

LOWER ALLOWAYS CREEK COMBINED LAND USE BOARD
REGULAR MEETING – MAY 25, 2022

Chair, Tina Wheaton, opened the meeting with the following statement:

Adequate Notice:

“This is a regular Meeting of the Lower Alloways Creek Combined Land Use Board. Notice of this meeting was broadcast pursuant to the Open Public Meetings Act by sending notice to the NEWS OF SOUTH JERSEY, posting notice on the bulletin board of the Municipal Building, and giving notice to the L.A.C. Township Clerk. All of these actions were taken by the Secretary to the Board on “January 18, 2022”.-

Roll Call: Mayor Timothy Bradway, John Carney, Deputy Mayor Paul Collier, Holly Fogg, Lance Kaufmann, Bruce Mitchell, Walter Sheets, Steve Wagner, Tina Wheaton, Amy Widger

Also in attendance: Board Solicitor Frank Hoerst & Board Engineer Robert A. Mulford III of Fralinger Engineering

Salute the Flag: Chair Wheaton led the members in saluting the flag.

Motion to approve minutes: Jan. 26, 2022

Chair Wheaton asked for a motion to approve the minutes of the meeting held on January 26, 2022. A motion was made by B. Mitchell and seconded by A. Widger to approve the minutes as written. (only members present for the 1/26 meeting may vote).

Roll call: T. Bradway, J. Carney, P. Collier, H. Fogg, L. Kaufmann, B. Mitchell, S.Wagner, T. Wheaton, A. Widger

Absent: W. Sheets

Minor Site Plan/D3 Variance Application Completeness Review

Applicant: New Cingular Wireless PCS, LLC

325 Alloway Creek Neck Rd Block 35 / Lot 4

Representing New Cingular LLC is Attorney Warren Stillwell

Solicitor Frank Hoerst explained the application is unique in that it is a “Use Variance of a Conditional Use”, followed by asking the township committee members, (Mayor & Deputy Mayor) to step down and not participate. He began by swearing in our board engineer Robert A. Mulford III (appeared on behalf of Stephen Nardelli).

Mr. Hoerst then introduced Warren Stillwell Esq and asked him to introduce his team of experts witnesses who will be testifying tonight:

Michael Fischer (RF Compliance); James Miller (AICP, PP Planner); Michael S. Moore (PE for Trylon); & Steven Wilcox – (Fact Witness Smart Link Group).

Mr. Hoerst swore in the above experts who will testify on behalf of the applicant.

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Mr. Hoerst began by having Mr. Mulford read the list of waivers requested by the applicant and noted he and Mr. Nardelli had no objections to waiving the following items per the report prepared by Stephen Nardelli (attached):

- Schedule A – Administrative Items # 9, 16, & 17
- Schedule A – Section B – Plan Details Items 8, 9, 10, 16, 17, & 26
- Schedule D – Items 2, & 3

Chair Wheaton asked the board if they had any questions, if there weren't any questions or objections then she would need someone to make a motion to grant the waivers and deem the application complete.

A motion was made by L. Kaufmann and seconded by J. Carney to grant the requested waivers and deem the application complete.

Roll call: J. Carney, H. Fogg, L. Kaufmann, B. Mitchell, W. Sheets, S. Wagner, T. Wheaton, A. Widger

Technical Review

Mr. Stillwell gave some background information as to the reasons for this wireless tower to be installed at this location. He gave detailed information about FirstNet working with AT&T to improve the design of the FirstNet network. The main objective of FirstNet is to give first responders access to a reliable network connection, Improve interoperability for public safety and ensure rapid restoration from storms in hurricane-prone areas. This is much needed for the PSEG Nuclear Power Plant and will provide better wireless coverage for the surrounding area.

It was at this time Mr. Stillwell introduced Michael Fischer as an expert witness who provided background information of his qualifications, Mr. Hoerst asked if the board felt based on his education, experience and qualifications that Mr. Fischer is an expert witness. Board member Mr. Mitchell deemed Mr. Fischer an expert. It should be noted Mr. Fischer was sworn in earlier along with the other experts to testify during the completeness review portion of the meeting.

Mr. Fischer provided oversized color geographic maps, (exhibits A-1 & A-2) of the area showing existing coverage area of wireless service and the proposed reliable coverage area. The geographic maps clearly show the benefits the wireless tower would provide to the area once the system is activated. He discussed the cell towers ability to stand up to storms as the structure type is a 195'-0" monopole. Also, Mr. Fischer and Mr. Moore of Trylon Corporation provided drawings, explaining each one in detail. Drawings included were the **Site Plan, Zoning Map, Equipment Compound Plan, Elevation View & Antenna, Equipment Details, Ice Bridge Detail, Signage Details, Flood Zone Map. List of Property Owners, and Easement Plan (exhibits Z-1 thru Z-10 attached).**

The group provided reports & discussed each: **Electromagnetic Exposure Analysis, Interference Analysis, FAA Notice Criteria Tool Screening (exhibits A-3 to A-5).** Smarlink Corp provided the reports that were prepared by dBm Engineering. Mr. Hoerst asked if the FAA Notice Criteria report took into consideration the two private airports that are located in township. Mr. Fischer explained the FAA only governs public airports/planes.

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Mr. Hoerst asked if anyone on the board had any questions, and said the opportunity would be revisited if they had additional questions later on during the meeting..

Mr. Wagner asked about the coverage area, Mr. Fischer responded 3.5 – 5 miles coverage. Mr. Wager also wanted to know if other wireless companies can benefit from this cell tower. Mr. Fischer said yes they can add their antennas to the tower, hopefully they will because of the spotty coverage in the area. Mr. Kaufmann wanted to know if AT&T has the other cell towers that are noted on the exhibits, Mr. Fischer said he didn't know.

Mr. Stillwell introduced Michael Moore as an expert witness. Mr. Moore is Trylon Corporations Project Director for east of the MS and has testified as an expert in PA, DE and NJ for projects of this nature.

Mr. Wagner said Mr. Moore is qualified to testify as an expert. Mr. Moore first discussed the all the drawings, exhibits (Z-1 thru Z-10), beginning with the Site Plan. He explained why this location was selected, one reason this is the height of the location being 170'.

One board member asked about the noise generated by the cell tower, Mr. Moore stated the noise level is approximately 65 dbs, less than the sound of a household vacuum which operates at approximately 70 dbs.

Mr. Sheets asked if a storm hits and damages the tower will it fall across the road? Mr. Moore stated no, monopoles are designed to bend over 1/3 down, Mr. Kaufmann asked if guide cables would be used for the tower, Mr Moore said no since monopoles are designed to be used without the need of guide cables.

Mr. Kaufmann and Ms. Widger wanted to know if they would be installing shrubbery around the equipment compound. Mr. Moore stated for security reasons they would not be any shrubbery added, also this tower will be a distance off the road in a corn field.

Mr. Wilcox testified as a fact witness. He explained shrubbery prevents the police from noticing if someone is trespassing on the property, it's a security issue. He's been in this business for 20 years and found if shrubbery is planted thieves will steal the copper ground rods considering copper is very valuable now.

Mr. Mitchell asked about lighting for security, Mr. Moore explained there will be a sensor light for security.

Mr. Miller was introduced as an expert witness explaining to the board his education and experience as a certified planner. Mr. Wagner stated he felt Mr. Miller was qualified to testify as an expert. Mr Miller gave detailed information as to the positive criteria and what makes this site appropriate for the tower. The location is away from residential homes and it's in isolated area. He discussed the reason for 195' height stating the height is required for first responders, safety issues. Also, 195' is needed to prevent interference with transmission. Communication is definitely a positive for the town and the residents. He finished up explaining the benefits of the wireless tower far exceed the impact of any negative criteria.

Ms. Widger asked about towers that look like trees, Mr. Fischer said this tower won't look like a tree. He said those towers stick out and look worse during the winter months when the all the trees are brown.

Chair Wheaton asked if the board members had any other questions, there were no other questions.

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Chair Wheaton requested a motion to open the meeting to the public. A motion was made by Mr. Sheets and seconded by Mr. Wagner to open the meeting to the public. All were in favor and the motion carried.

A Mr. Wayne Ridgeway who resides in Elsinboro was sworn in by Mr. Hoerst, he asked the applicants attorney, Mr. Stillwell, as well as the experts whether or not road access to his property will be blocked. They responded there is no proposals to block the road and he will continue to have access to his farm.

Chair Wheaton requested a motion to close the meeting to the public since no other members of the public had questions. A motion to close the meeting to the public was made by Walter Sheets and seconded by Mr. Wagner to close the meeting. All were in favor and the motion carried.

Mr. Stillwell began to speak of how all the positive criteria out weighed any negative impact. He mentioned the only deviation is the height of the tower that was necessary to achieve the best communication to the plant, for emergencies, and a large portion of Lower Alloways Creek Township residents.

Chair Wheaton asked the members if they had any further questions of the experts and/or the attorney, Mr. Stillwell. No one on the board had any other questions.

Mr. Hoerst explained if a motion is made to grant approval it is because the applicant has met the burden for the need of this wireless tower, not only for the general public but also for emergency use by PSEG Nuclear Plant. Positive criteria has been met in so far that there is a benefit to the general public.

A motion was made by Mr. Mitchell and seconded by Mr. Wagner to grant approval as the applicant has met the burden for the need of the wireless tower.

Roll call: J. Carney, H. Fogg, L. Kaufmann, B. Mitchell, W. Sheets, S. Wagner, T. Wheaton, A. Widger.

Old/New Business:

Chair Wheaton asked if there was any old or new business, mayor Bradway asked Mr. Hoerst if they could change the zoning from AR zone to a Commercial zone for a specific township property. Mr. Hoerst explained the process where the township committee would pass a resolution proposing the zoning to be changed, then send the resolution to the Combined Land Use Board for the members to review to either accept the resolution as it is or make recommendations to the Township Committee.

Adjournment:

Chair Wheaton asked for a motion to adjourn the meeting, a motion was made by Ms. Widger seconded by Mr. Kaufmann to adjourn the meeting. All were in favor and the motion carried.

Irene Carney, Secretary

(Please note minutes are not verbatim)