

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Special Meeting  
of September 6, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's special meeting held on **Thursday, September 6, 2007**.

Chairman Scott Levy called the special meeting to order at 7:05 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present were: Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Diner, Mr. Meer, Mr. Charriper and Mr. Levy.

Absent were: Mr. Karas, Mr. Nakashian, Mr. Salerno (Mr. Salerno recused himself from the Omnipoint application; Mr. Nakashian was ill and Mr. Karas was Applicant #1).

Mr. Karas arrived for the second application.

Also in attendance were William Soukas, Board Attorney; Cheryl Bergailo, Board Planner; Karen Kocsis, Court Reporter; and Carol LoPiccolo, Zoning Board Clerk.

**Residential Old Business:**

1. Application #2007-072, Seymour & Joell Karas  
11 Lamring Drive, Block 5728, Lot 4, Zone R-1-3  
The proposed shed would have a sideyard setback of 21" where 4' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Soukas stated that Mr. Sy Karas started this application at the last regular meeting, and the Board had a concern over a board member presenting an application, and it has been determined that Mr. Karas should be represented by an attorney to provide Mr. Karas with an opportunity to present his application. Mr. Sy Karas will be represented by Andrew Karas.

Andrew Karas [attorney and Mr. Sy Karas' son] came forward. Mr. Karas stated that the application is for to build a shed at the rear of the property. There was a shed on the property for at least 40 years. There was a need to build a retaining wall and with that the old shed had to be removed. That shed was placed on the rear property line. The eastern portion of the old shed was 3 ½" over the property line in regards to the adjacent property. There has been a fence that has separated these properties. The fence was 8" into the property line – to the east. The proposal tonight is to build a new shed. There is an 8 ½' x 10 ½' concrete pad there and the new shed will be 8'x10'. The new shed will be 6' from the rear

corner and 4.25' on the most westerly part of the shed to the rear property line. The topography of the property is unique and angles downward in a southerly direction. It will be 21" to the adjacent property line. If the shed is moved more to the west, it will then have to be brought southerly and there will be an area of property that is useless to this property owner and the adjacent property owners. There is an increase to the property line as to what was there previously and this is a minor relief being sought.

Mr. Andrew Karas was sworn in for questioning. Ms. Spindel asked if a 6'x8' shed was adequate for 40 years, why is it necessary to have an 8'x10' shed now. Mr. Karas stated the size is needed to accommodate the equipment of today and the old shed was made from scratch and this is a kit.

Mr. Levy asked that if it is brought more forward, it would be a problem due to the topography of the property. Mr. Karas agreed.

Mr. Newman asked if there were drawings. Mr. Karas presented photos of the site with a shed that was marked as **Exhibit A-1**.

Mr. Charipper asked if construction has already begun. Mr. Karas stated the concrete pad only has been put down.

Mr. Sacchinelli asked what would be the square footage behind the shed if it were pulled forward so that it could meet the 4' side yard. Mr. Karas stated 8' because of the angle of the property.

Mr. Newman asked why not ask for the relief from the rear yard and get the 4' from the side yard. Mr. Karas stated that since the property is angled, you won't gain a lot of space on that side and then it would be right on the property line at the rear.

Mr. Levy opened the meeting to the public within 200'. Mr. Todd Calderone, 15 Lamring Drive came forward. Mr. Calderone asked if the fence is 8" off the property line, is it 21" off the fence or the property line. Mr. Karas stated that the shed would be 21" from the property line, not the fence.

Mr. Karas asked if Mr. Calderone has a shed on his property. Mr. Calderone stated yes. Mr. Karas stated the shed is 10'x10'. Mr. Charipper asked what the relevance is. Mr. Karas stated it is relevant to where the shed is placed. Mr. Karas stated it is 2 ½' from the rear property line. Mr. Calderone did not know. Mr. Karas marked as **Exhibit A-2**, a picture of Mr. Calderone's shed and a fence and Mr. Calderone's survey. Mr. Karas asked Mr. Calderone about the chain link fence shown on the survey and is 2.1' from the rear property line. Mr. Karas stated the shed is built on railroad ties and is approximately 4-6" from the fence.

Mr. Calderone responded yes. Mr. Karas stated that Mr. Calderone's shed was constructed less than 4' from the property line.

Mr. Levy stated that the proposed shed would be built in line with Mr. Calderone's shed. Mr. Karas stated yes.

Mr. Blecher asked if the proposed shed that would be 21" from the property line is the full length of the shed. Mr. Karas responded yes.

Mr. Newman stated that Mr. Calderone's shed is on the opposite side of the property of Mr. Karas and is only on one corner that it is less than the required 4'. Mr. Calderone stated that the property is angled and the shed is only infringing on the rear corner. Mr. Newman stated that it is not fair to compare this shed since there is no testimony to what all the setbacks are.

Mr. Karas asked if Mr. Calderone has any objections to this shed being built 21" from the property line. Mr. Calderone did not have any objections.

Mr. Newman stated that when he put his shed up, he staked out where the property line is and why can't Mr. Karas stake the property line. Mr. Karas stated it is not required to stake the property line.

Mr. Levy closed the meeting to the public.

Mr. Meer made a motion to approve this application and Mr. Sacchinelli seconded the motion.

VOTE: Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Diner, Mr. Charipper, Mr. Meer and Mr. Levy – YES.

**APPLICATION APPROVED.**

(The applicant must also put up temporary stakes to indicate where the property line is).

A 5-minute recess was taken at this time and the meeting resumed at 8:05 p.m. Mr. Sy Karas was now in attendance.

**Commercial Old Business:**

1. Application #2006-100, Omnipoint Communication, Inc.  
33-02 Morlot Avenue, Block 2410, Lot 49-56, Zone R-1-2  
The proposed antenna flagpole requires a use variance as per Section 125-57.D.(d)[1] use variance.

Judith Deinhardt, NJ licensed professional planner came forward and has been retained by some of the neighbors of the area. Ms. Deinhardt gave her qualifications and was accepted as an expert. Ms. Deinhardt stated that she is representing a group of residents led by Michael Bodner.

Ms. Deinhardt stated that she looked at the Borough's Zoning Ordinance and this site is located in a single family home district and no commercial uses are allowed. There is a commercial antenna zone in the Borough and this application would not qualify as it has aesthetic and safety concerns. The proposed flagpole exceeds the height, front yard and side yard. Ms. Deinhardt referred to Section 125-29 and Section 125-36. Ms. Deinhardt referred to a case from Pennsylvania where the Court agreed with the Zoning Board where a secondary principal use was denied and also another case where it was denied from an aesthetic purpose.

Ms. Deinhardt stated that this application would have an adverse effect on the area. Ms. Deinhardt referred to the Master Plan Goals and Objectives. Ms. Deinhardt referred to the noise of the flag and the rope of the pole would create an intrusion. The streetscapes would be interrupted by this application. Ms. Deinhardt referred to a case in Rhode Island where it would not be compatible with the area and Master Plan and was denied.

Ms. Deinhardt stated that with the previous hearings the neighbors have spoken out against this application and the Board may take that testimony into account.

Ms. Deinhardt referred to Ms. Bergailo's testimony where the impervious coverage was listed incorrectly and the proposed project would increase the impervious coverage, there would be a negative impact from non-conforming uses in a residential area. This would negatively affect the property values. There is too much clutter on this lot and the lot is too small to accommodate this extra use. The character of the neighborhood would be negatively affected. The neighbors did rely on the zoning of the area when they purchased their homes and this would negatively affect that.

The VFW parking lot is on the rear and both sides of the building and there is a sign and banner that would not be allowed. There is a water tower and junior high school. Ms. Deinhardt conducted a traffic count and 121 cars were counted in 10 minutes.

Ms. Deinhardt stated that she has a T-Mobile phone and has made calls from McKinley Street and the call was clear and not dropped and it is questionable whether or not the coverage is needed.

The scale of the project is extensive and poses a threat of safety to the neighborhood because of increased traffic and visual clutter.

Ms. Deinhardt referred to the Balloon test that was done and felt it was inadequate.

Ms. Deinhardt referred to many court cases where a provider does not have to provide 100% coverage. In Woodridge, NJ a case was denied that was presented in a retail zone where it was too close to the residential area and had a detrimental impact. Numerous members of the public were against that application also. In another case where a tower would be higher than the trees and homes was also denied.

Ms. Deinhardt stated that there may be also additional variances required on this application.

Mr. Levy stated that the applicant did amend their application to include the impervious coverage variance along with any other variances required.

Mr. Levy asked if in NJ just because a carrier is there, does not prohibit another carrier from coming in. Mr. Levy thought that there are certain levels of coverage required in order for an applicant to request additional information. Mr. Levy also thought the residents did not need to be notified of the balloon test that was performed by Omnipoint as Ms. Deinhardt had previously indicated. Mr. Levy asked what was the basis for the traffic. Ms. Deinhardt stated that the residents felt the visual obtrusiveness of the pole would make the drivers look up at the pole and possibly cause an accident. Ms. Deinhardt stated she was there August 23 at 5:43 p.m. and counted 121 vehicles for 10 minutes.

Mr. Levy stated that Ms. Deinhardt made a call within the municipal building and asked if any towers were in this area. Ms. Deinhardt did not know. Mr. Levy asked what time the calls were made. Ms. Deinhardt stated around 6 p.m. Mr. Levy asked if the service was overloaded at that time. Ms. Deinhardt thought it might be.

Mr. Levy asked Ms. Deinhardt about the property values. Ms. Deinhardt felt that if the public mentions that property values will decrease, then it probably will. Ms. Deinhardt thought that if a buyer is looking to purchase a home a cell tower will effect that decision.

Mr. Levy asked Ms. Deinhardt about the signs that she previously mentioned. Ms. Deinhardt stated it is 7"x17 3/4" long and is required by FCC regulations.

Mr. Newman asked if Ms. Bergailo thought there were other variances being sought.

Mr. O'Neill stated that the signs mentioned are inside the building and do not need a variance.

Ms. Bergailo stated that the signs presented do not need a variance. The impervious coverage was previously discussed and they do need a variance for that.

Mr. Newman talked about the tower as another principle use on the site. Ms. Deinhardt referred to Section 125-36 where there shall not be more than one principle structure on a residential lot.

Mr. Newman asked for clarity of Section 125-15. Ms. Bergailo stated it is a secondary use on the site and a use variance is required.

Mr. Charipper asked about the negative and positive criteria. Ms. Deinhardt felt the negative outweighs the positive criteria. The potential noise aspect is a negative effect. The aesthetics would affect the property values. Mr. Charipper asked if it affects the zoning plan and master plan. Ms. Deinhardt felt it would affect the zone and master plan and the area is a single family zone only.

Mr. Charipper asked about alternative sites that exist. Ms. Deinhardt stated that the applicant has indicated that they have had informal conversations with the water tank and school and there has been no official follow up with either of those sites.

Mr. Charipper asked what would be the most important interests of this area. Ms. Deinhardt stated that a large flagpole is out of proportion to the neighborhood and would affect the property values and the aesthetics of the area is affected.

Mr. Charipper asked if there are other detriments to this application. Ms. Deinhardt stated that noise, safety from the volume of the high traffic that is on the street and visual surprise to the motorists. Mr. Charipper asked if this would fit in with the character of the neighborhood. Ms. Deinhardt stated no.

Mr. Charipper asked if the alternative sites are possibly sites that are suitable and available. Ms. Deinhardt stated that they are suitable, but does not know if they are available.

Mr. Levy asked if the water tower – it had been testified to that it has been deemed as not to have any structure allowed there by the Mayor and Council. Mr. Levy asked if the school contacted the applicant. Ms. Deinhardt stated she did not see anything where it was officially denied.

Mr. Charipper asked if the applicant has exhausted all suitable facilities and if there are alternatives for another location or something that would fit in better. Ms. Deinhardt felt the applicant has not exhausted all other sites. Mr. Levy asked if Ms. Deinhardt has contacted the applicant. Ms. Deinhardt did not.

Mr. Newman asked if the site is residentially zoned, currently on the site there is a VFW and is that a permitted use. Ms. Deinhardt stated no. Mr. Newman asked if the property differs to other properties. Ms. Deinhardt stated yes – it is a commercial property in a residential zone. Mr. Newman asked if it would be better to allow another commercial use on the property. Ms. Deinhardt stated there is discussion of a cumulative affect of adding another non-conformity and that has a negative effect.

Mr. Soukas referred to Section 125-17 is the correct section, not Section 125-15. Mr. Soukas read Section 125-17.

Ms. Spindel asked Ms. Deinhardt about the traffic count that was done and if it were done while school was in session, how many more vehicles could be found. Ms. Deinhardt did not know.

Ms. Spindel referred to the balloon test that was done. Ms. Deinhardt felt that if the residents were notified, they might have gone outside to see the balloon on how it would look.

Ms. Spindel asked if there is another tower that is appropriate for this property. Ms. Deinhardt did not think there was one.

Mr. Newman asked if Ms. Deinhardt knew if dropped call tests have been a usual part of the case. Ms. Deinhardt stated yes, because the companies keep a track of where calls are dropped.

Mr. Charipper asked if Ms. Deinhardt felt she needed more time to visit the site to give additional testimony so she can give a more detailed report. Ms. Deinhardt did not think she did.

Mr. O'Neill asked in what capacity did Ms. Deinhardt give testimony on behalf of Omnipoint. Ms. Deinhardt stated she worked for a consulting firm in another state.

Mr. Levy asked who she is employed by. Ms. Deinhardt stated she is employed by Mr. Bodner and does not have a list of residents. Mr. Levy stated that he will not allow any of those residents to speak. Mr. Bodner stated that there are 18 people on the list.

Mr. Charipper asked if Mr. O'Neill will have Omnipoint's planner give testimony in response to Ms. Deinhardt's testimony. Mr. O'Neill stated the planner has already given testimony and does not plan on giving any additional testimony.

Mr. Soukas stated that there are other residents that are not part of the 18 residents and they have a right to come forward and speak.

Mr. Charipper asked if Ms. Deinhardt wants the opportunity to question the planner for Omnipoint. Ms. Deinhardt read the transcripts and did not feel it would be necessary to have Omnipoint's planner come back.

A 5 minute recess was taken and the meeting was resumed at 9:20 p.m. Roll call was taken and everyone previously called were present.

Mr. Levy opened the meeting to the public.

The following members of the public came forward:

Joseph Kapon, 11 Sheridan Place: Mr. Kapon asked if Ms. Deinhardt is an expert to testify regarding the real estate values. Ms. Deinhardt stated that she is not a real estate expert and felt that an appraiser would be qualified to give testimony. Mr. Kapon asked that he be accepted as an expert. Mr. Kapon has been a realtor for the past 10 years mostly in Fair Lawn, but is not an appraiser. Mr. Levy asked if Mr. Kapon is a licensed realtor in NJ. Mr. Kapon buys and sells real estate, both residential and commercial, mainly in Fair Lawn. Mr. Kapon felt that based on past experience, a cell tower in another area in Fair Lawn had a negative impact on the sale of a home. Mr. Soukas asked where the house is. Mr. Kapon stated on DeBruin Drive. Mr. Soukas asked how long Mr. Kapon has been licensed. Mr. Kapon stated 8 ½ years. Mr. O'Neill objected to Mr. Kapon being qualified as an expert, as he is not an appraiser, and that is who is qualified to give testimony to real estate values. Mr. Soukas read from case law where homeowners can give testimony on the value of their own homes. Mr. O'Neill disagrees as that is only applied in tax court and not in this application as it involves other properties.

Mr. Karas referred to Smart v. Fair Lawn Zoning Board where a realtor gave testimony and the Court stated that the realtor was not allowed to give testimony. Mr. Levy agreed and felt it should be a real estate appraiser to give testimony. Mr. Kapon stated that an appraiser only evaluates what previously has sold, but a realtor could predict what houses will sell for. Mr. Levy asked if Mr. Kapon has to inform a buyer of the cell tower. Mr. Kapon responded yes. Mr. O'Neill disagreed and that cell towers do not have to be disclosed.

Myrna Beck, 5-18 Estler Court, asked Ms. Deinhardt if the primary use of the VFW is a meeting hall and does renting the hall out, constitute a second use. Ms. Deinhardt stated that what is currently there is pre-existing and is allowed to remain, but the cell tower would be a secondary use.

Laura Fisher, asked if there are any health concerns by Ms. Deinhardt. Ms. Deinhardt stated that this has to adhere to the Federal Communications Act and she could not address health issues.

Mr. Levy closed the meeting to the public.

Mr. Levy opened the meeting to the general public to give general comments at this time.

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Mr. Levy opened the meeting to the general public to give general comments at this time. The following came forward:

Renard Gaddi, 31-14 Gordon Place, referred to Smart v. Fair Lawn, which stated that a cell tower is not suitable for every site, and the height may be suitable in one site over another site, and granting a variance must prove that it does not impair the zoning plan and master plan. Once the Board grants the variance it would be difficult for the town to deny another application of a similar nature. Mr. Gaddi felt the Zoning Board should deny this application. Mr. Gaddi stated that at the last meeting the Board did not accept pictures presented by Mr. Gaddi because it was not taken by a 50 mm lens, but a view nonetheless when viewing things in person, doesn't portray things as accurately as any picture could. Mr. Gaddi stated that Omnipoint was previously asked to provide photos of similar structures, and has not done that to date. There are many structures in the metropolitan area, and there should have been photos provided. Mr. Gaddi thought that they weren't provided, because they are not in residential areas. Mr. Gaddi provided pictures to show the visual impact of the proposed flagpole using a 50 mm lens with 35 mm film. Mr. Levy did not allow the submittal of the pictures by Mr. Gaddi. Mr. Gaddi felt they should be accepted, as the Board accepted the pictures presented by Omnipoint. Mr. Charipper agreed with Mr. Levy. Mr. Karas disagreed with Mr. Charipper and Mr. Levy and felt the pictures should be allowed, as he wants the opportunity to submit photographs since at the last hearing he was not allowed to present testimony as he did not have the appropriate lens.

Mr. O'Neill and Mr. Soukas spoke on the legal issues and Mr. Gaddi was allowed to present the photos. The photos were marked as **Exhibit O-6**. Mr. Gaddi described the photos.

Mr. O'Neill asked how the placement of the existing and proposed flagpoles were done. Mr. Gaddi stated the photograph was based on the height of the lower roof drain line which is 6'10". Mr. O'Neill asked how it was done. Mr. Gaddi stated it was done by Photoshop. Mr. O'Neill asked if the depth of field was taken into account. Mr. Gaddi stated no. Mr. O'Neill asked how far away from the base

was Mr. Gaddi when he took the pictures. Mr. Gaddi was not sure. Mr. O'Neill felt based on the methodology used, these pictures were not accurate. Mr. Gaddi disagreed. Mr. O'Neill referred to Exhibit A-22.

Mr. Levy asked how far Mr. Gaddi was from the base of the photo. Mr. Gaddi did not know, but it would not affect the photo. Mr. Karas stated that the photo presented by Mr. Gaddi would not matter, as the view is of the same plain.

Mr. Newman referred to Exhibit A-22 and asked if the flagpole in that picture tapers. Mr. O'Neill stated he was referring to depth of field in that picture.

Mr. Levy asked if the photos presented by Mr. Gaddi are accurate. Mr. Gaddi stated yes, it is not shielded by trees and is a realistic view of what is seen by the local residents. Mr. Levy asked Mr. Gaddi to explain the character of the street. Mr. Gaddi described the area as the VFW having no trees and the 200' from the corner, there would still be an unobstructed view. Around the corner the view would be obstructed. Mr. Gaddi described the photos and described the area and the amount of trees that are in the area to possibly block the view of the VFW from certain viewpoints and where it wouldn't be blocked.

Mr. Charipper asked Mr. O'Neill if there are any questions to be asked of Mr. Gaddi. Mr. O'Neill stated that Mr. Gaddi's pictures are not accurate.

Judith Deinhardt's outline of testimony was marked as **Exhibit O-7**.

Dante DeNicola, 6-18 Christie Place, Senior Vice-Commander of the VFW stated he has been a member for a number of years and the VFW is not a social club and is a service organization. Mr. DeNicola did not understand the opposition presented to the flagpole and the flag. Mr. DeNicola stated that the opposition is to the flag and the flagpole. Mr. DeNicola did not understand why the opposition is to the flag. Mr. Levy stated the objection is to the height of the pole and the noise that would come from the flag. Mr. DeNicola stated that Route 4 and Route 17 there are flags and there are no more accidents there. The VFW has been at that site before most of the homes that were built in that area.

Nina Noi, 5-22 Estler Court, stated that her bedroom is in the back of VFW and has been there for 20 years and has suffered living there, because of the parties that are held there. Ms. Noi stated that the prospective flagpole should not be compared to the water tower. The water tower is already there and another eyesore should not be allowed. Ms. Noi stated that none of the members of the VFW live in this area. Ms. Noi felt the value of the homes will go down. Ms. Noi felt the flagpole would affect the traffic and would cause accidents. Ms. Noi is in objection to this application being approved. Ms. Noi felt the foundation to her house is in danger with the digging that would occur from the flagpole. Ms. Noi asked how deep they would have to dig for the placement of the flagpole.

Mr. O'Neill did not know. Ms. Noi asked if the Board of Education was ever contacted by Omnipoint. Mr. O'Neill stated they were contacted, but did not respond to the inquiry. Ms. Noi stated that in the morning and afternoon, the traffic is much more because of the school.

Michael Bodner, 8 Lafayette Place, stated he has a direct view of the existing flagpole. Mr. Bodner presented a photo of a view of the flagpole from his home. The photo was marked as **Exhibit O-8**. Mr. Bodner has lived in his home for 23 years and is afraid that if a variance is granted, the view will be diminished.

Claude Beinstock, 39-11B Broadway stated he has been a realtor for 33 years and felt that it would affect the property values in the area and the cell tower would be better in a business zone. The lighting would be detrimental to the neighborhood. The viewpoints of the neighbors should be considered.

Dorit Sibony, 31-22 Matule Drive, could not see the pole or the water tower, but agrees that Morlot is a residential area and should remain that way and there is enough traffic there right now.

Samuel Roznitsky, 34-14 Lindsay Road, stated he was trained in engineering and has experience in radio frequency. Mr. Roznitsky gave his qualifications in engineering and employment history. Mr. Levy asked if Mr. Roznitsky is licensed in engineering by the State of New Jersey. Mr. Roznitsky is not licensed. Mr. O'Neill asked if Mr. Roznitsky had knowledge of Omnipoint transmissions. Mr. Roznitsky did not and was not going to testify in that regard. Mr. O'Neill objected to Mr. Roznitsky giving testimony. Mr. Roznitsky presented a report that he prepared and that was marked as **Exhibit O-9**. Mr. Roznitsky read his report dated August 22, 2007. Mr. Roznitsky disputed the Omnipoint Antenna Site FCC RF Compliance Assessment and Report dated October 17, 2006. Mr. Roznitsky felt there were discrepancies in that report and provided different calculations.

Mr. Daniel Collins, Pinnacle Telecom Engineering, stated that Mr. Roznitsky's calculations are in error, and that the calculations previously presented in the report of Pinnacle Telecom Engineering are accurate and are in compliance with FCC regulations. Mr. Levy stated that even if Mr. Roznitsky's calculations were accurate, it is still within FCC guidelines. Mr. Collins responded yes.

Mr. Levy asked if reflection adds to the radiation. Mr. Collins stated that it actually weakens the signal. Mr. Collins stated that the Board's expert Dr. Eisenstein agreed with Mr. Collins' calculations.

Mr. Roznitsky asked about alternative sites such as Route 208 and Mr. Collins did not mention that and felt it is of significance.

At this time, of 11:10 p.m., Mr. Levy did not want to continue hearing the public. Mr. O'Neill stated he thought this application would go to a vote at this meeting.

Mr. Charipper wanted to make a motion to carry this to a special meeting. Mr. Diner and Mr. Blecher agreed. Mr. Sacchinelli felt the meeting should continue to hear the public. Mr. Newman felt the public should continue and adjourn this for the public. Mr. Meer, Ms. Spindel and Mr. Karas agreed.

Mr. Levy felt that questioning should be allowed for Mr. Collins only.

Myrna Beck, 5-18 Estler Court, asked if it is a monopole. Mr. O'Neill objected to the question, as Mr. Collins only testified to the mathematical calculations. Ms. Beck asked if there is a difference in calculations between a monopole or a flagpole. Mr. Collins stated that as long as the height is the same, the calculations would remain the same.

Eugene Rotkob, asked about a site on Route 208. Mr. O'Neill stated that has previously been testified to.

The meeting was closed to the public.

**APPLICATION CARRIED TO OCTOBER 11, 2007 AT 7:00 P.M.** The applicant agreed for an extension of time for the Board to act on this application.

**Estimates:**

1. Taylor Design Group in the amount of \$1,000.00 regarding Omnipoint; and
2. Birdsall Engineering in the amount of \$800.00 regarding Omnipoint.

**Adjourn**

Mr. Newman made a motion to adjourn this meeting. Mr. Charipper seconded the motion.

VOTE: All Present – Yes.

TIME: 11:30 p.m.

Respectfully submitted,

Carol LoPiccolo  
Zoning Board Clerk