

Borough of Westville
Land Use Board Meeting Minutes
Regular Meeting – Monday, June 4, 2007

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Chairman Michael Sautter called the Meeting to Order at 7:35 p.m. Mr. Sautter advised that notice of this meeting had been advertised in accordance with the “Open Public Meetings Act.” Salute and Pledge of Allegiance to the Flag followed.

Roll call was taken with the following Board Members present: Chairman, Michael Sautter, William Bittner, Jr., Michael Carotenuto, Vincent DiCicco, Michael K. Galbraith, Dawn Leamy, Fritz Sims, John Louis, Russell Welsh, Charles Murtaugh (Alt.#1) and William C. Packer (Alt.#2). Solicitor, Gray Thompson, and Borough Engineer, James Spratt, was also in attendance.

Meeting Minutes from the Regular Meeting held on May 7, 2007 were approved by Michael Galbraith and seconded by Vincent DiCicco. Motion was unanimously approved by roll call vote.

OLD BUSINESS:

NEW BUSINESS:

Clearwire US LLC, Wireless Broadband (605 Ryan Avenue) was mentioned by Michael Sautter and Solicitor Thompson confirmed that it would not be heard at this time. He suggested that it be deemed complete by the 45-day rule. No action is really needed and it will allow them more time for a decision, if necessary. Mr. Thompson suggested that the Board may wish to consider retaining its own expert, since this is a co-location application, meaning that there’s an existing tower they propose to put their antennas on. Clearwire will presumably present expert testimony as to why they propose to put their antennas on the existing tower at this particular location. Mr. Thompson stated that the Board does have the right to have their own expert to agree or disagree with Clearwire’s testimony particularly with the gap they will allege they have in coverage and the need for antennas in that location. Such an expert would be paid from Clearwire’s escrow, not out of the Borough’s funds. The Board will make a decision at the next meeting as to the use of an expert witness.

- Application on Major Site Plan & Final Site Plan Approval for Library Addition at 1035 Broadway

Due to a conflict of interest and for voting purposes, Michael Carotenuto, William Bittner, Michael Galbraith, Russell Welsh and Dawn Leamy stepped down from their positions on the board and Alternates Charles Murtaugh and William Packer presided.

Representing the Library, Architect Mr. Daniel Rodier, was sworn in before presenting testimony. Solicitor Thompson confirmed that all correspondence was in order, and surrounding property owners were notified, and the notice was published in the Gloucester County Times, as required. He commented that the Board had jurisdiction to proceed with

the application. Mr. Rodier shared plans for an extension to the front of the existing Library/Municipal Building. They are looking to demo the first 6 feet, which is actually an enclosed porch. He also discussed a new addition which would come out 45 feet from the existing building; actually 20 feet plus the additional 5 feet from the extension. With the enclosed courtyard, it brings it out to within 10 ft. of the existing sidewalk facing Broad Street. He mentioned extending the existing pavers that currently run along side the building, planning to continue that to the courtyard and pedestrian connection to the existing sidewalk.

They are rearranging the parking to include a total of 18 parking spaces. Drainage is basically in the direction as existing now, with a possible decrease in amount of coverage. Courtyard has a fence on the low wall that encloses the courtyard. They are adding landscaping and grass to the area and including a bench area and extension of the paved sidewalk.

Michael Sautter opened discussion to the board members for questions. There were none. He then asked Engineer, James Spratt, to share his comments. Solicitor Thompson put Mr. Spratt under oath, before having him present his comments. Mr. Spratt found most of the comments were satisfactory responded to with only a couple open issues: One being a garage near rear of property. Mr. Thompson did not see it as an impediment to site plan approval. Another issue referred to it as being two separate lots. He suggested it would be practical to keep them as two separate lots, and the Board may, as a condition of site-plan approval, require consolidating lots. There was a survey, dated 9/4/06, that the Board may want to review for purposes of deed consolidation. It was acceptable by Mr. Rodier.

Comment #7 in Jim Spratt's letter of May 24, referenced the handicap parking sign. The detail on the Fine shows \$100 and is actually \$250. Mr. Rodier will see to the revision.

Lastly #9, on Mr. Spratt's letter, was in regard to the grading. In retaining current draining, there needs to be more spot elevations on the plan. Mr. Rodier confirmed that they did revise the plan to add those spot elevations.

Michael Sautter questioned the Parking spots. It was confirmed they are sufficient and meet the requirements of 10' x 20' with 2 handicap spaces.

William Packer commented that the number of spaces was more than sufficient.

He then asked Mr. Rodier about the intent to keep the Library open during construction; would there be any downtime? Mr. Rodier stated there will be a short period of downtime with every effort made by contractor not to interfere with Borough operations.

Michael Sautter questioned storage of construction materials. Mr. Rodier commented that space will be corded off for safety purposes.

Fred Sims questioned access to get inside of the fence to the Borough Hall when construction is going on. There shouldn't be a problem.

John Louis questioned access for the handicapped during construction. Mr. Rodier mentioned the Borough Hall's existing access with the intent to add a grading to the Library for access there.

PUBLIC COMMENT

Michael Sautter opened the meeting to the public. Since there were no comments at this time, Chairman Sautter closed the public portion.

COMMENTS FROM THE BOARD

Mr. Sautter asked for a motion to proceed. Given the facts from Mr. Spratt's testimony, Solicitor Thompson gave the Board permission to grant preliminary and final site plan approval, rather than have the applicant come back for final site plan approval. It should be made subject to applicant compliant with all outstanding issues as contained in Mr. Spratt's letter dated May 24, 2007, including but not limited to consolidation of the two lots and his review of the additional spot elevations. Mr. Spratt must review and approve the additional spot elevations for the purpose of avoiding the potential wintertime ice conditions in the courtyard.

A motion to approve Mr. Thompson's comments on preliminary and final site-plans was made by Charles Murthaugh and seconded by William Packer.

Solicitor Thompson explained the conditions of requirements on Mr. Spratt's letter would be requiring a Deed of Consolidation with approval, and the applicant has already indicated that they added the language on the handicap parking sign, as well as adding spot elevations, all with details subject to review and approval by Mr. Spratt.

There were no additional questions about the motion. The motion was unanimously approved by roll call vote.

COMMUNICATIONS

All members returned to their positions on the Board.

Solicitor Thompson requested reviewing back to the Clearwire US LLC application. In hearing some previous comments, in favor of retaining an expert representing the Board, Mr. Thompson asked for a motion to approve that. The motion was made by Michael Galbraith and seconded by Russell Welsh.

Mr. Thompson was asked who the Board might consult and he agreed to check into it, with Jim Spratt's help.

The issue they will present refers to Gap in Coverage, and does it meet the criteria and why they need the Board's approval to grant the application. The expert would review it and either agree or disagree.

Motion was approved by roll-call vote, with board member Mr. Bittner voting abstained.

- Correspondence from Federici & Akin Consulting Engineers, referencing Minor Sub-division Plate 8 – Approval for James Lenny – 101 Walnut Street, Block 85, Lot 1

James Spratt commented that applicant addressed all the technical comments, but has to provide documentation that outside agencies approvals have been obtained. Legal descriptions are outdated and should be corrected to show that the legal description is the same date as the current plan. He confirmed that he has been in contact with Mr. Lenney's attorney and that he sent them a letter stating those requirements.

Solicitor Thompson stated that there's no action needed by the board, but the applicant is out of time, and anticipates the need for an application to extend the minor sub-division approval to permit recording of the subdivision beyond the 190 days.

Dawn Leamy made a comment that the Lenney's were told they had to put in a driveway, which they have not done, and how would that be addressed. Bill Bittner recalled the issue as well and also noted that he didn't see anything in the resolution stating that requirement for the existing lot; only that it was noted for the new lot. Attorney Thompson stated that it would be dealt with when the Board addresses it at a later time, due to the need for an extension since the applicant is out of time. The applicant is required to either apply for an extension or reapply altogether. As a condition of the extension, the Board can require them to put a driveway along the side of the property with access to Walnut Street before the sale of the property and that the statement would be added to the resolution at the time.

PUBLIC COMMENT:

Michael Sautter opened the meeting to the public for comment. With no comments, the Public Portion was closed.

MEETING ADJOURNMENT:

A motion to adjourn was made by John Louis, seconded by Bill Bittner and unanimously approved by roll call vote.

Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Sharon J. Sutter
Board Secretary

The next meeting is scheduled for July 9th.