

**Hawthorne Planning Board  
Minutes of July, 2009 Regular Meeting**

The July, 2009 regular meeting of the Hawthorne Planning Board was called to order on July 21, 2009 at 7:33 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 Ms. DiMattia and Mr. Kowalski 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. Ruta and seconded by Mr. Lucibello, the Board approved the minutes of the June regular meeting and July work session.

**CORRESPONDENCE** – None

**BILLS**

1. A motion was made by Mr. Matthews, seconded by Mayor Goldberg, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 985845 in the amount of \$42.12.

**RESOLUTIONS**

1. With regard to the application of **Enzo Porporino Landscape Contractor, Inc.**, a motion was made by Vice Chairman Lane, seconded by Mr. Ruta and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its meeting on June 16, 2009.
2. With regard to the application of **Jordan Transportation**, a motion was made by Mayor Goldberg, seconded by Mr. DeAugustines and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its meeting on June 16, 2009.

**CERTIFICATE OF COMPLIANCE PLAN REVIEW** – None

**OLD BUSINESS** – None

## NEW BUSINESS

1. With regard to the application of **New York SMSA Limited Partnership**, Richard L. Schneider, Esq. appeared on behalf of the applicant. He made a brief opening statement in which he advised the Board that his client had entered into a lease with the Borough of Hawthorne for the installation of cellular communication antennas on the existing monopole at the municipal building property. The only variance required for approval of the application is the proposed distance of the equipment cabinet from the base of the monopole.

Mr. Schneider called as his first witness Frank Colasurdo, R.A. After being sworn, Mr. Colasurdo testified that he is a licensed architect in the State of New Jersey with ten years experience in the design of wireless communications facilities. He was accepted as an expert witness. He indicated that he designed the existing facility which is currently utilized by AT&T, Nextel and Sprint. The equipment structure was designed to accommodate a second floor which is proposed to be located over the Nextel equipment structure. He advised the Board that the proposed installations would comply with all structural standards. The applicant seeks approval for twelve antennas. Mr. Colasurdo stated that the monopole was originally designed to support additional antennas. The proposed equipment room would match the municipal building and the existing Nextel cabinet.

Mr. Colasurdo discussed the concerns raised by the Hawthorne Shade Tree Commission report dated July 10, 2009. Based on the location of existing utility lines under the memorial area in front of the municipal building, he agreed to cooperate with PSE&G and Borough officials to minimize any impact on the Douglas fir tree and the memorial.

Board engineer Michael Kelly advised the Board that he had no objection to the site plan checklist waivers requested by the applicant and that the structural calculations for the antenna installation on the monopole were satisfactory. He requested that the applicant provide shop drawings for the guardrail installation for review by his office.

Philip Savoie, chairman of the Shade Tree Commission, inquired as to whether the applicant could re-orient the proposed generator which would provide emergency power for the equipment. The applicant agreed to cooperate with Borough officials with regard to the impact of construction on existing trees.

Mr. Schneider called as his next witness Aldrich Gamboa, a radio frequency engineer employed by Verizon. After being sworn, he submitted a written report dated July 21, 2009 and marked as Exhibit A-1 which summarizes the coverage analyses and indicates that a coverage gap exists for the applicant's service which would be addressed by the proposed antennas.

Mr. Schneider called as his next witness Paul Dugan, P.E. After being sworn, he testified that he has bachelor's and master's degrees in electrical engineering as well as twenty-five years experience in the telecommunications field. He was accepted as an

expert witness. He submitted a written report dated June 25, 2009 and marked as Exhibit A-2 regarding the compliance of the proposed installation with FCC standards for radio frequency emissions. He advised the Board that the proposed levels of emissions would be below 1% of what is considered safe by federal government guidelines. He further stated that even the additional antennas proposed by Metro PCS in its application to be heard later in the evening would have no significant impact on RF levels which would remain significantly below FCC standards.

Mr. Schneider then advised the Board that he could present a professional planner to testify with regard to the variance requirement but the Board indicated that his legal argument would be sufficient for the Board's determination on the issue. He argued that the benefits of the proposed variance outweigh the detriments based on the existing conditions at the site and the relatively minimal extent of the variance. Twenty-eight feet is proposed where twenty-five feet is required. Mr. Schneider also requested that in the event of approval of the application, the Board permit the commencement of construction prior to adoption of a memorializing resolution, except with regard to the generator and utility lines.

The hearing was then opened for public comment without response.

After brief discussion, a motion was made by Vice Chairman Lane, seconded by Mr. Ruta and approved by a vote of 7-0 to grant the application for site plan approval and bulk variance subject to preparation of a memorializing resolution by the Board attorney including a provision that the applicant will be permitted to commence construction prior to adoption of the resolution except with regard to the emergency generator and utility lines.

2. With regard to the application of **Metro PCS New York, L.L.C.**, Christopher Quinn, Esq. of the law firm of Day Pitney LLP appeared as attorney for the applicant. He made a brief opening statement in which he indicated that his client's application was substantially similar to the preceding application heard by the Board. His client also seeks approval to install six antennas at the 110 foot level on the existing monopole at the municipal building site. A variance is also required for the proposed distance of the equipment cabinet from the base of the monopole. The location of the concrete slab equipment cabinet has been tentatively approved by the Borough in connection with the lease between the Borough and the applicant for the use of the monopole.

Mr. Quinn called as his first witness Robert W. Toms, P.E. of MTM Design Group, Inc. After being sworn and outlining his credentials, he was accepted as an expert witness. He testified that the applicant proposes a 10 foot by 20 foot equipment compound to be located in what was an open area. A six foot fence with earth tone privacy slats would enclose the compound. The proposed antennas would match the existing antennas on the monopole. With regard to the variance, he testified that no other location is available at the site. He indicated that the proposed facility would blend with the existing equipment compounds at the site. Lighting would be on a timer activated by a technician during periodic service visits.

Board engineer Michael Kelly noted that he had submitted a site plan review report dated June 2, 2009 and a structural review report dated June 4, 2009. He advised the Board that he had no objection to the site plan checklist waiver requests by the applicant.

Mr. Quinn indicated that he was prepared to present witnesses regarding coverage analysis and radio frequency emissions. In view of the similarity to the previous application, as well as other applications heard by the Board, and the repetitive nature of the proffered testimony, the Board waived formal testimony on the coverage and emissions issues. The hearing was then opened for public comment without response. A motion was then made by Mr. Matthews, seconded by Mr. Lucibello and approved by a vote of 7-0 to grant the application for site plan approval and bulk variance subject to preparation of a memorializing resolution by the Board attorney including a provision that the applicant will be permitted to commence construction prior to adoption of the resolution.

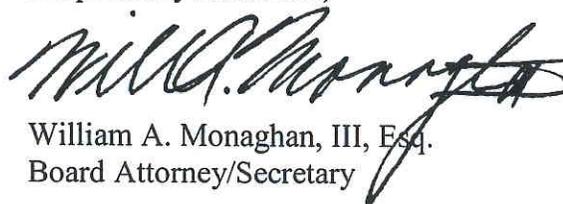
3. With regard to the application of **Arcadis**, John Persico and Jeremy Cucuini appeared on behalf of the applicant in connection with a soil movement application. Mr. Monaghan requested an Affidavit of Service in accordance with the requirements of the soil movement ordinance. Since the applicant is a corporation, Mr. Monaghan advised the applicant's representatives that in accordance with New Jersey law, appearance by counsel is required. Since the applicant is not the record owner of the subject property, the Board also requested that the applicant supply proof of the consent of the property owner to the filing of the application. Mr. Monaghan advised the applicant's representatives that based on the deficiencies, the hearing could not proceed. A motion was then made, seconded and unanimously approved to adjourn the hearing until the August 4, 2009 Board meeting.

**PUBLIC**

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:20 P.M.

Respectfully submitted,



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