

**Knowlton Township Land Use Board**  
**Minutes**  
**Tuesday, January 23, 2024**

The reorganization and regular meeting of the Knowlton Township Land Use Board was held on Tuesday, January 23, 2024. Attorney Gavan led the Board in the flag salute at 7:00 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.

**Swearing in of Board Members:**

Attorney Gavan administered the Oath of Office to Clayton Taylor, Kathy Cuntala, Rene Mathez, James Mazza and Tom Drake. Each member then signed their oath of office statement and they were notarized by Attorney Gavan.

**Roll call:**

**Present:** Cuntala, Drake, Baley, Mathez, Mazza, Mezzanotte, O'Neill, Smith, Starrs, Werner and Taylor.

**Absent:** None

**Also Present:** Attorney Gavan, Engineer Keenan and Planner Nusser

**Election of Chairperson:**

Attorney Gavan asked for a nomination for Chairperson. A motion was made by Mr. Baley to nominate Clayton Taylor as Chairperson. The motion was seconded by Ms. O'Neill. Hearing no other nominations in a roll call vote, all were in favor (with Mr. Taylor abstaining) of nominating Mr. Taylor as Chairperson.

**Election of Vice Chairperson:**

The meeting was then handed over to Chairman Taylor who asked for a nomination for Vice Chairperson. A motion was made by Ms. O'Neill to appoint Ms. Starrs as Vice Chair. Motion was seconded by Mr. Baley. Hearing no other nominations, in a roll call vote all were in favor (with Ms. Starrs abstaining) of nominating Adele Starrs as Vice Chairperson.

**Appointment of Board Professionals:**

The resolution for appointment of board professionals was distributed prior to the meeting. Board Attorney as Glenn Gavan, Board Engineer as French & Parrello and Board Planner as Daniel Bloch. Chairman Taylor asked for motion on the resolution to appoint the board professionals. The motion was made by Ms. O'Neill and seconded by Mr. Werner. In a roll call vote, all were in favor.

**Appointment of Board Secretary:**

Chairman Taylor asked for a nomination to appoint a Board Secretary. A motion was made by Ms. O'Neill to appoint Doreen Apgar and seconded by Ms. Mezzanotte. In a roll call vote, all were in favor.

**Designation of Meeting Dates:**

The list of meeting dates was distributed prior to the meeting. Meetings will be held on the fourth Tuesday of each month at 7:00 pm. A motion to approve the meeting dates was made by Mr. Smith and seconded by Ms. Mezzanotte. In a voice vote all were in favor.

**Designation of Official Newspapers:**

The resolution listing the official newspapers of the town as the New Jersey Herald and the New Jersey zoned edition of the Express Times (being the same as the governing body) was distributed prior to the meeting. A motion to approve the resolution was made by Mr. Smith and seconded by Ms. Mezzanotte. In a voice vote all were in favor.

**Rules of the Land Use Board:**

The list of rules for the Land Use Board for 2024 was distributed prior to the meeting. With there being no changes or additions, a motion to approve was made by Mr. Smith and seconded by Ms. O'Neill. In a voice vote all were in favor.

**Approval of Minutes:**

The November 28, 2023 minutes were distributed prior to the meeting.

A motion was made by Mr. Smith to adopt the minutes. Motion seconded by Mr. Baley. Roll call vote: Cuntala-yes, Drake-abstain, Baley-yes, Mathez-yes, Mazza -yes, Mezzanotte-yes, O'Neill-yes, Smith – yes, Starrs-yes, Werner-yes, Taylor – yes.

**Determination of Completeness:**

**#24-001 JBar Pocono, LLC, Block 17, Lots 1 and 2**

Engineer Keenan went through his completeness report. The application submitted is for a minor site plan which includes a drawing depicting the layout of the property. He believes the information provided is enough to meet the checklist standards for a minor site plan. Confirmation of taxes paid has been received. He takes no exception to the application being deemed complete. The application is a bit unusual as it is only proposing some general striping on the lot. He stated there may be some items during the hearing you may want included. Questions from the board included Ms. Starrs regarding the environmental impact statement that they are requesting a waiver on. She stated the property has not been used for a number of years and it is located in an environmentally sensitive area of town that is contaminated with salt. That is because it is located on a type of rock that is contusive to that. She is concerned that working on trucks may include liquids and other things that are being handled in an environmentally sensitive area. She believes that it might make sense to not waive the environmental impact statement in this case. Engineer Keenan responded typically when you prepare an environmental impact statement you consider “what am I creating on this property and how is that going to impact the property”. In this case we are acknowledging what they are already doing on this property. Attorney Gavan stated the difference in this case is we acknowledge that because of documentary evidence, but the fact of the matter is we are entitled to it and should ask for it. Mr. Smith added we need to establish a baseline of the environment. Attorney Gavan said he believes it would be appropriate to deem the application complete subject to submittal of an EIS.

Chairman Taylor asked if there were any other questions on the engineers' report or the application. He noted the application is basically striping the existing parking lot and identifying some lighting. With no other comments he asked for a motion on completeness. Mr. Smith made the motion to approve for completeness without the waiver of the EIS. This needs to be submitted before the hearing as a condition. Motion was seconded by Mr. Mathez. Roll call vote: Cuntala-yes, Drake-yes, Baley-abstain, Mathez-yes, Mazza-abstain, Mezzanotte-yes, O'Neill-yes, Smith-yes, Starrs-yes, Werner-yes, Taylor-yes.

Chairman Taylor made an announcement to the public that as of now this hearing will be held the fourth Tuesday of February, unless there is notice that they need an extension. He explained that during a determination of completeness there is no public input but at the hearing there will be.

**Old Business:****#23-004 Quiet Valley Printing/Daniel Deroche/Deroche Truck Covers & Tarps, Inc. Block 12, Lots 7, 8 and 9**

Chairman Taylor noted this applicant has asked to carry the application until the next meeting date of February 27, 2024

**New Business:****#23-005 TowerCo 2013, LLC, Block 60, Lots 9 and 9.02**

Attorney Gavan announced that this is a use variance application, so the mayor's representative and council member must step down because this is a zoning board application by definition. James Mitchell introduced himself as counsel for the applicant. It was confirmed the new noticing was done. The application is for a new wireless facility for use by Verizon located at the existing Lions Club facility at 3 Valley Street, Block 60, Lots 9 and 9.02 in the VR zone. The facility would consist of wireless communication ground equipment located within a proposed 50x50 foot fenced compound. The compound would also enclose a 135-foot-tall monopole which would extend to 140' to the tip of the lightning rod. The Lion's Club property is approximately 6 plus acres and contains the Knowlton Lion's Club facility which will remain. Since wireless facilities are not permitted in the VR zone, we have applied for a use variance approval and any and all other necessary relief including bulk variances and site plan waiver approval. He continued he has 3 witnesses for this evening including the civil engineer, radio design engineer and a professional planner. The civil engineer Stephanie Mulhern was sworn in. She stated she works for Collier's Engineering & Design and gave her credentials. Mr. Mitchell then asked Ms. Mulhern for an overview of the project. She stated the project is proposed in the village residential zone. She then referred to sheet Z-2. She stated this project runs along Route 46 and Valley St. The egress is 3 Valley Street Block 60 Lot 9. The proposed compound will consist of 50x50 fenced telecommunications compound with a gravel surface. In the center will be the monopole which will be 135' in height and 140' to the lightning rod. Also, inside the compound will be a generator and telecommunications systems. The existing use of the site is a pavilion owned by the Lion's Club. There will be no changes to the existing site. The monopole will be designed for 12 antennas. The facility will be amenable to co-location if necessary.

Ms. Mulhern then referred to sheet Z-5 showing the equipment will be on a steel platform and it will consist of 3 cabinets and the generator. It will be raised to 3.5' in order to get above the FEMA requirement. There will be no clearing of the property. There is no proposed landscaping at this time. They will be requesting a front yard setback and the maximum building height (sheet Z-3). The permitted height in this zone is 35'. This will be an unmanned sight visited approximately every 4 to 6 weeks by Verizon staff for maintenance and general inspections. It is remotely monitored. There is an alarm system that would be heard at the Verizon facility. The generator will run periodically as a maintenance cycle, that is also unmanned. The access for the site (sheet Z-3) will come from Clarence Rd. there is an existing driveway they will utilize. It will be improved with gravel on top. There will also be a gravel turn-around area on the north side of the compound in the corner of the property. Utility connections will be electric service which will be underground. The plans at this point show a diesel generator. It will not exceed any noise levels or restrictions at exercise. There is a 65-decibel limit, at exercise it will be a zero load it will be under that, and it will be during the daytime hours. There is lighting proposed at the equipment and it is only turned on manually by the maintenance technicians. It is also on a timer so it cannot be left on. She does not foresee any adverse impacts from the proposed facility.

Engineer Keenan then asked questions. Regarding the setback what his report called the rear yard they are calling the front yard. He would call it the rear yard and have a 40' setback. It would still be a relief required, but you are at 35' now. Mr. Mitchell said they wouldn't have an objection if that is the board's interpretation of the ordinance. Mr. Keenan then asked about the cabinet heights. The equipment is being raised up by the platform, but will the entire steel beams be raised above the flood elevation. Ms. Mulhern confirmed yes and will get any DEP or FEMA permits as needed. Regarding the relief asked for fencing, Mr. Mitchell stated they could remove the barbed wire if that was a sight issue, but if that is the case they would prefer an 8' fence. They could also tighten up the fencing mesh if the board preferred. The proposal now is for a 6" fence with barbed wire. Chairman Taylor asked the board for any input on the fencing. They agreed it would look better without barbed wire, go higher and use a tighter mesh so it is less climbable. Mr. Mitchell said they would be open to landscaping. Regarding the finish of the mesh, galvanized or coated. Ms. Mulhern said at this time it is proposed as galvanized. Chairman Taylor noted if they do landscape, green vinyl coating blends in better. The board agreed on that. Mr. Mitchell asked Ms. Mulhern about signage. The only signs they are proposing are ones that are required legally like FCC statements on the access gate and the identification of the site. Ms. O'Neill questioned if the access road is an official road of the town. She said it runs along residential homes and is a dirt road. Chairman Taylor said it is just an access road and is part of the old railroad properties. Mr. Mitchell said it is owned by the Lion's Club already. That right of way is lot 9.02 that's why it was added to the application. It will not be expanded just cleaned up and have gravel added. Chairman Taylor asked if that access will be the maintenance access and not for the construction. Will construction come across the other Lion's Club property? Mr. Mitchell said they were intending for everything to come down that road. Ms. O'Neill asked whether the homeowners who currently access it will be able to continue to use it. Mr. Mitchell said if the Lion's Club has no objection, they are not taking ownership or exclusive rights to it. It is the Lion's Club property.

Ms. Mezzanotte asked if the height now will be 143' with the 3' platform. Ms. Mulhern replied no, the height of the monopole is 140' with the tip of the lightning rod. The equipment platform is way down on the ground, this is not the antenna platform. Ms. Mezzanotte asked whether at zero load the sound decibel was 60 decibels. Ms. Mulhern said it would be less than the 65. When it is fully loaded it is above the 65-decibel requirement however that would be in an emergency situation and there is an exclusion for that requirement. Ms. Mezzanotte asked, so what is the number? Mr. Mitchell reminded everyone that when the generator is run for testing it is not under load, that would only be during actual outages. Ms. Mulhern said at the property line it would be 64 decibels at full load. At the site of the generator, it will be over 65 – around 67 something. Mr. Smith asked how often the generator re-cycles. Ms. Mulhern said it weekly or bi-weekly for about a half hour usually during morning hours. Mr. Mathez asked where the 65 number comes from. Ms. Mulhern said it is part of the NJ state requirements. It is the industrial commercial community services facilities noise control ordinance. Mr. Mathez asked for a sense or comparison of what 65 is. Ms. Mulhern was not sure. Board Planner Nusser stated a vacuum would be higher than 65. He said it would be like a noisy indoor office situation. Mr. Mitchell said the closest property line is the liquor store, not a residential home. These levels also don't consider any landscaping. Mr. Mathez asked about noise attenuation facilities. Ms. Mulhern said it would be in a noise attenuated enclosure. They could propose an upgraded enclosure. Mr. Werner in checking said a normal conversation is 60 decibels and a washing machine or dishwasher is 70. Mr. Mathez then asked about the flood level and said they are only 3 feet above the base flood elevation. He asked is that the 100-year flood elevation. Ms. Mulhern confirmed it was and continued 282 is the base flood elevation. Being 3 feet above is what the DEP requires. Mr. Mathez then asked about the co-location of this tower and how many other carriers could be on it? Ms. Mulhern stated that typically these towers anticipate receiving 3 or 4 additional carriers. This application, however, is for one carrier and the 12 antenna arrays are for that one carrier. Regarding leasing to other carriers right now, they are not aware of any other carriers that need it. Mr. Smith asked if the footing design to the tower considers flood conditions. Ms. Mulhern said yes. Chairman Taylor asked what is the distance to Route 46 from the base of the tower? Ms. Mulhern said the center of the monopole is about 110 feet from the edge of the roadway to Route 46. Mr. Nusser said from the tax map the lot between you and highway is 115 feet wide. The monopole shows 43 feet inside that puts you at closer to 160 feet to the right of way line. Ms. Mulhern in re-measuring said it would be about 165 feet. Mr. Keenan brought up a note from their report regarding driveway length and the required turn-around. Because the driveway is over 200' it requires a k-turn that allows 50' by 14'. Had they had a chance to talk to the fire officials. Mr. Mitchell said if the fire official requires it they could increase the turn-around area. He said they would accept a condition that says if the fire official required it, they would increase it. Attorney Gavan recommended if the board wants it, they should act on it and not rely on the fire official. Chairman Taylor asked the board for their input on the gravel k-turn. It was the consensus that it wasn't needed. Mr. Nusser asked what type of vehicles they will be using and would like an understanding of how the construction process will work and what it will look like. Chairman Taylor asked about the direction the trucks would be coming in as it's a narrow 90 degree turn off Clarence St. which has an old bridge abutment. Ms. Mulhern said the monopole comes in 30 to 40-foot segments on a flatbed and then a crane stacks the tower.

Mr. Nusser said then a tractor trailer needs to turn around and a crane will be setup in the space, I'm trying to understand the footprint that will be occupied during construction. He would like confirmation that vehicles won't be passing and driving off onto the lawn of the adjacent property owner and impacting neighboring properties. Ms. Mulhern described the fencing going in last so there is a staging area which could be graveled. Delivery vehicles would bring equipment and leave. The contractors used are typically the same people and familiar with tight spaces. They would work with the conservation district in order to maintain minimum disturbance as required. Chairman Taylor asked about the site being silt fenced. Ms. Mulhern said it would be on the down slope side. Chairman Taylor asked then as a condition could they run the fence down the residential side of the access driveway along the property line. Ms. Mulhern said they could include construction fencing surrounding the project area including the access driveway from Clarence Rd. It should be shown on the plan. Mr. Werner asked about giving the monopole an esthetic look like some that look like evergreen trees. Mr. Mitchell said the town ordinance calls for the monopole as the default style so that's all they have proposed at this time. Ms. Mulhern then went over pictures taken by their office from different properties that would be affected by the installation of the tower. Their crew then goes out to these areas and flies a 6-foot-wide balloon at the elevation the tower would be. The photos then are adjusted to show the balloon at the size and height of what the monopole would look like. Mr. Nusser questioned the proposed site location photo that seems to show the monopole located on the adjacent property and not in the spot where the cell tower is being proposed. Photo location 2 depicts looking through the pavilion and the tower is on the other side of the trees, but those trees aren't on the property. He is concerned that the photo simulations are not depicting it in the correct location. He also questioned why some of the locations were chosen. Location #9 is on Valley St. looking through existing vegetation and wouldn't see a car passing. He doesn't feel the photos are picking up the impacted areas well. The important location would be further south or southeast on Valley St. by the other residents. That would be the important location. Photo A1 was submitted by Ms. Mulhern it was not initially included in the packet. It depicts the red balloon centered in the view from Valley St. Mr. Mitchell said if there is concern about the accuracy and the board feels it's substantial the pictures can be redone or verify they are correct. No one that flew the balloon is here to testify and it was discussed wind could have a factor. Engineer Keenan then spoke regarding his review comments #12, 13 and 14 talked about a buffer zone and that is actually not applicable on this application because that is related to agricultural uses. He then commented on the removal of the cell tower, he asked if they would set up a performance bond. Mr. Mitchell said yes that would be a condition of approval. Mr. Nusser then asked for confirmation that the signage would only be the necessary regulatory signage and no advertisement signage. Ms. Mulhern confirmed that is correct. Board questions arose regarding home values diminishing, Mr. Nusser reminded the board expert testimony on valuation would be needed. Other board concerns regarding radiation and the nearby campground and school arose. Attorney Gavan reminded the board that case law in the state of NJ states the board cannot object to an applicant like this for radiation reasons. Mr. Baley asked if this site lies within the historic district in Delaware. Mr. Smith said it does not, it lies just outside, but the houses on Valley St. are. Mr. Mitchell confirmed they have checked on that also. Ms. Mezzanotte spoke regarding the photos not showing what would be seen from the neighboring homes back yard.

Mr. Mitchell said their photos were more aimed at showing the top of the tower from the largest surrounding area. Usually, they rely on the engineer's drawings for the bottom of the compound but if we are looking at the photo simulations, they may be able to add simulations of the base of the tower as well. Ms. Mezzanotte would like to request that be done. Mr. Baley asked if there was any lighting at the top of the tower. Ms. Mulhern said no. Mr. Mitchell said they evaluate if that is required or not. Mr. Nusser had a question regarding the location chosen on the site. He asked if there is flexibility there within the site and is there a reason why that's more ideal than any other location on the property. He believes there is concern over the impact to the residents. Mr. Mitchell said the site acquisition person who was involved in acquiring the specific location is here tonight as a witness. But as a preview to what he will say I believe the location was primarily our landlords' preference. It would also take advantage of the existing driveway. Ms. Starrs asked for the name of their landlord. Mr. Mitchell replied the Lions Club.

There being no further questions from the board or professionals, Chairman Taylor opened the meeting for public questions for the engineering witness. Dennis Melillo, a Knowlton resident, asked if this site is ideally suited for what you are proposing from the standpoint of the applicant and the residents of the town. Attorney Gavan felt this would be best answered by the planner. Being they have not been called to testify yet; we will make sure that question gets answered. There were no further questions from the public.

The next witness Andrew Petersohn was sworn in. Mr. Petersohn gave his credentials as a licensed electrical engineer with a specialty in wireless telecommunication. He's been involved with the design of these types of facilities for about 25 years. Mr. Petersohn then showed a map of the southern portion of the township and surrounding area. This shows the surrounding roadways and also Verizon Wireless specific information that includes on air existing sites. There are 5 that are shown in this view that are servicing Verizon Wireless customers. There are also depictions showing existing reliable coverage, there are 2 thresholds of coverage shown. Green shows the stronger signal to penetrate a building the less stringent coverage is shown in yellow which is for in car coverage. There is also a relief map and topographical map which shows aggressive terrain down to the river. He said that is what is causing the issue here, or at least in part, the aggressive terrain. Terrain features pose a significant impediment to propagation of all radio frequency signals. There are issues with the low-lying areas along the river both on the New Jersey and Pennsylvania side. There is about a 2.5 mile stretch of unreliable service on and around Rt 46. That is what the focus of this facility is, to address that deficiency. He continued there are about 8,000 vehicles per day on Rt 46. He showed an annual average daily traffic count screen graph from NJDOT's website marked at A-2. It has counts for the years 2016 and 2019 and they are both just shy of 8,000 per day. That count is basically where they are proposing the tower, this segment of Rt 46. Through propagation modeling they were able to examine the proposed facility at a variety of antenna heights. At the 130-foot level which is the overall structure height with the lightning rod up to 140 feet they can cure the in-building and in-vehicle coverage issues along Rt 46. This also adds significant coverage to the Pennsylvania side as well. This is the minimum height needed to address the coverage gap. He continued there is a lot of terrain to the northeast which limits the ability of the facility to cover that way; further into the township. Mr. Baley asked if it was higher would it have better coverage in the township. Mr. Petersohn referred to the surrounding terrain map marked as A-3.

It shows aggressive terrain heading northeast into the township that really limits the propagation of the signal that way. Whereas on the Pennsylvania side there is increased terrain heading away from the water but it stays a bit flatter than the Jersey side. So, there is a bit more propagation. It is always Verizon's preference to co-locate on existing structures. He believes the township ordinance requires they examine existing tall structures. There is an existing monopole less than a mile to the south along Rt 46. There is also a wireless co-locator on the utility structure that is 1.5 miles to the northeast and there is a tower facility north of Rt 80 that Diamond Communications has established. He said Verizon is interested in co-locating on that in the future to address their issues along Rt 80, but it won't help with this issue. Mr. Baley asked about one that is less than a mile to the south. Mr. Petersohn said that was examined and they found there are structural issues that would not allow Verizon's equipment to co-locate there. If it were "beefed up" they could establish a site there. The structure could not support Verizon, it would have to be upgraded. If it was upgraded it could support them at 106 feet. He has been told there may be 3 carriers on that tower now but does not know that. But that still wouldn't address the issues to the north, there would still be a gap for in vehicle coverage. So, they would still need a site further to the north along Rt 46. Mr. Mathez referred to the radio frequency design analysis stating that after investigation the Ramsaysburg facility was structurally unable to support a Verizon Wireless antenna array above 106. Would that suggest that below 106 you could have that. He believes that antenna is about 200 feet high. So even if you are down at 80 feet you are still maybe 280 feet above the road. So you would get the advantage of the height of that antenna. He would like to see the coverage map done from that site. Mr. Petersohn said he doesn't believe it could support them at any height, as they have received new information since the report was written. They have come to learn that it would need a structural upgrade to support them period. With a structural upgrade they could be established at 106. They also did have the propagation modeling done with that facility at 106 feet and there is an area not covered and would be unreliable. Mr. Mathez then asked if they had looked at Pennsylvania as a site. He believes most of the advantages are to PA. Mr. Petersohn said again with the 8,000 cars a day on Rt 46 the majority of the traveling public is on the NJ side. He then submitted A-4 which is the coverage with the existing monopole at 106 feet. It illustrates the propagation modeling for the monopole to the south – Ramsaysburg. It includes considerations for the ground elevations. Ms. O'Neill reflected there is an existing pole down the street that has structural issues, and you are willing to spend how much money to put a new pole up here. Couldn't that money be used for a deal with the existing owner to make it structurally safe. Mr. Mitchell replied they don't believe the tower can be retrofitted in any reasonable fashion for our use. That we will explain with another witness. He continued the entire cost of the new tower would be less than trying to retrofit the other tower. Mr. Petersohn continued even if they were able to make it structurally sound the greatest attachment height is 106 feet and they would still have an inferior result. Ms. Mezzanotte asked if they looked at any structures on the PA side. Mr. Petersohn said that would need to be answered by their site acquisition person. Mr. Keenan then asked about the height of the tower allowing for the potential of about 2 or 3 spots below which would be at 120 and 110. Mr. Petersohn said about every 10 feet. Mr. Keenan said he wouldn't want to be caught in a similar situation that you are in now where there is an existing pole and another pole down the road would need to be built because of lack of capacity or structure.



Maybe at a higher elevation, then if 2 carriers came in and a third said they couldn't be at 110 feet it's too low I'm going to build another new monopole. Mr. Mitchell replied he doesn't believe they would have a problem with a condition that says we need to build the foundation and the pole strong enough that if it needs to be extended by 20 feet, which would be 2 more carriers, that it could do that. I cannot say we need more than 130 for what they are doing right now. But the tower could be built so it could go to 140 or 150 as a prophylactic measure. Mr. Petersohn went over electromagnetic guidelines. The FCC requires all licensees to adhere to very specific guidelines when it comes to electromagnetic energy exposure. His report demonstrates that they will be compliant. Upper limit exposures would be less than 3.2% of all the applicable FCC standards. When we measure these facilities at ground level the typical exposure levels for a pole like this would be less than 1% of the FCC limits. Mr. Petersohn added there will not be any marking or lighting required by the FAA if the tower is constructed with the overall structure height of 140 feet. Chairman Taylor asked what if the tower was extended to the 150 feet or 154 with the lightning rod would that require lighting. Mr. Petersohn said that wasn't evaluated but he doesn't believe so. Anything over 200 feet has to be lit.

There were no further questions from the professionals or board members for this witness. Chairman Taylor opened the meeting to the public for any questions for the RF engineer. There were no public questions.

The next witness was sworn in, Mr. Marco Paredes. His company is Redes Development. He is the sight acquisition person and was hired by Verizon Wireless to do their real estate work for towers and building locations. He stated he has worked on over one thousand locations. He stated in March of 2022 the RF from Verizon Wireless contacted them about the tower on Ramsaysburg Rd specifically because it was an existing location and typically that is where carriers want to build. They made a request to go to 140 and that was denied saying they could go at 106. They had a sight walk and during that it was revealed there are some foundation issues with the tower. If Verizon wanted to go on the tower it would have to spend in excess of 950 thousand dollars to resolve the tower. So not only would this be resolving for Verizon, but also for AT&T, T-Mobile and Dish. Verizon made its decision to find another location. He was then asked to work with TowerCo to help them with a build to suit. He looked at a number of locations one was the campground which is conditionally approved within the ordinance. He spoke to the landlord there and they could not come to an agreement for financial reasons in addition to the location. Mr. Paredes then reached out the Lions Club and met with their representative. He said so going back to the question of why are they there, we were directed to go to that particular portion of the parcel for the compound. Ms. Starrs asked who the representative was they met with. Mr. Paredes responded William Clifford. Ms. Starrs then asked why they didn't approach the township regarding any of the township owned sites on Rt 46. Mr. Paredes said they looked at existing locations first. Secondly there is an existing township location on Knowlton Rd. but in talking to their engineers the cost to fix it would be prohibited to move its way up to a height that could be managed by construction and RF. So, they decided not to move forward with that sight. Mr. Mathez added this site is on the corner of Knowlton Rd and Rt 46 near a C1 stream and extremely steep. Ms. Starrs then commented the township owns 3 other parcels located at 17, 33 and 41 Route 46. Each about an acre in size and relatively flat.

Mr. Paredes asked how far away they were. Ms. Starrs said one if just before the Shell Station and two are after the Shell Station just prior to your current site. Mr. Paredes said they were not investigated. He believes they are too far north, but they could have their RF person check them. He also noted that the town ordinance says sites with existing towers on municipal property. Ms. Starrs asked about the fee structure set up with the Lions Club. She also noted the property is tax exempt. Mr. Mitchell said the amount is usually considered proprietary, but they are renting it and they would be our landlord. Chairman Taylor noted the tower would not be tax exempt including the property directly involved in the site. Taxes would be paid by the leaseholder. Ms. O'Neill asked about sites in PA. Mr. Paredes said consideration from Verizon's radio frequency was to stay on this side, there was no discussion about PA. They typically search within 1 mile of the gap depending on terrain. Questions arose regarding the coverage being more for the transient traffic than the locals. Attorney Gavan asked them to explain the license requirement for highways. Mr. Mitchell and Mr. Paredes spoke regarding Verizon having an FCC license and as part of their license they have an obligation to provide reliable coverage in their license area. In what is considered significant and important in gaps are areas where there are large amounts of vehicle traffic. So, this would meet their licensing requirements. Attorney Gavan asked if the tower is put where you want it now to cover that 2.5-mile gap on Rt 46 and miles of PA, would it propagate in reverse if the tower is put in those miles of PA would it cover this 2.5 miles. Mr. Paredes said he did not evaluate any locations on the PA side. Where the maximum coverage distance is going to be, as soon as you go across the river even a few thousand feet to find a candidate over there, they would be limiting the reach of that site. Mr. Gavan reminded them that a conditional use variance criteria would be that it benefits the town. Mr. Paredes said this would significantly improve Knowlton's coverage. Mr. Mathez asked how much this new tower would cost. Mr. Paredes said about 300 thousand. Ms. Starrs asked about the ability of a volunteer company to take care of the needed continuation of maintenance. Mr. Mitchell said that wouldn't be a landlord's obligation normally it is the tower owner's obligation in conjunction with the FCC licensees. Mr. Paredes noted the other existing tower with structural issues was not designed properly. Engineer Keenan questioned the statement that the proposed landlord expressed a preference for that location on the site. He asked did you discuss possible alternatives with them on the site that they might be amenable to. Mr. Paredes said it's really up to the landlord, there was nothing bad or problematic with the location the landlord preferred. Mr. Mitchell said we aren't saying that if the board has a problem with this location we won't go back to our landlord and talk about relocating it. We had no concerns or problems with this location so there was no reason to ask the question. Engineer Keenan said maybe if it was moved a little more to the south bringing it closer to the pavilion, but it would be out of direct line of sight of the one backyard and other residential properties. Discussion took place regarding possible other locations within the site area including further down by the parking lot area. The board requested they speak to the landlord regarding the other locations and then doing comparisons on them. There were no further questions for the site acquisition person from the board or professionals. Chairman Taylor opened the meeting for public questions, there were no public questions.

Chairman Taylor asked Mr. Mitchell if he had other witnesses to call. Mr. Mitchell said there was one more, their planner, but if they are going to be adding anything to the record, he would like him to testify on based on everything in the record. They are agreeable to carry to the next meeting. Attorney Gavan said what the board is asking for is consideration between you and your landlord to come up with a place on the property that has much less impact on the residents visually. Ms. O'Neill said the other question is the PA side. Mr. Mitchell said if there was an existing structure right across the river it might have come up, but he doesn't know if there is. Attorney Gavan said some testimony as to what was done on that side. Mr. Mathez brought up the Ramsaysburg tower's structural issues asking if they need to be addressed. Attorney Gavan recommended the municipality may want to have someone go look at it. Crown Castle is the company for that tower. Ms. Starrs asked if the elementary school was within the radius of people who were required to be notified. Mr. Mitchell does not believe so, he thinks that is more than 200 feet. They rely on the list from the municipal assessor. Chairman Taylor thought it could be close on lot 9.02. Attorney Gavan announced to the public if anyone is here for this matter it is being carried without further public notice until the February 27th meeting.

**Executive Session:**

Attorney Gavan called for a motion to go into executive session to exclude all members of the public so the board under the municipal land use law and the open public meetings act can discuss topics of litigation. If in a time later when the litigation is over these minutes could then be released. Motion was made by Ms. O'Neill and seconded by Ms. Cuntala. In a voice vote all were in favor.

Executive session was called by Attorney Gavan at 9:05 p.m.

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW THEREFORE, BE IT RESOLVED** by the Land Use Board, the Township of Knowlton, Warren County, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Litigation.
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: January 23, 2024

The board came out of Executive Session and resumed the regular meeting at 9:20 p.m.

**Other Business:**

**Lighting Ordinance**

Chairman Taylor asked if the new zoning officer had responded to anyone. Ms. Cuntala said she had emailed him and didn't receive a reply. There were questions from the board regarding the correct email address to use for zoning. Ms. Mezzanotte volunteered to meet the zoning officer in person.

**Correspondence:**

Chairman Taylor went over a letter he received addressed to the Planning Board dated Jan 18<sup>th</sup>, 2024, from the State of NJ about emergency repairs on Rt 46 at milepost 4.25. He stated this would be down by Ramsaysburg. Mr. Smith said between Ramsaysburg and Marshall's there is an inlet on the west bound lane that is always plugged up. Chairman Taylor said it circled the area right by Ramsaysburg. Mr. Smith said that would be on the stream, there could be a problem with that bridge. Ms. Starrs noted it says repair a collapsed embankment. The letter was passed to board members for review.

**Land Development Ordinance Fees:**

Chairman Taylor asked if we ever received anything from our board engineer on the fees (Engineer Keenan had already left the meeting). He was going to look into the cost. Ms. Starrs replied he had not. She asked if a resolution could be drafted, and we could just fill that in at the next meeting. Attorney Gavan said he would also suggest to make it safer we tie it to the escrow required for the original application plus a percentage. That way if it's a smaller application it would be a smaller amount. This makes it proportional. He said he will draft something. It would then be written into the resolutions as a condition. They will have to do that before they get any permits.

Mr. Smith asked if they could suggest to the township committee to alert the tower owners regarding the potential problems with the Ramsaysburg tower. Chairman Taylor noted the structural problems brought up could be as simple as the base of the tower not being able to support an additional antenna array without a major upgrade to the base. Ms. Mezzanotte asked if a structural assessment could be asked for. Attorney Gavan said that would be up to the committee. Due to the testimony heard he believes the board does have an obligation to pass it on. Mr. Mazza and/or Ms. Cuntala can pass this on to the township committee.

**Public Comment:**

There was no public left in attendance.

Closing discussions took place regarding the sewer service area. Mr. Smith noted that the letter and map from the DOT show the area as downstream. It is not under the highway. It is where the stream bends and runs parallel to the highway. Mr. Mathez informed the board the Nature Conservancy bought the piece of land across the way that's been for sale for quite some time.

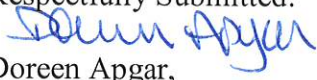
**Bills:**

Chairman Taylor asked if everyone had a chance to look at the bills and then asked for a motion. Ms. Cuntala made the motion to approve payment of the bills. Motion seconded by Ms. Starrs. In a roll call vote, all were in favor.

**Adjournment:**

A motion to adjourn was made by Mr. Baley and seconded by Ms. O'Neill. In a voice vote all were in favor. The meeting was adjourned at 9:40 p.m.

Respectfully Submitted:

  
Doreen Apgar,  
Board Secretary