



MUNICIPAL BUILDING, 590 MAIN ST., P.O. BOX 218, LEESBURG, NJ 08327

LAND USE BOARD
BARBARA SUTTON, Secretary
(856) 785-1120 ext. 116

**AGENDA FOR MEETING of OCTOBER 6, 2010
7:00 PM**

1. Call to order.
2. Open Public Meetings Act announcement.
3. Roll Call.
4. Pledge of Allegiance.
5. Vote on minutes of the 9-1-10 meeting.
6. Correspondence.
7. AT&T Mobility - Major Site Plan/Conditional Use for 20 ft. extension to height of existing cell tower and expansion of site plan area for related equipment at 5322 Rt. 49, known as Block 117, Lot 33. Determination of completeness. Possible public hearing.
8. Rails to Trails presentation by the Cumberland County Planning Department.
9. Other.
10. Adjournment.

MAURICE RIVER TOWNSHIP LAND USE BOARD

Meeting Minutes: October 6, 2010

Present: B. Stowman, Chairman, C. Thompson, V. Chairman, Committeewoman K. Ireland, Committeeman K. Langley, R. Hoffman, J. Lafferty, C. Lawrence, Alt. #1, J. Pflaumer, Alt. #2, K. Schellinger, PE, T. CuvIELLO, Planner and M. Benson, Solicitor.

The Chairman announced that this meeting was held in accordance with the Open Public Meetings Act of New Jersey.

The minutes of the 9-1-10 meeting were approved on a motion by Ireland and seconded by Lafferty. Lawrence and Hoffman abstained. All other members voted in favor of the motion.

The Secretary announced receipt of the following correspondence:

1. The September/October NJ Planner publication.
2. Robert Brewer, Director of the Cumberland County Planning Department, e-mailed presentation #3 of the County Open Space Planning Study meeting held on 9-9-10. Comments were requested.
3. Letter dated 9-10-10 from Matthew Pisarski, from CC Planning Department requesting time on a Land Use Board agenda to present the annual update of the Cumberland County Farmland Preservation Plan. The Board okayed 11-3-10 for this presentation.
4. Copy of Tiffany CuvIELLO's revised letter to the Cumberland Development Corporation dated 9-8-10, regarding the Land Use Board's comments on the proposed Western/Southern Cumberland Region Strategic Plan.
5. Notification that a DEP application was filed for a Freshwater Wetlands General Permit to upgrade the septic system on Block 316, Lot 36 in Heislerville.

**AT&T MOBILITY
CONDITIONAL USE/SITE PLAN/VARIANCES**

**BLOCK 117, LOT 33
5322 ROUTE 49**

This application was introduced and deemed incomplete last month.

Chairman Stowman again stepped down due to a conflict. Vice Chairman Thompson assumed the Chair.

Nick Talavacchio, Esq., with the firm of Cooper Levenson, represented the applicant. He explained that the application requested approval for a twenty foot (20 ft.) extension to the existing tower, a side yard setback variance made necessary by the increased height, expansion of the compound area and a variance for exceeding the square footage of the equipment building.

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Schellinger discussed his review report dated 9-24-10. He indicated that with the waivers and partial waivers granted last month, there was a need to hear testimony from the applicant with regard to underground utilities, easements, visual impacts, site suitability, Pinelands requirement to provide a notarized statement that the applicant will abide by the provisions of the Comprehensive Management Plan for Wireless Communications Facilities as it relates to co-location and confirmation from other wireless providers who have expressed a desire to locate on the proposed facility.

Schellinger further stated that the survey provided shows existing cleared and forested areas. Photographs showing the existing conditions were provided as well as photos showing a simulated tower with the proposed extension as it would be viewed from four locations.

Schellinger referred to a memo received from Gordon Gross requesting, on behalf of the Office of Emergency Management, that the Board consider a condition of approval that would permit the installation of two whip antennas for improved 911 services in the Cumberland area.

The revised application with the previous waivers granted and subject to the applicant providing the necessary testimony, was deemed complete on a motion by Ireland, seconded by Hoffman and a unanimous roll call vote.

Jason Young, radiofrequency engineer employed by AT&T, was sworn in. He gave his credentials and was accepted as an expert witness. He described Exhibit A-1 "AT&T Reliable Wireless Network Coverage without Hunters Mill". This exhibit showed all existing AT&T sites in the area with the coverage area shown in green. The white area shown represented a 5 by 6 mile gap in coverage where calls may be possible but not clear. He stated that the proposed site combined with the 170 ft. site in Dorothy would cover most of this gap.

Young then presented Exhibit A-2, "AT&T Reliable Network Coverage with Hunters Mill" showing the gap reduced by half the size with three (3) more miles radius of service. He stated that the company wanted to be higher, but the structural engineers stated that 170 ft. was the maximum height that this tower could handle.

Exhibit A-3, which showed the terrain near the proposed site, was discussed. Young stated that tree covered hilltops between the flat areas of the road do have an impact on coverage.

Young presented Exhibit A-4, the Radiofrequency Emissions Report prepared by Site Safe and dated 8-31-10. He stated that the findings in this report conclude that with all carriers existing and proposed combined, emissions would be well under the safety threshold and meet FCC requirements.

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Peter Longo, PE was sworn in. He gave his credentials and was accepted as an expert witness. He referred to Sheet Z01 in the package and described the lot and its features. The existing wireless compound is standard with Sprint, T-Mobile and Cricket currently located on the tower. AT&T proposes to enlarge the compound 25 by 35 feet to the rear for placement of an equipment shelter. This sheet shows the wooded perimeter and the open area of the property. He stated that the proposed expansion will not require any further clearing.

With regard to utilities, Longo stated that there is an electric service with a dedicated meter for each existing carrier and a spare socket for AT&T. There will be a light on the shelter controlled by a timer and no lighting on the tower itself.

Sheet ZO4 shows the details of the proposed 11 ½ by 20 by 10'1" pre-fab equipment shelter. A variance is required as this building exceeds the 100 sq. ft. maximum.

Longo further stated that this facility generates no noise or fumes. A portable generator will be delivered to the site in emergencies.

Jim Miller, NJ Licensed Planner, was sworn in. He gave his credentials and was accepted as an expert witness. He presented Exhibit A-5, an aerial photo showing the site and a 400 ft. circle around the site. He stated that the compound is not visible off site and the only impact of this application was the visibility of the 20 ft. extension, which is far less impact than a new tower.

Miller further stated that the relief needed was minor. The shelter is just 1" over the height limitation. The existing setback of 107 ft. will remain the same; however, a variance is necessary for the setback due to the increased height of the tower.

Miller concluded that this application does not violate the zone plan, advances the purposes of the Ordinance, including the goal of co-location, all applicable criteria has been met and the requested relief is justified.

There was discussion regarding Schellinger's recommendation to require the existing trees to remain to provide a buffer from neighboring properties. The applicant agreed to submit a buffering plan acceptable to the Board's engineer.

Talavacchio stated that the applicant would not object to the placement of emergency equipment at 160 ft. if the tower owner consents.

On a motion by Lafferty, seconded by Ireland and a unanimous vote, the public hearing was opened. There was no public comment. On a motion by Lafferty, seconded by Hoffman and a unanimous vote, the public hearing was closed.

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On a motion by Ireland, a conditional use, site plan and requested variances were approved for a 20 ft. tower extension, "c" variances for a 107 ft. setback for the monopole where 200 ft. is required and for a 228 sq. ft. equipment shelter where 100 sq. is the maximum. This approval was made subject to a buffering plan that is acceptable to the Board's engineer; cooperation by the applicant in facilitating the location of emergency antennas with the tower owner; a perfected plan; and, appropriate bonding. Langley seconded. Unanimous roll call vote.

Chairman Stowman resumed the Chair.

RAILS TO TRAILS PRESENTATION

Robert Brewer, Director of the Cumberland County Planning Department, gave a presentation on the Rails to Trails program. He explained that this concept could make old rail lines a viable resource to encourage hiking and biking. Existing bikeable roads would be incorporated into the network to connect sections of rail lines. He stated that a feasibility study has been completed throughout the County and results showed that Maurice River Township and Commercial Township are the most feasible. He provided several full copies of the study.

Brewer also stated that resources are available for this type of project. The consultant for the project, Robert Thomas of Philadelphia, came up with 17 pages of potential funding, i.e. health, pedestrian and biking grants, etc. and the County will help in pursuing those funds.

Brewer further explained that the County will not actually be taking over this project, but will assist interested communities in the process. The Township has expressed interest in pursuing this project. A Committee of township residents will be involved and will be working directly with the County during the planning stage. Andy Sarclette, Linda Costello, Bill Garrison, Chris Ward Garrison, James Pflaumer and Roger Hoffman have been appointed to this committee and were in attendance.

There being no further business, Lawrence motioned to adjourn. Hoffman seconded. Unanimous.

The meeting adjourned at 9:02 PM.

Respectfully submitted,

Barbara D. Sutton, Secretary

