

# LIBERTY TOWNSHIP LAND USE BOARD

Minutes – December 21, 2010

The Liberty Township Land Use Board met for a regular meeting on Wednesday, December 21, 2011 in the Liberty Township Municipal Building 349 Mt. Lake Rd, Great Meadows, N.J. Chairman Cummins opened the meeting (7:32 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:

<i>Present:</i> Carl Cummins	Dave Schaaf
Wayne Jarvis	Ray Sosnovik
Pete Karcher	Eric Tibak
	Joanne Ward

Steven Tombalakin, Esq. Board Attorney  
John Hansen, P.E. Board Engineer  
Kathy Dossena, Land Use Administrator

*Absent:* John Inscho, Rudy Pasko, Pete Wicki, and Dan Grover

## MINUTES:

The Minutes of the November 21, 2011 meeting were approved as written by motion of Mr. Tibak. Mrs. Ward seconded the motion with roll call as follows:

Ayes: Mr. Jarvis, Mr. Sosnovik, Mr. Schaaf, Mr. Tibak, Mr. Karcher  
Mrs. Ward and Chairman Cummins

Nays: None recorded

Abstain: None recorded

Motion carries with seven (7) affirmative votes.

## APPLICATIONS:

*Docket #03/11: Minor Subdivision (Lot Line Adjustment) for Blk 23, Lots 33, 33.01, and 34 with a variance for decreasing the area of a pre-existing non-conforming lot (Lot 33.01). Applicants: Mr. Hooter, Mr./Mrs. Badini, and Mr. Swaneveld*

Mr. Swaneveld, Mr./Mrs. Badini, and Mr. Hooter were sworn-in at the November 21<sup>st</sup> meeting. A certified letter was sent on November 22, 2011 to Sean and Jennifer

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Harrison. This letter was not claimed at the post office after three attempts were made to deliver it. A copy of the same letter was also sent by regular mail. The returned certified letter was marked into evidence as Exhibit A-1 12/21/11. Attorney Tombalakin asked if any persons present wanted to speak about this application. No comments were heard. Engineer Hanson commented that he reviewed the application and everything is in order. A motion was made by Mrs. Ward to approve this application with conditions as follows:

- The applicant will provide deeds in advance of filing for review by the Board's professionals
- Maintenance agreement for the easement will be provided to the Board for review.

Mr. Tibak seconded the motion with roll call as follows:

Ayes: Mr. Jarvis, Mr. Sosnovik, Mr. Schaaf, Mr. Tibak, Mr. Karcher  
Mrs. Ward and Chairman Cummins

Nays: None recorded

Abstain: None recorded

Motion carries with seven (7) affirmative votes.

***Docket #04/11: Minor Site Plan with a D-3 Variance for height (Blk 2, Lot 17) for the addition of two dish antennas on the existing 350 foot lattice cell tower. Included also is the installation of one equipment cabinet within the existing gravel compound of the wireless facility. Auburn Data Systems, Applicant. (7:40 p.m. – 8:50 p.m.)***

***Completeness Review:*** Michael Levine, Esq. was present for Auburn Data Systems. Two waivers are being requested as follows:

- Item 2c: Location of all existing and proposed structures, roads, parking, lighting, drainage, facilities, etc. within 200 feet of the property. Engineer Hanson has no objection to this request given the limited scope of the project.
- Item 2e: Soil erosion and Sediment Control Plan. Engineer Hanson has no objection to this request since no land disturbance is proposed.

Mrs. Dossena noted that she does not have a copy of the applicant's application to the Warren County Planning Board. Attorney Levine noted that this has been done and he will send one to the Board.

A motion was made by Chairman Cummins to deem this application complete and grant the two waivers requested from checklist items 2c and 2e. Mr. Tibak seconded the motion with roll call as follows:

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Ayes: Mr. Jarvis, Mr. Sosnovik, Mr. Schaaf, Mr. Tibak, Mr. Karcher  
Mrs. Ward and Chairman Cummins

Nays: None recorded

Abstain: None recorded

Motion carries with seven (7) affirmative votes.

***Hearing:***

Attorney Levine stated that this application consists of the construction of two (2) additional dish antennas on the existing 350 foot lattice tower. One will be installed at an elevation of 100 feet and the other will be installed at 354 feet. Included in the project is the installation of one (1) equipment cabinet within the existing gravel compound of the wireless facility. The variances involved are D3's. The access to the tower is in Hope Township and this application will be heard by them on January 5<sup>th</sup>.

The professionals that will be giving testimony tonight for the applicant are:

James C. Wolfson, Radio Frequency Engineer  
Dan Collins, FCC Emissions Compliance Engineer  
Frances McAndrew, Civil Engineer  
James Kyle, Planner

All were sworn-in by Attorney Tombalakin and all were accepted as expert witnesses in their field by the Board members.

Mr. Wolfson spoke first and noted that the applicant did a study of pre-existing towers and this tower fit their needs. It is an unmanned facility with solid state equipment which does not require maintenance. The FCC license was applied for on August 21, 2011 and was granted on November 2, 2011. The meeting was opened to the public at 8:05 p.m. for questions of this applicant. As none were heard, this portion was immediately closed.

Mr. McAndrew was the next to testify. He displayed a map dated 9/13/11 which is the same map that was submitted to the Board. Two-thirds of the addition to this tower will be in Hope Township. There will be no additions such as exterior lighting or a generator. There will be no land disturbance. This answers the comments (#1 and #2) in Engineer Hanson's technical review report dated 12/2/11. The meeting was opened to the public for questions of this witness at 8:20 p.m. As none were heard, this portion was immediately closed. Mr. Jarvis asked if local emergency officials saw this application. It was noted that the dish is not flammable and the tower is grounded.

Mr. Kyle began his testimony next. Entered into evidence were the following:

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Exhibit A-1 12/21/11: 2010 Ariel photo showing Liberty, Hope, Independence and Frelinghuysen Townships. Mr. Kyle noted that this lot is landlocked and three side-yard set backs are not met. The tower exceeds the height ordinance and lot size and pre-existed the ordinances (tower built in 1967). Using this existing tower means that a new visual tower will not have to be built and the existing conditions are not being expanded.

Exhibit A-2 12/21/11: Photos showing two new observations not submitted previously to the Board. Exhibit is titled: Photo Simulations for Auburn Data Site ATC 88085. There is minimal visual impact from the Liberty Township side. This application does not increase the non-conforming issues. Mr. Kyle agrees with the technical review noted in the Ferriero Engineering report of 12/2/11.

Exhibit A-3 12/21/11: Three (3) Photos of Spruce trees as mentioned in Item #5 of Planner Snyder's report dated 12/4/11. Eleven trees were planted as a buffer for the equipment facilities. Four of these trees have died and should be replaced. Mrs. Dossena will send a letter to the owner of the tower, American Tower Corporation, requesting that the dead trees be replaced. The meeting was opened to the public for questions of this witness. As none were heard, this portion was immediately closed.

Next to testify was Dan Collins, FCC Emissions Compliance Engineer. Mr. Collins went over his report of July 27, 2011 which was submitted to the Board. The report is titled: Antenna Site FCC RF Compliance Assessment and Report. At 8:45 p.m. the meeting was opened to the public for questions of Mr. Collins. As none were heard, this portion was closed.

At 8:47 p.m. the meeting was opened to the public for any comments or questions. As none were heard this portion was closed.

A motion was made by Chairman Cummins to grant approval for the Minor Site Plan, D-3 variance for one dish unit that will be 354 feet in height, a conditional use variance for existing conditions, and a bulk variance for relief of any landscaping at ground level. Mr. Tibak seconded the motion with roll call as follows:

Ayes: Mr. Jarvis, Mr. Sosnovik, Mr. Schaaf, Mr. Tibak, Mr. Karcher  
Mrs. Ward and Chairman Cummins

Nays: None recorded

Abstain: None recorded

Motion carries with seven (7) affirmative votes.

**DISCUSSION:**

***Budget for 2012:*** The members discussed the budget and entered their line item suggestions. Discussion ensued concerning finding a replacement for Mrs. Dossena. \$500 was put in the budget for courses that may need to be taken.

***Reorganization Meeting:*** This meeting has been rescheduled to January 18, 2012.

**OPEN TO PUBLIC:** Chairman Cummins opened the meeting to the public at 9:21 p.m. As there were no comments heard, this portion was immediately closed.

**BILLS:** A motion was made by Mr. Tibak to pay the bills presented. Mr. Jarvis seconded the motion with roll call as follows:

Ayes: Mr. Jarvis, Mr. Sosnovik, Mr. Schaaf, Mr. Tibak, Mr. Karcher  
Mrs. Ward and Chairman Cummins

Nays: None recorded

Abstain: None recorded

Motion carries with seven (7) affirmative votes.

**ADJOURNMENT:** As there was no further business, Chairman Cummins adjourned the meeting at 9:24 p.m.

Respectfully submitted,

Kathy Dossena  
Land Use Administrator