

GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES

REGULAR MEETING, May 7, 2015

CALL TO ORDER: @ 7:34 PM, the Board Chairman, Eugene Bambara **CALLED THE MEETING TO ORDER** and then led everyone in recitation of the **PLEDGE OF ALLEGIANCE**. He then read the **OPEN PUBLIC MEETING** statement.

ROLL CALL: The Board Secretary, Desiree L. Dunn called the Roll finding Eugene Bambara, Louis Tommaso, Matthew Fox, Sharon Mullen, Michael Roller, Dennis Walker and Jeffrey Wilson in attendance. Also present: Lyn Aaroe, Esq.; John Miller, P.E. and, Jessica Caldwell, P.P.

OATHS OF OFFICE FOR REAPPOINTED / NEW MEMBERS: None

MOTION TO EXCUSE ABSENT MEMBERS: The Chairman entertained said motion to excuse Carmine Torella.

- Tommaso so moved. Mullen seconded. **VOICE VOTE:** All members present voted “aye” in the affirmative. No abstentions. No objections. Motion carried.

BOARD ELIGIBILITY: Mullen produced the “green” Eligibility form attesting that she listened to the April 2nd recording of the meeting which was duly notarized by the Board Attorney. Board Secretary requested of the Board Attorney his determination of eligibility to vote regarding Board Alternates. He stated that Alternate #1 may vote to the exclusion of the Alternate #2, because of number of Board members present.

MOTION TO APPROVE MINUTES from April 2, 2015:

DISCUSSION / CORRECTIONS REQUESTED: The Chairman requested that the transcripts of the Cellco / Verizon portion of the April 2nd meeting provided by the applicant be accepted and combined with the Staff minutes provided.

- Tommaso so moved. Fox seconded. **ROLL CALL VOTE:** Walker – YES; Roller – YES; Mullen – YES; Fox – YES; Tommaso – YES; and, Bambara – YES. No objections. Motion carried.

NEW RESOLUTIONS:

1. @ 7:37 PM, the RESOLUTION for Application #BA 1405: Alles, Jayne & Charles – “c” Variance Request; Bl. 45, L. 18 (33 Shore Rd) was addressed.

DISCUSSION: The Board Attorney described the document. The Chairman said it reflected well the variances, waivers and conditions approved on April 2nd and called for a motion.

- Tommaso so moved. Walker seconded. **ROLL CALL VOTE OF ELIGIBLE VOTERS:** Bambara – YES; Tommaso – YES; Mullen – ABSTAINED; Fox - (ineligible due to former negative vote); Roller – YES; and, Walker - YES.

ORDINANCES: None

EXTENSION REQUESTS:

@ 7:40 PM, the Board addressed the March 30, 2015 extension request received April 1, 2015 from Nancy Halpern, Esq. of Fox Rothchild, LLP, for application # BA 1213: Doggone Farm; Bl. 25, L. 2 (221 Brighton Road).

DISCUSSION: The Chairman explained that the request had arrived prematurely, as the former extension was not due to expire yet until April 6th, and yet also with not enough time to provide full consideration of the issue. Michael Selvaggi, Esq. and Gabrielle Cook were present. Selvaggi mentioned Halpern’s role as an expert attorney in the field. Detailed discussion ensued regarding the County’s requirements and whether / when they can be accomplished. He described Gabby’s efforts and the County’s requirements regarding changes in flooring, fencing, etc. The Chairman expressed concern about problems with communications. Application going on 2 years. Polled the Board for their feelings in that on-going inspections are needed. Board members wanted specifics about things required and estimated costs as well as time line for compliance, ergo obtaining a County kennel license. Further discussion ensued. A Board member asked whether the animals will be present during construction. Cook responded that the business would be faded phased out

at that time. Another Board member questioned fencing and any exterior buildings and their relationship to stream encroachment and expressed his concern that said modifications would need returning to the Board for approval. Applicant admitted conditions now are more complex than first anticipated, they are exploring new ground. Board questioned Halpern's Hobby Dog article. A Board member questioned kennel licensing. The Chairman entertained a motion to approve an extension of time to be determined and a brief discussion ensued about consequences.

- **Roller so moved. Bambara seconded. ROLL CALL VOTE: Wilson – ABSTAINED; Walker – YES; Roller – YES; Fox – NO; Mullen – YES; Tommaso – NO; and, Bambara – YES. Motion carried.**

The Chairman entertained a motion for **6 month extensions** with monthly updates and/or appearances.

DISCUSSION: A Board member surmised that the applicant will need time to come back to the Board with an amended application.

- **Roller so moved. Bambara seconded. ROLL CALL VOTE: Wilson – ABSTAINED; Walker – YES; Roller – YES; Fox – NO; Mullen – YES; Tommaso – NO; and, Bambara – YES. Motion carried.**

OLD / PENDING APPLICATIONS:

@ 8:28 PM, the Board convened the continued a Public Hearing for **application #BA1501: Cellco Partnership / Verizon Wireless**, requesting approval for a 140 ft. cellular communication tower on property designated as Tax Map "d – 3" "d" Variance; Bl. 5, L 2.02 (140 Shotwell Road). Representing the applicant was David Soloway, Esq., etal.

Solloway re-introduced **Christopher Nevill, P.P., P.E.**, who was sworn in at the last meeting, to offer testimony about the revised plans, dated 4-15-15. Prior exhibits were used. He offered details about the gate. The **Chairman** requested a listing of the driveway waivers. **Nevill** also provided further testimony about the status of County approvals and the shelter exterior.

@ 8:43 PM, **Mike Muller** was sworn in as an environmental expert. He discussed his qualifications and was subsequently sworn in by the Board Attorney and accepted. He offered details about the property and his studies, to date. Discussion ensued and Muller was asked about the required alternate site at Block 1, Lot 8, off Wintermute Road. Due to greater environmental constraints, which he explained, his expert opinion was that the Shotwell site was far superior. The **Chairman** opened and closed the meeting to public comment on the matter, with none offered.

@ 8:55 PM, **Ralph Shotwell**, a landowner with interest in the subject property was sworn in. He was questioned by the Board about the existing nonconforming uses on the property, namely munitions and explosives' storage bunkers. He offered some details and stated that it was under State & Federal jurisdiction. Representing the applicant, Soloway acknowledged the existence of explosives on the property. (*Added to minutes at Board's request, 6-4-15*). Board asked for details about the many metal bunkers involved, requiring relocation of the gate. **Nevill** explained that State will have to review and approve relocation. **Shotwell** was asked to discuss stockpile of millings on the property. He stated their origin and keeping for personal use only. **Miller** commented the Zoning Officer would have to address if sold commercially off-site. The **Chairman** opened and closed the meeting to public comment on the matter, with none offered.

@ 9:09 PM, **William F. Masters, Jr., P.P.** was qualified and sworn in as a planning expert. Detailed discussion ensued. Property description was offered as well as an explanation of the "D-3" Variance requested, as well as the criteria making the Shotwell site suitable. He discussed factors such as overall height (including an 8 ft. lightning rod,) setback and landscaping requirements that need waivers. He presented **Exhibit A-9: Google Earth Arial Map** and explained the positive attributes of the proposal. Further discussion ensued. He presented **Exhibit A-10: Photo board** consisting of 8 x 11 color photos taken on 9-28-14 of a balloon test. His conclusion was that there would be no significant visual impact. He briefly discussed court findings in favor of such applications. He suggested a condition that pole be designed to accommodate multi carriers.

The **Chairman** asked for summary a summary of his findings about the Wintermute site. **Masters** concurred with Nevill – “This site good. The other is not.” The Board Professionals were asked to comment. **Caldwell** concurred that the site is very well suited. **Miller** said likewise however mentioned that the last cell tower erected in town at the DPW site had an accommodation for emergency services antennae. **Soloway** agreed that such would indeed be accommodated, if desired by the Fire Department. The **Chairman** opened and closed the meeting for Public Comments on the matter and with none forthcoming, he entertained a motion from the Board while clarifying the order of said votes.

- **Walker so moved to GRANT WAIVERS, as detailed by the Chairman. Fox seconded. ROLL CALL VOTE: Walker – YES; Roller – YES; Fox – YES; Mullen – YES; Tommaso – YES; and, Bambara – YES. Motion carried.**
- **Tommaso so moved to GRANT D-3 VARIANCE approval. Fox seconded. Motion to grant d-3 variance. ROLL CALL VOTE: Walker – YES; Roller – YES; Fox – YES; Mullen – YES; Tommaso – YES; and, Bambara – YES. Motion carried.**
- **Wilson so moved to GRANT PRELIMINARY (revised plans dated 4-15-15) & FINAL SITE PLAN approval, subject to standard conditions from Miller’s May 6th report, except the requirement for an L.O.I., based on Muller’s testimony. Tommaso seconded. ROLL CALL VOTE: Walker – YES; Roller – YES; Fox – YES; Mullen – YES; Tommaso – YES; and, Bambara – YES. Motion carried.**

NEW APPLICATIONS: None

OTHER BOARD BUSINESS:

- **Chairman's Report** – Draft of revised application forms provided by Board Secretary. Board given 2 weeks to comment, then she should send to Clerk’s office for further processing so it can be used.
- **Cross-Over Report** – The **Chairman** Briefly discussed recent Planning Board applications on Airport Road and Crossed Keys. Questions were raised about why buildings are more visible than anticipated, to which the **Board Engineer** offered explanations that everything is proceeding as approved.

MOTION TO ADJOURN:

- **@ 9:57 PM, Walker so moved. Tommaso seconded. VOICE VOTE: All members present voted “aye” in the affirmative. No abstentions. No objections. Motion carried.**

Minutes Respectfully Submitted by:

Desiree L. Dunn
Planning Board & Board of Adjustment

✓ APPROVED June 4, 2015