

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - OCTOBER 7, 2014

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Jose Rivera, Charles McCook, Larry Kraemer, Robert Drako, James Kinneally, Esq., Mr. Zielinski for CME, Todd Bletcher, P.P.

absent: Mayor Nicholas Polisenno, Curtis Stollen, Mark Koppel, Daniel Auciello, Robert McNutt

MINUTES - September 2, 2014

These minutes were approved with a motion from Mr. Kraemer, seconded by Mr. Rivera, and all eligible members agreed.

VOUCHERS

Bills were paid with a motion from Mr. McCook, seconded by Mr. Kraemer and all agreed.

APPLICATION

NY SMSA LP d/b/a Verizon Wireless
Block 91 Lots 2 & 3
65-99 Old Stage Road

James Mitchell, Esq. represents the applicant. Verizon Wireless is seeking a small network node on the roof of the existing Shop Rite. A use variance, site plan approval and bulk variances are requested. The small network node will consist of outdoor cabinets and an antenna. The antenna is 2' tall and 15" in diameter. The coverage from this antenna will only reach out between 1,000 and 1,500 feet. There is a "hot spot" in the area

that has heavy usage, and this antenna will alleviate the coverage problems.

Mr. Mitchell advised that revised plans were submitted to the Borough several weeks ago, but they were not received by the Board.

Gary Lewis, engineer for the applicant gave testimony. He was accepted as an expert by the Board. An 11" x 17" set of revised plans was marked A-1. The applicant proposes to replace the 55" high cabinets depicted on the original plans with 36" high cabinets. The cabinets are also proposed to be relocated on the roof to a location where there are support columns under the roof. The finished equipment will result in rising approximately 3' to 5' above the screen wall and will no longer be located behind it. No other changes are proposed for the site, and no backup generator is proposed. The site will be unmanned but will be visited twice a month.

Mr. McCook questioned whether the cabinets could be shielded in some way. Mr. Lewis indicated that, using the original calculations based on the 55" cabinets, the existing joists will be at capacity when the units are installed. When new calculations are made utilizing the 36" cabinets, the applicant indicated that they would be willing to install a shield if feasible.

Small fans are located inside the cabinets but they will not be audible.

Mr. Bletcher questioned whether the cabinets could be painted to match the roof. Mr. Lewis indicated that the cabinets come in two colors, beige or gray. They will use the darker cabinets if they are available.

Ron Lukach, the applicant's radio frequency engineer, gave testimony. He was accepted as an expert by the Board. Mr. Lukach presented an area map (marked A-4) that depicts coverage, coverage gaps, and the existing antennae in the area of the application. The proposed antenna will not alleviate the entire coverage gap in the area, adding that, due to the topography, he was not aware that any device would be adequate to cover the entire gap area.

Mr. Drako questioned whether there would be any radio frequency interference with public safety coverage. Mr. Lukach stated

there would not. He added that it is a low power unit that will not exceed the maximum FCC set exposure limits. A report was submitted and marked A-7.

Mr. Mitchell discussed the proposed crane that will be installed to service the units. The crane will not be visible and will be behind an existing screen on the rooftop.

The proposed cabinets will house all of the frequency equipment and operational components and will be powered by a separate meter coming from Shop Rite's electrical power. This installation will only be utilized by Verizon.

Regarding the coverage gap area that will remain, Mr. Lukach stated that a new location would have to be considered in order to address that area.

James Kyle, the applicant's planner, gave testimony. Mr. Kyle was accepted as an expert by the Board. A use variance is required for this application. The existing building is in violation of setback requirements and will require bulk variances. It will be up to the Board whether they will require them. Mr. Kyle presented positive and negative criteria requirement testimony and found that the positives outweigh the negatives. Photos presented were marked A-3.

Mr. Bletcher discussed his August 5, 2014 report. The distance to the closest homeowner property line from the cabinets is 135'. The distance to Old Stage Road is 100'. The ordinance requires 500' to the closest residence but the applicant feels it relates to towers and not to the cabinets that are proposed. Mr. Kinneally explained to the Board that the applicant is seeking a use variance with bulk variance relief. Mr. Mitchell advised that the cabinetry could not be located on the ground, should sufficient screening not be supportable on the roof. Mr. Kinneally suggested that perhaps the Board could consider having the applicant return with analysis to determine whether screening the units was plausible. Mr. Kyle stated that a home on Janice Drive and a home on Old Stage Road are the areas of concern for screening purposes. The units may be able to be relocated farther back on the roof where they would be behind an existing tree line. A google map showing additional columns on the roof was marked A-8. The Board was in favor of relocating the cabinets farther back. The applicant agreed to address the issue with Shop Rite and would move the cabinets if approved by them. No additional lighting is proposed.

CME's August 29, 2014 report was discussed. Mr. Zielinski stated that their main concern is sound control, and requested that the applicant address the sound wall's integrity and to issue a report regarding sound emissions. Mr. Mitchell advised the Board that Shop Rite will probably withdraw their consent for the antenna should Shop Rite be required to make any major improvements on the site. Shop Rite has not signed a lease, they have only granted permission for Verizon to make the application. The applicant agreed to issue a report regarding compliance with the noise requirements. Mr. Mitchell stated that there is nothing Verizon could do if the homeowner will not let them on their property to measure sound levels.

Open Public Portion

Eileen Cella (sworn in)

12 Janice Drive

Ms. Cella stated that the proposed location for the cabinets will not affect her. She added that she will never hear the fans running over the current Shop Rite activities and truck traffic. She stated that the sound wall is useless as she hears everything at Shop Rite, adding that the sound study is an unjust test being imposed on the applicant. She stated that she will benefit from the antenna and is in favor of the application. There will be no noise or smell from this application, and questioned why the Board is making it difficult for the applicant.

There was no further public comment.

A motion to approve the application was made by Mr. Drako, seconded by Mr. Rivera, and all members agreed with the proposed revisions to the application.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary