

**BOARD OF ADJUSTMENT
OF
TOWNSHIP OF KINGWOOD**



Address Reply To:

Secretary
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**August 10, 2011
MINUTES**

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

PRESENT:

D. Hewitt
M.L.Haring
P. Stepanovsky(7:35)
B. Wilson, sec
T. Decker, eng

C. McBride
D. Pierce, atty
J. Laudenschach
T. Ciacciarelli

ABSENT:

L. Frank

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 Courier News. 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.

RESOLUTIONS:

Frenchtown Solar I, LLC- BL 12, L 16 & 16.01- D. Hewitt made a motion to approve, seconded by C. McBride. On roll call to vote.

Aye: C. McBride, J. Laudenschach, D. Hewitt, T. Ciacciarelli

Absent: L. Frank

Abstain: P. Stepanovsky, M.L. Haring

Russell & Brenda Oakes- BL 14, L 28.01 – D. Hewitt made a motion to approve, seconded by J. Laudenschach. On roll call to vote.

Aye: C. McBride, J. Laudenschach, D. Hewitt, T. Ciacciarelli, M.L. Haring

Absent: L. Frank, P. Stepanovsky

Abstain: None

MINUTES:

T, Ciacciarelli noted on page 7, 6th line – order should be auto.

J. Laudenbach made a motion to approve with correction, seconded by D. Hewitt. On roll call to vote.

Aye: C. McBride, J. Laudenbach, D. Hewitt, T. Ciacciarelli, M.L. Haring
Absent: L. Frank
Abstain: P. Stepanovsky

NEW BUSINESS:

Christopher Wildgen/Chris' Citgo – BL 9, L 2.01 – an Interpretation of the Zoning Ordinance under NJSA 40:55D-70(b) that parking requirements under Section 132-33H (12) and Section 132-102 (10) of the ordinance are minimums and approval of a C (1) non-use variance to increase the number of parking spaces and an amended Preliminary/Final site Plan for the installation of 25 parking spaces. The property is located on 963 State Route 12, in the VC-1 Zone.

Gaetano DeSapio is the attorney for the above applicant. It is a true service station and the only one in Kingwood Township. The gas station has been in existence since 1954. He began operating in 1998 and in 2001 he appeared before the Board with an amended site plan application and in that approval the Board had granted approval of 14 parking spaces and a limitation as to how many cars could be outdoors over night. Due to an increase in business that number is not adequate to accommodate the vehicular traffic so now they are asking to increase the number of parking spaces to 29 and the layout be changed from the approval granted in 2001 and they would like to continue with more than the number of cars parked overnight. Currently, the parking area is fenced on three sides and they are proposing to put a gated fence at the entrance so that no one will be able to see what's behind it. In order for them to proceed they have asked for an Interpretation of the Zoning Ordinance, and they will make a presentation and then would ask for an Interpretation from the Board. The Interpretation has to deal with what the intent of the Zoning Ordinance is, whether it requires parking that it sets the maximum # of spaces you can have or the minimum # you must have and they will make an argument about that after Mr. Wildgen testifies. They will be talking about the Zoning provisions that deals with parking 132-33 H-Minimum off street parking. They were here on April 13th and the Board determined that the application was complete and the appropriate notice was given. Gaetano went on to thank the Board for approving adjournment for a # of months and they are now prepared to proceed if the Board would like to swear in Mr. Wildgen.

Christopher Wildgen, sworn in, informed the Board that he resides in Somerville, N.J. and that he owns the property/business together with his wife Donna. He has owned the business since October 1998. He described the service station and that he is there 7 days a week and the only day he is closed is on Christmas. He services a lot of locals and out of state on weekends. His business has grown every year and the gas traffic is in and out. His business consists of pumping gas and repairs such as fixing a tractor tire to installing a motor in a vehicle. Often people drop there cars off at night and leave a note in it because they know he'll be in, in the morning. He also has a # of vehicles towed there at night waiting for him in the morning. He tries to accommodate everyone and park them where he can. He needs to be able to park more than originally approved by the Board so he contacted his engineer, Mr. Martin and asked what he could do. Mr. Martin prepared a plan which was submitted to the Board that would increase the # of parking spaces to 29. The deli that was there has not been operating in the last 6 to 7 years and that space is now his office and sitting room. The existing parking is behind the building, to the west, facing Frenchtown and along the front of the office. They are proposing changes to the fence, in the rear with a gate, so that the public will not see the vehicles. The only people permitted to go back there are the owner and employees and emergency vehicles, if necessary. The east side of the property, facing Flemington, has a fence (neighbor next door).

Questions from the Board.

D. Pierce noted an error in Mr. Wildgens testimony that the prior approvals were granted by the Kingwood Township Planning Board and not by the Kingwood Board of Adjustment. In 1998 when he took over the property there was no change in the existing use except for the addition of the Deli and since the Deli was a permitted use in the VC 1 Zone he was able to proceed before the Planning Board with respect to the application for a site plan for the Deli which incorporated the existing operation of the service station and that was finalized in 2001.

Gaetano DeSapio apologized to D. Pierce and the Board for that error.

M.L. Haring stated the the plans (page 2) shows the existing and proposed parking spaces and she's only coming up with 28 spaces.

Edward B. Martin, sworn in, is a licensed professional engineer and surveyor in the State of New Jersey.

Gaetano DeSapio and Mr. Martin came up with the following parking spaces:

1. North of lot= 9 spaces
 2. Easterly boundary= 11 spaces
 3. Back of building= 3 spaces
 4. Easterly side= 5
 5. Adjacent to garage on left-proposed handicap= 1 space
- Total= 29 spaces

M.L. Haring asked if the Board has any other questions.

M.L. Haring asked D. Pierce if they need to act on the Interpretation first and was told YES.

Gaetano DeSapio asked David Pierce if it was okay to hand out copies, to the Board members, that he made of 132:68 & 132:69-**Section 132-33 H of the Kingwood Zoning Ordinance** for his presentation and was told that it was okay.

Gaetano DeSapio stated that under the statute the Board has the statutory authority to interpret provisions of the Zoning Ordinance but the question is- do the standards in the ordinance establish a maximum # of parking spaces you can have with a use and or a minimum # of parking spaces-**Section 132-33 H** which comes from the **VC-1-Zoning Requirements**-to him it's clear, the heading on **H** says Minimum off street parking and nothing talks about you shall have no more than 14 units if you have a service station or 5 units per bay and he would suggest there is a logical reason for this and that reason being a minimum and the people who design zoning ordinances think of what's a typical need given a certain use and they say from their experience elsewhere they know a bank usually generates so many customers that are going to park and walk in and therefore, since part of reason of your Zoning Ordinance is safety, your ordinance will say to an applicant, in order to safely accommodate the customers, you need to have a certain number of spaces per square feet in the building or bays in the garage but since the important thing is safety that provision has to be a minimum because it wouldn't make sense by law or logic to say even though this use generates X number of vehicles and people are parking behind each other and blocking the entrances and parking along the street, our ordinance says you can't have any more than a maximum number of spaces – that isn't an appropriate interpretation of a zoning ordinance. There may be other factors to consider, such as circulation and that's what they'll get to in the next step of this proceeding- all of those are important such as whether it's safe, the size, location but the actual number he feels is clear in the ordinance, in 132-33 H, it says "Minimum off street parking". At this time he (Gaetano DeSapio) is not asking the Board to give Mr. Wildgen 29, 28 or 27 parking spaces-what he's asking is that the Board make a determination so they know how to go to the next step.

M.L. Haring asked what the actual sq. footage of the shop is and was told 2,694 sq. feet. M.L. Haring so, if you look at 132-33 H (12) – it's approximately 11 spaces.

Gaetano DeSapio read from the Planning Board Resolution, paragraph 16.

Gaetano DeSapio again noted that they are not looking for the Board to make a decision on the merits on how many parking spaces he (Wildgen) is to have.

Mr. Martin, engineer, stated that the actual sq. footage is 1,542—the number he gave before included all the buildings on the site.

Gaetano DeSapio read from 132-33 H (!)

P. Stepanovsky asked David Pierce a question about the case (Wildgen) that went before the Planning Board and why did they send them 4 spaces as the maximum. David explained that the reason they did that is because you can't just look at 132-33H—you have to look at 132-33 in its entirety, and you start by looking at what are the permitted uses in the VC-1 District, and service stations are not a permitted principal use in that District, so it's a non conforming use in that District. If you look further into 132-33B and is not even permitted in the VC-2 District but in 132-33D auto service stations are permitted as a conditional use in the VC-2 District but not in the VC-1 District. The Planning Board's interpretation was, and it's not binding for this Board, that the provisions under 132-33H did not apply to that application because it was not a permitted use. The Planning Board determined that 132-33H would apply if it were a permitted use within that District. Section 132-102 contains standards for approval of various conditional uses. Section 132-102C deals with Auto service stations so, if this property was located in the VC-2 District, even though the general parking provisions of the VC-1-VC2 District Ordinance 132-33, provided Mr. DeSapio has recalculated the conditions set forth in 132-102 would control and take precedence over the general conditions. Section 132-102C deals with Auto service stations and (10) states. **“Automobile service stations shall provide one space per 250 square feet of gross floor area for office use, plus four spaces per bay or work area in the service areas. Parking shall be screened from surrounding residential land uses by landscaping, fencing, wall, berm or combination of these as approved by the appropriate board and in accordance with 132-53. This screening shall not be part of the landscape requirement denoted in Subsection C(5) above.”** Given those Ordinance provisions the Planning Board's decision was that the provision in 132-102C (10) control the parking and because it was a conditional use, in order for it to be allowed without a use variance it had to meet those conditions. The Planning Board felt that would be the maximum allowed without a variance.

David Pierce disagreed with Gaetano DeSapio interpretation of the Planning Board's Resolution, paragraph 16 and explained that the Planning Board determined, per ordinance, the most per bay which would be 8 (2 bays) and 6 for the Deli (3 for Deli is a minimum) which totals 14 parking spaces.

M.L. Haring asked David Pierce if the Deli was considered a restaurant because their interpretation could be under 132-33H (7) **“Restaurants shall provide one space per three seats”** and that could have been the addition of the parking spaces because there were quite a few tables in there back then.

C. McBride stated that when David Pierce read from the Planning Board Resolution, he stated that there was an absolute limit, so is that an absolute upper limit or absolute lower limit.

David Pierce feels it's both and he stated that his interpretation and the Planning Board's interpretation of the conditional use Ordinance is that it states **“automobile service stations shall provide 4 parking spaces per bay”**.

C. McBride stated so in the mathematical sense limit is up to but not exceeding—it's not precise.

C. McBride asked if there is a difference, in the code, between what would be considered a parking space and storage space because when you put a fence up there does that change those parking spaces because they're not

accessible and then you don't have the parking - so you may be defeating your own purpose by saying I need more parking spots so I can have people drop off cars, but if there's only 2 parking spaces in front of the fence you can't drop off any more than 2 cars.

David Pierce stated that his expectation is that there is a prohibition of outside storage.

David Pierce stated that this Board can make it's own determination and interpretation of the Ordinance.

David Pierce read from 132-33J(3) -General requirements pertaining to storage and 132-102C(4)-Conditional Uses for Auto service stations which pertains to junked motor vehicles or motor vehicles incapable of normal operation etc.

David Pierce informed the Board that it has heard the relevant issues and sections and they may discuss what their feelings are in terms of what the interpretation should be.

David Pierce added that it's his belief that the Section in 132-33H is actually left over from a time when auto stations were a permitted use in VC-1 or VC-2 District, and it's simply an omission that when they changed it to a conditional use nobody thought to remove that, because it is inconsistent with the conditional use standard in 132-102C.

Gaetano DeSapio, for the record, doesn't see the word maximum in 132-102C(10) or 132-33.

M.L. Haring feels they should ask the members of the Board how they interpret this and see if they can come up with a plausible answer.

M.L. Haring stated that her interpretation is that it indicates permitted uses in the VC-1 and VC-2 areas, after that with the parking and anything else beyond that applies to the permitted uses in those respective areas and anything other than that is a cause for a variance. If it's not permitted in the district they need a variance, including the parking, because if we start changing what we really think this means than there's no guidance, this is what it is.

P. Stepanovsky stated it's not a permitted use under the VC-1 District, in the VC-2 District it's a conditional use. He don't think the issue is minimum or maximum doesn't really apply-the Planning Board said this is what they are entitled to and anything beyond that they would need a variance.

M.L. Haring feels that because a service station wasn't a permitted use, they used this ordinance as a guidance.

P. Stepanovsky stated that in the Planning Board Resolution they did say maximum, now if they want to go to a larger one, an interpretation, they need to go for a variance since there are no service stations allowed in the VC-1 District. They would need to prove that the amount of parking that they want will be a benefit to everybody.

J. Laudembach doesn't see any maximum on any of the township requirements-every reference he sees is for minimum for everything and anything.

D. Hewitt interprets it as a minimum, however, you have to address it by a case by case basis on the lot size etc. and it's kind of running down a slippery slope when you have a very small lot and trying to interpret the number of spaces, but as he's reading it, it's minimum.

T. Ciacciarelli agrees with M.L. Harings' analysis and feels the proper venue is a variance.

C. McBride thinks there is sufficient conflict in documentation they've seen and heard, it is a minimum number here, the 4 per bay and parking spaces per square foot allocation, is a minimum. That's just the way the document is reading, it may not be the intent but that's how it's reading.

M.L. Haring asked David Pierce what the next step is and was told that a motion should be made as to the Interpretation of the Ordinance that it provides for a minimum or it provides for a maximum. David noted that 132-33H is not applicable to this use because it's not a permitted use in the VC-1 District.

M.L. Haring stated that it could be summed up that Section H is the minimum for a permitted use and anything outside of that you would need a variance and parking should be a part of that variance.

P. Stepanovsky made a motion that Section 132-33H provides for a minimum number of parking spaces. However, it's applicable only to permitted uses in the VC-1, VC-2 District, if it's not a permitted use within the VC-1, VC-2 District that Section would not apply and permitted or required parking would be determined in conjunction with a use variance application, seconded by T. Ciacciarrelli. On roll call to vote

Aye: J. Laudenschach, D. Hewitt, P. Stepanovsky, T. Ciacciarrelli, M.L. Haring
Absent: L. Frank
Abstain: None
Nay: C. McBride

Gaetano DeSapio asked if he needed a C variance or D variance and was informed by David Pierce that he would need a D variance because it's an expansion or increase of the intensity of a non conforming use..

Gaetano DeSapio asked the Board to adjourn until next month so they can file an amended application. They consent to an extension of time.

Nextel of New York, Inc. & JCP&L Co. -BL 26, L 24- a use variance so as to permit the construction of a wireless communications facility on property located on 68 Featherbed Lane, Stockton, N.J. 08559, in the AR-2 Zone.

David Soloway, attorney for the applicant, noted a number of housekeeping that needed to be submitted to deem the application complete. They are as follows:

1. **Proof of application to the NJDEP for the LOI.**
2. **Proof of filing to the HCSCD.**
3. **Info on location of well and septic. (Letter from the property owner stated there are no septic systems on the property and the well is behind the 1st garage.)**

The hard copy of the 170 page LOI application was given to the engineer who in turn submitted to the Board Secretary.

The next order of business would be to deem the application complete. T. Ciacciarrelli moved to deem the application complete, seconded by C. McBride. On roll call to vote.

Aye: C. McBride, J. Laudenschach, D. Hewitt, P. Stepanovsky, T. Ciacciarrelli, M.L. Haring
Absent: L. Frank
Abstain: None

D. Pierce stated that the Proof of Service and Notice served has satisfied the notice requirements of the MLUL and Township Ordinance and the Board may open the hearing.

David Soloway, esquire, informed the Board that this is a joint application of Nextel with JCP&L.

JCP&L is a subsidiary of First Energy. The submission of this application is to improve its communications system to deal with emergency situations. When there is a power failure they want the ability to be able to communicate with each other and in order to do that they need a good communications network. They approached Sprint/Nextel and worked out an agreement. This application is to construct a 150' monopole, 154' with height of the antennae and a lightning rod that would make it 156'. The monopole will consist of 12 panel antennae. There will be a 12' x 23' equipment shelter that will be located inside of a 60' x 60' compound enclosed with a chain link fence. The property is a semi abandoned farm. The site is 62 acres and the proposed monopole will be 600' from Featherbed Lane, 400' from the nearest side yard and 1,900+ feet from the rear property line. Under the Kingwood Township Wireless Communications Ordinance this use is permitted as a conditional use. You're permitted to collocate on existing towers, on existing structures (non-towers), construct new on township owned land and if none of the above mentioned are available new towers are permitted in the HC and BP Zones. This property is located in the AR-2 Zone-the use isn't permitted so they need a D1 variance and the height limitation in this zone is 35' and in permitted areas it's 180'. They are trying to comply with the bulk variances and set backs for permitted wireless communications facilities. Equipment shelters are limited to 200 square feet in area, 10 feet high and they are proposing 240 square feet, 10' 9". David Soloway is not sure if it will be visible from off the property since it's 400' away. They have not applied for a concrete silo which the ordinance seems to prefer. A 154' structure with a dome on top would be massive and doesn't make any sense since they typically run from 40,' to 50', not 160'. They feel since JCP&L is a co-applicant and they're a utility it would qualify as being a beneficial use and would satisfy the positive criteria for the use variance. Being a wireless communications facility, different conditions are required than a typical use variance. The positive criteria as well as the negative criteria will need to be addressed. They will be presenting four (4) witnesses to testify- Dan Collins from Pinnacle, Frank Colasurdo, architect, William Masters, professional planner and Glenn Pierson, designs radio systems.

Dan Collins, sworn in, gave his background and qualifications. He went on to tell the Board that he has been hired by the applicants to determine whether the radio frequency at this site would be in compliance with the FCC and NJ standards and those findings are in the report from Pinnacle Telecom Group. The FCC has standards that is certified by medical and scientific experts as being safe for human exposure. The calculation of a radio frequency level around antennae depends on the height, amount of power that's delivered and emitted and antennae characteristics. Downward is his interest since this is where the people are. They assume that Nextel will operate at maximum power and maximum channels on a continuous basis. The system is limited to 36 channels divided into 3 sectors-12 channels per sector. Nextel allows 20 channels so they used that in their calculation. They talk about radio frequency levels as a percentage of the FCC's exposure limit-not to exceed 100% and anything above that would not be in compliance. The maximum radio frequency level around this facility is a little more than 1/10th of 1% or 940 of the FCC standard. The states limit is actually five times less protective for human beings than the federal limit. Presently the property is unoccupied but if it were the radio frequency levels inside or outside the house would be insignificant.

D. Hewitt asked about the radio frequency from this tower and the radius. Dan Collins stated that the person to address that question would be Glenn Pierson who deals with coverage.

T. Ciacciarelli-would Glenn Pierson be the person to address what frequency range we're talking about? Dan Collins stated that the range is 851 to 866 megahertz from the tower.

T. Ciacciarelli- what about cellular range? Dan Collins stated that it's in the basic cellular range-Verizon is a little higher (869) and AT&T is 868.

T. Ciacciarelli- What about the 20 channels per sector and how do they do that? Dan Collins explained that they divide up, using the TV as an example....in the old days when TV had a knob you turned it from 2 to 13 to capture over the air stuff, that moved the frequency pass filter from down low (channel 2) to high (channel 13). If you have 851 megahertz on low and 866 on high - the technology divides this up 20 ways and each channel

is considered, the 1 channel with the maximum being 20.

Dan Collins stated that multiple users can use a single radio channel but 20 channels is the max- 36 for the site and 20 max in one direction.

No more questions from the Board,

Questions from the public since Dan Collins will not be appearing next month.

Richard DeCroce informed Dan Collins that he is located west of the property and it's what he will have to look at all the time and asked why they picked this site and not a site in the BP Zone which is 2.7 miles away.

David Soloway informed Mr. DeCroce that Dan Collins is the wrong witness to address his question.

P. Stepanovsky and D. Hewitt explained to Richard DeCroce that Dan Collins is answering questions pertaining to frequency.

Glen Pierson, sworn in, gave his background and qualifications and informed the Board that he has 25 yrs. experience in designing radio systems. He informed the Board that he visited the site and the surrounding area. He is familiar with the coverage layout of Nextel and the subject property. Nextel has a license issued by the FCC which they obtained in the early 90's for their push to talk system. He has some knowledge of the relationship between Nextel and JCP&L. JCP&L has radio communications in their trucks and their own private system which allows them to communicate with each other in their operating area. That system is antiquated and they're looking to upgrade and have a better communication coverage which would allow them to deploy people wherever they are needed. JCP&L is going to migrate to the Nextel system and so because of this Nextel is bolstering their coverage. He went on to explain that there's a need in this area due to a coverage gap or gap in the service and that existing facilities established by Sprint/Nextel don't provide service in the area that they're proposing the site. **EXHIBIT A-1, dated -8/10/11-"Sprint RF Design"**. Question if it's Featherbed Road or Lane!! The street sign reads ROAD. All documents stating Featherbed Lane should be Featherbed Road. This exhibit is a base map printed from the USGS topographical map. It's to scale-1' = 2,000'. Route 12 runs across the north part of the exhibit from east to west and the Delaware River runs down the left side and crosses the exhibit on the bottom. (North is up) This exhibit consists of dots and the **green dots** indicate **Nextel sites** that are on the air. The **blue dot** is the **proposed** (Featherbed) located in the center. The **yellow dot** is **future site** (Byram Kingwood Road). The first site, in the upper left hand corner, is a **water tank** along the Delaware River (Frenchtown). The, **in the center**, is the **Kingwood Firehouse** (180' lattice tower). **Croton**, upper right side along Route 12, there's a **monopole**. **Sergeantsville**, center right, there's a **tower**. There's a dot in Solebury, Pa. an existing. They (Sprint/Nextel) have the Featherbed Road and the Byram Kingwood which they propose to collocate on-planned future site.

D. Hewitt asked if they were aware that the first thing that they look at is if there are other structures that may be available and are they aware that Hewitt Road has an existing monopole

in Delaware Township. Glen Pierson replied yes that they did know that.

D. Hewitt thought it was a 150' monopole and was told it was 120'.

D. Hewitt stated that he guessed it was capable of 150' and Glenn Pierson responded that he thought he was correct.

D. Hewitt thought it ironic that that is what they are proposing here and that the elevations are quite similar.

Glenn Pierson stated that that area consists of a lot of rolling terrain, you've got highs of 171' just off of Featherbed which is west of their site and a little bit south where the power lines run through and that goes up to 571' above sea level, and then you go down to the streams and creeks at 300'. Hewitt Road is actually in a low spot and only covers that one particular valley along Route 519. Elevation matters since radio signals don't go through hills it's more like a line of sight communication.

Questions are only allowed after the witness completes his testimony.

The first overlay would be equivalent to **EXHIBIT A** in the report. The 1st overlay is labeled-"**Existing Sprint EMSR**" which is Nextel's push to talk system. EMSR stands for Enhanced Specialized Mobile Radio. The green tint indicates reliable in vehicle coverage (what JCP&L is interested in). They obtain this data from a computer propagation software. They have a person drive around in a vehicle with a GPS and calibrate receivers to monitor signals from existing Nextel sites to determine where there is coverage and where coverage is needed. The information is then fed into the computer and then the computer generates a propagation to show an area coverage. The computer has generated the green tint on the overlay and shows that there's coverage in sites around Frenchtown, Kingwood, Croton, Sergeantsville and Solebury, Pa. The middle of the exhibit shows no tint which means the signal is below the threshold that would provide reliable in vehicle coverage. The gap includes Route 519 from Fairview Road that's just at the edge of where the green tint ends. The objective is to bridge the gap between the Kingwood Firehouse and Sergeantsville site.

EXHIBIT D was placed over the overlay - **EXHIBIT A** which is the proposed coverage from the Featherbed site (the Board has that as Exhibit C) and what you see is a combination of Exhibit A & C in the report which shows that the proposed site will fix most of the gap along 519. If they would go lower they would start opening holes along the creek and south along 519. The 150' was determined as the minimum height required to close all of the gaps that they possibly can. The future application off of Byram Kingwood Road on the existing lattice tower would cover portions of 519 and not quite to the Delaware River since the land drops. It covers from a westerly standpoint approximately 1 mile in Kingwood to the west and 1 ½ miles to 2 miles to the north and 1 mile to 1 ½ to the south. In Delaware Township there's another hill and then it drops down towards the Delaware River to the south. The Byram Kingwood site cannot be used instead of this proposed site.

M.L. Haring - what kind of coverage would you have with the Byram Kingwood site and Hewitt site without the Featherbed site?

They've added to the A-1 overlay-"**Adjacent Proposed Sprint ESMR Reliable In Building Coverage**"

This overlay has an orange tint to it so you know that it's not existing coverage or the proposed coverage but a future coverage. This coverage from Kingwood Byram Road goes to the east to 519 and slightly beyond- just about to the Hewitt Road tower which is a mile south of the Featherbed location. Coverage from the site to the west from Byram Kingwood site goes short of the Delaware River and south just short of the Delaware River and north almost to Barbertown Kingwood Station Road and falls short about a ½ mile.

M.L. Haring asked if they did an overlay if they collocated on the Hewitt Road tower and was told that that's next.

The next overlay added to A-1 - "**Existing AT&T Hewitt Road at 130 feet, Reliable In Vehicle Coverage**"

This overlay has a blue tint so you know which one is coming from which piece. The coverage from Hewitt Road goes north to the hill and reaches their proposed site to the north and it goes south basically to the same place and has a fair amount of redundancy with the Kingwood Byram site. There's very little coverage to the north and nothing into Locktown and no coverage along the creek to the east which would mean that you would need to build another tower.

C. McBride asked why they didn't include the Hewitt Road tower overlay in the package?

Glen Pierson replied saying that he didn't know about it until months later.

D. Hewitt asked if there were any other AT&T sites not marked? Gen Pierson didn't find any others.

M.L. Haring just so we have all the locations visible with the Byram and Hewitt sites, how far east would they be able to go to get the gap that they (The Board) saw with the Byram-yellow and then the purple one and then you have the gap to the east.

David Soloway, esquire, asked is she meant using the 2 existing towers and M.L. Haring answered correct.

P. Stepanovsky said to lay the purple one over the top of the existing and that would probably give them what she's trying to see.

M.L. Haring asked what the coverage would be if they located in the BP District.

Glen Pierson stated that the coverage would come down as far as the Kingwood tower comes down to, about Locktown and then along the creek and if you're not close enough to where the terrain drops you're going to go right over it and not get it.

C. McBride-point out from Point Breeze Road to Route 12 what the nominal distance for a signal would be to just go down 2 miles.

Glenn Pierson If I assume that I'm going to get the same coverage south as you do from the Firehouse you're still a mile short.

C. McBride- you're still going to miss approximately a mile stretch in between the whole area ? Glenn Pierson- Right.

They considered both the HC and BP areas. The Route 12 which is the closest one is 3 miles away and wouldn't work for the reasons explained. The township provided a list of township owned properties but none would provide the coverage needed. The site they are proposing will fill the gap in coverage and in tandem the Byram Kingwood site would fill the gaps as shown on the exhibit.

D. Hewitt asked if they were aware of another monopole just below Frenchtown and was told that they did but it would provide only a little bit more of coverage.

D. Hewitt is that because you had something else proposed that's in Kingwood. Glenn Pierson's response was yes.

M.L. Haring- it's maybe a ½ mile north of Fairview Road where it intersects with Route 29.

Glenn Pierson- it's been probably almost a decade since he's been there.

No questions from the Board.

David Pierce asked how they determine reliable coverage and was told that it's what's called a link budget. The link budget for every provider or system would include the output power and the sensitivity of the device that the subscriber is using. It includes the power of the-and the receive sensitivity of the base station, the antennae. It includes the loss that you could occur through air, how much loss to be in a vehicle, and then there is some losses to account for fading of the radio signal. Radio signals are always bouncing around.

T. Ciacciarelli asked what's the output at the proposed site in radius ? - Glenn Pierson stated approximately 10 watts.

T. Ciacciarelli- through heat loss, resistance? - Glenn Pierson stated 0.6 watts.

T. Ciacciarelli- metal building- Glenn Pierson stated metal buildings aren't good

M.L. Haring asked for a motion to adjourn the meeting until next month.

J. Laudenbach made the motion to adjourn, seconded by P. Stepanovsky. The meeting will be carried over to September 14th, 2011-7:30 pm. On roll call to vote.

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

Absent: L. Frank

Abstain: None

Nay: C. McBride

COMMUNICATIONS/REPORTS:

Borough of Frenchtown -- Ordinance #701
Delaware Township Ordinance #2011-06LU
Rutgers Summer 2011

OPEN TO PUBLIC:

It was mentioned to Elaine Nieman that we have not received a monthly report from the Zoning Officer as promised. She will look into this and give him a call.

ADJOURNMENT:

C. McBride moved to adjourn, seconded by D. Hewitt. All in favor. The meeting adjourned at 10:30pm.



**Barbara Wilson
Secretary
Board of Adjustment
Kingwood Township**