

**TOWNSHIP OF GREENWICH
PLANNING/ZONING BOARD
REGULAR MEETING
NOVEMBER 4, 2013**

The regular meeting was called to order by Chairman Rook.

Those present were Chairman Rook, Vice Chairperson Watson, Mr. Hedges, Mr. Henry, Mr. Van Pelt, Mr. Valente, Mr. Sheppard, Ms. Hunter, Mr. Ivanick, Ms. McOscar, Mr. Reinhart . Also present was: George Rosenberger, Solicitor and Lisa Garrison, Secretary. Absent: Mr. Young. Ms. Facemyer arrived at 7:40 p.m.

Pledge of Allegiance was led by Chairman Rook.

Minutes - Ms. Garrison indicated the minutes have not been prepared for the Board's approval at this time.

Mr. Rosenberger indicated the resolutions are only memorializing the action. If you do not agree with the resolution document it should be amended. It must be introduced, first and seconded, then discussed, motion can then be made to amend and if there are no amendments a vote can be taken.

Resolution No. 2-2013 was presented by Mr. Rosenberger for the Board's review. On motion of Mr. Van Pelt, seconded by Ms. McOscar to approve said resolution and the resolution was on the table for discussion at this time. After review and discussion, Mr. Henry made various suggestions for amendments. On motion of Mr. Van Pelt, seconded by Ms. McOscar to approve the following resolution with amendments, was carried with abstentions by Mr. Sheppard, Ms. Hunter and Mayor Reinhart. Absent were Mr. Young and Ms. Facemyer.

RESOLUTION NO: 2-2013

**RESOLUTION GRANTING SITE PLAN APPROVAL
WITH VARIANCES AND WAIVERS
TO CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS
BLOCK 18, LOT 27
(Ye Greate Street)**

WHEREAS, an application was made to the Greenwich Township Land Use Board by Cellco Partnership d/b/a Verizon Wireless, 5175 Campus Drive, Plymouth Meeting, PA 19462 for site plan approval with variances and waivers to permit the construction and use of a cellular communications tower with associated support equipment and driveway access on property owned by Greenwich Township Board of Education designated Block 18, Lot 27 with frontage on Ye Greate Street, Greenwich Township, Cumberland County, NJ; and

WHEREAS, the Board has jurisdiction to hear the application and same is complete and in reasonable conformity with the ordinance and municipal land use law; and

WHEREAS, the Board heard testimony from five (5) witnesses presented by the Applicant and considered representations by the Applicant's attorney, Thomas H. Darcy, Esquire; and

WHEREAS, the Board reviewed and considered correspondence dated September 6, 2013 from the Land Use Board engineer, Stephen J. Nardelli, PE, PP, CME & CPWM; and

WHEREAS, the Board considered all documents submitted by the Applicant and considered the comments of the Board solicitor; and

WHEREAS, the Board heard and considered the comments and questions raised by members of the public; and

WHEREAS, after hearing testimony from the Applicant's witnesses, considering correspondence from the Board engineer and comments from the Land Use Board solicitor, and after reviewing and considering all documents submitted with the application and having considered the application and location of the proposed improvements, the Board made the following findings:

1. The application is for the erection and use of a monopole cellular communications tower and supporting equipment to be located at the rear northwest corner of property currently used by the Greenwich Township Board of Education for school purposes. The Applicant provided appropriate written authorization duly signed by an authorized representative of the Greenwich Township Board of Education to proceed with the application.
2. The property where the development is to occur contains an historic structure used for school purposes, a new school building, various playground areas, equipment, paved parking, and a tennis court. The subject property has frontage on Ye Greate Street, and a portion of the property is located within the Greenwich National Register Historic District.
3. The proposed improvements will be approximately 500 feet beyond the historic district boundary line but will be visible from within the historic district.
4. The application was duly advertised and notice was properly given to all persons having property within 200 feet. The application began at a public hearing on September 9, 2013, during which time the Board reviewed and considered correspondence dated September 6, 2013 from Stephen J. Nardelli, the Land Use Board engineer. After reviewing the application and considering the engineer's comments, the Board granted preliminary site plan submission waivers for items T, AG, AH and AJ on the preliminary site plan checklist subject to the Applicant providing a survey as a condition of any approval.

5. As regards final site plan submission requirements and waiver requests, the Board agreed with the Land Use Board engineer and granted waivers for items 2, 6, 7 and 9 of the final site plan checklist. All of the requested waivers can be granted, because the details from which waivers have been granted are not necessary for the Board to make a determination.
6. In addition to seeking site plan approval, the Applicant has requested variances pursuant to *N.J.S.A. 40:55D-70* to permit a use on the premises that is not authorized in the Greenwich Township land use ordinance and for dimensional variances. The variances include the proposed erection of a 155 foot tower with associated equipment on property where there is an existing principal use. The tower is to be used for cellular communications. Since the proposed tower is to be taller than two times the district height restriction, a use variance is required under *N.J.S.A. 40:55D-70(d)*.
7. Several dimensional variances are requested. Under the township ordinance, the proposed tower is required to be located not less than 150 feet from any property line, and it is proposed to be 26.81 feet from a property line. All other improvements, with the exception of a crushed stone access drive will be located within the required side and rear setback lines of 25 feet.
8. The existing lot is 324.39 feet wide at the front boundary and the township ordinance requires a minimum width of 500 feet. The existing one-story school building has a side yard setback of 16.13 feet where 25 feet is required. Both the size of the lot and the location of the existing school are preexisting nonconforming conditions that do not impact the use of the subject property nor the use by any adjacent owners. These existing conditions will not be aggravated by the proposed development.
9. The township ordinance permits no more than 15% lot coverage, and a total of 21.7% is proposed. Most of the nonconformity consists of preexisting conditions including the existing school, tennis court, basketball court, parking area and miscellaneous structures. The proposed access driveway will be 12 feet wide along the southern boundary of the subject property, and the fenced area to enclose the proposed improvements will be approximately 25x70 feet to be covered with crushed stone. The proposed equipment shelter will be approximately 12 feet by 30 feet.
10. The subject property is surrounded by farmland that is actively cultivated. There are no structures that will be impacted by the tower location, and the closest structures to the tower will be the existing school buildings.
11. The Board heard and considered testimony from five witnesses. Each witness was qualified in a particular discipline and accepted as an expert in their respective areas by the Board. The Board heard and considered all the testimony and found each witness to be credible.
12. Claire DiNardo testified as a site acquisition consultant. She described the process for selecting a site and determined the proposed location was the best site for the tower and

proposed cellular communication facility when the adjacent Stow Creek antenna is erected and operational. She had considered three other sites, but determined that after all factors were considered, the site for which the application was being made was the best available site for the proposed use.

13. The second witness was Mark Damiano, a New Jersey licensed professional engineer responsible for preparing and presenting evidence regarding the site plan. He introduced Exhibits Z-1 and S-1 into evidence, which are identified as the site plan and schematic plan included with the application. The Applicant seeks permission to erect and use a 150 foot galvanized monopole with a five foot lightning rod on top. The proposed location will not involve any wetlands, flood plains nor buffer areas. The equipment shelter will house an emergency generator and be contained within an eight foot fence. The entire site will be covered with crushed stone and there will be no need for water or sewer service. The design of the monopole will meet all federal and state standards for wind and other natural disasters, and all construction will have to be approved and inspected by the construction official. Mr. Damiano has designed sites and testified in many other hearings dealing with similar applications.
14. Daniel J. Collins testified regarding radio frequency and the health impact from electromagnetic signals. He testified that the maximum effect would be .2% of the maximum exposure permitted by federal government standards. He said there was no chance there would be any electromagnetic exposure beyond the limits approved by the federal government and accepted by engineers and other experts working in his profession. He further testified that the average grammar school exposes its students to 10 times the electromagnetic radiation that an individual would experience from the maximum exposure from the cellular communications tower when that person is on the ground.
15. Andrew Petersohn testified as a New Jersey licensed professional engineer with a specialty in radio frequency. He explained the cellular signal coverage maps for voice and data. He introduced Exhibit P-1 for the existing coverage without a tower or the development at Stow Creek, and Exhibit P-2, which is the proposed voice coverage outdoors when the proposed tower is in operation in conjunction with the approved Stow Creek tower. Exhibit P-3 was accepted into evidence as a data coverage map for communications to be received within a house, and Exhibit P-4 was accepted as the terrain map for Greenwich Township. In Mr. Petersohn's opinion, the proposed site is an ideal location to maximize coverage for Greenwich Township residents.
16. The last person to testify was James Kyle, a New Jersey licensed professional planner. Mr. Kyle was accepted as an expert planner and testified regarding Exhibit P-5 in evidence. That exhibit is a 2012 area photo with an overlay of the cellular communications coverage to be available to township residents in combination with the Stow Creek transmission site. Mr. Kyle testified that all residential properties will have cellular communications coverage including data acquisition indoors.

17. Mr. Kyle also summarized the Applicant's position regarding why variances were appropriate. He utilized Exhibit P-6, admitted into evidence as an aerial photograph taken in 2012 showing the location of the proposed cellular tower. He testified that the trees in the area created a visual barrier from many vantage points around the township. He also testified regarding the need for cellular communications and to how such communications have become essential for modern living. He explained that 80 to 90% of all 911 calls originate with a cell phone and that approximately 38% of all households no longer have a landline.
18. Mr. Kyle explained the balloon simulations used to demonstrate how the tower would look from various vantage points in the township. These pictures are included as Exhibit 9 in the application. The antenna is to be located approximately 750 feet from the front of the subject property, and the pictures showing the simulated tower were taken at distances of approximately 1,500 to 3,500 feet in different directions. In his opinion, there is nothing the Land Use Board can do to mitigate the visual impact of the tower, but that this impact is minimal and more than offset by the public need for cellular communications in the township. He also testified that locating the tower on an existing developed parcel would affirm the township master plan, which includes a goal for the maintenance of an agricultural community.
19. Testimony was presented regarding the emergency generator to be located on site. The generator will be included within the proposed structure and will meet all state and federal noise and emission standards. Sufficient fuel will be stored on site so the generator can run at least two full days if needed.
20. The Applicant's attorney represented that the lease negotiated with the School Board requires the entire site be restored to its original condition no later than 90 days after it ceased being used for cellular communications. There was additional testimony that the cellular communications capabilities are expected to be operational within seven months from the date the Land Use Board grants approval.
21. The Applicant has entered a lease with the School Board, which lease is for a total of 25 years in five year increments. The School Board superintendent spoke during the public comment session and indicated that the annual rental during the first five years is \$20,000. He further indicated that the School Board had committed to use 50% of this money to preserve the historic school structure and to use the balance of the money to offset education costs.
22. Members of the public were permitted to comment and ask questions. One citizen noted that Verizon is a known provider and is proposing to not only build a tower but to provide cellular communications to the township. This citizen compared the Verizon application with a competing application to note that the other application does not currently have a provider and approval would only guarantee the construction of a tower, and not necessarily cellular communication.

23. The president of the School Board spoke in favor of the application. He noted that as a realtor, he recognizes the importance of cellular communication to potential tenants and also to buyers. In his opinion, cellular communications are important for the value of real estate and for the maintenance of a viable community.
24. Another citizen noted that it was important to have any revenue generated from the use of the cellular tower remain available to the general population, and the proposed site on the school property would accomplish this goal.
25. Numerous citizens challenged the Board regarding the application and opposed the location. A number of citizens complained that the cellular tower posed a risk to students as either an attractive nuisance or from collapse.
26. Another citizen expressed concern about the health impact from radio frequency and was “heart broken” the proposed location would place the tower behind the historic stone school and in the field of vision for those persons visiting the historic school.
27. After the public portion of the meeting was concluded, the Board considered the township standards and Secretary of the Interior standards for historic properties and how proposed development should be evaluated. Board member Michael Henry detailed his analysis of the standards and how this application should be viewed in the context of those standards. In his opinion, the value of cellular communications more than outweighed the visual impact of the tower as seen from the historic district and the township in general. He stressed the tower would not be permanent and that no historic structures would be altered as a result of the tower. He also noted that the property on which the tower is proposed contains numerous structures that do not conform to historic standards or compliment the historic school house situate on the property and the stone school house located a short distance away. He also noted there were other non-historic structures such as residences within proximity to the lot where the tower is to be erected.
28. After considering all the exhibits and accepting the representations of the Applicant’s experts, and weighing and considering the comments, criticisms, and questions of the citizens who spoke for and against the application, the Board determined that there is clearly a need for cellular communications within Greenwich Township and the proposed facility would meet those needs. The agricultural nature of Greenwich Township will be visually impacted by any cellular communications tower, no matter where same is to be located. The Greenwich Township Historic District will be slightly impacted by the erection of the tower, but that impact is not considered to be significant when weighed against the substantial need for cellular communications that will clearly serve the general welfare. The rent to be realized by the school district from the proposed use will help preserve a significant historic structure and will defray some education costs generating a benefit for all residents in the township. The Board further determined that steps can be taken to mitigate some of the impact from the proposed construction and concerns expressed regarding the student population on site. When those conditions are imposed, the requested variance can be granted without substantial

detriment to the public good, and without substantial impairment to the intent and purpose of the Greenwich Township Master Plan and land use ordinance.

29. The Board further determined that the requested variances for lot coverage, setback and width result from existing physical features that are unique to the subject property. The current use being a school includes existing buildings, and it is most appropriate to locate the proposed cellular communications facility as far from those buildings and their student occupants as possible. The surrounding area is open farmland, and the strict application of the zoning regulations would create an undue hardship on the school and the developer if the tower and driveway are located closer to the student population.
30. All of the variances granted herein, including the height of the proposed tower, are in the best interest of Greenwich Township and do not substantially impair the intent and purpose of the master plan and zoning ordinance. The acquisition of a cellular communications facility is a high priority in the township and needed by all residents. The proposed location is uniquely suited to benefit the general population. Not only will the residents of Greenwich Township receive cellular communications service, but they will all benefit from the revenue generated by that service through the preservation of an existing historic structure and additional funds available for the education of their sons and daughters.

NOW, THEREFORE, BE IT RESOLVED, by the Greenwich Township Land Use Board, that site plan approval is granted along with all required variances to permit the construction and use of a cellular communications facility as provided in the application and plans submitted with that application subject to the following conditions, which must be satisfied by the Applicant:

1. The Applicant must pay all required fees that are due or may become due to the Township within seven (7) days notice thereof.
2. The Applicant must obtain approval or submit letters of non-applicability from any other governmental/regulatory body having proper jurisdiction including but not limited to the Cumberland County Planning Board.
3. The Applicant must comply with all representations made, either personally or through any representative during the course of its presentation to the Land Use Board and in accordance with its lease with the Greenwich Township School Board all documents filed or submitted with the application.
4. The Applicant shall post and maintain an escrow balance with the Greenwich Township treasurer for legal and engineering document review and preparation. The Board secretary is authorized to notify the Applicant and demand escrow replenishment to maintain the escrow in an amount sufficient to cover all anticipated professional review fees, however, at no time shall the escrow exceed the amount established by ordinance.

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5. No permits shall be issued for construction until all professional fees have been paid from the escrow.
6. The Applicant shall pay required fees and submit any required documentation for any additional approvals required by Greenwich Township, Cumberland County, the State of New Jersey, or the United States.
7. The Applicant shall modify the site plan to show motion sensing outdoor lighting directed to the ground in such a way as to prevent any light pollution or spillage offsite.
8. The Applicant shall provide the township engineer with the specifications for all proposed lighting, subject to review and approval by the township engineer.
9. All fencing shall be green in color and a chain link design with openings no greater than 1¼ inch.
10. All tree trimming and vegetative maintenance shall be performed in cooperation with the Greenwich Township School Board.
11. The revised site plan showing the lighting design and fencing details shall be submitted to the township engineer for review and approval.
12. The Applicant must comply with regulatory agency approvals, permits, conditions and requirements applicable to this use and site plan approval.
13. The Applicant shall indemnify, defend and hold the Greenwich Township Land Use Board harmless from all claims of any kind which may be made as the result of the Applicant's use of the premises or any approvals granted by the Land Use Board.

Only members of the Land Use Board who voted for the application may vote on this resolution, and a vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. (*See N.J.S.A. 40:55D-10(g)(2)*). A member of the Land Use Board may also vote if they comply with the provisions of *N.J.S.A. 40:55D-10.2* and sign an affidavit or certification to that effect. A copy of this resolution shall be sent to the Applicant or the Applicant's attorney without charge within 10 days of the date of the decision. The Land Use Board Secretary shall file a copy of the resolution, and a brief notice of the decision shall be published in the official newspaper for Greenwich Township.

The undersigned Chairman of the Greenwich Township Land Use Board hereby certifies that the above is a true copy of a resolution adopted by said Board this 4th day of November, 2013 to memorialize action taken by the Board on October 7, 2013.

At this time Mr. Rosenberger presented Resolution No. 3-2013 for the Board's review. On motion of Ms. Watson and seconded by Mr. Sheppard to approve was made and after review and discussion amendments were made. On motion of Ms. Watson, seconded by Mr. Sheppard

to approve the following resolution as amended was carried with abstentions by Mr. Ivanick, Ms. McOscar, Mayor Reinhart , Ms. Facemyer and Mr. Rork. Absent: Mr. Young.

RESOLUTION NO: 3-2013

**RESOLUTION DENYING VARIANCE TO ERECT
A CELLULAR COMMUNICATIONS TOWER
ON THE PREMISES IDENTIFIED AS
BLOCK 18, LOTS 4 and 5
(Old Mill Road)**

WHEREAS, an application was made to the Greenwich Township Land Use Board by Valore, LLC, 7 Gilbert Stuart Way, Marlton, NJ 08053 for site plan approval with a use variance to construct a 170 foot monopole tower for the purpose of providing cellular communication services on property known as Block 18, Lot 5 with access across Lot 4, which property is zoned R-A residential agriculture; and

WHEREAS, after granting appropriate waivers, the Board has jurisdiction to hear the application and same is complete and in reasonable conformity with the ordinance and municipal land use law; and

WHEREAS, the Board heard testimony from the Applicant's professional representatives and from a principal of the Applicant and representations by the Applicant's attorney; and

WHEREAS, the Board reviewed and considered all documentation submitted with the application and correspondence from the township engineer dated July 1, 2013; and

WHEREAS, after hearing testimony from the Applicant's expert witnesses, considering the Board engineer's correspondence and comments of the Land Use Board solicitor, and after reviewing all documents submitted with the application and having considered the application, the Board made the following findings:

1. The property is located in the rural agricultural district, and the proposed use is not permitted in any district in Greenwich Township.
2. The Applicant requested and the Board granted waivers to items T, X, AD, AG, AJ and AN on the preliminary site plan submission checklist.
3. The Applicant requested a waiver from Checklist item AH on the preliminary site plan submission checklist, which provision requires an outbound survey. The Board agreed to hear the application, and the survey was waived pending approval of the application, at which time an outbound survey will be provided.

4. The Board also determined that items 2, 6, 7 and 9 on the final site plan submission checklist would be waived as they are not necessary for a proper review of the application.
5. The township engineer determined there would be a “de minimums” increase in storm water runoff generated by the facility and therefore no storm water management facilities are proposed or required.
6. The Applicant provided copies a lease given by the property owners James Carluzzo and Kimberly Carluzzo for a total of 25 years, which lease authorized the application before the Land Use Board. The subject property is in the residence-agricultural district and the Greenwich Township land development ordinance does not permit cellular communication towers. The ordinance also prohibits towers greater than 70 feet. Accordingly, the Applicant must obtain a variance for both the height of the tower and proposed used pursuant to *N.J.S.A. 40:55D-70(d)*.
7. The application was duly advertised and noticed and deemed complete after waivers were granted on July 1, 2013. Numerous witnesses testified and various experts were admitted by the Board as experts in their particular field.
8. The first witness to testify was Frank DiGenova who is a partner in the Applicant, Valore, LLC. He outlined the proposal, explained the terms of the lease and access agreement. He advised the Board that there was no tenant currently under contract for use of the tower to provide cellular communications and offered to permit a condition to be imposed by the Board that the tower would not be erected until a licensed cellular communications carrier was under contract for use of the tower.
9. Paul Dugan testified as a radio frequency consulting engineer with 29 years experience. He is a professional engineer and testified regarding the existing coverage and proposed coverage in Greenwich Township. His testimony included an explanation of various maps and exhibits. His curriculum vitae is identified as Exhibit 6 in the application, his report with coverage maps is Exhibit 7 in the application and his opinion regarding the Federal Communications Commission licensing and standards for radio communications facilities is contained in Exhibit 8 of the application.
10. In Mr. Dugan’s opinion, the proposed facility would be in full compliance with federal standards exposing a pedestrian to less than 1% of the approved electromagnetic radiation exposure permitted by the federal government. Mr. Dugan’s testimony and representations were accepted by the Board.
11. The Applicant presented the testimony of Roger Johnson who is a professional engineer. He detailed the structural analysis and site plan design for the proposed tower. His report and copy of the site plan are identified as Exhibit 11 in the Applicant’s documents. He did not provide details regarding emergency power but testified this would be provided by the carrier to be located on the site.

12. Mr. Johnson also testified regarding the vulnerability of the proposed cellular tower to wind and flood. He considered storm water surges for the 100 to 500 year flood plain and evaluated the historical storm tracts. He determined the proposed location and cellular tower was a low risk of being affected by costal flooding or storm.
13. Timothy Kronk testified as a New Jersey professional planner. His qualifications and report are contained in Exhibits 13 and 14 of the Applicant's submission package. Mr. Kronk also did balloon modeling and photographic submissions to demonstrate how the proposed tower with cellular antenna attached would be viewed from various locations around the township. His analysis determined that the tower would not be visible from the historic district in Greenwich Township.
14. Mr. Kronk reviewed the positive and negative criteria for evaluating the proposed installation. In his opinion, one of the positive impacts was the strategic location of the proposed site for cellular communications coverage. He noted there is currently no cellular communications capability in Greenwich Township, and the proposed tower would provide that communication when and if a cellular communication provider locates communication equipment on the tower.
15. Mr. Kronk also detailed the negative impact and noted that all cellular communications towers have some visible impact but no adverse environmental impact as they do not contribute to contamination, water pollution, or increase traffic and do not require water, sewer or school services. The proposed tower would require lighting under the FAA standards.
16. Mr. Kronk reviewed various exhibits that were accepted by the Board and identified as photographs A-17 through A-21. He also noted the closest structures were situate 500 feet, 780 feet, 925 feet and 1,015 feet from the proposed tower. In his opinion, the tower would have no impact on the historic district because it could not be seen from that district. He also concluded that the positive impact would outweigh any negative impact and there was no substantial detriment to the public good.
17. The hearing that began on July 1, 2013 was continued to August 5, 2013 when members of the public were invited to express comments and raise questions.
18. A citizen from Stow Creek Township spoke in favor of the pending Verizon application and believed the Valore application was inferior because there was no service provider associated with the Valore application and that the public needs cellular communications as soon as possible. She also noted that cell phone communications are critical for modern communities. She further noted the Verizon application provided greater detail on the level of coverage than the Valore application and that the Verizon application provided better coverage.

19. One other member of the public spoke and raised multiple questions about the application and proposed installation. Christopher Schubert, Esquire, attorney for the Applicant handled the questions and had the witnesses respond as appropriate.
20. These witnesses noted that their original opinions had not been contradicted and added that there would be no cost to the township for the service and that the tower would be a tax rateable. They also added that no additional towers were proposed nor believed to be necessary in Greenwich Township to obtain complete cellular communications coverage within the township.
21. The public portion of the application was concluded on August 5, 2013 and continued for deliberation by the Board at its meeting scheduled for September 9, 2013. The hearing was continued again from the September 9 proceeding because the Verizon application did not conclude on September 9. The matter was continued to the regular meeting on October 7, 2013.
22. The variances for use and height are governed by *N.J.S.A. 40:55D-70(d)*. This section provides that the Board can grant a variance for “special reasons” so long as it will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
23. The zoning ordinance only permits a tower to be 70 feet in height. A cellular communications tower must be greater than 70 feet in order to provide the necessary coverage for communications within the township.
24. The erection and use of a cellular communications tower is not permitted in the Greenwich Township land use ordinance. The Board finds and determines that there is a substantial need for cellular communications within the township, which need has not been met.
25. Valore, LLC has proposed to construct a tower that will be available for a cellular communications provider, but has not demonstrated the ability to obtain a licensed provider that would be located on the tower to meet the needs of the Greenwich Township residents for cellular communications.
26. Verizon Communications has been approved by the Greenwich Township Land Use Board to erect a tower and provide cellular communications within Greenwich Township. When constructed, this tower will meet all the needs of the township residents for cellular communications and thereby eliminate any need for an additional tower as proposed by Valore, LLC.
27. Since the special reason for granting a variance to erect a tower is to provide needed cellular communications, that special reason does not exist for the Valore application because there is no licensed provider included with the Valore application, and the need is to be met by another licensed provider.

NOW, THEREFORE, BE IT RESOLVED, by the Greenwich Township Land Use Board, that the requested variance to erect a cellular communications tower is denied for the reasons set forth herein. The Applicant shall maintain the appropriate escrow in an amount sufficient to cover all anticipated professional review fees, and when all such fees have been paid in full, any balance remaining in the escrow shall be refunded to the Applicant.

Only members of the Land Use Board who voted for the application may vote on this resolution, and a vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. (*See N.J.S.A. 40:55D-10(g)(2)*). A member of the Land Use Board may also vote if they comply with the provisions of *N.J.S.A. 40:55D-10.2* and sign an affidavit or certification to that effect. A copy of this resolution shall be sent to the Applicant or the Applicant's attorney without charge within 10 days of the date of the decision. The Land Use Board Secretary shall file a copy of the resolution, and a brief notice of the decision shall be published in the official newspaper for Greenwich Township.

The undersigned Vice-Chairman of the Greenwich Township Land Use Board hereby certifies that the above is a true copy of a resolution adopted by said Board this 4th day of November, 2013 to memorialize action taken by the Board on October 7, 2013.

Mr. Rosenberger had prepared Resolution No. 4-2013 for the Board and indicated the Board must find the resolution is consistent with the master plan and zoning ordinance and this would allow the Township Committee to act upon it. The master plan and zoning ordinance. this should allow the committee to act upon it.

Ms. Watson gave a background for the purpose of said resolution. She indicated the current ordinance dates to 1979 and the ordinance as a whole was amended in 2000 with no changes to the historic conservation district. She indicated said ordinance is brief and not comprehensive in comparison with other communities. It was noted that a recent purchaser of a property discovered a loop hole in the current ordinance. The planning board has always reviewed changes in windows but it was discovered that if a building permit it not needed the Board can only review activities that require a permit. Ms. Watson indicated this resolution will provide recommendations to the Township Committee to close the loop hole that exists. Ms. Garrison explained the ordinance procedure. On motion of Mr. Van Pelt, seconded by Mr. Sheppard to approve said resolution and bring it to the table for discussion. Mayor Reinhart expressed his concern regarding Paragraph F and Ms. Watson explained why it was placed in the resolution as it targets the 17th and 18th century houses. She stated it is not the intent to deny individuals to make interior changes but to provide guidance. Ms. Watson identified the suggested additions to the current ordinance. Mr. Valente addressed demolition by neglect. The Board determined it should be wider than the historic district. It was decided to have this item placed on a future agenda for the Board's review. Mr. Henry expressed his concerns for Item F as it leaves the identification as to what is significant open. He indicated if the Board is concerned about the very early houses it is not the majority of houses in the Township and questioned a procedure to identify these houses. He indicated Item F would be very hard to administer but would be fairer to a purchaser or an existing owner to know their interior is listed.

It was determined an inventory would be necessary. On motion of Mr. Van Pelt, seconded by Mr. Sheppard to approve the following resolution with Item F removed and adding language recommended by the Solicitors, carried with one (1) abstention by Mayor Reinhart.

RESOLUTION NO. 4-2013

RESOLUTION RECOMMENDING AN AMENDMENT TO THE GREENWICH TOWNSHIP ZONING ORDINANCE CODIFICATION REGARDING HISTORIC CONSERVATION DISTRICT REGULATIONS

WHEREAS, the Greenwich Zoning Ordinance was adopted in 1979 and amended in 2000; and

WHEREAS, the Historic Conservation District Regulations were not amended at that time; and

WHEREAS, the Historic Conservation District Regulations are outdated and no longer conform with the standard of review used by similar Historic District Commissions in the region;

NOW, THEREFORE, BE IT RESOLVED, by the Greenwich Township Land Use Board, that the following amendment to the Greenwich Township Zoning Ordinance Codification be recommended to the Greenwich Township Committee for adoption in place of the existing Section 9.4.:

9.4 **HISTORIC CONSERVATION DISTRICT REGULATIONS**

The following procedures, regulations and standards shall apply in the case of any application to construct, alter, relocate or demolish any building, landmark, place, improvement or structure within the Historic Conservation District as shown on the Zoning Map or other designated historic properties in the Township of Greenwich.

- A. Objectives. It is the intent of these regulations to:
- 1) Safeguard the heritage of the historic village and other designated historic properties in the Township of Greenwich and to promote a sound, long-range economic asset by preserving a substantial part of the community which best reflects elements of its cultural, social economic and architectural history.
 - 2) Preserve the historic fabric of the district to avoid to the greatest extent possible attrition of the physical historic materials that constitute the essence of the district's historic significance.
 - 3) Stabilize and improve property values.
 - 4) Foster civic beauty.
 - 5) Promote the use of significant historic areas and structures for the education, pleasure and welfare of both the citizens of Greenwich Township and its visitors, and to offer design and historic research assistance to all historic building owners whether in or out of the defined and delineated historic district.

B. Historic Building Review. A Certificate of Appropriateness, issued by the Zoning Officer after consultation with the Class A or Class B member of the Board, shall be required, subject to the exceptions described in Paragraph 2 below, or any of the following, or in the event no Building Permit is required, before any work can commence on any of the following activities involving a building, landmark, place, improvement or structure within the Historic Conservation District or other designated historic properties in the Township of Greenwich.

- 1) Actions Requiring Review:
 - a.) Demolition of any building, landmark, place, improvement or structure;
 - b.) Relocation of any building, landmark, place, improvement or structure;
 - c.) Change in the exterior appearance of any building, landmark, place, improvement or structure by addition, alteration, maintenance, reconstruction, exterior of the building or structure.
- 2) Actions Not Requiring Review:
 - a.) Changes to the interiors of structures, except as noted below;
 - b.) Repair, or exact replacement of any existing improvement provided that the work does not alter the exterior appearance of the structure. In the event, however, that previous noncontributing or disharmonious repair work is being replaced, such repair or replacement is permitted only if the repair or replacement returns the structure to its original condition. The following are some of the activities which are permitted as repairs;
 - i) Repairs of existing windows and doors and the installation of storm doors and windows that do not change their material, design, scale, or appearance;
 - ii) Maintenance and repair of existing roofing materials involving no change in the material, design, scale or appearance of the structure;
 - iii) Structural repairs which do not alter the exterior appearance of the structure;
 - iv) Replacement of existing weatherboards, shingles, or other siding with identical material;
 - v) Maintenance and repair of existing weatherboards, shingles or other siding (including masonry) involving no change in the material, design, scale or appearance of the structure; and
 - vi) Exterior or interior painting of existing structures.
- 3) Emergency Repairs:

When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or health and safety of its occupants or others, emergency repairs may be performed in accordance with the New Jersey Building Code, without first obtaining a Certificate of Appropriateness. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the structure, or others, and/or to maintain the habitability of the structure. A request for the Land Use Board's review shall be made simultaneously with the onset of emergency work, and no work in addition to the emergency repairs shall be performed on the structure until an appropriate request for approval is made and approval is obtained in accordance with procedures set forth

in this Article. All work done under this Section shall conform to the criteria set forth in this Article.

- 4) Informal Review of Minor Applications and Concept Plan for Proposed Undertakings
 - a.) At the request of applicants considering action that may require Land Use Board review, the Commission shall grant an informal review of a concept plan for the proposed undertaking. Neither the applicant nor the Land Use Board shall be bound by any informal review.

C. Procedure. Any application for a Certificate of Appropriateness shall be accompanied by a plot sketch and architectural building plans including elevations. In addition to other ordinance provisions, the applicant shall submit the application and plans to the Land Use Board. The applicant shall be advised at least the (10) days prior to the time and place at which the Land Use Board will consider the plans and proposal. Suggestions and recommendations made by the Land Use Board will consider the plans and proposal. If the applicant concurs in the recommendations made by the Land Use Board and agrees to incorporate the Board's suggestions, he may alter his plans accordingly, after which a Certificate of Appropriateness will be issued. If the applicant declines to incorporate the suggestions of the Land Use Board, the Certificate of Appropriateness will be denied and the undertaking cannot proceed. For an undertaking requiring a Building Permit, the Building Permit will not be issued until the Certificate of Appropriateness has been granted.

D. Standards. In reviewing plans, the Land Use Board shall be guided by the most current version of the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. In addition, the Board shall give consideration to:

- 1) The historical and architectural value of a structure and its relationship to historical values existing in the surrounding area;
- 2) The general compatibility of new construction proposed with historical values of the surrounding area;
- 3) The general compatibility of exterior design building component arrangement, suitability of building materials and decorative features as they conform to the surroundings with regard to siting, scale, massing, proportion, and materials.

E. Building Demolition or Removal. It shall be a function of the Land Use Board to consider the appropriateness and ways and means of avoiding the removal or demolition of historically important buildings or structures located within the Historic Conservation District. Applications for demolition or removal of buildings erected more than fifty years from the date of application shall be referred to the Land Use Board and the Board shall have a period of up to ninety (90) days to confer with the applicant, interested public or quasi-public agencies, as well as other interested officials or individuals to conduct a cooperative effort to ascertain how the Township may preserve the building and or premises. The Board is encouraged to carry out negotiations with either public or private agencies or groups that might lead to feasible plans for preservation of structures where moving or demolition thereof would constitute a loss to the public or the Township. In the event a building having historical significance is to be moved to another site within the Township, plans for relocation shall be reviewed by the Board and suggestions or comments made for its protection during the moving process and for resiting at its new location. Such

recommendations shall be made in writing and shall either be discussed with the applicant or forwarded to him prior to the issuance of a moving permit. The relocated building shall comply with area, width and yard requirements of the zone to which the building is moved. In the event a building is moved outside established Historic Conservation District, the regulations of the Historic Conservation District shall continue to apply to the building.

- F. Any building and/or premises of historical significance or architecture interest that is fifty years old or older within the Township but outside the established Historic Conservation District, upon application of the owner for the period of his lifetime, or so long as he shall own or control said property, whereby in consideration of receiving the protection and historical benefits of the Historic Conservation District the owner to agrees to accept and place his home and/or premises under the rules and regulations of the Historic District.

The Land Use Board Secretary shall file a copy of the resolution, and a brief notice of the decision shall be published in the official newspaper for Greenwich Township.

The undersigned Chairman of the Greenwich Township Land Use Board hereby certifies that the above is a true copy of a resolution adopted by said Board this 4th day of November, 2013.

Old Business – None

New Business – Ms. Garrison indicated a GR25 had been filed for the Fenimore property.

Public Comment - Mrs. Curley questioned if the certificate of appropriateness would be for future actions and not be retroactive, would additional structures apply, and how would the Board know if something was done inside a house. The Board advised the item she is referencing had been removed from the resolution.

Adjournment - On motion of Mr. Sheppard, seconded by Ms. Watson to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison
Secretary

