

KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Regular Meeting on September 24, 2015 which was called to order at 7:06 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Roger Benedict, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

PRESENT: Terry Musson, Roger Benedict, Dennis Fotopoulos, Robert Burlew, George Sappah, Mark Sessa, Juan Carlos Oviedo

Marc Leckstein, Attorney, Stan Slachetka, Planner and Francis Mullan, Engineer

ABSENT: Mayor Harry Aumack II, Councilman Cooper, J. Kovacs, J. Kovacs-Olsen

Minutes from the August 27, 2015

Motion to approve moved by M. Sessa, second by R. Burlew

Ayes: R. Burlew, M. Sessa, D. Fotopoulos, R. Benedict, T. Musson, G. Sappah,

Abstentions: J. Oviedo

Absent: Mayor Aumack, Councilman Cooper, J. Kovacs-Olsen, J. Kovacs

**APPLICATION: 15-04 RYAN BURLEW
RESOLUTION AMENDMENT
BLK 39 LOT 5.01**

The applicant asked that this application be carried over to the October meeting without further notice. Mr. Leckstein explained why the applicant asked to be carried over.

Motion to carry to next meeting without further notice moved by T. Musson, second by D. Fotopoulos

Ayes: M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, G. Sappah,

Nays:

Abstentions: R. Burlew

Absent: Mayor Aumack, Councilman Cooper, J. Kovacs-Olsen, J. Kovacs

Mr. Kovacs arrived at 7:15pm.

**OLD BUSINESS: 15-03 Keyport Realty Development
Blk 116, Lot 1
Blk 133, Lot 1
101 Greengrove Road
Site Plan**

This application will be heard as a new application at the October Planning Board meeting because there was Boardmembers that should not have participated in the application.

**APPLICATION: 15-02 NY SMSA Limited Partnership d/b/a Verizon
Blk 21.01, Lot 39
35 West Front Street
Use and Height Variance, Site Plan**

Mr. Leckstein explained that the Board cannot consider or bring up any questions regarding radio activity, microwaves or anything of that nature. Mr. Leckstein stated that would be the same for anyone of the public. The FCC has ruled that these towers are within the proper limitations they have sanctioned them as long as they fall into the right frequency area. The Board cannot take it upon itself to say they think there is a problem if the FCC states there is not.

Mr. Fotopoulos asked if the owner of the building was present. Mr. Leckstein asked who the owner of the building was; Mr. DeLucry, Attorney, stated that the owner is 35 Shree LLC. Mr. Leckstein asked who are the principal owners; not sure. Mr. Leckstein stated that they need to know who the owners are so they can make sure no one has any conflict with the person.

Mr. Fotopoulos asked if it was fair that members of the Board especially he would like to ask the owners some questions. Mr. Leckstein explained if you feel the need to have the owner of the building at the meeting you can make that request but they don't have to attend the meeting as long as they have the permission of the owner.

Mr. DeLucry stated that the common owner of both 35 and 37 Shree LLC is owned by Mr. Patel, no member had any conflict.

Mr. Mullan asked if they have the consent of both owners building.

Mr. Mullan stated that everything was included in the re-notice to the paper and residents. The applicant has provided consent of both buildings.

Mr. Leckstein stated that the Board will need signed consent from 37 Shree.

Mr. Leckstein marked in the following exhibits:

- A1 – Site plan dated 4/22/15 with revision dated 9/2/15
- A2 – Survey dated 3/21/15 with revision date of 4/18/15
- A3 – Radio Frequency Emission Study dated 7/16/15
- A4 – Radio Frequency Analysis and Report dated 7/16/15
- A5 – Approval from Monmouth County Planning Board dated 7/13/15
- A6 – Photos
- B1 - T&M Review Letter dated 9/15/2015

Rick DeLucry, Cooper Levinson Attorney for Verizon Wireless application. Applicant is asking for two antennas on building located on West Front Street. Mr. DeLucry explained what variances the applicant would be asking for.

Mr. DeLucry stated that he would have three professionals to speak on behalf of the applicant.

David Stern – radio engineer, stated that he has not previously been before the Board. Mr. Stern explained his qualification for his testimony. Mr. Stern stated he is not licensed in New Jersey. There was discussion between the attorney and Mr. Stern regarding his qualifications. Mr. Stern stated the Attorney General opinion said they don't have to be a licensed engineer. Mr. Leckstein asked if they had a copy of that; no. There was further discussion the attorney asked that they take a brief recess so he can speak to his client.

Motion to take a brief recess at 7:50 pm was moved by R. Burlew, second by G. Sappah with ayes by all present.

Motion to reopen meeting at 7:59 pm was made and carried with ayes by all present.

Roll Call:

Ayes: R. Burlew, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Kovacs, G. Sappah,
J. Oviedo

Nays:

Abstentions:

Absent: Mayor Aumack, Councilman Cooper, J. Kovacs-Olsen,

Mr. Leckstein asked Mr. DeLucry what was the applicant's pleasure. Mr. DeLucry mentioned that as part of the housekeeping Mr. Stern has appeared before the Board approximately 17 years ago. Mr. Stern stated that he was before the board to put Omnipoint on the water tank but that was 17 years ago.

Mr. DeLucry explained the only thing that makes sense is to carry the entire applicant that they be carried over to the next meeting without further notice.

The Attorney asked Secretary about next month's agenda. There was discussion as to what applications will be on the October agenda. The Board decided to carry this application to the December 10, 2015 without further notice.

Motion to open to the public at 8:07pm was made by D. Fotopoulos, second by R. Burlew with ayes by all present.

Bob Ludwig, 50 Beers Street, felt that there are significant issues regarding this application and asked that the Board act responsibly. Mr. Leckstein asked Mr. Ludwig to elaborate. Mr. Ludwig stated that he designed the first ever equipment for the flat antenna. Also, has a PHD mathematics and the use specifications should not informational it should be in central part of the application so that any variation from that would require an invalidation of the license would require additional approval or shut down.

Mr. Slachetka asked if Mr. Ludwig was suggesting that in granting variance the Board should have specified in the application or approval specific like wattage, the gain the position of the antenna. Is that what you are contending; yes. Mr. Slachetka suggested that applicant be prepared to address any of that information.

Mr. Benedict stated that the Board Engineers would be looking into that for the Board and asking the appropriate questions.

Motion to close to the public at 8:13pm made by R. Burlew, second by M. Sessa with ayes by all present.

Motion to carry application over to the December 10th meeting without further notice made by T. Musson second by M. Sessa.

Roll Call:

Ayes: R. Burlew, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Kovacs, G. Sappah,

Nays:

Abstentions:

Absent: Mayor Aumack, Councilman Cooper, J. Kovacs-Olsen

Motion to adjourn meeting at 8:30pm was made and carried.