

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
Secaucus Housing Authority/Verizon-Antenna (Special Exception)
File #18-108**

I. INTRODUCTION

An application for one special exception has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Frank Ferraro, Esq., of the firm, Ferraro & Stamos, LLP, on behalf of New York SMSA Limited Partnership d/b/a Verizon Wireless, for the premises identified as 700 County Avenue, Block 98, Lot 11.02, in the Town of Secaucus, New Jersey. The subject premises is located in the Neighborhood Commercial zone of the Hackensack Meadowlands District. The special exception is sought in connection with the applicant's proposal to install a rooftop-mounted wireless telecommunication facility, which is defined as a light public utility use, on the subject property.

The applicant is requesting relief from:

1. N.J.A.C. 19:4-5.40(a)8, which lists public utility uses, light as a Special Exception Use in the Neighborhood Commercial zone.

A public hearing commenced at the Office of the NJSEA on Tuesday, June 12, 2018. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Jersey Journal newspaper. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question totals approximately 1.73 acres and contains a five-story, multi-family residential building owned by the Secaucus Housing Authority. Vehicular access to and from the property, which is located on the southeasterly corner of County Avenue and Dorigo Lane, is limited to Dorigo Lane. The surrounding area is primarily developed with a mix of residential, commercial, and institutional uses. There is a mix of residential uses to the north and south, an institutional use to the west, and commercial and industrial facilities to the east of the subject premises. The applicant is proposing to install a rooftop-mounted wireless telecommunication facility on the Secaucus Housing Authority's five-story, multi-family residential building located on the subject premises.

B. Response to the Public Notice

There were no written comments in response to the public notice.

III. PUBLIC HEARING (June 5, 2018)

A public hearing was held at the Office of the NJSEA on Tuesday, June 12, 2018. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, Principal Planner, and Mark Skerbetz, P.P., AICP, Senior Planner.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
A-1	"Secaucus 13 Detail Site/Sector Map Verizon Wireless," prepared by F. Boschulte, dated May 24, 2018.
A-2	"Secaucus 13 Existing Verizon Wireless..." prepared by F. Boschulte, dated May 24, 2018.
A-3	"Secaucus 13 Existing and Proposed Verizon Wireless..." prepared by F. Boschulte, dated May 24, 2018.
A-4	"LTE 700, 2100, 1900 Capacity Chart for Secaucus..." prepared by F. Boschulte, dated May 30, 2018.
A-5	"LTE 700, 2100, 1900 Capacity Chart for North Bergen II..." prepared by F. Boschulte, dated May 30, 2018.
A-6	"LTE 700, 2100, 1900 Capacity Chart for Secaucus 5..." prepared by F. Boschulte, dated May 30, 2018.
A-7	RF Safety FCC Compliance Report, prepared by Millennium Engineering, P.C., dated February 16, 2018.
A-8	Site Plan consisting of seven sheets (Drawing Nos. T01, Z01, Z02, Z02A, Z03, Z04, and Z05), prepared by Stantec, dated February 7, 2018, revised through April 27, 2018.
A-9	"Equipment Layout," Drawing No. Z02A, prepared by Stantec, dated February 7, 2018, revised through April 27, 2018.
A-10	"Aerial Photograph," prepared by TK Design Associates, dated August 28, 2016.
A-11	"Existing Conditions," photograph (1a) and "Photo Simulation..." (1b) prepared by TK Design Associates.

- A-12 "Existing Conditions," photograph (2a) and "Photo Simulation..." (2b) prepared by TK Design Associates.
- A-13 "Existing Conditions," photograph (3a) and "Photo Simulation..." (3b) prepared by TK Design Associates.
- A-14 "Existing Conditions," photograph (4a) and "Photo Simulation..." (4b) prepared by TK Design Associates.
- A-15 Visual analysis report containing exhibits A-11 through A-14, prepared by TK Design Associates, dated February 26, 2018, revised June 8, 2018.
- A-16 Existing conditions photographs and photo simulations (eight sheets) prepared by TK Design Associates.

B. Testimony

Frank Ferraro, Esq., of the firm, Ferraro & Stamos, LLP, represented New York SMSA Limited Partnership d/b/a Verizon Wireless at the hearing. The following witnesses testified in support of the application:

1. Frances Boschulte, Radio frequency engineering expert.
2. Paul Dugan, P.E., Radio frequency engineering expert.
3. Ronald Igneri, P.E., Civil Engineer.
4. Timothy Kronk, P.P., AICP, Professional Planner.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Mary Baumann, Certified Court Reporter.

C. Public Comment

No members of the public commented on the application

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.81(a)10, which lists public utility uses, light as a Special Exception Use in the Neighborhood Commercial zone.

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.13(e) states in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public;*

The granting of the requested special exception to permit the installation of a rooftop-mounted wireless telecommunication facility on top of the Secaucus Housing Authority's five-story, multi-family residential building located on the subject premises will contribute to and promote the welfare and convenience of the public. The purpose of wireless telecommunication facilities is to receive and transmit information wirelessly to the public. Currently, Verizon Wireless provides cellular service in the Hackensack Meadowlands District through a network of wireless telecommunication facility sites. Verizon Wireless has three existing sites within the operating vicinity of the subject location. However, these sites are presently experiencing capacity exhaustion and customers are experiencing significant delays making calls and often cannot access the cellular network. The applicant's experts testified that the existing deficiency in cellular service coverage in the area will be alleviated by the installation of the proposed wireless telecommunication facility at this location, consisting of 12 panel antennas, with four antennas mounted on each of three

proposed rooftop supported ballasts. In addition, emergency 911 cellular service will also be enhanced by the additional capacity created by the new equipment. Associated equipment cabinets and wiring will also be rooftop-mounted. The applicant's professionals testified that all District performance standards for noise, vibration, glare, air emissions, and hazardous and radioactive materials, as enumerated in N.J.A.C. 19:4-7 et seq., will be met. As such, the installation of the proposed wireless telecommunication facility will contribute to and promote the welfare and convenience of the public by enhancing the existing cellular network within the vicinity of the project site.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood;*

The proposed rooftop-mounted wireless telecommunication facility will be compatible with surrounding land uses and will not cause substantial injury to the value of other properties in the neighborhood. The area in which the subject property is located consists of a mix of residential, institutional, commercial and industrial uses. While the antennas will only be partially visible from the public rights of way, the antennas will be neutral in color, which will assist in mitigating visual impacts on the neighboring properties. Also, County Avenue is heavily tree-lined, thereby helping to screen the antennas from the street. The antennas will not be visible from the adjacent 14-story, 100-unit, residential building to the south, which is also owned by the Secaucus Housing Authority, as its exterior wall facing the subject building is windowless. Supporting equipment cabinets and wiring will also be rooftop-mounted, and will not be visible from the street. The applicant

has testified that any noise, vibration, glare, air emissions, and hazardous and radioactive materials that may be generated from the wireless facility will not exceed required District performance standards. The installation of the proposed rooftop-mounted wireless telecommunication facility will not cause substantial injury to the value of other properties in the neighborhood for the reasons stated herein.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

i. *The location and size of the special exception use;*

The location and size of the proposed rooftop-mounted wireless telecommunication facility will not dominate the immediate area or neighborhood as to prevent development in accordance with District zoning regulations. The antennas are similar in nature and arrangement to existing rooftop-mounted and pole-mounted wireless telecommunications facilities located within the general vicinity of the subject property. The proposed rooftop-mounted wireless antennas will be installed in a location on the roof where they will be only partially visible from the street and will be painted a neutral color. In addition, the view of the antennas will be partially screened as a result of the trees lining a portion of the County Avenue right of way, further mitigating any negative visual impact. Additionally, it is noted that the proposed equipment will not exceed the height of the existing building chimney.

ii. *The nature and intensity of the operation of the special exception use;*

While the proposed rooftop-mounted wireless telecommunications facility represents an increase in capacity in Verizon Wireless' broadcast transmission capability, the new equipment will be unmanned, requiring only occasional visits by Verizon personnel for maintenance. The use is low intensity in nature, with minimal or no noise, vibration, glare, airborne emissions, and hazardous and radioactive materials generated, that may affect adjacent properties or roadways. The ability of neighboring properties to continue their current functions will not be impeded as a result of the installation of this low intensity use.

iii. The location of the site with respect to access and circulation;

The rooftop where the wireless telecommunications facility equipment will be installed on the subject premises will only be accessed via the stairs within the Secaucus Housing Authority's five-story, multi-family residential building. The proposed use will not impact access to the existing site from Dorigo Lane. On-site circulation will remain as is, with parking available for personnel performing periodic routine maintenance on the equipment. The facility will not burden or create a dominating effect with respect to site access or circulation on the surrounding roadways. Neighboring properties will not be impeded in their abilities to function as intended.

iv. The location, nature, and height of structures, walls and fences on the site; and

The location, nature, and height of the proposed rooftop-mounted wireless telecommunication facility will not dominate the surrounding area. The antenna panels, ballasts, and equipment cabinets will be mounted at a height not to exceed the existing building chimney. The antennas will be off-white in color, minimizing their visibility from the surrounding properties. The equipment cabinets will be centrally located on the roof, significantly reducing their visual impact. No associated walls or fences will be erected, either on the roof or at ground level, as the equipment will not require this type of screening.

v. The nature and extent of landscaping and screening on the site.

The proposed rooftop-mounted antennas will only be partially visible from the street. The antennas will be neutral in color, mitigating visual impacts on the neighboring properties. Also, the County Avenue right of way is heavily-lined with trees, which will help to screen the antennas from the street. No additional landscaping or screening is proposed as the intended color of the antennas combined with the existing landscaping on County Avenue are sufficient and appropriate to screen the proposed equipment at the subject location.

4. *Adequate utilities, drainage and other necessary facilities have been or will be provided;*

The requested special exception use on the subject premises will not detrimentally impact the existing utility infrastructure. The subject property is currently developed with the Secaucus Housing Authority's five-story, multi-family residential building and contains all required utilities. The existing functions of the multi-family, residential building on the site will continue and will not be affected by the installation of the proposed rooftop-mounted wireless telecommunications facility. The proposed rooftop-mounted wireless telecommunication facility will not have an affect on the ability of the existing on-site drainage system or other utility infrastructure to perform in a safe and efficient manner while meeting the demands of the residents of the building.

5. *Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion;*

The proposed rooftop-mounted wireless telecommunication facility will not have any significant impacts on the neighborhood's existing roadway network and therefore will not produce any traffic hazards. Existing ingress and egress to and from the subject premises from Dorigo Lane will be maintained. There will be no impact to site circulation resulting from periodic equipment maintenance visits nor will additional congestion in the surrounding area result from such visits.

6. *The special exception use will not have a substantial adverse environmental impact.*

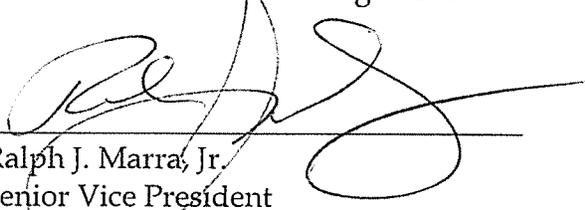
The granting of the requested special exception to permit the installation of the proposed rooftop-mounted wireless telecommunication facility will not result in any substantial environmental impacts. The applicant's professionals testified that District environmental performance standards will be met for noise, vibration, glare, air emissions and hazardous and radioactive materials. In addition, the facility will adhere to all FCC safety standards and guidelines protecting the public's health, safety, and welfare.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.40(a)8, which lists public utility uses, light as a Special Exception Use in the Neighborhood Commercial zone.

Based on the record in this matter, the application for one special exception to permit the installation of a rooftop-mounted wireless telecommunication facility on the subject property is hereby recommended for **APPROVAL**.

<u>APPROVAL</u>	<u>8/30/2018</u>	
Recommendation on Special Exception Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>Approval</u>	<u>8/30/18</u>	
Recommendation on Special Exception Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs