

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**November 6, 2014**

**Regular Meeting**

Chairman Geoffrey Syme opened the November 6, 2014 Regular Meeting of the West Milford Planning Board at **7:35 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance and Roll Call.

**ROLL CALL**

**Present:** Mayor Bettina Bieri, Christopher Garcia, Douglas Ott, Glenn Wenzel, Chairman Geoffrey Syme, Alternate Michael Siesta, Board Planner Charles McGroarty.

**Absent:** Linda Connolly, Andrew Gargano, Robert Nolan, Councilman Luciano Signorino, Alternate Steven Castronova, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero.

Chairman Syme requested Michael Siesta to sit in for one of the absent Board Members, 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 present wishing to address the Board, the Public Portion was **closed** on a **motion** by Mayor Bettina Bieri and a **second** by Michael Siesta.

**PRESENTATIONS – Draft Master Plan Land Use Plan Element**

Chuck McGroarty, Board Planner, distributed copies of the revised Land Use Plan Map to the Board, following verification of the current data and tax map, as well as edits that were identified at a prior meeting. The format of the map was also changed to be consistent with the format of the existing Zoning map. Mr. McGroarty advised that if all the proposed changes go through, this map would essentially become the new Zoning Map. He noted that the last Land Use Plan Element was included in the Township's 1987 Master Plan. This new draft plan recognizes that the Highlands Regional Master Plan has been adopted and is in effect, and reflects the compatibility of both documents. Mr. McGroarty further explained that the land use plan usually includes soils, natural resources and other physical characteristics of a municipality, but the Highlands M.P. has already included that in their plan. The focus of this draft land use plan was to review the zoning and propose the appropriate changes to the zones that are no longer applicable under the Highlands M.P., and to indicate the public lands that exist or have been acquired. He noted, for example, that the Town Center designation was no longer applicable and has been removed from the LUP map. He referred to the proposed zone change map and indicated the following revisions that were made based on the Master Plan Subcommittee meetings and prior Planning Board discussions: 1. the green areas on the map would represent the public/conservation districts, including State parks, County, Township and Board of Ed owned land; 2. the New City Historic District was removed from the land use map and changed to low density residential; 3. the Office Research Zone was removed since it comprised of mainly State-owned land; 4. the Special Economic District by the GWL Airport was removed since the land is mainly State owned. Referring to this zone, Mr. McGroarty noted that the main reason to remove the higher density and intense development districts (SEC) on the land use map was to reflect the fact that there are no public water and sewer connections available under the Highlands regulations; 5. the Rental Overlay and Special Housing District was removed since the land is mostly State owned; 6. Mr. McGroarty referred to several other areas that were zoned Community Commercial and advised that these should be changed to the less intensive Neighborhood Commercial zone; 7. Mr. McGroarty also indicated a group of properties off Warwick Turnpike that were zoned Neighborhood Commercial which he felt should be in the Lakeside Residential zone, as the most of the other properties are zoned LR, but he requested the Board to consider whether they concur with this proposed change. Board member Michael Siesta commented that there could be a potential devaluation of the properties if the zone was changed from NC to LR. Several other Board members concurred with his comment, and Mr. McGroarty advised that he would not include that change on the map and would keep the NC zone for those properties.

Mr. McGroarty then made reference to several prior Zoning Board of Adjustment Annual Reports, and noted that the Land Use Plan is proposing to change the bulk standards for the Lakeside Residential zone, but the lot size and height would remain the same. He referred to page 19 of the plan, noting that the Township Council can choose to keep the zones standards the same or change them. Mayor Bieri requested clarification for the recommended changes in this zone, and Mr. McGroarty explained that the ZBOA Annual Reports included numerous bulk variances granted for bulk standards, hence the recommendation to change to bulk standards in the LR zone. Mr. Siesta, also member of the ZBOA, advised that the majority of the variances requested are for side or rear yard setbacks. Chairman Syme commented that the intent in the proposed change in the standards

was to reduce the amount of variances required by residents. Mr. McGroarty responded that the standards can be reduced or increased, adding that he is not aware if the majority of the lots in the LR zone are non-conforming already. The Board expressed their belief that the majority are non-conforming lots. Mr. McGroarty advised that zoning recommendations go from the Planning Board to the Township Council and then back to the Board, but are ultimately the decision of the Council. Board member Chris Garcia suggested that the Draft Land Use Plan be presented at the public hearing, and any changes that are necessary can be made before filing the adopted document. Mayor Bieri observed that the Land Use Plan should note that the suggested amendments to the Lakeside Residential zone reflect the recommendations of the ZBOA from past Annual Reports, and that the Council may wish to consider the proposed changes presented by the Planning Board.

Under the direction of the Board, Mr. McGroarty advised that he would make the changes to the LUP and map and provide them to the Board Secretary who will coordinate the required public notices to the County, Highlands Council and Clerks in adjacent municipalities. The Board Secretary inquired whether the draft LUP should be sent to the Township Council prior to the hearing and Mr. McGroarty noted that law did not require it, but it could be sent as a courtesy. Mr. Garcia reviewed some typographical errors in the report and Mr. McGroarty requested the Board members to contact him if they find any additional errors or have any questions prior to the hearing. The Board concurred that the public hearing would be held at the next Planning Board meeting scheduled for December 4, 2014, with revisions made based on the Board's discussions.

**APPLICATIONS** – None.

**EXTENSIONS OF TIME** – None.

**MEMORIALIZATIONS** – None.

**NEW OR ONGOING BUSINESS**

Doug Ott advised the Planning Board that he was informed that Tilcon purchased the Reflection Lake property on Union Valley Road, and was curious what they will be doing with the property. Chairman Syme noticed that a chain link fence was installed near the driveway. Mayor Bieri recalled that about a year prior to this she was contacted about an issue of a land exchange involving Tilcon, and that it was possibly a mitigation situation from a project in Riverdale or an adjacent town. She advised that the Reflection Lake property may potentially be used as a camp, and would be preserved with improvements made to the existing structures; the property would not be used for any type of mining.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL** – None.

**BOARD PLANNER'S REPORT** – Chuck McGroarty provided the Planning Board with a brief update on COAH, advising that COAH did not adopt the revised rules. He noted that the League of Municipalities and COAH have yet to file their briefs with the courts. The Fair Housing Council is challenging them and wanted the court to take control instead of COAH, charging that municipalities are trying to shun their obligations. He advised that he would keep the Board updated on this matter.

**BOARD ATTORNEY'S REPORT** – None.

**BOARD ENGINEER'S REPORT** – None.

**MISCELLANEOUS**

**Approval Of Invoices – Board Professionals**

**Motion** was made by Chris Garcia with a **second** by Mayor Bettina Bieri to **approve** the invoices submitted by the Planning Board professionals for services performed during the month of October 2014. The Planning Board **unanimously approved** the invoices for payment.

**MINUTES**

The Minutes from the October 23, 2014 Planning Board meeting were **unanimously approved, as amended** on page 2, correcting the date to Dec. 4, 2014 for Twins Realty LLC, on a **motion** by Chris Garcia and a **second** by Mayor Bettina Bieri.

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

**Highlands Water Protection And Planning Act Correspondence**

1. None.

### **NJ Department Of Environmental Protection Correspondence**

1. Flood Hazard Area Individual Permit and Freshwater Wetlands G.P. #10A Application, dated October 1, 2014, received from Maser Consulting for the County of Passaic, NJ, regarding the Marshall Hill Road Culvert No. 1600-282 and the reconstruction of the Marshall Hill Road Bridge over the Tributary to Belchers Creek.
2. Notification from the NJDEP Historic Preservation Office, dated October 17, 2014, regarding the 2015 CLG-Certified Local Government (no match reimbursable) Grant Applications that are available for historic preservation activities in a community on a competitive basis. The HPO Grant Manual and Application are available on the NJDEP website. Applications due January 16, 2015.

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

1. Notice from the Passaic County Planning Department regarding upcoming meetings at various Passaic County locations to review and discuss the Passaic County Heritage Tourism Plan. Meetings include October 20, 2014 in Paterson, October 21, 2014 in West Milford, October 29, 2014 in Little Falls, and November 6, 2014 in Pompton Lakes. RSVP to giancarlod@passaiccountynj.org.
2. ANJEC Report – Autumn 2014.
3. ANJEC – Open Space Awareness Month notification; “Open Space is a Good Investment” brochure.
4. Jefferson Township Highlands Master Plan – E.R.I. - Environmental Resource Inventory August 2013 – approved October 14, 2014.
5. Notice from the City of Paterson regarding the adoption on September 23, 2014 of Ordinance #14-046 “Adopting a Redevelopment Plan Modifying the Current Redevelopment Plan for Area #11 - Neighborhood Redevelopment Area in the City of Paterson, Pursuant to N.J.S.A. 40A:12A-7” – for the purpose of considering St. Joseph’s Hospital Redevelopment Plan, dated August 2014, for a medical office/medical school building at 770 Main St., and a hospital facility and proposed hotel/conference center at 703 and 683-735 Main St., 503-553 Straight St., and 39 and 41 Getty Ave.

### **ADJOURNMENT**

With no further business to come before the Planning Board, Chairman Syme **adjourned** the Regular meeting of November 6, 2014 at 8:34 p.m. on a **motion** made by Mayor Bieri with a **second** by Michael Siesta.

Approved: December 4, 2014

Respectfully submitted by,

Tonya E. Cubby, Secretary