

Zoning Board Minutes
Regular Meeting- Virtual
May 26, 2020

Announcement by the Chairperson that “the meeting is being held by electronic means in accordance with the “Open Public Meetings Act,” Chapter 231, Public Law 1975, amended 2020, which explicitly permits a public body to conduct meetings electronically during a state of emergency. Adequate notice of the meeting has been provided to the Coaster and Asbury Park Press. All notices are on file with the Board Secretary. In addition, a notice regarding this virtual meeting and instructions were published in the Asbury Park Press and the City of Asbury Park website. A copy of that notice is on file with the Board Secretary. The notices and the conduct of this meeting are in accordance with the guidelines for virtual meetings issued by the New Jersey Department of Community Affairs.”

Board Members in Attendance: Chris Avallone, Russell Lewis, Jill Potter, Tim Szlyk, Brittany Ashman, Catherine Minervini, Bonnie Nach, Daniel Harris & Christopher Gonzales

Board Members Absent:

Board Members Recused: Christopher Avallone

Board Staff: Jack Serpico (Board Attorney); Donna Miller (Board Planner), Jason Fichter (Board Engineer), Doug Clelland (Board Engineer) & Irina Gasparyan (Board Secretary)

A. Roll Call

B. Minutes:

Approval of Minutes of May 12, 2020 regular virtual meeting

Motion to approve: Lewis Second: Avallone All in favor

C. Applications:

1. 1302 Mattison, LLC (CARRIED FROM May 26, 2020 without notice)

1302 Mattison Avenue, Block 1101 lot 23, R1A Zone

Use variance for three family structure, revised to exclude site plan for parking lot.

Motion to carry application to June 9, 2020 without further notice: Lewis Second: Ashman

All members vote in favor

APPLICATION CARRIED to June 9, 2020

2. New Cingular Wireless PCS, LLC (“AT&T”)

321 Sunset Avenue, Block 3606 Lot 10, R3 Zone

Use & height variance, waivers and site plan for installation of 20 telecommunications antennae & related equipment behind a proposed concealment frame and a generator on the rooftop of an existing multi-family building.

Board professionals sworn in

Judith Fairweather, attorney for applicant.

Fairweather: Introduce case, call 1st witness

Daniel Penesso, Radio Frequency Engineer for applicant, sworn in

Penesso: Introduced report, talked about plan.

Exhibit A-1: RF Comprehensive Plan

Exhibit A-5: Photosimulations

Potter: of 20 antennae, how many for 1st net?

Penesso: 700 mhz will be on 2 antennas per sector. Have 5 sectors b/c will cover large area.

Potter: other locations will remain intact? Temp one from water treatment plant?

Penesso: yes, all in concert working together. Yes.

Potter: generator only for disasters? Have contingency plan in major disaster like hurricane? Is there any priority?

Penesso: yes in power outage. If any cell site goes down, then main will go out/ Every cell site will have 1st net.

Fairweather: we will ask civil engineer.

Harris: how long take to construct towers? Will this be last time coming to Asbury to expand?

Penesso: leave that Q to civil engineer. Can't say last time but don't have any plans for another site at this time.

Miller: both said long search, looked for best site, can you tell us why 400 deal lake wasn't suitable for site?

Penesso: location needed to fill gap proposed. Any other site was explored, also need to have a willing landlord.

Miller: so you approached Ocean club, Asbury lanes, etc. Were there other sites that were well-suited?

Fairweather: one of pref. sites was large new building. Our bottom line is nowhere else to go b/c we physically can't.

Miller: seems to be a lot of green on map on west side. What is plan to serve gaps in west side?

Penesso: at this time we don't have search for that area, but it is an area that we will look into in future.

Miller: not pleased with way ordinance written at this time. Want to know where other appropriate sites

Penesso: as look at coverage, we can find out if there are any plans & let you know what will be plan in future. In-building coverage.

Open to Public Qs

Rita Marano, 8th ave: how tall is antennas on roof?

Penesso: Civil engineer will answer

Chris Avallone: do you have another prop location other than esplanade? In 3 yrs. No other site found?

Penesso: no other location is avail to us. We have to have a valid site.

Fairweather: lets bring up Mr. Basso he can answer specific questions about that.

Chris Basso, project mgr. for at&t, sworn in

Basso: 206/210 Ocean- no interest. 210 5th- no interest. 321 Sunset 6th prop. 615 – no response, 510 deal lake- no interest. 200 deal lake- rf indicated too close. 1701 ocean- rf too close. 1501 ocean- no response. 101 asbury- no interest. 400 deal lake- no call backs. 610 sewall- rf too close. Those are all ones we reached out to.

Avallone: how many times reach out?

Basso: oh no numerous times, in person knock on doors.

Avallone: why all choices on east side?

Basso: directive to look there, simply put. They give me basic areas, sometimes can expand search, but only if desperate.

Avallone: Mr. Penesso- why no other areas chosen to cover?

Penesso: area in green area, but this search area.

Fairweather: coverage shows existing area has poor area.

Penesso: and all new construction in area, site is needed. To provide coverage to new residences & buildings. Need to provide coverage not only east but west.

Avallone: if bldg. was taller, would it provide better coverage overall?

Fairweather: going to object asking hypothetical Q

Penesso: has to be bal path. Can't be too short or too high.

Minervini: have q for Basso- did you get any rejection letters from other landlords?

Basso: If I could get written rejection, I would, they don't want to. The list I read is something I provided the client also.

Minervini: is there lease agreement for 321 Sunset?

Basso: yes, lease & letter of authorization.

Minervini: Penesso- were there any buildings or locations in loch arbor or investigated as well?

Penesso: other sites would interfere.

Ashman: did u consider going on sunset to west side?

Penesso: no this is delegated area. If we go west wouldn't be able to cover east. Have to stay near kingsley to alleviate the existing taller sites that were built before the construction.

Serpico: this application is for this particular site 321 Sunset.

Miller: sounds like att. If can give testimony to close all gaps

Serpico: be careful

Fairweather: Dan is att constantly searching towns for coverage?

Penesso: yes

Fairweather: are there search rings constantly being conducted; you've agreed to go back to att & ask them about other areas. So not done purposely in any town right?

Nach: lot of them condo association, did u approach boards or buildings? So In touch w mgmt. companies.

Basso: will look @ tax info & look for condo assoc. that's how I solicited current site.

Harris: is area looking at now service spotty at this time? How many people will be covered?

Penesso: we don't have customer base, just look @ area.

Fairweather:

Gonzales: any other site besides bldgs. That can consider?

Basso: answer yes, but have to pass rf engineer.

Gonzales: optimum used to use 2 towers on my bldg.. 510 Deal lake dr. contract expired with optimum, did you reach out to them? No suitable sites town can allow to build not on a building?

Basso: its been some time since, don't neg. multiple deals when prop selected.

Fairweather: only public prop that town would allow is water treatment plant & cant use that lot, would take up their parking lot.

Serpico: since testified from a list, will have to provide that list.

Mignoli: right now tower on roof of water treatment plant? Can stay there?

Penesso: for record, water treatment roof does not provide similar coverage.

Mignoli: seems like its been functioning for yrs. So now they've been there for couple weeks?

Fairweather: correct couple weeks

Mignoli: how far above the roof will it go up in air?

Penesso: approx. 78 ft.

Mignoli: fcc approved?

Fairweather: have not test.

Serpico:

Mignoli: so no other

Dave Collins, Pinnacle Telecom group, RF Compliance Specialist, sworn in

Fairweather: did study on antennas of bldg. & for record

Exhibit A-2: RF Compliance report by Dave Collins

Collins: used FCC approved formula to determine level & came up w number that max rf level would be 10.3442% of permitted level + 9 times below permitted level.

Fairweather: bottom line

Collins: 9 times below level. For NJ, 45times below permissible level.

Ashman: tests only for radiation. Can you explain in layman terms?

Collins: for radio energy levels that come out of antennas. Humans act as a poor antenna, radio energy goes through, still 50 times below known health effect. Started in 1946- this type of measurement.

Szlyk: what about people living in top floors & bldg.s next to it?

Collins: at that distance, not going to exceed. We didn't do tests at exactly, but satisfied fcc compliance. Approach 0.

Szlyk: does it go thru bldg. to residents below?

Collins: walls hold back significant amount of signal. Something like 90%. Straight down is 35% less. Have done calcs & measurements & either way both acceptable to FCC.

Avallone:

Collins: 5 groupings of 4 antennae each.

Avallone; if someone standing directly under or next to is there any health effect

Collins: can't get in front of ant, maybe next to, front to back ratio- exposure in rear is greatly reduced. Do we know whether or not this rooftop being used for anything else?

Avallone: there are balconies

Collins: again they're below antennas, so 1000x less than what comes from front.

Avallone: has there been any other similar applications?

Marano: how many antennas? How big is each?

Mignoli: is FCC health agency is it? when say they determine there's no harmful effect

Collins: read from report listed all other agencies that FCC covers

Mignoli: any signs on building warning of danger?

Collins: yes

Maureen Nevin: any interference issue w having all antennas?

Collins: fcc has to ensure that there is no interference in

Nevin: any danger of using up power/bandwidth?

Collins: no

Avallone: is current network used 3g? go up to 4g?

Penesso: this site is being designed to go forward w 5g

Lewis: we are coming up on our time to finish, so let's get a motion to carry.

Motion to carry application to August 11, 2020 without further notice: Ashman Second: Lewis
All members vote in favor
APPLICATION CARRIED to August 11, 2020

Serpico: Fairweather do you agree to extension of time, waive time constraints on record.
Fairweather: yes.

Motion to Adjourn: Avallone Second: Lewis All in favor
Meeting Adjourned: 7:22pm