

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, June 21, 2011
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:30 p.m. in the Bridgewater Municipal Courtroom, 100 Commons Way Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 20, 2011 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request.

ROLL CALL:

Don Sweeney – present	Jay Rosen – absent
Filipe Pedroso – present (arrived 7:49 pm)	Jim Scott – present
Paul Riga – present	William Vornehm, Chairman – present
Lee Schapiro – present	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – present	Carl Schulz, Alt. #3 – present

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle, Board Consultant Hank Menkes Radio Frequency Engineer

MINUTES FOR APPROVAL:

The May 24, 2011 Special Meeting minutes and June 7, 2011 Regular Meeting minutes will be presented at the next Board meeting for consideration.

MEMORIALIZING RESOLUTIONS:

None pending

HEARING AND DELIBERATIONS:

SHAPIRO – 57 Totten Drive

Block 721 Lot 108

#11-11-ZB, Bulk Variance (In ground pool and patio)

TIME: 95=8/15/11

Engineer David A. Stires and the Applicant were present. Attorney Vastola stated that their Notice was defective as it did not list the specific variances they were requesting. The hearing was rescheduled for 7/19/11 at 7:30 pm with new notice required.

T-MOBILE – North Bridge Street (Green Knoll Fire Dept.)
Block 500 Lot 1 (606 North Bridge Street)
#03-10-ZB, Minor Site Plan w/d-variances
Time: Extension to 6/21/11

Attorney Gregory Meese was present to represent the Applicant. Sworn testimony was presented by PierCon Solutions Radio Frequency Engineer Richard A. Conroy, Jr. and Planner Timothy Cronk.

The following exhibits were admitted into evidence and marked as follows:

- A-25 6/21/11** Green Acres Parcel, Block 535 Lot 1.02, 10-acres
- A-26 6/21/11** Photo – setback of structures
- A-27 6/21/11** Rendering: Search ring with zoning map as the base
- A-28 6/21/11** Photo of Balloon Test: 2 Bryan Drive, 475-ft away from proposed cell site
- A-29 6/21/11** Photo of Balloon Test: 8 Yan Drive, 650-ft away from proposed cell site
- A-30 6/21/11** Photo of Balloon Test: 578 Foothill Rd, 325-ft away from proposed cell Site
- A-31 6/21/11** Photo of Balloon Test: 605 N. Bridge St, 220-ft away from proposed cell Site
- A-32 6/21/11** Aerial Photo: Yellow dots correspond to photo locations for Balloon Test
- A-33 6/21/11** Photo Board: Flag pole cell tower at 660 Millbrook Ave, Randolph, NJ with Fire Department abutting residential properties
- A-34 6/21/11** Photo Board: Flag pole cell tower in Fairlawn, NJ
- A-35 6/21/11** Photo Board: Flag pole cell tower at 341 Dover-Chester Rd, Randolph, NJ

- O-3 6/21/11** Picture of DAS in Merion Township, PA
- O-4 6/21/11** Picture of DAS in Merion Township, PA
- O-5 6/21/11** Bridgewater Fire District #3 2011 Budget
- O-6 6/21/11** Lower Merion Township website stating the size is 23.64 square miles

Attorney Meese stated that Mr. Sweeney does not have a conflict. Mr. Sweeney read the transcripts of the 5/24/11 hearing and is now eligible to vote.

Attorney Meese stated that the 10-acre parcel encompasses both lots owned by Bridgewater Township. Planner Doyle referenced exhibit A-25 and confirmed that the parcels were merged and is Green Acres.

Chairman Vornehm opened the meeting to the public, which is where the 5/24/11 hearing left off.

Andrew Leven, 2 Holmes Ct, expressed concerns with the Fire Department's need for the 5-ft whip antenna proposed on top of the flag pole cell tower and stated that it is not necessary. He suggested the Applicant put the cell tower on the municipal owned property or some other location than the proposed Fire Department. Mr. Leven referenced exhibits O-3 and O-4 and

stated that a DAS system is being utilized in lower Merion Township in Pennsylvania. Mr. Conroy stated that he could only see the antenna on top of the utility pole in exhibit O-3 and he could only see the DAS on the utility pole, but the photo did not show the ground equipment. Mr. Conroy stated that the Fire Department currently has an antenna on the Fire Department building and the FCC is now mandating narrow banding. Raising the location to the top of the proposed cell tower will allow the Fire Department to use analog for coverage which is cheaper and reduces coverage; however, the additional height will reduce that issue. Mr. Conroy stated that DAS has limitations and is not appropriate for this area. Mr. Leven referenced exhibit O-5 and stated he does not see money in the Fire Department budget to comply with the new FCC mandate for narrow banding. Board Member Schulz stated that it could be in the budget under contingencies and questioned the capital reserves. Mr. Conroy stated that he relies on drive test data, not marketing maps.

Board Member Pedroso arrived at 7:49 pm.

Mr. Conroy stated that he was in Lower Merion Township in 2006 and there is dense foliage and rolling hills. There are currently 70-nodes. He stated that DAS is not reliable even with battery backup. He stated that the DSA is owned by Next-G not T-mobile.

Mr. Menkes stated that he contacted Merion Township council members and they used Broadcast Signals Labs to do an independent study of alternate technology. Attorney Meese stated this is hearsay and he has a standing objection to all of this. Board Attorney Vastola mentioned that this is acceptable at a Zoning Board of Adjustment hearing. Mr. Menkes stated that he spoke to Next-G radio frequency expert and AT&T and Verizon use DAS and it is E911 compliant with no battery backup and no generator backup. He does not know the number of nodes, maybe 45 to 50, but not 70. He stated that he only has a summary of the report and was not able to obtain the full report. Mr. Menkes requested the Applicant to take a second look at DAS. Board Member Scott requested that Mr. Conroy take a second look at how the system is working in Merion Township and that he feels Mr. Conroy is not being as objective as possible. Mr. Conroy stated that he is not against DAS; however, there are tradeoffs and there will still be gaps that remain between nodes. Board Member Sweeney stated that map #10 of Mr. Conroy's report shows 19-nodes. Mr. Conroy stated that is only theoretical and not drive test data, which assumes uniform distribution with perfect circles of coverage.

Jeff Foose, 6 Forest View Dr, stated that he took the pictures admitted as exhibits O-3 and O-4. He stated that Lower Merion Township, Pennsylvania is 23.64 square miles and that there are 40-nodes in place. He referenced exhibit O-6. Lastly, he stated that there are no large towers in Lower Merion.

Bob Vaucher, 449 Foothill Rd, referenced exhibit A-16 and questioned what each of the colors represent. Mr. Conroy repeated that information for him.

Peter Sepesi, 6 Cedar St, stated that he has been a resident of Bridgewater for 37-years and the Fire Department has never said that they need a donation to raise their antenna. He stated that he would like to see the propagation data on the Fire Department.

Barry Walker, 1669 Mountain Top Rd, questioned how the drive test data is calibrated. Mr. Conroy stated that it is an industry standard, not standard methodology and it is not data compiled by a third-party. Mr. Conroy stated that the error on drive test data is 1 to 2dB. Mr. Conroy stated that drive test data plus the propagation model is utilized. Attorney Meese stated that the courts have upheld the data methodology and have found this to be the industry standard. The court viewed such plots as reliable coverage documentation.

Board Member Sweeney questioned Mr. Conroy as to whether the application has changed since originally submitted. Mr. Conroy stated that T-Mobile is licensed for GSM 1990 megahertz and AWS UMTS.

Board Member Pedroso referenced map #10 and questioned why the Applicant couldn't be more specific as to the number of nodes. Mr. Conroy stated that map #10 shows 19-nodes, assuming they can be attached to existing telephone poles. Attorney Meese stated that it is unreasonable to ask the Applicant to design a full DAS system.

Chairman Vornehm opened the hearing to the public. With hearing none, he closed the public portion of the hearing.

Attorney Meese requested a short recess and Chairman Vornehm called for a 5-minute recess at 9:26 pm.

Chairman Vornehm called the meeting back to order at 9:35 pm on the following roll call:

Don Sweeney – present	Jay Rosen – absent
Filipe Pedroso – present (arrived 7:49 pm)	Jim Scott – present
Paul Riga – present	William Vornehm, Chairman – present
Lee Schapiro – present	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – present	Carl Schulz, Alt. #3 – present

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle, Board Consultant Hank Menkes Radio Frequency Engineer

Professional Planner Timothy Cronk stated that he has visited the site and the balloon test took place on 1/15/10. He has attended all of the hearings for this application and/or has read the transcripts.

He stated that the property is located in the R-40 Single-Family Residential zone. A d(1)-variance is being requested for the use. The proposed fence height has been reduced to 6-ft which does not require a variance. A variance is not needed for improved lot coverage as the Applicant has reduced the coverage to 59.8% from 60.2%. A d(6)-variance for height is not required per section 126-327. Instead, a bulk deviation is being requested for the cell tower, an accessory structure. In addition, Preliminary & Final Site Plan approval is being requested.

Planner Cronk referenced exhibit A-26. He stated the property in question is 2.3 acres noting that the First Aid Squad overlaps onto the Fire Department's property. A flag pole structure with flag and compound with a 6-ft vinyl fence is proposed. The cables will be inside the

concealment pole. Three spot lights are proposed to illuminate the flag; however, the flag and lights could be removed if the Board so wants it.

Planner Cronk referenced exhibit A-27 and stated that it is used for site acquisition and radio frequency testimony in order to reduce coverage deficiencies. T-Mobile was interested in the Temple; however, the Temple was not interested in a cell tower. He stated that there are no existing structures in the search ring and all zones of the Township do not allow cell towers.

Planner Cronk stated that the site is particularly well suited. Radio Frequency testimony proved the existing coverage deficiency which is 1.2 miles along North Bridge Street and the surrounding area. He stated that the Fire Department is one of the three properties within the search ring. There is no existing structure, there is no permitted location, and there are no other zones within the search ring (only R-40). The municipal property in the search ring is not available as it is Green Acres. Planner Cronk stated that the use meets the positive criteria as it is an inherently beneficial use. He stated that essential services are a permitted use in the R-40 zone. The Fire Department abuts only one lot used for residential purposes. The Temple abuts residential lots on all three sides.

Planner Cronk discussed the negative criteria and the detrimental effects. He stated that the use provides no glare or odors. The Applicant has complied with the NJDEP and local standards for sound. It is a benign commercial use with maintenance technicians visiting the site once every 4 to 6 weeks with an SUV type vehicle for diagnostics only. He doesn't climb the tower. There is no FAA lighting required. Only electric and telephone are required utilities required.

Planner Cronk referenced exhibits A-28 through A-32 and discussed the balloon test which took place on 1/15/10. He referenced exhibits A-33 through A-35 and discussed existing flag pole cell towers in other municipalities.

Planner Doyle stated that we are not able to accept exhibits mounted on boards and required the Applicant to submit them as .pdf files on CD.

Due to the late hour of the meeting, Chairman Vornehm carried the hearing to a Special Meeting to begin at 7:30 pm on 7/12/11 with no further notice required.

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

OTHER BOARD BUSINESS/ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:45 pm.

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator

ADOPTED: 7/5/11