

QUINTON TOWNSHIP PLANNING BOARD

AUGUST 10TH, 2010

MINUTES

The regular meeting of the Planning Board was called to order at 7:00 p.m. at the Quinton Township Municipal Building by the Chairwoman: Margaret Maxwell-Mood.

Flag salute was held and it was determined that the meeting was posted in a public place and advertised in the two official newspapers.

OPEN PUBLIC MEETING STATEMENT was read by Chairwoman Margaret Maxwell-Mood

RESIGNATION OF JANE TURNER – Chairwoman Margaret Maxwell-Mood read the resignation of Jane Turner. Motion made by Joanne Nacucchio to accept the resignation. Marjorie Sperry seconded the motion. All were in favor. Motion carried.

Mayor Kates indicated that the vacant position will be addressed at the next Township Committee meeting on September 1st, 2010.

ROLL CALL: Christopher Donelson, James Kates, Margaret Maxwell-Mood, Joanne Nacucchio, Marjorie Sperry

Also in attendance: Andrew Hogg, Engineer and Laurence M. Divietro, Planner, Adam I. Telsey, Solicitor, Bonita Bell, Secretary

ABSENT: Amy Bradway, Donna Bradway (on 6 months leave of absence), Zach Patterson, Carl Schrier, Jane Turner (resigned) and Doug Tzaden

APPROVAL OF JULY 13TH, 2010 MINUTES – Joanne Nacucchio made a motion to accept the July 13th, 2010 minutes. Marjorie Sperry seconded the motion. James Kates abstained. All in favor. Motion has been so carried, minutes are approved.

APPLICATION LAUREL LAKE SOLAR, LLC – 10-7

Adam I. Telsey, Esq. presented Resolution 10-11 memorializing the Preliminary Site Plan Approval and Use Variance from last month's solar array application. The Resolution is essentially a memorialization of what happened. Only the members who voted in favor of the application shall vote on the Resolution.

Margaret Maxwell-Mood instructed that only the three members (Joanne Naccuchio, Marjorie Sperry and Margaret Maxwell-Mood) who were at the last meeting can vote on this Resolution. All questions were addressed. There were specific waivers requested: (i) parking; (ii) driveway width; (iii) landscape architect and (iv) 7' high fence. A motion was requested to approve Resolution 10-11. Marjorie Sperry made the motion which was seconded by Joanne Naccuchio. All were in favor. Motion was so carried. Resolution 10-11 was approved.

APPLICATION OF T-MOBILE NORTHEAST, LLC # 10-8

PROPERTY: 704 ROUTE 49

BLOCK 3, LOT 36

SPECIAL USE PERMIT – TOWER

Adam Telsey, Esq. went over the points of discussion for T-Mobile Northeast, LLC for the members. Completeness issue will be discussed first and then go into the application portion.

Larry DiVietro, PE discussed the application for T-Mobile which is for placement of an additional antenna on a tower.

Margaret Maxwell-Mood asked the Members and Solicitor if they had any questions for Larry regarding completeness. No questions by the Board members, but Solicitor Telsey added that discussions at the last meeting (July 13th, 2010) it was decided to follow pre-existing practice for right now. Previous actions on this type of application would be an application for Special Use Permit and for Exemption or Waiver from Site Plan Approval. In order to comply with our past practice that is what we would be looking to do tonight. That is the Special Use Permit and Site Plan Waiver. Thus there will not be a Use Variance for tonight's application or the following application. For purposes of the record Solicitor Telsey did review the advertisement and it was in order. It was properly noticed in the newspapers and everyone on the 200' list did receive proper notices. This Board does have jurisdiction to hear this application.

Margaret Maxwell-Mood requested comments and/or questions from the Board. There were no questions or comments and a motion was requested to deem this Application complete. Joanne Naccuchio made the motion and James Kates seconded the motion. All were in favor. Motion was so carried. Application was deemed complete.

Larry DiVietro, PE gave the overview of the Application. Under the Quinton Township Code, in Chapter 85 there was a specific site for telecommunications for both towers and facilities modifications. This Application falls under a Special Use Permit. This is a Special Use Permit process in addition to or parallel with an application for an expansion or modification or installation. This particular application is a modification. It is an additional 3 antennas on existing monopole. The monopole is 134' high and the proposed antenna would be 124' high, it is a modification, not a new tower. The ground equipment will be placed on a 10' x 20' concrete pad. Approval granted by the Board should be conditioned on the Applicant verifying that the Special Use Permit for the existing tower/facility is valid in accordance with Article I Section §85-4 of the Code. Ordinance requires initial approval of a two year period and renewal to the governing body on an annual basis. This should be a condition of approval for this Applicant.

Melissa Murray Rigney, Esq., of Lemanowicz, LLP, 1012 N. Bethlehem Pike, Ste. 200 B-3, Lower Gwynedd, PA 19002, 267.419.8498, appeared for the Applicant, T-Mobile Northeast, LLC.

Solicitor Telsey swore in the 3 witnesses for T-Mobile, LLC.

Steven Hornberger, Site Acquisition Specialist - testified that he works for a wireless telecommunications firm. Has been at this job for 7 months. There are licenses required for his position. Mr. Hornberger explained that it is his job is to look for coverage gaps and then for sites in that gap to improve coverages. Mr. Hornberger found three sites to present to the Radio Frequency Engineer. One is this site, 704 Route 49, another on Sickler Street, and then there was a raw land site on Cream Ridge Road. This site, 704 Route 49, was the best candidate. This tower is owned by Crown Castle who has towers all over the country. Mr. Hornberger reached out to them for space availability on the tower for T-Mobile to affix antennas and they did. A Lease Agreement was entered into. Mrs. Bunocurso is the land owner.

Glen Villanueva – Radio Frequency Engineer – his credentials are his educational background and experience. There are no licenses required for this title. A wireless facility is a two-way communications signal. There will be 9 antennas, 3 per sector, transmission cables and equipment cabinets. The dimensions

are: 53" height; 13" width, 3.15" depth being 10' below the top of the pole, electricity voltage is 120/240 (see Exhibit 7). The site is monitored remotely. There is automatic regular maintenance and it will be alarmed. This antenna will not interfere with other carriers, and there is no noise. In the case of vandalism a 9-1-1-signal would be sent out and it would be addressed in less than 30 minutes. Electro Magnetic Frequency Safety Report is a report that the experts come up with for a maximum exposure a person could be at a particular site or antenna. Compliance Report was submitted as Exhibit 7. T-Mobile operates at well below the standard as required by the Federal Guidelines. There are safety precautions in place and there is no danger of fire.

William Gilmore, Licensed Professional Engineer, State of New Jersey and Pennsylvania – civil engineer for an environmental and engineering firm. Duties are to create and view engineering plans. Bachelor degree in civil engineering. 20 years experience in civil engineering, second year in the telecommunications field.

705 Quinton Road, Block 3, Lot 36 – right now the site is a mixture of wooded areas and agricultural uses. There are two agricultural buildings located close to Salem Quinton Road. Currently existing is a cellular communications compound with a 134' high monopole with Sprint as the existing carrier. There is a 7' high fenced in compound with three strands of barbed wire at the top. 12' gate on the eastern side for access. Setbacks meet requirements; 175 watt flood lights on an automatic timer, no generator. As it exists it could handle the equipment T-Mobile is proposing. You cannot see it from the road and will not protrude above the pole. The structural report is based on Federal Code and National Building Code. This tower is sustainable beyond the 80 mph wind force.

Larry DiVietro questioned the Applicant regarding distance from the road – it is 2,000 feet from the nearest roadway. If you drive by the enclosure is not that obvious from the road. Antennas will not protrude from the rest of the antennas on the monopole.

Opened to the public for any questions at 8:13 p.m.

PUBLIC SECTION:

Joe Elwell - 36 Sickler Street – wanted to know about the battery backup for the system. There is a battery backup in the cabinets which will run for a couple of hours – it will power off after that and bounce back on once the power is restored.

At 8:14 p.m. the open public section of the meeting was closed.

Solicitor Telsey gave clarifications for the Board. In accordance with past practice what you are going to vote on is grant the Special Use Permit and Site Plan Waiver Application.

Motion was made by James Kates and seconded by Marjorie Sperry to approve on the condition that T-Mobile verify the existing Special Use Permit for the monopole is still valid. All in favor. Motion carried.

APPLICATION – NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T MOBILITY #10-9
PROPERTY: 265 QUINTON-MARLBORO ROAD
BLOCK 34, LOT 22
MINOR SITE PLAN APPROVAL
MAP OR ORDINANCE INTERPRETATION OF SPECIAL QUESTION D-2 VARIANCE RELIEF

Warren Stillwell, Esq. from Cooper Levenson of 1125 Atlantic Avenue, Atlantic City, NJ, appearing for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility. This is an application to place three antennas on an existing tower and put equipment inside the existing concrete block building. New Cingular will be doing zero ground disturbance. The total application is for 3 antennas at 160' on a 350' tower. New Cingular is requesting a Waiver of Site Plan.

Larry DiVietro, PE gave an overview of the documents submitted from the Applicant and their findings regarding completeness. No impact or major changes to the site.

Motion was made by Joanne Naccuchio and seconded by Marjorie Sperry to deem the Application complete. All in favor, Motion carried.

Solicitor Telsey swore in Craig Zeidman.

Craig Zeidman, Professional Civil Engineer – experienced in telecommunications and has previously appeared before this Board for this exact tower. AT&T has 6 panel style antennas located on its existing 350' tall tower. Proposing an additional 3 antennas on top of the 6 they already have. There are 2 antennas existing per section on an existing frame on the tower. 1 additional antenna per sector is going to be located on that existing frame between the 2 existing antennas. That is the only thing New Cingular/AT&T is proposing for this Application. The existing antennas are 4' tall x 12" wide x 6" deep, the proposed antennas have exactly

the same footprint – 4’ tall x 12” wide x 6” deep. The need is for the new advanced 3G network technology. The relation between New Cingular Wireless is that it does business as AT&T.

Solicitor Telsey swore in Brock Riffel

Brock Riffel – Radio Frequency Expert – Bachelors in Science and Electrical Engineering from Drexel – 15 years experience in radio frequency design. Has testified in over 200 hearings. No real license for radio frequency design.

What AT&T is trying to do here is add the third generation or 3G network to this facility. Will still be using the same license FCC Ban that they use today but are adding new technology. This technology will allow AT&T customers to make and receive a phone call using the 3rd generation network to allow for greater capacity. More users can now use the same facility. Additionally, new services will be added. You will have much higher data feeds so that your phone or smart phone can now transmit received data much quicker than it can today. There is a multitude of applications that are coming along such as video chat, typing chat, etc. AT&T will be adding 1 antenna in each sector that will cover 360° in total. Coverage footprint will be nearly identical to the coverage footprint that is there today. The before and after will be the same. It is new technology.

Andrew Hogg stated that the technology exists, that New Cingular/AT&T is bringing the new technology south. It was stated that basically New Cingular/AT&T is in the same stage in multiple municipalities in this general area. It is technology that Philadelphia Metro area has which is slowly working its way south. 4G will be coming in the next 3 to 4 years. Chairwoman, Margaret Maxwell-Mood asked who owns the tower and it was stated that American Tower is the owner. Chris Donelson asked if the signals ever crossed with other carriers. No, AT&T is only allowed to send and receive within their ban. It was stated that every wireless carrier that is on the tower is licensed in their own specific ban and they are not allowed to transmit outside of that or receive outside of that ban and if they do one of the other wireless carriers is going to hear it first and they would contact AT&T or vice-versa. The FCC puts out guidelines on how much time you have to remedy that.

The tower sits about 200’ off of the public road. The tower itself is enclosed by an 8’ high chain length fence with barbed wire. The actual fence also is adjacent to a two story building where all of the equipment is housed. Mayor Kates gave a little bit of history about the building. The structure itself has been there since 1963/1964 and was built to withstand nuclear attacks.

Solicitor Telsey gave the clarification about the Application. We are going to vote on this Application for a Special Use Permit and Site Plan Waiver. We will require the same condition as set forth for T-Mobile Northeast, LLC in that approval by the Board is conditioned on the Applicant verifying that the Special Use Permit for the existing tower facility is valid according to Article I Section §85-4 of the Code.

Mr. Stillwell will be responsible for verification.

PUBLIC PORTION:

Joe Elwell – wanted to know if all the fees were paid up. It was testified that all the fees were paid up.

Public portion closed.

With the conditions set forth by our Engineer and Planner Margaret Maxwell-Mood asked for a Motion for a Special Use Permit and a Site Plan Waiver. Motion was made by Chris Donelson and seconded by Marjorie Sperry. All were in favor. Motion carried.

OLD BUSINESS:

Township Website – www.quintontownship.gov

The website for the Township should be operational in January of 2011. Documents have been provided and the Planning Board will have its own page for review once the site is operational. Anthony Nelms is handling creating the website for the Township.

Solicitor Telsey will begin reviewing and revising Chapter 85. Those revisions may not be done in 30 days. The recommendations will be given to the Township Committee for their review before adoption.

NEW BUSINESS:

Received a letter dated July 1, 2010 from Richard C. Waddington, Jr., Professional Land Surveyor & Planner regarding an application submitted by James Clour, File No. 8747, for property located at 160 Jericho Road, Block 34, Lot 37, Quinton Township, New Jersey. Mr. Clour has applied to the NJDEP for a Letter of Interpretation for wetlands regarding the placement of one or more buildings or other structures. Application is on file at the Township Clerk's Office or at NJDEP. QTPB should anticipate an application in the future.

PUBLIC PORTION OPENED AGAIN:

Mr. Saunderlin – had a question on excise tax. Wanted to know if the Township benefits with some type of tax from these applicants. Chairwoman, Margaret Maxwell-Mood stated that the excise tax is passed along on the telephone bills for the residents, but as far as the Township she is not certain. Permits are paid for and there is a yearly charge assessed, depending on the type of Application. Mr. Saunderlin also wanted to know if the solar fields are assessed as farmland. Mr. Saunderlin was advised that he would be able to get that information by contacting the Quinton Township Tax Assessor, Salem County Tax Board and the State of New Jersey.

Chairwoman, Margaret Maxwell-Mood, Mayor Kates and the Tax Assessor will be at the next Township Committee meeting (September 1st, 2010) to address the questions Mr. Saunderlin had on the taxes assessed for the excise tax and solar fields.

Joe Elwell – offered that he believes that Quinton gets some tax back as a Franchise tax and it is distributed through those means.

Public session closed.

A motion was made to adjourn by Marjorie Sperry and seconded by Joanne Nacucchio. All were in favor and the meeting was concluded at 8:56 p.m.

Bonita K. Bell
Approved: 9-14-10