

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
May 17, 2017

Chairman Dr. Sireci called the Board of Adjustment meeting of May 17, 2017 to order at 7:35 pm. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

NOTICE OF MEETING

Chairman Dr. Sireci announced the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL:

Frank Herbert, <i>Vice Chairman</i> – Absent	Frank Valcheck – Present
John Stamler – Present	Dr. Steven Sireci, Jr., <i>Chairman</i> – Present
Helen Haines – Present	Steve Monte (Alt. 1) – Present
Curtis Suraci – Absent	Philomena Cellilli (Alt. 2) – Present
Fred Gladstone – Absent	<i>Seat Alternate 3 - Vacant</i>
	Paul Kaminsky (Alt. 4) – Absent

Also in attendance: Mark Anderson, Esq., Board Attorney (Woolson Anderson Maziarz, P.C.); David Maski, PP, AICP, Planning Director/Board of Adjustment Secretary; Richard Brown, PE, Board Alternate Engineer (Carroll Engineering); Dr. Bruce Eisenstein, Board Consultant RF Engineer; and Lucille Grozinski, CCR.

ACCEPTANCE OF MEETING MINUTES

May 3, 2017

- There was a motion and a second to approve as written.
- **Roll Call:** Mr. Valcheck – yes; Ms. Haines – yes; Mr. Monte – yes; Ms. Cellilli – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

- None

BUSINESS FROM THE FLOOR (*For Matters not on the Agenda*)

- None

PUBLIC HEARING - APPLICATIONS

VERIZON WIRELESS – Hillsborough 5 (324 Woods Rd) – File BA-15-18 – Block 205.03, Lot 26 (*formerly Block 205, Lot 37*) – 324 Woods Road. Applicant seeking Preliminary and Final Major Site Plan Approval, 'd' Use Variances, and other such variances, waivers, and approvals required to construct a new wireless communications monopole and equipment compound on property located in the RA District. *EC Review: 1-25-16 Continued from April 19, 2017 without further notice.*

1. Chairman Dr. Sireci noted the new recusal of Mr. Gladstone.
2. There was a motion to extend the limit of Dr. Eisenstein's contract by \$2,000. It was seconded. All aye, none opposed. Motion carries.
3. Mr. Simon questioned Dr. Eisenstein about his experience as well as technical aspects of this application.
4. There were questions about what the Applicant provided for Dr. Eisenstein.
5. There was clarification that Dr. Eisenstein was testifying only based on his experience as an RF Engineer.
6. Mr. Stilwell questioned Dr. Eisenstein about the appropriate signal strength.
7. Open to public questions.
8. Hugh Brennan, 24 Pembroke Terrace, asked if the prevalence of WiFi would eliminate the need for capacity.
9. Dr. Eisenstein briefly discussed the presence and effect of WiFi.
10. Tom Columbia, 36 Pembroke Terrace, asked for clarification on device "hand-off" from WiFi to 4g or 3g.
11. There was discussion regarding dropped calls, data, and existing towers that the proposed Woods Road tower would supplement.
12. Erin Morris, 23 Vliet Drive, asked about on-board WiFi in vehicles and Dr. Eisenstein described how it works.
13. There was brief discussion on the impact of new Hillsborough 6 site.
14. Mr. Simon called his clients up as witnesses.
15. John Moretti, 7 Titus Court, was sworn in.
16. **Exhibit O-7:** 8 pages of photographs, taken in August 2016 from 7 Titus Court
17. **Exhibit O-8:** 14 pages of photographs, views from a drone taken in October 2016
18. Mr. Moretti testified that the drone was flown at the height of the tower.
19. Mr. Moretti testified the effect of the proposed cell tower on the FM transmitter used in his daughter's hearing aids.
20. Linda Marucci, 4 Vliet Drive, was sworn in.
21. **Exhibit O-9:** Photograph taken from 4 Vliet Drive
22. Ms. Marucci described the photograph and the disruption of the view a cell tower would create.

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23. Open to public comment.
24. Tom Columbia, 36 Pembroke Terrace, read the 'd' use regulations and stated in his opinion this application does not meet this criteria.
25. Karen Schneider, 322 Woods Road, was sworn in and testified to the outdated nature of the FCC regulations and noted her health concern living next to the tower.
26. Mr. Anderson reiterated that the Board is not permitted to consider testimony about health concerns and that it would not be in the benefit of the public to submit further testimony on this topic.
27. Patricia Ruby Bachmann, 367 Woods Road, was sworn in and discussed the drop in property values, her personal experience of not having problems with Verizon service in the area, and the safety hazard of a tower.
28. **Exhibit O-10:** News articles about safety hazards of towers not related to health factors
29. Mr. Stilwell objected to the exhibit as it is hearsay.
30. Mr. Anderson reminded the Board that they may consider hearsay as long as they weigh the information carefully.
31. Ms. Bachmann commented on the lack of preventative measures around the tower to keep children out.
32. Bob Brock, 10 Surrey Drive, a 32 year member of the fire house stated his personal opposition to the tower.
33. Ira Richmond, 322 Woods Road, was sworn in.
34. **Exhibit O-11:** View from the pool deck of 322 Woods Road
35. Mr. Richmond testified to the destruction of the view from his property, the lowering of the property value, and his opposition to the application.
36. Kim Caridi, 321 Woods Road, was sworn in.
37. **Exhibit O-12:** Photograph from front door of 321 Woods Road
38. **Exhibit O-13:** Photograph of back yard of 321 Woods Road
39. **Exhibit O-14:** Photograph from 321 Woods Road
40. There was clarification that the photo from Exhibit O-14 was zoomed in.
41. Ms. Caridi went on to say she has never had a problem with cell service in the neighborhood.
42. **Exhibit O-15:** 16 photographs, 8 that Verizon submitted and 8 Ms. Caridi took
43. **Exhibit O-16:** 3 photographs from 326 Woods Road
44. Erin Morris, 23 Vliet Drive, expressed her opposition to the application.
45. Penny Brach, 65 Amwell Road Flemington, was sworn in.
46. Ms. Brach testified to her personal difficulty as a realtor to sell homes on Eyring Road with high tension wires throughout the neighborhood.
47. Mr. Stilwell briefly questioned the witness.
48. Denise Wagner, 7 Vliet Drive, was sworn in.
49. **Exhibit O-17:** rendition of what wireless tower would look like from front yard of 7 Vliet Drive
50. Mr. Stilwell objected to the exhibit because Ms. Wagner stated she did not put the tower into the photo herself.
51. Ms. Wagner noted her opposition to the application.
52. Tom Wagner, 7 Vliet Drive, noted his opposition to the application.
53. Linda Ford, 420 South Woods Road, noted her opposition to the application.
54. Chairman Dr. Sireci clarified that the Board must make a decision based on evidence, not on whether or not they like an application.
55. Barbara Kaulius, 8 Hickory Hill Road, noted her opposition to the application.
56. Jillian Richmond, 322 Woods Road, stated that her property would have a direct view of the tower from the backyard.
57. Emily Caridi, Resident, noted her opposition to the application.
58. Patrick Reilly, 12 Vliet Drive, was sworn in.
59. Mr. Reilly noted his concern with approving a tower in a residential neighborhood as it may set a precedent.
60. Mr. Reilly testified to an example of this precedent being an issue at a Zoning Board meeting in a different town.
61. Mr. Reilly testified to a letter written by Mr. Conard, owner of a large preserved farm in Hillsborough, that he would allow the wireless tower on his property.
62. Rob Cotter, 1 McIntire Drive, was sworn in and testified to his good cell service in the area.
63. **Exhibit O-18:** Photograph taken from the Route 206 Bypass of Hillsborough Road and Homestead Road
64. Jim Conn, 3 Vliet Drive, noted his opposition to the application based on his desire for Verizon to come up with an alternative.
65. Hugh Brennan, 24 Pembroke Terrace, discussed wireless tower applications in other towns, including Montgomery, Basking Ridge, and Bernardsville.
66. Roy Horowitz, 16 Pembroke Terrace and Vice President of the Volunteer Fire Company #3, was sworn in.
67. Mr. Horowitz testified to lack of wireless service in his home and at the Fire House.
68. Mr. Horowitz described a couple examples of emergency situations where there was no cell service in his home.
69. Mr. Horowitz clarified that his personal cell phone is through AT&T.
70. Mr. Simon and the public questioned the witness.
71. There were no more public comments.
72. The Board discussed the structure of the meetings to follow, which would consist only of summations and the vote.
73. There was a motion and a second to continue the application to June 7, 2017 without further notice.

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BOARD OF ADJUSTMENT BUSINESS

- None

CORRESPONDENCE

- None

ADJOURNMENT

The meeting adjourned at 11:15 pm.

*Respectfully Submitted by: Caitlin Davis, Planning & Zoning Clerk
Reviewed by: David Maski, Planning Director/Board of Adjustment Secretary*

APPROVED