

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, FEBRUARY 16, 2011, 7:30 P.M.**

Present: Bruce Kmosko
Charles E. Lavine
Leona Maffei
Sam Pangaldi, Alt. #2
Stephen Brame, Vice Chairman
Peter Kremer, Chairman

Absent: John Gladwell, Alt. #1 (Absent/excused)
Cathleen Lewis (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slauch, P.P., AICP, 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 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, February 10, 2011.

2. REFLECTIONS BY THE BOARD - Deceased Board Member, Robert Kulak

3. Resolutions:

Resolution of Memorialization 9-11z approving Use and Bulk Variance Application No. ZB-17/10, Minor Subdivision Application No. S-3/10, Society Hill at Lawrence Circle Condominium Association, Inc., Wittenborn Drive, Tax Map Page 3, Block 302, Lot 31.

Vice Chair Brame moved and Mr. Lavine seconded to approve Resolution No. 9-11z.

Vote:

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

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RESOLUTIONS - Continued

**Resolution of Memorialization 10-11z approving Bulk Variance Application
No. ZB-15/10, J & B Realty Associates, 2572 Brunswick Pike, Tax Map Page 22.01,
Block 2206, Lot 3.01.1**

**Vice Chair Brame moved and Mrs. Maffei seconded to approve Resolution
No. 10-11z.**

Vote:

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

**Resolution of Memorialization 11-11z approving Use Variance & Preliminary &
Final Site Plan Application Nos. ZB-18/05 & SP-4/05 Cellco Partnership (Verizon
Wireless) On Remand by Order of the Appellate Division of the Superior Court,
Tax Map Page 70.02, Block 7001, Lots 54 and 55**

**Mr. Roskos acknowledged the signed Affidavit from Mrs. Maffei stating that she did
listen to the recorded hearing of December 1, 2010. He indicated that she would not
be eligible to vote on Resolution since she did not participate in the deliberation of
the Use Variance. He stated that Mrs. Maffei she may participate in the Site Plan
application.**

**Mr. Roskos referred to Condition #6 (page 18) and reviewed the amended language
with regard to the removal of the cell tower if ever decommissioned. He stated that
removal would be the responsibility of the applicant and/or the owner.**

**Vice Chair Brame moved and Mr. Lavine seconded to approve Resolution
No. 11-11z, as Amended.**

Vote:

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

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4. Application No. ZB-18/05, Preliminary and Final Site Plan Application No. SP-4/05 Cellco Partnership (Verizon Wireless), 3730 Lawrenceville Road, Tax Map Page 70.02, Block 7001, Lots 54 and 55.

The hearing was recorded. Jurisdiction continued.

Also present was Jacqueline M. Wahler, Certified Court Reporter, for the applicant.

Also present were Objectors: Jonathan Drill, Esq., representing Mr. & Mrs. Yang and Robert Casey, Esq., representing Mr. & Mrs. Hamill

Richard D. Stanzione, Esq., represented the applicant. Mr. Stanzione stated that revised site plans were submitted to the Township in response to the issues addressed at the December 1, 2010 meeting. He stated that the applicant has moved the proposed monopole closer to Route 206; increased impervious coverage, and conducted balloon field test from two potential locations.

Ms. DiNardo, the applicant's Site Locator, gave an overview of the balloon test that was conducted at two different locations at 140 feet in height. She proceeded to state that the owner, Elizabeth Peterson, has given approval for both sites. With regard to the existing Billboards, the applicant has agreed to remove, as a condition of approval.

Mr. Damiano, the applicant's Professional Civil Engineer, gave an overview of the two site locations. (See Exhibits 1 and 2 – Photo Simulations) He stated that the new site is located to the north of the old site about 244 feet from Route 206 and 85 feet from the property line. He stated that access to the site would be through the existing access road. He referred to Mrs. Kraemer's report dated February 7, 2011 and stated that the applicant agrees to comply to Items 1, 2, 3, 4 and 5.

Mrs. Kraemer referred to her report dated February 7, 2011, and reviewed each item in the report. She requested the applicant to meet with the Office of Public Safety with regard to the emergency vehicle access drive. The applicant agreed. With regard to Item #6 (fifth carrier's ground equipment), she requested the compound to be 50x55 in size. The applicant agreed. Also, she addressed the impervious coverage and stated that none should be added to the site. (See Attachment No. 1 – Reports)

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Application No. ZB-18/05 - Continued

Mr. Damiano referred to Mr. Slaugh's report dated February 8, 2011, and addressed Item 3.1 and 3.2. The applicant agreed to comply with regard to the impervious coverage and potential parking to include two spaces in front of the Compound. Mr. Slaugh stated that Item 3.3 (paved access exception) will not be required. He stated that the applicant is not proposing a landscape buffer, but is proposing board-on-board wooden fencing to be approved by the Township. He stated that the applicant agreed to request approval from the Historic Preservation Office for the proposed tower. The applicant addressed Items 5.1, 5.2 and 5.3 and agreed to comply with regard to additional plantings, lighting and noise. With regard to Item 6 (Impact Fees), the applicant agreed to make necessary payments.

A discussion followed by Mr. Roskos with regard to provision for a 911 antenna and requested the applicant to work with the Police Department to provide appropriate space and equipment. Mr. Roskos addressed the public benefit and stated that the Board could provide necessary variance for the required impervious area. The applicant agreed to work with the Township.

A discussion took place by the Board and Professionals with regard to Mr. Damiano's review of the photo simulations and their observations. Mr. Slaugh referred to his report dated February 8, 2011, and addressed Item 4.2 with regard to the tower location, the conditional use and the legislative intent for towers. He proceeded to address the balloon test and the visual impact from Route 206. He stated that from his observation the central location balances the competing interests of the surrounding property owners. Also, he stated that the central location would be a better location of the two that were proposed.

Mr. Casey questioned whether there would be an elevation change by moving the tower from Site #1 to Site #2 being in the middle of the property. The applicant stated that the height of the tower at Site #1 and Site #2 would be 140 feet in height.

A discussion followed by the Board and Mr. Slaugh with regard to whether the applicant should construct a monopole or a stealth design. Mr. Slaugh explained the various aspects of a tree type stealth tower and a monopole. He added that the Historical Preservation Office review indicated that a stealth design would have less of a negative impact on Route 206. Also, the applicant was requested to provide additional landscape screening 6 to 8 feet taller and matured trees that would grow to about 50 feet in height at base of compound. The applicant agreed to comply and work with the Township Professionals. The Board accepted.

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Application No. ZB-18/05 - Continued

The Board stated in their deliberations that the stealth pole and Location Number 2 would be the better scenario. The Board acknowledged that the applicant has worked in good faith with the Township Officials and the Board to eliminate stated concerns. The Board felt that the applicant had met the goals ordered by the Appellate Court. The Board agreed with the applicant's willingness to provide the emergency 911 antenna to help cover the north Lawrence area.

Mr. Roskos stated that in addition to imposed conditions, other conditions would carry over from the use variance approval.

Exhibits:

- A-1 Colored Photo – Balloon Test Photos**
- A-2 Colored Photo Simulations – Location 1 and Location 2**

Witnesses Placed Under Oath:

- Claire DiNardo – Site Locator Representative**
- Mark S. Damiano, Professional Engineer & Expert Civil Engineer**

Also placed under oath were Township Professionals:

Brenda Kraemer, Asst. Municipal Engineer, and Brian Slaugh, P.P., AICP

Public Comment:

- Peter Halbert, 3741 Lawrenceville Road (Co-owner Stokes Family), questioned whether there would be a back-up generator and stated concerns about the noise levels.**
- Elizabeth Housny, Tomlyn Drive, questioned the impervious area and whether the Peterson Nursery is in access with existing compacted areas. Also, she stated concerns about past flooding and water runoff from the site.**
- Victor Bakunoff, 3760 Lawrenceville Road, questioned the removal of the billboards and whether any consideration was been given for the billboards on his property line. He questioned whether the applicant will acquire the necessary permits for removal of billboards and associated electric power outlets. Also, he stated concerns about the replacement of updated technology.**

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Application No. ZB-18/05

Public Comment: - Continued

- **Jonathan Drill, Esq., representing Mr. and Mrs. Yang, expressed a thank you to the Board for resolving the location of the pole. He stated that his client would prefer Site #1, but has no objection to Site #2. He added that his client would request the Board to impose a condition requiring the stealth tree pole to be identical to the tree pole viewed in Photo Simulation 12 of Exhibit A-2.**
- **Robert Casey, Esq., representing Mr. and Mrs. Hamill, stated that his clients are against the tower, but are in support of Mr. Slaugh's recommendations in moving tower to Site #2. He proceeded to suggest that the tower be moved even closer to Province Line Road. He addressed the canopy on the Peterson site and requested that additional plantings around the base be blended with mature trees that would grow about 40 feet in height.**
- **Bill Hamill, 974 Lawrenceville Road, was placed under oath and read a statement. He expressed a thank you to the Board with regard to the removal of the billboards. With regard to his written statement, he stated concerns about the property value, the property line and suggested that the proposed location at Site #2 be moved even more to the west. He requested that the applicant provide evergreens around the base of the tower.**
- **Victor Bakunoff, 3760 Lawrenceville Road, was placed under oath and expressed a thank you to the Board. He stated that, as property owners, they are against cell towers. He stated that technology has changed and questioned the negative impact on one's health.**
- **Peter Alton, 16 Tomlyn Drive, was placed under oath and stated his concerns about the drainage runoffs experienced during the past 17 years. He stated that the proposed tower will be an eyesore to the property owners. Also, he stated that the Board should investigate the site's runoff and re-visit the Peterson site.**
- **Peter Halbert, 3741 Lawrenceville Road, was placed under oath and stated concerns about the proposed tower. He stated that replacement technology is coming soon that would replace the use of cell towers.**

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Application No. ZB-18/05 - Continued

Vice Chair Brame moved and Mrs. Maffei seconded to approve the application, including use, variances, subject to all stated and appropriate conditions, and the recommendations contained in the Township Professionals' reports.

Vote:

AYES: Kmosko, Lavine, Maffei, Pangaldi, Brame, Kremer

NAYES: None

ABSENT: Gladwell, Lewis

5. Old Business/New Business: None

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:05 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: _____

August 17, 2011