

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 24, 2021**

Meeting called to Order by Chairman Novellino at 7:30 p.m.

Reading of Adequate Notice by Mr. Barthelmes.

Salute to the Flag and observance of a moment of silence for the troops.

Roll Call: Present - Barthelmes, Conoscenti, Lambros, Mostyn, Novellino,
and Zabrosky

Absent – Ferrara, Mangano, Morelli

APPROVAL OF MINUTES: February 24, 2021

The Board members had reviewed the meeting minutes and no changes required, Vice-Chairman Barthelmes made a Motion to approve the meeting minutes and Mr. Mostyn offered a Second. Roll Call Vote: Barthelmes, Mostyn, Conoscenti, Lambros Zabrosky and Novellino voted yes to approve the minutes.

NEW APPLICATION:

Z20-06 NEW CINGULAR WIRELESS PCS, LLC (AT&T) – Located at 663 Route 33, known as Block 17, Lot 4 consisting of 2.45 acres in the Highway Commercial (HC) zoning district. Applicant seeks to place 12 antennae at centerline height of 130 ft. and expand the fencing and add related equipment at the base of the 150 ft. monopole. Applicant seeks bulk variance approval. Deemed Complete: 10-1-20. Date of Action 1-29-21; Extension granted through 3-31-21

Attorney Vella advised that he has reviewed the Noticing packet and accepts jurisdiction over the application.

Attorney Vella read the following exhibits into the record:

- A-1 Jurisdictional packet
- A-2 Application dated 3-5-20
- A-3 Survey prepared by ALTA-NSPS Land Survey dated 6-10-20
- A-4 Site Plan prepared by Maser dated 10-13-19; last rev. 2-10-21
- A-5 EME Report prepared by dBM Engineering dated 6.30.2019
- A-6 Structural Analysis prepared by Tower Engineering dated 1.30.2019.
- A-7 ATT Millstone Acoustical Evaluation of Generated dated 2-9-21

BOA-1 Engineer's Report dated 3-1-21

BOA-2 Planner's Report dated 3-10-21

The site plan posted on the website had a last revision date of 8-18-20. Attorney Vella entered additional evidence into the record, Exhibit A-8, Site Plan prepared by Maser revised, 2-10-21, and Exhibit A-9, Site Plan prepared by Maser last revision date 3-08-21.

Christopher Quinn represented the applicant. Mr. Quinn discussed the change on the revised site plan, dated 3-08-21. He advised that after receiving Engineer Shafai's report, the applicant revised the equipment shelter proposed, and now they have a smaller area of disturbance. The area is located more to the west so that they will not be disturbing the tree line. Mr. Quinn said it does not require more ac units to service the equipment.

Mr. Sachs went over the variances being proposed for the side yard. He explained this is the only location to install their equipment since there are other carriers close to the monopole, and there is an underground pipe that they must avoid in that location. He explained that is why they are closer to side yard setback and offered that will not be any negative impact as a result.

Mr. Sachs advised that they are proposing a 39 foot clearing from the property line. The maximum lot coverage allowed in the zone is 50%. The existing coverage is 66.2% and it will increase with this project by 300 s.f. taking the coverage to 66.7%.

Mr. Sachs advised that there are not any drainage issues. They will preserve the trees that run along the property line. The proposed fence will be 8 ft. in height, board on board fencing.

Attorney Vella entered into Evidence A-10; A photograph taken by Mr. Sachs showing the proposed trees to be removed.

The exhibit showed two saplings which will be removed to make room for the equipment. The fence proposed complies with the ordinance, and there will not be any barbwire.

Mr. Sachs advised that a noise study was performed and stated that there would not be any noise to impact the neighbors as the trees will act as a buffer.

There are not any environmental constraints on the property and there are not any wetlands in the vicinity of this project, however, there are wetlands to the rear of the property. Mr. Sachs advised the wetlands are not within the buffer and there will not be any issues with this installation.

There is a diesel generator. Engineer Shafai stated that the Township has a restriction on the noise but not the generator.

Mr. Barthelmes asked about the antennas located on the tower. There are not any antennas on the northwest side. This could be potentially because the area being serviced is the south east quadrant. Attorney Vella advised the reason for colocation is to eliminate the installation of more towers.

Engineer Shafai commented on an inconsistency in the plan. The rear setback yard variance is listed as 45 feet on the plan, but it is listed as 39 feet on the bulk schedule table. Mr. Sachs clarified that rear setback is 45 feet and he will revise the plans to reflect the 45-foot setback.

Engineer Shafai asked Mr. Sachs to provide testimony as to how they plan on getting back to the site to install the equipment since there is a ditch located in that area and a pipe.

Mr. Sachs advised the plan for construction is to have a crane lift the equipment over the Sprint equipment. Engineer Shafai asked if any trucks would be traversing over that area and Mr. Sachs advised there will not be any trucks.

Engineer Shafai has no issue with the removal of the saplings. He advised that the plans must be revised to reflect what is occurring and that the plan is outside of the wetland area.

The applicant will provide an easement as a condition of approval.

Mr. Quinn provided that the EM exposure analysis is a document that AT&T provides to make sure that they comply with all emissions standards. He advised that it is a matter of a courtesy that they record and file a copy.

Planner Mertz stated that this was predominantly an engineering focused application. She asked if there would be any lighting beyond what is required by ordinance. The applicant advised that they would not be installing lighting that would not be compliant with the ordinance.

Planner Mertz discussed the three variances and agrees with the applicant that the variance can be granted under the C1 criteria, and that the applicant has met those burdens. Planner Mertz advised that there are not any residences located near the site of the tower.

Mr. Mostyn asked Mr. Sachs to confirm that other than the equipment shelter cabinets, there would not be any other equipment change. Mr. Sachs stated that nothing has else changed.

Mr. Conoscenti asked about the maintenance schedule with the running of the generator. Mr. Quinn stated that it is tested 20 minutes during business hours once a week.

At 8:12 p.m., Chairman Novellino opened the application to the public. Not seeing any hands being raised or anyone on zoom coming forward, he closed the public portion at the same time.

Mr. Quinn summed up that the telecommunications facility wants to provide service to the community. Using an existing tower will have less impact in the area.

The Board discussed the application.

Chairman Novellino stated that the variances being requested went through the burden of proof, and that the noise being generated will not be unusual. Chairman Novellino felt that the applicant took the advice of the Board professionals and reduced the number of trees being removed and minimized the variances. Chairman Novellino felt that aesthetically, the board on board fencing would be better than chain link fence that is there. This will allow better coverage for the AT&T subscribers which is a benefit.

Vice-Chairman Barthelmes agrees with Chairman Novellino's comments.

Attorney Vella read the conditions of approval should the Board vote to approve the application including but not limited to; revise the plan to reduce the number of trees being cleared, revise the plan to show the 45 foot rear yard setback, the generator will be tested during the weekday Monday through Friday between the hours of 11:00 a.m. to 4:00 p.m., meet the conditions of Engineer Shafai's report in paragraph 4, applicant will submit an easement to the Township.

Mr. Mostyn Made a Motion to approve the application as conditioned and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Mostyn, Barthelmes, Lambros, Conoscenti, Zabrosky and Novellino voted yes to approve the application.

Seeing no new or old business, Chairman Novellino made a Motion to Adjourn and Mr. Conoscenti offered a Second and by unanimous vote, the Meeting Adjourned at 8:45 p.m.

Respectfully submitted,

Pamela D'Andrea