MATAWAN PLANNING BOARD MEETING MINUTES

DATE:	JULY 1, 2002
TIME STARTED:	7:30 P.M.
TIME ENDED:	10:25 P.M.
IN ATTENDANCE:	Mayor R. Clifton Councilman P. Buccellato Mr. R. Montfort Mr. J. Shepherd Mr. K. Cassidy Mrs. E. Rinear Mr. M. Pellegrino Mr. K. Groody
ALSO IN ATTENDANCE:	L. Nebenzahl, Board Planner Keith Smith, Borough Engineer Board Attorney

---

The meeting was called to order by Chairman Jack Shepherd pursuant to Section 5 of the Open Public Meeting Act, and stated notice having been posted in the Asbury Park Press and on the bulletin board in Borough Hall.

PLEDGE OF ALLEGIANCE

Mr. Shepherd announced that Mr. Stockel is ill and his position as board attorney will be temporarily filled by Michael Irene. This was presented to the board by reading of the Resolution. Motion to accept was made by Mayor R. Clifton , motion was seconded by Mrs. Rinear, all members voted in favor.

ROLL CALL: Eight members present.

MEETING MINUTES: Motion to approve meeting minutes of June 3, 2002 was made by Mr. Cassidy, seconded by Mr. Pellegrino. Six members in favor, two abstained.

CORRESPONDENCE & VOUCHERS: A petition from residents in reference to 23 Ravine Drive regarding a potential subdivision which will be held for future reference.

OLD BUSINESS: Mr. Shepherd stated to Mr. Gorman's representative that there will be no Resolution available for the interpretation that was given at the June meeting until a formal application, ie; paperwork has been filed for such. A fee and paperwork must be filed with the Borough Clerk for this board to have jurisdiction to act upon this application. Mr. Shepherd stated that either the property owner or a power of attorney letter must be presented at the next meeting for the application to be heard.

NEW BUSINESS:

1. AT&T Wireless - Site plan

Mr. Irene verified that the applicant's notice appears to be in order and the board has jurisdiction to hear this application.

Judy Kravinski, representing AT&T Wireless, stated that she has a radio frequency engineer, a civil engineer and a planner who will be testifying for this application. Ms. Kravinski introduced Dan Penesso, radio frequency engineer. Mr. Daniel Penesso, was sworn in and testified that he has a Bachelor of Science degree and he is a Professional Engineer and he is currently employed by Wireless Facilities Incorporated for over five (5) years. He is currently working AT&T GSM network and is responsible for the designing of the network in this County in New Jersey

Ms. Kravinski asked Mr. Penesso if AT&T Wireless is licensed by FCC? He answered yes it is. She asked with regards to their license if they were responsible to provide service to their customers? He answered yes. She asked if currently there is service in this part of the county, especially in Matawan? He stated that they have service with a roaming agreement with another company. At the end of the year the roaming agreement with the other company will end. Their own antenna will have to be put up to supply their own customers with this service.

Ms. Kravinski asked Mr. Penesso to explain to the board what exactly needs to be done. Mr. Penesso showed an exhibit, marked as A1 coverage map, which was prepared by Mr. Penesso. The black spots and the green spots on the coverage map are sights that have been zoned or are in the middle of zoning. Mr. Penesso explained that the area sights on the map some in Old Bridge and Marlboro. The height proposed for the structure is 180' and the structure is approximately 360', they propose six antennas and equipment cabinet at the base of it. If they do not get this site they will not be able to provide coverage to areas shown on the coverage map. In his professional opinion they must use this site to provide coverage to the sights mentioned as well as Matawan.

Exhibit A2 which is the second page of the coverage map was presented and marked. Mr. Penesso stated that AT&T proposes to build on existing structures instead of building new structures.

OPEN TO BOARD: Mayor Clifton asked how many existing structures are on that antenna?

Ms. Kravinski stated that the civil engineer would be able to answer that question.

Mr. Groody asked what large changes will be made to the ground level? Ms. Kravinski stated that the civil engineer will answer that question also.

Ms. Kravinski asked what would happen if this interfered with any of the other carriers?

Mr. Penesso stated that if they don't comply they will lose their license. That falls under the authority of the FCC.

Daniel La Mothe was sworn in and testified that he is employed by LaPatka Associates at 12 route 17 North, Suite 320, Paramus NJ. as a licensed professional engineer in the state of New Jersey for approximately eight years. He is responsible for overseeing this project presented before the board this evening.

Exhibit A3 was presented to the board which is a site plan, #41602. He explained that they propose six new antennas that will be mounted, the center of the antenna will be at 180', the antenna will be approximately at 183'. The existing lattice tower is approximately 392'. The paneling antennas are approximately 5' wide by 2' thick. The base of the tower that they are proposing is for four new equipment cabinets which will be mounted onto 10' x 6' concrete pads. They will be small weather type equipment cabinets, each cabinet is approximately 6' high by 21/2' deep, by 21/2' wide. They are monitored 24 hours, 7 days a week. Maintenance calls will be made maybe once a month, they will park in the existing parking lot and service the equipment. There will be no setback variances required for this employee. The equipment will be installed just north of the existing building. Being as it is an unmanned facility it does not require any gas nor water, it will only require electric and telephone.

The site will operate basically just as it does today, the egress and ingress will be from Wilson Avenue and they will park in the parking lot just in front of the substation.

Ms. Kravinski asked if structurally can this hold the six new antennas? Mr. LaMothe stated that the six new antennas weigh approximately fifteen pounds each. Prior to installation an analysis of the structure will be done and the municipality will have a signed and sealed copy.

OPEN TO BOARD: Mr. Nebenzahl asked how old this tower is? Mr. LaMothe stated that the structure is fifty years old. Mr. Nebenzahl asked who will review the structural analysis? Ms. Kravinski stated that they will get a sight and field analysis from a structural company, AT&T does not do their own structural, they have an outside company do the evaluation of it. The structural analysis has to be approved by GPU and before they would get a building permit it would have to be presented to the borough.

Ms. Kravinski presented Mr. John Fussa, 63 Church St. second floor New Brunswick, NJ Mr. Fussa was sworn in and testified that he has a masters degree in Planning, he is the senior planner and project manager with Hyer Bloom Associates in New Brunswick. Exhibit's A4 the aerial, and A5 the picture board were presented. Mr. Fussa stated that A4 which is an aerial photograph which was taken in 2001 which shows the pattern of development in and around the site and those antennas on Wilson Avenue in Matawan. The site itself is an industrial in character as a GPU substation Right around the 360 degree arc there shows predominately residential uses. Exhibit A5 is what is called a photo simulation, their firm went out to the site and took photographs. They took the digital photographs to their office and superimposed the proposed antennas on the lattice tower to get an idea of how the proposed antennas would look. Photo #1 was taken at the site which is the base of the tower, Photo #2 was taken to the East looking in the Westerly direction at the tower and you can see the existing tower and from that location it would be in his professional opinion on very close inspection one would be able to see the proposed antennas at elevations 180 which is slightly below half way up the tower. He pointed them out on the picture. Photo simulations #3 and #4 show are taken from Tina Place. Upon very close inspection the six antennas can be seen half way up. Photo simulation #5 is taken from Texas Road from the South looking almost to the North and from that location one can see the top of the tower, however the lower half is obscured. Photo simulation #6 is taken from a westward sight in an easterly direction to Wilson Ave. Photos #7 & 8 were taken from the North again the tower in 7 shows the top half of the tower, the other photo simulation was taken from Center Ave. at a distance of 850' in a Southerly direction. One can see right above the tree lines. The photo board was then passed around to the board members.

Ms. Kravinski asked Mr. Fussa what type of variances they are asking for? They are asking for Use Variance and Site Plan approval. Positive criteria that must be proved to the board members is that this use of this facility answers the purposes of zoning as listed in the municipal land use law and they also have to prove that the proposed sight and use is suited for this site and with regard to the actual purposes of zoning his opinion is that it answers the welfare and the possession of the FCC license is adequate to demonstrate the general welfare. It is also his opinion that this site is well suited for this type of use. They heard from the radio frequency engineer and it is located in a nonresidential zone which in planning and zoning prospective is a real benefit.

The detriment is fairly small, the one man capacity use which will not affect traffic, school children and will not burden borough services. The visual impact is localized and minimal and finally they feel that the benefits are substantial for a multiple layout such as this.

OPEN TO BOARD: Mr. Pellegrino asked what frequency will they be operating at? Mr. LaMothe stated they will be operating at 1970 mg. 1965-1970 exactly and is licensed by AT&T. Ms. Kravinski asked if it will interfere with garage door openers, television or satellite dishes or anything like that used in the home? Mr. LaMothe stated no it will not. They have to operate within their licensing and have to comply.

Mr. Pellegrino asked if there are any lawsuits with regards to this frequency? Mr. LaMothe stated no there are not.

Ms. Kravinski asked Mr. LaMothe if the antennas will the galvanized color? They will match the colors that are being used on the tower now. This will a condition of the Resolution.

OPEN TO PUBLIC: Phil Kramer, Fire Chief stated that he would like to know if the cabinets will be built in the general area of the propane tanks? Mr. LaMothe looked at the site plan and showed where they will be located. Mr. Kramer stated that he has a problem with GPU in that when they originally put the original insulation in they put roughly 1,000 gallon propane tank which they use as standby power. Over the years they have never paid their fees and this has never been done. He would like to see this be a condition of approval that these fees be paid.

Mr. Shepherd stated that they have a Use Variance and Site Plan application before the board. Motion was made by Mrs. Rinear, seconded by Mr. Pellegrino with conditions; one is that the borough engineer will review if the structure can handle the weight of the antennas, the second condition is that the fees owed by GPU be satisfied prior to being granted the approval, and third is that the colors will match the color of the existing structure. Roll call was taken and all members voted in favor, Mayor Clifton and Councilman Buccellato were not eligible to vote.

2. Flory & Francine Danish - Bulk Variance -

Mr. Irene stated that notifications are in order and the board has jurisdiction to hear this application.

Mr. Danish stated that they propose to put an addition to the front and the rear of the existing structure, it's an addition to the dining area and an addition to the existing living room. They are relatively small additions.

Mr. Shepherd asked what their reason was to add these additions to these rooms? Mr. Danish stated that they have four children and the existing dining room is small so if they go out six feet it will give them a lot more room.

Mr. Shepherd asked how far they will be coming out in front? Mr. Danish stated that this will also be six feet.

Mr. Shepherd stated that these additions are needed because the family has grown and they have outgrown their living space. He asked Mr. Danish if he is doing the work himself or he is having a contractor do the work? Mr. Danish stated that he has contracted it out.

OPEN TO THE BOARD: Mr. Montfort stated that after looking at the drawings the rear addition dimensions is not what is creating the setback problems. Mr. Danish stated that he was denied by the Zoning Officer with these dimensions. He just wanted to assure that the new addition is not making anything worse.

Mr. Groody stated that getting back to the floor plan stated that it said 16.8' and he thought that it said 25.9' Mr. Danish stated that that is just the overhang, not the building.

OPEN TO PUBLIC: None

Motion was made to accept and approve this application by Mayor Clifton, seconded by Mr. Shepherd. Roll Call was taken and all members voted in favor.

Mr. Irene asked Mr. Danish to be sworn in and swear that the testimony that he just gave the board was the truth.

3. William T. and Helen Haughey - Bulk Variance.

Mr. Irene stated that the notice materials are in order, the board has no objection and has jurisdiction to hear this application.

Mr. Haughey was sworn in and testified that he would like to extend the existing garage another five feet, it has to be replaced as it is unsafe. They will also replace the roof and paint the driveway. The variance required is a side setback which should be six feet.

Mr. Shepherd stated that what they want to do is bring the structure to the front of the building towards the street five foot. Mr. Haughey stated yes.

Mr. Shepherd asked if they were going to go beyond what the perimeters of the existing structure, you are just going to keep the sides the way they are? Mr. Haughey stated yes. It is for a garage.

OPEN TO BOARD: Mr. Montfort asked if with the addition on there will they still be able to get between the house and the garage? Mr. Haughey stated there is a passage on the right side of the house to the back yard and one through the garage.

There are two doors, one on the front and one on the side. The garage door has to totally be replaced.

Mr. Montfort asked about the house on the side. Mr. Haughey stated that it is basically identical to the house itself, they have a detached garage which has become attached garage.

Mr. Haughey stated that there is a six foot high fence on the side which he is not sure is his or his neighbors, he will have to look that up.

OPEN TO PUBLIC: None

Motion was made by Mr. Cassidy, seconded by Mr. Buccellato to approve this application. Roll Call was taken, all members voted in favor.

4. Val-Lang - Site Plan.

This application has been carried since February and some of the issues that had to be straightened out will be covered this evening. Engineer for applicant, has been in contact with the board engineer, Keith Smith and all of the requirements that the board engineer has referenced have been satisfied. Mr. Shepherd stated that the board engineer was not able to be present tonight but he understood that the issues that Mr. Smith had have been settled. The board will need confirmation from the engineer regarding that and will be made a part of any Resolution.

The structure is the same structure that has been there for many years but the difference was that it has been resurfaced including the grassy area which was in the front. The issue before the board going back months ago is what to do with the front. Both of the engineers came up with a plan to satisfy the board engineer as to what had to be put in the front for landscaping to resolve that issue because his understanding that when they got the temporary approval that has been extended there was going to be temporarily an ingress and egress in front with no parking. Now they are having landscaping done.

Mr. Bando will testify as to what that is with agreement with the board engineer. Mr. Bando was previously sworn in and he now testified that with regards to the landscaping in front of the building, that there will be hedgerow bushes on Broad St. and boxwood on Main St. with a bed of flowers nestled into a bend in the layout. The landscaping will meet the requirements with the board's engineer.

Mr. Nebenzahl stated that he knows that Mr. Smith had specific reasons for what he specified with the landscaping.

The lighting issues which were specified by Mr. Smith will be met and the drainage issues were taken from the county. The drainage will run in the similar direction through the grass that existed there except for a little bit quicker.

They will be recurbing and they will pave down at the junction of the strip mall. The revisions that were made was that they added the trash enclosure and revised the landscaping detail. The county will have to approve this as well.

The location of the trash enclosure will be adjacent to the concrete slab, to the right of the sign. A photo of this will be marked as Exhibit A1, it is a photo of the rear of the building on Broad St. There is cyclone fencing and there will be siding put around the cyclone fence to cover the area.

Grading, drainage, dumpster, lighting and landscaping issues were discussed.

OPEN TO BOARD: Mr. Montfort asked if there was a separate container for recyclables? The applicant stated yes.

OPEN TO PUBLIC: Mr. Kramer asked about the dumpster, will it be sitting on the gravel. Won't that gravel or stone over a period of time become contaminated? Most of the dumpsters sit on a concrete pad, this way any liquid that runs out of that dumpster now runs into that gravel over a period of time can create two problems, one a Board of Health problem and a fire problem. He stated that he wouldn't want to see that this dumpster just be sitting on plain gravel because that wall will built up and that area will all become contaminated. Mr. Shepherd stated that this should be left up to the board engineer to work out with the applicant and Mr. Kramer can discuss his concerns with him also.

Mr. Larry Ness, owner of property behind this property. Mr. Ness was sworn in and testified that he does prefer the dumpster which has been relocated. Another issue he has is that a severe liability was created when the chain link fence was erected up to the guard rail the problem was created that people parked there and jumped over the guardrail to go to stores. He feels that this has created a liability and he is asking that some steps be put there for people to use. He is asking that a stipulation be made to address that.

He further stated that he is asking that the board require that the retaining wall be repaired. He presented photos of the area as it is now. Mr. Irene stated that the photos will be marked.

OPEN TO BOARD: Mr. Montfort asked about the drainage, if the right hand side of the asphalt will drain all to the right side of where the fence is? Mr. Shepherd stated no that it will drain to Broad St., there will be no change to the drainage.

Mr. Nebenzahl stated that the applicant said that the drainage will not change.

Motion for preliminary approval contingent upon review by Mr. Smith and recommendations by the board was made by Councilman Buccellato, seconded by Mr.

Cassidy. Roll call was taken and all board members voted in favor.

Correspondence regarding request to carry Hicks application was approved by Mr. Montfort, seconded by Mrs. Rinear. All members voted in favor to carry this application.

Correspondence was received from Mr. Munoz, attorney representing Hicks regarding the Resolution. Mr. Shepherd stated that he will contact Mr. Munoz to discuss.

Discussion on Shea legal matter. Mr. Montfort asked that the borough attorney come before the board to discuss this matter with board members.

OPEN TO PUBLIC: Virginia Baker, manager of the Thrift Shop on corner on Main St. stated that the Thrift Shop is run for Charity and all proceeds go to the retarded around the County. They have been on Main St. for over twenty years and they were told by a member of the zoning board that they couldn't put anything out on the sidewalk. This is a big problem for them because the store is very small and when they get items like carriages and walkers donated it obstructs the aisles so they put these items on the sidewalk close to the building in order to have safety measures in the store. She stated that she feels that they are being penalized because someone complained about another establishment a block up. She stated that they have been doing this for twenty years and they have never obstructed the sidewalk. She stated that this is a problem for them. She needs to know what to do.

Mr. Nebenzahl stated that they need a variance.

Mr. Shepherd stated that unfortunately she will have to get proper paperwork to seek a variance.

Motion to adjourn the meeting of July 1, 2002 was made by Mrs. Rinear, seconded by Mr. Buccellato. Meeting ended 10:25 p.m.

The next regular Business Meeting be held on Monday, July 15, 2002.

PREPARED BY: Pamela J. Penniplede
Pamela J. Penniplede, Recording Secretary

c: Board Members
Mr. P. Kramer, Fire Official
Mr. K. Smith, Board Engineer
Board Attorney
Mr. L. Nebenzahl, Board Planner
file