

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Tuesday, November 13, 2018

—MINUTES—

1. CALL MEETING TO ORDER:

Acting Chairman Mr. Franco called the meeting to order at 7:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

2. OPEN PUBLIC MEETINGS ACT 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 10, 2018 proper notice was sent to the Courier Newspaper 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 Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting.” However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

3. SALUTE TO FLAG:

There was salute to the flag.

4. ROLL CALL:

Stephen Rodzinak – present

James Franco – present

Chairman Ron Charles – absent

Councilman Howard Norgalis – absent

Tricia Casamento – present

Mayor Dan Hayes – absent

Evan Lerner – present

Urvin Pandya, Alt. #1 – absent

Debra Albanese, Alt. #2 – present

Others present: Board Attorney Stephen Gruenberg, Township Engineer David Battaglia, Board Planner Scarlett Doyle

5. APPROVAL OF BOARD MINUTES:

6. MEMORIALIZATION OF RESOLUTIONS:

The appointment of Steven P. Gruenberg, Esq. for the remainder of the 2018 calendar year.

Motion by Mr. Lerner, second by Mr. Rodzinak the foregoing the appointment of Steven P. Gruenberg, Esq of the Law firm Scholl, Whittlesey and Greunberg, LLC as special conflict Counsel for 2018 on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Mrs. Casamento, Mr. Lerner, Mrs. Albanese

ABSENT: Chairman Charles, Councilman Norgalis, Mayor Hayes, Mr.Pandya

7. LAND DEVELOPMENT APPLICATIONS:

BRIDGEWATER ESTATES LLC-Foothill Road & Twin Oaks

Block 712/718 Lot 4/63

#18-027-PB Minor Subdivison -2 Lots

Attorney Jeff Lehrer was present on behalf of the applicant. The applicant is seeking an approval for a minor subdivision indicating that the property is the subject of a contract for sale with the Township of Bridgewater through Green Acres funding. The property had previously been the subject of prior major subdivision approvals with resultant litigation. The applicant seeks to perform a minor subdivision to subdivide existing Lot 4. Approximately four acres will be retained by the applicant as new Lot 4.01. The remaining approximately 31 acres shall be conveyed to the Township as new Lot 4.02.

Mr. Lehrer's witness is James J. Mantz, PE, PLS and was accepted by the Board as an expert witness as a civil engineer. Mr. Mantz described the property and provided testimony as follows: The property consists of two residential lots (Lot 4 in Block 712 and Lot 63 in Block 718). The area of both existing lots is 37.297 acres before the dedications of rights of way. Lot 4 is occupied by a two story frame dwelling, a frame barn, a frame garage, and several sheds. Lot 63 is vacant. The lots are located in the R-40 Zone. The applicant proposes to subdivide Lot 4 in Block 712 into two lots. Lot 4.01 shall contain the existing residence and out-buildings and shall consist of approximately 4.3 acres. Lot 4.02 shall consist of approximately 30.48 acres and shall be conveyed to the Township of Bridgewater along with Lot 63. Road dedications shall be granted to the Township of Bridgewater to clean up the ownership of any right of ways for purposes of Green Acres Funding. The proposal is fully conforming with the Township's bulk standards. A drainage easement over Lot 4.01 is being dedicated to the Township as required by the ordinance.

The applicant agreed to all conditions contained in the Township professional reports with the exception of a comment from the Board Engineer. Mr. Battaglia's comments dated November 1, 2018 states a drainage easement is being proposed on proposed lot 4.01 but none are proposed for the wetlands or their buffers. Section 126- 331 (B) requires conservation easements to contain all wetland areas and the New Jersey Department of Environmental Protection required buffer around the wetland areas.

The applicant requested a waiver from this requirement as wetlands and transition area buffer requirements are delineated by the Department of Environmental Protection. A Conservation Easement may be overly restrictive over what the DEP may permit. Moreover, the property will be Green Acres encumbered. The Board Engineer expressed no objection to the Board granting the waiver from the ordinance standard. The drainage easement will still be required pursuant to the ordinance requirements.

Acting Chairman Franco opened the public portion of the meeting for questions or comments.

Carol Patullo of 437 Foothill Road was sworn and stated that her home is right across the street. Ms. Patullo raised concerns regarding drainage from the site and the location the drainage easement and ability of the Township and property owner to continue to maintain the swale. The Township will have the right, but not the obligation, with respect to the drainage easement to address any maintenance concerns.

Acting Chairman Franco closed the public portion of the meeting.

Motion by Mr. Rodzinak, second by Mrs. Albanese, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Mrs. Casamento, Mr. Lerner, Mrs. Albanese
ABSENT: Chairman Charles, Councilman Norgalis, Mayor Hayes, Mr. Pandya

GAELIC COMMUNICATIONS LLC-Vogt Drive

Block 557 Lot 1

#16-036-PB- Preliminary and Final Major Site Plan- Wireless telecommunications facility w/related equipment was approved as follows:

Motion by Mr. Rodzinak, second by Mr. Lerner, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Mrs. Casamento, Mr. Lerner, Mrs. Albanese
ABSENT: Chairman Charles, Councilman Norgalis, Mayor Hayes, Mr. Pandya

See Attached Transcription dated November 13, 2018 prepared by: Bridget Lombardozzi, CSR of Precision Reporting Services, 405 3rd Street 3 Jersey City, NJ 07302.

8. 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.

9. OTHER BOARD BUSINESS:

10. ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at approximately 8:10 pm.

Respectfully submitted,
Jacqueline Pino,
Secretary to Municipal Services

BRIDGEWATER TOWNSHIP PLANNING BOARD

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IN THE MATTER OF:

Case #16-036-PB
GAELIC COMMUNICATIONS, LLC
Vogt Drive
Block 557, Lot 1

TRANSCRIPT
OF
PROCEEDING

-----x

Tuesday, November 13, 2018
Bridgewater, New Jersey

BOARD MEMBERS PRESENT:

JAMES V. FRANCO, Acting Chairman
STEPHEN RODZINAK
EVAN LERNER
DEBRA ALBANESE
TRICIA CASAMENTO

A P P E A R A N C E S

MR. GRUENBERG, ESQUIRE
Attorney for the Board

GAROFALO & O'NEILL, P.A.
BY: JOSEPH O'NEILL, ESQUIRE
Attorneys for the Applicant

PRECISION REPORTING SERVICE
Certified Court Reporters
908-642-4299

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1 ALSO PRESENT:

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3 SCARLETT DOYLE, Township Planner

4 JACQUELINE PINO, Acting Secretary

5 DAVID C. BATTAGLIA, Township Engineer

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1 ACTING CHAIRMAN FRANCO: Okay. Our next

2 application is Gaelic Communications, LLC, Vogt

3 Drive, Block 557, Lot 1, 16-036, Planning Board

4 preliminary and final site plan, major site plan.

5 Wireless telecommunications facility with related

6 equipment.

7 MR. O'NEILL: Good evening, everyone.

8 Joseph O'Neill of Garofalo & O'Neill here on

9 behalf of the applicant, Gaelic Communications.

10 Gaelic is a successful bidder on a tower

11 at the municipal property currently housing the

12 library. This is a successor site to a site that

13 was originally proposed at the firehouse that did

14 not advance and the town directed the carriers to

15 this site where it is a permitted use.

16 We do have a couple witnesses with us

17 this evening. With your permission, I'll just go

18 ahead and get started with those.

19 ACTING CHAIRMAN FRANCO: Counsel, if you

20 bring them all forward, we'll get them sworn in

21 all at one time.

22 MR. GRUENBERG: We've reviewed the proof

23 of service and publication of the notice of

24 hearing and the Board has jurisdiction to proceed.

25 MS. DOYLE: Yes.

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10 EXHIBITS

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1 MR. GRUENBERG: If you would all please

2 raise your right hand and repeat after me.

3 DAVE COLLINS, having been

4 duly sworn, was examined and testified as

5 follows:

6 JOSHUA COTTRELL, having

7 been duly sworn, was examined and testified as

8 follows:

9 FRANCES BOSCHULTE,

10 having been duly sworn, was examined and

11 testified as follows:

12 DAVID KARLEBACH, having

13 been duly sworn, was examined and testified as

14 follows:

15 MR. GRUENBERG: If you start to my left,

16 your right, and identify yourself.

17 MR. COLLINS: Dave Collins, Pinnacle

18 Telecom Group, 14 Ridgedale Avenue, Cedar Knolls,

19 New Jersey.

20 MR. COTTRELL: Joshua Cottrell,

21 C-O-T-T-R-E-L-L, French & Parrello Associates,

22 1800 Route 34, Wall, New Jersey.

23 MS. BOSCHULTE: Frances Boschulte,

24 B-O-S-C-H-U-L-T-E, PierCon Solutions, 63 Beaver

25 Brook Road, Lincoln Park, New Jersey.

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1 MR. KARLEBACH: David Karlebach,
 2 K-A-R-L-E-B-A-C-H, professional planner. And the
 3 address is 96 Linwood Plaza, Fort Lee, New Jersey.
 4 MR. GRUENBERG: Thank you, all.
 5 MR. O'NEILL: I'd like to start with
 6 Ms. Boschulte.
 7 FRANCES BOSCHULTE,
 8 having been previously duly sworn, remained under
 9 oath and testified as follows:
 10 DIRECT-EXAMINATION.
 11 BY MR. O'NEILL:
 12 Q. Ms. Boschulte, while you're setting up,
 13 could you give the Board, please, the benefit of
 14 your experience?
 15 A. Yes. I have a Bachelor's degree in
 16 electrical engineering from the City College of
 17 New York. I have worked as a radio frequency
 18 engineer for over 15 years. I have designed
 19 over 100 sell sites throughout the State of New
 20 Jersey and New York. And I have worked as a
 21 radio frequency engineer, as I mentioned, for 15
 22 years.
 23 ACTING CHAIRMAN FRANCO: You've
 24 presented before boards?
 25 THE WITNESS: Yes, I have testified

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1 before boards and I've been deemed an expert.
 2 MR. O'NEILL: We'll submit her as an
 3 expert this evening.
 4 ACTING CHAIRMAN FRANCO: We'll accept
 5 her qualifications.
 6 BY MR. O'NEILL:
 7 Q. Ms. Boschulte, would you run us through
 8 quickly the T-Mobile network in the area and how
 9 this site's going to solve the problems?
 10 MR. GRUENBERG: If you're referring to
 11 an exhibit, we're probably going to have to have
 12 that marked.
 13 MR. O'NEILL: Let's mark that as Exhibit
 14 A-1 for this evening.
 15 (Whereupon, exhibit is received and
 16 marked A-1 in evidence.)
 17 A. Exhibit A-1 is labeled as NJ0611E,
 18 existing T-Mobile, 21 megahertz LTE in-building
 19 coverage, 2 Vogt, Bridgewater, New Jersey.
 20 On Exhibit A-1, as you can see, depicted
 21 in green is T-Mobile's existing in-building
 22 reliable service; the areas in white depict where
 23 T-Mobile currently has coverage gaps in service;
 24 the purple dots on the map indicate T-Mobile's
 25 existing wireless facilities; and the pink dot in

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1 the center of the map is the proposed facility
 2 that we're discussing tonight.
 3 As you can see, T-Mobile currently has a
 4 gap in service from Solomon Drive, which is
 5 located north on the map, down to Sussex Avenue,
 6 which extends also along Foothill Road. That is
 7 approximately 1.97 miles.
 8 To the west the gap exists from Cross
 9 Road all the way east toward Running Brook Road,
 10 which is approximately 1.67 miles.
 11 The proposed facility will provide
 12 reliable in-building service --
 13 ACTING CHAIRMAN FRANCO: Excuse me, if
 14 you can just mark that.
 15 MR. O'NEILL: A-2.
 16 ACTING CHAIRMAN FRANCO: And describe
 17 it, please.
 18 THE WITNESS: Yes.
 19 (Whereupon, exhibit is received and
 20 marked A-2 in evidence.)
 21 A. Exhibit A-2 is similar to A-1 except
 22 that now the proposed facility is depicted on the
 23 map, the coverage given by the proposed facility.
 24 So indicated in purple, as you can see,
 25 the coverage provided at the proposed location

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1 will not completely fill the gap, but it will
 2 provide service to the southern portion of the
 3 gap, approximately from the intersection of North
 4 Bridge Street and Foothill Road, extending south
 5 toward Old Tullo Road, Newmans Lane.
 6 Q. Thank you.
 7 MR. O'NEILL: I have no further
 8 questions for this witness.
 9 ACTING CHAIRMAN FRANCO: Any questions
 10 from the Board?
 11 Are there any questions from the public
 12 for this witness?
 13 Not seeing any, Mr. O'Neill, if you
 14 would continue.
 15 MR. O'NEILL: Thank you, Frances.
 16 Thank you.
 17 With that, I'll call Mr. Collins.
 18 DAVE COLLINS, having been
 19 previously duly sworn, remained under oath and
 20 testified as follows:
 21 DIRECT-EXAMINATION
 22 BY MR. O'NEILL:
 23 Q. Mr. Collins, could you give the Board,
 24 please, the benefit of your experience?
 25 A. I have a bachelor of science, industrial

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1 technology, from the City College of New York, a
 2 popular college, I guess. Eighteen years of
 3 experience working for Pinnacle Telecom Group,
 4 an independent telecommunications consulting
 5 firm. We specialize in making assessments of RF
 6 compliance with the FCC rules and regulations.
 7 Q. So you're familiar with the emissions
 8 from the site?
 9 A. Yes, I am.
 10 Q. You're familiar with the Federal
 11 Communications Commission requirements?
 12 A. Yes, I am.
 13 MR. O'NEILL: I'll submit him as an
 14 expert for compliance this evening.
 15 ACTING CHAIRMAN FRANCO: We'll accept
 16 his qualifications.
 17 MR. O'NEILL: Thank you.
 18 BY MR. O'NEILL:
 19 Q. Mr. Collins, you had an opportunity to
 20 prepare a report, which I'm going to ask you to
 21 mark as A-3, studying what the proposed site would
 22 produce --
 23 ACTING CHAIRMAN FRANCO: Mr. O'Neill, is
 24 that the same report that we all have?
 25 MR. O'NEILL: Oh, you do have it? I'm

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1 sorry.
 2 ACTING CHAIRMAN FRANCO: So it's not
 3 necessary to mark that.
 4 BY MR. O'NEILL:
 5 Q. I wonder if you could just run us
 6 through the report highlighting the fact that this
 7 site is well in compliance with the FCC
 8 regulations?
 9 A. Indeed it is. The FCC sets standards,
 10 the maximum permissible exposure to radio
 11 frequency energy levels, and they also provide a
 12 mathematical document, a formula, in order to
 13 determine the level.
 14 T-Mobile has provided us with the
 15 operating parameters of the transmission and
 16 antenna that they intend to use at this site. We
 17 incorporated these parameters into the
 18 mathematical formula.
 19 The simplest way to describe the results
 20 of the calculations is to convert them into a
 21 simple percentage, 100 percent being the maximum
 22 permitted level. Anything less than -- 100
 23 percent or less would indicate compliance.
 24 So we did so. And in this particular
 25 case, with the calculations very conservatively

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1 applied, by the way, in order to give a worst-case
 2 scenario, we came up with a maximum RF level of
 3 0.1175 percent. That's less than 2/10ths of 1
 4 percent of the limit.
 5 Equivalently, we would be more than 850
 6 times below the federal level.
 7 Additionally, New Jersey has its own
 8 radiation protection standard. However, it is
 9 five times less stringent, although amply
 10 protective nonetheless. But by a factor of 5
 11 then, the simple math would be 4,250 times below
 12 the New Jersey limit.
 13 And in either case, we are in compliance
 14 by a very wide margin.
 15 MR. O'NEILL: I have no further
 16 questions for this witness, if anyone has any
 17 questions on the report.
 18 ACTING CHAIRMAN FRANCO: Any questions
 19 from the Board?
 20 Seeing none, any questions from the
 21 public?
 22 Also seeing none, thank you very
 23 much.
 24 MR. O'NEILL: Thank you, Mr. Collins.
 25 ACTING CHAIRMAN FRANCO: Next witness.

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1 MR. O'NEILL: With that, I'll call Mr.
 2 Cottrell.
 3 JOSHUA COTTRELL, having
 4 been previously duly sworn, remained under oath
 5 and testified as follows:
 6 DIRECT-EXAMINATION
 7 BY MR. O'NEILL:
 8 Q. Mr. Cottrell, could you give the Board,
 9 please, the benefit of your experience?
 10 A. Sure. I have a bachelor's in science in
 11 civil engineering from Rutgers University. I have
 12 approximately 17 years' experience in site plan
 13 engineering. The last 11 years was geared
 14 specifically towards wireless communications,
 15 telecommunications facilities such as this. I
 16 have a valid professional engineering license in
 17 New Jersey. I've testified over probably 100
 18 boards throughout New Jersey. I've been accepted
 19 as an expert witness.
 20 Q. So have you appeared before this Board
 21 before?
 22 A. I believe I have, but I just don't
 23 recall. The building looks familiar, but we were
 24 in that room over there.
 25 ACTING CHAIRMAN FRANCO: Just not this

1 room.
2 Mr. O'Neill, we'll accept his
3 qualifications.

4 MR. O'NEILL: Thank you.
5 BY MR. O'NEILL:

6 Q. Mr. Cottrell, could you just identify
7 for us where you are at this site?

8 A. Sure. I'm just going to refer to the
9 plans that were submitted to the Board, last
10 revised September 17th, 2018.

11 The subject property, block 557, lot 1,
12 527.8 acres, where the Bridgewater Public Library,
13 associated parking, access off of Vogt Drive.

14 The proposed facility is going to be
15 located in the southeast corner of the property.
16 Currently there's a wooded area on the property.
17 So we're proposing to provide an access drive off
18 the existing circulation driveway for the library,
19 a gravel drive up to the facility where we will
20 install a 50-foot-by-50-foot fenced-in graveled
21 covered compound.

22 In the center of that compound will be a
23 150-foot tower with T-Mobile antennas at the top
24 elevation at the center line height of 146. We'll
25 install a total of 12 antennas with a

1 4-foot-by-20-foot concrete pad at the base of the
2 tower with three equipment cabinets, associated
3 electrical cabinets and a telco cabinet.

4 They are proposing to extend electric
5 and telephone from the existing utility pole
6 located adjacent to the property. The proposed
7 utilities will be under ground to the new
8 facility.

9 As I said, access will be from the
10 existing parking lot. There will be parking areas
11 available adjacent to the new compound. Access to
12 the site will be limited to once every four to six
13 weeks by a technician, who will come and perform
14 routine maintenance and diagnostics of the
15 facility.

16 Q. Now, the tower height was given to you
17 by T-Mobile's RF department. That's the design
18 height that was actually part of what was Exhibit
19 A-1 and A-2 this evening. They told you that was
20 the height they needed, correct?

21 A. That's correct.

22 Q. Now, does the tower provide for
23 collocation?

24 A. Yes, it does. So the tower will be
25 designed for at least three other carriers and

1 there will be space below T-Mobile on the tower
2 and there's ample room within the
3 50-foot-by-50-foot compound. T-Mobile is only
4 taking up a portion of that compound, so there's
5 plenty of room inside the compound for additional
6 equipment and there's space on the pole for
7 additional carriers.

8 Q. So in compliance with the local
9 requirements and actually the general practice of
10 the telecom industry, the tower's being designed
11 to accommodate that collocation without major
12 changes to the site plan we're proposing here this
13 evening, correct?

14 A. That's correct.

15 Q. And that collocation also includes any
16 emergency municipal uses, isn't that correct?

17 A. That is correct, yes.

18 Q. Now, there's been some discussion about
19 the requirements in the local ordinance regarding
20 setbacks from various structures.

21 Can you just run us through where we are
22 on the site in relation to that?

23 A. Sure. So the tower itself is going to
24 be situated -- center of the tower is going to be
25 situated 154.6 feet from the closest point to the

1 library building and it's going to be situated 151
2 feet to the adjacent solar panel array above the
3 county parking lot next door.

4 Q. Now, this tower is designed to actually
5 stricter building standards than the normal
6 building, isn't that true?

7 A. Yes.

8 Q. I wonder, could you just run us through
9 what the requirements are?

10 A. Well, the tower is going to be designed
11 in accordance with the International Building
12 Code, but also it's designed in accordance with
13 the Telecommunications Industry Association
14 standards.

15 So it's going to be designed -- I
16 believe in this area, I'm not positive, it's about
17 159-miles-per-hour winds. I've got to check that,
18 though. It's somewhere around there. And the
19 foundation will also be designed in accordance
20 with all the building codes as well.

21 Q. Now, recognizing that if the tower's in
22 trouble, there's bigger problems going on in
23 Bridgewater than just worrying about a cell tower.

24 A. Sure.

25 Q. There's some language in the conditional

1 use section of the ordinance about fall-down
2 zones. But this tower would not fall down like a
3 tree. It's designed to fall in a different way,
4 isn't that true?

5 **A. Correct. So the tower's going to be**
6 **made of steel and this 150-foot pole will probably**
7 **come in four or five sections that will be**
8 **assembled. Typically the way the tower is**
9 **designed, it's the upper three or two sections**
10 **that will be the weakest point.**

11 **So if the tower is going to fail, it**
12 **most likely will fail up to the, you know,**
13 **one-third of the tower. And when it does fail, it**
14 **will begin -- the failure of steel is when the**
15 **steel moves, displaces, but does not go back to**
16 **its normal position. So what happens is it kind**
17 **of crimps and, if it continues to fail, it will**
18 **kind of hinge on itself. So it wouldn't topple**
19 **over like a tree. It will kind of collapse onto**
20 **itself, fold onto itself.**

21 **Q. So in the incredibly rare event that**
22 **there's a problem with the tower, there's really**
23 **no danger to any surrounding structures, isn't**
24 **that right?**

25 **A. That's true. Based on the likelihood of**

1 **how the tower will fail, but, in addition, that**
2 **we're more than the tower height away from any**
3 **nearby structure.**

4 **Q. Now, we've proposed a fence that goes**
5 **around the compound.**

6 **Are we proposing any landscaping in**
7 **accordance with that?**

8 **A. We are proposing a 6-foot-high**
9 **chain-link fence. I did prepare a landscape plan.**
10 **So as I said, we're proposing a new gravel drive**
11 **from the existing parking lot. It will kind of**
12 **run southeast and then south.**

13 **So where we're clearing the trees for**
14 **that driveway, it will be visible from the**
15 **right-of-way of Vogt Drive and probably from the**
16 **parking lot. So what we're doing, around the bend**
17 **of the proposed driveway, we're proposing some**
18 **plantings in there. That consists of 12 American**
19 **Holly and then four deciduous trees.**

20 **ACTING CHAIRMAN FRANCO: And the fencing**
21 **is just at the compound?**

22 **THE WITNESS: The fencing is only at the**
23 **compound, correct.**

24 **ACTING CHAIRMAN FRANCO: And is there a**
25 **reason that it's 6 feet? The utilities, you're**

1 permitted to have 8.

2 **THE WITNESS: Six feet, that's standard**
3 **for the industry. We do go up to 8 feet. I don't**
4 **know if the bid -- I understand this was a bid. I**
5 **don't know if that specified the height of the**
6 **fence.**

7 **MR. O'NEILL: It was specified at 6.**

8 **THE WITNESS: Right. So we're showing**
9 **the 6 foot.**

10 **ACTING CHAIRMAN FRANCO: Okay.**

11 **MR. O'NEILL: So if the Board feels it**
12 **wants an 8-foot fence, we can certainly do that.**

13 **ACTING CHAIRMAN FRANCO: It's really**
14 **your security.**

15 **BY MR. O'NEILL:**

16 **Q. We're satisfied with the 6-foot fence**
17 **for security, correct?**

18 **A. Right. All T-Mobile's equipment is**
19 **locked inside of enclosures and alarmed too.**

20 **Q. Are there slats on the fence?**

21 **ACTING CHAIRMAN FRANCO: I don't think**
22 **there were.**

23 **A. I don't think we're proposing slats.**

24 **MR. O'NEILL: I thought I saw a comment**
25 **in the report for slats.**

1 **MR. RODZINAK: Whose report was that on?**
2 **I know it wasn't from Scarlett.**

3 **THE WITNESS: We're not proposing slats**
4 **at this time.**

5 **ACTING CHAIRMAN FRANCO: I don't recall**
6 **slats on your drawing.**

7 **MS. DOYLE: Mr. Chairman, slats would**
8 **possibly have a picket fence effect so you could**
9 **see through it. If you'll note that on Milltown**
10 **Road, there is a tower, a communication tower, and**
11 **the compound is encircled by solid fence.**

12 **ACTING CHAIRMAN FRANCO: Okay.**

13 **MS. DOYLE: So not the most attractive,**
14 **but nevertheless it is. And there's another one**
15 **on Washington Valley Road, a solid fence.**

16 **So if you would be thinking of that, I**
17 **would suggest a solid fence, but not slats.**

18 **MR. O'NEILL: I apologize, I misread**
19 **Ms. Doyle's report regarding the fencing.**

20 **MR. RODZINAK: It just says "black clad,**
21 **coating black posts and a black gate in some way.**

22 **So a 6 foot chain-link fence at this**
23 **point?**

24 **ACTING CHAIRMAN FRANCO: A black**
25 **chain-link fence.**

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1 MR. RODZINAK: Okay.

2 MR. O'NEILL: There's a suggestion

3 regarding evergreens.

4 Ms. Doyle, was that around the fence?

5 MS. DOYLE: Number 5 in my report

6 talks about the replacement trees, getting those

7 to be replaced on the site.

8 And, also, I've noted that lot number

9 22 is a 6-acre track nearby. I'd like to work

10 with the applicant to get some buffering along

11 that line because with that size property, there

12 is potential for residential development in the

13 future and I think we can address that now.

14 Either inside the compound where the deer won't

15 get it or outside the compound, which is more

16 likely something you would wish to have.

17 MR. O'NEILL: Well, inside the

18 compound's not going to be possible, is it, Mr.

19 Cottrell, because of the utilities in there and

20 the gravel?

21 MS. DOYLE: Well, what I'm suggesting is

22 you increase the size of the compound with the

23 fencing. Some people might want to do that. We

24 can do it outside as well.

25 MR. O'NEILL: Maybe we can work on some

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1 kind of plan for something more deer-resistant

2 outside the compound.

3 ACTING CHAIRMAN FRANCO: If you'd be

4 willing to work with Ms. Doyle on that.

5 MR. O'NEILL: We would if that's all

6 right with Ms. Doyle.

7 MS. DOYLE: Sure.

8 MR. O'NEILL: That's fine.

9 BY MR. O'NEILL:

10 Q. Is there a light on the top of this

11 tower, Mr. Cottrell?

12 A. No light is proposed.

13 Q. The only lights are on the equipment

14 itself?

15 A. Correct. So T-Mobile will install a

16 work light at their equipment in the case where

17 they might have to come at nighttime if there was

18 a problem with the equipment cabinet.

19 ACTING CHAIRMAN FRANCO: There's no

20 flashing red light or anything like that?

21 THE WITNESS: No.

22 MS. DOYLE: Mr. Chairman, that relates

23 to my number 6. The question was if they could be

24 motion activated or switch activated so they don't

25 disrupt neighbors in the future if the light isn't

Page 24

1 really being used by people.

2 THE WITNESS: Right. What they install,

3 it's a timer switch where the technician comes in,

4 turns it, and it stays on for a couple of hours.

5 If he forgets to turn it off, it will shut itself

6 off.

7 MR. RODZINAK: That's even better.

8 BY MR. O'NEILL:

9 Q. So you've had an opportunity to review

10 both Ms. Doyle and Mr. Battaglia's reports in

11 connection with this?

12 A. Yes.

13 Q. Do you have any problems with anything

14 else in the reports?

15 A. No.

16 MR. O'NEILL: So we'll stipulate to all

17 that.

18 I have no further questions for this

19 witness.

20 ACTING CHAIRMAN FRANCO: Any questions

21 from Board members?

22 MS. ALBANESE: I have a question

23 actually.

24 THE WITNESS: Sure.

25 MS. ALBANESE: The chain-link fence

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1 that's going to be around the compound area, is

2 that going to be locked or secured in some way?

3 THE WITNESS: Yes, it's going to be

4 locked.

5 MS. ALBANESE: So the only people that

6 will have the ability to get through that will be

7 T-Mobile technicians or any other carriers who put

8 their equipment inside the compound?

9 THE WITNESS: Correct. As new carriers

10 come, they daisy chain their lot so they all have

11 access to that.

12 MS. ALBANESE: Thank you.

13 ACTING CHAIRMAN FRANCO: Any other

14 questions?

15 Seeing none, I'll open it up to the

16 public.

17 Anyone have any questions of this

18 witness?

19 Seeing none, Mr. O'Neill.

20 MR. O'NEILL: Thank you.

21 MS. DOYLE: Mr. Chairman, if I could

22 interrupt, and I do apologize. One of my Board

23 members has asked me to speak for her because

24 she's not able to speak very well this evening.

25 Mr. Collins gave a report on the FCC RF

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1 compliance report. And she is asking, on page 4
 2 it says that "less than 3/10ths of 1 percent."
 3 That's in the report. She believes that he stated
 4 2/10ths of 1 percent and she would like
 5 clarification on that.
 6 MR. O'NEILL: Mr. Collins, can you come
 7 back?
 8 MR. COLLINS: What is the date of that
 9 report?
 10 MS. DOYLE: The date of the report.
 11 ACTING CHAIRMAN FRANCO: November 14th.
 12 MR. GRUENBERG: 2016.
 13 MS. DOYLE: That's what we were given.
 14 MR. COLLINS: Then we would have to
 15 enter this. The date of this report is November
 16 8th of this year. The operating transmission
 17 parameters may have changed since that was last
 18 filed. This is the latest.
 19 MR. O'NEILL: I think that's the old
 20 application actually.
 21 ACTING CHAIRMAN FRANCO: Yes. If we can
 22 change that, make that A-3.
 23 MR. RODZINAK: Then, in either case,
 24 with either report, you're still compliant?
 25 MR. O'NEILL: By a wide margin.

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1 MR. COLLINS: Yes, indeed.
 2 MR. RODZINAK: I just wanted to say
 3 that.
 4 MR. BATTAGLIA: You're saying there's a
 5 new report from 2018? There's a report the Board
 6 received on October 5th is dated November 14,
 7 2016.
 8 MR. COLLINS: 2016. The date of my
 9 report is November 8th, 2018.
 10 MR. O'NEILL: So we'll mark that A-3.
 11 ACTING CHAIRMAN FRANCO: Yes.
 12 (Whereupon, exhibit is received and
 13 marked A-3 in evidence.)
 14 MS. DOYLE: That does not change your
 15 testimony at all?
 16 MR. COLLINS: No. I testified to this.
 17 That is two years old. The technology of two
 18 years ago has changed. They may have changed the
 19 antennas. They may have changed transmission
 20 power outputs.
 21 MR. O'NEILL: You're not familiar with
 22 the 2016 one?
 23 MR. COLLINS: No. I did not file that
 24 report.
 25 ACTING CHAIRMAN FRANCO: All right. Any

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1 other questions?
 2 MR. O'NEILL: Thanks, Mr. Collins.
 3 With that, I'll call Mr. Karlebach.
 4 DAVID KARLEBACH, having
 5 been previously duly sworn, remained under oath
 6 and testified as follows:
 7 DIRECT-EXAMINATION
 8 BY MR. O'NEILL:
 9 Q. Mr. Karlebach, can you give the Board
 10 the benefit of your experience, please?
 11 A. Yes. I have a master's degree in city
 12 and regional planning from Rutgers University.
 13 I'm a licensed professional planner and I have
 14 been for 24 years. I previously qualified and
 15 testified before planning boards and boards of
 16 adjustment throughout the state.
 17 ACTING CHAIRMAN FRANCO: We'll accept
 18 your qualifications.
 19 Q. Mr. Karlebach, you have prepared some
 20 exhibits for us to show the visual impact of the
 21 tower.
 22 A. I have.
 23 Q. Why don't you go ahead and mark that
 24 Exhibit A-4.
 25 (Whereupon, exhibit is received and

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1 marked A-4 in evidence.)
 2 A. A-4.
 3 I should correct myself and say I did
 4 not actually prepare these exhibits. They were
 5 prepared by another professional planner, Tim
 6 Kronk. But I have reviewed this exhibit with Tim
 7 Kronk and I believe it's accurate and correct.
 8 This exhibit consists of six
 9 photographs. The photographs on the left-hand
 10 side represent the existing conditions at the
 11 site, and the photographs on the right have been
 12 enhanced using a photo editing program to simulate
 13 what a 150-foot-high monopole structure would look
 14 like at this location.
 15 Q. That's because the photos on the left
 16 have a balloon floating at 150 feet?
 17 A. That's right. TK Design Associates went
 18 out to the site and tethered a large red latex
 19 balloon to a height of 150 feet and photographed
 20 that balloon from various locations in town. And
 21 then, based upon the location of the balloon, they
 22 were able to superimpose the image of the monopole
 23 and erase out the balloon. So that's what we have
 24 here.
 25 Three different locations. The top set

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1 of photographs are the view from the intersection
 2 of North Bridge Street and Prince Rodgers Avenue
 3 facing southeast. And this, I would say, is
 4 probably the most obvious, the most prominent
 5 location, because you're very close to the
 6 monopole location.

7 The middle set of photographs is a view
 8 from Vogt Drive facing west. And, again, you can
 9 see here probably the top two-thirds of the
 10 monopole, the merging above the structures in the
 11 foreground.

12 And, finally, the most distant photo is
 13 the bottom set of photographs which are the view
 14 from the intersection of Sussex Avenue and North
 15 Bridge Street facing southeast. And here, you can
 16 see the monopole at that location. I'm putting my
 17 pen up against it right now.

18 Q. Now, Mr. Karlebach, you've had an
 19 opportunity to examine the local ordinances and
 20 the master plan, right?

21 A. Yes, I have.

22 Q. And you heard my statement at the
 23 beginning of the application where I indicated
 24 that this was a permitted use?

25 A. It is a permitted use. The ordinance

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1 provides that "New wireless communications
 2 facilities and the collocation of such facilities
 3 shall be a permitted use on any property owned by
 4 the Township of Bridgewater."

5 And then there's another section of the
 6 ordinance which goes ahead and excuses the
 7 township from complying with many of the ordinance
 8 requirements. That's Section 126-341.5K. So
 9 there's no need for this applicant to comply with
 10 this setback requirements, the height of the
 11 equipment.

12 And, actually, there's no height
 13 regulations in the ordinance governing
 14 communications towers. The height regulations in
 15 the R-40 zone are really not applicable because
 16 that regulates building height. There's no
 17 building being proposed. This is a tower
 18 structure.

19 So the use is permitted. The height is
 20 permitted. It's exempt from the setback
 21 requirements; the equipment height requirements.

22 And I believe we're just left, Board
 23 members, with one variance and that relates to the
 24 impervious area coverage. That's the only
 25 variance I've identified. And in that regard the

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1 maximum permitted lot coverage I believe is 18
 2 percent, where 40 percent is existing and 42.1
 3 percent is proposed.

4 I would characterize this as a C-1
 5 variance. The statute talks about hardships such
 6 as the shape of the piece of property, the
 7 narrowness, the shallowness. But it also talks
 8 about hardships that are caused by lawfully
 9 existing structures on the land. And in this
 10 case the lawfully existing structure happens to
 11 be the library building itself and the parking
 12 area.

13 This is an R-40 zone. So we wouldn't
 14 expect that a library and a large parking area
 15 would be able to comport with the requirements of
 16 the R-40 zone. So essentially we have a
 17 nonresidential use on a residential piece of
 18 property. It really doesn't make sense to
 19 attempt to apply those standards to a
 20 nonresidential use. But, anyway, it's a minor
 21 increase in the existing nonconforming condition.
 22 And, again, it's an existing condition which is
 23 going to be minimally increased.

24 The increase in the impervious area is
 25 required to provide safe access to the equipment

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1 compound and the equipment compound itself. And
 2 this additional impervious area occurs within a
 3 wooded portion of the property where such increase
 4 will be inconspicuous.

5 So I believe this small, well-placed
 6 equipment compound does not cause a detriment to
 7 the surrounding properties.

8 And if you look at the site plan, you
 9 can see, yes, it is a very heavily wooded site in
 10 that area and that will provide substantial
 11 buffering to the point where area residents,
 12 passers-by, will not be able to discern the
 13 difference in impervious area.

14 Q. Thank you, Mr. Karlebach.

15 MR. O'NEILL: I have no further
 16 questions for this witness.

17 MS. DOYLE: Mr. Chairman, I'd like to
 18 note that the chart that I have says the building
 19 will be 150 feet and it is a violation. It is
 20 not a violation because the ordinance, when it's
 21 on a municipal property, the township has decided
 22 that they will control it with a developer's
 23 agreement.

24 ACTING CHAIRMAN FRANCO: Okay.

25 MS. DOYLE: And they already have that.

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1 And so that that should not be considered to be a
 2 variance.
 3 ACTING CHAIRMAN FRANCO: Okay.
 4 MR. O'NEILL: So I have no further
 5 witnesses, ladies and gentlemen.
 6 MR. GRUENBERG: Real quick. Would you
 7 provide the Board with an opinion with respect to
 8 the negative criteria on the "C" variance?
 9 THE WITNESS: Certainly. The negative
 10 criteria relates to no substantial impairment of
 11 the zoning ordinance and zone plan. That's the
 12 first prong in the negative criteria. And here,
 13 this application meets all the high tiers of
 14 zoning: The use is permitted, the height is
 15 permitted. There's no FAR, no density variance.
 16 We're left with just this "C" variance as it
 17 relates only to the impervious area.
 18 And as I said, this is a minimal
 19 increase. So I don't think that's a substantial
 20 impairment -- and that's the test, Board members,
 21 substantial impairment -- of the zone plan because
 22 I consider it to be a de minimis increase.
 23 In terms of the second prong of the
 24 negative criteria, no substantial detriment to the
 25 public good. I mentioned that this equipment

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1 compound is located within a heavily wooded area
 2 and I believe the abutting property is a church
 3 property. There's a lot of adjacent vacant land
 4 that's also wooded.
 5 So I don't anticipate that additional
 6 impervious area is going to cause any harm to the
 7 adjacent properties. In fact, I think it's going
 8 to be unnoticeable.
 9 MR. GRUENBERG: Thank you.
 10 ACTING CHAIRMAN FRANCO: Okay. Any
 11 other questions?
 12 Any questions from the public for this
 13 witness?
 14 Seeing none, I think, Mr. O'Neill,
 15 that --
 16 MR. O'NEILL: That concludes our
 17 presentation for this evening. I would think
 18 we're complying with both the letter and spirit of
 19 the bid documents that were issued by the town for
 20 the placement of the tower.
 21 The tower does fill the need that
 22 T-Mobile has and we hope other carriers have. It
 23 is ready for collocation and collocation including
 24 any emergency/municipal services the township
 25 might need in relation to the bid documents. That

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1 would be coordinated with the carriers, of course.
 2 ACTING CHAIRMAN FRANCO: And I think the
 3 only other comment on the resolution is that
 4 you'll coordinate with Ms. Doyle for the
 5 landscaping?
 6 MR. O'NEILL: We're happy to coordinate
 7 with Ms. Doyle on the placement of additional
 8 landscaping, but we cannot agree to landscaping
 9 within the graveled compound. But we can
 10 accommodate that some other place. We'll work
 11 that out.
 12 ACTING CHAIRMAN FRANCO: Deer-
 13 resistant.
 14 MR. O'NEILL: Yeah. Maybe the
 15 arborvitaes are not the best way to go.
 16 MR. RODZINAK: Do you have any issues
 17 with that, Scarlett?
 18 MS. DOYLE: No, it's very common. We
 19 can work it out.
 20 MR. GRUENBERG: The equipment. The
 21 addition of the equipment light will have a timer
 22 switch when a technician is on site. It will shut
 23 itself off.
 24 MR. O'NEILL: That's already proposed,
 25 but we're confirming that, yes.

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1 ACTING CHAIRMAN FRANCO: All right.
 2 MR. RODZINAK: I'll move a motion with
 3 those conditions.
 4 ACTING CHAIRMAN FRANCO: Mr. Rodzinak
 5 moved the motion.
 6 Second?
 7 MR. LERNER: I'll second it.
 8 ACTING CHAIRMAN FRANCO: Mr. Lerner
 9 seconded the motion.
 10 Roll call, please.
 11 ACTING SECRETARY PINO: Mr. Rodzinak?
 12 MR. RODZINAK: Yes.
 13 ACTING SECRETARY PINO: Mr. Franco?
 14 ACTING CHAIRMAN FRANCO: Yes.
 15 ACTING SECRETARY PINO: Mrs. Casamento?
 16 MS. CASAMENTO: Yes.
 17 ACTING SECRETARY PINO: Mr. Lerner?
 18 MR. LERNER: Yes.
 19 ACTING SECRETARY PINO: And Mrs.
 20 Albanese.
 21 MS. ALBANESE: Yes.
 22 MR. O'NEILL: Thank you, everyone. Have
 23 a nice evening.
 24 (Whereupon, the hearing on this
 25 application was concluded at 8:10 p.m.)

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CERTIFICATE

I, BRIDGET LOMBARDOZZI, Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

BRIDGET LOMBARDOZZI,
Certified Shorthand Reporter
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