

# TOWNSHIP OF WEST MILFORD

## PLANNING BOARD

### Minutes December 8, 2004 REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:40 p.m. with the reading of the legal notice.

#### ROLL CALL

Present: Joseph Elcavage (Arrived late), Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Bryant Gonzalez, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: James O'Bryant, Kurt Wagner. Alternate: Matthew DeFede, Clinton Smith.

#### PUBLIC PORTION

Elaine Duffy, Warwick Turnpike, Hewitt, NJ, representing of a group of citizens interested in preserving the historically designated Tichenor House addressed the Board regarding the status of the repairs that were to be made by Passaic County to maintain the structure.

#### SITE PLAN WAIVER APPLICATIONS

##### DIANE POLUKORD (DIANE'S SCHOOL OF DANCE)

##### Site Plan Waiver #0420-0200W

Block 14605; Lot 4.04

Lakeland Plaza; HC Zone

The applicant, Diane Polukord, and the property owner, Ron Keller, explained the location of the proposed dance studio. William Drew, Planning Director, advised that the staff had no concerns regarding this proposal.

**MOTION MADE** by Leslie Tallaksen, seconded by Douglas Ott, to approve the Site Plan Waiver.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen, Michael Tfank  
No - None

#### ADDENDUM TO AGENDA

#### SITE PLAN WAIVER APPLICATIONS

##### Core States Engineering (Mobil Gas Station)

##### Site Plan Waiver 0420-0198W

1910 Union Valley Road

Block 6701; Lot 8 CC Zone

Replacement of the gasoline pump stations and dispensers

George Mastoridis, 79 Main Street, Flemington, NJ, Project Manager, appeared on behalf of the applicant. He advised that the applicant was willing to install an alarm system as requested by the Board. He indicated that when site plans were submitted for a building permit they would include a tank system built with sensors that will trigger an audible alarm.

**MOTION** made by Joseph Elcavage, seconded by Michael Siesta, to approve the request for a site plan waiver, conditioned on the installation of an alarm system.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen, Michael Tfank  
No - None

## APPLICATIONS

**HELEN & ROBERT BAKER**  
**Minor Subdivision #0410-1970**

COMPLETE: 11-24-04  
DEADLINE: 01-08-05

Block 8802; Lot 52  
41 Vreeland Road, R-2 Zone  
Subdivide into two lots to create one new building lot.

Robert Baker advised the Board that his wife, Helen Baker, was ill and would not be able to attend the hearing of the application. Thomas Baker, Esq. indicated that he was the son of the applicants and was presenting this application on behalf of his parents.

Robert Baker testified that the applicants obtained ownership to the subject property during the 1980s and wished to subdivide the subject property to create two lots in order to transfer one of the lots to tenants presently living in the house. He indicated that the Municipal Utilities Authority would allow the two lots to hook into existing sewer lines in the area.

In reviewing this application, the Board considered the report of its Board Planner, William H. Drew, dated December 3, 2004. The Board Planner indicated that the proposal was for the subdivision of the improved existing lot of record to create one (1) new building lot. Mr. Drew further indicated that he reviewed plans for this application entitled "Minor Subdivision" prepared by Douglas McKittrick, P.E. and Arthur J. Schappell, Jr., P.L.S., dated June 21, 2004 with a last revision date of November 29, 2004.

Mr. Drew noted that the Vreeland Road right-of-way establishes that the subject property is a corner lot. He advised, however, that the cartways for the two (2) legs of Vreeland Road do not connect near the subject property. He further indicated that the subject property exists with a two-story dwelling and its amenities, with driveway access to southerly Vreeland Road, which connects with Macopin Road and is 1.3 acres in size.

The Board Planner noted that the R-2 Residential District (with sewer and water) provides for a minimum lot size of 20,000 square feet. The application submitted by the applicants was for the creation of two (2) conforming lots in the Zone. Accordingly, Mr. Drew noted that there were no variances requested by the applicant. He noted that the proposed lot sizes were 32,952.01 square feet for proposed Lot 52.01 and 21,148.16 square feet for proposed Lot 52.02.

With respect to access to be provided to the newly created lot, the Board Planner noted that the applicants were proposing access via easterly Vreeland Road, which is part of the Olde Milford Estates street system. Mr. Drew noted that the plans submitted by the applicants also showed an existing garage/barn that was to be removed and that since the structure was an accessory structure it needed to be removed prior to the perfection of the subdivision in order to avoid the creation of a lot with an accessory structure but no principle structure and thus a violation of the Zoning Ordinance.

The Board Planner further indicated that the plans submitted by the applicant showed an existing well and septic on the property that were to be abandoned and that both lots were proposed to be serviced by the Olde Milford Estates sewer and water systems.

Mr. Drew also reviewed the Environmental Impact Statement submitted by the applicants and indicated that according to said statement there would be minimal effects on the environment as a result of the development of the subject property. The Board Planner noted, however, that there was possibly a 300-foot stream buffer affecting the subject property and that in light of the Highlands Water Protection and Planning Act, the applicants would have to address this question and all aspects of the Highlands Water Protection and Planning Act.

With respect to Item 1 of the recommendations in the Board Planner's report, the applicant indicated that the referenced 25-foot sanitation sewer and drainage easement shown on the plans submitted was a proposed rather than existing easement. With respect to Item 2 of the recommendations in the Board Planner's report, the applicants indicated that the applicants'







2727 Route 23; HC Zone

Request for preliminary and final site plan approval to permit the collocation of antennas on an existing telecommunications tower.

The applicant was represented by Renu Shevade, Esq., who explained that the application before the Board is a request for preliminary and final site plan approval to construct a wireless telecommunications facility to collocate on the existing telecommunications tower on the subject property. With respect to the expert testimony that was going to be provided by the applicant, Ms. Shevade indicated that she would first have Ramon Zamora providing testimony with respect to radio frequency engineering and Pete McTygue, P.E. providing testimony with respect to the site plan engineering. Ms. Shevade also indicated that Marco Silvestri, the owner of the subject property, was available should the Board have any questions.

Mr. Zamora then testified to the Board that he was a licensed engineer in the State of New Jersey working with Metricom Systems for AT&T Wireless. He indicated that he had five (5) years of experience in the wireless telecommunications engineering industry and had a degree in engineering. He then testified with respect to Exhibit A-1, a topographical map of West Milford surrounding the subject property, which indicated existing coverage in the area immediately around the subject property with one (1) overlay thereto. Mr. Zamora testified that the coverage map indicated the existing coverage AT&T experienced in West Milford around the subject property. Where the coverage map showed white colors he noted was where AT&T experienced gaps in service and green colors indicated where AT&T had existing service. The first overlay to the coverage map showed the proposed coverage from the subject property with the proposed antennas at a height of 130 feet. The coverage in this overlay was depicted by the color of light green.

Mr. Zamora then testified that based on the coverage map it was apparent that AT&T was experiencing a gap in service for approximately 1 mile along Route 23 and along portions of residential areas in both West Milford Township and the Township of Rockaway. He indicated that for AT&T to have reliable coverage it required negative 95 dBm at street level. Mr. Zamora indicated that dBm measured the strength of a signal from a wireless phone to a wireless telecommunications facility and that the negative 95 dBm would allow a person to have a continuous telephone call without a call drop. He further indicated that AT&T was seeking a negative 95 dBm to provide seamless coverage as is required by its Federal Communications Commission license. He also indicated that the subject property was sufficient to satisfy the applicant's goal of seamless coverage for the area.

Mr. McTygue then testified as to the site plans he prepared dated August 27, 2004 as well as the location survey plan prepared by J.R. Lemuel Morrison, L.S. dated October 11, 2004. He testified that the intent of the application was to install 12 antennas at the 130-foot level on the existing 160-foot high monopole on the subject property along with equipment boxes to be located at the base of the tower for an unmanned wireless telecommunications facility. He indicated that the proposed size of the compound area was approximately 16 feet by 16 feet and the proposed square footage of the equipment cabinets were 2 feet 6 inches by 4 feet 4 inches and that there were four (4) cabinets in total to be installed.

Referring to Sheet C01 Mr. McTygue indicated that there was no room in the existing equipment compound area on the subject property for the equipment proposed to be installed by AT&T such that AT&T was proposing to locate their equipment to the west of the compound area thereby expanding same. He indicated that the cabinets proposed to be installed would be located on top of a frame and that coaxial cables would run out of the frame and through an ice bridge and connect the cabinets up into the existing monopole on the subject property. Referring to Sheet C02 of the plans submitted to the Board, he indicated that the applicant was proposing 12 antennas at a height of 130 feet on the existing 160-foot monopole. He indicated that the proposal was essentially for the collocation of antennas to an existing site.

In reviewing this application the Board considered the report of its Board Planner, William H. Drew dated December 3, 2004. In this regard, Mr. McTygue indicated that with regard to the recommendations in the Board Planners report, the applicant had no issue with revising the tower elevation on Sheet 6 of the plans submitted to indicate that the set of antennas for Verizon are future and not presently existing. With respect to Items 2 and 3 of the Board









Bryant Gonzalez, Esq. advised that no judgment has been forthcoming on the Apple Valley Estates matter. He also provided an accounting of the fees incurred regarding litigation with Martin O'Shea, which had been requested by the Board.

## **MINUTES**

**MOTION** made by Joseph Elcavage, seconded by Douglas Ott, to approve the minutes of the October 27, 2004 and November 8, 2004 regular meetings. On voice vote all were in favor.

## **COMMUNICATIONS**

The following communications were all received and filed:

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

Mark and Cindy Lindsay, Minor Subdivision, Block 7701; Lot 2, 1087 Union Valley Road. Plan approved.

Battinelli Farm and Garden Center, Site Plan, Block 3907; Lots 1.01 and 1.02, 1611 Greenwood Lake Turnpike. Approval withheld pending receipt of additional information.

Letter dated October 25, 2004 from the DEP authorizing the request of Barbara Cox for a Statewide General Permit No. 25 and Waiver of Transition Area for Access for the replacement of a malfunctioning sewage disposal system for property known as Block 11501; Lot 8.

Pre-Cancellation notice for a pending application within the Highlands Preservation Area dated September 13, 2004 from the DEP regarding the request of John P. Clarke for property known as Block 10301; Lots 5, 6, 13.01 and 13.02.

## **ADJOURNMENT**

Meeting adjourned by unanimous consent at 11:05 p.m.

Respectfully submitted,

Grace R. Davis  
Secretary