

February 26, 2020

The workshop portion of the meeting was called to order at 7:30 p.m. by Mr. Marotta, Chairman.

**ROLL CALL:**

**Members Present:**

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

**Members Absent:**

Mr. Ashrafi

**Alternates Present:**

Mr. Savino  
Mr. Rees

**Alternates Absent:**

None

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

**COMMUNICATIONS:**

None

**MINUTES:**

None

**RESOLUTIONS:**

None

**OLD/NEW BUSINESS**

The workshop portion of the meeting concluded at 7:32 p.m.

**PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on February 26, 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 24, 2020**  
**Applicant: New York SMSA Limited Partnership**  
**d/b/a Verizon Wireless, T-Mobil Northeast LLC**  
**New Cingular Wireless PCS, LLC**  
**Union County College**  
**1033 Springfield Avenue**  
**Block: 121 Lot: 2.01, E-1 Zone**

**Applicant is requesting preliminary and final site plan approval, a d(1), d(3) and a d(6) variance for a wireless telecommunications facility §255-37I(5) & (6), plus numerous c(2) variances. A variance for height where the maximum height permitted is 70 feet, and 140 feet to the top of the tower and 148 feet to the top of the concealment branches is proposed §255-37I(10)(a), a variance for setback where the minimum required setback to the closet property line is 185 feet and 112 feet 9 inches is proposed §255-7I(10)(b)(1), a variance for separation from the nearest residential unit where the minimum is 444 feet and 229 feet 7 inches is proposed §255-37I(10)(c) and if so required, variances to permit more than one principal use on a lot, for the continuation of the existing non- conforming lot area §255-37G(1)(c) and open space ratio §255-37G(1)(e).**

Mr. Meese appeared. Stated William Masters, the Planner will testify this evening. Also confirmed they published a notice for the March 9<sup>th</sup> meeting.

William F. Masters, Jr. appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in Land Use Planning.

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

He listed all the materials he reviewed for the meeting which includes, but not limited to: the application, zoning drawings, Exhibits A-1-27, and all supplemental reports, he has attended every meeting but one, and reviewed the transcript of that meeting. Reviewed the Cleary Act and the Township Ordinance. Reviewed Township of Westfield and Cranford zoning maps, the Cranford Master Plan and the Reexamination Report. He has prepared a report dated June 12, 2019, updated February 20, 2020. He has prepared photo simulations of a crane set up on March 11, 2019 and another crane set up on February 20, 2020. Reviewed reports of Township professionals. He inspected the subject. Marked Exhibit A-33 as his updated report. Reviewed §255-36E Education district which does not allow a cell tower as a permitted use. Reviewed the variances the Carriers are requesting for the original and alternate locations (setbacks, separation distance, height). Discussed the interior lot line variance requested for the alternate location (original location complied) which is Lot 3 Campus Road. Reviewed other variances if required, such as two principle uses on the lot, non-conforming area, and open space ratio. Reviewed his planning analysis that was updated on February 20, 2020, for the alternate site. Described the site as a 22-acre lot of a 48.48-acre college campus. Irregularly shaped lot. Town of Westfield and the Fairview Cemetery to the West. Nomahegan Park is to South and

Southeast. Large parking lot that services the college campus which borders a wooded area that borders Colby Lane and residences to southeast. Bounded on the north by residences on Princeton Road and Rutgers Road. Described the alternate facility as 135-foot monopole with concealment branches to 143 feet. Three carriers are on the application, Verizon wireless at 138 feet, AT&T at 128 feet and T-Mobil at 118 feet all above ground level. The facility is designed to accommodate a fourth carrier 10 feet below the T-Mobil installation. The proposed alternate compound is 40 x 60, fenced with 8-foot chain link fence. It is unoccupied, monitored 24 hour 7 days a week remotely. Similar to a utility. Does not generate much traffic (each carrier would visit approximately once every 4 to 6 weeks). Does not generate smoke or odors or parking issues. Reviewed the MLUL on the positive and negative criteria for the application.

Positive criteria/special reasons for this application are:

- Having an FCC License – the use serves the general welfare
- Site is suited for wireless telecommunications (Block 121 Lot 2.01) based upon:
  - Mr. Pierson's testimony the site satisfies the technical and coverage objectives
  - Site is in a non-residential zone (E-1 zone)
  - Non-residential land use- UCC campus
  - UCC identified a need for the wireless communication services
  - Minimal disruption on the environment
  - Adequate space
  - Lot is part of a larger non-residential tract
  - Willing landlord

Concluded site is suited for a wireless communications carrier and satisfies the positive criteria for a use variance.

Reviewed the Negative criteria – SICA Balancing Test – 4 Parts – Balancing of positive and negative criteria.

1. Benefits to the Public interest
2. Detrimental effect from relief – visual impact\*

\*Presented Exhibits marked A-34 photo simulations original location, March 2019, and A-35 photo simulations of alternate location dated Feb. 20 2020 plus the Location Analysis marked Exhibit A-36. Reviewed photos of both original and alternate locations showing first the crane set up and then photos enhanced with the communications facility. Concluded from photos that the location proposed provides buffering of pole and equipment compound. There is however, detriment due to visual impact, but due to the suitable characteristics of the site, does not rise to the level of substantial detriment.

SICA Balancing Test cont'd:

3. Board can impose reasonable conditions on the use
4. Board weighs positive and negative criteria and determine if the variance would cause a substantial detriment to the Public good.

Concluded that when weighing all positive and negative criteria the positives outweigh the negatives and the positives satisfy the SICA Balancing test.

Questions from the Board for this witness ascertain the following:

The base of the tree will be 60 inches and tapered to top would be 30 inches. Branches will be tapered and needles will be green and branches will be brown. The photos were taken in different locations due to the changed vantage points.

Mr. Master's reviewed the alternative sites Mr. Pierson had identified at the last meeting and explained why they are not suitable from a Planning perspective. Presented the following exhibits:

Exhibit A-37 - Brinton Auto Body – 387 Springfield Avenue, Westfield. Lot size is .3 acres, RS12 residential zone. Impervious coverage close to 100%. Equipment compound would not fit on property. Rooftop equipment would need to clear the trees. Pre-existing use

Exhibit A-38 – NSA Auto - 391 Springfield Avenue, Westfield – Lack of ground space for the carrier's equipment, site coverage, residential properties. .2 acres RS12 residential zone. Pre-existing use.

Exhibit A-39 – Linwyck Gardens – 380 Springfield Avenue Westfield, 1.1 acres, RS12 residential zone, larger property but entire property is being use. Roof would not be good for a rooftop installation. Houses close on 3 sides of property.

Exhibit A-40 Cranford High School – 201 West End Place, R2 & R4 residential zones, 15.6 acres 3 sides have residential homes. Rooftop antennas might not clear tree height for four carriers. Property narrows toward the northwest.

Exhibit A-41 – Temple Emanu-EL – 756 East Board St. Westfield, RS12 residential zone, 3.6 acres, single family homes on all four sides, 2 stories, rooftop would be problematic due to tree heights.

Exhibit A-42 Holy Trinity Greek Orthodox Church – 250 Gallows Hill Road, Westfield, 3.9 acres, rooftop would only increase coverage for half a dozen homes for Verizon and 2 dozen homes for AT&T and T-Mobile. It is not three stories, might be 25 feet tall. Difficult to make antennas work due to height of trees. Rooftop structure could only go on the Dome, but the not sure the landlord would want a structure on top of the Dome.

His conclusion is that the applicant has made the case that supports their request for relief.

Mr. Rothman reviewed the Rules of Evidence. Board can accept or reject an expert's opinion.

Questions from the Board ascertained the following:

Carriers are normally looking for a lease. Subject site is much more suitable than the Exhibits A-37 through A-42 presented. The cemetery site is another large non-residential property that has reasonable setbacks and favorable terrain. Does not know if there is a willing landlord at the cemetery. In doing site selection, they don't go to residential sites before they go to commercial sites. The size of the property is relevant to the setbacks and separations to the property. The wooded area (slide #10) has wetland issues and also residences close to Colby Lane would not comply with the setbacks. He has a signed and sealed copy of the report dated Feb. 20<sup>th</sup>.

Superseding report was completed on Thursday. The Kingwood citation in his report

was an example of the granting of a d(6) height variance for a wireless telecommunications facility. A crane test is a more reliable test than a balloon test. It was his decision as to where to take the photos. Based on the Township ordinance, there is nowhere in Cranford the carriers be able to have a structure more than 70 feet high without a variance. There were no photos taken on lot 17. The fourth co-locator would be below T-Mobil. He has seen height requirements in other ordinance for other towns.

Mr. Meese stated that Mr. Pierson did state that the sites on Rt. 22 would not work and cited several cases where there is a pole in a residential area, including Paramus, Upper Saddle River and Mendham decisions. Does not have an update on the letters that Mr. Gentile sent out.

Mr. Rothman asked if the site could be brought to an area by the trailers where the tower complied with the setbacks and would that be considered a superior site to the proposed site.

Mr. Masters stated that he would have to do a visual analysis. There is an 18-foot difference in ground elevation, so the top of branches instead of 143 feet would need to be 161 feet and separation distance would have to be 3 x 161 feet instead of 3 x 143.

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

Marietta Horne – 42 Princeton Road – Asked why are there no simulations of the compound base and about the size of compound and requests photo simulation.

Mr. Masters stated from the vantage points he could not see the ground equipment at the ground level. Original compound is 48 x 48, alternate site is 40 x 60. The fencing around compound will be 8 feet. Does not believe any of the equipment will be taller than the 8-foot fencing.

Tom Ganley – 29 Cornell Road – Asked about the new photos and trees being removed. Asked about flooding issues in Cranford and drainage. Asked about having all carriers on a structure and about other types of structures.

Mr. Masters stated they do not show the removal of the trees. Cannot pull out individual trees in a photo simulation. He is familiar with the Rahway River flooding. Based on the distance from river, and types of trees being removed, does not feel will have an impact on flooding. Application is for all three carriers. Discussed a flag pole and a clock tower.

Barbara Krause – 20 Pittsfield Street – Asked if there was an environmental impact study done and will there be one done. Asked about drainage pipe.

Mr. Masters stated he has not done a study.

Mr. Meese stated there is a study from NIPA who reviews all impacts on the environment concerning development.

Board requested a copy of that study.

Ray Licata – 10 Dartmouth Road – Asked about slide #10 and the height of the lowest branches on the tree monopole. Asked about the fox den.

Mr. Masters has seen the fox dens. Stated the branches are at 55 feet AGL.

Julia Exarhakos – 40 Princeton Road - Asked about anything else that could be used other than the tree.

Mr. Masters stated he has seen plain monopoles painted brown in wooded areas. Has also see poles painted blue, and poles painted brown and blue. The steel on the monopole over time dulls from the weather. Depends on location and backdrop.

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

Mr. Marotta stated the next public meeting will continue on March 2<sup>nd</sup> at 7:45 with Workshop at 7:30 p.m.

**PUBLIC PORTION:**

None

**CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:13 p.m.

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Dan Aschenbach, Secretary