

LAND USE BOARD MINUTES
August 6, 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, Shaun Van Doren, Dana Desiderio, Bruce Mackie, Michael Moriarty, Shirley Czajkowski, Ed Kerwin arrived at 7:32 p.m., Robert Becker, Alt. #1, Kurt Rahenkamp, Alt. #3 and David Larsen, Alt. #4.

Absent: Ed D'Armiento, Alt. #2

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

There were approximately twelve (12) 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. Ms. Desiderio made a motion to approve the claims listed below and Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 7-2-14 LUB meeting, invoice dated July 3, 2014 (\$450.00)
2. Bernstein & Hoffman, Land Use Board Escrow – Lyons, Block 32, Lot 37.07 (\$1,357.50)
3. Maser Consulting – Land Use Board - General Work, invoice #240868 (\$162.50)
4. Maser Consulting – Land Use Board Escrow – Noe, invoice #240869 (\$65.00)
5. Maser Consulting – Land Use Board Escrow – Lance (B39, L1), invoice #240875 (\$390.00)
6. Maser Consulting – Land Use Board Escrow – Fraser (B16, L12.03), invoice #240871 (\$97.50)
7. Maser Consulting – Land Use Board Escrow – Roddy (B33, L7.19), invoice #240872 (\$190.00)
8. Maser Consulting – Land Use Board Escrow – Giello (B14, L41), invoice #240870 (\$65.00)

9. Maser Consulting – Land Use Board Escrow – Lyons (B32, L37.07), invoice #240873 (\$910.00)
10. Maser Consulting – Land Use Board Escrow – Wollmer (B11, L20), invoice #240874 (\$780.00)
11. Bernstein & Hoffman, Land Use Board Escrow – Sprint Spectrum, LP, (B11, L38.01) \$2,430.00
12. Maser Consulting – Land Use Board – General Work, invoice #243933 (\$130.00)
13. Maser Consulting – Land Use Board Escrow – Cellco Partnership (B44, L26), invoice #243934 (\$795.00)
14. Maser Consulting – Land Use Board Escrow – Sprint Spectrum, LP (B11, L38.01), invoice #243935 (\$2,402.50)
15. Maser Consulting – Land Use Board Escrow – Lyons (B32, L37.07), invoice #243936 (\$617.50)
16. Maser Consulting – Land Use Board Escrow – Wollmer (B11, L20), invoice #243937 (\$65.00)

Roll Call Vote:

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

Those Opposed: None

CORRESPONDENCE

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

1. A copy of a letter dated July 29, 2014 to NJ Council on Affordable Housing from Hunterdon County Planning Board re: comments that address the proposed Third Round Substantive Rules of the NJ COAH.
2. A copy of a letter dated July 28, 2014 to the NJ Council on Affordable Housing from Mayor Shaun Van Doren re: comments and objections to the procedural rules published on June 2, 2014 for the Third Round Substantive Rules of the NJ COAH.
3. Memorandum dated July 21, 2014 from Chief Thomas Holmes re: Appl. No. 14-02, Block 44, Lot 22.01.
4. A copy of a letter dated July 8, 2014 from Shana L. Goodchild to Gregory Meese, Esq. re: Cellco Partnership d/b/a Verizon, 19 King Street.
5. A copy of a letter dated July 1, 2014 from Pilar Patterson, NJDEP to Joanne Meisler, Bellemead Development Corporation re: Final Surface Water Renewal Permit Action, NJPDES Permit No. NJ0102563, Route 78 Office Area WWTF, Block 44, Lot 26.
6. A letter dated July 10, 2014 from Gregory Meese, Esq. re: Cellco Partnership d/b/a Verizon, 19 King Street, Block 44, Lot 26.
7. A letter dated July 31, 2014 from William Burr, Maser Consulting re: Jeanne Lance, Appl. No. 14-09, Block 39, Lot 2.
8. A letter dated July 31, 2014 from William Burr, Maser Consulting re: Oldwick Fire Co., Appl. No. 14-02, Block 44, Lot 22.01.

MINUTES

➤ April 16, 2014

The minutes of April 16, 2014 were approved as submitted by motion of Mrs. Baird and seconded by Ms. Desiderio. All were in favor. Mr. Van Doren, Mr. Moriarty and Mr. Larsen abstained.

➤ May 7, 2014

The minutes of May 7, 2014 were approved as submitted by Mrs. Baird and seconded by Mr. Becker with the correction to the attendance; Ms. Desiderio was absent. All were in favor. Mr. Kerwin and Ms. Desiderio abstained.

ORDINANCE REPORT

Mr. Mackie had no ordinances to report on.

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. 14-13 Sprint Spectrum, L.P., Appl. No. 14-03, Block 11, Lot 38.01
Eligible to vote: Mrs. Baird, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Becker, Mr. D'Armiento, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Mrs. Baird made a motion to adopt the following resolution. Mr. Becker seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 14-03
RESOLUTION # 14-13

WHEREAS, SPRINT SPECTRUM, LP, has applied to the Land Use Board of the Township of Tewksbury for submission waivers, preliminary and final site plan, a conditional use, and variances under N.J.S.A. 40:55D-70c and N.J.S.A. 40:55D-70d(3) for the installation of three (3) cellular wireless antenna on a Jersey Central Power & Light Company (JCP&L, a FirstEnergy subsidiary) high tension electric transmission tower and a 190 square foot equipment compound within the footprint of the transmission tower on property which is located at 24 Longview Road and designated as Block 11, Lot 38.01 on the Tewksbury Township Tax Map, which premises is located in Highland (HL) Zone, and

WHEREAS, the application was presented by attorney Richard F. DeLucry, Esq. of the firm of Cooper Levenson; RF Engineer Rosario Conelli of Sprint Spectrum, LP; architect Frank Colasurdo, RA of the firm of FC Architects, Inc; Radiation Safety Specialist Daniel J. Collins, of the firm of Pinnacle Telecom Group, LLC; and Professional Planner William F. Masters, Jr., P.P. at the July 2, 2014 Land Use Board meeting, and

WHEREAS, the application was reviewed by Land Use Board Engineer William H. Burr, IV, P.E., and

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

A. Cellular Telephone Service

1. The three basic components of a cellular telephone system are:

- The cellular telephone.
- The cell site, which receives and transmits calls.
- The mobile switching center, which connects calls to the wireless telephone system and the land line telephone system.

2. A cellular telephone call is received at the nearest cell site and transmitted by fiber optic cable to the mobile switching center.

3. A cell site consists of antennas and either an unmanned equipment shed or equipment cabinets, which are proposed by the current applicant. The antennas may be mounted on a cellular telephone tower, flagpole, water tank, building, or with the present application an electric transmission tower. The cellular provider reuses different frequencies allocated to it by the FCC. Sprint Spectrum, LP operates at frequencies of 850 and 1900 MHz. The antennas must be high enough to have a "line of sight" or "unobstructed view" of the customer's telephone, but not so high as to interfere with calls at other cell stations on the same frequency.

4. Cell sites are remotely monitored. A silent alarm will alert a central station to problems at the proposed facility. A service representative will visit the site every four to six weeks.

5. A cell site will typically serve an area with a radius of one-two miles, depending on the height of the antennas, the terrain, and trees.

6. Most cellular telephone calls are made from vehicles. As the vehicle travels, the call is "handed off" to the nearest cell site.

7. A cellular telephone company must have a sufficient number of appropriately located cell sites in order to provide "reliable and seamless coverage" within its franchise area, as required by the FCC. Reliable and seamless coverage is defined by the applicant as coverage at minus 99 DB which would result in less than 2% of the calls not connecting or being dropped.

8. Sprint Spectrum is authorized by the FCC to provide cellular telephone service in New Jersey.

B. The Subject Property.

9. The subject property is an irregularly shaped flag lot containing approximately 25.71 acres or about 1,119,927.6 square feet.

10. A flag mast approximately 1,000 feet long and 35 feet wide connects the lot to Longview Road.

11. The southern portion of the site is bisected with a 150 foot wide JCP&L easement. Located within the easement is a 145 foot tall electric transmission tower.

12. The tower is approximately 2,900 feet from Cokesbury-Califon Road, 938 feet from Longview Road, and 350 feet from the nearest dwelling unit.

13. The subject property consists of farm fields and woods.

C. Need.

14. Rosario Conelli is responsible for insuring Sprint Spectrum provides “reliable and seamless coverage” in the portion of its franchise area which includes Tewksbury Township. The network is constantly conducting propagation and drive-by studies to determine deficiencies or gaps in service.

15. Accompanying the application was a report prepared for Sprint Spectrum, LP titled: Radio Frequency Report Regarding a Proposed Wireless Communications Facility In Tewksbury Township Sprint Site ID: NY97XC032 24 Longview Road Tewksbury, NJ 08833. The study disclosed a gap in reliable cellular telephone coverage in Tewksbury Township which would be minimized by the proposed facility.

16. The study referenced in factual finding 15 and the testimony of Radio Frequency Engineer Conelli noted that the proposed cell site would improve coverage along:

- Cokesbury-Califon Road (2.35 mi)
- Water Street/Main Street (1.5 mi)
- Longview Road 513 (0.9 mi)
- McCatharn Road (0.9 mi)
- Church Street
- Tewksbury Historical Society
- Cokesbury Methodist and Presbyterian Churches.

D. The Proposal.

17. The applicant proposes to install three (3) antenna at the top of the tower on a platform. Each antenna would be 73” tall x 11.8” wide x 5.9” deep. The antenna would reach a height of 155 feet. Also located on the platform would be a ½” diameter lightning rod at a maximum height of 157 feet.

18. Coaxial cables which provide electric and telephone service to the antenna would be mounted on the tower.

19. Within the legs of the tower would be an equipment compound approximately 190 square feet. The equipment compound would consist of a concrete pad on which would be placed:

- A radio equipment cabinet mounted on raised steel rails. The cabinet would be 35.4 inches by 37.8 inches and 75.8 inches tall.
- A battery equipment cabinet 31 inches by 30 inches and 60 inches tall.
- A cable bridge and support rack which would hold a PPC cabinet, coax cables and GPS unit.

F. Radiation.

20. Cell sites emit radiation which is restricted by the Federal Communication Commission (FCC) and State of New Jersey.

21. A report titled: Antenna Site FCC RF Compliance Assessment and Report Jersey Central Power & Light Company, A FirstEnergy Company and Sprint Spectrum, L.P. Site “NY97XC032/NJ495V” 24 Longview Road Tewksbury, NJ was submitted along with the application and explained by Radiation Safety Specialist Daniel J. Collins.

22. The radiation generated by the proposed facility in a worst case scenario would be 0.05% or 1/20th of 1% of the radiation exposure permitted by the FCC. The New Jersey Standard is 5 times less stringent. Therefore the facility would generate 0.01% or 1/100th of 1% of the exposure permitted by the State of New Jersey.

G. Conditional Use Requirements for a Cell Site.

In the Tewksbury Township Development

Regulations Ordinance.

23. Cellular sites are regulated in Tewksbury Township by Section 807 of the Development Regulations Ordinance (DRO) titled Wireless Communications Tower and Facilities. Cell sites are permitted in most districts including the H.L. Zone.

24. The location of the Sprint Spectrum antennas meets the first priority location set forth in Section 807D1(a):

“a. The first priority location shall be collocation on existing wireless telecommunications towers or on high tension towers or water tanks, provided that the new installation does not increase the height by more than 10%.”

25. The location priority for towers is set forth in Section 807Da(1)(2):

“(1) Present documentary evidence regarding the need for wireless telecommunications antennas at the proposed location. This information shall identify the wireless network layout and coverage areas to demonstrate the need for new equipment at a specific location within the Township.

(2) Provide documentary evidence that a good faith attempt has been made to locate the antennas on existing buildings or structures within the applicant's search area. Efforts to secure such locations shall be documented through correspondence by or between the wireless telecommunications provider and the property owner of the existing buildings or structures."

26. Radio Frequency Engineer Conelli testified that there was a need for an additional cellular telephone site within Tewksbury Township. He stated that the proposed cell site would improve cellular telephone coverage within Tewksbury Township.

27. The Board finds that the improved service area is minimal. This modest improved service area is not fatal as the antenna are located at a priority location which requires a modest side yard variance discussed in factual findings 38 and 39 herein.

28. Specifications concerning a cell site are set forth in Section 807G:

"1. Antenna arrays may be mounted on existing buildings or structures but shall not extend beyond the overall height of any such building or structure by more than 10 feet or 10% of the height of the building or structure, whichever is less; *(This provision is met.)*

2. The equipment building shall be situated within a solid wooden fence at least seven and no more than eight feet high as approved by the Township Engineer, which shall include a locking security gate; *(A variance is required from this provision.)*

3. An equipment compound consisting of no more than 4,000 square feet in area may be erected in support of such antenna arrays, provided that: *(The compound is about 190 square feet.)*

a. It is situated behind existing structures, building or terrain features which will shield the compound from public view; or

b. When a location out of public view is not possible, a landscape buffer of 20 feet in width shall be provided around the compound to shield the facility from public view. Landscaping shall include evergreen trees at least eight feet high at the time of planting and planted in staggered double rows at 15 feet on center, or equivalent. *(A variance is required from this provision.)*

4. Antennas installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact on the landscape. Depending on the placement of this equipment, color should be selected to be consistent with the color scheme of the building or structure on which they are mounted, in order to blend with their surroundings. When this is not possible, color selection shall be designed to minimize the visual impact of the antenna arrays; *(This provision is met.)*

5. Wireless communications towers shall be located to minimize visual impact on residential areas and the public way.”

H. Required Variances.

29. The equipment compound is proposed within the footprint of an existing JCP&L transmission tower.

30. Variances are required from the conditional use requirements in Sections 807G2 of the DRO requiring a solid wood fence and Section 807G3b of the DRO requiring a landscape buffer.

31. FirstEnergy, the parent of JCP&L does not permit fences or landscaping over three feet tall within the legs of a tower.

32. The New Jersey Administrative Code limits the vegetation which may be placed within the *wire zone*:

“§ 14:5-9.6 Transmission line vegetation management.

2. Other than as provided at (c)1 above, the EDC shall not allow woody plants that mature above three feet tall to grow in the wire zone, and the preferred growth shall be grasses or a low-growing, compatible, scrub-shrub plant community to obtain a meadow effect where possible.

* * * *

2. Only grass vegetation not exceeding a height of 18 inches shall be permitted to grow within three feet of any structure.”

33. Our New Jersey Supreme Court in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285, 298 (1994) established the proof of special reasons required to satisfy the positive criteria for a conditional use variance under N.J.S.A. 40:55D-70d(3):

“We hold that the proof of special reasons that must be adduced by an applicant for a ‘d’ variance from one or more conditions imposed by ordinance in respect of a conditional use shall be proof sufficient to satisfy the board of adjustment that the site proposed for the conditional use, in the context of the applicant’s proposed site plan, continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance. That standard of proof will focus both the applicant’s and the board’s attention on the specific deviation from conditions imposed by the ordinance, and will permit the board to find special reasons to support the variance only if it is persuaded that the non-compliance with conditions does not affect the suitability of the site for the conditional use. Thus, a conditional-use variance applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems.”

34. The deleterious impact of cell sites are the unsightly towers and antenna that are blights on bucolic communities like Tewksbury Township. Noteworthy, the JCP&L tower exists and the antenna comply with the requirements of the DRO except for a minor side yard deficiency discussed in factual findings 38 and 39 herein.

35. The existing vegetation and the distance to public streets limit the visibility of the equipment cabinets.

36. Residents Michael and Pat Petronko, who live at 21 Longview Road, over 1,000 feet from the tower, were concerned with the visibility of the cabinets. As a result of their testimony, the Board has imposed condition 9 herein.

37. The Board finds that the subject property remains appropriate for the 190 square foot equipment compound with a few cabinets, without the surrounding fence and vegetation.

38. The existing tower where the antennas are proposed to be mounted has a side yard setback of 93 feet one inch, the HL Zone requires a minimum side yard of 100 feet. This requires the variance under N.J.S.A. 40:55D-70c.

39. The requested side yard variance is justified under N.J.S.A. 40:55D-70c(1)(c) on the basis of the location of the existing tower on the site.

40. The requested side yard and conditional use variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan a zoning ordinance of the Township of Tewksbury.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 6th day of August 2014 that the application of Sprint Spectrum, LP be approved in accordance with plans titled: "Proposed Wireless Telecommunications Facility Preliminary/Final Site Plans With Variance APPLICANTS: Jersey Central Power & Light Co. A Wholly Owned Subsidiary of FirstEnergy Corporation Sprint SPECTRUM L.P. 6200 Sprint Parkway Overland Park, Kansas 66251" prepared by FC Architects, dated April 22, 2011 and last revised May 30, 2014 consisting of sheets Z1 through Z7 and a Boundary Survey and Topographic Survey, both prepared by Gardell Land Surveying, LLC, dated March 29, 2011 subject, however, to the following conditions:

1. Conditions recommended by Land Use Board Engineer William H. Burr, IV, P.E. in his report of June 27, 2014 as modified by the Land Use Board:

“TECHNICAL REVIEW:

In particular, the following comments need to be addressed:

1. A Radio Frequency Report was provided; however, the existing and proposed coverage maps are not legible. *Legible maps shall be provided to the Land Use Board Engineer and the Land Use Board Administrator.*

2. Are there any other transmission towers within the Township already containing wireless communications facilities that might be appropriate for additional collocation? *No.*

3. DRO Section 807E.4 requires the applicant to provide a Site Location Alternative Analysis that describes the location of other sites considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs and the reason why the other sites were not chosen. The analysis should also include:
 - a. How the proposed location relates to the objective of providing full wireless communication services within the Township; *See factual finding 16 herein.*
 - b. How the proposed location relates to the location of any existing antennas within and near the Township; *There is a apparent need for an additional cell site in Clinton Township to serve a portion of Tewksbury Township.*
 - c. How the proposed location relates to the need for additional antennas within and near the Township; *There is a apparent need for an additional cell site in Clinton Township to serve a portion of Tewksbury Township.*
 - d. How the proposed location relates to collocation; *Other cellular providers could negotiate with JCP&L for space on the tower.*
 - e. How the proposed plan relates to the needs of all other providers. *Other cellular providers could negotiate with JCP&L for space on the tower.*

The above issues shall be addressed by the applicant either through submission of additional information or testimony in order to demonstrate that the proposed facility addresses these requirements.

4. According to DRO Section 807G, wireless telecommunications antennas may be erected on existing buildings or structures, and an equipment compound may be constructed in support of such antennas consistent with the following requirements:
 - a. Antenna arrays may be mounted on existing building or structure but shall not extend beyond overall height by more than 10 feet or 10% of the height, whichever is less. *The height of the antenna will be within 10 feet of the height of the existing tower.*
 - b. Equipment shall be situated within solid wooden fence – see Comment #2 in Zoning section above. Has Diamond Communication provided this restriction in writing that solid wood fences are not permitted under a tower? *The testimony disclosed that FirstEnergy does not permit a fence under a tower.*
 - c. An equipment compound with no more than 4,000 S.F. may be erected provided that:
 - i. It is situated behind existing structures, buildings or terrain features which will shield it from public view. *The topography of the site partly buffers the view of the equipment cabinets.*
 - ii. When a location out of public view is not possible, a landscape buffer of 20 ft. in width shall be provided – see Comment #3 in Zoning section above. Has Diamond Communication provided this restriction in writing

that landscaping is not permitted under a tower? Can landscape screening be provided outside of the limits of the tower? *See factual finding 32 and condition 10 herein.*

- d. Antennas installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact on the landscape. Testimony shall be provided to clarify the color/appearance of the proposed antennas. *The antenna will be painted light gray to minimize their visual impact.*

Photo-simulations were provided; however, they are in black and white and appear to be incomplete. While the Board finds minimal evidential value in photo simulations, the applicant shall provide color photo simulations of the proposed antennas and equipment enclosures from various vantage points and provide the photographs to the Land Use Administrator.

5. DRO Section 807I requires that no wireless telecommunication towers shall be erected within 1,000 feet of residential dwellings not located on the subject property. As this is not a new tower being constructed, the Board should consider the intent of the Ordinance with respect to installing wireless telecommunication equipment on an existing structure (tower) within 1,000 feet of the residential dwellings on surrounding lots. *A variance is not required for the existing tower. The placement of antenna at a height of 155 feet does not make the tower nonconforming.*

6. The applicant proposes access to the equipment enclosure from Longview Road via an existing access and utility easement across Lot 12.01. Permission will need to be obtained from the owner of Lot 12.01 to utilize this easement for access to the proposed wireless telecommunications facility. *An access easement was submitted with the application.*

7. In addition, the site plans indicate that a technician will park on a portion of the existing driveway on adjacent Lot 38 and walk to the facility from there (about 200 ft. away). Testimony should be provided to clarify the frequency of visits, type of vehicles, etc. How will the site be accessed if large/heavy equipment is needed? *A technician will visit the site every 4 – 6 weeks in a Ford Explorer type vehicle.*

8. The plans and application indicate that three (3) antennas will be installed at 152 feet (centerline) above grade on a 145-foot high-tension tower, but the radio frequency report indicates placement of the antennas at 151 feet. This discrepancy should be addressed. *The antenna will be installed at a center line height of 152 feet, and reach a maximum height of 155 feet.*

9. Testimony should be provided to clarify the extent of lighting that is proposed? Is there any lighting proposed on the existing tower? *There shall be no lighting on the tower. There will be a light on the equipment cabinets which the technician may turn on when visiting the site at night. At all other times the lights will be turned off.*

10. Is any generator being proposed with this application? *An emergency generator is not proposed. If there is a need for a portable generator, a diesel generator will be bought to the site.*

11. DRO Section 807T states that no equipment shall be operated so as to produce noise in excess of reasonable limits actually required to operate the facility. Testimony should be provided to clarify the anticipated noise levels associated with this application. *The architect estimated that the equipment would not exceed 33 decibels at the property line. The State Statute limits noise between the hours of 7 AM and 10 PM to 65 decibels and between the hours of 10 PM and 7 AM to 50 decibels.*

12. Highlands' approval was granted for Exemption #2 on March 1, 2012. Since this exemption was granted for a different applicant and was based on a different plan set from 2011, I would recommend the Board require the applicant to obtain a new exemption approval from Highlands. *The applicant is required to obtain documentation from the NJDEP that the Highlands Act exemption is still in effect and provide said documentation to the Land Use Board Engineer and Land Use Board Administrator.*

13. Upon review of the submitted site plans, I have the following plan specific comments:

- a. The owners of the property should sign the cover sheet of the plan as required. *This will be accomplished.*
- b. The plans should provide detail(s) for any proposed lights. *The lights must comply with Ordinance 632. The lights shall not create glare or sky glow on other properties or public streets. Cut sheets to be submitted to Land Use Board Engineer for his approval.*
- c. Label dimensions of concrete pad on the detail sheet, as well as, plan view on Sheet Z4. *This must be accomplished.*
- d. If any grading is necessary to level the ground under the tower for the proposed equipment, then the plans should reflect proposed contours and spot elevations. *This must be accomplished.*

14. The Land Use Board should discuss whether it wishes to conduct a site visit of the property.” *A site visit is not required.*

2. No permanent generator or fuel storage on site.
3. In the event the applicant does not use the cell site for 90 days, it shall promptly remove its equipment cabinets, coaxial cables, equipment compound, and antenna from the site.
4. No lights shall be installed on the tower.
5. All new electrical and other lines shall be installed underground.

6. The applicant shall place antenna for the Tewksbury Township Police Department and Fire Departments on the Sprint Spectrum platform on the JCP&L tower, if a request is made.

7. Approval herein is limited to Sprint Spectrum placing 3 antennas on the JCP&L tower along with antenna for the Tewksbury Township Police and Fire Departments.

8. Documentation must be received from the NJDEP updating the Highlands Act exemption to the approval of the Land Use Board Engineer.

9. Land Use Board Engineer shall meet in the field with representatives of JCP&L and shall consult with Pat and Michael Petronko with regard to providing vegetation around the equipment compound which complies with New Jersey requirements. Alternatively, the equipment cabinets shall be made more attractive. Plans to be revised accordingly. Any required landscaping is to be permanently maintained. Dead, diseased and missing landscaping to be replaced to the approval of Land Use Board Engineer.

10. The applicant shall comply with all rules, regulations, ordinances and statutes of the Federal, State (including but not limited to noise and NJDEP requirements), 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.

11. This resolution and the issuance of the approval granted herein is conditioned on the application paying all escrows and fees.

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

13. Plans to be revised to the approval of the Land Use Board Engineer within 45 days of the adoption of the within resolution, subsequent revisions to be made within 15 days of the request.

14. Payment of all fees and escrow.

15. Sprint Spectrum, LLC contact person is Mark Palmieri. The Tewksbury Township Zoning Officer may contact him in the event of a problem. The contact person shall address the problem.

16. The party who is authorized by Sprint Spectrum, LP to accept service of process, summonses, and complaints by the Township of Tewksbury, its officials, officers, employees, and agents, in connection with the within facility is Sprint/Nextel Property Services, Mailstop KSOPHT0101-Z2650, 6391 Sprint Parkway, Overland Park, Kansas 66251-2650, with a mandatory copy to: Sprint/Nextel Law Department, Mailstop KSOPHT0101-Z2020, 6391 Sprint Parkway, Overland Park, Kansas 66251-2020, Attn: Real Estate Attorney.

17. The applicant shall notify in writing, by regular mail and certified mail, return receipt requested, the Tewksbury Township Clerk, the Tewksbury Township Planning

Office, and the Tewksbury Township Zoning Officer of any change in the contact person in condition 12 and/or the address of the party.

Roll Call Vote

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

Those Opposed: None

RESOLUTION

- Resolution No. 14-14 Resolution of Appreciation for Elizabeth Devlin

Mr. Van Doren made a motion to adopt the following resolution. Mrs. Baird seconded the motion. The motion carried by a unanimous vote.

**RESOLUTION NO. 14-14
TEWKSBURY TOWNSHIP LAND USE BOARD
EXPRESSION OF APPRECIATION FOR
ELIZABETH DEVLIN**

WHEREAS, Elizabeth Devlin has over the past ten years, served on the Land Use Board (formerly the Planning Board) of the Township of Tewksbury, County of Hunterdon, State of New Jersey; and

WHEREAS, Elizabeth Devlin also served on the Historic Preservation Commission for four years prior to her Land Use Board appointment; and

WHEREAS, Elizabeth Devlin has unselfishly given of her time to serve the Township of Tewksbury in numerous other capacities; and

WHEREAS, Elizabeth Devlin has demonstrated leadership, dedication, initiative and wisdom, consistently going far beyond the requirements of her positions, to serve and assist the citizens of the Township of Tewksbury, the Mayor of Tewksbury, the Tewksbury Township Committee, staff members as well as other Boards and Committees.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Tewksbury, County of Hunterdon, State of New Jersey, that said Land Use Board, on behalf of its present and former members and the citizens and taxpayers of the Township of Tewksbury, does hereby extend to Elizabeth Devlin its admiration, respect and appreciation for her dedicated service to the Township.

BE IT FURTHER RESOLVED by said Land Use Board that the Township of Tewksbury is a better place to live as a result of the efforts and services contributed by Elizabeth Devlin.

BE IT FURTHER RESOLVED that this resolution be spread in full upon the minutes of this meeting as a permanent and devoted expression of appreciation upon its adoption by a unanimous vote of the Land Use Board on this 6th day of August, 2014.

INFORMAL PRESENTATION

- Tim Morris, NJ Conservation Foundation re: Kiosk at Hill and Dale Park

Ms. Goodchild explained that the NJ Conservation Foundation (NJCF) applied for a Zoning Permit for a kiosk at the newly preserved property at the corner of Hill and Dale and Parsonage Lot Roads. She noted that because the sign regulations do not recognize kiosks the permit was denied. She went on to explain that Mr. Bernstein suggested the NJCF appear before the Board to discuss the proposed kiosk. When asked if the kiosk is similar to the kiosks used in the Township Parks, Ms. Goodchild indicated that it is similar however the proposed kiosk is slightly larger with a different configuration. Mr. Bernstein opined that the kiosk didn't need a variance but did not think that the staff had the right to sign off on the permit and so he suggested that NJCF appear before the Board.

Mr. Tim Morris, Stewardship Director for the NJ Conservation Foundation, was present and explained that the property was purchased from the Rothpletz family. Mr. Morris explained the NJCF manages properties for natural resources and public access. He went on to explain that they are currently implementing a public access plan for the property. Using a map of the property, Mr. Morris explained that it is slightly over 140 acres and he pointed out the location of the proposed kiosk at the main trail head on Parsonage Lot Road situated across from the Township parking area for the Hell Mountain Preserve. When asked why that location, Mr. Morris explained that initially they were going to construct a parking area of their own (across from the Township's parking area) but opined that it made sense to share the parking area since both lots will likely be empty most of the time. He went on to explain that they have a grant that they will use to perform some of the development and are happy to spend some of that money to improve the Township's parking lot as part of the project; he and Ms. Goodchild discussed the project preliminarily. He noted that they have applied for and received a permit to erect a preserve sign at the corner of Parsonage Lot and Hill and Dale Roads to identify the open space. The kiosk is meant to welcome people to the preserve which will be constructed of cedar wood construction and will consist of three (3) main parts. There will be a small cork board that will be used for notices (park rules, scheduled hikes, bird walks, butterfly walks, etc.). Across the bottom of the kiosk will be a map box for the paper trail maps and newsletters. The main part of the kiosk will hold the trail map to show hikers where they are and where they can go. It will also have a description of the types of trails, plants, animals, etc.

When asked by Mr. Burr if the map panel will have a plexiglass cover that's locked, Mr. Morris noted that it will be a plexiglass panel that will be attached by screws (the screws will need to be removed to access the map). The corkboard will have a locking plexiglass door to change notices.

When asked by Mr. Bernstein the size of the lot where the kiosk will be placed, Mr. Morris responded 80 plus acres. When asked if the kiosk will be the only structure on the lot, Mr. Morris responded in the positive.

Mr. Moriarty noted that the denial from the Zoning Officer mentions that the proposed kiosk is within the 100 foot setback. Mr. Morris noted that the proposed location is 24 feet from the curb along Parsonage Lot Road (14 feet from the right of way). He added that the kiosk could be seen from the road but because of the vegetation would not be seen from up or down the road. The location is important so that people see that the kiosk is at the trail head.

When asked by Mr. Mackie if that is the only trail head along Parsonage Lot Road, Mr. Morris noted that the trail will intersect along Rockaway Road, Hill and Dale Road and the bridge at Meadow Lane. When asked if lighting is planned, Mr. Morris responded in the negative.

When asked by Mr. Van Doren about all of the signs planned for the preserve, Mr. Morris explained that the only other sign planned is the sign that was just permitted at the corner of Parsonage Lot and Hill and Dale Roads (2 feet x 3 feet). He noted that there is a NJ Water Supply Authority sign on their property on Meadow Lane (probably 2 feet x 2 feet). While it is not ultimately his call, Mr. Morris didn't think that a farmland preservation sign would be erected since the property already has signage. Mr. Van Doren asked if the proposed kiosk could be scaled down so that it would be more in keeping with the Township's kiosks. Mr. Morris indicated that they would prefer to keep it the size as proposed but it is possible to scale it down but noted that the proposed kiosk is their standard kiosk which includes various elements that would be important to increase the value for the user of the property.

Mr. Johnstone agreed with Mr. Van Doren regarding the size of the sign and opined that the size of the kiosk that the Township uses is adequate. Mr. Johnstone did not have a problem with the proposed location of the kiosk and liked the idea of having just one (1) parking lot. He noted that he drives past the area several times a day and there is not a need for two (2) parking lots. He added that the grade of the roadway in that area would not lend itself to another entrance due to sight distance issues.

Mrs. Baird and Ms. Desiderio agreed with Mr. Van Doren and Mr. Johnstone.

There being no additional comments from the Board, Mr. Johnstone opened up to the meeting to the public for comment. There being no public comment Mr. Johnstone closed the public comment period.

Mr. Bernstein opined that a formal application was not necessary but suggested that the NJ Conservation Foundation submit a schematic of the scaled down kiosk along with an application for the Zoning permit to Ms. Goodchild for approval by the Zoning Officer.

When asked by Mr. Kerwin if the kiosk is the only improvement at the trail head, Mr. Morris explained that there will be a path that will be mowed regularly (6 foot wide trail).

BOARD DISCUSSION ITEM

- Michael Osterman, Esq. - Hill and Dale Farms, Inc. – Amended Driveway Easement

Mr. Bernstein noted that technically the request does not require Board approval but he opined that since it is a change to an easement that the Board approved the Board should see it before it is recorded with the County Clerk.

Mr. Osterman was present and explained that Hill and Dale Farms owns certain property along Hill and Dale Road identified as Block 38, Lot 1.04 and 1.05. Hill and Dale Farms is under agreement to sell Lot 1.05 to the NJ Conservation Foundation. Access to Lot 1.05 is provided by way of an existing gravel farm road that's located on Lot 1.04. There is an existing easement over the farm road that benefits Lot 1.05. As part of the agreement between Hill and Dale Farm and the NJ Conservation Foundation if Lot 1.05 is opened to the public (which is the intent) then public access from that farm road will be limited to just a portion of the farm road closest to Hill and Dale Road. Mr. Osterman noted that Hill and Dale Farms is under agreement with the NJ Conservation Foundation to amend the existing driveway access easement. Mr. Bernstein noted that he has reviewed the amended driveway agreement and has no problem with the language but thought that the Board should hear what the proposal is on the record.

Mr. Osterman noted that under the existing driveway easement the property owner must obtain the approval of the Board or its attorney for any amendment. Mr. Osterman provided the Board with a map showing the existing access and the proposed public access portion. When asked by Mr. Johnstone if the intent of the public access is for parking, Michael Rothpletz, owner of Hill and Dale Farms, explained that they were before the Board 6 or 7 years ago to gain approval of the subdivision that created both lots. As part of that subdivision an easement was implemented that sits on Lot 1.04 but benefits Lot 1.05. The easement was designed to access a potential home site but that home site will not happen since the NJ Conservation Foundation has preserved the land. In negotiating the sale with the NJ Conservation Foundation there were some concerns with maintenance costs, impact of improvements, public access, etc. The driveway easement amendment addresses those concerns and clarifies some other items.

When asked by Mr. Moriarty how the public will be directed down the proper trail, Mr. Rothpletz noted that there will likely be a small sign on the other side of the bridge to direct the public.

When asked by Mr. Van Doren if the State Agricultural Development Committee has blessed the easement, Mr. Rothpletz responded in the positive and noted that it will be in the exception area.

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

Mr. George Cassa, Guinea Hollow Road, asked where the public will enter the trail on the property. Mr. Rothpletz noted that they will enter the property off of Hill and Dale Road. Mr. Johnstone clarified that the trail head begins on Parsonage Lot Road and, as Mr. Morris from the NJ Conservation Foundation described, will intersect with Hill and Dale Road and Meadow Lane.

Mr. Bernstein confirmed that the amendment was well written and the Board thanked Mr. Rothpletz for appearing before the Board.

PUBLIC HEARING

- Oldwick Fire Company
Appl. No. 14-02
Block 44, Lot 22.01
Sign and Impervious Coverage Variance
Action Deadline – 10/28/14

Webster D. Todd, Jr. King Street, President of the Oldwick Fire Company was present and sworn in by Mr. Bernstein. Mr. Todd thanked the Board for its time and Ms. Goodchild for her guidance during the application process. Mr. Todd explained that they have made application for a free standing sign for several reasons. Currently they display all their information on an old portable sign or sandwich Board which has become tedious due to letters falling or blowing off. During Hurricane Sandy the Oldwick Fire Co. learned that there was no way to disseminate information to residents and as a result the members feel it is important to improve the sign. Mr. Todd explained that the members looked at signs that would work best for the Oldwick Fire Company as well as what would work for the other groups in the community that would likely use the sign (the Rescue Squad, the Township, the Seniors Club, the Woman's Club and Boy Scout groups). Taking all those users into consideration led the Oldwick Fire Company members to a programmable type sign. They have researched programmable signs and engaged the services of Edward O'Brien, Architect to help with the design.

Mr. Todd opined that the .00091 additional impervious coverage for the footprint of the sign seemed miniscule to the Fire Company members but a variance was previously required for the site and so a variance is required for the sign. The second variance is for a free standing sign (from both the Development Regulations Ordinance as well as the previously adopted Resolution for the approval of the building). Mr. Todd noted that fortunately the fire company has never had to deal with a catastrophic hazmat event but if it did and there was a need to evacuate or re-route traffic the sign would be a great way to communicate that information. Mr. Todd asked to Board to be clear about how it feels about the proposed sign noting that if the Board felt the concept is obnoxious or inappropriate the Oldwick Fire Company wouldn't waste time with the application and they would go back to their temporary sign.

Mr. Bernstein agreed with Mr. Todd that the coverage variance is de minimus but the fire company must request it as a variance along with variances for a free standing sign and the size of the sign (which are not permitted in the zoning district).

Mr. Todd reviewed and responded to the questions raised in William Burr's review letter dated July 31, 2014 as follows:

3.a. The sign will face the street and there will be no sign on the back side (parallel to the street).

3.b. The routine messages would be rescue squad messages, members needed, fire company events. The sign would also be used for the community groups and would be available to the Township and the Township Police Dept. and other entities to transmit information. The untypical displays would be for disasters and emergencies. Mr. Todd noted that during Hurricane Sandy the Oldwick Fire Company was the only place that had adequate generator capacity and water for the entire 14 days which many citizens took advantage of; many citizens didn't know it was available.

3.c. The Oldwick Fire Company would control the messages; a member of the fire company would be in charge of the sign. If the proposed message was contentious there would be an ad-hoc committee to make the decision; no one person makes a decision without putting it in front of the entire membership. Mr. Todd noted that more than likely there would be a sign committee that deals with these kinds of issues and one (1) member would be skilled in programming the sign.

3.d. The color of the text will be chosen from a menu of colors. If there is a color that the Land Use Board wants or doesn't want that can be programmed.

3.e. The sign has flashing capabilities and would only be used in that way during extraordinary circumstance (police message with critical information).

3.f. Routine messaging would only be on during the day. Mr. Todd didn't feel turning the sign off at 10 p.m. or earlier during the winter would be a hardship.

4. Mr. Todd didn't believe that the proposed sign would impinge on any environmentally sensitive areas.

5.a. Most of that information is on file from the site plan. Mr. Burr noted that the idea behind comments 4 and 5 are that it is standard information required on the Board's checklist. The Application Review Committee felt that the information could be transposed onto the current plan to make the record clear what information was in effect at the time of the approval.

6. The Oldwick Fire Company would agree to provide an as-built if the sign is approved. Addressing item #2 of his letter, Mr. Burr noted that there is no clear requirement for this type of sign in the DRO. He explained that there are requirements for retail and commercial uses in the Village Business District which is shown in 2.a through 2d. The electronic board size requested by the fire company is 18 sq. ft. and the DRO allows for 6 sq. ft. in the Village Business District or 5% of the wall area however the applicant did not provide the size of the wall area to make the comparison. He noted that they are the applicable standards in the DRO but that technically the Village Business sign regulations don't apply to this situation so they can only be used as a guide for the Board.

When asked by Mr. Bernstein if any of the fire company members have done a survey on the size of signs in the township so the Board has a basis to compare, Mr. Todd responded in the negative.

Mr. Moriarty noted that when the bank across the street wanted a lighted ATM sign the Board was critical of the proposal because lighted signs are not permitted. Until he gets a visual of what the sign would look like Mr. Moriarty indicated that he would have a difficult time taking action on the application. Mr. Todd deferred to Mr. O'Brien to provide additional information on the appearance of the sign.

Mr. Mackie asked if the fire company members have worked through a threshold for the messages that will be displayed; what if someone wants to announce the birthday of their child. Mr. Todd expected that someone other than the fire company members would determine the narrowness of the information for display. He opined that the messages should be directly related to fire company operations and/or emergency services. He noted that fire company operations include the hall in the rear used by the Woman's Club, Boy Scouts, Garden Club, etc.

Mr. Johnstone asked if the fire company is planning to charge anyone to put messages on the sign to which Mr. Todd responded in the negative and opined that it is not an appropriate use of the sign. When asked if it would be used as an income producing structure, Mr. Todd responded in the negative.

When asked by Ms. Desiderio if this would replace the portable sign and sandwich board signs, Mr. Todd opined that the members may use a sandwich board sign at the intersection of Lamington Road when a coin toss is in progress.

Mr. Kerwin asked for clarification that the placement of the sign is to face the street to which Mr. Todd confirmed. He asked if there would be any ground lighting installed to which Mr. Todd responded in the negative. When asked if the top of the sign will read "Oldwick Fire Company" Mr. Todd indicated that they would like it to have lettering on the stone above the digital screen.

When asked by Mr. Becker if they would limit the display of messages to non-profit entities that rent the hall and fire department messages only, Mr. Todd responded in the positive.

When asked by Mr. Rahenkamp if they considered or priced the portable electronic signs (similar to the County sign) to serve the purposes for emergencies, Mr. Todd responded in the negative.

When asked by Mr. Larsen if the proposed sign will be capable of displaying high definition pictures, Mr. Todd deferred to Mr. O'Brien. When asked if there is a plan to have the messages scrolling (side to side or up and down), Mr. Todd noted that the sign is capable of doing that but if there were a requirement by the Board that there be no scrolling then they would adhere to the condition. Mr. Larsen noted that there is room on the face of the building and asked if the members considered mounting a sign on the building. Mr. Todd explained that the members did not formally consider it because of the distance the building is from the road; the further back the sign is the bigger it would need to be. If the Board finds the free standing sign inappropriate he opined that they would look into a building mounted sign.

When asked by Mr. Van Doren if he agreed that the 5% wall space scenario is more appropriate for businesses, Mr. Burr responded in the positive.

When asked by Mr. Moriarty if the sign will be connected to the generator, Mr. Todd responded in the positive. When asked if it requires any additional alterations, Mr. Todd responded in the negative.

Mr. Edward O'Brien, Architect, was sworn in by Mr. Bernstein. Mr. Bernstein noted that Mr. O'Brien has testified and been accepted by the Board in the past. When asked if the plan on display was the same plan the Board had as part of the application, Mr. O'Brien responded in the negative and marked his plan as Exhibit A-1 as it was a colored version. Mr. O'Brien noted that he was approached by Mr. Todd to design a sign for the firehouse. He mentioned that he was at the US Coast Guard Academy and as he was leaving he noticed a similar sign which consisted of a digital screen with a masonry surround, metal lettering at the top (4 inches tall) with a cap at the top to protect the structure from erosion. He noted that most exterior electronic screens are six (6) feet long and vary in height. He indicated that when speaking to the electronic sign companies they stress that the further back the sign is placed from the roadway the bigger it needs to be. He noted that the proposed sign is capable of having streaming lines of script (with a recommended script of 4 to 5 inches). Mr. O'Brien explained that the screen will face the road and the back will consist of a water and air tight panel to allow access for maintenance and repairs. Some room will be left around the digital screen to allow for replacement if necessary.

When asked by Mr. Burr the distance the sign is from the road, Mr. O'Brien was unsure. Mr. Todd noted that the sign will be behind the County right of way and the sight triangle. Mr. O'Brien opined that it will be adjacent to the driveway. When asked if there will be any additional lighting, Mr. O'Brien responded in the negative.

When asked by Mr. Bernstein about the environmental constraints in the area of the proposed sign, Mr. O'Brien said that the only thing he is aware of is some grading which permits the roadway to drain. He opined that there is no value putting the sign in the low point and it would therefore be placed on the highpoint.

When asked by Mr. Moriarty if the Coast Guard sign is within the campus, Mr. O'Brien responded in the positive. When asked who the intended reader is of the fire company sign, Mr. O'Brien responded anyone traveling north or south on County Route 517. When asked if there is any information regarding lumens or brightness of the sign, Mr. O'Brien responded in the negative. He opined that the message could be as bright or subdued as the user wants through programming. He likened it to a television which would allow the fire company to control the brightness.

When asked by Mr. Mackie about the number of lines of script, Mr. O'Brien confirmed that the size sign proposed would allow for three (3) lines of script. When asked if a line is lost if the screen is smaller, Mr. O'Brien responded in the positive. Mr. O'Brien explained that a smaller screen would still need to be approximately six (6) feet wide but it would only be two (2) feet tall. Mr. O'Brien noted that the details were not worked out ahead of time so that if the Board wanted a certain size or configuration the fire company could accommodate that request.

Mr. Van Doren suggested that the fire company should have appeared before the Board informally rather than applying directly for a variance. Mr. O'Brien noted that the sign was

sized to also accommodate the lettering planned for the top of the sign to which Mr. Van Doren opined that the lettering at the top of the sign was unnecessary because the building façade already reads “Oldwick Fire Company”. When asked by Mr. Van Doren if the screen is an LED or an LCD, Mr. O’Brien was unsure.

When asked by Ms. Desiderio if the fire company members considered a sign that has an open and close type case (not lighted), Mr. O’Brien responded that he never discussed that with the fire company members. He noted that the advantage to an electronic sign is that the information could be updated and accurate on an as needed basis.

When asked by Mr. Kerwin if the size of the screen will impact the size of the masonry framing, Mr. O’Brien responded in negative and noted that the masonry frame will not be reduced if the size of the screen is reduced.

When asked by Mr. Becker if the fire company considered having the sign at a 90 degree angle to the road, Mr. O’Brien indicated that he was not asked to design that type of sign but did note that when a sign has two (2) faces they are double the cost.

When asked by Mr. Rahenkamp if the screen could be mounted on 2 columns, Mr. O’Brien responded in the positive.

Mr. Larsen opined that the sign proposed could accommodate any size font but asked what the distance was that was needed in order for the passer by to see three (3) lines of text and how it was determined that three (3) lines were necessary. Mr. O’Brien explained that when he spoke with the sign manufacturers he usually referenced a location between 30 and 50 feet from the road and they consistently told him to make it as big as possible. Mr. Todd noted that the minimum distance the sign would be placed is 24 feet from the roadway.

Mr. Johnstone suggested a site visit and asked the Oldwick Fire Company members to mark out the site of the proposed sign (both width and height) using a stick figure markers. Mr. Johnstone noted that while he sees the benefit he has a problem with the concept and has concerns about what messages will be displayed, the hours the sign will be on, who will have the authority to place messages and program the sign. He asked the fire company members to research exactly what the plans are for the sign and what messages will be permitted, what groups will be permitted to place messages on the sign, the hours the sign will be on and clarification as to what colors will be used, lumens, etc. Mr. Johnstone noted that he has not been provided enough information to base his decision on and therefore asked the fire company to return with the requested information.

Mr. Larsen noted that churches have nice signs that have glass/plexiglass unlit cases to display the letters.

Mr. Van Doren asked if Bob Boak is going to provide legal testimony how the Board can deny others request for this type of sign if a sign for the Oldwick Fire Company is approved. Mr. Boak noted that the public service aspect is key and the benefits outweigh the detriments.

Mr. Van Doren did not see the benefits to the scouts, township, etc. since they have all managed for years without this type of sign. The scale, size and type of the sign causes him concern and he would be worried that if this sign is granted others in the community would want the same type of sign which would put the Board in a difficult situation. Mr. Boak noted that a freestanding sign was contemplated when the building was constructed and so he opined that the application is not a “shot in the dark”.

Mr. Todd requested time to think about whether they want to have the site walk. He opined that a mock sign in front of the firehouse would cause people to “stomp their feet” at the next hearing. He opined that the Oldwick Fire Company may just want to forget about the electronic sign and come back with a “church” type sign. Mr. Johnstone suggested that Mr. Todd talk to his membership and get back to the Board at a future date.

The next public hearing was scheduled for Oct. 1, 2014. The Oldwick Fire Company will let the Board know by September 3, 2014 if they want to go forward with the electronic sign and if so a date for the site walk date will be established.

Mr. Leroy Lance, White Oak Drive, asked Mr. O’Brien if he had determined how many characters would be available per line on a three (3) line screen. Mr. O’Brien was unaware of the answer. When asked if, in his opinion, three (3) lines are better than two (2) lines, Mr. O’Brien responded in the positive. When asked if the letters would have to be larger if the screen were mounted on the building, Mr. O’Brien opined that putting a sign on the building would be traffic hazard. When asked if a monument type sign is more appropriate than a screen mounted to two (2) columns, Mr. O’Brien noted that he believes in the monument design he prepared. He added that an effort was made to make the fire house building look attractive and permanent for the town and the sign should be designed the same way. When asked if consolidating all of the banners, sandwich boards, etc. into one sign would be more appropriate for the town, Mr. O’Brien noted that he does not object to the banners except for when they are not removed promptly but it is not his business to judge. He added that when there are 10 to 20 sandwich board signs on the corner it makes it difficult to see someone making a turn and could be a traffic hazard.

Mr. Lance noted that years ago he had a sign in Oldwick with removable letters behind plexiglass and there was always an issue with the glass fogging over, letters getting lost or falling off. Mr. Johnstone asked Mr. Lance to hold his remarks until after the Board has had an opportunity to hear all of the details that the fire company members have agreed to provide at the next hearing. Mr. Lance suggested having Chief Holmes at the October hearing to speak to the need for the sign.

Mr. Johnstone opened the meeting up to the public to ask any additional questions of Mr. O’Brien. There being no additional questions, Mr. Johnstone closed the public portion of the meeting.

ESCROW CLOSING

- Tewksbury Land Trust, Appl. No. 13-02 - \$7.04

Mr. Van Doren made a motion to close the above referenced escrow and return the balance to the applicant. Mr. Becker seconded the motion. The motion carried by the following roll call vote:

ROLL CALL VOTE:

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

Those Opposed: None

PUBLIC HEARING

- Lance – agenda 8/6/14
Appl. No. 14-09
Block 39, Lot 2
Certification of Pre-existing non-conforming use (NJSA 40:55D-68)
Action Deadline – 11/19/14

Mr. Van Doren and Mrs. Czajkowski recused themselves, Mr. Van Doren resides within 200 feet and Mrs. Czajkowski is the listing agent.

Mr. Robert Boak, attorney for the owner Jeanne Lance, was present and explained that the property has had an apartment over the garage for many years and they are seeking a certificate of non-conforming use. Mr. Boak noted that he was told by the Zoning Officer that the owner must prove that the use and structure pre-existed the zoning that rendered the use/structure non-conforming. Mr. Boak noted that the first zoning ordinance in Tewksbury Township was 1960 and the structure and apartment use pre-date that zoning ordinance.

Wilbur C. Connor, was sworn in by Mr. Bernstein. When asked by Mr. Boak how long he has been a resident of Tewksbury, Mr. Connor noted that he was born in Somerville Hospital and lived in Tewksbury all of his life and he is 84 years old. Mr. Boak showed Mr. Connor some photographs which he described as showing the existing house and the subject shop/garage with an apartment above it. When asked if the photographs provide a fair and accurate description of 3 Church Street, Mr. Connor responded in the positive. When asked how the apartment came to be, Mr. Connor explained that he got married in 1952 and he and his bride needed a place to live so he put the septic system in and built an apartment above the garage in 1952/1953; they lived there for approximately 7 years until he built his home on Miller Avenue. When he moved out his brother Jim Connor lived there for many years and raised his 3 children (until approximately 1995). When asked who owned 3 Church Street, Mr. Connor replied his mother. Mr. Connor explained that when his mother died he and his brothers sold the property to Helen Lance and Les Betcher has lived in the apartment since that date (and currently resides there).

When asked by Mr. Burr if any permits were obtained for the apartment, Mr. Connor responded in the negative and explained that the building inspector was Mr. VanSwick and he inspected the property when the septic system was being constructed and didn't require any permits. When

asked if the house and apartment were ultimately hooked into the Oldwick Sewer, Mr. Connor responded in the positive and noted that the apartment was hooked into the Oldwick sewer system because it had plumbing before the house. When asked by Mr. Boak if there are two (2) sewer assessments for the property, Mr. Connor responded in the positive.

Mr. Bernstein noted that the township records show an approval of the installation of a septic system from the Board of Health dated 1963 and asked Mr. Connor to explain the date. Mr. Connor explained that the 1963 septic permit was the system for the main house.

Mr. Johnstone opined that the applicant provided sufficient evidence that the apartment pre-existed the 1960 zoning ordinance and has been ongoing since that time.

Mr. Becker questioned the second floor door in the garage apartment shown in the photograph and asked if the Board has any liability if the door does not meet code.

Leroy Lance, 1 White Oak Drive, was sworn in by Mr. Bernstein and explained that it is a pedestrian door that has been used for moving furniture in and out of the apartment rather than attempting to bring large furniture up the stairway. Mr. Becker asked if the township would be liable if the Board approves an apartment and someone falls from the door. Mr. Bernstein suggested referring it to the Construction Official to determine if it is a safety hazard or violates the Construction Code.

When asked by Mr. Johnstone if Board members have any doubt that the apartment preceded the zoning ordinance, the consensus was there was no doubt and that it could be certified as a pre-existing non-conforming use (prior to 1960) as it currently exists and has been continuously used and not abandoned.

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

Mr. Becker made a motion to approve the application with the condition that the issue with the second floor door be referred to the Construction Official to determine if it complies with the Construction Code. Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Ms. Desiderio, Mr. Mackie, Mr. Moriarty, Mr. Kerwin, Mr. Becker, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

ADJOURNMENT

There being no business for the August 20, 2014 meeting Mrs. Baird made a motion to cancel the meeting. Mr. Moriarty seconded the motion. All were in favor.

There being no further business, the meeting adjourned at 9:50 p.m. by motion of Mrs. Baird and seconded by Mr. Moriarty.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator