

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, N.J.**

May 3, 2011

The 838th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:02 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Rich, Ms. Bleck, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Piazza and Mr. Piasecki.

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 11, 2011, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on April 27, 2011.

PRESENTATION OF MINUTES: April 5, 2011 Regular Meeting

Motion by Mr. Rich and seconded by Ms. Bleck to approve the minutes as presented. Unanimously approved.

ITEM FOR DISCUSSION:

- 1. Alternative Energy Ordinance back from Township Committee.
(Ord Not Adopted) (Refer to page 3 – 2b)

Chairman MacQueen stated that the ordinance has come back to the board again. Chairman MacQueen said that this will not be discussed this evening but will be discussed on June 7th along with the Township Committee with all 5 members being invited. Chairman MacQueen said it would be good to have everyone on the same page with this discussion on the Alternative Energy Ordinance. He is having the Environmental Commission do some research on this subject for the June 7th meeting.

- 2. Discuss creating an ordinance for Grading and Stormwater (see attached ordinance)

Chairman MacQueen said he discussed creating this ordinance with Engineer Risse and asked the Engineer to touch on this briefly. Engineer Risse said that when someone is building a new house or putting an addition on, Tewksbury has an ordinance that requires the Engineer to do an inspection for grading and stormwater. Lebanon Township does not have an ordinance for this. Engineer Risse said the Construction Official has sent plans to him to review and referring the applicants to the Tewksbury Ordinance for Grading and Surface Water Management. A copy of their ordinance was sent to the board for review and to see if the board wants to have a similar ordinance. The board needs to decide whether they want to create an ordinance or let Tewksbury know they are not interested in having an ordinance. Right now it is a conflict with what is being done with Lebanon Township. Chairman MacQueen asked if this type of ordinance would help with the Solar panels. Engineer Risse said yes. Ms. Glashoff noted that we have a Construction Escrow Fee and if the board decides to create an ordinance the cost for Engineer Risse would be covered under our Construction Escrow Fee. Engineer Risse said this needs to be cleared up because it is confusing to the applicant.

- 3. Discuss when to have Joint Meeting with Township Committee (covered under Item 1)
- 4. Confidential Letter from Highlands Council dated April 6, 2011 – Planner Bolan

Planner Bolan said along with the Cover Letter is a CD with the entire report from the Highlands. They are looking to give approval with conditions. Planner Bolan stated that since we are having this joint meeting on June 7th it would be a good idea to have a discussion on the report from the Highlands.

Chairman MacQueen announced that all the items will be listed for discussion at the June 7, 2011 meeting. Since the Township Committee will be present, Ms. Glashoff will put a notice in the newspaper for the joint meeting.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 455.00
b. Michael Bolan, PP	\$1,552.20
c. Bayer/Risse Engrs.	<u>\$1,314.50</u>
	\$3,321.70
d. H.C. Planning & Zoning Luncheon	\$ 25.00
Seminar – G. Glashoff	Total: \$3,346.70

Motion by Mr. Gerlich and seconded by Mr. Weiler to approve the bills as presented. Unanimously approved.

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CORRESPONDENCE:

- a. Law of the Land - 3 Articles (Hand out at Meeting)
- b. Star Ledger Article on Cell Cubes (" " ")
- c. Letter/Release re: Doug Stryker (enclosed)
- d. Letter to Township Attorney re: Doug Stryker (enclosed)

Chairman MacQueen asked if there was anything needed regarding the letters on the Doug Stryker matter. Attorney Gallina said no. Attorney Gallina said Mr. Stryker is looking to get permits to commence work before getting approval from the DEP. A letter releasing the Township, the Zoning Officer, Construction Official the Flood Plain Manager from any work stop order from the DEP. Attorney Gallina said he did not feel this was appropriate and sent a letter to the Township Attorney Dick Cushing for his opinion. Attorney Cushing sent a letter to Attorney Orr stating that he doesn't have the authority to grant a release and stated he has to get the approvals from the outside agencies having jurisdiction before any permits are issued and work is commenced

NEW BUSINESS:

Jeffrey Garguilo	Block #59	Lot #24
262 Musconetcong River Road	Musconetcong River Road	RC
Washington, N.J. 07882		

PUBLIC HEARING 1 Lot Minor Subdivision with Variances

Attorney Gallina said he received a call from Mr. Garguilo stating he wants to amend the application and submit new plans and will re-notice for another meeting date. Attorney Gallina said the application will be carried to June 7th with the applicant re-noticing with the amended plan.

New Cingular Wireless	Block #12	Lot #45.05
340 Mt. Kemble Ave	Route 513	B1
Morristown, N.J. 07962		

PUBLIC HEARING Conditional Use/Site Plan/Variances

Chairman MacQueen asked everyone to take a seat. There is a limit in the meeting room of 75 people and 5 out in the hall and we don't want to have a problem.

Attorney Judy Fairweather from Day/Pitney was present to represent the applicant New Cingular Wireless. Attorney Gallina announced that all the notices are in order and the board can proceed with the hearing. The following was marked into evidence: **A1**-Affadavit of Proof of Service, **A2**-Notice to Property Owners, **A3**-Certified List of Property Owners, **A4**-POD Slips, **A5**-Notice in Newspaper, **A6**-Taxes Paid.

Chairman MacQueen announced that the board adjourns at 10:00 p.m. Chairman MacQueen explained to the public the procedure that is followed for a Public Hearing. Attorney Gallina said he had spoke to the objectors Attorney Rob Simon and asked if anyone was present this evening from his office. Attorney Furriss said she will be representing the objectors. At this time, Attorney Fairweather had the RF Engineer Yvan Joseph sworn in to give testimony. Engineer Joseph referred to the Propagation Map which is a radio frequency exhibit consisting of several layers. The map was marked into evidence as **A7**-Propagation Map consisting of several overlays. The base layer shows roads, waterways, landmasses, terrain and topography in the township. Engineer Joseph identified current locations of existing facilities of At&T in the township. The main objective is to cover Route 513 and Route 628. The next overlay represents the new coverage that will be gained by placing the facility in the location that is being proposed. This will achieve at least 2 miles of service along Route 513. Engineer Joseph stated the Verizon Tower that was approved by the Township Planning Board here at the Municipal Building would not benefit the applicant as a co-locator because of the terrain and elevations. At the conclusion of Engineer Joseph's testimony, Chairman MacQueen asked if the board had questions of the witness. Mr. Schmidt asked if Verizon and AT&T use different bandwidths and different technologies. Engineer Joseph said they both use different technologies and operate on various different frequencies. Engineer Joseph stated that each carrier chooses which technology they want to use. The FCC assigns different frequencies to different technologies. Mr. Weiler asked if there were any other alternative technology other than a tower. Engineer Joseph said not at this time.

Chairman MacQueen asked Engineer Joseph to explain the technology of a cell phone and how they work. Engineer Joseph explained the process to the board. Mr. Schmidt asked if they could get all the coverage they need if they located at Voorhees High School. Engineer Joseph said it would only cover 1 mile on Route 513 instead of the 2 miles from the Donald Wright location. Mr. Schmidt asked if you could locate further north on Route 513 would that work better. Engineer Joseph said yes. Mr. Schmidt said for the record, the first overlay in green shows existing coverage and the second overlay in blue shows the proposed coverage. Engineer Joseph said yes.

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Planner Bolan asked if there were any existing structures, towers etc that they could use. Engineer Joseph said no, none that can accommodate their antennas. Planner Bolan asked if they work with a real estate person. Engineer Joseph said they have a real estate department that can identify properties that are suitable. They try to find properties with existing buildings and/or towers. Mr. Schmidt asked about the possibility of putting a smaller type booster on top of a utility pole to cover these gaps. Engineer Joseph said that technology doesn't exist.

Being no further questions, Chairman MacQueen opened the hearing to the public for questions of the witness. Attorney Sophia Furriss who represents 2 of the residents of Country Woods Drive said she would like to reserve their rights to present their own witnesses based on what is presented by the applicant's witness. Also, Attorney Furriss asked if the board was going have their own independent RF Consultant. Attorney Gallina said not usually. At this time, Attorney Furriss asked several questions of the witness. Attorney Furriss referred to a report prepared by Engineer Kreisberg who at the time worked for AT&T. Attorney Gallina stated that since this report is part of the application it needs to be marked. The following was marked into evidence: **A8**-Comprehensive Radio Frequency Report prepared by Engineer Glen Kreisberg on October 18, 2010. Attorney Furriss asked many questions regarding the Report. At the conclusion of Attorney Furriss questions of the witness, Chairman MacQueen asked if anyone else from the public had questions. The following people within the 200' of the applicant's property had questions of Engineer Joseph: Mr. David Tullo and Mr. David Klausman. Chairman MacQueen announced that the board will take a 10 minute recess at 8:25 p.m. When the board reconvened at 8:36 p.m. the following people within the 200' asked questions of Engineer Joseph: Mr. Steve Lenzinger, Mr. Alex Kierez, Ms. Jessica Avallone and Dr. Nicholas Avallone. Chairman MacQueen asked if anyone else had questions. Mr. Bill Hausler of West Orchard St and Ms. Kathy Hillmann of Buffalo Hollow Road, Ms. Debbie Goodsite of Route 513 also had questions of the RF Engineer.

At the conclusion of the public questions, Chairman MacQueen asked if the board had any additional questions. Mr. Schmidt asked if the applicant had approached Voorhees High School. Attorney Fairweather said it wasn't a question for Engineer Joseph. Mr. Schmidt asked if there were going to have someone testify that could answer the question. Attorney Fairweather said they could have a real estate person testify. Mr. Rich said he doesn't feel comfortable that the applicant has given enough testimony regarding all and any alternatives sites. Attorney Fairweather said her next witness is Civil Engineer Glenn Scherer. Engineer Glenn Scherer was sworn in. Engineer Scherer informed the board he has walked the site and has overseen the drafting of the drawings. Engineer Scherer stated the applicant is proposing a 38'x38' telecommunication compound approximately 289' into the existing lot. The shelter is 10' high, 11.6'x 20' long. All the equipment will be housed inside the compound. Two locations within the compound are shown for future carriers. The monopole will be 150' tall. AT&T has two groups of antennas. One group is at 148' and composed of six antennas. The second one is below at 138' with six antennas with a total of 24 antennas. Also shown on the plan are two other future co-location areas at 128' and 118'. Engineer Scherer stated they are proposing a low profile mount, which is an arm mount and the antennas are much closer with two rad centers instead of 12 out on a platform. The antennas are being split up so they can get the antennas closer to the pole to reduce the visual impact. At this time the site plan was marked into evidence; **A9**-Site Plan consisting of 7 pages prepared by Malick & Scherer, dated 9/28/2010, last revision 1/24/2011.

Engineer Risse stated the compound is being located in the parking lot of the existing commercial site which is encompassing some of the parking spaces associated with the existing use on the property and asked Engineer Scherer how are they going to make up for the parking. Engineer Scherer said they were not looking to add any additional parking spaces. Engineer Scherer said the use doesn't demand additional parking. Planner Bolan asked about a landscaping plan since one is not being provided. Engineer Scherer said there are already plantings in the back portion of the property and they are proposing their facility on pavement. Engineer Scherer stated they are proposing an 8' high fence which they can increase the height if necessary. Planner Bolan noted that the plans show for three and asked how many more collocators can be added. Engineer Scherer said they could put another 3 or 4 more co-locators. Planner Bolan said on one of the sheets it shows a wireless tower located 7,920' from the proposed tower and asked where it is located. Engineer Scherer did not know. Planner Bolan asked about signage on the equipment compound of the tower. Engineer Scherer said there is usually a small sign on the gate which is an emergency notification sign.

Chairman MacQueen asked if there were any additional questions by the board. There were none. Chairman MacQueen opened the hearing to the public for questions of Engineer Scherer. Attorney Furriss asked several questions of the witness. The following people from the public had questions: Mr. David Klausman, Dr. David Avallone and Jessica Avallone. Chairman MacQueen asked if anyone else had questions. There were none.

At this time Chairman MacQueen asked Ms. Glashoff for another date for continuing the public hearing. Ms. Glashoff offered Tuesday May 17th. Everyone agreed to the date. Attorney Gallina announced to the public that this matter will be carried to Tuesday May 17th at 7:00 p.m. No further notice will be given.

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Attorney Fairweather said she has two more witnesses to give testimony. An unidentified member of the public asked when the public gets to speak. Chairman MacQueen stated after all of the applicant's witnesses have given testimony along with questions from the board, their professionals and the public's questions then it is opened to the public for statements and comments. Chairman MacQueen said if members from the public wish to give testimony they will be sworn in. They can also present their own professionals.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Weiler to adjourn the meeting at 9:55 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK