

Washington Township Board of Adjustment

August 6, 2014

Chairman Spina called the regular Meeting of the Board of Adjustment of August 6, 2014 to order at 7:00 p.m.

MEMBERS PRESENT: Elliott Averett, Anthony Spina, Robert Bridgman, Frank Baguiao, Harvey Ort, Geoffrey Price
Alternate Members: Mark Soga, Dorothy Walter
Members Absent: Morris Bauer
Others Present: Engineer Leon Hall, Attorney Gail Fraser, Planner David Banisch, Radio Frequency Expert Dr. Bruce Eisenstein, Secretary Barbara 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. July 2, 2014 Regular Meeting

A motion was made by Mr. Soga to approve the regular meeting minutes of July 2, 2014 as presented, seconded by Mr. Bridgman. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Anthony Spina, Mark Soga, Robert Bridgman

Nays: None Abstentions: Dorothy Walter, Geoffrey Price

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.

RESOLUTIONS

14-11 John Capezza - Block 20.08, Lot 20 – R1R2 Zone – .92 Acres - “C” Variance
Replacement of front stoop with porch & wood deck which will extend into the front yard setback

The Board reviewed the resolution. A motion was made by Mr. Soga, seconded by Mr. Bridgman to adopt the resolution as presented. A roll call vote of all eligible voters was taken and the motion carried.

Ayes: Anthony Spina, Robert Bridgman, Elliott Averett, Mark Soga

Nays: None Abstentions: None

14-12 Allan Gordon – Block 45, Lot 25 – 170 Old Turnpike Road - R-20 Zone - Acres - “C”
Variance - Proposed second level for one-story addition which had received front yard and side yard setback variance in 2010

The Board reviewed the resolution. A motion was made by Mr. Soga, seconded by Mr. Bridgman to adopt the resolution as presented. A roll call vote of all eligible voters was taken and the motion carried.

Ayes: Anthony Spina, Robert Bridgman, Mark Soga

Nays: None Abstentions: None

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14-13 Barbara Beaver – Block 59, Lot 54 – 198 Beacon Hill Road – R-5 Zone - Acres – “C” Variance - Proposed construction of a detached garage within the required side yard setback

Mr. Price recused himself for this application due to a conflict of interest. Ms. Beaver stated that she had concerns with the right-of-way dedication. She stated that she was still speaking under oath from the meeting in July and that she was not being represented by council at this meeting. She stated that the road is only 27 feet from her front step and that there are large maple trees that are only 8 feet to 10 feet from the road. She noted that her well is located 22 feet from the edge of the road and that slivers of property were added for the water rights along the road. Engineer Hall was sworn-in. Mr. Hall stated that the board should be guided by the township master plan and its circulation plan and that it is recommended that the right-of-way width for Beacon Hill be 60 feet. It was noted that based upon the 12 foot half road width, if rolled curb is replaced with paving and 6 inch Belgian block curb, the board could waive the right-of-way dedication requirement.

Attorney Fraser stated that the setback to the existing garage is 74.8 feet from a point on the asphalt curb and then from the corner of the property line to the garage measures 91.3 feet. Mr. Hall stated that a stake-out must be done by a professional Land Surveyor to measure the exact distance of the garage from the property line and that the distance for the variance is to be no less than 86 feet.

The Board reviewed the resolution approving this variance application. A motion was made by Mr. Averett, seconded by Ms. Walter to adopt the resolution as amended with the noted conditions regarding the revised measurements being presented on the plans and the changes regarding no right-of-way dedication being provided. A roll call vote of all eligible voters was taken and the motion carried.

Ayes: Anthony Spina, Elliott Averett, Robert Bridgman, Mark Soga, Dorothy Walter
Nays: None Abstentions: None

Mr. Price rejoined the board.

APPLICATIONS

1. Manny Fuel - Block 59, Lot 30.01 - 359 Fairmount Road – Proposed Canopy over existing fuel pumps - Site Plan with “D” Variance for expansion of a non-conforming use & “C” Variance for front yard setback - Completeness Determination

Mr. Averett recused himself for this application due to a conflict of interest. The Board reviewed Engineer Hall’s report dated August 4, 2014. Mr. Hall had noted in his report that this application is still incomplete and that a meeting with the applicant has been scheduled for the following week to discuss the outstanding items.

A motion was made by Mr. Price, seconded by Mr. Soga to deem this application incomplete as per recommendations made in Engineer Hall’s review letter dated August 4, 2014.

Ayes: Anthony Spina, Mark Soga, Robert Bridgman
Nays: None Abstentions: None

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Mr. Averett rejoined the Board.

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, min. lot size) Deemed complete 7-3-13 Extension granted to hear application to 9-3-14

Attorney Fraser stated that she had called the applicant's attorney William Strazza and had left a very detailed message regarding this application. The board had a brief discussion regarding the status of this application.

A motion was made by Mr. Averett, seconded by Mr. Soga to direct the board secretary to send a letter to the applicant and his attorney stating that the escrow must be brought current for next month's meeting by August 20th or the this application will be dismissed administratively. A roll call vote of all eligible voters was taken and the motion carried.

Ayes: Anthony Spina, Elliott Averett, Robert Bridgman, Mark Soga, Geoffrey Price, Frank Baguiao, Dorothy Walter Nays: None Abstentions: None

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

Mr. Ort recused himself due to a conflict of interest. The applicant's attorney Greg Meese stated that this is a co-application by Sprint and JCP&L. He stated that the proposed cell tower is to be a lattice tower with a nonfunctioning windmill on top. Mr. Meese stated that the height of the tower is to be 171 feet. He said that the antennae are to be 150 feet above grade so that they can work. He noted that a fence is also being proposed along with the replacement of a 40 foot by 30 foot pole barn. Mr. Meese stated that the applicant is asking for a height variance as the maximum height is 120 feet. He also stated that a 300 percent setback or 513 feet setback is required from the nearest residence and that the nearest residence will be 506 feet 6 inches or 200 percent.

Engineer Hall stated that relief is needed for the following sections of the ordinance; 217-76k (landscaping), 217-57a3 (fencing around the equipment compound and 12 foot to the top of the GPS unit), 217-D1 (200% of the tower height for distance to residences with the actual distance being 131 foot 2 inches and the required distance being 341 feet).

Architect Frank Colasurdo was sworn-in. He presented Exhibit "A-1", Sheet T-3 from the set of site plans colorized. He stated that the 65 acre parcel is the location of Centenary College's equine studies program. Mr. Colasurdo stated that the fenced in gravel area that will comprise the compound will house 4 equipment cabinets. He stated that wood ties will be used to hold the gravel in place. Mr. Colasurdo stated that the lattice tower will have 6 antennae and 3 remote radio units. He said that the antennae will be 150 feet above grade. Mr. Colasurdo presented Exhibit "A-2", a photograph of the existing farm building on the property. He stated that the pole barn is to match the butler building that exists on the site. Mr. Colasurdo noted that the GPS unit is part of the equipment and is to be attached to the coaxial tray and will be connected by a connection wire. Engineer Hall stated that in accordance with ordinance 217-57A3, the limits of the height of equipment inside of the compound is 10 feet. Mr. Colasurdo stated that the GPS can be moved to the tower so that a variance would not be required. Mr. Hall also stated that the applicant should submit their plans to the Shade Tree Commission for review

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and that the board should have a letter from the Shade Tree Commission with their comments. It was noted that notice will be made regarding landscaping on the site.

Mr. Colasurdo stated that utilizes for the site are currently located around 50 to 60 feet south of the compound location and that the applicant is hoping to relocate the utilities underground. Mr. Colasurdo stated that the applicant chose the windmill design to blend in with the surrounding area. He stated that there are alternative designs such as flag poles or trees that are used. He stated that the flag pole design would have the antennae inside the monopole which adds height to the pole. He stated that the tower has a proposed base that is 18 1/2 feet in length and 18 1/2 feet in width and that this will be an unmanned facility. He noted that a person will come to the site to test the facility every 4 to 6 weeks. He said that the facility is monitored 24 hours per day.

Mr. Colasurdo stated that the 150 foot wetlands buffer has been shown on the plans as well as the agriculturally deeded area on the property. He stated that the applicant has applied for an exemption with the Highlands Council. He said that they are proposing a 0% increase of impervious surface on the lot. Mr. Hall asked if soil borings would be done for the footings. Mr. Colasurdo said that they will be done after the approval is granted.

The board opened the meeting up for public comments and questions. Mr. John Peppas, 210 Middle Valley Road, stated that his house is located nearest to the tower location. He said that it will be located 200 feet from his residence. He asked how livestock and horses are protected from ice coming off of the cell tower in the winter. Mr. Colasurdo said he had never had that problem with other towers. Mr. Joe Poluhovich, 25 Califon Road, asked if there will be noise coming from the tower. Mr. Colasurdo said that no noise will result from the tower and that no beacon light is required on top of the tower for aviation recognition. Mr. Neil Ross, 19 Califon Road, said that it has been his experience that windmills make a lot of noise. He said that in Scotland where he is from there are a lot of windmills and they make noise. He also asked if alternate sites to this site were considered. He also asked if there are any nesting species on the site. Mr. Colasurdo stated that an ecological study of the site was done and none were found.

Ms. Francis Boshulte was sworn-in as the applicant's radio frequency engineer along with Mr. Dan Collins, radio frequency expert. Mr. Collins stated that the FCC has a standard with regard to exposure and potential exposure and that in his January 2013 report it was determined that this tower is in compliance with the standards. Dr. Eisenstein asked if there were more recent calculations for the site. Mr. Collins stated that one page of the report had been revised with a revision date of 12-2-13 which did take in consideration dish antennae. Dr. Eisenstein said that the report uses standard FCC formulas and that the calculations were done correctly, and that he concurs with his modified calculations. Exhibit "A-4" was submitted showing the coverage map and Exhibit "A-5" site markings. Exhibit "A-5", overlay showed in blue where new coverage in the gap areas will be. Dr. Eisenstein stated that the applicant does the calculations the antennae should be turned to the southwest.

Due to the lateness of time the board decided to continue the hearing to the next meeting. Dr. Eisenstein stated that he has a conflict with the meeting on September 3rd. It was announced that this application's hearing will be continued on October 1, 2014 and that the applicant will renote for that meeting to cover those variances which had not been mentioned in the notice for this meeting.

d the Board.

DISCUSSION - CORRESPONDENCE

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1. Vouchers

The motion to approve the submitted vouchers for Anderson & Denzler - \$2267.09 was made by Mr. Bridgman and seconded by Mr. Soga. A voice vote was taken; all were in favor and the motion carried.

Mr. Bridgman made a motion to adjourn, seconded by Mr. Soga. A voice vote was taken; all were in favor and the meeting was adjourned at 10:30 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary

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