

**Borough of Westville
Land Use Board
Meeting Minutes
Monday, July 9, 2007**

Meeting was called to Order by Solicitor Thompson at 7:37 p.m. by Chairman Sautter, who opened with the customary salute and pledge of allegiance to the flag and advised that notice of this meeting had been advertised in accordance with the "Open Public Meetings Act."

Roll call was taken with the following present: Solicitor Gary D. Thompson, James A. Spratt, Engineer, William J. Bittner, Jr., Fritz Sims, Michael Carotenuto, Michael Sautter, Vincent DiCicco, Russell Welsh, Michael K. Galbraith, Dawn Leamy, John Louis, Charles Murtaugh (Alt#1) & William C. Packer (Alt#2)

A motion to approve meeting minutes from June 4, 2007 was made by Vince DiCicco and seconded by Michael Carotenuto. Unanimously approved by voice vote.

OLD BUSINESS:

RESOLUTION R-07-10 Granting Preliminary and Final Major Site Plan Approval to the Borough of Westville RE: Block 92, Lots 13 and 14 (1035 Broadway) Library addition was approved on a motion by Fritz Sims, seconded by Vincent DiCicco and unanimously approved by roll call vote.

Attorney for M/M Lenny, Philip DuVilla was present to request an extension of time to record deeds for Minor Sub-division Plate 8: James Lenny - 101 Walnut Street, Block 85, Lot 1, due to delays. Parking issue was discussed and Mr. DuVilla advised that the plans show a driveway with the curb cut for the parking. A motion to approve a 183 day, extension [period to begin approximately May 15 through November] was made by William Bittner and seconded by Russell Welsh. Motion approved unanimously by roll call vote.

NEW BUSINESS: Solicitor Thompson advised that the application for Clearwire US LLC, Wireless Broadband (605 Ryan Avenue)Block 98, Lot 17 is for a Use Variance and Application for Waiver of review of Site plan would be a Zoning Board Application during which Mayor and Council would step down. [At this time, Mayor Galbraith and Council President Russell Welsh sat in the audience.] Attorney Nicholas T. Menas, of Cooper Levenson, Attorneys at Law, represented the applicant. Expert witnesses for the applicant were Jamin Johnson, RF Engineer with Clearwire, 11 years various experience with Nextel, etc., and had testified before approximately 300 - 400 Boards in PA, NJ, DE. & Peter M. Longo, Professional Engineer with Innovative Engineering, Inc., who is licensed in NJ PA and NY. Mr. Longo has been licensed for approximately 20 years and has testified before approximately 100 boards. Both witnesses were deemed to be giving expert testimony. There was a lengthy discussion on the company's proposal and the size and placement of the antenna's.

Motion to approve the Use Variance was made by Vince DiCicco, seconded by William Bittner. Motion approved unanimously by roll call vote.

Motion granting a Site Plan Waiver with conditions was made by John Louis, seconded by Vince DiCicco. Motion approved unanimously by roll call vote

Public Comment:

No comment from the public.

COMMUNICATIONS

- Letter of resignation from Sharon Sutter was accepted on a motion by William Bittner, seconded by Russell Welsh. Motion approved unanimously by roll call vote.
- Correspondence from Federici & Akin Consulting Engineers, referencing Pellegrino Chevrolet Site Plan Review No. 3.
- Correspondence to Mayor & Council, from State of NJ Department of Environmental Protection, Division of Water Supply-Water Supply Permitting Element re: Permit Application for a Simplified Water main Extension Permit to construct, modify and operate Public Water Works from Broadway to the Salerno Building. (Proposed 5-story high-rise)

SUB COMMITTEE REPORT:

St. John's Lutheran Church, Duncan Avenue 2nd Floor - Proposed Use of Temporary Homeless Facility - There will be no cooking, any change in use and/or Safety requirement issues. Organization must work in conjunction w/Fire Department & Housing Department, addressing any safety issues and notifying appropriate personnel as to dates and number of families. *No Further Action Required.* A motion to approve the recommendations of the Sub Committee was made by William Bittner seconded by Michael Galbraith. Motion approved unanimously by roll call vote.

Dance Arts Plus Performing Arts Competitions, the Encore Store & Kritter Korner and Pictures On The Move, 144 Broadway – Proposed Use for Dance Boutique & Professional Offices Establishment:

Store front and first room will be The Encore Store and sales space for Kritter Korner. Second room will be used for Pictures On The Move, the large, middle room for office space, the two smaller rooms and outer area for office & storage space and the three apartments kept as apartments and rented to the current occupants. *No Further Action Required.* A motion to approve the recommendations of the Sub Committee was made by William Bittner seconded by Michael Galbraith Motion approved unanimously by roll call vote.

PUBLIC COMMENT:

Public Comment:

No comment from the public.

MEETING ADJOURNMENT:

Motion to adjourn made by John Louis and seconded by Michael Carotenuto. adjourned at 9:18 p.m.

Meeting