

NOVEMBER 28, 2017

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, November 28, 2017 at the Wantage Township Municipal Building. The meeting was held in compliance with the provisions of the Open Public meetings act, P.L. 1975, Chapter 231. It was properly noticed and posted to the public.

SALUTE TO THE FLAG

Mr. Cecchini invited all persons present to participate in the Pledge of Allegiance to the United States Flag.

ROLL CALL

PRESENT: Larry Bono, Victoria Gill (arrived 6:18 pm), Paul Grau, Joanne Kanapinski, Ronald Slate, Michael Cecchini, William DeBoer, Michael Walther.

Absent: William Gaechter, Jon Morris, Patrick Stefanelli. Also, present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

MINUTES

Mr. Grau made the motion seconded by Mr. Slate to approve the September 26, 2017 minutes. A voice vote was unanimously in favor.

APPLICATION

L-2017-13

Bicsak Brothers Realty

Block 11, Lot 5

80 Route 23

The Applicant is proposing to amend site plan approval for the restoration of Area 1 to expand a gravel parking area for temporary use by a car dealer to consolidate storage of its vehicles. The Applicant will also seek approval of variances, waivers, permits, approvals, licenses or relief that are deemed necessary or appropriate. The property is in the Planned Commercial Development zone. The application has been properly noticed.

Mr. Hinkes introduced the witnesses, Attorney Paternostro-Pfister swore in Alan Campbell Engineer, of Branchville NJ and Terence Baumann of 80 Route 23 Wantage NJ.

Mr. Campbell gave a brief synopsis of the property. The property consists of three areas; Area I, fifty acres that fronts Route 23, Area II is in the rear of the property and Area III is off of Blair road.

Area I still contains the scale, Area III is still in the prepping process for the scale and stockpile.

They hope to have Area III ready for the scale in a year. After the scale is moved, they propose to leave the area gravel to be used as a staging area for construction in the future.

They will maintain a berm, and are proposing an access road of gravel. It will be large enough for a car carrier to turn around and unload. The proposed site will be able to hold 575 cars parked conventionally, more if the cars are stacked.

Mr. Bicsak is proposing a 670' x 330' gravel parking area to be used as new and used car parking. The cars will be delivered during daylight hours only. It will be for the dealerships, there will be no public access.

Mr. Baumann stated Eric Nielson and Bill Snouffer will consolidate the autos in Wantage Plaza, Route 565 Ames, and the Hyundai Dealership. The area will store between 400 – 500 vehicles, in 10 x 20-foot stalls. The plan to have one central location. The storage will be temporary, 1 ½ - 2 ½ years. If plans for the property change prior to that time, they will come back to the Board for approval to move the cars. Mr. Cecchini asked if property plans change, will Mr. Nielson and Mr. Snouffer be in the same predicament they are in now. Mr. Baumann explained there are other areas on the property they will explore for long term storage.

Mr. Cecchini asked if the cars will be stored in front of the berm, and stated there will be no buffering from Route 23. Mr. Pellow reminded Mr. Campbell and Mr. Baumann that a landscape berm must be installed back along Route 23. Mr. Cecchini looked for confirmation that the car dealerships understand the situation is temporary. The Township does not want this prime real estate in town used for auto storage.

They discussed Mr. Pellow's report. He reiterated auto storage is not permitted in the PCD Zone. A variance will be needed to park on gravel. Mr. Pellow asked for the elevations to be shown on the map. Mr. Pellow discussed areas that need topsoil, seeding and mulch. He also asked for the number of vehicles, aisles and spaces to be shown on the plans.

Mr. Pellow does not think any cars should be moved on to the property unless all the conditions are met. Mr. Cecchini asked the Board and Mr. Pellow if conditions can be approved by Mr. Pellow. The Board and Mr. Pellow agreed.

Mr. Campbell presented Exhibit A; an Area I restoration, dated 2017 with a revision of 10/12/2017, the exhibit shows the parking configuration. That exhibit satisfies one of Mr. Pellow's conditions.

Ms. Kanapinski asked for a timeline for the conditions. Mr. Baumann specified the agreement states the parking lot must be completed in 10 business days from the approval.

The Board agreed, all conditions must be met before any cars can be parked there.

Mrs. Kanapinski asked for a berm to lessen the visual affect. Mr. Baumann suggested pine trees, to be planted in the spring.

Mr. Bono asked if the area will be secure. Mr. Baumann said the area will have a gate.

Mr. DeBoer asked if the gravel parking will set a precedence. Mr. Pellow said the parking is temporary. Mrs. Kanapinski replied if anyone was to come before the Board for a shopping center, paving is a necessity for public safety.

Mr. Cecchini closed the application to the Board and opened it to public. There being no comments or questions. Mr. Cecchini asked for a motion.

Mr. Cecchini said another condition of approval is the satisfaction of the outstanding third and fourth quarter sewer fees. Mr. Baumann agreed to the condition.

Mr. Hinkes listed the positive criteria as it is being set up for parking lot already, and it satisfies the negative criteria by having less impact and less activity than anything else on the property.

After some discussion Mr. Baumann agreed to the condition of two years followed by a review for a one-year extension.

Mr. Pellow requested for a stop sign at the end of the access drive as a condition.

Mr. Grau made the motion to approve with the conditions discussed, Mr. DeBoer seconded the motion.

Ayes: Bono, Grau, Kanapinski, Slate, DeBoer Cecchini. Nays: Walther. Abstain: Gill.

L-2017-08

Homeland Towers

Block 1.02 Lot 9.02

380-390 Route 284

Attorney Richard S. Schkolnick stated he represents Homeland Towers, LLC in support of a 120-foot telecommunications tower for a D-3 conditional use variance, and preliminary and final site plan approval. No new notice is necessary.

Richard Schkolnick reviewed his witness list from last month

Mr. Dave Collins testified they complied with all federal emission and health standards. Frances Boschulte testified on both coverage and capacity issues, as a radio frequency expert. Civil Engineer Robert Aiello, will testify on the movement of the antenna. Paul Ricci Professional Planner, will present new photo testimony.

Mr. Schkolnick discussed a monopine design. Our ordinance states the pole can be 80 feet from the street and 40 feet from the side line. He discussed the difference in what is proposed and what is allowed, in the northern part of the property they are 481 feet to house, 324 feet is allowed.

He recalled the civil engineer Robert Aiello. Mr. Aiello presented two new exhibits. Exhibit A9 AP1 Sheet Drawing number ZD-3A dated 11/14/2017 is an updated survey and two drawings

Exhibit A10 AP2 There is no drawing number, titled Boundary and Partial Topographic Survey Plan, last revised 11/03/2017.

He discussed the wetlands on the property and surrounding the property. Drawing ZD-3A showed the comparison between the original plans and the new plans with the new pole, driveway and trees. The drainage has not been completed at the new site. Site Plans will be submitted upon approval of the application.

Exhibit A9 titled AP, show the separation distances between the proposed tower and the closest homes.

Exhibit A10 AP2, explains the setback to the side line and the front yard.

Mr. Aiello showed the new pole as close to the existed wooded area, so the monopine pole will be less conspicuous.

He went on to describe the topographic differences in comparison to the two different locations.

He discussed landscape screening that will benefit the house to the north.

Mr. Cecchini opened the application to the public related to Mr. Aiello's testimony.

Mr. Jeff Kuchta of 383 Route 284, asked what is the height of the barn, and how will that screen the 120-foot pole. Mr. Aiello explained the screening is for the base of the pole, not the pole. Mr. Kuchta asked what the setback is for a daycare. He said his wife runs a daycare and there is an international setback for daycares. Ms. Paternostro-Pfister explained only an expert could provide testimony, he could only ask questions. Mr. Aiello explained the setbacks from the location of the proposed tower to Mr. Kuchta home, as well as the rental home located on the property where the tower is proposed.

Mr. Cecchini closed the application to the public, and opened it to the Board.

Mr. Pellow testified the members of the land use board received copies of the Wantage Township cell tower ordinance in their packets.

Frances Boschulte gave a recap of her testimony from last month.

She presented Exhibit A1 Verizon wireless existing coverage and discussed coverage gap, as well as capacity need. The proposed height at 120 feet will fill the coverage gap. The 80-foot height will not fill the need, due to the terrain. Ms. Boschulte discussed areas along Bassets Bridge, Route 665 and Lake Wallkill Road. She spoke of the number of people affected and the average daily traffic along Route 284, Bassets Bridge, Lake Wallkill Road and CR 665. Ms. Boschulte counted the number of homes she could see on Google map, there were 76 homes. She reminded the room of her testimony regarding landlines and the usage of cell phones and

other devices. She repeated her testimony regarding the present cell towers and the four locations that were also included in the study.

Mr. Cecchini asked how the wildlife refuge will be affected, Ms. Boschulte explained the refuge does not have coverage and this tower will aid the hikers and emergency personnel. Mr. Cecchini opened the application to the board. Mr. Grau asked how can he speak to his son and daughter in other states, if there are not towers every three miles. Ms. Boschulte explained how radio waves and landlines work. Mr. DeBoer asked about the future of wireless phones. Ms. Boschulte stated cell towers will be around for the foreseeable future. The phone itself is not a strong enough receiver to receive a signal from satellites.

Mr. Cecchini closed the application to the board and open it to the public

Joanne Tracy asked how does one establish need.

Ms. Boschulte explained it is a matter of physics and signal strength, inside and outside homes in the area. The industry standard is a 2% drop calls. You can have three bars on your phone and not have reliable service. In this area we have a coverage issue and a capacity issue. Ms. Tracy asked if they used a survey to find out about reliable service. Ms. Boschulte explained that a scientific means must be used.

Mr. Bono asked if the area of the map with unreliable coverage has grown, with the increase in users. It was explained to him, what use to be reliable is now at capacity.

Jeff Kuchta asked how many people it would service. Ms. Boschulte explained 308. He explained a variety of people have Verizon, AT&T and T- Mobile, none of the neighbors have service issue. Mr. Kuchta questioned other properties in the area that he felt could be used instead of the proposed property, such as Lott Road Recreation Area and the Wildlife Preserve. Ms. Boschulte explained the issues with those properties, as to why they could not be used. Ms. Boschulte explained the challenges of Route 284 because of the hills, valleys and bends in the road. She explained she does not know how many people traveling the road carry Verizon, T- Mobile or AT&T. Mr. Kuchta inquired about nodes. Ms. Boschulte explained nodes are used in high population areas, nodes do not cover very far, maybe 500 feet. They are low to the ground and there is no emergency backup. If there is a power loss the DAS network will not work. They do not work in hilly terrain. Mr. Kuchta asked when the system reached capacity. Ms. Boschulte discussed Exhibit A4 dated January 2017, she showed a steady increase in traffic, reaching capacity in June or July 2017. She explained regardless of summer there has been a steady increase since January 2017.

Mike Clark asked what is the height of the tower in Quarryville. Ms. Boschulte responded 99 feet, then Mrs. Boschulte gave an explanation on the flow of the radio waves from Quarryville and the proposed tower. Mr. Clark stated there are still obstructions between Quarryville & the proposed tower. She explained the signal can get through trees, not mountains.

Mr. Cecchini closed the application to the public and open it to the Board.

Mr. Cecchini made a statement regarding the inexperience of the public regarding cell towers, and the understanding necessary by the board and the professionals, for something affecting the resident's lives.

Ms. Gill asked if the Wantage Township Recreation Fields was considered as a possible site, Mr. Cecchini explained the radio waves have a problem getting around corners, as discussed last month. Ms. Boschulte explained the location is south and blocked by a hill, it will not offer the same coverage.

Mrs. Kanapinski wondered if there was a difference between cell phone usage and going online. Ms. Boschulte said it depends on how you get online; wifi or data. Ms. Boschulte explained using an app. or downloading a picture or movie requires a higher signal strength than a text message.

Ms. Paternostro-Pfister swore in Vincent Xavier Courtland Manor NY Regional Manager for Homeland Towers. Mr. Xavier stated he did speak with a different property owner about a location with an already existing tower on a silo.

Mr. Schkolnick recalled Paul Ricci LPP. Mr. Ricci recapped the information discussed last month. Mr. Ricci believes the ordinance promotes stealth technology. Exhibit A11 dated 11/14/2017 showed a proposed monopine as fitting into the landscape better. The photos displayed the pole from various locations along Route 284. The photos also depicted cell towers that were designed to match the sky as well as the original monopole. Exhibit A12 is a photo of the picture taken from November 11, 2017 of the balloon test. The picture compares Exhibit A9, the original balloon test, on the original site, versus the balloon test on the new proposed site. After seeing the photographs, Mr. Ricci suggests the monopine. The new site is clearly a better alternative, the property meets the setbacks as well as the height requirements for an eighty-foot pole. It satisfies the negative requirements, as it does not pose health risks or create new population demand. The courts agree, a height increase in the tower, the benefits outweigh the detriments.

The new site is the furthest from the road without encroaching wetlands.

Mr. Cecchini opened the application to the public

Jeff Kuchta also took pictures the day of the balloon test. Ms. Paternostro explained to Mr. Kuchta that he cannot submit evidence. He can ask questions of the expert, but cannot submit testimony. He discussed with Mr. Ricci the different vantage points pictures were obtained.

Victor Ward, 394 Route 284 asked if it met the criteria in our Ordinance, 13-24.21A regarding protecting the residents visual impact. Mr. Ricci explained there is a gap in the coverage area, the only way to fill the gap is to build a tower at a height that exceeds the ordinance.

Mr. Cecchini closed the application to the public and opened it to the board for any further questions of Mr. Ricci.

There being none he opened it back up to the public for final comments or impact statements.

Patty Kuchta 383 Route 284 states she has lived in her house for 29 years and does not want to look at a cell tower. The man that owns the cell tower property does not live on the property. The neighbors must look at it. She runs a daycare in the house, and feels she will lose business.

Joanne Tracy had questions regarding variances, Ms. Patternostro-Pfister explained legally, the benefits must outweigh the negatives.

Martin Vander Heide owns the property where the cell tower is on the silo, he didn't remember being asked if a cell tower could be put in his yard, as Mr. Xavier spoke his memory was jarred. He said no to the company because he didn't want to look at a tower. He wanted to clarify the misunderstanding.

Jeff Kuchta feels he should have brought an attorney, he has two pages of signatures from neighbors that do not want a tower on the property. All the neighbors get signals. He feels the recreation fields would be a better spot. He stopped at the refuge, it was explained they are not a park, they are a refuge, they do not have a lot of foot traffic. He is concerned with loss of value in his home. They own a daycare and parents that saw the balloon test, were not happy. He asked why a technical consultant was not brought in by the board. Mr. Cecchini, explained the town brought in radio frequency experts on prior applicants and they were always in agreement with the applicant's professionals.

Victor Ward has lived in Wantage for 30 years, is afraid property values will drop, concerned about the health implications, and his view will be comprised.

Mike Clark noted the board has heard the displeasure from the residents, and wonders how many towers will be in the town.

Terry Berntsen, 65 Deckertown Turnpike, said she did not receive notification, and wondered where she finds the information, Mr. Cecchini explained residents within 200 feet receive notifications. He also directed her to the website for the agenda.

Mr. Cecchini closed the public portion of the application and opened it to the board.

Mike Walther, asked if it was possible to upgrade any of the towers in the area. Ms. Boschulte stated not it was not possible,

Mr. Bono, wondered if the answer to the problem is having 300 cell towers in town.

Mike Cecchini stated that when he heard the testimony regarding a refrigerator and other appliances which emit more waves than a cell tower, the health issue was taken off the table. He discussed the significant gap in service and the good faith effort that has been made examining less intrusive alternatives. A decision deciding the tower cannot be based on economics nor emotion. There is a certain necessity to a public utility and public safety. The board cannot vote without a site plan. Homeland did what they were asked to do by providing a new site. Mr.

Schkolnick asked if it was possible to vote on the D3 variance and preliminary site plan approval, subject to coming before the board with the site plan.

Both Ms. Paternostro-Pfister and Mr. Pellow agreed they must come before the board with site plans if the height variance is approved.

Mr. Cecchini asked for a motion to approve or disapprove the D3 height variance indicated on the most current plans, with the condition no construction can be started until the site plan is approved by the board.

Mr. Bono asked if a denial were to happen, if they would be able to place an eighty-foot tower without any approvals, Mr. Cecchini responded two or three towers could be placed without board approval.

Mr. Slate feels it is a necessity to have the tower, Homeland Towers made a good faith effort by moving the tower. Mr. Slate stated, he has one of the largest towers located in the State Park, in his yard. He feels they are mandated to approve this.

Mr. Slate made a motion to approve the D3 height variance indicated on the most current plans with the condition no construction can be started until the site plan is approved, Mr. Grau seconded the motion. Ayes: Slate, Bono, Cecchini. Nays: DeBoer, Gill, Grau, Kanapinski.

L-2017-10

New Cingular Wireless

Block 163, Lot 26

71 Deckertown Turnpike

The applicant is proposing to construct a 120-foot tree pole tele-communications tower. The applicant plans to place twelve telecommunication antennas on the tree pole, plus a lightning rod to 130 feet, along with equipment compound. A Conditional use variance and a height variance are needed. Preliminary and final site plan approval is needed. The application is carried from the October 24, 2017 meeting. No new notice is necessary.

Attorney Judy Fairweather introduced Matthew Bartlett principal of Atlantic Site Development LLC consulting firm that does work for AT&T. They are looking for appropriate locations for towers. There is a tower located at 21 Upper Mountain Road, owned by Service Electric Cable. The request to rent space on the tower was denied

Mr. Cecchini opened the application to the board for questions of this witness.

Mr. Grau asked why the request was denied. There was no reason given, just the board denied the request.

Mr. Bono inquired if there were other antennas on the tower, Mr. Bartlett said yes, Verizon Wireless. Mr. Cecchini wondered if there may be a non-compete.

Mr. Cecchini opened the application to the public.

Ms. Berntsen wondered why they did not push for an answer, and asked if she could call Service Electric, Mr. Bartell replied yes, if she could get an answer that would be great. Service Electric was contacted a second time in recent months and denied again.

Don Allen, 76 Deckertown Turnpike, asked why wasn't the hill, where another tower is located, proposed, instead of 71 Deckertown Turnpike. Ms. Fairweather explained that is a question for the radio frequency expert.

The application was carried to December 12, 2017, Wantage Municipal Building at 7:00 pm. No new notice is necessary

Mr. Allen received notice but his neighbor did not, and wondered how they were to find information. Ms. Paternostro-Pfister stated information could be found in the Land Use office and on Wantage Township website.

Mr. Cecchini asked the Board if they had any questions on any other matters.

Ms. Gill indicated there is a lot of dirt moving in and out of the property located on church ground on Route 23. The matter will be investigated.

Mr. Allen questioned the permit process to find out if there was a permit for garage and addition on a home. Mr. Allen also asked if a balloon test was done at 71 Deckertown Turnpike, it was explained that cannot be discussed at this meeting. He also asked about notification, he often travels for work, so it is possible to miss a notice. It was explained to Mr. Allen; mail notification and newspaper notification is all that is required.

ADJOURNMENT

On a motion duly made by Mr. Slate, seconded by Ms. Gill and carried, the meeting adjourned at 10:06 p.m.

Respectfully submitted,

Jeanne M. McBride
Secretary