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January 12, 2021

Edwin F. Gerecht, Jr., Chair
Long Hill Township Zoning Board of Adjustment
915 Valley Road
Gillette, New Jersey 07933

RE: Application: 2020-06Z
Applicant: T-Mobile Northeast LLC
Site Plan and Variance Relief
Off of Long Hill Road, Gillette, NJ
Block: 13908, Lot: 15.01
C Conservation District

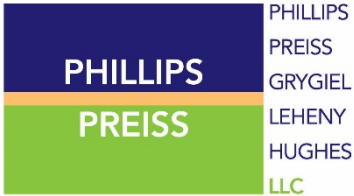
Dear Chairperson Gerecht and Members of the Board:

The following is a review letter of the above-referenced development application. The following documents have been reviewed:

- Site Plan entitled "Temporary Site NJCLT56 Preliminary and Final Major Site Plan Proposed Temporary Equipment and Tower at an Existing Transmission Tower" prepared by Maser Consulting P.A., dated June 4, 2020, consisting of 6 sheets;
- Existing Conditions Plan prepared by Maser Consulting P.A., dated November 1, 2019;
- Completed Township application for development including checklist, addendum/project narrative, and a Board of Adjustment Resolution (98-1 SZ) for a prior approval;

Project Description

T-Mobile has an existing, approved and operating wireless communications facility on a Public Service Electric and Gas Company ("PSE&G") electric transmission tower located at Block 13908, Lot 15.01 of the Township Tax Map on Long Hill Road. The tower has a license from the Federal Communications Commission ("FCC"). The PSE&G tower is located within a 150-foot wide PSE&G right-of-way to the south of the intersection of Hickory Tavern Road and Long View Terrace in the C (Conservation) Zone. This facility and others installed on similar PSE&G towers must be decommissioned due to PSE&G's tower replacement project. The existing PSE&G tower is expected to be removed at some point during the fall 2021, and the construction of the new tower is expected to last between six months and one year. T-Mobile will move its antennas back onto the PSE&G transmission tower once construction of same is completed and will remove its temporary tower. T-Mobile proposes to install a temporary ballast-mounted tower on Block 13908, Lot 15.01 for use during the PSE&G tower replacement. The temporary tower would be located closer to Long Hill Road than the existing tower. The facility will be approximately 122 feet from Long Hill Road at its closest point.



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Zoning Compliance

The subject property is located within the Township’s C Conservation zone. The Township has not enacted any provisions governing wireless telecommunication facilities. As a result, a “d(1)” use variance is required in connection with this application.

The application also requires two additional variances. First, for maximum building height, as thirty-five (35) feet is permitted in the C Zone and the proposed temporary tower has a height of one hundred (100) feet. As such, the applicant requires a “d(6)” height variance. Second, the side yard setback where twenty-five (25) feet is required and applicant proposes a 5.4-foot side yard setback. As such a “c” bulk variance is required. A zoning table indicating zone requirements and variances required is provided below.

C Conservation Zone

Bulk Requirements	Required/ Permitted	Existing	Proposed	Relief Needed
Min. Lot Area (acres)	3	5	5	—
Min. Lot Width (ft.)	250	150	150	EN
Min. Floor Area (sf.)	1,500	220	220	EN
Max. Height of Building (stories/feet)	2.5/35	N.A./123	100	V
Min. Front Yard (ft.)	75	428	118	—
Min. Side Yard (ft.) of one yard	25	42	5.4	V
Min. Side Yard (ft.) of both yards*	75	Not provided.	28.5	
Min. Rear Yard (ft.)	50	645	1,350	—
Max. Lot Coverage (%)	15	8	8	—

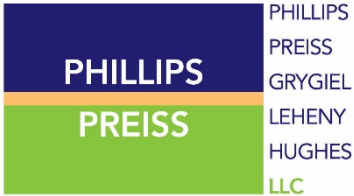
EN= Existing Non-Conformity; V= Variance Required

*Aggregate width of side yards shall equal at least thirty (30) percent of lot width at the building line.

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Planning Comments

- 1. The applicant should provide testimony as to why the existing tower needs to be rebuilt.**
- 2. A d(1) variance is required for the current development proposal, as telecommunications facilities are not permitted in the C Conservation zone. As such, the applicant must address the positive criteria, i.e. that the proposed use promotes the general welfare and is particularly suited for the site. Proof of an FCC license satisfies the general welfare requirement in applications to erect or expand a telecommunications tower. Cases have previously found particular suitability when 1) the site is zoned for industrial use; 2) the site is centrally located in the carrier's search area; 3) the site already accommodates a monopole; 4) competent expert testimony establishes that existing capacity is inadequate; 5) propagation maps demonstrate an inadequacy of signal strength; 6) the site redresses a carrier's lack of capacity; or 7) viable alternative sites are not available. However, an applicant need not disprove the possible existence of alternative sites.**
- 3. In addition, the applicant must address the negative criteria that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. In Smart SMR v. Fair Lawn, the Court did not find telecommunication towers to be inherently beneficial uses but did direct reviewing Boards to evaluate whether an applicant addressed the negative criteria as it would an inherently beneficial use which is as follows: (1) the Board should identify the public interest at stake; (2) the Board should identify the detrimental effect that will ensue from the grant of the variance; (3) in some situations, the Board may reduce the detrimental effect by imposing reasonable conditions on the use; and (4) the Board should then weigh the positive and negative criteria and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good.**
- 4. The applicant must provide testimony regarding the required d(6) height variance, specifically addressing the need for the height for the proposed facility and the visual impact on surrounding properties as a result of the changed location of the proposed tower from the existing tower. The applicant must also advance special reasons (i.e., the positive criteria) and the negative criteria as part of their testimony.**
- 5. As bulk (c) variances are required in connection with the application, the Board must find that there is either undue hardship or practical difficulty associated with the strict application of the requirements of the Zoning Ordinance in connection with this specific piece of property; or that one or more purposes of zoning would be advanced by the deviation, and the**



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benefits of granting the variance(s) for this specific piece of property would substantially outweigh any detriment. In addition, the Board must be satisfied that the granting of the variances would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

6. The applicant should provide testimony regarding the frequency and nature of any site visits or employee maintenance that will be required and describe how the compound will be accessed in such circumstances.
7. The applicant should provide testimony as to what will happen to the proposed tower when the existing tower is rebuilt.
8. The site plan shows an existing AT&T compound. The applicant should provide testimony as to whether AT&T will use T-Mobile's temporary site while the existing tower is being replaced.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Elizabeth Leheny, AICP, PP

cc: Debra Coonce
Rich Keller, PE, PP, CME
Jolanta Maziarz, Esq.