

TOWNSHIP OF WEST MILFORD ZONING BOARD OF ADJUSTMENT

MINUTES

AUGUST 7, 2003

The meeting opened at 7:35 p.m. with the reading of the legal notice.

ROLL CALL

Present: Robert Brady, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, William Milnes, Laetitia Munro; Stephen Glatt, Board Attorney; Linda Lutz, Staff Planner; Richard McFadden, Township Engineer; Charles Hecht, Radio Frequency Expert

Absent: Thomas Bigger and Dennis Kirwan

The Chairman appointed alternate, Laetitia Munro, as a voting member.

Memorializations

The following applications were memorialized:

ARMAND FERRANTI
Resolution No. 25-2003
Bulk Variance #0230-0606
Block 604; Lot 10
83 Witte Road; LR Zone

DENIED

MOTION made by Joseph Giannini, seconded by Laetitia Munro to memorialize the action.

On roll call vote: **Yes** - Joseph Giannini, Laetitia Munro and Robert Brady
No - None

BRUCE & CAROL HARDY
Resolution No. 27-2003
Bulk Variance #0330-0619
Block 4102; Lot 7
140 Long Pond Road; LR Zone

GRANTED: Bulk variances for side yard setback, rear yard setback and lot coverage

MOTION was made by Daniel Jurkovic, seconded by Joseph Giannini, to memorialize the action.

On roll call vote: **Yes** - Joseph Giannini, Daniel Jurkovic, William Milnes, Laetitia Munro and Robert Brady
No - None

Meeting Scheduling

The Board voted to hold a special meeting Thursday, September 18, 2003 and to reschedule the October 28, 2003 meeting to Thursday, October 30, 2003 upon the Board Attorney's request.

The following applications were carried to the September 23, 2003 meeting with no further notice necessary:

HIGH CREST LAKE LODGE, INC. (COURT REMAND)
Use Variance #0140-0490
Preliminary & Final Site Plan #0120-0096AB
Block 13002; Lot 9
High Crest Drive/Hearthstone Drive; R-2 Zone

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| CEFES FINANCIAL, INC. | COMPLETE | 04-29-03 |
| <i>De Minimis</i> Exception | DEADLINE | 10-28-03 |
| Bulk Variance #0230-0614 | | |

Block 1806; Lots 4 & 5
Magnolia Rd; LR Zone

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| WORLD FOR CHRIST CRUSADE, INC. | COMPLETE | 07-01-03 |
| Use Variance #0340-0622 | DEADLINE | 10-29-03 |
| Preliminary & Final Site Plan #0320-0138AB | | |

Block 7701; Lot 11
1005 Union Valley Road; R-4 Zone

Applications Carried From Previous Meeting

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| GEORGE BLOOD | COMPLETE | 04-30-03 |
| Bulk Variance #0330-0625 | DEADLINE | 09-27-03 |

Block 2311; Lot 13
Gladstone Road; LR Zone

Applicant, George Blood, and Douglas McKittrick, P.E., were sworn and credentials were given by Mr. McKittrick to testify as Engineer and Planner.

Mr. Blood testified John Barbarula, Esq., previously presented his application at the June 10, 2003 meeting and advertising and buy/sell letters were discussed. He called on Mr. McKittrick to discuss the site.

Mr. McKittrick testified the property was in the Lake Residential zone and created as part of the original Upper Greenwood Lake subdivisions basically creating 100 feet x 20 feet lots. The lots were eventually combined to form this 17,000 square foot lot. None of the lots in this block meets the 120-foot depth and there is no additional property to purchase. This property is unique because it has frontage on two roads. The house has now been shrunk from 37 feet deep from front to back to 32 feet deep. The front yard variance from Gladstone Road has now been eliminated. The front yard variance now being requested is 37 feet instead of 35 feet. There is no option of relocating the house on the lot due to septic system constraints. The garage cannot be accessed from the southwest side of the house due to the septic location. With Chickadee Lane to the northeast being a paper street, it causes the house to have a front-loading garage with access to Gladstone Road. The rear yard variance is 27 feet and is tied into the minimum lot depth requirement. The house has been skewed to the rear of the property to facilitate a more manageable driveway. The lot coverage has been reduced to 9.5% and the front yard variance has been eliminated from Gladstone Road. Depending on which way the lot is viewed, it could require a front yard variance due to the original subdivision. He confirmed the Gladstone Road front yard variance would be 40 feet and Chickadee Lane would be 37 feet.

Mr. McKittrick went through the items in the Township Engineer's memo and had no problem with his requirements but asked for a waiver to provide a site triangle easement because he felt Chickadee Lane would probably never be improved. Mr. McFadden agreed with Mr. McKittrick as long as the Board agreed to waive this.

Mr. Blood agreed the taxes would have to be paid.

Linda Lutz clarified there is no rear yard on a corner lot. There are two fronts and two sides so there is no rear yard variance required. The variance is for a 30-foot side yard not a 60 foot rear yard.

The application was opened to the public with no one wishing to speak.

MOTION was made by Joseph Giannini to close the public portion, seconded by Daniel Jurkovic, with all in favor.

There was discussion by the Board members and Arthur McQuaid was pleased applicant downsized the home to eliminate a variance. Mr. Jurkovic agreed and felt some of these variances were of a technical nature. Chickadee Lane angles substantially as it goes further away from the property. If it were measured from the other corner of the home, it would probably be within the 40-foot setback required. The true front of the home will have the required 40-foot setback and is important for aesthetic reasons. Mr. McQuaid felt the house has been located as far off Chickadee Lane as possible. The neighboring lot (lot 16) was not available to purchase. All of the properties in the area are irregular in shape and this property is the same size or slightly bigger.

MOTION was made by Daniel Jurkovic to approve the variances requested for lot area at 17,773 square feet; lot depth 100 feet; front yard setback 37 feet; side yard setback 27 feet; and lot coverage is no longer requested. Most of the variances are close to the requirements, Arthur McQuaid seconded, subject to Richard McFadden's report of July 18, 2003, waiving #4; subject to taxes being paid and the septic plans meeting with all approvals, Arthur McQuaid seconded.

On roll call vote: **Yes** - Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Laetitia Munro and Robert Brady
No - None

NEW APPLICATIONS

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| NY SMSA LIMITED PARTNERSHIP | COMPLETE | 06-03-03 |
| (Verizon) | DEADLINE | 10-01-03 |
| Use Variance #0340-0615 | | |
| Preliminary & Final Site Plan #0320-0134 | | |
| Bulk Variance #0330-0616 | | |
| Block 14501; Lot 14 | | |
| 55 Blakely Lane; R-4 Zone | | |

Michael Learn, Esq., appeared on behalf of applicant and testified this was a co-location on an existing facility at Blakely Lane.

Michael Littman, Radio Frequency Expert, was sworn and testified Verizon is licensed by the FCC and is obligated to provide a seamless reliable coverage and continue to make and receive phone calls. They plan on filling a 4 ½ mile gap on Route 23 and approximately 2 ¼ mile gap on Echo Lake Road. Exhibit A-1, a USGS survey map with overlays, shows blue dots representing facilities currently operating, two yellow dots which are future sites, and one green dot which is the subject site. They are co-locating wherever possible. The subject site is a lattice tower at 150 feet and Verizon will co-locate at 122 feet. The first overlay (A) is the current system not including the future sites showing the gaps. It shows a 4 ½ mile gap on Route 23 and a significant gap on Echo Lake Road. This site will fill a certain section of the gap on Route 23 and provide continuous coverage on Echo Lake Road. The second overlay (B) covers approximately 2 miles on Route 23 and approximately 2 miles on Echo Lake Road. The antenna is 48 inches in height, 8 inches wide, with 12 antennas. This will be an unmanned facility monitored remotely. He confirmed Verizon does not have a formal build-out plan but plans on co-locating on existing structures where needed.

Robert Toms, P.E., was sworn and testified there is presently an existing 150 foot lattice tower supporting 17 antennas, an AT&T shelter, and a new installation for Sprint with two or three cabinets. There is a fence around the tower. The shelter for AT&T is outside the fence. They are proposing to install an 11.5 x 30 foot shelter shown on Z-1. A 6 foot-high chain-link fence will be installed to keep the neighboring horses from reaching over to the shelter. A tower analysis was prepared and it was determined reinforcing is required. He was satisfied with the analysis and was satisfied it would be safe.

William Masters, P.P., was sworn and testified he reviewed the zoning drawings, reports of Township professionals, etc. He stated the co-location is a benefit with no negative impacts.

Mr. Learn asked the Board to condition approval on the submission of a sealed tower analysis to be submitted before Building permits can be obtained.

The application was opened to the public with no one wishing to speak.

MOTION was made by Daniel Jurkovic to approve the use variance for co-location on a pre-existing tower, being consistent with federal mandate to try to co-locate as much as possible, Joseph Giannini seconded.

On roll call vote: Yes - Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Laetitia Munro and Robert Brady
No - None

MOTION was made by Daniel Jurkovic to approve the preliminary and final site plan and bulk variance since the tower already exists, the variance is already in existence as a result of prior actions of the Board, it is merely adding additional antennas to the top of the tower, conditioned on the requirement that the landscaping design be submitted to the Township Engineer for approval prior to any Building permits being issued to the carrier, together with the condition of submitted a sealed structural report stating the tower is sufficient to withstand the load of the additional antennas being added, seconded by Arthur McQuaid.

On roll call vote: Yes - Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Laetitia Munro and Robert Brady
No - None

A full transcript of this application is on file.

The Board recessed and upon reconvening, all Board members were present.

JOSEPH PATERNO, LLC

De Minimis Exception

Bulk Variance #0330-0623

Block 2707; Lots 2 & 5

Flanders Road; LR Zone

COMPLETE 06-18-03

DEADLINE 10-16-03

Joseph Paterno, III, Esq., appeared on behalf of the applicant, Joseph Paterno, LLC. He confirmed applicant sent buy/sell letters to Mr. Butterworth (lots 2 & 5) and Mr. Alleva (lot 3).

Joseph Paterno, III, Esq., stated applicant is applying for bulk variances and statutory notice has been given. He would like to build a two-bedroom dwelling with the structure covering only 7.8% of the entire lot area. It is consistent with other undersized lots in the vicinity. It will be no hardship to the vacant land to the left side of it.

Applicant testified the property slopes up, has a lot of rocks, his engineer has done a lot with rock walls on the plans. He is planning on a two-bedroom home

because he does not want to encroach on the dwelling to the right of this lot. The adjoining property owners do not wish to purchase this land or sell land to him. He has attempted to ask a neighbor who is opposed to the variances if he was interested in purchasing the lot at fair market value plus expenses. The neighbor has not gotten back to applicant. He plans on doing some road work on Homestead Road. The parking in the front is almost level. There will be a two-car garage underneath the home. He feels he will be improving the property with a nicely landscaped home. He has no other use for the property if he is not granted the variances.

Mr. Jurkovic had concerns with the side yard setback of 12 feet being proposed. He felt if the home was moved over 8.5 feet, he would still have the required setback of 30 feet on the one side and would be increasing the 12 foot setback to 20.5 feet.

Mr. Paterno stated he had no problem with Mr. Jurkovic's recommendation if his engineer could do it.

Mr. McQuaid questioned if the home could be turned to eliminate both side yard variances.

The Board attorney advised there would be questions regarding the application that could only be answered by an engineer so applicant may want to have his engineer present to answer questions regarding the location of the home, etc.

Applicant agreed to carry the matter to September 18, 2003 in order to have his engineer present and granted the Board a 30-day extension.

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| AT&T WIRELESS | COMPLETE | 06-30-03 |
| Use Variance #0240-0607 | DEADLINE | 10-28-03 |
| Preliminary & Final Site Plan #0220-0132AB | | |
| Block 1701; Lot 59 | | |
| 776 Warwick Tpke; LR Zone | | |

Joseph O'Neil, Esq., of Garofalo & Pryor, appeared on behalf of applicant. Applicant has re-examined its proposal and, even though it is not on the drawings, they would like to go ahead and offer screening for the equipment compound which will be discussed by the engineer. This is for a new installation at the Upper Greenwood Lake Fire House. Edward Ortega, Radio Frequency Expert, was sworn and testified as to Exhibit A-1, a USGS map with three overlays. The first overlay identifies the AT&T wireless sites existing or proposed. The UGL Fire House is the proposed site. This is a coverage map created by data taken. The second overlay shows AT&T is currently providing almost no coverage in the Upper Greenwood Lake area. The third overlay shows the coverage including this proposed firehouse site and extends about 2 ½ miles in radius. Applicant is currently targeting the major parts of town and major roadways. A 120-foot tower is being proposed for this coverage with police and fire co-location, improving their existing coverage.

Dan Jurkovic questioned if a propagation model had been done at 110 feet.

Mr. Ortega did not do a model at 110 feet but stated 117 feet would show a difference of approximately .2 mile.

The Board Attorney advised the Township's Telecommunications Ordinance is being re-examined and there is a proposal for a new Ordinance. This section may be eliminated in the Ordinance.

Linda Lutz confirmed the elevation limitation would be eliminated.

Mr. O'Neil wanted to proceed.

Charles Hecht, Radio Frequency Expert for the Township, questioned if Mr. Ortega had reviewed his report and he had not reviewed it. Mr. Hecht requested certain exhibits in the report that Mr. Ortega did not have. One is a search ring map; a propagation of the proposed facility using 100 feet; and a discussion as to why this would be the best available site within the search ring area and if there are alternate sites located within the search ring.

Mr. O'Neil stated he did not see a copy of the report either and apologized. He agreed to return with these exhibits for the Board's review along with Mr. Hecht's review.

Mr. Hecht stated he could not render an opinion until the exhibits are presented.

Mr. O'Neil requested the matter be carried to the September 23, 2003 meeting and granted the Board a 60-day extension with no further notice necessary.

The following application was called:

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| SEAN & ANNE KANE | COMPLETE | 07-18-03 |
| Bulk Variance #0330-0632 | DEADLINE | 11-15-03 |
| Block 4010; Lot 6 | | |
| Wanaque Road; LR Zone | | |

Applicants, Sean and Anne Kane, were sworn and testified they propose an addition to their home in Awosting and propose a variance for lot coverage. The neighborhood has 134 homes with varying lot sizes and they have one of the larger lots in the community being extra wide with two properties bordering in the back and two across Wanaque Road in the front. The existing home sits at the northern-most border of their lot with approximately 90 feet of side yard in the direction of the proposed addition. Their plan is to center the dwelling on the lot more evenly leaving it more conforming to the neighborhood. They submitted photos (Exhibit A-1 through A-4) with different views of the home. The existing coverage is 8.5% and there is no contiguous property to purchase. New storm drains have been installed in the area in the last two years. There is one situated on the corner of Wanaque Road and Pompton Avenue. There is also another storm drain in the northwest corner of the property. The addition is a master bedroom 28 feet x 21 feet including the closet, and a two-car garage 28 feet x 24 feet. The existing driveway is higher than the area where the bedroom will be because of the topography; therefore, there will be a vented crawlspace.

The meeting was opened to the public at which time no one wished to speak.

MOTION was made by Daniel Jurkovic to close the public portion, seconded by Joseph Giannini, with all in favor.

MOTION was made by Daniel Jurkovic to approve the variance requested for lot coverage. There seems to be adequate drainage on the map to address any problems with water in the area and the additional lot coverage will not affect water drainage in the area. This house is uniquely shaped and in a nice community and the addition will help make it conform with the neighborhood, seconded by Joseph Giannini. Mr. Giannini felt a nice job had been done with the architectural drawings the exhibits showing the proposed addition will be consistent with the neighborhood. There were no objectors from the neighborhood.

On roll call vote: **Yes** - Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, William Milnes, Laetitia Munro and Robert Brady
No - None

ADJOURNMENT

The meeting was adjourned by unanimous vote at 10:15 p.m.

Respectfully submitted,

Carol DenHeyer
Secretary