

**TOWNSHIP OF HOPEWELL  
ZONING BOARD OF ADJUSTMENT**

**WEDNESDAY, January 6, 2016**

The January meeting of the Hopewell Township Zoning Board of Adjustment (ZBOA) was held in the Municipal Building on the above date.

The Agenda Meeting of the ZBOA was held at 7:00 p.m.

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**REGULAR MEETING**

The Regular Meeting of the ZBOA was called to order by Susan Potocki at 7:44 p.m. in accordance with the Open Public Meetings Act, noting that proper notice of said meeting was forwarded to the Hopewell Valley News, The Times, The Trentonian, and the Hopewell Express and posted on the Municipal Bulletin Board. This meeting was audio recorded.

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**ROLL CALL**

**PRESENT:** Ferrara, Klapinski, Lockwood, Moser, Schoelwer, van Raalte, Chairman  
Connolly

**ABSENT:** Cane, Purandare

**ALSO PRESENT:** Attorney Kevin Van Hise, Zoning Officer Miller, Planner Banisch

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**SELECTION OF CHAIRMAN AND VICE CHAIRMAN**

**CHAIRMAN - William Connolly**

**MOTION** by Schoelwer, seconded by VanRaalte

**MOTION UNANIMOUSLY CARRIED**

**VICE CHAIRMAN - Frank Klapinski**

**MOTION** by Ferrara, seconded by Moser

**MOTION UNANIMOUSLY CARRIED**

**RESOLUTIONS OF APPOINTMENT**

**RESOLUTION REAPPOINTING 2016 HOPEWELL TOWNSHIP ZONING BOARD OF ADJUSTMENT ATTORNEY, Kevin Van Hise**

**MOTION** by Lockwood, seconded by Moser

**MOTION UNANIMOUSLY CARRIED**

**RESOLUTION REAPPOINTING 2016 ZONING BOARD OF ADJUSTMENT SECRETARY, Robert Miller**

**MOTION** by Moser, seconded by Klapinski

**MOTION UNANIMOUSLY CARRIED**

RESOLUTION APPOINTING 2016 ZONING BOARD OF ADJUSTMENT RECORDING  
SECRETARY, Susan Potocki  
MOTION by Klapinski, seconded by Lockwood  
MOTION UNANIMOUSLY CARRIED

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**APPROVAL OF MINUTES**

**MOTION** by Lockwood, was seconded by van Raalte to approve the Minutes of the Regular Meeting of November 4, 2015

**MOTION** by Ferrara, was seconded by Moser to approve the Minutes of the Regular Meeting of December 2, 2015.

**MOTIONS CARRIED**

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Chairman Connolly announced that the following application would be carried to the February 3, 2016 Regular Meeting.

**CASE 2014-14 – HUTCHINSON, RICHARD J.** – 1569 Reed Road, Pennington, New Jersey, Block 91, Lot 18 (on the Township Tax Map). Applicant is requesting a Use Variance and Preliminary and Final Site Plan approval to operate a wood mulch production operation; located in the SI Zoning District.

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**CASE 2016-1 - GURUKIRPA ENTERPRISES, INC. d/b/a CITGO PENNINGTON** - 102 Washington Crossing Road, Pennington, New Jersey, Block 91, Lot 6 (on the Township Tax Map). Applicant was applying for a Use Variance with Site Plan Waiver to add additional fuel hoses, a kiosk, vacuum, and propane dispenser to existing operating gas station, and convenience store; located in the R-100 Zoning District.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application. The Principal of Gurukirpa Enterprises, Inc., Mr. Manjit Guleria, was sworn in.

Mr. Brian Lozuke, of Mattleman, Weinroth & Miller, representing the applicant, explained:

- History of the site
- 3 ft. x 4 ft. kiosk between the dispensers
- Exhibit A-1 - Pictures of Existing Pumps/Layout:
  - Page 1 - Proposed kiosk would be between the 1st and 2nd dispensers, where trash can is located.
  - Page 2 - Side View of Existing Building, with Air Machine on left side of building. They propose to put a single hose vacuum directly adjacent to the air hose; along with a propane exchange program (2 cages filled with 20 gallon residential propane tanks). Customers would be able to exchange a propane with a new tank. The location of the propane cages was already approved by the Fire Marshal in discussions. In lieu of the Jersey Barrier (or tire stop), they proposed metal bollards to provide additional security around the propane gauges
  - Page 3 - Picture of a proposed setup for their propane cage and barrier
- Exhibit A-2 - Blue Rhino Tank Exchange Site Plan

Mr. Lozuke explained that they were also requesting a Site Plan Waiver due to the minimus nature of the improvements proposed, including:

- Approval of 6 hoses in lieu of the 4 hoses that previously existed, with 3 dispensers onsite
- Permit construction of a kiosk between the 1st and 2nd dispensers, along with the sale of propane tanks and the proposed vacuum hose.

Discussion with Board Members included:

- Noise level of the vacuums, which was covered with information from Exhibit A-3a and b - from the manufacturer
- There was no noise expert present. Mr. Guleria answered questions with regard to noise. Distance to closest neighbor is around 60 ft., which would be approximately 62 dB. The vacuums would be used approximately 4-5 times per day, for about 5 minutes each time.
- This site was an Existing Non-Conforming Use with a sidewalk for entrance to the store. Testimony was given as to why the extra proposed uses will not interfere with parking and access to the store.
- There is no rental unit above the store
- There are 13 parking spots surrounding the building: 5 parking spots in the rear, 4 along the side of the building (including handicap space), and 4 in front of the store
- Exhibit A-4 - Aerial Photo provided by The Township, showing parking spaces and that 2 of them are not actually usable because of their proximity to the other spaces
- The parking spot presently used for the air machine will also be used for the vacuum
- Vacuum and propane tank replacement are both being requested for customer convenience
- Site has a Subway On-The-Go, and is also a convenience store
- Vacuum would be actually 40 ft. from property line, rather than 60 ft., as noted
- Although there are now 6 hoses, there are no additional fueling stations (measure of intensity)
- Discussion for granting of kiosk, but not of vacuum and propane - which are intensifications of pre-existing non-conforming use

Mr. Lozuke requested to amend their application to withdraw the request for the vacuum and the propane, subject to further review from the Board.

There were no further questions from the Board.

There were no questions or comments from the public

**MOTION** by Klapinski, seconded by Ferrara to close the public hearing.

**MOTION UNANIMOUSLY CARRIED**

**MOTION** by Ferrara, seconded by Klapinski, to approve the amended application for the hoses and the kiosk, including Site Plan Waiver.

**ROLL CALL VOTE:**

**AYES:** Ferrara, Klapinski, Lockwood, Moser, Schoelwer, van Raalte, Chairman Connolly

**NOES:** None

**ABSENT:** Cane, Purandare

**CASE 2016-2 - PRINCETON FARMHOUSE, LLC d/b/a THE FARMHOUSE AT THE TECHNOLOGY CENTER OF PRINCETON** - 330 Carter Road a/k/a 328 Carter Road, Princeton, New Jersey, Block 40, Lot 14.03 (on the Township Tax Map). Applicant was applying for a Use Variance application with a bifurcated Site Plan (submitted at a later date) to convert an existing office use building to a catering facility. Reinitiating a prior approved Use and Site Plan Variance for a restaurant, located in the RO-3 Zoning District.

Chairman Connolly recused himself from this application due his son being a partner in the Philadelphia Office of Drinker, Biddle & Reath. The gavel was given to the Vice Chairman.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application.

Mr. Christopher DeGrezia; of Drinker, Biddle & Reath, noted that they received the Engineer's report that afternoon, which had questions that required them to look further into the prior approvals. He asked the Board to carry this matter, and a Special Meeting date of Wednesday, January 27, 2016 at 7 p.m. was established. Members of the audience were informed and there will be no need for additional notification.

**CASE 2014-5 – SBA TOWERS V LLC** – 263 Pennington-Rocky Hill Road, Pennington, New Jersey, Block 38, Lot 10 (on the Township Tax Map). Applicant was requesting a Use Variance and Preliminary/Final Site Plan approval for a Telecommunications Facility; located in the VRC Zoning District. This application was continued from the June 4, 2014 Regular Meeting.

Attorney Van Hise noted that this was the second hearing for this case. There was a recusal, for Ms. Ferrara, at the original hearing which will continue. Mr. van Raalte certified that he listened to the audio and was therefore eligible to participate. Ms. Ferrara left at that point.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application.

Mr. Kevin Jones; of Zublatt & Jones, P.C., there on behalf of the applicant, explained that the applicant is proposing a 115 ft. monopine (which is a mono-pole transmission tower), disguised as a large pine tree. The applicant is also filing this application on behalf of its anchor tenant, Verizon Wireless, who is an FCC licensed carrier seeking to file a gap in their wireless coverage within and around this area. The subject property is located in the VRC, Valley Resource Conservation District, where wireless telecommunication services is not a permitted use. In fact, wireless telecommunications are only conditionally permitted uses in nonresidential zones within the Township of Hopewell.

Mr. Jones went on to explain:

- History of the site, description of what happened at the previous hearing, and an overview of discussions with Messrs. John Chaffee and Dennis Flynn of Bristol-Myers Squibb. Due diligence was performed in 2014. AT&T put the site on hold, but Verizon showed interest in the site. As recent as a few months ago, Bristol-Myers Squibb was not interested.
- In August of 2015 Mr. Jones came to the Board with a brief update on behalf of the applicant and advised that they were continuing to negotiate and work with Bristol-Myers Squibb because that is an ROI zone where these uses are conditionally permitted.
- Letter from Mr. Daryl Boone, of SBA Towers V LLC, outlining a conversation with Mr. Flynn (of Bristol-Myers Squibb) advising that they are not interested at this time
- The applicant stated that they were prepared to move forward with an available landlord - Pedersen Farm Property, with which they have an executed lease agreement

Chairman Connolly and Attorney Van Hise explored the question as to whether a letter explaining Bristol-Myers Squibb's lack of interest is sufficient. It was decided that the Board needs some kind of testimony or evidence, from the applicant, to prove that this is not hearsay and so the Board can ask questions. The individual who is familiar with this information will appear in the future.

Attorney Van Hise swore in Mr. Frank Banisch, the Township's Planner; as well as Dr. Eisenstein, the Township's Wireless Antenna Expert. The Applicant's witnesses were also sworn in: Mr. Brian Grebis, Radio Frequency Engineer; Mr. James Miller, Professional Planner; Ms. Mary Seagrave, Environmental Specialist and Archaeologist; and Mr. Mark Altrogge, their Engineer.

Mr. Grebis, of DBM Engineering, gave his professional qualifications, which were accepted, and testified as follows:

- Description of process for choosing a site due to gap in coverage
- Description of the need for a site and what would be provided. A DAS or small cell will not work. A macro site is needed here.

Mr. Mike Pisauro, the attorney for Stony Brook-Millstone Watershed Association, voiced his concern that a map of Verizon Wireless' existing 700 megahertz LTE coverage drawings, introduced in conjunction with an RF report entitled Radiofrequency Design of Proposed Communications Facilities, dated October 15, 2015 were not available to the public 10 days prior to the hearing. Upon further discussion it was found that this would be heard tonight because it was brought due to a response to an addendum dated January 4, 2016, requested from our Engineer and also Dr. Eisenstein. Dr. Eisenstein explained the reason for requesting -85 dBm (rather than -95 dBm which was originally submitted), and to also present it in a larger format for his review. Mr. Pisauro will be able to bring the expert back once the public and his organization has a chance to review these documents.

Mr. Grebis described:

- Software used to produce this radio frequency modeling, and items taken into consideration
- There is clearly a gap of coverage issue and a site is necessary here
- Exhibit A-1 - Verizon Wireless Existing 700 MHz LTE Coverage @ -85 dBm. There was discussion about possible sites, existing towers, and coverage areas.
- Exhibit A-2 - Verizon Wireless Proposed 700 MHz LTE Coverage @ -85 dBm with green shaded area to show coverage provided by the proposed site at the Pedersen facility. The shape of it is due to the directionality of the antennas. There was discussion as to the types of services that would be deployed. There will be 4G coverage and something new called Voice Over LTE (long term evolution), or VoLTE. This will allow for any kind of present phone call or data coverage. There was detailed discussion of all types of coverage.
- Exhibit A-3 - Verizon Wireless Potential 2100 MHz LTE Coverage @ -85 dBm. This would be for a high capacity network, but with less coverage area.

During discussion between Mr. Grebis and Dr. Eisenstein it was decided that the applicant will only be using 700 MHz LTE Coverage at this point. Anyone with a 3G phone will still be covered. There was additional discussion about the possible need to change out antennas or put new radios into the cabinets below. Should that happen, a similar standard 6 foot antenna would be used. The possibility of having AT&T come in the future, and what that would entail, was also discussed. There was a great deal of detailed discussion about the performance of all networks: 3G 800; 4G 1,900, 2,100, and 700 LTE. It was agreed that this is an ideal site and the least intrusive.

Discussion with Board Members included:

- Request for testimony from Mr. Grebis regarding availability of other sites
- Pole height - Center of antennas would be 110 feet, the tip of the antenna would be approximately 113 feet, and the tower itself extends to 115 feet with the lightning rod extending from 115 to 120 feet. Approval is being sought for 120 feet.
- There are no FAA requirements for tower being lit

- Discussion with regard to 6409(a) from the Class Tax Relief Act of 2012, and the new FCC order 14-153
- The applicant will design the base of the tower foundation to at least 140 feet, and build to 120 feet. Mr. Altrogge clarified that technically it's from 115 extendable to 135 feet, and that he would clarify that later.
- Cables and cable bridges will be internal. There is sufficient room inside the tower for any add-on colocalizers to also be inside, so there would be no vertical outside cable bridges.

Short break from 9:24 to 9:35 p.m.

Chairman Connolly then reconvened the meeting to questions from the public.

Mr. Pisauero and Mr. Grebis discussed:

- Confirmation that Mr. Pisauero will be able to review the exhibits and material provided, holding the bulk of his questions until then
- Description of other four (4) alternative sites looked at in determining need for the Pedersen site, as well as existing sites
- Question and answer as to who was provided with data to determine coverage gaps, and the determination that the data provided to the board and to the public was essentially the same, only showing different coverage levels
- On Exhibit A-1, white areas show areas with unreliable coverage. Mr. Pisauero wanted it shown on the record that although the Stony Brook-Millstone Watershed's driveway is in the white area he does not experience dropped calls. He also does not experience dropped calls between there and Princeton. Discussion was held as to the difference between actual customer phones, variations to be taken into account, and unreliable area coverage.
- Process used to rule out colocalization sites

Ms. Katherine V. Dresdner of 299 Pennington Titusville Road asked about the statistical study that formed the basis for the graphic representation. She also brought up percentage of farmlands in the white area and stated that she's a member of Honeybrook Farm, in the white area, and has never experienced a drop off of calls.

The Board, Mr. Grebis and Dr. Eisenstein went on to discuss:

- The Telecommunications Act and the determination from the FCC, as to providing reliable service
- Information regarding design coverage, gps coverage, and e911 calls will also affect coverage in an unreliable area
- Information regarding drive test data - software used is Atoll

Ms. Jennifer Havens of 247 Pennington Rocky Hill, about 1/2 mile from the proposed site, has not lost any calls in the past 10 years. There was additional discussion as to coverage and why other nearby sites that already have antennae cannot be used.

Ms. Vanessa Sandom, speaking as a resident and also as a member of the Township Committee, was sworn in and discussed the following questions/comments:

- Confirmed that if the tower was located on the Bristol-Myer Squibb site it would be a viable candidate, and the only reason it's not viable is because the landlord is not willing or interested.
- Ms. Sandom stated that she spoke today with Fred Egenolf of Bristol-Myer Squibb, Director of Corporate Relations at corporate, about this, and he specifically said that they had made no formal decision on the matter, and that they are willing to discuss this with the Township, and with

any of the organizations in the community who are interested in this, and that they are willing to talk any time the Township wants to approach them about this.

- Mr. Grebis has not spoken with Mr. Egenolf; only with Mr. Flynn, the Facilities Manager, at the local site.
- Ms. Sandom had spoken with Mr. Flynn in 2014, and understood there's been communications at the local level; but at the corporate level, there's quite a different perspective.

The Applicant, under the Board's direction, will contact Mr. Egenolf before the next meeting for this application.

There were no further questions with regard to the first part of Mr. Grebis' testimony.

Mr. Grebis proceeded to discuss his report on Electromagnetic Exposure Analysis, dated November 4, 2015. Items discussed were:

- FCC compliance levels, as it would relate to maximum permissible exposure to humans, which are set to 700 MHz as the acceptable level. The applicant's site will still be 180 times below what the FCC says is the safe level 100% of the time for the public.

The Board, Mr. Grebis and Dr. Eisenstein went on to discuss:

- Dr. Eisenstein checked their calculations and confirmed them
- There was also discussion regarding inclusion of AM radio towers in these calculations. Dr. Eisenstein gave additional explanation as to what this means to public safety.

There were no further questions or comments from the Board or the public.

Although requested, there were no Special Meeting dates available, because January 27th was already given to Princeton Farmhouse, LLC. It was decided that the applicant would come back and be first on the agenda for the Wednesday, February 3, 2016 regular meeting at 7:30. Any applicants presently scheduled for February 3rd will be pushed back if necessary.

## **RESOLUTIONS/MEMORIALIZATION**

### **CASE 2014-12 SP PRELIMINARY & FINAL SITE PLAN - 222 ROUTE 31, LLC (BUY RITE DEVELOPMENT)**

**MOTION BY** Moser, seconded by Klapinski to approve the resolution.

**MOTION UNANIMOUSLY CARRIED**

### **CASE 2015-19 - KECSKES, ROBERT A.**

**MOTION BY** Lockwood, seconded by Moser to approve the resolution.

**MOTION UNANIMOUSLY CARRIED**

### **CASE 2015-20 - UNION LINE INVESTMENTS, LLC d/b/a UNION LINE GARAGE**

**MOTION BY** Lockwood, seconded by Moser to approve the resolution.

**MOTION UNANIMOUSLY CARRIED**

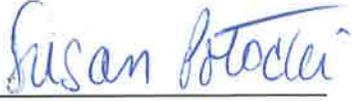
### **CASE 2015-21 - BONDI, JOSEPH**

**MOTION BY** Ferrara, seconded by Moser to approve the resolution.

**MOTION UNANIMOUSLY CARRIED**

At 10:27 p.m. **MOTION** by Klapinski, seconded by Moser to adjourn the meeting.  
**MOTION UNANIMOUSLY CARRIED**

Respectfully submitted,



Susan Potocki  
Susan Potocki  
Zoning Board Recording Secretary