

**MINUTES  
Of the Township of West Milford  
ZONING BOARD OF ADJUSTMENT  
February 23, 2010  
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:34 p.m. The Board Secretary read the Legal Notice.

**Pledge**

The Chairman asked all in attendance to join in the Pledge of Allegiance. Board Chairman Brady explained the meeting process and introduced the Board Attorney. He also explained the Open Meetings Act and the appeal process and the agenda placement.

**Roll Call**

**Present:** Ada Erik, Francis Hannan, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini, Vivienne Erk, James Olivo, Robert Brady

**Also Present:** Stephen Glatt, Board Attorney, William Drew, Board Planner, Richard McFadden, Board Engineer and Denyse Todd, Board Secretary

**MEMORIALIZATIONS**

**RESOLUTION NO. 1-2010  
BOARD ATTORNEY CONTRACT**

**Motion by Francis Hannan** to memorialize Resolution No. 1-2010  
**Second by Ada Erik**

**All in Favor**  
**Opposed:** none

**RESOLUTION NO. 2-2010  
BOARD PLANNER CONTRACT**

**Motion by Francis Hannan** to memorialize Resolution No. 2-2010  
**Second By Ada Erik**

**All in Favor**  
**Opposed:** none

**RESOLUTION NO. 3-2010  
BOARD SUBSTITUTE PLANNER**

**Motion by Ada Erik** to memorialize Resolution No. 3-2010  
**Second by Francis Hannan**

**All in favor**  
**Opposed:** none

Professionals are signing contracts and oaths.

**NEW CING. /DBA/ AT&T  
USE VARIANCE, BULK VARIANCE &  
WIRELESS TELE. SITE PLAN #ZB09-09-09  
Block 4601; Lot 22  
Greenwood Lk Tpk & E. Shore Rd LMI Zone**

Judith Babinski of Day Pitney, LLP on behalf of AT & T Wireless. They are proposing 3 antennas that will be flush mounted to the existing pole, which is 124 feet, and they are proposing 113 feet. They have been before the Board several times.

Mr. Glatt confirmed that this application was originally a cell tower or monopole approval for Sprint who has since sold it. Sprint never received a Certificate of Occupancy for the existing cell tower and this information was discovered as a result of this application. The new owner is Tower Co. and they are in the process of getting things in order and submitting documents. There was discussion regarding same between Ms. Babinski, Chairman Brady, Mr. Drew and Mr. Glatt. If the approvals are granted tonight the approvals will be subject to the new owner obtaining the Certificate of Occupancy and no permits can be pulled until the CO for the monopole is granted.

Ms. Babinski commented that the application is very easy. Mr. Glatt requested all of the applicant's professionals be brought forward to be sworn in by the Board Attorney. Glenn Kreisberg of Woodstock, NY; David Evans, Paramus, NJ; Peter Tolischus, PP, Heyer, Gruel & Associates, Broad Street, Redbank, NJ.

Glenn Kreisberg, Radio Frequency Engineer, Jacksonville State University, 1983, has testified for 16 years and has been accepted as a professional in this capacity in many towns in New Jersey. He is responsible for the design site for the Board. Mr. Brady accepted Mr. Kreisberg's credentials as the Radio Frequency Expert. A-1 is the propagation map and Mr. Kreisberg explained the design to the Board and the level of coverage available at this time. The area colored green is the acceptable coverage and there are gaps in the coverage area on County Route 511. Currently there is a gap in network services. A-2 shows the composite coverage and the gap being closed. It is the opinion of the professional that this site is needed to provide the coverage needed in West Milford. Mr. Brady asked if Board members had questions, nobody commented and Miss Babinski excused him as the weather is not good and he is heading into more snow.

David Evans has a Masters in Engineering from Polytechnic University, Brooklyn, New York, Licensed Professional Engineer in New Jersey employed by Black and Veatch and responsible for the plans this evening. He has testified before 2 Boards in New Jersey as an expert witness and many in New York. Mr. Brady accepted Mr. Evans credentials as the Licensed Professional Engineer. AT& T is proposing to mount three antennas near the top of the pole at an elevation 113 feet above ground level. The site plans used for reference are the same as the Board copies just enlarged. They are marked as A-3 and will refer to sheet numbers. Sheet Z-4 depicts installing 3 antennas at an elevation of 113 feet and 6 T.M.A.s, which are Tower Mounted Amplifiers. This is a collocation. The Tower is 124 feet and they are going at 113 feet. The mount to the tower is a chain mount and pipes will be connected to the antennas and would stand off just to the width of the pipe, it will match the existing antenna installation. The compound is existing, gravel and fenced in with a double gate for access. There is a cable tray and an ice bridge leading to the tower. There are presently three antennas mounted at the top of the pole and a GPS mount about half way up the pole. AT&T is proposing to install a second line up of equipment consisting of 6 radio cabinets to be mounted on a proposed concrete pad. There is a pad over a monitoring well, which is for access to the sites grounding ring. The well will require continued access so the proposal is to extend through a sleeve, access into the well through the pad that is proposed. A GPS antenna is also proposed to be placed on the cable bridge, which is about 5 or 6 inches and is required because it triangulates the satellites.

Mr. Drew's report is discussed, specifically revisions of plans and Ms. Babinski told the Board that they agree to all revisions and Mr. Evans agreed.

The Equipment cabinets are used for power, radio and computer equipment that the cell site needs to communicate with the handsets in the vicinity of the site, it was confirmed that this is all computer equipment and there is no generator proposed.

Mr. Glatt confirmed that the report discussed was Mr. Drew's report of February 12, 2010. Paragraph 4 on page 2. Mr. Glatt read through all of the revisions.

Mr. McQuaid asked about the 10 foot pole and Ms. Babinski explained that there will not be a 10 foot pole that there will be a cable bridge and it will go on there and only 4 or 5 inches high. Mr. Evans explained that the proposal is to install an ice bridge as a method to get the cables from the equipment cabinets into the pole, that structure is approximately 10 feet tall but the purpose is to support the cables and it has grading on the top to hold the weight of ice that might form. The GPS antenna will be attached to that cable bridge. The antenna is approximately one half of a foot.

Mr. Brady asked if there were any additional questions there were none and Ms. Babinski excused Mr. Evans. Mr. Evans was asked to leave the exhibits.

Peter Tolischus has an Undergraduate Masters Degree from Rutgers Graduate School, New Brunswick, Masters in City and Regional Planning, Professional Planner for 40 years and has

handled 350 applications in 12 years in about 200 communities in New Jersey and has been before a Board in West Milford last year. Mr. Brady accepted the credentials for the professional planner.

Ms. Babinski discussed the photographs that were received by the planning office but they need to be marked into evidence, as everyone did not receive a set. They are marked as A-1, A-2 and A-3. The copies placed on the easel are the same as what the Board was given to look at. A-5 is the aerial and A-6 is the actual photo.

Ms. Babinski summed it up for the Planner that what was needed was a use variance, a height variance, front yard and side yard setbacks and also site plan approval.

Mr. Tolischus did a site analysis and impact analysis of the monopole and took a series of photographs. #1 and #2 on A-6, A-5 is an aerial photograph scaled at 1 inch equals 200, downloaded from the State of New Jersey high-resolution program Office of Geographic Information Systems. He shot a series of 6 photographs from Greenwood Lake Turnpike and East Shore Road to assess what the impact might be. He explained the locations where pictures were taken and what they are of. Photos 5 and 6 barely have the tower visible in the summer time in photo 4 you barely see the antennas and it was a good requirement for the flush mounts to be required with original approvals. There should not be any visual impact by adding another 3 antennas to the property.

Ms. Babinski asked about the County of Passaic letter that asks about the sidewalks. The site is visited once a month by a technician. There is ample parking at the site. Mr. Tolischus commented that he was at the site and there are no sidewalks anywhere. Mr. Glatt explained we have had that issue before and referred to it as a sidewalk to no place. Mr. Glatt explained that for their benefit it was better to address it and will put it in the resolution. Mr. Tolischus commented that there are no purposes served, for the site to have sidewalks, there is no place to connect any sidewalks and there is no residential development in the area and no school. A-5 shows it to be a pristine wooded area.

The applicant's Planner explained that this would be located in the LMI Zone in Paragraph 18-6.2 under Principle Permitted Uses Wireless Telecommunications Facilities are permitted as a conditional use however they cannot meet all of the conditions so they need a c-3 variance a case was sited supporting this information. The variances are preexisting to when the tower was originally approved they are not exacerbating or expanding the compound, not locating cabinets outside the compound, not raising height of the monopole. The site is suited because of collocating on the existing tower. There is no significant impact by adding the three antennas. There is no negative impact and has met the positive conditional use criteria.

Mr. Brady asked for questions from the Board for the expert. Mr. McQuaid commented about the lack of sidewalks, the Planner pointed out that there are no shoulders on the road so he does not know how sidewalks would be constructed as 3 or 4 feet between paved and shoulder would be needed and it is not there. Mr. McQuaid asked about the collocations with regard to the Township Ordinance and Ms. Babinski explained that a shorter pole is better for new but prefer to collocations. Mr. Glatt asked if it should have been the responsibility of initial applicant to install sidewalks and the Planner agreed. Ms. Erik asked if there was any way if approved if a little gravel could be put in the parking area since there are potholes and nobody takes the responsibility and in lieu of sidewalks if an area could be fixed. It would be just the driveway area and not the landscape area. Ms. Babinski confirmed that in A-7 exit from street to the site, a bit of a drop off and holds water. There are hikers in that area, only entrance and exit being discussed not the full parking lot. Needed to be in the resolution as a Condition of the approval.

Mr. Brady asked if there were any questions of the expert. Ms. Babinski finished her presentation. Mr. Brady opened the meeting to the public. Ada Erik after seeing no one for or against the application moved to close the public portion. Second by Arthur McQuaid. All in favor to close the public portion and none opposed.

**Motion by Francis Hannan** to approve New Cingular dba AT & T applications ZB09-09-09 for Use Variance, Bulk Variances and Telecommunications Site Plan in Block 4601, Lot 22, Greenwood Lake Tpke. and East Shore Road, LMI Zone. The applicant has shown with the flush mount and with the addition of the cabinets it does not change the character of the site and they have agreed to put the gravel down which will improve the site. They have shown through the Radio Frequency Engineer that there is a need for it in that area because of a black-out spot, it is to the public's benefit for that to be opened up for cellular phones in that particular area and they have agreed to all stipulations that Mr. Drew has outlined in his letter as per previous testimony and for those reasons he moves to approve the applications.

Second By Ada Erik

**Mr Hannan amended the motion** to show there is no need for sidewalks in that area and it would be a sidewalk to nowhere, this is not a residential area there are no houses or schools within quite a few miles of the site. This would be a detriment to the rural character of the goals of our Master Plan

**Amended Second by Ada Erik**

**Roll Call Vote:**

**Yes:** Ada Erik, Francis Hannan, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini, Robert Brady

**No:** none

**APPROVAL OF INVOICES-BOARD PROFESSIONALS**

**Motion by Ada Erik** to approve invoices for Stephen Glatt

**Second by Gian Severini**

**All in Favor** to approve invoices

**Motion by Ada Erik** to approve invoices for William H. Drew

**Second by Gian Severini**

**All in favor** to approve invoices

Mr. Brady discussed the nomination form for the Volunteer of the Year Award. The Secretary will make additional copies if needed.

**Motion by Ada Erik** to approve the minutes for the December 15, 2009 meeting.

**Second by Gian Severini**

**All in favor to approve minutes** Mr. Hannan abstained, as he was not present for that meeting.

**Motion by Ada Erik** to approve the January 26, 2010 Reorganization Meeting minutes.

**Second by Gian Severini**

**All in favor to approve minutes**

Mr. Drew asked about the Year End Report and if the Board wanted it prepared and Mr. Brady said it was discussed at the Reorganization Meeting and the Secretary will provide the minutes for the Planner to review for specific information that the Board wanted to be included in the report.

**Motion by Ada Erik to adjourn the meeting**

**Second by Gian Severini**

**All in favor to adjourn the meeting of February 23, 2010**

**Opposed:** none

**Meeting adjourned at 8:22 p.m.**

**Adopted: March 23, 2010**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment