

Chairman Hatcher called the regular Meeting of the Board of Adjustment of January 7, 2004 to order at 7:30 p.m.

MEMBERS PRESENT:

Present: Morris Bauer, Elliot Averett, Ralph Hatcher, Harvey Ort, Craig Schwemmer, John Turick
Alternate Members: Felix Graziano, Dorothy Walter
Members Absent: Schwemmer
Others Present: Attorney Frazer, Engineer Hall, Planner Banisch
 Clerk Kesper

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 15, 2003 and posted on the Bulletin Board on the same date.

Mrs. Walter was sworn in by Attorney Fraser.

MINUTES

1. January 7, 2004 Reorganization and Regular Minutes

Mr. Ort made a motion to approve the minutes; seconded by Mr. Averett. Minor corrections were made. A voice vote was taken on the amended minutes; Mrs. Walter abstained, all others were in favor and the motion carried.

RESOLUTIONS

04-08 James & Maureen Sciortino – 17 Dogwood Drive – Block 23, Lot 48.08
 – R-5 zone – request for front and side yard setback and insufficient lot size

The resolution was reviewed.

Mr. Bauer made a motion to approve the resolution, seconded by Mr. Ort. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Hatcher, Ort, Turick

Nays: None

Abstentions: None

Absent: Schwemmer

Ineligible: Walter

04-09 Bruce Barella – 46 West Valley Brook Road – Block 34, Lot 11.06 – R-5
Zone – 5. 12 acres – request for insufficient setbacks for flag lot –
Expires April 1, 2004

The resolution was reviewed.

Mr. Ort made a motion to approve the resolution, seconded by Mr. Bauer. A roll call vote was taken.

Ayes: Averett, Bauer, Graziano, Hatcher, Ort, Turick

Nays: None

Abstentions: None

Absent: Absent: Schwemmer

Ineligible: Walter

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Basile – Block 4 Lot 7.04 – 74 Route 46 – C-2 Zone request for use variance for used car dealership – Expires April 17, 2004

Mr. Hatcher announced that the meeting was adjourned to March 3, 2004 at applicant's request.

2. Corwin – Block 46 Lot 28 – 6 Lawrence Trail – R-20 Zone – Request for variances for non-conforming structure, side yard setback, lot size, lot width, lot coverage and no frontage on a public street for addition to existing home

Evan Corwin and Tammy Corwin were sworn in by Attorney Fraser.

Ms. Corwin submitted photographs that she took today. The photographs were marked exhibit A-1.

Mr. Corwin stated that the house is currently a one story cottage and they would like to raise the roof and move the two bedrooms upstairs. He stated that other homes in this area have also done this.

Mr. Hatcher reviewed the letter from the health department approving the plan with conditions.

Mr. Corwin stated he would comply with the Board of Health letter.

Ms. Corwin stated that they are basically expanding the house upward with the exception of the one area that they are squaring off on the first level. They are not going any closer to the property line.

Mr. Corwin stated that the road is a private dirt road, no curbs and the photographs pictured areas where emergency vehicles could turn around. He referred to the plans and stated that the house is currently 4.61' from the property line and with the addition it will be 4.51'. The house will remain a two bedroom home.

Ms. Fraser referred to the architects report regarding the pre-existing setbacks and the variances needed.

Mr. Corwin answered the Board that the water is supplied by a private company water system and the septic is a private system. The septic is off the back of the house. The deck will not be over the septic or field. He answered that there are no other options to enlarging the house. They are not able to purchase any other property to make the lot conforming.

Ms. Corwin stated that two times recently the fire department had responded to calls in their area and were able to traverse the streets.

Mr. Corwin stated that the garage on the property would remain. He stated that the steps and landing in the front would be removed and bring the house into more conformity with the R-20 zone requirements.

Mr. and Ms. Corwin explained the current interior and the changes they propose. They will side the entire home in the same materials.

Mr. Banisch stated that the applicant has done everything they can to improve the lot and not further encroach on the setbacks.

Ms. Fraser reviewed the existing setbacks and the setbacks for the zone.

Mr. Averett made a motion granting the setback variance allowing construction up to four feet from the property line, seconded by Mr. Graziano. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Hatcher, Ort, Turick, Walter

Nays: None Abstentions: None Absent: Absent: Schwemmer

3. Omnipoint – Block 60, Lot 13 – 12 Parker Road (Fairmount Fire House) – OR/I Zone – Minor Site Plan to collocate on existing Monopole – Expires March 8, 2004

C. Stamos, Applicant's Attorney

Frank Pazden, Applicant's Engineer

Dawn Shimp, Applicant

Yvan Joseph, Applicant's Radio Frequency Engineer

Mrs. Walter and Mr. Ort stepped down due to conflicts of interest.

Mr. Stamos stated that the applicant is proposing to add their antennas to the existing tower and put their equipment cabinet in the current compound. He noted that a report from their RF expert had been submitted to the Board.

Mr. Hatcher stated that the board would accept the RF report without testimony from the author.

Mr. Banisch reviewed his report of February 4, 2004. He noted that this is a permitted use, and that the applicant is complying with the collocation requirement. He reviewed the ordinances and stated that the applicant complies with all parts of the ordinance.

Frank Pazden was sworn in by Attorney Fraser.

Mr. Pazden presented his qualifications to the board as a telecommunications engineer.

Mr. Hatcher accepted Mr. Pazden as an expert witness.

Mr. Pazden stated that the six antennas would be similar low profile flush mount in size 12 x 54" and design will match the color of the Sprint the antennas. PBC mini is basically an electrical cabinet. He stated that the generator area was for emergency use and that there would not be a generator

on site. A generator would only be brought in if there were more than an eight hour power outage. He agreed to note this on the plans as well as a note about the color of the antenna. He stated that the applicant is proposing to mount at 100'. He stated that it would be possible for another carrier to mount at 90'.

Dawn Shimp of Omnipoint / T-Mobile was sworn in by Attorney Fraser and explained her position with the company and stated that the applicant is not mounting at 110' as that has been reserved by another carrier.

Yvon Joseph was sworn in by Attorney Fraser and presented his qualifications as a Radio Frequency Engineer.

Mr. Hatcher accepted Mr. Joseph as an expert witness.

Mr. Joseph referred to a USGA map with three service area overlays showing existing and proposed facilities which was marked A-1. He stated the green dots represent existing locations; the red dot represents the proposed location; blue represents proposed area and yellow areas they will be looking to provide service in the near further.

Mr. Joseph stated that the first overlay represented areas of reliable coverage, most of the township has unreliable or no service areas.

Mr. Joseph explained that the second overlay represents the coverage that will be gained with the antennas at the firehouse. Currently the objective of the applicant is to cover the county roads in the Township. He answered Mr. Turick that mounting ten or twenty feet higher would give them a little more coverage, but not much because of the surrounding terrain. He did not due a study at 140 or 150 to determine if the coverage area would cover existing areas. Based on his experience it would probably take a tower of 200+ feet to get the signal over the ridge. If a higher level would become available they would probably come back to the Board to mount on the increased height. He answered Mr. Banisch that the silos on West Mill Road is not high enough to reach this area.

Mr. Joseph explained that the third overlay represents towers that Ominipoint plans to mount on in the near future. They would need at least two more locations to cover the 517 corridor from Tewksbury to Hackettstown.

The Board discussed the colors of the antennas and decided that they wanted the antennas and mounting to match the galvanized pole.

Mr. Stamos stated that the applicant agreed to this requirement.

The meeting was opened to the public for questions and comments on this application. There were no questions and the meeting was closed to the public for questions and comments.

Mr. Turick made a motion to approve the collocation with the conditions discussed this evening, seconded by Mr. Averett.

Ayes: Averett, Bauer, Graziano, Hatcher, Turick

Nays: None Abstentions: None Absent: Absent: Schwemmer

Ineligible: Ort, Walter

Mr. Ort and Mrs. Walter returned to the Board.

4. Gordan-Johnansen, Inc. – Block 43 lot 74 – Fishers Mine Road – R-5 Zone – Request for review of conditions of resolution 03-14 -Approval of request for permission to build on a lot without frontage on a public street and variance for lot frontage

Barry Markowitz, Applicant's Attorney
Johanson, Applicant

Mr. Markowitz stated that the applicant has been unable to get any of the residents on the road to enter into a road maintenance agreement. He stated that there have been substantial improvements to the roadway, but it is not 16' wide, but they have gotten as far as they can with the other property owners. He stated that recycling, garbage and fire trucks have now used the road. He asked that condition 4 be modified to accept the improvements that have been done. He noted that prior to this application, the Lyman's had applied and received approval for a building lot which is further in from the existing public roadway and they had the similar requirements and were also not successful in meeting all of the improvements the board initially requested. He stated that the landowner of the largest portion of the roadway is present for questions.

Mr. Hall agreed that there has been some widening of the road done, but not to 16'. He wanted to know why, if permission was granted for two feet of widening, why the applicant couldn't get permission for the additional widening.

Mr. Pultz stated that he agreed to widening to only 14'. He explained the vehicle pull-over improvements that have been made of the years. He stated that he agreed to make the two feet widening improvements only because of the fire department letter. He was not willing to allow the road in front of his property to be widened further. The fire department brought their ladder truck and another truck down the road and were able to get thru and turnaround.

He stated that since widening garbage trucks, recycling, UPS trucks have all been using the road.

Mr. Hall reviewed the fire department correspondence and the paragraph regarding the passing of vehicles at 14' and the need for a 16' road.

Mr. Markowitz reiterated that his client has significantly improved the road.

Mr. Pultz answered the board that in the areas where the driveways and pull-over areas are there is more than sufficient for passing. The driveways and pullover areas are about 150' apart. There are at least three large pull over areas wider than 14'.

Mr. Markowitz noted that the landowners at previous hearings stated that they would continue to maintain the 12' vertical height.

Ms. Fraser read and reviewed the December 29, 2003 letter and E-mail of January 6, 2004 the Schooley's Mountain Fire Department.

Mr. Markowitz stated that this is a private road and the applicant has done all the road improvements that he has been able to obtain permission to do. He reviewed the pull over areas that are available. He asked for condition 4 to be amended.

The board reviewed the correspondence from the Fire Department and the issue of the width and available passing zones and reviewed the improvements that were made.

Mr. Pultz answered Mr. Hall that he agreed to allow the applicant to improve his property to 14' wide, stoned and cleared to a 12' vertical height the entire length of Fisher Mine Road.

Mrs. Pultz stated that the public portion of Fisher Mine Road is only about 12' wide.

Mr. Johanson agreed to do this prior to a building permit.

Ms. Fraser suggested that condition four be amended to read: The applicant shall obtain permission from the owners of block 43 lots 67 and 68 to clear and stone fisher mine road to a width of 14' and a vertical height of 12', up to the applicants driveway, prior to the issuance of a building permit.

Mrs. Walter made a motion to approve the amendment to condition 4 as read by Ms. Fraser, seconded by Mr. Averett. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Hatcher, Ort, Turick, Walter
Nays: None Abstentions: None Absent: Absent: Schwemmer

5. Verizon – Block 30, Lot 71.02 – Esna Drive – Request for an extension on Resolution 03-07 of approval to mount antennas on the Sprint monopole

The request for an extension of time was reviewed.

Mr. Bauer made a motion to grant the one year extension to March 4, 2005.
Seconded by Mr. Ort.

Ayes: Averett, Bauer, Graziano, Hatcher, Ort, Turick, Walter
Nays: None Abstentions: None Absent: Absent: Schwemmer

***DISCUSSION -
CORRESPONDENCE***

1. Vouchers

Mr. Averett made a motion to approve the vouchers as reviewed by the chairman and found in order and send same on for payment. Seconded by Mrs. Walter. A voice vote was taken; all were in favor and the motion carried.

2. Telecommunications Ordinance

Ms. Fraser stated that the Township is working on revising the ordinance based upon the Boards year end report and that she had been contacted for input.

Mr. Bauer made a motion to adjourn, seconded by Mr. Averett. A voice vote was taken; all were in favor and the meeting was adjourned at 9:00 p.m.

Virginia R. Kesper, Clerk