

**MONTGOMERY TOWNSHIP ZONING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
MARCH 26, 2019**

**MINUTES**

Chairman DeRochi called the meeting to order at 7:35 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. Kabis; Mr. Lopez-Lopez, Alternate #1; Mr. Blodgett, Alternate #2; Mr. Sudol, Alternate #4

**ALSO PRESENT:** Mark R. Peck, Esquire, Board Attorney; Emily Goldman, Board Planner; Jason Cline, Board Engineer; Joseph Palmer, Zoning Officer

**I. SALUTE TO THE FLAG**

**II. RESOLUTION**

**Case BA-02-18**                      **Applicant: Montgomery Township Fire Company No. 1**  
Block 6001 Lots 1.01 and 2 – 35 and 45 Belle Mead-Griggstown Road  
Preliminary and Final Major Site Plan with Use and Bulk Variances

A motion to memorialize the resolution was made by Mr. Kabis and seconded by Mr. Sudol. The motion carried on the following roll call vote:

Ayes: DeRochi, Kabis, Lopez-Lopez, Blodgett and Sudol

Nays: None

**Case BA-09-18**                      **Applicant: Joseph Ventresca**  
Block 4009 Lots 1 – 13 – Route 601  
Submission Waivers and Bulk Variances

A motion to memorialize the resolution was made by Mr. Kabis and seconded by Mr. Blodgett. The motion carried on the following roll call vote:

Ayes: DeRochi, Kabis, Lopez-Lopez and Blodgett

Nays: None

**III. APPLICATION**

**Case BA-08-18**                      **Applicant: New York SMSA, LP d/b/a Verizon Wireless**  
Block 8001 Lots 1 and 1Q – 694 River Road  
Submission Waivers and Preliminary and Final Major Site Plan with Bulk Variances  
Expiration Date – 120 Days from Submission Waiver Approval  
Affidavit of Notification and Publication Required

Notice was found to be in order. Chairman DeRochi explained that the tower is approved and the Board is considering the site plan and the type and design of the tower.

Richard Stanzione, Esquire, Colleen Connolly, PE and Mr. Masters, PP represented the applicant.

Ms. Connolly was sworn in. She gave her qualifications and was accepted as a professional engineer. Ms. Connolly discussed the submission waivers as outlined in her letter dated January 23, 2019. Information has been provided within two hundred feet (200') of the area of development but not within two hundred feet (200') of the property. A statement regarding the use and operation of the building is not necessary since the site is unmanned and will only be visited once per month for maintenance. No hazardous materials will be stored on the site. The proposed 211 gallon diesel tank will be above ground and is a double hold tank with an internal containment feature.

A motion to approve the submission waivers was made by Mr. Fedun and seconded by Mr. Blodgett. The motion carried on the following roll call vote:

Ayes: DeRochi, Fedun, Kabis, Lopez-Lopez, Blodgett and Sudol

Nays: None

Mr. Stanzione said he has reviewed the professional reports so the testimony will focus on the monopole design but the applicant will be prepared to discuss the tree design. The outside agency approvals are pending and will be supplemented once the type of tower is decided.

Ms. Connolly referenced the site plans revised January 7, 2019 and described the proposed facility. The subject property has driveway access from both River Road and Staats Farm Road. The property is 82.37 acres with a 5.5 acre agricultural development exception easement close to River Road. Access to the compound will be from Staats Farm Road. The existing dwelling on the site will access River Road. Ms. Connolly described Sheet Z-6 which shows a blowup of the compound area. The proposal is for a 120 foot monopole or tree pole with 12 antennas. The tops of the antennas will extend a maximum of 3 feet above the top of the pole or 123 feet. In the event of a tree pole the branches will extend to 128 feet to camouflage the antenna. Surrounding the monopole will be a 1,566 square foot gravel compound enclosed by an 8 foot high fence with a 12 foot wide access gate. The applicant agrees to install whatever type fence the Board wants. Within the compound there will be one cabinet set on a 7 x 14 foot concrete pad and a 30 kilowatt diesel generator set on a 4 foot 4 inch by 10 foot 2 inch concrete pad. Ms. Connolly referenced Sheet Z-7 which shows the monopole design and cabinets. The cabinet, with the concrete pad, is approximately 7 feet 6 inches high. The generator enclosure is 8 feet 3 inches tall. The generator is a 30 kilowatt diesel generator within a Level 2 sound enclosure. The diesel tank sits under the generator so it is one connected unit that has a fill valve at the base of the tank. The tower will be designed for four carriers and any collocators will be below the Verizon antenna at 10 foot intervals. The structural design of the monopole will be for a height of 120 feet with a load of 4 antenna spots on the pole. Ms. Connolly described Sheet Z-8 that shows the tree design for the pole. The top of the branches will be at 128 feet to extend above the top of the antenna.

Chairman DeRochi said if the Board approves the tree design the lowest branches should extend down as far as possible to camouflage the trunk.

Mr. Cline noted that a monopole will be narrower than a tree pole. Ms. Connolly testified that typically for a regular monopole there would be a 4 foot diameter base and a tree pole would have a 6 foot diameter base. The wind load is much more significant for a tree pole.

Ms. Connolly discussed the Remington and Vernick report dated March 22, 2019. The compound area will be buffered with landscape plantings and fencing. A Landscape Architect will be retained to work with the Board Landscape Architect. A stormwater report and design was submitted with the prior application. The impervious area listed in that report is more than what is now proposed so it is still applicable. It is anticipated there will be a total of 4 carriers. There is sufficient room within the compound for the 3 additional users. The access to the compound is sufficient for both construction and maintenance purposes. One spot for the technician to park is being provided. The applicant requests the structural integrity and design of the facility be required as a condition of approval and submitted with the building permit subject to the approval of the Township Engineer and Construction Department. The pole will be designed to the current Telecommunication Industry Association (TIA) standards and will be designed for the appropriate wind speed, ice loading and with the factor of safeties that would be required. The tower is designed so it does not topple. The tower will be designed to only go to 120 feet. Verizon Wireless has Master Agreements with the other carriers to collocate on facilities. Verizon will accept a condition that the Master Agreement will be recorded or a separate document can be created that it will be offered to other licensed FCC carriers at the rates set forth in the Master Agreements for collocation.

Mr. Fedun asked if there was a potential to have 4 generators. Mr. Stanzione said in the past the other carriers have not installed generators. A 30 kilowatt generator can accommodate other carriers and Verizon is overdesigning generators for that reason. A condition can be imposed for a shared generator. There was discussion about a limitation of one generator for the compound. Mr. Stanzione said any other carriers would have to come for site plan approval and at that point they can address their generator needs.

Mr. Peck agreed that a new carrier at the site sufficiently changes the site and would require site plan approval.

Ms. Connolly testified that the proposed generator meets the Township Ordinances and State DEP noise standards. The generator would be 48 decibels at the closest residential property line and at the house to the south it would be 55 decibels. The generator will be tested once a week for approximately one hour between 10:00 a.m. and 3:00 p.m. The generator is exercised remotely.

Mr. Stanzione agreed to send the structural calculations to Mr. Cline as conformance review prior to the submission of a building permit.

Ms. Connolly discussed the Clarke Caton Hintz memo dated March 22, 2019. An exception is being requested for lighting and off street parking spaces. Lighting is only needed for a technician and they will bring their own lighting in order to get into the parking area and compound. The site will have very limited use of once per month so off street parking is not needed. The 8 foot fence is needed for security reasons and to screen the equipment compound. The plans currently have a detail for a chain link fence at a 2 inch by 2 inch diameter chain but the applicant agrees to install whatever fence the Board deems appropriate. A 500 watt floodlight is

proposed to be attached to the compound facing the cabinet to allow the technician to have light at the cabinet if work needs to be performed at night. The fixture will be mounted 7 feet above the ground, will be tilted downward and will operate on a 60 minute timer. A waiver is being requested from providing street trees and for the total number of trees required to be planted to be based on area of disturbance rather than total acres for a total of 6 trees. The applicant will meet with the Landscape Architect to develop a landscape plan including the number of plantings, species, height and the location of the plantings. An exception is being requested from installing sidewalks since there are no sidewalks in the area. The generator is in a noise attenuating enclosure.

Ms. Connolly discussed Richard Bartolone's review memo. Realigning the driveway will save some of the larger trees however the driveway as proposed follows an area that has already been disturbed and there is a lot less underbrush and low shrubs. The grading will be reviewed to see how many trees would be removed. The applicant will work with Mr. Bartolone and Mr. Cline out in the field to minimize disturbance, minimize impervious coverage and soften the curve in the driveway. Sgt. Perry's memo recommends access to the site from Staats Farm Road and not River Road.

Ms. Connolly discussed the Open Space Committee memo dated March 13, 2019. The critical slopes close to the driveway are debris that has composed over the years. The critical slopes between the compound and the access drive are mounds of dirt from construction that happened years ago. The only area that is natural critical slope would be to the south of the dwelling and between the proposed compound and River Road. Neither of these areas will be disturbed.

Mr. Stanzione discussed the Landmarks Commission memo. Notes will be added to the plan to address the comments.

Mr. Stanzione discussed the Shade Tree Committee memo. Their memo will be addressed with the discussions with the Township Landscape Architect.

Ms. Goldman asked what the height of the cable from the cabinet was. Ms. Connolly testified the cable bridge is 10 feet.

William Masters was sworn in. Mr. Masters was accepted as an expert planning witness in the prior application. Mr. Masters referenced photo simulations that show what a tree pole would look like versus a monopole which was marked as Exhibit A-1. The images were previously submitted as part of the use variance application. The visual analysis that was prepared in June 2016 was for a 135 foot silo. Alternate simulations of a tree pole and monopole were also prepared by using 4 of the 16 vantage points. The view of the first image was taken from the subject property in front of the house. The tree branches in the photo simulation are approximately 38 feet above ground level. The second image was taken from the driveway entrance off of Staats Farm Road. The third image was taken from Green Avenue at Staats Farm Road. The fourth image was taken from in front of 59 Staats Farm Road.

Mr. Lopez-Lopez noted that there are different finishes for galvanized steel. Mr. Lopez-Lopez prefers them to use the finish that presents the least visual impact. Mr. Stanzione said they would use the dullest finish possible.

Chairman DeRochi opened the meeting to the public.

Leonard Dunbar, 16 Staats Farm Road, liked the tree style better. It would look better if additional carriers collocated as it would more evenly hide the antennas. The proposed landscaping should be native species.

Candy Willis, 72 Knickerbocker Drive, asked about the submission waiver of #34 the Board granted.

Mr. Stanzione said they show the information within 200 feet of the area that is being disturbed. The waiver was from showing the information within 200 feet from the overall acreage. Chairman DeRochi said the comment from the Landmarks Commission is that the gravesite is not well represented on the drawings. Mr. Stanzione agreed to add a note to the plan and Ms. Connolly said they could show it.

Ms. Willis preferred the monopole which is the least visually intrusive. The tree poles deteriorate and there is no way to keep them fresh looking. They are too tall and look too big.

Liz Palius, River Road, spoke as a member of the River Road Association and the Millstone Preservation Coalition. Ms. Palius stated that there should be the most mitigation as possible to conceal it. The existing trees are all deciduous and if a tree pole is used it will stand out like a sore thumb. A tree pole is very inappropriate on preserved farmland. The monopole would be the least visible. A wooden fence should be used

instead of chain link. The landscaping that is to be planted should grow tall to hide the bottom of the pole. The area around the compound should be left un-mowed.

Ms. Palius asked about SHIPO, FCC and DRCC approvals. Mr. Stanzione said they will submit plans to the DRCC and SHIPO once the Board acts on the application. If substantial modifications to the plans are required, the applicant would have to come back to the Board.

Ms. Palius said she was concerned with runoff onto River Road. More vegetation would help with the runoff. The Township should ask for large trees to be planted and a 5 year guarantee.

Jessie Havens, Ludlow Avenue, said when the tower becomes obsolete it should come down. She asked who decides when it is obsolete. Mr. Stanzione said the FCC gives Verizon a license. As long as they need the facility to exercise their license they will use it. As soon as they don't need the facility it will come down. Mr. Cline noted that the ordinance requires the facility to be removed if it is not used for a period of 6 months.

The Board discussed the fencing and agreed the fence should be a solid composite fence. Chairman DeRochi said the fence should be a natural color to blend in with the landscaping and should not be white.

Chairman DeRochi asked the Board if they were willing to delegate all the landscaping design changes, regrading and possible driveway realignment to the Board professionals or if they would like to see the changes before acting on the application. The Board agreed to delegate the revisions to the professionals.

Mr. Fedun wanted a limit on the number of generators on the site to one. If the capacity is exceeded then Verizon's generator will have to be replaced for a larger one.

Mr. Peck listed proposed conditions: provide certification of structural integrity for four carriers, provide certification of structural calculations with the various conditions enumerated in the Remington Vernick letter, supply calculations showing that it won't or can't exceed 123 feet at the top of the antenna, Verizon will provide its marketing letter to other carriers for collocation, the fence would be a solid composite material in a neutral color, there is a limit of one generator and the landscaping including the use of larger trees are to be used subject to the review of the Township Landscape Architect.

The Board decided the pole should be a tree. They felt the tree would look better if additional antennas are added. The lowest branches of the tree should start 38 feet from ground level. The tree design is to be similar to what was shown in the photographs in Exhibit A-1. The top of the antennas will be 123 feet and the maximum height to the top of the branches is 128 feet.

Ms. Connolly and Mr. Masters provided testimony for the variances for the fence height of 8 feet, the deviation from the required fence material and the separation for fencing. The proposed fencing to be provided will mitigate the visual impact of the base facility and the sound attenuation from the generator. The variance relief can be granted without substantial detriment to the public good or substantial impairment to the comprehensive zone plan.

A motion to grant site plan, variance and exception approval subject to the conditions was made by Mr. Kabis and seconded by Mr. Blodgett. The motion carried on the following roll call vote:

Ayes: DeRochi, Fedun, Kabis, Lopez-Lopez, Blodgett and Sudol

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:25 p.m.