

Washington Township Board of Adjustment

November 5, 2014

Chairman Spina called the regular Meeting of the Board of Adjustment of November 5, 2014 to order at 7:00 p.m.

MEMBERS PRESENT: Elliott Averett, Anthony Spina, Robert Bridgman, Geoffrey Price, Harvey Ort
Alternate Members: Dorothy Walter, Mark Soga (arrived at 7:24 p.m.)
Members Absent: Morris Bauer, Frank Baguiao,
Others Present: Engineer Leon Hall, Attorney Gail Fraser, Planner David Banisch, Secretary Barbara Margolese, Radio Frequency Expert Dr. Bruce Eisenstein

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. October 1, 2014 Regular Meeting

A motion was made by Mr. Bridgman to approve the regular meeting minutes of September 3, 2014 as presented, seconded by Mr. Price. A voice vote was taken and the motion carried.

Ayes: Elliott Averett, Anthony Spina, Robert Bridgman, Dorothy Walter, Geoffrey Price

Nays: None Abstentions: 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.

RESOLUTION

14-14 Marc Aumick - Block 13.01, Lot 17 – R1R2 Zone – .69 Acres - “C” Variance Application

Proposed addition of a garage and mudroom which will be within the required side yard setback

The Board reviewed the resolution. A motion was made by Mr. Averett, seconded by Ms. Walter to adopt the resolution as presented.

Ayes: Elliott Averett, Anthony Spina, Dorothy Walter, Geoffrey Price, Robert Bridgman, Harvey Ort

Nays: None Abstentions: None

APPLICATIONS

1. Dean & Margaret Calderwood - Block 12.05, Lot 22.01 – R-5 Zone – 1.11 Acres - “C” Variance Application - Proposed addition of a front porch which will be within the required front yard setback – Public Hearing

A motion was made by Mr. Price, seconded by Ms. Walter to deem the application complete. A roll call vote was taken and the motion carried.

Ayes: Elliott Averett, Anthony Spina, Dorothy Walter, Geoffrey Price, Robert Bridgman, Harvey Ort

Nays: None Abstentions: None

Washington Township Board of Adjustment

November 5, 2014

It was announced that the notice for this hearing was satisfactory and that the taxes payment for this property was current. Dean and Margaret Calderwood were sworn-in as the applicants. Mr. Calderwood told the Board that he and his wife are proposing to construct a 6 ½ foot front porch onto the front of their existing single family home which would result in a principal structure front yard setback of 66.2 feet. As a result, a variance from the required 100 foot front yard setback is needed. The Calderwoods stated that Beam Lane does not have a Home Owners Association but that as a private road the property owners have a shared agreement and an informal arrangement with regard to road maintenance.

Mr. Calderwood informed the Board that there are no steps proposed onto the porch and that the existing walkway will be cut to match up with the porch. Mr. Banisch stated that the applicant has addressed all of his previously made comments in a letter received by the Board. He stated that the negative criteria for the variance have been satisfied and that a hardship exists.

Mr. Price noted that there are two sheds on the submitted survey for the property. He asked if they were there when the Calderwoods bought their home. Mr. Calderwood stated that they were. Mr. Price pointed out that the existing percentage of lot coverage noted as 10.5% and the proposed lot coverage of 11.2% appear to be too low. He stated that he believed that the percentage will be closer to but not over 15%. Engineer Hall stated that having an as-built survey done by a NJ licensed Professional Land Surveyor submitted as a condition of the approval after the improvement is constructed will identify the exact lot coverage. The Board opened the hearing to the public for comments and questions; to which there were none.

A motion was made by Ms. Walter, seconded by Bridgman to grant the “C-1” Variance for front yard setback to allow a setback of 66 feet where 100 feet is required with a condition that an as-built survey done by a professional Land Surveyor licensed in NJ be submitted after construction deem the application complete. A roll call vote was taken and the motion carried.
Ayes: Elliott Averett, Anthony Spina, Dorothy Walter, Geoffrey Price, Robert Bridgman, Harvey Ort
Nays: None Abstentions: None

Mr. Soga joined the Board at 7:24 p.m.

2. Hackettstown Hyundai – Block 4, Lots 1 & 7.02 – 28 Route 46 – C-2 Zone- Prelim. & Final Site Plan with “D” Variance – Completeness Determination

Mr. Price and Mr. Bridgman recused themselves for this application. Engineer Hall stated that this application has been before the Board for completeness several times since its initial submission in January 2014 and that it still has not been deemed complete. He noted that the Board does not have a record of taxes being current for this property. He noted that the content of the application has not changes very much since the September submission and that he recommends that the application be deemed incomplete again.

A motion was made by Mr. Averett, seconded by Mr. Soga to deem the Hackettstown Hyundai, Block 4 Lots 1 and 7.02 application incomplete.
Ayes: Elliott Averett, Anthony Spina, Dorothy Walter, Mark Soga, Harvey Ort Nays: None
Abstentions: None

A motion was made by Mr. Averett, seconded by Mr. Soga to direct the Board’s secretary to send a letter to the applicant stating that unless he is prepared to proceed with a complete application

Washington Township Board of Adjustment

November 5, 2014

for the next meeting the Board will take action to dismiss the application due to a lack of prosecution.

Ayes: Elliott Averett, Anthony Spina, Dorothy Walter, Mark Soga, Harvey Ort Nays: None
Abstentions: None

Mr. Price and Mr. Bridgman rejoined the Board.

3. Manny Fuel - Block 59, Lot 30.01 - 359 Fairmount Road – Proposed Canopy over existing fuel pumps

Minor Site Plan with “D” Variance for expansion of a non-conforming use & “C” Variance for front yard setback - Completeness Determination & possible public hearing

Mr. Averett recused himself from hearing this application due to a conflict of interest. Engineer Hall reviewed his report dated 10-31-14 stating that the lighting plan which was submitted by the applicant’s engineer is adequate for completeness purposes only.

A motion was made by Mr. Price, seconded by Mr. Soga to deem this application complete with the lighting plan being accepted for completeness only.

Ayes: Anthony Spina, Dorothy Walter, Geoffrey Price, Robert Bridgman, Mark Soga, Harvey Ort Nays: None Abstentions: None

The applicant’s attorney Robert Mielich reintroduced the application. The applicant’s engineer George Gianforcaro was sworn-in. Mr. Gianforcaro stated that on the lighting plan it is proposed that two light stations are to be removed on the site. He noted that the lighting that is being proposed will be recessed under the canopy and that the existing lighting provides 110 foot candles at the surface of the asphalt. Mr. Gianforcaro referred to sheet SP-1 and SP-2 of the submitted site plan showing a revised site on the plans of 9-30-14. He stated that the canopy will produce 0 foot candles of light along the north and south property lines. Mr. Gianforcaro stated that a new light is being proposed for the area outside the restroom and that a handicapped accessible ramp will be installed to the entrance of the bathroom. He stated that the proposed canopy will have a sloped roof to give it a residential effect and that the aluminum of the canopy will have the name Delta painted on it.

Mr. Gianforcaro stated that the Morris County Planning Board has stated that they want to see “in” and “out” arrows painted in the driveways. He said that shrubs are to be planted along the northerly side and not the southerly side as there are existing mature evergreen trees in that location. Mr. Gianforcaro stated that the dumpster in the southwest corner of the property will be enclosed by a board on board fence which will have a double swinging gate. It was noted that during the time that trash is picked-up, the two parking spaces in front of the dumpster will be vacated. It was noted that the hours of operation will be 6:00 a.m. to 9 p.m. seven days per week. The Board asked when fuel deliveries are to be made. The Board was told that the applicant would have to testify to that information.

Engineer Hall asked if the lighting from the existing price sign and the light stations produce glare for adjoining property owners. He stated that shields need to be installed on the Fairmount Road side and along the north and south side of the property. Planner Banisch stated that the lights are diffused and results in the neighbors experiencing glare. Mr. Gianforcaro stated that the fixtures can be changed to cut the glare and shields can be added. He said that if shielding does not work the fixtures will be replaced to make the situation satisfactory. Mr. Banisch noted that the lighting plan that was submitted differs from the foot candles read from a light meter under the fixture. Mr. Banisch recommended that the Board require the lighting be on

Washington Township Board of Adjustment

November 5, 2014

only during the hours of operation and that timers be put on the lights. He stated that the neighbors need a degree of certainty regarding the lighting on this site and this includes the illuminated free standing sign as well. He advised that an in-service lighting inspection be carried out with light meters after installation. Engineer Hall stated that if the light fixtures are to be replaced then state of the art shoe box fixtures must be installed.

Engineer Hall stated that deliveries should be limited to 7:00 a.m. to 7:00 p.m. He noted that junipers are being proposed for the site and that a note is to be added to the plans that these shrubs are to be maintained at all times and will kept at a height of 30 inches or less. He advised that all lights be on timers including the free standing sign and that the lights be off by 9:15 p.m.

Mr. Banisch advised that the gate for the dumpster enclosure be a self-closing gate. He pointed out that there are two free standing signs on the property; the taller Delta price sign and a movable price sign located on the site's grassy strip by the road. Mr. Banisch recommended that the Board cut down on the number of free standing signs at this site. Mr. Gianforcaro referred to Exhibit "A-1", a photograph showing the existing signage on the site dated 11-5-14 which he had taken. Mr. Hall stated that the owner needs to testify why he needs two free standing signs at the site.

Mr. Price asked about the propane tank replacement area on the site. He was told that the applicant will have to address questions regarding the propane tank replacement area. The Board opened the meeting to public comment and questions. Mr. John Croke, 356 Fairmount Road asked if the light stations will be shielded so that light does not extend beyond the property lines. He was told that they will be shielded. He asked when the in-service light test will be done. He was told that the test will conducted once the lights are installed prior to the owner receiving his certificate of occupancy. Mr. Hall stated that the Board needs to receive a comprehensive plan which shows every light being proposed including the free standing signs and the two light stations. Mr. Banisch recommended that a detail be provided on the plan for the proposed light to be installed outside of the restroom.

Attorney Fraser stated that the applicant needs to provide testimony prior to the applicant's Planner providing negative and positive criteria for the "D" variance. She announced that the public hearing for this matter is being carried without further notice until the December 3, 2014 meeting which will begin at 7:00 p.m. She stated that the expectation is for the applicant and the applicant's Planner, Peter Ricci, to testify at that meeting. Mr. Hall stated that a revised lighting plan is to be submitted and must be in the Board office by November 21.

The Board took a recess from 8:38 p.m. to 8:45 p.m.

4. Sprint Spectrum and JCP&L - Block 51, Lot 22.02 – 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 yard setbacks

Mr. Ort recused himself from hearing this application due to a conflict of interest and left the meeting. The applicant's attorney Greg Meese reintroduced the proposed project. Mr. Meese stated that the plans had been sent to the Shade Tree Commission and that their response was that if the Board wanted trees planted they would review the plan for those trees. Mr. Hall stated that trees will be required and the plan will then be reviewed by the Shade Tree Commission.

Washington Township Board of Adjustment

November 5, 2014

Mr. Meese referred to Exhibit "A-6", the applicant's letter to the Shade Tree Commission's letter dated 9-10-14. He then referred to Exhibit "A-7" a letter stating that the cell tower would not need to have a light on it for aviation purposes dated 9-19-14. Mr. Meese then referred to Exhibit "A-8", a letter dated 12-20-13 from the NJ State Historic Preservation Office stating that there are no historic structures on this property. It was noted that a letter dated 9-30-14 which was received from the Washington Township Historic preservation Commission questions this finding. Mr. Meese stated that the applicant can send the Historic Preservation Commission's 9-30-14 letter to the NJSHPO and ask them to comment on the letter.

Architect Frank Colasurdo testified (noted that he was sworn-in during previous meeting). Mr. Colasurdo stated that the decibel levels of the tower have been provided and that they were based upon physical testing. He referred to Sheet SK-1 of the submitted plans stating that the projected sounds being projected out onto the site from the cabinets have been shown. He noted that background sounds were not considered with this testing nor was the construction of the new barn on the site. He stated that the noise from the cabinets will meet the noise criteria limit. He stated that a pre-installation test and post-installation test can be done. Mr. Banisch noted that the Board should consider noise abatement in a situation where the noise can be considered a nuisance. He stated that the introduction of a generator turning off and on could be considered a nuisance in an existing quiet environment. Ms. Walter noted that this is a horse farm and that the plan should consider the fact that the horses could be spooked by a sudden noise on the property. It was noted that an 8 foot high fence is being proposed and that a small acoustical blanket could be hung over the fence. Mr. Meese stated that to do this would be cumbersome and that the sound being produced would be insignificant. Mr. Hall stated that the applicant's architect had testified that if there are complaints regarding noise an acoustical blanket could be hung. He advised that a test for ambient noise levels be conducted by a licensed tester between the hours of 11:00 p.m. and 6:00 a.m. Mr. Bridgman noted that a steady humming from the equipment is less offensive than a non-continuous noise, like hearing a baby cry. He said that he did not think that noise would be an issue.

Mr. Colasurdo addressed a question which was asked during the previous meeting regarding ice fall from the windmill. He stated that a report was submitted to the Board which shows that the wind mill will have a slow spin rate and that it has a spin brake. He said that the spin rate is to be ¼ feet per ½ second. He added that he has never heard of ice being an issue with these cell tower wind mills.

Mr. Colasurdo addressed the requirement of looking at alternative sites for the cell tower. He referred to Exhibit "A-9" which is an 11" x 17" sheet showing the existing MCI tower located at 180 East Springtown Road dated 10-30-14. Mr. Colasurdo stated that this tower has no room for Sprint's antennas.

The Board opened the meeting to public comment and questions for this expert. Mr. John Peppas (210 Middle Valley Road) stated that his property is 130 feet from the proposed tower location and that he has horses on his property that he is concerned about. He stated that he can hear Centenary's generator already from his property. Mr. Colasurdo stated that that generator is closer than the proposed tower will be. Mr. Patrick Ferrante (15 Califon Road) asked about the lighting proposed for the tower. Mr. Colasurdo stated that a flood light will be installed which will be switch operated when work needs to be done on the cabinets. Mr. Ferrante asked if the estimates for noise provided accounted for an echo or sound reflection off of existing buildings. Mr. Colasurdo stated that it did not. Mr. Ferrante noted that this area gets a lot of traffic and asked what a safe distance from the tower would be Mr. Colasurdo stated that ½ the

Washington Township Board of Adjustment November 5, 2014

height of the tower or 80 feet from the tower is a safe distance. The meeting was closed to public comments and questions.

It was announced that the public hearing for this application is to be carried to the December 3, 2014 meeting with no further notice at which time the hearing will continue with the Radio Frequency Engineer's testimony.

DISCUSSION - CORRESPONDENCE

1. Vouchers

The motion to approve the submitted vouchers was made by Ms. Walter and seconded by Mr. Bridgman. A voice vote was taken; all were in favor and the motion carried.

Mr. Soga made a motion to adjourn, seconded by Mr. Bridgman. A voice vote was taken; all were in favor and the meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary