

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF LONG HILL

Application No. 98-15Z

RESOLUTION

WHEREAS, OMNIPOINT COMMUNICATIONS, INC. has applied to the Zoning Board of Adjustment of the Township of Long Hill for use and bulk variances and preliminary and final site plan approval in conjunction with a proposal to install wireless communications antennas at the top of an existing tower (thereby increasing its height by some ten (10) feet) and to install a small equipment cabinet and related improvements at the base of the tower, with respect to property known as Block 195, Lot 15.01 on the Township Tax Map, located within a Public Service Electric & Gas Company right-of-way to the south of the intersection of Hickory Tavern Road and Long View Terrace, which premises are in a C (Conservation) Zone; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and of the adjoining property owners and other interested parties, has made the following factual findings and conclusions:

1. The subject property, located in the "C" Conservation Zone, is a 150 foot wide strip containing a Public Service and Gas Company ("PSE&G") right-of-way. It is presently improved with a 123 foot high PSE&G electric line tower. PSE&G has authorized Omnipoint Communications ("Omnipoint") to make this application, which seeks permission to install some antennas at the top of the existing tower and a small electronics equipment cabinet and surrounding fencing at the base of the tower.

2. The application entails the following variances from requirements in the Township Zoning Ordinance (the "Ordinance"):

(a) The proposed use is not a permitted one in the C Zone, pursuant to Section 122.1 of the Ordinance. As such, a use variance is required under N.J.S.A. 40:55D-70(d).

(b) Pursuant to Section 131, the Schedule of Bulk Requirements in the Ordinance, the height limit in the Zone is 35 feet. The existing tower is 123 feet high and the proposed antennas at its top will extend the total height to some 133 feet. The requested height variance also falls within the criteria of N.J.S.A. 40:55D-70(d).

(c) Pursuant to the aforementioned Schedule in the Ordinance, the minimum required lot width in the Zone, as measured along the street line, is 250 feet. The lot width of the PSE&G right-of-way is 150 feet and it has only some 50 feet of frontage along Hickory Tavern Road. This involves a bulk variance within the criteria of N.J.S.A. 40:55D-70(c).

3. The application also requires site plan approval pursuant to Section 162.2 of the Ordinance.

4. The property, the existing PSE&G tower and the proposed new Omnipoint facilities are more particularly depicted on plans (consisting of Sheets S-1 and Z-1) prepared by Arcnet Architects, Inc. dated June 10, 1998 and June 15, 1998, last revised to July 16, 1998, same consisting of two (2) sheets.

5. Omnipoint presented expert witness testimony from several individuals in support of its application. Christopher Olson, Omnipoint's radio frequency engineer, was the first witness to testify on its behalf. He explained that a radio frequency engineer determines where base station locations are needed in order to provide seamless coverage. Mr. Olson currently serves as the person who sites facilities for Omnipoint. The witness stated that Omnipoint is a personal communications service ("PCS") provider, which is a wireless phone service similar to that of cellular companies. It requires

many small coverage areas and lower power base station sites throughout the network to be served. The Omnipoint system is 100% digital. Omnipoint is licensed by the Federal Communications Commission ("F.C.C.") and its PCS service is similar to that of a public utility. Apart from being able to speak to others, Omnipoint's customers can send messages to and from the Internet. There are also voice mail, data and paging services. Mr. Olson noted that at present the applicant's coverage in Long Hill is "very spotty". Omnipoint relies on a line of sight technology. As such, the existing PSE&G tower, which covers both sides of a hill, will fill an essential servicing need for the applicant. A computerized program has projected what the coverage would be in the future (i.e. after installation of the proposed facilities) based upon terrain, height of the structure and a propagation model. The proposed new installation will fill a gap in service in the northeasterly and easterly portions of the Township. There will still be a gap in coverage in the westerly portion of the municipality, and the applicant is looking for other sites to fill this need.

Mr. Olson also explained that there is a need to mount the three (3) proposed antennas above the existing tower in order to get the proper orientation without the structure of the tower itself blocking the signal. Each of the antennas will point in a different direction. The radio frequency engineer stated that radio transmissions from the antennas will not cause interference with other equipment that may be operating in the area. Omnipoint operates on only a certain frequency which others do not utilize. There will be no excessive noise generated from the facility, according to the witness. The only sound will be the "low hum" from a fan within the door of the equipment cabinet, which noise will not even be equivalent to that of an air conditioner.

Mr. Olson indicated that the facility will be unmanned, with the site being connected back to the applicant's switching office with actual wired telephone lines. It will be monitored (remotely) 24 hours a day and, in the event of an equipment outage, a technician would be dispatched to the site. Otherwise, service personnel will visit the site approximately once a month to do routine maintenance. The witness stated that Omnipoint will be the first carrier, and the only one that he knew of, on the existing tower. There would be no problem -- apart from a need to keep a certain distance from other carriers' antennas -- with other companies co-locating on the site.

6. Bruno J. Sutter, an architect with Arcnet, described in detail the facilities proposed for the site. There will be three (3) dual pol antennas, each of which will be 56 inches high and mounted on a galvanized steel pole. The overall added height at the top of the tower will be some 9'8". At the base of the tower, there will be a 12' X 12' fenced in area surrounded by an 8 foot high chain link fence. Within this compound, there will be a 5'4" high, by 3' wide, by 3'4" deep equipment cabinet and an even smaller electrical panel box. The compound will be located near the easterly leg of the tower, underneath the actual structure. The antennas will be off white in color, which will blend in with the sky; the equipment cabinet will be beige or sand tone in color. The architect said that electrical service for the facilities will be taken from an existing pole along Hickory Tavern Road, and will need to be overhead at least at its start. He said that as little vegetation as possible will be removed and most of the area will be left in its natural state. No trees of any significance (i.e. 4" to 6" or greater in diameter) should have to be removed. Service vehicles will park just off of Long Hill Road, some 600 feet away from the tower. The witness noted that the applicant is aware of the location of existing and proposed gas pipelines

in the area, and he said that it will not be necessary for vehicles to drive over the pipelines.

7. Alice Fahy-Elwood, a health physicist with Bell Labs, testified with regard to the safety of the radio frequency emissions from the site. She reviewed the data and conclusions on the subject which are contained in a written report prepared for the applicant. Ms. Fahy-Elwood said that the study which had been performed made "worst case assumptions" by assuming that the site would operate continuously at maximum power and with all of its channels going continuously. The results of the analysis indicate that the maximum level of radio frequency ("RF") energy to which the public may be exposed would be below all applicable health and safety limits. Specifically, the maximum level of RF energy from all proposed transmitters would be less than 0.005% of the safety criteria established by the F.C.C. Moreover, the RF level would be less than 0.001% of New Jersey Administrative Code limits.

8. William F. Masters, a professional planner, was the final expert to testify for the applicant. Utilizing a photo display board, the witness noted that the proposed new antennas at the top of the existing tower will have a minimal or even insignificant visual impact. The 12' X 12' enclosed compound area will occupy only some 4 $\frac{1}{2}$ % of the area inside the legs of the tower, according to the planner. While there will be a need to clear a 12 foot wide strip to gain access to the tower for construction purposes, this area could be restored with new vegetation. The planner cited a leading decision of the New Jersey Supreme Court which draws a sharp distinction between installations requiring new monopoles or towers and those where antennas are merely appended to existing structures, such as in the instant case. He said that the latter situation may involve an inherently beneficial usage. In any event, Mr. Masters maintained that the subject site is particularly suited for the

proposed use since it is centrally located within the search area and since it fills a gap in radio frequency coverage. There will not be any need to construct a new free-standing support structure for the antennas. The planner also felt that the existing PSE&G public utility usage and the proposed Omnipoint use would be compatible from a land use perspective. There should not be any significant impact on the environment or any substantial detriment to surrounding properties.

Mr. Masters said that the height variance is not based so much on a radio frequency requirement as it is upon the need for the antennas to clear the existing tower so as to avoid signal interference. He felt that the proposed antennas would be a rather insignificant addition to the tower given its mass in relationship to the dimensions of the antennas. The lot width variance pertains to an existing situation which will not be changed by the application. Both the new antennas and the equipment cabinet will be contained entirely within the footprint area of the existing tower, so there will be no adverse impacts in terms of setbacks or proximity to the side yards.

9. A few interested citizens offered some comments about the applicant's proposal. One nearby resident noted her concern over the fact that construction vehicles would be using an area in close proximity to her property. Another person stated that approval of the Omnipoint application would lead to other similar requests throughout the Township.

10. The Board has received and considered reports on the application from the Township Planning Consultant and the Township Engineer. Michael J. Tobia, the Township Planner, commented as follows with respect to the Omnipoint proposal:

"The clear and significant advantage to the application is that the existing PSE&G tower obviates the need for a new tower structure, which might have an adverse visual impact on the area. Traffic is not an issue as these facilities are unmanned and maintenance visits are limited to once or twice a month. Public health concerns are regulated by the

State, and radio and television interference issues by the F.C.C. Buffering and landscaping seem unnecessary given the existing vegetation in the area."

The Board has also received a standard letter from the Morris County Planning Board which notes that the proposal will have no adverse effect upon County roads and/or County drainage facilities.

11. After reviewing the evidence submitted, the Board concludes that the applicant has sustained its burden of showing special reasons to warrant a grant of the requested use variance. The proposed wireless communication facilities are important for the general welfare in that they will serve the public's need for reliable and prompt transmission of information. As such, the proposal may very well be considered an inherently beneficial one. In any case, the site selected is one which is particularly well suited. As noted by the Township Planner, the utilization of the existing PSE&G tower obviates any need for a new tower structure, which might have an adverse visual impact upon the area. Additionally, the Board finds that the purposes of the Municipal Land Use Law will be advanced by the requested deviations from the zoning requirements and that the benefits to be derived therefrom will substantially outweigh any detriments associated therewith. For the reasons stated by the applicant's planner, the requested variances for height and lot width are also warranted. The addition of Omnipoint's antennas to the top of the tower will barely be noticeable. The lot width will not be affected by this application.

12. The Board also finds that the applicant has demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance. The right-of-way upon which the PSE&G tower is located is well wooded, and the applicant is amenable to installing additional plantings to replace any trees which may

have to be removed during construction of the Omnipoint facilities.

13. Finally, the Board is satisfied with the proposed site plan, subject to the conditions set forth below -- which conditions should serve to lessen any (minor) impacts which might otherwise result from the applicant's proposal.

WHEREAS, the Board took action on this application at its meeting on January 5, 1999, and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g):

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Long Hill, on this 6th day of April, 1999, that the application of Omnipoint Communications, Inc. for use and bulk variances and preliminary and final site plan approval, as aforesaid, be granted subject to the following conditions:

1. The plans shall be revised in the following respects, or calculations and data shall be supplied, all of which shall be satisfactory to the Township Engineer:

(a) Note that the decibel level at the site will not exceed that allowed under applicable noise standards or regulations.

(b) Note that there will be no audible alarms at the building or at the site.

(c) Note that the site shall only be accessed from Long Hill Road (i.e. rather than from Hickory Tavern Road).

(d) Note that the fencing at the property will not have barbed wire.

(e) Note that the applicant will supply the Township Police Department with a key to the locked gate at the site.

(f) Note that the electrical service to the facilities shall be installed underground at locations where the Township Engineer deems same to be feasible.

(g) Note that, following construction/installation of the proposed facilities, a meeting shall be held at the site between representatives of the applicant, the Township Engineer and a representative of the Township Shade Tree Committee at which meeting discussion shall be held and agreement reached as to the installation of replacement plantings for areas which may have been disturbed. It is understood that, since access to the facilities will still be required after construction, the replacement plantings (or all of such plantings) will not necessarily have to be in the same location as the vegetation which had been removed during construction. The Township Officials shall have the final decision-making authority as concerns the addition/installation of all such plantings.

(h) Provide for installation of a small sign at the site which will contain an emergency telephone number.

2. Applicant shall post with the Township sufficient funds to satisfy any deficiency in the developer's escrow account.

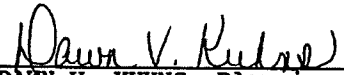
All conditions shall be satisfied prior to signing of the plans by the Board Officers and prior to the issuance of any building permit.

ROLL CALL VOTE:

Those in Favor: Mr. Scherer, Ms. Buffa, Mr. Behr, Mr. Spinello and Mr. Neville.

Those Opposed: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Long Hill at its meeting on April 6, 1999, as copied from the Minutes of said meeting.



DAWN V. KUHNS, Planning and
Zoning Administrator

Dated: April 14, 1999

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF LONG HILL

Application No. 03-14Z

RESOLUTION

WHEREAS, CELLULAR TELEPHONE CO. d/b/a AT&T WIRELESS has applied to the Zoning Board of Adjustment of the Township of Long Hill for use and bulk variances and preliminary and final site plan approval in order to install six (6) wireless communication antennas on an existing transmission tower, together with equipment cabinets at the base of the tower within a fenced compound, with respect to property known as Block 195, Lot 15.01 on the Tax Map of the Township, located within a Public Service Electric & Gas Co., right-of-way to the south of the intersection of Hickory Tavern Road and Long View Terrace, which premises are in a "C" (Conservation) Zone; and

WHEREAS, the Board has held public hearings on the application on July 6, 2004, August 3, 2004 and October 19, 2004, at which time interested citizens were afforded the opportunity to be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant, the adjoining property owners and other interested parties, has made the following factual findings and conclusions

1. The subject property, located in the "C" Conservation Zone, is a 150 foot wide strip containing a Public Service and Gas Company ("PSE&G") right-of-way. It is presently improved with a tall PSE&G electric line tower which had been some 123 feet in height. Pursuant to a Resolution adopted by the Board of Adjustment on April 6, 1999 (Application No. 98-15Z), Omnipoint Communications, Inc. ("Omnipoint") was granted variance and site plan approval to install its wireless communication antennas at the top of the existing tower, thereby increasing its height by some 10 feet (i.e. to a new height of approximately 133 feet).

2. In the present application, Cellular Telephone Co. d/b/a AT&T Wireless ("Cellular") applies, with the consent or authorization of PSE&G, in order to obtain the approvals necessary for Cellular to install six (6) of its wireless telecommunication antennas on the existing transmission tower and to construct

equipment cabinets at the base of the tower. Four (4) of the proposed Cellular antennas will be located at the 121.5 foot level of the tower (i.e. to the top of the antennas), and two (2) of the proposed Cellular antennas will be located at the 115 foot level of the tower (i.e. to the top of the antennas). The applicant's proposed antennas will each be 51.2 inches in height, 16 inches in width and 3.5 inches in depth. Cellular's ground facilities will be enclosed within a 18' x 30' gravel compound under the most southerly corner of the tower, which compound will be enclosed within a six (6) foot high chain link fence. There will be two (2) slabs on grade (each of which will be 6' x 5'-2-5/8"). One of these slabs will contain the applicant's electric meter cabinet and telco cabinet; the other slab will be available for construction in the future of two (2) additional cabinets. Cellular's cabinets will each be approximately 2-1/2 feet wide, 2-1/2 feet deep, and 5 feet in height.

3. The applicant's proposal is more particularly depicted on plans prepared by Dewberry-Goodkind, Inc., Consulting Engineers, dated or last revised as of October 5, 2004, same consisting of eight (8) sheets.

4. Cellular's proposal requires the following approvals or relief from the Board of Adjustment:

(a) A use variance is required (in accordance with N.J.S.A. 40:55D-70(d)) since cellular communication antennas and the applicant's related ground equipment cabinets are not a permitted use in the "C" Zone of the Township, pursuant to Section 122 of the Long Hill Township Land Use Ordinance (the "Ordinance"). The proposed addition to the site of the applicant's wireless communication facilities constitutes an expansion of the present non-conforming usage of the property contrary to N.J.S.A. 40:55D-70(d)(2).

(b) A height variance is required (in accordance with N.J.S.A. 40:55D-70(d)(6)) since the proposed antennas are to be mounted on the existing 133 foot high tower at heights of 115 feet and 121.5 feet, whereas the maximum allowable height in the Zone in accordance with Section 131,

the Schedule of Bulk Requirements in the Ordinance, is 35 feet.

(c) Pursuant to the aforementioned Schedule in the Ordinance, the minimum required lot width in the Zone, as measured along the street line, is 250 feet. the lot width of the PSE&G right-of-way is 150 feet and it has only some 50 feet of frontage along Hickory Tavern Road. This involves a bulk variance within the criteria of N.J.S.A. 40:55D-70(c).

(d) Site plan review/approval is required in accordance with Section 162.2 of the Ordinance. The applicant seeks both preliminary and final site plan approval for its proposed facilities.

During the hearings, Cellular elected to bifurcate its application by first seeking the requisite variance approvals needed for the project and by then seeking site plan approval.

5. Cellular presented testimony from three (3) experts in support of its application. Vishal Kataria, a radio frequency engineer, was the first witness to appear for the applicant. Mr. Kataria, who is employed by Bechtel Telecommunications, was responsible for the design of the site. He presented colored renderings depicting the existing radio frequency coverage at the property and reviewed the results of a "drive test" which had been performed in the area. The radio frequency engineer indicated that the mountainous topography of the area allows coverage to the south but blocks coverage to the north. The witness explained that the objective of the proposed application is to provide cellular coverage to the north, as well as along Long Hill Road and along Meyersville Road. Mr. Kataria stated that proposed antennas will provide Cellular with the necessary coverage in the area and that the applicant would then be in compliance with applicable FCC standards.

The radio frequency engineer also reviewed the findings of an emissions level study. Following installation of the proposed facilities, the site would be fully compliant with allowable FCC emission levels (which are more stringent than New Jersey standards). Specifically, the applicant's proposal would be 57 times lower

than the allowable emissions level in one band and 94 times lower than the allowable level in another band. Mr. Kataria explained that there would be no interference with telephone, television or cable systems in the area because their frequencies are on different bands.

In response to questioning from the Board and the public, the radio frequency engineer stated that there is only one other plot in the area which, technically speaking, could provide the necessary coverage. However, that location is in the backyard of a homeowner and is not a feasible one.

6. Todd Hay, an engineer with the firm of Dewberry-Goodkind, Inc., reviewed the features of the property and the construction proposed by the applicant. Mr. Hay stated that the 150 foot wide right-of-way will provide access to the facility via a 604 foot long driveway or path leading from Hickory Tavern Road. Electrical and telephone service will be installed underground within the access way to the tower. The engineer reviewed the features of the proposed antennas and ground equipment cabinets. There will be a three (3) foot high retaining wall supporting the slope along the southerly side of the applicant's compound. Mr. Hay said that site maintenance would be performed once every four to six weeks, at which time the cabinets and the antenna cables would be checked. He noted that the antennas would not stand out beyond the face of the tower.

In response to questions, Mr. Hay indicated that no lighting is proposed for the site. He said that there will be no need for an ice shield to be mounted over the cabinets, since they will be sturdily reinforced. The applicant's engineer said that there will be a cooling fan in the equipment cabinets with a noise level that will be less than that allowed under the standards of the NJDEP. Mr. Hay said that the construction would be a substantial distance away from the existing Transco high pressure interstate gas main but that, in any case, Transco would be notified in advance of the applicants excavation at the site.

7. Peter Tolischus, a professional planner, was the other expert to testify for the applicant. Mr. Tolischus stated that he had performed a visual analysis to determine if there would be any significant impact from the addition of cellular antennas on the existing high tension tower. He explained that the proposed antennas would extend to the side – rather than above the tower, and

would therefore look to be a part of the structure. The witness presented an aerial composite photo simulation of the property including the proposed antennas, and he also reviewed some photographs of the site. Mr. Tolischus opined that the addition of the applicant's antennas would be unobtrusive and would preclude the necessity to construct a new tower in the area.

The planner commented upon the relief requested by the applicant, same consisting of two "d" variances for expansion of a non-conforming use and for exceeding the allowable height requirements. There is also a "c" variance for the pre-existing deficiency in lot width. Mr. Tolischus described the property as being a uniquely shaped long linear lot. He was of the opinion that the applicant's possession of an FCC licensee serves, in and of itself, to satisfy the positive criteria of the Municipal Land Use Law since the general welfare of the public would be enhanced by improved communication facilities in the area. The witness also felt that the property is particularly suited for the proposed usage and that the applicant's proposed facilities would serve to fulfill radio frequency requirements and fill an existing gap in service. Commenting upon the negative criteria, the planner said that there will be minimal detrimental effects from the project and that there would not be any additional noise of traffic. The witness said that Cellular has agreed to comply with reasonable conditions of the Board pertinent to landscaping. He concluded his testimony by noting that co-location on an existing tower is unquestionably the best way to solve the existing gap in coverage.

8. Only one interested citizen testified in connection with the application. Lawrence Fast, a resident of Long Hill Road, expressed concern that construction at the site would impact upon his privacy. He also felt that there was "a public safety issue" involved due to the presence of the existing gas pipeline on the site. Mr. Fast recommended that representatives of the gas pipeline facility be on the site during construction.,

9. The Board has received and considered reports on the application from the Township Planning Consultant, the Township Engineer, the Township Environmental Commission, the Township Shade Tree Commission, the Township Traffic Safety Officer, the Township Fire Chief and the Morris County Planning Board. In addition to submitting written reports, Kevin O'Brien, the Township

Planner, testified with regard to a site visit which he had performed together with representatives of the applicant and a comprehensive landscaping plan which had been agreed upon at the time of visit. Mr. O'Brien recommended that new plantings along the southerly side of the right-of-way be very close to the property line to help in preventing disturbance of the plantings by PSE&G personnel.

10. Dr. Bruce Eisenstein, a telecommunications expert and special consultant to the Board, commented upon the applicant's proposal. Dr. Eisenstein stated that, from a radio frequency point of view, the area is unusual due to the sharp ridge line running along Long Hill Road. The expert noted that antenna sites below the ridge line have virtually no propagation over the ridge. The only way that Cellular could obtain the required coverage would be to locate its facility on the ridge, as has been done in the present application. Dr. Eisenstein added that, from an esthetic point of view, the application is one of the "most neutral" which he has encountered since the proposed antennas would barely be noticeable, even at close range. He recommended that the Board approve the application subject to the imposition of appropriate and reasonable conditions.

11. After reviewing the evidence submitted, the Board concludes that the applicant has shown special reasons warranting the grant of the requested use and height variances. Providing the proposed new wireless communications facilities will advance the general welfare. An existing gap in coverage will be filled by the applicant's proposal. The usage is an appropriate one at this property, especially in light of the fact that the applicant will be co-locating its antennas on an existing tower. The site is a unique one and the facilities will barely be visible from the street, if at all. The requested bulk variance pertaining to the lot width of the property is also warranted. The applicant's proposal will have no effect upon this existing condition.

12. The Board also finds that the applicant has demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance. The location of the property and the wireless facilities to be installed thereon is such that there will be minimal effects from the applicant's proposal.

13. The Board also concludes that it is satisfied with the proposed site plan, subject to the conditions set forth below:

WHEREAS, the Board took action at its meeting of August 3, 2004 on the variance phase of this bifurcated application and at its meeting of October 19, 2004 on the site plan phase of this application, and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g):

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Long Hill, on this 4th day of January, 2005, that the application of Cellular Telephone Co., d/b/a AT&T Wireless for use and bulk variances and preliminary and final site plan approval, as aforesaid be granted subject to the following conditions:

1. Applicant shall submit proof of payment of real estate taxes through the fourth quarter of 2004.

2. Applicant shall obtain approval or waiver from the Morris County Soil Conservation District.

3. The plans shall be revised in the following respects, or documents, data and calculations shall be supplied, all of which shall be satisfactory to the Township Engineer (or, where indicated below, to the Township Planning Consultant):

(a) Correct/clarify the notes on the plans so as to indicate that the applicant does not propose to remove or disturb the existing Omnipoint Communications antennas at the site and so as to indicate that the applicant does not propose to install or remove any County antennas.

(b) Correct/clarify the information provided in the applicant's proposal so as to address the matters noted in Paragraph 1 of the May 25, 2004 report of the Township Engineer.

(c) Supply data from a licensed structural engineer as to the load-bearing capacity and the structural integrity of the tower.

(d) Note that the site shall only be accessed from Hickory Tavern Road (i.e. rather than from Long Hill Road).

(e) Note that the applicant's antennas shall be flush-mounted so as not to project outward from the tower.

(f) The equipment cabinets at the base of the tower shall be painted taupe and the color of the applicant's antennas shall match the color of the tower.

(g) Note that there will be no audible alarms which can be heard on the site (i.e. only remote sounding alarms will be allowed).

(h) Provide specifications which demonstrate that any air conditioning or cooling equipment and/or any emergency generator will comply with applicable noise standards; and note that permissible noise standards for the property will not be exceeded.

(i) Note that the fencing to be installed at the property shall be chain link fencing clad in black or dark green vinyl and that the fencing shall not contain barbed wire.

(j) Note that keys or the security combination to the applicant's compound on the site shall be furnished to the Township Police and Fire Departments.

(k) Provide for installation of a small sign at the site which will contain an emergency telephone number.

(l) Note that the electrical service to the facilities shall be installed underground at locations where the Township Engineer deems same to be feasible.

(m) The landscaping plan for the facility shall be revised, as deemed necessary by the Township Planning Consultant, to indicate or reflect the following:

- Along the south side of the right-of-way, there shall be a 150 foot long buffer planted, with the center of the buffer to match the center of the proposed ground cabinets for the wireless communications facility. The plantings along such right-of-way shall consist of Leather Leaf Viburnum with heavy foliage 4 to 4-1/2 feet high at planting and American Holly 6 to 7 feet high at planting. The plantings shall alternate, with one Leather Leaf followed by a Holly, followed by another Leather Leaf and continuing the pattern. The plantings shall be 12 feet apart and in a straight line, with 13 plants in total. The right-of-way shall be staked by the applicant and the plantings shall be placed approximately 2 feet to the north of the southerly boundary line of the right-of-way.
- Along the north side of the ground facility, there shall be a double row of plantings similar to that depicted on Sheet ZO3 dated 10/5/04. The double row shall be placed adjacent to the existing tower. The plantings shall consist of 8 Leather Leaf Viburnum plantings and shall extend 40 feet in length with 10 feet between the plantings of each row, and each row shall be separated by no more than 5 feet. The plantings shall be centered on the ground facility of the wireless communications compound. The plantings shall be 4 to 4-1/2 feet tall at time of planting.

- Note that markers shall be placed to indicate the areas of plantings which are not to be disturbed.
- Provide for installation of a "Permahedge" along the entire fence surrounding the ground facility.
- Note that the plantings shall be guaranteed for a period of two (2) years from the date of planting.

(n) Note that the Township Police and Fire Departments shall be notified, and that Transco shall also be notified, at least 48 hours prior to commencement of excavation for the project so that they will be able to be present during such excavation and help to ensure that there shall be no disturbance of or infringement upon the Transco pipeline which traverses the area.

(o) Note that the applicant shall clean-up the site and remove all debris therefrom prior to commencement of any work at the property, with such clean-up and removal to be done to the satisfaction of the Township Engineer.

4. Applicant shall post engineering inspection fees with the Township in accordance with Ordinance requirements.
5. Applicant shall post sufficient funds with the Township to satisfy any deficiency in the developer's escrow account.
6. Applicant shall provide an as-built plan upon completion of the project.

Except as otherwise set forth above, all conditions shall be satisfied prior to signing of the plans by the Board Officers and prior to issuance of any municipal permits.

ROLL CALL VOTE:

Those in Favor: Mrs. Raimer, Mr. Piserchia, Mr. Pagano, Mr. Fargnoli,
Mr. Alto and Mr. Jones.

Those Opposed: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Long Hill at its meeting on January 4, 2005 as copied from the Minutes of said meeting.



CYNTHIA L. PHILLIPS, Board Secretary

Dated: January 5, 2005