

November 25, 2019

The workshop portion of the meeting was called to order at 7:39 p.m. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

Mr. Bovasso
Ms. Drake

Alternates Present:

Mr. Quinn
Mr. Lucas

Alternates Absent:

None

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

COMMUNICATIONS:

None

MINUTES:

Motion to adopt the minutes of the Workshop meeting of October 21st was made by Ms. Daly, seconded by Mr. Aschenbach and passed on unanimous voice vote.

RESOLUTIONS:

Motion to adopt resolution for Application ZBA 19-003 for 34 Ann Street to withdraw without prejudice, was made by Ms. Daly seconded by Mr. Salmon and passed on unanimous voice vote.

OLD/NEW BUSINESS

Discussion was held to decide upon a date for the 2020 Reorganization and the 2020 Board schedule.

Motion was made by Ms. Daly, to make January 4, 2020 at 4:00 p.m. the date/time for the ZBA Reorganization and to approve the 2020 Board Schedule, seconded by Mr. Ashrafi and passed on unanimous voice vote.

The workshop portion of the meeting concluded at 7:46 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on November 25 2019 at 7:47 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 19-003 – APPLICANT HAS REQUESTED TO WITHDRAW**
Applicant: Alberto & Maria Chavez
34 Ann Street
Block: 528 Lot: 26, R-2 Zone

The applicant in this matter is seeking c(2) variances for a rear yard setback and impervious coverage for the installation of an in-ground pool. The minimum requirement for a rear yard setback is 15 feet where 10 feet is requested §255-38B(2) and the maximum permitted impervious coverage is 35% where 43.5% is requested §255-34 Attachment 1, Schedule 1.

Application was withdrawn.

2. **Application # ZBA 19-010**
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, Esq. appeared and explained the application. Stated this is an application to construct a wireless communication facility at Union County College (UCC). Property is a non-residential lot and the facility would be located on Lot 2.01. It is a 22-acre lot of a 48-acre college campus. Access to the facility would be via Lot 3. Facility is being proposed in an existing maintenance yard and is in a heavily wooded area. Monopole is proposed to be 148 feet to the top of the concealment branches. There will be chain link fence to surround the applicant's equipment and compound would be 48 feet x 48 feet. It would be buffered to the North. Discussed the

case law for a use variance and Cranford's conditional use regarding wireless facilities. Application involves MLUL and the addressing of the positive and negative criteria. Applicant will demonstrate that each of 3 carriers has a need for the facility at this location along with UCC's need to notify students of any dangerous situations. Stated there is a deficiency at this location. Location is well buffered with existing trees and no trees will be removed. Stated it is an unmanned facility and there will be no traffic, fumes or noise above applicable standards. Facility would not have a detriment to the public good. Referenced the Telecommunications Act of 1996. Stated the Board cannot prohibit the provision of service. Carriers must be allowed to provide service. Alternative sites were looked at but rejected. There is a lot of parkland and is part of Green Acres and Green Acres does not allow these facilities on parkland. The Board did deny a similar application at the Cranford Swim Club. Stated there are no other locations feasible for this facility.

Frank Colasurdo appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in architecture.

Mr. Colasurdo testified to the following questions posed by Mr. Meese: Stated Exhibit A-1 is a set of site plans dated 9-6-19. The campus is accessed off of Springfield Avenue, east of the facility and off Gallows Hill Road, south side of facility. Connecting them is Lot 3, known as Campus Road. Proposed facility is in the northwest corner near Fairview Cemetery and there is a residential development to the northeast which is Princeton Road. The applicant is a wireless telecommunications facility. Proposed compound is 48 x 48 with security fence and each carrier will have data processing equipment within the fence. Also within the fence is a concealment monopole which will look like a pine tree. Monopole will be 140 feet and top of faux branches is 148 feet. Concealment branches start at 70 feet which is 10 to 15 feet below the tree line. There is access from a gravel driveway and utilities are close by. No trees will be removed. Each carrier has a pad with radio equipment and each has a back-up diesel generator. Verizon is proposing a monopole with 16 antennas on top level, AT&T will have 16 antennas and T-Mobile with 9 antennas.

Discussed the landscaping to be added to northeast side of the compound. The south and east sides will be without vegetation for security.

He has worked with an acoustic engineer and with all equipment running including the generators, it meets the NJ DEP standards as well as Cranford's noise standards both for daytime and nighttime.

Drainage calculations were run for a 100-year storm. There are no drainage issues. The facility is unmanned, so there is no sewage or solid waste. Facility is monitored 24 hours a day 7 days a week thru silent alarms built into the equipment cabinets. Property does have additional security service due to being a college campus. Every 4 to 6 weeks a technician will check the equipment at the site. Approval was granted by the UC Planning Board on July 25th and the Somerset Soil conversation July 18th.

Discussed the variances being requested for setbacks. Stated there was a wetland analysis done and determined there are no issues. They do need a DEP permit for utilities.

Questions posed by the Board ascertained the following:

There will be three diesel generators on the site which will be enclosed. Material for faux tree is fiberglass. Tree canopy is 120 feet above grade. Branches start at 70 feet. Closest trees are within 50 feet of compound. The generators are tested once a week for 45 minutes between 10 am and 2 pm. If there is an emergency they would run consistently until power is restored. The generator decibel level to the nearest residential property is 50 decibels, with the daytime limit being 65 decibels. That includes all three generators and the equipment. Nighttime limit is 50 decibels and was calculated to be 39 decibels at night. If generators are running in an emergency, they are exempt from the standards. There will be all separate concrete bases. Verizon, uses a C-Pad, T-Mobile's pad is 10 x 20, AT&T's pad is 15 x 20 and underneath is gravel. There are no cameras proposed. The chain link fence has ¾ mesh. The average tree height was 120 feet. There will still be some room in the maintenance yard and each carrier has its own generator. There could be a fourth carrier. The highest antennas would be 143 feet. Verizon and T-Mobile's cabinets have fans and AT&T has a wall air conditioner. Testing is done by each carrier remotely but not coordinated by the carriers. There will be no external lighting on the monopole. FAA also stated it does not need a light. There is a work light with a sensor at the base of each of the pads. Applicant is proposing a total of 17 shrubs at 6 to 7 feet at time of planting. The equipment is about 1000 feet away from the nearest classroom. The Observatory is the closest structure, which is about 553.9 feet away. Applicant did look at another location across the street but it had a wetland issue. Location was agreed to by representatives of the college. A fourth carrier could use a generator or possibly a battery backup. A fourth carrier could increase the noise by 3 decibels. The monopole shaft could be painted brown. Building a berm was not considered due to low decibel levels. If noise is still a concern, the north side could have berm or solid fence for north side residents. There is 200-amp service for each carrier. There are existing utility poles by the Observatory. Transformer noise was taken into account with the decibel levels. Height is a radio frequency issue. Advantage of using this type of monopole is the existing tree line. Advantage is from a distance. Wetlands identified were off Campus Road by Colby Lane. There were no wetlands located within 170 feet of the proposed site. The monopole will look similar to the ones on the GSP. Fuel tanks will be refilled approximately every two months provided there are no emergencies.

Exhibit A-2 was marked as E2 Project Management LLC dated 7-8-19 and Exhibit A-3 was marked as Lewis Goodfriend Report 3-8-19.

Robert Simon, Esq. – appeared. He is the attorney for Union County Residents United Inc. Stated he represents: Chemda Mindy Kipness, 26 Colby Lane, Randy Lowe, 14 Colby Lane, Michael Normann, 12 Colby Lane and Julia Perotta, 8 Cornell Road.

Mr. Colasurdo testified to the following questions posed by Mr. Simon:

He was retained by all 3 carriers. He does about 90-95% of work for wireless carriers; mostly from Verizon. He has not testified in opposition to a wireless carrier. Has reviewed the zoning and site plan ordinances for Cranford. Believes that plans comply with the submission requirements for preliminary and final site plan. He does not employ any engineers or surveyors. The grading and landscaping plans were prepared by an architect in his office.

Discussed various sites where he has designed systems. ODAS is an outdoor antenna system. Design of generator and antenna plans on sheets Z-7-Z-19 were given to Mr. Colasurdo and he put them in a layout. He is trained to design structures. Grading plan was prepared by Mr. Colasurdo. He surveyed the average height of the trees. Second to last page on site survey shows average height of the tree, but not the species. A health analysis of the trees has not been done. Sheet Z-25 shows the spacing of the trees. The existing trees are deciduous. Does not know where the stock pile from sheet Z-23 will go. Proposed compound is on the highest grade by about 10 feet. He designed an IDAS for the campus. Did not do any rooftop or façade evaluations of any of the buildings on the campus. Did look at the building that had solar panels and would not work for a monopole. Shows one 10 x 20 parking space for a technician's truck. There will be a landscape maintenance plan for one year then maintenance would be up to UCC. There is no underground irrigation. There is no conservation easement. The acoustic engineer worked as a consultant along with the surveyor and drainage expert. There will be three motion sensors and lights will go on within 3 feet of fenced compound.

Mr. Colasurdo testified to the following follow-up questions by Mr. Meese:
He was not asked to evaluate the radio frequencies if a macro site was needed on any of the other college campuses he worked on; that is outside of his expertise. He used drainage calculations which were prepared by a licensed engineer and were provided to the Zoning Officer on September 20th of this year. Presented these calculations as Exhibit A-4. He did not prepare a parking analysis and there will be no impact on parking at the campus.

There were no further questions by the Board.

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

Marietta Horne – 42 Princeton Road – Asked about the noise level and the running of the equipment. Asked about the noise of trucks and testing of equipment. Asked about the trees and maintaining the coverage and about the generators noise and fumes.

Mr. Colasurdo stated the decibels will be 50. The State determines the standards. NJDEP noised standard in daytime is 65 decibels. Stated the largest cabinet has a height of 9' 6", width 6' 11" and 8 feet in depth. They are 15 decibels lower then what is allowed. No noise or fumes above State standards.

Frank Krause – 20 Pittsfield Street – Asked about the monopole and the one located in Garwood. Asked if it is the same as the one they are looking at putting up. Asked about alternatives. Asked about the rental income to the college.

Mr. Colasurdo could not recall if he new about the one in Garwood.

Mr. Meese stated that carriers will be paying rent to the College pursuant to a lease.

Tom Kaercher - 36 Harvard Road – Asked about the State standards during the daytime and at night.

Mr. Colasurdo stated nighttime standards are 50 decibels to a residential property line. If it is a commercial property it stays at 65 for nighttime. In emergency situations the standards don't apply.

Nancy Kutzer - 30 Cornell Avenue – Asked how she will not see the tower/fake tree.

Mr. Meese stated this is out of Mr. Colasurdo's expertise. There will be a planner who be discussing the aesthetics.

Mr. Colasurdo stated the further you get away from the site, it will blend into the tree canopy.

Kinney Clark – 115 Holly Street – Asked about tree inventory and the illustration showing the tree canopy.

Mr. Colasurdo stated the illustration is based on the trees surveyed, it is not conceptual.

Christine Licata - 10 Dartmouth Road – Asked about the library rooftop and about where the monopole is planned and the light sensors. Asked about a 120 foot tree on site. Does not feel the images submitted are accurate.

Mr. Colasurdo stated the light sensors being proposed are similar to what you would use over your garage. Residential homes might see light with the sensor. A NJ licensed surveyor did the tree canopy.

Marlene Buckman – 24 Colby Lane - Asked about additional height for monopole. Asked how easy would it be for another carrier to be put on the monopole and about the tree design for the pole.

Mr. Colasurdo stated the pole could be constructed to accept another 10 or 20 feet. Stated for this application, he designed a 148-foot pole. The design for the pole works best looking at it from a distance.

Greg Borys - 18 Rutgers Road – Asked about the low level details for the application.

Mr. Meese stated that witness will be the Radio Frequency expert who will be testifying at a later date.

Julie Exarhakos - 40 Princeton Road – Asked about other proposals for cell tower carries and why this site was chosen.

Mr. Colasurdo stated there was discussion on where it would work best. He would not recommend taking away parking spaces.

Ted Exarhakos - 40 Princeton Road – Asked about overflow parking. Asked about containers and sitting on wetlands.

Jorge Santos – 19 Harvard Road – Asked about the generators running and the CO2 emissions. Asked about the light sensors.

Mr. Colasurdo stated the generators comply with all the regulations from the State. Stated for the sensor to go off, you need to be within 3 feet of the sensor.

Deb Murphy – 9 Sylvester Street – Asked about a battery back instead of a generator. Asked about the average tree height and how many trees were surveyed. Asked about the gravel access road and would it accommodate emergency vehicles and about sound dampening fencing.

Mr. Colasurdo stated a bigger footprint would be needed for each carrier to have a battery backup. Would still need to deliver hydrogen, but there would be no noise. Does not believe the access road could accommodate a large fire truck but it would be able to reach the compound with a hose. There are acoustical fences for sound dampening.

David Lahrheim - 12 Rutgers Road – Asked if he has done a pole of this size near a residential house before.

Mr. Colasurdo stated he has done poles within 229 feet of a home.

David Donohue – 48 Rutgers Road – Asked about the wetlands between Observatory and site plan. Asked about soil sampling. Is concerned about construction materials being in that area.

Mr. Meese stated they need a permit from the DEP and they are aware of the wetlands in that area.

Mr. Colasurdo stated soil sampling has not been done yet.

Dave Kleiman – 28 Princeton Road – Asked about touring the surrounding streets and the site line from that view.

Mr. Colasurdo stated he will bring the information back about the tree survey.

John Salerno – 20 Princeton Road – Asked about the property values.

Mr. Colasurdo stated he does not know that information.

Scott Skrabonja - 30 Rutgers Road – Asked about the decibel level of a truck on a gravel road and about fuel delivery times.

Mr. Colasurdo stated ambient sound levels in the daytime were 33-42 decibels from nearest property line and at night it was 28-34 decibels. Generators are refueled when they are ½ empty.

Tom Kaercher 36 Harvard Road – Asked about wattage of sensor lights.

Mr. Colasurdo stated the LED wattage is 26.31, the LUMENS equals 2159. Stated lights are shielded and directed downward.

Marietta Horne – 42 Princeton Road – Asked about the security around the compound.

Mr. Colasurdo stated it is expensive equipment. Worry about vandalism and damage. Stated he would take out the motion and photo sensors and put the lights on a timer.

Mr. Meese stated the lights will only have a timer not a sensor.

Mr. Colasurdo testified to the following follow-up questions posed by Mr. Simon:
Applicant is not disturbing any steep slopes. He does not know if driveway width complies with the Cranford regulations. The limits of disturbance have been identified on Sheet 26. Does not know if an environmental impact statement for the site plan application was submitted. Does know a Phase One analysis was done, but not sure about Phase Two.

Tara Stevens - 1029 La Corte Terrace – Asked about a smaller system and the financial gain. Asked about the trees, gravel and sustainability.

Mr. Meese stated a Radio Frequency expert will testify to the reasons for the system. There was no study on the gravel impact or tree roots.

Greg Borys - 18 Rutgers Road – Asked about a rescue response for the site.

Mr. Colasurdo stated he has not look at that.

Mr. Meese asked Mr. Colasurdo about a high angle rescue.

Mr. Colasurdo stated he has never prepared a plan like that before.

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 meeting will be December 9th. Stated there will be two other applicants on December 9th prior to the cell tower hearing.

3. PUBLIC PORTION

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:17 p.m.

Secretary