

**GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES  
REGULAR MEETING, April 2, 2015**

**CALL TO ORDER: @ 7:35 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, Carmine Torella and Dennis Walker in attendance. Also present: Lyn Aaroe, Esq.; John Miller, P.E. and, Jessica Caldwell, P.P.

**OATHS OF OFFICE FOR REAPPOINTED / NEW MEMBERS:** The Board Attorney administered the Oath of Office to Jeffrey Wilson to begin serving as Alternate #2 member.

**MOTION TO EXCUSE ABSENT MEMBERS:** The Chairman entertained said motion to excuse Sharon Mullen

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

**MOTION TO APPROVE MINUTES**

**a. From January 15, 2015 -**

**Corrections:** Wilson called for deleting “it thus made” from text line #3 under Old Applications.

- Fox so moved. Wilson seconded. No objections. **Voice Vote: All eligible members voted “aye” in the affirmative. Motion carried.**

**b. February 5, 2015 -**

**Corrections:** None requested.

- Fox so moved. Walker seconded. **Voice Vote: All eligible members voted “aye” in the affirmative. Motion carried.**

**NEW RESOLUTIONS:** None

**ORDINANCES:** None

**OLD / PENDING APPLICATIONS:**

1. **@7:41 pm**, the **PUBLIC HEARING** began for application #BA 1405: ALLES, JAYNE & CHARLES – “c” variances and waivers requested to build a new dwelling on property designated as **Block 45, Lot 18 (33 Shore Rd)**. **REPRESENTING THE APPLICANT:** Jeff Carreaga, P.E.; Jayne & Charles Alles. **DISCUSSION:** The Chairman re-introduced the application and mentioned the prior concern for the driveway variance whereby discussion briefly ensued regarding setbacks. He asked Carreaga to note that the 10ft. setback for the driveway has to be shown on the plan. He invited the Board to comment further and described how the proposed house satisfies many of the ordinance requirements. A **Board member** questioned why the garage can’t be in front of the house, and said it would result in less disturbance, would be better suited to the lot, and allows house to be centered. Carreaga reiterated that DEP restrictions have left them very little leeway in siting the house. The **Chairman** said proposed garage placement results in lower profile and stated his determination that the hardships that may result from the driveway steepness are primarily caused for the applicant. The **Board member** re-stated his belief that the applicant has yet to prove that the deficiencies have been mitigated to the greatest extent possible. Further discussion ensued. The **Chairman** opened the meeting for Public Comment on the matter and the following audience members spoke:

- **Claud Deltieure, son of adjacent neighbor** – stated that his family continues to object to a 10ft. side yard. Said that the applicant had recently offered to put up a screen of trees, but he feels it's only a "60% compromise". They object to the proposed porch and patio being only 10ft from their property line. He stated it's the wrong design for the property on principal.

@7:52:52 pm, the **Chairman** closed the meeting for public participation as no other comments from the Audience were offered and invited Board comments.

Most **Board members** concurred that plan is for a modest home, the prevailing offset of neighboring houses makes the proposed plan agreeable. The **Chairman** offered his opinions and credited the applicant with offering to install heat strips at driveway entrance for bad weather days.

The **Chairman** entertained a motion to approve or deny the application with the following variances: **Slope of driveway; Lot area; Lot width; Driveway side yard setback; 10 ft. house setback to left side yard; and, Critical areas for flood hazard.**

- **Tommaso so moved for approval with the variances stipulated. Roller seconded. ROLL CALL: Wilson – ABSTAINED; Walker – YES; Torella – YES; Roller – YES; Mullen – YES; Fox – NO; Tommaso – YES; and, Bambara – YES. Motion carried.**

@ 8:01 pm, the **PUBLIC HEARING** for application #BA1501: **CELLCO PARTNERSHIP / VERIZON WIRELESS – “d” Variance / conditional use requested to build a cellular communication facility on property designated on the tax map as Block 5, Lot 2.02 (140 Shotwell Road)**

**REPRESENTING THE APPLICANT: David Soloway, Esq. etal, plus, Stenographer, Iris LaRosa** from Precision Reporting Service. *(Full transcripts received April 22, 2014 from Precision Reporting Service available.)*

**DISCUSSION: Soloway** began his presentation with a description of the proposed 140 ft. monopole tower, 12 ft. x 26 ft. equipment shelter, 7 ft. high chain-link fence surrounding the compound, property selected, as well as the ordinance requirements, preferences and five (5) locational priorities contained therein. He described site selection / rationale / investigations conducted to date. He acknowledged that new development has occurred whereby an alternate site may be considered, however, the Shotwell site will undoubtedly prove the most suitable. He described many points of compliance with the Township Conditional Use ordinance. He discussed the reason why his experts have determined that it needs a d-3 variance, instead of a d-1 variance, resulting in a significant difference in the burden of proof required regarding positive and negative criteria, followed by descriptions in depth. He described where the application does not meet the conditions such as landscaping buffering, overall height and setbacks to nearest property line due to the 8 ft. lightning rod on top. The **Board Attorney** concurred that d-3 relief is appropriate.

@ 8:21 pm, **Glenn Pierson, radio frequency engineer**, was sworn in and qualified as an expert before the Board. Detailed testimony and discussion ensued. Board questioned why existing tower at DPW garage cannot be boosted to accommodate newer cellular communications devices. Presented **Exhibit A-1: USGS topographical map of existing towers in the general vicinity with overlay** showing existing and proposed coverage, as well as specific gaps and elevations; the **Chairman** opened & closed the meeting for public questions relative to Pierson's testimony, because none was offered.

@ 8:52 pm, **Eric Fastnacht, site acquisition expert**, was sworn in and qualified as an expert before the Board. Detailed testimony and discussion ensued. Presented **Exhibit A-2 & A-3, 4-2-15: Sheets 1 & 2 of the Tax Map showing existing municipal property; Exhibit A-4: E-mail communications from Bob Canace, Land Conservancy of New Jersey land specialist** about The Nature Conservancy denial of access to this applicant for a tower; **Exhibit A-5: 2-18-15 E-mail communication with Ursula Leo, Esq. representing the owners of Block 1, Lots 5, 7, and 7.01.** Fastnacht testified that **Diamond Communications** at first declined co-location on their existing JP&L power lines through a nearby right-of-way and now have indicated that they will entertain the project.

The **Board Attorney** asked for a re-clarification of why the township owned flag lot is not suitable.

@ 9:11 pm, the **Chairman** opened the meeting for public questions relative to Fastnacht's testimony.

- **Craig Metzger, 99 Wintermute Rd.:** Closest house to the proposed site. Inquired about previous correspondence with Pat Sullivan, former Green Township Secretary to the Planning Board & Board of Adjustment. Verbal communications described. Asked for details regarding Diamond - owned property. Described a discrepancy between what he was told then and what he has recently learned from Town Clerk. In answer to his question, **Fastnacht** detailed the distances from said tower on the flag lot to houses. **Metzger** commented that said tower would be 600 feet to adjacent homes.

@9:18 pm, the **Chairman** closed the meeting for further public questioning of this witness.

@9:18 pm, **Christopher Nevill, P.E., P.P.** was sworn in and qualified as an expert before the Board.

Detailed testimony and discussion ensued. Presented **Exhibit A-6: 2012 Arial photograph with red outline of subject property;** Details offered regarding setbacks from proposed structures, generator operation; proposed clearing that would be required for compliance and rationale for requesting a waiver; Height of tower; fencing; Design for co-locaters; Proposed low vehicle trips and traffic generation even with other carriers; No refuse generation or sanitary sewage proposed; Tower construction; Lighting on tower; Shelter lighting; Sign requirements and details offered; Underground utilities; and, remote testing and monitoring.

**Miller** discussed details from his March 4<sup>th</sup> Report. Inquired about the items that are still outstanding in the application. Inquired about diesel generator and answer given that 250 gal of diesel fuel would be kept on site but shelter construction is designed for tertiary containment; Driveway plan needed to review drainage. Applicant may want waiver of Class III driveway requirement for a much larger opening and travel way than needed. Discussion ensued regarding County jurisdiction of said driveway and attempts made to date to gain their approval since December. Meeting on-site about 2 weeks ago. **Exhibit A-7: Plan & profile of driveway offered.** Further discussion ensued regarding County requirements for site distance; Township requirements for driveway width; Proposed driveway slopes; A 15 ft. driveway desired; Pavement at the beginning and gravel for remainder. Maximum grade allowed and waivers needed; Proposed fuel deliveries; **Exhibit A-8, Photo of section of existing driveway** to show improved, cinder-based driveway, thus not dirt road; Board questioned whether a condition is needed to limit vehicle accessing site for re-fueling and slope; Answer given that that top-off only anticipated, thus smaller truck can service the site. **Chairman** asked for a summary of waivers needed for driveway. **Miller** requested an on-site inspection. **Chairman** asked whether alternate site known as the flag lot was investigated. Discussion ensued regarding its lack of suitability. **Chairman** asked what ancillary uses are taking place on the property and asked Miller to investigate whether uses are in compliance. Presented **Exhibit A-9, Arial with rough outline of alternate Wintermute site** with red outline. Details offered regarding average 15% slope and pavement required for a proposed driveway triggering storm water management controls, rock excavation, significant tree clearing for driveway and staging; Engineering costs estimated at least 2 to 3 times greater than at Shotwell site; A number of neighboring houses in much closer proximity; Higher construction costs; Environmental concerns regarding hundreds of trees that would have to be removed and endangered species such as the Indiana bat limiting the seasons allowed for clearing trees. His presentation is that there are more obstacles to use this alternate site. **Nevill** provided details about possible monopole failures, i.e. falling; Design for an increase in height for co-locaters; to answer **Caldwell's** inquiries and concern that the ordinance allows it to rise incrementally. Suggested setting it by the Board now so as not to be surprised later and not be in violation of the height limitations. Discussion ensued that design is for 140 ft. pole for total four (4) carriers.

@10:25 pm, **Chairman** opened it up for public questions.

- Metzger questioned tree clearing; County jurisdiction regarding driveway; Estimated slope; Sections of the hill being 35% slope; and possible Erosion problems.

With no further public questions forthcoming, the **Chairman** closed the meeting to the Public.

**@10:29 pm**, the Chairman closed the meeting for further testimony with the announcement that the case would be carried to the May 7<sup>th</sup> meeting, with no required public noticing.

**NEW APPLICATIONS:** None

**OTHER BOARD BUSINESS:**

- Chairman's Report – He offered a brief update on the Doggone Farm application, relative to the e-mail correspondence provided and that it would be heard on May 7<sup>th</sup>. Board questioned the date of expiration. No comment or discussion entertained.
- Secretary's Report – 2015 Budget; Updated 2015 Board Contacts; Contracts; Deputy Clerk's reminder regarding the financial disclosure process with State forms due April 30<sup>th</sup>. The Chairman advised quick compliance to avoid fines now being imposed. Three (3) Board members objected to e-mail transition that impeded their ability to file in time to avoid penalties. Advised to take it up with Administration.
- Zoning Official's Report(s) - February & March provided.
- NJ Planner – provided.

**MOTION TO ADJOURN:**

**@ 10:39 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, Secretary  
Planning Board & Board of Adjustment

***v APPROVED May 7, 2015***