

the subsequent SHPO filings. Ms. Palius asked if the applicant had already had a response from the Historic Preservation Office saying this had a detrimental effect before the hearings started. Mr. Stanzone replied that they had but Verizon has a right to proceed with the hearing.

Candy Willis asked if Mr. McManus is aware that you can see cars on River Road from the D & R Canal towpath when the leaves are off the trees. Mr. McManus responded that he would distinguish the road from the project site because the site is back from the road and located uphill from the road. Ms. Willis asked how high from the road the project site is. Mr. McManus thought it was at least 50 to 75 feet above the elevation of the road and is behind the existing house.

Judy Peters asked if the Harlingen Historical Society letters written to SHPO and FCC are part of the overall document that gets reviewed. Mr. McManus confirmed they are.

Jan Ten Broeke asked if they considered that there are many viewpoints where you overlook the canopy of the valley and this will be sticking up above the tree line. Mr. McManus responded that they are only required to look at areas within a half mile radius. There are photos in the document that show the silo is visible to the north and west of the site.

The Board closed the questioning of the witness to the public.

John Hatch, the Township's historic preservation consultant, was sworn in. Mr. Hatch gave the Board his qualifications. Mr. Hatch reviewed the application, visited the site and issued a memo dated November 28th. The site is extremely sensitive. It is rare that a site has so many overlapping historic districts, scenic byways and various sensitive review districts. The site is notable for its rural and historic characteristics. The rural nature of the site is particularly important. The proposed stealth silo is particularly massive and compared to other silos it is significantly taller and larger in girth and seems particularly intrusive. The existing trees in the photos are deciduous and the location of the cell tower is a lot more apparent than is evident in the photos. The stealth tower is the most obtrusive just because of its added height and massive size. Given the sensitive nature of the site, particularly in seasons where the leaves are down any cell tower design is going to be apparent and have an adverse effect. Mr. Hatch agreed with the conclusion of the Historic Preservation Office, the interested parties and with Ms. Savron that the cell tower does have an adverse effect on the historic district and on the scenic byway. The tree and standard monopole the application presented at the last meeting are somewhat less obvious than the silo but given their height both of those also have an adverse impact on the historic districts and the scenic byway.

Mr. Stanzone asked what the adverse impact would be with all three designs. Mr. Hatch responded that the historic area and scenic byway are rural and has individual historic buildings but it is also the configuration of the landscape. Having a structure of that height and large footprint there are both impacts close to the site and from a distance. It impacts viewsheds and how the overall character of the area is felt. The impact is visual. During the fall winter and early spring the character of the trees and undergrowth changes and there is a greater impact from the cell tower. Mr. Stanzone asked if a determination by SHPO of adverse impact is made, does that prohibit a resolution to provide coverage. Mr. Hatch confirmed it does not. Mr. Stanzone said there is a procedure where the adverse impact is taken into consideration and a memorandum of understanding can be reached.

The meeting was opened to the public for public questions.

Jan Ten Broeke talked about the height of the structure and asked about technical solutions that don't require huge cell towers. Mr. Hatch responded that they can be placed on existing buildings or water towers or on shorter towers in some situations.

Liz Palius asked if Mr. Hatch if he knew River Road is the first road in the municipality and has the first houses built in the municipality and explained how the property was put into farmland preservation. She asked Mr. Stanzone if Verizon has to cover the area or simply make an attempt to cover the area. Mr. Stanzone referenced Dr. Eisenstein's testimony where Dr. Eisenstein says Verizon is obligated to provide coverage, not just apply to have coverage.

George Youreneff asked Mr. Hatch if there would be impact to the residential dwellings in direct proximity to the tower. Mr. Hatch responded there would be an impact.

Donald Matthews asked if everything should be done to protect River Road. Mr. Hatch responded that it is an extraordinary sensitive site and if not carefully managed, any new structures or changes to existing structures on sites in this area could have potentially permanent negative consequences. He has reviewed cell towers in other contexts and has not found adverse impacts which are why he thinks there is an adverse impact in this location.

The Board took a five minute recess.

Emily Goldman gave her qualifications. Ms. Goldman summarized the testimony presented over the past seven hearings. The applicant is requesting a use variance to construct the cell tower, a use variance for the height of the tower, site plan approval and bulk variances. The NJ Supreme Court ruled that if wireless companies have received their FCC license then the license in itself has been deemed to have met the positive criteria. Testimony has been provided that the applicant has at least four FCC licenses to cover the four different bandwidths that they operate on. The question is then if the site is particularly suitable in terms of the positive criteria. The Board must determine if the applicant has identified that there is a gap in service, identified the required signal strength and presented alternative sites, heights and

technologies. The applicant's RF engineer Mr. Villecco concluded there is a significant gap in service. The Township's RF engineer Dr. Eisenstein concluded the applicant used the correct analysis and that a gap in coverage does actually exist. He also testified that Verizon is obligated to fill the existing gap in coverage to remain in compliance with their FCC licenses to provide substantially better than mediocre service. Mr. Villecco presented testimony regarding the signal strength level required to fill the gap. Dr. Eisenstein concluded Verizon is hovering around an acceptable signal level and raised a question about the height of the structure. The Board should consider whether the placement of the antennas at the subject location and at the proposed height will improve the communications by filling the gap in service by providing substantially above a level of mediocre service. The Board should consider whether the same results could be achieved by placing the same antenna on some other existing structure or constructing a tower in a more suitable location. Mr. Villecco testified there is no first priority or second priority locations in the area where they need to provide coverage. The applicant's site acquisition specialist Matthew Bartlett testified regarding the process Verizon uses to select sites. A question was raised why they did not consider the Township's sewer plant lot. Mr. Villecco testified the ground level on that lot was lower than the current site and would result in a tower twenty feet taller than what is currently proposed. The current location was selected because the majority of the property was encumbered by farmland preservation easements. Cell towers are permitted on preserved farmland, however, the permit is only valid for twenty years unless it is renewed and terminates if there is a change in landowner. The prior Zoning Board found this property more suitable for a telecommunications facility but they came to that conclusion because they thought the facility could be located in the open field outside the minimum setbacks to the historic district. There was testimony about the height of the tower but no testimony regarding the heights of the collocators. The Board should consider whether the collocators would be able to fulfill their coverage need or whether they would have to construct a new tower. Mr. Villecco presented extensive testimony about the DAS system and concluded it would not be effective. The applicant's planner Mr. Masters outlined the reasons he thought the site was particularly suited. Case law says that the suitability of the location is not to be judged solely from the view of the applicant, but also from that of the municipality. Therefore, the Board may evaluate the site suitability of the proposed facility based on the potential impacts on the historic districts and site within proximity to the proposed facility. The applicant's environmental specialist provided testimony that SHPO determined there was a potential adverse effect to the historic districts and sites and the applicant provided the requested alternative assessment. SHPO returned with an additional finding that it did not change their initial assessment of the potential adverse effect. The Board's historic preservation consultant testified that the site's extremely sensitive from a cultural and scenic perspective and it's most notable for the rural and historic context of the area. Once the positive criteria has been deemed satisfied the Board would need to look at the negative criteria. The Smart case incorporated the four-step balancing test and the Board must balance the positive and negative criteria to determine if the variance can be granted without causing substantial detriment to the public good and substantial detriment to the zone plan and zoning ordinance. The first step is for the Board to explore how compelling the public interest is in the proposed use. The second step is to identify the detrimental effects that may ensue from the grant of the variance. The third step is to determine whether any legitimate detrimental effects can be reduced by imposing reasonable conditions. The last step is balancing the positive and negative criteria.

The Board questioned Ms. Goldman about the height of the silo versus the tree tower.

Mr. Stanzione questioned Ms. Goldman about the date of the latest Master Plan and the wireless ordinance. Ms. Goldman agreed that any application for a wireless communication in this area would require a use variance. Cell phones are a service that is needed and wanted by most residents. Ms. Goldman confirmed she worked with Mr. Masters in selecting the photo simulation sites and that she rode with him the day he did the visual analysis. The photos that were presented were accurate as to what she saw. The greatest visibility was from the existing residential areas to the north and west of the property. When the crane test was done she could not see the top of the crane through the trees in the historic district area. Mr. Stanzione questioned Ms. Goldman about the zoning requirements.

The meeting was opened to the public to question Ms. Goldman.

Candy Willis asked about the 20-year lease and Master Plan goals. Ms. Goldman responded that Verizon could apply for a special permit that is only good for 20 years. It could be renewed but in addition to the 20-year time frame limitation if the property owners change the permit would be terminated. Because of the uncertainty Verizon has decided not to pursue that location. Ms. Goldman confirmed that the last sentence in Goal #4 of the Master Plan pertaining to the rural and country atmosphere that prevails throughout most of the municipality should be maintained applies in this case.

Judith Peters asked if there was testimony about contacting the Caliper property and the prior Zoning Board selection of this site. Ms. Goldman responded she did not hear testimony about the Caliper property. The prior Board found that the proposed site was more suitable for a telecommunications facility because the use of the property was primarily agricultural, it wasn't residential and it would involve minimal tree removal and clearing and would be setback deviation free. They thought the facility would be located in an area of the open farm field with the tower well outside of the minimum setbacks. The Board suggested this property be considered but did not tell them to put it in the current location.

Liz Palus asked about the search area. Ms. Goldman responded that she did not look at other sites that could be more suitable because the application before the Board is for a specific site.

Pat Morris, 1488 Main Steet, Millstone, was sworn in. Ms. Morris asked if there was any data on who uses the byway and the park area and whether the need for open space was considered. Ms. Goldman responded that the facility is

located in the exception area that permits development. The visual impacts have been taken into consideration which includes the canal and towpath.

The Board took a five minute recess.

Mr. Stanzione informed the Board that the applicant is willing to go with a less intrusive visual appearance and would install a tree if the Board preferred.

The meeting was opened for public comment.

Robert Wilmot remains under oath. Mr. Wilmot presented a letter which was marked as Exhibit O-2. Mr. Wilmot read the letter into the record. He respectfully asked the Board to deny the application.

Candy Willis remains under oath. Ms. Willis presented a handout which was marked as Exhibit O-3. Ms. Willis visited the Delbarton School to see the tree that was installed. It fit nicely in the area because it is in the forest but it will not fit well on this site. The handout included a couple of paragraphs from the River Road rural historic nomination and a map of the Millstone Valley National Scenic Byway and the history of River Road. Ms. Willis discussed the history of the area and the history of the preservation effort of this area over the last 40 years. A lot has been done to protect this area from a cell tower. Verizon could find another spot that is not preserved farmland that hasn't been funded with federal funds.

The application was carried to the December 13, 2016 special meeting. No further notice is required.

III. MINUTES

October 18, 2016 – Regular Meeting

A motion to approve the minutes was made by Mr. Post and seconded by Mr. O'Brien. The motion carried on the following roll call vote:

Ayes: DeRochi, O'Brien, Fedun, Post, Wu and Tuosto

Nays: None

October 25, 2016 – Regular Meeting

A motion to approve the minutes was made by Mr. Post and seconded by Mr. O'Brien. The motion carried on the following roll call vote:

Ayes: DeRochi, O'Brien, Fedun, Post, Thompson, Kristjanson and Wu

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:34 p.m.