

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
AUGUST 19, 2003 AT 8:00 P.M.**

Vice-Chairman McGarry called the meeting to order by reading the following statement: “As Vice-Chairman and Presiding Officer of the Colts Neck Zoning Board, I hereby declare that the notice requirements of the law have been satisfied by prominently posting a notice of this meeting on the Township Bulletin Board, and that here 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: McGarry, Barnett, Behrens, Burry, Sobieski, Yodakis, Megerle and Wager

ABSENT: Bennett

ALSO PRESENT: Timothy Anfuso, P.P. and Ruth Leininger

APPLICATIONS: Old Business:

Application ZB569 – AT&T – Block 13, Lot 49 – Crine Road

Application for Minor Site Plan Approval as well as a Use Variance in the A-1 Zone. The applicant, AT&T Wireless, proposes to mount cellular antennas on an existing JCP&L power line tower. A Use Variance is required to permit a telecommunication facility in the A-1 Zone. Variances are required to permit an antenna height of 118’ where 35’ is the maximum height permitted, an antenna front setback of 14’ where 75’ is required and an equipment compound front setback of 48’ where 75’ is required.

Judy Babinski, Esq. represented the applicant. Mr. Dan Penesso, Radio Frequency Engineer – sworn. Mr. Penesso reminded the Board that the actual height of the existing tower is currently 125’ and the height of the antenna they wish to mount is 117’. New overlays were added to exhibit A6 which addressed the request from the Board to check the adequacy of colocating on alternate sites. The exhibit showed that these sites would not work, this was done by actual drive tests that were performed. Ms. Babinski reminded the Board that they are obligated to provide adequate coverage by the FCC to cover 95% of the area.

Open to the public. Bill Phelan, 5 Westminster asked where the existing towers were. Joseph Vill, Ann Street asked if the 95% that must be provided was per carrier? Yes. Geraldine Villa, 16 Ann Street asked if there were any health issues? They had a health expert witness who would answer. Eileen Cain, 55 Crine Road – would any vegetation be cut down? No, only for the road – the site plan will address.

Alice Fahy, Health Physicist, expert regarding radio wave health issues – sworn. Ms. Fahy told the Board that the FCC and State have safety guidelines and what AT&T is proposing is less than 1% of that limit, even with AT&T and Verizon operating at optimum capacity.

Open to the public. Joe Villa, 16 Ann Street asked if it is monitored regularly? No, the FCC does not require that. Jill Villa, 16 Ann Street asked if the people who live closest are most at risk. Ms. Fahy stated that the maximum would be at a height of 16' above ground and 300' out toward the horizon. Al Davis, 3 Wellington Court asked what happens long term? There are no cumulative damages as long as they stay below the threshold, which AT&T is at 1% of the allowable. Alan Ryan, Ann Street asked if the Board did a study? No, it is up to the applicant. Mr. Steib, Esq. clarified for the Board and public that the FCC and State regulate the emissions, a Town can not impose stricter standards. In regard to a Use Variance, it is the applicants responsibility to prove to a Board that a site is particularly suited for there need and that if relief is granted, no substantial zoning detriment would come to the public or zoning plan.

Daniel LaMothe, Civil Engineer – sworn. Mr. LaMothe went over the layout of the site which has an existing tower. Access will be from Crine Road with a 12' wide paved drive. The compound area (17' x 10') will have a chain link fence around it. There will be four equipment cabinets which are 5' in height and will be monitored by a remote facility. A physical inspection will be made each month. They are proposing holly bushes surrounding the compound which is currently heavily vegetated. The applicant agreed to a board on board fence as requested by the Planner.

Open to the public. Al Davis, 3 Wellington asked who does the maintenance of the property? AT&T. What are you proposing to screen my property (adjoining property owner)? They will work with Shade Tree Commission and do whatever they request. Joe Villa, 16 Ann Street asked what precautions are being taken to prevent kids from getting in? The site will be locked and alarmed. Eileen Cain, 55 Crine Road asked if good trees would be lost? The applicant will mark trees that need to be taken out for the driveway and work with the Shade Tree Commission. Alan Ryan, Ann Street asked if the site would be lighted? No.

Jim Dowling, Planner – sworn. Mr. Dowling had three exhibits that were marked – an aerial photo and two picture boards showing existing and proposed photos. Mr. Dowling explained to the Board that the applicant was asking for a deminimus change to an existing tower, simply adding an antenna which is lower than the actual height of the tower. The area is heavily treed and vegetated. The addition of the antenna would not add any noise, smoke dust or traffic.

Open to the public. Al Davis, 3 Wellington Court – sworn. Mr. Davis stated that the photos used were taken in the summer when vegetation is in bloom and in the winter would be very visible. He felt that other carriers would want to colocate and was very concerned. Joseph Villa, Ann Street – sworn. Mr. Villa felt that if this were to be approved it would be setting a bad precedent with all other carriers wanting to colocate. The tower would look like a Christmas tree with bad ornaments. Bill Phalan, 5 Westminster – sworn. Mr. Phelan felt that this was a business venture and should be kept in the business zone, the residents should not be asked to accommodate them.

The Board felt that is was much less intrusive to attach an antenna to an existing tower than to build one. The Board was appreciative that the applicant when asked to research alternate sites did so. After their review of this, it did appear that this site seemed to be the best site. The antenna being placed below the tower made it much less intrusive, the Board had more concerns with the compound and driveway location. The Board felt that the applicant should comply with FCC and State regulations, coordinate the landscaping to the Engineer and Planners satisfaction, have a board on board fence with a gated drive, create a tree save plan and screen the neighboring property with 6' conifer trees.

Motion to Approve the Application:

OFFER: Behrens

SECOND: Burry

AFFIRMATIVE: McGarry, Barnett, Behrens, Burry, Yodakis, Sobieski and Megerle

NEGATIVE: None

APPLICATIONS: New Business

Application ZB609 – Verizon – Block 13, Lot 49 – Crine Road

Application for Minor Site Plan Approval as well as a Use Variance in the A-1 Zone. The applicant, Verizon Wireless, proposes to mount cellular antennas on an existing JCP&L power line tower. A Use Variance is required to permit a telecommunication facility in the A-1 Zone. Variances are required to permit an antenna height of 130' where 35' is the maximum height permitted, an antenna front setback of 23' where 75' is required and an equipment compound front setback of 15' where 75' is required.

Due to the hour, this application was not heard and a Special Meeting was scheduled for September 25, 2003. Mr. Stanzone, Esq. agreed to an extension of time for Verizon. This application was carried to the September 25, 2003 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

If necessary

MOTION TO ADJOURN

A motion was made by Mr. Wagar to adjourn the meeting at 10:40 p.m., seconded by Mr. Sobieski and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on August 19, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 18, 2003.

Bernie Behrens, Secretary
Board of Adjustment of the
Township of Colts Neck