

MINUTES OF THE BOARD OF ADJUSTMENT
July 11, 2007

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

ABSENT: Chair Harrison (recused), Ms. Cockey, and Ms. English

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 present only one witness this evening, which is the site engineer. He also stated that they would like to schedule a meeting date to have additional testimony from the radio frequency engineer testimony and to present the Planner. After some discussion, Vice Chair Fleischer announced that a special meeting date would be discussed at the September 19, 2007 regular meeting. Mr. Pryor granted an extension of time to the Board, and called Robert William Toms, PE, who was sworn and stated his qualifications.

Mr. Toms described the revised plan and the proposed monopole. He stated that the monopole is a hollow steel pole, approximately 36 inches in diameter at the base and that the antennas are installed inside the structure near the top of the pole. Fiberglass material is used at the top of the pole to allow penetration of the wireless signals. The monopole structure has not been designed yet for construction, however the plans depict the relevant features of the monopole such as the height and the location and it can be painted any color. He described the procedure for ensuring that the monopole will have an adequate foundation and that the soil is appropriate. The foundation used will be site specific and designed per code. There would be some crane work involved in order to lift the components of the pole into position. He stated that the revised location for the monopole is at the southeast corner of the church building in an existing planting bed. The grass and shrubbery in the planting bed would have to be removed. The equipment cabinets would also be located in this area of the property within a board on board fence enclosure. The equipment compound is a 4-foot by 20-foot concrete slab. With the revised location of the pole and equipment compound, the only bulk variance needed is the height variance. Cabling is within the pole so it is not visible. A flood light placed at 30 feet high on the pole is proposed to provide extra lighting for the sidewalk area below and part of the parking area. With the revised plan, there are no other alterations to the site, including the number or the location of parking spaces.

The Board questioned Mr. Toms. He stated that a six foot tall board on board fence would be used rather than the chain-link fence indicated on the plan. He had no knowledge of a monopole ever being knocked down by a strong storm. The Planner will

discuss any tests that were done to judge the visibility of the pole. The proposed light could be on a sensor or a timer. The southerly side setback would be 45.4 feet to the southwest corner of the enclosure. The width of the pole would taper down to about 24 inches in diameter at the top.

Vice Chair Fleischer called for questions from the public.

Nuria Amari, 152 Park Street asked if the pole would be a target for lightning and if there is a possibility that a large tree could fall and knock the pole down.

Terry Thornton, 160 Park Street, asked numerous questions about the site plan and the Board Engineer's review of the plan as it relates to the existing conditions on the site. She asked what the site engineering basis is for relocating the monopole and equipment cabinets to this location as opposed to the original site plan. She asked about the front elevation view of the property, the rear setback, and the decibel sound meter readings for these types of equipment cabinets. She also asked about the history of poles that have fallen, to which Mr. Pryor objected.

Merrill O'Brien, 160 Park Street, asked numerous questions about the construction codes that regulate this type of structure. He also asked about the different types of poles that are used in the wireless telecommunications industry. Mr. Toms described the International Building Code.

Debra Garrison, 149 Park Street, asked if the central air conditioning unit on the southerly side of the church building would be relocated. The answer was that it would remain in its current location.

Meg Seisfeld, 147 Park Street, did not ask a question and made several statements. A brief discussion ensued between Vice Chair Fleischer, Mr. Pryor, and certain members of the public regarding the types of questions that can be asked of the witness.

Ryan Branski, 159 Park Street, asked if lightning rods would add height to the structure. The answer was that they could add about 2 feet in height. He also asked questions about the potential for these types of structures to fall.

Patty Paine, 462 Grove Street, asked if the equipment cabinet area is childproof and made several statements.

The Board, Mr. Pryor and Ms. Thornton briefly discussed the September 19, 2007 meeting and how subsequent meeting dates would be handled. On motion by Mr. Whipple, seconded by Mr. Haizel, the meeting was adjourned.