

**TOWNSHIP OF ROCHELLE PARK ZONING BOARD OF
ADJUSTMENT**

**151 West Passaic Street
Minutes of the December 6, 2012 meeting**

Chairman William Coleman called the regular meeting of the Zoning Board of Adjustment to order at 7:32 PM.

The following members were present: Chairman William Coleman, Vice-Chairman Jason Quinn, Nancy Croot, Scott Den Bleyker, Sergio Gonzalez and Board Attorney Anthony Gallina. Absent: Patrick Sheehan and Diane Davidson.

Moved by N. Croot seconded by S. Gonzalez that the minutes of the October 4, 2012 meeting be approved as presented.

Motion passed with all members present voting in the affirmative.

Moved by N. Croot seconded by J. Quinn that the Rochelle Park Board of Adjustment pay the following bills:

Anthony Gallina for October meeting	\$175.00
Anthony Gallina for Allied Dev. Resolution	\$3,415.00
Anthony Gallina for Metro Network Resolution	\$581.25
Anthony Gallina for Allied Developers litigation	\$2197.50

Motion passed with all members present voting in the affirmative.

Old business: None.

New business: Moved by W. Coleman seconded by S. Gonzalez to appoint Anthony Gallina as litigation counsel i/m/o Allied Developers vs. the Rochelle Park Zoning Board.

Motion passed with all members present voting in the affirmative.

Tentative calendar for 2013 presented to Board. No objections. To be approved next meeting.

Meeting adjourned at 7:38 P.M. on motion by S. Den Bleyker seconded by N. Croot. All present were in favor.

Attest December 6, 2012

Katherine Baccala

Chairman William Coleman called the regular meeting of the Zoning Board of Adjustment to order at 7:39 PM.

The following members were present: Chairman William Coleman, Vice-Chairman Jason Quinn, Nancy Croot, Scott Den Bleyker, Sergio Gonzalez and Board Attorney Anthony Gallina. Absent: Patrick Sheehan and Diane Davidson.

**1. Hearing #692
Nicholas LiBlassi**

266 Howard Avenue, Block 107.11 Lot 1

Applicant seeks variances for percent of rear yard usage and pool setback variance to install an in ground pool.

Mr. LiBlassi was sworn in. A-1 letter of denial from Mr. Bolan, A-2 certified list of property owners within 200', A-3 survey of property dated 7/18/12, A-4 sketch of proposed pool undated, A-5 form of notice to property owners within 200', A-6 proof of notice to property owners within 200', A-7 proof of publication in the *Our Town* newspaper dated 11/29/12, A-8 proof of publication in the *Our Town* newspaper dated 10/25/12, A-9 signed list of property owners within 200'. Application complete.

Mr. LiBlassi explained the plans he has for the pool and patio. Board questioned him about the coverage and placement of the pool. Mr. Coleman asked him to move pool and patio over until the corner is 6' offset on the left (SW) to give more room on the other side. Mr. LiBlassi agreed.

Moved by S. Den Bleyker seconded by N. Croot to approve this application with the stipulation that the pool and patio be moved over until the corner is 6' offset on the left (SW) to give more room on the other side.

Motion passed with all members present voting in the affirmative.

Meeting adjourned at 8:02 P.M. on motion by J. Quinn seconded by S. Gonzalez. All present were in favor.

Attest December 6, 2012

Katherine Baccala

Chairman William Coleman called the regular meeting of the Zoning Board of Adjustment to order at 8:03 PM.

The following members were present: Chairman William Coleman, Vice-Chairman Jason Quinn, Nancy Croot, Scott Den Bleyker, Sergio Gonzalez and Board Attorney Anthony Gallina. Absent: Patrick Sheehan and Diane Davidson.

2. Hearing #690

Metro Network Services, LLC

75 West Passaic Street, Block 84.01, Lot 2.01

Applicant seeks antenna height variance, height above the roof variance, number of commercial carriers and number of antennas variance, (d)3 use variance and site plan approval. Memorialize resolution.

Moved by N. Croot seconded by S. Gonzalez to approve the memorialization as presented.

	Yes	No	Absent/Abstain
William Coleman, Chairman	X		
Jason Quinn, Vice Chairman	X		
Patrick Sheehan, Member			Absent
Nancy Croot, Member	X		
Scott Den Bleyker, Member			Abstain
Sergio Gonzalez, Member	X		
Diane Davidson, Member			Absent

Meeting adjourned at 8:06 P.M. on motion by J. Quinn seconded by S. Den Bleyker. All present were in favor.

Attest December 6, 2012

Katherine Baccala

Chairman William Coleman called the regular meeting of the Zoning Board of Adjustment to order at 8:07 PM.

The following members were present: Chairman William Coleman, Vice-Chairman Jason Quinn, Nancy Croot, Scott Den Bleyker, Sergio Gonzalez and Board Attorney Anthony Gallina. Absent: Patrick Sheehan and Diane Davidson.

3. Hearing #691

McKay Brothers, LLC

75 West Passaic Street, Block 84.01, Lot 2.01

Applicant seeks number of commercial carriers and number of antennas variances.

Greg Meese, Esq. appeared for applicant. A-1 in evidence is certified mail receipts of property owners within 200', A-2 affidavit of mailing sworn 2 11/20/12, A-3 proof of publication *The Record* dated 11/21/12, A-4 certified list of property owners within 200' dated 11/20/12, A-5 form of notice to property owners within 200' dated 11/20/12, A-6 a report by V-COM 9/13/12, A-7 photographs of subject site, A-8 site plan of Malick & Scherer 9/26/12 no revisions, A-9 letter from Malick & Scherer dated 9/26/12.

Application is complete. Needs a D-3 variance.

David Stern, 25-40 US Highway 130, Suite 101, Cranbury, NJ. He was accepted as expert in the field of radio frequency engineering. McKay Bros. is a wireless data provider. They are a competitor to Verizon, etc. They want to take advantage of existing tall structures. They are proposing 8 antennas. This building has the height that is necessary to connect to 4 different sites as a hub for their network. A-10 in evidence is microwave path profiles. A-6 report was to determine the radio emissions as they exist now and identified that this would not go over FCC standards, adopted in 1996. These antennas are all data and are for commercial clients.

Mr. Gallina added up the antennas and there would be 25, if approved.

One antenna no longer in service and will be taken down. Mr. Stern explained what would be necessary to use a tower.

Glen Scherer, 53 Frontage Road, Suite 260, Hampton, NJ 08827, was accepted as an expert in the field of civil engineering. Site plans A-8 were explained. The only services required are electrical and telephone (1 fiber strand). The building is structurally capable to hold these antennas (A-9). One ballast mount would also be put on for future applications (place saver). Antennas would match the bulkhead.

Paused for break from 8:50 PM to 8:59 PM.

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David Karlebach, 38 East Ridgewood Ave., Ridgewood, NJ was accepted as expert professional planner. Explained the difference between conditional use variance as opposed to a d-1 or d-2 variance. McKay Bros. would be the third user. Board must determine if this use would remain appropriate for this site. Showed Board photographs (A-7 enlarged) taken from different locations. There have been a lot of changes since the 2002 ordinance. A lot of point-to-point antennas in use now. There is no accommodation in the ordinance for today's providers in this century. The equipment can't be shared. They all have individual frequencies.

N. Croot asked about the weight; does it affect the structure? There is no weight issue.

Mr. Meese chose to wait for the January meeting. The two absent members will be sent a transcript in order for them to vote.

Meeting adjourned at 9:20 P.M. on motion by J. Quinn seconded by S. Gonzalez. All present were in favor.

Attest December 6, 2012

Katherine Baccala

Chairman William Coleman called the regular meeting of the Zoning Board of Adjustment to order at 9:21 PM.

The following members were present: Chairman William Coleman, Vice-Chairman Jason Quinn, Nancy Croot, Scott Den Bleyker, Sergio Gonzalez and Board Attorney Anthony Gallina. Absent: Patrick Sheehan and Diane Davidson.

**3. Hearing #693
Vigilant Technologies, Inc.
75 West Passaic Street, Block 84.01, Lot 2.01**

Applicant seeks variances for height above the roof, number of commercial carriers on single structure, (d)3 use variance for a Satellite dish and an exception to a requirement for site plan approval.

Michael Ridgway, Esq. appeared for applicant. A-1 form of notice to property owners within 200' dated 11/15/12, A-2 affidavit of service dated 11/29/12, A-3 exhibit proof of publication in *Our Town* 11/22/12, A-4 copies of certified mail receipts of notices to property owners within 200', A-5 report from Pinnacle Telecom Group 7/30/12, A-6 site plan of Valore, LLC dated 12/21/11 last revised 8/26/12. The application is complete.

Ebenezer Anthony, 800 Rene-Levesque West, Suite 1400, Montreal, QC, Canada H3B 1X9, network architect for Vigilant Technologies. They are applying for three dishes. A-7 in evidence is a report he prepared showing this is only building giving line of site necessary. Have FCC licenses for all three sites; 2-4' dishes and 1-2' dish. Sites are in Secaucus, Montclair and Rochelle Park.

Roger Johnson, 11 Wismer Road, Shanksville, Pa (Valore), was accepted as expert in field of civil and structural engineering. A-6 in evidence was gone over. The equipment cabinet is 3'x3'x6'. A-8 in evidence is a structural report. That was also gone over. They will not need any roof penetrations. Calculations show that they are rigid enough to withstand wind speeds of 100 mph gusts for three seconds.

Dan Collins, Pinnacle Telecom Group, 14 Ridgedale Ave., Cedar Knolls, NJ was accepted as expert in electrical engineering. Referred to Mr. Stern's testimony for McKay Bros. Mr. Collins testified regarding FCC standards he used mathematical calculations; 1/4 of 1% of FCC standards.

David Karlebach, 38 East Ridgewood Ave., Ridgewood, NJ still under oath, still qualified as a professional planner. A-9 and A-10 are photo simulations. Two antennas comply with height and height above roof and one does not. Since 2002 a lot has changed. Expansion of cellular providers and point to point companies requires more equipment. Hard to try to figure out how many antennas and dishes the building would be

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able to support. He does not think that a total of 36 would be too many if all present and proposed dishes and antennas are approved. No need for a new tower.

B-1 in evidence is a report from Job & Job 5/25/12, B-2 report 5/28/12 from Chuck McGroarty of Banisch Associates.

Mr. Ridgway chose to wait for the January meeting. The two absent members will listen to the CD in order to vote.

Meeting adjourned at 10:19 P.M. on motion by J. Quinn seconded by S. Gonzalez. All present were in favor.

Attest December 6, 2012

Katherine Baccala