

February 3, 2020

The workshop portion of the meeting was called to order at 7:34 p.m. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

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

Greer Patras, from Topology, LLC attended the meeting as the Board Planner. Reviewed her educational background and experience in Planning. Stated Topology will provide whatever type of service the Board requires. They are available to attend DRC meetings or just provide reports to the Board.

The workshop portion of the meeting concluded at 7:51 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on February 3, 2020 at 7:54 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 January 27, 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).

Gregory Meese appeared and stated Mark Tinder, a licensed Real Estate Appraiser, is here to testify as to any impact on neighboring homes.

Mr. Tinder appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in Real Estate Appraisal.

Mr. Meese stated Mr. Tinder has prepared reports of home sales that are close in proximity to facilities similar to the one proposed.

Mr. Tinder testified to the following posed by Mr. Meese:

Stated the nearest residential homes based on a Google Earth measurement are: Block 120 Lot 17 which is approximately 230 feet to the proposed pole, Block 120 Lot 16 approximately 290 feet to pole, Lot 18 approximately 320 feet to pole, Lot 15 approximately 390 feet to pole, Lot 19 approximately 405 feet to pole, Lot 14 approximately 470 feet to pole and Lot 20 approximately 495 feet to pole. No other residences are less than 550 feet from pole.

Discussed "externalities" which are factors external to a property that can have a either positive or negative effect on its value. Discussed one of factors as "character of use". Stated the use of a cell tower is a passive use which does not generate substantial noise, odors or traffic with the use. Also there are no lights or burden on municipal services and there will be no change in the topography or vegetation at the site. There will also be no change in character to the surrounding area. The tree pole is intended to blend in with existing vegetation. Economic conditions based on his review show no reasonable potential impact on value as a result of this site.

Presented Exhibit A-24 as the first Sales Comparison of 4 Hawthorn Avenue in Springfield Township which is close to a 150 feet monopole. Stated the subject property sold within 8 days and for list price. Reviewed the comparable sales that he used in his analysis. Determined that the marketplace is not reacting to the installations or having a significant value impact. Stated this property did not have an impact from the nearby monopole. Presented Exhibit A-25 as Sales Comparison of 37 Union Street in Hawthorne Borough. Stated this is a more modest property value. Property is close to a 129-foot monopole. Sold for over list price and 15 days on the market. Reviewed the comparable sales in his analysis. Stated he has studied other areas in the State and throughout the years, in different markets he has not seen any measurable value impact from a tower. Cannot predict the future or prove the negative, but reasonable to presume that the trend will continue. Concludes if the application is approved as proposed, it would not have any value impact on nearby properties.

Questions from the Board for this witness ascertained the following:

The monopole was already there when the home was marketed and sold. The larger the home, the less it will sell for per square foot. Residential homes are not usually valued on a per square foot basis. He tried to find homes similar which sold at the same time in areas removed from the tower. He has been to Princeton Road. He has heard of a study done in New Zealand where it was concluded there could be an impact from towers. Has been a Real Estate Appraiser for 34 years. The marketplace tells us what value is. These studies are the most recent that he has done. The government website, ASR, has a list of all towers registered with the FCC. Union County has at least 30 listed. Berkeley Heights put a monopole on their high school in 2017 and there is a residential neighborhood behind it. Home closest to the school sold 3 months before the tower was built. If home resells, it would be a great before and after study. In early days of towers being built, they were being built much higher in industrial areas, as networks are being built out, they are being built lower and moving into suburban/residential areas. He has also done a study in Mendham Township and one in Hillsborough Township. Residential markets have gone through ups and downs. He has not seen any measurable impact from these structures. There are many factors that go into the sale of a home and some are subjective. Lack of reliable service appears to be a detriment to value. Not aware of any studies from any associations on the issue of cell sites to value.

Mr. Meese asked the Board if they would like to see more of Mr. Tinder's studies. State he could go over the Mendham report.

Board member stated he does not feel it is necessary and is accepting Mr. Tinder's opinion as an expert.

Mr. Tinder stated whether you are talking about a million-dollar home or a \$200,000 home or anything in between, if the structure has an impact on value then it would be seen in the studies no matter what the price range. Stated this type of analysis has been accepted in Court and gave examples.

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

Gerald Grillo – 4 Seneca Road – Asked about sales and knowledge of Princeton Road. Asked about the property at 37 Princeton Road and if he knew it was listed for \$100,000 under market value. Asked about other properties for sale within a 3-block radius and about MLS listings. Asked about the subject property being for sale in 2013/2014 for \$100,000 less than it sold for in 2019. Asked about it being on the market and withdrawn and about property being relisted with renovations and sold for \$537,000. Asked if a prospective buyer would ask about a monopole in their view and if it is still a good comparable. Asked about surrounding properties and who is his client.

Mr. Tinder stated he knows the general area but has not researched it. Not aware of house for sale or any houses for sale in that area. Stated some might ask about a monopole, but not sure it is a standard question.

Stated he feels it is still comparable. Two of the surrounding streets are Princeton and Rutgers. Stated he has various clients, but this application is with the telecommunication companies.

Mr. Meese objected to the testimony, stated Mr. Grillo would have to be a licensed Real Estate Appraiser in NJ.

Mr. Rothman stated he could withdraw the question and phrase it in the form of a question.

Kevin Buckman – 24 Colby Lane – Asked about other studies he has done and do they go against his position. Asked how close the monopole was to other homes in other towns he has studied and if a monopole has ever helped a value.

Mr. Tinder stated he does not know of any studies that go against his position. There were a variety of distances, sometimes 500 feet or closer. Stated he does not believe it has helped a value.

Marietta Horne – 42 Princeton Road – Asked about research on Princeton Road and what is the assessor's true value. Asked about specific houses and why they sold at a certain price. Asked about finding information on houses online and about buying a property from a listing.

Mr. Tinder stated the assessment is divided by the official ratio. After a revaluation, the assessments will drop. Stated he could not provide an answer without having more information on the houses and there is information available to him on the MLS being a subscriber. Stated he does not recommend homes to anyone.

Luccio Ricci - 7 Spring Garden – Asked about monopole sites and generators.

Mr. Tinder stated typically all cell sites have backup emergency generators.

Scott Skrabonja – 30 Rutgers Road – Asked about a house not being sold due to something not being listed on an MLS.

Mr. Tinder stated that being on a busy residential street could impact a sale.

Board member asked about analysis of busy streets vs quiet streets.

Mr. Tinder stated he has researched the impact a busy street vs. a quiet street has had.

Felicia VanOstenbridege - 8 Colby Lane – Asked who he works for and where does his income come from.

Mr. Tinder stated he owns his own business and this type of work is a small percentage of his income.

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

Mr. Meese stated he does not have another witness for this evening, he did not expect for Mr. Tinder to be done in one meeting.

Marlene Buckman – 24 Colby Lane – Asked for the record to show the meeting is ending early.

Mr. Marotta stated that the Public will have the opportunity to voice their comments and asked questions of all the witnesses.

Tom Ganley – 29 Cornell Road – Asked about dates for the remainder of the hearings.

Mr. Rothman stated there is a continuance next Monday of this hearing, and the revised dates will be on the website.

Proposed dates are February 10th, 24th, 26th, March 2nd, 9th, 16th (deliberations/decision), and March 23rd for a resolution.

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 9:47 p.m.

Dan Aschenbach, Secretary