

ADEQUATE NOTICE OF THIS MEETING HAS BEEN
PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC
LAW 1975 AND BY RESOLUTION 2004-8, WITH THE
REQUEST OF THE HOME NEWS AND TRIBUNE AND THE
SENTINEL NEWSPAPERS TO PUBLISH SAME, AND THIS
ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES
OF THIS MEETING.

A meeting of the Zoning Board of Adjustments was held on July 28 2009, commencing at 7:30 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Mr. Andre., Mr. Ciulla, Mr. Clancy, Mr. DeMonico, Mr. O'Grady, and Mr. Scala

Also present was Todd from Bignell Planning, Mr. Kinneally the Board Attorney and Mr. from CME.

Absent were Mr. Bodak, Mr. McInerney and Mr. Semanovich.

The minutes of June 30, 2009 were moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

The report from Mr. Lauristin for the month of June was moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

COMMUNICATINS:

Middlesex County Planning Board on Omnipoint Communications was received and filed on a motion by Mr. Ciulla with a second by Mr. O'Grady all present approved.

LAND USE PERMIT:

2009-6 DaSilva, Jose & Maria to install a retaining wall in the public right of way at 3 James St. Mr. Kinneally informed the Applicant that they needed to notify the neighbors that lived within 200' of their property, so this application was moved to the August 25, 2009 meeting.

COMPLETENESS:

2009-5 Teco, Manuel, 5 Anne St., to leave fence where it is a variance is required, was moved for public hearing on August 25, 2009 on a motion by Mr. Ciulla with a second by Mr. Andre all present approved.

PUBLIC HEARING:

1. 2009-4 Pasaniello, Darla, 28 East St., Block 257, Lot 4, bulk variance approval to remove 650 sf. of concrete and replace this area with 752 sf of brick pavers, impervious coverage requested. Ms. Pasaniello was sworn in by the Attorney. She stated that she had 650 sf of concrete which she removed and covered with 752 sf of brick pavers., stating also that it is already done. Mr. Scala questioned whether she had a permit for the fence and steps. She stated that she did but there was confusion with the calculations with the pavers and that the pavers are filled in with sand, also that she has great drainage since this was done. Mr. Scala said that the contractor did a nice job.

Mr./DeMonico opened the meeting to the public, hearing none it was closed on a motion by Mr. Scala with a second by Mr. Ciulla all present approved. Mr. Andre approved this application with a second by Mr. Scala all present approved.

2. 2009-3 Omnipoint Communications Inc. change of use and site plan to construct a cellular tower on cemetery property located at 45 Hillside Ave. Mr. Pryor spoke on behalf of the Applicant stating that they wanted to install a monopole to look like a flag pole and that it was deemed complete at the May 2009 meeting. He has expert witnesses and initiated the 200' search and they have a lease executed with the cemetery. He was questioned why this site was

proposed, he stated that they went with FCC standards and that the Site Engineer would talk about why this site was chosen. This site satisfies positive and negative points, and this application is a change of use and therefore must be approved with a minimum of five votes.

Mr. Ciulla requested that **the** reports from CME of July 23 and Bignell Planning of July 22, be entered into the record of the meeting with a second by Mr. Scala all present approved. Ms. Robin Logan of TK Design located in Parsippany NJ was the first to speak on why this property was chosen. The first thing that needed to be done was to find a location for cell sites. There was a search ring of the properties where the tower should be located and this property was within the search ring. A map was presented to the Board and marked A1. What they had to do is to locate property with the triangular, where a 120' structure could be located and when there was none within the ring she tried to find a different piece of property. She took a look at the Zoning laws in South River, which stated that the tower had to be 1000 feet from Schools, Parks and Residential areas. A new map was presented to the Board and marked A2, from their Planner and she was asked whether there were other properties that were looked at. She stated that they looked at the Electrical sub station owned by South River also the WaWa, stating that they had discussions with South River and WAWA and there was no interest. Mr. DeMonico asked whether why we had to have another cell tower. Mr. Ciulla stated that when Omnipoint came to the Planning Board they were told that by locating the tower on the Causeway this was going to increase the power in town and wanted to know how did that change? The second place they looked at was the First Russian Baptist Church but they did not seem interested and there were a lot of restrictions on this property. They got a lease with the Washington Monumental Cemetery.

Mr. Harris the Engineer with offices located at 3021 Spice Bush Road, Laurel, Maryland spoke of his qualifications and was accepted by the Board. He talked about the capacity of the cell towers and why they are in three sections and how the network cancels each other out. He described the flag pole monopole and that cabinets will be installed below the pole and that they are remotely monitored, and all equipment is approved by the FCC. Mr. Andre questioned about the area marked in white and asked do you lose your calls in this area and the engineer stated yes.

Mr. Chairavallo from 14 Ridgedale Ave., Cedar Knoll, NJ spoke about being in compliance with the FCC, that he did the calculations and made sure that they met the standards.

Mr. Rieser professional engineer with offices located at 116 Tices Lane Unit B. East Brunswick, NJ designed the underground utilities and stated it was designed with the applicable codes stating that his firm does not do the structural design that will be done by the pole designer. He stated that it was in compliance with the EIA. The cabinet will be on a concrete base the facility will be grounded. Mr. DeMonico wanted to know how much of the ground within the cemetery would be disturbed and was told approximately 2000 square feet will be disturbed. A flat bed truck will bring in the pole and it will be brought in sections. Mr. Scala and Mr. Andre stated that there are quite a few graves on that side and will they satisfy all aspect of the construction. Mr. Clancy feels that we are jumping ahead to far. Mr. O'Grady wanted to know whether other Cellular Businesses would be coming in on this pole, he was told they would have to come into the Board to put any other equipment on the pole. Do they need to add a parking space to the Site Plan, and was told no because there is a place to park and the person who checks on the pole would only be there for a couple of hours. They have a long term lease with the cemetery which is five years, and that they have insurance provisions with the cemetery.

Mr. Kronk with offices located at PO Box 465, in Mendam, NJ, the planners stated that he prepared exhibit A2 and did the necessary markups, reviewed the ordinance and visited the site. He said that the Applicant has met all their requirements and explained what the Applicant was doing. Everything will be inside the monopole. Stating these are the Variances that are needed a D1 use variance and a D6 Variance for a 1000' set back. Wireless communications are in use with utilities, and that this is the largest lot in the search area, he showed pictures on how the pole will look. Mr. Clancy said they would have an over sized flag 22 x 35 and who is responsible for the flag, and was told T-Mobile is.

Mr. DeMonico opened this Application to the Public.

Mrs. Meloni of Kamm Ave., in South River said that she is disappointed with the cemetery She would like to know who will benefit by this enhanced telecommunication Whether they looked at only tax free property?

She is not in favor of this application. Hearing no one else this Application was closed to the public on a motion by Mr. Scala with a second by Mr. Ciulla.

The Board has questions is the property no longer tax exempt how will the property be taxed. The Attorney said that he presumes the equipment and the tower will be taxable. Mr. Andre questioned whether they had checked, in the case of fire if trucks could be brought into the cemetery? Mr. Ciulla and I have some concerns about his application, the first issue is the fire truck and what size is the crane is it to big and will it damage any of the plats near the construction site? We would like to have all the T's crossed and I's dotted before we approve this application. We would like to know if you can get a fire truck on the property and the size of the crane. Mr. Scala moved this application to be carried over to the August 25, 2009 meeting with a second by Mr. Ciulla, all present approved.

OPEN TO THE PUBLIC:

Mr. Mohammed the owner of 104 Whitehead Ave.. got up to speak about his Resolution from the Zoning Board which gave him 8 months to repair the outside of the property, which has not been done. He would like a moratorium on this part of the Resolution. The Board spoke and this is the problem with this Application. No permits have been issued, and they need to send a letter stating why this is and why the work has been delayed. Mr. Mohammed said that 95% of the work is complete that they have demolished the two car garage. There was no work done inside except for the changing of the door. Mr. Ciulla stated that they have complaints against them for missing smoke detectors, Mr. Mohammed stated that they were removed by a person living there that they have been trying to evict. Mr. Ciulla asked if the proper permits were taken out. Mr. DeMonico said that they were in violation and that the Board agreed on the eight months to get things done and this was not done. Mr. Mohammed was told to get with the electric and plumbing departments and to get the correct permits, and then come back to the Board next month with an application for relief from the condition. This was moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

BILLS:

The bills were ordered paid on a motion by Mr. Clancy with a second by Mr. Andre all present approved.

COMMENTS:

There were no comments made by the Board.

ADJOURNMENTF:

The meeting was adjourned on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

Respectfully submitted,

M. Anita Hermstedt
Secretary to the Board