

TOWNSHIP OF WATERFORD 2131 AUBURN AVE., ATCO, NJ 08004

LAND USE BOARD

MINUTES FOR JULY 18, 2016

The July 18, 2016 Joint Land Use Board Meeting of the Township of Waterford, was called to Order at 7:10pm by Chairman Ralph Condo.

SUNSHINE STATEMENT: In accordance with Chapter 231, Public Law, 1975, *Open Public Meeting Act*, notice of time, date and place for this meeting was sent as part of the annual notice to the Courier Post and Record Breeze, and is posted in the Municipal Building.

SALUTE TO THE FLAG:

NOTICE:

The Planning Board reserves the right to change the order of the published agenda. All changes will be announced at the start of each meeting.

It is the intent of the Board to not begin a new application after 10:30 PM and take no testimony after 11:00 PM.

For those of you in attendance with a cell phone, please turn it off or put in on silent mode. Also, if it is necessary to have a conversation with the professionals involved with your application please do so outside the meeting room.

ROLL CALL:

Members responding to the roll call were: Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, Alt. #1, Mr. Hanna, Alt. #2 Mr. Mauriello and Chairman Condo. Committeeman Gianguilio, Ms. Iles were notified absences.

OTHERS IN ATTENDANCE: Mr. Richard Wells, Esq., Township Solicitor and Mr. Jeff Hanson, Township Engineer

PUBLIC ATTENDANCE:

SWEARING IN OF PROFESSIONALS: Mr. Jeff Hanson, Township Engineer was sworn in

MOTIONS OF ADJOURNMENTS OR OTHER MOTIONS: - None

OLD BUSINESS:

Mr. Wells, Township Solicitor swore in Mr. Hanson, Township Engineer to give his review and update of Deeper Life Church updated plan. Conditional approval was given with minor site amendments – Mr. Toussaint stated there has been no response as yet. They have one week to respond.

NEW BUSINESS:

- 1. Sharon Austin, 1129 Old White Horse Pike, Block 4402, Lot 2 – Applicant seeking a Use Variance to allow a second residential unit on the same lot as the principle residential unit.**

Mr. Mark Rinaldi, solicitor for Ms. Austin was sworn in. He is seeking approval of a postponement of the Use Variance application.

Mr. Rinaldi stated he has Ms. Austin's permission to ask the Board to grant approval to adjourn the Use Variance application until August 1, 2016. Mr. Rinaldi stated he was confident he could get conditional Pinelands approval and the eight items requested by the Board will also be addressed by the August 1st date.

On a request by Mr. Jacoby, seconded by Mr. Becker approval was made of Ms. Austin's request to approve postponement of the Use Variance application until August 1, 2016.

Roll Call: Ms. Illes, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, Mr. Hanna, Mr. Mauriello, Chairman Condo. 9 ayes, 0 nays, Motion Carried.

- 2. Courtesy review of the proposed Waterford Township Fire Building, 2115 Auburn Ave, Block 1205, Lot 2, 3 & 4.**

Mr. Len Wood, Solicitor and Mr. Steven Bach and Mr. Ron _____ were sworn in.

Mr. Jeff Hanson, Township Engineer was also sworn in.

Mr. Wood stated he was representing the Township regarding approval of the Fire House/Public Safety Building plans. Mr. Wood explained the need to acquire three lots needed to build the Public Safety Building. The location is on Auburn Ave. City water and sewer are available. The property will also have a retention basin on it. There is room for 31 parking spaces. Pinelands approval is needed.

Mr. Condo asked Mr. Wood to discuss funding and legal matters. Mr. Wood stated funding for this project will be through the Camden County Improvement Authority and all legal issues have been addressed thus far.

Discussion was opened to the public.

Mr. Stan Banks, 2112 Atco Ave., Atco was sworn in by Mr. Wells.

Mr. Banks asked several questions about the proposed building. He questioned landscaping, the retention basin, and DEP approval because of the auto repair shop that was located on the property many years ago. He asked if he could have a copy of the report from DEP. He also requested explanation about a proposed generator to be located on the site and about the position of the lights and signs on the building.

Mr. Wells answered many of his questions. The Board also responded to his concerns. Mr. Wells thanked the respondents. He stated he was pleased with the answers to his questions.

His last concern was regarding a traffic issue. How will the emergency vehicles and fire equipment deal with the no left turns from Auburn Avenue onto the White Horse Pike he asked? He was told the emergency and fire equipment will exit out onto Atco Avenue.

On a motion by Ms. Ferguson, seconded by Mr. Achey approval was made of the plans to construct the Waterford Township Fire Safety Building at 2115 Auburn Ave, Block 1205, Lots 2, 3, and 4.

Roll Call: Ms. Illes, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, Mr. Hanna, Mr. Mauriello, Chairman Condo. 9 ayes, 0 nays, Motion Carried.

3. Atco Developers, 500 White Horse Pike, Block 1904, Lot 12, Major Site Plan, Design Waivers and bulk variances as listed on application.

Michael Malinsky, Esq. was sworn by Mr. Wells.

Mr. Malinsky attorney for Atco Development Associates, LLC is seeking approval of their site plan, design waivers and bulk variances. Mr. Malinsky introduced Michael Jeitner, Engineer, Tiffany A. CuvIELLO, Professional Planner, Mr. Richard Soloff and Mr. David Shropshire, Engineer. They were sworn in by Mr. Wells.

Mr. Malinsky called Mr. Jeitner to give testimony re. the property at White Horse Pike and Cherry Street, Block 1904, Lot 12 where a Dollar General Store is proposed to be built. Mr. Jeitner informed the Board of his professional credentials and began his presentation. Mr. Jeitner testified to the completeness of the six initial waivers. They included traffic impact, air quality, impact statement, site boundaries and cultural survey. He requested the Board grant final approval to the site because he addressed all questions regarding completeness for the 9100 square foot building. Also discussed were solutions to landscaping, lighting, signage, drainage, unloading/delivery of merchandise. The company is asking for approval of seven variances and five waivers.

Both Mr. Toussaint and Mr. Hanson stated there was no major issues with the project review. Mr. Hanson gave a quick overview of the site – stating it is a one acre lot. Mr. Hanson has no problem with the size of the lot for the project. Mr. Jeitner stated the lot is the proper size for a Dollar General Store. Mr. Hanson also verified there is no issue with city water and sewer, drainage, manhole and utilities and parking for 25/35 spaces.

The Board was given additional information about the site and they were informed the planners will submit amended site plan A-2. Ms. Tiffany CuvIELLO testified the lot is undersized referring to C-1 and C-2 standards and she described the re-development and improvement of the property. The set back and buffer request will be addressed. A landscaping plan as recommended in A-4 will be addressed. Ms. CuvIELLO stated their plan will address drainage and protection of neighboring properties from run off. The site improvement will prevent those issues. She referred to the re-development variances related to the small lot. She said, you will not see the building until you are right on top of it – this is because of the variance for set back; lot size and safety and well fare of the community.

The A-4 proposal for improving the site on the White Horse Pike and Cherry Street as well as the rear of the property line, with plantings and shrubs was reviewed by Mr. Hansen. No irrigation is proposed. The builders are to submit an additional

improvement plan to the township engineer re: the landscaping. The Board had no further questions.

A lot of discussion took place regarding the driveway and delivery truck procedures. Ms. Ferguson asked for additional explanation about the process used for unloading merchandise from the large trucks. A detailed report was given regarding the process used to unload the tractor trailer deliveries to the store. There is no loading dock. The trucks are all equipped with a drop down tail gate and merchandise is hand-trucked into the store

Further discussion and presentation was made about signage. The sign will be on the front of the building. It will be wall mounted and the company is technically not using all of the allowed footage. There will also be a sign on the White Horse Pike for visibility by cars on the White Horse Pike. A waiver is required for this sign. Mr. Toussaint responded and clarified the need for a variance of 5 feet. The sign will have no impact on Cherry Street.

Mr. Soloff, Dollar General's representative reported the store hours will be opened 8:00AM to 10:00PM, seven days a week. Two to three employees will work per shift. They are part-time and full-time workers. Deliveries will be made during store hours through a set of double doors on the side of the building. Box trucks will make deliveries as needed. The dumpster, which will be on site, will be emptied twice weekly. It is understood that a waiver is needed for the driveway.

Hearing no further testimony from the witnesses the Township Engineer stated he was satisfied and recommended conditional approval. Additional approval will be required from the Fire Marshall, etc.

Meeting was opened to public comment. Hearing none the meeting was closed to the public by Mr. Chairman Condo.

Mr. Wells advised the Board on their responsibilities re: voting for the project. There were no questions posed by the Board members.

On a motion by Mr. Jacoby, seconded by Mayor Richardson approval was made for Atco Developers, 500 White Horse Pike, Block 1904, Lot 12, Major Site Plan, Design Waivers and bulk variances as listed on application.

Roll Call: Ms. Illes, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, Mr. Hanna, Mr. Mauriello, Chairman Condo. 9 ayes, 0 nays, Motion Carried.

4. Valore LLC, 985 Jackson Road, Block 5301, Lot 5, Minor Site Plan, Use variance and bulk variances as listed on the application.

The applicant is seeking a Use Variance and Minor Site Plan approval with Bulk Variances to construct a wireless communications facility at 985 Jackson Road.

Mr. Michael Ridgeway, Esq. explained the purpose of the application and why it should be approved. He introduce the five members of the team who would be presenting testimony. They are Frank DeGenova, Valore, LCC, Madan Belrode, Paul Dugan, P.E. of

Millenium Engineering, Roger Johnson and Tim Kronk. All were sworn in by Mr. Wells.

Mr. DeGenova, Valore, LLC representative stated the facility will consist of a 190' high lattice tower. T-Mobile antennas will be attached to the top of the tower and extend its height to approximately 192'. The equipment will be placed on a 10X 20 concrete pad. The tower is constructed within a 50' x 100' compound secured by an 8 foot high link fence topped by barbed wire. A 12' gate will provide access to the compound. The area will be surfaced with gravel. The facility can hold three additional wireless tenants in the future. The facility will be unmanned. The facility will be visited by maintenance personnel once a month on average. Underground electric service is proposed.

Mr. DeGenova continued the plan proposes to construct a grass surfaced public parking area just south of the proposed tower. A paved driveway apron is proposed to access the property from Jackson Road. The parking lot will provide 100 spaces. A storm water management basin is proposed adjacent to the westerly edge of the proposed parking lot to infiltrate runoff. Construction of the parking lot and storm water basin will require disturbance of about 1.43 acres.

The property is situated on Jackson Road within the Rural Development Zone and a Pinelands Rural Development Management area. The lot is currently vacant and wooded and is 6.78 acres in size. Plans indicate that wetlands straddle the property line between the tract and adjacent lots.

Mr. Belrode stated the tower is not high maintenance and it will provide good coverage to the Atco area. Another expert for T-Mobile said that the tower will produce 7 mgs. And 3 bands of frequency. Safety and security of the site meet the guidelines and are fall within FAA standards. Marking and lighting of the site are not required.

Application has been made to the Pinelands Commission for approval. T-Mobile is awaiting their determination. The project will be put out for public bid. There is sufficient space for parking 100 vehicles. The parking lot is not for public use. It will be used for emergency situations by the Municipality should the need arise.

T-Mobile hired a professional planner, Mr. Johnson, who reviewed the application and reviewed the Pinelands application. He stated the property is about seven acres; the tower will be 190 feet tall with a 5 foot lightening rod on top. Mr. Kronk indicated that In 2015 balloon test photographs were taken in simulation of the tower. No problems were detected in the pictures taken in the test. The Board viewed the photographs.

Based on review by the Township engineer four steps need to be met to get approval to operate their tower. The four steps are: (1) Suitability of the location (part of the Master Plan), Visibility, (2) negative aspects – noise, glare, order, impact on municipal utilities, (3) Parking lot requirements, variance, (4) Storm water management.

The representatives for T-Mobil addressed the four steps.

The tower will produce benign public use. It will enhance the welfare of the residents by allowing improvements in the area. It is appropriate and suitable for the site.

The fence is only for T-Mobile site for the tower. It has access off of Jackson Road. A gate will be on Jackson Rd. T-Mobile maintenance workers will have access only. Mr.

Toussaint stated the others who will have access to the parking lot will be municipal employees. They will have a key to the gate. He continued, the lot will be used on occasion for large community events by Emergency Vehicles, Fire and Police.

Mr. Toussaint also asked Mr. DeGenova if the tower will be able to provide 911 services to the Township for that area. Mr. DeGenova indicated that T-Mobile will be able to do that. A contract will be developed to cover the services.

The T-Mobile representatives closed their testimony and Chairman Condo opened the meeting to the public.

Members of the public were sworn in individually.

Janice Skeens, 1045 Atsion Rd, Atco, NJ

She asked about storm water problems. How will they manage it? Mr. DeGenova responded – T-Mobile is improving the property and will make improvements to manage the storm water by building a basin adjacent to the parking lot. He stated that the improvements will result in the residents having no problems.

Charlotte Cannuli, 1038 Atsion Rd., Atco, NJ

1. She indicated she is concerned about the value of her home. She feels another location would be better suited. Mr. Condo responded, the site was chosen due to the need for additional 911 service in the area.
2. Please address excess parking on the proposed lot. It is rumored those attending Atco Raceway will be able to park there. Mr. Condo related the parking lot will not be used for excess parking at the Raceway. It is the intent to use the lot in the event of an emergency within the Township for emergency vehicles, police and fire equipment. The lot is not for commercial use. The Mayor also stated it is for municipal use only.
3. Will our wells be contaminated because of parked cars? Mr. Condo responded there will be a minimum amount of cars and trucks parked on the lot.
4. What will be the impact of the run off from the property to drinking water in our wells? Mr. Hanson, Township Engineer explained the wells will not be effected by the run off. The aquifer is more than 150 deep in the area.
5. What will happen to the basin if it does not percolate out? Mayor Richardson said, there is a basin maintenance plan; a company will maintain the basin. The town is responsible for the maintenance.
6. Resident was concerned about wildlife and other species. She was told the Pinelands Commission is part of the requirement for approval and it is mandatory for the company to be cognizant of the ground/animal and flora in the vicinity. She replied she is entering an appeal to the wetlands commission.
7. The resident asked about increased traffic in the area. Will there be a fence on the entire property? Mr. DeGenova stated "no" only around the tower.
8. Her biggest concern she mentioned is the impact of increase exposure to cancer for the residents living near the towers. She studied two German reports and it is a real problem and concern she said.

Third Resident – Frank Cannuli, 1038 Atsion Rd., Atco, NJ

He asked, is the plan set in stone regarding the basins? The Township engineer

responded to the question explaining the position and process re: basin.

Hearing no other comments from the public, Mr. Condo closed the meeting to the public and called for a vote on the T-Mobile request to approve the construction of a wireless communications facility.

On a motion by Mr. Becker seconded by Chairman Condo approval was made of T-Mobile's request of a Use Variance and Minor Site Plan with Bulk Variances to construct a wireless communications facility at 985 Jackson Road.

Roll Call: Ms. Illes, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, No vote, Mr. Hanna, Mr. Mauriello, Chairman Condo. 8 ayes, 0 nays, Motion Carried.

COMMUNICATIONS/DISCUSSIONS:

1. The New Jersey Planner Handout for your review (no action needed)
2. NJ Pinelands invitation to Pinelands orientation on July 28, 2016.
3. NJ Pinelands letter dated July 5, 2026 to Len Capone & Atco Dragway.
4. Review and approval of Land Use Board Engineer contract.

On a motion by Mayor Richardson, seconded by Ms. Ferguson the Land Use Board Engineer's contract was approved.

Roll Call: Ms. Illes, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, Mr. Hanna, Mr. Mauriello, Chairman Condo. 9 ayes, 0 nays, Motion Carried.

RESOLUTIONS:

On a motion by Ms. Ferguson, seconded by Mr. Becker adoption was made of Resolution 16-07 to deny the use variance request made by Rock of Refuge Full Gospel Assembly.

Roll Call: Ms. Illes, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, Mr. Hanna, Mr. Mauriello, Chairman Condo. 9 ayes, 0 nays, Motion Carried.

MINUTES:

On a motion by Ms. Ferguson and seconded by Mayor Richardson the minutes of May 16, 2016 meeting were approved as presented.

Roll Call: Ms. Illes, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Russomanno, Mr. Achey, Mayor Richardson, Mr. Hanna, Mr. Mauriello, Chairman Condo. 9 ayes, 0 nays, Motion Carried.

OPEN TO THE PUBLIC: - None

Hearing nothing from the public, Mr. Condo closed the public portion of the meeting.

BOARD COMMENTS AND QUESTIONS:

Chairman Condo stated that two major approvals were granted this evening including one for Dollar General which will be a new ratable for the town. He stated he is very proud of the work

of Mayor and Council, The Planning Board, Mr. Toussaint and Susan Danson.

ADJOURNMENT:

On a motion by Mayor Richardson seconded by Mr. Achey the meeting adjourned at 10:23PM. –
Voice vote - 9 Ayes – Motion Carried.

Submitted by:



Edward Toussaint
Board Secretary