

**KNOWLTON PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Application Decided: 03/28/23
Reconsideration Decided: 5/29/23
Memorialized: 7/25/23**

**IN THE MATTER OF DIAMOND COMMUNICATIONS LLC et al.
CONDITIONAL USE & SITE PLAN APPLICATION
BLOCK 43.01, LOT 2
APPLICATION NO. 22-004**

WHEREAS, Diamond Communications LLC ("Diamond"), Allentown SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon"), and DISH Wireless L.L.C. ("Dish") has made the application to this Board on behalf and with the permission of the property owner D3 Farms LLC (D3"). The applicants are requesting approval as a Conditional Use under the local ordinances to build an approximately 150-foot monopole cellular tower and ancillary ground compound for equipment at the property known as Block 43.01, Lot 2, as depicted on the Tax Maps of the Knowlton Township, and

WHEREAS, the Applicant, who appeared through the law firm of Pinilis Halpern, LLP, and

WHEREAS, the Board deemed the application conditionally complete on September 27, 2022, and

WHEREAS, public hearings were held after the appropriate notice at the Board's regularly scheduled meetings in January, February, and March 2023, and

WHEREAS, a public hearing was held on a request for reconsideration at the Board's regularly scheduled May 2023 meeting, and

WHEREAS, proper public notice for the application itself and the reconsideration request was made, and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Knowlton Township as follows:

ACCEPTED FACTS

1. The property in question is 3 Brands Road in Knowlton Township.
2. The proposed site is an 8.4-acre farm in the FPD zone.
3. The applicants propose constructing a 155-foot monopole and ancillary ground equipment.
4. The applicant's attorney explained that the applicant appeared on behalf of Diamond, Verizon, and Dish. All three propose to co-locate on the subject tower.
5. The Board had the benefit of the following items submitted with the application:

- a. Photographic Inventory & Simulations, prepared by Seidel Planning & Design, dates March 8, 2022.
 - b. RF Emissions Study, prepared by VComm Telecommunications Engineering, dated June 30, 2022.
 - c. RF Analysis & Report, prepared by VComm Telecommunications Engineering, dated June 30, 2022.
 - d. DISH Wireless RF Report & Analysis, prepared July 25, 2022.
 - e. Letter regarding the need for the site, prepared by VComm, dated July 21, 2022.
 - f. Site Plans prepared by French & Parrello Associates, bearing the most recent revision date of May 26, 2022, REV 3.
 - g. Boundary & Partial Topographic Survey, prepared by Vs Land Data, with a most recent revision date of April 16, 2022, REV 2.
6. The Board also had the benefit of the following from its professionals:
- a. Professional Planner Memo entitled Diamond Communications, Verizon and DISH, Block 43.01, Lot 2, 3 Brands Road, prepared by Daniel Bloch, PP, Collier Engineering, dated October 21, 2022.

b. Professional Engineer Memo entitled Technical Review, Diamond Communications, LLC, Preliminary and Final Site Plan Application - Conditional Use, prepared by John Hansen PE, with E&LP, special conflict engineer.

7. Exhibits submitted during hearings:

- a. A-1 Enlarged version of current Coverage Area Map 2.
- b. A-2 Enlarged version of proposed Coverage Area Map 3.
- c. A-3 Ariel Map of the proposed site.
- d. A-4 Ariel view of proposed site from May 2022.
- e. A-5 Ariel Map depicted all investigated sites.
- f. A-6 Enlarged plan of the proposed site.
- g. A-7 Colorized Coverage area of proposed Verizon site.
- h. A-7 Colorized RF propagation map.

January 2023 Hearing

8. The project's radio frequency expert, Stephanie Koles, gave sworn testimony describing current and proposed Verizon coverage in the Route 80 corridor area.

- a. Ms. Koles explained that Dish currently has no coverage in the Knowlton area, and Verizon has a 1.5-mile gap in coverage.
- b. Ms. Koles stated that existing towers currently need to be capable of reaching this gap area due to mountainous terrain, trees, and ground clutter. Certain other towers are at maximum capacity as far as upgrades.
- c. Board members questioned whether the tower was intended to provide coverage to highly traveled corridors as opposed to Knowlton residents.
- d. Public comment for this professional included:
 - i. Allison Bailey regarding a coverage standard,
 - ii. Patty Tirone regarding health risks,
 - iii. Mitch Overpeck and Jaime Tirone regarding the upgrade of existing towers.
 - iv. Matt Baley asked about the percentage of dropped calls.
- e. Ms. Koles noted that additional coverage would include portions of Cook, Delaware, Linaberry, Rich, and Walnut Roads.

9. The applicant's engineer, Josh Cottrell, testified regarding an overview of the project.
- a. There would be a compound within a 50x50-foot fenced area with a gravel driveway into the site.
 - b. Mr. Cottrell explained the lighting proposed, generator usage, and noise levels to be expected when the generator is in use.
 - c. The frequency of personnel on site and the decommissioning plan in place.
 - d. Board members asked the applicant to provide the distances from the tower to the nearest structure and roadway.
 - e. Mr. Cottrell also explained the DEP permit by rule requirements and process for improvements, including the monopole, fence, and underground utilities.
 - f. There were more public comments from Allison Baley, Jaime Tirone, and Mitch Overpeck in opposition to the plan in its totality, concerned with a decrease in their respective property values, impact on local farm animals, and overall safety concerns.
10. The following professional, Melissa Cooke, was sworn in and explained that she works for Diamond

Communications as Vice President of Utility Site
Development.

- a. Ms. Cooke stated Verizon contacted Diamond regarding co-location on two existing utility towers within the 1.5-mile coverage gap. One tower was at maximum structural capacity, and both were found to be in wetland transition areas owned by NJDEP which would require DEP permits.
- b. Ms. Cooke stated it would be doubtful that the DEP would grant permits as they have a policy to limit development.
- c. Board members questioned if these were the only existing sites that could be used.
- d. Members of the public questioned why the applicant had yet to consider other locations.
- e. The public and Board Members asked if the NJDEP was ever contacted to request permission to add a cell phone antenna to one of the towers on NJDEP land.
- f. The applicant agreed to contact the Attorney General's office as they represent the DEP.

February 2023 Hearing

11. Professional Engineer Joshua Cottrell distributed aerial maps showing the distance from the proposed tower to Route 80 to be 183 feet.

a. Distances from adjoining properties were also given.

The distance from 4 Brands Road is 385 feet, from 8 Brands Road is 658 feet, and from 10 Brands Road is 823 feet.

b. Mr. Cottrell also reviewed a letter from the monopole's manufacturer explaining the tower's design regarding wind speeds, ice, and in the event of failure.

c. Public questions were asked:

i. Patty Tirone and Jaime Tirone inquired about possible Right to Farm Act violations.

12. The next witness, Melissa Cooke, reviewed site determination and results on viable other towers.

a. Ms. Cooke explained that she had a conversation with DEP representative Nancy Lawrence to see if the DEP would be agreeable to leasing land to Diamond/Verizon to construct a new monopole.

- b. Ms. Lawrence replied that it is not in line with DEP's mission, but they would need to go through the DEP application process for an official response.
 - c. There was a public question from Jaime Tirone regarding using the Route 80 overlook as a possible site.
13. Environmental Specialist Christopher Lanna testified.
- a. Mr. Lanna testified that besides the leasing issues, there were many environmental concerns regarding the DEP locations.
 - b. Mr. Lanna stated that one site needed to be removed from consideration because it was at maximum capacity for the ability to add carriers.
 - c. Another potential location for an antenna is on an existing tower which is in a wetlands transition area. Because of environmental constraints, this location is not feasible.
 - d. Any applicable DEP permit applications would require an explanation as to why an environmentally sensitive location would be chosen if there were alternative sites.
 - e. Members of the public Patty and Jaime Tirone asked about studies regarding the dangers to animals and

environmental factors involved with the proposed site.

14. Stephanie Koles, RF Engineer, showed maps of the Columbia and Mt. Herman cell tower sites depicting the current coverage areas and contrasting maps illustrating that the proposed tower site would remedy the coverage gap.

- a. Ms. Koles discussed that Dish has no current coverage in the area.
- b. Ms. Koles pointed out that choosing a site must satisfy the gap but not interfere with other existing sites. The proposed site also has suitable topography.
- c. Ms. Koles mentioned a water tower site as a possible site the applicant considered too far east.
- d. Board members asked about using sites to the North or South and why the Brands Road site was the only viable one.
- e. Ms. Koles stated that Verizon was experiencing performance issues with subscribers in this area.

- f. There was a public question on whether the Route 80 scenic overlook area was checked as usable. Ms. Koles stated it was not.
- g. Members of the Board requested Ms. Koles have Verizon check the coverage and viability of the Route 80 overlook area and come back with maps.
- h. The applicant's legal counsel stated that Verizon invested three years on the proposed site selection, but they will return with the requested data.
- i. More public questions about dangers to farm animals and crops, home values, and violating the Right to Farm Act were asked.

MARCH 2023 Hearing

- 15. At the March 2023 meeting, the Board heard RF testimony regarding the coverage area of the Route 80 overlook site that rendered it not feasible.
- 16. At this hearing, the Board denied the application due to a tie vote: 3 for approval and 3 for denial.

MAY 2023 Hearing

- 17. After notice, a hearing for reconsideration was conducted at the May 2023 meeting.

18. The applicant pointed out that the application meets all the conditions provided in the local ordinance for the construction and location of cellular towers and requires no variances.
19. The Board voted again on the reconsideration request to approve the application as presented by a majority of the eligible members.

CONCLUSIONS

- A. The Board, having reviewed the application and hearing the testimony on what is proposed at the property in question, initially found it inappropriate for the zoning district by a three in favor and three against the vote.
- B. Upon reconsideration, as requested by the applicant's attorney, the majority of the eligible members, who were either at all public hearings or swore to reading all transcripts from all the public hearings of this matter, voted to approve the Conditional use application as presented without any variances.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Knowlton Township that the grant of a Conditional Use and Site Plan is appropriate and **therefore is APPROVED after reconsideration.**

This approval is subject to the following terms and conditions:

1. This approval is subject to the approval of the Warren County Planning Board and any other governmental agency properly exercising jurisdiction and powers concerning it, together with the performance of any terms and conditions of such approval if such approvals are necessary.

2. The Applicant is required to reimburse the municipality for all costs and fees incurred by it in the disposition of this application, including, but not limited to, the expenses attributable to the review of this application by the Board's professional consultants, as well as the preparation of this Resolution.

3. All taxes and fees shall be paid on the property in question as a condition of this application, and no permit shall be issued before such fees and taxes are paid in full.

4. The applicant must meet any Municipal ordinance and Construction official requirements.

We adopted this 25th day of July 2023 by a majority of the members of the Board present at such meeting who voted for the action taken on May 29, 2023.

Knowlton Planning Board

By:



Doreen Apgar, Secretary

MEMBERS VOTING IN FAVOR OF THE ACTION TAKEN: 9

OPPOSED: None

ABSTAIN: ~~None~~ 2

MEMBERS RECUSING THEMSELVES: None