

Borough of Watchung
Planning Board Meeting

May 15th, 2012

Minutes

Chairman Speeney called the meeting to order at 7:32pm. Salute to the flag. The Chair asked for a roll call. Present at the call of the roll were:

Speeney [X] Schaefer [A] Haveson [X] Ellis [X] Pennett [x] Boyd [A] Beck-Clemens [X]
Mobus [X] Pote [A] Desnoyers [X] Hartmann [X]

Chairman Speeney indicated that there was a quorum to conduct business and that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Law and that proper notification of this meeting has been made. Chairman Speeney indicated that both Mr. Desnoyers and Mr. Hartmann would be eligible to vote at this meeting in the absence of two members.

Chairman Speeney asked for a motion to waive the reading of and approve the minutes of April 17th, 2012. That motion was made by Mayor Mobus and seconded by Mrs. Pennett. Hearing no discussion, the Chair called for a voice vote. Everyone except Mr. Haveson who was not eligible to vote voted in the affirmative and the minutes were accepted.

Beck-Clemens read: PB12-02 New Cingular Wireless PCS LLC ("AT&T"), Sprint Spectrum LP ("Sprint") and New York SMSA Limited Partnership ("Verizon Wireless")

Block 6404 Lot 1

1691 US Highway 22W

Preliminary and Final Site Plan with waivers and variances

Mr. Linnus said that there were three applicants and if any board member had any financial or otherwise interest in any of the applicants companies, they should state

that now. Chairman Speeney stated that he used to work for AT&T and had retired from AT&T. He said that he does not receive a pension from AT&T. He stated that his son works for AT&T and that he is an AT&T customer. He indicated he could be open and objective to testimony. The attorney for the applicant Judy Fairweather came to the microphone and said that she has no problem with those facts. She said that PSE&G is taking down a line of transmission towers which cannot handle the current load. They are taking the entire line down and letting the carriers go back on their new towers once the entire line is back up. She said that they are looking for a temporary monopole to be put on the L&Z Tool property at 1691 Route 22 W for a period of up to two years. The three carriers have gotten together and are building a four carrier temporary ballast monopole, leaving space for a fourth carrier. She said that this is a permitted use in the zone but need some bulk variances. The zone requires two acres and she has 1.99 acres which is pre-existing non-conforming. The equipment compound should not exceed 1000 sq. ft. and theirs is 1600 sq. ft.. The setback from a property line for a carrier requires 180 ft. and 36 ft. is requested. Ms. Fairweather said that she has all three frequency engineers from each carrier present to testify that once the antennas are taken down, this proposed pole will satisfy the holes temporarily. She said that they have chosen one RF Engineer to testify so that the board doesn't have to listen to all three and he could show propagation maps and answer questions. She said that she has a Civil Engineer present to explain exactly what a ballast monopole is. Ms. Fairweather said that she also has a planner who has previously submitted photographs to the board and can show what the pole will look like. She has a health expert who is able to testify as well.

Chairman Speeney said that there are three variances and a multitude of waivers. He asked the board to consider the testimony and then consider. He said that he thought the issue of lot size is diminimus. Chairman Speeney said that he would accept the report by RC Peterson LLC. Mr. Linnus said that there does not appear to be consent of the owner. Ms. Fairweather said that the owner was in the audience. Chairman Speeney asked if the pole at the Sears location would be there in the future, and Ms. Fairweather said yes. Chairman Speeney asked Ms. Fairweather what her timetable was. She said that all carriers must be off the current pole by

August first. She asked that if they get approval, if they could proceed with a building permit at their own risk. Chairman Speeney said that based on this timetable, he would urge the board to consider both preliminary and final at this meeting. Mr. Linnus indicated that assuming this board grants both preliminary and final approval at this meeting, the applicants are on their own when they go to apply for the construction permits. Mr. Linnus stated that this board has no authority to grant construction permits. Mr. Herits and Mr. Linnus pointed out that the report submitted by the radio frequency engineer only took into the account the three carriers on the temporary pole, not the fourth. Mayor Mobus asked what the radio frequency levels difference would be between three carriers and adding a fourth. Ms. Fairweather said that she has the radio frequency engineer behind her to testify to that, but from a lay person's perspective, there is basically no difference. Chairman Speeney said that the power levels are very low. Mr. Ellis said that the application is for three carriers, not four. Mr. Linnus said that they are actually asking in the application for the potential of four carriers. Chairman Speeney said that he was inclined to go with the four carrier application. Ms. Fairweather said she could have Mr. Peterson come to up to testify the difference between 3 and 4. She called the property owner to the microphone. Mr. Thomas LaMarca of 49 Bissell Road, Lebanon, NJ came up to the microphone to testify and was sworn in. He stated that he owns the property at 1692 US 22 in Watchung. Ms. Fairweather asked Mr. LaMarca if he has agreed to allow a four carrier pole. Mr. LaMarca said that yes, he was. Chairman Speeney asked if at the end of this time, Mr. LaMarca expected that all temporary structures would be dismantled. Mr. LaMarca said that yes, this was in the contract with the carriers. Ms. Fairweather said that AT&T was the lead carrier on the pole, and would do the dismantling of all structures.

Mr. Yvan Joseph of 45 Eisenhower Drive, Paramus NJ 07652 came to the microphone. Mr. Joseph has a BS in Electrical Engineering. He gave his credentials and was sworn in and recognized as an expert in the field of Radio Frequency and works for AT&T. Exhibit A-1 with overlays was entered. This exhibit dated 5-15-12 represented the coverage areas of the three carriers. There were overlays which showed the coverage of the three carriers. It showed the proposed location of the temporary pole site. The first overlay showed the coverage of the carriers without the proposed pole. The

following overlays showed the proposed coverage with the proposed temporary pole. Ms. Fairweather asked Mr. Joseph if in his professional opinion, all three carriers needed this temporary site to maintain their coverage temporarily. Mr. Joseph said yes. Mayor Mobus asked if the coverage gained with the temporary site would change when the permanent pole was put in. Mr. Joseph said that they would change slightly back to the way it is today. Mayor Mobus asked if that would be the case with the taller new monopoles. He said that the lattice towers were shorter than the monopoles. Mr. Joseph said that there are only certain spots on the monopoles that carriers are allowed to place the antennas. Mr. Joseph said that with the temporary or permanent poles, there would be certain spots based on the terrain that would remain dead spots. Chairman Speeney said that many of the questions from the board are dealing with the future permanent monopole and that this application is dealing only with the temporary monopole. Chairman Speeney asked if there were any questions from the public. Hearing none, he thanked Mr. Joseph. Ms. Fairweather called Mr. Nick Barile PE, Civil Engineer of 4 Second Avenue Suite 204, Denville, NJ to the microphone. Mr. Barile gave his credentials and was sworn in and was recognized as an expert in the field of Civil Engineering. Mr. Barile showed the plans previously submitted to the board with the last revision date of 5-2-12. Ms. Fairweather asked Mr. Barile to explain what a ballast monopole is. He said it is a series of concrete ballast sections which interlock. They are 7 ft sq by 2ft. thick. They connect to 35' by 35'. This provides a footprint area which is a foundation for the monopole which is bolted to them. The topsoil below would be removed and the ground would be compacted. The sections would be placed and the tower erected. The equipment would be placed on these concrete blocks. He said that they are non-penetrating. He said there would be an 8' chain link fence with a locking gate. He said that this space allows for proper cabinet spacing and door swing room. Mr. Barile referred to sheet Z-2 which showed proposed ballast monopole elevation of 150 feet. He said 2 ft. below that are AT&T's antennas, and 10' below that are Sprints antennas at 138 ft. 10' below Sprints antennas are Verizon's antennas at 128'. Any possible fourth carrier would be below Verizon's. Ms. Fairweather asked Mr. Barile to discuss the setback of 36ft. to the property line. She said that this is the largest relief needed of the variances. Mr. Barile referred to sheet Z-1 which showed the location of the rear corner of the property. The property is only 177.6 ft. wide. He said that the setback of 150% of the tower is not

achievable on this property. Ms. Fairweather said she would go over the letter from Board Engineer Tom Herits dated 5-8-12. Mr. Haveson asked if there is any wetland or water issue that would prevent this ballast from holding the tower securely. Mr. Barile said no. Mr. Herits said that when they come to engineering for a land disturbance permit, there are simple solutions to prevent any water issues by creating a swale around the property and engineering would oversee that. Ms. Fairweather explained why they would be requesting a partial boundary survey. Mr. Herits said that some topography work would need to be done in order for the grading to be done. Ms. Fairweather asked the board what color fence should be installed. The board asked for a green fence. Ms. Fairweather asked Mr. Barile how noisy the sight would be. He answered at roughly 36ft away it would be approximately 34 decibels where 40 dbl is allowed. Mr. Herits said that this is not a residential area and the traffic from Route 22 would drown out any sound from this site. Regarding safety, Mr. Barile stated that if any of the cabinets were tampered with, an alarm would go off to each of the carrier's hubs. Ms. Fairweather said regarding number 2 of the Herits letter, instead of seeking a boundary survey, they are seeking a partial survey. Number 6 would be green slats. Number 7 regarding a noise report has been addressed by testimony and in lieu of a report, they are seeking the testimony given be enough. Number 8 would be complied with at the time of building permit. Number 9, an irrevocable letter of commitment would be supplied by Ms. Fairweather's office. Mr. Linnus indicated that the board could waive the ordinance requirement of the short form memorandum being reported to the county in light of the temporary nature of the application. Ms. Fairweather asked that this short form memorandum be waived. Number 11, technically they are requesting a waiver. Number 12, Ms. Fairweather asked about the barbed wire, which she thought is dangerous. Mr. Herits said he thought the slats would suffice. Mr. Haveson said considering the location near Blue Star, he thought the barbed wire was a good idea. Mayor Mobus said that this location was remote and there could be theft and thought the barbed wire was a good deterrent. Ms. Fairweather said that they would install the barbed wire. She said that the grading plan would be submitted with the building permit application. She said that the Fire Official has already given his written approval. She said that the applicants have already applied to the County for approval and as soon as approval is given, that will go the board. She said referring to number 4, no water or sanitary

sewer service is proposed and that the gate would have a locking device on it. Mr. Herits said that he was fine with it, but wanted the applicant to know that before they go for the building permit, they need to get a land disturbance permit which will address the grading issues. Mr. Barile said that it is a temporary site with a diminimus amount of disturbance to the site. Mr. Linnus asked Mr. Herits if he was ok with the waivers and Mr. Herits said he was.

Chairman Speeney asked if there were any questions from the public. Hearing none, Ms. Fairweather asked Mr. Peter Tolischus to come to the microphone. Mr. Tolischus was sworn in of 236 Broad Street, Red Bank New Jersey and was accepted as an expert in the field of Planning. He showed a photo of the proposed site. The lot is 423 ft. deep and 170 feet across. He said that since they cannot meet the setbacks, it is a hardship (C-1). He said that given the location of the site, there is no detriment to the public good. Ms. Fairweather brought Mr. Peterson to the microphone. Mr. Peterson of 170 Fairview Drive, Bedminister NJ was sworn in and recognized as an expert in the field of Radio Frequency. Ms. Fairweather asked Mr. Peterson if in the event there was a fourth carrier brought into the pole, how it would change the results of his report. Mr. Peterson said that it would increase the maximum levels approximately 1% but no more than 2 ½%. Mr. Desnoyers asked if it matter what frequency they were running at. Mr. Peterson said that there are specific bands for specific frequencies. He said it wouldn't make much of a difference. He said that it was much below the FCC limits. Chairman Speeney asked if there were any questions or comments from the public. Hearing none, Ms. Fairweather said that she had concluded her testimony and asked that the board grant this application. Hearing no more discussion, Chairman Speeney closed the public portion. Mayor Mobus asked Mr. LaMarca if he was comfortable with this application. Mr. LaMarca said yes. Chairman Speeney opened up discussion from the board. Mr. Haveson asked Mr. LaMarca if he was impacted at all be Hurricane Irene at the site. Mr. LaMarca said no. Mrs. Beck-Clemens asked what would happen if this pole would go further than two years. Ms. Fairweather said that they would have to come back before the board if this went past two years. Chairman Speeney said that he had a sense of urgency for this application to be granted, and he supported the preliminary and final approval with the waivers and variances. He asked the board to take action at this meeting.

Hearing no more discussion, the Chair asked for a motion to approve this application approving the variances requested and the waivers that have been left outstanding, subject to the standard conditions and compliance with Mr. Herits requests where appropriate. The motion to approve was made by Mr. Haveson, seconded by Mr. Ellis. Hearing no more discussion, the Chair asked the Clerk to call the roll and the roll call was as follows:

Speeney [yes] Haveson [yes] Ellis [yes] Pennett [yes] Beck-Clemens [yes] Mobus [yes]
Desnoyers [yes] Hartmann [yes]

The motion carried and the application was approved.

Ms. Fairweather thanked the board.

The Chair adjourned the meeting until the next meeting of June 19th, 2012

Respectfully Submitted,

Carolyn Taylor

Planning Board Clerk