

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
November 16, 2017**

The West Orange Zoning Board of Adjustment held a regular meeting on November 16, 2017 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairman Neuer announced that a digital tape recording system is being utilized to record the proceedings of the meeting and instructed the general public on how the audio of the proceedings may be reviewed or obtained.

Chairman Neuer asked everyone to stand for the Pledge of Allegiance.

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: D. Gabry, D. Nash, P. Neuer, B. Quentzel, I. Schwarzbaum,
W. Steinhart, M. Sussman, A. Weiss

ABSENT: B. Buechler (excused)
M. Straker (excused)
F. Sanders

ALSO PRESENT: Paul Grygiel, Acting Planning Director for the Township
James Giurintano, acting Consulting Engineer for the Township
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
Harvey Grossman, Esq., Public Advocate

ANNOUNCEMENTS

Future Meetings: December 21, 2017 (regular meeting)
January 18, 2018 (regular meeting)
February 15, 2018 (regular meeting)

Chairman Neuer announced that the attorney for application **ZB-17-08/470 Eagle Rock Holdings, LLC**, which was scheduled to be heard at this meeting, has requested to be carried over to the Zoning Board meeting to be held on December 21, 2017. That request is granted and no further notice will be required.

MINUTES October 19, 2018 (regular meeting)

Chairman Neuer stated that the draft minutes from the October 19, 2017 regular meeting were circulated to all of the Board Members.

Chairman Neuer said that he submitted his comments for these minutes and asked if any Board Member had any additional comments; there were none.

Ms. Gabry made a motion to approve the minutes of the October 19, 2017 regular meeting; Mr. Steinhart seconded the motion and all were in favor.

SWEARING IN

Paul Grygiel, acting Planning Director for the Township and James Giurintano, acting Engineer for the Township, were sworn under oath.

RESOLUTIONS

1. **ZB-17-07/2017 Eagle Rock LLC** **Approved 10/19/17**
Block: 176.05; Lot: 12, 12.13, 14; Zone: B-1 & R-6
Seeking preliminary and final site plan approval to construct a bank.

Chairman Neuer stated that this resolution was circulated to all of the Board Members and that version included his comments.

Chairman Neuer asked if any Board Member had any other comments; there were none.

Ms. Gabry made a motion to adopt the resolution as submitted and Mr. Sussman seconded the motion

The vote was as follows:

Buechler:	-	Schwarzbaum:	-
Gabry:	Yes	Steinhart:	Yes
D. Nash:	-	Straker:	-
Quentzel:	Yes	Sussman:	Yes
Sanders:	-	Weiss:	Yes
		Chairman Neuer:	Yes

APPLICATIONS

1. ZB-17-09/Perez

Block: 3.01; Lot: 74; Zone: R-6

38 Freeman Place

Seeking a “c” variance to construct an addition to an existing dwelling

Amy Perez, applicant, and Charles Isiofia, architect for the applicant, were sworn under oath.

Mr. Isiofia detailed his educational and professional background as a licensed architect in the State of New Jersey.

Chairman Neuer accepted Mr. Isiofia as an expert in architecture.

Ms. Perez detailed the application stating that they are proposing to add a multi-purpose room, to be used as an office/bedroom, to their existing house along with a half bath for visitors. She stated that her husband is a musician and a teacher at Montclair State University.

Chairman Neuer asked Ms. Perez if her husband gives private lessons in their home; she said that he occasionally gives music lessons in their home.

Chairman Neuer read the Township’s Home Occupation Ordinance and said that because her husband will be giving private music lessons in their home she will have to go to Town Hall and apply for a certificate of continued occupancy with the Board Secretary.

Chairman Neuer asked Ms. Perez if she received any comments from her neighbors; she said only positive comments.

There were no questions for Ms. Perez or Mr. Isiofia from any Board Members or Board Professionals.

Chairman Neuer asked if there were any members of the public that had any questions for Ms. Perez or Mr. Isiofia; there were none.

Chairman Neuer asked if any members of the public had any comments or wished to present testimony or other evidence; there were none.

Chairman Neuer closed the public hearing and asked for a motion.

Mr. Quentzel made a motion to approve the application with the condition that the materials to be used on exterior of the addition match the existing materials on the house.

Ms. Gabry seconded the motion.

The vote was as follows:

Buechler:	-	Schwarzbaum:	Yes
Gabry:	Yes	Steinhart:	Yes
D. Nash:	-	Straker:	-
Quentzel:	Yes	Sussman:	Yes
Sanders:	-	Weiss:	Yes
		Chairman Neuer:	Yes

2. ZB-16-17/New Cingular Wireless PCS, LLC (AT&T) Carried from 10/19/17

Block: 159.08; Lot: 56; Zone: OB-1

405 Northfield Avenue

Seeking “d” and “c” variances for installing twelve (12) telecommunication antennas

On a proposed 100’ monopole.

EXHIBITS

A-9 – Revised Site Plan dated 10/31/17 – Sheet Z-1

A-10 – Revised Partial Site Plan dated 10/31/17 – Sheet Z-4

A-11 – Antenna Orientation Plan & Elevation dated 10/31/17 – Sheet Z-6

A-12 – Map 8 - AT&T Coverage – Rooftop Antenna Centerline 60 ft. – dated 6/10/17

A-13 – Map 9 – AT&T Composite Coverage – Rooftop Antenna Centerline 60 ft. – dated 6/10/17

A-14 – Map 12 – AT&T Composite Coverage – Shillelagh Antenna Centerline 68 ft. – Rooftop Antenna Centerline 60 ft. – dated 10/2/17

Chairman Neuer announced for the record that the official transcriber for this application is Patricia Pucciarello from Veritext.

Christopher Quinn, attorney for the applicant, approached the podium.

Mr. Quentzel stated for the record that AT&T is a sub-tenant in one of the buildings that he has 50% ownership in located in Jersey City and asked Ms. Beirne if that would be a conflict and should he recuse himself from hearing this application.

Ms. Beirne asked Mr. Quinn if he felt there would be a conflict to Mr. Quentzel hearing this application; he stated that as long as there are seven (7) voting Board Members, just to be safe, Mr. Quentzel should recuse himself.

Mr. Quentzel recused himself and stepped off of the dais.

Chairman Neuer announced for the record that Ms. Weiss was not present at the April 20, 2017 meeting when this application was last heard. He said that she was provided with a copy of the transcript from that meeting and has signed an affidavit verifying that she has read it. Ms. Weiss is therefore eligible to participate in and to vote on this application.

Mr. Quinn stated that his client is seeking approval to install wireless antennas on a one hundred foot (100') flag pole. He said that since the last time they appeared there were concerns regarding the appearance of the pole so they revisited the site and converted it into a flag pole. Mr. Quinn said instead of the original twelve (12) antennas they were proposing, they will install nine (9) antennae that will be located inside of the pole.

Mr. Quinn also stated that they relocated the pole into the parking lot adjacent to the office building. He said that per the Township's consulting Engineer, they eliminated two (2) parking spaces instead of striping the entire area.

Mr. Quinn said that the applicant's Civil Engineer, Radio Frequency Engineer and Professional Planner will be testifying at this meeting and he called his first witness.

Petros Tsoukalas approached the podium and was sworn under oath. Mr. Tsoukalas detailed his professional and educational background as a Civil Engineer licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Tsoukalas as an expert in civil engineering and as a Radio Frequency Engineer.

Mr. Tsoukalas presented sheet Z-1 of the revised site plan dated 10/31/17 that was marked as Exhibit A-9 for identification.

Mr. Tsoukalas referred to Exhibit A-9 and detailed the proposed location of the pole. He stated

that the Township's Engineer recommended that they relocate the pole, from where it was originally being proposed, to the northern corner of the existing building. Mr. Tsoukalas stated that it will look like a flag pole and all of the equipment for the antennae will be inside of the building. He also detailed the distances that the pole will be from all of the property lines.

Mr. Tsoukalas presented sheet Z-4 of the revised partial site plan dated 10/31/17 that was marked as Exhibit A-10 for identification. He detailed where the fencing will be placed around the base of the pole and where the backup generator and air conditioner condensers will be placed.

Mr. Tsoukalas presented sheet Z-6 of the Antenna Orientation & Elevation Plan dated 10/31/17 that was marked as Exhibit A-11 for identification.

Mr. Tsoukalas referred to Exhibit A-11 and stated that nothing will be shown above the elevation of the fence. He said that they have reduced the number of antennae from twelve (12) to nine (9) and a lightning rod is not required because the antennae will be placed inside of the pole. Mr. Tsoukalas said that they are not proposing to place a flag on the pole. He said that one more carrier is the maximum that will be in or on the pole besides AT&T.

Chairman Neuer asked if the applicant will accept as a condition that only one more carrier will be in or on the pole besides AT&T; Mr. Quinn said yes.

Mr. Tsoukalas stated that the generator will be located inside of the compound and that it will only be tested remotely once a week during the daytime.

Mr. Tsoukalas stated that they are proposing one hundred and thirty one (131) parking spaces when one hundred and forty four (144) are required. He detailed how many parking spaces were being utilized when he was there on three different days and said, in his opinion, that there are more than enough parking spaces.

Mr. Tsoukalas stated that there will be no change in the lot coverage; it will remain the same.

Mr. Schwarzbaum asked Mr. Tsoukalas if the building on the site is fully occupied; he replied no.

Mr. Tsoukalas stated that they are proposing a gravel infiltration trench to collect all of the runoff water. He said that they are also proposing to install bollards around the compound to protect the generator.

Mr. Tsoukalas addressed the following comments in the Bowman Consulting memo dated November 6, 2017:

- Item #1 – Will replace the handicap signs that are not compliant with current standards.
- Item #2 – Planner will address this comment
- Item #3 - Bollard details will be amended.

- Item # 4 – Will conduct a post-construction noise test only on weekdays during business hours.
- Item #5 – Will install a gravel infiltration trench to collect the runoff water.
- Item #6 & #7 – Planner will address these items.
- Item #8 – Applicant has agreed to provide additional arborvitae and the trees will be installed on eight (8) foot centers.
- Item #9 – Applicant's Engineer will discuss sewer line solutions with the Township Engineer.
- Item #10 – The pole will be five and one half inches (5 ½") in diameter.

Mr. Giurintano stated that item #5 still requires a further design.

Mr. Giurintano asked Mr. Tsoukalas how big the R.H. boxes are; he said the biggest one is thirty two inches (32") in height.

Mr. Giurintano asked Mr. Tsoukalas if there are windows near the generator; he said he did not know but he will find out that information.

There were no further questions for Mr. Tsoukalas from the Board Members or the Board Professionals.

Chairman Neuer called for a recess at 9:25 pm.

Chairman Neuer resumed the meeting at 9:35 pm.

Chairman Neuer asked if any members of the public had any questions for Mr. Tsoukalas.

Mike Tormey approached the podium and stated that he lives at 81 Ridgeway Avenue. He asked Mr. Tsoukalas if there will be any excavation on the building; he said that he was not aware of it.

Claudia Sanders approached the podium and stated that she lives at 27 Old Salem Road. She asked Mr. Tsoukalas if they will be co-locating with any other cell towers in town; he said that the applicant's frequency engineer can answer that question.

Shawna Brown approached the podium and stated that she lives at 75 Ridgeway Avenue. She asked Mr. Tsoukalas if anything will be protruding from the pole; he said no.

Ms. Brown asked Mr. Tsoukalas if the pole will rattle or shake in high wind; he said no.

Ms. Brown asked Mr. Tsoukalas what the integrity of the structure is if there is an earthquake; he said that they take that into consideration during the design of the pole.

Ms. Brown asked Mr. Tsoukalas when the generator will be tested; he said that they run the generator remotely once a week during the day on a Tuesday or Wednesday at 11:00 am.

Ms. Brown asked Mr. Tsoukalas what sound does the generator make; he said that it sounds like a lawn mower but softer.

Ms. Brown asked Mr. Tsoukalas if the generator emits any odors; he said no.

Nevea Van Wright approached the podium and stated that she lives at 49 Birchwood Avenue. She asked Mr. Tsoukalas if he will go back and check the parking lot when the building is at capacity.

Chairman Neuer stated that the building may not be at full capacity when the application is finished being heard by this Board.

Ms. Van Wright asked Mr. Tsoukalas how loud the generator would be if the attenuator is not in place; he said he did not know.

Ms. Van Wright asked Mr. Tsoukalas if there a service level agreement in place for AT&T to come out and make repairs by a certain time; he said that he is not sure of a certain time but he knows that AT&T wants to take care of their equipment quickly when their equipment is down.

Chairman Neuer asked Mr. Quinn to find out before the next meeting what the standard AT&T response time is if something fails.

Michael Tormey approached the podium again and stated that he lives at 81 Ridgeway Avenue. He asked Mr. Tsoukalas how long it would take for construction; he said approximately two (2) weeks.

Mr. Tormey asked Mr. Tsoukalas if the work is done just on weekdays; he said it is usually done weekdays.

Mr. Tormey asked Mr. Tsoukalas if the level of noise during construction is excessive; he said that he doesn't know but there is heavy equipment doing the work.

Mr. Tormey asked Mr. Tsoukalas how the crane will be brought in on the site; he said that the construction company doing the work will figure that out but it will probably be brought in through the main entrance.

Chairman Neuer asked Mr. Tsoukalas what the length of the poles being assembled are; he said twenty feet (20').

Chairman Neuer asked Mr. Quinn to have someone at the next meeting to present the Board with

construction details.

Mr. Grossman asked Mr. Tsoukalas if it would be possible to put a sign on the fence with an emergency telephone number; he said yes.

Mr. Quinn called his next witness.

Daniel Penesso approached the podium and was sworn under oath. He said that he is a radio frequency engineer, employed by Black and Veatch, who is hired by AT&T as a consultant and was involved in the design of the network.

Mr. Penesso detailed his educational and professional back ground as a design expert and said that no licenses are required for this profession.

Chairman Neuer accepted Mr. Penesso as an expert radio frequency engineer with regard to design and implementation of wireless networks.

Mr. Penesso referred to the maps on Exhibits A-1 and A-2 and detailed the existing and proposed coverage.

Mr. Penesso referred to Exhibit A-3 and detailed the proposed coverage with the antenna centerline at 97 ft. and Exhibit A-4 with the coverage at a lower height on a roof.

Mr. Penesso referred to Exhibit A-5 showing the composite coverage at the Shillelagh site and stated that AT&T would have interference if they used that site.

Ms. Weiss asked Mr. Penesso if this application is denied, will they look for a new location; he said the only area that is feasible is this area.

Chairman Neuer asked Mr. Penesso to define what "unreliable" is; he said that some areas you can get a signal and some areas you cannot get a signal. Mr. Penesso said that is when the calls drops out.

Mr. Schwarzbaum asked Mr. Penesso if the pole is higher would it cover more area; he said yes slightly but they cannot cause any interference either.

Mr. Penesso said that data collected shows that in West Orange, the average number of dropped calls per day are one thousand one hundred and eighty one (1,181).

Ms. Gabry asked Mr. Penesso if the weather affects dropped calls; he said it is possible.

Mr. Quinn asked Mr. Penesso if he knows how many AT&T subscribers there are in West Orange; he said 16,172

There was some discussion regarding what constitutes reliable and unreliable service and clarification regarding signal strength shown on the maps that were presented to the Board.

Mr. Penesso presented Map 8 showing AT&T coverage from a rooftop antenna with a centerline of 60 feet dated June 10, 2017 that was marked as Exhibit A-12 for identification and he provided the details showed by it.

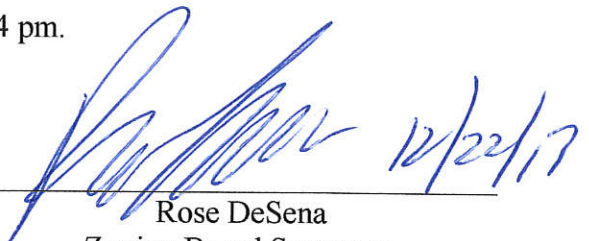
Mr. Penesso presented Map 9 showing AT&T composite coverage from a rooftop antenna centerline of 60 feet dated June 10, 2017 that was marked as Exhibit A-13 for identification and he provided the details showed by it.

Mr. Penesso presented Map 12 showing AT&T composite coverage from the Shillelagh antenna with a centerline of 68 feet and a rooftop antenna with a centerline of 60 feet dated October 2, 2017 that was marked as Exhibit A-14 for identification and he provided the details showed by it.

Chairman Neuer noted the time and stated that the Zoning Board ends their meeting promptly at 11:00 pm. He said that this application will be carried over to the December 21, 2017 regular meeting and that no further notice will be required.

The meeting was adjourned by Chairman Neuer at 11:04 pm.

Adopted: December 21, 2017



Rose DeSena
Zoning Board Secretary