

## REGULAR MEETING

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

**May 16, 2017**

The 905<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Chairman Gary MacQueen. Present were: Mr. McKee, Mr. Duckworth, Mr. Schmidt, Mr. Piasecki, Mr. Weiler, Mr. Wunder, Mr. Skidmore, Attorney Gallina, Planner Bolan & Engineer Risse. Also present: Deputy Mayor Mike Schmidt and Committeewoman Ms. Beverly Kohler. **Excused:** Mr. Rich, Ms. Bleck & Mr. Gerlich.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on February 7, 2017, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on May 10, 2017.

Please take notice that in accordance with the "Open Public Meetings Act" the Township Committee will be attending the Township Planning Board Meeting on Tuesday May 16, 2017 at 7:00 p.m. The purpose of the Committee attendance is to discuss the Township's Open Space Plan with the Board. The meeting will be held in the Main Meeting Room in the Municipal Building, 530 West Hill Road, Woodglen, N.J. 08826.

Chairman MacQueen announced that after the approval of the Planning Board Minutes, the board will go into the discussion on the Open Space Plan.

**PRESENTATION OF MINUTES:** March 7, 2017 Regular/Joint Meeting w/Township Committee

Motion by Mr. Piasecki and seconded by Mr. McKee to approve the minutes as presented. Unanimously approved.

**PRESENTATION ON THE OPEN SPACE RECREATION PLAN:** Planner Bolan & Deputy Mayor Mike Schmidt

Planner Bolan started the discussion with the timeline for the 2017 Update to the Open Space & Recreation Plan Element. The purpose of tonight's discussion is to review the timetable and scope of the work that will need to be completed by the end of 2017 to be provided to the Green Acres Grant Program. Planner Bolan said the plan is 15 years old and needs to be updated and in order to make an application to Green Acres for a Planning Incentive Grant our Open Space & Recreation Plan needs to be updated. The OSRP needs analysis, there's a concept that Green Acres makes you use called the balance land use concept. It doesn't have any meaning here because of the rural nature of the Township. It is designed for urban suburban areas. The active Recreation needs analysis, it was a major undertaking back in 2002. Planner Bolan said that Mike Schmidt is going to enlist the Township employees and the Athletic Association in order to complete the survey and when we get to the timeline we hope we can work around it. Planner Bolan noted that we didn't have Memorial Park back when the 2002 Plan was prepared and adopted. The inventory of lands is very straight forward. The resource assessment consist of 2 or 3 maps which shows the parks and open space. The open space priority along with the preservation priorities which include streams, rivers, critical habitats, which we have made priorities for preservation. The priorities are in conjunction with the open space. It is mandatory that we have two public hearings. The first public hearing will be the Planning Board for the adoption of the Open Space Recreation Plan and the second public hearing will be at the Township Committee for the OSRP with the Committee's endorsement. This is a Master Plan amendment and part of 15 elements within the Master Plan.

Planner Bolan said the timeline being purposed is very ambitious. At the next meeting on June 6<sup>th</sup> we will agree on scope of OSRP Update and discuss a specific work plan. Also, confirm involvement with OSEC, Park Committee and

**Lebanon Township Planning Board**

**May 16, 2017**

**Page 2**

Recreation Committee. These tasks will include drafting and distribution of recreation surveys to independent Township organizations to assess recreation needs. Planner Bolan said during July these identities will be gathering information with the Planner preparing the drafts. At the August meeting the board will review the OSRP goals and objectives along with discussing issues and concerns and to provide guidance to those groups involved. August 29<sup>th</sup> is the deadline for these working group reports to be provided to the Planning Board. EOSC, Park & Recreation Committees including recreation facilities needs and recommendations. Planner Bolan said the deadline is for the distribution to the Planning Board to consider at their September meeting. Then in October the Planning Board is to review a final draft of the OSRP update and provide comments for the final OSRP Element. Then in November the Planning Board will hold their public hearing to adopt the OSRP and finally at the Township Committee's first meeting in December they will hold their public hearing on the OSRP for endorsement. Planner Bolan said before year end, the updated OSRP will be provided to Green Acres Grant Program. Deputy Mayor Schmidt agreed the timeline is ambitious but feels confident that it can be met and reviewed for the board the colored maps. Deputy Mayor Schmidt said we need to have all this done by the end of the year in order to meet the deadline for the Green Acres Grant.

Chairman MacQueen opened the discussion up to the board for questions/comments. Mr. Duckworth said the Environment Commission supports the efforts made to meet the deadline. Mr. Duckworth also noted that our Farmland Preservation Element is also from 2002 and we will need to update it. At the conclusion of the board's discussion, motion by Mr. Duckworth and seconded by Mr. Wunder to move forward with the Open Space & Recreation Plan Element to meet the December deadline for the Green Acres Grant.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. McKee	Mr. MacQueen	<b>Absent:</b> Mr. Rich	<b>No:</b> None
	Mr. Duckworth	Mr. Weiler	Ms. Bleck	
	Mr. Darryl Schmidt	Mr. Wunder	Mr. Gerlich	
	Mr. Piasecki	Mr. Skidmore		

**APPLICATION FOR COMPLETENESS AND WAIVERS:**

Crown Castle	Block #41	Lot #11.02
c/o Judy Fairweather, Esq.	Route 513	15
160 Morris St.		
Morristown, N.J. 07960		

Representing the applicant are Attorney Judy Fairweather and Architect Frank Colasurdo. Attorney Fairweather made an opening statement. Board Engineer Risse reviewed the checklist with the waivers that the applicant is requesting. The following waiver items are as follows: Items #13/14/15/16 – No public improvements are proposed for 13 & 14. Items 15 & 16 – no new foundations are proposed and no changes proposed that would affect surface water runoff. Items 33 board can waiver for completeness only and no proposed streets or lots. Items 42 & 43 no ground improvements proposed for either item. Item 45, this can be waiver for completeness only, Item 48, no ground improvements proposed. Item 55- no ground improvements proposed, Item 57, landscaping is existing, Item 58, no area lighting proposed. Board may require additional lighting details during hearing. Mr. Skidmore had a question regarding the condition in the resolution, this application was approved in 1999 and one of the conditions was that they could not have any lighting/flashing lights on the cell tower and it's now 15+ years later and lighting was installed on the tower which is in violation of the condition. Attorney Gallina

**Lebanon Township Planning Board**

**May 16, 2017**

**Page 3**

said in the ordinance under Design Standards it states specifically no lights on cell towers. The applicant is now requesting that the condition be removed from the resolution. Mr. Skidmore said the board can either grant or deny the request. Attorney Gallina said that is correct. Attorney Gallina said they violated the condition per the question by Board Member Schmidt. Attorney Gallina said this board does not have enforcement authority. It is up to the Zoning Officer or Construction Official to take action. Attorney Gallina said the application is for a variance and to remove the condition regarding the lighting on the tower and the applicant needs to provide sufficient evidence in their testimony in order for the board to grant their request. After a discussion by the board regarding completeness, motion by Mr. Piasecki and seconded by Mr. Weiler to deem the application complete with the following waivers for completeness only, Items: 33,45 & 58 with the balance of the waivers requested being granted.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. McKee	Mr. MacQueen	<b>No:</b> Mr. Darryl Schmidt	<b>Absent:</b> Mr. Rich
	Mr. Duckworth	Mr. Weiler	Mr. Skidmore	Ms. Bleck
	Mr. Piasecki	Mr. Wunder		Mr. Gerlich

**NEW BUSINESS:**

Crown Castle	Block #41	Lot #11.02
c/o Judy Fairweather, Esq.	Route 513	15
160 Morris St.		
Morristown, N.J. 07960		

**PUBLIC HEARING**

Remove Condition #1 in Resolution dated December 21, 1999  
Amend Site Plan & Request Variance for Lighting on Cell Tower

Attorney Fairweather was present and made a presentation to the board. Attorney Fairweather stated that the property owner thought it was unsafe when doing crop dusting and requested Crown Castle to install lighting on the tower. This was done March/April of 2016 and the lights was put on because of that request. Crown Castle didn't think they had to come before the board, because on January 4<sup>th</sup> of 2016 Congress passed an FAA Extension Security Act of 2016. In the Act it states if you are in an agricultural area you have to have a light on the tower over 50'. Crown Castle had 1 year to install the lighting. Attorney Fairweather said Crown Castle should have notified the Township and explained about the new law that went in affect. Mr. Piasecki asked to address the comments made by Attorney Fairweather. Mr. Piasecki asked if the land owner asked to have the lighting installed for crop dusting proposes. Attorney Fairweather stated that the planes fly low and that's why the request was made about lighting. Mr. Piasecki asked if anyone was here this evening to testify on this issue. Attorney Fairweather said no. Attorney Gallina interjected stating that the applicant needs to put on their case and then we can ask questions.

Attorney Gallina said all the notices are in order and the board can proceed with the hearing. The following items were marked into evidence: **A1**-Affadavit of Proof of Service, **A2**-Notice to property owners, **A3**-Certified List of Property Owners & Utilities, **A4**-POD Slips, **A5**-Notice in Hunterdon Review, **A6**-Taxes Paid.

At this time, Architect Frank Colasurdo was sworn in to give testimony. Mr. Colasurdo referred to Sheet Z4 dated 2/21/2017 which shows the existing monopole on the Melick farm on Route 513. The monopole is approximately

**Lebanon Township Planning Board**

**May 16, 2017**

**Page 4**

1400' from Route 513 and 169' from the South branch of the Raritan River in the back portion of the property. Sheet Z5, shows the site elevation at a height of 159.4. The top beacon is a dual beacon which is white light during the day and red light at night makes it a 164' 10" above grade. The light fixture itself is 16.5" in diameter and 17' high. It sits on a pre-manufactured bracket that comes with the light. These lights were put up over a year ago. There is zero light that falls on the ground. Mr. Colasurdo said at the time the township was having the cell tower behind the building discussed at the Planning Board Meeting, they informed the applicant that EMS asked about having lighting on the tower in the event a helicopter would have to land. The decision was made not to have any lighting on the tower behind the Municipal Building. Planner Bolan asked if there were other lights being purposed. Planner Bolan asked about the obstruction lights that were on the original approval. Planner Bolan said on the plan it refers to new obstruction lights. Mr. Colasurdo stated that it should say existing lighting. Chairman MacQueen asked where the obstruction lights are on the tower. The board had a few questions for Attorney Gallina before continuing with the testimony by the Architect Colasurdo. Attorney Gallina noted that the applicant had violated one of the conditions of approval which stated per the ordinance that there would not be any lighting on the tower. This was in the Design Standards of the Cell Tower Ordinance. Board Member Schmidt asked if the applicant had been fined. Attorney Gallina said this board does not have any enforcement power and we don't know what action the Zoning Officer took in this matter. Attorney Gallina said the applicant is looking to get relief from the condition in the Resolution that stated no lighting on the tower. Mr. Skidmore said this board established conditions with this application back in 1999 and the condition regarding the lighting is now in violation.

At this time, Mr. Colasurdo continued with his testimony and stated the new regulation came out in January 2016 and the lights were installed in April of 2016. Mr. Colasurdo said he did not know if Mr. Melick contacted Crown Castle and told them to install the lighting once the regulation went into effect. Attorney Gallina said that Attorney Fairweather sent him a copy of the new statute and asked Attorney Fairweather to elaborate on the standards for the board. Attorney Fairweather said this was to increase the requirements of the FAA. They refer to these self standing towers as covered towers. Existing towers have one year to comply and all new towers are to have lighting. Attorney Fairweather said that Crown Castle should have come to the board once they knew about the new rules. That was a mistake on Crown Castle part. Mr. Schmidt asked could the lights be put on at the farmers request or that they must be put on. Attorney Fairweather said they must be put on per the new regulations. Mr. Schmidt asked if they can be turned off when they are not crop-dusting. Attorney Fairweather said they have to be lite 24/7 and there are no exceptions to the new rules. Mr. Skidmore asked if it stipulates that you need three lights. Attorney Fairweather said for that particular tower yes you need three. Mr. Skidmore asked about the candle power. Attorney Fairweather wasn't sure but that she would find out. Mr. Skidmore said the reason for his question is that could they be made dimmer. Mr. Skidmore said we find this out after the fact and we are concerned for the residents that are affected by it. Attorney Gallina said in agricultural areas they are referred to as covered towers.

Chairman MacQueen asked the board if they have any questions of Mr. Colasurdo or Attorney Fairweather. Mr. Weiler asked about the timeline on these new regulations. Attorney Fairweather said she has a copy of the new regulations and that is what she is going by. Mr. McKee said the Cell Tower pole is 159' and is now extended to 164' which is above the height it was originally approved by this board. Also, the terrain of this township is hilly and using a level line where is that shining at, it could be a resident's home. Mr. Colasurdo said the tower is 1000' from Route 513 and didn't think it would be affecting any homes on 513. Mr. Duckworth said if you stand under the light and look up you will not see anything. Mr. Colasurdo said you will not see anything on the ground. Mr. Piasecki asked what the diameters are of the footings on the pole. Mr. Colasurdo said the base of the tower not

**Lebanon Township Planning Board**

**May 16, 2017**

**Page 5**

the footings is 52.5". Mr. Piasecki said if you don't have the exact measurements you will need them because a covered tower with base footings of 10'. Mr. Piasecki said we need to know if it applies here. Attorney Fairweather said we need to know if the tower is less than 10' in diameter. Mr. Piasecki asked if there is a record of any or all work that has been done on the Tower since the lights were installed including the installation of the lights. Mr. Colasurdo said no. Mr. Piasecki said the question is has there been any other work done since the installation of the lights or modifications. Mr. Colasurdo said not that he is aware. Mr. Piasecki wanted to know if the height of the tower had been adjusted or the intensity of the lighting and asked if they could find out. Attorney Fairweather said yes. Mr. Piasecki asked about the lighting effect on neighboring houses and was there any consideration of the terrain. Mr. Colasurdo said no. Mr. Piasecki said there are houses that sit even with the tower. Mr. Colasurdo said he did not know that. Mr. Colasurdo said he does not believe since the tower is 1000' from Route 513 that any houses would be affected. Mr. Colasurdo said the lighting during the day is white and is red at night. Mr. Piasecki said with the new law it compels having a light on the tower and referring to the law that was enacted on January 4, 2016, Section 2110. Mr. Piasecki referred to the small letter a, states no later than 1 year after the enactment of the act, the administrator of the FAA shall issue regulations marking covered towers and asked Attorney Fairweather if she had a copy of that, her response was no. Attorney Fairweather said she is assuming that it has been issued. Mr. Piasecki asked if she knows that the regulations control not the act. Attorney Fairweather said yes. Attorney Fairweather said she will come to the board next month after checking with Crown Castle to make sure that it complies with the regulations. Attorney Fairweather will also bring back with her next month the owner of the property. At the conclusion of Mr. Piasecki's questions, Mr. Schmidt noted that the property owner had asked to have the lights and since it is a regulation, no one thought to let the Township know of the new regulation. Attorney Gallina said that the request from the property owner had predated the new law. Mr. Weiler said if the property doesn't have an orchard anymore then do we still need the lights on the tower. Attorney Fairweather said if the property is no longer being used for agricultural purposes, then yes the lights are not needed. Planner Bolan said that the board should have a copy of this regulations Section 2110. Attorney Fairweather said she would forward a copy to Ms. Glashoff for the board. Chairman MacQueen went over the items that the board will need answers to for the next meeting.

At this time, Chairman MacQueen stated that the board will take a brief recess at 8:30 p.m. When the board reconvened at 8:39 p.m. Chairman MacQueen opened the hearing to the public for questions of Mr. Colasurdo and Attorney Fairweather. The following people asked questions of the testimony given: Amy Scheffer of 1 Fawn Ridge and John Lloyd of 420 Trimmer Road. At the conclusion of the public's questions, Attorney Gallina announced this application will be carried to the June 6<sup>th</sup> meeting at 7:00 p.m. No further notice will be given.

**ITEMS FOR DISCUSSION:**

- a. Attorney Gallina is requesting that the June Meeting be on June 6<sup>th</sup> instead of June 20<sup>th</sup>

During the discussion on the Open Space & Recreation Plan, the decision was made to have the next Planning Board Meeting on June 6<sup>th</sup> instead of June 20<sup>th</sup>.

- b. Updates on Affordable Housing – Planner Bolan

Planner Bolan stated that the Mercer County trial is still going on and will probably last into June.

Lebanon Township Planning Board

May 16, 2017

Page 6

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$1,312.50
b. Michael Bolan, PP	\$ 700.00
c. Bayer/Risse Engrs.	\$1,338.75
<b>Total:</b>	<b>\$3,351.25</b>

It was noted that on the Agenda Addendum a bill from Planner Bolan for **\$333.50** was added to the bill list, bringing the grand total of the bills to **\$3,684.75**. Motion by Mr. Piasecki and seconded by Mr. Skidmore to approve the bills as amended. Unanimously approved.

**CORRESPONDENCE:**

- a. NJ Planner - Jan./Feb./Mar./April 2017
- b. Email from Sara Malone @ Rutgers
- c. Article on Small Wireless Facilities in Public ROW
- d. Article on Tree Removal/Abandoned Homes
- e. Article – Actions on Affordable Housing

Being no further business to come before the board nor comments from the public, motion by Mr. Wunder and seconded by Mr. Piasecki to adjourn the meeting at 8:55 p.m. Unanimously approved.

---

**CHAIRMAN GARY MACQUEEN**

---

**GAIL W. GLASHOFF, PLANNING BOARD CLERK**