

REGULAR MEETING

Lebanon Township Board of Adjustment

April 12, 2006

Municipal Bldg 530 West Hill Rd Glen Gardner, N.J.

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:38 p.m by Chairman Bruce Terzuolo. Present were: Mr. Machauer, Mr. MacQueen, Mr. Perry, Mr. Nagie, Attorney Gallina and Planner Bolan.

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 April 5, 2006.

PRESENTATION OF MINUTES:

March 22, 2006 Regular Meeting

Motion by Mr. Nagie and seconded by Mr. MacQueen to approve the minutes with a minor correction. Unanimously approved.

PRESENTATION OF BILLS:

a. John Gallina, Esq. \$236.25

b. Court Stenographer \$200.00

Total: \$436.25

Motion by Mr. Nagie and seconded by Mr. MacQueen to approve the bills as presented. Unanimously approved.

Ms. Glashoff announced that Heritage Consulting Engineering is having a 25th Anniversary Celebration on May 5th a Friday evening from 6:00-7:00pm at the Copper Hill Country Club south of Flemington off Route 202-31 South. Ms. Glashoff stated that she will be attending.

CORRESPONDENCE:

UNFINISHED BUSINESS:

| | | |
|---------------------------|-----------|---------|
| Cingular Wireless | Block #24 | Lot #20 |
| c/o Judith Babinski, Esq. | Route 513 | R3 |
| Pitney Hardin, LLP | | |
| P.O. Box 1945 | | |
| Morristown, N.J. 07962 | | |

CONTINUATION OF A PUBLIC HEARING

Conditional Use/Site Plan/Variances

Cell Tower in a Residential zone as

a third use on the property

Chairman Terzuolo referred to a memo from the Zoning Officer Bill Skene addressed to the Board Secretary Gail Glashoff. Attorney Gallina asked the Chairman to read the memo into the record. The memo reads as follows per Chairman Terzuolo, the memo is addressed to Ms. Glashoff, "Per our conservation I made a site inspection of the Oldwick Autobody, Block #24 Lot #20 on March 31st". He (owner) is no longer displaying amphibious vehicles and there was no literature around. He is no longer selling them from this location". Chairman Terzuolo noted that this was an objection from the attorney for the objectors. This has now been dealt with.

Ms. Glashoff announced that Mr. Perry has read the transcript from the March 22, 2006 meeting and she has on file an affidavit signed by Mr. Perry and herself verifying he has read the transcript. The three members who are absent this evening will either listen to the tapes or read the transcript before the next meeting on this application.

Attorney Babinski was present to continue with the public hearing on behalf of Cingular Wireless. Attorney Babinski introduced her next witness Civil Engineer Gregory Nowak of French & Parrello and had him sworn in at this time. At the beginning of Engineer Nowak testimony the following item was marked into evidence: **A12**-Site Plan of Oldwick Village Autobody Shop dated 12/7/04 and revised 1/9/2006 consisting of 8 pages prepared by Gem Inc. Engineer Nowak stated the property is almost 4 acres and consists of a single family house and an Autobody Shop with parking. Engineer Nowak referred to the plan stating what is being proposed is a wireless communication facility consisting of a 140' monopole structure housed

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within a fenced compound. Referring to sheet Z03 of the site plan, it shows 35' x 13' fenced enclosure 8' in height, housing a concrete pad and equipment cabinets with the monopole a 140' in height. On sheet Z04 this sheet shows the purposed elevation for the compound and the monopole. We are proposing 12 antennas. The approximate size will be 4'4" x 4'5" inches in height and they vary in width from 7" to 11" and the GPS antenna is between 6" to 12" in height. The GPS antenna is used for synchronizing time as well as for E911 purposes. If someone dials 911 on a cell phone after the federally mandated E911 antennas are up and if the person passes out they can actually find them. Engineer Nowak stated the site is monitored remotely 24/7 and is visited for maintenance once every 4-6 weeks. Also the monopole will be built to sustain up to 75 mile per hour winds.

At the conclusion of Engineer Nowak testimony, Chairman Terzuolo asked if the board had any questions of the witness. The board asked many questions of Engineer Nowak. Mr. Machauer questioned the closeness of the antennas to the garage and asked if this is commonly done. Engineer Nowak stated because of the constraints of the Highlands, they have to use existing impervious coverage since the 3% impervious coverage has already been met. Chairman Terzuolo asked about the parking since there is a limit on how many vehicles can be parked. Engineer Nowak stated that he does not foresee a problem since they only do inspections once every 4-6 weeks. Mr. Perry's questions were deferred to the applicant's planner. Mr. Nagie asked the circumference of the pole at the base and the top. Engineer Nowak stated the pole is 140' tall capable of additional co-location opportunities and estimate that the concrete pier would be on the order of 7 to 8 feet in diameter. The steel shaft of the pole is estimated at over 50" in diameter. At the conclusion of the questions, Chairman Terzuolo asked for questions from our professionals. Planner Bolan had a couple of questions for Engineer Nowak. Planner Bolan asked Engineer Nowak what part he played in the preparation of the plans from French & Parrello. Engineer Nowak stated they reviewed the preliminary drawings prepared by Jem and then worked with the attorney's office through the completeness hearing to bring this application to this point and was not

involved in the preparation of the plans. Planner Bolan asked why the pole is 26' from the property line to the west and why the pole is so close to the house. Engineer Nowak responded by saying that the setback for side yard is 20' and the pole is 26' from the side yard. Planner Bolan informed Engineer Nowak that the ordinance requires 140'. Engineer Nowak stated they are prevented from having the pole 100' or more from the side yards because of the Highland regulations. Attorney Babinski interjected stating that she has met with the Highlands at least 6 times on all their sites but would not get any approvals from the Highlands.

Planner Bolan asked Engineer Nowak how much impervious coverage is on the site now. Engineer Nowak said approximately 7.94, almost 8%. If you had a site that was less than 3% coverage, you could locate the monopole in a better position relative to spacing on lot lines, but instead you chose a site that already exceeds the 3 % impervious coverage and the board is suppose to approve variances on this location knowing you exceed the impervious coverage standard per the Highlands. Engineer Nowak responded stating that they are placing the tower on the existing impervious regardless of whether it exceeds or doesn't exceed. At the conclusion of the questions by the board and their professionals, Chairman Terzuolo opened the hearing to the public for questions of Engineer Nowak. Attorney Bonelli, the attorney for the adjoining property owner Dan Ansbach asked questions of the witness. At the conclusion of Attorney Bonelli's questions, Chairman Terzuolo announced that the board will take a brief recess. The board recessed at 8:40 p.m. and reconvened at 8:50 p.m.

Attorney Babinski announced the next witness. Mr. David DiStefano was sworn in to give testimony. Mr. DiStefano stated he is employed by NBNC who handle Cingular's telecommunication work. Mr. DiStefano is a Site Acquisition Specialist. Mr. DiStefano stated they looked at 10 different candidates. The Radio Frequency Engineer provides a search ring and there is a center of a search ring where they would prefer the site. The search ring is within a quarter mile of the center but we also go as far out as half mile. They review the township ordinances, and then look at municipal property and existing structures, which they did. Out of the 10 candidates they looked at 3 where municipal properties. All three were rejected by the RF Engineer, because they did not supply the service that was required in the search area. The center of the search ring falls where our site is located. They had two locations for the tower. One was the Autobody Shop and the other one was up at top of the property behind the house. We had to move the tower down towards the house for various reasons. We also looked at the property across the street on the southbound side right across from the Autobody Shop. Due to shadowing on the south side, the Autobody Shop location was preferred. One of the other sites was where

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Omnipoint had applied. We check to see what the other carriers are doing in the area. For whatever reason Omnipoint had withdrawn their application, we would have gravitated to that site, but that's not a primary site for us because it is located further south. At the conclusion of Mr. DiStefano testimony, the board had many questions of the witness. At the conclusion of the questions, the following item was marked into evidence: **A13**-Memo from Ronald Rynerson dated December 29, 2004 from Consulting, LLC.

Chairman Terzuolo opened the hearing to the public for questions of Mr. DiStefano, the following people asked many questions: Attorney John Bonelli, Michael Boland, Russ Vitale, Bob Simms & Derwyn Holder.

At the conclusion of the public questions, Attorney Babinski informed the board that she will bring to the next meeting the engineer who attended the DEP Highland meetings for this application. Chairman Terzuolo asked Ms. Glashoff for the next meeting date. Ms. Glashoff offered April 26th. Attorney Babinski stated that they will need more time for addressing the issues that came up this evening. Ms. Glashoff then offered the 10th of May. Attorney Babinski

said May 10th was good. Ms. Glashoff reminded the applicant that she will need the revised plans no later than 10 days prior to the May 10th meeting date. Ms. Glashoff was informed that she will be receiving one revised page which is sheet Z02. Ms. Glashoff reminded the board the Helistop application is scheduled for May 24th and the board will have to go into June if more dates are needed for this application.

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Perry to adjourn the meeting at 9:47 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY

