

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

OCTOBER 7, 2015

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:34 pm was called to order by Mr. Rabolli, Chairman, with the reading of the opening statement followed by the flag salute.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Board of Adjustment Office, 475 Corporate Drive, Mahwah, NJ. Copies of the tapes may be purchased for a fee.

PRESENT: Mr. Dator Mr. Straffin
Mr. Ervin Mr. Whiteman
Mr. Rabolli

Mr. M. Kelly, PE
Mr. J. Layton, PP

ABSENT: Mr. DeSilva Mr. Larson
Mr. Kezmarsky Mr. Montroy

ATTORNEY: Mr. Ben R. Cascio, Esq.

I. APPROVAL OF BILLS:

9/02/15; 9/16/15 \$500.00 Ben R. Cascio, Esq. – Attendance
Two meetings

A motion to approve was made by Mr. Whiteman, seconded by Mr. Dator. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. Ervin, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

II. APPROVAL OF MINUTES:

A. MINUTES OF SEPTEMBER 16, 2015

A motion to approve was made by Mr. Ervin, seconded by Mr. Straffin. All eligible members voted in favor.

III. MEMORIALIZING RESOLUTIONS:

None to present.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. None were received.

V. PUBLIC HEARINGS:

**A. DKT.#1395-15 – NJR INVESTMENT PROPERTIES II, LLC
163 EAST CRESCENT AVENUE, BLOCK 127, LOT 21**

Application for a C Variance for a side-yard setback for an addition to an existing home.

Mr. Marc Weissman, Esq., approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Weissman described the need for the C Variance request. The original plan was approved however, when the home was built, it was built using a straight line from the front of the home although the property line is not straight, causing the encroachment. This was determined when the As-Built Survey was prepared.

Mr. Weissman called Mr. Fernando Saenz, 762 Colonial Road, Franklin Lakes, NJ. Mr. Saenz was sworn in by Mr. Rabolli. Upon questioning by Mr. Weissman, Mr. Saenz described the original plan and the existing home. He also described what was submitted to the Township's Building Department. Setbacks were discussed. Per Mr. Kelly, before the home was renovated, there was a garage that already encroached on the side-yard setback. The completed renovation actually improved the encroachment to be less than what was originally there. There were no further questions from the Board or the Public.

A motion was made by Mr. Dator seconded by Mr. Whiteman to close the Public Hearing of the meeting and move into Work Session for this hearing. All voted in favor.

Mr. Rabolli called Docket #1367-14A and moved back into the Public Hearing portion of the meeting.

**B. DKT.#1367-14A – COMMUNICATIONS INFRASTRUCTURE CORP.
25 MOUNTAIN ROAD (1000 MOUNTAIN ROAD), BLOCK 6, LOT 1**

Application to add a 20-foot extension and dish antennas to an existing tower and to place an equipment cabinet inside an existing shelter.

Mr. James K. Pryor, Esq., approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Pryor gave a brief summary of the application which is requesting to add a 20-foot extension and antennas to an existing tower. He listed the witnesses to be called to testify.

Mr. Pryor called Mr. Mark Gonzalez, 501 South River Drive, Jackson, GA. Mr. Gonzalez was sworn in by Mr. Rabolli. After presenting his credentials, Mr. Gonzalez was accepted as an expert in Radio Frequency Engineering. Mr. Gonzalez described

Communications Infrastructure Corp's (CIC) business. It was noted their network operations are currently operating temporarily at the 103 foot level. CIC was advised by American Tower that this existing location will be committed to another tenant in the future. There is no current available space on this existing tower to accommodate CIC and the 103 minimum height required for their point-to-point communications. Thus, the request to extend the existing tower. There was a short discussion on the types of dish antennas proposed, which will be the same as the antennas currently being used. The antennas will, in essence, be relocated higher on the tower. CIC researched 10 different sites in the area to build a new tower, but was unsuccessful. There were physical blockage barriers or no-colocation permitted on existing towers. Upon questioning by Mr. Kelly, Mr. Pryor indicated they will provide an inventory of existing sites within three miles. There were no further questions from the Board or the Public for Mr. Gonzalez.

Mr. Pryor called Mr. Daniel Collins, 14 Ridgedale Avenue, Cedar Knolls, NJ. Mr. Collins was sworn in by Mr. Rabolli. He has presented to the Board on prior occasions and was accepted as an expert in Radio Signal Emissions and compliance of FCC standards. Mr. Collins referred to a prepared report, entitled "Antenna Site FCC RF Compliance Assessment and Report" prepared for Communications Infrastructure Corp. by Pinnacle Telecom Group dated September 1, 2015. This report was marked as Exhibit A-1. Mr. Collins described the content of the report noting Pinnacle Telecom Group has performed an independent expert assessment of radio frequency levels and related FCC compliance for the proposed point-to-point operations on this tower. He also described the detail regarding the FCC's Maximum Permissible Exposure (MPE) limits. There were no further questions from the Board or the Public for Mr. Collins.

Mr. Pryor called Mr. Joshua Cottrell, of French & Parrello Associates, 1800 Route 34, Wall, NJ. Mr. Cottrell was sworn in by Mr. Rabolli. He has presented to the Board on prior occasions and was accepted as an expert Site / Professional Engineer. Mr. Pryor referred to plans dated November 26, 2014, with a last revision date of June 10, 2015, prepared by French & Parrello and submitted with the application. Upon questioning by Mr. Pryor, Mr. Cottrell explained where the antennas are presently located, what is proposed with the 20-foot extension and relevant engineering data. A new equipment cabinet is also proposed to be installed within the existing shelter. Mr. Pryor referred to an American Tower Corporation report entitled "Structural Analysis Report" dated November 17, 2014 prepared by Brian Davies, E.I., Structural Engineer, to which Mr. Cottrell has reviewed. The report was marked as Exhibit A-2. Mr. Kelly questioned lighting. Mr. Cottrell replied no new lighting is proposed. Mr. Kelly also noted the address should be 1000 Mountain Road. Mr. Kelly noted the variances for the record. Upon questioning by Mr. Layton, it was noted the red light on the top will be moved up. Mr. Pryor mentioned CIC will not be utilizing the entire proposed 20-foot extension resulting in an added benefit of available space for additional antennas to be added. There were no further questions from the Board or the Public for Mr. Cottrell.

Mr. Pryor called Mr. Brian Seidel, 2103 East High Street, Pottstown, PA. Mr. Seidel was sworn in by Mr. Rabolli. Mr. Seidel presented his qualifications and credentials and was accepted as an expert professional planner. Mr. Seidel described the variances being

requested. He described the area as being in a very remote area noting the impact will be negligible. Views of the tower are obscured due to the vegetation and topography of the area. Mr. Seidel testified to the justification for the D1, D3 and the D6 variance requests noting the site is particularly suited as there is an existing communications tower already there and promotes co-location of antennas on existing structures. Mr. Layton questioned how much of Mahwah would be able to view the tower. Mr. Seidel indicated the view is minimal and presented photographs entitled "Photographic Inventory & Simulations" prepared by Seidel Planning & Design dated March 11, 2015. Mr. Seidel described the photographs, which were marked as Exhibit A-3. There were no further questions from the Board or the Public for Mr. Seidel.

A motion was made by Mr. Dator seconded by Mr. Whiteman to close the Public Hearing of the meeting and move into Work Session. All voted in favor.

VI. WORK SESSION:

A. DKT.#1395-15 – NJR INVESTMENT PROPERTIES II, LLC 163 EAST CRESCENT AVENUE, BLOCK 127, LOT 21

Note: Work Session was held immediately after the Public Hearing for this docket.

Application for a C Variance for a side-yard setback for an addition to an existing home.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Dator. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. Ervin, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

B. DKT.#1367-14A – COMMUNICATIONS INFRASTRUCTURE CORP. 25 MOUNTAIN ROAD (1000 MOUNTAIN ROAD), BLOCK 6, LOT 1

Application to add a 20-foot extension and dish antennas to an existing tower and to place an equipment cabinet inside an existing shelter.

Mr. Rabolli summarized the application. A motion to approve was made by Mr. Whiteman, seconded by Mr. Straffin. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. Ervin, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

C. 2016 TENTATIVE MEETING DATES

After a short discussion, a motion to approve the 2016 Meeting Dates was made by Mr. Whiteman, seconded by Mr. Dator. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. Ervin, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

VII. ADJOURNMENT:

The meeting adjourned at 8:38 pm on a motion by Mr. Whiteman, seconded by Mr. Dator. These minutes were prepared by Geri Entrup, Zoning Board Recording Secretary.