

Offered By: Vice Chairman Lavan

Second: Chairman Tyler

Date: September 17, 2015

**Minutes of August 20, 2015 Land Use Board Meeting**

**Regular Meeting** of the Hazlet Township Land Use Board scheduled for August 20, 2015 was called to order at 7:30PM with a Salute to the Flag followed by a moment of Silent Prayer and a Reading of the Letter of Compliance by Trish Cullen.

**ROLL CALL:**

**Present:** Mr. Nicholl, Mr. Bace, Mr. Sanfilippo, Vice Chairman Lavan, Mr. Grossman, Chairman Tyler, Mr. Skowronski, Mr. Vignola, Deputy Mayor Aagre

**Professionals-** Mrs. Keegan, Mr. Vella, Mr. Kittner

**Absent:** Mr. Solomeno, Mayor Sachs, Mr. Moore, Mr. Byrne

**MOTION:** To approve the minutes of the Regular Meeting of May 21, 2015.

**Motion to Approve:**

**Offered:** Vice Chairman Lavan

**Second:** Mr. Skowronski

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr. Nicholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #1</b> Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #2</b> Mr. Moore (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #3</b> Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #4</b> Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**MOTION: To approve the minutes of the Regular Meeting of June 18, 2015.**

**Motion to Approve:**

**Offered:** Mr. Vignola

**Second:** Chairman Tyler

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr. Nicholl (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #1</b> Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #2</b> Mr. Moore (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #3</b> Mr. Skowronski	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #4</b> Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Memorial Resolution # -15-06L- 3153 Route 35 LLC; 3141 Highway 35; Block 181.02 Lot 1; BH Zone. Applicant obtained preliminary and final site plan approval to improve parking area, remove enclosed storage area at rear of structure and pave parking area.**

**Motion to Approve:**

**Offered:** Mr. Vignola

**Second:** Chairman Tyler

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr. Nicholl (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**New Case # -15-09L- Verizon Wireless; 100 Village Court; Block 242 Lot 3.02; BP1 Zone. Applicant is seeking preliminary and final site plan approval to add 3 roof top wireless telecommunication antennas and supporting equipment in a fenced compound at grade with various waiver requests.**

Mr. Vella- We have pre-marked certain exhibits as follows A-1 Site Plan prepared by FCA Architects, CME reports July 22,2015 as LUB 1 and LUB 2 CME report August 5, 2015.

Mr. Stillwell- We believe that the use is permitted as a conditional use pursuant to your ordinance however we do not satisfy one of your conditions in a minor way and that condition is that our proposed equipment shelter is 10.6ft tall and your ordinance has a limit of 10ft. Our antennas and (inaudible) would be approximately 48ft about ground level. The roof is 40ft and the height limit is 40ft but your ordinance allows the antennas to exceed the height up to 10ft.

Mr. Vella- For the records the Deputy Mayor has stepped down for this application.

*Swearing in David Stern Telecommunications Engineering*

Mr. Vella- I will mark as A-2 aerial showing existing sites of Verizon Wireless.

Mr. Stern- All of my testimony tonight is a result of my Radio Frequency Analysis Report dated June 15, 2015.

Mr. Vella- A-3 Radio Frequency Analysis Report dated June 15, 2015.

Mr. Stern- (showing different sites around the surrounding area with Verizon antennas) those sites are currently providing service to Hazlet Township with the one site with the water tank there. Verizon Wireless reliable service ensures that we have Verizon Wireless service to all of our

subscribers in all different types of venues and for all of our wireless bands which is the 4G service. All the sites we are building today are for only 4G wireless data. We are in the process of migrating all of the subscribers to 4G data. We have a gap in coverage which covers the western portion of Hazlet which is about a mile and a half north to south and east to west using Bethany Road and Poole Avenue as a center. People in the gap will still have service in certain venues and technologies but there are areas where they won't have service or a poor quality.

Mr. Vella- Mark A-4 overlay for A-2.

Mr. Stern- I'm going to mark the next exhibit as A-5 with overlay as A-6. In this exhibit I've included the coverage from the proposed roof top site. Our antennas are mounted with the center of the antennas at 44ft that's 6inches above ground level and the (inaudible) antennas at 47.6ft and the top of the self-screening is at 48ft. With that site we do cover most of the gapping coverage for Verizon Wireless. This site will provide new and reliable service into this part of Hazlet. I want to go into Verizon's plan to fill the rest of this in so I will mark as A-7. Verizon is currently in the process to obtain leases on 3 existing adjacent monopoles. One more site we are working on were looking putting a small data cell which is one antenna which will be mounted to provide additional capacity relief into the Hazlet/Kmart plaza.

Mr. Stillwell- The height that we are proposing of 48ft is the lowest reasonable height that we can achieve and still be within the requirements of the ordinance.

Mr. Stern- That is correct.

Mr. Bace- That 48ft is with the building itself that it stands on?

Mr. Stillwell- No its 48ft above ground level.

Mr. Vignola- Will Verizon be sharing it with any other companies?

Mr. Stern- What you mean is other carries can go on this building but no one else can use our equipment.

Chairman Tyler- But the contractual agreement that Verizon Wireless anticipates would not be to enable other carries to use the equipment on the ground or is that a possibility?

Mr. Stern- They cannot use the same equipment.

Mr. Stillwell- Mr. Stern in addition to your analysis of the radio frequency report you also analyzed the emissions. We should mark this is as A-8.

Mr. Stern- In this analysis using the FCC's guidelines and methodology detailed on office of engineering technology bulletin 65, we analyzed this site with respect to the radio frequency emissions. We included all of the Verizon Wireless Frequency bans setting all of the power to the highest possible level that would be allowed at that site including the equipment, antenna's and the transmitters operating at 24 hours a day 365 days a year. This site comes in at the ground level around the building at 2.26 percent of the FCC standards which is more than 40 times below the

FCC standards for a facility like this and more than 200 times below the NJ Radiation Protection Act standards.

Chairman Tyler- Is there any type of shielding on the enclosure on the roof for the folks sitting just below in an office?

Mr. Stern- The energy level that they would experience will be significantly below what they would experience walking around the outside of the building. The antennas are designed to put the RF energy straight out the antenna so there is very little energy coming straight down. The roof of the building itself shields the occupants significantly from the radio frequency energy that would come from the bottom of the antenna.

Mr. Kittner- In terms of shielding, are there any built in shields to protect the levels for the people who are using the building?

Mr. Stern- No there is nothing specifically built in but the levels are well below the levels you would experience exterior to the building just because of the design of the antennas the lowest levels of RF energy actually straight down from the antenna and the roof material itself acts as a shield as well.

Mr. Kittner- In your RF Analysis report you identified other locations which you analyzed some were of higher priority and our ordinance has a priority system, you antennas the way they are located on the building now are 4<sup>th</sup> priority which is the lowest. Can you summarize the reasons why this site was selected and not the other sites which had higher priority?

Mr. Stern- There were 7 properties that were provided to Verizon Wireless and for reasons with respect to the distance with the search area as well as immediate proximity to homes we did not pursue them at all. The second priority locations are land or structures located in the IA-1 zone along Clark Street which is over 1.6 miles away from the center of the search area and would not server the gap in this coverage. The third priority locations are co-locations that exist in wireless facilities and there are no existing wireless facilities in the area that we would be able to attach to.

*Swearing in Frank Colasurdo- Licensed Architect*

Mr. Stillwell- Mr. Colasurdo will you please describe the existing conditions and proposed improvements?

Mr. Vella- Please mark A-9 colored site plan.

Mr. Colasurdo- Z-3 is an overall site plan that was prepared and based on a site survey. Sheet Z-4 of my site plans the north east corner of the roof of the building we have what we call our 90 degree alpha sector. We are proposing 4 antennas plus 4 RRH's (remote radio heads) and one OVP which helps convert coaxial fiber, going to the south west corner of the building which is called our Beta Sector, to the northwest corner of the building are our 3<sup>rd</sup> group of antennas which are our gamma sectors and it's the same type of equipment in each sector. The equipment shelter measures 12ft wide and 16ft long and in front of the equipment shelter is our backup generator which sits on a 4x8 concrete pad. In each group of antennas we are proposing a concealment system. We have 2 other additional devices installed on the roof which are GPS units. The size is the same size of a

medium coffee cup from Wawa. The equipment shelter is prefabricated structure that's pre inspected by the manufacturer with all certifications to do it. The finish we are proposing is a brick finish to simulate the brick that's on the existing building and comes with 2 air conditioning units to keep the inside of the equipment shelter temperature around 72 degrees. The generator is a 32KW natural gas generator. This comes in a crystal quiet enclosure package and we are well below the states standard for noise. It is tested once a week during the daytime between 10am-2pm for about 45 minutes at a time. We are using a hybrid cable that it a lot smaller in diameter and a lot less lines. This facility is monitored 24hours a day 7days a week with a series of silent alarms. A Verizon technician will come for a routine maintenance visit every 4-6 weeks spend about an hour looking at the equipment. We analyzed the existing roof and they have the capacity to support the proposed improvements to put on the roof.

Chairman Tyler- In terms of fall protection during servicing of these units, there's no railing or fall protection so once it's put up how would a technician get to access it?

Mr. Colasurdo- They would access the equipment from the roof side.

Mr. Bace- If there is a break in would the Hazlet Police Department or fire companies be notified?

Mr. Colasurdo- Depends on which alarm. If it's smoke or heat the fire department is getting a call. If it's a break in the tech would come first to make sure it's not a malfunctioning alarm system.

Mr. Kittner- Is there a blanket easement that is going to be provided to allow the carrier access to the site.

Mr. Colasurdo- It's not an easement our lease provides that we have 24/7 access to everything.

Mr. Kittner- Can you describe some of the landscaping around the shelter?

Mr. Colasurdo- The equipment shelter is about 8ft away from the office building where there are some windows so we are providing some landscaping between the equipment shelter and the office as a buffer. We are proposing 6ft tall arborvitaes and 18 Japanese holly. We are locating the existing dumpster next to another garbage dumpster that's in the parking lot and we are providing some fencing around it.

Mr. Kittner- For record, the proposed equipment shelter is that outside of any mapped flood zone?

Mr. Colasurdo- Yes.

Mr. Kittner- In terms of any other outside agency approvals, are there any for this project?

Mr. Colasurdo- We have Monmouth County, building department and that's all I'm aware of.

Mr. Vella- Mark as A-10 Monmouth County letter of no interest.

Mr. Kittner- Are there any FCC approvals that would be required for this?

Mr. Stern- (inaudible)

Mr. Kittner- If the board determines that the concealment panels are part of the roof then that would require a height variance because it would be increasing the building height by more than 10% of the maximum height that's permitted. If the board determines that the concealment panels are not part of the roof then I don't believe that the height variance will be required.

*Swearing in William Masters- Professional Planner*

Mr. Masters- The nature of the relief that the applicant is seeking is a use variance of the D-3 variety which is a deviation from a conditional use standard. The proposed wireless telecommunications facility is a permitted conditional use as a 4<sup>th</sup> priority location. The application complies with all of your conditional use standards of your wireless telecommunications facility ordinance with the exception of the height of the equipment shelter as well as the cable tray. We are proposing to locate on the roof top of an existing building obviating the need to construct a new free standing support structure. The site that is proposed in this location is a site that is particularly suited for a wireless telecommunication facility. The courts of New Jersey have found that generally the issuance of an FCC license should suffice for a carrier to establish that the uses of general welfare Verizon holds not one but four such licenses. I have an aerial photograph which actually where the particularly photographs were taken and I'll mark that as A-11.

Mr. Vella- How many concealment boxes are you proposing?

Mr. Masters- 3 boxes. Granted there is always come degree of detrimental affect involved in the granting of any variance relief I do not believe that in this case the level of detrimental affect rises to substantial in terms of the board being able to grant a variance relief.

Mr. Kittner- I don't think we got clarification or not on the D-6 variance of the concealment panels act as part of the roof and should be counted as building height or not.

Chairman Tyler- I believe our consensus is that ordinance does not apply and be part of the roof.

Mr. Vella- I'm very comfortable with the determination that the concealment shields are not part of the roof so I don't think that the height variance is required.

**Citizen Hearing:**

*Swearing in Jay Wren- 40 Village Court*

Mr. Wren- As a resident the first thing I noticed that the Verizon signal is very good so I don't understand why Verizon would want to add coverage around here.

Mr. Vella- They are trying to make maximum coverage around here.

Mr. Wren- How much coverage are you adding?

Mr. Stern- We are adding a mile and a quarter north to south and east to west from this site.

Mr. Wren- Around that building are office buildings with a lot of medical doctors over there and those radioactive signal (inaudible)

Mr. Vella- By law we cannot approve or disapprove based on alleged health issues and if we do we get sued.

**Motion to Approve:**

**Offered: Chairman Tyler**

**Second: Vice Chairman Lavan**

ROLL CALL

Yes

No

Mr. Nicholl

Mr. Byrne

Mr. Bace

Mr. Vignola

Mr. Solomeno (absent)

Vice Chairman Lavan

Chairman Tyler

Deputy Mayor Aagre

Mayor Sachs (absent)

**Alt #1** Mr. Grossman

**Alt #2** Mr. Moore

**Alt #3** Mr. Skowronski

**Alt #4** Mr. Sanfilippo

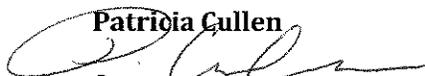
**Close citizen hearing:**

**VOICE VOTE: YES**

**Motion to Adjourn: Sole Offer**

**Next Meeting:**

**Patricia Cullen**



Secretary