

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, February 25, 2019

In the matter of:
Public Hearings, Public Comment
Applications heard before the Garfield Zoning Board of Adjustment
February 25, 2019

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

Carmin Breonte- Chairman
Arlene Patire-Vice-Chairwoman- **Absent**
Robert Cochrane- **Absent**
Paul Houlis
Romi Herrera
Salvatore Lamendola
John Easom

Francisco Sanchez 1st Alt.- **Absent**
Carmin Breonte, Jr. 2nd Alt.- **Absent**
Kathy Rozmus 3rd Alt.
Tony Lio 4thAlt.

Appearance:

Joseph J. Conte, ESQ., Alternate Attorney to the Board
Mary Bauman, Certified Court Reporter
Gary Paparozzi, Planner

Reported By Jacqueline Fiola, Clerk
February 25, 2019 (Work Session) 7:00pm
Board members reviewed submitted plans for the evening's agenda

GARFIELD ZONING BOARD MEETING CALLED TO ORDER: 7:30PM

(Flag Salute)

SUNSHINE LAW: Read by Chariman Carmin Breonte PUBLIC LAW 1975 CHAPTER 231 "OPEN February 25, 2019 Council Chambers, City Hall Commencing at 7:30pm.

Motion to Approve the January 28, 2019 Minutes- Tony Lio

Second- Salvatore Lamendola

Romi Herrera- Aye
Salvatore Lamendola- Aye
Tony Lio- Aye
Paul Houlis- Obstain
John Easom- Aye
Kathy Rozmus- Aye
Carmin Breonte- Aye

January 28, 2019 Minutes Approved

48 Semel Avenue

Gary Zalarick- Attorney for the Applicant

- **He is requesting an adjournment for this application due to another applciatino being on the agenda that may take several hours and he had already noticed**

Motion to Ajourn- Tony Lio

Second- Paul Houlis

Romi Herrera- Aye
Salvatore Lamendola- Aye
Tony Lio- Aye
Paul Houlis- Aye
John Easom- Aye
Kathy Rozmus- Aye
Carmin Breonte- Aye

Application adjourned for the March 25, 2019 Meeting

1 Cedar Street, LLC

1 Cedar Street

Gary Zalarick- Attorney for the Application

- Due to the same circumstances as the other application, he

Motino to Adjourn- Tony Lio

Second- Romi Herrera

Romi Herrera- Aye

Salvatore Lamendola- Aye

Tony Lio- Aye

Paul Houllis- Aye

John Easom- Aye

Kathy Rozmus- Aye

Carmin Breonte- Aye

Application adjourned to the March 25, 2019 Meeting

T-Mobile, LLC Norheat LLC

175 Belmont Avenue

Applicant is requesting variance relief to install a wireless telecommunications facility on the roof of the structure consisting of antennas, a generator and related equipment.

Jennifer – Attorney for the Applicant

- The project site is located at 175 Belmont Avenue, Garfield in an R3 Zone.

Jeremy Battesh

Sworn in by Mary Bauman

Licensed civil engineer

- He prepared the site drawings that are dated 7/26/2018 revised 1/8/2019
 - o Mr. Conte will mark the drawings as A1
- Approx. 1.69 acres and is a 6 story apartment building
- The proposed improvements are to add three sections of antennas onto the top of the building
- All the antennas are on the roof print and do not go over the roof
- There are multiple bulk variances
- Installation will comply with building codes
- From the ground up to the antenna will be about 64 feet in height
- In each section there will be four antennas
- August 10, 2018 report by K&B Design Group that was submitted- Mr. Conte marked this as A2
- There will be someone to inspect it every 4 to 6 weeks, the person will access the antennas through the building and the door will be locked. There are no trucks that need to get access (the inspector will show up in a regular vehicle).
- There will be a generator as well and will comply with all city and state noise requirements, the generator will be on the roof
- **Mr. Lio** asked the direction of the two clusters of the antennas
 - o Mr. Battesh stated that there are three clusters: one will face north, the other south and the third will be toward the west
- **Mr. Paparozzi** stated that usually the antennas are connected to façade; what is the chance of them coming undone
 - o **Mr. Battesh** stated that these are set back from the façade. There is a counter weight that the antennas are attached to; they are designed to withstand up to 115 mph winds.
- **Mr. Breonte** asked if there was any screening that will be around the antennas and how high will they be. Are the generators noise resistant
 - o **Mr. Battesh** stated that they are about 9 feet above the roof they are not insulated
 - o **Mr. Paparozzi** stated that the city code calls for screening around the antennas.
- **Mr. Paparozzi** stated that the screening that he was referring to requires any screening on the antennas or any of the equipment
- **Mr. Easom** asked with all the noise and height; did this go through the management of the building
 - o **Ms. Jennifer** stated that they consented to the filing and reviewed all the documents for the application.
- **Mr. Paparozzi** asked what happens when the Housing Authority needs to do maintenance to their roof, what happens? If there is a leak, how is that handled?

- **Ms. Jennifer** stated that they provide a lease with the housing authority and it would be a provision in the lease.
- **Mr. Herrera** asked if the housing authority is approving of this application, do the residents know about the project?
 - **Ms. Jennifer** stated that the housing authority would have to inform the residents

Ron Lukach

Sworn in by Mary Bauman

Electric Engineer

- T-Mobile is licensed by FCC
- Exhibit A- detailed site map of the site location dated 2/20/19 it is a zoomed in map of Garfield where there are T-Mobile coverage - Mr. Conte marked it as A3 and the report dated 8/7/2018 as A4
- NJ003109A that is the proposed site
- There are other ones that are located in Garfield in different areas. The ones that are marked in yellow are non upgradable. If you increase the other ones it
- The two antennas that are shown in yellow are the ones that are heavily loaded with users
- **Mr. Conte** is marking the drawing dated 2/20/2019 as A5. Detailed site map, which is a zoomed in version of the other drawing, previously discussed. This drawing indicates where the antennas are being overlapped
- 175 Belmont Avenue was chosen because of the building height
- **Mr. Breonte** asked how far the frequencies travel
 - **Mr. Lukach** stated that they travel about 0.5 miles
- A6 2/20/2019 LTE 2100 Capacity Chart for NJ6043A
 - Shows percentage from 2018 to 2019- the red line indicates good utilization. The traffic has exceeded the good utilization; users that use 4G will be experiencing problems with their connection.
- A7 2/20/2019 LTE 2100 Exhibit C Capacity Chart for NJ05831F
 - Shows the same percentage of usage from 2018 to 2019. This site is also experience high volume of usage.
- The two antennas where they intersect is where the projected site is located
- In the report they analyze the rooftop. If the roof is accessible, the door will be locked with a sign indicating that if they are going to enter the area.
- **Mr. Paparozzi** asked about repairs to the roof if needed. If you are standing on the roof directly behind are you at risk
 - **Mr. Lukach** stated that they would go over it with the building and if it is temporary, if not they can shut down those antennas; they would do anything that is required. All the energy is directed outwards, so if you are standing behind the antenna it is not a complete risk.
- **Mr. Breonte** asked about the energy level, if standing in the courtyard will you get reception
 - **Mr. Lukach** stated that you will receive signal, but you will receive little energy.
- **Mr. Easom** what other locations were an option
 - **Mr. Lukach** they looked at 160 Belmont Avenue
- **Mr. Lukach** stated that the way the antennas point it would not be suitable to mount them on the façade. They are all mounted the same way.

William F. Masters Jr.

Sworn in by Mary Bauman

Professional Planner

- Positive criteria this site is suited for a wireless telecommunications facility. The site was ideally situated from a locational prospective addressing the capacity issues in this particular area of Garfield. Applicant has the opportunity utilize a tall structure to connect the antennas to. They have a willing landlord Housing Authority of Garfield.
- T-Mobile is an FCC licensed wireless carrier
- Negative criteria- the courts in NJ have created a hybrid analysis for negative criteria seek of balancing tests; this was a previous standard.
 - Mr. Conte will mark the series of six photographs dated 8/20/2018 as A8
 - Mr. Masters stated image 1A there has been a minor adjustment that shows a sector of 4 antennas facing the southerly. The second picture to the right shows the other sector pointing southerly and the equipment. The third picture shows a different angle showing the sectors. The bottom pictures are taken from Spring Street the little league field to show the sectors
- Screening is always an option; generally antennas mounted on the roof are screened.

- Mr. Paparozzi stated that there are other options of screening besides the walls. In other T-Mobile applications they proposed a mirrored film, which looks almost invisible.
 - Mr. Masters stated that the cellophane wrap is definitely an option. The reflective concealment will be an option.
- **Mr. Breonte** stated that the one on Beech Street is the new Police Station, that building is around 45 feet high.
 - **Mr. Masters** stated that the key benchmark is so the antennas go above the trees.

Open to the Public

Justyna Biechuta
385 Midland Avenue
Garfield, NJ

- She is the owner of the apartment in the building.
- She received a letter from T-Mobile that they are planning on building an antenna
- Her main concern is the health, she has done multiple researches. There were many studies that showed that people were being affected by the antennas.
- Many of the research studies that she found were from Japan, Spain, Israel, etc
- She feels it is going to affect her building, she received letters from lawyers

Mr. Lukatch stated that there are different calculations; many of the things that she stated are when a person is close to the antenna physically. There has been no exposure to the levels.

Open public session closed

Mr. Conte concern regarding the screening

Ms. Jennifer stated that they can come back with visually options of the screening for the antennas, generator, and cabinets, to give the board a visual view of what the different options look like.

Mr. Conte asked if the antennas on the other locations in Garfield have any type of concealment

Ms. Jennifer stated that she is unsure if they have any concealment.

Mr. Breonte stated that the one does have concealment it is panels.

Mr. Lukach stated that the Harrison Avenue and Midland Avenue are not concealed; the one on ____ are concealed with panels.

Mr. Conte stated that the best way to handle this is to have them come back with the appearance of the concealment to see visually what it would look like. We heard all the testimony, so we will not have to hear it again.

Mr. Easom asked if they do a report stating that the new police station is not a suitable site

Mr. Conte stated that we will adjourn the application to the March 25th Meeting

Motino to Carry Application to the March 25, 2019- John Easom

Second- Salvatore Lamendola

Romi Herrera- Aye

Salvatore Lamendola- Aye

Tony Lio- Aye

Paul Houllis- Aye

John Easom- Aye

Kathy Rozmus- Aye

Carmin Breonte- Aye

Application will be carried to the March 25, 2019 Meeting

Resolutions:

473 Harrison LLC

471-471 Harrison Avenue

Applicant withdrew the application

Giovanici Caggia

7 Monroe Street

Applicant granted variance relief to convert the existing medical office and one family dwelling to a two family dwelling in a B2 zone.

Motion to Approve- John Easom

Second- Romi Herrera

John Easom- Aye

Carmin Breonte- Aye
Resolution Approved

Mary Rebisz

22 Steinberg Avenue

The board determined that the dwelling is a two (2) family dwelling

Motion to Approve- John Easom

Second- Romi Herrera

John Easom- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Carmin Breonte- Aye

Motion to Adjourn Meeting- Romi Herrera

All in favor- Aye