

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
MAY 24, 2016**

MINUTES

Chairman DeRochi called the meeting to order at 7:40 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; Mr. Fedun; Mr. Post; Mr. Thompson; Mr. Vecchione; Mr. Kristjanson, Alternate #1; Mr. Campeas, Alternate #2; Mr. Wu, Alternate #3

ALSO PRESENT: Mr. Drollas, Board Attorney; Ms. Goldman, Board Planner; Mr. Cline, Board Engineer; Dr. Eisenstein, Board RF Engineer; Mr. Palmer, Zoning Officer

I. SALUTE TO THE FLAG

II. RESOLUTIONS

Resolution No. 04-2016

Case BA-05-14

Block 8001 Lot 1

Submission Waivers Associated with a Use Variance and Site Plan Application

Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless

A motion to memorialize the resolution was made by Mr. Post and seconded by Mr. Thompson. The motion carried on the following:

Ayes: Fedun, Post, Thompson, Kristjanson and DeRochi

Nays: None

Abstentions: Campeas

III. APPLICATIONS

Case BA-05-14

Block 8001 Lot 1

Use Variance and Site Plan Application

Expiration Date – August 24, 2016

Affidavit of Notification and Publication Required

Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless

Notice was found to be in order. Richard Stanzione, Esquire represented the applicant. The property is located on River Road and is within the R-2 zone. The tower is not permitted in the zone so a use variance as well as site plan is required. The tower will be 135' stealth silo with the equipment located within it. A height variance is also needed. The leased parcel is 2,500 square feet within the 5.5 acre agricultural exception area. The silo will be 114.4' to the dwelling located on the property and 120' from the historic district.

Dr. Eisenstein, the Board RF expert, was sworn in.

Chad Schwartz, 55 Frontage Road, testified during the submission waiver hearing and remains under oath. Mr. Schwartz gave his qualifications and was accepted as a professional engineer. The plan before the Board is revised through March 28, 2016. Mr. Schwartz referenced sheet Z5 which shows an overview of the property. The subject property is 82-acres and there is a 5.5 acres agricultural easement exception area in the northeast corner of the property where the silo is proposed. Within the easement area there currently are a number of dilapidated buildings, a residence and some out-buildings.

Mr. Schwartz referenced sheet Z6 which shows a blowup of the compound. The compound is 50' x 50' and enclosed with a fence. The 22' diameter 135' high silo is within the compound. Also within the compound will be a 33 kilowatt standby generator, two condensing units, utility wrap and an exterior staircase. There is a proposed retention basin to control any additional run-off that will be a grassed area with different drainage soils underneath. A parking area is proposed adjacent to the site. Access will be from the existing driveway. Mr. Schwartz discussed the diesel generator. A double wall 250 gallon tank will hold the fuel. The generator will be tested once a week for half hour, usually between 10:00 a.m. and 2:00 p.m. A copy of the specifications for the generator and the enclosure will be provided to Mr. Cline for his review. A DEP air permit is not required for a generator of this size. The facility will get its power from the existing utility pole on Staats Farm Road and come down the driveway underground. It may be up to 800 amps. A technician visits the facility approximately once a month. The site is remotely monitored. Telephone service is also available.

Mr. Schwartz referenced sheet Z7 which is an elevation of the silo. The top of the silo is 135' above ground level. Within the silo the antennas are located at 10' intervals. The silo can accommodate up to 4 carriers. The centerline of the Verizon antennas is at 120'. Other carriers would locate at 110', 100' and 90'. Verizon's equipment will be on the ground floor. Each floor is approximately 335 square feet and as carriers add on there may be a need for more than two floors. The proposed generator will only serve Verizon. Typically the other carriers do not install generators; AT & T

does at very few sites. If additional generators are installed they will be within the compound and will not impact stormwater. The upper panels of the silo will be radiofrequency transparent. There are three manufacturers of these types of panels. Some are more structurally sound than others but an internal structure will be required. The bottom of the concealment panels and the top of the concrete silo will be about 85' above ground level. The finish of the concrete is variable but typically it is consistent with what a grain silo looks like. The RF panels can either be fiberglass that can be textured whatever way the client wants, similar to corrugated plastic that has a more smooth finish or a foam core with a textured finish on the outside. There is one proposed parking space for the technician who visits the site and there is more than enough room to accommodate more vehicles if necessary. The driveway and parking area is gravel and will be designed to the 80,000 pound standard to accommodate an ambulance or fire truck. The silo is not governed by the structural standard (TIA-22-G) for antenna supporting structures because it is a concrete structure. The appropriate standard is ACI-318-14 as referenced by the 2015 NJ Building Codes and it will be designed using ASCE-7 loading which is a standard in the NJ International Building Code. The fence around the compound is proposed to be an 8' high chain link fence but the fence material and the height of the fence can be adjusted to whatever the Board requires. The plan will be updated to show the fence height correctly on all the plan sheets.

There was discussion about other silo towers constructed in the surrounding areas. A picture of the silo on South Middlebush Road in Franklin Township was marked as Exhibit A-1.

Mr. Schwartz discussed the engineering comments in Jason Cline's memo dated May 20, 2016. Notice for the crane test will be sent to property owners within two hundred feet of the property. The applicant proposed to conduct the crane test on June 18th from 10:00 a.m. to 4:00 p.m. with the alternate date to be June 25th. A visual sight distance analysis will be prepared by the applicant's planner with input from the Board planner as to locations for the pictures. The silo will provide room for four co-locators. A plan entitled Hypothetical Floor Plan Layout showing the utilization of space within the silo was shown and marked as Exhibit A-2. The proposed outside staircase will be eliminated. There are two ground door levels. One is to access Verizon's equipment area and one to provide access to the silo without going into Verizon's space. A conceptual floor space design for the balance of the carriers will be provided. A twelve foot wide double swing gate is proposed and is adequate for service vehicles. A hoist away will be inside the tower to install and maintain the antenna. The lease with the landowner has been provided. The SHPO application is pending and copies will be provided to the Board. As a condition of any approval the structural analysis of the silo shall be provided. Mr. Schwartz described the silo parameters for wind speed, loading, gusts, icing and seismic. A geo-technical report will be completed to determine how far down into the ground the silo will have to go. It will be non-combustible construction so it will not burn. Mr. Schwartz is not aware of any silo towers falling over. No lighting is required; the FAA requires lighting at 200'. There will be lightning grounding. The site will have the FCC mandated signs posted on the gate as well as a small unique site identifier sign. A detail of the site identifier sign will be provided on the site plan. The two air conditioning units will be inside the compound. Each carrier could either air condition their room or put equipment intended to go in an exterior environment inside the silo. A hypothetical design of the interior support structure will be provided. If the silo is not used by any carrier for a period of six months it will be removed.

The Board took a five minute recess.

Mr. Schwartz discussed the planner comments in Ms. Goldman's report dated May 19, 2016. The silo is located approximately 240' from River Road. There is no lighting proposed for the parking space. Typically the site is not visited at night but if it is required there is a work light over the silo door that can be turned on and will have an automatic countdown timer. It is a down light located at eight feet so there will be no sky glow. Based on comments, the silo may be modified to have only one access door so there will only be one light. The fence will keep the site secure. If the Board requests additional security lighting the applicant will comply. The gate and door are locked and there is an alarm. A waiver from the required tree planting is being requested. There will be 17 trees removed and 18 trees are proposed to be planted. The applicant will work with the Board landscape architect to develop a landscape plan. A waiver from providing sidewalks is being requested. The stormwater basin within the compound will be Verizon's responsibility to maintain. The compound is 2,500 square feet and is approximately 216' from River Road, 200' to the closest lot line and 120' from the family burial ground. The dwelling on the site is 114.4' away.

Ms. Goldman asked about the future ten by twenty lease area shown in the lease attachment. Mr. Schwartz said the future area is not proposed in this application. There is sufficient room for the additional carrier to place equipment in the compound but based on comments received Verizon will facilitate any future carriers to have their equipment inside the building.

The Board questioned Mr. Schwartz. There is 24/7 access available to the site. The next closest dwelling to the silo is just over 500'. The silo is cited in the best location given the steep slope areas within the agricultural exception area and at the same time maximizing the setbacks.

The meeting was opened to the public to ask Mr. Schwartz questions.

Robert Wilmot, 696 River Road, was sworn in. Mr. Wilmot asked if the crane test could be conducted for a week so the residents have the ability to see what it will really look like.

Mr. Stanzione responded that OSHA standards require the crane to be manned at all times when it is on a site so it can't be left overnight. Chairman DeRochi asked if it could be left onsite but not extended overnight. The Board asked the applicant to conduct the crane test for a longer period of time. Chairman DeRochi suggested it be conducted from 10:00

a.m. to 4:00 p.m. on Thursday through Saturday. The dates would be the 16th through the 18th or in the event of inclement weather, the 23rd through the 25th.

Leonard Dunbar, 16 Staats Farm Road, was sworn in. Mr. Dunbar asked when the public would have the opportunity to provide comments. Chairman DeRochi explained that public comment would be at a future meeting after all the testimony has been given and the presenters have been questioned by the public and the Board.

June Staats, 644 River Road, was sworn in. Ms. Staats lives adjacent to the property and was concerned with not being able to sell her property.

Elizabeth Palius, 492 River Road, was sworn in. Ms. Palius noted that the timing of the crane test is unfair during this time of year since the vegetation will hide the crane. She asked why the tower had to be at 135' if a carrier can place their antenna at 90' and have service. Mr. Stanzone did not agree to postpone the crane test to the fall and said the RF engineer will provide testimony about the height.

David Vair, 146 Staats Farm Road, was sworn in. Mr. Vair asked what the average of devaluation of a property within 100' of a cell tower. Mr. Stanzone responded that another witness will address that question.

Barbara Tem Broeke, 2346 Amwell Road, was sworn in. Ms. Tem Broeke is the President of the Millstone Valley Preservation Coalition and sponsor of the Millstone Valley Scenic Byway. She noted that there are no 135' silos and asked if there was technology available to allow two smaller silos to be built. Mr. Stanzone said the RF engineer will provide testimony. Ms. Tem Broeke asked about the safety of the diesel tank. Mr. Schwartz said it meets or exceeds all of the "B" standards and is safe.

George Youreneff, 24 Staats Farm Road, was sworn in. Mr. Youreneff asked what the Board will do with the past precedence that has been established with the previous cell tower application in the area. He wondered if the past testimony and facts presented would be considered in this application. Mr. Stanzone objected to the use of prior testimony.

Mr. Wilmot asked if the residents could reintroduce evidence presented during the hearing for the other tower. Mr. Stanzone said he would like to be able to review any evidence before it is submitted to the Board for review.

Jan Tem Broeke, 2346 Amwell Road, was sworn in. Mr. Tem Broeke asked who would be responsible for taking the tower down when it becomes obsolete and is no longer needed. He asked if a light was needed on the top of the tower. Mr. Schwartz said a light is not needed for a structure under 200'.

Usan Gau, 143 Catskill Court, was sworn in. He noted Verizon is asking for a lot of variances and asked if Verizon could provide a list of towers that they have built with all the variances approved by other townships. Mr. Stanzone said he could provide cases that he has worked on.

Mr. Vair asked the Board to make a wise decision in this application.

Vandana Vyas, 7 Ichabod Crane Lane, was sworn in. Ms. Vyas asked if there would be transcripts of the meeting available. Chairman DeRochi informed her that the meetings are audio recorded and they are also televised. Mr. Stanzone said he would provide a copy of the transcripts to the Zoning Board secretary. Ms. Vyas asked whose responsibility it is to have an environmental review of the application. Mr. Stanzone replied that an Environmental Impact Study has been submitted to the Board and is available for public inspection. Ms. Vyas asked about the timing of the initial submission, when the 120 day deadline is, why the application was removed from the last agenda and how many other sites are viable for the cell tower. Mr. DeRochi responded that the initial submission was in December 2014, the 120 deadline is from April 26, 2016 and the submission waiver resolution, not the application, was scheduled for the last meeting. Mr. Stanzone replied that the RF engineer will provide testimony on other sites.

Candy Willis, Knickerbocker Drive, was sworn in. Ms. Willis asked why the applicant chose to install a silo versus a monopole. Mr. Schwartz replied that it was chosen to appeal to the character of the area. The silo will conceal the antennas, cables and equipment where a monopole does not.

Francis Lloyd Staats, 644 Millstone River Road, was sworn in. Mr. Staats grew up on the farm and it's been in the family since before the Revolution. There was never a silo on the farm and the cell tower does not belong on the property.

There being no further public questions, Mr. Post motioned to close the public portion which was seconded by Mr. Thompson and carried unanimously.

The application was carried to the July 19, 2016 Zoning Board meeting. No further notice is required.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.