

BOARD OF ADJUSTMENT
Minutes of
April 21, 2010

Present:

Mr. D'Armiento
Mr. Fowler
Mr. Kuga
Mr. Langenbach
Mr. Lewis
Mr. Zarnowski
Chairman Tighe

Absent:

Mr. VanWinkle

Also present were Attorney Brian Schwartz, Borough Engineer David Testa and Recording Secretary Maryann Thorpey.

Chairman Tighe called the meeting to order at 7:37PM. The compliance statement was read, roll call was taken.

Mr. Schwartz explained the proceedings of the meeting to the general public.

BA-09-005, Edison Garcia, 41 Summit Avenue, proposing a 2 ½ story addition. Mr. Garcia's notice was insufficient due to a non-explanation of the variance. Mr. Schwartz gave him a detailed letter to publish in the newspaper. Mr. Garcia was distressed by the events.

BA-10-002, T-Mobile, 401 Route 22, proposes to construct a telecommunications treepole and support equipment. Constantine Stamos, attorney for the applicant, seeking use variance. The address does not appear on the tax map; that will be addressed. The Board reviewed the waivers. All waivers were granted with the exception of #19 (re trees), #21 (utility lines) and #31 (easements).

Joseph Chairavallo, Cedar Knolls, was found to be an expert radio frequency witness. Mr. Stamos questioned him regarding his report. He explained how results are established. Typically RF levels in a home are 40x greater than from a cell tower. This is based on antennas at 120'. At 60' the antennas would still be in compliance.

Mr. Lewis asked if the antennas were to be added by another carrier would it add to the volume. Mr. Chairavallo said it would, however, the new carrier would need to come before the Board. Chairman Tighe asked if the poll was maxed out with 4, 5 or 6 carriers would the frequency waves be within an acceptable range. Mr. Chairavallo said it would.

Opened to the public.

Jerry Jacala, Regency Village, asked if someone would experience a different radiation on the ground compared to the top of the pole; he was told yes. Each antennae emits a certain amount of radiation.

Wenmao Chi, Regency Village, is concerned with the exposure of radiation. Mr. Chairavallo said even to be exposed to this amount, 24/7, is not harmful.

Chairman Tighe asked if there would be interruption to Regency Village homeowners, i.e., phones and televisions. Mr. Chairavallo said none whatsoever.

Another Regency Village resident asked if there was more radiation at the power source, he was told the ^{transmitters} ~~transistors~~ amplify a certain amount of power and there is no leakage up to the antennae. Radiation cannot leak out if it is hit by lightning. Mr. Chairavallo said this is not new technology, it has been used since the 1940's.

Robert Hess, Regency Village, asked what the maximum number of antennas would be; he was told the engineer would testify about that.

Gregory Nowak, 1800 Route 34, Wall Township, civil engineer, an expert witness reviewed the site plan. The proposed tower will be disguised as a tree. T-Mobile will own the pole. The enclave will be 10' x 35' with an 8' high fence. The installation would be visited every 4 to 6 weeks by 1 technician. Generally there is 10' between each carrier. Tree removal is not anticipated. The landscaping will consist of 14 shrubs, full green coverage, junipers which generally grow 6' to 8'. Mr. Schwartz suggested the shrubbery be higher.

Mr. Lewis asked to see other sites. Mr. Stamos said he submitted pictures of other sites several weeks ago. Chairman Tighe would like to see the plans with the anticipated antennae from other carriers. Mr. Fowler asked if the applicant could deny space to another carrier. Mr. Stamos said they have agreements with other carriers already. The equipment has back-up power. The equipment cabinets are 5.1' high on an 8' base. The cable tray can be as high as 9'. T-Mobile requires the pole to be 120' high. Mr. Zarnowski wanted to know if they have a pole that looks more like a tree. Mr. Stamos said they will come back with additional styles. The pole will be designed to hold 4 carriers.

Mr. Lewis asked that the cables be in the interior. He asked what the maximum ground coverage would be. The equipment shelter will be 35' in length and a maximum of 140 linear feet. Mr. Kuga asked if a basement could be built for the equipment. That has not been explored. Chairman Tighe asked Mr. Nowak to describe the foundation. There are no underground issues. Mr. Stamos asked how the pole could fall over. Mr. Nowak said as long as code is met, it will not collapse. Chairman Tighe asked for the details to prepare for the installation.

The existing trees are 60-70'. The property is owned by Regency Village, Inc., they have a lease agreement. Each carrier would get ground space from the association and an agreement to sub-lease property on the pole.

Open to the public.

Albert Woznik, Regency Village, said the area is swampy and the water is contaminated. He asked if the applicant is prepared to design a pole in this condition. The applicant is currently preparing their permits for the DEP. The applicant is not planning on rerouting the wetlands or filling in the wetlands.

Robert Hess, Regency Village, asked how far the jug-handle is from the pole.

Jerry Jacala, Regency Village, talked about the contaminates that are pumped. Mr. Nowak said the study hasn't been completed.

Mr. Testa questioned the footing. Chairman Tighe questioned Mr. Testa if this would interfere with a sewer or drain-off, he isn't aware of any, however, he will check further. Mr. Schwartz said they need to look at a drain-off.

Mr. Woznik asked if the property is commercial or residential; it is residential. Mr. Schwartz explained the "legalese" of cell towers and the government.

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Mr. Nasser, Regency Village, asked how long it takes the build; 28 days. He was sworn in. Mr. Lewis asked if all the apartments were condos - yes, management does not own any of the apartments. There are 438 units.

Chairman Tighe said he would talk to Scotch Plains and Cranford's RF expert, to review this report.

The Bar Association convention is May 19, Mr. Schwartz will be out of town. This application is carried over to June 2.

Marie Johansson, 22 East Drive, questioned the discrepancy of the lot and block numbers.

The minutes of April 7, 2010 were unanimously approved.

Mr. Zarnowski moved, Mr. Fowler seconded to accept BA-08-008, Peter Beckman resolution, unanimously approved.

BA-07-003, Rock Discount, LLC - approval was revoked due to failure of the applicant to comply. Mr. Schwartz will draw-up the resolution.

The meeting adjourned at 10:33PM.