

## **Hawthorne Planning Board Minutes of May, 2009 Regular Meeting**

The May, 2009 regular meeting of the Hawthorne Planning Board was called to order on May 19, 2009 at 7:35 P.M. by Chairman Garner. After recital of the Pledge of Allegiance, Board Secretary William A. Monaghan, III called the roll. All members and alternates except Mr. Matthews and Mr. Ruta were present as well as Board engineer Michael J. Kelly, P.E. and Board attorney/secretary William A. Monaghan, III, Esq. Chairman Garner announced that notice of the meeting had been published and posted in accordance with the Open Public Meetings Act.

### **MINUTES**

1. On a motion made by Mr. Lucibello and seconded by Ms. DiMattia, the Board approved the minutes of the April regular meeting and May work session.

### **CORRESPONDENCE** – None

### **BILLS**

1. A motion was made by Vice Chairman Lane, seconded by Mr. Lucibello, and approved by a vote of 7-0 to approve payment of bills of the Hawthorne Press for Invoice No. 985646 in the amount of \$35.10, Invoice No. 985709 in the amount of \$28.08 and for Invoice No. 985715 in the amount of \$19.50.

### **RESOLUTIONS**

1. With regard to the applications of **Caring Solutions Home Care, LLC, JDC Motorwerkz, Stadium Roar, Warehouse 18 Inc., Wilpage Inc.** (146 Genevieve Avenue) and **Wilpage Inc.** (29B Ethel Avenue), a motion was made by Vice Chairman Lane, seconded by Mr. Lucibello and approved by a vote of 5-0 to approve resolutions memorializing the actions taken by the Board at its May 5, 2009 meeting.
2. With regard to the application of **Hawthorne Car Wash**, a motion was made by Mr. Lucibello, seconded by Mayor Goldberg and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its April 21, 2009 meeting.

**CERTIFICATE OF COMPLIANCE PLAN REVIEW** – None

**OLD BUSINESS** – None

**NEW BUSINESS**

1. The Board conducted a hearing on the proposed amendment of the Borough Master Plan by the adoption of the Housing Element and Fair Share Plan dated March 5, 2009 prepared by Burgis Associates. After being sworn, Borough Planner Joseph Burgis, P.P., described the main features of the Plan, which was accepted as an exhibit. He indicated that the Council on Affordable Housing had calculated a third round "growth share" of 117 units for Hawthorne through 2018. Based on credits from the prior round as well as credits for group home beds located in Hawthorne, Mr. Burgis calculated and concluded in his report that the Borough has 31 credits toward the third round growth share. He advised the Board that approval of the Plan by the Planning Board and submission of the Plan to COAH by the governing body would protect the Borough from builders' remedy suits. The hearing was then opened for public comment without response. After brief further discussion, a motion was made by Vice Chairman Lane, seconded by Mr. DeAugustines and approved by a vote of 7-0 to adopt the Housing Element and Fair Share Plan dated March 5, 2009 prepared by Burgis Associates as an amendment to the Borough Master Plan and to direct the Board secretary to advise the governing body of the adoption of the amendment for consideration of submission of the Plan to COAH.
2. With regard to the application of **Metro PCS New York, LLC**, Harry H. Clayton, IV, Esq. appeared as attorney for the applicant. He made a brief opening statement in which he advised the Board that the applicant is seeking site plan approval and a bulk variance for the installation of six antennas on the existing monopole located on Borough property. He indicated that the applicant is a newly licensed carrier in the area.

He called as his first witness David Collins of Pinnacle Telecom Group. After outlining his educational background, employment and professional experience, he was permitted to testify as an expert witness with regard to FCC compliance issues. He submitted a written report dated April 21, 2009. He offered his opinion that with regard to both the existing and proposed installations, the antenna array meets all FCC compliance standards for radio frequency emissions.

Mr. Clayton called as his next witness Robert W. Toms. After being sworn, Mr. Toms testified that he is a vice president of MTM Design Group, Inc. and is a licensed professional engineer in New Jersey. He was permitted to testify as an expert witness. He indicated that at present there are four carriers with antennas on the existing monopole. The applicant seeks to install six new antennas at the 85 foot level on the pole. The existing equipment compound would be enlarged by an additional 10 foot by

20 foot compound. The location of the proposed addition is based on existing trees and the brook on the site. He indicated that the applicant will re-locate the arborvitae if necessary. In answer to a question, Mr. Toms stated that although the monopole would be at 86.2% of capacity, space would be available for additional Borough communications equipment. With regard to the variance for the maximum required distance of the accessory equipment cabinets from the base of the monopole, Mr. Toms advised the Board that compliance with the ordinance standard would require removal of trees and possible encroachment into wetlands. Mr. Toms also submitted Structural Computations dated May 7, 2009 prepared by MTM Design Group, Inc. The computations will be forwarded to the Borough Construction Official and, if necessary, to the Board engineer for review. Mr. Toms indicated that lighting will be provided by a 100 watt fixture. He offered his opinion that the proposed panel antennas will blend with the existing antennas on the monopole and will meet NJDEP noise regulations.

Board engineer Michael Kelly advised the applicant that a soil movement application would be required and that the zoning chart on the plan required minor clarification. Mr. Kelly indicated that he had no objection to the Board waiving the items requested by the applicant on its checklist submission.

Mr. Clayton called as his next witness Janice Talley, P.P. After being sworn, Ms. Talley indicated that she has been a licensed professional planner in New Jersey for twenty years. She was permitted to testify as an expert witness. She presented a photographic simulation which she prepared and was admitted as Exhibit P-1. The simulation depicted the existing antenna arrays on the monopole as well as the additional antennas proposed by the applicant. She testified that the new antennas would not have a substantial visual impact because they would be the lowest level array on the tower. She also indicated that the proposed addition to the equipment cabinets would be farther away from the adjoining residential area. Finally, she offered her opinion that the granting of the variance for the maximum distance of the accessory structure from the base of the tower could be justified as a C(2) variance based on the preservation of the buffer and the existing conditions at the site.

Mr. Monaghan noted the receipt of a letter dated May 12, 2009 from the Passaic County Planning Board requesting revisions to the plans regarding signage. Since the revisions pertained to the Ambulance Corps building project, the letter was referred to the Mayor and Council for review.

The hearing was then opened for public comment. Jessica Mol advised the Board that she objects to the installation of the additional antennas based on concerns about the possible health effects of radio frequency emissions. Chairman Garner advised her that the Board has no jurisdiction to deny the application based on the radio frequency issue since the issue has previously been determined on the federal level.

After brief discussion, a motion was made by Mr. DeAugustines, seconded by Vice Chairman Lane and approved by a vote of 7-0 to grant the application for site plan review and bulk variance subject to preparation of a memorializing resolution by the

Board attorney with the condition that the applicant include privacy slats in the chain link fence on the Goffle Hill Road side of the property.

**PUBLIC**

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:05 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William A. Monaghan, III". The signature is written in a cursive style with a large, sweeping flourish at the end.

William A. Monaghan, III, Esq.  
Board Attorney/Secretary