

MINUTES OF THE APRIL 9, 2014 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, F. Franco, J. Miano, J. Traudt,
Councilman Kelly, M. Giancarlo, L. Calabria

MEMBERS ABSENT: Z. Horvath, E. Lichtstein, Mayor M. Arnowitz

EMPLOYEES PRESENT: Nylema Nabbie, Esq. Board Attorney
Christopher Statile, P.E., Board Engineer
Caitlin Chadwick, Acting Deputy Secretary

Chairwoman Calabria called the meeting at to order at 7:50 pm with a reading of the Open Public Meetings Statement.

OPEN TO PUBLIC:

As no one wished to speak, the open session was closed to public.

MINUTES:

The *March 25, 2014* minutes were approved by the Board.

CONCEPT HEARING:

PZ-12-13, Zarison Jinhui; Block 102, Lot 1; 90 Wierimus Road
Bulk variance considerations for front yard setbacks

The applicant's attorney Ira Weiner, Esq. made an informal presentation on a potential subdivision application at Wierimus Road/Van Emburgh Avenue. The presentation consisted of three possible front yard building setback alternates for the seven lot subdivision: 60 ft. (conforming), 50 ft. and 45 ft. The purpose in reducing the front yard setback is to provide greater depth rear yards due to topography of the site, and to provide no useable open space.

David Gleassey, P.E. who prepared the plans, reviewed the specific details. After several questions made by the Board, the Board agreed that the 45 ft. front yard setback looked reasonable, although the applicant was still required to provide the necessary proofs at the formal public hearings.

The meeting was re-opened to the public at 8:16 pm.

Nearby residents expressed concerns about past flooding of the property, and whether there would be any fencing along Van Emburgh Avenue, which is the rear of the three of the lots. Several low walls are proposed. Mr. Weiner said that control of drainage would be an important concern of the development.

RESOLUTIONS:

***Resolution No. 2014-07 Inserra Supermarkets
Block 1007, Lots 13-16; Preliminary and final major site plan approval***

A short recess was taken by the Board in order for the Board Attorney to organize a proposed resolution. At 8:49 pm, the Board returned from their recess. After consideration, Councilman Kelly made a motion to approve a resolution for Preliminary and Final Site Plan Approval with bulk variances. All Board members were in favor, with the exception of Chairwoman Calabria, who abstained, and Mr. Franco, who was opposed.

PUBLIC HEARINGS:

***PZ-02-14, Andrew & Noreen Cohen; Block 202, Lot 9; 56 Royal Park Terrace
Bulk variance application for side yard and front yard setbacks for new in-ground pool***

Counsel for the Applicant was not present, nor were the applicants themselves. It was determined that the applicant's attorney did not receive proof of notice, so the Board had no jurisdiction to act.

***PZ-01-14, New Cingular Wireless; Block 1107, Lot 19; 371 Washington Avenue
Preliminary & final major site plan with "d" height variance for new cell tower***

Councilman Kelly recused himself due to conflict of interest and left the Chambers.

Counsel for the Applicant, Christopher Quinn, Esq., began by explaining to the Board some details of the proposed cell tower. Specifically, AT&T is proposing a tower at a height of 150 ft. with a base area of 228 sq. ft. Both of these measurements exceed the Hillsdale zoning limits. Mr. Quinn explained that additional area space is needed so that AT&T can install a generator on site, and additional height is needed to meet FCC seamless coverage requirements.

The first witness was Daniel Penesso, P.E. who referenced a map, **Exhibit A-1**, entitled "Hillsdale W281," which showed the proposed location of the new cell tower, existing cell sites with AT&T, as well as the deficient areas of AT&T cell coverage in Hillsdale. Mr. Penesso also referenced the submitted 11/26/2013 Comprehensive Radiofrequency Report, reassuring the Board that any radiofrequency waves emitted from the new cell tower will be well below the FCC's limit, even for people within the immediate area. Mr. Penesso further expressed that AT&T is required by the FCC to provide seamless reliable coverage and that 150 ft. is the minimum height which will allow AT&T to meet this goal.

Supplementing Exhibit A-1 was another map, **Exhibit A-2**, showing the proposed enhanced coverage if this tower were approved; most of the gapping coverage areas that we saw in Exhibit A-1 were filled in. Existing topography and terrain in Hillsdale was taken into account when Exhibit A-2 was designed.

In response to various questions from the Board, Mr. Penesso explained that the cell tower will be on Borough-owned land. AT&T will own the tower and the Borough will be responsible for leasing out vertical positions on the tower to other wireless companies. The tower can hold up to five cell carriers, which will each be placed 10 ft. apart with antenna separation center to center. Due to local terrain, each cell tower offers a 1 to 1.5 mile radius of coverage footprint. If the proposed 150 ft. tower were placed at a lower height, additional cell towers would be required in order to provide the

same level of coverage that one taller cell tower will provide.

Addressing the Board's concerns about radio frequency emissions, Mr. Penesso explained that if all spots were leased out on the tower, the radio frequencies would still fall far below the FCC's requirements, even for people in the immediate vicinity of the tower. According to Mr. Penesso, each cell site has 3 panel antennas and the beams the tower emanates are comparable to a flashlight, its beams travelling up and out.

The meeting was opened to the public for questions. Kevin O'Brien of Hillsdale came forward to question Mr. Penesso about the proposed tower. Mr. Penesso explained to Mr. O'Brien that AT&T is required by the FCC to make sure that all existing bands of coverage are fully functioning.

Mr. Penesso explained that radiofrequency levels are measured by formulas given to cell carriers by the FCC and anything above 30 ft. is not required to be measured. He elaborated that all cell towers are at about .02% of the FCC limit, making them well in compliance with the FCC. Mr. Quinn added that future carriers must also calculate their radiation both individually and collectively.

Mr. Quinn then called his second witness, Chris Cirotti, P.E. of Dewberry Engineering who prepared the site plan. Mr. Cirotti explained exact measurements of the cell tower location, referencing a site plan drawing, "Z-01," dated 12/12/13 and a partial site plan drawing with elevation, "Z-04." Adjacent to the cell tower will be an equipment shelter, which needs to be on a raised concrete platform about 7 ft. off the ground due to an on-site flooding. There will also be an emergency, natural gas generator on the platform, all surrounded by an 8 ft. chain link fence.

Mr. Cirotti made a correction to Drawing Z-01, stating that although it reads "front yard setback 23.08 ft.," it should actually read "*side yard* setback." He then proceeded by going over setback requirements for front rear and side yards, using Drawing Z-01 to show where proposed setbacks are compliant with the Borough and where bulk variances will be needed.

Mr. Quinn stated that other cell carriers will have their own equipment shelters. Mr. Cirotti elaborated, stating that each carrier is different in terms of how much sq. ft. they will need for their equipment shelters.

Board Engineer Statile and Mr. Alter discussed how this proposed cell tower site will affect the Hillsdale DPW operations, since they will be sharing the site.

Mr. Alter asked if Metro PCS' existing cell tower would be removed before installation of AT&T's tower. Mr. Statile elaborated stating that it is in Metro PCS' contract to remove their temporary tower. At the appropriate time, Metro PCS will relocate onto AT&T's tower, and the existing Metro PCS tower removed.

Councilman Giancarlo questioned who will be responsible for maintenance of the tower. Mr. Quinn confirmed that it will be AT&T's responsibility. Councilman Giancarlo asked what will happen if this towers' technology becomes obsolete in the next 10-15 years. Mr. Quinn replied that when AT&T's lease is up, AT&T is obligated to remove the tower. Councilman Giancarlo asked about other carriers' equipment shed locations. Mr. Quinn explained that other carriers' equipment sheds will not encroach on DPW property; equipment sheds can be placed very close to one another and even on top of one another if need be.

Kevin O'Brien asked Mr. Cirotti if instead of a concrete platform, a floating raft that would lift the shed off the ground when it floods could be used to protect the cell tower against flooding.

Ms. Kates asked how the process of digging without disturbing the natural gas lines occurs.

Mr. Quinn called his final witness, Timothy M. Kronk, P.P., A.I.C.P who displayed aerial photographs to the Board. On June 17, 2010, a red weather balloon was floated to a height of 150 ft. where the proposed cell tower will stand. From that balloon test, photographs containing simulations of the cell tower were made and presented to the Board.

Ms. Kates asked if a taller cell tower meant a higher chance that it would get struck by lightning. Mr. Cirotti acknowledged that a cell tower of any height would be the tallest structure in the sky, making it more susceptible to lightning and explained to Ms. Kates that AT&T took grounding provisions to protect against lightning.

Mr. Statile explained to the Board that out of all Borough-owned property, this site is at the lowest elevation thus the need for a higher tower than the ordinance may have anticipated. Furthermore, the Borough has been considering this site for about 2 years, with the DPW involved in the process.

The Board discussed and deliberated the application. Mr. Quinn and Attorney Nabbie reminded the Board that installation of this cell tower will benefit the general public.

Councilman Giancarlo made a motion to accept this application as it is with conditions. Mr. Alter seconded the motion. The Board then voted as follows: Ms. Traudt against, Mr. Franco in favor of, Ms. Miano in favor of, Chairwoman Calabria in favor of, Councilman Giancarlo in favor of, and Ms. Kates against. The application with variances was approved.

At 11:41pm, the meeting was adjourned.

Respectfully submitted,

Caitlin Chadwick
Acting Deputy Secretary