

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**REGULAR MEETING
MINUTES
SEPTEMBER 26, 2001**

Meeting opened at 7:37 p.m. with the reading of the legal notice.

ROLL CALL

Present: Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowsk (Arrived Late), Andrew Tynan, Kurt Wagner. Alternates: Rich Stecher, Mark Vetter. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Richard Briigliadoro, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent:

Chairman appointed Rich Stecher to sit for Mr. Szuszkowski.

PUBLIC PORTION

No one wished to speak.

APPLICATIONS

WILLIAM PLACE
Minor Subdivision #9810-1911
Variance #9830-0354
Block 4701; Lot 33.03
Morsetown Road; R-3 Zone
Subdivide one lot to create 3 residential building lots.

COMPLETE: 06-19-01
DEADLINE: 10-17-01

Carried to the October 24, 2001 meeting.

DOUGLAS DOYLE
Minor Subdivision #0010-1924
Bulk Variance #0030-0442
Block 8401; Lot 3.02
Macopin Road; R-2
Subdivide one lot to create 2 residential building lots.

COMPLETE: 06-25-01
DEADLINE: 10-23-01

Michael Neglia, P.E., the applicant's engineer reviewed changes to the plan based upon the previous meeting. The disturbance issue was discussed for lot 3.02, 47% proposed versus 25%, and this is due to the severity of the slope.

The meeting was opened to the public and the following people spoke regarding keeping dust down during construction, that they receive permission to access adjacent property from the property owner: Elizabeth and Joseph Grandioso, Michael Holmes. The property owner to the north questioned the improvement proposed to the driveway. Discussion ensued between the property owner, the applicant and the Planning Board concerning the proposed improvements.

The Board finds that the proposed variances and waivers represent better planning for the site and that the homes and lots would be proportional to those surrounding and will result in better aesthetics for each individual lot. The two side-yard setback variances will not affect the setback of the houses to the existing lot lines on the adjoining lots. The entire neighborhood will therefore benefit from the subdivision. With regards to the negative criteria, the houses and lots are of the same character and size and density as those surrounding it. The Board further finds that the

addition of two (2) lots have a *de minimis* impact, if any, on the zone plan and zoning ordinance.

The Board further finds that upon consideration of the plans, testimony and application, the proposed minor subdivision will result in largely conforming lots, and concludes that the applicant has met 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 being requested. The Board specifically notes that the applicant has agreed to comply with the Board Engineer and Board Planner's reports and recommendations.

MOTION made by Paul Donoghue, seconded by George Spence, to approve the application.

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

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

COMPLETE: 07-13-01
DEADLINE: 11-10-01

The applicant was represented by Tom Williams, Esq. Testimony was provided on behalf of the applicant by Michael Foltin, a senior telecommunications engineer for Rockland. He testified that the company had done several tests within the Township and discovered multiple dead spots where service was not possible. As a result of this situation, Rockland performed drive tests for the purpose of determining where and at what height could a radio tower be constructed to achieve full service. He explained that the proposed tower would be strictly used for multiple radio communications and that no cellular use was currently planned or contemplated for the future. He further stated that approximately a year prior to the application, Rockland had visited alternate sites with the intent of co-locating on existing structures. He stated, however, that there was no space available, which met specifications. He further noted that the site did not require lighting and that there are no FAA requirements governing the site. He further testified that the applicant agreed that there would be no further antennas added to the site and that there would be no co-location on the site. He did, however, note that an ancillary "c" variance was required because there was a *de minimis* violation of height requirements.

John Horan next provided testimony on behalf of Rockland as a senior safety administrator. Mr. Horan testified that without full coverage in the Township, Rockland employees could get injured and lack the ability to communicate and call for help. This would be cured, however, by eliminating the dead spots.

Testimony was next provided by James Koza, the supervisor of project construction. He explained to the Board the changes in the site by stating that the existing 40-foot pole would be removed as well as the existing antennas. The aforementioned wooden pole would then be installed. He stated the wood pole was of a "western red cedar" type. He further testified that the pole would be 75 feet high with a 5-foot antenna.

Robert MacNamara of Scinetics Corp. testified as an electrical engineer and stated that the power emitted from the proposed tower is well within acceptable standards for humans and in fact is far below what is unacceptable.

Charles Scirbona, division superintendent for Rockland, testified that they had previously attempted cell phone communication to no avail. He testified that it was

essential that all workers be able to communicate back and forth with the radio room so as to insure the safety of all employees.

There were no members of the public expressing an interest in this application.

The Board finds that the applicant has proven that the proposed height of the communications facility is necessary so as to eliminate "dead space" in the Township. This is of fundamental importance in that all Rockland employees will be able to have continuous communication contact with a central location and would be able to report all accidents and injuries. This would be a benefit to the health and safety of not only Rockland employees but the citizens of the Township. The Board further finds that the proposed pole is no taller than is reasonably necessary. As for the negative criteria, the applicant has proposed a wooden pole, which would fit into the surrounding area. The applicant has further agreed to comply with any and all recommendations contained in the reports of the Board's professionals. The Board, therefore, concludes that the proposed preliminary and final site plan application 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 being requested.

MOTION made by James O'Bryant, seconded by George Spence, to approve the application.

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

MEMORIALIZATIONS

VALLEY RIDGE DEVELOPMENT CO.

RESOLUTION NO. 2001 - 16

Preliminary Site Plan #9620-0041

Block 8002; Lot 4

Union Valley Road; R-1/PN Zone

APPROVED: Request for time extension

Resolution carried.

SPRINT SPECTRUM, L.P.

(APSHAWA VOLUNTEER FIRE CO.)

RESOLUTION NO. 2001 - 21

Conditional Use, Preliminary & Final

Site Plan #0120-0097AB

Block 12501; Lot 26

666 Macopin Road; R-3 Zone

APPROVED: Erection of telecommunications facility.

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

On roll call vote: Yes - Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner, Michael Tfrank.

 No - None

THOMAS & DIANE PARISI

RESOLUTION NO. 2001 - 20

Minor Subdivision #0110-1937

Block 17001; Lots 10 and 11.01

Henderson Road; R-4 Zone

APPROVED: Lot line adjustment

MOTION made by James O'Bryant, seconded by George Spence, to memorialize the resolution.

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

ORDINANCES REFERRED

The following ordinances were recommended to the Township Council for adoption:

Ordinance Amending Chapter 17, Section 17-10 entitled
Detailed Checklist Required for Use Variance and Preliminary Site Plan Applications

Ordinance Amending Chapter 17, Section 7.1 Fees

Ordinance Amending the Zoning Map of the Township of West Milford
Chapter 18, Section 1.2

MISCELLANEOUS

WEST MILFORD POST OFFICE

Block 6301; Lot 6

Update on site lighting and status of site improvements with the Board.
The matter was carried as the applicant had previously left the meeting.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

Memo dated September 17, 2001 to Kenneth Hetrick, re: changes to the Variance Checklist Requirements, as recommended by the Zoning Board of Adjustment. Received and filed.

Memo dated September 19, 2001 to Kenneth Hetrick Responding to his memo dated September 19, 2001 requesting suggestions or concerns regarding compatibility of Smart Growth consultants' proposal and the grant contract between the State and Township. Received and filed.

PLANNING DIRECTOR'S REPORT

Communication and suggested resolution from the NJ League of Municipalities concerning pending legislation bill A-1193, as amended, the NJ Family Home Occupation Act. League letter and draft resolution included in agenda packet. Board discussed the matter.

PLANNING BOARD ATTORNEY'S REPORT – No report.

COMMUNICATIONS

The following communications were received and filed:

Letter dated August 13, 2001 from The Reynolds Group Inc. advising that Verizon is applying for a Letter of Interpretation for property located at 121 Lincoln Avenue, Block 6606; Lot 1.

Letter dated August 27, 2001 from EcolSciences, Inc. advising that The Township of West Milford and Highlands Center LLC are applying for a letter of interpretation for the following parcels: Block 11901; Part of Lot 1; Block 12001, Lot 33.01; Block 12001, Park of Lot 41.01; Block 11801; Lot 1.01; Block 12001; Lots 33.02 and 41.02.

Letter dated August 27, 2001 from the Passaic County Planning Board advising that revised plans are required for the site plan submitted by Something Special Off the Lake, Block 3702; Lot 6.01, Greenwood Lake Turnpike.

Letter dated August 30, 2001 from Dorothy Oakes advising that she approves of the waterline hookup to Lozier Court.

Copy of letter dated August 28, 2001 from William Drew to David Poling, Professional Environmental Associates, Inc., advising that the property cited in his request for a Letter of Interpretation is not on the Township Tax Map. Letter dated September 7, 2001 from Professional Environmental Associates that the correct Block and Lot is Block 1004, Lot 3 for the applicant to DEP Letter of Interpretation.

Letter dated August 2001 from Joseph J. Maraziti, Jr., Chairman of the State Planning Commission, advising that the Commission will be meeting on September 20, 2001.

Letters from the Passaic County Planning Board regarding the following applications:
Laurel Hollow-Final Plat, granting unconditional final subdivision approval;
Rockland Electric-Site Plan Approval with conditions;
Dunkin Donuts-Final Site Plan, advising site is in conformance with County conditions of approval

ADJOURNMENT

Meeting adjourned by unanimous vote at 10:37 p.m.

Respectfully submitted,

Grace R. Davis
Secretary