

The March 15, 2004 regular semi-monthly meeting of the Township of Chatham Planning Board was called to order at 7:30 p.m. by Chairman Bill McCutcheon. The Open Public Meetings Act Statement was read into the record. The agenda for the meeting included AT&T Wireless, Valle Estates, Rolling Hill at Candace and Fairmount Country Club.

Roll Call

Those present were Mr. McCutcheon, Mrs. Twomey, Mr. Jacobson, Mr. Caprioglio, Mr. Cashman, Mr. Ciccarone, Mr. Cohn, Mrs. Chambers, Mrs. Fair and Mrs. Hoag. Also present were Mr. James McCreedy, Planning Board attorney, Marshall Frost, Planning Board engineer and Michael Bennett, Township engineer.

Minutes

Mrs. Hoag moved to accept the minutes from the February 23, 2004 meeting and the minutes from the March 1, 2004 meeting and Mrs. Fair seconded, with all in favor.

AT&T Wireless

Ms. Raine Shevade, attorney for the applicant, was present and described the existing tower located in the Township behind the Department of Public Works, Block 48.16, Lot 117.27. The applicant is seeking conditional use approval and preliminary and final site plan approval to place 12 antennas on the existing 130' tower at the height of 108'. The applicant indicated that Nextel is currently is a tenant at 128' and Sprint at 118'. The tower is owned by Crown Castle and the landlord is the Township of Chatham.

Ms. Shevade introduced Lourdes Cuilao, a radio frequency engineer for AT&T. Ms. Cuilao testified that AT&T Wireless is licensed by the FCC and is mandated by the FCC to provide coverage in the area and presented Exhibit A1, which illustrated the coverage without the proposed site (entitled, "*Coverage Without Proposed Site W-483*"). The exhibit showed the coverage with the existing sites located at 245 Green Village Road and 539 Green Village Road, which do not provide adequate coverage on Southern Boulevard. Ms. Cuilao then presented Exhibit A2 ("*Coverage with Proposed Site W-483*"), which showed adequate coverage would be provided on Southern Boulevard with antennas on the 108' lattice tower. Mr. McCutcheon asked about a coverage plan from AT&T and pointed out an area on River Road that will still not be covered; Ms. Cuilao stated there was a future proposed site to assist with the area. Mrs. Fair asked about coverage on Fairmount Avenue and Meyersville Road; Ms. Cuilao stated that there is a proposed site in Long Hill, which would enhance coverage but the terrain might prevent total coverage. Ms. Cuilao proposed 12 antennas be installed and testified that the maintenance would include a technician inspecting the site once a month. Mrs. Twomey asked about the different antennas, whip versus panel; Ms. Cuilao replied the paneled antenna was more directed and could handle the latest technology.

Regarding equipment, Ms. Cuilao testified that radiation standards would comply with the FCC and NJ Radiation Protection Act and there would be no interference with cable television. Mr. McCutcheon asked if there were any Cingular sites planned (there is a proposed merger between AT&T Wireless and Cingular); Ms. Cuilao responded that there were not. She added that the new Southern Boulevard panels would support only cellular phones based on the new technology.

Civil engineer John Sobiech presented Exhibit A3, which he indicated was the site plan (Sheet CO1). Mr. Sobiech testified that inside the 10'x20' lease area, there would be a 6'x18' concrete pad for four equipment cabinets, 2-1/2' square and 6-1/2' tall with a cable tray leading to the tower and power will be provided by existing back port in the yard. Mr. Sobiech referred to Exhibit A4 (Sheet CO2), which showed the elevation of the tower with the other tenants at 128' and 118' and the proposed AT&T 12 antennas at 108'. Mr. Sobiech testified that no lighting was proposed and the structural review demonstrated the tower was structurally capable for the proposed antennas and was designed to have a 20' extension and a total of four carriers. An emergency generator is not proposed but there is a battery backup. Mrs. Twomey asked what percentage of capacity will be used now and in the future; Ms. Cuilao responded projections are for five years. Chairman McCutcheon closed the public hearing and asked for public comments; there were none. Mrs. Twomey moved to grant conditional use approval and preliminary and final site plan approval and Mr. Caprioglio seconded. At roll call, all members voted, "yes".

- - -

Valle Estates

Barry Osmun, attorney for the applicant, and Rocco Palmieri, engineer for the applicant, were present to address the revised landscape plan. Mr. Palmieri presented Exhibit A1, dated March 15, 2004, a copy of the previously approved preliminary site plan (Sheet 7) and identified 11 trees that were

originally scheduled to be removed because of dam construction and the spillway. Exhibit A2, dated March 15, 2004, shows the original 11 trees to be removed with the changes needed for the dam safety permit from the DEP, making the total 26 trees to be removed. A crosshatched in red on the inside embankment of the pond had vegetation originally, but that has had to be removed because of the dam safety permit requirements. Shown in green were the 95 additional plantings proposed as a mitigation of the trees being removed.

Mrs. Fair questioned the choice of species of the trees, suggesting that evergreens might create a tunnel feels and would overwhelm the existing shade trees; Mr. Palmieri responded that species of tree could be discussed. Mrs. Fair suggested that the applicant should work with the Tree Committee to choose appropriate species. Mrs. Fair stated the removal of the evergreens on the dam will change the aspect of the tenants and the replacement may not mitigate that. Mr. Palmieri stated a passive sitting area was proposed in the easterly section of the pond with a pathway, benches and trees. Mr. Cashman asked about screening between the project and the shopping center; Mr. Palmieri indicated there was proposed a double row of evergreens with a wood fence. There was a discussion about 2-1/2" caliper trees and it was determined that this size trees does best in transplanting. Mr. Caprioglio asked if the embankment was to be seeded; Mr. Palmieri stated it would be seeded with a wetlands seed mix (shown on Sheet 17, revision date 2/25/04), which is not a manicured grass but a natural grass. Mr. Palmieri indicated there was a colorized version of the plan, which is an addendum to the landscape plan. Mr. McCutcheon summarized that the changes made to the landscape plan were clear but there were still open issues to be reviewed on the overall landscape plan.

Mr. Bennett asked the applicant about the status of compliance with the no net volume infiltration requirement of the storm water ordinance; Mr. Palmieri stated they were able to infiltrate 70% of the 100% required and that water was from rooftop drainage primarily. Mr. Bennett asked if

there were opportunities on the site to make changes with the grading, land use or land cover or soil type to close the 30% gap; Mr. Palmieri stated they have addressed the grading to the best of their ability. Mr. Palmieri referred to a letter dated February 26, 2004, which presented a proposal for mitigation. Mr. Palmieri stated the applicant's proposal included calculations that were made so if the applicant were to construct a system that would infiltrate 100%, the calculated cost of that system would be \$186,000. The cost to construct the system proposed that infiltrates 70% would cost \$130,700, with a differential between the two systems of \$56,000. Mr. Palmieri proposed as mitigation the applicant be credited for the additional tree plantings in the area of the infiltration systems and pay the difference between that credit and the \$56,000 differential.

The applicant sought approval for this plan citing another property in town (Braemar). Mr. Bennett informed the Board that on the other property, the ground water levels were high and the soils were not suitable for infiltration, which is not the case with the Valle Estates site. Mr. Bennett stated the applicant could make changes in the soil types, land use and ground cover and did feel the 30% gap could be closed and has noted this to the applicant. Mr. Bennett did not feel the mitigation proposal was appropriate. Mr. McCutcheon stated that the 100% infiltration was a known entity from the outset and that if it can be done, it should be done; Mrs. Fair agreed. Mr. Bennett stated the applicant needed to quantify the changes they have made to determine the current extent of their compliance and felt compliance could be achieved within the constraints of the preliminary approval without any significant change in design.

Mr. Jacobson stated the amount of performance guarantees and the sanitary sewers were topics that needed to be discussed. Mr. Frost also stated there was work to be done on the operations manual of the storm water management system. Mr. Palmieri stated he had made a submission on the sanitary sewer system. Mr. Bennett gave a brief history of the sanitary sewer system in the area and the

improvements needed down stream. Mr. Bennett stated, in his opinion, the system is inadequate to take the flow as it is proposed; Mr. Palmieri disagreed. Following a discussion of outstanding issues including the drawings, the landscaping plan including the infiltration and the sewer calculations, an extension was requested through March 31, 2004 with a hearing on March 29, 2004. In the interim, the professionals were directed to meet to resolve the outstanding issues. Member of the public Dot Stillinger asked how the storm water will be managed from Rachael Avenue; Mr. Palmieri reviewed the system of drainage pipes, stream channels and the stormceptor.

- - -

Rolling Hill at Candace

Attorney Steven Schaeffer was present for the applicant to address the latest set of professional's reports and report the results of the dry well tests. Ms. Berninger testified the perc tests at each of the dry wells were completed and results showed they would drain within 72 hours as required.

As of February 2, 2004, the project came under the new water quality measures of the storm water management requirements, which require an 80% removal of total suspended solids. The DEP has assigned removal rates to many types of BMP's and Ms. Berninger determined the BMP to use for this site was a sand filter, an underground concrete chamber with sand in it. As water from the 1.25" storm runs through it, it removes the total suspended solids and impurities. Ms. Berninger sized the filter needed for this project and determined it to be 40' long x 20' wide at a depth of 8'. The chamber would be on the existing lot located near Myersville Road adjacent to the existing driveway. A 15" pipe would go into the sand filter and come out of it.

Ms. Berninger stated the applicant was requesting an exception from this new regulation. Ms. Berninger indicated three new homes are proposed, (there is an existing home), there are no public improvements, there are three driveways and three houses with lawn area and roofs that will drain to

seepage pits. Ms. Berninger testified that the water quality issues created would be leaves and lawn fertilizer but these contaminants didn't seem to justify the large underground filter, in her opinion. Ms. Berninger testified that the plan that would be proposed to meet the new regulations would remove the stormceptor and put the sand filter in down stream of the underground detention system. Ms. Berninger stated the stormceptor does not have an 80% removal of total suspended solids assigned to it; the DEP is currently monitoring stormceptors to determine the percentage removal rate. Ms. Berninger stated that within the industry, stormceptors are thought to have a 60% rate. The sand filter does allow for separation of oils and water. Mr. Bennett stated that the stormceptor manufacturer claims a higher than 60% rate; certification is pending. Mr. Bennett pointed out that a stormceptor combined with a detention basin with the correct amount of detention time are considered to meet the 80% removal. On this site, there is not room for the detention basin.

The Board asked about maintenance of the sand filter; Ms. Berninger stated it was to be serviced four times per year plus every time there is an inch or more of rain. The maintenance of the stormceptor is comparable. However, Mr. Frost stated with the sand filter, the sand must be cleaned periodically, which is difficult. Ms. Berninger testified that in her opinion, the site was not producing enough contaminants to justify this large sand filter structure. Mr. McCutcheon suggested the applicant research the use of a series of stormceptors. Mr. Bennett indicated that the original system provides a satisfactory treatment train, with provisos that areas marked as undisturbed remain underdeveloped and that the system must be maintainable. Mr. Frost stated the treatment train must be evaluated.

Mrs. Hoag expressed concern about the steep slopes and the importance of significant conservation easements on the property and the effect of development of those areas on the storm water system. Mr. Bennett asked what the assumptions were for the area in the calculations of the storm water system; Ms. Berninger testified it was defined to be undisturbed. Mr. Bennett stated that had to remain

or compromise the system as it has been represented and was not approvable. Applicant Harvey Caplan made comments relative to the discussion. After discussion, the Board advised a reevaluation of the storm water management calculations as if the whole lot was to be developed, to insure the system would be adequate when homeowners developed what is termed presently as “undisturbed”. Mr. Caplan was asked to consider the conservation easements.

Mr. Schaeffer called Mr. Mark Bricker, land surveyor, to address comments from Mr. Frost dated March 9, 2004. Mr. Bricker stated the limits of disturbance had been redone and were within 10square feet, so he changed the line instead of the table representing a quarter to half a foot. Regarding the issue of disturbance, Mr. Bricker stated they could build within the limits of disturbance and suggested a high visibility, semi-temporary snow fence behind the silt fence; the Board felt this was acceptable. Mr. Bricker will provide a plan with the New Jersey State Plane coordinates and monuments. Mr. Frost had asked about the sidewalk in front of lot 16.04; Mr. Bricker stated it was being designed and will comply with the Township’s standards. Mr. Frost had asked that the driveways be paved and curbed; the applicant agreed.

Mr. Schaeffer addressed the issue with neighbor Mr. Frida and stated there was an action pending in superior court. Mr. Schaeffer referred to statute 40:55D-22, making the legal argument that the Board could approve the application conditioned upon the legal barrier being removed. Mr. Jacobson asked that Mr. Malehorn give the Board his interpretation of the statute. Mr. McCutcheon interpreted the statute to mean that without the barrier removed, a new storm water management plan would have to be considered. This matter, with the conclusion of the other open items, will be discussed further on May 3, 2004, with an extension through May 4, 2004. Mrs. Fair moved to grant the extension and Mrs. Hoag seconded, with all but Mr. Ciccarone in favor.

- - -

Fairmount Country Club

The Resolution to erect a temporary tent at Fairmount Country Club was adopted by title. Mrs. Fair made a motion to accept the Resolution and Mr. Caprioglio seconded. At roll call, all members voted, "yes" except for Mr. Ciccarone who was not present.

The Board went into Executive Session. Following Executive Session, the Board reconvened to adjourn the Township of Chatham Planning Board Meeting of March 15, 2004.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary