

A meeting of the Shamong Township Joint Land Use Board was held on the above date at the Municipal Building. The meeting was called to order by Jim Sweet, Chairman, at approximately 7:00 P.M.

The Secretary stated that in accordance with the Open Public Meetings Law, notice of this meeting had been published in The Burlington County Times, and posted accordingly. The Pledge of Allegiance was recited and roll call taken at the previous re-organization meeting.

Members present from re-organization meeting were:

Noni Bookbinder-Bell	P	Susan Onorato	P
Michael Cooney	P	Vacant-Mayor's Alt	A
Dave Diamond, Alt	A	Bonnie Schneider-Alt	P
Joseph Gigantiello	A	James Sweet	P
Michael Di Croce	A	Kathleen Wigley	P
Gene Lera, Alt	P	Barbara Valenzano	A

Also present were Christopher Norman, Esq., Solicitor, and Dante Guzzi, Engineer.

On motion of Mr. Lera, seconded by Mrs. Schnieder, it was moved that the minutes of the January 16, 2018 re-organizational and regular meeting be approved as submitted with all members present voting yes.

Resolutions:

Mrs. Onorato, reported on resolution 2018-7 to appoint Christopher Norman as our Joint Land use Board Solicitor. Mrs. Onorato stated the need for a new solicitor was created when the Shamong Township Committee entered into a shared service agreement with Medford Lakes Borough for Municipal Court Services. This created a conflict as Mr. Lange cannot serve this board and as the presiding Judge should any appeals be filed against this Board. Mrs. Onorato also stated Mr. Norman was recommended by the Township Committee, had the opportunity to speak with Chairman Sweet and has had the opportunity to listen to the recording of the hearing last month which was carried over to tonight's agenda as well as reviewed all documentation on same. Chairman Sweet confirmed Mr. Norman has done his homework. As there were no more questions or comments from the Board, **on motion of Mr. Sweet, seconded by Mrs. Bookbinder-Bell, it was moved to approve Resolution 2018-7 to appoint Mr. Christopher Norman as Board Solicitor beginning February 1, 2018. All members present voted yes.**

Chairman Sweet wanted to go on record to thank and recognize Mr. Lange for all his years of dedicated service. He was very knowledgeable of the Township and has served this Board well!

Mrs. Onorato reviewed resolution 2018-8 for a bulk variance on block 22.01 lots 22.01 & 22.02 (439 Oak Shade Road – LaCampagnola Restaurant) for a 39'8" X 33'0" kitchen addition on an area where there is an existing cement pad within required setbacks of 10.3' where 60' is required. The applicant agreed that no additional seating will be added to the restaurant. Mr. Guzzi reported it is important to note that there is no additional waste water generation and therefore no need to increase parking or seek Pineland's approval. **On motion of Mr. Lera,**

seconded by Mr. Cooney, Resolution 2018-7 was approved with all members present voted yes

Application:

Chairman Sweet introduced the application on Block 10, Lots 23.01 (372 Atsion Road – Lombardo). Seeking a bulk variance to permit a 5' tall fence (where 4' tall fence is permitted) within front yard setback of 35' where 50' is required. Mr. Cuva, Esq. is representing Mrs. Carla Morris-Lombardo on the application. Mr. Norman swore in the applicant Mrs. Morris-Lombardo. Mrs. Lombardo stated the fence was installed just before her wedding at the house by her now husband Michael Lombardo. Mrs. Lombardo stated you can see through the fence, it does not affect any site triangles and is aesthetically pleasing (see photos in application). Mr. Morris-Lombardo stated the fence enhances the safety of the 8 grand children they have from 1 – 8 years old on a very busy road. Mrs. Morris-Lombardo stated the fence was place on the lawn to avoid removal of any trees on the property. Mr. Guzzi reviewed his report and stated there were no concerns of aesthetics does not affect any sight triangles. Chairman Sweet opened the meeting to questions or comments from the board or member of the public. As there were none, the meeting was closed to the public. **On motion of Mr. Cooney, seconded by Mrs. Schnieder it was moved to approve the application for Block 10, Lots 23.01 (372 Atsion Road – Lombardo bulk variance to approve a 5' high fence constructed within front yard setback of 35' where 50' is required; all members present voting yes.**

Chairman Sweet introduced the application on Block 27.01, Lot 9 (15 Park Drive – Chris Nardi, Sod Services). Seeking a site plan review and approval to construct a 5, 000 SF commercial building. Pat McAndrew, Esq. introduced himself and asked Mr. Norman to swear in Mr. Chris Nardi and Jack Gavlin, Jr., Engineer for the applicant. Mr. McAndrew stated the application is for Sod Services to construct a building on a vacant lot and stated Mr. Nardi is currently operating this business out of his property in Tabernacle. Mr. Gavlin provided his credential to the Board as an expert in the field. Mr. Gavlin then presented the site plan for the property located in the Pinelands Village – Industrial District as well as the proposed plans of the 5,000 SF building which includes a large garage area to store and work on equipment as well as an office area. The site plans also propose stone parking area, rear fencing, a storm water drainage basin in addition to an existing drainage basin as it relates to required storm water requirements. Mr. Gavlin also reviewed the lighting and landscaping plans submitted. Mr. Gavlin stated the applicant is requesting waiver to eliminate some of the curbing requirements and therefore increase runoff of water. Additionally, they would like to request 18' long parking spaces where 19' spaces are required in a parking are that would have minimal traffic related to employees only. The applicant also would like to request a waiver of the required paved parking area for a stone surface parking area and the approval to store mulch and dirt outside under a C2 variance. Mr. Gavlin then referred to Mr. Guzzi's February 5, 2018 report on the application and stated the applicant will agree to accept and conform to all items on his report. Mr. McAndrew asked Mr. Gavlin to verify if the proposed site development complies with others in the Industrial Park. Mr. Gavlin also verified the location of the fence on the site plans for Mr. Sweet. Mr. Nardi testified on the types of equipment that will be stored outside of the building for Mr. Sweet. Mr. McAndrew verified the height of the proposed building will be approximately 30' 6". Mr. Nardi stated there would be 11 vehicle spots for roughly 9 – 11 employees. Mr. Gavlin stated there is additional parking permitted on site near fence. Mrs. Onorato asked the applicant if they could move the parking spaces up 1 foot closer to the building and provide adequate space for the 19' long parking spaces, Mr. Gavlin stated this could be done and the applicant

will remove the request for this waiver. Mr. Guzzi requested options to screen the property from neighbors and continued reviewing of his report to the Board dated February 5, 2018. There being no more questions or comments from the Board, Chairman Sweet opened the meeting to the public, at this time Mr. Harvey Pitts who owns a neighboring property stated he believes the proposed site improvements will enhance his property. As there were no additional comments, the meeting was closed to the public and Mr. Norman reviewed the conditions of the approval based upon the discussions **On motion of Mr. Lera, seconded by Mr. Sweet it was moved to approve the application for Block 27.01 Lot 9 (15 Park Drive) site waivers, and 5,000 SF building as included in the application with 19' long parking spots, stone parking area with exception to handicapped accessible spot; all members present voting yes.**

Mr. Cooney, a member of the Township Committee recused himself from the remainder of the meeting at 7:44 pm as he is not permitted to participate in the remaining applications on the agenda under municipal land use laws.

Mr. Stillwell, Mr. Norman and Mrs. Onorato verified the six (6) Board members present attended the last meeting and are therefore eligible to participate in tonight's meeting. Mr. Warren Stillwell introduced himself as representative to the co-applicants: Tower North and Verizon Wireless on the application for Block 7, Lot 21.06 (449 Oak Shade Road). Mr. Stillwell stated there was an open item relative to the Board of Education property, which Mr. Bert Stern who testified he had met with Mrs. Vespe to discuss possible locations to place a cell tower on their site and made a proposal of potential revenue the school board could receive based upon bid process. On Shamong Township Board of Education reported in a letter dated February 14, 2018 from Mrs. Vespe that they were not interested in placing a cell tower on the school property. Mr. Stern testified there was representation from the School Board members present at this meeting with Mrs. Vespe on February 2, 2018 as confirmed in the February 14, 2018 letter.

Mr. Stillwell introduced Mr. Cottrell who was sworn in at the January 16, 2018 meeting and testified the base of the tower would be 498' to the closest right of way and since Oak Shade Road is approximately 67.75' wide the distance from the tower to the other side of Oak Shade Road right of way is approximately 566' to the property lines on the other side of Oak Shade Road. Mr. Stern testified the expected timeline for construction which would be completed jointly with Verizon Wireless. Once all approvals are received the construction would be determined by Pinelands Commission and once received the building permits would be submitted and total time of construction once all approvals are received would be approximately 60 days.

Mr. Stillwell testified the Shamong Township Ordinance that requires a variance for multiple uses on a single lot, previously he assumed this was not necessary, but upon review he would like to present some testimony to have more than 1 use on a principal lot. Mr. Miller testified on this matter for the applicant relative to a D1 variance should this apply to this application and the properties adjacent to this site with multiple uses meets the current nature of the immediate area. The proposed dual uses on the PIQ has been deemed by the Courts to be beneficial to the public welfare and is a permitted conditional use in this zoning district. Mr. Miller testified relative to the deviation of the preferred list of parcels to locate the cell tower on, however as an alternative site, this application meets all the requirements with exception to the size of the equipment area which is completely landscaped and shielded from neighboring properties. He also referenced the Coventry Square case and confirmed this application is in compliance with the code and the

site is partially wooded to provide screening of the tower and equipment area from the road. The site is also large enough to meet all the required set back requirements and she believes the site is fully adequate for this use. Under the negative criteria they believe they have taken all necessary steps to try place the tower on Township owned land, and as the preferred list of properties could not be met, the ordinance provides for alternative location such as the PIQ. The impact to the area if the site met all the standards, such as the school property which is adjacent to the PIQ, the affects to the surrounding area are virtually no different than if the tower was placed on the School property.

Mr. Stillwell introduced Mary Devlin from Network Building and Consulting, LLC. Ms. Devlin stated she has worked with the Verizon Wireless project since the spring of 2013 and was sworn in by Mr. Norman. Ms. Devlin testified Verizon's search ring process to locate possible locations for the tower to be placed on. As a result, she had been in contact with the Township reviewing sites such as the municipal building property which was outside of the search ring. Ms. Devlin also stated that Verizon Wireless is not actively pursuing any alternative lot for this search ring. Mr. Stillwell testified Verizon Wireless would be willing to co-locate other providers on this tower as required by FCC regulations.

Mr. Sweet asked if the Board could restrict the height of the tower of 145- 150 feet. Mr. Stern testified if there were only three – four carriers, including the township a 130' would be sufficient. Mr. Stillwell stated this application could be restricted, but the Federal and Pineland's regulations support up to 200' tower. The applicant would agree to restricting the height to 145-150 feet and report to the Board if they wanted to extend the height of the tower.

As there were no more questions from the Board, Chairman Sweet opened the meeting to the public on this application.

- Bruce & Jacklyn Jennings, 289 Indian Mills Road were sworn in and testified they are neighbors and they had not been notified previously. Mrs. Onorato, Mr. Norman and Mr. Guzzi testified the municipal land use law required notice to be sent to all properties owners living within 200' of the PIQ borders via certified mail, additionally the same law requires a notice to be published in the official newspaper (Burlington County Times). The site plans were reviewed and found notification was sent out from block 7 lot 21.06, the lot the proposed location of the tower and Mr. and Mrs. Jennings live outside of the 200' area. Mr. & Mrs. Jennings are against the tower at this location, they believe it should go on a larger piece of ground and believe it will reduce their property value.
- Mike Ridgeway, Esq. representing Crossroads Church requested the Board delay a vote until it has the opportunity to listen to the competing application re: chapter 110-96:E.5 of the Shamong Township Code which Mr. Ridgeway read this section into the record which supports his request. Per Mr. Norman, there can only be a need for one tower, the request does make sense if the Board chooses to do so, but it is the Board gets to choose how they would like to move forward.
- Diane Wagner, 448 Oak Shade Road was sworn in. She stated she is very concerned with a tower being placed so close to her home as it will negatively impact her property value and she thinks cell towers are ugly. She is very concerned with the health affects of cell towers and hopes the Board will vote against this development.

- Josh Graeber, 450 Oak Shade Road testified at the last meeting and would like to urge the Board to listen to the second application and hopefully it will be in a better location relative to his home.
- Brian Marshall, 444 Oak Shade Road was sworn in and expressed his concern with home value if the tower is approved. He also asked if there was going to be lighting on the tower. Mr. Cottrell testified no lighting proposed for the top of the tower.
- Sean Rowe, 454 Oak Shade Road who testified at the January meeting stated he would like to hear the second application before a decision is made on this application. He is against the cell tower as he believes it will negatively impact health to those living in the area. He is also concerned with property value once the tower is constructed.

As there were no more comments from the public, the meeting was closed to the public. After a brief discussion relative to the opportunity to listen to the next cell tower application. Mr. Norman stated cell tower applications in NJ are highly contested in NJ; as a result, the NJ Supreme Court determined that the Board cannot accept the comments against the application relative to possible reduced property unless they are presented by an expert witness. Mr. Norman stated the testimony tonight, to his knowledge was not presented by an expert witness, therefore he does not recommend the Board uses the argument of property value when deciding. If the Board wants to listen to the second application first and then make a decision on both the applications, the Board is welcome to do so. Mr. Norman stated the motion to defer the decision on this application or move forward. Mr. Stillwell confirmed their presentation of the application is closed.

On a motion by Mrs. Wigley, seconded by Mrs. Schnieder the Board closed the record on this application and deferred formal action until the Board heard the next applicant; all members present voted yes with exception to Mr. Lera who abstained as an Alternate #2 member. Mr. Cooney was not present for this portion of the meeting.

On motion by Mrs. Bookbinder-Bell, seconded by Mr. Sweet the Board moved to take a 5-minute recess; all members present voted yes.

Chairman Sweet introduced the next item on the agenda, an application on block 7 lot 23 (445 Oak Shade Road – Valore, LLC @ Cross Roads Church). Seeking conditional use variance, bulk variance and minor site plan review to construct a wireless communication tower.

Mike Ridgeway, Esq. introduced himself as representative for this application requesting 2 use variances: for a D-1 variance for 2 principal uses and a D-3 variance for pre-existing on front yard setback and for allowance of a 200-sf equipment area where 100 sf is permitted.

Mr. Frank DeGenova from 7 Gilbert Stewart Way, Marlton, NJ was sworn in by Mr. Norman and gave his credentials as a tele communications and infrastructure business as a principal of the firm created in 2003. Mr. DeGenova testified he has been involved in a few similar projects over the years and stated wireless infrastructure is no more than vertical real estate constructed by wireless communication companies which were later required to co-locate on their towers. Since roughly 1999 some wireless communications companies sold their towers and the shift to tower development companies was created to fill the need where there are gaps in service. A site plan - **Exhibit A-1** was submitted and reviewed. Mr. DeGenova also stated he was involved

with the development of a cell tower in Waterford, NJ near the Atco Raceway and referred to this tower on the site plan. Mr. DeGenova provided a proposal of the site in question with several area maps presented as **Exhibit A-2**, the 4 push pins represent locations with the push pin Valor NJ0010 = the Waterford Tower, site pin for 110T-Mobile is the proposed tower on T-Mobiles plan which brought Valore into the area in June of 2016. After site visits, review of Township Ordinances, and a review of a bid on the Red Onion Road project, Mr. DeGenova realize the Pinelands Commission was not going to approve the area near Red Onion Road and the Pinelands Commission requested they focus their efforts in the Regional Growth area near Oak Shade Road. Three candidates were identified: School property, Cross Roads Church and the Opici Wine property. All three property owners were notified. June of 2016 Christine Vespe from the Shamong Board of Education and Ron Gallo of Opichi Wine notified Valore of their interest in development of a cell tower. Presentations were prepared and on June 24, 2016 a meeting was held with Ron Gallo of Opici to discuss. On July 5, 2016 Opici was sent a proposed lease agreement **Exhibit A-3** for the proposed development of a cell tower on block 7 lot 21.05 with access to the site from Indian Mills Road. On July 19th the Opici family requested amendments to the lease. On July 26 Valore met with Christine Vespe and Mr. Hall regarding potential location for the Tower. On August 9, 2016 the School Board was sent a lease agreement **Exhibit A-4** on the Indian Mills Memorial School site. On August 16, 2016 the School Board responded they would not move forward with this project with no interest given as per Mrs. Vespe's discussions with the Shamong School Board. In September of 2016 negotiations continued with the Opici family regarding potential tower development on their property. Several attempts were made to come to an agreement with Opici in September and October of 2016 until Opici notified Valore that they were going to move forward with another developer. In November of 2016 Valore reached out to the Shamong BOE, which again was not interested. A follow-up letter was sent to Cross Roads Church, who would not move forward without confirmation the Shamong BOE was not interested, which was confirmed by Christine Vespe. The lease agreement with Cross Roads Church was sent, a memorandum of lease agreement dated January 12, 2017 was submitted as **Exhibit A-5**. The Church also stated it wanted to confirm with Shamong Township that they were no pursuing any other properties for wireless tower placement. Mr. DeGenova stated T-Mobile will not enter into a lease agreement until additional carriers are in place and there are no signed carriers for the tower. Mr. DeGenova testified they typically submit their applications with a signed carrier. Mr. DeGenova testified he has received the Pinelands Commission approval, however no approval has been received from Burlington County Engineers for the development on a County roadway. Mr. DeGenova testified he would accept the requirement of co-location of providers as well as provide access for any Township or County needs. Mr. Ridgeway spoke on the concerns of the height of the tower presented by the residents. Mr. DeGenova testified you are going to see the infrastructure and the mono pole. He stated there are options to camouflage the tower and antennas whether it is a tree tower or stealth cross tower both options were described by Mr. DeGenova. Mr. DeGenova stated he would be willing to bring images of both of these options to a meeting next month if the Board would like to see these options and agreed to be willing to construct either of these alternatives. Mr. DeGenova testified he only researched Regional Growth Commercial properties based upon discussions he had with the Pinelands Commission and he did not pursue any Township owned lands other than the school property which is owned by the Shamong Township Board of Education.

Mr. Ridgeway introduced Mr. Paul Dugan his radio frequency expert, who was sworn in by Mr. Norman and provided his credentials as to his 34 years of RF experience and submitted his

resume as **Exhibit A-6**. Mr. Dugan testified as to the tools and test used to determine areas in need of coverage. As a result, this area has been proven to be in need of additional service to support the needs present. **Exhibit A-7** a street atlas map of the proposed tower as well as existing structures. He noted an existing 199' tower located on Route 206 near Scoot's liquors, a 250' ladder for AT&T that is located at Cardinal Paving Company, and at Crown Castle North on Route 206 and additional towers in Tabernacle and Waterford. This map was submitted to show areas where there are gaps in service.

Mr. Ridgeway introduced Mr. Roger Johnson, Civil Engineer who was sworn in by Mr. Norman prior to testifying. Mr. Ridgeway submitted Mr. Johnson's credentials as **Exhibit A-8**. Mr. Johnson then gave testimony by referring to **Exhibit A-9** a revised set of drawings submitted with the application dated January 24, 2018. Mr. Johnson referred to page T1 of the plans, then he moved on to describe page Z1 of the plans showing the tower would be accessed using existing paved surfaces.

Mr. Johnson testified the proposed tower will be placed 267.75' from road, approximately 90' from rear of property and side setbacks are 105' and 145' respectively. One variance is requesting a pre-existing nonconforming use of 19.6' which represents the existing structure of the church. A second variance is submitted requesting an equipment area of 200 sf where 100 sf is permitted. Mr. Johnson described the equipment compound and proposed screening found on sheet S1 & S2 of the site plans. There is no plan to light the tower. Equipment cabinets are sometimes equipped with motion detected lights which would be shielded to not reach the property line. This would be an unmanned facility, with routine onsite maintenance occurring once a month or quarter basis. The Tower will be constructed to meet all required standards, the equipment will be installed to meet all noise requirements. The cell tower will be placed approximately 100' from the Church building and the pole will be 145' tall on an existing 2-acre lot.

Mr. Ridgeway then introduced Mr. Timothy Kronk, Certified Planner to testify once he was sworn in by Mr. Norman and he submitted his credentials as an expert as well as his resume as **Exhibit A-10**. Mr. Kronk testified on the applicant and the need for a D-3 variance for the compound size and a D-1 variance for a 2nd use on the property as well as the front yard setback variance on the Church building. Mr. Kronk then began his presentation on photographs showing the results of a balloon test completed on January 3, 2018 depicting the balloon visible at 199' and through computer simulations a proposed tower was placed in the photograph at 145'. **Exhibit A-11** from 9 Jennings Court; **Exhibit A-12** from 4 Rutland Court; **Exhibit A-13** from the intersection of Indian Mills and Oak Shade Road; and **Exhibit A-14** from 445 Oak Shade Road. Mr. Kronk continued his testimony as to why the site in his opinion was suitable for the proposed use, with agreement to allow co-location on the tower which has Pinelands Commission permission. There is low impact of traffic to the site which only required maintenance every 4 – 6 weeks. The balloon test provides a simulation of the greatest impact to the area and the applicant is willing to pursue camouflaging options with the proposed tower which would be brought to the next meeting if the Board wants to pursue. Mr. Ridgeway stated from a planning experience the two sites are comparable, however as Valore is willing to offer alternatives to conceal the site and tower further makes this application more favorable. Mr. Ridgeway stated Exhibit A-13 is 513' from the proposed tower and the closest property across the street is roughly 550' from the proposed tower. Mr. Ridgeway stated they have nothing additional to present at this time.

Mr. Guzzi testified on reports generated on February 19 & 24, 2018 relative to the application and his findings.

Mr. Norman testified regarding the aerial photograph **Exhibit A-15** should be added to the record from the application; the public was invited up to view this photo. Mr. Norman spoke on the Board's options to allow applicant to come back next month to present plans for a "stealth" tower. Mr. Norman stated, although he is not a planner, there is only need for one (1) tower if at all. It comes down to which is the best site. Although both applicants both presented all steps to place their towers on Township ground which were not approved by the Pinelands Commission which pushed the development onto the Regional Growth Commercial zone.

As there were no remaining comments from the applicant, professionals or board members the meeting was opened to the public by Chairman Sweet.

- Josh Graeber of 450 Oak Shade Road and previously sworn in stated he feels this tower will be an eye sore and negatively impact the area.
- Bret Schaft, 28 Wallingford Way was sworn in by Mr. Norman who spoke on behalf of his girlfriend who lives at 448 Oak Shade Road. He feels this site is even worst than the other (Opici) site as the tower is placed much closer to the road. He also questioned why none of the photos showing proposed view of tower do not come from directly across the street.
- Mr. Miller of Tower North referred to his exhibit A-25 which he stated shows an unobstructed view from across the street. He also stated an area of Shamong has no tall buildings or water towers to hide the antennas such as Cherry Hill which is why the wireless tower is proposed. Mr. Norman testified the applicants were attempting to find non-residential locations however the Pinelands Commission did not approve these locations.
- Mr. Schaft questioned the need for the public to get an "expert" to speak on the financial impacts the potential tower could have on the area. Is there time to do that and who would he go to for this information? Mr. Norman stated they would need to hire a professional real estate appraiser.
- Mrs. Diane Wagner of 448 Oak Shade Road who was previously sworn in stated she understands applicants have looked other places within their target area however she has no problems with her cell phone service and she does not believe this serves or benefits the public but a detriment.
- Mr. Paul Dugan, RF Consultant for the applicant testified for the Board on the need for the Tower. Mr. Dugan stated the carrier must demonstrate upon license renewal they are building up within the rural areas that they are making improvements to serve a target area. He stated with the explosive growth of subscribers and increased use of data applications which require additional facilities exceeds service provided.
- Mr. Stillwell stated it's not only voice or text messages it is also live data streaming needs that need to be met 24/7.
- Mr. Dugan testified a vast majority of 9-1-1 calls are from cell phones which grows every year. The enhanced 9-1-1 services are required to pin point a 9-1-1 call within 100' from

where the call is being placed without the caller describing their location. This speeds up first responders.

- Mr. Sean Rowe of 454 Oak Shade Road and previously sworn in stated he reviewed the map and searched from his cell phone to determine the property value issue. He found the need to ensure the public health and safety which states as of a June 2014 survey that 94% of those completing the survey felt a cell phone tower in the neighborhood would impact the value of a home and 79% of those completing the survey stated that under no circumstance would they buy or rent a home in that area. 89% were concerned with the number of cell phone towers being developed and 57% feel negative cognitive affects from the cell tower and would pay roughly a 20% less for the properties within this area. Mr. Rowe then went on to speak on the Shamong township website of redevelopment areas within 1 - 3 miles from the proposed site. On-line he found a cell tower can transmit an approximately 10 square mile area. He also stated he has not missed any calls on his cell phone at his home and therefore the need at these sites just does not make sense to him. This is a wide- open field which you cannot hide a 150' "tree" (tower) in a corn field. Mr. Rowe felt that due to frequency of accidents he feels a location closer to Route 206 or Willow Grove Road would make sense.
- Mr. Brian Marshall of 444 Oak Shade Road testified he lives directly across the street from the last proposal. He also feels that all the photos simulations bury the proposed tower in the middle of trees and he would have preferred a photo simulation from his home.

As there were no more comments from the public, Chairman Sweet closed the meeting to the public. Mr. Norman stated what it comes down to is - the Board has to decide if it is ready to take a vote on the two cell tower applications or the Board can carry the applications to the next meeting. Mrs. Onorato stated the location of a tower would likely be outside the target area. Mr. DeGenova confirmed the target area would not include the Route 206 corridor the target area is from his Tower in Atco to the 5-points area.

Chairman Sweet asked the board members if they needed to see additional pictures. Mr. Lera stated that at the meeting last month there was proof given in his opinion that the need did exist for the additional tower as well as proof that there was a pretty exhaustive search completed to place this tower on other locations which did not meet the Pinelands Commissions requirements per his opinion. Mr. Lera also stated the Board is not permitted to take the health concerns expressed into consideration when reviewing the applications under telecommunications act regulations. Mr. Norman confirmed this fact and stated there is case law dating back to the 1990's that states health concerns nor affects on property value can be considered in the evaluation process of the application. Mr. Norman confirmed the Board is allowed to consider the visual impact, and if there are two applicants the Board can evaluate to determine which application is the best option as there is a need for a wireless communication tower, but only one (1). Mr. Lera's asked Mr. Norman if public safety can be considered when comparing these options, based on the potential for a tower to catch fire or fall down? Mr. Norman stated he has never hear of a tower falling and based upon the method of construction directed the Board to concern themselves with the aesthetics of each tower location. Mr. Guzzi stated he did not feel the cell tower location would impact he ability of a neighboring property owner from building within 200' of the base of the tower. Mr. Guzzi confirmed both applications required two (2)

variances, the Valor/Cross Roads Church required a third (3rd) variance for the preexisting nonconforming location of the building within front yard setback.

As there were no more questions or comments from the board, Chairman Sweet asked Mr. Norman to summarize the options for the board on the first tower application (Tower North/Verizon @ Opici). Mr. Norman stated the options would be for a motion to grant the use variance subject to the recommendations of Dante Guzzi Engineering Report, permit the colocation of providers and if the Tower is extended in the future they would need Board approval. Mr. Norman advised the board members should only vote in favor of one (1) of the applications not both. Mrs. Onorato stated both application are very similar with the biggest differences in her opinion being size of the lot for the tower to be constructed with Opici's lot being much larger and the setback from the road where as the Valor (Cross Roads Church) site being much closer to the road. **Mr. Lera made a motion to approve the Tower North/Verizon application on the Opici site which was seconded by Mr. Sweet. Mrs. Onorato voted yes, Mrs. Bookbinder-Bell, Mrs. Schnieder and Mrs. Wigley voted no.** Mr. Norman stated as the vote is a tie, it is recorded as a NO vote. The board now needs to take action on the second application.

Chairman Sweet asked for a motion to approve the Valor application at Cross Roads Church. **On a motion by Mrs. Bookbinder-Bell, seconded by Mr. Sweet the votes was: Mrs. Bookbinder-Bell voting yes, the rest of the board voting no.**

Correspondence:

Mrs. Onorato stated there was no correspondence to go over tonight as all had been emailed out to the board members.

The meeting was adjourned **on motion by Mr. Sweet, seconded to Mr. Lera with all members present voting yes at approximately 10:57 pm.**

Attested by:

Susan D. Onorato
Secretary Shamong Township Joint Land Use Board