

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
of November 20, 2006**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Monday, November 20, 2006**.

Chairman Scott Levy called the regular meeting to order at 7:30 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

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

Absent were: Mr. Meer, Mr. Salerno and Mr. Charipper.
(Mr. Meer and Mr. Salerno were away on vacation).

[Mr. Charipper arrived at 8:00 p.m.]

Also in attendance were Bruce Rosenberg, Board Attorney; Karen Kocsis, Court Reporter; Ann Peck, Assistant Zoning Officer and Carol LoPiccolo, Zoning Board Clerk.

Commercial Old Business:

1. Application #2006-018, Sebastian E. Lentini (McDonald's)
37-01 Broadway, Block 2320, Lots 10-12, Zone B-2/R-1-3
Amendment to approved use/site plan approval requires site plan approval as per RGO Section 125-6. **This application was carried to December 18, 2006.**
2. Application #2006-038, 37-10 Broadway, LLC (Zap Lube)
37-02/37-10 Broadway, Block 2201, Lot 2, Zone B-2
The placement of a billboard sign on the property located at 37-01 through 37-10 Broadway, Block 2201, Lot 3. The billboard requires a use variance as the service is provided at another location RGO Section 125-57(d)(1). **This application was carried to December 18, 2006.**

Residential Old Business:

1. Application #2006-076, Irina Chernyakhovskaya
2 Ramsey Terrace, Block 3612, Lot 20, Zone R-1-2
Existing lot is 6,000 s.f. where 7,500 s.f. is required. The first floor addition to the garage with second story above would have existing side yard setback of 8.3' where 10' is required. Would have existing front yard setback of 28.9' and new front yard setback of 28.9' and new front yard setbacks of 3.5' and 4.4' where 30'

is required as per RGO Section 125-12 Schedule of area, yard and building requirements. **This application has been withdrawn.**

2. Application # 2006-078, Vladimir Taran and Sergey Zavrazhnoz
17-42 Hunter Place, Block 2803, Lot 15, Zone R-1-2
Existing lot is 6,574.7 s.f. where 7,500 s.f. is required. The proposed expansion would have existing side yard setbacks of 5.9' and 6.1' where 12' is required. Would have existing front yard setback of 26.2' where 30' is required. Would increase the impervious coverage from 35.9% to 36.6% where only 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements. **This application was carried to December 18, 2006.**

3. Application #2006-081, Franklin and Michele Castro
12-23 Edward Street, Block 5606, Lot 8, Zone R-1-3
Existing lot is 8,005 s.f. where 6,500 s.f. is required. The lot frontage is 59' where 65' is required. The proposed second story addition would have an existing front yard setback of 20.2' where 25' is required.

Franklin Castro came forward and was sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Castro: "I'm adding a second floor."

Mr. Levy: "You're going straight up?"

Mr. Castro: "Yes."

Mr. Levy: "Does this fit in with the neighborhood?"

Mr. Castro: "Yes."

Mr. Diner: "What is the actual height?"

Mr. Castro: "It's currently a split level and the addition is going up over the existing lower structure."

Mr. Levy: "It says 30' on the zoning chart."

Mr. Levy: "Would he be here if not for the Ordinance change?"

Ms. Peck: "No."

Mr. Levy opened the meeting to the public within 200' and the general public. No one from the public came forward. Mr. Levy closed the meeting to the public.

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

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher and Mr. Levy - YES.

APPLICATION APPROVED.

4. Application #2006-086, Bella Stavitsky
3-16 28th Street, Block 3310, Lot 17, Zone R-1-3
Existing lot is 4,000 s.f. where 6,500 s.f. is required. The existing deck is 6.30% coverage where 5% is permitted. The existing deck has a side yard setback of 2' where 8' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Bella Stavitsky, 3-16 28th Street, and Helen Abreutis, 66 Sandford Road, Fair Lawn, both came forward and were sworn in.

Ms. Stavitsky: "I built the deck and the contractors said they got a permit and did not, and I would like to make it legal."

Ms. Peck: "The Board asked us to look at the property - the patio at the rear of the property is on the tax record and the roof over the patio. This is an undersized lot. 33.48% is the building coverage. When she bought it it was 57.42% impervious coverage and the deck is independent of the coverage. The deck is 2' from the property line and should be 8' since it is over 36". If it were less than 36" than it could be 4' from the property line."

Mr. Karas: "The northwest corner of the building, what is the distance from the side yard?"

Ms. Stavitsky: "I'm not sure."

Ms. Peck: "That would be about 5'."

Mr. Newman: "The existing setback of the house is 1.9'. So it is in line with the house."

Ms. Peck: "The house is not set straight."

Mr. Karas: "The surface of the deck - what is that made of?"

Ms. Peck: "Probably wood planks, the Ordinance doesn't require a certain type."

Mr. Levy: "If you drew a line from the front of the house straight back - what would the deck be?"

Ms. Peck: "Probably about 5'."

Mr. Karas: "Would you be willing to cut off that portion of the deck to get approval?"

Ms. Peck: "She might have a problem with the construction footings and might not be able to just cut off that piece."

Mr. Levy: "She would have to make sure that it is structurally sound."

Ms. Stavitsky: "I think it would be a big problem."

Ms. Abreutis: "How much would I have to take off."

Mr. Newman: "We've had things done before where things are built without approval, we have to look at this though it hasn't been built. We've typically in the past given approval where the structure doesn't encroach any further than the existing footprint."

Mr. Levy: "It is up to the applicant to prove the hardship. The Board can listen to your explanation on why you should keep it this way or are you willing to come back and carry this to the December 18 Hearing."

Ms. Stavitsky: "Yes I will carry this to the December 18 meeting."

APPLICATION CARRIED TO DECEMBER 18, 2006.

Residential New Business:

1. Application #2006-098, Eloy Huamanchumo
14-10 6th Street, Block 5725, Lot 8, Zone R-1-3
Existing lot is 5,000 s.f. where 6,500 s.f. is required. Lot frontage of 50' where 65' is required. The proposed alterations, 2nd story addition and replace garage with a new garage, would increase the building coverage from 27.2% to 29.50% where 25% is permitted. Would have existing side yard setback of 4' where 8' is required. Existing front yard setback of 10.2' where 25' is required. The proposed deck would have a 4' side yard setback where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Eloy Huamanchumo came forward and was sworn in. Fees totaling \$88.00 have been paid.

Mr. Huamanchumo: "This house is very small and we need more living space. The increment is only a little over 2% and this will fit in with the character of the neighborhood. My next door neighbor will be coming in with a similar application."

Mr. Levy: "The existing house will be knocked down and it will be re-built over the existing foundation?"

Mr. Huamanchumo: "Yes."

Mr. Karas: "Sheet A-2 - the plans show that the stairs to the deck exit to your southerly side, can you change that so that it would exit on the opposite side?"

Ms. Peck: "No, there is not enough room on that side. They're going to the new proposed driveway."

Mr. Karas: "O.K. that's fine."

Mr. Levy: "The height of the house will be 25.6'."

Ms. Peck: "I believe it is 27'."

[Mr. Charipper arrived at 8:00 p.m.]

Mr. Levy: "You will not go any higher than 30'?"

Mr. Huamanchumo: "Correct."

Mr. Levy opened the meeting to the public within 200'.

David A. Break, 5-09 Fairlawn Avenue, came forward and was sworn in.

Mr. Levy: "Where are you in relation to this?"

Mr. Break: "My northern boundary of my back yard borders his. I am a little concerned over this project. When I read this I had serious concern over the 4' side yard setback and there is a deck going in and have concerns over the deck to my yard. I am concerned over the lack of privacy to my yard."

Mr. Levy: "The 4' setback is existing and the applicant is not going beyond that."

Mr. Break: "The 4' setback is the back door."

Mr. Levy: "That's where it exists now."

Mr. Break: "The deck is going to move it closer to my property line."

Mr. Levy: "The deck is 5' from the property line."

Ms. Peck: "As long as the deck is less than 36" it can be as close as 4' to the property line."

Mr. Huamanchumo: "I will keep the deck less than 36"."

Mr. Diner: "What about impervious coverage?"

Ms. Peck: "It is not an issue - he is 32%."

Mr. Break: "I would like a privacy fence installed prior to construction."

Mr. Levy: "He has to put up construction fencing. Are you going to be doing any plantings?"

Mr. Huamanchumo: "In the future - yes."

Mr. Newman: "What about the fencing?"

Mr. Break: "What does the future mean - 5 months - a year?"

Mr. Levy: "If the Board accepts this proposal before issuance of a C.O. can be issued the plantings would have to be there."

Eloy Huamonchumo, Jr. came forward and was sworn in:

Mr. Levy: "After construction, would you be willing to plant 6' high plantings along the area of the deck to provide privacy?"

Mr. Huamonchumo, Jr.: "Yes, we were going to do that anyway."

Mr. Huamonchumo: "I'm not sure if I'll have the money to do that."

Ms. Peck: "How will this be done?"

Mr. Levy: "I will leave it up to the applicant just along the deck to either put a fence or plantings."

Mr. Huamonchumo: "Yes, that's fine."

Mr. Levy opened the meeting to the general public. No one came forward. Mr. Levy closed the meeting to the public.

Mr. Levy: "Does this fit in with the neighborhood?"

Mr. Huamonchumo, Jr.: "There is a house on 5th Avenue that is very similar to what we are proposing."

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

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher and MR. Levy - YES.

APPLICATION APPROVED.

2. Application #2006-099, Eileen & Gerald Griparich
37-10 Victoria Road, Block 2518, Lot 25, Zone R-1-2
Existing lot frontage of 45.59' where 75' is required. The proposed addition would have existing front yard setback of 21.55' where 30' is required. Would have existing rear yard setback of 13.56' where 20' is required. Would have a side yard setback of 9.88' where 12' is required as per Section 125-12 Schedule of area, yard and building requirements. The proposed driveway expansion to 26' where 22' is permitted as per Section 125-48C.(7).

Eileen Griparich came forward and was sworn in. Fees totaling \$88.00 have been paid and there is proof of service

Ms. Griparich: "I am asking for an approval for an extension."

Mr. Levy: "Your lot is odd-shaped and is narrow to the street."

Ms. Griparich: "Yes. I'd like to put a second story for the bedrooms and add a bath."

Mr. Levy: "What is the character of the neighborhood?"

Ms. Griparich: "Yes, as you can see by the pictures my neighbors all have some type of expansion."

Ms. Peck: "The proposed driveway expansion is not needed as stated in the denial."

Mr. Levy opened the meeting within 200' and the general public. No one came forward. Mr. Levy closed the meeting to the public.

Mr. Newman: "The size of the proposed project - how does it compare to the other houses?"

Ms. Griparich: "Most of the houses have 4 bedrooms and the one right next door will be much larger than what I am asking for."

Mr. Levy: "You're staying within the existing footprint?"

Ms. Griparich: "Yes."

Mr. Nakashian made a motion to approve this application and Ms. Spindel seconded the motion.

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Charipper and Mr. Levy - YES.

Mr. Karas and Mr. Levy commented that this is an odd shaped lot.

APPLICATION APPROVED.

Commercial New 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.

Fees totaling \$313.00 and escrow fees of \$4,500. have been paid and there is proof of service.

Joseph O'Neill, Attorney for the applicant came forward. "We are applying for an installation of a camouflage cell flagpole."

Mr. Daniel Penesso, 4 Sylvan Way, Parsippany, NJ, Radio Frequency Engineer came forward. Mr. Penesso was accepted as an expert.

Mr. O'Neill: "We've had discussions for an alternative site."

Mr. Penesso: "We had a proposal to the town at the water tower and the town decided not to proceed and I had to find an alternative site to cover this area."

Mr. Rosenberg: "Do you have any documentation from the Borough regarding that proposal?"

Mr. O'Neill: "We could provide you with the dates, but the Borough did not formally act on that - it was an informal proposal."

Mr. Penesso: "I've prepared an **Exhibit A-1** which depicts the site."

Mr. Penesso went on to describe the site map depicting the area of where there is coverage for sufficient signal strengths to receive or make a call and also depicted where there is no signal. Mr. Penesso depicted the area that would be filled in if this application were approved.

Mr. O'Neill: "How was the map generated?"

Mr. Penesso: "This is done with drive test data and that is inputted to produce this map. As a signal is sent it is weakened by trees and buildings."

Ms. Spindel: "North on 208, that monopole does not cover this area?"

Mr. Penesso: "No, there is a gap in coverage."

Ms. Spindel: "The monopole you are proposing is only to give coverage from Morlot Avenue to Route 208?"

Mr. Penesso: "Yes, it is a 60' flagpole."

Mr. Karas: "Are there are other cell phone operators that cover the same territory as you're proposing?"

Mr. Penesso: "I would not know. I know Cingular was also interested in the water tower. Each network uses their own frequency. There are no existing structures in the area that could be used."

Mr. Karas: "Is Omnipoint - T-Mobile?"

Mr. Penesso: "Yes."

Mr. Levy: "Is there any way to piggy back with another structure?"

Mr. Penesso: "There are no structures in the area that we could use. I don't have any information from another carriers' design."

Mr. Karas: "Are there any other antennas on the water tower?"

Mr. Penesso: "No."

Mr. Karas: "Where is the nearest antenna?"

Mr. Penesso: "1 Coopers Way there is one that we are already on."

Mr. Newman: "10 years ago, Omnipoint was terrible in this area, over the years it's improved tremendously, but recently I haven't had any problems with dropped calls, even though you're showing areas that don't have coverage."

Mr. Penesso: "You may have coverage, but we want to provide 95% reliability of coverage which currently this area does not have. Along 208 there are areas that calls get dropped or the call weakens."

Mr. O'Neill: "How do you know this?"

Mr. Penesso: "We get customer complaints and by our testing."

Mr. Penesso went on to describe Exhibit A-1 [the site map presented].

Mr. Levy: "The height proposed is the minimum needed?"

Mr. Penesso: "Yes, otherwise there will still be gaps in coverage."

Mr. Levy: "Who determines 95% coverage?"

Mr. Penesso: "That is standard and we need to compete with our competitors."

Mr. Charipper: "Your proposal to place the flagpole on the front of the VFW building - there is a recommendation from Ron Conte that suggests that the equipment to be placed out of view and put it on the side instead."

Mr. Penesso: "We're building the structure 60' high and the cable needs to be run inside and if I go further away, than I need to go larger with the cables."

Mr. Karas: "If the pole were 100' high, what would be the diameter for coaxial?"

Mr. Penesso: 1 5/8" which is substantially larger than the cable we are proposing to use."

Mr. Karas: "If the equipment boxes were placed further away then what would it be?"

Mr. Penesso: "I would have to do a calculation."

Mr. Nakashian: "What if you did a higher pole?"

Mr. Penesso: "I would get better coverage, but this is the minimum and we want it to be aesthetically pleasing to the neighbors."

Mr. Levy: "Is there any alternative technologies?"

Mr. Penesso: "For this area it would not be feasible."

Mr. Levy: "Because there are other wireless companies in the area, you can't use their equipment?"

Mr. Penesso: "We are independent and could not."

Mr. Levy: "What about the poles that are existing?"

Mr. Penesso: "We will co-locate where they are existing. We are on all the poles, and there are no other poles that we can co-exist. Based on the amount of subscribers, we are in need of this site. Each cell site serves a specific geographic area. This is true for all carriers."

Mr. Levy opened the meeting to the public within 200'.

Stuart Schochet, 33-05 Morlot Avenue, came forward and was sworn in: "You want 95% reliability - what is the current reliability?"

Mr. Penesso: "I cannot give you a percentage. We need to provide seamless coverage. If the Board wants physical numbers I can provide that."

Mr. Schochet: "How many subscribers are in the area?"

Mr. Penesso: "I would not know that. We are mandated by the FCC to provide seamless coverage."

Mr. Schochet: "Why doesn't any other carrier need to put in a pole there?"

Mr. Penesso: "I can't speak for other carriers."

Mr. Levy: "If the other carriers are higher, they do not need this area. There are no other plans for any other carriers to come in there?"

Mr. Penesso: "Correct."

Mr. Schochet: "Is there a guarantee that there are no health risks?"

Mr. Levy: "That plays no part - the Court's have already decided that."

Mr. O'Neill: "Your concerns are better addressed to FCC. Based on data going back to 1930's from radio, no one has had a problem yet. Omnipoint will not guarantee your health. This is well within FCC limits."

Mr. Schochet: "Why was the water tower rejected?"

Mr. Levy: "I believe there are structural and security issues."

Mr. Barry Gore, was sworn in: "How much research was done for other potential cell sites? Did you find another cell antenna at Glen Rock Lumber?"

Mr. Penesso: "That does exist and we already have 2 antennas in that area and does not provide the coverage we need in the Morlot area. There aren't any existing sites in the area that we need."

Myrna Beck, 5-18 Estler Court, was sworn in: "There are 6 antennas - what is the shape?"

Mr. Penesso: "They are rectangular in shape."

Ms. Beck: "Can you re-organize any existing sites to cover this area?"

Mr. Penesso: "No."

David Freydenson, 5-21 Estler Court, was sworn in: "How many cables will be needed to hold this pole?"

Mr. O'Neill: "The engineer will talk about the construction."

Mr. Freydenson: "If you are not approved, do you have another site?"

Mr. O'Neill: "No."

Mr. Irving Sklaver, 32-07 Morlot Avenue, was sworn in: "I have lived 47 years in Fairlawn, this will be within 50 feet of my house and I am in objection of this."

Freddie Noi, 5-22 Esther Court, was sworn in: "Will the Board act on this tonight? We want to hire an attorney."

Mr. Levy: "It is almost 9:30 p.m. We won't accept any testimony beyond that point."

Mr. O'Neill: "We are only on our first witness."

Mr. Karas: "Is the height of different frequency signals, does frequency have a bearing on the distance?"

Mr. Penosso: "Yes."

Norman Muchalsky, 5-28 Philip Street, was sworn in: "How often is this type of facility put in residential areas?"

Mr. Penosso: "All the time we go into residential areas."

Mr. Eugene Rotkop, 5-24 Esther Court, was sworn in: "Is it possible to put the equipment away from the area?"

Mr. Penosso: "No. We have to enter into a lease agreement to the property owner."

Mr. Craig Miller, 5 Ramapo Terrace, was sworn in. "Are you planning on putting another tower in the area?"

Mr. Penosso: "Currently, we do not have any future plans."

Ms. Shelley Shockman, 35 Morlot Avenue, was sworn in: "You need coverage for Route 208 - Those people traveling on 208 do not live in Fair Lawn. Why do you need to put a cell phone tower for people who do not live in town. You should put the tower closer to 208."

Mr. Levy: "The service is beneficial to all people, not just Fair Lawn residents."

Mr. Penosso again explained that they could not co-locate at another site.

David Collins, Manager for Pinnacle Telecom Group came forward and was sworn in. Mr. Collins was accepted as an expert.

Mr. Collins: "The FCC has set maximum permissible limits for radio frequency output. It is a conservative methodology. The formula forces the user of the formula to use all inputs at their maximum effects. In this case, using the parameters of this site, we were able to determine that anything less than 100% complies with the rules and regulations. The result of our calculation at the worst would be 0.3952% and is in compliance. There is no proximity and time limit for continuous exposure as long as you are below the limit. You can live your entire life and not have any effects to your health."

Mr. Levy: "Which is more strict - the State or the FCC?"

Mr. Collins: "The FCC is 5 times stricter. Federal Laws supercede local and state regulations."

Mr. Collins' report dated October 17, 2006 was marked as **Exhibit A-2**.

Mr. Collins: "All the other carriers also had to comply with the FCC. Anything more than 10 meters off the ground will never have any effect."

Mr. Nakashian: "Is this going to affect televisions or radio?"

Mr. Collins: "No. The FCC will not allow that and will not issue a license based on the carrier not affecting any other frequency."

Mr. Levy opened the meeting to the public.

Stuart Schochet: "You mentioned that you could be around these antennas your whole life."

Mr. O'Neill: "The Telecommunications Act, that matter should not be brought before the Board once you have FCC Compliance. It is on file with the Zoning Department."

Mr. Levy: "They have to comply with the standards of the FCC."

Mr. Levy closed the meeting to the public.

Mr. Russell Barnett, Architect came forward and was sworn in. Mr. Barnett was accepted as an expert.

Mr. O'Neill: "Referring to Sheet 3 - can you describe this?"

Mr. Barnett: "We propose a flagpole in the northwest corner of the site, there will be 3 equipment cabinets, the antennas will be concealed within the 60' flagpole and will be 26" in diameter."

Mr. O'Neill: "The flagpole will hold a flag?"

Mr. Barnett: "Yes. It will be 18' from Morlot Avenue. The equipment cabinet will be in the northwest corner. The cabinet will be 31.5' from Morlot Avenue and 10.9' from McKinley Street. The cabinet is 5.9' high 2.4' deep and 4.9' wide."

Mr. Nakashian: "What is the dimension of the concrete pad?"

Mr. Barnett: "4' wide by 17' long."

Mr. Barnett: "The cabinet is 15' away from the pole."

Mr. O'Neill: "How large is the building?"

Mr. Barnett: "40' x 80' approximately."

Mr. O'Neill: "Could you put the cabinet in the rear?"

Mr. Barnett: "You could, but that would mean a greater run of cables which would result in a larger cable."

Mr. O'Neill: "The flag will be lighted?"

Mr. Barnett: "Yes. All the cables will be inside. The antennas will be mounted at the top of the pole. There are 2 different antenna heights. There are 6 proposed for the site."

Mr. Nakashian: "Who will maintain the flag?"

Mr. O'Neill: "The V.F.W. will maintain the flag."

Ms. Spindel: "There is an access door to the cabinet?"

Mr. Barnett: "They are tan and are made of metal."

Ms. Spindel: "Can they be screened?"

Mr. Barnett: "They are being screened by a 6' fence."

Ms. Spindel: "Does the Board have any input to the type of fence?"

Mr. Rosenberg: "You can mitigate those impacts."

Mr. O'Neill: "We will try to accommodate the Board in their requests."

Mr. Karas: "The concrete pad - it's 4' wide by 17' long, what is the height above the grass?"

Mr. Barnett: "Approximately 4"."

Mr. Karas: "Can any part of the cabinet be put below grade?"

Mr. Barnett: "No."

Mr. Levy: "Can you describe the architecture of the building?"

Mr. Barnett: "It is residential in nature. And a second story was put on approximately 20 years ago."

Mr. Levy: "The board on board fence?"

Mr. Barnett: "It's typically used to screen ac units."

Mr. Levy: "That is the front of the building - putting a board on board fence - can you put something else?"

Mr. O'Neill: "We can put something more similar to the building."

Mr. Levy: "You need to add landscaping as well."

Mr. O'Neill: "We will add shrubs."

Mr. Levy: "This is essentially replacing a flagpole that is there now."

Mr. Barnett: "Yes."

Mr. O'Neill: "We would need to consult with the VFW Hall."

Mr. Levy: "Is there any obstruction with the site line?"

Mr. Barnett: "No"

Mr. Levy: "What is the color of the flagpole?"

Mr. O'Neill: "The Planner will address that."

Mr. Levy: "How will the antennas be serviced?"

Mr. Barnett: "The site is serviced every 4 to 6 weeks and should he need to maintain the antenna he would use a cherry picker."

Mr. Levy: "When would he come?"

Mr. Barnett: "During the day."

Mr. Levy: "Have you used this structure before?"

Mr. Barnett: "Yes, within Morris Plains."

Mr. Levy: "The views of this - where would it be viewed from?"

Mr. Barnett: "That would be answered by the Planner."

Mr. Karas: "The cabinets and the pole itself, it is located close to McKinley and Morlot. Can the pole be moved east to the center or near where the air conditioning unit is on S-1?"

Mr. Barnett: "The VFW had requested the flagpole be put where the existing one is."

Mr. Karas: "Can the pole be moved further East - it would be about the center of the front of the property and then move the cabinets to the rear of the building?"

Mr. Levy: "I think you want to limit the view of the structure."

Mr. Karas: "I think it would be less obtrusive done this way."

Mr. Levy: "Mr. Bennett is there parking at the rear?"

Mr. Bennett: "Yes, putting the equipment cabinets there would reduce the parking and there is an exit way at the rear of the building."

Mr. Karas: "Would there be a technological problem by doing this?"

Mr. Levy: "Being that there is a parking lot, I don't see that working."

Mr. O'Neill: "There is also a large tree on a neighbor's property at the rear which could propose a problem."

Mr. Levy opened the meeting to the public.

Barry Gore: "The distance of the pole to the cabinet, what is the restriction?"

Mr. Barnett: "The greater the distance, the larger diameter of the cable."

Ms. Beck: "What are the size of the antennas?"

Mr. Barnett: "The antennas would be 72" tall 6.6" wide and 3.2" deep."

Ms. Beck: "If you obscure the site you might have a problem with kids hanging out."

Ms. Nina Noi arrived late and came forward with duplicate questions and was told to ask her neighbors.

Harvey Sklaver: "Where will the antennas be located?"

Mr. Barnett: "At the top of the flagpole. The heights of the center-line will be 57' and 50'."

Mr. Rotkop: "What is the distance to the closest resident?"

Mr. O'Neill: "Across the street is the nearest resident."

Mr. Barnett: "Approximately 60' to the property on McKinley and Morlot."

Mr. Rotkop: "What about to the adjacent property on Estler Court?"

Mr. O'Neill: "That will be addressed by the Planner."

Mr. Levy: "Our next meeting is December 18. We will adjourn this matter to December 18."

Mr. O'Neill: "We consent to the time for the Board to act."

Freddie Noi: "How many antennas have you built in residential areas?"

Mr. Barnett: "Approximately 40 locations."

Mr. David Freydenson: "Can you provide one location that is similar?"

Mr. Levy: "Mr. Barnett stated earlier it was Morris Plains."

Mr. Newman: "I think similar types of flagpoles in similar areas would be helpful."

Mr. O'Neill: "We'll provide you with that data."

Mr. Barry Gore: "Other than the thickness of the cable, is there an economic problem being moved to the rear?"

Mr. O'Neill: "Economics are not before this Board."

Mr. Barnett: "If we increase the size of the cable then the diameter of the flagpole gets increased."

Freddie Noi: "Can you provide that list within a few days?"

Mr. O'Neill: "No. It will be part of my presentation."

Mr. Charipper: "You might want to hire a lawyer to represent the residents."

Mr. Noi: "That's what we want to do."

APPLICATION CARRIED TO DECEMBER 18, 2006.

Public Comment

There was no public comment.

Resolutions

1. Application #2006-079, Moskal Arkadiusz and Alicja Chmiel, 12-02 Floral Avenue, Block 4604, Lot 11, Zone R-1-3 – Addition - Approved.
2. Application #2006-082, Leonid Polyak, 64 Sandford Road, Block 3619, Lot 8, Zone R-1-2 – Roof over a deck - Approved.
3. Application #2006-083, Leonard and Carol Hrinuk, 17-04 Parmelee Avenue, Block 5812, Lot 17, Zone R-1-1 – Addition and deck - Approved.
4. Application #2006-084, John Kapetanakis, 1-38 33rd Street, Block 2309, Lot 3, Zone R-1-3 – Addition - Approved.
5. Application #2006-085, Nick and Jill Bojanowski, 40-24 Van Duren Avenue, Block 1507, Lot 60, Zone R-1-2 – Addition - Approved.
6. Application #2006-087, Norbert and Margaret Wilde, 13-10 Hedman Place, Block 2608, Lot 11, Zone R-1-2 – Addition - Approved.
7. Application #2006-088, Lesley Delvecchio, 12-12 Fairclough Place, Block 4602, Lot 17, Zone R-1-3 – Addition - Approved.
8. Application #2006-090, Mona Lieberman and Alan Anczelowicz, 33-20 Halsey Road, Block 2815, Lot 5, Zone R-1-2 – Addition - Approved.
9. Application #2005-077, Ron Hirsh and Etti Indig-Hirsh, 11-15 Elaine Terrace, Block 1501, Lot 19, Zone R-1-2 - Addition - Variance Extension - Approved.

Mr. Charipper made a motion to accept these Resolutions and Mr. Blecher seconded the motion.

VOTE: All Eligible - YES.

Vouchers

1. Azzolina, Feury & Raimondi regarding MacBrothers in the amount of \$165.00; United Cerebral Palsy of Hudson County in the amount of \$797.50; and McDonalds in the amount of \$1,320.00.
2. Karen Kocsis regarding attendance for November 16, 2006 meeting in the amount of \$275.00

Mr. Charipper made a motion to approve these vouchers and Mr. Blecher seconded the motion.

VOTE: All Present - YES.

CORRESPONDENCE/ITEMS FOR DISCUSSION

1. Mr. Charipper made a motion to adopt the calendar for 2007. Mr. Sacchinelli seconded the motion.

VOTE: All Present - YES.

2. Mr. Charipper made a motion to go into closed session. Mr. Sacchinelli seconded the motion.

Mr. Rosenberg discussed Judge Tosko's decision regarding MacBrothers.

Mr. Sacchinelli made a motion to go back into public session and Mr. Newman seconded the motion.

Minutes

There were no minutes to be approved.

ADJOURN

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

VOTE: All Present - YES.

TIME: 10:30 p.m.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk