

# TOWNSHIP OF WEST MILFORD

## PLANNING BOARD

### Minutes June 22, 2005 REGULAR MEETING

Vice Chairwoman, Leslie Tallaksen, called the meeting to order at 7:33 p.m. with the reading of the legal notice.

#### ROLL CALL

Present: Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner. Alternates: Steven Castronova, Richard Altieri. Board Attorney: Glenn Kienz, Esq. was represented by Bryant Gonzalez, Esq.

Absent: Chairman: Michael Tfank. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Ms. Tallaksen appointed Mr. Castronova to vote for absent member.

Mr. Gonzalez administered the Oath of Office to Richard Altieri, a new alternate member of the Board.

#### PUBLIC PORTION

As no one wished to speak a **MOTION** was made by Michael Siesta, seconded by Kurt Wagner, to close the public hearing. On voice vote all were in favor.

#### SITE PLAN WAIVER APPLICATIONS

##### GETTY PETROLEUM MARKETING INC.

##### Site Plan Waiver 0520-0208W

Block 7508; Lot 16

1367 Union Valley Road, LR Zone

Matter carried at applicant's request.

##### ADVANCED DENTAL ARTS

##### Site Plan Waiver #0520-0213W

Block 6303; Lot 15

29 Marshall Hill Road; CC Zone

John A. Atlas, DDS, 46 Regency Circle, Englewood, NJ 07631 was present and advised that he proposed to open an office for the practice of dentistry in an existing store located at the ShopRite Shopping Center. After discussion, the Board approved the request for a site plan waiver with the condition that any necessary permits are to be acquired from the Division of Building Safety.

**MOTION** made by James O'Bryant, seconded by Michael Siesta, to approve the application.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Kurt Wagner, Steven Castronova.  
No - None

#### APPLICATIONS

##### OMNIPOINT COMMUNICATIONS, INC. (DOCKERTY HOLLOW)

##### Preliminary & Final Site Plan #0420-0170AB

Block 8002; Lot 2

Dockerty Hollow Road; R-2 Zone

Request to collocate on an existing telecommunications facility.

COMPLETE: 05-25-05

DEADLINE: 06-22-05

The applicant was represented by Constantine Stamos, Esq., Price, Meese, Shulman & D'Arminio, P.C., 50 Tice Boulevard, Woodcliff Lake, NJ 07677. He advised that the application before the Board is a request for preliminary and final site plan approval for the subject property. T-Mobile is requesting approval to collocate 12 antennas at the 130-foot level of an existing, 160-foot high monopole. T-Mobile is also looking to place equipment cabinets within a 50- by 100-foot fenced-in compound area on the subject property. The intent is to create an unmanned wireless communications facility. A site plan entitled "Preliminary and Final Site Plan Dockerty Hollow Road Site, Id. No. NJ-07-182D, End of Dockerty Hollow Road, Township of West Milford, County of Passaic, New Jersey" was prepared by Anthony F. Suppa, Jr., P.E. of Dewberry-Goodkind, Inc. dated January 20, 2004 with last revision date of April 5, 2005.

Mr. Stamos then had Gagan Bhandari, a radio frequency engineer for T-Mobile, approach the Board to give testimony with respect to radio frequency engineering for the site. Mr. Bhandari indicated that he had a Bachelor's of Science in electrical engineering and had designed networks for all major network carriers over the past eight (8) years. He further indicated that he had appeared before and been accepted as a radio frequency engineer before Land Use Boards in Hunterdon, Somerset and Morris Counties. The Board accepted Bhandari as an expert with respect to radio frequency engineering.

Mr. Bhandari then testified that T-Mobile was an FCC-licensed carrier and that part of its responsibilities under the license was to provide a seamless network for wireless telecommunications. He then testified with respect to Exhibit A-1, which he indicated was a coverage map with one (1) overlay. Referring to Exhibit A-1, Mr. Bhandari indicated that the green shaded areas depicted thereon showed where there was existing coverage and the white areas showed where there was no reliable coverage in West Milford. He then pointed out to the Board the existing, on-air sites for T-Mobile in West Milford. Generally, he noted that there were ten (10) sites with only five (5) that were on-air and active. He noted that the proposed site would be used as a handoff site between one T-Mobile facility currently existing on Union Valley Road and another T-Mobile site existing on a site located at Wooley Road. Mr. Bhandari noted that the goal of the application was to assist T-Mobile in providing continuous coverage on Union Valley Road and parts of Macopin Road through use of the monopole on the subject property. In this regard, he noted that the applicant was proposing to locate 12 antennas at a height of 130 feet on the existing, 160-foot monopole on the subject property.

The Board then opened the meeting to the public for questions of the testimony presented by Mr. Bhandari. With no members of the public present expressing an interest in this particular testimony, the Board promptly closed the public comment portion of the hearing.

Mr. Stamos then had Dan Collins approach the Board to provide testimony with respect to radio frequency emissions compliance. Mr. Collins indicated that he has worked in the field of radio frequency emissions compliance since 1972 and that he had testified with respect to EMF compliance before many boards including the West Milford Planning Board on prior occasions and had been previously accepted as an expert with respect to radio frequency emissions compliance. Mr. Collins was then accepted as an expert for the purpose of testifying with regard to radio frequency emissions compliance. He then testified with respect to the FCC standards applicable to radio frequency emissions exposure levels and testified that the emissions to be released by the proposed antennas and wireless communications facility would be below the federal standard by a factor of 300 or three-tenths of 1 percent (1%). By comparison, he indicated that the motor of a refrigerator released emissions at a level of 3 percent (3%) and as such concluded that the emissions from the proposed wireless telecommunications facility were safe and would pose no harm to the public.

With respect to State emission standards, he indicated that these standards were five (5) times less protective than federal standards but that considering the emissions proposed for the site, these were 1,500 times below the State allowed levels for emissions.

The Board then opened the meeting to the public for comments and questions of the testimony provided by Mr. Collins. With no members of the public coming forward to express an interest or comment with respect to the testimony of Mr. Collins, the Board promptly closed the public comment portion of the hearing.

Mr. Stamos then had Anthony F. Suppa, P.E. approach the Board to testify with respect to the site plan engineering aspects of the application. Mr. Suppa indicated that he was a licensed engineer in the State of New Jersey and had 24 years of civil engineering experience. He noted that he was the head of Dewberry-Goodkind and had appeared before many Boards throughout the State to present various types of site plans and site plan engineering testimony. As such, Mr. Suppa was accepted by the Board for the purposes of providing expert site plan engineering testimony.

Mr. Suppa indicated that the subject property was located at Block 8002, Lot 2 and the property measured approximately 16 acres. He noted that the subject property had access from Union Valley Road through a gravel drive. He noted that the applicant was seeking to place its equipment within a 50- by 100-foot compound that was surrounded by fencing. The proposed equipment for the wireless telecommunications facility would be located upon a 4-foot by 22-foot concrete pad and that there would be no disturbance to the subject property as a result of this application. He then described how T-Mobile's equipment would be connected to the existing monopole. He noted that there were at present three (3) carriers on-site and that T-Mobile would be the fourth proposed carrier on the existing, 160-foot tall monopole. He then noted that the monopole itself met all structural requirements pursuant to State standards and that the monopole was at 60 percent (60%) of its capacity with four (4) carriers located thereon. As such, he testified that the structural integrity of the pole would hold up and could sustain T-Mobile's antennas. In this regard, he noted that a structural report signed and sealed by a professional engineer would be submitted to the Board insuring the ability of the structure to support the additional antennas.

Mr. Suppa then noted that the applicant was seeking to mount the antennas at the height of 130 feet, utilizing a T-arm. He noted that the antennas proposed by T-Mobile would be the smallest of all antennas presently existing. He noted that T-Mobile's antennas would not stick out further than those presently on the existing monopole. He then noted that a generator area was proposed in the plans but no actual generator was being sought to be installed as part of this application. He indicated in this regard that the applicant was looking to have the generator area available in the event of an emergency. Mr. Suppa then noted that the wireless communications facility would have a battery backup on-site. With respect to maintenance of the equipment, Mr. Suppa noted that the site would be visited once every four (4) weeks by a technician for regular maintenance.

The Board then opened the meeting to the public for comment on the testimony presented by Mr. Suppa. With no members of the public coming forward to present any testimony or comment, the Board promptly closed the public comment portion of the hearing.

Mr. Stamos then had Michael J. Pessolano, P.P. approach the Board to provide planning testimony with respect to the application. Mr. Pessolano indicated that he was a licensed professional planner in the State of New Jersey since 1984 and had a Masters in Urban Planning from the City University of New York at Hunter College. He further noted that he had testified before many Boards in the State and had been accepted as a professional planner for the purposes of providing testimony on applications. As such, the Board accepted Mr. Pessolano as an expert for the purposes of providing professional planning testimony. He then testified with respect to Exhibits A-2 and A-3. Exhibit A-2, he indicated, were photo simulations which he had prepared depicting the subject property with and without the antennas on the monopole on the subject property. Exhibit A-3, he indicated, was an aerial photograph from the DEP 2002 series. He noted that Exhibit A-3 was an aerial photograph of the subject property from a distance. With respect to Exhibit A-2, he testified as to four (4) photographs of the existing monopole on the subject property (1) from the existing access road on the subject property; (2) from King Arthur Court; (3) from Concord Drive; and (4) from Cumberland. Testifying as to the views shown from each of these locations, Mr. Pessolano concluded that there would be little visual impact from the proposed antennas and wireless facility proposed by T-Mobile given the fact that the existing site was fairly remote and surrounded by lots of greenery. He further concluded that no variance relief was necessary.

The Board then opened the meeting to the public for comment on the testimony provided by Mr. Pessolano. With no members of the public coming forward expressing an interest in this testimony or in the application, the Board promptly closed the public comment portion of the hearing.



## **COMMUNICATIONS**

The following correspondence was received and filed:

New Jersey State League of Municipalities Legislative Alert – Educational Requirements for Zoning and Planning Board Members

Letter from Planning Director to Adam Zellner, Executive Director, New Jersey Highlands Council, re meeting of April 4, 2005

New Jersey Department Environmental Protection Wetlands Authorizing General Permit No. 18 issued to Chertacojo, LLC, Decommissioning of Stowaway Dam

New Jersey Department Environmental Protection Water Allocation Permit – West Milford MUA

Copy of letter to New Jersey Department Environmental Protection from West Milford MUA Engineer concerning Awosting Sanitary Sewer Project and STP Outfall Replacement

## **CLOSED SESSION**

Mr. Gonzalez read Resolution No. 2005 – 25 into the record.

**MOTION** made by James O’Bryant, seconded by Michael Siesta, to move into closed session with respect to O’Shea v. West Milford Township Planning Board, Docket #PAS-L-3330-04. On voice vote all were in favor.

The Board returned from closed session and noted that no members of the public were present.

## **ADJOURNMENT**

Meeting adjourned by unanimous consent at 8:47 p.m.

Respectfully submitted,

Grace R. Davis  
Secretary