

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Virtual Online Meeting
Tuesday, March 16, 2021
—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Foose called the Virtual Online meeting to order at 7:30 pm.

2. OPEN PUBLIC MEETING ANNOUNCEMENT:

Both adequate and electronic notice of this meeting specifying the time, place and manner in which such notice was provided in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, and recently enacted Emergency Remote Meeting Protocols for Local Public Bodies, N.J.A.C. 5:39-1, et seq. Specifically, on **January 13, 2021** 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. Public meetings are held with participants at remote locations, connected by conferencing software provided by RingCentral.com. Members of the public are invited to attend and participate in live meetings either by using the RingCentral client, which allows audio and video participation, or by phoning into a meeting for audio only participation. The required access information is provided in the notice, as well as set forth on the agenda. The procedures and requirements for making public comment are as follows: Attendees are admitted to meetings via the waiting room and microphones are muted until enabled by the host. Members of the public may participate in meetings at certain designated times as announced by the Board Chair. Members of the public will be allowed to address applicants and their experts, ask questions and/or make comments as appropriate once recognized to do so. Attendees may request to be heard by 'raising a hand', either physically or virtually. Regulation of conduct by members of the public on the remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting. Specifically, if a member of the public becomes disruptive during any period for public comment, the member of the public shall be muted and warned that continued disruption may result in him or her being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity. A member of the public who continues to act in a disruptive manner after receiving a warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make their comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting. Please be aware of the Zoning Board of Adjustment 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.

3. SALUTE TO FLAG:

4. ROLL CALL:

Jeff Foose - present
James Weideli - present
John Fallone - **absent**
Dawn Guttschall- **absent**
Pushpavati Amin-present

Donald Sweeney -present
Bruce Bongiorno-present
Kevin Wrobel - present
Andrew Fresco -present
Gary La Spisa - present

Others present: Board Attorney Mr. Steven Warner, Esq., Board Engineer Mr. William Burr, IV, PE., Board Planner Ms. Scarlett Doyle, PP., RF Expert Engineer Mr. Hank Menkes, and Land Use Coordinator Ms. Zuzana Karas.

5. MINUTE(S) FOR APPROVAL:

December 1st, 2020 Meeting Minutes:

Chairman Foose asked the Board if any comments/changes were to be made to the minutes from the December 1st, 2020 Zoning Board meeting. Some comments/changes were made by the board members.

The Chairman asked the Board for a motion and a second to approve the December 1st, 2020 meeting minutes with the amended changes.

Roll Call Vote:

Motion of approval was made by Mr. Weideli with a second by Ms. Amin.

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Fresco, and Mr. La Spisa.

ABSENT: Mr. Fallone and Ms. Guttschall.

ABSTAIN: Mr. Wrobel and Mr. Bongiorno.

DENIAL: None.

6. MEMORIALIZING RESOLUTIONS:

**NY SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS & T-MOBILE
NORTHEAST LLC**

ROUTE 202/MOUNTAIN VIEW AVE

Block 483 Lot 20

**21-001-ZB- PRELIMINARY & FINAL MAJOR SITE PLAN WITH VARIANCE RELIEF/
PUBLIC UTILITY WITHIN WIRELESS COMMUNICATIONS ATTACHMENT**

The resolution listed was approved with some changes.

Roll Call Vote:

Motion of approval was made by Ms. Amin with a second by Mr. Weideli.

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Fresco, Mr. La Spisa, and Mr. Wrobel.

ABSENT: Mr. Fallone and Ms. Guttschall.

ABSTAIN: None.

DENIAL: None.

**NEW CINGULAR WIRELESS PCS, LLC (AT&T) - 4801 ROUTE 202/206 (BYRD
AVENUE)**

Block 483 Lot 20

21-005-ZB- Appointing an independent radiofrequency expert

The resolution listed was approved with no changes.

Roll Call Vote:

Motion for approval by Mr. La Spisa with a second by Mr. Weideli.

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Fresco, Mr. La Spisa, and Mr. Wrobel.

ABSENT: Mr. Fallone and Ms. Guttschall.

NOT ELIGIBLE: Mr. Bongiorno.

DENIED: None.

7. 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 were able to do so at that time. As noted, under the Municipal Land Use Law and case Law, any questions or comments about a pending application would have to be held until the hearing on that specific application.

No member of the public wished to address the Board.

Chairman Foose announced that application for Terreno Middlebrook LLC, would be carried to the Board's April 20th meeting with not further notice requirements.

8. HEARING AND DELIBERATIONS:

PRASUN MAITI - 4 AMSEL CT

Block 196.01 Lot 16

20-033-ZB- SIMPLE VARIANCE

The applicant Mr. Prasun Maiti appeared before the Board seeking variance relief, to construct a new 16'8" by 14'4" sunroom structure to the rear of the existing dwelling. A d(4) variance relief was applied for to exceed the permitted 35% Floor Area Ratio, and to also exceed the 35% permitted Improved Lot Coverage required in the R-20.1 zone. The applicant also requested variance relief for the proposed rear-yard setback of 15 feet, whereas the minimum required rear-yard setback is 25 feet.

The property, commonly known as 4 Amsel Court, is identified as Block 196.01, Lot 16 on the Tax Map. The lot is currently a conforming lot located in the R-20.1 Single-Family Affordable Residential Zone located on the bulb of a cul-de-sac.

The Board was supplied with Architectural Plans prepared by Cirangle Architects, and a Survey prepared by Mr. David C. Coleman, P.L.S., dated November 17, 1997. The Board received a Review Memorandum prepared by Ms. Scarlett Doyle, P.P., the Board Planner, and Mr. William H. Burr, I.V., P.E., the Board Engineer, dated March 11, 2021.

Board professionals Ms. Scarlett Doyle, P.P., and Mr. William H. Burr, IV, P.E., and the applicant Mr. Prasun Maiti were duly sworn according to law.

Mr. Maiti testified before the Board seeking approval to replace an existing 10 by 10-foot deck with a 16 by 14-foot sunroom. He explained that the sunroom would have a similar design as the existing deck and would be in character with the current neighborhood. Mr. Maiti testified that the sunroom would allow his family to enjoy the rear yard all year-round. During questioning, Mr. Maiti stipulated, as a condition of approval, that the exterior of the sunroom would be substantially similar to the architectural style and materials of the existing dwelling.

Mr. Brian Adams, a Senior Manager at Cirangle Architects, was duly sworn according to law. Mr. Adams clarified to the Board that he is not an architect. Mr. Adams described the proposed sunroom and testified that it would utilize materials similar to what's been used on the existing dwelling. He explained that the sunroom would be constructed on the existing raised deck and would not have a foundation. All areas under the sunroom would remain open.

Mr. Adams testified that the sunroom would have gutters and downspouts on both sides, which would be directed towards the right-of-way through PVC piping. During questioning, Mr. Maiti testified that he purchased the property about 15 years ago and has not improved the home since. Mr. Burr advised that the applicant's proposal constitutes a minor development and, therefore, the applicant would not be required to install any stormwater management. Mr. Adams estimated the height of the raised portion below the sunroom to be approximately four feet, with the height of the sunroom at approximately seven feet. The total height of the sunroom would be around eleven feet above grade.

Mr. Maiti explained that the sunroom would provide more sun and make the dwelling more functional. Ms. Doyle, the Board Planner, recognized that the testimony could be construed that the proposal would advance the purposes of the Municipal Land Use Law. Specifically, it would promote the general welfare and promote the establishment of appropriate population densities and the preservation of the environment.

No member of the public commented on or objected to, the applicant's proposal.

By a vote of 7 to 0, the Zoning Board of Adjustment granted a d(4) FAR, ILC, and rear-yard setback variance relief for the application filed on behalf of Mr. Prasun Maiti, subject to any stipulated and imposed conditions.

(Board member Ms. Amin lost connection to the meeting, but as confirmed by board attorney, Mr. Warner, she did hear the entirety of the application, being an eligible member to vote on the matter.)

Roll Call Vote:

Motion of approval was made by Mr. La Spisa with a second by Ms. Amin.

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Fresco, and Mr. Wrobel.

ABSENT: Mr. Fallone

ABSTAIN: None

DENIAL: None

NEW CINGULAR WIRELESS PCS, LLC (AT&T) - 4801 ROUTE 202/206 (BYRD AVENUE)

Block 483 Lot 20

**21-005-ZB- PUBLIC UTILITY WITH WIRELESS ATTACHMENTS – AMEND PRIOR APPROVAL
PRELIMINARY & FINAL SITE PLAN WITH C & D VARIANCES**

The applicant, New Cingular Wireless PCS, LLC appeared before the Bridgewater Township Zoning Board of Adjustment, seeking preliminary and final site plan approval for a temporary wireless communication facility location on a temporary monopole along with a permanent wireless communication facility located on top of the proposed relocated PSE&G electric transmission tower. Both the temporary and permanent facilities would be located within the same PSE&G easement. The proposed PSE&G tower is located on the existing wireless equipment facility enclosure would not have to be relocated.

The property consists of a PSE&G right-of-way along the northern side of Byrd Avenue in the R-40 Single-Family Residential Zone. The site is located on the westerly side of Route 202/206 and abuts the Center of Excellence and Thor property.

The temporary wireless communication facility, the Temporary Facility, would be on a ballast-mounted monopole, positioned at 92 feet in height. The assembly is reported to include six wireless antennas. The compound for the Temporary Facility would remain where it is currently located with no changes. New utility lines would be dug to connect the existing compound to the Temporary Facility. The applicant seeks subsection d(1) use, subsection d(6) height, and bulk variance relief for the insufficient distance between the fall zone and the property line and the tower compound/antenna. The applicant was seeking approval for the Temporary Facility for one year.

The permanent wireless communication platform, the Permanent Facility, would be located on a new, permanent PSE&G tower No. 23/2-1, which would have a height of 120 feet, with sixteen antennas mounted at an elevation of 130.3 feet. Utility lines also would be needed from the existing compound to the Permanent Facility. The applicant is seeking subsection d(1) use, subsection d(6) height, and bulk variance relief for an insufficient distance between the fall zone and the property line.

The applicant's proposal was depicted and described to the Board and Board professional(s) by the following documents: Preliminary and Final Site Plans for the Temporary Facility prepared by Ms. Colleen Connolly, P.E., dated November 30, 2020, last revised February 12, 2021, Preliminary and Final Site Plans for the Permanent Facility prepared by Ms. Colleen Connolly, P.E., dated September 24, 2020, last revised February 12, 2021, Site Plan for Roseland Switch to Branchburg Switch Transmission Project prepared by PSEG Services Corporation, dated September 4, 2019, unrevised, Photographic Simulations for the Temporary Facility prepared by Mr. Paul N. Ricci, P.P., A.I.C.P., dated January 28, 2021, unrevised, Photographic Simulations for the Permanent Facility prepared by Mr. Paul N. Ricci, P.P., A.I.C.P., dated July 31, 2020, unrevised, Antenna Site Conformity FCC RF Assessment and Report for the Temporary Facility prepared by Mr. Frequenz RF Technical Services, dated January 26, 2021, Antenna Site Conformity FCC RF Assessment and Report for the Permanent Facility prepared by Mr. Frequenz RF Technical Services, dated November 23, 2020, Structural Analysis Report for the Temporary Facility prepared by KM Consulting Engineers, Inc., dated January 26, 2021, Structural Analysis Report for the Permanent Facility prepared by Main Line Energy Consultants LLC, dated October 7, 2021, Alternate Sites Investigation prepared by Airosmith Development as of November 3, 2020, Comprehensive Radio Frequency Report prepared by Mr. Daniel Penesso, dated January 26, 2021, Environmental Impact Statement prepared by Mr. Paul N. Ricci, P.P., A.I.C.P., dated July 29, 2020, and Freshwater

Wetlands Letter of Interpretation: Line Verification from New Jersey Department of Environmental Protection, dated June 13, 2019.

The Board was also provided a Review Memorandum prepared by Ms. Scarlett Doyle, P.P., the Board Planner, and Mr. William H. Burr, IV, P.E., the Board Engineer, dated March 11, 2021.

Ms. Scarlett Doyle, P.P., the Township Planner, Mr. William Burr, P.E., the Acting Township Engineer, and Mr. Hank Menkes, the Board's retained independent Radio Frequency ("RF") Engineer, all were duly sworn according to law.

Mr. Christopher Quinn, Esq., of Pinilis Halpern, LLP, on behalf of the applicant, advised that the applicant was presenting both the Temporary Facility and the Permanent Facility development applications simultaneously. Mr. Quinn explained that Verizon and T-Mobile are located on the tower closest to Route 202/206 and that the applicant is located on the tower on the southwest, closer to I-287. He further explained that similar to the cases previously before the Board, the applicant's proposal is due to the replacement of the existing PSE&G transmission towers. Mr. Quinn advised that the applicant is only seeking a one-year approval for the Temporary Facility, which would be removed once the applicant can relocate back onto the PSE&G transmission tower. As stated, the replacement should take place by May 31, 2021, when PSE&G reenergizes its power lines.

Ms. Colleen Connolly, P.E., of Scherer Design Group, LLC, was duly sworn according to law, provided her qualifications, and was accepted by the Board as an expert in the field of civil engineering. Ms. Connolly introduced into evidence, as Exhibit A-1, the site plan for the Permanent Facility, last revised February 12, 2021. Referencing the exhibit, Ms. Connolly described the property and summarized the applicant's proposal. She explained that PSE&G had obtained approval from the Planning Board to replace their existing transmission towers with "Y" shaped towers, having a height of 120 feet. Ms. Connolly testified that the antennas would be mounted at the height of 128 feet, with a top height of 130.3 feet. She explained that the increased height of the antennas on the replacement tower is a function of PSE&G's design requirements, such that the antennas must be located above the conductor. In contrast, they were previously situated below the conductor.

Ms. Connolly testified that the replacement PSE&G tower is being shifted approximately 80 feet from its current location and is proposed to be moved closer to Route 287. She explained that the applicant could utilize the existing 16.2' by 30' enclosed equipment compound because the replacement tower is close enough to the existing tower. Ms. Connolly testified that there are wetlands in the vicinity of the PSE&G tower and the equipment compound. Therefore, an NJDEP permit is necessary for the proposed ground disturbance required in replacing the tower. She noted that the disturbance would be minimal and only consists of approximately 212 square feet, mainly relating to concrete piers which would support the facilities. Ms. Connolly confirmed that the applicant is not proposing any changes to the stormwater management facilities.

Ms. Connolly provided an overview of the requested relief for the Permanent Facility. She testified that the Permanent Facility requires a d(1) use variance relief, d(6) height variance relief for a proposed antenna top height of 130.3 feet, and bulk variance relief for a proposed fall zone setback of 36.1 feet. Ms. Connolly explained that PSE&G determines the location of the replacement tower and, therefore, the applicant has no control over the setbacks.

Ms. Connolly testified that the Permanent Facility would not be much different from the existing PSE&G tower. The equipment compound would continue to have three sets of floodlights with no changes to their location or orientation. She noted that the lighting would be on a 60-minute timer to ensure that lighting is shut off when not used. Ms. Connolly confirmed that no FAA lighting is required. She explained that the Permanent Facility will be monitored remotely and that the frequency of the maintenance visits to the site would not change. Ms. Connolly testified that access to the site would be by way of Byrd Avenue and a gravel driveway recently re-graveled by PSE&G. Ms. Connolly confirmed that no trees would be removed during this project, and no generator would be proposed. She also confirmed no anticipation for any change in the existing noise levels are expected.

Ms. Connolly introduced into evidence, as Exhibit A-2, a photograph of the utility compound with the surrounding chain-link fence with its green privacy slats. She explained that AT&T's equipment compound is also visible. Ms. Connolly introduced into evidence, as Exhibit A-3, a photograph of the existing AT&T equipment compound. Referencing Exhibit A-3, she confirmed that the current equipment compound is in excellent condition. Ms. Connolly testified that the pictures were taken by her office early in 2020 and confirmed that they do accurately reflect what presently exists. Ms. Connolly introduced into evidence, as Exhibit A-4, the site plan for the Temporary Facility, last revised February 12, 2021. Referencing the exhibit, she described the proposed Replacement Facility. Ms. Connolly testified that the existing PSE&G tower is still in place but that the AT&T antennas have been shut down, and PSE&G has started to work at the site to accommodate the replacement tower. Ms. Connolly explained that the new transmission lines are slated to be energized around May 31, 2021, and that the antennas need to be installed before the lines are energized. Otherwise, the applicant will have to wait until PSE&G schedules an outage to install the antennas.

Ms. Connolly testified that the Temporary Facility would be located 78 feet from the existing PSE&G tower. She explained that the Temporary Facility would have a height of 92 feet, with the antennas having a centerline of 89 feet. Ms. Connolly testified that the Temporary Facility includes six antennas, with a ballast base consisting of 24 feet by a 24-foot steel frame with 6 foot by 6 foot by 8-inch thick concrete blocks at each corner. She further testified that the fall zone distance from the property line would be 9.2 feet, whereas the required fall zone setback is 110.4 feet and the minimum necessary side-yard setback is 20 feet. Ms. Connolly testified that a structural analysis, dated January 26, 2021, had been performed by KM Consulting Engineers for the proposed installation and that the proposal complies with applicable codes. She further testified that the Temporary Facility would operate at approximately 50% of its capacity.

Ms. Connolly testified that most of the site is located within wetlands. She explained that the Temporary Facility permit is subsumed within the PSE&G permit, which PSE&G has already obtained. She further explained that the applicant would use the same access that PSE&G uses, which is off Byrd Avenue. Ms. Connolly testified that construction of the Temporary Facility would take between one to two days and that removal of the Temporary Facility would take approximately two to three days. She further testified that it would take about five days to do the trenching required for the Permanent Facility. Ms. Connolly explained that the cable runs connecting the existing equipment to the proposed equipment for the Temporary Facility will run at grade along the NJDEP required matting and will not be trenched underground.

Ms. Connolly confirmed that the applicant is seeking approval for the proposed height of the tower, the fall zone setback, and a principal side-yard setback. She explained that the antennas are setback 9.2 feet from the property line but 89 feet 9 inches from the closest residence on Byrd Avenue. During a discussion of the existing fencing, Ms. Connolly testified that a 7-foot tall fence surrounds the equipment compound. The Temporary Facility would have an 8-foot tall fence, both of which exceed the maximum fence height of 6 feet and therefore require variance relief. She explained that the additional height is necessary for buffering and security. During the discussion, the applicant stipulated that if the existing chain-link fence with privacy slats does not provide sufficient buffering of the equipment from the adjacent residences, the applicant would replace the fencing with a board-on-board style fence.

In response to the comments outlined in the March 11, 2021, Review Memorandum prepared by the Board Planner and Board Engineer, Ms. Connolly, testified that construction might start as early as 8:00 am and will likely occur every day given the emergent nature of the installations. During the discussion, the applicant stipulated, as a condition of approval, to comply with the hours of construction as permitted by the Ordinance. She further testified that no parking or material storage would be allowed on Byrd Avenue and that all construction materials would be brought in by Route 206. Ms. Connolly advised that the construction may generate some noise relating to the backup beepers on equipment and the use of a generator for the necessary power tools. As to Comment 5 of the Review Memorandum, Ms. Connolly testified that heavy vehicles would access the site via Route 206 rather than Byrd Avenue. She suggested that the Board Professionals' request to have the existing conditions videotaped may not be necessary. During the discussion, the applicant stipulated, as a condition of approval, to comply with the Board's request for the video inspection. As to Comment 7, regarding the restoration of the site following the construction, Ms. Connolly advised that the PSE&G installation may take longer than the applicant's installation. Therefore, the applicant would be unable to restore the site fully. She suggested that the applicant add a note to the plans that state PSE&G will be responsible for restoring the site. During questioning, Ms. Connolly confirmed that PSE&G consented to the applicant's proposal and submitted its application for development to the Board.

Mr. Daniel Penesso, of Frequenz RF Technical Services was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in radiofrequency, RF, engineering. Mr. Penesso testified that the applicant is seeking relief due to the PSE&G tower replacement project. The applicant has had to temporarily relocate its facilities onto a temporary tower until the existing PSE&G tower on which they are currently located is replaced with a new tower.

Mr. Penesso introduced into evidence, as Exhibit A-5, the Comprehensive Radio Frequency Report that he prepared, dated January 26, 2021. Referencing Map 1 in Exhibit A-5, he testified that the map depicts the tower's existing tower and existing coverage. He explained that, currently, there is sufficient in-building and in-vehicle coverage. Referencing Map 2, Mr. Penesso testified that there would be gaps in both in-building and in-vehicle coverage if the existing tower goes offline. He explained that once the Permanent Facility is online, the proposed coverage will be approximately the same as the current coverage. During questioning as to whether a tower with a height of 54 feet would provide the necessary coverage, Mr.

Penesso testified that it would not. He noted that the Permanent Facility offers approximately 2.2 miles of a range and that a shorter tower could not provide such expansive coverage.

During questioning, Mr. Penesso testified that the existing tower has six antennas and the new Permanent Facility would have 16 antennas. He explained that the Permanent Facility would also accommodate FirstNet, a broadband network at the 700 megahertz frequency band dedicated to police, firefighters, and emergency responders. During questioning as to whether there were alternative sites or alternative technologies that could be used, Mr. Penesso testified that there are not. He explained that a monopole is necessary given the coverage gap created by removing the existing antennas. During questioning as to whether the applicant could utilize the temporary tower used by Verizon/T-Mobile, Mr. Penesso advised that it could not because that temporary tower is 0.9 miles away from the existing tower and would not provide sufficient coverage. While questioning on whether the Temporary and/or Permanent Facilities would utilize 5G technology, Mr. Penesso explained that both facilities would support 5G service on the existing frequencies.

During questioning, Mr. Penesso testified that both the Temporary and Permanent Facilities would comply with the Federal Communications Commission's Federal emissions standards, FCC. He further testified that, as to the Temporary Facility, the FCC limit is 2.5928% of the FCC general population maximum permitted exposure, MPE limit, which is 38 times below the FCC standards and 190 times below the New Jersey limits. The Permanent Facility is 2.6379% of the FCC general population MPE, which is 35 times below the FCC standard and 175 times below the New Jersey limits. Mr. Penesso testified that the proposed facilities would not have nuisance characteristics of off-site impacts. He further testified that the Facilities would also not generate noise, heat, smoke, or glare. During questioning as to the need for the increased number of antennas, Mr. Penesso explained that the additional antennas provide 360-degree coverage with a much narrower beam width than the existing antennas and that the newer/additional antennas also provide additional capacity. During questioning as to whether the applicant could wait until the Permanent Facility could be utilized, rather than constructing the Temporary Facility, Mr. Penesso confirmed that the applicant could not do so since there would be a significant gap in coverage along a major interstate.

Mr. Paul N. Ricci, P.P., was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of professional planning. Mr. Ricci testified that the applicant is seeking two d(1) use variances, two d(6) height variances, and bulk variance relief. He explained that the bulk variance relief associated with the Temporary Facility includes a fall zone setback deviation for a distance of 9.2 feet, whereas 110.4 feet is required, and a side-yard setback deviation for a distance of 9.2 feet. In contrast, the minimum necessary side-yard setback is 20 feet.

Mr. Ricci confirmed that the applicant had satisfied the positive criteria for the requested relief since the applicant demonstrated that the use promotes the general welfare and the site is particularly well suited for use. Mr. Ricci noted that the Township conditionally permits wireless facilities in nonresidential zones and testified that the property is not used for residential purposes. Instead, it is used by PSE&G for its utility services. He further testified that no alternative sites would allow the applicant to provide the necessary coverage. Mr. Ricci explained that the d(6) height variance is required because the wireless facilities must be located per radio engineering requirements or the facilities will not perform as necessary.

Mr. Ricci opined that the applicant had also satisfied the negative criteria since the applicant had demonstrated, according to *Sica v. Wall Twp Board of Adjustment*, 127 N.J. 152, that the benefits of the applicant's proposal outweigh its detriments. He explained that the only potential negative impacts associated with the proposal relate to the visibility of both the Temporary and Permanent Facilities. Mr. Ricci introduced into evidence, as Exhibit A-6, a compendium of photo-simulations showing the Permanent Facility. Mr. Ricci reviewed all the photo-simulations and provided information about the location from which each of the photographs taken. During a discussion of the Temporary Facility, Mr. Ricci introduced evidence, as Exhibit A-7, a compendium of photo-simulations showing the Temporary Facility. Mr. Ricci reviewed the photo-simulations and provided information about the location from which each of the photographs was taken.

As to the Temporary Facility, Mr. Ricci reminded the Board that it would be the only place until the Permanent Facility is operational and stated that, as a result, the modest detriment associated with the proposal would be less, particularly since the tower will only be in place temporarily. During questioning, Mr. Ricci confirmed that if the Temporary Facility were only operational for 120 days or less, then variance approval would not be required because such a temporary facility would be permitted. During further questioning, Mr. Ricci opined that the applicant had satisfied both the positive and negative criteria for the requested bulk variance relief, including the additional relief for the height of the fencing surrounding the enclosures.

During questioning as to the need for a developer's agreement, Mr. Quinn advised that the Township Attorney, Mr. Alex Fisher, Esq., had advised it would not be necessary, and Ms. Doyle confirmed.

No member of the public commented on or objected to, the application.

After reviewing the evidence submitted, the Board, by a vote of 7 to 0, finds that the applicant has satisfied the positive and negative criteria for the requested subsection d(1) use, subsection d(6) height, and bulk variance relief, and is entitled to preliminary and final major site plan approval for both the Temporary and Permanent Facilities. The approval was granted, subject to any stipulated and imposed conditions.

Roll Call Vote:

Motion of approval was made by Mr. La Spisa with a second by Mr. Weideli.

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Fresco, Mr. La Spisa, and Mr. Wrobel.

ABSENT: Mr. Fallone and Ms. Guttschall.

ABSTAIN: None.

DENIAL: None.

9. OTHER BOARD BUSINESS:

None. The Board discussed the next upcoming meeting dates and applications scheduled.

10. EXECUTIVE SESSION:

There was no need for an Executive Session.

11. ADJOURNMENT

The meeting was adjourned at approximately 11 pm with a motion made by Mr. Weideli and a second by Mr. La Spisa.