

March 2, 2020

The workshop portion of the meeting was called to order at 7:33 p.m. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

None

Alternates Present:

Mr. Savino
Mr. Rees

Alternates Absent:

None

Also in attendance: Mark Rothman, Esquire, Kathy Lenahan, Board Administrator

COMMUNICATIONS:

None

MINUTES:

None

RESOLUTIONS:

None

OLD/NEW BUSINESS

The workshop portion of the meeting concluded at 7:34 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on March 2, 2020 at 7:45 p.m. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Mr. Marotta announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader or Star Ledger has been notified and the agenda posted in the municipal building as required.

Mr. Marotta explained the protocol, purpose and procedure that will be followed during the hearing.

1. **Application # ZBA 19-010 - Continued from February 26, 2020**

**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 §255-37I(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 §255-37I(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 §255-7I(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 §255-37I(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).

Gregory Meese appeared and stated that Mr. Masters is back for cross examination. They have submitted the following as requested: propagation tool parameters, marked Exhibit A-43, a wetlands survey, tree survey, revised Exhibit A-3, a copy of revised Planning Report and the Sprint vs. Saddle River decision. Also have scheduled a site inspection at 42 Princeton Road. Asked Board counsel to also be there on Thursday at 8:00 a.m.

William Masters appeared and was reminded he is still under oath. Mr. Masters gave an example of some sites that are near residential properties. Marked Exhibit A-44 consisting of seven aerial photos from Google Earth. Mr. Masters reviewed each photo location.

Questions from Mr. Simon to Mr. Masters ascertained the following:

The written reports he submitted were not revised. 95% of his work is in the wireless telecommunications industry. He has testified only in favor of wireless carriers. In 26 years he has testified thousands of times on behalf of wireless carriers. Has never served on a Board or a Municipality as a Planner for a wireless proposal. Cannot recall ever telling a wireless carrier that he could not support their proposal. Retained in November of 2018 for this application. Has not seen any other drive test data or propagation other than what has been presented to the Board. Has seen data for the site for lower frequencies for Verizon. Did not review any data at lower frequencies for emergency communications. Did not review any drive test at lower frequencies. Report provided was just for this site (UCC). He was the planner for the application for the Cranford Swim Club. Does not believe the neighborhood has changed since the swim club application and that application was also for three carriers. Not aware of students or facility residing at the campus. Does not believe that there is a location on the property that would comply with the +300 foot setback to a residential zone. Does not know anything about the bid submissions for the site. Not involved in the ODAS installation. Not aware of any other possible locations for a monopole on the campus. Discussed the lower parking lot as a possible location and concluded the area would not meet all the requirements. Also looked at the Springfield Avenue side but there is no buffer of vegetation and is closer to Nomahegan Park. Also looked at rooftop of Library but considering Mr. Pierson's testimony, did not feel it would be feasible. Had Mr. Pierson stated it would have been feasible, then a rooftop installation would

have been preferred over a land monopole. Reviewed the alternate site analysis. Did not review the search rings for each carrier. Did reviewed the UCC Needs Assessment from 2012. Wireless communications are not permitted in the E-1 zone. Discussed the ordinance for consolidation of minimum lot area and open space ratio. Did reviewed the 2009 Master Plan and the 2019 Reexamination Report.

Mr. Simon requested to enter into the record Exhibit O-2 & Exhibit O-3. Described O-2 as 3 pages Figure LU-3 from the 2009 Master Plan and O-3 is 3 pages Figure C0-1 from the 2009 Master Plan.

Mr. Masters continued his testimony. Reviewed Mr. Simon's exhibits. Stated there is an overlay portion of UCC designated as a historic site in the exhibit. The proposed locations for the cell tower are in the historic portion of the site. The parking lot area that was mentioned in previous testimony, is located in a single family residential zone. Discussion was held regarding the balance of the site and the two colors of blue on the key map. He did not do any further investigation into the historic site designation. He did not review the Master Plan for the Town of Westfield. The cemetery in Westfield is zoned as RS16. Feels the applicant needs a c(2) variance not a d(6) use variance. Believes the structure is accessory to the ground equipment based on case law. Reviewed the Cranford Wireless Telecommunications Ordinance. Stated there is a detriment, but not a sustainable detriment. Stated the detriment is the visual impact but due to the tree with the branches plus the size of the lot, it does not rise to the level of a substantial detriment. With regard to the photos he presented this evening, he did not do any analysis of these properties. UCC is not a co-applicant on this application. Did not consider any alternate technology to determine if the proposed facility is the least intrusive in closing the gap. Believes that UCC has had issues related to reliable communications and they feel a need under the Cleary Act to improve their wireless communications. Not aware of any issues with UCC and Federal Government regarding violations. Not aware of UCC losing any funding or status based on not complying with the Cleary Act. Not aware of the police having any issues with communications in the areas where the applicants are requesting coverage. He is not aware of any interest in a fourth carrier with these applicants. He is aware of ODAS systems. Not aware of any complaints with the systems. He is aware of the diversion process with the DEP. Does not know how many residents would be able to see the tower. For each analysis, they submitted 10 photos at random vantage points. In the case of a tree pole design, the requirement is that the integrity of the pole cannot be impacted by any expansion and the applicant is entitle to a maximum of an additional 20 feet. He did see a tree survey and is aware that there are 31 trees are being removed. Did take into consideration the cemetery and does believe the relief the applicant is seeking can be granted without substantial detriment to the public good. The crane could not get any closer to the alternate spot for the second photo simulation.

Questions posed by the Board to Mr. Masters ascertained the following:

Photos presented were in residential and non-residential areas. In his opinion, the scale on the photos is accurate. The 2019 Reexamination Report had the same Land Use Plan as the 2009 Master Plan.

Mr. Meese stated it is up to the Board to decide which location they prefer. The applicant is presenting the additional site as an alternative.

There were no further questions by the Board.

Mr. Marotta asked if the Public had any questions for this witness, the following appeared:

Tom Ganley – 29 Cornell Road – Asked about the photos shown tonight and whether they are being used as a comparison to the UCC site. Asked about other colleges that have built towers.

Mr. Masters stated they are not a comparison, only showing that there are other sites with cells towers that are close to residential dwellings. Does not know of any other colleges but does know of other high schools that have cell towers.

Marietta Horne – 42 Princeton Road – Asked about the additional 20 feet for an additional carrier and about the calculations. Asked whose decision is it to extend the pole.

Mr. Masters stated the application is for 143 feet. The Co-location Act permits carriers to extend 20 feet in height. He has not had an applicant come in under the automatic extension so he is not sure how it would affect the applicant's request. Stated it would be the owner of the pole to decide to extend the pole.

Mr. Meese stated there is Federal Law and State Law. If the extension triggered variances the applicant would have to come back under the State Law. Under Federal Law, the applicant could not interfere with the integrity of the pole, might have to have the pole redesigned.

Ray Soriente - 39 Princeton Rd – Asked about requirements about the esthetics of the pole. Asked about the alternate location and about the pole on the Parkway.

Mr. Master does not know who owns that pole and why is it not required to be maintained. Stated tree poles have come a long way. Stated the alternate location is moving closer to the property line at the cemetery towards Gallows Hill Road.

Marlene Buckman – 24 Colby Lane – Asked about height of trees on the photo simulations. Asked about getting black lines every 10 feet on the photo simulations. Asked about the buffer that separates the parking area and Colby Lane and the tree analysis.

Mr. Masters stated the survey shows the height of trees. Stated it may be possible to get the lines on the photo simulations. Stated the tree analysis was done for the area where the proposed installation would be.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

Mr. Simon stated he cannot be at the hearing on the 16th. Stated he will have a Professional Planner testifying but not sure about other witnesses. Asked about his request for legend key to identify Mr. Pierson's exhibit for the alternate site.

Mr. Meese stated he hopes to finish on the 9th and requested Mr. Simon state who he will be calling as a witness on the 9th.

Mr. Marotta stated this hearing will continue next Monday at 7:30 p.m.

PUBLIC PORTION:

None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:23 p.m.

Daniel Aschenbach, Secretary