

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**  
Regular Meeting  
Tuesday, August 16, 2011  
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm has 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 – <b>absent</b>
Filipe Pedroso – present (arrived 7:39 pm)	Jim Scott – present
Paul Riga – <b>absent</b>	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

MINUTES FOR APPROVAL:

**July 26, 2011 Regular Meeting** – Motion by Mr. Sweeney, second by Mr. Humenick, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Humenick, Mr. Schulz,  
Chairman Vornehm

ABSENT: Mr. Rosen, Mr. Riga, Mr. Pedroso

NOT ELIGIBLE: Mr. Schapiro, Mr. Scott

**August 2, 2011 Regular Meeting** – Motion by Mr. Schapiro, second by Mrs. Amin, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Scott, Mrs. Amin, Mr. Humenick,  
Mr. Schulz, Chairman Vornehm

ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Riga

MEMORIALIZING RESOLUTIONS:

HIND & FORE – American Investment Realty

Block 184 Lot 5

#07-11-ZB, Site Plan w/variances & Expansion of Nonconforming Use

DECISION: Approved 7/26/11

Eligible to vote: Mr. Sweeney, Mr. Pedroso, Mr. Riga, Chairman Vornehm, Mrs. Amin, Mr. Humenick, Mr. Schulz

Board Attorney Vastola stated that the above resolution will be presented for Board consideration at the next Board meeting. No action was taken.

-----  
SHAPIRO – 57 Totten Drive

Block 721 Lot 108

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

DECISION: Approved 8/2/11

Motion by Mr. Schapiro, second by Mrs. Amin, the foregoing resolution memorializing the approval on 8/2/11 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Schapiro, Mr. Scott, Mr. Amin, Chairman Vornehm

ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Riga

NOT ELIGIBLE: Mr. Sweeney, Mr. Humenick, Mr. Schulz

-----  
JEWISH COMMUNITY CENTER – 755 Talamini Rd

Block 477 Lot 53

#08-11-ZB, Minor Site Plan w/d-variance (dome over swimming pool)

DECISION: Approved 8/2/11

Motion by Mrs. Amin, second by Mr. Schapiro, the foregoing resolution memorializing the approval on 8/2/11 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Scott, Mrs. Amin, Chairman Vornehm

ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Riga

NOT ELIGIBLE: Mr. Humenick, Mr. Schulz

-----  
Board Members Pedroso arrived at approximately 7:39 pm and took a seat at the dais.  
-----

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 8/16/11

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.

Several exhibits which were marked into evidence as follows:

- A-40 8/16/11** Coverage Map: Senior Center
- A-41 8/16/11** Drive Test Report, dated 8/6/2010
  
- O-7 8/16/11** Montgomery Township Omnipoint Communications Transcript, 5/17/11
- O-8 8/16/11** Somerset County Traffic Counts from County website
- O-9 8/16/11** Foundations for Visual Project Analysis excerpt, copyright 1986
- O-10 8/16/11** Photo of crane test done last summer
- O-11 8/16/11** Photo of crane, view from Temple Shalom site
- O-12 8/16/11** Photo of crane, view from in front of Rescue Squad
- O-13 8/16/11** Portion of Bridgewater Master Plan Amendment & Re-Exam Report, dated 2/28/2005

Attorney Joseph Kirk, 6 Overlook Drive, requested that the Board grant an extension of time for him to obtain a report on property values from a Real Estate Appraiser in 90-days.

Attorney Meese objected to the extension and stated that the application has been ongoing for over one year and the 90-day request is not reasonable.

Attorney Kirk stated that the Applicant, T-Mobile, did not provide the negative impact to property values in the surrounding area, which is required as part of the SICA balancing test.

Motion by Chairman Vornehm, second by Mrs. Amin, the Board discussed the latter and determined that a 90-day extension request is too long, which carried on the following roll call vote:

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

Member Pedroso made motion to allow for a Real Estate Appraiser's report to be ready within 30-days and presented at the 9/20/11 Board meeting.

Attorney Kirk stated that he does have a copy of a report used for another case in Montgomery.

Attorney Meese objected stating that the referenced report is irrelevant and prejudicial.

Board Attorney Vastola stated that the hearing should commence now and if it is not completed at this meeting, then the Board can decide on the motion tabled by Mr. Pedroso.

Attorney Meese called his first expert, Richard Conroy to testify.

RF Engineer Conroy stated that the height of the proposed tower would not be lower with a two-site solution as previously requested by Board Planner Doyle. He referenced the following exhibits, which were previously submitted:

- A-1 8/3/10 “Antenna Site FCC & RF Compliance Assessment and Report” prepared by Pinnacle Telecom Group, dated 12/14/09
- A-10 9/21/10 Map: Coverage provided from Existing T-Mobile On Air Sites without coverage from the proposed T-Mobile site NJ06111
- A-20 5/24/11 Map 9 of PierCon Solutions’ Report, dated 4/5/11, Alternate Sites
- A-23 5/24/11 Map 6 of PierCon Solutions’ Report, dated 4/5/11, Library Alternate Composite with Existing Coverage
- A-24 5/24/11 Map 7 of PierCon Solutions’ Report, dated 4/5/11, Richard Hall Medical Alternate Site Composite with Existing Coverage

RF Engineer Conroy stated that the proposed tower must be a minimum of 120-ft in height based upon the drive test data presented. He referenced exhibit A-40 and stated that the smoke stack is above the tree line and is 70 to 75-ft high at the Senior Center.

Board RF Expert Hank Menkes stated that he is surprised that Mr. Conroy did not produce a 100-ft tower with an 80-ft tower at the Senior Center as it only takes a few extra key strokes on the computer to produce. Engineer Conroy stated that the data is here as shown in the drive test data propagation map. Mr. Menkes concurred that the drive test data is more accurate.

Mr. Conroy stated that three sectors were originally proposed and now four sectors are proposed due to new technology. Mr. Menkes agreed with Mr. Conroy.

Mr. Conroy stated that DAS systems are limited and are not deployable in a large scale area such as Bridgewater. DAS is neither suitable nor practical in this area. Battery backup is required for the scenario shown on Map 10 with 19-nodes and can’t be provided.

Members of the public were present as follows:

Andrew Leven, 2 Holmes Ct., questioned the credibility of Mr. Conroy.

Al Ernst, 722 Hart Drive, he questioned why his Verizon cell phone works well in this area. Mr. Conroy stated that has nothing to do with this application.

Jeff Foose, 4 Forest View Dr., questioned if this second RF Expert Mr. Conroy superseded the prior testimony of the first RF Expert Mr. Penneso. Mr. Conroy stated that he has presented new propagation maps created from new propagation software and all of the RF testimony provided is valid and is not superseded. Mr. Foose stated his support for a DAS system to be utilized, which does work in Lower Marion Pennsylvania.

Mark Segal, 577 Foothill Road, questioned if the proposed cell tower is needed in order to make e911 calls. Mr. Conroy stated that it is not.

With no further questions from the public, Chairman Vornehm closed the public portion of the hearing. Attorney Meese called his next witness.

Planner Cronk stated that at the last Board meeting held on 7/12/11, we had left off with questions from the public.

Joseph Kirk, Esq., 6 Overlook Dr., stated that the Applicant is bound by the SICA balancing test of positive outweighing the negative criteria. The negative criteria was presented as the visual impact of the tower. Balloon tests at 120-ft high were conducted at various locations, all of which were no more than 650-ft to the nearest residential dwelling. He referenced exhibit A-12, topographic USGA map. Attorney Kirk presented and referenced exhibit O-7, transcript of Omnipoint in Montgomery Township dated 5/17/11. Planner Cronk stated that Montgomery Township requires fifteen simulations and fifteen photographs. Attorney Kirk presented and referenced exhibit O-8, Somerset County Traffic Counts and stated that 8,000 vehicles travel on North Bridge Street every day. He presented and referenced exhibit O-9 and discussed portions of the book, Foundations for Visual Project Analysis with particular attention to pages 224, 229, and 235. He presented and referenced exhibits O-10, O-11, and O-12 and stated that the crane test was done last summer, but was not sure of the height of the balloon in each picture. Andy Leven stated that the photos were taken by his daughter, but was not sure what type of camera lens was used to take the photos.

Janelle Bryant, 6 Overlook Dr., cross examined Planner Cronk on various testimonies previously provided regarding the visual impact. She presented and referenced exhibit O-13, Bridgewater Master Plan Amendment & Re-Exam Report dated 2/28/05, with particular attention to pages 34, 15, and 17. She also discussed portions of the Master Plan Re-Exam Report dated 2/8/11 and referred to the Environmental Impact Statement dated 5/20/2010.

Attorney Meese redirected to Planner Cronk. Planner Cronk stated that cell towers are not permitted in any zone within Bridgewater Township. In addition, he stated that the proposed flag pole cell tower will not substantially alter the residential character of the neighborhood.

Peter Sepesi, 6 Cedar St., addressed concerns that the proposed construction of a new cell tower will contaminate the existing aquifer system.

Simone Gaunt, 607 North Bridge St., stated that her house was labeled as 2 Bryan Dr. in exhibit A-28 and requested the Applicant change it to the correct address of 607 North Bridge St.

Al Ernst, 722 Hart Dr., addressed concerns about the proposed 250-watt lights to be used to light the flag at night as this would interfere with his view of the stars at night. Mr. Cronk stated that only the minimum required per Code compliance will be utilized.

David Robinson, 15 White St., questioned if there was a different Attorney and RF Expert when the crane test was performed. Attorney Meese stated that there was a different attorney and radio frequency expert at that time.

Jeff Foose, 6 Forest View Dr., questioned if a visual impact study was performed of the lighted pole at night. Planner Cronk stated that there was not as photos can't be taken at night.

Alisha Fischer, stated that she has a camera that takes photos of fireworks very well at night.

Andrew Levin, 2 Holmes Ct., requested to present his case in opposition and he was sworn in. He stated that the Board should have heard the Real Estate Appraisal.

Attorney Meese quoted a court case which supports that the Board and Applicant set the agenda, not the objectors.

Board Member Pedroso renewed his motion to allow Joseph Kirk to obtain a report within 30-days from the date of this meeting from a Real Estate Appraiser who would present testimony at the 9/20/11 application hearing. Mr. Sweeney seconded the motion which carried on the following roll call vote:

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

Due to the late hour of the meeting, Chairman Vornehm carried the T-Mobile application to 9/20/11 at 7:30 pm 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:

There was no other business discussed.

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