

**TABERNACLE TOWNSHIP  
163 CARRANZA ROAD  
TABERNACLE, NJ 08088  
(609)268-1220**

**LAND DEVELOPMENT BOARD**

**FEBRUARY 15, 2012 @ 7:30PM**

The meeting was called to order by Chairman McNaughton, pursuant to the Open Public Meetings Law. The meeting of February 15<sup>th</sup> was included in a list of notices sent to the Burlington County Times and the Central Record in January, 2012. It was posted on the bulletin board in Town Hall and has remained continuously posted as the required notices under the statute. In addition, a copy of this notice is and has been available to the public, and is on file in the office of the Municipal Clerk.

The following Board Members were present: Vince Conigliaro, Doug Cramer, Rick Franzen, Ray McCarty, Noble McNaughton, Betsy Piner, Denny Stevens, Joe Yates and Mark LeMire. Dave Oiler and Ed Kagan were absent.

Ms. Piner made a motion to approve the Minutes from February 1<sup>st</sup>. Mr. LeMire seconded the motion. All members voted in agreement. Mr. Franzen and Mr. McCarty abstained.

**GERALD MELVIN, JR. – BLOCK 401, LOT 10**  
68 Carranza Road

Mr. Melvin appeared before the Board for variances to construct a 1380 sq ft pole barn. An accessory building of 900 sq ft is permitted. Mr. Melvin is requesting a side yard setback of 20ft, where 30ft is required. The 1380 sq ft building includes a 10X18 sq ft lean-to. The height of the building would be 17.8 ft

The Board finds that Mr. Melvin will remove an existing 480 sq ft block garage within sixty days. The building will have electric and be used to store vehicles. There will be no commercial use. The only running water will be a hose attached to the outside of the building.

Dan Guzzi, PE, presented his report dated February 9, 2012.

Mr. Melvin agreed to move the structure 25ft from the side yard.

Ms. Piner made a motion to approve the variance. Mr. Conigliaro seconded the motion. All members voted in agreement.

**HOLY EUCHARIST/SUN DURANCE ENERGY, LLC**  
520 Medford Lakes Road  
Major Site Plan  
Vincent Mangini, Esq.

Denny Stevens and Rick Franzen did not sit for any aspect of the application.

Mr. Mangini, representing SunDurance, presented the following professionals: Mark Shourds, PE; Narayanaswamy Subramanian, PE and Diane Spinelli, PE. Pastor Andrew Jamieson, of Holy Eucharist Church, was also in attendance.

Mr. Shourds, who previously worked on the plans and various projects for the Church, presented exhibit A-1, a map of the property. Mr. Shourds addressed Storm Water Management and impervious coverage. Mr. Subramanian presented A-2, an amended Site Plan. Mr. Subramanian is the electrical engineer for the project. He explained that the ground mounted arrays and equipment will be fenced in and all wires will be underground in a conduit.

Holy Eucharist is the site of the annual Pine Barrens Festival. The Board was quite concerned about the safety of the public and the location of the underground wires. Chairman McNaughton questioned if any part of the festival will be held over the conduit. Joseph DeLuca, of Holy Eucharist, was sworn in and testified that part of the festival would be over the conduit. There are many tents, amusements and traffic on this property for the week of the festival. Mr. Conigliaro commented that wires could be safely installed, but there were no specifications on the Site Plan. The applicant agreed to provide a more detailed Site Plan.

The Board finds that this application is a Major Site Plan, not a Minor Site Plan. The Board would like our engineer, Dan Guzzi, to review a complete set of plans.

During the public portion, Fran Brooks, 78 Moores Meadow Road, asked to see the location of the proposed array on the map. The array would be located approximately 300 ft from Medford Lakes Road, in the northwest corner of the property line, next to the Conte property. Ms. Brooks also questioned if there would be landscaping around the arrays. Mr. DeLuca answered that there would be a 6ft green vinyl fence around the arrays. There are no trees and shrubbery around the fence, to keep people from climbing onto the fence.

The applicant reviewed Dan Guzzi's report, dated February 14, 2012.

The Board would like to see an updated map with an "overlay" of the Festival.

Diane Spinelli, PE, testified that the arrays would take approximately 4 weeks to construct. Due to financial constraints, SunDurance would like to have construction completed by May 24, 2012.

The applicant agreed to provide a complete set of plans with all details that were discussed. Mr. Cramer pointed out that the map showed a small portion of township owned property. The map will be corrected.

Ms. Piner made a motion to carry the application to the March 7th meeting. Mr. Cramer seconded the motion. All members voted in agreement. The applicant will not have to re-notice.

#### **PUBLIC COMMENT**

During the public portion, Steve Pickholtz, 1 Mark Lane, had questions for the Board on the procedure of the litigation of the cell tower. Dave Frank, Esq. explained the steps in the procedure: a pre-trial telephone conference was held with Judge Bookbinder and opposing counsel last week; plaintiff's brief

due in mid April; Mr. Frank's reply due 30 days later; oral arguments in early June. The Board's denial decision can be upheld; Judge Bookbinder can overturn the decision and order an approval, or he can remand it back to the LDB for further hearings. The Judge's decision can be appealed to the Appellate Division. It would not be proper for Mr. Frank to discuss the particularities of the case. John Yelito, 5 Moore Road West, had specific questions on the Valore cell tower application. Since Valore is the subject of pending litigation and no representative was present at the meeting, the Board could not hear specific comments on the application.

Fran Brooks, 78 Moores Meadow Road, had comments on the public portion of the Minutes from December 7 and January 4 Ms. Brooks wanted to clarify that she did not ask for the minutes to be re-written, just to have the public portion corrected to reflect her comments at those meetings. Ms. Brooks questioned the language of the public portion of the February 1 Minutes, specifically the paragraph pertaining to Stuart Brooks. The Board felt that the language accurately explained what happened and adopted the Minutes. On the January 18<sup>th</sup> Minutes, Ms. Brooks commented on the public portion of the Master Plan hearing. Specifically, Ms. Brooks would like to see more than "comments and concerns" under a topic. While not verbatim, she would like to see a summary of what each person said. On Executive Sessions, Ms. Brooks would like the Resolution to note the subject discussed and the time when the session can be disclosed to the public.

#### **MASTER PLAN RE-EXAMINATION REPORT**

Ray McCarty briefly reviewed changes made to the draft Master Plan report. The draft report will be available for public inspection. Mr. McNaughton pointed out that there were some mistakes on the map concerning roads. Mr. Cramer, Director of Public Works, will review the map before it is sent to the Planner. Ms. Piner would like to see a key to the soils map. Mr. Cramer does not like the endangered species map which is based on the DEP map. He would like to see it noted that the endangered species map is available at the DEP, not included in our Master Plan maps.

#### **TOWNSHIP COMMITTEE REPORT**

Rick Franzen notified the Board that the Emergency Services building has been issued a Temporary Certificate of Occupancy. Equipment can now be moved into the building. An open house will be held in the Spring.

The Fire Company presented a 20 year capital plan to the Committee along with a budget.

The Township Committee is looking into a cell tower Ordinance. The LDB will have the opportunity to review the draft and make recommendations.

#### **EXECUTIVE SESSION**

Ms. Piner made a motion to go into Executive Session. Mr. LeMire seconded the motion. All members voted in agreement. The purpose of the session was to discuss pending litigation with Valore. No formal action was taken.

Mr. Conigliaro made a motion to go out of Executive Session. Ms. Stevens seconded the motion. All members voted in agreement.

Having nothing further, the meeting was adjourned.

