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**Mailing Address:**  
P.O. Box 158  
Rockleigh, NJ 07647-0158

February 11, 2020

**Via UPS**

Ms. Cheryl L. Chrusz  
Secretary, Zoning Board of Adjustment  
Municipal Building  
2261 Route 206  
Belle Mead, N.J. 08502

**RE: Use Variance, Height Variance and Site Plan Application**  
**Applicants: SectorSite LLC, Sectorsite Tower Assets and New York SMSA**  
**Limited Partnership d/b/a Verizon Wireless**  
**Site Name: Skillman NJ-418**  
**Property: 26 Dead Tree Run Road, Township of Montgomery, Somerset**  
**County, N.J. 08502**  
**Block 17001, Lot 11.02**  
**Zone: R-2 Residential**

Dear Ms. Chrusz:

This office represents the applicants, SectorSite LLC, SectorSite Tower Assets and SMSA Limited Partnership d/b/a Verizon Wireless, with respect to the enclosed application seeking use variance, height variance and site plan approval to install a 135' tall stealth tree monopole and wireless telecommunication facility at the above referenced address. In support of this application, enclosed please find the following submissions for completeness review:

1. One (1) original and seven (7) copies of the application forms together with an owner's affidavit of consent, application addendum, waiver addendum, 10% corporate disclosure form, 200' property owner list, tax certification, collocation commitment letter, copy of the filed County Planning Board application, copy of the filed D&R Canal application, copy of the filed Somerset-Union County Soil Conservation District and copy of the filed NJDEP LOI Footprint of Disturbance application;
2. Eight (8) copies of a RF Emissions Study Report by VCOMM, LLC, dated 1/29/20;
3. Eight (8) copies of a RF Analysis and Report by VCOMM, LLC, dated 1/29/20;

**Ms. Cheryl L. Chrusz**

**Secretary, Zoning Board of Adjustment**

**Use Variance, Height Variance and Site Plan Application**

**Applicants: SectorSite LLC, Sectorsite Tower Assets and New York SMSA Limited**

**Partnership d/b/a Verizon Wireless**

**Site Name: Skillman NJ-418**

**Property: 26 Dead Tree Run Road, Township of Montgomery, Somerset County, N.J.  
08502**

**Block 17001, Lot 11.02**

**Zone: R-2 Residential**

**February 11, 2020**

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4. Eight (8) Environmental Impact Statement reports by E2PM, dated January 2020;
5. Eight (8) Stormwater Runoff Quality Calculations report by E2PM, dated January 2020;
6. Eight (8) Surveys prepared by Van Cleef Engineering Assocs. LLC, dated 10/17/19; and
7. Eight (8) Site Plans prepared by E2PM, LLC, last revised 1/23/20.

Kindly advise as to the required application fee and escrow deposit and I will send to your attention under separate cover.

Thank you very much for your attention to this matter. Should you need any additional information, please feel free to contact me (201) 767-4122.

Very truly yours,  
**FERRARO & STAMOS, LLP**

  
Frank Ferraro

FF/encs.

cc: Mr. Dan Getchman, SectorSite  
Ms. Lynn Toomey, SectorSite  
Mr. Alex Moss, SectorSite  
Mr. Jason Smolinski, E2PM  
Mr. David Stern, VCOMM  
Mr. Jennifer May, VCOMM  
Mr. David Karlebach, PP

SectorSite LLC, Sectorsite Tower Asset Assets, and New York SMSA Limited Partnership d/b/a  
 Name of Applicant Verizon Wireless Email frankf@ferrarostamos.com  
22 Paris Avenue, Ste. 105 Phone (Daytime) 201-767-4122  
 Address \_\_\_\_\_  
 City Rockleigh State NJ Zip 07647 (Fax) 201-767-4223  
 Applicant interest in property (owner, lessee, etc.) Lessee  
 Name of Owner (if not applicant) John & Charlotte Johnson  
 Address 26 Dead Tree Run Road  
 City Belle Mead State NJ Zip 08502 Phone 201-767-4122  
 When property was acquired by applicant N/A  
 Tax Map Page N/A Block 17001 Lot 11.02  
 Address of property 26 Dead Tree Run Road  
 Present Use of Property: Farm and single-family home  
 Proposed Use of Property: FCC licensed wireless telecommunication facility (see application addendum)  
 Development Name SectorSite NJ-0418B  
 Is the property served with public sewer system? Yes ☒ No \_\_\_\_\_  
 Is the property served with public water system? Yes ☒ No \_\_\_\_\_  
 Is the applicant willing to dedicate land for the widening of roads in compliance with Township and/or County Master Plan? Yes \_\_\_\_\_ No ☒  
 Is the proposed use located on a Municipal ☒ County \_\_\_\_\_ State \_\_\_\_\_ road?  
 Area of property 73.97 acres or 3,222,133.20 sq. ft.  
 Frontage on an improved street 912.44 ft. Present Zoning: R-2 Residential  
 Number of Lots: Existing 1 Proposed 0  
 Number of buildings: Existing 0 Proposed 0  
135' stealth tree monopole (140' to top of branches)  
 Proposed principal building height: \_\_\_\_\_ Proposed accessory building height N/A  
 Gross square footage of proposed building(s) N/A - no buildings proposed  
 Floor area of all structures: Existing No Change Proposed No Change  
 Percentage of coverage by buildings .0009% by impervious coverage .1%  
 Bulk restrictions provided: Front Yard 708.4' Side Yard 317.2' Rear Yard 1608.6' Height 135' to tower  
(140' to top of branches)  
 Parking spaces required 0 2 and provided 1  
 Has a subdivision previously been granted? Yes Date March 12, 2007  
 Has a variance previously been granted? Yes Date March 12, 2007  
 If previous applications were applied for please indicate the case number(s) PB-03-07  
 Are there any existing or proposed covenants or deed restrictions on the property? None to applicant's knowledge  
 If yes, explain N/A  
 Is a variance requested? Yes ( ) No ( ) No. of variances requested See application addendum

TYPE OF APPLICATION Use Variance, Height Variance, Bulk Variances and Site Plan Approval  
with waivers

Describe in detail section of Zoning Ordinance from which applicant seeks design waivers: \_\_\_\_\_

See attached waiver addendum

Describe in detail section of Zoning Ordinance from which applicant seeks submission waivers: \_\_\_\_\_

See attached submission waiver addendum

**PLANS**

Name of Engineer/Surveyor: James Murawski, P.E. Email jason.smolinski@e2pm.com

Address: 87 Hibernia Avenue

City Rockaway State NJ Zip 07866 Phone 973-299-5200 Fax 973-299-5059

Name of Architect: N/A Email N/A

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

**CERTIFICATION**

I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the attached authorization. I further authorize Township Officials to inspect the site noted above.

DATED: \_\_\_\_\_ See attached Owner's Affidavit of Consent

(Owner's Name Printed and Owner's Signature)

DATED: 2/10/2020 \_\_\_\_\_  
(Applicant's Name Printed and Applicant's Signature)

Frank Ferraro, Esq., Attorney for Applicants

**SWORN TO AND SUBSCRIBED BEFORE**

THIS 10<sup>th</sup> day of February

20 20

(Notary)

**LISA A. GOZZA**  
A Notary Public of New Jersey  
My Commission Expires 7/22/2024  
2225829

Persons to be contacted regarding matters pertaining to this application, if other than applicant.

Name: N/A

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

APPLICANT'S ATTORNEY:

Name: Frank Ferraro, Esq.

Address: Ferraro & Stamos LLP

22 Paris Ave., Ste. 105, Rockleigh, NJ 07647

Phone: 201-767-4122

Fax: 201-767-4223

I, the developer/applicant, as signed below, acknowledge familiarity with the procedure set forth in the Montgomery Township Land Development Ordinance for submittals and required action and agree to be bound by it.

2/10/2020

Date

Frank Ferraro, Esq., Attorney for Applicants

Applicant's Name Printed and Applicant's Signature

**AGREEMENT TO PAY FOR PROFESSIONAL REVIEW**

THIS AGREEMENT made this 5th day of February 20 20 between:

Name: Sectorsite, LLC; Sectorsite Tower Assets; New York SMSA Limited Partnership d/b/a

Address: c/o Frank Ferraro, Esq., Ferraro & Stamos, LLP, 22 Paris Ave., Ste. 105, Rockleigh  
N.J. 07647

Type of Application: Use Variance Block: 17001 Lot: 11.02

Hereinafter call "Applicant"

and:

The Township of Montgomery, in the County of Somerset, a municipal corporation of the State of New Jersey, hereinafter call "Township"

WITNESSETH

That the Applicant has submitted a development application to the Township's Planning Board/Zoning Board for consideration in accordance with the New Jersey Municipal Land Use Law and the Montgomery Township Land Use Ordinances and Applicant hereby covenants and agrees as follows:

- 1 Applicant agrees to pay all reasonable costs related to the Township's review and administration of the proposed application with said costs including but not limited to:
  - A Review by the Development Review Committee, which entails professional consultant costs for: Planner Engineering, Legal and other extraordinary consultant services as may be required by the Township;
  - B Full application professional review by the Site Plan Committee, Subdivision Committee, Planning Board, and Zoning Board, which entails professional consultant costs for: Planner, Engineering, Legal and other extraordinary consultant services as may be required by the Township;
- 2 Applicant understands and agrees to pay all reasonable costs as set forth above from the date of initial application submission through the Township's signature of approved plans which shall include any costs for extensions and revalidation's
- 3 Applicant understands and agrees to deposit with the Township's Planning/Zoning Office an initial application filing fee which is non-refundable and an initial escrow deposit in accordance with Section 16-9.1 of the Land Development Ordinance
- 4 Applicant understands and agrees that the Township will withdraw from said escrow deposit to cover costs as set forth in Section 1 above.
- 5 Applicant understands and agrees to pay within reasonable TEN BUSINESS DAYS of receipt of the Township's statement/billing all additional costs as may be incurred and billed to the applicant by the Township relative to the review and administration of the application even if the costs of said review and administration exceed the initial escrow deposit
- 6 Applicant understands and agrees that in the event Applicant fails to pay a billed amount the Township may discontinue Planning Board/Zoning Board review and consideration on said application or if Planning Board/Zoning Board approval has been previously given Township may deny issuance of a construction permit and/or certificate of occupancy or if permit has been previously issued Township may initiate a Stop Work Order.
- 7 Township agrees to refund to applicant any escrow sum deposited with Township for review and administration of the application and neither spent nor needed by Township. A refund will be issued upon request by Applicant by Township following completion of the Township's review and administration of the application
- 8 **APPLICANT AGREES AND UNDERSTANDS THAT IT IS INCUMBENT ON APPLICANT TO PERIODICALLY MONITOR THE STATUS OF SAID ESCROW ACCOUNT. APPLICANT AGREES AND UNDERSTANDS THAT RESPONSIBILITY TO PAY ALL ESCROW CHARGES IS THE APPLICANT'S EVEN IF APPLICANT SELLS OR CONVEYS SAID PROPERTY CITED ABOVE TO ANOTHER PARTY.**

Sectorsite LLC, Sectorsite Tower Assets, and New York SMSA Limited Partnership d/b/a

Verizon Wireless  
APPLICANT'S NAME (PRINTED)

Frank Ferraro, Esq., Attorney for Applicants  
APPLICANT'S SIGNATURE

2/5/20

DATE

## **ESCROW ACCOUNTING ADMINISTRATIVE PROCEDURE**

The following is a procedure to ensure proper control of payments to professionals reviewing and billing against applications for development within Montgomery Township;

### **A. GENERAL CONSIDERATION**

- 1 Professionals will be primarily responsible to review applications in light of their own professional expertise
- 2 The Community Development Department will be responsible for the administration and processing of professionals bills to the Township Finance Director.
- 3 All correspondence shall reference a case number, block and lot, and application name and address.
- 4 Applicants are to receive a copy of professional memoranda or reports at the same time as the Township
- 5 Professional's invoices to the Township may include but not be limited to report writing, field inspections, attendance at meetings with Township representatives, attendance at municipal meetings where applications are heard, and meeting with applicants.
- 6 The Director of Community Development will be the responsible agent of the Township for coordinating meetings among the various professionals employed by the Township to discuss development applications.

### **B. SPECIFIC AREAS OF RESPONSIBILITY OUTLINED**

- 1 The Engineer is responsible for reviewing the design of projects and reviewing public and semi-public improvements connected with development applications.
- 2 Planners are responsible for project designs, comments relating to the Master Plan and Ordinances
- 3 The Landscape Architect is responsible for landscaping reviews of applications.
- 4 The Traffic Engineer is responsible for commenting on traffic and transportation aspects of applications.
- 5 The Planning Board or Board of Adjustment Attorney is responsible for legal representation of the Planning Board or Board of Adjustment at meetings and any legal aspects of development plan review and approval, as well as litigation concerning projects.
- 6 The Township Attorney is responsible for legal aspects of public improvements and any legal contractual aspects of the application process to which the Township is a party
- 7 The Environmental Consultants are responsible for reviewing Environmental Impact Statements submitted with an application.
- 8 The Application Coordinator is responsible for general administration throughout the application review process and is also responsible for completeness items and issues within applications
- 9 The Director of Finance is responsible for establishing escrow accounts, maintaining a ledger of the accounts and payment of professionals' invoices following approval by the Community Development Department

### **C. BILLING**

1. Since professionals are appointed by, and work directly for, the Township, bills will be sent to the Community Development Department for checking and routing. Invoices will, at a minimum, indicate individuals who performed work, the time spent, and the billing rate
- 2 Bills are checked for the following:
  - A. Correct case numbers;
  - B. Correct block and lot(s) numbers
  - C. Correct application names
- 3 Bills are checked against ledger balances to avoid overdrafts.
- 4 When accounts are close to becoming over-extended, further funds will be requested of applicants.

**ESCROW ACCOUNTING ADMINISTRATIVE PROCEDURE  
(CONTINUED)**

5. Failure by applicants to maintain sufficient positive escrow balances may subject applications to delays in review
6. Professionals billing against escrow accounts must send a duplicate copy, marked or stamped, **"FOR INFORMATIONAL PURPOSES ONLY"** to the applicant at the same time the bills are sent to the Township.

**D. QUESTIONS CONCERNING BILLINGS**

1. Applicant inquiries regarding billing must be made in writing to the Director of Community Development specifying concerns, in detail, within two weeks of date of invoice
2. Invoices will be scrutinized a second time for possible billing errors.
3. The Director of Community Development will determine the appropriateness of the billing, make a decision on whether or not the bill will be paid, and inform both parties concerned.
4. Notwithstanding the above, nothing in this section shall constitute a waiver of Applicants' rights to further appeal any contested billing or invoice in accordance with applicable law.

**Applicant agrees and understands the "Escrow Accounting Administrative Procedure" and agrees to be bound by same.**

Sectorsite LLC, Sectorsite Tower Assets, and New York SMSA Limited Partnership d/b/a  
Verizon Wireless

\_\_\_\_\_  
**APPLICANT'S NAME (PRINTED)**

\_\_\_\_\_  
**APPLICANT'S SIGNATURE** Frank Ferraro, Esq, Attorney for Applicants

2/5/20

\_\_\_\_\_  
**DATE**

**MONTGOMERY TOWNSHIP PLANNING/ZONING BOARD**

***Appeal Alleging Error in Administrative Decision***

(See N.J.S.A. 40:55D-70(a) and Zoning Ordinance)

1. APPEAL is hereby made from the action of \_\_\_\_\_  
taken on \_\_\_\_\_, based on or made in the enforcement of the Zoning Ordinance; (state action  
appealed from)

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2. The following section of the Zoning Ordinance and State Statutes are involved

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3. Applicant is aggrieved or affected by said action, and alleges that same is in error on the following grounds: (set  
forth legal and factual argument indicating error)

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Not Applicable

## MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS

*Request for Interpretation of Zoning Regulations or Map*

Request is hereby made for an interpretation of the following provisions of the Zoning Ordinance or Map in their application to the following case: (State facts of case, parts of Zoning Ordinance involved, and questions propounded):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS**

***Application for Bulk Variance***

(See N.J.S.A. 40:55D-70(c) and Zoning Ordinance)

1. Application is hereby made for a variance from the strict application of the following provisions of the Zoning Ordinance: (Specify sections of Ordinance involved):

Section 16-4.1b - use variance; 16-4.2c - height variance; 16-6.1p.9(a); 16-6.1p.9(b);  
~~16-6.1p.9(c) - min lease area; 16-6.1p.9(d)(5) - tower within 750' of a residential zone~~

2. Applicant requests a variance to the following extent: (Set forth specific variance requested)

See attached application addendum

**ANSWER BOTH NUMBERS 3 AND 4 OR ANSWER NUMBER 5 AS APPLICABLE**

3. The strict application of said provision would result in: (Complete one or both of the following in detail)

***A. The following peculiar and exceptional practical difficulties:***

See attached application addendum

***B. The following exceptional and undue hardship:***

See attached application addendum

4. Said difficulties or hardship are by reason of (complete one of the following in detail):

***A. Exceptional narrowness, shallowness or shape of the property (describe):***

See attached application addendum

***B. Exceptional topographic conditions or physical features uniquely affecting the property (describe):***

See attached application addendum

***C. Reasons unique and peculiar to the lands or buildings for which the variance is sought and do not apply generally to lands or buildings in the neighborhood, because:***

See attached application addendum

*Application for Bulk Variance (Continued)*  
(See N.J.S.A. 40:55D-70(c) and Zoning Ordinance)

5. The following purpose of the Zoning Act would be advanced by a deviation from the Zoning requirements; and,  
See attached application addendum

6. The requested variance is the minimum reasonably needed, because:  
See attached application addendum

7. The benefits of the proposed deviation would substantially outweigh any detriment because:  
See attached application addendum

8. The variance requested will not result in substantial detriment to the public good because:  
See attached application addendum

9. The variance will not substantially impair the intent and purpose of the Zoning Ordinance and Master Plan  
because:  
See attached application addendum

## MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS

### *Application for a Use Variance*

(See N.J.S.A. 40:55D-70(d) and Zoning Ordinance)

1 Application is hereby made for the granting of a variance from the Zoning Ordinance to allow for the following:

- A. **XX** A use or principal structure in a district restricted against such use or principal structure
- B. **XX** An expansion of a nonconforming use
- C. A deviation from a specification or standard of a conditional use
- D. An increase in the permitted floor area ratio
- E. An increase in the permitted density
- F. **XX** The height of a principal structure exceeds the maximum height allowed in the zone by 10 feet or 10%

2. Said structures or uses are proposed to be located in the <sup>R-2</sup> \_\_\_\_\_ Zoning District, which is restricted against same by the following provisions of the Zoning Ordinance:

Sec. 16-4.1b

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3 This application is based upon the following special reasons:

See attached application addendum

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4. Said reasons are unique and peculiar to the lands or building for which the variance is sought and do not apply generally to land or buildings in the neighborhood because:

See attached application addendum

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5 The strict application of the regulations prohibiting said structure or use would deprive applicant of the reasonable use of the lands or buildings involved, because:

See attached application addendum

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6 The requested variance is the minimum reasonably needed, because:

See attached application addendum

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7 The variance requested will not result in substantial detriment to the public good because:

See attached application addendum

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8 The variance will not substantially impair the intent and purpose of the Zoning Ordinance and Master Plan because:

See attached application addendum

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**SECTOR SITE LLC, SECTORSITE TOWER ASSETS, NEW YORK SMSA LIMITED  
PARTNERSHIP D/B/A VERIZON WIRLEESS  
APPLICATION ADDENDUM**

**Site Name: NJ-418**

**26 Dead Tree Run Road, Township of Montgomery, Somerset County, N.J. 08502**

**Block 17001, Lot 11.02**

**R-2 Single Family Residential**

**I. Introduction:** Sectorsite LLC and Sectorsite Tower Assets ("Sectorsite") is wireless telecommunication tower developer and New York SMSA Limited Partnership d/b/a Verizon Wireless, ("VZW") is licensed by the Federal Communications Commission (FCC) to provide personal communication services to the public. VZW's license area is known as the New York Major Trading Area, a geographic area which includes, among other areas, Somerset County, New Jersey. SectorSite and VZW are co-applicants with respect to this proposed wireless telecommunication facility application.

**II. Proposed Installation:** VZW currently has gaps in reliable coverage and capacity in and around the vicinity of 26 Dead Tree Run Road, Montgomery, N.J. ("Property"), as explained in detail in the Radio Frequency engineering report submitted with this application. The Property is currently occupied by a farm and consists of 73.97 acres tract developed with several farm related buildings and including a single-family home. The co-applicants are proposing a new multi-carrier stealth tree monopole and equipment compound at a central location on the property, effectively maximizing separation distances to adjacent properties. In addition, the tower and equipment area will be located behind existing buildings on the Property to help mask same from public view.

VZW is attempting to remedy this service deficiency by constructing a 135' tall stealth tree monopole (i.e., 140' to the top of the faux tree branches) which will support 9 panel antennas on t-arm mounts, as well as, 6 remote radio heads and 1 over-voltage protection panels. The antennas will be installed at a centerline height of 132' and all appurtenances on the tree monopole will be painted brown to match. All cables leading from the ground equipment to the antennas will be run within the interior of the tree monopole.

On the ground, the co-applicants are proposing a 30' x 60' fenced multi-carrier compound within which will be the VZW 12.5' x 22' equipment lease area. The equipment area will include 2 equipment cabinets, a 10' tall cable bridge, load center, telco cabinet, GPS antenna, work light and appurtenances. In addition, a 30KW propane gas emergency generator and 500 gallon propane tank are proposed in the equipment area to run the facility during emergency power outages. The entire compound will be surrounded by an 8' tall chain link fence and will have a gravel surface. Bollards will be placed outside the compound to further protect the equipment and landscaping will be installed to help buffer the equipment from view. Finally, a rain garden is proposed adjacent to the equipment compound to handle storm water.

In addition, the 122' antenna centerline height of the stealth tree monopole and a portion of the fenced compound have been reserved for FCC license carrier, Sprint Spectrum, LP ("Sprint"), based upon a co-location reservation agreement with Sectorsite. Sprint's antennas and equipment have been added to the plan for informational purposes.

Access to the facility is proposed via an existing gravel/dirt access drive from Dead Tree Run Road. The facility will be unmanned and will not require any permanent employees at the site. The equipment shelter will be visited once every 4-6 weeks by a technician in an SUV type vehicle for routine maintenance. The facility will be remotely monitored on a 24/7 basis by VZW to ensure it is operating properly. The facility will not require any new municipal services, sewer service, water service, or refuse pick-up. As noted in the Radio Frequency emissions, report provided, the antennas and equipment will operate well within all allowable limits set forth by the FCC. Lastly, the facility will be constructed in accordance with all EIA/TIA standards and applicable building codes.

**III. Relief Requested:** The subject property is located within the R-2 Single Family Residential Zone ("R-2" Zone) of the Township. Per Sec. 16-6.1p.5, wireless telecommunication facilities are a permitted use or conditionally permitted use at the following two prioritized locations only:

(a) First Priority Locations: The first priority locations for wireless communication antennas shall be on the existing towers, water tanks and silos, or within the existing church steeples in the Township of Montgomery identified in the chart and on the map in Addendum I\* to this paragraph; antennas so located shall be permitted uses in the zoning districts in which the identified existing structures are located, notwithstanding any other provision of this Code to the contrary, and

(b) Second Priority Locations: The second priority locations for wireless communication antennas shall be on new wireless communication towers within the "PPE," "REO," "MR/SI" and "LM" zoning districts, and antennas so located shall be conditionally permitted uses.

Since there are no suitable existing structures in the area and the co-applicants could not secure a suitable Second Priority location for the proposed wireless facility, we request the following relief from the Montgomery Zoning Board of Adjustment:

- 1) A use variance per N.J.S.A 40:55D-70d(1) & (2) from Sec. 16-4.1b to install a new stealth wireless telecommunication facility in the R-2 Zone and on the Property;
- 2) A height variance from Sec. 16-4.2c since the maximum permitted height in the R-2 Zone is 35', whereas the proposed stealth tree monopole will be 135' tall (i.e., 140' tall to the top of the stealth tree branches).
- 3) Bulk variances from Sections 16-6.1p9(a) [if required], 16-6.1p9(b) and 16-6.1p9(c) to allow a minimum leasehold area of approximately 2,700 s.f. (including equipment

area outside the compound) and to permit other structures within the min. land area requirement of 20,000 s.f..

- 4) Bulk variance from Sec. 16-6.1p9(d)(5) since no wireless telecommunication facility is permitted within 750' of any residential district boundary line and the proposed distance is 0' since the facility will be within an R-2 Zone.
- 5) Bulk variance from Sec. 16-6.1p9(d)(3) since no wireless telecommunication facility is permitted within 1,000' of a historic district or site as duly designated by Montgomery Twp., Somerset County, the State of New Jersey and/or the Federal government, whereas, the subject site is located within the Bridgepoint Historic District.
- 6) Design Waiver from Sec. 16-6.1p10(b) to permit a monopole height in excess of 125' (i.e., 135' is proposed to top of monopole / 140' is proposed to the top of the faux branches).
- 7) Design Waiver from Sec. 16-6.1p10(g)(4) so that an outdoor multi-carrier equipment compound can be utilized instead of one multi-carrier building.
- 8) Design Waiver from Sec. 16-6.1p10(h) so that the landscape plan can be prepared by a N.J. Licensed engineer instead of landscape architect.
- 9) Preliminary and Final Site Plan approval with detail and submission waivers.
- 10) Any additional approvals, variances, waivers, exceptions or any other relief which may be deemed necessary upon review of the application by the Zoning Board of Adjustment, including, but not limited to, the continuance of any existing non-conforming conditions on the property and any relief which is not subsumed under the requested use variance relief.

**IV. Use Variance:** To obtain a use variance, an applicant must demonstrate that there are "special reasons" for the grant of the variance and that there will not be a substantial negative impact if the variance is granted. N.J.S.A. 40:55D-70d. The "special reasons" are often referred to as the positive criteria and can be demonstrated if the use is inherently beneficial, or the site is particularly well suited for the use. In Smart SMR v. Fairlawn Bd. of Adj., 152 N.J. 309 (1998), the court held that with telecommunication providers, an FCC license generally establishes that the use promotes the general welfare. Id. at 336. In addition, wireless telecommunications provide access to 911 services, internet services, and roadside assistance programs, all of which promote the public welfare.

The New Jersey Courts have found the "particularly suited" standard satisfied for various reasons including when: 1) the site is centrally located in the carrier's search area; or 2) propagation maps demonstrate an inadequacy of signal coverage; or 3) viable alternative sites and existing structures are not available. Ocean County Cellular Tel. Co. v. Township of

Lakewood Bd. of Adjustment, 352 N.J. Super. 514, 525, certif. denied, 175 N.J. 75 (2002). The applicant will offer evidence proving the above criteria at the public hearing.

**A. The site is particularly well suited for the use.** “To demonstrate that a site is particularly suited for a telecommunications facility, the applicant initially must show the need for the facility at that location.” New Brunswick Cellular Tel. Co. v. Borough of South Plainfield Zoning Bd. of Adjust., N.J., A-21 decided June 30, 1999 at 16. The need for a site can be based upon the carrier’s lack of adequate radio signal coverage in a geographic area, or, as in the New Brunswick case, a lack of capacity to serve its customers. This need is manifested as a coverage deficiency or coverage gap within the existing network. The New Jersey Appellate Court in New York SMSA v. Board of Adjustment of Township of Weekhawken, 370 N.J. Super. 319, 851 A.2d 110 (2004) found the particularly well-suited standard satisfied when the applicant, “using propagation maps and expert testimony, established a need for an additional wireless communication facility and demonstrated that the proposed site is located so as to redress the coverage problem. It also showed that no technically comparable alternative sites are available.” Therefore, the applicant must demonstrate only a coverage deficiency (i.e., “coverage gap”). With respect to the availability of alternative sites, the court explained in the recent seminal case of Larry Price v. Himeji, LLC and the Union City Zoning Board of Adjustment, 214 N.J. 263, 292-293 (2013), that although the availability of alternative locations is relevant to the analysis, demonstrating that a property is particularly suitable for a use does not require proof that there is no other potential location for the use, nor does it demand evidence that the project ‘must’ be built in a particular location. Rather it is an inquiry into whether the property is particularly suited for the proposed purpose, in the sense that it is especially well-suited for the use, in spite of the fact that the use is not permitted in the zone.”

In the case before the Board, it will be demonstrated through expert reports, expert testimony and exhibits that VZW has a coverage/capacity deficiency in this area of the municipality and that the proposed site will serve to remedy same. Furthermore, there are no available permitted or conditionally permitted locations under the Zoning Ordinance which could serve as a more suitable mounting location for the antennas given the need for a minimum antenna height of 135’ (i.e., 140’ to the top of the faux tree branches) to address the area of deficient service.

It is respectfully submitted that the subject property is particularly well-suited for the proposed use. Important factors which support a grant of variance relief include the following: 1) the site is centrally located between the existing VZW sites permitting VZW to provide its service where there is currently a deficiency or gap in reliable service; 2) the existence of a large 73.97 acre property which has the necessary space to accommodate the additional use; 3) there are no priority locations in the area which could serve as a more suitable mounting location for the antennas given the need for a minimum antenna height of 135’ to service the deficiency; and 4) the vast separation distances from the tower to the closest surrounding adjacent property lines helps mask the proposed telecommunication facility from public view and allows the stealth tree monopole design to blend in with the surroundings; and 5) VZW is unable to utilize the previously approved property at 1800 Route 206 for a wireless telecommunication facility since it is no longer available for lease (that site was approved by ZBA vote on July 18, 2017 with the resolution not being adopted until February 26, 2019).



**B. The negative criteria.** In addition to proving the positive criteria, an applicant for a use variance must also demonstrate the negative criteria, i.e., that the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. N.J.S.A. 40:55D-70. As noted above, VZW proposes to install 9 panel antennas on a proposed 135' tall stealth tree monopole (i.e., 140' to the top of the faux tree branches) together with a ground based equipment area. Moreover, FCC licensed wireless carrier, Sprint Spectrum LP, has reserved the 122' tall antenna centerline space on the proposed tower, as well as ground space, in order to address its coverage deficiencies in the area. Since the entire facility will be stealthed to blend in with the surrounding area, the facility will not have a substantial negative impact on the surrounding area while resolving the coverage deficiencies of multiple carriers.

In addition to the above, the wireless facility will not produce any objectionable noise, vibrations, smoke, dust, odors, heat, or glare and will operate well within all applicable state and federal standards with respect to radio frequency emissions. It is therefore clear that the proposed facility, if approved, would not have a negative impact on the public good, or the intent and purpose of the zone plan and zoning ordinance.

**V. Bulk Variances Subsumed within Use Variance Relief:** Pursuant to the Supreme Court's decisions in *Larry Price v. Himeji, LLC and the Union City Zoning Board of Adjustment*, 214 N.J. 263, 299 (2013), "a use variance by its nature, carries with it the implications that the ordinary bulk and density requirements of the zone will not be applied." This means that the "board, as part of granting a use variance, consider the other requested variances as ancillary to the principal relief being sought." *Id.* at 299. More specifically, the Supreme Court has observed that "a Zoning Board in considering a use variance must then consider the overall site design, with the result that the 'c' variances are subsumed in the 'd' variance." *Id.* at 301, quoting *Puleio v. North Brunswick Twp. Board of Adjustment*, 375 N.J. Super. 613, 621 (App. Div. 2005). Bulk variances are referenced in the notice for this application simply on a "if necessary" basis. As set forth above, generally, application for a "c" variance and a "d" variance cannot coexist. If an application is for a use not permitted in the zone, the bulk regulations designed for that use cannot be applicable to the intended use. In essence, the "c" variances are subsumed in the "d" variance." Accordingly, the applicant's position is that no "c" or bulk variances are required.

However, even if the bulk variances were not subsumed, the proposed wireless facility substantially conforms with the dimensional regulations in the Montgomery Wireless Ordinance as noted below:

1. Bulk variances from Sections 16-6.1p9(a) [if required], 16-6.1p9(b) and 16-6.1p9(c) to allow a minimum leasehold area of approximately 2,700 s.f. (including equipment area outside the compound) and to permit other structures within the min. land area requirement of 20,000 s.f.. **While a separate 20,000 s.f. lease area has not been created, the Property is 73.97 acres in size and meets the intent of the Ordinance by ensuring the facility is located on a lot which is large enough to accommodate the use.**

3. Bulk variance from Sec. 16-6.1p9(d)(5) since no wireless facility telecommunication facility is permitted within 750' of any residential district boundary line and the proposed distance is 0' since the facility would be in an R-2 Zone. **While the proposed wireless facility is being sited in a R-2 zone, the existing use of the Property is a farm with multiple structures. As such, this proposed stealth tree wireless facility will blend in with the rural environment on the Property and the surrounding area.**

4. Bulk variance from Sec. 16-6.1p9(d)(3) since no wireless telecommunication facility is permitted within 1,000' of a historic district or site as duly designated by Montgomery Twp., Somerset County, the State of New Jersey and/or the Federal government, whereas, the subject site is located within the Bridgepoint Historic District. **The existing property consists of a farm with multiple structures. As such, this proposed stealth tree wireless facility will blend in with the rural environment on the Property and the surrounding area.**

**VI. Height Variance:** As the height variance associated with the new stealth tree monopole, numerous court decisions have found such height deviations warrant variance relief. See Smart SMR v. Fair Lawn, *supra*, 152 N.J. at 333 (replacement of 90-foot monopole with 140-foot monopole resulted in no substantial impairment of the zone plan or the Fair Lawn skyline); Nynex Mobile Communications Co. v. Hazlet Tp. Zoning Bd. of Adjust., 276 N.J. Super. 598, 612 (App. Div. 1994)(finding addition of 8 to 10 feet of antenna on top of existing 130-foot water tower was "aesthetically inconsequential and minimal intensification of the nonconformity"); Kingwood Tp. Volunteer Fire Co. v. Board of Adjustment, 272 N.J. Super. 498, 509 (Law Div. 1993)(holding that replacement of 75-foot tower with 197-foot tower would impose, at most, minimal intrusion on surrounding community). In this case, the proposed stealth tree monopole will be 135' tall (i.e., 140' to the top of the faux tree branches) which is only 5' taller than the 135' tall design requirement contained in Section 16-6.1p10(c)(2) of the Montgomery Zoning Ordinance. The subject monopole will accommodate future collocation thereby justifying the additional height and the stealth design is in substantial conformance with the design criteria in the Wireless Ordinance.

**VII. Conclusion:** For the above referenced reasons and those to be adduced during the public hearing, the co-applicants respectfully requests that the above referenced relief be granted.

**MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS**

***Applicant's Disclosure Statement***

(Corporation or Partnership)

Sec N.J.S.A. 40:55D-48.1 and 48.2 and Zoning Ordinance

A Corporation or Partnership applying to the Planning Board or Zoning Board of Adjustment for:

- A. Subdivision with three (3) or more lots; or
- B. Site Plan for Commercial Purpose; or
- C. Variance to construct multi-dwelling or twenty-five (25) or more family units;

must complete the following:

The names and addresses of all persons, stockholders, or individual partners owning at least ten percent (10%) interest in the corporation, partnership, or applicant are as follows:

Name	Address

**DISCLOSURE STATEMENT PURSUANT TO N.J.S.A. 40:55D-48.1 AND 40:55D-48.2**

New York SMSA Limited Partnership (d/b/a Verizon Wireless) is a New York limited partnership, with a principal place of business at One Verizon Way, Basking Ridge, NJ 07920. The sole entity with at least a 10% interest in this partnership is Cellco Partnership, with an address of One Verizon Way, Basking Ridge, NJ 07920.

Cellco Partnership ("Cellco") is a general partnership formed under the laws of the State of Delaware. The following entities have at least a 10% interest in Cellco:

1. Bell Atlantic Mobile Systems LLC
2. GTE Wireless LLC
3. Verizon Americas Inc.

1. **Bell Atlantic Mobile Systems LLC, One Verizon Way, Basking Ridge, NJ 07920-1097**
  - a Delaware limited liability company with its principal place of business in New Jersey, whose sole member is MCI Communications Services, Inc.

MCI Communications Services, Inc. a Delaware corporation with its principal place of business in Virginia, whose sole shareholder is MCI Broadband Solutions, Inc.

MCI Broadband Solutions, Inc., a Delaware corporation with its principal place of business in Florida, whose sole shareholder is Terremark Worldwide, Inc.

Terremark Worldwide, Inc., a Delaware corporation with its principal place of business in Florida, whose sole shareholder is MCI International Telecommunication Corporation.

MCI International Telecommunication Corporation, a Delaware corporation with its principal place of business in New Jersey, whose sole shareholder is MCI International Services, Inc.

MCI International Services, Inc., a Delaware corporation with its principal place of business in New Jersey, whose sole shareholder is MCI International, Inc.

MCI International, Inc., a Delaware corporation with its principal place of business in New Jersey, whose sole shareholder is Verizon Business Network Services, Inc.

Verizon Business Network Services Inc., a Delaware corporation with its principal place of business in New Jersey, whose sole shareholder is MCI Communications Corporation.

MCI Communications Corporation, a Delaware corporation with its principal place of business in New Jersey, whose sole shareholder is Verizon Business Global LLC.

Verizon Business Global LLC, a Delaware limited liability company with its principal place of business in Florida, whose sole member is *Verizon Communications Inc.* (see below)

**2. GTE Wireless LLC, One Verizon Way, Basking Ridge, NJ 07920-1097**

- a Delaware limited liability company with its principal place of business in New Jersey, whose sole member is GTE LLC.

GTE LLC, a Delaware limited liability company with its principal place of business in New Jersey, with *Verizon Communications Inc.* the sole entity with an interest of 10% or more (see below).

**3. Verizon Americas Inc., One Verizon Way, Basking Ridge, NJ 07920-1097**

- a Delaware corporation with its principal place of business in New Jersey, whose sole shareholder is Verizon Americas Finance 1 Inc.

Verizon Americas Finance 1 Inc., a Delaware corporation with its principal place of business in New Jersey, whose sole shareholder is *Verizon Communications Inc.* (see below).

*Verizon Communications Inc.* is a publicly traded company, with its principal place of business at 1095 Avenue of the Americas, New York, NY. There are no companies, entities or individuals with a 10% or greater interest in any class of stock of this entity.

**NEW YORK SMSA LIMITED PARTNERSHIP  
D/B/A VERIZON WIRELESS**

By: Cellco Partnership, its General Partner

By:   
Paul Serber, Assistant Secretary

Dated: October 17, 2016

**MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS**

Affidavit of Ownership

**STATE OF NEW JERSEY)**

ss

COUNTY OF SOMERSET)

SEE ATTACHED OWNER'S AFFIDAVIT OF CONSENT

\_\_\_\_\_ of full age being duly sworn according to law on oath deposes and says  
that the deponent resides at \_\_\_\_\_ in the Township of \_\_\_\_\_  
in the County of \_\_\_\_\_ and State of \_\_\_\_\_ that \_\_\_\_\_  
is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Township of  
Montgomery, New Jersey, and known and designated as Block \_\_\_\_\_ Lot \_\_\_\_\_

DATED \_\_\_\_\_

Owner's Name Printed and Owner's Signature

**SWORN TO AND SUBSCRIBED TO BEFORE ME**

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**AUTHORIZATION**

(If anyone other than the above owner is making this application, the following authorization must be executed.)

To the Board of Adjustment/Planning Board:

\_\_\_\_\_ is hereby authorized to make the within application.

DATE: \_\_\_\_\_, 20\_\_\_\_

SEE ATTACHED OWNER'S AFFIDAVIT OF CONSENT

Owner's Name Printed and Owner's Signature

## OWNER'S AFFIDAVIT OF CONSENT

State of New Jersey) SS:  
County of Somerset)

John & Charlotte Johnson, of full age being duly sworn according to law on their oath deposes and says that they are the owners of the property located in the **Township of Montgomery, County of Somerset, State of New Jersey**, known as **26 Dead Tree Run Road** and shown on the Township Tax Assessment Map as **Block 17001, Lot 11.02**, hereinafter referred to as "the Property." The owner consents to the filing of applications by **SectorSite Tower Assets II, LLC**, and **New York SMSA Limited Partnership d/b/a Verizon Wireless**, with the Township of Montgomery Planning Board/Zoning Board of Adjustment, the County of **Somerset**, and any and all other federal, state or local governmental authorities having jurisdiction, for approval of an FCC licensed wireless telecommunications facility on the Property. Permission is also granted to the members of the governmental approval boards and their experts to access the Property in connection with the applications if necessary.

BY: Charlotte Johnson

Name: Charlotte Johnson

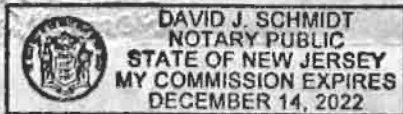
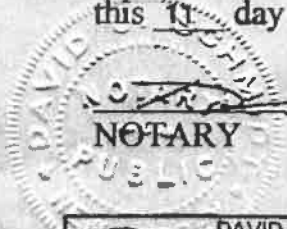
Title: Owner

BY: John Johnson

Name: John Johnson

Title: Owner

Witnessed before me  
this 11 day of December, 2019.





} CHECK LIST }

**Details Required For  
Preliminary Major Subdivision Plats  
And  
Preliminary Major Site Plans**

**Note: See Section 16-8.4 of the Montgomery Township Land Development Ordinance for further details of submission requirements and procedures.**

Sectorsite LLC, Sectorsite Tower Assets, New York SMSA Limited Partnership d/b/a  
Applicant Verizon Wireless Block 17001 Lot 11.02

Address 26 Dead Tree Road

Item #	Provided	Not Relevant	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
1	x			Application Form(s) and Checklist(s)
2	x			Application and Escrow Fees in accordance with Section 16-9.1.
3	x			Plats or Plans signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with the Title Block revealed in accordance with Subsection 16-8.4 b. of this chapter.
4	x			Existing Protective Covenants, Easements and/or Deed Restrictions.
5	x			Scale of 1" equals not more than 100' for major subdivision plats or 1" equals not more than 50' for major site plans on one of the following four (4) standard sheet sizes (8½" x 13", 15" x 21", 24" x 36" or 30" x 42"), each with a clear perimeter border at least 1" wide.
6	x			Key Map at 1" equals not more than 2,000'
7	x			Title Block in accordance with the rules governing "title blocks" for professional engineers (N.J.S.A. 45:8-36), including:
8	x			Name of the development, Township of Montgomery, Somerset County, N.J;
9	x			Name, title, address and telephone number of applicant;
10	x			Name, title, address, telephone number, license number, seal and signature of the professional or professionals who prepared the plat or plan
11	x			Name, title and address of the owner or owners of record;
12	x			Scale (written and graphic); and
13	x			Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.
14	x			North Arrow
15	x			Certification that the applicant is the owner of the land or his/her properly authorized agent, or certification from the owner that he or she has given his/her consent under an option agreement.

Preliminary Major Site Plan and Preliminary Major Subdivision Checklist (cont.)				
Item #	Provided	Not Relevant	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
16	x			If the applicant is a partnership or a corporation, the names and addresses of all partners, or the names and addresses of all stockholders owning ten percent (10%) or more of any class of stock of the corporation as required by N.J.S.A. 40:55D-48 1 et seq.
17	x			Acreage figures to the nearest tenth of an acre (both with and without areas within public rights-of-way) and a computation of the area of the tract to be disturbed. For subdivisions, acreage of proposed lots with total acreage calculation.
18	x			Approval signature and date lines for the Chairman, Secretary of the Board and the Township Engineer
19	x			Existing tax sheet number(s) and existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Township Tax Map, and proposed block and lot number(s).
20	x			The name(s) and block and lot number(s) of all property owners within two hundred (200) feet of the extreme limits of the tract as shown on the most recent tax list prepared by the Township Tax Assessor
21	x			Tract boundary line (heavy solid line) and any existing and proposed subdivision or property line(s) within the tract
22	x			Zoning districts(s) affecting the tract, including district names and all requirements, with a comparison to the proposed development, and all zoning district(s) within one hundred (100) feet of the tract
23			x	The location of natural features, including but not limited to treed areas, high points, marshes, depressions, and any extensive rock formations, both within the tract and within two hundred (200) feet of its boundaries. Waiver as to off-site conditions
24			x	Delineation of flood plains, including both floodway and flood fringe areas, and Township stream corridors, both within the tract and within two hundred (200) feet of its boundary, and the source and date of the flood plain information. Waiver as to off-site conditions
25			x	Delineation of ponds, marshes, wetlands, wetland transition areas, hydric soils, and lands subject to flooding, both within the tract and within two hundred (200) feet thereof. A copy of the applicant's request for a Letter Of Interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP) and the accompanying plan shall be submitted for all delineated wetlands. Where an LOI has been received, a copy of the NJDEP LOI and stamped approved plan shall be submitted to the Township waiver requested from submission requirements.
26			x	All existing and proposed water courses (including lakes and ponds) within the tract and within two hundred (200) feet of the tract shall be shown and be accompanied by the following information: Waiver as to off-site conditions

Preliminary Major Site Plan and Preliminary Major Subdivision Checklist (cont.)				
Item #	Provided	Not Relevant	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
27		x		When a stream is proposed for alteration, improvement or relocation or where a drainage structure or fill is proposed over, under, in or along a running stream, a report on the status of review by the State Department of Environmental Protection, Division of Water Resources, shall accompany the submission
28		x		Cross-sections of water courses and/or drainage swales showing the extent of the flood plain, top of bank, normal water levels and bottom elevations at the locations in Subsection 16-8 4 b 15.(b) where appropriate or where required by the Board Engineer or Township Engineer.
29		x		The total acreage of the drainage basin of any watercourse running through the tract
30	x			The location and extent of drainage and conservation easements and stream encroachment lines.
31		x		The location, extent and water level evaluation of all existing or proposed lakes or ponds within the tract and within two hundred (200) feet of the tract.
32			x	The size, direction of flow and the type of proposed surface water management provisions to reasonably reduce and minimize exposure to flood damage.
33	x			Existing and proposed contours as required by Ordinance and an indication of steep sloped areas
34			x	Locations of all existing structures and their uses (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), both within the tract and within two hundred (200) feet of its boundary, including but not limited to buildings, paved areas, railroads, bridges, culverts, drain pipes, any historic features such as family burial grounds and buildings more than fifty (50) years old, and the existing and proposed front, rear and side yard setback distances to all buildings
35			x	The location and size of existing structures such as water and sewer mains, valves, hydrants, utility structures, gas transmission lines and high tension power lines on the tract and within two hundred (200) feet of its boundaries
36			x	The location and identification of existing vegetation with an indication as to whether it is to remain or be removed. The location and species of all existing individual trees or groups of trees having a caliper of six (6) inches or more measured four and one-half (4½) feet (DBH) above the ground level shall be shown within the portion(s) of the tract to be disturbed as a result of the proposed development, indicating which trees are to remain and which are to be removed, with the limits of disturbance clearly indicated on the plan.

Waiver as to off-site conditions and on-site utilities to be verified prior to construction

Preliminary Major Site Plan and Preliminary Major Subdivision Checklist (cont.)				
Item #	Provided	Not Relevant	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
37	x			A Landscape Plan showing the location of all proposed plantings, screening and buffering, a legend listing the botanical and common names, the sizes at the time of planting, a planting schedule, method of irrigation, the total quantity of each plant, and the location of each plant keyed to the plan or plat
38				Size, height and location of all proposed buildings (including spot elevations and grades), structures, signs and fences, including details for any signs and sign lighting, fences and trash enclosures and provisions for the separation and storage of recyclable materials To the extent applicable
39	x			All dimensions and setbacks necessary to confirm conformity to the chapter, such as the size of the tract and any proposed lot(s), the number of lots being created, structure setbacks, structure heights, yards, floor area ratios, building and lot coverages, the amount of contiguous net useable acreage, the delineation of all "critical areas", and the inscription of a 205 foot diameter circle, where required for residential uses To the extent applicable
40			x	The proposed location, height, size, direction of illumination with isolux curves, power and type of proposed outdoor lighting, including details of lighting poles, luminaries, hours and time of lighting, a point by point plan and the average footcandle level Waiver as to isolux curves and foot candles due to de minimus nature of proposed lighting
41	x			Existing and proposed street and lot layout, with dimensions correct to scale, showing that portion proposed for development in relation to the entire tract, and existing lot lines to be eliminated To the extent applicable
42	x			The location and design of any off-street parking or loading area, showing the size and location of bays, aisles and barriers, curbing and paving specifications and any associated signage To the extent applicable
43			x	All means of vehicular access and egress to and from the site onto public streets, showing the size and the location of driveways, sidewalks, fire lanes and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, sight triangle easements, additional width and other proposed devices necessary Relevant information has been shown on the plans.
44	x			Plans, typical cross sections and construction details, horizontal and vertical alignments of the centerline of all proposed streets and of all existing streets abutting the tract including street names The vertical alignments shall be based on U.S.G.S. vertical datum or a more specified datum supplied by the Township Engineer, including curbing, sidewalks, street trees and planting strips, storm drains and gutters, drainage structures and cross sections every half and full station of all proposed streets and of all existing streets abutting the tract. To the extent applicable
45				Sight triangles, the radius of curb lines and street sign locations shall be clearly indicated at the intersections
46			x	The width of cartway and right-of-way, location and width of utility lines, type and width of pavement, final design grades, and a profile of the top of curb within the bulb of any cul-de-sac shall be included The relevant information has been shown on the plans

Preliminary Major Site Plan and Preliminary Major Subdivision Checklist (cont.)				
Item #	Provided	Not Relevant	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
47		x		The width of additional right-of-way to be dedicated to the Township or other appropriate governmental agency shall be shown as specified in the Master Plan or Official Map and the street requirements of this chapter.
48	x			Drainage calculations, proposed drainage improvements and details, and stormwater design requirements as may be required in Section 16-5.2, with submission requirements set forth in Subsection 16-5.2 m.3. of this chapter. Drainage plans shall include the following, as may be required by the Board Engineer:
49	x			Topographic Base Map per Subsection 16-5.2 m.3.(a); To the extent applicable
50	x			Environmental Site Analysis included in the Stormwater Management Report per Subsection 16-5.2 m.3.(b);
51	x			Project Description in the Stormwater Management Report and Site Plan per Subsection 16-5.2 m.3.(c);
52			x	Land Use Plan per Subsection 16-5.2 m.3.(d), including: (1) New Jersey NonStructural Stormwater Measures Strategies point system, Low Impact Checklist, detailed narrative and illustrative maps; (2) Development description to meet erosion control, groundwater recharge, stormwater runoff quantity and quality standards; and (3) LEED project checklist with narrative.
53			x	Stormwater Mapping per Subsection 16-5.2 m.3.(e), including: (1) Area to be developed at one (1) foot contours; (2) Soil boring locations; (3) Detailed design; (4) Utility Plan; and (5) Grading Plan. Utility location shown.
54			x	Stormwater Calculations and Soils Report per Subsection 16-5.2 m.3.(f); and
55			x	Operations and Maintenance Plan per Subsection 16-5.2 m.3.(g).
56			x	Plans, profiles and details of proposed improvements and utility layouts including sewers, storm drains and water lines, and feasible connections to gas, telephone and electrical utility systems, including plans, profiles and details of all existing and proposed sanitary sewage facilities and water mains with proposed connections, as required in Subsection 16-8.4 b.29.
57		x		If the proposed lot(s) is (are) not served by a sanitary sewer, three (3) copies of the plan approved by the Township Board of Health, with date of approval, of site evaluation tests, certified by a licensed professional engineer, indicating that the proposed lot(s) can adequately accommodate a septic system. The location(s) of the test hole(s) and boring(s), soil logs, proposed location of the septic disposal areas and reserve areas, test results, soil types, percolation rates and compliance with the "Individual Sewage Disposal Code of New Jersey" or applicable Township Board of Health Code, whichever may be more restrictive, shall be shown on the plat and certified by a licensed professional engineer.

Preliminary Major Site Plan and Preliminary Major Subdivision Checklist (cont.)				
Item #	Provided	Not Relevant	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
58	x			The names, location and width of all existing and proposed easements and rights-of-way, the use(s) for which they are intended to be limited, the manner in which the easements will be controlled, and to whom they are granted.
59	x			Any existing protective covenants or deed restrictions applying to the land being developed shall be submitted with the application and/or indicated on the submitted plat or plan.
60	x			Plans for Soil Erosion and Sediment Control as required by N.J.S.A. 4:24-39 et seq. and in accordance with the Somerset County Soil Conservation District.
61	x			The existing and proposed permanent monuments shall be shown, in accordance with the Map Filing Law, N.J.S.A. 46:23-9.9. See Survey
62	x			An Environmental Impact Statement in accordance with Subsection 16-8.4 c. of this chapter, if required.
63			x	A Traffic Impact Statement if required in accordance with Subsection 16-8.4 d. of this chapter, if required.
64	x			If a survey is referenced, a copy of a signed and sealed survey by a licensed New Jersey land surveyor, showing the tract boundary, topographic information, existing conditions, and all "critical areas", as defined by this chapter.
65	x			Certification from the Township Tax Collector that all taxes and assessments are paid to date, and certification from the Chief Financial Officer or his/her designee that all prior escrow fees have been posted.
66	x			A list of all known licenses, permits and other forms of approval required by law for the development and operation of the proposed project, including approvals required by the Township, as well as agencies of the County, State and Federal government. Evidence of the submission of the application(s) for other agency approvals having jurisdiction over the application and/or required by the Township Engineer shall be submitted. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.
67	x			Concerning major site plans only, the proposed use and operations of the buildings, the proposed number of shifts to be worked, the maximum number of employees on each shift, and the hours of operation open to public use.
68			x	Concerning major site plans only involving the storage of hazardous substances, a proposal for the means of storage of hazardous substances in accordance with Ordinance 81-85.
69		x		Where any clearing and/or construction of public improvements is proposed to commence prior to final approval, a written statement from the applicant indicating this intent and his acknowledgement of the requirements of Section 16-9.2 of this chapter and, if the development is to be phased, the location of areas where such clearing or construction is proposed. The following additional information also is required:

Preliminary Major Site Plan and Preliminary Major Subdivision Checklist (cont.)				
Item #	Provided	Not Relevant	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
70		x		A letter from the developer indicating that he/she shall be proceeding with construction based upon a preliminary approval only at his/her own risk and that he/she acknowledges that there are no assurances that the improvements installed will be granted final approval.
71		x		A separate plan depicting the areas within the site where construction shall be performed prior to final approval, including clearing and grading limits, and a summary of the improvements that are proposed to be constructed prior to final approval.
72		x		A separate plan depicting soil erosion and sediment control measures which shall be implemented prior to final approval, the location of topsoil and material stockpiles and construction staging areas, and measures to protect existing trees and vegetation along clearing limits.
73		x		If clearing and grading are proposed beyond the right-of-way line on a proposed lot prior to final approval, a written explanation setting forth the reasons for such clearing prior to final approval and grading plan approval for the subject lot(s).
74		x		In the case of any subdivision or site plan submission of a planned development, the applicant shall be required to submit all of the required information for all of the properties comprising the planned development, regardless of whether the applicant is seeking approval of the whole or a section of the planned development; specifically, the applicant shall be required to show the inter-relationship of each portion of the project with the whole of the project considering land use, traffic, open space, buffering, drainage and surface water management, sewerage, potable water supply and any other specific planning considerations as may be of particular relevance to a particular planned development.

NOTE: The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and surrounding area, provided, however, that no application shall be declared incomplete for the lack of such additional information

SIGNATURE AND TITLE OF PERSON WHO PREPARED CHECK LIST

2/5/20

DATE

Frank Ferraro, Esq. Attorney for Applicant