

BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
Special\* Virtual Online Meeting  
Tuesday, March 30<sup>th</sup>, 2021  
—MINUTES—

**1. CALL MEETING TO ORDER:**

Chairman Foose called the Virtual Online Special 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 **March 10, 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 - present  
Dawn Guttschall- present  
Pushpavati Amin-present

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

Others present: Board Engineer Mr. William Burr, IV, PE., Board Planner Ms. Scarlett Doyle, in place of Board Attorney Mr. Steven Warner, Esq. Ms. Amanda Wolf Esq. was present PP., RF Radio Frequency Expert Engineer Mr. Hank Menkes, and Land Use Coordinator Ms. Zuzana Karas.

**5. MINUTE(S) FOR APPROVAL:**

None.

**6. MEMORIALIZING RESOLUTIONS:**

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.

**8. HEARING AND DELIBERATIONS:**

**T-MOBILE NORTHEAST LLC /PSE&G- WASHINGTON VALLEY ROAD/ HUNTER ROAD  
Block 623 Lot 12 & 13  
21-010-ZB- PRELIMINARY AND FINAL MAJOR SITE PLAN WITH C & D-VARIANCES**

Mr. Edward W. Purcell, Esq., of Price Meese Shulman & D'Arminio, P.C., appeared on behalf of the applicant, T-Mobile Northeast, LLC. The application sought preliminary and final major site plan approval with variance relief for the placement of antennas onto an already approved but not yet constructed PSE&G transmission tower. Mr. Purcell noted that the applicant already has existing and approved facilities on the subject property and that the proposed facilities would essentially be replacing the existing facilities. However, Mr. Purcell stated that this application is slightly different from prior applications since the approved PSE&G tower will be shifted somewhat in location.

Mr. Purcell continued to explain that the purpose of this wireless communications facility is to provide a permanent location that would allow the applicant to remove the temporary tower approved on Lot 12, also known as the Fire Company Property. The Board approved the temporary tower in October of 2020. Mr. Purcell emphasized the time-sensitivity involved with this approval, if granted since there would only be a window of opportunity for installation to occur while the tower is not yet electrified. The applicant would only be able to relocate its wireless communications antenna onto the tower during the unelectrified period. The applicant would be forced to utilize the temporary wireless tower on the Fire Company Property for another one to two years if installation is missed during May of 2021.

Mr. Purcell explained the application would require a d(1) use variance to construct a permanent wireless communications facility in the R-50 zone since the zone does not permit such use. A d(6) height variance was sought for the proposed permanent wireless communications facility having a height of 160 feet, whereas the maximum permitted structure height in the zone is 35 feet. A bulk variance was required for the permanent wireless communications facility support structure's proposed setback from the nearest property line of 19.3 feet, whereas the nearest property line is needed to satisfy at least 120% of the tower height. A bulk variance is required for the proposed front yard setback of 19.3 feet, whereas the minimum required in the zone is 75 feet.

The application was submitted with Site Plans prepared by Scherer Design Group, dated February 24, 2021, last revised March 16, 2021, an Independent Radio Frequency Report prepared by Piercon Solutions, LLC entitled "Independent Radio Frequency Report Regarding a Proposed Wireless Communications Facility for

T-Mobile Northeast, LLC Site ID, a report prepared by Piercon Solutions LLC entitled "Evaluation of the Radiofrequency Environmental in the Vicinity of the Proposed NJ07460A formerly NJ06299A", a Visual Analysis for T-Mobile Northeast LLC, prepared by TK Design Associates, and Structural Calculations prepared by Christian Sorenson, P.E. of Westwood Professional Services, dated March 12, 2021. Board professionals William Burr, IV, P.E., and Scarlett Doyle, P.P., issued a joint review memorandum dated March 25, 2021.

Mr. Burr, the Township Engineer, Ms. Doyle, the Township Planner, and Mr. Hank Menkes, the Board's Radio Frequency engineer, were all duly sworn according to law.

Ms. Colleen Connolly, P.E., of Scherer Design Group, 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 Exhibits A-1 through A-12, of the Site Plan. Ms. Connolly described the existing conditions. She testified that the property is about 4.83 acres and abuts residential properties on one side and the Martinsville Fire Company and residential properties on the other. Ms. Connolly testified that access to the property is by way of Lot 12. She explained that there are parking spaces currently located on Lot 12 which service the existing permanent facility and the temporary tower on Lot 12. The applicant anticipated to park on Lot 12 and then traverse across the drive, up a set of stairs, and onto the property. She also testified that the applicant had antenna facilities located on the tower nearest to Washington Valley Road until recently. The top of T-Mobile's antennas is located at the height of 119'. Ms. Connolly stated that the existing tower is being removed as part of PSE&G's upgrade project and has already received township approval.

Ms. Connolly testified that this application would provide a permanent facility to replace the temporary facility currently located on Lot 12. She described the restrictions on the property, stating that there are wetlands and wetlands transitions areas on the lot. Ms. Connolly testified that the proposed use would not be in either wetlands or wetlands transition areas. Ms. Connolly confirmed that the top of the approved tower would be 150' from grade and that an extension would be placed on the tower that will extend the tower's height to a total of 159'. Ms. Connolly testified that the top of T-Mobile's antennas would be located at an altitude of 160'.

Ms. Connolly referenced a structural analysis completed by Christian Sorenson, P.E., of Westwood Professional Services, dated March 12, 2021. Ms. Connolly testified that she reviewed the report and agreed with the conclusions set forth therein. She further testified that the report provides that the applicant's proposal complies with all applicable codes and standards. Ms. Connolly stated that the tower had been designed to accommodate one wireless carrier.

Ms. Connolly testified that the applicant would erect a new compound measuring 22' 6" by 23' and explained that it would be larger than the existing compound due to including the utility equipment compound. She further testified that the height of the fence around the compound would be 8' high. Regarding lighting, Ms. Connolly confirmed that there would be lighting over two cabinets in the proposed compound. Both would face other cabinets. She also noted that the lights would be on a 60-minute timer, as per a note on the plans. If the proposed lighting creates a nuisance as per the Township Engineer, the applicant will shield such lighting. Ms. Connolly testified that Federal Aviation Administration lighting would not be required for this tower. She further confirmed that technicians would visit the site approximately once every four weeks.

Ms. Connolly testified that the tower existing on-site had already been decommissioned and that the temporary tower on Lot 12 is now operational. She explained that the applicant's work on the property would be coordinated with PSE&G's tower replacement project. It must be completed before transmission lines become energized. Ms. Connolly stated that PSE&G contractors would work on the tower and that the PSE&G right-of-way itself would be used for construction vehicles and workers' parking, along with equipment staging. Ms. Connolly testified that the work would include installing a silt fence yet would create minimal ground

disturbance. She explained there would be roughly 1,172 square feet of disturbance on the property. Ms. Connolly confirmed that no trees are planned to be removed from the property. Ms. Connolly further testified that there would be no generators on-site, per PSE&G requirements, but rather each carrier would use battery backup packs. She confirmed that Lot 12 would not be used for staging or storage and that a construction trailer is not being proposed for the project.

Ms. Connolly emphasized the newly built transmission tower would be energized on or around May 31, 2021. The applicant wished to obtain land-use approval in time to place its facilities on the new tower by such date. Ms. Connolly also restated that they would need to wait another one or two years to install the antennas if the applicant misses the deadline.

Ms. Connolly confirmed that the applicant's proposal requires five variances. Ms. Connolly also stated that the applicant would be requesting an amendment to condition #11 of Resolution 20-011-ZB. The condition required that T-Mobile remove the temporary tower on Lot 12 and replace its antennas onto the permanent tower located on Lot 13 within eight weeks from the date in which PSE&G has stated that T-Mobile can access the site. Ms. Connolly testified that, given that there may be a lag in getting PSE&G's construction crew to do the required work, this additional time would ensure that T-Mobile complies with such condition of approval.

Ms. Connolly stated that the applicant had continued discussions with Ms. Doyle regarding the buffering on site. As a result, the applicant stipulated to replacing the proposed compound fencing with an 8' tall board-on-board fence and placing shrubbery along the sides of the compound. Ms. Connolly stated that this stipulation depends on PSE&G's approval. Ms. Connolly also noted that PSE&G requires that all shrubbery be less than 3' at maturity.

Ms. Connolly testified that she had reviewed the Board Planner and Engineer's joint memorandum dated March 25, 2021. Ms. Connolly stated that the applicant agreed to all conditions set forth therein except for Condition #8. The applicant could not agree to be responsible for repairing any changes made to the property caused by PSE&G. The applicant did agree to restore the property to its previous condition for any disturbances caused by the applicant. During questioning as to whether the existing six-foot wide walkway could be reduced to four feet wide, Ms. Connolly explained that the additional width is necessary to accommodate specific equipment and the Board's requested fence, which would screen the stairs. During questioning as to whether the existing impervious coverage would be reduced, Ms. Connolly noted that a large concrete slab had been replaced with a smaller slab and that no increase was being proposed. Ms. Connolly testified that no other service cabinets are proposed since no other carriers are located on the tower.

Ms. Victor Menza, residing at 1079 Brown Road, questioned the height of the tower and whether it could be reduced. Ms. Connolly advised that PSE&G had already determined the height and that the applicant did not request any increase from had already been proposed. Mr. Menza questioned the type of fencing proposed and was advised that it would be a PVC fence.

Ms. Francis Boschulte, RF Manager of Piercon Solutions, LLC, was duly sworn according to law, provided her qualifications, and was accepted by the Board as an expert in the field of RF engineering. Ms. Boschulte referenced a report prepared by Piercon Solutions, LLC, entitled "Evaluation of the Radiofrequency Environment in the Vicinity of the Proposed NJ07460A formerly NJ06299A" dated February 12, 2021, and, an Independent Radio Frequency Report prepared by Piercon Solutions, LLC, entitled "Independent Radio Frequency Report Regarding a Proposed Wireless Communications Facility for T-Mobile Northeast, LLC Site ID: Bridgewater NJ07460A Formerly NJ06299A" dated March 16, 2021. Ms. Boschulte testified that the applicant is licensed as a wireless provider by the Federal Communications Commission. Ms. Boschulte continued to explain, in general terms, how wireless communications systems work.

Ms. Boschulte continued to explain T-Mobile's coverage from existing sites. She identified the existing site, NJ0699A, which had been taken offline due to PSE&G's decommissioning and its temporary replacement NJCLT57A. Ms. Boschulte explained different areas showing "in-building" coverage, "in-vehicle" range, and areas lacking service. Ms. Boschulte testified that the current facilities, including NJCLT57A, provide reliable coverage to T-Mobile users in the area. During questioning, the coverage gap created by eliminating the existing tower was explained. She explained that the coverage gap would impact users along Washington Valley Road, Blossom Drive to the North, Roger Avenue and Papen Road to the West, and Washington Valley Road, Buxton Road, Rector Road, Carteret Road, and Argonne Farm Drive to the South. Ms. Boschulte then reviewed the proposed coverage provided by this proposed permanent facility, NJ07460A, which would provide adequate building and in-vehicle coverage to the surrounding area.

During questioning as to whether alternative technologies could be used, Ms. Boschulte testified that alternative technologies, such as Distributed Antenna Systems and Small Networks Nodes, are not acceptable means in addressing coverage gaps created by decommissioning existing towers. She explained it's because DAS is not as reliable or as robust as a macro cell tower and have a range of only 500-1,200 feet instead of 3,000-5,000 feet. Also, they do not provide e911 location services to emergency responders, have a limited coverage range, utilize a wired network capable of disruption and failure due to falling tree limbs, accidents, and power outages. Lastly, there is no battery backup. Ms. Boschulte testified that no other towers or tall structures exist in the area that could be used to relocate the subsequent wireless antennas.

Ms. Boschulte confirmed that she reviewed the Ordinance and Zoning Map to determine that the placement of this facility in a permitted zone would be located too far from the area where coverage is needed to be effective.

Ms. Boschulte testified that the FCC sets the maximum permissible exposure to radiofrequency waves and establishes the calculation to determine projected levels of RF exposure. She explained that New Jersey also has RF exposure regulations but is five times less stringent than the FCC's requirements. She concluded that the maximum calculated RF exposure levels generated by the proposed antenna operations at the site is 1.031% percent of the FCC general population MPE limit and 0.206% of the MPE limit under New Jersey law.

During questioning, Mr. Menkes asked whether the applicant had done studies to determine whether the tower could be located on Brown Road? Ms. Boschulte advised that such studies had not been done because the applicant intended to return to the PSE&G tower on which the antennas had been located before PSE&G's tower replacement project. She explained that relocating a wireless tower would impact the coverage and result in coverage gaps. Ms. Boschulte advised that, in the future, T-Mobile may utilize the recently acquired 600 MHz band to provide additional coverage.

Mr. Menza, residing at 1079 Brown Road, questioned whether the increased height of the PSE&G tower would provide expanded coverage. Ms. Boschulte confirmed that the height of the tower would not impact coverage.

Mr. Timothy Kronk, P.P., of TK Design, provided his qualifications and was accepted by the board expert in professional planning. Mr. Kronk described the property as a narrow, 150' right-of-way, running from Washington Valley Road to Papen Road, located in the R-50 Zone. Mr. Kronk testified that the applicant is seeking d(1) use, d(6) height, bulk (setback) variance relief, and fence height relief.

Mr. Kronk opined that the bulk and d(6) height variance relief would be incorporated within the d(1) use variance relief if the Board decided to grant same. He also expressed that the applicant had satisfied the standards for granting d(1) use variance relief. He testified that the FCC licenses the applicant to provide personal wireless service and that its activities promote the general welfare, according to the New Jersey Supreme Court's holding in Smart SMR of New York, Inc. v. Borough of Fair Lawn Board of Adjustment, 152 N.J. 309 (1998). Mr. Kronk opined that the proposed site is particularly suited for the proposed wireless

facility, particularly since the application seeks to locate its antennas onto an already approved tower rather than construct a new one. Mr. Kronk contended that the property is particularly suited from a planning perspective. While it is located in a residential district, it currently does not have a residential use.

Mr. Kronk first identified the public interest at stake as an important and weighty one, maintaining reliable wireless service for the residents of Bridgewater Township. Second, Mr. Kronk stated that there would be minimal detrimental impact with the proposal because it is not used residentially. Based on the photo simulations, he testified that there would be modest visual detriment associated with the proposal and would not result in noise, vibrations, smell, or another negative impact.

Mr. Kronk stated that the modest visual detriment associated with the proposal could be mitigated by imposing reasonable conditions on the applicant, such as requiring board-on-board fencing or the installation of shrubbery along the side of the equipment compound. He referenced the Sica factors to determine whether the relief could be granted without substantial detriment to the public good or significant impairment of the intent and purpose of the zoning ordinance. Mr. Kronk contended that relief for the d(1) use and d(6) height variance could be granted without substantial impairment to the zoning ordinance because the ordinance intends to locate wireless communications facilities on non-residential properties. The ordinance permits wireless communications facilities on municipal property and conditionally allows them in several non-residential zones. Mr. Kronk opined that because the use is not residential on the property, the proposed location generally complies with the goals and intent of the ordinance.

As for the requested relief for the required tower setback and front yard setback, Mr. Kronk testified the peculiar and exceptional practical difficulties and exceptional hardship arising out of the current constraints of the property. Mr. Kronk confirmed that, for the same reasons listed above, the Board's grant of this dimensional variance does not substantially impair the zoning ordinance of the township.

Mr. Kronk further opined that locating these antennas on an approved transmission tower is a better planning alternative than installing an entirely new structure. Mr. Kronk testified that the variance relief could be granted without substantial detriment to the public good. He explained that the proposed distance of the tower from the roadway and the fact that the new tower would be better screened from the adjoining property owners mitigate the modest detriment associated with the proposal. Mr. Kronk opined that the benefits of granting the requested relief substantially outweigh the modest detriment. In conclusion, Mr. Kronk opined that the applicant had demonstrated an entitlement to the requested fence height variance.

Mr. Kronk explained that the applicant did not select the location for the new PSE&G tower, and PSE&G's needs dictated such a location. He also advised that the applicant is relocating existing improvements in wetlands areas. As a result, the applicant's proposal benefits the community in that sensitive environmental features will be better preserved.

Mr. Menza, residing at 1079 Brown Road, was duly sworn according to law and questioned why the applicant could not remove the temporary tower if the antennas were not installed on the PSE&G tower by May 31, 2021? Mr. Kronk explained that after May 31, 2021, PSE&G would electrify the towers, and the applicant would be unable to install antennas until there is a scheduled outage. During questioning whether the antennas themselves could be located elsewhere on the PSE&G tower, Mr. Kronk advised that they could not. Mr. Menza questioned whether the applicant's proposal would impact the Martinsville Fire Company's operations, and Mr. Kronk reported that it would not. Mr. Menza asked whether the temporary tower would be removed before the end of the year if the applicant can install the antennas on the PSE&G tower by May 31, 2021, and Mr. Kronk confirmed that it would be.

By a vote of 7 to 0, the Zoning Board of Adjustment granted Preliminary, and Final Major Site Plan with Variance relief on behalf of T-Mobile Northeast, LLC, subject to any stipulated and imposed conditions.

Roll Call Vote:

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

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Fallone, Ms. Amin, Ms. Guttschall, Mr. Wrobel, and Mr. Bongiorno.

ABSENT: Mr. Sweeney, Mr. Fresco, and Mr. La Spisa.

ABSTAIN: None.

DENIAL: None.

**T-MOBILE NORTHEAST LLC /PSE&G- WASHINGTON VALLEY ROAD/ HUNTER ROAD  
Block 623 Lot 12**

**20-011-ZB- REVISIONS TO CONDITION #11 OF RESOLUTION 20-011-ZB.**

Representing the applicant T-Mobile Northeast, LLC, Mr. Edward W. Purcell, Esq., of Price Meese Shulman & D'Arminio, P.C., explained the applicant was seeking to revise an existing condition of approval previously granted via resolution 20-011-ZB. Mr. Purcell explained that when the application was initially approved in October of 2020, condition #11 required the applicant to relocate onto the new PSE&G tower, removing the temporary tower within eight weeks from PSE&G approval. The proposed revision would alter that condition and allow 12 weeks instead of 8 weeks.

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

Ms. Colleen Connolly, P.E., of Scherer Design Group, 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 explained that PSE&G, rather than the applicant, is responsible for installing the antennas onto the new PSE&G utility tower. She further explained that this is requested due to the delays wireless carriers are experiencing in having PSE&G install antennas.

By a vote of 7 to 0, the Zoning Board of Adjustment granted the proposed modification to Condition #11 of Resolution 20-001-ZB.

Roll Call Vote:

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

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Fallone, Ms. Amin, and Ms. Guttschall,

ABSENT: Mr. Sweeney, Mr. Fresco, and Mr. La Spisa.

ABSTAIN: None.

DENIAL: None.

**9. OTHER BOARD BUSINESS:**

Chairman Foose advised that there has been some discussion on the meetings taking place in person soon.

More information would be provided as changes are made. The chairman also announced that if any members still need information/guidance on getting vaccinated, they should reach out to him online.

Ms. Doyle, the township planner, also advised the Board on the upcoming meeting and applications scheduled.

**10. EXECUTIVE SESSION:**

There was no need for an Executive Session.

**11. ADJOURNMENT**

The meeting was adjourned at approximately 10:15 pm with a motion made by Mr. Weideli and a second by Mr. Bongiorno.