



**CITY OF PERTH AMBOY  
BOARD OF ADJUSTMENT**

375 New Brunswick Avenue  
Perth Amboy, New Jersey 08861  
(732) 826-0183  
Fax: (732) 826-5830

Alfred Petit-Clair, Esq.  
Jamie Rios, Administrative Officer

Wilda Diaz, Mayor

**CITY OF PERTH AMBOY  
BOARD OF ADJUSTMENT**

**MINUTES OF THE MEETING**

**THURSDAY, MAY 12, 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](http://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 (20 min. late), Mrs. Lisa Nanton Mrs. Linda Cruz, Ms. Karen Kubulak and Mr. David Szilagyi

Those absent: Mrs. Yvonne Everett (excused) and Mr. P. Roman

Zoning Board Staff: Mr. Ernest W. Feist, P.E., P.P.  
Alfred J. Petit-Clair, Jr., Esq.  
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

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. Mr. Stamos stated that the applicant requested for the Board's reconsideration of its decision to deny the application for a use variance, height variance, side yard variance and minor site plan approval. In further support of the request, the applicant submitted revised plans prepared by ComEx Consultants, last revised 3/21/11. The applicant believes that there was a mistake of the facts and findings and misinterpretation of the testimony, when the application was denied on February 10, 2011. All witnesses are sworn-in by Mr. Petit-Clair.

Mr. Stamos calls his first witness, Mr. Nicholas Barile, PE. Mr. Barile prepared and submitted revision to the plans. The applicant is modifying the proposed structure from a traditional monopole installation to a unipole design wherein all of the antennas, cabling and mounting hardware are located within the tower and not visible. The antennas are enclosed within fiberglass. The amount of panels will be decreased to 6 from 9; the concrete platform itself will be 24' x 24' wide and about 18" above the grade with 3 cabinets. The platform will be placed 3' of the building and surround by 32' x 26' board on board fence with 2 access gates. The setback will be 75.7' of right-of-way.

Mr. Stamos calls his second witness Mr. Edward York, PE – radio frequency engineer. Mr. York submitted Exhibit A1 – Printout from T-Mobile website showing coverage in Perth Amboy. He stated that there is a gap in the coverage within subject area. He also stated that with the antenna they will have coverage in this gap. Also, with the unipole design there is less room for other companies to co-hang their antennas.

Mr. Stamos calls his third witness, Mr. Joseph Schiaravallo, PE Radio Frequency Compliance Expert. Mr. Schiaravallo prepared FCC compliance the report for the subject property. 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. They will be in compliance 600 times less that FCC limits.

Mr. Stamos calls his fourth witness, Mr. Timothy Kronk, PP. Mr. Kronk described in details the subject property and submitted and described the original exhibits:

- Exhibit A4 – Picture View from 469 Rathburn Place dated February 10, 2011
- Exhibit A5 – Picture View from 575 Sayre Avenue dated February 10, 2011
- Exhibit A6 – Picture View from 450 Parker Place dated February 10, 2011
- Exhibit A7 – Picture View from Rt. 624 dated February 10, 2011

Mr. Kronk submitted new Exhibit A2 – Photo simulation of new unipole antenna. In his opinion a new photo simulation depict the appearance of the new tower design.

~~He stated that~~ if the tower becomes obsolete, than they will remove the tower within 180 days.

*May 12, 2011*

**Public portion:**

- Rene Skelton lives in the area, in her opinion the structure is too close to people's homes and asked to reject the application and consider the other site.

Discussion on the application.

Mr. Stamos summarized the application and asked to approve it.

Mr. Szilagyi made a motion to approve the application and the motion was so moved and seconded by Ms. Kubulak based on: the applicant met D3 and D1 standard under A and G; based on the testimony they have approval of FCC; the pole is only from 8" to 19" wide; they will paint to whatever color the City desire; no noise or pollution; they are in compliance with Mr. Feist letter of April 7, 2011; they are in agreement to put board on board fence; side yard set back variance included; if there is a new technology than they will remove the tower within 180 days.

The motion was voted on and approved by the vote of 6 (Ward, Savoia, Batista, Cruz, Kubulak, Szilagyi) to 1 (Nanton).

**Docket No. 2940      Dr. William McAllister**  
196 Water Street  
Block 27; Lot 16

Application has been dismissed without prejudice.

**NEW BUSINESS:    none**

**APPROVAL OF MINUTES:      April 14, 2011**

Chairman Ward made a motion to approve the minutes and the motion was so moved and seconded by Vice Chairman Savoia. The motion was voted on and approved.

**MEMORIALIZATIONS:    none**

**ROLL CALL FOR UPCOMING MEETING:**

Regular meeting is scheduled on June 9, 2011, at 7:00 P.M.

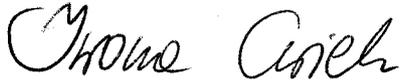
*May 12, 2011*

**ADJOURNMENT:**

Vice Chairman Savoia made a motion to adjourn the meeting and was seconded by Ms. Batista. Motion to adjourn the meeting of May 12, 2011 was so moved.

Meeting was adjourned at 8:45 P.M.

Respectfully submitted,

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

Iwona Cwiek  
Recording Secretary