

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – May 27, 2021
VIRTUAL ONLINE MEETING

1. **O.P.M.A. Statement:** A statement of adequate meeting notice and adherence to the state mandated emergency remote meetings protocols, as set forth on this meeting's web-posted agenda, was read by Chair, Robert Graham, at 7:35 pm.

2. **Roll Call:**

Present – Members Gardner, Graham, Horowitz, Kellogg, Macmillan and McQueen

Absent – Members Paluck, Simoff and Thompson.

Board Professionals Present: Attorney Steve Warner, Planner John P. Szabo, Jr. and Engineer Robert Brightly.

3. **Minutes:** Review of draft 5/13/21 meeting minutes.

Upon review, a motion to approve the minutes as presented was made by Ms. Kellogg and seconded by Mr. Horowitz.

Voice vote:

All eligible members voted in the affirmative except for Mr. McQueen who abstained.

4. **Communications:** 5/25/21 V. Bisogno, Esq. letter to G. Price re Essex Building, LLC request for pre-application conference.

Mr. Mottola informed the Board that he had contacted zoning officer Geoffrey Price to inform him that the applicant has the option to schedule a nonbinding, pre-application concept review with the Board should it so desire.

5. **Business of Visitors not related to agenda:** None.

6. **Old Business:** None.

7. **New Business:**

A. Application #SP-235 – NEW CINGULAR WIRELESS PCS, LLC; Minor Non-Residential Site Plan & Conditional Use Approval w/ out Variances; 150 Morristown Road, B:62, L:4.03, Zone: D-G.

Appearing on behalf of the application were attorney Judith Fairweather, radio frequency engineer Daniel Penesso, civil/structural engineer Jeremy McKeon and planner Paul Ricci. All of the applicant's professionals were sworn and qualified. the Board's professionals were also sworn.

Exhibits introduced:

A-1 A Google Earth screen shot aerial view of Bernardsville.

A-2 Sample of radio wave transparent fiberglass material to be used for visual screening of installed antennae.

Ms. Fairweather introduced the application, which proposes a total of nine (9) roof-mounted cellular antennae at the eastern, southern and western sides of the existing office building at 150 Morristown Rd. A centrally located equipment area on the roof will be expanded to contain a walk-in storage cabinet. A ground-mounted emergency backup generator at the east side of the building is also proposed. Screens erected to hide the antennae and equipment area will match the building. The use is permitted in the zone and no variances are required.

Mr. Warner certified that the applicant's notices were both timely and adequate.

Mr. Penesso stated that AT&T is licensed by the FCC to provide and operate cellular telecom equipment and services, which requires it to provide adequate cellular service to its customers. A color coded map created by Mr. Penesso and submitted with the application as "Map 1 AT&T Neighboring Coverage", was displayed to show the currently existing cellular coverage along a portion of Route 202 approximate to the subject site. The map depicts a coverage deficiency in the area surrounding the building, in particular in its 700 megahertz (mhz) "First Net" emergency network frequency, which is restricted to use by first responders and for which AT&T is the sole licensee. The proposed antennae are to fill this existing gap. Referring to maps 1, 2 and 3 of his 3/31/21 report, he explained how that would be achieved. At a maximum, the proposed antennae will produce only 6.6% of the RF exposure limit allowed by the FCC. The antennae would be less effective and need to be higher if located farther from the edges of the roof where proposed.

AT&T's two other closest antennas are located on a monopole in Basking Ridge and on the roof of the Essex Building in Bernardsville. Although the map depicts coverage in the 700 mhz bandwidth, gaps in coverage are greater for the higher bandwidths, for which AT&T is also required by the FCC to provide coverage. Exhibit A-1 was introduced to topographically describe the site and its environs. Responding to Chair Graham, Mr. Penesso affirmed that no radio waves could propagate into the building below due to how the antennae are aimed and the roof's impermeability to such waves. He stated that other wireless carriers could co-locate on the current rooftop, which would not adversely effect the proposed facility because additional carriers would have to maintain horizontal separation for their bandwidths. AT&T does not have an exclusive lease for rooftop use. A small-cell/distributed antenna system could not adequately service the gap at this location. The proposed facility will implement the latest 5G technology.

Members of the public with questions for Mr. Penesso:

Frank Bastone, 10E. Somerset Hills Ct.
Michael Bruno, 5F Somerset Hills Ct.
Carlos Luciano, 10B Somerset Hills Ct.
Christine Bruno, 5F Somerset Hills Ct.
Ruth Bashe, 9B Somerset Hills Ct.

Mr. Penesso's responses to questions from the public included:

There is not a better location for antennae to fill the current coverage gap along Rt. 202. All viable alternatives were explored but none were better or available. A tall monopole would have been preferable to AT&T, but such use is prohibited in the zone. No other tall structures exist in the area on which antennae could be located. Nine antennae are needed to provide coverage over the full spectrum of frequencies from 700 mhz to 2,300 mhz. Emissions from the proposed antennae are at the very low end of the FCC's allowable range and pose no health concerns.

The technology may change but radio frequency emission level will not increase. Forty to forty-five percent of all wireless subscribers have AT&T service, which directly relates to the coverage needed for vehicular traffic along Rt. 202 and nearby residential use. The proposed antennae will not interfere with other networks, all of which operate on different frequency levels.

Displaying certain sheets of the application drawings, Mr. McKeon described the site and its environs and explained the layout of the proposed rooftop development as well as a ground level generator. Three antennae are mounted on each of three antenna mounts on the roof, one each pointing south, east and west. Each group of three antennae will be surrounded by a radio wave-transparent, reinforced fiberglass (RFP) visual screen, which will match the color and texture of the office building. A sample of which was introduced as exhibit A-2 and displayed by Ms. Fairweather. She will provide a piece of the sample material for the application file. A walk-in cabinet and transformer will be placed on a raised platform that will be located within an existing, centrally located screened equipment area on the roof. The height of these existing screen walls will be raised four feet to match the top of the new walk-in cabinet. A slab-on-grade-mounted emergency generator is proposed for installation near the southeast corner of the building, behind an existing transformer, which is a bit behind the front/south building wall line. The generator will be visually screened with landscape plantings. It will only activate during power outages after power from the antennas' backup batteries has been depleted. The applicant stipulated that the generator will only be exercised on weekdays between the hours of 9:00 am to 5:00 pm. It will comply with the NJDEP noise standard of 65 dB or less. Among Mr. Brightly's 4/8/21 review comments, the rooftop screens, landscape plantings and method for measuring the building's height were discussed. The applicant agreed to revise the plans, as requested in the report, to show existing and proposed landscape screening, which will also screen an existing gas meter.

Responding to Board members' and Board professionals' questions, Mr. McKeon said that installation of the antennae and screens is typically accomplished within five to six days. The issue of how a crane might be used for the installation was discussed. Per Mr. McKeon, the antennae do not need to be set in place by a crane. Construction will occur between 9:00 am and 5:00 pm on weekdays. The height of the antennae will be 15' above the roof height, which complies with the ordinance. The drawings are to be revised so that height and elevation measurements can be more readily determined. The large size of the proposed 35 kW generator came into question. The applicant agreed to work with the Board's Professionals, to the extent possible, to install a smaller generator. Mr. McKeon stipulated that the calculations to determine the appropriate generator size would be added to the drawings. He added that a 35 kW generator is the standard size AT&T requires for facilities like this. Regarding the screening materials compliance with new ordinance provisions, Mr. Szabo opined that while the material is not specifically permitted, it fits within the design elements of the ordinance's provisions. Existing and proposed landscaping were discussed with the applicant stipulating that they would develop an appropriate plan acceptable to the Board's professionals.

Members of the public with questions for Mr. McKeon:

Carlos Luciano, 10B Somerset Hills Ct.

Ruth Bashe, 9B Somerset Hills Ct.

Michael Bruno, 5F Somerset Hills Ct.

Mr. McKeon's responses to questions from the public included:

Details about the generator (location, size, sound level, screening) were further explained. Only the sides of the three antenna clusters that face the roof will not be screened. Compliance with the noise ordinance was stipulated.

Mr. Ricci displayed and explained four photo simulations of the screened antenna clusters in their proposed locations, together with an aerial photo that served as a key to the points of view. These documents were submitted with the application. Mr. Ricci restated that the antenna screens are designed to match the building's façade and appear to be elevator penthouses on a roof. The proposed corrugated metal screening around the equipment area will also be finished to match the building. It will be less visible due to its centralized location on the roof. All of the screening is designed to be visually compatible with the building and is proposed to eliminate visual impacts to neighboring properties. The applicant's proposal is the least obtrusive means of providing signal coverage. This minor site plan application with a proposed use that is permitted by and complies with the zoning ordinance. The applicant is appropriately licensed by the FCC to operate the facility. There are more than 160 on-site parking spaces, of which only one will be used by the applicant, once a month. Mr. Ricci stipulated that the applicant will comply with all of the comments in Mr. Brightly's review report and all of the planner's comments. All of the cellular equipment will be removed if and when it is no longer needed and/or in use, as the ordinance requires. The height of the equipment cabinet platform will be reduced if necessary to strictly comply with the required limit. Mr. Ricci opined that the proposal constitutes sound land use planning.

There were no question from the Board for Mr. Ricci. Mr. Szabo said he has no issue with the proposal from a planning perspective and that the Board must decide whether visual compatibility requirements have been met.

Members of the public with questions for Mr. Ricci:

Ruth Bashe, 9B Somerset Hills Ct.

Mr. Ricci's responses to questions from the public included:

The locations of where the two different screening materials would be used was clarified. The location from which simulated view #4 was taken was stated to be the public street within Somerset Hills Village that is closest to the subject building.

Members of the public that were sworn and provided comments:

Frank Bastone, 10E. Somerset Hills Ct.: Owners of the subject site have not maintained the detention basin as they are required. The proposed location of the wireless facility probably impacts more residents than if located at an any other site in the Borough.

Michael Bruno, 5F Somerset Hills Ct.: Concurred with Mr. Bastone's comments and stated that the pond maintenance complaint was long standing. He asked for further clarification on location of photo simulation #4.

Ms. Fairweather summarized the application commenting on the commonality of cellular communications, the disappearance of *land lines* and the need for reliable cellular signal coverage in today's society. Using the latest technologies reduces the need for cell towers. This proposal satisfies that purpose and does so as permitted by the Borough's regulations.

Mr. Warner referred the application to the Board for deliberation and cited Mr. Szabo's report that finds it to be a conforming use without the need for variances. As stated in his report, Mr. Szabo reiterated the need for a landscape plan and opined that over time the antennae enclosures will blend in with the building's appearance. From discussion on the matter, the applicant stipulated to not placing any signage on the proposed facilities other than FCC required labeling and contact information, which would be in a location not visible by the public. Mr. Brightly believes that the proposed height falls below the maximum allowed. Enforcement of the neglected pond maintenance by the building owner was discussed. It was concluded that the applicant has no say in the matter and that enforcement efforts by the zoning officer are ongoing. The Chair expressed satisfaction with the low (6.6% of allowed) RF exposure level indicated by the applicant. Ms. Gardner felt the applicant did a good job of mitigating views of the antenna equipment. Mr. Warner generally summarized the conditions that would be attached to an approval of the application.

A motion to approve the application with all of the stipulated to and standard conditions was made by Ms. Gardner and seconded by Mr. McQueen.

Roll call vote:

All in favor: Members Gardner, Graham, Horowitz, Kellogg, Macmillan and McQueen.

Those opposed: None. Those abstaining: None.

B. Review 5/27/21 Bills List w/ Invoices.

Upon review, a motion to pay the listed invoices in the amount of **\$1,487.50** was made by Ms. Kellogg and seconded by Mr. McQueen.

Roll call vote:

All members voted in the affirmative.

- 8. Upcoming Board Reviews/Public Hearings/Pending Applications: None.**
- 9. Business of Visitors, second opportunity: None.**
- 10. Executive Session: None.**
- 11. Adjournment:** Chair Graham adjourned the meeting at 10:55 pm.

Respectfully submitted,



Frank Mottola, Planning & Zoning Boards
Administrative Officer & Recording Secretary

Keywords: AT&T-Cingular-wireless-150-Morristown-Fairweather-Penesso-McKeon-Ricci