

# LIBERTY TOWNSHIP LAND USE BOARD

Minutes – September 19, 2012

The Liberty Township Land Use Board met for a regular meeting on Wednesday, September 19, 2012 in the Liberty Township 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 sent to the Star Gazette of Hackettstown and the Express Times of Easton, PA.

## ROLL CALL:

**Present:** Michael Beyer  
Carl Cummins  
Wayne Jarvis (7:34 pm)

Ray Sosnovik  
Eric Tibak  
Joanne Ward  
Pete Wicki

Richard Schneider, Esq. Board Attorney  
Steve Bolio, P.E., Engineer  
Diane Pflugfelder, Acting Secretary

**Absent:** Rudy Pasko and Dave Schaaf (Mayor Inscho and Mr. Grover were not present because the application to be presented is a D-Variance)

## MINUTES:

The Minutes of the July 18, 2012 meeting were approved as written by motion of Mr. Tibak. Mrs. Ward seconded the motion with roll call as follows:

Ayes: Mr. Tibak, Mrs. Ward, Mr. Sosnovik, and Mr. Beyer

Nays: None recorded

Abstain: Mr. Jarvis, Mr. Wicki, and Chairman Cummins because of  
Absence.

Motion carries with four (4) affirmative votes.

**RESOLUTION: Docket #02/12: Approval of D-Variance (change of use). The structure is located on Hope Rd. (Cty. Rte. 611) and is identified on the tax map as Blk 10 Lot 9.01. Natalie White, Applicant.**

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A motion was made by Mr. Tibak to approve the Resolution as written. Mr. Sosnovik seconded the motion with roll call as follows:

Ayes: Mr. Tibak, Mr. Beyer, Mrs. Ward, and Mr. Sosnovik

Nays: None recorded

Abstain: None recorded – other members present were not eligible to vote on this Resolution.

**APPLICATION:**

***Docket #03/12: Addition of two antennas to pre-existing non-conforming communication tower located on Far View Road aka Blk 2 Lot 17. Applicant: Scientel Communications.***

***Completeness Review:*** Attorney Schneider went over the checklist items with the Board members. Henry Kent Smith, Esq. was present for the applicant. All seven (7) members present are eligible to vote on this Zoning Board application. Proper notice has been served and verified. The township's engineer and planner have submitted reports and Attorney Smith has received copies of each. Waivers have been requested for the following items: soil erosion, wetlands submission, and soil logs. Both the township planner and engineer have recommended that this file be deemed complete. A motion was made by Chairman Cummins to deem this application complete and to grant the waivers requested. Mr. Jarvis seconded the motion with roll call as follows:

Ayes: Mr. Beyer, Mr. Jarvis, Mr. Sosnovik, Mrs. Ward, Mr. Wicki, Mr. Tibak, and Chairman Cummins.

Nays: None recorded

Abstain: None recorded.

Motion carries with seven (7) affirmative votes.

***Hearing:***

Introduced as expert witnesses for Scientel: Anthony Maietta, Network engineer; Anthony Suppa, Structural engineer; and Jim Kyle, Planner. All were sworn-in by Attorney Schneider. Mr. Maietta deals with radio frequency and designed the communications system for Scientel. He stated that this tower is the highest point in the area and it meets stringent FCC criteria. Mr. Maietta also noted that Scientel's antenna has specific band width and communications. This band will not interfere with any existing communications on tower. Physical distance between users on the tower will be maintained. There will be a cabinet which will be the ground component. This cabinet supports the data collection. One single cable connects the radio equipment on the ground with the antenna.

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Mr. Suppa then described the structural elements. There will be a 4' x 4' platform along with a 7' cabinet. The cabinet is in Hope Township. Scientel's application in Hope Township has been deemed complete. The hearing will be held in October. A generator has been removed from the plan. Reinforcement work will be completed on the tower prior to the physical installation of the dish.

A letter of no interest from the Warren County Planning Board was submitted.

Mr. Kyle handles the planning and design for Scientel and he noted that the applicant needs relief from the setback ordinance. Mr. Kyle explained that the antennas will be installed at the height of 110 feet and 265 feet respectively. The positive criteria noted was that the tower is pre-existing, additional antennas will be beneficial to the public welfare, the topography is conducive to the use, the tower is isolated and in a heavily vegetative area, and it is in an appropriate location for commercial use. Exhibits introduced as follows:

Exhibit A-1: 2010 aerial photo and parcel map

Exhibit A-2: Four (4) photo simulations – Photos 1 and 2 are taken from Shades of Death Road, Photo 3 is taken from Hope Road, and Photo 4 is taken from Hope Township.

Chairman Cummins asked if there were any health detriments. Attorney Smith stated that frequencies by FCC license issue are not health hazards and the frequency wave produces no sound. It was noted that emissions from this site are within FCC standards. Attorney Smith noted at 8:16 p.m. that Scientel's presentation has concluded. Noting comment #6 of Planner Snyder's report concerning the evergreen buffer, Attorney Schneider agreed that this buffer is the responsibility of the tower's owner.

Chairman Cummins opened the meeting to the public for comments/questions. As none were heard, this portion was immediately closed. A motion was made by Mr. Jarvis to approve this application as presented. Mr. Tibak seconded the motion with roll call as follows:

Ayes: Mr. Beyer, Mr. Jarvis, Mr. Sosnovik, Mrs. Ward, Mr. Wicki, Mr. Tibak,  
and Chairman Cummins.

Nays: None recorded

Abstain: None recorded.

Motion carries with seven (7) affirmative votes.

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

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Ayes: Mr. Beyer, Mr. Jarvis, Mr. Sosnovik, Mrs. Ward, Mr. Wicki, Mr. Tibak,  
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 8:27 p.m.

Respectfully submitted,

Kathy Dossena  
Land Use Administrator