

MINUTES OF THE BOARD OF ADJUSTMENT
May 9, 2007

PRESENT: Vice Chair Fleischer, Ms. English, Mr. Haizel, Mr. Rubenstein, Mr. Susswein, and Mr. Whipple; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Chair Harrison (recused), Ms. Cockey, and Ms. Holloway, and Mr. Franco, Secretary

Assistant Secretary Charreun called the roll and announced the special meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

Chair Harrison was not present as he recused himself from the application. Vice Chair Fleischer called the application of **Omnipoint Communications, Inc, 153 Park Street**. James Pryor, Esq., appeared as attorney for the applicant and described the application. He asked for a clarification regarding a video camera that had been set up in the conference room. Daniel Blackman, 147 Park Street, identified himself and stated that it was his video camera. Mr. Sullivan stated that the video camera would not obstruct the proceedings. Mr. Pryor called Daniel J. Collins, P.E., who stated his qualifications as an Electrical Engineer specializing in FCC and New Jersey regulatory compliance regarding cellular sites.

Marked into evidence was:

A-1 Antenna Site FCC RF Compliance Assessment and Report, prepared by Pinnacle Telecom Group, dated March 13, 2007

Mr. Collins stated that the facility as proposed by Omnipoint Communications would be in full compliance with the standards set forth by the Federal Communications Commission. He stated that the facility will cause radio frequency levels far below the FCC standard, and that the worst case radio frequency level around this facility is going to be 440 times below the FCC standard. He further stated that the New Jersey Radiation Protection Act protection standard is actually five times less protective than the federal standard.

The Board questioned Mr. Collins. Mr. Pryor stated that his upcoming witnesses include the radio frequency engineer, the site engineer, and the planner.

Chair Harrison called for questions from the public.

Ryan Branski, 159 Park Street, asked about exposure levels in the air as opposed to ground level. He also asked who monitors exposure levels at cellular towers and what the international standard for exposure is and how that compares to the FCC regulations.

Matt Garrison, 149 Park Street, asked for clarification on the radio frequency emitted by people that are near each other.

Margo Cochran, 159 Park Street, asked whether it was possible for more carriers to co-locate on the same tower.

Nuria Amari, 152 Park Street, asked if there is a way to measure that an adult or child has been exposed to RF radiation beyond safe levels.

Glenn Schuster, 363 Grove Street, asked about site selection. Mr. Fleischer stated that an upcoming witness could answer that.

Merrill O'Brien, 160 Park Street, asked if there are any studies that indicate any adverse health effects from this type of installation.

Mr. Pryor called Amid Faddah, P.E., who stated his qualifications as an Electrical Engineer with professional experience in the field of radio frequency engineering with respect to wireless telecommunications installations.

Marked into evidence were:

A-2 Omnipoint's Existing Coverage In and Around Montclair, dated 5/9/07

A-3 Omnipoint's Existing and Proposed Coverage, dated 5/9/07

Mr. Faddah described the coverage circumstances of Omnipoint Communications in and around the Township of Montclair. He also described the coverage maps, the prediction modeling tools, and the data collection methods. He stated that the area where the site is located is in an area of poor signal and that the proposed coverage would overlap existing coverage areas to provide hand-off service for people moving through the area. He also stated that the existing coverage varies in shape on the map due to clutter and terrain and that there are no existing tall structures in the area to locate the proposed antennas. The proposed pole is 80 feet tall, and a total of 6 panel antennas are proposed to be mounted within the pole between 64 feet and 79 feet in height from the ground and would alleviate the existing coverage gap. Mr. Faddah stated that the proposed height is necessary to exceed the tree line in the area. He stated that all cabling and wires would be within the pole and that a technician would visit the site once per month. He described the site selection process and stated that the Board of Education and the Township own property in the area of the coverage gap that were considered as a potential site for an antenna installation, although no permission was granted from those owners for an application.

The Board questioned Mr. Faddah. Mr. Faddah described other Omnipoint sites on the existing coverage map. He stated that there are no agreements with any other property owners in the area of the existing coverage gap to fill filled by this application to locate antennas.

Marked into evidence was:

A-4 Map of existing and proposed Omnipoint sites in Montclair

Vice Chair Fleischer called for a short recess. Upon returning, he called for questions from the public.

Terry Thornton, 160 Park Street, asked numerous questions, relating to the expertise of the witness, the data collection methods, and the gap identified in the application and the potential coverage gaps of other wireless carriers in Montclair. The questioning was stopped momentarily while Mr. Sullivan, Mr. Pryor, and Ms. Thornton discussed the Telecommunications Act of 1996. Ms. Thornton asked why the gap identified by Mr. Faddah is depicted as a covered area on the Omnipoint website and continued with numerous other technical questions.

Marked for identification by Ms. Thornton was:

O-1 Printout of coverage strength of Montclair from Omnipoint website

Matt Garrison, 149 Park Street, asked how the small area of coverage depicted on Exhibit A-2 near Sunset Avenue in Glen Ridge could exist. He also asked if the witness was familiar with a pending application in West Orange in which it was proposed to put an antenna on a 45-foot tall building where there had been an application a year before for a 120 to 150-foot tall tower.

The Board paused the public's questions and chose June 6, 2007 as a special meeting date to continue the application, since it would not conclude this evening. Mr. Fleischer called for additional questions from the public.

Deborah Garrison, 149 Park Street, asked if commercial sites in the vicinity were considered.

Daniel Blackman, 147 Park Street, asked if there are significant gaps in coverage across the country. He also asked about other carriers, signal strengths, and bandwidths.

Merrill O'Brien, 160 Park Street, asked if the technology exists for putting what is needed in the flagpole that exists in Watchung Plaza.

Pam Henke, 159 Park Street, asked about alternative sites. Mr. Fleischer stated that an upcoming witness could answer that.

Margo Cochran, 159 Park Street, asked if the applicant has any other monopoles in residential areas in Essex County.

Connie Thames, 161 Park Street, asked how many Omnipoint antenna sites are in Montclair.

Vice Chair Fleischer announced that the application would be continued at a special meeting of the Board on June 6, 2007 at 7:30 pm and that no further notice would be given. Mr. Pryor granted the Board an extension of time.

On motion by Mr. Fleischer, seconded by Mr. Susswein the meeting was adjourned.