

City of Northfield Planning & Zoning Board
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Minutes: August 6, 2009

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting had been given to The Press, posted on the bulletin board in City Hall, and filed with the City Clerk, stating the date, time and place of the meeting and the agenda to the extent known.

The regular meeting of the Northfield Planning & Zoning Board, held on Thursday, August 6, 2009 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:30 p.m. and the following members were present:

Dr. Richard Levitt-Chairman
Clem Scharff-Vice Chairman-absent
Mayor Vincent Mazzeo
Jimmy Martinez, Councilman
Chief Robert James-absent
Lou Milone
John Clifford
Ron Roegiers
Henry Notaro
Jim Shippen
Linda Dyrek

Norman Zlotnick, Solicitor
Matt Doran, PE-Engineer

There were three applications on the agenda this evening. The first application was from John & Tanya Elwood for Block 46, Lot 24 at 512 Roosevelt Avenue in the R-1 Zone. Mr. & Mrs. Elwood were sworn in by Chairman Levitt. Mr. Elwood explained that they are requesting a "C" hardship variance for an addition to their two bedroom home which they have owned for approximately ten years. They are proposing to add a master bedroom and bath and a family room for their growing family. They have two children and are expecting a third child in March. They need the additional living space to accommodate their growing family. Mr. Elwood added that their addition is extending an existing non-conformity from the rear of the home into the backyard.

Chairman Levitt asked if this is a one story addition with a basement and Mr. Elwood answered yes. The Chairman asked for further testimony describing the benefits and how they outweigh any detriments to Northfield's Land Use Ordinance. Mrs. Elwood said there are no detriments at all to the neighborhood and that the addition will be straight back and will make the house look better. They will be using the same siding and shingles and everything will match.

Mr. Doran referred to his Engineer's report. Mr. Doran said there are four existing non-conformities for lot area, lot width, front setback and side setback. The side yard setback variance relief is for 3.8 feet proposed where 10 ft. is required. They are not increasing any non-conformities. They are simply expanding the lines. Mr. Doran said street trees need to be addressed and commented that curbs and sidewalks exist.

Chairman Levitt asked the applicants if they have any street trees. Mr. Elwood stated they have one. The Chairman said that considering the lot width is 50 ft., one tree would be adequate. He then opened the public session and Kathy Stephens of 510 Roosevelt Avenue was sworn in. She stated that she supports the Elwood's application and thinks it will be an asset to the neighborhood. She said the Board granted her a 1000 sf addition eighteen years ago and she feels her addition was an asset to the neighborhood as well. Chairman Levitt closed the public session seeing that there was no one else who wished to speak. There were no further questions from the Board.

The Chairman asked for a motion for variance approval for lot area, lot width, and front and side setbacks which are existing non-conformities. Mr. Shippen made the motion and Mr. Milone seconded.

The roll call vote was as follows:

Mr. Clifford-yes, Mrs. Dyrek-yes, Chief James-absent, Councilman Martinez-yes, Mayor Mazzeo-yes, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion for the variance approval carries.

The second application was from Aimee Leigh Oseguera who resides at 910 First Street, Block 117, Lot 6 & 7 in the R-3 zone. She is requesting a "C" Variance for a setback for an addition to her home. The plan involves increasing the size of an upstairs bedroom including added closet space and the addition of a family room and powder room downstairs. Mrs. Oseguera was sworn in by Chairman Levitt.

The hardship variance involves side setbacks for the home and an accessory structure where 10 ft. is required and 2.8 ft. and 2.3 ft. are existing respectfully. The front setback requires 25 ft. and 17.3 ft. is existing. They want to construct a rear two-story addition. The Oseguera's have two children and love their house, but the rooms are tiny. They want to add a bathroom to the first floor and increase the size of the rooms upstairs. Chairman Levitt noted that they have a well-maintained property and the house is very pretty. He asked for testimony as to benefits outweighing detriments. Mrs. Oseguera testified that the addition will be toward the backyards of neighbors and will enhance the property. The addition will not be visible from the street and will look nice from the backyard view. Mr. Roegiers stated that there would be a 6 inch change to the setback.

Mr. Doran referred to his Engineer's letter and said they comply with lot area and lot width and only need a side setback variance and that the lot is deep. They needed to discuss street trees and curbs and sidewalks exist. Chairman Levitt said there are no trees in front, but they do have a wooded backyard. There is a large oak tree on the neighbor's side and it shades the front. He said another tree may not survive. He asked the Board members how they feel about the trees and Mr. Milone said what is there is adequate. Dr. Levitt said the Board will waive the tree requirement.

There was no one from the public who wished to speak. The Chairman asked for a motion for variance approval for the residential addition. Mr. Milone made the motion and Mr. Roegiers seconded.

The roll call vote was as follows:

Mr. Clifford-yes, Mrs. Dyrek-yes, Chief James-absent, Councilman Martinez-yes, Mayor Mazzeo-yes, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion for the variance approval carries.

The third application was from T-Mobile Northeast, LLC for Block 78, Lot 14 located at 2605 Shore Road. The zone is R-3. Michael Learn, Esq. of Cooper Levenson of Atlantic City began by

stating that they have advertised for all variances that may be necessary and they have just become aware that there is field of solar panels located on the rooftop of Coastal Design and a side yard setback may be necessary depending on where they configure the location of their equipment. This is a pre-existing non-conformity. Mr. Zlotnick said he feel comfortable proceeding even though there may be a change to the original site plan. They are also seeking a conditional use "D" variance and minor site plan approval.

Mr. Learn gave a brief introduction. The applicant wants to construct a 40 ft. telecommunication monopole camouflaged as a flagpole. The existing height of the building is 27 ft. They will conform to all items in the City's wireless ordinance. He noted that the site is a "B" candidate on their list of possible sites and that the "A" candidate was the Methodist Church located on the corner of Central Avenue and Shore Road. Mr. Learn noted that there is no other existing tall structures in the neighborhood. The church was not interested. He said there are no public lands such as city buildings in this area to use to satisfy the coverage they are trying to fill.

Mr. Learn continued by saying there would be no projections and only a flagpole would be visible. They will not be putting a flag at the top because of flag regulations. Only a 40 ft. cylinder would be visible from the rooftop.

The professionals were sworn in together. They consisted of Larry Washington, a site acquisition specialist, the property owner, George Symirnos, Dr. Kenneth Foster, PHD, a health and safety expert in FCC compliance issues of radiofrequency emission from the University of Pennsylvania, Glenn Villanueva, a radiofrequency engineer from T-Mobile of Bensalem, Pennsylvania, Peter Tacalis, an engineer with Dewberry-Goodkind, Inc. of Mt. Laurel, NJ, and James Miller, a licensed professional planner.

Testimony began with Dr. Kenneth Foster, an independent consultant. He said that the FCC controls limits and standards and have existed both nationally and in New Jersey for 20 years. The FCC requirements are the highest and standards are set for all broadcasters (wireless telephone, TV and radio). Worldwide standards were set in 1998 established by ICNIRP and are very similar to FCC standards. Health and safety issues have been studied since the 1950s due to radar technology. Cell phone technology has been around for twenty years and has been well-studied. In comparing radiofrequency to x-rays, RF does not disrupt molecules. Dr. Foster said the height of an antennae is critical in that the RF can be thought of as a pancake in shape extending out 360 degrees. The power level coming out of the site would be 100 watts and would be far above head height. The use of a hand set is higher in exposure due to the height of the pole.

Mr. Learn asked Dr. Foster to comment on the results of his analysis. He stated that based upon upper limit assumptions, the maximum exposure is a tiny fraction of FCC limits at an overestimation of 6/10ths of 1% at ground level at the worst case scenario. Mr. Learn asked to compare wattage outputs to TV and radio. Dr. Foster said the typical FM station will give out 15,000 watts while a TV station is much higher. The detailed report including a detail of his analysis was labeled Exhibit A-1.

Dr. Foster needed to get back to Pennsylvania and asked to answer any questions the Board or the public might have. Chairman Levitt asked Dr. Foster, as a radiofrequency biologist, about cell phone usage and the effects on children and referred to European studies that were conducted. Dr. Foster said there is no reason to expect them to be dangerous. Some governments have asked that kids use them only when necessary and some countries have made recommendations and to let parents make the decisions. Both the United States and the Netherlands feel this way. The U.S. has not made recommendations. There is no current documentation of harm from cell phones and studies are hard to measure at this time, but there are activists who would disagree.

Chairman Levitt opened the public session for inquiries concerning health and safety issues only to Dr. Foster. Robert Webb of 218 W. Revere Avenue was sworn in. Mr. Webb asked if there was any chance of gamma radiation particles given off. Dr. Foster said there are only radio waves emitted and there is no ionizing radiation. Mr. Webb mentioned that on Navy ships there are atomic signs on radar screens. Dr. Foster said they are warning signs to stay out of the main beam. Mr. Webb asked why the pole needs to be so close to the public. Dr. Foster assured him that there is no radioactivity.

Mrs. Norma Johnson of 2530 Shore Road was sworn in next. She said she is familiar with studies in Australia and New Zealand that have shown that children living near broadcast towers, which are similar to cell towers, have twice the rate of leukemia than children living seven miles away and also have cardiac problems and sleep disorders and other harmful effects that may not present themselves for years. Her worry is for the children. Her grandchildren, nieces and nephews play in her yard and she has a grandson who was diagnosed with lymphoma and she would hate to see later that a mistake was made and she asked the Board to deny the application.

Dr. Foster stated that his testimony is about compliance and philosophically, it is unknown what the future will bring. He said that FCC limits are based on world information and are constantly being evaluated. Many studies done in other countries are weak studies that are not confirmed and there are studies showing that being near a broadcasting station is not harmful and people have been living near them for over 80 years. He noted that many web sites are not in agreement with world health organizations. Mr. Learn asked Dr. Foster to address antennas on top of health care facilities. Dr. Foster said they are common in hospitals and they have many and are not an issue. Doctors are not concerned and want good cell phone reception. He added that there are over 260,000 cell sites in the United States.

Thomas Wolfe of 317 Davis Avenue was sworn in. He asked if radiation was constantly monitored. Dr. Foster said the company constantly monitors the cell site for quality of service. Mr. Wolfe asked if they ever malfunction or give off increased radiation. Dr. Foster said they could stop working, but are limited by physics as to RF energy emissions and this is monitored by the company.

Lou Soloff who resides at 2552 Shore Road was sworn in. She said she lives across the street from the parking lot and opposes the structure on top of the roof. She already has to look at a building which wasn't there when she first purchased her property and she noted that her research on the internet has shown that this may not be dangerous to adults, but is dangerous to children.

Michael Platt was sworn in next. He lives at 117 W. Revere Avenue and has resided there for 15 years. He said there is a degree of doubt as to the welfare to humans from things put out from these structures and he is afraid of the affect on wildlife. He said once these things are built, wildlife seems to disappear. Dr. Foster said he did a paper on RF energy and the affects on wildlife and found this to not be an issue. He noted that some high flying birds can fly into very large towers and guy wires. Mr. Platt said he has concerns about the tower placement and the fact that since populations are growing, he is afraid that 20 years from now, more and more will be added to the tower.

Mr. Shippen asked about data on increased medical problems on people living near RF waves and towers. Dr. Foster said there are 266,000 cell sites, many located on buildings, and it is difficult to do a study since we are all exposed. Exposure levels are low and universal. In reference to electrical sensitivity or being allergic to RF waves, it has been found that when people know there

being exposed, they only think they are being affected by the waves. It is difficult to be subjective. Chairman Levitt asked for Dr. Foster to address the differences between hand sets and electro magnetic exposure from the RF towers. Dr. Foster said hand sets are close to the head and approach FCC limits and that some cell phones have been pulled off the market. Exposure from RF towers is 100 times less than FCC limits and exposure is comparable to a household microwave. Mr. Shippen asked about exposure to tower maintenance people. Dr. Foster said they usually do not work high up on the poles. Dr. Foster explained how RF is transmitted. Antennas only transmit significant amounts of energy from the front surface horizontally and do not transmit energy downward.

Chairman Levitt noted that the Board reserves the right to recall Dr. Foster should any related significant issues come up. Dr. Foster agreed.

The second professional to testify was Glen Villanueva, a Radiofrequency Engineer, who has worked with Sprint, Nextel and T-Mobile. His qualifications were accepted. Mr. Villanueva said T-Mobile is licensed by the FCC to operate radiofrequencies on the 1900 megahertz (C Band), 2100 MG and PCS Bands (Personal Communication Band as opposed to cellular bands). T-mobile will operate on both of those bands and the width varies with other carriers who are licensed at different frequencies so they do not interfere with each other and can operate on the same tower. Mr. Villanueva said it is the goal of companies to provide seamless reliable coverage for the likelihood that calls will go through. He presented Exhibit A-2 and A-3 which is a two-page (front and back) propagation study. Page one (A-2) shows existing T-mobile coverage and page two (A-3) shows coverage with the proposed site in operation. The map shows Northfield, Linwood and Egg Harbor Township including major roadways and thoroughfares. There is some vehicle or outdoor coverage now and T-Mobile is designing this new system to increase in-building coverage over what currently exists. Mr. Villanueva described "clutter" as being buildings and trees and said PCS bands are more sensitive to this. Distance is not propagated as much.

Mr. Villanueva described other sites with similar heights where T-Mobile co-locates. They are the Hamilton Avenue water tower in Linwood, on Ocean Heights Avenue, on Bargaintown Road, on Burton Avenue in Northfield, and also 1501 Zion Road in Northfield. The proposed site would have a height of 27 ft. of building structure and 40 ft. height of flagpole. A portion of the pole will be fiberglass to allow for receiving and making signals. The tree canopy in the area is approximately 40 ft. and the pole needs to be on the rooftop to clear trees and to communicate with other sites in Linwood and Northfield. Referring to Exhibit A-3, Mr. Villanueva explained that with the proposed pole, in-building coverage would be increased for a .4 mile radius. More coverage would be desirable, but they want the pole to be compatible with the building and also to be zoneable. The antenna heights of the flagpole will be stacked at different levels at 63.5 ft. and 53.5 ft. In-building coverage will be added for Rt. 9, Vernon Ave., Amherst Ave., and Cornwall Ave. The nature of other T-Mobile services include data, music MP3, video and phone services and good coverage is important as the shift in society goes to wireless over land lines. The E911 system allows a telephone number to be detected to locate where you are through the cell phone which makes coverage important. The facility at the proposed site will be unmanned, but will be visited by a technician every 6 weeks to perform maintenance. The average size of the antenna is 4.5 ft. and there will be no noise or vibration and there will be no commercial or residential interference. The cabinets contain radios and electronics and are housed in the steel cabinets for protection. Ventilation is from exhaust fans and there is no noise or interference. The monitoring site or "switch", which is the central hub for the whole metro area, is located in Morristown and the purpose is to monitor for intrusion and power failure or outage. The site will require telephone and electrical lines. If Northfield should experience a power outage, the site can operate for four hours by backup battery. There is no generator. Monitoring for fire would be in the steel cabinets and would set off an alarm at the "switch" and the fire station.

Chairman Levitt asked if it would be possible to increase propagation at the other area sites instead of this proposal. Mr. Villanueva said it would not cover the areas they want to cover and they need to have a new site. Mayor Mazzeo asked about the total diameter coverage. Mr. Villanueva said the coverage is .4 miles and Chairman Levitt explained that it is .4 miles in each direction or a total of .8 miles in diameter. Chairman Levitt asked about increases in power at the site. Mr. Villanueva said what they are asking for tonight is the maximum power at the site and it will not be increased. Chairman Levitt explained that according to the wireless ordinance, the Board cannot "just say no" to cell towers. The applicants must show that they need the site, and they must use any existing sites if available and must look into use of public lands if available. Mr. Martinez commented that both his wife and daughter have T-Mobile service and their phones work fine. He lives directly behind Coastal Design and questioned the need for additional coverage. Mr. Villanueva stated that by using statistics, surveys, and complaints, it was found that they needed more coverage. Mr. Learn offered to conduct a drive test to further show the varying levels of coverage. Mr. Villanueva agreed that could be done. Mr. Martinez asked if the complaints were available to the public. Mr. Learn said that companies don't publicize when customers complain. Mr. Learn and Mr. Villanueva offered to provide drop-call data to show when calls cease to operate or fail to go through. Mr. Shippen said that the parameters are determined by physics such that the water tower, as an example, is at a certain height and with certain wattage, it can be determined how far coverage will extend. Mr. Villanueva added there are also other factors. Dr. Levitt said that this type of business decision involves considerable expense and to generate business, they need to have reliable service and if it is determined that service is not reliable, that is the reason for doing this. He added that coverage can vary within zones in that your phone can work in one area of a building and not in another.

Chairman Levitt announced a five minute recess at 9:23 p.m.

The meeting reconvened at 9:33 p.m.

Mr. Learn stated that it is apparent that there are issues and he requested that a drive test be conducted to amplify Mr. Villanueva's testimony and to substantiate the decision to put the tower at this site. They also want to address the solar panels and will take a second look at possibly housing everything inside the building and only have the flagpole on the roof. They need to do a final phase of plans for the Board. Mr. Zlotnick agreed and said he would like to see the plans in black and white. A date was set for a continuance until September 17, 2009.

Chairman Levitt re-opened the public session. Ray Adams of 238 Mt. Vernon Avenue was sworn in. He asked Mr. Villanueva if a GPS satellite would get a call to 911. He answered that it would depend on the phone and what cell site is providing the signal. He added that the nearest site to the proposed site is on Zion Road. Mr. Adams noted that additional antennas could not be added to the Zion Road site and Mr. Villanueva said that is correct. Mr. Adams said that the addition of the proposed flagpole will not eliminate all coverage problems. Mr. Villanueva said they do not have plans to expand any other sites in Northfield and would look further to Linwood if necessary. Mr. Adams asked why City Hall was not considered. Mr. Villanueva said that site would not help. Mr. Adams asked if they would be paying rent and the Engineer said yes. Mr. Adams asked if the flagpole would have a light and Mr. Learn said there would not be lighting.

Helen Havlick of 203 West Revere Avenue was sworn in next. She has lived in Northfield for 40 years and remembers when House and Garden was a "box" and she recalled they had to buy Dr. Bew's house to build a parking lot and also add a big addition to the store. The neighborhood doesn't want any more commercial. She asked that if the commercial building wasn't there, in what area would they be looking to put the tower if residential homes were there instead. She asked why the income wouldn't go to the City. Mr. Learn said the company would have to look

for an alternate site and design because they need to increase the coverage. Mr. Learn continued by saying they are trying to use existing structures and the logical target is an island of commercial. Mr. Havlick commented that 'money talks' and she feels the area should be residential.

Thomas Wolfe spoke again and said the taxpayers should be reaping the benefits. He feels there is plenty of public land in that area that could be used and he suggested the meadows. Mr. Shippen said that area is a bird sanctuary and any tower that would be put in that area would have to be much taller than the one proposed. Mr. Wolfe said the areas at the end of Revere and Cove Avenues are not all meadow. He added that what is to stop other companies from coming in and putting poles on top of McDonald's arches or St. Bernadette's Church. Dr. Levitt said the Methodist Church did not want the flagpole and Beth Israel Synagogue withdrew their proposal. He added that the area of the bird sanctuary may be under a trust agreement with those who donated the land. If there is any development, the land may go back to the original owners as part of the agreement. Mr. Thomas asked what the cost of the project is and Mr. Learn said that would be addressed by the next witness. Mr. Thomas then asked how this would affect taxes. Mr. Learn said the project would provide phone services and taxes would depend on how the Tax Assessor handles the development. The addition would be factored into valuation and taxes may be raised. It may be part of a contract with the carrier that they will pay the additional taxes. Mr. Wolfe asked Mayor Mazzeo to investigate the bird sanctuary area.

Robert Webb spoke again and said he is concerned with radiation. Dr. Levitt addressed him and said electromagnetic radiation is not ionizing. Mr. Webb said he doesn't want the flagpole in a residential area and suggested the First Street playground, Birch Grove Park and the bird sanctuary. He asked that they look for open ground that is not near neighborhoods. He feels radiation is being expended and asked about liability and who is responsible. Mr. Learn said there are insurance provisions in the lease and a personal injury clause. Carriers are very protective and have ample insurance. Mr. Webb asked what if it turns out that radiation hurts kids and animals. Mr. Learn said he would have to go to the Federal Government since they are in control.

Patrick McGowan of 2005 Shore Road spoke next and said he is president of a neighborhood committee called the Committee for a City of Homes. The committee, formed 30 years ago, is opposed to commercial development in residential neighborhoods. He reminded the Board that the department store is already non-conforming and he doesn't want to see it increased. He said there is a city ordinance preventing things like this from being 500 ft. from any structure and 250 ft. from residential areas. He has concerns about the height which is really 67 ft. and he asked about the structural report. Mr. Learn said it will be provided as a condition of approval and they will be including a structural analysis of the solar panels. Mr. McGowan said he would like to see the flag pole eliminated and would like to see a fake tree instead with the cabinets inside the building. Mr. McGowan provided a photo of a tree pole for the Board. Mr. Learn commented that this can work where appropriate. He added a 67 ft. tree might be out of place here. It can work in forested, hilly regions where it would blend in. Mr. Learn said a flagpole on a roof would not have as much visual impact and the tree would not work where Mr. McGowan suggested. Mr. McGowan said there are areas where it would blend in and in regards to the expense of a tree; he noted that T-Mobile's net income was \$322 million for the first quarter. He added that he is glad there won't be a flag on top of the pole, but he would rather see a tree. Dr. Levitt added that he agrees that aesthetics are a major issue. Mr. McGowan noted that the pictures in the exhibits show surrounding trees with leaves and the perspective would be different without the leaves on the trees.

Robert Webb had questions about a flag being placed on top of the pole. Dr. Levitt said the applicants don't want to draw attention to the pole with a flag and a light. The Board will deal

with that issue when dealing with site plan issues. The Board looks forward to Mr. Webb's opinions at that time.

Mr. Clifford asked at what height a red light would be needed on the pole. Mr. Learn said a light would be needed at a height of 200 ft. in South Jersey unless in a flight path. Mrs. Dyrek asked that the applicant show that they have exhausted other alternatives and that this is the only site available. Dr. Levitt said that is a requirement. Mr. Learn said they can investigate public land availability. Chairman Levitt stated this application will continue on September 17, 2009.

The last item to address this evening is the issue of changing the Planning/Zoning Board meeting start time to 7:00 p.m. This will be published in The Press as the official change of the meeting start time to 7:00 p.m. effective the first meeting in September which is the September 3, 2009 meeting. A voice vote off all members present was unanimous in favor of the change.

Chairman Levitt closed the meeting at 10:07 p.m. with a motion from Mr. Roegiers and a second from Mr. Clifford.

Respectfully Submitted,

Robin Atlas, Secretary to the Board