

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of February 6, 2013 to order at 7:00 p.m.

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

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 5, 2012 Regular Meeting & January 9, 2013 Reorganization Meeting

A motion was made by Mr. Bauer to approve the minutes of December 5, 2012 as presented and the minutes of January 9, 2013 with the correction that Mr. Price was present, seconded by Mr. Averett. A voice vote was taken; all were in favor. The motion carried.

December 5, 2012

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

January 9, 2013

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

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

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

### **RESOLUTIONS**

13-07 BOA Annual Report for 2012

A motion to approve the 2012 BOA Annual Report was made by Mr. Bauer and seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

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

***APPLICATIONS***

1. Chandra/Singh - Block 40, Lot 10.04 -31 Parker Road – Request for extension of time on Resolution 08-16 granting front and side yard setback variances

The applicants (Mr. Pricip Singh and Ms. Sunny Chandra) told the Board that they had been unable to build the proposed addition because of financial reasons until recently and now they are asking the Board to grant a second extension of time to allow them time to complete the construction. It was noted that the time for construction is to be completed before August 20, 2013.

A motion to approve a second extension for the Chandra/Singh’s approval from August 20, 2013 to August 20, 2014 which is to include the completion of construction was made by Mr. Bauer and seconded by Mr. Spina. A roll call vote was taken; all were in favor and the motion carried.

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

2. Hvid – Block 47, Lot 15 – 276 Pleasant Grove Road – Request for Extension of Time Resolution 2007-21 granting front yard setback of no less than 74 feet to construct a front porch and side yard setback of no less than 27 feet to construct a garage addition

Mr. Price recused himself due to a conflict of interest. Mr. Carl Hvid re-introduced himself and stated that he understood that the time for completing the construction associated with the variance approved by the Board in 2007 had expired. The Board told Mr. Hvid that he would have to reapply for his variance, but that full sets of plans would not be required again when he reapplies.

A motion to deny a second extension request for Carl Hvid, Block 47, Lot 15 for variances associated with a front porch and garage addition was made by Ms. Walter and seconded by Mr. Averett. A roll call was taken; all were in favor and the motion carried.

Ayes: Anthony Spina, Dorothy Walter, Elliott Averett, Morris Bauer, Frank Baguiao, Robert Bridgman, Craig Schwemmer Nays: None Abstentions: None  
 Mr. Price rejoined the Board.

3. 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 Request for Interpretation & Preliminary/Final Site Plan Application with Variances for Tower height and setbacks

Representatives present: Attorney Greg Meese and Architect Frank Colasurdo

Mr. Bauer recused himself from the Board for this matter due to a conflict of interest. The Applicant's attorney Greg Meese and Architect Frank Colasurdo introduced themselves and the proposed project. Mr. Meese stated that his client is proposing to construct a 171 foot high wireless communication tower on property that is owned by Centenary College on Califon Road. He noted that the tower was designed to imitate a farm windmill and that a non-working windmill fixture is to be located on top of the tower for decorative purposes. Mr. Meese stated that this property is the location of Centenary College's equine facility.

Attorney Fraser reviewed ordinance §217-76; the requirements for wireless communication towers. She noted that it is a conditional use in the R-5 Zoning District. Planner Banisch stated that in accordance with ordinance §217-9C (9) the proposed use is a permitted conditional use in the R-5 Zone. He stated that ordinance §217-76 deals with the standards that are to be met for the conditional use. He stated that all of items in this section are the standards that must be met and if they are not met the application must be heard by the Board of Adjustment.

Attorney Fraser stated that the applicant has requested an interpretation. She noted that our ordinance does not require public notice for interpretation requests. The Board decided to have the interpretation formally addressed at their meeting in March and to proceed with the issue of completeness. After review of Clerk Margolese's administrative review letter dated January 31, 2013 and Engineer Leon Hall's review letter dated February 1, 2013 this application was deemed incomplete for the following deficient items

Preliminary Site Plan Checklist Part B:

#1 - Information required by Chapter 159-20, Site Plan Review.

- Key Map in accordance with §175-27A per §159-20A not provided.
- Location of all existing and proposed buildings and structures, etc. on-site and within 200 feet not provided.
- Per §159-20F, the required and correct building setback lines have not been provided.
- Per §159-20G, all existing physical features, etc. on-site and within 200 feet not provided.
- The Board requires that all trees that are 10 foot in diameter on the site be located. The applicant is to provide this item or request a waiver in writing.
- Per §159-20J, construction details of proposed sign and lighting not provided.
- Per §159-20N, dimensions of sign not provided.

- Per §159-20P, soil erosion and sediment control plan not provided. The applicant is to provide this item or request a waiver in writing.
- Per §159-20R, the required Major Site Plan Legend not provided.

#3 - Payments of administrative fee and review deposits have not been sufficiently paid.

#8 - Development Impact statement has not been submitted.

# 9 - Surface Water Management Plan not provided per § 159-20O. The applicant is to provide this item or request a waiver in writing.

#10 - For tracts of 10 or more acres: Wetlands delineation and documentation per Chapter 175, Subdivision of Land, § 175-27V, and a letter recommending approval from the Board Environmental Consultant is needed. The application will be forwarded to Environmental Expert Jeff Keller for his review.

#11 – A soil disturbance application is needed. Compliance with Chapter 164, Soil Removal. This item is to be addressed with an estimate of the amount of soil disturbance proposed for this project. It was noted that this item can be waived for completeness.

#12 - A letter from the Township Engineer stating that plat complies with ordinance requirements and all information required by ordinance to accompany plat has been received is needed.

#13 - A Phase I Geologic Survey Checklist must be submitted.

#14 - A completeness determination by the Board is needed.

#15 - Submission of completed Washington Township Highlands Information Questionnaire is needed. The current form of the Highlands Questionnaire must be used for the application submission.

#16 - This application is considered to fall within the definition of “Major Highlands Development” as defined by the Highlands Water Protection and Preservation Act and it is recommended that the applicant request a letter from the Highlands Council allowing them to proceed with their application prior to them rendering their decision on this application.

The following Final Site Plan Checklist items (Part B) items are deficient:

#2 - 15 folded prints of as-built plans must be submitted.

#4 - Payment of administrative fee and review deposits are insufficient.

#8 - A letter from the Board’s Engineer indicating improvements installed, except those set

forth in Chapter 159, Site Plan Review, § 159-18A(3); a list of improvements to be installed and costs to be covered by performance guaranty; items and costs for maintenance guaranty; and final plan substantially conforms to preliminary.

#9 – A completeness determination by the Board.

The following Variance Checklist items (Part B) items are deficient:

#3 - The key map provided does not provide the requirements noted in the ordinance.

#6 - Payment of application fee and escrow deposit submitted is insufficient.

#13 - Submission of completed Washington Township Highlands Information Questionnaire. The current Highlands Questionnaire must be submitted.

#14 - This application is considered to fall within the definition of “Major Highlands Development” as defined by the Highlands Water Protection and Preservation Act and it is recommended that the applicant request a letter from the Highlands Council allowing them to proceed with their application prior to them rendering their decision on this application.

The Site Plan Application Form - Part C: must be signed and sealed by the applicants engineer or surveyor.

The Affidavit of Compliance has not been signed and dated by the Applicant.

After the Board’s review, Engineer Hall recommended that the Board deem this application incomplete for all of the aforementioned deficient items. Chairman Schwemmer recommended that the applicant’s architect get together to discuss the plans with Engineer Hall.

A motion to deem the Sprint Spectrum preliminary and final site plan application with variances incomplete was made by Mr. Spina and seconded by Mr. Bridgman. A roll call was taken; all were in favor and the motion carried.

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

***DISCUSSION - CORRESPONDENCE***

1. Vouchers

A voucher from Banisch Associates for \$351.00 was reviewed. The motion to approve the submitted voucher was made by Mr. Averett and seconded by Mr. Spina. A voice vote was taken; all were in favor and the motion carried.

2. The Board briefly discussed the need for matters of interpretation coming before the

Board to have given public notice. It was noted that the existing ordinance does not require notice. The Board clerk was directed to add this as a recommendation to the annual report for the Board.

Ms. Walter made a motion to adjourn, seconded by Mr. Spina. A voice vote was taken; all were in favor and the meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary