

BOARD OF ADJUSTMENT
Minutes of
June 2, 2010

Present:

Mr. D'Armiento
Mr. Fowler
Mr. Kuga
Mr. Langenbach
Mr. Zarnowski
Chairman Tighe

Absent:

Mr. Lewis
Mr. Van Winkle

Also present were Attorney Brian Schwartz, Borough Engineer David Testa, Recording Secretary Maryann Thorpey and Dr. Bruce Eisenstein, acting on behalf of the Borough with regard to the application made by T-Mobile.

Chairman Tighe called the meeting to order at 7:45PM. The compliance statement was read, roll call was taken. Chairman Tighe explained the proceedings to the public.

BA-10-002, T-Mobile, 401 Route 22, continuation of the April 21 meeting. Dean Stamos representing the applicant. Mr. Stamos reported that Warren Donaldson, President of Regency Village Associates, Inc. signed the contract for the cell tower to be built on their property. It was reported that the Association held a public meeting on Monday, December 7, 2009; Mr. Stamos gave the Board a copy of the minutes. Three members of the Board of Trustees voted 2-1 to approve the contract. A letter was delivered to the Board this morning from one of the owners of Regency Village that stated the master deed of the complex states the majority of the owners must vote. Mr. Schwartz asked Mr. Stamos to review, and to be sure protocol was taken to avoid litigation in the future. Mr. Stamos said T-Mobile's attorney reviewed the by-laws and found all to be in order. He said they have a legal contract signed by the President of the Association. Mr. Schwartz agreed it is hearsay and needs to be looked at more closely.

Dr. Eisenstein, Wyndmoor, Pa., an expert witness in radio frequency and telecommunications, was sworn in.

Mr. Naeem Asghar, Parsippany, NJ, an expert radio frequency engineer, was sworn in. Mr. Stamos questioned him about current coverage, gaps in coverage and proposed coverage; he described. Chairman Tighe questioned the size of coverage between poles. He explained the higher the pole the better the coverage. He then showed the proposed conditions with overlay. The height proposed is 120'. Due to the hill behind the site, the antennae will be placed in such a way to cover east, west and south of the pole. There will still be a gap to the south because of the height of the pole.

Mr. Zarnowski questioned the coverage. He asked why focus on the southwest corner of the under-served area and not more centralized. Mr. Asghar said T-Mobile's Engineering Department found this site to be available. Mr. Zarnowski asked if T-Mobile considered alternative sites. Mr. Stamos questioned Mr. Asghar. He said there are no other areas that are a permitted use. Mr. Zarnowski reminded him neither is this site. Chairman Tighe asked Mr. Asghar if a location further north or east would be more desirable. He said not all the area that needs coverage would be covered. Chairman Tighe suggested if the pole was to move further east all of North Plainfield would be covered. Mr. Asghar said small gaps are to be expected. The proposed pole on West End Avenue will not impact this area.

Mr. Schwartz questioned him about the percentage of dropped calls. He also asked who sets the standards. Mr. Asghar said the network set the standard. As the network grew the industrial standard changed. Mr. Zarnowski questioned what the degree of error is. He said there is some degree of error, however, it is the same for all carriers. Mr. Zarnowski asked what was the reliability of the map. Mr. Asghar said better than 95%. Dr. Eisenstein asked why the search ring was not centered in the gap area. He said it was closer to the population area. Dr. Eisenstein said the search ring should be centered. He then asked if Mr. Asghar is aware of federal regulations or state regulations, he said there are none. Mr. Stamos said each carrier sets their own standard, Dr. Eisenstein disagreed. He asked if there was anything in writing he can look at. He was told there wasn't. Dr. Eisenstein asked what happens to the reliability if he moves 10' from the green border into the white border - possibly negative; 5' probably no difference. Mr. Asghar said most companies use the same standard. He said there is coverage in the white, but it's unreliable. He said it is lower possibly in the yellow. They strive for 95-98% reliability. Dr. Eisenstein said these are random variables. He said voice is more demanding on the network than data.

Mr. Fowler asked if the coverage isn't complete why didn't they seek a taller pole. Mr. Asghar said they can accommodate the small gap, possibly by tilting the antennae. Mr. Schwartz asked if the antennae is tilted does it reduce coverage elsewhere. He was told yes and they would adjust several antennae.

Open to the public.

Jerry Jacala, Regency Village, questioned optimization of the tower. He asked if placing the tower at the mall would give adequate coverage. Mr. Asghar said he would comment on that at the next meeting.

Albert Woznik, 54C, Regency Village, asked if he uses a formula to measure coverage. Yes he does. Chairman Tighe explained T-Mobile determines where the coverage is needed, then speaks with realtors who locate a site.

Shirley Reid, 45, Regency Village, questioned the use of Watchung mall. Mr. Stamos said they will address that at the next meeting.

Lillian Linell, 50G, Regency Village, asked what started this - were there many complaints? He said there are a number of factors, including customer service.

Jerry Jacala, Regency Village, asked how far is the poor coverage; he was told 1 mile.

Mr. Kalil, 43G, Regency Village, thought the mall is a better location.

Dr. Eisenstein would like to see the drive test data. He asked the Board if they would like to see propagation plots from the mall. The Board is unsure if the mall was interested. Mr. Stamos will check into it.

Mr. Zarnowski mentioned Homeowners Heaven is also a possibility. Chairman Tighe asked for the most information on those properties.

The application is carried to July 21.

Lillian Linell asked if this would destroy their landscaping. Chairman Tighe said there will be more testimony at the next meeting; trees should not be removed.

Albert Woznik has a copy of a letter stating the owners defeated the proposal to build the cell

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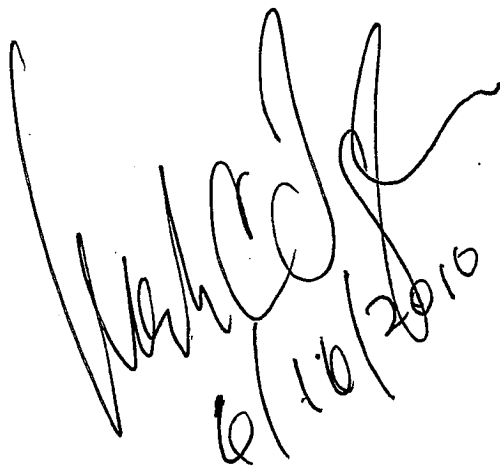
tower, he had a copy of the Association's minutes from November 2009. He said there was a special Association meeting to vote on the tower on December 7, 2009.

Louis Sanchez, 12F, Regency Village, trustee of the Association, stated the note referred to a year ago when the Association voted to approve. Sometime during the year the Association went in the opposite direction and there was another vote. Chairman Tighe said it was up to the Association to settle this dispute.

The minutes of April 21 were unanimously approved as corrected.

The resolution for Truesdale was moved by Mr. Zarnowski, seconded by Mr. Langenbach, unanimously approved.

The meeting adjourned at 10:30PM.



A handwritten signature in black ink, followed by the date 6/10/2010. The signature is stylized and appears to be 'Wahid'.