

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

September 29, 2016

Regular Meeting

Chairman Christopher Garcia opened the September 29, 2016 Regular Meeting of the West Milford Planning Board at **7:30 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance.

Prior to commencement of the meeting, Alternate #2 Planning Board member Michael Siesta was administered his oath of public office. Mr. Siesta is fulfilling the unexpired term vacated by Edward Rosone.

ROLL CALL

Present: Mayor Bettina Bieri, Alt #1 Steve Castronova, Linda Connolly, Andrew Gargano, Warren Gross, Alt #2 Michael Siesta, Councilman Luciano Signorino, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero.

Absent: Douglas Ott, Board Planner Chuck McGroarty.

Chairman Garcia requested Steven Castronova to sit in for Douglas Ott. Chairman Garcia announced that a quorum was present for 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 Andrew Gargano with a **second** by Councilman Luciano Signorino.

APPLICATIONS

NEW APPLICATIONS

INSERRA/WEST MILFORD LLC

Amended Preliminary & Final Site Plan #PB-08-12-06-3

Block 6303; Lots 15 & 16

Marshall Hill Road; CC Zone

Seeking: Amended Preliminary & Final Site Plan approval to relocate the middle driveway entrance on Marshall Hill Road to the west, approximately 120 feet, with modifications required to the parking area in front of the Shop Rite supermarket

Representing the applicant was their attorney John Wyciskala, Esq. Mr. Wyciskala addressed the Board, stating that that he has been before the Planning Board numerous times with revised site plans, beginning in 2007, and more recently in 2015 for the TJ Maxx store. Mr. Wyciskala testified that much work had been completed with the TJ Maxx store, as well as the parking lot, LED fixtures and landscaping. He noted that the site work had been addressed from both ends of the property, but the center section is the focus of the new amended application. The amended site plan application before the Board proposed to move the driveway approximately 120 feet to the west. Mr. Wyciskala advised the Board that the Passaic County Planning Board had recently given their unconditional approval to this amended site plan.

Michael Roth, P.E., with Bowman Consulting (formerly Omland) was present to address the engineering aspects of the site plan. Mr. Roth was sworn in by the Board Attorney, Thomas Germinario, Esq. and provided his qualifications. He was accepted by the Board as an expert witness and proceeded to provide an overview of the new Inserra/West Milford LLC amended site plan for the Board, beginning with Exhibit A-1, which was a rendering of the 2015 approved site plan. Mr. Roth reviewed various areas of the site plan, noting that the site fronted on Marshall Hill Road to the south and Union Valley Road to the west. He testified that the current driveways (near to McDonalds and TJ Maxx) are across from West Shore Road, and Passaic County was concerned about traffic safety with their close proximities. The amended plan, under Exhibit A-2, was more in line with what Passaic County preferred, and will be more centered to the shopping center. Mr. Roth testified that there will be additional amendments in a future application with regard to façade and entrance revisions to create a safer access for the public and a more efficient parking field. Mr. Roth further testified that the current amended plan contained 739 parking spaces, with 17 handicap spaces (15 was required). The prior plan contained 749 parking spaces with 16 ADA spaces. Following receipt of the ADA Committee and

Construction Official's comments, the amended site plan will be updated to include 737 parking spaces with 26 handicap spaces. This amended site plan includes additional green space and landscaping with a slight decrease in impervious cover. Mr. Roth testified that there will be revised drainage and grading plans with the added ADA spaces. Additionally, there is proposed relocation of some of the lighting, and the metal halide that is shown on the plan will be revised to read LED, which will be consistent with the whole site. With regard to the Board Engineer's comments in his report dated 09-26-16, Mr. Roth noted that he addressed the LED lighting, the pylon sign will not be changing from the previously approved plan, and this corresponds to the architectural plan Sheet PL 5. Mr. Roth testified that the TJ Maxx store was constructed and the site work had been completed, with the majority of the curbing and sidewalks installed for the entire site. With regard to the ADA Committee and Construction Official's comments, the applicant will comply, and with respect to the Environmental Commission's request that tracking mats be used, the applicant will also comply. Comments #2 and #3 from the Environmental Commission have been addressed with the prior applications. Mr. Wyciskala interjected that he was not aware of any variances required with this amended site plan, and Mr. Germinario advised that the variances previously granted will continue to apply. Referring to Exhibit A-3, Mr. Roth noted the addition of ADA spaces, 26 total with 18 van accessible spaces, and 737 standard parking spaces. He noted that 10 ADA spaces were near the entrance to the Shop Rite. Mr. Germinario reiterated that all items addressed in the memos from the various Township departments and Board Engineer were addressed by the applicant.

Paul Ferriero, Board/Township Engineer, addressed the applicant to inquire how soon the revised plans, including lighting and parking changes, will be submitted since the applicant will want to proceed with the remaining driveway relocation as soon as possible, and Mr. Roth responded that he would have the revised plans to Mr. Ferriero's office by the following week. Mayor Bieri inquired if there will be more islands and Mr. Roth replied that there will be more green space, not more islands. With regard to the façade, Mr. Wyciskala advised the Board that there was no intention to change the overall façade of the building, but there would be modifications to the building exterior and interior based on the revised driveway and parking. He made note of the fact that the applicant wanted to continue to operate the businesses while completing the expansion. Mr. Wyciskala advised that there will be a new central door location, but not a major change to the architectural plans, and the plans are being prepared for the second phase of this amended site plan. Mayor Bieri observed that the new driveway location will be further away from the McDonald's/TJ Maxx driveway and West Shore Road, but closer to the gas station and small strip mall, and Mr. Roth replied that the center driveway relocation was the preferred location by the County. The Board had additional questions, and Mr. Wyciskala requested Michael Feehan, Project Manager, to address the inquiries. Mr. Feehan was sworn in by Mr. Germinario and provided testimony on this matter. Mr. Feehan advised that the sidewalk installation was halted due to the need for relocation of the center driveway, so they did as much as they could up to the point of the proposed driveway location. He testified that the applicant needs to get as much of the site work completed before the "snow flies." With regard to the inquiries about the tenants relocating, Mr. Wyciskala and Mr. Feehan both noted that there were discussions with several tenants, but there was nothing new or definite at this time. Board Member Linda Connolly inquired about the Environmental Commission's comments about the applicant supplying an LOI and stormwater information, and Mr. Wyciskala advised that these had been addressed with the prior application.

Chairman Christopher Garcia opened the hearing to the public, and with no one present wishing to comment on this application, the public portion was **closed** on a **motion** by Andrew Gargano, with a **second** by Councilman Luciano Signorino.

Motion was made by Councilman Luciano Signorino with a **second** by Andrew Gargano to **approve** the Amended Preliminary and Final Site Plan application #PB-08-12-06-3 for Inserra/West Milford, LLC, Block 6303; Lots 15 & 16, Marshall Hill Road, with the conditions noted.

Roll Call:

Yes: Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Andrew Gargano, Warren Gross, Councilman Luciano Signorino, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia.

No: None.

Motion approved.

MEMORIALIZATIONS – None.

NEW OR ONGOING BUSINESS

2017 Planning Board Meeting Dates – Following a review of the 2017 Planning Board meeting dates, a **motion** was made by Andrew Gargano, with a **second** by Councilman Luciano Signorino to remove the July 6, 2017 meeting from the calendar. The Board **unanimously approved** the remaining 2017 calendar dates on a **motion** by Andrew Gargano with a **second** by Councilman Luciano Signorino.

Master Plan – Chairman Garcia advised that he reached out to the Board Planner, Chuck McGroarty, regarding the Master Plan Land Use Element, and since the Master Plan Committee concurred with his comments, Mr. McGroarty would review the document before the Board proceeded with the adoption procedures.

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

The Invoices from the Planning Board professionals for the months of July and August 2016 were **unanimously approved** on a **motion** by Mayor Bettina Bieri and a **second** by Andrew Gargano.

MINUTES

The Minutes from the Planning Board regular meeting of August 4, 2016 were **unanimously approved** by all those present at the subject meeting on a **motion** by Andrew Gargano with a **second** by Warren Gross.

CORRESPONDENCE

The following correspondence was reviewed by the Board and filed:

Highlands Water Protection and Planning Act Correspondence

1. Highlands Preservation Area Approval with Redevelopment Waiver Modification, dated July 22, 2016, received for Block 7903; Lots 13, 14, 15, & 16, Township of West Milford/Library, regarding the use of a new well to serve the new library, with the following conditions: the second proposed well must be equipped with a pump that has a capacity not to exceed 28 gpm; the combined capacity of both wells onsite will not exceed 35 gpm; the limit of disturbance remains the same as depicted on the original plan. All other conditions of the August 16, 2011 Redevelopment Waiver remain in effect and does not extend the expiration date (August 15, 2016) of the waiver.
2. Highlands Preservation Area Exemption #11 Determination (HAD) – Consistent with the Goals of the Highlands Act, dated August 16, 2016, received for Woodland Heights Homeowners Association, regarding proposed upgrades to an existing water supply and distribution system in West Milford including 1) the installation of a new 4 inch distribution system along the right of way throughout the Woodland Heights service area, and 2) the rehabilitation/construction of three wells on three separate parcels owned by the Woodland Heights Homeowners Association. No new development is proposed, nor will this project aid in any potential new development.
3. Highlands Exemption #11, WQMP-Not Addressed, received from the NJDEP, dated August 15, 2016, for the New Jersey Water Association-Woodland Heights HOA System Improvements.

NJ Department of Environmental Protection Correspondence

1. Public Notification and Outreach dated July 29, 2016 received from EnviroTrac Environmental Services regarding the Getty Service Station at 2048 Rt. 23 N, Block 14104; Lot 2, NJDEP Case #11-12-28-1610-53 advising that they are continuing to work to investigate and remediate environmental contamination at the site that was prompted by the presence in the soil and/or groundwater of the following compounds associated with gasoline: benzene, xylenes, methyl tert-butyl ether (MTBE), tertiary butyl alcohol (TBA) and total tentatively identified volatile organic compounds, with periodic collection of groundwater samples, well installations, and collection of soil samples.
2. NJDOT notification dated August 5, 2016 advising that applications are being accepted for the 2016 Transportation Alternatives Program (TAP) for community based “non-traditional” surface transportation related projects, such as on-road and off-road trails and facilities for

pedestrians, bicyclists, and other non-motorized forms of transportation, conversion of abandoned railroad corridors for trails, construction of scenic turnouts, overlooks and viewing areas, historic preservation and rehabilitation of historic transportation facilities both land and water, community improvement activities such as streetscape and corridor landscaping, environmental mitigation to address stormwater management or control and water pollution related to highway construction or run-off, and projects to reduce vehicle caused wildlife mortality or restore and maintain connectivity among terrestrial or aquatic habitats. Applications for well-developed construction ready projects due by November 10, 2016. More information at www.state.nj.us/transportation/business/localaid/alternatives.shtm.

3. Notification from the NJDEP dated August 10, 2016 regarding a suspected hazardous discharge at 176 Lakeside Road, Block 3406; Lot 26 related to removal of one 2000 gal UST – remediation in progress.

4. Response Action Outcome dated July 22, 2016 received from Allied Services regarding 13 Homestead Road, Block 2709; Lot 5 related to two former 55 gallon steel drums previously used to store unleaded gasoline, advising that the remediation is complete in accordance with N.J.A.C. 7-26C.

5. Notification from the NJDEP Office of Dam Safety & Flood Control, dated August 16, 2016, regarding the Butler Intake Reservoir Dam, NJ Dam File No. 22-3, advising that a review of the recent inspection report submitted by the County of Passaic for this Class III low hazard dam finds the dam in Satisfactory condition, with minor maintenance required and an inspection report due every four years.

6. Notification from the NJDEP dated August 23, 2016 regarding a suspected hazardous discharge at 11 Forest Lake Drive, Block 4201; Lot 1 related to removal of one 550 gal #2 H.O. UST – clean-up is pending.

7. No Further Action notice received from the NJDEP, dated August 22, 2016, received for 64 Upper High Crest, Block 13103; Lot 20, for the removal of one 550 gal #2 H.O. UST.

8. Response Action Outcome, dated August 30, 2016, received from PT Consultants, Inc. regarding Kasabri/Ramsey Corp. and Pete's Used Cars, 251 Macopin Road, Block 12601; Lots 7 & 8, Preferred ID #019967, advising that the remediation has been completed for this site.

9. Notification from the NJDEP dated September 9, 2016 regarding the Lake Arcadia Dams No. 1 & No. 2 and Saddle Dikes, NJDEP Dam File Nos. 22-45 & 22-46, advising that the NJDEP concurs with the basic hydrologic model of the conditions within the Lake Arcadia drainage area following a review of the Hazard Classification Study and 2015 Inspection Reports Dam, and further advising that Dam #2 will remain a Class II Significant Hazard potential structure that may affect Macopin Road and Henion Pond Dam. With regard to Lake Arcadia Dam #1, the Bureau cannot accept the hazard recommendation due to lack of information for the residential home and camping cabins located downstream of the dam. The Bureau finds the dams to be in FAIR condition and further tests, documents, and actions are required.

10. No Further Action notice received from the NJDEP dated September 13, 2016 regarding 875 Macopin Road, Block 14301; Lot 20 for the removal of one 550 gal. #2 H.O. UGST.

11. Notification from the NJDEP Office of Dam Safety & Flood Control dated, September 16, 2016, advising that the Upper Greenwood Lake Dam, NJDEP Dam File No. 22-97 Safety Inspection Report finds the dam to be in Satisfactory condition with minor repairs and maintenance necessary by December 31, 2016, as outlined in the compliance schedule. Also advising that as a Class I dam, an inspection is due two years from the date of this letter.

Miscellaneous Correspondence Received/Sent

1. Correspondence dated June 20, 2016 received from Orange & Rockland Utilities requesting notification regarding road excavations involving installing, upgrading or repairing water and sewer lines, drainage projects, and paving schedules.

2. HEPSCD recertification dated August 16, 2016 received for the Awosting Association Inc - New Clubhouse, Long House Road, Block 4105; Lot 1, until November 16, 2019.

3. HEPSCD recertification dated July 8, 2016 received for Oberer SFD and Septic System, Germantown Road, Block 14201; Lot 14, until October 7, 2019.

4. HEPSCD recertification dated July 11, 2016 received for Wasyluk Morsetown SFD Demo & Rebuild, 166 Morsetown Road, Block 4701; Lot 13, until October 7, 2019.

5. HEPSCD recertification dated July 21, 2016 received for Kerry Greene – Decommissioning Front Lake Dam, 267 Wooley Road, Block 9901; Lot 27.01, until January 21, 2020.

6. Ordinance 2016-012 of the Township of West Milford, County of Passaic, State of New Jersey Vacating the Unimproved Portion of a Paper Street Known as Quinty Place, with a public hearing on September 21, 2016 at 6:30 P.M. at the West Milford Municipal Building.

7. ANJEC's 43rd Annual Environmental Congress – Responding to Climate Change Locally, Friday, September 30, 2016 9 to 4, Mercer County College, West Windsor, NJ.

8. Notification from Passaic County Planning and Economic Development regarding the Passaic County Greenways Feasibility Walking Tour to evaluate routes for Lower and Upper Passaic pedestrian and bicycle friendly trails, to be held on September 23, 2016.
9. HEPSCD certification dated August 29, 2016 received for Janice Morrell – SFD Expansion, 7 Passaic Drive, Block 2505; Lot 2, certified until February 2020.
10. HEPSCD certification dated August 11, 2016 received for Rich Fenning – Pole Barn Garage, 505 Burnt Meadow Road, Block 4701; Lot 55, certified until February 2020.
11. New Jersey Natural Gas correspondence, dated August 31, 2016 transmitting revised USGS maps to the Township of West Milford indicating general locations of the gas pipeline.

ADJOURNMENT

Prior to adjourning, Board member Warren Gross suggested that the Board consider the expansion of the commercial district further down Marshall Hill. Chairman Garcia advised that he should draft up a proposal and the Board would have Chuck McGroarty review the matter to see if would be feasible. With no other matters to be brought before the Planning Board, Chairman Garcia **adjourned** the Regular meeting of September 29, 2016 at **8:20 p.m.** on a **motion** made by Andrew Gargano and a **second** by Councilman Luciano Signorino.

Approved: October 6, 2016

Respectfully submitted by,

Tonya E. Cubby, Secretary