

Chairman Jones called the regular meeting of December 12, 2005 of the Washington Township Planning Board to order at 7:40 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, R. Gregory Jones, William Leavens, Kathleen McGroarty, Howard Popper
ALTERNATES: Sam Akin, Lou Mont
CLASS I: Geoffrey Price
CLASS II:
CLASS III: Kim Ball Kaiser
OTHERS ABSENT: Trevena
STAFF PRESENT: Clerk Kesper, Engineer Hall, Planner Banisch, Attorneys Cofoni

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 15, 2005 and posted on the Bulletin Board on the same date. Five notices were mailed, as there were five requests.

****NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM****

Pledge of Allegiance

MINUTES

- 1. Minutes from the November 29, 2005 Regular Meeting

Mr. Kaiser made a motion to approve the minutes, seconded by Mr. Popper. Minor changes were made. A voice vote was taken; Ms. McGroarty abstained; all others were in favor and the motion carried.

RESOLUTIONS

None

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

DECISIONS ON COMPLETENESS

New Cingular Wireless Block 12, Lot 29 – Thomas Farm Lane and Flocktown Road – R-5 Zone 5.1 Acres – Request for Minor Site Plan approval of wireless communication antennas on existing PSE&G electric transmission tower

Michael Levine, Applicant's Attorney
Anthony Suppa, Applicant's Engineer

Anthony Suppa was sworn in by Attorney Cofoni.

Mr. Levine explained that the application is before the board for approval of antennas on an existing electrical transmission tower, with no increase in height. He was asking for a waiver from the completeness item to submit a Highlands approval/waiver/exemption.

The file was reviewed for completeness. It was noted that a Highlands waiver or approval had not yet been received.

Mr. Levine stated that in other township's they have gotten waivers from the DEP, they have not gotten any denials, but requests for further information. He explained the exemption that the highlands could issue.

Mr. Hall did not object to waiving this requirement for this application based on the testimony and the minor amount of disturbance involved.

Mr. Leavens made a motion to deem the application complete, requiring a highlands waiver or approval as a condition of approval if the application is approved. Seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

APPLICATIONS

1. New Cingular Wireless - Block 12, Lot 29 – Thomas Farm Lane and Flocktown Road – R-5 Zone 5.1 Acres – Request for Minor Site Plan approval of wireless communication antennas on existing PSE&G electric transmission tower

Michael Levine, Applicant's Attorney
Anthony Suppa, Applicant's Engineer
Vishal Kadaria, Applicant's RF engineer
Peter Tolischus, Applicant's Planner

December 12, 2005

Vishal Kadaria was sworn in by Attorney Cofoni and presented his qualifications.

Mr. Jones accepted Mr. Kadaria as an expert witness.

Mr. Kadaria referred to exhibit A-1 which was a map of Cingular's coverage area. He pointed out the other Cingular antenna sites in the township and proposed areas where they hope to mount on existing structures. He explained that the green on the map is where they have reliable coverage and white is where they do not have reliable coverage. He referred to exhibit A-2, which showed in red the area this antenna would cover, which is approximate. The facility would be an unmanned equipment box that would be visited approximately once a month.

Mr. Levine stated that they do not have an exclusive agreement with PSE&G for space on the tower. The driveway would be exclusively on PSE&G property. The antennas would not exceed the existing height of the tower.

Mr. Kadaria answered Mr. DiSalvo stated that the antennas would be mounted on the tower closest to Flocktown Road. He stated that if they move the antennas to a tower further away from Flocktown Road they would get different coverage but as the lease with PSE&G is for this tower Cingular did not do a coverage analysis on the other PSE&G towers. The coverage objective was to cover Flocktown Road. He answered Mr. Jones that they did not mount higher because of the visual impact. He answered Mr. Banisch that Cingular is looking at a 2006-2007 approval of the other sites in the township. A third propagation map was marked A-3 and the coverage with other proposed sites was marked A-4. Exhibit A-3 and A-4 included coverage from the other two proposed sites and the site being discussed this evening. There will be a need for one more location to fill the gap along Route 46. He answered Mr. Banisch that this is the site that their search people brought to them and they did not look at any other sites because it met the Township's ordinance requirement of mounting on pre-existing structures.

Mr. Banisch informed the Board that based on the ordinance co-location is the first priority as well as heights under 120' and that this meets those priorities.

Peter Tolischus was sworn in by Attorney Cofoni and presented his qualifications as a Professional Planner.

Mr. Jones accepted Mr. Tolischus as an expert witness.

Mr. Tolischus stated he prepared the aerial photo showing the area of Cingular's proposed antenna on the PSE&G tower that was marked exhibit A-5 and the photo board of the area, which was marked A-6. The closest house would be 600' from the tower. He pointed out the tower they propose to mount on. He explained each of the photographs. The cabinet would be located on the southwest side of the tower where there is significant vegetation. He stated that it was his opinion that the visual impact is almost negligible. He stated that the photos were taken from the location that the tower is the most visible. The

antenna will match the tower, galvanized steel color. There is no view of the base of the tower as they are totally within a wooded area.

Mr. Hall stated that there is an existing access drive and asked if the motoring public could see the equipment compound.

Mr. Tolischus stated that the compound would be to the left of the tower and would not be visible from a motorist on Flocktown Road.

Mr. Banisch asked that the vegetation currently on site be left and if found necessary by the Township Engineer evergreens be planted to hide the compound.

Mr. Levine stated that they would provide landscaping as long as PSE&G allows it. He will ask PSE&G to accept the landscaping.

Mr. Suppa referred to the plan submitted to the board and marked it exhibit A-7. He explained the location of the tower and pointed out the vegetation and existing access. The pointed out the proposed 12' gravel drive up to the tower and compound to the left of the tower. It was his opinion that they would be able to put landscaping along the compound fence, but not out 20' from the compound. He referred to page two of the plans and marked it A-8. He pointed out the existing footprint of the tower and the proposed compound. The tallest cabinet would be 6'4 and the fence is 7' and will hide all of the cabinets. There are no lights or generator proposed with this application. He explained that there would be twelve antennas at two points 12' below the top of the tower. The antennas proposed 50" x 10" x 3". He stated that the structural report states that the tower can handle the 12 antennas as described. The site would be visited once every 4-6 weeks by a technician in a pick up truck for an hour or so. He answered the board that all work on the tower is done by PSE& G contractors. Regarding the request for a waiver from the stormwater, there would be less than impervious 3500 sf of additional impervious coverage. The compound is 31.5' x 10' the equipment is located on a concrete pad. There is a 2-4 hour battery back up for the antennas. The waiver they are seeking would not impact the surrounding properties.

Mr. Levine stated that regarding the road right of way width, he would ask PSE&G to grant it.

Mr. Hall stated that the subdivisions on either side of this property have the right-of-way and he requests that the board require the granting of a right-of-way in front of this property.

Mr. Levine stated that he would request from PSE&G permission to plant shade trees.

Mr. Banisch suggested a condition that the applicant must request PSE&G the three requirements, shade trees, berm landscaping and the right of way, and a letter of reply from PSE&G.

Mr. Hall item I of his letter also require a 50' visual buffer.

The board discussed this issue and it was decided to make these items a condition of approval that these items be requested by the applicant of PSE&G. If they are not granted the Cingular request and PSE&G reply must be found to be satisfactory by the Board attorney.

Mr. Suppa stated that the property had been walked for wetlands and there are no wetlands or wetland transition areas within 300' that would impact this site. He could not state whether there are any wetlands anywhere on the entire five acre lot.

The board accepted this.

Mr. Suppas answered Mr. Hall that the area of disturbance is less then 5000 sf.

Mr. Suppa answered Ms. Kaiser that the fence would be composite material and cedar in color.

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

Mr. DiSalvo made a motion to instruct attorney to draw up a resolution of approval including the granting of the requested waivers and the four conditions as defined during testimony and highlands approval. Seconded by Mr. Leavens. A voice vote was taken; all were in favor and the motion carried.

Eligible: Bauerlein, DiSalvo, Jones, Kaiser, Leavens, McGroarty, Popper, Price, Akin, Mont Absent: Trevena

2. Regency at Long Valley I (Formerly Jade Land – Welsh Farms Estates) – Block 28, Lots 46 & 47 – Village age restricted housing overlay zone – 27.83 acres –45 Age Restricted Town Homes – Request for subdivision name changed from Welsh Farms Estates to Regency at Long Valley

Mr. Mont, Ms. Kaiser, Mr. Jones and Mr. Leavens stepped down due to a conflict of interest.

Mr. Selvaggi asked for a name change of the subdivision from Welsh Farms Estates to Regency at Long Valley.

Mr. Glenn stated that the name change is for marketing purposes. He answered Mr. DiSalvo that the architecture would remain the same as well as the street

names of Welsh Farm Lane, Dairy lane and Raspberry Lane. He stated that they found a good deal of memorabilia on the property that they wanted to incorporate into the site as part of the entrance sign or donate to the Township Historic Society.

Ms. McGroarty asked that the fact that this site was the former Welsh Farms be incorporated into the sign in some manner.

Mr. Banisch asked that some of the memorabilia be incorporated into the sign.

Mr. Glenn stated that he would try to do this.

Mr. Hall read from the ordinance regarding names of subdivisions.

Mr. Glenn stated that he would submit a the proposed sign design to Mr. Banisch for approval.

Mr. Glenn stated that demolition of the buildings on the site is scheduled to begin in early January and that they hope to obtain building permits in the spring and the first Certificate of Occupancy by the end of 2006. He stated that verbally the DEP has approved all permits.

Mr. Price made a motion to approve the subdivision name change to Regency at Long Valley with the condition that the sign be approved by the Board planner. Seconded by Mr. Leavens. A roll call vote was taken:

Ayes: DiSalvo, Leavens, McGroarty, Popper, Bauerlein, Price
Nays: None Abstentions: None Absent: Trevena
Ineligible: Mont, Jones, Kaiser, Akin

Ms. McGroarty left the meeting.

***DISCUSSION /
CORRESPONDENCE***

1. Washington Township Board of Education

Mr. Jones stated that Mr. Harmon was out of town on business and could not attend. He asked that Mr. Banisch develop questions on enrollment and that the Board members send Mr. Banisch questions to incorporate into a letter. Mr. Harmon will answer the questions or attend a future meeting.

2. Vouchers

Mr. Price made a motion to approve the vouchers found in order by the chairman and send same on for payment, seconded by Mr. Leavens. A voice vote was taken; all were in favor and the motion carried.

3. RO-43-05 Stream Corridor Buffer Ordinance
RO-44-05 Ridgeline Ordinance
RO-45-05 Fertilizer Ordinance
RO-46-05 Stormwater Control Ordinance

The Board reviewed the above ordinances. It was noted that the ordinances are the same as what the Board had sent to the committee previously.

Mr. Hall stated that the stormwater ordinance does not include minor subdivisions that have less than 1 acre of disturbance and less than ¼ acre of impervious coverage. He stated that the state regulations require that the Township adopt a stormwater ordinance by adopted by April 2006. He also suggested that he be directed review this ordinance to see where it conflicts with other sections of the ordinance.

Ms. Kesper was directed to contact the Township Attorney regarding this issue.

Mr. Akin explained his concerns with ordinance 44-05 (Ridgeline) about the lots that run from the ridge to the valley and the way the ordinance is written any property within 100' of the ridgeline would have to be reviewed by the Township Engineer and possibly come before the Planning Board or Board of Adjustment.

Mr. Jones noted that the ordinance is written to allow for waivers and variances for this type of issue.

Mr. Banisch stated that he spoke to Ms. DeBona regarding this issue and they did not find a way to change the wording and exempt those properties and have the ordinance meet its objective, especially because the line is not exact. He referred to section F that allows for the Board to review and exempt a property if the property owner provided reasons why the ordinance should not be applied to a particular property.

The board reviewed section page 5, F-1 that requires planning/zoning board or township engineer approval.

Mr. Jones made a motion to move RO 46-05 to the Township Committee drawing attention to the boards concerns regarding possible conflicts and recommending that the Township Engineer be directed to review the ordinances to determine if and where there may be conflicts that should be modified. Seconded by Mr. Popper. A voice vote was taken; Mr. Akin abstained, all others were in favor and the motion carried.

4. Sign Ordinance

Mr. Banisch stated that Mr. Jordan had a lot of comments about the ordinance. One of Mr. Jordan's comments was that his time is limited to conduct enforcement and that the township really needs a full time zoning officer. He had concerns about pre-existing and temporary signs, grandfather conditions, and what happens if there is no abandonment of the use of a non-conforming sign.

Mr. Banisch stated that a change of use /occupancy sign review requirement would be the best way to handle this but questioned if this were legally permissible and who should conduct the review the zoning officer or the Board. It was his opinion that the board should conduct the review if they really wanted to have a say in how the signs look. Mr. Jordan also had concerns regarding how he would we be able to make them change pre-existing signs such as neon size/height of poles etc.

The Board discussed the Grandfathering provision and concluded that signs would be grandfathered until a change in use or occupancy occurred at which time the occupant would have to comply with new ordinance.

The board had a long discussion on temporary signs for farms and concluded that they did not have to be regulated, as they are not the nuisance signs that the board was discussing. All agricultural signs should be exempt from this ordinance.

A sign permit requirement was discussed. It should be a requirement that the homeowner gives permission to put up any sign, political or otherwise, whether or not it is in a right of way.

It was also discussed that it would be the landlord, not the tenant, who should be required to come in for a sign permit and receive the fines if the ordinance is not complied with.

Mr. Banish was directed to incorporate the Board's discussions and Mr. Jordan's comments into the ordinance for further discussion at the January 9th meeting.

Mr. DiSalvo made a motion to adjourn, seconded by Ms. Kaiser. A voice vote was taken; all were in favor and the meeting was adjourned at 10:40 p.m.

Virginia R. Kesper