MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING
December 20, 2022

MEMBERS PRESENT:
Walter Fazler
Valerie Sirani, Alt. 1
Vincent D'Antonio
William Creeley
Lynne Gallo
William Creeley
Nicholas Repici, Alt. 2
Joe Hanuscin
Lynne Schill

STAFF PRESENT
Peter Clifford, Board Secretary
Danielle Gsell, Recording Secretary
Melanie Levan ESQ, Board Attorney
Michelle Taylor, P.P, A.I.C.P Board Planner
Frederick Turek, P.E., C.M.E, Board Engineer

Absent: Tim Monahan

Mr. Fazler called the meeting to order in the Council Chambers at 7:00pm by reading the Open Public Meetings Act statement. A moment of silence was followed by the Pledge of Allegiance.

Roll call is as listed above.

RESOLUTIONS:

- ZBA#2022-22, Jacob and Samantha Brickley
  - A motion to approve this resolution was made by Ms. Gallo seconded by Mr. D'Antonio. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

MINUTES:

- A motion to approve the November 15, 2022 was made by Mr. Creeley seconded by Ms. Gallo. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

PUBLIC HEARING:

- **ZBA#2022-24, Kamaljit Singh,** 1 Farm House Court, Block 7500, Lot 1.16, Zone R-1, Bulk Variance - Construction of a new deck.

  - This application will be carried to the next available meeting and the applicant will be required to re-notice.

- **ZBA#2021-30,** Cellco Partnership d/b/a Verizon Wireless, 41 East Main Street, Block 4405, Lot 53 & 54, Zone CRO, Use Variance - Proposed wireless telecommunications facility.

  Ms. Schill and Ms. Gallo have listened to the meeting recording from July 2022 and signed an affidavit attesting to that so they are eligible voting members for this application.

Mr. Kevin Jones, attorney for the applicant recapped the application previously brought before the Board in July 2022 and explained the changes they had made to the application and design after hearing from the Board and the committees since the original hearing in July. There will now be no antenna's facing Main Street and they will be wrapped in a RF protected vinyl to match the building. Each antenna will be set back about 7 ft. from the side of the building and all the wires and cables will be run through a closet within the building down to the basement where all the hard equipment will be stored and maintained by certified Verizon Technicians.

The reason for the application is to allow Verizon to install the antenna's in order to help strengthen the signal for the Verizon users in the area and this building was chosen due to its height and flat roof.

Mr. Shawn Sacks, Engineer, was introduced to the Board and reviewed Exhibit A-1, a photo simulation, which included 8 photos of what people would be able to see when they are walking or driving down Main Street. Mr. Sacks explained when each photo was taken and how the antennas would not that visible to the public. He testified he felt this would be a good addition to the area.

Mr. Andrew Petershon, RF Engineer for DBM Engineering, was introduced and asked to explain the RF frequencies and if they would be safe for those living and being around the antenna's. He spoke about the improvement there would be for those covered by Verizon and where the other antenna towers had been placed around in the area to help strengthen the signal. This site will be complying with all FCC regulations with the design being proposed. He introduced exhibit A-2, Cell Tower Placement Model, showing where other existing towers are located and how they work with the 5G signal. The Board then questioned the possible exposure for those that eat outdoors at the restaurants located around the building the antennas would be placed on. Mr. Petershon testified the antennas do not direct any frequency downwards and those eating out would not be harmed by any RF waves.

Mr. Todd Gannon, Site Acquisition Expert, was introduced to the Board to explain how they find a sight to place antennas on. For this particular application he got involved in 2018 but knows Verizon had been trying to find a place to use since 2012. Mr. Gannon had been looking all over Moorestown to find the best place and reached out the businesses he thought would be candidates, he was then contacted by the landlord of the building in the application giving them the permission to use the roof of the building. Since the search radius is normally 1 mile they had some other places to check out but Verizon shortened the distance of search to ½ to ¾ of a mile which limited the search area for this application. When asked about the Verizon Building on Main st and why they had not chosen the building it was determined it was too short and with the pitched roof it would not have been an adequate space to use.

Mr. James Kyle, Professional Planner, reviewed the positive and negative criteria of the application and how he felt it fit into the Master Plan for Moorestown. He prepared for the meeting by reading all the Professional Letters and reviewing the exhibits provided by the applicant's attorney. He felt the application was solid and the design provided was the best the applicant had come up with. He felt the emergency services departments would greatly benefit from better cell service. There was discussion about how many households in the area are cell use only and how they would also benefit greatly from the antennas. Exhibit A-3, photos provided to the Appearance

Committee but not a part of the application were shown to the Board to give them and idea of how much the design had changed since the original application. The Board asked about moving the antennas to the center of the building and how they would affect the service and pattern of the antennas.

Mr. Jones asked for a recess to speak to his professionals at 8:40pm. At 8:46pm the applicant came back to speak to the reasoning for not being able to move the antennas to the center of the building roof. If moved the antennas would not be able to form a pattern to create the most efficient increase in service that Verizon is looking to provide. After doing some calculations Mr. Petershon testified at the very least the antennas would need to be at least 13 ft. above the roof in order to provide the best service if placed in the middle of the roof as asked by the Board.

Professor Firooz Aflatouni asked about increasing the power to the antennas to help with the coverage if placed in the middle of the roof. Mr. Petershon testified they would need to increase the power 10 fold which would then be violation of the FCC regulations. Ms. Gallo asked about the impact to the tenants in the building and how they would be proceeding with construction. The applicant would be most likely being doing construction during non-business hours and it would take about a few weeks to complete. All the equipment will be down in the basement so there would very little impact to the tenants in the building. Mr. Petershon reviewed the antenna sizes and what they will be used for.

Mr. Turek testified the applicant had agreed to comply with all comments in his letter dated 12/2022. Professor Firooz felt this application was solid and what they presenting was safe for those living around the area. Ms. Taylor appreciated the fact that the applicant had gone through so much to accommodate the changes and recommendations the Board and Professionals had been speaking about since the beginning of the application. The applicant also agreed to plant some new greens and shrubs.

The Board asked about the different “groups” of people being affected by the RF frequencies being put out by the antennas. Professor Firooz testified he didn’t know the answer for sure but felt there would be additional or increased harm to the specialized “group” of people.

Mr. Jones summed up the application and asked the Board to consider approving the application since the applicant had worked hard to make the changes requested and felt they had meant all the requirements asked of them.

BOARD DISCUSSION:

Mr. Hanuscin stated he could support the application with the changes made since the applicant is asking for something that will be not only benefiting them but benefitting the people of Moorestown and that is not always something that happens when you have an application brought before the Board. Mr. Creeley and Ms. Schill agreed with Mr. Hanuscin and also supported the application. Mr. D’Antonio and Mr. Fazler were struggling with the approval of this application since they felt there was another place the applicant could have found to place the antennas and would like them to explore that.

- A motion to approve this Application was made by Mr. Hanuscin seconded by Mr. Creeley. The roll call vote of eligible Board Members denied with 4-3 vote. Motion Carried.

CLOSED SESSION:

Mr. Clifford read Resolution 2022-25 to go into closed session into the record. The Board entered into closed session at 9:21pm to discuss matter of Professional Contracts for the Re-Org meeting in January 2023.

The Board came out of closed session at 9:27pm

DISCUSSION:

With no further business to discuss, Mr. Creeley made a motion, seconded by Ms. Gallo to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 9:27pm.