

**FRANKLIN TOWNSHIP LAND USE BOARD
PUBLIC MEETING AGENDA**

June 23, 2010, 7:30 pm

CALL TO ORDER and PUBLIC NOTICE

Chairman Stryker calls the meeting to order at 7:30 pm. He says this is a regular meeting of the Land Use Board of the Township of Franklin. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act.

FLAG SALUTE

All present stand and recite the Pledge of Allegiance.

ROLL CALL

Present: David Dallas, James Stryker, Ted Blew, Scott Bauman, Linda Jacukowicz, Lisa Wood, Phil Koury. Paul Dahan arrived shortly after 8:00pm.

Absent: Kurt Fischer, Roger Soltys, Philippe Aubry and Jenn Fisher.

Also present: Rick Roseberry, Engineer, Carl Hintz, Planner and Roger various applicant's professionals and members of the public.

APPROVAL OF MINUTES, Meeting of May 26, 2010.

Motion to approve the minutes of May 26, 2010 as written made by Philip Koury, second by Ted Blew, approved by all by voice vote. David Dallas, Scott Bauman and Linda Jacukowicz abstained.

Vote on the Executive Session minutes of May 23, 2010 is tabled.

COMMUNICATIONS

The clerk reports on a phone conversation with Bill Majewski, Fire Official about ongoing problems at the strip of stores associated with the Shop Rite plaza area. He was told by National Realty that they were waiting for a document from the Land Use Board's attorney. The board is unaware of any issues and as the Land Use Board is not an enforcing body, Chairman Stryker advises the clerk to direct Mr. Majewski to the zoning officer.

Chairman Stryker asks the board if they would meet with the school officials again regarding the expansion project. He would like to schedule this for the July 14, 2010 work session, and cancel the July 28, 2010 public hearing. Motion by Ted Blew to combine the public hearing and work session on July 14, 2010 and cancel the July 28, 2010 meeting. Seconded by David Dallas and approved by voice vote.

RESOLUTIONS

SOUTH RIDGE COMMUNITY CHURCH, Block 5, Lot 25

Application approved for a variance for parking lot improvements at the May 26, 2010 meeting.

Mr. Dallas points out that the resolution before the board is for completeness only. Resolution is tabled.

CINGULAR WIRELESS, Block 28, Lot 19

Application approved April 28, 2010 for a bulk variance to add wireless antennae to existing tower and construct equipment shed.

Phil Koury moves to approve the resolution. Chairman Stryker asks if there are any board comments. Mr. Stryker wanted the resolution to be clear that the roofline of the two equipment sheds be connected to give the appearance of a single structure. He also wants clear that the decibel levels of any portable generator is not to exceed 65 db at 23 feet, the generator was to be of tier 3, and that the applicant was responsible for the maintenance of the camouflaged tree branches. Mr. Koury amends his motion to include the modification, Lisa Wood seconds the motion. The eligible members present, James Stryker, Ted Blew, Lisa Wood and Phil Koury, all vote in favor of the resolution. Motion passes.

COMPLETENESS

GEORGE AND JUDY DILTS, Block 16, lot 36.13

Application is for a side setback, C variance, to construct a residential garage.

Mr. Roseberry discusses his review dated June 17, 2010. He agrees with granting all requested waivers, the information submitted to the board is sufficient.

Ted Blew moves to deem the application complete, seconded by Lisa Wood. Motion passes by voice vote, David Dallas, Scott Bauman and Linda Jacukowicz abstain. Mr. Bauman and Mrs. Jacukowicz leave the meeting at this time.

PUBLIC HEARING

CELLCO d/b/a VERIZON WIRELESS, Block 41, Lot 4

Wireless communication tower with variances, continued from May 26, 2010.

Richard Stanzione is present as attorney for the applicant.

Testimony was completed at the May 26, 2010 meeting. Mr. Stanzione is here to answer any questions he can about prior testimony, and to review the board exhibits B-1 and B-2, introduced by board planner, Carl Hintz. Mr. Hintz and Chairman Stryker have researched the windmill type camouflage and have found an Aeromotor with a 16 foot diameter which more closely meets the board's expectations of what a windmill should look like. Mr. Hintz has done a drawing and a simulation of this. It is determined that the board would like the windmill to face south, have fixed blades and be non-rotational. Mr. Stanzione agrees that this will be accomplished, subject to review by the board planner. The support system may need to be increased for the wind resistance and additional load, Mr. Stryker comments that the engineering issues are solvable. Mr. Dallas is concerned that the applicant maintain the windmill. Mr. Stanzione offers that the applicant will maintain and repair as needed to meet the original appearance.

Mr. Hintz would like to see additional landscaping and also asks that the plans be revised to indicate common and botanical names of the species selected. Mr. Hintz advises that 5 large deciduous trees of 2 ½ to 3 inch caliper, consisting of pin oak and tulip poplar be

planted outside the driveway area, two to the south and 3 to the east. Mr. Stanzone agrees to this condition, in addition to the evergreens already on the A-16 landscape plan.

Mr. Dahan arrives and is briefed on the issues discussed thus far. Mr. Dahan comments that he would prefer to see a monopole structure rather than the windmill design for a number of reasons. He does indicate that in the end either is fine, but he wanted to state his reasoning.

There is some discussion about the antenna components. Mr. Stanzone would like the resolution to indicate that the platform antennas are approximately 7 feet in height and the arms would extend about 8 inches and be about 20 inches in width. The board offers plus or minus 3 inches in depth and plus or minus 5 inches in width. The resolution will reflect this as well as that the antennae will be as low profile as possible.

Chairman Stryker notes the condition that the tower accommodate up to 5 carriers, be serviced by a tier 3 generator emitting no more than 35 decibels at a distance of 23 feet, the composite board on board fence be of 8 feet in height, that the windmill be as per drawing B-1 having a 16 foot diameter, fixed, non-rotational and facing south, that the windmill be maintained to original standard and the landscaping be revised to include 5 deciduous trees as discussed.

Phil Koury moves to approve the application with the revised conditions, seconded by Lisa Wood. A roll call vote has all eligible members present voting in favor; James Stryker, Paul Dahan, Ted Blew, David Dallas, Lisa Wood and Phil Koury, motion passes.

INFORMAL REVIEW

FRANKLIN TOWNSHIP DPW STORAGE BUILDING, 85 Locust Grove Road

This falls under N.J.S.A. 40:55D-31; concerning the relationship of capital projects to the Master Plan. Alan Dilley, Supervisor of the Franklin Township Department of Public Works is present to discuss the plans for the proposed storage building. This is to replace an older building that was storm damaged and subsequently demolished. The new building will house mowers and other mobile equipment.

He is proposing to place the new building where there is currently a post and rail fence, about 110 feet from Locust Grove Road. The building will be back to the road and have three doors. He would like to plant trees to screen the back of the building from the road. Chairman Stryker comments that this will have the same standards as the pre-existing setback. Mr. Blew asks what the side setback is. Mr. Dilley isn't sure, but the existing salt shed is closer.

The board briefly discusses the tennis courts on the property.

It is established that there will be no impact on storm water drainage, and Mr. Roseberry concurs. Mr. Hintz suggests 6 to 8 foot spruce evergreens, 15 feet on center, for the screening trees. There are no near neighbors and the building will be located north-east of the existing split rail fence, therefore the board finds the project is not inconsistent with the master plan.

The clerk will compose a letter to the township committee with the board's recommendation and copy the zoning and construction officials.

PUBLIC HEARING

GEORGE AND JUDY DILTS, Block 16, lot 36.13

Application is for a side setback, C variance, to construct a residential garage. The application was found complete earlier this evening.

Mr. Dilts is the owner and applicant. He and his wife purchased the property in the early 1980's. It is a 3 acre lot, which at that time was in the R-130 zone, having a 25 foot side setback. With zoning changes they are now in the RR-5 zone which has a 50 foot side setback standard.

Mr. Dilts introduces A-1, a series of four photographs of the property indicating where the proposed garage will be. No trees will be removed, and only slight grading will be necessary. The lot is of exceptional shape, narrowing towards the back and has a steep drop-off to Capalong Creek. The impervious coverage would increase from 8.6% to 9.5 % and 10% is allowed. No walkway is planned.

The adjacent property owners have no objection to the project, they are all in a heavily wooded area and are well screened. Mr. Dilts comments that this would in no way impair the intent and purpose of the zoning ordinances.

The board determines that the garage will be for storage only, no commercial activities, or living areas are planned. There are no other questions or comments from the public or the board. Paul Dahan moves to close the public hearing, Ted Blew seconds, approved by voice vote.

Ted Blew moves to approve the variance application, seconded by Paul Dahan. Chairman Stryker would like the record to reflect that this is an irregular lot, distances to neighbors are 200 to 300 feet and heavily wooded. The pre-existing setback will be met, there is no other location on the property for the building, the increase to impervious coverage is de minimus, and this will not be used for any commercial activity or dwelling space. A roll call vote has all members present voting in favor; James Stryker, Paul Dahan, Ted Blew, David Dallas, Lisa Wood and Phil Koury, motion passes.

Mr. Dilts will draft a resolution for the board to review.

ADJOURNMENT

Motion to adjourn made by Ted Blew at 9:05 pm, seconded by Phil Koury and approved by voice vote.