

ZONING BOARD OF ADJUSTMENT
MAY 27, 2021

PRESENT: Robert Cupoli, Chuck Ross, Holly Deitz, Mike Melango, Phil Greig, John Hutchinson, Mark Fitzgerald, John Lisko, and Annemarie Drazenovich

ABSENT: Thomas Palmisano and Michael Druz

ALSO, PRESENT: Board Attorney Kevin Kennedy, Board Secretary April Claudio and Board Planner & Engineer Christine Bell

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on January 4, 2021 by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Greig made a motion to waive the reading and approve the minutes of the April 22, 2021 meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Melango, Mr. Hutchinson, Mr. Cupoli, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and approve the minutes of the May 13, 2021 special meeting, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Melango, Mr. Hutchinson, Mr. Cupoli, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

Mr. Fitzgerald made a motion to waive the reading and approve the resolution for Jeffrey Shapiro, 512 10th Avenue, which was seconded by Ms. Deitz and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Melango, Mr. Hutchinson, Mr. Cupoli, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and approve the resolution for Dawn Sandomeno, 122 20th Avenue, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Melango, Mr. Hutchinson, Mr. Cupoli, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN: Mr. Fitzgerald and Ms. Deitz,

Mr. Cupoli made a motion to waive the reading and approve the resolution for Salmel Realty Investors LLC, 900 Ocean Avenue which was seconded by Ms. Deitz and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Ross, Mr. Hutchinson, Mr. Cupoli, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

Mr. Kennedy gave a brief discussion on the Board's roles for reviewing C and D variance applications. It was discussed that the Board should stick to zoning matters and not those that would be the responsibility of the Construction Department.

Ms. Claudio announced the application of Roseann Weeden, 315 12th Avenue, will be postponed to a date to be determined. Ms. Weeden will re-notice once a date has been set.

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LARRY & BARBARA DEBIANCHI – 1808 B STREET

Appearing for this application was Mr. DeBianchi, Concetta Alvarez (builder) and architect Jose Santos. Mr. Kennedy marked a new survey and revised architectural plans as additional exhibits. Mr. Greig stated he was unable to listen to the previous meeting and would be ineligible to vote on the application. Mr. Lisko and Mr. Ross stated they listened to the previous meeting and are eligible to vote.

Ms. Alvarez stated the garage was to be removed but they are asking to keep it. There were concerns by the Board about the condition of the garage and whether or not it would keep or rebuilt.

Mr. Santos stated the garage will be rebuilt and be smaller than the existing garage. The siding on the garage will match the house. The updated survey shows driveway strips to help bring down the impervious coverage. Existing impervious coverage is 71.85%, proposed is 54.7%. The only variances being sought are for front yard setback and building coverage of 31.4%.

Mr. Lisko asked about gravel and pervious pavers. He believed the driveway must be 100% counted in the impervious coverage calculation. Mr. Santos stated they will use pervious pavers to get the 50% discount.

Mr. Fitzgerald asked for the size of the garage. Mr. Santos stated the old garage was 325 square feet and the new garage will be 277 square feet. Mr. Fitzgerald questioned the garage being too close to the house. Ms. Claudio reviewed the ordinance and stated there must be 10 feet between the house and the garage. Ms. Alvarez stated the garage could be moved back to the old footprint which would leave 7.5 feet between the house and the garage. Mr. Fitzgerald suggested reducing the size of the garage by 2 feet.

Mr. Melango asked about the garage attic. Ms. Alvarez stated it will be open frame for storage.

Mr. Cupoli asked if the garage will have utilities. Ms. Alvarez stated it will have electric which will be underground.

Mr. Melango was concerned about the dormer on the garage. Ms. Alvarez stated it was for aesthetics only so it could be removed.

Public: Linda Sharkus, 4th Avenue, thought the gravel would be removed. Mr. Santos confirmed the gravel would be removed and replaced with either grass or pervious pavers.

Mr. Santos confirmed the new impervious coverage is 61.7% where 55% is allowed but it is still less than the 71.85% that exists.

There was more discussion about the garage, and it was determined that the distance of 7.5 feet between the house and garage would be acceptable.

Mr. Fitzgerald made a motion to approve the application, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Melango, Mr. Cupoli, Mr. Hutchinson, Mr. Lisko and Mr. Ross

NAYS:

Ms. Alvarez stated Mr. Kennedy had mentioned at the previous meeting preparing a resolution ahead of time. Mr. Kennedy had one prepared but given the discussion that was had, and conditions added he and the Board felt it would be better to wait on voting on the resolution so everyone involved could review it.

At approximately 7:45 pm the Board took a 10-minute recess. After the recess, roll call was taken and all were still present.

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NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 1715 OCEAN AVENUE

Appearing for this application was attorney, Rich DeLucry, RF Engineer Michael Website, Site Acquisition Specialist Joe Oats, Engineer Colleen Connolly, Tim Kronk, Warren Stillwell and Kiyanna Ingram.

Mr. DeLucry stated the property owner Brian Peters was also present per the Board's request.

Mr. Webster stated Verizon needs the service to provide adequate coverage. The 10th Avenue site has reached capacity. The DAS system proposed for the boardwalk is not approved yet and regardless they would still need this proposed site in addition to.

Ms. Bell asked if the application were not approved would the capacity be distributed to other locations. Mr. Webster replied no. Ms. Bell asked if people would still have coverage from 10th Avenue, but it would just be slower. Mr. Webster replied yes.

Mr. Fitzgerald asked if the antennas are put up on the east side of Ocean Avenue, would that help. Mr. Webster stated it would help some. Mr. Fitzgerald questioned if an antenna is across the street from Mama Luke's then why is one needed on their building. Mr. Webster stated their proposal is for a different type of antenna.

Mr. Fitzgerald questioned the usage data for 2019 and 2020. He felt it was hard to believe 2020 was the same as 2019 when there were more users in 2020. Mr. Webster stated their data does not capture extra users.

Mr. Lisko asked if the DAS system on the boardwalk would alleviate some capacity and how much. Mr. Webster agreed it would alleviate some capacity but could not quantify how much. Mr. Lisko questioned how they know they need this antenna beyond the proposed DAS system. Mr. Webster stated they base their application off the coverage maps.

Mr. Ross and Ms. Bell questioned why the antenna is needed in Belmar but not Spring Lake, Avon and Bradley Beach who have no antennas. Mr. Ross questioned how those people have adequate coverage. Mr. Webster could not respond because he did not study the other towns.

Ms. Bell stated they are requesting a D1 variance which the regulations say they must provide an inventory of other sites within a one-mile radius. Mr. Webster stated that was provided in the January report. Ms. Bell stated that table only lists sites to the west, there are none to the north. Mr. Webster stated he would look into this.

Mr. Melango asked how many antennas are at the 10th Avenue site. Mr. Webster did not know. Mr. Melango asked if those could be upgraded instead. Mr. Webster replied no.

Ms. Bell questioned how they know this location is where the demand is.

Mr. Hutchinson asked about RF output because of the safety concerns. Mr. Webster stated they are in compliance with FCC regulations.

Ms. Drazenovich asked if the capacity issues are year-round or only in the summer. She further asked if the antenna could only be present in the months when the extra capacity is needed in order to limit RF emissions. Mr. Webster stated he cannot say which months would need the extra capacity.

Mr. Lisko asked how they determine there is a true need and if there is a legal standard. Mr. DeLucry stated the law says they have to provide reliable service and they can only say that the 10th Avenue site is at capacity but don't know how many users that is.

Mr. Lisko asked if there are smaller solutions. Mr. Webster could not say.

Mr. Melango questioned why there were no studies done on the 10th Avenue site. Mr. Webster stated is being replaced but it doesn't affect the capacity issue.

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Mr. Kronk explained how they meet the criteria for the D variance to be granted. The location is suited for it based on the RF study and the gap in coverage. The site is one of the tallest buildings in the area. The only detriment would be the visibility of the antenna. Felt the Board could approve the application without it being a substantial detriment. He added the property owner would agree to not permit collocation on this property.

Mr. Lisko questioned whether or not the property owner could agree to such. Ms. Bell stated she wouldn't recommend that. Mr. DeLucry saw no issue with the property owner doing such. Ms. Bell felt the inability to collocate makes it more not suitable for the site. Mr. Ross stated it seems the site is suitable for Verizon to lock out competitors but doesn't help the community.

Mr. Melango asked what the benefits are of the application. Mr. Kronk stated Verizon can continue to build their network and provide wireless services to residents and visitors.

Mr. Lisko felt the Board needs an expert to review the testimony and reports. Mr. Cupoli agreed. Ms. Bell stated it is the Board's decision but if they feel they need more information to grant the variance then hiring an RF engineer might help. Mr. Ross questioned getting another expert. Mr. Lisko stated Verizon is claiming a coverage issue and the Board hasn't heard an objective answer as to why and how they know they need this. Ms. Drazenovich thought it would be helpful. Mr. Ross and Ms. Deitz did not see the benefit but would go with the majority.

The Board decided to carry the application to the June 24th meeting. Mr. DeLucry stated his client has no issue with the RF engineer as long as the engineer is not going to tie their application to the proposed DAS system on the boardwalk. The board agreed the June 24th meeting would continue via zoom.

The Board discussed going back to live meetings for the June 29th special meeting.

Mr. Lisko made a motion to carry the Verizon application to June 24th, which was seconded by Mr. Greig and approved unanimously.

Mr. Cupoli made a motion to adjourn the meeting, which was seconded by Mr. Greig and approved unanimously.