

February 2, 1966

A meeting of the Zoning Board of Adjustment was held on the above date with Chairman Warner presiding. The following members were present, Mr. McNulty, Mr. Pellet, Mr. Magnus. Mr. Honeyman was absent due to illness. Mr. Valentino was also present.

1466 - Mr. Harold Lucas, 2 Putters Road, Succasunna, N.J. Application for a variance from the terms of the Zoning Ordinance. Erection of a one family bi-level house at 60 Kenvil Avenue, Succasunna, Block 320, lot 2. Lot area is insufficient according to Article 11, Section 1103(e) which requires 15,000 square feet. The lot contains 11,600 square feet in an R-3 zone.

The Chairman asked if there was further testimony that was to be brought before the Board.

Mr. Lucas said no, except that he had checked the tax map and found that the houses across the street are built on 50' lots.

There was no one in the audience who wished to speak for or against the application and the Chairman called for action by the Board.

Motion was made by Mr. McNulty, seconded by Mr. Pellet that the variance be denied for a house with the dimensions 40' x 26' because of exceptional narrowness of the lot and because the applicant, a prospective purchaser under contract, has not established the burden of proof required for the granting of the variance.

Roll call vote on the above motion was as follows:

Mr. Warner YES Mr. McNulty YES Mr. Pellet YES Mr. Magnus YES Mr. Honeyman NV Mr. Valentino NV

2N11B

(Mr. Magnus did not vote as he was not present in January)

2566 - Edward Banko, 8 Little John Road, Morris Plains, N.J. Application for a special exception to the Zoning ordinance pursuant to N.J.S.A. 40:55-39(b) under Article 17, to permit the alteration of an existing building from a one-story block building 40' x 90' to one 40' by 150' to be used as a Car Wash Station, location on Route 46 near Roxbury Avenue, Ledgewood, N.J. Also application for a variance from the terms of the zoning ordinance under Section 1704 (b) & (g) set back from front street property line is insufficient; it is within 1500 feet of a public garage; and Section 1602(e3) parking in rear can be no closer than 25 feet from rear property line. Located in B-2 business district and I district, Block 242, lot 32.

Mr. Banko and Mr. Thomas appeared before the Board stating they were partners in the proposed business. Mr. Henry Luther represented these gentlemen as their attorney. Mr. Pellet read the application.

Mr. Luther stated that there would be no gas pumps, those that are presently on the premises will be removed.

The Board reviewed, with the ordinance requirements, the maps and site plans presented with the application. Mr. Warner indicated on the map that Route 46 is 60' wide as stated by Mr. Perk. Also the tax map scale on the radius map. The building is partially in the B-2 zone and partially in the industrial zone.

Mr. Valentino said, the requirements needed on the front and side yard from 33' to the required 40' to the existing building, a side yard set back variance from 10' to the required 25' on the north side of the existing building and side yard variance from 15' to the required 25' for the addition on the northerly side of the property.

- Following the ordinance, Section 1704 (c) was found satisfied.
- (d) the applicant has stated as a condition that all existing outside pumps will be removed that the structure is not to be used as a normal service station type function;
- (e) there will be no storage tanks, the existing tanks will be removed;
- (f) there is no public or private school in the area, no other public buildings play ground or civic center.

Mr. Warner asked how many people might assemble in Lockland's Tavern.

A Mr. Cartwright, adjoining property owner stated, not over 75 is allowed at any one time.

(g) it was determined that a variance would be required from 1378' to 1500' requirement from the boundary line of the nearest existing public garage which in this case is a used car lot.

Section 1705, signs. Mr. Perk said that the sign will be 35 square feet as allowed by ordinance and that the indicated location was as the Planning Board mentioned in its letter. Mr. Warner said there is no request for variance for the sign before this Board.

Mr. McNulty asked if the application was also for a variance to the provisions for parking in the rear, being in the Industrial zone?

Mr. Warner said that the radius map should be brought up to date and completely filled in. Mr. Pellet read the letter from the Planning Board. Mr. Perk said

that all the requirements of the Planning Board were taken care of except the parking in the rear.

Mr. Warner asked the status of the road in the rear of the property.

William Cartwright, a surrounding property owner, said that it was a dirt road. He owns lot 30 and acquired it in order to get around the garage.

Mr. Warner - What is on Block 242, next to lot 41?

Mr. Cartwright - nothing is there it is all vacant. Mr. Salmon has top soil stored there.

Mr. Smith the present owner of the property in question said that on the one side Mr. Salmon has a right of way from the Power and Light people.

Mr. Warner said that there does not appear to be enough evidence for this Board to act upon properly and asked the applicant to resubmit drawings that followed more closely the requirements of the zoning ordinance.

The applicant said that he would do so, the hearing will be continued at the next meeting.

2666 - Jules Lustig, 130 New Road, Apt. M-13, Parsippany, N.J. Application for a special exception to the zoning ordinance pursuant to N.J.S.A. 40:55-39(b) for a permit to erect a Midas Muffler Shop and additional space for future rental income on Route 46, Kenil in the I district, on Block 39, lot 16. Public garage requires Board of Adjustment Approval and public garage within 1500 feet, Article 17 and Section 1704(g).

Mr. Arnold Kent, attorney for Mr. Lustig, Mr. Lustig, and Mr. Hyman, real estate agent were present.

Mr. Pellet read the application.

Upon review of the maps with the requirements in the ordinance it was determined that the information given on the radius map was insufficient and it was suggested that since the building will contain two stores (one for rental purposes) and outline of the proposed public garage be shown to indicate more clearly which store is to be used for the public garage.

This hearing will be continued at the next meeting when revised maps showing additional, more complete information should be shown.

2766 - American Telephone and Telegraph Co., 400 Hamilton Avenue, White Plains, N.Y. Application for Special Exception under the terms of the zoning ordinance according to Article 5, Section 509, public utility; Also application for variance from the terms of the zoning ordinance under Article 7, Section 701(e). The erection of an underground telephone company coaxial cable terminal building with 1 story above ground entrance structure, temporary 1 story prefabricated radio relay building; 243' high structural steel radio relay tower, or in the alternative a recommendation to the Township Committee for variance for special reasons for the above mentioned tower. Located off Route 206, in the R-1 zone, on Block 35, lot 6, ledgewood, N.J.

Mr. McNulty asked to be excused from the hearing because he is employed by Bell Labs. Mr. Valentino said he has worked for A.T & T. and will step down for this hearing.

The stenotypist was sworn in. Mr. Arnold Stein represented the applicant.

Mr. Pellet read the application.

The Board determined that the application for recommendation to the Township Committee for a use variance was not necessary as the tower is an accessory use to the requested public utility building.

Mr. Warner stated that the last three pages of the application are a schedule showing that A. T. & T. complies with yard requirements of the ordinance. If anyone in the audience wishes to see them they are welcome.

Mr. Stein said that A. T & T. proposes to construct a new 22 circuit coaxial cable from Boston to Florida. To provide service, the proposed location of these terminal buildings must be taken into consideration. It also transmits electrical power to underground structures. The above ground building will be 31'x 42' and there will be 14 day time persons employed. The tower will be 243' high and will not interfere with radio or television reception.

Mr. Warner - Suppose for some reason beyond your control it does interfere with radio and TV reception, is A.T. & T. going to take the responsibility to make attachments to TV sets?

Mr. Stein said that Mr. Walton of A.T. & T. would answer this question satisfactorily. He continued by saying that the word "Netcong" in the application should read Roxbury and asked that it be corrected.

Mr. Stein introduced Mr. Alfred Walton, of 19 Clubway, Hartsdale, N.Y. assistant area attorney for A. T. & T Co. Mr. Walton was sworn in by the stenotypedist and Mr. Stein asked Mr. Walton to tell the Board what type of use was contemplated and to give the Board information on this and some of the background.

Mr. Walton: We propose to construct at this location a 185'x 222' two story underground structure and a one story 31'x 42' above ground building used to get into the lower structure. There will also be an associated tower. We propose to construct a temporary micro wave radio relay building. Mr. Walton displayed a map of Eastern United States and said that each dot represented a radio relay station and the lines indicated the direction from each station. All operated on the same radio frequency, 3800 to 4200 megacycles.

Mr. Warner: Will there be any interference with TV?

Mr. Walton: No, they are an entirely different frequency.

Mr. Pellet: By interference, we mean the bouce from the tower.

Mr. Walton: They provide one watt of power, if there were other towers then there could be a reflection, since the power is so small the reflection will not be detectable. Power lines give off a tremendous amount of power. Any radiation the tower gives is a very high frequency, not on normal bands as on the radio. If we create any interference that can be tracable to our tower we would hold people harmless and we would make a study for the basis of the claim. We have many of the towers in the country.

Mr. Magnus: What frequency do ham operators have?

Mr. Walton: True amatures and long distance operators work on 30 to 35 mego. the citizen band is 450 megacycles.

There is a very large radio relay station in Cheeryville. The topography problem must be considered. The existing site at Paterson West must "see" these stations.

Mr. Walton displayed a topographical map showing the key locations and the topography they must overcome. This proposed tower must be 243' high in order to "see" Cheeryville and Kennilon in the Roxbury-Paterson West route. There is an obstruction in Dover which creates a problem. If we could get by with a 120' tower we would, towers cost money.

This building is a part of the Boston-Miami coaxial cable.

Mr. Walton explained how the cable would work and showed pictures of the cable in various stages and a cut down drawing of the building. The station should be in the best available location away from New York which would be a prime target for atomic attack but close enough to serve it. This area is far enough from attack but not from fallout. The station should not be too near Airmount or Potstam and we own this 400 acre tract which is a remote area. The tower will be seen 25 or 30 miles away but the people in the neighborhood will not see it because of the ridge in the mountain.

The building is a two story underground structure. It is completely self-contained, air, light and heat. Electrical service will be from a commercial company, but in case of disaster the building has its own generators.

Mr. Walton spread the site plan map (sheet C6) on the table and pointed out the access road, the location of the underground building, tower, temporary building and above ground structure. He said that the parking area had been revised in accordance with the Planning Board's recommendation. The underground building is covered with a cover of  $3\frac{1}{2}$ ' of reinforced concrete and an excess of 4' under ground.

Mr. Stein: Will anything in the operation of this use cause disturbance from fumes, noise, etc.?

Mr. Walton: No, we use commercial power, we do have diesel generators in the building in case of commercial failure. The most you would hear is a rush of air such as a house fan would make. We have nothing that is prohibited in the ordinance.

There will be 14 people employed during day time hours, one of whom is a woman, 2 persons on each of two night shifts. There will be no claims on municipal services. The building is vandell proof and fire proof.

Mr. Stein: What is the anticipated cost of the building?

Mr. Walton: Anticipated cost is in excess of 2,822,000,00 dollars, in addition there is the equipment which is a business tax.

Mr. Stein: What is the target date?

Mr. Walton: It is scheduled for March 1, 1966. It is quite essential that we get this building started so as to be ready for the cable, the relay circuits are urgently needed now.

Mr. Magnus asked about damage to the tower.

Mr. Walton said that the radio relay would be interrupted, the cables can be damaged too, they are patrolled by helicopter.

Mr. Stein introduced Sidney Schwarz of 28-30 N. Sussex Street, Dover who is a licensed realtor. He answered Mr. Stein's questions as to his experience in the real estate business stating he has been in such business for 30 years.

He stated, in answer to Mr. Stein's questions, that he had occasion to become familiar with the area and had inspected the site on Dec. 23, 1965, that he had appraised property for the power lines, banks and has also sold property in the area, he said he was familiar with the zoning ordinance but he was more familiar with the previous zoning ordinance than the present one. The property is in an R-1 zone requiring 20,250 square foot lots, with 175' of frontage.

The proposed site contains 405 acres, access is by 1700' long road which is rented to A.T. & T. There is a chain link fence at the top of the hill, a dirt road from present headquarters to spot of proposed building. The present building is fireproof with concrete floor, 50'x 50', one story with a fence.

Mr. Pellet: Is it a white building?

Mr. Schwarz: Yes it is painted white. The terrain is rolling and contains tree and brush. It is a distance of approximately 475' from spot where this new installation is to be located from the north property line.

Mr. Stein: Have you had occasion to examine surrounding areas?

Mr. Schwarz: Yes, we sold a group of about 10 homes for Phillips in the last 5 years a mile from the center of Ledgewood. Emmans Road is about 300' below this property, the hillside is quite steep and there is a right of way for power lines, the topography map indicates a very sharp hill. The A. T. & T. property is on top of the hill. There is a Bell Telephone tower on the property with frontage on Mountain Road but not on Conkling Road. There are very nice homes in the immediate area. There is an industrial use along Mountain Road and an old silica deposit which is not so desirable but the rest of the area is a desirable location.

Mr. Stein: You heard the other testimony, based upon the record and your knowledge can you tell us if this contemplated use will have any effect on the surrounding area?

Mr. Schwarz: No, it would not seem that way, the underground building will not be visible to the surrounding area, the tower will be visible at a distance from  $\frac{1}{2}$  mile. It will not emit odors, smoke and other items mentioned in the ordinance. It will not effect values of residences. From my experience, 15 years work with high tension lines, study has indicated that it does not diminish real estate values, people will pay the same price for property next to a tower.

A. T. & T. will employ 14 persons, which will increase the traffic on Route 206 by 14 cars, there will not be a noticeable increase of traffic on that highway.

Mr. Stein: In conclusion we have received approval from the F.C.C. This is a public utility use, it is permitted in the R-1 zone. I think that the testimony has amply demonstrated satisfactory ordinance standards, there will be no affect in the neighborhood or the neighbors, we have a harmless use, no danger from noise, smoke, odors, it is in the interest of national security, a desirable ratable as well as a substantial investment.

Mr. Magnus: How high is the tower at Hope?

Mr. Walton: It is to be constructed and will be 350' high, that is an extremely critical location. As Mr. Stein has said the F.C.C. has approved this location (in Roxbury), they go into considerable detail as to exactly the location, necessity etc.

There was no one present in the audience who was for or against this application, except several members of the school board who said they were in favor of it. The Chairman called a recess for five minutes.

The Chairman called the meeting to order and the following Resolution was offered by Mr. Pellet, seconded by Mr. Magnus and carried by roll call vote.

WHEREAS, American Telephone and Telegraph Company has applied to the Board of Adjustment of the Township of Roxbury, County of Morris, State of New Jersey for certain relief; and

WHEREAS, the Board of Adjustment of the Township of Roxbury has made the following findings of fact:

1. Applicant proposes to erect the following structures on the property in question, known as Block 35, lot 6 on the Tax map of the Township of Roxbury:
  - a) A two-story, underground, telephone, coaxial cable terminal building, with dimensions of 185'x 222', with a one-story, above-ground, entrance structure, having dimensions of 31'x 42'
  - b) A temporary, 20'x 44', one-story, prefabricated, radio relay building
  - c) A structural steel, radio relay tower, 243 feet in height.
2. The property in question consists of approximately 405.936 acres, is off Route 206, between Mountain Road and Flanders Road.
3. This property is in an R-1 residential zone.
4. Article 5, Section 509 of the Zoning Ordinance of the Township of Roxbury permits public utilities to locate in any zone by special exception, after review' by the Board of Adjustment, pursuant to R.S. 40:55-39, subsection b; and upon compliance with certain standards for special exceptions set forth in Article 18 Section 1802(b) of the Zoning Ordinance.
5. The property is a densely wooded tract, completely vacant, except for one building on the property, about one-half mile from the proposed structures. This existing building, about 20' in height, with dimensions of 50'x 50', is used by applicant as part of its overseas telephone service facilities.
6. Access to the proposed new structures will be gained, from Route 206, by means of a private roadway, about 4,00 feet in length.
7. Applicant plans to erect a 20-tube coaxial cable, extending from Boston, Massachusetts, to Miami, Florida, for the purpose of providing sufficient telephone circuits along the route of this cable, in order to accommodate present and future needs for such additional circuits.
8. Underground terminal installations, such as the one sought by applicant at this property, will be constructed along the cable route to service the areas through which the cable will pass.
9. This underground terminal will connect the cable system, via branch cables, to major cities along the route. The terminal building will also transmit small amounts of electrical power along the cable, to activate intermediate repeater stations.
10. The proposed underground terminal building for this property will serve the New York City--Newark area.
11. The proposed terminal is to be placed underground for reasons of national security. In the event of atomic attack, earthquakes or other major disaster, telephone service must not be discontinued, for reasons of national safety and welfare. This structure is located underground to prevent the complete interruption of telephone service in the event of such disaster.
- 12 -The one-story, prefabricated building will be erected to permit operation

of the microwave radio relay system during construction of the underground terminal building. Construction of the underground building should take about one year. The radio equipment will then be transferred to this underground terminal, and the temporary building will be dismantled.

13. This site is essential to applicant's contemplated use because it is along the route of applicant's Boston-Miami cable route.

14. This site is essential to applicant's contemplated use because it is in proximity to New York City and Newark, prerequisites to those municipalities and their nearby communities -- including Roxbury Township-- receiving service from this cable.

15. This site is also essential to applicant's contemplated use because the proposed radio tower must be, and is, in a position to transmit microwaves from one relay station to another.

16. The underground terminal building will employ approximately 14 people in the daytime, 2 people during evening hours, and 2 people during nighttime operation.

17. The 243 foot height radio relay tower is in violation of the Zoning Ordinance of the Township of Roxbury. Article 7, Section 710(e) of the zoning ordinance prohibits the erection of structures over 35 feet in height in the R-1 zone. For this reason, applicant seeks a variance from this height restriction:

a) Under R.S.40:55-39, subsection c, for topographical reasons creating a hardship;

18. This proposed radio relay tower must be placed at its specific proposed location in order to serve its contemplated function.

19. Microwave radio relay signals use line-of-sight transmissions. One radio relay tower must be able to "see" existing stations on parallel radio relay routes, to permit full interconnection with these routes. The Roxbury Tower is located at a specific point where it can "see" and transmit a signal to the next station (Paterson West), which in turn retransmits or relays this signal to the next station (Alpine), and so on.

20. All terminal locations selected by applicant are strategically located for the essential purpose of enabling their relay towers to "see" other such microwave facilities along applicant's route.

21. The specific location of this tower is necessitated by the topography of applicant's property; distance of this tower from other such microwave facilities, moisture, temperature and reflections.

22. The uses, structures and activities proposed by applicant at the subject premises all fall within the classification of a public utility.

23. None of the proposed structures, activities or uses will create any conditions which would produce excessive dust, smoke, fumes, noise, odor, glare, or waste products of any kind.

24. No activity will be carried on at the property which would create, enhance or increase the hazards of fire or explosion occurring at the proposed site.

25. No activities conducted at the property will interfere with television or radio reception.



26. None of the activities, uses or structure proposed by applicant will have any deleterious effect upon the neighborhood, nor will adjacent, surrounding or nearby property values be disturbed, depreciated or unsettled.

WHEREAS, the Board of Adjustment of the Township of Roxbury has made the following conclusions of law;

1. The use proposed by applicant is a public utility, and is permitted in all zones, including the R-1 zone, by Article 5, Section 509, of the Zoning Ordinance of the Township of Roxbury.

2. This use contemplated by applicant is so designed as to safeguard public health, safety and general welfare.

3. The proposed use will have no deleterious or adverse affect upon the conservation of property values in the area where the property is located.

4. By reason of the exceptional topographical conditions of the property, and by reason of the fact that this public utility is permitted by special exception in the R-1 zone, the strict application of Article 7, section 710(e) of the zoning ordinance of the Township of Roxbury (imposing a 35-foot height limit on all structures in the R-1 zone), would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon applicant, in the erection, use and operation of its microwave radio relay tower. The 243 foot height proposed by this tower is essential for this tower to fulfill its contemplated functions. Topographical and other conditions would render it useless at a different location at the site, and, at this particular proposed location, a 35 foot tower height would also render this tower useless.

5. The relief requested by applicant can be granted without substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, be it Resolved by the Board of Adjustment of the Township of Roxbury, County of Morris, State of New Jersey, that the application of American Telephone and Telegraph Company for a special exception to permit erection of the following structures on lot 35, block 6, as shown on the Tax Map of the Township of Roxbury:

- a) a two-story underground, telephone, coaxial cable terminal building;
- b) a temporary, one-story, radio relay building; and
- c) a structural steel, radio relay tower

shall be and is hereby granted; and it is further Resolved that Applicant's variance request for the erection of this structural steel, radio relay tower at a height of 243 feet, shall be and is hereby Granted.

Roll call on the above Resolution was as follows:  
Mr. Pellet, Yes Mr. Magnus, Yes Mr. Warner, Yes

Motion was made and carried that the minutes of the last meeting be approved.

Motion was made the the correspondence received by the Board regarding

- 1. complaint of Roxbury Chrysler-Plymouth Inc. against the Board of Adjustment (from Mr. Valentino)
- 2. Resolution passed by Township Committee regarding Phillip Michaud, and
- 3. Ezra Newmark, 4 minor subdivision, Shore Hills Estates, (from Thomas Venner)

4. To Bernard Wax regarding permission to hold an automobile and boat show denied by the Township Committee -

were all ordered filed.

Motion was made and carried that the meeting be adjourned at 11:30 P.M.

Respectfully submitted,



Ruth H. Thiele, Clerk