

**TOWNSHIP OF FRANKLIN  
ZONING BOARD OF ADJUSTMENT  
COUNTY OF SOMERSET, NEW JERSEY**

**SPECIAL MEETING  
November 2, 2016**

This Special Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Robert Thomas, Chairperson, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

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**PRESENT:** Laura Graumann, Donald Johnson, Alan Rich, Robert Shepherd (arrived at 7:40 p.m.), Gary Rosenthal (arrived at 8:27 p.m.), Cheryl Bergailo and Chairman Thomas

**ABSENT:** Raymond Betterbid, Bruce McCracken, Anthony Caldwell and Joel Reiss

**ALSO PRESENT:** Board Attorney, Patrick Bradshaw, Mark Healey, Planning Director, and Vincent Dominach, Senior Zoning Officer

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**MINUTES:**

- **Regular Meeting – October 6, 2016**

Mr. Rich made a motion to approve the Minutes as submitted. Mr. Johnson seconded the motion and the roll was called as follows:

**FOR:** Mr. Johnson, Mr. Rich and Chairman Thomas

**AGAINST:** None

## **DISCUSSION:**

### **Vouchers:**

**Patrick Bradshaw – Resolutions**

- US Clean Energy, LLC - \$210**
- Potosnak & Pyke - \$157.50**
- Ali - \$210**
- Shen - \$140**
- Somerset Fitness Club - \$140**
- Regency Heritage Nursing - \$385**
- Fiorino - \$175**
- Iglesia Cristiana del Vivo, Inc. - \$280**
- Star Bazaar - \$122.50**

Vice Chair Graumann made a motion to approve the Vouchers as submitted. Mr. Rich seconded the motion and all were in favor.

## **HEARINGS:**

- **KEITH WILSON / ZBA-15-00041**

Mr. Edward P. Shamy, Jr., Esq., Attorney, appeared before the Board on behalf of the Applicant, Keith Wilson. He stated that the Applicant was there before the Board to obtain a Variance in which he was requesting to use a portion of his home as a chiropractic office at 22 Nina Court, Somerset; Block 83, Lot 17.22, in an R-20 Zone.

Chairman Thomas gave the Applicant his choice as to whether he wanted to proceed since there were only five (5) Board members present at the start of the hearing. Mr. Bradshaw, Board Attorney, reminded the Applicant and his attorney that they needed five (5) Board Members to vote in the affirmative in order to receive the Use Variance approval.

Mr. Shamy indicated that they would proceed since they were there and ready to present their case. He noted that Dr. Wilson's chiropractic office was presently located just adjacent to the Stage House restaurant on Amwell Rd. in Somerset. Mr. Shamy explained to the Board that Dr. Wilson's wife has multiple health issues, including cancer, vertigo, osteoporosis and multiple sclerosis, and has found that even being only a few miles away from home was creating a difficulty for him to care for her. He also added that Mr. Wilson was winding down his practice as well for the same reasons, but wanted to use a portion of his home to see approximately six (6) patients per day, four (4) days per week at his residence at 22 Nina Court in Somerset, NJ.

Dr. Keith Wilson, Applicant and resident of 22 Nina Court for the past 30 years, came forward and was sworn in. He discussed his wife's condition and how he had to sell his practice in Parlin, NJ to move closer to their home when his wife was first diagnosed with breast cancer when they had four small children. Dr. Wilson added that her many medical issues have caused her to have multiple falls and that her sisters come over every day for a few hours per day in order to care for her when he is not home. He indicated that he felt it was becoming

and infringement upon their lives and needed to be at home in order to continue his practice, especially since all of his children lived out of state. Dr. Wilson indicated that he did not require a sign and was not planning on advertising for additional patients should some of his clients fall away in the future.

Mr. Healey discussed the parking situation at his home, and Dr. Wilson stated that he just redid his driveway and would only be seeing each patient for 30 minutes, with a maximum of 6 patients per day, four days per week. He indicated that he would most likely only have one patient car in his driveway at a time, with the possibility of two (2) cars with one leaving and one coming. Dr. Wilson agreed to have a condition of any future sale of the home that it would be sold as a single family home and no office use and that the variance would cease upon the termination of the chiropractic business in the home.

Dr. Wilson stated that he had just had a new paver walkway installed from the driveway to the rear of the home where his office could be accessed and that it was handicapped accessible. He added that there was a restroom adjacent to his office that was also handicapped accessible. He testified that there was no indication from the street or within the neighborhood that there was a chiropractor's office there. He also indicated that he had spoken with his neighbors and no one objected to his proposition.

Chairman Thomas then opened the meeting to the public for questions or comments. Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Graumann made a motion to approve the Use Variance, subject to the hours of operation described by the Applicant and conditioned upon the home office use being limited to Dr. Wilson's use only and to cease upon the close of his chiropractic business or the sale of his home. She added that the Use Variance would not be a part of the property to new owners. Mr. Rich seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Johnson, Mr. Rich, Mr. Shepherd, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **NY SMSA LTD PART d/b/a VERIZON WIRELESS / ZBA-16-00033**

Mr. Rich Stanzione, Esq., Attorney, appeared before the Board on behalf of the Applicant, NY SMSA LTD. PART d/b/a Verizon Wireless. Site Plan in which the Applicant was looking to place a 118' telecommunications tower at 156 Cedar Grove Lane, Somerset; Block 424.12, Lot 5.01 in an R-40 Zone.

Mr. Stanzione explained that the proposal before the Board that evening was to construct a telecommunications tower that they were planning to "stealth" as a "monopine", to mimic the look of an evergreen tree to blend in with the surrounding neighborhood.

Mr. Chad Schwartz, Engineer, employed with Malick & Scherer/Scherer Design Group, came forward and was sworn in. The Board accepted his qualifications. Mr. Schwartz then gave a brief overview of the property, its location, and the existing conditions on the property utilizing

enlarged versions of the Preliminary and Final Site Plan, dated 6/24/16, that was submitted with the Application. He noted that there was 587 ft. between the center of the pole to the nearest residential property to the southeast, along Willow Avenue. He then stated that the compound, itself, was 25 ft. from the southern side yard setback and 50 ft. to the rear yard to the east.

Mr. Shepherd then inquired as to what the “compound” included. Mr. Schwartz then explained that it was a 50 ft. x 50 ft. fenced area surrounded by an 8 ft. high chain link fence and has a driveway that would lead up to it. Mr. Schwartz indicated that there were three (3) sectors of four (4) antennas each, for a total of twelve (12) antennas. Also in the compound, Mr. Schwartz indicated that there were some pole mounted radio equipment and some cables within the pole run down the pole to a facility that was within the compound. According to Mr. Schwartz, there was also going to be an equipment pad for the radio equipment as well as a backup generator run by propane and sourced from a 500 gallon tank located in the northwest corner of the compound. He then noted that utilities would be routed from the existing area to the equipment cabinet, also located within the compound. Additionally, he indicated that the compound would include a gravel base. Mr. Schwartz then testified that the entire compound would not be utilized by Verizon, but was planned for future use by other co-locators who would want to utilize the facility. He then stated that the facility was going to be placed 472 feet from Willow Avenue in the deeply wooded area.

Vice Chair Graumann asked for clarification regarding the co-location availability, and Mr. Schwartz referred to Sheet Z6 of the plan set to show how there would only be one “monopine”, but area in the compound to accommodate additional carriers (up to four (4) carriers) who would want to have facilities there so as not to have to construct any additional poles. He noted that there were presently four (4) carriers in the market at that time. Mr. Shepherd then inquired as to how tall the mature trees were in the area, and Mr. Schwartz estimated that they were roughly 60 ft. tall, with an overall height of 126 ft. for the “monopine” to the top of the tree branches. Mr. Schwartz then discussed the particulars of the proposed “monopine”, noting that the “branches” would encompass the width of the pole and shield the antennas of up to four (4) carriers along the length of the pole.

The Board then discussed other types of poles that could be mounted there, and Mr. Healey indicated that the Applicant’s Planner had two designs to present to the Board for their review, including a “monopine” design and a flagpole design. Chairman Thomas asked how low the proposed “branches” would go on the “monopine”, and Mr. Schwartz stated that they would go as low as 60 ft., which would match the tree line. The Chairman then discussed the mix of deciduous trees as well as the thinning out of the trees, in general, in the area due to Hurricane Sandy four (4) years ago. Mr. Stanzione then noted that they were trying to conform to the ordinance requirements to provide a “stealth” design, but would provide whatever the Board found acceptable. A discussion ensued among the Board regarding the design of various types of “monopines”, and Mr. Stanzione indicated that they could provide “branches” as low on the pole as the Board desired to blend into the tree line.

Mr. Schwartz indicated that there would be maintenance on the facility remotely as well as visited approximately once per month by a technician. He then drew the Board’s attention to the type of equipment to be housed in the compound area, shown on Sheet Z5 of the plan. set. He stated that there was room for four (4) equipment cabinets that would be roughly 30 inches x 30 inches in size and approximately 6 ft. tall. Mr. Schwartz then noted that the proposed 30

kw propane generator would be enclosed in a sound attenuated enclosure. He discussed the surrounding areas and that the proposed site was adjacent to green acres properties. He also testified that the noise level at the nearest residential property would conform to the Township's noise ordinance. Mr. Schwartz then reiterated the setbacks of the equipment as well as the "monopine", noting that the pole itself was setback 48.5 ft. from the side yard and 70 ft. to the rear yard to the east.

Mr. Schwartz then directed the Board's attention to the Township Engineer's report, dated October 6, 2016, and indicated that they could comply with all of the comments. He stated that they could provide bollards within the compound, should the Board want them, even though the compound was surrounded by a chain link fence as there was the opportunity for a vehicle to possibly enter through the gates during maintenance, even though it was not typical. Mr. Schwartz then discussed a tree removal plan shown on Sheet Z8 of the plan set, noting that they would be removing approximately 21 trees and agreed to remediation to the Township.

Mr. Schwartz then discussed Item #12 in the Site Plan Comments section of the Township Engineer's report and told the Board that they intended to meet the Township's storm water management requirements. He also stated that they would provide the NJDEP LOI (Letter of Interpretation) regarding the wetlands and wetlands buffer area. Mr. Schwartz then discussed the requirement to provide structural calculations to substantiate the structural integrity to support the proposed antennas. Because of all of the different components included with the "monopine: structure, they typically do not provide that type of information until they go to get the building permits. He then indicated that they could provide a letter to state that the structure would meet or exceed the required codes, which he indicated were very conservative.

Mr. Shepherd expressed his concern to keeping the pole standing, particularly in a potential hurricane that might strike the area. Mr. Schwartz gave a detailed discussion regarding the standards that are followed and the codes to which they must comply. He offered that the Township Engineer could review the final design and that it would meet or exceed all of the design standards and be the most up to date design to accommodate future use at the site.

Mr. Schwartz then addressed Mr. Healey's Planning report, dated October 20, 2016. He then spoke about placing the antennas within the "branches" and "leaves", thereby effectively hiding them. He also discussed how they planned to accommodate other co-locators on the pole, noting the vertical height of the proposed "monopine" pole at 110 ft. to place antennas from various carriers at staggering heights. He added that they were using the most up to date equipment and designs to accommodate future carriers with the type of antennas and ground equipment that used cutting edge technology at the time the pole was constructed. Mr. Schwartz also testified that the compound was of a substantial size to accommodate three (3) additional carriers. He then discussed the question of providing landscaping brought up in the Planning report, stating that they were not proposing any landscaping due to the fact that it was heavily wooded and that they were adjacent to Township Open Space that also included wetlands. Finally, Mr. Schwartz stated that it didn't make any sense to add landscaping to the undergrowth and deciduous trees surrounding the subject site because they would then have to remove trees to replace them with new trees.

Mr. Healey discussed the two (2) Conditional Use requirements for screening at the base of the tower, including landscaping and ground equipment needing to be housed within a

building. Since the location was within a forested area, those don't necessarily need to be required, but suggested the use of a wooden stockade fence or chain link fencing with evergreen privacy slats instead of the proposed plain chain link fence. Mr. Schwartz indicated that they could utilize brown or green privacy slats on the chain link fence.

Mr. Schwartz explained the differences between the newer, equipment cabinets as opposed to the equipment shelters, stating that the shelters were bulkier and larger (typically 12 ft. x 30 ft.). He then noted that the equipment cabinets were a smaller sized installation in a neutral gray color and internally temperature controlled.

Mr. Schwartz then drew the Board's attention to lighting for the site, stating that they only have included lighting at the platform with a countdown timer for a technician's purpose and it shuts itself off. He stated that the lighting was directed inward on the property towards the equipment cabinets. They also agreed to provide a macadam sidewalk along the site frontage to close the gap with the one already there.

Mr. Healey then opened a discussion regarding variance requirements for setbacks and asked why they chose the rear of the site to place the telecommunications pole. Mr. Schwartz testified that they chose the location mostly for visual reasons, stating that the best location in proximity to the residences was also the best location in terms of visual screening. He said he believed that the setback variances related to the height of the pole. A discussion ensued regarding a "fall zone" even though the poles were designed to stay in place. Mr. Schwartz testified that there were no structures in the "fall zone" on the green acres property as well as no structures on the property within that zone either. Referring back to Sheet Z4 of the plan set, Mr. Schwartz stated that the "fall zone" was well over 200 ft. to the nearest pool on the site.

Mr. Schwartz then discussed the comments on the Health Dept. memo, dates October 3, 2016, regarding decibel levels for the generator, noting that they included it within the project as a secondary backup, along with batteries, to ensure constant communications during any loss of electrical power. He then stated that the generator only would continuously run during an emergency situation and was exempt from any noise ordinances during that time. Mr. Schwartz added, however, that the generator was tested once per week, typically on a Wednesday at 12 noon for about a half hour, which keeps the oil fresh and running cleanly. He stated that at those times, the noise level was right at the acceptable level of the ordinance (65 decibels) at the property line with the Open Space, Green Acres land. He noted that the noise level at any residential neighbor was well under the acceptable levels in the ordinance. He also added that the ozone alerts would be remotely monitored and can vary the testing schedule to accommodate that.

Mr. Schwartz then addressed the Fire Prevention report, dated September 29, 2016, noting that his understanding of the ordinance requiring an annual Type 1 permit from the Fire Prevention Dept. regarding the storage of 500 gallons of propane was a little different than that of the Fire Prevention Director. He indicated that his understanding was that the ordinance was that a Type 1 permit was required for storage of a liquid between 60 and 600 gallons and the tank that they were proposing was for the storage of propane, which was a pressed gas. For that reason, Mr. Schwartz didn't believe a permit was required. He noted, however, that if one was necessary, they would certainly obtain one.

Relating to the Fire Prevention Director's second comment regarding the widening of the driveway and overhead tree branches being maintained, Mr. Schwartz felt that a complete widening to 15 ft. was not necessary since it was a forested area and additional trees would have to be removed. Mr. Dominach suggested that they meet with Mr. Hauss, the Fire Prevention Director, to come up with a satisfactory plan and Mr. Stanzone agreed that they would do so and felt that that would also address the snow removal issue and at what depth of snow would they be required to remove.

Chairman Thomas then opened a discussion regarding the accessibility of the swim club site, noting that there are cars parked over night and sometimes there are 2:00 a.m. swim parties. He also indicated that there was an unapproved parking lot in the front of the Club's parking lot that the Cedar Hill Prep School uses and that the Board typically encourages shared usage. However, he believed that a condition should be put on any approval that evening for the requested telecommunications tower that incorporated the use of a gate on Cedar Grove Lane that would be kept closed and locked unless the swim club was in operation to prevent people going in and out the property at will. He added that there would be access to Police, Fire Prevention, Cedar Hill Club and Verizon Wireless. Mr. Stanzone stated that Verizon would be in agreement with that, but that they would have to go back to the lessor Mr. Bradshaw, Board Attorney, indicated that he could include it as a condition of approval, with the caveat that if they did not get approval from Cedar Hill Club, that they would come back before the Board. Mr. Thomas also suggested that they go back to the property owner to find out how to keep the swim club's use separate from Verizon's use when they were operating as a recreation and swim club. Mr. Schwartz explained that they were proposing an 8 ft. tall chain link fence that was locked, with the equipment cabinets set up with alarms that go to a remote location and can dispatch police and/or technician to investigate.

Ms. Bergailo asked about the branches of the proposed "monopine" and how they would accommodate the addition of new antennas at a later date. Mr. Schwartz explained that everything was nestled into the "branches" and that the pole would have the full complement of "branches" right from the start, modifying them when other co-locators put their antennas on the pole.

Chairman Thomas then opened the meeting to the public for questions of Mr. Schwartz's Engineering testimony.

Mr. Anthony Gannon, 142 Cedar Grove Lane, Somerset, NJ, came forward. Mr. Gannon asked about the exact decibel levels the generator would produce, and Mr. Schwartz explained that the loudest generator created 67 decibels at a distance of 23 feet and that every additional 23 feet away would reduce the decibels by 6 decibels. He told Mr. Gannon that based upon where his home was located, he would not hear the generator at all. He also asked whether they were purchasing the property or leasing the property from the swim club, and Mr. Stanzone indicated that they were leasing the property. Mr. Gannon was concerned that it would set a precedent for other property owner's along Cedar Grove Lane to lease a portion of their property to a commercial business. Mr. Healey explained that in the zone the property was located in, a cell tower was a permitted use, and that the Applicant was before the Board because they did not comply with all of the zoning requirements and need variances. Mr. Gannon asked how they were going to get their equipment to the rear of the property to construct the cell tower since there was a foot bridge there. Mr. Schwartz stated that there was a driveway and a small culvert, but was able to navigate his way there just prior to the

hearing. Mr. Gannon then asked for clarification regarding the setbacks on the property and Mr. Schwartz showed him on Sheet Z4 of the set plan for his edification.

Seeing no one further coming forward, Chairman Thomas then closed the meeting to the public

Mr. Sean Haynberg, Radio Frequency Engineer employed with VComm Telecommunications Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Haynberg then discussed the Radio Frequency (RF) Emissions Study prepared by VComm Telecommunications Engineering, dated July 13, 2016, which detailed the RF emissions coming from the proposed site with comparisons to the federal standards which were set by the Federal Communications Commission (FCC). He added that the study included all four frequency bands that were used by Verizon Wireless and would be used at the proposed site. After completing their study using FCC standards and procedures, Mr. Haynberg indicated that the conclusion was that the total field strengths surrounding the proposed facility would reach a maximum of 0.4% of the FCC standard, well below the FCC limits and more than 200 times below the federal limits.

Vice Chair Graumann then asked for clarification that if there were three (3) more co-locator companies with antennas on the tower at the proposed location, would it still be below the federal limits for RF emissions. Mr. Haynberg indicated that it would be well below those limits, which are the standards that all wireless communications companies were required to meet.

Mr. Haynberg then drew the Board's attention to a report also prepared for the proposed site, entitled RF Analysis and Report, dated July 13, 2016. The report showed Verizon Wireless' existing on air network of sites surrounding the proposed facility as well as the study of the RF propagation from the proposed facility. He added that they also prepared two radio frequency exhibits. He then discussed Verizon Wireless' position in the industry and the licenses it held. Mr. Haynberg noted that Verizon Wireless held four (4) licenses to operate four (4) frequency bands (700, 900, 1,900 and 2,100 mhz frequency bands). He noted that all four (4) bands would be installed at the subject site. He then marked into evidence exhibits A-1 and A-2, which were enlarged maps. He stated that Exhibit A-1 was a radio frequency propagation map, showing the radio frequency coverage overlaying a map of the topographical area that also showed the subject site as well as the existing on air cell sites for the Verizon Wireless network in the surrounding area. He noted sites on Easton Avenue on a rooftop, the Franklin/Avalon condo site (also on Easton Avenue) on a rooftop, the Piscataway/Kingsbridge site with a rooftop site on Centennial Avenue, the Franklin 2 site and Franklin 8 site, both on buildings on Davidson Avenue, the Franklin 6 site on a lattice tower on Wiley Drive, the Franklin 4 site on a rooftop on Cottontail Lane, a monopole on Valley Wood Drive and a lattice tower right at the Municipal Complex on DeMott Lane as well as a monopole on Churchill Avenue. He added that there were other co-locators on the listed sites and have a similar grid structure. Mr. Haynberg then discussed the lack of complete coverage shown on the map in the area of the Quailbrook site that was the subject of the Application that evening. He noted that the two surrounding sites to the area were both at their capacity limits, so the addition of the Quailbrook site would give the ability to offload the capacity to users of those two sites onto the newly proposed site. Mr. Haynberg then discussed the term "reliable service" as it related to Verizon's wireless service, including the ability to use their wireless devices inside, outside and on all frequency bands and reliably maintain those connections. Mr. Haynberg then drew the



Board's attention to Exhibit A-2, which was the radio frequency propagation map showing that the proposed Quailbrook site did provide in-fill coverage in that area. Mr. Haynberg then showed the Board Exhibit A-3, showing the coverage in the area after the Somerset site (Municipal Complex site on DeMott Lane) and the Quailbrook site go on line. He then stated that for all the reasons discussed, they feel that the subject site was a suitable site for the proposed "monopine". He then testified that they did look for existing structures in the Quailbrook area to place their antennas, but stated that the area was primarily residential. He added that the site was designed for co-location and indicated that T-Mobile showed interest in co-locating at the subject site. Mr. Haynberg discussed the height selection Verizon Wireless chose, including the ability to co-locate at the site and give the ability to the site for the antennas for all co-locators to hover above the existing tree line, but primarily to have the ability to cover the size of the gap in service in the Quailbrook area.

Mr. Shepherd asked how tall the antenna was proposed to be at the Municipal Complex, and Mr. Haynberg indicated that the antenna would be set at 196 ft. high on a 223 ft. tower. Mr. Shepherd stated that Mr. Haynberg should have shown what the coverage would be with the Somerset site on line to see if that would be adequate enough to cover the gap in the Quailbrook area. Mr. Haynberg indicated that he had an exhibit of that shown in the report on page 14. He noted that there would still be a gap in service in the area that would not be able to provide "reliable service", as defined by Verizon Wireless. A discussion ensued among the Board. Mr. Stanzone also stated, for the record, that the lattice tower at the Municipal Complex also had other carriers co-locating as part of the proposal, along with police antennas that were on their own frequencies.

Mr. Healey opened a discussion regarding restrictions on a flag pole style telecommunications pole. Mr. Haynberg indicated that the flag pole style would be set up the same as a monopole or "monopine" as far as the height choices co-locators would have. He did state that if there was not enough room inside the flag pole, they would have to locate a little bit lower on the pole and would lose a little bit of signal range.

Chairman Thomas then opened the meeting to the public for questions for the Radio Frequency Engineer.

Mr. Anthony Gannon, 142 Cedar Grove Lane, Somerset, NJ, again came forward. Mr. Gannon asked how the radio frequencies from the proposed site would affect expecting mothers, children and teenagers who would be gathering at the swim club each day as well as the children at the school next door. Mr. Haynberg reiterated his testimony that they were below the federal safety guidelines by a factor of more than 200 times. Because the swimming pools and school were hundreds of feet away from the tower, the percentage of 0.4% of the federal standards would be reduced much further. Mr. Gannon asked if there would be any affect on the trees or grass, and Mr. Haynberg answered in the negative. Mr. Gannon then asked if there would be any noise coming from the tower, especially on windy or rainy days. Mr. Schwartz indicated that the only noise generated from the site would be from the propane generator when it was operational and the same amount of noise from the equipment cabinets as the noise from the cooling of a desktop computer.

Seeing no one coming forward, the meeting was again closed to the public.

Mr. William F. Masters, Jr., Planner, came forward and was sworn in. The Board accepted his qualifications. He gave an overview of his understanding of the Application and the variances being sought. He indicated that the Applicant was seeking D-3 Use Variance relief and noted the three items they need D-3 Variance relief from, including setbacks for the tower of 252 ft., setbacks to the westerly property line of 43.4 ft. and to the rear property line of 69.6 ft., both measurements to the antennas on the pole as well as relief from providing landscaping and work with the Township professionals to work out a tree replacement plan. Additionally, he noted the request for variance relief from providing a building structure to house the equipment and instead provide equipment cabinets housed in the 50 ft. x 50 ft. fenced compound area using privacy slats to shield the equipment from view. Mr. Masters then discussed the dual purpose for the setback to the tower requirements, to provide visual separation from adjoining properties and to provide a fall zone on the property in the event of a structural failure of the pole. He explained that he felt it was a better zoning alternative to situate the pole in the corner of the building envelope of the property since it would be situated within the heavily wooded area and because the adjoining properties were open space properties owned by the Township that would most likely not ever be developed due to the environmental constraints associated with it. He also added that the proposed location would place the fall zone far away from any activities or other structures on the property. Mr. Masters also noted that there was a terrain differential between the proposed location and a location at the edge of the tree line, allowing for a 10 ft. height increase that would prevent them from having to increase the height of the tower. He then discussed the proofs necessary to show that the site was particularly suited for the proposed use and reiterated the Radio Frequency Engineer's testimony to provide better telecommunications coverage, locating the tower on an 18+ acre property, which was 20 times what was necessary in the zone, and locating the tower within an extensive wooded area on the property that was adjoining two Green Acres Township owned properties, which helps to mitigate the overall visual impact. He also noted that the tower was located close to two major traffic corridors (Cedar Grove Lane and New Brunswick Rd.), which were major generators of telecommunications use, proximate to major residential communities as well as the availability of co-location of telecommunications carriers at the site. Finally, he added, was the benefit of a willing landlord. He discussed the four licenses Verizon Wireless carried as a positive criteria. Mr. Masters then discussed the improvement in coverage as a benefit. He then spoke of the photo simulations (taken on October 15, 2016) that were part of the application package to address any visual or negative criteria. He introduced four enlargements of the photo simulations, starting with the aerial photograph, noting the photographs were taken from several vantage points suggested by the Township professionals and each showing the view of a "monopine" as well as a flagless flag pole. Mr. Masters entered into the record as Exhibit A-4, which was an 8-1/2 x 11 color photograph of the Delbarton tree pole taken from about 200 ft. away and located at the Delbarton School in Morristown. He noted that the tree pole would be the prototype for the proposed site.

A discussion ensued among the Board regarding the distances away from the nearest residential structure the simulation photographs were taken. Mr. Masters indicated that 565 ft. was the distance to the closest residential vantage point on Willow Avenue. He then discussed reasonable conditions of approval, all discussed earlier in the testimony, that the Board might impose that would be agreeable to the Applicant. Finally, Mr. Masters summarized his testimony, stating that he believed the positives outweighed any detriments to the surrounding areas.

Chairman Thomas stated that he felt the Applicant should hide the chain link fence with additional vegetation because many of the trees shown on the aerial photograph were not there any longer due to storm damage. Mr. Stanzione agreed to add additional shrubbery if the Board wanted it around the chain link fencing that would also include privacy slats.

Mr. Schwartz also indicated that they would be including a canopy (approximately 9 ft. above grade) over the compound to prevent falling debris or ice from damaging the equipment and to shield the technicians working there from the weather. A discussion ensued among the Board to have the fence built taller than the canopy to shield that as well and make it more difficult to climb the fence. Mr. Schwartz agreed to place a 10 ft. fence, with privacy slats, to shield the canopy as well.

Chairman Thomas then opened the meeting to the public for questions of the Planner and/or comments. Seeing no one coming forward, the meeting was closed to the public.

Mr. Shepherd made a motion to grant approval of the Application, subject to the following conditions: that the equipment compound be surrounded by a 10 ft. earth tone vinyl fence, complying with requirements from the Fire Prevention Dept., agreeing to and providing a tree removal plan and additional landscaping prescribed by the Township professionals, that the tower be in the form of a "monopine" in the Delbarton style shown at the hearing in Exhibit A-4, that a fence and a gate be erected at the entrance of the swim club subject to landlord's agreement or come back before the Board for discussion, that the "branches" of the "monopine" come down to the height of the natural tree canopy, as well as the Applicant complying with all comments and requirements of the Township Engineer's, Planner's and other professional's reports.

FOR: Vice Chair Graumann, Mr. Johnson, Mr. Rich, Mr. Shepherd, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

## **WORKSESSION/NEW BUSINESS**

There was no new business

## **MEETING ADJOURNED**

Mr. Reiss made a motion to adjourn the meeting at 9:45 p.m. the motion was seconded and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
November 28, 2016