

## **OCTOBER 19, 2009**

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Vice Chairman Richard Myers at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Barton (arrived at 7:40 PM), Myers, Mayor Jewell, Watters, Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Smith.

Absent: McGuinness, Spender.

Also present: Douglas Mace, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

**MOTION** was made by **HAZEN** to approve the minutes of the September 21, 2009 meeting, as written.

**SECONDED: CREEDON.**

Those in favor: Mayor Jewell, Watters, Hazen, Creedon, Vaezi, Mills, Hight, Myers.

Opposed: None.

Abstained: Mannon.

**MOTION** was made by **MAYOR JEWELL** to approve the resolution for Case #07-03, MYK Logistics (Americas), Inc., as written.

**SECONDED: VAEZI.**

Those in favor: Watters, Hazen, Creedon, Vaezi, Mills, Hight, Mayor Jewell, Myers.

Opposed: None.

Abstained: None.

### **Case #09-03, Jersey Central Power & Light Company, A First Energy Company and Nextel of New York, Inc.**

Present for the applicant: John Edwards, Esquire; Frank Colasurdo, Architect; Ronald Reinertsen, P.P.; Adam Durando, RFE

Edleston announced that neither Mayor Jewell, nor Watters, could participate in the use variance application.

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Edwards explained the application proposes to co-locate public utility cellular antennas on an existing power pole, and can be considered as an inherently beneficial use. Edwards stated the use variance was necessitated by the fact the power pole is located in a residential zone.

Edwards explained that JCP&L is attempting to provide their own cellular network in case of storms and emergencies. Mace asked if the service would also provide service to the general public, and Edwards replied that it would.

Colasurdo explained the site plan by indicating the proposed location of the antennas and the equipment cabinet. Colasurdo stated the power tower is an existing 4-legged, 140' tower. The applicant would provide an un-manned equipment cabinet and a backup generator for the FAA light. The site would be serviced routinely once every four weeks, but monitored 24/7.

Colasurdo explained the specifications for the backup generator. Colasurdo stated the typical system would run with a battery back-up system, but the beacon must not be allowed to go out. Further discussion was held regarding the back-up generator and its operation. Colasurdo explained the back-up generator would operate once per week for 40 minutes as a test. The suggestion was made to operate the back-up generator during day time hours Tuesday through Friday.

Reinertsen presented an aerial image/photographic simulation of the area. Reinertsen stated the closest house to the site appeared to be approximately 2,800 feet away.

Entered as Exhibit A-1 – site plan revised 8/27/09

Entered as Exhibit A-2 – RF exhibit – proposed and existing sites

Durando explained the two exhibit overlays which depicted the gap and subsequent additional coverage. In response to a question by Vaezi regarding the height of the antennas, Durando replied the height was necessary to maintain distance between the antennas and the high tension power lines.

Entered as Exhibit A-3 – photographic simulation from the State park

Entered as Exhibit A-4 – photographic simulation 600' south of the site

Entered as Exhibit A-5 – photographic simulation 3,970' northwest of the site

Entered as Exhibit A-6 – photographic simulation 5,325' northeast of the site

Reinertsen stated the site is surrounded by vast open space. Reinertsen stated the Ordinance is clear, and encourages co-location of services. Reinertsen stated the impact to the surrounding area is negligible, and compliance with the FCC is accomplished. Reinertsen stated the use is inherently beneficial by providing benefit to the power company in an emergency, and also for the residential users.

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Reinertsen stated the application is for an adaptive re-use of an existing tower.

Smith asked if other companies could co-locate on the tower as well. Edwards stated any other users would have to come before the board.

Entered as Exhibit A-7 – Pinnacle Telecom Group report

There were no questions or comments from the general public.

**MOTION** was made by **CREEDON** to grant use variance, bulk variance, and preliminary and final site plan approvals for Case #09-03, Jersey Central Power & Light Company, A First Energy Company and Nextel of New York, Inc., subject to the generator testing to be during day light hours Tuesday through Friday, Fire Department approval, and any other conditions discussed during the hearing.

**SECONDED: MANNON.**

Those in favor: Mannon, Hazen, Creedon, Vaezi, Mills, Myers, Barton.

Opposed: None.

Abstained: None.

Mayor Jewell and Watters returned to the board.

**MOTION** was made by **MYERS** to authorize payment by the Township Committee invoices submitted by the professionals.

**SECONDED: CREEDON.**

Those in favor: Hazen, Creedon, Vaezi, Mills, Hight, Myers, Mayor Jewell, Watters, Mannon, Barton.

Opposed: None.

Abstained: None.

Barton announced a letter was received from Linda Burk, and the application for Case #09-02, Linda A. Burk was withdrawn.

Barton asked if there was anything new regarding the Highlands regulations. Mace stated they only appear to get worse.

Mayor Jewell stated he received a letter from the Mayor of Union Township in Hunterdon County regarding septic system regulations. Mayor Jewell stated the regulations are unbelievably restrictive and controlling.

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Mace announced that he would be retiring at the end of the year. Mace thanked the board for their cooperation, and giving him the opportunity to accomplish so much within the last twenty-plus years.

**MOTION** was made by **HAZEN** to adjourn the meeting at 9:10 PM.  
**SECONDED: MANNON.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary  
As Written