

MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
APRIL 25, 2017

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. O'Brien; Mr. Post; Mr. Campeas, Alternate #1; Mr. Wu, Alternate #2 (arrived 7:45 p.m.); Mr. Lopez-Lopez, Alternate #4

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

I. SALUTE TO THE FLAG

II. RESOLUTION

Case BA-03-16 Applicant: New York SMSA, LP d/b/a Verizon Wireless
Block 20001 Lot 6
Submission Waivers Associated with a Use Variance, Height Variance, Bulk Variance and Preliminary and Final Site Plan Application

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

Ayes: Campeas, Post, O'Brien, and DeRochi

Nays: None

III. APPLICATION

Case BA-03-16 Applicant: New York SMSA, LP d/b/a Verizon Wireless
Block 20001 Lot 6
Use Variance, Height Variance, Bulk Variance and Preliminary and Final Site Plan
Expiration Date – 5/31/17
Affidavit of Notification and Publication Required and Found to Be In Order

Frank Ferraro, Esquire represented the applicant. The applicant has conducted the balloon and crane test. The site analysis was prepared and will be submitted to the Board in the coming week.

Alex Moss, the applicant's site acquisition consultant, was sworn in. Mr. Moss gave the Board his qualifications. Mr. Moss prepared an analysis of other properties located within the second priority locations under the Ordinance. Copies of the letters that were sent out to property owners were marked as exhibits and distributed to the Board members. The following letters were marked: Exhibit A-22(A) – letter to 1736 Montgomery Realty, LLC from Moss Consulting dated January 18, 2016, Exhibit A-22 (B) – letter to 1736 Montgomery Realty, LLC, from Moss Consulting dated February 15, 2017, Exhibit A-22(C) – letter to AJA Asian Cuisine from Moss Consulting dated February 27, 2017, Exhibit A-22(D) – letter to Conva Tec, Inc. from Moss Consulting dated January 18, 2016, Exhibit A-22(E) – letter to Conva Tec, Inc. from Moss Consulting dated February 13, 2017, Exhibit A-22(F) – letter to Montgomery Board of Education from Moss Consulting dated January 29, 2016, Exhibit A-22(G) – letter to Montgomery Board of Education from Moss Consulting dated February 13, 2017, Exhibit A-22(H) – letter to Montgomery Township Mayor & Council from Moss Consulting dated March 15, 2017, Exhibit A-22(I) – letter to Moss Consulting Group, LLC from Donato Nieman, Montgomery Township Administrator dated March 20, 2017, Exhibit A-22(J) – letter to Herring Properties from Moss Consulting dated February 27, 2017.

Mr. Moss testified that a response was not received from the previous owner (Tusk Restaurant) or from the current owner (Aja). A response was not received from Conva Tec or Montgomery Board of Education. A response was received from Montgomery Township stating they were not interested in making the property available. The Conva Tec and Tusk/Aja restaurant properties are located within the REO zone. Even though the Herring property is south of Orchard Road and not within the search area, a letter was sent and no response was received.

Mr. Moss was able to get a lease from the Nassau Racquet property owner. He was sent to this site at the direction of the radio frequency engineers. T-Mobile previously attempted to develop the subject property with a telecommunication tower.

Mr. Ferraro summarized that the applicant tried to locate properties within the conditionally permitted zone.

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

Ellen Nusbaum, 24 Norfolk Way, was sworn in. Ms. Nusbaum asked about the zoning of the Conv Tec property versus 23 Orchard Road for wireless facilities and why 23 Orchard is not a candidate for location. Mr. Ferraro replied that 23 Orchard did not reply to their request. Mr. Stern had provided testimony at the last hearing that the bottom of the search area is Orchard Road. North of Orchard Road is the area where locating a site would address the area of insufficient coverage. Anything to the south of Orchard Road would be too far south and too close to the existing Rocky Hill site.

Ron Igneri, Stantec, was sworn in. Mr. Igneri gave the Board his qualifications and was accepted as an expert in professional engineering. The engineering plans consist of 19 pages and are last revised November 2, 2016. The engineering plans were marked as Exhibit A-23. Mr. Igneri referenced sheet Z01 which shows the 12.75 acres parcel. There are a number of buildings, tennis courts and a pool on the site. The applicant is proposing a monopole, compound and radio equipment in front of the northern most building. The hatched area on the site plan represents the conservation easement area that is not available for development. The T-Mobile application originally proposed the location to the north side but was moved to the front of the building. Verizon was looking to disguise the pole and a monopine should not be located close to a building. Mr. Igneri referenced Sheet Z02 which shows the proposed branches will not be over top of the building. When it was on the north side of the building, it was very tight to the building and the pole was only feet off of the building. The radius of the branches is approximately twenty-five feet although the selection of the pole has not been finalized.

Chairman DeRochi said the monopine at this location should be the same one as proposed by Verizon in the prior application. The branches in the prior application came way further down the pole and they had a bigger spread. It looked more like a pine tree than this proposal. Mr. Ferraro stated that the pole proposed in this application is the exact same pole as the Griggstown application.

Mr. Campeas said there is a difference between the front yard and side yard. Mr. Cline said the corner of northern building at the closest point to the property line is approximately 85'. The width of the compound is 40' x 60'. Mr. Igneri said a side yard variance may be needed in the norther location where the current location meets the front yard and side yard setbacks.

Mr. Ferraro said the applicant will investigate moving the compound to the northern side of the building. Mr. Ferraro asked if the Board would like the applicant to consider a smaller compound rather than a full build-out for four carriers.

Dr. Eisenstein recommended the compound be sized for full build-out.

Mr. Igneri testified the compound area will be 60' in length and 40' across. The pole is centrally located in the compound. The Verizon equipment will be centered to the north end of the compound. There is a cable bridge that runs from the equipment cabinets to the base of the monopole. The cables are run inside and then exit at the top of the tower and mounted to the antenna frame. The antenna and framework will be painted brown and the evergreen branches will be added. Only electric and telephone are needed for the facility. Electric will be run from the street and parallel the proposed gravel access drive. The compound shows three future carrier areas. Depending on the carrier and what they need they are subject to being adjusted.

Chairman DeRochi asked why the transformer was outside the compound fence. Mr. Igneri said it was a requirement of the power company who do not want the transformers inside.

Mr. Igneri said they would run primary service off the highway underground to get to the transformer pad. The transformer pads are typically 3' by 3' or 3' by 4'. Plantings can be installed away from the transformer to screen it. From the transformer they would run to a multi-meter bank which would be inside the compound and set up with multiple meter ports. There is a fiber optic service telephone cabinet. A 6' high black coated vinyl chain link fence is proposed. The shelter height is 10' and the GPS unit height is 11' 6". The shelter has two compartments, one of which will house the emergency standby generator. Verizon Wireless has steered away from shelters and has the ability to shrink their equipment down to cabinets on a concrete slab with a canopy over it. It can be consolidated to a 10' by 16' slab with outdoor cabinets which will alleviate the need for air conditioning and will reduce the size of the generator. The outdoor cabinets are roughly 6' tall. The canopy is typically at 10'.

Chairman DeRochi said he is concerned about the height of the fence versus the height of the equipment and would like the fence to be as high as the equipment. It could be a wall instead of a fence to make it look better.

Mr. Campeas asked if the cabinets could be made to look like a storage shed.

Mr. Igneri said typically the cabinets have a masonry finish with a flat top roof and a beige color so it blends in. The fencing will have landscaping. The compound will have a 12' wide double swing gate. There are 44 trees to be cleared for the construction of the compound and access drive. There is an existing drivable path in the front of the building that will be utilized for Verizon's access drive to minimize clearing. A substantial amount of trees will remain (approximately fifty-eight). Nineteen evergreen trees are proposed to be planted but the applicant will work with the Township Landscape Architect with regard to species. The Delaware and Raritan Canal Commission (DRCC) required the applicant to install a stormwater basin.

Mr. Ferraro said the Board granted a waiver from having a landscape plan prepared by a Landscape Architect. The applicant will work with the Board Landscape Architect to make sure that the final landscape plan is acceptable to screen the compound. Chairman DeRochi said the Township Landscape Architect will not be constrained by the number of trees that are shown on the plan and the required number could be increased. Mr. Ferraro agreed.

Mr. Ferraro said the other waiver request is for the tree replacement so that the number of trees the applicant has to replace is based upon the area of disturbance rather than the size of the property. Mr. Igneri said the total disturbance is 12,000 square feet or about 0.9 acres.

Ms. Goldman said if the waiver was granted they would be required to plant 4 trees. The 19 buffer trees and street trees that are shown do not count toward that categorical tree planting requirement. If the calculation was based on acreage they would be required to plant 179 trees. Mr. Ferraro said the waiver is not to provide the number of trees based upon the acreage and the number of trees to be supplied could be more than 4.

Mr. Igneri referenced drawing Z02 and discussed the elevation. The pole is 120' to the top of the steel monopole before the branches. The antennas are mounted at a centerline height of 120' and are approximately 6' tall so the top of the antenna will be at 123'. There is a 5' lightning rod on top of that so the overall height from the base to the top of the lightning rod and crown of the tree is 128'. The existing deciduous canopy is around 60' to 70' and the branches of the monopine will begin above that height. The elevation of the compound is relatively even with Route 206.

Mr. Campeas asked if the compound size would shrink if each carrier used the smaller cabinets instead of shelters and then fit better on the northern side of the building. Mr. Igneri said he would have to look to see if he could get access to that area since it would be a substantial access drive to get from the driveway to the side of the building. Mr. Ferraro said another option is to show the full build-out compound footprint as future development but not build it to the full size at this time.

Mr. Igneri testified the only signage would be a warning sign as shown on Sheet Z07. The site is visited by a technician every four to six weeks. The noise from the generator will not be an issue. It is far enough from the property lines that it will meet the noise standards. The current location of the compound meets all the setback requirements in the zone. A variance is needed for maximum principal building coverage. The maximum permitted is 10%, the existing coverage is 12.3% and the proposal is for 12.4%. A variance is needed for lot coverage. The maximum permitted is 15%, the existing coverage is 21.3% and the proposal is for 21.7%. The site can accommodate the additional use despite these deviations. A drainage report has been prepared dated January 11, 2016 and was marked as Exhibit A-24. The facility will not result in any drainage issues on site. An Environmental Impact Statement dated October 22, 2015 and was marked as Exhibit A-25. The facility will not have any impact on environmentally sensitive areas. A Structural Certification Letter dated January 4, 2016 was prepared. According to the letter the approved monopole will be built out in accordance with the allowable building codes. A full structural report will be provided to the Board Engineer and the Building Department as a condition of any approval.

Mr. Igneri addressed the Board professional comments regarding the gabion wall. The DRCC required a stormwater basin be constructed. The basin is a gentle slope with a sand bottom. In order to accommodate the contours of the property a gabion wall is being used. The applicant will look at the height of the wall to see if it can be lowered. It can be smoothed out to give it a less obtrusive look and plantings such as Virginia Creeper or some other vine can be used. The basin cannot be meadow because of the DRCC requirements.

The Board took a five minute recess.

Mr. O'Brien asked the applicant to provide information at the next hearing on how much the compound would shrink if all the carriers used cabinets instead of shelters.

Chairman DeRochi asked the applicant to look at mitigating the impact on Route 206 by making the compound narrower and minimize the number of trees that would have to be removed in front of the driveway.

Mr. Igneri said the basin might have to be increased to accommodate the additional coverage if the compound is moved to the north of the building.

Mr. Cline asked the applicant to look into relocating the pads so that the space within the compound is used more efficiently, relocating the compound to the north of the building and shrinking the compound so that the short side faces Route 206.

Chairman DeRochi would not be in favor of a driveway from the compound out to Route 206 if the compound is moved to the northern end of the building since it will open up the view when trees are removed. The trees should be preserved continuously along Route 206.

Mr. Lopez-Lopez asked if the monopole can be offset to use the space more efficiently. Mr. Igneri replied that it is central to the compound because it is the most efficient way to utilize the cable ports around the bottom of the monopole.

The Board consensus was that they would like to see cabinets rather than shelters.

Ms. Goldman referenced her review memo dated February 23, 2017. A waiver is required since lighting is not proposed in the K-turn area. Mr. Igneri testified they do not want to have lights on all the time and that is why the lights on the cabinets or shelters will be on a timer. A waiver is required since the footcandles are not shown for the proposed lighting. A waiver is required since the parking will be gravel rather pavement. Mr. Igneri said gravel is more practical given the number of vehicles that will utilize the access drive. Ms. Goldman noted that a fence higher than 6' will require a variance. A waiver is needed since the applicant is not proposing any street trees. A waiver is required since sidewalk is not being installed. The lease area is required to be 20,000 square feet and the applicant is proposing an area of disturbance of 12,000 square feet. Mr. Igneri said the applicant is trying to minimize disturbance. Mr. Igneri believes the FAA study was completed and no aviation lighting is required for the top of the pole. There was testimony provided by the applicant's RF Engineer that there will be no interference with any public safety communications. The generator, no matter which one is used, will meet the NJDEP noise guidelines. The generator is exercised once a week for about 30 minutes usually mid-morning. If there is an air quality issue the exercise will be conducted the next day.

Mr. Cline discussed his memo dated February 22, 2017. Mr. Cline discussed the conflict between the proposed piping and the existing inlet. He requested the specifications for the generator be provided. The piping will be increased to 15". The other comments will be discussed once the applicant looks at the alternate compound location.

The meeting was opened to the public for questions.

Ellen Nusbaum said she is probably the most affected property owner in the area since she lives directly across from the pole. Others will probably see the tree canopy but she will see the bottom pole. Ms. Nusbaum asked if any of the cables will cross Route 206. Mr. Igneri said he believes the pole line is already on the Nassau Racquet site. Ms. Nusbaum asked about the antenna in the Harlingen Church steeple. Dr. Eisenstein said that is designed to cover an extremely small area usually where there is a capacity issue. Ms. Nusbaum asked if there is truly a need because she doesn't have a problem with service. Ms. Nusbaum said she would like to see another balloon test if the compound will move to the north side of the building. Mr. Ferraro said Verizon would first have to see if it is feasible to move the compound. Ms. Nusbaum said sound is a big issue and she would like to see the smallest generator used.

Angelo Sciascia, previously sworn, asked the Board if they saw the balloon test because it only lasted a couple hours. He asked how the Board could really get to see where it will be and what it will look like. Chairman DeRochi replied that the applicant warned that the balloon test in an area like this was difficult because of the trees. Verizon will be providing simulations of the pole in photos. Mr. Sciascia asked to be shown what trees will be removed. Mr. Igneri showed him Sheet Z06 that has "X's" on the trees to be removed. The trees vary in diameter; some are large many are not. Mr. Sciascia asked about the construction noise. Mr. Igneri replied that there will be construction noise but it won't be excessive. It will be about a 6-8 week process.

Ms. Nusbaum asked if there was a driveway that goes around the rear of the building that could be used if the compound is moved to the north. Mr. Igneri showed her Sheet Z01. Due to the existing improvements and the conservation area that cannot be disturbed, there is no room in the rear to get access.

The application was continued to the May 23, 2017 meeting. No further notice is required. An extension to June 30, 2017 was granted.

IV. MINUTES

March 28, 2017 – Regular Meeting

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

Ayes: Campeas, Lopez-Lopez, Post, O'Brien, Wu, and DeRochi

Nays: None

March 28, 2017 – Closed Session

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

Ayes: Campeas, Lopez-Lopez, Post, O'Brien, Wu, and DeRochi

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.