

REGULAR MEETING

Lebanon Township Board of Adjustment

July 12, 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 by Chairman Bruce Terzuolo. Present were: Mr. Machauer, Mr. Kozlowski, Mr. MacQueen, Mr. Perry, Mr. Nagie, Mr. Abuchowski, 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 June 30, 2006.

PRESENTATION OF MINUTES: Next Meeting

PRESENTATION OF BILLS:

- a. John Gallina, Esq. \$ 315.00 – Attend Mtg 6/28/06
Phone Conf with Bd Sec.
 - b. Banisch Associates \$ 95.90 - Escrow (Cingular Wireless)
 - c. Robert Lorentz, PE \$ 140.00 - Escrow (Pfister)
\$ 280.00 - Escrow (Amerman)
 - d. Court Stenographer \$ 200.00 - Attend Mtg 7/12/06
- Total: \$1,030.90**

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

tower can be placed where the trailer is now located. The property slopes up behind the Autobody Shop which makes it secluded. The monopole that is proposed is slightly higher. Originally the monopole proposed was 140' and now the height proposed is 150'. The proposed compound is 13' x 40'. Engineer Lee stated the fence will be a 6' high wooded fence. The monopole will be placed on the right hand side and centered in the middle of the back of the building so it is not too close to the property line or to the parking lot. The utility lines will be taken off the existing area utility lines and we will add a utility pole next to the monopole where the power will come in and feed through the cabinets. There will be a concrete pad 10' x 21' for the equipment cabinet. There will be 8 cabinets.

Lebanon Township Board of Adjustment

July 12, 2006

Page 2

At the conclusion of Engineer Lee's testimony, Chairman Terzuolo asked if the board had questions of Engineer Lee. Mr. MacQueen asked if the existing parking for the Autobody Shop will stay the same. Engineer Lee answered yes. Mr. Perry and Mr. Nagie asked about the fencing. Mr. Nagie asked how far would the fence be from the property line. Engineer Lee stated it will be 5' versus the 3' which was originally proposed. Engineer Lee noted that the new fence will replace the gap where the trailer had been. The existing fencing will remain. Mr. Nagie asked about the number of carriers on the monopole. Engineer Lee stated when ordering a monopole it is always manufactured for a minimum of three carriers. For now only Cingular will be on the monopole. If another carrier wishes to co-locate, they will need to submit an application to the board.

Chairman Terzuolo asked about additional carriers and the problem with impervious coverage. Engineer Lee stated that they can stack the cabinets which they have done in the past. Engineer Lee informed the board, if stacking became a problem, the owner has given permission to have cabinets inside the Autobody Shop. Mr. Perry asked how high they could stack the cabinets. Engineer Lee stated that by stacking them outside, the cabinets would be above the fence, but that there is a steep hill behind the where the cabinets would be located and could be a buffer if the cabinets exceeded the height of the fence.

Planner Bolan asked if the 3 sheets were supplements to the original 9 pages. Engineer Lee answered yes. Planner Bolan asked if the monopole was designed to have 3 or more carriers. Engineer Lee referred to Sheet 2 which shows future carriers. Cingular will be at the 150' level and any future carriers will be below 150'. Attorney Babinski added the board can request a design for four carriers. Attorney Babinski informed the board that with all the mergers there are only four licensed carriers. Planner Bolan referred to the ordinance stating that it requires a 7' high fence and the applicant is proposing a 6' high fence. Engineer Lee stated the existing fence is 6' and they wanted to match the height to be consistent. Planner Bolan stated that since the applicant is proposing a new compound it should at least be 7'. Engineer Lee

responded stating that they can replace the existing fence and have a 7' fence instead. Planner Bolan asked why they were only going to be 30' off the property line when they have a lot over 200' in width. Engineer Lee stated it was because of the Highlands and the impervious coverage. Planner Bolan suggested they apply to the Highlands.

Attorney Babinski informed the board and Planner Bolan that their next witness was their Highlands Engineer. Engineer Risse asked; with the new location were they able to enumerate the setback distance from all of the surrounding residences. Engineer Lee said that he did revise the one thousand foot radius map that was previously submitted and asked to have it marked into evidence at this time. **A21**-Revised map showing the circle with structures within 1000' of original site, also **A22**-Map showing existing structures within 1000' of the site behind the building. Engineer Lee informed the board the reason for revising the map was to show the location of the new house adjacent to their lot. Engineer Lee went on to further explained in detail the reason for the revisions. Engineer Risse asked how many structures are their within the 1000'. Engineer Lee answered 13 adding that the variance did not change. At the conclusion of Engineer Lee's testimony, Chairman Terzuolo opened the hearing to the public for questions of the witness. The following people asked questions: Robert Simms, John Bonelli, Esq., Mary Fulloon and Daniel Finn. Mr. Simms questioned having the cabinets in the Autobody shop building considering there are hazardous materials and the cabinets have electrical equipment. Engineer Lee responded saying every precaution will be taken in the event the cabinets are placed in the building. Attorney Bonelli questioned the location of the cabinets and questioned having the cabinets in the Autobody Shop since there will be hazardous materials in the building and wanted to know what precautions will be taken. Engineer Lee stated they could create a barrier (separate room) or they create walls to separate the different uses. Engineer Lee informed Attorney Bonelli they would have to comply with BOCA and DEP requirements when the time comes.

Ms. Fulloon asked how many feet will the tower be from the road. Engineer Lee answered 85.3'. At the conclusion of the questions by the public, Chairman Terzuolo announced the board will take a brief recess at 8:30 p.m. When the board reconvened at 8:40 p.m. Attorney Babinski had her next witness sworn in to give testimony. Engineer Glen Scherer was sworn in. Engineer Scherer stated he had been retained by Cingular to develop and oversee their expansion of their wireless network as it pertains to sites in the Highlands. Engineer Scherer informed the board that he has worked very closely over the past year and one half with the DEP and the Highlands Commission and have developed forms and procedures that are used now in the wireless

Lebanon Township Board of Adjustment

July 12, 2006

Page 3

applications for the Highlands. Engineer Scherer explained to the board the basic concern is water quality. There's four major elements that telecommunications or build out of this type of applications are affected in the Highlands. First element, there is no increase in impervious coverage on the lot, Second element, we are not within 300' of a buffer as defined by the Highlands, Third element, that we do not affect any slopes greater than 10% and Fourth, that we do not affect forested areas. Engineer Scherer stated that back in 2005 when they submitted their application to NJDEP they were found to be Non-Exempt because they were looking to increase the impervious coverage. At this time, the letter was marked into evidence: **A23-Ltr** NJDEP-Highlands dated June 15, 2005 deeming the application to be Non-Exempt. Engineer Scherer informed the board when an application is filed with the NJDEP it first goes to Watershed and then it goes to Land Use. Engineer Scherer stated that at Land Use they were informed the application would be denied in its present form. They went back to the drawing board to find an area of impervious coverage which was already in existence and was not affecting any steep slopes.

Engineer Scherer stated that once they revised their plan they submitted it to the Land Use Division of NJDEP on February 16, 2006 for approval. Engineer Scherer informed the board that DEP, Land Use & the Division of Watershed Management are not flexible in any means at this particular point in time. At the conclusion of Engineer Scherer's testimony, Chairman Terzuolo asked the board if they had questions of the witness. The board asked many questions of the witness. During the questions, Attorney Gallina asked about the new exemption and the criteria and referred to the increase of impervious coverage of 25% with a total of 125%. Planner Bolan asked if this was only for telecommunications. Engineer Scherer answered yes. The board professionals continued with their questions of the witness. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions of the witness. Only one person from the public asked questions which was Mary Fullon.

Before the next witness was sworn in, Planner Bolan noted that the report we received from November of 2005 has a wrong location of one of Cingular's proposed towers. The tower in question is before the Planning Board and is located on the Cokesbury Road. It is shown to be down in Clinton and Cingular needs to have new propagation maps that show where the real proposal is located. Attorney Babinski stated that the change will be made to show the correct location of the tower. Attorney Babinski had the Site Acquisition Consultant David DiStefano back to give additional testimony. At the last meeting Mr. DiStefano had a letter from the Lockheed Group which was a year old and the board asked Mr. DiStefano to go back to Lockheed and ask if they would be interested now. Mr. DiStefano informed the board that he received an email from a Mr. Jack Wiseman, Vice President of Real Estate which stated that Lockheed was not interested also, contacted Jim Butters of the Hunterdon Learning Center to ask if they were interested and the response back from Business Manager Hope Atkinson was they were not interested. At this time, the following items were marked into evidence: **A24-Email** from Jack Wiseman, Vice President of Real Estate dated and **A25-Letter** from Business Manager Hope Atkinson (Hunterdon Learning Center) dated May 8, 2006 stating they are not interested in a Lease Agreement.

Attorney Babinski asked Mr. DiStefano to tell the board of his discussion with the property owner. Mr. DiStefano stated that the rental home where they propose the monopole is located on the driveway. For future carriers the owner would consider using the garage as an equipment area. Also, the same for the Autobody shop that he would consider leasing out space inside the shop for additional carriers if needed.

Chairman Terzuolo asked if municipal properties are generally more favorable. Mr. DiStefano answered yes. Attorney Babinski informed the board that Mr. DiStefano will be back with the overlay map of the Highlands and go over it all with the board. The board asked many questions of the witness. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions of the witness. The following people had questions: Attorney Bonelli and Ms. Fulloon.

At this time, Attorney Babinski informed the board that she had several more witnesses to testify. Chairman Terzuolo stated because of the late hour the hearing will need to be carried over to another night.

Lebanon Township Board of Adjustment

July 12, 2006

Page 4

Chairman Terzuolo asked Ms. Glashoff for a date. Ms. Glashoff offered July 26th. Attorney Babinski did not feel they could get the maps revised in time. Ms. Glashoff informed Attorney Babinski that both meeting dates in August were already taken and offered September 13th. Attorney Babinski accepted the September 13th date and agreed to an extension of time through September 30th. Attorney Gallina informed the public that the application will be continued to September 13th at 7:30 p.m. No further notice will be given.

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Abuchowski to adjourn the meeting at 9:45 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY