

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES**

September 18, 2008

A. Chairperson Fort called the meeting to order at 7:40 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

Mrs. Fort	present
Mrs. Flynn	present
Ms. Hendry	absent
Mr. Hendrickson	absent
Mr. Simon	present
Mr. Stettner	present
Mr. Shepherd	absent
Mr. Thompson	present
Mr. Denning	absent

**Donald Moore, Esq., Kelleher & Moore
Brent Krasner, Clark*Catton*Hintz
Steve Bolio, Ferriero Engineering**

B. APPROVAL OF MINUTES:

1. August 21, 2008 – Mr. Simon made a motion to approve the minutes. Mr. Thompson seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

C. CORRESPONDENCE:

The board had no comments regarding the correspondence.

D. TECHNICAL REVIEW COMMITTEE:

**1. Cellco Partnership d/b/a Verizon Wireless
Preliminary-Final Site Plan &
Use Variance
291 US Rt. 22
Action date: September 25, 2008**

Madam Chair announced that the Technical Review Committee determined that the application was incomplete.

E. VOUCHER APPROVAL:

Mrs. Flynn made a motion to approve the vouchers. Mr. Thompson seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

F. RESOLUTIONS:

None

G. PUBLIC HEARINGS

Madam Chair announced that regarding both of the public hearings, site plan conditions have not been met by the prior co-locators and therefore did not feel that the board was in a position to vote on either of the applications. She stated that they will hear the testimony, but the board might not vote.

Mr. Stanizone, counsel for the Cellco Partnership stated that this procedure will only hurt his applicant and benefit those who are already co-located on the antennae. He is prepared to accept a condition on any approval granted to his applicant, that if the improvements are not completed, he will install the improvements.

Christopher Quinn, Esq., stated that he is the attorney for New Cingular Wireless. It was Verizon that was the last carrier. He stated that he will take on the responsibility of the prior co-locators' conditions if they have not already been met.

1. New Cingular Wireless PCS, LLC
Block 17, Lot 9
384 Route 22,
Variance
Signed extension to September 18, 2008

Christopher Quinn, Esq., of Day Pitney, LLP, stated that he is the attorney for the applicant. The property is located in the Business Zone. There is an existing 100 foot flag pole on the site. New Cingular Wireless is proposing to install three (3) antennas located at 74 feet in height with the related equipment with a slight expansion of the compound. They will install fencing that will match what is currently installed. Regarding the telecommunications use, it complies with the all of the conditions in the ordinance. He stated that they are seeking a conditional use variance as well as preliminary and final site plan approval.

Attorney Moore swore in all of the witnesses and the board's professionals.

Stephan Guillabert stated that he is appearing on behalf of the applicant. He received a Master's Degree in Physics at the University of Paris in 1997. He received a Master's Degree in Telecommunication at the University of Paris in 1999. He has been employed in the United States for different carriers. The board accepted his credentials as a radio frequency engineer.

Mr. Gullibert stated that the applicant is a FCC licensed communication carrier and requires that they provide coverage to the residents in the New Jersey market. He stated that currently there is not adequate coverage for the applicant. This site will provide adequate coverage.

Exhibit A-1 Plan showing coverage from the surrounding sites without proposed co-location, dated September 4, 2008 prepared by Stephan Guillabert.

Exhibit A-2 Plan showing the coverage from surrounding sites with the proposed co-location, dated September 4, 2008 prepared by Stephan Guillabert.

Mr. Guillabert referred to the exhibit and informed the board where the existing site was located and where the other sites were located that provide coverage. If the application is approved by the board, it will provide improved service to their customers.

Regarding A-2, this exhibit indicates that the gap in coverage will be eliminated. A report was provided indicating the other sites that were investigated for this application. The station will not be manned. The site will be maintained once a month by technicians. There are no outside adverse impacts due to the antennae. There will be no interference to the carriers.

A-3 Comprehensive Plan for site W293 prepared by Stephan Guillabert Senior Engineer dated December 26, 2005.

A-4 RF exposure analysis for proposed Cingular Wireless Antennae Facility dated September 23, 2005 prepared by Stephan Guillabert.

PUBLIC QUESTIONS:

There were no questions from the public.

James Curry – Clough Harbour and Associates stated that he is a civil engineer, licensed in the State of New Jersey in 1965. The board accepted his credentials.

Mr. Curry stated that his firm prepared the plans.

A-5 Drawing # CO2 dated January 28, 2008 prepared by John Sobiech with the firm of Clough Harbour and Associates.

A-6 Drawing #C01 Site plan dated January 28, 2008 prepared by John Sobiech with the firm of Clough Harbour and Associates

Mr. Curry described the existing conditions of the site. The applicant is proposing to construct a 10 foot x 22 foot slab. There is an existing board on board fence. They will construct a new board on board fence near the west side of the enclosure.

Landscaping plan #C01A dated January 28, 2008 prepared by John Sobiech with the firm of Clough Harbour and Associates.

The landscaping will be planted on the west side. They are proposing to move 3 spruce trees and plant 8 additional trees.

Mr. Krasner suggested to field locate the trees once Verizon's improvements are in place. Mr. Curry agreed to cooperate with Clark Caton & Hintz's office.

Mrs. Flynn wanted to know the status of the flag. Mr. Curry answered he did not know.

Mr. Quinn stated that he would inform the tower owner know that the flag must be replaced on the pole.

Mr. Moore stated that if the applicant abandons their antennae, they must remove all of the equipment. The applicant agreed.

PUBLIC QUESTIONS:

There were no questions from the public.

Mrs. Flynn was concerned about the color of the equipment as mentioned in Clark, Caton & Hintz's report dated July 14, 2008. Mr. Curry answered that the cabinets are neutral in color.

Regarding John Hansen's report dated August 18, 2008. Mr. Quinn stated that there were some minor issues and the applicant will agree to comply with the letter.

Peter Tolischus stated that he is a planner, licensed in the State of New Jersey in 1974 and is with Heyer, Gruel & Associates. He has testified before many boards for 380 cases in the tri-state region.

Mr. Tolischus stated that to prepare for this meeting he down loaded an aerial photograph of the site.

A-7 – Aerial Photograph dated December 2005.

Mr. Tolischus stated that there are a series of numbers on the aerial photograph and those numbers mark where he stood to take photographs of the site. The antennas will be placed inside the monopole. There is no visual impact.

A-8 Photographs of the site dated December 2005 taken by Peter Tolischus.

A-9 Photographs of equipment at the site, dated July 15, 2008

Mr. Tolischus stated that the photographs show that traveling west on Route 22 there is tall shrubbery in front of the motel. Across the street there is a substantial amount of vegetation located in the island on Route 22. Photograph number 4 shows the fence. The panoramic picture number 4 shows the side and behind the facility there remains an abundance of vegetation.

Mr. Tolischus stated that the applicant complies with the wireless communication ordinance in Chapter 148-8. The reason the applicant is before the board is due to the fact that the motel is on non-conforming under sized lot. Regarding the "D" variance that the board's planner recommended, Mr. Tolischus stated that the New Jersey Supreme Court stated that if the applicant has an FCC license that in itself establishes the positive criteria because providing prompt and reliable information to the public does advance the general welfare. Regarding the negative criteria the court decided that boards should continue to use the Sica balancing test which has 4 parts, i.e. public benefit; identify the detrimental

effects; how can you improve the situation; provide additional coverage to the cellular customers.

Mr. Krasner stated that the additional activity on the site triggers the “D” variance.

PUBLIC QUESTIONS:

There were no questions from the public.

Mr. Thompson wanted to know if they could accomplish what they need to without anything constructed on the outside of the pole. Mr. Quinn answered yes.

Mrs. Flynn stated that since there is already an existing tower and an equipment compound, the improvements that this applicant is willing to make to the site will outweigh any detrimental effects and there are assurances that the applicant will make sure the flag and any other outstanding conditions of previous resolutions are met before they begin construction.

Mrs. Flynn made a motion to approve the application with the following conditions: Replacement of the flag and maintenance of the flag; if the use is abandoned the equipment will be removed; the applicant must work with the planner regarding the landscaping; the applicant will satisfy all of the requirements of previous resolutions for any landscaping and fencing prior obtaining a Certificate of Occupancy; the equipment cabinets will be a neutral color and the color of the board on board fence will be painted pursuant to the planner’s request; the outstanding conditions from the prior approvals must be met; the fence must meet the design of the prior resolutions; comply with the board’s engineer’s report . Mr. Thompson seconded the motion.

Roll Call:

Mrs. Flynn	aye
Mr. Simon	aye
Mr. Stettner	aye
Mr. Thompson	aye
Madam Chair	aye

- 2. Cellco Partnership d/b/a Verizon Wireless
State Highway 31 & Foothill Road
Preliminary & Final Major Site Plan; Conditional Use;
Conditional Use Variance
Block 61, lot 5.02
Variance
Signed extension to September 18, 2008**

Richard Stanzione, Esq., stated that he is the attorney for the applicant. Attorney Moore swore in all of the applicant’s witnesses and board professionals.

Anthony Suppa stated that he received his engineering license in the State of New Jersey in 1997.

Mr. Suppa gave testimony regarding the site plan in his capacity as an engineer.

Exhibit A-1 – Drawing #Z-1 Site Plan issue date December 4, 2007, signed by Anthony Suppa.

Mr. Suppa testified that the property is Block 61, Lot 5.02, owned by Jersey Central Power and Light. It is located approximately 6 acres off of Route 31. There is an existing 50 foot x 50 foot compound construction by T-Mobile on the site. Access to the site is off of Route 31 on a gravel lane with a turnaround in front of the existing compound. There is landscaping in front of the compound, which consists of a single row of emerald green arborvitae.

Mr. Stanzione stated that according to the prior resolution, there was supposed to be a double row of arborvitae. Mr. Suppa answered that was correct. Mr. Stanzione stated on the record that Verizon Wireless will plant the additional landscaping that was a condition of the prior approval if T-Mobile fails to plant the plantings within the time period specified by the board.

Mr. Suppa expressed to the board that the applicant is proposing to locate a 12 foot x 30 foot equipment shelter in the existing compound. The will add twelve antennas on the existing 125 foot tall tree monopole.

Exhibit A-2 – Z-3 of the plans that were submitted.

Mr. Suppa testified that this is an enlargement of the site plan and the elevation of the tree pole. The pole is 125 feet and has branches going up another 5 feet to form a crowning effect which makes the total 130 feet. Verizon Wireless is proposing 12 antennas to be installed at 117 ½ feet. The antennas will in placed within the existing branching of the monopole. The shelter is 12 feet x 30 feet. The equipment that will be located within the shelter will consist of rectifiers and cabinets as well as a separate room that will house an emergency generator that is proposed to be 10 feet x 12 feet. This room has a separate entrance and is ventilated and the generator is a 60 KW generator with a 225 gallon overflow diesel tank. If the tank would rupture, there is a second overflow so all of the diesel fuel would fit inside the overflow, doubled wall steel tank. The purpose of the generator is to allow Verizon Wireless to remain on air during an extended outage. The only utilities that are needed are the existing electric and telephone service. They will obtain these utilities from the existing meter that is already located at the compound. The site is visited by a technician once approximately every 4 to 6 weeks. The lighting consists of a 70 watt light located over the door of the shelter. That light will be operated manually and there will be a shut off switch so in case it is not manually turned off, it will automatically shut off in a short period of time.

Regarding John Hansen's report dated August 18, 2008, specifically the condition portion located on page 2, Mr. Suppa agreed with all of the conditions of the report.

Regarding the report from Clark, Caton and Hintz dated August 14, 2003, Mr. Suppa stated that the applicant is requesting a waiver so that they do not have to submit an EIS since all of the work will take place within the existing compound area. The applicant will agree to whatever the planner recommends. Also, currently there is a chain link fence installed on the property. The additional plantings will provide a buffer without having to change the fence.

Madam Chair asked what is the height of the equipment shelter and the fence. Mr. Suppa answered the shelter is 10 feet tall and the fence is 7 feet tall.

PUBLIC QUESTIONS:

There were no questions from the public.

Ed Yorke, stated that he will be testifying in radio frequency engineering. He received his Master's Degree from Northeastern University in Electrical Engineering in 1997 and prior to that in 1994 received his Bachelor's Degree from Rutgers University in Electrical Engineering. He has worked 14 years in radio frequency engineering. He is currently employed by Pier Con Solutions.

Regarding the report prepared by Pier Con Solutions dated September 4, 2007, Mr. Yorke stated that the intent was to show the coverage gap along the Route 31 corridor, including the Foot Hill Road and the Stanton Road. The site fills in the coverage gap. The cause of the coverage gap has to do with the terrain. Along the east and west side, the terrain rises from approximately 160 feet above sea level to over 500 feet above sea level. This blocks all of the adjacent sites to the east and west. In the north and south there is a similar terrain feature which goes from 160 feet above sea level to rises too approximately to 250 feet.

Exhibit A-3 Existing coverage plan prepared July 16, 2008 authored by Ed Yorke

This map is a USGS topographically map. The surrounding existing sites are labeled. The proposed site is identified as Readington 5. The first overlay contains green shaded areas that represent the areas that have reliable coverage today obtained from the existing surrounding sites. Mr. Yorke described to the board the other sites that have monopolies. The last overlay shows the coverage gained if the application is approved.

Mr. Yorke stated regarding alternative sites, a thorough search was performed. To the south, there are some electric transmission towers, but they are too far south in order to complete this coverage gap. It would not be able to link to the north and it would require a second site to fill in the remaining gap. The tree pole is uniquely positioned to be a one site solution for the Route 31 corridor coverage gap.

PUBLIC QUESTIONS.

There were no comments from the public.

Ron Ignieri stated that he is employed by Innovated Engineering, located in Toms River, New Jersey. He stated that he has a Bachelor's and Master's Degree in Civil Engineering. He has been employed in the field of civil engineering, telecommunications and planning

since 1976. He holds both engineering and planning licenses since 1982. He is present this evening to give testimony only as a planner.

Mr. Igneri stated that he reviewed the township's ordinance regarding wireless communication. He also read the planning report dated August 14, 2008. He stated that they are before the board for a D-3 variance. The only relief that is required is for the size of the equipment shelter. The ordinance calls for a 200 square foot shelter and the applicant is proposing to build a 360 square foot shelter. The equipment room is approximately 200 square feet. The additional square footage is for the emergency backup generator. The size of the equipment room meets with the intent of the ordinance. The emergency generator is required because of the FCC requirement to provide backup communications in the event of catastrophic outage.

Exhibit A-4 Dated 9-18-08, Block 61, Lot 5.02 dated July 17, 2008 taken and prepared by William F. Masters, LPP

Exhibit A-5 Dated 9-18-08 Block 61, Lot 5.02 dated July 17, 2008- taken and prepared by William F. Masters, LPP

Mr. Igneri stated that A-4 consists of 6 photographs and A-5 consists of 4 photographs. There are photo enhanced photos on the exhibits too.

PUBLIC QUESTIONS/COMMENTS

There were no questions or comments from the public.

Mrs. Flynn stated that she was in favor in adhering to the landscaping plan. She was not in favor of the Astroturf fence.

Mr. Igneri stated that the site is located approximately two hundred feet from the road and the only other structure on the site is a substation.

Mr. Thompson was concerned that the arborvitae will get eaten by the deer. Mr. Stanzione answered that they will post a maintenance bond for the plants replacement.

Mr. Thompson made a motion to approve the application with the following conditions: include items one through nine in Mr. Hansen's report; the plan needs to be revised because there is no soil disturbance issue; and the conditions in the planner's report regarding fencing and plantings; to include the second row of arborvitae; the applicant shall finish any outstanding conditions that were imposed in prior resolutions; if at any point in time in the future they antennas are obsolete that all equipment must be removed from the site. Mrs. Flynn seconded the motion.

Roll Call:

Mrs. Flynn	aye
Mr. Simon	aye
Mr. Stettner	aye
Mr. Thomson	aye

Madam Chair **aye**

H. ADJOURNMENT:

Mrs. Flyn made a motion to adjourn at 9:54 p.m. Mr. Thompson seconded the motion.
Motion was carried with a vote of ayes, nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz