

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
October 02, 2013

Chairman Fenwick called the Board of Adjustment meeting of October 02, 2013 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Chairman Fenwick announced that the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Michael Volpe – <i>Resigned</i>	Frank Valcheck – Present
John Stamler – Present	Shawn Lipani (#7) – Absent
Helen Haines, Vice Chairman – Present	Frank Herbert (Alt. #1) – Present
Marian Fenwick, Chairman – Present	Curtis Suraci (Alt. #2) – Present
Walter Dietz, III – Present	Kenneth Hesthag (Alt. #3) – Present
	Michele Boronkas (Alt. #4) – Absent

Also in attendance: David Kois, Deputy Director of Planning/Zoning Official and Board of Adjustment Administrative Officer/Secretary; Jolanta Maziarz, Esq., Board Attorney, (Woolson Sutphen Anderson, P.C.); and Lucille Grozinski, CCR.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

Muslim Center of Somerset County – BA-13-12

A motion to approve the Resolution of denial was made by Ms. Haines, seconded by Mr. Valcheck.

Comments: Mr. Herbert stated items #7 and #8 are incorrect based on the testimony. Mr. Herbert read the items as written. He said he believed that was contrary to the testimony offered. I am aware that 7 days later that property was sold.

Ms. Haines responded by saying that 7 days later a retail operation did sign and come in which might mean they were waiting for this application and would not have done so had it been approved.

Mr. Herbert said that is an important point but I do not believe the facts of finding are correct. Had I agreed with these facts of findings, I too would have voted "no" to the application but the testimony offered by Mr. Worden offered just the opposite.

Chairman Fenwick stated that everyone can be called to vote on the Resolution even though the application was denied.

Roll Call: Mr. Herbert – no; Mr. Valcheck – yes; Chairman Fenwick – yes; Mr. Suraci – yes; Mr. Stamler – yes; Vice Chairman Haines – yes. Motion carries to approve the Resolution of denial.

BOARD OF ADJUSTMENT BUSINESS

Resignation of Michael Volpe

Chairman Fenwick announced a letter of resignation was sent to Mayor DelCore and to herself via e-mail by member, Michael Volpe. Chairman Fenwick asked that a Resolution of Appreciation be prepared to recognize Mr. Volpe's service to the Board.

Stacy GRAB – File BA-13-07 - Extension of Time

Mr. Kois explained the applicant agreed to an adjournment date but that there was an oversight in that the extension of time, which expires 10-03-13 was not signed at the last meeting. We have since contacted the applicant who has provided an extension request through 12-30-13.

A motion to approve was made by Mr. Dietz, seconded by Vice Chairman Hines. All were in favor; none were opposed. Motion carries.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING - APPLICATIONS

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NY SMSA Limited Partnership – VERIZON – (Hillsborough 7) – File #BA-13-14 – Block 183, Lot 38.01 and Block 183.01, Lot 1 - 201 Hamilton Road. Applicant seeking Major Site Plan approval; 'd' Use Variance; and such other variances, waivers and approvals as are necessary to permit the applicant to construct a wireless communications facility on the Royce Brook Golf Course, consisting of a +/- 120 ft. high monopole disguised as a flagpole with three panel antennas. Also proposed is an 11 ft. 6 in. x 30 ft. equipment shelter to house supporting equipment, located within a 50 ft. x 35 ft. fenced wireless communications compound on property in the CDZ District. (EC review 07-22-13). ***Carried from September 18, 2013 without further notice.***

Mr. Kois introduced the application. Mr. Kois stated for the record that Mr. Stamler has provided his eligibility to vote form stating he has reviewed the transcript for the testimony provided at the 09-18-13 hearing.

Curtis Suraci recused himself from the application.

David Soloway, Esq. of Vogel, Chait, Collins & Schneider, P.C. reviewed, we left off last time in the middle of Mr. Ferrente, P.E.'s testimony. During that testimony a question was asked as to the operations at the Central Jersey Airport to the north of the site. It was suggested that we bring in an expert to address that, which is what we have done. Since Mr. Pittman is from out of State, I would like to start testimony with him and then go back to Mr. Ferrente.

Clyde J. Pittman, C.V. was sworn in, reviewed his credentials and was accepted by the Board. Mr. Pittman gave the following testimony in response to Mr. Soloway's questions:

I have been retained by Verizon Wireless to discuss any impact on the wireless communications tower on the aeronautical operations at Central Jersey Airport and to access compliance of this application with any applicable FCC regulations and requirements. For review, I have taken the longitude and latitude of the location of that tower and the ground elevations and heights. We went through a series of steps and determined that notice was required to be given to the FAA because of the location of the tower with respect to the airport and its heights.

I reviewed the instrument report procedures to the airport; the coordinates of the existing runway and type of procedures associated with it; FAA documents, Part 77 surfaces; and documents for banner aircraft. I did not review the FCC determination with regard to this application because I did the analysis with respect to the FCC to determine whether proof of performance was required based upon the location of AM radio stations and found that there was no performance required. Notifying the FCC and obtaining an ASR number, Antenna Structure Registration, was all that was required. I reviewed aerial photos of the surrounding area and communicated with Jersey Central Airport. I talked with the airport manager who was able to send me a PDF of the first page of the proposed airport layout plan of the new runway. I have also reviewed Article 6 of the Hillsborough Township Ordinance, the Airport Hazard Area Ordinance. I also reviewed the AFR surfaces analysis.

Vice Chairman Haines asked for more information on the "no performance" required statement made.

Mr. Pittman explained if an antenna is constructed, depending on the radiation pattern of the AM radio station, if within 3 miles of an AM radio station then a survey needs to be conducted to determine the structure of the steel itself in the tower will affect the broadcast signal of the AM radio station. You do that before you build and after you build. If the pattern has changed then it is your obligation to bring the pattern back in by detuning the antenna steel in your tower. It was not required in this case because it is not within 3 miles of an AM radio station.

Exhibit A-1 – Determination of No Hazard to Air Navigation dated 03-22-03

Exhibit A-2 - AIRSPACE – Federal Aviation Regulations Part 77 Sub-Part C
Obstruction Analysis Report Data Date: 09-15-13

Exhibit A-3 – Antenna Tower Prepared by FAA dated 10-01-13

Exhibit A-4 – Designer Flood Light Plan

Mr. Pittman explained the Exhibits:

Exhibit A-1 is a document of the internal and external analysis done by the FAA for a submission for proposed construction. The determination was that the antenna tower did not penetrate any obstruction surface that they are responsible for; no IFR or VFR surfaces were penetrated; and it did not require any obstacle and lighting because of the height. That was basically a finding of "no impact" for which the applicant received a determination of "No Hazard".

I prepared the AIRSPACE Obstruction Analysis Report provided. Although the report did list a number of private landing facilities, no impact was found. An electromagnetic analysis was done to determine whether the object could be considered an impact to an electronic navigational facility; none was found. It also looked at offset instrument flight procedures. It did identify one offset procedure to airport N51 but the height of the structure was so low that there was not an issue with that either. The final analysis is to determine if there is any impact to FCC radio stations; nothing was found.

In addition to the basic analysis described, we did a detailed look at the TERPS Surfaces, including the VFR traffic airspace, departure surfaces, instrument flight procedures, and circling minimums to see if there would be any impact which is a confirmation check on the automated program to see if anything was missed or overlooked; none was found. All of this

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analysis was done for the existing runway because I did not get the coordinates. I just received a picture yesterday morning which I had to scale off of. I then had to re-add that to the calculations.

My office prepared an Obstruction Analysis Report which covered the same thing I just talked about. The findings of our report basically said two things: the VFR (Visual Flight Rules) maximum altitude was 236 ft.; the IFR (Instrument Flight Rules) maximum altitude was 270 ft. This was all conducted with the September release of our data. Every 2 months we issue new data on the software. New databases are created every 2 months and distributed to our customers.

Mr. Pittman proceeded to further review the Obstruction Analysis Report.

Mr. Dietz asked about marking and lighting.

Mr. Pittman said they are not normally required for structures under 200 ft., with considerations as to whether they were in an approach surface and penetrated in an obstacle and obstruction surface of Part 77; that would be a different story.

Mr. Dietz said you are proposing to light the tower at night but not have a read light on top.

Mr. Pittman agreed that is the proposal.

Mr. Dietz commented that the tower would be close if flying downwind at night.

Mr. Pittman said it may be close, within 2,400 ft. or so but it is not at a height, nor in a climb/decent area for a VFR operation. You would be at a pattern altitude.

Mr. Stamler said there are two options: lighting the flag where the light would come from below, but in my opinion having a beacon would be worse for the surrounding neighborhood because it could shine into people's homes.

Mr. Soloway stated it would not be a beacon, just a light to illuminate the flag and will not spill over. The lighting witness can speak more to that later on.

Mr. Herbert asked if the flag would be taken down in bad weather.

Mr. Soloway said the intension is not to take the flag down but Mr. Ferrente will address that as well when he continues his testimony.

Mr. Pittman continued to review his report by saying the maximum height you could ever get out of this tower for IFR issues would be 270 ft; for VFR issues it would be 236 ft. AMSL. The height of the structure proposed is 102 ft. AMSL. A brief overview of the first 4 pages of the report states there is no impact to any Federal airways; you do not need to mark it and light it, that is a choice. It has no impact to VFR traffic pattern airspace and no potential AM stations. Page 3 identifies the nearest landing facility at the center of the airport and the true bearing to that facility. The nearest private facility is 13,914 ft. or 2.6 miles. The proposed is within 3 nautical miles of a private landing facility.

Notice is required to the FAA because it penetrates a slope. This particular airport has a runway over 3,500 ft. which comes out to a 100:1 slope. Which means from the end of the runway, every 100 ft. you go out, you go up 1 ft. which keeps rising at the same rate. The notice height is 112 ft. AMSL for proposed construction to the FAA. Page 4 is a summary which says you do not penetrate any Subpart-C of Part 77 which are the obstruction surfaces; there is no impact to any terminal or instrument procedures; it is not within any low altitude airway area that would cause a problem; it is located within the traffic pattern airspace but it is below the allowable height; and it is not in range where notice to the FCC where an AM proof of performance is concerned. What I just discussed is the basic analysis that goes on with AIRSPACE. The rest of the pages are documents from Airspace. Further along there are some graphics for the TERPS Program which shows the instrument procedures for this and other airports in this area for which there is no impact.

Vice Chairman Haines asked if this tower would become an eventual obstacle for a plane coming in that was in distress.

Mr. Pittman said it is not an obstacle as far as an obstruction. It would not be any more of an obstruction for a random aircraft on a random course that is in distress at an unknown altitude than any house, wire, building, or anything that comes within its' path that would potentially cause a problem.

Vice Chairman replied, that is true but houses are not 120 ft. tall.

Mr. Pittman explained there are a series of procedures a pilot is supposed to go through. It is not in any alignment with any runway. The aircraft would have to be so far off course it would be in dire problems anyway. You could not land in that direction anyway.

Vice Chairman asked if this would restrain any possible development of a runway.

Mr. Soloway said that will be addressed in the next exhibit.

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Mr. Herbert asked at what altitude a plane would be from the end of the runway to the proposed tower site. Mr. Pittman reviewed the equation as to how tall a tower could be and still not be in the path of a plane. A plane would be much higher than that. The lowest altitude you could expect an aircraft to be coming in with a runway 2,000 ft. away would be 67 ft. on departure which is not in the flight path.

Exhibit A-3 is a graphical demonstration of the work that went on in analyzing the aeronautical obstruction surfaces that are used for protecting aircraft that surround an airport. This gives a demonstration of what they look like on an aerial photograph so that you can see the shape and dimensions of those surfaces and where the tower is located with respect to those. It covers the existing runway, the proposed runway, and how much you would have to rotate the runway in the direction of the tower in order to achieve an actual impact. Mr. Pittman further provided very detailed and technical testimony on each page of Exhibit A3 at Mr. Soloway's request.

Mid-way through the review, Mr. Pittman said he had spoken with the Manager of the Central Jersey Airport, Mr. Horner who said they were going to try to secure 4.2 acres from the Sacred Heart Cemetery but had not secured the property yet. The intent is to expand the number of hangers at the airport to 100. Since Mr. Horner was not able to provide the coordinates to me early on, I came up with a few different scenarios based on the property owned by the airport and what was intended to be purchased. Again, I did not see any impact with operations for those scenarios. Mr. Horner finally was able to provide me with a drawing but I did not receive any coordinates. The numbers you see on page 12 are my projections of where those runways would be based on all of my knowledge. Page 13 shows the drawing provided to me by Mr. Horner. The areas shown in red are my markings.

Mr. Stamler asked if it was relevant to be talking about a potential expansion of a runway.

Ms. Maziarz said it is proper for the Board to consider.

Mr. Pittman added at this point the FAA does not know anything about an expansion at the airport.

Mr. Soloway said it was mentioned at the last hearing of the possibility of an expansion of the runway. To be proactive, Mr. Pittman reached out to the airport to find out what the plan is. However, there is no guarantee that it will come to fruition but Mr. Pittman reviewed the expansion scenario to see if there would be an impact.

Mr. Kois added the September 18, 2013 letter from the Department of Transportation in paragraph 3 makes reference to the plan for realignment of the runway.

Mr. Soloway objected to the letter and said it should not be part of the record.

Mr. Pittman continued his analysis of the proposed runway in reference to the report provided. The airport is looking to purchase 4.2 acres from the cemetery. There was some question over banner aircraft which operates from the south side of the airport. Investigations have shown that by far most banner accidents happen when trying to pick up the banner. No banner aircraft incidents have been reported to the National Traffic Safety Board (NTSB) in the last 29 years. Mr. Pittman reviewed the manner in which a pilot would correctly pick up a banner. For landing purposes, the banner is customarily just let go. Some pilots land with the banner but they have to be very skilled in doing so.

Mr. Stamler commented that is true for any airport. That has nothing to do with this tower.

Mr. Pittman continued his testimony for helicopter traffic. The proposed antenna pole is not classified as an obstruction. I would also note that for banner pick-up, the plane must achieve pattern altitude of 1086 ft. (MSL). In conclusion, the FAA Obstruction Surfaces are more restrictive than those of Chapter 188, Article VI of the Municipal Ordinance. The FAA issued a determination of "No Hazard". The tower is not within the FR climb/descent area. This tower is significantly below the maximum allowable height. It will not affect banner tow operations or helicopter traffic either with the existing runway or the proposed runway. The proposed tower will not affect the existing or proposed runways. The runway orientation would have to be at a heading of 49 degree by 229 degrees for there to be a problem.

Mr. Dietz asked Mr. Soloway if he had seen the letter from the State of New Jersey Department of Transportation.

Ms. Maziarz confirmed it is in the file.

Mr. Soloway said I do not necessarily think it is official State correspondence because I do not think that agency has jurisdiction over this application; it is not rendering a decision. What did they review to make that determination?

Ms. Maziarz said the Board is entitled to take that letter and review it as it is for this application. It is what it says; official State correspondence.

Mr. Soloway said I just received the letter dated today during Mr. Ferrante's testimony.

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Ms. Maziarz asked Mr. Soloway if he would be willing to contact Mr. Harbist.

Mr. Soloway said it is irrelevant.

Mr. Dietz asked Mr. Pittman if he has read the letter and if so, do you have any comments about it.

Mr. Pittman said there is no impact to the existing runway or the proposed runway for any operation at this airport.

Mr. Dietz said when I asked you a question earlier about flying a downward leg, you answered as if you were a pilot. But later said you are not a pilot so you do not have first hand knowledge of flying a small aircraft under VFR conditions.

Mr. Pittman said I do not have first hand knowledge of piloting under VFR conditions but I do have experience flying in them.

Mr. Dietz said I am not being critical but I am concerned that you have never really piloted a small aircraft into a small airport before. You have provided a lot of information based on bookwork.

Mr. Pittman responded by saying air traffic controllers are not pilots. It is not a requirement to be a pilot for those people that design instrument flight procedures. Most pilots do not understand the ins and outs of designing an instrument flight procedure. They are very complicated and there is a lot of mathematics that goes into it. The people that do the aeronautical studies within the FAA are not pilots.

Mr. Stamler said I agree with your point.

Questions from the Public

None

Mr. Soloway asked Chairman Fenwick if the audience could be polled to see if anyone has any testimony, relevant or in opposition to Mr. Pittman's testimony before he is excused and leaves for his travels.

Chairman Fenwick posed the question to the audience. There was no response.

Vice Chairman Haines asked if there was any other possible location for this tower for which it would be clear that it was not impacting the airport or not.

Mr. Soloway said with all due respect, I think Mr. Pittman's testimony is that there is not any question about impact to the airport.

Vice Chairman Haines said his testimony was about this location. Mr. Harbist's letter...

Mr. Soloway interrupted; with all due respect, we do not know if Mr. Harbist even knows where the location is.

Mr. Hesthag commented it is probably safe to say that if there is another location Mr. Pittman would not know. That is probably for someone else.

Ms. Maziarz stated the public has until the end of the hearing to rebut Mr. Pittman's testimony. You may release him at your own discretion but if this is carried to another hearing, the public may have another opportunity.

Mr. Soloway said I understand.

Mr. Pittman agreed to stay until the end of the night's hearing at the request of the Chairman.

Mr. Soloway said John Ferrente, P.E., is still under Oath, and has already summarized the application from his perspective. If you would like, Mr. Ferrente can briefly summarize for those members who were not here at the time.

Chairman Fenwick stated you can move along with testimony since those absent had the benefit of reviewing the transcript.

Mr. Ferrente provided the following testimony in response to Mr. Soloway's questions, beginning with the Maser Report of September 16, 2013:

My response to Item #4 is that these types of facilities do not produce any vibration heat, odors or any environmental issues. As for noise, the noise producing equipment is in the shelter. As I have already indicated at the last meeting, it is housed inside the shelter along with 2 air conditioning units. We are required to design a facility that meets the State requirements for noise both daytime and nighttime. Based on the location of the proposed tower which is over 1,000 ft. from any residential areas, we will not have any issues. In fact, typically at 25 to 75 ft. we are below the noise requirements that the State imposes for the daytime and nighttime noise requirement.

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Typically the standard is every 4 to 6 weeks the Verizon technician visits the site, does his routine maintenance and checks the equipment.

Mr. Soloway said Item #5 addresses whether there will be a lease agreement established. I will represent to the Board that there is an existing lease between Verizon Wireless and the Golf Course. Mr. Soloway then asked Mr. Ferrente to discuss Item #9 about lighting.

Mr. Ferrente said there are 2 proposed lights; one above the door into the shelter, a 70 watt bulb on a manual switch used by the technician during nighttime visits in case of emergencies. The second light being proposed is a 250 watt light to shine on the flag on the tower. It meets all of the intent of the Township Ordinance with regard to screening and focusing the light on the flag. Mr. White asked for a light intensity design of the proposed light which I have here marked as Exhibit A4. The light will be mounted at the base pointed directly at a spot roughly 5 ft. below the top of the tower so it will catch the center line of the flag. We are focusing the light on the pole; the spillage will light the flag.

Mr. Stamler asked about the use of a beacon.

Mr. Ferrente said we would typically not use a beacon in this instance. We would use what is called an obstruction lighting that is typically a red low intensity light seen on the high tension lines or on towers. As stated previously, this tower does not require it. I do not think our client would object however; I believe it would require a variance because your Ordinance does not allow a light on a tower. The light would blink continuously but it does not produce the kind of lighting as a beacon would.

Mr. Dietz asked for the Ordinance that does not require lighting on a tower.

Mr. Ferrente reiterated that no lighting is permitted on a tower except what is required by the FAA. Ordinance 188:152 F(2).

Mr. Soloway reiterated the Ordinance would not allow it because the FAA does not require it.

Mr. Dietz commented we override everybody.

Mr. Ferrente said typically, if a Board makes that request, Verizon would evaluate it and decide if it should be added. To continue with the lighting design plan that was distributed, at about 35 ft. away from the center line of the tower, the foot candle that would be produced would be a 1 ft. candle which is rather minimal. We tried to minimize the light for the intensity of the flag pole but still tried to satisfy the intent that the flagpole needs to be lighted and able to be seen. It is proposed that the lighting will be on all night.

Mr. Stamler expressed his concerns with the continuous lighting. He asked if the flag could be lowered at night.

Mr. Soloway said we do not have the ability to raise and lower the flag every day.

Mr. Stamler stated he is not looking for illumination through the night.

Mr. Ferrente again reviewed the lighting. The lighting will be barely visible at 1,200 feet away but it will be visible. The light will be located so that it shines away from the residential area and will have the shielding that is called for by the Ordinance.

Mr. Stamler again expressed his concerns with the flag staying up all night and having to be lit.

Mr. Soloway said we do not have any other options.

Mr. Hesthag offered, assuming there was no flag, why would there need to be any lighting based on Mr. Pittman's determination made that it is not dangerous.

Mr. Soloway said the lighting is not for a safety purpose. However, the Golf Course is dead set on the flag. Verizon can provide a flagless flagpole without lighting and the antennas would be invisible. However, this is not our property and the Golf Course if not willing to agree with that which means I cannot agree to it.

Mr. Stamler asked for other options for the location of the proposed.

Mr. Soloway said another witness will address all of that.

Mr. Dietz asked how large the flag is.

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Mr. Ferrente responded, the flag does not have a specific requirement with respect to flag size to pole height. There are standard flag sizes; 28' x 38' is the largest, 10' x 19' is the next size down. You have to respect the ratios of the height of the vertical vs. the vertical dimensions. There is a 1:1.9 ratio. The drawing indicates 20' x 30' but that is incorrect, it should be 20' x 38'. We can decrease the size to a size the Board so chooses. The next size after that is 8.95' x 17' and then smaller from there.

Mr. Dietz said I do not want it to look like a car lot over there.

Mr. Soloway said we are not married to that large size and are happy to work with your professionals to come up with a size that works.

Mr. Hesthag said perhaps the Golf Course is thinking they are doing the right thing having the flag. If they knew the opinion of the Board, maybe they would change their minds.

Vice Chairman Haines asked what provisions have been made to replace the flag over time.

Mr. Soloway said I will represent to the Board which we would agree to as a condition of approval, the lease between Verizon Wireless and the Golf Course required Verizon to replace the flag at least annually or more frequently if the Golf Course determines it has become worn.

Vice Chairman Haines said or if the Township made that determination.

Mr. Soloway said we would agree to that same determination.

Mr. Stamler asked doesn't the Golf Course want a tower that looks like a large evergreen tree?

Mr. Soloway said my understanding is that they want the flag.

Mr. Kois asked if the lighting intensity changes at all with the size of the flag.

Mr. Ferrente said typically it could go lower but we are limited by the height.

Mr. Soloway said we would be willing to work with you. Essentially the objective from our point of view would be to provide the minimum amount of lighting necessary to illuminate it at night as require by the Code. If we can bring the wires down as well, we have no objection to that.

Break

Mr. Soloway mentioned the flag will be an all weather flag. Someone from the Golf Course will make themselves available to move it to half-staff when need be.

Vice Chairman said if they can do that then why can't they raise and lower it daily.

Mr. Soloway said because it is the difference between daily and once in awhile.

Mr. Ferrente continued with Item #10 in the Maser Report. The tower has no climbing facilities or pegs; it is a smooth surface. Item #11 refers to the 8 ft. fence surrounding the compound. We are proposing privacy slats to further shield the compound. This particular compound is in a wooded area so we would propose green slats to help blend the compound further. Item #11 talks about buffering. Since the compound is in a wooded area, Mr. White agrees no additional buffering is required. We will be cutting 12 trees down but will be replacing them in front of the compound around the 13th hole green. Typically flag poles are white but other boards have requested other colors.

A structural report will be provided, typically once the application is approved. Obviously the pole has to meet all of the NJ requirements for wind, earthquake and all of the loads. That is not available currently but will be provided at a future time.

Mr. Soloway said we would agree to that as a condition of approval. Mr. White's report states that the Ordinance requires the applicant to provide a report every 3 years from an engineer certifying to the structural integrity that is required. That is not something we typically do but if it is a condition of approval, we will. The Ordinance also requires a performance bond. If I can, I would like to avoid the performance bond because it is tricky getting a bond for something that is uncertain and very far in the future. If the Board wants, I will provide a copy of the Lease Agreement which states that Verizon is to release the tower and equipment within 90 days after it ceases to use it. There is motivation on our part to do so because the equipment is valuable and you do not want anyone else getting it. Secondly, we are obligated to continue paying rent until we take it out of there.

Ms. Maziarz said if you are providing testimony than you have to be sworn.

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Mr. Soloway disagreed saying I am representing what is in the lease. The request is to waive the performance bond. I will submit the lease for your review and for the file.

Mr. Soloway continued, Item 159 in the Ordinance requires insurance, that is okay. It also requires the Township named as co-insured which we cannot do. The Township does not have an insurable interest since this is not being proposed on Township land. We agree that the required amount of coverage will be maintained and will provide documentation to that effect.

Mr. Ferrente continued with Item #16 in the Maser Report which discusses the replacement of trees with a 3" caliper. We agree to that. Item #17 also asks for additional details for deciduous trees which will be provided with the next revision to the satisfaction of the Board Engineer and Planner.

Mr. Herbert asked if the Golf Course would be allowed to put up its own flagpole.

Mr. Kois offered they could put up a flagpole at a maximum height of 18 ft.

Questions from the Public

Tom O'Donnell – Anne Street

Mr. O'Donnell said I live in the Claremont Development and represent a lot of the neighbors in the community next to the Golf Course. One of the biggest concerns is the flag and the lighting of the flag. Can you give me a frame of reference of what the "1 can" lighting would be equivalent to that we would be familiar with.

Mr. Ferrente said a 250 watt light that we are proposing, shining 250 ft. away, provides us with a certain light intensity that is greater in the center than at the sides. Based on the light intensity curves, it is 1 foot candle about 35 ft. away from the center line of the pole. A 1 can candle is typically equated to a spotlight that a homeowner would have on a driveway. At my home I have a 125 watt light. At the end of my driveway is about 60 ft. but at the beginning you can barely see any lighting at all.

Franklin Drive is 1,250 ft. away from the proposed compound. I would say the impact of this light to your neighborhood is non-existent. You will see the light shining straight up; lights are visible.

Mr. O'Donnell said I am not saying the light will touch our properties. I am saying that when we look up we will see a lit 20' x 40' flag flapping in the wind which we do not see in the dark skies today.

Mr. Ferrente agreed.

Mr. O'Donnell said if this application were to be approved, is there an option to make the tower a darker less reflective color than white.

Mr. Ferrente said as I have mentioned earlier, boards typically weigh in on the color choice of the flagpole. We have always have agreed to provide a different color based on the board's request.

Mr. O'Donnell said I think I heard two different heights mentioned during testimony. What is the actual height of the pole?

Mr. Ferrente said the height of the pole is 120 ft. from the top of the pole to grade.

Mr. O'Donnell said I know you do not have the structural design. Do you know how deep the footings will be?

Mr. Ferrente said I am also a structural engineer. The size of the flag impacts on the pole design. The design of the foundation is based on 2 things; one being your technical investigation depending on the type of soil. Typically for the soil in this area which is shale, they would design a mat foundation rather than a sonotube. A sonotube would typically be a 6 ft. diameter and run 28 to 30 ft. deep. A foundation for this size pole would typically be about 4 ft. thick, 20' x 20' and below grade.

Mr. O'Donnell said I do not know if you have looked into it but our drinking water sits 30 ft. down; our wells are 100 ft. deep and there are plenty of homes at the 30 ft. level, which is where we are hitting the aquifer.

Mr. Ferrente said this application has to be designed but in my opinion, it will be a mat foundation rather than a sonitube.

Mr. O'Donnell asked for more information on the positioning of the lighting.

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Mr. Ferrente said we are aiming a spotlight, not a floodlight, at the pole at about 105 ft. The spillage will catch the flag. In order to minimize the impact to the neighborhood, we are minimizing the amount of light we are shining at the flag.

Mr. O'Donnell noted he has other questions for other witnesses.
Chairman Fenwick asked if Verizon has done anything of this style any place else that might be able to provide an example of what it would look like and how it would be illuminated or if it would be possible to get photographs. I think that would be very helpful.

Mr. Ferrente said that is certainly possible.

Mr. Hesthag asked if there are any in this area.

Mr. Ferrente said there are many. I believe there is one in East Brunswick. We can provide you with the location.

Mr. Kois asked are there any other options for lighting. Could the lighting be done from the top?

Mr. Ferrente said it can be done but I believe that would be more visible to the neighborhood than what we are proposing.

Mr. Herbert asked about the flags at the cemetery.

Mr. Stamler objected to the question since it had nothing to do with the Golf Course.

Chairman Fenwick asked if there could be a representative from the Golf Course at the next hearing.

Mr. Kois stated the decision date for the application is 11-25-13.

Mr. Soloway said I have 2 more witnesses yet to testify, possibly 3 if a representative from the Golf Course is available.

A decision was made to continue this application to 11-6-13.

Mr. Soloway agreed to extend the time of decision to December 5, 2013.

Chairman Fenwick announced this application will be carried to November 6, 2013 without further notice. A motion and second was made. All were in favor; none were opposed. Motion carries.

CORRESPONDENCE

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ADJOURNMENT

The meeting adjourned at 10:07 p.m.

Submitted by:
Debora Padgett
Administrative Assistant
Planning Board/Board of Adjustment