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July 23, 2020

Marlboro Township Zoning Board
1979 Township Drive
Marlboro, NJ 07746

**Re: New Cingular Wireless PCS, LLC (ZB20-6711)
Use Variance and Site Plan - Engineering Review #2
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 Preliminary and Final Site Plan approval:

- Site Plan (15 sheets) prepared by Dewberry Engineers, Inc., dated June 25, 2020, unrevised;
- Application Proposal prepared by Applicant revised June 25, 2020;
- Comprehensive Radio Frequency Report prepared by Daniel Penesso, AT&T RF Engineer, dated June 25, 2020, unrevised;
- Colocation Letter prepared by Christopher J. Quinn, Esq. dated April 22, 2020 (previous submittal);

In accordance with your authorization, we have reviewed this application for Preliminary and Final Site Plan approval and offer the following comments:

1. Project Description

The subject property is indicated to contain 3.8 acres as a corner property in an IOR Zone District and provides 362 feet of road frontage along the westerly side of Tennent Road (County Route 3), and 228 feet of frontage along the northerly side of Amboy Road. The property currently 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 Tennent Road frontage and a full-movement driveway along the Amboy Road site frontage.



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The Applicant is seeking Use Variance and Preliminary and Final 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 onsite northwest of the existing building. Associated walk-in equipment cabinet and emergency generator unit are also proposed within a 25 foot by 25 foot fence 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 5 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 (3) carriers and shall meet the following height and usage criteria:
 - i. For a single carrier, up to 100 feet in height.
 - ii. For two (2) carriers, up to 125 feet in height.
 - iii. For three (3) or more carriers, up to 150 feet in height.
 - iv. For three (3) 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.

2. Surrounding Uses

Properties surrounding the subject site to the north, east 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 the east along Amboy Road. Properties opposite Tennent Road are zoned R-80 and contain a mix of residential and vacant wooded parcels and a commercial use. Properties south of the site opposite Tennent Road and Amboy Road are zoned MZ containing a water utility facility and a solar power generation facility.



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3. Zoning Compliance

The subject property is situated within an IOR 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 feet ±
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 with this application:

- a) **Section 220-102F(1)(a)** – Towers may not be located closer than 500 feet to a 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.



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- 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 improvements, 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.

4. 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 compliance with the Medici case consistent with 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.

5. 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).



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- 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..
 - 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) Whether any proposed regrading of the compound site and vicinity is proposed. At a minimum, spot grades should be provided at all proposed pad corners.
 - i) Monitoring and maintenance of the proposed tower per Ordinance Section 220-102J.
 - j) 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).
 - 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 with the Board.
 - 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.
6. 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



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- e) Marlboro Township Police Department
 - f) Marlboro Township Environmental Commission
 - g) Western Monmouth Utilities Authority
 - h) Marlboro Township Water Department
 - 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.
7. Based upon our review the plans should be revised as follows:
- a. Verify landscape buffer indicated as required within the Wireless Ordinance Design Standards Schedule as well as the equipment area indicated as proposed.

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

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

Very truly yours,

CME ASSOCIATES

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