

Holland Township Planning Board

Minutes of the Regular Meeting

June 8, 2015

The meeting was called to order by the Chairman Rader:

“I call to order the June 8, 2015 Regular Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by: Posting such notice on the bulletin board at the Municipal Building. Published in the December 11, 2014 issue of the Hunterdon County Democrat Faxed to the Express Times for informational purposes only.”

Flag Salute

Chairman Rader asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Casey Bickhardt, Dan Bush, Ken Grisewood, Michael Keady(arrived 7:31 pm), Mike Miller, Carl Molter, Dan Rader, Tom Scheibener, Melissa Tigar, Duane Young, Don Morrow, Esq, Bill Burr, Engineer, Robert Martucci (Alternate Engineer for the Cellco application), Court Reporter Susan Baber for Lucille Grozinski, CSR, Elizabeth McKenzie, Planner, and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Dave Grossmueller

Let the record show there is a quorum.

Minutes

A motion was made by Thomas Scheibener and seconded by Mike Miller to dispense with the reading of the minutes of the May 11, 2015 regular meeting and to approve the minutes as recorded. All present were in favor of the motion. Motion carried.

A motion was made by Thomas Scheibener and seconded by Dan Bush to dispense with the reading of the executive minutes of the May 11, 2015 regular meeting and to approve the minutes as recorded. All present were in favor of the motion. Motion carried.

Old Business:

There is no Old Business to discuss at this time.

New Business:

There is no New Business to discuss at this time.

Completeness Review:

Block 1.01 Lots 27 – Cellco Partnership d/b/a Verizon Wireless – 9 Dennis Road – Minor Site Plan & Hardship “c” Variance Relief – Received into our office April 28, 2015 – 45-day completeness deadline is May 11, 2015, extension granted by Applicant’s attorney to do completeness at June 8, 2015 meeting. Board Action needed. If deemed complete then proceed to a public hearing. Board member Carl Molter recused himself and left the room.

Applicant’s Attorney David Soloway was present. Chad Swartz, the applicant’s professional engineer was present and sworn in by Susan Babar.

Alternate Engineer Robert Martucci’s memo was discussed. (Slightly tailored to fit the minutes).

June 1, 2015

Township of Holland
61 Church Road
Milford, New Jersey 08848

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

Reference: Cellco Partnership d/b/a Verizon Wireless - Variance Application and Minor Site Plan
Block 1.01 Lot 27
Township of Holland Hunterdon County, New Jersey

Dear Maria:

I have received and reviewed the above referenced application for the purpose of determining compliance with the Township's "Checklist for Determining Completeness of Application Criteria for Submission". I understand the Planning Board will discuss and make a completeness determination at their meeting on June 8, 2015. Documents received consist of the following:

A. Application documents consisting of:

- A1. Application form and cover letter prepared by David H Soloway, Esq.
- A2. Township's Checklist for Completeness-Minor Site Plan
- A3. Site Work Authorization
- A4. W9 Request for Taxpayer Identification Number and Certification
- A6. Certification that taxes were paid for this property.
- A7. Signed Escrow agreement.
- A8. Township of Holland-Fee Calculation Form.

B. "Existing Conditions Survey"-prepared by VS Land Data. dated February 2, 2015.

C. "Site Plan" consisting of 10 sheets prepared by Malick and Scherer, P.C. dated April 9, 2015 and revised to April 22, 2015.

D. Deed information with restrictions for the property and easement documents dated August 27, 2010.

E. "Structural Analysis of Existing First Energy Transmission Tower #JC-32HD Gilbert-Hawks for Verizon Wireless Holland 5 Site"-prepared by Paul Ford and Company dated September 29, 2014.

F. Attached application riders for the site plan from applicant's attorney and site engineer.

Application Summary

The property is within the R-5 zone. A general review of the application shows that the applicant is seeking minor site plan approval and variance relief (hardship) [N.J.S. 40:55D-70c(1)] and (substantial benefit) [N.J.S. 40:55D-70c(2)]. The current property is within the R-5 zone and has an existing telecommunications antennae (81 feet located on an existing electrical transmission tower) and facility from a previous Planning Board approval granted on October 8, 2001 to Sprint Spectrum LP.

The application proposes to extend the height of the existing telecommunications antennae to a total height of 96 feet and a proposed area of 12 feet by 16 feet equipment shelter, a 30kw diesel generator, and other appurtenances noted on the site plan documents.

Our office also conducted a site visit of the property on June 1, 2015. The site visit noted improvements that are not shown on the Existing Conditions plan:

- An offset in the existing paved drive to the north of the existing compound as noted on the plan below.



- 11 evergreen trees around the existing compound where the plan notes 9.

Completeness Review -Minor Site Plan

The following is my review of the above application for completeness with the checklist. I have provided comments for the Board's benefit noting deficiencies in **bold**.

In accordance with the general instructions for Planning Board applications –a certified list of property owners within 200 feet of the subject property must be provided by the Tax assessor. The applicant must provide the certified list of owners in order for the application to be deemed complete.

Items F-1 and F-2 A fee calculation form has been completed the applicant has provided copies of the two checks for the application and escrow fees.

Item F-3 An escrow agreement has been completed.

Items F-4 through F-6 Copies of the completed checklist, application and reports has been provided. Item F-7 A certification from the Holland Township Tax Collector that the taxes for this lot have been paid has been provided.

Item F-8 A certification that a completed application has been provided to the Hunterdon County Planning Board has been provided. A subsequent "Conditional Approval to Construct" has been provided by the Hunterdon County Planning Board.

Item F-9 A receipt indicating the delivery of a complete copy of the site plan documents to the Hunterdon County Department of Health has been check "not applicable" since this application will not require any well or septic system.

Item F-10 A receipt indicating the delivery of a completed application for Soil Erosion and Sediment Control Plan Certification to the Hunterdon County Soil Conservation District has been checked "not applicable. Although I concur with this assessment at this time, further revisions (as required) to the site plan may require plan certification by the District.

Items F-11 through F-14 A Traffic Impact Study, Impact Assessment of Water Supply, Freshwater Wetland L.O.I., and Flood Hazard Permit have been checked "Not Applicable". Item F-15 A Financial

Disclosure Statement has been provided.

Item F-16 Copies of existing protective covenants deeds have been provided.

Items F-17 The property is within the Highlands Planning Area. A waiver has been requested for the Highlands Planning Area Exemption Letter. As noted in the Engineer's rider to the application notes that an Exemption Determination has been submitted to the Highlands Council and is currently pending. I would recommend the Board provide a temporary waiver for this requirement subject to receipt of the Exemption Determination by the Highlands Council

Item F-18 The applicant has provided the plans in accordance with this item.

Items F-19 through F-23 Plan sheet size and scale are within the requirements noted. The tax map sheet Block and Lot along with the name of the development has been indicated on the plans. The name, address and phone number of the owner has been noted on the plans.

Item F-24 The applicant name and phone number has been noted on the plans. The plans do not indicate the fax number of the applicant as required on the checklist. **This item must be completed.**

Item F-25 The date of original preparation and dates of subsequent revisions are provided on the plans. F-26 Zoning Classification, of the site and adjacent land and all zoning and setback requirements has been indicated on the plans. I note the minimum distances on the table below:

Requirement (R-5 Zone)	Required	Existing	Proposed
Lot Area Minimum (acres)	5	4.497	No Change
Lot Width Minimum (feet)	325	98.93	No Change
Lot Depth Minimum (feet)	350	573.19	No Change
Height Maximum (feet)	35	+/-20	12.5
Stories Maximum	2-112	1	1
Setback from Street Line, Minimum (feet)	75	106	115.8
Rear Yard Minimum (feet)	75	+/-371	348.6
Side Yard Minimum (feet)	75	27.25*	+/-21.7**

Telecommunication Ordinance 100-36 Requirements	Required	Existing	Proposed
Tower Fall Zone (feet)	120% of Tower Pole Height	97.2	115.2
Distance Closest to Residential Building (feet)	500	169.1*	179.9**
Distance Closest to Residential Vacant Land (feet)	500	33.3*	40.0**
Proposed Equipment Shelter (square feet)	200	N/A	184
Proposed Equipment Shelter Max Height (feet)	10	N/A	12.5**

* Variance relief previously granted

** Variance required

F-27 and F-28 Written and graphic scales as well as referenced meridians have been noted on the plans as applicable.

F-29 Property owners within 200 feet of the site have been noted on the plans.

F-30 A key map showing the entire site and surrounding area at least 1,000 feet from the tract with correct block/lot numbers, streets, roadways, and all zoning district boundary lines has been shown on the plans.

F-31 Approval signature lines for the Board Chair, Secretary, and Board Engineer have been provided on the plans.

F-32 A certification on the plans has been provided for the property owner; however, the certification is not signed. This item must be completed.

F-1 The plans have been certified in accordance with this section.

F-34 Although bearings, distances, and existing property lines have been provided on the site plans, a property survey for the project has not been provided by the applicant. The Existing Conditions Plan, although prepared and certified by a Licensed Land Surveyor, does not include an actual property survey for this project. I call out note 2 of the Existing Conditions plan; "This drawing is not intended to delineate or define property boundaries". In addition, the note on sheet 3 of 10 of the site plan calls out that "this plan does not constitute a boundary survey". A property survey must be provided or the applicant should request a waiver from this requirement since the cell tower site does not encompass the entire property. In addition, the existing conditions plan must be revised to show the existing features I noted previously.

F-35 The total acreage of the tract has been noted on the site plan.

F-36 Front, side, and rear setback lines have been shown, but not labeled nor dimensioned. This item must be completed.

F-37 Plans do not show any location or description of any survey monumentation found or set. This item must be completed.

F-39 A waiver has been requested by the applicant's engineer for any existing bridges, streams, culverts, drainage ditches, etc. within 300 feet of the project. Based on my review of the area, I would concur with the request and recommend a waiver be granted.

F-40 The plans note existing easements within the project area.

F-41 A waiver has been requested for existing buildings, structures, wooded areas, above and below ground utility lines, petroleum lines within 200 feet of the tract. Based on the nature of the improvements, I would concur with the request since the site plan notes existing features within the site and calls out to verify a markout for underground utilities be completed prior to start of construction.

F-42 The plans have included proposed building dimensions. Finished floor elevations for the proposed structures have not been provided. This item must be completed.

F-43 Preliminary architectural elevation drawings have been provided for the Northwestern Elevation Only. Elevations must be provided for each facade as noted in the checklist. F-44 Existing elevation contours have been provided.

F-45 Finish grade elevations (spot elevations) and contours have not been provided. This item must be completed **if** any grading is to occur on the site.

F-46 Floodways and Flood Hazard Areas are not applicable with this application. f-47 The plans note the area of disturbance in Acres.

F-48 The plans do indicate impervious area in acres, but the proposed impervious area matches the existing area. These should not match since the proposed site plan notes adding impervious surfaces. This item must be revised to note the additional impervious area in acres or at least square feet.

F-49 No parking and loading/unloading space requirements or any parking have been noted on the plans. The applicant must include the required loading/unloading space and parking requirements based on section 100-53 J of the Land Use Ordinance.

F-50 and F-51 No septic system or sanitary sewer system is proposed for this facility. These items are not applicable.

F-52 Details for the site improvements have been provided. Additional details for fencing, tree protection, foundations, any parking or landscape improvements as required by the Board must be included. Although not an outside agency approval required at this time, I would recommend the minimum soil erosion control measures such as topsoil stockpile, limit of disturbance lines, lawn restoration and agronomic specifications per the Hunterdon County Soil Conservation District requirements and silt fence be noted on the plan.

F-53 and F-54 Plan and profiles for storm and sanitary sewers are not required. **If** so required on the grading plan, a profile of any drainage swales must be included.

F-55 Plans note the existing and proposed utilities for the site. F-56 No signage is proposed at this time.

F-57 A stormwater management plan is not required for this application.

F-58 A detail for proposed lighting has been provided. The plan, however, must be revised to show the light intensity on the site plan (sheet 4 of 10).

F-58 A detail for proposed lighting has been provided. The plans do not indicate the location of the proposed light nor the light intensity on the area for which it is intended. This item must be completed.

F-59 Although 9 existing pine trees are called out to be removed, no proposed landscaping has been noted on the plan. A landscape plan must be provided as required.

F-60 A diesel storage tank is noted to be installed below the proposed generator. The tank location must be noted on sheet 4 of 10 of the site plan.

F-61 The applicant notes that no items are to be produced or manufactured nor any proposed by products or processes to be contained on the site. A statement on the anticipated number of shifts and any employees per shift has not been provided. The applicant must provide the frequency of visits to the site from technicians and the number of technicians to the site.

Based upon the above items F-17; F-24; F-32; F-34; F-36; F-37; F-39; F-41; F-42; F-43; F-45; F-48; F-49; F-52; F-58; F-59; F-60; F-61, and the certified list of property owners within 200 feet of the site must be completed in order for the application to be deemed "complete" unless otherwise waived by the Board.

Technical Review

Based on my limited technical review of the application, I offer the following comments for the Board's consideration.

A. Outside agency approvals:

1. The tower and equipment construction is subject to the appropriate building subcode and other construction permits from the Construction Official's Office.

2. Hunterdon County Planning Board has issued a "Conditional Approval to Construct" letter subject to as-built CADD drawing noting the monumentation corners of the entire tract in State Plane Coordinates.

3. The applicant to comply with comments (if any) as required by the Highlands Council. B. Other Items:

1. The existing evergreen trees noted to be removed on the easterly side of the compound are located outside the existing chain link fence and not within the fence as noted on sheet 4 of the site plan. I would recommend the existing trees in this area to be saved since the cable bridge would not be in conflict with the trees in accordance with section 100-36 8 (c).

2. Applicant must install landscape buffer plantings to the maximum extent practical to buffer the new compound in accordance with 100-36 8 (a) of the Land Use Ordinance.

3. Information regarding the emergency generator must be provided in order to verify conformance with the section 100-33 G for noise.

4. Once approved, the applicant's engineer must submit a cost estimate for site improvements noted on the approved site plan. Our office will review the estimate for quantity checks and costs. Once the estimate is approved, the applicant must post the required performance guarantee and inspection escrow in accordance with section 100-151 of the Land Use Ordinance.

5. The applicant must comply with all other requirements and recommendations from Planner McKenzie and Attorney Morrow.

If you have any questions or require additional information, please feel free to contact me.

Board Planner Elizabeth McKenzie's memo was also discussed. (slightly Tailored to fit the minutes).

MEMORANDUM

TO: Holland Township Planning Board

FROM: Elizabeth C. McKenzie, AICP, PP

DATE: June 8, 2015

SUBJECT: Cellco Partnership d/b/a Verizon Wireless - "c" Variance and Minor Site Plan Application for Co-location on Electrical Transmission Tower, Block 1.01, Lot 27, 9 Dennis Road

The purpose of this memo is to offer our comments on the application of Cellco Partnership/Verizon Wireless for variance relief and minor site plan approval to co-locate its wireless communications antennae on an existing overhead electrical transmission tower that is *already used for that purpose*. The application involves increasing the height to the top of the antennae mounted on the electrical transmission tower from 81 feet (top of existing antennae) to 96 feet (top of proposed new antennae). It also involves the installation of a 12'6" high, 184 square foot equipment shelter and a generator within a new equipment compound to be located adjacent to the existing equipment compound. As explained more fully below, there is a side yard setback variance associated with the location of the new equipment shelter, a variance for the height of the equipment shelter and, possibly, a variance involving the height of the security fence.

We had indicated in the memo we sent out on April 4, 2015, that there are new federal regulations now in effect which are designed to promote co-location and reduce the time and costs of the local approval process. Applications for co-location on existing towers that do not represent a "substantial change" in the existing facility or in the conditions of the prior approval are entitled to a streamlined review and approval process.

The first question is whether or not this proposal represents a "substantial change" over what exists today and was previously approved.

David Soloway, Esquire, the attorney representing the applicant was kind enough to let me know by telephone that this application does indeed represent a "substantial change" under the FCC Rules. The reason for this is that an electrical transmission tower is not treated the same way in the federal regulations as an existing wireless communications tower - it is, instead, considered a "base station", and any increase in the height of the antennae mounted on a base station of more than 10 feet or 10 percent is considered a "substantial change". Therefore, this application is not subject to the expedited review and approval process called for by the federal regulations.

The R-5 zone permits (at Section 100-36.E(2)(b)) wireless telecommunications antennae that are attached to an existing electrical transmission tower, *provided the antennae do not exceed 15 feet more than the height of the tower*, all applicable FCC and FAA regulations and all applicable building codes are met, and the antennae comply with Section 100-36.F(2)(f) with respect to an unobtrusive design.

In this case, the top of the proposed antennae will be 26'3" more than the height of the electrical transmission tower itself, but "height" is defined in Section 100-36 as being measured "from the lowest finished grade of the base of the tower to the highest point on the tower **or other structure**, including the base pad **and any antennae**". The proposed antennae will be 15 feet higher than the existing antennae. Thus, it is presumed that the proposal is permitted in the R-5 zone (subject to a demonstration of compliance with the other three threshold requirements listed above).

A variance pursuant to N.J.S.A. 40:55D-70c is required for the side yard setback of the proposed new equipment shelter and compound. In the R-5 zone, a side yard setback of 75 feet is required. The proposed equipment shelter and compound will be located just 21.7 feet from the north side lot line. The side yard setback also violates Section 100-36.F(5)(b) of the regulations for wireless communications towers and antennae.

The applicant will also require "c" variances for the following deviations from the regulations of the Land Use Ordinance covering wireless telecommunications towers and antennae: a) from Section 100-36.G for the height of the equipment shelter (12'6" instead of 10'); and b) possibly, from Section 100-36.G(3) for the height of the security fence (8'6" inches to the top of the fence from the ground elevation versus the 8 feet required). The fence itself is really only 6 feet high; it is mounted 2'6" above the ground level on a platform. The Board may interpret this condition as not requiring a variance.

The applicant will need to demonstrate that the statutory criteria for granting "c" variances are satisfied.

In addition, the applicant will need to demonstrate compliance with all requirements pertaining to towers and antennae set forth in Sections 100-36.D. and F(11).

As to the site plan, I will defer to Mr. Martucci's review. There are issues identified in his report regarding lighting and landscaping, which should be discussed at the hearing.

The certified list was provided and Engineer Martucci stated it was received.

F17 – an apology was given. They are asking for a waiver for completeness only and that this can be a condition of approval.

F24 – Verizon Wireless does not have a fax number. Something can be put on the final plans.

F32 – The property owner's signature can be on the final plans. Waive this for completeness.

F34 – A partial survey has been submitted. The survey does not match the conditions in the field. The survey was done in the winter. There are 1 to 2 parking spaces but they were not plowed in the winter. Can correct this in the final plans. Looking for a waiver for completeness. Impervious coverage is off but can be revised.

F36 – Completeness waiver is requested. Some revision to the plans needed for consistency on labels.

F37 – Completeness waiver is requested. Thought it was too busy to put all required on the plans but can fix this.

F39 – Waiver requested - Engineer Martucci is ok with the request.

F41- Waiver requested – Engineer Martucci is ok with the request.

F42 – Waiver requested – floor elevations. Shelter is a prefab and one foot above grade. There is no drainage as it is on a hill.

F43 – discussion took place.

F45 – All is good with the site. Finished grade elevations and contours. No proposed grading.

F48 – Completeness Waiver requested – to complete with final plans.

F49 – Completeness Waiver requested and more discussion can take with testimony at public hearing.

F52 – Completeness waiver requested. Public Hearing discussion.

F53 and F54 – not applicable – no proposed grading

F58 – Satisfied. Lighting on in emergency

F59 – waiver – testimony to show reasons and justification

F60 – diesel storage – part of the generator. It sits under the tank as a belly tank.

F61 – satisfied.

Exhibit A1 – map dated 042215

Engineer Martucci does not agree with the grading conversation but it will be addressed at the public hearing.

A motion was made by Dan Bush and seconded by Mike Keady to deem this application complete. At a roll call vote, all present were in favor of the motion. Motion carried.

Block 23 Lots 1 & 45 – John Oliver – 615 Milford Warren Glen Road – Minor Site Plan/Change of Use – Received into our office May 19, 2015 – 45-day completeness deadline is July 3, 2015 Board Action needed.

Board Engineer Letter dated June 3, 2015 was discussed. (slightly Tailored to fit the minutes).

MEMORANDUM

June 3, 2015

This office is in receipt of an application for the above referenced Change of Use/Minor Site application. The following documents were submitted for our review:

- Completed Application for Minor Site Plan along with required forms;
- Completed Checklist for Determining Completeness of Application –Minor Site Plan;
 - A letter from the applicants attorney, William R. Edleston, Esq., received by Holland Township on May 19, 2015;
- Copy of a plan entitled "Map of Survey of Spring Mills Grange Lot in Holland Township, Hunterdon County, New Jersey" as prepared by William U. Bohren, II, P.L.S. of Bohren and Bohren Engineering Associates Inc., dated May 29, 1981;
- Copy of a plan entitled "Landscaping & Lighting Plan for First National State Bank in Holland Township, Hunterdon County, New Jersey" as prepared by Richard O. Luster, P.E. and Robert W. Lee, P.L.S. of R.W. Lee Assoc., Inc., dated September 25, 1984, last revised November 20, 1984.

Project and Property Description

The subject property is known as Block 23, Lots 1 & 45, consists of 0.51 acres and 2.16 acres respectively, is located in the COM (Commercial) Zoning District and has frontage along County Route 519 (Milford-Warren Glen Road) and Spring Garden Road. The property is owned by John and Meredith Oliver and is developed with a bank building that is currently vacant.

The proposed project includes converting the existing use from a bank to a proposed martial arts school/personal training studio. According to the Township Land Use Code, indoor commercial recreational facilities are permitted in this zone district.

COMPLETENESS

Upon review of the above-referenced submission versus the Holland Township Development Review Checklist for Minor Site Plans, the checklist indicates a number of items as "complies", "not applicable" or "waiver requested" which we do not agree with. As a result, the following deficiencies were identified:

Item F-7 Certification of Taxes Paid.

This information shall be provided to the Board (a copy was not included in our submission package).

Item F-8 Submission of Completed Application to Hunterdon County Planning Board.

The applicant has indicated that this item "complies"; however, we do not agree with this designation. Since the property is located along a County road, and the County may have comments/concerns about the existing parking lot, an application should be filed with the County Planning Board. At a minimum, a letter of exemption should be sought from the County.

Item F-9 Submission of Completed Application to Hunterdon County Health Dept.

The applicant has indicated that this item "complies"; however, we do not agree with this designation. Since the use may have an impact on water and sewer usage, an application should be filed with the County Health Department. At a minimum, a letter of exemption should be sought from the County.

Item F-42 Plans Shall Indicate the Dimensions, Floor Area for the Building. The applicant has indicated that this item is "not applicable"; however, we feel that this information should be provided to confirm adequate on-site parking – see Item F-49 below.

Item F-49 Calculation of Parking and Loading Areas on Plan. The applicant has indicated this item "Complies" on the checklist, but there has not been any information submitted on the proposed floor area of the martial arts/personal training studio in order to confirm whether the existing parking is sufficient.

Item F-50 Location of all Existing Sewerage Disposal Systems and Wells. The applicant has indicated that this item "Complies"; however, we feel that this information should be provided.

Item F-56 Location, Height, Size, Appearance of all Proposed Signs. The applicant has indicated that this item is "not applicable"; however, information should be provided on any proposed signage for the site.

The applicant should address these items either through submission of additional information or testimony. This office has no objections to the Board granting the rest of the waivers being requested by the applicant.

TECHNICAL

While we have no objection to the Board waiving many items typically required as part of a site plan application due to the minor nature of this application (with the exception of those items listed above), we do have several comments for the Board's consideration:

- 1) Are any site improvements proposed as part of this application? How will traffic circulation function with two (2) separate parking areas and the existing drive-thru aisle from the previous bank use.
- 2) A copy of the Landscape & Lighting Plan from 1984 was submitted with the application materials. Does this plan accurately represent the current conditions on site?
- 3) The submitted application form indicates the subject property is actually two (2) separate lots known as Lot 1 and 45. Has the applicant considered merging these lots?
- 4) The applicant should advise the Board of the proposed intended use of the property, number of employees, number of patrons, hours of operation, anticipated deliveries, method and quantity of trash removal, etc.
- 5) Additional information (i.e. floor area plans) will need to be provided to confirm that the on-site parking will be sufficient (in accordance with Township Code Section 100-85) to handle the proposed martial arts/personal training business.
- 6) The applicant should clarify if any special events, banquets, etc. will be proposed at the site? If so, how will parking be accommodated for this increased usage?
- 7) The change of use is subject to the appropriate building subcode and other construction permits as may be required by the Construction Official's office.
- 8) Testimony shall be provided to clarify whether any site signage is proposed. If so, information shall be provided to allow the Board to confirm compliance with the ordinance requirements.
- 9) Applications or requests for exemption should be filed with the Hunterdon County Planning Board and Health Department for this project.

If you have any questions regarding this correspondence, please contact this office at your earliest convenience.

Board Planner Letter dated June 3, 2015 was discussed. (slightly Tailored to fit the minutes).

MEMORANDUM

June 3, 2015

The purpose of this memo is to comment on the application of Mr. and Mrs. Oliver to convert an existing vacant bank building located in the COM Zone for use as an indoor recreational facility (a personal training studio and martial arts school). Both the prior use of the premises as a bank and the proposed use are permitted in the COM Zone. The subject property encompasses a total of 2.67 acres (in both lots).

It appears that no improvements are contemplated in connection with the proposed change of use, and this is of some concern. The existing parking areas are outlined on the plan submitted in support of the application, but no parking spaces are actually delineated, so it is not possible to determine how many parking spaces are actually provided on the site, nor is there any information provided as to how many parking spaces are required for the proposed use in a building of this size. Thus, it is not possible to determine how many, if any, additional parking spaces should be provided. Testimony may be needed from the applicant about proposed class schedules and sizes, so the Board can determine that the number of parking spaces currently available on the site, whatever that number may be, is adequate.

Additionally, the applicant should indicate what changes may be proposed to the building exterior. Right now, there is a drive-up facility that was used in connection with the bank use. The drive-up facility is obviously no longer needed for the indoor recreational use. It should be removed and the façade of that side of the building should be restored or refinished appropriately.

No information is provided about the proposed signage. This is a relevant site plan approval consideration, even in connection with a minor site plan.

No information is provided about the intensity of the existing site lighting. The Board needs to be able to determine that there is adequate site lighting, as this use is likely to have some night-time activity.

It is puzzling as to why the two lots that comprise the subject site have never been merged. This should be done as part of the Board's approval of this application.

The Board may want to consider whether some additional landscaping and sidewalks would be appropriate in this case.

I have reviewed and concur with the memorandum from Maser Consulting as to the additional information the Board will need to properly review this application.

For the record, Carl Molter was present for this application.

Applicant's Attorney William Edleston was present. He stated that this is the old bank. The owners have a tenant that will be relocating their business from the existing location in Holland Township to their location at the bank. There are no improvements proposed to the site. No additional signs as they intend to use the existing sign location. The engineer's letter was discussed. Owner, John Oliver was present. Tenant Kim Holzworth was present and sworn in.

F7 – The Tax certification was presented by Secretary Kozak

F8 – they can do

F9 – they can do

F42 – they can do

F49 – not on plan. An Arial photo was provided and they believe this is sufficient.

F50 – City Sewer but can find the well

F56 – to use the existing

Engineer Bill Burr asked for some discussion about checklist items F42 and F49. For completeness they can be acceptable but testimony needs to be given at the public hearing and Ms. McKenzie's concerns also need to be addressed at the public hearing. Discussion started to take place about the number of classes, the amount of kids, the traffic pattern, the lack of tournaments taking place at this facility, the needs for additional space, the need for four employees including tenant Holzworth, the drive thru, parking lots, ingress and egress, shrubbery etc. This is to be discussed at the public hearing.

A motion was made by Dan Bush and seconded by Thomas Scheibener to deem this application complete with the applicant having to provide a floor plan prior to the public hearing. At a roll call vote, all present were in favor of the motion with the exception of Ken Grisewood who was not in favor of the motion since there was a lack of a site plan provided. Motion carried. The applicant will provide a floor plan prior to the next meeting at which time there will be a public hearing.

Resolution

There are no resolutions to discuss at this time.

Public Hearings

Block 1.01 Lots 27 – Cellco Partnership d/b/a Verizon Wireless – 9 Dennis Road – Minor Site Plan & Hardship “c” Variance Relief – Received into our office April 28, 2015 – 45-day completeness deadline is May 11, 2015, extension granted by Applicant's attorney to do completeness at June 8, 2015 meeting. Board Action needed. Deemed Complete June 8, 2015. Proceeded to a public hearing.

Alternate Engineer Robert Martucci of Van Cleef Engineering is the Board Engineer. Due to a potential conflict of interest, Maser Engineer had to recuse themselves from this application as their telecom group has active projects with Verizon. Van Cleef Engineering was asked to be the Alternate Engineer and the applicant accepted them as the alternate engineer for this project. Board Member Carl Molter recused himself and left the building.

Attorney Morrow stated we have jurisdiction to hear this application.

Exhibit A1 – Map 042215

Exhibit A2- Affidavit, proof of publication, certified list

Attorney David Soloway is present and is representing the applicant. Verizon Wireless wants to co-locate a wireless extension on an existing tower. They want to add 12 panels to the top, equipment shed and a generator. Our ordinance supports co-location. This is a permitted use in the R5 zone. Height is the issue. He also thinks this is a minor site plan. They also need a “C” or bulk variance. The side yard setback requires 75'. The proposal has 21.7 feet as the setback. Another variance needed is for the height of the equipment shelter. Testimony to follow.

Expert Witness #1 – Chad Schwartz – sworn in during completeness – his qualifications (licensed Engineer, degree from Rutgers, designed cell sites in NJ, PA and NY) were discussed and he was accepted as an expert witness.

He is familiar with the plans, the ordinances and the property.

Exhibit A1 Z4 – the site. Verizon proposes to do an equipment shelter to the north of Sprint. It will be about 187 square feet. There will be a steel platform with a 30 kilowatt generator and fencing. The

shelter houses the equipment. Cables come out of it and go to the base of the tower. The installation of 12 antennae is proposed. All utilities are existing. A tech visits the site about 1 time per month. The existing parking would be used. No impact.

Exhibit A1 Z5 – the top of the shelter proposed is 96’ with the current being 81’ which means that’s 15’ over ground level. Usually a shelter does not have a pitched roof but the owner wants the shelter to look like a barn which is consistent with the township. This creates a need for a variance. The standard prefab shelter is usually 10’6”. The shelter can be of a barn red color as per the request of the owner. The owner wants more decorative.

One light is proposed and is used by the tech as more for emergency. If the tech forgets to shut the light off there is a timer on it and it will automatically shut off.

No signage is proposed other than the site specific platform.

Visits are one time per 4 to 6 weeks.

There is no sanitary sewer system.

Tech parking – Parking exists on the site. This was not shown on the plans as the parking area was not plowed and was not put on the plans. A small passenger vehicle is used and can fit in the existing parking.

Variance for the side yard setback – Looking at Exhibit A1 Z4 – the existing tower is within the right-of-way. They have to follow GPU rules. It is directly under GPU transmission lines. The land does slope and is more visible from the road but is less desirable. The northeast side works better but there is an issue with staying within the GPU rules.

Variance – height of fence. The equipment shelter needs 8’ high planting maturity. GPU limits the height to 3’ bush at maturity. They decided to look at fencing but the property slopes at the northeast. They picked a fence height of 8’6” to ground level. There is an interpretation thing and they will comply to the boards’ wishes. To accommodate the slope there is a platform that elevates the one end of the generator. There can be wiggle room but 8’ is the minimum. Planner McKenzie discussed the ordinance. A discussion took place about removing the platform and bringing the fence to the ground. They are trying to create a nice screen. Dan Bush proposed that you keep the fence as proposed and where there is a gap in the ground you add 3’ shrubs as additional screening. The JCP&L standards will be provided to the board engineer. Stepping the fence was also discussed. Plowing was discussed and it is a private driveway so the resident is responsible. Engineer Martucci questioned the diesel delivery and a turning template was requested.

The generator testing was discussed and it is tested remotely once a week for 30 minutes. It cycles and shuts off. The generator meets all the NJ noise ordinances. There is not an existing generator at the location. The batteries are in the equipment shelter and are used until the generator kicks in.

A letter was submitted saying the project is FAA compliant.

Installation will be to code and are subject to inspections.

Any fencing and shrubs will be maintained by the applicant. This is not really a tower but an “other” structure in the ordinance. There is a provision in the existing ordinance about the tower height being an mx of 150’ but the ordinance is missing the component for this “other” type of structure. There are no specific regulations on an electrical transmission tower. The township can look into it in the future.

There were no other questions for this witness.

Expert Witness #2 – Paul Dugan. sworn in by Susan Babar – his qualifications (has a BS degree and a Master of Science from Ryder, has testified throughout NJ,) were discussed and he was accepted as an expert witness.

He is familiar with the plans, the ordinances and the property. He was retained by Verizon regarding radio frequency.

Exhibit A3 – his report - he has analyzed the site. It also shows the worst place you can be on the property. Shows Sprints impact on this. The report shows that this facility will comply with the FCC even with Spring on the property. It is a good site. It also complies with the NJ standard which is less strict. Radio frequency was discussed. There were no other questions for this witness.

Expert Witness #3 – Suzanne Schnaars - sworn in by Susan Babar– her qualifications (Degree in computer science. Is working towards a master in telecom. Has been employed with Verizon. Has testified in NJ) were discussed and she was accepted as an expert witness.

She is familiar with the plans, the ordinances and the property.

Exhibit A4 – map showing existing sites with transparencies was explained showing coverage. The area in blue shows the gap they are trying to fix with the proposal in Holland Township. They looked at different sites and this proposed site is best to fix the existing problems. The need to improve is for more data coverage. More calls are data and it acts differently on the network. This is why you often get more dropped calls.

Expert Witness #4 – Tsvia Adar - sworn in by Susan Babar – her qualifications (Senior Planner with Dewberry, Licensed NJ Planner, AICP Certified, holds many degrees, 25 years in municipal and private, has testified in NJ) were discussed and she was accepted as an expert witness.

She is familiar with the plans, the ordinances and the property.

Exhibit A5 – Aerial photos of the site from google.

She described the site. Off Dennis road, wooded area, visible off the driveway, there are a few other spots that make the spot slightly visible, the antennae meet the ordinance, and there are no other municipal properties of industrial properties available so this meets the ordinance. The side yard setback and the height of the shelter are the need for the variance. The side setback requirement is 75' and this is to be 21'7". The shelter proposed is a height of 12'5" rather than the allowable of 10'. Regarding the side yard setback there is case law. She discussed a C1 Variance – hardship and a C2 Variance which is more flexible. She also showed that by granting the variance you will advance the purpose of zoning with MLUL and that the benefits exceed the detriment. The shape of the property is narrow at the end. There is no flexibility there. The other side is steeper and more visible. Where they propose the application is the best area and triggers a variance. This meets condition a and I of MLUL as it promotes the general welfare of the public and promotes desirable visual of the environment. There are trees between the equipment and the nearest home that measures about 200'. Regarding the height, the owner wants it compatible with other structures on the site. This is designed to be compatible but smaller than principal height. It is consistent with the look in Holland Township and there is no negative impact. It would be less industrial. It is consistent with our township ordinance and has no impact on zoning ordinances. It protects residential property and the township. It promotes co-location. It promotes better service to the public. While it is slightly over 21' from the setback of the property it is really about 200' from the neighbor. Some material discussions took place about siding and roofing material as well as color etc. Lower maintenance was discussed.

At 9:35 a 5 minute recessed was called.

Section 100-36d was discussed. Inventory was submitted with the application and testimony given. The antennae can be neutral. This is a permitted use. Licensing/franchising was discussed. They can file their agreement with the zoning officer. They said that the off white color is consistent with the existing structure and that galvanized is also consistent. Lighting was discussed along with the FCC/FAA. The signage was addressed along with the building and support equipment. The variance was discussed. Conditions can be imposed. No additional comments were made at this time.

The public portion was opened and let the record show there was no members of the public present. The public portion was then closed.

Some additional discussion took place regarding the potential conditions. Basically, the applicant will drop the platform and fence, plant shrubs around the platform, generator, and perimeter, provide shrubs around the facility, deer resistant, maintain shrubs, turning template for fuel delivery trucks, preconstruction with engineer to address concerns, required to replace existing driveway of damage during construction, to use colors consistent with existing tower and cable as testified, file with zoning officer all franchise, construction equipment shingle roof and horizontal siding with low maintenance to satisfaction of planner and engineer, completeness items of Engineer Martucci letter, submit revised plans per board approval, highlands exemption to be pursued, and all other standard conditions. Planner McKenzie will email Attorney Morrow with the proper presentation of the above notes expressed. After some discussion, the structure will have vertical rather than horizontal material. Engineer Martucci will work with the applicant on preconstruction but it was decided that bonding was not needed but money will be needed in escrow for inspections. A motion was made by Dan Bush and seconded by Thomas Scheibener to have attorney Morrow draft a resolution with all the conditions explained. At a roll call vote, all present were in favor. Motion carried.

Sub-Committee Status and Updates:

Mr. Keady stated that progress is being made with the Highlands Council Land Use Ordinance. Mr. Keady also reported that a meeting took place between the Highlands Council, Lebanon Township representatives and Holland Township Representatives which included Attorney Cushing, Planner McKenzie, Secretary Kozak and himself. Planner McKenzie gave us a brief summary as:

“At the meeting with the Highlands Council staff yesterday, they indicated that they would not pay for DJ filings, but that they do have a grant application ready for Highlands Council approval that will do two things: ***update the 2009 build-out analyses with a focus on what is needed to get both a vacant***

land adjustment and a durational adjustment (for lack of sewer and water) - so basically technical help; and provide grants to municipalities to pay their planners to prepare the new Housing Element and Fair Share Plan. They are assuming that these plans will not cost a whole lot (I agree, especially with their technical help regarding the vacant land and sewer and water), so the amounts won't be huge, but they will be enough, I imagine, to work with. “

Dan Bush is not in favor of supporting one judge as the Highlands Council has indicated that they would like to support that concept. Mike Keady questioned the pipeline and the role of the Highlands Council. The Highlands Council cannot get involved until the permits come to the DEP which then triggers Highlands Council review. They do participate in weekly calls so they are monitoring this project very closely.

Mike Keady also stated that progress is being made with the zoning map(s). One map pertaining to Highlands Council information is to be very informative and interactive. The Holland Township Zoning Map will be updated.

The Highlands Planner is working on it. Once the subcommittee has reviewed what is presented the documents will be sent to the Planning Board and then to the Township Committee.

Public Comment

There were no public comments offered at this time as there was no one present in the audience.

Member Comment

Mike Miller questioned the letter that was submitted by Attorney William Caldwell. Attorney Morrow stated that Attorney Caldwell is no longer counsel for the Huntington Knolls LLC project. Vincent Jiovino has been in touch with Attorney Morrow. The Township and the Planning Board have not received word about the acceptance of our proposal. Attorney Morrow and newly acquired Attorney Mr. Cierillo are expected to discuss details soon.

Adjournment

Mike Keady made a motion to adjourn. Motion approved. The meeting ended at 10:05 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak
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Secretary