

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes March 23, 2006 REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:32 p.m. with the reading of the legal notice.

ROLL CALL

Present: James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Philip Weisbecker. Alternates: Steven Castronova, Thomas Harraka (Arrived late). Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Edward Orthouse, Kurt Wagner.

Chairman appointed Mr. Castronova to sit for Mr. Orthouse.

PUBLIC PORTION

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

SITE PLAN WAIVER APPLICATIONS

ANSELM H. JAYASINGHE
(BELCHER RUN SHOPPING CENTER)
Site Plan Waiver #0620-0233W
Block 6401; Lot 1
1604A Union Valley Road; CC Zone

Mr. Castronova recused himself.

The applicant, Anselm Jayasinghe, 43 Freemont Terrace, Oak Ridge, NJ and Brett Moody (No address given) were present. They testified they proposed to open a take out burrito shop at the Belcher's Run Shopping Center. They further testified that the site met with all the Township requirements with regard to parking.

The Planning Director, William Drew, explained that the site had all the necessary site improvements for the store to operate safely.

No members of the public expressed an interest in this application.

MOTION made by James O'Bryant, seconded by Michael Siesta, to approve the application.

On roll call vote: Yes - James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Philip Weisbecker, Michael Tfank
No - None

Thomas Harraka arrived. Mr. Tfank appointed him to site for Mr. Wagner.

THE PIONEER TAVERN
Site Plan Waiver #0620-0232W
Block 2801; Lot 2
350 Warwick Turnpike; NC Zone

Steve Mulshine, 23 Hudson Street, Phillipsburg, NJ and Richie Farsat (No address given) appeared before the Board. They testified that they wished to reopen the bar and restaurant,

existing homestead and accessory structure(s), and a new 0.47-acre building lot with access from Valley View Lane. Consequently, the applicants request bulk variance relief, in accordance with N.J.S.A. 40:55D-70(c) with respect to minimum lot size for both the proposed new Lot 1.02 and the remaining Lot 1.01, which will contain the existing homestead.

The applicants' engineer, Patrick D. McClellan, P.E., testified on behalf of the application. Mr. McClellan indicated that certain bulk variance relief would be required in connection with the proposed minor subdivision.

He noted that the residential properties located directly across Bearfort Road and Valley View Lane from the subject property are all located in the LR Zone. The subject property is located, therefore, in a transitional area between the LR Residential Zone and the R-2 Residential Zone. The proposed Lot 1.01 is significantly greater in area than most of the surrounding properties on Bearfort Road and Valley View Lane. Proposed Lot 1.02, while substantially smaller than the required 2 acres in the R-2 Zone, is still substantially larger than many of the neighboring properties and would be similar in size to the residential properties directly across Valley View Lane from the subject property.

Mr. McClellan further noted that in addition to the requested bulk variances regarding minimum lot size, there exists one additional pre-existing nonconforming condition with respect to proposed Lot 1.01 because the corner property technically contains two (2) front yards; i.e. the frontage along Bearfort Road and the frontage along Valley View Lane each creates a front yard for this property. Consequently, a variance to permit the pre-existing nonconforming 52.0-foot front yard setback between the existing dwelling and the right-of-way of Valley View Lane is requested. No other variance relief is needed with respect to proposed Lot 1.01.

Mr. McClellan further explained with respect to proposed Lot 1.02 the Zoning Ordinance requires: a minimum lot frontage of 200 feet, whereas 111.9 feet is proposed; a lot width of 200 feet, whereas 145.9 feet is proposed; a lot depth of 225 feet, whereas 130.5 feet is proposed; a front yard setback of 75 feet, whereas 35 feet is proposed; and a rear yard setback of 75 feet, whereas 59.12 feet is proposed. The Applicant requests variance relief pursuant to N.J.S.A. 40:55D-70(c) to permit all of these bulk requirement nonconformities.

He further noted that the subject property is substantially larger than its neighbors on Bearfort Road and Valley View Lane. Further, the Subject Property is bounded on the south by the right-of-way of Bearfort Road, on the west by the right-of-way of Valley View Lane and on the north and east by developed residential properties. The proposed minor subdivision will result in the creation of residential properties that more closely reflect the character of the neighboring properties on Bearfort Road and Valley View Lane.

It was further noted that although there are steep slope areas located on the subject property, no disturbance within the steep slope areas is proposed. In addition, no disturbance is proposed within the Pinecliff Lake buffer area, which is located in part across the Subject Property.

The meeting was opened to the public and the following people expressed concerns: Douglas Fried, 23 Valley View Lane, West Milford, NJ; Joan Goll, 13 Bearfort Road, West Milford, NJ; and, Bettina Bieri, 17 Bearfort Road, West Milford, NJ. The Board also considered correspondence from one neighboring property owner concerning the application.

MOTION made by Clinton Smith, seconded by Douglas Ott, to approve the application with the conditions as discussed.

On roll call vote: Yes - Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen
 No - James O'Bryant, Thomas Harraka,

OMNIPOINT COMMUNICATIONS, INC.
Preliminary & Final Site Plan #0520-0221AB
Block 1701; Lot 59
776 Warwick Turnpike; LR Zone
Approval to collocate on an existing telecommunications facility.

COMPLETE: 02-08-06
DEADLINE: 03-25-06

The Applicant was represented by Constantine Stamos, Esq., Price, Meese, Shulman & D'Arminio, P.C., 50 Tice Boulevard, Woodcliff Lake, NJ, and Peter E. Papay, P.E, Papay Engineering & Construction, Inc., 100 Hilltop Road, Ramsey, NJ.

Mr. Stamos advised that T-Mobile is requesting approval to collocate 6 antennas at the 100-foot level of an existing 120-foot high monopole on the subject property. T-Mobile is also looking to place equipment cabinets within the existing equipment compound area on the subject property. The intent is to create an unmanned wireless telecommunications facility. A site plan was prepared for this application by Peter E. Papay, P.E. with a last revision date of December 6, 2005.

Peter E. Papay, P.E. testified with respect to the site plans submitted to the Board for its review and approval. Mr. Papay explained that the application was for T-Mobile to collocate at the existing 120-foot monopole located at 776 Warwick Turnpike in West Milford at the Upper Greenwood Lake Firehouse property. The existing improvements consisted of a 120-foot monopole and a 30-foot by 30-foot fenced area, which currently housed Cingular Wireless' equipment with their antennas mounted to the pole. T-Mobile was proposing to place two (2) additional radio cabinets. These radio cabinets he explained would be approximately 4-feet tall, 2-feet long and 2-feet wide and would sit on a concrete pad measuring 4-feet by 15-feet. He also noted that a power protection cabinet would be utilized to house the electric and telephone utilities that would feed into the cabinets.

Mr. Papay further noted that the proposed antennas would be centered at 98-feet above grade. The top of the pole was at 120 feet. Mr. Papay then indicated that he had reviewed the reports by the Board Engineer and Board Planner and did not have any problems with the applicant satisfying the terms and conditions of these reports.

Mr. Stamos then indicated that there was an issue with respect to the height of the pole.

Mr. Papay responded that the height of the pole was an issue and that the tower itself was a tapered cylinder, the largest cylinder of which was on the bottom working its way to smaller cylinders on the top. He explained that there was one cylinder on the bottom of the existing monopole that was bolted to the concrete foundation and two (2) other cylinders above this particular cylinder. Since the cylinders were tapered, the upper cylinder fit over the lower cylinder and there were nuts that were welded onto the monopole itself so that the joints could be jacked together by hydraulic jacks. As a consequence of the fabrication tolerances, he remarked that the pole might be a little longer than what the original goal was for the site. He noted that a 1 percent (1%) differential in height overall was somewhat commonplace.

Mr. Stamos then indicated that the applicant would see to it that the monopole would be in compliance with the Ordinance requirements and prior approvals granted by the West Milford Zoning Board of Adjustment. In this regard, he noted that the structure would be 120 feet as previously approved and not higher.

Robert Kirkpatrick, the Board Engineer, noted that the height could be reduced without affecting the structural integrity of the existing monopole. He further remarked that an as-built dimension plan should be signed and sealed by someone capable of measuring the existing monopole. Also the applicant should provide a signed and sealed document by an engineer indicating that the monopole was structurally capable of handling the additional antennas being proposed by T-Mobile.

Mr. Stamos remarked that the applicant would agree to any such conditions on an approval issued by the Board. He then noted that there was another issue with respect to lighting.

Mr. Papay remarked that there were two (2) 150-watt flood lamps mounted to the power protection cabinet, which would be manually operated lights used in the unlikely event that emergency service was required at night. In this regard he noted that under normal circumstances these lights would be off and only turned on in the event of an emergency.

The Board Attorney then advised that there was no need to hear from the applicant's planner because the use was a permitted use and the applicant would be complying with the prior

that revised plans would be submitted incorporating a transfer of impervious surface from one area to another.

Mr. Jakubek was advised that a meeting should be set up with the Township Planning officials to review the plans.

PLANNING DIRECTOR'S REPORT – Mr. Drew advised that he had received a “scoping document” issued by the Highlands Council, which was an outline of the proposed Master Plan. He reviewed the document and provided comments to them regarding how the Master Plan would apply to West Milford and how the Township is working to achieve those items outlined.

He also noted that he would be attending a planning conference with the Highlands Council.

PLANNING BOARD ATTORNEY'S REPORT – None.

MINUTES

Approval of minutes of the February 23, 2006 regular meeting. Due to a staff emergency the minutes were carried. It was noted that a recording of the meeting was available for review.

COMMUNICATIONS

County Planning Board reports to the Planning Board regarding the following applications:

Valley Ridge at West Milford, Site Plan, Block 8002; Lot 4, Union Valley Road. Approval withheld pending receipt of additional information. Noted and filed.

Memorandum from Richard S. Kunze, Township Administrator, and Fred Semrau, Township Attorney, re: Consolidation of Township resources in order to minimize legal expenses in connection with various litigation.

Mr. Weisbecker advised that the Township Council had noted that due to the ongoing litigation involving Mr. O'Shea that the Planning Board had exceeded its legal budget. The funding was appropriated. However, the Council directed the Township Attorney to negotiate with the Board Attorney to reconcile this matter to save costs. Mr. Kienz stated that he would be happy to work with Mr. Semrau.

Mr. Tfrank noted that the memo was to affect all future litigation not just the O'Shea matter. It was further noted that the memo requested that the Planning Board consult with the Council, and that the Council appoint the attorney, for any litigation that was not land use related.

Mr. Kienz suggested that the matter be carried pending his discussion with Mr. Semrau and Stephen Glatt, the Zoning Board of Adjustment Attorney. The Board noted that clarification was needed on what the Council was requesting. And, if the Council was looking for consolidation, how much savings would be anticipated by this change, was it specific to this issue, and did it apply to all Boards.

Letter dated February 8, 2006 from McKittrick Engineering Associates, Inc. advising that Robert Mazzocchi is applying for a Treatment Works Approval for property located on Club House Trail, Block 504; Lot 1. Noted and filed.

Notice dated February 13, 2006 advising that Vincent Lanza is applying for a Letter of Interpretation for property located on Longhouse Drive, Block 2101; Lots 4.01 and 4.02. Noted and filed.

Notice dated February 8, 2006 advising that Darren & Rosemary Derin are applying for a General Permit for the installation of a sub-surface sanitary disposal system for property located at 31 Birchwood Pass, Block 5715; Lot 4. Noted and filed.

Notice dated February 9, 2006 advising that David J. Daly is applying for a General Permit #25 for property located at 12 Newton Drive, Block 12305; Lot 21 for the repair of a sub-surface sanitary disposal system. Noted and filed.

Notice dated February 10, 2006 advising that Goran Todovoric is applying for a General Permit #25 for property located at 1994 Macopin Road, Block 7902; Lot 2 for the repair of an existing septic system. Noted and filed.

Letter dated February 28, 2006 from Stewart Surveying & Engineering, LLC advising that Geraldine Mines is applying for Treatment Works Approval for property located on Otterhole Road, Block 10901; Lot 10.01. Noted and filed.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

The following correspondence was noted and filed:

Copy of letter dated March 3, 2006 from William Drew to the Highlands Council submitting Township comments with regard to various components of the Regional Master Plan Scoping Document.

Notices that the following applicants have applied for a Highlands Applicability Determination:

Passaic County - Apshawa Tract; Block 13501; Lot 5.

Eugene R. Prais – 114 Dockerty Hollow Road; Block 8401; Lots 22 and 23.

Philadelphia Church – Oak Ridge Road; Block 15901; Lot 16.

Vincent Lanza – Inwood Road; Block 12110; Lot 5.03.

Vincent Lanza – Inwood Road; Block 12110; Lot 3.01.

Determinations from the DEP regarding the following applications:

Rui Filipe – Block 14001; Lots 11 and 12. Exempt. Water Quality Management Plan – Consistent.

Shiloh Bible Camp Gymnasium – 753 Burnt Meadow Road; Block 6002; Lot 47. Notice of Technical Incompleteness.

Addendum to Agenda

MEMORIALIZATIONS

TCR NJ/PA LAND ACQUISITION L.P. (VALLEY RIDGE)

Resolution No. 2006 – 8

Final Site Plan #0220-0041B

Block 8002; Lot 4

Union Valley Road; R-1/PN Zone

Adoption of resolution staying application and authorizing the filing of a declaratory judgment action to determine the validity of preliminary site plan approval that was granted.

MOTION made by Leslie Tallaksen, seconded by Michael Siesta, to memorialize the resolution.

On roll call vote: Yes - James O'Bryant, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Philip Weisbecker, Steven Castronova, Michael Tfrank.
 No - None

ADJOURNMENT

Meeting adjourned by unanimous consent at 10:12 p.m.

Respectfully submitted,

Grace R. Davis
Secretary