

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES – SPECIAL MEETING
JANUARY 23, 2006**

Meeting was called to order at 7:45 P.M.

Meeting properly advertised according to the Sunshine Law.

Roll call: Attending: Mr. Gelley, Mrs. Goralski, Mr. Naftali, Mr. Zaks,
Mr. Lieberman, Mr. Halberstam, Mr. Sernotti
Absent: Mr. Gonzalez, Mr. LeCompte

Also present: John Jackson, Attorney
Jim Priolo, Engineer/Planner
Fran Siegel, Secretary

Salute to the Flag.

Appeal # 3587 – OmniPoint Communication, Block 2 Lot 5.01, OS zone. Use variance to construct a 152 foot telecommunications monopole.

Secretary read reports.

From: Jim Priolo, Engineer/Planner –Revised – October 12, 2005

1. The Applicant is proposing to construct a new 150 ft. high telecommunication monopole on Lot 5.01, Block 22 which is located on the corner of County Line Road West and Country Club Road. Additional improvements include the construction of three (3) unmanned equipment cabinets, a power/telco cabinet and a 10' x 20' concrete slab. The entire 50' x 50' compound will be enclosed by a six-foot (6') high chain link fence.
2. In accordance with Section 903.Q., bulk variances are required as follows:

	Required	Provided
Minimum Lot Area	3 acres	2.4 acres

The zoning schedule should be revised to the requirements of the OS Zone as opposed to the A-1 Zone.

3. In accordance with Ordinance No. 2000-31, Section 3, wireless communication facilities on private property are not permitted in the OS (Open Space) Zone. Therefore, use variance and site plan approval is required for this non-conforming use.
4. The Applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use.
5. In accordance with Ordinance No. 2000-31, Section 3, the maximum height for a single user is 90 feet, whereas the Applicant is proposing a height of 150 feet.
6. In accordance with Ordinance No. 2000-31, Section 3, the required tower setback is 100% of the height of the tower from any adjoining lot line. Bulk variances will be required for the setback distances of the proposed antenna panels as follows:

	Required	Proposed
Minimum Side Yard Setback (east)	150 feet	22.91 feet
Minimum Side Yard Setback (south)	150 feet	77.12 feet

7. Access to the equipment compound should be shown. The access driveway from County Club Road appears to be located on adjacent Lot 6.
8. The monopole is located 28± ft. to the side yard. The Applicant should discuss if this distance provides for sufficient fall zone area in the instance of monopole failure.
9. The plans do not indicate a stable surface to the entrance of the compound. The Applicant should provide details for any driveway extension to service the compound.
10. The Applicant should discuss the necessary utility service requirements for the equipment and the proposed locations of connections to existing utilities. Trench details for utility installations should also be provided.
11. The Applicant should provide scales for the propagation studies included in letter report to verify extent of coverage limits.
12. The study lists this site as an “infill” site. The Applicant should provide percentage or frequency of dropped calls/no connection within the proposed coverage area.
13. The Applicant should discuss the typical coverage radius for 1900 MHz GSM service.
14. The Applicant should provide the separation distance from the proposed site to existing site NJ08087B.
15. The Applicant should provide the height and propagation study for future site NJ08176 to review the intended design for the complete network along County Line Road and Route 9. The heights for existing sites NJ08066A and NJ08087B should also be provided.
16. Approval by the Board should be subject to approvals from all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

Although it is getting harder to find sites for these structures I think that this antenna could be located further back and still be positioned to be at least 150 feet back from any property line.

Warren Stilwell, represented applicant. This matter was begun on December 5th. There was no testimony presented as the board wanted to retain their own expert. There were objectors and they wanted to obtain their own counsel. This is for a 152 foot monopole in a 50 x 50 foot fencing compound. Township adopted a new ordinance that changed the zone and the lot area requirements which made lot 5.01 undersized. If lot 5.01 is consolidated with lot 6, which is the Lakewood Country Club, the lot would not be undersized since the Country Club is approximately 93 acres. This requires a use variance. There is no place in Lakewood that permits wireless telecommunication towers except for the M-1 zone.

There is a new ordinance pending.

Mr. Stilwell – does not have a copy of the text of the proposed change. In terms of needing a use variance that won't change. Need height variance. The area variance would be determined if the lots have to be merged.

Mr. Jackson – it is important for the applicant to determine if they are common ownership.

Mr. Stilwell – will find out that answer.

Ed Liston – attorney representing objectors Congregation Khol Aryeh, Charles Pinter, Shea Prager, Moses Schwartz, Adina Weiss, Leah Ingber, Dr. Nelly Huppert, and Choppy Fish.

Bruce Eisenstein, sworn. Professor at Drexel Engineering. Witness on radio frequency and telecommunication. Here as the Boards expert.

Daniel J. Collins, sworn. Electrical Engineer. Expert in the RF exposure and compliance with FCC standards.

Board accepted credentials.

Mr. Collins – Will comply with all Federal Communications Commission standards. They adopted standards for exposure and they have to comply with those standards. These antennas comply with requirements. They will be lower than the FCC standards.

Mr. Liston asked Mr. Collins some questions.

Mr. Collins – The Food and Drug Administration web site has information available that there are no harmful effects. The subject site is 100 times below the standards of the FCC. There is very little energy that comes out of a cell site. These facilities have no significant effect on the human health environment. The matter will never be closed scientifically because you cannot prove the negative.

Mr. Eisenstein asked Mr. Collins questions. He follows all the studies. Continually reusing frequencies. There has been no study of the radiation from a tower because it is so low. The only effects are thermal effects.

David M. Robinson, Radio Frequency Engineer, sworn. Employee of OmniPoint Communications.

Board accepted credentials.

Mr. Robinson – Omnipoint is licensed by the FCC to provide wireless communication services throughout the United States.

A-1 report

A-2 propagation map with overlays.

Mr. Robinson – described the base map and the overlays. They show where the proposed site is and the existing sites, coverage from existing sites and the type of coverage from the proposed site.

A-3 Overlay prepared by Mr. Robinson and his associate.

Mr. Robinson – this predicts what a site will cover. They set up cars that have test phones in them that are hooked up to computers and drive the areas affected and collect data. Drive test was done in November.

Mr. Liston objected to referring to the drive test that was not done by Mr. Robinson.

Mr. Robinson – described sites in the area of Jackson, Howell, Lakewood and heights of the towers.

A-4 overlay adding what the coverage would be from the proposed site if added to the network.

Mr. Robinson – the gap is shown along County Line Road extending one-mile. On vacant land a crane goes up to the proposed height 150 feet with an antenna and a transmitter hooked to it. A phone is hooked into the car into the computer and a drive test was done. There are no other structures in the area over one-story high that could be used for coverage. A customer has to be able to drive from one site to the other without losing the call.

A-5 – Search Ring – 200 foot radius

A-6 reflects actual data of a drive test done by an OmniPoint drive team.

A-7 represents the coverage would be achieved at that site by using the crane and the transmitter.

Mr. Robinson - This will fill the gap on County Line Road.

Dr. Eisenstein requested that he be provided with these plots according to his specifications. Did not get them until this past Thursday and did not have time to review. The overlays have no street names. Asked that the exhibits be re-done according to his specifications.

Mr. Stilwell – will provide him with a base map with the streets on it to the scale of the overlay. They will supply all information requested by Dr. Eisenstein.

Recess.

Mr. Naftali – FCC report from January 1998, is there an update?

Mr. Stilwell – adopted the standards in 1997 and they have not been updated.

Mr. Liston – will have a planner, radio frequency expert and a real estate expert at the next meeting.

Ron Igneri, Innovative Engineering, sworn. Stated his credentials.

Board accepting credentials.

Mr. Igneri – described proposed site and existing conditions.

A-8 – zoning drawing Z01 dated 5/9/05

A-9 – zoning drawing Z02 dated 5/9/05

Mr. Igneri - South side of West County Line Road opposite Jackson Township boundary line. Subject lot has two fronts. Site is a wooded 300 x 350 foot lot. Access to the site is off of Country Club Road. Proposing a 50 x 50 foot compound. The area would be screened from the road because of the existing woods. A chain link fence would encompass a gravel surface area. Access to the site would be a 12 foot wide gate. Inside the gravel area they are proposing a 10 x 20 foot pad which would be mounted 3 radio cabinets. No sewer, water or gas required only electric and telephone. Proposing a 150 foot monopole. At the top there will be 6 antennas in 3 directions, 72 inches tall 12 inches wide and 4 inches deep. The cabinets hold the equipment and are secured. There is 24 hour monitoring of the site.

Mr. Zaks asked about the side yard setbacks.

Mr. Igneri – our drawings reflect the requirements for the A-1 zone. The bulk requirements changed during the application and the plans need to be revised.

Mr. Priolo – the ordinance is now back before the committee.

Mr. Igneri – the set backs shown on site plan on A-8. The setback to the antennas on the eastern side yard is 22.9 feet. The southern side yard is 65.2 feet to the equipment. If lot 5.06 is consolidated with lot 6 there would be no setback variances needed.

A-10 Z01B – revision 2 – 10/21/05 – subject lot 5.01 and 6 with the 200 foot radius.

A special meeting was scheduled for March 20, 2006 to continue this application.

Motion to continue on March 20, 2006 – Mr. Halberstam
Second – Mr. Gelley

ROLL CALL VOTE: Affirmative: Mr. Gelley, Ms. Goralski, Mr. Naftali, Mr. Zaks,
Mr. Lieberman, Mr. Halberstam, Mr. Sernotti

Applicant agreed to waive time until April 3, 2006.

No further notice.

Motion to adjourn
All in favor.

Meeting adjourned at 11:00 P.M.

Respectfully submitted,

Fran Siegel