
CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:33 p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

FLAG SALUTE

ROLL CALL: **Members Present:** Hughes, Fette, Luthman, Randazzo, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Henderson, O'Leary.

Members Excused: None.

Members Absent: None.

Also Present: Ursula, Leo, Esq.
Nevitt Duveneck, PE
Joanna Slagle, PP

MINUTES: November 8, 2012.

A motion to approve the minutes of the November 8, 2012 meeting was made by Mr. Corcoran. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Luthman, Randazzo, Corcoran, Leuthe, Taylor, Van Sickle, O'Leary.

COMPLETENESS/ HEARINGS/ CONCEPT:

1.) Fusco, Edward B:18 L:12.02

Mr. Nate Smith, Esq. said they were present to seek variances to construct a two car garage on the Fusco property. Mr. Fusco was sworn in by Ms. Leo. Mr. Fusco said he purchased the property in July of 2012 and then inquired about building a two car garage on the property. He was told by the Zoning Officer that his property was in the R-5 zone and he did not have enough room on the side to meet the setback. He said he thought there would be enough property to build the garage.

Mr. Fusco said he wanted to build a two car garage with electric to it. He said there will be no running water or bathroom in the garage. He said he wanted to store two antique trucks and a motorcycle in the garage. It would not be used as a workshop.

Mr. Fusco said he cannot build the garage behind his house because he would still need a variance. He said his well and underground propane tank are behind his house and the property is sloped.

Mr. Smith presented a variance plan dated 1/10/13 which was marked and entered as exhibit A-1. He said it shows the existing lot with the building envelope marked on it. Mr. Fusco said he wanted to build a 36' X 24' garage. Mr. Smith presented a hand drawn picture of the proposed garage drawn by Mr. Fusco and dated December 2012 which was marked and entered as exhibit A-2. He said the color of the proposed garage would be the same as his house. Mr. Fusco said he would use Carolina Car Ports or a similar company to construct the garage. Mr. Smith presented a catalog from Carolina Car Ports which was marked and entered as exhibit A-3. Mr. Fusco noted the garage depicted in the upper left corner of page 10 of the brochure was similar to what he wanted to build. Mr. Smith presented a set of construction details for a garage dated 2/13/12 which was marked and entered as exhibit A-4. This was presented to the Board so they can see how these types of buildings are constructed.

Mr. Fusco said the proposed place for the garage was the only logical place to build the garage. He said his septic is on the left side of the property. Mr. Fusco said there are other residences on

his street that have accessory structures in the front of their house. He felt his proposed garage would not have an impact on his neighborhood. He said it would blend into the existing surroundings.

Mr. O'Leary asked if Mr. Fusco has an existing garage to which he said he has a two and a half car garage. Mr. Fusco said his existing driveway is gravel. Mr. O'Leary asked about the existing evergreens. Mr. Fusco said he is leaving them where they are.

Mr. Hughes asked about the topography of the property behind the house. Mr. Fusco said the property slopes upward.

Mr. Luthman asked if Mr. Fusco had the trucks prior to purchasing the house to which Mr. Fusco said yes. Mr. Fusco said his trucks are presently stored in a bad area and he wants to bring them to his property. Mr. Luthman asked why the applicant did not check into the construction of the garage prior to purchasing the house. Mr. Fusco said he leased an apartment and he did not know anything about home ownership when he purchased the property. Mr. Luthman felt the applicant created his own hardship. Mr. Smith noted the lot is undersized for the zone and that what is being proposed will have minimal impact on the zone.

Mr. O'Leary felt the accessory structure in the front yard is a big issue. Mr. O'Leary asked what the present garage is used for to which Mr. Fusco said he stores his Jeep and a truck in it.

Mr. Hughes asked if gravel is considered impervious coverage. Mr. Duveneck said compacted gravel is equal to asphalt. Mr. Hughes noted there may be an issue with impervious coverage percentages.

Mr. Duveneck said there are three variances which are the side yard setback, unconstrained land and an accessory structure in the front yard. He said the impervious coverage may be another variance however he would need the calculations to know for sure. Mr. O'Leary expressed a concern that Mr. Fusco was unsure of the size of the garage. Mr. Smith said the size will be 36' X 24'.

Mr. Leuthe asked for the location of the neighbor's house which Mr. Fusco indicated on the survey. Mr. Fusco said the proposed garage will not be seen from the neighbor's house. Mr. Fusco said he will plant more trees if needed. Mr. Duveneck discussed the drainage on the property. He said he is requiring a dry well to handle any additional water. Mr. Fusco said he would install it. Mr. O'Leary asked where the garage doors would be oriented. Mr. Fusco said they will face the interior of the property.

Mr. O'Leary opened the meeting to the public. Ms. Jamie Lombardi of 37 Statesville Quarry Road said she was the next door neighbor of the applicant. Ms. Lombardi was sworn in by Ms. Leo. Ms. Lombardi said the trees along the property line may need to be removed for their septic system and then she will be able to see the garage. She said the trees are planted along the property line and she did not know who owned the trees. She felt she would be able to see the proposed garage and asked the Board not to approve the application. Ms. Lombardi said she would not be opposed to the garage being built on the side of Mr. Fusco's house. Mr. Smith noted that if the removal of the trees benefited Ms. Lombardi then she would not have a problem with them being removed. Ms. Lombardi said it was not fair to put a garage in front of her home.

Mr. Reese Evans of 39 Statesville Quarry Road was sworn in by Ms. Leo. Mr. Evans said the required frontage was only 155 feet when he bought his house 30 years ago. He said the garage will be in his line of sight. He said the trees are 35 feet in height. He felt there was room in the back to build the garage. Mr. Evans felt the garage would infringe on his property.

With nobody else coming forward, Mr. O'Leary closed the meeting to the public.

Mr. Fette asked Ms. Lombardi where her home is in relation to Mr. Fusco's home. Ms. Lombardi showed the Board on the survey. Mr. Fette noted her house was towards the rear of the property. Mr. Fette felt that no matter where Mr. Fusco put his garage Ms. Lombardi would see it. Ms. Lombardi said she should not have to look at the garage no matter where it was put.

Mr. Leuthe asked who owns the trees along the property line. Ms. Lombardi said she did not know. Mr. Evens said he planted the trees and they are on Ms. Lombardi's property. Mr. Corcoran asked Ms. Lombardi if the proposed garage was moved down closer to the house so that it looked as if it were part of the house would Ms. Lombardi accept that to which she said yes. Mr. Fusco said there is a tree next to his house and the tree would have to be removed. Mr. Fusco said he was willing to take the tree down.

Mr. O'Leary opened the meeting to the public again. Ms. Lombardi requested an architectural plan of the garage. Mr. Smith showed Ms. Lombardi the brochure that was presented to the Board. She felt it looked like a mobile home.

The applicant asked to carry the application to the next meeting. Mr. Duveneck asked that the surveyor identify the trees to see whose property they are on. A motion to carry the application without further notice to the April 25, 2013 meeting date was made by Mr. Randazzo. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Didyk, Taylor, Leuthe, O'Leary.

2.) Cellco Partnership d/b/a Verizon Wireless B:25 L: 5.05

Mr. O'Leary noted that the Board had retained Dr. Eisenstein, radio frequency expert and he was joining the Board.

Mr. Hughes and Mr. Corcoran stepped down from the Board.

Mr. Richard Schneider, Esq. stated he was representing the applicant. He said Cellco Partnership was under contract with Mr. & Mrs. Heathwood of 245 Beaver Run Road.

He said the application was for the approval of a wireless communication facility to be located at 245 Beaver Run Road which is located in the R-4 zone and consists of 6 acres. He said there is a single family home on the property. Mr. Schneider noted that Lafayette does not have a wireless communication ordinance. He said Verizon Wireless comes close to meeting the intent of an essential public service but they are not a regulated public utility. He said they are not permitted in any zone so they need a use variance. He said they are also seeking a height variance. He said Verizon will need a use variance because an approval would create a second principle use on the property.

Mr. Schneider said he has received a letter from the Lafayette Township EMS asking if they can put their equipment on the proposed monopole. Mr. Schneider said Verizon Wireless is willing to accommodate the request.

Mr. Schneider presented Mr. Glen Pierson, radio frequency expert, Mr. Ron Igneri, site plan engineer and Mr. William Masters, PP. Mr. Glen Pierson was sworn in. He gave his qualifications which were accepted by the Board. Dr. Eisenstein was sworn in also.

Mr. Pierson presented a cover letter and the attached table 1 dated 3/20/13 consisting of 3 pages that were sent to Dr. Eisenstein for his review which was entered and marked as exhibit A-1. Exhibit A through F were presented and marked as A-2 through A-7 respectively. Mr. Pierson

gave testimony on Verizon Wireless's radio bands and frequencies. Mr. Pierson said there is a gap in coverage in the proposed tower area. He said the service is unreliable in this area. He explained the exhibits to the Board and the area they are covering. Mr. Pierson explained the different types of coverage and how they differ in various parts of the State. He explained the signal strengths to the Board. He said the worst areas are to the north of the proposed tower. Mr. Luthman asked if the direction the antenna is facing is of importance to which Mr. Pierson said yes. He explained why the antenna needs to face a certain direction. Mr. Pierson explained the radio frequency modeling and measurements to the Board.

Mr. Pierson presented a propagation exhibit of the Lake Grinnell project dated 3/28/13 which was marked and entered as exhibit A-8. He explained it was a base map with elevations and existing towers. He explained the existing towers in the area and discussed their locations.

Mr. Pierson discussed the proposed height of the tower. He said 150 foot tower would work best however the Sussex Airport is nearby and the FAA requires the tower to be lit. He said Verizon dropped the tower height down to 130 feet to avoid having the tower lit. The 130 foot tower will still give Verizon the coverage they need.

Ms. Didyk asked if Verizon put up additional shorter poles could they get the same coverage. Mr. Pierson said the ridge line would be in way. They would have to put up a number of poles to get coverage close to what they are proposing. Mr. Luthman asked if there is an existing pole that could accomplish 70 % of what the proposed pole will do. Mr. Pierson said no. Ms. Didyk asked why they could not use existing silos. Mr. Pierson said they would need dozens of towers to get the same coverage as the one proposed. Ms. Slagle asked what the coverage would be if they reduced the monopole to 100 feet. Mr. Pierson said they would not be able to cover the gap by the school and beyond. Mr. Schneider said they looked at existing structures and there are not a significant number to get the coverage they are seeking. Mr. Luthman asked if the applicant could present the Board with a coverage map if the tower were at 100 feet. Mr. Pierson said he could get that for the Board. Ms. Didyk asked what the coverage would look like if the tower were lowered to 100 feet and then additional antennas added to existing structures.

Mr. Schneider said they will allow other carriers to use their tower however Verizon will be on top with the others at 10 foot intervals lower than Verizon's. He pointed out that if the pole is allowed at 130 feet it reduces the number of poles that are needed. He said all of the carriers coexist on poles. Mr. Pierson said the other carriers antennas don't interfere with each other because they are pointed in a different directions and at different levels.

Mr. O'Leary asked if the existing equipment gets upgraded. Mr. Pierson said it gets upgraded all of the time. He said that all equipment is restricted by terrain. Mr. Pierson said all of the equipment will comply with FCC standards. He presented a document with FCC calculations which was marked and entered as exhibit A-9. Mr. Pierson explained the report to the Board. Dr. Eisenstein confirmed that the calculations were correct in the report. Mr. Pierson said that in this area the hills and trees affect the power level and reception.

Mr. O'Leary opened the meeting to the public. Mr. Steve Race of 247 Beaver Run Road suggested the tower be moved to the school. He said the school would be the recipient of the lease money. Mr. Pierson said they would lose significant coverage to the north because of the terrain if the tower were to be at the school. Mr. Race suggested Verizon look at using the Beaver Run Solar Farm property. Mr. Schneider said that the tower may shadow the solar panels. Mr. Pierson said they can look at the other sites and do the calculations. He noted that the Beaver Run Solar Farm site may interfere with the FAA regulations and then it may need to be marked and lit.

Mr. Race expressed a concern about the radiation that is emitted from the tower. Mr. Pierson gave Mr. Race the calculations. Mr. Race did not agree with what Mr. Pierson told him.

Mr. Race expressed a concern about diesel fuel and batteries being on the site and close to his home.

Ms. Carol Raghgue of 248 Beaver Run Road said she did not want a cell tower near the property she owns.

Mr. Harry Gomez of 251 Beaver Run Road asked why the tower could not be put on the Shotmeyer property on Lewisberg Road. He said there is only one house there opposed to the many houses on Beaver Run Road. Mr. Pierson asked that the applicant look at that property as a feasible location.

Mrs. Donna Race of 247 Beaver Run Road suggested the tower be put at the school.

With nobody else coming forward, Mr. O'Leary closed the meeting to the public.

Mr. Schneider said they will look at the school however the school does not have the authority to enter into an agreement with Verizon to put up a tower. It is decided by the Board of Education and then it would have to go out for bid. Mr. Schneider said they will do the calculations for the school but it does not mean that it will be accepted by the Board of Education who makes the final decision.

Ms. Didyk asked that Verizon look at a 100 foot tower with additional antennas on existing silos to get the coverage they are looking for. Ms. Leo said that the Board cannot ask this of Verizon.

Mr. Luthman was not comfortable with using the school as a possible site. He did feel that serious consideration should be given to the Shotmeyer property.

Mr. Schneider described the balloon test to the Board. He said he will give about 48 hours' notice to the Board Secretary for the scheduled day of the balloon test. He said it is determined by the weather and wind conditions. He cautioned it could be cancelled the last minute due to wind conditions. He said it may not be before the April meeting.

A motion to carry the hearing to the April 25, 2013 meeting date without further notice was made by Mr. Fette. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Didyk, Taylor, Leuthe, Van Sickle, Henderson, O'Leary.

Mr. Corcoran returned to the Board.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

OLD BUSINESS: None.

NEW BUSINESS: None.

RESOLUTIONS: None.

ORDINANCES: None.

ZONING REPORT: None.

BILLS: List # 3

A motion to pay the bills as presented was made by Mr. Leuthe. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Didyk, Taylor, Leuthe, Van Sickle, Henderson, O'Leary.

CORRESPONDENCE: None.

ADJOURNMENT:

With no further business to come before the Board, a motion to adjourn was made by Mr. Randazzo. It was seconded by Mr. Corcoran and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Secretary