

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
MAY 19, 2010**

MINUTES

**Chairman, Charles Amorosso, reads the Sunshine Statement
into the record at 8:00 p.m.**

ATTENDANCE:

PRESENT: MR. AMOROSSO, MR. DELISIO, MR. DELAURA,
MR. PERRETTI, COUNCILMAN SOKOLOSKI,
MR. TREBINO, MR. DEVLIN (ALTERNATE #1),
MRS. WALKER (ALTERNATE #2), MR. BARGNA
(ALTERNATE #4)

ALSO PRESENT: ATTY. GREGG PASTER, MR. LOUIS RAIMONDI

ABSENT: MR. GIANNOTTI, MAYOR HOGAN, MR. VOLLMER,
MR. MARANA (ALTERNATE #3)

**REGULARLY SCHEDULED COMBINED
WORK SESSION AND FORMAL MEETING**

FORMAL MEETING

**APPLICATION OF HYON LEE, 194 LIVINGSTON STREET,
BLOCK 909, LOT 24 – SITE PLAN AND USE VARIANCE**

Atty. David Watkins with offices in Closter, New Jersey came forward. He would like to carry the hearing and notices for this application to the June 16, 2010 meeting.

Atty. Watkins would like to note on the record that the hearing and notices of the application of **FIRST INVESTOR'S MORTGAGE, Block 904, Lot 7** will also be carried to June 16, 2010.

Board Attorney Paster said that the notices appear adequate and recommend that the Board permit Atty. Watkins to return without further notice to the public.

A motion to carry the applications to June 16, 2010 was made by Mr. Perretti, seconded by Mr. Amorosso.

All in Favor - YES

WORK SESSION

**APPLICATION OF SAMUEL PRUYN, 340 LAMBERT AVENUE,
BLOCK 507, LOT 1 – VARIANCE FOR A FENCE**

Mr. Pruyin residing at 340 Lambert Avenue came forward. He would like to put up a six foot fence in the rear and four foot on the side of his property. Mr. Pruyin said that the six feet would be to the Hill Terrace Street frontage along the rear of the property. The four feet across to where the existing fence is on Hill Terrace. It would come across the front building line on Lambert Avenue as shown on the plan. Mr. Pruyin said on the south side he would like to have the six foot fence to the house line coming across the front building line.

Mr. Perretti asked if the existing chain link fence to be removed is on the applicant's property. Mr. Pruyin said he believes that the survey indicates that his property extends out to the sidewalk. Mr. Pruyin said that he does not want to take out any bushes. Mr. Pruyin said that he is asking for a variance to extend six feet for one section of fence in the back yard.

Since there were no questions from the Board, the Chairman of the Board advised Mr. Pruyin to send out his notices for the formal hearing. If the applicant is ready, the formal hearing will be scheduled for June 2, 2010.

**OMNIPOINT COMMUNICATIONS, INC.,
35 INDUSTRIAL PARKWAY, BLOCK 608, LOTS 1 AND 2 -
REMAND HEARING**

Mr. Amorosso stated that the Board was ordered by the Judge to hear this before May 27, 2010. This is not a public session; it is strictly for the Board from the Attorney.

Atty. Paster said that tonight is to put the conditions as if the Board had approved the application and to discuss things such as lighting, safety, strictly conditional. He mentioned that the variance has been granted, the use has been approved by the Court. The Court took some relief and granted all the variances. The Board is now simply in a position to discuss conditions that would make the application the least intrusive that it could be under the circumstances.

Councilman Roy Sokoloski recused himself from the hearing of the application.

Atty. Frank Ferraro stepped forward. Atty. Ferraro stated that he represents the applicant, T Mobile Northeast, LLC formerly known as Omnipoint Communications when this first started.

Atty. Ferraro said this is on a remand for a court order, here solely for the purpose of considering the imposition of reasonable conditions regarding the options for the monopole. One possibility for this particular pole would be the standard monopole

galvanized steel pole, six antennas 110 feet which is the approved height of the structure. The planner had introduced photo simulations to the Board showing the potential to make this into a tree pole. The pole would actually be painted brown and would have the green fiberglass tree extensions so that it would look like an evergreen tree. These are the options that T Mobile has available, based upon the height of the tower.

Atty. Ferraro said that the applicant was not asked by the FAA to light the pole because it is not in a flight pattern. No lighting is mandatory. Any lighting would be at the request of the Board.

Mr. Perretti has a concern that if a helicopter is coming in and they cannot locate the tower, it may end up on someone's roof. He feels that it should have a warning device on top; a simple red blinking light is enough.

Atty. Ferraro said that a light can certainly be placed at the top of the pole; the applicant would not have any objection to that. It's if the Board would want the light to be at the top of the pole given that the FAA does not require the light, would the Board still want the light. All members said, yes, they would want the light.

The exhibits were marked into the record and, at this time, they are with the Court. Board Attorney Gregg Paster will pick them up from the Court.

Mr. Ferraro said that he recollects that the Board showed some interest in the tree pole design.

Atty. Paster said that the variances that were necessary for use through setbacks, through side yards, rear yard and all the rest has all been decided.

All members, except for Mr. DeLisio, think that the tree pole design would be the best.

Mr. Perretti made a motion that the Board **approves** the application with the tree pole design and to install two warning lights, one blinking white light for daytime and one blinking red light for evening.

Mr. Ferraro mentioned that any kind of tower lighting, the FAA has complete exclusive jurisdiction. If for some reason, they thought the lighting would be confusing, then they may have an objection to this. Mr. Ferraro wanted to be up front with the Board.

A motion to **approve** the application was made by Mr. Perretti, seconded by Mr. Trebino.

ROLL CALL: Mr. Perretti, Mr. Trebino, Mr. Amorosso, Mr. DeLisio, Mr. DeLaura,
Mr. Devlin, Mrs. Walker - YES

A motion to **appeal** this decision by the Judge was made by Mr. Amorosso, seconded by Mr. Perretti.

Mr. DeLaura asked – “on what basis?”

Mr. Amorosso said that the Council reopened the meeting after their closed session and they gave permission for the monopole to go into the park behind the pumping station on Borough property. The board would be appealing the construction of the pole on that site, not its placement.

ROLL CALL: Mr. Amorosso, Mr. Perretti, Mr. DeLisio, Mr. DeLaura, Mr. Trebino, Mr. Devlin, Mrs. Walker, Mr. Bargna - YES

APPROVAL OF MINUTES OF MAY 5, 2010

A motion to **approve** the minutes was made by Mr. Amorosso, seconded by Mr. Trebino.

ROLL CALL: Mr. Amorosso, Mr. Trebino, Mr. DeLaura, Mr. Perretti, Councilman Sokoloski, Mr. Devlin - YES
Mr. DeLisio, Mrs. Walker, Mr. Bargna – ABSTAINED
Mr. Giannotti, Mayor Hogan, Mr. Vollmer, Mr. Marana – ABSENT

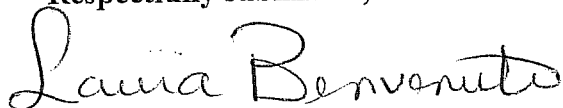
Correspondence was discussed.

A motion to **adjourn** the meeting at 8:34 p.m. and to go into **Closed Session** was made by Mr. Amorosso, seconded by Mr. Perretti.

All in Favor - “YES”.

Meeting adjourned.

Respectfully submitted,



Laura Benvenuto, Board Secretary