

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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### Chairperson

Michael Shapiro

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Michael Mahon

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Ira Levin

Matthew Weilheimer

Alan Zwerin

Marc Ellenberg, # 2

### Zoning Board Clerk

Yvonne Cautillo

### Attorney

Ronald D. Cucchiaro, Esq.

### Engineer

Birdsall Engineering

Al Hilla, P.E., P.P.

### Planner

T & M Associates

Richard Cramer, P.P.

### Administrative Officer

### Zoning Officer

Sarah Paris

### Traffic Engineer

## ZONING BOARD OF ADJUSTMENT

SEPTEMBER 7, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

### ROLL CALL:

### PRESENT:

Michael Shapiro Jennifer Bajar,  
Michael Mahon, Alan Zwerin (late 8:20)  
Matthew Weilheimer, Mark Ellenberg

### ALSO PRESENT:

Ronald Cucchiaro, Esq., Board Attorney, James  
Priolo, P.E., Board Engineer  
Richard Cramer, P.P., Board Planner  
Sarah Paris, Zoning Officer

### ABSENT:

Frank Yozzo

The Board accepted the minutes of July 20, 2010.

Offered: Jennifer Bajar Second: Ira Levin

Ayes: 7 Nays: 0

Absent: 1 Abstain: 0

### No Public Session

### ZB10-6398 – Kevin and Karen Eldridge

Public Hearing for approval to construct two one-story additions, two covered porches and a concrete handicap ramp requiring bulk variances for an undersized lot for principal and accessory structures, exceeding total building and total permitted lot coverage at 569 Union Hill Road, Englishtown, NJ, Block 299, Lot 168 located in an R-80 Residential Zone.

The application was read into the record. The Board took jurisdiction. The following evidence was entered:



Ayes: (5) Ira Levin, Matthew Weilheimer, Jennifer Bajar, Michael Shapiro, and Mark Ellenberg  
Nays: 0  
Abstain: Alan Zwerin

**ZB10-6394 – T-Mobile Northeast LLC**

**Public Hearing for approval to construct a wireless communications facility, requiring use and bulk variances for an undersized lot and having insufficient fall zone on property located at 112 Amboy Road, Morganville, NJ, Block 172, Lot 34, in an IOR Zone.**

**The application was read into the record. The Board took jurisdiction. The following evidence was entered:**

- A – 1 Petition on Appeal
- A – 2 Denial by Zoning Officer
- A – 3 Indemnification and Hold Harmless Agreement
- A – 4 Disclosure Statement
- A – 5 Application Addendum
- A – 6 W-9/Corporate Ownership Schedule
- A – 7 Owners Affidavit of Authorization and Consent
- A – 8 Letter of Intent of T-Mobile Northeast LLC
- A – 9 Proposed Radio Frequency Site in Marlboro Township, NJ
- A – 10 Antenna Site FCC RF Compliance Assessment and Report prepared by Pinnacle Telecom Group, 14 Ridgedale Avenue, Cedar Knolls, NJ, dated April 27, 2010.
- A – 11 Notice To Adjoining Property Owners
- A – 12 Adjacent Property Listing
- A – 13 Certified White Receipts and Green Cards
- A – 14 Affidavit of Service
- A – 15 Affidavit of Publication
- A – 16 Memorializing Resolution for Marlboro Township Zoning Board of Adjustment for Petruzzelli General Contractors (ZB99-5886), Block 172, Lot 34, Dated 6/9/1999.
- A – 17 Survey for Block 172, Lot 34, prepared by Charles P Stewart, GC Stewart Associates, Inc., 320 Runnymede Road, Essex Fells, NJ, Dated 4/13/10.
- A – 18 Site Plan prepared for 112 Amboy Road, Block 172, and Lot 34, prepared by Charles P Stewart, GC Stewart Associates, Inc., 320 Runnymede Road, Essex Fells, NJ, Dated 6/8/10.
- A – 19 Report prepared by John Borden, Fire Sub-Code Official, Marlboro Township, NJ, Date 6/23/10.
- A – 20 Report prepared by Richard S. Cramer, PP, Planner, T&M Associates, Eleven Tindall Road, Middletown, NJ dated 7/8/10.
- A – 21 Report prepared by Marlboro Township Environmental Commission, Dated 6-3-10.
- A – 22 Report prepared by Alan P Hilla, Jr. Birdsall Engineering, 611 Industrial Way West, Eatontown, NJ, Dated 7/30/10.
- A – 23 Report prepared by Mark Kataryniak, PE, PTOE, Zoning Board Traffic Consultant, Tylin International/Medina, 550 Broad Street, Newark, NJ, Dated 8/20/20.
- A – 24 Site Plan prepared for 112 Amboy Road, Block 172, Lot 34, prepared by Charles P Stewart, GC Stewart Associates, Inc., Kunjan Shukla, Amara, 320 Runnymede Road, Essex Fells, NJ, Dated 8/26/10.
- A – 25 State of New Jersey Letter of Interpretation/Line Verification, Department of Environmental Protection, Trenton, NJ, Dated 2/10/06.
- A – 26 Freehold Soil Conservation District Exemption, 4000 Kozloski Road, Freehold, NJ, dated 6/23/10.
- A – 27 Copy of Non Executed T-Mobile Letter of Intent for 112 Amboy

- Avenue, Block 172, Lot 34.
- A – 28 Visual Analysis for T-Mobile Northeast including photo simulations of 112 Amboy Road, Marlboro, NJ, Dated 8/25/10.
  - A – 29 Copy of 4/21/10 signed site lease forwarded by Price, Meese, Shulman & D’Arminio, 50 Tice Boulevard, Woodcliff Lake, NJ, 8/27/10.
  - A - 30 Visual Analysis for T-Mobile Northeast including photo simulations of 112 Amboy Road, Marlboro, NJ, Dated 8/25/10.
  - A – 31 Copy of 4/21/10 signed site lease forwarded by Price, Meese, Shulman & D’Arminio, 50 Tice Boulevard, Woodcliff Lake, NJ, 8/27/10.
  - A-32 & A-33 Color rendering of existing and proposed sites in Marlboro with an overlay page for RF Presentation

Mr. Weilheimer recused himself from this application due to a conflict.

Reginald Jenkins, Esq. on behalf of the applicant, explained that the request for a 150 foot monopole required a conditional use variance. The monopole is designed to hold up to four carriers, but at this time T-Mobil is the only proposed carrier.

Daniel J. Collins, Chief Technical Officer Pinnacle Telecom Group, LLC was sworn in and his credentials accepted. He is testifying as an electrical engineer. The FCC licenses all antennae and established safety standards for them. Using the FCC’s formula the testing for this tower comes in at 4/10 of 1% of the FCC standard. Mr. Collins explained that the total leakage of all electrical items in a household are 10 times more that what such antennae give off.

Public Questions:

Andrew Mallozzi of 142 Amboy Road (Stillwell Capital, LLC), was sworn in and stated that he had a problem with this particular location of the tower on the site as it could be placed on the same site, in a different area that would not require a variance for the fall zone. Mr. Mallozzi was told that the RF Engineer would address this issue in his testimony.

Kunjan Shukla, P.E. was sworn, accepted as an expert, and proceeded to describe the site plan. He explained that the site is currently being used for storage of construction equipment. The proposed location is on the north end of the property. A monopole of 150 feet and a cabinet is proposed on an area that is 20’ x 30’ to be surrounded by an 8’ high chain link fence. The foundation for the monopole will be a caisson.

Mr. Shapiro questioned the need for the height of 150’ and the size of the compound.

Mr. Shukla stated that there is no parking or traffic issues as the site is visited about every three weeks by a single person in an SUV.

Mr. Zwerin asked if they were planning on softening the view of the monopole, and was told that another witness would discuss the stealthing issue.

Ms. Bajar pointed out that many antennae in town were placed on existing water towers and questioned whether they had considered placing theirs on the water tank that is on nearby Tennent Road. She was told that the RF Engineer would discuss the proposed location.

When asked about the fall zone, Mr. Shukla stated that the monopole is designed not to fail. But if it did fall, it is designed to fall down on itself. Mr. Cucchiaro asked about the monopole that did fail in Oswego, New York. That monopole fell down much like a tree. He pointed out that that's what this ordinance is meant to address as well.

The discussion of the fall zone brought out the fact that the specific location on the site was dictated by the landlord, so as to not interfere with his business on the site, as opposed to location by necessity.

Mr. Priolo pointed out that the ordinance allows a monopole of a height of 120 feet for a single carrier and that as of this time there is only one carrier.

Gary Alcott, Principal Senior RF Engineer, was sworn in and accepted as an expert. Entering exhibit A-32 & A-33 ( A single exhibit), he spoke of the existing and proposed tower sites and explained the gaps in coverage.

*Mr. Ellenberg left the for the evening due to illness. Mr. Jenkins was asked if he wanted to go on with testimony knowing there were only five members left on the dais. He asked that the RF Engineer could finish his testimony and then they would adjourn to a new night.*

When asked at what height the T-Mobil antennae would be at on the monopole, the answer was 150'. A discussion ensued regarding whether the water company had been asked if their antennae could be place on its tank. M. Alcott stated that there had been no interest. The Board requested that as this was township owned, and they should ask again.

Mr. Mallozzi was asked to voice any other concerns he had so that they could be addressed when the applicant returned. He asked how deep the caisson that will hold the monopole will be. The caisson depth is based on a detailed geotechnical investigation. Had they done any soil tests, topological tests or wetlands investigations yet? The applicant's attorney said they would get back to the Board on those questions. After some discussion, Mr. Cucchiaro stated that the suitability of the location on the site is indeed a zoning issue and asked that it be discussed further at the next meeting. Soil testing and a Phase One Environmental test should also be done.

This application was carried to October 19, 2010 at 8:00 p.m. An extension of time was signed. No further notice is required.

**EXECUTIVE SESSION:**

**Discussion of Pending Litigation**

**M E M O R I A L I Z A T I O N S**

**NONE WERE OFFERED THIS NIGHT. THEY WILL BE VOTED ON AT THE NEXT MEETING.**

**Motion to Adjourn.**

**Meeting Adjourned at 10:30 p.m.**

**Respectfully submitted,**

**Sarah Paris**

