

**MINUTES OF THE BOARD OF ADJUSTMENT**  
**June 6, 2007**

PRESENT: Vice Chair Fleischer, Ms. Cockey, Ms. Holloway, Mr. Rubenstein, and Mr. Whipple; also, Mr. Sullivan, Esq., Mr. Franco, Assistant Planner, and Mr. Charreun, Assistant Secretary

ABSENT: Chair Harrison (recused), Ms. English, Mr. Haizel, and Mr. Susswein

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 continuation of the application of **Omnipoint Communications, Inc, 153 Park Street**. James Pryor, Esq., appeared as attorney for the applicant. He stated that he would proceed with the 5 Board members present. He stated that his remaining witnesses include a radio frequency engineer for additional testimony, a fact witness involved in the site location process, a site engineer, and a professional planner. He called Nader Soliman, P.E., who was sworn and stated his qualifications as an Electrical Engineer with professional experience in the field of radio frequency engineering with respect to wireless telecommunications installations.

Mr. Soliman stated that he was familiar with the coverage circumstances for Omnipoint Communications in and around the area of Montclair, as well as the circumstances of the testimony in the hearing last held before this Board on this application. He described Exhibits A-1 through A-4 that were presented at the prior meeting. He described the factors that go into selecting a location or a site or a need for a site in an area and stated that the number of dropped calls, the existing number of customers in an area, the existing number of people in an area, and the existing coverage in the area are considered. Traffic counts are also utilized. There's an average of 512 drops a day in the area. To decide whether Omnipoint needs a site, third-party data is purchased that shows the coverage comparisons versus all the carriers, which is used as a benchmarking tool to see how Omnipoint is doing against the competitors. The need for a site is really driven by the demand in service, quality of service, the number of people in a particular area, and customers in a particular area. He described the Watchung Park flagpole that was mentioned at the last meeting and its pros and cons as a potential site.

Marked into evidence was:

A-5 Existing and proposed Omnipoint sites on one map; the coverage from the existing sites on a second map

The Board questioned Mr. Soliman. He answered questions on the dropped call information he provided and alternative sites. Mr. Pryor objected to a question about additional monopoles potentially being needed at other locations in Montclair.

Vice Chair Fleischer called for questions from the public.

Terry Thornton, 160 Park Street, asked numerous questions relating to the dropped call information provided by the witness. She also asked if the height of antennas above the ground affects the coverage provided.

Matt Garrison, 149 Park Street, asked how tall the building at 36 Hawthorne Place is and also asked questions about the dropped call information provided by the witness.

Susie Kass, 40 Glenwood Road, asked why the monopole is proposed in a residential area and whether an approval would set a precedent for other monopoles in residential areas.

Merrill O'Brien, 160 Park Street, asked questions about the dropped call information provided by the witness and the prior radio frequency witness. He also asked if there is a federal standard that Omnipoint works under that sets a minimum level for signal strength. He also asked about existing monopoles outside of Montclair and alternative sites on buildings in Montclair.

Connie Thames, 161 Park Street, asked if a call could be dropped because of competing frequency maybe with a radio in a truck or another cell phone.

Stephen Knox, 164 Park Street, asked if Omnipoint has the ability to rebuild the monument and Watching Park and install a flagpole monopole in that location.

Terry Thornton, 160 Park Street, asked if there is a federal standard that a signal strength requirement. The witness answered that there is not.

Mr. Pryor called Sean Russell, who was sworn and presented as a fact witness. He is employed by TK Design Associates as a site acquisition specialist to identify viable properties and pursue a lease and has been involved in the business of site acquisition for over five years. The Montclair Kimberly Academy property between Valley Road and Central Avenue was identified by Omnipoint as the initial site, but they declined the proposal. As a result, the search area was expanded to find something viable within a quarter mile. He identified the municipal properties and Board of Education properties that were considered and stated that letters were to the Township Manager, and to the Board of Education. The Board of Education was not interested and no response was received from the Township. He described the correspondence in detail and stated that the only interested landlord was the First Lutheran Church, at the subject property.

Marked into evidence was:

A-6 Packet of letters relating to the site search

The Board questioned Mr. Russell. He answered question relating to the site selection process and the correspondence that was sent to the Township regarding an installation on Township property.

Vice Chair Fleischer called for a short recess. Upon resuming the meeting the Board continued with their questions. Mr. Pryor stated that at this juncture, the applicant is not in possession of anything indicating that the Township has affirmatively acted to put out to bid for an antenna installation on Township property, namely the DPW yard.

Vice Chair Fleischer called for questions from the public.

Margo Cochran, 159 Park Street, asked if the town ordinances were available to Omnipoint in order to determine what is appropriate.

Stephen Knox, 164 Park Street, asked numerous questions about the correspondence with the Board of Education and the Township.

Pam Henke, 159 Park Street, asked if monopoles can be constructed at individual dwellings.

Matt Garrison, 149 Park Street, asked if the initially preferred site at the MKA field could be identified on Exhibit A-5 and other questions relating to the site selection process.

Terry Thornton, 160 Park Street, asked numerous questions relating to the site selection process

Merrill O'Brien, 160 Park Street, asked whether the commercial property owners at Watchung Plaza, Valley Road, or New Jersey Transit were contacted.

Peter Amari, 152 Park Street asked that the north-south border of search area be identified. The answer was from Walnut Street to Fairfield Street.

Mr. Pryor stated that the applicant is contemplating shifting the location of the compound and potentially the pole, but to an alternative location on the subject property essentially on the other side of the church. That would eliminate the setback variance, and possibly to avoid the loss of a parking space as a result of the current location of the compound. Accordingly, it was requested the matter be carried to another date, so that revised plans could be prepared and submitted.

Ms. Thornton, 160 Park Street, objected to Mr. Pryor's request that the meeting be carried. She stated that the community is being burden by the application and that it is not fair for the community to have to pay their consultants to sit through meetings without getting a chance to testify.

After some discussion, Wednesday, July 11, 2007 was chosen as the next special meeting date which was announced by Vice Chair Fleischer. No further notice would be give. Mr. Pryor granted the Board an extension of time.

Mr. Garrison, 149 Park Street, asked for a clarification on the potential relocation of the monopole. No detail was provided on the revised location.

On motion by Mr. Whipple seconded by Mr. Rubenstein the meeting was adjourned.