

Chairman Hatcher called the regular Meeting of the Board of Adjustment of April 7, 2004 to order at 7:00 p.m.

MEMBERS PRESENT:

Present: Elliot Averett, Felix Graziano, Ralph Hatcher,
Craig Schwemmer, John Turick
Alternate Members: Anthony Spina, Dorothy Walter
Members Absent: Bauer, Ort
Others Present: Attorney Fraser, Engineer Hall, Planner Banisch
Clerk Kesper

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 17, 2004 and posted on the Bulletin Board on the same date.

MINUTES

1. March 3, 2004 Regular Minutes

Mr. Schwemmer made a motion to approve the minutes, seconded by Mr. Graziano. A voice vote was taken, all were in favor and the motion carried.

RESOLUTIONS

04-12 Picciuto – Block 29, Lot 10.03 – 11 Coleman Road – R-5 Zone, .935 Acres
– Approval of variances for non-conforming structure, insufficient lot size
and front and side yard setback

Mr. Averett made a motion to adopt resolution 04-12, seconded by Mr. Schwemmer. A roll call vote was taken:

Ayes: Averett, Graziano, Hatcher, Schwemmer, Turick
Nays: None Abstentions: None Absent: Ort
Ineligible: Bauer

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04-13 Tencza – Block 38, Lot 8 – 125 Parker Road – R-5 Zone, .75 Acres – Approval of variances for non-conforming structure, insufficient lot size and front, rear and side yard setback variances

Mr. Schwemmer made a motion to approve resolution 04-13, seconded by Mr. Graziano. A roll call vote was taken:

Ayes: Averett, Graziano, Hatcher, Schwemmer, Turick
Nays: None Abstentions: None Absent: Ort
Ineligible: Bauer

04-14 Basile – Block 4 Lot 7.04 – 74 Route 46 – C-2 Zone - Approval of use variance for used car dealership – Expires April 17, 2004

Mr. Averett made a motion to approve resolution 04-14, seconded by Mr. Schwemmer. A roll call vote was taken:

Ayes: Averett, Graziano, Hatcher, Schwemmer, Turick
Nays: None Abstentions: None Absent: Ort
Ineligible: Bauer

04-15 Verizon – Block 60, Lot 13 – Parker Road (Fairmount Fire House) – OR/I Zone Approval of Use Variance to extend an existing monopole to 130' and Preliminary and Final Site Plan for expansion of equipment compound and mounting of communication antennas on existing monopole

Mr. Schwemmer made a motion to approve resolution 04-15, seconded by Mr. Graziano. A roll call vote was taken:

Ayes: Averett, Graziano, Hatcher, Schwemmer, Spina, Turick
Nays: None Abstentions: None Absent:
Ineligible: Bauer, Walter, Ort

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Brodhead - Block 38, Lot 6 – 133 Parker Road – R-5 Zone, .457 Acres – Request for variances for non-conforming structure, insufficient lot size and front, rear and side yard setback variances for porch replacement and expansion

Brian Brodhead, Applicant

Mr. Brodhead was sworn in by Attorney Fraser and explained his request to remove the existing porch and replace it with an enclosed porch. He referred to his property survey and photographs and pointed out the area of the addition. He noted that he had received more property when the property was developed behind him, but that he still does not meet the R-5 setback requirements.

Mr. Schwemmer made a motion to approve the application as presented, seconded by Mr. Averett. A roll call vote was taken:

Ayes: Averett, Graziano, Hatcher, Schwemmer, Spina, Turick, Walter
Nays: None Abstentions: None Absent: Bauer, Ort

Mr. Hall and Ms. Kesper arrived and joined the meeting.

2. DeCosta – Block 30, Lot 71 – OR/I Zone – 13.065 acres - Request for use variance to rebuild residence in office research zone and permission to build on a lot without frontage

Joel Kobert, Applicant's Attorney
Pamela DeCosta, Applicant
John Hansen, Applicant's Engineer and Planner

Pamela DeCosta was sworn in by Attorney Fraser.

Ms. DeCosta explained that she purchased the home eight years ago from her parents. She and her husband reside in Bermuda and this is their vacation home. She explained that they would like to build a new home on the footprint of the current home. She further stated that she would like to renovate the garage and remove the barn. The Lincoln Log cabin they propose to build was marked exhibit A-1.

Mr. Hansen presented his qualifications to the board and was accepted by the board as an expert witness in the field of planning and engineering.

Mr. Hansen referred to the site plan and pointed out the lot that was the subject of this application and the surrounding area. He noted that this is a single family residence in the middle of an OR/I zone. He pointed out the pond and buildings currently on the site. He referred to sheet two and stated that the applicant proposes to raise the current building, and build a Lincoln Log home and that they would also abandon the existing septic and put in a new system that meets current regulations. They have been told by the Health Department that they would be able to use the current well. He referred to the letter from the Health Department of April 6th and stated that the applicant would comply with the requirements of the letter. He referred to the March 14th Schooley's Mountain Fire Department letter. He stated that Esna Drive is a 24' wide paved road and the driveway to the lot is a 12' gravel driveway. He stated that the applicant would comply with Mr. Hall's requirements for the driveway and meet the current driveway ordinance standards. The applicant has also provided the 12' vertical height distance. Regarding the pond there is a 5% slope from the house to the pond and it could be used for fire fighting. There is 250' from the house to the pond and the driveway and approximately 300' from the house. He stated that based on his conversations with the fire department, they explained that they would run a five inch line from the fire hydrant and run a pump truck from it. The fire hydrant is 1200' from the house.

Mr. Kobert stated that the applicant would not want to build a gravel driveway to the pond.

Ms. Costa stated that a fire truck came to their lot looking for 2 Esna Drive and they were able to turn around. She stated that the pond is about 8' to 10' deep. She stated that the land slopes gently into the pond and you could walk into it.

The board discussed the issue of a driveway to the pond.

Mr. Kobert stated that the applicant was willing to assume the risk of not having a driveway to the pond.

After a long discussion the board concluded that a driveway to the pond would not be required.

Mr. Hall reviewed his letter of March 12, 2004. Regarding the culvert, he requires calculations that it can handle the flow from the property.

Mr. Hansen stated that the applicant agreed to the items in his letter. He stated that they had done the calculations and that the culvert would handle the flow and he would supply the calculations to Mr. Hall. He answered Mr. Hall that it was his opinion there were no wetlands on the property and stated that he would have an expert review the property for wetlands and supply a letter stating that there are no wetlands within 150' of the disturbance.

Ms. DeCosta stated that the property is currently farmed. The house is over 75 years old and the driveway has been there for access. They agreed to a restriction of no disturbance or structures along the stream except for the barn which is within 100' of the stream.

Mr. Hall requested that a wetlands expert walk the entire tract and within 150' tract and if none were present then nothing would have to be done, but if there are wetlands that area would be put in a conservation easement. He also stated that the stream requires, except for the existing crossing, a 95' conservation easement on either side of the stream.

Mr. Hansen answered Mr. Hall that there is only .75 acres of disturbance. Regarding the pipes on the property, one is used to fill the pond and the other was to fill a duck pond that had been filled in. They plan to leave the pipes in the ground.

Mr. Hansen addressed the use variance requirements and also referred to Mr. Banisch's memo of April 7, 2004. He stated that the site is particularly suited to the use because it has been a single family home site for many years. He referred to the MLUL and stated that it advances the MLUL purpose G, E, M. Regarding the negative criteria he stated that this was a very minor deviation from the zone plan and he did not see a detriment to the public good.

Mr. Hall stated that from an engineering viewpoint he did not have an objection to the application.

The Board discussed a waiver of wetlands delineation for the entire site. It was decided to ask for the property to be walked for wetlands without a detailed report, but a letter stating that there are none or if there are, where they are located.

The meeting was opened to the public for questions and comments on this application.

Mr. Schwemmer made a motion to authorize the attorney to draw up a resolution of approval approving the use variance, permission to build on a lot without frontage, stream corridor conservation easement and a requirement

that a wetlands study as discussed this evening, and revised plans based on the discussions this evening and compliance with all the reports discussed this evening. Seconded by Mrs. Walter. A voice vote was taken; all were in favor and the motion carried.

3. Omnipoint – Block 60, Lot 13 – Parker Road (Fairmount Fire House)
OR/I Zone – Request for amendment to Resolution 04-11 requesting
use
Variance for extension of existing monopole to 140' and preliminary
and final Site Plan approval for mounting of communications antenna
on
existing monopole and equipment shed

C. Stamos, Applicant's Attorney
Dawn Shimp, Applicant
Yvan Joseph, Applicant's Radio Frequency Engineer
Russell Warnet, Applicant's Architect
Janice Talley, Applicant's Planner

Mrs. Walter stepped down due to a conflict of interest

Mr. Stamos explained that after the applicant was before the board last month they found out that Verizon was not mounting at 110' and that subsequently the applicant went out and did further studies. The applicant was back before the board to ask to mount their antennas at a different level.

Yvan Joseph was sworn in and referred to exhibit A-1 which was a USGS map with four overlays, which he stated was the same as the exhibit he prepared for the February meeting. He pointed out the areas of existing antennas on the USGS map. The first overlay represented the current coverage, the second overlay showed the proposed coverage area with the antenna approved last month. The third overlay was a coverage prediction with the antennas at 140', which gave several more miles of coverage. He stated that this would eliminate another high tower for coverage between this site and the Long Valley Professional Center. The fourth overlay showed coverage from towers that have been approved, but not built at this time. He answered Mr. Banisch that the applicant has written to the property owner of the silos (Burd Farms) and they have not received a response from the property owner at this time. He stated that this would be a preferred site for additional towers.

Mr. Hatcher suggested that the applicant look at the water tower behind Old Farms Road School.

Russel Warnet was sworn in and presented his qualifications as a licensed architect in the state of New Jersey.

Mr. Warnet referred to sheets Z-1 and Z-3 of the plans and pointed out the location of the proposed Omnipoint equipment box within the existing compound. He pointed out the proposed 20' extension of the existing monopole and that the applicants' antennas would be mounted at the top of the pole which would require a height variance of 142.5' to the top of the antenna. He answered Mr. Banisch that the Verizon equipment building is accurately shown on the plans before the board and that there would be room for three additional equipment boxes. At the request of Ms. Fraser, he reviewed the Verizon plans and confirmed that their plan corresponds with the Verizon plan. He answered Mr. Hall that the cable bridge supports are 12' high to assure that the cables are above anyone walking in the compound. He agreed to take off the plans any reference to 160' monopole as that is not what is being proposed.

Janice Talley was sworn in and presented her qualifications to the board as a planner.

Ms. Talley referred to a photo board that showed the site as it exists today and computer enhanced photos showing the 142.5' tower. She addressed the use variance and that this is an inherently beneficial use. She explained each of the photographs and where the photographs were taken. It was her opinion that the additional height would not be a detriment to the public good if the applicant were granted the variance for the additional height.

Mr. Banisch stated that it was his opinion that the additional height variance could be granted and suggested that the approval be subject to the applicant getting approval to mount any necessary additional antennas required in the Township on an existing structure and not a new tall tower.

The board discussed this possible condition and concluded that this condition may not prevent a tower to the north because of the other carriers who are located lower on this pole. It was also noted that our ordinance requires a search of other available sites prior to the construction of a new pole.

Mr. Stamos stated that if they are approved at 140' they would abandon their approval at 100' on this tower. He did not have a copy of the letter contacting the owner of the silo property owner regarding antenna placement on the silo. He agreed to supply the letter as a conditional of proposal. He agreed to a condition that the antennas would match the other carriers antennas (straight out of the box, white) rather than the pole (galvanized steel). If in the future the antennas needed to be replaced and they did not match the other antennas he stated that the applicant agreed to get township engineer approval of the color.

The meeting was opened to the public for questions and comments. There were no questions or comments and the meeting was closed to the public.

The Board deliberated on the application.

Mr. Schwemmer made a motion to approve the application requiring the applicant to abandon the 100' approval, match other antennas, letter regarding Silo, seconded by Mr. Averett. A roll call vote was taken:

Ayes: Averett, Graziano, Hatcher, Schwemmer, Spina, Turick
Nays: None Abstentions: None Absent: Bauer, Ort Ineligible:
Walter

DISCUSSION / CORRESPONDENCE

1. Vouchers

Mr. Averett made a motion to approve the vouchers as reviewed by the chairman and found in order and send same on for payment. Seconded by Mr. Schwemmer. A voice vote was taken; all were in favor and the motion carried.

Mr. Turick made a motion to adjourn, seconded by Mr. Averett. A voice vote was taken; all were in favor and the meeting was adjourned at 9:37 p.m.

Virginia R. Kesper, Clerk