

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**REGULAR MEETING
MINUTES
AUGUST 22, 2001**

Meeting opened at 7:30 p.m. with the reading of the legal notice.

ROLL CALL

Present: Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner. Alternates: Rich Stecher, Mark Vetter. Chairman: Michael Tfrank. Board Attorney: Glenn Kienz, Esq. was represented by Ronald Cucchiaro, Esq. Planning Director: William Drew, P.P. was represented by Linda Lutz, P.P.

Absent: Robert Szuszkowski.

Chairman appointed Rich Stecher to vote Mr. Szuszkowski.

PUBLIC PORTION

During the public portion Ada Erik, Doris Aaronson and Robert Pawlo addressed the Board.

APPLICATIONS

**SPRINT SPECTRUM, L.P.
(APSHAWA VOLUNTEER FIRE CO.)
Conditional Use, Preliminary & Final
Site Plan #0120-0097AB**

COMPLETE: 06-21-01
DEADLINE: 09-24-01

Block 12501; Lot 26
666 Macopin Road; R-3 Zone
Erect telecommunications facility.

Michael Learn, Esq., Daniel Collins, safety expert, and Michael Littman, a Radio Frequency Engineer, represented the applicant. The applicant presented their case, explaining the lack of coverage in the area as shown on map A-2. The height of the 90-foot pole was discussed. Terrence L. Lulay, the site engineer, discussed the access leading to the pole and its equipment. The Planning and Engineering staff discussed landscaping, drainage among other issues. The applicant's planner, P. David Zimmerman, testified as to the planning considerations and presented photo simulations based on the balloon test. The Board then asked about camouflaging the poles to which the applicant's planner responded that in this case camouflage as a tree may be appropriate.

The public hearing was opened and the property owner to the north, Frank Martare, discussed the visual impact. The property owner across the street, Margaret Grazacki, discussed concerns regarding visual impact. A representative from the Fire Company, Ralph Villecca, spoke with regard to drainage. William Card, Kathleen Caren, Ada Erik and Sonja Card also addressed the Board on various aspects of the proposal.

The Board finds that the applicant has demonstrated that all conditions have been met and that it is therefore permitted on the site. The applicant has demonstrated that there are no variances associated with this application. In response to Board concerns, applicant has agreed that it will camouflage the tower as a tree, that it will provide a graded access road to the facility subject to the review and approval by the Board Engineer and that it will also ensure that there will not be any runoff from the site that will negatively impact neighbors. It has also agreed to ensure clear access to the site at all times, particularly in the winter when snow is being plowed. The applicant has further agreed to comply with any and all recommendations contained in the reports of the Board professionals. The Board, therefore, concludes that the proposal meets the

minimum requirements of the Municipal Land Use Law, Case Law and Township Ordinances to a sufficient degree so as to enable the Board to grant the relief.

MOTION was made by George Spence, seconded by Edward Orthouse, to require tree camouflaging.

On roll call vote: Yes - Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner, Michael Tfank.
No - Paul Donoghue, Robert Moshman, James O'Bryant.
Abstain - Rich Stecher

MOTION was made by George Spence, seconded by Edward Orthouse, to approve the application.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner, Michael Tfank.
No - James O'Bryant, Rich Stecher

DOUGLAS DOYLE COMPLETE: 06-25-01
Minor Subdivision #0010-1924 DEADLINE: 10-23-01
Bulk Variance #0030-0442
Block 8401; Lot 3.02
Macopin Road; R-2
Subdivide one lot to create 2 residential building lots.

The applicant represented himself as attorney and Dan Kaufman, from Neglia Engineering was the applicant's engineer. He also testified as a professional planner and addressed the variance request concerning side yard. The applicant requested a waiver on the percent disturbance.

The public portion was opened and the following residents spoke regarding concerns about the potential impact of the development: Michael Holmes and Steve Emery. The applicant addressed their concerns. Mark Vetter discussed the comments from the Planning Board Subdivision Committee concerning placement of the garages and the size of the proposed homes. The applicant addressed those questions. The Board Engineer discussed wall design computations. The Board questioned three houses on one driveway. The matter was then carried to the September meeting.

ROCKLAND ELECTRIC COMPANY COMPLETE: 07-13-01
Conditional Use, Preliminary & Final DEADLINE: 11-10-01
Site Plan #0120-0098AB
Variance #0130-0494
Block 6404; Lot 11
241 Marshall Hill Road; CC Zone
Erect pole for radio antenna.

The matter was carried to the September 26, 2001.

THOMAS & DIANE PARISI COMPLETE: 08-15-01
Minor Subdivision #0110-1937 DEADLINE: 09-29-01
Block 17001; Lots 10 and 11.01
Henderson Road; R-4 Zone
Lot line adjustment

The applicant, Thomas Parisi, testified that the two (2) subject lots are both developed with single-family residences. He stated that the purpose of the application was to subdivide 2,144.2 square feet from Lot 11.01 and annex that property to adjacent Lot 10 resulting in Lot 10 having a lot area of 3.05 acres. Lot 11.01 would then be reduced to 4.10 acres. He testified that the purpose of the lot line adjustment was to square off his property. He also stated that variance relief was not required. In response to inquiries from the Health Department, Mr. Parisi testified that the lot line adjustment, would not result in his property losing a well or adding the well from the other subject lot. In

furtherance of this statement, he submitted several photographs to the Board depicting the location of the wells on the property.

MOTION made by Paul Donoghue, seconded by James O'Bryant, to approve the application based on the fact that the application meets all pertinent ordinances and statutes.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner, Rich Stecher, Michael Tfank.
 No - None

MEMORIALIZATIONS

JOSEPH MOROZ

RESOLUTION NO. 2001 - 18

Minor Subdivision #9910-1919

Bulk Variance #9930-0411

Block 13103; Lot 16

54 Upper High Crest Road; LR Zone

DENIED: Request to subdivide 1 lot with an existing dwelling to create 1 additional building lot.

MOTION made by Paul Donoghue, seconded by George Spence, to memorialize the resolution.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, George Spence, Andrew Tynan, Mark Vetter.
 No - None

AT&T WIRELESS SERVICES

RESOLUTION NO. 2001 - 19

Preliminary & Final Site Plan #0120-0101AB

Block 15602; Lot 4

3134 Route 23 North; HC Zone

APPROVED: Location of telecommunications equipment on existing building.

MOTION made by Paul Donoghue, seconded by Andrew Tynan, to memorialize the resolution.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner, Michael Tfank.
 No - None

MISCELLANEOUS

WEST MILFORD POST OFFICE

Block 6301; Lot 6

Update on site lighting and status of site improvements with the Board.

Matter carried to the September 26, 2001 meeting.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

The following was noted and filed:

Memo dated August 6, 2001 to Kenneth Hetrick, Township Manager, re: Engineering services for Eagle Ridge Preliminary Site Plan.

Memo dated August 9, 2001 to Kenneth Hetrick, Township Manager, re: Amending escrow charges, Chapter 17-7.1.

Memo dated August 9, 2001 to Kenneth Hetrick, Township Manager, re: Engineering services – Award of contract to Keller & Kirkpatrick, Inc.

PLANNING DIRECTOR'S REPORT – No report.

PLANNING BOARD ATTORNEY'S REPORT – No report.

COMMUNICATIONS

The following communications were received and filed:

Letter dated July 16, 2001 from Leggette, Brashears & Graham, Inc. advising that Union Valley One is applying for a Letter of Interpretation for property located on Union Valley Road, Block 6402; Lot 3.

Letter dated July 20, 2001 from Karen, a West Milford Resident, expressing her opposition to the cell towers being erected in the Township.

Copy of letter dated July 25, 2001 from William Drew to Barbara Walsh at the Office of State Planning requesting a copy of an ordinance controlling tree clearing.

Letter dated July 27, 2001 from James D. Rogers, Passaic County Planning Board, advising that the site plan submitted by Oscar Beyenberg for Block 3906; Lot 6, Greenwood Lake Turnpike, has been approved.

Letter dated July 30, 2001 from James D. Rogers, Passaic County Planning Board, advising that final approval is being withheld on the final plat for Fieldstone Estates, Section II, Block 13001; Lots 1 and 2, pending restoration of Macopin Road.

August 3, 2001 from American Environmental Services, Inc. advising that Julius Carpignano is applying for a Letter of Interpretation and a Statewide General Permit for property on Morsetown Road; Block 5301; Lots 45.01 and 45.02.

Letter dated August 3, 2001 from American Environmental Services, Inc. advising that Patricia Scala is applying for a Letter of Interpretation for property located on Rockburn Pass, Block 5003; Lot 8.

Letter dated August 10, 2001 from Civil Dynamics, Inc. advising that the City of Newark is applying for a Freshwater Wetlands General Permit No. 18 for the rehabilitation of the Clinton Reservoir Dam, Block 16908; Lot 1.

Letter dated August 2001 from the Department of Environmental Protection, Division of Parks and Forestry, advising of funding that is available to municipalities for tree planting and tree care.

Letter received August 15, 2001 from Fitzgibbons & Goovaerts advising that Robert Mueller is applying for Freshwater Wetlands General Permits for property located at 24 Cross Oak Lane, Block 14113; Lot 34.

ADJOURNMENT

Meeting adjourned by unanimous vote at 11:37 p.m.

Respectfully submitted,

Grace R. Davis
Secretary