

## **REGULAR MEETING OF APRIL 20, 2009**

The meeting was called to order by Chairman Peter Kortright at 7:30 P.M.

The notice of the Open Public Meetings Law was read.

### **Roll Call**

Present: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback, Joseph D'Arco Absent: Honey Morgenstern, Joseph Baladi, Baruch Gadot

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Board Secretary Cathy Hochkeppel

### **Approval of Escrow Bills**

Upon motion by Philip Cassidy and a second by Barry Winston, the escrow bills were unanimously approved. AYES: Todd Malkin, Barry Winston, Philip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback, Chairman Peter Kortright, III, Joseph D'Arco

### **Approval of Minutes**

Upon motion by Scott Osback and a second by Deputy Mayor Lisa Swain the minutes of the February 9, 2009 work session were unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback. Abstain: Joseph D'Arco

Upon motion by Larry Metzger and a second by Philip Cassidy, the minutes of the work session of March 9, 2009, were unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback. Abstain: Joseph D'Arco

Upon motion by Deputy Mayor Swain and a second by Barry Winston, the minutes of the regular meeting of March 9, 2009, were unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback. Abstain: Joseph D'Arco

## **Memorializing Resolutions**

### **Bucci, 59 and 65 Lincoln Avenue, Block 6807, Lots 39-43; site plan**

Douglas Bern explained the memorializing resolution. Upon motion by Deputy Mayor Lisa Swain and a second by Larry Metzger, the memorializing resolution was unanimously adopted. AYES: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback.

### **Reiner Group, 11-02 and 11-06 River Road; Block 5506, Lots 2-5; 69-72**

Douglas Bern explained the memorializing resolution. Upon motion by Deputy Mayor Lisa Swain and a second by Larry Metzger, the memorializing resolution was unanimously adopted. AYES: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback.

## **General Public Comment**

Chairman Peter Kortright, III, opened the matter to the public and no public wished to be heard.

### **Metro PCS, 1 Cooper Way, Block 3516, Lot 1.01**

Richard Snyder appeared on behalf of the applicant. He explained that his client intended on co-locating antennae on the existing monopole at the Fair Lawn Ambulance Corp. This property has a 118 foot monopole. Each company maintains its own property. A 10 foot extension of the tower is proposed but it does not create a variance. Metro also proposed equipment cabinets on a 7' x 14' concrete slab. Variances are required for impervious coverage and site yard setback as 4 feet is required and 2 feet is proposed. Board Engineer Tichacek added that there is a third variance for a minimum front yard setback for an accessory structure.

Joseph Chiaraballo of Cedar Knolls, New Jersey was sworn in and qualified as an expert Radio Frequency Engineer. He testified that the radio frequency report he prepared was recently amended to include the Verizon and XM antennae. The analysis is done on a cumulative basis to include all the users. The report dated April 17, 2009 was marked as Exhibit A-1. Mr. Chiaraballo testified that the omissions were 53% of the FCC requirement

which is 180 times less than the standards. The emissions will meet the FCC requirements.

Deputy Mayor Swain asked how the measurements were made and Mr. Chiaraballo explained that the standard is measured at 6½ feet high.

Larry Metzger asked about interference with the ambulance corp. equipment and was told there would be no effect.

Chairman Kortright opened the matter to the public.

Craig Miller, 5 Ramapo Terrace, asked about the emissions and Mr. Chiaraballo explained that, generally, the higher it is, the stronger the emission. Mr. Miller asked about cars travelling on Route 208 and was told there would be no effect upon them.

Christopher Olsen of Hawthorne, New York was sworn in and qualified as an expert Radio Frequency Engineer and explained that Metro PCS was trying to build its network in the metropolitan area. A map prepared by Mr. Olsen was marked as Exhibit A-2. Mr. Olsen explained the gaps in coverage and the coverage that would be obtained once the antennas were installed. He explained the need for the 10 foot extension as Metro PCS runs at a higher frequency.

Barry Winston asked the applicant if they ceased to operate would they agree to remove their antennae and, the applicant said they would.

Charles J. Stewart of Essex Fells, New Jersey was sworn in and qualified as an expert engineer and planner. He testified as to the site plan and explained there will be six additional antennas. He also explained the equipment boxes and that the cabinets will be within 2 feet of the side yard rather than 4 feet as required. Mr. Stewart testified that this was the most practical way to expand the compound. Approximately, once every 4 to 6 weeks a technician visits. Mr. Stewart also testified that the current application increases the impervious coverage by .3% to 43.54%. Mr. Stewart also testified that he will submit a structural report to the Board Engineer. The reinforcement made by previous applicant will be satisfactory.

Catherine Gregory was sworn in and qualified as a professional planner and submitted a series of photographic sets that were marked as A-3. Ms. Gregory testified that they were views of the site showing the 10 foot extension which does not create a variance. She testified that the increase in impervious coverage was diminimus. She further testified that

a front yard set back and site yard setback was also required. Both variances are diminimus and she testified that there are no adverse impacts in granting these variances.

Chairman Kortright opened the matter to the public and no public wished to be heard.

Scott Osback moved that the application be approved subject to structural calculations being submitted and noting that the applicant agreed to remove the antennae in the event they ceased operations. Barry Winston seconded the motion which was unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback, Joseph D'Arco.

**Reduce Corporation; Maple Avenue; Block 5903, Lots 7-11; 38 and 39**

Andrew Kohut, Esq., appeared on behalf of the applicant. He explained the application was for a sign variance. Four channel letter signs are proposed as well as a free standing sign. He explained that presently there are no tenants signed to a lease. A document showing signs in the area was given to the Board.

John Janis, of Wayne, New Jersey, was sworn in and qualified as an expert sign. He explained the signage proposed on the building and will be on raceways. He testified that his general findings of the signs in the area were that they all were larger than the 12 feet permitted and that most of the buildings were not set back like the present site. He testified that the sign cannot be lowered because it is set back 13 feet. Joseph D'Arco suggested that the sign should be moved to after the driveway.

Deputy Mayor Swain asked about the type face. It was explained that the type face has not yet been determined. She also asked about lowering the sign and Mr. Janis explained that between the set back required and the grade of the property the applicant believes 16 feet is the proper height.

James Virgona was sworn in and qualified as an expert architect. He explained that the signs are designed to compliment the building. The letters are proposed to be 2 feet high where 16 inches is the maximum. Two feet is needed because the building is set back 87 feet. The building is well hidden and signage needs to be more visible. The pylon sign is 48 square feet which will include the address. They are proposing that each tenant will have 10 ½ square feet which is less than the 12 feet permitted but a variance is required for the 48 feet. He also explained that the height of the free standing sign will appear to be two feet lower because of the grade. Mr. Virgona explained that they intend on having 4 tenants although there can be some variation.

Joseph D'Arco suggested that the pylon sign be relocated to the other side of the driveway which will increase the eastern site distance. Mr. Virgona stated that there is parking in the set back area and the sign would have to be moved closer to the road.

Mr. Virgona explained that the closer the sign is to the street, the smaller the sight angle. Chairman Kortright stated that it would be within the County easement and there would be site triangle issues.

Chairman Kortright opened the matter to the public and no public wished to be heard.

A site plan dated February 2, 2009, was marked as Exhibit A-3.

Mark Paluso of Kinnelon, New Jersey was sworn in and qualified as an expert engineer. He explained the location of the sign in detail which is 31 feet back from Maple Avenue. He testified that this is the only location where the sign can be placed due to the parking location and the tree on the street scape. He testified that it will fit in with the area and the existing signs.

Chairman Kortright opened the matter to the public and no public wished to be heard.

Barry Winston moved that the application as presented be approved and Scott Osback seconded the motion. Upon roll call, the application was approved. AYES: Chairman Peter Kortright, III, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Scott Osback, Todd Malkin. NAY: Joseph D'Arco.

## **Adjournment**

Upon motion by Barry Winston and a second by Scott Osback, the meeting was unanimously adjourned at 9:45 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board

CH:mc