

**Township of Lumberton
Land Development Board
Regular Meeting
August 19, 2010**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Morton on Thursday, August 19, 2010 at 7:30 p.m.

Chairman Morton read the following statement:

In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner:

On January 4, 2010 advance written notice of this meeting was posted on the bulletin board in the main lobby in the Town Hall; was mailed to the Burlington County Times and the Courier Post; was filed with the Clerk of Lumberton Township and was mailed to all persons who requested and paid for such notice.

Please note that unless otherwise modified by Resolution of the Land Development Board, all meetings shall begin at 7:30 p.m. and no new matter shall be initiated after 11:00 p.m., except where the Land Development Board, by majority vote of those present, shall specifically authorize the extension of the meeting beyond 11:00 p.m.

Those testifying before the Board on any application are required to be sworn in. The Board's Engineer and Planning Consultant have taken an oath upon their agreement and their testimony on an application is under oath on a continuing basis.

Roll Call

Citizen Member	Thomas Ammerman, Vice-Chairman Robert Bennett Sheldon Evans Beverly Marinelli Robert Morton, Chairman John Pagenkopf (Absent) Craig Potter
Representatives of Governing Body	James Conway, Jr. Lewis Jackson
Alternate #1	Nancy Bleznak (Absent)
Alternate #2	Thomas Bintliff (Absent)
Alternate #3	
Alternate #4	Ed Borm (Absent)
Solicitor Consulting Engineer & Planner	Peter Emmons, Esq. Thomas Cundey, P.E. Remington, Vernick & Arango
Board Secretary	Catherine Borstad

Minutes

Meeting minutes for June 17, 2010.

Motion was made by Mr. Conway, seconded by Mr. Evans to approve the June 17, 2010 Meeting minutes. The vote was affirmative and the motion carried.

Correspondence

- a. Letter dated August 6, 2010 from PSE&G in regards to Resolution 2009-007.

Mr. Emmons stated that the applicant was required to submit the sound testing to see if the noise level exceeds the state levels and after testing it appears that the equipment does exceed the state levels. Mr. Cundey stated that he has spoken to PSE&G professionals and they expressed a desire to extend the sound wall. Mr. Patterson from PSE&G was present and was sworn in, after further discussion it was decided that PSE&G would be required to come back to the board to seek approval to extend the wall. Mr. Emmons stated that they would be required to submit a revised site plan and re-notice.

Resolutions

- a. 2010-10 T-Mobile, Northeast, LLC, 386 Main Street, Block: 40, Lot: 2. Use Variance and site plan approval. Continued to August 19, 2010 Land Development Board Meeting..

Motion was made by Ms. Marinelli, seconded by Mr. Ammerman to approve Resolution 2010-10. The vote was affirmative and the motion carried.

- b. 2010-11 Virtua Health and Rehabilitation Center, 62 Richmond Ave., Block: 12, Lot(s): 1 and 2, Block: 17, Lot(s) 1.01, 2.01 and 2.02. Preliminary and final major site plan. Continued to August 19, 2010 Land Development Board Meeting.

Motion was made by Ms. Marinelli, seconded by Mr. Potter to approve Resolution 2010-11. The vote was affirmative and the motion carried.

Items for Action

- a. ***Virtua Heath and Rehabilitation Center
62 Richmond Ave
Block 12 Lot 1 and 2
Block 17 Lot(s) 1.01, 2.01 and 2.02
Preliminary and Final Major Site Plan with Variances***

Mr. Emmons address the public noticing that several members from the public were there to hear this application, announcing that this application was being continued to the September 16, 2010 meeting, that no further notice would be given and to call the Land Development Board secretary to confirm they will be heard at that meeting.

Motion was made by Mr. Evans seconded by Mr. Potter to continued this application to the September 16, 2010 meeting. The vote was affirmative and the motion carried.

Mr. Pagenkopf joined the board at 7:43.

b. Walmart
1740 Route 38
Block22, Lot 8.02
Preliminary and Final Major Site Plan

Ms. Siebold, attorney was present on behalf of Walmart for completeness only.

Swearing in of two new professionals, Mr. Cundey, PE and Mr. Stevenson, PP from Remington and Vernick.

Chairman Morton asked Mr. Cundey if the application was complete. Mr. Cundey stated that several waivers have been requested. An Environmental Impact Statement was not submitted, applicant asked for waiver. Mr. Moman, Engineer for Walmart, previously sworn to testify, stated that the EIS was previously granted, new application disturbs less area and is within the previously disturbed areas. Noise analysis and traffic analysis will be addressed within different reports already submitted.

Mr. Cundey stated that Section 130-21D(1)(c) written description of the number of employees, the proposed number of shifts to be worked and the maximum number of employees per shift, should be provided. Ms. Seibold stated that Mr. Lacker, who is the regional Manager, is present if the board wishes to have him testify at this time to address the number of employees, etc. Mr. Emmons recommendation to the board is to accept that during the course of testimony. Mr. Emmons asked Mr. Cundey if it is acceptable if they submitted things along the way that will address any outstanding issues in regards to the Environmental Impact Statement.

Mr. Emmons asked if Mr. Stevenson, township Planner, if he has any comments on completeness, he stated nothing at this time.

Motion was made by Mr. Pagenkoff seconded by Ms. Marinelli to deem this application Complete. The vote was affirmative and the motion carried.

Conversation ensued in regards to Special Meeting dates, the following dates were agreed upon: Monday September 27, 2010 at 7:00 and if necessary Wednesday October 6, 2010 at 7:00.

c. Linda Sacchetti
13 Bridge Road
Block 40 Lot 19
Bulk Variance for Detached Garage, Variance for Second Garage

Ms. Sacchetti, sworn to provide testimony. Mr. Johnson, prospective buyer also sworn to provide testimony.

Mr. Johnson stated that he would like to build a second garage 50 x 40, at peak 20', typical pole barn, 2 garage doors 12', 1 entrance door, cement floor and electricity.

Chairman Morton asked if there is currently a garage, Mr. Johnson stated there is a 2 car garage attached to the house.

Mr. Emmons asked Mr. Stevenson if the application can be deemed complete. Mr. Stevenson stated yes.

Chairman Morton asked for a motion.

Motion was made by Mr. Conway, seconded by Mr. Evans to deem the application complete. The vote was unanimous and the motion carried.

Chairman Morton asked what type of material would be used. Mr. Johnson stated metal.

Chairman Morton asked what the garage would be used for. Mr. Johnson stated storage, wood shop and maintenance on vehicles. Chairman Morton asked if there would be any plumbing, Mr. Johnson stated no just electric. Mr. Conway wanted to clarify that the maintenance of vehicles was for Mr. Johnson's vehicles, he stated yes.

Chairman Morton asked Mr. Stevenson if he had any questions for the applicant.

Mr. Stevenson stated there is a necessity for granting of a waiver and necessity for granting of a variance. Height of structure is 20 feet which was not indicated in the application, 18 feet is permitted. The waiver is required because one garage is permitted and you are asking for another garage and also the variance is required because of the size, 900 square feet is permitted and applicant is proposing 2000 square feet and additional variance would be required for the height of the structure. Mr. Stevenson explained to the board that the applicant is required to meet both the negative and positive criteria for granting approval. There is also a provision in the ordinance that allows on three vehicles. Mr. Johnson stated that he thought the ordinance stated that he can only have three doors not vehicles. Mr. Conway asked how many vehicles he would have, Mr. Johnson stated two and two at the house. Mr. Stevenson stated they would check the ordinance, Mr. Emmons stated that they have always treated it as garage doors not vehicles.

Mr. Stevenson asked Mr. Johnson to address any negative impact on the surrounding property owners. Mr. Johnson stated that the property is surrounded by pine trees that are forty feet tall and majority of houses in area have oversized garages. Mr. Stevenson asked if there would be any excessive noise from structure, applicant stated that it would not be used for commercial use at all just his own personal use.

Mr. Stevenson asked to Mr. Johnson if any of the surrounding properties have any large detached garages. Ms. Sacchetti testified that there are at least two others in the surrounding areas. Ms. Marinelli stated that down at the end of the street that they have huge out buildings, also they have huge White Pine trees that are fully grown.

Ms. Marinelli confirmed with Mr. Johnson that the house has a finished basement, she asked what the use of the garage would be, Mr. Johnson stated for storage, woodshop and collectible car storage.

Ms. Marinelli asked if he was planning on running any business. Mr. Emmons stated that they would be no approval for running a commercial business from the property. Mr. Johnson agreed that he would not be running any business from the property.

Ms. Marinelli asked why he would not want the garage closer to the house for convenience, Mr. Johnson stated that he wanted to preserve that space for family events.

Chairman Morton asked what type of material would be used for the driveway. Mr. Johnson stated it would be crushed gravel. The apron would remain the same.

Chairman Morton asked if the board had any other questions.

Mr. Evans asked if there would be any outside lighting. Mr. Johnson stated no.

Mr. Emmons asked to see the notice and stated that the notice is sufficient.

Chairman Morton opened the meeting up for public comment. Mr. Anthony Romono, 21 Bridge Road, has two concerns, one was the height above the 18 feet. I am a co-owner of access road, not sure why he needs a 20 ft, everyone else conforms with the height

requirements, concerned about what type of vehicles would be using the access road, access road only designed for vehicles and light trucks. Mr. Romono asked why he would need a 12 x 12 doors. Mr. Johnson stated that he never gave it any thought. Mr. Emmons asked if would object to lowering the height of the structure to 18 feet. Mr. Johnson agreed that he would lower the height to 18 feet.

Chairman Morton asked if anyone else from the public wishes to speak. There being none, this portion of the meeting was closed.

Mr. Emmons stated the applicant is asking for a bulk variance for a detached garage, and second car garage, applicant has withdrawn his request for a height variance, the garage will be no higher than 18 feet. The garage will be 2000 sq ft where 900 sq ft is permitted, applicant testified that property is surrounded on all three sides by pine trees and all surrounding properties are at least 2, 3 and 4 acres. Applicant testified that there is no room in the house for storage, all of the bulk standards are meet. The applicant is aware that the garage is not permitted to be used for commercial uses.

Motion was made by Mr. Jackson, seconded by Mr. Pagenkopf to approve the application. The vote was affirmative and the motion carried.

c. *T-Mobile Northeast, LLC*
386 Main Street
Block 40, Lot 2
Use Variance and Site Plan Approval for
Wireless antenna mounted on existing Tower

Mr. Conway and Mr. Jackson both stepped down.

Mr. Mitchell, Hambro Mitchell, on behalf of T-Mobile Northeast, LLC. Seeking approval for the transmission facility located at 386 Main Street. Existing tower is 131 feet tall, seeking to extend the structure 16 and half feet higher, including the antennas, nine antennas. Install equipment cabinets at the base of the tower within the compound. Applicant is seeking a Use Variance as well as site plan approval.

Mr. Stevenson stated that the application is complete.

Mr. Emmons asked to see the notice and stated that the notice is sufficient.

Chairman Morton asked for a motion for completeness. Motion was made by Mr. Evans, seconded by Mr. Potter the vote was affirmative and the motion carried.

Mr. Mitchell spoke about a report from Kenneth R. Foster and Associates that addresses levels of radiofrequency (RF) electromagnetic energy associated with a proposed T-Mobile radio installation with antennas.

Mr. Jay Kruse, Civil Engineer from Dewberry, Mr. Kruse stated his credentials to the Board. Chairman Morton stated that the Board accepts Mr. Kruse's qualifications.

Mr. Kruse stated that the site is located in the R/A TDR Sending Area, 7 ½ acre parcel. The tower is located approximately 650 off the right of way on Main Street, in the rear of the substation. Sheet Z-1 is a general overview of the existing site that was previously submitted with the application. Access to the site is from Main Street, gravel drive which is for used for the existing use and the proposed use for the Tower. Sheet Z-3 is an expanded view of the compound and tower base, where the equipment cabinets will be installed. Also, an elevation view of existing PSE&G transmission tower and what is being proposed to be installed on the facility to house antennas and coaxial cables.

Mr. Kruse stated that they are proposing a total of nine antennas at a center line of 145 ft above grade, which will be an overall height of 147.5 ft total height. The proposed antennas are 16.5 ft in height. They are proposing four equipment cabinets approximately 16 ft wide by 20 ft compound which is located behind the existing transmission tower.

Mr. Kruse stated the entire area will be enclosed with a 7 ft fence.

Mr. Mitchell asked Mr. Kruse to address the structural analysis for this tower. Mr. Kruse stated that this tower meets the structural analysis required. Mr. Emmons asked if our professionals have this report. Mr. Mitchell state they can submit one if required.

Mr. Mitchell asked Mr. Kruse if they are proposing any lighting. Mr. Kruse stated that they are will not be any lighting, they have contacted FAA and they have stated that is not required to light the tower. Mr. Mitchell asked about noise levels. Mr. Kruse said that the noise is minimal, they do not have generator and the only noise will be emitting from a fan inside the cabinets.

Mr. Emmons asked about the height of the existing tower, Mr. Kruse stated the tower is 131 ft above grade, with the installation of the 16.5 ft antennas it will be a total of 147.5 ft.

Mr. Emmons asked if the 7 ft fence would be locked. Mr. Kruse stated yes.

Chairman Morton asked if there any questions from the board. Mr. Evans asked about the height and if it would interfere with any aircraft from the neighboring airports. Mr. Kruse stated that they have received approval from FAA in regards to the height of the proposed antennas, no lighting is necessary.

Mr. Ammerman asked about any anti-climbing device. Mr. Kruse stated that they will remove the lower 6 ft of the climbing pegs and only the technicians that come out will have those pegs.

Mr. Glenn Villamueva sworn to testified in regards to the radio frequency.

Mr. Mitchell asked Mr. Villamueva to explain why they need this site and the height of the proposed antennas.

Exhibit A-1 color rendering of T-Mobile existing coverage. Mr. Villamueva explained what the different colors represent: Green – in home coverage, business, Yellow – traveling, White – drop calls, Blue – existing site, Purple – proposed site on Main Street. Existing site is located at 35 Municipal Drive.

Ms. Marinelli asked if the tower is only for T-Mobile. Mr. Villamueva stated yes.

Exhibit A-2 color rendering of T-Mobile with proposed site after antennas installed. Green – 2 sq miles of reliable coverage, Yellow – 6 sq miles of reliable coverage while traveling.

Mr. Emmons asked if there are other Towers in the area that are already built that meet height requirements that you are not considering. Mr. Mitchell clarified if there are other structures that would meet the requirements. Mr. Villamueva stated no other towers that exist would cover this area. Mr. Villamueva stated putting the antennas at this height would avoid interference with wires from PSE&G, below the wires would not provide the coverage to this area.

Ms. Marinelli asked about what type of notice, how many ft. Mr. Emmons stated that is was the normal 200 ft notice and also notice was provided in the newspaper.

Chairman Morton asked if the board had any further questions for this witness. There being none moved onto the next witness.

Mr. James Kyle, PP, Kyle Planning Design sworn to testify. Mr. Kyle spoke in regards to the variances that would be required, D-1 Use Variance and/or D-6 Height Variance.

Exhibits A-3 2007 Aerial photograph of the site and surround area.

Mr. Kyle spoke of the necessity to address both the positive and negative criteria for a variance. It has been determined by the courts that having possession of a FCC license has been determined to be enough to benefit the public. Also if the applicant proves an existing coverage gap, that is also enough to address the positive criteria. According to Exhibit A-1 it shows there is an existing coverage cap, where Exhibit A-2 shows the increase in coverage after the proposed antennas installed. Mr. Kyle stated that extending the tower is better than building new.

Mr. Kyle spoke about the benefits of having cell phones, and that a study has been performed by the Center for Disease Control and that as many as ¼ of homes now have no land lines that they just use cell towers..

Exhibit A-4 Ft. Worth Installation in Lawrence Township, NJ.

Mr. Kyle stated that the proposed antennas would have minimal visual impact.

Mr. Emmons asked what color the monopole would be. Mr. Kyle stated it will be galvanized steel, same as the tower.

Mr. Emmons asked if there are other towers in the area that T-Mobile could have used, not utility towers other Telecommunication towers. Mr. Kyle stated no.

Mr. Kyle stated that PSE&G only allows one carried per tower.

Mr. Emmons asked if they received approval tonight when construction would begin. Mr. Kyle stated that he was unsure when construction would begin.

Mr. Mitchell stated that PSE&G really decides when construction will begin.

Exhibit A-5 photos of the existing site.

Mr. Mitchell asked Mr. Kyle if they represent existing conditions of the site. Mr. Kyle stated yes.

Mr. Kyle stated that the site is well buffered by existing vegetation.

Chairman Morton asked the board if they have any further questions for this witness, no further questions from the board.

Chairman Morton asked Mr. Stevenson if he had any questions. Mr. Stevenson stated he had no questions, but referred to a review letter dated May 12, 2010 and the applicant's presentation covered every point in that letter.

Mr. Stevenson agrees that no further landscaping or buffering would be required.

Chairman Morton opened the meeting up for public comment. There being none the public portion was closed.

Mr. Emmons stated a motion was required for a D-1 Use Variance and D-6 Variance for Height.

Motion was made by Mr. Evans, seconded by Ms. Marinelli, to approve the application. The vote was affirmative and the motion carried.

At this time Mr. Conway and Mr. Jackson return to the meeting.

Old Business

No Old Business.

Public Comment

Chairman Morton opened the meeting up to the public.

Mr. Bitter, 3 Peppermint Drive, Country Estates.

Mr. Bitter moved into Country Estates in May. The rear of his house is elevated and at present has no means to enter into his rear yard. Country Estates has given him some information in regards to the improvements that they could make, decks, patios and basic landing and steps.

Mr. Bitter would like to install a paver stone patio with a sitting wall no more than 3ft in height, but needed to install steps first. The Homeowner Association will not approve the patio because of the material that he proposed. They are bound by the Land Use Approval, 15 x 16 4000psi poured concrete patio.

Mr. Bitter spoke to the Construction Office and stated that paver patio stones are not permit in nature and no construction permit would be required.

Ms. Borstad, Zoning Officer spoke to the Homeowner's Association would allow you to install the patio if you install a fence, they wanted some kind of conformance with the houses on both sides.

Ms. Borstad indicated that Mr. Bitter would have to submit to the Homeowner's Association a plan that would be the same size as the approved size for a concrete patio without the sitting wall for approval.

Mr. Emmons advised that the Homeowners Association has jurisdiction.

Mr. Bitter will come in the Construction Office/Zoning Office and review the application.

Comments from Professionals

Annual report for 2009 was adopted.

Motion was made by Mr. Pagenkoff, seconded by Mr. Potter to adopted the Annual Report for 2009. The vote was affirmative with the exception of Mr. Conway and Mr. Jackson who absented.

Comments from the Board

A. Bill List

Motion was made by Mr. Evans, seconded by Mr. Ammerman to approve the bill list. The

vote was unanimous and the motion carried.

Adjournment

Motion was made by Mr. Jackson, seconded by Mr. Conway to adjourn at 9:38 p.m.
The vote was unanimous and the motion carried.

Respectfully Submitted,

Catherine A. Borstad
Land Development Board Secretary