

**BOROUGH OF MAGNOLIA  
PLANNING BOARD MINUTES  
MAY 23, 2007**

The meeting was call to order by Chairman Lawrence Barrar at 7:30 PM. The public statement was read by the Chairman, followed by the flag salute.

**ROLL CALL - CH-Chairman, VC-Vice Chairman, C-Council, MD-Mayors Designee, A-Alternate**

Lawrence Barrar	CH	Present	Richard Krause	MD	Present
Joyce Albrecht		Present	Arthur Loder		Absent
Robert Brown		Present	John Wolf, Jr.		Present
Nick D'Amico	C	Present	John Lattany	A1	Absent
John DiBartolomeo	VC	Present	Joseph Conway	A2	Absent
Jim Hannold		Present	VACANT	A3 & A4	

**ALSO**

David Kreck	Engineer	Present	Michael Ward	Solicitor	Present
Chris Mecca	Zoning Off.	Absent	Denise O'Kane	Secretary	Present

**APPROVAL OF MINUTES**

The December 20, 2006 minutes were reviewed by the board and some changes were requested. The April 25, 2007 minutes were reviewed by the board with no changes. A motion was made to approve the April 25, 2007 minutes as written and the December 20, 2006 minutes with corrections. AIF-Motion approved.

**OLD BUSINESS**

**Scannell/FedEx Ground**

This was an informal review presented by Steven M. Bach, Municipal & Re-development Engineer for the Borough of Magnolia. They presented the application in 2005 and wanted to review the current "Project Punch List" dated April 13, 2007 and revised April 25, 2007; with the board and answer any questions. This list was generated only by request from the borough, to put something in writing regarding Building related items and code issues for the Construction Dept.; Not Site Plan items. The board noticed immediately all of the "unapproved" items on the list and was mainly concerned with item #1. Vacated Davis Road Emergency Access. Board member J. Wolf; also a member of the Fire Company, had stated concerns as to why was that vacated without the boards knowledge or approval for a long time now?

Mr. Bach stated; numerous phone calls, e-mails & correspondence occurred with the Borough of Magnolia, Barrington and other outside agencies before any decisions were made. The Fire Chief of Magnolia and Barrington have the right to review for public safety and welfare; and make any necessary modifications outside of the Planning Board jurisdiction and that only occurred after a concern was made by Fire Chief Riebel regarding the Davis Road emergency access. Alternate access was explored on Walnut Avenue; which provides both left & right turns that where necessary and approved by Fire Chief Riebel. Fire Chief Riebel stated; the time of concern came when he saw that the top-pave was done and the wall was going up and thought the access could not work at that point and that is when we explored an alternate access. Mr. Bach stated; that was always an awkward access and other issues regarding the railroad crossing had to be resolved; but the work for the access road had not begun at the time Fire Chief Riebel visited the site.

Mr. Ward stated; why didn't Fire Chief Riebel provide comments before the board upon plan review; that did not happen, so in the future outside agencies should come to the meetings and note any safety issues that would impact the community under our Preliminary Approval and not under Final Approval.

Mr. Bach stated; this is not a common practice required by other municipalities and strongly suggested; if that is what the board wants, then they need to implement in writing, through ordinance and application; that all outside agencies supply all information to the Planning Board Engineer, so it can be reported under the completeness review letter. This was the first large project for Magnolia and we all went through growing pains and my position as engineer is to try and help with all parties involved through the process. Fire Chief Riebel is happy with the two access roads we have now.

Mr. Bach stated; outside agencies have the jurisdiction to make changes and the applicant is only required to present an amended application for the board to review. The board stated; they felt that the applicant never had any intension to complete the access road and was only interested in the Magnolia address for Grant approvals. Mr. Bach stated; the address is an independent issue. The board asked; can the access road still be built to make a right hand turn? Mr. Bach; Yes.

The board was concerned about not being involved or aware of the situation; Mr. Bach thought that might be an internal issue. Tony DePrince stated; as a borough official he agrees with the changes and we lead the developer to believe that we were OK with that and have been enforcing Plan "B" as of today; however, he supports the board in what they have to do for compliance.

Mr. Bach suggested Mr. Ward to contact the applicants attorney, to prepare an "as built" site plan amendment for the board to review. N. D' Amico will recommend to mayor & council the change our ordinance regarding development & performance standards.

### **NEW BUSINESS**

#### **Sam Ross/SAR Equipment**

The applicant came before the board in 2006 & 2007, now presenting a new application to comply with the completeness review letters generated from KLE Consultants. Mr. Kreck reviewed his letter dated May 8, 2007 item by item and the applicant agreed to comply. Mr. Kreck was concerned that he hasn't heard from the applicants engineer; regarding some issues, but feels confident they will comply. The board members and Mr. Ward are concerned if he can't comply and the new items are not addressed, should he come back to the board with an amended application?

The board inquired if the gate was electric? YES and the Fire Chief will receive an automatic opener or they can manually open for emergencies. Mr. Wolf asked if a "Knoxs-Box" could be installed? YES. The board asked the applicant, what if you can't get the easement from your neighbor to comply with the drainage requirements? Answer; then it would be too much of a hardship and too costly, I'll just sell AS IS. The board asked if the auto repair use was private; YES just for Senior Services, if the property sells or Senior Services leaves the use is VOID.

A motion was made to open the meeting to the public. Being no further discussion, a motion was made to close the meeting to the public. AIF-Motion approved.

First & Second motions were made to approve a Preliminary Site Plan with Conditions noted under KLE Consultants Review Letter dated May 8, 2007 along with any necessary variances needed and the applicant must file a trespassing complaint against the neighboring property with our nuisance officer. AIF-Motion approved.

#### **VAR 07-1 / Louis & Jane Jenkins – 415 S. Warwick Road**

Applicant wants to replace existing deck with a new 16' x 14' deck and seeking a side yard set back variance from 8' to 4' and a rear yard set back variance from 30' to 26'. After some discussion with the Board, a motion was made to open the meeting to the public. Being no further discussion, a motion was made to close the meeting to the public. AIF-Motion approved. A motion was made to approve the application for a 4' side yard and a 4' rear yard set back variance. Motion approved by roll call vote.

SPL07-2 / Nextel Communications – 318 White Horse Pike

The applicant was represented by their attorney Kevin D. Sheehan of Parker McCay, seeking to locate its communications antenna on an existing telecommunication tower located on the property at a height of 100 feet and to place a 12' x 20' prefabricated equipment shelter 8' from an existing fence around the tower. The board had previously granted approval under resolution #05-020, to allow collocation space for (4) additional wireless telecommunication carriers.

Mr. Sheehan introduced Ahmet Colakoglu, Professional Engineer with Damiano Long to explain the application and answer any questions. Mr. Colakoglu showed the board a site plan that covered all four (4) of the proposed carriers and the placement in relationship to one another. The shelter would be similar to the existing shelter for Cingular; it will be an un-manned shelter and a technician would visit the site approximately every 4-6 weeks and will have a motion sensor light the size of any average light bulb. The board inquired if the shed could be moved more west? NO it would interfere with access for the proposed Verizon shelter, which is currently 4-5 feet apart. Mr. Kreck stated; the applicant had complied with his review letter dated May 14, 2007.

A motion was made to open the meeting to the public. Being no further discussion, a motion was made to close the meeting to the public. AIF-Motion approved.

First & Second motions were made to approve the Site Plan application with conditions noted under the KLE Consultant review letter dated May 14, 2007. AIF-Motion approved.

A motion was made at 10:40 pm to continue the meeting and hear the final application scheduled on the agenda. AIF-Motion approved.

SPL07-1 / Clearwire Wireless – 318 White Horse Pike

The applicant was represented by their attorney Nicholas T. Menas of Cooper Levenson, seeking to install a total of (3) wireless telecommunications antenna & (3) microwave dishes on an existing telecommunications tower located on the property at a height of 110 feet and to place an equipment cabinet approx. 3'x5' within an existing fence around the tower. No variance relief is needed. The board had previously granted approval under resolution #05-020, to allow collocation space for (4) additional wireless telecommunication carriers.

Mr. Kreck summarized the application for the board; as similar to the previous application made by Nextel, and the applicant had complied with his review letter dated May 14, 2007.

A motion was made to open the meeting to the public. Being no further discussion, a motion was made to close the meeting to the public. AIF-Motion approved.

First & Second motions were made to approve the Site Plan application with conditions noted under the KLE Consultant review letter dated May 14, 2007. AIF-Motion approved.

COMMENTS & DISCUSSION

Chairman Barrar: Reminded the board to review and hold on to; the "Revised" review letter from Dave Kreck dated May 4, 2007, regarding the Lions Head Plaza application to be heard in the future.

Chairman Barrar: Everyone received a copy of the 2007 Planning Board Members; prepared by our secretary, and asked each member to review for accuracy including Class & Term Expiration. Mr. Ward stated; his new address is 118 W. White Horse Road, all else correct. Being no further objections the chairman declared the information to be true & accurate.

Dave Kreck: He knows the Sam Ross application has been taking some time, but feels confident that he will get the easement approval from the neighbor. The agenda next month may be heavy again, we already have (3) application ready and we are still waiting to hear on Wal-Mart, Arby's & Senior Housing Development.

Mr. Ward: We shouldn't grant Preliminary approval for the Sam Ross application without having all the information.

All agree that the storm water situation on the property owned by Sam Ross is a big issue.

A motion was made to open the meeting to the public.  
- Mary Martz, feels that the Sam Ross application should have been rejected

Being no further discussion, a motion was made to close the meeting to the public. AIF-Motion approved.

A motion was made and seconded to adjourn the meeting at 11:00 pm. AIF-Motion approved.

\*AIF – All in Favor

Respectfully Submitted by: Denise O'Kane, Planning Board Secretary



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