

EMERSON PLANNING BOARD
EMERSON, NEW JERSEY
JANUARY 21, 2010

This meeting of the Emerson Planning Board was held in the Municipal Building on Thursday, January 21, 2010. Mr. Bischoff opened the meeting at 8:00 PM, and invited Mayor Lamatina to lead the assembly in the Pledge of Allegiance. In compliance with the Open Public Meetings Act, the clerk has notified all officially published newspapers of this meeting, and notice has been posted in the Municipal Office. In case of a fire, follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and please exit calmly.

At this time, Mayor Lamatina swore in reappointed members – Brian Lacey, Chris Leins, and Germaine Ortiz.

ROLL CALL:

Councilman Steven Bair – Absent
 Mr. Jeff Bischoff – Present
 Mr. Tom Callagee – Absent
 Ms. Danielle DiPaola – Present
 Mr. Gary Goursky – Present
 Mr. Brian Lacey – Present
 Mayor Lou Lamatina – Present
 Mr. Christopher Leins – Present
 Mr. Mark Orecchio – Absent
 Mrs. Germaine Ortiz – Present
 Mr. Gary Schwinder – Present
 Mr. Christopher Martin – Present
 Mrs. Barbara Looney – Present
 Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested
 Mr. Paul Niehoff – Borough Engineer – Present
 Mr. Joe Solimando – Present – arrived at 8:15

2010 REORGANIZATION

BOARD ATTORNEY: A motion was made to appoint Mr. Christopher Martin as Board Attorney by Ms. DiPaola, seconded by Mr. Goursky, and carried, with all members voting in the affirmative, none opposed.

BYLAWS: A motion was made to adopt the Bylaws of the Emerson Planning Board, as carried forward from 2009 with no amendments, by Mayor Lamatina, seconded by Mrs. Ortiz, with all members voting in the affirmative, none opposed.

CHAIRPERSON OF THE BOARD: Mr. Martin requested a nomination for Chairperson of the Board. Ms. DiPaola nominated Mr. Bischoff, seconded by Mr. Goursky. With no other nominations, a motion was made to close the nominations by Mayor Lamatina, seconded by Ms. DiPaola, and carried, with all members voting in the affirmative, none opposed.

VICE CHAIRPERSON OF THE BOARD: Chairman Bischoff requested a nomination for Vice Chairperson of the Board. Mrs. Ortiz nominated Ms. DiPaola, seconded by Mr. Goursky. With no other nominations, a motion was made to close the nominations by Mr. Schwinder, seconded by Mayor Lamatina, and carried with all members voting in the affirmative, none opposed.

BOARD SECRETARY: A motion was made to appoint Barbara Looney as Board Secretary by Chairman Bischoff, seconded by Mr. Goursky, and carried, with all members voting in the affirmative, none opposed.

BOARD ENGINEER: A motion was made to appoint Paul Niehoff of Maser Consulting as Planning Board Engineer by Ms. DiPaola, seconded by Chairman Bischoff. With no other nominations, a motion was made to close the nominations by Mayor Lamatina, seconded by Ms. DiPaola, and carried with all members voting in the affirmative, none opposed.

MNUTES:

A motion was made to approve the minutes for the meeting held on September 17, 2009, by Ms. DiPaola, seconded by Mrs. Ortiz, and carried.

A motion was to table approval of the minutes for the meeting held on December 3, 2009 by Mrs. Ortiz, seconded by Mr. Schwinder, and carried.

CORRESPONDENCE:

- Memo from Maser Consulting – dated 12/4/09 – Re: 200 KMACK Properties LLC
- Memo from David M. Watkins – dated 12/7/09 – Re: 58 Kinderkamack Road LLC
- Memo from Maser Consulting – dated 12/8/09 – Re: Northern Valley Developers
- Memo from Maser Consulting – dated 12/8/09 – Re: A & R Builders
- Memo from County of Bergen Department of Planning & Economic Development – dated 12/18/09 – Re: Onik & Ripsik
- Memo from County of Bergen Department of Planning & Economic Development – dated 12/22/09 – Re: MSH Management
- Memo from Maser Consulting – dated 12/29/09 – Re: Oritani Savings Bank
- Memo from Costa Engineering – dated 1/5/10 – Re: Pascack Brook County Park Project
- Memos from Carol Dray – dated 1/7/10 – Re: Appointments of Brian Lacey, Chris Leins, and Germaine Ortiz
- Memo from Maser Consulting – dated 1/12/10 – Re: Metro PCS New York, LLC
- Memo from Beattie Padovano – dated 1/19/10 – Re: 200 KMACK Properties LLC
- Mayor an Council Resolution # 16-10 – dated 1/5/10 – Re: Council Liaison Appointments

VOUCHERS:

- \$1,770.00 – Maser Consulting – Re: Onik & Ripsik
- 1,300.00 – Maser Consulting – Re: Grand Investments IV, LLC
- 217.50 – Maser Consulting – Re: Hackensack Golf Club
- 217.50 – Maser Consulting – Re: Inserra / Shoprite
- 85.00 – Maser Consulting – Re: 200 KMACK Properties
- 290.00 – Maser Consulting – Re: Aramini
- 906.25 – Maser Consulting – Re: Metro PCS New York LLC
- 326.25 – Maser Consulting – Re: Grand Investments IV, LLC
- 962.50 – Maser Consulting – Re: MSH Management LLC
- 145.00 – Maser Consulting – Re: Hackensack Golf Club
- 652.50 – Maser Consulting – Re: Inserra / Shoprite
- 145.00 – Maser Consulting – Re: 200 KMACK Properties
- 145.00 – Maser Consulting – Re: Northern Valley Developers
- 290.00 – Maser Consulting – Re: A & R Builders
- 10.40 – North Jersey Media Group – Re: legal ad – 2010 meeting schedule
- 18.90 – North Jersey Media Group – Re: legal ad – Inserra / Shoprite
- 175.80 – Morrison Mahoney – Re: Inserra / Shoprite
- 150.00 – Morrison Mahoney – Re: 200 KMACK Properties
- 437.50 – Burgis Associates – Re: 200 KMACK Properties

A motion was made to approve these vouchers by Mr. Goursky, seconded by Mayor Lamatina, with all members voting in the affirmative, none opposed.

METRO PCS NEW YORK, LLC – EMERSON PLAZA EAST – DPW – NEW APPLICATION

Mr. Greg Meese was present and is representing the applicant. Proof of notice was submitted, reviewed, and deemed sufficient by Mr. Martin. The applicant proposes to collocate wireless communications antennas on an existing 130 foot monopole, and locate the related equipment cabinets on the roof of the Department of Public Works (DPW) garage. The following were marked and entered as exhibits:

- A1 – Proof of notice
- A2 – Application package
- A3 – Map coverage of proposed and existing sites
- A4 – Page 14 of report titled "Antenna Site Compliance and Assessment"
- A5 – Photos of existing monopole
- A6 – Photos of DPW site

Mr. Meese introduced to the Board and the public Mr. Peter Papay, Civil Engineer, who gave his credentials, sworn in by Mr. Martin and accepted as a witness. Mr. Papay stated currently on the site is an existing 130 foot monopole, with the existing antenna equipment located within the monopole – there is another pole on the property, a standard monopole where the antennas are arranged in arrays and exposed – installed by Sprint – with a board on board fence. The applicant proposes to install a platform, with 4 posts to be located on top of the lower portion of the DPW garage. Mr. Papay submitted calculations stating the roof will support this equipment, and 6 antennas and cables will be installed within the existing monopole. A screen wall is installed to buffer the equipment from view, the same height as the equipment, painted white to match the existing building. Mr. Meese questioned Mr. Papay on any additional noise or vibration as a result of this installation or generator – Mr. Papay responded no, and the site will be monitored at least once a month for maintenance. Mr. Schwinder questioned the approximate weight of the equipment to be installed on the roof – Mr. Papay stated approximately 17,000 pounds. Ms. DiPaola referred to Mr. Niehoff's report with regard to the existing roof of the DPW not being able to support the equipment – Mr. Niehoff stated he is awaiting the applicant's calculations. Chairman Bischoff questioned Mr. Solimando on the condition of the existing roof – Mr. Solimando stated the roof is approximately 4 to 6 years old, and a flat roof should last about 10 to 12 years – it may not be a bad idea to re-roof that section where the equipment is to be installed, which Chairman Bischoff agreed was a good idea. Mr. Meese feels the roof does not seem to be a problem, however, we will give the Borough time to do any repairs before we start installation, and feels this is a lease issue already in place with the Borough. Mr. Meese agreed to forward Mr. Martin a copy of the signed lease. Mr. Schwinder inquired about a lightning strike, and Mr. Papay stated the monopole is grounded and will protect the existing structures.

At this time, Mr. Meese introduced Mr. Daniel Penesso, Radio Frequency Engineer, who gave his credentials, sworn in by Mr. Martin and accepted as a witness. Mr. Penesso stated Metro PCS New York is licensed by the FCC for wireless communication services, also known as cellphone services – the applicant has existing service, which has gaps – this new installation will take care of the gaps. In designing this service, we used existing structures to provide reliable seamless coverage – current sites are in River Vale, Washington Township, Paramus, and Oradell – the Emerson site would be well suited for our network design and layout for better service. Mr. Meese questioned Mr. Penesso on any interruption or interference to existing service – Mr. Penesso stated no – we are mandated by the FCC to operate within our licensing frequency band and vertical separation – we are well within the guidelines. Mr. Schwinder questioned the types of batteries to be used at the facility since there are no generators – Mr. Penesso stated they are self-contained and charged off the power going into the site – contained encased gel-type batteries. Mr. Schwinder expressed his concerns with a possible fire in the building – if the gel is exposed to the element due to heat, is there a chance of an explosion. Mr. Penesso stated he has never heard of that happening, and Mr. Meese agreed to have the Fire Department supplied with the material safety data sheets for the batteries.

Mr. Meese introduced to the Board and public Mr. Joseph Chiravallo, Radio Frequency Compliance Engineer of Pinnacle Engineering Group, who gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. Chiravallo stated he is familiar with the standards set by the FCC, inspected the site, and the applicant's proposal – if this site was added as designed, the facility would be well in compliance taking in all existing service. Mr. Schwinder questioned if the existing antennas on the DPW site do they have their own power meters – Mr. Chiravallo stated they do have their own meters, and the bills go to the individual carriers.

At this time, Mr. Meese introduced to the Board and public Mr. Eugene Rotonda, Professional Planner, who gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. Rotonda stated he is familiar with the Borough's zoning ordinance which stated antennas facilities are required to be on municipal properties, and since the DPW site is owned by the municipality, this is a permitted use. Mr. Rotonda stated the current facility has a couple of existing non-conformities – the applicant's proposal does not require any variances. Mr. Rotonda reviewed exhibits A5 and A6 – various photos of the existing monopole and DPW site. Mr. Meese questioned Mr. Rotonda any and detriment to the zoning code or the surrounding neighborhood if this application was approved – Mr. Rotonda stated none, and the application is in full compliance. Mayor Lamatina would like clarification on the required "camouflage" – our ordinance requires all towers be camouflaged to look like a tree – Mr. Rotonda stated the monopole is already there, and the equipment will be camouflaged within the monopole. Mayor Lamatina stated the Borough's ordinance states we can waive the provision – Mr. Rotonda stated he does not feel this applies – the monopole is existing, and we are not extending the pole. Chairman Bischoff stated that in the photos you really do not see the existing monopole, if changed to look like a tree, it may stand out more. Mr. Goursky questioned why the equipment has to be mounted on the roof – Mr. Rotonda stated that was part of the lease agreement with the Borough. Mr. Solimando stated he has been approached by Verizon for ground space for a backup generator, and further stated he cannot afford to give up any space – yard space is squeezed out at this point.

A motion was made to open public session by Ms. DiPaola, seconded by Mr. Lacey, and carried with no comments.

A motion was made to close public session by Mayor Lamatina, seconded by Mrs. Ortiz, and carried.

A motion was made to approve the application by Mr. Goursky, seconded by Mrs. Ortiz, and carried, based on the following conditions:

- Waiver of required camouflage
- Structural evaluation
- Material safety report to Fire Department and Joe Solimando
- Recommendations &/or comments from the Borough Professionals

Roll call vote as follows:

Mr. Schwinder – yes
 Mayor Lamatina – yes
 Ms. DiPaola – yes
 Mr. Leins – yes
 Mr. Lacey – yes
 Mrs. Ortiz – yes
 Mr. Goursky – yes
 Chairman Bischoff – yes

Mr. Martin will prepare a resolution for our next meeting. Mr. Meese thanked the Board for their time and consideration.

DOMENICO ARAMINI – 57 WORTENDYKE AVENUE - RESOLUTION

The Board reviewed the resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Ms. DiPaola, seconded by Mr. Schwinder, and carried. Roll call vote as follows:

Mrs. Ortiz – yes
 Mayor Lamatina – yes
 Mr. Lacey – yes
 Mr. Schwinder – yes
 Ms. DiPaola – yes
 Chairman Bischoff – yes

GRAND INVESTMENTS IV, LLC – 55 EMERSON PLAZA EAST - RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution, as amended to reflect no parking directly in front of the parking garages, by Mr. Schwinder, seconded by Mayor Lamatina, and carried. Roll call vote as follows:

Mrs. Ortiz – yes
 Mr. Lacey – yes
 Mayor Lamatina – yes
 Mr. Schwinder – yes
 Chairman Bischoff – yes

ANY BOARD MEMBER:

Mayor Lamatina stated he had a meeting with Mr. Germanario who is trying to persuade Mr. Onik Davtian to construct a two-story building on the site of the Sunoco station, due to the Kinderkamack Road reconfigurations. Another meeting between the property owners is scheduled for Monday, February 1st.

Mayor Lamatina stated that Councilman Bair brought up the issue of consolidating the Zoning Board Adjustment with the Planning Board, at the last meeting of the Mayor and Council – this Board can and has approved applications within a 2 week period, where at the Zoning Board of Adjustment the minimum approval time is 3 months. Total savings to the Borough would be approximately \$7,000 per year.

Mayor Lamatina commented on the services he attended today in Westwood, along with Joe Scarpa and Carol Dray, for Sgt. Hrbek - viewing will be in the Zion Church tomorrow with funeral services on Saturday.

GOOD AND WELFARE:

A motion was made to open public session by Mr. Lacey, seconded by Mr. Schwinder, and carried, with no comments.

A motion was made to close public session by Mrs. Ortiz, seconded by Mr. Schwinder, and carried.

ADJOURNMENT:

A motion was made to adjourn the meeting by Mayor Lamatina, seconded by Goursky, and carried.

Respectfully submitted,

Barbara Looney

