followed up on, or not, was another question. Mr. Gargano stated that he did not feel that the Board received enough facts to make the proper decision. He questioned the language in the resolution and wondered why the resolution did not state that the houses could not be made larger or changed as a result of the amended minor subdivision. Mr. Gargano also expressed that the Board needs to get the complete story and not rush through the applications. Chairman Syme commented that having the prior minutes would have been helpful. Mayor Bieri, while concurring that she agreed with this in principal, noted that the Board Attorney advised the Board that they could not change the 2005 decision of the Planning Board. She further noted that the guidance of the professionals was sought, as with all Board applications, and the Board could have denied it, but the prior subdivision of the two lots could not be changed. The lot line adjustment, which did not affect any adjoining properties, had to be addressed since it was filed incorrectly. As for the new septic laws, the property owner will have to comply with the Health Dept. requirements regarding the proposed septic system. Mayor Bieri said that she could not, in good conscience, say to the owner that he had to tear down the house since the lots already existed, even if they shouldn't have been built, based on the size of the lots. The owner will have to get functioning septic, and she felt that approving the amendment was the right thing to do, given the issues and prior approvals. She acknowledged that these issues need to be examined more closely, and that the conditions must be met for prior approvals. The Board Secretary advised that Paul Ferriero, as Board Engineer, is the professional who must provide final approval on resolution compliance, although the 2005 resolution was prior to his tenure with the Township. Chairman Syme commented that the Board could have taken testimony on the prior resolution, adding that the Board has expressed their desire to address smaller lot sizes, but keeps approving applications like this. Mayor Bieri observed that if this was a subdivision application to build a new house, she would not have approved it, and that the Board can only try to be more careful as they move forward. Chairman Syme advised the Board that the past history of particular Board applications need to be reviewed before

hearing testimony. In this case, he noted, the Board just assumed that it was moving a line that was incorrectly drawn.

Following this discussion, a **motion** was made by Chris Garcia, with a **second** by Douglas Ott, to **approve** Resolution 2014-09, granting amended minor subdivision for Robert and Barbara Schmidt, Block 2001; Lots 12.01 and 12.02, 11 and 13 Paterson Road.

Roll Call:

Yes: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Douglas Ott, Glenn Wenzel, Michael Siesta, Chairman Geoffrey Syme.

No: None.

Motion approved.

NEW OR ONGOING BUSINESS –

Trails Master Plan Document – Board member and Environmental Commissioner, Douglas Ott, advised the Board that the Trails Master Plan document is an attempt to compile an inventory of various trails in the Township through a grant provided by ANJEC. The Commission hired a consultant, Banisch Associates, who helped to develop and incorporate the plan through a summary of the 1987 master plan. He reported that the Commission documented the major trails and their connections to the established and planned bikeways, as well as coordinating the trails information with the NY/NJ Trail Conference. He noted that the Trails Master Plan does not have to be included in the new Township Master Plan, but can be a stand-alone document, part of the open space plan, or an appendix. Mr. Ott reported that there would be a public meeting on this matter on August 4, 2014 to be held by the Environmental Commission. He explained that the Commission is requesting the Planning Board to review the document and provide comments and/or approval prior to it being sent to the governing body for review and approval. Board member Michael Siesta took issue with the language regarding farmland preservation, and expressed that the Highlands had already limited landowners' rights with regard to their properties, and Mr. Ott responded that the statement he referred to came from the original master plan in 1987. Mr. Siesta requested that a printable map of the trails be included in the document, and Mayor Bieri agreed with the suggestion, adding, "a map we can follow." Mr. Ott noted that this was the initial document that is the beginning of a further effort, and suggested that a residents guide may be created to include neighborhood trails and paths, trails on the TGP pipeline, the Emerald Trail off Union Valley Road, as well as the soon to be acquired Weaver Road tract. Chairman Syme inquired about parking at the trails, and observed that parking at various trail locations is a problem in West Milford, and acknowledged that, although establishing parking sites may be costly and trees may have to be cut down, it is necessary if we expect to attract people to the Township to use the trails. Mr. Ott noted the inventory at the back of the document, including information on parking, level of difficulty, etc. Mr. Ott advised the Board that their approval of the document is not binding, but in order for ANJEC to accept the document and release the grant funds, some sort of approval is needed. With regard to whether the document should be part of the new master plan, Mr. Ott responded that Chuck McGroarty, Board Planner, had no definite opinion on whether or not to include this in the master plan. Board member Chris Garcia suggested that the need for parking at the various trail locations be stressed. He also noted a typo, and recommended that the document be posted on the Township's website. The Board concurred that a memo should be sent to the Environmental Commission, and forwarded to the Township Council, noting that the document should be a stand alone document so that it could be updated as needed, the document should be posted on the Township's website, maps should be included, and the need for parking at the various locations should be addressed. Mr. Ott noted that the Commission would continue to pursue more grants to enhance the Trails Master Plan, referring to the plan as a "living document."

Draft Sustainable Land Use Pledge – Chairman Syme noted that the Board Attorney requested that this matter be held to the next meeting when he will be present.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL - None.

BOARD PLANNER'S REPORT – None.

BOARD ATTORNEY'S REPORT – None.

BOARD ENGINEER'S REPORT – None.

MISCELLANEOUS

Approval Of Invoices – Board Professionals

Motion was made by Andrew Gargano with a **second** by Councilman Lou Signorino to **approve** the invoices submitted by the Planning Board professionals for services performed during the months of May and June 2014. The Planning Board **unanimously approved** the invoices for payment.

MINUTES

The Minutes from the **April 3, 2014** Planning Board meeting were **unanimously approved** by all who were present at the meeting on a **motion** by Michael Siesta and a **second** by Glenn Wenzel.

The Minutes from the **June 5, 2014** Planning Board meeting were **unanimously approved** by all who were present at the meeting on a **motion** by Andrew Gargano and a **second** by Doug Ott.

The following documents were reviewed by the Planning Board and filed:

Highlands Water Protection And Planning Act Correspondence

1. Application for a Highlands Applicability Determination, dated July 11, 2104, submitted to the NJDEP by Houser Engineering LLC, regarding Greenwood Lake Marine Supply/538 Lakeside Road LLC, Block 3610; Lot 30, Greenwood Lake Tpk., for the redevelopment of existing gravel parking lot to provide a mixed use building including boating supply retail and boat maintenance. Parking areas are provided in both front and rear, stormwater control is located beneath the front parking lot, the building will be served by a private well and a subsurface disposal system including an aerobic treatment system.

NJ Department of Environmental Protection Correspondence

1. Freshwater Wetlands GP #10A and Flood Hazard Area Permit Application, dated July 2, 2014, received from Maser Consulting on behalf of Passaic County Engineering Dept. regarding the Marshall Hill Road Culvert 1600-282 for the expansion of the existing pavement and replacement of the existing culvert.

2. Dam Application Permit #1469, dated July 9, 2014, received from NJDEP for Vacamas Programs for Youth, regarding the Henion Pond Dam, NJDEP Dam File #22-18, for removal of the spillway, install a new spillway and culvert, and protect the existing right side of the embankment from overtopping flows and raise the left side of the embankment. The Henion Pond Dam is located across a tributary of the Pequannock River.

Miscellaneous Correspondence Received/Sent

1. Notice from the Township of Hardyston dated June 27, 2014, advising that the Planning Board has adopted a resolution on May 22, 2014 approving the 2014 Master Plan Re-examination Report pursuant to N.J.S.A. 40:55D-89, specifically with respect to the provisions of the NJ Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.) and municipal conformance with the Highlands Regional Master Plan and other provisions and recommendations of the Township of Hardyston, and recommending the Highlands Checklist Ordinance, Highlands Preservation Area Exemption Ordinance, and certain other land use ordinance amendments.

2. Final Report of Compliance, dated 07-01-14, received from the Hudson Essex Passaic Soil Conservation District, regarding Schwartz – Oak Ridge Road Associates Parking Lot Improvements, Block 15901; Lot 1, 209 Oak Ridge Road.

ADJOURNMENT

Prior to adjourning, Andrew Gargano suggested that the Planning Board purchase flash drives for copying recordings from meetings, since many of the recordings are too large to fit on a standard CD. The Board discussed the option, noting that viruses may be present on flash drives belonging to the public, which may infect the Township network. Mayor Bieri recommended that the matter be referred to Brian Jenkins, the Network Administrator, for a determination in this matter and the protocol to be followed.

Doug Ott reported that he noticed a sign on Route 23 that states “Entering the City of Newfoundland.”

The Board discussed the August meeting dates and decided to cancel the August 7, 2014 Planning Board meeting. The next meeting would be held either on August 28 or September 4, 2014.

With no further business to come before the Planning Board, Chairman Syme **adjourned** the Regular Meeting of July 24, 2014 at **8:34 p.m.** on a **motion** made by Andrew Gargano with a **second** by Michael Siesta.

Approved: September 25, 2014

Respectfully submitted by,

Tonya E. Cubby, Secretary