

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD February 11, 2010

Open public meeting statement: The meeting was called to Order by the Board Chairman, Glenn Barbagallo, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public meetings Act. Those present were: Charles Teufert, Darren Ponce, Sharon Tufaro, Gene Crawford, Richard Innella (arrived at 7:10 p.m.), Jason, Dunn, Glen Plotsky, Katherine Snyder, Jody Case Kennedy, James Guimes, Glenn Barbagallo, William Haggerty, Esq., the board attorney, Thomas Knutelsky, the board engineer, and Sharon M. Yarosz, the board secretary.

Those absent were: None.

FLAG SALUTE

MINUTES

The January 14, 2010 Land Use Board Re-organization and Regular Meeting Minutes were reviewed. A Motion was made by Mr. Plotsky and seconded by Mrs. Snyder to approve the Minutes of the January 14, 2010 Land Use Board Re-organization and Regular Meeting. Roll call: Mr. Teufert, yes; Mr. Ponce, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Dunn, yes; Mr. Plotsky, yes; Mrs. Snyder, yes; Ms. Kennedy, abstain; Mr. Guimes, yes; and Mr. Barbagallo, yes. The Motion was carried.

APPLICATIONS CARRIED FROM A PREVIOUS MEETING

Jemstone Holdings, Inc. (Dairy Queen) – LUB 09-02 - “C” Variance & Amended Site Plan Block 44, Lot 8 – 17 Route 23 South:

The board secretary received a letter from the applicant’s attorney, David Wallace, requesting that the above matter be carried without further notice to the March 11, 2010 Land Use Board meeting. He indicated that the applicant has not completed all the required documents needed to proceed. A Motion was made by Mr. Teufert and seconded by Mr. Dunn to carry this application without further notice to the March 11, 2010 meeting. Roll Call: Mr. Teufert, yes; Mr. Ponce, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Dunn, yes; Mr. Plotsky, yes; Mrs. Snyder, yes; Ms. Kennedy, yes; Mr. Guimes, yes; and Mr. Barbagallo, yes. The Motion was carried. It was also noted that this will be the last time this application will be carried without further notice. If the applicant is not prepared for the March 11, 2010 meeting, the application will have to be re-noticed.

NEW APPLICATIONS

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01:

Appearing before the board was the applicant’s attorney, David Solloway and the applicant’s architect, Frank Colasurdo. Mr. Colasurdo gave his qualifications to the board and was accepted as an expert witness. Mr. Colasurdo was sworn in by the board attorney.

Mr. Knutelsky indicated that the applicant was to submit a sealed copy of the survey and a copy of the FEMA flood Map indicating the property is not in a flood plan. Mr. Colasurdo submitted these documents to the board. Mr. Knutelsky indicated that these items were sufficient. Mr. Haggerty indicated that the notice was sufficient. A Motion was made by Mr. Plotsky and seconded by Ms. Crawford to deem this application complete. Roll Call: Mr. Teufert, yes; Mr. Ponce, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Dunn, yes; Mr. Plotsky, yes; Mrs. Snyder, yes; Ms. Kennedy, yes; Mr. Guimes, yes; and Mr. Barbagallo, yes. The Motion was carried.

Mr. Solloway indicated that Verizon Wireless has a gap in coverage in the Township. The proposal is to construct a 100’ tree pole, which is actually 103’ to the top of the antennas and 106’ at the top of the lightning rod. It will have 12 panel antennas at the top. The property is located at 3 Hamilton Road. They are also proposing the standard Verizon Wireless 12’ x 30’ equipment shelter at ground level. It will be inside a 46’ 2” x 46’ 2” expandable compound.

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

NEW APPLICATIONS CONT.

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01 cont.:

The property is located in the C-2 Highway Commercial District. The township does have a wireless communications ordinance, and as a practical matter other than municipal properties the only place in the township that this use is permitted, as a conditional use, is in the C-2 District. The applicant does meet all of the conditions of the conditional use ordinance. Accordingly, the applicant is seeking Conditional Use and Preliminary and Final Site Plan approval for the installation of a wireless communication tower. The applicant is not requesting any variances.

Mr. Colasurdo submitted to the board Exhibit "A-1" which is a colorized version of Sheet Z-3 of the Site Plan submitted to the board. He indicated that the property line is highlighted in red on the exhibit which consists of 10+ acre parcel; the pink highlighted area is the existing road known as Hamilton Road a/k/a Fiddler's Elbow; the yellow highlighted area is an existing access drive up to the compound area – he indicated that part of the access drive they are proposing to extend to the compound area; the square box in the middle of the property is the proposed compound area, which is located approximately 550' north of Hamilton Road. The applicant is proposing a wireless communication facility on the subject property. The tower is located in the compound area.

Mr. Solloway indicated that the ordinance states a condition for a fall zone for the tower and that if the tower falls down, it must fall within the property. He questioned Mr. Colasurdo if this is shown on Exhibit "A-1". Mr. Colasurdo indicated that it does. He further indicated there is a dash line on the exhibit which he has indicated the fall down zone and if the tower fell, it would fall within this zone and not extend past the property lines.

Mr. Haggerty questioned Mr. Colasurdo as to how much of this property is leased by the applicant. Mr. Solloway indicated that compound area, plus the right of access.

Mr. Teufert questioned if there are any structures or improvements on this site. Mr. Colasurdo indicated that there were not, with the exception of the road. However, the landlord did start to dig a trench for utilities to get up to the area where they are proposing the compound, otherwise it is some open area and mostly wooded.

Mr. Teufert questioned Mr. Colasurdo as to the condition of Hamilton Road. Mr. Colasurdo indicated that Hamilton Road is a paved drive which is in good condition. He indicated that the applicant plans to improve the access road, which is on the property. Mr. Solloway questioned Mr. Colasurdo if Hamilton Road is capable of providing access for emergency vehicles. Mr. Colasurdo indicated it was. Mr. Dunn questioned Mr. Colasurdo as to where the road currently leads to. Mr. Colasurdo indicated that Hamilton Road accesses the subject parcel, Lots 7.03, Lot 7.01, Lot 10, and it actually extends to a piece of property in the State of New York. He further indicated that Lots 7.03 and 10 have residences on it. Mr. Dunn questioned if the township maintains Hamilton Road. Mr. Colasurdo indicated that he does not believe the township maintains the road. Mr. Solloway indicated that there was a prior Minor Subdivision, Private Road Variance and "D" Variance granted by the Zoning Board of Adjustments on September 21, 1998 for John Pagano and Richard Dutton. Mr. Haggerty indicated that he questioned Mr. Solloway about this issue and he submitted some documentation from the township. Apparently, where you have filed maps within a township, the roads on these filed maps are considered to be dedicated to the township. He further stated that Judge Bozinelles in a suit in Culver Lake made a determination that those dedicated roads are dedicated in perpetuity and the township has the option at any time to accept those and make those municipal roads. The township would not typically do this unless the road would be improved to municipal standards. In this case, there was an ordinance that was passed to vacate its right to accept this

- 3 -

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

NEW APPLICATIONS CONT.

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01 cont.:

road. This ordinance apparently went through a first reading, but not a second reading. Therefore, it just died. Therefore, the road may be dedicated, but not accepted. In this case, it appears the road is used for access for a couple of properties and Montague Township does not maintain it and does not have to maintain it. Mr. Solloway stated to affirm that the road is maintained he submitted to the board as Exhibit "A-2" a Resolution from John Pagano and Richard Dutton from 1998 which grants Minor Subdivision approval for this property. This Resolution, in essence, deemed this to be a Private Road, but imposed upon the applicant, the property owner and its successors, to maintain at its costs and expense right of way giving access to the property to fire fighting and other emergency equipment. The Resolution further states that the applicant shall not look to the Municipality at any time for any aid or assistance in maintaining and preserving such access. However, the research that he did indicates that there is probably a good argument that it is a public road. But the prior owner in the prior application

took on the obligation as a condition of getting approval for the subdivision to maintain it to allow appropriate access for emergency vehicles. Mr. Colasurdo previously indicated that it is being so maintained.

Mr. Colasurdo indicated that from Route 23, there is access to the subject parcel via Hamilton Road. The compound location is approximately 550' from Hamilton Road. The compound that they are proposing is 314' 10" from the northern property line. The compound is also 118' 10" from the eastern property line. There is a good distance from the subject site and the surrounding properties. He further stated that the average grade at the compound is 730' which is approximately 20' lower than the highest point on this property.

Mr. Colasurdo presented to the board Exhibit "A-3" which is Sheet Z-4 of the site plan submitted to the board. This exhibit shows the compound area. The applicant is proposing a 46' 2" x 46' 2" fenced in compound. This is enough room to construct a monopole and place a 12' x 30' equipment shelter. This exhibit also shows a proposed 60' x 60' compound, which is for future expansion. He noted that he is well aware of the township's regulations with respect to co-location. He testified that the applicant has enough room to expand this compound to a 60' x 60' to accommodate all the licensed carrier's in this area, which is the purpose of this future expansion. Inside the compound there is an unmanned equipment shelter, which is 12' x 30' x 11'. They are also proposed a concealment monopole, which is often referred to as a mono-pine. The pole is 100' high, the top of the antenna is at 103', and they are proposing a lightening rod which is part of their grounding system at 106'. They are also proposing an 8' high security chain link fence around the compound. The compound will be gravel and the gravel is retained by wood timber (4' x 4' and 6' x 6') around the whole compound.

Mr. Colasurdo referred to Sheet Z-5 of the site plan submitted to the board, which shows the elevations of the equipment shelter. This is a pre-fabricated shelter. The shelter is pre-fabricated off site and it is fitted with all its equipment other than the radio equipment and it is pre-inspected by the State of New Jersey to make sure it complies with all the building codes. The shelter includes the circuit breaker panels, lighting, switches and a generator. The exhibit also shows the antennas on top of the monopole which measures approximately 10' 8" out to out. The whole structure will include the concealment branches to hide the antennas. He referred to the cable between the radio cabinets and the antennas. The cables exit the equipment shelter and go through the bottom of the monopole inside the monopole and come out again and connect to the antennas. This cable ranges for the finished project from 1 _" to 1 5/8" thick.

Mr. Colasurdo referred back to Exhibit "A-3" which they are proposing a small retaining wall. He indicated that there is a small section of the existing drive that they are extending that they

- 4 -

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

NEW APPLICATIONS CONT.

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01 cont.:

want to cut back and get the grading a little less steep, this is the reason for the retaining wall. It will be modular concrete block walls. This is shown on Sheet "Z-6" of the site plan. They have tiered the retaining wall so it was not one large structure.

Mr. Colasurdo indicated that the facility is unmanned. The equipment shelter does not require any potable water, does not produce any sewage, and does not produce any solid waste. It is designed to run unmanned without any employees, which does not generate any traffic with the exception of a routine maintenance visit once every 4 to 6 weeks. The facility is monitored 24 hours a day 7 days a week through a series of silent alarms (such as a break in, power failure, equipment malfunctioning). Mr. Solloway questioned Mr. Colasurdo if there is any lighting proposed on the facility. Mr. Colasurdo indicated that there was lighting above the entrance door to the shelter. The equipment does not produce any smoke, glare, vibrations or any noise that would exceed any NJ DEP noise standards. The noise from this facility is from 2 wall hung air conditioners, as well as a generator which is located inside the equipment shelter. The generator is tested once a week during day time hours and if power is out, it will kick in and run until public services restores the power to the area. Mr. Barbagallo questioned as to what fuel type is the generator. Mr. Colasurdo indicated that it was diesel fuel which has a tank inside the building. He further indicated that the generator comes with a double lined tank, which has a spill containment measure as well as the floor of the equipment shelter. He indicated that 10' of the 12' x 30' shelter is for the generator. The floor of that area is built like a bathtub, which is another spill containment measure. The facility requires a 200 amp electric service and telephone service. The facility will meet all of the state and local building code regulations. Mr. Colasurdo referred to Sheet Z-5 of the site plan which shows the light fixture which is a shielded light fixture on a photo and motion site, pointed down towards the stoop of the equipment shelter

door. He indicated that there is some small signage proposed. He referred to Sheet Z-6 of the site plan which shows the signage. There is a 1' 6" x 7" sign with a telephone number for you to call. Mr. Teufert questioned as to where the electric service is coming from. Mr. Colasurdo indicated that there are a series of utilities poles already on the property. There is one utility approximately 100' from where the access drive is off of Hamilton Road. He noted that the utility company indicated that this is the pole they feel this applicant can obtain power for their facility. Mr. Teufert questioned if it would be above ground or under ground utilities. Mr. Colasurdo indicated that this would be up to the utility company, however, they would prefer underground. Mr. Haggerty questioned as to how much of the access driveway will have to be constructed to provide access to the compound. Mr. Colasurdo indicated approximately 315' needs to be extended from the existing 600' drive. Mr. Teufert questioned if there is an adequate turn around area at the end of the driveway for a fire truck. Mr. Colasurdo indicated that he has designed a turn around area; however, he does not feel that a fire truck will be able to turn around.

Mr. Plotsky questioned Mr. Colasurdo as to their provisions for fire protection. Mr. Colasurdo indicated that there is no provision because there is nothing in this facility that could catch fire. It is non-combustible. If the board is concerned with this issue, he can put a fire suppression system inside the equipment shelter.

Mr. Plotsky questioned Mr. Colasurdo as to the height of the retaining wall. Mr. Colasurdo referred to Sheet Z-6 of the site plan. He indicated that the retaining wall is 3 tiered. There is one section that is 2'6", 2 feet back from that is a 2'6" section and 2 feet back from that area is another 2'6" section. Therefore it is 9'6" all together, but broken up into 3 sections. Mr. Knutelsky indicated that since the aggregate height is more than 4', this wall needs to be designed by a professional engineer, which would need to be a condition of the approval. Mr. Knutelsky referred to the disturbance limits around the compound on sheet Z-3 of the site plan.

- 5 -

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

NEW APPLICATIONS CONT.

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01 cont.:

This shows a very large disturbance area which will remove a lot of trees. He questioned Mr. Colasurdo that since the applicant is designing a wall and placing a wall on site was there any thought of placing a wall outside of the compound to avoid the large disturbances that take place. Mr. Colasurdo marked sheet Z-3 of the site plan as Exhibit "A-4". He indicated that they have not thought about placing a wall outside the compound, but they have looked into reducing the grading a little bit and one of the ways would be to take the 730' contour and bring it into the compound and use a little bit better cut and fill. He indicated that he will draw up another grading plan to be approved by the board's engineer as conditional of approval. Mr. Knutelsky indicated that the whole purpose is to try and avoid disturbances that will disturb some of the mature trees on the site. Mr. Knutelsky questioned Mr. Colasurdo as to the height of the trees around the compound. Mr. Colasurdo indicated that they have tree height noted at 79' and at 95'. Mr. Knutelsky recommended to the board that a condition of approval should be that the applicant provide the exact trees that need to come down based upon the disturbances. There may be some cases where some trees within the disturbance limits could be saved. Mr. Colasurdo suggested that after the applicant receives approval of a grading plan, he and Mr. Knutelsky could walk the site and mark out the trees that need to be removed. Mr. Dunn questioned Mr. Colasurdo if the retaining wall will be railroad tie walls. Mr. Colasurdo indicated that they will not be doing a retaining wall around the compound, but they will still need a retaining wall at the section of the access drive to lesson the slope. He further indicated at one time they were proposing a railroad tie retaining wall at the east corner of the compound, but decided against it. However, they will still have a retaining wall that will be a block wall. He did indicate that one of the notes from the wood timber wall was mistakenly left on the plan and will be removed on the revised plans. Mr. Teufert was concerned about the height of the wall with no guardrail to protect anyone from falling off the wall since the property is close to the Highpoint State Park and the Appalachian Trail. Mr. Plotsky suggested the board request special plantings on top of the wall. Mr. Colasurdo agreed. Mr. Teufert questioned the Zoning Officer, Mrs. Tufaro, if there were permits taken out for the trench that is shown on the plan for the electric that was installed. Mrs. Tufaro indicated that she would have to check with the building department as to the permits because this type of permit would not go through zoning.

Mr. Colasurdo submitted to the board Exhibit "A-4" which shows the detail of a typical concrete pad. He indicated that there was a question with respect to the difference between the grade and the finished part of the equipment shelter and if there would be a concrete pad placed in front of the compound.

Mr. Knutelsky questioned Mr. Colasurdo if the appearance of the stealth technology is in a conical formation (larger branches on the bottom and smaller branches on the top). Mr. Colasurdo indicated that it was and if the board requests this appearance the applicant will provide it. He does recommend this pole, if approved, is painted brown like a tree at the manufacturer because they do a baked on finish and then it will be assembled on site.

Appearing before the board was the applicant's RF (Radio Frequency) Engineer, Michael Littman. Mr. Littman gave his qualifications to the board and was accepted as an expert witness. Mr. Littman was sworn in by the board attorney.

Mr. Littman indicated that Verizon Wireless tests their network on a continual basis and has determined that they have a significant gap in wireless coverage on two significant roadways, Route 23 and Clove Road. Mr. Littman submitted to the board Exhibit "A-5" which is a United State Geological Survey map with two overlays of existing and proposed coverage. This exhibit

- 6 -

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

NEW APPLICATIONS CONT.

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01 cont.:

shows the proposed facility (Montague 3); an existing site which was approved by this board referred to as Colesville 2 at 8 Ranger Lane in Wantage which is located 190' above ground level on one of the AT&T Long distance towers; and a third tower which is in Port Jervis on top of the hospital at 120' above ground level. The first overlay on the exhibit represents reliable coverage from the existing facilities. He indicated that reliable coverage is defined as the ability to consistently make, receive and continue phone conversations. They design their network to a 95% reliability. This overlay shows approximately 2.3 miles along Route 23 that do not experience reliable coverage starting at around Clove Road and going south towards Park Ridge Road. There is also a gap on Clove Road starting at Route 23 for approximately 5.6 miles to Shore Drive. Mr. Littman referred to the second overlay of Exhibit "A-5" which represents coverage from the proposed facility. This exhibit shows solid coverage on the northern side of Route 23 as well as on Clove Road. With this tower, they will cover approximately 1.8 miles on Route 23 from Clove Road to about 1.6 miles north of Park Ridge Road and approximately 2.9 miles along Clove Road from Route 23 to Old Mashipacong Road. Mr. Solloway questioned Mr. Littman as to why they chose antennas at a center line of 100'. Mr. Littman indicated that the height was based upon the tree line. The tree line in the area is average 85'. In order to have reliable service, you should be about 20' above the tree line. Mr. Solloway questioned Mr. Littman if he was aware that the Montague Ordinance has a location priority and if he was aware if there were any township structures in the area where Verizon needs to put a facility to fill the gap he testified to. Mr. Littman indicated that there are no township structures in this area. He also questioned Mr. Littman if there are any available utility structures in the highway commercial zone that Verizon could have used to receive this needed coverage. Mr. Littman indicated that Verizon Wireless prefers to use existing structures; however there are no existing structures in this area that meet the needs. Mrs. Crawford previously questioned the applicant if they reviewed the letter from MARCH where they questioned the tower at the DPW off of Route 84 and if that tower could be used instead of building a new tower. Mr. Littman indicated that it would not meet the requirements on Route 23 because of the topography in the area. Mr. Barbagallo questioned Mr. Littman as to height of the tower and how it will affect co-location. Mr. Littman indicated that this tower is at the minimum height that Verizon could go at this time and co-locations may have to appear before the board to extend the height. He also indicated that they could go lower than Verizon and have some tree degradation as well; it depends on the size of their gap. Mr. Teufert and Mr. Dunn questioned Mr. Littman about the coverage and the proposed tower that was previously being proposed on Clove Road by the mini mall and if that tower would still be needed if this tower was approved. Mr. Littman indicated that there will still be unreliable coverage along Clove Road with this tower and the other site will still be needed, however, it may be able to be lowered than what they proposed.

Mr. Littman indicated to the board that the applicant does meet the FCC regulations and the State requirements which are addressed in the report dated September 10, 2009 submitted to the board with the application package.

Appearing before the board was the applicant's Planner, William F. Masters, Jr. Mr. Masters gave his qualifications to the board and was accepted as an expert witness. Mr. Masters was sworn in by the board attorney.

Mr. Masters indicated that the application before the board complies with all the conditions of the Montague Township Wireless Communications Ordinance, as well as the bulk requirements of the wireless ordinance and the C2 Highway Commercial Zone. He submitted to the board

Exhibit "A-6" which is 8 photographs, 4 of which are current conditions showing the balloon test and 4 of which are proposed conditions. Mr. Masters indicated the 4 photographs of the balloon test were taken on January 14, 2010. The balloon test was flown at the height of the

- 7 -

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

NEW APPLICATIONS CONT.

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01 cont.:

proposed tree pole. The 4 photographs of the proposed conditions are computer enhanced simulations of the proposed tree monopole. The photographs were taken to show the proposed tower from Hamilton Road and from the access driveway of the site. He noted that during the course of the balloon test he drove the surrounding area including Route 23 in both directions from the New York State line up to High Point Monument, Clove Road in both directions for 3 miles from its intersection with Route 23, Interstate Route 84 in both directions from the Port Jervis exit to the Matamoras exit. He indicated that he did not see the balloon at the entrance ramp onto I-84 westbound opposite the Days Inn. He further stated that the reason for the limited view shed in this particular instance is the result of several factors. First, the height that they are proposing of the pole, which is 100' which is relatively short. Second, the prevailing tree height, which varies in height from 79' to 95' (average being 85'). Third, the location of the monopole on the subject property is at a elevation of 729' where as the highest elevation on the subject property is 750'. Therefore, they are 20' below the highest elevation on the subject property, so the pole, itself, is not being proposed at the very top of the ridge line. Because of these factors the view shed of this subject site is extremely limited essentially to Hamilton Road.

Mr. Teufert questioned the RF Engineer if the tower was 10' higher would it greatly change the coverage area. Mr. Littman indicated that it would not greatly change the coverage area. Mr. Plotsky questioned Mr. Littman as to how high would they have to go to make a significant impact. Mr. Littman indicated that he looked at 200' feet in this area and it did not change the coverage that much due to the topography.

This matter was opened to the public.

Appearing before the board was Suzanne Brownlee, a surrounding property owner (Lot 3). Ms. Brownlee was sworn in by the board attorney. Ms. Brownlee questioned the applicant as to who contacted them to lease this property and if there are any structures on the property. Appearing before the board was the owner of the property, Patrick Fontana. Mr. Fontana was sworn in by the board attorney. Mr. Fontana indicated that he purchased this property approximately 10 years ago. He had a driveway cut in because he intends to build a house on top of the property. Mr. Fontana indicated that there is a 20' storage shed on the property. He also indicated in answer to one of the board members questions earlier, an electric permit was taken out for power to the property. He also indicated to Mrs. Brownlee that he contacted Verizon to look into a service in this area because he never has service at his property or this area of Clove Road.

There being no further public participation, this matter was closed to the public.

Mr. Colasurdo indicated that if the board requires the conical shape monopole, the height of the pole would need to be 10' taller to hide the antennas at the top. Mr. Dunn indicated that he was concerned about the visual impact and asked that the board engineer to give his opinion. Mr. Knutelsky indicated that there is higher elevation on the property from the proposed cell tower from the viewing angles. There is some perspective beyond it that will aid in masking the long range view. He further indicated that if the board is concerned about the height they may want the applicant to do another balloon test so that they can see the visual impact at 110' as proposed by the applicant. Mr. Solloway indicated that the board does not have the authority under the ordinance to do this because it is a permitted use. There was discussion by Mr. Solloway and Mr. Masters as to the wind factor involved in doing a balloon test. A balloon test can not be done when there is wind. Mr. Masters testified that he can only notify the board members 48 hours in advance as to when a test can be done when there is not going to be any

- 8 -

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

NEW APPLICATIONS CONT.

Cellco Partnership d/b/a Verizon – Preliminary & Final Site Plan & Conditional Use – Block 2, Lot 2 – 3 Hamilton Road – LUB 10-01 cont.:

wind. Mr. Innella indicated that the High Point Monument ridge is 2200' tall and he feels there is plenty of mountain to cover an extra 10'. Mr. Haggerty indicated that the permissible height in the ordinance is up to 120'. Mr. Innella questioned if the proposed home the homeowner testified to earlier will be outside of the fall zone of the tower. Mr. Fontana indicated that where he proposes to build his home is no where near the tower. Mr. Plotsky suggested the board allow the tower to be 120' as per the ordinance. Ms. Crawford questioned if they raised the tower height to 120' would the location still be in the fall zone of the property as required by the ordinance. Mr. Solloway indicated that it would still be within the fall zone. Mr. Colasurdo indicated that the top of the branches will be at 120', Verizon's center line at 110' (12 antennas at 100'; 12 antennas 90' and 12 antennas at 80'). This will be the potential of at least 3 additional co-locators at this facility.

A Motion was made by Mr. Plotsky and seconded by Mr. Teufert to approve the Preliminary and Final Site Plan and Conditional Use request of the applicant with the following conditions: 1) Fire Suppression System; 2) Revision in the grading plan subject to review and approval of the board engineer including the tree removal aspect so that they can mark the site so they can take the appropriate steps to preserve the vegetation; 3) Planting vegetation at the top of the highest tier wall; 4) The monopole to have a conical shape, painted at the factory brown; 6) 120' tower not including lightening rods; 7) Retaining wall being designed by a NJ Engineer. Roll Call: Mr. Teufert, yes; Mr. Ponce, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, yes; Mr. Dunn, yes; Mr. Plotsky, yes; Mrs. Snyder, yes; and Mr. Barbagallo, yes. The Motion was carried.

OLD BUSINESS

Sign Ordinance:

It was agreed to carry this matter to the next regular meeting of the Land Use Board.

Accessory Buildings and Structures Ordinance:

A discussion was held with regard to the provision to provide that there could not be a Certificate of Occupancy for the accessory building prior to a Certificate of Occupancy for the principal building, except to permit storage of materials used in construction of the principle building for a period not to exceed eight (8) months. Mr. Haggerty indicated the board needs to review this paragraph and decide if they want to keep eight (8) months or they may want to extend that time period.

A lengthy discussion was held with regard to location of an accessory building. It was suggested that an accessory structure would be allowed if the location meets the required front yard setback of the principal building. There were concerns of some board members that they do not want an accessory structure "in front" of a house obstructing the view of the house. Mrs. Tufaro indicated that the current ordinance states that nothing is permitted in the "front yard space" and there is no definition of "front yard space" in the ordinance book.

It was agreed to carry this matter to the next regular meeting of the Land Use Board.

- 9 -

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD FEBRUARY 11, 2010

VOUCHERS

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Mr. Plotsky to approve the following vouchers:

- 1) KSM Engineering regarding Youngman (Escrow) in the amount of \$93.75; and

Roll Call: Mr. Teufert, yes; Mr. Ponce, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, yes; Mr. Dunn, yes; Mr. Plotsky, yes; Mrs. Snyder, yes; Ms. Kennedy, yes; Mr. Guimes, yes; and Mr. Barbagallo, yes. The Motion was carried.

CORRESPONDENCE

The correspondence was reviewed. No formal action was taken.

PUBLIC PARTICIPATION

This meeting was opened to the public. There being no public participation, this meeting was closed to the public.

AJOURN

Having no further business, a Motion was made by Mr. Plotsky and seconded by Ms. Crawford to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ
Land Use Administrator