

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

March 24, 2010, 7:30 pm

CALL TO ORDER and PUBLIC NOTICE

Chairman Stryker 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.

ROLL CALL

Present: Scott Bauman, David Dallas, Roger Soltys, Paul Dahan, Jennifer Fisher, Kurt Fischer, and Jim Stryker. Kurt Fischer arrived at 7:50 pm.

Absent: Philippe Aubry, Lisa Wood, Linda Jacukowicz, Philip Koury, and Ted Blew

Also present, Rick Roseberry, Roger Thomas, Carl Hintz, and various applicant's professionals and members of the public.

APPROVAL OF MINUTES

Meeting of March 10, 2010 motion made by David Dallas to approve the minutes, seconded by Scott Bnuman. Jenn Fisher comments that the first paragraph of the WMP discussion reads septic where it should say sewer. Mr. Dallas and Mr. Bauman accept the modification and the minutes as modified are approved by voice vote. Abstaining was Roger Soltys.

COMMUNICATIONS

There is some discussion of the Ag Advisory Board's letter of March 19, 2010 indicating that they do not approve of the township's proposed ordinance 03-2010. There is no comment or explanation as to why this action was taken. The chairman does not think this should interfere with the Land Use Board determining if 03-2010 is consistent with the master plan. Comments will be held until the conclusion of the public hearings.

RESOLUTIONS

KLASNA, Block 28, Lot 38

Variance was approved on February 24, 2010 for an apartment in an accessory building. Mr. Thomas has determined that page 2 paragraph 11 should be modified to indicate that the septic is designed for 6 bedrooms, and that on page 5 paragraph 7, that the applicant must satisfy that the septic is designed for 6 bedrooms to the township engineer. David Dallas moves to accept the resolution as modified, seconded by Roger Soltys. Only three of the five members eligible to vote are present, Scott Bauman, David Dallas and Roger Soltys. All are in favor of approving the resolution as modified, resolution passes by majority as present.

SOUTH RIDGE COMMUNITY CHURCH, Block 5, Lot 25

Application was deemed incomplete at the February 24, 2010 meeting. David Dallas moves to approve the resolution as written, seconded by Roger Soltys. Roll call vote has David Dallas, Roger Soltys and Jennifer Fisber in favor. Scott Bauman and Jim Stryker abstaining.

COMPLETENESS

SOUTH RIDGE COMMUNITY CHURCH, Block 5, Lot 25

Carried to the April 28, 2010 hearing at the request of the applicant.

INTERPRETATION

DEN HOLLANDER, Block 37, Lot 35

Applicant seeks minor site plan waiver for agricultural hoop houses. Matter carried to the April 28, 2010 meeting.

PUBLIC HEARING

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

Applicant seeks variances to construct a cellular communication tower and equipment building on the exempt lot of a preserved farm. Mr. Richard Stanzione is present as attorney for the applicant. Mr. Bauman is recused. Mr. Richard Conroy has been sworn in as radio frequency engineer for the applicant previously. Mr. Daban and Chairman Stryker submit affidavits that they have read the transcript of the February 24, 2010 meeting. David Dallas moves to reopen the public hearing second by Mr. Soltys. Mr. Fischer arrives. Mr. Stanzione has supplied the board with renderings of the tower as a windmill and as a monopole. There are also drawings of the proposed equipment shed as requested by the board.

Mr. Stanzione begins by re-calling Mr. Richard Conroy. Dr. Eisenstein, radio frequency consultant for the board is introduced at this time. Mr. Conroy begins with exhibit A-2, introduced at the prior hearing. This is the propagation map marked with the subject site and existing nearby towers. The search ring is indicated by a broken black line. He discusses the search criteria used in the site selection. The municipal ordinances are consulted and sites specified by the ordinance requirements are looked for. There was no property owned by the township within the search area, it was outside the commercial south zone, as well as the commercial north zone. There were no non-profit or volunteer organizations within the search area, and no substantive existing structures. This left only privately owned property with a new build, or "roll in". They looked at 6 sites, 2 were outside the search area, 2 were not interested in a lease agreement, one was an existing radio tower, but unavailable due to public broadcasting restrictions, which left only the subject property. A propagation study was done, as shown in the overlays. They then did drive tests at 120 feet and 100 feet. Either would fill their coverage needs, 120' would make it easier to accept a co-locator, but 100' is adequate. The overlay is at 120'.

Mr. Dallas asks if that will provide full coverage for that area. Mr. Conroy says that at 800 megahertz it is covered and there are no plans for any additional facilities. Mr. Fischer is concerned with the area to the east and asks if the township recycling facility wouldn't provide better coverage for that area. Mr. Conroy indicates that there is an AT&T tower in Klinesville

that they will be co-locating on which will cover the area to the east. Future coverage to the Everittstown area in the west will be as co-locator on an existing PSE&G tower. Mr. Fischer asks if the entire township will be covered at that point. Mr. Conroy refers to exhibit E of the application which shows some gaps in the northern corridor of the township that they will seek to cover at a future time, most likely within Franklin Township.

Chairman Stryker asks what determines the search ring. Mr. Conroy explains that Verizon engineers look at existing facilities and terrain features, and line of site to roadways to find the central location in the coverage gap, limiting this to about a ¼ mile radius. Mr. Stryker asks if they can demonstrate how the coverage would be affected by shifting the target about ½ mile to the north. Mr. Conroy replies that moving the tower to the north would open up gaps in the southern area. The chairman asks if a propagation study was done considering the municipal garage to the north. Mr. Conroy states that they did not as this is very near the Quakertown facility and creates redundancy and does not cover the southern area of the coverage gap. A difference of 600 feet can cause coverage to drop off rapidly, rolling terrain with elevation changes of 20 to 40 feet can have the same limiting effect.

A question is asked about line of site microwave dishes. After some discussion it is concluded that this is not relevant to the application. Mr. Dahan asks about extending the tower at a future time if this is approved for 100 feet and there is a need to go to 120 feet. It is determined that the tower can be designed with this in mind, but Verizon would want to reserve the right to the highest location. Mr. Dallas asks how many if any towers have no co-locators within 6 months to one year. Mr. Stanzione believes it is very few if any. Any that he is familiar with have co-locators. Mr. Stryker refers back to exhibit E of the application and comments that the AT&T tower on Sidney Road is not indicated. Mr. Conroy explains that only Verizon towers are displayed, and that the AT&T tower would not service the area in question. Mr. Stryker believes the absence of data may have an impact. Mr. Stanzione relates that they have had problems in the past trying to co-locate on certain other facilities.

There is discussion about radio frequency emissions and design standards for towers and antennae. Alternative designs can provide challenges and limit the number of co-locators. Platform antennae are the most efficient. The chairman asks if the applicant can provide a tree design.

At this time Dr. Eisenstein is sworn in and presents the board with his credentials. The applicant and the board are satisfied with his experience and expertise. Mr. Thomas confirms with Dr. Eisenstein that he has reviewed the application, supporting documents and propagation studies. Mr. Thomas asks about the Frequency Environmental Report of June 29, 2009. Dr. Eisenstein explains how radio frequency tests have been done over a number of years with regards to safety issues. Current standards are set thousands of times below any point of harm. He also believes that the analysis done by Mr. Conroy is appropriate and on the conservative side. The tool used to do the propagation study is widely used by the industry and is based on rock solid physics with equations added for topography and seasonal changes such as rain, snow and foliage. He also explains that requirements have been placed on carriers to provide a rate of service allowing less than 2% of calls blocked, dropped or incomplete, which is also factored into the propagation study.

Mr. Thomas asks Dr Eisenstein about the relevance of other technologies as discussed previously. Dr. Eisenstein discusses some alternatives such as microwave, and why they have no applicability. Chairman Stryker questions a linear strip idea to make sure roadways are covered as the area in question is very rural and sparsely populated. It is explained that mobile systems

are not designed just for the people in the immediate area, they are for everyone, be they driving on a country roadway, or biking in the woods, residents, visitors and travelers alike.

The chairman asks about the drive test data. Dr. Eisenstein says he has not reviewed drive test data as this is used to confirm the tool and provides only a snapshot of a particular day at a particular time and does not consider all the variables.

Jennifer Fisher has a question about the legend on exhibits C, D and E, which reads 125 dbm. Both Dr. Eisenstein and Mr. Conroy agree that this is in error and it should read 125 db operational path loss (opl) and equals the -85 dbm used as the benchmark in the study.

At this time the chairman asks for public questions and comments. There are none. The applicant is asked to provide camouflage options, a propagation study using the municipal garage, a map of all towers in the area and a propagation study of the target property using 100 feet as the height. A copy of all new information will be forwarded to Dr. Eisenstein for review and comment.

Hearing is carried to the April 28, 2010 meeting, no further notice required.

CINGULAR WIRELESS, Block 28, Lot 19

Harry Clayton, the attorney for the applicant is present, along with the project engineer, James Murawski. Kurt Fisher moves to open the public hearing on this matter, seconded by David Dallas. The applicant seeks a variance to co-locate on an existing Verizon cellular tower and build an equipment shed at the Quakertown Recreation Club. The Verizon application was previously approved for co-locators on the tower and an equipment shed that would accommodate other carriers. Mr. Thomas reminds the board that they need to look at any negative impact, the structures and how the antenna will look on the existing tower.

Mr. Murawski begins by reviewing the design of the equipment shed, which they are proposing to tie to the existing structure at the roof line and to match the slate blue clapboard siding. Mr. Roseberry and Mr. Thomas immediately note that this is not what had been approved for the Verizon application. Mr. Hintz concurs, stating that this was to have been a barn like structure, red in color and expandable to accommodate co-locators. Mr. Murawski goes on to explain that the existing equipment shed is a factory assembled building, vented on the sides, not made to be expandable and is blue.

There is some discussion about other equipment sheds and if they are ever built to accommodate co-locators. Mr. Murawski replies that they can be, and often are, and frequently just a cabinet is sufficient. This particular structure, being factory built, is not able to be expanded.

There are then questions about the use of generators by Cingular. No generators are proposed on site and there is about an 8 hour battery back-up. However, given a prolonged power outage they would bring in a portable generator until power could be restored. Mr. Soltys and Mr. Dahau comment on past outages lasting up to four days and are very concerned about noise levels. Especially if there are several co-locators using portable generators.

Mr. Thomas suggests to the applicant that between now and the next meeting they re-design their equipment shed to accommodate others, and go back to Verizon if they have to.

Hearing is continued to the April 28, 2010 meeting, no further notice required.

NEW BUSINESS

FRANKLIN TOWNSHIP PROPOSED ORDINANCE 03-2010

The board returns to the topic of the proposed ordinance 03-2010. After some discussion the members believe that this docs conform to the master plan and a motion is made by Paul Dahan, seconded by David Dallas to send a letter of endorsement to the township committee. A roll call vote has all tuember present in favor, no nays, no abstentions. The clerk will send a letter to the Township Committee conveying the board's endorsement.

Mr. Dahan then moved to adjourn, seconded by Mr. Dallas and approved by all by voice vote. Meeting adjourns at 10:20 pm.

Minutes approved April 14, 2010:



Jean A. Beischer, Clerk