



**CITY OF PERTH AMBOY
BOARD OF ADJUSTMENT**

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**CITY OF PERTH AMBOY
BOARD OF ADJUSTMENT**

MINUTES OF THE MEETING

THURSDAY, FEBRUARY 10, 2011

The meeting was called to order at 7:00 P.M. by Chairman Ward.

Salute to the flag (Pledge of Allegiance was said).

The Chairman of the Perth Amboy Board of Adjustment, Thomas Ward advised the audience that notice of this meeting has been filed with the Home News Tribune, The Star Ledger, City of Perth Amboy's web page at www.ci.perthamboy.nj.us and posted on the Bulletin Board in the City Clerk's office, indicating that tonight's meeting is being held at the Council Chambers, City Hall, 260 High Street, at 7:00 p.m.

ROLL CALL:

Those present: Chairman Thomas Ward, Vice Chairman Michael Savoia, Ms. Susan Batista, Mrs. Leslie Dominguez Rodriguez, Mrs. Lisa Nanton and Mrs. Linda Cruz

Those absent: Mrs. Yvonne Everett, and Mr. P. Roman (excused); Dr. Matton resigned

Zoning Board Staff: Alfred J. Petit-Clair, Jr., Esq.
Ernest W. Feist, P.E., P.P.
Iwona H. Cwiek, Recording Secretary

APPLICATIONS:

Docket No. 2928 **T-Mobile Northeast, LLC**
607-609 Sayre Avenue
Block 183; Lots 1-26, 27-01-27.03

February 10, 2011

This applicant is requesting for a conditional use variance and minor site plan approval. Applicant proposes to construct a new 80' tall monopole on the subject property and nine (9) panel antennas will be mounted to the monopole. In addition, four (4) equipment cabinets will be located on the ground within a 400 square foot fenced equipment compound at the east portion of the property.

Mr. Constantine Stamos, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. He stated that this is a continuation from October 2010 meeting at which the Board asked the applicant to look for a commercial/industrial site for this use. The applicant has found site in M-1 Light Industrial Zone and would like to present to the Board. All witnesses are sworn-in by Mr. Petit-Clair.

Mr. Stamos calls his first witness Mr. Daniel Penesso, PE – radio frequency engineer. Mr. Penesso submitted Exhibit A1 – Map with coverage overlays. He stated that he prepared the plan and described in details the coverage area which will be provided by this particular site. He also stated that with the antenna they will have coverage in this gap. Mr. Penesso testified that there was no other site/structure available in this particular area to accommodate the antenna.

Mr. Stamos calls his second witness, Mr. Anthony Barile, PE. Mr. Barile prepared and submitted as Exhibit A2 – Site Plans dated December 8, 2010. He described the subject property which is located at 607-609 Sayre Avenue in the M-1 Light Industrial Zone. The applicant is proposing to construct a new 80 feet tall monopole with 9 panel antennas and 4 equipment cabinets within a 540 sq. ft. fenced area at the east side of the subject property. The cabinets measurements are 51" x 30" 60" and will be built on 20' x 20' concrete slab surrounded with chain link fence. The size of the antennas is 13" x 56". A technician will visit the site approximately once a month. In regards to Mr. Feist report dated February 7, 2011 the applicant is seeking waiver from Item #10 and agree to put board on board fence; Item #9 – will rearrange the cabinets; the applicant will comply to the rest of the items.

Mr. Stamos calls his third witness, Mr. Mark Harris, PE Radio Frequency Compliance Expert. Mr. Harris prepared FCC the report He testified that the T-Mobile will utilize FCC licensed frequencies. The analysis was done considering the highest operating levels that the company indicates would be considered for the site and summed over all radios operating in a sector at the specified frequency of operation. Per the calculation, the cumulative transmission at this site is well below the 100% limit and no exposure risk should exist considering the worst case. There wont be any interference with other systems i.e. fire station.

Mr. Stamos calls his fourth witness, Mr. Christopher Neville, PP. Mr. Neville described in details the subject property and submitted the following exhibits:

Exhibit A3 – Aerial Photography of the Subject Property and Neighborhood.

Exhibit A4 – Picture View from 469 Rathburn Place

Exhibit A5 – Picture View from 575 Sayre Avenue

Exhibit A6 – Picture View from 450 Parker Place

Exhibit A7 – Picture View from Rt. 624.

He stated that if other companies will seek to co-hang the antennas they will allow doing that.

Questions from the Board regarding the coverage.

Public portion:

- Rene Skelton, lives in the area, explained the character of the neighborhood and asked to reject the application and consider the other site.
- Lora Zastokros, 585 Sayre Ave., opposed to the application, because in her opinion there is a health problem;
- Tiro Kirak, owns the boat yard, made a statement in which he is not in agreement with the application;
- Edward, Stevenson .., asked to take for consideration of property value and not to put the tower in this place.
- Kirk Davis, 445 Stevens Pl., spoke against the tower.
- Dr. Jackowski, 465, opposed the application.

Mrs. Dominguez Rodriguez made a motion to approve the application and the motion was so moved and seconded by Chairman Ward.

The motion was voted on and defeated by the vote of 4 (Savoia, Batista, Cruz, Nanton) to 2 (Ward, Dominguez Rodriguez).

NEW BUSINESS:

Docket No. 2844 **Robert Sanchez**
651 Johnstone Street
Block 331, Block 13 & 14

This applicant is requesting for an extension of resolution (see attached).

Chairman Ward made a motion to approve the resolution and the motion was so moved and seconded by Vice Chairman Savoia. All Members present were in favor.

APPROVAL OF MINUTES: January 13, 2011

Vice Chairman Savoia made a motion to approve the minutes and the motion was so moved and seconded by Mrs. Dominguez Rodriguez. The motion was voted on and approved. Mrs. Nanton abstained.

MEMORIALIZATIONS: none

ROLL CALL FOR UPCOMING MEETING:

Regular meeting is scheduled on February 10, 2011, at 7:00 P.M.

Mrs. Cruz excused herself from the next meeting.

ADJOURNMENT:

Vice Chairman Savoia made a motion to adjourn the meeting and was seconded by Mrs. Dominguez Rodriguez.

Motion to adjourn the meeting of February 10, 2011 was so moved.

Meeting was adjourned at 9:05 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Iwona Cwiek".

Iwona Cwiek
Recording Secretary