

## REGULAR MEETING

**Lebanon Township Board of Adjustment**

**March 22, 2006**

**Municipal Bldg 530 West Hill Road Glen Gardner, N.J.**

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:35 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Machauer, Mr. Kozlowski, Mr. MacQueen, Mr. Nagie, 1<sup>st</sup> Alternate Abuchowski, 2<sup>nd</sup> Alternate Eberle, 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 11, 2006, 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 March 16, 2006.

**SWEAR IN:** Gary MacQueen Class IV Member 4 Year Term (Unexpired)

Attorney Gallina was asked to swear in Mr. MacQueen to his unexpired term. Everyone congratulated Mr. MacQueen and welcomed him back to the board.

**PRESENTATION OF MINUTES:** Regular Meeting February 22, 2006

Motion by Mr. Kozlowski and seconded by Mr. Nagie to approve the minutes as corrected. Unanimously approved.

**PRESENTATION OF BILLS:**



**PUBLIC HEARING**

**Conditional Use/Site Plan/Variance for  
a Cell Tower in a Residential Zone**

Attorney Judy Babinski of Pitney Hardin introduced herself to the board stating that she will be representing the applicant Cingular Wireless. Attorney Peter Wolfson asked to be heard. Attorney Wolfson informed the board he is representing Mr. & Mrs. Ansbach adjoining property owners who are in opposition to the application of Cingular. Attorney Wolfson informed the board that the owner of the property where the Cell Tower is proposed has already a 3<sup>rd</sup> use on the property and this proposed use would make 4 principal uses. Apparently, Mr. Kenthack is in the business of selling amphioxus

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vehicles. The board informed Attorney Wolfson they were not aware of this use and would have the Zoning Officer look into it. Attorney Wolfson stated that 3 principal uses are excessive and now a 4<sup>th</sup> use is being proposed. Attorney Wolfson also noted there are many variances being requested by the applicant.

At this time, Chairman Terzuolo reviewed for the public the procedures that are followed during a public hearing.

Attorney Gallina stated all the notices are in order and the board can proceed with the hearing. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-

Affidavit of Proof of Service, **A3**-Notice to Property Owners, **A4** -Certified List of Property Owners, **A5**-POD Slips, **A6**-Newspaper Notice in Hunterdon County Democrat, **A7**-Newspaper Notice in Hunterdon Review.

Attorney Babinski listed the following witnesses who will give testimony on behalf of the applicant: Radio Frequency Engineer, Civil Engineer, Site Acquisition Coordinator who is responsible for securing the site and talking about other alternative sites that were looked at and

the last witness is a Planner. Attorney Babinski had RF (Radio Frequency) Engineer Stephane Guillabert sworn in to give testimony. Engineer Guillabert reviewed for the board the propagation map. The map was marked into evidence as **A8-Propagation Map**. Engineer Guillabert stated that he prepared the Propagation Map. The area colored in green is the reliable area of coverage. The following are existing sites: #649 Smith St in Glen Gardner and #W486 on Route 31. Proposed sites at this time are: #W945 on Washington Ave in High Bridge Boro, #1105 on Cokesbury Califon Road and #WP16 on Route 513 in Lebanon Township in purple color.

The next item to be marked into evidence is **A9-Propagation Map** which shows the lack of coverage along Route 513. Engineer Guillabert reviewed for the board the areas that lack in coverage. The next item to be marked into evidence was **A10-Report Radio Frequency Exposure Analysis** for the proposed Cingular Wireless and Antenna Facility for Site W949 prepared on March 6, 2006 by Senior RF Engineer Stephane Guillabert. At the conclusion of the RF Engineer's testimony the board asked many questions.

The following questions were asked: is the use of low power is it one of the reasons why range is limited and how many miles will this tower cover, if the tower was put at a higher elevation would it make a difference increasing the coverage. Engineer Guillabert stated it would cover a 3 mile area for approximately 1000+ people from this site and the higher elevation would not make a difference in coverage. The question was asked about the radiation exposure rate, is it down from the ground level or at the top of the tower? Engineer Guillabert stated at the ground level. Chairman Terzuolo referred to previous testimony and asked if this is approved with this new coverage area are there any accurate figures of how many people along this corridor are Cingular users and of those how many have coverage now and how many people will be provided coverage with this proposed tower. Engineer Guillabert answered stating that he could not give a number. Is it possible to provide 100% coverage all the time? Engineer Guillabert answered no. How many square miles will the tower cover over what exists now? Referring to Exhibit A9 vs Exhibit A8. Attorney Babinski asked Engineer Guillabert to explain E 911 and that it is federally mandated cover. Engineer Guillabert stated that E 911 is triangulated by satellite. If someone made a 911 call and they were unable to speak, E 911 can pinpoint right where they are, this is now federally mandated. Wireless companies are required to provide coverage everywhere. Attorney Babinski noted when Wireless Companies first got their license, they started by supplying coverage in the heavier populated areas, but they are required by law to provide coverage everywhere. Attorney Babinski stated they do coverage in phrases which means they will be back again in Lebanon Township for coverage in another area.

Mr. Machauer asked if the information provided for on Exhibits A8 & A9 were derived from field testing using the present equipment. Engineer Guillabert answered yes. Also,

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what are the frequency ranges with these signals? Engineer Guillabert stated 1900 mega-hertz . The question was asked if more antennas were placed on the tower would that significantly change the amount of output (energy). Engineer Guillabert stated about 40%. Mr. Machauer asked if these towers interfere with TV, Cable, Am/FM Radio and landline phones. Engineer Guillabert stated that it is forbidden to use a frequency that will interfere with TV, Cable, Radio or landline phones. Mr. Kozlowski asked if they found that the antennas that were placed on the tower were inadequate what would you do? Attorney Babinski stated they would either add more antennas or add more computer equipment in the cabinet. Planner Bolan referred to a report prepared on November 29, 2004. The report references three proposed sites and asked for the status of those sites. Engineer Guillabert stated that site W486 has been approved which is at the JCP&L site on Route 31. They have made application for the High Bridge site per Engineer Guillabert. The W161 is in Lebanon Township. Ms. Glashoff informed Planner Bolan that she has received two Cell Tower applications. One is on Mt. Grove Road which has been sent to both board professionals. The other one is at the Melick site on Route 513 which has also been sent to both professionals for review. Both applications are co-locators. Planner Bolan asked when referencing the 3 mile coverage and wanted to know if the 3 miles meant 2 miles to the northeast and 1 mile to the southwest. Engineer Guillabert answered yes. Planner Bolan referred to the Christmas Tree type antenna configuration, if the applicant went to a flush mount would the flush mount impact the coverage? Engineer Guillabert answered yes that it would change things.

Engineer Risse referenced the three dimensional topography map, stating that everything northwest of Route 513 is fairly steep and shaded compared to the other side of the road. Engineer Risse asked if a tower was placed on the southeastern side of Route 513, would it get better coverage. Engineer Guillabert answered yes, but explained the reason for why they are looking to place the tower on the northwest side of the road.

At the conclusion of the board's discussion, Chairman Terzuolo announced that the board will take a brief recess. The board recessed at 8:50 p.m. and reconvened at 9:04 p.m.

Chairman Terzuolo referred back to Exhibit A8 asking if Engineer Guillabert could indicate on the propagation map which sites are physically up and providing coverage. Engineer Guillabert

stated #649, W486 and WP16. When presenting these sites to the other municipalities has does the actual coverage map differ from proposed coverage since there is green coverage listed on the map that isn't really covered but only proposed. Chairman Terzuolo stated that it is confusing to have the green depicts coverage and proposed coverage areas. Engineer Guillabert explained the difference.

At this time, Chairman Terzuolo opened the hearing to the public for questions of the witness. The following people asked questions: Attorney Peter Wolfson, Bob Simms, Richard Eitner, Randall Davis, Russ Vitale, Christine Goode and Michael Boland. At the conclusion of the questions, Chairman Terzuolo noted the time and informed the applicant that this application would need to be continued to another meeting night. Ms. Glashoff suggested April 12<sup>th</sup> which is the board's backup for continuations. Everyone agreed to the April 12<sup>th</sup> date. No further notice will be given per Attorney Gallina. Ms. Glashoff informed the board she will have Mr. Perry listen to the tapes from tonight's hearing and Mr. Abuchowski will not be present at the next meeting.

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Nagie to adjourn the meeting at 9:42 p.m. Unanimously approved.

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**CHAIRMAN BRUCE TERZUOLO**

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**GAIL W. GLASHOFF, BOARD SECRETARY**