

MINUTES OF THE  
REGULAR MEETING  
OF THE LAND USE BOARD  
June 6, 2018

---

THE REGULAR MEETING OF THE LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JUNE 6, 2018, IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 6:30 P.M.

**CHAIRMAN GEORGE KELMAN PRESIDED**

Chairman Kelman called the Regular Meeting to order at 6:30 p.m., and the Secretary announced that proper notice had been given by the posting of the Regular Meeting notice and by transmitting the notice of the meeting to the Courier News and the Star Ledger.

**SALUTE TO THE FLAG**

Everyone present participated in the Salute to the Flag.

**ROLL CALL:**

Present	George Kelman, Chairman	
Present	Ted Camacho	
Present	Richard Onderko, Mayor	
Present	Ted Petrock, Councilman	
Present	Rudy Nowak	Arrived at 7:04 p.m.
Present	Andrea Bierwirth	
Absent	Brandon Agans	
Present	Jim Powers	
Present	Donald Quick	
Present	Suzanne Maeder, Alternate #1	
Present	Tim Kenyon, Alternate #2	
Absent	Tiffany DeLucia, Alternate #3	
Present	Christopher Corsini Esq., Board Attorney	
Present	Robert C Bogart, Borough Engineer	

**APPROVAL OF MINUTES**

Mr. Petrock, seconded by Mr. Powers, motioned to approve the minutes of April 25, 2018, correcting "Regular Meeting" to "Special Meeting" and other grammatical errors.

Mr. Petrock, seconded by Powers, motioned to approve the minutes of May 1, 2018 correcting Mr. Quick from absent to present.

## RESOLUTION

There were no resolutions.

Chairman Kelman announced Mark Manville requested to be adjourned until the July 10<sup>th</sup> meeting without further notice.

## APPLICATION

#PB-18-02

SBA 2012 TC Assets, LLC & New York SMSA L.P. d/b/a Verizon Wireless  
Block 37, Lots 10,11,12,41,42,43, 247 North Main Street

Mr. Kelman noted for the record, under advisement of the Board's Engineer, the application is to be marked as a major site plan in accordance with the Borough's ordinance.

Eric Goldberg of Stark and Stark Attorneys at Law, stated the application is for a Verizon wireless telecommunication antennas at 87 feet on the proposed tower with screened equipment. Referring to the Board's Engineer report, Mr. Goldberg addressed the variances of pre-existing nonconformities. He further stated a technician is scheduled to perform routine maintenance at the site.

James Giordano, testified to the radio frequency for the proposed site. Mr. Giordano described Exhibit A1 as the current reliable coverage. He testified there is a gap in coverage for the area. Referring to Exhibit A2, Verizon Wireless Network in Manville proposed network reliable coverage, Mr. Giordano described the proposed increased coverage. Mr. Giordano stated the site was selected for its location, being right in the commercial area there is coverage to the commercial area and west and south of the Borough. He further added the location was selected because it is an existing structure.

Mr. Corsini requested clarification be given for reliable coverage and other coverage. Mr. Giordano described reliable coverage with data and quality of the service.

Mr. Giordano stated Verizon's site at Manville's water pump has the potential to be swapped out for the proposed site.

Mr. Powers asked the difference between the current and proposed location. Mr. Giordano stated there is an increase in coverage due to simply the location.

Mr. Petrock asked the radius of the current location at the water tower. Mr. Goldberg stated the sites in the area bounce off of each other.

Mr. Kenyon asked if there are data on call drops and the inability to access the network. Mr. Giordano stated the call drops are the issue, the speed of the service is not adequate.

Mr. Kelman commented on the coverage in the area.

Ms. Maedar requested clarification on the term, directing energy, Mr. Giordano used to describe the current and proposed coverage. Mr. Giordano clarified.

Mr. Kelman asked if there was knowledge of other carriers being present at the water tower.

Mayor Onderko asked if a before and after photo of the tower is available. Mr. Goldberg advised it will be presented later in testimony.

Maria Janucik, 720 Frech Avenue, asked if there would be coverage if the tower wasn't at the current site. She asked if there are other antennas outside of Manville. Ms. Janucik asked how many sites are required to provide good coverage. Ms. Janucik asked for clarification on the location of the current sites. She further asked the impact of the electromagnetic field on the residents. Mr. Giordano addressed her questions.

Wes Taylor, 260 North 6<sup>th</sup> Avenue, asked for clarification on the type of coverage. He further asked if the frequency will interfere with the other company's antennas. Mr. Giordano addressed his questions.

Joshua Cottrell, Professional Engineer, referring to Exhibit A3, a series of site plans previously submitted, described the property and described the structural study done on the building. Mr. Cottrell stated a platform will be installed and two new exterior columns will be added to relieve stress on the building. Mr. Cottrell stated the platform will be screened with metal corrugated sheets, painted to match the building. He further testified the facility is unmanned and is remotely monitored. Mr. Cottrell stated the telephone and electric utilities are required and provided by the building. Mr. Cottrell stated lights will be installed with a time switch for the technician's use at night. He stated there is minimal noise disturbance. Mr. Cottrell stated the tower is structurally adequate. He further stated all construction will be in the back of the parking lot. Mr. Cottrell further addressed the Board's Engineer's comments provided in his report

Mr. Cottrell described Exhibit A4, a packet of photos showing various angles and views of the proposed location.

Mr. Kelman expressed concerns for the walls supporting the existing and proposed equipment. Mr. Petrock asked if other carriers will assist with the structure. Mr. Giordano addressed the questions.

Mr. Powers asked the approximate weight being added to the roof. Mr. Cottrell addressed his questions.

Mr. Kelman asked if the additional equipment will be supported by beams going into the concrete. Mr. Cottrell confirmed there will be additional support. Mr. Kenyon asked if the structure will be addressed prior to the install. Mr. Cottrell addressed his question.

Mayor Onderko asked how many pillars are involved. Mr. Cottrell stated there will be twelve new columns and two new columns on the exterior of the building. Mr. Powers asked if the exterior columns will be on the ground level outside of the building. Mr. Cottrell stated the columns will extend through the existing overhang.

Mr. Nowak asked what the Borough will gain from the additions. Mr. Kelman advised prior testimony addressed Mr. Nowak's questions. Mr. Goldberg addressed Mr. Nowak's question.

Maria Janucik, 720 East Frech Avenue, asked the location of the Metro PCS on the roof and if an environmental study was done. Mr. Cottrell addressed her questions.

West Taylor, 260 North 6<sup>th</sup> Avenue, referred to Exhibit A4 view 6, asked if the columns will be installed outside of the building.

Margaret Lyons, Director of VCOMM LLC, referring to Exhibit A5, dated March 15, 2018, stated there is a 5.9 percent allowable maximum emission. Referring to Exhibit A6, Ms. Lyons stated the cumulative of all the carriers is 14.6 percent of the allowable standard and is in compliance with the Federal and State regulations.

Mr. Kelman asked Ms. Lyons if she had an opinion on whether or not the addition of the equipment causes any health risks to the public. Ms. Lyons stated the existing towers and the additions of the antennas maintains well within the limits set. Mr. Kelman requested she provide her personal opinion, Ms. Lyons stated her personal opinion was there is not a risk.

Maria Janucik, 720 East Frech Avenue, asked if the radio frequency levels are safe for people working on the roof and if there is a cumulative impact on the residents. Ms. Lyons stated the impact is less at a lower height. Ms. Janucik asked the allowable level, the health impact for the 5.9% of the radio frequency, and the current percentage versus the percentage after the added equipment. Ms. Lyons addressed her questions.

Mr. Goldberg summarized the application and testimony.

Mr. Bogart stated the applicant has satisfied the Engineer's concerns.

Mayor Onderko asked the value of the project. The applicant could not provide exact numbers.

Mr. Nowak asked who the owner of the building is. He further asked if the building is sold, what happens with the equipment.

Maria Janucik, 720 East Frech Avenue, asked if proper notice was sent to the surround property owners. She further commented on the radio frequency.

Mr. Corsini advised on the eligible members to vote.

Mr. Kelman called for a motion to approve with the conditions stated on record. Mr. Petrock, seconded by Ms. Maeder, motioned for the approval of the application.

Roll Call: Ayes: George Kelman, Jim Powers, Andrea Bierwirth, Mayor Richard Onderko, Donald Quick, Suzanne Maeder, Tim Kenyon

Nays: None

Absent: Ted Camacho, Brandon Agans, Tiffany DeLucia

#### PRESENTATION

There were no presentations.

#### PUBLIC PORTION

Maria Janucik, 720 East Frech Avenue, commented on an error on the agenda, commented on a Borough Ordinance and questioned if the tax map error, discussed at the Valerie Drive Presentation, was corrected. Chairman Kelman addressed her comments. She further asked if a formal redevelopment plan was adopted for the Rustic Mall. Mayor Onderko addressed her question. Ms. Janucik commented on the informal presentation of WaWa Corporation in respect to contamination at the site.

West Taylor, 260 North 6<sup>th</sup> Avenue, asked if there will be a reevaluation of the ordinance in respect to the 1500 foot between fuel stations. Chairman Kelman advised due to litigation, no comment can be given at this time.

#### OLD BUSINESS

There was no old business to discuss.

#### NEW BUSINESS

Chairman Kelman stated the July 3<sup>rd</sup> meeting will be rescheduled to Tuesday, July 10<sup>th</sup>.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted by,

Jasmine D. Mathis

Joint Land Use Board Secretary