

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
May 19, 2011

Robert Fortsch opened the meeting at 8:00 p.m. by reading the Open Public Meetings Law Statement:

This is a Regular Meeting of the Zoning Board of Adjustment. In compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers & notice is posted at River Vale Municipal Offices.

<u>ROLL CALL:</u>	Robert Fortsch -Chairman		Present
	Thomas Pospisil- Vice Chairman		Present
	Robert Adamo		Present
	Joseph Massin - Secretary		Present
	John Donovan		Present
	Douglas Marchese		Present
	Susan Vaccaro		Present
	Kevin Martin	Alternate #1	Present
	Robert Ricco	Alternate #2	Present
	Brian Giblin	Board Attorney	Present
	Bernard Mirandi	Board Engineer	Present

ALSO PRESENT	Lauren Roehrer	Land Use Admin	Present
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Robert Adamo arrived after roll call (8:10)

MINUTES: April 21, 2011

A motion by Joseph Massin, seconded by Susan Vaccaro to approve the minutes of April 21, 2011 on roll call vote, all those eligible voted yes; the motion carried.

RESOLUTION

Bowen, 619 Dale Ct. West, Block 902, Lot 18
Violation of 142-263

A motion by Susan Vaccaro, seconded by Douglas Marchese to adopt the resolution; on roll call vote, all those eligible voted yes; the motion carried.

APPLICATION

Van horn Builders, 277 Ford Avenue, Block 1703, Lot 14
Violation of 142-265

Joseph Oratio, Attorney representing the applicant, Jeffrey Van Horn. Jeffrey Van Horn was sworn in

by Brian Giblin, Board Attorney. Mr. Oratio explained his client's proposal to allow Van Horn Builders to expand a landing platform and steps to an entrance way at a one family dwelling located at 277 Ford Avenue, Block 1703, Lot 14. A small peaked roof with columns will be added. The landing would be expanded on each side. No other variances are requested. Mr. Adamo inquired if the width of the existing stoop would be wider. Mr. Van Horn responded yes, it would be made wider more on one side than the other. The landing would be 8 ft. wide with railings. Three (3) pages of exhibits were presented and marked as Exhibit A-1, A-2 and A-3. Mr. Martin inquired about water run-off. Mr. Van Horn advised that 2 seepage pits are to be installed with 2 – 1000 gallon tanks. Mr. Ricco inquired if the existing brick structured porch would be removed or just being added on to. Mr. Van Horn stated that the bricks would be removed but not the sub-structure. The sub-structure will be extended on either side to accommodate. No storage under the steps – solid structure.

Chairman Fortsch opened the meeting to the public and so carried.

No public comment

The meeting was closed to the public.

No further comments, the Chairman called for a motion.

A motion by Robert Adamo, seconded by John Donovan to approve the application, conditioned that the structure would not be enclosed; on roll call vote, all in favor, the motion carried.

Metro PCS New York, LLC, 645 Westwood Avenue, Block 2206, Lots 11 and 12.01

Kevin Martin recused himself and left the room.

Gregg Meese, Attorney for the applicant. Installation of cell tower on PNC Bank, Westwood Avenue. Use is not permitted. Use variance and 2 bulk variances required. Christopher Olsen, Radio Frequency Engineer was sworn in by Brian Giblin, Board Attorney. Mr. Olsen presented his qualifications which were accepted by the Board. Susan Vaccaro inquired about the coverage gap %. Mr. Meese advised that the coverage gap includes 80% of Township of Rivervale. Exhibit A-1 includes 2 parts; with the proposed site and without the proposed site. Mr. Meese asked Mr. Olsen to describe the site and explain why it was selected. Mr. Olsen responded that the proposed site is the tallest structure in the area. Mr. Meese added that there are certain zones where the proposal is permitted. Mr. Olsen advised that the Cedar Avenue cemetery property and open space at the River Vale County Club were explored. There are no large structures in those areas that would reach the southern portion of River Vale. The structure needs to be placed above the tree line. Mr. Meese asked if there was any concern with device interference. Mr. Olsen stated that there is no wireless device interference, the structure is monitored 24 hours a day and technical dispatch is available.

Mr. Donovan inquired if there were any thoughts on other locations. Mr. Olsen advised that other sites where other carriers exist were looked into but it would not cover the area well. Mr. Donovan commented about the current River Vale monopole. Mr. Olsen advised that the River Vale monopole was there first choice but the town was not willing to lease it to Metro PCS New York LLC. Mr. Meese added that River Vale is considering replacing their tower and it would work if at the appropriate height

of 125 ft. Mr. Olsen advised that 2 – 3 locations are required to cover the entire River Vale area. Mr. Pospisil commented on megahertz and if they are designed by the FCC. Mr. Olsen responded that the frequency band has certain properties. Coverage at ½ mile to 1 mile radius is a good site. Mr. Pospisil inquired about other locations. Mr. Olsen advised that no other locations were being pursued. He explained that a flag pole design is being proposed to get above the tree line and the proposed site covers very well. Mr. Donovan asked if frequency would be shared. Mr. Olsen stated “no” and that the tower is for Metro PCS New York customers only. Mr. Pospisil asked if the hospital location was considered. Mr. Olsen said yes, but there is little coverage from that location. Mr. Donovan asked how that is determined. Mr. Olsen advised that formulas are used for coverage. Mr. Adamo asked if other carriers would be able to use the town if installed. Mr. Olsen said yes, below it or next to it a pole would need to be placed and it would be reduced coverage. Mr. Adamo asked if the tower were 5 – 10 ft higher, how much more coverage would be experienced. Mr. Olsen stated that above a tree line is a plus, the higher you go the better but the tower must be over tree lines. Ms. Vaccaro inquired about Blue Hill Plaza and the distance the tower covered from their building into River Vale. Mr. Olsen – good coverage less than 2 miles from a 300 ft. high site.

Mr. Massin asked if NWDRV1, LLC was incorporated with Metro PCS New York. Mr. Meese responded that the building is leased not owned by Metro PCS New York. Mr. Massin inquired about interference due to overhead power lines. Mr. Olsen stated that there would be no interference. Mr. Massin commented that the map with the proposed site coverage for River Vale did not cover the bulk of River Vale and his concern was with future plans. Mr. Olsen’s proposal is for this site and in the future one or two more north River Vale. Mr. Massin asked if any other areas are not proposed, is this location still a feasible use. Mr. Olsen responded yes, and that suitable choices for other locations are not available at this time.

Chairman Fortsch opened the meeting to the public and so carried.

Tom Castronova, 637 Caruso Lane, commented that vacant land should be used for the proposed tower away from residents. River Vale has vacant land and watershed property. Mr. Olsen reported that they presented the proposal to River Vale to use their pole but were turned down. Pertaining to vacant land, sometimes you can’t build due to water issues etc.

Mr. Ricco asked how many customers Metro PCS New York had and if there is a large number of users in surrounding towns. Mr. Olsen responded that they have a marketing group building network for approximately 2 – 3 years. Mr. Ricco asked demographically who the most potential used is. Mr. Olsen said they are looking to cover the entire River Vale.

Tom McDonough, 650 Caruso Lane, stated that other carriers would put up towers due to interference and if his statement was true. Mr. Olsen responded no, this is worked out between carriers. Mr. McDonough asked if the River Vale tower is up for negotiation. Mr. Olsen responded if it is at an appropriate height.

Janet Castronova, 637 Caruso Lane, commented that the value of homes would decrease.

Bob Mahoney, 641 Caruso lane, asked why Metro PCS New York wants to come into River Vale. Mr. Meese said to provide service to the town. Mr. Mahoney said he is a pace maker patient and wondered if

there were any risks. Mr. Meese stated that question would be answered by another witness.

Ester Schulman, 641 Westwood Avenue, lives about 40 feet from the proposed site PNC bank building. She inquired about the multi family complex. Mr. Olsen commented that the Multi Family Affordable Housing Complex on Popular Road does not supply enough coverage. Ms. Schulman inquired about use of the River Vale tower. Mr. Olsen stated that River Vale was not interested about 2 years ago so they looked elsewhere. Ms. Schulman said why not ask them now. Mr. Olsen said they pursued another site at PNC Bank building.

Holly Schipisi, Borough Attorney came into the meeting room. She explained River Vale's position pertaining to use of the existing tower. She stated that the subject will be discussed at the Mayor and Council meeting on Monday.

The meeting was closed to the public and so carried.

James Murawski, PE was sworn in by Brian Giblin, Board Attorney. He presented his qualifications as both a civil and structural engineer which was accepted by the Board. Mr. Murawski advised that he prepared the plans for the property located at 645 Westwood Avenue located in Zone C consisting of 3 lots a commercial building, Lot 11, a single family home, Lot 12 and a parking area Lot 12.01. The proposed site building is 58 ft. ground level to the top. It is located across the street from a shopping center. The proposal will include placement of 5 equipment cabinets on a steel platform on the roof of the building. Flagless flag pole design is proposed. No generator proposed, therefore no noise expected. Installation will comply with all building codes. Mr. Pospisil asked if the cabinets would be visible from the street. Mr. Murawski responded no. Mr. Massin asked if the antenna would be attached to the side of the building. Mr. Murawski stated that the antenna mast is 35 ft. tall; it sits on the roof braced by pent house structure.

Chairman Fortsch opened the meeting to the public and so carried.

Tom McDonough inquired if the antenna could act as a lightening rod. Mr. Murawski said yes, lightening can affect the antenna but it is grounded.

Janet Castronova inquired if the transformers were visible from the back of the building and would trees be removed. Mr. Murawski stated that you would not see the cabinets but the flag pole you will see. Trees will be not be touched.

Douglas Marchese asked about the makeup of an antenna flagless flag pole. Mr. Murawski said it is a steel mast with fiberglass. Mr. Marchese inquired if there would be 2 anchor points – on the roof and side of pent house. Mr. Murawski said yes. Mr. Marchese asked if this was sufficient. Mr. Murawski said yes.

Mr. Massin inquired about power protection. Mr. Murawski stated that there are 5 cabinets – 1 or 2 are small battery cabinets good for 3 – 6 hours depending on usage.

Bernard Mirandi, Boswell Engineering commented that the setback is 103.3 ft. from the proposed tower location to the nearest dwelling on lot 12. Mr. Murawski said he went from the tower to the physical

dwelling both are very close. Mr. Mirandi said the tower location to the residential property line is 75 ft.

Debra Hunter, 633 Caruso Lane, questioned the property line.

Meeting closed to the public and so carried.

Mark Nidle, Radio Frequency Emissions and Regulations. FCC Compliance Officer – qualifications provided and accepted by the Board.

Mr. Meese asked Mr. Nidle if he reviewed the proposed installation as to compliance. Mr. Nidle stated yes he did and concluded that .4478 at 40 ft. less than ½ of max % permitted by FCC – 220 times below maximum exposure level by FCC. The site is in compliance. The report was not necessary but prepared for this site.

Mr. Fortsch inquired how often tested. Mr. Nidle said every 2 years.

Mr. Massin questioned multiple carriers. Mr. Nidle stated that it is based on everyone on the site.

Mr. Pospisil commented that Mr. Nidle is making sure of being in compliance with the FCC – but doesn't do measurements. Mr. Nidle said it is based on license agreements with the FCC. Mr. Pospisil asked who provided electro magnetic field information. Mr. Nidle responded that it is regulated by the FCC.

Mr. Adamo commented that there is not much room for another carrier but what if one came on with a high power antenna. Mr. Nidle said it would depend on who and how many.

Mr. Donovan commented – regulated by the FCC but no measurements based on mathematical calculations. Mr. Nidle responded – on site testing for years FCC is looking at sites for multiple carriers.

Ms. Vaccaro recommended that a professional be consulted who can prove FCC compliance that is not connected with the applicant. Mr. Meese advised that a report dated March 23, 2011 and marked as Exhibit A-3 is on file – Antenna Site FCC RF Compliance.

Chairman Fortsch opened the meeting to the public and so carried.

Charles Hunter –inquired if the witness was a paid consultant by Metro PCS.

Debra Hunter – inquired if the proposed site was leased and if so who is getting the money. She was informed that whoever owns the property is entitled to the money. She commented that it should go to the town.

Charles Hunter – assumes the town is not getting any money.

Mr. Massin commented that cell towers generate money for local businesses. Mr. Giblin stated that this is not relevant to the Board. Mr. Adamo commented that a lease has a term – is the variance based on term. He was informed that a variance runs forever.

Pat Pane, 792 Winding Way, inquired who decides to add on additional antennas and health risk studies. She was informed that many studies are reviewed and the FCC considers high risks they make sure carriers are regulated. Ms. Pane commented that schools and residential areas are close to the proposed site. Mr. Meese stated that the FCC sets standards. Mr. Massin said that a variance is attached to the property itself and needs owners consent. Mr. Mirandi advised that on March 1, 2011 owner's consent was received.

The application is carried to June 16, 2011 meeting of the Zoning Board with noticed carried and preserved. Mr. Meese stated that if the DPW site is available and there is no need for the proposed site then a request of adjournment of this proposal would be requested. The Board will be kept informed.

Chairman Fortsch allowed public comment and so carried.

Tom Castronova advised that he had petitions on the application. Mr. Giblin informed him that petitions cannot be accepted by the Board.

Ester Schulman inquired how many addresses received certified notification letters. Mr. Giblin advised her that the information is on the applicant's plans.

Charles Hunter asked how many letters were sent certified mail. The response was to those within 200 ft. of the property of application.

The meeting was closed to public comment and so carried.

John Donovan recommended a professional planner be retained. Brief discussion. A motion by John Donovan, seconded by Robert Fortsch to retain professional planner Carolyn Riner; on roll call vote, all in favor the motion carried.

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary