

**City of Northfield Planning & Zoning Board**  
**1600 Shore Road**  
**Northfield, New Jersey 08225**  
**Telephone (609) 641-2832, ext. 127**  
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Minutes: August 20, 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 20, 2009 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:31 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-absent  
Linda Dyrek

Norman Zlotnick, Solicitor  
Matt Doran, PE-Engineer

There were two applications on the agenda for this evening. The first was from MetroPCS Pennsylvania, LLC for Block 16.01, Lot 40 located at 1473 Burton Avenue in the R-1 Zone. Kevin Sheehan of Parker McKay of Marlton, NJ represented the applicant. He began by describing MetroPCS as a provider of telecommunication services which is new to South Jersey. They are located in 11 markets nationwide and are expanding their Philadelphia market to southern New Jersey. Their services are similar to T-mobile, Sprint and Verizon. They are proposing to co-locate on an existing 350 ft. tower on Burton Avenue to expand needed coverage. Their antenna will be placed at 150 ft. and they will be adding 2 cabinets on the ground on a 4 ft. x 4 ft. concrete pad. There will be no expansion of the compound or the height of the tower. Since the site is in a residential R-1 zone, the application is for the expansion of a non-conforming use and minor site plan approval.

Mr. Sheehan presented Exhibit A-1 which showed a map of Northfield and neighboring coverage areas which showed gaps in coverage covering 75% of Northfield. Exhibit A-2 showed coverage with the proposed antenna on Burton Avenue and most of Northfield would be covered. Mr. Sheehan said MetroPCS needs this additional coverage to provide adequate service as required by the FCC. He added that the site will comply with all FCC regulations and RF admissions will be well below the standard. He described the site as the existing Birch Grove Park, which is surrounded by trees, and from a distance the bottom of the tower is not visible. Their antenna would be about half way up on the tower. The cabinets located on the concrete pad would be 6 ft. x 6 ft. x 4 ft. refrigerator-sized equipment cabinets. There will be no external air-conditioning

or fans and there will be very little noise similar to a refrigerator. The site is far from residents. Mr. Sheehan noted that he has read Mr. Doran's engineer's letter and the applicant can comply with all comments.

Mr. Sheehan introduced Timothy Kronk, a licensed Planner who attested to all Mr. Sheehan's comments and concurs with all that was said. He gave a brief outline of positive and negative criteria concerning the "D" variance. He said D1 or D2 variances are not permitted in the R-1 Zone. The current use is existing and there will be no expansion or height deviation. He noted that they do not meet the zone requirement, but meet the spirit and intent of the ordinance. Mr. Kronk said the only negative criteria is visibility. The use is a benign commercial use with no glare, odor or noise and there will be no impact after construction. Mr. Kronk presented photo views from the area of Joseph Court showing existing and computer simulations with the METRO antennas. The tower is visible within a heavily wooded area and the equipment cabinets are not visible. Mr. Kronk said there is no detriment to the public good and that Metro is using an existing structure and not proposing a new tower.

Mr. Sheehan noted that he has an RF expert with him, Miss Morton, who is available for questioning. Dr. Levitt said the Board heard extensive testimony only two weeks ago on RF and the Board concluded the effects to be negligible. She was not sworn in.

Mr. Doran referred to his engineer's report and said the application is consistent with the ordinance and there is no effect to the neighborhood as there are no residents in the immediate area. The application involves the expansion of a non-conforming use and the ordinance recommends co-location. The applicants are doing that and he commented that this is good planning. Concerning negative impact, they are consistent with the ordinance. There is one technical "C" variance. The ordinance allows up to 100 sf for equipment within the compound and the ordinance does not specify if this is per carrier or in total. Dr. Levitt said this will be considered a "C" variance. Mr. Doran said there has been new guy wire construction. Dr. Levitt commented that as a condition of approval, the applicants will supply a structural analysis attesting that the additional structure will not impact the existing structure and this can be done administratively. Mr. Doran commented that the tower site is in a low area and had a suggestion that they raise the cabinets off the ground above the flood plain. He noted that the existing cabinets are all raised and that this will help to save the equipment. Mr. Sheehan said that they would do that. Mr. Doran addressed other administrative issues. He said if the tower is ever abandoned, they will need to remove their antennas in a timely fashion. Mr. Doran added that all the site work was done before for previous applications. The applicants agreed to all in Mr. Doran's letter.

Chairman Levitt opened the public session. Thomas Wolfe of 317 Davis Avenue was sworn in and he asked how the city will benefit. Mr. Sheehan said there is only the tax benefit should the Tax Assessor increase the assessment of the property due to the additional improvements. He noted that American Tower owns the tower. Mr. Wolfe asked if the tower was on city property or if they own the land. Mr. Sheehan tried checking on this. Mr. Wolfe asked if they would build a new tower if this one did not exist. Mr. Sheehan said yes they would. Mr. Wolfe said the city should be benefiting from this. Dr. Levitt said there is currently a revaluation going on in the city and for businesses, there is a form which asks about rental income. If income is greater from rentals, this would make the property more valuable. Mr. Wolfe said the taxpayers should get the money. Dr. Levitt said the law encourages new antennas to go on existing facilities. The law gives first priority to municipal-owned towers and second priority to existing facilities. Previous Council did not approve location of antennas on the City Hall Tower and the Planning Board has no control over this. The second priority is existing towers, and that is what this applicant is proposing. Dr. Levitt closed the public session.

There were three separate votes for this application. The first was for a D2 variance for the expansion of a non-conforming use due to the Residential Zone. Chairman Levitt commented that the public officials cannot vote for this variance. Mr. Milone made the motion and Mr. Clifford seconded.

The roll call vote was as follows:

Mr. Clifford-yes, Mrs. Dyrek-yes, Chief James-absent, Councilman Martinez-no vote, Mayor Mazzeo-no vote, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-yes, Mr. Scharff-absent, Mr. Shippen-absent, Chairman Levitt-yes. The motion for the D2 variance approval carries.

The second vote was for the "C" variances for the greater than 100 ft. of mechanical coverage and the additional 24 sf of mechanical equipment to the existing compound. The motion was made by Mr. Roegiers and was seconded by Mrs. Dyrek.

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-absent, Chairman Levitt-yes. The motion for the "C" variances approval carries.

The third vote was for the minor site plan and 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-absent, Chairman Levitt-yes. The motion for the minor site plan approval carries.

The second application of the evening was rescheduled from July 16, 2009. The applicant is Centres BFS Northeast LLC who want to construct a Firestone Retail Facility at 1141 Tilton Road, Block 42, Lot 18.01 in the CB Zone. George J. Kroclick is the attorney for the applicant. He is with Duane Morris LLP of Philadelphia, PA and he introduced his witnesses who were sworn in together. They were Greg Woodruff, a Professional Planner, John Anderson, a Professional Engineer and Chad Adams, a real estate manager for Firestone.

Mr. Kroclick began by saying they received feedback from Atlantic County on their previous plan and as a result are submitting a revised plan. They were distributed to the Board. The plan shows a nice, cleaner look which is an improvement over what currently exists.

John Anderson testified first. He is a 15-yr. engineer with Cornerstone Consulting. He said there is an existing building 8 ft. off the southern property line with two access points at the extreme ends on Tilton Road. The rest of the property is brush and gravel driveways. The site is between Bob's Seafood and Rite Aid Pharmacy and is across from TD Bank. The site is south of Maple Avenue with frontage on Maple Avenue. The abandoned building is at the northwest corner of the property and the site is 1 acre in size. Dr. Levitt asked if they plan to build upon the existing facility. Mr. Anderson said the existing improvement will be demolished and they will not build on the existing footprint. They will be expanding an existing condition. He added that they revised the original plan due to comments from the County the Engineer. Mr. Anderson explained that the major change from the originally submitted plans is the additional parking added to the front of the facility.

The plan involves the construction of a 7500 sf Firestone facility with one access area on Tilton Road which will allow both in and out access. There were previously 6 parking spaces proposed and the new plan is 13 spaces in front. To accommodate the parking, the building was shifted away from Tilton Road and more into the site. Mr. Anderson explained how the building was configured. The building is elongated with service bays. The main access is from a drive in the front. The service area is in the front and they located the parking in the front section for patrons. Handicapped parking is also located in front of the building. The majority of parked cars

for servicing are at the opposite end adjacent to Maple Avenue. Mr. Kroculick added that any cars left on site after closing are kept inside the shop. Mr. Anderson continued by saying the property is irregularly shaped and they tried to place the building close to the southern property line at 10 ft. which is adjacent to Rite Aid and a retention facility or basin area. Mr. Anderson said another change that was made was to add a sidewalk along the northern property line to allow people to walk safely from the back to the front.

Mr. Anderson addressed the relief requested. A 15 ft. landscaping buffer is required around the perimeter of the site. They do not comply totally, but have added more landscaping. They are under the impervious coverage requirement. They do not comply with this buffer on the southern property line, frontage on Tilton Road, and a portion of the north line adjacent to the seafood facility. Relief is also needed as they are not in compliance with the 20 ft. parking setback. To accommodate more parking in front, they are encroaching on the northern parking area and the four parking spaces immediately opposite the entrance to the building. Relief is needed from the 4 ft. wide landscaping strip requirement around the exterior of the building. They need relief for three sides. Relief is needed for 5% of the interior parking area requirement that states this percentage is to be landscaped with trees. To try and meet this requirement, they have added two landscaped islands, but they cannot meet the 5%. Dr. Levitt asked about total number of parking spaces. Mr. Anderson they originally proposed 28 spaces, they now are proposing 40 parking spaces. They are required to have 58 which leaves them shy by 18 spaces. They need relief from the 8 ft. landscaping strip requirement separating parking facilities. They cannot comply due to the irregular shape and size of the lot. They also need relief from the requirement which states 10% of the outside area needs to be landscaped. They have added as much they could around the perimeter. The seventh item for which relief is required is the parking requirement where 58 spaces are required and they are proposing 40 on site.

Regarding signage, they do not meet three sections of code and require relief. The requirement that no sign can be less than 15 ft. from the property line is not being met. They have a sign on the southerly side within 10 ft. of the property line. Wall signs should not exceed  $\frac{1}{2}$  sf of the building wall. They have one sign on the Tilton Road side that is 77.25 sf and one at the rear of the building at 17.31 sf. They are permitted a pylon sign of 34 sf and they are asking for 50 sf.

Three exhibits were noted. Exhibit A-1 is a rendering of the site plan. Exhibit A-2 is a large poster showing exterior elevations and Exhibit A-3 is a package of small drawings showing details.

Mr. Clifford noted that he would like to see the crosswalk painted. Chairman Levitt noted that the end of the building facing Tilton Road appears to be a cement block and asked if they could dress it up somewhat. He said this is the main intersection of town and the building should look nice. He added that this could be handled administratively. Mr. Doran added that a window would help the wall to look better. Mr. Anderson said the drainage on the lot is an all underground facility in the rear part of the facility. Mr. Doran said Northfield has adopted a state code which requires the designs to be according to a specific code and he will work with them on this. The Board's main concern is that it is contained strictly underground. Chairman Levitt asked that the window added to the cement block wall be decorative and asked if possibly a window awning, window box, trim or architectural block could be added. Dr. Levitt asked for more information about the landscaping plan. Mr. Anderson said they will be placing a row of evergreen trees at the back of the building, shade trees along the frontage of Tilton Road without violating any site triangle issues, and shrubs and shade trees along the perimeter of the parking area.

The next witness was Chad Adams, a real estate manager for Firestone. He explained that Firestone will be the tenant with a long term lease. Centres BFS is the owner of the building and will build to suit. Chairman Levitt addressed Mr. Adams and said the Board is sensitive where granting parking variances are concerned since the use is linked to the parking variance. He

noted that the owner should be aware that any use other than a tire or auto repair store would require them to come back before the Board. Mr. Adams said the owners are aware of this. Mr. Adams explained the hours of operation. They plan to be open from 7:00 a.m. to 7:00 p.m. Monday to Friday, 7:00 a.m. to 6:00 p.m. Saturday, and 9:00 a.m. to 5:00 p.m. on Sunday. They expect 28 to 35 total turnover of cars per day based on experience. They will have ten bays on site. Mr. Doran said the business would fall under the category of Automobile service and the parking requirement total of 58 is comprised of 5 spaces per bay, 4 for employees and 4 spaces for the 800 sf retail. This number is not typical for today's standards.

Mr. Adams further explained the business as some by appointment, but generally the business is walk-up. The customers usually wait for their cars, but occasionally pick up later. They will perform short-term repairs and there will not be transmission work, towing or painting. The focus is to get cars in and out. Dr. Levitt asked about environmental safety and Mr. Adams said the company is very environmentally conscious, the employees are well-trained and take this issue very seriously. Mr. Adams justified the parking by saying that they cannot service many cars at one time. They will have 7 to 12 employees working shifts with seven the maximum at any one time and one technician handles two of the bays. Mr. Adams described how the car repairs work. The customer brings in their car because of an issue or problem. The car gets put on the hoist to determine what needs repairing. If the customer waits, the car gets worked on right away. If the customer drops off the car, they are contacted for approval of the repair. This may cause some down time and explains why one tech handles two bays. It makes work more efficient. Mr. Adams feels the parking will be adequate and they won't need any off site parking. He said Firestone wouldn't want to go into an undersized business. They consider the parking ratio to be four cars per bay. He added that used tires and scraps are stored inside the building and only a dumpster will be outside.

Mayor Mazzeo asked about tractor trailer deliveries. Mr. Adams said they do receive deliveries by tractor trailer and the trucks will enter from Tilton Road and will exit on Maple Avenue and as part of the improvements, they intend to repave the frontage. Dr. Levitt asked about environmental issues at the site related to the previous owner and whether or not they have been resolved. Mr. Adams said their legal and environmental people are satisfied they have been resolved. He is not sure of the specifics, but he thinks there is a monitoring well which is now under Tilton Road due to the road being widened. Mr. Doran said the County would have to have given permission for this. Mr. Roegiers asked about the retail side of the business. Mr. Adams said they will sell limited high end rims and other items which if purchased at Firestone, would be installed on site. This is the intent of their retail sales. Dr. Levitt asked about the percentage of tire replacement over repairs. Mr. Adams said tire processing is about 40% and repairs ranging from oil changes to other car repairs at 60%.

Gregg Woodruff, a licensed professional planner in NJ testified next. He gave his planning opinion with regard to the conditional use variance. He said the site is zoned CB and the use in question is a conditionally permitted use. He said the Master Plan lists goals and objectives to continue the economic development of commercial/office centers in areas suitable for development. He continued by describing provisions for complying with a conditional use variance as noted in the Master Plan. A discussion of lighting ensued. Mr. Doran said he is satisfied with the shielding and they meet the minimum requirements. Dr. Levitt asked how the signs were lighted. Mr. Woodruff said they are all internally illuminated. Mr. Adams answered Mr. Clifford and Mr. Roegier's questions about timing of the signs and when they would be illuminated. Mr. Adams said the signs will stay lit a little after closing and then go off. They don't want to convey they are opened when they are not. The lights are on a timer mechanism and they will automatically go off shortly after closing. Parking lot lights will go off after employees leave. The lights will automatically be adjusted for daylight savings time.

Mr. Woodruff continued discussing the conditions for conditional use and said they meet the overwhelming majority of the conditions. He said they do not meet two of the conditions and he described them. The first is Letter E concerning the buffer area. No building used as an Auto Service Station shall be located within 30 ft. of any lot line. The project proposed encroaches on the 30 ft. setback at the southerly portion of the lot and this is due to the irregularly shaped lot and creates no negative impact. Dr. Levitt said that this provision may date back to when Auto Service Stations primarily had petroleum products on site and that is not always the case today. He asked Mr. Doran to make a note of it for the Ordinance committee. The other is Letter G which states there will be no storing or parking of cars in the front area. He said the parking in front is for temporary customers and is also due to the irregular shape of the lot and will not cause any negative impact. Mr. Woodruff concluded his conditional use testimony.

Mr. Doran deferred to what they reported because they testified to the new plan and his report reflects the original plan. He said their testimony and numbers are correct and he wrote them down as they testified. Mr. Zlotnick did also. Mr. Doran said nothing has been added or subtracted just altered. The signage did not comply before and now it does. Dr. Levitt mentioned that the provision regarding the number of auto service stations per linear mile allowed was originally written due to the sensitivity that Northfield is along the way to other shore communities and as a planning principle, they didn't want Tilton Road to wind up as a string of gas stations.

Mr. Doran addressed issues they did not address in their testimony. There is a right-of-way discrepancy on Maple Avenue and a dedication or easement is needed for a sidewalk. The applicant will construct this. Concrete driveway aprons are a requirement. They are paving to the edge of the street and a waiver will be needed. Mr. Doran would like to see depressed curb along the front and paving of either side to protect the seam. This is a design waiver. A site triangle easement is required on Maple Avenue. The plans need to be submitted to the Fire Chief prior to final approval. Sprinklers are required for the landscaping and should be shown on the plan. They will need to clarify detail concerning the pavement design. All mechanical units must be screened from public view. They will need to apply for a sewer lateral to either reuse or put in a new lateral. Dr. Levitt noted that there is an air conditioner condensing unit shown on the plan at the rear of the office area that will need screening. Tilton Road work will need to be reviewed and approved by Atlantic County. They need to supply more information about the drainage system. They have supplied both an Environmental Impact Study and a Traffic Report with the application. The following other approvals should also be obtained: Atlantic County Division of Planning, Cape Atlantic Soil Conservation District, City of Northfield Fire Department, City of Northfield Sewer Department, and all utility companies.

Dr. Levitt asked for justification for the size of the pylon sign where 34 sf is permitted and they are requesting 50 sf. Mr. Adams said the sign is a company standard sign and is standard for the size of the building. Mr. Woodruff explained the size provides safety for motorists looking for the site and to identify the store. Many customers will stop in on impulse and will not have a secondary option to turn off Tilton Road. Mr. Doran said the new plan shows a 15 ft. setback for the sign and 10 ft. was the setback on the old plan. Dr. Levitt said the sign looks like a big white sign with red letters and he has concern with glare. Mr. Kroclic said the sign will be internally illuminated and there will not be much in terms of glare. He said company standards and logos are one of the things to consider when granting a variance and they also talked about safety for motorists. Mr. Woodruff added that the size of the sign will be more visible for approaching motorists due to the short frontage. Mr. Adams added that the sign matches the building signage. Mr. Clifford said that he feels the sign won't appear that large when along the road. Mr. Doran said that the Board has approved a lot of new signs lately that are brick or have a wide base or stanchion that brings down the look or scale of the sign. Mr. Martinez added that this type of base will match the building. Dr. Levitt said he does not like the look of a pylon with a

rectangular sign and said it looks more like signage from the 1950's or 1960's. He would like to see a smaller sign with a softer look. Mr. Milone suggested they work with Mr. Doran on making the base a little more decorative. Mr. Adams said he does not know if the company has smaller signs and that normally smaller signs are used more in shopping centers and for directional purposes. He added that they will look at signs the Board has approved and will try to come up with a smaller sign with a wider base. Mr. Kroclic said they can handle this administratively and if they can't agree, they will come back before the Board.

Chairman Levitt opened the public session. He closed the public session since there was no one who wished to speak.

There were four roll call votes for this application.

The first was for the D3 Conditional Use variance. Mr. Doran explained that this variance is sought because the conditions of the conditional use are not met. Dr. Levitt reminded that the public officials cannot vote on this variance. Mr. Doran said there are many waivers and variances associated with this, but the conditions not being met are for buffer area and the 30 ft. setback. Dr. Levitt feels they have tried to compromise with a good mix of landscaping and adding things to the building that mitigates not meeting the buffer requirements. Mr. Zlotnick summarized the variance as the project does not satisfy the buffer area requirement of the ordinance and the 30 ft. setback is not being met. A motion was made by Mr. Clifford to vote to grant a D3 variance. Mrs. Dyrek seconded.

The roll call vote was as follows:

Mr. Clifford-yes, Mrs. Dyrek-yes, Chief James-absent, Councilman Martinez-no vote, Mayor Mazzeo-no vote, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-yes, Mr. Scharff-absent, Mr. Shippen-absent, Chairman Levitt-yes. The motion for the D3 variance approval carries.

The second vote was for the design waivers. Dr. Levitt summed up the multiple waivers as a 15 ft. buffer waiver, 20 ft. setback waiver, a parking waiver where 40 spaces is proposed and 58 is required, a 4 ft. perimeter landscaping waiver, lack of islands, an 8 ft. landscaping strip divider waiver between rows of parking, and a 10% landscaping area waiver. A motion was made by Mrs. Dyrek and seconded by Mr. Clifford.

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-absent, Chairman Levitt-yes. The motion for the design waivers carries.

The third vote was for the signage variances. The wall sign variances are for 77.25 sf and 17.31 sf and the pylon sign is for 50 sf. Dr. Levitt added that the applicant agrees to meet administratively with the Board Engineer to discuss way of softening the affect of the pylon sign and if Mr. Doran doesn't feel they have adequately addressed concerns, they will return to the Board. Mr. Doran said he will be looking into a type of brick pylon sign. Mr. Milone made the motion and Mrs. Dyrek 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-absent, Chairman Levitt-yes. The motion for sign variances carries.

The fourth vote was for the site plan preliminary and final. The applicants agreed to architecturally dress up the façade facing Tilton Road with a window and architectural brick or awnings and this is to be administratively addressed with the Board Engineer, there will be no dispensing of gasoline or diesel products and there will be no other use than an Auto Service and Tire Facility. They also agree to construct sidewalks and improvements on Maple Avenue. Mr.

Roegiers added that they agreed that the signs will be lighted during business hours and slightly after to allow employees to leave the site safely. Mr. Zlotnick added Mr. Clifford's recommendation that they paint the crosswalk between the office and sidewalk across the driveway. Dr. Levitt said they should also add no parking or no stopping signs or paint yellow curbing to deter people from parking in areas where they should not park and where emergency vehicles would need to use for access. Mr. Clifford made the motion and Mrs. Dyrek 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-absent, Chairman Levitt-yes. The motion for the site plan preliminary and final carries.

There were two resolutions to memorialize which were approved at the August 6, 2009 meeting. They were for John & Tanya Elwood, Block 46, Lot 24, 512 Roosevelt Avenue and Aimee Leigh Oseguera, Block 117, lots 6 & 7, 910 First Street. Both applications were for "C" variances for residential additions to their homes. There were no abstentions from the members present. A voice vote was all in favor of memorializing the resolutions.

Mr. Thomas Wolfe of 317 Davis Avenue asked to address the Board about cell tower issues. Dr. Levitt asked that he make only general comments and not to comment on any pending applications since the applicants are not present. Mr. Wolfe said that the city should have first dibs. Dr. Levitt suggested he address the Mayor and Council as to why city property wasn't used previously. Mayor Mazzeo said he believes there was an issue of encroachment on the neighbors. Mr. Wolfe asked why the city doesn't pass an ordinance stating that any potential cell towers applications have to come to the city first. Dr. Levitt said there is already an ordinance. Mrs. Dyrek suggested that Mr. Wolfe come back on the 17<sup>th</sup> when the applicant is present. Dr. Levitt added that any applicant needs to prove that there is no public land available. Mr. Wolfe said there is plenty of property available at the end of Glen Cove Avenue. Mr. Milone reminded that that is being looked into. Dr. Levitt said that the cell tower ordinance, which he encouraged Mr. Wolfe to obtain a copy of at City Hall, says that city land, existing sites and commercial sites have to be looked to first. At the bottom of the list is building a new tower near residential sites. Applicants also have to show the need for new coverage and that the site is uniquely suitable to fill the gap. They must show that priority sites are not available. This is the burden of the applicant.

Chairman Levitt said the next meeting is September 3, 2009 at the new start time of 7:00 p.m. He closed the meeting at 9:32 p.m. with a motion made by Mr. Martinez and a second from Mr. Clifford.

Respectfully submitted,

Robin Atlas, Secretary to the Board



