

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
SPECIAL MEETING MINUTES  
September 6, 2012**

The Township of West Orange Planning Board held a special meeting on September 6, 2012 at 7:00 P.M., in Council Chambers, 66 Main Street.

Chairman Bagoff called the meeting to order at approximately 7:04 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and posted on the Township Bulletin Board on August 17, 2012 in accordance with the requirements of the "Open Public Meetings Act".

Chairman Bagoff requested all persons in attendance stand for the Pledge of Allegiance.

PRESENT: Chairman Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael\*,  
Vice Chairman Ben Heller, Lee Klein, Jason Lester, Councilwoman Susan  
McCartney, Ron Weston

ABSENT: Gerald Gurland, William Wilkes II

\*Mr. Ghebremicael left meeting at approximately 8:40 P.M.

ALSO PRESENT: Paul Grygiel, AICP, PP, Acting Township Planner  
Eric Keller, P.E., P.P., Omland Engineering Associates, Inc.  
Debbie Dillon, Audio Transcription Service, LLC  
Patrick Dwyer, Esq., Board Attorney  
Robin Miller, Board Secretary

**ROLL CALL**

Chairman Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Vice Chairman Ben Heller, Lee Klein, Jason Lester, Councilwoman Susan McCartney, Ron Weston, William Wilkes.

**ANNOUNCEMENTS**

The next regular Planning Board meeting will be held on October 10, 2012 in Council Chambers at 8:00 P.M.

**SWEARING IN**

Paul Grygiel , AICP, PP, Phillips Preiss Grygiel LLC, was introduced as Acting Township Planner.

Eric L. Keller, PE, PP, Omland Engineering, was introduced as a professional planner and professional engineer hired by the Township.

**RESOLUTION(S)**

**PB-12-21T/Jewish Community Center of MetroWest, Inc. d/b/a JCC Metrowest**

Block: 165; Lots: 15; Zone: R-2

760 Northfield Avenue

Technical Site Plan for interior renovations; a new exterior egress door; new egress ramp.

## **DISCUSSION**

Chairman Bagoff gave a brief description of the application approved by the Technical Review Subcommittee on September 5, 2012 with the following condition:

- (1) If the determination of the West Orange Building Department is that an awning to cover the exterior platform and ramp is required to be added to the Applicant's plans under the applicable Building Code, such awnings added to Applicant's plans and shall be installed.

There was discussion from the Board regarding the building elevations; and how a new means of ingress/egress would affect the exterior esthetic of the existing building. Chairman Bagoff asked Mr. Keller for his opinion of the planned exit. Mr. Keller said the door must be located in a certain spot to accommodate ADA accessibility.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Vice Chairman Heller

|          |   |           |   |              |   |
|----------|---|-----------|---|--------------|---|
| Carlucci | Y | Eben      | N | Ghebremicael | Y |
| Gurland  | - | Heller    | Y | Klein        | Y |
| Lester   | Y | McCartney | Y | Weston       | Y |
| Wilkes   | - | Bagoff    | Y |              |   |

## **APPLICATION(S)**

**PB-12-18/Daughters of Israel Geriatric Services, Inc.**

Block: 165; Lot: 16; Zone: R-2

748-750 Northfield Avenue

Amended Site Plan

## **EXHIBITS**

None

## **DISCUSSION**

Jay J. Rice, Esq., attorney for the Applicant appeared before the Board. Mr. Rice described the Application; he stated the building is not the JCC located at 760 Northfield, but an independent structure located adjacent to that property. It is a HUD building for senior citizens of limited financial means. The property was approximately 150,000 square feet, the only exterior change was a 128 square feet addition as part of the kitchen modification; expansion of the dining facility; and the elimination of some office space. The goal was to create a more modern facility for its residents.

Harold Colton-Max, Chief Executive Officer, Jewish Community Housing Corporation, was sworn in. Mr. Colton-Max testified that he had been with the JCHC for eight years. He said the building had been open for thirty years; there were 134 units including 121 one-bedroom apartments, 12 studio apartments, and an apartment for the building superintendent. The building provided a wide range of services for senior citizens. In addition to providing meals for its residents five days per week, the commercial kitchen also prepared meals for the Meals-On-Wheels program and the nutrition program at the JCC facility at 760 Northfield Avenue. Mr. Colton-Max stated that the proposal was to

accomplish three things: (1) to expand the largest common room on the first floor of Building 4 to make the room large enough to accommodate all residents, (2) to upgrade the commercial kitchen, and (3) to revamp the main entrance area to accommodate mailboxes, public restrooms, and create a larger seating area. Mr. Colton-Max concluded his testimony.

Chairman Bagoff asked for questions from the Board. There was discussion regarding the location of the double doors; and whether the air-conditioning unit might have to be relocated.

There were no questions from the Public Advocate or the Public.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

|          |   |           |   |              |   |
|----------|---|-----------|---|--------------|---|
| Carlucci | Y | Eben      | Y | Ghebremicael | Y |
| Gurland- |   | Heller    | Y | Klein        | Y |
| Lester   | Y | McCartney | Y | Weston       | Y |
| Wilkes   | - | Bagoff    | Y |              |   |

**PB-12-11/Communication Infrastructure Corp.**

Block: 84.01; Lot: 22; Zone: B-2

10 Marcella Avenue

Amended Site Plan and Conditional Use Application for communications antenna.

**EXHIBITS**

**A-1** – Photo simulation showing existing conditions and proposed development.

**Discussion**

James K. Pryor, Esq., attorney for the Applicant, explained to the Board. that the Application was for the addition of four antennas to an existing steel lattice structure.

Mr. Pryor introduced his first witness, Mark Gonzalez, PE, Director of Engineering, Communication Infrastructure Corp. (CIC). Mr. Gonzalez said he had been the Director of Engineering for CIC for seven years. The Board questioned the independence of Mr. Gonzales testimony. Mr. Dwyer said the Board should weigh Mr. Gonzalez's independence as a factor in determining his acceptability, the Board accepted Mr. Gonzalez as an expert witness in radio frequency engineering. Mr. Gonzalez told the Board his function was to determine where antennas should be located. He told the Board that the business of CIC initially started out building structures and designing and implementing them for third parties. The Company currently builds for their own use. For this Application, CIC was building a transmission route from New York to Washington State; the site at 10 Marcella Avenue would be part of a chain to include in the route. Because of its high elevation, the site was at a strategic location. Mr. Pryor asked if the equipment met all FCC standards. Mr. Gonzalez said that the FCC does not require collocation, but it was recommended. The system would be used to transmit financial data. There would be four dish antennas and appurtenant equipment to be located inside an adjacent existing building. Mr. Gonzalez concluded his testimony.

The Board asked Mr. Gonzalez for details regarding the FCC requirements governing microwave antenna frequency, and the type of antennas to be installed at the site.

Gary Clower, PE, Powder River Development Services, LLC, was sworn in and accepted to be a qualified expert in civil engineering. Mr. Clower said the site was presently improved with an existing tower and equipment shelter. The Applicant intended to install four microwave antennas

on the existing tower and run cables in to an existing structure. There would be no increase to the height of the existing tower; the antennas would be mounted as required. Mr. Clower referenced the Omland Engineering memo dated August 30, 2012; he said the Applicant would submit revised plans showing all of the antennas that were currently on the tower, together with the four proposed antennas.

The Board and Mr. Clower discussed lightning rod requirements. Mr. Clower advised that CIC would not be installing a lightning rod; there was discussion regarding the number of working antennas currently on the structure and that there was a discrepancy regarding the number of antennas that were already on the structure.

Andrew T. Haldane, PE, Tower Engineering Professionals, Inc. was sworn in and accepted to be an expert witness in structural engineering. Mr. Haldane advised the Board he had prepared the Maintenance and Condition Assessment Report for the Applicant. Mr. Haldane said he had reviewed the Omland Engineering memo dated August 30, 2012; he said he was satisfied the tower could accommodate the Applicant's four additional antennas. Mr. Haldane advised the Board that he used the Telecommunications Industry Association (TIA) standards when analyzing towers. Mr. Haldane said that when he issues reports he takes in to account a tower's existing antennas as well as the proposed antennas. Mr. Haldane said that his April 5, 2012 report took in to account the removal of several large dishes near the top of the tower, which had a major impact on its structural integrity. It was his opinion the tower was much safer since the removal of those antennas; additionally, the tower had bracing added since it was originally erected; it was his opinion that the structure was in great condition.

The Board and Mr. Haldane spoke about tower flexibility; the structures would not be overly stressed by lesser earthquakes. Mr. Haldane said he had personally climbed and inspected the tower and items he identified in his April 5, 2012 report had been repaired. Mr. Haldane advised the Board that according to TIA standards, towers should be inspected every three years; there would not be a need to re-inspect unless there was a major climatic event.

Mr. Haldane advised Mr. Keller that American Tower was the owner of the tower; the reason why there were inconsistencies in the number of antennas listed on varying reports was because some companies that had planned to install antennas had ceased paying rental fees; those antennas were not counted.

Mr. Grygiel and the Board discussed evaluating undo concentration of antennas and referenced Mr. Grygiel's memo dated August 3, 2012.

Chairman Bagoff announced a brief recess at approximately 8:40 P.M.; he re-convened the meeting at approximately 8:50 P.M.

Daniel J. Collins, Chief Technical Officer, Pinnacle Telecom Group, LLC, an electrical engineer specializing in radio frequency was sworn in and accepted to be an expert witness in FCC compliance. Mr. Collins advised the Board that the proposed antennas would comply with all State and Federal regulations for radio frequency; the antennas would not generate significant radio frequency levels. Mr. Collins referenced his report date August 28, 2012; which indicated that if all the antennas on the tower were at full power, they would only reach approximately .076% of the FCC limit. Mr. Collins said that State requirements were less stringent than Federal requirements. Mr. Collins explained how microwave frequencies travel and the importance of having antennas in each other's line of sight for proper transmission.

The Board and Mr. Collins discussed additional details regarding State and Federal Standards.

David Karlebach, PP, PC, was sworn in and accepted to be an expert in planning. Mr. Karlebach advised the Board that per Township Ordinance (25-24.2(e)), the proposed antennas do not result in a large concentration of commercial antennas. Mr. Karlebach said the Application did not require a variance, which should be a consideration for the Board. Referring to Exhibit A-1 – Photo simulation showing existing conditions and proposed development, he said there were many intervening objects in the line of sight, which would obstruct the view of the proposed antennas. Mr. Karlebach said the proposed antennas included three dish antennas measuring six feet in diameter and one dish measuring three feet in diameter.

The Board discussed Mr. Keller's memo of August 30, 2012 regarding comments that no photographs had been taken from the vantage of the Eagle Ridge development. Mr. Grygiel questioned the veracity of photos of the site. There was additional discussion regarding the type of technology being used; the structural integrity of the tower; the future protocol to use in determining the soundness of the structure; and the necessity of obsolete equipment being removed from the structure.

Harvey Grossman, Esq., Public Advocate, advised the Board that the only issue he had was regarding the structural inspection of the tower. He suggested the Board define what constituted a major climatic event; that perhaps the issue could be delegated to the Fire Department.

There were no questions or comments from the Public.

Conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.
2. If another governmental entity or agency grants a waiver or variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.
4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
6. All notes included in the approved plans, including notes required by this Resolution, shall be

deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.

7. Applicant to submit revised plans which shall show all existing antennas.

8. Applicant to provide a written report confirming that all repairs identified in the inspection report of Tower Engineering dated April, 2012 have been completed.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Mr. Lester

|          |   |           |   |              |   |
|----------|---|-----------|---|--------------|---|
| Carlucci | Y | Eben      | Y | Ghebremicael | - |
| Gurland- |   | Heller    | Y | Klein        | Y |
| Lester   | Y | McCartney | Y | Weston       | Y |
| Wilkes   | - | Bagoff    | Y |              |   |

#### **PB-12-16/iSignal LLC**

Block: 84.01; Lot: 22; Zone: B-2

10 Marcella Avenue

Amended Site Plan and Conditional Use Application for communications antenna.

Nicholas T. Menas, Esq., Fox Rothschild LLP, introduced the Application to the Board. Mr. Menas said the proposal was to add five antennas to the tower located at 10 Marcella Avenue, the same site as the previously heard Application for Communication Infrastructure Corporation. Mr. Menas said the Applicant was seeking conditional use approval and waiver of site plan approval. He noted that the Applicant would comply with all comments listed in the Omland Engineering

memo dated August 30, 2012.

Andrew T. Haldane, PE, Tower Engineering Professionals, Inc. was sworn in and accepted to be an expert witness in structural engineering. Mr. Haldane advised the Board he had prepared the Structural Analysis Report dated April 13, 2012.

The Board decided to incorporate by reference Mr. Haldane's testimony from the Communication Infrastructure Corp. regarding the structural integrity of the existing tower. The Board noted that Mr. Haldane had addressed the issues raised in the Omland Engineering memo dated August 30, 2012. Mr. Haldane noted that the different reports referred to by Omland had varying analyses because each report was based upon the number of antennas approved for the tower at a particular point. Mr. Haldane said a major difference in the analyses was that several large dishes near the top of the tower had been removed; he opined that the tower was now less stressed.

Andrew Petersohn, PE, was sworn in and accepted to be an expert in radio frequency engineering. Mr. Petersohn advised the Board that the Application complied with FCC standards. He said the proposal was to install five (5) parabolic dishes at a height of 195 feet with cable equipment installed in a building at the base of the structure.

Peter Hauerstein, RA, Salient Associates was sworn in and accepted as an expert in architecture. Mr. Hauerstein advised the Board that the Application was fairly benign; there would be no change in site conditions, lighting or parking; and the five antenna would not result in an undue concentration of tower antennas at the site.

There were no questions or comments for the witnesses from the Public Advocate or Public.

The Board deliberated on the Application.

Conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.
2. If another governmental entity or agency grants a waiver or variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.
4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.
7. Applicant to submit revised plans which shall show all existing antennas.
8. Applicant to provide a written report confirming that all repairs identified in the inspection report of Tower Engineering dated April, 2012 have been completed.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Mr. Eben

|           |   |           |   |              |   |
|-----------|---|-----------|---|--------------|---|
| Carlucci  | Y | Eben      | Y | Ghebremicael | - |
| Gurland - |   | Heller    | Y | Klein        | Y |
| Lester    | Y | McCartney | Y | Weston       | Y |
| Wilkes    | - | Bagoff    | Y |              |   |

**H. ORDINANCE UNDER REVIEW**

**Ordinance #2359-12** - An Ordinance amending and supplementing Chapter XXV, Section 25-30, of the Revised General Ordinances of the Township of West Orange, Entitled Historic Preservation Commission.

The Board voted on the recommendation as follows:

Motion: Chairman Bagoff

Second: Mr. Klein

|           |   |           |   |              |   |
|-----------|---|-----------|---|--------------|---|
| Carlucci  | Y | Eben      | Y | Ghebremicael | - |
| Gurland - |   | Heller    | Y | Klein        | Y |
| Lester    | Y | McCartney | Y | Weston       | Y |
| Wilkes    | - | Bagoff    | Y |              |   |

MEETING ADJOURNED at approximately 10:08 P.M.



Minutes adopted October 10, 2012

---

Robin Miller, Planning Board Secretary

**\*\* A SPECIAL MEETING OF THE PLANNING BOARD WILL BE OCTOBER 24, 2012  
AT 7:30 P.M. IN COUNCIL CHAMBERS \*\***

**\*\*THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE  
NOVEMBER 7, 2012 AT 8:00 P.M. IN COUNCIL CHAMBERS \*\***