

**MINUTES  
Of the Township of West Milford  
ZONING BOARD OF ADJUSTMENT  
February 19, 2013  
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:40 p.m. The Board Secretary read the Legal Notice.

**Pledge**

The Chairman asked Michael Gerst the first alternate to sit at the dais for James Olivo who was not in attendance, he explained to the public about the Board of Adjustment, explained the Open Public Meetings Act of the State of New Jersey, appeals go to the Superior Court of the State of New Jersey. He introduced the Board Attorney. The applicant explains the application first then anyone speaking for or against the application is given the opportunity to do so. The Meeting follows a printed agenda. If needed a break will be taken at approximately 9:00. There are no new applications after 10:30, no new testimony after 11:00.

**Roll Call**

**Present:** Russell Curving, Steven Castronova, Frank Curcio, Arthur McQuaid, Michael Siesta, Michael Gerst, Clint Space, Robert Brady

**Also Present:** Stephen Glatt, Board Attorney, William H. Drew, Board Planner, Michael Cristaldi, Board Engineer, Denyse Todd, Board Secretary

**Absent:** James Olivo

**MEMORIALIZATIONS**

**MC DONALD'S CORP.  
USE AND BULK VARIANCE #ZB11-11-14  
PREL & FINAL SITE PLAN ZB11-11-14  
Block 6303; Lot 14 & 15  
41 Marshall Hill Road, CC Zone**

Approval of Preliminary and final site plan, d (3) conditional use variance, d (1) use variance and associated bulk variance approvals for the reconstruction of the McDonald's. The proposal is also for installation of a freestanding sign and other improvements there are other pre-existing nonconforming site conditions associated with the application.

Dean Donatelli, Attorney for Ingelsino, Pearlman, and Joe Jaworski, Project Engineer both present for any questions. The Applicant's Attorney has reviewed the resolution and has found it acceptable.

The Chairman asked if the Board had any questions or comments about the resolution. Mr. Glatt commented that the Board carried the application to give the Board Professionals an opportunity to memorialize in writing the conditions and any additional reports for the Board's benefit and give to the applicant for any comment they might have.

The application was opened to the public. After seeing no one for or against the application there was a motion and second to close public portion.

**Motion by Michael Gerst** to approve the application. Mr. Glatt explained that the resolution is based on the fact finding that the Board has, that fact finding was pulled from the testimony and what was heard so far. The resolution was prepared with the understanding that if the Board did approve the application that the resolution would be available but if the Board denied it the resolution would be meaningless. A lot of the finding of fact came from the professionals that testified before the Board and both on the side of the applicant and the Board professionals and with the cooperation of the Board and the applicant's as well. There would be fact finding needed since the resolution was not approved as of yet. Mr. McDonough, the applicant's planner testified about

the conditional use variance and how the applicant meets three out of five criteria for the conditional two they could not meet but they were improving the site plan which is the d-3 variance. The d-1 was the off site sign which already exists. The building is a little larger but is more compact, more geared to the drive thru which McDonald's has found to be more efficient, more customers prefer it, it has two lanes, it is safer. The bulk variances were explained by the planner with regard to the hardships and felt it would go toward the c-1 relief and overall the c-2 benefits outweigh the negative. He did not find there were any real negative criteria. The signage was discussed and overall the signage is bigger, but the bulk is less because there is a lot of air and space in the other signage and the applicant cooperated with the Board and took the suggestion. There was a meeting of all professionals applicant and Board and they worked out all concerns. At the last hearing the Board Planner, Engineer and Landscape Architect all decided they were satisfied and since that time they looked at the conditions and as the applicant's attorney indicated they had no problem meeting those conditions.

**Second by Stephen Castronova**

Mr. McQuaid added that the applicant agreed to the conditions that have been imposed by the Board. Mr. Glatt explained that the applicant has the right to come back to the Board if in the future they have a problem meeting any of the conditions and if they do they can supply explanations of why. At this point they are satisfied with everything. This application is in conjunction with the whole shopping center because it is being re-built and there is cooperation and it is to the betterment of the Township and would not be detrimental to the public good.

**Mr. Castronova amended his second**

Mr. Brady asked Mr. Donatelli if it was understood that if the applicant had any issues with the conditions that they would have to return to the Board to change that. Mr. Donatelli indicated it was understood.

**Roll Call Vote:**

**Yes:** Russell Curving, Steven Castronova, Frank Curcio, Arthur McQuaid, Michael Siesta, Robert Brady

**No:** none

**MC DONALD'S CORP.  
RESOLUTION NO. 5-2013  
USE AND BULK VARIANCE #ZB11-11-14  
PREL & FINAL SITE PLAN ZB11-11-14  
Block 6303; Lot 14 & 15  
41 Marshall Hill Road, CC Zone**

The Resolution combines the use variances, conditional c-1 and bulk variances preliminary and final site plan approval.

**Motion by Steven Castronova to Memorialize Resolution No. 5-2013**

**Second by Russell Curving**

**Roll Call Vote:**

**Yes:** Russell Curving, Steven Castronova, Frank curcio, Arthur McQuaid, Michael Siesta, Michael Gerst, Robert Brady

**No:** none

**NEW YORK SMSA /VERIZON WIRELESS  
PRELIMINARY & FINAL SITE PLAN  
WIRELESS TELECOM; USE VARIANCE  
INTERPRETATION ZB12-12-12  
Block 4701; Lot 61  
750 Westbrook Road; R-4 Zone**

Use variance, bulk variance, preliminary and final site plan approval requested for the development of a wireless telecommunications facility in an R-4 zone. Additionally an Interpretation application was sought for zoning requirements with regard to permitted principle uses.

Alan B. Zublatt, Esquire appeared on behalf of New York SMSA d/b/a Verizon Wireless for preliminary and final site plan approval, use variances where applicable to erect a wireless facility at 750 Westbrook Road in West Milford, in the R-4 Zone which is a very low density residential zone district. The project consists of a new wireless telecommunications facility with a stealth monopole design in conformity with the criteria of the ordinance dealing with camouflage. The tower consists of 120 foot monopole camouflaged as a tree monopine with antennas which brings it to approximately 123 feet to the top of the antenna. The applicant will prove the cases for the use variances. Some may be bulk variances but if they are will be subsumed into the use variances. They are requesting two use variances, one for height because in the R-4 zone although telecommunications facilities are permitted, subject to height requirements. Mr. Zublatt referred to an old case dealing with this situation and which was the use the tower or the cabinetry, and there was discussion among Mr. Glatt and Mr. Zublatt whether or not it was a bulk or use variance and Mr. Glatt and Mr. Zublatt decided the best way to handle it was a use variance. Mr. Glatt indicated that it was with regard to the interpretation application which is still there and subsequently filed a use variance. In addition there is a use variance dealing with whether or not there are two principal buildings on the lot and that was the subject of the interpretation and there was a prohibition in the ordinance that deals with principal buildings which says in terms of building that no more than one principal building is allowed on the lot. The question is whether or not a telecom facility is considered a building on the lot and it was again decided between the attorneys that it would also be approached as a use variance and not say whether it is or is not a building. *The definition under 500-78 states unless otherwise defined in this chapter no more than one dwelling unit or principal building shall be permitted on one lot.* Which they understand. *The definition of principal building was that the building conducting the principal use of the lot with multiple principal uses may have multiple principal buildings.* There was confusion so it was decided to prove it as a use variance. Use Variance for prohibition against more than one principal building d-1 variance, the height which is a d-6 variance. Mr. Glatt added that they discussed this at length some time ago and made it clear that it was discussed and Mr. Zublatt accepted the argument, Mr. Glatt is not prohibiting the applicant's argument Mr. Zublatt was discussing a principal building and Mr. Glatt was discussing a principal use. There will be three principal uses on the property, which kicks in the use variance. Mr. Zublatt indicated he was accepting it but it might be different than a building for the record. There is also something under wireless communications and there was another question under Section 135 that deals with set backs the planner's testimony will discuss this and it is the SCC Zone which is the Senior Congregate Care Zone Article 12 so it does not apply. The basic theme is to lay it out and the magnitude of any deviations looking at this humongous lot is minimal. The spirit of the residential zone which permits under certain conditions telecommunications facilities allows them in the R-4 Zone. There is a gap in coverage along Westbrook Road which needs to be filled. This will fill a great deal of the gap. Mr. Pearson, the Radio Frequency Expert will provide testimony to this fact.

The Professional Engineer was first to speak on the applicant's behalf he is Chris Cirrotti and was sworn in by the Board Attorney. He is a Professional Engineer licensed in the State of NJ since 1994. He has appeared before the Township Planning Board twice as well as other zoning boards and planning boards in the state on various site development applications. He has a Bachelors Degree in Civil Engineering from Rutgers. His credentials were accepted by the Board.

Mr. Zublatt asked Mr. Cirrotti about the applications and if the Board had the latest revised plans and they do. He assisted in preparing the plans and other documents relating to the application. The Township reports were also reviewed by Mr. Cirrotti. Mr. Zublatt asked for a description of the site to be explained to the Board.

Mr. Cirrotti explained that his exhibit is the same that the Board has but mounted Z-9 Aerial View of Property marked as Exhibit A-1. He continued the subject site is depicted by the white boundary. It is a large property 139.4 acres. There are several structures, the primary residence secondary residence utility structures, garages etc. located throughout the site. The main driveway comes up from the southerly property boundary winds up the hill to the primary residence. It has a secondary driveway to the project location which is in the center of the lot. This is where the wireless facility will be located. Sheet Z-4 Exhibit A-2 it depicts a closer view of the actual wireless communications facility compound area. The right side shows the existing paved driveway and comes up to one of the existing residential structures. There is a paved apron at the garages of that structure and to the west of the building is the location of the proposed facility. It will immediately abut the gravel driveway area so the site is a 40 X 70 fenced enclosure, it will have a gravel surface along its entirety, there are several pieces of equipment located in the compound. Sixteen trees will be removed to facilitate the grading and development of the site, which are noted on the plan with an "X". The grading is also showed and the adjustments to create the flat surface to accommodate the compound

area a drainage swale along the northerly side of the compound will intercept runoff from the hill side directed around the compound and allow it to continue to sheet flow across the remainder of the site. The plan also indicates the portion of the routing of the utilities, electric and telecom which will be routed underground in conduits along side the roadway. There is a match line on the plan and they are proposing to tie into the existing electrical transformer on site that is approximately 200 feet from the compound. The telecommunications conduits will continue down to the main road at the end of the driveway.

Sheet Z-5, exhibit A-3 which shows the 40 X 70 foot compound within the compound are a set of double swing gates adjacent to the existing gravel area, there is an existing 16 X 20 foot shed which will be removed and that will be entry point into the compound. There is a proposed 800 amp meter bank disconnect switch and electrical metering which will be located along the fence line on the south side of the compound beyond that will be the telecommunications cabinet for the incoming service. There will be underground cabling for electric and telecommunications that would then go to the Verizon Wireless Equipment shelter, it is proposed to be 11'6" X 20' equipment shelter, mounted on grade on foundations and will house the equipment associated with the facility. Adjacent to that will be the proposed monopine or monopole, the pole and compound is depicted in elevation on the right side of the plan. It is a 120 foot monopole, antennas mounted at the center line of 120 feet above grade and the maximum antenna elevation is 123 foot 3 inches. There are 4 antennas per sector at the top of the monopine a total of 12 antennas for the installation. Other equipment located at the ground level consists of an emergency generator that will be located on a concrete slab in the northwesterly corner of the compound, 4' X 9' concrete pad for the generator to be on a 500 gallon propane tank to fuel the emergency generator. There is a proposed 6 foot chain link fence that will enclose the compound. Immediately outside will be a transformer for the incoming electrical. A Board member asked and was answered that the monopine is designed to accept additional antennas in the future for collocations up to four. Any collocations will need to return to the Board for approvals however the compound is designed for collocations. The equipment shelter is depicted to be 11 ½ X 20 foot shelter that is located in elevation immediately to the west of the monopole.

A Board Member and Mr. Glatt asked about the transformer outside the fencing and the reason is that it is a point of demarcation, located outside the compound surrounded by bollards so that service personnel relating to electrical utility can access the transformer without needing to get inside the compound. It does not propose a danger they are all over and not protected. Mr. Brady asked how far the transformer was from the residence and the professional said approximately 30 feet. The fenced enclosure is 36 feet from the building so the transformer is about 30 feet and that is not uncommon it is usually a 10 foot safety zone around them as a minimum it is for servicing by the electric company personnel. The tree height is within the ordinance recommendations. Mr. Drew asked if the 120 feet tower height the maximum height to accommodate the four collocations or will the tower height be expanded. The applicant's engineer indicated that at this point there is no plan to extend it further the tower would have sufficient capacity below these antennas to locate other carriers. Sheet Z-5 shows Verizon to be at the top and other carriers will be below that. Presently it will be 123 feet to the top of the antenna. Mr. Zublatt added any collocations will be required to come to the Board for permission this is only their application. Mr. Drew asked what the typical spacing by different carriers is on a collocation, Mr Zublatt indicated the Radio Frequency Expert will testify but in his experience it has been 10 feet of vertical separation. Mr. Brady wanted the clarification on how many could collocate on that monopole including Verizon and the answer is 4 antenna installations. Mr. Siesta asked how the propane tank will be filled and the access will be from the driveway, back into the compound and fill it. He also asked how long the propane will last and the expert indicated that he was not sure. Mr. Glatt addressed the applicant's engineer and confirmed that the Engineer was told what to design to meet the criteria of the applicant.

Sheet Z-3, exhibit A-4 which is the site plan and notes it is a depiction of the property in its entirety. The rear yard set back from the property line to the fenced in enclosure is 669 feet where 300 feet is required. The front yard set back to the enclosure is 465 feet where 300 feet is required. The two side yard set backs are 2,288 feet to the west and 2366 feet to the east. The distance from the monopole to the office/caretaker's house is shown on A-2 which is Z-4 shows it to be 46 feet to the compound fenced enclosure. The distance to the monopole is 82 feet.

Mr. Zublatt asked the professional questions the following answers contain the question as well. There will be no wells needed, there will be no physical effect on offsite utilities or structures. There are no proposed access driveways they are abutting up to the existing driveway. There is only a minimal effect to existing drainage patterns they are preserving and maintaining existing patterns.

There will be no odor, pollution, it is an unmanned facility but visited on the average of once a month. No real traffic concerns only a service call or monthly visit. No water, sewer or drywells necessary for the facility. There will be a 70 watt lighting fixture to be mounted on the unmanned equipment shelter over the doorway and will be motion activated/censored it will be on when someone needs to get to the shelter. It will require no additional fencing parking or anything additional to what was indicated. There is adequate room in the gravel driveway area for the single person's truck. They received the County Planning Board Exemption letter, which will be sent to the secretary for the file.

Mr. Zublatt asked about the Health report they have shown the approximate septic field location that is located immediately to the east of the residential structure. They will comply with the requirement to show all pertinent parts of the system so they are located. The other item pertains to the radius and the tower. Mr. Zublatt indicated they will comply with the recommendations of the Health Department. The Fire Marshall's report was next they will comply with his request. The Engineer's report was next. The engineer's comments were addressed and will comply. The highest elevation in the vicinity is 862 feet ground elevation, the highest on a topographical survey from 1995 is 1200 foot range. The Planner's questions were answered with regard to the utilities.

Mr. Castronova asked if there were antennas higher than 120 feet the professional was not able to answer the question and hopefully the radio frequency expert would be able to. Mr. Castronova also asked if it will encompass Ringwood as well and again it was deflected to the other professional. Mr. Glatt asked why this particular area was chosen out of the 139 acre lot. Mr. Cirrotti indicated that part of it is driven by radio frequency but on the engineering part is because there are a lot of steep slopes and there is a limited area where there is an existing driveway along the existing driveway this area presented itself as a feasible location both with good access to the driveway, a relatively flat area with some grading but was an area that would minimize the disturbance. Being in the Highlands and with some environmental conditions with the slope, and engineering and R.F. all factored in and it was the best location on that property. Mr. McQuaid does not like the location being so close to the residential dwelling. The fenced enclosure is 36 feet away. Mr. McQuaid does not like the "bottlebrush tree" design either. Mr. McQuaid let the applicant's attorney know that this is about the 17<sup>th</sup> cell tower application that he has been part of but he would gladly listen to the testimony. The Radio Frequency expert will discuss some items of concern. Mr. Zublatt explained with regard to the pole it is approximately 82 feet from the caretaker's facility. They will offer an alternative to the bottlebrush comment and the planner will address that. Mr. Glatt indicated that the Board was going to take a break in a few minutes but in light of what Mr. McQuaid said, many of the Board Members have sat on many cell towers and before there were telecommunications ordinances they heard a lot. He is expressing his concern besides the camouflaging of the pole but with the distance. He also mentioned in the opening that Mr. Zublatt discussed the set backs in Section 135 of the SCC zone and he believed it to be 100 square feet. They are hear for a use variance and as he knows from experience that the Board has a lot of lead way and if they grant the use variance they can impose conditions. He indicated that his argument could be about the set backs between principal buildings. Maybe during the break it can be discussed among the applicant and the professionals if it can be moved further away from the house because it was already said it would be a problem. If they could and if the client is willing to do that it would be great if not reasons will need to be presented why not or they can keep it the way it is and that would be it. Mr. Zublatt indicated that in conjunction with the erection of the monopole, what standards are used to ensure there is no danger with regard to the facility that Mr. McQuaid is concerned about. Mr. Cirrotti indicated that the tower will have undergone a full structural analysis of the design it will be done in accordance with the TIA standards and the applicable building codes and submitted for a building permit and will be compliant with the applicable codes that govern the erection of towers. Mr. Zublatt added that the Building Sub-code Official has jurisdiction over construction design and the code and takes into account things like that.

A Board Member was concerned with radio frequency distance from the tower, Mr. Glatt indicated it seems it should be 100 feet and all professionals' applicants and Board will express their opinions. Their opinion is that there is no standard the 100 feet is only in the specific zone indicated.

There was a motion and a second to take a break at 8:47.

All in favor to take a 10 minute break.

The meeting commenced at 9:07.

Mr. Zublatt indicated that during the break they met with their Highland's expert, the Radio Frequency Engineer and the Civil Engineer and they will be able to move the tower to approximately 110 feet from the caretaker's facility. The height will not increase and it will still be able to be collocated on. The Professional Engineer is being called back. Mr. Cirrotti indicated after some discussion that they looked at reorienting the layout of the compound what was proposed is the tower being at the east side of the equipment shelter they are now suggesting to increase the distance between the pole and the existing building by relocating the pole off the northwesterly corner of the equipment shelter it would be approximately the same distance from the shelter but on the other side of it. They will bump out the fenced enclosure to enclose the base of the monopole, enclose the location resulting in a minimal additional gravel surface, eliminate the need to extend the driveway so by bumping out the compound area by another 100 square feet or so, they can fence in the monopole on the westerly side and get a separation distance of approximately 110 feet from the closest point of the existing building. They will need to relocate the propane tank and emergency generator to the south side of the compound so collocators in the future can easily connect via their cabling assemblies to the tower. The exterior fencing will stay the same except bumped out to go west then south the back east to enclose the pole. There will be a rectangular enclosure with a bump out. The height will not increase with collocations. Mr. Zublatt asked if there were any other questions. Mr. Castronova asked if there was any reason the fence could not be moved to the east and the engineer said that because of collocators equipment in that section of the compound. If enclosure is moved they would need additional impervious surface because of separation. Grading will be pushed further out. They do not want to move the entire compound because they will need to increase the driveway and it will also impact the grading. The area suggested is already at the same grade as the compound. Mr. Glatt asked if there was a minimum amount of square footage needed in the compound to accommodate collocators the professional is unable to give the number but the compound shown is the space needed. Mr. Glatt made the suggestion to revise the site plans let the experts speak tonight and look at the revised plans at the next meeting. The rest of the testimony does not have too much bearing on the specific location. The collocators will remain and also the height will not increase. There were no additional questions of the engineer.

Mr. Zublatt brought up Glenn Pierson, Radio Frequency Expert; sworn in by Mr. Glatt he is a partner in PierCon Solutions, 63 Beaver Brook Road, Lincoln Park NJ. Bachelors in Engineering from NJIT, 27 years experience and he has been before the Board at least 14 times.

Mr. Pierson explained the system is generally comprised of a switching center a number of which are throughout the State as well, this will probably go into Wayne then connect to base stations that are located around the state approximately 1000 or 1500. Each covers a given area, the switching station connects to the radio equipment which is the core of the site which is the radio equipment in the shelter that is where most of the active components are. Then to have the coverage from the site antennas have to be installed so they go on a building or existing towers or build a new tower to hold the antennas.

Sometimes the towers are too high sometimes too low the criteria is where does it cover and where does it see to, to provide coverage. What do you not want to cover, parts of Skyline Drive will be covered with this. Exhibit A- 5 Verizon Wireless RF design Ringwood, was marked into evidence. It is a base map and 2 overlays, the base map is a USDS Topographical Map. It's printed out as 1 inch equals 1212 feet, its zoomed in a little bit it shows the Wanaque Reservoir on the right side from north to south Ringwood is on the right side of the exhibit. The boundary runs down the center between Ringwood and West Milford. The left side is West Milford. Westbrook Road runs east to west on the exhibit. It runs from Macopin Road to Wanaque/Ringwood Area. The green dots on the exhibit show it to be an existing Verizon facility. The RF expert is explaining the cell towers depicted on the exhibit Dockerty Hollow and Route 23 behind the space center are the only towers in West Milford that Verizon built they collocate on other towers. The average tower height is 125 to 150 feet. The blue dot in the center is the proposed site. The first overlay is a green it shows coverage in a wood 1 or 2 story house if brick or sided coverage can be less, vehicle coverage is better. The un-tinted area down the center of the exhibit which does consists of housing developments state park, Burnt Meadow Road down to Ringwood a little service here and there. There is some service on Westbrook from Kitchell Lake to Stonetown Road then drops off no bars no service. Brown lines on the map show hills, the subject property at the highest point is about 1000 feet, the air strip on the south side is about 1000 feet also Westbrook comes between those two hills, going west is another hill. They did various studies to check distance for service with different cell tower locations. To get from Kitchell Lake to Ringwood this is the location that makes sense. The second overlay shows coverage with cell tower at the location they picked. It will get most of Westbrook Road but there are slight gaps it should have vehicle coverage.

There was a traffic study done and at Snake Den Road which is in the gap of coverage area, 1840 cars per day it was taken on April 3, 2012 – April 5, 2012. The study was marked into evidence as A-6. They also did a study of homes with no coverage and 75-80 will benefit from the tower. In the upper corner on map marked urban minor arterial. The height will be required to fill the gap on Westbrook. It will also help with Emergency Services. There will be voice calls and 4G data in the 700 to 800 MHz range, at this site.

The quarry site was rejected because of lower elevation and it would not see west. 711 Westbrook Road has an airfield, the owner was not interested in having the tower there. Ringwood Fire Department by Stonetown Road would not work because it would be between 2 ridges and all it would cover would be Stonetown. 614 Westbrook Road is too low there is a stream there as well and would not get through the gap to go west. Stonetown Recreation property was rejected also.

The location and the height of the tower will best serve this location. The Board Attorney asked if there was any municipal property that would be a candidate. It is at the bottom of the hill there will not be coverage past where you can see about a quarter mile. The KOA campground was brought up by the Chairman. The expert explained that there it was not a viable property, anything on the west side of Kitchell would not work because it dips down behind a 900 foot hill and more than one tower would be needed. The RF expert also recalled a previous tower project and the KOA property was looked into but remembered there was something with Green Acres with the property. The area was not tested because it is out of the search area and is on the side of the hill that is going to block it from covering anywhere near the amount of Westbrook Road that needs the coverage. There is a 5 signal strength. Several towers would be needed for the coverage that is proposed for that site.

Mr. Glatt commented that they are mandated to have collocations, what would be the minimum height Verizon would need to operate in order to cover what is being covered. The 125 feet is the minimum because there are still gaps even with that. Mr. Glatt wanted to know how collocators would work, Mr. Pearson indicated that it depends on the frequency they would be using, the different bands used will work in an area with trees. Other carriers may or may not get the coverage they require by collocating. Clarification of the carriers is normally 10 foot center line to center line, about 4-5 foot clear between the antennas which is how he designed the antenna behind Town Hall. Someone may want to go higher, two may be able to go below.

Mr. Pierson prepared a report with regard to radio frequency, he explained the FCC guidelines and how you arrive at the number transmitters to full power then there are reflections so it multiplies it to make it worst, they do not assume there is any transmission line between the transmitter and the antenna which is another worse case scenario. The worst case antenna or highest emission that you could get. All worst-case assumptions are calculated each one based on the percent of the standard. The standard is 100%, they have to be below the threshold, they are not only below but less than 1 percent .736 which is insignificant. There is additional discussion about the report. It is in compliance with the New Jersey Radiation Protection Act Standards and Federal Standards are more stringent than New Jersey, the Federal Standard is what was used. They are at .736% or 135.9 times below the standard of 100%. Mr. Glatt indicated that radiation emission is governed by the Federal Government and the State and not within the jurisdiction of the Board to take issue with it.

Mr. Pierson indicated that his ground elevation would not be changing with the possible relocation of the tower. It will not really make a difference if he is going east to west if going north to south it changes the view through the gap, if only a difference of 20 or 30 feet it should not change the projected coverage. Mr. McQuaid asked if the tower was moved east west 30 or 40 feet, keeping the same ground elevation should not be effected. Mr. Gerst asked about a person sleeping in a second floor bedroom and there is no emission to worry about no concern. They also checked in line with the property that has the airstrip that is in line across the way but its 2400 feet away and that is .26 % of the standard. Due west from the property there is a hill of 880 feet that is about 1535 feet away that is a .5% that would be almost in line and not below the antennas. There are not structures that will be in a location that is eye level with the monopole, you would need to be in the woods directly north and then it will still be several hundred feet away.

The Environmental Expert is Christopher Lanna, of E2 Project Management 87 Hibernia Road, Rockaway, NJ undergraduate degree in ecology, Masters, Environmental Management, worked in the environmental field for 30 plus years. He has testified in front of the Township Planning Board also throughout the State of NJ and NY on these issues. His credentials were accepted by the

Board. Mr. Zublatt asked the expert about the habitat at the proposed location with regard to the Environmental Commission report that discusses the camouflaging of the monopole and their plans are reflecting a camouflaged monopine. A Natural Heritage Report was applied for this is a list of endangered and threatened species that could be in the site area. They do a list from GIS data bases to supplement that information. The report indicated that there are several endangered/threatened species in the area. The contacted the Non-Game Office which is in charge of the endangered species program. There was an issue with raptors, bald eagles and when they looked into it the bald eagles nest or any other raptors' nests were far away. They were asked to limit tree cutting to a certain time of the year so they would not impact any local red shoulder or other hawks that might be nesting in the area, which they will comply to. There was an issue with rattlesnakes and copperheads in the area, they were required to do 3 or 4 items to protect what rattlesnakes may be there, one item was to raise the fence 6 or 8 inches so any snakes can pass under. They want the shelter to the ground so nothing can get under. A study was requested pre disturbance to check to see if there were rattlesnake or copperhead dens or gestation sites and if they are doing the building during a certain time of the year they are requiring a state monitor to be on site during the construction. Mr. Lanna indicated that they will comply with all of those.

Mr. Lanna was now asked by Mr. Zublatt if the location is changed, from a Highlands point of view, the exemption they are applying for allows them to increase the impervious surface on the property up to 25 %. Moving the site will increase the impervious area of the compound slightly they will need to modify their Highlands application. He does not recommend moving it too far because of the endangered species but moving it 20 or 30 feet should not be a problem. Mr. Glatt asked about the 25% with the Highlands application. Mr. Lanna explained that there with exemption 4 is a certain amount of impervious surface connecting impervious surface on the property which would consist of road and buildings and they are allowed to increase it up to 25%. This would not be close to the increase they are proposing. They have to be connected to the impervious surface and it will require an amended site plan. Mr. Glatt asked if they move the eastern fence in would it still require a modification and he indicated they would because they have to connect to the road. Mr. McQuaid confirmed that they could take the compound, move it 30 feet and not have too much difficulty other than the impervious with the driveway. Mr. Lanna indicated that was the case because of the Highlands not necessarily because of the endangered species because the area is already disturbed. They want to keep it there because it is already disturbed. When it gets moved over it will go into virgin land and trees and they want to avoid that as much as possible.

Mr. Glatt indicated that Mr. Zublatt questioned Mr. Lanna about comment 3. The Board should understand the Environmental Commission unlike other agencies when the Board approves something and it is subject to local state federal ordinances, the Environmental Commission is only an advisory agency and the Board is not bound by their recommendation, nor is the applicant bound by that if it was made a condition of approval, the applicant would have to abide by that but if the Board for some reason feels there is no need for camouflaging taking into consideration their comments and also the evidence that you see but it is not mandatory. This was brought up because of Mr. McQuaid's comment about the camouflaged pole. Mr. McQuaid indicated that it would be up to the whole Board.

Mr. Zublatt was calling up their last expert Mr. Brady wanted Mr. Zublatt to know that the Board does not hear testimony after 11:00 p.m. and in order to prevent it happening where the presentation would be done at the next meeting. Years ago they went 2 minutes over and they were appealed. It would have to be enough time for Board questions as well. Mr. Glatt indicated that it might be better for continuity for it to be carried until the next meeting. Mr. Zublatt asked if she started now if it was possible to end before 11 if the planner could start.

Motion to take a break at 10:22

Return at 10:30

Mr. Zublatt requested an adjournment until March 26, 2013, they will supply additional photo simulations and also revised plans 10 days before the meeting. Mr. Zublatt indicated that there were people in the audience who wanted to comment but cannot do so at this time.

**Motion by Russell Curving** to adjourn the application until March 26, 2013.

**Second by Steven Castronova**

No need to re-advertise, the exhibits need to stay with the Secretary.

**Motion by Steven Castronova to approve Stephen Glatt's bills**

**Second by Michael Siesta**

**All in favor to approve Stephen Glatt's bills**

**Motion by Steven Castronova to approve William Drew's bills**

**Second by Michael Siesta**

**All in favor to approve William Drew's bills**

**Motion and second to approve Michael Cristaldi's bills**

**All in favor to approve Michael Cristaldi's bills**

**Motion and second to approve Mr. Hakim's bills**

**All in favor to accept Mr. Hakim's Landscape Architect bills**

**Motion by Russell Curving to approve the minutes of December 18, 2012 Regular Meeting**

**Second by Michael Gerst**

**All in favor to approve**

**Motion by Steven Castronova to approve the 1/22/13 re-organization minutes**

**Second by Frank Curcio**

**All in favor to approve the re-organization minutes**

**Motion by Frank Curcio to approve the 1/22/13 regular meeting minutes**

**Second by Russell Curving**

**All in favor to approve the 1/22/13 regular meeting minutes**

**Motion by Michael Siesta to adjourn the meeting of February 19, 2013**

**Second by Michael Gerst**

**All in Favor to adjourn the meeting**

**Meeting adjourned at 10:38 p.m.**

**Adopted: May 21, 2013**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment