

Shamong Township
May 20, 2008

A meeting of the Land Use Board of Shamong Township was held on the above date at the Municipal Building.

Members present were:

Noni Bookbinder Bell	James Sweet
Charles Burgin	Timothy VanCuren
Lynn Heinold	Kevin Wise
Michael Moss	George Young

Also present were Peter C. Lange, Jr., Esq., Solicitor, and Dante Guzzi, Engineer.

The meeting was called to order at approximately 8:02 P.M. by Mr. Wise, acting as Chairman in the absence of Messrs. Vinciguerra and Giberson.

The Secretary stated that this meeting had been properly advertised in The Central Record, and notification had also been sent to the Burlington County Times in accordance with the Open Public Meetings Law.

All joined in the Pledge of Allegiance to the flag.

The minutes of the meeting of April 15, 2008, were approved as submitted.

On motion of Mr. Heinold, seconded by Mr. VanCuren, it was moved that the Resolution of Memorialization for Lawrence Valenzano, Block 22, Lot 10, be approved. All members present were in favor, with the exception of Messrs. Moss and Young who were absent from the April 15, 2008 meeting and so abstained.

On motion of Mr. Heinold, seconded by Mr. VanCuren, it was moved that the Resolution of Memorialization for Peter and Victoria Lange, Block 18, Lots 20.12 and 20.13, be approved. All members present voted yes with the exception of Mr. Burgin who did not participate, and Messrs. Moss and Young who were absent from the April 15, 2008, meeting and so abstained.

Mr. Lange explained to the Board that because of an operating problem, the Resolution of Memorialization for the Gene Haas variance, Block 10, Lot 25, was not ready for action tonight.

A public hearing was then held on a Minor Site Plan and Conditional Use Application for Cellco Partnership d/b/a Verizon Wireless and AT&T, Block 30, Lot 2.01. Mr. Lange reviewed the proofs of notice submitted by the applicant's attorney, Michael Learn, and informed the Board that they were in order and the Board could take jurisdiction. Mr. Learn then submitted the applicant's Exhibit A1, a Certificate of Filing from the

Pinelands Commission dated April 1, 2008, and Exhibit A2 which was a letter from the Burlington County Planning Board, dated February, 27, 2008, wherein they waived site plan approval. In conjunction with the AT&T portion of the application, he submitted Exhibit A3, a Building Permit issued June 22, 2005, for the AT&T equipment, and Exhibit A4, a Township Zoning Permit 05-007, dated March 16, 2005, for the AT&T equipment. He then introduced three experts who were sworn in by Mr. Lange: Ahmet Colakoglu, Paul Dugan, and Mark Rubin. Mr. Dugan was then qualified as an expert witness, and the Land Use Board reviewed Mr. Guzzi's letter of May 20, 2008. On motion of Mr. VanCuren, seconded by Mr. Burgin, it was moved that the submission waivers requested, as outlined in Mr. Guzzi's letter items B through I, be waived, and the application was determined complete. All members present were in favor. Mr. Dugan then covered Verizon's licensing and transmitting bands, Exhibit A5 which showed the areas in Shamong Township lacking acceptable Verizon coverage and Exhibit A6 which showed what the coverage will be with the Verizon equipment installed on the existing tower. Mr. Dugan said this is a standard installation and will be visited one to two times every two months by a technician. He said the location will identify the origin of 911 calls and that no other co-location sites are available. He also submitted Exhibit A7, a Radio Frequency Compliance Analysis. The report showed that the transmission will be well within FCC limits, and there will be no interference with any other equipment on or off the tower. Mark Rubin then was qualified as an expert witness and produced Exhibit A8, which showed AT&T coverage without the use of a tower and Exhibit A9 which showed coverage with the use of the tower. Mr. Rubin also stated that there were no other facilities to co-locate on in the area that would provide the required coverage. Ahmet Colakoglu was qualified as an expert witness and explained the base of the tower has an area 100 feet by 100 feet that is fenced. T-Mobile and Sprint are already approved and in operation, and AT&T is in operation. He explained the structure to be installed, that they would use the existing driveway and the access was good, even in inclement weather, for emergency vehicles. He also stated that they will comply with Mr. Guzzi's letter of May 20, 2008. Exhibit A10 was submitted, an engineering report dated July 31, 2007, showing that the tower can hold the proposed additional antennas. He also said that the dead landscape material will be replaced; also that there will be no lights on the tower, and there will be a light over the cabinet doors. He said the equipment is monitored remotely and a technician may visit the site one time per month. Mr. Heinold asked if this tower and the co-location of Verizon and AT&T meets all of the Pinelands Commissions' aims of having the least number of towers with adequate coverage, and Mr. Dugan said that it did. Mr. Colakoglu stated the compound is locked and has a seven-foot high chain-link fence. The Township ordinance requires the posting of a surety bond for removal of equipment when the facilities are no longer required. Mr. Learn said there is a court case that states that the provision for removal of a tower is beyond the scope of a local board. He said that they have a twenty-year lease which requires the removal of equipment at the end of the lease. Mr. Guzzi's letter of May 20, 2008, requires the following notes be added to the plan: (1) The site will be properly maintained or the Township can and will maintain it, (2) Posting of surety for removal, (3) The equipment will be operated according to FCC regulations, (4) Noise levels will not be increased, and (5) A certification is to be submitted each year that there has been no increase in noise levels. Mr. Learn stated that the structures are required at the base of

the tower because the FCC requires eight hours of battery backup. They are climate controlled for the protection of the equipment and there is some room for expansion, and a 100 square foot building would not be large enough to accommodate the above. Mr. Rubin stated that one building housing each company's equipment makes for a better appearance than a series of small buildings for each company. It was pointed out there are no structures within 200 feet of the tower. The meeting was then opened to the public; however, there were no members of the public present, so the public portion of the hearing was closed. On motion of Mr. Burgin, seconded by Mr. VanCuren, upon finding that the positive and negative criteria required for a bulk variance had been met and that the granting of the variance and conditional use approval would have no negative effect on the zoning of the Township, and there was no detriment to the public, the setback and bulk variance was approved subject to Mr. Guzzi's letter of May 20, 2008, a dimmer switch to control the lights over the door to each cabinet, the replacement of dead landscaping, the necessity of a surety bond for the removal of the tower or Mr. Lange's acceptance of the court case, and the review by Mr. Guzzi of the engineering report for the adequacy of the tower to accommodate the equipment. A roll call vote showed all members present voting yes.

The Secretary read from a Certificate of Filing from the Pinelands Commission dated April 11, 2008, for Robert A. Foulks, Sr. for Block 17, Lot 11. The Secretary also read a Pinelands Commission Letter of Interpretation #1975 to Robert and John Gardner and Mittie Piper for Block 35.01, Lot 52. The Secretary also read another Letter of Interpretation #1978 to Thomas G. and Susan J. Hampton, Block 28.01, Lot 1.02.

The Secretary informed the other members of the Board that there will likely be an application for a Certificate of Non-Conforming Use Status at the June meeting and asked Mr. Lange to briefly explain the Board's role in this process. Mr. Lange did this without discussing in any way the proposed application.

Mr. Wise was ready to open the meeting to the public; however, there were no members of the public present.

There being no further business, the meeting was adjourned.

L. E. Heinold
Secretary