

**TOWNSHIP OF GREENWICH
PLANNING/ZONING BOARD
REGULAR MEETING
OCTOBER 7, 2013**

The regular meeting was called to order by Chairman Rook.

Those present were Chairman Rook, Vice Chairperson Watson, Mr. Hedges, Mr. Henry, Mr. Van Pelt, Mr. Valente, Mr. Sheppard, Ms. Hunter, Mr. Ivanick, Ms. McOscar and Ms. Facemyer. Also present was: George Rosenberger, Solicitor, and Lisa Garrison, Secretary, Dave Young, Zoning Officer. Absent: Mayor Reinhart

Pledge of Allegiance was led by Chairman Rook.

Approval of Minutes: On motion of Mr. Sheppard, seconded by Mr. Van Pelt to approve the minutes of August 5, 2013 and September 9, 2013 meetings, unanimously carried..

Swearing – In. Mr. Rosenberger swore in Mr. Ivanick, Ms. McOscar and Ms. Facemyer as alternates to the Board.

Public Hearing – Cellco Partnership d/b/a Verizon Wireless – At this time Mr. Rosenberger requested the conflicted members recuse themselves and requested the alternates to take their place. Mr. Sheppard, Ms. Hunter, Ms. Watson and Mr. Young were recused. Mr. Darcy, representing the applicant, had previously requested a continuation of the public hearing as the Board had insufficient members. The record confirms there are now eight (8) members present. Mr. Darcy indicated Verizon is a major provider and sophisticated developer of wireless facilities with hundreds in the State of New Jersey. Verizon is proposing a completely operational and functional system by this application. Mr. Darcy indicated there were design challenges in order to choose the best site to service the community as it has a large footprint contrasting with a small population spread out. .

At this time Mr. Rosenberger swore in the witnesses.

1. Claire DiNardo, Site Acquisition Consultant whose primary responsibility includes facilitating installation. Ms. Dinardo reviewed her background.. She indicated the process started with the Radio Frequency and Performance engineers that identify areas. The process was reviewed to identify a site within a search area which included all the data that is taken into account that would meet the specific criteria. She reviewed the properties that had been considered and the reasons they were rejected and why the Morris Goodwin School site was chosen. Said site was contained in the original area and was not located in the Historic Corridor. It was a quasi-public property which is higher on the list. The Board of Education was receptive with no objections. The site is available for co-location which will be made to the Fire Company and the emergency equipment will be at no charge. There will be a back-up diesel generator used by Verizon that will run for two (2) days before being refilled. Ms. DiNardo indicated that taking into consideration the Stow Creek site is approved and under construction the Morris Goodwin School site ranks as number one (1).

2. Mark Damiano, Site Plan Engineer, stated his professional credentials and as a witness he was deemed qualified. Mr. Damiano reviewed each of the labeled exhibits as follows:

Board Z-1 depicted a 2,000 sq ft wireless communication facility with a proposed erection of a 150ft galvanized steel monopole, twelve (12) galvanized antenna poles and a five (5) foot tall lightning rod. No special flood hazard zones in the area were proposed. There were no fresh water wetlands or buffers. Mr. Damiano indicated the tree limbs along the southern boundary line were to be trimmed for equipment and a landscaper will be hired to be on site to do the trimming or to observe.

S-1 showed the compound plan schematic of the monopole elevation. Mr. Damiano indicated access would be provided by a twelve (12) foot wide driveway approximately thirteen (13) feet from the south of the parking line, which would consist of crushed stone. Mr. Damiano also indicated the generator

Minutes of Planning/Zoning Board Meeting
October 7, 2013

would run for two (2) days then would be required to be refilled. He indicated no water would be needed and there would be no burden to municipal services or odor from the facility. The traffic impact would be one (1) site visit per month from the technician. The tower will be designed to standard and will also meet all the criteria for wind speed, gusting, and ice in zone. A full set of structural plans will be submitted for the building permit application.

3. Dan Collins, Radio Frequency Expert, reviewed his qualifications and was then deemed to be a qualified witness. At this time Mr. Darcy noted a Local Board cannot make a decision regarding emissions if it meets federal standards. The FCC regulates wireless carriers and anyone who uses antennae. Mr. Collins reviewed the FCC standards and guidelines. He indicated the calculations are conservative and the analysis is based on the maximum and the exposure is very minimal, 2/10 of 1%. He further indicated the co-location would not affect the exposure limit.
4. Andrew Petersohn, PE, Radio Frequency Engineer, reviewed his credentials and was then approved by the Board as a qualified witness. Four (4) exhibits labeled P1-P4 were reviewed. Mr. Petersohn indicated the Interference Analysis Report (Exhibit 13) shows the facility will not interfere with other users – public safety, baby monitors, garage door openers, etc. The FAA Screen report (Exhibit 12) indicated there is no need for the facility to be lit or marked with FAA lighting. The Radio Frequency Design Report (Exhibit 14) is a walk thru of the design procedure and reviews existing deficiencies and how the proposal will address the deficiencies.

P1 – Verizon Wireless Existing Coverage - indicated the map of the Township boundaries, the only facility appearing is a site in Shiloh, northeast of the Township boundary. It shows the existing coverage and the prevailing roadways in the area illustrated. The Stow Creek site is not shown as it is still under construction. The site of the proposed facility location is labeled.

P-2 – Verizon Wireless Proposed Voice coverage - indicated the facility as proposed showing the new coverage from this facility and the previously approved Stow Creek facility is exhibited as an overlay. The coverage is exhibited as what can be anticipated while outdoors. The coverage encompasses the vast majority of the Township with the Stow Creek facility filling in the voids outside of the Township to the east and south. Mr. Petersohn indicated this is the coverage a user would experience during a 911 call. The site will be one hundred and fifty (150) feet and in his opinion works very well with voice coverage.

P-3 - Verizon Wireless proposed Data Coverage - shows the difference between data coverage and voice coverage. It was pointed out there will still be contiguous coverage at the proposed Stow Creek site and the one in Greenwich as there is enough overlap between the two. It was indicated there is not too much overlapping coverage which in turn creates an efficient design. Moving north sacrifices coverage to the south. It was his opinion that as far as placement goes this is the site. Kits are sold by Verizon that acts as a repeater for your home. If an area that is covered by voice coverage but not data coverage it would consist of an antennae that can be installed that acts as a repeater which turns what is indoor to act like outdoor coverage. Low ban 4G LTV service in an indoor scenario. A low ban is used because a lower frequency signal will propagate better. This same technology is also used in Stow Creek.

P-4 - Greenwich Township terrain - there are some terrain elevation changes approaching one hundred (100) feet from lowest to highest. The terrain can be a challenge. The facility must be at enough height to overcome the terrain challenges and in this case it is. Verizon is licensed to provide this type of service. The Morris Goodwin site is characterized as the number one candidate, as it is ideally located and covers the vast majority of the Township.

5. James Kyle reviewed the results of the balloon tests utilizing an aerial overlay map which attempted to plot all the tax lots. He presented his qualifications and was accepted by the board as a qualified witness.

Minutes of Planning/Zoning Board Meeting
October 7, 2013

P-5 - Coverage map - this shows a 2012 aerial photo and coverage map. It depicts the data coverage on Mr. Petersohns exhibit. The residential and commercial parcels are designated. The statistics were given with the data presented and the preparation of the facts were given. The Board members were made aware of the test on a Saturday morning. The photo simulations presented to the Board for review. On Block 18, Lot 27, which is a school residential agricultural zone a monopole is not a permitted use in this zone. A D1 use and bulk variances are needed as telecommunications use and accessory uses are not permitted uses. In the case of telecommunications, the traditional aspects of a D1 variance are modified and different factors are to be used. It permits a second (2nd) principal use on school property. A D6 variance is required for height as it is more than ten (10) percent of the permitted height. There are also additional bulk variances required. Because Greenwich does not have a wireless ordinance a D variance for use and height would be required regardless. It was indicated that courts have made determinations in respect to wireless communications applications that are licensed by the FCC that there is sufficient public welfare being promoted and the site is suited to the particular use. It was stated that every site does not have to be eliminated as being suitable but demonstrate how this site is suitable. In respect to telecommunications in NJ if the site is located within the search area then it speaks to suitability of the site. Other factors for suitability for use in absence of the framework of an ordinance would be to try to locate a public or quasi- public allocations.

P-6 - 2012 aerial photo and photo location map. The green triangle shows the monopole and features surrounded. It was witnessed when conducting the balloon test there was vegetation features running along the creek and other features that limit the visibility of this facility to a great degree. In opinion the area of visibility was isolated to Ye Greate Street. The ground is relatively flat and already disturbed with no environmental constraints. The facility was easily constructible. These two (2) factors satisfy the criteria for use variances.

The negative criteria in respect to the substantial impact on the potential impacted of the immediately surrounding properties are factors of the zoning ordinance. The Board must balance the visual impact of the facility versus what the facility will provide. The Seka balancing test was used, which is a four (4) part test for Boards to use when making a decision. The public need which is that people use smart phones and these phones are with them at all times not only as a work tool. Telecommunications plays a vital role in public safety. There are six hundred and twenty-seven (627) parcels in the Township which covers 18.6 square miles. The public interest is more compelling as there is no wireless coverage in Greenwich.

P-7 – photos and captions depicting balloon test - drove around all areas of the Township limited to areas where balloon could be seen. Photographs were taken at key locations which included Bacons Neck Road, Ye Greate Street and Springtown Road. Many views are thousands of feet from the facility and seven hundred and sixty (760) feet from the property line at Ye Greate Street. The impact of the pole appears thin and the array is not very prominent, The scaling factor used were explained used. It was further explained that one hundred and fifty (150) feet was necessary to make effective coverage. No additional landscaping is necessary to the benefit of the surrounding properties. It was indicated the color would be galvanized but could be discussed later. It was indicated the Board would have grounds to vote for the requested D variances. Another prong on the impact of the zoning ordinance is that there are no commercially zoned properties in the area. The master plan meets the objectives with this site. There is no substantial impact on the zoning ordinance.

Bulk variances – it was chosen to place the facility at the rear of the school as referenced in Exhibit Z-1 which is away from the existing recreation and school facilities and preserves the remainder of the property for future use. This choice represents the most efficient use of the property and is beneficial to the public and the school. The remainder of the property is grass. In terms of negative criteria there is no substantial impact to the surrounding properties as there are no homes in the area of the compound. As to impact to the zoning ordinance the setbacks address the sufficient separation between uses. The intent is met even with the reduction of the setback. The coverage given

Minutes of Planning/Zoning Board Meeting October 7, 2013

efficiencies being picked up are a de minimis increase of what is permitted. The two pre-existing nonconforming uses do not exacerbate them.

Mr. Rosenberger indicated it is appropriate for the board at this time to address any questions. Mr. Van Pelt questioned the sound levels when the back-up generator is running. It was indicated it was designed to meet State noise ordinances. The generator is inside a generator room and the horsepower will comply with the emissions. There will be signage (81/2 x 11 placard) on the front gate identifying the Verizon facility with an emergency contact number. There will not be a gate on the driveway. It was also questioned with advanced technology what happens in the future with the facility. It was indicated there will be a provision for the removal of the facility within sixty (60) to ninety (90) days when it is labeled no longer in use and the area will be restored to the original condition. The Board will be provided with that section. It was questioned when the time frame for completion will be and was advised there would be a sixty (60) day construction period from the issuance of the building permits. Stow Creek was approved in April and the construction is beginning. It was questioned when to expect on line coverage. The response was thirty (30) to forty-five (45) days once the site is complete it would be online. Mr. Rosenberger questioned when would the building permit be obtained. It is expected to file for the permits once other approvals have been obtained such as the memorialization period when the resolution is voted on; the appeal period; county approvals; State Historic Preservation Office approval; and FCC Regulatory approval. It was indicated that some approvals are currently in the process of being obtained and that some approvals can vary but using Stow Creek as an example it was anticipated six (6) to seven (7) months. The Board will be copied on all applications and approvals.

Mr. Henry advised Ms. DiNardo that any difficulties, she had referenced, in contacting the Township were prior to the current Municipal Clerk being appointed. He questioned are there any external infrastructure improvements necessary such as power upgrades. Ms. DiNardo indicated the power company will extend the service from the road back to the site as it is currently insufficient. It will be increased to eight hundred (800) amps in anticipation of additional carriers. Mr. Henry also questioned if there other cellular communication towers in proximate location to historic districts. It was indicated there are others such as Chatham Borough and Lawrence Township. It was indicated there are others.

Mr. Valente questioned if the terms of the lease agreement could be shared. It was indicated it would be a five (5) year initial lease with four (4) additional five (5) year terms with automatic renewals that total twenty-five (25) years. At the end of the twenty-five (25) years if the site is still needed the lease would be renewed. The compensation would be paid monthly due the first day of each month. The amount is proprietary and is not shared unless it is public property to protect the interest of both private parties. Mr. Rosenberger indicated if the negotiations are completed the lease would be disclosable.

Mr. Roark questioned if there was language in the lease agreement that would take care of the tower if it is no longer in use and was advised it was in the lease agreement.

As the Board, at this time, had no further questions, on motion of Mr. Van Pelt, seconded by Mr. Henry to open the public hearing, unanimously carried.

Mr. Showers indicated it was mentioned that there are four (4) channels available to Verizon and questioned if 3G would be included or would an upgraded be required. He was advised that no upgrade would be needed. Mr. Showers questioned when the Stow Creek tower goes live will there be a noted increase in service. He was advised that there will be some service in northern portion of town but it will not be good until this tower is installed. Lastly, Mr. Showers questioned if there will be text messaging service for emergencies and if so does the nuclear plant have this capability. If so would the residents be able to sign up and get notices. He was advised it was unknown and it would be coordinated with the County Emergency Management.

Mr. Klug, School Superintendent, indicated for communications and safety purposes, this is something the school would like to see and cited an incident with the school bus and the failure to reach parents as the cell service and land lines did not work. Mr. Klug indicated it was mentioned that 4G works on proximity and this would give the first data source at the school. Mr. Klug also indicated the lease agreement provides the school with \$20,000 per year for the initial antenna and additional amounts for each additional. Mr. Klug indicated he met with the

Minutes of Planning/Zoning Board Meeting October 7, 2013

County OEM Director and the radios are being replaced due to the nuclear power plant nearby and they will be requesting the free service being made available. He indicated the Board passed a resolution that the money will be utilized to dedicate fifty (50) percent towards the renovation of the school building historic preservation and the balance will be utilized to reduce or mitigate the potential tax increases on mandated items which have forced taxes to go up. Mr. Klug indicated the Board has been prudent and financially responsible and this agreement will allow them to continue to do so. Mr. Henry questioned the income for the additional arrays and was advised it was \$5,000. Mr. Roark questioned if the vote for the cell tower was unanimous and was advised in the affirmative.

Mrs. Curley read a prepared statement which was prefaced that a cell tower in Greenwich was necessary for the safety of residents. Mrs. Curley enumerated many concerns in her statement which include the safety of the children, tower collapse and fire; after hours monitoring, notification of parents, historical integrity, law suit if the application were denied, another location exists where children are not present. Ms. DiNardo indicated the structure is not climbable and the compound is eight (8) feet with a standard chain link fence. The fence could be changed if required by the Board. The facilities are not monitored twenty-four hours a day and these facilities are also located at parks where children play. She was unaware of children climbing fences and getting into compound as they were designed to be a not attractive nuisance. It was also testified the tower is constructed to the National Building Code and is designed not to fall down and if it would collapse it was designed to collapse upon itself so it would collapse upon itself not like a tree. In instances where towers caught on fire it was always due to workers welding.

Mr. Kubis questioned if the parents were notified. Mr. Darcy responded it was not Verizon's responsibility under Municipal Land Use Law. Mr. Rosenberger indicated State Statute provides any time a public hearing is held notice must be mailed to those within a certain distance of the site and notice published. The School Board had to give permission to the applicant to develop onsite and the Board is composed of elected representatives and that is where the questioned should be raised. But the law only requires notice be sent in accordance with the Municipal Land Use Law. Mr. Kubis also questioned the fumes produced from the diesel generator. Ms. Dinardo indicated there would not be fumes. Mr. Kubis stated his concerns regarding towers catching on fire and was advised they did not spontaneously combust but was due to workers and the possibility of it catching on fire is possible but remote. Mr. Kubis indicated his approval for a cell phone tower for 911 and fire responders. When Valore came in to propose placing a tower somewhere away from the school and the presentation was made he approved. However, he expressed his concern for it being placed at an elementary school and may feel differently if it was a high school as a mix of young children and towers there is the possibility things could go wrong. He quoted from a handout regarding cell tower health issues. He further issued his concerns regarding the effect on the historical aspects on the town as Greenwich is unique due to the historical registrar the tower needs to be taken away from where the village is. He further expressed his concerns regarding visibility. Mr. Rosenberger cautioned Mr. Kubis that this is not a cross examination but it is a comment period. Mr. Kubis indicated the tower was not visible for the historic district if was located at the Carluzzo property and questioned if the tower could be placed on that site. Verizon responded no as that site was not within the identified search area identified as one of the sites that would meet Verizon's needs to serve the Township of Greenwich. Mr Rosenberger indicated Mr. Kubis has had the floor for fifteen minutes and explained the public hearing procedure. Mr. Kubis indicated the Board should consider the original plot of land not on the historic district and not in the school yard.

Mr. Costa indicated Stow Creek is not in the historic district so there is no problem. He further indicated the Carluzzo farm is only two (2) to three (3) miles away. Mr. Costa questioned if other towers are planned on other sites how many towers are possible on the proposed tower at the school. He indicated the FCC had been mentioned. He indicated it is an arm of the communication industry. He further mentioned deregulation and the federal government allowing agencies to police themselves. He referenced the results of the West Virginia strip mining. He questioned the placement of a tower in the densest part of the Township versus a more remote location. He questioned if a red light would be placed on top of the tower and would the tower and light be seen from the head of Greenwich and if a simulation had been done for this, as it is in a historic district. It was responded the tower does not have to be lit. Mr. Rosenberger indicated in response to the visibility of the tower, the exhibited Valore application shows the existing and new conditions. It is his recollection the tower would not be visible from Ye Greate Street but would be visible from the other sites.

Minutes of Planning/Zoning Board Meeting October 7, 2013

Ms. Weigand expressed her love for the historic district but stated Greenwich must join the world while keeping things preserved. She indicated it does not bother her to have a visible cell tower if it provides safety and better educational opportunities for the children. She indicated the towers are less obtrusive than an electrical pole.

Ms. Stratton indicated as an alternate member of the Stow Creek Planning Board she expressed her thanks and reminded everyone they are volunteers that have taken time away from families to attend meeting, weigh information in order to make a decision on behalf of your neighbors. Ms. Stratton cited public safety issues as this part of the County is lacking in a 21st century telecommunication infrastructure. It is critically important due to the proximity of the nuclear plant and the vulnerability of being on the Bay Shore reliable and consistent service is needed with the most people serviced. The goal is not a cell tower but cell phone service. The Valore application while deemed complete as to respect to procedure but it is not complete as it does not provide a service carrier. Out of the eleven (11) towers cited on their site six (6) are still waiting on anchor tenant to deliver cellular service. She indicated this application is application is complete with a cellular service provider and this speaks of the expertise of Verizon wireless to put a plan together to expand their cellular network utilizing both Stow Creek and Greenwich school property. The revenue generated will go direction to the education of the children thereby benefitting all taxpayers of both townships. She indicated the historical concern is valid and should be weighed carefully. Progress must not be stifled in the name of progress to the point that homes will not be rented or sold. Cellular phone service is critical to both safety and viability.

Mr. Hannigan indicated he has a vested interest as he is close to the tower. He indicated in researching the topic as a health perspective the results are mixed and more research needs to be done. In a historical aspect, he indicated his moving to the town is the historical significance. The morning of balloon test he could see the balloon across Springtown Road. He indicated his concern regarding the visibility from the Old Stone School. He indicated there are many visitors to this site that take pictures and he cannot imagine pictures being taken seeing the tower behind the school. He indicated the broad perspective is that the village is on the National and State registry. In his opinion the only thing going besides agriculture is the history of this community. He requested the Board to consider it from that standpoint, history strong in Greenwich. He indicated while observing the balloon test it was tethered to the soccer goal not tethered at exact site, what was the speed of the winds that day the balloon most of the time was almost directly west to the adjacent field not directly above. Balloon was not where the cell tower is to be placed. He questioned how exact the science is of developing coverage areas and if Verizon in other areas used low frequency on telephone poles instead of towers. It was responded that where that is has been done but due to the square mileage of Greenwich it would require hundreds of them to satisfy the footprint and is not a potential system and is not recommended. Mr. Hannigan indicated Sprint has used repeater systems in areas similar to the size of Greenwich. Mr. Petersohn indicated he was unfamiliar with Sprint's system. Mr. Hannigan questioned if radio frequency coverage is an exact science. Mr. Damiano responded the coverage footprint is generated with a sophisticated propagation model on which million dollar decisions are based on the output of that model. It is the industry standard the envy of the industry. It is not an exact science but it is as good as anybody could make it. Mr. Hannigan indicated he has good services and questioned what changed in the past five (5) years that made his cell service good that others are complaining about. Mr. Hannigan questioned if further testing could be done to be assured that the tower is not presenting a health hazard. Mr. Collins responded the site cannot be tested due to the person holding the testing equipment causes the same level of exposure as the tower. Mr. Hannigan indicated five (5) towers on fire is substantial in his opinion. It was responded that towers do not spontaneously combust. Mr. Hannigan requested the Board consider the historic perspective. Mr. Hannigan questioned Mr. Rosenberger regarding who has completed the required educational requirements. Mr. Rosenberger indicated, to the best of his knowledge, everyone with the exception of the new alternates has completed the educational requirements.

Mr. Carluzzo questioned if an application has been submitted to the State Historic Preservation Office. It was responded that an application has been submitted and if conditioned by the Board proof will be supplied. Mr. Rosenberger indicated approval will be based on conditioned approvals.

Mr. DiGenova, Valore LLC applicant, indicated he tried to improve the situation in Greenwich not to divide or conquer. He indicated the website does list towers and tenants. He does not think it is a detriment to his business as wireless industry has been stagnant for self site builds and the infrastructure side was slow. He questioned if the Carluzzo property was in the original search area. Ms. DiNardo indicated it was not in the original search ring but it was submitted as a candidate for review but the Radio Frequency Engineer reviewed and denied it. Mr. DiGenova

Minutes of Planning/Zoning Board Meeting October 7, 2013

questioned the coordinates given to the engineer to analyze the Carluzzo property to evaluate whether the site would provide suitable coverage to Greenwich. Ms. DiNardo indicated she was present for an application and did not have the paperwork with her at this time to respond. Ms. DiNardo indicated the entire property submitted was out of the search area. Mr. DiGenova stated his experience in the business and stated search rings can be split to avoid certain areas.

Mr. Jenkins, School Board President, indicated he had moved to Greenwich in 2004 and as a realtor does a lot of business in town. He indicated from a real estate standpoint many buyers or renters check cell phone service. The Valore tower does not have anyone licensed tenants on the tower and no one contracted and he feels the Verizon application will provide that. He indicated there is a value to the community for this service. He indicated as a parent he had no problem with the tower in Stow Creek and as a parent no problem with the tower as a safety concern. As a School Board member every decision made was with the children first and foremost. The first thing looked at is community impact, school was going to close in 2008, programs added tax payers savings. The School Board is satisfied with safety issues, his children attend and would testify to that.

Mr. Mart indicated he is envious of Mr. Hannigan's cell phone service. He indicated he is anxious to see a cell phone tower and believes that utilities that return funds to the public need to have their equipment on public land. He indicated it was the best financial deal dollar for dollar and he is in favor of having a tower on the school property

There being no further comment forthcoming on motion of Ms. Mc Oscar, seconded by Ms. Facemyer and unanimously carried, the public hearing was closed. A ten (10) minute break was taken at this time.

Upon return Mr. Rosenberger indicated both public hearings are completed and can be discussed. If the Valore application is discussed first the Board would need to be reconstituted. The Board concurred to discuss the Verizon application first. Mr. Henry indicated the Board has the ability to review applications in the historic district along with the requested variance and it is important that the Board weigh in on the issue. The impact of change in the historic district is not arbitrary there are rules and regulations and by our ordinance are the rules of the Secretary of the Interior's criteria which is also used by the State when reviewing the Verizon application. Municipal input is welcomed and it is appropriate for the Board to weigh in. Mr. Henry distributed handouts regarding the Secretary of the Interior's criteria and his assessment of the Verizon application relative said criteria. Mr. Henry indicated his assessment is as a professional planner, registered engineer and an architect in historic preservation. As a Class A member of the Board he recommended this assessment be included in the findings and facts in the Board's motion. Mr. Rosenberger called for any comments regarding the safety issues. Mr. Rork indicated he had complete confidence in the School Board's decision. Mr. Rosenberger questioned if anybody needed to review the exhibits or site plans presented this evening. He reviewed the issues to be determined for the Verizon application after which on motion of Mr. Ivanick, seconded by Ms. McOscar to approve the use and height variances, unanimously carried upon roll call vote. Ayes: Rork, Henry, Valente, Hedges, Van Pelt, Ivanick, McOscar, Facemyer. Nays: None Abstain: None

The bulk variances were next reviewed. Mr. Van Pelt requested the chain link fence be changed to a different material to prevent a climbing issue. Also requested was a fence color change. It was determined these issues would be addressed during the site plan approval process. On motion of Mr. Hedges, seconded by Mr. Valente to approve the bulk variances, unanimously carried upon roll call vote. Ayes: Rork, Henry, Valente, Hedges, Van Pelt, Ivanick, McOscar, Facemyer. Nays: None Abstain: None

The Board next considered the site plan. Discussion ensued and on motion of Mr. Henry, seconded by Ms. Facemyer to approve the site plan as presented with modifications to the chain link fence surrounding the enclosure to have 1 ¼" chain links; green colored fencing and non-glare motion sensor lighting, unanimously carried upon roll call vote. Ayes: Rork, Henry, Valente, Hedges, Van Pelt, Ivanick, McOscar, Facemyer Nays: None Mr. Rosenberger indicated the hearing and ruling has concluded and the resolution will be prepared for the Board's formal vote at the next meeting.

Valore LLC Application - The Board was reconstituted. Mr. Rosenberger explained the burden of proof to the Board and that the application would be considered using the same law as Verizon. The public safety issues

Minutes of Planning/Zoning Board Meeting
October 7, 2013

are the same, the historic issues are slightly different as it is a different location, the tower cannot be seen from Ye Greate Street but it can be seen from other areas of the Township. As far as variances are concerned it is considered a favored application. The public safety aspects and general benefit to the public would be strongly favored. There were no negative criteria presented. The issue, in light of the approval of the Verizon tower, is the need for two (2) towers in Greenwich and whether the second tower would be necessary in light of what was presented regarding the coverage and would there be a provider going on the other tower. Mr. Rosenberger reminded the Board that the tower approval could be subject to the condition that the tower constructor would not be able to erect the tower unless there was a contractor for a provider. Mr. Henry questioned if the Board chose that route would the carrier have to come before the Board. Mr. Rosenberger indicated that would not be necessary as it would be an approved use. Mr. Rosenberger indicated the Township does not have an ordinance so there is no master plan that does not prohibit or permit a cell phone tower. The question becomes if the tower is approved does the Township have the same necessity now that the Verizon application has been approved. It could be determined with the Verizon application approved there is no longer the same public benefit or it could be concluded that the benefit would be the same. Mr. Henry indicated that if there is no additional public benefit, as there is a tower south and north of that in Stow Creek, would the Township want another tower in the Township as the master plan long term goal is to preserve the rural aspects as well as the historic aspects. An application was approved that would provide the necessary coverage approving a second tower does not make it twice as good. Mr. Henry cited one of the goals of the master plan is to manage the cultural landscape as a special quality life feature of the township and one of the goals of the long term master plan of 1995 is to preserve the existence and historical character of Greenwich in Springtown and the surrounding countryside. Mr. Henry indicated cell towers are visual encroachment and if the weight of this public opinion is taken into account the fewer cell towers we have the better off the Township would be. Ms. Watson indicated one (1) cell tower would be necessary and the Valore application was not presented in as significant a manner as the Verizon application, it is basically a clover leaf and the Verizon is very detailed based on the topography.

As there was no more discussion regarding the use variance portion of the application, Mr. Rosenberger stated the law is the same as the Verizon application. The facts are slightly different there is no visibility from Ye Greate Street, the tower is slightly higher and if approved there would be the possibility of two (2) towers opposed to one (1) and would the benefit outweigh what the detriment would be to a second tower. One of the aspects of the master plan is to maintain the agricultural, rural nature of the Township. Mr. Rosenberge indicted this tower may have a slightly less impact as it is not visible from the Historic District but the benefit has not been shown to have more effective coverage but the Township would have more options. Ms. Watson indicated there would probably be a provider that could provide less coverage. Mr. Rosenberger indicated the testimony of Verizon was they had all bans that were available but he did not remember the testimony provided by Valore, because there was no provider as part of that application. If the Board is inclined to approve, it should be subject to the tower not being built until it is provided. This would be submitted to the zoning board. Mr. DiGenova was questioned that it was testified this was not how their business was done. Mr. DiGenova indicated normally the tower would not be erected without a carrier due to the expense of the process. He indicated that many carriers are not doing new infrastructure builds and it gets harder for infrastructure guys to gain any traction when resources are being spent on 4G upgrades on existing sites. He stated he did not come to the Township to divide but stated it is not a good idea for two towers and he thought the applications would be compared but did not feel there was a whole lot of comparison done. He state he would not build on this site and it would not make sense to build another tower so close to each other and it would be in the best interest of the Township is to have one site centrally located site he disagrees with Verizon that this is the best site for them. He felt that Verizon did not evaluate his site. Mr. DiGenova was thanked for his candor. On motion of Mr. Sheppard, seconded by Mr. Hedges to approve the use variance, unanimously denied upon roll call vote. Ayes: None Nays: Watson, Henry, Valente, Sheppard, Hedges, Van Pelt, Hunter Abstain: None

There being no further business to come before the Board, on motion of Mr. Henry, seconded by Ms. Watson to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison, Secretary

