

**LAWRENCE TOWNSHIP PLANNING BOARD
REGULAR MEETING
MONDAY, DECEMBER 6, 2010, 7:30 P.M.**

Present:

**Philip B. Duran
James S. Kownacki, Council (III)
Richard S. Krawczun (Class II)
Stacy McCormack
Michael S. Powers, Mayor (Class I)
Kim Y. Taylor
Terrence O. Leggett, Alt. #1
David C. Maffei, Vice Chair
Paul A. Penna, Chair**

Absent:

**Keith Dewey (Absent/excused)
Paul M. Palombi, Alt. #2 (Absent)**

Also Present:

**James F. Parvesse, P.E., Municipal Engineer
Philip B. Caton, Planning Consultant, Clark•Caton• Hintz
David M. Roskos, Attorney, Sterns & Weinroth
Sara A. Summiel, Recording Secretary**

1. Statement of Adequate Notice

Adequate notice of this meeting of the Lawrence Township Planning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger newspapers.

2. Public Participation : (None)

3. 2011 PLANNING BOARD MEETING SCHEDULE

**Vice Chair Maffei moved and Mr. Duran seconded to accept the 2011 Schedule.
The following voice call vote took place: AYES (8) NAYES (0) ABSENT (2)
INELIGIBLE (1)**

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4. RESOLUTION OF MEMORIALIZATION 15-10 approving General Development Plan Application No. GD-1/10, LAWRENCE ASSOCIATES (QUAKER BRIDGE MALL).

Mr. Roskos stated that there had been many Drafts and the applicant did not respond with any revisions to the last draft.

Mr. Duran moved and Ms. Taylor seconded to approve Resolution No. 15-10.

Vote:

AYES: Duran, Kownacki, Krawczun, Powers, Taylor, Maffei, Penna

ABSENT: Dewey, Palombi

INELIGIBLE: McCormack, Leggett

5. Application No. SP-7/10, Minor Site Plan, LIBERTY TOWERS, LLC, 960 Spruce Street, Block 201, Lot 27.

The hearing was recorded. The Board took jurisdiction.

Richard J. Lemanowicz, Esq., represented the applicant. Mr. Lemanowicz briefly explained the application. He stated that the applicant is a minor site plan approval with a conditional use to construct a 160' cellular communications monopole at 220 Bakers Basin Road. He stated that the applicant has leased some space to a tenant on the proposed tower at the elevation of 135 feet above ground level.

The applicant's Professional Engineer gave an overview of the existing conditions of the five-acre track of low land. The applicant stated that the entire track is located in a flood plain and is entirely wooded. The applicant explained that the proposed 160-foot steel monopole will be within a 70x80 sq. ft. fenced compound with one equipment cabinet. The applicant stated that the monopole will be on a steel platform to be 10x10 sq. ft. in size. The applicant stated that the proposed site will be accessible by a 12-foot wide gravel driveway and two gravel parking spaces for service technicians. The applicant referred to Sheet S-1 and explained that Clearwire wishes to collocate at 135 feet with four antennas. Also, the applicant explained that Liberty Towers is anticipating marketing for other collocators. The applicant stated that there is no proposed lighting on the tower or sewer/water services. The applicant described the distance to the front and west property line to be 175 feet; to the rear, the setback is over 250 feet; and to the eastern side, 270 feet. With regard to the rear wetlands, the applicant is providing a 50-foot buffer and Letter of Interpretation from NJDEP. With regard to the landscaping, the applicant is proposing to provide landscaping around the compound and any additional landscaping.

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Application No. SP-7/10 - Continued

Mayor Powers addressed the proposed landscaping with regard to existing trees and questioned whether a landscape plan was submitted to the Board for an internal review by the Shade Tree Committee. The applicant stated that one was not submitted, but stated their willingness to provide and identify any existing or specimen trees. Also, the applicant agreed to meet with the Township Professionals. Mayor Powers requested adjournment of applicant's hearing until the Professionals have an opportunity to meet with the applicant and review the landscape plan. Mr. Caton added that there were two pieces of information received this evening without his prior review. Motion was moved by Mr. Duran and seconded by Vice Chair Maffei. All present stated their agreement. A brief discussion took place by Mr. Roskos and applicant with regard to the Tree Removal Ordinance within the Township. Also, the applicant suggested that the Spruce Street application be carried, too. **The applicant agreed to an extension and Jurisdiction was carried to the January 10, 2011, meeting. The applicant requested to re-notice by regular mail. Mr. Roskos and the Board accepted.** Following a brief discussion with regard to the comments from the Public, the applicant agreed to provide a Radio Wave Expert to provide testimony at the next scheduled meeting. (See Attachment No. 1 – Reports)

Exhibits: (See Attachment No. 2 – Listing of Exhibits Submitted by Lemanowicz, LLP)

- A-1 Copy of the Application of Liberty Towers, LLC submitted to the Lawrence Township Planning Board for the subject property on 5/27/10**
- A-2 Redacted copy of the Land Lease Agreement between the Applicant And the record owner of the subject property**
- A-3 Copy of the deed to the subject property dated 3/10/03 and recorded on 3/18/03**
- A-4 Copy of an Electromagnetic Fields Compliance Report for the proposed Use completed by Millennium Engineering, P.C., dated November 12, 2010**
- A-5 Copy of the FAA Screening for Proposed 160' Monopole, completed by Millennium Engineering, P.C., dated November 12, 2010**
- A-6 Copy of the Non-Interference Certification of Proposed Communication Facility completed by Millennium Engineering, P.C., dated November 12, 2010**
- A-7 Copy of the Radiofrequency Design Report completed by Millennium Engineering, P.C., including a map depicting the Applicant's radio Frequency coverage without the operation of the proposed use, and A map depicting the Applicant's radio frequency coverage with the Operation of the proposed use, dated November 12, 2010.**
- A-8 Photo-simulations of proposed use**

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**Exhibits: (See Attachment No. 2 – Listing of Exhibits Submitted by
Lemanowicz, LLP) - Continued**

- A-9 Copy of the Aerial Exhibit prepared by Seidel Planning & Design on 12/6/10**
- A-10 Copy of Clearwire's Federal Communications Commission License**
- A-11 Copy of Freshwater Wetlands Letter of Interpretation-Presence/
Absence Determination**
- A-12 Copy of an email from the NJ Historic Preservation Office to Beth
Uhler of Advantage Engineers, as well as correspondence from
Beth Uhler to Samuel Kraus of Liberty Towers, LLC, determining
"No Historic Properties in Area of Potential Effects"**
- A-13 Copy of the Site Plan and Elevation Drawing of the proposed use, with
A latest revision date of 9/15/10**

Witness placed under oath:

- Philip Burtner, Professional Engineer & Expert

Public Comment:

- **James Jackson, 64 J. Russell Road – Trustee Member, Tiffany Woods Homeowners' Association, was placed under oath. Mr. Jackson stated that the letter he received from the Attorney was not received by everyone in the development. *(Mr. Roskos advised the public about what the law requires of an applicant for Notice to property owners within 200 feet of the subject site and requested that Al Pellegrino, PNC Management, is provided with a Notice. The applicant agreed to provide.)***
- **Kimberly Woods, 6 Bonnie Court, was placed under oath. Ms. Woods questioned the zoning of the subject site since Tiffany Woods is a residential zone. She stated concerns about the use being permitted in a non-residential zone within 200 feet of her property. Also, Ms. Woods stated concerns about the welfare of family members having heart pacemakers and questioned whether one's health could be affected. *(Mr. Roskos addressed the zoning ordinance for cellular towers, its permitted uses and explained that the Board has no jurisdiction on health consequences of a cellular tower.)***
- **Peggy Jackson, 64 J. Russell Road, was placed under oath. Mrs. Jackson questioned the ownership of the Farmer's Market. She proceeded to state concerns about their property value and the negative effect on their property, if they were to sell their home with a cellular tower located within a few hundred.**

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6. Application No. SP-8/10, Minor Site Plan, LIBERTY TOWERS, LLC, 220 Bakers Basin Road, Block 4001, Lot 25.

The hearing was recorded. The Board took jurisdiction.

Richard J. Lemanowicz, Esq., represented the applicant. Mr. Lemanowicz submitted a listing of the Exhibits. The Board took Jurisdiction. No further action was taken on this application. The applicant requested to re-notice by regular mail. Mr. Roskos and the Board accepted. Jurisdiction carried to January 10, 2011, meeting.

Exhibits: (See Attachment No. 3 – Listing of Exhibits Submitted by Lemanowicz, LLP)

- A-1 Copy of the Application of Liberty Towers, LLC submitted to the Lawrence Township Planning Board for the subject property on 6/2/10**
- A-2 Redacted copy of the Land Lease Agreement between the Applicant and the record owner of the subject property**
- A-3 Copy of the deed to the subject property made by Frank J. Kriesick to the Trenton Market Growers Cooperative Association, Inc., dated 4/30/68 and recorded on 6/7/68**
- A-4 Copy of an Electromagnetic Fields Compliance Report for the proposed Use completed by Millennium Engineering, P.C., dated November 12, 2010**
- A-5 Copy of the FAA Screening for Proposed 150' Monopole, completed by Millennium Engineering, P.C., dated November 12, 2010**
- A-6 Copy of the Non-Interference Certification of Proposed Communication Facility completed by Millennium Engineering, PC., dated November 12, 2010**
- A-7 Copy of the Radiofrequency Design Report completed by Millennium Engineering, P.C., including a map depicting the Applicant's radio Frequency coverage without the operation of the proposed use, and a map depicting the Applicant's radio frequency coverage with the Operation of the proposed use, dated November 12, 2010.**
- A-8 Photo-simulations of proposed use**
- A-9 Copy of the Aerial Exhibit prepared by Seidel Planning & Design on 12/6/10.**
- A-10 Copy of Clearwire's Federal Communications Commission License**
- A-11 Copy of an email from the NJ Historic Preservation Office to Adam Bower of Advantage Engineers, determining "No Historic Properties in Area of Potential Effects"**
- A-13 Copy of the Site Plan and Elevation Drawing of the proposed use, with a latest revision date of 11/8/10**

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7. Old Business/New Business/Correspondence:

New

Chair Penna referred to a Copy of Amendments to the Land Use Ordinance from the Township Council and requested the Board to review before the next scheduled meeting. (See Attachment No. 4)

Old

Mr. Roskos briefly stated that the adoption of a Resolution for the Wendy McNeil Application (S-2/08)-Poe Road/Carter Road approved on 11/17/08 is still pending the Title and Owner Determination.

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

Sara A. Summiel – Emailed

Sara A. Summiel
Recording Secretary

MINUTES APPROVED: Feb. 7, 2011