

**BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD MEETING MINUTES
December 9, 2009
6:30 PM**

Meeting called to order at 6:38 p.m. "Pledge of Allegiance" recited.

Roll Call. Present: Windish, Foley, Loughridge, Simard, Fostle, Levitt, Stanzilis, Sendler, Galate, Ondish. Absent: Wilson, Hughes, vandenHende.

Approval of meeting minutes from November 12, 2009. Motion by Sendler, second by Simard. Yes: Simard, Fostle, Stanzilis, Sendler, Galate, Ondish. Minutes approved.

Approval of amended meeting minutes from October 14, 2009. Motion by Simard, second by Levitt. Yes: Foley, Loughridge, Levitt, Stanzilis, Galate, Ondish. Minutes approved.

Approval of vouchers. Motion by Fostle, second by Simard. Yes: Windish, Foley, Loughridge, Simard, Fostle, Levitt, Stanzilis, Sendler, Galate, Ondish. Vouchers approved.

New Business: (*Application Complete: 11/12/09 Prior Hearings: None*)

Metro PCS, Block 70, Lot 3. 1 Canfield Avenue. Application to obtain approval for expansion of existing telecommunications facility including the placement of four (4) new equipment cabinets and six (6) new antennas onto the existing tower.

Joseph O'Neill of Garofalo & O'Neill to represent Metro PCS.

Terrence Lulay, site engineer, sworn in and provides credentials.

Lulay: The latest version of plans the board has is dated 10/21/09. There have been some revisions that were just learned about yesterday regarding setbacks. Mr. Lulay describes setbacks shown vs. corrected setbacks.

Stanzilis: Did Mr. Phil receive a copy of letter describing setback discrepancies?

Phil: No.

O'Neill: With regard to the equipment, no generator is proposed?

Lulay: No.

Phil: Is there an evaluation of mounting height of the antenna as it relates to the coverage received?

O'Neill: As indicated in the coverage report and due to tree cover, the proposed mounting height is the minimum acceptable to achieve adequate coverage.

Stanzilis: Please review security of equipment.

Lulay: Fencing will be in place and facility will be video monitored 24/7. Radio cabinet will be locked.

Open to public – 6:57 p.m.

Closed to public – 6:57 p.m.

Joseph Chiaravallo of Pinnacle Telecom Group is sworn in and provides credentials.

Chiaravallo: Site is in compliance with all FCC regulations and standards.

Open to public – 7:01 p.m.

Closed to public – 7:01 p.m.

Phil: Was the radio frequency analysis a composite of all antennas located on the existing tower and not just the proposed antennas?

Chiaravallo: Yes.

Ronald Reinertson, PP, of Pennoni Associates in sworn in and provides credentials.

Reinertson distributes and describes exhibits A-2 through A-4 representing photo simulations of the proposed equipment.

Reinertson gives positive and negative planning criteria for the proposed use.

O'Neill: States the two (2) principal uses of the site.

Phil: Questions why no photo was taken from the easterly end of the train platform showing the visibility of the proposed equipment.

Reinertson: No clear shot was available.

Discussion of screening/shrub removal.

Phil: Could a revised plan be instituted to reduce the visual impact of the proposed equipment?

Phil: Could a conditional note be added to the plan that screening will be added along the access-way to block visibility of the equipment from the train platform?

7:36 p.m. - O'Neill requests brief recess.

7:37 p.m. – meeting resumes.

O’Neill: States that MetroPCS’s lease area does not extend to the area in which the Board is requesting screening. JCP&L controls the area in question and would have to grant permission for the screening. Mr. O’Neill requests an adjournment in order to attain said permission from JCP&L and return at a future meeting to continue testimony.

Adjournment of testimony to allow time for remaining professional to arrive.

Dismissal of Application: *(Prior Hearing: 9/23/09)*

Appeal of Zoning Official Determination – 6 Windemere Avenue, Block 26, Lot 2. Appeal to continue the use of three (3) sheds on property.

Selvaggi: Summarizes past activity regarding the application.

Motion to dismiss application without prejudice. Motion by Sandler, second by Simard. Yes: Windish, Foley, Loughridge, Simard, Fostle, Levitt, Stanzilis, Sandler, Galate, Ondish. Motion approved.

New Business: *(Application Complete: 11/12/09 Prior Hearings: None)*

Poskitt, Block 108, Lot 7. 658 Reba Road. Application to obtain approval for construction of a 15’ x 22’ aboveground swimming pool in a side yard area within the RA-40 zone.

Elizabeth Poskitt, homeowner, is sworn in.

Poskitt: Describes proposed pool and location.

Phil: No construction details are provided. How high above-ground is pool?

Poskitt: 48”. Contractor has not been selected.

Galate: Does pool have a full deck proposed?

Poskitt: Small platform with a lock will be installed.

Selvaggi: A variance may be given allowing the pool to be no closer than 11’ from the property line in question.

Poskitt: A pool could not be installed anywhere else on the property.

Selvaggi: Applicant must comply with all applicable building codes upon construction.

Open to public – 8:05 p.m.

Closed to public – 8:05 p.m.

Motion to grant a C-1 variance to approve application for proposed pool to be no closer than 11' from side lot line and that pool and related improvements do not increase the lot's impervious coverage by more than 23.1%. Motion by Sendler, second by Simard. Yes: Windish, Foley, Loughridge, Simard, Fostle, Levitt, Stanzilis, Sendler, Galate, Ondish. Motion approved.

Continuation of MetroPCS testimony

Daniel Penesso, radio frequency engineer, is sworn in and provides credentials.

Penesso: Describes MetroPCS and their intent to increase their coverage area.

Penesso: Presents and explains Exhibit A-5 showing existing and proposed coverage expansion.

Open to public – 8:24 p.m.

Closed to public – 8:24 p.m.

O'Neill: Every effort will be made to obtain permission from JCP&L to allow screening. Any determination will be forwarded to Mr. Phil.

Motion to authorize preparation of a favorable resolution to grant use variance and site plan approval to approve application with the condition of JCP&L allowing screening. Motion by Simard, second by Foley. Yes: Windish, Foley, Loughridge, Simard, Fostle, Levitt, Stanzilis, Sendler, Galate, Ondish. Motion approved.

Executive Session

Motion to enter into executive session. Motion by Sendler, second by Foley. Yes: Windish, Foley, Loughridge, Simard, Fostle, Levitt, Stanzilis, Sendler, Galate, Ondish. Motion approved.

Executive Session – 8:36 p.m.

Return from Executive Session – 8:48 p.m.

Ondish – in 2010 a new alternate will replace Windish and Maureen Cerasoli will replace Levitt.

Motion to adjourn. All in favor.

Meeting adjourned at 8:49 p.m.

Reyna M. Burger – Board Clerk/Secretary