

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
APRIL 17, 2012 – 7:00PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, April 17, 2012, was called to order by Mr. Hejnas at 7:00 pm in the Delran Township municipal building.

The open public meetings act announcement was read by Mr. Hejnas and the pledge of allegiance was performed.

ROLL CALL

Present: Mrs. Parento, Mr. Gonzaga, Mr. Taylor, Mr. Kohli and Mr. Hejnas.

Absent: Mr. Harley, Mr. Vajapey and Mr. Fox.

Mr. Smith arrived to the meeting at 7:25pm.

Professionals: Beth Marlin, Esquire, Board's Solicitor; Terrence Combs, PP, Board's Planner, Bryan Hall, PE, Board's Engineer; and Lynn Curry, Board's Secretary.

PUBLIC HEARINGS

1. New Cingular Wireless, PCS, LLC (AT&T)
ZZ2011-6
8006 Route 130 North – Block 120, Lot 4.01
Bulk & Use Variance, Site Plan & Submission Waivers

Due to a conflict of interest the application was reviewed by Pettit Associates for the Board engineering and planning services.

Judith Babinski-Fairweather, the attorney for the applicant, reminded the Board that the applicant already had antennas on the tower and the applicant was upgrading their service from 3G to 4G. She indicated that the antennas would not exceed the existing height of 121'. She stated that the additional equipment would be located on the existing concrete pad.

Mrs. Fairweather requested that the following witnesses be sworn in to testify before the Board:

1. Mark Rubin, Applicant's Radio Frequency Engineer
2. Joseph Frega, Applicant's Engineer
3. James Kyle, Applicant's Planner

Mr. Frega testified that the additional antennas would not create any additional traffic to the site and no additional curb cuts were being proposed as a result of this application. He indicated that the additional equipment would be installed on the existing concrete pad so no additional disturbance to the ground would take place. He

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reminded the Board that the compound was already enclosed by fencing and has existing landscaping. He stated that there would be no solid waste as a result of this application.

Mr. Freda reviewed the requested submission waivers with the Board. He suggested that the requested waivers could be granted by the Board given the nature of the application.

Mr. Hall stated that he has no objection to the Board granting the requested submission waivers.

Mr. Taylor made a motion to grant the requested submission waivers. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Smith, Mrs. Parento, Mr. Gonzaga, Mr. Kohli and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

Mr. Freda reviewed the proposed layout of the site for this application. He stated that the plans will be revised to remove the proposed 3'x3' additional to the concrete pad and show the proposed additional 2'x2' equipment cabinet to be located on the existing concrete pad. He indicated that the cabinet would have an 8' setback. He testified that the applicant would be adding three (3) additional antennas to the tower. He noted that the applicant's existing antennas would remain on the tower. He added that the height to the top of the antennas would be 124' on the existing 130' monopole.

Mr. Freda testified that the monopole was setback 18' from the side property line. He suggested that the proposed antennas would be setback 13 1/2' from the side property line. He indicated that the installation would take approximately 3-4 days. He stated that the structure report that was prepared indicated that the tower could support the additional antennas.

Mrs. Fairweather agreed to provide a copy of the sealed survey as a condition of any approval.

Mr. Rubin testified that the nine antennas currently on the tower do not support the 700 megahertz frequency band required for the LTE (4G) technology. He indicated that the three additional antennas would allow the applicant to transmit the LTE service. He suggested that he does not anticipate the need for any additional antennas at this location in the near future for the applicant.

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Mr. Kyle acknowledged that the proposed use was not permitted within the zone and a use variance was required for the expansion of the nonconforming use and the height exceeding 10' or 10% the maximum permitted by ordinance. He indicated that the applicant also requires a variance for the side setback of 8' instead the permitted 25' required by ordinance for the equipment cabinet. He stated that the applicant was also proposing a handrail on the monopole to help aid and support the antennas and help the safety of any workers that work on the equipment.

Mr. Kyle testified that the applicant is licensed by the F.C.C. to provide wireless telecommunication service to the public. He suggested that the site is particularly suitable for the use since there is an existing monopole with the applicant's existing antennas and equipment on the ground. He reminded the Board that the zone was a nonresidential zoning district.

Mr. Kyle stated that the application would allow the applicant to increase capacity for the applicant's customers. He indicated that the application would increase the amount of efficiency within the network. He suggested that a large number of people replaced their land line phones with their wireless devices. He suggested that the new technology would provide better 911 emergency services to the area. He noted that the better technology would allow people to become more productive by allowing for more complex, higher data usage tasks on their wireless devices.

Mr. Kyle requested that the following item be submitted as evidence:

"A-1" Photo simulation of the site

Mr. Kyle reviewed the amount of visual impact that would be created as a result of this application. He suggested that the amount of impact would be minimal. He indicated that the majority of the visual impact currently exists with the existing monopole.

Mr. Kyle suggested that the any benefits as a result of granting the application far out weight any detriment to the public good. He noted that the applicant was not proposing any construction closer to the property line than what currently exists.

At that time, Mr. Hejnas opened the meeting to the public for any comments or questions concerning this application. There being nobody present from the public to testify on this application, Mr. Hejnas closed the public portion of this application.

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Mr. Taylor made a motion to grant the use variance, height variance, side yard setback variance and site plan for the application subject to the applicant providing the updated survey. Mr. Kohli seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Kohli, Mrs. Parento, Mr. Smith, Mr. Gonzaga and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

At that time, Mr. Combs returned to his position as the Board's Planner.

MATTERS FOR DISCUSSION

1. Annual Report on Variances & Fee Schedule Report

The Board noted that the discussion on the annual report and fee schedule report was being continued until the next regular meeting scheduled for May 15, 2012.

RESOLUTIONS

1. Dredge Harbor Boat Center, LLC
ZZ2011-15
67 St. Mihiel Drive – Block 1, Lots 6.01 & 32
Use Variance

Mr. Kohli made a motion to adopt the resolution granting the use variance subject to certain terms and conditions. Mrs. Parento seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mrs. Parento, Mr. Gonzaga, Mr. Taylor and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

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RESOLUTIONS

2. Resurrection Parish
ZZ2012-1
260 Conrow Road – Block 110, Lot 32
Use Variance w/Submission Waivers

Mr. Kohli made a motion to adopt the resolution granting the use variance subject to certain terms and conditions subject to the setback being corrected in item 23 O. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mr. Gonzaga, Mrs. Parento, Mr. Taylor and Mr. Hejnas.
NAYS: None.
The motion was carried; so ordered Mr. Hejnas.

3. Bee Dee Associates
ZZ2010-11
75 Hartford Road – Block 120, Lots 40 & 40.02
Amended Subdivision & Use Variance

Mr. Taylor made a motion to adopt the resolution dismissing the application for an amended subdivision and use variance without prejudice. Mrs. Parento seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mrs. Parento, Mr. Gonzaga, Mr. Kohli and Mr. Hejnas.
NAYS: None.
The motion was carried; so ordered Mr. Hejnas.

MINUTES

1. Zoning Board Regular Meeting – 10/20/09

The Board noted that the regular meeting minutes from October 20, 2009 were not ready to be adopted and were being continued until the next regular meeting scheduled for May 15, 2012.

2. Zoning Board Regular Meeting – 3/20/12

The Board noted that the regular meeting minutes from March 20, 2012 were not ready to be adopted and were being continued until the next regular meeting scheduled for May 15, 2012.

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BILL LIST

(See Attached Sheet)

Mr. Taylor made a motion to approve the Delran Zoning Board bill list for April 17, 2012. Mr. Kohli seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Kohli, Mrs. Parento, Mr. Gonzaga, Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

ESCROW REFUNDS

1. VFW Post 3020
ZZ2008-18
Amount \$623.27
2. Terrill & Susan Bohnsack
ZZ2009-8
Amount \$205.16
3. Metro PCS
ZZ2009-8
Amount Requested: \$361.39

Mr. Gonzaga made a motion to approve the three escrow refunds. Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Gonzaga, Mr. Taylor, Mrs. Parento, Mr. Kohli and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

PENDING ITEMS

1. R.D.M.D.
ZZ2011-9
23 Hartford Road – Block 120.07, Lot 31
Bulk & Use Variance w/Site Plan

The Board noted that the application for a bulk variance, use variance and site plan has been certified as incomplete submission for some time and that the Board's professionals have not had any contact with the

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PENDING ITEMS

1. R.D.M.D.
ZZ2011-9
(Continued)

applicant's professionals since before the previous meeting so they requested that Mrs. Curry contact the applicant to check on the status of the application and when they can expect to receive the revised plans addressing their completeness issues.

2. Bee Dee Associates
ZZ2012-3
73 & 79 Hartford Road – Block 120, Lots 40 & 42.01
Bulk & Use Variances, Cert. of Nonconforming Use, Amended Subdivision & Site Plan

The Board noted that the application was initially certified as incomplete for payment of fees and submission of plans however the applicant recently submitted those items and the application and plans were now being reviewed for completeness and the application was not currently scheduled for a public hearing before the Board.

ADJOURNMENT

There being no further business to discuss, Mr. Kohli made a motion to adjourn the Delran Township Zoning Board regular meeting of April 17, 2012 at 8:05pm. Mr. Taylor seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Hejnas.

Respectfully submitted,

Lynn Curry, Secretary
Zoning Board

Delran Township
Zoning Board of Adjustment
Bill List
 April 17, 2012

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	128185	\$416.34

Escrow Bills				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	Bee Dee	ZZ2010-11	128166	\$336.00
Brown & Connery	Manhattan Management	ZZ2011-2	128168	\$923.13
Brown & Connery	New Cingular Wireless	ZZ2011-6	128170	\$16.00
Brown & Connery	Communication Infrastructure	ZZ2011-8	128175	\$272.00
Brown & Connery	RDMD	ZZ2011-9	128177	\$160.00
Brown & Connery	Braga Construction	ZZ2011-13	128181	\$304.00
Brown & Connery	Fynan	ZZ2011-14	128182	\$656.00
Brown & Connery	Dredge Harbor	ZZ2011-15	128183	\$272.00
Brown & Connery	Resurrection Parish	ZZ2012-1	128184	\$499.30
Brown & Connery	Simon & Schuster	ZZ2012-2	128186	\$448.00
Richard Alaimo Associates	Hunters Glen	ZZ2003-5	66362	\$2,015.00
Adams Rehmann & Heggan	Manhattan Management	ZZ2011-2	44842	\$260.00
Adams Rehmann & Heggan	Communication Infrastructure	ZZ2011-8	44843	\$227.50
Adams Rehmann & Heggan	RDMD	ZZ2011-9	44844	\$455.00
Adams Rehmann & Heggan	Dredge Harbor	ZZ2011-15	44845	\$422.50
Adams Rehmann & Heggan	Resurrection Parish	ZZ2012-1	44846	\$325.00
Pettit Associates	New Cingular Wireless	ZZ2011-6	3627	\$30.00
Pettit Associates	Communication Infrastructure	ZZ2011-8	3628	\$390.00
Pettit Associates	Dredge Harbor	ZZ2011-15	3629	\$180.00
Pettit Associates	Resurrection Parish	ZZ2012-1	3630	\$210.00