

Knowlton Township Planning Board
Minutes
Tuesday, March 28, 2023

There was a regular meeting of the Knowlton Township Planning Board on Tuesday, March 28, 2023. Clayton Taylor led the Board in the flag salute at 7:30 p.m. He announced that adequate notice of the meeting has been provided in accordance with the "Open Public Meetings Act" by publishing notice of all regularly scheduled meetings in the NJ Herald and Express Times-NJ Zone Edition, as well as providing said schedule in the Municipal Clerk's Office and the Township Website. A moment of silence was held for our Military Personnel serving in harm's way.

Roll call:

Present: Constantino, Cuntala, Drake, Mathez, Mazza, Smith, and Taylor

Absent: Bromm, Glynn, Prosser and Tironi

Also Present: Attorney Gavan, John Hansen from E&LP and Dan Bloch from Colliers Engineering

Approval of Minutes:

A motion was made by Mr. Drake to adopt the minutes of February 28, 2023. Motion seconded by Ms. Constantino. Roll call vote: Constantino-yes, Cuntala-yes, Drake-yes, Mathez-yes, Mazza -yes, Smith – yes, Taylor – yes.

Chairman Taylor made an announcement that if anyone was in attendance for the Triplebrook application, it was requested by the applicant to be carried to the April 25, 2023 meeting.

Adoption of Resolution:

#22-005 Thunderstone Inc, Block 48, Lot 1

Board Attorney Gavan explained that it took quite a while to get the resolution to the board for review and if they would like to take more time to review it, as there may be some changes, they have every right to delay a month to approve it. Chairman Taylor had comments regarding spelling and omissions. Mr. Smith had questions on adding parking design waivers for 7 spaces. Attorney Gavan stated the applicant does need to submit a new plan with revisions to the parking spaces and upstairs usage on the building. The existing lighting was discussed, if it meets the ordinance standard and adding that as a condition. It was the consensus of the board to await the revisions and carry to the next meeting, April 25, 2023.

Old Business:

#22-004 Diamond Communications, LLC, Block 43.01, Lot 2

Attorney Christopher Quinn was present on behalf of the applicant Diamond Communications a partnership with Verizon Wireless and Dish Wireless, LLC. He stated this is a continuation of the hearing held in January and February. They are here seeking conditional use approval, no variance approval, site plan approval. Where they left off at the last meeting got through most of the testimony. One question was left with respect to the Route 80 scenic overlook. Stephanie Koles, RF Engineer, was introduced to respond. She stated she had evaluated the site and the ground elevation is approximately 150 feet higher than the 3 Brands Rd site. It is significantly higher than the average area. It does

not meet the dot designs for Verizon. It provides coverage, but provides interference to the rest of the network because of its increased elevation. The Brands Rd site is much lower in elevation and is nestled in a spot by the highway where it has visibility to the East and West bound lanes of Route 80 perfectly to make the connection to the Mt. Hermon and Columbia sites. It is a well suited site.

A board member question regarding what are the consequences of interference. Ms. Koles stated consequences could be as worse as dropped calls and interference with connections. The meeting was then opened to public questions. Patty Tirone, regarding a tower behind the existing tower on Linaberry Rd which she was told sits on wetlands. She stated she walked the site and there are no wetlands there. Attorney Gavan stated wetland do not have to look wet they are delineated by an expert. Chairman Taylor believes she is referring to JCP&L tower #34 which is further South and owned by the DEP. There was further discussion on what towers the experts were asked to look at. Attorney Gavan advised the board they have no right or obligation to compel the applicant to do any of this. Under conditional use they have to show you it's a good site. They cannot be asked to check every spot brought up. They have a right to ask you to put it where it is if it meets the ordinance. They have looked at numerous sites at the request of the objectors and the board. Attorney Quinn reiterated the sites owned by DEP would require a lease with the DEP and there was communications and paperwork stating the sites are not available and responses of "is there another site available not owned by the DEP." Chairman Taylor stated at the last meeting it was asked of the applicant to get a letter from the DEP and that was received. Basically, it states if there is another site that works that is not on DEP property use it. The applicant did fill out the application. Mitch Overpeck brought up another site spoke of at the last meeting, 120 Linaberry Rd. The property is in farmland preservation, but there is a 5-acre exemption lot 300 to 400 yards from the proposed site. He stated he has spoken to the owners and they would be more than willing to have the tower there. Jaime Tirone asked about the percentage of interference that makes something not suitable for Verizon. Ms. Koles said it is a factor based on coverage of a site. There is overlap from other towers.

The applicant's planner, Brian Seidel was sworn in and gave his professional background. He summarized his review of the application included visiting the site, reviewing the master plan and professionals' reports. He conducted a balloon test last March to identify potential visual impact of the facility on the area. The balloon was filled with helium and flown to a height of 155 feet, which is the height of the proposed tower and then he drove the area to see where the balloon was and was not visible. Maps were introduced to show the areas of visibility. He went over conditional use criteria; the site is located in the farmland preservation district and the use is permitted by conditional use subject to a variety of conditions. He stated the criteria is specific and then went over eleven criteria items. Existing service, existing antenna locations, co-location, Knowlton Township coverage, emission standards, actual emissions, municipal property preference, architectural harmony, written notice to the service providers, appearance, and cell tower design. New radio frequency propagation maps were then introduced to show an overlay of radio frequency coverage within topography. He explained the signal needs to reach the customer base as well as communicate with the surrounding towers. The proposed location's radio frequency fills the valley within the surrounding ridgelines were no signal is getting in and still communicates with the existing towers and this is why he believes this site is very well suited.

There was a board question regarding total tower height which is 155 feet above ground level. Mr. Seidel in closing stated the site is permitted, it does meet the conditional use criteria, the site is well suited for the area, it has to be accessible, it needs a property owner that's willing to lease to the facility, it needs a ground elevation that works, it has to work within the existing grid, and developed without substantial disturbance and the site that is proposed meets all those criteria. Another component of this is the positive impact on public safety. He also added that Warren County's website home page lists improving broadband access and information on a cell service survey. He believes this proposal is in keeping with the county's initiative. Mr. Seidel also stated in reviewing the most current master plan update it talks about the dangerous areas of I80 and the initial testimony from the radio frequency engineer and the report refers to the "S" curves of I80 and the master plan talks about that same area as being a dangerous area with a high frequency of accidents. He then stated he believes this tower would be important to public safety.

There was one question from the professionals regarding the balloon test height. Mr. Seidel stated the line to the balloon goes out to 155 feet so therefore the balloon is actually at 158 feet. Public questions from Patty Tirone included where the "S" turns are and the Route 80 coverage. Mr. Tirone had questions on the balloon test visibility results. Matt Baley asked if moving the tower site south 200 yards would alter reception. Board member Mazza asked how much financial emphasis is placed on construction of a site and if there is a budget number per project. Mr. Seidel could not speak to the financial aspect, but from a planning perspective less disturbance to the land is better. There were more public questions on visibility of the tower. Mr. Seidel said visibility was checked using a vehicle in publicly available areas on the roadway and not on private property. Chairman Taylor asked if they had checked the visibility on Brands Road, Mr. Seidel stated that if you are immediately in front of that site on Brands Road it will be visible. Public comment from Matt Baley regarding another site 200 yards away available with no neighbors. Attorney Gavan stated his job is to insure the board members understand the law and that conditions do not compel the applicant to find every possible site that can work. If the applicants haven't met the conditions they can be denied. There was other public comment regarding property values. Board member Mathez stated he felt the members of the public had a good point and asked the board's attorney if it was possible to ask the applicant to consider the other location. Attorney Gavan replied you could ask but they could say no. Attorney Gavan said the applicant's attorney asked last month if he should bring in a real estate expert to give testimony that this does not negatively affect prices, but Attorney Gavan felt it wasn't necessary. Mr. Mathez then asked the applicant's attorney if they would be willing to check out this other site. Attorney Quinn stated testimony from the last hearing stated it was too far East and not a viable site, it was investigated. He then said the applicant has been looking for years for facilities in this area and this is the one that works. They also tried to position the tower on the property away from other homes vantage point. Board member Mathez then asked what his answer was. Attorney Quinn stated the answer is it didn't work, and so the answer is no. He then gave a brief summary stating the spot on the property is tucked in the corner. Normally you have to show a number of heavy burdens for a use variance and this is a unique situation where the applicant can design a facility in a location where the town actually says to go to. They can meet all the requirements, the county emphasizes the benefits, the master plan emphasizes the benefits and this would benefit the overall general public.

Board member Smith made comment that looking at the blue & yellow map from the planner, contour lines showing elevation appear that the location the public is questioning is approximately 700 feet whereas the Rt 80 overlook was at 500 feet and testimony stated that site was too high.

Attorney Gavan gave an overview stating the applicant's testimony meets all the conditions, this is a vote to approve the application as submitted. It is a conditional use that meets the requirements and there are no variances required. He also stated the only persons eligible to vote must have attended all 3 meetings. Ms. Constantino was not at the January meeting. Chairman Taylor made the motion to approve. Motion seconded by Mr. Smith. Roll call vote: Cuntala-No, Drake-yes, Mathez-no, Mazza-no, Smith-yes, Taylor-yes. The application was denied based on a tie vote. Attorney Gavan stated the applicant has the right to file an appeal to the decision.

Other:

Lighting Ordinance

Mr. Smith stated zoning officer Eric Snyder had some comments and he and Mr. Mathez met with Eric. He stated any subsequent changes they make will go in the master plan. Glare should come out of this ordinance and be put in the township ordinance under nuisance, as this is how some other towns treat it. Regarding upgrading or rehabbing of a building he would like to see language from the state building code to include upgrading the lighting as well. Mr. Mathez stated the zoning officer is not trained to use a light meter, but the township engineer said he would do that when the time comes. He also discussed going out at night to visually look at different lighting. Discussion took place regarding the various types of lights, including LED and zoning officer concerns of a definition of glare. Board members and Attorney Gavan agreed passing the ordinance and tweaking as needed would be best. Mr. Mathez stated the noise ordinance isn't by specific decibels, but left up to the zoning officer to use his discretion. It was noted it should reflect if it interferes with the health, welfare and comfort of the neighbor.

Public Comment:

The hearing was opened to the public. With there being no public, the hearing was closed to the public.

Other Business:

There was discussion regarding combining the planning and zoning boards.

Bills:

Mr. Smith made the motion to approve the vouchers. Motion seconded by Ms. Cuntala. Roll call vote: Mazza-Yes, Drake-Yes, Cuntala-Yes, Smith-Yes, Mathez-Yes, Constantino-yes, and Taylor-Yes

Adjournment:

A motion was made by Mr. Smith and seconded, all were in favor. The meeting was adjourned at 9:00 p.m.

Respectfully Submitted:
Doreen Apgar, Board Secretary