

March 9, 2020

The workshop portion of the meeting was called to order at 7:44 p.m. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

Mr. Aschenbach
Mr. Salomon

Alternates Present:

Mr. Savino
Mr. Rees

Alternates Absent:

None

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

COMMUNICATIONS:

None

MINUTES:

Motion to adopt the minutes of the February 10, 2020 meeting was made by Ms. Daly, seconded by Mr. Lucas and passed on unanimous voice vote.

RESOLUTIONS:

None

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:46 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on March 9, 2020 at 7:46 p.m. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Ms. Lenahan 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 **Application # ZBA-19-017 – APPLICATION HAS BEEN WITHDRAWN
Cranford Hotel Inc.
2 Walnut Avenue
Block: 476, Lot: 1.02 R-CC Zone**

Applicant is requesting a c(1) and c(2) variance, a site plan waiver, a zoning interpretation and design waivers for on-site loading and bicycle racks to renovate the second and third floors of the building.

2. **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).

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 §255-37I (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 §255-37I (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 §255-37I(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 §255-37I(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.

Gregory Meese appeared. Stated notices were sent out for tonight's meeting including both proposals. Also there was an addendum filed for the alternative proposal. Has an affidavit from Mr. Gentile stating that he has not received any responses other than the Greek Orthodox Church regarding the letter that he sent. Marked affidavit from Mr. Gentile as Exhibit A-45. Reviewed the witnesses for the evening. Stated the NJ State Historic Preservation Office has determined there is no adverse effect on the historic site and has allowed the site to proceed. Waiting on the letter and will submit as soon as he receives it. Working with the carriers on alternate designs and will submit those as soon as available.

Mr. Colosurdo appeared and was reminded he was still under oath. Stated his licenses are still valid.

Questions posed by Mr. Meese to Mr. Colosurdo ascertained the following:

Reviewed a drainage report dated March 2, 2020 for the alternate location. Concluded that the drainage will improve with the construction of this facility due to the gravel being used. Marked it as Exhibit A-46. Reviewed the Wetlands Location Survey (2 pages) and a revised tree survey. Marked Exhibit A-47 & A-48 respectively. Stated trees range from 25 feet to 50 feet in new location. Trees outside the new location tend to be taller. Reviewed Exhibit A-29 (Ex. 3B). He identified the compound for Mr. Masters by using 10 foot PVC pipe and sprayed with orange paint. The corners were the northwest, north, and northeast facing Princeton Road.

Mr. Rothman asked about Exhibit A-47 and the location of existing trailers. Mr. Colosurdo stated that area is located with a wetlands buffer. The area outside the wetlands buffer might be an area he could work with.

Mr. Meese stated they asked the College about the area at the edge of the parking lot (grass area) and the College said no. College stated the site had to be in a location north of Campus Road.

The Board had no questions for this witness.

Mr. Marotta asked if the Public had any questions for this witness.

Marietta Horne – 42 Princeton Road – Asked why the College said no to the area by the parking lot.

Mr. Meese stated he did not know why the College said no.

Questions posed by Mr. Simon to Mr. Colosurdo ascertained the following:

People who prepared Exhibits A-46, A-47 & A-48 are hired consultants supervised by Mr. Colosurdo. He provided specific instructions on what the Board was looking for on the tree survey. Stated he wanted anything a caliber of 4 inches or more surveyed. Discussed contacting the utility to get the utilities to the compound location. Needs a permit from DEP for underground utilities. He has not seen a Letter of Interpretation from DEP with regard to the wetlands. Even if a different wetlands buffer was assigned, it would not affect the design of the site. Thinks there was a NIPA study done for threaten or endangers species. Does not know if a Phase I or Phase II study was done for this property. There are other areas he could put a compound on since there is a lot of land, but could eliminate most of the areas due to setbacks. Reviewed Sheet Z - 2A of zoning plan showing the two areas in question regarding a different location.

Stated the location next to the gymnasium was considered years ago but College did not want a structure that close to one of their buildings. One of the concerns with that area was there were solar panels. Did not look at the location with the flag pole on main campus. Tree survey was for Lot 2.01, did not include Lot 4. The caliber is the circumference. Tree survey does not identify any dead or dying trees. The distance from the UCC Library to the new site is approximately 1700 feet. The distance from the UCC Gym to the new site is 1500 feet.

Mr. Meese's' follow up questions to Mr. Colosurdo ascertained the following:
When preparing a site plan, he relies on a surveyor, engineer for drainage and a wetlands consultant.

Mr. Meese recalled Mr. Masters who was still under oath.

Questions posed by Mr. Meese to Mr. Masters ascertained the following:
Presented an aerial photo of UCC Campus. Marked as Exhibit A-49. Described the buffering by the eastern part of Campus. Stated there are residential homes near the gym and buffer is no more than 40-50 feet. On the south side of campus near Princeton Road is back of residential lots and there is a triangular parking lot with as single row of trees and continues to Springfield Avenue. Proposed compound has a greater wooded buffer. Described where he was during the testing on Mrs. Horne's property. Took two photos from the back of her house and a picture at the site where corners were marked. Stated the compound was not visible from Mrs. Horne's house. Described three photos marked P1, P2 & P3 taken from the backyard of Mrs. Horne's house and marked as Exhibit A-50. Reviewed the photos taken from 42 Princeton Road. Stated they were taken on March 5, 2020. P-1 & P-2 taken from backyard facing direction to compound. Posts were 10 feet PVC pipe with orange dayglow and could not be seen from her backyard. P-3 was taken at the maintenance yard where the posts were visible. Applicant would be willing to plant evergreens along Mrs. Horne's property line to obscure the view and also offer an allowance to plant on her property. Feels there is no adverse effect visibly from her property. He did not review any RF plots other than the one by Mr. Pierson. There was no change to the Future Land Use Map in the 2019 Reexamination Report with respect to the UCC Campus. The National and State list of historic designated sites does not list the UCC Campus. Marked Exhibit A-51 as a list of national preservation historic places for Union County. Stated UCC is not on that list. The HPAB did not list the site on their report. The reference was to the Sperry Observatory as a possible candidate in the register. Did reference Nomahegan Park and the visual impact of the pole. For Green Acres, you need a diversion permit and must show no other suitable alternatives. Believes the UCC Campus is a suitable alternative.

Questions from the Board for this witness ascertain the following:
Not familiar with restrictions to other locations on the UCC Campus in the lease. Lease identifies the location. Does not know if UCC owns Lot 1.05 in Nomaheagn. Tree survey indicates various heights. Will supplement the record with different designs. Tree pole will be visible from 42 Princeton Road, there will be trees in between, but lower portion of the tree will be concealed with some of the vegetation. Poles in the photos were 10 feet tall, the fence around the compound will be 8 feet tall. All equipment inside the fence will be below 8 feet except for AT&T, which will be 18 inches higher than the fence.

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

Marietta Horne – 42 Princeton Road – Asked about the photos taken and stated it is not a representation of what the pole will look like. Asked about photo shopping the equipment and poles.

Mr. Masters stated that P-1 & P-2 are photos from her backyard. Poles in P-3 were not visible, so equipment would not be visible from her backyard.

There was discussion as to what the Board's expectation of these photos were to be. Mr. Masters stated if they could have seen the poles from Mrs. Horne's backyard he would have then done a photo simulation of the compound.

Frank Krause – 20 Pittsfield Street – Asked if this pole will be the same as the one in Garwood.

Mr. Masters stated he does not know if it will be the same.

Barbara Krause – 20 Pittsfield Street – Asked about Cranford's community forestry plan. Asked about insignificant trees and about water and removal of trees. Asked about an environmental statement.

Mr. Masters is not aware of the plan. Stated there are some trees of less value than others.

Mr. Meese stated the environmental impact statement is in process. Hope to have it by next week.

Tom Ganley – 29 Cornell Road – Asked about a balloon test and about the photos shown and seen at a higher elevation.

Mr. Masters stated balloon tests work in some conditions, usually in July and August. Stated at a higher elevation you might be able to see more of the tower.

Rita LaBrutto – 104 Arlington Road. – Asked about seeing the pole from Springfield Ave. Asked about items in Cranford's Master Plan & the Reexamination Report regarding residential uses.

Mr. Masters showed a photo taking from parking lot at Nomahegan Park. Stated Springfield Avenue is about 2000 feet away from proposed pole. Stated you could probably see the pole.

Julie Exarhakos - 40 Princeton Road – Asked about Photo 9A and the view shown from that photo.

Al Simone - 210 Pawnee Road – Asked about what the pole will look like and about a red light on top.

Mr. Masters said a red light is not required by the FAA.

Mr. Meese stated Mr. Colosourdo testified they do have FAA clearance for the facility.

Guy Graziano - 26 Princeton Road – Asked how many feet is the pole from Mrs. Horne's property and if that property is the closest to the pole site.

Mr. Masters stated it is 422 feet away from proposed pole and the closest house is 44 Princeton Road which is 362.10 feet away from pole.

Kevin Comer - 33 Tulip Street - Asked about using a ladder to take photos or going into someone's home.

Mr. Meese stated they do not go into anyone's home.

Lenore Argen - 27 Seneca Road – Asked about an attractive nuisance and kids playing on the equipment and who will response to emergencies.

Mr. Masters stated he has not given that consideration.

Mr. Meese stated the carriers will send their own personnel.

Robert Argen – 27 Seneca Road – Asked about putting up a temporary model and about lights for insurance.

Mr. Meese stated there are no lights on the towers.

Mr. Colosurdo stated there is no lighting required.

Ron DeVelde - 41 Princeton Rd – Asked about view from his home and about the compound.

Mr. Masters stated you could probably see the tower, not sure about the compound.

Debra Kush – 28 Colby Lane – Asked about using a drone to take pictures. Asked about superimposing the tower onto the property and about 24/7 security.

Mr. Masters stated they did a crane test twice and photos per the request of Mrs. Horne.

Jorge Santos – 19 Harvard Road – Asked about security and response time.

Mr. Meese stated this question is of a different witness.

Ray Soriente - 39 Princeton Road – Asked about tower on the parkway and who will be the owner of the tower on the UCC Campus.

Mr. Masters stated it is the carrier's responsibility to maintain the pole. Stated it is one of the original poles and poles look more realistic today. Does not know who will own the tower on the campus; if it will be the individual carrier or a tower company.

Marlene Buckman – 24 Colby Lane – Asked about other historic sites mentioned in the HPAB June 2019 report and what recommendations were made.

Mr. Masters stated Nomahegan Park, Sperry Observatory and Fairview Cemetery were listed. The location of installation was noted and that Nomahegan Park was across from Springfield Ave.

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

He does not have any information on the height or lease of solar panels on the library, gym or any other building. The age restricted/senior services/institutional land use designation did not change from September 30, 2009 and the Reexamination Report which was adopted September 18, 2019. Also the historic overlay zone nor the single family residential for parking lot 5B land use designation did not change. Presented Exhibit A-52 as LU-33 of Master Plan. There are at least two other land tracks that have same land use designation as UCC.

There were no further questions, and the matter was referred back to the Board.

Discussion was held regarding the upcoming meetings and witnesses that will appear.

Mr. Marotta stated the next meeting will be Monday, March 16th.

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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 10:54 p.m.

Daniel Aschenbach, Secretary