

**ZONING BOARD OF ADJUSTMENT
JUNE 24, 2021**

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

ABSENT: Robert Cupoli, Holly Deitz, Thomas Palmisano and Michael Druz

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

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 May 27, 2021 meeting, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Fitzgerald, Mr. Ross, Ms. Drazenovich, Mr. Melango, Mr. Hutchinson, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and approve the resolution for Larry & Barbara DeBianchi, 1808 B Street, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Fitzgerald, Mr. Ross, Ms. Drazenovich, Mr. Melango, Mr. Hutchinson, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and approve the resolution awarding a professional service contract to Bruce Eisenstein, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Fitzgerald, Mr. Ross, Ms. Drazenovich, Mr. Melango, Mr. Hutchinson, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

VERIZON WIRELES – 1715 OCEAN AVENUE

This is a continuation from previous meetings. Mr. DeLucry, attorney for the application, stated the Board had some issues they wanted resolved: the existing sites within one mile have been provided, they looked into the possibility of enhancing the equipment on the Mayfair Hotel site and they looked in the DAS system on Ocean Avenue. In the meantime, they have also learned that the original 3M film used for stealthing is now available through another vendor.

Mr. Webster compiled a list of sites in Belmar and within one mile of the borders, which total 9 sites. These sites cannot be used because they do not need their capacity needs. Three of the sites are too far away. The proposed site is the best location. He added there are 15 antennas at the Mayfair site now and it would not be feasible to add more. It also wouldn't provide the capacity relief that is needed. The Mama Luke's site is targeted capacity.

Ms. Connolly reviewed Borough Ordinance 2021-15 but hasn't seen the Borough's siting plan so therefore is unable to provide testimony on whether or not they could put poles on the boardwalk side of Ocean Avenue in lieu. If it were approved, it would require a pole that is 35 feet high. It would also not allow collocation. An additional 5 feet in height would have to be added for additional carriers.

Mr. Webster stated a single pole would provide overage to the beach and boardwalk but not beyond Mama Luke's. If they could do two poles that would be better. He submitted a coverage map for if two poles were installed.

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Mr. Eisenstein and Mr. Webster discussed the coverage map, frequencies and bandwidths. Mr. Eisenstein felt they should have done a report on bandwidths and frequency bands. He recommended to the Board that they look to the future and if they approve the application, what comes next. There was discussion on the proposed boardwalk DAS system which is not entirely 5G. Mr. Webster felt the Mama Luke's site would still be needed even if the boardwalk poles are installed.

Mr. Kronk felt from a planning perspective the Mama Luke's site is the best option. The visual impacts are minimal compared to poles across the street.

Mr. Eisenstein felt the capacity only goes up in the summer months and during peak times. He suggested alternative temporary uses such as a cell on wheels. Mr. Webster was unsure if the ordinances allowed for it. Mr. Eisenstein stated there are 8-9 months out of the year where there is no capacity issue. He suggested another idea would be to have a flagpole at the head of the lake that could hold multiple carriers. Mr. DeLucry felt a mobile antenna would be tough in the summer because it would take up parking. He also felt it was not permitted and might need Board approval.

At approximately 8:10 pm the Board took a brief recess. The Board reconvened at 8:20 pm.

Before continuing the Verizon application, Ms. Claudio announced the application for James Caverly, Booskerdoo Coffee, 1012 Main Street will not be heard. The attorney for the applicant requested the application be carried to the July 22nd meeting, without the need to further re-notice. Mr. Lisko made a motion to approve carrying the application to July 22nd, which was seconded by Mr. Hutchinson and approved unanimously.

Mr. Lisko felt a flagpole at the lake would be a better fit than antennas on a private building. Mr. Kronk felt a flagpole would be more than they need. Mr. Lisko felt it would make sense for them to build for the future. He questioned whether the applicant has clearly defined a need for more coverage as it seems to only be seasonal. He asked if this is the best option. Mr. Eisenstein felt the DAS system on the boardwalk would be the best option, but it is not on the table right now.

Mr. Fitzgerald felt a cell on wheels would be a better option while the long-term solution is hammered out.

Mr. Melango questioned why Mama Luke's was chosen and if they looked at other sites along Ocean Avenue and to the south.

Public: Angela Petillo, 100 18th Avenue, stated there was a petition of over 250 residents submitted to the Mayor and Council, opposing this application. The project only benefits Verizon and the property owner. There is no benefit to the residents. She was concerned about the property staying a commercial use forever. She questioned Verizon's urgency to find another site when Spring Lake turned them down.

Peter Piro, 300 North Blvd., asked if there would be collocation on Mama Luke's. Mr. Eisenstein stated the owner could not permit it but didn't believe the structure could handle it anyways.

Gene Creamer, 4th Avenue, felt the flagpole option could be done without Board approval. He also felt this application should have been before the Planning Board instead.

Marianne Ranieri, 19th Avenue, stated the owner of Mama Luke's doesn't even live in Belmar. She doesn't want to see the property remain a commercial use forever.

Board: Mr. Fitzgerald felt the capacity data hasn't been adequately proven. Felt the positive criteria has been proven. The negative criteria are the height and it's a commercial use in a residential zone. The application impairs the intent of the Master Plan and zoning ordinances.

Mr. Hutchinson was unconvinced it is the right application and at the right time. There are alternatives.

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Mr. Ross stated he has similar feelings. The testimony going back to November has been conflicting. A flagpole at Lake Como would be a nice option. He felt it would be a knee jerk reaction to approve this application when a fix is coming along the boardwalk.

Ms. Drazenovich agreed with the other Board members.

Mr. Melango also agreed and felt Verizon knows we are looking at better alternatives.

Mr. Greig thanked Mr. Eisenstein for explaining Verizon has shown a need for service but not a loss of service.

Mr. Lisko stated there are other sites available in town and felt Verizon hasn't shown this is the best option.

Mr. DeLucry read a Lakewood Zoning Board case where the courts determined the Board doesn't have jurisdiction to deny the application based on alternative sites. He added it doesn't matter if the capacity issue is seasonal or not, it needs to be addressed. The DAS system is not on the table now and we don't know when or if it will be approved. He stated the Board has to identify if the public interest standard has been met and if there are any detrimental impacts, which he feels there aren't any. The building will not allow for collocation and the owner has agreed to not permit it. He felt the Board did not outline what the detriments are.

Mr. Ross stated aesthetics are an issue and how it affects the neighboring properties. He felt people are not going to want to continue to spend one million dollars on a home if they have to look at these antennas.

Mr. Fitzgerald was concerned about the property becoming boarded up and just being used for the antennas. It's a commercial use in a residential zone and doesn't want the property to be locked into that.

Mr. DeLucry explained if the property were to sell the new owner could negotiate terms with Verizon to cancel the lease agreement.

Mr. Kennedy discussed some other case laws with the Board. He advised the Board they have to decide if the applicant has proven a gap in coverage, have they proven they can fix it, and have they met the burden of proofs for the variance.

Mr. Greig made a motion to deny the application, which was seconded by Mr. Fitzgerald and affirmed by the following vote:

(Mr. Kennedy advised a vote in favor is a vote to deny the application)

AYES: Mr. Fitzgerald, Mr. Ross, Ms. Drazenovich, Mr. Melango, Mr. Hutchinson, Mr. Greig and Mr. Lisko

NAYS:

ABSTAIN:

Given the late nature of the meeting the Board and Mike DeBlasio, 902 E Street, discussed postponing his application to a July meeting date. Mr. Lisko made a motion to carry the application to the July 27th special meeting, which was seconded by Mr. Greig and approved unanimously.

Ms. Claudio stated Robert Thacker, 1502 D Street, requested a two-year extension on his approvals. The Board agreed. Ms. Claudio will send Mr. Thacker a letter.

Ms. Claudio stated James Alburtus, contractor for the Sandomeno, 122 20th Avenue application, submitted plan revisions. Ms. Sandomeno has decided to remove the half story and corresponding balcony, making the structure only two stories above the garage. Since the height of the structure is being reduced the Board determined that a formal application to change the plans was not required. Mr. Melango made a motion to authorize the change, which was

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seconded by Mr. Greig and approved unanimously. Ms. Claudio will send a letter to Ms. Sandomeno.

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