

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2004-7, WITH THE REQUEST OF THE HOME NEWS AND TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME, AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING.

A meeting of the Planning Board was held on January 19, 2010, commencing at 7:00 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Mr. Beck, Ms. Buffalino Mr. Clancy, Mr. Evanovich Ms. Farren, Mr. Frost, Ms. Meloni, Councilman Guindi and Ms. Urbanik.

Also present were Mr. Lee, CME, Mr. Barlow, Attorney, and Mr. Betcher, Planner.

REORGANIZATION:

Nomination for chairperson: Ms. Urbanik moved to have Ms. Buffalino as Chairperson with a second by Mr. Guindi, there being no other nominations, Ms. Buffalino was appointed as Chairperson of the Planning Board, all present approved.

Nomination for Vice-Chairperson Ms. Urbanik moved to have Mr. Beck as vice chairperson with a second by Mr. Frost, there being no other nominations, Mr. Beck was appointed as Vice Chairperson, all present approved.

RESOLUTIONS:

2010-1 Ms. Urbanik moved the Resolution to appoint Mr. Thomas Barlow as Attorney for the Planning Board for the year 2010 with a second by Mr. Guindi, all present approved.

RES: 2010-1

JANUARY 19, 2010

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Planning Board of the Borough of South River do hereby appoint **Thomas Barlow**, as the Planning Board attorney for the year 2010, and that said appointment shall be in compliance with the Professional Service Requirements of the Local Public Contracts Law of New Jersey and the execution of an Agreement as the same is required by Law.

DATED: JANUARY 19, 2010

2010-2 Ms. Urbanik moved the resolution to appoint CME, Mr. Bruce Koch as the engineer for the Planning Board for the year 2010 with a second by Mr. Beck, all present approved.

RES: 2010-2

JANUARY 19, 2010

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Planning Board of the Borough of South River do hereby appoint Bruce Koch of the Firm of CME Associates as the Engineer for the year 2010, effective as of this date, and that said appointment shall be in compliance with the Professional Service Requirements of the Local Public Contracts Law of New Jersey and the execution of an Agreement as the same is required by Law.

DATED: JANUARY 19, 2010

JANUARY 19, 2010

2010-3 Mr. Beck moved the resolution to appoint Bignell Planning Consultants as the Planner for the Planning Board for the year 2010 with a second by Ms. Urbanik, all present approved.

RES: 2010-3

JANUARY 19, 2010

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Planning Board, of the Borough of South River do hereby appoint **BIGNELL CONSULTING GROUP**, as the Planner for the year 2010, and that said appointment shall be in compliance with the Professional Service Requirements of the Local Public Contracts Law of New Jersey and the execution of an Agreement as the same is required by Law.

DATED: JANUARY 19, 2010

2010-4 Mr. Beck moved the resolution to appoint M. Anita Hermstedt as the Secretary/Clerk to the Planning Board for the year 2010 with a second by Ms. Urbanik, all present approved.

RES: 2010-4

JANUARY 19, 2010

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED that M. Anita Hermstedt is hereby appointed to the position of Secretary (Clerk) to the South River Planning Board as of January 1, 2010.

DATED: JANUARY 19, 2010

2010-5 Mr. Beck made a motion to move the rules with a second by Ms. Urbanik. Ms. Meloni requested that some of the wording be changed from Chairman to Chairperson where necessary. The corrected Rules were moved on a motion by Ms. Meloni with a second by Mr. Guindi, all present approved.

RULES AND REGULATIONS OF THE SOUTH RIVER PLANNING BOARD

ARTICLE:1 GENERAL PROVISIONS

Section 1. These rules are supplementary to the provisions of the zoning ordinance of the Borough of South River as they relate to the procedures of the Planning Board.

Section 2. The Board shall consist of nine (9) members with two (2) alternates and one (1) alternate for the Mayor.

Section 3. Any member of the Board who has any interest, direct or indirect, personal or financial, in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration. A disqualifying conflict of interest shall be deemed to exist: (1) When the Board Member is the spouse of the applicant or is related to the applicant within the third degree of consanguinity or is the husband or wife of someone so related; (2) When the applicant is the employee or partner of the member, or is a corporation in which the member is a shareholder or has a financial interest; (3) When the member owns property within two hundred (200) feet of the property which is the subject of the application.

Section 4. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance, including the zoning and official map, which authority is reserved to the Governing Body, except as permitted by statute.

Section 5. A copy of the agenda for each month shall be mailed by the Board's Secretary to any person requesting same, for a fee of \$15.00 per year. The fee for other materials requested shall be \$.75 per page or such other fee as may be set, from time to time, by the Mayor and Council. All fees shall be prepaid to the Board Secretary.

ARTICLE 11 OFFICERS AND DUTIES

Section 1. The officers of the Board shall be a Chairperson and a Vice-Chairperson elected at the regular meeting in the month of January from the Class IV members.

Section 2. The Board shall elect a Chairperson and a Vice-Chairperson from the members. The Vice-Chairperson shall preside when the Chairperson is absent.

The Board shall appoint a Secretary who need not be a member of the Board.

In the event of vacancy, removal for cause or resignation of the Chairperson, his successor shall be elected by the Board.

Section 3. The Chairperson shall supervise the affairs of the Planning Board. They shall preside at all meetings of the Board, shall appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, shall provide for the oath to be administered to all witnesses in cases before the Board, or shall designate the attorney to the Board to perform the oath, and shall provide for the issuance of subpoenas to compel the attendance of witnesses and the production of relevant evidence. The Chairperson shall be an ex-officio member of all committees and subcommittees so appointed. Where required by statute, ordinance or rule to do so, they along with the Secretary shall sign all documents.

Section 4. The Vice-Chairperson, in the absence or disability of the Chairperson, shall perform all the duties and exercise all the powers of the Chairperson.

Section 5. The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board and keep a written record all hearings; shall record the names and addresses of all persons appearing before the Board in person or by Attorney; shall, subject to the Board and Chairperson, conduct correspondence of the Board and have published in the local newspaper public notices of meetings or hearing as required by law and these rules of procedures; shall file said minutes and records in the office of the Borough Clerk which minutes shall be public record; and shall keep the files of the Board and deep all records.

ARTICLE III MEETINGS

Section 1. The meeting of the Planning Board shall be held on the third Tuesday of each month or when scheduled. Said meeting shall be held in the Criminal Justice Building, 61 Main Street, and shall commence at 7:00 PM In the event the meeting date falls on a recognized holiday, said meeting shall be held at such time as the Chairperson may designate. All meetings shall end promptly with a call of the Chairperson.

Section 2. Regular meetings may be canceled by the Chairperson when there are no cases pending. Notification must be giver to members, however, not less than 24 hours prior to the time set for such meeting.

Section 3. Special meetings may be called by the Chairperson at his/her discretions, or upon the request of two (2) or more members, provided that 48 hours notice is given each member and the public, pursuant to the "Open Public Meetings Act."

Section 4. All meetings shall be open to the public.

Section 5. A quorum shall consist of five (5) members for any regular meeting or special meeting and is required for any decision, determination or official action by the Board. An affirmative vote of a majority of the members present is required for any decision, determination or official action of the Board.

Section 6. A quorum of the Board shall be present at all public meetings and for the transaction of any business.

Section 7. All regular members shall attend each regularly scheduled meeting and any other special scheduled meetings.

In the event that a regular member cannot attend a meeting, that member is to notify the Secretary or President of the Board as soon as the member knows he or she will not be able to attend the meeting. The first alternate will then be asked to attend the meeting and in the event the first alternate is unable to attend the meeting, the second alternate will be asked to attend the meeting.

Whenever a member cannot attend a meeting they must communicate to the Secretary or Chairperson of the Board, prior to the scheduled meeting, their reasons for not attending the meeting. Those reasons will then be presented at the meeting and the Board will then vote by

majority vote, whether to excuse the absence will be deemed not excused. In the event that no explanation is given by the member to the Secretary or Chairperson of the Board, the Board shall deem the absence not excused.

In the event that a member is not excused from attending and participating at meetings for a period of eight (8) consecutive weeks, or for four (4) consecutive regular meetings, whichever shall be of longer duration, the Board, after giving due notice to the offending member, and after having conducted an administrative hearing, can deem the seat vacant.

Section 8. Public comment shall be afforded all members of the general public at each meeting of the Planning Board. Any member of the general public desiring to address the Board shall do so upon recognition of said speaker by the Chair. The speaker shall first identify herself/himself by name and address. The speaker shall be permitted to address the Board on any topic that is related to the conduct of the Board's statutory duties. Comments shall be limited to three (3) minutes per speaker per meeting. No questioning of individual member of the Board shall be permitted by any speaker. In the event a speaker wishes to pose a question to any individual member, she/he shall address the question to the Chair. The time limitation imposed by this Rule may be waived or modified by two-thirds vote of the full membership of the Board, upon motion duly made and seconded. No member of the public shall be allowed to poll the Board on any issue.

ARTICLE IV ORDER FO BUSINESS

Section 1. All meetings of the Board shall proceed as follows:

- “Open
- (a) Statement by presiding officer concerning notice, as required by the Public meeting act.”
 - (b) Roll call vote and declaration of quorum.
 - (c) Approval of minutes of previous meeting.
 - (d) Approval of pending resolutions
 - (e) Determination of application completeness.
 - (f) Completion of unfinished business.
 - (g) Hearing of new applications.
 - (h) General Business and Correspondence.
 - (i) Payment of claims.
 - (j) Public Comments.
 - (k) Board comments.
 - (l) Adjournment.

The Board may entertain a motion of a member to dispense with the regular order of business and proceed with the hearing of new applications.

- (1) All applications for minor subdivision approval shall be heard prior to other pending applications. The Chairman shall designate the Secretary to summarize the essence of the application. The applicant will be given an opportunity to either accept the summary or correct same. The members of the Board shall then interrogate the applicant concerning the intent of the subdivision. The public shall then be given an opportunity to address the Board. The Board shall then evaluate the testimony rendered. Board will announce the decision.

Section 2. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance as follows:

- (1) New Cases-first time on agenda, continuances may be granted upon request.
- (2) Continued Cases-all cases which have previously appeared on the agenda of the Board constitute continued cases. A request for a further continuance will be considered upon application therefore by the party or his representative at the time the case is called for good cause and upon a showing that he will be unable to proceed with his evidence at that hearing.

Section 3. Failure of the applicant to appear shall result in the following action:

- (1) The Chairperson may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the Chairperson shall rule.
- (2) In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Secretary of the Board.
- (3) The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairperson if good cause be shown and upon payment of the requisite fee(s).
- (4) In all cases reinstated in the above manner, the case will be docketed and notice served upon adjacent property owners in the usual manner prescribed for new cases.

ARTICLE V PROCEDURES ON APPLICATIONS

Section 1. Upon the receipt of a properly filed application together with the required fee(s) the Secretary of the Board shall assign it a case number and place it on the calendar of the Board for determination at a regularly scheduled meeting whether said application is complete. The Secretary will forward to the Board's Engineer, Planner, and Attorney a copy of said application for comment at the above-named meeting.

Section 2. At the above-named meeting, the Board will take comments from the Board's Engineer, Planner, and Attorney as to the completeness of said application. The Board will determine whether the application is complete, based upon relevant State Laws and Borough Ordinances. If the application is determined to be complete, except as otherwise provided, the application shall be assigned for hearing in the order in which it is received. If the application is determined to be incomplete, then the Secretary will notify the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. Upon remedying the deficiencies and submitting the required fees under Section 166-12 of the Code of the Borough of South River, the applicant may resubmit the application to the Board for a determination of completeness.

Section 3. All time periods required by State Law and Borough Ordinances will be observed by the Planning Board. In addition, all applications are to be filed in the time periods as set forth by State Law and Borough Ordinances. No plans or revised plans will be accepted by the Planning Board unless the plans or revised plans are received by the Secretary within ten business days before the next scheduled meeting of the Planning Board.

ARTICLE VI PROCEDURES ON DECISIONS

Section 1. At the time of the hearing, the applicant may appear on his own behalf or be represented by his counsel, unless it is a corporation, in which case, it must be represented by an attorney.

Section 2. All witnesses shall testify under oath.

Section 3. The applicant or his representative may make an initial statement outlining the nature of his request prior to introducing evidence.

Section 4. Evidence shall be presented in the following order:

- (a) Chairperson may give restatement of case if applicant or his representative's initial statement needs clarification.
- (b) Applicant presents evidence.
- (c) Board examines applicant's witnesses.
- (d) Objectors cross-examine applicant's witnesses.
- (e) Objectors present evidence.
- (f) Applicant cross-examines objector's witnesses.
- (g) Board examines objector's witnesses.

- (h) Rebuttal by objectors.
- (i) Rebuttal by applicant
- (j) Evidence by Board, if any.

Section 5. The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly argumentative or repetitious testimony or evidence.

Section 6. An applicant or objector, or his agent or attorney may submit a list of the persons favoring or opposing the application. Such a list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons subscribing to such statement. The position must further be a notarized document attesting to the signatures.

Section 7. The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

Section 8. To insure the Public's rights to participate in the hearings on all formal applications, the following guidelines are established:

- (1) Any member of the Public will be required to be recognized by the Chairperson before speaking on an application.
- (2) Each speaker will state and spell their name and address.
- (3) Each speaker will be administered an oath by the Attorney
- (4) All comments must relate to the application
- (5) To allow maximum participation by all members of the Public, a time limit of ten (10) minutes is imposed and can be waived by the Chairperson of the Board.
- (6) Members of the public wishing to speak will be recognized in the following order.
 - (a) Resident or representative of a resident living within 200 ft. area radius
 - (b) Any resident of the Borough
 - (c) Any other member of the Public with an interest in the application.

ARTICLE VII PROCEDURES ON HEARINGS

Section 1. A decision shall be made within the time provided by law or within such further time as agreed to by the applicant. Failure of the Board to act within that time shall be treated as a decision favorable to the applicant or appellant.

Section 2. The Board shall conduct its deliberations and vote on all matters in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary.

Section 3. An affirmative concurring vote of a majority of a quorum of the Board shall be necessary for approval.

Section 4. All deliberations of the Board shall be conducted and all its decisions shall be made at a meeting that is open to the public.

Section 5. All decisions of the Board shall be made at a public meeting by motion made and seconded, and by the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

If conditions are imposed in the granting of an approval of an application, such conditions shall be included in the motion.

Section 6. A copy of the decision shall be mailed by the Board's Secretary within 10 days of the date of the decision to the applicant; if represented, to the applicant's attorney without separate charge; and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be on file in the office of the Board's Secretary. The Board's Secretary shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his/her office during reasonable hours.

Section 7. The Secretary of the Board shall arrange to have a brief notice of the decision published in the official newspaper of the municipality.

Section 8. The Board Attorney, Board Engineer, Board Planner and the Borough Fire Official shall certify that the applicant's plans comply with the conditions of approval, before the Chairman and secretary affix their signatures to said plans.

ARTICLE VIII RECORDS

Section 1. A file of materials and decision relating to each case shall be kept by the Secretary as part of the records of the Board.

Section 2. All records of the Board shall be of public record.

ARTICLE IX AMENDMENTS OF RULES.

Section 1. The rules may be amended by a two-thirds vote of the full membership of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

2010-6 Mr. Beck made a motion to move the Resolution approving the Official Newspaper for the Planning Board with a second by Ms. Urbanik, all present approved.

RES: 2010-6

JANUARY 19, 2010

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Planning Board of the Borough of South River, in the County of Middlesex, the State of New Jersey, that pursuant to Chapter 231, Public Law 1975, the HOME NEWS TRIBUNE, a news publication published in Neptune, NJ; and with circulation within the Borough of South River is designated as the Official Newspaper for all Official Notices of the Planning Board for the year 2010.

BE IT FURTHER RESOLVED that the SENTINEL PUBLICATION, a weekly newspaper used for display advertisement not of a legal nature.

DATED: JANUARY 19, 2010

2010-7 Mr. Beck made a motion to approved the Resolution to accept the dates of the Planning Board with a second by Mr. Clancy, all present approved.

RES: 2010-7

JANUARY 19, 2010

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Planning Board of the Borough of South River in the County of Middlesex, the State of New Jersey, that the following schedule of meetings for the year 2010 shall be adopted.

PLACE Criminal Justice Building
61 Main St.

TIME: 7:00 pm

MONTH

DAY

January	19 th	
February	16 th	
March	16 th	
April	20 th	
May	18 th	
June	15 th	
July	20 th	
August	17 th	
September	21 st	
October	19 th	
November	16 th	
December	21 st	
January (2011)		18 th

DATED: JANUARY 19, 2010

MINUTES:

Before the minutes were approved Ms. Buffalino requested that Ms. Hermstedt make sure that she adds the comments that were made regarding Mr. Berg's service to the Board. The minutes of December 15, 2009 were moved on a motion by Ms. Meloni with a second by Mr. Clancy, all present approved.

COMMUNICATIONS:

The letter from Mr. David Krempecki resigning from the Board was received and filed on a motion by Mr. Beck with a second from Mr. Frost, all present regretfully approved.

The Letters from the County of Middlesex Department of Planning and Land Development on Unlimited Self Storage and 22 Old Bridge Turnpike were received and filed on a motion by Mr. Beck with a second by Mr. Frost all present approved.

There was a late letter that was received from Bentley Realty Group (Dunkin Donuts) requesting that the Board allow our engineer to handle the way they made the Loading Zone. Ms. Urbanik stated that this was going to reduce the loading zone from 18' to 12'. According to the engineer the Borough Ordinance was met. Ms. Meloni moved to receive and file this letter with a second by Ms. Urbanik, all present approved.

COMPLETENESS:

2010-1 Latosh, Sergey and Ala, 526 Old Bridge Turnpike, Block 72, Lot 1.4 subdivision, with site plan. Mr. Clarkin spoke on behalf of the Applicant. He said that the property was significantly oversized. The one lot has a one and a half story single family home and that they need two variances. He could not make the line between the properties even because of where the home is located. Mr. Lee requested a copy of the survey and location, size and use of existing structures. Requesting of the Board a waiver of the second item. Mr. Betcher declared the application complete. Ms. Meloni rode by the property and questioned the garage and was informed that the garage will be demolished. Ms. Urbanik made a motion to grant the waiver for item two. with a second from Mr. Beck, all present approved. Public hearing will be held on February 16, 2010.

RESOLUTION:

2009-3 Omnipoint Communications, operating as T-Mobile, site plan approval for a cellular tower at 9 Ivan Way, Block 380, Lot 10.3 South River, NJ, was moved on a motion by Mr. Clancy with a second by Mr. Beck with roll call to follow:

File #09-3, Omnipoint Communications/T-Mobile Northeast, LLC, Block 380, Lot 1.03 (9 Ivan Way)

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

Be it resolved by the Borough of South River Planning Board that:

WHEREAS, Omnipoint Communications / T-Mobile Northeast, LLC., has applied to the South River Planning Board for site plan approval in order to erect a wireless communications facility; and

WHEREAS, the Applicant has complied with all of the jurisdictional requirements necessary to prosecute this application; and

WHEREAS, after reviewing the application and the representations of the Applicant at a meeting held on December 15, 2009, the Borough of South River Planning Board has made the following findings:

1. The Applicant is represented by the Law Offices of James K. Pryor, Esq.
2. The property is known as Block 380, Lot 1.03 on the Borough of South River Tax Map and is located at 9 Ivan Way, which is also the Borough of South River D.P.W yard.
3. The following Borough agencies reviewed the application and commented:
 - A. CME Associates' November 5, 2009, Memorandum;
 - B. Sheehan & Bignell Planning Consultants' November 11, 2009, Memorandum;
 - C. The Borough of South River, Bureau of Fire Prevention, Office of the Fire Marshall July 20, 2009, Memorandum;
4. The following Exhibits were marked into evidence:
 - A-1. Site Plan Drawing No. SP-1, Revised October 21, 2009
 - A-2. Enlarged Area Plan and Elevation Drawing SP-2, Revised October 21, 2009
 - A-3. RF Compliance Report
 - A-4. RF Coverage Map and Overlay, Borough of South River, New Jersey
 - A-5. Aerial Photograph of Site
 - A-6. Aerial Photograph of Site
 - A-7. Aerial Photograph of Site
 - A-8. Aerial Photograph of Site
 - A-9. Aerial Photograph of Site
5. Brian Reiser of Whitman Engineering, Inc. of 116 Tices Lane, East Brunswick, New Jersey, was sworn in and his credentials as a Professional Engineer were recognized by the Board. Mr. Reiser reviewed the plan with the Board. Mr. Reiser discussed with the Board Exhibit A-1.
6. Mr. Reiser discussed the general plan, layout and setup of the cellular communications tower and abutting structure. Mr. Reiser indicated that the cellular communications tower and support structure will be on the Borough of South River DPW property. The entrance to the DPW property is on Ivan Way. It is an approximately 51 acre site and the proposed installation is on northeast corner of the lot. The location was chosen with the involvement of the Borough of South River DPW employees.
7. Mr. Reiser testified that the compound will be approximately 40 x 40 feet with a 6 ft chain link fence surrounding it with a gravel cover.
8. Mr. Reiser testified that the cellular communications tower will be 120 ft. monopole with space for 12 antennas. There will be three (3) equipment cabinets on a 4 x 20 ft. slab of concrete. Mr. Reiser testified the Applicant propose a monopole that will be

approximately 3 ½ feet wide at the base with a steel gray tube with antennas attached by T-arms. Mr. Reiser also testified that the Applicant can build the cell tower in a tree like configuration if that is the Board's requirement. The applicant will be governed by and follow all applicable E.I.A. and T.I.A standards which it will complied with.

9. Mr. Reiser testified that all appropriate construction documents will be supplied to the Construction Office for permits and all applicable building and electrical permits will be obtained.

10. Mr. Reiser testified that the equipment cabinets will be approximately 4 feet 3 inches wide, 2 feet 4 inches deep and approximately 6 feet in height. The cabinets will have a battery backup and there is no generator proposed on the site.

11. Mr. Reiser indicated that the cellular communication compound is visited approximately every four (4) to six (6) weeks by a technician for approximately thirty (30) minutes per visit.

12. Mr. Reiser testified that there is no lighting on site proposed.

13. Mr. Reiser further testified that there is appropriate space on the proposed communication tower for the Municipality's communications needs. In addition, space has been set aside in the structures for municipal equipment.

14. Mark Nidle of Pinnacle Telecom Group of 14 Ridgedale Avenue, Cedar Knolls, New Jersey, was sworn in on behalf of the Applicant. His credentials as a Regulatory Compliance for Telecommunication Facilities and FCC Compliance Expert were recognized by the Board. Mr. Nidle testified with regards to the RF Compliance Report issued and marked as A-3. He indicated that the calculated maximum RF level from the antenna operations was 1500 times below the maximum allowed. He further testified that the facility automatically complies with the New Jersey Radiation Protection Act. Mr. Nidle testified that the site is considered a low power site. Mr. Nidle testified that the applicant would agree as a condition of approval that if another carrier wishes to place their antenna on the monopole the Applicant will come back before the Planning Board for a Hearing and an amended site plan to provide further testimony with regards to the RF Compliance.

15. Naeem Ashgard of Ericsson c/o T-Mobile, 4 Sylvan Way, Parsippany, New Jersey, was sworn in on behalf of the Applicant and his credentials as a RF Engineer were recognized by the Board. Mr. Ashgard testified that Omnipoint/T-Mobile is licensed by the FCC to provide service in the surrounding area including the Borough of South River. He further testified that the proposed communications tower was a needed and necessary cell site to provide service.

16. Mr. Ashgard reviewed through the use of A-4 and an overlay with the Board that the proposed site would further enhance cellular communications service. Mr. Ashgard further testified that the proposed tower will provide much better coverage for a large portion of South River for T-Mobile services.

17. Christopher Neville of Avoca Engineers & Architects, 242 Old New Brunswick Road, Piscataway, New Jersey, was sworn in on behalf of the Applicant and his credentials as a Professional Planner were recognized by the Board.

18. Mr. Neville reviewed the Site Plan with the Board. He reviewed the aerial photograph that was marked as A-5 along with the photo simulations of the site which were marked as A-6 through A-9.

19. Mr. Neville testified that the cellular communications tower and the equipment cabinets were a permitted use, and no variances were needed as part of the application. Furthermore, he testified that because of the use of the facility for municipal communications that the application was exempt from the Borough Ordinance dealing with variances. Mr. Neville further opined that the proposed communication facility in light of the secluded nature of the proposed site on the DPW yard would not create any detriment to the surrounding area.

20. Mr. Neville further opined that the cellular communications tower was exempt from any setback requirements pursuant to Chapter 350-23 (B) (3). He further opined that the proposed site plan would conform with the recommendations of the Borough Professionals of the Borough of South River.

21. Mr. Neville testified that there were no negative impacts with regards to noise or traffic based on the location of the cellular communications tower.

22. Mr. Neville testified that there will be a sign on the DPW fence and on the Omnipoint/T-Mobile fence with the appropriate emergency contact information for the applicant.

23. The public was invited to comment, pose questions and testify. The following members of the public did so:

- A. Sheri Bykowski, 60 Lark Dr. – The resident expressed concerns about notice of proposed communication tower and health issues related to cell towers and also hazards of it.
- B. Mitzy Villa, 78 Lark Ave. – Asked questions about the yearly monitoring from facility.
- C. Roland Knowlden, 55 Lark Dr. – Resident does not want the tower located in his neighborhood.
- D. Andrea Knowlder, 55 Lark Dr. – Resident does not want the tower located in her neighborhood.
- E. Daniel Bajasa, 78 Lark Dr. – Resident had questions about the location of the tower.
- F. John Tilden, 64 Lark Dr. – Resident is concerned that the tower is close to a park.
- G. Shailesh Rana, 56 Lark Dr. – Resident was opposed to the tower being in her neighborhood.
- H. Doug Fowler, 63 Lark Dr. – Expressed concerns about the tower being located so close to his backyard.
- I. Maria Coppa, 35 Samuel Dr. – Agreed with her neighbors and does not want the tower in her neighborhood.
- J. Steven Dilollo, 46 Redwick Way – Indicated that he is a T-Mobile customer and he has full coverage and he does not see the need for a new tower.
- K. Jim Maillor, 2 O'Brien Ave. – Was concerned about the health affects on the Borough Employees and on the coverage he accepts.

Thereafter the public portion was closed.

CONCLUSION

1. The Board concluded that the application for the site plan based on the testimony of the Borough's professionals and the testimony of the Applicants experts will be beneficial to the site and the Borough of South River in general

2. The Applicant has demonstrated that the requested approval can be granted without substantial detriment to the intent and purposes of the Zoning Plan, Zoning Ordinance and public good.

For such other reasons as stated in the minutes and recorded at the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Borough of the South River Planning Board pursuant to its statutory powers and on December 15, 2009, on a Motion made by Mr. Berg and seconded by Mr. Clancy that site plan approval for Block 380, Lot 1.3 be approved subject to the following conditions:

1. The Applicant shall secure all approvals or exemptions from the Middlesex County Planning Board and all other agencies having jurisdiction and Freehold Conservation District.
2. The Applicant shall construct a tree-style stealth monopole consistent in style and design with the cellular tower located at 11 Causeway Street in the Borough of South River.
3. The Applicants shall place contact information/emergency signage on both the fence to the DPW yard and the fence surrounding the communications compound.
4. As a condition of approval, Applicant agrees to remove the existing debris pile adjacent to the western side of the cellular communications compound as set forth on Exhibit A-2, at their expense and to a location approved by the Borough of South River.
5. The Applicant agrees they will not enter on the DPW site without permission. This is not intended to alter the terms of the lease with the Borough of South River regarding access.
6. The Applicant agrees there will be no generator on the site.
7. Applicant agrees that all appropriate building and electrical permits and any other required permits will be obtained from the appropriate agency.
8. The Applicant agrees that if any other communications carrier wishes to add their services and antenna to the monopole that it will require a Hearing and Amended Site Plan if additional cabinets need to be added.
9. As a condition of approval, the Applicant agrees to a mark out of all utilities.
10. The Applicant agrees that after construction and the installation of the cabinets and results to the South River Planning Board to document full compliance.
11. The Applicant has agreed that there will be no lighting at the facility.
12. The Applicants shall provide a parking space for a maintenance vehicle which shall been signed on the site plans.

13. The Applicant agrees that its employees will only enter the site during daylight hours when the DPW yard is open, except for emergency maintenance, and then only to extent consistent with the lease with the Borough of South River.
14. The Applicant agrees to reconstruct any sections of existing concrete curb, apron and/or sidewalk that is damaged during construction. A note stating same shall be provided on the plans.
15. The Applicant shall obtain all required NJDEP permits, including but not limited to, stream encroachment and wetland permits, where required.
16. The Applicants escrow and application fees shall be submitted if not previously paid.

This Motion was passed by a vote of 8 to 1.

Certification

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of South River at its regular meeting on January 19, 2010.

Borough of South River Planning Board

M. Anita Hermstedt, Secretary

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF APPROVAL: Michael Beck, Kenneth G. Berg, Suzanne Buffalino, Michael Clancy, John Frost, Michael Trenga, Marilyn Meloni, Gordon Anthony.

OPPOSED TO APPROVAL: George P. Evanovich

ABSTAINING: NONE

2009-6 Shagabayeva, Svetlana, 34 Ferris St., Block 115, Lot 8.1 conditional use approval to run a transportation service out of home was moved for completeness at the February 16, 2010 meeting on a motion by Mr. Beck with a second by Mr. Frost, all present approved.

BILLS:

The bills were ordered paid on a motion by Ms. Meloni with a second by Ms. Urbanik, all present approved.

OPEN TO THE PUBLIC:

The meeting was open to the public hearing none the public portion was closed on a motion by Ms. Urbanik with a second by Mr. Guindi, all present approved.

COMMENTS:

Ms. Farren thanked everyone for welcoming her to the Board.

Mr. Clancy welcomed Ms. Farren as well as Councilman Guindi.

Mr. Frost welcomed everyone.

Councilman Guindi said that he was happy to be back and welcomed Ms. Farren.

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Ms. Urbanik welcomed Ms. Farren and Councilman Guindi. She said what a great addition to the downtown that Dunkin Donuts turned out to be. She also expressed her deep thanks to Mr. Krempecki, he introduced her to the Planning Board and will be missed and thanks for his dedications.

Mr. Beck welcomed Ms. Farren and Councilman Guindi, congratulating Ms. Buffalino as the new chairperson.

Ms. Buffalino echoed her thanks to Mr. Krempecki saying he served for twenty five years and that she would like to order a plaque to be given by the Board, which was agreed. She will be getting in touch with the BA.

Mr. Lee thanked everyone and said that he worked with Mr. Krempecki a few times and said he will be missed. Mr. Barlow has worked with Mr. Krempecki since he started and thanked him for all his hard work. Mr. Betcher spoke about the Master Plan stating that they met with the Historic Commission, the Police Department, Environmental Commission. Will meet with the School Board next week. The first draft will be ready late spring, with public hearing in the summer. The Master Plan should be ready sometime in the fall.

The meeting was adjourned on a motion by Mr. Clancy with a second by Mr. Frost, all present approved.

Respectfully submitted,

M. Anita Hermstedt,
Secretary