

A meeting of the Township of Hamilton Planning Board was held on the above date with Vice-chairman David Wigglesworth presiding. Members present were Harry Bilicki, Charles Cain, Richard Cheek, William Christman, Wayne Choyce and John Kurtz. Also present were Christopher Carey, Landscape Architect Consultant, Charles Endicott, Planner Consultant; Steven Filippone, Engineer Consultant; Alexander Litwornia, Traffic Engineer Consultant; John Rosenberger, Solicitor; and Robert Watkins, Alternate Engineer Consultant.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Choyce, to approve the minutes of the meeting of May 20, 2010, as published. SAID MOTION CARRIED WITH SIX MEMBERS VOTING “AYE”, NO “NAY”, ONE “ABSTAIN”.

Mr. Christman moved, seconded by Mr. Choyce, to approve the minutes of the meeting of June 3, 2010, as published. SAID MOTION CARRIED WITH SIX MEMBERS VOTING “AYE”, NO “NAY”, ONE “ABSTAIN”.

Harding Highway, LLC – Mr. Choyce moved, seconded by Mr. Bilicki, to adopt the resolution prepared by the Solicitor for Harding Highway, LLC, Application No. 2010-007. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

MetroPCS Pennsylvania, LLC (Site Plan Hearing) – Victoria Fannon, Attorney, and James Miller, P.P., were present.

Mr. Endicott, Mr. Filippone, Mr. Litwornia and Mr. Carey recommended the application be deemed complete for review, subject to compliance with the recommendations contained within their reports. Certain deficiencies were noted.

Ms. Fannon requested that the Applicant not be required to submit a storm water management plan due to the de minimis amount of impermeable coverage proposed. She agreed to provide the other information requested.

Mr. Choyce expressed the opinion that the request was reasonable, due to the minimal amount of coverage and the site location.

Mr. Choyce moved, seconded by Mr. Kurtz, to deem complete for review Application No. 2010-006, submitted by MetroPCS Pennsylvania, LLC, Block 592, Lot 10.02, with a waiver granted from the requirement for submission of a storm water management plan, conditioned upon compliance with the recommendations contained within the reports of Steven Filippone and Christopher Carey, dated May 12, 2010, Vincent Polistina, dated May 10, 2010, and Alexander Litwornia, dated May 25, 2010. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ASTAIN”.

Ms. Fannon advised that MetroPCS Pennsylvania, LLC, was requesting approval to permit placement of six antenna at one hundred ninety feet on an existing two hundred foot tower and to construct a ten foot by sixteen foot concrete pad within an existing fenced compound upon which three equipment cabinets would be placed.

Ms. Fannon advised that the proposal would require variances for impermeable coverage, for an increase from 7.63% to 7.77% and lot coverage, for an increase from 1.09% to 1.22 %. She noted that the existing coverage was nonconforming.

Mr. Miller expressed the opinion that granting the variances to permit the co-location of a wireless communication facility would advance the purposes of the Municipal Land Use Law, as it was an appropriate use of land and provided adequate light, air and open space; that it permitted the applicant to make use of an existing tower, rather than constructing a new tower; that the proposal actually advances the purpose of the zoning ordinance which encourages co-

location of wireless facilities; and that the site was located in a wooded area and would have no impact on adjoining properties.

Mr. Rosenberger advised that the existing, non-conforming conditions would not have to be addressed by the Applicant, as they were not being exacerbated by the proposed development.

Mr. Endicott reviewed the variance requests as set forth in his memorandum. He stated he had visited the site, and could see no evidence of any drainage issues. Mr. Endicott noted that the access gates needed to be repaired; that an existing barbed wire fence needed repair in some areas; and that certain trees needed to be trimmed.

Mr. Filippone stated that he had visited the site, and expressed the opinion that the antenna on the tower probably wouldn't be visible at ground level. He reviewed the comments contained within his report, and noted that the Applicant had agreed to make repairs to an existing gate, fence and barbed wire.

Mr. Carey reviewed his report, making certain recommendations. He stated that a certain dead tree would need to be removed and that seven Virginia Pines that were part of the buffer were dead and needed to be replaced.

Mr. Litwornia referred to his memorandum, and noted that certain improvements had been made to the site as a result of previous applications. He made recommendations, as set forth in his report, and advised that the traffic created by the use would be nominal.

In response to questions of Mr. Bilicki, Mr. Miller explained how the antenna would be installed and Ms. Fannon advised that the facility would be licensed by the FCC.

Mr. Litwornia recommended that additional gravel be added so there would be an area to turn around.

Mr. Christman expressed concern with regard to maintenance of the tower and safety, and questioned whether the landlord should be notified about the problems. It was noted that Metro PCS would be the fifth wireless carrier to locate at the site.

Mr. Litwornia advised that, in the past, the Board had required posting of a performance guarantee to ensure that the improvements to which the applicant agreed, and that were made a condition of approval, were constructed.

Ms. Fannon advised that the landlord, American Tower, had agreed to take care of certain items, and she noted that her client, was very concerned with regard to security of their equipment. She agreed to accept certain things as a condition of the approval and to work with the landlord to see that they get done, but she pointed out that some enforcement action may need to be taken with regard to conditions that were the subject of other carriers' approvals.

Ms. Fannon asked that removal of a certain tree, as recommended by Mr. Carey, not be made a condition of approval, as it was located outside of the Applicant's leasehold area. She stated that they would be willing to contact American Tower, or the owner of the property, as the tree was outside of the fenced compound, and make them aware of the tree's condition.

Mr. Filippone recommended that a performance guarantee be posted to ensure that the work being done on site, as a condition of approval, is performed consistent with the approval.

With regard to the evergreen replacement in the buffer area, Ms. Fannon stated that the Applicant would be willing to notify the landlord that the trees that needed to be replaced, but they didn't want to be responsible for something that had been the subject of a prior application.

Ms. Fannon stated that the Applicant would work with the Board's consultants to address the other issues raised in their reports, and would alert the landlord and the property owner of the issues raised that were beyond the control of the Applicant.

Mr. Carey advised that the Ordinance required a buffer, and he requested that the buffer be shown on the plan.

Ms. Fannon pointed out that the project was located within a heavily wooded area, and Mr. Miller pointed out that the shade from the forest may have negatively affected the evergreens that were planted to enhance the buffer.. Ms. Fannon requested that the Board waive the buffer requirement in consideration of the fact that the site is heavily wooded, and trees that were planted were dying, but she agreed to supplement the buffer if the Board felt it would be necessary.

Mr. Rosenberger pointed out that the Applicant was being asked to show on the plan the existing buffers that were the result of previous approvals and was not being asked to provide another buffer. Ms. Fannon agreed to comply.

Mr. Bilicki questioned whether a bond would be posted for items 3, 4 and 5 in Mr. Filippone's report, and a discussion ensued. It was pointed out that there had been problems in the past with regard to getting wireless carries to complete improvements, and it was decided to require that the Applicant post \$1,000.00 as a performance guarantee.

In response to Mr. Wigglesworth's question regarding lighting, Ms. Fannon advised there would be one light on the equipment cabinet and it would be on a timer.

Ms. Fannon advised that there would be one maintenance visit to the site per month, and there would be no noise generated from the facility.

Mr. Wigglesworth opened the hearing to public comment and there was no response.

Mr. Cain moved, seconded by Mr. Choyce, to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cheek moved, seconded by Mr. Christman, to grant preliminary and final minor site plan approval to MetroPCS Pennsylvania, LLC, Block 592, Lot 10.02, Application No. 2010-006, with variances granted from the requirements for impermeable coverage and lot coverage, conditioned upon compliance with the recommendations contained within the reports of Alexander Litwornia, dated May 25, 2010, Vincent Polistina, dated May 10, 2010, and Steven Filippone, dated May 12, 2010; advising the owner and/or landlord of the condition of a certain tree and the need to replace certain trees within the buffer; and providing \$1,000.00 as a performance guarantee.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Bilicki – Aye  
Mr. Cain – Aye  
Mr. Cheek – Aye

Mr. Choyce - Aye  
Mr. Christman - Aye  
Mr. Kurtz – Aye  
Mr. Wigglesworth – Aye

SAID MOTION CARRIED.

Parish of St. Vincent De Paul (Site Plan Hearing) – Jeffrey McCalin, Attorney; Rev. Edward Heintzleman; Dante Guzzi, P.E. and Anthony Sirizzotti, Architect, were present.

Mr. Rosenberger informed those present that Mr. Filippone's office had worked with the Applicant on the project prior to Mr. Filippone and Mr. Carey being appointed as consultants to the Board, and he had informed them that they would not be able to represent the Board or the Applicant with regard to the application.

Mr. Rosenberger, again, expressed the opinion that the Board members who are also members of the Parish of St. Vincent De Paul would not be in conflict if they chose to participate in the application. He advised those members that they should conclude that they can keep an open and fair mind, and can judge the application on its merits and not on any personal experience they may have with the Parish.

Mr. McCalin stated that the Parish of St. Vincent De Paul was seeking site plan approval to permit the construction of a church and rectory, and he described the site location.

Mr. Guzzi displayed a plan of the project and described site access, site circulation, location, emergency access, storm water management and the buffer.

Mr. Guzzi advised that a waiver was being requested to permit the storm water basin in the front yard area. He pointed out that there was a large amount of existing vegetation that would remain between the road and the basin, and stated that the Applicant would supplement the buffer as needed.

Mr. Guzzi stated that a variance was necessary to permit two hundred sixty nine parking spaces and not the required two hundred seventy four, and he testified that the meeting rooms would not be used at the same time the chapel would be used. He pointed out that the Applicant was meeting the parking requirement with regard to the eight hundred seat chapel and the rectory, but would not be meeting the requirement when considering the meeting rooms.

Mr. Guzzi expressed the opinion that the proposal was an appropriate use of land in an appropriate location; that additional light air an open space is being preserved; and that granting the variance would not be a detriment to the zoning plan.

Mr. Guzzi advised that a variance would be necessary for accessory structure height to permit a two-story rectory, as the structure would be approximately twenty-five feet in height.

Mr. Guzzi stated that design waivers would be necessary to permit parking in the front yard area. He pointed out that the parking lot would be located two hundred fifty feet from the road and would be screened by existing vegetation that would be supplemented.

Mr. Guzzi stated that design waiver would, also, be necessary from the requirements for a landscaped island every fifth parking stall and for every tenth parking stall in parking bays of fifteen or more spaces. He pointed out that an attempt was made to create adequate green space by consolidating and providing larger islands and by use of the islands for bio retention swales.

Mr. Guzzi requested that a design waiver be granted from the requirement to identify trees that are to be removed. He pointed out that the site is heavily wooded and the project was designed to preserve as much existing vegetation as possible.

In response to Mr. Cain's question regarding an existing maintenance shed, Mr. Guzzi stated it would be demolished, but if a decision was made to relocate the structure, the new location would be shown on the plan. In response to Mr. Choyce's question, it was pointed out that the building would become accessory to the primary use if it were to remain on site.

Mr. Bilicki expressed concern with regard to the potential for the emergency access road to be used as a short cut, and Mr. Guzzi stated that the Applicant would be willing to keep the gate and make some provision for emergency services to have access to the gate.

Mr. Sirizotti displayed a rendering of the church and described the building design and materials.

Board members asked questions, to which Mr. Sirizotti responded.

Mr. Endicott reviewed his memorandum, noting the variances and the waivers needed for the project to go forward. He advised that the Applicant could comply with Ordinance requirements for parking spaces and islands, but to do so would enlarge the overall size of the parking area and require more clearing. Mr. Endicott expressed the opinion that it was important to consider whether the additional parking would be needed for the use and the effect of compliance.

In response to Mr. Endicott's comment with regard to the requirement for concrete curb along the edge of all paved surfaces, Mr. Guzzi advised as to where curb was proposed and where it wasn't proposed, pointing out that curb would be provided in all the areas where vehicles would park.

In response to Mr. Endicott's comment with regard to the width of driveways accessing parking areas, Mr. Guzzi expressed the opinion that the proposed widths were adequate.

In response to Mr. Endicott's comment with regard to acceleration and deceleration lanes, Mr. Guzzi stated that NJDOT did not want the Applicant to provide the lanes, as the project did not meet the warrants.

Mr. Guzzi stated he would work with Mr. Endicott to address the other comments contained within his report.

Mr. Watkins reviewed the comments set forth within his report, noting what had been addressed by the Applicant and what was still outstanding. With regard to the proposed storm water management plan, he commented that the Applicant had provided for many of the best management practices. Mr. Guzzi agreed to work with Mr. Watkins to address the outstanding items.

The Applicant agreed to provide downward lighting on the identification sign, at the recommendation of Mr. Litwornia.

Mr. Litwornia reviewed his memorandum and made recommendations with regard to traffic related and safety related issues. He referred to the traffic report provided for the project, and emphasized that the Applicant had assured him there would not be a day care facility on site, as it would have made a difference with regard to the AM/PM peak hour trips. Mr. Litwornia recommended that the site drive with Route 40 be widened to provide a left turn lane and a right turn lane exiting the site, provided NJDOT did not object. The Applicant agreed to work with Mr. Litwornia to resolve the outstanding issues.

Board members asked questions related to storm water management, landscaping sidewalk, turning radius, exit lanes and curbing, to which responses were provided.

Mr. Wigglesworth opened the hearing to public comment and there was no response.

Mr. Cain moved, seconded by Mr. Choyce, to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE" NO "ABSTAIN".

Mr. Wigglesworth acknowledged receipt of a report from the Township's Fire Official, and Mr. Guzzi advised that the Applicant would address the comments contained therein.

Mr. Litwornia recommended that, prior to commencement of construction, that the Applicant provide a roadway suitable to accommodate emergency vehicles during construction and that the gate to the emergency access road remain open at all times during construction.

Mr. Kurtz moved, seconded by Mr. Choyce, to grant preliminary and final site plan approval to the Parish of St. Vincent de Paul, Block 996, Lots 31 and 32, with variances granted for number of parking spaces to permit two hundred sixty nine parking spaces and to permit the construction of a two-story rectory accessory structure, not to exceed twenty-five feet in height, and waivers granted to permit a storm water management basin in the front yard area; to permit less than the required number of landscaped islands in the parking lot; to permit elimination of concrete curbing in certain areas; and to permit twenty-five foot wide access drives, conditioned upon compliance with the recommendations contained within the reports of Vincent Polistina, dated June 10, 2010, Robert Watkins, dated May 28, 2010, Alexander Litwornia, dated May 27, 2010, and the Fire Official's report, dated May 18, 2010; providing a stabilized base suitable for emergency vehicles prior to initiation of construction; providing a gate at the entrance to the emergency access road that provides access via an easement from Dr. Dennis Foreman Drive, and providing the emergency service facility with a means of accessing the gate in an emergency; keeping the gate to the emergency access road open during construction; keeping the emergency access road clear of any obstruction; providing a left turn lane and a right turn lane on the site drive that intersects with Route 40, subject to NJDOT approval; and providing an identification sign that is illuminated with downward lighting.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Bilicki – Aye. He commented that he felt the church was a beautiful one; that the Applicant attempted to preserve as many trees as possible; and that the storm water issues that needed to be addressed within the Township had been addressed by the Applicant.

Mr. Cain – He stated that he echoed Mr. Bilicki’s comments; that it was obvious to him that the Applicant’s consultants worked closely with the Board’s consultants to develop a plan that would be an asset to the Community; and that he was pleased to see the buffer and natural coverage left.

Mr. Cheek – Aye. He stated he echoed Mr. Cain’s comments and that the project was very nice.

Mr. Christman – Aye. He stated that the project was a very nicely done.

Mr. Choyce – Aye. He thanked the Applicant for working closely with the Board’s consultants to minimize the clearing, as the site was beautifully wooded.

Mr. Kurtz – Aye. He stated he felt the application was well prepared.

Mr. Wigglesworth – Aye. He stated it was a beautiful project, in a beautiful setting that would compliment the Community and that the application was well prepared.

SAID MOTION CARRIED.

Proposed Land Use Ordinance Amendment Review – Mr. Cheek referred to the agenda item that established a subcommittee to review the proposed Land Use Ordinance Amendment that was referred to the Board by Township Committee. He asked for clarification with regard to the time period within which the Board would have to make a recommendation, as his impression from viewing the Township Committee meeting online was that the Board would be reviewing it without an imposed time frame.

Mr. Rosenberger referred to the State statute, and commented that “the world doesn’t end” if the Board doesn’t respond within thirty-five days, but Township Committee would have the authority to proceed if it didn’t receive the Board’s comments within that time period if it chooses to do so. He commented that, if everyone was moving at a slow pace because it required study and additional comment, then Township Committee could wait and not take action; but if Township Committee was anxious to take action, it could decide to proceed, but it appeared Township Committee was not in a hurry, as the ordinance was sent back to the Board for a more detailed review.

In response to additional questions of Mr. Cheek, Mr. Rosenberger stated that the Chairman had appointed a subcommittee, and the subcommittee would make recommendations to the Board, after which the Board would make its unified recommendations to Township Committee.

Mr. Wigglesworth acknowledged receipt of a memorandum from Joan Anderson, and stated that the Chairman had formed a subcommittee that would meet to discuss the issues and the recommendation would be placed on a future agenda.

Public Comment – Mr. Wigglesworth opened the meeting to public comment and there was no response.

Mr. Choyce moved, seconded by Mr. Cheek, to close the public portion of the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Wal-Mart Stores, Inc. – Mr. Rosenberger reported that no appeal had been taken on the Wal-Mart application.

Adjournment – Mr. Choyce moved, seconded by Mr. Christman, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, O “ABSTAIN”.

Respectfully submitted,

Nancy Rainbow,  
Planning Board Administrator