

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

March 3, 2022

Regular Meeting

Chairman Christopher Garcia opened the March 3, 2022 regular meeting of the West Milford Planning Board, held in the Township Court Room, at 7:07 p.m. with a reading of the Legal Notice, followed by the Pledge of Allegiance.

James Rogers raised his hand and recited the official Oath of Office as Board Member.

ROLL CALL

Present: Steven Castronova, Mayor Michele Dale, Councilwoman Ada Erik, Daniel Kochakji, Robert Nolan, James Rogers, Chairman Christopher Garcia, JoAnn Blom Alt. #2, Board Attorney Thomas J. Germinario, Planner Jessica Caldwell.

Absent: Linda Connolly, Geoffrey Syme, Michael DeJohn, Board Engineer Paul W. Ferriero.

PUBLIC PORTION

The public portion was opened by Chairman Garcia.

Rob Sounders 391 Highcrest Drive stated "we" started a company Elevated Herb, seeking a class 5 cannabis retail license. Mr. Sounders stated he partnered with Todd and Michele Sherlock, owners of the K2 Electronics Building located at 1846 Route 23 North. Seeking zoning approval.

Patricia Wenzel 31 Bearfort Road asked the Board if licensed day care facilities and nursery schools were considered schools under land use law and is a public playground considered a park?

Sherry Carloto of 54 Reidy Place asked for an explanation of the difference between a conditional use and a permitted use.

Rebecca Barns, 13 Harvey Road asked if the Master Plan provides protection for the Townships natural resources and environment. Ms. Barns stated that a single acre of marijuana plants uses 360,000 gallons of water per growing season (based on 150 day season). Providing indoor facilities would double the amount.

Michele Vanderbeck, 17 Bearfort Road asked if there was any thought what would happen to Real Estate and home values of homes in Bearfort and the lake communities on Pinecliff Lake.

Corrina Costanya, 24 Orchard Lane, asked if a consideration was given to wildlife placement for such developments and impacts of the environment.

The public portion was **closed** with a **motion** by Ada Erik, and **second** by Steven Castronova.

All in favor

Chairman Garcia stated the Role of the Planning Board is to determine the Master Plan consistency not weigh the merits or content of ordinances or cannabis regulations but to determine the Master Plan consistency.

The Board Attorney, Thomas Germinario stated the Master Plan does address the Township water resources.

Board Planner, Jessica Caldwell stated public playgrounds may be considered as a park, daycare facilities that are not schools would not fall under schools.

The Board Attorney stated a permitted use is a use that is allowed in the zone for all purposes. A conditional use is a use allowed under certain circumstances. If all of the conditions are met the matter can be heard before the Planning Board. If one or more of the standards are not met (D-3 Variance) the matter would go before the Board of Adjustment.

Real Estate and home values would not fall under the preview of the Planning Board

Provisions for wildlife placement would be handled in the same manner as any other development project.

APPLICATIONS

NEW AND ONGOING BUSINESS

The Ordinance Committee – Chairman Garcia stated the committee would be scheduling a meeting off line.

The Master Plan Committee – Chairman Garcia stated there would be a number of items for the committee to address and a meeting would be scheduled.

The Environmental Committee was previously formed to discuss the feasibility of a Greenway project along the Belchers Creek corridor connecting the commercial districts. Chairman Garcia stated he had requested the Board Planner put together a scope of work together to request a grant from the Highlands Council for this study. As part of the goals and initiatives, the Board Planner stated a draft has been completed and will be put into the format to submit to the Highlands Council for a grant for a trail feasibility study.

Councilwoman Erik stated Passaic County has spoken about putting trails in at Camp Hope and interested in connecting trails with the Greenway Project. Ms. Erik will share the contact at the County for future contact and coordination.

The 2022 Plans, Goals and Initiaves memo, prepared by (Planner) Jessica Caldwell dated February 22, 2022 was opened for discussion by The Chairman. Ms. Caldwell came up with a list of recommendations for 2022.

1. Land Use Element
2. Village Centers
3. Smart roads and sustainability
4. Climate hazard vulnerability Study
5. Ideas for a potential redevelopment areas
6. Reviewing Commercial Zones
7. Greenway Project
8. Developing a way finding system for parks and resources
9. Place making projects

Mayor Dale suggested the Board prioritize the recommendations indicating reviewing commercial zones and the ordinance review and Segway into the Master Plan Review.

The Board Planner suggests moving recommendations into sub committees.

ORDINANCES AND RESOLUTIONS REFERRED FROM COUNCIL

Alternate #2 Joann Blom is acting Board Member for this meeting

Board Member Steven Castronova recused himself from Ordinance 2022-007 and Ordinance 2022-012

Ordinance 2022-007

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF
PASSAIC STATE OF NEW JERSEY AMENDING CHAPTER 5 “ZONING”**

OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP TO PERMIT AND UPDATE PERMITTED ZONING AREAS FOR THE CULTIVATION, MANUFACTURING, WHOLESALE, DISTRIBUTION, RETAIL AND DELIVERY OF CANNABIS WITH THE TOWNSHIP – AMENDED

The Board Attorney referenced a report dated March 2, 2022 from the Board Planner, Jessica Caldwell. Ms. Caldwell stated Ordinance 2022-007 allows for all of the cannabis classes within commercial / industrial zones. The Planner finds the Ordinance consistent with the Master Plan.

The Board Attorney pointed out a minor error under section 500-193 cannabis retailer. A, condition 5 site plan approval (should be retailer).

The Board Attorney stated Public comment is not required under Municipal Land Use Law for Master Plan consistency review and stated comment would be left to the Chairman's discretion. Any comments made would need to refer to something in the Master Plan.

When an application for Change in Tenancy is submitted, the Zoning Officer makes a determination considering the zone and distance. If requirements are not met per the ordinance (500 feet from any park and 1000 feet from any school) the application would be denied. The Board Planner stated, schools must be licensed as a school.

A member of the public stated there was an article in the Messenger "made it appear" there was an approved existing application for "cannabis shop" at the building formally "Valley View Pub". The Board and Professionals indicated they are not aware of any submitted application for this location.

Where an application would (Zoning Board or Planning Board) be heard (if necessary) is determined by circumstance and review of the pertaining ordinance and criteria. A Zoning Officer bases a decision on the law and does not have authority to grant a variance but to determine if one is required.

A member of the public stated she would appreciate anything the Planning Board could do to say no to a permitted use. "Any of these businesses that are new to our community and if it is not in the Master Plan, let's get it in" "It has not worked in the past and will not work in the future".

A member of the public asked who would be checking on the facilities to maintain guidelines. It was stated that all business types follow the same guidelines for compliance.

A member of the public asked how the Zoning Officer would determine if a location was considered a public park or school. The Board Attorney indicated the Zoning Officer would utilize a number of different means that could include an inspection, maps, google earth and other available means.

A member of the public asked what would constitute a variance – Chairman Garcia stated that you would need a variance when the Application did not meet the criteria. Mayor Dale added, each Application is unique depending the factors come into consideration.

There were a number of questions from the public engaging conversation with the Board regarding Agenda's process/procedure and Notice to the public for Applications before the Zoning Board.

A motion was made by Michele Dale to approve Ordinance 2022-007 for compliance with the Master Plan and second by Joanne Blom

Roll call vote:

Yes:, Mayor Michele Dale, Councilwoman Erik, Daniel Kochakji, Robert Nolan, James Rogers, Chairman Garcia, Joann Blom

No:

Ordinance 2022-012

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 5—"ZONING" OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP TO UPDATE AS A PERMITTED USE, ZONING AREAS FOR THE

CULTIVATION, MANUFACTURING, WHOLESALE, DISTRIBUTION, RETAIL AND DELIVERY OF CANNABIS WITH THE TOWNSHIP

Review for compliance with the Master Plan

A motion was made by Michele Dale to approve Ordinance 2022-012 for compliance with the Master Plan and second by Ada Erik

Roll call vote:

Yes: Mayor Michele Dale, Councilwoman Erik, Daniel Kochakji, Robert Nolan, James Rogers, Chairman Garcia, Joann Blom

No:

A motion was made by Steven Castronova to re-open the public portion of the meeting and second by James Rogers.

All in favor

Chairman Garcia welcomed Brian Murphy to the meeting. Mr. Murphy introduced himself, stated his address (35 Charcoal Road Newfoundland) and explained he moved to his hometown of West Milford at the age of 3. Mr. Murphy is an architect with a business located in West Milford. Mr. Murphy stated his reason for attending this meeting was to speak to the lack of rental properties in West Milford. Mr. Murphy referenced a letter written to Mayor Dale. Murphy stated at the time this letter was written there was 1 residential property for rent, and it was leased for \$4000 per month, double the price of a pre-pandemic going rate.

Mr. Murphy read a letter to the Board that he composed and previously sent to Mayor Dale. The main topic of this letter was a shortage of single family rentals in the Township and a possibility of opportunity to build to accommodate a need, if zoning and current costly regulations were modified. Mr. Murphy stated he has had several inquires to build, mainly in the NC, VC, CC, and HC zones. NC, VC, and CC will allow for residential dwellings if built above commercial uses. Current building codes (IVC 2018, NJ Edition and the Rehab Sub-code NJAC 5236) was referenced when describing current requirements for fire rating, sprinkler systems and an increased load bearing upgrade for building residential use connected to commercial establishment. Mr. Murphy indicated residential construction over commercial is not happening due to expenses.

Mr. Murphy stated possible solutions could be rezoning, change ordinances or get city water reducing costs of sprinkler systems and reducing fire walls. Mr. Murphy offered safe and less expensive options that would allow for multi-unit dwellings including first floor bedroom units that could accommodate families starting out and seniors.

Murphy stated construction is a key player in economics. Work can be created for many town's people to stay in their homes, offer work and spend local.

Mayor Dale indicated it would make sense to see which areas it would make sense to look into for such changes.

Mr. Murphy stated, West Milford does not have a two family home zone. Neighboring towns allowing two family homes or Mother Daughter type dwellings are Ringwood, Wanaque, Butler, Bloomingdale, Pompton Lakes. Mr. Murphy indicated in his experience there is a need for responsible progress and smart growth that could benefit residence experiencing hardship for various reasons and that find themselves needing to move out of town for lack of rental inventory.

Chairman Garcia indicated affordable housing has become a bigger issue because of Covid and historically rental inventory has been low in West Milford. The Chairman indicated he did want to revisit the Master Plan for smart growth opportunity and make creative progress within the constraints of the Highlands.

Councilwoman Erik stated "we have surface water that is shipped to others and the aquafer is getting depleted". There was supposed to be up to 9,000 wells and currently there are over 11,000. Chairman Garcia stated water needs to be part of the future discussion for consideration.

Mayor Dale stated, it is a permitted use to build a commercial space with 4, 2 bedroom units built over a first floor commercial space, but not permitted to build 4 free standing apartments next to each other, using the same amount of water.

A motion was made by Steven Castronova to close the public portion and second by Michele Dale.

All in Favor

Resolution 2022-098

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REFERRING A MATTER TO THE TOWNSHIP OF WEST MILFORD PLANNING BOARD

Chairman Garcia referenced the memorandum prepared by Jessica Caldwell, Board Planner, dated February 18, 2022. This Resolution pertains to the expansion of the Neighborhood Commercial Zone (NC) zone.

The Board Planner stated The Township Council passed a Resolution, requesting the Planning Board consider expanding the NC zone on the Western side of Upper Greenwood Lake. Mayor Dale stated the area had always been commercial and then it was changed back and it didn't make sense at this time – everything else was commercial. Council would like to know if the Board would discuss and consider the idea and look at the Master Plan.

Several of the Board members stated it absolutely should be looked at. Chairman Garcia stated it would be part of the discussion for Master Plan.

All present Board members were in favor of referring this matter to the Master Plan Subcommittee.

MEMORIALIZATIONS

Resolution No. 2022-05

IN THE MATTER OF MASTER PLAN CONSISTENCY FOR ORDINANCE NO. 2022-007

Resolution No. 2022-06

IN THE MATTER OF MASTER PLAN CONSISTENCY FOR ORDINANCE NO. 2022-012

Motion was made by Robert Nolan **to approve** both Planning Board **Resolution No. 2022-05** and **Resolution 2022-06** and **second** by Mayor Dale.

Roll call vote:

Approved

Yes: Mayor Michele Dale, Councilwoman Erik, Daniel Kochakji, Robert Nolan, James Rogers, Chairman Garcia, JoAnn Blom

No:

Abstain:

BOARD PLANNER REPORT

Jessica Caldwell reported that the Burnt Meadows Road, Area in Need of Redevelopment Study was near completion. This Study would be placed on the next meeting Agenda.

MISCELLANEOUS

Invoices

A motion was made by Steven Castronova to approve the Planning Board professionals' recent invoices with a **second** by James Rogers

All in favor

Minutes

A **motion** was made by Councilwoman Erik to approve the recent Professional Invoices with a **second** by James Steven Castronova

All in favor

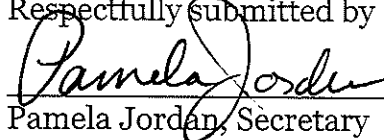
ADJOURNMENT 9:05 PM

With no other matters to come before the Planning Board, Chairman Christopher Garcia **adjourned** the meeting of March 03, 2022 at 9:06 p.m. with a **motion** by
The next Planning Board Meeting is scheduled for March 24, 2022

All in favor

Approved: July 7, 2022

Respectfully submitted by



Pamela Jordan, Secretary