

Washington Township Planning Board
JUNE 11, 2012

Chairman Leavens called the regular meeting of June 11, 2012 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: William Leavens, Eric Trevena, Lou Mont, Charles DiSalvo, Mark Bauerlein
ALTERNATES: Sam Akin, Howard Popper
CLASS I: Ken Short
CLASS II:
CLASS III: -
ABSENT: Dave Kennedy, Kathleen McGroarty, Roger Read

OTHERS PRESENT: Engineer Leon Hall, Attorney Tiena Cofoni, Clerk Barbara Margolese

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 19, 2012 and posted on the Bulletin Board on the same date. Notices were mailed as per requests.

MINUTES

1. Minutes from the April 25, 2012 (Regular Session)
Mr. Mont made a motion to approve the minutes as presented, seconded by Mr. Trevena. A voice vote was taken and the motion carried.
Ayes: Leavens, Mont, Trevena, Bauerlein, Akin
Nays: None Abstentions: Short, Popper, Di Salvo

2. Minutes from the May 14, 2012 (Regular Session)
Mr. Popper made a motion to approve the minutes as presented, seconded by Mr. Mont. A voice vote was taken and the motion carried.
Ayes: Leavens, Mont, Trevena, Akin, Short, Popper
Nays: None Abstentions: Di Salvo, Bauerlein

RESOLUTIONS

12-09 USR Optimix – Block 30, Lot 70 – Kings Highway – R-20 Zone -39.38 Acres
Soil Disturbance Application in Accordance with ordinance Chapter 164
Eligible voters for the resolution: Leavens, Trevena, Mont, Akin, Short, Popper

The Board discussed concerns with the resolution's lack of time frame. It was decided that "n" would state the following: "Any and all soil testing or environmental reports prepared in connection with the Industrial Site Recovery Act as it applies to the Property shall be submitted to the Board for its files prior to the commencement of the soil disturbance activities".

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Mr. Short made a motion to adopt Resolution 12-09 with the amendment to include the condition for the applicants to provide written proof of either approval of an application from the Highlands Council or application exemption, seconded by Mr. Popper.

A roll call vote of eligible board members was taken:

Ayes: Leavens, Trevena, Mont, Akin, Short, Popper
Nays: None Abstentions: None

The meeting was opened to the public for items not on the agenda. There were no questions or comments from the public and the meeting was closed to the public.

PUBLIC HEARING/APPLICATIONS -

1. Nextel of New York, Inc. – Block 13, Lot 8 – Keltz’s Lane – R-5 Zone -24.01 Acres - Minor Site Plan for Collocation of Antennas on existing JCP & L Tower and installation of 99.375 sq. ft. Equipment Cabinet - Public Hearing
Representatives present: Greg Meese, Esq., Frank Colasurdo (Project Architect), Adam Durando, P.E. (Electrical Engineer -Radio Frequency Expert)

Attorney Greg Meese introduced the application as a collocation of 9 panel antennas which are to be installed 10 feet above an existing JCP & L tower along with the installation of equipment cabinets totaling 99.375 square feet directly under the tower. Mr. Meese stated that the following variances are being requested: 1. fencing and landscaping being installed, 2. the equipment cabinet will encroach into the required setback of 25 feet by less than 1 foot (24 feet 3 ¼ inches from the property line), and 3. access to the site will be off of a private road rather than a public street (Keltz’s Lane).

Mr. Adam Durando (Industrial Road, Fairview, NJ 07004) was sworn-in and accepted by the Board as an Electrical Engineer – Radio Frequency Expert. Mr. Durando stated that JCP & L has an agreement with Sprint-Nextel with regard to their use of the tower. He stated that this site was identified as a location which will expand Nextel’s interoperability and network connectivity. Mr. Durando presented for the record Exhibit “A-1” (topographic and site information and base map, dated 6/11/12, titled “Proposed New Site Predictions showing Gap in Coverage and proposed Coverage for Sprint in Washington Township”). Mr. Durando presented Exhibited “A-2” (mountains and terrain in the subject area, dated 6/11/12) and Exhibit “A-3” (coverage map, 6/11/12, showing gaps in coverage currently) and Exhibit “A-4” (proposed coverage, dated 6/11/12, gaps shown are where tops of mountains are located). Mr. Durando stated that gaps are located in the Drakestown, Fairview and Flocktown areas. He said that proposed coverage will be expanded to Squire Hill Road, Arbor Way, Kathy Lane and North Four Bridges Road.

Mr. Durando stated that the new antennas will be 6 foot in height and will be located at 10 foot above the existing tower height making the final height to the top of the antennas 160 feet above the ground level. Engineer Hall noted that there will be two dish antennas installed at the top of the tower. He stated that the dish plans should be

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shown on the plans. Planner Banisch asked if JCP & L uses Nextel-Sprint cell phones. Mr. Durando stated that JCP & L does use Nextel-Sprint cell phones and that Sprint customers in general will benefit from the installation of the additional antennas on the JCP & L tower. Attorney Meese pointed out that this is a joint funded project between JCP & L and Sprint-Nextel. He noted that this will help communication between team members out working in the field.

Mr. Frank Colasurdo (33 Work Court Road, Sparta, NJ) was sworn-in as an architect and expert witness. Mr. Colasurdo noted that he presented testimony to this Board twice before. Mr. Colasurdo presented Exhibit "A-5" (Plan Sheet Z-3, dated 5/3/12, titled "Network Vision Design") and Exhibit "A-6" (Plan Sheet Z-4, dated 5/3/12, titled "Antenna details"). Mr. Colasurdo stated that the existing height of the tower is 150 feet above ground level and that the 9 panel antennas and 2 back hole antenna dishes will rise above the tower 10 feet. He stated that the tower has four legs and that the 4 radio cabinets will be installed on a concrete slab. Mr. Colasurdo stated that the tower is located 14 feet from Keltz's Lane. He presented Exhibit "A-7" (concrete slab plan) which shows that the slab will be 20 feet long by 10 feet wide. He stated that the locked cabinets will measure 36 inches by 36 inches and will be made of steel. He noted that the height of the cabinets will be 72 inches. Mr. Colasurdo presented Exhibit "A-8" (Details of Antennas, co-axial line and co-axial tray). He stated that this is an unmanned facility and that every 4 to 6 weeks a technician will be stopping by to check the site. Mr. Colasurdo said that the site is watched 24 hours a day - seven days a week and that within the cabinet there is a series of silent alarms which alert Sprint- Nextel directly. He noted that small fans will be built into the doors of the cabinet to protect from heat. Mr. Colasurdo was asked if a fire truck could get into and out of this site. He stated that a fire truck could get into the site but to leave it would have to do a K-Turn.

Mr. Colasurdo stated that JCP & L does not allow fencing and landscaping around their towers. He said that JCP & L has identified their clear zone as the 100 foot right-of-way and that nothing above 18 inches is allowed in the clear zone. He noted that this is in accordance with NJAC 14:9.6.

Mr. Colasurdo noted that two of the cabinets will be purely battery cabinets. He said that Sprint-Nextel can make provisions to bring in generator if there is a power outage. Mr. Popper asked why a fence could not be provided for the site as a vandalism deterrent. Mr. Colasurdo stated that the cabinets are locked

Mr. Colasurdo stated that they are bringing in a 400 amp service just in case another carrier would like to come in. He said that the tower is not considered to be high voltage until it is over 600 amps.

Planner Banisch referred to the flood lights shown in Exhibit "A-7". He asked how these lights are to be turned on and off. Mr. Colasurdo stated that the lights are photocell lights and that they can be operated with a switch but are also motion sensor. He stated that the closest neighbor is approximately 500 feet away. Mr. Hall noted that the submitted zoning table needs to be corrected to reflect correct proposed setback for the concrete slab. Mr. Banisch stated that the area outside of the JCP & L right-of-way is forested. He said that does have concerns with the safety of the equipment under the tower, but previous efforts regarding landscaping around these types of sites have proven fruitless.

Attorney Cofoni stated that the owners of property owned by the NJ Conservation Foundation (Block 13, Lot 15.03) have challenged Nextel's access to their site from Keltz's Lane. She stated that Mr. Meese has provided his argument regarding the access

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dated April 12, 2012. She stated that this is a private property access dispute. Attorney Cofoni stated that the resolution can state that the Board is not conveying nor implying the existence of any property rights. Mr. Popper asked if the Board should obtain a “hold harmless” agreement from Nextel. Attorney Meese said that he would have to get approval from his clients to be able to agree to that. He noted that the deed for Keltz’s Lane states that it gives rights to “others”. He said that Nextel will consent to repairing the road to its current standard. Attorney said that she will explore the “hold harmless” agreement possibility with Mr. Meese before the July 9th meeting and that a response will be rendered by Mr. Meese by that meeting.

It was noted that a waiver is being requested regarding the conservation easement to the township being required and that a wetlands permit application has been submitted to the NJDEP already.

Mr. Bauerlein asked if another platform would be needed if another carrier locates antennas on this tower. Mr. Colasurdo stated that not if the antennas are located on top of the tower but if they are below the tower they will need another platform.

The hearing was opened to public comment and closed after no comments were received.

The Board members gave a straw poll regarding this application. All of the Board members approved of the application, but there were concerns regarding the motion sensor on the cabinet flood lighting and with the lack of fencing for the site.

Mr. Di Salvo made a motion to direct the Board attorney to prepare a resolution granting approval for the Nextel of New York, Inc. minor site plan application for the collocation of antennas on the existing JCP & L tower with the installation of equipment storage cabinets under the tower with the following:

- approval of all variances and waivers
- include the hold harmless agreement and fencing provision
- all access issues will be addressed
- no motion sensor will be on the cabinet flood lighting
- a danger sign will be located on or near the cabinets
- a correction will be made to the plans regarding setback distance

Seconded by Mr. Popper. A roll call vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, Akin, Short, Di Salvo, Bauerlein, Popper

Nays: None

Abstentions: None

DISCUSSION / CORRESPONDENCE

1. Highlands Questionnaire of Washington Township Revision

The Planning Board reviewed the changes proposed by the Board Clerk which were added as a result of the recently adopted Highlands Checklist Ordinance. The Board directed Planner Banisch and Clerk Margolese to get together to make any minor changes necessary to the Highlands Questionnaire and to schedule final discussion for the Board meeting on June 27th.

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2. Vouchers

Mr. Short made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payment, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

Ayes: Leavens, Mont, Trevena, Akin, Short, Di Salvo, Bauerlein, Popper
Nays: None Abstentions: None

Mr. Di Salvo made a motion to adjourn, seconded by Mr. Mont. A voice vote was taken; all were in favor and the meeting was adjourned at 9:12 p.m.

Ayes: Leavens, Mont, Trevena, Akin, Short, Di Salvo, Bauerlein, Popper
Nays: None Abstentions: None

Respectfully submitted,

Barbara J. Margolese, Clerk