

ZONING BOARD OF ADJUSTMENT
VILLAGE OF RIDGEFIELD PARK
Bergen County, NJ

Minutes of Regular Meeting
January 17, 2006

The Vice Chairman, Mr. Morton, called the meeting to order at 8:06 p.m. in the Municipal Building.

The Vice-Chairman announced that this meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., notice of which was published in the Record on the 16th day of December 2005.

Roll Call: Present: Messrs. Morton, Vorhees, McCormack, DellaFave, Spontak & Ms. Perrotta.

A motion was made to accept the minutes of the December 20, 2005, meeting as prepared; all in favor with the exception of Messrs. Morton, Vorhees and Spontak, who abstained.

Correspondence:

Letter from Planning Board dated 12/6/05 Re: Nextel
Permit Fee Log Report for December 2005
Certificate Fee Log Report for December 2005
Letter from Martin Durkin, Esq., dated 1/10/06 Re: 153 Poplar Street
Letter from Martin Durkin, Esq., dated 1/10/06 Re: Ordinance Amending R-1,
R-2, R-3, C-2 & C-3 Zones
Letter from Planning Board dated 1/11/06 Re: 20 Paulison Avenue (Fox
Marketing)
Letter from Martin Durkin, Esq., dated 1/12/06 Re: Storm Water Control
Ordinance
New Jersey Planner
Copy of Minutes of Planning Board dated December 5, 2005

The Chairman read the Rules of Procedure.

The Chairman announced that there were three applications to be heard at the meeting as well as five resolutions from previous months to be read.

Case no. 1379 – KONTOGIANNIS – 153 Poplar Street, Block 25/Lot 17

Case no. 1374 – NEXTEL – 239 Main Street, Block 75/Lots 3 & 4

Case no. 1380 – FOX MARKETING – 20 Paulison Avenue, Block 63/Lot 5

The attorney for Fox Marketing, William Soukas, was present and advised that he had called earlier in the day to request an adjournment until the February meeting as there

was a typographical error in an address to one of the addresses that his office had served. He plans to re-notice all parties as well as republish so there is no problem with service. The application will be listed for the next meeting scheduled on February 21, 2006.

Attorney Michael DeMarrais asked if there were any parties present for case no. 1378 – Tapia, which was a continuance from the December meeting. No one was present. These applicants were informed by letter that as their plans arrived on January 12 (fewer than the required 10 days prior to the meeting) and did not match the original application submitted, that they would have to start the process over as a new application.

A motion was made by Mr. Vorhees and seconded by Mr. DellaFave to dismiss case no. 1378 – TAPIA – 46 Hazelton Street, Block 25/Lot 17. All were in favor of this motion.

At this time, it was announced that there were five resolutions to be read into the record and voted on.

Case no. 1371 – Jhin – 395 Teaneck Road, Block 79/Lot 2

The resolution was read into the record. A motion was made by Mr. Morton and seconded by Ms. Perrotta to approve the resolution as prepared. All were in favor of this motion with the exception of Mr. Voorhees, who abstained. This case was heard at the October 18, 2005, meeting.

Case no. 1373 – Reading Town – 78 Mt. Vernon Street, Block 80/Lot 23

The resolution was read into the record. A motion was made by Mr. Morton and seconded by Mr. Vorhees to approve the resolution as prepared. All were in favor of this motion. This case was heard at the October 18, 2005, meeting.

Case no. 1375 – Aouisse – 8 Second Street, Block 11/Lot 12

The resolution was read into the record. A motion was made by Mr. McCormack and seconded by Mr. DellaFave to approve the resolution as prepared. All were in favor of this motion. This case was heard at the December 20, 2005, meeting.

Case no. 1377 – Pom Sin Om – 4 Mt. Vernon Street, Block 64, Lot 19

The resolution was read into the record. A motion was made by Mr. McCormack and seconded by Mr. DellaFave to approve the resolution as prepared. All were in favor of this motion. This case was heard at the December 20, 2005, meeting.

Case no. 1376 – Coastal Outdoor Advertising – 40 Challenger Road, Block 40.01, Lot 1.01

The resolution was read into the record. A motion was made by Mr. McCormack and seconded by Mr. DellaFave to approve the resolution as prepared. All were in favor of this motion. This case was heard at the December 20, 2005, meeting.

Case no. 1379 – KONTOGIANNIS – 153 Poplar Street, Block 25/Lot 17

The applicants, Sotirios and Evelyn Kontogiannis, were represented by Albert Birchwale, Esq. They are the owners of property located at 153 Poplar Street, which is an R-1 single

family zone. The Board was furnished with proof of taxes paid, service and publication. Mr. Morton read a letter from Jim Russell dated November 23, 2005, informing the applicants that a review of their application to demolish the existing one-family and rebuild with a one family with addition indicates that a variance is needed due to front yard set-back of only 8.32 ft and 35 feet is required. Mr. Birchwale said the only variance required by the applicant is a front yard set back. Even with the passage of the new ordinance which makes it a little stricter as building coverage is only 25% as opposed to 35%, the front yard set back is now reduced to 20 feet. This should help the applicant. The applicant is only building on 15% as the lot is 11,800 sq. ft. They plan to construct a one family home for their family. The intention is to try and build as much as possible on the footprint. Much of the front setback foundation has been blown over by the wind. Right now all that is there is a big hole where the new foundation will be. The applicant intends to build on the footprint of the original structure with an addition on the east side of the property going toward Route 80. Behind the house is Veteran's Park. At this time, Sotirios Kontogiannis was called and sworn in.

Mr. Morton read a memorandum from Martin Durkin to the Board dated January 10, 2006, regarding this application. Mr. Durkin stated: 1) Are the property owners aware of Ordinance 05-12, which regulates not only front yards but side yards and heights of buildings in the R-1, R-2, R-3 and C-2 and C-3 zones? (Copy was sent to attorney for applicants). 2) It would appear that there might be some deficiencies in the notice sent by the applicant. The applicant must set forth the variances that are needed in more exacting detail. 3) There should be a site review of this application by Michael Kelly and the Planning Board before the application is heard since it is located to the entrance of Veteran's Park. Ordinance No. 05-12 regulates the construction of all residential buildings in the R-1, R-2, R-3, C-2, C-3 zones including height, side and front yard requirements, etc.

Mr. Birchwale did not receive a copy of the memorandum as it was not indicated that he be sent a copy. Mr. Birchwale does feel his notice is sufficient as he did state, "for front yard set back and other variances as the Board determines." Mr. DeMarrais says he does not know if there are any other variances and asked for a little background.

Mr. Birchwale explained that initially the plan was to construct on the original site and the applicant had every intention of leaving the foundation intact, however, when he got down to the foundation, he would be able to build on that and not need a variance. Based on that, the building inspector issued a building permit. When he came to inspect the property, unfortunately, when his client got down to the footprint, the foundation was so dilapidated that they couldn't build on the foundation because it was destroyed. The client intends to build exactly where the footprint is. The building inspector came back when he noticed the foundation was removed because of its terrible condition and issued a stop work order.

Mr. DeMarrais said that Mr. Birchwale could be 100% correct that the only variance needed is for a setback but a site plan review is necessary prior to even seeking that variance. There is no house at the present time. There is only a detached garage and a

partial foundation, which may or may not be used. Mr. Kontogiannis had pictures of what is left to show to the Board. The applicant had a demolition permit. At this time, the Board informed Mr. Birchwale that they did not have any architectural drawings with this application. They Board has no information and this must be submitted for a site plan review. Mr. Birchwale said he was only recently hired for this application after it was submitted to the Board and was unaware that no plans had been given to the Board. He only handled the notice to the newspaper and residents. He understands why the Board cannot make a decision on this. Mr. Birchwale said he would furnish 12 copies of the plans to the Building Department as soon as possible. He asked for this application to be relisted for the February meeting. He was informed that the site plan had to be submitted as soon as possible and based on that would be sent to a committee for review. They will report back and the February meeting is looking very crowded right now. Mr. Birchwale understands that the application has to be done right but this is the applicants' primary residence and would appreciate anything that could be done to speed up the process. Notice will be have to be done again as well as publication as no one can look at the plans until there is notice. Subject to caseload, the application will be carried to the next month.

Case no. 1374 – NEXTEL – 239 Main Street, Block 75, Lots 3 & 4

Gregory Czura, Esq., represented the applicant, Nextel. The application is for rooftop-mounted equipment at 239 Main Street. The applicant is before the Zoning Board because the wireless ordinance only allows wireless facilities in the industrial zone on the west side of Industrial Avenue whether they are rooftop mounted on municipal lots or new towers, the ordinance provides that is where they shall go. There will be testimony from the following: RF Engineer as to what they are doing and how they are doing it, why they need to locate in this area and certainly will deal with the zoning ordinance in the I- zone. They intend to deal with that zone and how it doesn't fit into what they need to do and why this building in this location does. There will be an RF Engineer to deal with location as well as facilities. There will also be an RF Engineer to discuss the issue of compliance with FCC regulations. He will be the first witness, Dave Collins and will tell the Board that this facility will be or will not be in compliance with FCC regulations. There will be a site engineer. Papay Engineering did the site plans that are before the Board. Art Lorenz from Papay will discuss about the building structural issues, where they are going to mount, how big they are, where it is going to be attached to, etc., The last witness will be a professional planner, Dave Carlbach. He will talk about planning issues, the test by which they look at the application and photo exhibits for the Board to look at. That is basically their case. He understands that even if he finishes tonight, it is the Board's desire to have its own expert; they will be back in any event so he suggests that the case end at 11:00 p.m. tonight. In response to Boswell's report of November 23, they did their own December 12 response and sent in the following documents that are part of the Board's record and they hope the Board will take notice of: sound level calculation report, structural antenna calculation report, RF compliance report, RF engineering report (required under the ordinance), twelve photocopies of the photo sims and then also twelve copies of revised zoning drawings. They should be in compliance with Boswell's report.

Mr. Czura also pointed out that this property is in the C1H zone, the historic district. They were required and, in fact, did apply to the Historic Preservation Commission back on November 9, 2005, and they appeared at a meeting on November 16, the Board passed upon their application. He would like to introduce the minutes of this meeting dated November 16, 2005, and mark them as Exhibit A-1. Copies of these minutes will be distributed to all members after the meeting. The minutes speak for themselves but the Board recommended that the "application be approved with the condition of painting the cables, antennae and conduit to match the background of the building, these are the antennae facing the south face of the building, 48" high, 15" wide and 8 1/2" deep. All were in favor of this motion."

The first witness called was Dave Collins. Mr. Collins was sworn in. Mr. Collins stated that he had a BS from City College of NY. For the past five years, he has been employed in this field. He has been accepted as an expert in this field by over 100 Boards in the State of New Jersey and by about 12 in NY. His company does assessments for wireless technology. Mr. Collins was accepted as an expert.

Mr. Collins stated that he was given the task for a site yet to be built by Nextel. The FCC enforces the maximum permissible level of exposure for an antenna site. They also provide the mathematical formulas to determine this. Nextel provided the operating parameters for this particular site and those variables are injected into the math formula by the FCC and compliance or non-compliance is determined. In this particular case, the maximum possible exposure level using extremely conservative math would come out to as 2.5352%, which works out to 39 times below what the FCC allows as a maximum, thus making it in full compliance with the FCC rules. NJ has a radiation protection act although less restrictive than the FCC rules and in that particular case, they would be 195 times below the actual maximum limit that NJ allows. The FCC formula is the only math formula permitted to determine maximum permissible exposure levels. Anyone doing this must use this formula. It is completely black and white. It is completely objective; there is no grey area. This location would be in compliance with both the FCC rules and the NJ rules, which are more lax. The FCC tier is five times stricter. It is purposely strict to protect all people.

Mr. DeMarrais asked if they are measuring maximum exposure for radio frequency energy. Mr. Collins responded that he is not measuring it; he is calculating radio frequency energy because it is yet to exist based on what the maximum would be based upon the review of the RF parameters. Mr. Collins said it is based on the parameters; these are given from Nextel, type of antenna, the input power, and the height above the ground the antenna. He said he is given from Nextel the type of antenna they wish to use, the operating power, and the plans submitted to the Board and what Nextel wants to erect. His opinion is saying that using what they intend to erect and assuming maximum radio frequency is being emitted from the site, he is testifying that the exposure is well below the standard that is set. Radio frequency energy is anything electrical, including humans as neurons run on electricity. Anything that has electricity by it just being there will automatically radiate energy. It is a form of energy such as heat, mechanical energy. This will come out of any device. There are also intended energy such as an antenna,

which is designed to be steady. The RF energy when it leaves the device is used to telecommunicate but things such as buildings can get in the way. Some of the signals, humans can get in the way. Radio energy will go through humans and change its form. For the first centimeter, its energy will go into you. It will culminate in very light thermal heating.

Mr. Spontak questioned what expectation the Board should have that this antenna will never change in terms of its scope of power output direction and so forth. Mr. Collins said that is why this is purposefully skewed to err on the worst that this could ever be. Antennas are very rarely operated at maximum power. They are somewhere below that. In addition, it is not in Nextel's business interest to suddenly change the power up on this. This will blow off all of the local network because it is only designed to service a little area. There are only so many frequencies in its band that it can use. It is called frequency reuse. If they blast it with too much power, they will be on a phone and talking to a person at another cell site that he did not mean to talk to because the band assigned to this call will now blow off another call. It would not make sense for Nextel to up the power. It will not help them but rather hinder them. If this thing ran on maximum power for five minutes a day, it would be surprising.

The next witness, Jaime Manuel, was called and sworn in. Mr. Manuel explained that he is employed by Nextel as a Senior Radio Frequency Engineer. He has a BS in electrical engineering and is finishing up his masters in engineering management at Stevens Institute of Technology in Hoboken, NJ. He has been with the wireless telecommunications industry for nine years. Before joining Nextel, he worked for a national engineering consulting company providing clientele to all the cellular companies nationwide. He has worked with Sprint, ATT now Cingular in designing their wireless network in NY and NJ. He has testified before the planning boards and zoning boards in various towns in NY and NJ and has been accepted as an RF expert before those boards. Mr. Manuel was asked by the Board what it meant to be an RF expert, what did he study. He replied that he has the educational background to be an RF engineer in spite of his field of study being a BS in electrical engineering. He has studied the radio frequency and wireless telecommunication to design the telecommunication systems. He also has exposure and work experience, that is his field of occupation – the design of wireless telecommunication for cellular communications for the past nine years. He is the person in charge of designing and implementing the technical part of a site. He has done this with Nextel for four years. He is an in-house engineer and has testified before other boards on these types of issues. Mr. Manuel said he is not a licensed engineer.

Nextel is an FCC licensed telecommunications wireless provider. It has been partnered up with other licensed providers. His job is to implement Nextel. There are two technologies being employed even though it is one company. He still has his sites and equipment to do. The license that Nextel holds is a nationwide license. In this particular area it holds a license known as the NY/NJ Marketplace, the NY MTA. Mr. Manuel's function is to work for the NJ market. It includes about eight counties, including Bergen County. He is familiar with the sites Nextel runs around this area. Nextel has determined that there is a service problem of some sort that is in Ridgefield Park that he is charged

with curing. He brought with him an exhibit that can show the Board where Nextel currently has sites, where they are located that are on air, some proposed sites in zoning and what those sites look like from a radio standpoint. This Exhibit is marked as A2.

There is a base map with three overlays. The base map shows the location of the proposed site and also shows the location of existing sites of Nextel and other proposed site outside of Ridgefield Park. There are also portions of Bogota, Teaneck, Leonia, Ridgefield, Little Ferry, So. Hackensack and Hackensack. The map comes from a regular map. On this map are green dots, which represent existing sites that are on air, and the blue dots are upcoming sites. The orange dot is the proposed site.

Mr. Manuel identified sites that are existing beginning with the top of the map. The first site, directly north of the proposed site, is the former Queen Ann Theatre in Bogota and there is another cellular company located on this 2-3 story building. There is a Nextel antenna as well as other carriers. There are three carriers on this building. They are 67 feet above ground level. This is 67 feet from the ground to the middle of the antenna.

The second site is actually an existing tower in Teaneck. The height of the antenna is 125 feet above ground level. It is milepost 119.5 in Teaneck off of 95. Going south, the site is a 5-story apartment building located at Columbia Avenue in Palisades Park. There is also another carrier located at this site. This is a rooftop mount. The antenna centerline is about 58 feet from ground level. Mr. Manuel explained that for radio frequency it is better to measure to the middle because it is more accurate propagation to have the height at the centerline because that is where the radiating elements are. There is usually about two feet more from the center. Typically a four-foot antenna is used. The next site is at Gates Road in Little Ferry. The centerline is 80 feet above ground level. It is an existing tower, a lattice tower (free-standing tower with braces). The last site is located in Hackensack. It is a five-story office building. Nextel is the only one located at this site and it is 58 feet above ground. The address is Schaffer Place, Hackensack.

The first proposed site is a two story building in Little Ferry. It is a three-story building by Rte 46. The antenna is 38 feet above ground. It is an existing site for Sprint and they are working on modifying the lease for Nextel. They will be putting separate equipment and antenna for Nextel. The next one is a utility tower owned by PSE&G in Ridgefield that they are trying to locate to. It is 120 feet above ground level. These are just neighboring sites around the proposed Ridgefield Park site. The height proposed in Ridgefield Park is in more than one sector. One is about 40 feet above ground level and the other is 55 feet. They want to have three sectors with four antennas in each sector for a total of 12 antennas.

The first overlay shows the coverage of existing on-air sites. They have specialized software that simulates the propagation of the radio signal. It is accurate and shows the area where they have reliable coverage. Reliable coverage means that a cellular subscriber can make or receive calls anywhere in that area and also if they can make a call they will be able to sustain that call over the duration. The tool that he used is commonly used in this business. It is recognized by other engineers as well. Nextel uses

the Planet program, which is recognized by other RF engineers. This program accurately predicts what coverage looks like from sites both that are on the air, sites that propose to be on the air and sites that have not yet even come on the air. This overlay shows actual coverage from the green sites – sites that are on the air. They collect data in what is called a drive test. They use a receiver and a phone and drive around the area and look at the data plotted. It is collected into a computer and then downloaded into a computer that will analyze the results. This collection of data is an objective way to determine whether or not the propagation tool is accurate. In his opinion as an RF expert, what is shown in green is an accurate representation of what coverage looks like for Nextel in the design of his system. What he is showing the Board is his design for reliable coverage. This is the standard that Nextel uses for its licensed area, not just Ridgefield Park. The distance that an antenna covers is that any manmade structures, buildings, trees, vegetations will seriously interfere with the coverage and in this type of environment it is about ¼ mile to one mile of reliable coverage. The antennas point in a specific direction for maximum coverage. They use three sector antennas in 99% of their locations. They are focusing on certain areas. This will give them the best coverage in an intended area. They use a directional antenna to maximize the coverage because they can support more subscribers by sectoring the site. If they go 360 degrees, they are not maximizing the coverage of the site. One antenna can support a limited number of subscribers, a sectorized antenna works better.

The next overlay is for the blue dots, which shows where Nextel hopes to pick up coverage. Mr. Manuel explained that when he talks about radio frequency, it is almost a light beam but it almost has strength to go around a building. It is like a spotlight. The site in Bogota is directed so that one set of antenna points toward Bogota, another points southeast toward Ridgefield Park and one points southwest toward a little of Ridgefield Park and Hackensack. There is a limited amount of calls that can be picked up by a sector. There is no reliable coverage on Main Street. There is a possibility that the call will not be sustained. This overlay shows what Nextel uses as its design standard for what it considers reliable coverage.

The last overlay shows the coverage of the two upcoming sites. This would cover most of the NJ turnpike because there are no obstructions. It is like a tunnel. This is along the turnpike. The height would be 120 feet. The area in question tonight would take care of the middle area of Ridgefield Park that is not covered right now. It is located at 239 Main Street. There is about a 5-6 block service gap from Main Street to Teaneck Road. There are also gaps from Main Street to Fourth Street, going south from Park Street to Route 46 and from Park Street to Central. That is where the coverage gap is for Nextel. His job is to come up with a solution for not having reliable solution to this. What he has designed should take care of this problem. This area is deemed significant for Nextel customers. It is a commercial and residential area, the bus line runs along Main Street and it connects Route 46 to Route 80. It is very significant for the Nextel customer and general public. The service that Nextel offers is widely used by police, ambulance and emergency services. Nextel has private customers but is also one of the few companies that is really geared to public safety. It is very important to provide reliable service. Nextel also provides access to 911 by NJ law and the FCC. All wireless carriers must

provide enhanced service. All of the sites are multi-use sites; only one site is just a Nextel site as of right now.

The proposed site fills in most of the missing area and provides the most coverage available for now. None of the existing towers would cover these gaps because of terrain issues, which will be explained in the next overlay. The last overlay will show coverage of the proposed site. It fills in most of the coverage gap in Ridgefield Park. It fills in Main Street up to Teaneck Road going east. There are some spots that are not covered but they are utilizing an existing structure. It is not the ideal height that they want but it is what is available. The antennas will point north, southeast and southwest. There are actually three sectors of antennas proposed at two different heights. Pictures of the building where the antennas mounted on the face of the building were shown. There are some site engineering reasons why they can mount on that façade on that building in that direction. From an RF perspective, antennas on the southwest can be side-mounted on the building and the rest are above the roof due to the terrain. Main Street is about 98 feet. The difference in elevation of the I-2 zone is that it generally runs at 10 feet above sea level. The east is only 6 feet and Main Street is 98 feet above sea level. The I-2 zone is partially covered by the existing site in Hackensack and the upcoming site would fully cover it. The elevation is too low where he would like to cover it. There is also a problem with the train because he would not be able to cover this area due to an unrealistic height that he would have to build a monopole. He would need beyond 120 feet to cover this area. He said the area is already covered by an existing height and he cannot build a site to look up to the service area he intends to cover. Before he reaches Main Street, it would be obstructed by buildings and trees. The proposed site is an advantage because he can see much of Main Street from the top of the building. It will not be the same obstructions as other sites.

There are much higher buildings than the proposed locations but there is no landlord interest. One site is 278 Main Street, the senior housing building. Another one is the Marlboro Apartment at 265 Main Street but there is no landlord interest. There were some buildings on Bergen Avenue in a residential area but it was rejected because the trees are much higher than the buildings. The coverage will be limited by trees and buildings. He is not covering the entire service gap due to the obstructions and also because of the limitation because of the height. He said there is no plan right now to cover the gaps that would still exist. The area is too small to justify a site.

Most of the I-2 zone is covered by the Hackensack site. It would be a problem to put in another site in this area to fill in the gap. It will create interference to another site. There are a limited number of channels or frequencies that they can use. It is limited by FCC so it means they are using the same channel on other sites and would cause interference. There are two issues going on – one is redundant coverage and the other is the potential for interference. The elevation difference in the I-2 zone and Main Street is about 90 feet. The I-2 zone is located to the west of where he would like to cover. There are three issues going, a train issue and a locational issue and a network issue in double coverage causing interference. Tree, buildings, structures cause problems as well. A site in an I-2

zone is not viable. There are two other locations that would be viable but there is no landlord interest in these sites and they are not available to Nextel.

There are twelve antennas proposed on three sectors at this site. The number of sectors and antennas are standard. Nothing special is designed for Ridgefield Park for this site. The twelve antennas are 4ft x 53 in x 30 in wide and 9 inches thick. These are standard Nextel antennas. The shelters are also standard. The site will be unmanned. It will not create any noise, odor or vibrations. This site would satisfy his needs as an RF engineer to solve the service gap in this area. It will allow users of this system to get access to this system and have reliable service. It will provide handoff to other sites, which is the intention of the sites. The Queen Anne Road site cannot be directed to cover this area because its intention is to cover Route 80 (Nextel priority). It is possible that other carriers could co-locate at this site. To his knowledge, there are no other carriers in this area where Nextel has a gap. The topography in this area makes it hard to cover.

Mr. Manuel explained he did a study of the existing service area. The Board said they would like to see this data. He did a study for the proposed service area; it is not for the proposed site. He conducted what is called a drive test where signals are run from a phone into a receiver that collects data to the computer. It stores the data that is collected from the field test to determine coverage. This test showed no reliable service in this area. They drive in their licensed area to find where coverage gaps are located. Mr. Manuel was asked if Nextel records complaints and if there were more complaints in this area than in others. Mr. Manuel did not have this information.

Mr. DeMarrais opened up a question period for the audience. He explained that this was the time to ask questions regarding the testimony of Mr. Manuel. At some point, citizens could make any remarks or statements. A question was asked if the purpose of the gap to be filled was not to benefit Ridgefield Park residents and businesses as she was a Nextel subscriber and runs her business from this phone and has no problems. She says she only knows of one dead zone in town. She feels the purpose is really to cover Route 80 and the turnpike, which is really no benefit to the residential area where the site will be installed. She questioned what benefit it would be to the Village of Ridgefield Park to cover this area when she knows that her Nextel is working right here in the courtroom. Mr. Czura objects to the form of the question. Mr. DeMarrais feels that the question is if the object of asking for this antenna is simply asking for Route 80 or what is it really asking for. Mr. Manuel said the coverage area of the proposed site is not Route 80 because that is already covered by the neighboring site. It is also not the turnpike because that will be covered by the upcoming site and it is not Route 46 because it is already covered by Little Ferry and an upcoming site. It is intended to cover the service deficiency in Ridgefield Park. It is not designed around an individual who says they need coverage or don't need coverage. At this time, Mr. Manuel stepped down.

Mr. DeMarrais questioned the ownership of the Camelot and wanted to know if it is a corporation or a co-op. He would like to know if Mr. Van Cleef owned the entire building. If it is a co-op, there needs to be some sort of co-op resolution consenting to this resolution. Mr. Czura said he would forward the title work to Mr. DeMarrais so that

this could be resolved between this and the next meeting, which is February 21. The audience was informed that this matter would be carried over to the next meeting date of February 21, 2006, at 8:00 p.m.

Mr. DeMarrais said that as a matter of procedure the audience is allowed to ask any questions of any witness and when the case is finished, the audience is permitted to make any comments and statements.

The diagram and Exhibit A-1 would be left behind. Copies of Exhibit A-1 will be made for Board members and returned to Mr. Czura. Mr. Czura also noted that if the Board intends to get their own RF expert and he wants something before he testifies, that if he alerts either the Board or Mr. Czura, he would be happy to have that supplied to him before the meeting. Mr. DeMarrais said he would get the name of the court reporter supplied by Nextel in case the Board wanted to order a transcript of this meeting.

The meeting adjourned at 10:40.

Respectfully submitted,

Barbara DeLuca
Acting Secretary

Tape #445 & 446