

CALL TO ORDER

Mr. O'Leary called the meeting to order at 7:35 p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

FLAG SALUTE**ROLL CALL**

Members Present: Hughes, Fette, Luthman, Randazzo, Corcoran, Leuthe, Taylor, Van Sickle, Henderson, O'Leary.

Members Excused: Didyk.

Members Absent: None.

Also Present: Ursula Leo, Esq.
Nevitt Duveneck, PE
David Banisch, PP

COMPLETNESS / HEARINGS / CONCEPT:1.) Conforth, Emil B:25 L:1.01 & 1.02

Mr. Duveneck went over his report dated May 13, 2013. He said a checklist was not filled out and provided. Mr. Duveneck recommended the application be deemed incomplete until the checklist is filed.

A motion to deem the application incomplete was made by Mr. Randazzo. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Taylor, Leuthe, Van Sickle, O'Leary.

Mr. Emil Conforth asked about the need for a variance. Ms. Leo explained the proofs that will need to be put on the record. She said the lot size is the biggest issue. Mr. O'Leary advised the applicant that he is not required to change his proposal.

2.) Fusco, Edward B:18 L:12.02

Mr. Fusco said he had sent a letter to his neighbor asking that if he were to move the proposed driveway to the rear of the dwelling to access the garage, would the neighbor grant an easement over a portion of their driveway so he could access it. Mr. Fusco said he did not get a response to his request.

Mr. Fusco said 5 out of the 7 trees along the property line that were in question at the last hearing were on his property.

Mr. Fusco proposed putting landscaping around the proposed garage as a buffer. The garage colors will match the color on the house.

Mr. Nathan Smith, Esq. presented a drawing of the proposed garage and tree locations with a date of April 24, 2013 which was marked and entered as exhibit A-5.

Mr. Duveneck asked how many trees will be planted by the garage. Mr. Smith said there will be enough for coverage and of a size to block the view of the garage. Mr. Smith said the proposed location is the most logical spot to put the garage to keep the Lombardi's from seeing it.

Mr. Smith presented a letter to Mr. & Mrs. John C. Bloom dated 4/8/13 which was marked and entered as exhibit A-6. There was a discussion on moving the garage to the rear of the property. Mr. Hughes requested a landscape and maintenance plan if the application were to be approved. Mr. Fette agreed with this request.

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Mr. Smith summarized the application to the Board. He addressed the hardships and agreed to landscape buffering.

Ms. Leo went over the existing non-conforming issues and the variances. She read the potential conditions to the Board. There was a discussion on lot coverage. Mr. Luthman felt the neighborhood does not lend itself to a garage in the front of the house.

A motion to deny the application because there was no hardship shown to the Board was made by Mr. Luthman. It was seconded by Mr. Hughes and denied with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Taylor, Leuthe, O'Leary. Ms. Van Sickle voted in the negative.

2.) Nouvelle Associates Concept

Mr. Bruni went over the changes he made to his concept plan. The lots next to the Sunrise House were increased to 1.5 acres. Mr. O'Leary noted that a cluster subdivision requires a minimum of 100 acres and Mr. Bruni has only 75 acres. Mr. Bruni said the concept was to cluster the houses so they do not disturb the open space. He said with conventional development he would get 12 lots in. He said there is a small area of wetlands and the rest is unconstrained.

Mr. Banisch cautioned Mr. Bruni that his bedroom mix does not meet COAH requirements. There was a discussion on the number of bedrooms required and COAH funding. Mr. Bruni said they will get water from Sparta for the entire project. Mr. Luthman said he preferred the first plan better because of the shape of the newly proposed lots. He felt that the Master Plan would need to be amended. Mr. O'Leary noted that the project is close to the ridgeline view-shed area. Mr. Duveneck said the property falls within the ridgeline protection overlay zone and Mr. Bruni will have to follow the ordinance. Mr. Luthman advised Mr. Bruni of the reserve septic area ordinance that was adopted recently. Mr. Bruni said they can accommodate that requirement.

4.) Cellco Partnership d/b/a Verizon Wireless B:25 L:5.06

Mr. Hughes and Mr. Corcoran stepped down for this hearing.

Mr. Schneider said the applicant had received a letter from the Lafayette Fire Department Fire Chief saying they are satisfied they can access the site. He discussed the paving of the access driveway. Mr. Schneider read the letter to the Board, marked it and entered it as exhibit A-16. Mr. Duveneck did the calculations and concluded that if the driveway is paved or not paved it will not create a need for storm-water management.

Mr. William Masters was sworn in by Ms. Leo and gave his qualifications which were accepted by the Board. Mr. Masters discussed the balloon test which took place on April 27, 2013. He noted there is no wireless communication ordinance in Lafayette Township.

Mr. Masters gave an overview of the property. He explained the facility to the Board. The tower will be an unmanned facility. There was a discussion on the variances that the applicant was seeking.

Mr. Masters presented photos which were marked and entered as follows:

Aerial view of the subject site and surrounding area A-17

Collection of photos of balloon test and photo simulations from Beaver Run Road and from the Race property A-18

Collection of photos of balloon test and photo simulations from Pelletown Road and Monroe Road A-19

Collection of photo simulations from Beaver Run Road with the pole at 130' and at 100' A-20

Mr. Masters explained the photos to the Board. There was a lengthy discussion on the possible limitations of co-locators and the height of the tower. There was a discussion on making the pole extendable versus having it non-extendable. There was a discussion on the tree style pole. Mr. Masters discussed the positive and negative criteria of the tower. He felt the tower serves to benefit the general welfare of the people and it has a minimal impact on the area. Mr. Masters discussed the second principle use on the property. He felt the use was benign and would not impact the property. The use is visited on an infrequent basis. He felt the applicant has meet all of the statutory criteria for both the positive and negative requirements.

Mr. Masters presented the resolution from the Beaver Run Solar Farm dated 8/18/11 which was marked and entered as exhibit A-21. He noted that condition #49 restricted any further development of the property.

Mr. Banisch asked Mr. Masters to discuss the visual impact. Mr. Masters said he felt that the visual impact was not significant at 100'. Mr. Banisch asked if Mr. Masters has reviewed the ridgeline ordinance to which he said yes. Mr. Masters said there is no place in Lafayette that the tower would not pierce the 640 foot elevation and still get the coverage Verizon needs. There was a discussion on the ridgeline area and the elevation needed to provide the needed coverage. There was discussion on having Verizon approach the Shotmeyers to see if they would consider having the tower put on their property and having the Shotmeyers come back to the Board to revise their approvals. Mr. Schneider said that was an unreasonable request from the Board. There was a discussion on the term "development" as it relates to the Shotmeyer property. Mr. Duveneck explained the intent of the ridgeline ordinance and felt the tower will have a visual impact. Mr. Fette asked what will happen to the tower when the trees grow. Mr. Masters said the trees in that area are fairly mature however they will grow.

Mr. Luthman suggested the antenna be put on the High Point monument. Mr. Masters said he is not a radio frequency expert however he felt it might over shoot the area in need. Mr. Luthman felt the Board should still look at putting the tower on the Shotmeyer property. He felt it was a viable location.

Mr. O'Leary opened the meeting to the public. Mr. Steve Race presented a petition which was signed by local residents. Mr. Schneider said it was inadmissible. He said the people need to appear in person so they can be cross examined. Ms. Leo further explained why the Board could not consider it.

Mr. Harry Gomez of 251 Beaver Run Road asked if the large oak tree near the tower site was being taken down. Mr. Masters said there are 4 trees that will need to be removed. Mr. Gomez asked what happens if a tree falls and hits the tower. Mr. Masters said the trees around the tower are being taken down. Mr. Gomez presented a picture of a tower that has collapsed which he found online which was marked and entered as exhibit Gomez 1.

Mr. Race presented a Verizon Wireless coverage map from the Verizon website which was marked and entered as Race 1.

Mr. Race presented a picture of an equipment shed that had a battery blow up which he had obtained from a company called Power One which was marked and entered as Race 2. Mr. Schneider objected to both submissions. Mr. Race asked how long it would take the fire department to get to his house if a fire broke out at the equipment shed. Mr. Masters said it would take the same amount of time as any other fire that broke out.

Mr. Raymond Frey of 231 Beaver Run Road was sworn in by Ms. Leo. He asked what the impact of the surrounding real estate will be once the tower is in place. Mr. Masters said he is not an appraiser and cannot answer the question.

Mrs. Donna Race asked Mr. Masters if the tower would be an eye sore if she cleared the trees from her property. Mr. Masters said the applicant has no control over the amount of vegetation removal that takes place on another piece of property.

With nobody else coming before the Board, Mr. O'Leary closed the meeting to the public.

Ms. Leo advised Mr. Schneider to take a look at the testimony Mr. Pierson had given regarding the viability of the Shotmeyer property. Mr. Schneider felt it was addressed.

A motion to carry to the June 27, 2013 meeting date with the understanding the applicant has agreed to an extension to the time of decision date was made by Mr. Randazzo. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Leuthe, Taylor, Van Sickle, Henderson, O'Leary.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

OLD BUSINESS:

Mr. O'Leary asked for an update on the Handweg Drive Realty matter. Ms. Leo gave the Board an update. Mr. Fette said he needs to see the footings before he can sign off on any type of permit.

NEW BUSINESS: None.

RESOLUTIONS: None.

ORDINANCES: None.

ZONING REPORT:

Mr. Fette reported on the Alptekin garage that was approved by the Board.

BILLS: List # 5

Mr. Leuthe went over the bills with the Board. There was a discussion on the affordable housing bills that were submitted by Mr. Banisch. They will be sent to the Township Committee for consideration. There was a discussion on the Fusco bill that was submitted by Mr. Banisch. Mr. Banisch retracted the bill.

A motion to pay the remaining bills as presented was made by Mr. Leuthe. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Leuthe, Taylor, Van Sickle, Henderson, O'Leary.

CORRESPONDENCE: None.

ADJOURNMENT:

With no further business to come before the Board, a motion to adjourn was made by Mr. Randazzo. It was seconded by Mr. Fette and passed with everyone saying aye.

Respectfully submitted

Stephanie Pizzulo
Secretary