

MINUTES OF THE BOARD OF ADJUSTMENT
February 11, 2004

PRESENT: Chair Harrison, Ms. Cockey, Vice Chair Fleischer, Mr. Flood, Mr. Gallardo, Mr. Haizel, Ms. Rock-Bailey, and Mr. Susswein; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: None

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. Fleischer, seconded by Mr. Gallardo, the **Minutes of the January 21, 2004** regular meeting were adopted as modified, Mr. Flood abstaining.

On motion by Mr. Fleischer, seconded by Mr. Gallardo, the following Resolution memorializing the approval of the variance application of **Carlos Bustios and Andrea Dobbs, 1 Mountain Place** was adopted, Mr. Flood abstaining:

WHEREAS, Carlos Bustios & Andrea Dobbs, owners of property at **1 Mountain Place**, did make application to the Board of Adjustment of the Township of Montclair for variances pursuant to NJSA 40:55D-70c to allow a side yard setback and a rear yard setback less than required pursuant to **Montclair Code Section 347-52** in connection with the construction of a detached garage on property designated as Lot 40 in Block 1801 on the Township Tax Map and located in the R-2 Two-Family Zone; and

WHEREAS, the applicant submitted a property survey prepared Milton J. Muss, dated November 2, 1999 and a site plan and elevation drawing, prepared by the applicants, dated September 26, 2003, that depicts the new construction; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on January 21, 2004 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

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

1. The subject property is a corner lot located at the intersection of Mountain Place and Valley Road, measures approximately 5,978 square feet in area, and contains a 2½-story single-family dwelling and a detached garage in the northwesterly corner of the property.

2. The applicants' proposal is to construct a detached garage, measuring 18 feet 3 inches in width by 18 feet 6 inches in depth, which conforms to the height

requirement and the setback requirement from Valley Road but does not meet the westerly side yard setback and rear yard setback requirement of 6 feet.

3. The applicants propose to construct the new garage in the same location as the previously existing garage. A westerly side yard setback of approximately 2 feet 6 inches and a rear yard setback of approximately 1 foot is proposed in lieu of the required 6 feet.

4. The location of the dwelling on the property, the topography of the lot, as well as the small size of the rear and side yards, limit the ability of the applicants to provide the required setbacks for the proposed detached garage.

5. Based upon the Board's particular knowledge of local conditions, the proposed detached garage is not inconsistent with the character of the neighborhood and will not adversely impact the public good.

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicants proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did prove 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 the zoning ordinance pursuant to NJSA 40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants did prove that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved 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 the requirements of NJSA 40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within variance application of Carlos Bustios and Andrea Dobbs is hereby approved, subject to the following condition:

1. The proposed detached garage shall be constructed on the same footprint as the previously existing garage and shall not be any larger than the previously existing garage.

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

On motion by Mr. Fleischer, seconded by Ms. Cockey, the following Resolution memorializing the approval of the variance application of **Douglas Milne, 116 Westview Road** was adopted, Mr. Flood abstaining:

WHEREAS, Douglas Milne, owner of property at **116 Westview Road**, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to NJSA 40:55D-70c to allow for a westerly side yard setback less than that required pursuant to **Montclair Code Section 347-45C(1)** in connection with the construction of a second floor addition on property designated as Lot 9 in Block 3702 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the applicant submitted a property survey prepared by William J. Darmstatter, dated November 25, 2002, and elevation illustrations and a second floor plan, with no preparer or date indicated, that depicts the new construction; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on January 21, 2004 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

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

1. The subject property has a street frontage width of approximately 60 feet and contains a 2½-story single-family dwelling with a one-story section at the southwesterly corner of the dwelling.
2. The existing dwelling has a nonconforming westerly side yard setback of approximately 4.9 feet measured from the southwesterly corner of the dwelling.
3. The applicant's proposal is to construct a second floor addition over the existing one-story section at the southwesterly corner of the dwelling which conforms to the height and rear yard setback requirements but does not meet the westerly side yard setback requirement of 6 feet.
4. The proposed second floor addition will be aligned with the existing westerly and southerly walls of the one-story portion of the dwelling beneath it and would also be set back approximately 4.9 feet from the westerly side property line.
5. Based upon the Board's particular knowledge of local conditions, the proposed addition is not inconsistent with the character of the neighborhood and will not adversely impact the public good.

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did prove that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA 40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant did prove that the purpose of the Municipal Land Use Law would be

advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance 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 the requirements of NJSA 40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within variance application of Douglas Milne is hereby approved subject to the following condition:

1. The second floor addition shall be aligned with the westerly side wall and southerly rear wall of the existing dwelling.

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

On motion by Mr. Fleischer, seconded by Ms. Cockey, the following Resolution memorializing the denial of the variance application of **Michael F. Emrich, 194 Bloomfield Avenue** was adopted, Mr. Flood abstaining:

WHEREAS, Michael F. Emrich, owner of property at **194 Bloomfield Avenue**, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to NJSA 40:55D-70c to allow fence heights taller than permitted pursuant to **Montclair Code Section 347-27A(1)** in connection existing fences on the front and westerly side property lines on property designated as Lot 23 in Block 3102 on the Township Tax Map and located in the "Community Area" of the C-1 Central Business Zone; and

WHEREAS, the applicant submitted a property survey prepared by Richlan, Lupo & Associates, Inc., dated September 11, 2001 and a rendering of the iron fence located along the front property line, with no preparer or date indicated, that depicts the existing fences; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on January 21, 2004 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

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

1. The applicant utilizes the subject property as a commercial business, which sells ornamental garden wares.

2. The applicant testified that he had constructed a 6-foot metal fence along the front property line, without obtaining permits, for the purpose of providing added security for the items stored outside on the property.

3. The applicant also testified that he had replaced a previously existing 6-foot wood fence on the westerly side line, without obtaining permits, because he believed that permits were not required for replacing fences.

4. The Board determined that the existing fences on the front property line and the westerly side line were unlawfully constructed and that a fence of conforming height could provide adequate security for the subject property.

5. Based upon the Board's particular knowledge of local conditions, the proposed 6-foot fence along the front property line and the westerly side property line are not consistent with the character of the neighborhood and will adversely impact the public good.

WHEREAS, the Board, based upon the foregoing findings, concluded that applicant did not prove peculiar and exceptional practical difficulties and exceptional and undue hardship and did not prove that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA 40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant did not prove that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and did not prove that the benefits of the deviation would substantially outweigh any detriment and did not prove that the variance 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 the requirements of NJSA 40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within variance application of Michael F. Emrich is hereby denied.

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

Ms. Rock-Bailey joined the meeting.

On motion by Mr. Fleischer, seconded by Mr. Gallardo, the following Resolution memorializing the approval of the variance requested for a freestanding sign and the denial of variances requested for pole-mounted signs within the application **Michael Anthony Sign & Awning Co. for Montclair Bloomfield Ford, 5-15 Bloomfield Avenue** was adopted as modified, Mr. Flood and Ms. Rock-Bailey abstaining:

WHEREAS, Michael Anthony Sign & Awning Co., on behalf of **Montclair Bloomfield Ford**, owner of property at 5-15 Bloomfield Avenue, did make application to the Board of Adjustment of the Township of Montclair for variances to modify 2 existing pole-mounted signs and 1 freestanding sign on the site and replace 2 wall-mounted signs on the commercial building located on the property. The property is designated as Lots 1, 2, 3, and 4 in Block 1201 on the Township Tax Map and located in the "Community Area" of the C-1 Central Business Zone; and

WHEREAS, the applicant submitted a site plan prepared by McCumsey-Petry, P.C., dated December 3, 1993 with sign location references, and a 30-page packet containing signage dimensions and details, with a cover letter from K. Porro & Associates, P.C., dated June 18, 2003; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on January 21, 2004 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the applicant requested variances pursuant to N.J.S.A.40:55D-70c for failure to comply with **Montclair Code Section 347-108L and Montclair Code Section 347-109**, in that the proposed modifications to the 2 pole-mounted signs and 1 freestanding sign on the property exceed the previously approved heights or square footage for these signs; and

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

1. The subject property is an interior lot located in the "Community Area" of the C-1 Central Business Zone and contains a commercial building used an automobile showroom, and an accessory parking lot.

2. There are presently 3 wall-mounted signs on the front walls of the building facing Bloomfield Avenue. The Board determined that no variances are required for the proposed replacement of the wall-mounted signage reading "Montclair Bloomfield" and "Service" because these signs are being replaced at the same size or a smaller size and in the same location as the existing signage. The applicant also proposes to remove 1 of the 2 existing wall-mounted signs on the recessed portion of the front wall facing Bloomfield Avenue, thereby reducing the total number of wall-mounted signs on the building from 3 to 2.

3. The applicant proposes to modify 2 pole-mounted signs and 1 freestanding sign on the site that would exceed either the height or square footage for these signs that was documented in a 1978 Resolution from the Board of Adjustment as follows:

- a) The pole-mounted sign reading "Ford" was limited to a height of 22 feet 1½ inches and an area of 119 square feet, and the applicant is currently proposing a height of 25 feet 9 inches and 100 square feet.
- b) The pole-mounted sign reading "Ford Pre-Owned Vehicles" was limited to a height 15 feet and an area of 32 square feet, and the applicant is currently proposing a height of 16 feet 1 inch and 31 square feet.
- c) The freestanding sign reading "Service" was limited to a height of 9 feet 4 inches and 21 square feet, and the applicant is currently proposing a height of 9 feet 4 inches and 22 square feet.

4. No testimony was provided by the applicant that would justify the increase in the height of the pole-mounted signs from the previously approved heights contained in the 1978 Board of Adjustment Resolution.

5. The proposed increase in the area of the freestanding sign from 21 square feet to 22 square feet is a slight increase that would not have any significant impact.

WHEREAS, the Board, based upon the foregoing findings, concluded that, with respect to the variances requested for the square footage of the freestanding sign on the property, the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did prove that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that, with respect to the variance requested for the square footage of the freestanding sign on the property, the applicant did prove that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance 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 the requirements of NJSA40:55D-70C(2); and

WHEREAS, the Board, based on the foregoing findings concluded that, with respect to the variance requested for a height taller than permitted for the 2 pole-mounted signs on the property, the applicant did not prove peculiar and exceptional practical difficulties and exceptional and undue hardship and failed to prove that the variance could be granted without substantial detriment to public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to NJSA 40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that, with respect to the variance requested for a height taller than permitted for the 2 pole-mounted signs on the property, the applicant did not prove that the purposes of the

Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and failed to prove that the benefits of the deviation would substantially outweigh any detriment and failed to prove that the variance 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 the requirements of NJSA 40:55D-70C(2);

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Montclair, that the variance requested pursuant to *N.J.S.A. 40:55D-70C(1)* and (2) for a height taller than permitted for the 2 pole-mounted signs is hereby denied; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Adjustment of the Township of Montclair, that the variance requested pursuant to *N.J.S.A. 40:55D-70C(1)* and (2) for the increase in area of the freestanding sign is hereby approved subject to the following condition:

1. The size of the freestanding sign shall not exceed 9 feet 4 inches in height and 22 square feet in area.

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

On motion by Mr. Gallardo, seconded by Mr. Fleischer, an extension of time was granted on the approval of the site plan and variance application of **Emanuel's Hope Baptist Church, 18-20 Washington Street**, until August 19, 2004.

On motion by Mr. Susswein, seconded by Mr. Haizel, an extension of time was granted on the approval of the site plan and variance application of **Senior Care and Activities Center, 105 Walnut Street**, until April 27, 2004.

Chair Harrison called the variance application of **Robert Cutrona, 46 North Willow Street**. Robert Cutrona, Jr., owner, was sworn and described the proposed driveway. He stated that the proposed driveway is partially located on the adjoining southerly property at 42 North Willow Street and that an easement has been prepared to allow vehicles to use the driveway and park in a proposed parking area in his rear yard. He stated that the proposed driveway is approximately 11 feet wide for most of its length with the exception of the area where his dwelling protrudes and reduces the driveway width to 9 feet 7 inches for a length of 6 feet. He also stated that he had researched the width of various car models and that even the widest passenger vehicles could pass through the narrowest portion of the proposed driveway with sufficient clearance from the exterior of his dwelling and the dwelling at 42 North Willow Street. He continued by describing the parking area at the rear of the dwelling and stated that an 18-foot long back-up area is provided and that the parking area conforms to the zoning requirements. He further stated that arborvitae would be planted in parking area setback to provide a landscaped screen and that the front yard area near

the driveway would be terraced and landscaped. He continued by stating that the proposed driveway would be paved with asphalt and that a bollard would be installed at the projection of the bay window foundation wall to prevent vehicles from damaging the dwellings alongside the driveway.

The Board questioned Mr. Cutrona.

Mr. Cutrona stated that the wood fence on the property line between his property and 42 North Willow Street would be removed. He also stated that the owner of 42 North Willow Street might decide to utilize the driveway and construct a parking area on that property in the future. He further stated that the easement for the driveway was prepared and recorded as a condition of the closing when he purchased the property in July of 2003, although it has not been executed. Mr. Cutrona continued by describing the vehicle movement on the proposed driveway and parking area and stated that he intends to park 3 vehicles in the parking area.

Chair Harrison called for questions and comments from the public. None were offered.

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Ms. Rock-Bailey, the variance application was approved, subject to the following condition:

1. The cross-easement between the applicant and the owner of 42 North Willow Street shall be reviewed and approved by the Board Attorney and recorded in the Essex County Register's Office.

Chair Harrison called the variance application of **Gregory Smith, 214 Park Street**. Gregory and Pamela Smith, owners were sworn. Mr. Smith described the proposed deck on the southerly of the dwelling and stated that it would be constructed to the property line. He stated that the proposed deck would be located approximately 60 feet from the dwelling on the adjoining southerly property and that the owner of that property has no objections to the proposed deck. He also stated that an existing enclosed porch on the southerly side of the dwelling has a side yard setback of 2.09 feet and would substantially block the view of the proposed deck from the street

The Board questioned the applicants.

Ms. Smith stated that if the proposed deck were to be aligned with the existing enclosed porch on the southerly side of the dwelling, it would limit the width of the deck to approximately 9 feet, and that they prefer an 11-foot width for the deck.

Marked into evidence were:

A-1 Photograph of the subject property

A-2 Photograph of the subject property

A-3 Photograph of the subject property

Ms. Smith described the photographs and stated that mature trees located near the southerly side property line screen the view of the proposed deck from the southerly side. Mr. Smith stated that the proposed deck could not be constructed in the rear yard because it would cover one of two existing cellar entrances at the rear of the dwelling and a portion of an existing parking area.

Chair Harrison called for questions and comments from the public. None were offered.

The Board discussed the application and determined that the proposed deck should be aligned with the existing enclosed porch on the southerly side of the dwelling and not encroach closer to the southerly side property line than the existing enclosed porch.

On motion by Mr. Gallardo, seconded by Mr. Susswein, the variance application was approved, subject to the following condition:

1. The proposed deck shall not be constructed closer than 2.09 feet from the southerly side property line.

Chair Harrison called the variance application of **Donald Zief, 143 Eagle Rock Way**. Donald Zief, owner, and Rudy Fabiano, Architect, were sworn. Mr. Fabiano described the proposed addition, rear deck, and alterations to the dwelling.

Marked into evidence were:

A-1 Elevation drawings and photographs of the subject property, on a board, prepared by Fabiano Architects, dated February 10, 2004

A-2 Site plan and first floor, on a board, prepared by Fabiano Architects, dated February 10, 2004

Mr. Fabiano stated that the subject property is a corner lot and described the required front yard setbacks derived from the average of the 2 nearest dwellings on each frontage. He further stated that a variance is required for the proposed work on each frontage due to the location of the existing dwelling on the lot and that all other setback and height requirements are being met. He also stated the proposed addition and deck have been designed to be in keeping with the design and layout of the existing dwelling.

The Board questioned the applicant and Mr. Fabiano.

Mr. Zief stated and that all of the proposed construction is aligned with the existing lines of the dwelling and that he would comply with the Board Engineer's recommendations on the project.

Chair Harrison called for questions and comments from the public. None were offered.

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Mr. Gallardo, the variance application was approved, subject to the following condition:

1. The applicant shall comply with the recommendations of the Board Engineer's letter, dated February 10, 2004.

Chair Harrison called the variance application of **Theodore Kastner, 7 Garden Street**, who was not present.

Chair Harrison called for a short recess.

Mr. Kastner arrived at the meeting, and was sworn. Mr. Kastner described the proposed addition to his detached garage. He stated that he restores guide boats as a hobby and that the proposed addition to the garage would be utilized as a work place and storage area of materials involved this activity. He also stated that the existing garage is not large enough to carry out the work involved in the boat restoration due to the length of the boats and that the activity would not be conducted as a business.

The Board questioned Mr. Kastner.

Mr. Kastner stated that he is a pediatrician. He also stated that he has restored 2 boats so far and that each one has taken approximately 3 years to complete. He further stated that he has already discussed his plans with his neighbors and that he is sensitive to the neighbors' concerns regarding noise. He continued by stating that 1 of the 2 guide boats he has restored is stored inside the existing garage and that the other is stored at a summer home in the Adirondacks. He also stated that the garage is not presently used for parking and that the proposed garage footprint would be large enough for 4 vehicles.

Chair Harrison called for questions and comments from the public.

Claudia Slovinsky, 130 Essex Avenue, was sworn and stated she was concerned about the visual impact of the proposed addition to the garage and the noise impacts of the boat restoration activity. She also expressed concerns about the duration of construction.

The Board questioned the applicant.

Mr. Kastner stated that he elected to construct the addition at the front of the garage, rather than the westerly side, which would conform to the setback requirements, because he would like to follow the existing roofline of the garage.

The Board discussed the application.

On motion by Mr. Gallardo, seconded by Mr. Haizel, the variance application was unanimously denied.

Chair Harrison called the variance application of **Nextel Communications, 630 Valley Road**. Richard Schneider, Esq., appeared as attorney for the applicant and described the application. Mr. Schneider stated that the applicant is proposing to install 3 panel antennae and 3 GPS antennae on the roof of the existing building, as well as to construct an equipment room inside an existing fourth floor loft of the building. He stated that a variance is required from the conditional use standards of zoning ordinance because the heights of the panel antennae and GPS antennae exceed the height of the parapet wall. He continued by stating that all of the other conditions are met by the application.

Mr. Schneider called Rosario Cannelli, who was sworn and stated his qualifications as a Radio Frequency Engineer for Nextel Communications.

Marked into evidence was:

A-1 Street Map with 2 overlays depicting existing and proposed coverage, prepared by Rosario Cannelli

Mr. Cannelli described exhibit A-1 and stated that it depicts the subject location and other current antenna locations utilized by the applicant. He also described the increase in the reliable coverage that the proposed antennas would provide and stated that the proposed installation would fill a gap of Nextel service in the area of the installation site. He also stated that the coverage provided by the proposed antennae installation is predicted using a computer propagated model that is an industry accepted standard. He further stated that Nextel would achieve its coverage objective with the proposed installation. Mr. Cannelli continued by describing the 3 proposed GPS antennae and stated that they provide synchronization of the subject site with other Nextel sites in the area that allows for a seamless coverage while travelling. He also stated that the Montclair Police Department utilizes Nextel and that the proposed antennae would improve their service.

The Board questioned Mr. Cannelli.

Mr. Cannelli stated that the proposed panel antennae require a 6-foot vertical separation from the antennae of other carriers on the building, thereby requiring that the proposed antennae extend above the parapet wall. He also stated that a decrease in height of 1 foot or more would create significant blockage of the signal and lost

coverage. Mr. Cannelli further stated that AT&T and Verizon operate at the same frequency as Nextel and that AT&T has antennae on the subject building.

Chair Harrison called for questions from the public for Mr. Cannelli. None were offered.

Mr. Schneider called Ronald Petersen, who was sworn and stated his qualifications as an Electrical Engineer.

Marked into evidence was:

A-2 Site Conformity Assessment with FCC Rules and Regulations, prepared by RC Petersen Associates, LLC, dated February 10, 2004

Mr. Petersen described the FCC standards regarding radio frequency emissions. He stated that the analysis of the radio frequency emissions for the site described in Exhibit A-2 took into account all of the existing antennae from all carriers and the proposed Nextel antennae. He described the results of the analysis and stated that the radio frequency emissions from the site would be less than 8 percent of the FCC guidelines and would be in strict compliance with FCC regulations.

The Board questioned Mr. Petersen.

Chair Harrison called for questions from the public for Mr. Petersen. None were offered.

Mr. Schneider called Glen Scherer, who was sworn and stated his qualifications as a Licensed Professional Engineer in the State of New Jersey. Mr. Scherer described the building on the subject property and the proposed antennae installation. He referred to Sheet Z-01, the site plan, and Sheet Z-02, the elevations, and stated that the building measures 50 feet 6 inches to the top of the parapet, 56 feet 6 inches to the top of the existing stealth panel, and 58 feet 6 inches to the top of the elevator bulkhead on the roof. He stated that the 3 proposed panel antennae would be mounted on pipe masts at 62 feet 6 inches above grade and would be painted to match the building. He also stated that the 3 proposed GPS antennae would be mounted onto the top of the elevator bulkhead and would not be visually intrusive. He continued by stating that the proposed equipment room would be located inside an existing fourth floor loft and would not be visible to the public. He also stated that the equipment would be remotely monitored and would require a technician visit once every 4 to 6 weeks for about one hour at a time.

The Board questioned Mr. Scherer.

Mr. Scherer stated that the equipment room would be accessible from inside the building.

Chair Harrison called for questions from the public for Mr. Scherer. None were offered.

Mr. Schneider requested an adjournment of the application to the Board's next regular meeting.

Chair Harrison announced that the application of **Nextel Communications, 630 Valley Road** would be continued at the March 17, 2003 regular meeting of the Board and that no further notice would be given. Mr. Schneider consented to an extension of time for which the Board to act on the application.

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