

MINUTES OF THE BOARD OF ADJUSTMENT
November 19, 2008

PRESENT: Chair Harrison, Ms. English, Mr. Kenney, Mr. Susswein, and Mr. Whipple; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Ms. Cockey, Vice Chair Fleischer, Ms. Holloway, Mr. Rubenstein, and Mr. Franco, Secretary

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

On motion by Mr. Whipple, seconded by Mr. Susswein, the **Minutes of the July 16, 2008** regular meeting were adopted, as modified, Ms. English abstaining. On motion by Mr. Susswein, seconded by Ms. English, the **Minutes of the August 20, 2008** regular meeting were adopted as modified, Mr. Whipple abstaining.

On motion by Mr. Whipple, seconded by Ms. English, the following Resolution memorializing the approval of the application of **New Cingular Wireless PCS, LLC, 641 Bloomfield Avenue** was adopted, as modified, Mr. Susswein and Mr. Kenney abstaining:

WHEREAS, New Cingular Wireless PCS, LLC (hereinafter "Cingular"), did make application to the Board of Adjustment of the Township of Montclair (hereinafter "the Board") to install twelve antennas, eight equipment cabinets and one GPS antenna on the roof of the existing building located at 641 Bloomfield Avenue (hereinafter "the subject property") designated as Lot 14 in Block 2209 on the Township Tax Map and located in the "Center Area" of the C-1 Central Business Zone; and

WHEREAS, the applicant requested a variance pursuant to N.J.S.A. 40:55D-70d(3) to allow antennas to exceed the top of the parapet wall to which it is attached contrary to Montclair Code Section 347-17.1C(5)(d); and

WHEREAS, the applicant submitted a site plan prepared by Greenman-Peterson, Inc. dated March 27, 2008 consisting of Sheets Z01 through Z07 (hereinafter "original plan") which was subsequently revised dated September 16, 2008 consisting of Sheets Z04 and Z05 (hereinafter "revised plan"); and

WHEREAS, this matter came on to be heard at regular meetings of the Board of Adjustment held on July 16, September 17 and October 15, 2008 at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property located on the northerly side of Bloomfield Avenue between Midland Avenue and Valley Road contains 11,620 square feet in size upon which is situated a six story commercial building.

2. By resolution adopted February 26, 1992, the Board approved the application of Nynex Mobile Communications Company for variance relief to install twelve antennas on the roof of the building on the subject property. By resolution adopted January 15, 1997, the Board approved the application of Sprint Spectrum to locate nine PCS antennas and one GPS antenna on the rooftop of the subject property. By resolution adopted December 11, 2000, the Montclair Township Planning Board approved the conditional use application of Nextel of New York, Inc. d/b/a Nextel Communications to install twelve panel antennas on the rooftop of the building on the subject property. By resolutions adopted July 20, 2005 and January 18, 2006, the Board approved the application of Omnipoint Communications, Inc. for variance relief to install six panel antennas, three equipment cabinets and one battery cabinet on the roof of the building of the subject property.

3. Cingular is licensed by the Federal Communications Commission to provide wireless communication services to its subscribers. Installation of the antennas will provide improved coverage and increased capacity to Cingular's subscribers as per its FCC license which constitutes appropriate municipal action in a manner which will promote the public health, safety and general welfare consistent with the purposes of the Municipal Land Use Law.

4. The original plan proposed twelve parapet mounted antennas, one GPS antenna and eight equipment cabinets on the roof of the building. Four panel antennas are proposed in each of three sectors designated as A, B and C. Sector A is located at the northerly wall which is at the rear portion of the building; Section B is located on the easterly façade and Sector C is on the westerly façade. The antennas in Sector A will be secured to an existing screen wall which is mounted to the building parapet at the rear of the building at a height of 81 feet above ground level. The antennas in Sectors B and C would be installed near the edge of the roof on mounts, behind the parapet of the easterly and westerly sidewalls, extending above the parapet by six feet at a height of 81 feet above ground level. The GPS antenna will be attached to the southerly side of the screen wall measuring 13.6 inches in height and 2.6 inches in diameter. Seven equipment cabinets and one auxiliary cabinet are proposed on a steel framed platform to be located on the northerly side of the roof. The equipment cabinets measure up to seven feet in height, six of the cabinets are 2.5 feet wide and one cabinet is 35.4 inches wide. The cabinets are screened on three sides by a seven foot high screen wall.

5. Subsequent to the filing of the application, the applicant determined the Nextel Communications (now Sprint Nextel Corporation) antennas originally approved by the Montclair Township Planning Board in 2000 had been modified and would conflict with the antennas proposed in Sector A. As a result, a revised plan was submitted which increased the height of the screen wall one foot 8 inches and consequently, the height of the proposed antennas to 82 feet 8 inches above ground level.

6. Based upon the size and location of the existing building, the proposed roof top location of the site is particularly suited for wireless communication antennas and continues to be an appropriate site for the conditional use notwithstanding the deviations from the conditions imposed by the ordinance.

7. Based upon the testimony of the applicant's radio frequency compliance expert, the proposed antennas and related equipment shall comply with all applicable State and Federal regulations for radiation transmission levels.

8. Based upon the conditions imposed below, the visual intrusion caused by the height of the proposed antennas is minimal and will not adversely impact adjacent properties and is not inconsistent with the intent and purpose of the zone plan and zoning ordinance.

9. The application does not involve any noise, vibrations, smoke, dust, odors, heat or glare and thus will not cause substantial detriment to the public good and is not inconsistent with the intent and purpose of the zone plan and zoning ordinance.

10. The application complies with all the conditional use standards contained in the Montclair Township Zoning Ordinance except that eight of the antennas exceed the height of the top of the parapet wall to which it is attached by six feet contrary to Montclair Code Section 347-17.1C(5)(d). Despite the deviation from the aforementioned conditional use standard, the Board determined the site continues to be appropriate for the conditional use consistent with *Coventry Square v. Westwood Zoning Bd. of Adjustment*, 138 N.J. 285 (1994).

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved the requisite special reasons for the granting of this application and proved by a preponderance of the evidence that the proposed relief could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair, that the within application of New Cingular Wireless PCS, LLC, for variance relief pursuant to N.J.S.A. 40:55D-70d(3) is hereby approved subject to the following conditions:

1. In the event the present location of the Sprint Nextel antennas is found to be consistent with the plans approved by the Montclair Planning Board in 2000 (either by the Montclair Construction Official or a court of law) or, alternatively, in the event Sprint Nextel obtains a variance for the present location of the antennas, Cingular shall be entitled to construct its facility in accordance with the revised plan. In the event the present location of the Spring Nextel antennas is found to be inconsistent with the plans approved in 2000, Cingular's approval shall be limited to the original plan. Notwithstanding the foregoing, Cingular shall have the option to construct its facility, at its risk, in accordance with the revised plan prior to any determination regarding the Spring Nextel facility. As set forth above, in the event the present location of the Sprint

Nextel antennas is found to be inconsistent with the plans approved in 2000, Cingular shall be required, within 6 months of a final determination by either a court of law or land use board exercising jurisdiction over the matter, whichever is later, to relocate its antennas to be consistent with the original plan.

2. The screen wall in Sector A shall be painted to match the existing building façade.

3. The unscreened antennas in Sectors B and C shall be the color of galvanized steel.

4. The height of the antennas in Sector A shall not exceed the height of the screen wall to which they are affixed at 81 feet above ground level under the original plan and 82 feet 8 inches above ground level under the revised plan.

5. The height of the antennas in Sectors B and C shall not exceed 81 feet 5 inches above ground level.

6. The applicant shall apply to the Historic Preservation Commission for approval of the revised plan.

7. The applicant shall be responsible for all inspection fees required under Montclair Code Section 202-27 as well as escrow fees incurred in connection with review of this matter.

On motion by Mr. Whipple, seconded by Ms. English, the following Resolution memorializing the approval of the application of **Craftco, 14 North Willow St and 173 Glenridge Ave** was adopted, Mr. Susswein abstaining:

WHEREAS, CRAFTCO, a corporation, as owner, by its attorney William J. Ewing, Esq. did make application to the Board of Adjustment of the Township of Montclair for minor subdivision approval on property designated as Lot 38 in Block 3204 on the Township Tax Map and located in the "center area" of the C-1 Central Business Zone; and

WHEREAS, the applicant requested relief as follows:

1. A variance pursuant to N.J.S.A. 40:55D-70d(5) to exceed the maximum density on proposed Lot 38.01 to permit a density of 60 units where a maximum of 55 units per acre are allowed pursuant to Montclair Code Section 347-83B(5).

2. A variance pursuant to N.J.S.A. 40:55D-70d(2) to permit expansion of the preexisting nonconforming use by virtue of the reduction in lot area on proposed Lot 38.02.

3. A variance pursuant to N.J.S.A. 40:55D-70c to allow lot area of 2,988 square feet on proposed Lot 38.02 where a minimum of 10,000 square feet is required pursuant to Montclair Code Section 347-83A(3).

4. Variances pursuant to N.J.S.A. 40:55D-70c to allow a rear yard setback of 3 feet on proposed Lot 38.01 and 0 feet on proposed Lot 38.02 where a minimum of 10 feet is required pursuant to Montclair Code Section 347-83B(4).

WHEREAS, the applicant submitted a minor subdivision plan prepared by Richlan, Lupo & Associates, Inc. dated July 30, 2007; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on October 15, 2008 at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is located at the northwest corner of Glenridge Avenue and North Willow Street and contains 4,434 square feet of area and is located within an historic district. The lot contains frontage of 40 feet on Glenridge Avenue and 111.95 feet on North Willow Street. A channelized brook crosses the northern end of the property.

2. The subject property is improved with two separate buildings. The two story building on proposed Lot 38.02 contains first floor vacant commercial space with a gross floor area of approximately 2,960 square feet. The aforementioned first floor space was used for many years as an antique business and prior to that for automotive parts sales. The second floor of the building is utilized for assembly by a Masonic lodge known as Eureka Lodge 52. The two story dwelling on proposed Lot 38.01 contains a three room one bedroom apartment on each floor.

3. The applicant's proposal is to subdivide the property into two lots so that each building may be accommodated on its own lot. The proposed subdivision line will run along the northerly edge of the building fronting on Glenridge Avenue. Proposed Lot 38.01 will contain 1,446 square feet and proposed Lot 38.02 will contain 2,988 square feet. A 3.59 foot wide easement is proposed between the buildings to provide access to both buildings.

4. The applicant's plan constitutes appropriate use of land in a manner which promotes the general welfare consistent with N.J.S.A. 40:55D-2a. The building on proposed Lot 38.02 is designed for commercial use on the first floor and assembly use on the second floor and is architecturally oriented towards the Glenridge Avenue corridor. The two-family home on proposed Lot 38.01 is oriented to North Willow Street and reflects the dominant residential use on that street. The subdivision allows two

unrelated uses to be separated in a logical fashion which reflects the established land use pattern in the area.

5. Approval of the application promotes historic preservation consistent with N.J.S.A.40:55D-2j. Under existing conditions there is some incentive to demolish the two-family dwelling to provide parking for the larger building. The proposed subdivision lessens the likelihood that any of the buildings will be demolished for parking or open space to benefit the remaining building.

6. The applicant seeks lot area and rear yard setback variances, however, the proposed subdivision does not include any physical changes to the site. By reason of structures lawfully existing on the site, the strict application of the zoning regulations results in peculiar and exceptional practical difficulties and undue hardship upon the applicant. Additionally, approval of this application would advance various purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-70-1 et seq. as outlined herein.

7. Based upon the Board's particular knowledge of local conditions, approval of this application will have no adverse impact on area properties as the property will function without any change. Consequently, the Board finds there will be no substantial detriment to the public good in approving the subdivision application.

8. Approval of this application is not inconsistent with the intent and purpose of the zoning ordinance or the 1978 Land Use Element of the Master Plan which recommends a zoning pattern similar to the existing pattern. The central business designation was intended to encourage a wide range of retail, office and other commercial uses as well as residential use with certain limitations.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved the requisite special reasons for the granting of this application and proved by a preponderance of the evidence that the proposed relief could be granted without substantial detriment to the public good, and would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2).

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair, that the within application of CRAFTCO, for variances including exceeding maximum density, expansion of a preexisting nonconforming use, rear yard setbacks and lot area is hereby approved subject to the following condition:

1. Prior to the issuance of a building permit, the applicant shall pay any and all outstanding property taxes.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Mr. Whipple, seconded by Ms. English, the following Resolution memorializing the approval of the application of **Robert Crossley, 42 Mt. Hebron Road** was adopted, as modified, Mr. Susswein abstaining:

WHEREAS, Robert Crossley, as owner, did make application to the Board of Adjustment of the Township of Montclair, to construct a second floor addition over an existing carport on the easterly side of the dwelling, and a second floor balcony at the rear of the dwelling, on property designated as Lot 15 in Block 2804 on the Tax Map of the Township of Montclair and located in the R-1 One-Family Zone; and

WHEREAS, the applicant sought variances pursuant to N.J.S.A. 40:55D-70c from **Montclair Code Section 347-45C(1)** for a side yard setback less than required, and from **Montclair Code Section 347- 45D** for a rear yard setback less than required; and

WHEREAS, the applicant submitted a plot plan and architectural drawings prepared by Y.B. Tomm Architect, dated 8/26/08; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on October 15, 2008, at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is an irregularly shaped interior lot located in the R-1 One-Family Zone, and contains a 2½-story, single-family dwelling with an attached 1-car garage and carport on the easterly side of the dwelling. The property has 60.07 feet of lot frontage and contains 12,300 square feet in lot area.

2. A second floor addition is proposed on the easterly side of the dwelling, where there is presently a carport at grade level. The existing carport would be enclosed and incorporated into the existing attached garage. The second floor addition

would create an additional bedroom. A balcony is also proposed on the second floor at the rear of the dwelling.

3. The existing carport has a nonconforming easterly side yard setback of 4.75 feet at its closest point, where a minimum of 6 feet is required. The proposed second floor addition would be aligned with the walls that would enclose the carport, and would also be set back 4.75 feet from the easterly side property line, which requires a variance.

4. The required rear yard setback for the property is approximately 60.6 feet. The existing dwelling is oddly positioned on the lot and has a section that extends significantly into the required rear yard setback and has a nonconforming rear yard setback of approximately 42 feet at its closest point. The proposed balcony is set back approximately 57 feet from the rear property line, and a variance is requested.

5. The Board determined that the variances requested could be approved. The proposed second floor addition is aligned with the existing nonconforming carport below it, and the proposed balcony does not exacerbate the nonconforming rear yard setback. The proposed addition and balcony would not have negative impact on nearby properties.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the requested variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within application of Robert Crossley is approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

The application of **S.W. Flowers, M.D. 460 Bloomfield Avenue** was adjourned to the January 21, 2009 regular meeting of the Board, at the applicant's request. No further notice would be given. The Board was granted an extension of time on the application. The application of **First Evangelical Lutheran Church, 153 Park Street** was adjourned to the December 10, 2008 regular meeting of the Board, at the

applicant's request. No further notice would be given. The Board was granted an extension of time on the application. The application of **Immaculate Conception High School, Codey Field - 267 Orange Road** was adjourned to the December 10, 2008 regular meeting of the Board, at the applicant's request. No further notice would be given. The Board was granted an extension of time on the application. The application of **B & L Grant Street, Inc. 3 Grant Street** was adjourned to the December 10, 2008 regular meeting of the Board, at the applicant's request. No further notice would be given. The Board was granted an extension of time on the application.

Chair Harrison called the application of **Eleonora Elvins, 1 Dodd Street**. Ms. Elvins was sworn and described the property and the application. The property contains a 2½-story single-family dwelling that has a 1-story section at the rear which leads to a glass-enclosed sunroom and a wood deck. On October 21, 1987, the Board of Adjustment approved a variance application to construct the sunroom with a minimum easterly side yard setback of 2.3 feet. The sunroom is aligned with the easterly side wall of the dwelling and the easterly side yard setback increases slightly to 2.4 feet at the rear corner of the sunroom due to the angled position of the dwelling. The existing sunroom is proposed to be removed and a one-story addition is proposed in its place. The existing wood deck would remain. The existing dwelling has a nonconforming easterly side yard setback of 2.3 feet as measured to the southeasterly corner of the 1-story section of the dwelling. The proposed addition is aligned with the easterly wall of the dwelling, the same way that the sunroom is aligned with the dwelling, and would also have a minimum side yard setback of 2.3 feet, which requires a variance.

The Board questioned Ms. Elvins. No questions and comments were offered from the public. The Board discussed the application and determined that the variance requested could be approved. The proposed addition is aligned with the existing easterly side wall of the dwelling, and although it would extend approximately 1 foot further into the rear yard than the existing sunroom, it would not encroach any closer to the easterly side property line. The subject property is also narrow in width, which makes it difficult to comply with the side yard setback requirements, and the proposed addition would not have negative impact on nearby properties. On motion by Mr. Susswein, seconded by Mr. Whipple, the application was approved.

Chair Harrison called the application of **Kevin & Jane O'Leary, 165 Summit Avenue**. Kevin & Jane O'Leary were sworn and described the property and the application. The property contains a 2½-story single-family dwelling and a driveway leading to a location in the rear yard where a detached garage had existed. The detached garage was recently demolished after it was struck and damaged by an automobile that was driving along a driveway on the church property that abuts the rear of the subject property. The previously existing garage had a nonconforming easterly side yard setback of 1.57 feet and a nonconforming rear yard setback of 2.37 feet. A detached garage is proposed in the same area of the rear yard as the existing garage and the footprint would be enlarged by approximately 1-foot in width and 1-foot in length to measure 22 feet in width by 22 feet in length. The easterly setback is proposed to be increased by 6 inches to 2.07 feet, and the rear setback is proposed to be increased by 8 inches to 3.04 feet.

The Board questioned the applicants. The applicants indicated that they are reluctant to move the proposed garage further from property lines due to the existing trees that may be damaged. No questions and comments were offered from the public. The Board discussed the application and determined that the application can be approved since the location of the proposed garage is consistent with that of the previously existing garage, and is also similar to that of many existing detached garages in the neighborhood. Furthermore, the nonconforming setbacks are being slightly improved and there would be no detriment to any nearby property. The Board also considered the fact that increasing the easterly side setback any further could potentially harm a large existing oak tree near the garage. On motion by Mr. Whipple, seconded by Mr. Susswein, the application was approved as submitted, Ms. English, voting against the motion.

Chair Harrison called the application of **First Montclair House, Corp., 56 Walnut Street**. David Faloni, Esq. appeared as attorney and described the application for use variances and site plan approval to construct a wooden arbor to support proposed solar panels and add two additional parking spaces. Dennis Mylan was sworn and stated his qualifications as an Architect and Professional Planner. The subject property situated on the northerly side of Walnut Street has frontage of 237.54 feet and lot area of 1.93 acres. The subject property contains a building of varying heights which contains a 131 unit senior citizen residence. The existing use exceeds the maximum permitted residential density in the R-4 Zone. A variance is requested to permit construction of a wooden arbor which constitutes an expansion of the preexisting nonconforming use.

There is an existing driveway and parking areas on the westerly side of the building and a landscaped yard exists on the easterly side of the building. Under the current zoning ordinance, a minimum of 66 parking spaces would be required. The application seeks to add two standard parallel parking spaces in the existing parking lot located in the northwesterly corner of the subject property for a total of 44 parking spaces. A variance is requested to add two additional parking spaces which constitutes an expansion of the preexisting nonconforming use. The additional two parking spaces will bring the number of parking spaces closer to conformity with the zoning ordinance and addresses on-site parking demand. The application proposes a wooden arbor measuring 10 feet 8-3/4 inches in height and 53 feet 8-3/4 inches long to be located 7 feet to the east of the existing building. Solar panels would be mounted on top of the arbor to be used in conjunction with solar panels proposed on the roof of the three story section of the building. There are various purposes of zoning and special reasons in support of the grant of the use variances including that it promotes the appropriate use of land and the general welfare, encourages senior citizen community housing construction and promotes utilization of renewable energy sources.

Marked into evidence were:

- A-1 Property survey, modified to depict the 42 existing parking spaces
- A-2 7 photos of the parking lot

A-3 5 Photos of the easterly side yard

The Board questioned Mr. Mylan. No questions were offered from the public.

Peter Robilatta, solar designer and salesperson for EVCO mechanical, was sworn. He described the proposed solar panel installation from a technical standpoint and provided information on the benefits achieved from this type of installation. He stated that the arbor was required since the building was limited in the amount of roof space that could be used. He stated that using the higher roof of the building would result in a less efficient system. The Board questioned Mr. Robilotta. He provided more specific information on the appearance of the arbor and the solar panels. No questions were offered from the public.

Janine Rhodes, property manager for First Montclair House, Corp., was sworn. She stated that the proposed arbor would enhance the usability of their garden area by providing some shaded outdoor area for the residents. She stated that the 3 existing parking spaces along the rear property line that did not appear on the original plan from 1977 have been in existence during the last 14 years that she has worked on the subject property. She described the existing parking usage on the site and stated that there are at most 10 staff people who drive to the site and 48 residents who own vehicles. She stated that beyond the existing parking on their site, they utilize available street parking during the day and the municipal lot parking as needed.

No questions or comments were offered from the public. The Board discussed the application. On motion by Ms. English, seconded by Mr. Susswein, the application was approved, subject to the following conditions:

1. The applicant shall replace the existing chain link fence with a wood stockade fence adjacent to the five parking spaces at the northerly property line.
2. The applicant shall post an inspection escrow with the Township in the amount of \$300 to cover the inspection of the proposed improvements as recommended in the Board Engineer's correspondence dated October 28, 2008.

The Board took a short recess.

Chair Harrison called the application of **MetroPCS New York, LLC, 641 Bloomfield Avenue**. Renu Shevade, Esq. appeared as attorney and described the application. The applicant proposes to install 6 panel antennas, 2 GPS antennas, and 4 equipment cabinets on the roof of the existing 6-story commercial building located on the subject property. Dave Collins was sworn and stated his qualifications and experience specializing in FCC and New Jersey regulatory compliance regarding cellular sites. The proposed antennas and related equipment are in compliance with all applicable State and Federal regulations for radiation transmission levels. The Board questioned the witness. No questions were offered from the public.

Richard Komissar, leasing consultant, was sworn. Mr. Komissar is being presented as a fact witness. He is the leasing consultant for Metro PCS. He described the search ring and the alternative sites and discussed the problems associated with the other locations that could be considered as alternatives. The Board questioned Mr. Komissar extensively on his testimony. No questions were offered from the public.

Fahd Kananth, PE, was sworn and stated his qualifications in radio frequency Engineering. MetroPCS is licensed by the Federal Communications Commission to provide personal communication services which includes wireless telephone, data and other communications services to its subscribers. He described the proposed installation, the existing coverage, proposed coverage, and other more specific information relating to the antennas and the network. He stated that they can not flush-mount all of the proposed antennas to the structure they are affixed to since the building is located right at the front and side property lines.

Marked into evidence were:

- A-1 Base Map with two overlays, one depicting the coverage gap, and one depicting the proposed coverage
- A-2 Base Map showing the search ring of a ¼-mile radius

The Board questioned the witness extensively. Mr. Kananth stated that the southeast area of coverage gap was favored in creating the search ring due to the existing commercial traffic and high density residential areas. He also stated that he would need to go back and determine, as an alternative to using the subject property, whether new antennas at either 10 Crestmont Road or 415 Claremont Avenue in addition to new antennas at 36 Hawthorne Place, would provide adequate coverage for the gap identified in Exhibit A-1. No questions were offered from the public.

Richard Komissar, leasing consultant, was recalled. He answered more specific questions on the property owner's request that the proposed antennas not be flush-mounted of the sides of the building and questions about 10 Crestmont Road and 415 Claremont Avenue. No questions were offered from the public.

Sasseen Abujawadeh, PE was sworn and stated his qualifications as a Professional Engineer. He described the plans to install 6 panel antennas, 1 GPS antenna, and 4 equipment cabinets on the roof of the existing 6-story commercial building located on the subject property. Two (2) panel antennas are proposed in each of three "Sectors": Alpha, Beta, and Gamma. The 2 antennas proposed in the Alpha Sector are mounted onto the northeasterly face of the elevator machine bulkhead located at the rear of the roof of the 6-story section of the building. These antennas are flush with the top edge of the parapet of the bulkhead, which is at a height of 85 feet above grade. The 2 antennas proposed in the Beta Sector are located at the southeasterly corner of the roof, are mounted on pipe masts attached to the back of the roof parapet, and extend 6 feet above the top of the parapet. These antennas have a top height of 80 feet 11 inches above grade. The 2 antennas proposed in the Gamma Sector are mounted on pipe masts attached to the back of the parapet of the staircase

bulkhead located at the northwesterly corner of the roof. These antennas extend 6 feet above the top of the parapet of the staircase bulkhead and have a top height of 90 feet above grade.

A screened equipment enclosure measuring 11 feet by 21 feet would be located on the roof 14 feet away from the easterly wall of the building. Four (4) equipment cabinets and one (1) PTC cabinet would be within the enclosure. The steel platform that the cabinets rest on is raised from the roof surface, and the tallest of the equipment cabinets would have a top height of 9 feet 6 inches above the roof surface and 81 feet 7 inches above grade level. The top of the screen panels enclosing the equipment would measure 9 feet from the roof surface. A GPS antenna is depicted mounted to the easterly side of the equipment screen and would extend 1 foot above the top of the screen. The Board questioned Mr. Abujawadeh. He stated that there was not aware of an adequate area within the building to locate the equipment cabinets. He stated that the equipment platform could be lowered by 6 inches to be located closer to the roof surface. No questions were offered from the public.

Richard Komissar, leasing consultant, was recalled. He stated that the owner only indicated a preference to have the equipment cabinets on the roof rather than within the building. The Board questioned the witness. No questions were offered from the public.

Ms. Shevade requested that the application be continued at the next meeting so that they could look into the Board's concerns and granted the Board an extension of time. Chair Harrison announced that the application will be continued at the December 10, 2008 regular meeting and that no further notice would be given. On motion by Ms. English, seconded by Mr. Susswein the meeting was adjourned.