

February 10, 2020

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. Ashrafi  
Mr. Lucas  
Mr. Salomon

**Members Absent:**

Mr. Aschenbach  
Mr. Quinn

**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**

None

The workshop portion of the meeting concluded at 7:37 p.m.

**PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on February 10, 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 3, 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 here 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 §255-37I(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 Esq., appeared and stated Mr. Tinder is back for cross by Mr. Simon and reminded Mr. Tinder he is still under oath.

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

He was retained about 5 to 6 weeks ago by Mr. Meese on behalf of the Carriers. The sales comparison analysis' that he did was for new studies. He was aware of the location of the Hawthorn monopole. The Springfield analysis was done after he was retained. He researched areas in Union and Essex County and found at least 12 monopoles in those counties that could be relevant. Reviewed the different locations he looked at. Looked at a sale in Livingston but was not a market transaction. Also reviewed a sale in Berkley Heights. Did find one in Mendham Township but did not submit it to the Board. He is not a realtor. He was not given any direction or instruction how to do his job. He has not been an expert to a Planning or Zoning Board about value impact on cell towers. Mountain Avenue has a Post Office and Fire Company and is a county road. He looked at proximity to and view of the monopole in his analysis. He has been doing analysis of impact on value with a monopole for about 25 years. He has investigated about 50 to 100 residential neighborhoods regarding the market impact due to the installation of cell towers. He has visited each of the subject and comp properties in the analysis. He did a study of before a cell tower and after a cell tower in Rivervale Township and found no evidence of any type of value impact. In the Springfield and Hawthorne analysis does not know if the buyer was aware of the cell tower. The challenge is to find homes with a prominent view or in proximity to a cell tower. He is not familiar with the sale at 91 Crest Drive, Berkeley Heights which sold in September of 2019.

Questions posed by the Board for this witness ascertained the following:

The monopole has been there at least since 2015 for the Springfield site. He is looking at closed sales in his analysis. The marketplace does sometimes react to high tension powerlines. Powerlines are a different type of use than a monopole. Majority of existing installations are not in residential areas. The Mendham study had the monopole on the property owner's site. He is not aware of any tax appeals with a monopole.

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

Julie Exarhakos – 40 Princeton – Asked Mr. Tinder about a property not included in his report and about price per square foot. Asked about HUD properties and about studies that have had a different conclusion.

Mr. Tinder stated he was not familiar with that property. Stated a property is not valued by price per square foot and that he does not do HUD properties. Referenced the New Zealand study and value impacts.

Eric Gentile appeared and was sworn in. His qualifications were presented to the Board and he was accepted as an expert in Site Acquisition.

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

Described the process he would use to find possible sites that would meet a carrier's criteria or find a site where something could be built. He found 11 properties. He drove around in 2016. Stated he was looking at commercial properties. In 2016 he was given information that carriers were looking for a site since 2003. He presented the different sites that were considered. Presented Exhibit marked A-26 which is a map of the Cranford area. Stated all the properties had been reached out to before and were not interested and were still not interested when he contacted them again. Listed properties as:

1. Cranford Swim Club – Application had been denied
2. Dreyer Farms – Owner not interested
3. Holy Trinity Orthodox Church – Landlord not interested
4. Fairview Cemetery – Landlord not interested
5. Sunrise Extended Care – Landlord not interested
6. Church of Christ Echo Lake – Landlord not interested
7. Nomahegan Park – Green Acres – Not Permitted due to feasible alternative
8. Lenape Park – Green Acres – Not permitted due to feasible alternative
9. Kenilworth – 160 8<sup>th</sup> Street – Outside search ring – Landlord not contacted
10. Nomahegan Swim and Tennis Club – Landlord not interested
11. Echo Lake Country Club – Landlord not interested

Questions from the Board for this witness ascertained the following:

He would make a financial offer if the property owners stated they were interested; none of the properties he investigated stated an interest. He did not look at Rt. 22. The certified letters did not state a monetary value. He started with properties that had already been looked at before and

UCC was on that list. When UCC stated they were interested, he stopped looking for a site. A good location would be the tallest building in a town, a water tower, or a fire department. He sent emails and letters. He got the information on the properties from someone else and did not contact any other properties but those. Presented Exhibit A-27(A-J) which were the certified letters sent to the property owners and the receipts.

Mr. Meese reviewed the Green Acres requirements.

There were no further questions by the Board.

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

Marietta Horne – 42 Princeton Road – Asked about the contract between Verizon and UCC and the letters sent out.

Mr. Gentile stated he sent out the certified letters and nothing has changed since 2016.

Mr. Meese stated they began in 2016 and letters were sent in 2020 to confirm the properties owners' positions had not changed.

Hrvoje Ivos - 730 Willow Street – Asked about other commercial properties that he did not have contact with.

Mr. Gentile stated when UCC said they were interested he did not look at other properties. The carriers gave him the locations not addresses.

Ted Exarhakos – 40 Princeton Road – Asked about the letter sent to the Greek Orthodox Church and stated no one from the Church has seen that letter. Asked that the letter be sent to him and that the Church might be interested.

Mr. Meese stated they would send a copy of the letter to Mr. Exarhakos.

Hank Ford – 42 Rutgers Road – Asked if he looked at the area behind the Verizon building.

Mr. Gentile said he did not look at that site.

Tom Ganley – 29 Cornell Road – Asked about the letter sent to the College and about working with AT&T.

Mr. Gentile stated a letter was not sent out to the College. He called the College in 2016 and they agreed to meet with him. UCC said they were interested.

Marietta Horne – 42 Princeton Road – Asked about him working for AT&T.

Mr. Gentile stated he called all of the properties that had been contacted previously and UCC was the only one in 2016 that said they were interested.

David McDonald – 27 Dartmouth Road – Asked about Williams Nursery not being included on the slides and who he contacted at UCC.

Mr. Gentile stated they did contact Williams Nursey on 1/9/20 via email and they had no interest. Stated he spoke to the Technology Dept and Mr. Singh at UCC.

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

The language in the letters sent out varied based on how the property owners were contacted in the past. No one reviewed the letters before they went out. Letters include standard lease language. There were no financial terms in the letters. He does not know how much AT&T was going to offer the property owners. His testimony is only on behalf of AT&T. He works for Shore 2 Shore Wireless. Does not know what the Verizon or T-Mobil radio frequency requirements are. He was given a search ring to look at in 2016. Does not know if the search ring changed from 2003 to 2016. He has an excel spreadsheet with his notes on the phone calls he made. December 2016 is when UCC expressed interest. He does not know about search efforts by Verizon or T-Mobil. Does not know about the topography of the properties he investigated. He did not send any other letters prior to January 2020 to anyone in Westfield, Cranford or Kenilworth about a cell tower. He was not provided with any other search rings in Union County. The properties investigated were not tall enough so a tower would need to be built on the property. He has no information on Green Acres. He did not investigate any properties in Garwood. He was told by Mr. Meese to send out the certified letters to the property owners. Not aware of any other site acquisition person doing work for the carriers. Not aware of any other pending locations for a cell tower in the area.

Mr. Simon requested the applicant provide a legible copy of the second page of Exhibit A-26.

Mr. Meese followed up with questions to Mr. Gentile which ascertained the following:  
The Radio Frequency Department for the carriers determines if a site is suitable.

Follow up questions by the Board to Mr. Gentile ascertained the following:

The property owners were contacted numerous times and this letter was their last chance to see if they had changed their minds. If a property owner expresses an interest, he will go out and meet them. He would not have sent the letters, if Mr. Meese had not asked him to. He drove around to see if there were any taller buildings.

Follow up questions from the Public for Mr. Gentile ascertained the following:

Jamie Hanna – 30 Beech Street – If someone had been interested after receiving the letter, what would he have done.

Mr. Gentile stated he would have gone to meet with them.

Mr. Simon asked Mr. Gentile about the letters sent out in Jan. 2020 and if they were aware of what the financial terms would have been.

Mr. Gentile stated he cannot speak for the property owners; he did not provide any financial information to property owners.

Tom Kaercher– 36 Harvard Road – Asked about prior searches.

Mr. Gentile did not know about any financial offers prior to 2016.

Ted Exarhakos – 40 Princeton Road – Asked who he spoke to at Holy Trinity Greek Church.

Mr. Gentile stated he spoke to the office manager and a certified letter was sent to George Colonias.

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 attend the meeting on Feb. 26<sup>th</sup>. Requested any witnesses be available for him to cross examine at another meeting. Asked that any documents presented be given to the Public before the testimony.

Mr. Marotta stated the next meeting is Feb. 24<sup>th</sup> and there also a meeting on Feb. 26<sup>th</sup>.  
Mr. Meese stated his next witness is Frank Colasurdo, the architect and Mr. Masters, the planner, will need to also testify.

**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 10:39 p.m.

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Dan Aschenbach, Secretary