

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes June 2, 2005 REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:39 p.m. with the reading of the legal notice.

ROLL CALL

Present: Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner. Alternate: Steven Castronova. Chairman: Michael Tfank. Planning Director: William Drew, P.P. Board Attorney: Glenn Kienz, Esq. was represented by Bryant Gonzalez, Esq. Consulting Engineer: Robert Kirkpatrick, P.E. was represented by Valerie Rhabel.

Absent: James O'Bryant, Leslie Tallaksen.

Chairman appointed Mr. Castronova to vote for absent member.

PUBLIC PORTION

As no one wished to speak a **MOTION** was made by Michael Siesta, seconded by Kurt Wagner, to close the public hearing. On voice vote all were in favor.

SITE PLAN WAIVER APPLICATIONS

GETTY PETROLEUM MARKETING INC.
Site Plan Waiver 0520-0208W
Block 7508; Lot 16
1367 Union Valley Road, LR Zone

At the applicant's request the above matter was carried to the June 22, 2005 meeting.

NIKORN REDMERSKI
SITE PLAN WAIVER #0520-0209W
Block 5701; Lot 4
10 Marshall Hill Road; CC Zone

The applicant, Nikorn Redmerski, explained that he proposed to open a take out restaurant for Thai food. After discussion, the Board approved the request for a site plan waiver.

MOTION made by Joseph Elcavage, seconded by Steven Castronova, to approve the application with the condition that he discuss with the property owner the re-striping of the parking lot and the installation of handicapped parking sign(s). He was also to obtain from the building department a minor permit prior to opening the business.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Steven Castronova, Michael Tfank.
No - None

MAMC FITNESS ENTERPRISES INC.
Site Plan Waiver #0520-0211W
Block 15701; Lot 1
2950 Route 23 North; HC Zone

The property owner, Ronald Hook, and the franchise owner, Michael Krol, were present and advised that they proposed to open a fitness center. Mr. Hook indicated that he intended to seal and restripe the parking lot at the end of summer.

MOTION made by Kurt Wagner, seconded by Douglas Ott, to approve the application.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Steven Castronova, Michael Tfank.
No - None

DEBORAH LICALZI
Site Plan Waiver #0520-0212W
Block 7621; Lot 6
1485 Union Valley Road; VC Zone

Deborah and Raymond LiCalzi were present and advised that they proposed to open a retail business selling laser and ink jet cartridges.

MOTION made by Steven Castronova, seconded by Michael Siesta, to approve the application.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Steven Castronova, Michael Tfank.
No - None

APPLICATIONS

DEMOTT POST
Minor Subdivision #0410-1971
Bulk Variance #0530-0703
Block 12106; Lots 2 and 3
802 and 810 Macopin Road; R-2 Zone
Relocate lot line.

COMPLETE: 02-22-05
DEADLINE: 06-22-05

The Board Attorney, Bryant Gonzalez, explained that a hearing in this matter was conducted and minor subdivision approval with ancillary bulk variance relief was granted to the applicant. However, subsequent to the hearing it was determined that notice was defective and the applicant was advised that the Planning Board was without jurisdiction to grant any of the relief granted to the applicant on April 7, 2005.

The applicant, DeMott Post, was present and advised that subsequently he renoticed for a hearing on May 25, 2005. He indicated that he was seeking a lot line adjustment with respect to Lots 2 and 3 to allow for an additional 15 feet of frontage on Lot 3 and decreasing the frontage on Lot 2 by the same amount. Mr. Post further indicated that he was seeking to obtain a 15 by 300 foot strip of property along the common property line between Lots 2 and 3 so that he could have additional driveway space in order to park a vehicle on Lot 3. At present, he indicated that he had no turn around space and by acquiring the additional property from Lot 2 he would improve his ability to have turn around space and provide better ingress and egress from his property.

In reviewing this application the Board reviewed the plans prepared by Beardslee Engineering Associates dated November 17, 2004 and executed by William E. Beardslee, P.E., L.S. and consisting of one (1) sheet. Pursuant to the plans, Lot 2 was owned by John Franzino, P.O. Box 351, West Milford, New Jersey 07480. The plans also indicated that Lot 2 had a lot depth of 150 feet whereas Lot 3 had a lot depth of 300 feet.

The Board also reviewed the report of its Board Planner, William H. Drew dated March 18, 2005, the terms of which are incorporated herein by reference. In this regard, the Board Planner noted in his report that the applicant was seeking a lot line adjustment between two (2) adjacent lots located on the easterly side of Macopin Road, a County road in the R-2 Residential District. He noted that both lots were developed with single-family residences and that he had reviewed the plans entitled "Lot Line Adjustment Minor Subdivision" by William E. Beardslee, P.E. and P.L.S., dated November 17, 2004, with a last revision date of January 7, 2005.

The Board Planner noted that Lot 2 existed with 64,843 square feet and that the purpose of the application was to subdivide 4,505 square feet from Lot 2 and annex same to adjacent Lot 3 resulting in Lot 3 having a lot area of 15,410 square feet according to the plans submitted. The Board Engineer noted that Lot 2 would then be reduced to 60,338 square feet. As a

result of these changes, a variance was required for Lot 2 for a situation that was rendered further nonconforming as a result of the proposed subdivision. In this regard, he noted that the R-2 Zone required a minimum lot area of 87,120 square feet (2 acres) while Lot 2 at present provided 64,843 square feet and as proposed would provide 60,338 square feet.

With respect to Lot 3, the Board Planner noted that nonconforming situations thereon were being left unchanged or were being improved such that no variance relief was necessary for proposed Lot 3. The Board Planner further noted that certain improvements on Lot 3 currently extended into Lot 2 such that the proposed lot line adjustment would correct these encroachment situations.

The Board Planner further noted that the proposed layout was irregular and that the Applicant's creation of a 150 foot by 15 foot strip of land that would become a part of Lot 3 was not good planning and not necessary. In this regard he noted that a site inspection did not reveal any special reasons why the creation of an additional 150-foot strip was necessary. He noted that the proposed lot layout was of no benefit to Lot 3 and had no apparent use to its owner and could be reconfigured to accomplish the apparent goals of the subdivision while avoiding an irregular lot layout. The Board Planner indicated that the 15-foot strip being taken from Lot 2 could be made to extend in an easterly direction for approximately 100 feet from Macopin Road and end to be coincident with the easterly (rear) property line of Lot 3. He noted that from a planning perspective this would render a more preferable lot configuration. While this would create a "jog" in the side property line of Lot 2, the Board Planner noted this would have little or no adverse effect upon the use and enjoyment of Lot 2 by the owner's of that lot.

The Board Planner then noted that revised plans needed to be provided to further detail dimension and descriptions for the easterly rear property line of proposed Lot 2 and to indicate whether any fencing was located along the easterly rear property line of existing Lot 3. The Board Planner further noted that the zoning data table on the plans needed to be corrected to reflect that the Subject Property fell in the R-2 and not the R-3 Zone along with the necessary R-2 zoning data.

Mr. Post indicated that he would comply with the terms and conditions contained in the initial recommendations of the Board Planner's report.

The Board Planner further noted that the proposal would provide a benefit in that the existing side yard setback would be increased thereby providing an improvement to the existing situation with respect to the garage on the subject property. Another improvement from the lot line adjustment would be the correction of an existing shed extending over the existing property line such that it would be fully located upon Lot 3 as proposed. This he indicated was an opportunity for better planning and design as a result of the application. The Board Planner further noted that the proposed 15-foot strip extended as indicated in his report would improve traffic access onto the subject property.

After some discussion with the Board, the applicant agreed that it would amend its application and submit revised plans showing the 15 foot strip extending from Macopin Road up to the rear property line of Lot 3 and withdrawing his request for the additional 150-foot by 15-foot strip extending to the rear property line of Lot 2.

The applicant also agreed that he would have a revised layout or survey submitted to comply with the terms of the Board Planner's report. He further indicated that appropriate Deeds reflecting the lot layout approved by the Board would be submitted as a condition of approval.

The Board then opened the meeting to the public for comment on the application. The Board first heard from Edna VanHorn, who indicated she was the owner of Lot 4, Block 12106. Ms. VanHorn noted that she was not in favor of the applicant obtaining a 150- foot strip running through the back of her property. She indicated that she was interested in purchasing this strip from the owner of Lot 2 so that she would be able to fix the septic tank on her property.

With no other members of the public present expressing an interest in this application, the Board promptly closed the public comment portion of the hearing.

MOTION made by Steven Castronova, seconded by Michael Siesta, to approve the application.

Ms. Allyn then referred the Board to a radio frequency report which she indicated was filed with the application indicating that the applicant met FCC, State and Federal requirements with respect to radio frequency emissions such that there would be no health or safety concerns as a result of the radio frequency emissions from the site.

Peter J. Tardy, P.E. of French & Parrello Associates, P.A., 670 North Beers St., Holmdel, NJ then testified with respect to the aforementioned site plans submitted to the Board and indicated that the applicant's proposal was to add 12 antennas at the 130 foot high level in order to establish an unmanned wireless telecommunications facility. He testified with respect to Sheet ZO2, Sheet ZO3 and Sheet ZO4 (Macopin Firehouse Site Plan, Macopin Firehouse Detailed Site Plan and Macopin Firehouse Elevation and Details, respectively, prepared by Steven E. Williams, P.E.).

Referring to Sheet ZO3, Mr. Tardy indicated that the applicant was proposing a 12 by 25 foot area north of the existing compound on the subject property within which to locate its equipment cabinet. He noted that the equipment would be mounted upon a 10-foot by 18.5-foot concrete slab. He also noted that minor changes to a gravel area would be made in order to provide access to the compound area. He then described to the Board, referring again to Sheet ZO3, how a cable bridge would be mounted to the side of the existing lattice tower and then described the installation of the 12 antennas proposed.

With respect to the height of the cable bridge proposed, Mr. Tardy referred the Board to Sheet ZO4, which detailed the cable bridge and described the dimensions therein. He noted that a GPS antenna would be mounted at a height of 1 foot above the cable bridge, which would measure at least 11 feet above grade.

Mr. Tardy indicated that the proposed facility would be an unmanned installation that would be serviced once a month for routine maintenance and would utilize telephone and electric services only. He further testified that there would be no regrading of the property with the exception of the bump out and saw cutting of existing asphalt with regard to the concrete slab to be installed on the subject property.

The Board Planner then inquired as to whether any runoff issues would be generated as a result of the new slab to be constructed and installed on the subject property for the equipment cabinet.

Mr. Tardy responded that the drainage characteristics of the subject property would not be changed as a result of the addition of the compound for Cingular Wireless' equipment. He further remarked that there would be no additional generators or emergency equipment installed and that the facility would operate on a battery backup system.

The Board next heard from Charles Latini, P.P., who indicated he was a professional planner licensed with the State of New Jersey for more than nine (9) years and was a graduate of Rutgers University School of Planning. Mr. Latini reviewed Exhibit A-2, which he noted was an aerial photo of the subject property as well as Exhibit A-3, which were photos taken by him from various locations surrounding the subject property. In referring to these exhibits, Mr. Latini generally testified that the proposal submitted by the applicant satisfied all Ordinance requirements and Master Plan requirements.

The Board Planner then indicated that the applicant should meet with the Township's landscaping professional to determine the landscaping needs with respect to the new enclosure proposed for the equipment cabinets to be installed by Cingular Wireless if the application were approved by the Board.

The applicant indicated that they would agree to this as a condition of approval.

The Board then opened the meeting to the public. As there were no members of the public present expressing an interest in this application, the Board promptly closed the public comment portion of the application.

MOTION made by Michael Siesta, seconded by Joseph Elcavage, to approve the application.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Steven Castronova, Michael Tfank.
No - None

MEMORIALIZATIONS

**CELLULAR TELEPHONE COMPANY
d/b/a AT&T WIRELESS (OAK RIDGE)
Resolution No. 2005 - 16
Preliminary & Final Site Plan #0420-0190AB**

Block 16307; Lot 21

364 Oak Ridge Road; CC Zone

Construct a wireless telecommunications monopole and equipment cabinets.

APPROVED: Preliminary and final site plan for the construction of a wireless telecommunications monopole and equipment cabinets.

The applicant was represented by Gail Allyn, Esq., Pitney Hardin L.L.P., Morristown, NJ. She and the applicant's engineer, Ron Igneri, P.E., Innovative Engineering, Inc., 1144 Hooper Avenue, Toms River, NJ, addressed the Board regarding the proposed landscaping of the site. The Board Attorney advised that this matter could be handled administratively.

MOTION made by Douglas Ott, seconded by Kurt Wagner, to memorialize the resolution.

On roll call vote: Yes - Douglas Ott, Clinton Smith, Kurt Wagner, Steven Castronova, Michael Tfank.
No - None

**NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS (MACOPIN FIREHOUSE)
Resolution No. 2005 - 20
Preliminary & Final Site Plan #0420-0201AB**

Block 9301; Lot 6

1362 Macopin Road; R-3 Zone

Colocate antennas on an existing telecommunications facility.

APPROVED: Preliminary and final site plan to permit the collocation of antennas on an existing telecommunications tower

MOTION made by Douglas Ott, seconded by Kurt Wagner, to memorialize the resolution.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Steven Castronova, Michael Tfank.
No - None

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL – None.

MISCELLANEOUS

Septic Repairs and Alterations: Planning Director, William Drew, read a memo received from the Health Officer, Kenneth Hawkswell, in answer to the Board's questions. Mr. Drew further advised that a meeting was held with the Township Administrator and the Health, Building, Engineering and Planning Departments to review the overall permit review process. Ways to identify wetlands issues at the very beginning of the review process are currently being discussed. This is an ongoing project. However, it has been suggested that the Zoning Officer refer to the GIS mapping to determine if wetlands are an issue and identify this on the Zoning Permits, which is the first step in the building review process. Mr. Drew noted that the DEP will not relinquish their jurisdiction regarding GP25 permits and will not grant a waiver for these septic repairs. Ms. Rhabel advised that there are provisions for obtaining an emergency repair permit by letter. The Board requested she provide additional information on this provision.

