

**STILLWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

**Tuesday
May 31, 2011
Stillwater School
904 Stillwater Road**

MEMBERS PRESENT: Mr. Powell, Mr. Sarni, Mr. Saal, Mr. Hammond, Mr. Stachura, Mr. Daingerfield, Mr. Lippencott, Mr. Lockwood

MEMBERS ABSENT: None

ALSO PRESENT: Board Attorney Morgenstern; Board Engineer Rodman

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, May 31, 2011, at 7:30 p.m. at the Stillwater School, 904 Stillwater Road, Stillwater, New Jersey. The meeting was called to order by Mr. Lockwood in accordance with the Open Public Meetings Act.

The flag was saluted and roll call taken.

Mr. Lockwood announced that in accordance with the school policy the meeting would conclude no later than 10:30 p.m.

MINUTES

Mr. Powell made a **motion** to approve the minutes of April 25, 2011, seconded by Mr. Hammond.

Roll Call Vote: Mr. Powell, yes, Mr. Hammond, yes, Mr. Daingerfield, yes, Mr. Saal, abstain, Mr. Sarni, abstain, Mr. Stachura, yes, Mr. Lockwood, yes

HEARING

Nextel of New York, Inc. & JCP&L, Block 1703, Lot 21, Cal. No. 569

Mr. Sarni cited a conflict and stepped down from the hearing.

Mr. Meese, Esq. was present on behalf of the applicant. All notices appeared to be in order.

Mr. Meese provided a brief background on the cell tower application to be constructed on the Swartswood Fire Department property, initially heard on March 28, 2011. An alternate design has since been submitted to the Board for a flag pole. Mr. Meese stated a question has been raised regarding the municipal boundary line and this item would be addressed by the land surveyor.

Frank Colasurdo, Architect, would begin testimony to be followed by William Masters, Professional Planner and then Richard Gardell, Professional Land Surveyor, who will confirm the municipal boundary line.

Frank Colasurdo, Architect was still under oath. He referred to the Alternate Concealment Monopole Design dated 4/8/11 and marked into evidence as **A-15**. He indicated the base of the flag pole design would be white with a 50" diameter; 100 foot steel shaft decreasing to a 36" diameter for the remaining 50 feet of the concealment canister. A 250 watt spot light would be installed directly onto the flag pole; there would be no antennas or visible wiring and pole height would be slightly reduced with a flag pole ball located at the top. The facility would remain the same. With reference to ordinance section 240-116-13(2), Mr. Colasurdo testified that one parking space is required for every 3 chairs. Based on the number of chairs located in the fire department and including the four spaces removed for the construction of the wireless communications facility there will be an adequate number of parking spaces. Mr. Rodman agreed. In response to questioning by Mr. Meese, Mr. Colasurdo testified as to alternate locations on the site for the facility/tower. He referred to the L-shaped area on the side of the fire department building and indicated an entrance located in this area is necessary for access to the fire equipment during an emergency. An above ground oil tank is also located in this location. Mr. Colasurdo referred to Mr. Rodman's report dated 4/22/11 and indicated he had no objections. Mr. Rodman stated there are conditions contained in the report that will be addressed. In response to Board questioning as to why the access door could not be relocated and oil tank moved, Mr.

Colasurdo testified the entrance doors are the quickest access to the fire trucks from the parking lot and it is necessary to keep this area clear. The area to the north of the building consists of kitchen and storage areas. Mr. Lockwood noted that at this time the flag pole option has not been determined to be the official option of the Board. Mr. Colasurdo concluded his testimony.

William Masters, Professional Planner was still under oath. He reviewed and described the flag pole simulations in comparison to the monopole design. The photo simulations were marked into evidence as **A-16** (five balloon simulations) and **A-17** (five flag pole simulations). He testified the simulations were done using a four foot diameter helium balloon and a software program was then used to replace the balloon with the flag pole, both from various vantage points surrounding the site including Swartswood State Park, Little Swartswood Lake public access area, Route 622 in the area of the church, the township park, the church parking lot and the rear of the property. Mr. Masters indicated the suitability of the site is the same with the monopole or flagpole, noting the antennas will be interior with the flag pole option. He stated the balloon test simulated in the photographs was the same used in the original simulations.

In response to Board questioning, **Robert Bertona, Radio Frequency Engineer**, still under oath, indicated the coverage would remain the same with the flag pole option as the monopole design.

Richard Gardell, Professional Land Surveyor, was sworn in stating his qualifications which were accepted by the Board. Mr. Gardell testified he has experience working with municipal boundary lines. Mr. Gardell testified that he prepared the survey for the subject property and conducted a site visit. He explained that for municipal boundaries you begin with formation documents and move forward. Mr. Gardell provided a history of the establishment of the boundaries beginning in 1824 with the Warren County line at Green. He stated there were no changes from the boundary established in 1824 in the area of the Swartswood Firehouse. Mr. Gardell stated he is confident that the town line is a portion of the Lawrence Line of 1743 and was based on a retracement of the line by a team of surveyors. Changes were done for tax purposes during the 1970s, however they did not affect the municipal boundary line. Mr. Gardell testified that the survey plan submitted to the Board accurately depicts both the property line and the municipal boundary line. He stated the GIS line which is based on tax maps depicts the boundary line closer to the project. In response to Board questioning, Mr. Colasurdo determined the distance from the proposed flag pole to the municipal boundary line to be 126 feet and from the municipal boundary line to the GIS line is 100 feet.

Mr. Lockwood referred to the EIS/Comprehensive Plan and asked what process was used to choose the proposed site as opposed to a township property.

Steven Sofman, Tradition Wireless Consultant for Sprint/Nextel, was still under oath. Mr. Sofman provided a summary of the procedure he followed while searching for a tower site, stating he informed the Township Committee at a meeting during 2010 and was working with then Mayor Bill Morrison. Mr. Sofman was provided with a list of tax rolls that included all municipal properties. Each site on the list was reviewed according to its location, how it would fit with what the Township Committee was looking for and where the tower needed to be based on existing towers. Many properties were eliminated during this part of the process due to their small size, building constraints, being in a highly residential area, wetlands, radio frequency and engineering aspects. The search was narrowed to two specific properties: The first was located near 1035 Fairview Lake Road/YMCA Camp; the second was Stillwater Park. The property near the YMCA Camp was ruled out because it was purchased using Green Acres funding resulting in development being prohibited. Stillwater Park located across the street from the Swartswood Fire Department was ruled out when the Township Committee decided it did not want that property developed. In response to Board questioning, Mr. Sofman testified there were some properties in the subject area that were suitable with similar topographical and engineering aspects to the subject property. The fire department property was chosen as it was a quasi-municipal entity that services the town and would benefit the town. First Energy is the company building the tower, they provide energy to the town, they can use the Nextel technology for emergency services, and

needed coverage would be provided. Mr. Sofman indicated in his opinion the subject property is the most suitable and best place to put the tower due to the engineering, leasing and availability. Mr. Sofman explained he searches for a property, contacts property owners and submits those sites to the radio frequency engineers who enter the information into software to determine if it is approved from an engineering standpoint. Mr. Sofman testified municipal properties were ruled out, and he was directed to the fire department location by the Township Committee. He was not sure if the Volunteer Field site was suitable as that would be an engineering determination. In response to further Board questioning, Mr. Sofman indicated that two private properties were reviewed and the subject property is the one that made it to the final stage of engineering and was acceptable. He stated he announced at a public meeting what the intentions were, he worked very closely with the Mayor, Township Committee, Zoning Officer and Tax Assessor, and this property was determined to be the best location. Mr. Meese stated the applicant has put in a good faith attempt to work with the township and he referred to case law that indicates a municipal preferred ordinance is invalid as zoning based on ownership is improper. Mr. Lockwood asked the suitability of the proposed site in comparison to the YMCA Camp location and other considered sites. Mr. Bertona stated those locations were reviewed by an associate Rosario Conelli, RF Engineer. Mr. Bertona explained some sites were great from a radio frequency standpoint but not from a leasing, zoning, or constructability standpoint; a combination of all are necessary. Mr. Sofman stated he worked very closely with the Township, eliminating properties and deciding on a quasi-municipal property; noting the other option was to build in someone's backyard, in a neighborhood with other backyards. The proposed property is large and partly developed. Mr. Lockwood asked for a map to be drafted indicating the other locations that were considered and why they were ruled out. Mr. Meese summarized the procedure followed: 1)Municipal sites were reviewed; 2)Co-locating on existing structures; 3) Applicant was directed by the Township Committee to this specific site which would benefit the community rather than one individual owner. Mr. Meese felt the applicant has followed the intent of the ordinance. Mr. Meese agreed to have a map prepared with a list of properties considered within the search area. In response to Board questioning, Mr. Colasurdo stated the State Office of Historic Preservation has determined there would be no adverse affect within the area of the proposed location. Mr. Colasurdo testified no Letter of Interpretation has been obtained at this time as there are no wetlands within 150 feet of the property, which is the maximum buffer distance. Mr. Rodman recommended the applicant obtain a presence/absence of wetlands as a condition of any approval. With respect to the Environmental Impact Statement (EIS), Mr. Colasurdo explained the process used to draft the EIS, based on ordinance requirements and supported with documentation. Mr. Meese provided a copy of an email dated 3/15/11 re: Section 106 Notification of SHPO/THPO Concurrence, marked as **A-18**, indicating there are no historic properties in the area of potential effects.

Mr. Morgenstern questioned the structural integrity of the tower and he requested testimony from a structural engineer regarding the fall zone and support of the proposed antennas and future co-locators. Mr. Meese stated such information would normally be submitted with the building permit application based on the final design and foundation. He noted the facility would comply with all building codes and structural engineer certification will be supplied. Mr. Morgenstern stated due to the close proximity to the church and fire house he would like testimony indicating that the proposed design has structural integrity as it would be a public safety issue to satisfy the Board.

In response to questioning by Mr. Stachura, Mr. Sofman stated the Township Committee did not feel there were any municipal properties that were suitable for what they wanted. Mr. Sofman stated there was a municipal property located at Five Points in a quiet neighborhood that was appropriate and leasable; and also a private residential property located on West Shore Drive. Mr. Stachura felt minor construction modifications could be made to the firehouse to accommodate the compound and incorporate it into the building to make it less intrusive. There are two

alternate locations on the site: One is in the L-shaped area of the fire department and the other is toward the rear of the property. Mr. Meese agreed to address the rear location (eastern side of the building/right-hand side of the building when facing the firehouse).

At this point, Mr. Rodman reviewed his report as follows:

Subject: Preliminary and Final Site Plan and Variances request for Survey by Gardell Land Surveying – dated October 5, 2010

Site plan (6 sheets) by FC Architects – revised March 7, 2011

Drawing “Alternate Concealment Monopole Design” dated 4/1/11

Parking calculations, dated 4/8/2011

JCP&L/ Nextel Cell Tower – Swartswood Road Boundary

This is a variance and site plan application to the Stillwater Township board of Adjustment for permission to construct a wireless communications facility on property presently owned by the Swartswood Fire Department, located at 931 Swartswood Road. The facility was originally proposed to consist of a 150-foot monopole with 12 panel antennas located at the top. The top of the antennas was to be at 153 feet above ground level with a lightning rod at the top of the tower at a height of 156 feet. The application has now been revised, at the request of the Board, to an “alternate concealment monopole design” which resembles a flag pole which will fly a 12’ x 18’ American flag. The pole height will be 152’-3” to a decorative ball at the top. The application also proposes a 12’ x 20’ equipment shelter to house the supporting equipment utilized for the facility, which will be located within a 34’ x 30’ wireless communications compound, enclosed within an 8 foot high board on board security fence. The compound and equipment cabinet sizes have not been changed from the original application. The proposed equipment shelter has a gross square foot area of 240 square feet and is 11.25 feet high. The proposed facility is located in the Neighborhood Commercial District (NC) in which wireless communications facilities are a conditionally permitted use but do not meet the required conditions. Thus, use variance relief pursuant to N.J.S.A. 40:55D-70d (3) is required. A variance will also be required from Section 240-104G (1) which prohibits the erection of more than one principle residential or commercial building or use on one lot.

In addition, there are seven (7) bulk or C Variances required, five (5) involve setbacks for the tower, and two (2) involve the equipment building - one variance for height and one for area, see Stillwater Township Ordinance 240-114.

	Required	Proposed	Comment
Tower Setback	120% tower height (180 ft)	51’11” prop monopole to property line; 75’-5” prop monopole to ex. Building; 142’0” to closest adj. offsite structure	240-114J.(2)e.[1]
Tower setback to residential property	Greater of 300 ft or 300% tower height	274’-0” to residential property (block 1703, lot 20)	240-114J.(2)f.[1][b]
Tower setback to non-residential property	120% tower height	51’-11” to non-residential property (block 1703 lot 22)	240-114J.(2)f.[1][b]

This application was found incomplete at the February 28, 2011, meeting. Based on the zoning officer’s letter of March 18, 2011, she has now recommended this application be found complete. The Board voted to deem this application complete at the March 28, 2011, meeting. The hearing immediately followed this determination.

The following **additional comments** are made at this time:

1. The applicant’s planner, William Masters, provided testimony regarding the variances. **Subject to review.**
2. I would recommend that the applicant provide a metes and bounds description for the access easement and the monopole site. These easements should be included as an easement in the existing deed. This could be a condition of the certificate of occupancy. **Applicant agreed.**
3. It appears that this application does not trigger Stillwater Stormwater Regulations since impervious area is being reduced. I would recommend the applicant provide a statement certifying this condition as a condition of approval. **Applicant agreed.**

4. It appears that there may be wetlands or wetland buffer areas within 200 feet of this site. The EIS and aerial photograph submitted addresses wetlands and shows that wetlands are approximately 250 feet from this site. The “updated NEPA checklist for Environmental Effects Research Summary” number 6 states that “no wetlands or wetlands transition area exists within 150 feet of the proposed wireless communication facility.” I would recommend at least a presence/absence determination be obtained from NJDEP. This could be a condition of approval. ***Applicant agreed to obtain presence/absence.***

5. Removal and restoration provisions should be addressed with the possibility of posting a bond for that purpose. ***Mr. Meese agreed to have the Construction Official visit the site and require a bond if necessary.***

6. Any approval should be conditioned on the applicant obtaining a building permit and providing certification by an engineer that this tower has been designed to accommodate these antennas and possible additional carriers. ***Applicant agreed testimony will be provided.***

7. Any approval should be conditioned on providing the Board with an as-built drawing confirming the location and height prior to the issuance of the certificate of occupancy. ***Applicant agreed.***

8. Sussex County Planning Board deemed this application complete on March 31, 2011. Any approval should be conditioned on S.C.S.C.D. and any other applicable approvals or waivers. ***Received 4/19/11.***

9. The Environmental Committee has reviewed the EIS. A reply dated March 22, 2011 has been received. In addition, the EIS indicated in the NEPA land use screening checklist, that the applicant was still awaiting a response from SHPO regarding historic places. The applicant’s architect has provided this documentation. ***Dated 3/15/11.***

The EIS stated that no building would be permitted from August 1 thru December 15, due to nesting of bald eagles at Swartwood Lake. I assume this is a NJDEP requirement and should be a condition of any approval. ***NJDEP letter dated 3/10/11 re: tower may be constructed between 8/1 through 12/15/11. Letter marked as A-19.***

10. Prior to any construction, a pre-construction meeting must be scheduled and inspection escrows deposited with the township. ***Applicant agreed.***

11. New sheet Z-7 has been provided showing a landscaping plan and detail. The planting schedule shows fifteen (15) trees whereas the landscaping plan on the sheet and the note on sheet Z-3 indicate sixteen (16) proposed trees. I could recommend the schedule be changed. The architect provided testimony that sixteen (16) trees are proposed to be planted. Based on the discussion at the hearing regarding the landscaping, final numbers and locations of plantings should be resolved. ***Applicant agreed.***

12. The Board did discuss relocating the proposed pole closer to the firehouse. The applicant’s architect should provide testimony regarding this relocation. ***Applicant will address.***

13. The revised plan now shows detail for an accent light fixture which will be required if the flag is flown after dusk. The location and intensity of this light fixture is not shown on site plan. ***Applicant agreed to add to plan.***

14. The issue of required parking spaces was resolved at a meeting with the applicant’s architect. Based on Section 240-116.13(2) one parking stall is required for every three chairs. With the fire hall capacity of 92 chairs, 31 parking spaces would be required for functions in the firehouse. There are presently 35 striped spaces located on the east side of the fire hall. Four spaces will be removed for the wireless facility, which leaves 31 parking spaces, which is adequate.

Mr. Hammond questioned if there would be any interference with the helicopter landing zone at Stillwater Park located directly across from the proposed site. Mr. Meese stated there are no FAA requirements for helicopter flight paths and a helicopter can rotate 360 degrees. An FAA 2CC survey will be submitted.

At 9:00 p.m., a recess was taken. The meeting resumed at 9:10 p.m. and at this point was opened to the public.

Kathleen Bradley, 10 Eastside Drive, Newton was sworn in. She asked to read a letter submitted by the Hampton Township Attorney. Mr. Morgenstern stated the letter would not be admissible without a representative of Hampton Township present to read it into the record. The letter was not distributed to the Board or applicant. Mr. Morgenstern explained a member of the Township Committee must present the letter in person so they can be cross-examined. Mr. Lockwood explained the procedure for the public session, stating questions may be asked of the

applicant's witnesses and comments may be provided. Mrs. Bradley questioned and expressed concern with the accuracy of the municipal boundary established by Mr. Gardell and she referred to the 1824 deed for the subject property, the boundary survey and the existence of three township lines. Mr. Gardell explained the procedure he used to determine the municipal boundary. Mrs. Bradley felt the establishment of the Hampton municipal line should have been considered by Mr. Gardell. Mr. Meese asked for Mrs. Bradley to be qualified as a land surveyor. Mrs. Bradley stated she has worked in the title business for over 30 years, and has been called as an expert witness before, although she is not a licensed land surveyor and has not surveyed the subject property. Mr. Meese stated Mrs. Bradley does not have the proper training or licensing to present testimony in this matter but may ask questions about the survey. Mr. Lockwood stated Mrs. Bradley is questioning the municipal boundary and the Board is not seeking land surveying expertise from her in doing so. The following items were presented and reviewed by Mrs. Bradley and were marked into evidence during Mrs. Bradley's testimony as follows:

O-1 Boundary Survey, Gardell Land Surveying, LLC dated 10/5/10 for Block 1703, Lot 21 – marked and highlighted by Mrs. Bradley indicating three possible township lines.

O-2 Survey for Timothy and Tana Soja prepared by Jack E. Decker, licensed Land Surveyor, dated 7/17/86, Hampton Township line marked by Mrs. Bradley. *Mr. Meese objected to the testimony presented by Mrs. Bradley with respect to O-2.*

O-3 Drawing (plotting deed) by Mrs. Bradley based on Deed Book Page 400-198, Bogatko to Clonek dated 3/30/44, highlighted and marked township boundary lines through several properties surrounding subject site

O-4 Survey for Yves and Linda Helaudais, Block 1801, Lot 6 dated 10/17/83 prepared by Michael Berry Associates; reputed township line as per tax map was highlighted by Mrs. Bradley.

O-5 Communications Systems Right of Way and Easement, Deed Book 2669, Page 327, dated 10/7/02, between Swartswood Fire Department and United Telephone Company, including a map of the easement with the township line highlighted by Mrs. Bradley, with a metes and bounds description of the easement attached. *Mr. Meese objected to the map and the deed to which many alterations were made.*

O-6 Portions of the Stillwater and Hampton tax maps depicting the area of the subject site with the township boundaries highlighted by Mrs. Bradley.

O-7 Survey and Overlay for Block 1703, Lot 21, dated 3/6/11, prepared by Gardell Land Surveying, LLC, with the three possible township boundaries marked by Mrs. Bradley.

Mr. Meese objected to the witness referring to the opinions of other land surveyors during her testimony.

Mrs. Bradley summarized her presentation questioning the accuracy of the municipal boundary as established and the acceptance of the survey by the Board. She stated if there is an error in the location of the municipal boundary line, there will be ramifications such as property lot line adjustments, property assessments, children may have to change schools, legal issues, surveying issues, and endless other problems. She felt a determination needed to be made prior to a decision being made that will impact so many residents.

Mr. Morgenstern stated the Board is not a court of law and cannot make legal determinations, and it must rely on expert testimony on the matter.

Yves Helaudais, 197 Newton Swartswood Road, Hampton was sworn in. Mr. Helaudais asked if he owes taxes to Stillwater according to the survey done by Mr. Gardell. Mr. Morgenstern stated taxes are not a zoning issue.

Devin Basher, 21 Ike Williams Road, Hampton was sworn in. Mr. Basher asked for clarification on the State Historic Preservation Office/SHPO rules. Mr. Colasurdo stated the requirements are lengthy, and he reviewed the procedure for a determination to be made. Mr. Colasurdo agreed that cultural resources are considered by SHPO. Mr. Basher stated Swartswood Park is undoubtedly a cultural resource and asked the Board to consider public opinion and oppose the project.

Jacqueline Bray, 914 Ridge Road, Stillwater was sworn in. Mrs. Bray stated the World Health Organization has just compared cell phones with pesticides, recognizing the potential for cancer. Mr. Meese stated expert testimony was presented by Dan Collins indicating emission standards for the proposed facility will be 70 times less than the FCC standard. Mrs. Bray offered her property to Nextel, which has been destroyed by the installation of a JCP&L substation. She asked what the fee is to lease a property. Mr. Meese stated this information was irrelevant to zoning and a substation is different than what is proposed. Mrs. Bray stated the Board has a responsibility to the children of the township.

Jim Kleindienst, 1062 Route 521, Swartswood was sworn in. He asked if the Board was opposed to a fake tree pole. Mr. Lockwood stated a tree pole was not presented to the Board. Mr. Kleindienst stated that according to the Nextel website there are proposed towers for Culvers Lake and Hardwick and he asked why this tower needed to be 150 feet if there will be other towers in the general area. Mr. Meese stated expert testimony could be provided if necessary. Mr. Kleindienst stated the website indicates excellent coverage in Swartswood and he questioned why the tower is needed and why not construct it at the DPW or other municipal property. He expressed concern with the fall zone. He also referred to the flag simulation and asked if it was 150 feet or 100 feet as depicted. Mr. Masters indicated the flag is at 150 feet. Mr. Kleindienst asked the Board to consider a lower tree type pole if there is no other site and he stated he was not in favor of a 250 watt bulb due to light pollution. Mr. Bertona testified that the Culvers Lake and Hardwick sites would not provide coverage to this area due to topography issues.

John Bessler, 912 Morningside Drive, Swartswood Lake, Stillwater was sworn in. He asked for clarification on the procedure during the public session, which Mr. Lockwood reviewed. Mr. Bessler spoke on the negative visual aspects of the application, stating it would be in full view of the area lakes. He stated Andover Township has two towers with a number of co-locators and they receive \$147,000 per year plus \$60,000 from surrounding communities for emergency services.

Ken Bradley, 10 Eastside Drive, Newton was sworn in. Mr. Bradley referred to ordinance section 240-114(k)(2)(f)(1)(b) separation requirements for towers, including houses of worship, stating an additional variance would be necessary. This section requires a separation distance of 300 feet or 300% of the height of the tower, whichever is greater. After further review, Mr. Morgenstern agreed that both standards 240-114(j)(2)(e)(1) and 240-114(j)(2)(f)(1)(b) will apply. Mr. Bradley stated everything presented by the applicant is done to minimize the impact of the tower on the neighborhood. No views have been depicted from either of the lakes or the State Park. Mr. Bradley presented and reviewed simulated photographs marked into evidence as **O-8**, depicting views from both lakes, two locations at the State Park and the playground across the street. Mr. Bradley stated the Stillwater Township ordinance does not provide for any setback for a tower from a playground and it should be addressed. He referred to testimony by Mr. Masters indicating that areas around the lake would buffer the tower, and Mr. Bradley asked if there were any 15 story trees around the lake. He stated that Mr. Masters also testified that Swartswood Lake was a mile from the proposed site when it is actually 1360 feet according to their EIS report. He asked the Board to deny the application, stating it is not inherently beneficial, and it has not been proven there will be any public benefit. He also noted that Mr. Meese referred to case law involving Nextel and Fair Lawn, indicating he was surprised this was brought up by Nextel as they lost that case. Mr. Bradley asked for independent studies to be required by the Board for any tower site, including RF, DEP, and Endangered Species, to be paid for by the applicant. Mr. Meese stated Nextel won the Fair Lawn case, and Mr. Morgenstern confirmed, stating it was won in a Supreme Court decision. Mr. Morgenstern also explained the Nextel case determined that the radiofrequency issue is decided by federal law.

Sally Cable, 98 Mary Jones Road, Hampton was sworn in. Ms. Cable expressed concern with the fall zone not being addressed by the Board. She was also concerned with the tower catching fire, noting there are a number of instances when this and collapsing towers have occurred

involving new structures during 2009, 2010 and 2011 which have been documented and can be viewed on YouTube or Google. She asked the Board to consider the safety issues and the affect on home values.

Joel Pinsker, 930 Emmons Lane, Stillwater was sworn in. He stated that of the 190 locations reviewed, many were passed over due to constructability issues. He asked if the issue really came down to cost not constructability. Mr. Meese stated many were unsuitable due to environmental concerns and tree loss, both of which are not concerns with the subject site. Mr. Pinsker expressed concern with the requirement of a variance for the 150 foot tower. Mr. Meese indicated a height variance is not required. Mr. Pinsker questioned the need for coverage and asked the Board to reject approval as it is only for financial gain for Nextel. He felt Nextel should search for private sites or put up more but shorter towers that would not warrant such public outcry.

At this point, this portion of the meeting was closed for public testimony at 10:25 p.m.

Mr. Lockwood asked for following items to be prepared and addressed by the applicant at the next hearing:

-A map to be prepared identifying the other private or municipal properties that were considered, including an overall site analysis.

-An executive summary of the work done with respect to historic properties.

-Testimony by a structural engineer with respect to the structural integrity of the tower.

Mr. Lockwood noted the Board has not endorsed a specific design at this time.

Mr. Meese indicated he could not attend the meeting in June or July as he would be on vacation during those weeks. He consented to carrying the application to the August 22, 2011 meeting.

Mr. Powell made a **motion** to carry the application to August 22, 2011, at Stillwater School, pending availability, seconded by Mr. Stachura.

Roll Call Vote: Mr. Powell, yes, Mr. Hammond, yes, Mr. Daingerfield, yes, Mr. Saal, yes, Mr. Stachura, yes, Mr. Lippencott, yes, Mr. Lockwood, yes

BILLS

Mr. Daingerfield made a **motion** to approve the following bills, seconded by Mr. Stachura:

<u>Dolan & Dolan:</u>	General Monthly Meeting – April 2011	\$112.50
	Chaves – Escrow	\$150.00
	Cellco – Escrow	\$249.00
	Cellco – Escrow	\$337.50
	Nextel – Escrow	\$411.00
<u>Rodman Associates:</u>	General Monthly Meeting – March/April 2011	\$ 84.75
	Nextel – Escrow	\$988.75
<u>New Jersey Herald:</u>	2011 Legal Notices	\$156.65
<u>Staples:</u>	Nextel – Escrow	\$ 14.95

Roll Call Vote: Mr. Powell, yes, Mr. Hammond, yes, Mr. Daingerfield, yes, Mr. Saal, yes, Mr. Lippencott, yes, Mr. Stachura, yes, Mr. Lockwood, yes

Mr. Sarni rejoined the Board at this time.

There being no further business, Mr. Daingerfield made a **motion** to adjourn the meeting at 10:32 p.m., seconded by Mr. Powell. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder, Board Secretary

Laurence Lockwood, Chairman

