

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
February 18, 2009**

The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to Order by Vice-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. Ganim	Mrs. Kasper
Mr. Holman	Mr. Seakan	Ms. Thomson

Mr. Schroeder was present in the audience.

Attorney: Kevin Starkey

Members Absent: Mr. Sabosik Mr. Plum Mr. Sutphen

Mr. Holman made a motion to accept the minutes of February 4, 2009 seconded by Mrs. Kasper.

All were in favor.

Unfinished Business

09-01-Omnipoint Communications - Block 249 Lot 13- 2139 Bridge Ave (7:10 10:16)

Mr. Frank Ferraro, attorney for Omnipoint Communications, briefly recapped the meeting from January 21, 2009.

Mr. Ferraro called his second witness, Mr. Dominick Villecco, an RF Engineer expert.

Mr. Villecco was sworn in.

Mr. Villecco testified that coverage, in some areas of Point Pleasant; do not meet the standards of T-Mobile. The cell site would increase coverage through out the area. Mr. Villecco presented two exhibits, a map of Point Pleasant showing the coverage gaps and a map showing the coverage with the new cell tower constructed.

Mr. Ferraro questioned what kind of symptoms users may experience with no coverage.

Mr. Villecco stated it can range from a choppy voice call to and inability to retrieve messages.

Mr. Ferraro marked A-2 into evidence, a map of Point Pleasant with an overlay showing a gap in the coverage area. The map also shows the proposed cell site and the existing sites in the area.

Mr. Villecco explained that in the center of Point Pleasant there is a difficulty maintaining the proper dBm. The coverage thresholds are -76 dBm for in-building coverage, shown in green. The reliable in-vehicular coverage is -84 dBm, shown in yellow.

Mr. Holman asked how it was calculated.

Mr. Villecco stated a computer model but a drive test is also taken into consideration.

Mr. Ferraro questioned the area of deficient coverage around the proposed site and if the proposed cell tower is located in the center gap area.

Mr. Villecco replied not the center but close.

Mr. Ganim questioned if -84 dBm's was overkill.

Mr. Villecco replied no.

Mr. Ganim stated that his daughter has a T-Mobile phone and he made calls all over the town with a perfect signal, except in the high school. Mr. Ganim questioned if the other tower was constructed would there be more coverage in Point Pleasant.

Mr. Villecco stated the signal would still be below the threshold.

Mr. Ferraro stated there is only one approved site in Point Pleasant.

Mr. Villecco stated that it's not that there is no signal, but the signal is below the threshold.

Ms. Thomson asked if there are areas of spotty service.

Mr. Villecco stated that there maybe service in the area but the phones are being used for home use and business use such as a blackberry. Again, there is a signal it is just below the standard.

Mr. Seebald asked if the water tower would be a good site for their needs.

Mr. Ganim questioned if the site could be on a bridge.

Mr. Ferraro asked if they looked at existing structures first.

Mr. Villecco replied yes. The water tower at 2200 Riviera Parkway and the municipal building.

Mrs. Kasper asked why this site was selected.

Mr. Villecco stated that they approached the town and the sites were not made available.

Mr. Ganim questioned how many carries could a 120ft tower support.

Mr. Villecco replied 4 – 5 carries.

Mr. Ganim asked if they have their own equipment.

Mr. Villecco replied yes.

Mr. Starkey asked if they looked at the two bridges.

Mr. Villecco replied no.

Mr. Ferraro asked if there are limitations on bridges.

Mr. Villecco stated yes it is hard to place the equipment.

Mr. Ferraro stated there was no response from the town concerning the two alternate sites, the water tower or a possible tower swap at the municipal building.

Mr. Ferraro marked A-3 and A-4 into evidence. Letters addressed to David Maffei for site acquisition.

Mr. Ganim questioned the term tower swap.

Mr. Ferraro stated that the current lattice structure, at the municipal building, would be modified or replaced with a monopole.

Mr. Ferraro marked A-5 into evidence. A map of Point Pleasant with an overlay showing no gap in coverage.

Mr. Ferraro asked if it was necessary to address the deficiency in coverage.

Mr. Villecco replied yes. Although the location is not central it would fill in the gaps of the service area.

Mrs. Kasper questioned how significant of a difference, in coverage, would it be for a pole to only be 100ft or 60ft.

Mr. Villecco stated a drop from 120ft to 100ft you would see a decrease in coverage.

Mr. Forsyth questioned if space would be released to other users.

Mr. Villecco stated there is a lease agreement with other users.

Mrs. Thomson asked if they approached Talley's or if Talley's approached them.

Mr. Ferraro stated Omnipoint approached Talley's.

Mr. Seebald questioned the range of the signal.

Mr. Villecco stated 1 - 1 ½ miles.

Mr. Seebald stated that the Bay Head tower is 1 mile and Stop and Shop is 1 mile.

Mr. Ganim stated New York Avenue tower is even less.

Mr. Forsyth questioned if all of Point Pleasants coverage was green or yellow would there still be a need for another antenna.

Mr. Villecco replied still in some areas.

Mr. Forsyth stated then possibly this is not the last tower in town.

Mrs. Thomson questioned how many other carriers could be on the pole.

Mr. Villecco stated 4 or 5.

Mr. Holman questioned why they don't have two frequencies.

Mr. Villecco stated the FCC gave the bands and T-Mobile is at 1900.

Mr. Ganim questioned how this tower would benefit Point Pleasant.

Mr. Villecco stated it would give the residents better coverage, since coverage is limited. It would also help with the 911 service available for mobile phones.

Mr. Seekan stated that this is from the propagation, not from the customers.

Mr. Villecco stated it is the standard for the state.

Mr. Seekan asked if technology has not evolved.

Mr. Villecco stated it has evolved, it got better but it will not fill the gap.

Mr. Seebald opened the meeting to the public.

Mr. Robert Dunston 2112 Edgar Road stated that he lives behind the proposed site and has had three T-Mobile phones for 8years and has never had trouble with the signal strength.

Mr. Villecco stated he is not saying know service, just not reliable service.

Mr. Dunston questioned if the tower would interfere with TV or satellite radio.

Mr. Ganim added marine frequency.

Mr. Villecco stated no.

Mr. Robert Dunston Jr. 2112 Edgar Road asked what the data software model is called.

Mr. Villecco replied EDX Portland.

Mr. Dunston asked if the model setup is based on computer cell tower data.

Mr. Ferraro stated that the data goes into the software.

Mr. Villecco stated it is an algorithm.

Mr. Dunston asked if there could be a compiling data error because something seems flawed. He has a lower model phone and has no problems.

Mr. Villecco questioned flawed data.

Mr. Dunston questioned the software model number starting point. He continued that the data could be outdated, human error or an error in the models.

Mr. Villecco stated there are different models and they are compared to data out in the field.

Mr. Steven Illg 1138 Patterson Rd asked if all towers will pick up 911 calls made from cell phones.

Mr. Villecco stated if it was a compatible phone within the range.

Mr. Illg wanted to know what the 911 benefits would be.

Mr. Villecco stated they would need to have a phone compatible with the service.

Mr. Mike Piga 824 Donna Drive questioned if this is an average size gap.

Mr. Villecco stated they don't size gaps.

Mr. Piga stated that they drawing show 4 sectors. He wanted to know why so many are necessary.

Mr. Villecco stated that Omnipoint is looking to get the most out of the site.

Mr. Piga asked if all antennas would be installed at one time.

Mr. Villecco replied whatever is planned is what they put up.

Mr. Piga questioned why there was not three across or stealth up and down.

Mr. Villecco replied spatial diversity increases receiver capability. Variations in pattern lose flexibility.

Mr. Piga stated it could also be a flagpole platform and the 120ft could be dropped.

Mr. Villecco stated he looked at the height of 120ft didn't look at a lower height.

Mr. Seebald questioned when population is taken into account.

Mr. Villecco stated it is not directly looked at. Mostly land use and home use.

Mrs. Kasper questioned if the number of users make a difference.

Mr. Villecco stated that the number of users does make a difference, more cells are blocked.

Mr. Ferraro asked if the height was dropped would it impact the coverage.

Mr. Villecco stated it would be reduce coverage. The lower you go the smaller the coverage.

Mrs. Kasper asked what the goal is for Omnipoint.

Mr. Villecco stated everything in green.

Mrs. Kasper asked if there was a minimum.

Mr. Villecco stated the goal is green. The trend is landline replacement.

Mr. Forsyth questioned how many towers are not built yet.

Mr. Villecco replied two, one in Brielle and the one on Lakewood Rd.

Mr. Ferraro stated there are COWS until the pole is ready.

Ms. Michelle Daniels 902 Patterson Road asked if there is any complaint data.

Mr. Villecco stated no.

Ms. Daniels proceeded to state that everyone seems happy now.

Mr. Villecco stated that not everyone is happy with service below the standard.

Mr. Ferraro stated that people don't log complaints.

Mr. Villecco stated that in a poor area of service people give up.

Ms. Jen D'Ipialto 1134 Leonard Road asked if other site locations were considered.

Mr. Villecco replied yes the water tower on Riviera Parkway and the municipal building.

Ms. D'Ipialto asked if T-Mobile is willing to look at the other sites.

Mr. Ferraro stated that they are moving forward with this application, the sites are not available.

Mr. Ed Slater 1108 Leonard Rd asked in order to get the whole map green is the center of town was necessary.

Mr. Villecco stated that the site is needed in order for the cells to expand.

Ms. Robin Harvey 2217 Kenneth Road questioned if there are any health risks.

Mr. Ganim stated we don't think so but we don't know.

Mr. Villecco stated that the emissions are well within the FCC standards.

Mr. Ferraro stated they are 1500 times below the standard.

Mr. Rob Howe asked if the value of homes would decrease due to the tower.

Mr. Villecco stated he is not a real estate expert.

Mr. Dennis Hill 2207 Edgar Road questioned the safety of the tower since he walks his children to school everyday.

Mr. Gamin stated that the emissions expert testified the levels of emissions are well below the standards.

Mrs. Kasper explained the testimony of the emissions expert. He testified that humans next to one another generate more radiation than the tower.

Ms. Robin Harvey questioned the location of the tower.

Mr. Villecco stated in evidence marked A-2 it is the blue dot in the center.

Ms. Harvey commented that with the two new sites there will probably be better coverage.

Mr. Allan Bossard 2117 Edgar Road stated that there is no complaint data or evidence of losing service.

Mr. Villecco replied the signal level is less than the standard.

Mr. Bossard stated that standards can be arbitrary. He doesn't want a tower in his neighbor's back yard and he doesn't see the need for the tower in town. Is there a chance this is overkill.

Mr. Villecco stated no this is not overkill. It is a reasonable application.

Mr. Henry Genthe 2225 Wilson Road questioned if the tower would available for other carriers to rent.

Mr. Villecco stated they will have the ability to rent.

Mr. Genthe asked how lucrative this would be for T-Mobile.

Mr. Villecco stated that is not the whole point. All carriers have agreements with each other.

There were no further questions for this witness.

Mr. Seebald called a five minute recess.

The meeting was called back to order at 9:14pm.

Mr. Ferraro introduced Brian Reiser a Professional Engineer.

Mr. Reiser was sworn in.

Mr. Ferraro asked Mr. Reiser to describe the location.

Mr. Reiser stated that it is a 15x20ft location with ground cover 4' x 3' wide and 5' high. Cables would be routed to the antennas. There would be 3 antennas and 4 sectors.

Mr. Ferraro asked if there would be a six foot chain link fence.

Mr. Reiser replied yes.

Mr. Ferraro asked if the parking lot is stripped.

Mr. Reiser stated no it is gravel covered.

Mr. Ferraro questioned if the site would be unmanned.

Mr. Reiser replied yes.

Mr. Ferraro questioned if there would be someone at the site every 4 –6 weeks for maintenance.

Mr. Reiser replied yes or on an as needed basis.

Mr. Ferraro began to address the Engineer report prepared by Robert Forsyth.

Mr. Forsyth's letter addressed the possible consolidation of Lots 12 and 13 under the merger doctrine.

Mr. Starkey stated there is not enough information at this time to determine if merger doctrine applies. It could be made a conditional issue.

Mr. Ferraro stated that if the lots are deemed to merge it would be increasing the side yard set back.

Mr. Starkey stated this can be addressed after more testimony.

Mr. Ferraro stated that all improvements are on Lot 13. Mr. Ferraro continued to question Mr. Reiser if there would be any site clearing necessary.

Mr. Reiser replied no.

Mr. Ferraro questioned the drainage on the property.

Mr. Reiser stated they are not proposing drainage.

Mr. Ferraro asked if this site was a flood area.

Mr. Reiser stated it is a minimal flood area.

Mr. Ferraro questioned the collocators.

Mr. Reiser stated that the pole would be wired for other carriers.

Mrs. Kasper asked where the equipment would be located for the other carriers.

Mr. Reiser replied it would be outside of the fenced area.

Mrs. Kasper questioned that Verizon or AT&T would be outside of the fence.

Mr. Reiser stated that the fenced area would be extended.

Mr. Seebald commented that the site could grow considerably.

Mr. Reiser stated it could grow to approximately a 50 x 50 compound.

Mr. Ferraro asked if there is space available next to the proposed compound.

Mr. Reiser replied yes.

Mrs. Kasper questioned how close the equipment can get to the rear yard set back.

Mr. Reiser answered 10ft side yard and 25ft rear yard set back.

Mrs. Kasper questioned the noise level of the compound.

Mr. Reiser stated it is no louder than an air conditioning unit.

Mr. Holman asked where the electric would come from.

Mr. Reiser replied a utility pole would be added.

Mr. Holman questioned what would happen if the power went out.

Mr. Reiser stated there will not be a generator at the site.

Mr. Ganim stated that Point Pleasant has been known to lose power for more than four hours at a time. Would the next move be to install a generator?

Mr. Ferraro replied that Omnipoint generally constructs sites without generators.

Mr. Ganim asked how the pole is supported.

Mr. Reiser stated that the pole would be approximately 25-30ft down and 8ft in diameter.

Mr. Ganim questioned how they would drill.

Mr. Reiser replied a drill crane.

Mr. Holman stated there is a water table of 8-10ft in Point Pleasant.

Mr. Reiser stated they have drilled and poured with a high water table.

Mrs. Kasper asked if there will be any guide wires.

Mr. Reiser responded no.

Mr. Ganim questioned why four meter sets are necessary for one service.

Mr. Reiser replied for the collocators. The utility company will pull electric for four.

Mr. Ganim stated he is getting the sensation for what is going to happen here.

Mr. Ganim questioned the size of the Erickson cabinet.

Mr. Reiser stated it is only for T- Mobile. Any other carriers would have their own equipment.

Mr. Ferraro asked if there was any proposed lighting at the site.

Mr. Reiser replied no.

Mr. Holman questioned the life expectance of the pole.

Mr. Reiser answered approximately 20 years.

Mr. Holman questioned who is responsible for inspecting the pole.

Mr. Reiser replied the owner will inspect the site yearly.

Mr. Ganim questioned the fact that there will be not lighting at the site.

Mr. Reiser stated that according to the FAA standards, lighting is not required.

Mr. Ferraro further stated that the FAA determined it is not a flight hazard.

Mr. Ganim questioned how a tech will work in a dark condition.

Mr. Reiser stated that the tech would bring their own lighting.

Mr. Ganim questioned the hazard of ice forming on the tower and the danger for workers.

Mr. Reiser stated there are no incidents from ice that he is aware of.

Mr. Ganim asked if there is anything that can be done to prevent the tower from icing.

Mr. Reiser replied everything has ice bridges, towers, etc.

Mr. Ganim asked again if there is anything that can be done to prevent ice.

Mr. Ferraro stated T-Arms.

Mr. Ganim questioned where the wires would come out.

Mr. Reiser replied there are ports with 10ft intervals.

Mr. Seebald stated that the tower would be preset for other carriers.

Mr. Reiser stated yes.

Mr. Ferraro questioned the distance between the site and the nearest residence.

Mr. Reiser replied 80ft. and 120ft to the nearest dwelling.

Mrs. Kasper questioned the principal use for the lot.

Mr. Ferraro stated that more than one use is permitted.

Mr. Ganim asked Mr. Ferraro if he drove thru the lot tonight.

Mr. Ferraro responded no.

Mr. Ganim wants to know what is going to happen with all of the cars.

Mr. Reiser stated they are not sure of the owner's plans.

Mr. Ferraro commented that he is not privy to that information. The owner agreed to the application.

Mr. Starkey stated that according to the use ordinance it allows for an additional use.

Mrs. Kasper questioned where the cars are going to go.

Mr. Seebald didn't feel that was our concern.

Mrs. Kasper stated this is a site plan review and it does need to be our concern. Mrs. Kasper also questioned the access for emergency vehicles.

Mr. Starkey replied there is existing access.

Mrs. Kasper would like to see Talley's testifying.

Mr. Ferraro stated it will not have an impact on the existing use.

Mr. Reiser stated it is not a shopping center. Do people drive back there?

Mrs. Kasper wanted to know if people will be able to walk through there.

Mr. Starkey asked if there was a description of the leased area.

Mr. Reiser replied no.

Mr. Starkey questioned what portion of the lot is going to be operated by Talley's and what portion would be leased.

Mr. Ferraro stated the leased area is 15 x 25.

Mr. Forsyth stated there would normally be a testimony from the owner as to operations.

Mr. Ferraro stated this is unique and there are no employees on the lot.

Mr. Forsyth asked for an operational plan.

Mrs. Kasper feels that Talley's need to represent what they are going to do on the site. Currently the site is loaded with cars.

Mr. Ferraro asked Mr. Reiser if there is a site plan showing all existing structures.

Mr. Reiser replied yes.

Mr. Seebald feels Talley's needs testify to see how they are going to operate.

Mr. Ferraro stated the improvements are minimal.

Mr. Ganim questioned what the next step would be.

Mr. Forsyth stated the conditions would need to be submitted to the Borough engineer.

The board agreed that this hearing will be carried to March 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.

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Resolutions

09-03 Valente- Block 130 Lot 9-1122 Gowdy Ave

Motion to memorialize made by Mrs. Kasper seconded by Mr. Holman.

Roll Call Vote

Mr. Seebald – Yes Mrs. Kasper – Yes Mr. Seakan- Yes Mr. Holman- Yes

Vouchers

Asbury Park Press – Rollano/Reilly- \$55.52 General- \$47.96

Motion to pay made by Ms. Thomson, seconded by Mrs. Kasper. All were in favor.

Ms. Thomson made a motion to adjourn, seconded by Mr. Ganim. All were in favor.
The meeting adjourned at 10:25P.M.

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary