

**BRIDGEWATER TOWNSHIP PLANNING BOARD**

Special Virtual Online Meeting

Tuesday, June 30, 2020

—MINUTES—

**1. CALL MEETING TO ORDER:**

Chairman Fross called the Virtual Online Planning Board meeting to order at 7:00 p.m.

ANNOUNCEMENT: For the duration of the Corona virus Health Emergency, the Municipal Complex is closed to the public and meetings will be held digitally, connected by conferencing software provided by RingCentral.com. Members of the public are invited to view meetings live using RingCentral webinar, which also allows them to “raise a hand” and contribute when they are invited to do so during public portions of the meeting. Instructions for Virtual online meeting:

1. Download RingCentral meetings on preferred device: <https://www.ringcentral.com/apps/rc-meetings>

2. At the advertised start time of the meeting, enter: <https://webinar.ringcentral.com/j/1496114245> into your browser. *\*This method allows listening & participation.*

Please Note: You may also join via telephone: Dial: +1(650)2424929, Webinar ID: 1496114245 *\*telephone access allows only listening and not participation.* If you would like to make a comment, text 1(908) 912-4247 name, contact information and comment for the Board and it will read into the record.

**2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:**

Adequate notice of this Special meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On June 5, 2020, 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:**

**4. ROLL CALL:**

Michael Pappas – absent	Councilman Kirsh - present
Henry Wang – present	Patricia Casamento - absent
Mayor Moench – present	Beth Powers – present
Alan Fross – present	Maurizio Vescio - present
James Magura – present	Urvin Pandya – present
Robert Giurlando - present	

Others present: Attorney Mark Peck, Esq., Engineer William Burr, IV, PE

**5. APPROVAL OF BOARD MINUTES:**

October 8, 2019, Regular Meeting (pending)	January 14, 2020, Reorg. & Regular Meeting (pending)
January 28, 2020 Regular Meeting (pending)	February 25, 2020 Regular Meeting (pending)
June 9, 2020 Virtual Online Meeting (pending)	June 23, 2020 Virtual Online Meeting (pending)

**6. MEMORIALIZATION OF RESOLUTIONS:**

**Hengemuhle** – 774 and 782 Eisenhower Avenue

Block 437 Lots 11, 12

#19-022-PB Preliminary Major Subdivision

Motion for approval by Councilman Kirsh and second by Ms. Powers

AFFIRMATIVE: Mr. Wang, Mayor Moench, Chairman Fross, Councilman Kirsh, Ms. Powers, Mr. Vescio, Mr. Magura, Mr. Giurlando

ABSENT: Mr. Pappas, Patricia Casamento

NOT ELIGIBLE: Urvin Pandya

## **7. LAND DEVELOPMENT APPLICATIONS:**

### **New York SMSA Limited Partnership d/b/a Verizon wireless – 551 Milltown Rd.**

Block 168 Lots 18

#20-010-PB Preliminary and Final Major Site Plan

The Applicant, New York SMSA Limited Partnership d/b/a Verizon Wireless and New Cingular Wireless PCS, LLC (“AT&T”) as Co-Applicant, was represented by Counsel, Edward W. Purcell, Esq. Christopher Quinn, Esq also made an appearance on their behalf.

Attorney Purcell indicated his intention to present testimony by the following witnesses, who were sworn along with the Board’s professionals: Colleen Connolly, P.E.; and Timothy Kronk, P.P.

The two applicants applied to the Planning Board for approval of preliminary and final major site plan, with related “c” variance relief for a fence height, where 8’ is the max. permitted, and a height of 11’ is proposed. The ordinance requires a setback of 157.2’, whereas 135.8’ is proposed for a temporary ballast mounted antennae tower. The temporary tower would be situated on municipally-owned property located on Lot 18 in Block 168, 551 Milltown Road. The location and design details are shown on a site plan prepared by Colleen Connolly, P.E., Scherer Design Group, LLC, which has the last revision date of May 29, 2020. The existing condition plan was prepared by John J. Hanlon, P.L.S., VS Land Data, bearing a last revision date of March 30, 2020. The stormwater management plan was prepared by Colleen Connolly, P.E., dated May 29, 2020. The structural tower analysis was prepared by Peter J. Tardy, P.E., French & Parrello Associates, dated April 15, 2020. The RF analysis was prepared by Glenn Pierson, Pier Four Enterprises and the Electromagnetic Environmental Analysis was prepared by Glenn Pierson and is dated June 16, 2020.

Mr. Purcell described the subject property and its current uses. He explained that applicants currently have cellular communications antennae on PSE&G transmission towers on the property, which is owned by Bridgewater Township. The PSE&G towers are being relocated, necessitating a temporary facility on the property until the new PSE&G tower is constructed, at which point the temporary cellular communications facility will cease operation, with the antennae to be relocated onto the new tower.

The applicants propose to construct a 131’ temporary ballast mounted cell tower, and requires preliminary and final major site plan approval, with bulk variance relief, to do so. The tower would be located outside of the 150’ PSE&G right-of-way, but on the same property. The existing PSE&G tower is expected to be removed in the fall of 2020; once the new tower is constructed the applicants’ antennae and associated facility will be relocated to that tower. He noted that the temporary facility is constructed to be just that, temporary. He emphasized that it is not engineered to be a permanent installation.

The Board was presented the followed **EXHIBITS** (A-1 through A-11):

- A-1 Cover page of Site Plan;
- A-2 200’ radius map;
- A-3 property owners list;
- A-4 Overall site plan;
- A-5 Detailed site plan;
- A-6 Elevations and demolition elevation;
- A-7 Details;
- A-8 More details;

- A-9 Photo simulations (5 photos);
- A-10 RF analysis report; and
- A-11 Electromagnetic environmental analysis report.

The applicants' professionals testified to these exhibits during the course of the hearing and also reviewed with the Board the report of the Board Planner, Scarlett Doyle, dated June 16, 2020; and report of the Board Engineer, William H. Burr, IV, dated June 25, 2020.

Attorney Purcell presented Ms. Connolly as a witness. Ms. Connolly was accepted as an expert in civil engineering. Using Exhibits, A-2 and A-4, she described the property and surrounding area. The 28.8-acre property is owned by the Township and is vacant, except for the PSE&G tower and an unoccupied historic structure (the Lane-Voorhees house, which is listed on the NJ Register of Historic Places). The property is located in the Township's Public & Institutional (P) Zone District, where it is a permitted use, and is accessed by Milltown Road, and is approx. 2000' south of Route 22, and is bordered to the west by Branchburg Township. The closest residential property line to the proposed temporary tower is 190' 1", and the closest residential structure will be 423' 2" from the tower. The property is subject to an agricultural deed restriction, but there is a reserve area where this facility will be located. In addition to the 150' PSE&G right-of-way, three gas lines also traverse the property. The County recommended SHPO §106 review because of the Lane-Voorhees house, but applicants noted that it is exempt from such review per a 2004 FCC programmatic agreement with the Advisory Council on Historic Preservation, as it proposes a temporary structure with no ground excavation.

Using Exhibit, A-6, Ms. Connolly testified that applicants' proposed 120' tower, which would rest upon a 3' base, leaving the tower 123' in height; the addition of 8' high lightning rods brings the tower height to 131'. There will be no foundation. Instead, the tower will rest upon a 20' x 20' base, with concrete blocks acting as ballast. The base/ballast area will be steel frame filled with stacked concrete blocks. The total weight of the ballast pad is 94,000 lbs. The tower will be designed to NJ building code standards, including the modified TIA building code for temporary towers; it will withstand 112 mph wind load, per code standards. She testified that the ballast mount provides the same stability as a permanent caisson, in which a permanent tower would be fixed.

Ms. Connolly testified that Verizon proposes six panel antennas, the top of which would be 125' above grade. AT&T also proposed six panel antennas which will be 116' 4" above grade. She described their appearance as being "a square donut with antennae coming through the middle". Multiple 30" x 30" equipment cabinets will be associated with the facility, with heights ranging from 4' to 6' 2". Therefore, on the 3' high foundation, the tallest cabinet will be 9' 2" above grade. Hence the variance to permit 11' in fence height where 8' is the maximum permitted, as compliance with the ordinance standard would result in a 5' high fence that would not shield the cabinets. No soil disturbance will occur as a consequence of this application.

Using Exhibit, A-7 Ms. Connolly testified that the only facility lighting would be downward facing 100-watt work light. This light will not be operated by timer or motion sensor; it will, however, automatically turn off after one hour. It will be mounted below the top of the fence as well.

Using Exhibit A-4 Ms. Connolly testified regarding property access, which is via existing gravel driveways off Milltown Road. Adequate space currently exists for future needs. The temporary tower will be placed on an area where there is existing gravel. No trees will be impacted by the installation. Utility service will be via overhead wires; no trenching is associated with this project. All of the equipment will be at the base of the tower, and no soil disturbance or excavation is contemplated.

Ms. Connolly testified regarding the construction process, which is estimated to take approx. four weeks, with only one day required for the tower itself to be installed; the construction will not have impact on access to or use of the Lane-Voorhees house. First the temporary tower will be installed. Then the antennae will be removed from the existing PSE&G tower and relocated to the new temporary tower. PSE&G is then expected to construct its new tower, the antennae will be relocated to this new tower, and the temporary tower will be dismantled and removed. The temporary tower will be constructed of three approx. 45' interlocking sections; 5' of each section will fit into the next. There will be space for a third cell provider to co-locate on the tower if needed. The compound

will be secured by the aforementioned 8' high fence, and the property itself is secured by a variety of locks and gates.

The Township Code requires the setback for towers to be 120% of the tower height. That means that the 131' high tower requires a 157.2' setback. The applicants propose a 135.8' setback, which requires a variance. It is noted that the proposed setback is greater than 100% of the tower height, and that the setback for the existing facility is a mere 68', so this presents a net improvement, although this setback still requires variance relief.

Ms. Connolly testified regarding the Board Engineer's June 25, 2020 Memo. She testified that a swale was not necessary, as the tower would be situated at a low topography point, and existing conditions already divert runoff to the south, away from the proposed tower, although a limited portion of the facility will direct water in the direction of the Lane-Voorhees house, which has the predicament of having its basement entrance situated 1' below grade, and there are no gutters on the building to channel waterflow. The proposed temporary facility is not expected to exacerbate any runoff condition, and a swale would have a negligible effect on the same. Ms. Connolly was asked if there was a way to extend utility service from the temporary facility to the Lane-Voorhees house, and responded that the electric lines servicing the tower would be a much greater voltage than those appropriate for the house, so they are incompatible.

The Board Engineer was satisfied with applicants' responses to his review Memo, and had no concerns regarding restoration of the site once the tower is removed.

The Board and applicants had much discussion regarding the definition of "temporary", and the best means of ensuring that the proposed tower would be in fact have a limited time and would eventually be removed. The Board Planner recommended removal of the tower and equipment within 60 days of disuse, whereas applicants noted that the Township was the landlord, so the matter was best left to lease negotiations between the applicants and the Township Council.

The Chairman opened the meeting to the public and offered the opportunity to question Ms. Connolly.

Resident James Schenk questioned whether other areas on the property were considered, and whether the tower could be relocated within the property. Ms. Connolly responded, indicating that environmental sensitivity drove the placement, with the use of the existing gravel area and no need for soil disturbance. The only better location on the property, from a setback and environmental perspective, would be in the middle of the existing driveway, which would then impede access to the Lane-Voorhees house. If the tower were to be situated in an area not already gravel covered, it would require location in wetlands or other environmentally protected areas. If applicants were to so suggest, DEP would direct them to place it on the gravel area.

Attorney Purcell presented Mr. Pierson as a witness. Mr. Pierson was accepted as an expert in the field of radiofrequency engineering. Using Exhibits A-10 and A-11 he explained that both Verizon and AT&T possess numerous FCC licenses, and continued to give background on wireless networks. He noted that the subject site is approx. 65' above sea level, while much of the surrounding area is 75' and higher. Using Exhibit A-10's propagation map he described other regional network sites, and how they interact. Coverage gaps were noted, even with the existing site, and if this site were removed from the network it would result in a significant degradation of service.

Mr. Pierson also testified regarding usage, and demonstrated that there is a lot of data flowing through the subject site that cannot be accommodated elsewhere. Presently, some 57% of households do not have landlines, a number that is increasing. 2500 people live in the direct service area of the tower.

Mr. Pierson stated that the tower height could be reduced (e.g. to meet the 120% of height setback requirement), but that would result in a less efficient tower providing lesser service.

Mr. Pierson also stated that the facility would meet both Federal and State emissions standards, with NJ's standards being 5x more stringent than the Federal. Antennas are replaced every 7-10 years. The equipment will rely on battery backup; there will be no generator.

The Chairman opened the hearing for individual who wished to question Mr. Pierson. No member of the public wished to question Mr. Pierson.

Attorney Purcell presented Mr. Kronk as a witness. Mr. Kronk was accepted by the Board as an expert in the field of professional planning. He stated that there were 17 temporary towers (same

design as proposed) during Superstorm Sandy and they all withstood the storm. He testified that the 28.8 acre property is in the P Zone District, and recited property conditions and the surrounding area, noting the existing 68' setback and that the proposed 135.8' setback, while still non-conforming, offered a chance to mitigate this condition.

With regard to the setback variance, he offered c2 proofs, referencing MLUL Purpose "a" (public health, safety, and general welfare) to satisfy the positive criteria. He testified that there was no significant detrimental impact, either to neighboring properties or to the zoning scheme. He noted that what is proposed is not as non-conforming as what currently exists, the site was strategically chosen to minimize disturbance and setback encroachments. Although needing a variance, the full tower height is exceeded by the setbacks to both the property line and the Lane-Voorhees house.

With regard to the fence height variance of 11' proposed where a maximum of 8' is allowed, Mr. Kronk testified that purpose "I" (desirable visual impact) was satisfied by the application; applicants will use a board on board fence, and the height is needed to adequately shield the equipment cabinets, which will be up to 6' 2" in height. The fence itself will be 8', but the 3' base gives it a height of 11'. He testified that there are likewise no significant detriments posed by the fence.

He testified that all other locations on the property would be worse or not available, as a consequence of deed restrictions, utility rights-of-way, and wetlands. The closest residential structure is 420' away.

The Chairman opened the hearing to the public for questions of Mr. Kronk. No member of the public specifically questioned Mr. Kronk.

The public was next offered the opportunity to comment on the Application. No member of the public wished to comment on the application.

The Board deliberated, reviewed the professional reports and testimony and agreed that granting the requested c2 setback variance, 157.2' required, 135.8' proposed and fence height where 8' max. is permitted and 11' height is proposed. The Board determined that granting of these variances are appropriate. The Board finds that the benefits of the variances outweigh any detriments and that the setback variance partially mitigates an existing non-conformity. The fence variance is necessary to provide adequate screening of the equipment cabinets, so both variances are in furtherance of essential wireless services, and can be granted without creating any undue burden or detriment to either neighboring properties or to the overall Township zoning plan. The Board concluded that application is well-sited, and will not result in any soil disturbance, and any effects on the Lane-Voorhees house would be negligible.

The Chair asked the Board for a vote regarding the application of New York SMSA Limited Partnership d/b/a Verizon Wireless and New Cingular Wireless PCS, LLC for preliminary and final major site plan approval with c2 variance. The Board motioned that relief be granted subject to the following conditions so long as the terms of the Board's approval are to be strictly in accordance with the plans, testimony and representations presented at the public hearing and in writing.

- The applicants should comply with the Board's professional review reports, revised as reflected in the testimony of the applicants' witnesses.
- The Board's attorney emphasized that, according to Code, approval shall run three years from the date of memorialization of this Resolution until July 14, 2023, at which time applicants shall have either have removed the subject facility or returned to the Board for further relief as warranted.
- The applicants shall post a financial guarantee to secure the removal of the facility, the form and amount of which is left to the Township in its capacity as landlord.
- The area where the tower will be situated is to be returned to its original status once the temporary tower is decommissioned and removed.
- If the proposed facility is no longer in service, the entire apparatus is to be removed within 60 days of non-use.
- The applicants shall convert the proposed chain link fence to a board on board fence. The concrete base of the facility shall be painted to match the board on board fence.

The Chairman asked for a Motion from the Board.

Motion for approval of application by Mayor Moench and second by Ms. Powers

AFFIRMATIVE: Mr. Wang, Mayor Moench, Chairman Fross, Councilman Kirsh, Ms. Powers, Mr. Vescio, Mr. Magura, Mr. Giurlandom Urvin Pandya

ABSENT: Mr. Pappas, Patricia Casamento

DENIAL: None

NOT ELIGIBLE: None

**8. 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. Please note that in accordance with the Municipal Land Use Law and Case Law, any questions or comments about a pending application must be made in the hearing on that specific application.

There were no members of the public who wished to address the Board.

**9. OTHER BOARD BUSINESS:**

None

**10. EXECUTIVE SESSION:**

None

**11. ADJOURNMENT:**

The meeting was adjourned at approximately 10:30 pm