

**Borough of Watchung
Planning Board Meeting Minutes
7:30 p.m. March 21st, 2017**

Chairwoman Schaefer called the meeting to order at 7:30 p.m. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were:

Schaefer (present) Boyd (absent) Desnoyers (present) Ellis (present) Haveson (absent) Sopko (absent) Pennett (present) Pote (present) Speeney (present) Spingler (present) D'Annunzio (present)

Linnus (present) Herits (present)

Chairwoman Schaefer indicated that there was a quorum to conduct business and stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act and proper notification of this meeting had been made. She asked for a motion to waive the reading and approve the minutes of February 21st, 2017, it was so moved, seconded and carried on a voice vote.

Madame Chair announced that the Seritage Application (Sears) will be adjourned to April 18th 2017 due to improper notice.

The secretary called application: PB17-01 PSE&G Oakwood Road Block 7401 Lot 2 Site Plan approval and bulk variances. Attorney for the applicant, Dean Stamos, said at the last meeting the applicant was asked to remediate noise effects and brought experts to provide testimony. Mr. Ferrante, Engineer was sworn in and testified they looked at the two main concerns brought up by the board and the objectors, the access via Johnston Drive and the noise levels. He presented Exhibit A-1 figure 1 as an aerial photograph of the location including the houses closest to the tower. Exhibit SK-1 (booklet) shows the proposed access way from Johnston Dr. as well as some of the modifications we made to the compound to address the sound measures. The generator is still a 50KW generator, but much more sound efficient. We changed the AC system to a split system with a 3 ½ ton Lennox unit which has more efficient sound attenuating features, and a silencer that will be placed on the two air exhaust louvers in the shelter to provide additional sound attenuation. Another silencer known as a muffler will be inside the shelter placed on the generator. We are proposing to add fencing to the shelter which provides additional soundproofing.

Mr. Ferrante testified that he spoke to PSE&G and if the board desires the access could be from Johnston Dr. The compound has been made slightly bigger from what we presented at our last meeting, but the southernmost corner of the compound remains the same because we have a 10 foot restriction. We kept the set-back to the property line and grew the compound to the northwest. To meet the noise requirements we had to make the fenced in area slightly larger to maintain the 3 foot required access. The fenced area changed from 19 ½ feet to 23 feet and from 34 feet to 40 feet but the shelter itself remained the same. Your ordinance requires a wooden fence, but we are proposing an 8 foot high sound attenuating fence that has stronger properties to absorb sound. HVAC units are typically running all day long. The generator is for emergencies only, and exercised for 30 minutes. In comparison, all that has changed is the fenced in area. The Chair called for questions from the board. Mayor Pote asked if PSE&G had used this type of mitigation in the past and how often does the 30 minute exercise occur. Mr. Ferrante said the sound consultant would address further, but yes they had done this before

and typically it gets exercised once a month. Mrs. Pennett asked how often a PSE&G employee would come out to check the equipment and from where he would he access it. Mr. Ferrante said these facilities are monitored remotely 24/7, but typically every 4-6 weeks an employee would go to the site with an SUV and be there about an hour via a gate on Johnston. Hearing no more questions from the board, Madame Chair opened it up to the public. Mike Finne, 180 Oakwood Rd. asked if there were any plans for landscaping around the fence. Mr. Ferrante responded that there are restrictions imposed by the BPU (Board of Public Utilities) such as no trees on the R.O.W. (Right of Way). Because of the restrictions, all we can do is provide shrubs that grow no more than 3 feet high. Mr. Finne asked if the gas is coming from Johnston Drive. Mr. Ferrante stated our drawings show Oakwood, but there is gas on Johnston Dr. and we could do that as well. It's underground so it doesn't matter. Dan Polise, 138 Oakwood Rd. asked for the size of the condensers and if they were single speed fans. Mr. Ferrante said they are 3 1/2 ton condensers with typical fans that you would see in residential. Mr. Polise asked if they had considered a variable speed fan. For this application I feel this one would do what's needed and more importantly for the sound mitigation process. James Baillargeon 75 Oakwood Rd. asked for clarification that they are going from 2, 4 ton units to 2, 3 1/2 ton units. Yes we are. Mr. Baillargeon asked for the maximum power being transmitted. Corby Sluss, radio frequency engineer for Motorola, said it's around 35 watts. Hearing no further questions, Mr. Stamos introduced sound engineer Benjamin Mueller, Ostergard Acoustical Associates, 200 Executive Dr., West Orange. Mr. Mueller said they worked on noise control output while minimizing any design changes to be compliant with ordinances. He submitted his report as Exhibit A2 and summarized his report by explaining NJ statewide noise codes limits emissions such as this one to 65 DBA during the day 7am-10pm and 50 DBA from 10p.m. to 7am. Watchung's noise ordinance limits emissions such as this to a 55DBA during the daytime and 50 DBA at night. When it's an emergency we understand that there is going to be more noise. Regarding the question about variable speed, condensing units are cyclical in nature, so they are either cooling or heating or they're not. They are much like a compressor or AC unit in your house. We worked closely with the engineering team to develop mitigation measures that we could implement into our existing design to meet compliance. Only one condensing unit will ever be used at a time, the second one is there as a back-up. For our model, we set it up so that the condensing unit closest to the nearest property line is working. Looking at the results we see that locations A & B are 13 or so feet away from the perimeter fence, perhaps 20 feet away from the shelter and we are seeing maximum levels of about 26-37 DBA. As you go further away and get to houses, we are going to be in the teens falling between 10-17 DBA, very, very low levels. When the emergency generator operates, 30 minutes once a month, this is a different noise source. The generator is going to be inside the building and our shelter is concrete so that's our enclosure. For this analysis, noise is going to go in and out of the exhaust and intake ventilation vent and up through the muffler. For exercising purposes this will only be during the day time which is 55 DBA for our Watchung ordinance and we have emission levels of 53 and 47 which are in compliance. At locations where the residents are located the sound attenuations are in the 24-37 DBA, which is substantially lower. Which would be in compliance with DBA night-time level of 50 DBA. Mr. Stamos asked Mr. Mueller to discuss the fencing mitigation properties. While the ordinance calls for a wooden fence, we would not stand behind the acoustics of that product. We selected a product that is acoustically rated and is specifically engineered product for this application as well as blends in nicely with the residential environment. The Chair called for questions from the board. Mr. Speeney asked if the monthly testing was done under a full load. No it is done under idle. Mr. D'Annunzio asked what the decibel levels registered when airplanes passed. Mr.

Mueller said the maximum levels were mid to upper 60s. Madame Chair asked if the fence could be easily climbed. The fence is an 8 foot tall sheet of vinyl. Mr. Herits asked if there was sound mitigating equipment inside the building as well. Yes, on the interior of the shelter, we propose to use sound absorbing material. Mr. Desnoyers asked if the equipment needed to be heated in the winter or only AC in the summer. It does have a heat pump. For our model we show it operating all the time but we know it's only going to operate on demand. On a mild night it won't need heating or cooling. Mayor Pote asked if they have you used this material before to prove out this simulation? Yes absolutely, noise is a science and there is proven technologies that show energy dissipates or re-directs. Mr. Speeney asked if the noise would be measured monthly, annually, or how often. After some discussion, Mr. Herits suggested the best thing to do would be to have a test post construction and also said in the many years he's been with the borough he hasn't heard of any noise complaints with towers.

The Chair called for questions from the public. Mike Finne asked if the ambient test was based on summer time or winter time. Mr. Mueller said his personal visit to the site was representative of March 21st 2017. Our site emissions are the only thing that is regulated it does NOT include ambient conditions. There is not a great enough distance (approx. 200 feet) from our site to the nearest house where meteorological effects can have a strong impact on sound, so I would stand behind that this is representative of a year round condition. Mr. Herits asked if the model assumes there's anything between the shelter and houses like trees. We don't have any trees considered and we treated the ground as hard ground. We used a very conservative approach-worst case scenario. James Baillargeon, 75 Oakwood asked for air density models and how that works out. Mr. Mueller said they picked middle ground conditions, normal temps, atmospheric conditions and I'm not sure when there would be a situation where the air density would change in Watchung, perhaps Colorado or higher elevations. If your air density is going from allowing it to propagate freely to allowing some resistance from it, the most it would change by would be 3 DB.

Mr. Stamos introduced his professional planner Brian Seidel, Pottstown, PA. He testified that this application was a permitted use. He submitted Exhibit A-3 as an aerial photograph of the site with photo simulations of the antennas. We made some changes to the equipment shelter based on the feedback received from the last meeting and submit A-4 view #9 from PSE&G easement southwest showing the proposed equipment shelter and the fenced enclosure and Exhibit A-5 as view #10 from PSE&G easement viewing north. Both are very similar views. Exhibit A-6 is view #8 from PSE&G easement and Johnston Dr. Mr. Seidel handed out a packet to the public (Exhibit A-7) showing all the views previously submitted except view #9 and #10 which he had on the easel. He summarized the contents of each view for the public and the board and testified that the antenna visibility in view 7 was a minor addition to the view. Based on the vegetation surrounding that area the antenna are really negligible and beyond the line of site. He added that the site plan requirements had to do with the installation of a new tower and that PSE&G was NOT adding a new tower, just antennas. Mr. Seidel summarized the applicant's compliance with the standards applicable to antenna installation. Mr. Linnus asked if they were providing a landscape buffer. Mr. Seidel said in lieu of the landscaping buffer, we are providing a solid fence. A copy of the deed was submitted as Exhibit A-8. He testified based on the design from a visual perspective and noise perspective that this is very minimal in nature and that the application is beneficial for the area. PSE&G communications within their company is important in emergency situations. Madame Chair wanted confirmation that the antennas on the tower south of this one would be coming down. Mr. Seidel said yes that is correct. She

then called for questions from the board. Mr. Desnoyers asked if they were also adding a dish antenna. Mr. Seidel said yes the dish antenna is generally in line with the monopole itself. Mr. Speeney asked if view 9 was the design of the shelter that will be used. Yes, that is our representation of the shelter and sound attenuation wall. Chairwoman Schaefer asked if the coaxial cables can go underground or at ground level instead of on a bridge. Mr. Ferrante said yes it could. Madame Chair said perhaps that's a better solution for safety. Mr. Ellis asked if they had checked their frequencies with the police and fire. Mr. Minneo testified last time that they were in their own specific frequency band. Hearing no more questions from the board, the Chair opened it up to the public for questions. Glen Staropoli, 160 Oakwood Rd., was concerned about the view of the shelter when there is no foliage. Mr. Ferrante said because of the need for access, we don't put them below grade. We could possibly raise the grade on the outside of the shelter. Mr. Staropoli asked if they could raise the grade and plant evergreens. The Board of Public Utilities (BPU) does not allow trees in the R.O.W. (Right of Way) they may allow 3 foot shrub. Mr. Ferrante said we could raise the ground a little. The Chair asked if they could possible raise the ground and plant the 3 foot shrubs on top of that. Mr. Ferrante said he would take it back to PSE&G and see if they would allow it. Mr. Herits asked if the building was pre-cast concrete. Mr. Sluss replied, yes and clarified that it is a concrete construction, but the outside is a pebble-like texture. Madame Chair requested the applicant provide sample colors of the fencing. She then called for additional questions from the public. Hearing none, she opened it up for comments from public, hearing none the public session was closed. Chair re-opened the public session as someone from the public wanted to speak. James Baillargeon, 75 Oakwood Rd., commented that a 50 KW generator and 3 ½ ton is overkill for 35 watt station and he doesn't understand how PSE&G applied as an existing station when it clearly doesn't exist. Mr. Stamos commended Mr. Baillargeon for his research, however we are not here under the sections he cited. It doesn't apply. We are here before the zoning ordinance as a permitted use at the location. In reference to utilization of existing structure, there is nothing in the law anywhere that says you can only attach antennas to a structure that has an existing equipment compound at the base. Mr. Linnus agreed with Mr. Stamos. The variances and site design exceptions are to be reviewed by the board for approval, however it is very clear that a wireless tower telecommunications facility, which includes the existing tower, the antennas and the base station are within the jurisdiction of the board. Mr. Herits clarified what Mr. Baillargeon cited specifically the MLUL was when you don't have to come in for site plan because certain conditions are met. Mr. Linnus agreed. But because PSE&G didn't meet those conditions that's why they're here. Mr. Baillargeon thanked the board. The Chair called for any other comments from the public, hearing none, the public portion was closed.

The Chair made motion to have Mr. Linnus draft a resolution with the following conditions for approval.

- 8 foot fence with RFP fiberglass sound silencer fencing
- Landscaping will be a 3 foot high berm with 3 feet high deer resilient shrubs on three sides
- The generator will run 30 minutes (exercise) a month
- Decibel levels will be confirmed post construction that they are within the boroughs ordinance levels
- There will be no other carriers allowed on this pole
- Antennas that are on the pole to the south of this pole will be removed
- The cable will be placed underground from the pole to the compound.
- The color of fencing will be determined at our next meeting

- Access to build this compound, gas line and traffic will be from Johnston Dr.

Mr. Stamos interrupted Madame Chair, the cable bridge cannot be put underground. Chairwoman Schaefer asked for the diameter of the co-axle cable and the diameter of the bridge. Mr. Ferrante said the cable bridge is 24 inches wide with the co-axle cable underneath it. Mr. Seidel clarified for Madame Chair, the cable bridge is not conduit like. It's a horizontal ladder. The intention is to act as a brace for the cable connecting it to the equipment compound and protect that cable from the weather and the elements. After discussion from the board, the applicant and the professionals, it was decided that the cable being placed underground would be removed as one of the conditions and the cable bridge would be constructed as proposed. Madame Chair asked if there were any more conditions to add. Mr. Linnus added the antennas and the support equipment including the generator should be removed by the applicant when service is no longer provided by the approval in compliance with the ordinance. The motion was moved, seconded and carried on a call of the roll Mr. Desnoyers (yes), Mr. Ellis (yes), Mrs. Pennett (yes) Mayor Pote (yes), Mr. Speeney (yes) Chairwoman Schaefer (yes). Notice is given that this matter is carried over to the next meeting of April 18, 2017.

Discussion: Time of Decision Rule. Mr. Linnus explained that this rule was created because by the time an application reached the court of last resort the towns had the ability to change ordinances and zoning and the higher court would have the ability to make a ruling based on the new ordinances and zoning. A few years ago the legislator said, no, it's got to be at the time of application, so that the rules and regulations the boards would follow would be the ones in effect at the time the developer applied for the application in which the board has 45 days to deem complete. The appellate division made a ruling that states as long as you have a checklist that's adopted by ordinance and all the requirements are fulfilled that's good enough. That is to prevent a developer from coming in and just filing an application for the sake of filing an application with a piece of paper and a site plan and saying it's complete.

The Chair announced next month we'll finish PSE&G and then we'll hear Seritage. Meeting adjourned at 10:15p.m.

Respectfully Submitted,

Maryann Amiano
Planning Board Clerk