

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES – SPECIAL MEETING
MARCH 20, 2006**

Meeting was called to order at 7:35 P.M.

Meeting properly advertised according to the Sunshine Law.

Mr. Halberstam announced that there were only 6 members and this was a use variance where 5 affirmative votes are needed.

Mr. Stilwell agreed to continue and will make a transcript for absentee board members.
Mr. Liston agreed.

SALUTE TO THE FLAG

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

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

Appeal # 3587 – OmniPoint Communication, Block 2 Lot 5.01, OS zone. Use variance to construct a 150 foot telecommunications monopole.

Secretary read reports.

From Jim Priolo, Engineer/Planner – Second Review – March 7, 2006

1. The Applicant is proposing to construct a new single user 150 ft. high telecommunication monopole on Lot 5.01, Block 22, which is located within the OS (Open Space) Zone and 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. Special reasons variances will be required as follows:
 - a. To permit a use in a district restricted against such use. In accordance with Section 903 Q. and 2006-3, Section 3 of the Ordinance, wireless communication facilities on private property are not a permitted use in the OS Zone.
 - b. To allow an increase in permitted maximum height. In accordance with Section 903 Q., the maximum permitted height in the OS Zone is 30 feet, whereas the applicant is proposing a tower height of 150 feet. Since the height exceeds the required amount by more than 10%, a special reasons variance is required.

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 (wireless communication facility use) and an increase in permitted height. In order to achieve this, the applicant should explain why the telecommunication tower use with the requested height is a better planning and zoning alternative than the permitted uses.

3. 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.

4. In accordance with Ordinance No. 2006-3, Section 3, bulk variances will be required as follows:

	Required	Proposed
Maximum Height	90 feet	150 feet
Minimum Side Yard Setback (east)	150 feet	22.91 feet
Minimum Side Yard Setback (south)	150 feet	77.12 feet
Minimum Separation to Residential Use or Zone	1,500 feet	±314 feet

5. In accordance with Ordinance No. 2006-3, Section 3, design waivers are required as follows:
- A landscape plan showing specific landscape materials should be provided.
 - The finished color of the fencing and, if applicable, the method of camouflage and illumination.
6. Access to the equipment compound should be shown. The access driveway from County Club Road appears to be located on adjacent Lot 6.
7. 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.
8. 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.
9. 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.
10. 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, attorney for applicant. This is a continuation from the January 23rd meeting. Heard from Dan Collins, David Robinson, radio frequency expert and Ron Igneri. Produced documents into evidence; propagation maps with overlays, propagation study, 4 overlays showing radio frequency strengths, ZO1 drawing, ZO2 drawing and Z01b drawings. Dr. Eisenstein had requested information and it has now been supplied to him.

Mr. Stilwell - new ordinance was not adopted. It has been adopted now. Permitted in M-1 zones and on municipal properties with no height limitations. In the M-1 there are requirements. Height and setback variances are requested. Lot 5.01 by Lakewood County Club and adjacent lot is owned by the Country Club of Lkwd, c/o R. Lawson. There are 2 different corporate entities and therefore the Doctrine of Merger does not automatically take place.

Mr. Jackson said that he would like to see corporate papers to confirm that the properties are two different entities. Asked for a title search.

Mr. Zaks - Lot 5.01 is 2.4 acres where 3 acres are required which means they would need a lot area variance also.

Ron Igneri – professional engineer, Innovative Engineering, sworn. Described A-8.

A-8 Site plan for subject property.

Mr. Igneri - Lot area required for the OS zone is 3 acres and they have 2.4 acres. Proposing a multi-carrier monopole. There are 2 fronts, 2 sides and no rear yard requirement. This is a corner lot. There are 226 feet from County Line Road and 303 feet from Country Club Road. They can accommodate 3 or more carriers. The site is heavily wooded. Equipment is well hidden from view. Black vinyl fencing will be installed. There will be no illumination. Agree to galvanized finish.

Mr. Halberstam - Are there any signed contracts for any carriers?

Mr. Stilwell - Not aware of any other carriers signed up for use. They need 150 feet to provide the levels of service. Anybody else will go lower than them.

Mark W. Tinder, Somerville, NJ, real estate appraiser, sworn. State Certified Appraiser. Here to provide an opinion if the proposed facility has any impact on real estate values in the area.

Board accepted qualifications.

Mr. Liston questioned qualifications.

Mr. Tinder is also a Certified Tax Assessor.

Mr. Lieberman asked Mr. Tinder if he was aware of the unique structure of Lakewood?

Mr. Tinder - The marketplace works the same. The mechanics of a home sale are the same.

Board accepted Mr. Tinder as a witness.

Mr. Tinder – visited the site. Most of the area is residential zoning. The nearest existing house would be in Jackson Township and is 310 feet to the proposed monopole. The closest home in Lakewood is approximately 360 feet. There will be no substantial change to the existing vegetation or topography of the subject property. No change in character to the existing area. No value impact from this structure. Researching cell sites throughout the state to see if the monopole would have any effect on the market value.

A-11 Sales Comparison Analysis.

Mr. Tinder described A-11 that was prepared by him.

Mr. Tinder – studying sales of homes within the neighborhood adjacent to the tower and comparing those sales to the competition throughout the town removed from the tower location. This neighborhood is over million dollar homes.

Mr. Jackson asked if any of the studies were local.

Mr. Tinder – no value differentials.

Mr. Stilwell – His analysis shows whether or not a tower affects property values.

RECESS

A-12 Tenby Chase @ Bridgewater paired data analysis.

A-13 & A-14 Residential resales in proximity to cellular towers

Mr. Tinder described exhibits A-12 and A-13. There is an existing 104 foot lattice tower adjacent to the residential neighborhood. The homes are 100 -110 feet away. Compared the value of homes with a view of the tower to homes without the view and there was no impact on the value for these homes. Did a study in Dover Township showing before and after values in proximity to a 150 foot tower at Toms River North High School.

Mr. Liston questioned Engineer Ron Igneri.

Mr. Liston questioned Mr. Robinson, Radio Frequency engineer.

Mr. Robinson described the height of the monopoles/towers in the area.

Mr. Liston questioned Mr. Tinder, real estate appraiser.

Dr. Eisenstein – Exhibit A-2 – asked to redo the exhibits for 2 different things, less power and to prepare the exhibits at different heights of the antenna. The changes were made. His conclusion is that there is a gap of their coverage. His opinion is that they need a site in this vicinity and recommended that they do not need it any higher than 110 feet. Because the biggest impact is visual the mount antennas should not be on platforms he prefers the flush mount or cluster mount that are hardly noticeable. At 120 feet it would give them the minimum visual impact and a full flush mount.

Mr. Halberstam asked for diagrams or pictures of the antennas and different type mounts.

Mr. Stilwell – will provide for next meeting.

Dr. Eisenstein described B-1 propagation plot prepared by Mr. Robinson.

Mr. Zaks - Is there a township owned site in that area? How far away from this site can they go and still accomplish their need.

Dr. Eisenstein – cannot move to the north - can move it down about _ mile to the south. Route 9 and County Line Road would be too far

Mr. Zaks - Has the applicant done a study if there is an area in the M-1 zone or on Municipal properties?

Mr. Jackson asked the applicant to plot on a map and color code it where this can go.

Dr. Eisenstein – will work with Mr. Robinson and have a map for the next meeting.

Mr. Stilwell – it will only be in the search area. Agreed to create the exhibit.

Next meeting May 22nd.

No further notice.

Mr. Stilwell agreed to waive time until May 30th.

Mr. Liston agreed to meeting date.

Respectfully submitted,

Fran Siegel, Secretary