

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

December 15, 2016

Regular Meeting

Chairman Christopher Garcia opened the December 15, 2016 Regular Meeting of the West Milford Planning Board at **7:32 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Andrew Gargano, Warren Gross, Douglas Ott, Michael Siesta, Councilman Lou Signorino, Geoffrey Syme, Glenn Wenzel, Chairman Christopher Garcia, Board Attorney Thomas Germinario, Board Engineer Paul Ferriero.

Absent: Board Planner Chuck McGroarty.

Chairman Garcia 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, the public portion was **closed** by unanimous vote on a **motion** by Andrew Gargano, with a **second** by Glenn Wenzel.

APPLICATIONS – None.

NEW APPLICATIONS

INSERRA/WEST MILFORD, LLC (SHOPRITE)

Amended Preliminary & Final Site Plan #PB-08-12-06-4

Block 6303; Lots 15 & 16

Marshall Hill Road; CC Zone

Seeking: Amended Preliminary & Final Site Plan approval to expand the existing Shop Rite supermarket and to improve the overall shopping center including improvements to building facades and parking lot areas. The purpose of this amended application is to modify the Shop Rite building expansion as well as the front and rear building additions.

John Wyciskala, attorney for the applicant, was present to address this matter for the Board. He thanked the Board for scheduling the application for a hearing so quickly, and stated that the applicant had been before the Board several months prior for the modifications to the driveway entrance and parking lot. The new amended application before the Board was an enhancement of the prior approved plan for modifications to the building. He noted that it was challenging to coordinate the continued operation of the business and complete the renovations simultaneously.

Michael Roth, P.E., Bowman Consulting (Omland Engineering), had been sworn in and qualified for the Board at a prior hearing. Mr. Roth referenced Exhibit A-1, the 2016 site plan rendering. He indicated the expansion shown in red, and the driveway that was relocated 120 feet from prior approval. Mr. Roth noted that the entire tract consisted of 12.9 acres consisting of two lots, Block 6303, Lots 15 & 16 in the CC Zone.

Exhibit A-2 presented a rendering of the proposed site plan and depicted modifications to the Shop Rite supermarket, the purpose for this amended application. Mr. Roth noted that there was a slight discrepancy between the site plan and the architectural plans, and these have been addressed by the professionals. The interior of the Shop Rite will be expanded to the east and the west, with the building coverage decreased by 422 sq. ft. The main entrance, he noted, consisted of 2400 sq. ft., with the limits unchanged, but more canopy area. Mr. Roth indicated a small addition that was being proposed, consisting of 300 sq. ft. The changes totaled 3600 sq. ft. with a total building coverage of .6 per cent, complying with the 25% maximum increase. With regard to the parking spaces, Mr. Roth testified that there is an increase in spaces from the 631 approved in a prior site plan to 713, with 28 handicapped spaces, exceeding the 15 required for this site. He further noted that the grading to the rear was not shown on the site plan, but the landscaping remained unchanged from prior approval. With regard to the Board Planner's report dated December 8, 2016, Mr. Roth testified that the comments have been addressed. The sign will be built as per the approved plan,

and the note on sheet two does not apply and will be eliminated in the revised plans. Paul Ferriero, Board and Township Engineer, inquired about the total square footage of the expansion compared with the expansion approved on a prior amended site plan. Mr. Roth testified that the prior approved expansion was 5,662 sq. ft. and the proposed new expansion was 6,863 sq. ft. without the canopy, which will be reflected in the revised plans. Mr. Wyciskala confirmed with Mr. Roth that the vinyl fencing in the rear and the sound attenuating wall structures from a prior approval will be installed. Board member Andrew Gargano inquired if all prior approvals will apply, and Mr. Germinario stated that, except for those modified at this meeting, all prior approvals will stand. Mr. Ferriero noted that his calculations show that the addition is 1201 sq. ft., so the total expansion with the canopy is 8932 sq. ft. A discussion ensued regarding the calculation of building coverage, canopy, and the increase and decrease in the front and rear based on the numbers provided on the application that was submitted. Mr. Roth testified that the current square footage of the Shop Rite supermarket is 62,037, and upon further review, it was determined that the proposed expansion will result in a total of 73,708 square feet. Councilman Lou Signorino inquired when the project would commence, and Mr. Wyciskala stated that the applicant wants to begin as soon as possible. Board member Linda Connolly referenced the new center driveway entrance to the shopping center and noted that it was not easy to maneuver, so she uses the far driveway entrance by McDonald's to access the shopping center. Mayor Bieri commented that the Township wanted more green areas and now the feedback is not positive, especially with the tighter spaces and aisles. The Board concurred and observed that the issue was not so much that there were fewer spaces than before, but that the spaces appear to be smaller. Mr. Wyciskala advised that the spaces may have been 10 x 20 feet and are now 9 x 18, and Mr. Roth added that some of the spaces were 9 feet wide and some are 10, but they meet the standards. Mr. Gargano stated that the issue was not that the standards are not being met, but that the public was commenting about the [tighter] parking spaces. Mr. Wyciskala noted that there are now islands and led lighting to contend with, and Mr. Gargano commented that the middle aisle creates a traffic issue. Board Member Douglas Ott commented that with the new granite block curbing, it appears that sharper turns are required to maneuver around the parking lot. Board member Warren Gross commented that it feels like a new shopping center and that it is good for West Milford. Councilman Signorino noted that pedestrians do not always walk in the designated cross walks and suggested that maybe planters can be installed to restrict and direct pedestrian traffic. Mayor Bieri was of the opinion that pedestrian traffic will change when the new entrance to the store is installed. Mr. Ferriero inquired about the rear lighting and the need to avoid glare, and Mr. Roth stated that this would be reflected in the next set of plan reviews with the architect. Mr. Germinario inquired about #7 and #8 in Mr. Ferriero's report, and any changes in the isolux, and Mr. Roth testified that the lighting would be in compliance with local regulations and approved plans.

Anthony Guzzo, the applicant's architect, was sworn in by Mr. Germinario, and Mr. Wyciskala stated that Mr. Guzzo had been qualified for the Board numerous times. Mr. Guzzo testified on some of the issues that were identified by the Board and Board's professionals. He stated that when the new driveway was proposed, the building and its relation to the driveway were reviewed from an architectural standpoint. He referenced Exhibit A-3, the site plan that had received prior approval, and indicated the driveway that was relocated to the left, as well as the additions approved in a prior application, noting that the front canopy would be built out and a single vestibule is being proposed versus a dual vestibule. Mr. Guzzo testified that the intent of the applicant was to keep the store open for business during the renovations, with plans to re-locate some of the departments. Proposed plans include the bakery department being moved to the right side of the store, expansion of the specialty departments, introducing some new features such as a Shop Rite kitchen with prepared foods, the Shop from Home will take over a current retail space, and the Shop Rite store will expand to the Frank's Pizza space with more sales area and a rear addition. He testified that an existing water tank and pump room would remain functioning until a new pump room can be located in the addition. Mr. Guzzo stated that there would be no change in the prior approved materials on the exterior, but the new plan proposes a single vestibule as opposed to a dual vestibule, with the main element consolidated over the main entrance. Mr. Gargano inquired about the swinging doors, and Mr. Guzzo testified that the doors have been revised to sliding doors that will open from both sides, with ingress from the left. Mayor Bieri requested clarification on the pedestrian traffic flow, and Mr. Guzzo advised that there would be guide rails to separate the entrance and exit for pedestrians with the width doubled to allow better

maneuverability. Mr. Gargano inquired about shopping cart storage, and Mr. Guzzo responded that the carts would be stored under the canopy. Board member Steven Castronova inquired about the existing noisy metal grating that is at the entrance to the store, and Mr. Guzzo stated that the entrance would have a new set up for dirt collection areas. With regard to other Shop Rite stores that are designed similarly, Mr. Guzzo advised that the Lyndhurst, NJ store is similar with a tighter turn and consolidated vestibule. Board member Geoffrey Syme inquired what items would be located in the vestibule, and Mr. Guzzo responded that the new design would accommodate a larger volume based on the transitions of the curb line and slope in the grade line. Mr. Gargano inquired if there would be any plants displayed along the front, and Mr. Guzzo advised that the applicant still planned to have seasonal sales but will attempt to reduce the clutter. Mr. Syme questioned whether there would be sufficient space for sales in the vestibule, and Mr. Guzzo replied that there wouldn't be enough room with the handicapped shopping carts which will require a fairly open area, with only a limited area for small displays. With regard to the sliding doors, Mr. Guzzo advised that they will be emergency break away doors, and the employee access will be in the rear of the store, as will the public restrooms. Mayor Bieri inquired whether the applicant had been successful with their negotiations with Frank's Pizza, and she advised that the owner had been to a recent Council meeting and expressed his desire to reach an agreement to remain in the shopping center complex.

Mr. Guzzo addressed the comments of the Environmental Commission as well as the ADA Committee with regard to handicapped access to the pharmacy. As to the comments on the emergency ingress and egress for handicapped customers, the applicant's professionals are researching the hardware to address this. Referencing the lighting on the building, Mr. Guzzo testified that the lighting would be shielded downlight for security on the rear, but there would be no spillage beyond the building onto adjacent properties. Ms. Connolly inquired about the equipment noise from compactors and trucks, and Mr. Guzzo said that they would be adding a second compactor and utilizing multi levels of protection to mitigate the noise. Mr. Wyciskala said that the sound barriers will be installed and will comply with state noise standards. Mr. Ott inquired about the commencement date for the renovations and Mr. Wyciskala replied that they plan to begin as soon as they are able to.

Michael Feehan, Crossroads Construction, was sworn in to testify as project manager, and advised that the project will commence again after the winter, possibly late February or early March. He noted that one of the tenants had a clause in their lease that would not allow construction during the holiday season, and with the weather, the project had to be delayed. Mr. Feehan testified that the parking lot paving will be completed in the Spring. Mr. Syme inquired how many months the project will take, and Mr. Feehan estimated 7 to 8 months for the supermarket. If they get in by March, he felt that it could be completed by the Fall of 2017. He also commented that the applicant will be requesting a release of their bond money based on the work that has been completed. The Board Secretary reminded the applicant's project manager and attorney that there were outstanding bond funds that needed to be submitted. Chairman Christopher Garcia inquired whether there were any comments from the Fire Bureau, and the Board Secretary advised that there were no comments at this time. The hearing was open to the public. With no one present wishing to address the Board on this matter, the public portion was closed on a motion by Andrew Gargano, with a second by Councilman Lou Signorino.

Motion by Andrew Gargano, with a **second** by Councilman Lou Signorino, to **approve** the application as proposed, with conditions, for Inserra West Milford, LLC Amended Preliminary and Final Site Plan #PB-08-12-06-4.

Roll Call

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

No: None.

Motion approved.

MEMORIALIZATIONS – None.

NEW OR ONGOING BUSINESS – None.

ORDINANCES FOR INTRODUCTION – Mr. Germinario advised that the Ordinance Committee met prior to this regular meeting, but there was nothing for the Planning Board to review at this time.

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 October and November were **unanimously approved** on a **motion** by Councilman Lou Signorino with a **second** by Andrew Gargano.

MINUTES

The minutes from the November 3, 2016 were unavailable for approval at this time.

CORRESPONDENCE

The following correspondence was reviewed by the Board and filed:

Highlands Water Protection and Planning Act Correspondence

1. None.

NJ Department of Environmental Protection Correspondence

1. Treatment Works Approval Notification received from Houser Engineering, dated October 28, 2016, regarding Brown’s Point Lake Services LLC, 1975 Greenwood Lake Tpk., Block 3610; Lot 26 for the construction of an on-site Wastewater Treatment and Disposal System alteration at the site.

2. NJDEP FWGP 18 Dam Repairs & Water Quality Certificate, Permit #1615-16-0013.1 FWW160001 dated November 14, 2016 received for Kerry Greene, 267 Wooley Road, Block 9901; Lot 27.01, regarding the permanent disturbance of 426 s.f. of freshwater wetlands, 1,831 s.f. of transition area, the temporary disturbance of 937 s.f. of freshwater wetlands, the temporary disturbance of 13,513 s.f. of transition area and the temporary disturbance of 183 s.f. of State open water for the decommissioning of an existing dam under General Permit #18. A breach control structure is being installed to meet the NJ Dam Safety Standards.

3. Response Action Outcome received from Synergy Environmental Inc., dated November 3, 2016, regarding Lakeside Amoco, 2 Lakeside Drive, Block 3509; Lot 16, Preferred ID #12599, advising that the remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites N.J.A.C. 7:26C.

4. NJDEP Division of Water Supply & Geoscience Permit No. WCP160001, dated November 18, 2016, issued for Reflection Lakes Garden Apartments for modifications to the existing water treatment plant comprising replacement of existing three calcite filters by a soda ash chemical feed system for PH adjustment and installation of 30 L.F. of 8 inch PVC chlorine contact piping manifold to provide the required chlorine contact time at Point of Entry, as well as the distribution of water for potable purposes from said works at 117 Union Valley Road, Block 7702; Lot 9. This permit is valid for 5 years with the new chemical feed system installed and operational no later than November 23, 2017.

5. No Further Action correspondence received from the NJDEP, dated November 21, 2016, regarding removal of a 550 gal #2 HO UST for 11 Forest Drive, Block 4201; Lot 1.

6. Suspected Hazardous Substance Discharge Notification received from the NJDEP, dated November 22, 2016, NJDEP Case #16-11-21-1048-54 for 58 Shadyside Road, Block 806; Lot 12 regarding the removal of a 550 gal #2 HO UST, with clean up pending.

Miscellaneous Correspondence Received/Sent

1. HEPSCD certification of soil erosion and sediment control plan, dated October 6, 2016, received for Grace Fellowship Church – Maintenance Garage for property at 37 Stephens Road, Block 9801; Lot 1.
2. HEPSCD certification of soil erosion and sediment control plan, dated October 4, 2016, received for Twins Realty Group - Northeast Concrete – Revised per Planning Board Resolution Compliance, for property at 937 Burnt Meadow Road, Block 6002; Lot 39.01, and Block 3906; Lots 9 & 10.
3. HEPSCD certification of soil erosion and sediment control plan, dated October 7, 2016, received for Battle Creek Paintball Site Restoration for property at 625 Macopin Road, Block 13501; Lots 2 & 3.
4. HEPSCD - Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan, dated November 3, 2016, regarding Westbrook Park Pool Removal and Improvement at Westbrook Road, Block 11101; Lot 1, with 0.32 acres to be disturbed on a 169 acre site.
5. HEPSCD Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated November 28, 2016, regarding Krempaski Sugar Maple Improvements at 59 Sugar Maple Avenue, Block 15301; Lot 1, for a SFD addition with .20 acres to be disturbed on a 1.012 acre site.
6. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan, dated November 28, 2016, regarding Silvestri Oak Ridge Garage at 370 Oak Ridge Road, Block 16307; Lot 22, for the construction of a detached garage on a site with a SFD and garage, with a disturbance of 6000 sf on property that totals less than 1 acre.
7. Request for reduction of a performance bond received on November 14, 2016 from Board Engineer Paul Ferriero for John Aiello, Major Soil Removal/Fill Permit #PB-02-13-01, 828 East Shore Road, Block 4402; Lot 1, due to the substantial completion of the project.
8. Sustainable Jersey Grants sponsored by PSEG; webinar December 15, 2016 at 1:00pm, applications due February 28, 2017.

ADJOURNMENT

With no other matters to be brought before the Planning Board, Chairman Christopher Garcia **adjourned** the Regular meeting of December 15, 2016 at **8:46 p.m.** on a **motion** made by Councilman Lou Signorino and a **second** by Douglas Ott.

Approved: February 23, 2016

Respectfully submitted by,

Tonya E. Cubby, Secretary