

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
APRIL 20, 2010 AT 8:00 P.M.**

Mr. Karch called the meeting to order by reading the following statement: “As Presiding Officer of the Colts Neck Zoning Board, I hereby declare that the notice requirements of the law has been satisfied by prominently posting a notice of this meeting on the Township Bulletin Board, and that there has been transmitted by regular mail a copy of said Notice to the Asbury Park Press, and that a copy is on file in the office of the Township Clerk.”

Roll Call

PRESENT: Karch, Burry, Bennett, Hesslein, Wagar, Yodakis, Farrell and Lewis

ABSENT: Sobieski

ALSO PRESENT: Timothy Anfuso, P.P., Dr. Bruce Eisenstein, Mike Steib, Esq., and Ruth Leininger

Approval of Minutes:

None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business

Application ZB835 – Verizon Wireless – Block 43, Lot 1 – 59 Five Point Road

Application for a Minor Site Plan and Use Variance to install wireless communication antennas on a new 130’ monopole and a 11.5’ x 30’ equipment shelter in the AG Zone.

Mr. Stanzion, Esq. representing the applicant told the Board this is a continuation hearing. One new exhibit was marked – supplemental RF Analysis.

Dominick Villecco, Electrical Engineer/Wireless RF Engineer – sworn. Mr. Villecco told the Board Verizon felt there was a gap in service in the southwest corner of Colts Neck and he was retained. The proposed site is next to the center of the gap and would serve well to solve the problem. When asked if the tower were placed on the adjoining property that does not require a use variance, would that serve just as well to solve the problem? Yes it would. The site is surrounded by five existing towers – two in Colts Neck, one in Marlboro, one in Howell and one in Freehold. When Board members asked why they can speak on their cell phones in this area Mr. Villecco said there is a signal but it is not reliable – they are trying to stay ahead of the demand curve. Having a FCC license requires a carrier to provide reliable coverage to all customers.

Mr. Villecco referred to a chart in his RF Analysis that showed calls attempted and dropped at 5 p.m and 9 p.m. (these are considered peak times) on a weekday in February. In February there is not much foliage on the trees thus the drop rate would be much higher in the summer. The chart shows there is a much higher drop rate in the Route 18/Route 537 area. By placing a tower at this location it would alleviate the majority of dropped calls in this area, this would still leave a gap in part of Freehold and part of Howell but Colts Neck would benefit significantly. Locating a tower at this site will eliminate approximately 60% of the problem. When asked if the tower were located on the adjoining property that does not require a use variance would approximately 60% of the problem be eliminated as well? Yes it would.

Open to the public. Claire Dowrie, 77 Five Points Road – sworn. Ms. Dowrie asked if the tower has a heat shield? No, one is not required. Ms. Dowrie did not think it was appropriate for the school board to sign a contract for profit. If it were approved she also requested it be checked yearly to keep it maintained.

Mr. Stanzione, Esq. told the Board they met with the Township and Freehold Regional School several times; this has been a very long process. The town is expanding and the service must expand to meet its needs. They are willing to accommodate the type of structure (tower, silo, tree, etc.) and buffer as best as can possibly be done. They are proposing to place the tower as far from the school and property lines as possible.

The Board did not think the applicant did its due diligence if they never formally approached the township in order to eliminate the need for a use variance. The Board also believed that the number of dropped calls in the exhibit did not rise to the level of unreliable service. The Board thought granting a use variance was not something to be taken lightly and did not think the negative criteria outweighed the positive.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Yodakis

AFFIRMATIVE: None

NEGATIVE: Karch, Bennett, Hesslein, Wagar, Yodakis and Lewis

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Hesslein at 10:05 p.m. to adjourn the meeting, seconded by Mr. Bennett and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on April 20, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 20, 2010.

Ruth Leininger, Assistant Secretary
Board of Adjustment of the
Township of Colts Neck