

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

March 15, 2010

Solicitor: Christopher Brown, Esq.
Engineer: James Mott, P.E. (Mott and Associates) Robert Watkins, P.E., in attendance
Planner: Vincent Polistina, P.P. (Polistina and Associates) Craig Hurlless, P.P., in attendance

A regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 6:30 p.m., prevailing time, Egg Harbor Township hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call:

Manuel E. Aponte, V-Chair., present	Joseph Lisa, 2 nd V-Chair., present,
Committeeman John Carman, present	Mayor James J. McCullough, Jr., present
Charles Eykyn, present	Peter Miller, Township Admin., present
James Macon, Alt. #I, present	Dorothy Saslav, present
James Garth, Sr., Chairperson, present	Frank Kearns, Alt. #II, present
Robert Levy, present	

PUBLIC HEARING(S):

- | | |
|--|-------------------------------------|
| 1. SD 12-07 | Minor Subdivision |
| Richard Swezeny | 1702/128 & 129 |
| Zone: RG-2, lot: 128 (existing 2.17) lot: 129 (existing 1.54), | 3071 Ivins Avenue |
| sewer/well, applicant is proposing to re-subdivide existing | Waiver of Time – Not Granted |
| parcels in order to realign division line between the two (2) both will continue to contain existing | |
| single-family dwellings with associated improvements.. Pinelands: Cert. of Filing: #1983-5667.003, | |
| dated 6/13/07. | |

Checklist Waiver(s):

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| 1. Item #5: | Existing topography extending 100' feet |
| 2. Item #8(d): | Approval signature line for Township Clerk |

Variance Relief:

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| 1. §225-7: | Front Yard Setback (Existing Lot 129): | 17' ft. proposed; 25' ft. required. |
| 2. §225-7: | Lot Width (Existing Lot 128): | 80' ft. proposed; 100' ft. required |

Jeffery Sutherland, Esq., introduced himself as attorney for the applicant. Attorney Sutherland advised the Swezeny family purchased a large parcel of property in 1970's for the construction of the family home. He indicated in 1985 Mr. Swezeny's mother subdivided the property in half in order for one of the children to construct a home.

Mr. Swezeny stated he had constructed a home on the rear lot and his mother lived on the front parcel. He indicated since this time his mother has passed away and he is now proposing a realignment of the lot lines in order to change the access to the homes. Mr. Swezeny stated there is a driveway easement but that is what is used to access the old gun club, which has subsequently turned into a single-family home. Mr. Swezeny stated the access easement to this home will remain.

As well as, the MUA sewer easement.

Attorney Sutherland stated the applicant will provide checklist waivers, therefore, the applicant is not requesting any.

Motion McCullough/Eykyn to open public portion. Vote 9 yes

May the record reflect no one came forward

Motion Carman/Eykyn to close public portion. Vote 9 yes.

Board Engineer Watkins stated he believes the applicant requires variance relief even though existing conditions. Township Administrator Miller stated the applicant noticed for a hearing.

Chairman Garth asked for confirmation that the existing easement will remain for the Old Gun Club. Mr. Swezeny, stated yes it will remain as a R-O-W easement.

Township Administrator Miller stated both front yards are existing conditions. Therefore, he does not have an issue.

Board Solicitor Brown stated the curbing and sidewalk is an issue. Attorney Sutherland stated the applicant is placing a more than adequate ingress and egress for the R-O-W and for the MUA easement. We do not believe the applicant should have to install curb and sidewalk.

Board Solicitor Brown stated that the Board is asking to consider at some point when you do development land will you always have to place in curb and sidewalk? Township Committeeman Carman stated there are no new structures proposed as a result of this subdivision. Board Engineer Watkins stated if the Board waives the curb and sidewalk it would be from §94-38 and §94-35.

Board Solicitor Brown stated that upon no further development the Board could considering waiving the curb and sidewalk requirements. Board Planner Hurless advised that under his report the exact language of the ordinance is outlined. He indicated it discusses at the discretion of the Board. He stated he believes it can also be waived.

Township Administrator Miller stated curb and sidewalk are required with a land development application not a land development approval. He indicated money was collected from his neighbor for their subdivision. Mr. Swezeny indicated his neighbor was not a subdivision. Township Administrator Miller stated he would consider looking a waiver of not installing the curb and sidewalk but the applicant should be made to make an in lieu contribution.

Board Member Aponte stated he agrees with Mr. Miller. Mr. Swezeny stated his neighbor's have built homes on their properties. He indicated all he is doing is moving a property line and he is making it better for the sewer easement and the access to the rear property (gun club)

Attorney Sutherland stated he believes a waiver should be granted. Township Administrator Miller

stated in the future when the Township places curb and sidewalk in Mr. Swezeny will not be required to pay for it. Attorney Sutherland stated the property has had existing homes on it for years. The only change that is occurring is that the applicant is trying to make a more appropriate setting.

Township Administrator Miller asked if the property in the front will be sold in the near future? Maybe next five (5) to seven (7) years. What if the Board were to require curb and sidewalk be paid at time of sale? He indicated the Board could require a deed restriction to be submitted into the office. Board Solicitor Brown stated the Board has been consistent for years. They have been requiring curb and sidewalk or in lieu. Township Administrator Miller stated it pains him even to make this as a condition of approval. Board Member Aponte stated he does not want this to be made as a condition of approval.

Mayor McCullough stated it would be cheaper now to make the in lieu contribution then in the future. He suggested the applicant should withdraw application until he can afford to submit the contribution. Mr. Swezeny stated this is not the issue.

Attorney Sutherland stated the applicant will pay the in lieu contribution now for the curb and sidewalk.

Motion Aponte/Eykyn to grant requested checklist waiver(s). Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa ,McCullough, Miller, Saslav.

Motion Aponte/Eykyn to grant requested variance relief. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

Motion Eynkyn/Saslav to grant conditional minor subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

2.	SP 10-09 Metro PCS Pennsylvania, LLC Zone: RCD, 5.01 acre site, applicant is proposing to place an antenna array on an existing 120 ft. telecommunications tower at the height of 108' ft. Applicant is also proposing to place equipment cabinets within the fenced compound. CAFRA.	Minor Site Plan 2115/5 7 6 12 Steelman Lane Waiver of Time – Not Granted
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Checklist Waiver(s):

1. **Item #1:** **Plans on C.D.**
2. **Item #6:** **Names of owners of land within 200' ft. and dated**
3. **Item #9:** **Certified survey of property**
4. **Item #10;** **Existing topography**
5. **Item #16:** **Location of wetlands**
6. **Item #17:** **Copy of existing and/or proposed protective covenants or deed restrictions**
7. **Item #18:** **Storm water management plan**
8. **Item #23:** **Landscaping plan**
9. **Item #24:** **Lighting and signage plan**

Design Waiver(s):

1. **§94-57.C.3:** **Applicant is proposing PWTF with side yard setback: 46.06' ft. in**

Applicant is proposing PWTF with rear yard setback:

**lieu of 60' ft.
26.76' ft. in lieu
of 60' ft.**

Warren Stilwell, Esq., introduced himself as attorney for the applicant, Metro PCS Pennsylvania, LLC. Attorney Stilwell asked if the application was noticed properly? Board Secretary Wilbert indicated, yes. Attorney Stilwell stated this application is for a co-location on an existing tower and the Township Ordinance requires a minor site plan be submitted.

Attorney Stilwell asked the following individual's be sworn in: Shannon Morton, Radio Frequency Engineer, with Metro PCS of Pennsylvania, LLC and Phillip Bertner, P.E., CMX Engineer, Lansdowne, PA, New Jersey Licensed Engineer, with a Master in Engineering from Leigh University.

Engineer Bertner stated the existing parcel is highly developed. He indicated in the eastern corner of the property is a cell site with an existing 120' monopole tower. He indicated the applicant is proposing their antenna's at 110' ft. He indicated there will be an expansion of the compound in order to place the equipment needed. He indicated the equipment will be located on a concrete pad within a 40' X 40' compound. He indicated this can be done without effecting any of the existing landscaping and the applicant will be using existing utilities.

Attorney Stilwell stated a structural study has been submitted to the Board Professional's. He indicated the proposal meets with the standards and the noise level of the proposed will not increase based on the Department of Environmental Protection requirements. Attorney Stilwell also noted there will be no increase to water run-off. Engineer Bertner stated this is correct. He further noted there is variance relief requested for the rear and side yard due to existing conditions. He noted however that the rear yard of this site abuts the Sam's Wholesale Club's loading area and the side yard is wood that abuts a long term car facility. He also noted that there is a red oak maple to the rear of the site which will not be effected.

Attorney Stilwell stated the applicant is requesting a waiver from providing a survey based on the information being supplied from a previous application. Township Administrator Miller asked if the landscaping shown on the plan is all in. Board Planner Hurless stated all landscaping appears to have been placed in. However, if there is any vegetation that is damage during the construction it must be replaced in kind.

Attorney Stilwell stated the applicant agrees with all comments outlined with in the Planner and Engineer report's. Board Engineer Watkins asked if the grounding wire will conflict with the storm water pipe? Engineer Bertner stated no, he will make sure.

Motion Eykyn/McCullough to open public portion. Vote 9 Yes

May the record reflect no one came forward.

Motion McCullough/Carman to close public portion. Vote 9 Yes

Engineer Bertner stated there are no wetlands on the property or within the area. He indicated there will be a light placed on the equipment that will automatically go off. He verified the applicant is not proposing any landscaping, however, if the existing is damaged during construction Metro will replace.

Motion Aponte/Saslav to grant requested checklist waiver(s). Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

Motion Saslav/Carman to grant requested design waiver(s). Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

Motion Carman/McCullough to grant conditional minor site plan approval. Vote: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

3.	<u>SP 01-10</u>	Minor Site Plan
	Clear Wireless, LLC	915/1
	Zone: M1, 3,82 acre site, applicant proposing to place an antenna array on an existing 160 telecommunications tower at the height of 160 ft. the applicant proposes to construct one (1) equipment cabinet on a proposed 3' x 3' fibercrete flat pad within a 7' ft. x 7' ft. ground space within the existing compound.	9 Atlantic Avenue Waiver of Time – Not Granted

Checklist Waiver(s):

- 1. Item #5: Graphic scale**
- 2. Item #6: Name and address of owners of land within 200' ft. and dated**
- 3. Item #9: Certified survey of property**
- 4. Item #16: Wetlands Location**
- 5. Item #18: Storm water management**
- 6. Item #23: Landscaping plan**

Variance Relief

- | | | | |
|-----------|-----------------|-----------------------------|--|
| 1. | §225-7: | Front Yard Setback: | 65' ft. proposed; 80' ft. required |
| 2. | §225-40: | Maximum PWTF Height: | 160' ft. existing; 120' ft. permitted |

Eric Goldberg, Esq., introduced himself as attorney for the applicant, Clear Wireless, LLC, he indicated this is another co-location application for Wi-Fi. Township Committeeman Carman stated this seems to be a straight forward co-location. Attorney Goldberg stated there are four (4) other carriers located on the existing tower. He indicated Clear Wireless will be placing our equipment at the 100' ft. level of the tower. He indicated he does not believe a height variance is needed because it is an existing condition.

Mayor McCullough asked what school will be benefitting from this equipment. Attorney Goldberg stated it will benefit any school within the coverage area. He indicated it is not one (1) particular school. He stated it is any one (1) school within the confines of the cerage area.

Attorney Goldberg referred to **Exhibit A1:** predicted coverage map stating the equipment will covera any school within the read area and the green area shown on the map is for vehicle coverage. Mayor McCullough asked if this system is different then the others? Attorney Goldberg stated the North American Catholic Association will use for educational purposes. He stated any other

educational facility within the coverage area can use this system. He indicated this is a Wi-Max System. Attorney Goldberg indicated Clear Wireless provides services in Philadelphia, Camden, Bucks, and Montgomery. He indicate ultimately Clear Wireless hopes to provide service to the Egg Harbor Township and Atlantic City area. He indicated they may use the same antenna's proposed to provide phone services. He indicated the Wi-Max system s high speed internet

Motion McCullough/Eykyn to open public portion. Vote 9 yes

May the record reflect no one came forward.

Motion McCullough/Carman to close public portion. Vote 9 Yes

Township Administrator Miller stated it appears the compound is not being expanded and the evergreen screen has been planted. Township Administrator Miller indicated he would like to see language that any landscaping that has been planted and is damaged be replaced in kind.

Township Committeeman stated he has no problem with the variance(s) requested. He indicated the existing condition(s) do not have a problem with granting variance relief.

Motion Carman/Aponte to grant requested checklist waiver(s). Vote 9 Vote: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

Motion Carman/Aponte to grant requested variance relief. Vote 9 Vote: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

Motion Miller/Aponte to grant conditional minor site plan approval. Vote 9 Vote: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

MEMORIALIZATION OF RESOLUTION(S):

1.	<u>SDF 05-06</u>	Final Major Subdivision
	Ridgewood Point, LLC	5203/1
		Mill Road, Delaware and Tremont Ave.'s

Motion Aponte/Carman to memorialize resolution granting conditional final major subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

2.	<u>SD 13-09</u>	Minor Subdivision
	Parminder Singh	310/1
		6501 Delilah Road

Motion Aponte/Carman to memorialize resolution granting requested checklist waiver(s), and conditional minor subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav.

3.	<u>SD 11-09</u>	Minor Subdivision
	Joel Jacovitz	5820/62
		598 Zion Road

Motion Aponte/Carman to grant requested checklist waiver and minor subdivision approval. Vote 9
Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

Motion Miller/Carman to adjourn at 8:00 P.M. Vote: Aponte, Carman, Eykyn, Garth, Kearns, Levy,
Lisa, Macon, McCullough, Miller, Saslav

Respectfully submitted by,

Theresa Wilbert, Secretary