

Holland Township Board of Adjustment
Regular Meeting
Minutes of the September 24, 2014

The meeting was called to order by the Chairman, Ginger Crawford:

“I call to order the September 24, 2014 Regular Meeting of the Holland Township Board of Adjustment. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary on December 12, 2013 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 12, 2013 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes

Flag Salute:

Chairman Crawford asked all too please stand for the Pledge of Allegiance.

Identification of those at the podium for the benefit of the recording machine:

Present: Wilson “Bo” Baker, Jerry Bowers, Laura Burke, Ginger Crawford, Peter Kanakaris, William Martin, Todd Bolig, Esq., Robert Martucci, Engineer, Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.

Absent: Bill Ethem, Les Gallipeau, Gail Rader and Elizabeth McKenzie, Planner

Let the record show there is a quorum.

Minutes: A motion was made by William Martin and seconded by Peter Kanakaris, to dispense with the reading of the minutes of the meeting on July 30, 2014 and to approve as submitted. All Present were in favor. Motion carried.

Completeness

County of Bucks, Emergency Communications/Industrial Communications Co – Block 22 Lot 114 – 177 Church Road – Use Variance Application - received into our office on September 3, 2014. The 45-day completeness deadline is October 18, 2014. On the September 24, 2014 agenda. Board Action Needed. The attorney for the applicant is present. The owner of the property is present. The owner of the tower is present. Bucks County has representation present.

The letter prepared by Engineer Martucci of Van Cleef Engineering dated September 16, 2014 was discussed.

September 16, 2014

Township of Holland
61 Church Road
Milford, New Jersey 08848

Attention: Maria Elena Jeannette Kozak (via e-mail PlanningBoard@hollandtownship.org)

Reference: County of Bucks, Emergency Communications/Industrial Communications Co.
Variance Application/Minor Site Plan
Block 22Lot 114
Township of Holland Hunterdon County, New Jersey

Dear Maria:

Our office has received and reviewed the above referenced application for the purpose of determining compliance with the Township's Board of Adjustment "Checklist for Determining Completeness of Application for Submission". I understand the Zoning Board of Adjustment will discuss and make a completeness determination at their meeting on September 24, 2014. Documents received consist of the following:

- A. Application documents
consisting of: A1. Application form
A2. Township's Checklist
A3. Site Walk Authorization
A4. W9 Request for Taxpayer Identification Number and Certification
A5. Denial letter from Holland Township Zoning official
A6. Request for a Certified List of Property Owners within 200 feet of the Property. A7. Certification that taxes were paid for the property.
- B. "Bargain and Sale Deed dated August 11, 2010 and other documents regarding

the above property including:

- "Easement Agreement to H.J. Power and Light Co. Deed Book 420 page 39."
- "Terms and conditions of Confirmation of Access and Utility Easement to Cellco Partnership as successor to Bell Atlantic Mobile Systems, Inc. Deed Book 1165 Page 1020."
- "Memorandum of Lease: Industrial Communications Co. from Rivergazer, LLC as in Book 2309 page 310. Assignment of Lease between Marguerite Schwartz (Assignor) and Rivergazer, LLC (Assignee/Lessor) and Industrial Communications Co. (Lessee) as in Book 3471 page 168."
- "Memorandum of Lease: Cellco Partnership d/b/a/ Verizon Wireless from Industrial Communications Co. as in Book 2314 page 318."
- "Rights of parties in possession under unrecorded leases."

C. Plans consisting of six sheets prepared by Christopher Warren, P.E. of Infimty Solutions, LLC dated 8/22/2014 as well as an "Existing Conditions Survey" prepared by John J. Hanlon, PLS dated 7/13/2014.

D. Photographs of the site.

E. "Tower and Ground Space Sublease" - unexecuted dated 7/30/2014 between Industrial Communications Co. and the County of Bucks.

F. Previously granted variance to Service Electric Cable TV dated December 24, 1983.

G. Letter from Applicant's Attorney, Fox Rothschild LLP dated September 3, 2014 outlining the submission documents as well as information regarding the application.

H. "Addendum to Zoning Board of Adjustment Application of the County of Bucks-(The "Applicant") Relative to the Existing Cellular Telecommunications Tower Located on Block 22 Lot 114, Church Road Holland Township, NJ"

Application Summary

The property is within the R-5 zone. Upon review of the plans, the applicant proposes to construct a "161 +/- self-support tower to be constructed inside existing tower" within a 100'x100' lease area within the property. The site plan application also includes construction of a (32'1X12'WX10.5'H) equipment shelter, 100kw generator on a (9'1X4'W) concrete equipment pad, two 1,000 gallon propane tanks, and fence modifications and extensions. The applicant is seeking variance relief under [N.J.S. 40:55D-70c(2)] as well as other following variances noted in the addendum:

1. 100-36.D.(12) from the requirement to comply with all subsection G requirements
2. 100-36.G(1)(a) and 100-36.G(2) to exceed the maximum permitted size of an equipment structure;
3. 100-36.F(1)(a)[1][b][i] and 100-36.F(9)(c) to exceed the maximum permitted tower height;
4. 100-36.F(1)(a)[1][b][iii] as to the required separation distances;
5. 100-36.F(1)(a)[1][c][ii] from the requirement to remove the existing tower upon completion of the proposed improvements;
6. 100-36.F(5)(a) and (b) to provide less than the required minimum setbacks from adjoining lot lines from the tower and from certain accessory buildings;
7. 100-36.F(10) from the minimum lot size requirement; and
8. Any other relief determined to be required to permit the proposed project.

Completeness of Application Review

The following is my review of the application for completeness. I have provided comments for the Boards benefit noting deficiencies in **Bold**.

Items H-1 to H2 The application escrow fees have been paid. The certification from the tax collector that all taxes have been paid has been provided.

Item H-3 A certified list of adjoining property owners has been requested but not provided. The certified list must be provided.

Item H-4 The financial disclosure statement is not applicable since the applicant is not a corporation or partnership.

Item H-5 The Hunterdon County Health Department Construction Permit Referral for has not been provided as part of this application. The checklist item has been checked as "non-applicable."

Item H-6 A denial letter from the zoning officer outlining the denial reasons has been provided as part of the

application.

Item H-7 As to the requirement for a letter from the Fire Department, the applicant has requested that the Holland Township Fire Company perform an emergency vehicle access inspection for the property. The letter must be provided since this property does not access a public road.

Item H-8 An "Applicant's Certification" from the property owner has been provided. Item

H-9 An "Authorization Letter from the Tower Owner" has been provided.

Item H-10 A sitewalk authorization has been provided.

Items H-11 and H-12 The fees have been calculated, the escrow agreement form has been provided. Item

H-13 three copies of the deeds have been provided.

Item H-14 The application form has been completed.

Item H-15 The applicant has provided photographs of the site.

Item H-16 A copy of the site plan has been provided, and is drawn to scale. Item

H-17 Overall lot dimensions are noted on sheet Z2 of the site plan.

Item H-18 The tract acreage is noted on sheet Z2 of the site plan. The applicant has requested a waiver for this item on the checklist. Based on my review this waiver is not required.

Item H-19 A referenced meridian has been provided on sheet S1 of the site plan. The applicant has requested a waiver for this item on the checklist. Based on my review, this waiver is not required.

Item H-20 The site plan does not show any wells or septic systems and has been checked as "not applicable".

Item H-21 The site plan shows existing structures, however, other items such as easements have not been provided. **This item must be completed.**

Item H-22 A written and graphic scale has been provided.

Item H-23 Actual setback dimensions from property lines have been provided. Setback lines however are not provided. **Setback lines must be shown on the plan.**

Item H-24 I have summarized the bulk requirements and information for R-5 Zone (setback lines and dimensions of the plot plan for the existing and proposed improvements) per attachment six of the ordinance and as presented on the submitted plan is summarized in the table. Comments are provided in the following table and noted below:

Requirement	Required	Existing	Proposed
Lot Area Minimum (acres)	5	3.84	No Change
Lot Width Minimum (feet)	325	316.8	No Change
Lot Depth Minimum (feet)	350	528	No Change
Height Maximum (feet)	35	+/-12\11	No Change
Stories Maximum	2-112	Not noted ¹⁰	Not noted ⁰¹
Setback from Street Line, Minimum (feet)	75	+/- 437 ¹¹¹	No Change
Rear Yard Minimum (feet)	75	+/- 46 ¹¹)	+/- 24 ^o)
Side Yard Minimum (feet)	75	+/- 16(1)	No Change
Maximum Tower Height (feet)	150 ^(o)	+/-120	+/-161

- (1) Plot plans must be revised to note the actual stories of the existing and proposed buildings. Plot plan notes approximate(+/-) distances to the existing and proposed structures. Plot plan must be revised to not actual distances to the property lines. **These items must be completed.**
- (2) As noted in section 100-36 F. (9) (c)

Items H-25 and H-26 The applicant has not provided a floor plan or a building elevation plan (front, sides, rear) for the proposed equipment shelter. **This item must be completed.**

Item H-27 The applicant has indicated that a "Consistency Determination" from the Highlands Council is not applicable. Upon review of the property utilizing the "Highlands Council Interactive Map" the subject property is located in the Highlands Planning Area and that a "Consistency Determination" is required under subpart 2 of the checklist. The applicant must comply with the requirement as noted in the checklist unless proof of exemption is submitted to the Board in accordance with 100-163.2. D.

Minor Site Plan Completeness Review

Items F-1 to F-7 Fee calculation sheets, checks for the appropriate fees, escrow agreement, checklist, application form, reports, and the certification that the taxes were paid have been completed.

Items F-8 to F-12 The delivery to the Hunterdon County Planning Board, Health Department, Soil Conservation District, traffic impact study, and impact assessment of water supply have been check as "not applicable" since this application does not require these approvals.

Items F-13 to F-15 The project does not require any Wetland, Flood Hazard, permits. In addition, the applicant is neither a corporation nor partnership. Therefore these items for not apply.

Item F-16 Deeds were submitted with the application.

Item F-17 Highlands Applicability Determination required as noted in H-27. This item must be completed.

Item F-18 Plans have been submitted for the project I note the following deficiencies:

Item F-23 The name, address, telephone and fax number of the applicant must be included on the drawings.

Item F-28 The reference meridian must be included on each plan sheet.

Item F-31 Approval signature lines for Board Chairman, Board Secretary, and Board Engineer must be included on the drawings.

Item F-32 Certification from property owner must be included on the plans.

Items F-33 and F-34 Both the design engineer and surveyor certifications must be included on the plans.

Item F-35 The plans do note the acreage of the tract. A waiver that was requested is not needed. Item F-

36 The plans must show the setback lines and dimensioned as noted in item H-23.

Item F-40 The plans must show all existing and proposed easements of any kind. This item must be completed.

Item F-42 The plans do not indicate the floor elevation of the proposed building. Floor plans for the proposed building are not provided.

Item F-43 The application does not include architectural elevations of the proposed building. Item

F-45 The plans do not include any finish grade elevations or contours.

Items F-47 to F-48 The plans do not include an area of disturbance nor area of impervious coverage in acres.

Item F-49 The plans do not include any loading/unloading spaces, parking areas nor dimensions of same to the property lines. This item was checked as "not applicable", however, the applicant must demonstrate that there is no need for any additional parking or access improvements to the site.

Item F-51 The applicant has requested a waiver for the requirement of soil permeability testing and soil logs. I would recommend a waiver be granted for this item since their will not be any septic systems on the property.

Item F-52 The plans do not include any specific details, for the site improvements. The specific details, at this time, include the building, fence, generator, concrete pads, and ice bridge must be included in the plans.

Item F-59 The plans do not include any landscape buffers. This item should be discussed at the meeting as to the need for any buffers for this project.

To summarize my findings I would recommend the application be deemed incomplete with the following comments:

Items H-3; H-7; H-21; H-23; H-24; F-23; F-28; F-31; F-32 thru F-34; F-36; F-40; F-45; F-47; F-48; F-52 could be "temporarily waived" subject to revising the site plan and providing the documentation requested as part of the application unless otherwise directed by the board.

Items H-25 thru H-26; H-27; F-42; F-43; F-49; and F-59 must be completed unless otherwise waived by the Board.

Items H-18; H-19; and F-35 do not require waivers and are included in the application documents.

Our office will complete a detailed review of the plans once the outstanding items are either provided or waived as part of the application. It should be noted that if the total disturbance and proposed impervious areas would trigger the Hunterdon County Soil Conservation permit and stormwater management, I would consider this application a Major site plan.

If you have any questions please feel free to contact me.

Robert Martucci, P.E.

Board of Adjustment Engineer

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Cc Board Members (via email)

Betsy McKenzie PP, ACIP, Planner (ecmcke@embarqmail.com) Todd

Bolig, Esq. (tlbolig@boliglaw.com)

Mr. Robert W. Gundlach, Jr., Esq. Fox Rothschild LLP

Revised plans were submitted along with a letter from Fox Rothschild. It was received after 3:00 pm. It is a response to the letter above. Attorney Robert Gundlach Jr. is present and spoke on behalf of the applicant. He stated that the certified list is completed and that a request has been made to the Fire Company and a response has yet to be received. Secretary Kozak will also reach out to the Fire Company. Checklist H18 and H19 a waiver has been requested but Mr. Martucci sees these requirements on the site plan which means the waivers are not necessary. In regards to Checklist items H21, H23, H24, H25 and H26 they are all ok. H27 is being addressed but Secretary Kozak will reach out to the Highlands Council. Fox Rothschild is working with the Highlands Council. This is also the checklist item F17. Checklist items F23, F28, F31, F32 are ok. F33 is ok but needs to be signed and dated. In regards to checklist item F35 Engineer Martucci stated that a waiver is not needed. Checklist list item F36 is ok but F40 needs to show what is proposed. Checklist items F42 and F43 are ok. In regards to F45 Engineer Martucci is ok with the conceptual for completeness but needs to be addressed at the public hearing. Checklist item F47 and F48 are outstanding! The total area of disturbance is not shown on the site plan. Checklist item F49 needs to be discussed at the public hearing, There are co-habitants on the existing tower and there is concern about the overlap as well as concerns about construction and maintenance. In regards to Checklist item F52 there needs to be generator detail and the noise generation needs to be discussed at the public hearing. The landscape buffer in checklist item F59 also needs to be addressed, The checklist items that can be granted a temporary waiver and made a condition to be discussed at the public hearing are: H7, H27, F47, F48, F49, F52 (parking) and F59.

Attorney Gundlach Jr stated that he would follow up with the Fire Department and the Highlands Council. It is the applicant's belief that they are exempt with regards to the Highlands Council but will wait for the letter. A motion was made by Jerry Bowers and seconded by Peter Kanakaris to deed this complete with the checklist items H7, H27, F47, F48, F49, F52 and F59 being granted a temporary waiver with the understanding that the checklist items will be addressed for the public hearing to be held October 29, 2014. At a roll call vote, all present were in favor of the motion.

Escrow was mentioned and Attorney Bolig and Engineer Martucci will review the escrow and calculate what will be needed based on the application submitted. Attorney Gundlach Jr. said to send it to Fox Rothschild and it will be handled.

Chairman Crawford asked if the property is marked. The applicant said yes but asked board members to proceed with caution. You cannot get up the roadway unless you have a four wheel drive vehicle. It is about 6/10th of a mile line and very rough terrain. Wilson "Bo: Baker asked about FAA requirements for lighting and the applicant stated that the final application will have it shown and the usual is about 200'. Jerry Bowers asked why zoning said no and Attorney Bolig stated that there is a height issue on the existing tower. All concerns to be discussed at the public hearing on October 29, 2014.

Public Hearing

- . There were no public hearings scheduled.

Resolution

- There were no Resolutions scheduled.

Old Business

- There was no Old Business to be discussed.

New Business:

- There was no new business scheduled.

Public Comment

- County of Bucks, Emergency Communications/Industrial Communications Co – Block 22 Lot 114 – 177 Church Road – Use Variance Application - received into our office on September 3, 2014. The 45-day completeness deadline is October 18, 2014. On the September 24, 2014 agenda. Board Action Needed for Completeness. If complete and the BOA has jurisdiction then a public hearing could follow. No Public Hearing took place – the BOA did not have jurisdiction and some temporary waivers/conditions need to be addressed at the public hearing to be held October 29, 2014.

Ginger Crawford made a motion to adjourn. Motion carried.
Meeting ended at 8:05 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak
Maria Elena Jennette Kozak
Secretary