

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
November 06, 2013

Chairman Fenwick calls the Board of Adjustment meeting of November 06, 2013 to order at 7:30 p.m. All stand for the Pledge of Allegiance. The meeting takes place in the Courtroom of the Municipal Complex.

Chairman Fenwick announces the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Michael Volpe – *Resigned*
John Stamler – Present
Helen Haines, Vice Chairman – Present
Marian Fenwick, Chairman – Present
Walter Dietz, III – Present

Frank Valcheck – Present
Shawn Lipani (#7) – Absent
Frank Herbert (Alt. #1) – Present
Curtis Suraci (Alt. #2) – Present
Kenneth Hesthag (Alt. #3) – Present
Michele Boronkas (Alt. #4) – Absent

Also in attendance: Jolanta Maziarz, Esq., Board Attorney, (Woolson Sutphen Anderson, P.C); William White, P.E., Board Engineer (Maser Consulting, P.A.); David Kois, Zoning Officer/Assistant Planner and Board of Adjustment Administrative Officer / Secretary; and Lucille Grozinski, CCR.

ACCEPTANCE OF MINUTES

September 18, 2013

Mr. Dietz makes a motion to approve the minutes, as written, seconded by Vice Chairman Haines.

Roll Call: Mr. Valcheck – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Hesthag – yes, Vice Chairman Haines – yes, Chairman Fenwick – yes. Motion carries.

October 02, 2013

Vice Chairman Haines suggests to add clarification to a condition.

Mr. Dietz motions to approve the minutes, as amended. A second is made by Mr. Stamler.

Roll Call: Mr. Valcheck – yes, Mr. Dietz – yes, Mr. Stamler – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Hesthag – yes, Vice Chairman Haines – yes, Chairman Fenwick – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

None

BOARD OF ADJUSTMENT BUSINESS

Resolution of Appreciation – Michael Volpe

Chairman Fenwick notes she will have the Resolution of Appreciation mailed to Mr. Volpe, who recently resigned.

Extension of Time Request – High Branch Land, Inc. – BA-13-13

Vice Chairman Haines moves to grant an extension until February 28, 2014, seconded by Mr. Dietz.

Roll Call: Mr. Valcheck – yes, Mr. Dietz – yes, Mr. Stamler – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Hesthag – yes, Vice Chairman Haines – yes, Chairman Fenwick – yes. Motion carries.

BUSINESS FROM THE FLOOR

None

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PUBLIC HEARING - APPLICATIONS

Stacy GRAB – File #BA-13-07 – Block 174.04, Lot 59 (formerly known as Block 174A, Lot 6) – 9 Starview Drive.

Mr. Kois notes the application has been adjourned to December 04, 2013, without further notice.

Joseph and Kimberly BRITANAK – File BA-13-16 – Block 58, Lot 66 – 224 Dukes Parkway East.

Mr. Kois introduces the application.

The Applicants, Joseph and Kimberly Britanak are sworn in.

Mrs. Britanak explains the circumstances of the home that was severely damaged during Hurricane Irene and further describes the problems that had arisen from attempting to secure permits to rebuild the home.

Mr. Dietz asks if they could purchase any land from their neighbors.

Mrs. Britanak testifies no.

Mr. Dietz asks about raising the house.

Mr. Britanak testifies the DEP required a rise of 8 inches but they are proposing 36 inches.

The Board discusses the possibility of writing a resolution tonight.

Mr. Dietz states this is a good application and motions to approve it.

Vice Chairman Haines notes there are some comments and engineering requests the Applicants will need to comply with.

Mrs. Britanak testifies she is aware of that.

Vice Chairman Haines seconds the motion.

Roll Call: Mr. Valcheck – yes, Mr. Dietz – yes, Mr. Stamler – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Hesthag – yes, Vice Chairman Haines – yes, Chairman Fenwick – yes. Motion carries.

NY SMSA Limited Partnership – VERIZON – (Hillsborough 7) – File #BA-13-14 – Block 183, Lot 38.01 and Block 183.01, Lot 1 - 201 Hamilton Road. **Carried from October 02, 2013 without further notice.**

Mr. Kois introduces the application.

Mr. Soloway reintroduces himself to the Board and jumps right into the application.

Mr. Soloway notes at the last meeting, the Board asked about alternatives. He said he has spoken with the golf course which still prefers the flagpole option but will address alternatives later in the evening.

Mr. Suraci recuses himself on the application.

Mr. Kois notes for the record that Mr. Stamler has certified to reading the transcripts of the Sept. 18th meeting and is now eligible for voting.

John Ferrante, P.E, still under oath, then begins his testimony about alternatives to the flag pole.

Mr. Ferrante states the golf course proposes two alternatives, one being to just not place an American flag on the flagpole and instead use a different flag. The golf course could use a flag with its own logo on it or they could use the flag of the Township.

Mr. Stamler wants clarification that all the alternatives are flags.

Mr. Soloway explains that the golf course wants a flag.

The Board and Mr. Soloway discuss the size of the proposed flag.

Mr. Herbert asks about the rope pulls attached to the flag pole and if they would be noisy.

Mr. Ferrante testifies nylon restraints are suggested to limit the whipping of the ropes. He continues that using metal restraints is usually what causes a lot of noise.

Mr. Soloway testifies that the flag will not be lit.

Daniel Guinley, General Manager of the Royce Brook Golf Course is sworn in.

Chairman Fenwick asks for clarification that it's the golf course's wish to have a flag on this Verizon tower.

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Mr. Guinley agrees, stating they want to minimize impact on the golfing experience by making the tower blend in.

Mr. Guinley testifies this location is an unused area of the golf course and it's hidden from sight lines. Tom O'Donnell - Anne Street - Mr. O'Donnell asks when can they address the need for this tower at all instead of the flag? The community doesn't want to see a flag.

Mr. O'Donnell is told his comments can be made at the end, during the comment section of the meeting.

Mr. Soloway addresses the tree replacement issue. He notes species of trees are flexible but locations are not.

No questions from the public.

Sean Haynberg is sworn in and describes his credentials in radio frequency engineering which are accepted by the Board.

Mr. Haynberg briefly describes what a radio frequency (RF) engineer does.

He goes on to talk about the technical reasons as to why a wireless carrier will build a new communications facility.

Mr. Haynberg testifies that there is insufficient service from Verizon Wireless in the area around the golf course so the proposed tower will fill in that gap.

Mr. Haynberg goes over **Exhibit A-6** which addresses radio frequency.

Mr. Haynberg testifies that the tower needed to be located between the two existing coverage areas as indicated on exhibit A-6.

He further states there are no existing structures in this area that could provide service and he says the height of the flagpole is such so that it extends over the height of the existing trees.

He testifies the nearby electrical transmission tower that could be used by Verizon Wireless would not provide the coverage they are looking for.

Mr. Haynberg addresses the Township Ordinance for Wireless Communications and states zones that permit new wireless communication towers are too far from the proposed site and would not provide the coverage they are looking for.

Mr. Stamler asks about a fake tree-like pole instead of a flag pole.

Mr. Guinley states that was never discussed.

Mr. Stamler asks if the flagpole could be placed at the clubhouse.

Mr. Haynberg testifies that is too far south and would not provide all the coverage they need.

Mr. Dietz asks about directional antennas.

Mr. Haynberg describes the technical aspect of the three directional antennas used by Verizon Wireless. He testifies they maximize the range as much as possible.

Ms. Maziarz asks if the Applicant considered using two locations to achieve the desired coverage area.

Mr. Haynberg testifies that it was discussed but would still leave a gap in coverage in which they would need to create a third pole.

Ms. Maziarz and Mr. Haynberg further discuss possible options for a tower in neighboring townships.

Mr. Haynberg describes **Exhibit A-7** which indicates proposed coverage with the new tower.

Mr. Haynberg testifies that the proposed facility meets the Federal regulations for RF emissions and goes on to talk about the technical aspects of how it will be achieved.

Mr. Herbert asks if the flag hanging straight down on the pole would impact the coverage.

Mr. Haynberg explains that any non-metallic surface would not impact the coverage at all.

Mr. Kois asks for clarification on who the Applicant is targeting with this tower, since there are not that many homes in the proposed coverage area.

Mr. Haynberg states any Verizon Wireless customers in the homes and buildings in the new coverage area. Also people driving through the area and the patrons of the golf course would benefit. The goal is to have as much continuous coverage as possible.

Mr. Haynberg and the Board discuss Verizon Wireless standards and distance of coverage.

Mr. Hesthag asks again about the benefits.

Mr. Haynberg notes Verizon has one-third of the market so one-third of the residence in this area will benefit. But he also testifies that other carriers may co-locate on this tower to cover gaps in their service as well.

He goes on to state that while he is not aware of any complaints about poor service, the Applicant prioritizes areas that enhance customer service.

Chairman Fenwick asks for questions from the public.

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Mr. O'Donnell, sworn in previously, comes up. He asks if the map that depicts current coverage is using service for 3G or 4G.

Mr. Haynberg states the map indicates both services.

Mr. O'Donnell says only once a week does he get garbled audio and asks why, if his home is in the white area, doesn't he receive unreliable service.

Mr. Haynberg states that Verizon would not consider that reliable service.

Mr. O'Donnell asks why he can make calls all day without any problem if he is in the unreliable area.

Mr. Haynberg says there are a lot of factors involved.

Mr. O'Donnell asks about distributed antenna systems (DAS).

Mr. Haynberg briefly describes what it is, concluding it is not suitable for this location.

Doug Eden - Anne Street – Mr. Eden indicates where he lives in relation to Mr. O'Donnell and states he has no problems with service.

Mr. Eden goes on to argue that the only area Verizon believes to be affected is the area in which he lives and his service is fine.

Mr. Eden asks why the Applicant is unwilling to consider alternative technology.

Mr. Haynberg testifies again that all technology was considered and they chose the best option for their purposes.

There are no more questions for this witness.

Douglas Cowan, P.P. is sworn in, provides his qualifications and is accepted by the Board.

Mr. Cowan describes the variances required by the Applicant; 'd'(1) use variance and a height variance.

Mr. Cowan testifies this site is suitable for this use and expands on the CDZ District, which is where the tower is being proposed.

Mr. Cowan goes on to testify the area selected is buffered by existing trees and there is an existing access drive.

Mr. Cowan discusses **Exhibits A-8, A-9 and A-10** which are photographs demonstrating the proposed visibility of the tower from various locations and distances.

Mr. Cowan testifies there is no detrimental impact except the possible visibility of the flag and/or flagpole. He goes on to say that reducing the size of the flag would reduce any impact and be a reasonable condition of approval, as would using a golf course flag or a Township flag.

The Board and Mr. Soloway discuss carrying this application to the next available meeting.

Vice Chairman Haines motions to carry this application to December 4, 2013, with no further notice. Mr. Hesthag seconds. All – Aye; Opposed – None.

ACCEPTANCE OF RESOLUTIONS

Joseph and Kimberly BRITANAK – *File BA-13-16*

Ms. Maziarz reads the resolution.

Mr. Dietz motions to approve, seconded by Mr. Hesthag.

Roll Call: Mr. Valcheck – yes, Mr. Dietz – yes, Mr. Stamler – yes, Mr. Herbert – yes, Mr. Hesthag – yes, Vice Chairman Haines – yes, Chairman Fenwick – yes. Motion carries.

Mr. Dietz motions to cancel the meeting of November 13, 2013. Mr. Stamler seconds. All in favor; Opposed – None.

ADJOURNMENT

The meeting was called to be adjourned by Chairman Fenwick.

Submitted by:

Caitlin Davis

Planning and Zoning Clerk

Reviewed by:

Debora Padgett

Administrative Assistant

Planning Board/Board of Adjustment Clerk