

**LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.**

**Present:** Keith Dewey (Arrived 7:37 p.m.)  
James S. Kownacki, Council (Class III)  
Richard S. Krawczun (Class II)  
Stacy McCormack  
Gregory S. Puliti, Mayor (Class I)  
Terrence O. Leggett, ALT. #1  
Doris M. Weisberg, ALT. #2  
David C. Maffei, Vice Chairman  
Paul A. Penna, Chairman

**Absent:** Philip B. Duran (Absent/excused)  
Kim Y. Taylor (Absent/excused)

**Also Present:** James F. Parvesse, P.E., Municipal Engineer  
Philip B. Caton, Planning Consultant, Clark•Caton• Hintz  
David M. Roskos, Attorney, Sterns & Weinroth  
Christine A. Malone, Special Consultant, Radio Frequency Expert  
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. Minutes for Approval:**

**Monday, November 15, 2010**

**Councilman Kownacki moved and Vice Chair Maffei seconded to approve the minutes. The following voice call vote took place.**

**AYES (4) NAYES (0) ABSENT (2) INELIGIBLE TO VOTE (5)**

**Monday, December 6, 2010**

**Vice Chair Maffei moved and Councilman Kownacki seconded to approve the minutes. The following voice call vote took place.**

**AYES (6) NAYES (0) ABSENT (2) INELIGIBLE TO VOTE (3)**

**LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.**

**Minutes for Approval – Continued**

**Monday, December 20, 2010**

**Councilman Kownacki moved and Mr. Krawczun seconded to approve the minutes. The following voice call vote took place.**

**AYES (6) NAYES (0) ABSENT (2) INELIGIBLE TO VOTE (3)**

**Monday, January 10, 2011**

**Mayor Puliti moved and Councilman Kownacki seconded to approve the minutes, as Amended. The following voice call vote took place.**

**AYES (6) NAYES (0) ABSENT (2) INELIGIBLE TO VOTE (3)**

- 4. APPOINTMENTS: - Growth & Redevelopment Committee (1) – (Second Tuesday of the month at 7:30)**

**Vice Chair Maffei will serve on this committee.**

- 5. APPLICATIONS:**

**Minor Site Plan Application No. SP-8/10 (Continued from 01/10/2011)  
LIBERTY TOWERS, LLC, 950 Spruce Street, Block 201, Lot 27.**

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

**Richard J. Lemanowicz, Esq., represented the applicant. Mr. Lemanowicz gave a brief overview of the proposed application. He stated that the applicant is seeking minor site plan approval to construct a 150 foot cellular communication monopole on Block 207 at the Farmer's Market site. He identified Clear Wireless as a tenant and stated that there is antenna area for five future tenants.**

**The applicant's Professional Engineer referred to Exhibit A-14 and described the 10-acre site and its existing conditions. The applicant described the asphalt driveway area located at the north eastern rear of the site. The applicant stated that the site can be accessed by Spruce Street and rear asphalt driveway. The applicant explained that the proposed site is located in the highway commercial zoning district. The applicant stated that the proposed 150 foot monopole tower would be constructed with inside antennas and a six-foot fenced compound to be 60x60 in size.**

**LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.**

**Application No. SP-8/10 - Continued**

The applicant explained that the tower will be located 165 feet from the closest property line to the south and east. To the rear property, the tower will be located 462 feet directly from the property lines to the north; and 202 feet from the adjoining property line of Halo Farms Retail store. To the north eastern, the tower is located 220 feet from the closest property line. The applicant stated that there will be landscaping around the compound. The applicant stated that the landscape plan has been submitted to the Township Professionals. The applicant stated their willingness to work with the Township Professionals with regard to the required landscaping. He stated that the applicant is proposing two parking spaces for technicians to service the site. The applicant described the elevation of the tower and its design. The applicant stated that the design of the tower will meet or exceed the required standards. With regard to Clear Wireless, the tenant's cabinet will be located on a 10x10 platform and three (3) antennas at the 145-foot level. The applicant stated that the inside equipment for Clear Wireless is less than six feet tall. The applicant stated that the antennas will not be visible to the public. The applicant stated that each carrier will have timer lighting at the cabinet area.

A brief discussion took place by Mr. Roskos with regard to the traffic and the number of visits to the site by each carrier for maintenance. Mr. Krawczun questioned the diameter at the top of tower and questioned the distance from the pole to the corner of Halo Farms.

The applicant's Professional Planner referred to Exhibit A-2 (Sheet S-1) and explained the proposed landscaping plan. The applicant reviewed the revisions to the plan with regard to the proposed fence. The applicant is no longer proposing bob wire at the top of fence. With regard to the plantings, the applicant explained that the plantings will grow to the height of the fence and others plantings will be added that will grow to the height for screening within 3 to 5 years. Also, the applicant agreed to comply with the Township's Ordinance and work with the Township Professionals. The applicant referred to Exhibit A-16 and explained the balloon test that was performed at the site. The applicant proceeded to review the photographs and described the represented views explaining the visual impact from the view at Tiffany Woods Court. The applicant stated that the property is not in a Historic District.

**LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.**

**Application No. SP-8/10 - Continued**

**Mayor Puliti addressed the dumpsters on the proposed site and questioned whether they would be enclosed. The applicant agreed to comply with the consent of the property owner and Ordinance. Also, he questioned the signage and requested the applicant to take an inventory of signage on the proposed property and report their findings to the Township Professionals. The applicant agreed to comply with the signage ordinance.**

**Mr. Leggett addressed the landscape on the northern side of the proposed site and questioned why no landscape is proposed for that area. Mr. Caton added that landscaping will be required for the northern side of the site. The applicant agreed to comply.**

**The applicant's Professional Electrical Engineer referred to Exhibits A-4 (Copy of Electromagnetic Fields Compliance Report) and stated that the proposed monopole, when in operation, will be in compliance with the FCC Standards. Also, he stated that this Certification takes in consideration the operation, antennas and equipment associated with Clear Wireless' network, and all future carriers. He proceeded to review Exhibit A-5 (Copy of FAA Screening for Proposed 160' Monopole) and explained that the proposed monopole will not be a hazard to air traffic. With regard to Exhibit A-6 (Copy of Non-Interference Certification Report); the applicant explained that the proposed monopole will not interfere with any other wireless facilities that will collocate, or public safety communications in the area; nor broadcasting stations; nor household products such as radios, computers, nor televisions. The applicant proceeded to review Exhibit A-7 (Copy of Radiofrequency Design Report) and explained the justification of need for this facility to provide reliable coverage in the surrounding area. The applicant stated that there are no other existing monopole towers in the area where Clear Wireless could collocate because of the minimum required height for their antennas. Also, the applicant gave an overview of their site search location and stated that one of the key components was to find a suitable site that would meet the use, the setback requirements and compliance to Township Ordinance. A brief discussion took place by the Board with regard to whether the applicant considered any alternative sites other than the neighborhood area. The Board questioned whether the applicant made inquiry with any of the other properties along Spruce Street such as Coleman Auto lot where the former Wal-Mart Store was to be constructed.**

**LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.**

**Application No. SP-8/10 - Continued**

**The applicant's Professional Planner gave an overview of the search for sites in the highway commercial zoning district. Mr. Caton addressed the Zoning Ordinance and gave an overview of the two categories with regard to the conditional permitted use. He stated that the applicant would fall under category two and further stated that the applicant is bound to meet every condition set forth in the Township's Ordinance.**

**The Board addressed the coverage and questioned where the next tower would have to be located in order to cover anything that was not covered, even if the proposed tower were to be constructed. Mr. Roskos added that since the Township does not want a proliferation of towers within the Township, he questioned whether the applicant would fill those slots on the proposed tower. A brief discussion followed by the Board with regard to the applicant making the other slots available to other licensed service providers, as a condition of approval. The applicant stated that there is no obligation on their part to demonstrate whether there is a significant gap in coverage because of the conditional use since there are no variances.**

**Ms. Malone referred to her report dated February 7, 2010, and gave an overview of her findings with regard to WiMax being different in some ways from other wireless service providers. She stated that Clear Wireless is a WiMax service licensed to provide Broadband Radio Service. She referred to Clear Wireless' website with regard to reliable in-building wireless services and explained that she did not complete the propagation studies because the necessary parameters for the surrounding sites were not available. She addressed the applicant's submissions and conflict between Clear Wireless' own coverage as shown on their web site with regard to in-building reliable service. The Board addressed the conflict and questioned whether Ms. Malone was 100 percent satisfied with how the applicant's data has been submitted and/or reviewed. Ms. Malone stated that the conflict is hidden, but felt it would be possible to attain.**

**Mr. Roskos suggested that the Radio Frequency Engineers get together to complete the necessary studies. The applicant agreed. Also, Mr. Roskos addressed the existing vegetation along the Tiffany Woods and recommended that the applicant speak with the Landlord at the Farmers' Market to permit the 40-foot buffer width, realizing that the buffer area cannot be cleared away at any time. The applicant will contact the Landlord.**

**LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.**

**Application No. SP-8/10 - Continued**

A discussion took place by the Board and the applicant with regard to an appropriate height for the tower. Prior to Public Comment, Mr. Roskos gave an overview of the Board's jurisdiction and the overlay of FCC standards. The Board referred to Exhibit A-7 and questioned whether Clear Wireless could collocate on the 125-foot T-Mobile's tower. Also the applicant was requested to request a letter or testimony from T-Mobile stating their ability to increase the height of their tower to allow Clear Wireless to collocate. The applicant will investigate.

No action was taken. The Board requested the applicant to provide garbage enclosures for the dumpsters to be shown on revised site plan. Also, the applicant was requested to provide a sign inventory of all the signs on the site, including the Farmers' Market prior to the next meeting. The applicant agreed to comply.

Jurisdiction was carried to March 21, 2011, meeting.

**The following Exhibits were presented:**

- A-14 Copy of Public Notice
- A-15 Z-1 Sheet (Site Plan) Rev. date 1/20/2011 & S-1 Sheet
- A-16 Updated Photo Simulations – Photographic Key Map
- A-17 Enlarge Aerial Exhibit by Seidel Planning

**Witnesses placed under oath:**

- Philip Burtner, Professional Engineer (Advantage Engineers) & Expert
- Brian Seidel, Professional Planner (Seidel Planning & Design) & Expert
- Anthony Handley, Electrical Engineer/Radio Frequency Expert (Millennium Engineering, PC)

**Also placed under oath was Township Professional – Consultant**

- Christine Malone – Radio Frequency Expert

**LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.**

**Application No. SP-8/10 - Continued**

**Public Comment:**

- **Kimberly Woods – 6 Bonnie Court, questioned whether there is a current need and whether there was a survey or questionnaire completed with regard to the proposed tower. She stated concerns about the proposed location of the tower and questioned who would benefit, if the tower was constructed.**
- **Dr. Choudhry, M.D., D.P.H., was placed under oath. He stated concerns about the evidence of health issues. He stated that data research shows that a cell tower causes cancer and leukemia in children. He stated that the Township should be concerned about the safety of people. Also, he stated concerns about the future of his business.**
- **James Jackson – 64 Jay Russell-Smith Road, was placed under oath. He questioned whether the proposed tower would affect their property taxes and/or the value of their homes. He stated his concerns about having a tower in his back yard. He stated concerns about the survey completed by the applicant. Also, he questioned whether the proposed tower would affect their televisions.**
- **Peggy Jackson – 64 Jay Russell-Smith Road, was placed under oath. Mrs. Jackson stated that the site would be an eyesore regardless of the plantings of flowers or proposed landscaping to be provided by the applicant. She questioned whether the tower would be limited to 150 feet in height. Also, she questioned whether the tower would be a hazardous for helicopters or air planes.**
- **Lenin Joschi – 22 Jay Russell-Smith Road, was placed under oath. Mr. Joschi stated that he is a new owner and resident. He questioned whether a certain amount of vegetation would be cleared and stated concerns that there would be no buffer. He stated concerns about radiation exposure and questioned whether all the trees would be cut down.**

LAWRENCE TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MONDAY, FEBRUARY 7, 2011, 7:30 P.M.

Application No. SP-8/10 - Continued

Public Comment: Continued

- Ermelo Obleada - (One Greenfield North, W. Windsor) – owner of Medical Office at 1613 Princeton Avenue stated that his property was the first to improve its property along that portion of Princeton Avenue. He stated concerns about the traffic and the negative impact on the value of homes in the surrounding area. He proceeded to state concerns about the quality of life and would not want the proposed tower to be located near his property because it would be an eye sore. He stated that he would like to see the tower built somewhere else.

6. Preliminary Final Major Site Plan Application No. SP-7/09, BRITTON INDUSTRIES, INC., 227 Bakers Basin Road and 108 Basin Road, Block 3601, Lots 12 & 20.

Jurisdiction carried to March 7, 2011, meeting. No further action taken. The applicant agreed to re-notice by regular mail. The Board accepted.

7. Old Business/New Business/Correspondence: - None
8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:41 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: MARCH 7, 2011