

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Special Meeting
Tuesday, July 12, 2011
—MINUTES—

CALL MEETING TO ORDER:

Vice-Chairman Pedroso called the special meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:30 p.m. at 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 July 6, 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 (left at 9:10 pm)	Jim Scott – absent
Paul Riga – absent	William Vornehm, Chairman – absent
Lee Schapiro – present	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – present	Carl Schulz, Alt. #3 – absent

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

The July 5, 2011 Regular Meeting minutes will be presented for Board consideration when completed.

MEMORIALIZING RESOLUTIONS:

KUPPACHI – 17 Elmara Drive

Block 191 Lot 35

#10-11-ZB, Simple Variance (deck)

DECISION: Approved 7/5/11

Motion by Mr. Schapiro, second by Mrs. Amin, the resolution memorializing the approval on 7/5/11 was adopted as amended on 7/12/11 on the following roll call vote:

AFFIRMATIVE:	Mr. Schapiro, Mrs. Amin, Mr. Humenick
ABSENT:	Mr. Rosen, Mr. Scott, Mr. Riga, Mr. Schulz, Chairman Vornehm
NOT ELIGIBLE:	Mr. Sweeney, Mr. Pedroso

WAWA, INC. – Route 28 & Chimney Rock Road
Block 257 Lots 3 & 4
#05-11-ZB, Use Variance (bifurcated) – Mini-Mart & Gas Station

DECISION: Approved 7/5/11

Eligible: Mr. Scott, Mr. Schapiro, Chairman Vornehm, Mr. Riga, Mrs. Amin, Mr. Humenick, Mr. Schulz

Board Attorney Vastola requested that the Board table the foregoing resolution in order to give the Board more time to review the memorializing resolution, which will be presented for Board consideration at the next meeting.

HEARING AND DELIBERATIONS:

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 (flag pole cell tower)

Time: Extension to 7/12/11

Attorney Gregory Meese was present to represent the Applicant. Sworn testimony was presented by Professional Planner Timothy Cronk. This hearing has been continued from 6/21/11.

The Applicant submitted several exhibits which were marked into evidence as follows:

- A-36 7/12/11** Emissions Compliance Report with Fire Department Antenna, dated 6/27/11, prepared by Mr. Collins
- A-37 7/12/11** FCC fact sheet regarding narrow banding
- A-38 7/12/11** Bridgewater Cell Tower Location Map, last revised 3/24/11
- A-39 7/12/11** Bridgewater Township DRAFT Cell Tower Ordinance obtained from the municipal Website

Planner Cronk stated that 3SM & 3G service was reviewed by Mr. Penesso on 9/21/10. He continued his testimony from the 6/21/11 meeting and discussed several previously submitted exhibits as follows:

<u>Exhibits:</u>	<u>Height</u>	<u>Diameter</u>	<u>Distance to Nearest Residence</u>
A-33: 6/21/11: 660 Millbrook Ave, Randolph, NJ	120-ft	36” top, 46.5” bottom	230-ft
A-34: 6/21/11 33-02 Merlot Ave, Fairlawn, NJ	60-ft	26” top, no taper	90-ft
A-35: 6/21/11 341 Dover-Chester Rd, Randolph, NJ	140-ft	28” top, 43.94” bottom	250-ft

Planner Cronk analyzed the existing cell towers in the surrounding area and referenced exhibit A-38. He stated that the existing cell towers on Route 206 and at the Commons Mall have already been addressed by the Radio Frequency Engineers concluding that those sites have the inability to provide reliable coverage. There are six (6) cell towers approved in residential zones as shown in exhibit A-38.

Planner Cronk discussed the SICA balancing test. He stated that the Applicant has been proactive and has placed all of the cables within the tower and is willing to accept the proposed tower with or without a flag. He further discussed balancing the positive and negative criteria and concluded that there is no substantial detriment to the zone plan or zone ordinance. He stated that the Master Plan and Reexamination Report, adopted 2/28/05, addresses cell towers and recommends ordinance adoption by Township Council; however, a telecommunications ordinance has not been adopted. Planner Cronk referenced exhibit A-39

and stated that he obtained the draft wireless telecommunication ordinance from the Bridgewater Township website on 6/21/11.

Planner Cronk stated that the proposed site is particularly well suited for the proposed use. He referenced exhibit A-27 6/21/11, Search Ring within the R-40 zone. He stated that there are no zones more intense within the search ring, there are three non-residential uses within the search ring including: Fire Department, First Aid Squad, and the Temple, which is not available for leasing as previously testified.

Board Member Sweeney stated that there are six (6) other cellular antenna locations in Bridgewater amongst residential properties; however, they are collocated. This application is unprecedented as a new tower is being proposed in a residential zone.

Planner Cronk stated that there was previous testimony that the gap can't be eliminated with one cell tower site. An additional site will be needed to the south.

Planner Doyle stated that she reviewed an excerpt from the transcript of 6/21/11, where Planner Cronk referenced section 126-327 of the Municipal Code, which states that height limitations shall not apply to private radio and telephone antennas and towers, all attached to the principal structure, and essential services. She stated that the Board will have to make a decision if a d-variance is required for the height of the proposed cell tower.

Planner Doyle referenced Map 3 and Map 8, exhibits A-17 and A-19 respectively, and asked Planner Cronk if, from a planning perspective, he requested the Applicant to provide an analysis of fully built-out reliable coverage for the entire white area shown in Map 8. Planner Doyle raised an issue that if two sites are required to provide full coverage, as previously testified, it may be possible to reduce the height of the proposed cell tower if a second tower is utilized to cover the white area shown on Map 8.

Attorney Meese stated that this application has been ongoing for approximately 1-year and now at the last hearing the Applicant is being asked about an alternate site.

Planner Doyle stated that she is requesting the Applicant to address standards of SICA and to deal with the gap in coverage from a planning perspective. Will filling the gap end up with a less obtrusive solution. Planner Doyle stated that the Planner's testimony stated that the height of the proposed flag pole tower was a significant issue. Planner Doyle confirmed that she is not advocating for particular parcels.

Vice-Chairman Pedroso called for a ten minute recess, at the request of Attorney Meese, at approximately 9:00 pm and he left the dais and the municipal building. Board Member Sweeney called the meeting back to order at approximately 9:11 pm on the following roll call:

Don Sweeney – present
Filipe Pedroso – **absent**

Paul Riga – **absent**

Lee Schapiro – present

Evans Humenick, Alt. #2 – present

Jay Rosen – **absent**

Jim Scott – **absent**

William Vornehm, Chairman – **absent**

Pushpavati Amin, Alt. #1 - present

Carl Schulz, Alt. #3 – **absent**

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

Attorney Meese referenced Map 1, which he stated shows the correct gap. He further stated that alternate sites were presented as shown on Map 9, exhibit A-20 which were testified as to why those sites are not suitable for reliable coverage for the gap area presented. In addition, Map 6, exhibit A-23, shows the library alternate composite with existing coverage.

Andy Leven, 2 Holmes Court, asked numerous questions to Planner Cronk regarding his testimony. In addition, he referenced exhibit O-1 which was printed from the T-Mobile website on 8/30/10 during his questioning.

Due to the late hour of the meeting, Mr. Sweeney carried the hearing to 8/16/11 at 7:30 pm with no further notice required.

MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time.

OTHER BOARD BUSINESS/ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:30 pm.

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator