

A Meeting of the **BERKELEY TOWNSHIP Board of Adjustment** was held Wednesday, February 24, 2010 at 7:00P.M at the **Municipal Building, 627 Pinewald Keswick Road, Bayville, New Jersey.**

Roll Call, Present were Chairwoman Lynn Hansen, Howard Saloom, Karen Harvey, Domenick Lorelli, James Fulcomer, and Richard Elliott. Also present were. Also attending were, Rob Russo, PP, Board Engineer, Edward Liston Esq., Board Attorney, Loudes Diaz, Board Planner, Donna DeRado, Board Court Reporter for Linda Sullivan-Hill C.S.R., Board Court Reporter and Patricia A. Osborne, Secretary, Board/Commission.

Chairwoman Hansen led the Flag Salute and read the public announcements.

**Approval of Vouchers:**

None

**Approval of Minutes:**

None

**AGENDA:**

Recused from hearing this application are Chuck Provenzano, Beverly Mazzella and James Byrnes; Ms. Hansen sits in Chair. Mr. Elliott arrived for the hearing of this application

**1. Omnipoint/T-Mobile** **BOA#08-5237**

**Variance(s) requested:** Use Variance/Height Variance/Major Site-Plan

**Project:** Cellular Antennae Tower

**Block(s):** 837.03 **Lot(s):** 7.01

**Address:** Woodland Ave. **Zone:** R-MF/R-90

**Denial Reads:** The applicant is proposing to install a telecommunications antenna at a height of 120 ft. +/- on a new 120 ft. +/- high mono-pole tower extendable to 140 ft. +/- on Lot 7.01 in Block 837.03 at the rear of the existing St. Barnabas Church property. Other proposed ground improvements include ground equipment, cable bridge, underground electrical cable, and 6 ft. high chain link fence.

Mr. Frank Ferraro/Applicant's Attorney

Mr. Ferraro introduces the application to the Board, to install a new wireless telecommunications facility at 33 Woodland Avenue, they are seeking a use variance, a height variance, as well as preliminary and final site plan approval with certain design waivers.

Mr. Fahd Kanandh/Applicants Expert/Radio Frequency Engineer/Sworn in Mr. Kanandh describes his job is to make sure that T-Mobile provides services to customers. To minimize clutter so customers have clear reception.

Mr. Kanandh explains that T-Mobile tries to utilize existing structures wherever possible to try to minimize impacts of the wireless facilities, and that an analysis was done regarding 33 Woodland Ave.

Mr. Ferraro stated that the witness had brought exhibits to share with Board members; Mr. Liston requested that the exhibits be marked now.

A-1 Map/Map of Berkeley Township

A-2 Map with overlay/Two Overlays

A-3 Coverage map/Zoomed Coverage/Surrounding Subject Site

Mr. Kanandh explains that the map marked with pink shading are municipal boundaries including surrounding neighboring townships.

With map and overlay Mr. Kanandh points out sites now in use and proposed sites. Total sites planned in Berkeley Township are five, one is active, and four planned. On map A-3 is shows intended alternate sites.

Mr. Liston asked if alternate sites were looked into and if any of them are existing structures, Mr. Kanandh stated yes that would be one site was, one, which has a guide tower, and candidate E, which is a water tank.

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*Mr. Kanandh describes exhibit A-2, which is a street map, with intended coverage, and describes intended coverage and proposed intended coverage.*

*Customers that reside in a building or house will guarantee coverage.*

*Yellow coverage will guarantee coverage in vehicles.*

*Intension is to complete full coverage. If a customer call emergency services, at this point, there is no guaranteed coverage. T-Mobile proposes to fix gap.*

*T-Mobile is proposing a mono-pole at 33 Woodland Ave. to centralize coverage.*

*Mr. Ferraro asked Mr. Kanandh to describe how models are created.*

*Which he proceeded to explain that propagation models and different tools are created for this purpose and are accepted and approved by the wireless industry. These tools are used to validate models used in different types of inputs, and inputs depend on spectrum and mentioned clutter areas.*

*Mr. Liston asked to explain clutter. Mr. Kanandh stated that clutter means buildings, single-family homes, and small patch of trees; Something to interrupt signal.*

*Mr. Kanandh states that he does drive test for data to see where service will be needed.*

*The proposed site will cover weak service areas.*

*Mr. Liston pointed out that the guide tower located at Brant Court is within gap area, and why it wasn't selected. Witness will state why.*

*Mr. Ferraro stated that attempts were made to contact them requesting to lease the space for antennas and the landlord refused to respond, the landlord is Comcast.*

*Mr. Liston stated that the Board must hear from Comcast. If necessary the Board could subpoena Comcast.*

*Mr. Ferraro to Mr. Kanandh back to exhibit A-2, show the gap in T-Mobile service. The gap is about a mile across Route 9, South, mostly residential some commercial.*

*With the additional sites at Forest Hill Pkwy and Central Regional High School T-Mobile will have intended coverage.*

*Proposed site would gain about two miles of increased in car coverage, and will connect with existing sites.*

*Mr. Ferraro confirmed that the minimum height necessary would be 120ft. This is an unmanned site. A technician would visit site one a month for regular operating maintenance. No parking is needed.*

*The facility will have E911 capability, which means the police, or fire department could locate caller within approximately 60ft. Bay Wick Plaza on Rt. 9 was also considered as a site where there is no existing tower.*

*Another site was the Sewerage Authority Building, 255 Rt. 9.*

*Mr. Fulcomer questioned if the Sewerage Authority site was viable, Mr. Ferraro stated that a certified letter was sent regarding the request and no response as yet.*

*Ms. Hansen questioned whether the reception would be the same or similar at the Comcast site, and Mr. Kanandh stated it would be approximately the same.*

*Mr. Liston questioned existing tower at Comcast location and if there is room for additional antenna.*

*Mr. Kanandh stated there was room.*

*Mr. Lorelli stated that the white area on map, and no signals on moving vehicles, white is residential and signal is not reliable, no coverage in white area of map. Mr. Lorelli stated that it is illegal to talk and drive, so why concern about reception.*

*Mr. Russo question Mr. Kanandh review why candidate B was not acceptable. Question was referred to the Site Acquisition Expert.*

*Mr. Ferraro stated that Verizon Wireless was denied request in 2007 at Bay Wick Plaza site. Mr. Kanandh focused on exhibit A-4 base map, pointing out area that drive test was done and that coverage gaps exists along area of quarter of a mile in building and little more in vehicle. Stating that it is important to provide service to customer.*

*Mr. Liston question what would happen if T-Mobile did not provide service.*

*Mr. Kanandh stated that T-Mobile gets penalized.*

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*The FCC could take back area of spectrum for T-Mobile if you don't provide reliable coverage.*

*Mr. Mark Nidle/FCC Compliance Expert/Radio Frequency Expert Credentials approved and Sworn in.*

*Exhibit A-5 Antenna Site FCC RF Compliance Report/Pinnacle Telecom Group.*

*Mr. Nidle that every carrier must have any independent report complying with FCC guidelines. Taking into consideration operating full power 24/7 365 days a week, also looking at worst/best case scenarios. From emissions at site to 500ft away. The maximum permitted exposure level at site is .0643 percent, this is at 120 ft. away from site. This level is less than one percent the maximum allowed.*

*Mr. Martin McGee/Applicant Fact Witness/Site Acquisition Consultant Sworn In.*

*Mr. McGee describes that his job is to search to find something to meet coverage area, existing structures that could be alternative sites for wireless coverage for an antenna.*

*With regards to exhibit A-3/Comcast location/252 Atlantic City Blvd., I tried to contact them by phone with no response, and a certified letter was sent, Exhibit A-6/ letter was delivered. The only contact was located in Philadelphia where messages were left.*

*Mr. Liston asked if he had checked with the Town Clerk for a number because the Township uses Comcast. Also questioned about the Sewerage Authority site. Exhibit A-7 Letter to Berkeley Township Sewerage Authority dated 2-7-2010, was introduced. Letter was read for the Board.*

*Mr. Liston commented on date of letter and why they waited so long to contact the Sewerage Authority.*

*Mr. Fulcomer questioned if Applicant had gone to a Sewerage Authority meeting.*

*Mr. McGee stated he did not.*

*Mr. Ferraro stated for record that Mr. McGee tried to locate Comcast by making 30 phone calls.*

*Mr. Elliott stated that this was not the case for the Sewerage Authority.*

*Mr. Ferraro referred to candidate Bay Wick Shopping Plaza; Mr. McGee contacted and spoke to the landlord Mr. John Freeman. There was no further contact with Mr. Freeman because the denial in 2007.*

*Mr. Liston mention that Mr. Freeman was not the owner of the Plaza, a Mr. Bob Paulus, head of the LLC.*

*Exhibit A-8 Resolution Denial BOA 06-5015 marked for identification.*

*Mr. Elliott question if Comcast tower has a Verizon antenna on it, Mr. McGee wasn't sure.*

*Mr. Peter Tardy/Applicant's Engineer/Qualifications accepted/Sworn in.*

*Mr. Tardy refers to Site Plans: A-1, last revised 11-29-2009, states Block and Lot and 45 acres in size. Southern half is fronted on Woodland Ave and houses St. Barnabas Church and associated properties. T-Mobile proposed to install their facility at the northern end of property adjacent to existing access road.*

*The area required is 200,000 sq. ft. No emergency generator on site. Cabinets are for battery backup. It would be uncommon after construction for more than one SUV type vehicle to be on site.*

*Mr. Liston state that if variance were approved for 120ft. monopole the applicant would have to come before the board to change to 140ft.monopole.*

*Mr. Tardy agreed.*

*Mr. Liston asked about fencing and lighting, Mr. Tardy stated that 6 ft. chain link and one light facing down, also if Board request fence board to board that will be installed.*

*Mr. Elliott question collapsing of mono-pole, and icing was discussed and also suggested tree design pole to bend into neighborhood.*

*Applicant stated that pole would crimp and not collapse and minimum ice accumulation would exist. Also tree style would be applicable.*

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*Mr. Liston suggested that due to ice accumulation the pole should be located further away from public. Suggesting that the applicant come back with plans placing the pole away from the residents.*

*Mr. Ferraro suggested carrying until a further date.*

*Carrying until March 24, 2010.*

*Mr. Fulcomer motioned to carry, seconded by Mr. Saloom.*

*Motion to carry carried.*

*Mr. Liston addressed the public to return to next meeting to hear full application with changes. No further public notice required.*

*Meeting adjourned, all in favor, motion carried.*

*Respectfully submitted,*

*Patricia A. Osborne  
Board Secretary*

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