Chairman DeRochi called the meeting to order at 7:37 p.m. and read the opening statement which affirmed that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Chairman DeRochi; Vice Chairman O’Brien; Mr. Fedun; Mr. Post; Mr. Wu, Alternate #3; Mr. Tuosto, Alternate #4

ALSO PRESENT: Mr. Drollas, Board Attorney; Ms. Goldman, Board Planner; Mr. Cline, Board Engineer; Mr. Palmer, Zoning Officer, Mr. Conforti, Township Committee Liaison

I. SALUTE TO THE FLAG

II. APPLICATIONS

Case BA-05-14 Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless
Block 8001 Lot 1
Use Variance and Site Plan
Expiration Date – 12/31/16
Affidavit of Notification and Publication Required and Previously Found to Be In Order

Richard Stanzione, Esquire represented the applicant.

John Michael Spencer, 1035 Jeter Avenue, Bethlehem, PA, was sworn in. Mr. Spencer gave the Board his qualifications and was accepted as an expert in the field of acoustical engineering. Mr. Spencer reviewed the application to determine what sound levels would be produced from the equipment. Existing noise level measurements were taken at the site to compare to the sound from the generator that will be enclosed in a level three sound enclosure and the ventilation exhaust fan that is located at the top of the silo. The telecommunication equipment will not generate sound outside the silo. Mr. Spencer referenced his updated report dated September 27, 2016 which was marked as Exhibit A-16. The equipment will comply with the required noise regulations and in fact it will be less than the existing ambient sound levels. The emergency generator is exempt from the noise regulations. Mr. Spencer described how the ambient levels and the statistical levels were measured. The daytime ambient level was measured at 40 dBA and nighttime was 33 dBA. The expected sound level due to the generator is 53 dBA, the silo exhaust fan is 23 dBA and the generator and fan combined is 53dBA. The only constant sound source is the fan which sound is lower than the ambient sound levels. If the proposed fencing was converted to an 8’ tall sound barrier (not being proposed) there would be a 5 to 6 dBA reduction in generator noise. The barrier would have no effect on the fan noise.

Mr. Spencer discussed the Remington Vernick and Vena memo dated July 15, 2016. The generator will be enclosed within a sound attenuating enclosure. The sound data provided by the generator manufacturer is reliable. The Board questioned Mr. Spencer. The meeting was opened to the public to question Mr. Spencer.

Mark Barbour, Belle Mead, was sworn in. Mr. Barbour asked if there has been any proposal for the use of any software and equipment that would monitor and then negate any of the noise levels. Mr. Spencer replied that the steady noise is the ventilation fan which is 10 dBA less than what is currently out there and there is not technology available.

The Municipal Noise Ordinance chart issued by the DEP was marked as Exhibit A-17.

Mark Tinder, Belle Mead, was sworn in. Mr. Barbour asked if there has been any proposal for the use of any software and equipment that would monitor and then negate any of the noise levels. Mr. Spencer replied that the steady noise is the ventilation fan which is 10 dBA less than what is currently out there and there is not technology available.

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The Municipal Noise Ordinance chart issued by the DEP was marked as Exhibit A-17.

Mark Tinder, 29 Somerset Street, Somerville, was sworn in. Mr. Tinder gave the Board his qualifications and was accepted as a licensed appraiser. Mr. Tinder was retained to ascertain if the proposed installation of the communication facility would have the potential for any negative impact upon the values of neighboring properties. Mr. Tinder described the proposal as well as the surrounding properties. The surrounding uses are predominately single family residential, farmland or Green Acres. The silo is properly characterized as a passive use since there is no substantial noise, there are no odors, no traffic, no lights or burden on municipal services. The predominant use of the property is a large preserved farm which will remain the same after the application. There would be no significant change in the existing vegetation or topography of the subject property. The existing character of uses throughout the area would not change. The closest single family homes are situated at such distances as to be physically removed from the site. There is tree buffering that offsets potential views of the silo from most locations within the immediate locale. The potential visual is further mitigated by the fact that it is being proposed to be a farm silo on a preserved farm parcel. As far as economic conditions as relates to the potential for value impacts the reality of the marketplace is taken into consideration. Specifically how, if at all, residential property values are reacting to and/or being influenced by cellular installations. He concluded there would be no reasonable potential value impact that would be associated with this proposed use.

Mr. Tinder discussed the sales comparison analysis he prepared. Sales Comparison Analysis “Tower Neighborhood” versus “Non-tower” Neighborhoods (Residential sale property within proximity to multiple 253’ lattice towers) was marked as Exhibit A-18. This takes the sale of a home that is in proximity and has views of multiple towers and
compares it to homes that sold in the same market area. After making typical and ordinary adjustments for all other factors except the existence of the towers, it shows the home sold within the range of what the market suggested it should have sold for irrespective of the existence of and view of the nearby towers. The conclusion is the nearby towers had no impact on the value or marketing of the home. Sales Comparison Analysis “Rohill” neighborhood comparison subject/control property within proximity to a 150’ monopole was marked as Exhibit A-19. The neighborhood in this comparison is adjacent to the municipal facility in Hillsborough that has a monopole. The home was compared to other homes in the neighborhood. The house sold over list price. The conclusion is that this property was not impacted in any measurable way by its proximity to and/or view of the nearby monopole. Sales Comparison Analysis “Glen Eyre” neighborhoods comparison subject/control property within proximity to a 120’ monopole. The property backs up to a monopole. The home was compared to other homes in the neighborhood and nearby neighborhoods all known as Glen Eyre. The first three homes in the comparison had a partial view of the pole while the second three had no view. In each of these cases and in others Mr. Tinder has studied throughout the state he has not seen the residential marketplace reacting in any measurable way to these installations.

Mr. Drollas asked Mr. Tinder how many of the comparable sales he has analyzed are located in historic preservation areas. Mr. Tinder did not know for sure but didn’t think any were. Mr. Drollas asked what the impact would be to properties already in a historic district. Mr. Tinder’s opinion was that there would not be any effect.

Mr. Post looked at 48 Oak Terrace (Exhibit A-19) on Zillow and noted that the listing price dropped from $529,000 in September 2014 to a sales price of $460,000 in August 2015. Mr. Tinder replied that he looks at the listing that pertains to the property at the time it was marketed. There is not necessarily any accounting for the fact that someone started off at an unreasonably high price. If that listing was expired or withdrawn when it comes back on the market it is a new listing. Mr. Post asked when the tower was built since his focus would be on any change in home value from when it was initially built to after the tower was built. Mr. Tinder replied that the tower was built in 2007. The price drop is due to market changes. He has not been able to find a situation where a house sells just before and then again just after a tower is constructed in the vicinity.

Mr. Drollas asked Mr. Tinder if he considers cell towers in the immediate area when he is appraising a home. Mr. Tinder says he does not because he has found that he has not seen market value impact.

There was further discussion about the way the studies/appraisals were done. The Board took a five minute recess.

Chairman DeRochi opened the meeting to the public to question Mr. Tinder.

Donald Matthews, Rutland Road, remains under oath. Mr. Matthews asked if Mr. Tinder took the noise generated from the facility into consideration. Mr. Tinder replied that the testimony has been that the noise is relatively de minimis. Mr. Matthews said there was a question earlier about how tall silos typically are. He has three on his property and they are fifty feet (50’).

Candy Willis remains under oath. Ms. Willis asked if Mr. Tinder could comment on the fact that he thinks the silo would have a de minimis effect on surrounding properties while the New Jersey Historic Preservation Office in 2014 determined it would have an adverse visual effect. Mr. Tinder replied that he does not believe it has any impact on market value.

Liz Palius remains under oath. Ms. Palius asked why Mr. Tinder did not study other historic districts with proposed cell towers as how that affected the real estate values. Mr. Tinder said he is not aware of any.

Barbara Ten Broeke remains under oath. Ms. Ten Broeke asked Mr. Tinder if he were to sell property in the area would he advertise it as a pristine area. Mr. Tinder said he is not a real estate agent so he does not sell or list properties.

Judy Peters, 43 Dead Tree Run Road, was sworn in. Ms. Peters asked if Mr. Tinder had any experience with stealth towers that pretend to look like something it isn’t, in this case a silo. Mr. Tinder said the applicant provided him with a list of different places but each was in a more rural area where there were no homes very close by. The studies he has provided in some cases are a much worse case scenario because they are clearly identifiable as towers. If a tower in general were to have an impact on value he would have seen it in these locations and others that he has studied.

Ms. Willis commented about the posting of the agenda on the Township website.

The hearing was continued to the October 25, 2016 Zoning Board meeting. No further notice will be provided.
III. MINUTES

September 20, 2016 – Regular Meeting

A motion to approve the minutes was made by Mr. Post and seconded by Mr. Tuosto. The motion carried on the following:
Ayes: DeRochi, O’Brien, Fedun and Post
Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.