LAND USE BOARD

BOROUGH OF ALLENDALE

500 West Crescent Avenue

Allendale, New Jersey 07401

A Regular Meeting of the Allendale Land Use Board was held in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, NJ 07401 on October 19, 2022. The meeting was called to order at 7:33 PM by Chairman Quinn who read the open public meetings statement and stated the requirements had been satisfied.

Chairman Quinn led the salute to the flag.

**ROLL CALL:**

The following individuals answered roll call:

 Board Member Bergen

 Councilwoman Lovisolo

 Board Member Yaccarino

 Vice Chairman Sirico

Chairman Quinn

Alternate Putrino

**ABSENT**:

 Secretary Daloisio

 Member Kistner

 Mayor Bernstein

Alternate Forbes

The following individuals were also present:

 Board Attorney, Chris Botta, Esq.

 Board Engineer, Michael Vreeland

 Land Use Administrator, Linda Garofalo

 Borough Planner, Ed Snieckus

**APPROVAL OF MINUTES**

Motion by Vice Chairman Sirico, seconded by Board Member Yaccarino, that the Minutes of the September 21, 2022 Land Use Board Meeting be approved. There was no discussion.

On a roll call, the vote was recorded as follows: Councilwoman Lovisolo – aye, Board Member Yaccarino – aye, Vice Chairman Sirico – aye, Chairman Quinn – aye, Alternate Putrino – aye.

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**RESOLUTIONS**

Application File No: LUB 2022-19

Resolution No: 22-25

Applicant: Peter & Katherine Miros

Address: 18 Gloria Drive, Allendale, NJ 07401

Block: 510 Lot: 8

Proposed: Addition and rear deck. Pursuant to 270-37A(2) and 2709-64A(2)

A motion to adopt the resolution was made by Vice Chairman Sirico, seconded by Board Member Yaccarino. Roll Call: Councilwoman Lovisolo – aye, Board Member Yaccarino – aye, Vice Chairman Sirico – aye, Chairman Quinn – aye, Alternate Putrino, aye.

Application File No: LUB 2022-08

Resolution No: 22-26

Applicant: Hampshire Venture Partners, LLC

Address: 220-230 W. Crescent Avenue, Allendale, NJ 07401

Block: 1005 Lots: 3.01, 11.01, 20.01, 20.02

Proposed: Amended Site Plan approval

A motion to adopt the resolution was made by Board Member Yaccarino, seconded by Vice Chairman Sirico. Roll Call: Board Member Yaccarino – aye, Vice Chairman Sirico – aye, Chairman Quinn – aye, Alternate Putrino, aye.

**PUBLIC HEARINGS**

Application File No: LUB 2022-20

Applicant: World Class Wireless, LLC

Address: 240 & 260 West Crescent Avenue, Allendale, NJ 07401

Block: 1005 Lots: 1 & 2

Proposed: Conditional Use, Site Plan & Variance approval to install a wireless communications facility on the property. Pursuant to 270-48.

Chris Botta stated he has reviewed the public notice, mailings and taxes and this application is ready to proceed.

Chris Botta stated Mayor Bernstein and Councilwoman Lovisolo are recused from this application because it includes a D variance.

Mr. Meese stated maybe we could be heard tonight, and let the absent members read the transcript and then we can vote at the next meeting.

Mr. Meese stated I am the Attorney for World Class Wireless. They are looking for a communications tower. The property of Borst Landscaping at 240 W. Crescent Avenue is

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located in the D1 zone. A new tower is required. Towers are permitted on the property. We need several variances. We have reviewed the two reports from the professionals.

Michael Strickland, Radio Frequency Engineer, 1135 Bear Road, Buda, Texas was

sworn in and his qualifications accepted by Chairman Quinn.

Mr. Strickland stated we have a number of different networks in New Jersey. This pole will be used on a path from Mahwah and Secaucus in service to the financial industry.

**Exhibit A1** – License filed with FCC

**Exhibit A2** – Exhibit of a path from Google Earth showing the lines from Mahwah to Secaucus.

On the left is Mahwah CRF1700 and on the right is NY4 and NY5 which are trading houses. The lines shown on the map show connectivity. The green line is where the capacity is today.

Alternate Putrino asked if the proposed tower relates to the tower at the firehouse.

Mr. Strickland stated no.

**Exhibit A3** – Exhibit of the basic path. The pink line on the bottom of Exhibit A2 should be reversed. We will send you a corrected exhibit.

Exhibit A3 shows the tree height, we measured the height of the trees. We talked to residents in Midland Park but they did not agree to us capping off the tops of their trees.

Chairman Quinn asked if they are concerned with tree height growth and new buildings?

Mr. Strickland stated yes, currently we are putting an antenna on a building that was built in Lodi. The existing trees are mature for this project.

Mr. Meese asked if there is any way to shoot from Mahwah to Lodi?

Mr. Strickland stated no, there are obstructions and a tower is needed. Midland Park water tank is completely full. We recently lost a bid for this space.

Mr. Meese asked about the Crown Tower.

Mr, Strickland stated there is tight movement tolerance on a tower. We need movement to a maximum .51 degrees. Crown Tower would have to be extended; it has a 2 degree sway factor.

Chairman Quinn asked if a circular antenna is designed to move?

Mr. Strickland stated no.

Mr. Meese asked if this is a copy of a structural analysis?

Mr. Strickland stated yes, and the conclusion is the existing Crown tower cannot be used.

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**Exhibit A4** – structural analysis report dated February 12, 2022.

**Exhibit A5** – shows the direction into Mahwah if we were only going North.

Chairman Quinn asked are there any other sites available?

Mr. Strickland stated we started at the high points and did an extensive review in Midland Park. This was an ideal location but we lost that one.

Chairman Quinn stated so you are here asking for 9 variances?

Vice Chairman Sirico asked can you build a new tower and have a temporary one?

Mr. Strickland stated we discussed this.

Mr. Strickland stated I have done extensive reviews and came up with this location, next to the existing tower.

Mr. Strickland stated we talked to Crown Castle about a second tower. They couldn’t fit two poles there.

Chairman Quinn asked for questions from the Board.

Ed Snieckus asked if the FCC license is for volume?

Mr. Strickland stated the FCC license is a nationwide license for eband. This is needed for how wide a channel can be built in these frequencies.

Ed Snieckus asked about Glen Avenue on Exhibit A2 – is this in Midland Park?

Mr. Strickland stated yes.

Ed Snieckus asked why there are 4 antennas on a pole?

Mr. Strickland stated we are building multiple channels, each antenna can only handle a certain amount.

Mr. Snieckus asked why the Ramsey water tower and Allendale water tower are not suitable?

Mr. Strickland stated Ramsey created more air distance. I need to review the tree tower in Allendale.

Mr. Snieckus asked if there are other options through other wiring?

Mr. Strickland stated no, they are all wireless.

Chairman Quinn asked if 4 antennas are permanent or will more be added on?

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Mr. Strickland stated it would be open for other companies to add onto it.

Chairman Quinn asked if this tower is for supporting stock trades?

Mr. Strickland stated yes.

Chris Botta asked if the Telecommunication Act makes any distinction?

Mr. Meese stated the FCC did a study in 2018 and it states they should all be together.

Mike Vreeland stated he had no comments at this time.

Chairman Quinn asked for questions from the public.

Ms. Marie Sullivan, 20 Crestwood Mews, Allendale stated I’m worried about the radiation transmission.

Mr. Strickland stated we are bound by the FCC with power. The variances are relating to how close the pole is.

Mr. Strickland stated you are safest at the base of the pole. The antenna takes a signal and sends it out in the air. The power starts at 170 feet above the pole, below the pole there’s no harmful radiation. At 170 feet and 10 feet above the pole we’d suggest you move.

Eric Sudman, Civil Engineer, 2517 Route 35, Manasquan, was sworn in and his credentials accepted by Chairman Quinn.

Mr. Sudman stated he reviewed the plans.

**Exhibit A6** – Sheet SP1 – this proposal is on Lot 2. The proposal would be on the NW corner.

**Exhibit A7** – overlay of the site

**Exhibit A8** – SP3 – elevation – 180 feet off the grade.

**Exhibit A9** – SP2, enlarged version of 4 antennas, view of the compound. Equipment platform and cabinet need variances, rear and side yard setback variances are also required. An 8 foot high fence will be installed. The platform will have an LED light, facing down and shielded. No lights on the tower.

Chairman Quinn asked why not comply with the 10 foot height limit for the platform?

Mr. Sudman stated we could work with the professionals and lower this.

Mr. Strickland stated the height, in the future, would be worked on with the Board.

Mike Vreeland stated the MLUL has a provision that allows expansion to a certain height and can be administratively approved. 10 feet or 10% is permitted.

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Mr. Sudman stated there will be possibly two small trees removed. We would get the proper permits. An 8 foot high fence is proposed, made of regular mesh.

Chairman Quinn asked if there would be a separation between the properties.

Mr. Meese stated there’s a lot in between the properties.

Ed Snieckus stated there’s a duplicate fence.

Ed Snieckus asked about Lot 2 – what is the benefit of putting it to the South?

Mr. Meese stated another professional will answer this.

Ed Snieckus asked what is the distance to the closest zone line?

Mr. Sudman stated across the train tracks.

Mr. Meese stated it is 77 feet to the park.

Mike Vreeland asked if there has been discussion about a generator?

Mr. Strickland stated there will be no generator, only battery back-up.

Chairman Quinn asked for questions from the Board.

Chairman Quinn asked for questions from the public.

Hearing none, it was brought back to the Board.

Tim Ball, contractor for World Class Wireless, site acquisition, 54 Marion Court, Warwick, NY was sworn in and his credentials accepted by Chairman Quinn.

Mr. Ball stated on Exhibit A10 – I reached out to the town about the DPW yard location. Emails were sent to Mayor Bernstein in 2020 and a FedEx .

**Exhibits A11, A12 & A13 –** copies of emails. There was also a conference call. Nothing happened in the end. I looked into the Orange & Rockland property shown on the board #5. This didn’t go anywhere. We then pursued the Borst property. The Borst property was in the best neighborhood for our proposal. The area shown in the circle was based on the elevation.

Mr. Meese asked for questions.

Mr. Ball stated he spoke to Mr. Borst about the tower and he stated this proposal for the location was the best.

Chairman Quinn asked if there are concerns about having two towers there?

Mr. Meese stated another professional will answer this.

Alternate Putrino stated the Commerce Drive area in Allendale seems viable.

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Mr. Strickland stated we looked at these locations and the tower would have to be in excess of 250 tall to see Lodi.

Ridgewood locations were looked into, none of the homeowners were interested.

Ed Snieckus stated Site #6 is another location besides the Borst location. Is this South of Lot 2?

Mr. Ball stated that’s the Borst property.

Chairman Quinn asked for questions from the Board.

Chairman Quinn asked for questions from the public.

Hearing and seeing none it was brought back to the Board.

Tim Kronk, Planner, PO Box 465, Mendham was sworn in and his credentials accepted by Chairman Quinn.

Mr. Kronk stated he visited the property on June 15, 2022 and other dates, reviewed the MLUL ordinance, Master Plan and re-examination plans and professionals’ reports. The property is in the D1 zone. The maximum height in the ordinance is 150 feet. Our proposal is for a 180 foot tower. We have 8 bulk variances. The D1 zone is a small zone.

**Exhibit A14** – aerial exhibit Google Earth dated April 29, 2020.

D1 shows the 2 Borst proposed towers, warehouse, redevelopment, train tracks and behind Hamilton Street. We are in the right zone but we can’t meet the setbacks. We don’t want to build towers. This is not permitted in the AAA zone. The height difference is four to six feet from what’s on the Crown tower.

On June 15, 2022 we did a balloon test. The balloon went to 185 feet, it was a 3 foot diameter balloon. Then we took photos.

Exhibit A14 shows 5 yellow dots and they correspond with the photo locations.

1. View from Crestwood Park
2. View from intersection of W. Crescent and Myrtle Avenue
3. View from Hamilton Street
4. View from Crescent Commons
5. View from park by the tennis courts

Mr. Meese asked if there are any sensitive neighbors on either side?

Mr. Kronk stated no, there are no neighbors in close proximity.

Chairman Quinn stated there are 70 residential units in the redevelopment area to be built.

Mr. Kronk stated I don’t think there’s any detriment to the public good. I believe we will need this in the future.

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Mr. Meese asked for questions for Mr. Kronk.

Chairman Quinn asked why is this a good plan to have two towers next to each other?

Mr. Kronk stated the evidence presented tonight clearly tells us why. This applicant can’t get on the Crown Castle tower. This would be discrimination of like services if the Board were to deny this application.

Ed Snieckus asked in your analysis you talked about no other feasible location. If this was under 150 feet, could you be in another location?

Mr. Kronk stated yes.

Mr. Snieckus asked about the two other locations, one in the E1 zone, is this off the table? At the Allendale Avenue tree pole on Route 17, have you done further research?

Mr. Meese stated he’s not sure if Mr. Strickland can answer this.

Mr. Strickland stated both properties are out of our search ring. The tree pole on Allendale Avenue, that’s in Saddle River.

Ed Snieckus asked when was the Crown tower site constructed?

Mr. Kronk stated before the ordinance.

Ed Snieckus asked if they have photos of the adjacent Lot 20 site and visibility of the tower.

Mr, Kronk stated no.

Ed Snieckus asked what is the purpose of setbacks? Why do we have ordinances, do they have this criteria?

Mr. Kronk stated this is an issue of balancing. We have limited wooded area.

Ed Snieckus asked if there is interference between the poles?

Mr. Kronk stated only if the poles were closer.

Mr. Kronk stated this is a permitted use in the D1 zone.

Chairman Quinn asked for questions from the public.

Hearing and seeing none it was brought back to the Board.

Mr. Strickland stated the tree pole location at Allendale and Route 17, the ground elevation is 55 feet below the Borst property. If you go East, there’s an increase in distance. The industrial property area in the E zone, it is 35 feet lower in elevation than Borst.

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Ed Snieckus asked if the Borough has any other interest in the water tower location? There is a 150 foot pole. What about the DPW site?

Mr. Meese stated we’ve done our homework, we’ve reached out to the Borough. Would any of these other properties be superior?

I’m not sure if we should take a vote tonight.

Chairman Quinn stated this application is carried to the meeting of November 14, 2022 at 7:30 pm. No further notice is necessary, time is waived for the Board to act.

**DISCUSSION**

Mike Vreeland stated the Mayor & Council need to review the fee schedule for LUB escrow accounts at their next meeting. This has been discussed at the Land Use Committee meetings.

**OPEN TO THE PUBLIC FOR COMMENT**

**ADJOURNMENT:**

On a motion by Vice Chairman Sirico, second by Board Member Bergen, with all members present voting in favor, the meeting was adjourned at 11 PM.

 Respectfully submitted,

 Linda Garofalo

 Linda Garofalo