

LAND USE BOARD MINUTES
July 2, 2014

The Tewksbury Township Land Use Board met in a regularly scheduled meeting on the above date in the Municipal Meeting Hall, 60 Water Street, Lebanon, New Jersey. The meeting was called to order at 7:30 p.m.

Present: Blake Johnstone, Mary Elizabeth Baird arrived at 7:32 p.m., Shaun Van Doren, Bruce Mackie, Michael Moriarty, Shirley Czajkowski, Robert Becker, Alt. #1, Ed D'Armiento, Alt. #2 arrived at 7:32 p.m., Kurt Rahenkamp, Alt. #3 and David Larsen, Alt. #4.

Also present: Daniel Bernstein, Land Use Board Attorney, William Burr, Land Use Board Engineer and Shana Goodchild, Land Use Administrator.

Absent: Dana Desiderio and Ed Kerwin.

There were approximately ten (10) people in the audience.

OPEN PUBLIC MEETING ACT STATEMENT

Mr. Johnstone opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, faxing a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on January 9, 2014.

PLEDGE OF ALLEGIANCE

Those present stood and pledged allegiance to the American flag.

CLAIMS

Mr. Johnstone asked the Board if there were any questions or comments regarding the following claims to which the response was negative. Mr. Van Doren made a motion to approve the claims listed below and Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 6-18-14 LUB meeting, invoice dated June 19, 2014 (\$450.00)
2. Bernstein & Hoffman, Land Use Board Escrow – Wollmer, Block 11, Lot 20 (\$825.00)
3. Bernstein & Hoffman, Land Use Board Escrow – Lance, Block 39, Lot 1 (\$300.00)
4. Banisch Associates, Inc. – Land Use Board Escrow – Cellco Partnership – Verizon Wireless (B44, L26), invoice #P14-23061 (\$426.00)
5. Suburban Consulting Engineers, Inc.– Land Use Board Inspection – PNC Bank (B45, L1), invoice #000000022423 (\$336.49)

Roll Call Vote:

Those in Favor: Mr. Van Doren, Mrs. Czajkowski, Mr. Mackie, Mr. Moriarty, Mr. Becker, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

CORRESPONDENCE

A motion was made by Mr. Van Doren and seconded by Mr. Becker acknowledging receipt of the following items of correspondence. All were in favor.

1. A letter dated June 11, 2014 from Hunterdon County Planning Board re: Sprint Spectrum, LP, Block 11, Lot 38.01.
2. A letter dated June 18, 2014 from Christopher Teasdale, Environmental Commission Chairman re: Spring Spectrum, Appl. No. 14-03, Block 11, Lot 38.01.
3. Information from the Hunterdon County Planning Board re: NJ Council on Affordable Housing: Proposed Rules Panel Discussion on Wed., July 2, 2014.
4. A letter dated June 27, 2014 from William Burr re: Sprint Spectrum, Appl. No. 14-03, Block 11, Lot 38.01.
5. Memorandum dated June 27, 2014 from Chief Holmes re: Spring Spectrum, Appl. No. 14-03, Block 11, Lot 38.01.
6. A letter dated June 30, 2014 from Greg Meese re: request for adjournment of the July 16, 2014 public hearing for Appl. No. 13-03, Cellco Partnership, Block 44, Lot 26.
7. A copy of a letter of resignation from Libby Devlin.

Mr. Johnstone noted that he was sorry to see Ms. Devlin resign and found her to be a valuable Board member over the years. Ms. Goodchild requested permission from the Board to draft a resolution of appreciation to which the Board unanimously approved.

ORDINANCE REPORT

Mr. Mackie reported on an ordinance from the Township of Chester which added certain definitions to the ordinance that he opined were not of interest to Tewksbury.

PUBLIC PARTICIPATION

Mr. Johnstone asked the public if there were any questions or comments regarding anything not on the agenda. There being no comments or questions, Mr. Johnstone closed the public participation portion of the meeting.

RESOLUTION

- Resolution No. 14-11 **AMENDED** Wollmer, Appl. No. 14-07, Block 11, Lot 20
Eligible to vote: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mrs. Devlin, Mr. Becker, Mr. D'Armiento, Mr. Rahenkamp, Mr. Larsen

Mr. Van Doren made a motion to approve the following amended resolution. Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 14-07
AMENDED
RESOLUTION # 14-11

WHEREAS, STEFFEN WOLLMER has applied to the Land Use Board of the Township of Tewksbury for permission to construct a two-story addition to his single family residence which is located at 19 Water Street, Lebanon on property designated as Block 11, Lot 20 on the Tewksbury Township Tax Map, which premises is located in Highlands (HL) Zone, and

WHEREAS, the application was presented by Attorney Marcia Polgar Zalewski, Esq.; Civil Engineer and Professional Planner John Hansen, P.E., P.P. of the firm of Ferriero Engineering, Inc.; and Steffen Wollmer at the June 4, 2014 Land Use Board meeting, and

WHEREAS, the application was reviewed by Land Use Board Engineer William H. Burr, IV, P.E. of the firm of Maser Consulting, P.A., and

WHEREAS, the Board, after considering the evidence presented by the applicant, neighboring property owners, and Mr. Burr, has made the following factual findings:

A. The subject Property.

1. The subject property is an irregularly shaped parcel which is located on Water Street. The site was acquired by the applicant in 2011.

2. An existing two-story home is located on the 1.584 acre parcel. The original part of the home was constructed around 1810.

3. To the rear of the home a tributary of the North Branch of the Rockaway Creek traverses the property. Substantially all of the northern portion of the property is constrained with wetlands, wetlands buffer, and a flood hazard area.

4. The applicant also owns and uses in conjunction with the subject property Block 32, Lot 33 which consists of approximately 0.875 acres. It is improved with a garage, frame building, and in-ground swimming pool.

5. Block 32, Lot 33 is traversed with another tributary of the North Branch.

B. The Proposal.

6. The applicant proposes to construct a two-story addition to the rear of his home. The footprint of the addition will be 1,185 square feet. A portion of the addition will be constructed in an area of existing impervious coverage. The increase in impervious coverage from the addition and the small concrete pads described in factual finding #9 herein is 700 square feet.

7. The first floor would consist of a two car garage. The second story would consist of a master bedroom suite.

8. There are presently three bedrooms and 2 bathrooms in the home. After the construction, there will be three bedrooms and 3 bathrooms in the home.

9. The applicant also proposed to install small concrete pads for an air conditioning unit, an emergency generator, a step from the home, kitchen appliances and for a propane tank which would serve a fireplace.

10. Civil Engineer and Professional Planner John Hansen testified that his firm had spent a year obtaining the necessary wetlands and flood hazard permits for the construction of the addition. He was concerned that any other new construction or changes would require additional DEP approvals.

C. Required Variances.

11. The subject property is undersized, containing 1.584 acres, while the minimum lot size in the HL Zone is 12 acres.

12. The site is *grandfathered* under Section 706F of the Development Regulations Ordinance (DRO). The minimum front yard setback for *grandfathered* lots under three acres is 75 feet and the minimum side yard setback is 40 feet.

13. The existing residence has a front yard setback of 34.63 feet, the proposed addition will have a front yard setback of 54 feet, while the minimum front yard setback is 75 feet.

14. The side yard setback for the addition is 41.10 feet, the side yard setback for the roof overhang is 37.70 feet, while the zoning ordinance requires a minimum side yard setback of 40 feet.

15. The present application is a classic example of a variance on the basis of practical difficulty and undue hardship under N.J.S.A. 40:55D-70(c)(1)(c) by reason of the location of the existing residence on the lot.

16. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Tewksbury.

17. John Hansen had originally calculated that overall lot coverage after construction at 9.9%. He had recalculated coverage at 9.1%. The ordinance permits the subject property to have 12% lot coverage.

D. Flooding.

18. Neighbors Wilma Frey who resides at 23 Water Street, and Bruce Winters who resides at 25 Water Street spoke eloquently about the flooding on their properties. Ms. Frey spoke about the flooding as “death by 1,000 cuts.”

19. The Board discussed conditioning the approval of the application on the applicant providing stormwater detention. The majority of the Board decided that stormwater detention facilities were not warranted, as the proposed construction would result in impervious lot coverage under that permitted in the Ordinance.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 2nd day of July 2014 that the application of Steffen Wollmer be approved in accordance with a plan titled: “VARIANCE PLAN 19 WATER STREET LOT 20 ~ BLOCK 11 TEWKSBURY TOWNSHIP HUNTERDON COUNTY, NEW JERSEY” prepared by Ferriero Engineering Inc. on March 25, 2014 last revised on May 9, 2014, subject, however, to the following conditions:

1. Conditions recommended by Land Use Board Engineer William H. Burr, IV, P.E. in his report of May 30, 2014 as modified by the Land Use Board:

TECHNICAL REVIEW:

1. The applicant should describe in detail the proposed addition including the proposed use of the space and exterior style, materials, color, etc. (*The addition will look like the existing home with cedar siding and a similar roof.*)
2. The applicant should provide testimony to support the proposed front and side yard variances, including testimony as to the location of residential dwellings on

adjoining properties and surrounding vegetation. Can the proposed addition be located so that the roof overhang does not encroach upon the side yard setback? *(See Factual Finding 15 herein.)*

3. The plans do not propose any stormwater management facilities to capture and infiltrate runoff from the proposed addition. The Board should consider whether or not to require the applicant to address stormwater management as part of this application. It should be noted that even though a lot coverage variance is not required for this application, the applicant will still likely be required to address stormwater management under the Grading & Surface Water Management Plan process – see Comment No. 14 below. *(The Board finds that the 700 square foot increase in impervious coverage which will result in less coverage than permitted by the DRO does not warrant any stormwater management facility.)*
4. The applicant should clarify if any trees or shrubs will be removed or impacted as a result of this project. *(The single bush that will be impacted by the new construction will be moved to another location.)*
5. There is a slight discrepancy with the side yard setback distance for the proposed addition - 37.75 feet on Plan Sheet 1 versus 37.70 ft. on Sheet 2. This distance should be clarified. *(The applicant's engineer will revise the plan to address this discrepancy.)*
6. A review of the architectural plans indicated that there is no Sheet 3. If this was left out unintentionally, it should be submitted to the Board for review. *(A roof plan was not included in the plans which were submitted to the Board but was presented at the public hearing. It showed that the roof of the addition will be comparable to that of the existing residence. Since the applicant had only one copy of the plan, he agreed at the public hearing to have another copy made and provided it to the Board.)*
7. There are discrepancies with the lot coverage calculations between the variance plans (8.1% existing, 9.9% proposed) versus the lot coverage form (2.8% existing, 4.5% proposed) attached to the variance application. This discrepancy should be clarified. *(John Hansen recalculated the lot coverage at 9.1%. He will verify the coverage figure with Land Use Board Engineer Burr through a revised plan submission.)*
8. The applicant should clarify whether there is any other exterior lighting proposed as part of this application. If so, the applicant should provide information to confirm that there will not be any undesirable effects to the surrounding properties in accordance with DRO Section 632. *(The new lighting will be comparable to that of the existing lighting. All new lighting shall comply with Section 632 of the DRO. The lights shall not cause glare or sky glow on other properties or public streets.)*

9. The applicant should clarify what will be the height of the new addition compared to the existing dwelling. *(The height of the ridge line of the new addition shall be lower than that of the ridge line of the existing home.)*
10. The plan reflects a new concrete pad on the east side of the proposed addition, but does not label what it is intended for. *(The concrete pad will be under the steps from the home.)*
11. The plan reflects a “Concrete Pad for Propane Tank” on the east side of the main dwelling. Is this existing or proposed? If proposed, will the tank be screened from Water Street? *(A concrete pad for the propane tank is proposed. It will be screened to the approval of the Land Use Board Engineer.)*
12. The approved NJDEP permits allow for a very limited area of disturbance around the proposed addition. Will construction of the addition even be possible within this limit of disturbance? *(John Hansen said that the construction was feasible.)*
13. The applicant should clarify if the existing driveway will need to be enlarged or otherwise modified to meet the proposed addition/garage. *(There will be no change in the existing driveway.)*
14. A Grading and Surface Water Management Plan (GSWMP) will need to be submitted to the Land Use Administrator for review by the Township Engineer prior to the Construction Permit application. This GSWMP must comply with Chapter 13.12 of the Township Code of Ordinances. *(Since the increase in lot coverage is less than 1,000 square feet, a grading and stormwater management plan is not required.)*

2. A foundation survey for the concrete slab under the addition shall be submitted to the Land Use Board Engineer and Land Use Board Administrator.

3. John Hansen shall confirm to the Land Use Board Engineer that the necessary NJDEP approvals have been obtained for the construction of the addition.

4. The applicant shall comply with all rules, regulations, ordinances and statutes of the Federal, State, County and local municipal governments that may apply to the premises. The applicant shall submit a letter to the Land Use Administrator certifying compliance with the aforementioned rules, regulations, ordinances and statutes.

5. This resolution and the issuance of permits are conditioned on the applicant paying all escrows and fees.

6. The variance shall be utilized within one year of the date of the memorialization resolution. If it is not utilized within one year it shall become void and have no further effect.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Van Doren, Mr. Becker, Mr. D’Armiento, Mr. Rahenkamp and Mr. Larsen

Those Opposed: None

PUBLIC HEARING

- Lyons
Appl. No. 14-06
Block 32, Lot 37.07
Side and Rear Setback Variance, Impervious Coverage and Steep Slope Variances for addition and detached garage
Action Deadline – 9/12/14

Mr. Bernstein explained that the hearing was continued from the June 18, 2014 meeting since the revised plans were not submitted 10 days ahead of time. The plans have been reviewed by the Board Engineer and there have been significant changes to the drainage. Mr. Bernstein went on to say that he prepared the resolution for the Board’s consideration at the conclusion of the public hearing.

James Chmielak, applicant’s engineer, explained that they took a look at the drainage configuration in the rear of the garage and the desire of the Board to have a connection to the stone swale along the property line. He explained that they prepared a sketch and reviewed it with Mr. Burr which proposes an inlet at the rear of the proposed garage which will connect to the existing swale. Mr. Burr agreed with the proposal and noted that the inlet will direct runoff to the east side of the property to the existing stone swale. When asked how the water will get there, Mr. Burr explained that it will be captured in an inlet and piped underground and daylight at the stone swale. When asked by Mr. Van Doren why the pipe needs to daylight and then run underground again, Mr. Chmielak explained that there would be more disturbance running it underground the entire length.

There being no additional questions from the Board, Mr. Johnstone opened the meeting up to the public. There being no additional questions or comments from the public, Mr. Johnstone closed the public hearing.

Mr. Van Doren made a motion to approve the application. Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Mrs. Czajkowski, Mr. Moriarty, Mr. Becker, Mr. D'Armiento, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

RESOLUTION

- Resolution No. 14-12 Lyons, Appl. No. 14-06, Block 32, Lot 37.07

Mr. Van Doren made a motion to approve the following resolution. Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 14-06
RESOLUTION # 14-12

WHEREAS, DONNA and MARK LYONS have applied to the Land Use Board of the Township of Tewksbury for permission to construct a detached three car garage with a second story home office/den and additions to an existing single family residence which is located at 12 Water Street on property designated as Block 32, Lot 37.07 on the Tewksbury Township Tax Map, which premises is located in the Highlands (HL) Zone, and

WHEREAS, the application was presented by Civil Engineer James Chmielak, Jr., P.E. of the firm of Kensho Resources, LLC; Architect and Professional Planner James Weill, R.A., P.P. of the firm of James Weill & Associates, Architects and Planners; and Donna and Mark Lyons at the June 4, 2014, June 18, 2014 and July 2, 2014 Land Use Board meetings, and

WHEREAS, the application was reviewed by William H. Burr, IV, P.E. of the firm of Maser Consulting, P.A., and

WHEREAS, the Board, after considering the evidence presented by the applicants and Mr. Burr, has made the following factual findings:

A. The Subject Property.

1. The site contains 135,444 gross square feet or 3.1094 acres and 131,688 net square feet, or 3.0231 acres.

2. The subject property has 228 feet of frontage on Water Street. The eastern side line is 648.50 feet, the western side line is 623.50 feet, and the rear lot line is 200 feet.

3. A branch of the Rockaway Creek traverses the site 90 – 150 feet from Water Street.

4. An area approximately 65,500 +/- square feet located along the front of the property is encumbered with a conservation easement.

5. About 300 feet from Water Street is a 35 foot wide private right of way easement. Within the easement is a stone driveway providing access to the adjoining lot to the east designated as Block 32, Lot 37.06, as well as to Block 32, Lot 37.08 to the west.

6. The site is improved with a 1-1/2 story frame dwelling and attached side entry garage setback 511.2 feet (to the dwelling) from Water Street. The residence has a minimum rear yard setback of 45.64 feet.

7. Behind the home to the southeast is a band of critical slopes over 25%.

8. Access to the garage is through a 290 +/- foot long stone driveway (from the private row easement). There was testimony that the topography makes access to the garage difficult, especially in the winter.

B. The Initial Proposal.

9. The applicants initially proposed to construct a detached 36 foot by 25 foot three car garage with the second floor consisting of an office/den with a closet and half bathroom.

10. The proposed garage would have a side yard of 15 feet and a rear yard of 10 feet. The 36 +/- feet between the detached garage and the home would be a paver sidewalk/patio.

11. The applicants propose to add an addition of 136 square feet to the northwest corner of the home and 146 square feet to the southwest corner of the home. An addition of 682 square feet to the east side of the home would consist of an expanded family room, bathroom, and laundry room and mud room. The addition would reduce the rear yard to 35.9 feet.

C. Initial Required Variances.

12. The home is within the Highlands Zone, where the minimum lot size is 12 acres. The lot is *grandfathered* under Section 706F3 of the Development Regulations Ordinance (DRO).

13. The proposed detached garage would have a side yard of 15 feet, while the DRO requires a minimum side yard of 40 feet for the subject property. An addition to the home would have a side yard of 33.3 feet, while 40 feet is required.

14. The detached garage would have a rear yard setback of 10 feet, while the DRO requires a minimum rear yard setback of 40 feet for the subject property.

15. The existing residence has a rear yard setback of 45.6 feet, the proposed addition would have a rear yard setback of 35.9 feet, the concrete pad for the emergency generator would have a rear yard setback of 30.8 feet, while the DRO requires a rear yard setback of 40 feet.

16. The proposed construction would increase impervious coverage from 9.66% to 10.97%, while the DRO limits impervious coverage to 10% for the subject property.

17. The DRO in Section 704 precludes construction in areas of critical slope. The detached garage would disturb 940 square feet of critical slope area.

D. Site Visit.

18. At the June 4, 2014 meeting, the Board scheduled a site walk for June 6, 2014. The applicants' engineer marked the location of the detached garage.

19. Board Members during the site visit noted the close proximity of the detached garage to the adjoining property to the east.

D. Revised Plans.

20. Subsequent to the site visit, the applicants relocated the detached garage to within 12 feet of the home. The garage would be connected by a breezeway to the home.

21. The garage would have a 40.2 foot eastern side yard and a 10.7 foot rear yard. An addition to the home would have a rear yard of 35.9 feet. Another addition would have a side yard of 33.3 feet. Lot coverage would be reduced from

10.97% to 10.76%. The home to the rear of the site (Lot 37.22) is 350 feet from the southeast corner of subject dwelling.

22. The relocated garage and its grading would impact less critical slopes than the original plans.

E. Justification for Variances.

23. The requested variances are justified under N.J.S.A. 40:55D-70c(1) on the basis of the unusual slope and topographical conditions of the subject property. The long driveway to the garage which contains approximately 7,510 square feet and the driveway leading to other lots which contains 2,672 square feet cause the slightly oversized impervious lot coverage.

24. The requested variances are justified under N.J.S.A. 40:55D-70c(1)(c) on the basis of the location of the existing residence 511.2 feet from Water Street and a minimum rear yard of 35.90 feet. Because of the topographical conditions, the garage could not be located further from the rear property line.

25. The requested variances are also justified under N.J.S.A. 40:55D-70c(2) by advancing a purpose of the Municipal Land Use Law under N.J.S.A. 40:55D-2h:

“h. . . . to encourage . . . and . . . promote the free flow of traffic . . .” by improving access to the garages.”

26. The benefits from the deviations substantially outweigh any detriment.

F. Drainage.

27. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Tewksbury.

28. The applicants' engineer designed a drainage system which directed water from the eastern side of the property around the home to the western side where water would be directed downhill to a branch of the Rockaway River.

29. Board Members were concerned with this drainage system which might cause flooding to the garage and home and possibly ponding at the rear of the home.

30. At the July 2nd meeting, the applicants' engineer Chmielak described a revised drainage plan which included lawn inlets to the rear of the home which will be piped to convey runoff from the hillside behind the garage to the existing drainage system on the east side of the driveway.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 2nd day of July 2014 that the application of Donna and Mark Lyons be approved in accordance with engineering plans titled: "PROJECT: LYONS RESIDENCE VARIANCE APPLICATION 12 WATER STREET BLOCK 32 LOT 37.07, TAX SHEET 11 TEWKSBURY TOWNSHIP HUNTERDON COUNTY, NEW JERSEY" prepared by Kensho Resources LLC dated April 18, 2014 and last revised June 11, 2014 consisting of 4 sheets, and architectural plans titled: "PROPOSED ADDITION & ALTERATIONS FOR: LYONS RESIDENCE 12 WATER ST. TEWKSBURY, NJ" prepared by James Weill & Associates, dated January 17, 2014 and

last revised June 12, 2014 consisting of 5 sheets, subject, however, to the following conditions:

1. Conditions recommended by Land Use Board Engineer William H. Burr, IV, P.E. in his reports dated May 30, 2014 as modified by the Land Use Board:

“TECHNICAL REVIEW:

15. The applicant should describe in detail the proposed expansion of the existing dwelling including the proposed use and size of the spaces, number of existing and proposed bedrooms/bathrooms, changes to exterior style, materials, color, etc. *See factual findings 9, 10, and 11.*
16. The applicant should also describe in detail the proposed detached garage and related improvements including the following:
 - a. The proposed use of the space and what will be stored in it. *The applicants will store vehicles and lawn equipment in the garage.*
 - b. The exterior style, materials, color, etc. *The style, materials, and color will match the existing residence.*
 - c. How many garage-bays are proposed? *3*
 - d. Is the garage proposed to be equipped with running water, heat, air conditioning, etc.? *Yes*
17. A review of the architectural plans revealed a finished second floor proposed over the garage which would include an office/den and full bathroom, with a separate exterior access. Testimony should be provided to clarify the proposed use of this space as the Township has had concerns over these types of spaces being converted into separate dwelling units (i.e. apartments). *There will be a half bathroom and not a full bathroom over the garage.*
18. The applicant and its professionals should provide testimony to support the proposed side and rear yard variances, including testimony as to the location of residential dwellings on adjoining properties and surrounding vegetation. Can the proposed improvements be located so that the setbacks are not encroached upon? *See factual findings 23 – 27.*
19. The applicant and its engineer should provide testimony to support the proposed lot coverage variance. Can any existing or proposed lot coverage areas on the property be reduced or eliminated as a way to decrease the amount of coverage on this property? *The long driveway to the residence and the driveway to other properties have unduly increased the amount of lot coverage.*

20. In an effort to mitigate the increase in stormwater runoff from the proposed improvements, the applicant has provided a drywell to capture and infiltrate the runoff. In total, the proposed drywell system has been sized to handle a total of 1,731 S.F. of lot coverage which equals the roof area of the proposed garage and a portion of the dwelling. While I have no issues with the conceptual design of this stormwater management system, I do have the following comments regarding the plans and corresponding calculations/construction details:
- a. The construction detail for the drywell should be revised to reflect the invert in and out elevations. *The applicants agreed to this condition.*
 - b. The detail should also be revised to clarify the dimensions of the stone surrounding the concrete seepage tank. *The applicants agreed to this condition.*
 - c. Soil tests will need to be performed to confirm adequate soil conditions to allow for the installation of the drywell as proposed. This issue could be addressed as a condition of any Board approval. *The applicants must comply with this condition.*
21. DRO Section 704 prohibits disturbance of slopes over 25%. The plans reflect steep slope disturbance of 940 S.F. as a result of the proposed garage; therefore, a variance would be required unless the applicant can relocate the garage outside the limits of the steep slope area. *The steep slope area will be disturbed under both the preliminary and subsequent plans, but less under the final plan.*
22. The architectural plans reflect various light fixtures on the new garage. Information should be provided by the applicant regarding the type, quantity and wattage of lights that are proposed to confirm that there will not be any undesirable effects to the surrounding properties in accordance with the Township Lighting Ordinance - Section 632. *The exterior lights must conform with Section 232 of the Township Ordinances. The lights and fixtures are subject to the approval of the Land Use Board Engineer. The lights shall not cause sky glow or glare on other properties or public streets.*
23. The plans call for the removal of several large existing trees to allow for the proposed garage improvements. The applicant should provide testimony to clarify if any new trees are proposed to be planted to offset this tree removal. *The revised plans do not require the removal of trees.*
24. A construction detail for an asphalt driveway is provided on Sheet 4 of the plans. The applicant should clarify whether the driveway will be paved or remain stone. If stone, the detail should be revised to reflect this. *The driveway will be paved.*
25. I have the following comments on the Variance Plans:

- a. The applicant should confirm the lot coverage calculations on Sheet 2 of the plans to clarify the existing sidewalk area of 684 S.F. This seems high. *This has been confirmed.*
 - b. Confirmation should also be provided to clarify the lot coverage calculations related to the driveway. How is the overall driveway coverage amount reduced from 9,411 S.F. to 8,515 S.F.? *An amount of the existing driveway must be removed in order to reduce the lot coverage to 8,515 square feet.*
 - c. The applicant should confirm the size of the proposed garage since there are some conflicts between the various submission documents – i.e. 25’x35’ on architectural plans, 36’x36’ on variance plans, note on variance plans stating 1,027 S.F. total size. *The outside dimensions are 26 feet by 36 feet.*
 - d. There is a proposed spot elevation at the southwest corner of the proposed garage labeled as 581; however, it is located between the 583 and 582 contours. Is this a typo? *The testimony disclosed this number as correct.*
 - e. There is a proposed spot elevation along the western side of the existing driveway labeled as 174.50 – I believe this is a typo. *The testimony disclosed this number as correct.*
26. A Grading and Surface Water Management Plan (GSWMP) will need to be submitted to the Land Use Administrator for review by the Township Engineer prior to the Construction Permit application. This GSWMP must comply with Chapter 13.12 of the Township Code of Ordinances. *The submission and implementation of a grading and surface water management plan is a condition of approval. ”*

2. Conditions recommended by Land Use Board Engineer William H.

Burr, IV, P.E. in his reports dated June 17, 2014 as modified by the Land Use Board:

“COMMENTS:

1. The applicant should describe in detail the proposed plan revisions including but not limited to any changes to the variance requests, any changes to the proposed dwelling expansion or changes in the size of the proposed detached garage. *See factual findings 20 - 21.*
2. The proposed spot elevations in the lawn areas to the rear of the proposed garage and existing dwelling indicate slopes of less than 1%. These areas should be reviewed to ensure a minimum slope of 2% in all lawn areas to prevent ponding. *The applicants agreed to this condition.*
3. Testimony should be provided regarding the steep (critical) slope disturbance as a result of plan changes? Can the proposed garage be further adjusted to reduce the critical slope disturbance anymore? *There is a reduction in the disturbance to the steep slopes.*

4. At the June 4, 2014 hearing, the applicant commented on an existing erosion issue with the gravel driveway resulting from uphill water runoff. As a result of the location change to the detached garage, the existing driveway is now proposed to be made steeper and a portion of this drive is also proposed to be paved. The applicant's engineer should comment on the existing drainage conditions and how the runoff will be conveyed/managed after the driveway is paved. *See factual findings 28 – 30.*
5. A Driveway Permit will be required from the Township DPW Superintendent for the proposed driveway modifications.
6. A Grading and Surface Water Management Plan (GSWMP) will need to be submitted to the Land Use Administrator for review by the Township Engineer prior to the Construction Permit application. This GSWMP must comply with Chapter 13.12 of the Township Code of Ordinances. “

3. The applicant shall file a deed restriction to the approval of the Land Use Board Engineer and the Land Use Board Attorney requiring:

a. The submission of a Grading and Surface Water Management Plan required in condition 1.12 and 2.6 herein to the Township Engineer for his approval. The plan is to be implemented to the approval of the Township Engineer. The facility shall reduce effective storm water runoff to that produced by 10% lot coverage. The facility shall be permanently maintained in accordance with the NJDEP Best Management Practices and any subsequent revisions and successor regulations.

4. The applicant shall comply with all rules, regulations, ordinances and statutes of the Federal, State, County and local municipal governments that may apply to the premises. The applicant shall submit a letter to the Land Use Administrator certifying compliance with the aforementioned rules, regulations, ordinances and statutes.

5. This resolution and the issuance of permits are conditioned on the applicant paying all escrows and fees.

6. The variance shall be utilized within one year of the date of the memorialization resolution. If it is not utilized within one year it shall become void and have no further effect.

7. The applicants are required to apply for a driveway alteration permit with the Superintendent of Public Works.

8. An as-built foundation location survey shall be submitted to the Land Use Board Engineer and Land Use Board Administrator.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Van Doren, Mrs. Czajkowski, Mr. Moriarty, Mr. Becker, Mr. D'Armiento, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

PUBLIC HEARING

- Sprint Spectrum, L.P. – **agenda 7/2/14**
Appl. No. 14-03
Block 11, Lot 38.01
Use Variance, conditional use variances, preliminary/final site plan
Action Deadline – 10/06/14

Due to the application being a use variance, Mr. Van Doren recused himself from the meeting.

Richard DeLucry of the firm Cooper Levenson, was present representing the applicant. Mr. DeLucry explained that the application before the Board is for permission for Sprint to co-locate antenna on a Jersey Central Power & Light (JCP&L) transmission tower along Longview Road. The antenna will be installed on top of the tower and there will be an equipment compound within the four (4) legs of the tower. It is a conditional use within the Zone but the applicant is requesting the following relief from some of the conditions: 1) fencing around the equipment compound, 2) landscape buffer and, 3) side setback. The applicant is seeking preliminary and final site plan approval, conditional use approval and some submission waivers. Mr. DeLucry identified the following witnesses that would testify: RF Engineer Rosario Conelli of Sprint Spectrum, Daniel Collins of the firm Pinnacle Telecom Group, LLC, Frank Colasurdo, Architect of the firm FC Architects and Rick Masters, Professional Planner. When asked by Mr. Johnstone the height of the existing tower, Mr. DeLucry responded 145 feet with a 10 foot tower proposed by Sprint. When asked if the tower could be seen by neighbors, Mr. DeLucry

opined that it would only be seen by the property owner that has consented to the application.

Frank Colasurdo, Architect, was sworn in by Mr. Bernstein. Mr. Johnstone noted that Mr. Colasurdo was accepted as an expert in architecture under a previous application (Cellco). Mr. Colasurdo marked the following Exhibits into the record:

Exhibit A-1 – sheet Z3 of the plans filed with the Board colored to identify property lines.

Exhibit A-2 – sheet Z3A of the plans filed with the Board colored to distinguish property lines, mature tree lines, etc.

Mr. Colasurdo explained that the subject property is known as 24 Longview Road which consists of 25.71 acres and is a flag lot with a 900 foot gravel driveway. There is an existing JCP&L power tower that is 145 feet above grade. Sprint is proposing to mount three (3) antennas to the top of the tower, ten (10) feet above. They are also looking to construct an equipment cabinet within the footprint of the tower on a 9'6" x 20 foot concrete pad. Mr. Colasurdo noted that the existing tower is 938' from the public right of way of Longview Road. The setbacks from the proposed concrete pad are as follows: from the western property line 99.2 feet, from the eastern property line 120.2 feet and from the southern and northern property lines the setback is exceeded by hundreds of feet; the sole setback variance is from the western property line (100 feet is required).

Referencing the site plan, Mr. Colasurdo noted that all of the equipment is proposed within the feet of the existing power tower. The largest of the proposed cabinets is 6'4" and the secondary cabinet is 5' high. The applicant proposes three (3) antennas ten (10) feet above the existing 145 foot tower. There is also a lightening rod which brings the total to 157 feet.

Mr. Colasurdo explained that the facility is designed to be unmanned, does not generate traffic and does not require potable water or sewer and does not produce solid waste. The facility will be monitored 24 hours a day 7 days a week with a series of silent alarms. For example, if an equipment cabinet heats up a silent alarm would sound and it would send a signal through the land line. If necessary, a technician would be dispatched to the site within an hour. The equipment does not produce any glare, odor or any noise that would exceed the NJDEP noise standards. There are two (2) 70 watt flood lights associated with the equipment cabinets; they are on a manual light switch for the technician.

When asked by Mr. Burr the dimensions of the antenna, Mr. Colasurdo responded as follows: 11.8 inches wide, 73 inches high and 5.9 inches deep. Mr. Burr noted that the support hardware behind the antenna matches the tower but asked about the color of the antenna. Mr. Colasurdo explained that they are a light grey/off white with aluminum backing. When asked about the color of the equipment cabinets, Mr. Colasurdo explained that they are typically off white in color. When asked about the cable that runs up the tower, Mr. Colasurdo explained that the cable is the umbilical cord that connects the equipment to the antenna. It is an inch and a quarter cable with copper tubing, insulated with Styrofoam and encased in a heavy black plastic shield. When asked if it is

noticeable running up the tower, Mr. Colasurdo responded in the positive. When asked about the frequency of visits, Mr. Colasurdo explained that a technician will visit the site in a Ford Explorer type vehicle every four (4) to six (6) weeks and will be there for approximately 45 minutes to an hour. When asked the distance from the parking area to the tower, Mr. Colasurdo opined 200 feet. He noted that if the equipment cabinets ever need to be changed a truck would need to drive to the location of the equipment. When asked about the access easement, Mr. DeLucry noted that there is an amended access easement that was provided with the application material. When asked if there is a generator proposed, Mr. Colasurdo responded in the negative and explained that a portable generator will be brought in if necessary. When asked if there are lights on the tower, Mr. Colasurdo responded in the negative.

When asked by Mr. Bernstein about the noise, Mr. Colasurdo noted that at 5 feet away the noise from the fans inside the cabinets will measure 58 decibels.

When asked by Mr. Moriarty where the power is coming from, Mr. Colasurdo explained that they need power and one (1) phone line; they will ask for their own electric meter and are proposing an underground line from Longview Road through the existing 50 foot wide easement to the facility. When asked what type of fuel would be used for a portable generator, Mr. Colasurdo responded diesel.

When asked by Mr. Mackie if the underground utilities have been approved, Mr. Colasurdo responded in the negative but noted that they are entitled to service and JCP&L dictates how they get it to the facility; if it cannot be installed underground it will be installed above ground on utility poles.

When asked by Mr. Becker if any part of the driveway will be widened, Mr. Colasurdo responded in the negative. Mr. Becker expressed concern with the manual light switch and asked if there was a way to protect it from trespassers who may activate the lights. Mr. Colasurdo noted that he could install a locking mechanism over the light switch. When asked if there is any electronic motion alarms or cameras installed, Mr. Colasurdo responded in the negative. When asked how the equipment cabinets are protected from vandalism, Mr. Colasurdo explained that any time the equipment cabinet is tampered with a silent alarm sounds. When asked if the color of the cable can be changed to match the tower, Mr. Colasurdo responded in the negative but noted that the cables are generally installed towards the middle of the tower and are masked by the tower.

When asked by Mr. D'Armiento about the access drive, Mr. Colasurdo explained that it is an existing gravel driveway that traverses Lot 38.01 and eventually ends on Lot 38.

When asked by Mr. Rahenkamp if JCP&L will preclude any other carriers from erecting antenna, Mr. Colasurdo responded in the negative.

Mr. Larsen noted a correction needed on page Z3 – the cabinets are referred to as triangular shaped when they are rectangular.

There being no additional questions from the Board, Mr. Johnstone opened the meeting up to the public.

Mike Detronko, Longview Road, noted that the site plan shows the subject property going out to Longview Road and he opined that that is an error. Mr. Colasurdo noted that the site plan was based on a survey prepared by a licensed surveyor.

There being no additional questions from the public, Mr. Johnstone closed the public portion.

Rosario Conelli, RF Engineer of Sprint Spectrum, was sworn in by Mr. Bernstein. Mr. Conelli provided his qualifications and was accepted by the Board. Mr. Conelli explained that Sprint is licensed by the FCC and pursuant to that license they are required to provide wireless service nationwide. Mr. Conelli noted that it is his responsibility to review Sprint's network to determine where there is and is not coverage. They drive the area and collect data to determine where there are levels of insignificant coverage (the ability for a user to receive and maintain a call while they travel). He noted that there was a significant gap in coverage detected in the area. Using a map of coverage areas (included in the RF Report), Mr. Conelli explained that the dots in blue are existing Sprint facilities. He noted that the strength of the signal from those facilities depends on the topography and Tewksbury's terrain is challenging. The red dots are possible sites being looked at by Sprint to co-locate. He went on to explain that when mapping out future sites ideally there will be some overlap in coverage so as the user travels the network can hand off from one cell to another. Using the same map, Mr. Conelli used an overlay to show the predicted coverage with the proposed sites. He noted that JCP&L is using Sprint to help them communicate during emergencies such as hurricane Sandy. The line crew that come from out of state to NJ have their own radio systems and they only work when in their home location. Sprint has a push to talk/walkie talkie type feature that will help those out of state workers communicate during emergencies. When asked, Mr. Conelli listed the following roads that would be in the newly created coverage area: Water Street, Cokesbury/Califon Road, Longview Road and several others. When asked by Mr. DeLucry if co-locating on an existing tower is a top priority in the Township's regulations, Mr. Conelli responded in the positive.

Mr. Burr noted that it is a top priority to co-locate on an existing tower and it is also a priority to co-locate on a tower where there are other wireless facilities. When asked if he looked at any other facilities that already have other providers, Mr. Conelli respond in the positive. He explained that the other tower they are looking at is another JCP&L tower where Verizon already exists (not in Tewksbury).

When asked by Mr. Johnstone if the existing tower in Clinton Township would cover the subject area, Mr. Conelli responded in the negative because of the challenges of the terrain.

When asked by Mr. Bernstein if he looked for reliable and seamless coverage as required by the FCC, Mr. Conelli noted that it is a mandate and also Sprint's goal. When asked by

Mr. Bernstein the decibel level that Sprint wishes to achieve, Mr. Conelli explained that his map shows a negative 99 dbm. When asked if there are any statistics about calls made in the white area on the map versus calls made in the green area, Mr. Conelli explained that it is designed to a 2% quality of service; out of 100 calls only 2 calls may not go through or may drop.

When asked by Mr. Moriarty if additional antenna can be located on the subject tower, Mr. Colasurdo explained that another carrier will not locate on Sprint's platform but another carrier could apply to locate higher and attach another section to Sprint's platform. JCP&L will not let a carrier install antenna below the top energized wires (antenna has to be ten (10) feet above so the next carrier would have to be ten (10) feet above Sprint). Mr. Bernstein noted that a variance would be required.

When asked by Mrs. Czajkowski the number of Sprint users in the proposed service area, Mr. Conelli did not have an answer. When she asked if he knew how many people would benefit from the expanded service, Mr. Conelli could not provide an answer.

When asked by Mr. Becker if only Sprint can be located on the antennas that are proposed, Mr. Conelli explained that Sprint and Verizon have a roaming agreements; Sprint's roaming agreement is only with Verizon and not with AT&T or T-Mobile.

When asked by Mr. Rahenkamp if they looked northeast on the same tower line, Mr. Conelli responded in the positive and were pursuing another tower a few years back but at this time no other towers are being pursued. He noted that while a tower may be suitable based on its height or location, access plays a big role as well as a willing landowner.

When asked by Mr. Larsen how many antenna the tower can handle, Mr. Colasurdo replied 12. When asked what would cause the need for more antennas, Mr. Conelli explained that they will install more antennas if there is greater demand but they are not expecting the subscriber count to go up significantly.

There being no additional questions by the Board, Mr. Johnstone opened the meeting up to the public.

Mike Petronko, 21 Longview Road, asked if Sprint customers are complaining about service. Mr. Conelli explained that his job is to identify gaps in service. The intent is to provide better service to existing customers and to potential new customers. The other benefactor of this service is First Energy (JCP&L).

There being no additional questions from the public, Mr. Johnstone closed the public portion of the meeting.

Dan Collins, Electrical Engineer specializing in radio frequency exposure (RF Safety), was sworn in by Mr. Bernstein. Mr. Collins had been previously accepted by the Board and was accepted again.

Mr. Collins noted that he prepared a report that was submitted to the Board. Mr. Collins reviewed for the Board the FCC's standard for exposure to radio frequency levels. Mr. Collins explained that radiation from the facility, in a worst case scenario, would be 0.05% or 1/20th of 1% of the radiation exposure permitted by the FCC (2000 times below the FCC's standard). The State limit is supposed to echo the FCC's limit but it doesn't – the NJ standard is 5 times less stringent.

When asked by Mr. Rahenkamp about the radiation additive and if Sprint looked at other sources including extending the antenna on the subject tower, Mr. Collins explained that Sprint looked for other existing radio frequency sources and none exist. He added that the effects of the power line are not included because it's "apples and oranges". When asked by Mr. D'Armiento where the measurement is taken, Mr. Collins explained the process of preparing the calculation (included in the report on page 10). When asked by Mr. Larsen what the equation would look like with twelve (12) antennas, Mr. Collins explained that the number of antenna has no impact because the carrier can only use six (6) channels in any one direction.

There being no additional questions from the Board, Mr. Johnstone opened the meeting up to the public. There being no questions from the public, Mr. Johnstone closed the public portion of the meeting.

Rick Masters, Planner, was sworn in by Mr. Bernstein. Mr. Masters provided his credentials and was accepted as an expert by the Board. Mr. Masters marked a series of photo simulations taken on May 7th as **Exhibit A-3** which shows the existing subject tower from various vantage points and corresponding computer generated photo simulations of the proposed Sprint installation. Mr. Masters noted that he reviewed the application material, the Township's Zone and Master Plan and visited the site on several occasions and prepared a visual impact analysis of the proposed installation. Mr. Masters noted that because the applicant could not comply with three (3) of the conditional use standards the applicant is seeking d3 variances for deviation from a conditional use standard. Those three (3) deviations are 1) setback (Sprint is 6 feet and 11 inches over the setback to another property owned by the owner of the subject lot), 2) landscaping and 3) fencing. Mr. Masters noted that the standard for the Board is to determine if the subject property is still a suitable site despite the deviation from the conditional use standard; Mr. Masters suggested to the Board that the site is still a particularly suitable site. Mr. Masters reviewed for the Board the photographs on **Exhibit A-3**. He entered in the record four (4) additional photographs marked as **Exhibit A-4** depicting views of the tower from various vantage points with computer generated photo simulations of the tower. **Exhibit A-5** was marked into the record and is a Google earth color aerial photograph from September 18, 2013 which identifies the subject site and the location of the vantage points where the photographs were taken. Mr. Masters suggested to the Board that the site is particularly suited for several reasons, those being: 1) it meets the technical requirements and achieves the coverage objective for Sprint, 2) co-locates on an existing transmission tower which is first priority in the townships telecommunications ordinance, 3) is sited on a large lot (twice the minimum lot area

requirement), 4) substantial vegetative buffers exist, and 5) favorable terrain characteristics.

Mr. Masters noted that the only residential property that has visibility of the ground equipment is the homestead on the adjoining property which is owned by the owner of the subject lot; none of the surrounding properties can see the ground mounted equipment. Because of this condition, he opined that fencing and landscaping is not necessary. He concluded that the variance relief could be granted based on these conditions. In addition to the stated reasons, he noted that Sprint has secured the requisite license from the FCC and the courts in NJ have found that generally the issuance of an FCC license should suffice that a carrier has established that the use serves the general welfare. Mr. Masters opined that given the size of the property and the location of the proposed installation the variance relief could be granted without substantial detriment to the public good and without substantial impairment to the zone plan. He suggested that the application promotes some of the purposes in the township's wireless ordinance by utilizing an existing high tension tower and not exceeding the 10% height of the tower and that the variances could be granted with regard to both the positive and negative criteria. Mr. DeLucry noted that because the project is proposed within a public utility transmission tower there are policy restrictions imposed by JCP&L. Mr. Masters noted that documentation was submitted that sets forth the policies of JCP&L relative to the ability to propose landscaping and fencing within their right of way; basically fencing is not permitted and the restriction relative to landscaping is no more than 3 feet in height. Mr. DeLucry noted that there are regulations in the NJ Administrative Code regarding transmission line vegetative management and those regulations also impose restrictions that impact the size of landscaping.

When asked by Mr. Burr if there is any other visual impacts of the ground mounted equipment to surrounding dwellings or public roads, Mr. Masters responded in the negative.

When asked by Mr. Moriarty why the equipment must be placed within the four (4) legs of the tower, Mr. Masters explained that it is a State Highlands restriction. When asked if it is possible to comply with the fence and landscape restriction, Mr. Masters responded in the negative due to the JCP&L restriction.

When asked by Mr. Mackie if the property owner has any objection to the lack of fencing or landscaping, Mr. Masters responded in the negative. Ms. Goodchild noted that the property owner consented to the application.

There being no more questions from the Board, Mr. Johnstone opened the meeting up to the public.

Mike Patronko, 3 Longview Road, noted that he can see the equipment from his home and there is vegetation within the power easement taller than three (3) feet.

When asked by Mr. Bernstein about the decibel level at 100 feet (the closest property line), Mr. Colasurdo estimated it to be between 31 and 32 decibels. When asked if the applicant will comply with Bill Burr's report, Mr. DeLucry responded in the positive. Mr. Burr noted that the Highlands approval dates back to 2012 and references plans at least three (3) years old. He recommended that the applicant get an updated exemption to which Mr. DeLucry agreed.

There being no additional questions, Mr. Johnstone opened the meeting up to the public for comments.

Mike Patronko, was sworn in by Mr. Bernstein. Mr. Patronko noted that he has cell service and he uses other carriers because it is better service. He opined that Sprint is proposing a tower to market their service and questioned whether it is in the public interest. He noted that he looks at the subject tower every time he comes down his driveway. He was approached by Sprint over a year ago to co-locate on his tower and he turned them down. He questioned how many people within a two (2) square mile area would benefit from the tower. He concluded by saying that if the Board approves the application he hoped that the equipment would be buffered so that he does not have to see it every time he leaves his home.

Pat Patronko, was sworn in by Mr. Bernstein. Ms. Patronko opined that Tewksbury is getting the "short end of the stick"; Tewksbury gets the equipment but Clinton and Lebanon Townships will benefit more than Tewksbury.

There being no additional comments from the public, Mr. Johnstone closed the public comment portion of the meeting.

Mr. Moriarty opined that the co-location is good however he is concerned about the lack of buffering for the equipment.

Mr. Mackie agreed with Mr. Moriarty.

Mr. Johnstone agreed with Mr. Moriarty particularly since there are residents who can see the equipment. Mr. Burr suggested that the Board include a condition requiring him to meet with the applicant and neighbor in the field to work together to come up with a plan. He agreed with the applicant regarding the JCP&L restrictions within the easement but suggested that maybe there is an opportunity to look at other buffering possibilities. Mr. DeLucry agreed to that condition and offered to get JCP&L's representative to meet at the site as well. Mr. Johnstone asked that Mr. and Mrs. Patronko be invited to participate as well.

Mr. Bernstein listed the following conditions for the Board's consideration:

1. Power (electric service) should be installed underground
2. Single carrier; any additional antennas would need to return to the Board for approval

3. Updated exemption from the NJ Highlands Council
4. Plan revisions outlined in Mr. Burr's report
5. The antenna and equipment will be removed when it is no longer needed
6. If Police/Fire want to erect an antenna Sprint will permit
7. Meeting in the field with the LUB Engineer, applicant, JCP&L and Mr. and Mrs. Patronko to discuss landscape buffer
8. Escrow paid
9. Variance valid for one (1) year
10. If landscaping is provided it shall be permanently maintained.

Mr. Johnstone thanked Sprint for taking the time to find an existing tower to co-locate on rather than proposing a new tower. He opined that the 10 foot extension on the existing tower is diminimus.

Mrs. Baird made a motion to approve the application with the requested variances and conditions as outlined by Mr. Bernstein. Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Becker, Mr. D'Armiento, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

BOARD DISCUSSION ITEM/ACTION ITEM

- Close the following escrow account – Zamarra/Ganek - \$775.00

Mrs. Baird made a motion to close the above referenced escrow account and return the balance to the applicant. Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Becker, Mr. D'Armiento, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

The Board authorized the cancelling of the July 16, 2014 meeting due to the adjournment of the Cello hearing. All were in favor.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:01 p.m. by motion of Mrs. Baird and seconded by Mr. Moriarty.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator