

A motion to approve the bills for Mr. Ben Cascio, Esq was made by Mr. Martin and seconded by Mr. Kearney.

A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Coplin, Mr. Jackson, Mr. Kearney, Mr. Lockwood, Mr. Martin and Mr. Sitar.

II. APPROVAL OF MINUTES:

1. MINUTES OF DECEMBER 15, 2021

A motion to approve was made by Mr. Lockwood, seconded by Mr. Calijone. All eligible Members voted in favor.

2. MINUTES OF JULY 19, 2023

A motion to approve was made by Mr. Kearney, seconded by Mr. Lockwood. All eligible Members voted in favor.

III. MEMORIALIZING RESOLUTIONS:

None to Present

IV. OPEN TO THE PUBLIC:

Mr. Jackson opened the meeting to the Public for general questions or statements. No members of the Public participated.

V. PUBLIC HEARING(S):

1. DOCKET #1530-22 – RAMSEY BOARD OF PUBLIC WORKS, BOROUGH OF RAMSEY & MCKAY BROTHERS, LLC AS CO-APPLICANTS NORTH CENTRAL AVENUE, BLOCK 139, LOT 5

Preliminary & Final Conditional Use, Site Plan and Variance Application to construct a communications facility consisting of a 180-foot-tall monopole and equipment compound at base of pole for Borough of Ramsey EMS, Ramsey Water Co. and McKay Brothers, LLC.

Mr. Jackson read a letter dated July 26, 2023 from Mr. Gregory Meese, attorney for the applicant, into record indicating the Application has been withdrawn.

**2. DOCKET #1532-22 – NYSE GROUP, INC.
1700 MACARTHUR BOULEVARD, BLOCK 139, LOT 4**

The Applicant is seeking Conditional Use Variance relief and Preliminary and Final Site Plan approval from the Township Board of Adjustment to remove the existing 160-foot monopole and equipment enclosure and install 2 180-foot lattice towers with each having microwave dish antennas and a 360 s.f. equipment enclosure.

Mr. Michael Lavigne, Esq. with Fox Rothschild, LLP located at 49 Market Street Morristown, NJ 07960 representing the Applicant approached. Mr. Lavigne provided a brief review of the prior Public Hearings and who has testified thus far.

Mr. Jamie Brown, Owner and Principal of Yotta Services LLC approached, already having been sworn in at the prior meeting, to address any questions from the Board Members or members of the Public. Mr. Brown explained there is to be no cellular technology on the towers proposed.

Mr. Jackson asked how long the towers currently across the street from the proposed location have been operational. Mr. Brown estimated those towers were constructed between 2011 and 2012; he further explained what was a good enough fit then does not meet the standards today as technology has advanced.

Mr. Brown explained all the cables used are the same length so no matter if you are at the top of the tower or the bottom everyone has a fair share and will receive the same benefits; cables are all 100 feet.

Mr. Daniel Mollin, Chief in House Counsel with NYSE Group, Inc. approached to help further explain how the FCC regulates the use of the towers and also the fees that are permitted to charge. All pricing information is regulated to circumvent any price gauging.

Mr. Lockwood asked for clarification on the Equal and Fair share act; how it's regulated. Mr. Mollin gave an explanation of the federal law at hand and outlined in detail the exchange regulations.

Mr. Coplin asked if all other options had been explored for alternatives to having two towers. Mr. Brown confirmed that all alternatives were explored and no other option would suit the needs of NYSE Group, Inc for the purposes needed. Mr. Brown explained all maintenance including the climbing of the poles will be done through NYSE Group.

Mr. Kearney asked about fire safety, specifically what would happen in the event of a fire. Mr. Brown explained there is no flammable material used with the towers and there are fire suppression measures in place.

Mr. Paul Ricci, PP with Ricci Planning located at 177 Monmouth Avenue Atlantic Highlands, NJ 07716 approached, already having been sworn in at the prior meeting. Mr. Lavigne gave a brief overview of Mr. Ricci's prior testimony for the record. Mr. Ricci reviewed new simulated images of the towers and proposed locations. He reviewed the current appearance and how the new towers would differ in appearance. Mr. Ricci stated he did not use a drone for his images, all done using Google map enhancement photo imaging.

Mr. Jackson asked about the height of the tower, what is the rationale for the sizing of the towers. Mr. Brown explained if they went with a slimmer tower then they would have needed a higher tower instead of the size they are proposing. Mr. Ricci explained the towers vary from community to community, some want higher towers to have less towers. The height of the tower is determined on the effectiveness of the towers; height will dictate effectiveness.

Mr. Kelly explained when a code is determined and put into place, all is taken into account; such as safety of the towers and neighboring properties. Ms. Russell further explained different communities have different needs and guidelines for setbacks and fall radius of towers. Ms. Russell stated Mahwah guidelines are in line with other towns that she reviews applications for.

At this time there were no further questions from the Board and opened to the public.

Ms. Allison Ponath residing at 33 Swan Road Ramsey, NJ 07716 approached to ask why there were no images of the towers presented that had no foliage. Ms. Ponath is having a hard time picturing how it will look when there are no leaves on the trees. Mr. Ricci explained he was unable to produce an image to show no foliage around the towers. Additionally, Ms. Ponath wanted to know if the second tower could be moved to a different location. To best answer her last question, **Mr. Matt Lang, Managing Director with Intercontinental Exchange (ICE) located at 55 E 52st Street New York, NY 10055,** approached and was sworn in by Mr. Cascio. Mr. Lang provided his background and professional details for the record. Mr. Lang explained they did consider moving the second tower however because of critical utilities under ground they would not be able to penetrate the land in that location.

Ms. Ponath asked why they needed the second tower if they do not believe they will be at maximum usage with the two towers. Mr. Brown explained the two towers are needed to produce more radio frequencies and provide better technology.

Ms. Tina LaBriola residing at 52 Elder Court Ramsey, NJ 07446 approached and was sworn in by Mr. Cascio to provide her opinion and feedback on the proposed cell towers. She stated she is completely against the project and believes the cell towers are too high as proposed currently.

Ms. Ponath approached again to provide her testimony and was sworn in by Mr. Cascio. Ms. Ponath stated for the record that she understood the need for the two towers however did not agree with having two built.

Mr. Andy Draing residing at 52 Elder Court Ramsey, NJ 07446 approached and was sworn in by Mr. Cascio. After reviewing the photos that were presented by the applicant, he testified that in his opinion the towers would be an eye sore; additionally, the photos were taken at the wrong vantage point which show them smaller in appearance as a result making the photos very deceiving.

At this time Mr. Lavigne provided his closing statement. He provided the details of the application being presented and the testimony that was heard before the Board. Mr. Lavigne outlined the benefits of having the towers and the proposed locations. Additionally, he went over the variances and relief needed.

A motion was made by Mr. Kearney, seconded by Mr. Martin to close the Public Hearing of the meeting and move into Work Session. All voted in favor

VI. WORK SESSION:

1. DOCKET #1532-22 – NYSE GROUP, INC. 1700 MACARTHUR BOULEVARD, BLOCK 139, LOT 4

The Applicant is seeking Conditional Use Variance relief and Preliminary and Final Site Plan approval from the Township Board of Adjustment to remove the existing 160-foot monopole and equipment enclosure and install 2 180-foot lattice towers with each having microwave dish antennas and a 360 s.f. equipment enclosure.

Mr. Jackson provided a brief background of application and testimony.

Mr. Kearney stated he can see all aspects of this project and the impacts it poses to the residents.

Mr. Martin understands residents' concerns; however, the business did do a good job at making their arguments and their presentation was well done.

Mr. Sitar is sympathetic to the residents' concerns but feels this would be beneficial.

Mr. Lockwood stated in his opinion he feels the applicant is before the Board to change the laws and this is a business issue; believes NYSE Group should find a way to gain their benefits without the need for variances.

Mr. Coplin stated there were not enough alternatives explored or presented for this application.

Mr. Jackson stated the project would be beneficial to the economy, however with one tower already in existence does not agree with the need for two towers. Mr. Jackson asked the Board if they were ready to vote or if there should be more information or alternatives presented to the Board.

Ms. Russell provided the Board with a refresher on what the variances and the conditions which are in place to help applicants.

At this time Mr. Lavigne requested a continuance of the application. The Board is looking to hear different alternatives available for this application, as well as photo simulations that do not show foliage.

Mr. Jackson stated the applicant will be carried to the October 4, 2023 meeting, no further notice is required.

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Coplin, seconded by Mr. Martin. All voted in favor. The meeting adjourned at 10:13 p.m.

These minutes were prepared by Michelle Sheydwasser, Board of Adjustment Recording Secretary. The minutes were provided to the Board of Adjustment on August 30, 2023 for approval at the Regular Meeting to be held on September 6, 2023.