ZONING BOARD OF ADJUSTMENT

REGULAR MEETING MINUTES

AUGUST 19, 2019

A REGULAR MEETING of the Zoning Board of Adjustment was held on Monday, August 19, 2019, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:07 p.m. Secretary Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Egan, Lombari, Pineiro, DiLullo, DeRos and Klimansky.

Also present was Richard N. Campisano, Esq., Board Counsel, Malvika Apt, PP, consulting City Planner and Lillian Glazewski, Land Use Administrator.

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:

No minutes were available for adoption. **Communications:**

- Letter from Paul Weeks, Esq., attorney for application Z-19-016 – 102-106 Kennedy BLVDHCPVI LLC; Block 347, Lot 11, requesting an adjournment because their expert witness was unable to attend the meeting.
    - Commissioner Adams made a motion to adjourn the matter to the September 16, 2019 regular meeting. Commissioner Lombari seconded the motion and a unanimous vote followed.
- Letter from Paul Weeks, Esq. attorney for applicant Z-19-018 – 443-436 Avenue C HCPVI LLC; Block 225, Lot 48, requesting an adjournment because their expert witness was unable to attend the meeting.
    - Commissioner Egan made a motion to adjourn the matter to the September 16, 2019 regular meeting. Commissioner Lombari seconded the motion and a unanimous vote followed.

- Letter from Peter Cecinini, Esq. attorney for applicant Z-19-026 – 952 Broadway Partners, LLC & M. Doueck, requesting an adjournment because their expert witness was unable to attend the meeting.
    - Commissioner Lombari made a motion to adjourn the matter to the September 16, 2019 regular meeting. Commissioner DiLullo seconded the motion and a unanimous vote followed.

Public Hearing:

Z-19-022 T-MOBILE NORTHEAST, LLC – Site: 434-436 Avenue C in City Block 225, Lot 48 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to construct a stealth rooftop wireless telecommunications facility and equipment with backup generator on the existing building.]*

Frank Ferraro, Esq., attorney for applicant stated that the applicant is seeking to address an area of deficient coverage/capacity in its network by proposing a new FCC licensed stealth rooftop wireless telecommunication facility at 434-436 Avenue C. Mr. Ferraro entered his exhibits into evidence and called his first witness.

Witness:

Edward Yorke, a Radio Frequency Engineer was sworn and recognized as an expert witness to testify in support of the application. Mr. Yorke testified that he prepared the Radio Frequency Report which was marked into evidence as Exhibit A-8. Mr. Yorke described the charts within the report that illustrate existing and proposed T-Mobile sites within the City and depicts the area where coverage is deficient. He discussed the capacity problems and how the telecommunication network can solve them. Mr. Yorke further testified that he searched the area in need of coverage for preferred sites but did not see other colocation opportunities in the area. This new site, if approved, is a longer term solution for the capacity issues in this sector. Based upon his analysis, Mr. Yorke testified that the operation of this facility will enable T-Mobile to provide reliable wireless service to the City of Bayonne and remedy the identified service gaps.

Board questions:

Chairman Urban and Commissioner Egan questioned Mr. Yorke.

Audience questions:

There were no questions from the general public.

Witness

Ron Llamas, the site acquisition consultant was sworn as an expert witness. Mr. Llamas submitted Exhibit A-21, an aerial map of the City showing the zones throughout the City. Mr. Llamas said that he looked at four other sites, but this was the only site that interested him. Mr. Llamas said the he prepared a structural assessment report which provides analysis figures and analysis calculations to determine the structural integrity of the structure. It has been determined that the building is capable of supporting the proposed equipment without causing an overstress condition in the steel platform.

Board questions:

Consulting City Planner Malvika Apte questioned Mr. Llamas.

Audience: none

There were no questions from the general public.

Witness

Robert Marsac, AIA from Ramaker and Associates was the next witness to be sworn and accepted as an expert witness. Mr. Marsac described the stealth screening and lighting. He said that this would be an unmanned facility that would be visited only once every six weeks by a technician; however, if there is a problem, the technician will visit the site more frequently. Mr. Marsac testified that the improvements will not impact the existing footprint of the building.

Board questions:

Chairman Urban and Commissioner Adams questioned Mr. Marsac.

Audience questions:

There were no questions from the general public.

Witness:

David Karlebach, PP was sworn and recognized as an expert witness. Mr. Karlebach testified that he reviewed all of the documents and visited the site and he is familiar with this application. He testified that he prepared photographic simulations and an analysis. He described the site and noted that there is no onsite parking at this location, however, street parking is available. Mr. Karlebach offered additional exhibits of different types of stealth screening that were marked as Exhibits A-23, A-24 and A-25.

Board questions:

Commissioner Di Lullo and consulting City Planner Apte questioned Mr. Karlebach.

Audience questions:

Resident Mike Rusigno questioned Mr. Karlebach.

Closing:

Frank Ferraro, Esq., said that he relies on the testimony of his experts and he respectfully requested the Board approve the application.

Audience:

There were no closing comments from the general public.

Caucus:

Chairman Urban said that this is a service to our community and it has been established that there is a need for this new wireless site. Commissioner Urban said that he favors the new type of antenna screening.

Commissioner Adams said that the applicant has more than adequately met its burden of proof. He said that he too prefers the option where the equipment be moved toward the back of the building and new film material be used in lieu of the walls.

Commissioner Pineiro said that he also was satisfied with the testimony and he agrees with Chairman Urban and Commissioner Adams.

Commissioners Klimansky, De Ros, Di Lullo, Lombari and Egan concurred.

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

Adoption of Resolutions:

- **Z-19-013 KFG REALTY, LLC – Site: 502 Broadway in City Block 197, Lot 8**
  - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombari seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:00 p.m.

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