

**Planning Board Meeting  
Borough of Watchung  
May 16<sup>th</sup>, 2006**

Chairman Speeney called the meeting to order at 7:48 p.m. and stated that notice of this meeting had been posted at Borough Hall, filed with the Borough Clerk and given in the way of notice to the Courier News, Echoes Sentinel, the Reporter and Star Ledger in conformance with the N.J.S.A. 10:4-6 et seq.

Present at the call of the role were: Speeney, Boyd, Havas, Addario, Haveson, Mobus, Schaefer and Spatford. Also present were Board Engineer Tom Herits and Board Attorney Bob Rusignola.

A motion was made to waive the reading of and to approve the minutes of the April 18<sup>th</sup> 2006 meeting by Mr. Boyd, seconded by Mr. Havas and approved on voice vote.

Chairman Speeney noted that all three applications on the agenda would be heard during the meeting, with a 10:15 cutoff time in order to go in to executive session.

Havas called:

**PB06-03 Pasquale Grande  
92 Stirling Road  
Block 40.01 Lot 5  
Minor Subdivision**

Attorney for the applicant Mr. Mark Breitman and Mr. Paul Fisk, the Engineer for the applicant were in attendance. Mr. Breitman told the board that the amended plans the Board asked for at the April 18, 2006 meeting were presented to comply with the Board's requests on the coverage of the lots. Chairman Speeney asked Mr. Breitman if he had read a letter from a Mr. Dupree, a neighbor who had some concerns about the utilities and easements on the project. A copy of the letter was given to Mr. Breitman. Mr. Herits told the Board that he had met with Mr. Dupree to discuss his issues, and it was decided that all concerns would be addressed and worked out. Mr. Breitman said it would be no problem to comply with these concerns. Mr. Fisk announced that the plans were amended to change the common drive portion to 16 feet as per the Board's request.

He also stated that there would be a new variance for Lot 5.01 concerning the impervious coverage due to the slope calculations. The poles in question that Mr. Whitting addressed last month, would remain. They would put in a 4 foot fence along the retaining wall. Mr. Breitman said the issues with the easements pertaining to Mr. Whitting have been worked out. Mr. Fisk said there will be a turnaround on the driveway. Other than those changes, the plans remain the same. Mr. Speeney asked if the public had any questions, and there were none. Mr. Herits suggested that a better option might be to run the utilities over to the entrance to Villa Domenico. Mr. Fisk stated that all utilities except sewers could be tied into Natale's Way. Mr. Rusignola asked about the abandonment of the easement. Mr. Breitman stated that by August 1<sup>st</sup>, Mr. Whitting would have the temporary new road installed to his home, at which time he will release from Escrow the entire easement from the old Lot 5. When the documents are released, they will be recorded in Somerset County, and the easement will be released once and for all. They have given Mr. Whitting a 30 day leeway, should he run into an additional problem. They have also extended the license he has to use Natale's Way on the old easement until he finishes the completion of his temporary road. Mr. Fisk asked if they could extend the time of 190 days to one year, since there is another party involved for perfecting the subdivision. Mr. Rusignola said he had no provision to do that, but that he could put in a provision for the Applicant to come back before the Board at the end of the 180 period to ask for an extension of time. Mr. Mobus questioned the Fire Dept report, stating that they had asked for the common portion of the driveway, to be 18 feet. Mr. Herits said they wrote their report based on the original plans. Mr. Fisk stated that he would go to 18 feet, if the Board was willing to give the variance is increased for impervious coverage. Chairman Speeney asked the Board to direct Mr. Rusignola to draft the resolution in the affirmative. The application will still be "open" and it was carried to the June 20<sup>th</sup>, 2006 meeting. A motion was made by Mr. Boyd, seconded by Mr. Havas and approved by voice vote.

Chairman Speeney stated that they would ask the Council to extend the reviewing of the Ordinance OR:06-09. Mr. Rusignola stated that it will be on the agenda for the next meeting or we could meet at 7 P.M. on June 20<sup>th</sup>, 2006 at a special meeting and consider the ordinance.

Havas called:

**PB06-02 Prestige Mountain Homes, LLC  
909 Johnston Drive Block 60.06 Lot 3  
Minor Subdivision**

Mr. Rusignola stated that he received a call from Mr. August Santore, attorney for the applicant, and that he had another court case and would be late and also the expert witness would be late so he offered for the Board to go out of order.

Havas called:

**PB06-Cingular Wireless  
799 Mountain Blvd. Block 2.02 Lot 7.01  
Minor Site Plan**

Mr. Christopher Quinn, Attorney for the Applicant, from Pitney Hardin. Chairman Speeney stated that his son works for Cingular, and that it was not an issue for him, but he wanted it on the record. Mr. Rusignola said there was no direct or indirect conflict of interest, and counseled Mr. Speeney that he could continue to chair, if there were no objections from the Applicant's Attorney. There were none.

Mr. Quinn stated that they want to install 12 antennas on the pre-existing transmission tower. 129 feet was the height of the antennas on the tower. Proposed there is also an approximately 25' by 10' base on the ground, with cabinets and a wooden fence to house the equipment. He stated that they had Ronald Peterson, as an expert witness, in from RC Petersen Associates, (an independent consultant) from 170 Fairview Drive, Bedminster, New Jersey, and was present to testify in radio technology. He stated that they are not asking for any variances. He stated that they also have a Civil Engineer present. He stated that the tower is owned by J C P & L and that these would be the first antennas on this tower. Mr. Ronald Petersen was sworn in by Mr. Rusignola, and determined to be an expert in the field of compliance with FCC regulations. Mr. Petersen explained that his examination of a report prepared by Bechtel and his own calculations and a conservative model that he uses, he stated his predicted that the maximum signal strength that the antennas could put out, would be well within all guidelines less than FCC guidelines and the State of NJ guidelines. He stated that this is a very low power site. Councilman Mobus questioned the type of actual frequency. Mr. Petersen that it was radio waves. Mr. Mobus asked if it would affect a pacemaker from a person. Mr. Petersen said it would not. Mr. Rusignola asked who Bechtel was. Mr. Quinn stated that Bechtel is an agent of Cingular. Mr. Petersen's report was marked exhibit A-1. Site Conformity Assessment with FCC Rules and Regulations. Chairman Speeney opened the floor to the public for questions to the public. Immaculate Friesz, from 5 Christina Way Flemington, owner of 815 Mountain Blvd. Watchung, came to the podium asking which tower was the tower in question. Mr. Quinn, gave her the location, telling her it was 157 feet from Mountain Blvd. Mrs. Friesz wanted to know what affect this would have on her house value and safety. Mr. Petersen explained that there was not a safety issue, that the levels would be very low. Mr. Quinn explained that a upcoming witness would show her what the site would look like. Mr. Rusignola explained that as far as property values, she needed to listen and determine for herself how this would affect her property value. Mr. Quinn called his next witness, Mr. Anthony Suppa from Dewberry Goodkind Engineers, 600 Parsippany Road, in Parsippany, New Jersey. Mr. Rusignola determined

he was an expert witness in the field of civil engineering. Mr. Suppa introduced exhibit A-2. A plan of the proposed site. A-3 showed a blowup of site plan, and a drawing of the existing tower. He explained that the property 100 foot right of way owned by First Energy(GPU) to the south of Mountain Blvd. and to the east of Wildwood Terrace. On both sides of the right of way, there is a tree line. Cingular is proposing to add the 12 antennas, and install a compound of 20 foot by 26 feet and 520 sq. ft. A wood composite fence will go around it, and a concrete pad with cabinets on it. The tallest cabinet is 6 feet high, 1 foot shorter than the proposed 7 foot fence. There will be no lighting. Exhibit A-3 shows the existing tower with a footprint of 24' X 24". The tower is 138 feet tall. Ten trees are proposed surrounding the compound. (Emerald Green Arborvitae). The antennas will be placed 6 ½ feet from the top of the tower. The cables will be tucked into the legs of the tower. The structural analysis meets the code for these types of towers. Since this is an existing tower, it needs to comply with the National Electric Code, and does. He described that the equipment will be 138 feet setback from the Mountain Blvd. and 39 foot setback from the adjacent lots on the east and west sides. They are also proposing a 12 foot gravel access road for vehicles to have access to the site. The only noise will be small fans coming from the cabinets. The noise report showed that based on all equipment running at the same time, noise levels, are 6DB over Watchung's noise requirement. He said it complies with the normal noise ordinances. Mr. Quinn asked if there would be a lock on the fence around the compound. Mr. Suppa said yes. He said all other requirements would be met from the Maser review letter. Mr. Mobus asked if they have searched any other sites, and they said yes, but that this particular tower was a permitted use. Chairman Speeney said that there is a parameter that this application does not meet, noting the 6DB over the Borough's noise ordinance. Chairman Speeney said that the 6 DB is approximately 15% over the Borough's limit. Mr. Suppa said that there are ways to mitigate the noise, to lower it with noise reduction panels within the composite wooden fence. Mr. Quinn stated that they would be willing to comply with the noise ordinance. Mr. Rusignola questioned as to whether or not this would be a design waiver. He said unless they were willing to change the noise volumes to below the statute, then the hearing would be over. Mr. Quinn stated that they would indeed lower the noise levels.

Mr. Herits said when the noise levels were reduced a revised study of the noise levels at the property lines should be submitted. Mr. Quinn agreed. Mrs. Schaefer expressed concern about children getting inside the fence. Mr. Suppa stated that the ordinance requires a wooden fence. Chairman Speeney stated that the Board might not have the flexibility to alter the kind of fence to grant the variance and because of children getting in, and there would be a secure lock. A chain link fence was discussed, but can not be done if noise reduction panels would be placed inside the fence. Mr. Suppa said there is also a silent alarm installed in the equipment if someone was to try and break in to the cabinets. Mr. Jim Frieze, owner of 815 Mountain Blvd. came to the podium, to ask about nighttime noise levels. Chairman Speeney said that the Applicant was going to reduce the noise levels to within the Borough ordinance, and would not be a problem. It was decided that after installation, a noise level test would be done at the property line of the Frieze

home at 815 Mountain Blvd. Gail Pearlman came to the podium of 217 Valley Road to ask about how many towers can be put up in town. Chairman Speeney said that the planning Board takes case by case application, and that the Board is bound by parameters and standards for each case separately to decide on each application on it's own merit. Mr. Quinn called Mr. Shahed Husain his expert in radio frequency engineering. Mr. Rusignola swore him in, and determined him an expert in electrical engineering and radio frequency, from Bechtel Telecommunications, consultants for Cingular Wireless. Mr. Husain showed exhibit A-4 which was also known as 10-087. The exhibit showed cell coverage existing, and an overlay marked as A-5, showing proposed cell coverage by Cingular, once the antennas were in operation. A discussion ensued about how the site was selected. Mr. Herits wanted to know if another carrier could collocate on the same tower. Mr. Quinn said yes, but that the base equipment site would have to be expanded, because each carrier has their own base and storage of equipment. Mr. Rusignola questioned as to whether the overlay of coverage from different cell companies in one area, would have a detrimental health effect to the populous. Mr. Ronald Petersen came to the podium to respond. He stated that the levels that are shown are hundreds of millions of times lower than the standards for health effects. He said it would be a fraction of the safety limits because of the fact that the signals are such low levels. Mr. Quinn stated that he would bring up his planner to show the photo simulations to show how the proposed site would look when completed. Christopher Nevill from Avoca 1-A Chimney Rock Road, in Bound Brook New Jersey. Mr. Rusignola swore him in and determined him to be an expert in the field of planning. Mr. Nevill showed four exhibits showing existing views on one side, and proposed simulated views on the other A-6, a view showing views from 18 Wildwood Terrace. A-7, a view from 15 Glen Eagle Drive. Exhibit A-8 showed a view from 1 Helen Street, and A-9, a view from 10 Shawnee Drive. All four exhibits were passed around to the public for viewing. Chairman Speeney asked if there were any further questions, and there were none. No comments from the Board. Chairman Speeney asked for a resolution in the affirmative. It was made by Mr. Havas, and seconded by Mr. Addario, and was approved on voice vote. This application was continued until the meeting of June 20<sup>th</sup>, 2006. Mr. Rusignola reminded Mr. Quinn that at least 10 days before the next meeting, the reduction of noise plan must be submitted to Mr. Herits for review.

Havas called:

**PB06-Prestige Mountain Homes, LLC  
909 Johnston Drive Block 69.06 Lot 3  
Minor Subdivision**

Mr. August Santore Jr, attorney for the Applicant was present. Mr. Rusignola said Mr. Addario has had prior dealings with the Applicant and must excuse himself from this application, and Mrs. Schaefer lives within the 200' radius and has been noticed, and therefore must excuse herself as well from this application. Mr. Santore said that Mr.

Hollows from Murphy and Hollows will be testifying as well. Mr. Rusignola said that last month, the Applicants did not provide satisfactory sewer capacity. He said that Mr. Santore has said that a contract has been awarded to Lee Purcell, to design and provide sewers to an area including this particular lot. Mr. Herits was asked if he knew of this as fact, and he said Mr. Purcell is providing the study and design to accomplish sewers to this lot. Mr. Rusignola said that this would be a condition of this application, that sewers would be provided to this property. Mr. Rusignola said that now the application is complete. Mr. Hollows from 192 Central Avenue, Stirling, New Jersey was introduced and sworn in by Mr. Rusignola. Mr. Rusignola determined that Mr. Hollows was an expert in the field of Civil Engineering. Mr. Hollows introduced a combination of drawings which were labeled a collective exhibit A-1 dated January 27<sup>th</sup>, 2006. The subject property is Lot 3 Block 69.03 is on the northern side of Johnston Drive, 3 Lots west of Grandview Drive, and two lots east of Stone Hill. Property contains 143,226 sq. feet. It is in the RR zone.

There was a rendered drawing of the subject property. There is an existing one story brick building. Most of the site is wooded, sloping from the rear. There is over 500 feet of frontage. All utilities are available currently except sanitary sewers. He discussed density calculations. Sheet 3 showed the outline of the property, the proposed new lot lines. They want to make two new building lots. Lot 3 would have 68,623 sq feet, and lot 3.01 would have 60,062 sq feet, and that would be the easterly lot. They want to dedicate to the Borough 25 feet of the center line for roadway purposes. The area of this dedication comes from the total area of the original lot. Sheet 4 shows conceptual dwellings to show how this could be developed. There has been a revision of how close the driveways would be to the property lines. The driveways can be 12 feet wide. Drawings show a dry well for storm water management purposes. Mr. Herits suggested some soil testing to make sure the dry wells work. If they don't work, there are some other things that they can employ. There is a storm drainage system on Johnston drive that they can use for overflow. There are no variances required. Mr. Hollows said there are no impervious coverage issues. Mr. Santore said it is a fairly conforming subdivision. Mr. Havas asked when they anticipate that they will have sewer service. Mr. Santore answered that he did not know. Chairman Speeney opened it to the public. Jacqueline Shreero from 2 Skyline Drive, asked how it affected Skyline Drive. Mr. Hollows said it had no affect on Skyline Drive. Chairman Speeney opened it back to the Board for comments or questions. He commented that the Board has almost no leeway relative to this application for any decision except in the affirmative, because it fully complies. He suggested that the Board direct Mr. Rusignola to draft a resolution in the Affirmative. Motion was made by Mr. Mobus, seconded by Mr. Havas and approved on voice vote. The application was carried to the June 20<sup>th</sup> 2006 meeting. Mr. Rusignola asked Mr. Hollows if there has to be an amended plan before the next meeting about the sewers. Mr. Hollows said he would have the amended plans 10 days before the next meeting.

Chairman Speeney had the Clerk call the role of attendance. Present were: Speeney, Boyd, Havas, Addario, Haveson, Mobus, Schaefer. Chairman Speeney directed Mr.

Rusignola to read the resolution to go in to executive session at this point. The general nature for executive session was litigation. A motion was made by Mr. Haveson, seconded by Mr. Mobus, and approved by voice vote and the Board went into executive session at 10:24 p.m..

Chairman Speeney opened the meeting at 10:48 p.m. and said that the order of business was to authorize Mr. Rusignola to answer the claim and defend the action. Chairman Speeney opened it up to the Board for discussion. Chairman Speeney directed the Clerk to take a roll call. Answering yes were: Speeney, Boyd, Havas, Addario, Haveson, Mobus, Schaefer, Spratford.

### **VOUCHERS**

Chairman Speeney listed the vouchers and the vouchers were approved for payment on the motion of Mr. Mobus, seconded by Mrs. Schaefer, and approved on roll call vote..

### **ADJOURNMENT**

The meeting was called at 11:11 p.m. at the call of the Chair, until the next meeting of June 20<sup>th</sup>, 2006.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk