

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, OCTOBER 20, 2010, 7:30 P.M.**

**Present:** Stephen Brame  
John Gladwell, Alt. #1  
Bruce Kmosko  
Robert Kulak  
Cathleen Lewis  
Sam Pangaldi, Alt. #2  
Charles Lavine, Vice Chairman  
Peter Kremer, Chairman

**Absent:** Leona Maffei (Absent/excused)

**Also Present:** Brenda Kraemer, P.E., Assistant Municipal Engineer  
Brian Slaugh, P.P., AICP, Planning Consultant, Clark•Caton• Hintz  
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson  
Sara A. Summiel, Recording Secretary

**1. Statement of Adequate Notice**

Adequate notice of this meeting of the Lawrence Township Zoning 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 on Thursday, October 14, 2010.

**2. RESOLUTION:**

**Resolution of Memorialization 18-10Z approving Use Variances, Bulk Variances, Exceptions, and Preliminary/Final Major Site Plan Application No. ZB-10/11 & SP-0/10, FIRST BAPTIST CHURCH, 121 Hillcrest Avenue, Tax Map Page 23.01, Block 2322, Lots 1-8, 11-20.**

Mr. Gladwell moved and Mr. Kulak seconded to approve Resolution No. 18-10z

Vote:

AYES: Gladwell, Kmosko, Kulak, Lewis, Lavine, Kremer

NAYES: Maffei

INELIGIBLE TO VOTE: Brame, Pangaldi

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3. **Application No. ZB-13/10 (ROBERT & STEPHANIE WEDEKING), Bulk Variance, 9 Players Lane, Tax Map Page 75, Block 7501, Lot 3.05**

**The hearing was recorded. The Board took jurisdiction.**

The applicant was represented by Robert S. Bennett, Architect & Expert, who was placed under oath. Mr. Bennett referred to his letter dated July 15, 2010, addressed to the Zoning Board and the photographs in Mr. Slauch's report dated August 9, 2010, regarding the applicant's dwelling. He proceeded to give some background history about the proposed application seeking approval to allow an existing masonry garden wall to remain as built to a height of 7'2" above the finished grade. He stated that the wall is attached to each end of the house and when built the height exceeded the permitted zoning height of 6'0. He stated that the garden wall is to give a private view to the two rooms of the house that look out into the garden. Also, he stated that the wall is to protect the plants in this area from the deer. He stated that the garden wall will be entirely hidden from the street and neighbors because of a planted evergreen. He explained that once the evergreen matures, the wall totally disappears. The applicant stated that there were no negative comments from the neighbors and felt that the variance relief would result in a more pleasing design. The Board accepted. **(See Attachment No. 1 – Reports)**

**Exhibits: None**

**Witness: (Sworn-in)**

**Robert S. Bennett, AIA & Expert**

**Public Comment: None**

**Vice Chair Lavine moved and Mr. Gladwell seconded to approve the application, including variance relief, subject to all appropriate conditions and the recommendations contained in the Township Professional's reports.**

**Vote:**

**AYES: Brame, Gladwell, Kmosko, Kulak, Lewis, Lavine, Kremer**

**NAYES: None**

**ABSENT: Maffei**

**INELIGIBLE TO VOTE: Pangaldi**

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4. Application No. ZB-9/10 & SP-6/10 (CLEARWIRE US, LLC) Use Variance, Minor Site Plan, One Vinch Avenue, Tax Map Page 23.03, Block 2312, Lot 112.

**The hearing was recorded. The Board took jurisdiction.**

**Nicholas T. Menas, Esquire, (Copper/Levenson)** represented the applicant. Mr. Menas stated that applicant is requesting use variances and waiver of site plan, or alternative site plan approval. He explained that the applicant is proposing to collocate three panel antenna on an existing 160-foot monopole at a centerline height of 122 feet and three parabolic dish antenna at a centerline height of 117 feet on the existing 160-foot monopole with related equipment. He stated that the proposed site is located at One Vinch Avenue in the R-3 zoning district.

The applicant's Professional Engineer/Civil Engineer referred to Exhibit A-1 and gave an overview of the R-3 Zone District. The applicant described the overall site plan of the property and the setbacks. The applicant stated that there are seven existing carriers located on the compound with related equipment to be stored in a 3'x6'foot steel platforms. The applicant stated that there will be no expansion of the tower or compound. The applicant explained that the site is unmanned and there will be no change in the access to the site. The applicant proceeded to explain that the compound is maintenance on a monthly or quarterly basis. The applicant referred to Mrs. Kraemer's report dated September 27, 2010, and addressed the structural analysis. The applicant stated that the Post Modification Report regarding the structural upgrade will be provided to the Board indicating that the upgrade was completed in accordance to the design requirements. The applicant explained that there are no plans for a permanent generator.

The applicant's Radio Frequency Engineer gave an overview of the coverage, level of service for the indoor and outdoor coverage. The applicant referred to Colored Proposed Coverage Maps (Exhibits A-2 and A-3) and described the gaps in coverage and the identified the areas having strong signals. The applicant continued to explain the distinction between the Red, Green and White coded maps. The applicant gave testimony with regard to the design of the network and the identification of the proposed site, as the only site available to fill the gap in coverage. The applicant proceeded to give an outline of its determination in identifying the proposed site, as the only site available. With regard to the health, safety and welfare of the public, the applicant stated that there will be no substantial detriment to the public or negative impact.

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**Application No. ZB-9/10 & SP-6/10 - Continued**

Mr. Slauch referred to Exhibits A-2 and A-3 and addressed the Propagation map and questioned the quality standard of Clearwire's service compared to the other carriers. A brief discussion took place by the Board with regard to prediction modeling and the percentage of unreliable service.

The applicant proceeded to explain the suitability of this site and how the wireless data service will operate to improve coverage within the community. In addressing the bulk variance and non-conforming use, the applicant provided testimony with regard to the special reasons and its benefit to the public, state, or local government. Also the applicant gave an overview of existing sites within the area of Mercer County and its lease agreements. The applicant cited the Telecommunications Act of 1996 with regard to the federal regulations for the construction of wireless service facilities. The applicant felt that the proposed collocation to the existing tower would not create any negative effect to the surrounding area or purpose of the zoning ordinance, but felt that the benefits would outweigh any detriments. The Board accepted. (See Attachment No. 2 – Reports/Exhibits)

**Exhibits:**

- A-1 (Previous Subdivision Plan – Sheet Z-1)
- A-2 (Colored Map – Neighbors Proposed Coverage)
- A-3 (Colored Map – Proposed Coverage with Proposed Neighbors)
- A-4 (Colored Photo Simulations – View #1, #2, #3, & #4)

**Witnesses placed under oath:**

- Roger Johnson, Professional Engineer & Expert (Valore, LLC)
- James T. Kyle, Professional Planner/AICP & Expert (Kyle Planning & Design)
- Mark Rubin, Radio Frequency Engineer & Expert
- Patrick Saedal, Princeton Tower Site Acquisition Specialist-Lease/Building Permit)

**Public Comment: None**

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**Application No. ZB-9/10 & SP-6/10 - Continued**

**Vice Chair Lavine moved and Mrs. Lewis seconded to approve the application, including use variance, minor site plan, subject to all stated conditions and recommendations contained in the Township Professionals' reports.**

**Vote:**

**AYES: Brame, Gladwell, Kmosko, Kulak, Lewis, Lavine, Kremer  
NAYES: None  
ABSENT: Maffei  
INELIGIBLE TO VOTE: Pangaldi**

**5. Application No. ZB-4/10 & SP-3/10 (T-MOBILE NORTHEAST, LLC)  
Minor Site Plan Application No. SP-3/10, Lawrence Station Road, Tax Map  
Page 41.01, Block 4103, Lot 1**

**The hearing was recorded. The Board took jurisdiction.**

**James A. Mitchell, Esquire, (Hambro & Mitchell) represented the applicant. Mr. Mitchell gave a brief introduction about the applicant. He stated that the applicant is licensed by the Federal Communication Commission and has evaluated a total of 17 sites in the past five years. He explained that the applicant's request to construct a wireless facility consisting of a 120-foot monopole with nine (9) panel type antennas attached at the top of the monopole. In addition, he explained that the applicant is proposing to construct a 10x20 sq. ft. concrete slab surrounded by a six-foot chain link fence surrounding the monopole. He described the propose site and its surrounding area to be located at Lawrence Station Road in the I-2 Zone District. Although the proposed facility is conditionally permitted, he stated that the parcel is not deep enough for the applicant to comply with the conditional use ordinance setback requirements. Also, he stated that the applicant is requesting a bulk variance from the front yard requirements and setbacks.**

**The applicant's Professional Civil Engineer described the conditions of the existing site between the Amtrak Northeast Rail. The applicant stated the there is an access road from Lawrence Station Road where a small clearing is proposed to enable the construction of the 50x50 compound for the 120-foot monopole. The applicant stated that no easement has been identified through the Title Search to prohibit access. The applicant explained that the proposed site will be visited once every four to six weeks for about one-hour for any needed maintenance.**

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The applicant stated that the building code and design is governed by EITA guidelines that dictate the wind speed for the structure. The applicant is not proposing a generator for the site. The applicant referred to Exhibit A-1 and described the wetlands located adjacent to the proposed compound. Also, the applicant referred to Exhibit A-2 and described the parking to be located adjacent to the compound. With regard to the lighting, the applicant is proposing a 70-watt flood light with timer. The applicant is not proposing any lighting at top of monopole and will provide the Township with a FAA Certification Search Report.

Mrs. Kraemer's referred to her report dated September 27, 2010, and requested a copy of the applicant's "lease area map". The applicant agreed to comply. With regard to the existing tree height and collocation opportunities, the applicant agreed to comply with the Township's requirement of only four carriers. Mrs. Kraemer requested the applicant to provide required soil testing approval. The applicant agreed to comply. Also, she requested the status of the DEP approval with regard to the wetlands. The applicant agreed to comply

Mr. Slauch referred to his report dated August 27, 2010, and questioned whether the design of the monopole would be standard in height. A discussion followed by Chair Kremer with regard to the fall down distance of the proposed tower. He stated some concern of the proposed tower being 62 feet from the Amtrak rail. Following a discussion by the Board with regard to the wetlands, Mr. Slauch suggested that the pole be flipped to rear property line. The applicant suggested that maybe the tower could be moved about 30 feet closer to Lawrence Station Road since the property is long and narrow.

The applicant referred to Kenneth R. Foster's report dated May 23, 2010, and gave a brief overview of the estimated levels of radiofrequency (RF) electromagnetic energy associated with the proposed monopole. The Board accepted the report and testimony.

The applicant's Radio Frequency Engineer referred to Exhibit A-3 and explained why a tower is needed in proposed designated area. The applicant proceeded to address the unreliable in-house/in-vehicle coverage and other areas of unreliable coverage. The applicant stated that the proposed site would improve the telecommunication coverage for the surrounding residents and others. The applicant referred to Exhibit A-4 and described the future coverage with regard to the suitability of 5+ acre wooded site. The applicant proceeded to address the positive and negative criteria. In addition, the applicant stated the proposed monopole would enhance the 911 capabilities for the general location.

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**Application No. ZB-4/10 & SP-3/10 - Continued**

The applicant stated that there were no detrimental impacts since there are no concerns about traffic, pollution, water or sewer services. The applicant's Site Manager referred to Exhibit A-5 and gave a brief overview of the photo simulations. The applicant stated that the photographs were taken from 34 locations. The applicant proceeded to describe the balloon test performed at search and the availability of existing towers. Chair Kremer questioned whether the PSE&G site would be available for collocation. The applicant referred to a letter dated July 27, 2010, whereas, it stated that the existing PSE&G tower located on 4141 Quakerbridge Road is full. Also, the applicant has requested a letter from PSE&G confirming no availability and will provide a copy to the Township. With regard to the DEP application, the applicant stated that the application should be submitted to DEP within a few weeks.

Mrs. Kraemer referred to the Township's Public Safety Report and Shade Tree Advisory Committee. The applicant agreed to comply with the stated comments and recommendations. Mr. Slauch questioned the tree height and requested the applicant to survey and measure the existing trees closest to the leased area. The applicant agreed to comply with the stated recommendations and work with the Township Professionals. (See Attachment No. 3 – Reports)

A discussion took place by Mr. Slauch with regard to the height of the tower and requested the applicant to construct the tower in a fashion to allow a 20-foot extension. He explained that if at a future date the applicant were to have other telecommunication carriers, the applicant could extend the height to 140 feet. The Board accepted.

Mr. Schmierer referred to an earlier discussion with regard to the applicant moving the tower 30 feet closer to Lawrence Station Road. The Board clarified and no longer felt it to be necessary.

**Exhibits:**

- A-1 (Sheet Z-1) Site Plan
- A-2 (Sheet S-1) Compound Plan & Elevation
- A-3 (Colored Existing Coverage) T-Mobile
- A-4 (Colored Future Coverage) T-Mobile
- A-5 (Colored Photo Simulations)

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**Application No. ZB-4/10 & SP-3/10 - Continued**

**Witnesses placed under oath:**

- Joseph Gigantiello, Professional Engineer & Civil Engineer & Expert
- Kenneth R. Foster, PhD., Professional Engineer, (Electromagnetic Safety Consulting)
- Mohammed Alsamna, Radio Frequency Engineer
- Douglas Cowan, Site Zoning Manager, Professional Planner/AICP

**Public Comment: None**

Vice Chair Lavine moved and Mrs. Lewis seconded to approve the application, including use variance, minor site plan, subject to all stated conditions and recommendations contained in the Township Professionals' reports.

**Vote:**

**AYES:** Brame, Gladwell, Kmosko, Kulak, Lewis, Lavine, Kremer  
**NAYES:** None  
**ABSENT:** Maffei  
**INELIGIBLE TO VOTE:** Pangaldi

6. **Old Business/New Business/Correspondence: None**

7. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 11:24 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,  
*Sara A. Summiel*  
Sara A. Summiel  
Recording Secretary

MINUTES APPROVED: Dec. 15, 2010