

**REORGANIZATION & BUSINESS MEETING**

**Lebanon Township Board of Adjustment  
Municipal Building 530 West Hill Rd Glen Gardner, N.J.**

**January 25, 2012**

*The Reorganization and Business Meeting of the Lebanon Township Board of Adjustment was called to order at 7:32 p.m. by Board Secretary Gail Glashoff. Present were: Mr. Kozłowski, Mr. MacQueen, Mr. Terzuolo, Mr. Perry, Mr. Abuchowski, Mr. Eberle, 1<sup>st</sup> Alternate Maurizio, 2<sup>nd</sup> Alternate Machauer, Attorney Gallina, Planner Bolan and Engineer Risse. Excused: Mr. Nagie*

*In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Board of Adjustment has scheduled their Reorganization & Business Meeting for Wednesday January 25, 2012 at 7:30 p.m. prevailing time in the Main Meeting Room in the Municipal Building. Notice of this meeting was published in the Express Times & Courier News on January 20, 2012. Copies of the Agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on January 18, 2012.*

<b>SWEAR IN:</b>	<i>Al Nagie</i>	<i>Class IV-Regular</i>	<i>4 Year Term</i>
	<i>Andrew Kozłowski</i>	<i>Class IV - Regular</i>	<i>4 Year Term</i>
	<i>William Machauer</i>	<i>Class IV – Alternate II</i>	<i>2 Year Term</i>

*Ms. Glashoff asked Attorney Gallina to do the honors and swear in Mr. Kozłowski and Mr. Machauer. Congratulations to Andy and Bill. Mr. Nagie will be sworn in at the next meeting.*

**NOMINATIONS FOR CHAIRMAN:**

*Ms. Glashoff asked for nominations for Chairman. Motion by Mr. Abuchowski and seconded by Mr. Perry to nominate Mr. Terzuolo. Unanimously approved. Being no further nominations, motion by Mr. Abuchowski and seconded by Mr. Maurizio to close the nominations. Unanimously approved. Congratulations Mr. Terzuolo.*

**NOMINATIONS FOR VICE CHAIR:**

*Chairman asked for nominations for Vice Chair. Motion by Mr. MacQueen and seconded by Mr. Eberle to nominate Mr. Abuchowski. Unanimously approved. Congratulations Mr. Abuchowski.*

**APPOINTMENTS:**

- a. John Gallina, Esq.*
- b. Michael Bolan, PP*
- c. Steve Risse, Engr. (Bayer/Risse Engrs)*
- d. Gail W. Glashoff, Board Secretary*
- e. Lucy Grozinski, Court Stenographer*
- f. Guy Wilson, Esq. (Alternate Attorney)*
- g. Jim Kyle, PP (Alternate Planner)*

*Motion by Mr. MacQueen and seconded by Mr. Abuchowski to appoint the above mentioned people for 2012. Unanimously approved.*

**ADOPT RESOLUTIONS:**

- a. Annual Notice Schedule.*

*Ms. Glashoff reviewed for the board the schedule of meetings for 2012. Ms. Glashoff offered November 28<sup>th</sup> for the November meeting and Wednesday December 12<sup>th</sup> for the continuation of a public hearing only. Chairman Terzuolo asked for a motion to approve the schedule. Motion by Mr. MacQueen and seconded by Mr. Eberle to adopt the*

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*resolution as presented for the Meeting Notice Schedule 2012. Unanimously approved.*

**b. Authorizing Agreement for Professional Services**

*Ms. Glashoff reviewed the agreement for the board. Motion by Mr. MacQueen and seconded by Mr. Maurizio to adopt the resolution for the Authorizing Agreement for Professional Services. Unanimously approved.*

**ADOPT RESOLUTION FOR PROFESSIONALS ON PAY TO PLAY:**

*Motion by Mr. MacQueen and seconded by Mr. Abuchowski to adopt the resolution for Professionals on Pay to Play. Unanimously approved.*

**ADOPT PROFESSIONAL CONTRACTS:**

- a. John Gallina, Esq.*
- b. Michael Bolan, PP*
- c. Bayer/Risse Engrs. (Steve Risse, Engr.)*
- d. Guy Wilson, Esq. (Alternate Attorney)*
- e. Jim Kyle, PP (Alternate Planner)*

*Ms. Glashoff reviewed the contracts for the board. Ms. Glashoff said that Attorney Gallina's rate has increased by \$10.00 per hour. Attorney Gallina informed the board that his rate has not gone up in several years. Ms. Glashoff noted that Engineer Risse's rate increased by \$5.50 per hour. Engineer Risse also noted that his rate hasn't increase in a few years. Ms. Glashoff said the rest of the contracts the rate have stayed the same as last year. Motion by Mr. MacQueen and seconded by Mr. Eberle to adopt the professionals contracts as presented. Unanimously approved.*

**APPOINT APPLICATION REVIEW COMMITTEE:**

*Chairman Terzuolo asked those members who served last year on the committee if they would like to serve again this year. Everyone said yes. Motion by Mr. Abuchowski and seconded by Mr. Eberle to appoint the following to the Review Committee: Mr. Terzuolo, Mr. Kozlowski, Mr. Perry along with the Board Secretary Ms. Glashoff. Unanimously approved.*

**PRESENTATION OF MINUTES:**                      *October 26, 2011 Regular Meeting*

*Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the minutes with a minor correction. Unanimously approved by those eligible to vote. Mr. Maurizio abstained.*

**NEW BUSINESS:**

<i>Davara Industrial Center, LLC</i>	<i>Block #6</i>	<i>Lot #1</i>
<i>c/o David English</i>	<i>Route 31</i>	<i>B2</i>
<i>2026 Route 31</i>		
<i>Glen Gardner, N.J. 08826</i>		

<b>PUBLIC HEARING</b>	<i>Section 400-13.b(2) &amp; Section 400-13.e(11)</i>	
<b>(Atty Gallina letter attached)</b>	<i>Height Variance</i>	<i>Changeable Information Sign</i>

*Ms. Glashoff announced that she received a letter from Attorney Gianos asking for an adjournment to the February 22, 2012 meeting. Ms. Glashoff read into the record the letter from Attorney Gianos. Attorney Gallina announced to the public present that the application for Davara Industrial Center will be held on February 22, 2012.*

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**DEEM COMPLETE/WAIVERS/PUBLIC HEARING:**

New Cingular Wireless	Block #24	Lot #37
320 Kimble Ave	Wilde Lane	RC 7½
Morristown, N.J.		

**PUBLIC HEARING** Conditional Use/Site Plan/Height Variance  
**(Atty Gallina letter attached)**

Attorney Judy Fairweather was present along with 3 of the applicant's professionals. Attorney Fairweather had her Civil Engineer Glenn Scherer sworn in at this time. Chairman Terzuolo asked Engineer Risse to go over the Checklist with the waivers being requested by the applicant. Engineer Risse started with Item #25- which requires maps scales not less than 1" = 100'. The applicant site is scaled at 1" = 400'. Waiver is reasonable based on the nature of the property. Item #33 partial waiver (contours at 2' intervals. Recommends waiver. Items #42, 43, 45, 47,48, 57-59, 65 for completeness only with testimony being provided. Item #44- the original deed should be provided with all schedules attached. Item #70 waiver recommended based on nature of site, Items #18, 19 & 71 recommend as condition of any approval. Planner Bolan noted that Item #33 is topography and with the applicant needing a height variance, Planner Bolan said that the topography should be provided on site and within 200' of the site. Planner Bolan went on to say we don't need to have 2' intervals on the entire site but some spot elevations would be helpful on the plan. Mr. Maurizio said also the final elevations at the top of the tower. Mr. Perry asked about signage. Engineer Risse said there will be a sign on the gate of the fence. Motion by Mr. MacQueen and seconded by Mr. Abuchowski to deem the application complete a long with the waivers for completeness purposes and proceed with the hearing. Unanimously approved.

Chairman Terzuolo said before starting the public hearing he would like to give the interested parties some guidance. The Board of Adjustment is a more formalized board than the Planning Board or Township Committee. Witnesses are sworn in and we have a court stenographer. The applicant's witnesses will be presented. They will give testimony, the board and their professionals will ask questions of the witness. Then the hearing is opened to the public for questions of the testimony by the witness only. This procedure is followed for all witnesses giving testimony. At the end of all the testimony, then the interested parties can be sworn for statements and comments.

At this time, Attorney Gallina informed the board that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: A1-Affadavit Proof of Service, A2-Notice to Property Owners, A3-Certified List of Property Owners & Utilities, A4-POD Slips, A5-Notice in the Hunterdon Review, A6-Taxes Paid, A7-Letter from H.C. Planning Board dated January 6, 2012, A8-Letter from H. C. Soil Conservation District.

Attorney Fairweather reviewed for the board the search AT&T did looking for a property that would fit their needs. The property they found was on Route 513 in the B1 zone. They filled an application with the Planning Board and had several hearings. They were asked to find a property with less visual impact. They found property on Wilde Lane with a willing landlord and it has to work from an RF standard point and has to be buildable. Their plan is to build a mono-pine. They also did a balloon test. The application before the Planning Board is on hold while they pursue this application before the Board of Adjustment. Attorney Fairweather said they have with them this evening, their RF Engineer, Civil Engineer and their Planner. Attorney Gallina added a little background for why this application is before the board. The applicants needs an 180' monopole which requires a height variance, a Use variance for having two principal uses on the property.

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Attorney Fairweather said she will start with the RF Engineer. RF Engineer Yvan Joseph was sworn in at this time. Engineer Joseph referred to the Propagation Map consisting of 2 overlays. The map was marked into evidence as **A9-Propagation Map** dated January 25, 2012, **A10**-overlay consisting of existing facilities of AT&T with green dots and the proposed facility with a blue dot. Engineer Joseph said that **A10** shows all existing and reliable service along with the terrain, roads etc in and around Lebanon Township in a green clear layer. AT&T has a significant gap in coverage along Route 513 for 3 miles. They are looking to fill in as much of the gap as possible. **A11**-proposed and filled in Blue of the existing coverage and showing the gap. Engineer Joseph continued with his testimony stating that having this coverage will also give them coverage on Bunnvale Road.

At the conclusion of the testimony, Chairman Terzuolo asked if the board had questions. Mr. Machauer asked if the objective was to have coverage for homes and businesses or just for vehicles. Engineer Joseph said the objective is to cover homes, businesses and vehicles along Route 513 and up Route 628 (Bunnvale Road). Engineer Joseph said that more and more homes and businesses are using cell phones over landline phones. Engineer Joseph said their main objective is to have coverage along major roads and arteries. Mr. Maurizio referred to the calculation that was performed for exposure and are they as low as stated because of the height of the Tower. Engineer Joseph said yes. Engineer Joseph said that distance plays a large roll as to exposure and radio frequency admission levels and the reason for the height is because of the terrain and the tree line. They have to be able to clear the trees. The trees in the area are approximately 130' to 140' in height. The antennas have to be above the tree line, this is why we need to be at 180'. Anything lower and the trees would absorb the energy and wouldn't provide adequate service. Mr. Kozlowski asked if they are required by law to provide a certain amount of coverage. Attorney Fairweather said the actual standards provided by the FCC is better than mediocre at best and it is a very clear standard... They have to provide coverage so people can make calls. Mr. MacQueen asked at this current location is it covering more then the location that is before the Planning Board. Engineer Joseph said yes, we will gain a little more coverage along Route 513 to the west. Mr. MacQueen asked if they will need another tower for additional coverage along Route 513. Engineer Joseph said no.

Mr. Eberle asked when doing the testing was the 180' tower the maximum coverage or could the tower be made lower or would you lose a sufficient area. Engineer Joseph said the determining factor was the tree line and being able to clear the trees by at least 30 to 40 feet. Also for any co-locators. Engineer Joseph said they need the ability to be able to go and adjust the antennas as the system requires. Mr. Perry asked about the coverage coming up Route 628 (Bunnvale Road) and wanted to know if the coverage will include the municipal building. Engineer Joseph said no, as it gets up towards Woodglen it will diminish. Engineer Joseph said the coverage will be along Route 513 and heading up Bunnvale Road to Woodglen. Customers will see sufficient increase in service coming up Bunnvale towards Woodglen. Mr. Abuchowski asked how many suitable sites were evaluated for this location. Engineer Joseph said he has evaluated 6 sites in the area. Chairman Terzuolo asked if this cell tower is line of site communication. Engineer Joseph said yes. Engineer Joseph explained what line of site communication means. In order for the site to work and operate it needs to see the areas that it is trying to service.

Mr. MacQueen asked Engineer Risse about the cell tower that is to be built at the Municipal Building. Engineer Risse said as far as he knew the tower was still going to be built. Ms. Glashoff said Township Committee is working on it. Attorney Fairweather introduced **A12-3<sup>rd</sup>** overlay showing the Municipal Building area of coverage along West Hill Road. Engineer Joseph said that Route 513 will still have a sufficient gap for about 2 miles which will still require a site for a cell tower. The main objective is to get the county roads first for coverage.

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*Planner Bolan said the map is based on a negative 85 dbm and asked Engineer Joseph to explain what it means. Engineer Joseph said the dbm is the scale they use to measure signal strength. The minus 85 dbm is less than zero. Engineer Joseph said as the numbers go up they actually get smaller. If it were minus 75 dbm you would get less coverage. Planner Bolan said in looking at the Conditional Use standards a,b,d from a technical standpoint, the ordinance talks about other technologies or alternative wireless networks plan that could be used. Are there such things and would they provide the same type of service. Engineer Joseph said there are no feasible means to fill this gap. in service. Planner Bolan asked about smaller cell coverage on telephone poles. Engineer Joseph said that was not a feasible option for this area.*

*Mr. Machauer asked if there is any interference with am/fm radios from cell towers. Engineer Joseph said no. Mr. Maurizio asked based on the technology today what are the chances of going to satellite in the future. Engineer Joseph didn't see that happening in the future; because of needing hand held or mobile they would need a lot more power to reach the satellite. Engineer Risse referred to A11, the negative 85 dbm decimal level and wanted to know if they can vary their output from the towers to expand and contract. Engineer Joseph said this is done at the optimal; it is a two way communication. At the conclusion of Engineer Joseph's testimony, Chairman Terzuolo opened the hearing to the public for questions of the witness. Attorney John Schmidt from Westfield who is representing Amanda Mesa an adjoining property had many questions of RF Engineer Joseph. At the conclusion of Attorney Schmidt's questions, Chairman Terzuolo announced the board will take a recess at 9:15 p.m. When the board reconvened at 9:25 p.m., the following people had questions of the witness: Richard Kormick and Debra Goodsite. A Steve Omlor of Bernardsville had questions also of the witness. Attorney Fairweather objected to Mr. Omlor since he was not an interested party. Attorney Gallina said he did not see how Mr. Omlor could be an interested party since he lived in Bernardsville. Mr. Omlor informed the board that he is related to Ms. Mesa and was here this evening to give support and had questions for the witness. The board informed Mr. Omlor since Ms. Mesa has hired an attorney to represent her, it would not be in her best interest to have him ask questions of the witness.*

*At this time, Attorney Fairweather asked to have their Civil Engineer Glenn Scherer give testimony. Engineer Scherer was previously sworn in. Chairman Terzuolo said we will take testimony and have questions at the next meeting. Engineer Scherer referred to the site plan dated November 3, 2011. The plans have been revised and dated November 28, 2011. At this time the Site Plan was marked into evidence. A13-Site Plan prepared by Glenn Scherer of Malick & Scherer, dated November 3, 2011 with revision dated of November 28, 2011 consisting of 11 sheets. Engineer Scherer referred to sheet Z3 of 11 known as a partial site plan. It is an overview of the lot which they did not do topo's for the entire lot since the lot consists of 30 acres. From the road the tower will be approximately 1500' back off the road. There is an existing house on the property. Engineer Scherer said they discussed where to put the tower and the area that they picked for the tower was because of the highlands and the coverage issue. There is already an existing graveled area and cleared where they plan to have the tower. There is neither grading nor trees that need to be cut down. Engineer Scherer referred to sheet Z5. The gravel area that will be used is 28' x 30' with an 8' tall wooded fence surrounding the equipment shelter. The equipment shelter within the compound will be 12' x 20' and 11' feet in height. There are two alternates that we have for the board. The tower will be 180' in height and if we used the mono-pine the total height will be 185'. The 12 antennas would be at 180' with the branches bringing it to 185' or they could just have a tower at 180' without using a mono-pine... The mono-pole is designed for three co-locators but could be up to five co-locators if the board wished.*

*Engineer Scherer noted there are no streams or wetlands. Regarding parking, there will be a technician that will visit the site once a month for 1-2 hours. Landscaping and screening are not being proposed since the property is densely covered. Engineer Scherer said there is a motion light if someone came at night other than that there is no*

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lighting being proposed. There will be a small sign 1'x2'. It identifies the site with an emergency phone number. Regarding Soil Conservation District, the site consists of less than 5000 square feet, but the Soil District feels we still need to file an application with them and comply with them. Mr. MacQueen said he had a couple of housekeeping items he wanted to address. The first was a sheet showing houses within 1000' feet of the proposed site. Attorney Fairweather said their Planner has a sheet showing the houses within the 1000'. Mr. MacQueen said his other question was to Planner Bolan and wanted to know how many co-locators we are allowed to have. Planner Bolan said we require 3 for a 150' tower but there is no maximum. Planner Bolan said they are showing three on the plan, one at 180', 158' and one at 168'. Chairman Terzuolo asked Ms. Glashoff for the next meeting date. February 8<sup>th</sup> was offered along with February 22<sup>nd</sup>. Attorney Fairweather said she is on vacation the week of February 7<sup>th</sup>. Mr. MacQueen asked Engineer Scherer about the topography and referred this question to Planner Bolan. Planner Bolan said they can do a sheet that shows the USGS topography, so the board will know how it rises and falls and since there is a house within the 200' of the property, the board will need to know this.

At the conclusion of the board's discussion, Attorney Gallina announced that this matter will be carried to the February 22, 2012 meeting at 7:30 p.m. with no further notice given. Attorney Schmidt for the objectors asked about bringing to the next meeting their professionals. Chairman Terzuolo asked Attorney Fairweather who else she had giving testimony. Attorney Fairweather said she will be bringing Civil Engineer Scherer back for questions and their Planner for testimony. Attorney Schmidt said he had a RF Engineer, Planner and Appraiser. Chairman Terzuolo told Attorney Schmidt to bring their professionals.

**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$ 230.00 – Attend Mtg 10/26/2011
	\$ 258.75 – Escrow ( <b>Davara Industrial Ctr</b> )
	\$ 833.75 – Escrow ( <b>New Cingular Wireless</b> )
	\$ 201.25 – Escrow ( <b>Todd Harris</b> )
b. Michael Bolan, PP	\$1,022.40 – Escrow ( <b>New Cingular Wireless</b> )
c. Court Stenographer	\$ 200.00 – Attend Meeting January 25, 2012
<b>Total:</b>	<b>\$2,746.15</b>

Motion by Mr. MacQueen and seconded by Mr. Kozlowski to approve the bills as presented. Unanimously approved.

**CORRESPONDENCE:**

- a. New Jersey Planner – November 2011 handed out at meeting
- b. Land of the Land (3 Articles) handed out at meeting
- c. Any other correspondence will be handed out at meeting
- d. Hunterdon County Planning Board, Hunterdon County Soil Conservation & Hunterdon County Bd off Health – Davara Industrial Ctr.
- e. Hunterdon County Planning Board – New Cingular Wireless - enclosed
- f. Law Bulletin – January 2012 – handed out at meeting

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Maurizio to adjourn the meeting at 9:50 p.m. Unanimously approved.

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**CHAIRMAN BRUCE TERZUOLO**

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**GAIL W. GLASHOFF, BOARD SECRETARY**