



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

Clinton, N.J. 08809-5194

(908) 735-8616 FAX (908) 735-8082

Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board meeting held on July 18, 2017 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Sailer called the meeting to order at 7:00pm and read the "Statement of Adequate Notice" and the "Administrative Statement".

Adequate notice of this meeting has been provided indicating the time and place of the meeting with the proposed agenda, which notice was posted, made available to the newspapers and filed with the clerk of the Town of Clinton in accordance with Section 3(d) of the Public Laws of 1975".

"Meetings are held on the first Tuesday of each month. Applications must be filed at least 21 days prior to the meeting date. In order to ensure that all applications receive complete and thorough consideration of the board, all meetings will adjourn no later than 10:00pm with all items not concluded to be carried over to the next month's agenda".

Attorney Caldwell and Mr. Robert Clerico were present.

ROLL CALL:

Present: Mr. Sailer, Mr. Feldmann, Ms. Healy, Mr. Mellick, Mr. Schaumburg, Mr. Smith, Mr. Viotto

Absent: Mr. Blanco, Mr. Carberry, Mayor Kovach, Mr. Maher

Approval of Minutes:

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to approve the June 6, 2017 minutes:

All Ayes. Motion Carried

Abstain: Feldmann

Sign Variance Application- Block 3 Lot 1- Clinton Village LLC:

Carried to September 5, 2017

Sign Variance Application- Block 10 Lot 10- JP Hepp:

Mr. Jean Paul Hepp advised the board he is relocating his business to 12 Lower Center Street and would like the board to grant him approval to install a second ground sign where the ordinance only allows one ground sign. The building has a front entrance by Lower Center Street and a back entrance by the public parking. The sign will meet all the ordinance regulations with the exception of the number of ground signs allowed.

A Motion was made by Mellick, seconded by Ms. Healy to approve the second ground sign as presented tonight:

All Ayes. Motion Carried.

Voucher approval:

A Motion was made by Mr. Feldmann, seconded by Mr. Viotto to approve the vouchers:

All Ayes. Motion Carried.

Application for Height Variance/ Preliminary & Final Site Plan- Block 3 Lot 2**Cellco Partnership d/b/a Verizon Wireless:**

Attorney Mike Breen, Frank Colasurdo, Architect, James Shelton, Radio Frequency Engineer, Daniel Schleck, Electrical Engineer, William Master, Planner and Alison Gulino, Stenographer were present.

The following items were submitted into evidence:

- A1 Application
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's Certified 200 foot list
- A4 Tax Certification dated July 12, 2017
- A5 Architectural prints prepared by Frank Colasurdo, RA dated May 10, 2017
- A6 Photograph Views dated April 11 2017 (6 Pages)
- A7 Site Inventory List
- A8 RF Emission Study prepared by V-Comm, LLC dated 5/11/17
- A9 Colored rendering of coverage area
- A10 Photo exhibit of rooftop equipment
- B1 Robert Clerico, Van Cleef Eng. report dated July 12, 2017

Attorney Breen stated the applicant was here tonight to seek height variance and site plan approval to install three antennas located on the roof top of the Holiday Inn. The proposal complies with the ordinance standards with the exception of the height. The hotel was approved with a height variance of 52' and the antenna will extend 10' above the roof, therefore a D variance approval is needed. Attorney Breen advised the board the application was filed as NY SMSA however Verizon's' Hunterdon branch is actually Cellco Partnership the plans were filed under the corrected entity.

Mr. Frank Colasurdo, Architect was sworn in. Mr. Colasurdo advised the board the applicant proposes to install three groups of wireless telecommunications macro cell antennas which are referred to as the Alpha sector, Beta sector and Gamma sector. All the sectors will consist of three antennas supported on a steel panel and concealed on three sides. The Alpha sector will be located in the upper north east section of the roof, the Betta will be in the south east section and the Gamma in the south west corner of the roof. A steel platform will be located between the Alpha and the Betta which will house the radio cabinet which is the brains of the operation. In addition to the antennas there will be two GPS units mounted to the concealment cabinet which will be 4" in diameter they will look like a smoke detector. The antennas will be completely sealed from public view however the GPS units will be seen.

Mr. Colasurdo stated the ground mounted diesel fueled generator will be located in the existing fenced in dumpster area in the south east corner of the lot, the generator will be 84" high and 48" wide. The generator will be self-tested with a remote start bi-weekly for approximately 30 minutes. The generator will not produce any smoke, odor and the noise will not exceed the state standard decibel level of 65. There will be two 20 watt led flood lights installed in the enclosed area which will operate on a twenty minute timer.

Mr. James Sheldon, Radio Frequency Engineer was sworn in. Mr. Sheldon stated that Verizon is an FCC licensed carrier, the purpose of the facility is to offer capacity relief. The area does not offer a dominant site so during the peak periods, service is insufficient, slow speeds, inability to connect and difficulty making voice calls are all experienced by users. The priority is to provide capacity relief in the dense areas during the high usage times. The Holiday Inn site is superior to other locations due to the topography, the macro site will spread traffic out between the three sectors.

Mr. Daniel Schleck, Electrical Engineer was sworn in. Mr. Schleck testified the proposal will comply with all the FCC regulations and the study outlined in his report dated May 11, 2017 shows that Verizon which operate under four different frequency bands will operate way below FCC Limits.

Mr. William F. Masters, Jr. Professional Planner was sworn in. Mr. Masters advised the board tonight they are seeking a D Variance approval. The property is located in the OB-2 Zone in which wireless telecommunications are permitted on existing buildings provided the antenna does not exceed more than 10 feet than the maximum building height for the zone. The hotel was approved with a height variance of 52.16 feet, which exceeds the 40 foot maximum height in the zone and the antenna will extend 10 ½ feet above the roof, therefore a height variance is needed. The antennas will be concealed on three sides, the concealment panels will be made of fiberglass and Styrofoam, the exterior will be a textured color to match the façade of the hotel.

The project promotes the overall objectives of the wireless ordinance. Mr. Masters believes the applicant has meet the positive criteria the courts have found having an FCC license should satisfy the burden of proof, the operators have three FCC licenses. In addition to the FCC licenses the site is an appropriate suited site, the Town’s Master Plan indicates a strong preference to utilizing existing structures for the antennas. In regards to the negative criteria the visual impact is minimized the antennas are concealed on three sides, the concealment matches the hotel façade the degree of determent does not rise to substantial detriment. Mr. Masters stated when looking at the positive and negative criteria the four part Sica balancing test was used, looking at the public interest at stake there is a significant benefit to the general public; the antennas are behind panels so there is no substantial detriment; the panel façade matches the hotel which is a reasonable condition to be imposed and the positive benefits significantly outweigh the negative criteria.

The board agreed the project would be a benefit to the community, there is a need to increase service, the project will not have a negative impact to the community or the zoning ordinance.

A Motion was made by Mr. Schaumburg, seconded by Mr. Smith to approve the variance and the preliminary and final site plan for Cellco Partnership dba Verizon Wireless as presented subject to the applicant submitting a detailed plan of the loading area and amending the plans to show the diesel generator. In addition Attorney Caldwell will review the original resolution on file to confirm there were no conflicts.

Roll Call Vote:

Ayes: Mr. Sailer, Mr. Feldmann, Ms. Healy, Mr. Mellick, Mr. Schaumburg, Mr. Smith, Mr. Viotto
Nays:

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Schaumburg, seconded by Mr. Viotto, to adjourn the meeting at 8:35pm:

All Ayes. Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Administrator