

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
OCTOBER 25, 2016**

MINUTES

Chairman DeRochi called the meeting to order at 7:45 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. Thompson; Mr. Kristjanson, Alternate #1 (left at 9:00 p.m.), Mr. Campeas, Alternate #2; Mr. Wu, Alternate #3

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

I. SALUTE TO THE FLAG

II. APPLICATIONS

Case BA-05-14 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	Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless
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Richard Stanzione, Esquire represented the applicant.

Kevin McManus was sworn in. Mr. McManus gave the Board his qualifications and was accepted as an expert in the field of environmental impacts and the state historic preservation in the Section 106 process. The Environmental Impact Report was prepared by EBI Consulting and is dated October 21, 2014. The report was marked as Exhibit A-21. The report was prepared to assess the potential impacts of the project, both the natural and limited environment surrounding the site. The proposed project is not considered a "major" project and therefore is not subject to the stormwater management plan. The property is not specifically within a historic district but is in an area that potentially provided visual impacts to identified historical districts as outline in the Planning Director's letter received in August 2014. The specific natural resources impacts that were identified were not significant because there were no specific concerns with regard to threatened and endangered species, wetlands or sensitive natural habitats. There is no impact to adjacent municipalities given the distance of the project site to the adjacent municipalities. The project is not directly applicable to many of the Somerset County Master Plan elements. The regional state planning guides were reviewed. The site is located in a Fringe Planning Area and is compatible with the designation as a Fringe Planning Area. The facility will be unoccupied and is located in an area which has already been previously developed; a disturbed area in terms of its natural resources quality. There will be a very limited construction period which would not result in any significant impacts to the surrounding environment. There would be no significant effects on the soils, topography, geology or vegetation because this is an already disturbed area. Species that were potentially of concern were identified because of their known habitation within the area. They include two species of bat, the bald eagle, wood turtle, coopers hawk and great blue heron. Due to the timing of construction and limited time of construction there would not be any specific impacts.

Mr. McManus discussed the historic nature of the site and area. The letter received from the Township in August listed twelve specific districts and properties. These areas are considered under the federal Section 106 process to be covered within the areas of potential effect, which is a one-half mile radius around the project site. This is an area of potential concern. Since they are in the midst of the Section 106 review process it was identified as a concern. The process has not been completed and a final conclusion has not been reached. Mr. McManus described the Section 106 process. The State Historic Preservation Office returned a determination that there was a potential adverse effect and requested additional analysis which was provided. Their initial assessment of potential of adverse effect did not change.

Mr. McManus gave an overview of Exhibit Willis-1. There has been a finding by the State Historic Preservation Office which is not in agreement with the findings in the EIS. The next step is for the parties to attempt to reach a Memorandum of Agreement where they would identify and discuss possible mitigation options for the project. The site cannot be built until this issue is resolved.

Mr. Campeas asked how often a proposal is in agreement or not in agreement with a Section 106. Mr. McManus said less than 5% of the time they are not in agreement. It is rare for them to go fully through the entire Memorandum of Agreement process.

Ms. Goldman asked if the township letter was taken into consideration when completing the FCC submission. Mr. McManus said they did their own evaluation in terms of the visibility issues. Given the size and scale of the silo and the setback from the road he didn't believe the visual impacts were significant enough to identify it as a potential adverse effect.

Ms. Goldman recommended the EIS be updated to confirm there are still no impacts to any threatened or endangered species or species of concern.

Mr. Stanzione requested Ms. Savron be at a subsequent meeting to discuss her opinion's outlined in her letter so that he would have the ability to cross-examine her.

Ms. Goldman asked why the corridor management plan for the scenic byway was not taken into consideration. One of the things the plan looks at is managing potential intrusions into the byway. One of the major issues is the scaled relationship of the facilities with the surrounding context. Since the management plan has a specific section addressing utility corridors it is important that it be addressed. She requested the applicant supply a short supplemental report to the EIS to address the corridor management plan, to confirm there are still no impacts to any threatened or endangered species or species of concern and to update the status of approvals. The applicant agreed to provide an update. Copies of the outside agency approvals will be provided.

Mr. Cline asked for an update to the noise section of the EIS to address the fact that there are no longer condensers proposed.

The meeting was opened to the public to question Mr. McManus.

Candy Willis remains under oath. She asked Mr. McManus to describe the public notice process initiated in 2104. Mr. McManus said it was published in the Princeton Packet on July 25, 2014 and invitations to comment were sent to the Township and Van Harlingen Historical Community. The State Historic Preservation Office has sent the case to the FCC. Ms. Willis referenced a July 7th document from towernotify@FCC.com to Steven Forrest at EBI Consulting that was submitted as part of Willis-1. It was an opinion from the HPO that constructing a 140' high tower will result in an adverse effect to the historic properties. Ms. Willis asked where the FCC was in their review of the project. Mr. McManus did not know. Ms. Willis asked if he ever considered paying back the money or applying for an exemption for the preserved portion of the farmland so that the tower could be moved further into the site on the preserved area.

Mr. Stanzione replied that they are not addressing that site because if the land is ever sold the wireless communication facility approval does not go with the land and they could potentially lose their approval.

Ms. Palius remains under oath. Ms. Palius asked Mr. McManus why he did not contact the River Road Association, the Millstone Valley Preservation Coalition, the Van Harlingen Historical Society, the Griggstown Historic Society and the Citizens to Preserve Griggstown Society but contacted Indian tribes all over the county for comments. Mr. McManus replied that they followed the requirements of the Section 106 Programmatic Agreement. Ms. Palius explained the corridor management plan.

Barbara Ten-Broeke remains under oath. Ms. Ten-Broeke explained when determining if a local byway meets requirements for National Scenic Byways Program six areas have to be identified. While scenic and natural qualities are present, the regionally significant qualities are historical, recreational and archeological. She asked if the site can be moved elsewhere. Mr. McManus is not qualified to answer the question. Ms. Ten-Broeke gave Mr. McManus a copy of the corridor plan.

Donald Matthews, Rutland Road, remains under oath. Mr. Matthews asked if it is the height of the silo that has the visual impact. Mr. McManus said it was one of the elements. Mr. Matthews asked if another type of tower was proposed. Mr. Stanzione said the applicant would be willing to change it to a tree or monopole if requested by the Board.

Ms. Willis asked if the height would be reduced if it was another design. Mr. Stanzione said he believed there would be a 15' reduction. Ms. Willis asked what the circumference of a pole would be. Dr. Eisenstein said they are generally 4' at the bottom and 2.5' at the top but would have approximately 14' triangles at the top for the antenna. Mr. McManus confirmed the silo design was considered to be a mitigation feature.

The Board took a five minute recess.

Matthew Bartlett was sworn in. Mr. Bartlett gave the Board his qualifications and was accepted as a witness concerning the site acquisition process. Mr. Bartlett referenced the Site Acquisition Analysis report dated August 29, 2016. He received the search ring from Verizon in 2010. Verizon has been interested in this area for many years prior to this submission. He researches the search area online and then drives the area to see if there are any existing structures that could be used. There were 578 potential parcels in the search area. The standard residential properties and properties smaller than 2-acres were eliminated. Both Township owned properties and other properties were eliminated because they were right next to small residential parcels. Mr. Bartlett described each of the parcels that were over 2 acres listed in the report. After review of the prior T-Mobile resolution, they contacted Mr. Staats and Mr. Quick since the resolution specifically referenced those two properties. Mr. Staats was interested in locating a site on his property but he wanted it in the conservation area that is encumbered by the Green Acres restrictions. He then spoke to Mr. Quick and an agreement was reached.

The Board questioned Mr. Bartlett. Mr. Bartlett testified they try to have the site as far from homes as possible.

Ms. Goldman asked if the preserved farmland portion of the Quick property was considered. Mr. Stanzione said it has been the position of Verizon Wireless that it is too risky to put into service a site on a property that could be lost. Any sale of the property would result in the permit not being valid because it does not run with the land.

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

Ms. Palus asked about the boundaries on the map. Mr. Bartlett said they were all in in Montgomery except the D & R Canal. Mr. Bartlett referenced Exhibit A-9 to show the search area within the service area.

Ms. Ten-Broeke asked about the Caliper Farms site that was discussed during the T-Mobile application. Although outside of the search area, Mr. Bartlett contacted them and they were not interested in leasing space.

Mr. Ten-Broeke remains under oath. Mr. Ten-Broeke is a public advisor to the Somerset County Cultural Heritage. The applicant should reject this site.

The meeting was continued to the November 15, 2016 Zoning Board meeting. No further notice is required.

A special meeting will be held on November 29, 2016. The November 22, 2016 meeting will be cancelled.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.