

ZONING BOARD OF ADJUSTMENT

JULY 12, 2018

PRESENT: Mr. Hutchinson, Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, Mr. Cupoli, Mr. Greig, Mr. Fowler

ABSENT: Mr. Ross and Ms. Young

ALSO PRESENT: Board Attorney Kevin Kennedy Esq., Board Secretary April Claudio, Zoning Official Ted Bianchi

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 June 13, 2018 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kennedy announced the application of US BUILDING SYSTEMS LLC is being carried to the August 23, 2018 meeting due to a noticing issue involving the post office. Mr. Cupoli and Mr. Fitzgerald stated they have noticed a lot of issues with mail delivery in town

ANDREA SWEENEY & MARK KAZEMI – 201 19TH AVENUE

Mr. Kazemi stated they have owned the property since December 2017 and currently live there. The property is a corner lot. Proposing to build a wraparound deck in the rear and side yard as well as placing a/c units on the A Street side of the property. Proposing some landscaping and a fence as a buffer for the a/c units.

Mr. Bianchi stated the a/c units are technically in the front yard setback which is not permitted, and the deck does not comply with the rear yard setback.

Mr. Cupoli asked about relocating the gas line. Mr. Kazemi stated he is in discussions with NJ Natural Gas.

Mr. Fitzgerald asked if the condensers must be elevated. Mr. Bianchi replied no.

Mr. Lisko asked why the condensers couldn't be placed on the south west side of the property. Mr. Kazemi stated the utility meters are there. Ms. Sweeney stated they had discussed putting them on the roof but that wasn't cost effective. She added there wasn't enough space to comply with the setback on the southwest corner either. Mr. Lisko felt that would be a better location. It would also be very close to the neighbors because the properties are very close. Mr. Lisko asked about in the rear behind the house. Ms. Sweeney stated that would be a concern to her because they don't have a lot of backyard and kids would be playing in that area. She would prefer to keep them where they are.

Ms. Sweeney stated the property was a two-family use that was converted to a single family and agreed to officially abandon the two-family use.

Public: Charles Peters, 202 19th Avenue, stated moving the condensers would be a problem with them. Doesn't see them being a problem if they have shrubs around them.

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Board:

Mr. Fowler welcomed them to Belmar and stated he would be in favor of the application.

Mr. Cupoli stated it is nice to see they have taken a home that was neglected and put a lot of work into it.

Mr. Greig stated it looks like a good plan and would vote for it.

Mr. Fitzgerald stated he has heard a lot of compliments from the neighbors on the work being done to a house that was neglected.

Ms. Casserly and Mr. Hutchinson stated they are in favor of the application.

Mr. Lisko stated despite his dislike of the location of the condensers he would vote in favor of the application.

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

AYES: Mr. Hutchinson, Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, Mr. Greig, Mr. Cupoli and Mr. Fowler

SPRINT – 1000 OCEAN AVENUE

Mr. Kennedy explained the new federal regulations regarding cell antennas which stated towns should allow installations where they do not substantially affect the physical dimensions of the base station. Sprint has filed to do a collocation at the Mayfair hotel. Mr. Kennedy explained there are options for this, Ted can approve it administratively with the Board hearing some testimony tonight and giving Ted approval. Or the Board could say they want to hear a formal application with noticing. Samuel Tripsas, Transcend Wireless, oversees site acquisition for Sprint.

Mr. Fitzgerald asked if the owner of the property consented to this. Mr. Tripsas stated they have a signed lease with the owner.

Mr. Tripsas stated Verizon, AT&T and T-Mobile are already on top the Mayfair and they are proposing a similar size antenna right next to the AT&T antenna. This is to give Sprint coverage on Ocean Avenue and the boardwalk.

Mr. Lisko stated it basically seems no matter which route they take the law states they must approve the plan.

Mr. Fitzgerald felt the public should have the opportunity to opine on it. He was concerned the Mayfair is unable to maintain their building because of the amount of cell towers they have. He was concerned about the structural integrity of roof. Mr. Tripsas stated they have a structural analysis they submitted with the construction permits.

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Mr. Fowler pointed out that Mr. Tripsas stated they would be the same height as the existing antennas which he confirmed.

Mr. Hutchinson asked about other equipment. Mr. Tripsas stated there would be a 16x16 inch cabinet inside of the building.

The Board voted on whether to approve the proposal administratively or have a full hearing.

Mr. Hutchinson, Ms. Casserly, Mr. Greig, Mr. Cupoli and Mr. Fowler voted to approve administratively.

Mr. Fitzgerald and Mr. Lisko voted to have a full hearing.

Mr. Tripsas stated they could come for a full hearing but feels it is very rare. The whole idea of the law is to avoid going before the Board. The state law is a little clearer on it.

Mr. Bianchi stated he doesn't feel comfortable approving these things administratively because of past experiences with the carriers not telling the truth about what they are building.

Mr. Tripsas pointed out again that other towns don't do hearings.

The Board then decided it would be best to have a full hearing. Mr. Fitzgerald made a motion to require a full hearing, which was seconded by Ms. Casserly and approved unanimously.

Ms. Claudio explained she received a letter from Michael Rubino's office regarding the Kendrick application for 205 Third. Mr. Rubino requested an extension of the approvals.

Mr. Kennedy stated the Board can approve the extension but if they need new variances they will have to come back.

Mr. Cupoli made a motion to extend the application to November 2019, which was seconded by Mr. Fitzgerald and approved unanimously. Ms. Claudio will send a letter to Mr. Rubino advising him of the approval.

Mr. Fitzgerald was concerned about having too many special meetings because people with deep pockets ask for them. Ms. Claudio stated the Board is who decides whether to have additional meetings.

Mr. Hutchinson spoke about the dynamics of the last meeting which he felt had a mob mentality. Was concerned anyone that was in favor of the application was afraid to speak because of the amount of people, the booing the clapping, etc. Mr. Kennedy stated he is comfortable with giving a speech at the next meeting to bring some order to the meeting.

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