

CAUCUS SESSION: 7:15 P.M. Municipal Building First Floor Conference Room
Deal and Monmouth Roads
Oakhurst

REGULAR MEETING: 7:30 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Tracy Berkowitz, Alt. I
Mario Delano, Alt. III
Jane Grabelle
Warren Goode, Chair
Russell Malta
David Messer
Leon Pflaster, Alt. II
Henry Schepiga, Vice Chair
Richard Van Wagner

MEMBERS
ABSENT:

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
Marianne Wilensky, Planning Administrator
William Fitzgerald, Board Engineer
James Higgins, Board Planner
Margo Simpson, Board Secretary
Recording Secretary

Chairman Warren Goode announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice was sent to the Asbury Park Press, the Coaster, and the Atlanticville, posted in the Township Hall, and filed in the Office of the Township Clerk on July 9, 2011.

REORGANIZATION

Henry Schepiga nominated **Warren Goode as Chairman** from July 1, 2011, through June 30, 2012. Nomination was seconded by Jane Grabelle. There were no other nominations.

In Favor: Berkowitz, Delano, Grabelle, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Absent: None

Warren Goode nominated **Henry Schepiga as Vice Chairman** from July 1, 2011, through June 30, 2012. Nomination was seconded by Jane Grabelle. There were no other nominations.

In Favor: Berkowitz, Delano, Grabelle, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Absent: None

Warren Goode moved to recommend adoption of the following **meeting dates** for the period **running from July 1, 2011, through June 30, 2012:**

July 14, 2011	January 12, 2012
August 25, 2011	February 9, 2012
September 8, 2011	March 22, 2012
October 6, 2011	April 26, 2012
November 3, 2011	May 10, 2012
December 8, 2011	June 14, 2012

Motion was seconded by Henry Schepiga.

In Favor: Berkowitz, Delano, Grabelle, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Absent: None

A motion to appoint **Mark A. Steinberg, Esquire, as Board of Adjustment Attorney** for the period running July 1, 2011, through June 30, 2012, was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Berkowitz, Delano, Grabelle, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Abstained: Goode
Absent: None

A motion to appoint **James Higgins as Board of Adjustment Planner** for the period running July 1, 2011, through June 30, 2012, was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Berkowitz, Delano, Grabelle, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Abstained: Goode
Absent: None

A motion to appoint **William Fitzgerald as Board of Adjustment Engineer** for the period running July 1, 2011, through June 30, 2012, was made by Warren Goode and seconded by Henry Schepiga.

In Favor: Berkowitz, Delano, Grabelle, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Absent: None

A motion to appoint **Margo Simpson as Board of Adjustment Secretary** for the period running July 1, 2011, through June 30, 2012, was made by Warren Goode seconded by Henry Schepiga.

In Favor: Berkowitz, Delano, Grabelle, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Absent: None

Board Attorney Mark A. Steinberg, Esquire, swore in re-appointed Board of Adjustment Members Warren Goode, David Messer, and Leon Pflaster. Mr. Steinberg also had Board professionals Marianne Wilensky, P.P., James Higgins, P.P., and William Fitzgerald, P.E. read an Oath of Allegiance and sworn them in as Board Professionals for the upcoming year.

RESOLUTION OF RECOGNITION Chairman Warren Goode read a resolution thanking former Board Member Brian Lefferson for his years of service to the Board of Adjustment.

APPROVAL OF MINUTES: A motion to approve the **minutes from the meeting of June 28, 2011**, was made by Warren Goode and seconded by Henry Schepiga.

In Favor: Berkowitz, Delano, Malta, Messer, Schepiga, Goode
Opposed: None
Ineligible: Grabelle, Pflaster, Van Wagner
Absent: None

RESOLUTION MEMORIALIZATION

RSC Realities

Block 3, Lots 5, 6
2127 Highway 35
Oakhurst
Preliminary and Final Site Plan
Approval
'd' and 'c' Variances Approval

MOVED: SECOND:
FAVOR: Berkowitz, Delano, Goode, Malta, Messer,
Schepiga,
OPPOSED: None
INELIGIBLE: Grabelle, Pflaster, Van Wagner
ABSENT: None

CARRIED to August 25, 2011

Sion Palacci

Block 55, Lot 2
140 Roseld Avenue
Deal Park

APPLICATION WITHDRAWN

Stefan Betesh

Block 25, Lot 144
426 Brookside Avenue
Oakhurst

CONTINUED CASES

Ilan High School Building Association

Block 207, Lots 1, 8
1200 Roseld Avenue
Wanamassa
Zone R-4

This is an application for conditional use variances and site plan approval with 'c' variances.

Attorney for the applicant: Michael J. Wenning, Esquire

Board Members Jane Grabelle, David Messer, Leon Pflaster, and Warren Goode disqualified themselves from this application. Board Attorney Mark Steinberg, Esquire, was also disqualified. Sanford Brown, Esquire, sat in as Acting Board Attorney for this application.

The Board's information packet was marked into **evidence B-2**. Board Planner James Higgins summarized his report into the record. He explained that the applicant has revised the plans to add extensive landscaping to shield the property from the residential areas. They have reconfigured the parking area to accommodate the busses. He felt that the landscaping planting should be subject to his approval. The applicant's attorney, Michael Wenning, agreed.

Board Engineer William Fitzgerald said that he visited the subject site in the evening to review the lighting. There are easements already in place for the property, so none need to be filed. The lighting is not totally in conformance with the ordinance, but it will service the site and the proposed use. The Board needs to know when the lights will be turned off at night.

Mr. Fitzgerald said that the evergreens should be planted at a height of 14' to 16' to screen the site. There will be security lighting when the lights are turned off that needs to be on a timer.

After discussion about attaching the resolution of approval to the deed, the applicant's attorney agreed that they will.

Mr. Wenning presented Richard DiFolco, Engineer for the applicant. Mr. DiFolco had the plans revised through June 13, 2011, marked as **evidence A-4**. The plans incorporated the recommendations of the Board Engineer. The applicant can meet all the requests. The security lighting will be changed. The gate to the recycling enclosure will meet Township standards. The lighting in the parking lot will be turned off at a specific hour and the security lighting will be pointed downward to the pavement and ground.

Mr. Fitzgerald said that his site visit was to get a sense of the lighting. There is no glare but at night when the building is not used, it is very visible. The lighting needs to be turned off at night.

Mr. Wenning explained that there could be student-teacher nights or a Board meeting at night. The lights could be turned off by 10:30 P.M. There will be no events in the building that are not related to the school or the Synagogue.

Board Member Mario Delano asked if there are any requirements regarding idling of the busses. Sanford Brown, Attorney for the Board, said that there are State standards that regulate idling.

From the audience: John Waldron, 1207 Herbert Avenue, asked who will be responsible to replace the trees if they die.

Vice Chairman Henry Schepiga noted that it is part of the approval that the landscaping will be maintained. Mr. Higgins said that if they change any of the approved plantings they will be in violation. Planning Administrator Marianne Wilensky explained that landscaping is an enforceable item. The applicant has to enter into a Developer's Agreement with the municipality to guarantee the maintenance of the site.

Mr. Higgins pointed out that it would be prudent to discuss the hours of operation of the school and the Synagogue prior to determining when the lights should be turned off. Mr. Fitzgerald agreed because he felt that the lighting could be turned off earlier if there is no activity at night.

Board Member Russell Malta felt that there also should be a limit on the number of events that can be held annually. The applicant agreed to ten events per year and said that there will be no idling of the busses.

Mr. Brown felt there needed to be clarification on driving and bussing. Mr. Higgins noted that 80% of the students will be bussed to the site and a certain percentage will have cars. He felt the number of cars should be limited.

Vice Chairman Schepiga thought that there was the possibility of many drivers to the site. There is a staff of 40 with rotating scheduled who which are not all there at the same time, and students who could drive.

Mr. Brown said that the busses and the staff must park on the property and never on the street. He also questioned whether the approval should be limited to a girl's school.

Mr. Fitzgerald noted that the busses should never use Roseld Avenue as an access. They should take Logan Road to Allaire Avenue to the Highway.

Mr. Wenning said that the applicant will stipulate that it will only be a girl's parochial school and that there will be no over-night parking by the Synagogue congregation.

Mr. Wenning said that the Synagogue has Friday night services that end one hour after sunset. On Saturday there is a service from 8:00 A.M. to 11:00 A.M. and evening services that start one hour before sunset.

Mr. Fitzgerald said that there are a number of improvements that must be accomplished prior to the building functioning as a High School. Bonding and a Developer's Agreement need to be in place. Most of the site improvements are maintenance items because it is an on-going site. Curb adjustments can be made, lights can be fixed, the dumpster area can be repaired and the site lighting can be taken care of.

Ms. Wilensky noted that the resolution of approval will not be adopted until August 25th. As one of the conditions will be that the Board Engineer and the applicant can agree on a list of maintenance items and what needs to be done before school starts on September 8th. Maintenance items can be started right away.

Mr. Wenning had a copy of the sewer easement to the Township of Ocean, dated 1973, placed into **evidence A-5**. He noted that it is shown on the plans and has been filed with the County Clerk.

From the audience: John Waldron, 1207 Herbert Avenue, asked if there will be a summer school and if the attendance would be the same. He also asked if the traffic impact has been considered by the Board.

Mr. Wenning presented John Rea, Traffic Expert for the application. Mr. Rea said that the traffic has been considered. It is correct that summer volumes spike up. The peak hours are consistent with the hours of arrival of the staff and students. In this case they vary very little. The peak hours are different in the summer because there is no school bus traffic. Logan Road and Roseld Avenue were reviewed and will operate at a level of service 'C' or better, occasionally changing to 'B'. The intersection has the capacity to handle the volume.

From the audience: David Miller, 1203 Herbert Avenue, noted that the traffic has increased every year since he moved there in 1972. There is a large amount of traffic at 8:30 A.M. He felt it might be ten-times worse with the additional traffic.

Mr. Rea explained that he did traffic counts at the existing school in Elberon and doubled the numbers. He felt that the intersection can handle the numbers. Mr. Schepiga felt that two busses and fifteen cars would not impact the neighborhood. Mr. Higgins felt that the traffic increase will be imperceptible.

Mr. Brown noted that the applicant had previously testified that lunches will be delivered daily. He asked if the kitchen in the building will be utilized. Mr. Wenning said that they might heat up pizza or hold some cooking classes. The Board had no problem with them utilizing the kitchen.

A motion to close the public hearing was made by Russell Malta and seconded by Mario Delano.

In Favor: Berkowitz, Delano, Malta, Schepiga, Van Wagner
Opposed: None

A motion of approval of the conditional use variance was made by Russell Malta and seconded by Mario Delano.

In Favor: Berkowitz, Delano, Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Ineligible: (Disqualified) Grabelle, Messer, Pflaster, Goode
Absent: None

A motion of approval of the bulk variances was made by Russell Malta and seconded by Richard Van Wagner.

In Favor: Berkowitz, Delano, Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Ineligible: (Disqualified) Grabelle, Messer, Pflaster, Goode
Absent: None

A motion of approval of the site plan was made by Richard Van Wagner and seconded by Russell Malta.

In Favor: Berkowitz, Delano, Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga, Van Wagner, Goode
Opposed: None
Ineligible: (Disqualified) Grabelle, Messer, Pflaster, Goode
Absent: None

The memorialization will take place on August 25, 2011.

T-Mobile Northeast, LLC
Block 1, Lots 30, 31, 32
1215-1229 West Park Avenue
Wayside
Zone R-1/PAC

This is an application for 'c' and 'd' variances with minor site plan approval to erect a monopole and for a sign variance.

Attorney for the applicant: Frank Ferraro, Esquire

Board Member Mario Delano disqualified himself from this application. Board Members Tracey Berkowitz and Richard Van Wagner have read the transcript from the meeting of May 12, 2011, in order to be eligible to vote on this application. Board Members Russell Malta, David Messer, and Leon Pflaster will read the transcript of the meeting of June 2, 2011.

Chairman Warren Goode read a prepared statement to explain the process of the Board hearing to the audience. The Board's information packet, containing the report of the Board Engineer was marked into **evidence B-2**.

Board Engineer William Fitzgerald read his report dated June 14, 2011, into the record. He suggested that the applicant investigate other locations.

Frank Ferraro, Esquire, representing the applicant, objected to comments in Mr. Fitzgerald's report regarding radio frequency items because Mr. Fitzgerald is not a radio frequency expert.

Mr. Fitzgerald agreed that he is not a radio frequency expert, but he is aware of certain things and can make suggestions.

From the audience, Thomas Hirsch, Esquire, representing Rolling Meadows, noted that Mr. Fitzgerald's report suggested that the Board hire a radio frequency expert. Mr. Hirsch asked the Board to consider Mr. Fitzgerald's recommendation.

After a brief discussion, the Board asked Planning Administrator Marianne Wilensky to investigate hiring a radio frequency engineer for the Board. Ms. Wilensky said that the Municipal Land Use Law requires that the applicant post an escrow to pay for these types of experts.

Mr. Ferraro explained that at the last meeting, a report dated March 28, 2011, was marked as **A-2/ID only** because it had not been on file in the Planning Office for ten days. He requested that it now be moved into **evidence A-2**.

Mr. Ferraro presented Joseph Mineo, Radio Frequency Expert for the applicant. Mr. Mineo said that he is not an engineer, but he has a CIS degree. The Board accepted him as a Radio Frequency Expert. Mr. Mineo said that he was charged with analyzing the T-Mobile application. He referred to a report dated June 27, 2011, which was marked as **A-3 – ID Only**.

Mr. Mineo said he analyzed the cell sites in the area and did a scan of the area frequencies. He explained the following, which were marked into evidence for ID only:

A-4 – ID only A base map with topographic information showing the subject site. It is a base USGS map showing elevation changes and roads. The map indicated the locations of towers in the area at:
Route 36, Eatontown;
Industrial Way, Eatontown;
2108 Kings Highway, Oakhurst;
Valley Road, Wanamassa;
At mile marker 104 on the Garden State Parkway in Tinton Falls;
750 Hope Road, Tinton Falls; and
1138 Pinebrook, Road, Tinton Falls, which is an in-building system.

- A-5 – ID only** Propagation map showing the T-Mobile coverage at
1. Reliable in-building service;
 2. Reliable in-vehicle service; or
 3. No service.

This map showed that there are deficiencies in the area with spotty and unreliable service. There is also a gap in coverage to the north and south. The tower can talk to the cell phones, but the cell phones cannot talk back.

- A-6 – ID only** Propagation map showing the coverage to be gained and the existing network.

- A-7 – ID only** A scan test. A mini-van with antennas on the roof was utilized to scan all frequencies.

- A-8 – ID only** Continuous Wave (CW) test at 80 feet. This test is to see if the transmitters are collecting the signal. It did not work in this case because it loses in-building coverage.

- A-9 – ID only** Continuous Wave test at 100 feet. This test was done on June 10, 2011, to show what the proposed site will cover. There is a test tower and a technician riding around to collect the signal from the proposed site. There is a portable site lattice that is cranked up to a specific height. A continuous wave means that the transmitters are collecting the signal.

Chairman Warren Goode noted that the CW test was only measuring the waves in one direction. It was not measuring the cell to go back to the tower. Mr. Fitzgerald asked how the test can tell if the tower will accept the signal from the phones.

Mr. Mineo said that there is a test vehicle that correlates the signal, but it does not transmit back to the tower. A cell phone talking back to the tower does not have anything to do with the test and the coverage at 100'. The test revealed that the coverage will provide in-building service and in-vehicle service on West Park Avenue, Hope Road, and Route 18. The test vehicle has an antenna on the roof to collect data from the tower on the proposed site.

A-8 – ID only - A test was done at an antenna height 20' lower than the subject property. It did not work because it lost in-building coverage. The minimum height of a tower is 100'.

A-7 – ID – A test was done with a mini-van with antennas on the roof to scan all frequencies. A gap in the area was confirmed with the tests.

Mr. Mineo continued to explain that T-Mobile looks for existing towers to support their towers. Every road within one mile of the subject site was driven. Two wireless structures were identified and three other light duty lattices had radio towers.

Mr. Mineo placed a street map showing existing structures within a one-mile radius of the four lattice towers and two additional sites into evidence **A-10 – ID only**. He explained the locations of the following towers:

- The USP property on Hope Road in Tinton Falls
- Along the Garden State Parkway in Tinton Falls at the 104 toll
- Radio 106.4 broadcast tower in Tinton Falls on Hope Road
- 608 Industrial Way West in Eatontown
- An abandoned site on Poplar Road
- Oakhurst Fire Department on Larkin Place in Oakhurst

Vice Chairman Henry Schepiga asked if existing towers could be made higher to accommodate the needs. Mr. Fitzgerald noted that there are four towers surrounding the property that might be able to fill in the gap.

Mr. Mineo thought that perhaps that adding to existing towers might be over-projecting and interfere with their own signals.

Mr. Mineo said that the average cell tower's height is 100' to 150'. He referred to **A-5 – ID only** which showed the existing T-Mobile coverage with an overlay. It showed that it does not work.

Chairman Warren Goode carried this application to the meeting of August 25, 2011.

Meeting adjourned 10:30 P.M.

Margo Simpson
Board Secretary
Recording Secretary