

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME



TIM W. GILLEN, PE, PP, CME (1991-2019)  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

May 13, 2020

Marlboro Township Zoning Board  
1979 Township Drive  
Marlboro, NJ 07746

**Re: *New Cingular Wireless PCS, LLC (ZB20-6711)***  
***Conditional Use Variance and Site Plan - Engineering Review #1***  
***Block 172 Lot 41***  
***Location: Spring Valley Road 316 Tennent Road (County Route 3)***  
***Zone: IOR (Industrial Office Research)***  
***Our File: H-MR-Z0172.16***

Dear Zoning Board Members:

Our office received the following information in support of the above-referenced application for Conditional Use Variance and Site Plan approval:

- Site Plan (15 sheets) prepared by Dewberry Engineers, Inc., dated April 22, 2020, unrevised;
- Plan of Existing Conditions (1 sheet) prepared by Dewberry Engineers, Inc. dated November 11, 2019, unrevised;
- Application Proposal prepared by Applicant undated;
- Comprehensive Radio Frequency Report prepared by Daniel Penesso, AT&T RF Engineer, dated January 30, 2020, unrevised;
- Antenna Site FCC RF Compliance Assessment and Report prepared by Pinnacle Telecom Group dated April 20, 2020, unrevised;
- Photographic Simulations (8 sheets) prepared by Ricci Planning, dated April 3, 2020, unrevised;
- Colocation Letter prepared by Christopher J. Quinn, Esq. dated April 22, 2020;
- A Development Application and Checklist.

In accordance with your authorization, we have reviewed this application for Conditional Use Variance and Site Plan and offer the following comments:

1. Project Description

The subject 3.8 acre property is a corner lot within an IOR Zone District which contains 362 feet of frontage along the westerly side of Tennent Road (County Route 3), and 228 feet of frontage



Marlboro Township Zoning Board  
Re: New Cingular Wireless PCS, LLC (ZB20-6711)  
Use Variance and Site Plan  
Engineering and Planning Review #1

May 13, 2020  
H-MR-Z0172.16  
Page 2

along the northerly side of Amboy Road. Currently, the property contains a 2-story warehouse/office building with associated parking and an outdoor storage area. Access is provided by a right-in/right-out only driveway along the Tennant Road frontage and a full-movement driveway along the Amboy Road site frontage.

The Applicant is seeking Use Variance and Site Plan approval to construct a 150 foot tall faux-tree stealth design monopole telecommunications tower having a four (4) quadrant array of 16 antennas at a centerline mounting height of approximately 142 feet within the existing outdoor storage area northwest of the building. Associated walk-in equipment cabinet and emergency generator unit are also proposed within a 25 foot by 25 foot enclosed compound area with an electric transformer and meter board outside said enclosure. The generator unit is to be supplied with natural gas service via connection to the existing meter at the onsite building while electric service is to be connected via underground cable to Amboy Road.

In accordance with Section 220-102E, a telecommunications facility is permitted as a conditional use within an IOR Zone District subject to the following:

- a. The minimum lot size on which the telecommunications facility is to be located is at least five acres in area.
- b. Lattice towers and any type of guyed tower are prohibited.
- c. Telecommunications towers shall be limited to monopoles without guys designed to ultimately accommodate at least three carriers and shall meet the following height and usage criteria:
  - i. For a single carrier, up to 100 feet in height.
  - ii. For two carriers, up to 125 feet in height.
  - iii. For three or more carriers, up to 150 feet in height.
  - iv. For three or more carriers on parcels in the MZ Zone District only which are owned by the Township of Marlboro or other public entity with 100 or more contiguous acres within a single block and which parcel abuts a freeway or principal arterial roadway, up to 200 feet in height.

As the project does not comply with item(a) above, a Conditional Use Variance is required.

## 2. Surrounding Uses

Properties surround the subject site to the north and west are similarly zoned IOR and contain a mix of commercial and industrial/office park complex uses to the north and a day-care school to



Marlboro Township Zoning Board  
Re: New Cingular Wireless PCS, LLC (ZB20-6711)  
Use Variance and Site Plan  
Engineering and Planning Review #1

May 13, 2020  
H-MR-Z0172.16  
Page 3

the east along Amboy Road. Properties opposite Tennent Road are zoned R-80 and contain a mix of residential vacant wooded parcels and a commercial use. Properties south of the site are zoned MZ containing the Amboy Road and NJ State Highway Route 18 right-of-ways.

### 3. Zoning Compliance

The subject property is situated within an LC Zone District. The table below summarizes the zone requirements and bulk measures for the property:

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	5 acres	3.8 acres (V)
Maximum Tower Height	150 feet (3 carriers)	150 feet
Minimum Tower Setback to Residential Zone	500 feet	310 feet ± (V)
Minimum Fall Zone to Lot Line and Building	150% height (225 feet)	126
Minimum Landscape Buffer	10 feet	0 feet (V)
Maximum Building Area	200 s.f.	45 s.f. ± (cabinet)
Maximum Building Height	10 feet	9.5 feet ± (cabinet)

#### **(V) – Variance Required**

Aside from the Conditional Use Variance, the Applicant has requested the following variances are required with this application:

- a) **Section 220-102F(1)(a)** – Towers may not be located closer than 500 feet to an residential zone; the centerline of Tennent Road would serve as the zone boundary for an R-80 Residential Zone east of the site and the proposed tower provides an approximate 310 foot setback to said centerline.
- b) **Section 220-102F(1)(6)** - A fall zone shall be established such that the tower is setback 150% of the height of said tower from any adjoining lot line and nonappurtenant building, whereby 225 feet would be required; approximately 126 feet, 137 feet and 162 feet are proposed from the tower to the subject property lines and approximately 96 feet is proposed to the existing building onsite.



Marlboro Township Zoning Board  
Re: New Cingular Wireless PCS, LLC (ZB20-6711)  
Use Variance and Site Plan  
Engineering and Planning Review #1

May 13, 2020  
H-MR-Z0172.16  
Page 4

- c) **Section 220-102F(1)(d)[1]** – Tower facilities shall be landscaped with a buffer of plant materials, including a standard landscape strip at least 10 feet wide outside the perimeter of the tower compound; no landscape buffer strip is proposed around the tower compound.

In conjunction with previous approvals associated with the existing site improvement's, variances and/or design waivers were granted regarding: minimum lot area; minimum lot frontage and width; minimum front yard setback, front yard parking setback/building and parking setback to residential zone; tree removal setback to residential zone and minimum buffer area to a residential zone.

The Applicant has not requested any design waivers with this application, however, the following relief appears necessary:

- d) **Section 220-159** – An environmental impact report is required on submission of subdivision and site plan applications.
4. The Applicant has not requested any waivers from providing Use Variance, Bulk Variance and/or Site Plan Checklist submission items, however, the following required Site Plan Checklist items should be provided or waivers requested:
- a. **Checklist IV Item k** – Location of all natural and manmade facilities within 200 foot radius of the property.
- b. **Checklist IV Item l** – Location of existing structures and use within 200 feet of the property.
5. Based on our review of the subject application, we estimate that the following fees are required:

a. Nonrefundable Application Fees:

Minor Site Plan Application Fee	\$500.00
Waiver of Environmental Impact Statement	\$100.00
Bulk Variance	\$500.00
Use Variance	\$200.00
<b>Subtotal:</b>	<b>\$1,300.00</b>

b. Professional Services Escrow Fees:

Commercial Site Plan not involving structures	\$5,000.00
Final Commercial Site Plan not involving structures	\$2,500.00



Marlboro Township Zoning Board  
Re: New Cingular Wireless PCS, LLC (ZB20-6711)  
Use Variance and Site Plan  
Engineering and Planning Review #1

May 13, 2020  
H-MR-Z0172.16  
Page 5

Bulk Variance	\$1,500.00
Use Variance	\$2,000.00
<b>Subtotal:</b>	<b>\$11,000.00</b>

We recommend the Township collect \$1,300.00 in nonrefundable application fees and \$11,000.00 in professional services escrow fees from the Applicant prior to deeming the application complete. In addition, the Applicant will be required to pay all applicable revision fees as stipulated in the Township Ordinances.

6. As the proposed use does not meet all the requirements for a Conditional Use within an IOR Zone District, the Applicant must seek a "Special Reasons" Use Variance pursuant to NJSA 40:55D-70d. The Applicant shall provide testimony demonstrating the following:
  - a) Positive Criteria
    - i) That the site is particularly suited to the use.
    - ii) There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D-2).
  - b) Negative Criteria
    - iii) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
7. The Applicant should be prepared to discuss the following issues with the Board:
  - a) That no other existing towers or technologies exist to meet the Applicant's needs.
  - b) Compliance with FAA and FCC regulations per Ordinance Section 220-102D(3).
  - c) Maintenance of the tower structure per Ordinance Section 220-102D(4).
  - d) The proposed height of the tower and anticipated number of carriers. As per Section 220-102E(2)(c)[3] of the ordinance, a monopole telecommunications tower up to 150 feet in height is permitted 3 or more carriers.



Marlboro Township Zoning Board  
Re: New Cingular Wireless PCS, LLC (ZB20-6711)  
Use Variance and Site Plan  
Engineering and Planning Review #1

May 13, 2020  
H-MR-Z0172.16  
Page 6

- e) Compliance with tower anti-climbing measures per Ordinance Section 220-102F(1)(c). We note barbed wire indicated as proposed which is prohibited per Ordinance Section 220-95D.
  - f) Adequacy of existing buffering/screening of the proposed tower compound per Ordinance Section 220-102F(1)(d).
  - g) Tower and equipment shelter finish, materials and aesthetics per Ordinance Section 220-102F(1)(f).
  - h) Monitoring and maintenance of the proposed tower per Ordinance Section 220-102J.
  - i) The need for posting of a bond to cover removal costs in the event the Township must remove the facility per Ordinance Section 220-102K(3).
  - j) Whether any regrading of the compound site and vicinity is proposed. At a minimum spot grades should be provided at all proposed pad corners on the Compound Pad.
  - k) Whether the proposed tower compound is to be any lease area from the subject property and the specifics of any lease agreement, if applicable. The need for any metes and bounds for the tower compound area and/or easements/access to same should be discussed.
  - l) Location of the proposed transformer pad and meter board outside the limits of the proposed fence compound. At a minimum, we recommend protective bollards proposed around same.
  - m) Effect of the proposed development upon the stormwater management of the site.
8. This application may be subject to the following outside agency approvals:
- a) Monmouth County Planning Board
  - b) Monmouth County Board of Health
  - c) Freehold Soil Conservation District
  - d) Marlboro Township Fire Bureau
  - e) Marlboro Township Police Department
  - f) Marlboro Township Environmental Commission
  - g) Western Monmouth Utilities Authority
  - h) Marlboro Township Water Department



Marlboro Township Zoning Board  
Re: New Cingular Wireless PCS, LLC (ZB20-6711)  
Use Variance and Site Plan  
Engineering and Planning Review #1

May 13, 2020  
H-MR-Z0172.16  
Page 7

- i) All other outside agency approvals as may be required. The applicant shall address the Board regarding the status of all outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.
9. Based upon our review the plans should be revised as follows:
- a. Indicate the height of the equipment cabinet and equipment shelter building.
  - b. In accordance with Section 220-102(1)(g) and (h), no lighting (except required by FAA) and/or signage may be erected on the tower.
  - c. Verify lot number indicated on the individual Plan of Existing Conditions by Dewberry Engineers, Inc. dated November 11, 2019 submitted with the application package.
  - d. Indicate Township Engineer rather than Board Engineer within the Zoning Board approval certification on the Title Sheet.
  - e. Indicate tower distance from the onsite building and to adjoining Lot 40.11 on the Site Plan (Z-2).
  - f. Verify landscape buffer indicated as required within the Wireless Ordinance Design Standards Schedule as well as the equipment area indicated as proposed.
  - g. Whether any portions of the existing 6 foot chain link fence surrounding the proposed compound would be removed should be clarified.
  - h. The Compound Plan indicates green slats with the fence enclosure which should also be indicated on the Fence Detail.
  - i. Verify antenna centerline mounting height indicated within the Project Description section of the Comprehensive Radio Frequency Report as same differs from the Site Plan. Also, verify tower height indicated within the FSCD application letter.

Based upon the minor nature of the information requested, we recommend that this application be deemed complete subject to the Applicant complying with all applicable notification requirements as set forth within the Marlboro Township Land Use Ordinance and the Municipal Land Use Law.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.



Marlboro Township Zoning Board  
Re: New Cingular Wireless PCS, LLC (ZB20-6711)  
Use Variance and Site Plan  
Engineering and Planning Review #1

May 13, 2020  
H-MR-Z0172.16  
Page 8

If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

**CME ASSOCIATES**

*Laura Neumann*  
Laura J. Neumann, PE, PP  
Zoning Board Engineer and Planner

LJN/GAC/pg  
cc: Marlboro Township Engineering Department  
Ronald Cucchiaro, Esq. – Zoning Board Attorney  
New Cingular Wireless PCS, LLC– Applicant  
Dewberry Engineers, Inc. – Applicant's Engineer  
Christopher J. Quinn, Esq.. – Applicant's Attorney