

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MEETING MINUTES**

**SEPTEMBER 20, 2023**

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah was called to order at 7:31 p.m. by Mr. Jackson, Chairman, with the reading of the opening statement followed by the flag salute and a reminder that Board of Adjustment meetings are being videotaped and broadcast live. It was noted that adequate notice of the meeting was provided.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Board of Adjustment Office, 475 Corporate Drive, Mahwah, NJ. Copies of the tapes may be purchased for a fee.

**PRESENT:** Mr. Cannava  
Mr. Jackson  
Mr. Kearney  
Mr. Martin  
Mr. Sitar  
Mr. Taylor

**ABSENT:** Mr. Calijone  
Mr. Coplin  
Mr. Lockwood

**ATTORNEY:** Mr. Ben R. Cascio, Esq.

**PROFESSIONALS:** Ms. Kristin Russell, PP, Colliers Engineering & Design  
Mr. Michael J. Kelly, PE, Township Engineer

**APPOINTMENT OF NEW BOARD MEMBER:**

Swearing In and Oaths of Office administered by Ben Cascio, Esq., Board Attorney

William Taylor, Class IV

September 7, 2023 – December 31, 2025

**I. APPROVAL OF BILLS:**

None to Present.

**II. APPROVAL OF MINUTES:**

**1. MINUTES OF SEPTEMBER 6, 2023**

A motion to approve was made by Mr. Kearney, seconded by Mr. Cannava. 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 #1545-23 – DRW NX INFRASTRUCTURE LLC  
BEAR SWAMP ROAD, BLOCK 1, LOT 61**

Application for Preliminary and Final Site Plan with Use Variance application for a Pre-Engineered, unattended mobile microwave and municipal emergency communications radio antenna tower, including related communications equipment.

Mr. Cascio stated that the Notice was in order.

**Ms. Meryl Gonchar, Mr. Josh Koodray and Mr. Victor Herlinsky with Sills, Cummis & Gross located at 1 Riverfront Plaza Newark, NJ 07102** representing the Applicant approached. Ms. Gonchar began by providing a brief overview of the application and why they are before the Board. She advised they will be calling up four witnesses to attest to the information presented.

**Mr. Christopher Scheks with Glaus, Pyle, DeHaven Group located at 520 South Main Street Akron, OH 44311** approached and was sworn in by Mr. Cascio. Mr. Scheks provided his educational and professional background; additionally, his licensing. Mr. Scheks was accepted as an expert in the field of Civil Engineering.

Township of Mahwah  
Board of Adjustment Meeting Minutes  
September 20, 2023

Mr. Scheks confirmed he did draw the Site Plans submitted for the application. Referencing Overall Site Plan, sheet C-1 he reviewed the location of the proposed tower and different access points. He detailed roads leading to the proposed location and explained emergency vehicles and buses for the campers can access the side roads.

Mr. Scheks also provided information on the surrounding neighbors and proximity to the proposed location. At this time Exhibit A-1 was introduced which is a Google Earth image of the property. This image is dated September 15, 2023 with the title Camp Yaw Paw Building Proximity Exhibit. In further detail Mr. Scheks explained the surrounding facilities to the camp.

Mr. Scheks explained the radio equipment will run on batteries, the batteries will be charged by the generator and propane tanks will fuel the generators. Generators will cycle on and off and only on to charge the batteries. The sound from the generators would be equivalent to that of a residential air conditioning unit. There is to be a security fence installed that will be six feet in height and can be installed in any color. Mr. Scheks advised there are no plans to remove any trees.

Propane was chosen as the fuel source because it is an efficient source of energy and burns cleaner. It would be the same type of propane used for a home grill for example.

Mr. Scheks stated there would not be someone there to physically monitor but there will be cameras installed for surveillance of the area. Alarms will be put in place to alert if there is any issue with the system or any emergency.

Mr. Martin asked if the wheels would be staying on the trailer and if the arms are enough to help keep it in place. Mr. Scheks confirmed that yes, the wheels will remain on and the arms are enough to help secure it in place; the land in the area has a rocky landscape to help avoid movement or sinking.

Mr. Martin further asked about security, specifically how are they ensuring no one gets to the propane and equipment. Mr. Scheks advised there will be a fence in place to deter any one from the equipment, additionally the cameras will be used for monitoring with an alarm system.

Mr. Sitar asked if the camera is to be monitored regularly. Mr. Scheks explained yes it works similar to an alarm system. There will be notifications in place to alert of any issues that may arise.

Mr. Taylor asked if the batteries are to run 24 hours. Mr. Scheks advised they are powered up all the time and there will be a company contracted for maintenance of the equipment. Further he asked how often the maintenance people would be going up the

pathway – what is the frequency needed for maintenance. Mr. Scheks explained the cycle for maintenance should be monthly unless there is an unexpected issue then it would be addressed right away.

Mr. Cannava asked if the equipment can withstand wildlife, like a bear. Mr. Scheks explained there are many calculations that have been done to determine the equipment can withstand up to 2000 pounds of weight and wind speeds.

Mr. Kelly asked about the size of the propane tanks being used. Mr. Scheks advised the tanks are 100-pound tanks which are bigger than an average grill tank, about 4 propane grill tanks to the one being used here. Mr. Kelly asked if this is going to be a permanent structure or if plan is to make temporary. Mr. Scheks confirmed this is intended to be a permanent structure. Mr. Kelly stated he visited the site and confirmed you are not able to see the trailer until you are right up to it. He hiked up from Ramapo Reservation and it takes effort to reach. This is not placed where regular foot traffic would be moving.

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

**Mr. Robert Simon with Herold Law, P.A. located at 25 Independence Blvd Warren NJ 07059**, appearing on behalf of McKay Brothers approached. Mr. Simon began with asking Mr. Scheks his background, specifically the cases he has dealt with, location of the projects, and how many of them needed variance relief. Mr. Scheks addressed the questions regarding his experience and relevance to this project.

Mr. Simon asked what should happen if a tree falls into the fenced in area. Mr. Scheks explained there is regular monitoring to be done of the area, additionally there are alarms in place that would shut the system down if there is an issue such as a tree falling on equipment. Mr. Simon asked how much weight the tower can handle. Mr. Scheks explained there is a 2000-pound total weight load that the equipment can withstand; the total of the proposed equipment is within the limit of the tower.

Mr. Kelly asked for the generator size, which Mr. Scheks confirmed it is a 14-Kilowatt generator.

Mr. Jackson called for a recess at 9:23 PM; meeting reconvened at 9:34 PM.

**Mr. Richard Touroonjian the founder of Allegiant Wireless LLC located at 20 Normandy Drive, Jackson NJ 08527**, approached and was sworn in by Mr. Cascio. Mr. Touroonjian provided a background of his professional and educational background. He was accepted as an expert in the field of radio communication design, it was noted that Mr. Touroonjian was not a Licensed Engineer. At this time Exhibit A-2 was introduced

which is an analysis for the proposed project site. The analysis is dated September 20, 2023 with the title Mahwah Township RF Propagation Analysis for Proposed DRW Site. Mr. Touroonjian explained his objective in the analysis he put together and reviewed all data collected. Mr. Touroonjian reviewed current coverage and estimated coverage based on the proposed DRW site. Based on his research and involvement with the project he believes there is substantial benefit to have this proposed project approved.

Mr. Kearney asked if there was anyone within Mahwah Township that specifically requested this project to help enhance coverage. Mr. Herlinsky explained that there were no discussions at this time with any one particular person from the Township but discussions have occurred with the Township attorney. Mr. Kearney wants to know someone from the Township who has spoken to the Applicant from the town that can confirm the proposed tower is in fact a critical need for more coverage.

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

Mr. Simon approached to ask if Mr. Touroonjian had taken time to review the application and plans submitted for this application ahead of this meeting. Mr. Touroonjian stated he had not previously reviewed the information. Mr. Simon questioned Mr. Touroonjians' prior experience and knowledge with these types of applications. Mr. Touroonjian explained his prior experience and knowledge; he confirmed that he has no involvement in the application process.

Mr. Jackson stated the matter to be carried to the October 4, 2023 meeting with no further notice required.

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

## **VI. WORK SESSION:**

### **1. TENTATIVE BOARD OF ADJUSTMENT MEETING DATES FOR 2024**

Ms. Geraldine Entrup's memo dated September 15, 2023 regarding the Tentative Board of Adjustment Meeting dates for 2024 was reviewed.

A motion to approve was made by Mr. Martin and seconded by Mr. Kearney. All voted in favor.

**VII. ADJOURNMENT:**

A motion to adjourn was made by Mr. Kearney, seconded by Mr. Martin. All voted in favor. The meeting adjourned at 10:30 p.m.

These minutes were prepared by Michelle Sheydwasser, Board of Adjustment Recording Secretary. The minutes were provided to the Board of Adjustment on September 29, 2023 for approval at the Regular Meeting to be held on October 4, 2023.