

**BOROUGH OF NEW PROVIDENCE**

**ZONING BOARD OF ADJUSTMENT**

**RESOLUTION**

**WHEREAS**, New Cingular Wireless PCS, LLC (“AT&T”) and Sprint Spectrum Realty Company, L.P. (“Sprint”) (collectively, the “Applicants”), are tenants at property located at 1778 Springfield Avenue, New Providence, New Jersey, and, with the consent of the owner, previously applied to the Zoning Board of Adjustment of the Borough of New Providence (the “Board”) for use, height and bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) and (d) to construct a 100-foot ballast frame monopole with a related equipment area for the location of temporary wireless telecommunication facilities, which was not a permitted use in the zone. The Applicants also sought and obtained an extension of time to continue the use of the temporary wireless telecommunication facilities, including the monopole, through and including June 30, 2016. The Applicants further sought and obtained an extension of time through and including June 30, 2017; and

**WHEREAS**, the Applicants, due to delays in the scheduling of a power outage by PJM Interconnection, LLC (“PJM”), a regional transmission organization that coordinates the movement of wholesale electricity in the region, which includes New Jersey, including the management of the high-voltage electricity grid, seek an additional extension of time through and including June 30, 2018, to continue operation of the temporary wireless telecommunication facilities as this location; and

**WHEREAS**, the application involves property designated as Block 191, Lot 1 on the

Borough Tax Map, and lies in the C-2 Zone, and

**WHEREAS**, the Board has reviewed the testimony and exhibits presented by the Applicants at the hearing conducted on May 1, 2017; and

**WHEREAS**, the Board has made the following findings of fact and drawn the following conclusions of law:

**FINDINGS OF FACT**

1. The Applicants, New Cingular Wireless PCS, LLC, and Sprint Spectrum Realty Company, L.P., are tenants and were the Applicants for approval of a plan to install a temporary monopole and associated wireless telecommunications facilities, located at 1778 Springfield Avenue, New Providence, New Jersey. The property is designated as Block 191, Lot 1 on the Borough Tax Map and is situated in the C-2 Zone. Such approval was previously granted by this Board and extensions of time for continued use of the facilities has been requested by the Applicants and granted through and including June 30, 2017.

2. Judith Fairweather, Esq., Pinilis Halpern, L.L.P., attorney for the Applicants, introduced the application for a 12-month extension until June 30, 2018, for continuation of the use of the temporary monopole and associated wireless telecommunications facilities. The Applicants have also previously obtained variance and site plan approval for installation of wireless telecommunications antennae on a PSE&G transmission tower located at 1801 Springfield Avenue, but the installation has been delayed for various reasons, including the timing of an outage of the transmission tower.

3. Ms. Fairweather advised that an outage has been scheduled for October, 2017 by PJM Interconnection, LLC ("PJM"), a regional transmission organization that coordinates the movement of wholesale electricity in the region, which includes New Jersey. This outage is

scheduled so that the Applicants may install their wireless telecommunications equipment at the PSE&G tower at 1801 Springfield Avenue. Sprint has begun to build its ground equipment shelter there and AT&T will build its ground equipment prior to the installation on the PSE&G tower. Nevertheless, if the outage does not proceed as planned, the Applicants are requesting an extension for operation of the temporary monopole and associated wireless telecommunications facilities through and including June 30, 2018.

4. Christopher Cirrotti, Dewberry Engineers Inc., presented his credentials as a licensed professional engineer and was accepted as such. Mr. Cirrotti was sworn in and confirmed that the reason for the delay in installing the equipment on the PSE&G tower was the result of a delay in scheduling for powering down the towers in the region and allowing installations to proceed. He stated that the temporary monopole will be removed within thirty (30) days of the installation on the PSE&G tower. He explained that the changeover in service will be instantaneous once power is provided but that the ballast and temporary monopole will need to be dismantled.

5. Ms. Fairweather noted that while different antennae will be used due to technological changes since the prior site plan approval, the new equipment will require no changes in the prior approval.

6. Gregory Nawrotzki, Dewberry Engineers Inc., presented his credentials as a licensed professional engineer and was accepted as such. He was sworn in and testified that he is responsible for overseeing the changeover of the equipment. Vincent Capparelli is the contact at AT&T and Denise Martinetti is the contact at Sprint.

7. No members of the public appeared to ask questions and the hearing was closed.

## CONCLUSIONS OF LAW

1. The Applicants have established that the delay in completing the installation of the permanent wireless telecommunications facilities on the PSE&G transmission tower has been the result of delays out of the control of the Applicants and that PJM Interconnection, LLC, is ultimately responsible for establishing a date for the regional outage that will allow installation of the wireless telecommunications facilities. As a result, the Applicants have established good cause for a further extension of the time for use of the temporary monopole and wireless telecommunication facilities through and including June 30, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, on this 15th day of May, 2017, that New Cingular Wireless SC, LLC's and Sprint Spectrum Realty Company, L.P.'s applications for an extension of time for use of the temporary monopole and wireless telecommunication facilities through June 30, 2018, be and hereby is **GRANTED**, subject to the following conditions:

1. All conditions contained in prior approvals obtained by Applicants remain valid and in full force, unless otherwise modified herein;
2. The temporary monopole shall be removed within thirty (30) days of the installation and operation of the permanent equipment on the PSE&G transmission tower;
3. The ground equipment for both carriers will be built out by August 30, 2017;
4. The Applicants' attorney shall provide a letter or letters confirming (a) that the resources are available to remove the temporary monopole and (b) the date the equipment will be removed;
5. The fence around the ground equipment will be installed as soon as possible after the installation of the permanent wireless telecommunications equipment;

6. The landscaping required as a condition of approval of the amended site plan shall be completed as soon as possible after the installation of the permanent equipment on the PSE&G transmission tower, but no later than the first planting season after the installation of the permanent equipment;

7. The approval is subject to all other governmental approvals, including but not limited to compliance with the Borough's lot grading ordinance and approval from the Union County Planning Board, if necessary.

**ROLL CALL VOTE**

Those in Favor: Mr. DeSarno, Mr. Grob, Mr. Morgan, Ms. Ananthakrishnan,  
and Mr. Nadelberg

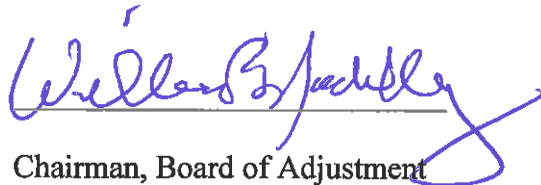
Those Opposed: -----

The foregoing is a Resolution duly adopted by the Zoning Board of Adjustment of the Borough of New Providence at its meeting on May 15, 2017.

ATTEST:

  
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Secretary, Board of Adjustment

  
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Chairman, Board of Adjustment