

GREENWICH TOWNSHIP ZONING BOARD OF ADJUSTMENT

PUBLIC MEETING MINUTES

April 14, 2011 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Mr. Buckwalter called the meeting to order at 7:30 pm. Ms. Oldford said this is the regular meeting of the Board of Adjustment of the Township of Greenwich. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in the Express Times and the Star Ledger, and the notice of and agenda for this meeting was posted on the bulletin board in the Township Administration Building, and notice was filed with the Township Clerk.

FLAG SALUTE

ROLL CALL

Present: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Angelo Faillace, Jeanne Zander, Dawn Marie Kondas, Jeremy Blunt

Professionals in attendance: Jonathan Drill, Esq., Michael Finelli, P.E.

MINUTES

Motion to approve the minutes of March 10, 2011, was made by Angelo Faillace and seconded by Michael Black

Members concurred on voice vote.

RESOLUTION

Masonis, Application #2010-03
Block 42.02, Lot 6 (corner lot) RCD zone 106 Birch Lane

C(1) and C(2) front yard and rear yard setback variances and C(2) impervious coverage variance to permit addition of attached garage to existing dwelling.

Members eligible to vote: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Angelo Faillace, Dawn Marie Kondas

Motion to adopt was made by Dawn Marie Kondas and seconded by Steve Babula.

Members in favor: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert

Vetrecin, Angelo Faillace, Dawn Marie Kondas

COMPLETENESS

Metro PCS, Application #2011-2
Block 23, Lot 1 Dumont Road -- PDZ zone

Applicant seeks a use variance and site plan approval to construct a wireless telecommunications facility by mounting 6 antennas at the top of a 185' Ft. Worth structural insert within an existing 175' electrical transmission tower, and by placing electronic equipment cabinets on a concrete slab within a fenced compound at the base of the existing electrical transmission tower.

Mr. Faillace and Ms. Zander recused themselves.

Renu Shevade, Esq., of Day Pitney, introduced herself on behalf of the applicant.

Ms. Shevade indicated applicant had had an opportunity to review Mr. Finelli's completeness report of April 8.

Mr. Finelli referenced his report.

Joe Frega, P.E., engineer for the applicant, was duly sworn and his credentials accepted by the Board.

Mr. Frega explained the project. He explained that a Ft. Worth insert is essentially a large pipe slid inside the utility wire supporting structure. It makes use of the lattice work of the transmission tower. There is a concrete base. The pipe rests on the base and is secured with anchor bolts.

The Board is considering this a monopole rather than a co-location.

Application consists of 2 components, namely, use variance and site plan. Checklist items are referenced on pages 3, 4 and 5. Applicant has been responsive.

As to the variance checklist Items 6 and 10, applicant will provide.

As to the development checklist:

- Item 6 has been submitted;
- Item 7 has been submitted;
- Items 8, 10 and 23 have been submitted;
- Item 29 deed restrictions – none;
- Item 32 – waiver recommended;
- Item 40 will be provided;
- Items 42 and 46 – existing features shown within 100' -- waiver recommended;

Item 44 – waiver recommended;
Item 45 – waiver recommended;
Items 53 and 54 – EMF report has been submitted. There is no environmental impact according to applicant's attorney. Waiver from providing EIS has been requested. Mr. Finelli recommends granting for completeness.
Item 56 – barrier free access. Waiver is requested. Per Joe Frega, barrier free access is not required.
Item 62 – waiver recommended for traffic report.
Item 65 – waiver recommended for landscaping for completeness.
Item 68 – topographic features are shown within 100'. Waiver is requested from 200' requirements. Mr. Finelli recommends this waiver.
Item 72 – soil erosion – plan has been provided
Item 73 – geologic and engineering studies related to limestone. Waiver is requested. Limited report will be provided. Partial waiver is requested.
Item 82 – waiver is recommended from identifying all streams, water courses and drainage rights of way within 500' of property.

The only item outstanding is a geotechnical report.

Board secretary and engineer are authorized to consider the application for completeness after receiving the geotechnical report.

This matter is scheduled for hearing May 12 subject to completeness determination.

Motion to grant 32, 42, 44, 45, 46, 53, 54, 56, 62, 65, 68, 82 and deny waivers 6, 7, 8, 10, 23, 29, 40, 72 and 73 and delegate completeness determination to Board secretary was made by Robert Vetrecin and seconded by Dan Detore.

Members in favor: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Dawn Marie Kondas, Jeremy Blunt

Effi Solar, Application #2011-3
Block 14, Lots 2 and 2.01

Applicant seeks a use variance and preliminary and final site plan approval to construct a photovoltaic facility. Application was received in the Board office on 4/11/11.

Applicant seeks a waiver for posting a portion of the escrow fee. No other waivers or completeness determination will be heard at this time.

Brian Harvey, Esq., introduced himself on behalf of the applicant. He said this is an application for use variance and site plan approval.

Waiver is sought for posting a portion of the escrow fee.

Mr. Harvey suggested relief from a portion of the escrow fee. The calculated amount is

\$97,000. Applicant requests posting \$15,000 to be up-dated as needed.

Mr. Buckwalter recommended the sum of \$30,000 be deposited in escrow with replenishment monthly. Mr. Drill clarified.

The Board concurred that \$30,000 is required with applicant up-dating the escrow to \$30,000 monthly on the 15th.

Motion on checklist item 38 to reduce escrow deposit to \$30,000 with applicant up-dating the escrow to \$30,000 monthly on the 15th was made by Ray Buckwalter and seconded by Dawn Marie Kondas.

Members in favor: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Jeanne Zander, Dawn Marie Kondas, Jeremy Blunt

This matter will be scheduled for completeness on May 12.

Ms. Kondas requested an excused absence for June.

EXECUTIVE SESSION

Mr. Drill read a resolution to go into executive session. Motion to go into executive session was made by Robert Vetrecin and seconded by Dan Detore.

Members concurred on voice vote.

The Board went into executive session at 8:45 p.m.

RETURN TO OPEN SESSION

Motion to return to open session was made by Robert Vetrecin and seconded by Angelo Faillace.

Members concurred on voice vote.

The Board returned to open session at 9:10 p.m.

Mr. Buckwalter said the Board had discussed litigation in the Warren Solar matter. Mr. Drill read the Motion to defend into the record.

Motion to adopt was made by Robert Vetrecin and seconded by Angelo Faillace.

Members in favor: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Angelo Faillace, Jeanne Zander, Dawn Marie Kondas, Jeremy Blunt

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Motion to adjourn was made and seconded. The meeting was adjourned at 9:15 p.m.

These minutes were approved May 12, 2011.

Alice Oldford, Secretary to the Board