



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
Tina M. Lawler, Secretary

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**JANUARY 18, 2022
ZONING BOARD
MEETING MINUTES**

The meeting was called to order by Tina Lawler at 7:00 p.m.

Flag Salute
Notification of Meeting

ROLL CALL

PRESENT: Baltera, Cottrell, Famularo, Lawler, Reilly, Seher, Malia
ABSENT: Koussoulis

Vote:

Chairman Position – motion for Pat Malia was made by Matt Lawler – second – Mike Reilly
No other nominations
All were in favor.

Position of Vice-Chair – motion for Greg Seher was made by Mike Famularo – second – Steve Baltera

No other nominations
All were in favor

2022 Meeting Dates – motion to approve – Greg Seher – second – Chris Cottrell
All were in favor

REGULAR MEETING

OLD BUSINESS:

Vote: Minutes of December 21, 2021 meeting
Motion to approve: Steve Baltera – second – Mike Famularo
All were in favor.

Vote: Annual D&R of 2021 Applications – motion to approve – Greg Seher – second – Chris Cottrell
ROLL CALL: Baltera, yes; Cottrell, yes; Famularo, yes; Lawler, yes; Reilly, yes; Seher, yes; Malia, yes

NEW BUSINESS:

Appl. #1-2022 for AT&T – 501 Mill Road – Block 200 – Lot 1 for cell tower base expansion to install a generator

Steven Volkert, from General Dynamics appeared on behalf of the applicant – the applicant is the cell tower across the street at 501 Mill Road. The tower was approved in 1999 and since then AT&T has felt that this site was a candidate for a generator. They offer the first net that only aids municipalities that have their first responders on the tower, a generator will also keep that tower from going down. Sometimes you see flat bed trucks come in after storms carrying diesel generators and they can take days for that to occur and they want to eliminate that in certain locations. During the permitting process, they found out that they needed a variance to expand the fence to a 10 ft. x 16 ft. area to accommodate a 4 ft. x 10 ft. concrete pad. This expansion does not get any closer to the driveway than the current fence does, which is about 6 ft. With the expansion of the 10 x 16 area, it would also be 6 ft. away from the edge of curb. The setbacks for the pad are 3 ft. from the fence. He touched on everything from our engineer's report. The emergency generator would go on automatically if the power goes out. It's a Generac brand and it's a little smaller than the one the city has in their parking lot.

Greg Seher – so AT&T will be responsible for fueling it?

Steve – yes, they get notified when the power goes out and the generator is kicked on. They then have 48-72 hours to get out there to refuel. It's tested once a month, that takes about 15 minutes. It uses diesel gas and is self-contained.

Greg – are there any permits needed by the State

Steve – no

Pat – how many gallons

Steve – 240 gallons and will run 48 hours

Pat – is this strictly AT&T on this tower?

Steve – there are other vendors. This is managed by Crown Castle and they lease the tower to other vendors. This generator would be for AT&T only and not the other vendors. AT&T supplies the first net type of service for first responders and families, which is exclusive to AT&T.

Pat – how noisy is it and are there state requirements on this?

Steve – it rates out at 80 pbi, which is equivalent to a vacuum cleaner and it will meet the state code.

Matt – you said there are other providers, so you aren't sharing the generator?

Steve – no it would only work if the municipality owned it or if there was one landlord who provided it to everyone.

Pat – so you lease space from Crown Castle, who leases that area from the city?

Steve B. – if Crown Castle installed one, they could lease it to everyone then.

Matt – are we opening up a can of worms if AT&T is going to be the only generator on site? What if Verizon wants to come in, then how many could we end up?

Eddie Dennis – board engineer – this is a D variance and there are no bulk standards in the zone, so it's not a setback issue or coverage issue. It's an existing, non-conforming use that is being expanded. To Matt's question, you can look at it as someone expanding a residential building in a commercial zone; you judge the application based on its merits and the one in front of you. If they want to expand it even more, they'd have to come back again. At that point, you can say whatever you want. He doesn't know if this applicant has any control over who may come after him. Decisions made from this board, don't necessarily set precedent. Every application stands on its own merit. You may never get another application.

Jim Grimley, board attorney – we don't know what kind of agreement Crown Castle has with its licensees

Steve – if we were to lose power right now, AT&T would bring in a temporary generator. Verizon and T-Mobile would do the same thing. There is a pecking order. We have the first net and it's sandwiched between the proximity of the fire house and city building. That is why they want to install one at this site.

Eddie – he thought this would provide back up power for the city, but it won't.

Pat – questioned if Crown Castle has to sign off on this too.

Eddie – we can make it a condition that they submit a copy of the lease and an expanded lease area to include the generator. He doesn't know how much you should weigh into your decision making on what may happen down the line. He asked Steve to explain what first net is and how it ties into this.

Steve – it's a program that AT&T exclusively has with first responders. This can transmit to emergency personnel and help them to communicate with each other. They would need to be on AT&T to be able to get this and they offer incentives to people.

Mike Famularo – he doesn't have AT&T, but he knows a little about it. It gives first responders preference over everyone else who doesn't have it. They use it a lot in larger events, when too many people are on the network. It gives first responders a boost.

Eddie – whether or not it's the city's specific system, it provides a public safety function technology that would benefit the general public. He continued with his report. They touched on the noise and it would be tested once a month and it would be minimal. We could make a condition for the time of day between certain hours. We can make it between the normal work hours that are in the ordinance. The cell tower is not encroaching any closer the firehouse driveway than it is now. The vegetation that used to be screening the entire cell tower facility is gone, so it's up to the board if they want to make it a condition of approval to provide some landscaping buffer in front of Mill Road at least. They can submit something to us and we can review it administratively.

Steve – sure, we can.

Pat opened it to the public. No public comment.

Jim – subject to the conditions mentioned tonight and in Mr. Dennis' report, the applicant has agreed to them on the record. They will need to submit both leases, the one with Crown and the City and the sublease between Crown and AT&T to the city within 14 days. Any testing done for the generator will be consistent with Absecon's noise ordinance regarding working hour and there will be a landscaping buffer fronting Mill Road. By way of affirmative vote, with at least five members of this board, does this board approve applicant's request for a use variance to expand a non-conforming use with a 10 ft. x 16 ft. fenced in compound to accommodate a 4 ft. x 10 ft. concrete pad for an emergency generator.

Greg – without anyone here against this and the condition of submitting the lease, he is fine.

Pat – he had concerns with the lease and noise at first, but they have been addressed.

Motion was made by Greg Seher – second – Mike Reilly

ROLL CALL: Baltera, yes; Cottrell, yes; Famularo, yes; Lawler, yes; Reilly, yes; Seher, yes; Malia, yes

Motion passed 7 to 0 in favor.

Pat opened the meeting up back to the public.

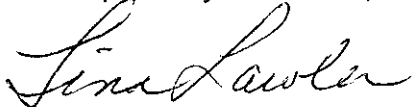
Betty Howell, Council President – 1007 Spring Lane – she wanted to thank all of the board for volunteering their time and patience and everything they do. She knows there is no recognition. She wanted to let them know that the city is here to support you if you need anything. Congratulated Pat and Greg for the positions. She has never heard anything bad about this board.

Greg – thanked her for the reappointment of his term

ADJOURNMENT

Motion to adjourn – Mike Famularo – second – Steve Baltera
All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 3-15-22