



LANDMARKS COMMISSION
Municipal Building
2261 Route 206, Belle Mead,
New Jersey 08502-0001
Phone: 908- 359-8211
landmarks@twp.montgomery.nj.us

To: Montgomery Township Zoning Board of Adjustment
From: Montgomery Township Landmarks Preservation Commission
Date: June 26, 2020
Re: BA-02-20: SectorSite, LLC and NYSMSA LP d/b/a Verizon Wireless
Block 17001 Lot 11.02
26 Dead Tree Run Road, Belle Mead, NJ 08502

Pursuant to Ordinance 16-13.13, the Montgomery Township Landmarks Preservation Commission has a duty “to advise the Planning Board and the Zoning Board of Adjustments on matters affecting historically and architecturally significant property, structures, and areas.” In accordance with that duty, we offer the following comments about SectorSite’s Zoning Board application BA 02-20 which proposes siting a 135-foot cell tower at 26 Dead Tree Run Road, Belle Mead in the barnyard of a 260 year old working farm.

1. The Bridgepoint Historic District is an 18th & 19th century mill and farm community that was listed, in 1975, on the New Jersey State and National Registers of Historic Places. The c. 1741 John Van Dike House located on the subject property was a key factor in earning Bridgepoint the classification. The Bridgepoint area defined in the nomination remains relatively untouched and undisturbed.

2. There are six barns and other additional outbuildings noted on the applicant’s plans. We ask that any buildings/ structures/foundations/ruins, etc. older than 100 years be clearly identified as such including approximate date of construction, distance from cell tower compound, condition, use, and that any carvings (dates & initials) in the barns and other outbuildings be photographed and provided to the Landmarks Commission.

In 2001, Landmarks commissioned renowned barn expert, Elric Endersby, to measure and provide architectural details of a Dutch-English hybrid barn (commonly referred to as the Van Dike-Voorhees Barn) on the property – the barn, begun by John Van Dike, was modified/added onto by grandson, Frederick Van Dike Voorhees. (drawings attached)

3. The Martin Voorhees (named for John Van Dike’s son-in-law who died in 1825) Family Burying Ground is located on the property. We ask either that all stones and general condition of the grounds be photographed and provided to the Landmarks Commission or that we be granted permission to enter the property to examine the burying ground ourselves.

4. Regarding the Environmental Impact Study (EIS), dated January 2020, offered by the applicant: we note that included is a statement from the US Department of the Interior’s Fish and Wildlife Service about threatened and endangered species but no similar statement from the US Department of Interior’s National Park Service (NPS) which is tasked with administering a National Register of Historic Places.

It may be that it is the role of the NJS Historic Preservation Office to speak on behalf of the NPS – if so, they have, saying on May 7, 2020 *“Thank you for providing an alternatives assessment and revised lease exhibits for the referenced project. The reduction in the height of the proposed monopine from 150 to 135 feet will minimize its visibility from some locations within the Bridgepoint Historic District. However, because the proposed tower will be located on a contributing property within the historic district, the HPO maintains that the undertaking will result in both direct and indirect (visual) adverse effects on historic properties.*

Pursuant to Section VII.D of the NPA, the applicant shall notify the Commission and the Advisory Council on Historic Preservation regarding the adverse effect finding. ... (email notifying interested parties that a new comment has been added to the FCC’s 106 review by NJS Historic Preservation Office - attached)

We additionally note that communications from the Landmarks Commission (12-7-2019 statement attached) to SectorSite’s E2PM and Montgomery Township Planning Director Lori Savron (1-7-2020 statement attached) to SectorSite’s E2PM were not included in the EIS. Since these statements were solicited by the applicant and provided well before the submission of the application on June 1, 2020, they should be made available for Zoning Board review sooner rather than later.

5. If a real estate appraiser is presented by the applicant to testify about the cell tower’s effect on real estate values of historic properties, we ask the Zoning Board to carefully examine the appraiser’s expertise/experience/qualifications to comment on historic properties before allowing testimony to proceed.
6. We recommend, if a crane test is to be performed, that it be scheduled when deciduous leaf cover is not present.
7. Since a paucity of historical information has been provided to the Zoning Board by the applicant about the subject property and the Bridgepoint Historic District, it would be prudent to engage a professional subject matter expert in rural historic preservation/ landscapes to help the Zoning Board evaluate the application and the cell tower’s effect on both the subject property and the district. The professional historic preservationist should be considered an environmental consultant and reimbursed from the funds earmarked by the applicant for the Township’s professional review.

A 135-foot structure sited among the buildings on that Bridgepoint hilltop would be a grotesque visual intrusion on the focal point of the rural landscape because it would be four times as tall as any of the buildings among which it would sit. In this case, the adverse impact is far greater because, what to a casual observer would appear very unseemly, here in the agricultural Bridgepoint Historic District it violates the intent of the 1975 National Historic Register designation which seeks to protect and preserve intact this rare example of an 18th century farmstead in which the buildings characteristically hug the ground on which they sit.

If an intrusion of this magnitude is to be permitted in New Jersey contrary to historic preservation safeguards, it can set a far-reaching precedent against preservation of rural countrysides all over the United States. For a cell tower siting elsewhere on this property or in this vicinity (Millpond soccer fields, arboretum area, etc.,) care must be taken that it does not visually detract from this exceptional 18th century Dutch farmstead setting. To encroach on that as currently proposed is totally unacceptable.

Montgomery Township Landmarks Preservation Commission

Candy Willis

Candy Willis, Chair

Attachments:

New Jersey Barn Company co-owner Elric Endersby drawings of Van Dike-Voorhees Barn (9 pages)

5-7-2020 Email notification to Landmarks that NJS HPO comment has been added to the 106 review

12-7-2019 Letter from Landmarks to SectorSite's E2PM

1-7-2020 Letter from Montgomery Township Planning Director to SectorSite's E2PM

CC:

Lori Savron, Montgomery Twp. Planning Director lsavron@twp.montgomery.nj.us

Chery Chrusz, Montgomery Twp.Zoning Board Secretary cchrusz@twp.montgomery.nj.us

Jennifer Leynes NJS HPO Jennifer.Leynes@dep.nj.us

Walter Lane, Tom D'Amico, Nora Feteke, Ben Morales at PlanningBd@co.somerset.nj.us

Charles Roohr , SADC Charles.roohr@ag.nj.gov

VANDIKE-VOORHEES BARN

VANDIKE-VOORHEES BARN

Width: 40 feet

Length: 50 feet

Area: 2000 square feet

Height at plate: @ 15 feet, 6 inches

Height at purlin: @ 21 feet, 6 inches

Height at peak: @ 28 feet, 6 inches

Largest timber: 17 inch anchorbeam

Siding: Vertical

Date: Circa 1830

Tradition: Dutch-English hybrid framing on banked and ramped foundation

Special features: Reused timbers from earlier Dutch barn, King posts, segmented plates and purlins, granary, Dutch plate hinges, interior girt braces, upper and lower rafters, haydrop

Location: Bridgepoint and Dead Tree Run Roads, Bridgepoint, Montgomery Township, Somerset County

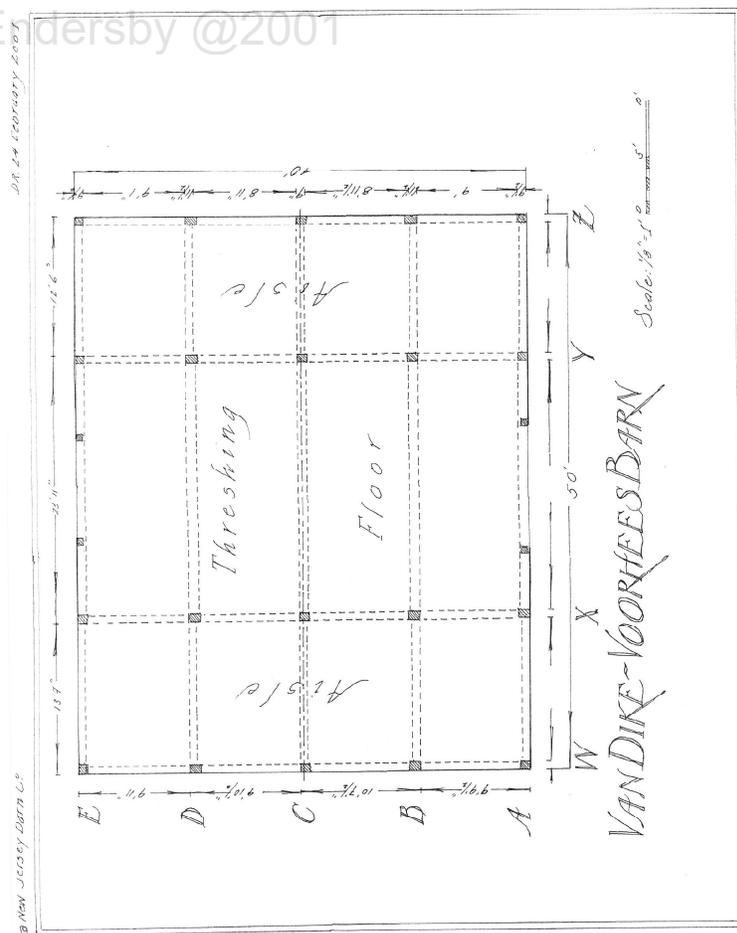
Status: Adequately maintained on a working farm

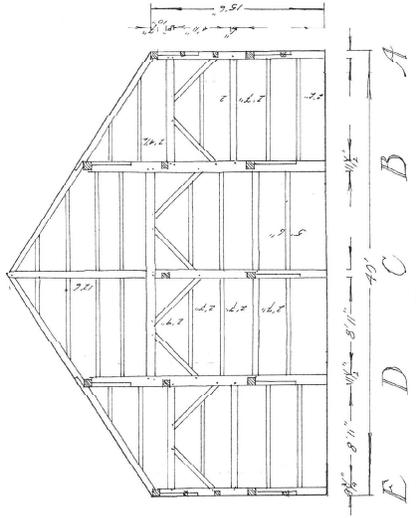
Vandike-Voorhees Barn

Drawn by Elric E. Eidersby @2001

Measured: 10 February 2001

Drawn: 24-26 February 2001





Side E
 VAN DIKE-VORHEES BARN
 Scale: 1/8" = 1'

Vandike-Voorhees Barn

Drawn by Elric Endersby @2001

Section 106 Notification of New Comment- Email ID #4564854

towernotifyinfo@fcc.gov

Thu 5/7/2020 12:45 PM

To:landmarks <landmarks@twp.montgomery.nj.us>;

This is to notify you that a new comment has been added to the following filing:

Comment Source: NJ Historic Preservation Office

Comment Date: 05/07/2020

Comment Text: HPO-E2020-026

Thank you for providing an alternatives assessment and revised lease exhibits for the referenced project. The reduction in the height of the proposed monopine from 150 to 135 feet will minimize its visibility from some locations within theBridgepoint Historic District. However, because the proposed tower will be located on a contributing property within the historic district, the HPO maintains that the undertaking will result in both direct and indirect (visual) adverse effects on historic properties.

Pursuant to Section VII.D of the NPA, the applicant shall notify the Commission and the Advisory Council on Historic Preservation regarding the adverse effect finding. The HPO looks forward to continued consultation regarding the resolution of adverse effects for the referenced project. Please notify the HPO directly of any updates to this filing at jennifer.leynes@dep.nj.gov. (JBL)

File Number: 0008953388

TCNS Number: 192642

Purpose: Update

Original Purpose: New Tower Submission Packet

Notification Date: 7AM EST 02/19/2020

Applicant: Sectorsite, LLC

Consultant: The History Team A Division of E 2 Project Management LLC

Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No

Site Name: NJ-418B

Site Address: 26 Dead Tree Run Road

Detailed Description of Project:

Site Coordinates: 40-26-12.7 N, 74-38-54.4 W

City: Montgomery

County: SOMERSET

State:NJ

Lead SHPO/THPO: NJ Historic Preservation Office

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.



LANDMARKS COMMISSION
Municipal Building
2261 Route 206, Belle Mead,
New Jersey 08502-0001
Phone: 908- 359-8211
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December 7, 2019

Joseph Schuchman, Senior Architectural Historian
E2 Project Management LLC
87 Hibernia Avenue
Rockaway, New Jersey 07866

Re: Telecommunication facility at 26 Dead Tree Run Road, Belle Mead, New Jersey, 08502
NJ-0418B

Dear Mr. Schuchman:

I write to comment on Sectorsite's proposal to construct a telecommunication facility at 26 Dead Tree Run Road.

The Bridgepoint Historic District was added to the NJ State and National Registers of Historic Places in 1975, and 44 years later, the district remains relatively untouched by modern development, maintaining its 18th and 19th century bucolic character. The district contains a grist mill (converted to a residential dwelling), a miller's cottage, a stone arch bridge (Montgomery Township's logo) over the mill pond known as the No-Pike Brook, 3 farmsteads (one being the subject property), and several barns. Continuing research has revealed much additional information about the area since the Bridgepoint nomination was written.

The Van Dike farm, now known as Bridgepoint Run Farm, continues to maintain a prominent role in enhancing the historical heritage of Montgomery Township – it is the finest example of an 18th century farm of a Dutch family to survive in the Township. A visit to this farm brings history alive. It was one of three farms featured this year on the Van Harlingen Historical Society's annual May in Montgomery fundraiser. The Montgomery News, a local newspaper sent to every household in the Township, featured the Bridgepoint Historic District, with the painting referred to below on the front page, in its June 2018 issue.

The Van Dike farm, up on a hill, is a lynchpin of the district. The c.1740 farmstead, which originally contained over 300 acres and now occupies about 80 acres of preserved farmland, was established by John Van Dike, Jr when he and his brother Roelif (his house currently stands on 35 acres right next door on block 21007 lots 6&7) moved to the area to farm and to raise their children. John's son and Roelif's daughter (1st cousins) married and the two fathers gave the newlyweds 200+ acres nearby (their house, built 1761, also still stands) – so there are three pre-Revolutionary War houses built by members of the same family still standing and in close proximity to each other in our Township, all privately owned and well maintained.

In June of this year, a curator from the Museum of the American Revolution in Philadelphia and I toured the Van Dike farmstead with current resident Dale Johnson. The curator was visiting Montgomery to view our pre-Revolutionary War houses and sites as part of the preparation for a 2020 museum exhibit celebrating 100 years of women's suffrage (the exhibit is about women's voting rights in New Jersey 1776 – 1807 and the Van Dike family history will be featured) - if you'd like the whole story, please reach out to me.

To further demonstrate this site's ongoing aesthetic importance to the community, I have attached a photo (taken 11-29-2019) of the courtroom in Montgomery Township's municipal building. Local artist, Harold "Hap" Heins (1901 – 1999), painted a huge tableau of the district, naming it *Mill Pond* - it features a view of the district from the Mill Pond up the hill to the Van Dike Farm. The painting was presented to the Township by the Montgomery Woman's Club in 1976 in honor of the Bicentennial and it hangs in the courtroom (where official Township meetings are held) directly behind the dais – every citizen attending a public meeting sees it. Interestingly enough, at a Zoning Board meeting about the placement of a cell tower in another part of town, one resident rose and asked the ZB members to turn around and look at the painting – she asked them to imagine a cell tower defacing the scene depicted in the painting.

Based on the map you provided, it is not clear where on the property you desire to site a 150 foot cell tower but presumably it is not within the exception area and it will not interfere with the iconic viewshed of the farmstead, i.e., the house, barn and other outbuildings.

Who in this area did you notice in addition to Lori Savron, Director of the Montgomery Township Planning Department? Was there a notice placed in a local newspaper and, if so, which newspaper and what date? According to ACHP 106 review guidelines, I ask that I be officially added as a consulting party based on my concern about the effects that your undertaking will have on this historic property and the entire Bridgepoint Historic District. If there is someone else I should ask this of, please share who that is. Please direct communications to me at the address/ phone/ email below.

Yours in historic preservation,

Candy Willis

Candy Willis Chair - Montgomery Township Landmarks Preservation Commission
Librarian - Van Harlingen Historical Society

Home:

Personal email:

Landmarks email: landmarks@twp.montgomery.nj.us

Photos attached below

CC: Lori Savron, Montgomery Township Planning Director

Jennifer Leynes, Senior Historic Preservation Specialist, NJ State Historic Preservation Office



Bridgepoint Historic District painting in Montgomery Township municipal building courtroom 11-29-2019 csw



Close-up of above painting with monopine from Sectorsite's website inserted

LORI A. SAVRON, AICP/PP
Planning Director



Municipal Building
2261 Van Horne Road
(Route 206)
Belle Mead, NJ 08502
Tel. (908) 359-8211
Fax (908) 359-2006
Lsavron@twp.montgomery.nj.us

January 7, 2020

Joseph Schuchman
E2 Project Management LLC
87 Hibernia Avenue
Rockaway, NJ 07866

Re: **FCC Undertaking NJ-0418B**
426 Dead Tree Run Road, Montgomery, Somerset County, NJ 08502

Dear Mr. Schuchman,

I am in receipt of your letter dated November 13, 2019 regarding a proposed cell tower at 426 Dead Tree Run Road in Montgomery Township. As you indicated, the property is located within the National Register-listed Bridgepoint Historic District. Regarding cultural resources of local interest, I agree with the contents of the December 7th letter from Candy Willis, Chair of the Montgomery Township Landmarks Preservation Commission. This area of Montgomery Township contains some of the most historic and iconic buildings and places that represent the agricultural heritage of the Township.

An additional local cultural resource in proximity to the subject property is the Italianate style "Drake House" (377 Bridgepoint Road) built in 1870 by local carpenter Lester Drake. The House was designated as a Local Historic Site by the Township in 1998 and is eligible for the State and National Register of Historic Places (SHPO Opinion 4/1/1999).

The proposed location of the cell tower is of particular concern. Nearly \$4 million of public funds were spent to preserve the farm in 2007, and the proposed location – within the 5 acre "exception area" - will be in full view from the roadway, destroying the existing view and character of the immediate area. A 150-foot cell tower was never contemplated for this "exception area".

Consideration should be made of advancements in wireless technology, and the short-sightedness of a 150-foot tower sited in a location which will permanently destroy what the public has spent considerable resources on preserving. Thank you for the opportunity to provide comments. If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

Lori Savron, PP/AICP
Planning Director

C: Montgomery Township Landmarks Preservation Commission



MEMORANDUM

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

100 Barrack Street
Trenton NJ 08608
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

To: Montgomery Township Zoning Board of Adjustment

From: Michael Sullivan, ASLA, AICP
Emily Goldman, PP, AICP

Re: **SectorSite LLC, SectorSite Tower Assets and New York SMSA Limited Partnership d/b/a Verizon Wireless**
Use Variance, Height Variance and Major Site Plan Application
26 Dead Tree Run Road
Block 17001, Lot 11.02
R2 Single Family Residential
BA-02-20

Date: June 10, 2020

1.0 PROJECT & SITE DESCRIPTION

- 1.1. The co-applicants are seeking use variance, height variance and site plan approval to install a 135-foot-high stealth tree monopole (140-feet to the top of the faux tree branches) and wireless communication facility at 26 Dead Tree Run Road.
- 1.2. The subject property, Block 17001, Lot 11.02, is a 73.97-acre lot in the R2 Single-Family Residential District. The subject property contains a single-family dwelling and is currently used as a farm and is developed with several farm related buildings (barns, sheds, grain silos, etc.). The single-family dwelling is circa 1741. The proposed stealth tree monopole is located 273.7 feet from the historic dwelling.
- 1.3. The subject property is located within the Bridgepoint Historic District and is a preserved farm through the State Agricultural Development Committee. The proposed stealth tree monopole is located within the 5-acre exception area on the property. The subject property also contains the Voorhees family burial plot. The cemetery contains three marble monuments for Martin, Alice and Henry Voorhees and one weathered sandstone monument for "Carman". There are also three rows of hard shale stones, for a total of ten stones, in line with the three Voorhees monuments. The proposed stealth tree monopole and wireless communication facility is approximately 560 feet from the cemetery.

Philip Caton, FAICP
John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP

Emeriti
John Clarke, FAIA
Carl Hintz, AICP, ASLA



VERIZON WIRELESS USE VARIANCE AND SITE PLAN APPLICATION

Clarke Caton Hintz

- 1.4. The subject property is surrounded by single-family detached dwellings and open space.
- 1.5. The stealth tree monopole and equipment compound are proposed in a central location on the subject property. The stealth tree monopole will support 9 panel antennas on t-arm mounts, as well as 6 remote radio heads and 1 over-volt protection panel. The antennas will be installed at a centerline height of 132-feet and all appurtenances on the tree monopole will be painted brown to match. All cables leading from the ground equipment to the antennas will be run within the interior of the tree monopole.
- 1.6. On the ground, the co-applicants are proposing a 30' x 60' (1,800 square feet) fenced multi-carrier compound within which will be the Verizon Wireless 12.5-foot x 22-foot equipment lease area. The equipment area will include 2 equipment cabinets, a 10-foot-high cable bridge, load center, telco cabinet, GPS antenna, work light and appurtenances. In addition, a 30kW propane gas emergency generator and 500-gallon propane tank are proposed in the equipment area to run the facility during emergency power outages. The entire compound will be surrounded by an eight-foot-high chain link fence and will have a gravel surface. Bollards will be placed outside the compound to further protect the equipment and landscaping will be installed to help buffer the equipment from view. Finally, a rain garden is proposed adjacent to the equipment compound to handle storm water.
- 1.7. While the subject property has access from both Dead Tree Run Road and Bridgepoint Road via gravel driveways; access to the facility is proposed via an existing gravel/dirt access drive from Dead Tree Run Road. The facility will be unmanned and will not require any permanent employees at the site.
- 1.8. Pursuant to §16-4.2.a, telecommunications facilities are not permitted uses within the R2 Single Family Residential District; therefore a "d(1)" Use Variance is required. Furthermore, the applicant also requires a "d(6)" Height Variance as the proposed silo is 135-feet high whereas a maximum height of 35-feet is permitted.

2.0 SUBMISSION WAIVERS

- 2.1. The Development Review Committee has recommended the following submission waivers:



VERIZON WIRELESS USE VARIANCE AND SITE PLAN APPLICATION

Clarke Caton Hintz

Preliminary Major Subdivision Plats and Preliminary Major Site Plans:

- Partial Waivers: Items #23, 24, 25, 26, 40, 43, 46
- Full Waivers: Items #32, 34, 35, 36, 52, 53, 54, 55, 56, 63, 68

Final Major Subdivision Plats and Final Major Site Plans

- Partial Waivers: Item #5
- Full Waivers: Item #11

Variance Applications

- Partial Waivers: Item #13

3.0 COMPLIANCE

- 3.1. **Permitted Uses.** *D(1) Use Variance relief is necessary.* Wireless communications facilities are not permitted principal uses in the R2 zone (§16-4.2.a).
- 3.2. **Height.** *D(6) Height Variance relief is necessary.* The maximum permitted height of a principal structure in the R2 zone is 35-feet in accordance with §16-4.2.c. The applicant is proposing a 135-foot high structure.
- 3.3. **R2 Zone District Area & Yard Requirements.** The application is in compliance. The proposed improvements meet all of the area and yard requirements required in the R2 Zone.

R2 Single-Family Detached House Area & Yard Requirements: §16-4.2.d.				
	R2 Requirements	Existing	Proposed	Variance?
Principal Building Minimums				
Lot Area	2.0 ac.	73.97 ac.	73.97 ac.	No
Lot Frontage	200 ft.	912.44 ft.	912.44 ft.	No
Lot Width	200 ft.	670.4 ft.	670.4 ft.	No
Lot Depth	300 ft.	2,612 ft.	2,612 ft.	No
Front Yard	75 ft.	708.4 ft.	708.4 ft.	No



VERIZON WIRELESS USE VARIANCE AND SITE PLAN APPLICATION

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R2 Single-Family Detached House Area & Yard Requirements: §16-4.2.d.				
	R2 Requirements	Existing	Proposed	Variance?
Side Yard (east)	40 ft.	411.1 ft.	411.1 ft.	No
Side Yard (west)	40 ft.	317.2 ft.	317.2 ft.	No
Rear Yard	75 ft.	1,608.6 ft.	1,608.6 ft.	No
Accessory Building Minimums				
Distance to side line	30 ft.	200.1 ft.	200.1 ft.	No
Distance to rear line	30 ft.	1,204.9 ft.	1,204.9 ft.	No
Distance to other building	20 ft.	100.5 ft.	100.5 ft.	No
Maximums				
Lot Cover	15%	3.07%	3.12%	No
Principal Building Cover	10%	0.0009%	0.0009%	No
Aggregate Building Coverage of Accessory Building(s)	3%	0.10%	0.10%	No

- 3.4. **Off-Street Parking Landscaping.** *Additional information is required.* §16-5.8.a.1 requires a screen planting, berm fence, wall or combination thereof, no less than four (4) feet nor more than seven (7) feet in height be provided between the off-street parking areas and any lot line or street line except where a building intervenes or where the distance between such areas and the lot line or street line is greater than 150-feet. The co-applicants should identify where proposed technician parking space is located to determine compliance.
- 3.5. **Off-Street Parking Lighting.** *Additional information is required.* §16-5.8.b requires lighting of all off-street parking areas to be shown. The co-applicants have not identified where the proposed technician parking space nor the proposed light fixture is located on the *Site Plan*.
- 3.6. **Off-Street Parking Paving.** *Additional information is required.* §16-5.8.c requires all parking areas and driveways to be paved. The co-applicants should identify where the proposed technician parking is located and if it will be paved.
- 3.7. **Signs.** The applicant is in compliance. §16-5.13.f.5 permits information and direction signs provided they do not exceed two (2) square feet in area and do not display any type of advertising. The co-applicants are proposing two (2) safety signs that are less than two (2) square feet in area.



- 3.8. **Fence Height.** *Bulk variance relief is necessary.* §16-5.3.b.4 permits fences not to exceed eight (8) feet in height designed to deter deer around vegetable or flower gardens and/or other similarly contained areas not exceeding 5,000 square feet in size. The co-applicants are proposing an eight (8) foot high chain-link fence along the perimeter of the compound area.
- 3.9. **Fence Material.** *An exception is necessary.* §16-5.3.b.4.c requires *any portion of the fence over four (4) feet in height to be constructed only of thin, high-tensile woven wire running parallel to the ground or thin, high-tensile woven wire grid and shall not have any nonperpendicular or nonparallel elements.* The co-applicants are proposing an eight (8) foot high 2-inch mesh chain link fence. Per the fence details on Sheet 8 of 11 the mesh chain link will not be perpendicular or parallel to the ground.
- 3.10. **Fence Separation.** *An exception is necessary.* §16-5.3.b.4.d requires *the portion of the fence over four (4) feet in height to have at least a six (6) inch separation between all vertical (stay) wires and between all horizontal (line) wires.* The co-applicants are proposing an eight (8) foot high 2-inch mesh chain link fence.
- 3.11. **Fence Permit.** *Condition of Approval.* §16-5.3.b.6 requires a construction permit for any fences over six (6) feet. The co-applicants shall be required to obtain a construction permit.
- 3.12. **Onsite Lighting Location.** *Additional information is required.* §16-5.4.b.1 states *all parking areas and walkways thereto and appurtenant passageways and driveways serving nonresidential uses and having common off-street parking and/or loading areas shall be adequately illuminated for security and safety purposes.* The applicant is proposing one (1) 60-watt timer-operated light fixture; however, the *Site Plan* does not identify where the proposed light is located. The co-applicants should identify where the proposed light is located.
- 3.13. **Onsite Lighting Plan.** §16-5.4.b.2 requires the applicant to submit a lighting plan indicating the location of the lighting fixtures, the direction of illumination, the wattage and isolux curves for each fixture, the hours of operation of the lighting and the details of the lighting poles and the luminaires, in accordance with the following:
- (a) **Fixture Height.** *Additional information is required.* §16-5.4.b.2.a requires *lighting be provided with a mounting height not higher than 20-feet or the height of the closest major building, whichever is less, measured from the ground level to*



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the centerline of the light source. The applicant is proposing one (1) 60 watt manually operated light on a time switch; however, the location of the light nor its mounting height is identified on the *Site Plans*. The co-applicants should indicate where the proposed light fixture is located and at what height.

- (b) **Lighting Fixtures. *Additional information is required.*** §16-5.4.b.2.b states lighting fixtures are to include non-glare lights with recessed lenses focused downward and with “cut-off” shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead skyglow. The co-applicants should indicate the type of light fixture that is proposed and provide specifications for the light. The co-applicants should specify the method of mounting the light fixture.
 - (c) **Light Intensity. *Additional information is required.*** §16-5.4.b.2.c states that *light intensity provided at ground level should be indicated in footcandles on the submitted plans for each fixture and shall average not less than five-tenths (0.5) footcandles at intersections and three-tenths (0.3) footcandles elsewhere in the area to be illuminated, and shall average, in any case, not more than one (1.00) footcandle throughout the area to be illuminated.* The co-applicants should provide an iso footcandle plot for the one (1) proposed light fixture.
 - (d) **Hours of Operation. *Additional information is required.*** §16-5.4.b.2.d *except for any lighting determined by the Board to be necessary and/or advisable for security purposes, all other lighting is to be controlled by circuit timers so that the lights are automatically turned off after business hours.* The co-applicants have indicated that the light fixture will be controlled by a timer operated switch. The co-applicants should identify the number of hours the light will be illuminated when the timer operated switch is turned on.
- 3.14. **Tree Plantings (Gross Requirement). *An exception is necessary.*** §16-5.6.d3 requires a minimum of fourteen (14) trees per acre to be planted throughout the tract in the case of nonresidential development. At 73.97 acres the applicant is required to plant 1,036 trees ($73.97 \times 14 = 1,035.58$).

The Soil Erosion Sediment Control Plan indicates the total limit of disturbance is 0.105 acres as has occurred with other applications. The applicant may request a waiver to address the minimum tree requirement based on the area of disturbance only, which would result in a requirement of one (1) tree (0.105



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x 14 = 1.47). With zero (0) trees proposed, the application would not meet the required number of total trees if such a waiver was granted.

- 3.15. **Tree Plantings (Categorical Requirement).** *An exception is necessary.* §16-5.6d.3 requires that any trees provided to meet the required street tree and/or buffer requirements shall not be counted towards the minimum tree requirement. The co-applicants are only proposing 7 Arborvitae shrubs as required per §16-6.1.p.10.h as the telecommunications facility buffer.
- 3.16. **Street Trees.** *An exception is necessary.* §16-5.6.d.15 requires street trees at 50 foot intervals. The property contains 589.53 feet of frontage along Dead Tree Run Road and 322.91 feet of frontage along Bridgepoint Road. Street trees do not exist along either roadway frontage. Street trees are required in 50-foot intervals; therefore, 18 street trees are required. Street trees are not proposed.
- 3.17. **Sidewalks.** *An exception is necessary.* §16-5.14.c.1.b requires *sidewalks within all residential developments to be provided onsite in accordance with N.J.A.C. 5:21-4.5 of the New Jersey Residential Site Improvement Standards.* Sidewalks currently do not exist along Dead Tree Run Road or Bridgepoint Road and no new sidewalks are proposed.
- 3.18. **Noise.** *Additional information is required.* §16-5.9d, *Noise levels shall not exceed the standards set forth in Section 3-3 Loud and Unnecessary Noise, of this Code nor those rules established by the New Jersey Department of Environmental Protection as they may be adopted and amended.* §3-3.4 allows a maximum noise level of 65 decibels between 8:00 AM and 8:00 PM or 50 decibels between the hours of 8:00 PM and 8:00 AM. Per the *Environmental Impact Statement*, “operation of the proposed wireless communications facility, once constructed, is expected to be insignificant. A limited amount of noise will be generated from the equipment cabinets. The limited amount of noise generated by the proposed project is expected to be buffered from existing on-site as well as off-site improvements by the distance from it to the property lines and the existing buildings located between it and the surrounding area. The proposed project will be in compliance with the limits of the State and local noise regulations”. The co-applicants should provide testimony regarding the proposed noise levels.

4.0 COMPARISON WITH ADOPTED ORDINANCE PROVISIONS



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§16-6.1.p.15 requires applications for a “use” variance to construct or install wireless communication antennas and/or new wireless communication towers in a location not permitted by §16-6.1.p.5 to submit all of the information required for secondary priority locations. The secondary priority location information is detailed herein for comparison purposes only. Neither variances nor exceptions are required from any wireless communication facilities requirements found in §16-6.1.p as the application requires a D(1) use variance.

- 4.1. **Location. D(1) Use Variance relief is necessary.** The proposed telecommunications facility is not located within a First Priority Location nor a Secondary Priority Location in accordance with §16-6.1.p.5.
- 4.2. **Location Preference for New Towers.** §16-6.1.p.12 The following are not conditions, standards and limitations for the location of wireless communication towers, but are preferences of the Township:
 - (a) **The application is not in compliance.** To the greatest extent possible, no tower shall be located to be visible from any street. The proposed stealth tree monopole will be visible from both Dead Tree Run Road and Bridgepoint Road. The co-applicants should provide renderings illustrating the tower’s visibility from Dead Tree Run Road and Bridgepoint Road.
 - (b) **The application is not in compliance.** To the greatest extent possible, any tower shall be located behind existing buildings and/or natural topographic elevations in order to screen the tower from view from adjacent properties and from any street right-of-way. The proposed stealth tree monopole is located behind the existing barn structures on the subject property; however, all of the existing improvements and the proposed tower are cited near the highest elevation on the subject property and will be highly visible from the adjacent properties and street rights-of-way. The co-applicants should provide renderings illustrating the tower’s visibility from Dead Tree Run Road and Bridgepoint Road.
- 4.3. **Overall Comprehensive Plan.** The application is in compliance. §16-6.1.p.8b requires the applicant provide an overall comprehensive plan indicating how it intends to provide full service within and around the Township and, to the greatest extent possible, indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within and around the Township. The co-applicants have provided the information required within the overall comprehensive plan with the *RF Analysis and Report*.



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- (a) **Additional information is required.** §16-6.1.p.8.c.1 requires the mapped and written descriptions of all existing and/or approved supporting towers for all providers of wireless communication services within two (2) miles of the subject site. The *RF Analysis and Report* includes a table identifying all existing, approved and proposed Verizon Wireless towers; however, it does not identify the tower that was approved at the Nassau Racquet Club, located approximately 4,600 feet from the proposed tower. Nor does Table 1 identify the approved tower located at 694 River Road that is located approximately 11,000 feet from the proposed tower. The co-applicants should provide testimony regarding the approved Nassau Racquet Club tower and why an additional tower is required less than 5,000 feet away. The *RF Analysis and Report* should be updated to include both the Nassau Racquet Club and the 694 River Road approved tower. Furthermore, Maps 2 and 3 should be updated to identify the anticipated wireless coverage for the two approved towers not identified in Table 1. The *RF Analysis and Report*, page 13, should also be updated to indicate that a stealth tree monopole was approved at 694 River Road and not a silo.
- (b) The application is in compliance. §16-6.1.p.8.c.2 requires the mapped and written descriptions of all existing and/or approved water towers or water standpipes and existing high tension power line stanchions within two (2) miles of the subject site. The *RF Analysis and Report* indicates that the following First Priority Locations are located within two (2) miles of the proposed tower: A, D, E, F, G, N.

Three (3) of the six sites are currently being used by Verizon Wireless as telecommunications facilities. The other three (3) sites have been identified as being too far from the coverage gap.

- (c) The application is in compliance. §16-6.1.p.8.c.3 requires a written description as to why the proposed improvements could not be located on any one or more of the structures listed in Addendum I of §16-6.1.p. As indicated above, *RF Analysis and Report* indicates that Verizon Wireless is either already using the First Priority Locations within 2 miles of the proposed tower or the First Priority Location is too far from the coverage gap.



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- (d) §16-6.1.p.8.c4 *This office defers to comments from the Board’s RF Engineer relating to the proposed location and the anticipated need for additional antennas and supporting structures within the Township.*
- (e) §16-6.1.p.8.c5 *This office defers to comments from the Board’s RF Engineer relating to collocation.*
- (f) §16-6.1.p.8.c6 *This office defers to comments from the Board’s RF Engineer relating to how the proposed improvements relate to the overall objective of providing adequate wireless communication services within the Township.*

4.4. **Area and Setback Conditions.** *The application does not comply.* The proposed improvements do not meet four (4) of the wireless communication facilities area and setback requirements.

Wireless Communication Facilities Area and Setback Requirements: §16-6.1.p.9			
	Required	Proposed	Complies?
Min. Leased Area	20,000 sf.	1,800 sf.	No
Distance to a Street Line	100 ft.	1,247.3 ft.	Yes
Distance to Closest Lot Line	200 ft.	524.1 ft.	Yes
Distance to a Historic District	1,000 ft.	0 ft.	No
Distance to Dwelling (on-site)	500 ft.	273.7 ft.	No
Distance to Dwelling (off-site)	500 ft.	714.5 ft.	Yes
Distance to Residential District	750 ft.	0 ft.	No

4.5. **Design Conditions.** The following design conditions are applicable to secondary priority locations:

- (a) The application is in compliance. §16-6.1.p.10a *all towers shall be a monopole design.* The co-applicants are proposing to construct a stealth tree monopole.
- (b) The application is in compliance. §16-6.1.p.10.b *All towers shall be camouflaged (e.g. housed in a silo, bell tower, etc., or made to look like a tree or a non-oversized flagpole) as may be appropriate in the context of the visibility of the tower from different vantage points throughout the Township and the existing land uses and vegetation in the vicinity of the subject site.* The co-applicants are proposing to construct a stealth tree monopole.



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- (c) **Height.** *This office defers to the Board's RF Engineer on comments related to the minimum height necessary to provide satisfactory coverage.* §16-6.1.p.10.c *The minimum height of any proposed antennas and the supporting tower necessary for the proposed antennas to satisfactorily operate to fulfill the established gap in service shall be demonstrated by the applicant to the satisfaction of the Board, as the case may be, and the antennas and tower may be approved by the Board not to exceed that height, provided and except as follows:*
- i. *Except in instances where a higher tower height is determined by the Board to be advisable for the future collocation of other carriers on the tower, the Board shall not approve a height of the tower and the antennas attached thereto greater than 125 feet from the existing ground level beneath the tower.*
 - ii. *In an instance where the Board determines that a higher tower height is advisable for future collocation purposes, the Board may require the applicant to construct the tower to accommodate future ten (10) foot extensions not to exceed an overall tower and antenna height of 135 feet.*

The co-applicants are proposing a 135-foot-high stealth tree monopole (140-foot to the top of the faux tree branches) consistent with the maximum permissible height allowable with future collocations. The centerline of the proposed Verizon Wireless antennas (the highest antennas) is 132-foot and the top of the stealth tree monopole is 135-foot. The top of the stealth tree monopole is 140-foot for the proposed branching of the stealth tree.

- (d) **Signs.** *The application is in compliance.* §16-6.1.p.10.d *Only signage for the purpose of providing safety warnings shall be permitted.* Two safety signs have been identified. No additional signage is proposed.
- (e) **Off-Street Parking.** *Additional information is required.* §16-6.1.p.10.e *No more than two (2) off-street parking spaces shall be permitted.* The *Site Plan* indicates no new parking space(s) are proposed. The co-applicants should identify where the technicians visiting the facility will park.
- (f) **Lighting.** *Additional information is required.* §16-6.1.p.10.f *No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such lighting required shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties.* The co-applicants should provide testimony as to if



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any lighting is required and/or proposed at the top of the stealth tree monopole.

(g) **Individual shelter/cabinets.** §16-6.1.p.10.g *individual shelter/cabinets for the required equipment related to the wireless communications antenna(s) shall be permitted in accordance with the following design criteria:*

- i. **Height.** The application is in compliance. §16-6.1.p.10.g.1 *Any proposed shelter/cabinet enclosing required electronic equipment shall not be more than 15 feet in height.* The co-applicants are proposing equipment cabinets at a height of 6.15 feet and a cable bridge is at a height of 10-feet.
- ii. **Area.** The application is in compliance. §16-6.1.p.10.g.1 *Any proposed shelter/cabinet enclosing required electronic equipment shall not be more than 375 square feet in area.* The co-applicants are proposing a 275 square foot equipment area for Verizon Wireless and has identified a 100 square foot reserved equipment area for Sprint within the 1,800 square foot fenced wireless communications facility compound.
- iii. **Number of Shelters.** The application is in compliance. §16-6.1.p.10.g.1 *Only one (1) such shelter/cabinet enclosure shall be permitted for each provider of wireless communication services located on the site.* The co-applicants are proposing a 275 square foot electronic equipment area for Verizon Wireless and has identified a 100 square foot reserved area for Sprint within the 1,800 square foot compound area. The co-applicants are not proposing the electronic equipment within an enclosed shelter.
- iv. **Public Safety Communications.** *Additional information is required.* §16-6.1.p.10.g.2 *No electronic equipment shall interfere with any public safety communications.* The co-applicants should indicate if the proposed electronic equipment will interfere with public safety communications.
- v. **Automation.** The application is in compliance. §16-6.1.p.10.g.3 *All of the electronic equipment shall be automated so that the need for onsite maintenance and the commensurate need for vehicular trips to and from the site will be minimized.* The *Site Plan* indicates that the proposed facility is unmanned, with the exception of personnel for routine



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maintenance and inspection approximately once or twice a month in a passenger vehicle or van.

- vi. **Building.** *The application does not comply.* §16-6.1.p.10.g.4 *All of the shelter/cabinets for the required electronic equipment for all anticipated communication carriers to be located on the subject site shall be housed within a single building not exceeding one and one-half (1 ½) story and 25 feet in height and 2,000 gross square feet in area, and which shall be designed with a single-ridge, pitched roof with a residential or barn-like appearance.* The applicant is not proposing to house the required electronic equipment within a building.
- (a) **Number of Lights.** *Additional information is required.* §16-6.1.p.10.g.4aa *The building may have one (1) light at the entrance to the building.* The co-applicants are proposing one (1) 60-watt timer-operated light. The co-applicants should indicate where the proposed light is located and if additional lights shall be required for each future co-locator.
- (b) **Lighting Mount.** *Additional information is required.* §16-6.1.p.10.g.4aa *The light is attached to the building, is focused downward.* The co-applicants are proposing one (1) 60-watt timer-operated. The co-applicants should identify the proposed type of light fixture to be utilized and how it will be mounted.
- (c) **Lighting Operation.** *Additional information is required.* §16-6.1.p.10.g.4aa *The light is switched so that the light is turned on only when workers are at the building.* The co-applicants are proposing one (1) 60-watt timer-operated light. The co-applicants should identify how the light is turned on and for how long it stays on.
- (d) **Generator.** *The application does not comply.* §16-6.1.p.10.g.4bb *Any required generator shall be located within the building, and there shall be no perceptible noise emitted from the antennas, shelter/cabinets and/or other accessory equipment at any residential property line.* A proposed 30kw emergency standby diesel generator is proposed within the compound area on a concrete pad. The proposed generator is not enclosed within a shelter/cabinet building.



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- (h) **Screening.** §16-6.1.p.10.h *In order to screen the base of the tower and the building enclosing related electronic equipment, landscaping shall be provided in accordance with the following:*
- i. §16-6.1.p.10.h1 ***This office defers to the Board's Landscape Architect for compliance review.*** *The landscaping shall consist of a combination of existing and/or newly planted evergreen and deciduous trees and shrubs of sufficient density to screen the view of the base of the tower during all four (4) seasons of the year to the maximum extent reasonably possible, and to enhance the appearance of the building from the surrounding residential properties and any public street. The co-applicants are proposing to plant seven (7) Arborvitae; four (4) along the westerly side of the compound and three (3) along the northerly side of the compound to provide screening. An existing barn provides screening along the southerly side of the compound. No screening is proposed along the easterly side of the compound.*
 - ii. §16-6.1.p.10.h2 ***The application does not comply.*** *The landscaping plan shall be prepared by a licensed landscape architect who shall demonstrate to the Board that the base of the tower and the building enclosing related electronic equipment will be screened from view and that the appearance of the building will be enhanced. The Landscape Plan was prepared by a licensed engineer.*
 - iii. §16-6.1.p.10.h3 ***The application does not comply.*** *Any newly planted evergreen trees shall be at least eight (8) feet high at time of planting, and any newly planted deciduous trees shall be a minimum caliper of three (3) inches at time of planting. The co-applicants are proposing seven (7) Arborvitae at a height of five (5) to six (6) feet in height at the time of planting.*

4.6. Additional Conditions. The following additional conditions are required for second priority locations:

- (a) **Documentation.** ***Additional information is required.*** §16-6.1.p.11a *Documentation by a qualified expert that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standards developed for antennas by the Electronic Industries Association (EIA) and/or*



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the Telecommunication Industry Association (TIA) have been met. No documentation related to structural integrity has been submitted.

- (b) **Letter of Intent. Additional information is required.** §16-6.1.p.11b *A letter of intent by the applicant, in a form that is reviewed and approved by the Board Attorney indicating that the applicant will share the use of any tower with other approved wireless communication carriers at reasonable rates that are consistent with prevailing market rates. While the applicant has indicated the proposed structure will permit collocation, no letter of intent has been provided.*

5.0 CONSIDERATION OF THE D VARIANCES

While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria, this report identifies the “d” variance criteria for purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the “d” variance. The applicant must justify the “d” variances separately and each variance must satisfy both parts.

- 5.1. **Consideration of the Positive Criteria.** The Board has the power to grant “d” variances to permit d(1) non-permitted telecommunication facilities and d(6) height variances for telecommunication facilities in excess of 10 feet or 10% of that permitted for principal structures in the zone pursuant to N.J.S.A. 40:55D-70d “in particular cases and for special reasons”.

The N.J. Supreme Court in Smart SMR v. Fair Lawn Board of Adjustment, 152 N.J. 309, 329-331 (1998) refused to accept wireless communications towers as “inherently beneficial” uses as some sites are better suited than others for towers. Therefore, the applicant must provide and the Board must find that the proposed site is particularly suitable for the proposed wireless communications tower in order to satisfy the positive criteria and warrant a d(1) and d(6) variance. In considering the issue of particular suitability,

- (a) The applicant must prove that there is a gap in service,
- (b) The applicant must prove the signal strength level required to fill the gap in service,
- (c) The Board must consider whether the placement of the antennas at the subject location and/or the proposed height will improve wireless communications by filling the gap in service by providing “sound,



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- favorable and substantially above a level of mediocre service” or “substantially better than average” service, and
- (d) The Board must consider whether the same result could be achieved by placing the antennas on some other existing structure, by erecting the tower in a more suitable location, and/or by placing the antennas on the tower at a lower height.

5.1.1. Site Suitability. In Smart SMR v. Fair Lawn Bd. Of Adj., 152 N.J. at 336, the Court has granted telecommunication towers a shortcut to proving the positive criteria by ruling that if they have received FCC licenses they will be deemed to have satisfied the prong of the positive criteria test which requires proof that the use promotes the general welfare. Nonetheless, towers must demonstrate the suitability of the site to the use. The applicant shall also demonstrate the site suitability for the proposed telecommunications facility by indicating:

- Why the location of the site within the municipality or region is particularly suited to the use despite the zoning, and/or
- What unique characteristics of the site itself make it particularly appropriate for the proposed use rather than a permitted use.

In Northeast v. Zoning Bd. Of Adjust., 327 N.J. Super at 496-498, the court pointed out that the suitability of the location is not to be judged solely from the point of view of the applicant, but also from that of the municipality.

The applicant shall demonstrate how approval of the variance promotes the purpose of the Township’s Zoning Ordinance and Master Plan, as well as the SDRP.

5.2. Consideration of the Negative Criteria. While a “d” variance may be warranted by virtue of the applicant proving the positive criteria, the Board may not exercise its power to grant such a variance, however, unless the so-called “negative criteria” has been satisfied. Pursuant to N.J.S.A. 40:55D-70, “*No variance or other relief may be granted ... without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.*” This being said, however, the Smart Court, 152 N.J. at 332, incorporated the four step “balancing test” established in Sica v. Wall Township Board of Adjustment, 127 N.J. 152 (1992), so the applicant’s burden of proof with respect to satisfying the negative criteria for a wireless communications facility is significantly less than



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with respect to a typical non-inherently beneficial commercial use. There is no “enhanced quality of proof” requirement. Instead, the Board must balance the positive and negative criteria and determine whether, on balance, “d” variances can be granted without causing substantial detriment to the public good and substantial impairment of the intent and purpose of the zone plan and zoning ordinance. Sica, 127 N.J. at 166. In undertaking this balancing the board should:

- (a) **First Step.** The first step of the Sica balancing test requires the Board to explore how compelling the public interest in the proposed use is with the focus being on the actual public benefit flowing from the proposed use.
- (b) **Second Step.** Identify the detrimental effects that may ensure from the grant of the variance.
- (c) **Third Step.** Determine whether any legitimate detrimental effects can be reduced by imposing reasonable conditions on the use.
- (d) **Fourth Step.** Balance the positive and negative criteria and determine whether, on balance, the “d” variance can be granted without causing substantial detriment to the public good and substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

6.0 MONTGOMERY TOWNSHIP’S MASTER PLAN

6.1. **Master Plan Goals.** The Township Master Plan includes several goals which are relevant to the Board’s consideration of this application. The following goals can be found on page 6 through 8 of the 2017 Master Plan Reexamination Report:

- i. *The Development of Montgomery Township should maintain the continuity of the Township’s planning process and building upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires and obligations.*

Telecommunications facilities are conditionally allowed within the Township on existing structures or within the “PPE”, “REO”, “MR/SI”, and “LM” zoning districts. The proposed telecommunications facility is located in the “R2” zoning district and requires a use variance, which is inconsistent with past planning decisions.



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2. *The identity of the Township as a totality and the integrity of individual neighborhood areas should be preserved, enhanced and created to the maximum extent possible.*

The proposal is located in an area where it is a non-permitted use and requires extensive relief; therefore, it is inconsistent with the zoning and design standards set forth that are intended to make the district unique from other parts of the Township.

7. *The Development Plan shall provide that the future relatively high density housing to be permitted in the Belle Mead node be planned as part of relatively large scale developments in order to insure that adequate roads, recreational areas, drainage facilities, public water and sewerage facilities and other infrastructure improvements are constructed commensurate with the residential development.*

The proposed telecommunications facility is located approximately 1.6 miles from the Belle Mead node.

10. *The Development Plan should safeguard and promote the preservation of farmland, open space and woodlands areas within Montgomery Township, and such areas should be set aside whenever possible for conservation and/or recreational purposes.*

The proposed telecommunications facility is located on a tract of preserved farmland within the exception area reserved for future development.

11. *A policy of encouraging the preservation of historic districts, sites and structures, through the formulation of appropriate mechanisms to identify and protect those districts, sites and structures which are of value to Montgomery Township, should be pursued and implemented.*

The subject property is located within the Bridgepoint Historic District and contains a 18th century farm of a Dutch family. The single-family dwelling located on the subject property is circa 1740.



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7.0 MATERIALS REVIEWED

- 7.1. *Montgomery Township Planning & Zoning Board Application* and related documents, dated February 10, 2020.
- 7.2. *Preliminary and Final Site Plans*, prepared by E2 Project Management, LLC, last revised January 23, 2020.
- 7.3. *Survey*, prepared by Van Cleef Engineering, dated October 17, 2019.
- 7.4. *Environmental Impact Statement*, prepared by E2 Project Management, LLC, dated January 2020.
- 7.5. *RF Emission Study Report*, prepared by V-COMM, LLC dated January 29, 2020.
- 7.6. *RF Analysis and Report*, prepared by V-COMM, LLC, dated January 29, 2020.
- 7.7. *State Agricultural Development Committee Application*, dated March 13, 2020.
- 7.8. *DRCC Jurisdictional Determination Staff Report*, dated March 4, 2020.
- 7.9. *Somerset County Planning Board Application*, dated March 10, 2020.
- 7.10. *NJDEP LOI Footprint of Disturbance Application*, dated March 4, 2020.

8.0 APPLICANT / OWNER PROFESSIONALS

- 8.1. **Applicant:** SectorSite, LLC, Sectorsite Tower Asset Assets and New York SMSA Limited Partnership d/b/a Verizon Wireless. 22 Paris Avenue, Suite 105, Rockleigh, NJ 07647. Telephone: 201.767.4122. Facsimile: 201.767.4223. Email: frankf@ferrarostamos.com.
- 8.2. **Owner:** John and Charlotte Johnson, 26 Dead Tree Run Road, Belle Mead, NJ 08502. Telephone: 201.767.4122.
- 8.3. **Attorney:** Frank Ferraro, Esq. c/o Ferraro & Stamos, LLP, 22 Paris Avenue, Suite 105, Rockleigh, NJ 07647. Telephone: 201.767.4122. Facsimile: 201.767.4223. Email: frankf@ferrarostamos.com.



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- 8.4. **Engineer:** James Muraski, P.E. c/o E2PM, LLC. 87 Hibernia Avenue, Rockaway, NJ 07866. Telephone: 973.299.5200. Facsimile: 973.299.5059. Email: jason.smolinski@e2pm.com.

9.0 SUMMARY

The applicant is seeking use variance, height variance and site plan approval to install a 135-foot-high stealth tree monopole and wireless communication facility at 26 Dead Tree Run Road. Based on our initial review, the following variances and design waivers are required or may be required, depending on the additional information submitted by the applicant. This list is not exhaustive and may be augmented by analysis performed by other Board professionals.

9.1. Use Variances

§16-4.2.a Permitted Use

§16-4.2.c Height

9.2. Bulk Variances

§16-5.3.b.4 Fence Height

9.3. Exceptions

§16-5.3.b.4.c Fence Material

§16-5.3.b.4.d Fence Separation

§16-5.6.d.3 Tree Plantings (Gross Requirement)

§16-5.6.d.3 Tree Plantings (Categorical Requirement)

§16-5.6.d.15 Street Trees

§16-5.8.c Off-Street Parking Paving

§16-5.14.c.1.b Sidewalks

9.4. Wireless Communication Facilities Provision Non-compliance

While neither variances nor exceptions are required from §16-6.1.p since a D(1) Use variance is required, a summary of the wireless communication facility requirements for Second Priority Locations that the application does not comply with is provided herein:

§16-6.1.p.9a Leased Area

§16-6.1.p.9d.3 Distance to a Historic District

§16-6.1.p.9d.4 Distance to a Dwelling



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- §16-6.1.p.9d.5 Distance to a Residential District Boundary
- §16-6.1.p.10.g.4 Individual Shelter/Cabinet Building
- §16-6.1.p.10.g.4bb Generator Location
- §16-6.1.p.10.h2 Landscape Plan Preparer
- §16-6.1.p.10.h3 Plant Material Planting Height
- §16-6.1.p.12 Visibility from any Street
- §16-6.1.p.12 Screening from Adjacent Properties and Streets

Please do not hesitate to contact this office with any questions you may have.

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Memo To: Ms. Cheryl Chrusz, Board Secretary
Montgomery Township Zoning Board
2261 Van Horne Road
Route 206
Belle Mead, NJ 08502

Date: June 10, 2020
55151 00

From: Rakesh R. Darji, PE, PP, CME
Environmental Resolutions, Inc.
Zoning Board Engineer

Re: Sector Site NJ – 0148B (Verizon Wireless)
22 Dead Tree Run Road
Somerset County
Belle Mead, NJ 08502
Block 17001, Lot 11.02
Site Plan with Use Variance - Engineering Review
Application #BA-02-20

We are in receipt of an application for a Site Plan Approval with Use Variance, Height Variance, Bulk Variance and Submission and Design Waivers. The applicant, Verizon Wireless (VZW), proposes to construct a 135 foot stealth tree monopole (140 feet to top of branches) on the residential property referenced above. The applicant is attempting to remedy service deficiencies in this area and proposes to construct a stealth tree monopole which will support nine (9) panel antennas on t-arm mounts, as well as six (6) remote radio heads and one (1) over-voltage protection panel.

VZW proposes to construct this monopole on a 73.97 acre tract with several farm related buildings, including single family dwelling. There is a 5 acre, non-severable exception area located on the property. This area houses the dwelling and associated barns. No changes are proposed to the existing structures. In addition, there is a cemetery exclusion area and approximately 1.1 acres of water surface. The location for this application is within the non-severable area.

In addition to the monopole, other proposed improvements include fencing to contain the equipment area which includes equipment cabinets, a ten (10) foot tall cable bridge, load center, GPS antenna, work light and appurtenances. A propane gas emergency generator and 500 gallon propane tank are proposed. Landscaping to buffer the equipment from view and a rain garden to handle stormwater are the final improvements.

The property is subject to the following easements - agriculture, ingress/egress for access to/from Dead Tree Run Road and Bridgepoint Road; water line; and sanitary sewer. In addition there is a 30 foot wide perpetual road ROW easement in favor of Somerset County along Bridgepoint Road and a 25 foot wide township of Montgomery road ROW for Dead Tree Run Road.

The property is also subject to the following Critical Areas: Wetlands and a 150' Wetlands Buffer, Montgomery Stream Corridor and a 20' Stream Corridor Buffer; Critical Slopes and a 20' Critical Slopes Buffer; and a FEMA –

Special Flood Area. These are located along the northern and eastern property lines. The Critical Areas are not affected by the existing structures on-site, or the proposed stealth tree Monopole. The Critical Areas are also not affected by the access driveways.

The Zoning District is R-2, Single Family Residential. A farm is a principal permitted use on the land according to §16-4.2a. The farming operation is proposed to remain active.

The property is bound by Bridgepoint Road to the southwest and Dead Tree Road to the southeast. Back Brook is located to the north and Pike Run Brook is located to the east. The PPE district is to the north and east of the parcel with the R-2 district to the south.

This office has reviewed the following information in support of this application:

1. Montgomery Township Land Development Application, dated February 2, 2020, with attached addendum
2. Montgomery Township Checklist Details Required for Preliminary Major Site Plans, dated 2/5/2020
3. Montgomery Township Checklist Details Required for Final Major Site Plans, dated 2/5/2020
4. Montgomery Township Checklist Details Required for Variance Application, dated 2/10/2020
5. New Jersey DEP, Division of Land Use Regulation, for Footprint LOI, dated 1/31/2020
6. New Jersey DEP, Delaware and Raritan Canal Commission, Jurisdictional Interpretation, Exempt, dated January 28, 2020
7. Somerset County Land Development Application, dated 2/11/2020
8. Soil Erosion and Sediment Control Plan, request for Non-applicability, dated 1/31/2020
9. Communication Site Development, prepared by E2 Project Management LLC, dated November 11, 2019, revised through January 23, 2020, consisting of the following:
 - a. Title Sheet, T01
 - b. Tax Map, Zoning Map, Property Owners Map and List, T-2
 - c. Overall Site Plan, SP-1
 - d. Enlarged Site Plan and Elevation, SP-2
 - e. Landscape Plan, SP-3
 - f. Soil Erosion and Sediment Control Plan, Notes and Details, SP-4
 - g. Stormsewer Plan and Details, SP-5
 - h. Construction Details, C-1
 - i. Verizon Wireless Equipment Details, C-2
 - j. Verizon Wireless Antenna and Equipment Details, C-3
 - k. Reserved Sprint Equipment Details, C-4
10. Boundary and Partial Topography Survey of Non-Severable Exception Area, prepared by Van Cleef Engineering Associates, dated October 17, 2010
11. RF Emission Study, prepared by V-Comm Telecommunications Engineering, dated January 20, 2020
12. RF Analysis and Report, prepared by V-Comm Telecommunications Engineering, dated January 29, 2020

- 13. Stormwater Runoff Quality Calculations, prepared by E2 Project Management, LLC, dated January 8, 2020
- 14. Environmental Impact Statement, prepared by E2 Project Management, LLC, dated January 2020
- 15. Misc. Correspondence, Charles Roohr, re: preserved farm – cell tower, dated February 26, 2020
- 16. Montgomery County Health Department, prepared by Stephanie D. Carey, dated February 25, 2020
- 17. Copies of various easements issued

General Information

Applicant: Verizon Wireless
22 Paris Avenue, Suite 105
Rockleigh, NJ 07647
201-767-4223
frankf@ferrarostamos.com

Owner: John and Charlotte Johnson
26 Dead Tree Run Road
Belle Mead, NJ 08052
201-767-4122

Site Engineer: E2 Project Management LLC
87 Hibernia Avenue
Rockaway, NJ 07866
Jason.smolinski@e2pm.com

Attorney: Frank Ferraro, Esq.
22 Paris Avenue, Suite 105
Rockleigh, NJ 07647
frankf@ferrarostamos.com

The site is located within the Residential 2 (R-2) Zoning District.

Zoning Chart
R-2, Single Family Residential
Section §16-4.2
Block 17001, Lot 11.02

Principal Building	Requirement	Existing	Proposed	
Minimum Lot Area	2 Acres	73.97 Acres	73.97 Acres	Conforms
Minimum Lot Width	200 FT	670.4 FT	70.4 FT	Conforms
Minimum Lot Depth	300 FT	2,612 FT	2,612 FT	Conforms
Minimum Lot Frontage	200 FT	912.44 FT	912.44 FT	Complies
Min Front Yard Setback	75 FT	708. FT	708.4 FT	Complies
Min Side (E) Yard Setback	40 FT	411.1 FT	411.1 FT	Complies
Min Side (W) Yard Setback	40 FT	317.2 FT	317.2 FT	Conforms
Min Rear Yard Setback	75 FT	1,608.6 FT	1,608.6 FT	Conforms

Impervious Coverage	15 %	3 %	3.0004%	Conforms
Maximum Coverage – Building	10 %	0.0009 % (dwelling)	0.0009% (dwelling)	Conforms
Maximum Coverage – Accessory Buildings	3 %	0.10 %	0.10 %	Conforms
Accessory Building				
Distance to Sideline	30 FT	200.1 FT	200.1 FT	Conforms
Distance to Rear line	30 FT	1,204.9 FT	1,204.9 FT	Conforms
Distance to other Bldgs	20 FT	100.5 FT	100.5 FT	Conforms
Proposed Wireless – Section §16-6.1p.8				
Land Area	20,000 SF	3,222,322 SF	3,222,322 SF	Conforms
Setback from Street line	100 FT	N/A	1,247.3 FT	Conforms
Setback from Lot line	200 FT	N/A	524.1 FT	Conforms
Setback from Dwelling	500 FT	N/A	714.5 FT*	Conforms
Setback from District Boundary	750 FT	N/A	0 Feet	Variance
Setback from Historic Site or District	1,000 FT	N/A	0 FT	Variance
Tower Height	125 FT	N/A	135 FT**	Variance
Proposed Equipment:				
Max Height	15 FT	N/A	10 FT (Cable Bridge)	Conforms
Max Area	375 FT	N/A	275 SF (Verizon)	Conforms

- * Off-site dwelling, proposed project is being constructed on a Residential-2 district parcel
- ** note that the tower is 135 feet high, the extra 5 feet proposed is for the tree effect/screening

Variiances

1. Per §16-4.2a.wireless communication facilities are not a permitted principal use in the R-2 zoning district. Further, in accordance with §16-6.1p5(b) new wireless communication towers are conditionally permitted only in PPE, REO, MR/SI and LM zoning districts. As such the applicant requires a D(1) use variance to permit the proposed new cellular antenna tower in the R-2 zoning district.
2. Per §16-4.2c. of the Township Code the maximum height permitted in the R-2 district is 35 feet. A variance is required to permit the proposed stealth tree monopole of 135 feet tall (140 feet to top of stealth tree branches).
3. Per §16-6.1p9(a) of the Township Code the communications facility shall be built on land area of no less than 20,000SF. Be it a separate lot or a leased portion of a larger lot. The applicant is proposing to construct the communication tower, including all equipment within a leased area of 2,700SF within a 73.97 acre parcel. A Variance is required.
4. Per §16-6.1p9(d)(5) no tower, building or other structure shall be located within 750 feet of any residential district boundary line. The cell tower and its equipment are proposed to be constructed within a residential zone. This Variance is subsumed in the D(1) use variance cited above.
5. Per §16-6.1p9(d)(3) no tower, building or other structure shall be permitted within 1,000 feet of an historic district or site as duly designated by Montgomery Township, Somerset County, the state of New Jersey and/or by the Federal government. The proposed project is located within the Bridgepoint Historic District.

6. Per §16-6.1p9(d)(4) no tower, building or other structure shall be permitted within 500 feet of any existing residential dwelling unit. The proposed project is located on an active farm. It will be constructed within 273.7 feet of the existing 1-1/2 story dwelling. The nearest off-site residential dwelling unit is 714.5 feet from the proposed construction.

Waivers

7. §16-6.1p10(c)(1) permits a monopole tower height of no greater than 125 feet from the existing ground level. In an instance where the Board determines that a higher tower height is advisable for future collocation purposes, the Board may require the applicant to construct the tower to accommodate **future** ten-foot extensions not to exceed an overall tower and antenna height of 135 feet. The applicant is proposing a tower height of 135 feet (140 feet to the top of the stealth branches). The height of 135 feet is approximately 8 % higher than the permitted 125 feet. If 140 feet is the dimension used for the tower height, it is 12 % higher than the permitted 125 feet. A design waiver is required.
8. Per §16-6.1p10(g)(4) all shelter/cabinets for the required electronic equipment for all anticipated communication carriers on the subject site shall be housed within a single building not to exceed 2,000 gross SF in area. The applicant is proposing a “compound” type of facility rather than a one multi-carrier building. A design waiver is required.
9. §16-6.1p10(h)(2) of the Township Code requires that the landscape plan be prepared by a licensed landscape architect. Whereas it has been prepared by a professional engineer rather. A waiver is required.
10. §16-6.1p10(h)(3) of the Township Code requires evergreen tree plantings to be 8 feet in height at time of planting. Whereas the applicant proposes planting of 5’-6’ evergreen trees. A waiver will be required.

General

11. The applicant should provide testimony to demonstrate that the proposed location of the tower and antennas has been planned to result in the fewest number of towers within and around the Township. The testimony should detail efforts to locate the proposed antennae on existing facilities in the area. Testimony should also include analyses to support the proposed tower as the best alternative taking into consideration not only the needs of the applicant, but also the goals of the Township’s Wireless Communication Facilities Ordinance.
12. The applicant shall provide testimony verifying that the proposed equipment will not interfere with any public safety communications.
13. The applicant proposes propane generator and a 500 gallon propane storage tank. Testimony should be provided regarding the frequency timing of cycling (exercising) of the generator and the level of noise generated under normal operating conditions. The perception (noise level) at the nearest residential dwelling should be addressed.
14. Section §16-6.4 details the Critical Area requirements for Montgomery Township. The stream corridor and stream buffer are shown. The applicant should show the locations of all Critical Areas on the Overall Site Plan. The applicant should verify by testimony that these critical areas will not be impacted by the project.
15. The Bulk Requirements table should be revised to show the correct permitted tower height per Ordinance of 125 feet.

16. The applicant should be prepared to discuss access and parking at the facility. An access agreement/easement will be required for routine maintenance and inspection. This document should be provided to the Board professionals for review. The cell tower plans also indicate there will be availability for additional service providers. The applicant should address the frequency of visits to the site at full capacity accounting for future co-locations.
17. This application is for the installation of the monopole and the proposed Verizon equipment on the pole. The plans also provide reserved space for SPRINT antennas (9) and SPRINT equipment within the proposed equipment compound. The applicant should testify as to its intentions for future co-locators. Testimony should include whether the equipment needs (cabinets, generators, trenching, cables bridges, etc.) of the future co-locators will be similar to those of Verizon.
18. The Environmental Impact Statement states that the total amount of disturbance to soils is approximately 6,966.85 SF (Section 4.3.2), yet Section 4.3.3 states the construction does not exceed 5,000 SF of overall land disturbance. This discrepancy should be clarified and the EIS report revised. In addition, the Soil Erosion and Sediment Control Plan states that the soil disturbance is 4,586 SF. These reports should be updated for consistency.
19. A copy of the LURP form for “Letter of Interpretation – Footprint of Disturbance” submission to the NJDEP DLUR was submitted with the application materials. The LOI should be provided to the Board and its professionals once received.
20. The Landscape Plan states that all excavated soils shall be “sampled, removed and disposed of off-site in accordance with NJDEP regulations.” The Soil Erosion and Sediment Control Plan states that all excavated soils shall be “immediately removed and reused by landowner for agricultural purposes.” These statements should be clarified and the plans updated to state the intent of use of the excavated soils.
21. §16-5.6c. prohibits removal or importation of soil in excess of 20CY without approval from the Board. The applicant should provide testimony as to the volume of soil to be exported/imported for the project.
22. It appears that construction access will be from the existing farm roads. The applicant should testify as to the size and type of equipment accessing the site for construction of the proposed improvements. Notes should be added to the plans to require that the access road and adjacent public roads will be restored to pre-construction condition prior to Certificate of Occupancy. A pre-construction video should be performed of the adjacent roads to document pre-construction condition.
23. The scale on Sheet 4 of 12 does not appear to match what is shown on the plan. The sheet should be revised to show the correct scale.
24. The fence legend on Sheet 4 of 12 does not correspond to what his shown on the Enlarged Site Plan.
25. A detail for the driveway apron on Dead Tree Run Road should be provided should restoration be required.
26. A detail for the construction entrance should be provided. This location should be noted on the plan.
27. A sequence of construction should be provided.
28. The equipment pad detail should provide the strength and class of concrete.
29. A bollard detail should be provided.

30. A lighting plan has not been submitted; however there is a proposed Verizon work light. A lighting detail should be provided. The applicant should discuss operation of the lighting (i.e. photo cell, motion sensor, manual switch).

Stormwater Management

31. The project does not propose to disturb more than one (1) acre of land or increase the impervious surface by 0.25 acres and is thus classified as a "minor development" for the purposes of stormwater management per with the requirements of NJAC 7:8. However, the project must comply with the Township of Montgomery Ordinance §16-5.2. According to Ordinance §16-5.2c3(b), if the applicant is seeking approval for “d” variances pursuant to NJSA 40:55D-70d, then subsections §16-5.2g7, §16-5.2o3(b) and §16.5-2o3(c) are applicable. As the applicant is seeking a d-1 use variance, the following requirements must be met.
 - a. Subsection §16-5.2g7 discusses Stormwater Runoff Quality Standards.
The applicant is proposing to provide a rain garden to provide the required stormwater quality standards. The supporting documentation provides calculations for the sizing the of the rain garden based upon a water quality design storm which is 1.25 inches of rain in two hours.
 - b. Subsections §16-5.2o3(b) and §16-5.2o3(c) discuss the maintenance of the stormwater management facility.
The plans should address the maintenance of the proposed rain garden. A stormwater management operations and maintenance manual should be developed. The maintenance of the stormwater management facility is the responsibility of the owner of the lot where the facilities are constructed. The obligation of the maintenance shall be required to be memorialized and recorded as a deed restriction, and shall be recorded as metes and bounds. As the location of the proposed rain garden is within a leasable area, it shall be determined if the leasee or owner has the ultimate responsibility of maintenance. This shall be included in the Maintenance and Operations Manual. The legal description (with metes and bounds) should be provided to the Board professionals for review. In addition, any easement or maintenance agreement between the leasee and owner shall be provided to the Board professionals for review.
32. The proposed rain garden is designed as a bioretention system with infiltration. The applicant should perform soil testing in accordance with appendix E of the New Jersey Stormwater Best Management Practices manual.
33. Though no plantings are depicted within the limits of the rain garden. Notation on the Rain Garden detail and cross section indicate that it will be planted with native species. These plantings should be specified and show on the landscape plan. We defer to the Board Landscape Architect for review and approval of the plantings.

Administrative

34. All future resubmissions of the plans shall clearly indicate a revision date and be accompanied by a response letter addressing all comments from the Township staff and Board Professionals in a point by point fashion.

Permits and Approvals

35. The applicant shall secure any and all approvals, licenses and permits as required by any other board, agency or entity jurisdiction over the subject application or property. The following permits and approvals are required:
- a. Somerset-Union Soil Conservation District, pending
 - b. Somerset County Planning Board
 - c. Township of Montgomery Municipal Approvals, pending
 - d. SHPO, Section 106 Review
 - e. Delaware and Raritan Canal Commission, pending
 - f. NJ DEP, Letter of Interpretation, footprint of disturbance, pending
 - g. State Agricultural Development Committee, special permit for Wireless Service Facility, pending
 - h. Any and all others that may be required

Should you or the applicant have any questions, please feel free to contact me.

RD/mbs

cc:

Gail Smith, PE, Township Engineer
Lori Savron, Director of Planning
Emily Goldman, Planning Board Planner
Karen Kayci, Esq., Planning Board Solicitor
James Murawski, PE, Applicant's Engineer
John and Charlotte Johnson, Owner
Frank Ferraro, Esq., Applicant's Attorney
SectorSite LLC, Applicant

LAUREN A. WASILAUSKI
Open Space Coordinator



PLANNING DEPARTMENT
OPEN SPACE

Municipal Building
2261 Van Horne Road (Route 206)
Belle Mead, New Jersey 08502-0001
Phone: (908) 359-8211
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E-Mail:
lwasilauski@twp.montgomery.nj.us

MEMORANDUM

To: Zoning Board
From: Lauren A. Wasilauski, Open Space Coordinator
Date: June 9, 2020
Re: BA-02-20: SectorSite, LLC and NYSMSA LP d/b/a Verizon Wireless
Block 17001 Lot 11.02
26 Dead Tree Run Road, Belle Mead

This office has reviewed the Environmental Impact Statement (dated January 2020), and the plans prepared by E2 Project Management (print date 1/23/2020) and offers the comments below.

A. Application overview

1. The Applicant is proposing to construct a wireless telecommunication facility (cell tower) on the subject property which will be 135' in height to the top of the tower (140' to top of branches). The tower is proposed as a "stealth" tree monopole that will host multiple carriers.
 - a. An equipment compound measuring 30' x 60', with an 8' high chainlink fence is also proposed. The equipment area will have a gravel surface and include a 30KW propane gas emergency generator and 500 gallon propane tank to be used during power outages.
 - b. Access is proposed via an existing gravel/dirt driveway on Dead Tree Run Road.
2. The application package indicates a request for variances from the following Township Code Sections:
 - a. 16-4.1b: use variance
 - b. 16-4.2c: height variance
 - c. 16-6.1p.9(a): lease area
 - d. 16-6.1p.9(b): lease area
 - e. 16-6.1p.9(c): lease area
 - f. 16-6.1p.9(d)(5): to permit a tower within 750' of residential zone

- g. 16-6.1p.9(d)(3): to permit within 1,000 feet of a historic district or site
3. Per the application narrative, waivers are requested from the following Township Code Sections:
- a. 16-6.1p10(b): to permit monopole in excess of 125' in height
 - b. 16-6.1p10(g)(4): permit outdoor multicarrier equipment compound
 - c. 16-6.1p10(h): permit landscape plan to be prepared by licensed engineer, instead of landscape architect

B. Alternative Sites

1. The applicant previously sought, and was granted approval for construction of a cell tower at the Nassau Racquet Tennis Facility located at 1800 Route 206 (Zoning Board case number BA-03-16). A cell tower was approved at this location, less than one mile (as the crow flies) from the subject property. This office views the tennis facility as a preferable location to the current proposal before the Board to install a cell tower in the historic district, in an iconic viewshed. The applicant should provide testimony as to whether both locations will be pursued. If so, coverage maps for both should be provided to show the areas of overlap and any gaps in coverage to be served by pursuing both locations.

C. Property Uses & Restrictions

1. **Preservation:** The property was preserved by the Township, Somerset County Agriculture Development Board and State Agriculture Development Committee in 2007, with a 5 acre non-severable exception area that encompasses the area around the house and existing barns. An "exception area" refers to an area of the property that is not governed by the terms of the preservation easement, or has separate restrictions listed elsewhere in the easement. The cell tower is proposed within the limits of the exception area.
- a. Per N.J.S.A. 4:1C-32.2 and N.J.A.C. 2:76:23.1, an application to the SADC may be required for the proposed cell tower. The applicant should provide testimony and written confirmation as to whether SADC approvals are required, and, if so, the status of any approvals.
 - b. Similarly, the applicant should provide copies of any written approvals or jurisdictional determinations from the Somerset County Agriculture Development Board, as they are the entity that "holds" the agricultural easement on the property.
2. **Cemetery:** The property contains the historic "Martin Voorhees Burying Ground", as described in the attached pages of the 1991 Historic Preservation Plan element of the Township Master Plan. The applicant should provide testimony as to their due diligence

regarding the boundaries of the cemetery and how any impacts will be avoided. The cemetery location is indicated as “approximate” on the plans and is shown 195’ from the proposed tower. The applicant should provide testimony as to use of ground penetrating radar or other techniques to determine or confirm the boundaries of the cemetery.

- a. This office encourages the applicant to work closely with the Landmarks Commission to define the cemetery area, and to develop a plan to prevent any impacts.

D. Sidewalks & Pedestrian Mobility

1. Sidewalks are required on all public streets per Code Section 16-5.14C:

“Except for all local, rural collector and scenic collector roads in the MR District, sidewalks shall be provided along all existing streets upon which all residential and nonresidential developments abut, unless specifically waived in certain locations by the reviewing municipal agency based upon good cause shown by the applicant, such as, but not limited to, the existence or proposal of alternate linkages for pedestrian movement and/or where other improvements are proposed to better facilitate the movement of people between the development and adjacent lands;”

2. The Applicant is not proposing any sidewalks along their frontage on Bridgepoint Road or Dead Tree Run Road. This office recommend installation of sidewalks along the property’s frontage on both roadways. This will facilitate walking access between the neighborhoods to the west and the parkland and pathways to the east (Mill Pond Park, boardwalk trail).

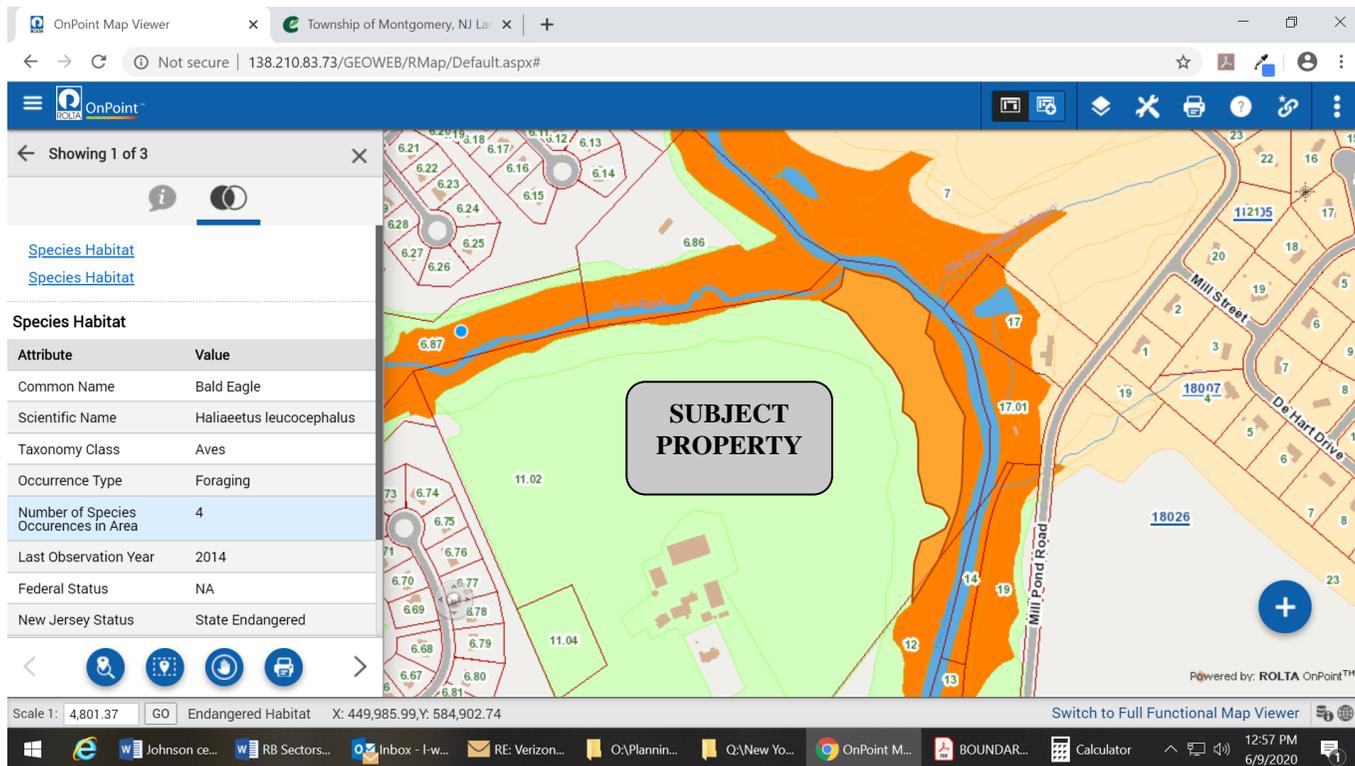
E. Tree Planting & Landscaping

1. Street trees are required at fifty foot (50’) intervals per Township Code Section 16-5.6.d.15.
 - a. The subject property has 322.91’ of frontage on Bridgepoint Road and 589.53’ of frontage on Dead Tree Run Road, so 18 trees are required per the ordinance.
 - i. This office would typically support the granting of a waiver for planting of street trees for this particular property in order to preserve the scenic vista that is so iconic to Montgomery. However, this office defers to the Township Landscape Architect on whether street tree plantings might be helpful in buffering the view of the proposed tower from the roadway or from other vantage points.
 - ii. This office defers a final recommendation until a crane test is completed.
2. Shade Trees: Fourteen (14) trees per acre are required for residential and non-residential development per Township Code Section 16-5.6d.3. The Applicant’s property is 73.974 acres in total, which would require 1,036 trees.

- a. This office would not oppose a waiver to calculate the tree planting requirement based on disturbed acreage, which is an option under Township Code Section 16-5.6d.3.a., in order to maximize the area available for farming.
 - b. The total limits of disturbance is indicated at 0.105 acres.
 - c. Per the provisions of Township Code Section 16-5.6d.3.a the calculation for disturbed area is $0.105 \text{ acres} \times 14 \text{ trees/acre} = 1.47 \text{ trees}$, rounded to one tree. No shade trees are proposed on the plan. The applicant should work with the Township Landscape Architect on a suitable location for the shade tree that could assist with buffering the view of the cell tower.
3. Buffering: the ordinance requirements for street trees and shade trees do not impact the amount of trees required to provide adequate buffering.
- a. The applicant is proposing seven (7) Emerald Arborvitae (*Thuja occidentalis* 'Emerald') as buffering around the equipment pad.
 - b. This office defers the review of the proposed species, quantity and placement to the Board Landscape Architect, and any other recommendations regarding buffering. This office reserves the right to submit additional comments after a crane test has been conducted.
4. Tree Removal: This office could not locate information on the number of trees to be removed, if any. The applicant should provide testimony as to tree removal, and this office reserves the right to make additional recommendations on tree planting when this information is provided.

F. Critical Areas

1. There are critical areas on the subject property, but not in vicinity of the project area. Township Code Section 16-5.6e requires protection of all critical areas by a conservation easement or conservation deed restriction. Due to the property's status as preserved farmland, this office does not oppose a waiver of this requirement.
2. The NJDEP Landscape Project (version 3.3), indicates foraging habitat for Bald Eagle (state endangered species) along Pike Brook and Back Brook. All threatened and endangered species habitat is required to be protected by a conservation easement or conservation deed restriction per Township Code Sections 16-5.2(e), 16-5.2(g) and 16-6.4(e). Given that the property is already preserved with an agricultural easement, this office will not oppose a waiver of this requirement.



3. The EIS includes information from the US Fish and Wildlife Service (USFWS) that the subject property could be habitat for, or otherwise used by the federally endangered Indiana bat and the threatened Northern Long-eared bat. The Board should consider conditioning any approval to restrict tree clearing to only the period between October 15 and March 31.

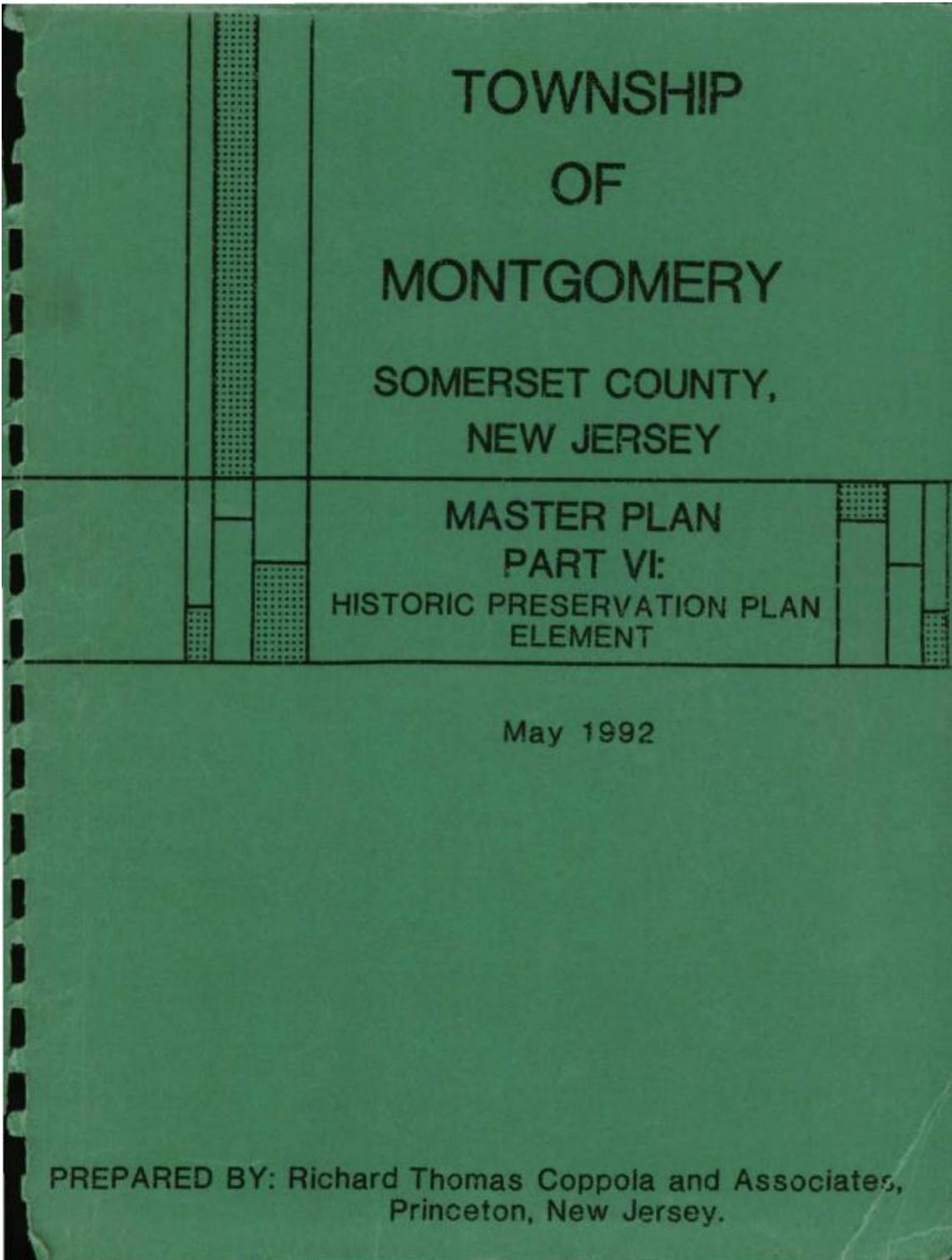
G. Stormwater Management

1. The applicant proposes to construct a rain garden to handle the stormwater from the cell tower and equipment pad area. This office supports the use of green infrastructure techniques for stormwater management.
 - a. The rain garden must be properly maintained in order to function properly. The applicant should submit a maintenance plan for review.
 - b. This office defers to the Board Engineer for review of the proposed rain garden and its capability to handle the stormwater generated.
 - c. This office defers to the Board Landscape Architect for review of the proposed species.

H. Miscellaneous Comments

1. The applicant should provide testimony as to the age of the barns near the proposed cell tower. The barns may have historic value, and the proposed "stealth tree" design could result in

“branches” falling on and damaging the barns. The Board should consider this information when discussing the design (monopole vs. stealth tree).



Designated Local Historic Sites

In addition to historic districts, the Landmarks Preservation Commission surveyed individual structures and sites within Montgomery Township which have historic, archeological, cultural, scenic and/or architectural significance in accordance with the criteria specified in Subsection 16-13.15 of municipal Ordinance No. 89-621. One hundred sixty-four (164) structures and sites, referenced in Addendum III of this document, were found to meet at least one (1) of the six (6) specified criteria and, therefore, were each considered eligible to be formally designated as a "local historic site." The property owners were individually notified that their property was considered by the Landmarks Preservation Commission as a candidate for formal designation as a "local historic site", and the Commission advised each owner of the significance and consequence of such a designation.

Plate 3, "Designated Local Historic Sites", maps those particular properties which received the property owner's voluntary consent and approval to be formally designated as a "local historic site". Plate 4, "Description Of Designated Local Historic Sites", identifies the sites by block/lot numbers, historic name and current owner. Additionally, a brief paragraph description of the properties is included as well as the specific eligibility criteria considered applicable to the property by the Landmarks Preservation Commission. The number of designated local historic sites in Montgomery Township may increase over time, as owners of other eligible sites agree to have their properties so designated.

Historic Cemeteries And Bridges

In the early rural community of Montgomery Township, it was the practice of the Dutch farmers to establish small family burying grounds on their farms rather than use the common burial grounds usually associated with churches. As a result, the church cemeteries were rather small in area, with relatively few interments, if any. However, the Van Harlingen Historical Society has identified twenty-one (21) family burying grounds within Montgomery Township which are included in this Historic Preservation Plan Element. Additionally, two (2) slave cemeteries, two (2) public cemeteries (Unionville and Montgomery Township), one (1) church cemetery (Blawenburg Reformed), and one (1) combined State patients' cemetery have been identified. The location of all twenty-seven (27) historic cemeteries is indicated on Plate 5, the "Historic Cemeteries And Bridges" map. Plate 6, "Description Of Cemeteries and Family Burying Plots", includes the name, block/lot numbers, and a brief description of each of the cemeteries and plots.

Plate 5 also indicates the location of the bridges in Montgomery Township that both the Landmarks Preservation Commission and Somerset County deem to be of historic significance, all but two of which are eligible for inclusion on both the State and National Register of Historic Places. All of the bridges are of the metal truss, metal beam or stone arch types. Plate 7, "Description Of Metal Truss, Metal Beam & Stone Arch Bridges", indicates the type, block/lot numbers, architecture, engineering and history of each bridge.

PLATE 6

DESCRIPTION OF CEMETERIES
and
FAMILY BURYING PLOTS

<u>Map No.</u>	<u>Name</u>	<u>Block/Lot</u>	<u>Description</u>
1	Nathan Stout, Esq. Monument	31001/1.01	A granite monument 21 inches square at its base stands 4.5 feet high in the center of a curbed plot approximately 35 square feet in size. All four sides of the monument are inscribed; the north panel notes the cenotaph was erected in 1901 in "commemoration of the patriotic and public services" of Nathan Stout, Esq. (1749-1826). While Nathan Stout is not buried at this location, other members of the Nathan Stout family were.
2	Bellis-Stryker Burying Ground	11001/84	This family burying ground is located on a private residential lot; the plot is approximately 50 feet wide and is protected by a rail fence. Marble monuments depict the surnames of Bellis, Stout and Stryker.
3	Richard Stout Burying Ground	11001/46	The Stout family burying ground lies proximate the Bellis-Stryker burying ground and is approximately 35 feet by 55 feet in area. The marble monuments are 42 inches above ground, have similar lettering, have foot stones with initials corresponding to the name on the monument and may be replacements of original monuments. Two stubs of broken stones and a single foot stone also were located on-site. Surnames on the monuments are Davidson, Servis, Stout and Piccott.
4	John Blau Grave Site	11001/30	A stone marker, indicating the burying site for John Blau who died in 1777, is located on this site, once the farm of John Blau. Two stubs of other stones lie adjacent this grave but no other inscriptions are visible.

<u>Map No.</u>	<u>Name</u>	<u>Block/Lot</u>	<u>Description</u>
22	Beekman Burying Ground	18001/27	"This cemetery was incorporated as the Beekman Cemetery Association on September 28, 1908 under provisions of an Act of the N.J. Legislature of March 12, 1890 that enables owners of private burying grounds to provide for their improvement, protection, and preservation. The incorporation was instituted by the decendants of Geradus C. Beekman and of Abraham Van Derveer, and by several plot holders. The present grave yard, comprising one-fourth acre, was reserved in a deed of conveyance of a tract of land made by Geradus C. Beekman to Abraham Van Derveer dated April 22, 1814 and recorded with the Clerk of Somerset County in Book H on page 538." ("Family Burying Grounds", p.1). The cemetery, protected by an iron fence, is in excellent condition; the names of the families interred therein are Aitken, Beekman, Campbell, Mosher, Newton, Reeve, Robbins, Shepard, Skillman, Vanderveer, Vander Veer, and Vail.
23	Martin Voorhees Burying Ground	17001/11	The Voorhees family burial plot is located on a bluff near the Pike Brook. Three marble monuments for Martin, Alice and Henry Voorhees and one weathered sandstone monument for "CARMAN" exist within the plot. There also are three rows of hard shale stones, for a total of ten stones, in line with the three Voorhees monuments.
24	Christopher Hoagland Burying Ground	18001/26	This family burial plot, approximately 25 feet by 75 feet, is enclosed within a chain link fence on a private residential lot. The cemetery is in good condition and is still being used by the Hoagland family. Seven of the monuments are the older marble and sandstone type; the remaining ones are newer granite.

Memorandum

To: Montgomery Township Zoning Board

From: Richard Bartolone

Date: May 22, 2020

Subject: : SectorSite, LLC and NYSMSA LP d/b/a/Verizon Wireless

26 Dead Tree Run Road

Block 17001, Lot 11.02

Case BA-02-20

Use, Height and Bulk Variances, Site Plan Approval with Waivers

As requested, this office has reviewed the site of drawings prepared by E2 Project Management, LLC, dated 11/19/19, last revised 1/23/20 for the above referenced application. The following comments are offered for your consideration.

1. The specified evergreen tree buffer -Emerald Green Arborvitae - is heavily browsed by deer in Montgomery. Suggested alternates are Green Giant Arborvitae at 8' on center spacing or Colorado Blue Spruce at 12' on center spacing. All evergreen trees shall be specified at a minimum of 6' height.
2. The most visible offsite views of the ground mounted improvements are from Dead Mill Pond Road. A continuous evergreen tree buffer shall be specified along the available space along the north, east and southern perimeter of the proposed fenced area.
3. The plantings specified for the lower section of the rain garden are all wet site tolerant plantings. The raingarden will be very dry most times of the year and herbaceous plant installed as plugs rarely survive. Please seed the basin with the Rain Garden Seed Mix from Ernst Conservation Seeds, Inc, Meadville, PA.

From: [Kristen Sargent](#)
To: [Cheryl Chrusz](#)
Subject: Case No: BA-02-20
Date: Monday, June 08, 2020 10:51:48 AM

Chery,

The Health Department has no comments on this application as it is unmanned and the septic system or wells on property will not be encroached upon.

Kristen Sargent, REHS

Montgomery Township Health Department
2261 Route 206
Belle Mead, NJ 08502
Phone (908)359-8211 ext 250
Fax (908)359-4308



ENVIRONMENTAL COMMISSION

Municipal Building
2261 Van Horne Road (Route 206)
Belle Mead, NJ 08502

Phone: (908) 359-8211

Fax: (908) 359-2006

To: Montgomery Township Design Review Committee
From: Montgomery Township Environmental Commission
Re: BA-02-20: SectorSite/NYSMSA VerizonWireless
Date: February 27, 2020

1. The Environmental Commission considers the proposed site for this project unsuitable, due to the impact on the River Road and the Bridgepoint Historic Districts, especially the Bridgepoint Historic District, which would have a very clear view of the whole tower, surrounded by historic farm structures, across an open farm field.
2. The applicant has in the past refused to plant trees around any cell tower except for small trees. The Environmental Commission has proposed that the applicant plant trees that after a century of growth might approach 100 feet tall, which in this case would screen only the lowest three quarters of the proposed structure, but the applicant has refused to plant tall trees. The proposed Emerald Arborvitae have a mature height of 10 to 15 feet, according to Michael Dirr. Furthermore, they are very attractive to deer.
3. Designation of a Historic District in Montgomery gives the Planning and Zoning Boards the responsibility to protect the district from inappropriate development.
4. This view, of the Johnson farm from the Bridgepoint Historic District, is also an iconic view of Montgomery Township, familiar to those who cross the historic Bridgepoint bridge.