

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Of June 21, 2010**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on June 21, 2010.

Acting Chairman, Jane Spindel called the regular meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel,
Mr. Sacchinelli, Mr. Meer & Ms. Spindel

Absent: Mr. Blecher, Ms. Taylor & Mr. Newman,

Also in attendance were William Soukas, Board Attorney; Karen Kocsis, Court Reporter; Ann Peck, Assistant Zoning Officer and Cathy Bozza, Zoning Board Secretary.

Ms. Spindel begins the meeting by announcing that a letter will be read from Stuart Liebman (Attorney for Applicant) regarding his client, Application#09-038, 18-35 River Road, LLC. asking to be carried because of a lack of an agreement with Rivera's, however discussions are still underway. They ask that they be carried to a new date.

**Application #09-038, 18-35 River Road, LLC. will be carried to July 19, 2010.
No Testimony heard.**

Residential Carried:

1. Application#10-023, Wilfred & Amy Hopwood,
7 Bolton Place, Block 3808, Lot 10, Zone R-1-3
Proposed new rear porch & front entry would maintain existing side yard setback of 0' where 8' is required. Would increase the existing impervious coverage of 38% to 42% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. FAR of Requires a D-4 variance as per Section 125-057.D.(d)

Fees have been paid and there is proof of service.

Mr. Soukas swears in Amy Hopwood, (Applicant)

Ms. Hopwood begins with her presentation of what the work is. She explains that her home is an attached one wall Colonial Revival and what they are proposing is the Front

porch which has a sloped curved roof and supports. They would like to enclose the porch with Colonial Style Door panels so that there will be a Front Entry way because with the Radburn buildings, you walk right into the Living room. The current front porch we plan to use as long as it is suitable according to the construction requirements. The back porch is currently 12x10 and we would like to make it 14.6 x12.6” so that we have a larger room that we could use year round instead of the screened porch. Again we will be using the Colonial door panels to keep with the Historic Style.

Ms. Hopwood continues.....

Ms. Hopwood explains all the drainage work they had installed.....

Ms. Spindel asks if there are any questions from the Board.

Mr. Karas refers to Sheet A-1, referencing rear porch....on both sides and to the rear of it there are some rectangles on the plan and asks what they represent.

Ms. Hopwood explains they are depictions of door panels. The rectangles show the 3ft. spread of the doors....the semi circles show how the door would open...for maximum air flow.

Mr. Karas thought they were concrete platforms.

Ms. Hopwood explains that in essence, he is correct because of the doors being opened out, it needs to be a 3ft. concrete platform, a one step out....

Discussion.....

Mr. Karas asks Ms. Hopwood if she is planning to have three (3)entry doors on the proposed porch, one on the East, one on the West & one on the South.

Ms. Hopwood states yes, for maximum flow.

Discussion.....

Elimination on one of the platforms to reduce the Impervious coverage is discussed. Ms. Hopwood agrees to work with the Board and pull out one if asked....

Ms. Peck works calculations out to see if there is much of a difference with one of the platform removed. No difference in Impervious coverage.....

Discussion.....

Mr. Sacchinelli asks Ms. Hopwood about walkways off the steps.

Ms. Hopwood testifies that they had not planned to add any additional walkways....we plan to use the existing path.

Ms. Spindel opens the applicant to residents within 200ft. Seeing none,

Ms. Spindel opens the applicant to the General public. Seeing none.

Ms. Spindel closes this portion.

Mr. Karas makes 1st motion to approve the application.

Mr. Lowenstein seconds the motion.

VOTE: Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Sacchinelli, Mr. Meer & Ms. Spindel. **YES.**

Application Approved.

2. Application#10-025, Galina & Oscar Ortiz,
4-25 Summit Avenue, Block 4403, Lot 25, Zone R-1-3
Proposed addition would increase the building coverage from 20% to 28% where 25% is permitted. Would increase the impervious coverage from 31% to 41% where 35% is permitted. Would maintain existing side yard setbacks of 4' and 4.3 where 8' is required as per Section 125-12 Schedule of area yard and building requirements. FAR of 45% where 40% is permitted requires a D-4 Variance as per Section 125-057.D.(d)

Mr. Soukas swears in: Mr. Nathan Streitman (Architect for the Applicant)
8 Audobon Place,
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Ms. Spindel asks Mr. Streitman to please refresh everyone's memory as to what happened at the last meeting and why we asked you to come back tonight.

Mr. Streitman begins by explaining that he presented a set of plans that included (4) four variances...FAR, Building, Impervious & side yard. In addition, the second floor addition we were proposing included a kitchen.

The Board had discussed each of these items and recommended that we return to you with revisions to the plans....

Mr. Soukas swears in: Ms. Galina Ivanova (Applicant)

Mr. Streitman continues to testify that of the four original variances that were sought, two have been dropped as the revised plans presently meet the zoning requirements for them. The Building Coverage & the FAR is no longer needed.

The second kitchen has been eliminated from the second floor.

These revised plans request two variances. Both are smaller than originally requested.

Mr. Streitman explains the first variance would be a side yard setback at the garage....the North side of the site.

The setback requirement is 10ft...the present setback is 7.3ft. We are requesting a setback of 5.5ft to allow additional garage width of 1.8ft. so that an automobile can easily be stored.

The Second variance requested is Impervious Coverage....from 31% to 39.5% where 35% is permitted. This is to permit onsite parking of several vehicles to keep Summit Ave., clearer of visitor's vehicles.

Mr. Streitman explains these two variances will not have substantial detriment to the Public and will not impair the intent of Fair Lawn Zoning regulations.

Discussion on newly revised plans from Board Members.....

Mr. Lowenstein questions why there is a sink in the newly revised plan if it is a play area.

Mr. Streitman explains that in a children's work area, things can get messy...
Paints, etc...

Concerns from Mr. Lowenstein regarding the sink....does not feel it is a necessary use.

Discussion continues...

Mr. Streitman states that his client is willing to remove the sink if there is that much concern over it.

Mr. Karas questions the side yard setback requested...

Mr. Sacchinelli would like to put on record, that with the removal of the sink, no plumbing will be in the wall.

Mr. Sacchinelli mentions that the board members are concerned that down the road, a kitchen could be put in, so we don't want any plumbing behind the wall.

Mr. Streitman reiterates that he has been sworn in twice with his applicant testifying to the fact that there would be no kitchen & no sink.

Mr. Streitman does state that there will be plumbing in that wall because of the proposed bathroom where a tub will be, but no connection to a sink.

Discussion continues.....

Ms. Spindel has concerns about the Impervious Coverage and asks if they could put a Retention Basin in the yard to catch some of the rainwater so there will be no problem with flooding the street.

Mr. Streitman states his client is willing to put in a Retention basin.

Mr. Soukas(Board Attorney) explains that the Ordinance in Fair Lawn requires that certain modifications to a property, which are to remain with the property even after a Homeowner may not, be memorialized in the form of a Deed Restriction or may permit the recording of the (inaudible) as well.....

Mr. Streitman agrees that is it reasonable.

Ms. Spindel asks the Board if there are any other questions. Seeing none.

Ms. Spindel opens the applicant to residents within 200ft. Seeing none.

Ms. Spindel opens the applicant to the General Public. Seeing none.

Ms. Spindel closes this portion.

Mr. Karas makes 1st motion to approve the application with amendments. Sink to be removed in children's work area on the second floor and a drainage pit will be installed in order to collect exterior water as a result of the increase in the Impervious Coverage.

Mr. Sacchinelli seconds the motion.

VOTE: Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Sacchinelli, Mr. Meer & Ms. Spindel, **YES**

Application Approved.

Residential New Business:

1. Application#10-027, Victor Palagin
4-01 Fair Lawn Avenue, Block 5726, Lot 16, Zone R-1-3
Proposed second story cantilever would reduce the front yard setback on 4th Street from 9.63' to 7.63' where 25' is required and would maintain the front yard

setback on Fair Lawn Avenue of 10.19' where 25' is required as per Section 125-12 Schedule of area yard and building requirements. FAR of 43% where 40% is permitted as per Section 125-57.D.(d)

Mr. Soukas swears in: Mr. Victor Palagin (Applicant)

Fees have been paid and there is proof of service.

Ms. Spindel asks Mr. Palagin to explain what it is he would like to do.

Mr. Palagin explains he would like to build an additional level with a cantilever to make the room bigger on the second floor.

It is a Cape Cod dwelling and would like to extend 2ft. to make the room wider.

Ms. Spindel clarifies that he is not expanding the footprint but he is putting an add-a-level with a cantilever.....

Mr. Karas questions the FAR increase to 43% where 40% is permitted. What is the existing? I see no information on these plans.....

Discussion.....

Ms. Peck answers the concerns of Mr. Karas....

A discussion on calculations of the FAR is continued....

Mr. Palagin points out to the members the pictures submitted....and tells them the house next door to his home is exactly what he plans to do with his....

Review & discussion amongst Board Members....

Ms. Spindel opens the applicant up to residents within 200ft., seeing none.

Ms. Spindel opens the applicant up to the General Public. Seeing none,

Ms. Spindel closes this portion.

Mr. Meer makes 1st. motion to approve the application.

Mr. Frankel seconds the motion.

VOTE: Mr. Karas, Mr. Puzio, Mr. Lowenstein, Mr. Frankel, Mr. Sacchinelli,
Mr. Meer & Ms. Spindel, **YES.**

Application Approved.

2. Application #10-028, Mildred(Carmela) Setteducato,
27-10 Urban Place, Block 3416, Lot 4, Zone R-1-3
Extending the front platform to create a 7x12 sitting area in the front yard.
The proposed platform/patio would reduce the existing front yard setback of
25' to 18' where 25' is required as per Section 125-12 Schedule of area yard
and building requirements.

Mr. Soukas swears in: Mildred Setteducato, (Applicant)
27-10 Urban Place, Fair Lawn

Theresa Setteducato (Daughter)
30-07 Southern Drive, Fair Lawn,

Fees have been paid and there is proof of service.

Ms. Spindel asks them to explain why they are here tonight.

Theresa Setteducato asks if she can speak for her mother. Ms. Spindel states yes.

Ms. Theresa Setteducato explains that her mother would like to put a patio on the front of her house. Refers to pictures of other platforms.....

Ms. Spindel states she drove by and questions a brick wall & questions if that would be the location of the patio.

Ms. Setteducato explains yes, that is the same location and states that her mother started the work before realizing she needed a permit.

Discussion on the survey and proposal.....

Existing walkway was not on survey so impervious coverage has to be recalculated....

It is determined there is no Impervious coverage issues.

Mr. Meer questions why the proposed patio could not be placed in the backyard where there is a lot of area.

Ms. Setteducato explains that her mother has issues with walking and this would be a lot easier for her to come out of the house and sit in front.....

Ms. Spindel asks if it is staying in character of the neighborhood.

Ms. Setteducato refers to the pictures of the homes in the surrounding neighborhood with exactly the same type patios.

Discussion continues.....

Ms. Spindel opens the applicant to residents within 200ft., seeing none,
Ms. Spindel opens the applicant to the General Public. Seeing none,

Ms. Spindel closes this portion.

Mr. Frankel makes 1st. motion to approve the application.
Mr. Puzio seconds the motion.

VOTE: Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Sacchinelli,
Mr. Meer & Ms. Spindel, **YES**.

Application Approved.

RECESS:

Roll Call: Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Sacchinelli,
Mr. Meer & Ms. Spindel, **Present**

Ms. Spindel (Acting Chairman) opens the meeting to:

New Commercial Business:

1. Application#10-029, Sprint/Nextel Corp
20-01 Maple Avenue, Block 6801, Lot 1, Zone I-2
Proposal to install three additional panel antennas at the same height as the existing antennas. One(1) new panel antenna per sector. In addition, 4 new 2' diameter dish antennas above the new panel antennas on the same mount at a height of 144'. One new equipment cabinet on the existing steel equipment platform. Requires a D-1 Use variance and a D-6 Height variance as per Section 125-57.D(1)(d) Site plan approval as per Section 125-65.B.

Fees & Escrow Fees have been paid and there is proof of service.

Mr. Frank Ferraro(Attorney on behalf of the Applicant) opens the meeting to explain that Sprint/Nextel is here tonight seeking to upgrade an existing wireless facility it has in the Borough of Fair Lawn.....continues...

Mr. Ferraro states that it is a previously approved application and it is simply an upgrade to the existing facility. Refers to the proposal, Use variance needed & a Height variance also.

First Witness called up by Mr. Ferraro.

Mr. Soukas swears in: Robert Marsac (Registered Architect)
30 Ramar Street
Flanders, N.J. 07836

Mr. Marsac has testified previously in many towns, Rochelle Park, Springfield, Colt's Neck, Matawan.... He has worked in the Telecommunications Industry since 2001, Licensed & Registered Architect in the State of N.J. & N.Y.

Mr. Marsac has been accepted as a Certified Architect.

Mr. Marsac begins his testimony explaining the Proposed Plans Sheet. Plan shows existing water tank where there are three separate sectors of antennas. Existing there is two antennas per sector, and those on the outer antennas on each sector. Currently there is an existing mount on every sector that is an empty pipe. That empty pipe is where we propose to put three additional panel antennas, very similar to the existing panel antennas.....

In addition, we are proposing four dish antennas, which are bigger boxes, approximately 26inches in diameter....

Mr. Marsac continues.....

Explains down on the grade level, they are proposing to install the third equipment cabinet to control these antennas on that existing platform.

Mr. Soukas states for the record, we will mark the entire package collectively as A-1 A-1- Board Sheets of Proposed Plans.

Mr. Marsac continues with proposed plans.....

The Base of the Mount that is mounted to the existing water tank will not change. In addition, there will be a very small GPS unit adjacent to the existing GPS unit.

Testimony continues.....

No additional Employees.
No additional parking...
No additional Impervious Coverage.
No additional Building Coverage.

No Generator needed.

The Antennas to be painted blue to match the water tank is proposed.

Mr. Ferraro asks if there are questions from the Board?

Mr. Sacchinelli questions the existing (Coax) cable that they intend to run the cable up, How large is it and what is the size you are replacing it with? Is that going to be painted the same color as the tower? Will it blend in with the existing structure?

Questions & concerns on making it look as blended in as possible with the existing tower is discussed.

Mr. Ferraro states they will agree to paint it the same color as the tower if that is what the Board wants.

Discussion continues.....

Weight of antennas is questioned and if the tower is structurally suited to accommodate this additional weight.

Mr. Marsac testifies yes and addresses the concerns with the Board.

Mr. Ferraro states there is a letter, a Structural Certification Letter, dated October 20, 2009.

Marked as Exhibit A-2

This site was initially approved for nine (9) panel antennas, so these (3) panels that are being proposed would just bring it up to the original proposal.....

Discussion continues...

Security is discussed.

Gate is locked along with the cabinets.

Ms. Spindel questions hypothetically, if these antennas in the future become obsolete, will the antennas be removed.

No objections to removal. Mr. Ferraro offers to make it a condition upon approval.

Mr. Soukas (Board Attorney) notes before going forward to Mr. Ferraro that particular condition would likely require a recording of the Resolution or a Deed Restriction, likely a Resolution in this case.

Ms. Spindel opens the Applicant's Professional Architect to any residents within 200ft.

Mr. Soukas swears in: Gale Buonagurio
7-09 Chester Street
Fair Lawn, N.J.

Ms. Buonagurio begins her testimony by stating she has been reading up on the FCC. , questioning the use of signs for Radio Frequency...

Will it change the area, mentions Maple Avenue and the deteriorating area it is becoming.

She has read that in Urban & Suburban areas, these kinds of antennas are not normally put in, they are put in the Country.

Are they Sector Antennas? What will they do to the area as far as visual?

Mr. Ferraro (Applicant's Attorney) states they will introduce their Planner to answer any questions as to what the site would look like.

Ms. Spindel asks Ms. Buonagurio if she has specific questions for the Architect.

Ms. Buonagurio does not know what questions would be directed to whom....

Discussion continues.....

Ms. Buonagurio questions the size of the antennas and questions the variances needed, now and in the future. Have overall concerns about Maple Avenue and its congestion.

Ms. Spindel tries to address her concerns and states that this will not affect the traffic on Maple Avenue or any other conditions on Maple Avenue...

Discussion continues.

Ms. Buonagurio speaks to using another tank on Morlot Avenue. Why on Maple?
Concerns with additional wireless companies wanting to add on.....

Ms. Spindel tells Ms. Buonagurio to please wait and ask all the questions she wants when the Planner for the applicant comes forward.

Ms. Spindel opens the applicant's witness to anyone else within 200ft. seeing no one.

Mr. Ferraro calls his next witness.

Mr. Soukas swears in: Mr. Dan Collins (Pinnacle Telecom Group)
14 Ridge Dale Avenue
Cedar Knolls, N.J.

Mr. Soukas states that Mr. Collins has testified before this board in the past and has been accepted as an Expert Witness.

Mr. Ferraro begins his cross examination of Mr. Collins regarding his report, Antenna Site FCC RF Compliance Assessment & Report, dated February 11, 2010.

Entered into Exhibits, marked A3

Mr. Ferraro asks Mr. Collins to please review the analysis for the Board.

Mr. Collins explains that the FCC require all antennas operators when changing the operation at a site to make an analysis of compliance that the Radio Frequency Omissions do not exceed the standard for safe continuous exposure that exists in the FCC regulations.

Mr. Collins continues.....The FCC also has made publicly available for purposes of compliance analysis, a standard engineering formula to calculate the RF levels around the facility and the collection of both proposed and existing antennas so in that way we can conservatively access the RF levels and determine whether or not compliance is satisfied.

Mr. Collins explains.....the combination of all existing and proposed of antennas at the facility create a total of 0.36% of the FCC limits.

It is 270 times below the limit....there is a N.J. Radiation Protection Act with a standard in there for exposure. The FCC standard turns out 5x more protective than the State.

Mr. Collins continues.....we are in comfortable compliance with the Federal, as well as the State standard. We are 15X less RF exposure than you get when you go home and are exposed to little bits of RF leakage from everything in your house that is plugged in...

Testimony continues.....

Dish Antennas are discussed.....

Mr. Ferraro asks if there are questions from the Board for this witness.

Questions.....

Questions concluded.....

Ms. Spindel opens the Applicant's Expert up to residents within 200ft.

Mr. Soukas swears in: Jane Young
38 Pomona Ave
Fair Lawn, N.J.

Ms. Young questions the numbers and whether or not it is the truth. What person checks on this to make sure that it is not just a story?

Ms. Spindel explains that Mr. Collins has testified under Oath and is an Expert and he could jeopardize his license by giving misinformation.

Ms. Young states that these omissions vary....but who checks to make sure that the omissions are safe at all times?

Mr. Collins addresses the concern of Ms. Young. He states that the analysis they do is based on the maximum capacity, maximum output power transmissions of all of the players involved....it assumes that the instance these antennas are put up, they are operating at their maximum capacity & maximum power. You cannot get a higher number when you apply those figures to the standard engineering mathematics that the FCC says to use in analyzing these facilities. The RF levels do vary, but they are going to vary from a number no higher than we have calculated here to something lower....

Mr. Collin's testimony continues.....

Ms. Spindel refers to Ms. Young's question regarding the omission's safety numbers...Is there a specific agency that oversees the accuracy of these numbers?

Mr. Collins explains the FCC does and admittedly they do not have the best budget but do have between 7-9 trucks with sophisticated receivers. Fancy measuring equipment and they drive around the country and randomly audit sites to make sure they are o.k.

The FCC do not spend a lot of time on cellular sites because there is not enough power and not enough exposure to get excited about. They have checked enough of these sites in the past to know they are not of concern. They check broadcast sites, ones that use 1000watts, 50,000watts.....

These sites are the least powerful....

Ms. Young questions the use of cell phones and the new knowledge that usage can cause cancer, so she is concerned that if the level of radiation from a cell phone can cause a brain tumor, how could you not get anything from the radiation of a cell tower?

Mr. Collins states that there indeed have been studies done that suggest you can get cancer but the study has not been accepted by the Mainstream Medical Community. The American Cancer Society still holds out that the mechanism of exposure to RF omissions

from antennas does not carry with it anything related to cancer, even at levels at 5000 times higher than what we have here....

Mr. Collins continues.....

There has been no accepted scientific connection between cell phones or bay stations & cancer, in fact, any radiation source & cancer.

Cell phones have to be tested by the FCC that is sold in this country....

Discussion continues....

Mr. Ferraro (Applicant's Attorney) interjects and states that we are talking a lot about hand held cell phones. That is not the service we are speaking about in this application. This is a wireless broadband internet service that you use in your home, business, wherever you may travel...a portable device that provides you with that capability, no matter where you go, as long as you are in the coverage area.

Ms. Gail Buonagurio steps forward and asks the question of Mr. Collins, "The FCC, are you in charge of mandating what they have to post outside of the area, Hazard signs?"

Mr. Collins answers, no. I am not in charge of that. The carriers are supposed to use signs where needed. Based on the analysis I have done, you do not need any signs at this site. From an FCC point of view, there are no signs required at this site.

Mr. Collins states he has done an analysis of the exposure level in publicly accessible areas around this facility. Again, the levels do not exceed the FCC limit so therefore no sign is necessary to warn anyone about anything.

Ms. Buonagurio questions Pacemakers...

Mr. Collins explains, pacemakers are not affected by cellular base stations whatsoever.. Older phones can affect an old pacemaker. Before you buy a phone, if you have a pacemaker, talk to the people you are buying the phone from, alert them and they would not sell you a phone that would affect that problem.

Discussion continues....

Ms. Spindel opens the witness to the general public. Seeing none.
Ms. Spindel closes this portion.

Mr. Ferraro brings his next witness:

Mr. Soukas swears in: Juan Torres (Senior RF Engineer)
877 Levine Road
Lake Hopactgong, N.J. 07849

Mr. Torres has 18 years experience in Wireless Industries. Mr. Torres has testified before boards in many towns in N.J. & N.Y.

Mr. Torres is accepted as an Expert witness.

Mr. Torres begins his testimony regarding the site. The site will be providing the new technology which is called Wymex. It is a wideband channel that will be connected into the user unit to the Antenna to this location and then from there you use the dishes to go to the switch on high speed.

Mr. Torres continues to explain the procedures of the high tech speed.....referring to Chart (Map)

Information that is obtained through the Antennas is beamed through the microwave antenna, etc....

Mr. Torres testimony continues.....

Sprint is in the process of building out on this Wymex network...there is a gap at this particular site. We will be the first ones to offer the 4th generation. In the market now it is only 3rd generation and the new one will be 10xfaster than what is available.

Mr. Ferraro continues to cross examine Mr. Torres, who in return answers all questions & concerns.

Questions from the Board begin and are answered by Mr. Torres regarding site, locations, Nearest additional antennas, etc....

Ms. Spindel opens the Witness up to residents within 200ft.

Ms. Gail Buonagurio steps forward and asks if the location was picked because of the amount of congestion, amount of people for Sprint, the business?

Mr. Torres answers and explains they picked this location because it is already a wireless location, and we don't want to include another one. It is in the center of a Commercial/Residential area that we know will be requesting this type of service.

Ms. Buonagurio feels they are trying to override the other businesses that are at this location and asks if this will also be helping Paterson and other towns surrounding this area or is it strictly for Fair Lawn.

Mr. Torres explains it will be a combination, because of the location but mainly, 76% will be to Fair Lawn.....

Discussion continues.....

Ms. Spindel explains that towers that are in Paterson, Saddle brook and other towns, we also get the benefits as well. The coverage does not stop at the borders. We get the benefits from them just like they get benefits from us.

Ms. Buonagurio still feels they should go to Morlot first....and questions why they have to come to Maple Avenue, Paterson & Glen Rock....why not another location?

Mr. Ferraro tries to address Ms. Buonagurio concerns and explains one of the main reasons is that they already have antennas at this facility and by operating at this facility you don't have to propose a new facility in an area which does not have one. It is a business decision by the applicant and I would assume this is where they are going to get the most number of users....

Discussion continues.....

No further questions of the Witness...

Mr. Ferraro calls his next witness.

Mr. Soukas swears in: Timothy M. Kronk (Licensed Professional Planner)
P.O. Box 465
Mendam, N.J.

Mr. Kronk has testified before the Board prior to this application and is accepted as an Expert Witness.

Mr. Ferraro begins his questioning....

Mr. Kronk states his exhibits are identical to the ones already reviewed.

Mr. Kronk begins his testimony by explaining the site is located in the I-2 General Industrial Zone, the specific application is for the installation of a modification of the Sprint installation on the subject water tank. Sprint received an original approval on this facility and at the time it was approved for a nine antenna installation and six of the antennas were installed but the three additional were never installed.

The additional 3panel is a different technology but the same type of antenna....

Mr. Kronk states that the portion of this application that is different is the installation of the four dishes we have described as the wireless back haul for the 4G network and the

installation of one equipment cabinet which will be installed inside the existing compound at the base of the tower on the existing platform and will not require any modifications to the compound area itself.

Mr. Kronk continues.....

Reviews variances.....

Mr. Kronk reviews positive criteria.....eliminates existing gaps, etc....feels it is particularly suited from the fact that it is already a location that has been the subject of several wireless telecommunications applications and on prior occasions has been determined that the property and the tank are suited for this type of use.

It is an intense Industrial Use property, there is room for expansion for the equipment inside the existing compound and is comparable to the uses on the property.

The property does have Residential Uses both to the East & West.

Mr. Kronk refers to 3 Photo Exhibits for visual assessment to the Board. Exhibit A-5

2 Photos marked 1A & 1B-views from 76 Cedar Street, a residential street to the East of the I-2 Zone

To the right is a computer simulation of the proposed panel antennas, which are essentially antennas that were approved on the prior Sprint approval. They have been inserted and also the dish antennas that are visible from this location have been inserted into the photo on the right, which is 1-B.

Questions on visual depictions from Residential areas....

Mr. Kronk continues with his Exhibit depictions....

Questions on Antenna depictions.....

Mr. Ferraro clarifies the questions....

Mr. Kronk feels the Board can grant this variance without substantial detriment to the public good. The only thing or real change that this application has from the original installation is the four dish antennas and the additional cabinet in the compound.

The photo exhibit shows there is no visibility of the dishes, even to the closest resident is over 500ft. away.

Mr. Kronk concludes his testimony.

Ms. Spindel opens this witness up to residents within 200ft. for questions.

Ms. Gail Buonagurio steps forward and questions Mr. Kronk on the difference of the existing and proposed visuals...

Mr. Kronk refers to both pictures and points to the view from Cedar Street-A6 and shows the proposed picture from that same location to Ms. Buonagurio...

Ms. Buonagurio states she lives directly in line with this tower on Chester Street and notes that there is no picture from Chester Street.....

Discussion.....

Mr. Kronk explains that he did take a picture from Chester Street and the reason why he did not show a depiction was because the other exhibit was right inside the Industrial Park from Chester...He took photographs that were representative of the views of the proposed & existing facilities....

Discussion continues.....

Ms. Buonagurio is not in agreement....

Ms. Spindel asks if there are any questions from the General Public for this witness. seeing none,

Ms. Spindel closes this portion.

Mr. Ferraro summarizes....

Ms. Spindel opens the meeting to the Public for comments.

Public Comment:

Ms. Buonagurio steps forward and explains she lives directly across from this site. I know it is an Industrial area but it is overly industrial now. The River Road area is a flood zone and it goes into the Industrial Zone. I did not hear anything about that and now you will have an extra cabinet on the bottom ground. I also would like you to know that Maple Avenue is not maintained. We are giving these big companies big business, but we can't get Maple Avenue maintained.

Discussion....

Ms. Spindel explains to Ms. Buonagurio that the issue of maintenance has nothing to do with this application. The maintenance issues should be addressed to the appropriate department, where they will be addressed.

Ms. Buonagurio acknowledges this but still insists that this area is catering to the Industrial area & companies and feels it is ruining the value of the surrounding homes. The property value in this area is going down. She feels that the Borough or Board should limit the amount of cell towers and antennas, etc.....

Mr.Soukas swears in: Mr. Peter Van Den Kooy, Board Planner

Mr. Van Den Kooy begins by stating this is an existing facility so in terms of land impact, there is none. There are some existing conditions that may be variance situations potentially, Bulk variances. In the applicant's application, the impervious coverage on the lots that they identified as part of the applicants, they identified as 54%. It seems to be, based on an aerial photograph, substantially more than that. They are not proposing any additional impervious coverage so, an existing condition and possibly a notation error.

Mr. Van Den Kooy states that Lot 1 is a very unusual lot, it has multiple boundaries lots in all different locations and multiple buildings on it. Should those buildings may actually be closer to the property lines than 20ft, which would be a rear yard setback variance, but again that is a existing condition as well.

Mr. Van Den Kooy concludes his report.

Mr. Soukas asks if there are any questions from the applicant. None are asked.

Mr. Meer makes 1st motion to approve the application with the correction of the address, which is 20-10 Maple Avenue and not 20-01 as stated.

Ms. Spindel would also like to add that the applicant agreed to paint the pipe where the 3 conduluts is holding this antenna and as well as the antennas to match the water towers and the removal of these antennas when they are no longer in use.

Mr. Puzio seconds the motion.

VOTE: Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Sacchinelli,
Mr. Meer & Ms. Spindel, YES.

Ms. Spindel notes Ms. Buonaguiro concerns about the cleanliness of the area and the owner of the property noted and asks that the Building Department look into this complaint to be sure it is taken care of.

Application Approved.

Vouchers & Estimates:

1. Voucher submitted by Mr. Soukas for legal services rendered for preparation & Memorization for a Resolution for T-Mobile dated 6/21/10 in the amount of \$200.00
2. Voucher submitted by Ms. Koscis for June 14, 2010 in the amount of \$275.00
3. Voucher submitted by Ms. Koscis for June 21, 2010 in the amount of \$275.00
4. Voucher submitted by Mr. Soukas for May 31, 2010 in the amount of \$833.33
5. Voucher submitted by Mr. Soukas for May 31, 2010 in the amount of \$125.00
6. Voucher submitted by Azzolina & Feury in the amount of \$2,470.00 for T-Mobile 12-24 George Street.
7. Voucher submitted by Mr. Soukas for April 30, 2010 in the amount of \$833.33
8. Voucher submitted by Mr. Soukas for April 30, 2010 in the amount of \$189.00
9. Voucher submitted by Mr. Soukas for April 30, 2010 in the amount of \$125.00
10. Voucher submitted by Mr. Soukas for April 30, 2010 in the amount of \$117.00

Mr. Lowenstein made a motion to approve these estimates and Mr. Frankel seconded the motion.

VOTE: All Present – AYE.

Resolutions:

1. Application #2010-021, Igor & Irena Bass, 5-12 Lyncrest Ave, Block 4405, Lot 15, Zone R-1-3– Addition- Approved.
2. Application #2010-024, Jacob & Amy Vaknin, 34-21 Linwood Road, Block 2417, Lot 4, Zone R-1-2– Covered Front Porch- Approved.
3. Application #2010-026, T-Mobile Northeast, LLC, 19-01 Pollitt Drive, Block 4802, Lot 1, Zone I-1– Monopole & equipment cabinets- Approved.

Mr. Sacchiinelli made a motion to accept these resolutions and Mr. Puzio seconded the motion.

VOTE: All Present – AYE.

Minutes

Mr. Sacchinelli made a motion to approve the minutes for the March 15, 2010, April 19, 2010, April 22, 2010 & May 6, 2010 meeting and Mr. Puzio seconded the motion.

Discussion on corrections to be made to the minutes

Mr. Lowenstein made a motion to approve the minutes with all amendments.
Mr. Frankel seconded the motion.

VOTE: All Present – AYE

Adjourn

Mr. Frankel made a motion to adjourn this meeting and Mr. Sacchinelli seconded the motion.

TIME: 10:15 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk