



ZONING BOARD OF ADJUSTMENT
Thursday, August 7, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson Rardin at 7:38 pm.

PLEDGE OF ALLEGIANCE: Led by Chairperson Rardin.

OPMA STATEMENT: Read by Chairperson Rardin in compliance with the Sunshine Law.

ROLL CALL

- **Members in Attendance:** Daniel DiRenzo, Jr.; William Carter; Scott Marcus; Farhat Biviji, Vice-Chairperson; and Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Paul Stridick, AIA, Director of Community Development; Anthony Zappasodi, Esq., Planning Administrator; Stacey Arcari, PP, PE, Zoning Board Engineer; and Allen Zeller, Esq., Zoning Board Solicitor. Solicitor Zeller administered oaths to Mssrs. Stridick and Zappasodi, and Mrs. Arcari.

COMMENTS FROM THE PUBLIC: None received.

ADMINISTRATIVE ITEMS

Appointment of Scott Marcus, a Regular Member of the Zoning Board of Adjustment. Solicitor Zeller administered the oath of Regular Member of the Zoning Board of Adjustment to Mr. Marcus. Board members offered congratulations to Mr. Marcus.

Approval of Meeting Minutes from July 24, 2014. Mr. DiRenzo made a Motion to Approve the Minutes from July 24, 2014, which was seconded by Mr. Carter, with affirmative votes by DiRenzo, Carter, Biviji, and Rardin. Abstention by Marcus. Motion carried.

AGENDA ITEMS

14-Z-0013

Block(s) 340.30 Lot(s) 2

Zone: Residential (R20) Zone

Relief Requested: A site plan waiver with a use (D1) variance and bulk (C) variances to collocate twelve (12) telecommunications antennae, a related equipment shelter, generator, and other improvements on the rooftop of the Towers of Windsor, where telecommunications facilities are not a permitted accessory use within the Residential (R20) zone as per §409.D and §432.D of the Zoning Ordinance.

New Cingular Wireless PCS, LLC (AT&T)

2995 Chapel Avenue West

Cherry Hill, NJ

The Applicant was represented by attorney Christopher Quinn, Esq. from Pinilis Halpern, LLP, and offered the following professionals as experts in support of the application: Petros Tsoukalas, PE from Maser Consulting, P.A.; James Kyle, PP, AICP from Kyle Planning and Design; Mark Rubin, PE, a radio frequency/electrical engineer with AT&T; and Evan Prostovich, a land acquisition consultant for AT&T. Solicitor Zeller administered the oaths to Mssrs. Tsoukalas, Kyle, Rubin, and Prostovich. Mr. Quinn provided some initial background information related to the project and the relief requested. The project needs a use variance and four bulk variances in order to install twelve concealed antennae, along with a natural gas generator and associated equipment, on the existing rooftop of the west Tower of Windsor. Mr. Quinn confirmed for Solicitor Zeller that he still wished to proceed with the application even though only five board members were present, and acknowledged that all five affirmative votes are needed for the use variance.

Mr. Rubin provided testimony regarding AT&T, their FCC license, and the significant gap in coverage around this site. A map showing cell phone coverage without the proposed site was marked as Exhibit "A-1". A map showing cell phone coverage with the proposed site included in it was marked as Exhibit "A-2". A map showing cell phone coverage with the site 1040 Kings Highway included in it was marked as Exhibit "A-3". A map showing cell phone coverage with the New Jersey American watertank site included in it was marked as Exhibit "A-4". A list of all AT&T sites within two miles of the Towers of Windsor was marked as Exhibit "A-5". Mr. Rubin testified that this particular location, at 2995 Chapel Avenue West, is a well-suited location since it is virtually equidistant from the other seven local AT&T facilities. He opined that the Tower was an excellent height for the coverage area, as AT&T always looks for buildings over eighty feet in height, and that it would meet over 90% of AT&T's coverage objectives in connection with their FCC license. He opined that the rooftop antennae would much reduce a gap in coverage. No buildings in the vicinity provided as much improved coverage as the west Tower of Windsor. Mr. Rubin explained where there was a significant gap in coverage locally and

discussed the nature of unreliable coverage in terms of data speeds and likelihood of dropped calls. He also described the fancy painted fiberglass that will be used in order to completely screen the new antennae on the rooftop. He also stated that there are no emissions concerns.

Mr. Tsoukalas testified regarding the long slender shape of the property and highlighted the land uses in the area around the subject parcel of land. The Minor Site Plan by Petros Tsoukalas, PE, dated February 12, 2014 was marked as Exhibit "A-6". Mr. Tsoukalas stated that the twelve new antennae will be camouflaged and be less intrusive than the existing penthouse facilities on the rooftop. He highlighted that: the tallest point of the existing building is 140' from grade level, the roof level is 117' above grade level, it is 122.5' to the centerline of the proposed antennae, and 127' to the top of the screen wall from grade level. He stated that the site will be remotely monitored and that a technician, with a laptop and toolkit, would visit the site every four to six weeks for maintenance. He confirmed that there is no access to the rooftop by the public and tenants; combination locks and a secured elevator prohibit any unauthorized entry onto the roof. Mr. Tsoukalas stated that the antennae are approximately 123' from the adjacent residential properties and that there are no concerns of excessive noise for those residential properties. He stated the equipment will be secured to the building and will not be in danger of falling off in a bad storm. He opined that it was a very safe place. The Applicant is requesting a design waiver for the lighting at the equipment platform so that flood lights at the door can be utilized at night by the technician. Testimony included a timer and that the lights would be pointed downwards and not shine towards the residential homes. No additional water or sewer is needed for the project.

Mr. Kyle testified regarding the applicable Zoning Ordinances and bulk regulations. A copy of color photo-simulations dated March 12, 2014 was marked as Exhibit "A-7". Mr. Kyle highlighted the nature of the variances sought by the applicant and spoke about the number of antennae, the height of the antennae and equipment, and the setbacks from adjacent non-residential and residential properties. He opined that the Applicant could not find a better location that worked as well as this location. He testified that: the Applicant is licensed to operate under the FCC, this site is particularly suited for the twelve antennae as it has sufficient structural capacity and will positively affect an existing gap in coverage, and that the new roof elements will blend in to the environment and be camouflaged. Mr. Kyle stated that there is a clear public benefit as emergency communications need to be upgraded in this area as well as improved data speeds for local businesses. He opined that the project would have limited impact on the neighborhood in that there is no additional smoke, odor, nor glare from the project. Any visual impact is mitigated by the blending and screening. He stated that it would be a hardship to move the building to address the existing conditions necessitating bulk variances. On balance, the benefits far outweighed any possible detriments.

Mr. Prosovich confirmed that the screens will match the pattern of the building and that there is more room on the roof in the event of future co-location attempts by other carriers. He stated that AT&T has a lease agreement with the property owners that requires 24 hour notice to the landlord for routine maintenance and that in the event of an emergency they just need to fax a notice prior to entering the secured area on the roof. He stated that they have exhausted the permissible zones and that this particular site will minimize the total number of sites needed additionally to provide adequate coverage to the users. Security was further discussed. Mr. Rubin discussed unreliable service. He estimated 90% of the geographic area will have improved coverage due to this project. He confirmed the site will comply with all federal safety and emission regulations. Mr. Tsoukalas testified regarding other residential structures within Cherry Hill that have antennae on them.

Mr. Zappasodi testified regarding the Department of Community Development's review letter dated May 22, 2014. Solicitor Zeller confirmed that the Applicant agrees to comply with the applicable conditions of approval suggested within said review letter. The Applicant confirmed there will be no propane in the rooftop generator, and that nine antennae will be installed on the rooftop at first with the additional three antennae being installed in the near future. Mrs. Arcari stated there were no other concerns from her office as Zoning Board Engineer.

Chairperson Rardin opened the hearing to the public. Mr. Allan Kagan of 1 Haven Avenue testified that he lived in the adjacent neighborhood of single family dwellings. He stated that he lives on a quiet dead-end street and that he wants to be sure that the project is safe for kids and the elderly. He asked about legal responsibility in the event that equipment flew off of the roof. The Applicant acknowledged that they have an indemnity agreement with the property owner and that the equipment is tied into the actual steel of the building itself. Chairperson Rardin closed the public portion of the hearing, as no other members of the public sought to testify. Board discussion ensued.

Motion to Approve Use Variance, Bulk Variances, and Design Waiver with enumerated conditions: Motion made by Mr. DiRenzo and seconded by Mr. Carter, with affirmative votes by DiRenzo, Carter, Marcus, Biviji, and Rardin. None opposed. Motion carried.

RESOLUTIONS: None.

Meeting Adjourned: 9:16 pm.