

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
January 21, 2009**

The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to Order by Chairman Ronald Seebald at 7:00 P.M. Mr. Seebald led the Salute to the Flag. He proceeded to open the meeting in compliance with the "Open Public Meetings Act".

Roll Call Vote

Members Present:

Mr. Seebald Mr. Sutphen Mr. Ganim Ms. Thomson

Mrs. Kasper Mr. Sabosik Mr. Holman Mr. Schroeder

Attorney: John Jackson

Members Absent: Mr. Plum Mr. Seakan

Mr. Seebald resigned as Board Chairman; a motion was made by Mr. Sutphen to appoint Mr. Schroeder as Chairman, seconded by Mr. Ganim. All were in favor.

Mr. Ganim resigned as vice-chairman and made a motion to appoint Mr. Seebald as Vice-chairman, seconded by Mr. Sabosik. All were in favor.

NEW BUSINESS

09-02- First Baptist Church- Block 128 Lot 46- 805-809 Ocean Road (7:05-8:55)

Mr. Richard W. Hogan, attorney for the First Baptist Church, called his first witness Mr. Robert Burdick professional engineer.

The site plan dated 10/28/08 prepared by Mr. Robert Burdick, PE was marked into evidence A-1.

Mr. Jackson explained that the board only granted a use variance. The site plan issues and bulk variances still need to be addressed.

Mr. Burdick was sworn in.

Mr. Jackson stated that he represented the owner of the property in a case about two years ago.

There was no objection.

Mr. Burdick presented his testimony.

TESTIMONY
FIRST BAPTIST CHURCH
LOT 46, BLOCK 128
BOROUGH OF POINT PLEASANT
PROJECT NO. 08-3935
January 21, 2009

The board will recall that in September the applicant came before you for a use variance to utilize the rear structure at this 805 Ocean Rd. (Rte. 88) as a church. The only changes to the plan from the previously approved Variance plan are a small vestibule addition to the rear building, an aesthetic spire and the addition of an internal partial second addition within the rear building. As was stated at that time the church expressed a desire to perform minimal improvements at the site and anticipates that a future sanctuary will be constructed once funds become available for that purpose.

Regarding Mr. Forsythe's letter of 1/7/09 we provide the following:

- 1) As stated, the First Baptist church plans to use the existing building at the rear of the subject property as a church and to use the existing 2 ½ story frame building as offices and meeting rooms for support of church facilities. One

difference between this plan and the previous plan is that a second floor mezzanine has been planned for the rear structure which will be used for church meetings and Sunday school activities within that building. No day care or school is planned for the site and should such activities be proposed the applicant would have to come back to the board for their approval.

2) With regard to the intended use of the property, the church envisions the following:

- a) Worship meetings will be held generally on Sundays with an early service at about 9 AM and a second service at about 11AM. Other special worship services will be held for Christmas services, Easter services and rarely for other services related to church functions.
- b) Funerals and weddings will be performed in the sanctuary as requested by members and at a frequency of about once every month to two months
- c) Weekly meetings for church and other civic groups, boy scouts, girl scouts, choir, youth groups, church committees, etc. will take place generally during the evening hours and will be complete usually by 10PM. Those meetings will usually be held in the front building and we would anticipate from 5 to 10 meetings per week.
- d) Office hours for the church will take place in the front building from 9 AM until about 5 PM. There are two full time employees and two part time employees of the church.
- e) At other times special events such as congregational suppers, rummage sales, etc. may occur at the site but these would be infrequent and no more than once per month.

3) As stated, hours of operation for the facility will generally be between 9 AM and 10 PM for weekdays and Sunday morning from 8 AM until about 1 PM. There are currently 2 full time employees in the office during normal business hours and the other activities will be committees and clubs with generally between 5 and 20 persons present.

4) With regard to easements and restrictions, the only easement on the property is a 5' utility easement along the southwestern site of the property. That easement was for a water service line to the adjacent home and expired in 2002. The line has been relocated, therefore we will remove the easement from the plan. We do not believe that there are any restrictions encumbering the subject property.

Mr. Jackson requested proof of discharge for the easement.

Mr. Burdick replied he will supply the discharge.

- 5) Lists the bulk variances required for this site which are:
- a) Lot Frontage of 170' vs. 250' required
 - b) Lot Area of 1.534 Ac. vs. 2.5 Ac. required
 - c) Side Yard Setback of 5.2' vs. 30' required
 - d) Rear Yard Setback of 30' vs. 40' required
 - e) Secondary Structure of 2 1/2 stories and 34' vs. 2 stories and 32' required.

All of those variances are existing conditions and were recognized by the board at the September meeting. Since all adjacent property is developed, the applicant cannot purchase additional land to bring the site into conformance with the zoning requirements and certainly moving the existing structures to comply with the ordinance would be an undue hardship on the applicant.

A variance is requested for parking deficiency at the site. During the September meeting the plan was conceptually approved with 32 spaces where 42 are required. The plan before you has 40 spaces but a letter from the Fire Marshal requiring 18' drive access aisles will reduce that amount to 38. As stated at the September meeting, the spaces will be adequate for the proposed use. The design is provided to maintain as

many of the existing mature trees on the site as possible and when the site is reconstructed for the new facility the parking will be rearranged to a more efficient layout.

One additional variance that has been added to the plan since the board previously approved it is that a second story mezzanine will be added to the rear building to provide a meeting room for members of the church. The building will not be expanded to construct this second floor addition. There will be no external changes to the building for this additional second floor as there is room within the building for it. We believe that it will fully use the facility in an efficient and positive manner and we request a variance for this addition as it will not have any exterior effect on the site.

6) Several design waivers are requested as part of this plan. The waivers are for the most part existing conditions at the site. The board should be aware that the building has been used most recently as a beauty saloon with daily traffic and appointments. The building also has a residential apartment within it which has been occupied for several years. Former uses are that of an insurance office and I understand that it was originally a hotel. The existing parking area has adequately serviced those facilities and we believe that the proposed church will be a less intrusive use for the site. Regarding the waivers we request:

a) 9 x 18 parking spaces which are well recognized and commonly used vs. the 10 x 20 design manual requirement. The smaller spaces allow the applicant to more efficiently use the existing parking at the site.

b) Parking within the 50' front yard setback which is an existing condition which has existed for at least 15 years.

c) We request a waiver to allow the parking area to remain gravel with the exception of the handicap parking spaces. Again, this is an existing condition which has adequately serviced commercial facilities and we believe that it is adequate for the site and I believe provides a more attractive appearance at the site.

d) We request a waiver from the need to construct curbs at the site. There are currently timber curbs throughout most of the lot. Once again, the site has functioned well in its current condition and new curbs would be an expensive amenity which would not add to either aesthetics or the proper functioning of the facility and are likely to become obsolete in a few years when a new sanctuary is planned.

e) Screening for the parking spaces is required and pretty much provided for. The spaces to the southwest abut a wooded front yard, those to the rear are about 180' from the rear property line which has a 6' fence at it, and we are planning a row of arborvitaes along the east property line to supplement the relatively sparse buffer in that area.

f) Regarding parking spaces, they will be marked with curb stops, but we request a waiver for painting of them as this is a gravel lot.

g) The driveway has in excess of 150' of sight area and is adequate for the site.

h) We are requesting a waiver of parking aisle width of 22.7' and 18' for the 90° parking where 24' is required in order to save as many of the trees at the site and to efficiently use the existing parking lot.

i) We are requesting a variance or waiver for parking spaces by providing 38 where 42 are required and point out that this is well up from the 32 presented with the variance plan and that the borough standard is quite high when compared to other standards which often require 1 space per 6 seats.

7) The plan has been approved by the Ocean County Planning Board on 12/17/08.. We do not believe that the plan will require NJDOT approval since it does not increase traffic by 100 trips per day but will send a letter to NJDOT for their comment.

8) Truncated disks are necessary for handicap ramps at roadways and where sidewalks meet public facilities. Since this is not planned for this facility I do not believe that this comment is applicable to the plan. However, the board should be

aware that a handicap ramp may be necessary to access the front structure and the plan will be revised to show that location.

9) With regard to garbage and recycling, these will be handled by curb side pick up which is adequate for the church and the current condition at the site.

10) With regard to parking, as previously addressed we request that the existing parking within the front yard which is 50' wide be allowed to remain. This is an attractive existing condition and the parking area has existed for at least 15 years in its current condition and we believe it to be adequate for the proposed facility.

11) We request a waiver for 1% parking lot grading and 2% yard grading as these are existing conditions. The only grade revisions are for the construction of the handicap access and parking and these areas comply with the pavement grading criteria and are adequate for the intended purpose.

12) Internally the building will have to be insulated at a very minimum. The windows along the west side of the building are relatively new and standard windows. Based on this the insulation and probable acoustic tiles within the building will minimize noise impact on the adjacent neighbors and if you compare the proposed church use with the other possible commercial uses allowable in the zone, I believe that noise levels will be minimal and impact the adjacent neighbors minimally.

13) The sign will be changed and we plan to provide a 6' x 8' electronic sign in the same location as the existing sign. The sign will meet the borough's sign ordinance.

14) The board should be familiar with the site which is a well established attractive and partially wooded site with mature landscaping throughout. We anticipate that we will keep that condition and believe that it substantially meets the boroughs landscape ordinance.

15) As stated previously we request a waiver from the need move the parking at this site for this site plan. The site is attractive and the parking lot is setback about 18' from the front property line which is much more than normal conditions in the Borough and the site provides an existing attractive aesthetic appearance which has served the commercial uses for many years and will adequately service the proposed church.

16) Approximately two to three trees will be removed and numerous (over 20 trees) will be left in place.

17) All fences at the site will remain.

18) No loading zones or delivery areas are planned. For church activities only occasional deliveries from trucks occur and they would be during weekday times which the entire parking lot is open for such activities. Therefore we request a waiver from the need to provide separate loading zones.

19) Through 21) The site has been designed in a manner which will safely control stormwater generating from it. The only change to the site is the construction of the entrance walk to the rear building. In that area a recharge system has been designed to recharge all additional stormwater generated from the site. An overflow inlet is proposed at the southeast corner of the building to make sure that the site and building are protected in the event of system failure. The church will maintain the facility and we will provide a maintenance schedule for the infrastructure.

22) The existing wooden shed at the rear will be removed as it is not necessary.

- 23) The sidewalks and curbs in front of the site are in adequate condition but some of the areas are cracking. The applicant does not plan to replace them at this time since future plans will likely move the entrance to the facility when implemented.
- 24) Since less than 0.25 Ac of impervious are is proposed, the plan does not require NJDEP approval for stormwater management.
- 25) We believe that the lights provided on the plan will adequately provide sufficient light at the site for the purpose of the churches operations. The lights will be shielded from glare to adjacent residences as noted in the detail and we will label the lights which will have such shields.
- 26) After viewing the site, the applicant will likely construct a wall mounted sign on the front building above the second floor windows. The sign will comply with the boroughs ordinance and be externally lit.
- 27) We request a waiver from the need to provide the finished floor elevation on the architectural plans since this is an existing building and no height change other than number of stories is proposed.
- 28) We request a waiver from the need to provide separate utility services to each of the buildings as the existing facilities can handle the anticipated flow and an additional new service which is likely to be obsolete when the future sanctuary is constructed would be an expensive and unnecessary hardship on the applicant. We will send the plans to the public works director for comment.
- 29) As stated, we do plan to replace the sign with the sign which we have provided a detail for and will install a conforming sign on the front building.
- 30) We will provide the details per request.
- 31) We will note that all traffic control devices will be in accordance with the Uniform Manual of Traffic Control Devices.
- 32) The plan will be revised to provide the 18' travel lanes as requested by the fire marshal and that will likely require the removal of a couple of parking spaces.
- 33) The proposed HVAC units are located at the northeast corner of the building. Therefore they will be about 27' from the nearest property line to the north which is in well in excess of the 7.5' side setback for residential development. Given the noise levels of the new, updated HVAC equipment are similar to residential units and the fact that the proposed units will be 27' from the property which also has a 6' fend on it, the noise impacts of the site on adjacent properties will be minimal.
- 34) The applicant will provide an as built plan
- 35) The applicant will provide all outside approvals or letters explaining why they are not required.
- 36) The applicant will comply with the Borough's Affordable Housing requirements.
- 37) The applicant will post performance bonds and inspection fees as required.

VARIANCE TESTIMONRY

Those variances are existing conditions at the site and functionally the proposed use does not change them in any way. The height, front and rear buildings are existing and are non compliant with the ordinance. The buildings won't change, only their use

will change. The site is undersized in area and lot width as compared to the ordinance requirements, but the surrounding lands are fully owned and developed with mostly single family residences which make compliance with the ordinance requirements a hardship. We also point out that the church currently exists on a site of just under 0.9 acres and plans were developed to accommodate their needs on that site but were rejected by the Point Pleasant Beach Zoning Board of Adjustment.

Disadvantages of allowing the use variance include noise and lights generated by the church use on Sunday mornings, weekday meetings and occasional special services and a potential increase in traffic during Sunday morning hours. Currently the site is only partially used and vacant. Any use going into the property will carry with it noise, traffic and light affects.

Advantages of allowing the use are that the additional noise, lights and traffic generated from a church site will be far less than that which could be generated by most of the other allowable uses which could occur at the site.

We believe that the site provides adequate lot area and frontage for the intended use. We also believe that the moving or removal of existing buildings which are in good condition in order to comply with the bulk requirements of the zone would be an undue hardship on the applicant. In addition, I believe that the proposed use is one of the least intrusive uses for the property and will have a minimal impact on the adjacent residential uses and that the advantages of approving the variance outweigh the disadvantages.

I believe that the site complies with the MLUL in that it provides adequate area in an appropriate location for the intended purpose and that the site will continue to provide a pleasing aesthetic appearance while upgrading construction to current IBC requirements thus making a safer condition.

Therefore I believe that the variances can be granted without substantial detriment to the zoning ordinance, master plan or public good.

Mr. Schroeder asked if there were any questions for Mr. Burdick.

Mr. Forsyth stated there are a lot of requests for waivers.

Mr. Schroeder asked if there were any waivers in particular. Mr. Schroeder questioned the letter from the fire marshall.

Mr. Burdick responded that it has been commercial use for 15-20 years. It has functioned well as a salon and a professional insurance company. The gravel parking lot will service the facility, possibly pavement in the future.

Mr. Schroeder asked if a fire truck will be able to access the site because fire apparatus may not be able to navigate on gravel.

Mr. Burdick doesn't believe a large vehicle will have a problem.

Mr. Forsyth stated that the interior driveway is gravel where asphalt is required. He continued gravel would provide better recharge. He was also concerned with the screen on the east side.

Mr. Burdick stated that arborvitae would be planted.

Mr. Jackson questioned Mr. Burdick about snow plowing on the gravel driveway.

Mr. Burdick replied it has worked well in the past even with snow removal.

Mr. Ganim stated that traffic flow would be controlled with signage on the right side of the building.

Mr. Burdick responded yes.

Mr. Ganim questioned the waiver for sidewalks.

Mr. Burdick replied the sidewalks are in serviceable condition and therefore they are requesting a waiver.

Mr. Holman questioned the site lighting.

Mr. Forsyth stated there will be light shielding.

Mrs. Kasper questioned if all parking spaces will have curb stops. She was concerned with the two spaces in the middle.

Mr. Burdick replied the two in the middle will not have curb stops.

Mrs. Kasper feels people may park haphazardly without the curb stops.

Mr. Forsyth questioned the process for garbage and recycling. He wanted to know how garbage would be generated from the kitchen and would it be necessary for a dumpster.

Mr. Burdick replied maybe 4-5 cans if the church had a supper and didn't see a need for a dumpster.

Mr. Sabosik wanted to know if a dumpster existed on the site now.

Mr. Burdick replied no.

Mr. Ganim questioned if the church would be used as a rental hall.

Mr. Burdick replied no.

Mr. Sabosik questioned the Sunday school.

Mr. Burdick replied it will be held in the mezzanine and the front building.

Mr. Ganim questioned what would happen 5 years down the road if the congregation grows.

Mr. Burdick stated that the plan is if the church can sell their current building in Point Pleasant Beach the existing building will be knocked down.

Mr. Jackson questioned if the church was moving into this building now.

Mr. Burdick replied yes.

Mr. Sabosik asked how many rooms are in the home.

Mr. Burdick replied he believes 10.

Mr. Ganim questioned the purpose of the sign on the second floor.

Mr. Burdick stated to further identify the site.

Mr. Schroeder opened the meeting to the public.

Lisa Commette 924 Ocean Road was sworn in. She stated that she has lived in the neighborhood for 8 years and never saw more than a handful of cars in the parking lot at a time. Yet, Mr. Burdick stated it would have little impact on the neighborhood.

Mr. Burdick replied that there were 20-30 cars during holiday time on a daily basis.

Ms. Commette asked Mr. Burdick if the church was moving because it has outgrown its existing facility.

Mr. Burdick stated the church was denied expansion by the Point Pleasant Beach Zoning Board.

Ms. Commette questioned if the church would like to expand.

Mr. Burdick relied yes.

Ms. Commette stated her biggest concerns are parking and traffic.

Mr. Burdick replied that the proposed facility will have an average of 20-25 cars with a possibility of 30-35 for Easter and Christmas for 125 seat facility. If the church can get the financing they would like to construct a new facility.

Mrs. Kasper would like to see a traffic study.

Mr. Burdick stated it would only be a line for about 10-15 minutes.

Mrs. Kasper asked if a traffic control officer would be present.

Mr. Burdick replied if necessary.

Mr. Ganim asked if they would be parking across the street.

Mr. Burdick stated if they needed could park on Polhemus Street.

Mr. Hogan called Mrs. Pututo as a witness, being the owner of the property.

Ms. Pututo was sworn in.

Ms. Pututo stated it is a 10 room house plus apt. The building in the back is 4000sq ft garage. When the garage was being constructed a tandem truck and crane got back on the gravel with no problem.

Mr. Hogan questioned if it is still the same surface.

Ms. Pututo stated yes they just beautified it.

Mr. Hogan questioned the windows on the side.

Ms. Pututo replied they are crank out Anderson windows approx. 48 inches wide. They designed the garage to be tucked away in the back.

Mrs. Kasper questioned if the warehouse in the back was all open.

Ms. Pututo replied there is a bathroom but no sheet rock just a concrete floor. She continued that when the property is plowed the driveway is marked and then a light salting is applied. A tree specialist also stated that concrete or black top would kill the trees. There is a Sycamore tree on the property that is over 300 years old. The tree in question is a Swamp Maple.

Mrs. Kasper questioned the age of the house and if it is on a historical list.

Mrs. Pututo replied over 100 years old and it is not on a historical list. Mrs. Pututo continued that the salon was quite busy and the owner decided to downsize her business. The parking lot was very full and at times the operators would park on Polhemus.

Mr. Hogan called Mr. John Helm, Pastor since 1988.

Mr. Helm was sworn in.

Mr. Hogan questioned Mr. Helm if he reviewed the site plan and if he had any comments on the new facility or its use.

Mr. Helm stated that the church has served in Point Pleasant Beach for 120 years. The reason for the move is educational space. The kitchen will be used for small fellowships once a quarter. Some meetings will be held during the week for a small youth group with 10-20 people. Sunday will be the main usage. Everyone will not be leaving at the same time so it will not be a mass exit at 11:30 or 12:00. If necessary an officer will be provided. They are not looking to double, the congregation, possibly slow growth if any.

Mr. Jackson asked if they were denied in Point Pleasant Beach due to space.

Mr. Helm stated the main reason for the denial was the board didn't want a fellowship hall. It was not the coverage.

Mr. Sabosik questioned the amount of people at the holiday services.

Mr. Helm replied the biggest is an Easter with 140 people, which is only one time a year.

Mr. Sabosik asked if there was a high level of seniors.

Mr. Helm replied approx 20% seniors.

Mr. Sabosik doesn't feel there are enough handicapped parking spaces.

Mr. Helm stated about only 3-4 people would require handicapped parking.

Mr. Sabosik questioned the ½ wall on mezzanine and if people will be looking down on the service.

Mr. Helm replied it will not be used as a balcony and would be willing to put a wall up if necessary.

Mr. Ganim questioned how many people walk to the church.

Mr. Helm replied very few.

Mrs. Kasper asked what the need for the kitchen is.

Mr. Helm replied for fellowships. People bring food and it would be used to warm or refrigerate the food.

Mrs. Kasper asked if would be used for a wedding reception.

Mr. Helm replied no.

Mrs. Kasper asked if they would be utilizing the Victorian house.

Mr. Helm replied yes for Sunday school.

Mr. Hogan has no further witnesses.

Mr. Burdick stated the advantages outweigh the detriments.

Mr. Schroeder asked for public comment.

Linda Commette stated that a lot of Mr. Burdick's testimony is based on his opinion. She feels on a road where a bridge goes up every 15 minutes and there is a light, particularly in the summer months, there will be increased traffic.

Mr. Burdick responded that it would only be for fifteen minutes at 11am-12pm on Sunday. This is his professional opinion.

Mr. Jackson explained to Ms. Commette, that during the use variance application the board was weighing the alternatives as to what could possibly have gone on the site. The board felt this was the lowest type of impact for the use of the zone.

Mr. Schroeder asked what changes she was looking to alleviate.

Ms. Commette would like to see adequate parking. The neighborhood is tough.

Caucus

Mr. Schroeder stated it is very interesting. The applicant wants to move in but down the road there maybe another application.

Mr. Seebald stated that the preliminary and final site plan is left up to the engineer.

Mr. Ganim feels there are a lot of waivers due to expense.

Mr. Schroeder stated there is no change to structure.

Mrs. Kasper wants to see the plans.

Mr. Seebald stated it is preexisting condition.

Mr. Schroeder stated that they can use the building anyway they want.

Mr. Ganim stated they are abandoning the two apartments.

Mr. Schroeder stated they have a 120 track record.

Mr. Sabosik is concerned with only having two handicapped parking spaces. He would like to see that reconfigured.

Mr. Holman stated that a stone walker would be next to impossible to maneuver on gravel.

Mr. Forsyth said they could add two additional spots.

Mr. Schroeder stated the engineer will handle the parking and review the lighting.

Mr. Jackson read the conditions for approval.

A motion was made by Mr. Sabosik, seconded by Mr. Seebald

Roll Call Vote

Mr. Sutphen- Yes Ms. Thomson- Yes Mr. Sabosik- Yes Mr. Schroeder- Yes
Mr. Ganim- Yes Mrs. Kasper- No Mr. Seebald- Yes

Mr. Schroeder called a five minute recess.

09-01 – Omni-Point Communications Block 249 Lot 13 -2139 Bridge Ave (9:05-10:05)

Mr. Jackson stepped down.

Mr. Schroeder stepped down.

Mr. Kevin Starkey will be the alternate attorney for the Zoning Board.

Mr. Frank Ferraro is the attorney representing Omnipoint Communications. Mr. Ferraro explained that Omnipoint is requesting a D1 variance.

Mr. Ferraro called his first witness, Mr. Daniel Collins an expert on radio emissions.

Mr. Collins was sworn in.

Mr. Collins testified that the level of radiation being emitted from the tower is an extremely insignificant amount. Mr. Collins continued that the amount of radiation would be less than one-tenth of 1 percent if measured on a scale of 100. Mr. Collins stated that more radiation is emitted from two human beings stand next to each other.

Mr. Collins proceeded to testify that according to his calculations the radiation emissions from the proposed towers is well under the Federal Communications Commissions guidelines. The level is in compliance.

Mr. Ferraro marked Antenna Site FCC RF Compliance Assessment and Report dated September 22, 2008 prepared by Pinnacle Telecom Group into evidence.

Mr. Schroeder opened the meeting to the public.

Ms. Mary Griffin 1206 Patterson Rd was sworn in. Ms. Griffin wanted to know how Mr. Collins was measuring the radiation that would be emitted from the tower comparing it to the type of radiation given to cancer patients for treatment.

Mr. Collins stated there are two different types of radiation ionizing radiation and non-ionizing radiation. He further explained that cancer patients typically receive ionized radiation and a cell tower emits non-ionizing radiation.

Ms. Maryellen Wrobel asked Mr. Collins who was paying him to be here.

Mr. Collins stated there is no bias, he is a paid professional. All wireless customers are his clients. He presently lives under a one.

Mr. Starkey stated that Mr. Collins is being retained and paid by the applicant.

Mr. Robert Dunston 2120 Edgar Road was sworn in. Mr. Dunston questioned who conducted the safety studies for the cell tower.

Mr. Collins replied the FCC.

Mr. Dunston questioned Mr. Collins residence under a cell tower.

Mr. Collins stated he lives under a base station, not a tower.

Mr. Sabosik stated he understands the objection and but Mr. Collins did state he lived under a tower.

Mr. Collins clarified that he lives under a base station which is the same as being an end user such as cell phone or walkie talkie.

Mr. Stephanie Rogers 1806 Bay Blvd was sworn in. Ms. Rogers questioned the effects on wildlife since there are a lot of sea birds in the area.

Mr. Collins stated that the deaths are not related to exposure. The birds are attracted to the lights on the guide wires on the towers. The birds fly into the wires.

Mr. Ganim questioned why this is going in a residential area and wouldn't it be safer in a non residential zone.

Mr. Collins replied no.

Mr. Sabosik questioned what would happen if the pole fell into a backyard and a child comes across it, would it exceed the threshold.

Mr. Collins replied that it is an unrealistic circumstance no monopoles have ever fallen but if it did the pole did fall it would cease to operate.

Mr. Robert Dunston questioned the fact that no towers have collapsed. He stated that from 1992-1997 a six year construction of towers there have been towers that have fell.

Mr. Collins reiterated monopole towers do not fall.

Ms. Naomi Flowers 2111 Edgar Road was sworn in. Ms. Flowers urged the board to research the health risks associated with towers. She also stated that most of the research is paid for by the telecommunication industry. She also stated that non-ionizing radiation is harmful.

Mr. Collins stated that if non-ionizing radiation causes cancer, than we are all causing each other cancer.

Ms. Mary Griffin stated that she has information that shows a lot of different cancers caused by cell towers. There have been studies with cows.

Dr. Robert Youdin 2111 Edgar Road was sworn in. Dr. Youdin feels that due to economic times Tally is putting the tower in place for income.

Mr. Starkey advised Dr. Youdin that the applicant is putting on a case and questions are for the witness at this time. This needs to be done in an orderly fashion.

There were no further questions for Mr. Collins.

Mr. Ferraro stated that he has three additional witnesses.

The board agreed that this hearing will be carried to February 18, 2009 at 7:00pm.

Mr. Ferraro waived the time in which the board has to act on the application.

Mr. Starkey stated that the public will have no further notice.

Mr. Schroeder left the meeting.

Resolutions

08-47- Rollano/Reilly- Block 145 Lot 31- 713-715 Burnt Tavern Road

Motion to memorialize made by Mr. Seebald, seconded by Mrs. Kasper

Roll Call Vote

Mr. Seebald – Yes Mrs. Kasper – Yes

Vouchers

Citta, Holzapfel, & Zabarsky -

\$120 & \$48- General Sylvan Hotel- \$152 Rollano/Reilly- \$800 Scully- \$696

Ocean Star – \$10.56 –(JES & Sylvan) \$6.93 – Kremer \$5.94 – General

Remington, Vernick & Vena – Rollano/Reilly - \$915 Omnipoint Communications- \$1245. First Baptist Church - \$180. Scully - \$660.

Motion to pay made by Ms. Thomson, seconded by Mr. Ganim. All were in favor.

Requisitions

Escrow Refund : Sylvan Hotel - \$42.72 Kremer - \$201.07

Motion to refund made by Mr. Ganim, seconded by Mr. Sabosik. All were in favor.

Mr. Sabosik made a motion to adjourn, seconded by Ms. Thomson. All were in favor. The meeting adjourned at 10:15 P.M.

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary