

MINUTES – ZONING BOARD – JANUARY 25, 2021

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, January 25, 2021 at 7:30 p.m. was conducted virtually in order to avoid potential impacts from Covid-19.

This meeting is in compliance with the “Open Public Meetings Act” as adequate notice of this meeting has been provided to the Westfield Leader and the Star Ledger with the agenda specifying the time, place and matters to be heard having been posted on a bulletin Board in the Town Hall reserved for such announcements and the filing of said agenda with the Township Clerk of Cranford. Formal action may be taken at this meeting.

The workshop portion of the meeting was called to order at 7:33 p.m. by Ms. Daly, Chair.

ROLL CALL:

Members Present:

Ms. Daly
Mr. Marotta
Mr. Aschenbach
Mr. Ashrafi
Mr. Lucas
Mr. Quinn
Mr. Salomon

Members Absent:

None

Alternates Present:

Ms. Oliver
Mr. Rees

Alternates Absent:

None

Also in attendance: Spencer Robbins, Esq. (for Mark Rothman, Esq.,) and Kathy Lenahan, Board Administrator

COMMUNICATIONS:

None

MINUTES:

Motion to adopt minutes from the January 11, 2021 Reorganization meeting was made by Mr. Marotta, seconded by Mr. Aschenbach and passed on unanimous voice vote.

Motion to adopt the closed session minutes from the January 11, 2021 Reorganization meeting was made by Mr. Marotta, seconded by Mr. Aschenbach and passed on unanimous voice vote.

RESOLUTIONS:

Application #ZBA 20-006
Applicant: Michael and Janine Kirk
42 Richmond Avenue
Block: 212 Lot: 63 R-3 Zone

The applicant in this matter is seeking a c(2) variance for a front yard setback to construct an addition to the front porch.

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Marotta, seconded by Mr. Quinn and passed by roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Ashrafi, Mr. Lucas, Mr. Quinn, Mr. Salomon, Mr. Rees

Opposed: None

Motion to adopt Resolution of Memorization appointing Mark Rothman as Board Attorney was made by Mr. Marotta seconded by Mr. Quinn and passed by roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Ashrafi, Mr. Lucas, Mr. Quinn, Mr. Salomon

Opposed: None

Motion to adopt Resolution of Memorialization appointing Maser Consulting as Board Engineer was made by Mr. Marotta, seconded by Mr. Salomon and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Ashrafi, Mr. Lucas, Mr. Quinn, Mr. Salomon

Opposed: Mr. Aschenbach

Motion to adopt Resolution of Memorialization appointing Topology LLC as Board Planner was made by Mr. Ashrafi, seconded by Mr. Aschenbach and passed on roll call vote:

Affirmative: Mr. Salomon, Mr. Reese, Mr. Quinn, Mr. Lucas, Mr. Ashrafi, Mr. Aschenbach, Mr. Marotta, Ms. Daly

OLD/NEW BUSINESS

Discussion was held regarding amending the language in the Rules and Regulations to include public comments made during a hearing while in a State of Emergency. Ms. Daly reviewed the guidelines for public comments not related to applications before the Board along with the Township Committee's new rule during virtual meetings.

Board's concern is about comments possibly being inappropriate and being read at a meeting.

Mr. Robbins stated some may not have access to a computer and this would allow some communication. Board has opportunity to listen and the Chair would decide what is read or not read. Can listen to it and decide if it is appropriate.

Board tabled the discussion on the subject and the possibility of adding some language regarding appropriateness of the comment and being up to the discretion of the Chair.

Mr. Aschenbach made a motion to table the provision and put in additional language, seconded by Mr. Quinn and passed on unanimous voice vote.

Ms. Daly announced that the Zoning Board will keep the original 20201 meeting schedule already published. The Township Committee will not be televising their workshop meetings, so there is no longer a conflict on Monday evenings.

The workshop portion of the meeting concluded at 8:01 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on January 25, 2021 at 8:01 p.m. via Google Meet. Ms. Daly announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader and the Star Ledger have been notified and the agenda posted in the municipal building as required.

Ms. Daly explained the protocol, purpose and procedure that will be followed during the hearing.

1. Application #ZBA 19-010 – CONTINUED FROM DECEMBER 14, 2021

Applicant: New York SMSA Limited Partnership
d/b/a Verizon Wireless, T-Mobil Northeast LLC
New Cingular Wireless PCS, LLC
Union County College
1033 Springfield Avenue
Block: 121 Lot: 2.01, E-1 Zone

Applicant is requesting preliminary and final site plan approval, a d(1), d(3) and a d(6) variance for a wireless telecommunications facility §255-371(5) & (6), plus numerous c(2) variances. A variance for height where the maximum height permitted is 70 feet, and 140 feet to the top of the tower and 148 feet to the top of the concealment branches is proposed §255-371(10)(a), a variance for setback where the minimum required setback to the closet property line is 185 feet and 112 feet 9 inches is proposed §255-71(10)(b)(1), a variance for separation from the nearest residential unit where the minimum is 444 feet and 229 feet 7 inches is proposed §255-371(10)(c) and if so required, variances to permit more than one principal use on a lot, for the continuation of the existing non-conforming lot area §255-37G(1)(c) and open space ratio §255-37G(1)(e).

Applicant has an alternative proposal of a facility consisting generally of an approximate 135-foot-tall monopole designed as a faux tree with branches extending to approximately 143 feet, located within a 40 foot by 60-foot fenced compound which will house the Applicants' radio and emergency power equipment. The Applicants shall each seek the following variances: use variance to permit the telecommunications use which is not permitted in the E-1 Zone §255-371 (5) & (6)), height variance to permit the tower to have a height of approximately 135 feet to the top of the tower and 143 feet to the top of the proposed concealment branches, with the top of the Verizon Wireless antennas proposed at approximately 138 feet, the top of the AT&T antennas to be approximately 128 feet and the top of the T-Mobile antennas to be approximately 119 feet above grade where a height of 70 feet is permitted in §255-371 (10)(a); variance for the setback of the tower to the closest property line to permit a setback of approximately 59 feet 3 inches, rather than 178 feet 9 inches required by §255-371(10)(b)(1); variance for the separation from the nearest residential unit to permit a separation of approximately 362 feet 10 inches to the dwelling on Block 119, Lot 17, rather than 429 feet required by §255-371(10)(c); and setback variances to the interior property line to permit the equipment compound to have a setback of 43 feet 6 inches, the AT&T generator to have a setback of 47 feet 8 inches, and the Verizon Wireless generator to have a setback of 48 feet 1 inch, where a setback of 50 feet is required by §255-37G(1)(b). The alternative proposal is also located on Block 121, Lot 2.01 with access thereto utilizing Campus Road which is on Block 121, Lot 3, and if so required, variances to permit more than one principal use on a lot, for the continuation of an existing non-conforming lot area §255-37G(1)(c)) and open space ratio

§255-37G(1)(e)), and any additional variances, waivers or other relief required by the Board after its review of this application.

Ms. Daly reviewed the process for the evening. Stated tonight will be for Public comment. After Public comment, Mr. Simon would give his summation followed by Mr. Meese's summation.

Mr. Meese stated he submitted a letter dated January 21, 2021 from Mr. Hogan from UCC to Trevor McNeil regarding the parking lot area and the College confirms the area is not available for a cell tower. Letter will be marked be Exhibit A-55.

Trevor McNeil appeared and was sworn in. Mr. McNeil provided his responsibilities for Verizon Wireless as a Site Acquisitions Consultant.

Questions by Mr. Simon to Mr. McNeil ascertained the following:
He performed all of the site acquisition services for this process. He has spoken to the Associate General Counsel, Marlene White, numerous times and with Mr. Hogan a hand full of times. He has also had conversations with others at UCC over the course of this application. There were other locations that were considered (i.e., gymnasium). Looked at entire campus for locations.

Questions from the Board for this witness ascertained the following:
Lots 5 A & B are parking lots not parcel lots. Storage trailers are adjacent to 5A. Spoke to Mr. Hogan about a week ago in regard to the letter. Two locations were decided upon by the applicant and the College. The College said they were not going to lease Lots 5 A & B. Does not believe 5G was mentioned in the RFP. 5G does not change the need for the macro network or the need to expand the network.

Ms. Daly asked if anyone from the Public had questions for this witness, no one appeared.

Ms. Daly asked if anyone had a Public comment regarding this application. The following appeared:

Julie Exarhakos – 40 Princeton Road appeared and was sworn in. Stated she has concerns about property values. Read a statement to the Board. Objects to the cell tower and hopes the Board does not approve the application.

Julia Perrotta – 8 Cornell Road appeared and was sworn in. Stated she has lived there for 8 years and has never had issues with cell service. Read a statement to the Board. Hopes the Board denies the cell tower application.

Christine Licata – 10 Dartmouth Road appeared and was sworn in. Read a statement to the Board. Discussed a report of a fake gun incident on the UCC campus. Stated she has lived there for four years. Requests the Board deny the application.

Nancy Price – 211 Hampton Street appeared and was sworn in. Representing the Cranford HPAB and the Cranford Historical Society. Read a statement to the Board. The HPAB and Historical Society both oppose the cell tower application.

Mr. Meese stated the Board was provided with a decision from SHPO last year (Exhibit A-54) which found there would be no adverse impact to historic properties. Stated the State is the lead agency.

Mr. Simon asked Ms. Price if the HPAB is asked to provide comments on other developments.

Ms. Price stated yes, they are asked to give opinions of other projects coming before the Zoning Board. The HPAB advises the Township Committee of any impacts to the historic nature of Cranford. The Historical Society is a private organization tasked with preserving the history of Cranford.

Questions from the Board to Ms. Price ascertained the following:

No matter where the monopole was located on the UCC Campus, the opinion of the HPAB and Historical Society would be the same. As to the design, without knowing what it would be and the impact of the view, she could not give a yes or no answer.

Christopher McSweeney – 32 Harvard Road appeared and was sworn in. Stated has lived here for 8 years and has had no issues with cell service in the home or surrounding area.

Jon Carlo Cascio – 37 Princeton Road appeared and was sworn in. Stated he is a licensed real estate broker. Reviewed several homes that were sold in Springfield in 2019 near a cell tower. Sold for an average of 4% less. If a home is near a cell tower or power lines there could be a reduction of 10-20%.

Mr. Meese objected to the testimony of Mr. Cascio.

Mr. Robbins stated his testimony should not be considered evidentiary. It is only a comment.

Mr. Simon asked Mr. Cascio about the Springfield properties.

Mr. Cascio stated he was in 4 Hawthorne and the proximity to a cell tower was a deterrent for his client.

Meghan Cisiewicz - 16 Dartmouth Road appeared and was sworn in. Stated she has lived here since October 2015 and has never had a problem with Verizon cell service. Read a statement to the Board. Requests Board deny the application for the cell tower.

Tom Ganley – 29 Cornell Road appeared and was sworn in. Read a statement to the Board. Discussed the burden of proof is on the applicant and requests the Board not approve the application.

Lenore Argen – 27 Seneca Road appeared and was sworn in. Read a statement to the Board. Does not feel this project will help the residents of Cranford. Asked Board to vote no on the cell tower project.

Kevin Comer – 33 Tulip Street appeared and was sworn in. Cell tower would not be directly in his view but feels there is a lack of data to support the need for a cell tower. College has DAS but other providers not on system. No drop call data by Verizon. FCC has recommended booster capabilities to support multiple providers. Thinks UCC should explore all technology alternatives and provide a detailed report. If 80% coverage is enough for UCC and ATT&T, should be enough for Verizon. Feels Board should recommend alternative approaches.

Dave McDonald – 27 Dartmouth Road appeared and was sworn in. Read a statement to the Board. Concerned about health effects to his family and home values being affected. Requests Board deny the application.

Randy Lowe – 14 Colby Lane appeared and was sworn in. Read a statement to the Board. Has lived in Cranford for 27 years and lived in this house for 17 years. Feels cell towers do not belong in residential neighborhoods. There is no evidence of dropped calls. Requests Board vote no on the application.

Mr. Meese objected to all comments moving forward from the Public regarding property values.

Tom Kaercher – 36 Harvard Road - appeared and was sworn in. Read a statement to the Board. Speaking in opposition to the application. Tower could go to 168 feet instead 148 feet. Ordinances are

there to protect Cranford's character and the people of the community. Asking Board to vote no on the application.

Jorge Santos – 19 Harvard Road - appeared and was sworn in. Moved here from Union. If a monopole was in this area, he would have looked elsewhere. Has no issue with cell service. DAS system only for Verizon, should have tried to put other carriers on the system. Asks the Board to deny the application.

Mindy Kipness – 26 Colby Lane appeared and was sworn in. Stated she has lived here since 2005. Read from minutes of the UCC Board of Trustees May 19, 2020 meeting. When alternative sites were mentioned, always too far away for Verizon's needs. Closer to Springfield Avenue is different than being in a neighborhood. Asking Board to deny the tower.

Ted Exarhakos - 40 Princeton Road appeared and was sworn in. Read a statement to the Board. Stated he is the treasurer of the Holy Trinity Greek Orthodox Church. A phone call was received by a bookkeeper at the Church back in 2016 regarding a monopole. There was also a letter dated January 31, 2020 but the offer had expired by the time the Church received the letter. He reached out and stated the Church would be interested in alternative solutions, but probably not a cell tower. He was told ATT&T was interested in the cell tower on the UCC Campus. Also, on February 12, 2020 he received an email that Sprint was looking for a cell tower in the area. When he returned the email, he was told Sprint would be the 3rd or 4th carrier on the cell tower at the UCC Campus. Believes this will be a four-carrier cell tower. There were no details for financial compensation ever discussed with anyone.

Marlene Buckman – 24 Colby Lane appeared and was sworn in. Read a statement to the Board. Stated she has lived here for 17 years. Has looked at cell towers in area and they are located in commercial or industrial areas and on railroad lines or major highways with few homes nearby. Will create a negative on the neighborhood. DAS will provide 95% coverage for the college. DAS not operating to its full potential. There is no evidence of drop calls. Discussed using Green Acres. Asking Board to vote no to the application.

Maria Petracca – 18 Colby Lane appeared and was sworn in. Stated she has lived here for 14 years. Read a statement to the Board. Cell tower will be an eyesore. Feels Verizon has not established a need for the cell tower. Has never had an issue with cell service. Asking Board to deny the application.

Marietta Horne – 42 Princeton Road appeared and was sworn in. Read a statement to the Board. Has lived here for 30 years and has no problem with cell service. Verizon has not shown any evidence of dropped calls. Cell towers are not a permitted use in the E-1 zone. There is no noise or exhaust in the area now since it is near a wooded area. UCC had a problem inside their building and Verizon installed a DAS system in the building for free. She has paid a premium to be on suburban street. Asked what is the higher education purpose of cell tower. Asking Board to vote no.

Frank & Barbara Krause – 20 Pittsfield Street appeared and was sworn in. Mrs. Krause read a statement to the Board. Showed several photos taken by Dr. Krause in May and August 2020 on North Avenue in Garwood. Cell tower is on the property by Wendy's parking lot. Photo #1 is a maintenance truck; Photo #2 shows height of the pole; Photo#3 is maintenance vehicle for the pole. Mr. Krause stated the area of cell tower in Garwood should be looked at. Each carrier is a source of revenue. Tower in Garwood has 28 carriers on the pole now. Feels cell tower on UCC Campus would continue to grow.

Mr. Meese objected to the photos from Garwood.

Kevin Buckman – 24 Colby Lane appeared and was sworn in. Read a statement to the Board. Residents stated there were no gaps in services. How is that different then the students All the variances do not apply to this land. Cannot give an example of a d(1) use with cell tower in close proximity to a residential

neighborhood. UCC stood in opposition of the cell tower 10 years ago at the Swim Club. Asking Board to turn down the application. Requesting the Board ask for short-term and long-term planning from UCC.

Ray Licata – 10 Dartmouth Road appeared and was sworn in. Read a statement to the Board. Verizon claims lack of coverage and being a safety issue. Showed a photo on his computer of Verizon current cell coverage with 5G. Showed ATT&T 5G coverage at 100%. Showed T-Mobil 5G coverage at 100%. No one should have a problem making a call. No dropped call data provided. Should do a study and provide the data. First Net users have priority on the network. Applicant has not proven there is a significant gap in coverage. Beautiful neighborhood and quiet area. Zoning laws are here for a reason. Request Board deny the application.

John Walker – 1100 East Board Street, Westfield, appeared and was sworn in. Here on behalf of Fairview Cemetery; he is a member of the Board of Trustees. Will be an eyesore for their property. The alternate location is only about 100 feet from their property. The noise will be a detriment to people coming to the cemetery. Cemetery has been there for 150 years and is 105 acres. Cemetery tries to be a good neighbor. Was approached to put a cell tower and their property, they declined. Fairview Cemetery is against the cell tower.

Susan Olszewski – 36 Harvard Road appeared and was sworn in. Moved to Cranford 3 years ago. Beautiful neighborhood. Would not have moved here if the cell tower was here. Zoning ordinances need to be adhered to. Asking to uphold ordinances and deny the application.

Mike Normann – 12 Colby Lane appeared and was sworn in. Stated he has lived in Cranford for 25 years and 12 years in this house. Read a statement to the Board. Works from home and has no issues with dropped calls or cell service. Cell tower requires too many variances, will be an eyesore, and residents will be affected by the noise it will produce. Commercial development is not allowed in the E-1 zone. Asked to vote no on the tower.

Rita LaBrutto and William Murphy were not able to connect to make their comments.

Discussed the next date being February 22nd for summations and March 22nd will be deliberations and voting on the application.

PUBLIC PORTION:
None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 11:33 p.m.

Daniel Aschenbach, Secretary