

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Virtual Online Meeting
Tuesday, July 21, 2020
—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Sweeney called the Virtual Online Meeting to order at 7:30 pm

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/1487412609> into your browser. **This method allows listening & participation*

Please note: You may also join via telephone: Dial: +1(646)-357-3664, Webinar ID: 1487412609 ** telephone access allows only listening and not participation.* If you would like to make a comment, text 1(908) 912-4247 with name, contact information and comment for the Board and it will read into the record.

2. 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 June 25, 2020 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 at 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. 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:

| | |
|--------------------------|-------------------------|
| Donald Sweeney- present | Jeff Foose - present |
| Evans Humenick- present | Daniel Ahern- present |
| John Fallone - present | Donna Kelly - absent |
| Dawn Guttschall- present | Andrew Fresco - present |
| Pushpavati Amin- present | Gary Laspisa - present |
| James Weideli - present | |

Others present: Attorney Steven Warner, Esq., Planner Scarlett Doyle, PP, Engineer William Burr, IV, PE

5. MINUTES FOR APPROVAL:

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| November 20, 2018 Regular Meeting (pending) | August 6, 2019 Regular Meeting (pending) |
| August 20, 2019 Regular Meeting(pending) | September 17, 2019 Regular Meeting(pending) |
| November 19, 2019 Regular Meeting (pending) | December 17, 2019 Regular Meeting(pending) |
| January 21, Regular & Reorg Meeting(pending) | February 18, 2020 Regular Meeting (pending) |
| June 16, 2020 Virtual Meeting (pending) | July 7, 2020 Virtual Meeting (pending) |

6. MEMORIALIZING RESOLUTIONS:

None

7. HEARING AND DELIBERATIONS:

V.F.V. PROPERTIES, INC. - 31 ARDMAER DR and V.F.V. PROPERTIES, INC. - 33 ARDMAER DR

Block 140 Lot 5.01 -31 Ardmaer Drive
#20-014-ZB- VARIANCE

Block 140 Lot 5 - 33 Ardmaer Drive
#20-015-ZB- VARIANCE

John J. Sullivan, Jr., Esq., of Vastola & Sullivan, represented the applicant, who is the contract purchaser of both lots. Attorney Sullivan advised that the property consists of two lots that were created by subdivision in 1986. The property consists of Lot 5 and 5.01, both of which are located on the southerly side of Ardmaer Drive, near the intersection of Oak Street, in the R-10, Single-Family Residential Zone. Lot 5 consists of 10,356 square feet and Lot 5.01 consists of 11,147 square feet. Both lots were created by subdivision approval in 1986 and have pre-existing nonconforming interior lot widths of 50.90 feet, whereas a minimum lot width of 100 feet is required for each lot. The applicant proposes to raze the existing two-family dwelling on the property and to construct a new single-family dwelling on each of the two lots.

The applicant's proposal was shown on Engineering plans prepared by Robert Gazzale, P.E, L.S., dated March 17, 2020, consisting of three sheets and Architectural plans prepared by Roger C. Winkle, R.A., dated March 11, 2020. The applicant also submitted a Map of Survey prepared by Stephen M. Fisk, L.S., dated January 21, 2020 consisting of one sheet.

He advised that the lots are fully conforming, except as to the lot width. He stated that the existing two-family dwelling located on the property is in violation of the single-family zone and straddles both lots. It is in poor condition. The applicant's proposal requires variance relief for the proposed side, and combined side-yard setback deviations.

The following variances are requested for Lot 5 (33 Ardmaer Drive):

1. A proposed side-yard setback of 9.8 feet to the principal structure, whereas the minimum required side-yard setback is 15 feet in the R-10 Residential Zone District, pursuant to Section 126-325 and Attachment 1 of the Land Use Ordinance
2. A proposed combined side-yard setback of 19.8 feet, whereas the minimum required combined side-yard setback is 40 feet in the R-10 Residential Zone District, pursuant to Section 126-325 and Attachment 1 of the Land Use Ordinance

The following variances are requested for Lot 5.01 (31 Ardmaer Drive):

1. A proposed side-yard setback of 7.8 feet to the principal structure, whereas the minimum required side-yard setback is 15 feet in the R-10 Residential Zone District, pursuant to Section 126-325 and Attachment 1 of the Land Use Ordinance
2. A proposed combined side-yard setback of 19.8 feet, whereas the minimum required combined side-yard setback is 40 feet in the R-10 Residential Zone District, pursuant to Section 126-325 and Attachment 1 of the Land Use Ordinance

Roger C. Winkle, R.A., was sworn, provided his qualifications, and was accepted by the Board as an expert in the field of architecture. Referencing the architectural plans submitted with the application materials, Mr. Winkle testified that the first floors of both of the proposed dwellings are substantially similar in that the dimensions of the dwellings are 28 feet wide by 55.75 feet deep (1,122 square feet of usable space), include a two-car attached garage, and entry through a covered porch. Both dwellings will have a vestibule, parlor, dining room, kitchen/dinette, family room, mudroom, and powder room, as well as a rear door that leads to a platform that steps down to the rear yard.

Mr. Winkle testified that second floor of each of the proposed dwellings includes a switchback staircase, three bedrooms, one bathroom, a laundry room, and a master bedroom suite with a master bath and walk in closet. He explained that the dwelling on Lot 5.01 consists of 2,600 square feet and Lot 5 consists of 2,586 square feet. Mr. Winkle further explained that the slight difference between the proposed dwellings has to do with the sizes of the proposed porches. Mr. Winkle testified that both dwellings will include stone and vinyl siding, but the dwelling on Lot 5.01 will have a slightly different gable.

On questioning as to whether the dwellings depicted in the plans submitted by the applicant, Mr. Winkle introduced into evidence, as **Exhibit A-1**, a revised version of the elevations for Lot 5.01, and stipulated that the proposed dwelling would be constructed in accordance therewith. Mr. Winkle described modifications that were

made to the elevations for Lot 5 and stipulated, as a condition of approval, to submitting a revised architectural drawing depicting the dwelling. He stated that the dwelling on Lot 5 would be constructed in accordance with the architectural drawing being submitted.

On discussion of Ms. Doyle's July 11, 2020 Review Memorandum, specifically Comment 4 regarding reducing the magnitude of the setback deviations, Mr. Winkle testified that the applicant could not reduce the size of the dwellings because the width of the dwellings is already only 28 feet and, if it were reduced even by one foot on each side, the garage would not be able to accommodate two cars, the porch/vestibule would be narrower, all of the bedrooms would be reduced in size, and the overall functionality of the dwellings would be reduced.

Craig W. Stires, P.E. was sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of civil engineering. Mr. Stires testified that the property is located in Bradley Gardens between Oak Street and Linden Street, which is a neighborhood in transition. He explained that many of the cottages and bungalows that previously existed had been demolished and replaced with more modern dwellings similar to what the applicant is proposing. Mr. Stires stated that most of the lots in the neighborhood are 50 feet wide and are improved with dwellings between 32 and 34 feet wide. He further stated that the average side-yard setback is 8 feet and combined side-yard setback is 16 feet and opined that the applicant's proposal is consistent therewith. Mr. Stires further stated that if the size of the proposed dwellings was reduced, the dwellings would be smaller than the average dwelling in the neighborhood.

The Board reviewed reports for each of the lots and considered them collectively: A report from the Township Planner, Scarlett Doyle, P.P., dated July 11, 2020; and a report from the Township Engineer, William H. Burr, IV, P.E., dated July 16, 2020. The Planner, Scarlett Doyle, P.P., and the Engineer, William H. Burr, IV, P.E., both were sworn.

Regarding the July 11, 2020 review letter, the applicant agreed, as a condition of approval, to complying with the comments and recommendations set forth therein. On discussion of Comment 3, regarding whether the two lots merge into one lot because they are under common ownership, the Board Attorney advised, and the applicant's Attorney agreed, that the lots would not merge because the lots were created by subdivision approval, which is an exception to the merger doctrine. On discussion of Comment 9, regarding the installation of sidewalks along Ardmaer Drive, Mr. Stires stated that Ardmaer does not currently have sidewalks, and that the applicant will instead make the proportionate contribution to the sidewalk fund. On discussion of Comments 11 and 12, regarding utilities and underground storage tanks, Mr. Stires testified that Lot 5.01 will have above-ground utilities because the existing utility pole is located in front of it, while Lot 5 will have underground utilities because the existing utilities will be relocated and a new line will be installed. Mr. Stires stated that the applicant had searched for underground storage tanks and old septic tanks, but did not discover any such underground tanks. The applicant stipulated, as a condition of approval, to submitting the report regarding same to the Township Engineering Department.

Regarding the July 16, 2020 letter prepared by Mr. Burr, the applicant stipulated, as a condition of approval, to complying with the requirements and recommendations set forth therein with the caveat that, as to Comment 3 regarding milling and resurfacing, the applicant would be permitted to make repairs to the pavement in front of the property using infrared technology, but that if the results were not acceptable to the Township Engineer, there would be the requirement of milling and resurfacing the entire pavement width along the frontage of the property.

Mr. Burr questioned whether the grading of Lot 5 would encroach into the existing easement and advised that the applicant should do a title search to see if the easement contained any restrictions. Mr. Sullivan advised that a title search had been done and that the easement consisted of a single sentence setting forth the existence of said easement and included no other obligations or restrictions that would prohibit the proposed grading. On questioning, Mr. Stires testified that the applicant could construct both dwellings simultaneously or each dwelling separately, but anticipated that the construction of both dwellings would be done simultaneously.

Robert V. Kiser, P.P., was sworn, provided his qualifications, and was accepted by the Board as an expert in the field of professional planning. Mr. Kiser provided an overview of the neighborhood and summarized the requested relief.

Mr. Kiser also stated that the neighborhood is located in a neighborhood in transition, because some of the existing residences consist of one-story bungalows and others have been renovated and expanded. He testified that, as a result of the narrow nonconforming lot sizes in the Bradley Gardens neighborhood, the applicant's proposal requires variance relief for a side-yard setback and combined side-yard setback deviation on each of the lots. Mr. Kiser believed that the proposed dwellings are consistent with other dwellings on nearby lots, particularly since the proposed dwellings on Lots 5 and 5.01 will have a width of 28 feet, whereas most of the dwellings in the neighborhood have widths ranging between 30 and 34 feet. He further opined that the style of the dwellings – two-

story single-family residential dwellings – is consistent with the other dwellings on the neighborhood since there are three other two-story dwellings in the immediate area, one of which was recently completed.

Mr. Kiser stated that the requested relief for the nonconforming side- and combined side-yard setback deviations can be granted pursuant to N.J.S.A. 40:55D-70(c)(1) and (c)(2). As to the positive criteria, he contended that the strict application of the zoning regulations will result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, the applicant due to the extraordinary situation uniquely affecting the property. Here, the lots are exceptionally narrow and, due to the configuration of the adjacent lots and dwellings, the applicant cannot construct the proposed dwellings in accordance with the bulk requirements and forcing the applicant to do so would result in an undue hardship incurred by the applicant that would not be self-created by the applicant. Mr. Kiser advised that there are no adjacent lots that can be purchased to bring the property closer to conformity as both adjacent lots are also improved with dwellings.

Regarding the positive criteria, Mr. Kiser opined that the proposal advances the purposes set forth in the MLUL and that the benefits of the proposal substantially outweigh the detriments associated therewith. He explained that the applicant's proposal will promote the general welfare, provide adequate light, air and open space, and promote a desirable visual environment, particularly given the proposed razing of the existing dilapidated dwelling. Mr. Kiser further explained that the proposal will eliminate a nonconforming use (the existing two-family dwelling) and a nonconforming structure (straddling two separate building lots), and replace same with two smaller dwellings, each of which will be on its own separate building lot, all of which will be more consistent with the neighborhood.

Regarding the negative criteria required for the applicant to demonstrate an entitlement to the requested relief, Mr. Kiser stated that the applicant had demonstrated that the proposal will not result in substantial detriment to the public good or substantial impairment of the Master Plan and Zoning Ordinance. He explained that the impact on the neighborhood will be positive, rather than negative, because the proposal will improve the housing stock, make the property more aesthetically pleasing, and generally render the lots more consistent with the neighborhood. Mr. Kiser testified that the proposal will not impair the Master Plan or Zoning Ordinance particularly, since the proposal eliminates a nonconforming use and a nonconforming structure, as aforesaid.

On questioning, Mr. Stires testified that the proposed front-yard setback of the proposed dwellings also will be consistent with the neighborhood, since the average front-yard setback in the neighborhood is approximately 31'

Chairman Sweeney opened the meeting to the public for comments or objections. No member of the public commented on, or objected to, the applicant's proposal.

After reviewing the evidence submitted, the Board, by a vote of 7 to 0, voted that the applicant satisfied its burden of proving an entitlement to the requested side-yard, and combined side-yard, setback variance relief, under both of the alternative bases set forth in N.J.S.A. 40:55D-70(c)(1) and (c)(2), as to both Lots 5 and 5.01.

The Board discussed conditions that would be needed if the application were to be approved. These are:

- The applicant shall submit a revised architectural plan/rendering for the proposed dwelling on Lot 5 (33 Ardmaer Drive) in accordance with the testimony provided by the applicant's architect, and both dwellings shall be constructed in accordance with the details set forth on the plans and presented to the Board at the public hearing, without increasing any elements of the proposed design, same to be subject to the review and approval of the Township Engineering Department
- The applicant shall revise the grading plans to include a note stating that all roof leaders shall be directed to drain away from adjacent properties, and same shall be subject to the review and approval of the Township Engineering Department
- As to Comment 3 of Mr. Burr's July 16, 2020 Review Memorandum, the applicant shall be permitted to make repairs to the pavement in front of the property using infrared technology, but if the quality of said repairs are not acceptable to the Township Engineer, the applicant shall be required to mill and resurface the entire pavement width along the frontage of the property, same to be subject to the review and approval of the Township Engineering Department;
- The applicant shall submit a tree removal and replacement plan and same shall be subject to the review and approval of the Township Engineering Department and same shall include six (6) green giant arborvitae (a minimum of 6 feet in height) in the rear yard area, along the easterly property line of Lot 5.01 and the westerly property line of Lot 5. The applicant shall revise the plans to include the perimeter buffer and said improvements shall be bonded, all of which shall be subject to the review and approval of the Township Engineering Department and Township Planner

- The applicant shall post a bond for two street trees on each of the lots and the species of same shall be shown on the revised plans. The trees shall be installed at least 3 feet inside the property line. Installation details (2.5” to 3” caliper trees, species, and setback) shall also be provided to include:
 - The top 1/3 of any wire baskets shall be removed in addition to cutting wire bands on the remaining 2/3 of the ball;
 - Burlap shall be removed from the top 1/3 of the root ball;
 - All srings shall be removed from the top 1/3 of the root ball;
 - The preparation hole for plant installation shall be at least twice the diameter of the entire root ball;
 - All trees shall have one central leader;
 - Trees shall be ‘heavy’ and shall not be pruned, except by specific approval of the Township Planner;
 - Trees of 2.5” caliper shall be cedar staked with plastic guy ties and the applicant shall provide a detail of same;
 - Hole backfill preparation shall be one part peat moss, one part existing soil, and three parts topsoil;
 - The notation shall state that the root ball shall be placed on “a 2 inch mound of compacted backfill mixture”;
 - Root balls shall be placed flush with grade, but may be higher in poorly drained soil; and
 - Notation shall state that no mulch shall touch any portion of the tree;
- The applicant shall make contributions to the municipal sidewalk fund for each of the lots; The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;

The Chairman asked for a motion of the Board. Motion for approval of *both* applications by single vote was made by Mr. Weideli and second by Ms. Guttschall

AFFIRMATIVE: Mr. Sweeney, Mr. Humenick, Mr. Fallone, Ms. Guttschall, Mrs. Amin, Mr. Weideli, Mr. Foose

ABSENT: Ms. Kelly,

NOT ELIGIBLE: Mr. Ahern, Mr. Fresco, Mr. Laspisa

DENIED: None

T-MOBILE NORTHEAST, LLC - 1222 Washington Valley Rd

Block 623 Lot 12

#20-011-ZB- VARIANCE

Edward Purcell, Esq. of Price Meese Shulman & D’Arminio, appeared on behalf of the applicant. Mr. Purcell summarized the application, noting that the applicant is seeks preliminary and final major site plan approval, with variance relief for the construction of a 125-foot high temporary ballast mount cellular communication tower on property known as Block 623, Lot 12, located at 1222 Washington Valley Road. The existing T-Mobile telecommunications facilities are currently located on an existing PSE&G utility tower, which PSE&G proposes to be replaced. He indicated that T-Mobile is directed to relocate their equipment off the PSE&G tower by January 1, 2020. The duration that it will take PSE&G to decommission the existing tower and erect a new one is estimated to be approximately two years. After that, the T-Mobile’s equipment will be removed from the proposed temporary tower to a permanent location on the PSE&G replacement tower. Mr. Purcell mentioned that the Planning Board recently approved a similar temporary tower, and that the Planning Board approval included a three-year sunset provision so that, after a period of three years, the temporary tower would be required to be removed in the absence of further Planning Board approval. This relocation will involve another application to the Zoning Board in the future.

He stated that the applicant’s proposal will require a d(1) use, a d(6) height and bulk variance. He gave an opinion that, under the FCC guidelines, it is unlawful for municipalities to essentially prohibit wireless telecommunication service by creating gaps in service or significantly inhibiting the provision of cellular service.

The Board discussed the requested Checklist waivers. Mr. Burr testified that he had no objection to any of the waivers. Ms. Doyle concurred and explained that the waivers were granted for completeness purposes, and the Board deemed the application complete in its holding of the public hearing, but that any information the Board needs to render an informed decision will be required.

On being questioned about permitted uses and zoning of the tract and area, Mr. Purcell stated that wireless telecommunications facilities are considered conditional uses in non-residential zones, but are prohibited uses in

residential zones. Since the property is in the R-50 Residential Zone, the applicant must seek a d(1) use variance relief. A d(6) height variance for a proposed temporary wireless communications facility having a height of 125 feet, where the existing wireless communications facility is 119 feet, and the maximum permitted structure height in the R-50 Zone is 35 feet, pursuant to Section 126-325 of the Ordinance. The application requires a bulk variance for the proposed setbacks of the temporary wireless communications facility support structure from the property lines of 44.1 feet and 77.6 feet. A wireless communications facility support structure must be set back from the nearest property line at least 120% of the tower height (150 feet).

The application requires a variance for a chain link fence with a height of 9'2", which includes a 3' high ballast and a 1'4" stabilizer stand. The maximum permitted fence height in the R-50 Zone is 8 feet.

Scarlett Doyle, P.P., the Township Planner and William Burr, P.E., the Acting Township Engineer, were sworn.

Joshua Cottrell, P.E., of French & Parrello Associates, was sworn and was accepted by the Board as an expert in the field of civil engineering who introduced the following exhibits:

Exhibits A-1 through **A-15**, - fifteen sheets of the Site Plan, last revised June 15, 2020.

Mr. Cottrell described Sheet 1 of Exhibit A-1, which is the existing conditions. He testified that the property is located as 1222 Washington Valley Road between Roger Avenue to the northwest, Brown Road to the southeast, and Papen Road to the south. The property is adjacent to a PSE&G right-of-way located on adjacent Lot 13. Mr. Cottrell described the lot as being long and narrow, with 142 feet of frontage that tapers to a width of just 70 feet.

A Board member expressed concern over the visual impact of the tower, particularly since the general area is residential in character. Mr. Cottrell explained that the proposed temporary replacement tower will be installed at the rear of the existing parking lot of the existing Fire Company building, which will screen the view of the proposed tower from Washington Valley Road.

Mr. Cottrell then testified on Sheet 2, Exhibit A-2, showing that the property is contains steep slopes. He showed the Board Sheet 7, testifying that the proposed tower is being positioned on a flat portion of the property where the slopes have a grade of only 0% to 10%.

The Board questioned whether or not PSE&G is willing to allow T-Mobile to relocate on their tower. Mr. Cottrell explained that, PSE&G provided a letter dated June 19, 2020, which indicates that it will provide sufficient space on the replacement pole for T-Mobile to relocate its equipment.

On being asked whether T-Mobile had sent a reciprocal letter to the Township confirming that it was definitely their intent to relocate onto the new PSE&G tower, Mr. Purcell stated that such a letter had not been sent yet, but he represented to the Board that it is the applicant's intent to relocate the wireless facilities onto the PSE&G tower once the tower is replaced.

After discussion, the applicant stipulated, as a condition of approval, to a sunset provision such that, after three (3) years, the approval will no longer be valid, and the temporary tower will have to be removed unless the Board provides the applicant further relief.

Mr. Purcell added that PSE&G's application is still pending, so he cannot provide specific information as to the proposed height of the replacement tower or the height at which the antennas will be located when T-Mobile desires to relocate its equipment. The applicant agreed to return to the Board for additional approval when the replacement PSE&G tower is nearly complete, so that the T-Mobile's equipment can be relocated on the new tower.

Mr. Cottrell reviewed Sheet 3, Exhibit A-3, and described the temporary tower which is a monopole connected to a steel frame that will sit at on the ground, at grade. He explained that the frame will not be drilled into the ground, but that a counterweight will be used to ensure the tower is not affected by wind. The steel frame is 20 feet by 20 feet, consisting of concrete blocks (ballast), and a security fence will be placed on top of the perimeter of the frame. The equipment cabinet will be located within the fenced portion of the steel frame. Mr. Cottrell testified that the applicant had conducted a geotechnical evaluation, and tested the soil at a depth of 80 feet, to confirm that the proposed location is appropriate for the placement of this temporary tower.

The distance between the existing fire company building and PSE&G's electrical transmission lines was raised as an issue for testimony. Mr. Cottrell testified that the center of the tower is 75 feet from the closest part of the Fire Company's building, and 30 feet from on-site PSE&G electrical distribution lines. He again noted that the height of the proposed cell tower is 125 feet. Mr. Cottrell testified that the nearest residential properties to the tower are Lot 14, to the northwest, which is 330 feet from the center of the tower to the residential structure on the lot, and Lot 11, to the southwest, which is 318 feet from the center of the tower to the residential structure on that lot. He clarified that the distance between the tower and the property line of Lot 11 is 80 feet. Mr. Cottrell testified that Lot 10 is also a residential lot within the fall zone and that the property line of Lot 10 is 77.6 feet from the tower.

The Board asked if the replacement tower will allow for other carriers to co-locate with the T-Mobile

equipment, Mr. Purcell stated that the ability to co-locate will depend on the capacity of the tower.

Mr. Cottrell testified, using Sheet 3 of the site plan. He showed locations where T-Mobile proposes one radio cabinet and a power cabinet with an electrical panel. He explained that the cables will be contained within the temporary monopole. He added that a 6" crushed stone base is proposed for leveling purposes, but aside from that, no excavation is proposed, and the only utility connection required is electric which will come from an overhead utility pole.

Responding to the Board's professional reports, he testified that there will be a work light inside the fence, and that the light will be downward-directed and will automatically shut off after a certain number of hours if it is not manually turned off. As for maintenance, he explained that maintenance takes place approximately once every four to six weeks, The T-Mobile technician will use the existing parking area to park any necessary vehicles. Parking vehicles in the rear of the parking lot will not impact the Fire Company's operations.

In response to Board questions regarding signage and other site improvements, Mr. Cottrell explained that there will be a site identification sign on the fence gate which identifies the site and provides emergency contact information. The signage required by the FCC will also be installed. Mr. Cottrell testified that the applicant does not propose to install a generator and that tree removal to construct the tower will not be needed.

Mr. Cottrell stated that the temporary tower will be constructed before to the removal of the existing equipment from the PSE&G tower. Once the temporary T-Mobile tower is constructed, the equipment will be relocated to that tower. The equipment will remain on the temporary tower until PSE&G completes the replacement of the existing tower and T-Mobile will transfer its equipment to the permanent PSE&G tower as soon as the replacement tower is completed, noting that although the temporary tower can be constructed within two (2) days, the relocation will be contingent on PSE&G and the removal and replacement of the wireless facilities onto the temporary tower.

Mr. Cottrell testified that the fence on the ballast frame will have a locking gate and that the equipment cabinets are also locked. He explained that the tower will be remotely monitored and will send out an alert message if there is unauthorized activity on the site. Hel stated that security cameras are not necessary or proposed.

With regard to snow removal, he said that the Fire Company will likely take care of snow removal on the parking lot, but if not, the T-Mobile technicians generally have sport utility vehicles and can travel through the snow without issue.

The Chairman raised the matter of the comments made by Mr. Mills' and Mr. Burr's Engineering Report dated July 15, 2020. The applicant agreed, as a condition of approval, to comply with the comments and recommendations set forth in the Engineering report. The applicant stipulated that, if the relocation of the equipment can be completed sooner, it will be, and the temporary tower will be removed within 60 days of the installation of the equipment onto the replacement tower.

On question whether there are any risks associated with the location of the temporary tower such that it is within 100 feet of the PSE&G electrical transmission wires, Mr. Cottrell testified that the electrical wires are much higher than the tower and, even if the tower were to fall in that direction, these wires would not be damaged. It was noted that the location of the Fire Company's building is approximately 75 feet from the 125 feet high tower. Mr. Cottrell testified that the towers are designed in accordance with building code and that the applicant exceeds the standard procedures set forth for a temporary tower location. In particular, the applicant tested the soil at 80 feet below grade and is proposing to construct a foundation that is more than two (2) times greater than what is required.

Since the tower is not proposed to be utilized at maximum capacity, there is a further reduction in the likelihood of a tower failure.

The Board asked how the tower base would be secured to the ground, particularly since no foundation is being proposed. Mr. Cottrell testified that the foundation consists of a steel ballast frame with 100,000 pounds of concrete block that serves as a counterbalance to prevent the tower from tipping over. He added that the applicant had submitted a structural report from Vantor Engineering dated May 9, 2020 which demonstrated that the proposed tower will comply with all applicable codes and legal requirements. He testified that the tower will be designed to withstand 115 mile per hour wind gusts. Mr. Burr requested that the applicant provide the geotechnical and soil investigation reports and the applicant stipulated to this. He requested that the applicant coordinate with the fire company to ensure that the proposed temporary tower will not disturb any existing septic or sanitary sewer laterals in the rear of the property, and the applicant stipulated to do this as a condition of approval.

The Chairman also discussed the June 23, 2020 Review Memorandum prepared by Ms. Doyle. The applicant agreed to comply with the comments and recommendations in this review memorandum, except as to Comments 11 and 13, Mr. Cottrell stated that the applicant was seeking a waiver from the landscaping requirements since the tower is only temporary and any such landscaping will look out of place once the tower is removed. After Board discussion on the request, the applicant stipulated to installing a solid board-on-board fence, rather than a chain link

fence. The applicant also agreed to paint the concrete ballast the same color as the proposed fence in order to mitigate any negative impacts on the aesthetics of the property. The applicant agreed that any proposed screening, whether fencing or landscaping, would be installed in accordance with the recommendations of Ms. Doyle.

Ms. Doyle requested that the applicant submit any required contributions to the Affordable Housing Fund and the applicant agreed to this.

The Chairman opened the meeting to the public for comment or objections.

David and Maureen Roper, who live at 1202 Washington Valley Road, questioned the impact the proposed temporary tower would have on their property. Mr. Cottrell stated that the tower would not generate sound levels any louder than a refrigerator and will comply with sound level requirements. He also stated that the construction of the tower will be quick and that there will not be any trucks entering the residential lot or any other lot during construction.

Dave Collins of Pinnacle Telecom, was sworn and provided his qualifications. He was accepted as an expert in the field of FCC compliance (EMF), with a specialty in radio frequency (“RF”) emission controls. Mr. Collins explained that there is no licensure requirement for his expertise. Mr. Collins introduced into evidence, as **Exhibit A-17**, the RF compliance report he prepared dated September 27, 2019.

Mr. Collins testified from Exhibit A-17. He noted that the FCC sets the maximum permissible limits of exposure to RF, as well as establishes the calculation to determine projected levels of RF exposure. He explained that New Jersey also has RF exposure regulations, but that they are five times less stringent than the FCC’s requirements. Mr. Collins testified that the applicant provided transmission data and that information is inputted into the FCC’s calculation guidelines. The result of the calculation is a percentage of the RF levels permitted if the percentage is 100%, the RF levels are at their maximum and if the percentage is under 100%. The RF levels are within the permissible limits of exposure. Mr. Collins confirmed that there are no other wireless telecommunication facilities in the area that would generate additional RF emissions. He concluded that the maximum calculated RF level from the proposed antenna operations at the site is 0.4193 percent of the FCC general population Maximum Permissible Exposure (“MPE”) limit. In other words, he stated that the worst-case calculated RF level is more than 235 times below the federal governments maximum level limit and, correspondingly, more than 1,175 times below the limit in the New Jersey Radiation Protection Act maximum permitted level.

Mr. Warner asked if there were any other facilities in the area that needed to be included in the calculations. Mr. Collins stated that there were none that would affect the maximum.

The Chairman opened the meeting for questions of Mr. Collins. There were no questions from the public.

Due to the lateness of the hour, the application was carried to the date of August 4, 2020 for a Zoning Board virtual meeting, with no further notice required. Mr. Purcell agreed to an extension of time to act if that is needed.

8. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to make a comment to 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:

There was no other Board business

10. EXECUTIVE SESSION:

There was no Executive Session

11. ADJOURNMENT:

The meeting was adjourned at approximately 10:40 pm