

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman Gordon Dahl presiding. Members present were Richard Cheek, William Christman, John Kurtz, Charles Pritchard and David Wigglesworth. Alternate member present was Henry Dorsey. Also present were Kevin Dixon, Engineer Consultant and Landscape Consultant; Charles Endicott, representing Vincent Polistina, Planner Consultant; and John Rosenberger, Solicitor.

Compliance with the Open Public Meetings Law was acknowledged.

Railroad Estates, LLC, Hamilton Crossing – Mr. Dahl announced that the hearing scheduled for Railroad Estates, LLC, had been withdrawn and rescheduled for January 21, 2010, at the Applicant's request.

Buffalo Pike Associates, Hamilton Square – Stephen Nehmad, Attorney, was present.

Mr. Cheek recused himself.

Mr. Nehmad advised that the name of the shopping center may change to a name that would reflect the history of the area if the information being sought is forthcoming????

Mr. Nehmad stated that the Applicant had been working very closely with the Township, over a period of years, to develop a plan that would provide for a roadway connection to the jughandle at Wrangleboro Road, and to Volunteer Way, as part of the project. He noted that extension of Volunteer Way to the jughandle was part of the Township's Master Plan.

Mr. Endicott and Mr. Dixon referred to their reports, noting three deficiencies, and recommending that the application be deem complete for review.

Mr. Wigglesworth asked a question with regard to a setback, to which Mr. Nehmad and Mr. Dixon responded.

Mr. Pritchard moved, seconded by Mr. Kurtz, to deem complete for review Application #2009-012, submitted by Buffalo Pike Associates, conditioned upon compliance with the recommendations contained within the reports of Kevin Dixon, dated November 24, 2009, and Vincent Polistina, dated November 25, 2009, and the time period within which the Board has to render a decision on the application not commencing until it has been certified that the deficient documentation has been received. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cheek resumed his place with the Board.

MetroPCS Pennsylvania (Site Plan Hearing) – Victoria Fannon, Attorney; Shannon Morton, Radiofrequency Engineer; Petros Tsoukalas, P.E.; James Miller, P.P.; and Mike Soltys, Electromagnetic Safety Consultant, were present.

A handout consisting of four pages was distributed and marked into evidence as Exhibits A1 through A4.

Pointing to Exhibits A 1 through A 4, Ms. Morton described the site location; explained how and why the site was selected; and advised of the coverage that would be accommodated if the Applicant was permitted to co-locate a wireless facility on an existing monopole. She stated that there were no other tall structures in the area to accommodate the Applicant's proposed facility.

Ms. Morton advised that the facility would meet FCC requirements when constructed, and she noted that Dr. Kenneth Foster's report had been submitted with the application.

In response to a question of Mr. Dorsey regarding approval of other MetroPCS facility locations, Ms. Morton advised that many of the sites have already been reviewed and approved administratively.

Mr. Tsoukalas described the proposal to install six antennas on an existing monopole and a ten foot by sixteen foot concrete pad within an existing fenced area upon which three equipment cabinets would be placed. He advised that the existing compound was located two hundred feet from the Black Horse Pike and the proposed equipment would be located two hundred thirty feet from the front property line.

Mr. Tsoukalas described the antennas, the coverage they would provide and how the antennas would be connected to the equipment cabinet.

Mr. Tsoukalas stated that no water and sewer would be necessary to operate the facility; that the facility would be unmanned; that the site would be serviced by existing utilities; that a technician would visit the site once every four to six weeks for maintenance purposes; and that the lighting proposed would be on a timer and would illuminate the equipment cabinets.

Mr. Rosenberger referred to the Board's consultants' reports with regard to reference to existing, non-conforming conditions, and advised that the only variance that the Applicant needed to address was impermeable coverage.

Mr. Miller expressed the opinion that the site was particularly well suited for the use due to its location and surrounding land uses.

Mr. Miller testified that the Applicant was requesting a variance to exceed the permitted coverage of .126 %, to permit 1.4% , and it was his opinion that granting the variance would advance the purpose of the Ordinance, as it would allow the Applicant to expand an existing facility, thereby, eliminating the need for construction of a new tower.

Mr. Endicott referred to his report, and expressed the opinion that the proposed increase in impervious coverage would not adversely impact storm water runoff. and Mr. Dixon concurred, noting there would be minimal effect.

Mr. Dixon advised of existing site conditions with regard to landscaping and screening, and expressed the opinion that the site was adequately screened from the roadway. It was, also, Mr. Dixon's opinion that there would be no traffic impact.

Ms. Fannon requested that waivers be granted from the requirement for submission of a landscape plan, storm water management plan and traffic impact study, and she stated that the Applicant would comply with the comments of the Board's professional consultants.

In response to Mr. Dorsey's question regarding the height of the tower, Ms. Fannon advised that all FAA issues involving the tower had to be addressed prior to its construction, and the Applicant would be bound by those requirements.

Mr. Dorsey commented with regard to the police and emergency management having access to the tower.

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

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

Mr. Kurtz moved, seconded by Mr. Pritchard, to grant preliminary and final site plan approval to MetroPCS Pennsylvania, LLC, Block 207, Lot 48, Application No. 2009-11, with waivers granted from the requirements for submission of a landscape plan, storm water management plan and traffic impact study, and a variance granted from the impermeable coverage requirement, conditioned upon compliance with the recommendations contained within the reports of Vincent Polistina, dated November 24, 2009, and Kevin Dixon, dated November 24, 2009.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Cheek – Aye

Mr. Christman – Aye

Mr. Dorsey – Aye

Mr. Kurtz - Aye

Mr. Pritchard - Aye

Mr. Wigglesworth – Aye

Mr. Dahl – Aye

SAID MOTION CARRIED.

MetroPCS Pennsylvania, LLC (Site Plan Hearing) – Victoria Fannon, Attorney; Shannon Morton, Radiofrequency Engineer; Petros Tsoukalas, P.E., and James Miller, P.P. were present.

Ms. Fannon informed those present that Metro PCS Pennsylvania was requesting site plan approval to permit co-location of a wireless facility on an existing monopole. She described the application and noted the variances.

Mr. Rosenberger advised that he had reviewed an issue raised with regard to site control, which involved complicated leases and subleases, and he was satisfied that the Applicant could proceed with the application.

Mr. Endicott and Mr. Dixon referred to the reports, and recommended the application be deemed complete for review.

Mr. Cheek moved, seconded by Mr. Dorsey, to deem complete for review Application #2009-013, submitted by MetroPCS Pennsylvania, LLC, conditioned upon compliance with the recommendations contained within the reports of Kevin Dixon, dated November 24, 2009, and Vincent Polistina, dated November 24, 2009. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Pointing to Exhibits A 1 through A4, Ms. Morton described the site location; explained how and why the site was selected; and advised of the coverage that would be accommodated if the Applicant was permitted to co-locate a wireless facility on an existing monopole. She stated that there were no other tall structures in the area to accommodate the Applicant’s proposed facility.

Ms. Morton advised that the facility would meet FCC requirements when constructed, and she noted that Dr. Kenneth Foster’s report had been submitted as part of the application.

Mr. Tsoukalas described the proposal to install six antennas on the existing monopole and a ten foot by sixteen foot concrete pad entirely within an existing ninety eight foot by ninety eight foot, fenced compound. He noted that the lot upon which the monopole was located was 220,000 SF; that the compound with located seven hundred feet from Harding Highway on the southern part of the parcel; and that the Applicant would be the sixth carrier on site.

Mr. Tsoukalas described the antennas, the coverage they would provide and how the antennas would be connected to the equipment cabinets.

Mr. Tsoukalas stated that no water and sewer would be necessary to operate the facility; that the facility would be unmanned; that the site would be serviced by existing utilities; that a technician would visit the site once every four to six weeks for maintenance purposes; that the lighting proposed would illuminate the equipment cabinets and would be on a timer; and that no signage was proposed except for that which was required by the FCC

Mr. Soltys stated that he worked with Dr. Kenneth Foster, and he referred to the report prepared by Dr. Foster that had been submitted as part of the application.

Mr. Soltys testified that the levels of radiofrequency electromagnetic energy associated with the proposal are well below the relevant FCC exposure limit and the site would meet FCC regulations.

Mr. Miller testified that the proposal met the intent of the Ordinance; that granting the variances would advance the purposes of the Municipal Land Use Law; that the benefits derived would outweigh any detriment; that the increase in impermeable coverage was minimal and would have no real impact on the site; that there would be adequate light, air and open space; and that the proposal promotes public health, safety and welfare.

It was Mr. Miller's opinion that the site was appropriate for the use, due to surrounding conditions and the tower's location.

Mr. Rosenberger advised that the other bulk variances identified were existing conditions and were granted as part of prior applications.

Mr. Endicott reviewed his report, and expressed no objection to granting the requested variance.

Mr. Dixon referred to his report, and expressed the opinion that the increase in impervious coverage would create no adverse impact with regard to storm water runoff, and that the existing landscaping provided adequate screening.

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

Mr. Pritchard moved, seconded by Mr. Wigglesworth, 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. Dorsey, to grant preliminary and final site plan approval to MetroPCS Pennsylvania, LLC, Block 494, Lot 5, Application #2009-13, with waivers granted from the requirements for submission of a storm water management plan, a traffic impact report and a landscape plan, and a variance granted from the requirement for maximum impervious coverage, conditioned upon compliance with the recommendations contained within the reports of Vincent Polistina, dated November 24, 2009, and Kevin Dixon, dated November 24, 2009.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Cheek - Aye

Mr. Christman – Aye

Mr. Dorsey – Aye

Mr. Kurtz - Aye

Mr. Pritchard - Aye

Mr. Wigglesworth - Aye

Mr. Dahl– Aye

SAID MOTION CARRIED.

Public Comment – Mr. Dahl opened the meeting to public comment.

John Pucci asked questions related to residential districts within the Township.

Mr. Rosenberger responded and advised Mr. Pucci that it was not the purview of the Board to answer questions presented by the public. He further advised Mr. Pucci that the Zoning Board of Adjustment would interpret the Township' Land Use Ordinance upon application.

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

Adjournment – Mr. Pritchard moved, seconded by Mr. Cheek, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Respectfully submitted,

Nancy Rainbow,
Planning Board Administrator