

Washington Township Board of Adjustment

January 8, 2014

Chairman Spina called the regular Meeting of the Board of Adjustment of January 8, 2014 to order at 7:00 p.m.

MEMBERS PRESENT: Elliott Averett, Frank Baguiao, Morris Bauer, Anthony Spina, Craig Schwemmer, Harvey Ort
Alternate Members: Dorothy Walter, Geoffrey Price
Members Absent: Robert Bridgman
Others Present: Engineer Leon Hall, Attorney Gail Fraser, Planner David Banisch, Teri Lyons (attending for Secretary Margolese)

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 17, 2013 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

Pledge of Allegiance.

MINUTES

1. December 4, 2013 Regular Meeting

A motion was made by Mr. Bauer to approve the minutes of December 4, 2013 as presented, seconded by Mr. Price. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Morris Bauer, Frank Baguiao, Anthony Spina, Dorothy Walter, Geoffrey Price
Nays: None Abstentions: Craig Schwemmer, Harvey Ort

The meeting was opened to the public for items not on the agenda.

No comments were received and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Sprint Spectrum and JCP&L - Block 51, Lot22.02 – 220 Middle Valley Road
R-5 Zone -Wireless communications tower and 4 equipment cabinets Conditional Use Preliminary/Final Site Plan Application with Variances for tower height and setbacks
Deemed complete: October 2, 2013 Request to carry hearing to January 8, 2014

The Board decided to defer this matter until the applicant's attorney had been contacted. took a straw poll regarding the request to carry the hearing to the January 8, 2014 meeting. It was unanimously agreed to carry this hearing to the January 8, 2014 meeting. It

January 8, 2014

Washington Township Board of Adjustment

January 8, 2014

was announced that the hearing for Sprint is being carried to the January 8th, 2014 Board meeting and that no further notice will be given.

2. Terence Stone & Laurie Campanelli – Block 52, Lot 9 – 31 Sky Top Road – R-5 Zone Variance to allow single family dwelling construction on a non-dedicated street & Variances for pre-existing non-conformities (front yard setback, lot width, lot frontage, minimum lot size) Deemed complete 7-3-13 - Consent to extend submitted by applicant through 2-6-14

The Board was informed that the applicant had requested that to carry the hearing to the February 5, 2014 meeting and that consent to extend the time for the Board to hear this application was granted until February 6, 2014.

A motion was made by Mr. Bauer, seconded by Mr. Averett to agree to carry the Terence Stone variance application to February 5 and to accept the extension to hear this application until the next Board of Adjustment meeting. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Morris Bauer, Frank Baguiao, Anthony Spina, Dorothy Walter, Geoffrey Price, Craig Schwemmer, Harvey Ort Nays: None Abstentions: None

3. Meadowbrook Day Camp (Four Bucks Farm) – Block 37, Lot 25 – 73 E.Valley Brook Rd. Preliminary & Final Major Site Plan with “C” and “D” Variances
Representatives present: Anthony Sposaro, Esq., John Hansen, P.E. (Ferriero Engineering) Deemed Complete on 12-4-14

Mr. Bauer and Mr. Price recused themselves for this application due to conflicts of interest. Mr. Ort and Mr. Schwemmer stated that they had listened to the tape recording of the previous meeting and Attorney Fraser stated that they are eligible to vote on this application. Project Engineer John Hansen gave a brief overview of the proposed project. Mr. Schwemmer asked Engineer Hall about the status of the applicant’s determination of exemption from the Highlands Council. The applicant’s attorney Anthony Sposaro stated that the application for exemption #4 was submitted to the Highlands Council after the meeting in December. Planner Banisch stated that the Highland exemption letter could be made condition of the Board’s approval.

The Board reviewed Engineer Hall’s letter dated December 2, 2013. Attorney Sposaro stated that the plans that were submitted to NJDEP and the Board of Health for the septic system are the same plans that were submitted to the board. Mr. Hansen stated that the size and location of the structure are slightly different. Engineer Hall advised that the board ask for NJDEP approval of the slightly changed plans showing the field house modifications.

The board asked for public comment. Ms. Jackie Leach (70 East Valley Brook Road) asked what exemption #4 is. She was told by Mr. Hansen that it refers to non-

January 8, 2014

Washington Township Board of Adjustment

January 8, 2014

residential facility reconstruction. It was noted that the lot coverage is not being increased on the property as a result of this proposal.

Mr. Robert Hellriegel stated that there are tents with roofs on the property. He asked if they were considered in Mr. Hansen's calculations. Mr. Hansen said that they were not. Ms. Walter asked how there is no increase of impervious coverage if there are tents with roofs on them. Mr. Hansen stated that the tents are in locations where there is already impervious surface.

Mr. Harry Bullock (96 East Valley Brook Road) stated that the size of the proposed building sounds like the size of an industrial structure. She asked what the justification of the size of the building is. He said that the camp produces lots of traffic, noise and pollution. Attorney Sposaro stated that the proposal for the additional toilets and the field house are to improve the campers' camp experience.

Applicant Jed Buck was sworn-in. He stated that he and his wife own the camp. He said that the property has been used for educational and recreational facility purposes since the 1950's. He stated that in 1990 the camp name was officially changed to Meadow Brook Day Camp. Mr. Buck stated that he and his wife purchased the property in 2004. Mr. Buck stated that the reason for the size of the field house is for safety reasons. He said that for days with inclement weather or extreme heat the campers need a place to go and also to provide a secure and solid building for lock-down purposes. Mr. Buck stated that he has interaction with the community but that he does not have corporate picnics. He said that he does hold two not for profit picnics for groups like the local fire department. He said that he donates the space and the staff for these events. Mr. Buck noted that the camp gives a four week scholarship to a camper every year for an Old Farmer School kindergartner to attend the camp for four weeks.

Mr. Buck stated that the moveable structures are used for classrooms for things like music and arts and crafts and for changing in and out of swimwear. He said that there is no overnight camping. Mr. Buck informed the board that his background was in the radio business and his wife was a nursery school teacher. He said that they decided to run a camp together.

Mr. Buck stated that the camp has 13 toilets and 20 port-a-johns. He stated that the average number of campers is 235 to 350 on a weekly basis. He stated that the camp operates five days per week. Mr. Buck stated that there are 285 people on staff at the camp. He stated that the maximum number of campers based upon enrollment is 900 campers. He said that because of day trips, absenteeism and campers that only come for two or three days per week the average number is much lower.

Mr. Buck stated that the day starts at 9:00 a.m. but before care is available from 7:00 a.m. He said that only 8 staff are around at 7:00 a.m. and that only a few children use the before care camp. Mr. Buck stated that the majority of the staff (around 280) arrives around 8:45 a.m. He said that many of the staff arrives by the camp buses. He said that 70 sixteen passenger mini-buses drop off the campers within a ½ hour period from 8:45 to 9:15 a.m.

Washington Township Board of Adjustment

January 8, 2014

Mr. Buck stated that bigger buses are used for the day trips. He said that the camp day ends at 4:00 p.m. with after camp care being provided from 4:00 p.m. to 6:00 p.m.

Mr. Hellriegel stated that there are a number of campers that live in his neighborhood. He asked where the buses go after they drop off the children at camp. Mr. Buck stated that some stay and some go from the property. He said that the speaker system is not used for emergency purposes only. Mr. Buck stated that it is used only for essential uses. He wanted to know how the camp was run without adequate toilet facilities. Mr. Buck addressed the nursery school operation. He stated that the school is licensed for 107 students and had a full day kindergarten but that it does not anymore.

Mr. Harry Bullock stated that this is a residential street and that with the number of campers going from 350 to 900 this just adds more traffic, pollution and noise. Attorney Fraser stated that that is not relevant to this application as they are not proposing additional campers.

Mr. John Nichols (21 Bartley Road) asked where safety ranks in importance for the camp with regard to the campers. Mr. Buck stated that safety is the number one priority and that the decision to build the field house was 100 percent safety driven.

Ms. Jeanne Fisher stated that with 70 buses and 285 staff how the camp plan to have 900 campers does. Attorney Fraser stated that the applicant has stated that the approval for this camp looks at the average daily attendance.

Mr. Hansen testified as a planner providing positive criteria for the D2 variance. He stated that the project will see a reduction of lot coverage on the site and that with regard to negative criteria there are no substantial detriments to the zoning plan and to the public good that will result from this proposal. He stated that there will be no increase of water usage or septic system because the design of the site is not changing. Ms. Walter asked how the replacement of port-a- johns with toilets would not result in an increase in water usage. Mr. Hansen said that the septic system is going to be expanded.

The hearing was open to questions from the public regarding the planning testimony. There were none.

The board opened the hearing to public statements on this application. Mr. Richard Dacey (51 East Valley Brook Road) was sworn-in. He stated that has never had any problem with the camp He said that he works from home and that the camp has a flag person directing the bus traffic in the mornings. He said it is well coordinated. He said that the Bucks are genuinely interested in kids and that the only late night activities are when they have the teepee campfires. He said that it is a wonderful place for children to go.

Ms. Vickie Finlay (3 Hillside Terrace) was sworn-in . She stated that she has lived in Long Valley for 10 years and that she works at the camp. She said that the Bucks are honest and really care about the community. She stated that they provide scholarships for many kids to attend the camp that can't afford it.

January 8, 2014

Washington Township Board of Adjustment

January 8, 2014

Ms. Beth Tank (157 East Valley Brook Road) was sworn-in. She stated that the community is fortunate to have the Bucks and their camp. She said that traffic issues for the camp have been worked out.

Mr. Jesse Hellyer (68 East Valley Brook Road) was sworn-in. He said that he and his wife had a baby in July of last year and that the camp did not create noise enough to disrupt the baby's sleep.

Ms. Jackie Leach (East Valley Brook Road) was sworn-in. She stated that she definitely has seen the camp grow and that there are definitely traffic and loud music issues.

Ms. Judy Fischer (East Valley Brook Road) was sworn-in. She stated that she lives across the street and that they moved to Long Valley 14 years ago for the peace and quiet. She said that the camp has decreased her quality of life and that she and her husband pay a lot of taxes. She said that they do not like the music that the camp plays and that they have a problem with the bus traffic and garbage being left in their driveway and cars waiting in their driveway.

Mr. John Nichols stated that this application is for the field house and that that structure is being built for safety reasons.

Mr. Schwemmer stated that in 1999, when the camp came in for the application for the pool the resolution of approval (99-20 dated 6/20/99) stated that the average number of campers was 227 to 350 and that no swim meets with outside groups would be held and that no catered events except for a limited number of non-profit group events would be allowed and that the public address system would not be used unless it was deemed essential. Mr. Schwemmer noted that there is a big difference between 350 campers and 900 campers. Mr. Buck stated that they looked at last year's data and that the average was based upon the average daily attendance. He said that it looked at the pre care attendance and the mini day and full day attendance and the full day attendance without the mini day attendance and the after camp care attendance to determine the average. Mr. Buck stated that they have 5 late nights where they have activities until 9:00 p.m. each summer.

Mr. Buck told the board that the number of buses has increased to 70 not because of an increase in campers but because of the campers coming from a wider geographical area. He stated that no swim meets are held and that the pool is used only during the daytime hours. He stated that the only weekend activities are the two not-for-profit events. The board asked for public questions. Mr. Robert Hellriegel (87 East Valley Brook Road) was sworn-in. He stated that since 1999 he has seen the township allow this camp to grow. He stated that there is a lot of noise from the camp's pa system. He said that he is sorry that he does not have kids that can go to the camp for free.

Attorney Sposaro stated that Mr. Buck's testimony was to the point and not evasive. He stated that the average was based upon the daily attendance and that it has been in accordance with the 1999 resolution requirements. He said that the Bucks have the right to continue to use this property for this use. He said that only one thing has changed, that the

Washington Township Board of Adjustment

January 8, 2014

number of buses has increased and that that was because of greater geographical area sending campers to the camp.

Attorney Fraser stated that the applicant is applying for a "D2" Variance to be able to expand a non-conforming use.

Mr. Averett stated that he has worked for a school system and that he has driven a bus and that safety is very important. He said that the increased traffic is not because of an increased number of campers but because the camp is providing more transportation to a larger area.

Attorney Fraser noted that the construction of the field house will not increase the number of campers. Mr. Schwemmer stated that he is okay with the proposed buildings but he is sensitive the traffic issue. He noted that people have moved near the camp after had already been established and then complain that they live near a camp.

Ms. Walter stated that she has no problem with proposed buildings because they are necessary. She said that she is not sure that that size field house will provide the amount of safety that the camp is hoping for. She said that she acknowledges the increased bus traffic. She said that the noise can carry on days depending on the weather. She noted that this is a partial variance as the camp is not expanding. She did note that any opportunity to decrease the noise and traffic would be appreciated.

Mr. Averett made a motion grant approval of the preliminary and final major site plan along with the "C" and "D2" variances for Meadow Brook Day Camp with the condition that the applicant must receive their letter of exemption from the Highlands Council, they must receive approval from the NJDEP for the modified building location and size, and must receive all other meet all standard conditions of approval. The motion was seconded by Mr. Schwemmer. A roll call vote was taken and the motion carried.

Ayes: Elliott Averett, Anthony Spina, Dorothy Walter, Craig Schwemmer, Harvey Ort
Nays: None Abstentions: None

4. Sprint Spectrum and JCP&L - Block 51, Lot22.02 – 220 Middle Valley Road
R-5 Zone -Wireless communications tower and 4 equipment cabinets Conditional Use
Preliminary/Final Site Plan Application with Variances for tower height and setbacks
Deemed complete: October 2, 2013 Request to carry hearing to January 8, 2014

Attorney Fraser stated that she had spoken with the applicant's attorney Greg Meese and that he had agreed to extend the time to hear this application until the March 5th meeting and to have the board carry the application until that meeting.

A motion was made by Mr. Bauer, seconded by Mr. Schwemmer to agree to carry the Terence Stone variance application to February 5 and to accept the extension to hear this application until the next Board of Adjustment meeting. A voice vote was taken; all were in favor. The motion carried.

January 8, 2014

Washington Township Board of Adjustment

January 8, 2014

Ayes: Elliott Averett, Morris Bauer, Frank Baguiao, Anthony Spina, Dorothy Walter, Geoffrey Price, Craig Schwemmer, Harvey Ort Nays: None Abstentions: None

5. Hackettstown Hyundai – Block 4, Lot 7.01 – 40 Route 46 – C-2 Zone
Preliminary and Final Site Plan with “D” Variance – Completeness Determination

Mr. Price recused himself from hearing this application and the next Hackettstown Hyundai application due to a conflict of interest. The board reviewed Engineer Hall’s report dated 1/3/14. The board decided to grant the waivers for Checklist Item #8: Development Impact Statement, Checklist Item #9: Surface Water Management Plan, Checklist Item #10: Wetland information for tracts less than 10 acres, Checklist Item #11: Soil Disturbance Permit application and #13: Phase I Geologic Survey Checklist which were recommended in Mr. Hall’s report. Checklist item, #6: names of holders owning 10% or more of interest in the corporation, Checklist item #12: Engineer stating that plat complies with ordinance and Checklist item #15 Highlands Questionnaire were found to be deficient. It was also determined that an application had not been made to the Morris County Planning Board.

A motion was made by Mr. Bauer, seconded by Mr. Ort to deem the application for Block 4, Lot 7.01 as incomplete because of those items noted as deficient in Engineer Hall’s January 3, 2014 report and that the applicant needs to submit an application to the Morris County Planning Board and that the board grant the waivers for Checklist Item #8: Development Impact Statement, Checklist Item #9: Surface Water Management Plan, Checklist Item #10: Wetland information for tracts less than 10 acres, Checklist Item #11: Soil Disturbance Permit application and #13: Phase I Geologic Survey Checklist. A roll call vote was taken; all were in favor and the motion carried.

Ayes: Elliott Averett, Dorothy Walter, Anthony Spina, Frank Baguiao, Harvey Ort, Craig Schwemmer Nays: None Abstentions: None

6. Hackettstown Hyundai – Block 4, Lot 1 & 7.02 –20 & 29 Route 46 – C-2 Zone
Amended Preliminary & Final Site Plan (Lot 1) and Preliminary & Final Site Plan “C” and “D” variances (Lot 7.02) - Completeness Determination

A motion was made by Mr. Averett, seconded by Mr. Bauer to deem the application for Block 4, Lot 1 and Lot 7.02 as incomplete because of the deficient checklist items noted in Engineer Hall’s 1/3/14 report. A roll call vote was taken; all were in favor and the motion carried.

Ayes: Elliott Averett, Dorothy Walter, Anthony Spina, Frank Baguiao, Harvey Ort, Craig Schwemmer Nays: None Abstentions: None

Mr. Price rejoined the board.

Mr. Price rejoined the Board.

DISCUSSION - CORRESPONDENCE

January 8, 2014

Washington Township Board of Adjustment

January 8, 2014

1. Vouchers

Vouchers were received from Banisch Associates for a total of \$624.00. Vouchers were received from Gail Fraser Law for a total of \$841.50. The motion to approve the submitted vouchers was made by Mr. Bauer and seconded by Mr. Schwemmer. A voice vote was taken; all were in favor and the motion carried.

Mr. Bauer made a motion to adjourn, seconded by Mr. Ort. A voice vote was taken; all were in favor and the meeting was adjourned at 10:25 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary

January 8, 2014

8