
CALL TO ORDER

Mr. O'Leary called the meeting to order at 7:32 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: **Member Present:** Hughes, Cutler, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary.

Members Excused: Luthman, Corcoran, Didyk.

Members Absent: None.

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

MINUTES: October 27, 2016.

A motion to approve the minutes with the noted changes was made by Mr. Allison. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Cutler, Taylor, Van Sickle, Allison, O'Leary.

EXECUTIVE SESSION

A motion to go into executive session to discuss pending litigation was made by Mr. Hughes. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, Cutler, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary.

A motion to come out of executive session was made by Mr. Hughes. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, Cutler, 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. O'Leary advised the Board that no new information has been submitted by the applicant.

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

Mr. Hughes and Ms. Van Sickle stepped down from the Board.

Mr. David Soloway, Esq. said he was representing the applicant. He said the balloon test was completed and Mr. Masters, the project planner, will address that when he testifies in December. Mr. Masters will submit the pictures to the Board prior to the next hearing.

Mr. John Ferrante, PE was sworn in by Ms. Leo. He gave his qualifications which were accepted by the Board.

Mr. Soloway said they had conducted a FAA search at 167' as requested by the Board.

Mr. Ferrante presented a computer printout from Air Space, an official FAA program, which was prepared by Verizon and was marked and entered as exhibit A-8. Mr. Ferrante explained the printout to the Board. He said they entered the data for a 166' monopole. He said the increased height does not impede any airport traffic. The report did not recommend any impact or notification to the FAA.

Mr. Ferrante said the application was prepared by his office and he has reviewed it. He described the property to the Board. He said Verizon has met all of the bulk requirements of the zone except the height requirement. Mr. Ferrante explained the plans to the Board. He said the tower will be set back into the property. The compound will be about 30' from the tower. He explained that the site contains an existing commercial use at the front of the property. He said they will be accessing the compound via the existing access road. The applicant will lease a 60'X60' piece of the property. Mr. Ferrante testified that the compound is large enough to

accommodate co-locators if they should come to the site. He explained the height of the monopole with the lightning rod. The compound will be fenced in with an eight foot high chain-link fence. There will be 2 radio cabinets and a battery cabinet and a 10 kilowatt emergency generator. He said the only utilities they will need are power and telephone which will be underground. Mr. Ferrante said the tower itself will not be lighted. He said they will have a 100 watt light for a technician who may need to conduct nighttime servicing. The site is maintained every 4 to 5 weeks by a technician. The compound will be entirely fenced in.

Mr. Ferrante said the equipment will not be visible off of the property. There will be no sewer, water or employees other than the servicing technician. There will be no sanitary facilities onsite. He said there will be minimal grading and less than one acre of disturbance so they will be exempt from stormwater management. The applicant will be obtaining a soil conservation permit. Mr. Ferrante said the access roads will be below 15 %. They will obtain a driveway permit as required by the Township ordinance.

Mr. Duveneck went over his report. He noted an error on the survey with one of the tax lots. Mr. Ferrante said he will make the correction and resubmit the plan. Mr. Duveneck asked about a plan for stormwater runoff. Mr. Ferrante said he will have a pre-construction meeting and outline the stormwater runoff. Mr. Duveneck asked for a detailed driveway cross-section plan. Mr. Ferrante said they are planning for a gravel access way. Mr. Duveneck noted that the ordinance requires paving and asked if Verizon will comply with all requirements of the driveway ordinance. Mr. Ferrante said they were not proposing to pave the access drive since it will be used so infrequently. Mr. Duveneck said the ordinance requires paving on any access drive over 8% for emergency access. Mr. Ferrante said they can stabilize the road for emergency equipment. Mr. Duveneck requested Verizon obtain letters from emergency management, the fire department and EMS saying they have reviewed the plans and they have no problem with the access drive being unpaved.

Mr. Duveneck asked about the existing pole and overhead wires. Mr. Ferrante explained the electrical service to the Board. He will revise the plans.

Mr. Duveneck asked if they were willing to collocated antennas for emergency services to which Mr. Soloway said yes so long as they do not interfere with Verizon's antennas.

Mr. Duveneck asked about the proposed gate. Mr. Ferrante said they will have a locked gate at the compound. Mr. Duveneck felt this was unwise since it will allow people to access the site all the way up to the compound. He requested a locked gate at the site access point. Mr. Ferrante said they can add a gate at the bottom. Mr. O'Leary suggested having emergency contact numbers on the access gate for emergency services. Mr. Soloway said they will make arrangements with emergency services for access.

Mr. Duveneck requested the elevation of the antennas on the plans. Mr. Ferrante said he would add this to the plans. Mr. Duveneck asked for the reason for the raised platform. Mr. Ferrante said it is to keep the equipment above the typical snow level and to reduce the impervious area. Mr. Duveneck asked how often the emergency generator will be tested. Mr. Ferrante said the generator will power on once every two weeks and will stay on for 10 to 15 minutes. This test will take place during normal business hours.

Mr. O'Leary asked if there is a need to blast to install the foundation. Mr. Ferrante said if they get an approval, they will order a geotechnical investigation and if blasting is needed they will advise the Township. He explained the proposed foundation and felt they most likely will not need to blast. Mr. O'Leary suggested as a condition of an approval that Verizon notice the surrounding neighbors of any blasting to which Mr. Ferrante agreed.

Mr. O'Leary asked if they will be storing fuel onsite. Mr. Ferrante explained the type of generator they are proposing. He said the generator has a small 55 gallon tank. The generator is only used to charge batteries not run the equipment for the tower.

Mr. Taylor asked if there is anything in place to prevent the owner from cutting the trees down. Mr. Ferrante said they will be removing 24 trees as it is noted on the plans. He said the top of the tree line is at about 75' so the tower will be only about 50' above the tree line.

Mr. O'Leary asked if there are any structural issues if the Board decided to request a tree pole. Mr. Ferrante said the foundation would have to be redesigned to accommodate the tree pole. Mr. O'Leary asked if the site could support a tree pole with the redesigned foundation. Mr. Ferrante said from an engineering perspective there is no reason why the tree pole could not be supported at this site.

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

Ms. Allison Agne of 28 Beaver Run Road, Lafayette expressed a concern with the distance of her residence to the proposed cell tower. She was also concerned with the FAA search and said her home is at 570' and she is able to count the windows on airplanes as they go by. She requested further investigation into air traffic patterns. She was concerned about a plane crashing into the pole since it will not be lit. Mr. O'Leary said the lighting requirement is governed by the FAA.

Ms. Agne expressed a concern with blasting in the area. She was not permitted to blast when she built her house.

Ms. Kathy Zagula of 12 Patricia Lane, Lafayette asked if there was information on the noise level of the proposed generator. Mr. Ferrante said the generator meets the N.J. law requirements. He said the nearest house is about 800' and there will be no problem with noise. He explained the decibels of the generator. Ms. Zagula expressed a concern about a fire breaking out in the battery cabinet. Mr. Ferrante said it is a gel-type battery.

Ms. Zagula asked why an exception was being made for the paving of the driveway. Mr. Duveneck said if emergency services are ok getting into the site without the driveway being paved then he was ok with it. He said the site will not be occupied by people so there is not a real concern with getting people out.

Mr. John Schiedlo of 45 Beaver Run Road, Lafayette asked how the generator would be fueled. Mr. Ferrante said it will be powered by diesel and the diesel will be trucked to the site.

Mr. Schiedlo asked if the FAA test was done for the proposed height of 166' to which Mr. Soloway said yes.

Mr. Michael Gall of 21 Cedar Ridge Road, Lafayette asked if the pole could be located on the fire department property so the Township could benefit financially from the tower. Mr. Soloway said the site needs to cover the area of need. He said within their search area there was no other location for the pole.

Ms. Agne asked in what direction the antennas will be pointed. Mr. Pierson said they ran a study on the required tilt. He said the antenna could be straight up and down but the electrical tilt was considered. He explained the process to the Board.

Ms. Zagula asked if the tests and research for emissions was conducted on children and the elderly or just healthy adults. Mr. Pierson said the studies were done by the FCC and universities which and have done millions of tests. He said they looked at all kinds of people including babies. He explained how the tests are conducted and how the number of safe emissions is calculated. Dr. Eisenstein explained the standard calculation. Ms. Zagula said there are residents within the area who already have cancer.

Mr. Anthony Lucatorto of 29 Van Sickle Road, Lafayette asked why there was no testimony on the selection of this particular site. He felt there could be other better sites. Mr. Pierson said there was a gap along Route 15 and North of the area. He explained the surrounding hills and surrounding areas. He said they need physical height in the gap area. Mr. Lucatorto asked why the antennas could not be placed on the Lafayette Federated Church. Mr. Pierson explained the area and said it would be too close to the antennas they have at the ball park which would be an overlap and not of much benefit.

Mr. Schiedlo felt comparing the emissions from the tower to a microwave is not a good comparison since a microwave oven contains the waves. He asked for another example of a daily use item that they could compare to such as a wireless router. Mr. Pierson said one is

exposed to a lot more emissions coming from a wireless router in your house because you are in close proximity to it.

Ms. Celia Ostertag of 36 Van Sickle Road, Lafayette asked what the maximum number of antennas the pole could accommodate. She said the studies were based on the 12 proposed antennas. Mr. Pierson said there are 4 licensed providers in Lafayette. He said the quantity of antennas is not the issue but how many frequencies they can run. He said some of the other carriers do not have as many frequencies. He said unless he is given the exact number of frequencies and carriers he could not give an exact number. He explained the calculations to the Board.

Mr. O'Leary asked if this tower would cover all of Verizon's needs in Lafayette. Mr. Pierson said no because it would not cover the north part of Lafayette. Mr. O'Leary asked if Verizon may still need a second tower to which Mr. Pierson said yes. Mr. O'Leary asked what would happen to the coverage area if the tower was dropped to 130'. Mr. Pierson explained the effect to the Board. He explained the areas that would not get covered if the tower was lowered.

With no further public to come before the Board, Mr. O'Leary closed the meeting to the public.

Mr. Soloway asked for the Board to carry the meeting to December 15, 2016. Ms. Leo said if the meeting needs to be moved to December 22, 2016 it will be posted on the Township website.

A motion to carry the hearing to the December 15, 2016 meeting date with no further notice was made by Mr. Allison. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Cutler, Leuthe, Taylor, Aikens, Allison, O'Leary.

Ms. Van Sickle returned to the Board.

AUDIENCE:

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

OLD BUSINESS:

1.) Possible Amendment to Renewable Energy Ordinance

The Board carried this matter to the December meeting date.

NEW BUSINESS:

1.) Removal of a condition from Resolution for Seneca Hills

The Board Secretary said she was approached by a resident who had bought an adjoining property to his residence on Race Road. When the subdivision was done for Race Road it created an unbuildable lot which was noted in the resolution.

The Board Attorney suggested the landowner bring the deed to the Governing Body to request a superseding deed. The Board Secretary will advise the homeowner.

RESOLUTIONS: None.

ORDINANCES: None.

ZONING REPORT: See Attached

Mr. Cutler went over his report with the Board.

BILLS: List #11

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

CORRESPONDENCE:

1.) From: Kevin O'Leary

To: SC Agriculture Development Board

Re: Resolution Approving Farm to Table Restaurant

- 2.) From: Roy Kurnos, Esq.
To: Autumn Sylvester – SC Agriculture Development Board
Re: 56 & 58 Sunset Inn Rd, LLC
- 3.) From: Roy Kurnos, Esq.
To: Brian Smith, Esq. – State Agriculture Development Committee
Re: 56 & 58 Sunset Inn Rd., LLC
- 4.) From: Jack O’Krepky, PE
Re: Notice of NJDEP TWA Application for 86 Route 15

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Board Secretary