

MUNICIPAL LAND USE BOARD MINUTES

BOROUGH OF EMERSON

October 20, 2016

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:08PM. In compliance with the Open Public Meeting Act, the Clerk has notified The Record and The Ridgewood News of this meeting and notice has been posted in the Municipal Building.

Pledge of Allegiance

Roll Call:

Robert Adams	Absent
Thomas Callagee	Absent
Michael DeOrio	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
Germaine Ortiz	Absent
Norman Rieger	Present
Thomas Sudano	Absent
Vincent Tripodi, Councilman	Present
Gary Schwinder, Chairman	Present
Neil A. Tortora, MLUB Attorney	Present
Gary Ascolese, MLUB Engineer	Present
Bridgette Bogart, Borough Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Present

Chairman Schwinder asked if there were any comments and/or corrections on the October 6, 2016 LUB meeting minutes. Hearing none, he asked for a motion to accept the minutes, which was made by Mr. Goursky and was seconded by Mr. Malone. All were in favor.

Chairman Schwinder asked Ms. Shust to read voucher(s) for approval.

Vouchers:

10/11/16 Morrison Mahoney, LLP 21 Revere Ave \$ 70.00

Mr. Schwinder asked for a motion to approve the voucher for payment, which was made by Mr. Kutzin, seconded by Mr. De Orio. All were in favor except Mr. Tripodi, who abstained.

Correspondence: There was no correspondence,

Resolutions:

Chairman Schwinder asked the Board for any comments on the Unity Bank Logo Sign Resolution. Hearing none, he asked for a motion to approve. Mr. Goursky made a motion to approve the Resolution, seconded by Mr. DeOrio. All present voted yes.

Applications:

90 Jefferson, Stephanie Clark

Ms. Clark and her attorney, Mr. Ten Hoeve appeared with regard to the variances required for the addition to her home.

Mr. Ten Hoeve stated that the requested variances were for the side yard set back of 9.4 feet (required 10 ft) and impervious coverage of 16.2% (ordinance is 15%) as shown on Plan A.

Mr. Ten Hoeve stated that the confusion about the original presentation was due to the fact that the lot was identified as being in the incorrect zoning block. The correct zoning requires a 10 ft set back. Mr. Ascolese confirmed that statement.

Mr. Schwinder inquired about the fencing, the location, height and the previous installation. Mr. Ten Hoeve replied that he had met with Mr. Sartori and they reviewed the fencing. Mr. Sartori had made two recommendations:

A slanted fence from the third post.

An 'L' shaped fence from the third post.

Both recommendations, leave the gate at the current position.

Mr. Schwinder specified that a condition, if the application is approved, would be to obtain the required fence permit, which was not obtained at the time the fence was constructed.

Mr. Schwinder then asked Mr. Ascolese about the impervious coverage. Mr. Ascolese confirmed that Ms. Clark and Mr. Ten Hoeve have agreed to install a seepage pit, since the impervious coverage is over the specified percentage.

Mr. Rieger inquired as to whether a corner property would require front yard setback on both sides, rather than a side yard setback.

Mr. Ascolese stated that the zoning only calls for a front setback on one side, which is the Jefferson Ave. side, The High Street side is side yard setback.

Ms. Bogart, suggested that the subject of setbacks for corner lots be reviewed in the near future.

Mr. Schwinder then asked for a motion to open the floor to the public, which was made by Mr. McKendry and seconded by Mr. DeOrio. All were in favor.

Since there was no public comment, Mr. Schwinder asked for a motion to close the floor, which was offered by Mr. Kutzin, seconded by Mr. DeOrio. All were in favor.

Mr. Schwinder directed Ms. Shust to obtain a confirmation of the conversation Mr. Sartori had with Mr. Ten Hoeve in regard to the fence.

Mr. Mc Kendry made a motion to approve the variance requests with the conditions as stated, Second by Mr. Rieger, all were in favor.

Mr. Ten Hoeve and Ms. Clark were told the resolution would require the submittal of corrected drawings with the seepage pit, impervious coverage and fence configuration for our files, prior to memorialization.

Verizon, Network Node, 354A Kinderkamack Rd.

Mr. Dean Stamos of Ferraro & Stamos, LLP, 22 Park Ave, Ste 105, Rockleigh, NJ approached the Board along with Ms. Frances Boschuite. Mr. Tortora requested Ms. Boschuite's qualifications; she has a Bachelors degree in Electrical Engineering from City College of NY. And has testified before Boards in New York and New Jersey.

Ms. Boschuite explained that this node/antenna is required to improve data needs of local merchants who are underserved in the immediate area (Stop 'n Shop Shopping Center). The current locations of Westwood Fire House and Hackensack Hospital at Pascack Valley are close to coverage exhaustion.

Ms. Boschuite explained the differences and coverage of the various frequencies, 4 line, 4G, 1900, 2100. The larger the frequency, the shorter the distance of coverage.

Ms. Boschuite presented a street map (Exhibit A2) showing the coverage from the antennas in Westwood and the loss of coverage in the shopping center area, with Exhibits A3 and A4 as overlays.

Without the added Node, the businesses in the area would experience longer wait times and spotty coverage when processing data. The A-4 overlay indicated how the coverage would be improved from Old Hook Rd. to Chestnut St.

Mr. Kutzin inquired when the service capacity exhaustion would occur. Ms. Boschuite replied that Verizon anticipates the Westwood stations would reach capacity in August of 2018, and the installation of this Node would help prolong the amount of time before that happens.

Mr. Schwinder asked if a complaint had been received from the merchants in the shopping center in regard to lack of service. To which he received a 'no' reply. Mr. Schwinder then mentioned that the Borough Ordinance states that all antennas are required to be installed on Borough property. And there was currently a tower on the DPW property and why this was not sufficient for the shopping center. Ms. Boschuite replied that the DPW site was not sufficient for the additional data requirements of the shopping center merchants, although it is sufficient for households.

Mr. Schwinder asked if the antenna would be facing away from the residents, would they hear the noise of the antenna. Mr. Stamos replied that would be addressed by the Planner.

Mr. Schwinder asked why the Node could not be installed at the DPW, and was told that the DPW was more than ½ mile away and the 1900/2100 frequency needs to be closer to the usage demand.

Mr. Ascolese inquired to the size of the Node and was advised it was about the size of a tall kitchen trash can, and would be further addressed by the Engineer.

Mr. Ascolese then inquired as to whether a utility pole or right of way was considered as a Node site Ms. Boschuite replied that the rooftop of a commercial/retail building was the optimum site as far as height and clearance.

Mr. Schwinder asked where other nodes had been installed/constructed in the area. Ms. Boschuite responded that she could not immediately recall where they were locally.

Mr. Kutzin inquired as to whether any other sites had been considered and was told this was the best option for the Network, due to its proximity to the merchants/retailers. Mr. Kutzin asked if this is a Band-Aid solution or a trend to continue. Ms. Boschuite responded that this was the solution to the current problem and she could not predict future expansion and needs.

Mr. Mc Kendry inquired if Verizon was aware of the redevelopment being done in the Emerson downtown area and what effect, if any, it would have on the usage, Ms. Boschuite replied that the tower at DPW was not approaching capacity and would serve the needs of the redevelopment area.

Mr. Malone wanted to know the location of the Node on the building, and was told it would be at the northwest corner of the Quick Chek roof.

Mr. Tripodi asked if the color of the antenna would coordinate with the building and surrounding area. Mr. Stamos said he would like to ask that of the Engineer later.

Mr. Goursky wanted to remind the Board and applicants that a tower/antenna could not be located within 500 ft. of a school.

Mr. Tortora stated that he would have to review the section of the Ordinance that covered antennas to be sure there was no conflict.

Mr. De Orio questioned whether the construction of the Starbucks would add to the "communications traffic" and if it would be covered. Mr. Stamos replied that the future volume was unknown and he could not respond. Mr. DeOriio asked if a larger unit would avoid future overload and was told that a larger unit would not work, due to the distance being covered. Mr. DeOriio inquired about the noise, pollution and other effects on the neighborhood. He was asked to direct his question to the Engineer.

Mr. Schwinder inquired about the radio frequency interference/effect on the neighborhood and was told it was within the FCC guidelines 100% and the expected usage at this time is 8.6%. Mr. Schwinder inquired as to whether the capacity would be depleted in 2-3 years, and if additional units would have to be added and what effect this would have as far as radio frequency is concerned for the neighborhood.

Mr. Stamos replied that the frequency within 35 ft would be about 8% and at 200 ft. it would be 2%. Ms. Boschuite stated that a macrosite may be considered for the redevelopment in the future.

Mr. Schwinder inquired as to whether the radio frequency would interfere with emergency frequencies, such as police, fire. Ms. Boschuite replied that emergency services operate on their own frequencies and would not be subject to interference in any way.

Ms. Bogart referred to the map and inquired why there was such a lack of coverage on the eastern residential section. Ms. Boschuite replied that the residents do not require as much data capacity as the commercial properties and the DPW tower was sufficiently covering their requirements. Ms. Boschuite also stated that residents do not require the 1900 or 2100 frequency, and the 700/800 being supplied by the tower was not reaching capacity.

Ms. Bogart then inquired about the light output of the antenna, as well as interference to the residents. Ms. Boschuite replied that the antenna would be

directed at the shopping center and away from any residential areas. And the frequency of the residents 700/800 would not be affected.

Mr. Tortora stated that Verizon was seeking a variance from the 1997 Ordinance stating all antennas must be on Municipal property and not a use variance.

Mr. Stamos then called his next witness, Mr. Nicholas Barile, P.E. Com Ex Consultants, 115 Route 46, Ste E39, Mountain Lakes, NJ 0046.

Mr. Tortora questioned Mr. Barile in regard to his qualifications, Mr. Barile replied that he held a Bachelor of Science, Civil Engineering, was licensed for 15 yrs and appeared before Boards previously.

He presented a site plan, which was labelled Exhibit A-7.

Pge Z-1 of the site plan shows the location of the node on the NW side from the north of Kinderkamack Rd. The dimension of the node is 24' X 15" diameter, which sits on an 8 ft x 8 ft platform, which also contains the cabinets.

Page Z-2 shows how the antenna is weighted down by ballasts, is 23 ft from the ground, but only appears above the building parapet,

Page Z-3 Antenna indicates that the node is located 20 ft from the front and can barely be seen from the street.

In response to questions about sound levels and weight of the units, Mr. Barile responded that the noise level would be less than the HVAC system, currently on the roof. Each cabinet weighs between 500 and 700 lbs and the node itself weighs about 36 lbs. The equipment is held on the roof by ballasts, 5 inches off the roof top.

Mr. Goursky asked if the Quick Chek roof was strong enough to support the extra weight of the units, and was told the building had metal joists which were sufficient.

Mr. Schwinder inquired as to the water retention on the roof would present electrical hazards. Mr. Barile replied that the wiring is weatherproof.

Mr. Rieger inquired as the type of ballast being used. Mr. Barile replied they were freestanding, CMU block.

Mr. Tripodi inquired as to placing the nodes on utility poles, and where would the cabinets be placed. He was told the utility poles were not practical as the cabinets would have to be on the ground.

Mr. Kutzin inquired as to the effect on residents within 100 ft, the hospital and the impact on Westwood. Mr. Stamos stated he would like to present those questions to the planner.

Mr. Schwinder inquired as to electrical supply and the use of a generator. Mr. Barile replied that they were using a dedicated line from Quick Chek and no generator was being installed.

Mr. Barile also testified that there is a light on the roof, which will only be used by a technician should he have to work at night, and that access to the site is through the store.

Mr. Stamos then called his Planner to the stand.

Ms. Tsvia Adar, AICP,PP, of Dewberry Engineers, Inc. 800 Parsippany Rd, Ste 301, Parsippany, NJ 07054.

Ms. Adar stated that the site is a previous existing non-conforming building and therefore, should not require an additional building variance.

Ms. Adar presented Exhibit A-8, pages 1, 2 & 3, which are visuals from various locations of the node.

Page 1, from North on Kinderkamack Rd, indicates the location of the node
Page 2, is from across the street showing the node barely visible.
Page 3 is from the parking lot of the shopping center, again only a small portion of the node appears above the parapet.

Ms. Adar stated that other municipalities had approved installations after reviewing the SICA balancing tests

- Public Interest
- Detrimental to residents, (no environmental nuisance)
- Reasonable Conditions
- Beneficial to the Public

Mr. Schwinder then asked the Board if they thought an independent expert should be consulted to be sure there would be no detrimental effects on the Borough. Mr. Stamos replied that the proposed frequencies were well within the FCC recommendations and are conservatively estimated.

Mr. Ascolese admitted that he was not an expert in the area of Radio frequency.

Mr. Schwinder then stated that he did not believe the board knew the right questions to ask as far as location, noise, appearance. His main concern was the radio frequency and its effect on the residents, admitting he was not an expert in the field.

Mr. Goursky stated that he was satisfied with the testimony of the Verizon witnesses in so far as the lack of danger to the residents. The Mayor agreed.

Ms Bogart stated that the radio frequency, as far as a Planner perspective, meets the specifications. Mayor Lamatina agreed with Ms. Bogart's assessment and felt that radio frequency is not as detrimental as it once had been.

After hearing the assurances of the other Board members, Mr. Schwinder withdrew his suggestion of additional professional testimony.

Mr. Stamos stated that the new standards of equipment have reduced any environmental detriments. However, he suggested that if additional towers are required in the future, the Board might want to consider additional professional testimony.

Mr. Schwiinder then asked for a motion to open the floor to the public, which was made by Mr. Goursky and seconded by Mr. Tripodi; all were in favor. In the absence of public comment, Mr. Schwinder asked for a motion to close the floor to the public, which was made by Mr. Malone and seconded by Mr. Goursky. All were in favor.

Mr. Schwinder asked for a motion on the Verizon application. Mr. Goursky made a motion to approve the variance to the Ordinance allowing the node on a site other than municipal property, with the appearance/paint to blend with surrounding areas, seconded by Sudano. In favor were Mr. DeOrio, Mr. Goursky, Mr. Kutzikn, Mr. Malone, Mr. McKendry, Mr. Rieger, Mr. Sudano, Mr. Tripodi, Mayor Lamatina, Mr. Schwinder. A resolution will be prepared and be available for memorializing at the November 10th meeting.

Since there was no public in attendance, the floor was not opened.

Mr. Schwinder then asked for any Good & Welfare, comments from the Board. Mr. Tripodi reminded the Board that he abstained from voting on the voucher for 21 Revere Ave.

Mayor Lamatina remarked that demolition of the house on the future Starbuck's site would soon begin.

Mr. Schwinder asked for a motion to close the meeting, which was made by Mayor Lamatina and seconded by Mr. DeOrio. All were in favor.

The meeting was adjourned at 10:35 PM.

Respectfully submitted.

Marie Shust
Interim Board Secretary