



**Township of Freehold**  
OFFICE OF THE PLANNING BOARD  
One Municipal Plaza, Freehold, NJ 07728

**REGULAR MEETING MINUTES**  
**April 21, 2016**

The Regular Meeting of the Planning Board was called to order by Mr. Bazzurro on Thursday, April 21, 2016 at 7:00 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. He read the Notice of the Open Public Meetings Law.

**Present:** Mr. Ammiano (left early), Mr. Bazzurro, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, Mr. Asadi (late) and Ms. Kurtz.

**Absent:** Mr. Cook, Mr. Gatto, and Mr. Kash.

**Also Present:** Francis C. Accisano, Esq., Matthew J. Bryant, Assistant Township Engineer, Kate Keller, Township Planning Consultant, Dr. Bruce Eisenstein, Township RF Consultant and Danielle B. Sims, Administrative Officer.

There was the Pledge of Allegiance.

**MINUTES:**

A motion to approve the minutes of the February 4, 2016 meeting was made by Mr. Ammiano, seconded by Mr. Shortmeyer and passed with the following roll call vote: Aye: Mr. Ammiano, Mr. Bazzurro, Mr. Shortmeyer, Mr. Coburn and Ms. Kurtz.

Mr. Asadi arrived.

**RESOLUTIONS:**

**“C” Variance Application # 001-16**  
**Desimone, Joseph & Kathleen**  
**Block 102, Lot 39 – 67 Francis Mill Road**

Mr. Shortmeyer made a motion, seconded by Mr. Ammiano to approve the resolution. The motion passed with the following roll call vote: Aye: Mr. Ammiano, Mr. Bazzurro, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Ms. Kurtz.

**“D” Variance Application # 003-16**  
**Loff, Robert & Kristy**  
**Block 97, Lot 38.06 – 178 Jackson Mills Road**

Mr. Shortmeyer made a motion, seconded by Ms. Kurtz to approve the resolution. The motion passed with the following roll call vote: Aye: Mr. Bazzurro, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, and Ms. Kurtz.

Mr. Ammiano left the dais as he is disqualified from the next-continued application. Mr. Asadi and Ms. Kurtz were seated.

**CONTINUED APPLICATIONS:****“D” Variance Application # 017-16/Site Plan # 878-15  
New York SMSA Limited Partnership d/b/a Verizon Wireless  
Block 102, Lot 11 – 363 Monmouth Road**

(Continued from 2/18/16) Use Variance and Preliminary and Final Major Site Plan approval for construction of a wireless communications facility consisting of a 120' monopole with antennas and lightning rod at 128' within a 50' x 50' fenced compound with equipment shelter at base.

Mr. Accisano stated that this is a continued hearing that did not require further public notice. He noted that Mr. Coburn and Mr. Kirk listened to the recording of the previous hearing (2/18/16) and have signed the appropriate affidavit and are qualified to participate in the hearing. Lynn Dunn, Esq. had no objection to this.

Frank Pazden, PE, Maser Consulting, Mark Tinder, Mark Tinder Appraisal, William F. Masters, Jr., PP, Matt Bartlett, Atlantic Site Development, Dr. Bruce Eisenstein, Township RF Consultant, Kate Keller, Township Planning Consultant, Matthew J. Bryant, Assistant Township Engineer.

Lynn Dunn, Esq. entered her appearance on behalf of the applicant and introduced again Mr. Stern to continue with his testimony. Mr. Stern presented the propagation plot deploying the pole at 110' as requested by the Board and described the same, including the loss of coverage/lowered signal strength at this lower height.

Dr. Eisenstein clarified a discrepancy on P-33. The charts with the higher frequencies would not propagate well. The proposed sample would reflect the best option, the smallest possible gap.

Mr. Bazzurro inquired about the difference between -96 and -100 RSRP, Dr. Eisenstein explained how -95 would have a larger gap and the difference is deminimus and this is the best case scenario.

Mr. Stern compared the RF Analysis Report (P-10) and P-33 should read -95 RSRP, not -100 RSRP. Mr. Stern completed his testimony and there were no further questions from the Board. He will be available at a later hearing date for questions from the public.

Matthew Bartlett, Site Acquisition consulting witness, was qualified regarding site search analysis and site acquisition. He provided testimony as to how NYSMSA came to decide on this particular site. Verizon offers a search area/search ring, depicting the area in need. They would then drive the area to search for any existing structures that would be able to host Verizon's antennas. There were none available in this area, and therefore, they started a search for a potential site. They identified properties of 2 acres or larger. They sent out eight (8) certified letters to property owners to gauge interest and six (6) responded. He delivered the potential sites to the RF company who ultimately chose the Vendetti property at 391 Monmouth Road (previous ZBA application-Denied). They re-reviewed the other properties initially proposed and any additional possible locations. Verizon's Engineer and Planner decided that this current application lot would be best suited and the RF consultant agreed. Mr. Bartlett described the restrictions on other properties that prohibited them from choosing other sites. Mr. Bartlett described the search area he was given and responded to a question from the Board about the other two (2) properties that never responded to the initial request, they were no longer interested.

Mr. Bazzurro questioned why more properties in Millstone were not evaluated. Mr. Bartlett introduced P-34, a Google Earth map with the search area boundary. Millstone has a 500' setback to residential, the properties are smaller lots, heavily wooded, landlocked and a stream running through them and another where the hillside would need to be cut out to allow for the tower. These factors exclude them



from being usable. Mr. Accisano questioned the suitability of lots in Millstone. Mr. Bartlett explained that they did not seek out the possibility of getting an access easement to access one of the possible landlocked locations. The locations are heavily wooded and would require them to remove a large amount of trees.

Mr. Kirk questioned the typical search area requirements/size. Mr. Bartlett responded that the search areas vary, depending on certain factors.

Mr. Bazzurro inquired how the three landlocked lots in Millstone were excluded from being possible sites. Mr. Bartlett said that they were completely wooded per the Google Earth map and that they have a stream running through them. Additionally, the Millstone residential lots are too small to allow for a tower. They look for at least 2 acres and that it would not negatively affect set back requirements. Mr. Bazzurro questioned how many lots were excluded in Millstone based on size. Mr. Bartlett said they were all excluded due to size, with exception of the three landlocked and one basin lot. Mr. Bartlett completed his testimony and there were no further questions from the Board. He will be available at a later hearing date for questions from the public.

Frank Pazden, PE, was qualified as a professional engineer by the Board. P-31 was submitted to the Planning Board office but not distributed/reviewed. Mr. Pazden presented it for his testimony. He described the existing conditions and proposed site location along with the surrounding properties. The site is 6.35 acres, mostly wooded with the exception of the southwest corner of the site, leaving an opening. There was previously some tree clearing on the site, so the proposed area would need minimal site clearing. The facility would have a 120' tall monopole with an eight (8") lightning rod on top-total of 128' in height. This monopole would be in the center of a 50' x 50' compound, have a 7' high board on board fence with anticlimbing device, a Knox box will be installed for fire emergencies, and will have a 10' concrete driveway apron, a 10' asphalt drive, followed by a 12' wide gravel driveway access. The only utilities would be phone and electric. At the request of Monmouth County and because this is in the scenic corridor, it is required that they remove 10 trees for the sight triangle and re-install 10 oak trees elsewhere on the site. The County also requested that they install an evergreen buffer to the fence line. There will be a generator within the compound that will be tested about every two weeks and within the requirements. No lighting is proposed on the pole (incl. no FAA lighting) but will have one light at the shelter door for any necessary night maintenance, which would be manually operated by a switch and should remain off unless night maintenance occurs. Maintenance is typically done daytime once every 4-6 weeks. The facility is remotely monitored for security and fire, etc. There will be an identifying sign on the gates with emergency information only.

The variances being requested are: the lot is required to be 300' deep and this lot is 218' at its greatest point (pre-existing), the facility shelter height is maximum 10' and it is proposed to be 10'10" and this is due to a pre-fabricated shelter, there is a minimum requirement for tower separation to a residential zone where this is within a residential zone and as proposed the side yard is 132' and rear yard is 138', 384' separation for both is required, the equipment shelter maximum allowable size is 200 sf and there is 213 sf due to the generator being housed inside the equipment shelter for buffering.

Mr. Bazzurro asked for further explanation of the proximity of the tower to the adjacent residential properties. Mr. Pazden explained and added that to the west, there is NJDEP owned land in between the nearest residential property (1,300 feet).

Mr. Asadi questioned about the ownership of the adjacent properties and zoning regulations within the RE zone along with any restrictions and precautions that they have taken due to the environmental sensitivity. Mr. Pazden stated they have had approvals from Freehold Soil Conservation.



Mr. Pazden stated they would be able to comply with the Township Engineer's review letter.

Mr. Kirk requested information regarding the diesel tanks for the generator. Mr. Pazden stated that the 210 gallon tank is remotely monitored for leaking and will be checked by the technician during the routine maintenance. Fuel would be ordered and filled as necessary. There were no further questions from the Board for Mr. Pazden at this time.

A motion to close the public hearing was made by Mr. Shortmeyer, seconded by Mr. Ammiano, all in favor, aye. Mr. Ammiano moved that a positive resolution be prepared, seconded by Mr. Cook, all in favor, aye.

There was a five minute break.

Mark Tinder, Real Estate Appraiser, was qualified and accepted by the Board. He described how the property is assessed and stated this use would be considered a passive use in the appraisal field. The existing character and uses would be unaffected as there is a significant distance to the nearest house and there is a dense buffer of trees between. Another factor to assessing a property would be the reality of the marketplace. Based upon Mr. Tinder's expertise, he feels that there would be no value impact associated with this proposed use.

Mr. Tinder described a market evaluation analysis (AM radio) for a location in Howell with a tower vs. without a tower as there being no change in the value of the property. He also described a home in Franklin Township and had similar findings. He stated that these findings are typical and that he has never realized any measurable difference in price of a home between a home near a tower and the same home without a nearby tower.

Mr. Bazzurro questioned the perception, in Mr. Tinder's experience, if cell phone towers are more dangerous than AM radio towers. Mr. Tinder stated he had no experience with this perception.

Mr. Asadi asked if he has testified previously in this capacity. Mr. Tinder responded that he has been doing studies like this for over twenty years and concluded there has not been any measurable impact. He also described different types of studies he has done and some of the effects of these studies.

There were no further questions from the Board of Mr. Tinder at this time.

William F. Masters, PP, qualified himself and was accepted by the Board. Additional exhibits were marked into evidence. Mr. Masters described the requested variances, including equipment size, equipment height, separation distance requirement and the proposed monopole as being a "D1" variance because the tower would be located in a residential zone. The applicant would build the monopole to accommodate a larger height should the Board require this.

Regarding the burden of proof, a cell tower is no longer considered inherently beneficial. This site, in Mr. Master's opinion would be particularly suited as it achieves the RF and technical requirements. The larger lot size (6.36 acres) and if this lot was in the M1 district, this application would comply with the setback requirements makes this an ideal location. The site achieves the coverage objective for Verizon for this area, the technical requirement and is situated along a major traffic artery. The site is remotely located and heavily vegetative, providing ideal buffering of ground equipment and the lower portion of the pole. There also is an existing clearing where the monopole and compound is proposed. The proposed monopole is sufficient size to afford future co-location opportunities. Another positive suitability characteristic is that there is a willing landlord. The applicant has also offered to provide additional landscaping around the compound.



Mr. Master pointed out the negative criteria as being the potential visual impact. In applying the Sica Balancing test: 1. Public interest at stake- Modern state of the art telecommunications 2. The detrimental affect of the variance relief- it is passive, un-manned, low traffic and is a utility 3. The detrimental affect can be limited with reasonable conditions- ability to co-locate, buffering the compound, design standard 4. Weight the positive and negative criteria and balance- Positive outweigh the negatives (FCC licenses & etc.). Exhibits P-36 and P-37 were described being the color aerial map and site simulation photos of a red balloon at the 120' height. Mr. Master testified that there is a limited "view shed" to adjacent owners and properties, making the negative/visual impact not substantial/significant. For these reasons, Mr. Master feels the application satisfies the Sica Balancing test.

The Township Planner's review letter was addressed by Mr. Masters. He addressed as to why they require a 120' height monopole as being the 300 x distance to residential uses, setback is 100 x height of tower 128' (including the lighting rod). The only zone a tower is permitted (conditional use) is in the M-1 zone. This being a residential zone (R-80), that proposal requires a "D1" use variance. The closest zone where this use would be permitted (conditional) would be along Route 33, approximately 7 1/2 miles away, and would not be anywhere near the gap in coverage. There are no existing tall structures in the search area where they would be able to co-locate on, and no municipally owned property in which they would be able to accomplish the coverage objective.

Mr. Masters stated that under the FCC regulations allow a second co-locator would be allowed to apply for a building permit. If this occurs and the pole would be 140' tall, the application would still meet the setback requirement from Rt. 537, but side yard would not be compliant, but they may be able to shift the compound over about eight (8') feet to be 140' from the side yard setback in anticipation of the pole possible growing to 140'. They can also shift the compound two (2') feet forward to 537 to meet the possible growth and rear yard setback. The closest residence is over twice the required minimum distance. Due to the characteristics and ownership of the surrounding properties, it is unlikely that any new residential developments will be constructed, which means the pole would continue to be compliant with the setback requirements. The height of the equipment shelter is standard and the difference is de minimus. The emergency backup generator is beneficial on site as opposed to roll these items out at the time of an emergency situation. There are some bulk non-conformities that currently exist on the site, due to the unusual lot shape and configuration of the property. In his opinion, Mr. Masters stated that the site is particularly suited for this use and variance can be granted without substantial impairment to the public and zone requirements.

Mr. Bazzurro questions the additional 20' FCC regulation for additional height and the likeliness that it would occur. Ms. Dunn clarified the FCC law and the intent and effects of it as not being a negative impact or characterization but rather to promote the provision of wireless facilities (co-location). It was not meant to discourage the approval an application.

Mr. Accisano responded that when a "D" variance is granted that there is some element and certainty that something will occur as described. This opens the possibility that there may be an additional 20' because it is not speculative, it is a real possibility. It should be fair in the Board's consideration that this expansion may occur.

Dr. Eisenstein refers to the law 6409a, enacted in January 2015, and states that it is beneficial to look at a design requirement to include the ability to accommodate a co-locator (additional 20' height). A second carrier on a taller tower is better than a second or third tower. The law, 6409a, would make any additional carrier only apply for a building permit and would have to comply with construction codes, and would not have to go before the Planning Board.



Mr. Bruno asked how many co-locators can be on one tower. Dr. Eisenstein replied that there are only four carriers in this area. The number of carriers on the tower would vary as to if the tower was structurally designed to handle a certain number of carriers, where they need to be vertically and that there must be a 10' divider between carriers on a tower. Any more than one additional carrier would trigger any new carrier to appear before the Board again.

Mr. Asadi asked of Mr. Pazden if this tower was designed to withstand the possible additional height. Mr. Pazden stated that the pole itself has not yet been designed, it would be designed pending the Board's requirements and conditions.

Ms. Kurtz asked if there is a limit of the height under 6409a. Dr. Eisenstein clarified 6409a to say that the height could be increased 10% greater or 20', whichever is greater. There are additional regulations regarding the compound on the ground.

Mr. Asadi asked Mr. Master the height of the balloon test. Mr. Masters stated it was at 120', not including the 8' lightning rod. Mr. Asadi stated he is having a difficult time as to whether the extra 20' makes any difference.

Mr. Bazzurro confirmed that the essential negative impact would be the visual impact and based on the photographs and renderings provided, that it is the opinion of Mr. Masters as a planner, that there is no significant or substantial negative impact. He asked if it is subjective opinion. Mr. Masters replied aesthetics is a subjective subject. Mr. Bazzurro asked if Mr. Masters has analyzed a tower of 140' and if it would have little or no negative impact. Mr. Masters replied that he has not as this is an application for a tower of 120'.

There were no further questions from the Board of Mr. Masters at this time.

Ms. Dunn offered an extension of time and the Board set the next hearing date for this application for June 16, 2016 at 7:00 pm. Mr. Bazzurro announced that the application be carried to June 16, 2016 at 7:00 pm, without further notice.

#### **DISCUSSION:**

Mr. Bazzurro asked about upcoming applications. Ms. Sims described the upcoming meeting agenda.

#### **ADJOURNMENT:**

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 10:00 p.m..

Respectfully Submitted,

Robert H. Shortmeyer  
Secretary