

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
NOVEMBER 15, 2011 – 7:00 PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, November 15, 2011, 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: Mr. Harley, Mr. Taylor, Mr. Kohli and Mr. Hejnas.

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

Mr. Smith arrived to the meeting at 7:55 pm (prior to the start of the New Cingular Wireless hearing).

Professionals: Mark Asselta, 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. Marshall & Irene Mosesson
ZZ2011-12
175 Oxford Road – Block 169, Lot 12
Bulk Variance

The following witness was sworn in to testify before the Board:

1. Marshall Mosesson, Applicant

Mr. Mosesson stated that he was request a variance to permit the installation of a 6' high solid white PVC fence with a setback of 6' from the property line on a corner lot. He indicated that that he was also requesting relief from the regulation requiring landscaping along the fence. He testified that he has a hot tub on the deck located in his rear yard and the proposed fence would be used to provide privacy and security for that hot tub. He noted that the fence would replace the 9' high evergreens along the property, which have become overgrown and unsightly despite being trimmed and have began to interfere with the existing sidewalk. He said that his property slopes downward from the house towards Waterford Drive and his property was the lowest point within the block. He agreed to plant and maintain the grass in the area between the fence and the sidewalk.

The Board noted that his neighbor (Mr. Howe) appeared at a prior meeting and was granted a variance to install his fence on a corner lot. They questioned whether this fence would align with his neighbor's fence. Mr. Mosesson indicated that there was a PSE&G box located on his property and he could either set the fence back 3' from Mr. Howe's fence or create an "L" around the box to allow access. He stated that he would be meeting the fence company to determine the best location of the fence but indicated that his fence would be setback no closer than 6' to the property line. He stated that he did contact PSE&G and he must maintain 3' from all sides of the power box to allow access.

Mr. Mosesson reminded the Board that Waterford Drive was a busy roadway. He indicated that he also wanted to ensure the safety of his dogs and grandchildren. He stated that the fence would match the design of Mr. Howe's fencing to provide a uniform look. He suggested that the fence would be an improvement on the line of site from the existing evergreens.

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PUBLIC HEARINGS

1. Marshall & Irene Mosesson
ZZ2011-12
(Continued)

At that time, Mr. Hejnas opened the meeting to the public for any comments or questions concerning this application. The following witnesses from the public were sworn in to testify before the board concerning this application:

1. Jason Howe (166 Fox Chase Drive) – He reminded the Board that he was granted his variance to permit the installation of his fence on the corner lot. He stated that he would be removing his shrubs on his lot and Mr. Mosesson was also proposing to remove the shrubs on his property, which would appear more uniform. He suggested that the removal of the hedges would greatly increase the line of site since the shrubs currently in some areas extend into the sidewalk and the proposed fence would be setback from the sidewalk.
2. Shawn Closkey (173 Oxford Road) – He stated he has no objections to the installation of the proposed fence. He suggested the fence would provide additional safety to people walking along the property.

Mr. Combs reminded the Board that he generally does not review these types of applications nor did he review this particular project however he suggested that the landscaping requirements are generally likely in place in an attempt to soften the look of the fence to the neighborhood. He acknowledged that the applicant may have drainage issues that would prevent him from installing the required landscaping.

There being nobody further from the public to testify before the Board on this application, Mr. Hejnas closed the public portion of this application.

Mr. Harley made a motion to approve the requested variance to permit a 6' high fence with a front yard setback (on a corner lot) of 6' and to grant the applicant relief from the required landscaping. Mr. Kohli seconded the motion. Mr. Kohli suggested that the variance could be granted since it would provide additional privacy and a safer environment and the proposed was consistent with the neighborhood. The result of the voting is as follows:

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

2. New Cingular Wireless PCS, LLC (AT&T)
ZZ2011-7
99 Hartford Road – Block 118, Lot 5
Bulk & Use Variance w/Site Plan

The Board noted that Mr. Combs had a conflict of interested in taking part in the review of this application and the firm of Pettit Associates handled the review of this application as the Board's Engineer and Planner.

Christopher Quinn, the attorney for the applicant, agreed to proceed with the application with only five (5) Board members present. He stated that the applicant was proposing to install three (3) additional antennas, for a grand total of twelve (12) antennas on an existing telecommunication tower. He indicated that the antennas would

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PUBLIC HEARINGS

2. New Cingular Wireless PCS, LLC (AT&T)
ZZ2011-7
(Continued)

be installed at an elevation of 134'. He noted that the applicant will also be adding additional equipment inside of the existing building. He suggested that the application was being present in an effort for the applicant to keep up with the technology requirements by upgrading the existing facility as opposed to constructing an additional tower within the area. He reminded the Board that the applicant was requesting a use variance for the expansion of the nonconforming use and for the height of the proposed antennas exceeding the requirements by more than 10' or 10% of what is permitted by ordinance. He added that the applicant was also requesting a minor site plan approval for the application.

Mr. Quinn requested that the following witnesses from the public be sworn in to testify before the Board:

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

Mr. Rubin stated that AT&T was in the process of implementing a 4G (LTE) network, which require the additional antennas to operate at a band of 700 MHz, which would comply with all federal requirements. He noted that there currently are not any antennas on the structure capable of transmitting or receiving those frequencies, which requires the applicant to install new antennas on the structure. He suggested that the new antennas would appear almost the same as the existing antennas and were consistent with the other antennas located throughout the state. He testified that the additional antennas were considered data only antennas to provide data for hand held devices and were not meant for handling phone calls. He added that by providing the antennas for the data usage it would help alleviate some of the congestion on the 3G services, which does include phone calls.

Mr. Frega reviewed the layout of the existing site with the Board. He reminded the Board that there were other antennas and equipment that belonged to other carriers on this site. He stated that the maximum height of the proposed antennas would be at an elevation of 134' (centerline elevation of 131'). He indicated that the structure was capable of handling the additional load requirements. He noted that no additional lighting or signage was being proposed as a result of this application. He said the total height of the existing tower was 206'.

Mr. Frega indicated that the applicant would agree to provide a copy of the survey that was requested in Mr. Pettit's report. He acknowledged that there was some deterioration located at the interface of the apron and the driveway and the applicant would agree to patch that area.

Mr. Kyle reviewed the types of the variances that were required as a result of this application. He reminded the Board that the applicant was licensed by the FCC and was required to comply with those federal regulations and was required to provide the service under those regulations to their customers. He indicated that the applicant was proposing to install the antennas on an existing tower and the structure was determined to be sufficient to support the antennas. He suggested that the additional visual impact to the site would be minimal.

Mr. Kyle noted that by providing the additional data usage on the 4G network and alleviating the existing usage on the 3G network would allow the applicant to increase capacity and call quality with the ability to initiate

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and maintain calls. He indicated that wireless calls create a large impact on public safety and that companies are now required to provide information on the location of the call to provide better accuracy to the 911 system in the event that a person is unable to describe their exact location in the case of an emergency. He stated that approximately 30% of people nation wide use their cell phone as their primary phone. He suggested that the public benefit would outweigh any public detriment that would occur as a result of granting this application.

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.

The Board noted that they previously granted submission waivers for this application at a prior meeting.

Mr. Harley made a motion to grant the requested bulk and use variance along with site plan to permit the install of three (3) additional antennas on an existing tower at a height of 134'. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Harley, Mr. Smith, Mr. Taylor, Mr. Kohli and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

3. Communication Infrastructure Corp.
ZZ2011-8
99 Hartford Road – Block 118, Lot 5
Bulk & Use Variance w/Site Plan

Henry Kent-Smith, the attorney for the applicant, stated that the applicant was requesting numerous submission waivers, which were spelled out in the letter from his firm (dated August 22, 2011) for their application for a bulk and use variances along with site plan.

Mr. Smith indicated that the applicant was a company that provides a back haul of data transmission between the various data centers, where all of the data transmitted is processed. He stated that currently the data is transmitted via a fiber optic cable and the purpose of this applicant is to provide a backup and alternative to that system. He noted that the application was to provide two microwave antennas on the existing tower with a 6'x6' equipment cabinet inside of the existing compound.

Mr. Combs and Mr. Hall indicated that they had no objections to the Board granting the requested submission waivers for this application.

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

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3. Communication Infrastructure Corp.
ZZ2011-8
(Continued)

AYES: Mr. Smith, Mr. Harley, Mr. Taylor, Mr. Kohli and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

Mr. Smith requested that the following witnesses be sworn in to testify before the Board:

1. James Kyle, Applicant's Planner
2. James Bruno, Applicant's Radio Frequency Engineer
3. Donald Van Gerve, Applicant's Engineer

Mr. Bruno explained the reason for the need to provide additional data coverage for devices. He testified that data is transmitted through a fiber optic wire that is transmitted to a data center. He indicated that in the event a fiber goes down the entire network would go down as a result. He stated that the applicant was providing a backup of this fiber optic network from New Jersey to Washington DC. He noted that the backup would kick in the event of breakage, congestion or the need for repair to the main fiber network. He suggested that this proposal would benefit every carrier operating on a fiber optic network. He testified that the amount of radio frequency generated by this application was considered safe under FCC guidelines and meets all federal requirements. He suggested that the 185' height was required in order to maintain a line of site between the towers. He added that the height includes a buffer of 10' from the top of the tree line to allow for the growth of the trees.

Mr. Combs questioned whether the antennas would extend above the existing tower and questioned whether the height of 187' was an accurate number for the height of the antennas and the height of the existing tower. Mr. Van Gerve indicated that the tower was 199' in height and the antennas would measure at a height of 185' with a 6' diameter for a total height of the antennas at 188'. Mr. Van Gerve agreed to provide a copy of the revised plan showing the correct height renderings. He also noted that the proposed antennas would not extend beyond the height of the existing tower.

The Board questioned what would happen in the event that another tower was constructed within the site line currently being used. Mr. Bruno indicated that the applicant could use that new tower, scale down the amount of antennas on the other locations, which may include lowering the height of the antennas.

Mr. Kyle reviewed the types of the variances that were required as a result of this application. He reminded the Board that the applicant was licensed by the FCC and was required to comply with those federal regulations and was required to provide the service under those regulations to their customers. He indicated that the applicant was proposing to install the antennas on an existing tower and the structure was determined to be sufficient to support the antennas. He noted that this particular site was chosen as a result of the direct requirement of the FCC. He suggested that the additional visual impact to the site would be minimal since they would be located between two existing platforms on the tower.

Mr. Kyle noted that by providing the additional data usage on the 4G network and alleviating the existing usage on the 3G network would allow the applicant to increase capacity and call quality with the ability to initiate

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(Continued)

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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.

Mr. Smith made a motion to grant the requested bulk and use variance along with site plan, subject to the applicant providing the revised plans as indicated showing the correct height simulations. Mr. Harley seconded the motion. The result of the voting is as follows:

AYES: Mr. Smith, Mr. Harley, Mr. Taylor, Mr. Kohli and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

MATTERS FOR DISCUSSION

1. Jason Carosiello
ZZ2011-10
30 Hartford Road – Block 83, Lot 18
Use Variance
Applicant Requesting Submission Waivers

Melanie Levan, the attorney for the applicant, indicated that the applicant was requesting submission waivers for the applicant's use variance application. She suggested that the items the applicant was requested waivers from would be addressed at the time of the submission of the site plan, in the event the applicant's use variance receives approval. She stated that the applicant was requesting the following submission waivers at this time:

1. Key map from official tax map showing location of tract to surrounding streets, municipal boundaries, etc, within 1000' (checklist item #9)
2. Copy and plan delineation of existing or proposed deed restrictions (checklist item #24)
3. Any existing or proposed easement or land reserved or dedicated for public use (checklist item #25)
4. Existing streets, other rights-of-way or easements, water courses, wetlands, soils, floodplains, or other environmentally sensitive areas within 200' of tract (checklist item #28)
5. The proposed clearing limits along with existing and proposed contours based on USGS datum, to extend 200' beyond subject tract (checklist item #30)

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6. Boundary limits, nature and extend of wooded areas, trees 6” diameter or greater within clearing limits and other significant physical features (checklist item #31); and
7. Vehicular and pedestrian circulation patterns (checklist item #45).

Mr. Combs indicated that he has no objections to the Board granting the requested waivers subject to the applicant providing the additional items at the time of the site plan application. He acknowledged that the applicant provided a new concept plan, which provides enough sufficient information to provide his review of the use variance application.

Mr. Hall stated that he has no objections to the Board granting the requested waivers subject to the additional items being submitted at the time of the site plan application.

Mr. Hejnas opened the meeting to the public for any comments or questions concerning this application on their requested submission waivers. There being nobody present from the public to testify on the applicant’s request for submission waiver, Mr. Hejnas closed the public portion of the discussion on the waivers. Mr. Asselta noted that the public portion of the application would be reopened to discuss the merits of the application at the time of the applicant’s scheduled public hearing.

Mr. Kohli made a motion to grant the requested submission waivers for the use variance application with the request that the applicant provide the additional items at the time of the site plan application. Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mr. Taylor, Mr. Harley and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

2. 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 December 20, 2011.

RESOLUTIONS

1. Susan & Terrill Bohnsack
ZZ2009-6
74 Stoneham Drive – Block 118.03, Lot 18
Bulk Variance

Mr. Asselta noted that only one Board member was required to vote on the acceptance of the resolution since the majority of the board that was present at the time of the approval are no longer with the Board.

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RESOLUTIONS

1. Susan & Terrill Bohnsack
ZZ2009-6
(Continued)

Mr. Taylor made a motion to accept the resolution granting the requested bulk variance. At that time, the motion was carried; so ordered Mr. Hejnas.

2. Manhattan Management
ZZ2007-20
3001 Route 130 South – Block 9, Lots 46 & 47.05; Block 9.04, Lot 4; and Block 9.05, Lot 4
Use Variance

Mr. Asselta noted that only one Board member was required to vote on the acceptance of the resolution since the majority of the board that was present at the time of the approval are no longer with the Board.

Mr. Hejnas made a motion to accept the resolution dismissing the use variance without prejudice. At that time, the motion was carried; so ordered Mr. Hejnas.

3. Jason & Danielle Howe
ZZ2011-11
166 Fox Chase Drive – Block 169, Lot 11
Bulk Variance

Mr. Kohli made a motion to adopt the resolution granting the requested bulk variance. Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mr. Taylor and Mr. Smith.
NAYS: None.
ABSTAIN: Mr. Harley and Mr. Hejnas.
The motion was carried; so ordered Mr. Hejnas.

4. New Cingular Wireless PCS, LLC (AT&T)
ZZ2011-7
99 Hartford Road – Block 118, Lot 5
Bulk & Use Variance w/Site Plan

Mr. Taylor made a motion to adopt the resolution granting the requested bulk and use variance along with site plan. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Smith, Mr. Harley, Mr. Kohli and Mr. Hejnas.
NAYS: None.
The motion was carried; so ordered Mr. Hejnas.

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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 December 20, 2011.

2. Zoning Board Regular & Reorganization Meeting – 7/20/10

The Board noted that the regular and reorganization meeting minutes from July 20, 2010 were not ready to be adopted and were being continued until the next regular meeting scheduled for December 20, 2011.

3. Zoning Board Regular Meeting – 10/18/11

Mr. Smith made a motion to adopt the Zoning Board regular meeting minutes from October 18, 2011. Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Smith, Mr. Taylor and Mr. Kohli.

NAYS: None.

ABSTAIN: Mr. Harley and Mr. Hejnas.

The motion was carried; so ordered Mr. Hejnas.

BILL LIST

(See Attached Sheet)

Mr. Smith made a motion to approve the Delran Township Zoning Board bill list for November 15, 2011. Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Smith, Mr. Taylor, Mr. Harley, Mr. Kohli and Mr. Hejnas.

NAYS: None.

The motion was carried; so ordered Mr. Hejnas.

PENDING ITEMS

1. Bee Dee Associates
ZZ2010-11
75 Hartford Road – Block 120, Lots 40 & 40.02
Bulk & Use Variance, Certificate of Nonconforming Use, Amended Subdivision

The Board noted that the application was certified as an incomplete submission and they were waiting for the applicant to address their completeness issues before this matter is scheduled for a public hearing.

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PENDING ITEMS

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

The Board noted that the application was certified as an incomplete submission and they were waiting for the applicant to address their completeness issues before this matter is scheduled for a public hearing.

3. 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 applicant submitted revised plans, which was currently being reviewed for completeness by the Board's professional staff and this matter was not currently scheduled for a public hearing.

4. Jason Carosiello
ZZ2011-10
30 Hartford Road – Block 83, Lot 18
Use Variance

The Board noted that the applicant was granted their requested submission waivers at this meeting and the application would likely be scheduled for a public hearing to take place on December 20, 2011.

ADJOURNMENT

There being no further business to discuss, Mr. Taylor made a motion to adjourn the Delran Township Zoning Board regular meeting of Tuesday, November 15, 2011, at 9:15pm. Mr. Harley 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

November 15, 2011

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	121604	\$1,340.12

Escrow Bills				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	T-Mobile	ZZ2010-9	121592	\$80.00
Brown & Connery	Pizza Mia	ZZ2010-10	121593	\$480.00
Brown & Connery	Bee Dee	ZZ2010-11	121594	\$608.00
Brown & Connery	Liberty Towers	ZZ2010-14	121596	\$176.00
Brown & Connery	Manhattan Management	ZZ2011-2	121598	\$128.00
Brown & Connery	Herman	ZZ2011-4	121599	\$224.00
Brown & Connery	New Cingular	ZZ2011-6	121600	\$128.00
Brown & Connery	Communication Infrastructure	ZZ2011-8	121601	\$96.00
Brown & Connery	New Cingular	ZZ2011-7	121602	\$385.52
Brown & Connery	RDMD, LLC	ZZ2011-9	121603	\$912.00
Adams Rehmann & Heggan	Herman	ZZ2011-4	43821	\$682.50
Adams Rehmann & Heggan	Bee Dee	ZZ2010-11	43822	\$910.00
Adams Rehmann & Heggan	Communication Infrastructure	ZZ2011-8	43823	\$877.50
Adams Rehmann & Heggan	RDMD, LLC	ZZ2011-9	43824	\$1,191.25
Adams Rehmann & Heggan	Carosiello	ZZ2011-10	43825	\$887.50
Pettit Associates	Pizza Mia	ZZ2010-10	3458	\$60.00
Pettit Associates	Bee Dee	ZZ2010-11	3459	\$750.00
Pettit Associates	New Cingular	ZZ2011-7	3460	\$180.00
Pettit Associates	Communication Infrastructure	ZZ2011-8	3461	\$120.00
Pettit Associates	RDMD, LLC	ZZ2011-9	3462	\$1,680.00
Pettit Associates	Carosiello	ZZ2011-10	3463	\$690.00