

Borough of Kinnelon

Planning Board

December 6, 2018

The regular monthly meeting of the Kinnelon Planning Board was called to order by Chairperson Mrs. Roselius at 7:30 p.m., Tuesday, December 6, 2018 in the Municipal Building.

It was reported that adequate notice of this meeting had been given in accordance with the Sunshine Law by posting a notice on the municipal bulletin board, by publication of a legal notice in the Suburban Trends on January 2018 and by sending the meeting date to the Daily Record and Herald News.

Present and answering roll call in addition to Mrs. Roselius were Mrs. Smialek, Mr. Schwartz, Councilman Yago and Mr. Savino. Mayor Collins and Mr. Diani were absent from this meeting. Mr. Bacchetta and Mr. Boorady were present at this meeting.

A motion to amend the July 11, 2018 minutes to reflect Mr. Savino was in attendance and approve the amended minutes was offered by Mr. Savino, second by Mrs. Smialek with the affirmative "yes" vote of all on roll call.

Councilman Yago stated that he just wanted to thank everyone for all their time they have volunteered.

Mrs. Roselius also stated that she would like to thank everyone for all their time, meetings and phone calls.

A motion to approve Resolution # 824 with the change made to page 1, paragraph 1a to say site plan waiver/exemption was offered by Mr. Savino, second by Mrs. Smialek with the affirmative "yes" vote of all on roll call.

#827 15 Cutlass Road, Kinnelon Baptist Church, Sign replacement.

Mr. Bacchetta swore in Ms. Shannon Kapr and Pastor Bill Kapr.

Ms. Kapr stated that the sign would change from Christ Church to Kinnelon Baptist Church. The sign is in need of desperate repair and need to be replaced. Ms. Kapr stated that the sign will be smaller, it will be 4X6 and sit on a 1 ½ foot platform. The sign will be lit internally with LED lights but would like to know what time the light needs to go off. Ms. Kapr stated that they would like to keep the sign lit until 11 pm. The sign would be on a timer, a bible and cross will be on the sign, it will have a green face with interchangeable letters. Ms. Kapr stated that the brightness would be average for signs.

Mr. Boorady stated that he had no issues with the proposed lighting.

Mrs. Roselius opened the meeting to the public and hearing no one closed the public portion and opened it back up to the board.

A motion to approve the sign with the lights going off at 11 pm was offered by Mr. Savino, second by Mrs. Smialek with the affirmative “yes” vote of all on roll call.

#826 Graceview Drive, Site Plan Waiver, AT&T would like to replace 6 existing Antennas.

This application was represented by Christopher Quinn, Esq.

Mr. Quinn stated that they are asking for a site plan waiver for an existing tower on this property. The tower is 145 feet tall and AT&T is the 3rd carrier on the tower. Mr. Quinn stated that in April of 2005 approval was given for 12 antennas. AT&T are upgrading their system to install first net for first responders, 6 of the 12 antennas will need to be replaced. The antennas will be a little bit longer and wider, there will be no ground disturbance, no new equipment or increase in height.

A motion to approve the checklist waivers in Mr. Boorady’s December 3, 2018 letter was offered by Mrs. Smialek, second by Mr. Savino with the affirmative “yes” vote of all on roll call.

A motion to deem the application complete was offered by Mr. Savino, second by Mrs. Smialek with the affirmative “yes” vote of all on roll call.

Mr. Bacchetta swore in Mr. David Revette, a Professional Engineer, the Board recognized Mr. Revette as an expert witness.

Mr. Revette stated that AT&T has antennas on the tower and there are 2 antennas per sector and there are 3 sectors. Mr. Revette stated that they will be adding additional remote radio heads and a stabilizer kit as well. The antennas are increasing about 3 ½ to 4 inches in height and will be painted to match the tower.

The applicant agreed to comply with all 3 items listed in the Engineers report.

Mrs. Roselius asked if the proposed work does not constitute as a substantial change.

Mr. Bacchetta stated that based on the testimony and plans provided to the Planning Board does not have any basis to deny the site plan waiver.

Mr. Schwartz asked if it will be 4G or 5G and Mr. Revette stated that its just 4G and First Net for first responders.

Mr. Schwartz asked if there will be any changes to the signage and Mr. Revette stated no.

Mrs. Roselius opened the meeting to the public and hearing no one closed the public portion.

A motion subject to the structural report, revised plans to show the antenna and equipment will be painted the same color as the tower and highlands exemption was offered by Mr. Savino, second by Mrs. Smialek with the affirmative “yes” vote of all on roll call.

**#825 63 Voorhis Road, the applicant is seeking minor subdivision approval to
Subdivide one conforming lot into two lots.**

The applicant was represented by Mr. James LaSala Esq.

The Board recognized Mr. Mark Palus as an expert witness in the field of Professional Engineering.

Mr. LaSala stated that this is a minor subdivision near 287 and is in the Planning area in Kinnelon. A wetlands letter dated December 2017 and a Highlands letter confirming that this is in the Planning area should be in everyone's packet. Mr. LaSala stated that they are asking for 3 waivers, 176-37B (2) (E), 176-37B (2) (1) and 176-37F (3).

A motion to approve the waivers was offered by Mr. Savino, second by Mrs. Smialek with the affirmative "yes" vote of all on roll call.

A motion to deem the application complete was offered by Mr. Savino, second by Mrs. Smialek with the affirmative "yes" vote of all on roll call.

Mr. Bacchetta swore in Mr. Mark Palus.

Mr. Palus stated that the property is located on the north side of Voorhis Road and is entirely in the planning area. The existing lot is 4.521 acres and there are 2 single family homes on the site. Mr. Palus stated that they would like to subdivide the property so one house is on one lot and the other on the other lot. Mr. Palus stated that in doing so it will bring the properties closer to conformance with the zoning standards. The existing homes are extremely outdated and this will be a significant upgrade to the neighborhood. Mr. Palus stated that the front lot would be lot 130 and the flag lot would be 130.1. The property is unique in that there are steep slopes and 175 feet of gas easements on the property. This makes the rear of the property unusable.

Mr. Palus stated that the following are the variances that they are requesting;

A 50 foot front yard setback for the backlot, where 75 feet are required, one 50 foot side yard setback for the backlot, where 75 feet are required, frontage of 182.86 feet for the front lot, where 200 feet are required; a Steep Slope Adjusted lot area of 93,641 square feet, where a minimum of 130,000 square feet is required for the backlot, and a Steep Slope Adjusted lot area of 31,852 square feet where 60,000 is required for a front lot.

Mr. Palus stated that sheet 2 shows conceptual homes for discussion purposes only. The applicant understands that any approval for this applicant is not approval for any construction. The proposed houses are on the flattest areas of the lots. Mr. Palus stated that both houses that are proposed would be in the same location of the existing houses.

Mr. Palus stated that there isn't a whole lot of utilities in this area and the BOH raised no objection to the proposed locations of the wells and the septic system. Mr. Palus stated there will be no natural gas and all heat will be either oil or propane. Mr. Palus stated that there are no drainage improvements or storm water management plans proposed. There are dry wells shown on the plan and can be modified

when construction plans are done. Mr. Palus stated that there are wetlands on the property, which the applicant has confirmation from the DEP with a 50 foot buffer. Neither the wetlands nor the wetlands buffers will be touched. Mr. Palus stated that the right-of-way area shown on the property will be revised to keep the pond entirely on private property.

Mr. Palus went over the following from Mr. Boorady's report dated October 29, 2018;

- #1 Completed.
- #2 The plans submitted incorporate all survey work done by the past surveyors.
- #3 Power lines traverse the property and service neighbors on Voorhis Road. The applicant will contact the power company in an effort to get those lines relocated or will otherwise give a license to the neighbor and the power company for their continued existence.
- #4 Agreed.
- #5 Agreed; Letter of Interpretation will also be recorded with the Subdivision Deed.
- #6 Agreed.
- #7 Agreed.
- #8 Previously addressed.
- #9 Agreed.
- #10 Agreed.
- #11 Application previously submitted to the County Board.
- #12 Will be provided when future construction on the property is proposed.
- #13 Agreed.
- #14 Agreed, when and where required.
- #15 Agreed.
- #16 Agreed.

Mr. Boorady stated that he would like to amend his letter dated October 29, 2018 that would require the structures to be demolished before recording the deeds and that the ER turn around for the flag lot needs to be paved.

Mr. LaSala stated that the applicant will create a temp easement or licenses from one property to the other to permit the creation of the driveways on the 2 lots.

Mrs. Roselius opened the meeting to the board for questions.

Councilman Yago asked that if the current homes on the property are inhabitable and Mr. Palus stated that it would require a lot of work.

Councilman Yago stated that he didn't see the need for the variances and wanted to know why this is considered a hardship.

Mr. Boorady stated that he see a couple reasons why this is a hardship, the steep slopes, grading, the driveway and septic. Mr. Boorady stated in moving the house closer to the front is less soil disturbance and the code also requires an ER turn around.

Mrs. Roselius opened the meeting to the public for questions.

Mr. Albert Szymanski from 59 Voorhis Rd stated that when he went to subdivide his lot he was told there wasn't enough frontage. Mr. Szymanski stated that he didn't see 250 feet of frontage for the application.

Mr. Boorady stated that the 250 feet comes from 200 feet for the front lot and 50 feet for the back lot. The applicant is asking for a 14 foot variance. The board can vote yes or no for the variance.

Mr. Szymanski asked where the 2 driveways are going and Mr. Palus stated one on the eastern side and one 50 feet to the west.

Susan Hellyer from 60 Voorhis Road asked how she won't be getting any more water with building 2 larger houses and 2 driveways. Mr. Palus stated that there will be seepage pits to collect the water.

Mrs. Roselius closed the public portion.

Mr. Bacchetta swore in Mr. Giuseppe Esposito owner of 63 Voorhis Road.

Mr. Esposito stated that he bought the property in 2015 and wanted to create 2 nice homes on the property. Mr. Esposito stated that he originally wanted to renovate the homes but was told they would have to be brought up to code and that it would take too much to do it.

Mr. LaSala asked Mr. Esposito if he agreed with Mr. Palus and Mr. Booradys comments and Mr. Esposito said yes.

Mr. Esposito stated that the power lines on the property are an ongoing issue, trying to get a dumpster up to the property was not able to get there because the lines were hanging too low. Mr. Esposito stated that he got someone out there from the electric company to raise the lines and was told that once they had an approved application they would move the lines. Mr. Esposito stated that he needs to have them come back again because the lines are hanging too low again. Mr. Esposito stated that he is willing to comply with paving the ER turn around but would rather do pavers. Mr. Esposito also stated that he is agreeable to put a temp easement into the deed and will also be doing all of the construction.

Mr. Bacchetta asked Mr. Esposito if what he said was that the Power Company was willing to come back and move the lines and Mr. Esposito stated that is has been almost a year that and they need to be called again.

Mr. Boorady stated that he has no objection to pavers being used but you still have to accommodate the runoff.

Mr. LaSala asked Mr. Esposito if he approached Mr. Szymanski to purchase a piece of his property and Mr. Esposito stated that he did but he didn't want to sell.

Mrs. Roselius opened the meeting to the public for questions and hearing no one closed the public portion.

Mrs. Roselius opened the meeting to the public for testimony.

Mr. Bacchetta swore in Mr. Albert Szymanski who stated that the problem with the electric has been going on for 40 years. Mr. Szymanski stated that he has been asking the power company to clear the trees but they won't. First Energy owns the company and they won't spend any money to fix anything. Mr. Szymanski stated that in the 2013 storm power was lost for 15 days and 75 trees came down. This is the same problem you are going to encounter with the power company. Mr. Szymanski also stated that he isn't sure how he is going to run lines underground through wetlands.

Mrs. Roselius closed the public portion and opened it back up to the board.

Mr. LaSala stated that the applicant has agreed to attempt to relocate the power lines, move the lot line in the front of the property to keep the pond on private property, before the deed is recorded all existing structures will be removed, when the deed is recorded a LOI and a maintenance manual will be recorded, maintain all agency approvals, ER turn around will be paved or pavers, a design for seepage pits, provide an easement or license regarding retaining walls, driveways and be part of the deed and will also restore the buffer area where the driveway is being removed.

Mr. Esposito asked if the trailer could be left during construction and Mr. Bacchetta stated that would be up to the Zoning Official.

A motion to approve the application subject to the above and Mr. Boorady's letter was offered by Mr. Savino, second by Mrs. Smialek with the affirmative "yes" vote of all on roll call.

Mrs. Roselius opened the meeting to the public in hearing no one closed the public portion.

Mrs. Roselius stated the next meeting is Jan 10th and will be the regular and reorg meeting.

A motion to approve the bills and adjourn at 9:40pm was offered by Mr. Savino, second by Mrs. Smialek with the affirmative "yes" vote of all on roll call.

Respectfully submitted,

Jennifer Highers, Secretary

cc: Planning Board Members
Planning Board Attorney
Planning Board Engineer
Borough Clerk
Board of Health
Fire Prevention Bureau
Zoning Official
Construction Official
Environmental Commission
Tax Collector
Assessor
Department of Public Works
Police Department
Morris County Planning Board