
CALL TO ORDER

Mr. O’Leary called the meeting to order at 7:34 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, Cutler, Luthman, Corcoran, Leuthe Taylor, Van Sickle, Aikens, Allison, O’Leary, Didyk (7:36pm).

Members Excused: None.

Members Absent: None.

Also Present: Ursula Leo, Esq.
Nevitt Duveneck, PE
David Banisch, PP

MINUTES: November 17, 2016.

A motion to approve the minutes with the noted corrections was made by Mrs. Aikens. It was seconded by Mr. Hughes 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. Duveneck advised the Board he has not received any new information from the applicant. Mr. O’Leary asked the Board secretary to contact the applicant and advise the Board will dismiss without prejudice at their January meeting if information is not received.

Mr. O’Leary asked the Board to adjust the agenda while they were waiting for the Board Planner to arrive.

BILLS: List #12

Mr. Leuthe went over the bills with the Board. A motion to approve the bills as presented was made by Mr. Leuthe. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O’Leary.

ZONING REPORT: See Attached

Mr. Cutler advised the Board that the property maintenance firm overseeing the Olde Lafayette Village has not complied with the Notice of Violation he issued so he has now issued them three summonses. He said he issued a summons to the owners of the Suburban Propane property for the sign without any lettering.

COMPLETNESS / HEARINGS / CONCEPT: (continued)

2.) Cellco Partnership Cell Tower B:15 L: 2, 6.01, 6.03, 7.01 & 7.02

(Deemed Complete 9/22/16)

Mr. Hughes, Mr. Corcoran and Ms. Van Sickle stepped down from the Board for this hearing.

Mr. O’Leary gave an overview of the application to date.

Mr. David Soloway, Esq. said he was reviewing the transcripts of the last meeting and wanted to clear up some testimony on the generator. He said that Mr. Ferrante gave the impression that during a power outage, the Fire Department and EMS antennas would work off of Verizon’s generator which is not the case.

Ms. Leo advised the Board and Applicant that the Board has received the certifications for October 27, 2016 for Mr. Luthman, Mr. Leuthe and Mrs. Aikens and for November 17, 2016 for Ms. Didyk and Mr. Luthman stating they had read through the transcripts.

Mr. O’Leary noted that the scheduled hearing date for December 15, 2016 was carried to the December 22, 2016 date due to a scheduling issue with the Board professionals.

Mr. Ferrante said Verizon will have a small generator to charge the batteries for the Verizon equipment. He said the generator will not be of a size that will be able to generate power for emergency services equipment. Verizon will work with emergency services to help them come up with their own system to power their equipment.

Mr. Soloway presented an undated letter from the Lafayette Township Fire Department Chief, Mr. John Elzinga stating that the fire department had no concerns with the proposed access road to the site which was marked as exhibit A-9. Mr. O'Leary read the letter to the Board.

There was a discussion on the maintenance of the access road. Mr. Ferrante said Verizon will maintain the road because they need to get to the site.

Mr. John Elzinga of 137 Route 15, Lafayette said he is the Chief of the Fire Department and advised the Board that the Fire Department was agreeable to a gravel driveway to the site.

Mr. John Stowe of 97 Decker Road, Lafayette said he is the Captain of the Lafayette EMS squad and said he had not been to the site however; if the fire truck can get up the access driveway then the ambulance can get up it. He said they have a two-wheel and an all-wheel vehicle in their fleet.

Mr. William F. Masters, PP was previously sworn in. He stated his qualifications which were accepted by the Board.

Mr. Masters said he has visited the site and was familiar with the application and has reviewed Lafayette's ordinances. He said the site is a large piece of property comprised of 5 lots which total over 46 acres. He said the property has dramatic terrain differences and has some wooded areas, significant setbacks and mature vegetation and as a result of the size and the characteristics of the property the site is suitable for a wireless telecommunications facility. He said the applicant is seeking multiple "d" variances. Mr. Masters said the use is not permitted in the zone. He explained the various variances the applicant was seeking. He said the site already contains an existing legal non-conforming use. He said they are also seeking a non-conforming use variance. He said they are proposing an additional principal use of the property.

Mr. Masters went over the positive criteria with the Board. He said the site is particularly suitable for a wireless telecommunication facility. He said the Board heard testimony from the radio frequency expert that the site was suitable for the needed coverage area. He said this site will help with the surrounding towers. He discussed the setbacks and said they are significant setbacks and mitigate the view of the tower. Mr. Masters said terrain is difficult in this part of NJ and this site is suitable with favorable terrain conditions. He said there is existing mature vegetation which contributes to the mitigation of the ground equipment and the pole. He said the site can allow for co-location and makes good planning sense. There is sufficient ground space and space on the pole. He said they are close to traffic corridors and can service those areas. He said the remoteness of the site creates less visual impact and they have a willing landlord. Because of these reasons, the site is suitable. He added there are no other tall structures in the area to obstruct the signals. Verizon holds multiple FCC licenses which serves the general welfare of the public.

Mr. Masters said the site is unmanned, but monitored remotely. He said it is a benign use that generates minimal traffic. Mr. Masters discussed the visual impact with the Board. He discussed the procedures of the balloon test which was conducted in November. He said they launched the balloon to 146 feet.

Mr. Master presented a color aerial view photo from Google Earth dated 9/18/12 which was marked and entered as exhibit A-10. He said they superimposed the locations where the photos were taken onto the aerial photo. He described the exhibit to the Board.

Mr. Master presented a photo board consisting of 9 color photographs taken during the balloon test which was marked and entered as exhibit A-11. Mr. Masters explained all of the photos to the Board.

Mr. Masters presented a photo board of 9 color photos taken during the balloon test which were marked and entered as exhibit A-12. He explained the photos to the Board.

Mr. Masters presented a photo board consisting of 9 photos taken during the balloon test which were marked and entered as exhibit A-13. He explained the photos to the Board.

Mr. Masters presented an 8 ½ X 11 color photo of an existing Verizon Wireless tree pole prototype located on the Delbarton School property which was marked and entered as exhibit A-14. He felt this was the best looking tree pole because the branching is the most organic looking inorganic tree.

Mr. Masters presented a photo board with 3 random vantage point photos (2B, 5B, and 7) with a superimposed pole at the height of 160' and a lightning rod at 166' which was marked and entered as exhibit A-15. He explained the photos to the Board.

Mr. Masters felt the tree pole would work on this site because of the heavily wooded area. He said the ground equipment would not be visible off the premises. He explained some of the reasonable conditions that the Board may impose upon the use.

Mr. Masters said there is detriment with any variance granted however; he felt the positive criteria outweigh the negative criteria. He discussed the height variance. He said height is a major component of a cell tower application because it needs to be above the trees or any surrounding structures. He read Lafayette's definition of height. Mr. Masters said wireless telecommunication facilities more often than not share property with other uses. He said it is a passive use. He said it is not a public utility however it is in the nature of a public utility. Mr. Masters said it is an unmanned use and only visited about 12 times a year. It doesn't generate school children or traffic. He felt that because of the nature of the use and proposed site in relationship to the existing non-conforming use, an approval could be granted without detriment to the public good. He said it is a utility pole with radio equipment on it sitting back in the woods and felt it would not over burden the use of the property. He felt the second use on the property would not compromise the Master Plan or be a detriment to the public good.

Mr. Master said he has reviewed the Master Plan and revisions and none of the documents addressed cell towers. Mr. Masters expressed a concern with extending a tree pole without removing all of the branches and re-branching the pole. There was a discussion on re-branching the tree pole.

Mr. O'Leary asked Mr. Masters if he was familiar with the Larson tree poles to which he said he was not. There was a discussion about the type of tree pole that would be used. Mr. Banisch asked if the applicant would be in agreement to having a potential co-locator to re-branch the tree. Ms. Leo will draft a reasonable condition to address this matter. Mr. Banisch asked if the applicant would propose a tree pole design as part of any approval.

Mr. Christopher Lanna, an environmental expert with E2 Project Management was sworn in by Ms. Leo. He gave his qualifications which were accepted by the Board. He said he has reviewed the Environmental Impact Statement and even wrote part of it. He has visited the site. Mr. Lanna addressed Mr. Banisch's concern about the Small Whorled Begonia. He said they have researched the area and they are not known to be at this site. He said the soils would not support their growth.

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

Ms. Kristen Caggiano of 37 Van Sickle Road, Lafayette asked about the Indiana bat. Mr. Lanna said they cannot cut down trees during certain times of the year so as not to disturb the bats.

Mr. Lanna presented a printout using JS programming which is the same printout from the DEP website which was marked and entered as exhibit A-16. He explained that the site is not a habitat for anything. He explained the printout to the Board.

Mr. Banisch asked for the "no tree cutting" period to be added to the plans to which Mr. Soloway agreed.

Mr. Banisch asked for clarification of the slope clearing area to which Mr. Lanna explained the areas. Mr. Banisch asked about the proximity of the existing mono pole on the Garden State

Parkway to the roadway. Mr. Masters said if it were to fall it would fall onto the roadway. He discussed the setbacks on the proposed site and said it would not cause harm if it fell. The wooded area conceals the pole.

Mr. Banisch asked how suitable the site was for the Stealth technology they are proposing to use. Mr. Masters felt it was very suitable because of the wooded terrain. There was a discussion on the color and type of pole and what would be more visually appealing. Mr. Masters felt the tree type pole blends in best.

Mr. Luthman felt that the coverage area should be done once and done right. He asked if there was a site that was more suitable for the tower. Mr. Soloway said that Mr. Pierson addressed this in his testimony. Mr. Luthman said that the transcripts indicated that Verizon would provide project alternatives and asked that Mr. Pierson return to the Board to address that statement. Mr. Luthman suggested the tower be put on the church's property.

Mr. Luthman asked who controls the property. Mr. Masters said the property is controlled by the landowner. Mr. Luthman asked if a condition could include that no clear cutting of trees could take place on the property. Ms. Leo said it could be imposed as a reasonable condition.

Mr. Luthman wanted to minimize the number of towers that go up. He asked if Verizon could get more coverage at another location. He felt that per the map provided by the applicant there were other sites that are higher in elevation which he felt would be better suited for the tower. Mr. Soloway said Mr. Pierson addressed the church in earlier testimony and read from the transcripts. There was a discussion on existing towers in the area.

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

Ms. Catherine Zagula of 12 Patricia Drive, Lafayette asked if a tree pole is used would it require a larger base than the mono-pole to which Mr. Masters said yes because of the wind load. Mr. Masters said the site is suitable for a larger pole and base.

Ms. Zagula asked what factors are considered when determining that the tower is a benefit to the public. Mr. Masters explained the positive benefits as outlined earlier. Ms. Zagula asked if a decrease in property values is a negative criteria element. Mr. Masters said he is not an expert in that field. Ms. Zagula asked if Verizon will provide a primary power source for Emergency Services to which Mr. Ferrante said yes.

Mr. James McGrath of 47 Beaver Run Road, Lafayette said the balloon was visible from his property.

Ms. Arin Gunn-Russell, of 296 Warbasse Jct. Road, Lafayette asked if Mr. Masters is aware that the tree type poles have collapsed in the wind and if there was a better designed pole. Mr. Masters said the pole has to meet the wind load for the area being proposed. Ms. Gunn-Russell said statistics show these poles do collapse.

Mr. Mark Thogode, 28 Meadow Ridge Lane, Lafayette asked if there are 5 separate lots. Mr. Soloway said there are 5 separate tax lots however it is his understanding that they are merged by deed. Mr. Thogode felt conditions should be put on the entire area and not just the 60X60 space being used.

Ms. Christine Schiedlo of 45 Beaver Run Road, Lafayette said that during the testimony Mr. Masters said the tower could not be located near school children and asked why it could not be located there. Mr. Masters clarified that what he said was "the use does not generate school children". He said he was describing the use as a passive use. She said she has read research that says the towers cannot be located near a school. Mr. Masters said the picture he presented earlier showed an existing tower which is located on a school property. He said he has also done a small cell tower at the Lenape Valley School and one at West Morris Central High School.

Ms. Schiedlo asked if the FCC or Verizon will be monitoring the micro-wave activity from the proposed tower. Mr. O'Leary said that is beyond the scope of Mr. Masters' expertise. Ms. Schiedlo asked if Mr. Pierson could come back because she has more questions for him. Mr. O'Leary advised the public to read through the transcripts for Mr. Pierson's testimony.

Ms. Dana Gall of 21 Cedar Ridge Road, Lafayette asked if the Delbarton School was a private school to which Mr. Masters said yes. She said that private schools don't have to follow the same State rules as public schools. Mr. Masters said the other schools he testified to were public schools. Ms. Gall asked for the total number of trees that will be cut down. Mr. Masters said there are 24 trees that will be removed. There was a discussion on the type of fencing that will be used for the compound. Mr. Soloway said Verizon is agreeable to a board on board type fencing.

Mr. Robert Van Dyke of 23 Cedar Ridge Road, Lafayette asked how many people will gain coverage from this tower. Mr. O'Leary said that question is for the radio frequency expert. He advised Mr. Van Dyke to read through the transcripts of the prior meetings.

Mr. John Schiedlo of 45 Beaver Run Road, Lafayette asked what happens to the tower when it is no longer needed. Mr. Soloway said they are agreeable to removing the tower if it is no longer needed and having that a condition of an approval. Mr. Schiedlo asked Mr. Masters if he knew the moto of Sussex County to which he said no. Mr. Schiedlo said it is People and Nature Together. He felt that Mr. Masters should not be interrupting Lafayette's ordinances. Mr. Schiedlo asked if he Board will hear from Site Acquisition Specialist to which Mr. Soloway said no. Mr. Schiedlo suggested the Board request this testimony.

Ms. Kristen Caggiano asked if there is a property size requirement before the DEP or Fish and Wildlife agencies are contacted. Mr. Lanna said the size of the property is not a factor and he explained their criteria. Ms. Caggiano asked if there was an archeological study done. Mr. Lanna said there were no archeological finds on the property.

Mr. Glen Hawkswell of 14 Sophie Court, Lafayette asked if there are any other cell tower applications in Lafayette currently to which Mr. O'Leary said no.

Mr. Rick Greavey, 19 Cedar Ridge Road, Lafayette asked why Verizon used a 4' balloon at 140' instead of a 20' balloon at 166'. Mr. Masters said they use an object that can be seen. He said the balloon is a benchmark so a photo simulation can be made off of that. It is not a representation of the proposed tower. Mr. Greavey asked why the tower could not be put at the fire department so that the town could benefit from it. Mr. Luthman said that the application before the Board is for a 140' pole and that is what the Board is charged with making a decision on.

With nobody else from the public coming before the Board, the meeting was closed to the public.

Mr. Soloway gave consent of the applicant to carry the application to the January meeting date. A motion to carry the hearing without further notice was made by Mr. Cutler. It was seconded by Ms. Didyk and passed with a roll call. Ayes: Cutler, 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 the January meeting.

NEW BUSINESS:

1.) 2017 Budget

The Board agreed to discuss this matter at it reorganization meeting in January.

RESOLUTIONS: None.

ORDINANCES: None.

CORRESPONDENCE:

- 1.) From: Anthony Quaglia
Re: Verizon Cell Tower

- 2.) From: Peter Gunn-Russell
Re: Verizon Cell Tower

- 3.) From: Philip and Arin Gunn-Russell
Re: Verizon Cell Tower

- 4.) From: Jon and Christine Schiedlo
Re: Verizon Cell Tower

- 5.) From: Constantine & Sharon Lefter
Re: Verizon Cell Tower

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Secretary