

**WASHINGTON TOWNSHIP  
PLANNING BOARD  
MINUTES  
FEBRUARY 12, 2018 - 7:02 PM**

Vice Chair Kathleen McGroarty called the regular meeting of February 12, 2018 of the Washington Township Planning Board to order at 7:02 p.m.

**ROLL CALL**

Class IV:                    \_Bauerlein   \_DiSalvo   \_Leavens   \_McGroarty  
                                  \_Mont   \_Trevena  
Alternates:               \_Akin   \_Popper  
Class III:                 \_Committeeman Murello  
Class II:                  \_Read  
Class I:                   \_Mayor Roehrich  
Others Present:           \_Engineer Hall   \_Planner Banisch   \_Attorney Buzak   \_Clerk Griffith

Adequate notice of this meeting was sent to the Morristown Daily Record and the Observer-Tribune on January 23, 2018 and posted on the Bulletin Board on the same date. Notices were mailed, as requested.

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

**PLEDGE OF ALLEGIANCE** – Led by Vice Chair McGroarty

**MINUTES** – January 16, 2018  
[All eligible to vote with the exception of Mont, Popper]  
Motion to accept Minutes: Mr. DiSalvo  
Second: Mr. Bauerlein  
Voice Vote: All eligible members present voted in the Affirmative.

**OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA Time is 7:05 PM**  
**None**  
**CLOSE TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA Time is 7:06 PM**

**APPLICATIONS - PUBLIC HEARING:**  
Robert Sileo, Block 36.06 Lot 13, 5 Oak Terrace, Certification of Compliance for development within Ridgeline, Mountainside, Hillside and View Protection Area

Time: 7:07 pm

Attorney Buzak swore in the witnesses: Mr. Robert Sileo, owner, 5 Oak Terrace, Long Valley and Mr. Karl Ulatowski, Contractor, 45 North Hillside Ave, Roxbury.

Mr. Sileo spoke about having a small house and wants to extend it to make room for his son who

wants to stay with them.

Mr. Ulatowski explained this will be a single story addition that is in the Ridgeline protection area that was denied by Zoning.

[Planner Banitsch arrived at 7:12pm]

Mr. Hall reviewed his report comments and recommended the Board grant the approval with the conditions that the shingles and shakes match the existing house.

Mr. Popper asked about photographs which were then provided.

Mr. Buzak felt based on the review of Mr. Hall's letter he had nothing additional.

Mr. Banitsch agreed with Mr. Hall's recommendation and had nothing to add.

Vice Chair McGroarty open the floor for Public Comment.

No comments arose. Applicant rests:

Time is 7:15 PM

The Board had no comments.

Motion to instruct Attorney Buzak to prepare Resolution of approval of Mr. Robert Sileo, Block 36.06 Lot 13, 5 Oak Terrace, granting Certificate of Compliance for development within Ridgeline, Mountainside, Hillside and View Protection Areas consistent with recommendations of Mr. Hall's January 12, 2018 report: Mr. DiSalvo

Second: Mr. Popper

Ayes: DiSalvo; Roehrich, Bauerlein, Murello, Akin, Popper, McGroarty

Nays: None

Abstain: None

Absent: Travena; Mont, Leavens, Read

Mr. Ulatowski asked about next steps in terms of applying for a permit.

Mrs. McGroarty explained that the Resolution will be approved at the March 12 meeting.

Mr. Ulatowski requested approval of the Resolution sooner so that they could get started on the addition as they are two months behind.

Mr. Buzak indicated that the Board can take the action to approve the memorialization tonight.

Mr. DiSalvo amended his prior motion to include Memorialization

Second: Mr. Popper

Ayes: DiSalvo; Roehrich, Bauerlein, Murello, Akin, Popper, McGroarty

Nays: None

Abstain: None

Absent: Travena; Mont, Leavens, Read

[Time is 7:19pm]

Designer Homes, c/o Paul Chodniewicz, Block 33, Lots 71.04 & 71.05, 274 and 276 West Mill Rd - Amended Minor Subdivision

Mr. Selvaggi of Lavery, Selvaggi, Abromitis & Cohen, P.C, Hackettstown, NJ spoke on behalf of the applicant for an amended minor subdivision and discussed the 2003 preference to avoid multiple driveways. This request is to slide the common driveway over along the common boundary line with a common easement and driveway agreement now that the developer is looking to build on the second lot.

Mr. Buzak swore in Mark Denisiuk, P.E. of Ferrero Engineering, 180 Main St, Chester, NJ.

Mr. Denisiuk explained his background and experience. The Board accepted his credentials.

Mr. Denisiuk discussed the attributes of Lot 71.04 274 West Mill Rd and Lot 71.05 276 West Mill Rd. as shown on Exhibit A Sheet 1. Lot 71.04 is the smaller lot on right side at about 2 acres and Lot 71.05 on left side at about 7 acres with the rear portion constrained by a 5 acre Open Space Conservation easement with a buildable area of approximately 2 acres. These lots were created by a 2003 minor subdivision from Blue Crest Farm property next door prior to the Highlands Act. In 2006 both driveways were constructed and building permits were obtained for both lots. In 2015 a home was constructed on 71.04 and sold in 2017 but Lot 71.05 is currently still vacant.

Mr. Selvaggi questioned the two driveways.

Mr. Denisiuk clarified that there was one opening from Rt 517 that crossed in front of Lot 71.04 to the proposed homes.

Mr. Selvaggi asked about the rationale for the 2003 proposed driveways.

Mr. Denisiuk explained that at that time the driveway placement was based on sight distance and tree removal criteria and where the original developer and engineer wanted it to be. With a new homeowner, developer and different engineer it has been determined that the current location is a nuisance to the existing home with additional traffic crossing someone else's front yard.

Mr. Selvaggi asked about the revised driveway plan submission to the County.

Mr. Denisiuk mentioned the County approval letter that was provided to the Board Professionals.

The new driveway plan was shown on Sheet 2.

Mr. Hall explained that the County and Township use two different site distance design criteria. In response to Mr. Hall's request an updated plan was provided showing the Township required sight distance measurements. Mr. Hall recommended deeming this application complete.

Motion by Mr. DiSalvo to deem the application complete

Second: Mr. Akin

A voice vote was taken, all members present voted in the affirmative

Mr. Hall's application comments from January 4, 2018 were reviewed by Mr. Selvaggi.

Comment #1; there are 6 trees within the County sight line, their requirements are more stringent than Washington Townships'.

Mr. Denisiuk requested the Boards approval, if the County allows these trees to remain as part of the Road Opening permit.

Mr. Hall requested something from the County Engineer acknowledging their waiving of the clear sight triangle and allowing those trees to remain.

Mr. Denisiuk agreed to provide.

Mr. Hall mentioned that if the trees do have to come down the 2003 Resolution must be complied with requirement replacement of any trees one for one with like caliper and type in a similar formation as determined by the Board. All agreed.

Comment #2; the Township desire was to keep a shared driveway.

Mr. Denisiuk confirmed they met with the County regarding two separate driveways which they absolutely would not consider, so moving the driveway was the only option that they agreed with.

Comment #3; Mr. Selvaggi indicated there would be a driveway maintenance agreement submitted to the Board attorney for review.

Comment #4; Mr. Buzak spoke to the zoning changes that occurred since 2003 and indicated this application would typically be grandfathered as it had been approved prior to those changes.

Comment #5; the applicant agreed there must be adequate escrow funds.

Comment #6; having the driveway location staked off for the Board to see, all agreed was not necessary.

Mr. Banitsch's report comments from January 6, 2018 were reviewed.

Mr. Selvaggi stated that the first three comments have been addressed with the submission of a signed copy of the deed notice for the minor subdivision dated December 15, 2003.

Comment #4; the applicant believes this application is Highlands Exemption #2 eligible as it was in existence prior to the Highlands Act effective date while it will comply with the disturbance and impervious coverage restrictions given only the relocation of the driveway is occurring.

Comment #5; the 2013 resolution reference regarding the Open Space component for Lot 71.04 was questioned. Mr. Denisiuk agreed it will be added on the plan currently being viewed as Sheet A1 showing the flag shape with the 5 acre rear piece currently used for agricultural purposes.

Comment #6; there are trails and associated paddocks connected with Lot 71.02 & 71.05 and some fence encroachments. Mr. Denisiuk indicated this arrangement will be resolved at some future date by the ultimate owner of 71.05. This issue will also be raised with the Title search.

Mr. Buzak asked for clarified as to the ownership of lots 71.04 and 71.05.

Mr. Selvaggi explained that 71.04 was sold and signed an owners authorization for this application to go forward, while 71.05 is owned by Designer Homes.

Mr. Buzak swore in Paul Chodniewicz, 1 Cooper Lane, Chester, NJ of Designer Homes. [Time 7:53pm]

Mr. Selvaggi confirmed his ownership of Designer Homes and the discussion relating to 71.05 and the intent to develop and sell. Mr. Chodniewicz was questioned regarding the plan for the fence crossing over into your property and paddocks areas.

Mr. Chodniewicz stated that the new owner would have to address this situation. Currently he rents, with a verbal agreement, the paddocks for horses to maintain Farmland Assessment which could be continued by the future owner.

Mr. Selvaggi confirmed that it was Mr. Chodniewicz expectation to have the future owner continue with a lease agreement with Blue Crest Farms for the use of the back parcel. Either easements would need to be created to get clear title or these buildings would have to be removed at some point.

Mr. Buzak suggested this could be addressed as conditions in the resolution.

Mrs. McGroarty asked why the Board would be addressing the paddocks if this is just for a driveway relocation.

Mr. Banitsch indicated this was an amended subdivision application based on the prior resolution and this item stood out.

Mr. Banitsch then shared concern regarding the parallel traffic pattern of the driveway crossing in front of

71.04 being a distraction.

Mrs. McGroarty suggested some shrubbery back near the driveway.

Mr. Denisiuk, in preparing for this meeting after Mr. Banitsch's and Mr. Hall's reports were received, discussed two driveways again with the County but their position is to minimize curb cuts. This issue is there now and with the new configuration there would be no change.

Mr. Murello summarized that the County is not permitting two driveways so a fair compromise was determined as the means of egress to the road is between the two lots which the existing homeowner agrees with, so as long as Mr. Banitsch's and Mr. Hall's conditions are agreed to, the only thing left up in the air is the number of trees that have to be removed. If it's a safety issues it should be left up to the professionals, if not just try to preserve the aesthetics of the road.

Comment #7; there would be no vehicles backing out onto the roadway.

Comment #8; Board of Health report confirmation of their four comments

Comment #9; separate driveways

Comment #10; need for County approval and Highlands Exemption

End of testimony 8:05pm

Mrs. McGroarty opened the floor for public comment at 8:06pm

There were none

Public comment was closed

Motion to instruct Attorney Buzak to prepare Resolution of approval of Designer Home c/o Paul Chodniewicz, Block 33 Lot 71.04 and 71.05, 274 & 276 West Mill Rd, minor subdivision, consistent with the comments of Mr. Hall's January 4, 2018 letter, Mr. Banitsch's January 6, 2018 letter except for comment #6, the Board of Health's January 8, 2018 letter and consistent and subject to any conditions of the County of Morris letter and approval dated January 10, 2018:

Mr. DiSalvo

Second: Mr. Bauerlein

Ayes: DiSalvo; Roehrich, Bauerlein, Murello, Akin, Popper, McGroarty

Nays: None

Abstain: None

Absent: Travena; Mont, Leavens, Read

PSE&G, Block 32, Lots 5, 180 West Springtown Rd - Minor Site Plan

Time is 8:10pm

[Mr. Murello recused himself]

Dean Stamos, Law firm of Ferraro & Stamos representing applicant. PSE&G looking to add three Omni antennas and a future dish antenna equipment and additional equipment going into existing shelter structure.

Mr. Buzak swore in Glen Scherer P.E., 53 Frontage Rd, Hampton, NJ. Mr. Scherer provided his professional background and experience with cell sites with no objections from the Board.

Mr. Hall questioned Mr. Buzak, if the owner of this property did not give consent would this be an issue before continuing.

Mr. Scherer pointed out that there are contractual rights between the parties, the original lease with MCI and the owner, which gave MCI the right to sublease. MCI was subsequently acquired by Verizon Wireless. There is a Memorandum of Lease and Limited Power of Attorney from Verizon to American Tower authorizing them to enter into ground leases and other agreements in relation to the tower.

Mr. Popper asked whether the owner objected since they did not provide consent.

Mr. Scherer was not aware of any objection as they had received notice along with Verizon, Washington Township and Morris County who are also on the tower.

Exhibit A1 - the lease agreement between Mildred A. Lillis with MCI Telecommunications Corporation dated 2/16/92.

Exhibit A2 – Memo of Lease along with a Limited Power of Attorney dated 3/27/15 between Verizon and ATC (American Tower Corporation) Sequoia LLC.

Mr. Buzak asked for clarification of how it went from MCI to Verizon and ATC.

Mr. Scherer explained that MCI is no longer around so Verizon acquired their assets as the successor of the original lease. Then Verizon granted to American Tower a Limited POA that specifically states they are permitted to prepare, review, negotiate, execute, etc. any and all ground leases in relation to the operation of the tower.

Mr. Scherer reviewed Exhibit A3, a drawing of the existing 150 ft tall guide tower built in the early 1970's. The applicant is proposing to add three 3 ½ inch diameter whip antennas which will extend 14 ft 3 inches above top of structure, and a future 6 ft diameter dish antenna 134 ft from the ground all a matching silver color. There will be no ground disturbance so a Highlands submission is not required, the impervious area was improved in 1986.

Mr. Stamos compared the above items against the Township ordinance.

Mr. Scherer also explained there would be quarterly visits with only diagnostics being done by entering existing shelters.

Mr. Hall questioned Exhibit A4 (**Sheet Z5**) the total horizontal distance off the tower which was cited as 77 inches. Several other dish antenna specifications were reviewed but Mr. Scherer indicated only approximations as this is just proposed and would depend on manufacturer when chosen.

Mr. Banitsch asked about other users of the tower and the type of network that PSE&G is installing.

Mr. Scherer explained that Verizon, Morris County and Washington Township are the other users. PSE&G's proposed antennas are for a proprietary network for their own personal use.

Mr. Hall asked if the tower had been structurally analyzed to make sure it can accept the new antennas.

Mr. Scherer pointed out on the bottom of Exhibit A4 American Tower notes indicate this analysis has been performed. This can be submitted as part of the Construction drawings.

Mr. Hall asked who will be responsible for the maintenance of the tower and antennas.

Mr. Scherer explained American Tower owns the tower maintenance. PSE&G would only be responsible for maintaining their own equipment.

Mr. Popper asked about possible additional antennas without Board permission.

Mr. Stamos indicated his position is this is a permitted use and exempt from Site Plan under State law but PSE&G is here as a courtesy.

Mr. Buzak explained that the State law being referred has to certain criteria, the tower has to have been approved and in compliance with all conditions of that approval. When the history was asked for the Township could not find anything in their current records.

Mr. Stamos filed an OPRA request with the Township and found the approval for the tower and Verizon collocating on it. This matter went to litigation between MCI and the Washington Township Board of Adjustment in the 1970s all of which was included in the application.

Mr. Buzak had stated he has no application documents.

Mr. Banitsch asked Mr. Stamos to summarize the specifications of the Federal State Law and how the comments and specifications conform.

Mr. Stamos explained that the existing tower height does not extend more than 20 ft or 10% above

the existing tower, the supporting structure width does not exceed 20 ft, there is no increase in the number of shelters of which four are permitted, there will be no ground disturbance and the color of the new apparatus is consistent with the existing tower, and complies with all prior conditions per the previous resolutions.

Further details were discussed with respect to the tower structure, mounts and antennas.

Exhibit A5 was shown of an enlarged photo of the existing tower and antennas.

Mr. DiSalvo asked the nature of microwave dish versus whip antenna.

Mr. Buzak swore in Corby Sluss, 2604 Mill Creek Ln., Rolling Meadows, Illinois.

Mr. Sluss shared his background stating he has 24 years of experience implementing communication systems for Motorola around the world.

Mr. Sluss explained that the whip antenna is for truck communication while the microwave is for talking to central offices. Each antenna frequency is regulated by the FCC to make sure there is no interference with anything else that uses frequencies.

Mr. DiSalvo expressed it is not clear what waivers are being requested.

Mr. Stamos stated that a Site Plan waiver is being requested.

Mr. Buzak explained the options that either the applicant gets Site Plan approval tonight and we act on it, or we carry this to the next meeting and maybe he does not need approval after review of the information.

Mr. Akin suggested we grant the waiver of site plan tonight while Mr. Buzak reviews the background material and if he is exempt we can modify it to say we agree to the exemption.

Mrs. McGroarty opened the floor for public comment at 9:08pm

Mr. Buzak swore in Michael Starr, 10 Markham Dr, Long Valley

Mr. Starr stated this tower is generally hidden by trees at 150 ft but the concern is going higher. The history showed in 1974 MCI sued Washington Township to put up this 150 ft tower as a telephone repeater station prior to the houses being there. In 1996 a use variance was filed to put cell equipment at 95 ft. In 2018 we are looking at 164 ft with no new approval to go from 95 ft to 150 ft to now.

Mr. Stamos explained that the use variance was for collocating antennas at 95 ft, the structure was always 150 ft.

[Mr. Popper departed at 9:19pm]

Mr. Buzak swore in Angel Garcia, 7 Markham Dr, Long Valley

Mr. Garcia expressed his concerns regarding PSE&G not providing any services to Washington Township and the purpose of exceeding the 150 ft tower height.

Mr. Sluss produced Exhibit A6 – coverage map

Mr. Sluss displayed the coverage map and explained the need for the antenna height to 164 ft. since Long Valley's location helps get service across a terrain challenged area for PSE&G units travelling through. This system is for walkie talkie type use and having the antennas too low would make them couple with the tower thus minimizing coverage, having them higher would maximize coverage.

Mr. Garcia pointed out there is an American Tower Corporation sign that says this tower is available for lease. He expressed his concern as this compound keeps growing with lots of work having gone on over the last few years. It is requested that someone from the Planning Board visit the site to get a sense of its size and all of its components. The direction of the microwave dish is also a concern which has not been mentioned.

Mr. Buzak swore Jane Duval, 88 Zellars Rd, Long Valley

Mrs. Duval's concern is the look of the compound and why the tower at the police station is not sufficient.

Mayor Roehrich explained that Washington Township Police, EMS, DPW and the County utilize the tower on West Springtown which is instrumental in providing radio coverage for that section of town.

Pete Alaveira, 5 Markham Dr., Long Valley

Mr. Alaveira mentioned he has home phone interference with no resolution from the phone company. He inquired about the construction inspections.

Mr. Hall to follow up with Construction Department.

Public comment closed at 9:50 pm

Board members and professionals discussed aspects of the testimony and public comments and determined that no one was prepared to act on the application without the attorney's review of all of the background documents.

Mrs. McGroarty stated this will be carried until March 12 at 7pm without further noticing. Extension of time from the applicant was verbally granted.

Mr. Buzak confirmed Mr. Stamos was not planning on having additional witnesses at next meeting.

Mr DiSalvo commented that if we have jurisdiction over this matter there may be additional questions for the applicant if additional information is provided and would encourage public comment.

**DISCUSSION/CORRESPONDENCE:**

Mrs. McGroarty deferred Traffic Consultant resolution until next meeting.

Mrs. McGroarty thanked Mr. Hall for his 2017 Housing Report.

**BILLS LIST**

Motion to pay the Bills: Mr. DiSalvo

Second: Mayor Roehrich

Voice Vote: All Members present voted in the affirmative.

**EXECUTIVE SESSION: - None**

**ADJOURNMENT:** Time is 9:59pm

Motion to adjourn: Mayor Roehrich

Second: Bauerlein

Voice Vote: All Members present voted in the affirmative.

Respectfully submitted,

JoAnn Griffith, Secretary

