

## MINUTES – ZONING BOARD – SEPTEMBER 14, 2020

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, September 14, 2020 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 7:35 p.m. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

Mr. Marotta  
Ms. Daly  
Mr. Aschenbach – joined at 8:03 p.m.  
Mr. Ashrafi  
Mr. Lucas  
Mr. Salomon

#### **Members Absent:**

Mr. Quinn

#### **Alternates Present:**

Mr. Rees  
Mr. Savino

#### **Alternates Absent:**

None

Also in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator

### **COMMUNICATIONS:**

None

### **MINUTES:**

A motion to adopt the minutes of the July 13, 2020 meeting, was made by Mr. Salomon, seconded by Mr. Savino and passed on unanimous voice vote.

A motion to adopt the minutes of the August 10, 2020 meeting, as amended, was made by Mr. Ashrafi, seconded by Mr. Rees and passed on unanimous voice vote.

### **RESOLUTIONS:**

None

### **OLD/NEW BUSINESS**

None

The workshop portion of the meeting concluded at 7:41 p.m.

**PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on September 14, 2020 at 7:45 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 19-010 - **CONTINUED FROM MARCH 9, 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 §255-371(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.

Gregory Meese, Esq. appeared and stated that Mr. Simon was not available to cross-examine Mr. Pierson at the March 9<sup>th</sup> meeting. Stated Mr. Pierson is here this evening for cross-examination by Mr. Simon. Before cross-examination, Mr. Pierson has a statement and a chart to show the Board with regard to the power outage that happened a few weeks ago.

Glen Pierson appeared and was reminded he is still under oath. Discussed the power outage that happened and the data usage for that outage. Stated the outage was throughout New Jersey including Cranford. Presented a chart marked Exhibit A-53 (3 pages) titled Verizon Wireless Downlink Data Usage.

Questions by Mr. Simon to Mr. Pierson ascertained the following:

Reviewed Exhibit A-53 and stated on the left side of chart is the number of megabytes of data. The colors are the three sectors of the macro site. Does not know if there were any complaints during the outages. There were no temporary sites brought in during outages. Does not know if any emergency services were impacted. If the site is moved and in order to keep the connection with no gaps, you would need to have a higher pole. Discussed various other locations for the cell tower including the cemetery. The site could be moved 500 to 700 feet and might not change the coverage area. He is familiar with the buildings on each side of UCC. There is a flag somewhere near the entrance. A flag pole was not mentioned as an option. As long as a structure can hold the number of antennas required, the radio frequency does not care what structure is used.

There was discussion between Mr. Simon and Mr. Meese regarding Mr. Pierson's testimony for the evening.

Mr. Simon's continued cross-examination of Mr. Pierson continued and ascertained the following: Reviewed Exhibit A-30 and several sites were discussed including: KL 4, 6, 7. Stated that would be a separate project and could fill some gaps that remain to the east. KL 8, 9, 10 are very close to the Cranford Swim Club. KL 8, 9, 10, are very small properties and coverage would include DAS nodes. Carriers would decide if they wanted to turn off the DAS nodes. KL6 is County property on Kenilworth Blvd. and there is a 60-foot ground elevation difference on that site. He has not propagated any of the sites on A-30 except the Greek Orthodox Church. The DAS station for Chippeway Way is two miles away and connected via fiber optic cable.

Board's question for this witness ascertained the following:

If you could put a 70-80-foot structure on Library it would meet the height. DAS nodes are less reliable and do not have backup. DAS nodes were only thing available at the time. It is an inferior site compared to a macro site. Dropped call data is relevant to the application but he has looked at other parameters.

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

Ray Licata – 10 Dartmouth Road – Asked about the basic need for the tower and about dropped calls.

Mr. Meese stated Mr. Pierson already discussed the need.

Mr. Pierson stated the carriers have licenses and have the right to build out their licenses in the bands. Has showed that the high band have gaps in the area. Stated there are performance issues in the area. Did not provide any data on drop calls.

Mr. Meese stated the next witness would be from Mr. Simon and that he has finished his case.

Mr. Simon stated his next witness is not available until September 21<sup>st</sup>. His witness will be Peter Steck, who is a planner.

**PUBLIC PORTION:**

There was a resident trying to ask a question, but they were not audible. Mr. Marotta stated they should call the Zoning Office to get assistance.

**CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 9:27p.m.

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Daniel Aschenbach, Secretary