

**REGULAR MEETING**

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

**June 6, 2006**

The 788th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Vice Chairwoman Doreen Bleck. Present were: Mr. Weeks, Mr. Schmidt, Mr. Gerlich, Mr. Rich, Ms. Schriver, 1st Alternate Weiler, Attorney Gallina, Planner Bolan and Engineer Risse.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 17, 2006, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board on May 30, 2006.

**SWEAR IN:** Richard Weiler, Jr. Class IV Alternate I (Unexpired Term) 12/2006

Attorney Gallina did the honors and sworn in Mr. Weiler as Alternate I. The board congratulated and welcomed Mr. Weiler to the board.

**PRESENTATION OF MINUTES:** May 2, 2006 Regular Meeting

Motion by Ms. Schriver and seconded by Mr. Gerlich to approve the minutes as presented. Unanimously approved.

**RESOLUTION:**

a. Sturbridge Estates Block #34 Lot #2  
Extension of Time to file deeds West Hill Road RC 7½

After a brief discussion by the board, motion by Mr. Schmidt and seconded by Mr. Rich to approve the resolution of Sturbridge Estates for an Extension of Time to File Deeds.

**ROLL CALL** Yes: Mr. Weeks Mr. Rich Abstain: Mr. Weiler Absent: Mr. Piasecki  
Mr. Schmidt Ms. Bleck Mr. MacQueen  
Mr. Gerlich Ms. Schriver Mr. Spatz

**FYI:** Highlands Update  
NJDEP & Lebanon Township Preserve Highlands Property (Riback Farm, Anthony Rd 163-acres)  
Seminar "NJ Highlands: Taking Planning To The Next Level" sponsored by ANJEC June 22, 2006

Mr. Schmidt and Mr. Weiler said there were interested in attending the seminar on "NJ Highlands: Taking Planning To The Next Level". Ms. Glashoff will send in the information for their attendance.

**EXEMPTION FROM SITE PLAN REVIEW:**

Country Valley Inc. Block #38 Lot #273  
c/o David McCrone Route 513 B1  
429 Route 513  
Califon, N.J. 07830

Storage shed to house used tires waiting for disposal pickup per Hunterdon County Board of Health

Mr. McCrone gave a brief presentation to the board explaining why he needs the storage shed for tires. Mr. McCrone stated that the County Board of Health requested that the tires be placed in an indoor facility while waiting to be picked up. When it rains the water sits in the tires and draws mosquitoes. Mr. McCrone stated that the tires are picked up on a weekly basis. The storage shed that is being proposed in 10' x 20' and will be placed behind the service station. A picture of the proposed storage shed was submitted with the application. Mr. McCrone informed the board that the replacement trees have been planted and shields have been placed on the

lights behind the gas station per the resolution. The board thanked Mr. McCrone was resolving those issues regarding the trees and lighting shields.

Planner Bolan referred to Section 18-5.1 of the ordinance book regarding requirements of site plan approval and felt that the request by Mr. McCrone did not warrant filing a revised site plan. During the board's discussion, it was decided that the proposed storage shed will not involve a change in use on the site or involve a change in any parking facilities or disturbance of soil over 5000 sq. feet. Also, the shed will serve an important public health interest by preventing the breeding of mosquitoes.

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Motion by Ms. Schriver and seconded by Mr. Weeks to approve the request for Exemption from Site Plan with the following condition:

- a. The applicant shall obtain all other necessary approvals from all other outside agencies having jurisdiction.

**ROLL CALL**     **Yes:** Mr. Weeks                      Ms. Bleck                      **No:** None  
   Mr. Schmidt                      Ms. Schriver  
   Mr. Gerlich                      Mr. Weiler  
   Mr. Rich

**Attorney Gallina will prepare the Resolution for adoption at the July 18, 2006 Meeting.**

**NEW BUSINESS:**

Cingular Wireless                                      Block #17 Lot #29  
15 East Midland Ave                                      Califon-Cokesbury Road  
Paramus, N.J. 07652

**PUBLIC HEARING**                                      Conditional Use with Site Plan /Co-location for Cell Tower

Attorney Gallina stated that 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 (Lebanon Township), A4-Certified List of Property Owners (Clinton Township), A5-Certified List of Property Owners (Tewksbury Township), A6-POD Slips, A7-Notice in Newspaper.** Attorney Gallina noted that the Certification of Taxes Paid will need to be submitted to the Board Clerk.

Attorney Anilkumar Avutu made a brief presentation to the board on behalf of his client Cingular Wireless. Attorney Avutu had RF Engineer Stephan Guillabert was sworn in to give testimony. Engineer Guillabert reviewed for the board the coverage sheets. The following was marked into evidence: **A8-Coverage Map without Site W-161, A9-Coverage Map with Site W-16.** Engineer Guillabert referred to the coverage maps stating that areas marked in green have coverage and the white areas are the areas in need of coverage. In the white area on the map, if someone is trying to initiate a call they will either get spotty service or no service at all. Engineer Guillabert stated they comply with all the FCC regulations and standards. Engineer Guillabert referred to the report with the calculations with the exposure analysis which was submitted to the board back in January 2006. The exposure generated is less than 1% assuming 100% is the maximum allowable per Engineer Guillabert. At the conclusion of Engineer Guillabert testimony, the board and their professionals asked several questions of the witness. Planner Bolan asked questions regarding Map Exhibits A8 & A9. At the conclusion of the board questions, Vice Chairwoman Bleck opened the hearing to the public for questions of the witness. The following person asked questions: Linda Albin questions will be answered by the Engineer and Planner.

The next exhibit to be marked was **A10-3-D Topography Map**. Engineer Guillabert reviewed the topography map for the board. The next exhibit to be marked was **A11-Coverage map** for sites surrounding Verizon site. Engineer Guillabert stated that if they were to co-locate on the Verizon site, they would lose coverage on the Califon Road. At the conclusion of Engineer Guillabert continued testimony, Vice Chairwoman Bleck opened the hearing to the public. The following people asked questions: Linda Albin and Robert Dzierzanowski. At this point some of the board members asked questions of Engineer Guillabert.

At this time, Attorney Avutu had Glenn Scherer, Professional Engineer with the firm of Malick and Scherer sworn in to give testimony. Engineer Scherer referred to the Site Plan with a revision date of January 30, 2006. Engineer Scherer addressed sheet Z02 of the Site Plan. The following was marked into evidence: **A12-Radius Map** page Z02 of Site Plan dated December 12, 2005 and revised January 30, 2006. Also the following items were marked into evidence: **A13-Sheet Z03-Site Plan**, **A14-Z04-Detail Sheet of Site Plan**, **A15-Z05 Elevations & Details on Site Plan**. Engineer Scherer made a presentation to the board stating the property consists of 93 acres. The transmission tower is approximately 616 feet from the road that the applicant is proposing the new telecommunications site. At the base of the tower or confined within the legs of the tower there will be 8 cabinets approximately 7' in height and will be on a small 12' x 16' concrete slab and will be concealed behind a board-on-board 7' tall shadow fence. They are proposing 12 antennas on the structure and they will point in three different directions. There will be three groupings of antennas. The existing tower is 135'. On sheet Z05 shows the elevations of the antennas. They will be underneath the second arm of wires with one group with a center antenna height of 121' above grade. The next group will be 113' above grade. They will remain painted in their off white condition and all the mounting hardware will remain in silver color or galvanized to blend with the existing structure.

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Engineer Scherer stated they are proposing some landscaping which is to block the view of the base of the tower from Califon-Cokesbury Road. Engineer Scherer stated they are proposing eight or four 8' tall eastern red cedar trees to be at the base of the tower to soften the visual impact of the board-on-board fence. Engineer Scherer went on to say that a technician will make an inspection of the site once every four to six weeks for about 1 hour. The technician does not climb the tower but checks the cabinets. Ms. Bleck asked if there would be room for other carriers. Engineer Scherer answered yes. Attorney Gallina asked for the dimensions of the antennas. Engineer Scherer stated they are 4'x4' in length, 15" wide and 6 1/2" deep. Mr. Schmidt asked how many cabinets would hold batteries and if there would be a tray to catch any spilled battery acid and asked how many cabinets would be holding backup batteries. Engineer Scherer responded by saying only one cabinet. Mr. Schmidt asked about generators. Engineer Scherer responded saying there are no generators just batteries. Mr. Rich asked the distance to the nearest residence. Engineer Scherer deferred the question to their Planner. Engineer Risse asked about the noise level. Engineer Scherer stated the noise that is emitted from the cabinets is approximately 70 decibels and they will be so far away from all property lines and behind fencing that it will soften the noise. Planner Bolan's questions were to clarify things for the public. At this time Vice Chairwoman Bleck opened the hearing to the public for questions of the witness. The following people asked questions: Guy Bush, Kent Leonhardt, Walter Janicek and Robert Dzierzanowski.

At the conclusion of the public questions, Attorney Avutu had Planner Timothy Kronk sworn in to give testimony. Planner Kronk made a presentation to the board stating based on the Wireless Telecommunications Ordinance of Lebanon Township, this location is an 8<sup>th</sup> priority under the classifications of permitted and conditionally permitted uses. The following item was marked into evidence: **A16-Lebanon Township Zoning Map** dated March 2002. On the map in yellow down in the lower right-hand corner surrounding the subject property is labeled the search ring. This area of the municipality is where coverage is needed. It will eliminate the coverage deficiencies that Cingular is currently experiencing in the Township. The area along Route 513 is highlighted in orange which are the other higher priority zones. The next exhibit is **A17- Aerial Photo** taken on April 16, 2004. This shows Califon/Cokesbury Road. The next three exhibits marked into evidence are: **A18-View #1118** Califon/Cokesbury Road showing power tower dated March 3, 2006, **A19-#1114** view from Califon/Cokesbury

Road looking southwest dated March 3, 2006, A20-#1105 view from Califon/Cokesbury Road looking west dated March 3, 2006.

Planner Kronk noted the equipment compound cannot be greater than 1500 square feet. The proposed compound is 300 square feet and will be located inside the base of the transmission tower. This application meets all the visual compatibility requirements. The proposed equipment is less than 12' in height. Planner Kronk stated they do not have to meet the bulk requirements for tower setbacks because they are locating the antennas on existing structures. This facility will meet all applicable building codes and Cingular agrees to allow other carriers to co-locate on the tower. There will be no lighting and the site will be in complete compliance with all FCC and New Jersey DEP standards for the emissions of radio energy. Planner Kronk reviewed for the board the distances from all property lines regarding residences. At the conclusion of Planner Kronk testimony, there were no questions from the board. Vice Chairwoman Bleck opened the hearing to the public for questions of Planner Kronk. The following people asked questions: Linda Albin questioned if the development rights were sold how a commercial business can be approved on this site. Mr. Leonhardt the beneficiary of the Eva Hinchman Estate stated the NJ Conservation Foundation is the holder of the easement of the development rights and they have been contacted and this is being negotiated to change the easement to allow it. Attorney Avutu interjected stating that the installation is being proposed on an existing right of way, which is an easement held by First Energy. Attorney Avutu felt it was unlikely that a conservation easement would be running over an already existing First Energy easement. They do not let anyone take rights over land where they are running their power lines. Attorney Avutu went on to say that the applicant does due diligence when they enter into a lease and confirm that they are able to place their installation and that they are not placing their installation in any violation of any easements, conservation easements or otherwise in violation of any laws.

In referring to the driveway per Planner Kronk there is no new driveway proposed to get to the site just a small parking area. Also regarding the landscaping, First Energy has a small list of trees that are permitted. At this time, Vice Chairwoman Bleck asked Planner Bolan and Engineer Risse if they have any questions or comments. The answer was no and both wanted to wait until after the public has made their comments and statements.

Vice Chairwoman Bleck opened the hearing to the public for comments and statements at this time. The following people made statements: Guy Wilson, Kent Leonhardt, Walter Janicek, Robert Dzierzanowski and Anna Dzierzanowski. At the conclusion of the public statements, Vice Chairwoman Bleck asked for a motion to close the public hearing. Motion by Ms. Schriver and seconded by Mr. Weeks to close the public portion of the hearing. Unanimously approved.

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Vice Chairwoman Bleck asked for comments from the board professionals. Planner Bolan stated that the application meets all of the setback requirements of the ordinance and all the conditional use standards in the ordinance. This will reach very important parts in the Township running from Voorhees High School up to Hoffmans Crossing Road. There is an application presently before the Board of Adjustment on property at the intersection of Route 513 and Hoffmans Crossing Road. At the conclusion of Planner Bolan's comments, Engineer Risse gave his comments. Engineer Risse agreed with Planner Bolan's comments and stated that the placement within the legs of the tower is a perfect spot for something like this and it does cover almost the full length of Califon/Cokesbury Road. This location fills a pretty big hole in the service map.

When the board was asked for their comments, Mr. Rich suggested that we make the approval subject to the approval of this outside conservation society. Ms. Schriver agreed with Mr. Rich's suggested condition of approval. Planner Bolan suggested the applicant submit a list of the approved trees, ones First Energy will approve and we can select. Ms. Bleck suggested a time frame for completion. Mr. Schmidt concurred with the comments made by board members. Planner Bolan mentioned the Highlands. At the conclusion of the board's comments and recommendations, motion by Mr. Schmidt and seconded by Mr. Gerlich to grant approval for Conditional Use with Site Plan approval with the following conditions:

- a. The applicant will obtain all other necessary approvals from all other agencies having jurisdiction in this matter.
- b. The applicant will obtain the necessary approval from the New Jersey Conservation Foundation that this application is not prohibited under the agreement between the Foundation and the property owner.
- c. The antennas will be painted the same color as the existing tower.
- d. The applicant will provide an updated certification from the Tax Collector that property taxes are paid up to date.
- e. The applicant will consult with the Board Planner in order to select an appropriate type of tree for screening of the equipment compound, which will also be permitted by First Energy.

**ROLL CALL**    **Yes:** Mr. Weeks                      Ms. Bleck                      **No:** None                      **Absent:** Mr. Piasecki  
                                Mr. Schmidt                     Ms. Schriver     Mr. MacQueen  
                                Mr. Gerlich                     Mr. Weiler     Mr. Spatz  
                                Mr. Rich

**Attorney Gallina will prepare the resolution to be placed on the next agenda of July 18, 2006.**

The board took a recess at 8:55 p.m. When the board reconvened at 9:05 p.m. the board went to Items for Discussion.

**ITEMS FOR DISCUSSION:**

**a. Fence Ordinance – Planner Bolan**

Planner Bolan reviewed for the board the fence ordinance from Clinton Township. Planner Bolan stated that the subject of a fence ordinance has come up. On site plan applications we have said that fences are not permitted in the front yard. The Zoning Officer has taken a different interpretation, proof being the fence along Hoffmans Crossing Road as you come down the hill. That is the reason for considering a fence ordinance. He prepared the fence ordinance for Clinton Township and they found after a year they had a problem because the ordinance required you to put the fence two feet off the property line and two neighbors put up fences and what they had was a tunnel between the properties.

Planner Bolan stated that most fence ordinances don't allow for 6 foot fences in the front yard. It is not consistent in maintaining the rural character. In this ordinance it states that you can have a 3 foot fence almost up to your front property line, keeping it at least 2' back from the ROW line. As you go back, once you are 10' from the property line, you can have a 4' fence and once you get to the setback line, which is generally 50' then you can have a 6' fence all the way around the house. You don't want the effect of a wall compound going down the road. Planner Bolan suggested 50% solid fencing like picket fencing or horse fencing. You want to keep with the character in the Township. This particular ordinance is enforceable.

Planner Bolan stated that another issue the Zoning Officer brought up is the location of monuments or pillars on residential properties. This is what is referred to as the gated house look. Should there be setbacks and size controls. The Board of Adjustment at an upcoming meeting will be dealing with an interpretation regarding this issue. Mr. Rich had concerns stating there are houses that are very close to the road and a fence gives them a lot of protection against noise, dirt and keeping animals in. We should at least think about something that would permit an exception. Mr. Rich referred to sections of the ordinance that are very good, but houses that were built very close to the road should be given some kind of consideration. How did Clinton Township handle that type of situation? Planner Bolan suggested asking for relief from the ordinance. Mr. Rich didn't feel it was right to have homeowners coming before

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*the zoning board for relief. Planner Bolan noted that out of two –three thousand properties in the Township, there may only be 20+ that would have a problem adhering to the ordinance. At the conclusion of the board's lengthy discussion, it was decided to have the fences and monuments/pillars placed on the next agenda for continued discussion.*

**b. Increase Escrow Fee on Exemption from Site Plan from \$75.00 to \$400.00 - \$500.00**

*Ms. Glashoff stated that the escrow for Exemption from Site Plan is only \$75.00 since the fee charged is \$50.00. The amount is totally insufficient for any review by our professionals and suggested the board amend the fee schedule to increase the amount to at least \$400.00. After a brief discussion, the board agreed to increase the amount to \$400.00. Motion by Ms. Schriver and seconded by Mr. Gerlich to have Attorney Gallina draft an amendment to the Fee Schedule Ordinance to increase the Escrow for Exemption from Site Plan to \$400.00. Unanimously approved.*

**b. Problem Statement & MCA-NJ Partnership Workshop Minutes (5/9/06) – Rich/Gerlich**

*Mr. Rich stated he will give the report and noted that Warren Newman, Chair of the Environmental Commission was also present at this workshop and is here this evening. Besides Mr. Rich, Gary MacQueen and Darryl Schmidt were also present at the Workshop. Mr. Rich informed the board that MCA-NJ Partnership has received a grant from the Dodge Foundation and have completed the first phase and now want to go to phrase two. The municipalities that are participating in this are: Lebanon Township, Washington Township and Chester. What they are looking to do is have Lebanon Township, Washington Township and maybe Chester, develop a Biodiversity Friendly Building Practices Guideline Book. It would be a list of things that you could build with or design with and make your building project more environmentally friendly. It would be voluntary, guideline it would not be something regulated by ordinance or enforced. It would be available for people who get building permits. They are looking to see if this is worthwhile project. The question of how many available building lots are there in the Township. There was also discussion on having builders put these friendly practices into play and maybe offer some incentives for them. If the Planning Board, Township Committee, Environmental Commission and Zoning Officer feel this is has some value then we will go ahead with the application phrase to try and get additional funding to help pay for this booklet. Mr. Schmidt concurred with Mr. Rich and asked about the number of lots that can be built on in the Township. Planner Bolan stated with the GIS system it is very easy to categorized vacant lots by lot size. It doesn't mean that all the lots are buildable. Planner Bolan went over the rules per the Highlands Act regarding vacant lots.*

*Mr. Rich noted that if this was developed and it didn't cost the Township any money and it could be used for all building. Planner Bolan asked if there was any financial commitment on the Township at this point.*

*Mr. Newman stated not at this point. Mr. Newman stated that if we had this pamphlet it would be up to the Zoning Officer and Building Department to provide it. Mr. Schmidt suggested to the Board to have Planner Bolan work up the numbers of the vacant lots in the Township. Planner Bolan suggested not only focusing on grandfathered lots but a manual that should be out there for the residents. Planner Bolan referred to a very interesting document that was prepared by Hopewell Township Historic Preservation Commission, it was based on a grant that funded the whole project. It was design guidelines for restoring historic homes. The NJPO gave them an award at their Annual Award Banquet a few weeks ago. Mr. Rich asked the others that were at the workshop if they believed there would be no out of pocket cost to the Township in preparing this booklet. Those present were under that impression. Mr. Rich stated that what we need to know tonight is if the Planning Board which includes 2 members of the Township Committee and our professionals if this is something we want to pursue. The board continued with their discussion on this topic at length. Mr. Gerlich said that he did not have a problem with this and felt that developing this through a grant would not cost us any money. As long as it doesn't cost the tax payers anything, it doesn't hurt to provide this brochure. The board agreed.*

*Ms. Glashoff asked the board to approve an expenditure of \$300.00 which was a 3<sup>rd</sup> of the cost for a Map Filing Drawer. The cost will be split 3 ways, Planning Board, Board of Adjustment and Tax Assessor Budget. Ms.*

Glashoff stated that she has 2 of these Map Filing Drawers at present and with all the subdivision maps and site plans that still need to be filed and third drawer is needed. Motion by Mr. Gerlich and seconded by Mr. Weeks to approve the expenditure to let Chairman MacQueen sign off on the voucher when the bill has been received. Unanimously approved

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 715.00
b. Banisch Associates	\$3,151.30
<b>Total:</b>	<b>\$3,866.30</b>

Motion by Ms. Schriver and seconded by Mr. Weeks to approve the bills for payment. Unanimously approved. Ms. Glashoff asked the board to approve a voucher for a Luncheon/Seminar for her to attend on June 14<sup>th</sup> with the Hunterdon County Planning & Zoning Administrators. Motion by Mr. Rich and seconded by Mr. Gerlich to approve the voucher for payment. Unanimously approved.

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**CORRESPONDENCE:**

a. Letter from Residents regarding a proposed ordinance amendment

Ms. Glashoff informed the board that this letter is also on the Township Committee's agenda for tomorrow evening. Ms. Schriver informed the board that a group wants to set up soccer fields, a competitive soccer area down on Old Readingsburg Road which is a private road and it will create major problem. Ms Schriver stated that will be discussed tomorrow evening and will probably be remanded back to the Planning Board.

Ms. Glashoff suggested cancelling the June 20<sup>th</sup> meeting for lack of business and since the next meeting was July 4<sup>th</sup> to hold the next meeting on July 18<sup>th</sup>. The board agreed. Motion by Mr. Rich and seconded by Mr. Gerlich to cancel the June 18<sup>th</sup> meeting with the next meeting on July 18<sup>th</sup> at 7:00 p.m. Unanimously approved.

Being no further business to come before the board, nor comments from the public, motion by Mr. Gerlich and seconded by Mr. Schmidt to adjourn the meeting at 10:00 p.m. Unanimously approved.

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**VICE CHAIRWOMAN DOREEN BLECK**

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