

LIBERTY TOWNSHIP LAND USE BOARD

Minutes – November 23, 2009

The Liberty Township Land Use Board met for a regular meeting on Monday, November 23, 2009 in the Municipal Building 349 Mt. Lake Rd, Great Meadows, N.J. Chairman Cummins opened the meeting (7:30 p.m.) and declared that all aspects of the Open Public Meeting Act had been met by posting notice of this meeting on the bulletin board in the Municipal Building and notifying the Municipal Clerk. Advertisement of notice was placed in the Star-Ledger of Newark and the Express Times of Easton, PA.

ROLL CALL:

Present: Carl Cummins Dave Schaaf
 Beverly Gloumakoff Eric Tibak (7:32)
 Dan Grover Pete Wicki

 Michael Garofalo, Esq.
 Ted Hatfield, PE
 Kathy Dossena, Land Use Administrator

Absent: John Inscho, Wayne Jarvis, Pete Karcher, Rudy Pasko, Ray Sosnovik, and Joann Ward.

MINUTES: The Minutes of the September 16, 2009 meeting were approved as written with a motion by Chairman Cummins, seconded by Mrs. Gloumakoff with roll call as follows:

 Ayes: Mrs. Gloumakoff, Mr. Schaaf, and Chairman Cummins.
 Nays: None recorded.
 Abstain: None recorded.

Motion carries with three (3) affirmative votes.

APPLICATION:

Dockets #06/09: Preliminary and Final Site Plan, Conditional Use for Blk 2, Lot 17. Metro PCS, Applicant. Simone Sinisi, Esq. was present to represent MetroPCS.

Completeness Review: All items on the three checklists (Variance, Preliminary Site Plan, and Final Site Plan) have been submitted. Several waivers were requested as follows:

Variance Checklist – Items 16 and 17.

Preliminary Major Site Plan Checklist – Items 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24..

Final Site Plan – Items 5, 6, 7, and 8 will be submitted after the installation.

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A motion was made by Chairman Cummins to deem this file complete along with granting of all waivers as requested. Mrs. Gloumakoff seconded the motion with roll call as follows:

Ayes: Mrs. Gloumakoff, Mr. Grover, Mr. Schaaf, Mr. Tibak, Mr. Wicki, and Chairman Cummins.

Nays: None recorded.

Abstain: None recorded.

Motion carries with six (6) affirmative votes.

Hearing: Mrs. Dossena noted that proper Notice has been served. Three witnesses were sworn-in by Attorney Garofalo as follows: Glenn Scherer, PE, Ronald Reineitsen, PP, and Marc Harris, FCC Compliance Expert.

Attorney Sinisi stated that MetroPCS is a new entrant into the NJ wireless communications market and therefore has no existing service in and around Liberty Township and the surrounding area.

Mr. Scherer testified first and stated his qualifications. The Board accepted Mr. Scherer as an expert witness in the field of engineering. Mr. Scherer described the tower as being an existing 350-foot lattice structure with an existing building that houses the equipment. MetroPCS wishes to add four (4) antennas which will be 4 ½ feet in height to the existing tower. There will be no ground disturbance. A technician will visit the site once per month to run computer diagnostics. There will not be any noise or dust and there is no increase in the footprint. Mr. Scherer stated that a full structural analysis was completed and the tower was found to be structurally sound. Later in the meeting a copy of this analysis was submitted to the Board for the file. Climbers and possibly a crane will be used to install the antennas.

Mr. Reineitsen presented his qualifications to the Board and was accepted as an expert witness in the planning field. Mr. Reineitsen presented pictures showing the existing tower and then the same picture with the proposed antennas installed. The pictures were taken from several angles on September 21, 2009.

Mr. Harris then presented his qualifications to the Board and was accepted as an expert witness dealing with FCC compliance. Mr. Harris discussed his report entitled “Antenna Site FCC RF Compliance Assessment Report” dated June 23, 2009. The assessment was performed by Pinnacle Telecom Group and the report contains antenna and transmission data, mathematical compliance analysis, compliance conclusions, and a certification of the involved expert’s qualifications. Mr. Grover noted that the report states the address of the tower as 28 Far View Road rather than 70 Far View Road as stated on the Liberty Township Tax Map. Attorney Sinisi stated that the Liberty Township address is different

from the Hope Township address and as MetroPCS is presenting the application simultaneously both addresses should be on the documents. It was omitted from this report however both addresses are on the map and other paperwork.

Daniel Penesse, PE is the Radio Frequency Engineer representing Metro PCS. Mr. Penesse was sworn-in by Attorney Garofalo and stated his qualifications for the Board. The Board members agreed to accept Mr. Penesse as an expert witness in radio frequency. Engineer Penesse stated that the service that MetroPCS will supply is the same as the existing carriers. They will offer a low monthly rate and no contract required. MetroPCS is licensed by the FCC. Marked into evidence as A-1 (11/23/09) was a colored map entitled “Coverage from Proposed Neighboring PCS Sites” along with an overlay which shows what the coverage would look like with the antennas located on this tower.

The need for a D-Variance was discussed and it was determined that this proposal does not intensify the use. A previous Board granted the D-Variance. The meeting was opened to the public at 8:10 p.m. As there were no comments from the audience, this portion of the meeting was immediately closed.

A motion was made by Mr. Grover to approve the application as presented covering the conditional use, preliminary site plan, and final site plan. Mr. Wicki seconded the motion with roll call as follows:

Ayes: Mrs. Gloumakoff, Mr. Grover, Mr. Schaaf, Mr. Tibak, Mr. Wicki, and
Chairman Cummins.

Nays: None recorded.

Abstain: None recorded.

Motion carries with six (6) affirmative votes.

DISCUSSION:

Master Plan compliance update with the Highlands Act: Planner Snyder was present and discussed the progress that he has made with the petition for conformance to be submitted by December 8, 2009 as instructed by the Highlands Council. The plans that Planner Snyder has received will not be recommended by him to this Board for adoption. The plans consist of a septic management plan, a historic plan along with several others. He will submit the letter noting the Township’s intention to conform as required by December 8th.

2010 Budget: The budget sheets were distributed showing the actual money that was spent in 2009 along with the amount that was proposed. The members went through each

line item. Some were reduced however most line items were left unchanged. A motion was made by Mrs. Gloumakoff to approve the 2010 Budget and to send the

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recommendation of approval on to the Township Committee. Chairman Cummins seconded the motion with roll call as follows:

Ayes: Mrs. Gloumakoff, Mr. Grover, Mr. Schaaf, Mr. Tibak, Mr. Wicki, and
Chairman Cummins

Nays: None recorded.

Abstain: None recorded.

Motion carries with six (6) affirmative votes.

ADJOURNMENT: As there was no further business, Chairman Cummins adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Kathy Dossena
Land Use Administrator