

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. November 8, 2010
MINUTES**

ROLL CALL

Present: Mr. Brensilber, Mrs. Crook, Mr. Farrell, Mr. Fox, Ms. Gilbert, Mr. Kominsky. Mr. Lorenzo.
Absent: Mr. Grossman Mr. Lofberg.
Also present: Mr. Mottola, Mr. Ritvo, Mr. Hals.

OPEN PUBLIC MEETINGS ACT STATEMENT

Chairman Lorenzo read the Open Public Meetings Act Statement: "In compliance with the Open Public Meetings Act P.L. 1975, chapter 231, the notice requirements have been satisfied. Notice for this meeting date was published in the Press Journal on December 24, 2009, and the Record on January 6, 2010 and posted on the bulletin board in the lobby of the Municipal Center."

COMMUNICATIONS

APPROVAL OF MINUTES

Motion by Mr. Fox second by Mrs. Crook to approve the minutes of October 18, 2010. All members who had been present at the meeting voted in favor.

MOTIONS FOR ADJOURNMENT – none scheduled.

UNFINISHED BUSINESS

Resolution to be memorialized:

Approved: Rho, 32 Lylewood Dr – 308/4.
Average front yard setback 27.8'. ZB2010-26.

Motion by Mr. Fox second by Mrs. Crook to memorialize the resolution. All members who had been present at the hearing voted in favor.

Carried from 10-4-10:

T-Mobile Northeast, LLC.
44 Franklin St - 905/7.
Use, Site Plan. ZB2010-25. (Rec'd 9/24/10, decision by 1/21/11)

Present for the applicant was John Edwards of the firm, Price, Meese, Shulman & D'Arminio, 50 Tice Boulevard, Woodcliff Lake, New Jersey. Mr. Edwards said the antenna would be disguised as a flag pole, revised plans had been submitted to show a different location for the tower and communication facility.

Mr. Ritvo said the Board customarily has their own experts for which the applicant pays. He also read the email received from E-2 Project Management, in which several dates were offered to perform a balloon test; after much discussion the Board could not agree on a suitable date, which would have to be noticed as more than three board members would be present. Mr. Ritvo would contact E-2PM and ask for a date after the next meeting scheduled for December 6th.

Minutes approved: 12-6-10.

Mr. Edwards stated for the record a balloon test had already been done, this was a second test to be done once all deciduous trees have lost their leaves. Mr. Edwards went through the variances being requested, noting that items 2c and 2e in Mr. Hals letter dated September 9, 2010 were not in the Planners report of August 31, 2010, adding that in his opinion the Planners report was more favorable to the applicant.

Mr. Mottola read his denial of the application.

David Hals, Schwanewede/Hals Engineering was sworn in by Mr. Ritvo. Mr. Hals went through the items included in his letter of September 9, 2010, noting that he has not reviewed the revised plans dated October 26, 2010.

Joshua Cottrell, PE with the firm French & Parrello, 1800 Rte 34, Suite 101, Wall, New Jersey 07719, gave a summary of his education and experience, and was sworn in by Mr. Ritvo. Mr. Cottrell described the lot, the flagpole antenna and said there would be three unmanned equipment cabinets, the facility would be monitored remotely, a tech would visit the site probably once a month to perform diagnostics, there will be landscaping around the compound.

In response to items in Mr. Hals letter of September 9th, Mr. Cottrell said the driveway will provide access for the tech who will visit the site, the wires to the site will be underground, and with regard to proposed landscaping, Mr. Cottrell said 10 red maples would be planted along the south and east property lines, and 11 arbor vita would be planted around the communication facility; there would be a working light on the door of the facility that would be on a four-hour timer, construction would follow all current approved construction codes.

In response to questions from the board, Mr. Cottrell said the pole would be white and look like a flag pole without a flag, there would be no outdoor equipment, nor generator; he had done about 40 applications for T-Mobile, and was not sure yet how much higher the pole could be as it has not been designed yet; the pole is only designed once approval is granted. As explanation Mr. Cottrell said the antennas are inside the pole, there would be no external antenna, the antenna would be in a two 10' canisters inside the pole.

Harry Lazarovici, 36 Franklin Street, Tenafly asked how far the pole is from his house, and what sort of noise would be generated from the communication facility.

Mr. Cottrell said the pole is 150' to the Franklin Street right-of-way; the noise level would not be more than 65 decibels at the source.

Hegde Ganareg, 43 Franklin Street, Tenafly asked for an explanation of the decibels and the light on the communication facility, and tallest nearby building.

In response Mr. Cottrell said the existing building would block most of the sound, and the equivalent sound of 65 decibels would be a dishwasher in the next room; there are no lights on the tower and the light on the building would be pointing down to the ground, and set at about 8'; the light will be to allow the tech easy access into the facility, it would be on a four hour timer and there are no buildings of comparable height to the tower in the area. In response to further questions from the board regarding lighting, Mr. Cottrell said lighting on the pole is not required by the FAA as it is less than 200' high and not near an airport.

There were no further questions from the public or board members.

Marc Harris, Pinnacle Telecommunications Group 14 Ridgedale Ave, Cedar Knolls, New Jersey, gave a summary of his background, experience, education and named some of the municipalities he had testified in front of, and was sworn in by Mr. Ritvo. Mr. Edwards said Mr. Harris is the FCC Compliance expert.

Minutes approved: 12-6-10.

Mr. Harris said the FCC has standards for safe exposure to emissions, and formulas are used to calculate the numbers which are in percentages; 100% being actual limit, this site is measured at 0.0594% of the Federal standard, less than 1% of the allowable limit, the information is submitted to the State. New Jersey also has an exposure limit which standards are much less than the Federal limits. Mr. Harris offered into evidence his report which was marked A-1 by Mr. Ritvo. Mr. Harris in response to board questions said in comparison a motor of a refrigerator puts out 3-5% exposure to emissions from radiation; there are other federal bodies that involved in emissions, he did not prepare the report or work on it, but independently reviewed it.

Mr. Hegde Ganareg, 43 Franklin Street, Tenafly asked what the exposure is at the height of the houses in the area. .

Mr. Harris replied under the FCC standard the exposure rate is measured at 6.5' high, and he felt there would be no significant difference in the numbers, but off the top of his head he guessed the exposure rate at the peak of the homes in the area the exposure rate could be as high as 1%.

Mr. Edwards said he had no further witnesses for this evening.

Motion by Mrs. Gilbert second by Mr. Brensilber to carry the application to December 6th to be heard at 7:30PM in the Council Chambers or as soon thereafter as the matter can be reached with no further notice required by the applicant. All members on a voice vote were in favor.

Carried from 10-18-10:

SMSA d/b/a Verizon. 2902/23.

Remand hearing as directed by the Appellate Division to hear testimony, as to the availability of alternate site. ZB2007-09. [Information packets received 10-5-10.]

There was discussion by the Board on two possible dates for a Special Hearing on the above application. The dates on which opposing counsel were available were December 7, 13 and 14th. The 14th of December was not suitable as there is a Mayor and Council meeting; there was not a quorum of members available for the remaining two dates.

Motion by Mr. Farrell second by Mr. Kominsky to carry the application to December 6th in the Council Chambers at 7:30PM or as soon thereafter as the matter can be reached with no further notice required by the applicant. All members on a voice vote were in favor. The Board Secretary was instructed by the Chair to contact the two attorneys and offer them January 10, 2011 for a hearing date.

NEW BUSINESS – none scheduled.

CLOSED SESSION – none scheduled.

ADJOURNMENT

Motion by Mrs. Crook second by Mr. Brensilber to adjourn the meeting. All members on a voice vote were in favor and the meeting was adjourned at 9:15PM.

Respectfully submitted,

Lindsay Graham
Board Secretary