

MEDFORD TOWNSHIP PLANNING BOARD MEETING

February 22, 2023 @ 7:00 p.m.

Public Safety Building-91 Union Street

Mr. Hartwig called the Planning Board Meeting to order at 7:03 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Bielec, Hartwig, Juliano, Kornick, Perks, Devlin
Absent: Braatz, Czekay, Ross, Watson, Anepete
Professional Staff: Attorney Anthony Drollas, Engineer Christopher Noll, Planner Scott Taylor, Secretary Kimberly Moore, Recording Secretary Beth Portocalis

MINUTES:

January 25, 2023 Re-Org & Regular Meeting Minutes – Ms. Bielec made a motion to adopt the Re-Org & Regular Meeting minutes. Mr. Perks seconded the motion. Vice Chairman Juliano abstained. A voice vote of the other Board members in favor of adoption was unanimous.

January 25, 2023 Executive Session Minutes – Ms. Bielec made a motion to adopt the Executive Session minutes. Mr. Perks seconded the motion. Vice Chairman Juliano abstained. A voice vote of the other Board members in favor of adoption was unanimous.

CORRESPONDENCE: None

REPORTS: Chairman Hartwig reported that insufficient escrow balances over 6 months will continue to be listed on the monthly agenda. He acknowledged that the remaining five escrow balances may never be collected, which is unfair to the professionals who are not compensated for services rendered. He thanked Ms. Moore for her continued efforts to collect the arrears.

MEMORIALIZATIONS: None

APPLICATIONS:

Certificate of Appropriateness/Historic Review: Hodge Realty LLC, 1 South Main Street, Block 1813; Lots 1, 2.01 & 2.02

Applicant is seeking a Certificate of Appropriateness/Historic Review for the proposed exterior surface alteration/improvements required under LDO Code Section 806 "Preservation of Structures and Sites." **Zone: HVC**

SWORN: Jeffrey Brennan, Esq., Baron & Brennan
Phillip Kunz, Architect
Ronald Hodge, Applicant & Owner of Cornerstone PEO

Chairman Hartwig confirmed that the applicant was not seeking any submission waivers.

Mr. Taylor offered a brief synopsis of the requirements for a Certificate of Appropriateness, and why this is required per the Land Development Ordinances (LDO) in the Historic Village

Commercial Zone District. The new owners propose external modifications, including repainting the building in a warm brown/gray color, as well as reversing a previous modification by removing an exterior walk-in refrigeration box. The applicant is also proposing new signage, which is permitted under Section 526 of the LDO.

Mr. Brennan opened the testimony by detailing that the applicant purchased the property, formerly the Pop Shop Restaurant, with the intent to convert it to office use, which is permitted in the HVC Zone district. Previous to the Pop Shop, the building was a bank. The intent is to remove an existing exterior walk-in refrigeration box located in the rear of the building, which was added for the restaurant, and add a deck with a railing to match the railing on the existing handicapped ramp. Once the refrigeration unit is removed, two windows will be added to the rear of the building, and will match the existing windows and their historic character. The building will also be painted to a more traditional gray/brown with white trim.

Mr. Kunz was next to testify. He referred to the plans (7 pages) dated 01/04/23 provided to Board members in their packets. He detailed that the applicant is also proposing to add a matching awning over the ramp entrance doorway (facing Bank Street). The awning is proposed to have the name of the business (Cornerstone PEO) imprinted on it, which will comply with the sign ordinance requirements. The applicant is also proposing reverse channel lit lettering signage on the front of the building. These are also referred to as halo lettering with a reverse glow effect. The letters will be black.

Chairman Hartwig asked if the applicant might consider externally illuminated lighting for the lettering. Mr. Kunz explained that it would be very difficult to install lights over where the lettering is proposed as the lettering is proposed to be installed right under the triangular peak of the front façade, where the original bank lettering was located. Mr. Taylor confirmed that this type of lettering signage is permitted in the HVC zone. Chairman Hartwig asked if the applicant would accept a time limit on the illumination of the lettering, and Mr. Kunz and Mr. Hodge agreed to accept a condition to have the illumination turned off at 11:00 pm every day.

Mr. Brennan summarized the application as having met the intent of the land development ordinances and added that the improvements actually will revert the building to a more historic exterior appearance.

PUBLIC: None.

Ms. Bielec made a motion to close the public portion. Mr. Perks seconded. The voice vote was unanimous in favor.

Vice Chairman Juliano made a motion to approve the Certificate of Appropriateness, with the conditions that the signage conform to the sign ordinances, and that the illumination for the channel lettered sign be turned off no later than 11:00 pm daily. Ms. Bielec seconded the motion.

Recorded Vote:

Ayes: Bielec, Hartwig, Juliano, Kornick, Perks, Devlin
Nays: None
Abstentions: None
Motion carried: 6 - 0 - 0

Cellco Partnership d/b/a Verizon Wireless, Block 3201; Lot 32.03, 200 Tuckerton Road ZVE-1128

Applicant is seeking Minor Site Plan approval to install a telecommunications facility that includes a cell tower in the Taunton and Tuckerton Road redevelopment area. **Zone: TTRA**

SWORN: Kevin Jones, Esq., Zublatt & Jones, LLC
Stephanie Mulhern, P.E., Colliers Engineering
Andrew Peterson, P.E., D.E.M. Engineering (Radio Frequency Design/Electrical)

Mr. Drollas and Mr. Taylor briefly explained that this application is the formal site plan application with conditional use approvals, under the amended Taunton & Tuckerton Redevelopment Area (TTRA) plan, which was recently amended by votes of both the Planning Board and Township Council to permit cell towers as a conditional use with certain conditions and limitations. The Pinelands Commission have also approved the application and issued a Certificate of Filing for the application as proposed.

Chairman Hartwig noted that the applicant was seeking one submission waiver from the Minor Site Plan Checklist. Mr. Jones noted it was #11 on the checklist, related to the location of existing and proposed property lines, as detailed in Mr. Noll's February 16, 2023 review letter. Mr. Noll recommended approval as sufficient information has been submitted by both the applicant and the property owner.

Mr. Perks made a motion to approve the Submission Waiver request. Mr. Devlin seconded the motion.

Recorded Vote:

Ayes: Bielec, Hartwig, Juliano, Kornick, Perks, Devlin
Nays: None
Abstentions: None
Motion carried: 6 - 0 - 0

Mr. Jones opened the testimony by reiterating the previously explained gaps in coverage in this part of Medford. In reviewing the gap coverage area, there were no other cell tower sites that could be enhanced or any tall structures such as a water tower where the telecommunications equipment could be located. The originally proposed cell tower height of 150' was reduced to 123', which is the minimum height needed to accommodate three carriers, as required by the FCC.

Mr. Jones added that the Medford Police, Fire & EMS all use Verizon services for their communications, and that the Chiefs of these departments have acknowledged that the cell tower in this location would enhance public safety.

He confirmed that the Burlington County Planning Board and the Pinelands Commission have both been consulted and granted approvals.

Mr. Jones then summarized the conditional use standards required in the amended TTRA plan, as outlined in Mr. Taylor's 02/16/23 review letter, which this site plan application conforms to. Mr. Jones then addressed Mr. Taylor's comments in this letter, specifically confirming that the applicant will:

- 1) work with Mr. Taylor to plant new trees and arborvitae surrounding the area,
- 2) install a 10' high solid fence that will screen all ground mounted equipment,
- 3) limit security lighting to 3,000-3,500 Kelvin,
- 4) construct a curved driveway to avoid a straight line sight line, and will use an existing driveway entrance from Tuckerton Road,
- 5) construct the monopole of galvanized steel with a galvanized finish,
- 6) limit signage to only FCC required access and safety signs,
- 7) not have staff located at the site (only periodic safety checks every 4 to 6 weeks), and
- 8) construct the site outside of the 50' wetlands buffer and deed restricted areas.

Mr. Jones also commented that the applicant has provided photo simulations with the monopole and ground mounted equipment superimposed; as well as mapping of existing telecommunications equipment inventory in and around Medford. He added that this facility will accommodate three carriers in total, as per FCC requirements.

Mr. Jones concluded his remarks by stating that should the site be abandoned for 6 months or more, Verizon will remove everything equipment related except the planted vegetation.

Ms. Collier detailed several of the site amenities, specifically mentioning that safety bollards will be installed, and painted yellow for visibility as per industry standards, and in regards to the perimeter fencing, there will be two (2) six-foot wide gates with chain locks for access by construction and maintenance vehicles.

Mr. Peterson was next to testify. As a radio frequency engineer for Verizon, he explained the 1 mile gap in service surrounding the Taunton & Tuckerton property. The closest facility is 1.5 miles away and cannot cover this area. He referenced a display board of the coverage area that showed the need/deficiency area and the added service area coverage once this proposed monopole is operational. He also explained the 4G versus 5G service. As stated earlier, this location will provide enhanced service to Police, Fire & EMS, who all use Verizon.

He confirmed no noise is generated by the telecommunications equipment, and there would be no interference of any other radio frequency uses such as broadcast TV and garage door openers.

Upon questioning by Board members, he explained how the height of the pole and equipment on the pole affect the return on ratio coverage.

Mr. Noll referenced his February 16, 2023 review letter, specifically noting that his comment #7 on page 2 that the table provided should be corrected with the corrected names of the locations. He also noted via testimony the driveway was addressed, but should be constructed with gravel to reduce impervious coverage, and that a design waiver is required. He also recommends that the monopole be galvanized steel and not painted.

Mr. Taylor had no additional comments as those in his February 16, 2023 review letter had been addressed during the applicant's testimony.

PUBLIC:

Mary Siebold-6 Victoria Court. She stated that she was speaking on behalf of the children who live in proximity to the proposed cell tower, as there have been no safe studies on 5G technology. *(Mr. Drollas cautioned the Board that health issues are outside of the Board's jurisdiction and legally the Board cannot consider these factors)* Ms. Siebold stated the negative aesthetics the monopole will create, that it will decrease property values, and the increased fire risk should the equipment fail—specifically to the nursing home directly across the street. She also mentioned the gas stations on the intersection corners had contaminated the soils, which could exasperate if a fire did occur. She also questioned who is held liable for damage to the land and/or air if an accident were to occur, and if Verizon will be required to have pollution insurance. She concluded her remarks by asking if more suitable areas have been researched to prevent possible radio frequency damage.

Ms. Bielec made a motion to close the public portion. Vice Chairman Juliano seconded. The voice vote was unanimous in favor.

Mr. Jones and Mr. Peterson were given an opportunity to respond to the public comments. They explained how the emission levels from this proposed cell tower will be well below FCC approved levels. They are willing to put the "Electromagnetic Exposure Analysis" report on record as a condition of approval. Even with three carriers, the levels will be less than 6% of the standards that the FCC has established, as the height dissipates it and the energy goes into the horizon. They further explained that there is 24/7/365 remote monitoring, and the facility can be shut down immediately if any issue is detected. In regards to fire risk, Mr. Jones and Mr. Peterson both noted they were only aware of one fire at a facility, and that was caused by a welding accident.

Chairman Hartwig noted in regards to the aesthetics, the Board has fought to protect trees, and the testimony provided has noted that the ground mounted equipment will be obscured from view.

In response to the public comment about ground contamination, Mr. Noll stated that any soil contamination would have been remediated under the auspices on the NJDEP.

Mr. Jones and Mr. Drollas added that if a telecommunications company is denied after providing proof of a gap in coverage, to comply with FCC regulations the federal government has limited jurisdiction of local land use boards that deny applications or even overly regulate land use board decisions.

Vice Chairman Juliano made a motion to approve the minor site plan and conditional use application as proposed, along with the submission waiver and the design waiver for the driveway, with the conditions that the applicant (1) comply with the comments in Mr. Noll's and Mr. Taylor's review letters, (2) file a copy of the electromagnetic exposure analysis report with the Board Secretary, (3) plant the tree and arborvitae buffer per Mr. Taylor's recommendations or return to the Board if they can't come to an agreement, and (4) the perimeter fence will be 10' high solid vinyl privacy fencing in a warm muted earth tone color. Ms. Kornick seconded the motion.

Recorded Vote:

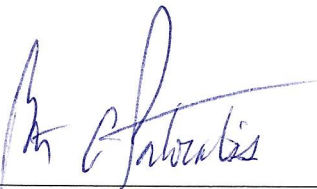
Ayes: Bielec, Hartwig, Juliano, Kornick, Perks, Devlin
Nays: None
Abstentions: None
Motion carried: 6 - 0 - 0

GENERAL PUBLIC: No one was present from the public.

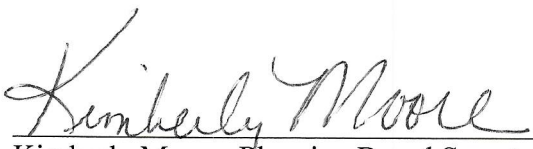
Ms. Kornick made a motion to close the Public Portion. Vice Chairman Juliano seconded. The voice vote was unanimous in favor.

ADJOURNMENT:

Ms. Kornick made a motion to adjourn the February 22, 2023 Planning Board Meeting at 8:56 pm. Mr. Devlin seconded. A unanimous voice vote in favor carried the motion.



Beth Portocalis, Recording Secretary



Kimberly Moore, Planning Board Secretary