

**CALL TO ORDER**

Mr. O'Leary called the meeting to order at 7:30 pm 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:** Luthman, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary, Didyk (7:35pm).

Members Excused: Hughes, Cutler, Corcoran.

Members Absent: None.

Also Present: Ursula Leo, Esq.  
Nevitt Duveneck, PE

**MINUTES:** December 22, 2016.

A motion to approve the minutes of the December 22, 2016 meeting with the noted corrections was made by Mr. Leuthe. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Luthman, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**COMPLETNESS / HEARINGS / CONCEPT:**

1.) Gutu, Alexandra B:6, L:10.01 MNR16-2 (Deemed Incomplete 8/25/16)

Mr. Gutu of 186 Route 94, Lafayette addressed the Board. Mr. Gutu felt the town was making him waste his money. He said he applied for a minor subdivision and felt he should not have to do soil logs and engineering of a septic design and a traffic study. He said he is separating the farm from the house. Mr. Gutu said he is not developing the lot and felt he did not need a septic design or a house design. Mr. O'Leary explained the checklist and why certain items were on the checklist. Mr. Duveneck clarified that he never asked for a traffic study. He asked for a highway access permit that would qualify and be able to be approved by the NJDOT. He also never asked for a house design.

Mr. Duveneck explained that every subdivision is required to have soil logs, proposed septic and driveway access because if anyone buys the property they have the right to build a house on it. The Board needs the information to make an informed decision prior to a subdivision. Mr. Gutu insisted that the property is just farmland. He said if someone wants to build after he sells it, then they would have to come before the Board.

Mr. Gutu said every time Mr. Duveneck writes a report, he makes money from his escrow account. Mr. O'Leary said that was not a fair comment since Mr. Duveneck has a responsibility to the Board and the Town to make sure the application is meeting the ordinances.

Mr. Duveneck went over his report with the Board. He said some of the information was still missing. He recommended the application be deemed incomplete.

A motion to deem the application incomplete was made by Mr. Luthman. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Luthman, Leuthe, Didyk, Taylor, Van Sickle, Aikens, Allison, O'Leary.

2.) Cellco Partnership Cell Tower B:15 L: 2, 6.01, 6.03, 7.01 & 7.02  
(Deemed Complete 9/22/16)

Ms. Van Sickle stepped down from the Board.

Mr. David Soloway, Esq. said he was following up with information on when construction could or could not take place because of the Indiana Bat. Mr. Lanna said the cutting time for Lafayette is between November 16 and March 31.

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

Mr. Soloway said that upon the request of the Board, they brought Mr. Pierson back for additional radio frequency questioning. Mr. O'Leary noted that Verizon did not have to bring Mr. Pierson back and thanked them for doing so.

Mr. Luthman also thanked Mr. Soloway for bringing Mr. Pierson back for questions. Mr. Luthman said he looked at the topographical maps and found two spots he wanted to ask about. He said the first was a piece of farm preserved land on Meadows Road next to the existing church. He felt this land eliminated one variance and did not require any tree cutting. He also said it was at a higher elevation. Mr. Luthman also felt the church on Route 15 might be a viable option. He said the properties he suggested were at a higher elevation. Mr. Luthman asked Mr. Pierson how Verizon determines a property to be a viable location.

Mr. Pierson said in some cases, like Lafayette, terrain governs where they look for property. He explained the hills in the area and how the hill on Meadows Road blocks the signal from the Sunrise House. He explained the area they are trying to cover. He said the tower needs to be on the ridge in the middle of the two valleys they are trying to cover. He explained the terrain in the surrounding area. Mr. Pierson said the traffic on Route 15 is a must have for Verizon. They need to cover Route 15 between Valley View Road and Meadows Road. He explained the continuous coverage that Verizon is looking for. He said they want to cover Beaver Run Road and Meadows and therefore they need to be in the middle.

Mr. O'Leary asked if the proposed tower would improve service at the school to which Mr. Pierson said it would not help much. He explained that the existing antennas could be redirected to help some of the dead spots in town.

Mr. O'Leary asked about antenna socks. Mr. Pierson said he has not seen the sock but it is something that slips over the antenna to conceal it more. He said he has not personally seen one. Mr. O'Leary asked about the branching that makes the pole look like a tree. There was a lengthy discussion on the tree branching.

Mr. O'Leary opened the meeting to the public.

Mrs. Barbara Hansen of 24 Beaver Run Road, Lafayette said she owns a home on a hill on Beaver Run Road and is willing to have Verizon look at her property as a site for a tower. She asked if the tower would have any effect on the local birds. Mr. Pierson said the birds actually like the towers because they make nests in them. Ms. Hansen asked if the proposed tower will reach the school. Mr. Pierson explained the coverage again and said it will not really reach the school.

Ms. Arin Gunn-Russell of 296 Warbasse Jct. Road, Lafayette asked why the area around the school is not the focus of Verizon's coverage. She felt this is an important area to cover in case of an emergency and that coverage for commuters was not as important. Mr. Pierson agreed the safety of the children is important. He said they proposed a tower to cover the north side of Lafayette which did not get approved.

Mr. Robert Van Dyke of 23 Cedar Ridge Road, Lafayette asked what reliable coverage meant. Mr. Pierson said they do studies for the various types of technology and consider criteria such as the type and size of surrounding buildings, terrain etc....for the area. He said the criteria are developed by the industry. Mr. Van Dyke said he gets coverage at his house and felt the coverage was reliable for him.

Mr. Rick Greaver of 19 Cedar Ridge Road, Lafayette felt that Verizon could boost the power to get better coverage and therefore no need for the proposed tower. He said most of the people in the area get coverage and do not need the tower. Mr. Greavey asked if a 200' pole at the fire department would cover Route 15. Mr. Pierson once again explained the frequency and the coverage of the proposed pole.

Mr. William Dinges of 81 Beaver Run Road, Lafayette asked how Verizon determines the location of the tower. He said he wanted to feel that everyone was treated fairly and that one person is not getting special treatment. Mr. O'Leary explained that the application has been before the Board since September and it was noticed in the paper and Verizon has done everything by the law. The Municipal Land Use Law has procedures in place to protect everyone involved including the residents. Mr. Luthman said he has been more critical of this application because a member of the Board is the applicant. He felt the public has to rely on his integrity and the integrity of the Board in this matter. Mr. O'Leary said the Board does not take this application lightly.

Mr. William Kroth of 85 Beaver Run Road, Lafayette asked what the pole will look like. Mr. Soloway said they have offered to do a tree pole if the Board wants that. Mr. Kroth asked that the Board consider the tree pole.

Ms. Kathleen Zagula of 12 Patricia Lane, Lafayette asked if the equipment that emergency services uses is compatible with the type of equipment Verizon uses to which Mr. Pierson said yes. He said emergency services uses lower frequencies which handles hills better but does not get inside buildings as well. Emergency services will do ok at a lower height. Ms. Zagula asked who maintains the EMS equipment. Mr. Pierson said they would maintain their own equipment.

Ms. Barbara Hansen asked if FIOS will be on the tower. Mr. Pierson said it will not and explained that they are two different companies.

Ms. Christine Schiedlo of 45 Beaver Run Road, Lafayette said she read through the transcripts and noted that Mr. Pierson testified about the gap along Beaver Run Road. She said she lives there and has good service. Mr. Pierson explained the gap and the design threshold. Ms. Schiedlo asked if the gap is presently there or is it for a future perceived gap. Mr. Soloway explained that Dr. Eisenstein agreed with Mr. Pierson's testimony that there is a gap in the area.

Mr. John Schiedlo of 45 Beaver Run Road, Lafayette asked what the impact of capacity issues are. Mr. Pierson explained the issues are signs of slow down; breaks in the conversation, and the signal could be kicked down to 3G data. Mr. Pierson explained the future of wireless service. Mr. Schiedlo said anyone who does not have good service could use WIFI router. Mr. Schiedlo suggested the structure should be put on a property that is financially profitable for the town. He asked why Verizon is not looking at these properties. Mr. Pierson explained that Verizon needs coverage in the gap area. Mr. Schiedlo asked why the project on the north of town was dropped. Mr. Soloway said that is not the application before the Board.

Ms. Kristen Caggiano of 37 Van Sickle Road, Lafayette asked what the protocol is for removing a bald eagle nest if it were blocking a signal. Mr. Lanna said regulations prohibit removing a bald eagle nest. If the need arises, they can get a special permit to remove the nest.

Mr. Bill Macko of 20 Dennis Road, Lafayette expressed a concern with a part of Meadows Road where there is no cell service. Mr. Macko, being the fire chief, said there has been numerous accidents in that area and knows firsthand there is no service. He asked if the proposed tower will cover the area he was concerned about. Mr. Pierson confirmed that the area will be covered with the proposed tower.

Mr. Victor McLoughlin of 13 Thomas Road, Lafayette asked where the technology of cell phones is headed and will it require larger antennas in the future. Mr. Pierson explained the technology and where he sees it heading in the future. He explained how the current frequencies and how they may be repurposed in the future. He said the actual antenna will look the same. Mr. McLoughlin expressed a concern about fires at the proposed site. Mr. O'Leary said the applicant has already addressed that issue and the fire department is agreeable to a gravel driveway. Mr. McLoughlin said he is concerned about safety and kids getting into the site. He asked if there will be cameras to which Mr. Ferrante said no. Mr. McLoughlin asked how many trees will be cut down to which Mr. Ferrante said 24 trees.

Mr. O'Leary closed the meeting to the public.

Mr. O'Leary asked what the tree pole would look like. Mr. Soloway said that the company that manufactured the tree branches for the Delbarton School is no longer in business. Mr. Luthman asked if the first 70 feet of the pole will be camouflaged. Mr. Ferrante said they can paint the pole brown to hide it. Mr. Luthman expressed a concern that if another carrier were added the extension would not be camouflaged. Mr. Soloway agreed to a condition of approval that any addition to the pole be camouflaged to look the same as the rest of the pole. There was a lengthy

discussion on how to handle the camouflaging of the pole if an extension is added to the pole. Mr. O'Leary asked for the applicant to present pictures of proposed tree branches. Mr. Ferrante said the tree pole should be designed for the possibility of an extension. He said it is difficult to retrofit a tree pole.

Mr. Soloway gave consent to carry the application to the February 23, 2017 and if it snows consent to carry to the March meeting date.

A motion to carry the hearing to the February meeting date without further notice was made by Ms. Didyk. It was seconded by Mrs. Aikens and passed with a roll call votes. Ayes: Luthman, Leuthe, Didyk, Taylor, Aikens, Allison, O'Leary.

Ms. Van Sickle 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:**

1.) Possible Amendment to Renewable Energy Ordinance

The Board agreed to carry this matter to a later date.

**NEW BUSINESS:** None.

**RESOLUTIONS:**

1.) 2017 Annual Update

A motion to recommend sending the Annual Update to the Township Committee was made by Ms. Van Sickle. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Luthman, Leuthe, Didyk, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**ORDINANCES:** None.

**ZONING REPORT:** None.

**BILLS:** None

**CORRESPONDENCE:**

1.) From: Edward A. Kuc

Re: CMS Mid-Atlantic, Inc. – Letter advising application for LOI for Route 15 & Sunset Inn

Mr. Duveneck said he met with the engineer of the cemetery project and they are moving forward and should have an application in shortly.

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Ms. Van Sickle. It was seconded by Ms. Didyk and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Secretary