

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

LAND DEVELOPMENT BOARD

JULY 18, 2012

The meeting was called to order by Chairman McNaughton, pursuant to the Open Public Meetings Law. The meeting of July 18th was included in a list of notices sent to the Burlington County Times and the Central Record in January, 2012. It was 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, Dave Oiler, Betsy Piner, Denny Stevens, Mark LeMire and Ed Kagan. Joe Yates was absent.

Ms. Stevens made a motion to approve the Minutes from June 20th. Ms. Piner seconded the motion. All members voted in agreement.

DAVID ELBERTSON – BLOCK 904, LOT 1.04
69 Carranza Road

Mr. Elbertson appeared before the Board for variances to construct an 1800 sq ft, 16ft high pole barn. Both Mr. and Mrs. Elbertson were sworn in.

The Board finds that the proposed building meets side and rear yard setbacks. The purpose of the barn is for storage of outdoor furniture, camper and yard tools. The lot is narrow and was the subject of Resolution 1986-19. The lot is 100 feet in width and allowed 20ft side yard setback. The building will be painted to match the house. A rear yard 8X8 garden shed will be removed once the barn is constructed.

There was no public comment.

Ms. Stevens made a motion to approve the variances. Ms. Piner seconded the motion. All members voted in agreement.

VALORE – BLOCK 314, LOT 4
1629 Route 206
Richard Stanzione, Esq.
Use Variance/Site Plan

This application was the subject of denial Resolution 2011-18. After an appeal, Judge Bookbinder remanded the application back to the Land Development Board. The Board was ordered to hear testimony only on the effect of the visual impact.

Douglas Cowan, PP was sworn in and presented the following exhibits:

- Exhibit A-1, visual impact simulation report;
- A-2 large aerial photo;
- A-3 through A-10, photos of the site and surrounding areas.

It is Mr. Cowan's opinion, that this is a suitable site for the cell tower. The visual impact will be minor.

During the public portion the following residents had comments:

1. Paul Guetherman, 503 Old Indian Mills Road had questions on the visibility of the tower. Mr. Cowan's drive test was conducted at 50mph from Route 206. Mr. Guetherman talked about the trees, especially in the winter where there are no leaves on the trees. He does not want the tower in his neighborhood.
Ms. Piner clarified with the applicant that there will not be any lights on top of the tower.
2. Manoj Gambhirwala, 407 Old Indian Mills Road, just moved to Tabernacle. He is against the tower. Had he known about the tower, he would not have bought a house here.
3. John Yelito, 5 Moore Road West, questioned why there were not any pictures taken at night. Mr. Cowan responded that was not something they usually do. Mr. Yelito wanted to talk about the safety of the tower. Mr. Frank explained to Mr. Yelito that the Board could not hear any additional testimony on safety or drop zone.
4. Joe DiCara, 6 Woodside Drive, also an officer of the Medford Baptist Church, was concerned about the visibility of the mono pole.
5. Steve Pickholtz, 4 Mark Lane, presented Exhibit O-1, buffer trees on the property. He questioned if the installation of the fence would require the removal of trees?
Roger Johnson, PE, said that the fence will tie in to the existing fence and no trees would be removed.
6. Michael Ruggiano, 406 Old Indian Mills Road, presented Exhibit O-2, pictures which he took of the surrounding area, and specifically the tower at Beaver Dam Road in Southampton. Mr. Stanzione acknowledged that other carriers could co-locate on the tower. Mr. Ruggiano also took pictures on the day of the balloon test, and then used photo shop to show the mono pole. Mr. Stanzione objected to the photo shop pictures, since Mr. Ruggiano is not an expert in photography. Mr. Stanzione had questions for Mr. Ruggiano concerning the angle and scale of the pictures. It is Mr. Stanzione's opinion that the pictures were taken on an angle. Mr. Ruggiano would like the Board to deny the Site Plan.
7. Robert Baegh, 13 Mark Lane, had comments on all the pictures: trees have leaves now, but not in winter.
8. After examining the exhibit by Mr. Cowan, Stuart Brooks, 78 Moores Meadow Road, presented Exhibit O-4, a 22 page analysis of cell towers in the township. Mr. Brooks, who is a Professional Planner, is employed by NJDOT and is the manager of outdoor advertising services and wireless communication facilities. While Mr. Brooks was deemed an expert witness, he was testifying as a resident of Tabernacle. It is Mr. Brooks' opinion that this tower is much less visually intrusive than other towers in the township. He would like the Board to approve the Site Plan. Note: There was no exhibit O-3.
9. Stephanie Clark, 9 Mark Lane, noted that the tower can be seen from Old Indian Mills Road. She asked that the Board deny the application.

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10. Fran Brooks, 78 Moores Meadow Road, commented that on December 1, 2010, the Board approved 6 wireless antennas on the existing PSE&G tower (Resolution 2010-16). Unlike the other towers in the township, this location is heavily forested. Ms. Brooks urges the Board to approve the Site Plan.
11. Paul Guetherman, 504 Old Indian Mills Road, does not want the tower visible from Old Indian Mills Road
12. Joe DiCarra, officer of Medford Baptist church, was concerned that people would see the tower from the church.
13. John Yelito would like to see exhibit pictures in the winter, when the trees have no leaves. Gypsy months could attack the trees again.
14. Manjot Gambhirwala said that the tower will be visible by people who live in the area surrounding the site.
15. Gary Hurwitz, 8 Moore Road West, would like Board to deny the application.

Michael Ruggiano asked if a statement could that be retracted. Mr. Frank clarified that everything said is on the record.

Mr. Stuart Brooks wanted to clarify that while Route 206 is certainly worthy of consideration, it is not categorized as a high quality visual landscape by any government entity.

Fran Brooks noted that under the Section D of the Master Plan, the township encourages the availability of state of the art communications infrastructure within the entire township.

Mr. Kagan questioned if all of the previous conditions would apply. Mr. Stanzione answered yes, all conditions will apply. These include landscaping at the tower base, antenna arms will be shorter, there will be a breakpoint and the least contrasting colors will be used.

Ms. Piner made a motion to approve the Site Plan. Ms. Piner felt that this Regional Growth Commercial Zone is appropriate for a tower. Mr. Conigliaro seconded the motion. All members voted in agreement. Before casting an affirmative vote, Ms. Stevens stated that she carefully considered all information presented, weighing negative and positive criteria, reviewing all professional exhibits and being mindful that the Board was mandated to consider only the visual impact. Mr. Kagan agreed with Ms. Stevens' statement. It should be noted that Mr. Cramer, Mr. Franzen and Mr. McNaughton did not sit for any aspect of the application.

TOWNSHIP COMMITTEE REPORT

Mayor Franzen advised the board that the Committee would review the Cluster Ordinance at Monday night's meeting.

Having nothing further, Ms. Piner made a motion to adjourn the meeting. Mr. Kagan seconded the motion. All members voted in agreement.