

ROCKY HILL PLANNING BOARD
Minutes of the July 14, 2009 Meeting

Present: M. Blasch, T. Bremner, L. Goldman, D. Kluchinski, C. Pihokken, G. White, R. Whitlock, E. Zimmerman

Absent: R. Ayrey, C. Cann, T. Corlis

Also present: V. Kimson and K. Philip

Statement Of Adequate Notice

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the Municipal bulletin board and filed with the Municipal Clerk. The meeting was called to order at 7:30 p.m.

Open Public Comment Period: The meeting was opened to the public. Being that there was no one who wished to address the board, the open public portion of the meeting was closed.

Approval of Minutes

- a) March 10, 2009 (closed session) - postponed to next meeting
- b) April 14, 2009 - postponed to next meeting
- c) April 14, 2009 (closed session) - postponed to next meeting
- d) May 12, 2009 - postponed to next meeting
- e) June 9, 2009 - postponed to next meeting

Chairman's Comments and Correspondence:

The historic subcommittee was asked to review the design of the steeple for the Trinity Church and full board review had been recommended therefore the agenda has been revised to include this proposal.

Open Public Comment Period:

Being that no one wished to address the board, the public portion of the meeting was closed.

Applications:

- a) **Robert Ashbaugh**
Historic Preservation Review - Fence Replacement
60 Princeton Avenue; Block 13, Lot 19

Robert Ashbaugh, applicant, was sworn in and stated that his residence is of great historical significance. The proposal is for a post and board, wire mesh fence in his back yard which also extends into the sideyard. The purpose for the fencing is to keep two large dogs in the yard. He advised that the fence is visible from the street but the view is minimal and landscaping obscures the view. The proposed fence is similar to the fence for 11 Princeton Avenue.

G. White stated that the proposed location of the fence is not shown on the property survey. Mr. Ashbaugh stated that this is shown on a separate document which was submitted as part of their application but the fence line is not to scale. G. White confirmed that the length of the fence is 449 feet and it is to be 4 feet in height although one portion of the fence is 6 feet in height. Mr.

Ashbaugh stated that an arbor with a gate is proposed in that portion of the fence. G. White asked if the white picket fence would remain. Mr. Ashbaugh advised that the picket fence goes to the house from the garage; it will remain because it is not part of the new fence line.

G. White asked if a picket fence was considered for the new fence. Mr. Ashbaugh stated that the picket fence in place is too low and the cost is a concern so they felt that this design would be nice because it blends with the environment. G. White asked if an invisible fence was considered for the dogs and Mr. Ashbaugh stated that he considered this but he believes invisible fencing is cruel to animals. In addition, if an animal chases another animal the barrier could be broken. Mr. Ashbaugh stated that black or green vinyl cladding is proposed for the mesh fence to blend. He advised that the stone shed (smokehouse) in the rear of his property will still be visible after construction of the fence.

The meeting was opened to the public. Being that no one wished to address the board, motion was made and seconded to close the meeting to the public.

Motion was made by R. Whitlock and T. Bremner seconded the motion to approve the plan with the following condition:

1. That the pergola/arbor not be higher than 8 feet.

The vote was 8-0 in favor. Motion carried.

For: Blasch, Bremner, Goldman, Kluchinski, Pihokken, White, Whitlock, Zimmerman

Against: None

Abstain: None

b) Trinity Church

Doris Hartmann, applicant, was sworn in and stated that the proposal is to repair the existing steeple. The framing of the steeple will remain in place but the plywood and the aluminum siding will be replaced with new plywood and vinyl siding. She advised that the size of the steeple will remain unchanged.

R. Whitlock asked the color of the steeple. Ms. Hartmann advised that white siding is proposed. M. Blasch stated that the siding in place is marked up so the proposal is a good improvement. D. Kluchinski advised that there are elements missing from the rendering and asked if they would remain. Ms. Hartmann confirmed that the cross will be replaced and will appear the same as the photograph, not the rendering. G. White asked if the entire steeple is being replaced. Ms. Hartmann stated that the rendering does not specifically note this but the entire steeple is being replaced.

T. Bremner asked about the siding on the steeple being horizontal and vertical. Ms. Hartmann stated that the steeple was changed after the church was constructed in 1863. The original steeple was an open design with a bell in the tower and in 1965 they resurfaced the steeple to keep insects out of the church. G. White asked if the applicant would consider vertical board and batten style for the middle section of the steeple because this would blend with the church's façade. Ms. Hartmann stated that the board and batten used on the building is 10 inches in width and they were very fortunate to be able to match this with the vinyl siding.

The meeting was opened to the public. Being that no one wished to address the board, motion was made and seconded to close the meeting to the public.

Motion was made by T. Bremner and L. Goldman seconded the motion to approve the plan with the following condition:

1. The applicant has the option to utilize board and batten for the middle section of the steeple but this is not a requirement.

The vote was 8-0 in favor. Motion carried.

For: Blasch, Bremner, Goldman, Kluchinski, Pihokken, White, Whitlock, Zimmerman

Against: None

Abstain: None

L. Goldman and E. Zimmerman stepped down from the following application.

c) PCS Metro

Additional cell equipment - Water Tower

Young Drive; Block 5, Lot 1

David Soloway, Esq., legal counsel for the applicant, addressed the board. He advised that the applicant is a new wireless carrier in this area, they are expanding their network to the southern Somerset County area and the proposal is to collocate six antennas on the Rocky Hill water tank. He stated that the water tank is 104 feet high and the antennas are proposed to be located below the catwalk at a height of 85 feet. Cabinets on a concrete pad are proposed in a fenced compound area between the existing compound and the water tank. The proposal is not a permitted use therefore a use variance is required. Mr. Soloway stated that the Zoning Board has granted previous applications for the same type of use at this location. He stated that the positive criteria for this proposal are that the use serves the general welfare of the people and the use is particularly suitable at this location.

The following individuals were sworn in: Daniel Penesso, Radio Frequency Engineer for the applicant; Dan Collins; FCC Compliance Engineer for the applicant; Gregory Nowak, design engineer for the applicant; Ronald Reinertsen, Planning Consultant for the applicant.

Mr. Penesso stated that 2130 to 2140 megahertz is needed to cover this area. He advised that PCS Metro launched their business in New Jersey in February and they are currently building out this phase of development. There is currently no coverage in this area and he presented a board entitled "Proposed Neighboring MetroPCS Sites without the coverage from the proposed MetroPCS site NY5670" (Exhibit A-1). He stated that the exhibit is a base map depicting Rocky Hill and the proposed location. The gap in coverage includes Routes 206 and 518, Princeton Avenue and Montgomery Avenue. He advised that this location gives them a good amount of needed coverage in this area. An overlay of Exhibit A-1 entitled "Proposed Neighboring MetroPCS Sites with the coverage from the proposed MetroPCS site NY5670" was presented to the board showing resultant coverage after antennae installation.

Mr. Collins, Pinnacle Telecom Group, stated that an analysis of electromagnetic emission levels was undertaken and their conclusions are noted within the report from Pinnacle Telecom Group dated March 11, 2009 (Exhibit A-2). He advised that the calculations are based on the standard

FCC formula for proposed antennas and existing antennas. When the equipment is operating at maximum capacity, they calculate the exposure to be a level of 8/10's of 1% of the FCC standard therefore it is in compliance with federal and state standards.

G. White referenced page 11 of the report and asked why the numbers are different for each carrier. Mr. Collins stated that there is a slightly different maximum exposure based on the frequency used for the operation. PCS Metro has a higher frequency than Sprint; he advised that the antenna patterns vary for each carrier.

Gregory Nowak, KMB Design Group, presented the following: Sheet Z01A entitled "Site Plan and Property Owners List" dated 5/27/09 (Exhibit A-3); Sheet Z01 entitled "Key and Location Map" dated 5/27/09 (Exhibit A-4), and; Sheet Z02 entitled "Compound Plan" dated 5/27/09 (Exhibit A-5).

Mr. Nowak stated that Exhibit A-3 is an overall site layout of the existing property on Young Drive. It is an existing utility and wireless communications facility that contains a pump station building, a water tower and various communication facilities. Exhibit A-5 is an enlarged area of the compound plan and an elevation of the water tower.

He stated that the applicant is proposing to install four radio cabinets within a separate fenced in area at the base of the tank along with six panel antennas below the catwalk. The cabinets are proposed on a 7' x 14' concrete pad with chain link fencing to match the other equipment in the area. He stated that the fence heights vary for each carrier and some of the fences have barbed wire. The applicant is proposing a six foot tall chain link fence without barbed wire. Lighting is not proposed, the only light is a utility light which is turned on manually when servicing is performed and this is anticipated once every 4 to 6 weeks. No other person will be on site for any reason, there is no water so there is no sewer connection. The only sign proposed is a small marquee identifying the carrier and the phone number.

G. White advised that the plans presented as an exhibit are dated 5/27/09 but the plans provided to the board in their packet have an earlier date. He asked what changes to the plan were made. Mr. Nowak stated that the engineer was asked to change the cable routing from being above ground to below ground therefore Sheet Z-01 was revised.

Ronald Reinertsen, Pennoni Associates, planner for the applicant stated that this use is not permitted anywhere in Rocky Hill. Other provider's equipment exist on the water tower and the proposal is a modification to what exists. The use is particularly suitable for this site and it offers needed coverage for the area. The water tower is the highest point in the area. He stated that all applications needing variances must show that it does not impact the general welfare or the zone plan. He stated that the negatives for this proposal would be visual but the overall positive impact should outweigh the negative. Mr. Reinertsen presented the following (Exhibit A-6):

- 1) Aerial image/Photo Simulation Key Map
- 2) Photo simulation as taken from 101 Knoll Way (205 feet away)
- 3) Photo simulation as taken from 5 Washington Street (260 feet away)
- 4) Photo simulation as taken from 1026 Route 518 in Montgomery Township (480 feet away)
- 5) Photo simulation as taken from 1185 Route 206 (1030 feet)

Mr. Reinertsen distributed reduced sets of Exhibit A-6 to the board. He stated that all the photo simulations are dated 7/9/09. Reviewing the proposal at 205 feet away the ground equipment cannot be viewed. At 260 feet the ground equipment is not viewed. At 1030 feet the antennas cannot be seen at all. He stated that the antennas can be seen but only when viewed up close. By reviewing the overall good for this facility, he stated that the proposal is not a detriment to the public good.

William Tanner, engineering consultant for the Board, was sworn in and stated that the applicant did a good job presenting the proposal and he had no comments to make.

The meeting was opened to the public. Being that no one wished to address the board, motion was made and seconded to close the meeting to the public.

Motion was made by R. Whitlock and G. White seconded the motion to approve the use variance and site plan.

1. That the revised plans dated 5/27/09 be submitted to the office for review and approval.

The vote was 6-0 in favor. Motion carried.

For: Blasch, Bremner, Kluchinski, Pihokken, White, Whitlock

Against: None

Abstain: None

L. Goldman and E. Zimmerman joined the meeting.

OTHER BUSINESS

G. White asked what can a member of the public do if they cannot make the meeting. V. Kimson stated that they can have another person speak on their behalf or request that the board consider moving the matter to another month. If another date is considered, the applicant would have to be willing to allow this because in case law the applicant has the right to cross examine. Petitions are not permitted if a person is unable to attend.

DISCUSSION

Senate Bill 2577

V. Kimson advised that the above noted bill was signed on July 4, 2009. It is only applicable to developments that have already received preliminary/final approval for age-restricted development and that development has not sold any units. The law allows the developer two years from the date of enactment to come before the Planning Board to request a conversion of the development to allow it to be sold. The two year period can be extended by the Planning Board if they warrant an additional two year period. She advised that footprints of the structures can be reduced, not increased. She also stated that recreational facilities are typically required with development but it is not required for age-restricted development.

Being that there were no other matters before the board, motion was made by R. Whitlock and E. Zimmerman seconded to adjourn the meeting at 9:30 p.m. Motion carried.

The next meeting is scheduled for Tuesday, August 12, 2009.

Respectfully submitted,

Kerry A. Philip
Recording Secretary