

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
March 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	Mr. Sabosik
Mr. Sutphen		

Attorney: Mr. Kevin Starkey

Members Absent: Mr. Plum Ms. Thomson Mr. Schroeder

Mr. Ganim made a motion to accept the minutes of March 4, 2009 seconded by Mr. Holman. All were in favor.

Mr. Sabosik stated that he had listened to the tapes from the February 18, 2009 meeting.

Unfinished Business

09-01 Omnipoint Communications- Block 249 Lot 13- 2139 Bridge Ave (7:05-9:54)

Mr. Frank Ferraro, attorney for Omnipoint Communications, stated that some changes have been made to the design of the cell tower.

Mr. Starkey asked Mr. Ferraro to give a brief overview of the changes made.

Mr. Ferraro stated that the proposed 120ft monopole tower has been changed to a 100ft stealth facility, which means the antennas, would now be inside the pole. The site plan also shows the number of cars on the lot and an area for future collocators on the lot. The stealth pole is shown with a flag attached, which would also require the pole to be lit.

Mr. Ganim stated that the previous testimony was given on signal strength for the pole at 120ft.

Mr. Ferraro stated Mr. Villecco is back to discuss the signal strength changes.

Mr. Starkey stated that some questions from the board members have still not been addressed on the site plan.

Mr. Forsyth stated that the items are listed in his review letter.

Mr. Ferraro wanted to proceed with the plan as presented and see what the board feels it is lacking.

Mrs. Kasper stated that lighting, landscaping and the consolidation of the lots need to be addressed. Mrs. Kasper wanted to know if the owner is going to address the issues or Omnipoint.

Mr. Ferraro replied Omnipoint would be addressing the issues.

Mrs. Kasper stated that a site plan is needed.

Mr. Ferraro responded that a six-page site plan has been supplied.

Mr. Forsyth stated that the site plan should show landscaping, lighting and drainage. The site plan submitted is not fully in conformance with the ordinance.

Mr. Ferraro stated that the board has a site plan and it shows additional impervious coverage. No landscaping is proposed because it is in the middle of a parking lot.

Mr. Ferraro called his first witness Peter Tardy, a professional engineer.

Mr. Tardy was sworn in.

Mr. Ferraro asked Mr. Tardy to go over the revised facility.

Mr. Tardy stated that the proposed area is for a 15 x 25 compound to construct a 100ft flag stealth pole. Mr. Tardy stated that the flag is optional. Omnipoint will have four antennas two at the top and two 10ft lower within the structure.

Mr. Seebald questioned if it was strictly for Omnipoint.

Mr. Tardy replied yes.

Mr. Sabosik asked where the additional antennas would be placed.

Mr. Tardy stated Omnipoint would be at 97ft and 87ft. The other carriers would be at 77ft and 67ft, all internal.

Mrs. Kasper questioned the size of the flag.

Mr. Tardy replied 12 x 18 ft.

Mr. Sabosik questioned if the flag would have capability of being lowered to half mass.

Mr. Tardy stated the flag could be raised and lowered.

Mr. Ganim stated that is not shown.

Mr. Ferraro replied it would be a fully functioning flagpole.

Mr. Holman questioned if all of the maintenance is inside, does the skin have to be taken off.

Mr. Tardy replied yes the skin could come off.

Mr. Ganim questioned if the metal pole can open and the antennas can be put inside.

Mr. Tardy responded yes.

Mr. Seebald asked if the pole would be set up for other carriers.

Mr. Tardy replied yes, that is always the intention.

Mr. Sabosik questioned the anchorage.

Mr. Tardy stated anchor bolts then concrete is poured.

Mr. Sabosik questioned if there have been problems with shaft corrosion or the bolts.

Mr. Tardy stated the design is up the latest code.

Mr. Sabosik questioned the shaft corrosion along the coast.

Mr. Ferraro asked Mr. Tardy if that has been his experience.

Mr. Tardy replied no.

Mr. Sabosik stated he would disagree. The TIA (Telecommunications Industry Association) has had numerous meetings about this. Mr. Sabosik asked Mr. Tardy if a 100ft pole is the same height as a 10-story building.

Mr. Tardy replied a 9-story building.

Mr. Sutphen questioned what would happen during lighting strike failure.

Mr. Tardy stated he was not aware of pole failure from lighting strikes. The pole would be grounded.

Mr. Sabosik questioned what safeguards are in place to counter act a circuit surge.

Mr. Tardy stated that the site is remotely monitored. If the site is not functioning properly a silent alarm would go off and a tech would go to the site.

Mr. Ganim stated that this is so close to our residents we need to know if the pole could possibly draw lightning.

Mr. Tardy stated the pole would be grounded.

Mr. Holman questioned where the towers are typically constructed.

Mr. Tardy stated municipal buildings.

Mr. Holman stated this is unique because cars are moving all day and there are people on the lot.

Mr. Tardy stated they are proposing bollards.

Mr. Holman questioned the possibility of a fire in the compound.

Mr. Ferraro stated this is a reasonable concern. Mr. Ferraro asked Mr. Tardy if fire suppression measures are required.

Mr. Tardy replied it is not required.

Mr. Sabosik questioned how many poles are in a car lot with a residential property 87ft away.

Mr. Ferraro replied with the exact measurements of 87ft and in a car lot, none.

Mr. Sabosik stated this is a 100ft tower 87ft away from a resident.

Mr. Ganim added in a car lot.

Mrs. Kasper stated there is gasoline in the cars.

Mr. Sutphen stated that if something happens it will escalate due to the fuel.

Mr. Ganim questioned who would have the liability for the tower.

Mr. Ferraro stated Omnipoint would own the tower.

Mr. Sabosik asked for an interpretation of the fall zone.

Mr. Ferraro asked Mr. Tardy how the tower is designed to fail.

Mr. Tardy stated it would not be at the base. It would yield at approximately 30 –40 ft above grade and it would kink.

Mr. Ganim asked if the flag increase the wind load.

Mr. Tardy replied yes.

Mrs. Kasper asked if the pole is designed for hurricanes.

Mr. Tardy answered yes.

Mr. Sabosik stated that with the ever-changing technology what exactly the risks are for our citizens within the fall zone.

Mr. Ferraro stated that they are before the board for approval of the use. All building codes must be met. Mr. Ferraro stated they are trying to give the board the information they are asking for.

Mr. Ganim stated they are concerned because our residents live there.

Mr. Ferraro stated that they do not fall like uprooted trees.

Mr. Sabosik stated that stealth poles have only been around for 10-12 years. Mr. Sabosik questioned if the total leased area from Talley's is 25 X 15.

Mr. Ferraro replied yes.

Mrs. Kasper asked if that includes the other carriers.

Mr. Ferraro stated they are not seeking approval for the additional space. It is just to demonstrate possible other equipment.

Mr. Ganim questioned the movement of the cars on the lot.

Mrs. Kasper stated the board needs an operational plan.

Mr. Ferraro marked A-6 an operational plan was marked into evidence.

Mr. Tardy explained that there was only one vehicle in the area proposed at the time of the map creation.

Mr. Sabosik asked where Talley's is going to unload a 60ft tractor-trailer in a safe manner.

Mr. Tardy stated they would have to relocate cars.

Mr. Sabosik stated there is no safe way.

Mr. Ferraro stated that the purpose of the map was to show a shot in time.

Mrs. Kasper stated that they couldn't get on and off that lot. They would have to go thru the other lot.

Mr. Ganim stated the site plan doesn't work.

Mr. Ferraro stated he would have to get that information from the owner.

Mr. Sabosik questioned if the owner was coming.

Mr. Ferraro stated he was not available.

Mr. Sabosik stated this is an opportunity to take care of an unsafe condition and you are taking space.

Mr. Ferraro replied we are taking three spaces.

Mr. Sabosik feels any use is going to intensify the use.

Mr. Forsyth stated that when you come for a site plan the whole site is subject for review.

Mrs. Kasper wants a completed site plan showing traffic flow in and out.

Mr. Forsyth would like to see a calculation for pre and post construction showing where the water is going.

Mrs. Kasper questioned if the lighting was acceptable.

Mr. Ferraro replied for the parking of cars.

Mrs. Kasper stated people look at cars on that lot.

Mr. Ganim stated it is used as a sales lot.

Mrs. Kasper stated your space is minimal but we have to look at the entire site.

Mr. Ganim stated the site plan needs to be accurate under the Bridge Avenue Street Scape.

Mr. Ferraro questioned what exactly the board was looking for.

Mr. Ganim stated streetscape.

Mrs. Kasper stated ingress and egress. The lots need to be consolidated.

Mr. Sabosik stated what if Talley's keep lot 12 and sell lot 13.

Mrs. Kasper stated we need a full-blown site plan.

Mr. Starkey asked Mr. Ferraro to come back with the additional information.

Mr. Starkey opened the meeting to the public for questions for Mr. Tardy.

Ms. Mary Griffin 1206 Patterson Road asked if Mr. Larson was asked to come to the meeting.

Mr. Ferraro responded he was not available.

Mr. Griffin asked if someone from Talley's would be coming.

Mr. Ferraro replied no.

Mr. Starkey stated the owner can choose not to testify but the board can take that into consideration.

Ms. Griffin asked if they could make the owner come.

Mr. Starkey replied Omnipoint does not have the authority to make the owner testify.

Mr. Robert Dunston 2112 Edgar Road questioned who would inspect the pole for corrosion and possible failure.

Mr. Tardy replied Omnipoint.

Mr. Holman questioned if a tech has a pick up truck how he could remove the panels from the outside.

Mr. Tardy replied for maintenance of the antennas themselves a crane would be required but that would not be every 4-6 weeks.

Mr. Ganim questioned who would maintain the flag.

Mr. Ferraro replied Omnipoint would.

Mr. Dunston questioned if a hole 6-8ft in diameter and 25 ft deep was required to install this tower. What about the drainage because this lot does flood in the back?

Mr. Tardy replied the base for this tower would be smaller. It would be 5-6ft in diameter and 20-in depth. It is a gravel area the only additional impervious coverage would be a 6ft concrete pad.

Mr. Dunston stated that doesn't take care of the flooding.

Mr. Sabosik questioned the PSI for the concrete.

Mr. Tardy replied 4000PSI is usually used sometimes 5000PSI.

Mr. Allan Bossard 2117 Edgar Road questioned the size of the flag?

Mr. Tardy replied 12 x 18.

Mr. Bossard stated he has a 3 x 5 flag in front of his house and it flaps in the wind. Would there be a sound issue with the flag?

Mr. Seebald stated the flag is not required.

Mr. Bossard questioned what would happen if Talley goes out of business.

Mr. Ferraro stated that Talley's would still own the property.

Mr. Ganim spoke with the tax assessor and based on approximaenty \$100,000 of income the taxes would be \$13,936 and after the re-val the taxes would be \$23,382.

Mr. Ferraro stated he is not going to discuss ratables. Mr. Ferraro stated the question was if the flag made noise.

Mr. Tardy replied he was not aware of any negative impacts from the flag.

Mr. Bossard also questioned if a study was done showing home values surrounding a tower.

Mr. Ferraro replied no real estate valuation was done.

Mr. Bossard wanted to know if Omnipoint would be willing to reimburse the homeowners from any loss in value.

Mr. Ferraro replied no.

Mr. Steven Illge 1138 Patterson Rd wanted to know the life safety of 10-12 stories building falling.

Mr. Seebald informed Mr. Illge that safety has been discussed all night.

Mr. Sabosik asked if there was ladder access up the side.

Mr. Tardy replied no.

Mr. Sutphen asked if there would be freelance belted employees.

Mr. Tardy replied no.

There was no further public input.

Mr. Ferraro called his next witness a site acquisition specialist Mr. Martin McGee.

Mr. McGee was sworn in.

Mr. Ferraro asked Mr. McGee to explain how he comes up with the tower sites.

Mr. McGee stated he first looks for existing structures within the search ring.

Mr. Ferraro asked what structures he found.

Mr. McGee stated 2233 Bridge Avenue existing lattice tower or the water tower at 2200 Riviera Parkway.

Mr. Ferraro asked if he sent correspondence to David Maffie for possible bid release.

Mr. McGee stated that is correct and then gave the information to Declan O'Scanlon.

Mr. Ferraro stated that the Borough was not interesting in leasing the property.

Mr. McGee stated yes, he got no response. He also called Borough hall twenty five times and got no response.

Mr. Ganim stated that Mr. Maffie acknowledges those letters and they were referred to council and Declan O'Scanlon. Mr. Ganim wants to know if Declan O'Scanlon works for Point Pleasant or T-Mobile because you are stating the town was not interested in the two sites yet both parties forwarded the information to Mr. O'Scanlon.

Mr. Ferraro stated he is not sure if Declan O'Scanlon works for the Borough.

Mr. Sabosik questioned if any plans or details were given to the town.

Mr. McGee stated a letter was given.

Mr. Ferraro stated that the town wouldn't talk to them and they were trying to use existing structures.

Mr. Starkey questioned what criteria were used to determine the site.

Mr. McGee stated it was large enough and in the search ring.

Mr. Sabosik feels they could have supplied the town with a diagram.

Mr. Ferraro stated they didn't want to talk to them.

Mr. Sutphen stated you have to sell it. You got a no response not a no.

Mr. Ganim asked if an existing site became available would they be willing to drop the site at Talley's.

Mr. Ferraro stated either site could be used.

Mr. Seebald opened the meeting to the public.

Ms. Mary Griffin 1206 Patterson Road asked whom Declan O'Scanlon works for.

Mr. Ferraro replied he is a private consultant.

Ms. Griffin asked if this is a conflict of interest.

Mr. Starkey stated this is not a fair question for the witness. He is not sure if Mr. O'Scanlon works for the Borough.

Mr. Ganim thinks he works for the Borough.

Ms. Irene Cecchino 2208 Edgar Road stated that you claim you look for commercial property yet the property at 2233 Bridge Avenue is also adjacent to a residential area. Why where you looking at that area?

Mr. Ferraro stated it is an existing site.

Ms. Cecchino stated it would still impact residents.

There was no further public input.

Mr. Ferraro called Dominick Villecco as an expert witness.

Mr. Starkey explained to Mr. Villecco that he was still under oath.

Mr. Ferraro asked Mr. Villecco to explain the modifications to the tower.

Mr. Villecco stated that previously he spoke about the 120ft pole at the proposed location which was going to fill in the gap. There were questions about the height and if additional sites will be needed in the future. There will be reduced coverage with a reduced height from an RF standpoint. It is less of a visual issue but it doesn't change the need for having the site. His goal was for 120ft structure. This is a reasonable compromise.

A-7 was marked into evidence. A map with an overlay showing the reduced coverage from the lower tower.

Mr. Villecco explained that A-2 shows the existing coverage in the Borough with a gap in the center. A-5 shows the coverage from the 120ft structure. A-7 is showing the coverage from the proposed 100ft pole. This does not change the demand for future sites. The ultimate goal is to have as much in-building coverage as possible.

Mr. Ferraro asked if Omnipoint goal is to have a four-sector site.

Mr. Villecco replied yes.

Mr. Ganim asked if this would require more power or frequency.

Mr. Villecco replied no.

Mr. Sutphen would like to know how there is such extreme coverage over the ocean and what antenna is giving the coverage to that area.

Mr. Villecco replied the Bay Head tower is not far from the Ocean and there are no obstructions.

Mrs. Kasper stated that she went to the T-Mobile website and searched what's my coverage. The site is promoting there is coverage in the area and this is different than what you are showing.

Mr. Villecco replied he doesn't have what Mrs. Kasper is looking at. Although, the website is one of the most accurate for all of the providers. There are different bars showing no service, poor service and weak in some buildings.

Mrs. Kasper stated it shows best, fair, good and none.

Mr. Villecco replied that the marketing group smoothes it and it does correspond to what we have here.

Mrs. Kasper stated it says fair for this area.

Mr. Ferraro stated that Mr. Villecco didn't prepare the website.

Mr. Villecco reiterated that he did not prepare the website. There have been drive tests to collect data and when a signal starts to drop below levels there is a problem.

Mr. Sabosik stated that the FCC doesn't demand perfect coverage.

Mr. Villecco replied that the FCC qualifies it not quantifies it. The take off of wireless is tremendous and landlines are reducing 5% per year.

Mr. Ganim stated that 911 services were the need to grant the variance.

Mr. Villecco replied no this is needed for the gap in service. A benefit is additional 911 services.

Mr. Sabosik stated that the FCC does not require a perfect level of coverage.

Mr. Villecco replied they do not have perfect coverage.

Mr. Ferraro asked if the two alternate sites, the water tower or lattice tower, would be suitable for a structure.

Mr. Villecco replied which ever one becomes available would work.

Mr. Ferraro questioned if the site at 2233 Bridge Ave would be more central in the gap area.

Mr. Villecco replied yes.

Mr. Sutphen questioned if it would matter if the tower was in the front or back of the building.

Mr. Villecco replied no, the plots would look the same.

Mr. Holman questioned the limitation of the equipment.

Mr. Villecco replied that they try to keep the equipment as close to the pole as possible. Creating line lengths would bring greater loss in service.

Mr. Seebald opened the meeting to the public.

Ms. Jennifer D'Ipialto 1134 Leonard Road questioned if the emissions would be closer to the ground.

Mr. Villecco replied it would increase a little.

Mr. Steve Illge questioned whether the antennas would be at 87 or 97ft.

Mr. Villecco replied they are proposing 100ft pole and there are mounting canisters.

Mr. Illge questioned if that is the lowest it could be for coverage.

Mr. Villecco replied yes, he would prefer 120ft.

Mr. Ganim questioned if the pole was being design for two other carries and would that be installed now.

Mr. Villecco replied no they have no way of knowing what the other carriers would want.

Mr. Ganim questioned if everything is concealed.

Mr. Villecco replied yes.

Mr. Sutphen stated that if everything is concealed it should create longevity.

Ms. Michelle Daniels 902 Patterson Road questioned if four antennas were being installed for T-Mobile.

Mr. Villecco replied yes.

Mr. Starkey stated that the board would stop hearing the testimony at this time.

Mr. Ferraro stated he would get the site plan and the engineer and planner still need to testify.

Mr. Sabosik questioned if the planner would have real estate knowledge.

Mr. Ferraro replied no.

Mr. Ganim questioned if Omnipoint needed to re-notice since there was a change in the application.

Mr. Starkey replied no since it was a reduction in the application.

Mr. Seebald made a motion to carry the meeting to April 15, 2009 at 7:00pm, seconded by Mr. Sabosik. All were in favor.

The applicant waved the time limitation. Mr. Starkey stated there will be no further notice.

Resolutions

09-04- Hoffman	Block 376 Lot 8	2213 Christine Court
09-06- Newman	Block 239 Lot 17	2209 Kilkare Parkway
09-10- Slater	Block 284 Lot 11	1858 Beach Blvd

A motion was made by Mr. Ganim to memorialize the resolutions, seconded by Mr. Sutphen.

Roll Call Vote

Mr. Sabosik – Yes Mr. Sutphen – Yes Mr. Ganim- Yes Mrs. Kasper- Yes
Mr. Seebald

09-09- Murray Block 331- Lot 38 2533 Honeysuckle Lane

A motion was made by Mr. Ganim to memorialize the resolution, seconded by Mr. Sutphen.

Roll Call Vote

Mr. Sabosik – Yes Mr. Sutphen – Yes Mr. Ganim- Yes Mr. Seebald- Yes

Vouchers

Remington, Vernick & Vena Engineers, Inc.

Omnipoint Communications, Inc-\$1072.50 Rollano & Reily-\$375 General-\$90

Motion to pay was made by Mr. Sabosik, seconded by Mr. Sutphen. All were in favor.

Asbury Park Press

\$127.24

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

Mr. Ganim made a motion to adjourn, seconded by Mr. Sutphen. All were in favor. The meeting adjourned at 10:00P.M.

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary