

**TOWNSHIP OF GLOUCESTER
PLANNING BOARD**

Tuesday, August 12, 2008

Chairman Palmer called the meeting to order and Mr. Lechner read the commencement statement.

Roll Call:

Mr. Busa	Absent
Mr. Custodio	Present
Mr. DelDuke	Present
Mr. Lawrence	Present
Mr. Mercado	Present
Mrs. Musser	Present
Louis Vizoco	Present
Mayor Rau-Hatton	Present
Chairman Palmer	Present

Mr. Lawrence was seated for the Mr. Busa.

The Board professionals were sworn and qualified.

Minutes for Memorialization

There were no minutes for memorialization.

Resolutions for Memorialization

#081022M	Minor Site Plan
Cricket Communications, Inc.	Block 14002, Lot 5
Zoned NC	Hickstown Road

Mr. Custodio made a motion to approve the resolution, seconded by Mr. Mercado.

Roll Call:

Mr. Custodio	Yes
Mr. Mercado	Yes
Mrs. Musser	Yes
Mayor Rau-Hatton	Yes
Chairman Palmer	Yes

#081072CPCP
St. Joseph's Catholic Church
Zoned: IN

Preliminary Major Site Plan (Completeness)
Block 4603, Lot 1 and Block 4604, Lot 1
Black Horse Pike

Mr. Custodio made a motion to approve the resolution, seconded by Mayor Rau-Hatton.

Roll Call:

Mr. Custodio	Yes
Mr. DelDuke	Yes
Mr. Lawrence	Yes
Mr. Mercado	Yes
Mrs. Musser	Yes
Louis Vizoco	Yes
Mayor Rau-Hatton	Yes
Chairman Palmer	Yes

#071028MPSPCF
TKC LXXIV, LLC (Tractor Supply Company)
Zoned: HC

Final Major Site Plan
Block 18612, Lot 4
Berlin-Cross Keys Road

Mr. Vizoco made a motion to approve the resolution, seconded by Mr. Custodio.

Roll Call:

Mr. Custodio	Yes
Mr. DelDuke	Yes
Mr. Lawrence	Yes
Mr. Mercado	Yes
Mrs. Musser	Yes
Louis Vizoco	Yes
Mayor Rau-Hatton	Yes
Chairman Palmer	Yes

#081016SPW
Bradbury Burial Vault Company, Inc.
Zoned: GI

Site Plan Waiver
Block 4104, Lot 1
Lower Landing Road

Mrs. Musser made a motion to approve the resolution, seconded by Mr. Custodio.

Roll Call:

Mr. Custodio	Yes
Mrs. Musser	Yes
Chairman Palmer	Yes

#081041PSP
Eric Tait Construction, Inc.
Zoned: GI

Preliminary Major Site Plan
Block 15107, Lots 1 and 2
Hickstown Road

Mrs. Musser made a motion to approve the resolution, seconded by Mr. Mercado.

Roll Call:

Mr. Custodio	Yes
Mr. Mercado	Yes
Mrs. Musser	Yes
Mayor Rau-Hatton	
Chairman Palmer	Yes

#071020PSPCF
2411 Sicklerville Road, LLC
Zoned: NC

Final Major Site Plan
Block 14807, Lot 4
Berlin-Cross Keys Road

Mr. Vizoco made a motion to approve the resolution, seconded by Mrs. Musser.

Roll Call:

Mr. Custodio	Yes
Mr. DelDuke	Yes
Mr. Lawrence	Yes
Mr. Mercado	Yes
Mrs. Musser	Yes
Louis Vizoco	Yes
Mayor Rau-Hatton	Yes
Chairman Palmer	Yes

#081019Ma
Metro PCS of Pennsylvania, LLC
Zone: IN

Minor Site Plan
Block 3601, Lot 3
Somerdale Road

Mrs. Musser made a motion to approve the resolution, seconded by Chairman Palmer.

Roll Call:

Mrs. Musser	Yes
Chairman Palmer	Yes

Applications for Review

#071059CP
Michael & Kathy Preist
Zoned: R-3

Preliminary Major Subdivision
Block 9204, Lot 38
Upton Way

Appearing before the Board is Michael Priest, Applicant and Addison Bradley, PP.

Mr. Bradley indicated and Mr. Priest affirmed it is his request to withdraw the application. Mr. McKenna explained and Mr. Priest acknowledged his understanding that a withdrawal would basically purge the application and any further development would require a new and separate application. Mr. Priest also agreed to make any and all additional payments to the escrow account for professional services.

Chairman Palmer announced that the following applications are postponed to the September 09, 2008 meeting with no additional notice required, if applicable.

#081042CM - Clearwire US, LLC - Sicklerville Road.
#081048M - Clearwire US, LLC - Landing Road.
#081049M - Clearwire US, LLC - T & G Way.

#081061CM
T-Mobile
Zoned: NC

Minor Site Plan
Block 9204, Lot 38
Sicklerville Road

Appearing before the Board is Mike Murry, Esq. attorney for the Applicant. The following persons were sworn and qualified James Kyle, PP, Edward Deegan, PE, and Dinesh Bhutani and accepted by the Board as experts.

Mr. Murry provided a brief description of the project and entered an Exhibit Report contains Exhibits A-1 through A-19. Specifically, Mr. Murry addressed Exhibits A-8, EMF Report from Kenneth R. Foster, Ph.D. and Exhibit A-6, Propagation plan of existing coverage. Ms. Commins inquired on the lease area location, which is apparently in conflict, whereas, it occupies the same area as another application, namely #081042CM, Clearwire US, LLC. A lengthy discussion followed on the aforementioned observation by the Board engineer with the final resolution temporarily deferred. Mr. Murry also entered Exhibit A-10, Structural report. Mr. Bhutani professionally affirmed testimony previously provided regarding Exhibit A-6, Propagation plan. Mr. Deegan, likewise professionally affirmed and summarized the contents of Exhibit A-10, Structural report. Mr. McKenna inquired on the contents of Exhibit A-10, Structural report and if it actually confirms the structural capacity of the tower.

A discussion followed on recommended procedures for review of Exhibit A-10, Structural report, whereas, said report shall require a review by the Board engineer in addition to any approvals from the Township Construction Division.

With nothing further from the Board, Chairman Palmer opened this application to the public. With no one from the public wishing to speak on the application, the public portion was closed.

Mr. Custodio made a motion for minor site plan approval, seconded by Mr. Vizoco.

Roll Call:

Mr. Custodio	Yes
Mr. DelDuke	Yes
Mr. Lawrence	Yes
Mr. Mercado	Yes
Mrs. Musser	Yes
Louis Vizoco	Yes
Mayor Rau-Hatton	Yes
Chairman Palmer	Yes

General Correspondence

Open Space: Mr. Lechner provided a brief introduction of two recent court cases, namely, NJ Shore Builders v. Township of Jackson and Builders League of South Jersey v. Egg Harbor Township. These cases generally provide that municipalities may only require active and passive open space for Planned Development as defined in the Municipal Land Use Law (MLUL). It was agreed that the Township’s Residential Cluster provision is considered Planned Development and would therefore require applicants to provide active and passive open space. Mr. McKenna indicated until Township Council amended the Land Development Ordinance (LDO), the Board should continue administer the LDO.

Council On Affordable Housing (COAH) and Assembly Bill A-500: Mr. Lechner provided a brief introduction of the new COAH rules and the signing by the Governor of A-500. Should the Township continue to remain with COAH and follow through with Round 3 Substantive Certification, an amended Housing Element and Fair Share Plan must be submitted to COAH on or before December 31, 2008. This requires an amendment to the Master Plan and is within the jurisdiction of the Planning Board. Assembly Bill A-500 requires all nonresidential development to pay 2.5 percent of the equalized assessed value of the improvement and land for new development and only the improvement for additions before issuance of a certificate of occupancy. The New Jersey League of Municipalities contends the fee doesn’t provide a full compensation of the cost to provide the affordable housing generated by a nonresidential project, thereby, any balance would subsequently be passed onto the municipality and its residents.

Closed Session

Mr. Custodio made a motion to go into closed session to discuss the pending Hooper litigation, seconded by Mr. Vizoco.

Regular session

Mr. Lawrence made a motion to go into regular session, seconded by Mr. Vizoco.

Meeting adjourned.

Respectfully Submitted,

Kenneth D. Lechner, PP, AICP
Acting Recording Secretary

**TOWNSHIP OF GLOUCESTER
PLANNING BOARD**

CLOSED SESSION

Tuesday, August 12, 2008

Mr. Busa	Absent
Mr. Custodio	Present
Mr. DelDuke	Present
Mr. Lawrence	Present
Mr. Mercado	Present
Mrs. Musser	Present
Louis Vizoco	Present
Mayor Rau-Hatton	Present
Chairman Palmer	Present

Mr. McKenna discussed the merits of pending Hooper litigation. A discussion followed on the time of decision rule and if the Township through Council's legislative process and the Planning Board jurisdiction study the warrants of amending the Master Plan and rezoning this area of the municipality.