

**FRANKLIN TOWNSHIP LAND USE BOARD
PUBLIC MEETING AGENDA**

April 28, 2010, 7:30 pm

CALL TO ORDER and PUBLIC NOTICE

Chairman Stryker calls the meeting to order at 7:32 pm. He says this is a regular meeting of the Land Use Board of the Township of Franklin. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act.

FLAG SALUTE

All present stand and recite the Pledge of Allegiance.

ROLL CALL

Present: James Stryker, Ted Blew, David Dallas, Roger Soltys, Lisa Wood, Phil Koury, Jenn Fisher and Kurt Fischer.

Absent: Paul Dahan, Scott Bauman, Linda Jacukowicz and Philippe Aubry.

Also present: Rick Roseberry, Engineer, Carl Hintz, Planner and Roger Thomas, Attorney. Various applicant's professionals and members of the public.

APPROVAL OF MINUTES, Meeting of April 14, 2010.

Motion to approve the minutes of April 14, 2010 as written made by Lisa Wood, second by Jenn Fisher, approved by all by voice vote. David Dallas abstaining.

COMMUNICATIONS

Chairman Stryker draws the board's attention to the New York Times article regarding horse farms and their viability. No other comments on communications.

COMPLETENESS

SOUTH RIDGE COMMUNITY CHURCH, Block 5, Lot 25

Applicant seeks a use variance for parking lot improvements, application was deemed incomplete at the February 24, 2010 meeting. Steve Parker, engineer for the project is present. He has submitted the information requested at the February meeting. Rick Roseberry has reviewed the application and waiver requests. Due to the minor nature of the project and that there are no other structures within 200 feet, he recommends the board accept the waiver requests. Chairman Stryker asks for a motion to approve for completeness, accepting the requested waivers for completeness only. Motion made by David Dallas, seconded by Kurt Fischer. A roll call vote has all 8 members present in favor. Public hearing for this application is scheduled for May 26, 2010, date certain. Mr. Parker is instructed to supply the clerk with proof of notice prior to the hearing.

INTERPRETATION

DEN HOLLANDER, Block 37, Lot 35

Applicant seeks minor site plan waiver for agricultural hoop houses. Matter is carried to the May 26, 2010 meeting at the request of attorneys, no further notice required.

PUBLIC HEARING

DEN HOLLANDER, Block 37, Lot 35

Applicant seeks minor site plan waiver for agricultural hoop houses. Matter is carried to the May 26, 2010 hearing at the request of attorneys, no further notice required.

CELLCO d/b/a VERIZON WIRELESS, Block 41, Lot 4

Wireless communication tower, continued from March 24, 2010. Applicant has requested this be carried to the May 26, 2010 meeting in order to prepare requested propagation studies. Application is carried, no further notice required.

CINGULAR WIRELESS, Block 28, Lot 19

Applicant seeks bulk variance to add wireless antennae to existing tower and construct an equipment shed, hearing is continued from March 24, 2010.

Roger Soltys makes a motion to re-open the public hearing seconded by Ted Blew. Lisa Wood and Phil Koury have presented affidavits to the effect that they have read the transcript of the March 24th hearing. Harry Clayton of Day-Pitney is present as attorney for the applicant. Cingular/AT&T is proposing to co-locate three arrays of cellular antennae at the 120' height on an existing 130' tree-pole at the Quakertown Recreation Club. This is in the AR-7 zone at 95 Quakertown Road. The radio frequency report for this project was submitted to the board's expert, Dr. Eisenstein, on the board's behalf. Dr. Eisenstein advised the board that the substance of the report was accurate and that the location was important to close a gap in coverage. The board did not see the need to review the radio frequency information further.

The applicant's architect, Frank Colasurdo is sworn in as a witness. Mr. Colasurdo has testified before the board on a previous application and his credentials are accepted. Mr. Colasurdo refers to sheet Z-3 of the submitted plans. The site is 500' east of Quakertown Road and approximately 273' from the west property line. There is an existing tree camouflaged monopole, retaining wall and equipment shed. Cingular is proposing to add 3 sets of 4 antennae at the 120' level. The pole was designed to accommodate up to 5 carriers. Mr. Colasurdo introduces sheet Z-4, marked exhibit A-1, a rendering of the equipment shed which has been redesigned to be an exact mirror of the Cellco shed already on site. These will be joined by a common roof and will have a more barn like appearance. Mr. Clayton offers that this is a compromise to best address the approved Cellco resolution which specified a barn type expandable single shelter. Chairman Stryker asks for testimony that the shingles and siding will look like contiguous wall and roof, Mr. Colasurdo assures the board that this will match the existing structure. Mr. Dallas asks if there will be adequate room for co-locaters. The reply is yes, this will allow for other carriers to use cabinet type equipment containment. Mr. Thomas asks how many other carriers there are, Mr. Clayton believes it is at least five.

The board is very concerned about the use of portable generators, with the potential for five of these generators running on site in the event of a prolonged power outage, noise levels are questioned. Mr. Soltys asks if Mr. Colasurdo is qualified to testify regarding noise standards. Mr. Roseberry comments that as a licensed architect Mr. Colasurdo would be familiar with these. Mr. Thomas agrees that the project architect would be aware of the standards and specifications, and suggests that if the board wasn't comfortable with that they could certainly hire their own expert.

There follows much discussion about the generators and noise levels and distances. It is recognized that the wireless systems support E911 as well as callers attempting to reach emergency services during the course of a power outage. It is determined that the decibel level of one portable generator is 65 db at 23 feet. Adding additional generators would increase the decibel level by 3 db for each at 23 feet, if there were 5 generators all running at the same time the decibel level would not exceed 74 db at 23 feet. The nearest dwelling is 460 feet from the site. As you increase the distance from the site, the decibels drop by 9 db for every 100 feet. Mr. Clayton points out that Cingular is only proposing to add one portable generator, and only in the event of a power outage, not five. He assures the board that Cingular will not exceed state requirements for noise. Mr. Fisher asks if a fenced, dedicated parking area for the generators on the side of the site away from the dwelling would help. The board likes the idea of a parking area with outlets and assigned spots. Mr. Colasurdo suggests grassed pavers instead of asphalt or gravel to keep the site more natural looking. Mr. Hintz reminds the board that there is a slope and existing trees to consider and that would restrict where to place the parking area. Mr. Colasurdo concurs that the opposite side of the site would not accommodate parking, he is reluctant to introduce another wall to the area in the form of fencing. Mr. Thomas believes it is reasonable for the board to restrict the decibel level to 65 db at 23 feet.

Mr. Stryker asks if there is other testimony, and if the public has any questions or comments. Hearing none, he asks Mr. Colasurdo for assurances that the additional antennas will have no visual impact on the site, that the "tree" will look the same after the new antennae are installed. Mr. Colasurdo explains that branches are removed and replaced by the antenna that have other branches attached to them, and will have the same appearance. Mr. Stryker asks about maintenance. Mr. Colasurdo states that they do occasionally require maintenance, and the board can make it that if the structure needs repair that it be "spruced" up. Mr. Thomas points out that the tower is owned by Verizon, and Verizon would be responsible for repair.

The applicant's planner, Mr. Anthony Scolaro is introduced and sworn in, and his expertise is accepted. Mr. Scolaro introduces exhibit A-2, a photo simulation of the modified plans for the equipment shed depicting how this will connect to and be a mirror image of the existing shed. He also has photos of the tree tower from various locations within the township. Mr. Dallas asks about the tree configuration, the board thought this would be a more tapered design. Mr. Stryker agrees, adding that it doesn't really look like a tree. Mr. Thomas points out that that is something that would need to go back to Verizon. Exhibit A-3 is displayed, this is a photo of the existing tower taken in November or December of 2009 from about one half mile away, north on Pittstown Road. Mr. Scolaro made an effort to find an area where the existing antennas were visible so the board could approximate what the visual impact of the new arrays might be. There is some general discussion about tree towers. It is determined that if Cingular ends its lease, they are required to remove their antennas and return the tower to its present configuration.

Mr. Thomas reminds the board that the initial Verizon variance application was approved to allow co-locators. Mr. Clayton indicates that they have concluded their testimony and a motion is made by Ted Blew and seconded by Phil Koury to conclude the public hearing. Mr. Thomas lists the significant points for the board to move on, being; that the equipment sheds be connected and the siding and finishing be matching, the decibels of any portable generators not exceed 65 db at 23 feet, that outlet boxes for the portable

generators be outside the fenced enclosure and there be dedicated parking, that there be no night time testing of the generator, that the generator have at least a 200 gallon fuel tank to minimize re-fueling, that the installation of the antennae have no visual impact and that the applicant maintain their antenna branches. Phil Koury makes a motion to approve with the conditions as stated, seconded by David Dallas. A roll call has James Stryker, Ted Blew, David Dallas, Roger Soltys, Lisa Wood, Phil Koury, Jenn Fisher and Kurt Fischer voting to approve the motion, no nays, no abstentions. Motion passes.

OLD BUSINESS

Mr. Hintz advises the board that Classic Ventures has contacted Mr. Roseberry and he regarding the parking lot lighting required in the resolution for their coin packaging and sales business. He discusses the requirement and the applicant's suggestion to use a downward facing shoebox type fixture instead. The board agrees that this is reasonable considering the present structure and use. Ted Blew moves to amend the resolution to allow for the use of a downward facing, shoebox type lighting fixture for the parking area, seconded by Kurt Fischer and approved by all, no nays, no abstentions.

Mr. Stryker confirms with the board that there will be a training session with Mr. Thomas and Mr. Roseberry on Saturday the 22nd at 8:00 am.

ADJOURNMENT

Motion to adjourn made by David Dallas at 9:45 pm, seconded by Mr. Koury and approved by voice vote.