



TOWNSHIP OF MANTUA

GLOUCESTER COUNTY, NEW JERSEY

401 MAIN STREET, MANTUA, NJ 08051

(856) 468-1500 Fax (856) 464-1022

WWW.MANTUATOWNSHIP.COM

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Rodriguez	S. Martinez
COMPANY:	DATE:
Reaction	6-22-10
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
845-8340	108
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

CPRA - Jan 6-17-10

OPRA Request Township of Mantua

Sub

mitted on 06/17/10 via E-Mail to smenzies@mantuatownship.com

To the Custodian of Records: Please accept this as my request for government records. Please note that the Open Public Records Act (OPRA) is not the only basis for my request. I claim entitlement to the records sought under both OPRA and the Common Law right of access.

Requestor's Name: Mr Roderiguez
Address: DO NOT use regular mail either for replying to this request
or or sending me the responsive records.
Please use e-mail or fax instead.
Phone: 856693490
FAX: 8568458340
E-Mail: greenaction@verizon.net

Background:

Our Organization Greenaction has identified hundreds of commercial and industrial uses in residential zones in your township. We are attempting to verify the reason for this, we are requesting the following documents:

- 1) All documents related to variances and allowances- permissions for the industrial and commercial use of residential property in the township
- 2) All zoning violations citations related to these uses\
- 3) A explanation for these allowances, if ther is a reason other then not enforcing the zoning code

Mantua Township
401 Main St

Mantua, NJ 08051
(856)468-9088 FAX (856)468-3671

Registration No.
Inspection No.
Block/Lot

2922
260./3.01

Mantua Code Violation Notice
137 GOLF CLUB RD, Unit BUSINE

Respondent

Co-Respondent

ZEPP, TIMOTHY J
137 GOLF CLUB ROAD
SEWELL, NJ 08080,

Date of Notice 6/18/2009 Abate By 7/02/2009 Date of Inspection 6/18/2009

Specific Violations

<u>Code</u>	<u>Code Description</u>	<u>Abated</u>
BUSINESS	OPERATING BUSINESS IN AR ZONE. OPERATING BUSINESS IN AR ZONE MUST STOP ALL WORK WITHIN 14 DAYS & REMOVE ANY PARTS FROM SITE OR APPLY FOR USE VARIANCE FROM ZONING BOARD.	

Item (s) shown above are violations of Mantua Township Ordinances and Codes. You are hereby ordered to comply by the 'Abate by' date shown. If this violation notice is neglected, a court summons will follow.

If you have any questions, please call Sabrina Sabatelli, Code Enforcement Official at (856)468-9088

Official(at time of notice)

Date

Official (When all items are abated)

Date

**RESOLUTION #10-11 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF SORA HOLDINGS, LLC FOR
USE VARIANCES, SUNDRY BULK VARIANCES, SUBMISSION WAIVERS AND
MINOR SUBDIVISION APPROVAL TO PERMIT THE SUBDIVISION AND USE OF
TWO EXISTING BUILDINGS AS A RECTORY AND A CHURCH ON THE
PROPERTY KNOWN AS 234 SHADOW PLACE (Block 97, Lot 4) MANTUA, NEW
JERSEY**

WHEREAS, the applicant, Sora Holdings, LLC, filed an application pursuant to application #09-15 for use variance; sundry bulk variances (minimum side yard setback, minimum rear yard setback, maximum building coverage, maximum impervious coverage, minimum lot area, minimum street frontage, minimum lot width, minimum lot depth, minimum setback from street); certain submission waivers; and minor subdivision approval to subdivide and use the two existing buildings on the property known as 234 Shadow Place, Mantua, New Jersey as a rectory and church. The property is located in the R-11 -- High Density Residential District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on February 3, 2010, by the sworn testimony of James F. Biegen, PE, the applicant's engineer; Raymond C. Liotta PP, the applicant's planner; and Ward Gibson, President of the Board of Trustees of The Providence Orthodox Presbyterian Church, owner of the subject property; and by the legal representation of Eric S. Goldstein, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts and witness testified as follows:

1. The subject property and buildings thereon have been used as a rectory and church for approximately fifty (50) years.
2. Many of the requested bulk variances are preexisting conditions which have been in place on the subject property for fifty (50) years.

3. Church and rectory uses are conditional uses in the R-11 Zoning District. Both uses are inherently beneficial.
4. The Mantua Township Master Plan recognizes preservation of the existing cultural fabric in established neighborhood as a stated goal. Accordingly this application is consistent with the Master Plan.
5. The church and rectory have coexisted with the residential use without detriment for many years.
6. The church congregation consists of approximately forty (40) members. Services are held on Sundays and Wednesday evenings.
7. The Providence Orthodox Presbyterian Church owns the subject property and will continue to use the existing church as a place of worship. The rectory building is used and leased by the nearby Incarnation Catholic Church and is used as a rectory. Incarnation Church intends to construct a new rectory on its property and upon completion of its rectory building Incarnation Church will vacate the existing rectory on the subject property.
8. It is anticipated that the existing rectory building will be sold and used as a single family home. The applicant and owner of the subject property agree, as a condition of this approval, that a development application, with notice to all property owners within two hundred (200) feet, will be made to the Board prior to any change of use for the existing rectory building and lot.

9. Members of the congregation use the church owned parking lot located across the street from the subject property. The same provides adequate parking for church activities.
10. This approval will not result in any physical changes to the subject property, except for the removal of a portion of the concrete walkway between the rectory and the church. This modification will decrease the impervious coverage on the property and will not create any drainage problems.
11. All shared utility services to the rectory and church are or will be separated as a condition of subdivision approval; and

WHEREAS, the applicant and the owner testified that they would comply with all of the recommendations of the Board Engineer and Board Planner; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. Survey and Subdivision Plan dated June 30, 2009, prepared by Master Consulting P.A., consisting of one sheet, submitted with the application and introduced into evidence as Exhibit "A-1"; and
- B. Aerial Location Map dated February 3, 2010, prepared by Master Consulting P.A., consisting of one sheet and introduced into evidence as Exhibit "A-2"; and
- C. Eight photos of the subject property taken by Mrs. Bakley and introduced into evidence as Exhibit "D-1"; and
- C. The Board Engineer's Review Letter dated October 5, 2009 consisting of five (5) pages;

K. The Board Planner's Review Letter dated October 1, 2009 consisting of six (6) pages; and

WHEREAS, Mrs. Bakley testified during the public portion of the hearing. She lives next to the rectory and testified as to an preexisting drainage problem. The proposed application will not exacerbate the problem. She also introduced eight (8) photos of the subject property. She is concerned that the rectory is too large for future conversion into a single family home, has multiple cooking facilities and shares utilities with the church building.; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant and the public; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use and bulk variances, in that the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal Land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment;

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use and bulk variances, minor subdivision approval and waiver of certain submission requirements for the subdivision and of the subject

property into proposed lot 4.01 being 10,899.23 SF and used as rectory and proposed lot 4.02 being 31,268.36 SF and used as a church is approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board Engineer's review letter dated October 5, 2009 and the Board Planner's review letter dated October 1, 2009;
2. The subdivision shall be filed by deed and submitted to the Board Solicitor and Board Engineer for review and approval;
3. The specific bulk variances and submission waivers approved by this resolution are as detailed in the Board Engineer's review letter dated October 5, 2009;
4. The approximately ten (10) foot portion of the concrete walkway between the rectory building and the church building shall be removed prior to the filing of the subdivision deed;
5. The applicant and/or owner of proposed lot 4.01, shall file a development application with the Board and with notice to all property owners within two hundred (200) feet, prior to any change of use for the existing rectory building and proposed lot 4.01;
6. All shared utility services to the rectory and church will be separated;
7. The applicant shall obtain any and all outside agency approvals necessary for the proposed application;
7. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Township Clerk within seven (7) days of receipt of a final voucher from the Township;
8. The conditions of approval, as set forth herein, shall be binding upon the applicant, the owner, developer and any successors and/or assigns of them;
9. The applicant has submitted certain plans and documents, which were accepted by the Board as part of its application and further made certain representations and provided testimony at the time of the public hearing, all of which has been relied upon by the Board in making its determination. Should there be any material deviation from said documents, plans, representations, or testimony or from any conditions contained herein, than the Board may, upon notice to the applicant and an opportunity to be heard, elect to rescind its approval;

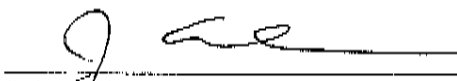
10. Any improvement(s), if any, to be constructed as a result of the Board's approving the application shall be constructed and operated in full compliance with the Uniform Construction Code, Code of the Township of Mantua, the revised statutes of the State of New Jersey and any other applicable county and/or federal law;
11. The applicant is responsible for obtaining all zoning and/or building permits and approval necessary to construct the project/development approved herein;
12. The applicant is hereby advised that this application and plan have not been reviewed for conformance with the Americans With Disabilities Act (ADA). It is the responsibility of the applicant/owner to conform to said legislation, and any recommendations of the Mantua Township Building Department in conjunction therewith;
13. The minor subdivision approval shall elapse unless within 190 days from the date the approval has been granted, the applicant shall either file a plat in conformity with the approval, and the "Map Filing Law" (N.J.S.A. 46:23-99 et seq.) or record a Deed with the County Clerk which clearly describes the approved minor subdivision and file a copy of the Deed with the Township's Engineer and the Township's Tax Assessor. Such Deed shall also be signed by the Chairman and Secretary of the Mantua Township Zoning Board.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on March 3, 2010.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:



John Alice, Chairman

Attest:



Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Kaczka, Zeno, Meyer,*
Acton, Galella

Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on March 3, 2010, as copied from the minutes of said meeting.

Dated: *3-3-10*

Lois A. Varalli
Lois A. Varalli, Secretary

**RESOLUTION #10-10 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF
CLEAR WIRELESS, LLC FOR USE VARIANCE, HEIGHT VARIANCE AND MINOR
SITE PLAN APPROVAL TO PERMIT THE PLACEMENT OF THREE PANEL
ANTENNAS AND THREE PARABOLIC DISH ANTENNAS
ON AN EXISTING MUA WATER TANK WITH ASSOCIATED MODULAR
PLATFORM AND EQUIPMENT CABINETS WITHIN AN EXISTING FENCED-IN
COMPOUND ON THE PROPERTY KNOWN AS 653 MAIN STREET
(Block 153, Lot 3) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Clear Wireless, LLC, filed an application pursuant to application #2010-04 for use and height variances, and minor site plan approval and submission waivers to install three (3) panel antennas at a centerline mounting height of 72 feet, as well as three (3) parabolic dish antennas a centerline mounting height of 113 feet on an existing 105 foot MUA water tank. An equipment cabinet is proposed within a ten foot by ten foot leased area within the existing fenced-in compound. The property is located in the R-22 – Medium Density Residential District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on February 3, 2010, and by the sworn testimony of Joseph Perello, PE, the applicant's engineer; Joseph Frega, PE, the applicant's planner; and Arnold Dawinan, the applicant's radio frequency engineer; and by the legal representation of Eric S. Goldberg, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its cellular services to portions of Mantua Township; and

WHEREAS, the proposed three (3) panel antennas would be at a centerline height of approximately 72 feet on the existing 105 foot high MUA water tank; and

WHEREAS, the proposed three (3) parabolic dish antennas would be at a centerline height of approximately 113 feet on the existing 105 foot MUA water tank; and

WHEREAS, the applicant's experts also testified that the proposed antennas were safe according to federal and state regulations; and

WHEREAS, the applicant's expert also testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. Resolution No. 2009-67 of the Mantua Township Utilities Authority authorizing the Director to enter into a lease Agreement with Clear Wireless, LLC for the placement of antennas on the MUA property at 653 Main Street Mantua ,NJ consisting of two pages and introduced into evidence as Exhibit "A-1";
- B. FCC Wireless Telecommunications Bureau license to Clearwire Corporation consisting of one page and introduced into evidenced as Exhibit "A-2";
- C. Structural report from CMX date 11/26/2009 for the MUA water tank consisting of eleven (11) pages and introduced into evidence as Exhibit "A-3";
- D. Electromagnetic Emissions Analysis Report dated 11/18/2009 from dBm Engineering, P.C. consisting of six pages and introduced into evidence as Exhibit "A-4";
- E. Surrounding Sites Proposed Coverage Plans introduced into evidence as Exhibits "A-5 thru A-7";

F. Enlarged Plan and Elevation dated 12/18/2009, marked S-1, prepared by CMX, consisting of one sheet, submitted with the application and introduced into evidence as Exhibit "A-8";

G. Site Plan dated 12/18/2009, marked Z-1, prepared by CMX, consisting of one sheet, submitted with the application and introduced into evidence as Exhibit "A-9";

H. The Board's Radio Frequency Expert's Report prepared by Dr. Bruce A. Eisenstein dated January 26, 2010 consisting of five (5) pages and marked into evidence as Exhibit "A-10";

I. A rider to the application setting forth the applicant's legal basis for the use variance approval consisting of one (1) page;

J. The Board Engineer's Review Letter dated January 29, 2010 consisting of three (3) pages;

K. The Board Planner's Review Letter dated January 27, 2010 consisting of six (6) pages; and

WHEREAS, according to Professor Bruce Eisenstein's report, he reviewed the application and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, no (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use and height variances, in that the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment;

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use, and height variances, minor site plan approval and waiver of certain submission requirements for the placement of three (3) telecommunication panel antennas at an approximate centerline height of 72 feet and three parabolic dish antennas at an approximate centerline height of 113 feet, on an existing 105 foot MUA water tank and the installation of an equipment cabinet on a 4 foot x 8 foot modular platform in a 10 foot by 10 foot leased area within the existing fenced-in compound is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board Engineer's review letter dated January 29, 2010 and the Board Planner's review letter dated January 27, 2010;
2. No barbed wire will be installed on the applicant's proposed fence;
3. No signage approval is requested by the applicant and none is approved by the Board;

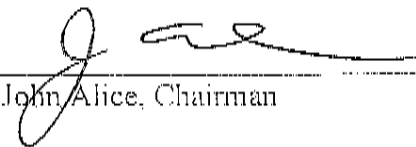
4. If and when the use of applicant's installed improvements terminates, all such improvements will be removed by the applicant or its successors and assigns, at their sole expense;
5. There shall be only one work light installed in connection with this approval. Said light shall be on a switch with an automatic timer;
6. There will be no grading changes at the site in connection with this approval;
7. The applicant shall meet all of the requirements of Mantua Township's Telecommunications Ordinances and regulations;
8. Except as approved by this resolution, the existing fenced-in compound shall not be modified or altered;
9. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on March 3, 2010.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


John Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Kaczka, Zeno, Meyer,*
Acton, Galella

Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on March 3, 2010, as copied from the minutes of said meeting.

Dated: *3-3-10*

Lois A. Varalli
Lois A. Varalli, Secretary

**RESOLUTION #09-18 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF
CLEARWIRE US, LLC FOR USE VARIANCES AND MINOR
SITE PLAN APPROVAL TO PERMIT THE PLACEMENT OF THREE
TRANSMITTING/RECEIVING ANTENNAE AND THREE MICROWAVE DISHES
ON AN EXISTING MONOPOLE WITH ASSOCIATED CONCRETE PADS AND
EQUIPMENT CABINETS WITHIN AN EXISTING FENCED-IN COMPOUND ON THE
PROPERTY KNOWN AS 222 BRIDGETON PIKE
(Block 61.01, Lot 2.01) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Clearwire US, LLC, filed an application pursuant to application #09-11 for use, height and lot coverage variances, minor site plan approval and submission waivers to install three (3) wireless telecommunications antennae at a centerline mounting height of 94 feet, 2 inches, as well as three (3) microwave dishes at a centerline mounting height of 98 feet, 5 inches on an existing 138 foot high monopole. An equipment cabinet is proposed within a seven foot by seven foot leased area within the existing fenced-in compound. The property is located in the PC – Planned Commercial District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on July 1, 2009, and by the sworn testimony of Roger Johnson, PE, the applicant's engineer; and Arnold Dawinan, PE, the applicant's radio frequency engineer; and by the legal representation of Michael C. Learn, Esquire; and

WHEREAS, the applicant had previously received approval for a use variance, bulk and height variances and preliminary and final minor site plan approval for the subject property pursuant to Resolution #07-21 which said approval expired by virtue of Mantua Township Zoning Ordinance because it was not acted upon within the requisite time periods as provided for therein; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its cellular services to portions of Mantua Township; and

WHEREAS, the proposed three (3) wireless transmitting/receiving antenna height would be approximately 94 feet, 2 inches on the existing 138 foot high monopole; and

WHEREAS, the proposed three (3) microwave dishes would be at an approximate height of 98 feet, 5 inches on the existing 138 foot monopole; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, the applicant's expert also testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "Use Variance/Minor Site Plan" dated February 7, 2007, last revised April 17, 2009 prepared by Robert M. Duclos, P.E. consisting of four (4) pages;
- B. A rider to the application setting forth the applicant's legal basis for the use variance approval consisting of four (4) pages;
- C. An Antenna Site Schedule #4088934 for the use of the subject property;
- D. The Board Engineer's Review Letter dated May 27, 2009 consisting of three (3) pages;

E. The Board Planner's Review Letter dated May 27, 2009 consisting of six (6) pages;

F. The Board's Radio Frequency Expert's Report prepared by Dr. Bruce A. Eisenstein dated June 1, 2009 consisting of four (4) pages; and

WHEREAS, according to Professor Bruce Eisenstein's report, he reviewed the application and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, no (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance, in that the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment;

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use, height and lot coverage variances, minor site plan approval and waiver of submission requirements (a) – (d) set forth in the Board Engineer's Review Letter at Section 7 (page 2) for the placement of three (3) transmitting/receiving antennae at an approximate height of 94 feet, 2 inches and three microwave dishes at an approximate height of 98 feet, 5 inches all on an existing 138 foot monopole and the installation of a 3 foot by 6 foot steel cabinet in a 7 foot by 7 foot leased area within the existing fenced-in compound is hereby approved subject to the following conditions:

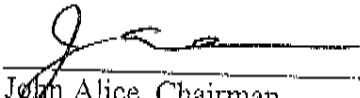
1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated May 27, 2009 and the Board Planner's review letter dated May 27, 2009;
2. Waiver of submission item (e) set forth in the Board Engineer's review letter at Section 7 (page 2) is not granted and the applicant shall amend the plan to provide the names of all property owners within 200 feet;
3. There shall no lighting in connection with this approval;
4. The applicant shall meet all of the requirements of Mantua Township's Telecommunications Ordinances and regulations;
5. The existing fenced-in compound shall not be modified or altered;
6. The applicant shall provide a letter from an engineer licensed in the State of New Jersey attesting to the structural integrity of the existing tower.
7. The applicant shall stabilize the crushed stone at the base of the tower so it does not migrate into the parking lot.
8. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on August 5, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


John Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Gregg, Kaczka, Estberg* Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on August 5, 2009, as copied from the minutes of said meeting.

Dated: *8-5-09*


Lois A. Varalli, Secretary

**RESOLUTION #09-17 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF
CLEARWIRE US, LLC FOR USE VARIANCES AND WAIVER OF
SITE PLAN APPROVAL TO PERMIT THE PLACEMENT OF
TRANSMITTING/RECEIVING ANTENNAE AND MICROWAVE DISHES
ON AN EXISTING MONOPOLE WITH ASSOCIATED CONCRETE PADS AND
EQUIPMENT CABINETS WITHIN AN EXISTING FENCED-IN COMPOUNDED
PROPERTY KNOWN AS 749 MULLICA HILL ROAD
(Block 261, Lot 7.02) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Clearwire US, LLC, filed an application pursuant to application #09-12 for use variances and waiver of site plan approval to install three (3) wireless telecommunications antennae at a centerline mounting height of 129 feet as well as three (3) microwave dishes at a centerline mounting height of 130 feet on an existing 150 foot high monopole. An equipment cabinet is proposed within a seven foot by seven foot leased area within the existing fenced-in compound. The property is located in the PC – Planned Commercial district;

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on June 3, 2009, and by the sworn testimony of Roger Johnson, PE, the applicant's engineer; and Andrew M. Petersohn, PE, the applicant's radio frequency engineer; and by the legal representation of Nicholas T. Menas, Esquire; and

WHEREAS, the applicant had previously received approval for a use variance, bulk and height variances and preliminary and final minor site plan approval for the subject property pursuant to Resolution #07-20 which said approval expired by virtue of Mantua Township Zoning Ordinance because it was not acted upon within the requisite time periods as provided for therein

WHEREAS, the applicant had duly presented notices and proof of publication;

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its cellular services to portions of Mantua Township; and

WHEREAS, the proposed three (3) wireless transmitting/receiving antenna height would be approximately 129 feet on the existing 150 high monopole; and

WHEREAS, the proposed three (3) microwave dishes would be at an approximate height of 130 feet on the existing 150 foot monopole; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, the applicant's expert also testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "Use Variance/Minor Site Plan" dated February 22, 2007, last revised April 17, 2009 prepared by Robert M. Duclos, P.E. consisting of four (4) pages;
- B. A rider to the application setting forth the applicant's legal basis for the use variance approval consisting of four (4) pages;
- C. A Site License Agreement for the use of the subject property dated December 14, 2004;
- D. The Board Engineer's Review Letter dated May 27, 2009 consisting of three (3) pages;

E. The Board Planner's Review Letter dated May 27, 2009 consisting of six (6) pages;

F. The Board's Radio Frequency Expert's Report prepared by Dr. Bruce A. Eisenstein dated June 1, 2009 consisting of four (4) pages;

WHEREAS, according to Professor Bruce Eisenstein's report, he reviewed the application and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, no (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance, the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment; and

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use variance and height variance and waiver of site plan approval and waiver of submission requirements set forth in the Board Engineer's Review Letter at Section 7 (page 2) for the placement of three (3) transmitting/receiving antennae at an approximate height of 129 feet and three microwave dishes at an approximate height of 130 feet, all on an existing 150 foot monopole and for waiver of site plan approval for installation of a 3 foot by 6 foot steel cabinet in a 7 foot by 7 foot leased area within the existing fenced-in compound is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated May 27, 2009 and the Board Planner's review letter dated May 27, 2009;
2. There shall be no lighting in connection with this approval;
3. The applicant shall meet all of the requirements of Mantua Township's Telecommunications Ordinances and regulations;
4. The existing fenced-in compound shall not be modified or altered;
5. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on July 1, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:

Nelson T. Meyer - Vice Chairman
John Alice - Chairman

Attest:

Lois A. Varalli
Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor:

par
Alice, Gregg, Kappa, Meyer,
Estberg

Those opposed: *-0-*

Those abstaining:

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on July 1, 2009, as copied from the minutes of said meeting.

Dated: *7-1-09*

Lois Varalli
Lois Varalli, Secretary

**RESOLUTION #07-017 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF BET INVESTMENTS, INC.
FOR A CERTAIN USE VARIANCE AND CERTAIN BULK VARIANCE FOR A
PLANNED COMMERCIAL DEVELOPMENT AT PROPERTY KNOWN AS
BRIDGETON PIKE, (RT. 45) AND JEFFERSON ROAD (Block 273, Lot 25)
MANTUA NEW JERSEY**

WHEREAS, the applicant, BET Investments, Inc., filed an application pursuant to Application #07-017 to construct a planned commercial development on a 44.6 acre site.

The portion of the site to be developed is in both Mantua Township (16.8 acres) and Harrison Township (8.9 acres) wherein the applicant proposes to construct within Mantua Township a 68,270 square foot supermarket; a 40,000 square foot retail building A, 5,018 square foot retail building B, a 6,353 square foot restaurant (total seating 233) and within Harrison Township a two-story 30,000 square foot office building; a two-story 8,000 square foot office building and a 2,800 square foot bank. A use variance is required because the property is located in both the PC and AR zone and the rear 200 feet of the proposed commercial use is located in the AR zone where commercial uses are not permitted. The applicant also seeks a lot frontage variance to permit a frontage of 466 feet where a minimum frontage of 500 feet is required; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on June 6, 2007 by the sworn testimony of Peter Clelland, on behalf of the applicant and Perstefoni Kapotas, PP, the applicant's planner and by the legal representation of Barry Lozuke, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, Peter Clelland, the Director of Development for BET gave an overview of the company background and indicated that it typically built and retained their own development; and

WHEREAS, Ms. Kapotas testified concerning the planned commercial development to include a supermarket, restaurant, retail buildings and offices and that one of the benefits of the project is the applicant would be extending water and sewer lines approximately 10,000 linear feet to the site. She also indicated that the frontage variance would be met if the entire parcel including the portion in Harrison Township were included in the calculation (870 feet). She also testified as to the positive and negative criteria concerning the application. Most of the site is in the PC zone which allows planned commercial development and the applicant needed the additional 200 feet in depth for circulation and other site improvements into a portion of the AR zone to make the project work. She also testified that it was split-lot zoning and that it was consistent with the Mantua Master Plan which encouraged commercial and retail growth. She also testified that one of the benefits of the project would be to provide public utilities to the site which would also generate additional commercial growth. She indicated that the site is particularly suited for this development because of the depth of the project and she did not see any detriments from this planned commercial development which has an estimated 119,000 square feet of commercial use; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- (A) A Plan entitled, "Concept Plan for Use Variance for BET Investments," prepared by Land Dimensions Engineering dated May 1, 2007 consisting of two (2) pages;
- (B) An aerial of the subject property from 2002 marked as Exhibit "A-1" at the time of the hearing;
- (C) A Plan rendering dated May 2007 prepared by Land Dimensions Engineering

marked at Exhibit "A-2" at the time of the hearing;

(D) A zoning changes map from the Mantua Master Plan marked as Exhibit A-3 at the time of the hearing;

(E) The Board engineer's review letter dated May 30, 2007 consisting of four (4) pages;

(F) The Board Planner's review letter dated May 31, 2007 consisting of ten (10) pages;

(G) A resolution of the Township of Harrison in opposition to the grant of the use variance marked as Exhibit P-1 at the time of the hearing.

WHEREAS, five (5) members of the public namely, Tom Doughton, Vic Anderson, John Mousakas, Esquire, on behalf of Harrison Township, Jim Bonner and Michaline Pinero appeared at the hearing and opposed the application and raised concerns regarding traffic, wetlands and traffic impact to the nearby high school. One (1) member of the public namely, Tracy Lynch appeared in support of the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance and the subject property was particularly suited for the proposed use.

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good.

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment for the frontage variance.

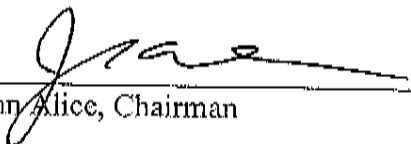
NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of a use variance for 200 feet of the planned commercial development in the AR zone together with the requested frontage variance for the property located at Bridgeton Pike and Jefferson Road, Mantua, New Jersey is hereby approved subject to the following conditions:

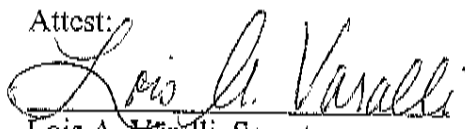
1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated May 30, 2007 and the Board Planner's review letter dated May 31, 2007.
2. The use variance and frontage variance are conditioned upon the applicant obtaining both preliminary and final major site plan from the Mantua Township Zoning Board of Adjustment. All other variances and design waivers will be considered at the time of site plan submission. The granting of the use variance will not necessarily support or guarantee the layout shown on the submitted conceptual plan.
3. The use variance granted herein is for a maximum of 119,000 square feet of commercial uses.
4. The applicant shall comply with the affordable housing fee requirements of the Mantua Zoning code.
5. The applicant shall be required to obtain all outside agency approvals.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on July 5, 2007.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By: 
John Alice, Chairman

Attest:

Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Cromley, Gregg, Kaczka,
VanMeter*

Those opposed: *Zeno*

Those abstaining:

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on July 5, 2007, as copied from the minutes of said meeting.

Dated: *7-5-07*

Lois Varalli

Lois Varalli, Secretary

**RESOLUTION #08-022 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF CRICKET
COMMUNICATIONS, INC. FOR USE VARIANCES AND MINOR SITE PLAN
APPROVAL TO PERMIT THE PLACEMENT OF TRANSMITTING/RECEIVING
ANTENNA ON AN EXISTING TELECOMMUNICATIONS MONOPOLE AND
INSTALLATION OF ELECTRONIC EQUIPMENT CABINETS AT THE PROPERTY
KNOWN AS 380 TYLERS MILL ROAD (Block 253.01 Lot 18)
MANTUA NEW JERSEY**

WHEREAS, the applicant, Cricket Communications, Inc., filed an application pursuant to application #08-11 for a use variance to install transmitting/receiving antenna on an existing telecommunications tower where same is not permitted, a height variance to install said transmitting/receiving antenna at a height of approximately 140 feet where the maximum height permitted is 40 feet and minor site plan approval to install 3 electronic equipment cabinets on a 4 foot by 10 foot platform within the existing fenced-in compound at the property located at 380 Tylers Mill Road in the I-Industrial Zone;

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on July 2, 2008 and by the sworn testimony of Larrie Hercules, the applicant's radio frequency expert, Greg Oross, PP, the applicant's planner and Bryan Reiser, PE, the applicant's engineer and by the legal representation of Christopher Quinn, Esquire.

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its telephone services to Mantua Township.

WHEREAS, the proposed transmitting/receiving antenna height would be approximately 140 feet on the existing 160 foot telecommunications monopole.

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations.

WHEREAS, finally, the applicant's experts testified that they would comply with all of the recommendations of the Board engineer and Board planner.

WHEREAS, the applicants presented a plan of the proposed project;

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "Cricket Communications Sewell Tylers Mill Road", prepared by Max Engineering, LLC, dated April 24, 2008 consisting of six (6) pages;
 - B. A zoning memorandum on behalf of the applicant attached to the application consisting of four (4) pages;
 - C. An Option and Land Lease Agreement for the subject property;
 - D. A report from Kenneth R. Foster and Associates, dated February 18, 2008 consisting of four (4) pages;
 - E. A survey of the subject property dated November 29, 2007 prepared by ACT Engineers, Inc., consisting of one (1) page;
 - F. An aerial photo of the subject property dated June 2008 marked as Exhibit A-1 at the time of the hearing;
 - G. Photo simulations of existing conditions and the proposed co-location marked as Exhibit A-2 at the time of the hearing;
- (Note: These exhibits are being maintained by the applicant's attorney).
- H. The Board engineer's review letter dated May 28, 2008 consisting of four (4) pages;
 - I. The Board planner's review letter dated May 19, 2008 consisting of nine (9) pages.

WHEREAS, Professor Bruce Eisenstein, the Board's radio frequency expert testified that he reviewed the application and report submitted therewith and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety.

WHEREAS, no members of the public appeared at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicants; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use and height variances and the subject property was particularly suited for the proposed use;

WHEREAS, the Board also found that the granting of the use variances will not substantially impair the intent and purpose of the zoning plan and zoning ordinance and will not be a substantial detriment to the public good.

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of a use variance and height variance for the placement of transmitting/receiving antenna at an approximate height of 140 feet on the existing 160 foot telecommunications tower and minor site plan approval for installation of three (3) electronic equipment cabinets on a 4 foot by 10 foot platform in an existing fenced-in compound at the property located at 380 Tylers Mill Road is hereby approved subject to the following conditions:

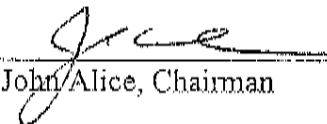
1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated May 28, 2008 and the Board planner's review letter dated May 19, 2008.
2. The color of the transmitting/receiving antenna shall be the color of the existing telecommunications tower.
3. The applicant has agreed not to return to the Board for further co-locations as a result of a need for higher power requirements.
4. The applicants shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on August 6, 2008.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


John Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Cromley, Mayer, Acton,* Those opposed: *-0-*
Van Meter, Galella

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on August 6, 2008, as copied from the minutes of said meeting.

Dated: *8-6-08*

Lois Varalli
Lois Varalli, Secretary

**RESOLUTION #08-013 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF METROPCS PENNSYLVANIA,
LLC, FOR USE VARIANCES AND SITE PLAN APPROVAL TO PERMIT THE
PLACEMENT OF TRANSMITTING/RECEIVING ANTENNA ON AN EXISTING
MONOPOLE TOWER AND INSTALLATION OF ELECTRONIC EQUIPMENT
CABINETS IN AN EXISTING FENCED IN COMPOUND AT PROPERTY KNOWN AS
749 MULLICA HILL ROAD (ROUTE 322) (Block 261, Lot 7.02)
MANTUA NEW JERSEY**

WHEREAS, the applicant, MetroPCS, LLC, has filed an application pursuant to Application #08-05 for a use variance and site plan approval to install transmitting/receiving antenna and equipment on an existing 150 foot monopole tower where same is not permitted and a height variance to install said transmitting/receiving antennas (6 wireless telecommunications antennas) at a centerline height of 121 feet on the existing 150 foot monopole tower where a maximum height of 40 feet is permitted. Related telecommunications equipment is to be placed on a proposed 10' x 16' steel platform in an existing 50' x 50' fenced compound surrounding the tower. The property is located in the FLX-Flex Space District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on March 5, 2008 and by the sworn testimony of Leland Brown, the applicant's radio frequency engineer, Jay Kruse, PE, the applicant's engineer, Timothy M. Kronk, PP, the applicant's planner and Dr. Kenneth Foster, the applicant's radio frequency exposure expert; and by the legal representation of Kevin Sheehan, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its telephone services to portions of Mantua Township; and

WHEREAS, the proposed transmitting/receiving antenna height would be approximately 121 feet on the existing 150 foot monopole tower; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, finally, the applicant's experts testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "MetroPCS Pennsylvania, LLC (Site No. PHO263A) co-location on an existing monopole" prepared by Dewberry-Goodkind, Inc., dated February 27, 2007 consisting of eight (8) pages;
- B. Resolution No. 07-20 granting a use variance and height variances and preliminary and final site plan approval for Clearwire US, LLC at the subject property adopted on September 5, 2007;
- C. A site map marked as Exhibit A-1 at the time of the hearing;
- D. A map of reliable coverage marked as Exhibit A-2 at the time of the hearing;
- E. The proposed MetroPCS coverage area showing gaps marked as Exhibit A-3 at the time of the hearing;
- F. The proposed MetroPCS coverage area showing coverage with the proposed telecommunications antenna marked as Exhibit A-4 at the time of the hearing;
- G. Two (2) photos showing a view from Mullica Hill Road of the existing conditions and a computer simulation of the proposed co-location dated February 25, 2008 marked as Exhibit A-5 at the time of the hearing;

- H. Two (2) photos showing a view from Loung Road of the existing conditions and a computer simulation of the proposed co-location dated February 25, 2008 marked as Exhibit A-6 at the time of the hearing;
- I. Two (2) photos showing a view from Foxboro Drive and Palmer Court of the existing conditions and a computer simulation of the proposed co-location dated February 25, 2008 marked as Exhibit A-7 at the time of the hearing;
- J. A report from Dr. Kenneth Foster dated December 3, 2007 confirming that the proposal is in compliance with FCC and NJDEP exposure limitations;
- K. The Board engineer's review letter dated February 13, 2008 consisting of four (4) pages;
- L. The Board planner's review letter dated February 25, 2008 consisting of nine (9) pages.

WHEREAS, Professor Bruce Eisenstein, the Board's radio frequency expert testified that he reviewed the application and report submitted therewith and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, No (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance, the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment; and

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use variance and height variance for the placement of transmitting/receiving antenna at an approximate height of 121 feet on an existing 150 foot monopole tower together with site plan approval for installation of up to 3 electronic equipment antennas on a 10 foot x 16 foot steel platform in an existing 50 foot x 50 foot fenced in compound at the property located at 749 Mullica Hill Road, is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated February 13, 2008 and the Board Planner's review letter dated February 25, 2008.
2. There shall no lighting in connection with this approval other than for a night light for equipment repairs which will be placed on a timer.
3. The applicant shall be required to obtain all outside agency approvals.


AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on May 7, 2008.

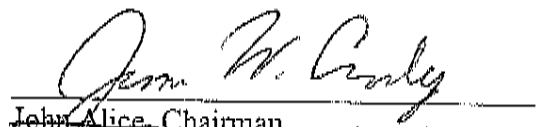
ZONING BOARD OF ADJUSTMENT

OF MANTUA TOWNSHIP

Attest


Lois A. Varalli, Secretary

By:


~~John Alice, Chairman~~
VICE-CHAIR

ROLL CALL VOTE ADOPTING RESOLUTION

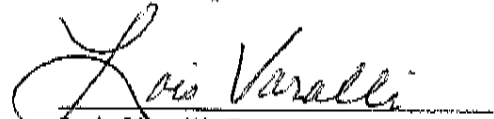
Those in favor: *Cromley, Gregg, Kaczka, Zeno,*
Mayer, Galella

Those opposed: - 0 -

Those abstaining: - 0 -

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on May 7, 2008, as copied from the minutes of said meeting.

Dated: *5-7-08*


Lois Varalli, Secretary

**RESOLUTION #08-012 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF METROPCS PENNSYLVANIA,
LLC, FOR USE VARIANCES AND SITE PLAN APPROVAL TO PERMIT THE
PLACEMENT OF TRANSMITTING/RECEIVING ANTENNA ON AN EXISTING
MONOPOLE TOWER AND INSTALLATION OF ELECTRONIC EQUIPMENT
CABINETS IN AN EXISTING FENCED IN COMPOUND AT PROPERTY KNOWN AS
222 BRIDGETON PIKE (ROUTE 45) (Block 61.01, Lot 2.01)
MANTUA NEW JERSEY**

WHEREAS, the applicant, MetroPCS, LLC, has filed an application pursuant to Application #08-06 for a use variance to install a transmitting/receiving antenna on an existing monopole tower where same is not permitted, a height variance to install said transmitting/receiving antenna (6 telecommunications antennas) at a height of approximately 140 feet where the maximum height permitted is 40 feet (the applicant proposes to extend the existing monopole tower from a height of 130 feet to 140 feet) and site plan approval to install up to 2 electronic equipment cabinets on a 10 foot by 6 foot concrete pad within the existing fenced compound on the property located at 222 Bridgeton Pike in the PC Planned Commercial Zoning District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on March 5, 2008 by the sworn testimony of Leland Brown, the applicant's radio frequency expert, Ron Ignieri, PE, the applicant's engineer, Timothy Kronk, PP, the applicant's planner and Dr. Kenneth Foster, the applicant's radio frequency exposure expert; and by the legal representation of Kevin Sheehan, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its telephone services to portions of Mantua Township; and

WHEREAS, the applicant is proposing to extend the existing 130 foot monopole tower an additional 10 feet so the total height of the monopole tower would be 140 feet and would be co-locating approximately 6 wireless telecommunications antennas at a height of 140 feet; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, finally, the applicant's experts testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "MetroPCS Pennsylvania, LLC (Site No. PH0272A) co-location on an existing monopole" prepared by Dewberry-Goodkind, Inc., dated October 19, 2007, last revised January 3, 2008 consisting of ten (10) pages;
- B. Resolution No. 07-21 granting a use variance and height variances and preliminary and final site plan approval for Clearwire US, LLC at the subject property adopted on September 5, 2007;
- C. A site map marked of the area showing no existing coverage for the applicant marked as Exhibit A-1 at the time of the hearing;
- D. A map of the proposed coverage area (reliable coverage) marked as Exhibit A-2 at the hearing;
- E. A map of the surrounding sites showing gaps in coverage marked as Exhibit A-3 at the time of the hearing;
- F. A map of the anticipated coverage with all of the proposed sites marked as Exhibit A-4 at the time of the hearing;

G. A report from Dr. Kenneth Foster dated January 10, 2008 marked as Exhibit A-5 at the time of the hearing;

H. Two (2) photos showing a view from Bridgeton Pike of the existing conditions and a computer simulation of the proposed co-location dated February 25, 2008 marked as Exhibit A-5 at the time of the hearing;

I. Two (2) photos showing a view from West Elm and Bukley of the existing conditions and a computer simulation of the proposed co-location dated February 25, 2008 marked as Exhibit A-6 at the time of the hearing;

J. Two (2) photos showing a view from Tristram Circle of the existing conditions and a computer simulation of the proposed co-location dated February 25, 2008 marked as Exhibit A-7 at the time of the hearing;

K. The Board engineer's review letter dated February 13, 2008 consisting of four (4) pages;

L. The Board planner's review letter dated February 25, 2008 consisting of ten (10) pages;

WHEREAS, Professor Bruce Eisenstein, the Board's radio frequency expert testified that he reviewed the application and report submitted therewith and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, No (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance, the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment; and

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of a use variance and height variance for an extension of the existing monopole to a height of 140 feet and for the placement of transmitting/receiving antenna (6 wireless antennas) at an approximate height of 140 feet and site plan approval for installation of up to 2 electronic cabinets on a 10 foot by 6 foot concrete pad in the existing fenced in compound at the property located at 222 Bridgeton Pike is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated February 13, 2008 and the Board Planner's review letter dated February 25, 2008.
2. The applicant shall be required to obtain all outside agency approvals.

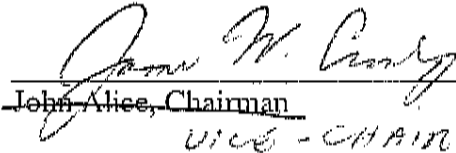
AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on May 7, 2008.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

Attest:

Lois A. Varalli, Secretary

By: 
~~John Alice, Chairman~~
VICE-CHAIR

ROLL CALL VOTE ADOPTING RESOLUTION

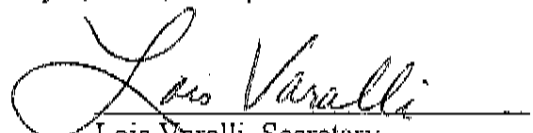
Those in favor: *Cromley, Grigg, Kaczka, Zeno,*
Mayer, Galicella

Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on May 7, 2008, as copied from the minutes of said meeting.

Dated: *5-7-08*


Lois Varalli, Secretary

**RESOLUTION #08-018 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF 445 MAIN STREET, L.L.C.
FOR A CERTAIN USE VARIANCE AND AMENDED PRELIMINARY AND FINAL
MAJOR SITE PLAN APPROVAL AT PROPERTY KNOWN AS
445 MAIN STREET (Block 160, Lot 14)
MANTUA NEW JERSEY**

WHEREAS, the applicant, 445 Main Street, L.L.C., filed an application pursuant to Application #08-09 for a use variance and amended preliminary and final major site plan approval to add a second floor apartment to the proposed one-story office building associated with the self-storage facility in order that the on-site manager of the self-storage facility and/or his or her spouse or significant other only may reside there on a full-time basis. The applicant's predecessor was granted a use variance for mixed uses consisting of a public storage facility, daycare facility and an office building as set forth in Zoning Board Resolution #02-19 memorialized on September 3, 2002. The applicant's predecessor received minor subdivision approval to subdivide the three aforementioned uses into three separate lots as set forth in Zoning Board Resolution #03-15 memorialized on June 19, 2003. Said approval also granted the applicant's predecessor preliminary site plan approval for the public self-storage and daycare facilities as well as related bulk variances. The applicant's predecessor was subsequently granted preliminary and final major site plan approval for the office building and final major site plan approval for the daycare center and public storage facility as set forth in Zoning Board Resolution #03-24 memorialized on September 2, 2003. Most recently, the applicant's predecessor was granted extension of final site plan approval for the aforementioned development pursuant to Zoning Board Resolution #06-15 memorialized on March 1, 2006.

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on May 7, 2008 by the sworn testimony of Robert Banscher, R.A., the applicant's architect and Persefoni Kapotas, PP, the applicant's planner and in the presence of Jim and June

Michael, principals of the applicant and by the legal representation of Dale T. Taylor, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, Dale T. Taylor, Esquire adopted by reference the three page addendum to this application outlining the nature of the application, the relief requested and the reasons therefore; and

WHEREAS, Ms. Kapotas testified concerning the use variance and gave a summary of the overall application. She indicated that the applicant sought to construct a second-story addition above the proposed office in the self-storage facility so that an on-site manager can be present 24 hours a day. Ms. Kapotas went over the positive and negative criteria necessary for the grant of the use variance. It was her opinion that the applicant had met the positive criteria because the site had previously been granted the use variance to construct the self-storage facility and that the proposal was incidental to and part of that use. She indicated that a 24 hour on-site manager would provide increased security for the self-storage facility and that it was consistent with other zoning districts in Mantua where such a 24 hour on-site manager was required for self-storage facilities where permitted. She also indicated a 24 hour on-site manager is typical and common to self-storage facilities. It was her opinion that the grant of the use variance would not result in a substantial detriment to the public good or substantially impair the zoning ordinance or zone plan as it was incidental to the previously granted use variance.

WHEREAS, Mr. Taylor made a voluntary proffer on behalf of the applicant and indicated that the applicant would accept as a condition of approval that only the on-site manager and his or her spouse or significant other could reside in this second-story apartment addition above the office for the proposed self-storage facility and that this second-story addition could

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good.

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment for the variance.

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of a use variance to add a second-story addition to the proposed one-story office building associated with the self-storage facility as a residence for the on-site manager and his or her spouse or significant other together with amended preliminary and final major site plan approval for this development in the R-40 zone located at 445 Main Street, Mantua, New Jersey is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated April 28, 2008 and the Board Planner's review letter dated April 23, 2008.
2. The applicant shall comply with all of the conditions of the approvals previously granted for this mixed use development to the extent not inconsistent herewith.
3. The applicant shall add an additional two parking spaces to the plan subject to the Board engineer's review and approval.
4. The applicant shall comply with all of the conditions of the prior approvals with regard to the affordable housing fee requirements for the previously

approved development. However, with regard to the addition of the manager's apartment, the applicant shall comply with the affordable housing fee requirements in effect at the time the applicant applies for building permits for same.

5. The second-story addition shall be used solely for the residence of the on-site manager for the self-storage facility and his or her spouse or significant other and shall not be used, rented or leased to any third party nor shall any children (even those of the manager and/or his spouse or significant other) or other persons be permitted to reside therein.

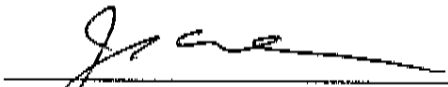
6. The applicant shall submit a deed restriction evidencing the limitations on the manager's apartment in the previous condition to be recorded subject to the Board solicitor's review and approval.

7. The applicant shall be required to obtain all outside agency approvals.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on June 4, 2008.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By: 
John Alice, Chairman

Attest:

Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Cromley, Gregg, Zene, Acton,* Those opposed: *- 0 -*
Galella

Those abstaining: *- 0 -*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on June 4, 2008, as copied from the minutes of said meeting.

Dated: *6/4/08*

Lois Varalli
Lois Varalli, Secretary

Copy of Resolution

**RESOLUTION #10-10 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF
CLEAR WIRELESS, LLC FOR USE VARIANCE, HEIGHT VARIANCE AND MINOR
SITE PLAN APPROVAL TO PERMIT THE PLACEMENT OF THREE PANEL
ANTENNAS AND THREE PARABOLIC DISH ANTENNAS
ON AN EXISTING MUA WATER TANK WITH ASSOCIATED MODULAR
PLATFORM AND EQUIPMENT CABINETS WITHIN AN EXISTING FENCED-IN
COMPOUND ON THE PROPERTY KNOWN AS 653 MAIN STREET
(Block 153, Lot 3) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Clear Wireless, LLC, filed an application pursuant to application #2010-04 for use and height variances, and minor site plan approval and submission waivers to install three (3) panel antennas at a centerline mounting height of 72 feet, as well as three (3) parabolic dish antennas a centerline mounting height of 113 feet on an existing 105 foot MUA water tank. An equipment cabinet is proposed within a ten foot by ten foot leased area within the existing fenced-in compound. The property is located in the R-22 - Medium Density Residential District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on February 3, 2010, and by the sworn testimony of Joseph Perello, PE, the applicant's engineer; Joseph Frega, PE, the applicant's planner; and Arnold Dawinan, the applicant's radio frequency engineer; and by the legal representation of Eric S. Goldberg, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its cellular services to portions of Mantua Township; and

WHEREAS, the proposed three (3) panel antennas would be at a centerline height of approximately 72 feet on the existing 105 foot high MUA water tank; and

WHEREAS, the proposed three (3) parabolic dish antennas would be at a centerline height of approximately 113 feet on the existing 105 foot MUA water tank; and

WHEREAS, the applicant's experts also testified that the proposed antennas were safe according to federal and state regulations; and

WHEREAS, the applicant's expert also testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. Resolution No. 2009-67 of the Mantua Township Utilities Authority authorizing the Director to enter into a lease Agreement with Clear Wireless, LLC for the placement of antennas on the MUA property at 653 Main Street Mantua ,NJ consisting of two pages and introduced into evidence as Exhibit "A-1";
- B. FCC Wireless Telecommunications Bureau license to Clearwire Corporation consisting of one page and introduced into evidenced as Exhibit "A-2";
- C. Structural report from CMX date 11/26/2009 for the MUA water tank consisting of eleven (11) pages and introduced into evidence as Exhibit "A-3";
- D. Electromagnetic Emissions Analysis Report dated 11/18/2009 from dBm Engineering, P.C. consisting of six pages and introduced into evidence as Exhibit "A-4";
- E. Surrounding Sites Proposed Coverage Plans introduced into evidence as Exhibits "A-5 thru A-7";

F. Enlarged Plan and Elevation dated 12/18/2009, marked S-1, prepared by CMX, consisting of one sheet, submitted with the application and introduced into evidence as Exhibit "A-8";

G. Site Plan dated 12/18/2009, marked Z-1, prepared by CMX, consisting of one sheet, submitted with the application and introduced into evidence as Exhibit "A-9";

H. The Board's Radio Frequency Expert's Report prepared by Dr. Bruce A. Eisenstein dated January 26, 2010 consisting of five (5) pages and marked into evidence as Exhibit "A-10";

I. A rider to the application setting forth the applicant's legal basis for the use variance approval consisting of one (1) page;

J. The Board Engineer's Review Letter dated January 29, 2010 consisting of three (3) pages;

K. The Board Planner's Review Letter dated January 27, 2010 consisting of six (6) pages; and

WHEREAS, according to Professor Bruce Eisenstein's report, he reviewed the application and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, no (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use and height variances, in that the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal Land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment;

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use, and height variances, minor site plan approval and waiver of certain submission requirements for the placement of three (3) telecommunication panel antennas at an approximate centerline height of 72 feet and three parabolic dish antennas at an approximate centerline height of 113 feet, on an existing 105 foot MUA water tank and the installation of an equipment cabinet on a 4 foot x 8 foot modular platform in a 10 foot by 10 foot leased area within the existing fenced-in compound is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board Engineer's review letter dated January 29, 2010 and the Board Planner's review letter dated January 27, 2010;
2. No barbed wire will be installed on the applicant's proposed fence;
3. No signage approval is requested by the applicant and none is approved by the Board;

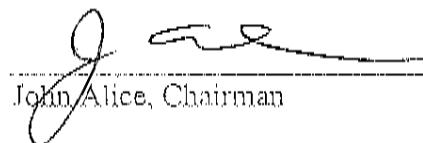
4. If and when the use of applicant's installed improvements terminates, all such improvements will be removed by the applicant or its successors and assigns, at their sole expense;
5. There shall be only one work light installed in connection with this approval. Said light shall be on a switch with an automatic timer;
6. There will be no grading changes at the site in connection with this approval;
7. The applicant shall meet all of the requirements of Mantua Township's Telecommunications Ordinances and regulations;
8. Except as approved by this resolution, the existing fenced-in compound shall not be modified or altered;
9. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on March 3, 2010.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


Joan Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Kaczka, Gens, Meyer,*
Acton, Galella

Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on March 3, 2010, as copied from the minutes of said meeting.

Dated: *3-3-10*

Lois A. Varalli
Lois A. Varalli, Secretary

(Book 2278)

**RESOLUTION #10-11 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF SORA HOLDINGS, LLC FOR
USE VARIANCES, SUNDRY BULK VARIANCES, SUBMISSION WAIVERS AND
MINOR SUBDIVISION APPROVAL TO PERMIT THE SUBDIVISION AND USE OF
TWO EXISTING BUILDINGS AS A RECTORY AND A CHURCH ON THE
PROPERTY KNOWN AS 234 SHADOW PLACE (Block 97, Lot 4) MANTUA, NEW
JERSEY**

WHEREAS, the applicant, Sora Holdings, LLC, filed an application pursuant to application #09-15 for use variance; sundry bulk variances (minimum side yard setback, minimum rear yard setback, maximum building coverage, maximum impervious coverage, minimum lot area, minimum street frontage, minimum lot width, minimum lot depth, minimum setback from street); certain submission waivers; and minor subdivision approval to subdivide and use the two existing buildings on the property know as 234 Shadow Place, Mantua, New Jerseys as a rectory and church. The property is located in the R-11 -- High Density Residential District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on February 3, 2010, by the sworn testimony of James F. Biegon, PE, the applicant's engineer; Raymond C. Liotta PP, the applicant's planner; and Ward Gibson, President of the Board of Trustees of The Providence Orthodox Presbyterian Church, owner of the subject property; and by the legal representation of Eric S. Goldstein, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts and witness testified as follows:

1. The subject property and buildings thereon have been used as a rectory and church for approximately fifty (50) years.
2. Many of the requested bulk variances are preexisting conditions which have been in place on the subject property for fifty (50) years.

3. Church and rectory uses are conditional uses in the R-11 Zoning District. Both uses are inherently beneficial.
4. The Mantua Township Master Plan recognizes preservation of the existing cultural fabric in established neighborhood as a stated goal. Accordingly this application is consistent with the Master Plan.
5. The church and rectory have coexisted with the residential use without detriment for many years.
6. The church congregation consists of approximately forty (40) members. Services are held on Sundays and Wednesday evenings.
7. The Providence Orthodox Presbyterian Church owns the subject property and will continue to use the existing church as a place of worship. The rectory building is used and leased by the nearby Incarnation Catholic Church and is used as a rectory. Incarnation Church intends to construct a new rectory on its property and upon completion of its rectory building Incarnation Church will vacate the existing rectory on the subject property.
8. It is anticipated that the existing rectory building will be sold and used as a single family home. The applicant and owner of the subject property agree, as a condition of this approval, that a development application, with notice to all property owners within two hundred (200) feet, will be made to the Board prior to any change of use for the existing rectory building and lot.

9. Members of the congregation use the church owned parking lot located across the street from the subject property. The same provides adequate parking for church activities.
10. This approval will not result in any physical changes to the subject property, except for the removal of a portion of the concrete walkway between the rectory and the church. This modification will decrease the impervious coverage on the property and will not create any drainage problems.
11. All shared utility services to the rectory and church are or will be separated as a condition of subdivision approval; and

WHEREAS, the applicant and the owner testified that they would comply with all of the recommendations of the Board Engineer and Board Planner; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. Survey and Subdivision Plan dated June 30, 2009, prepared by Master Consulting P.A., consisting of one sheet, submitted with the application and introduced into evidence as Exhibit "A-1"; and
- B. Aerial Location Map dated February 3, 2010, prepared by Master Consulting P.A., consisting of one sheet and introduced into evidence as Exhibit "A-2"; and
- C. Eight photos of the subject property taken by Mrs. Bakley and introduced into evidence as Exhibit "D-1"; and
- C. The Board Engineer's Review Letter dated October 5, 2009 consisting of five (5) pages;

K. The Board Planner's Review Letter dated October 1, 2009 consisting of six (6) pages; and

WHEREAS, Mrs. Bakley testified during the public portion of the hearing. She lives next to the rectory and testified as to an preexisting drainage problem. The proposed application will not exacerbate the problem. She also introduced eight (8) photos of the subject property. She is concerned that the rectory is too large for future conversion into a single family home, has multiple cooking facilities and shares utilities with the church building.; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant and the public; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use and bulk variances, in that the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal Land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment;

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use and bulk variances, minor subdivision approval and waiver of certain submission requirements for the subdivision and of the subject

property into proposed lot 4.01 being 10,899.23 SF and used as rectory and proposed lot 4.02 being 31,268.36 SF and used as a church is approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board Engineer's review letter dated October 5, 2009 and the Board Planner's review letter dated October 1, 2009;
2. The subdivision shall be filed by deed and submitted to the Board Solicitor and Board Engineer for review and approval;
3. The specific bulk variances and submission waivers approved by this resolution are as detailed in the Board Engineer's review letter dated October 5, 2009;
4. The approximately ten (10) foot portion of the concrete walkway between the rectory building and the church building shall be removed prior to the filing of the subdivision deed;
5. The applicant and/or owner of proposed lot 4.01, shall file a development application with the Board and with notice to all property owners within two hundred (200) feet, prior to any change of use for the existing rectory building and proposed lot 4.01;
6. All shared utility services to the rectory and church will be separated;
7. The applicant shall obtain any and all outside agency approvals necessary for the proposed application;
7. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Township Clerk within seven (7) days of receipt of a final voucher from the Township;
8. The conditions of approval, as set forth herein, shall be binding upon the applicant, the owner, developer and any successors and/or assigns of them;
9. The applicant has submitted certain plans and documents, which were accepted by the Board as part of its application and further made certain representations and provided testimony at the time of the public hearing, all of which has been relied upon by the Board in making its determination. Should there be any material deviation from said documents, plans, representations, or testimony or from any conditions contained herein, than the Board may, upon notice to the applicant and an opportunity to be heard, elect to rescind its approval;


10. Any improvement(s), if any, to be constructed as a result of the Board's approving the application shall be constructed and operated in full compliance with the Uniform Construction Code, Code of the Township of Mantua, the revised statutes of the State of New Jersey and any other applicable county and/or federal law;
11. The applicant is responsible for obtaining all zoning and/or building permits and approval necessary to construct the project/development approved herein;
12. The applicant is hereby advised that this application and plan have not been reviewed for conformance with the Americans With Disabilities Act (ADA). It is the responsibility of the applicant/owner to conform to said legislation, and any recommendations of the Mantua Township Building Department in conjunction therewith;
13. The minor subdivision approval shall elapse unless within 190 days from the date the approval has been granted, the applicant shall either file a plat in conformity with the approval, and the "Map Filing Law" (N.J.S.A. 46:23-99 et seq.) or record a Deed with the County Clerk which clearly describes the approved minor subdivision and file a copy of the Deed with the Township's Engineer and the Township's Tax Assessor. Such Deed shall also be signed by the Chairman and Secretary of the Mantua Township Zoning Board.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on March 3, 2010.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


John Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Kaczka, Zeno, Meyer,*
Acton, Galella

Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on March 3, 2010, as copied from the minutes of said meeting.

Dated: *3-3-10*

Lois A. Varalli
Lois A. Varalli, Secretary

**RESOLUTION #10-12 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT DENYING THE APPLICATION OF TIMOTHY J. ZEPP FOR A USE
VARIANCE, TO PERMIT THE OPERATION OF A MACHINE SHOP AT THE
PROPERTY KNOWN AS 137 GOLF CLUB ROAD (Block 260, Lot 3.01)
MANTUA, NEW JERSEY**

WHEREAS, the applicant, Timothy J. Zepp, filed an application pursuant to application #09-19 for use a variance to permit the operation of a machine shop in a detached garage at the property know as 137 Golf Club Road, Mantua, New Jersey. The property is located in the AR Zoning District; and

WHEREAS, the applicant's presentation came on for a hearing at the Board's regular meeting on March 3, 2010; (1) by the sworn testimony of Timothy J. Zepp, Donald Schmidt, Jr., Donald Netz, Debbie Leonard and George Leonard; and (2) by the legal representation of Warren H. Carr, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, it appears that all jurisdictional and procedural requirements and applicable Township ordinances have been satisfied;

WHEREAS, the Mantua Township Zoning Board has considered the recommendations and comments of its professional staff;

WHEREAS, the Zoning Board, after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reason:

1. The applicant is the owner of the subject property which is located in the AR Zoning District.
2. The applicant is seeking a use variance to permit the operation of a machine shop in the AR Zoning District where machine shops are not permitted.
3. The following documents and exhibits are incorporated herein by reference:

- a. A deed of the subject property dated 1971 marked as Exhibit A-1 at the time of the hearing;
- b. A deed of the subject property dated 1977 marked as Exhibit A-2 at the time of the hearing;
- c. A drawing prepared by the applicant submitted with the application marked as Exhibit A-3 at the time of the hearing;
- d. Building permits regarding building additions to the subject property marked as Exhibit A-4 at the time of the hearing;
- e. A written noise test with the Mantua Township Police Department marked as Exhibit A-5 at the time of the hearing;
- f. Four (4) photographs of the properties between the Zepp and Jones' properties dated March 3, 2010 marked as Exhibit A-6 at the time of the hearing;
- g. Four (4) photographs showing various locations in the neighborhood marked as Exhibit A-7 at the time of the hearing;
- h. Four (4) photographs of the subject property marked as Exhibit A-8 at the time of the hearing;
- i. Photographs depicting the area from the Zepp to the Jones' property marked as Exhibit A-9 at the time of the hearing;
- j. Various photographs inside the machine shop (3 sheets) showing tools and equipment marked as Exhibit A-10 at the time of the hearing;
- k. A satellite photo (Google Earth) of the subject property marked as Exhibit A-11 at the time of the hearing;

- l. A New Jersey Business Gateway search showing the name of a business operating at the subject property as "Jersey Cylinder Head, Inc." marked as Exhibit Jones-1 at the time of the hearing;
 - m. Printouts of pages from timzeppengines.com website marked as Exhibit Jones-2 at the time of the hearing;
 - n. A drawing submitted with a subdivision plan from 1986 marked as Exhibit Jones-3 at the time of the hearing;
 - o. A December 15, 2009 letter from George Botcheos, Esquire marked as Exhibit Jones-4 at the time of the hearing;
 - p. The Board engineer's review letter dated November 25, 2009 consisting of three (3) pages; and
 - q. The Board planner's review letter dated November 24, 2009 consisting of four (4) pages.
4. At the time of the hearing Warren H. Carr, Esquire, the applicant's attorney, summarized the application. He indicated that the applicant's father started the machine shop business in the early 1970s after purchasing the property in 1971. He indicated the applicant was seeking a use variance to continue to use the facility as a machine shop.
 5. Timothy Zepp, the applicant, testified at the time of the hearing. He testified that he has resided at the property since 1973. He testified concerning a deed for the property in both 1971 when the property was vacant and 1977. He testified that the shop is being operated in the detached garage which is approximately 190 feet from the roadway. He testified the shop was built some time in 1975 or 1976 and has dimensions of 92.2 feet by 39.6 feet. He also indicated there was an 18 foot by 39 foot building addition to the

shop subsequent to its initial construction bringing it to its total current size as stated above. Essentially, the machine shop is to design, build and test car racing engines. He indicated that he has no employees at the site. He further testified that his detached garage was approximately 380 to 400 feet from the house owned by Mr. Jones, an objector to the application. Mr. Zepp went over various photographs which were marked as exhibits showing the subject property, the machine shop and the surrounding neighborhood. He testified that there were no vibrations outside the building and other than the engine dynamometer, there was no other machine noise inside the building. He testified that there are two industrial silencers that are vented outside, but they are configured away from Mr. Jones' property. He indicated that his company is a registered business in New Jersey and acknowledged that he had no prior applications or approval from Mantua Township to permit this use of the property.

6. Donald Netz testified on behalf of the applicant. Mr. Netz is the principal of the adjoining Christian school and has been so for 22-1/2 years. Mr. Netz indicated that he is present at the school during the weekdays from 7:30 a.m. to approximately 5:30 p.m. Mr. Netz indicated that he has not received any complaints of noise from the school staff. He indicated that on rare occasions there will be a brief sound of an engine revving which is equal to the sound of a UPS truck. He indicated that there was no undue traffic or customers to and from the site.
7. George Leonard testified on behalf of the applicant. He testified that he is an adjoining property owner who lives closer to the subject property than Mr. Jones, the objector. He indicated that he rarely hears anything and has no problems with noise or traffic from the machine shop operation.

8. Debbie Leonard testified on behalf of the applicant. Like her husband, George, she too has no concerns with noise or odors from the machine shop and indicated that there are louder noises in the area other than what emanates from the machine shop.
9. Donald Schmidt, a resident of Woodstown, testified on behalf of the applicant. He indicated that he has been a friend of the applicant for all of his life (approximately 26 to 27 years). Mr. Schmidt indicated that he has been inside the machine shop many times and has helped Mr. Zepp clean scrap and debris. It was his testimony that there was minimal noise in the machine shop and he repeated Mr. Zepp's testimony that he has no employees in the machine shop. Mr. Schmidt further indicated that he has been at the site for the last 15 years and other than what was testified to by Mr. Zepp in terms of operations, there is only light spraying of engines at the machine shop.
10. Mr. Zepp again testified regarding fuel kept at the property. He indicated that he used to keep gasoline at the shop in fuel drums but has stopped this practice. The only fuel that is kept are a couple of 5-gallon containers and that most customers bring their special racing fuel with them and take any left-over gas when they leave after their machines are worked on. It was Mr. Zepp's testimony that no fuel was stored either inside or outside the building.
11. The hearing was opened to the public at which time James Maley, Esquire appeared on behalf of Kenneth and Marilyn Jones. First, Mr. Maley indicated that Mr. Carr incorrectly represented that this was an application for a home occupation instead of a use variance. The Board acknowledged that, in fact, the application was for a use variance and would not be treated as an application for a home occupation. Mr. Maley then cross-examined Mr. Zepp. Upon such cross-examination, Mr. Zepp confirmed that

he once had an automatic milling machine to bore/drill engine blocks which has now been removed from the site. However, he indicated he only removed it a day or so before the hearing. Mr. Maley then introduced New Jersey Business Gateway Corporate information showing various businesses having their addresses at the subject property. Mr. Maley also confronted Mr. Zepp with various photographs from the shop showing individuals wearing ear protection and exhaust piping coming out of the machine shop. Mr. Zepp who had originally testified that there were no employees in the shop then had to concede that the people who were shown in the photographs were posing for those pictures. Mr. Maley then addressed the fuel issue through cross-examination with Mr. Zepp. Mr. Zepp testified with regard to the race car fuel and indicated that it did not contain any hazardous materials except for CR-1 which is a solvent and that there were no special permits for same. Mr. Zepp conceded there were no set hours of operation and sometimes he works in the machine shop until late at night.

12. Kenneth Jones testified against the application. He indicated that his house was 300 feet from Mr. Zepp's machine shop. Mr. Jones produced a subdivision plan from 1986 showing various lot line adjustments and a stream. Mr. Jones indicated that he was aware of the problems since approximately 1997 which was many years after the machine shop had been in operation. Mr. Jones claimed that his house shakes, that there may be an impact on stream runoff and he hears loud noises on average about five to seven times a month during the last 12 months. He believes there is a detrimental impact to his property due to noise, traffic and large trucks coming to the area. He conceded that there are no odor problems, but he does have serious noise complaints with regard to the machine shop. Mr. Jones ultimately did concede however that the machine shop is

located approximately 380 feet from his house which was consistent with Mr. Zepp's testimony and that there was a wooded lot or lots between Mr. Jones' property and the subject property. Mr. Jones also had to concede that the noise that he heard possibly came from a landscaping business nearby.

13. Following the close of evidence, Mr. Maley made a summation on behalf of the objectors, Mr. and Mrs. Jones. Mr. Maley indicated that the applicant produced absolutely no evidence of meeting either the positive or negative criteria needed to prove a use variance. He indicated there was no planning testimony whatsoever and that the noise from the machine shop was a substantial detriment to the public good.

14. Mr. Carr made a summation on behalf of the applicant. He indicated there was no substantial detriment to the other neighbors. He argued that the machine shop did not cause any problems in terms of noise, odors or traffic in the surrounding neighborhood. While acknowledging that there was no planning testimony, Mr. Carr argued that the positive criteria was met because the business was the applicant's livelihood.

WHEREAS, at the close of the public hearing, members of the Board commented with regard to the proposed application and made the following further findings of fact and conclusions with regard to the request for the use variance:

1. The applicant failed to meet its burden of proof as positive criteria in that it produced absolutely no evidence to prove any special reasons why the machine shop carries out a purpose of zoning or how the refusal to allow the machine shop would impose a legal undue hardship upon the applicant. The Board noted that there was absolutely no planning or other expert testimony to support the requirement that the applicant meet the positive criteria necessary to receive a grant of a use variance.

2. The Board also determined that the applicant failed to meet his burden of proof that the subject property was particularly suited for an engine machine shop or that it advanced any purposes of zoning since the property was located in a residential development and in the AR Zone, the least intense residential zone in Mantua Township.
3. The Board also determined that the applicant failed to meet his enhanced burden of proof that the use variance could be granted without substantial detriment to the public good for the following reasons:
 - a. The applicant provided no expert planner or other testimony to satisfy this criteria;
 - b. The operation of the machine shop would have a substantial negative impact on the surrounding neighborhood due to the loud noise emanating from the machine shop especially without a limitation on the hours of operation and that the photographs of individuals in the machine shop showed that they were wearing ear plugs to avoid the noise as well as the fact that the racing or revving of racing engines while in use with the dynamometer combined with the venting of the noise to the outside would create noise above and beyond the residential-type noise that exists in the surrounding neighborhood.
4. The Board also determined that the applicant failed to prove that the grant of the use variance will not substantially impair the intent and purpose of the Master Plan and zoning ordinances for the following reasons:
 - a. The applicant provided no expert planner or other testimony to satisfy this criteria;

b. Inasmuch as the AR Zone is the least intense residential zone in the Township, the applicant did not reconcile the proposed use with the purpose and intent of the AR Zone.

5. As a result of the foregoing, the Board determined that the applicant had failed to prove that the benefits of the use variance to operate a machine shop in the AR Zone would substantially outweigh the detriments for the reasons set forth above.

6. In conclusion, the Board found that the applicant had failed to satisfy either the positive or negative criteria to grant the use variance under applicable legal standards.

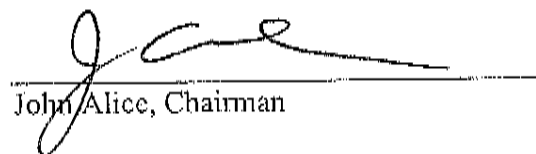
NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for a use variance to allow a machine shop at the applicant's property located at 137 Golf Club Road, Mantua, New Jersey which is located in the AR Zone be and the same is hereby denied for the reasons set forth above.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

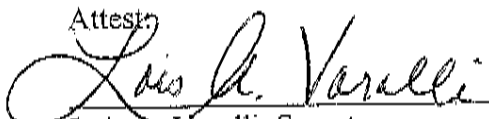
This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on May 5, 2010.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


John Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Kaczka, Geno, Acton,
Estberg.*

Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on May 5, 2010, as copied from the minutes of said meeting.

Dated: *5-5-10*

Lois A. Varalli
Lois A. Varalli, Secretary

**RESOLUTION #09-12 OF THE MANTUA TOWNSHIP
ZONING BOARD OF ADJUSTMENT APPROVING THE APPLICATION OF
THOMAS MADDEN FOR A VARIANCE TO PERMIT THE CONSTRUCTION OF
A 1,500 SQUARE FOOT POLE BARN AT PROPERTY KNOWN AS
591 BREAKNECK ROAD (Block 263 , Lot 1) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Thomas Madden, filed an application pursuant to application #09-05 for approval of a variance to allow a 1,500 square foot pole barn where the maximum size of such an accessory structure is 900 square feet at the property located at 591 Breakneck Road, Mantua, New Jersey, in the AR zone;

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on May 6, 2009 and by the sworn testimony of the applicant, Thomas Madden; and

WHEREAS, the applicant had duly presented notices and proof of publication;

WHEREAS, Thomas Madden, testified that he was proposing to construct a 1,500 square foot pole barn with dimensions of 30 feet by 50 feet at a height not to exceed 10 feet from grade to allow for storage of no more than three automobiles and boats owned by his family. The pole barn would match the other detached garages on the property which was a former farm.

WHEREAS, the applicant presented a plan of the proposed project;

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A hand drawing of the subject property noting the existing structures and the proposed pole barn.

WHEREAS, no members of the public appeared at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal Land Use Law would be advanced by the requested deviations from the Zoning

Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment.

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of a variance to permit the proposed pole barn of 1,500 square feet (with dimensions of 30 feet by 50 feet and not to exceed 10 feet in height) where a maximum size for an accessory building of 900 feet is permitted at the property located at 591 Breakneck Road, Mantua, New Jersey is hereby approved subject to the following conditions:


1. The proposed pole barn shall match the other existing detached structures at the property in terms of color and material.
2. The proposed pole barn shall not exceed the dimensions as set forth hereinabove.
3. The applicant shall meet all the other requirements in the AR zone as well as Mantua Zoning Code Section 101-45F which governs accessory structures.
4. The pole barn shall be used exclusively for the storage of no more than three automobiles and boats owned by the applicant and his family.
5. The pole barn shall not be used for any business activities.
6. The pole barn shall not be used as a residential dwelling.
7. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

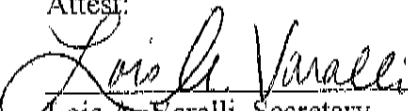
This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on June 3, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


John Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor:

*Gregg, Moyer, Aston,
VanMeter, Galella*

Those opposed: *-0-*

Those abstaining:

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on June 3, 2009, as copied from the minutes of said meeting.

Dated: *6-3-09*


Lois Varalli, Secretary

**RESOLUTION #09-014 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF METRO PCS
PENNSYLVANIA, LLC FOR USE VARIANCES AND MINOR SITE PLAN APPROVAL
TO PERMIT THE PLACEMENT OF TRANSMITTING/RECEIVING ANTENNA ON
THE EXISTING MANTUA MUA WATER TOWER AND INSTALLATION OF
ELECTRONIC EQUIPMENT CABINETS IN AN EXISTING FENCED-IN COMPOUND
AT PROPERTY KNOWN AS 653 MAIN STREET (Block 153, Lot 3)
MANTUA NEW JERSEY**

WHEREAS, the applicant, Metro PCS Pennsylvania, LLC, has filed an application pursuant to Application #09-07 for a use variance and minor site plan approval to install transmitting/receiving antenna and equipment on the existing Mantua MUA water tower where same is not permitted and a height variance to install said transmitting/receiving antennas (6 wireless telecommunications antennas) at a centerline height of 103 feet on the existing 105 foot high Mantua MUA water tower where a maximum height of 35 feet is permitted. Three telecommunications equipment cabinets are proposed to be placed on a 10' x 16' concrete pad in an existing fenced-in compound surrounding the water tower. The property is located in the R-22 Zoning District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on May 6, 2009 and by the sworn testimony of Craig J. Zeidman, PE, the applicant's engineer, James Miller, PP, the applicant's planner, and Sheldon Burke, the applicant's radio frequency engineer and by the legal representation of Victoria Fannon, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its telephone services to portions of Mantua Township; and

WHEREAS, the proposed transmitting/receiving antenna height would be approximately 103 feet on the existing 105 foot water tower; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, finally, the applicant's experts testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "Metro PCS Pennsylvania, LLC prepared by Dewberry-Goodkind, Inc., dated March 11, 2009 consisting of six (6) pages;
- B. The Metro PCS FCC License marked as Exhibit A-1 at the time of the hearing;
- C. A site location map marked as Exhibit A-2 at the time of the hearing;
- D. A proposed reliable coverage map marked as Exhibit A-3 at the time of the hearing;
- E. A map of coverage from other existing sites without the proposed site showing gaps in coverage marked as Exhibit A-4 at the time of the hearing;
- F. A map showing coverage with all sites in Mantua Township marked as Exhibit A-5 at the time of the hearing;
- G. A report from Dr. Kenneth Foster dated March 2, 2009 confirming that the proposal is in compliance with FCC and NJDEP exposure limitations marked as Exhibit A-6 at the time of the hearing;

H. Site plan sheet Z-3 dated March 11, 2009 prepared by Dewberry-Goodkind, Inc. marked as Exhibit A-7 at the time of the hearing;

I. Gloucester County Planning Board approval dated April 21, 2009;

J. A letter from the Mantua Township MUA authorizing the placement of the co-location on the water tower dated April 8, 2009;

K. The Board engineer's review letter dated April 27, 2009 consisting of three (3) pages;

L. The Board planner's review letter dated April 28, 2009 consisting of six (6) pages;

M. The Board radio frequency expert's report prepared by Dr. Bruce A. Eisenstein dated April 29, 2009 consisting of five (5) pages;

WHEREAS, according to Professor Bruce Eisenstein's report, he reviewed the application and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, no (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance, the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment; and

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use variance and height variance for the placement of transmitting/receiving equipment at an approximate height of 103 feet on an existing 105 foot water tower and minor site plan approval for installation of up to 3 electronic equipment cabinets on a 10 foot by 16 foot concrete platform in an existing fenced-in compound at the property located at 653 Main Street, is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated April 27, 2009 and the Board Planner's review letter dated April 28, 2009. Note that the side-yard setback variance set forth in the Board engineer's review letter is not required as the equipment cabinets are considered accessory uses and are not within the side-yard setback of 5 feet for accessory uses.
2. There shall no lighting in connection with this approval other than for a night light for equipment repairs which will be placed on a timer and a motion detector.
3. The applicant shall meet all of the requirements of Mantua Township's Telecommunications Ordinances and regulations.
4. The applicant shall be required to install an access gate for its electronic equipment cabinets which shall themselves be fenced within the fenced-in compound.

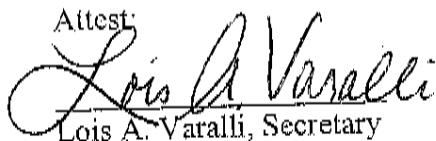
5. The applicant shall provide structural calculations to be reviewed by the Board engineer to establish the ability of the water tank to support the proposed additional antennas.
6. The applicant shall include a list of property owners within 200 feet on the finally-signed plans.
7. The applicant is granted a submission waiver from showing natural features within 200 feet of the site as this is already a developed site.
8. The existing fenced-in compound shall not be modified or altered except as set forth in this Resolution.
9. The color of the antennas shall be agreed upon between the applicant and the Mantua MUA.
10. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.


This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on June 3, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

Attest:


Lois A. Varalli, Secretary

By:


John Alice, Chairman

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Jerry, Meyer, Acton,
VanMeter, Galella,*

Those opposed: *-0-*

Those abstaining:

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on June 3, 2009, as copied from the minutes of said meeting.

Dated: *6-3-09*

Lois Varalli
Lois Varalli, Secretary

**RESOLUTION #09-16 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF
THOMAS R. SCOTT FOR A USE VARIANCE AND WAIVER OF
SITE PLAN TO PERMIT THE CONSTRUCTION OF AN AUTO REPAIR GARAGE
AT PROPERTY KNOWN AS 525 MANTUA BOULEVARD
(Block 172, Lot 6.03) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Thomas R. Scott, filed an application pursuant to application #09-10 for approval of a use variance and a waiver of site plan to permit the construction of an auto repair garage to the rear of the existing residence located at 525 Mantua Boulevard, Mantua, New Jersey in the R-40 zone;

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on June 3, 2009 and by the sworn testimony of the applicant, Thomas R. Scott, Bruce McKenna, PE, PP, the applicant's engineer and planner, and by the legal representation of Barry N. Lozuke, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication;

WHEREAS, Thomas Scott, testified that he currently operates an auto garage on Elm Street and would like to construct a small auto repair garage with interior dimensions of 28 feet by 38 feet to the rear of the existing residence of the subject property. He testified that he does small repairs including oil changes and flat tires and that besides himself, there are no other employees at the business. He indicated the hours of operation would be from 8:30 a.m. to 6:00 p.m., Monday through Friday and would be closed on Saturdays and Sundays. He described the property as wooded to the rear of the lot and that there are other businesses in the area and also other properties in the area with businesses associated with existing residences. Mr. Scott agreed to a number of conditions and that any use variance granted would be personal to him and would not run with the land and would be extinguished upon his death or transfer of the property. In

addition, any and all business uses for the auto garage that he operates at the Elm Street property would be vacated, abandoned and extinguished if this application were approved.

WHEREAS, Bruce McKenna, the applicant's engineer and planner, testified on behalf of the applicant. He described the variance plan that he prepared. He testified that the property is wooded and indicated that properties in the vicinity have commercial operations and small business associated with residences. He did not believe that this small garage being proposed would pose any substantial detriment to the public good or to the Master Plan and zoning ordinances as it would likely not be seen because it was to the rear of the property. He also testified there were special reasons for the grant of the use variance including the abandonment of the so-called non-conforming business at the property on Elm Street and the proposed use at the subject property would not run with the land. He also indicated that it would not substantially impair the Master Plan and zoning ordinance as it adjoins the LI zone which includes commercial uses, there would be no removal of trees and will not inhibit development of surrounding properties. He also indicated there would be no impact on streams and waterways.

WHEREAS, the applicant presented a plan of the proposed project;

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. An architectural rendering of the proposed auto repair garage dated May 31, 2009 marked as Exhibit A-1 at the time of hearing;
- B. Seven (7) color photocopies of photographs of the subject property marked as Exhibit A-2 at the time of the hearing;
- C. A site location aerial map prepared by Monarch Engineering marked as Exhibit A-3 at the time of hearing;
- D. Two (2) color photocopies of photographs of adjoining properties showing commercial uses marked as Exhibit A-4 at the time of the hearing;

- E. A Use Variance Plan prepared by Bruce McKenna dated May 5, 2009 consisting of one (1) page;
- F. A letter from Barry N. Lozuke, Esquire on behalf of the applicant dated May 27, 2009 consisting of two (2) pages indicating various conditions that the applicant would agree to if the application were approved.
- G. The Board Engineer's Review Letter dated May 27, 2009 consisting of three (3) pages; and
- H. The Board Planner's Review Letter dated May 27, 2009 consisting of five (5) pages.

WHEREAS, one (1) member of the public appeared at the time of the hearing, namely William Glaze, who indicated he owns property adjacent to the subject property. He raised concerns about the impact on the right-of-way and county easement and the impact on his ability to build a house on his property if the use variance were approved; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance and the subject property was particularly suited for the proposed use.

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good.

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment for the variance.

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use variance and waiver of site plan to allow the construction of an auto repair garage at the subject property in the R-40 zone located at 525 Mantua Boulevard, Mantua, New Jersey is hereby approved subject to the following conditions:

1. The applicant shall comply with the conditions set forth in the Board Engineer's Review Letter dated May 27, 2009 and the Board Planner's Review Letter dated May 27, 2009;
2. There shall be no employees associated with the conduct of the auto repair business;
3. The use variance granted shall not run with the land, but instead shall be personal to Thomas R. Scott and shall extinguish upon the sale or transfer of the property or the death of Thomas R. Scott and the business use shall be conducted only by Thomas R. Scott at the property and shall not be sold, assigned or leased to any third party;
4. No more than four vehicles associated with the business shall be on the premises at any one time;
5. There shall be no outdoor storage of parts, products, waste materials or equipment;
6. There shall be no storage of vehicles on the property;
7. There shall be no sale or leasing of vehicles on the premises;
8. The garage shall have an interior square footage of 28 feet by 34 feet;
9. The garage shall be constructed of vinyl siding to match the existing house;
10. The hours of operation of the business shall be between 8:30 a.m. and 6:00 p.m., Monday through Friday. The business shall be closed on Saturdays and Sundays;
11. The grant of this approval is specifically subject to the vacation, abandonment and extinguishment of any and all business uses at the property on 219 Elm Street;
12. The maximum height of the garage shall be 24 feet;

13. The applicant shall submit a grading plan to also include the septic system to be approved by the construction code official demonstrating that there shall be no adverse drainage impacts as the result of the construction of the garage;
14. The applicant shall be limited to one small security light on the building;
15. There shall be no public sewer service extended to the garage;
16. The garage shall have no bathroom facilities;
17. The applicant shall have signage limited to a small identification sign not to exceed 4 square feet in sign area;
18. The applicant may be required to install a landscape buffer if issues arise in the future as to the conduct of the business or use of the property subject to the Board Engineer and Planner's review and approval;
19. The applicant shall not dispose of any commercial trash, waste or debris with the residential trash at the property;
20. The applicant shall remove the existing trailer on the property; and
21. The applicant shall be required to obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicant's expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on July 1, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By: _____

John Alice
John Alice, Chairman

Attest: _____

Lois A. Varalli
Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: _____

Alice, Gregg, Kaczka, Meyer

Those opposed: *-0-*

Those abstaining: _____

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on July 1, 2009, as copied from the minutes of said meeting.

Dated: *7-1-09*

Lois Varalli
Lois Varalli, Secretary

**RESOLUTION #09-17 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF
CLEARWIRE US, LLC FOR USE VARIANCES AND WAIVER OF
SITE PLAN APPROVAL TO PERMIT THE PLACEMENT OF
TRANSMITTING/RECEIVING ANTENNAE AND MICROWAVE DISHES
ON AN EXISTING MONOPOLE WITH ASSOCIATED CONCRETE PADS AND
EQUIPMENT CABINETS WITHIN AN EXISTING FENCED-IN COMPOUNDED
PROPERTY KNOWN AS 749 MULLICA HILL ROAD
(Block 261, Lot 7.02) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Clearwire US, LLC, filed an application pursuant to application #09-12 for use variances and waiver of site plan approval to install three (3) wireless telecommunications antennae at a centerline mounting height of 129 feet as well as three (3) microwave dishes at a centerline mounting height of 130 feet on an existing 150 foot high monopole. An equipment cabinet is proposed within a seven foot by seven foot leased area within the existing fenced-in compound. The property is located in the PC – Planned Commercial district;

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on June 3, 2009, and by the sworn testimony of Roger Johnson, PE, the applicant's engineer; and Andrew M. Petersohn, PE, the applicant's radio frequency engineer; and by the legal representation of Nicholas T. Menas, Esquire; and

WHEREAS, the applicant had previously received approval for a use variance, bulk and height variances and preliminary and final minor site plan approval for the subject property pursuant to Resolution #07-20 which said approval expired by virtue of Mantua Township Zoning Ordinance because it was not acted upon within the requisite time periods as provided for therein

WHEREAS, the applicant had duly presented notices and proof of publication;

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its cellular services to portions of Mantua Township; and

WHEREAS, the proposed three (3) wireless transmitting/receiving antenna height would be approximately 129 feet on the existing 150 high monopole; and

WHEREAS, the proposed three (3) microwave dishes would be at an approximate height of 130 feet on the existing 150 foot monopole; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, the applicant's expert also testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "Use Variance/Minor Site Plan" dated February 22, 2007, last revised April 17, 2009 prepared by Robert M. Duclos, P.E. consisting of four (4) pages;
- B. A rider to the application setting forth the applicant's legal basis for the use variance approval consisting of four (4) pages;
- C. A Site License Agreement for the use of the subject property dated December 14, 2004;
- D. The Board Engineer's Review Letter dated May 27, 2009 consisting of three (3) pages;

E. The Board Planner's Review Letter dated May 27, 2009 consisting of six (6) pages;

F. The Board's Radio Frequency Expert's Report prepared by Dr. Bruce A. Eisenstein dated June 1, 2009 consisting of four (4) pages;

WHEREAS, according to Professor Bruce Eisenstein's report, he reviewed the application and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, no (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance, the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment; and

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use variance and height variance and waiver of site plan approval and waiver of submission requirements set forth in the Board Engineer's Review Letter at Section 7 (page 2) for the placement of three (3) transmitting/receiving antennae at an approximate height of 129 feet and three microwave dishes at an approximate height of 130 feet, all on an existing 150 foot monopole and for waiver of site plan approval for installation of a 3 foot by 6 foot steel cabinet in a 7 foot by 7 foot leased area within the existing fenced-in compound is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated May 27, 2009 and the Board Planner's review letter dated May 27, 2009;
2. There shall be no lighting in connection with this approval;
3. The applicant shall meet all of the requirements of Mantua Township's Telecommunications Ordinances and regulations;
4. The existing fenced-in compound shall not be modified or altered;
5. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on July 1, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:

Melanie M. Meyer - Vice Chairman
John Alice - Chairman

Attest:

Lois A. Varalli
Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor:

For: Alice, Gregg, Karpis, Meyer, Estberg

Those opposed: -0-

Those abstaining:

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on July 1, 2009, as copied from the minutes of said meeting.

Dated: 7-1-09

Lois Varalli
Lois Varalli, Secretary

**RESOLUTION #09-18 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF
CLEARWIRE US, LLC FOR USE VARIANCES AND MINOR
SITE PLAN APPROVAL TO PERMIT THE PLACEMENT OF THREE
TRANSMITTING/RECEIVING ANTENNAE AND THREE MICROWAVE DISHES
ON AN EXISTING MONOPOLE WITH ASSOCIATED CONCRETE PADS AND
EQUIPMENT CABINETS WITHIN AN EXISTING FENCED-IN COMPOUND ON THE
PROPERTY KNOWN AS 222 BRIDGETON PIKE
(Block 61.01, Lot 2.01) MANTUA, NEW JERSEY**

WHEREAS, the applicant, Clearwire US, LLC, filed an application pursuant to application #09-11 for use, height and lot coverage variances, minor site plan approval and submission waivers to install three (3) wireless telecommunications antennae at a centerline mounting height of 94 feet, 2 inches, as well as three (3) microwave dishes at a centerline mounting height of 98 feet, 5 inches on an existing 138 foot high monopole. An equipment cabinet is proposed within a seven foot by seven foot leased area within the existing fenced-in compound. The property is located in the PC -- Planned Commercial District; and

WHEREAS, the applicant's presentation came on for hearing at the Board's regular meeting on July 1, 2009, and by the sworn testimony of Roger Johnson, PE, the applicant's engineer; and Arnold Dawinan, PE, the applicant's radio frequency engineer; and by the legal representation of Michael C. Learn, Esquire; and

WHEREAS, the applicant had previously received approval for a use variance, bulk and height variances and preliminary and final minor site plan approval for the subject property pursuant to Resolution #07-21 which said approval expired by virtue of Mantua Township Zoning Ordinance because it was not acted upon within the requisite time periods as provided for therein; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its cellular services to portions of Mantua Township; and

WHEREAS, the proposed three (3) wireless transmitting/receiving antenna height would be approximately 94 feet, 2 inches on the existing 138 foot high monopole; and

WHEREAS, the proposed three (3) microwave dishes would be at an approximate height of 98 feet, 5 inches on the existing 138 foot monopole; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, the applicant's expert also testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. A Plan entitled, "Use Variance/Minor Site Plan" dated February 7, 2007, last revised April 17, 2009 prepared by Robert M. Duclos, P.E. consisting of four (4) pages;
- B. A rider to the application setting forth the applicant's legal basis for the use variance approval consisting of four (4) pages;
- C. An Antenna Site Schedule #4088934 for the use of the subject property;
- D. The Board Engineer's Review Letter dated May 27, 2009 consisting of three (3) pages;

E. The Board Planner's Review Letter dated May 27, 2009 consisting of six (6) pages;

F. The Board's Radio Frequency Expert's Report prepared by Dr. Bruce A. Eisenstein dated June 1, 2009 consisting of four (4) pages; and

WHEREAS, according to Professor Bruce Eisenstein's report, he reviewed the application and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, no (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variance, in that the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment;

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use, height and lot coverage variances, minor site plan approval and waiver of submission requirements (a) -- (d) set forth in the Board Engineer's Review Letter at Section 7 (page 2) for the placement of three (3) transmitting/receiving antennae at an approximate height of 94 feet, 2 inches and three microwave dishes at an approximate height of 98 feet, 5 inches all on an existing 138 foot monopole and the installation of a 3 foot by 6 foot steel cabinet in a 7 foot by 7 foot leased area within the existing fenced-in compound is hereby approved subject to the following conditions:

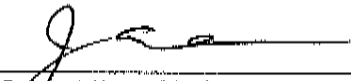
1. The applicant shall comply with all of the conditions set forth in the Board engineer's review letter dated May 27, 2009 and the Board Planner's review letter dated May 27, 2009;
2. Waiver of submission item (e) set forth in the Board Engineer's review letter at Section 7 (page 2) is not granted and the applicant shall amend the plan to provide the names of all property owners within 200 feet;
3. There shall no lighting in connection with this approval;
4. The applicant shall meet all of the requirements of Mantua Township's Telecommunications Ordinances and regulations;
5. The existing fenced-in compound shall not be modified or altered;
6. The applicant shall provide a letter from an engineer licensed in the State of New Jersey attesting to the structural integrity of the existing tower.
7. The applicant shall stabilize the crushed stone at the base of the tower so it does not migrate into the parking lot.
8. The applicant shall obtain any and all outside agency approvals necessary for the proposed application.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on August 5, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

By:


John Alice, Chairman

Attest:


Lois A. Varalli, Secretary

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Alice, Gregg, Kaczka, Eotberg* Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on August 5, 2009, as copied from the minutes of said meeting.

Dated: *8-5-09*


Lois A. Varalli, Secretary

**RESOLUTION #09-19 OF THE MANTUA TOWNSHIP ZONING BOARD OF
ADJUSTMENT APPROVING THE APPLICATION OF T-MOBILE NORTHEAST,
LLC, FOR USE VARIANCES AND MINOR SITE PLAN APPROVAL TO PERMIT THE
CONSTRUCTION OF A 150 FOOT HIGH TELECOMMUNICATIONS MONOPOLE
FOR THE PLACEMENT OF TRANSMITTING/RECEIVING ANTENNA AND
INSTALLATION OF AN ELECTRONIC EQUIPMENT COMPOUND AT PROPERTY
KNOWN AS 855 BRIDGETON PIKE (Block 273, Lot 2.03) MANTUA NEW JERSEY**

WHEREAS, the applicant, T-Mobile Northeast, LLC, has filed an application pursuant to Application #09-09 for use variances to construct a 150 foot high telecommunications monopole within a 75 foot by 50 foot fenced-in compound area (amended at the time of the hearing). The tower is extendable to 180 feet. In addition, the applicant proposes to mount an array of nine antennas on the tower at a mounting height of 150 feet. The applicant proposes to erect two (2) equipment cabinets on a 10 foot by 20 foot concrete slab, a meter board and a Telco cabinet all within the fenced-in compound on the property located at 855 Bridgeton Pike located in the PC – Planned Commercial Zone; and

WHEREAS, the applicant's presentation came on for a hearing at the Board's regular meeting on August 5, 2009 by the sworn testimony of David Stern, the applicant's radio frequency expert, Roger Johnson, PE, the applicant's engineer, Timothy Kronk, PP, the applicant's professional planner, Lori DeGenova, and by the legal representation of Richard Stanzione, Esquire; and

WHEREAS, the applicant had duly presented notices and proof of publication; and

WHEREAS, the applicant's experts testified that the applicant is a federally licensed provider of wireless services to Mantua Township and surrounding communities and that the applicant is experiencing a deficiency or gap in coverage of its telephone services to portions of Mantua Township; and

WHEREAS, the applicant's experts also testified that the proposed antenna were safe according to federal and state regulations; and

WHEREAS, finally, the applicant's experts testified that they would comply with all of the recommendations of the Board engineer and Board planner; and

WHEREAS, the applicant presented the plan of the proposed project; and

WHEREAS, the following documents and exhibits are incorporated herein by reference:

- A. Map of existing sites with reliable service (without the proposed sites) in Mantua Township for T-Mobile Northeast, LLC marked as Exhibit A-1 at the time of the hearing;
- B. Map of the existing sites with the proposed site showing reliable service in Mantua Township for T-Mobile Northeast, LLC marked as Exhibit A-2 at the time of the hearing;
- C. An aerial photograph of the site dated August 4, 2009 marked as Exhibit A-3 at the time of the hearing;
- D. An aerial photograph of the site marked as Exhibit A-4 at the time of the hearing;
- E. A blow-up aerial of the site dated June 6, 2007 marked as Exhibit A-5 at the time of the hearing;
- F. A zoning map showing the PC Zone and the P.I.Q. highlighted marked as Exhibit A-6 at the time of the hearing;
- G. A board showing a photo simulation of the tower with a photo of a balloon test on the left and a computer simulated tower on the right with a view from

Heritage Road looking southeast dated June 3, 2009 marked as Exhibit A-7 at the time of the hearing;

H. A board showing a photo simulation of the tower with a photo of a balloon test on the left and a computer simulated tower on the right with a view from Heritage Road looking west dated June 3, 2009 marked as Exhibit A-8 at the time of the hearing;

I. A board showing a photo simulation of the tower with a photo of a balloon test on the left and a computer simulated tower on the right with a view from Bridgeton Pike looking northeast dated June 3, 2009 marked as Exhibit A-9 at the time of the hearing;

J. A board showing a photo simulation of the tower with a photo of a balloon test on the left and a computer simulated tower on the right with a view from Bridgeton Pike looking southeast dated June 3, 2009 marked as Exhibit A-10 at the time of the hearing.

K. A Site Plan entitled, "T-Mobile Northeast, LLC – GL8324A Bridgeton Pike" prepared by Valore, LLC, last revised June 4, 2009, consisting of four (4) pages;

L. A report of Kenneth R. Foster & Associates on behalf of the applicant dated June 1, 2009 consisting of four (4) pages;

M. Mantua Township Board Engineer's review letter dated June 24, 2009 consisting of four (4) pages; and

N. Mantua Township Board Planner's review letter dated June 23, 2009 consisting of six (6) pages.

WHEREAS, Professor Bruce Eisenstein, the Board's radio frequency expert testified that he reviewed the application and report submitted therewith and it was his opinion that the application was necessary to fill in service area gaps for cellular service to Mantua Township and surrounding areas and the application met all state and federal regulations with regard to safety; and

WHEREAS, No (0) members of the public appearing at the hearing in connection with the application; and

WHEREAS, the Board gave due consideration to the testimony and plans submitted by the applicant; and

WHEREAS, in support of its determination, the Board found that special reasons existed to grant the requested use variances as the subject property was particularly suited for the proposed use; and

WHEREAS, the Board also found that the granting of the use variance would not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance and would not be a substantial detriment to the public good; and

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal Land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment; and

NOW, THEREFORE, BE IT RESOLVED, by the Mantua Township Zoning Board of Adjustment, that the application for approval of the use variances and minor site plan approval to permit the construction of a 150 foot high telecommunications monopole for the placement of transmitting/receiving antenna and installation of an electronic equipment compound at the

property located at 855 Bridgeton Pike (Block 273, Lot 2.03) is hereby approved subject to the following conditions:

1. The applicant shall comply with all of the conditions set forth in the Board Engineer's review letter dated June 24, 2009 and the Board Planner's review letter dated June 23, 2009.
2. The applicant shall modify the size of the fenced in compound from 75 feet by 75 feet to 75 feet to 50 feet so that the landmark trees shall be located outside the fenced-in compound and the landmark trees shall not be removed.
3. The applicant shall mark all trees during construction so that they shall not be removed or damaged subject to the Board Engineer's review and approval.
4. The applicant shall comply with the tree replacement ordinance by providing a payment in lieu thereof to the Township for any trees that are removed and which are required to be replaced subject to the review and approval of the Board Engineer (Approximately seven (7) specimen trees).
5. The monopole shall be painted a galvanized grey color.
6. The lighting shall be limited to a single 100 watt maintenance light to be used during maintenance of the facility which shall be approximately 1 time every month to 3 months and shall be on a timer.
7. The applicant shall meet all other requirements regarding cell towers co-locations of transmitting/receiving equipment and dismantling of cell tower facilities as provided for in the Mantua Township Zoning Code.
8. There shall be no signage allowed in connection with this approval.

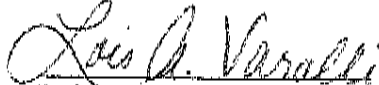
9. The access shall be provided around the existing grass path which shall be graveled over subject to the review and approval of the Board Engineer.
10. In the event the applicant wants to extend the monopole beyond 150 feet, it shall be required to apply to the Board for further approvals.
11. The applicant shall obtain all necessary outside agency approvals.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this resolution to be published in the Gloucester County Times at the applicants' expense and forward a copy thereto to the applicant within 10 days of the date hereof.

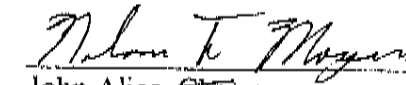
This is a Resolution memorializing the vote taken by the Mantua Township Zoning Board of Adjustment at the aforesaid meeting and is hereby adopted at the meeting held on September 2, 2009.

**ZONING BOARD OF ADJUSTMENT
OF MANTUA TOWNSHIP**

Attest:


Lois A. Varalli, Secretary

By:


~~John Alice, Chairman~~
Nelson F. Meyer *Acting Chairman*

ROLL CALL VOTE ADOPTING RESOLUTION

Those in favor: *Grigg, Kaczka, Meyer, Anthony*

Those opposed: *-0-*

Those abstaining: *-0-*

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of Mantua Township at its meeting on September 2, 2009, as copied from the minutes of said meeting.

Dated: *9-2-09*

Lois Varalli
Lois Varalli, Secretary