

## REGULAR MEETING

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

June 17, 2008

The 810<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:09 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Schmidt, Mr. Rich, Mr. Piazza, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Ms. Bleck, Mr. Gerlich, Mr. Piasecki and Mr. Weiler.

Notice of this meeting was provided for in the “Annual Meeting Notice Schedule” adopted by this board on January 8, 2008, 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 June 11, 2008.

**PRESENTATION OF MINUTES:** May 20, 2008 Regular Meeting

Motion by Mr. Piazza and seconded by Mr. Schmidt to approve the minutes as presented. Unanimously approved.

### RESOLUTION:

a. David Klipstein Block #24 Lot #17  
Extension of Time to File Deeds Route 513/Doefield Road RC 7½

Motion by Mr. Piazza and seconded by Mr. Weeks to approve the resolution for an Extension of Time to File Deeds. Unanimously approved by those eligible to vote.

### NEW BUSINESS:

Cellco Partnership/Verizon Wireless Block #6 Lot #3  
141 Industrial Parkway Route 31 B2  
Branchburg, N.J. 08876

### PUBLIC HEARING Conditional Use/Site Plan/Bulk/C Variances for a Co-location on a Cell Tower

Attorney Tom Collins was present to represent the applicant Cellco Partnership/Verizon Wireless and made a presentation to the board. Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-Authorization to Proceed by Owner, **A3**-Partnership Disclosure Statement, **A4**-Certified List of Property Owners and Utilities, **A5**-Affadavit of Proof of Service, **A6**-Notice to Property Owners, **A7**-Certified Mailing Slips, **A8**-Newspaper Notice.

Attorney Collins had Ron Igneri sworn in to give testimony. Mr. Igneri is a licensed Engineer and Planner. Engineer Igneri informed the board that the plans were prepared by Innovative Engrs Inc. and proceeded to review them for the board. The following was marked into evidence: **A9**- page Z01 dated August 24, 2007 and revised September 18, 2007, **A10**-page Z02 dated August 24, 2007 and revised September 18, 2007. Engineer Igneri stated that they addressed all the concerns of Board Engineer Risse. Presently Tower #94 is occupied by Cingular and Verizon Wireless is looking to occupy Tower #95. There is an existing access road to the Towers from Route 31. Engineer Igneri noted that there are Highland restrictions and they are confined to the footprint of the Tower for installing their equipment. The Tower is 134.5’ tall and they are seeking an 8’ extension above that. The site consists of the substation along the highway. The elevation they are seeking to locate is at 347’ above sea level and down at the highway 312’. The B2 zone requires 1½ acres and the site consists of 14.26 acres. The Tower they are locating on is 300’ off of Route 31. Engineer Igneri reviewed for the board the bulk requirements per the ordinance and what the applicant is seeking. The entire compound will be enclosed by the shelter itself and then they will enclose the remaining area with a 7’ board on board fence. This building and equipment will be monitored 24/7. The only utilities needed are electric and phone. The electric and phone lines will be underground per the Highlands.

The existing elevations are 134.6' tower at the top and what they are doing per Engineer Igneri is a trans-mount which is a pipe that is strapped in to the cross members through the center. On top of that is a low profile platform where the antennas are mounted. There are three sectors with 4 antennas in each sector with a total of 12 antennas. At this time the board was asked if they had questions. Chairman MacQueen asked about the roadway going up to the tower and if there would be any improvements. Engineer Igneri answered no. Attorney Collins asked Engineer/Planner Igneri to summarize the variances that are needed. Planner Igneri stated they are looking for a side yard variance, height variance and gave the negative and positive criteria. At this time, Planner Igneri reviewed for the board the photos. The following was marked into evidence: **A11**- 8 photos of the existing substation and transmission towers. The photos were taken during the winter months. There is no tree removal required on this project. At this time, Chairman MacQueen asked if the board had any questions. Mr. Schmidt asked about the scheduled maintenance. Engr. Igneri stated a person would be out every 4-6 weeks. Mr. Piazza referred to a similar application down on Mt. Grove and the problems that occurred regarding the cabinet because of an agreement that was made and wanted to know if there was any problems like that with this site. The Cell Tower company had to come before the Township Committee for a hearing which was approved. Engineer Igneri stated no,

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there are no problems, a title search has been done and the property was cleared. Planner Bolan asked if there will be other companies co-locating on this tower. Engineer Igneri stated that once they are done there won't be any more room in the footprint. Planner Bolan asked about lighting. Engineer Igneri stated there will be one light over the door to the shelter. There will be a flood light provided on the equipment shelter. Chairman MacQueen opened the hearing to the public for questions. There were none.

Attorney Collins had Danny Dichter R.F. Engineer sworn in to give testimony. Engr. Dichter reviewed the coverage map for the board. Engr. Dichter discussed the search areas that have been checked out, the existing sites of either towers or co-locations. The base map shows, elevations, bodies of water and roads. The following was marked into evidence: **A12**-Propagation/coverage map. Engr. Dichter informed the board they will be complying with all State and Federal Regulations. Chairman MacQueen asked the Planner if he had questions of Engr. Dichter. Planner Bolan asked about cellular and now PCS and asked if it is required per FCC standards. Engr. Dichter answered yes. PCS license is separate from cellular. Planner Bolan asked if their coverage shrinks as you get more people coming on board. Engr. Dichter answered yes.

Planner Bolan asked Engr. Igneri if they had a structural analysis for the site. Engr. Igneri answered yes. Planner Bolan asked about the Cingular location and if they could co-locate on that tower. Engr. Igneri answered no because there is no room on that tower. Because of the Highlands Act restrictions, it has caused these towers to be utilized by one carrier since you can not develop outside of the footprint of the Tower. At this time, Chairman MacQueen asked if there were any questions by the public of this witness. There were none. Chairman MacQueen asked if there were any statements or comments by the public. There were none.

Chairman MacQueen announced that the public portion of the hearing is now closed. Attorney Collins briefly summarized for the board. The board went into deliberations. Planner Bolan stated this is a very good application and it is what our ordinance wants to achieve. Engineer Risse concurred stating there is no impact and it is a perfect location. The board members also felt this was a good application and noted that when a cell tower is no longer in use for 6 months per the ordinance it is to be removed. At the conclusion of the board's deliberations, motion by Mr. Schmidt and seconded by Mr. Weeks to grant the conditional use/site plan and bulk variances with the following condition:

- a. Applicant to comply with all outside agencies having jurisdiction

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Weeks	<b>No:</b> None	<b>Absent:</b> Mr. Gerlich	
	Mr. Schmidt			Mr. Piasecki
	Mr. Rich			Ms. Bleck
	Mr. MacQueen			Mr. Weiler
	Mr. Piazza			

**Attorney Gallina will prepare the resolution to be placed on the next meeting agenda.**

The board took a brief recess at 8:20 p.m. The board reconvened at 8:25 p.m.

**ITEMS FOR DISCUSSION:**

**a. Update on Fire Protection Ord. – Engr. Risse**

Engineer Risse informed the board that he has a copy of the drawings from Washington Twp and is working with Warren Gabriel on the updates for the ordinance. Hopes to have something for the next meeting.

**b. Create a mechanism for completeness of applications by applicant – Attorney Gallina**

Attorney Gallina stated that he had been contacted by Ms. Glashoff regarding applications that are deemed incomplete and nothing happens. The applicant doesn't follow thru to completeness and the question was how to bring the application to completeness. Attorney Gallina suggested either by ordinance or memo to the board, that after a period of time lapses, Ms. Glashoff would send a letter to the applicant asking for their intentions and if we don't hear from them in a certain amount of time we can assume they have abandoned the application or withdrawing it, the board can do a resolution deeming the application has been withdrawn without prejudice. Planner Bolan asked if the board had rules pertaining to this. Attorney Gallina said that both boards have rules, but nothing that pertains to this. Planner Bolan felt it would be better to put it in the rules than to amend an ordinance. Mr. Rich asked for a time frame. The board discussed a time frame that would be appropriate and decided on 90 days. Ms. Glashoff stated that when the application has been triggered by a zoning denial or has gone to court, she has the Zoning Officer to follow thru on those applications. Attorney Gallina will put together a procedural rule that can be followed for both boards.

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**c. Update on Highlands Grant – Planner Bolan**

Planner Bolan informed the board that he applied for a \$20,000.00 grant instead of a \$15,000.00 grant since there is per the application the opportunity to ask for more. The application is straight forward and all the documentation needed has been sent to the Highlands. Planner Bolan stated that he has drafted a resolution for the Township Committee because they are the applicant. The other issue is, if we take the money and even if we didn't comply, but we are required to comply with the way the Highlands Act reads. If a municipality couldn't comply they would have to give back the money. Mr. Schmidt asked if there were a time frame for getting this done. Planner Bolan answered no.

Planner Bolan stated that the Reexamination Report is due by August 1<sup>st</sup>, but he doesn't feel it will a problem getting the report done within a couple months after the due date. Planner Bolan suggested having the board do a Resolution on the Re-examination Report since there are not a lot of changes that need to be made in the event we are turned down for the additional \$5,000.00 that we applied for with the Highlands to actually do the Report. By doing the Report it legally protects the Township from lawsuits regarding our Master Plan. Planner Bolan stated the new rules went into effect as of June 2<sup>nd</sup> and they already have proposed revisions to those rules. The proposed

revisions eliminate RCA's and it reduces the amount of money a municipality can charge for non-residential development and it will put monies in a statewide pool. The Senate now has to adopt the bill. The board discussed preservation and the monies we receive from the County at length. Planner Bolan was asked to find out what we can do with the monies we receive.

Planner Bolan stated that he met with the Zoning Officer and Gary MacQueen. They discussed creating provisions for a Minor Site Plan since we do not have anything in place at this time and this issue has come over the years. Planner Bolan noted with the Site Plans we having been getting we have been waiving a lot of the items on the Checklist. By creating provisions for a Minor Site Plan we can stream line it. Examples are: Home Occupations or Accessory Apartments. Planner Bolan will get together with Engineer Risse to review what items will be needed in a Minor Site Plan checklist.

Ms. Glashoff mentioned the COAH Accessory Apartment Ordinance and putting something in the Tax Bills to let people know what is available. Planner Bolan noted that we had done this many years ago with the Rehab Program we offered to residents that qualified. COAH changed the deed restriction from 30 year to a 10 year restriction.

Mr. Rich asked to go back to the discussion on the Highlands Grant. Mr. Rich asked to go on record and expressed his opinion that he sees this as a bride from a bankrupt government. Mr. Rich stated that he is not convinced that we should be taking money in this fashion and that it is wrong. The board discussed this issue regarding taking the monies from the grant at length.

Mr. Schmidt asked how the Township Committee feels about the Highlands. Chairman MacQueen said that half the people in the Township like the Highlands, so the Committee likes it. This issue was also discussed at length.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 1,365.00
b. Michael Bolan, PP	\$ 2,049.20
	<b>Sub-Total: \$ 3,414.20</b>
c. Luncheon/Seminar Ms. Glashoff	\$ 13.00
(H.C. Planning/Zoning Admin)	<b>Total: \$ 3,427.20</b>

Motion by Mr. Piazza and seconded by Mr. Rich to approve the bills as presented. Unanimously approved.

**CORRESPONDENCE:**

Planner Bolan suggested cancelling the July 15<sup>th</sup> meeting and having the next board meeting on August 5, 2008 at 7:00pm. This would be the only meeting for August. The board agreed with Planner Bolan's suggestion. Ms. Glashoff will place a notice in newspaper cancelling the July 15<sup>th</sup> meeting and will contact those board members not present this evening of the change in meeting dates.

Being no further business to come before the board, nor comments from the public, motion by Mr. Weeks and seconded by Mr. Piazza to adjourn the meeting at 9:00 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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