

Shamong Township
January 30, 2014

A regular meeting of the Shamong Township Land Use Board was held on the above date at the Municipal Building. The meeting was called to order by the Chairman Vinciguerra at approximately 7:08 P.M.

The Secretary provided the sunshine statement.

Members present from re-organization meeting were:

Noni Bookbinder-Bell	P	Susan Onorato	P
Chris Bouffard	P	Bonnie Schneider-Alt	A
Charles Burgin	P	James Sweet	P
Mike DiCroce	P	Gary Vinciguerra	P
Doug Dimmig, Alt	P	Kathleen Wigley	P
Kenneth Long	A	Kevin Wise	P

Also present were Peter Lange, Esq., Solicitor, and Dante Guzzi, Engineer.

Pledge of allegiance - waived

On motion of Mr. Wise seconded by Mr. Sweet, it was moved that the minutes of the November 19, 2013 meeting be approved as submitted. All members present were in favor of adopting the minutes with exception to Mrs. Wigley, Mr. DiCroce & Mr. Bouffard who abstained.

Mr. Lange summarized resolution 2014-6 Mr. Larry Valenzano filing for a subdivision submitted at the November 19, 2013 meeting. **On motion of Mr. Wise, seconded by Mr. Sweet the motion was adopted with all members present voting in favor or resolution with exception to Mrs. Wigley, Mr. DiCroce and Mr. Bouffard.**

Mr. Vinciguerra stated the hearing tonight is on the application of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility to add an Emergency Generator to the Existing Local Communications Facility at block 30 lot 2.01. Mr. Warren Stillwell of Cooper Levinson introduced himself to the Board as representative to the applicant Cingular Wireless who would like to add an emergency generator to block 30 lot 2.01. Mr. Stillwell stated that per Shamong Township has a wireless ordinance which only permits 1 accessory structure and as AT& T already has a shed which is the cause for the application of design waiver. Mr. Stillwell introduced Mr. James Kyle, Kyle Planning & Design and Mr. Petros Tsoukalas of Maser Consulting, Municipal & Environmental Engineers. Both witnesses were sworn in by Mr. Lange. Mr. Tsoukalas and Mr. Kyle reviewed their professional credentials to the Board which acknowledged both as experts in their profession. Mr. Tsoukalas reviewed AT&T's request and plan for the emergency generator and the sight plan submitted. Mr. Tsoukalas stated the generator would be cycled approximately 20 minutes per week and stated they state noise requirement would be meet which is 65 db at the property line. Emergency use of the generator is exempt from the state noise requirement. Mr. Tsoukalas stated there will be an above ground,

double walled 220 gallon diesel fuel storage tank on site. The fuel tank will be supplied by a fuel truck when needed and will only service the AT&T equipment. Currently Verizon, T-Mobile, Sprint and Cricket Communications are currently on tower in addition to AT&T. There was a discussion on the decision to use diesel fuel rather than natural gas which currently is not available to the site, but is proposed for the site. Additionally there was a discussion on the noise levels anticipated. Mr. Stillwell confirmed all carriers maintain generators for their individual equipment. Mr. Lange confirmed Mr. Guzzi has informed him the closest dwelling is approximately 500 feet away and the noise from the Route 206 will be louder than the noise from the generator. Mr. Kyle presented his credentials and was confirmed as an expert in his field. Mr. Kyle presented a 2012 aerial photograph and tax map of the site marked as exhibit A-1. Mr. Kyle stated the design waiver being applied for is for a second structure of a generator on the site. He stated there are no other options to place the generator on the existing site. AT&T's has mandated the addition of generators to support the towers as a result of recent power outages caused by such weather events as Hurricane Sandy. Mr. Lange instructed the Board their responsibility is to determine if the initial design is being jeopardized with the placement of the generator.

Mr. Wise asked why the generator is being placed behind the shed. Mr. Kyle stated the site was chosen based upon its close proximity to the equipment located in the shed on site that it would be supporting. Any refueling would be accessed from inside the "compound" with a fuel truck and long hose. Mr. Kyle stated if the generator runs non-stop a full tank of gas would last 2 to 2 ½ days. The weekly 20 minute cycle of the generator fuel use would last quite a long period of time. The 50kw generator that has been chosen is larger than what is needed to serve any future equipment that might be added to the AT&T site.

Janet & William Brown of 56 Stokes Road were sworn in by Mr. Lange. Mrs. Brown stated the tower is behind & to the left of her home. She is very concerned of the noise level from the generator at her property as she spends a lot of time outside of her home. She also asked if AT&T could use the Verizon generator on site. Mrs. Brown also stated that South Jersey Gas has informed her they will be bringing the gas line down to her home by the end of the year. Mr. Brown stated the noise of running the generator 20 minutes a day is not a big concern of his. Mr. Brown also stated when the tower was installed he was promised 12 trees as a buffer to be planted on his property line. To date that has never occurred and he is concerned about that as well. Mr. Lange asked Mr. Stillwell if AT&T would be willing to supply some trees on the Brown's property. Mr. Stillwell stated in 2004 Sprint was directed to plant some trees. Mr. Stillwell stated that if the Shamong Township Zoning Official is not able to get Sprint to plant the trees they agreed to as a part of their approval that AT&T would plant the trees on the Brown's property. Mr. Vinciguerra asked Mr. & Mrs. Brown if they can hear the Verizon generator run. Mrs. Brown stated she was not aware Verizon had a generator on site. The Verizon generator sits in a shed on site. Mrs. Brown also expressed a concern should there be any fuel spill from the tower site to contaminate her property. Mr. Stillwell stated AT&T would be responsible for any fuel spill clean-up if necessary. Mr. Brown questioned why did AT&T need such a large generator. If this generator is 50kw and Verizon's generator is 50 kW, if 3 more large generators are added, just what are they powering up? Mr. Tsoukalas stated there is a lot of equipment on site to be maintained.

Maggie & Ed Yacobacci were sworn in to give testimony by Mr. Lange. Mr. Yacobacci stated his home is the closest to the Tower at approximately 500 feet. Mrs. Yacobacci stated that when workers are on site working on the tower and talking to each other, she can hear them at their house. She also stated the treed buffer around the compound is practically nonexistent. Mrs. Yacobacci also stated the Verizon generator is in a shed and is not of concern to here. Mr. Yacobacci is concerned of the noise level if during a state of emergency how loud the two generators will be and his quality of life and property value going forward. There was a discussion on the current condition of trees planted around the tower. Mr. Guzzi stated he has addressed that in his report so it could be addressed. Mr. Tsoukalas confirmed for Mr. Wise a normal conversational speech such as that occurring in the room is 60 db. Mr. Yacobacci feels that Mr. Tsoukalas is giving his opinion based upon percentages but not as an expert. Mrs. Yacobacci stated when workers are on the tower she can understand the conversation, not every word, but she can understand them. Both Mr. & Mrs. Yacobacci expressed concerns for the noise of an additional generator along with the increased use of the road in front of her home, which is a public road. Mrs. Bell is concerned if the residents have any recourse towards the utility company should the waiver be approved. Mr. Lange stated AT&IT must comply with the State noise levels. The Township Clerk suggested the Board of Health may be able to measure the noise levels there should a future complaint be filed. Mr. Kyle

Mr. Rob Sawdy of 634 Stokes Road was sworn in by Mr. Lange. He expressed the same concerns as the other neighbors have expressed. He understands the decibels measurement and wants to know how often has this site loss power in the past and is there a true need for the generator?

Mr. James Mack of 62 Stokes Road was sworn in by Mr. Lange. He expressed the same concerns as the other neighbors have expressed. He also questioned the need to add the generator on site. Mr. Guzzi confirmed for Mr. Vinciguerra if the replacement of existing trees on site would assist with controlling the noise?

The Board members asked several questions of the professionals of the applicant and Board of options to confirm the current noise level before the new generator is installed? Mr. Kyle stated the study is possible if required and stated AT&T recognizes it must meet the noise requirements of the state and that is what AT&T will meet. Mr. Wise is asking if the applicant can provide proof that the new generator will not exceed the state noise requirements as established by DEP prior to the installation of the generator. Mr. Kyle stated that if they do not meet the DEP requirements at the installation that AT&T will be required to take sound insinuations measures necessary to control the sound within the state approved levels.

Mrs. Brown suggested that rather than installing the generator, AT&T could just bring in a portable generator for during the power outages. Mr. Sweet stated the issue with this is that we cannot predict Mother Nature and the portable generator might not be able to be brought in timely. Also the Board is challenge with finding a balance for the community as well. Mr. Brown wanted to know why the land lord is not present tonight?

Mr. Guzzi read the requirements of his report into the record. A copy of Mr. Guzzi's report is on file & attached to the application. Mr. Guzzi asked the applicant if they were

willing to add as a condition of the application they agree to meeting the state noise level requirements, which they are. Mr. Guzzi also suggested the applicant agree to some additional landscaping, not to restore or improve the original landscaping approved for the lot, but related to reducing the noise and reducing the generator being proposed for the site. Mr. Lange stated AT&T will be willing to honor the landscaping approved by Sprint should they not. Also AT&T will be willing to place additional landscaping to assist with reduction of the noise on the site. Mr. Kyle stated he would be willing to contact the landlord to try to get them to maintain the trees buffering the compound currently. Mr. Kyle asked if the Township could draft a letter to the landlord to assist him in this process. The applicant agreed to all other items of Mr. Guzzi's report. Mr. Wise asked if it would be necessary to have a maintenance bond on the cement pad. Mr. Lange stated this is dependent of Municipal Land Use Board. Mr. Bouffard stated that is the responsibility of the Engineer & Mr. Lange stated it is not required without a site plan. Mr. Guzzi stated the applicant will be required to get a building permit and inspections on the instillation. Mr. Vinciguerra asked if there were any additional questions or concerns. Mrs. Onorato asked the engineer to confirm that if this was approved any noise measured at the property line over 65 db would require the applicant to take corrective actions to reduce the noise level, which Mr. Guzzi confirmed. Mr. Bouffard stated he believes backup power is beneficial and he wanted to be sensitive to the neighbors. He proposed approval of the application dependent of post instillation testing and landscaping issued as proposed by the professionals. **On motion by Mr. Bouffard and seconded by Mr. Wise the application was approved with all members present voted yes except Mr. DiCroce and Mrs. Bell who voted no.**

Mrs. Onorato informed the Board of Mr. Loffredo's request to postpone their hearing until the February meeting. Mr. Wise questioned when the Loffredo application was first hear. Mrs. Onorato stated is has been between 6 – 8 months ago. Mrs. Onorato read a portion of the extension into the record. After a discussion on the concerns of the numerous delays and on **motion by Mr. Wise, seconded by Mr. Burgin the Board moved to dismiss the application without prejudice and require the applicant to resubmit his application when he is ready. All members present voted to approve the dismissal.**

On a motion by Mrs. Onorato, seconded by Mr. Wise to appoint Mr. Wise and Mr. Sweet to represent the Board on the Master Plan Review Sub-Committee all members present voting yes.

The Secretary reviewed correspondence items with the Land Use Board Members present including:

- The NJ Planner was distributed
- Pinelands Commission Notification of review of local agency approval(s), determination: Consistent – approval(s) may take effect. The letter is dated December 27, 2014 to Robin Miller associated with her plans to construct a dwelling on block 10 lot 18 as a principal place of residence of Robin Miller, and the location of the septic system.

Mr. Vinciguerra opened the meeting to the public. As there were no comments from the public, Mr. Vinciguerra closed the meeting to the public and asked for a motion to adjourn. **On a motion by Mr. Bouffard, seconded by Mr. Sweet the meeting was adjourned, all members present voting yes. The meeting was adjourned at approximately 9:02 pm.**

Susan Onorato
Secretary Joint Land Use Board