

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
November 9, 2022

1. Call to Order

Chairperson Sherr called the meeting to order at 7:04pm.

2. Open Public Meeting Act Statement

Chairperson Sherr read the Open Public Meeting Act Statement.

3. Roll Call

The following members were present:

CLASS IV MEMBERS:

FRANK RYAN DEC/2024 [PRESENT]	MARK KRANZ DEC/2023 [PRESENT]
JOSEPH DESCENZA DEC/2024 PRESENT]	JOE CARUSO DEC/2022 [PRESENT]
ROBERT SHERR DEC/2022 [PRESENT]	PAUL WOSKA DEC/2023 [PRESENT]
TODD NICOLAY DEC/2023 [PRESENT] ALTERNATE 1	
SPENCER DURKIN DEC/2022 [PRESENT]ALTERNATE 2	

ROBERT DESSINO DEC/2023 [PRESENT] CLASS I MEMBER
STEPHEN GRECO DEC/2022 [PRESENT] CLASS II MEMBER
JEREMIAH CARNES DEC/2022 [PRESENT] CLASS III MEMBER

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON
ZONING OFFICER-MR. JOE COSTA
BOARD ENGINEER AND SUBSTITUTE PLANNER- MR. JOSEPH VENEZIA

4. Approval of minutes

Member Kranz made a motion to approve the October 26, 2022 meeting minutes, seconded by Member Woska Vote: Member Descenza- abstain, Member Woska-yes, Member Ryan-yes, Chairperson Sherr-yes, Member Kranz-yes, Member Caruso-yes, Member Carnes-yes, Member Dessino-yes, Member Greco-yes, Member Nicolay-yes, Member Durkin-yes. Motion passed.

5. Old Business

JLUB 2020-008

Memorialize Resolution

Veolia Technical Solutions
172 Baekeland Ave
Block 341 Lot 1

Member Descenza made a motion to approve the Resolution, seconded by Member Kranz. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes,

Chairperson Sherr-yes, Member Kranz-yes, Member Caruso-yes, Member Carnes-yes, Member Dessino-yes, Member Greco-yes. Motion passed.

JLUB 2022-006
403 E St LLC
403 E St.
Block 41 Lot 11

Memorialize Resolution

Mr. Sullivan came before the Board to state the concerns with the proposed Resolution upon their review. The Board discussed the concerns.

Member Descenza made a motion to approve the amended Resolution as discussed, seconded by Member Woska. Vote: Member Descenza-yes, Member Woska-yes, Chairperson Sherr-yes, Member Kranz-yes, Member Dessino-yes, Member Nicolay-yes. Motion passed.

6. New Business

JLUB 2022-008
T-Mobile Northeast LLC
730 South Ave
Block 267 Lot 3

Interpretation /Site Plan

Mr. Frank Ferraro stated he is representing the applicant T Mobile for work to be done on the cell tower located at 730 South Ave.

Mr. Costa gave a brief history of the property, stating the applicant originally applied for the address 750 South Ave. He also stated that he has summons for the property owner regarding trailers.

Mr. Ferraro stated that American Tower owns this specific area and the access easement rights, has the deeded rights to the property.

The Board discussed that the application is for a very specific area and no improvements within fenced area.

Mr. Ferraro explained the Telecommunications Act and the letter of authorization that is a Power of Attorney for the work being proposed.

The Board stated that the application could be heard for the specific area of the property.

Mr. Ferraro stated that the applicant is seeking an interpretation of the ordinance as the Zoning Officer has denied the zoning application for the work to be done.

Mr. Ferraro stated that currently the height of the antennae is 80ft and seeking a 20ft. extension of the antennae. The total height would be 100ft.

Mr. Ferraro stated that there will be equipment installed on the steel platform and also an emergency generator to be installed.

Mr. Ferraro stated that currently there are cell towers on the water tanks located on Smalley Ave in the Borough. The water tanks are being removed and they will have to remove the antennae. T Mobile doesn't want to lose cell coverage so will be adding to the site at 730 South Ave.

Mr. Ferraro stated the application was filed under the federal legislation that certain modifications are allowed without Board approval.

Mr. Ferraro stated the federal legislation (F.C.C) determines what substantial change parameters are and this would be eligible facility request.

Mr. Robertson duly swore in Mr. Scott Brantley, Engineer.

Mr. Brantley stated his education and credentials.

The Board accepted Mr. Brantley as an expert witness.

Exhibit A1 11/9/2022 was entered as site drawings last revised August 8,2022:

Sheet C-001 showing the site easement area, the area located in the northwest corner showing tower setbacks 6ft off the western property line and 17ft off the rear property line.

Sheet C-002 plan showing adjacent land uses and the subject property in the IND Zone

Sheet C-003 showing the setbacks for the site

Sheet C-101 showing detailed site plan and how everything in fence will be actually installed.

Sheet C-201 shows the tower elevations of 100ft and 9 antennae

Mr. Brantley explained how the tower will comply with the test requirements (F.C.C#1.6.1.00B sections 1-6):

- Base station not to exceed 20ft- will only be 16ft
- Impact width more than 20ft- no the platform is not and very similar to others
- No more than 4 cabinets-only 2 will be
- Having generators will ensure power to equipment
- Site will have multiple providers- encourage co-location of equipment

Mr. Brantley explained that the extension and modifications at the site comply with the federal regulations and are within the allowed height and width requirement and within

the allowable amount cabinets to be added. He explained that this is not a substantial change to this site and is following the regulations.

Chairperson Sherr asked for questions from the Board.

Mr. Robertson referred to the question raised in the Engineering memo regarding the antennae and existing facilities.

Mr. Roberston asked how do you define a base station?

Mr. Brantley stated that the purpose of the federal legislation is to have many Cell Carriers use the same location (base station) and co-locate.

Mr. Brantley defined a base station as an electronic communications equipment that are placed to create a network and listed the equipment included transmitters, receivers, batteries, generators, etc.

He state the equipment being added is included in the list and is based on the original based network approved. He stated that you couldn't keep expanding, another carrier couldn't keep piggybacking off of the expansion.

Mr. Venezia confirmed the statement regarding expansion.

Member Descenza asked about the power source for the generator.

Mr. Brantley stated that the generator would use diesel fuel.

Mr. Robertson stated that the applicant was forwarded an email regarding flood area.

Mr. Robertson stated that a previous approval was color, the applicant will match the color existing.

Member Caruso asked if the property that is owned by PRM Realty would be used for construction equipment such as a crane and if they would be receiving any compensation for using the land.

Mr. Costa commented that PRM Realty received compensation for the easement rights.

Member Descenza confirmed the location of the site is next to 700 South Ave where the new warehouse was approved.

Chairperson Sherr opened the meeting to the public for questions.

Mayor Madden, 39 Ramsey Rd asked a question about the height of the antenna.

Mr. Brantley explained from where the base to the top is measured.

Mr. Madden asked about antenna at the water tower and MPE (Maximum Permissible Exposure) calculations.

Mr. Brantley answered the questions.

There being no further public questions Chairperson Sherr closed the public questions and the Board continued with the application.

Mr. Robertson stated that the Board has to decide on the interpretation; if the cell tower improvements comply with the FCC regulations, or not.

Chairperson Sherr commented that the color of the equipment needs to match the existing equipment.

Member Greco made a motion that the applicant made an eligible facility request, seconded by Member Caruso. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Chairperson Sherr-yes, Member Kranz-yes, Member Caruso-yes, Member Carnes-yes, Member Dessino-yes, Member Greco-yes, Member Nicolay-yes, Member Durkin-yes. Motion passed.

7. Correspondence

A. Block 293 Lot 8- Class 1 Cannabis Cultivation License Letter

Board Members reviewed the letter, Mr. Robertson will review and revise the letter before the Zoning Officer will sign.

B. Middlesex County Agriculture Development Board

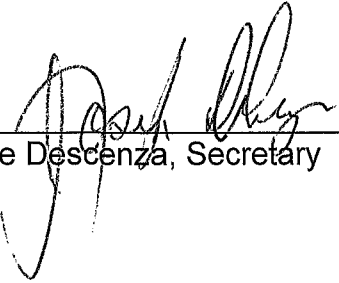
No Action Required by the Board.

8. Board Comments

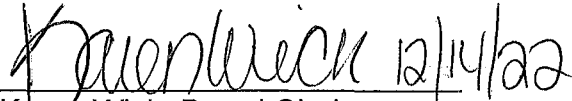
Member Ryan asked a question regarding the Tree planted by Jilly's Liquors. Mr. Costa stated that there is no definitive list from the Shade Tree Commission on types of trees to be planted. The Board recommends that the Shade Tree recommend general trees and tree types to be used in development applications.

Chairperson Sherr opened the meeting to the public for comments, there being no public comments, he closed the public portion of the meeting.

There being no further business Member Descenza made a motion to adjourn the meeting at 8:22pm, seconded by Member Greco. Vote: All in favor. Meeting adjourned.



Joe Descenza, Secretary



Karen Wick, Board Clerk