

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**July 8, 2004
Regular Meeting**

MINUTES

Chairman, Michael Tfank, called the meeting to order at 7:33 p.m. with the reading of the legal notice.

ROLL CALL

Present: Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen, Kurt Wagner. Alternate: Clinton Smith. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Bryant Gonzalez, Esq. Planning Director: William Drew, P.P. Principal Planner: Linda Lutz, P.P.

Absent: Andrew Tynan. Alternates: Matthew DeFede. Planning Board Engineer: Robert Kirkpatrick, P.E.

Chairman appointed Mr. Smith to sit for absent member.

PUBLIC PORTION

No one wished to speak.

SITE PLAN WAIVER APPLICATIONS

WEST MILFORD BODY AND FRAME
Site Plan Waiver #0420-0183W
Block 6002; Lot 35
64 Airport Road, LMI Zone

Richard Veen, owner of the business, appeared before the Board and explained his reasons for requesting a waiver. After discussion, the Board unconditionally approved the request for a site plan waiver.

MOTION made by James O'Bryant, seconded by Joseph Elcavage, to approve the application.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen, Kurt Wagner, Clinton Smith, Michael Tfank.
No - None

APPLICATIONS

LAKELAND BANK
Minor Site Plan #0320-0159
Variance #0330-0643
Block 14605; Lot 3
One Lakeland Plaza; HC Zone
Site plan approval for the construction of a one-story accessory structure to be used as an ATM building.

COMPLETE: 04-30-04
DEADLINE: 08-28-04

The applicant was represented by Robert A. Jones, Esq. of Hunziker, Jones, Caserta, Romer & Champion.

The application before the Board is a request for minor site plan approval with ancillary "c" variance relief for the subject property.

Appearing on behalf of the applicant was Louis Luddecke, Executive Vice President of Lakeland Bank. Mr. Luddecke indicated that at present there were three (3) branches of Lakeland Bank in West Milford and that the application before the Board was for the construction of a free standing automated teller machine (ATM) near the front of the subject property, which fronts on the southbound side of Route 23, a State Highway. He indicated that the facility was being located in the front of the subject property for security reasons.

In this regard, Mr. Jones indicated that state law required banks to protect its potential customers by locating ATMs in areas, which would provide for the safety of customers. Mr. Jones cited N.J.S.A. 17:16K(1)-(16) et seq. in support of Mr. Luddecke's statement.

Mr. Luddecke then referred the Board to Exhibit A-1 (map of land survey prepared by Frank A. Bednarek, L.S. dated August 5, 2003) and Exhibit A-2 (minor site plan for Lot 3, Block 14605 prepared by Thomas E. Donohue, P.E. dated November 19, 2003 with a revision date of February 23, 2004) which were a copy of the plans submitted to the Board. In this regard Mr. Luddecke described in general terms the subject property and the proposed location of the ATM.

Also testifying on behalf of the applicant was Thomas E. Donohue, P.E. of Donohue Engineering.

Mr. Donohue reviewed with the Board the report prepared by the Board's Planner, William H. Drew, P.P. dated May 21, 2004. In this regard, Mr. Donohue described the circulation of traffic on the subject property and how traffic would circulate towards the proposed ATM. Mr. Donohue described the locations of signage proposed to control traffic circulating on the subject property and indicated that the intent was to continue the current one-way direction design to control access to the proposed ATM. He further indicated that signs stating "ATM Entrance" and arrows painted on the ground would be used to direct motorists in and out of the proposed ATM.

There was significant discussion by the Board with regard to whether the proposed signage and traffic design would control or complicate traffic flow and access on the subject property. As several members of the Board expressed concern with the safety of the design proposed for access to the proposed ATM, the Chairman indicated that the applicant should look to meet with the Board's professionals, especially the Board's Engineer, Robert Kirkpatrick, P.E. to come up with a design that could shorten and improve the route to the ATM and which would be satisfactory to all parties.

Mr. Jones indicated that the applicant was agreeable to meeting with the Board Engineer and the Township Engineer to create a design that would satisfy the Board.

Mr. Donohue then described the variances that were needed for the application. In this regard he indicated that the applicant required relief pursuant to N.J.S.A. 40:55D-70c(2) for side yard setback and for having an accessory structure in a front yard. In this regard, Donohue indicated that a variance for side yard setback was needed since a minimum of 25 feet is required in the Zone where the applicant is only providing 20 feet. Furthermore, as accessory structures are prohibited from being located in the front yard, the applicant required variance relief from this requirement of the Zoning Ordinance. Mr. Donohue indicated that the application would encourage municipal action to guide the appropriate use or development of lands within the municipality in a way, which would promote the public health, safety, morals and general welfare. In this regard he noted that the proposed location of the ATM benefited the public by allowing access to banking facilities in a safe environment. He indicated that this benefit of the proposal would outweigh any detriment caused by not locating the ATM in the rear of the subject property. He also indicated that the benefits to the general welfare of allowing the proposed ATM banking facility would outweigh the minor detriment caused by the encroachment of the side yard requirement. Consequently, he noted that

there would be no substantial detriment to the public good and no substantial impairment of the intent and purpose of the zone plan and zoning ordinance by the Board's granting of the application with variance relief. He further indicated that a Certificate of Exemption had been provided by the Passaic County Planning Board by date of November 24, 2003.

With regard to recommendation number 2 of the Board Planner's report of May 21, 2004, Mr. Donohue indicated that the applicant would provide adequate lighting for the proposed ATM.

With regard to Item 3 of the Board Planner's report, Mr. Donohue indicated that the applicant would provide architectural treatments to the ATM that were compatible with other buildings at Lakeland Plaza.

With respect to Item 4 of the Board Planner's report, Mr. Donohue indicated that Deeds had been submitted for lots showing the requested cross-easements.

With regard to Item 7 of the Board Planner's report, Mr. Donohue indicated that the aisle widths were sufficient for two-way traffic and were otherwise sufficient for a car to pass in the event another car is parked or standing in front of the ATM.

The Board then opened the meeting to the public for comment on the application. In this regard the Board heard from Marco Silvestri of 72 Charcoal Road. Mr. Silvestri indicated that he was the owner of the adjacent lot to the subject property. In this regard he noted that he had 25 years of experience in observing the traffic circulation on the subject property as well as his own lot and indicated that in his experience there have continued to be problems with regard to traffic circulation on the subject property. In this regard, he indicated that motorists would tend to access the subject property with no regard for signage or traffic circulation controls and as such he questioned whether anything could be done to improve traffic circulation on the subject property. He noted, however, that the issue was worth being looked into. He also indicated that as the owner of the adjacent lot, issues with regard to plowing had been privately resolved between he and the applicant by way of contract.

With no other members of the public present expressing an interest in this application, the Board promptly closed the public comment portion of the meeting.

On July 8, 2004, the applicant appeared again before the Board to discuss the changes that had been made to the design for traffic circulation on the subject property. In this regard, Mr. Jones indicated that the applicant had met with the Township Engineer and the Board Engineer and had accordingly revised its plans to reflect the consensus reached by this meeting.

Mr. Jones then referred to the letter prepared by the Board's Engineer, Robert Kirkpatrick dated July 8, 2004, and indicated that the applicant had agreed to comply with the terms of this letter. In this regard, Mr. Jones indicated that the applicant was attempting to comply with a design that had been achieved through consensus in order to satisfy the Board's concerns as to traffic circulation on the subject property.

The Board then discussed the issue of whether there should be police enforcement of traffic on the subject property. After some discussion, the Board agreed that a letter could be sent to the West Milford Police Chief to explore whether the traffic situation on the subject property and adjacent lots required police enforcement.

Mr. Jones then indicated that based upon the revisions to the plans last revised to June 11, 2004, submitted by Thomas E. Donohue, P.E. on behalf of the applicant, changes were being made so that traffic indicators would be more prominent on the subject property and sufficient aisle width was being provided for traffic flow on the subject property. He indicated that access would still be provided off of Route 23 and that signage had been discussed between the Board and Township's professionals as well as the applicant's professionals with a consensus reached as to same.

CLOSED SESSION – None.

Mr. Gonzalez updated the Board on the status of pending litigation regarding the completion of Board minutes. Matter, which was scheduled for July 9, 2004, was rescheduled due to the illness of the Township Attorney.

ADJOURNMENT

Meeting adjourned by unanimous consent at 8:43 p.m.

Respectfully submitted,

Grace R. Davis
Secretary