

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 20, 2016

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, June 20, 2016, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:04 p.m. Present at the meeting were Chairman Urban and Commissioners Adams, LeFante, Pellitteri, Lombardi, Dorans and O'Brien and DiLullo. Commissioners Egan, Ferrante and Pineiro were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Robert Russo, PE, consulting City Engineer and James Clarkin, PP, Consulting City.

After the Pledge of Allegiance to the Flag, Chairman Urban declared a quorum and advised that the Board had complied with the Open Public Meetings Act/Sunshine Law.

Adoption of Minutes:

A motion to adopt the minutes of the regular meeting of May 16, 2016 was made by Commissioner Adams and seconded by Commissioner Lombardi. A unanimous vote of eligible members followed.

Communications:

- Request from Christopher D. Vatale, Esq., O'Halloran & Vitale, Esqs., attorney for applicant Z-15-021 Excel AP, LLC to grant an adjournment of this application to the July 18, 2016 regular meeting.
 - o Commissioner Lombardi made a motion to adjourn the application to July 18, 2016 with no further notice required by the applicant. Commissioner LeFante seconded the motion and a unanimous vote followed.
- Request from Alexis E. Lazzara, Esq., attorney for applicant Z-15-022 Bayonne Blanket 444 Avenue C, LLC to grant an adjournment of this application to the July 18, 2016 regular meeting.

- o Commissioner LeFante made a motion to adjourn the application of July 18, 2016 with no further notice required by the applicant. Commissioner O'Brien seconded the motion and a unanimous vote followed.

Public Hearing:

Z-16-006 VERIZON WIRELESS – Site 345-356 Avenue C in City Block 246, Lot 59
[The applicant is seeking preliminary and final major site plan approval along with bulk and use variance relief to allow the installation of a wireless telecommunications facility and natural gas generator with ancillary equipment cabinets on the rooftop of the existing building.]

Kevin R. Jones, Esq., attorney for the applicant offered his exhibits into evidence and presented the following expert witnesses to provide expert testimony in support of this application.

Witness:

Frank Colasurdo, R.A. who described the various drawings prepared by his firm. He described the installation from the site plan, antennas and equipment cabinets. Mr. Colasurdo further discussed the elevation and the equipment company. He described the fan used for heat exchange, compared the noise to that of a bathroom fan, also noting that the sound regulations of the state of New Jersey will be met. Mr. Colasurdo described the facility as unmanned but monitored and that routine visits would be at four (4) to six (6) week intervals. He spoke of the test equipment and there testified that there would be no sound, glare, vibrations or odor emitted. Mr. Colasurdo reviewed the transmission lines from the cabinets to antennas. He described the lighting as a flood light under the canopy and that the lighting is on a timer. He opined that another wireless carrier could also be located at this site

Witness:

Frances Boschulte, a Radio Frequency expert discussed radio frequency standards at this site and how testing was performed. She testified that the panel antennas would comply with Federal Communications Commission (FCC) requirements. Ms. Boschulte concluded her

testimony by stating there is an identifiable need for this facility at this proposed location which will help cure the applicant's coverage gaps in this area.

Witness:

William Masters, Jr., PP was sworn to provide expert planning testimony for positive and negative criteria. Mr. Masters concluded that the positive criteria outweighs the negative criteria and this applicant can be approved without any detriment to the public and surrounding neighborhoods.

Board members and the public were given the opportunity to questions the witnesses. Hany Elebrashy, a neighbor of the property, was opposed to the project because of its effect on himself and his family.

Caucus:

Chairman Urban felt the plan met the conditions for approval and that the application could not be denied for fear of health issues as posed by a neighbor. Commissioner Adams felt the applicant met its burden of proof and Commissioner LeFante concurred. Commissioners Dorans, O'Brien and Pellitteri approved with the condition that the RF panels being installed are concealed with the covering from the photo simulations placed in evidence.

Commissioner Adams made a motion to approve the application subject to any and all conditions agreed to and spread across the record. Commissioner O'Brien seconded the motion and a unanimous vote followed.

Adoption of Resolutions:

- **Z-16-005 BAYONNE EAST 22ND STREET, LLC, Site: 160 East 22nd Street in City Block 464.01, Lot 2**

- o Commissioner Adams made a motion to adopt the resolution and Commissioner Le Fante seconded the motion. A unanimous vote followed.

- **Z-16-004 KENNEDY BOULEVARD ESTATES, Site: 717-719 Kennedy Boulevard in City Block 169, Lots 25 & 26**

- o Commissioner Adams made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 7:50 p.m.

Susan Bischoff, Certified Shorthand Reporter, took a transcript of the meeting.

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