

Franklin Township

Somerset County, New Jersey



DEPARTMENT OF PLANNING AND ZONING
Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

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MEMORANDUM

To: Christine Woodbury, Secretary to the Board

From: Mark Healey, PP, AICP
Director of Planning

Date: February 28, 2020

RE: New York SMSA Limited Partnership d/b/a Verizon Wireless¹ – D(3) Use Variance and Site Plan (ZBA-19-00036)
122 Laurel Avenue² (Block 1.01, Lot 4)

As requested, I have reviewed the application materials listed below:

- Boundary Survey/ Partial Topographic Survey, prepared by E2 Project Management LLC, dated 2/14/19
- 14-sheet set of site plan drawings prepared by E2 Project Management LLC, last revised 1/10/20
- Photographic Simulations preparer not identified, not dated
- RF Emission Study prepared by VComm Telecommunications Engineering dated 9/10/19
- RF Analysis and Report prepared by VComm Telecommunications Engineering dated 9/10/19
- Site Inventory Report prepared by VComm Telecommunications Engineering dated 11/11/19
- Environmental Assessment prepared by E2 Project Management LLC, dated Dec. 2019
- Letter addressing structural integrity prepared by E2 Project Management LLC, dated 10/3/19

Site and Project Description

The applicant seeks D(3) conditional use variance and site plan approval for construction of a 128-foot tall “tree pole” telecommunications tower and associated site modifications.

¹ Typo corrected to reflect correct name of applicant. No other changes to previously-issued report of 2/28/20.

² The site is alternatively referenced to as 100 Laurel Avenue (e.g., on site plans, visual impact analysis, email correspondence from SHPO, submittals to NJDEP) and 122 Laurel Avenue (e.g., the Environmental Assessment and the reports by VComm). Per Township records the site is 122 Laurel Avenue. The applicant should confirm that the correspondence/ approvals issued from outside agencies (SHPO/ NJDEP) are indeed relative to the subject site (i.e., Block 1.01, Lot 4/ 122 Laurel Avenue). Application materials should be made to be internally consistent.

Subject Property and Surrounding Area

The subject property which is located along Laurel Avenue, north of the Kingston section of the Township. The subject site is: owned by Trap Rock Industries, LLC; 10.13-acres in size; currently occupied by a residential structure;³ and located within the Canal Preservation (C-P) zoning district. The site is predominately forested with a cleared area in the middle portion of the site in the area of the existing residential structure and along the northerly boundary of the site which is occupied by a 100-foot wide gas transmission easement. A wetlands area and regulated 50-foot buffer exist in the southwest corner of the site.

The area surrounding the site includes properties owned by Trap Rock Industries to the north (quarry), southwest (solar panels) and south (residential properties along Laurel Avenue) while privately-owned residential properties are in proximity to the site along Laurel Avenue to the south and east.

Located to the west and southwest of the site are two sites of State and National historic significance: the Delaware & Raritan Canal and Rockingham.

While located in the Kingston area of the Township it is not located within the Township-designated Kingston historic district nor is the project located within 1,000 feet of the Delaware & Raritan Canal, thus development of the site is not subject to the review by the Township's Historic Preservation Advisory Commission.⁴

Subject Application

The application requires **D(3) conditional use variance**⁵ and **site plan approval** for construction of a 128-foot tall "tree pole" telecommunications tower. As addressed below, the proposal requires D(3) conditional use variances since the proposal does not meet certain conditional use standards applicable to telecommunication facilities.

As shown in the site plan and visual impact assessment, the proposed tower would be of a "tree pole" design. A total of 12 antennae are proposed at the top of the tower for use by Verizon. Associated mechanical equipment would be placed near the base of the tower within a proposed 75' x 75' fenced compound area enclosed by an 8-foot tall chain link fence. Equipment placed within the fenced gravel

³ The application form identifies the current use of the property as "vacant land."

⁴ On the application form, the applicant indicated "yes" to the question of whether the site is located within a Township-designated Historic District and/or within 1000 feet of the Delaware & Raritan Canal. This is in error. The site is not located within a Township-designated Historic District and/or within 1000 feet of the Delaware & Raritan Canal. The site is also not located within 500-feet of a Township-, State- or Nationally-designated Historic District (§112-58.C(1)). The tower, however, would be visible from Rockingham (individually listed on the State and National Register of Historic Places) which would trigger a D(3) conditional use variance.

⁵ On the application form, the applicant indicated that a D(1) Use variance is required (i.e., for a use not permitted in the zone). This is in error. The property is located in the Canal Preservation (C-P) zone where wireless communication antennas are a conditional permitted use. The application requires D(3)

compound area would consist of telecommunications cabinets and a 30KW emergency generator. Access to the compound and tower would be provided via a proposed 12-foot wide gravel access drive extending from the existing on-site driveway. The site plan shows proposed underground electric and telco wires serving the facility.

D(3) Conditional Use Variances.

The applicant will need to address the following with respect to each of the deviations identified herein:

- *Positive Criteria* - The applicant must demonstrate that the site *remains suitable* for the use despite the deviation from the particular condition use standard.
- *Negative Criteria – 1st Prong (i.e., no substantial detriment to the public good)* - The applicant must demonstrate that the proposed deviations would not cause such damage to the character of the surrounding area as to constitute a substantial detriment to the public good.
- *Negative Criteria – 2nd Prong (i.e., not substantially impair the intent and purpose of the zone plan and zoning ordinance)* - In order to address the second prong of the negative criteria, the applicant must reconcile the requested deviations with the “municipality’s legislative determination that the condition should be imposed on all conditional uses in that zoning district.” In other words, the applicant must justify why these standards should not be fully applied to them despite being applied to all telecommunications uses.

Review Comments

1. Visibility from Historic District or Site. Per §112-58.C(4) “no tower shall be located to be visible from any historic district or site as duly designated by Franklin Township, the State of New Jersey and/or by the federal government.”

As demonstrated in the submitted visual impact assessment (views 3 and 3A) the proposed tower would be visible from Rockingham which is individually listed on the State and National Registers of Historic Places. **D(3) Conditional Use Variance Required.** The applicant must explore and address any and all potential options to avoid or mitigate view of the tower from Rockingham including but not limited to the addressing comments #2 and #3 below.

Views 4 and 4A in the submitted visual impact assessment (from D&R Canal towpath) suggest that the tower would not be visible from the D&R Canal (also a listed on the State and National Registers of Historic Place) due to intervening vegetation. The applicant should testify as to whether the view chosen is representative of any and all views of the tower from D&R Canal (or whether it would be visible from any other point not included in the visual impact assessment).

conditional use variance approval since the proposal does not meet certain applicable conditional use standards.

2. Alternative Sites Analysis. The applicant has submitted analyses intended to address the evaluation of alternative sites as addressed in the ordinance (§112-59.B(2)(a),(b) and (c)). The applicant should provide testimony explaining their efforts to find alternative sites and their efforts to locate on existing tall structures or collocate elsewhere in the service area.

In particular, the applicant should address why the tower is proposed at the subject site and not at another location which could presumably render the proposed tower less visible from the D&R Canal State Park and/or Rockingham (e.g., the Trap Rock headquarters site located several hundred feet to the east).

3. Required Setbacks. Minimum required setback for tower = 256 feet (128 x 2)⁶. Proposed setback (southerly side property line) = 191.10 feet Proposed setback (front property line – Laurel Avenue) = 210.10 feet **D(3) Conditional Use Variance Required.**

The applicant must explain why the facility is proposed at this location and not at a location that is compliant or at least more nearly compliant with the required setbacks. For example, the applicant should explain why the tower is not proposed further north on the site (e.g., in, or closer to, the area of the site that is already cleared in proximity of the on-site residential structure) which alternative location could presumably render the proposed tower less visible from the nearby residences along Laurel Avenue, the D&R Canal State Park and/or Rockingham.

4. Visual Impact Assessment. Consistent with Section 112-59.D the applicant has provided a visual impact assessment that graphically simulates the appearance of the proposed tower from ten (10)⁷ locations around and within one mile of any proposed tower where the tower will be most visible. These locations include where the tower would be most visible (nearby along Laurel Avenue) as well as certain sensitive nearby sites such as the D&R Canal, the D&R Canal Park, Rockingham and Kingston village. I offer the following comments on the visual impact assessment:

- a. In several instances (i.e., view 1/ 1A, 3/ 3A, 7/ 7A) the location of the simulated “tree pole” differs significantly from the location of the crane in the corresponding photograph. The applicant needs to explain these differences and prepare updated simulations as necessary.
- b. Pursuant to §112-59.D the Board may require the applicant to schedule the time for a crane or balloon test in order to provide the members of the Board and the general public the opportunity to view a crane or balloon at the location and height of the proposed tower.

5. Tower Design. Section 112-58.C(6) requires that towers be camouflaged (e.g., housed in a silo, church steeple, bell tower, etc., or made to look like a tree or an oversized flagpole) as may be

⁶ The tower shall be set back from all lot lines a distance equal to at least twice the height of the tower per §112-58.C(1).

⁷ Section 112-59.D requires such an analysis from at least five (5) such locations.

appropriate in the context of the visibility of the tower from different vantage points throughout the Township and the existing land uses and vegetation in the vicinity of the subject site.

As indicated above, the monopole would be of an "tree pole" design. In my opinion, considering the proposed location in a forested area of the site and surrounding area, this is an appropriate design consideration.

At the hearing, the applicant should demonstrate the color, texture and design of the elements comprising the "tree pole" design - i.e., the pole ("trunk"), "branches" and "leaves" as well as the antennas and other such equipment. The applicant should demonstrate that the design would be as "naturalistic" as possible.

In my opinion, the "tree pole" as represented on the photo-simulations appears more "naturalistic" than that represented in the site plan details. The applicant should explain.

6. Tower Height. Section 112-58.C(7) indicates that the shall be the minimum necessary to provide adequate service but in no case shall exceed 150 feet. While the tower is less than 150 feet in height (128 feet proposed), the applicant should still provide testimony demonstrating that the tower is the minimum necessary to provide adequate service (e.g., if the tower was reduced in height - e.g., 10 feet, 20 feet, etc.- how would this affect the applicants' ability to provide adequate service?).
7. Potential Co-location. In order to reduce the overall number of telecommunication towers within the Township, the ordinance strongly encourages co-location (i.e., the placement of antennas from several carriers on one pole). The applicant should address the ability of the site to accommodate co-location by other providers (in terms of the tower and the proposed compound) and whether the "tree pole" design hinders potential co-location in comparison to "flagless flagpole" or other tower designs.
8. Landscaping. Sections 112-58.C(12)(a),(b) and (c) requires landscape screening of the tower particularly at its base. No landscaping is proposed. **D(3) Conditional Use Variance required**. It is assumed that the applicant has not provided landscape screening since the tower and compound are proposed within a forested area (and are relying on the existing forested areas on the site to provide screening of the facility). The applicant should confirm and address in testimony. Part of the testimony should include demonstration of whether supplemental landscaping could serve to better screen the facility from surrounding properties.
9. Other Comments.
 - a. The applicant needs to provide the tree replacement calculations per Chapter 222, Trees. If not replaced on-site the applicant will need to provide in-lieu replacement fees as per ordinance.

- b. The ordinance requires a performance bond and/or other assurances satisfactory to the Board, in a form approved by the Township Attorney, that will cause the facility to be removed, at no cost to the Township, when the antennas are no longer operative.
- c. The applicant should testify to compliance with §112-58.C(10) with respect the prohibition on lighting except lighting that is specifically required by the FAA.
- d. The application is exempt from the collection of non-residential development (COAH) fees.

Figure 1: Site Location



Figure 2: Site Location and Surrounding Area



Figure 3: Site Location and Surrounding Area



Figure 4: Local Historic District and Properties within 1000-feet of the D&R Canal

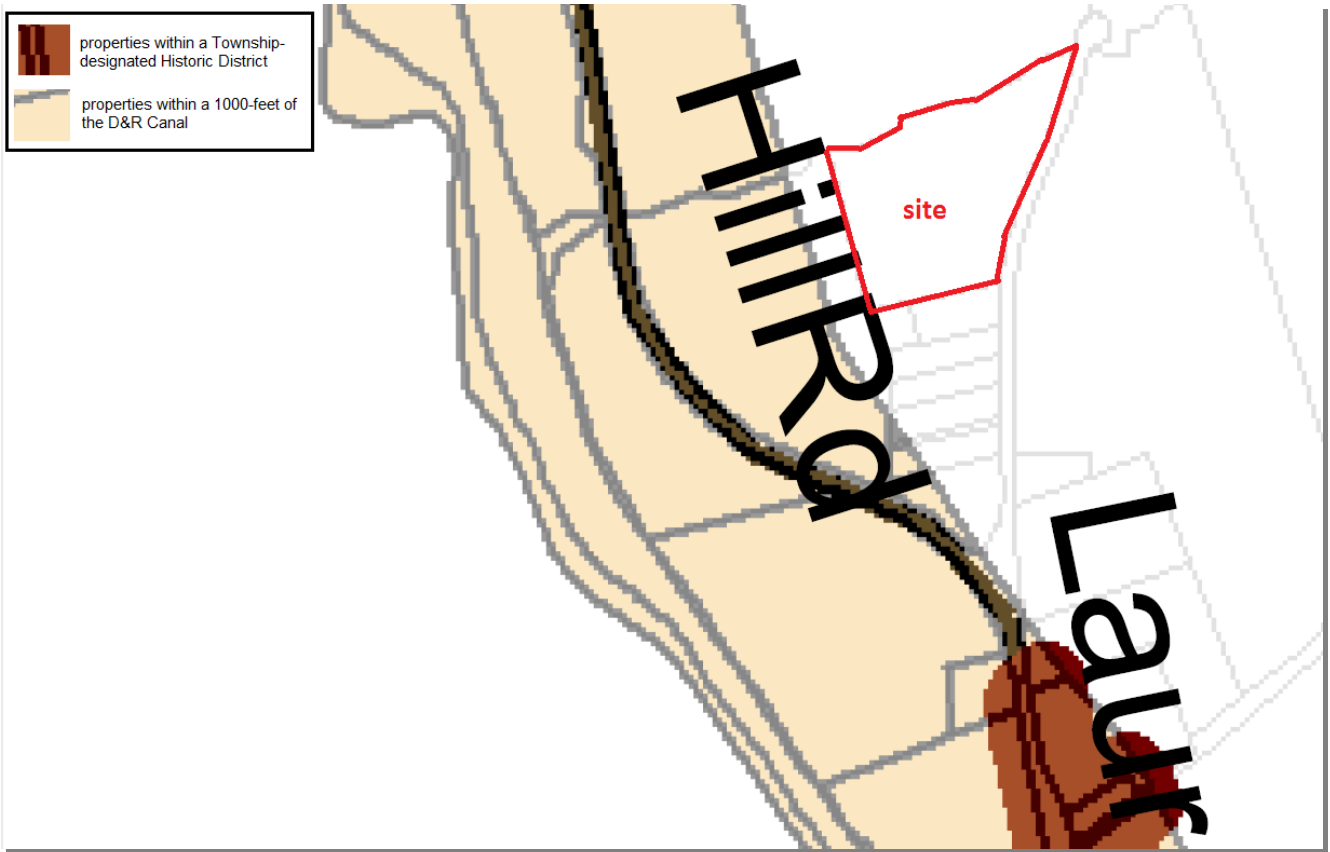


Figure 5: State & National Historic District

