

CALL TO ORDER

Mr. O'Leary called the meeting to order at 7:38 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: Cutler, Corcoran, Taylor, Van Sickle, Allison, O'Leary, Didyk (7:55pm).

Members Excused: Hughes, Luthman, Leuthe.

Members Absent: Aikens.

Also Present: Ursula Leo, Esq.
Nevitt Duveneck, PE
David Banisch, PP
Dr. Bruce Eisenstein, Ph.D., P.E.

MINUTES: September 22, 2016.

A motion to approve the minutes of the September 22, 2016 meeting with the noted corrections was made by Mr. Corcoran. It was seconded by Mr. Cutler and passed with a roll call vote.

Ayes: Cutler, Corcoran, Taylor, Van Sickle, Allison, O'Leary.

COMPLETENESS / HEARINGS / CONCEPT:

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

Mr. Duveneck reported that no new information had been submitted.

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 and Mr. Corcoran stepped down for this application.

Mr. David Soloway, Esq. said he was representing the applicant He said the application was for a proposed cell tower to be located at 22 Van Sickle Road. He said the property is comprised of a number of lots however the tower is proposed to be constructed on lot 6.01. He said they are proposing to construct a 140 foot monopole which will be 143 to the top of the antennas and 146 feet to the top of the lightning rod. The compound will consist of a 45' by 43' fenced in area which will include equipment cabinets and a diesel generator. The area is a largely wooded 46 acre lot. Access to the site will be from Van Sickle Road. Mr. Soloway said it is located in a residential zone and therefore requires a use variance. A height variance and two other "d" variances are needed as well.

Mr. O'Leary asked if the applicant will need a fifth variance for a non-conforming lot. Mr. Soloway agreed the applicant will need five variances. He said it did not violate any bulk standards in the zone.

Mr. Soloway explained the witnesses he plans on having address the Board.

Ms. Didyk joined the Board.

Mr. O'Leary explained to the public how the balloon test will be handled. Mr. Soloway said that in order to do the balloon test they will need to take down some trees. Ms. Leo said they do not need any permits for taking down a few trees.

Mr. William F. Masters Jr. PP, 19 Iron Wood Drive, Morris Plains, NJ was sworn in by Ms. Leo.

Dr. Bruce Eisenstein was sworn in as an RF expert by Ms. Leo.

Mr. David Banisch, PP was sworn in by Ms. Leo.

Mr. O'Leary explained to the public that the Board had accepted Mr. Master as an expert in planning for a prior application.

Mr. Masters explained the balloon test to the Board. He said he does not like to do a test with winds greater than 3 miles per hour. He said there is a limited window for which the test can take place. He said he is available every weekend so he will monitor the wind speeds for Saturdays and then he will coordinate with the Board Secretary to schedule the test. Mr. Soloway wanted the balloon test done prior to the following meeting. The Board agreed to try for November 5th. Mr. Masters said he will fly the balloon at a height of 146 feet. Mr. Masters will coordinate with the Board Secretary and if it is a favorable wind conditions the Secretary will post it on the Township website.

Mr. Glen Pierson, RF expert from 63 Beaver Brook Road, Lincoln Park, NJ was sworn in by Ms. Leo. He gave his qualifications which were accepted by the Board.

Mr. Pierson said he was familiar with Verizon and the proposed coverage area. He said Verizon has four licenses in four different frequency bands.

Mr. Pierson gave the Board a hand out entitled "Verizon Wireless 2013 Rural Cellular 800 MHz Voice Coverage Criteria for Existing Coverage" which was marked and entered as exhibit A-1.

Mr. Pierson explained the handout to the Board. He said it was the coverage in what is called a rural signal strength which he explained is reliable signal strength in a vehicle. He explained where the existing poles are situated throughout the area. He explained how the consumer now demands more on the data side than from a voice perspective. He explained the signal strength to the Board.

Mr. Pierson gave the Board a hand out entitled "Verizon Wireless Existing 700 MHz LTE Coverage" which was marked and entered as exhibit A-2.

Mr. Pierson explained the map to the Board. He described the frequency bands and licenses that Verizon owns. He explained the different bands for the various data and voice options. He said the voice signals do not travel as well as the data signals because of the trees. Mr. Pierson said Verizon is not trying to saturate Lafayette with higher frequency they are just trying to get the 700 and 800 megahertz frequencies to work properly in this area.

Mr. Pierson presented to the Board a base topographical map with two coverage overlays attached, which is entitled "Verizon Wireless Network Design, Lafayette NJ, 22 Van Sickle Road" which was marked and entered as exhibit A-3. Mr. Pierson explained exhibit A-3 to the Board and the audience. He showed the Board and public the difference in the coverage without the proposed cell tower and then with the proposed cell tower. He explained the gap area that Verizon is trying to cover with the new tower.

Mr. Pierson gave the Board a handout entitled "New Jersey Department of Transportation Daily Volume from 10/5/2010 through 10/7/2010" which was marked and entered as exhibit A-4. He said it shows just how busy Route 15 really is. He explained the data to the Board. He said there are a significant number of people who go through this area and they are trying to fix the coverage in this area. He said they can cover Meadows Road, Beaver Run Road and Route 15 from the proposed site. Mr. Pierson explained the topography of the area and the proposed height of the monopole.

Mr. Pierson gave the Board a handout entitled "Verizon Wireless Existing 700 MHz LTE Coverage and Proposed Coverage at 140'" which was marked and entered as exhibit A-5.

Mr. Pierson gave the Board a handout entitled "Verizon Wireless 700 MHz LTE Proposed Coverage at 140'" which was marked and entered as exhibit A-6.

Mr. Pierson explained both handouts to the Board. He said exhibit A-5 only shows the net coverage while A-6 shows the entire proposed coverage. He said there will be overlay coverage that will intensify the existing coverage. Mr. Pierson explained the newly proposed coverage area to the Board.

Mr. O'Leary asked if the charts are showing data for voice or LTE? Mr. Pierson said that wherever it shows and is listed for LTE, the voice will be reliable there as well. Mr. Pierson

explained voice over data. He explained that Verizon has tested their entire network to make sure 9-1-1 works properly over the LTE network.

Mr. Pierson said he was retained by Verizon to undertake analysis of the radio frequency emissions. He explained the FCC bulletin that addresses emissions. He said Verizon uses the FCC bulletin to conduct their analysis. Mr. Pierson explained the analysis to the Board. He said they have determined that Verizon is at 3.399 percent of the FCC standard which is well below what the FCC requires for compliance. He said New Jersey has a separate standard that is five times less stringent. He said Verizon is at .68 percent of the New Jersey standard. He said these standards have been in effect since the 1990's.

Dr. Eisenstein said that he and Mr. Pierson have been in conversation prior to the meeting and he has had a chance to review the exhibits prior to the meeting. He said he has reviewed Mr. Pierson's calculations on the emissions and he agrees with the 3.4 percent of the FCC standard for the emissions. Dr. Eisenstein asked Mr. Pierson if all of the equipment is FCC approved to which Mr. Pierson said yes. Dr. Eisenstein agreed. He said it is a requirement of the FCC that all equipment is approved by them.

Dr. Eisenstein pointed out that cellular communication is not a broadcast technology. He said it is set up to have a large area divided up into cells with a little overlap so there is a hand off as someone goes from cell to cell. He said contrary to a television or radio station antenna, where they are sending the signal out, a cellular signal is an extremely low signal.

Mr. Banisch asked if the proposed equipment will work at the 700 and 800 megahertz bands. Dr. Eisenstein said it is determined by what you are holding in your hand. All of the existing phones will work at the 800 megahertz band and the newer phones work at the 700 megahertz band and would be capable of the LTE. Dr. Eisenstein explained that the handheld device needs to have a two way communication with the tower. He said the hand held device governs this side of the network.

Mr. O'Leary asked if there would be a 50% reduction in efficiency at the tree line. Dr. Eisenstein said it's not exactly 50%. He said it depends on the kind of tree, whether the leaves are wet, or if there is snow on the tree. He said the signal is degraded whenever there is any sort of obstacle in its path.

Mr. Banisch asked if the antennas will be 15 to 20 feet above the tree line to which Mr. Pierson said yes. Mr. Banisch asked if Mr. Pierson expected the trees to grow. Mr. Pierson said the tower is designed with the idea that there will be another 10 feet of growth however these trees are pretty much capped out.

Mr. Banisch asked what Mr. Pierson knew about Verizon's competition's gaps in the area. Mr. Pierson explained that all of the major carriers are located at the Sunrise House, the ball field and in Hampton and all have the same frequency bands so they are all facing similar gap issues.

Mr. O'Leary asked if there is any discussion on co-locating other carriers on the proposed monopole. Mr. Pierson said none that he was aware of. He said each carrier has their issues and their priorities and they may show up at a later date. He said usually each carrier is separated by 10 feet so an additional carrier could be at 130' or 140' or 150'. Mr. Pierson said that emergency services were interested in being on the monopole with the last application and he said he assumed they would want the same with this pole. Mr. Soloway said that is acceptable so long as it does not interfere with Verizon's antennas.

Mr. O'Leary expressed a concern that an additional carrier could extend the pole without coming back to the Board. Mr. Soloway said under FCC law and Land Use law that it can go one carrier higher without coming back to the Board. Dr. Eisenstein said that the next carrier could extend the pole 20' to 160' without Board approval. He recommended that if the Board grants approval, to grant it with a condition that the foundation and lower part of the tower are built to accommodate the 160' tower; however Verizon can only build it to their needs at this time which is 140'. He said the Board is not permitted to discriminate against the next carrier, so if the tower could not accommodate them, they could construct another tower. In light of this, Mr. O'Leary felt the balloon test should be at 160'.

Ms. Didyk asked if another carrier wanted to put up a tower further up on Beaver Run Road to accommodate that gap, would they have to come before the Board to which Dr. Eisenstein said yes. He added that if this tower has a foundation that only supports the 140' tower, and an additional carrier wants to cover this area, then a second tower would be built. Ms. Didyk asked if the additional carrier would then have to come before the Board for the second tower. Dr. Eisenstein said yes they would.

Mr. Banisch asked about the balloon test and if two balloons could be launched. Mr. Soloway felt the balloon test should depict what is actually going to be built. Mr. Banisch asked if Verizon could produce photo simulations of the two tower heights. Mr. Masters said he could interpolate up to the 160'. Mr. Banisch asked for a few perspectives so the Board can compare.

Mr. Banisch asked for clarification on extending reliable, indoor coverage. Mr. Pierson said a lot of it does not exist so this tower would be adding that coverage and improving the existing indoor coverage.

Mr. O'Leary asked about the FAA height limitation. Mr. Pierson said this tower would not be a concern for the FAA and it does not need to be lit.

Mr. O'Leary advised the public that the balloon test information will be posted on the Lafayette Township website.

Mr. O'Leary asked Mr. Pierson why two carriers can't be on the same level on the pole. Mr. Pierson said it could cause interference with each other's transmission.

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

Carolyn Manning of 27 Van Sickle Road, Lafayette asked if Verizon will be the only carrier on the tower and will there be television broadcast from the tower. Mr. Pierson said the testimony was about co-location on the pole; however there are no confirmed carriers at this time. He said the pole is not designed for broadcasting. Ms. Manning asked if it were possible to get a scaled down model of the tower and surrounding site. Mr. Soloway said they do not have a model.

Denyce Lucatoro of 29 Van Sickle Road, Lafayette asked if a third carrier could be added to the pole and extend the height to 180' or 200'. Mr. Soloway said they could not do that without coming back before the Board. She asked if multiple towers could be built without the wireless carriers coming before the Board to which Mr. Soloway said no. Ms. Leo clarified that nobody can build a second or third tower without coming before the Board.

Mr. O'Leary asked Mr. Pierson to explain how the second carrier is added to the tower. Mr. Pierson said there is flange on top and the second carrier would just bolt another 10 foot section on top.

Celia Ostertag of 36 Van Sickle Road, Lafayette asked if Verizon could do an analysis of the emissions for more than the four panels Verizon is proposing. She expressed a concern over radiation frequencies. Mr. Pierson said all of the carriers run in a standard so if ATT were added to the tower it would go from 3.4 to 6.8. Mr. Pierson explained the emissions at different ranges. Ms. Ostertag asked if the lights are extending out on the sides of the tower or at the top. Mr. Pierson said the tower will not have FAA lighting however if it did, it would be on top of the pole but not as high as the lighting rod. Ms. Ostertag asked how the signal test is conducted. Mr. Pierson said he has a calibrated receiver and a GPS antenna and he drove around collecting the data. Ms. Ostertag asked Mr. Pierson to explain the suburban standards to which he did. Ms. Ostertag felt the Township did not need this cell tower.

Mr. Walter Dankiewicz of 159 Beaver Run Road, Lafayette said he could not get service at his house until he upgraded his phone with a new model. He felt there was no need for the tower. The newer phones get better coverage. Mr. Pierson said a new phone will help however there are all kinds of phones to be considered and that his house was located in a great coverage area.

Ms. Dana Gall of 21 Cedar Ridge Road, Lafayette asked Mr. Pierson that since he stated that Verizon's consumers were demanding more data coverage did they do a survey of the residents of Lafayette to see what their opinions were to which Mr. Pierson said no. He said they pull the

information from the Lafayette site to see how much data is running. He said if Verizon's customers were not using it then they would not see the need. Ms. Gall felt the need was on Verizon's end and not the residents of Lafayette. Mr. Pierson said Verizon needs to service their customers.

Ms. Ostertag said the members of the public were comparing signals and she felt that the type of equipment determined the signal strength.

With no other members of the public coming forward, the meeting was closed to the public.

Mr. Soloway asked that the hearing be carried to the November meeting date.

Mr. O'Leary advised the public that confirmation of the balloon test date will be posted on the Township website. Mr. Banisch advised the public that they will not receive individual notice of the balloon test.

A motion to carry the hearing to November 17, 2016 without further notice was made by Ms. Didyk. It was seconded by Mr. Allison and passed with a roll call vote. Ayes: Cutler, Didyk, Taylor, 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.) Accessory Structure Setbacks – VR Zone

Mr. O'Leary advised the Board that after the last meeting it was noted that the proposed ordinance did not address the Village Residential zone. He gave a brief overview of the proposed ordinance and the Village Residential zone. Mr. Taylor suggested a side yard setback of 10 feet and a rear yard setback of 20 feet.

A motion to recommend to the Township Committee the revised ordinance with the additional setbacks for the Village Residential zone was made by Mr. Cutler. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Cutler, Didyk, Taylor, Van Sickle, Allison, O'Leary.

2.) Possible Amendment to Renewable Energy Ordinance

The Board carried this matter to the November meeting.

NEW BUSINESS:

1.) Sussex County Agricultural Resolution for 56-58 Sunset Inn Rd., LLC

Mr. O'Leary said he read through the resolution and he had issues with it. He felt the property did not meet the Right to Farm Act. He said it was a residential property with a house on it. He felt the property was not a farm. He felt the Agriculture Board did not have the jurisdiction over this piece of property. He felt what is being proposed is a fast food restaurant.

Mr. Cutler suggested the Township Attorney write a letter to the Agricultural Board notifying them that the lot is not a conforming farm.

The Board had concerns with the hours of operation, the size of the lot and the proposed use as a fast food restaurant in a residential zone.

Ms. Leo had a concern with the timeframe of any appeal. She suggested the Township Attorney write a letter. Ms. Leo will send a letter of the Board's concerns to the Township Attorney.

RESOLUTIONS: None.

ORDINANCES:

1.) Accessory Structure Setback Ordinance

This matter was handled earlier.

2.) Affordable Accessory Apartment Ordinance

Mr. Banisch went over the proposed ordinance with the Board. He said there is a commitment in the housing plan to provide 10 affordable accessory apartments. He said the occupants must qualify as low to moderate income to stay in the apartment. Mr. Taylor asked what the income level is to be eligible for the affordable apartment. Mr. Banisch said it is about \$59,000.00 for a family of four. Mr. Cutler asked how the Zoning Officer determines income. Mr. Banisch said the town will have an Affordable Housing Administrator and they will have guidelines to follow. He said there is a deed restriction placed on the apartment.

Ms. Didyk felt this could work in the Village Residential zone however she had an issue with the parking. She felt two parking spaces are not sufficient. Mr. Banisch said it is a minimum of two. They could have more.

Ms. Van Sickle asked if the occupant can be a family member. Mr. Banisch explained the qualifications to the Board.

A motion to recommend the proposed ordinance with the noted change to the Township Committee was made by Mr. Allison. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Cutler, Didyk, Taylor, Van Sickle, Allison, O'Leary.

ZONING REPORT: See Attached

Mr. Cutler said he has issued a notice of violation to Olde Lafayette Village. He said the foreclosure registrations are going well.

BILLS: List #10

The Board Secretary went over the bills with the Board.

A motion to approve the bills as presented was made by Mr. Cutler. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Cutler, Didyk, Taylor, Van Sickle, Allison, O'Leary.

CORRESPONDENCE: None.

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Secretary