

LIBERTY TOWNSHIP LAND USE BOARD

Minutes – December 19, 2012

The Liberty Township Land Use Board met for a regular meeting on Wednesday, December 19, 2012 in the Liberty Township Municipal Building 349 Mt. Lake Rd, Great Meadows, N.J. Chairman Cummins opened the meeting (7:31 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 Rudy Pasko
Carl Cummins Eric Tibak (7:40 pm)
Wayne Jarvis Joanne Ward

Richard Schneider, Esq.
John Hansen, PE
Eric Snyder, PP
Kathy Dossena, Land Use Administrator

Absent: Pete Wicki, Ray Sosnovik, Dave Schaaf, Mayor Inscho and Mr. Grover

MINUTES:

The Minutes of the November 19, 2012 meeting were approved as written by motion of Mr. Jarvis. Chairman Cummins seconded the motion with roll call as follows:

Ayes: Mr. Tibak, Mr. Jarvis, Mr. Beyer, Mr. Pasko, and Chairman Cummins

Nays: None recorded

Abstain: Mrs. Ward because of absence. Mr. Tibak was not yet present.

Motion carries with five (5) affirmative votes.

APPLICATION:

Docket #04/12: D-3 Variance to add two microwave antennas to pre-existing cell tower on Blk 2, Lot 17. Newgig Networks, Applicant

Completeness Review: As per the recommendation of the Board's professionals Mr. Jarvis made a motion to deem this file complete. Mr. Beyer seconded the motion with roll call as follows:

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Ayes: Mr. Pasko, Mr. Jarvis, Mrs. Ward, Mr. Beyer, and Chairman Cummins

Nays: None recorded

Abstain: None recorded. Mr. Tibak was not yet present.

Motion carries with five (5) affirmative votes.

Hearing: Mr. Tibak is now present. Mrs. Dossena noted that sufficient Notice has been served and verified. Richard Lemanowicz, Esq. was present to represent Newgig. The applicant has proposed to add two microwave dish antennas to the existing tower and communications facility and to construct a four (4) foot by four (4) foot equipment cabinet in the Hope Township portion of the site. Items marked as exhibits are as follows:

Exhibit 1: A copy of the Applicant's Application to the LUB of Liberty Township.

Exhibit 2: A copy of the Applicant's Application to the Warren County Planning Board

Exhibit 3: A copy of the "Exempt from Review" letter from Warren County Planning Department dated 10/12/12.

Exhibit 4: A copy of the Right of Way and Easement Deed between property owner and American Tower Corporation

Exhibit 5: A copy of the Quitclaim Deed for Grant of Easements between property owner and American Tower Corporation

Exhibit 6: A copy of the License Agreement between the Applicant and American Tower Corporation for the subject property.

Exhibit 7: A copy of the site plans and elevation drawings for the proposed use, signed and sealed by Edward Balsavage, Professional Engineer, with a latest revision date of 7/11/12

Exhibit 8: A copy of the Structural Analysis Report for the subject tower

Exhibit 9: A copy of the Tower Modification Drawings for the subject structure

Exhibit 10: Photographs of the subject property

Exhibit 11: Photographic simulations reflecting the current antenna configuration dated 7/6/12

Exhibit 12: A copy of an Electromagnetic Emissions Analysis, prepared by DBM Engineering, PC and dated 12/18/12

Exhibit 13: A copy of an Interference Analysis for the subject structure prepared by Andrew M. Petersohn, PE, and dated 12/18/12.

Attorney Lemanowicz introduced Michael H. Bohlinger, PE as his first witness. Mr. Bohlinger is a licensed engineer in NJ plus 17 other states. After stating his credentials, Mr. Bohlinger was accepted as an expert witness and sworn in by Attorney Schneider. This witness went on to explain the platform and how it will be connected to the tower. The structural analysis showed that the tower needs reinforcement. Modifications will comply with the G-Standards. Attorney Schneider noted that this Board has no jurisdiction over the cabinet as it is in Hope Township. Modifications will be completed

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before the antennas are added. Mr. Bohlinger, when asked later in the meeting, stated that he is comfortable with the attachment design for the antennas which notes safety at 120 mph winds.

Andrew Petersohn, PE is a radio frequency engineer. He is licensed in NJ plus five other states. Engineer Petersohn's credentials were noted and he was accepted as an expert witness. Attorney Schneider proceeded to swear in Engineer Petersohn who went on to explain how the digital data will be delivered from Point A to Point B (see analysis entered into evidence as Exhibit 12). It was noted that Newgig is licensed to use the frequencies by the FCC.

Attorney Lemanowicz introduced his last witness to the Board. Brian Seidel is a professional planner and a landscape architect who is licensed in NJ and has given testimony in NJ plus two other states. Planner Seidel noted that the D-3 variance required is because of deviation of the standard and not the use itself. He went on to explain the aerial photo simulation showing the tower and the site. No effort has been made to purchase additional property and Planner Seidel feels the tower and location are appropriate along with the vegetation which adequately screens it.

Discussion ensued with questions being asked by the Board members. Chairman Cummins opened the meeting to the public at 8:19 pm. As there were no members of the public present, this portion was immediately closed.

A motion was made by Chairman Cummins to approve the application and relief requested with the following conditions:

- Approval from Hope Twp.
- If there is a period of one year of abandonment the installation must be taken down.
- Certifications that all modifications to the tower have been completed before the antennas are installed.
- The Structural Analysis Report, dated November 2011), will be confirmed or amended to include what exists and what has previously been approved by this Board, i.e., Scientel, etc.
- An as-built plan be submitted showing that the structural modifications have been made.

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

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

Nayes: None recorded

Abstain: None recorded

Motion carries with six (6) affirmative votes.

DISCUSSION:

Planner Snyder discussed the submission of the Township's Wastewater Management Plan. He also noted that summons will be sent on two properties at the Lake. Mr. Snyder also stated that it has become easier to work with the Highlands Council stemming from recent changes that have taken place in personnel. However, our housing issue remains open.

NJPO Dues: A motion was made by Mr. Jarvis to pay the dues for NJPO for 2013 combined with the Township Committee. Chairman Cummins seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with six (6) affirmative votes.

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

Ayes: Mr. Beyer, Mr. Jarvis, Mrs. Ward, Mr. Tibak, Mr. Pasko, 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 8:26 p.m.

Respectfully submitted,

Kathy Dossena
Land Use Administrator