

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

February 24, 2010, 7:30 pm

CALL TO ORDER and PUBLIC NOTICE

Mr. Thomas announces that 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.

Mr. Thomas then administers the oath of office to newly appointed member Jennifer Fisher.

ROLL CALL

Present: Scott Bauman, David Dallas, Philip Koury, Kurt Fischer, Lisa Wood and Jennifer Fisher. Ted Blew, Roger Soltys and Jim Stryker arrived late.

Absent: Philippe Aubry, Paul Dahan, Linda Jacukowicz

Also present, Rick Roseberry, Roger Thomas, Carl Hintz, and various applicant professionals.

APPROVAL OF MINUTES

Meeting of February 17, 2010 motion made by David Dallas, seconded by Phil Koury and approved by voice vote with no discussion. Abstaining was Kurt Fischer, Lisa Wood and Jennifer Fisher.

COMMUNICATIONS

No comments on communications.

COMPLETENESS

SOUTH RIDGE COMMUNITY CHURCH, Block 5, Lot 25

Steve Parker, the project engineer is present on behalf of the applicant. Mr. Roseberry briefly discusses the waiver requests and due to the minor nature of the project, recommends the board accept the waiver requests for purposes of completeness. Revised site plans have not yet been submitted and Mr. Thomas advises the board to find the application incomplete pending the submission of the revised site plan. Phil Koury makes a motion to accept the waiver requests for purposes of completeness, seconded by Kurt Fischer. A roll call vote has all present in favor.

David Dallas then makes a motion to deem the application incomplete, seconded by Roger Soltys. A roll call vote has all present in favor, application is found incomplete.

CINGULAR WIRELESS, Block 28, Lot 19

The attorney for the applicant, Judith A. Babinski, Esq., is present, along with the project engineer. Mr. Roseberry has reviewed the waiver requests and finds them almost identical to the original application for Cellco. He recommends approving the waiver requests for completeness.

Phil Koury moves to accept the waivers for completeness only and deem the application complete, seconded by Kurt Fischer. A roll call vote has all present in favor of finding the application complete.

PUBLIC HEARING

KLASNA, Block 28, Lot 38

George Dilts is present as attorney for the applicants. Mr. Dilts and Mr. Thomas have corrected the board on the nature of the variance and agree it is a “c” variance for conversion and not a use variance. It is determined that the members present and eligible to vote are Mr. Dallas, Mr. Soltys, Mr. Koury, Mr. Fischer and Mr. Bauman, which represents a quorum.

Mr. Dilts comments on the amended application which calls for the removal of the 2 bedroom basement apartment in the main house, to be replaced by a one bedroom apartment in the barn. This apartment already exists, though without benefit of approved permits. The septic system, which was recently designed for the main house is adequate for 6 bedrooms. The barn apartment will be connect to and serviced by this septic system. The board has some questions about the septic and suitability. Mr. Thomas suggests that the Board of Health has jurisdiction over this. Mr. Roseberry confirms this and says the Board of Health will look at this and the well and may want a water test prior to a certificate of occupancy being issued.

Mr. Blew asks if the property can be deed restricted to ensure there will be no other apartments added at a later date. Mr. Thomas states that a deed restriction would make the board’s intentions very clear into the future.

Mr. Dilts goes on to comment that the amended application calls for the removal of a bedroom, a closet and cooking facilities in the basement. This leaves five bedrooms in the main house and one in the barn apartment. He agrees to a deed restriction, well testing, and obtaining Board of Health approval prior to the certificate of occupancy. He also asks for 60 days to decommission the apartment in the main house after construction of the barn apartment is completed to assure a smooth transition for the applicant’s parents from the basement to the barn apartment.

There are no further comments from the board and no questions or comments from the public. Ted Blew moves to close the public hearing, seconded by Phil Koury and approved by voice vote. Mr. Dallas then moves to approve the application with stated conditions, seconded by Phil Koury. A roll call vote has Mr. Dallas, Mr. Soltys, Mr. Koury, Mr. Fischer and Mr. Bauman all voting to approve the application.

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

Vice Chairman Blew opens the public hearing for Cellco, who is seeking variances to construct a cellular communication tower and equipment building on an exempt lot of a preserved farm. Mr. Richard Stanzone is present as attorney for the applicant. Mr. Bauman is recused.

Mr. James Murawski is sworn in as engineer for the project. He introduces exhibit A-1 a 200’ radius map labeled T-1 and dated 2/22/09, and he then summarizes the application. The property is an exempt two acre parcel of 150 acre preserved farmland. The site is on the northeast corner of the 2 acre lot and accessed by a gravel driveway from Oak Grove Road. There is an old cabin and a newly constructed home on the lot. The owners live in the home and the cabin is unoccupied. Utilities to the lot are from the rear via an overhead line. They are proposing a 40 by 40 foot fenced area with a three sided lattice tower 120 feet in height with a non working

windmill on top, for a total height of 135 feet to the top windmill vane. This will be fixed so as to produce no noise. The lattice will be structural galvanized steel of a light grey and will have an interior column to accommodate cabling. It is designed for Verizon cellular antennas and future co-locaters. Mr. Soltys questions how many of these could there be and the response is that there is the potential for 4 or 5 additional co-locaters at intervals of 10 feet. Mr. Soltys would like to see what this could look like with 4 or 5 co-locaters.

Mr. Murawski indicates that the site is 120 feet to the cabin, 220 feet from the principal home and 287 feet to the nearest neighboring lot, which contains no structures. The equipment shelter is proposed to be 11'6" by 30' and will house an enclosed emergency generator. This will be constructed of light gauge metal walls and roof on a concrete slab. The generator room is designed to be self containing in the event of a fuel leak, it will effectively contain up to a complete fuel spill of 250 gallons. This generator is tested once a week in the morning if the air quality is acceptable. They monitor a State of New Jersey web site for air quality data. The site will be physically visited every 4 to 6 weeks by a technician in a small van or pickup truck, gaining access via the owner's driveway. The site will be enclosed by a maintenance free, composite fence, 8 feet in height, resembling wooden board on board which can be brown or any color the board prefers. The building will be 10'9" with a flat roof, though a pitch can be added. This would increase the height of the building 2 or 3 feet depending on a preferred design.

An environmental impact statement has been included with the application, indicating that no wetlands would be impacted by the project. Soil boring will be done, after approval to determine the design of the base. This is site specific, and the final location would need to be determined prior to doing the testing. The tower will sit on a thick slab with posts. Mr. Murawski introduces a landscape plan, L-1, and indicates that they are flexible if the board has other ideas. Mr. Hintz suggests dense branching deciduous trees such as tulip or oak.

Mr. Blew asks if the lot is non-severable, and is told it is. He then asks if the County Ag Board has approved the project. Mr. Stanzone does not believe they need to. There is some disagreement and Mr. Blew and Mr. Soltys believe approval from the county should be a condition of approval for the application. Mr. Soltys also has concerns about the noise level of the generator and there is some discussion about the decibel levels at various distances.

Mr. Fischer asks the engineer to define the variances being requested. The first is height, our ordinance is for 100 feet in height, and the project windmill cell tower design will be 135 feet. Separation from structures, should be 162 feet from the cabin, site is at 120 feet. Distance to residence by ordinance should be 405 feet, site is only 220 feet from the owner's dwelling. The equipment shelter size is allowed to be 200 square feet, and as designed is 345 square feet, including the generator room. The shelter height by ordinance can be 10' and the application is for an 11'7" height. Mr. Murawski explains that the shelter size includes an 11'6" by 8'6" generator room, which is not required, but the applicant prefers to be a good neighbor and build a containment room in case of fuel spills and also to dampen noise. The tower does not need to be lit, and no lights are planned. There will be a manually operated light by the door that will time out if not turned off.

Mr. Fisher asks about soil disturbance for the tower. Mr. Murawski estimates that 30 to 50 yards of soil might be disturbed to accommodate the 3'6" to 5" thick slab for the tower which will sit just below grade. Mr. Roseberry asks for a structural report for this.

Mr. Koury asks if the building and fence can be made to look less industrial to be a better fit visually to the rural nature of the area. Wood planking and a gable roof are mentioned. At this point Chairman Stryker arrives. Mr. Koury also asks if this is the best location to minimize the

number of variances being requested. The reply is yes, for this location, they have situated the tower as far as possible to the rear corner of the exempt lot. Mr. Dallas asks about the windmill design, this is because the landowner thought a tree would look ridiculous. Mr. Stryker asks if a photograph of existing windmill cell towers can be provided, he believes there is one in Warren.

With no other questions and none from the public for the engineer, Mr. Richard Conroy is sworn in as radio frequency engineer for the applicant. He has visited the site numerous times and alternative sites were investigated. He introduces exhibit A-2, a propagation study dated 1/1/2010. He goes into detail about cellular frequencies, analog and digital technologies. Mr. Fischer leaves the meeting at 9:15. Mr. Conroy also discussed data usage which has fueled more capacity needs along with the need to balance coverage and capacity and provide reliable, seamless and ubiquitous service. He points out the location of existing cellular towers and their site distances. He adds an overlay which clearly shows the gap in coverage. This data is collected twice annually, with and without foliage, and he points out geographical features which can interfere with reception. Mr. Koury asks about future technologies and there is a brief discussion about satellites. Mr. Blew asks about the need for other towers and is assured there are no other cellular towers planned for Franklin Township by Verizon. The board then has questions about the proposed antenna height, and what the coverage would be if the tower were lower. This would result in spots remaining in the coverage area.

At this time Mr. Blew proposes the hearing be carried. Mr. Thomas suggests the board might want to retain their own radio frequency engineer. Mr. Stryker makes a motion for the board to do this, seconded by Roger Soltys and approved by all by voice vote.

Mr. Roseberry reminds the applicant that the board would like to see renderings of the proposed windmill cell tower with four additional carrier antennae. Mr. Stryker asks when a transcript will be available and if his reading of this will be sufficient to catch him and others up on what they missed. Mr. Stanzione is agreeable and states that a transcript will be expedited and available in about one week.

Mr. Soltys makes a motion to carry the matter to the March 24, 2010 meeting, no further notice required, seconded by David Dallas and approved by voice vote.

Mr. Dallas then moved to adjourn, seconded by Mr. Soltys and approved by all by voice vote. Meeting adjourns at 10:00 pm.

Minutes approved March 10, 2010:

Jean A. Beischer, Clerk