

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF LONG HILL
MORRIS COUNTY, NEW JERSEY**

**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
LONG HILL ROAD
GILLETTE, NEW JERSEY 07933
BLOCK 13908, LOT 15.01
APPLICATION NO.: 21-10Z**

**Hearing Date: July 6, 2021
Board Action: July 6, 2021
Memorialization: August 31, 2021**

WHEREAS, New Cingular Wireless PCS, LLC – AT&T (the “Applicant”) is the operator of an existing wireless telecommunications facility located on a Public Service Electric and Gas Company (“PSE&G”) electric transmission tower on property located on Long Hill Road in Gillette, identified as Block 13908, Lot 15.01 (the “Property”) on the Long Hill Township Tax Map, in the C, Conservation, zoning district; and

WHEREAS, PSE&G will be implementing a tower replacement project therefore the Applicant is required to decommission its facility and remove it from PSE&G’s transmission tower; and

WHEREAS, upon completion of PSE&G’s tower replacement project, the Applicant will place its facility on PSE&G’s new tower; and

WHEREAS, during the pendency of PSE&G’s tower replacement, the Applicant seeks to collocate its telecommunications facility on a temporary ballast tower (that will be erected by T-Mobile Northeast LLC pursuant to a Board approval dated March 2, 2021, under Application numbered 2020-06Z) (the “Temporary Tower”) until the Applicant is able to transfer its facility to PSE&G’s new transmission tower; and

WHEREAS, the Applicant has applied to the Long Hill Township Zoning Board of Adjustment (the “Board”) for minor site plan approval in accordance with N.J.S.A. 40:55D-46.1 (the “Relief Requested”) to permit the Applicant to collocate its equipment on the Temporary Tower; and

WHEREAS, the Applicant submitted the following plans and documents in support of the Application, which plans and documents were made a part of the record before the Board, as follows:

- Application with checklists and addenda;
- Antenna Site FCC RF Compliance Assessment and Report prepared for AT&T Site “P-05XT” Long Hill Road, Long Hill, NJ, prepared by Pinnacle Telecom Group, dated February 19, 2021;

Site Plan Drawings entitled, “Temporary Site P-05XT Preliminary and Final Major Site Plan Proposed Temporary Equipment at an Existing Transmission Tower Public Service Electric and Gas Company Temporary Equipment at PSE&G Steel Tower #12/4, Roseland-Lambertville Right Of Way, Voltage 230 Kv Circuit #:U2221, Long Hill Road, Long Hill Township, Morris County, New Jersey”, prepared by Maser Consulting, revised through April 22, 2021, consisting of eight sheets: and

WHEREAS, the Applicant gave notice of the hearing and the Board found that the Applicant met all jurisdictional requirements enabling the Board to hear and act on the Application on the Hearing Date; and

WHEREAS, the Board considered the following reports from its experts:

Memorandum from Board Planner, Elizabeth Leheny, PP, AICP, dated July 1, 2021;

Memorandum from Board Engineering consultants, Casey & Keller, Inc., dated June 30, 2021; and

WHEREAS, during the public hearing on the Application on the Hearing Date, the Applicant, represented by attorney Christopher Quinn, Esq. was given the opportunity to present testimony and legal argument, and members of the public were given an opportunity to comment on the Application; and

WHEREAS, members of the public appeared to ask questions about and to speak with regard to the Application, as more fully set forth on the record; and

WHEREAS, the Applicant presented testimony from the following individuals:

1. Alec Norris, PE, Applicant’s Engineer; and

WHEREAS, the Applicant introduced the Application and presented testimony to the Board as more fully set forth on the record, as follows:

1. Alec Norris presented his qualifications to the Board and was accepted as a licensed professional engineer. Mr. Norris indicated that he prepared the site plan that was submitted with the Application. Mr. Norris further indicated that he prepared and presented the site plan for T-Mobile Northeast LLC in Application numbered 2020-06Z. Mr. Norris testified referencing page z4 of the plan set and described the future T-Mobile ballast frame, its equipment cabinet and 100’ pole. Mr. Norris testified that the Applicant’s antennas will be located at an 85’ elevation below T-Mobile’s antennas which will be located at a 95’ elevation. The Applicant proposes six antennas that will be connected to ground mounted equipment by coaxial cables. The equipment will be placed on the ballast frame that will be constructed by T-Mobile. Mr. Norris confirmed that the Applicant’s proposal will not produce any disturbance beyond that which will occur in conjunction with T-Mobile’s construction of the Temporary Tower. Mr. Norris stated that the site will be visited for monitoring purposes every four to six weeks.

Mr. Norris agreed and stipulated on the record that the Applicant will comply with the Board Engineer's memorandum dated June 30, 2021 and with all of the conditions imposed upon T-Mobile. Mr. Norris agreed and stipulated on the record that the Applicant will amend its plans to show the 6' fence that T-Mobile is required to construct at the top of the ballast frame.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Property is located in the PSE&G right of way and is designated as Lot 15.01 in Block 13908 in the C, Conservation, zoning district. The Property is currently improved with an existing PSE&G electric transmission tower. The Applicant is a telecommunications provider and Applicant's telecommunications facility is currently located on PSE&G's electric transmission tower. PSE&G is implementing a tower replacement project and the Applicant will be required to remove its telecommunications facility during the replacement of PSE&G's tower.

2. The Applicant has applied to the Board for minor site plan approval in accordance with N.J.S.A. 40:55D-46.1 in order to collocate its equipment and antennas onto the Temporary Tower, that will be constructed by T-Mobile Northeast LLC, in order to ensure that telecommunications service is not interrupted during the PSE&G tower replacement. Since the proposed Temporary Tower does not comply with the requirements of the zoning ordinance, T-Mobile Northeast LLC requested and obtained relief from the Board on March 2, 2021 under Application numbered 2020-06Z in the form of a use variance in accordance with N.J.S.A. 40:55D-70d(1), a height variance in accordance with N.J.S.A. 40:55D-70d(6) and a bulk variance for exceeding the minimum required side yard setback in accordance with N.J.S.A. 40:55D-70c(2).

3. The Applicant previously secured use variance, bulk variance, and site plan approvals to locate its telecommunications facility on the PSE&G tower in 1999 and to install six antennas in 2005, as more fully described in the Board Planner's report dated July 1, 2021 cited herein and made a part hereof.

4. All jurisdictional requirements of the Application were met and the Board proceeded to hear the Application and render its determination which is memorialized herein.

5. In order to obtain minor site plan approval, an applicant must demonstrate that its proposed improvements comply with the municipality's site planning and design standards. The Board is satisfied that the Applicant's proposal is compliant and appropriate, subject to the conditions imposed upon T-Mobile Northeast, LLC in Application numbered 2020-06Z. The Board finds that Applicant's proposal to collocate its equipment on the Temporary Tower is needed in order to avoid an interruption in the Applicant's telecommunications services and will not cause any further disturbance on the site. The Board further finds that good cause has been shown to approval the Applicant's request for minor site plan approval in accordance with the conditions imposed herein.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Board of Adjustment does hereby GRANT the Relief Requested as noted above, subject to the following:

1. The Applicants are required to comply with the following conditions:

- a. The Applicant shall comply with the Applicant's representations to and agreements with the Board during the hearing on this Application.
- b. The Applicant shall comply with the recommendations in the Board Engineer's report dated June 30, 2021.
- c. The Applicant shall comply with all conditions imposed in the Board's approval of T-Mobile Northeast, LLC's Application numbered 2020-06Z, dated March 2, 2021.

2. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Township of Long Hill, other Township Ordinances, or the requirements of any Township agency, board or authority, or the requirements and conditions previously imposed upon the Applicants in any approvals, as memorialized in resolutions adopted by the Township of Long Hill Board of Adjustment or Planning Board except as specifically stated in this Resolution.

3. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

4. All fees and escrows assessed by the Township of Long Hill for this Application and the Hearing shall be paid prior to the signing of the plans by the municipal officers. Thereafter, the Applicant shall pay in full any and all taxes, fees, and any other sums owed to the Township before any certificate of occupancy shall issue for the Property.

5. In accordance with the adopted ordinance provisions and the current requirements of the Township of Long Hill, to the extent applicable, the Applicant shall be required to contribute to the Township's "Affordable Housing Trust Fund" and/or otherwise address the impact of the subject application for development upon the affordable housing obligations of the Township, in a manner deemed acceptable by the Township Committee and in accordance with COAH's "Third Round Substantive Rules" and/or in accordance with enacted legislation and/or in accordance with direction from the Courts.


6. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the submitted plan or the improvements to be installed, which are subject to third-party jurisdiction and which require approvals by any third-party agencies. This Resolution of approval is specifically conditioned upon the Applicant securing the approval and permits of all other agencies having jurisdiction over the proposed development. Further, the Applicant shall provide copies of all correspondence relating to the Application, reviews, approvals and permits between the Applicants and third-party agencies from which approval and permits are required to the Planning/Zoning Coordinator of the Township of Long Hill, or designee, or any committee or individual designated by ordinance or by the Board to coordinate Resolution compliance, at the same time as such correspondence is sent or received by the Applicant.

BE IT FURTHER RESOLVED, that a Motion was made by Mr. Malloy and seconded by Mr. Grosskopf to GRANT approval of the Relief Requested as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on August 31, 2021, memorializes

the action of the Board of Adjustment taken on the Hearing Date with the following vote: Yes: Grosskopf, Hain, Malloy, Robertson, Rosenberg, Gerecht; No: None; Recused: None; Not Eligible: None; Absent: Aroneo, Gianakis, Johnson.


ATTEST:


 Debra Coonce,
 Board Secretary


 Edwin F. Gerecht, Jr.,
 Chairman

VOTE ON RESOLUTION					
MEMBER	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
CHAIRMAN GERECHT	X				
VICE CHAIRMAN JOHNSON			X		
ARONEO			X		
GIANAKIS			X		
GROSSKOPF	X				
MALLOY	X				
ROSENBERG	M				
HAIN – ALT 1	2ND				
ROBERTSON – ALT 2	X				

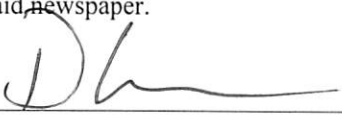
I hereby certify this to be a true copy of the Resolution adopted on August 31, 2021.


 Debra Coonce,
 Board Secretary

STATE OF NEW JERSEY
MORRIS COUNTY

SS.

I, Debra Coonce, being of full
age, being duly sworn upon her oath, certifies:
that a notice of which the annexed is a true copy, was
published in the Echoes Sentinel which is a newspaper
published in Morris County, New Jersey,
on the 9th day of September, 2021
in said newspaper.



Sworn and subscribed before me this

9th day of SEPTEMBER, 2021



Notary Public of New Jersey

