

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
October 17, 2019**

The West Orange Zoning Board of Adjustment held a regular meeting on October 17, 2019 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.

PRESENT: P. Neuer, L. Phillips, B. Quentzel, J. Redwine,
W. Steinhart, M. Straker, M. Sussman

ABSENT: J. Eben (excused)
D. Gabry (excused)
I. Schwarzbaum (excused)
A. Weiss (excused)

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

ANNOUNCEMENTS

Future Meetings: November 21, 2019 (regular meeting)
December 19, 2019 (regular meeting)

MINUTES

September 19, 2019 (regular meeting)

Chairman Neuer stated that the draft minutes from the September 19, 2019 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.

Chairman Neuer made a motion to approve the minutes from the September 19, 2019 meeting with said revisions and Mr. Redwine seconded the motion.

All Board Members were in favor of the adoption of the September 19, 2019 regular meeting as submitted to them; none were opposed.

It was noted for the record that Mr. Steinhart was not present for the September 19, 2019 meeting and did not vote on these minutes.

NEW BUSINESS

Chairman Neuer stated that the 2020 Zoning Board regular meeting schedule was circulated to all the Board Members.

Chairman Neuer moved to adopt the 2020 Zoning Board regular meeting schedule and Mr. Steinhart seconded the motion.

The vote was as follows:

Eben:	-	Steinhart:	Yes
Gabry:	-	Straker:	Yes
Phillips	Yes	Sussman:	Yes
Quentzel:	Yes	Weiss:	-
Redwine:	Yes	Chairman Neuer:	Yes
Schwarzbaum:	-		

SWEARING IN

Paul Grygiel, Consulting Planning Director for the Township and John Hess, Consulting Engineer for the Township, were sworn under oath.

APPLICATIONS

1. ZB-19-02/Carter

Block: 57.01; Lot: 56; Zone: R-5

28 Cobane Terrace

Seeking a “c” variance for a front and side yard setback to replace an existing front porch.

Ms. Beirne and Mr. Redwine recused themselves from hearing this application and stepped off of the dais.

William Carter, approached the podium.

Chairman Neuer addressed Mr. Carter and stated that the public notice he provided to the Board Secretary that was published in the West Orange Chronicle was published in the October 10, 2019 edition of the newspaper. He said that this did not constitute public notice ten (10) days before this meeting as required by law.

Chairman Neuer advised Mr. Carter that he will have to re-notice for a future meeting because the notice requirement is jurisdictional; the Board is unable to proceed.

Chairman Neuer stated for the record that this application will be carried over to the November 21, 2019 regular meeting to allow the applicant to issue proper notice.

2. ZB-19-05/New Cingular Wireless PCS, LLC (AT&T) Carried from 9/19/19

Block: 82.01; Lot: 7.04; Zone: R-1

648 Prospect Avenue

Seeking a “d” use variance to expand an existing non-conforming use and a “c” variance for lot coverage to modify a telecommunication facility.

EXHIBITS

A-1 – Letter from Maser Consulting dated 10/10/19.

Ms. Beirne and Mr. Redwine resumed their positions to participate in this application.

Chairman Neuer stated for the record that Ms. Angela Buonantuono, CCR, RPR, from AB Court Reporting, LLC, is the official certified court reporter for this application.

Judith Fairweather, attorney for the applicant, approached the podium and detailed the application. She stated that the applicant had previously filed an application proposing to install a flag pole with the antennas placed inside of it at a different location, but has decided to do a “punch-out” to an existing flag pole and put the antennas inside of it.

Chairman Neuer stated that the notice that was published did not mention the additional twenty (20) feet addition to the height of the existing flag pole.

Ms. Fairweather stated that the additional twenty (20) feet is not part of this application; she said that the additional height was granted under section 6409 of the Federal Communications Law.

Ms. Fairweather said that AT&T is one of the providers that was awarded a contract for a service called FirstNet which is an FCC dedicated bandwidth for all first responders in the United States. She said that they will be installing a small cabinet in the compound and the antennas to handle the emergency services.

Chairman Neuer asked Ms. Fairweather if the antennas that are being installed are strictly for the FirstNet use; she said the antennas being installed are for all of their bandwidths including FirstNet.

Ms. Fairweather stated that the application is to install an emergency generator and the equipment to run the bands other than FirstNet that are FCC licensed.

Ms. Fairweather called her first witness.

Alex Norris approached the podium and was sworn under oath.

Mr. Norris detailed his educational and professional background as a Professional Engineer licensed in the State of New Jersey and will be testifying as the site civil engineer.

Chairman Neuer accepted Mr. Norris as an expert in civil engineering.

Mr. Norris presented a copy of the site plan, dated 6/12/19, that was submitted to the Board with the application package.

Mr. Norris referred to the site plan stating that there is an existing T-Mobile compound in front of a social club on Prospect Avenue and they are proposing to basically expand the compound. He said that they will be installing a walk in cabinet for all of the components and that the existing fence will be modified due to the noise of the emergency generator they are also proposing to install.

Mr. Norris detailed the proposed locations of the AT&T antennas to be placed on the existing flag pole including the height at which they will be placed.

Chairman Neuer asked Mr. Norris to state the height of where the current antennas are installed; he said ninety-eight (98) feet.

Mr. Norris stated that the site will be visited once a month by an AT&T technician.

Mr. Sussman asked Mr. Norris if the antennas will be placed inside of the flag pole; he said yes.

There were no further questions for Mr. Norris from any of the Board Members or the Board Professionals.

There were no questions for Mr. Norris from any members of the public.

Ms. Fairweather stated that the 2002 approval included a pulley system, i.e. a winch, for the flag pole in order to raise the flag up and down every day. She said that they never installed a winch and instead they put lights at the bottom of the flag pole so that the flag did not have to be taken down every day.

Ms. Fairweather requested a revision to that condition of the 2002 approval to allow lighting on the flag pole instead of the winch; she amended the application to add that revision.

Chairman Neuer stated that he is going to recommend as a condition of approval that the flag is to be on the flag pole at all times.

Mr. Hess referred to his review memo dated 7/23/19 stating that there were several details on the plans that needed to be addressed.

Mr. Hess asked Ms. Fairweather if they had any objection to providing that information; she said no.

Ms. Fairweather presented a letter from Masur Consulting dated 10/10/19 that addressed all of the comments in Mr. Hess's review memo dated 7/23/19 that was marked as Exhibit A-1 for identification. She said that the letter agrees to address all of Mr. Hess's comments and submit revised plans.

Chairman Neuer stated that all of the waivers requested that were listed in Mr. Hess's memo dated 7/23/19, except item #20 that was withdrawn, are granted.

Mr. Quentzel asked Mr. Norris if they would agree to install bollards around the compound in order to protect it better; Ms. Fairweather replied yes.

Chairman Neuer stated that the installation of bollards around the compound, subject to Mr. Hess's reasonable approval, will be a condition of approval.

Ms. Fairweather called her next witness.

Paul Ricci approached the podium and was sworn under oath. Mr. Ricci detailed his educational and professional background as a Professional Planner licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Ricci as an expert in professional planning.

Mr. Ricci stated that he submitted his report, dated 7/1/19, with the application package. He referred to his report and summarized it.

Mr. Ricci stated that the applicant is seeking a d (2) variance for the expansion of a non-conforming use and a variance to increase the impervious coverage.

Mr. Ricci stated that cell towers are passive uses, he detailed the positive and negative criteria

stating that they are an inherently beneficial use.

Mr. Ricci stated that photo simulations were provided with the application submission and that the site will be aesthetically pleasing with the new landscaping that is being proposed.

Mr. Quentzel asked Mr. Ricci if the proposed bushes will be higher than the cabinet; he said that they are planning six (6) to eight (8) foot bushes.

Mr. Quentzel recommended that they plant eight (8) foot bushes.

Mr. Quentzel asked Mr. Ricci what the view will be from the existing deck located at the social club; he said there will be a partial view of the cabinet from the deck.

There were no further questions for Mr. Ricci from any of the Board Members, the Board Professionals or members of the public.

Ms. Fairweather summed up and asked that the Board approve the application.

Chairman Neuer asked if any members of the public had any comments; there were none.

Chairman Neuer declared the hearing closed and made a motion to approve the application with the following conditions;

- The applicant shall provide a written and signed consent from the Shillelagh Club
- The flag will be maintained and lit from dusk to dawn
- Bollards will be installed subject to Mr. Hess's reasonable approval
- 8' Arborvitaes will be planted around the cabinet
- The flag will fly at all times
- Applicant will provide all of the information on the plans that was requested by Mr. Hess in his 7/23/19 review letter

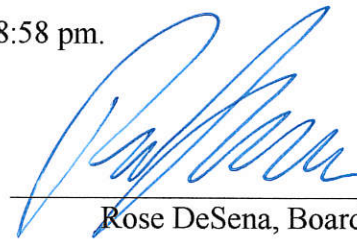
Mr. Steinhart seconded the motion to approve with said conditions.

The vote was as follows:

Eben:	-	Steinhart:	Yes
Gabry:	-	Straker:	Yes
Phillips	Yes	Sussman:	Yes
Quentzel:	Yes	Weiss:	-
Redwine:	Yes	Chairman Neuer:	Yes
Schwarzbaum:	-		

The meeting was adjourned by Chairman Neuer at 8:58 pm.

Adopted: November 21, 2019

 11/22/19
Rose DeSena, Board Secretary