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• Also admitted NY Fed Cts.

Also LEED AP

x Bergen County Prosecutor (ret.)

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July 28, 2020

Via Federal Express

Long Hill Township Zoning Board of Adjustment
Attn: Debra Coonce, Planning and Zoning Board Coordinator
915 Valley Road
Gillette, NJ 07933

**Re: T-Mobile Northeast LLC
Block 13908, Lot 15.01
Variance Application**

Dear Ms. Coonce:

Enclosed please find the following documents submitted in connection with the application by T-Mobile Northeast LLC ("Applicant") for site plan approval and variance relief with respect to the proposed installation of a temporary wireless telecommunications tower on Block 13908, Lot 15.01 of the Township Tax Map (the "Property"), five (5) sets of the following:

1. Completed application for development (one with original signature);
2. Consent of property owner;
3. Application addendum with statement of facts in support of application;
4. Completed checklist;
5. Prior approval (Resolution 98-15Z);
6. Zoning officer's denial letter;
7. Completed Morris County Land Development Review Application;
8. Completed soil erosion and sediment control certification;
9. Completed disclosure of corporate owners or partners;
10. Structural Calculations dated January 17, 2020;
11. Radio frequency environment report dated July 13, 2020;
12. 200' list of property owners from Township of Long Hill (update has been requested);
13. 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.C., dated June 4, 2020; and
14. Existing conditions plan dated November 1, 2019;

Please be advised that two (2) collated sets of the above documents and electronic copies on an attached USB drive have also been submitted to the Long Hill Environmental Commission.

Also enclosed please find one (1) copy of the following:

1. Proof of payment of taxes (update has been requested);
2. Check in the amount of \$2,192.50 for the application fee;
3. Check in the amount of \$11,500.00 for the escrow deposit;
4. W-9 Form; and
5. Letter of transmittal of County Planning Board Application to the Morris County Planning Board.

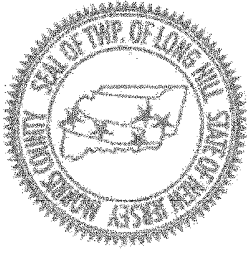
PRICE, MEESE, SHULMAN & D'ARMINIO
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS

Thank you for your time and attention to this matter.

Sincerely,

Edward W. Purcell / JF
Edward W. Purcell, Esq.

cc: Richard Keller, PE, CME
Timothy Kronk, P.P.



TOWNSHIP OF LONG HILL

COUNTY OF MORRIS
GILLETTE, HOMESTEAD PARK, MEYERSVILLE, MILLINGTON, STIRLING

PROPERTY ADDRESS PSE&G Steel Tower 12/4 off of Long Hill Road

BLOCK(S) 13908 **LOT(S)** 15.01

APPLICANT T-Mobile Northeast LLC

I affirm that all statements in this submitted application are true.

Gregory D. Meese/JS
Signature of Applicant

Gregory D. Meese, Esq.
Print Name

7/28/2020
Date

SUBMISSION REQUIREMENT

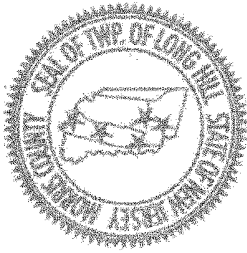
For all applications, **FIVE (5) COLLATED sets of all COMPLETED and SIGNED application forms** are required for submission to the Planning & Zoning Coordinator for completeness review. For any/all subsequent changes or updates to a pending application, five (5) copies are also required for resubmissions. All required documents are listed in the Application Checklists.

Once an application is deemed complete and scheduled for a hearing, fifteen (15) collated sets of the application forms must be submitted to the Planning & Zoning Coordinator for distribution to the appropriate Board.

ESCROW DEPOSITS

In accordance with the Ordinances of the Township of Long Hill, escrow accounts are established to cover the cost of professional services including but not limited to planning, engineering, legal and other expenses associated with the review of submitted materials. If additional sums are deemed necessary, the Planning & Zoning Coordinator will notify the Applicant of the required additional amount. **Please note: without sufficient funds in an Applicant's escrow account, the review and subsequent scheduling of the application for a meeting will cease until such time that the Applicant has replenished the escrow account as per the Planning & Zoning Coordinator's request.**

Sums not utilized in the application process shall be returned upon written request by the Applicant and after verification that all Board expenses have been satisfied. A W-9 Form (Request for Taxpayer Identification Number and Certification) must be completed and submitted with any escrow deposits.



TOWNSHIP OF LONG HILL

COUNTY OF MORRIS
GILLETTE, HOMESTEAD PARK, MEYERSVILLE, MILLINGTON, STIRLING

ADDENDUM Statement of Facts in Support of an Application

Applicant: T-Mobile Northeast LLC

Property Address: PSE&G Steel Tower 12/4 off of Long Hill Road

Block: 13908

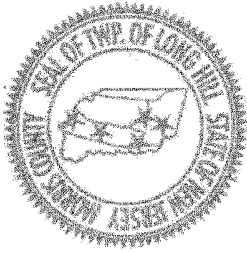
Lot(s): 15.01

Date: 7/28/2020

Statement of Facts to include the following:

- Present and/or previous use of the building(s) and premises.
- Detailed description of the proposed use.
- Detailed description of the proposed improvements to the building(s) and premises.
- What conditions are preventing the Applicant from complying with the Zoning Ordinance?
- Any other detailed information to further explain what the Applicant proposes for the building(s) and premises.

See attached addendum.



TOWNSHIP OF LONG HILL

COUNTY OF MORRIS
GILLETTE, HOMESTEAD PARK, MEYERSVILLE, MILLINGTON, STIRLING

CHECKLIST WAIVER REQUEST FORM

Use for Checklists A, B & SPW

Applicant: T-Mobile Northeast LLC

Property Address: PSE&G Steel Tower 12/4 off of Long Hill Road

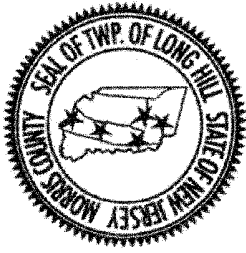
Block: 13908

Lot(s): 15.01

Date: 7/28/2020

ITEM #	EXPLANATION FOR WAIVER REQUEST
5	Protective covenants or deed restrictions due to the temporary and de minimis nature of this proposed project.
8	Partial waiver for wooded and landscaped area due to large size of right of way and small size of proposed facility and no impact on the same
30	Critical areas information due to large size of right of way and small size of proposed facility and no impact on the same
31	Critical areas map due to large size of right of way and small size of proposed facility and no impact on the same
32	Hydraulic calculations due to de minimis nature of proposal and no impact on drainage
35	Rapid access key box, but arrangements for FD access can be arranged if necessary
41	Drainage calculations showing capacity of pipes due to di minimis nature of proposal and no impact on drainage
49	Plans, profiles, etc. of streets, curbing and sidewalks as proposal will have no impact on the same

If additional waivers are requested, please use another form to continue.



TOWNSHIP OF LONG HILL

COUNTY OF MORRIS
GILLETTE, HOMESTEAD PARK, MEYERSVILLE, MILLINGTON, STIRLING

ZONING TABLE

FILL IN ALL APPLICABLE BOXES

Property Address: PSE&G Steel Tower 12/4				
Block: 13908	Lot: 15.01	Zone: C	Total Square Feet: 217,800 s.f.	
Is this property in a density modification subdivision? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>				
BULK REQUIREMENTS	REQUIRED / ALLOWED	EXISTING	PROPOSED	VARIANCE
Lot Area	3 Acres	5 Acres	No Change	No
Lot Width (Feet)	250 ft	150 ft	No Change	Existing Nonconformity
Floor Area (Square Feet)	1,500 sf	220 +/- sf	No Change	Existing nonconformity
Building Width (Feet)				
Front Yard Setback (Feet)	75 ft	428 ft	118 ft	No
Side Yard Setback (Feet)	25 ft	42 ft	5.4 ft	Yes
Rear Yard Setback (Feet)	50 ft	645 ft	1,350 ft	No
Building Height (Stories & Feet)	2-1/2 stories/35 ft	123 ft	100 ft	Yes
Building Coverage (Percent)				
Lot Coverage (Percent)	15%	8%	8%	No
Floor Area Ratio (FAR – Percent)	---	----	----	-----
Buffer (Feet)	---	----	----	-----



Public Service Electric and Gas Company
80 Park Plaza, T-17, Newark, New Jersey 07102

July 24, 2020

Long Hill Township Zoning Board of Adjustment
Att: Debra Coonce, Board Secretary
915 Valley Road
Gillette, New Jersey 07933

UTILIZATION OF PUBLIC SERVICE ELECTRIC AND GAS (PSE&G)
TRANSMISSION TOWERS FOR WIRELESS COMMUNICATION ANTENNA
ATTACHMENT

Dear Ms. Coonce:

Please be advised that PSE&G and T-Mobile Northeast LLC (T-Mobile) have entered into a Master Antenna Site License Agreement. This agreement sets the stage to provide for the use of PSE&G transmission structures to support wireless communications facilities. We believe that the utilization of existing transmission towers is a safe, economic, and aesthetically viable option to the construction of new towers in our state.

Very specifically, we have entered into a site license agreement as it relates to the facility listed below:

- T-Mobile Temporary Tower located near the PSE&G high voltage electric transmission tower 12/4 Roseland-Lambertville Right-of-Way
- Located near Long Hill Road
- Long Hill Township, Morris County, New Jersey

In order to assist in the permit process please allow this letter to serve as authorization that T-Mobile Northeast LLC (T-Mobile) has PSE&G's approval to utilize the above listed temporary tower and to apply for zoning.

Should you have any questions or comments, I would be pleased to discuss this subject with you in detail. Please feel free to contact me at 973-430-7506.

Very Truly Yours,

Public Service Electric and Gas Company

Anthony Suppa, Jr.

Anthony Suppa, Jr. P.E.
Project Manager

APPLICATION ADDENDUM

T-MOBILE NORTHEAST LLC

Township of Long Hill, Morris County, New Jersey
Block 13908, Lot 15.01
C Conservation Zone

Application & Variances

T-Mobile Northeast LLC (“T-Mobile” or “Applicant”) is licensed by the Federal Communications Commission (“FCC”) to provide wireless telecommunications services.

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 (the “Property”) on Long Hill Road. This facility and others installed on similar PSE&G towers must be decommissioned due to PSE&G’s tower replacement project.

T-Mobile proposes to install a temporary ballast-mounted tower on the Property for use during the PSE&G tower replacement. The existing PSE&G tower is expected to be removed at some point during the fall of 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.

The Township of Long Hill (“Township”) has not enacted any provisions governing wireless telecommunication facilities. As a result, a use variance is required in connection with this application.

The application also requires two (2) dimensional 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. Applicant notes that the proposed tower is some twenty-three (23) feet smaller in height than the existing transmission tower. Second, the side yard setback where twenty-five (25) feet is required and Applicant proposes a 5.4-foot side yard setback.

The Board’s review of this Application implicates both New Jersey State law and federal law. The relevant State law is the Municipal Land Use Law, 40:55D-1, et seq. and the most significant federal laws are the Telecommunications Act of 1996 (“TCA”), 47 U.S.C.A. §332(c) and the Public Safety Act of 1999, 47 U.S.C. §615.

To obtain a D(1) use variance under the Municipal Land Use Law, the Applicant must demonstrate that there are “special reasons” for the grant of the variance and that there will not be a substantial negative impact if the variance is granted. N.J.S.A. 40:55D-70d. The “special reasons” are often referred to as the positive criteria and can be demonstrated if the use is inherently beneficial, or the site is particularly well suited for the use. In Smart SMR v. Fairlawn Bd. of Adj., 152 N.J. 309 (1998), the court held that with telecommunications facilities, an FCC license generally establishes that the use promotes the general welfare. Id. at 336. For a new tower, the court held that an applicant must demonstrate that the site is particularly suited for a telecommunications facility.

“To demonstrate that a site is particularly suited for a telecommunications facility, the applicant initially must show the need for the facility at that location.” New Brunswick Cellular Tel. Co. v. Borough of South Plainfield Zoning Bd. of Adjust., 160 N.J. 1, 14 (1999). As will be testified to at Applicant’s hearing through expert testimony, the Property is particularly suited to meet Applicant’s coverage needs.

In addition, the Wireless Communications and Public Safety Act of 1999, was enacted “to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation’s public safety and other communications needs.” 47 U.S.C. §615. These specific public safety statutes and directives are in addition to the Telecommunications Act of 1996 which mandates that wireless carriers be allowed to construct the facilities necessary for them to provide their services. As noted by the New Jersey Supreme Court in Smart, “[r]elevant to the determination of the suitability of a telecommunications site is the Telecommunications Act’s mandate that ‘the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof . . . shall not prohibit or have the effect of prohibiting the provision of personal wireless services.’” 152 N.J. 309 at 332 citing 47 U.S.C. §332(c)(7)(B)(i)(II).

As a result of the removal of its existing facility on the PSE&G tower, T-Mobile will have a significant gap in coverage and/or capacity of its network in the area surrounding the Property, which is proposed to be rectified by the construction of the proposed temporary facility.

It is respectfully submitted that the Property is particularly well-suited for the proposed use. Important factors which support a grant of variance relief include the following: 1) The site is centrally located in the area of deficient coverage; 2) the Property is a large, developed, non-residential property; 3) the proposed location at the side of the Property takes advantage of natural buffers which helps to screen the facility from surrounding properties; 4) there is a lack of any tall structures to which the antennas could otherwise be attached; 5) there are a lack of alternative locations which are more suitable than what is proposed; and 6) there are a lack of alternative technologies which could effectively and reliably resolve the gaps in coverage.

In addition to proving the positive criteria, an applicant requesting a use variance must also demonstrate the negative criteria, i.e., that the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. N.J.S.A. 40:55D-70. As noted above, the proposed temporary tower will be located near the side of the Property, and adjacent to a wooded area, which will provide good natural cover. The facility will be constructed in accordance with all applicable codes, operated well within applicable emissions standards and will not produce any objectionable noise, fumes, glare, traffic or other adverse elements. As a result, the facility will not have a significant negative aesthetic impact on the surrounding community. The equipment compound required to house the radio equipment will be located at the base of the tower, within a fenced compound to keep it out of public view.

The courts have found that tower heights such as the one proposed do not substantially impact the community. For instance, in Sprint Spectrum L.P. v. Upper Saddle River, 352 N.J. Super. 575 (App. Div. 2002), the applicants proposed a 155-foot-tall tower within 33.5 feet from the nearest private residence. Id. At 583. In NY SMSA v. Mendham, 366 N.J. 141 (App. Div.), a 148-foot tall tower was proposed on a residential property. Id. at 147. In Smart, a 90-foot tower was replaced by a 140-foot tower adjacent to a residential zone, which the Supreme Court referred to as “merely a 50-foot increase in height.” 152 N.J. at 333. In Kingwood Tp. Volunteer Fire Co. v. Board of Adjustment, 272 N.J. Super. 498, 509 (1993), the court held that the replacement of a 75-foot tower with a 197-foot tower would impose, at most, minimal intrusion on the surrounding community. Here, T-Mobile proposes to install a 100’ temporary tower on the Property. It will be demonstrated that this is the minimum height necessary for T-Mobile to be able to provide reliable service to the area, and that the tower’s location will help to prevent any substantial negative impact to the community.

It is therefore clear that the proposed temporary facility, if approved, would not have a negative impact on the public good, or the intent and purpose of the zone plan and zoning ordinance. Based on the lack of alternative locations, the Property is the most appropriate location for the proposed use as it will allow T-Mobile to address its network deficiencies and meet its service goals without causing a substantial negative impact on the community.

It should also be noted that Applicant requires a D(6) height variance because the Township code permits a height of 35 feet and Applicant’s proposed tower would be 100 feet tall. Because Applicant’s proposed use is prohibited, the D(1) use standard enunciated above would apply to the granting of the D(6) variance. Consequently, and for the reasons stated above in support of Applicant’s D(1) variance request, the Board should grant Applicant’s D(6) height variance.

Applicant also requires a C(2) variance because the Township code requires a side yard setback of 25 feet and the proposed temporary tower is 5.4 feet. Pursuant to the MLUL, the Board may grant a C(2) variance where “in an application or appeal relating to a specific piece of property the purpose of [the MLUL] would be advanced by a deviation from the zoning requirements and the benefits of the deviation from the zoning ordinance requirements would substantially outweigh the detriment.” N.J.S.A. 40:55D-70c(2). Applicants will provide engineering and planning testimony to demonstrate that these requirements have been met and that a variance should be granted for the sideyard setback requirements set forth in the Township code.

In addition to prohibiting the provision of wireless service, the TCA sought to correct the “impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.” City of Rancho Palos Verdes, Cal. v. Abrams, 544 U.S. 113, 115 (2005). To reduce these impediments, Congress enacted Section 332(C)(7) of the TCA, striking a balance between federal and state power over wireless facility siting. This section imposes important limits on the authority of state and local governments over wireless facility siting. The Supreme Court has described the limitations on state and local authority as follows:

Under this provision, local governments may not . . . take actions that ‘prohibit or have the effect of prohibiting the provision of wireless services,’ § 332(c)(7)(B)(i)(II) . . . They must act on requests for authorization to locate wireless facilities “within a reasonable period of time,” § 332(c)(7)(B)(ii), and each decision denying such a request must “be in writing and supported by substantial evidence contained in a written record,” § 332(c)(7)(B)(iii). *Id.* at 116.

The Federal Communications Commission (“FCC”) recently clarified that “that a state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.” Declaratory Ruling & Third Report & Order, FCC 18-133, ¶35 citing California Payphone, 12 FCC Rcd at 14206, para. 31. The FCC explained that “[t]his test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities.” *Id.* at ¶37 (internal citations omitted). The FCC expressly rejected “[d]ecisions that have applied solely a “coverage gap”- based approach under Section 332(c)(7)(B)(i)(II) reflect both an unduly narrow reading of the statute and an outdated view of the marketplace.” *Id.* at ¶40 (internal citations omitted). A land use board will effectively prohibit under this “materially inhibit” standard if the Applicant demonstrates that it has service goals that are not being met in the area and the proposed facility address the identified issues.

Notwithstanding the foregoing and without waiving any rights to advance the FCC’s “definitive interpretation of the effective prohibition standard,” the Applicant will also demonstrate that it meets the applicable showing under the narrower significant gap test rejected by the FCC. Under that test a land use board will effectively prohibit the provision of wireless services where the carriers demonstrate that (1) its facility will fill a significant gap in service, and (2) the manner in which it proposes to fill the significant gap in service is the least intrusive method of doing so. APT Pittsburgh Ltd. v. Penn Twp. Butler Cnty. of Pennsylvania, 196 F.3d 469, 480 (3d Cir. 1999); see also, New York SMSA LTD v. Township of Mendham Zon. Bd. of Adjust., 366 N.J. Super. 141 (App. Div. 2004). As set forth in the expert radio frequency report submitted with the Application and which will be further supplemented and explained during the hearing, T-Mobile has a significant gap in the coverage and/or available capacity of its network in the area and that the proposed facility is the least intrusive method of addressing the gap and that no alternative technologies exist that could do so.

Unfortunately, even with passage of Section 332(c)(7), and implementing FCC regulations, wireless companies have continued to face long delays in deployment of wireless facilities because of systematic impediments to local zoning approval. See, e.g., City of Arlington, Tex. v. FCC, 133 S. Ct. 1863, 1867 (2013) (noting that the FCC has found that ‘the record of evidence demonstrates that unreasonable delays in the personal wireless service facility siting process have obstructed the provision of wireless services’ and that such delays ‘impede the promotion of advanced services and competition that Congress deemed critical in the [TCA].’” (quoting In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994, 14001)). As a

result, the FCC has determined that a presumptively reasonable period of time to review an application that involves the construction of a new tower is 150 days. As a result, there is a 120-day deadline for action by the Board under the New Jersey Municipal Land Use Law and a 150-day deadline for action under the TCA.

Conclusion.

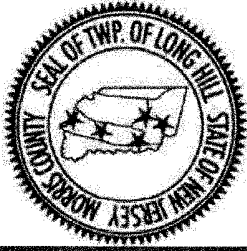
T-Mobile will have a significant gap and other deficiencies in its network as a result of the decommissioning of its existing facility, located upon a PSE&G transmission tower. It will be demonstrated that the proposed temporary tower upon the Property is the most effective means of addressing those deficiencies. The proposed temporary tower is also the least intrusive method of providing the needed service. For these reasons and those to be adduced during the public hearing, T-Mobile respectfully requests that the Board act favorably upon this application.

Waivers

T-Mobile requests waivers from the following checklist items:

- Item 5, protective covenants and deed restrictions on plan;
- Item 8, landscaping and wooded areas on plans and landscaping plan requirements (PW);
- Item 30, information required to assess conformance with the critical area requirements of Section 142;
- Item 31, map noting the location of all critical areas;
- Item 32, hydrological calculations;
- Item 35, rapid access key boxes;
- Item 41, calculations verifying suitable capacity of proposed pipes, swales, and other drainage features; and
- Item 49, plans, profiles, cross-sections and construction details, etc. of streets abutting the tract and other similar information.

The application is small in scope, as T-Mobile only proposes to install a temporary wireless telecommunications facility within a 400 square foot area of compacted stone upon a fully developed site. The proposed temporary tower will not have any environmental impacts, will not affect structures, parking areas or driveways on any other properties, and will not require additional stormwater control measures.



TOWNSHIP OF LONG HILL

COUNTY OF MORRIS
 GILLETTE, HOMESTEAD PARK, MEYERSVILLE, MILLINGTON, STIRLING

APPLICATION FOR DEVELOPMENT CHECKLIST A

Applicant: T-Mobile Northeast LLC											Property Address: PSE&G Steel Tower 12/4 off of Long Hill Road						
Owner: PSE&G											Block: 13908		Lot(s): 15.01		Zone: C		
Project Name: Temporary Site NJCLT56											Application #:				Date: July 28, 2020		
SUBMISSION REQUIREMENTS											STATUS		NOTES / LAND USE ORDINANCE REFERENCE				
ITEM #	SITE PLAN WAIVER	PLANNING BOARD OR ZONING BOARD of ADJ						ZONING BOARD			APPLICANT	TOWNSHIP					
		MINOR		MAJOR				VARIANCES									
		SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	a	b	c				d			
1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Five (5) copies of the completed and signed application forms and proof of payment of all required fees.	C	
2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Where waiver(s) from the requirements of the Township of Long Hill Checklist are required for an application, a brief statement explaining the justification for each waiver.	C	
3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Certification from the Township Tax Collector that all taxes and assessments are paid to date.	C	
4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Verification of denial by the Zoning Officer or Construction Official of the intended use, occupancy and/or construction.	C	
5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Any protective covenants or deed restrictions applying to the land being developed shall be submitted with the application and/or indicated on the submitted plan.	W	
6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Zoning information, including zone classification, and all area and bulk requirements with a zoning table showing a comparison to the proposed development, and all dimensions and other site data needed to insure conformity with the Township of Long Hill Land Use Ordinance. Front, rear and side yard setback lines shall be depicted graphically on the plan.	C	
7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A Boundary and Existing Conditions Survey. Data to include, but not limited to Block/Lot number(s), the location of existing and proposed property lines, lot areas, lot dimensions, structures, easements, and other features and details as required by the laws governing the preparation of surveys in the State of NJ.	C	
8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	All existing and proposed wooded and landscaped areas and proposed buffering and screening, identifying all trees over ten (10) inches in diameter, except that where trees are in mass, only the limits thereof need be shown. A landscaping plan including details as to the size, number, location and type of vegetation and method of planting to be use.	PW	

Application #: _____

TOWNSHIP OFFICES-- 915 VALLEY ROAD, GILLETTE, NJ 07933
 973-647-8000 / www.longhillnj.gov

SUBMISSION REQUIREMENTS (Continued)											ITEM DESCRIPTION	STATUS		NOTES / LAND USE ORDINANCE REFERENCE
ITEM #	SITE PLAN/WAIVER	PLANNING BOARD OR ZONING BOARD of ADJ						ZONING BOARD				APPLICANT	TOWNSHIP	
		MINOR		MAJOR				VARIANCES						
		SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	a b	c	d				
9		X	X	X	X	X	X	X	X	X	Five (5) copies of requisite plans prepared, signed and sealed by a NJ Licensed professional in compliance with N.J.A.C. 13:40-7.1 et sec. folded with title block exposed to view. Drawings shall be no larger than 24"x36". Title block in accordance with the rules governing the title blocks for professional engineers and land surveyors including: Name of Applicant, Township of Long Hill and Morris County with each sheet specifically titled with appropriately descriptive words. Name, title, address and license number of the professional or professionals who prepared the plan. Written and graphic scale. Date of original drawing and a list of specific revisions and dates.	C		
10		X	X	X	X	X	X	X	X	X	The names, lot and block numbers of all property owners within two hundred (200) feet of the extreme limits of the tract as shown on the most recent tax list prepared by the Township Tax Assessor shown on the plan.	C		
11	X	X	X	X	X	X	X		X	X	For applications involving signs: a sign application; the location of existing and proposed signs; scale drawings of all proposed signage; a summary of the dimensions and area of all existing and proposed signs; and other plan notes indicating sign materials, lighting, landscaping and all other information needed to review the application.	N/A		
12		X	X	X	X	X	X		X	X	Proof of submission to the Morris County Soil Conservation District as applicable.	N/A		
13		X	X	X	X	X	X		X	X	A completed Township soil erosion and sediment control certification form as may be required.	N/A		
14		X	X	X	X	X	X		X	X	Any information required by Ordinance Chapter 143 – Flood Damage Prevention Ordinance, including an application for Development Permit if applicable.	N/A		
15		X	X	X	X	X	X		X	X	Plan information for a Tree Removal Permit.	N/A		
16		X	X	X	X	X	X		X	X	Photograph of photographs showing the property as it currently exists and all structures thereon.	C		
17		X	X	X	X	X	X		X	X	Proof of approval or proof of submission for approval, to Long Hill Board of Health and/or other agency of jurisdiction approval for any application proposing, or potentially requiring modification to a septic system.	N/A		
18		X	X	X	X	X	X		X	X	A listing of approvals required by other governmental agencies, and completed copies of applications made to any other governmental agency with jurisdiction over the application and/or status reports of said applications.	C		
19		X	X	X	X	X	X		X	X	The following legends on any site plan or subdivision plan: (a) Owner Consent Legend; (b) Site Plan / Subdivision Identification Legend; (c) Plan Preparer Legend; (d) Board Approval Legend; (e) Township Engineer Legend; (f) Township Clerk Legend; and (g) Certificate of Occupancy Legend. Legends found at the end of this Ordinance Section.	C		
20		X	X	X	X	X	X		X	X	Owner/Applicant information on plan, including name, title, address and telephone number. If Owner/Applicant is a corporation or partnership, the names and addresses of all shareholders owning ten (10) percent or more of any class of stock of the corporation must be shown.	C		
21		X	X	X	X	X	X		X	X	A key map showing the entire tract and its relation to the surrounding area, including at least one roadway intersection, and including all zone district boundaries within 200' of the property at a scale of one (1) inch equals not more than five hundred (500) feet.	C		

SUBMISSION REQUIREMENTS (Continued)										ITEM DESCRIPTION	STATUS		NOTES / LAND USE ORDINANCE REFERENCE	
ITEM#	SITE PLAN WAIVER	PLANNING BOARD OR ZONING BOARD OF ADJ						ZONING BOARD			C = Complies	TOWNSHIP		
		MINOR		MAJOR				VARIANCES 40:55D-70						W = Waiver
		SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	a & b	c		d			
22		X	X	X	X	X	X		X	X	Acreage figures, including lot tract size, individual lot areas, and area of land to be dedicated for public rights of way.	C		
23		X	X	X	X	X	X		X	X	Existing block and lot numbers of the lot(s) to be subdivided or developed as they appear on the Township Tax Map; proposed block and lot numbers as provided by the Township Tax Assessor upon written request; proposed street numbers as provided by the Township Clerk upon written request.	C		
24		X	X	X	X	X	X		X	X	North arrow and tract boundary line in heavy line.	C		
25		X	X	X	X	X	X		X	X	The location and use of all existing structures, both within the tract and within one hundred (100) feet of its boundary.	C		
26		X	X	X	X	X	X		X	X	A site grading plan where changes in grading are proposed.	C		
27		X	X	X	X	X	X		X	X	The location of all streets, sidewalks, parking areas and driveways with related dimensions.	C		
28		X	X	X	X	X	X		X	X	The location of all structures, including their existing and proposed uses, dimensions to verify building setbacks and separations, and notes indicating whether existing structures will be retained or removed.	C		
29		X	X	X	X	X	X		X	X	The location of all watercourses, railroads, bridges, culverts, drain pipes and natural features, such as treed areas, both on site and within one hundred (100) feet of its boundaries.	C		
30		X	X	X	X	X	X		X	X	Information required to assess conformance with the critical area requirements of Section 142 including the following for the site and each proposed lot: (a) the total critical and noncritical land in area and square feet; (b) the impervious lot coverage of non-critical lands; (c) setback dimensions from all principle buildings to any critical area.	W		
31		X	X	X	X	X	X		X	X	Map noting the location of all critical areas, as defined in the Ordinance, with the source of critical area delineation noted. For sites with no critical areas a plan note, signed by the preparer of the plan, indicating the site contains no critical areas.	W		
32		X	X	X	X	X	X		X	X	For applications that disturb less than 1.00 acre of surface, or that create less than 0.25 acre of new impervious surface, maps and hydrologic/hydraulic calculations shall be provided to verify that 3" of runoff from the equivalent area of new impervious surface is infiltrated into the ground where the subsurface conditions are shown to be suitable for infiltration. In the case where the subsurface condition is shown to be not suitable for infiltration, stormwater control features shall be provided and shown to reduce the post-development runoff rates to the pre-development values (i.e. Zero-Net Increase).	W		
33		X	X	X	X	X	X		X	X	For application that disturbs 1.00 or more acre of surface, or that create more than 0.25 acre of new impervious surface, maps and hydrologic/hydraulic calculations to verify compliance with stormwater management designed in accordance with the Residential Site Improvement Standards (RSIS, NJAC 5:21) and the NJDEP Stormwater Regulations (NJAC 7:8). The calculations shall address runoff rates, total suspended solids, and groundwater recharge. A draft maintenance manual shall also be provided.	N/A		

SUBMISSION REQUIREMENTS (Continued)										ITEM DESCRIPTION	STATUS		NOTES / LAND USE ORDINANCE REFERENCE			
ITEM #	SITE PLAN WAIVER	PLANNING BOARD OR ZONING BOARD of ADJ						ZONING BOARD			APPLICANT	TOWNSHIP				
		MINOR		MAJOR				VARIANCES 40:55D-70								
		SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	a & b	c					d		
34	X		X	X	X	X	X		X	X			Dimensioned architectural plans for existing and proposed buildings and structures including floor plans for all levels and complete elevation views. Dimensioning shall be sufficient to verify floor area ratio, building height, parking requirements, etc. Plans shall be prepared by an Architect licensed by the State of NJ. Preparation by architect shall be optional for Site Plan Waivers to be determined by the reviewing authority at the time of application.	C		
35	X		X		X			X	X	X			Rapid access key boxes (aka Knox Box) on non-residential properties if applicable.	W		
36		X	X	X	X	X	X						Certification of submittal to the Morris County Planning Board as applicable.	C		
37		X	X	X	X	X	X						Proposed elevations of each floor level, the top of foundation and roof line of all principal buildings.	C		
38		X	X	X	X	X	X						The location and size of all existing and proposed utilities for both undeveloped and developed lots that are part of the application; detailed description of any and all easements and the manner in which they will be controlled.	C		
39		X	X	X	X	X	X						Topographic map of the subject tract detailing existing and proposed contours with intervals of two (2) feet where slopes are less than fifteen (15) percent and with intervals of five (5) feet where slopes exceed fifteen (15) percent. A reference benchmark shall be as related to the United States Geological Survey and United States Coast and Geodetic Survey. Existing contours shall be shown by a dashed line; proposed contours shall be shown as a solid line.	C		
40		X	X	X	X	X	X						All means of vehicular access and egress to and from the site onto public streets, showing the site and the location of curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, site triangles, required right-of-way dedication areas and other proposed devices necessary to promote a safe traffic circulation pattern.	C		
41		X	X	X	X	X	X						Calculations verifying suitable capacity of proposed pipes, swales, and other drainage features.	W		
42			X	X	X	X	X		X	X			Depiction of the colors, textures, and other related features of all proposed buildings and structures.	C		
43			X	X	X	X	X		X	X			The proposed location, direction of illumination, power and type of proposed outdoor lighting, including details of lighting poles, light fixtures and foot candle limits.	N/A		
44				X	X	X	X						A section or staging plan, if proposed, indicating the portion of the tract to be considered for approval as part of the current application and the relationship of the portion of the tract to the remaining land area, including all applicable comparisons such as parking spaces, building coverage, lot coverage, open space areas and number of lots	N/A		
45				X	X	X	X						Details and locations of all accessory structures including fences, trash enclosures, recycling areas, etc.	N/A		
46				X	X	X	X						The location and design of any off-street parking and loading areas, showing size and location of parking stalls, loading area, aisles and barriers, curbing, sidewalks and paving specifications.	N/A		

SUBMISSION REQUIREMENTS (Continued)										ITEM DESCRIPTION	STATUS		NOTES / LAND USE ORDINANCE REFERENCE	
ITEM#	SITE PLAN WAIVER	PLANNING BOARD OR ZONING BOARD of ADJ						ZONING BOARD			APPLICANT	TOWNSHIP		
		MINOR		MAJOR				VARIANCES 40:55D-70						
		SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	a & b	c					d
47						X	X			X	X	All additional details required at the time of preliminary approval, including a copy of the resolution of approval by the approving authority.	C	
48								X	X	X		Statement of facts in support of an application pursuant to NJAC 40:55D-70.	C	
49				X	X							Plans, profiles, cross-sections and construction details, horizontal and vertical alignments of the centerline of all proposed streets and of all existing streets abutting the tract, as well as similar details on curbing, sidewalks, storm drains, drainage structures and cross-sections every fifty (50) feet of all proposed streets and of all existing streets abutting the tract. Sight triangles, the radius of curb lines and street sign locations shall be clearly indicated at the intersections.	W	
50				X		X						A Final Plat prepared in accordance with the Map Filing Law, N.J.S.A. 46:23-9.9. All dimensions, angles and bearings must be tied to at least two (2) permanent monuments not less than three hundred (300) feet apart and all information shall be indicated on the plat. At least one corner of any subdivision shall be tied horizontally to the NJ State Plane Coordinate system and vertically to the US Geodetic Survey System, with the data on the plat as to how the bearings were determined.	N/A	
51						X	X					All additional details required at the time of preliminary approval including a copy of the resolution of approval by the approving authority.	C	
52						X	X					Detailed engineering data including: (a) final cross sections, plans, profiles and established grades of all streets, aisles, lanes and driveways and construction documents) plans and specifications or reference to) for all public improvements and (b) final plans and profiles of all storm and sanitary sewers and water mains.	N/A	
53						X	X					Copies of any organization documents applicable to homeowners or condominium association or open space organization established to maintain common elements, such as articles of incorporation, the Master Deed, any membership rules, regulations and/or by-laws, if same is to be used to guarantee the maintenance of common elements.	N/A	
54						X	X					Upon the completion of the installation of all utilities, the Applicant shall provide the Township with four (4) copies of "as built" plans showing the installed location of all structures and utilities to be distributed to the Planning & Zoning coordinator, Township Engineer, Construction Official and Zoning Officer.	N/A	
55	X											Any proposed changes to the building façade, parking lot/areas, site lighting, landscaping, dumpster size/location, or other site improvements shall be shown.	N/A	

NOTES:

1. The approving authority may request additional information of any Applicant seeking variance approval if said information is deemed necessary by the Board to make an informed opinion on the application, except that the request for such information shall not be considered grounds to deem any application incomplete.
2. The approving authority may waive submission of any information required of variance or waiver applications in appropriate cases for specific applications, after first considering the opinion of the Technical Review Committee (TRC) on the waiver request made by the Applicant.

Gregory D. Meese / JG 7/28/2020
Signature and Title of Preparer of Checklist *Date*

Applicant: T-Mobile Northeast LLC	Property Address: PSE&G Steel Tower 12/4 off Long Hill Road		
Owner: PSE&G	Block: 13908	Lot(s): 15.01	Zone: C
Project Name: Temporary Site NCLT56	Application #:	Date: July 28, 2020	

(a). To be signed before submission: *Please see attached form of consent

I CONSENT TO THE FILING OF THIS SITE PLAN / SUBDIVISION APPLICATION WITH THE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF LONG HILL:

Gregory D. Meese / JG 7/28/2020
Applicant Signature *Date*

Address

See attached owner's consent
Owner Signature *Date*

Address

(b). To be completed before submission:

SITE PLAN / SUBDIVISION OF:

Block: 13908 Lot(s): 15.01
 Date of Plan: June 4, 2020

Tax Map Number: _____
 Scale: 1" = 100'

(c). To be signed before submission:

I HEREBY CERTIFY THAT I HAVE PREPARED THIS SITE PLAN / SUBDIVISION AND THAT ALL DIMENSIONS AND INFORMATION ARE CORRECT.

Gregory D. Meese / JG 7/28/2020
Signature and Title *Date*

(d). To be signed before issuance of a building permit:

APPROVED BY THE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF LONG HILL:

Board Secretary: _____ Date: _____

Board Chair: _____ Date: _____

(e). To be signed before the issuance of a building permit (where applicable):

ON THE RECOMMENDATION OF THE TOWNSHIP ENGINEER, I HEREBY CERTIFY THAT ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR THAT A PERFORMANCE GUARANTY HAS BEEN POSTED IN ACCORDANCE WITH THE APPLICABLE CODES AND ORDINANCES:

Township Clerk: _____ Date: _____

(f). **CERTIFICATE OF OCCUPANCY ISSUED:**

Construction Official: _____ Date: _____

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 4½% 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.

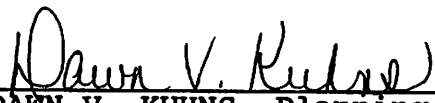
All conditions shall be satisfied prior to signing of the plans by the Board Officers and prior to the issuance of any building permit.

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



Long Hill Township
 915 Valley Road
 Gillette, NJ 07933
 908 647-8000 Ext227

Date Issued: 2/3/2020
 Application Number: ZA-20-010
 Application Date: 2/3/2020
 Project Number: _____
 Permit Number: _____
 Fee: \$0.00 CHK 14029

Zoning Permit

Worksite: **LONGVIEW TER**
 Location: **Long Hill Township, NJ**

Owner: **PSE&G / SERVICE CORP**

Applicant: **T-MOBILE NORTHEAST LLC. CO GREG MEESE**

Address: **80 PARK PLAZA T6B 6TH FL
 NEWARK, NJ 07102**

Address: **50 TICE BOULEVARD SUITE 380
 WOODCLIFF LAKE, NJ 07677**

Block: 13908 Lot: 15.01 Qualifier: _____ Zone: C

This Certifies that an application for the issuance of a Zoning Permit has been examined.

Present Use: Conservation

Non Conforming Use

Non Conforming Structure

Proposed Use: Conservation

Work Description:

After reviewing this application and explanation of use, the application is DENIED for the following reasons. Use Approval and Major Site Plan Approvals Is required under Sec: 162 REQUIREMENTS.

Please contact Ms. Debra Coonce, Planning and Zoning Coordinator to continue the application process at (908) 647-8000 Ext 218.Or Email pzcoord@longhillnj.gov

Application Approved Date: _____

Upon review it was determined that the Zoning Permit:

Permitted by Ordinance

Permitted by Variance approved on: _____

Approved with Conditions

Valid Nonconforming Use/Structure is established by

Zoning Board of Adjustment

Zoning Officer

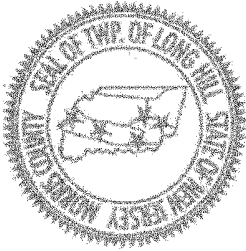
Thomas V. Delia

Thomas V. Delia, Zoning Officer

Zoning Permit Additional

2/3/2020

Date



TOWNSHIP OF LONG HILL

COUNTY OF MORRIS
GILLETTE, HOMESTEAD PARK, MEYERSVILLE, MILLINGTON, STIRLING

INFORMATION REGARDING SOIL EROSION AND SEDIMENT CONTROL CERTIFICATION

The State of New Jersey Soil Erosion and Sediment Control Act, Chapter 261, P.L. 1975 defines a project which requires a soil erosion and sediment control certificate as "any disturbance of more than 5,000 square feet of the surface area of land:

- (1) for the accommodation of construction for which the State Uniform Construction Code would require a construction permit, except that the construction of single-family dwelling unit shall not be deemed a "project" under this act unless such unit is part of a proposed subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two or more such single-family dwelling units,
- (2) for the demolition of one or more structures,
- (3) for the construction of a parking lot,
- (4) for the construction of a public facility,
- (5) for the operation of any mining or quarrying activity, or
- (6) for the clearing or grading of any land for other than agricultural or horticultural purposes."

Soil Erosion and Sediment Control Certifications must be obtained from:

Morris County Soil Conservation District
Court House
Morristown, New Jersey 07960
Phone: (973) 285-2953 or 538-1552
Fax: (973) 605-8195

Property Address: PSE&G Steel Tower 12/4 off of Long Hill Road

- X This project does not involve work for which a Soil Erosion and Sediment Control Plan Certification is required from the Morris County Soil Conservation District.

This project requires a Soil Erosion and Sediment Control Plan Certification from the Morris County Soil Conservation District. I certify that an application has been made to the Morris County Soil Conservation District for this project.

Gregory D. Meese / JG 7/28/2022
Signature Date
Gregory D. Meese
Print Name