

FRELINGHUYSEN TOWNSHIP LAND USE BOARD

Minutes-March 6, 2023

7:00 PM

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by the Chairman Martin Connor.

ANNOUNCEMENT OF PROPER NOTICE:

Notice of this meeting was provided by advertising in the New Jersey Herald and the Express Times, the official newspapers of the Frelinghuysen Township Land Use Board. Notice has also been posted on the Township bulletin board and the website.

FLAG SALUTE

ROLL CALL:

Present were: Martin Connor, Lowell Forbes, Daniel Rogers, Edyta Martewicz, Alan DeCarolis, Robert Stock, Justin Stanley and Pamela Rogers. Mr. Soisson arrived at 7:20 pm.

Absent were: Nicholas Soranno, Jessica Caruso, and Christopher Stracco

CORRESPONDENCE: none

MINUTES:

The minutes of the regular meeting of February 20, 2023 were approved on motion made by Mr. DeCarolis seconded by Mr. Rogers. All were in favor with Mr. Stock abstaining.

ESCROW REVIEW:

Mr. Connor asked the Board Secretary if escrow for the Gottfried Application was verified with the CFO. Board Secretary confirmed the escrow was verified.

Mr. Stock recused himself from the meeting at 7:25 pm.

OLD BUSINESS:

Gottfried Application No. 2022-01 - 1061 Dark Moon Road. (Rt. 519) – Continuation of Public Hearing

Mr. Brady reminded all parties they are still under oath from the previous meeting.

Mr. Hopengarten called John Cote of Langan Professional Engineers to testify.

Exhibit A201 - Mr. Cote passed out to all members a packet of 6 photos of the designated areas the Board had requested he take pictures from that show views of the proposed towers. Mr. Cote had taken these photos on 3/1/23 with a high powered camera. Mr. Cote used orange

dashed lines (ghost image) to show where the towers will be located if they are not visible from the vantage points he took photos of so the board knew where the towers would be even though they can't be seen.

The first picture was a view from Dark Moon Road looking west. In this photo, Towers #1 and #2 are obscured by the existing tree line. Tower #3 is slightly visible.

The second picture is of Dark Moon Road looking East towards where the towers will be. None of the towers will be visible.

The third picture is of Greendell Road looking southeast. The picture was taken 2380 feet from where the towers will be. Tower #3 will be visible, Tower #2 is obscured and Tower #1 is slightly visible.

The fourth picture is of Saddle Ridge Road looking southwest and is 4,139 feet from the towers. None of the towers are visible.

The fifth picture is from Ramsey Road ball fields looking northeast and is 3,364 feet from the towers. All towers will be below tree line and obscured.

Finally, the sixth picture was taken from the intersection of Lanning Road and Kerrs Corner Road looking east, and is 12,323 feet from the proposed towers and all will be obscured.

Mr. Brady confirmed that only the vantage points from Pictures 1 and 3 will have a tower visible. Mr. Cote confirmed. Mr. Rogers asked if the FCC License the applicant has is one license for everything. Mr. Hopengarten answered that the applicant has a FCC license for amateur radio and another FCC license for commercial use. Mr. Rogers' confirmed that the land owner does not own the towers and he just leases the land to Mr. Paz. Mr. Hopengarten confirmed. Mr. Rogers also wanted to confirm with Mr. Brady that the resolution will state that this variance is approving only 3 towers and if company leaves there will be a timeframe in resolution that states how long they will have to remove all towers etc. Mr. Rogers also asked if there is a timeframe once construction begins when the towers need to be completed. Mr. Hopengarten stated that the building permit dictates a timeline.

Mr. Rogers was wondering if there is a cap on the number of towers the Gottfried property can have because he does not want to see it become a "tower farm". After discussion, there will be a condition in the resolution that there will be no more than 3 commercial towers on this property.

Ms. Rogers questioned if Mr. Paz's company is bonded and if not, if the company goes bankrupt, who pays to have all equipment removed. There was much discussion in regard to bonding vs. lien on property and Mr. Connor asked for a vote to see who would like the company to be bonded and who was against making the company become bonded. The vote was 3:2 against bonding, therefore, the condition in the resolution will be that a lien will be placed on the property in the event the applicant's company is bankrupt and cannot/does not remove all equipment from the property.

There were no more questions from the Board.

PUBLIC PARTICIPATION

The meeting was opened to the public for questions for Mr. Cote. Ms. Crea Mallory, resident of the township, asked if the trees obscuring the pictures currently in the photos of Mr. Cote will be part of the trees being removed and the answer was no. No more questions for Mr. Cote

Mr. Hopengarten then spoke in regard to the RF exposure. He had looked at the town ordinance and the ordinance only refers to cell towers and the proposed towers are not cell towers. Mr. Hopengarten submitted the math and numbers to Mr. Brady that he was able to compile in regard to the exposure the proposed towers will give off and Mr. Brady submitted those numbers to the town's RF expert who did not have enough time to verify the submitted numbers before the meeting. We are waiting for the report from the RF expert.

Mr. Brady explained that he was unable to prepare the Resolution to be voted on at this meeting due to personal family matters. As long as the town's RF expert confirms the numbers from Mr. Hopengarten are accurate, the resolution will be voted on at the April 3, 2023 meeting.

Mr. Connor asked if the public had any questions at this time. Ms. Ann Stock, resident of the township, wanted to know the health risks with HF towers. Mr. Brady stated that if the RF expert finds the numbers are within limits, then there is no health risk to residents. Mr. Hopengarten informed Ms. Stock that HF towers have the same FCC guidelines as cell towers.

Ms. Crea Mallory, resident of the township, wanted the Board members to be aware of a previous case in 2021, EHT vs. FCC with regard to HF health concerns. Mr. Hopengarten was aware of that court case and stated that all guidelines were upheld. There were no other questions from the public. Mr. Connor closed the meeting to any other testimony at 7:50 pm.

The board discussed amongst themselves any concerns they had with this application. Mr. Rogers stated that in his opinion, he does not see any benefit to the public and believes this application goes against the town's master plan.

Ms. Rogers feels that it is more of a commercial zone type of use than a residential zone. She also worried about setting precedence by allowing this use in a residential zone. Mr. Brady explained that there would be no precedence set because the board does not have to grant another application for this use if they choose not to. Mr. Connor stated that antennas are permitted in all zones as per town ordinance.

Mr. DeCarolis asked that out of the 15 residents within 200 feet of these towers that were notified about this application, how many of them had questions in regard to the proposed use. Mr. Brady stated that none of them have come to any of the meetings so the assumption is they have no issue with the proposed use.

Mr. Brady went over all conditions of concern from the 2/20/23 meeting to confirm they have been met at this meeting.

Mr. Brady then went over the list of additional new conditions:

- There will be a 2 year timeframe for construction to begin
- There will be a cap of 3 commercial towers
- If the company vacates the property, there will be a 9 month timeframe to remove all that was installed

Mr. DeCarolis made motion to vote on application and resolution with conditions and with confirmation from the RF expert. Seconded by Mr. Forbes.

Mr. Connor asked for a roll call vote to approve the application and resolution with conditions. Roll call: Mr. Rogers – no, Mr. DeCarolis – yes, Mr. Forbes – yes, Ms. Martewicz – yes, Ms. Rogers – yes, Mr. Stanley - yes Mr. Connor – yes. Mr. Soisson abstained. The application was approved subject to the conditions that will be in the resolution by a vote of 6:1.

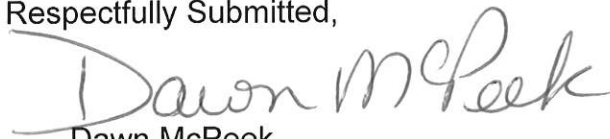
SUBCOMMITTEE REPORTS

1. Open Space - None
2. Farmland Preservation - None
3. Environmental Commission - None

ADJOURNMENT:

There being no further business, the meeting was adjourned on motion made by Mr. DeCarolis, seconded by Mr. Forbes. All were in favor. Meeting adjourned at 8:10 pm.

Respectfully Submitted,



Dawn McPeek