

Form 01/Board Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 • Fax: (908) 276-7664

Email: Zoning@CranfordNJ.org



Form Updated 10-12

The application, with supporting documentation, must be filed with the Planning and Zoning Department of the Township, and will be reviewed by Township professionals prior to scheduling the meeting at which the application is to be considered.

To Be Completed by Township Staff Only

Dated Received: _____

Application No.: _____

RECEIVED

OCT 10 2019

PLANNING & ZONING OFFICE
TOWNSHIP OF CRANFORD

To Be Completed by Applicant

1. Subject Property

Location/Address: 1033 Springfield Avenue

Tax Map: Block: 121, Lot(s): 1, 2.01, 2.02, 3, 4 & 5

Block: 122, Lot(s): 25

Dimensions: Frontage: 230' Depth: +/- 2125 Total Area: 48.48 acres / 2,111,816.475 sf

Zoning District: E-1

2. Applicant Information

Name: New York SMSA Limited Partnership d/b/a Verizon Wireless, T-Mobile Northeast LLC and New Cingular Wireless PCS, LLC

Address: c/o Gregory D. Meese, Esq., Price Meese Shulman & D'Arminio, P.C., 50 Tice Boulevard, Suite 380, Woodcliff Lake, NJ 07677

Phone: 201-391-3737

Email: gmeese@pricemeese.com

Applicant is a: Corporation _____ ^{Limited} Partnership _____ Individual _____

Limited Liability Company ☒ Other (Specify) _____

3. Disclosure Statement

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.A. 40:55d-48.2 that disclosure requirement applies to any corporation, limited liability company or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate

- D. List any other Expert who will submit a report or will testify for the Applicant:
[Attach Additional sheets as may be necessary.]

Name: Frank Colasurdo, R.A.
Area of Expertise: Architecture
Address: FC Architects, 350 Clark Drive, Suite 304
City/State/ZIP: Mount Olive, NJ 07828
Phone Number: 973-726-7164
E-mail: fcolasurdo@fcarchitectsinc.com

7. Application Type

A. SUBDIVISION

- ☐ Minor Subdivision Approval
☐ Subdivision Approval [Preliminary]
☐ Subdivision Approval [Final]

B. SITE PLAN

- ☐ Minor Site Plan Approval
☒ Preliminary Site Plan Approval [Phases (if applicable)]
☒ Final Site Plan Approval [Phases (if applicable)]
☐ Amendment or Revision to an Approved Site Plan
☐ Request for waiver from Site Plan review and approval

Reason requesting waiver of site plan approval (use additional pages if necessary):

See attached addendum

C. INFORMAL REVIEW: ☐ Subdivision ☐ Site Plan

D. CONDITIONAL USE APPROVAL per N.J.S.A. 40:55D-67

E. DIRECT ISSUANCE OF A PERMIT:

- ☐ N.J.S.A. 40:55D-34 (permit building or structure in the bed of a mapped Street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32)
☐ N.J.S.A. 40:55D-36 (permit building or structure not related to an official suitably improved street pursuant to N.J.S.A. 40:55D-35).

F. VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.C

- _____ (C1) "Hardship" Variance
- X (C2) "Flexible" Variance (benefits v. detriments)

G. VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.D

- X (D1) A use or principal structure in a district restricted against such use or principal structure
- _____ (D2) An expansion of a nonconforming use
- X (D3) Deviation from a specification or standard pursuant to Section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use
- _____ (D4) An increase in the permitted floor area ratio as defined in Section 3.1 of P.L. 1975, c.291 (C.40:55D-4)
- _____ (D5) An increase in the permitted density as defined in Section 3.1 of P.L. 1975, c.291 (C.40:55D-4) except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision.
- X (D6) A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

See application addendum for explanation.

H. APPEAL/INTERPRETATION PURSUANT TO N.J.S.A. 40:55D-70, (a) & (b):

- _____ (a) Appeal to Board of Adjustment of Order, Requirement, Decision or Refusal by an administrative officer based on or made in the enforcement of the zoning ordinance.
- _____ (b) Request for Interpretation of the zoning map or ordinance or for Decisions upon other special questions upon which the Board of Adjustment is authorized to pass by any zoning or offered map or ordinance.

8. **Explain in detail** the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises: [attach additional pages if needed]

See attached application addendum

17. List of maps, reports and other materials accompanying the application (attach additional pages as required for complete listing.)

Quantity	Description of Item
18	Site Plans
18	RF Report
18	EMF Report
18	Photo simulations

18. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals.

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Reports Requested:

All

Send reports to:

Name/Address Gregory D. Meese, Esq.
Price Meese Shulman & D'Armino, P.C.
50 Tice Boulevard, Suite 380
Woodcliff Lake, NJ 07677

Name/Address

Name/Address

Certifications

Complete #19 *or* #20 a and b as indicated:

19. Applicant is Property Owner: I certify that I am the Owner of the property which is the subject of this application, for which I am also the Applicant, and that the foregoing statements and the materials submitted are true. As such, I further certify that I am authorized to sign this application, and that I agree to be bound by the application and the decision. [If the Owner who is also the Applicant is a corporation this must be signed by an authorized corporate officer. If the Owner who is also the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
____ day of _____, 20__

NOTARY PUBLIC

SIGNATURE OF APPLICANT and OWNER

20. a) Applicant Who is Not the Property Owner: I certify that the foregoing statements and materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. [If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
16th day of September, 2019


NOTARY PUBLIC

JENNIFER ZELLER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 5, 2020



SIGNATURE OF APPLICANT

b) Owner Who is Not the Applicant: I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the Applicant. [If the Owner is a corporation this must be signed by an authorized corporate officer. If the Owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
____ day of _____, 20__

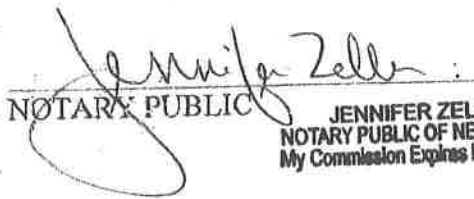
NOTARY PUBLIC

See attached owner's consent
SIGNATURE OF OWNER

Checklist Certification

21. To be completed by the applicant: I certify that all of the required checklist items and any waiver requests (which includes a listing of each waiver requested and a statement of arguments in support of granting each waiver requested) have been provided as part of this application. I understand that a determination of completeness is not a determination of approval and that the Board of jurisdiction has the right to request additional information. [If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
16th day of September, 2019


NOTARY PUBLIC

JENNIFER ZELLER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 5, 2020


SIGNATURE OF APPLICANT

Escrow Certification

21. Escrow Certification I (please print name) Gregory D. Meese, Esq., attorney for co-applicants understand that I have provided the non-refundable sum of \$ 5,500.00 to be deposited in a Township of Cranford escrow account. In accordance with the Ordinances of the Township of Cranford, I further understand that the escrow account is established to cover the cost of professional services including but not limited to engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned upon my written request to the Zoning Department for same. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.


SIGNATURE OF APPLICANT

9/16/2019
DATE

Form 04/Appeal for Relief from Zoning Requirements

NOTE: For "C" Variances and Design Waivers Only



TOWNSHIP OF CRANFORD ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 • Fax: (908) 276-7664

Form Updated 8-12

To be completed by Township Staff Only

Application No: _____ Date received: _____

Appeal is hereby made by the applicant pursuant to NJSA 40:55D-70(c) of the New Jersey Municipal Land Use Law, for permission to vary from the requirements set forth in the Land Development Code of the Township of Cranford as follows:

1. Applicant information

New York SMSA Limited Partnership d/b/a Verizon Wireless, T-Mobile Northeast LLC and

Name: New Cingular Wireless PCS, LLC

c/o Gregory D. Meese, Esq., Price Meese Shulman & D'Armino, P.C., 50 Tice Blvd., Ste 380

Address: Woodcliff Lake, NJ 07677

Phone: 201-391-3737

Email: gmeese@pricemeese.com

2. Appeal information

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Relief Requested
	See attached addendum	

3. Please list all pre-existing non conforming conditions

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Existing Conditions

4. Arguments submitted in support of the requested relief.

On a separate sheet of paper, for each variance requested, explain fully how the physical characteristics of the property in question prevents compliance with the strict application of the code requirements creating an undue hardship for the applicant.

5. Public Hearing Notification Information

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the Board Administrator in the Planning and Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

1. Is the subject property located within two hundred feet (200') of any municipal boundary?

☒ YES NO If yes, Municipal Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1)

2. Is the subject property adjacent to an existing or proposed county road or adjoining other County Land?

☒ YES NO If yes, County Planning Board shall be notified of hearing by applicant. (Note 1).

3. Is the subject property adjacent to a State highway?

YES ☐ NO ☒ If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2).

4. Is the subject property greater than one hundred fifty (150) acres or involve more than 500 dwelling units?

YES ☐ NO ☒ If yes, applicant shall notify the Director of New Jersey State Planning Commission of the hearing. Notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk. (Note 3).

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF THE PROPERTY IN QUESTION AND OTHERS AS REQUIRED.

6. Disclosure Information

Is applicant and/or owner a corporation, Limited Liability Company or partnership and does the application involve variances to construct a multiple dwelling of twenty-five (25) or more family units or approval of a site to be used for commercial purposes?

YES NO If yes, submit disclosure of all stockholders holding ten percent (10%) or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et seq. (see Form 01)

NOTES:

"1" Union County Planning Board
Attn: Union County Department of Engineering and Planning
Union County Administration Building, Elizabethtown Plaza
Elizabeth, New Jersey 07207

"2" New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625

"3" New Jersey Business Action Center
Office for Planning Advocacy
State Planning Commission
Department of State
P.O. Box 820
Trenton, New Jersey 08625-0820

Form 05/Use Variance Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 8-12

To be completed by Township Staff Only

Application No.: _____ Date received: _____

Request is hereby made pursuant to Section 40:55D-70(d) of the New Jersey Municipal Land Use Law to the Board for permission to permit as a use in E-1 Zone which is specifically prohibited by the Municipal Land Use Ordinance of the Township of Cranford.

1. **Arguments must be submitted in support of the requested "Use Variance."**
On a separate sheet, describe reasons why the requested use variance should be granted by the Board.

2. Public Hearing Notification Information

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the Board Administrator in the Planning/Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

- a) Is the subject property located within two hundred feet (200') of any municipal boundary? If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1) ☒ YES ☐ NO
- b) Is the subject property adjacent to an existing or proposed county road or adjoining other County Land? ☒ YES ☐ NO If yes, County Planning Board shall be notified of hearing by applicant. (Note 1)
- c) Is the subject property adjacent to a State highway? YES ☒ NO If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2, Form No. 13)
- d) Is the subject property greater than one hundred fifty (150) acres or involve more than 500 dwelling units? YES ☒ NO If yes, applicant shall notify the Director of New Jersey State Planning Commission of the hearing. Notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk. (Note 3)

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF THE PROPERTY IN QUESTION AND OTHERS AS REQUIRED.

3. Disclosure Information

Is applicant and/or owner a corporation, limited liability company or partnership and does the application involve variances to construct a multiple dwelling of twenty-five (25) or more family units or approval of a site to be used for commercial purposes? ☒ YES ☐ NO
If yes, submit disclosure of all stockholders holding ten percent (10%) or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et.seq.

NOTES:

- "1" Union County Planning Board
Attn: Union County Department of Engineering and Planning
Union County Administration Building, Elizabethtown Plaza
Elizabeth, New Jersey 07207
- "2" New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625
- "3" New Jersey State Planning Commission
150 West State Street
P.O. Box 204
Trenton, New Jersey 08625

Form 09/Preliminary Approval of Site Plan Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 8-12

To be completed by Township Staff Only

Application No.: _____ Date received: _____

Application is hereby made for approval of the proposed Site Plan for the land herein described:

1. PLAN DESCRIPTION:

Proposed wireless communications facility

a) PREPARED BY: FCArchitects

b) LATEST REVISION: 5/4/2019 9/6/2019

2. CLASSIFICATION OF SITE PLAN: Major X Minor _____

a) Does the site plan involve the creation of any new streets? YES ☒ NO

b) Does the site plan involve the extension of any off-tract improvements?
YES ☒ NO

c) Does the site plan involve a planned development? YES ☒ NO

3. UNION COUNTY PLANNING BOARD REVIEW:

A Union County Development Review application form must be filed with the Union County Planning Board by the applicant on ALL site plans. (Note 1) The application form may be obtained at their website:

<http://www.ucnj.org/p&cr/landstd/applform.pdf> (Note 1)

4. NOTIFICATION INFORMATION:

Notification of the hearing shall be given to the Union County Planning Board by the applicant. (Note 1)

5. PUBLIC HEARING NOTIFICATION INFORMATION:

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the Board Administrator in the Planning/Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

- a) Is the subject property located within two hundred feet (200') of any municipal boundary? ☒ YES ☐ NO If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1)
- b) Is the subject property adjacent to a State highway? YES ☒ NO If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2)
- c) Is the property in question greater than one hundred fifty (150) acres or involves more than five hundred (500) dwelling units? YES ☒ NO If yes, applicant shall notify the Director of the New Jersey State Planning Commission of the hearing. Notice shall include a copy of maps and documents required to be on file with the Municipal Clerk. (Note 3)

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF THE PROPERTY IN QUESTION AND OTHERS AS REQUIRED.

6. DISCLOSURE INFORMATION:

Is applicant and/or owner a corporation, limited liability company or partnership and does the application involve variances to construct a multiple dwelling of twenty-five (25) or more family units or approval of a site to be used for commercial purposes? ☒ YES ☐ NO
If yes, submit disclosure of all stockholders holding ten percent (10%) or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et.seq.

NOTES:

- "1" Union County Planning Board
Attn: Union County Department of Engineering and Planning
Union County Administration Building, Elizabethtown Plaza
Elizabeth, New Jersey 07207
- "2" New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625
- "3" New Jersey State Planning Commission
150 West State Street
P.O. Box 204
Trenton, New Jersey 08625

Form 10/Final Approval of Site Plan Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 8-12

To be completed by Township Staff Only

Application No.: _____ Date received: _____

Application is hereby made for approval of the proposed site plan for the land hereinafter more particularly described.

1. a) DATE OF PRELIMINARY APPROVAL: Simultaneous filing

b) DATE OF ANY EXTENSIONS GRANTED (attach documentation):
N/A

Pursuant to N.J.S.A. 40:55D-49, preliminary site plan approvals expire three (3) years from the date of preliminary approval. The applicant may apply to the reviewing Board for extensions for additional periods of at least one (1) year but not to exceed a total extension of two (2) years.

c) DATE OF LATEST REVISION: May 14, 2019 September 6, 2019

d) CONTACT PERSON: Gregory D. Meese, Esq., Price Meese Shulman & D'Arminio, PC
Phone: 201-391-3737 Email: gmeese@pricemeese.com

2. Does the Application include (check all that apply):

- a) Drainage Plan _____
- b) Paving Plan _____
- c) Utility Plan x
- d) Landscaping Plan x
- e) Sign Plan _____
- f) Lighting Plan _____
- g) Elevation Drawing x

3. Does the final plan follow exactly the plan granted preliminary approval in regard to development plans, area covered, other details? **YES** NO If not, indicate any changes (attach copy if necessary).

4. Have all conditions of preliminary approval been met? YES NO ^{TBD} Attach evidence of compliance, if not included on plans. If conditions have not been met, specify reasons.

APPLICATION ADDENDUM
NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS
T-MOBILE NORTHEAST LLC
NEW CINGULAR WIRELESS PCS, LLC

Union County College
1033 Springfield Avenue
Twp. of Cranford, Union County, New Jersey
Block 121, Lots 1, 2.01, 2.02, 3, 4 & 5
Block 122, Lot 25
E-1 Education Zone

Introduction

Union County College (the "College") recognized the need for improved communications service on its Cranford campus to augment its public safety response capabilities and to support the growing use and reliance on cell phones, tablets, laptops, computers and other wireless communications devices. In November 2017, it issued a request for proposal for solutions necessary to address this need. New York SMSA Limited Partnership, d/b/a Verizon Wireless ("Verizon Wireless") was awarded the contract because it proposed the most robust communications solution. The Verizon Wireless proposal included both an in-building small cell system and a macro site that would provide reliable signal throughout the entirety of the campus, covering all interior and exterior portions of the Cranford campus. The solution included a monopole upon which the other wireless communications providers, T-Mobile Northeast LLC ("T-Mobile") and New Cingular Wireless PCS, LLC ("AT&T") (collectively the "Applicants") will be mounting their own antennas so that the entire College community can have reliable communications no matter which carrier is the service provider for a particular student, visitor, or employee.

Each of the Applicants are licensed by the Federal Communications Commission ("FCC") to provide wireless communications services and each have significant gaps in their wireless communications networks in the Township of Cranford, on the Union County College Cranford Campus and in neighboring Westfield. The network deficiencies are addressed in this application (the "Application") with the construction of the facility which will consist generally of a 140-foot-tall monopole located within a 48 foot by 48 foot fenced equipment compound which will house the Applicants' radio and emergency power equipment. Access to the facility will utilize the existing driveway from Gallows Hill Road and an existing gravel access drive to the site. Electric and telephone service will be brought to the equipment compound from an existing utility pole located on the property. In recognition of the fact that the Cranford Campus is adjacent to residential homes on the north and south, with Nomahegan Park being across Springfield Avenue to the east and Fairview Cemetery to the west, the College selected an existing clearing in a wooded area on the western side of its campus near the cemetery for the proposed facility. It also determined that a faux tree would be the most aesthetically pleasing design and required the facility to be designed as a faux tree to reduce any visual impact on its neighbors. The concealment branches of the faux tree will raise the height of the tower to 148 feet.

The facility will be an unmanned facility which will be operated 24 hours per day, 7 days per week, and inspected by a technician approximately once every four to six weeks per carrier. The technicians generally utilize SUV type vehicles to make their site inspections. The facility will be constructed in accordance with all construction codes and in compliance with all FCC requirements, including the radio frequency emissions standards.

Application & Variances

Wireless telecommunication facilities are not a permitted use in the E-1 zoning district within the Township of Cranford. As a result, a use variance is required in connection with this application. The Applicants are also requesting preliminary and final site plan approval. Using the conditional use standards for wireless communications facilities as a guide, the Applicants will also seek, if and as required, variances from the conditional use standards for (1) the height of the tower to permit a height of 140 feet to the top of the tower and 148 feet to the top of the proposed concealment branches, with the top of antennas proposed at 143 feet, 133 feet and 124 feet; (2) the setback of the tower to the closest property line to permit a setback of 112 feet 9 inches, rather than 175 feet; (3) the separation from the nearest residential unit to permit a separation of 229 feet seven inches to the dwelling on Block 119, Lot 17, rather than 420 feet; (4) if so required, variances to permit more than one principal use on a lot, for the continuation of an existing non-conforming lot area and open space ratio and (5) any additional variances or other relief required by the Board.

With respect to applications involving use variances, the courts have found that the "c" variances are subsumed within the grant of the use variance.

"Generally application for a "c" variance and a "d" variance cannot coexist. If the application is for a use not permitted in the zone, the bulk regulations designed for that zone cannot be applicable to the intended use. For example, an application for a gasoline service station in a residential zone should not be held to the bulk requirements of the residential zone. Lot area requirements and front and side yard setbacks for a residence were not contemplated to be made applicable to a service station. A Zoning Board, in considering a "use" variance, must then consider the overall site design. In essence, the "c" variances are subsumed in the "d" variance."

Puleio v. North Brunswick Tp. Bd. of Adjustment, 375 N.J. Super. 613, 621 (App. Div. 2005). As a result, the applicants have set forth the conditional use standards for wireless communications facilities as a guide to the Board in its review of the "d" variance application.

In Price v. Himejl, LLC 214 N.J. 263 (2013), the Supreme Court reviewed the analysis as follows:

"There is little doubt about the fact that a use variance, by its nature, carries with it the implication that the ordinary bulk and density requirements of the zone will not be applied. Indeed, we observed long ago that, in reviewing a use variance, "it is obvious that the height and front yard restrictions are intended to apply to single-family residences" which was the only permitted use in the zone, rather than to the proposed use. [citation omitted]. That does not mean that a zoning board can ignore the ordinarily applicable limits on height, for example, when evaluating an application for a use variance. It does mean that the board can, as part of granting a use variance, consider the

other requested variances as ancillary to the principal relief being sought.

Indeed, this Board treated the application in just such a fashion. As part of the analysis of the use variance, the Board did not focus simply on the use, but on the overall project design, including its height and density. Although both were inconsistent with the ordinarily applicable limitations in the zone, the Board addressed each as part of deciding to grant the use variance. Nor did the Board simply authorize the height and density that Himeji requested. On the contrary, the Board required that the building be lowered in height and reduced in regard to the number of living units, thus limiting the extent to which the project varied from the zone and bringing it into conformity with nearby existing buildings to retain consistency with the overall zone plan.

Plaintiff would have us instead require that the Board demand that the applicant demonstrate separate special reasons for the proposed height and density as a prerequisite to being granted those additional variances. Our analysis of the meaning and intent of the MLUL is that no such particularized showing is required, especially in light of the record before this Court of the way in which the Board in fact addressed the implications of the additional variance requests. It would make little sense to expect that the Zoning Board, faced with a request for a use variance that would result in a high-rise apartment building, would also demand that the applicant separately demonstrate that it should be higher than what is permitted in the zone for single-family dwellings. Rather, the role of a zoning board, as part of its evaluation of the application for the use variance, is to consider the height and density requested in that context.”

Id., 214 N.J. 263, 299-301. As a result of this direction provided by the Court, the applicants have provided an expansive notice to the public that sets forth all variations from the Cranford Zoning Code, but each of them would be subsumed within the request for “(d)(1)” use variance relief. Notwithstanding, the applicants will demonstrate through expert testimony and evidence that they are entitled to each of the enumerated variances.

The Board’s review of this Application implicates both New Jersey State law as well as federal law. The relevant State law is the Municipal Land Use Law, 40:55D-1, et seq. and the most significant federal laws are the Telecommunications Act of 1996, 47 U.S.C.A. §332(c), the Public Safety Act of 1999, 47 U.S.C. §615 and the Clery Act, 20 U.S.C. §1902.

To obtain a use variance under the Municipal Land Use Law, the Applicants must demonstrate that there are “special reasons” for the grant of the variance and that there will not be a substantial negative impact if the variance is granted. N.J.S.A. 40:55D-70d. The “special reasons” are often referred to as the positive criteria and can be demonstrated if the use is inherently beneficial, or the site is particularly well suited for the use. In Smart SMR v. Fairlawn Bd. of Adj., 152 N.J. 309 (1998), the court held that with telecommunications facilities, an FCC license generally establishes that the use promotes the general welfare. Id. at 336. For a new monopoly, the court held that an applicant must demonstrate that the site is particularly suited for a telecommunications facility.

“To demonstrate that a site is particularly suited for a telecommunications facility, the applicant

initially must show the need for the facility at that location.” New Brunswick Cellular Tel. Co. v. Borough of South Plainfield Zoning Bd. of Adjust., 160 N.J. 1, 14 (1999). Here, there is a significant and critical need for the proposed facility on the College’s Cranford Campus. The Clery Act mandates that the College enhance its communications capabilities so that it can “immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, . . .” 20 U.S.C. §1902(f)(1)(J). Union County College has determined that a necessary component of its ability to most effectively implement the requirements of the Clery Act is by improvements to the wireless networks as proposed in the Application so that all students, faculty, staff and administration personnel can receive immediate text messages of a threat to their health or safety. Currently, such text alerts are inadequate because the wireless communications services of all carriers are deficient on the campus. In light of the surge of horrific incidents targeting schools, the College determined that it was imperative that it seek ways to reduce the impacts of a tragic incident and be able to notify its constituents with immediacy and efficacy.

The United States Department of Education has described the requirements of the Clery Act as follows:

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An “immediate” threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of your buildings.

Some other examples of significant emergencies or dangerous situations are

- outbreak of meningitis, norovirus or other serious illness;
- approaching tornado, hurricane or other extreme weather conditions;
- earthquake;
- gas leak;
- terrorist incident;
- armed intruder;
- bomb threat;
- civil unrest or rioting;
- explosion; and
- nearby chemical or hazardous waste spill

U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*, Ch. 6, 2016 Edition, Washington, D.C., 2016.

In addition, AT&T operates the FirstNet network. The FirstNet service will establish, operate, and maintain an interoperable public safety broadband network in this area. Currently, most police, firefighters and emergency medical services personnel often lack the interoperable communications capabilities needed to coordinate and communicate across agencies and jurisdictions when disaster strikes. FirstNet is designed to correct this

problem. FirstNet is a nationwide high-speed broadband wireless network providing a single interoperable platform dedicated to first responders. FirstNet was created by the federal Middle Class Tax Relief and Job Creation Act of 2012. In July 2017, the State of New Jersey opted in to accept the FirstNet plan for deploying the nationwide public-safety broadband network that is being built and managed by AT&T (the FirstNet nationwide contractor selected by the federal government). The FirstNet network will strengthen and modernize public safety's communications capabilities, enabling them to coordinate and respond more quickly and effectively during day-to-day operations, as well as man-made and natural disasters. The ability to share data, videos and photos - and to access apps - can provide life-saving insights even before emergency personnel arrive on the scene. Law enforcement, firefighters, paramedics and other public safety officials in every state, county, locality and tribal area will benefit from the FirstNet network

In addition, the Wireless Communications and Public Safety Act of 1999, was enacted "to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs." 47 U.S.C. §615. These specific public safety statutes and directives are in addition to the Telecommunications Act of 1996 which mandates that wireless carriers be allowed to construct the facilities necessary for them to provide their services. As noted by the New Jersey Supreme Court in Smart, "[r]elevant to the determination of the suitability of a telecommunications site is the Telecommunications Act's mandate that 'the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof . . . shall not prohibit or have the effect of prohibiting the provision of personal wireless services.'" 152 N.J. 309 at 332 citing 47 U.S.C. §332(c)(7)(B)(i)(II).

Each of the Applicants have significant gaps in coverage in their networks in and around the Union County College Cranford Campus which are proposed to be rectified by the construction of the facilities proposed in this Application. The specific needs of each carrier are explained in the radio frequency report submitted with the Application which will be supplemented and explained by expert testimony during the public hearings.

It is respectfully submitted that the campus of Union County College is particularly well-suited for the proposed use. Important factors which support a grant of variance relief include the following: 1) The site is centrally located in the area of deficient coverage, permitting each of the Applicants to provide service where there is currently a deficiency in service; 2) the subject premises is a large, over 48 acre, non-residential property; 3) there is a specific need for improved service on the college campus to address public safety and security concerns, in addition to improvements in communications services generally; 4) the proposed location at the rear of the campus abuts a cemetery and is one of the most remote locations in the Township; 5) the proposed location takes advantage of natural buffers which helps to screen the facility from surrounding properties; 6) there is a lack of any tall structures to which the antennas could otherwise be attached; 7) there are a lack of alternative locations which are more suitable than what is proposed; and 8) there are a lack of alternative technologies which could effectively and reliably resolve the gaps in coverage.

In addition to proving the positive criteria, an applicant requesting a use variance must also demonstrate the negative criteria, i.e., that the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. N.J.S.A. 40:55D-70. As noted above, the proposed monopole will be located near the rear of the campus, adjacent to a cemetery, in a heavily wooded area that has substantial setbacks to residential structures, and which provides good natural cover for the proposed facility. In addition, the tower will be designed as a faux tree and the compound landscaped to further reduce any aesthetic impact. The facility will be constructed in accordance with all applicable codes, operated well within applicable emissions standards and will not produce any objectionable noise, fumes, glare, traffic or other adverse elements. As a result, the facility will not have a significant negative aesthetic impact on the surrounding community. The equipment compound required to house the radio equipment will be located at the base of the tower, within a fenced compound with enhanced landscaping to keep it out of public view.

As noted above, the variance related to the height of the tower would be subsumed within the grant of the (d)(1) use variance relief. Puleio v. North Brunswick Tp. Bd. of Adjustment, 375 N.J. Super. 613, 621 (App. Div. 2005); Price v. Himejl, LLC 214 N.J. 263 (2013). Note also that the court in New Brunswick v. Old Bridge, 270 N.J. Super. 122, 130-134 (Law Div. 1993) found that although the telecommunications facility may be a principal use requiring a use variance, the 160-foot tall tower was an accessory structure that did not need to meet the heightened standards for a (d)(6) variance for a principal structure. See Grasso v. Bor. Of Spring Lake Heights, 375 N.J. Super. 41 (App. Div. 2004).

The courts have found that such monopole heights do not substantially impact the community. For instance, in Sprint Spectrum L.P. v. Upper Saddle River, 352 N.J. Super. 575 (App. Div. 2002), the applicants proposed a 155-foot-tall tower within 33.5 feet from the nearest private residence. Id. At 583. In NY SMSA v. Mendham, 366 N.J. 141 (App. Div.), a 148-foot tall tower was proposed on a residential property. Id. at 147. In Smart, a 90-foot monopole was replaced by a 140-foot monopole adjacent to a residential zone, which the Supreme Court referred to as “merely a 50-foot increase in height.” 152 N.J. at 333. In Kingwood Tp. Volunteer Fire Co. v. Board of Adjustment, 272 N.J. Super. 498, 509 (1993), the court held that the replacement of a 75-foot tower with a 197-foot tower would impose, at most, minimal intrusion on the surrounding community. Here, the carriers propose to install a 148’ faux tree monopole on the property. It will be demonstrated that this is the minimum height necessary for the Applicants (operating at separate RAD centers) to be able to provide reliable service to the area, and that the setbacks, which are related to the tower’s height, although not meeting the zoning ordinance requirement, are substantial and combined with the existing treed buffer, would not result in a substantial negative impact to the community.

It is therefore clear that the proposed facility, if approved, would not have a negative impact on the public good, or the intent and purpose of the zone plan and zoning ordinance. Based on the lack of alternative locations, the Union County College campus is most appropriate location for the proposed use as it will allow the carriers to address the individual network deficiencies and

meet their own individual service goals without causing a substantial negative impact on the community.

In addition to prohibiting the provision of wireless service, the TCA sought to correct the “impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.” City of Rancho Palos Verdes, Cal. v. Abrams, 544 U.S. 113, 115 (2005). To reduce these impediments, Congress enacted Section 332(C)(7) of the TCA, striking a balance between federal and state power over wireless facility siting. This section imposes important limits on the authority of state and local governments over wireless facility siting. The Supreme Court has described the limitations on state and local authority as follows:

Under this provision, local governments may not . . . take actions that ‘prohibit or have the effect of prohibiting the provision of wireless services,’ § 332(c)(7)(B)(i)(II) They must act on requests for authorization to locate wireless facilities “within a reasonable period of time,” § 332(c)(7)(B)(ii), and each decision denying such a request must “be in writing and supported by substantial evidence contained in a written record,” § 332(c)(7)(B)(iii).

Id. at 116. The Federal Communications Commission (“FCC”) recently clarified that “that a state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.” Declaratory Ruling & Third Report & Order, FCC 18-133, ¶35 citing California Payphone, 12 FCC Rcd at 14206, para. 31. The FCC explained that “[t]his test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities.” *Id.* at ¶37 (internal citations omitted). The FCC expressly rejected “[d]ecisions that have applied solely a “coverage gap”- based approach under Section 332(c)(7)(B)(i)(II) reflect both an unduly narrow reading of the statute and an outdated view of the marketplace.” *Id.* at ¶40 (internal citations omitted). A land use board will effectively prohibit under this “materially inhibit” standard if the Applicants demonstrate that they have service goals that are not being met in the area and the proposed facility address the identified issues.

Notwithstanding the foregoing and without waiving any rights to advance the FCC’s “definitive interpretation of the effective prohibition standard,” the Applicants will also demonstrate that they meet the applicable showing under the more narrow significant gap test rejected by the FCC. Under that test a land use board will effectively prohibit the provision of wireless services where the carriers demonstrate that (1) its facility will fill a significant gap in service, and (2) the manner in which it proposes to fill the significant gap in service is the least intrusive method of doing so. APT Pittsburgh Ltd. v. Penn Twp. Butler Cnty. of Pennsylvania, 196 F.3d 469, 480 (3d Cir. 1999); see also, New York SMSA LTD v. Township of Mendham Zon. Bd. of Adjust., 366 N.J. Super. 141 (App. Div. 2004). As set forth in the expert radio frequency report submitted with the Application and which will be further supplemented and explained during the hearing, each of the carriers have a significant gap in the coverage of their respective networks in the area and that the proposed facility is the least intrusive method of addressing the

gap and that no alternative technologies exist that could do so.

Unfortunately, even with passage of Section 332(c)(7), and implementing FCC regulations, wireless companies have continued to face long delays in deployment of wireless facilities because of systematic impediments to local zoning approval. See, e.g., City of Arlington, Tex. v. FCC, 133 S. Ct. 1863, 1867 (2013) (noting that the FCC has found that ‘the record evidence demonstrates that unreasonable delays in the personal wireless service facility siting process have obstructed the provision of wireless services’ and that such delays ‘impede the promotion of advanced services and competition that Congress deemed critical in the [TCA].’” (quoting In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994, 14001)). As a result, the FCC has determined that a presumptively reasonable period of time to review an application that involves the construction of a new tower is 150 days. As a result, there is a 120-day deadline for action by the Board under the New Jersey Municipal Land Use Law and a 150-day deadline for action under the TCA.

Conclusion.

The Applicants each have significant gaps and other deficiencies in their networks in the area that includes the Union County College Cranford Campus. It will be demonstrated that the proposed monopole is the most effective means of addressing those gaps and deficiencies. The proposed project is also the least intrusive method of providing the needed service. For these reasons and those to be adduced during the public hearing, the Applicants respectfully request that the Board act favorably upon this Application.

Waivers

The applicants request waivers from the following checklist items:

Check List #1

Item 3: Site Survey Scale

Due to the size of the subject parcel the applicant has supplied a site survey of the entire parcel at a scale of 1" = 100 feet and an enlarge site survey at a scale of 1"-40 feet of the immediate area of the proposed improvements.

Item 9: Approved Site Plan

A waiver from the submission of an approved site plan is requested because a current property survey has been supplied, the communications compound is relatively small and the location of the proposed communications facility is in a remote location on the college campus.

Check List #9

Item 5: Parking and circulation plan.

Due to the size of the subject parcel the applicant has supplied a site survey which includes the general layout of parking and circulation, but has not provided a detailed analysis of the same because there no change or impact is proposed to the same.

Item 8: Landscape Plan

The landscape plan was prepared by a licensed architect, rather than an engineer or certified landscape architect. Ord. # 255-37(5). Given the fact that the purpose of the landscape plan is to add visual screening, a plan prepared by an engineer or certified landscape architect is not required.

Check List #10

Item 3: Stream Encroachment

The Applicants' environmental consultant has determined that a Stream Encroachment Permit is not required for this application because a stream is not proximate to the proposed development.

Item 4: Soil and Sediment Control Plan

The application requests a waiver for completeness only and as a condition of approval agrees to submit an application for a soil and sediment control permit or waiver.

Item 6: Profiles, Specifications, curbing and Driveway Aprons

The application does not propose any of these improvements

Item 7: Permits or Waiver from NJDOT

The application does not propose any new roads or curb cuts that would be regulated and/or required to receive a permit or waiver from NJDOT

Item 8: Final Site Plan Compliance

If required, a waiver is requested for completeness only as the application is for both preliminary and final site plan approval.

Address of Property: 1033 Springfield Avenue

Checklist 1. Required items for all applications submitted to the Planning and Zoning Board of Adjustment.

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's Initials
1.	One original and 17 copies of the completed Standard Board Application Form (see Form 01).	P			
2.	One original and 17 copies of the Hold Harmless Indemnification Agreement (see Form 15).	P			
3.	One original and 17 copies of the property survey of the subject property prepared by a New Jersey licensed surveyor and that details the following items: <ul style="list-style-type: none"> - All existing site conditions. - All proposed site conditions. - The location of all easements and encumbrances upon the subject property. - Graphic scale, north arrow, and reference meridian. - A scale of not more than 1:40. - The existing and proposed lot coverage totals. - Title block containing the survey preparer's name and the date the survey was prepared and any revision dates. 	P			
4.	18 copies of any protective covenants and deed restrictions related to the subject property.	P			
5.	One original and 17 copies of the certification from the Tax Collector that all taxes are paid in full (see Form 1).	P			
6.	Proof that all fees are paid in full and all escrow accounts (if required) are current.	P			
7.	One original and 17 copies of the checklist documenting all items provided and all checklist items waivers requested and statement of arguments in support of waiver requests (see Form 18).	P			
8.	One original application for the list of owners within 200 ft. of the subject property.	N/A list provided			
9.	One original and 17 copies of any approved site plans for the subject site. The original must be sealed by licensed professional.	W	The proposed improvements do not change or modify any existing improvements that may have been previously approved.		

Address of Property: 1033 Springfield Avenue

Checklist 4. Required items for "C" variance relief and design waiver applications pursuant to NJSA 40:55D-70c.

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's Initials
1.	One original and 17 copies of the Request for Relief from the Zoning Requirements application form (Form 04).	P			
2.	One original and 17 copies of plans detailing all existing and proposed conditions.	P			
3.	If the proposed use is not a single or two family use, all plans must be prepared by a New Jersey licensed design professional.	P			

Address of Property: 1033 Springfield Avenue

Checklist 5. Required items for "D" (a.k.a "use") variance applications pursuant to NJSA 40:55D-70d.

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant Initials	Date item received by Planning and Zoning Office	Zoning Officer initials
1.	One original and 17 copies of the Use Variance Request application form (Form 05).	P			
2.	One original and 17 copies of the plans detailing all existing and proposed conditions.	P			
3.	One original and 17 copies of any approved site plans for the subject property.	P			
4.	If the proposed use is not a single or two family use, all plans must be prepared by a New Jersey licensed design professional.	P			

Address of Property: 1033 Springfield Avenue

Checklist 9. List of all required items for all major and minor preliminary site plan applications.

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's Initials
1.	One original and 17 copies of the Preliminary Site Plan Approval Form (Form 09).	P			
2.	One original and 17 copies of the exterior facades and elevations.	P			
3.	One original and 17 copies of a proposed site plan. The plan must provide the following details: <ul style="list-style-type: none"> • All existing and proposed principal and accessory structures. • A title block containing all required certifications, plan title, date and all revision dates. • Location, type, and height of fences, walls, and screening. • Location, type, and volume of refuse storage and recycling facilities. • A written description of the proposed use(s) and operation(s) of the building(s), including the number of employees or members of non-residential buildings; the proposed number of shifts to be worked and the maximum number of employees on each shift; expected truck traffic; anticipated hours of operation and anticipated expansion plans incorporated in the building design. • Zoning information block shall be indicating the required, existing, and proposed bulk requirements. • List of all owners within 200 feet of subject site. 	P			
4.	One original and 17 copies of the interior layout for each floor of all existing and proposed structures. Each set of plans must contain the following details: <ul style="list-style-type: none"> • The building construction type/class. (UCC ADOPTED CODE) and appropriate construction details. • Finished floor elevation referenced to 	P			

	geodetic data				
5.	<p>One original and 17 copies of a parking and circulation plan. The plan must contain the following items</p> <ul style="list-style-type: none"> • Parking aisle and stall dimensions and pavement surface type. • Location and dimension of pedestrian paths, walkways, and sidewalks and all barrier free design • Curbing and apron type. • Location of all loading docks. 	<p>P</p> <p>W for existing</p>			
6.	<p>One original and 17 copies of a grading and storm water management plan. The plan must providing the following:</p> <ul style="list-style-type: none"> • A computation of required storm water detention volume and specification of minimum volume to be detained subsurface as part of a complete site drainage and grading plan. • Existing and proposed contour lines at one-foot intervals inside the tract and within thirty (30) feet of the tract's boundaries with spot elevations at all changes in grade due to construction. • Location and height of terraced and bermed areas. • Finished floor elevation referenced to geodetic data 	P			
7.	<p>One original and 17 copies of a lighting plan. The plan must providing the following:</p> <ul style="list-style-type: none"> • Location and height of lighting. • Demonstrate compliance with all lighting standards. 	P			
8.	<p>One original and 17 copies of a proposed landscaping plan. The plan must providing the following:</p> <ul style="list-style-type: none"> • The location of all existing trees, shrubs, and seeded or groundcover areas. • Location and planting schedule of all trees, shrubs, and seeded or groundcover areas. • Demonstrate compliance with the Township's Tree Replacement Ordinance. 	<p>W</p> <p>Landscape plan not prepared by a Landscape Architect</p>			
9.	<p>A sign plan for all existing and proposed signs including:</p> <ul style="list-style-type: none"> • Location, position and dimensions. • All information to be contained on sign. • Source of illumination, if applicable. 	P			

Address of Property: 1033 Springfield Avenue

Checklist 10. Required items for applications for major and minor final site plan approval:

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's Initials
1.	One original and 17 copies of the Final Site Plan approval form (Form 10).	P			
2.	One original and 17 copies of the certification from the Tax Collector that all taxes are paid in full (see Form 1).	P			
3.	If applicable, one original and 17 copies of the stream encroachment permit or waiver for the proposed development.	W - environmental consultant determined N/A			
4.	If applicable, one original and 17 copies of the permit or exemption issued under the "Soil Erosion and Sedimentation Control Act" (NJSA 4:24-39 et. seq.).	W			
5.	One original and 17 copies of the building elevation drawings with specification of facade materials.	P			
6.	One original and 17 copies of the profiles and specifications for proposed curbing and driveway aprons.	W none proposed			
7.	If applicable, one original and 17 copies of the permit or waiver from the New Jersey Department of Transportation.	W - N/A			
8.	One original and 17 copies of the proposed final site plan. The plan should include the following details: <ul style="list-style-type: none"> • Compliance with all of the requirements of preliminary site plan approval. • Compliance with all recommendations of the Board. • An affidavit that is signed and sworn to by the applicant that the final site plan is exactly the same as the preliminary site plan approved by the Board. If there are any changes, the changes shall be noted and reason stated for the changes. 	P- same as preliminary			

Hold Harmless And Indemnification Agreement

FORM 15/Updated 4/09

This agreement made this 16 day of September, 2019, witnesses:

New York SMSA Limited Partnership d/b/a Verizon Wireless, T-Mobile Northeast LLC and

WHEREAS, New Cingular Wireless PCS, LLC, Applicant, has submitted an application to the Zoning (Board) of the Township of Cranford with said application designated as Application No. _____; and

WHEREAS, it may be necessary for the members of the Zoning (Board) to inspect and walk the subject property known as 1033 Springfield Avenue Block 121, Lot 1, 2, 01, 2, 02, 3, 4 & 5, and

WHEREAS, the Zoning (Board) deems it advisable and fiscally prudent to obtain permission from the individual applicants for the members inspection of said property and to preclude claims for alleged damage in connection with the inspection;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual promises and covenants made by and between the parties, and is hereby agreed as follows:

New York SMSA Limited Partnership d/b/a Verizon Wireless, T-Mobile Northeast LLC and
I, New Cingular Wireless PCS, LLC, Applicant, shall indemnify and hold harmless the Zoning (Board) with regard to claims for damages associated with the inspection and shall preclude claims for alleged damage in connection with the inspection and give my permission for members of said Board to walk the property listed above.

New York SMSA Limited Partnership d/b/a Verizon Wireless, T-Mobile Northeast LLC and
New Cingular Wireless PCS, LLC

By: _____

Gregory D. Meese, Esq.

Signature of Applicant

Sworn and subscribed to before me
this 16th day of September, 2019

Jennifer Zeller
Notary Public of the State of New Jersey
My Commission Expires on _____

JENNIFER ZELLER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 5, 2020