

**BOARD OF ADJUSTMENT
OF
TOWNSHIP OF KINGWOOD**



Address Reply To:

Secretary
P.O. Box 199
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**June 9, 2010
MINUTES**

M.L. Haring, chairwoman, called the meeting to order, at 7:30 pm.

PRESENT:

B. Wilson ,sec	P. Stepanovsky
M.L.Haring	D. Pierce, atty
T. Decker, eng	D. Hewitt
J. Laudенbach	
W. Grossman	

ABSENT:

D. Stryker
M. Przystup
C. McBride

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over- talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

The 48 hour requirements of the Sunshine Law have been met. Notice of this hearing has been advertised in the Democrat. Copies of this notice were posted in the Kingwood Township Municipal Building and filed with the Municipal Clerk. The Board of Adjustment proceedings close at 10:30 pm.

MINUTES:

The May 12, 2010 minutes was approved with a a motion by D. Hewitt, seconded by J. Laudенbach. On roll call to vote.

**Aye: M.L. Haring, D. Hewitt, J. Laudенbach, P. Stepanovsky
Absent: M. Przystup, D. Stryker, C. McBride
Abstain: W. Grossman**

RESOLUTIONS:

None

NEW BUSINESS:

Hearings:

Gail Ashley and Jeremy S. Delaney, Block 36, Lot 12 – a variance from the terms of Articles and Sections 132-30F (1) of the Zoning Ordinance of Kingwood Township so as to permit the renovations of the kitchen at the rear of

the dwelling. The existing dwelling does not meet the minimum front yard setback of 75' for a detached single family dwelling in the AR-2 Zone.

The "Affidavit of Service" and "Notice Served" satisfy the notice requirements and the Board may exercise jurisdiction and open the hearing.

Jeremy Delaney was sworn in, and informed the Board they are going to massively change the kitchen and double the footprint in size and update it to modern standards.

P. Stepanovsky asked about the 2 windows in the old kitchen as to whether he will be removing them and was told that they will move them.

Jeremy Delaney informed the Board that in the new kitchen they will be putting in a mud room, laundry room facilities and a pantry area. The bathroom that opens to the dining room will remain the same.

Jeremy Delaney also plans to build a patio and will use the stone from the back yard. The size will be 18' x 6'.

Jeremy Delaney informed the Board that the kitchen addition will be a one (1) story A frame, will be on a slab with radiant heating.

No questions from the Board members.

No landowners within 200 feet were present.

The hearing was closed.

The Board members have no problem with what is proposed.

P. Stepanovsky moved to approve subject to HCPB approval, seconded by B. Grossman. On roll call to vote.

Aye: B. Grossman, J. Laudenschach, D. Hewitt, P. Stepanovsky, M.L. Haring
Abstain: None
Absent: C. McBride, D. Stryker, M. Przystup

Cellco Partnership d/b/a Verizon Wireless, Block 37, Lot 4 – a variance from the terms of Articles and Sections 132-49 6 (2)R of the Zoning Ordinance of Kingwood Township so as to permit the collocation of a wireless telecommunications facility consisting of (9) panel antennae mounted to an existing guyed lattice tower together with ancillary equipment to be placed within an already existing equipment compound located in the AR-2 Zone. The property is located on 172 Byram Kingwood Road, Stockton, N.J. 08559.

William Grossman, Board member, recused himself.

David Pierce noted the "Proof of Publication" and "Proof of Service" satisfy the notice requirements and the Board may exercise jurisdiction and open the hearing.

David Pierce noted that the Board has four (4) members present this evening and this is a use variance requiring the affirmative vote of five (5) members. D. Pierce noted that Mr. Jones, attorney for applicant, could open the hearing this evening and continue it to next month or they could present the application this evening and provide a copy of the transcript for the absent Board members. Mr. Jones chose to proceed with the application and provide the transcripts.

Kevin Jones, from the law offices of Alan Zublatt, is the attorney on behalf of Cellco Partnership d/b/a Verizon Wireless. Verizon is a FCC licensed carrier that has a gap in their network and during their search found an existing tower for collocation on 172 Byram Kingwood Road. Kingwood Townships Ordinance for wireless communications encourages collocation on existing towers. The existing compound contains some of MCI equipment that will be used by Verizon and will be adding a fuel cell to replace the existing diesel generator. All FCC licensed carriers are required to provide backup. They are seeking a conditional use variance approval and they don't meet the one condition which is the proximity to an preexisting residential use. The antennae will be placed at 139 ft and the tower is 144 ft. high. Presently the State Police and AT&T have antennae on this tower and the existing MCI dishes will be removed. They are also seeking site plan approval as required by the ordinance for the placement of the equipment beneath the tower. The FCC has precluded zoning boards to discuss RF health effects and the report indicates that the applicant complies with both the Federal and NJ Radiation Protection Act standards.

Paul Dugan member of Millennium Engineering, was sworn in, stated his qualifications and was accepted by the Board as an expert in the field of EMF and RF emissions. P. Dugan testified that everything in his report is accurate.

Chelsea Gnesin was sworn in, stated her qualifications and was accepted as an expert. She informed the Board that Verizon is a licensed FCC carrier and when she did the search found that there was a gap in their coverage and found that within the search ring there was an existing tower. **Exhibit A-1** – USGS topographical map. The dots on the map indicate the following: **Yellow-on air; Orange-proposed sites; Green-proposed-this site.** She has two (2) overlays to show the coverage. The first depicts the green and shows the existing with the proposed site not in question today and the second which shows what the coverage would be with Kingwood 4 turned on.

M.L.Haring asked if it would encompass Federal Twist Road and all the surrounding area and was told **YES** by Chelsea Gnesin.

P. Stepanovsky noted that he sees that there are still places not covered and asked what their plans are for those areas. He was told that further to the east there are proposed sites but they're not in Kingwood.

M.L.Haring asked about the **Red dot** and was told that its a tower constructed by AT&T that they are proposing to collocate on, which is located on Hewitt Road, Stockton, N.J.

Christopher Nevill, engineer, was sworn in, stated his qualifications and was accepted as an expert. He will be referring to the set of plans submitted to the Board for Block 37, Lot 4 which currently has a lattice tower which both the State Police and AT&T have antennae on.. **SP2** shows a more detailed view. Existing is a 53'x43' compound for the existing wireless carriers and a 50'x50' compound the State Police use with a propane tank and generator.. The existing compound consists of three (3) equipment shelter and recently the 11-1/2 x 24' shelter has been removed because of the poor condition they were in. The 11' x 18' shelter used by MCI exists and this will be used by Verizon and close to that is the existing AT&T outdoor equipment cabinets. The northwest corner of the compound currently has a propane generator used by MCI and a 1,000 gal. propane tank. (tank is currently empty). They propose to remove the tank and the shelter and generator that is there now and replace it with a hydrogen cell emergency power supply for the shelter. There will be two (2) sets of cabinets approximately 3'x5'-8' high. One cabinet will house the hydrogen and the other the chemical process area. This is a non combustible process and has a noise level of 55 db at 3 feet away and at 35 to 40 feet would disappear...no discernible noise when running. And will only be used for emergency services. The cabinets are ballistic rated and are also tested for brush fires. They are a very safe and reliable system. They are proposing to install their antennae at 139 feet on the existing tower. They are removing the MCI dishes and with the installation of the nine (9) Verizon antennae this tower is at 65% of its capacity according to the structural analysis..

M.L.Haring asked about the safety since this is located on a hunting club and was told that the cabinets are rated for shotgun blasts and are ballistic rated.

Tom Decker, Board engineer, had no questions regarding the hydrogen cell since his comments has been addressed..

Mr. Decker noted that when the MCI dishes are removed the tower will be less noticeable. He asked that the plans be revised to show the existing conditions and correct the wrong scale.

D. Hewitt asked about the generating system being run periodically and what it involves and was told on this particular site it won't be because of the limited fuel capacity.

T. Decker asked about the reliability and is the hydrogen cell more reliable than the diesel and was told it's about the same. (98.6 reliability)

J. Laudenbach asked how long it would run with the fuel in there and was told approximately 60 hrs of emergency backup power.

M. L. Haring asked about the existing chain link fence and was told that they could go back and tighten certain areas and see that there are no open holes in the fencing.

P. Stepanovsky asked about the vegetation around the fence and was told that there is a clear area of about 4 or 5 feet around the outside of the compound area but by the State Police it's more overgrown. In the upper NW the vegetation consists of trees and as you get to the western and southwestern side it's trees and more scrubs, it's mostly natural growth.

P. Stepanovsky asked how many more can collocate on this tower and was told that that is a tough question to answer because it depends on the size of the antennae. It's currently at 65% capacity now so a rough guess would be maybe two (2) or maybe more depends on the size.

P. Stepanovsky asked if the State Police take care of their own and was told that it's a separate compound area and is outside of the lease area for the tower itself.

No questions from the Board.

Exhibit A-2-Spec Sheet for the Hydrogen Fuel Cell

This is an unmanned facility with 24 hour monitoring remotely.

Tsvia Ader, Sr. Planner, was sworn in, stated her qualifications and was accepted as an expert. She stated that she reviewed the engineering drawings, zoning ordinance and master plan. She also visited the site and took photos.

Exhibit A-3 – Aerial photo

Exhibit A- 4 and A-5- Photo Simulations

Ms. Adar reiterated that the applicant is seeking relief as a conditional use -the existing facility is on the same lot as a residential use and the distance to the residence is 165 feet instead of 500 feet. They are both existing and both approved before. They are 23 feet lower than the existing antennae and their equipment will be inside the existing shelter. The property consists of over 100 acres. The site is still suitable and can accommodate the use without making any substantial change to what's existing, it's a benefit to the public, is consistent with the ordinance and Master Plan which encourages collocation, meets the criteria for a D-3 variance and has no detriment to the public good and doesn't impair the Zoning Ordinance or Zone Plan.

P. Stepanovsky was questioning the location of the antennae. The State Police is at the top and Verizon will be in the middle and the AT&T below.

No property owners within 200 feet to ask questions of the applicant and no members of the public.

Kevin Jones, attorney, will give his summation and overview at the June 14th meeting.

P. Stepanovsky moved to adjourn, seconded by J. Laudenbach. On roll call to vote.

**Aye: J. Laudenbach, D. Hewitt, P. Stepanovsky,
M.L. Haring.**

Abstain: B. Grossman

Absent: C. McBride, D. Stryker, M. Przystup

COMMUNICATIONS/REPORTS:

Alexandria Twp Planning Board-Hearing to amend Alexandria Master Plan and Adopt Housing Plan Element and Fair Share Plan.

Kingwood Township minutes for: 4/12/10, 4/21/10, 5/4/10.

Proposed revised Kingwood BOA variance application. B. Grossman made a motion to accept and approve the new application, seconded by D. Hewitt. On roll call to vote.

Aye: B. Grossman, J. Laudenbach, D. Hewitt, P. Stepanovsky

M.L. Haring

Abstain: None

Absent: C. McBride, D. Stryker, M. Przystup

OPEN TO PUBLIC:

P. Stepanovsky asked that a reminder be put on the bottom of the agenda to call the Board Secretary if unable to attend the meeting.

ADJOURNMENT:

D. Hewitt moved to adjourn, seconded by B. Grossman.. The meeting adjourned at 8:45 pm. All in favor.

Barbara Wilson
Secretary
Board of Adjustment
Kingwood Township