

**From:** Danielle Bellia <XXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXX.XXXXXXXXXX.XXX>  
**Sent time:** 03/31/2026 09:34:42 PM  
**To:** OPRA requests at East Greenwich Township <XXXXXXX@XXXXXXXXXXXXXXXXXX.XXX>  
**Subject:** OPRA request - 114 Mantua Rd, Mount Royal, NJ (Block 1402.01, Lot 120)

This is the first time you received an email from this sender (xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxx.xxxxxxxxxx.xxx). Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Dear East Greenwich Township,

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-5(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested:

Pursuant to the New Jersey Open Public Records Act, I am requesting access to and copies of all records related to land clearing, site disturbance, and permitting for the property located at:

114 Mantua Rd, Mount Royal, NJ

(Block 1402.01, Lot 120)

Specifically, I am requesting:

All permit applications and approvals/denials

## Related correspondence

Any NJDEP permits or submissions (wetlands, flood hazard, etc.)

Planning Board and Zoning Board materials, including agendas, resolutions, hearing notices, transcripts, and minutes.

All inspection reports, violations, notices of violation, stop work orders, or enforcement actions

Any traffic, environmental, or noise studies associated with the project

Any agreements, memoranda of understanding, or contracts related to the property or proposed development.

Any and all emails pertaining "data center", "D variance", "conditional use", "facility", "project", "site plan", "tree removal", "infrastructure", "site work", "data storage", "american tower", "feasibility"

E-discovery summary of export.

If any records are withheld, please provide the reason and release all non-exempt portions.

Timeframe: January 1, 2024 to present.

Sincerely,

Danielle Bellia

My preferred delivery method for response(s) to this request is by E-mail as attachments. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXXX.XXXXXXXXXXXXXX.XXX

Is xxxxxxxx@xxxxxxxxxxxxxxxxxxx.xxx the wrong address for OPRA requests to East Greenwich Township? If so, please contact us using this form:

[https://opremachine.com/change\\_request/new?body=east\\_greenwich\\_township](https://opremachine.com/change_request/new?body=east_greenwich_township)

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

[https://opramachine.com/request/114\\_mantua\\_rd\\_mount\\_royal\\_nj\\_blo](https://opramachine.com/request/114_mantua_rd_mount_royal_nj_blo)

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAmachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."

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Any and all emails pertaining "data center", "D variance", "conditional use", "facility", "project", "site plan", "tree removal", "infrastructure", "site work", "data storage", "american





**From:** Leanna Colubriale [REDACTED]<[REDACTED]>  
**Sent time:** 03/30/2026 11:43:14 AM  
**To:** xxxxxxxx@xxxxxxxxxxxxxxxxxxx  
**Subject:** OPRA Request  
**Attachments:** OPRA Request.pdf

This is the first time you received an email from this sender (xxxxxxxxxxxxxxxx@xxxxx.xxx). Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hi Elizabeth,

Please find the attached request. If any additional information is needed to facilitate the request, please let me know.

Thanks,

Leanna Colubriale

[REDACTED]

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

| AGENCY USE ONLY    |       | AGENCY USE ONLY                                                                                                                |                             | AGENCY USE ONLY            |                   |       |
|--------------------|-------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------|-------------------|-------|
| Est. Document Cost | _____ | <b>Disposition Notes</b><br>Custodian: If any part of request cannot be delivered in seven business days, detail reasons here. | <b>Tracking Information</b> |                            | <b>Final Cost</b> |       |
| Est. Delivery Cost | _____ |                                                                                                                                | Tracking #                  | _____                      | Total             | _____ |
| Est. Extras Cost   | _____ |                                                                                                                                | Rec'd Date                  | _____                      | Deposit           | _____ |
| Total Est. Cost    | _____ |                                                                                                                                | Ready Date                  | _____                      | Balance Due       | _____ |
| Deposit Amount     | _____ |                                                                                                                                | Total Pages                 | _____                      | Balance Paid      | _____ |
| Estimated Balance  | _____ |                                                                                                                                | <b>Records Provided</b>     |                            |                   |       |
| Deposit Date       | _____ |                                                                                                                                |                             |                            |                   |       |
|                    |       | In Progress - Open                                                                                                             | _____                       |                            |                   |       |
|                    |       | Denied - Closed                                                                                                                | _____                       |                            |                   |       |
|                    |       | Filled - Closed                                                                                                                | _____                       |                            |                   |       |
|                    |       | Partial - Closed                                                                                                               | _____                       |                            |                   |       |
|                    |       |                                                                                                                                |                             | <b>Custodian Signature</b> | <b>Date</b>       |       |



## DEPOSITS

The custodian may require a deposit against costs for reproducing documents whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce. N.J.S.A. 47:1A-5(f).

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

### **YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):**

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven (7) or fourteen (14) business days. See page 5 for additional response details**)

#### **N.J.S.A. 47:1A-1.1**

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative material
- ☐ Legislative records
- ☐ Law enforcement records:
  - ☐ Medical examiner photos
  - ☐ Criminal investigatory records (however, N.J.S.A. 47:1A-3(b) lists specific criminal investigatory information which must be disclosed)
  - ☐ Victims' records and/or OPRA requests submitted by victims seeking their own records
- ☐ Personal firearms records or personal identifying information connected to any license authorizing hunting with a firearm.
- ☐ Trade secrets and proprietary commercial or financial information
- ☐ Any record within the attorney-client privilege
- ☐ Administrative or technical information regarding computer hardware, tablets, telephones, electronic computing devices, software applications, and networks or devices operation them which, if disclosed would jeopardize computer security
- ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- ☐ Security alarm system activity and access reports, including video footage the disclosure of which does not compromise the integrity of the security system
- ☐ Information which, if disclosed, would give an advantage to competitors or bidders including detailed or itemized cost estimates prior to bid opening
- ☐ Information generated by or on behalf of public employers or public employees in connection with:
  - ☐ Any sexual harassment complaint filed with a public employer
  - ☐ Any grievance filed by or against an employee
  - ☐ Collective negotiations documents and statements of strategy or negotiating
- ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ Information that is to be kept confidential pursuant to court order
- ☐ Certificate of honorable discharge issued by the United States government (commonly Form DD-214 or NGB-22) filed with a public agency
- ☐ Oath of allegiance, oath of office, or other affirmation; except that full name, title, and oath date.
- ☐ Privacy Information:
  - ☐ Social security numbers
  - ☐ Credit card or debit card numbers
  - ☐ Bank account information
  - ☐ Month and day of birth
  - ☐ Personal e-mail address required by a public agency for government applications, services, or programs
  - ☐ Telephone numbers
  - ☐ Drivers' license numbers
  - ☐ Primary or secondary addresses for covered persons or immediate family members per N.J.S.A. 47:1B-1 (Daniel's Law)
- ☐ Portion of any document disclosing personal information of any person provided to a public agency for sole purpose of receiving official notifications
- ☐ Lists (including personal information) of persons identifying as in need of special assistance in the event of an emergency maintained by a municipality or county
- ☐ Portion of any record disclosing the personal identifying information of a person under 18 years old
- ☐ Personal identifying information contained on domestic animal permits, license, and registrations.
- ☐ Metadata
- ☐ New Jersey Firemen's Association financial relief applications
- ☐ Owner and maintenance manuals
- ☐ HIPAA information and indecent or graphic images of a person's intimate parts as defined in N.J.S.A. 47:1A-5.2
- ☐ Certain records of higher education institutions:
  - ☐ Research records
  - ☐ Questions or scores for exam for employment or academics
  - ☐ Charitable contribution information
  - ☐ Rare book collections gifted for limited access
  - ☐ Admission applications



- ☐ Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- ☐ Convicts requesting their victims' records N.J.S.A. 47:1A-2.2
- ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3(a)
- ☐ Public defender records N.J.S.A. 47:1A-5(k)
- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
  - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
  - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
  - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- ☐ "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

**Executive Order No. 21 (McGreevey 2002)**

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

**Executive Order No. 26 (McGreevey 2002)**

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

**Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9(a).**

(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

**REQUEST FOR RECORDS UNDER THE COMMON LAW**

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

***Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.***



1. All "government records" as defined in N.J.S.A. 47:1A-1.1 are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5(g). In accordance with OPRA, custodians will generally have seven (7) business days to respond, unless:
  - The requestor seeks "immediate access" records as outlined in N.J.S.A. 47:1A-5(e); where the custodian must respond "immediately" disclosing responsive records not to exceed twenty-four (24) months old.
  - The requestor seeks information required to be disclosed by N.J.S.A. 47:1A-3(b), where the custodian must respond disclosing the information within twenty-four (24) hours or as soon as practical;
  - The requestor is seeking records for a "commercial purpose" as defined in N.J.S.A. 47:1A-1.1, where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i). However, the response time frame can be reduced to seven (7) business days upon payment of no more than two times the cost to produce the responsive records.
  - The requestor is seeking records requiring review for compliance with "Daniel's Law" (N.J.S.A. 47:1B-1, et seq.), where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i).
  - Fire district employing one or fewer full-time employees serving as custodians may add seven (7) business days to the seven (7) or fourteen (14) business day response time frames.

The applicable response time does not commence until the custodian receives the request form. N.J.S.A. 47:1A-5(h). If you submit the request form to any other officer or employee, the recipient must either forward the request to the appropriate custodian or direct you to the appropriate custodian. Id.

3. Requestors are not required to use this OPRA request form; however, a written equivalent not containing the form requirements of N.J.S.A. 47:1A-5(f) and N.J.S.A. 47:1A-5(g) may be denied by a custodian.
4. Requestors may submit requests anonymously. A request submitted anonymously shall not be considered incomplete. N.J.S.A. 47:1A-5(f). If you elect not to identify yourself accurately or provide an accurate address, e-mail address, or telephone number, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request. Further, anonymous requestors are prohibited from filing a complaint with either the GRC or the Courts. N.J.S.A. 47:1A-6.
5. The fees for duplication of a "government record" in printed form are listed on page 1 of this form. The custodian will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the responding agency.
6. You may be charged a prepayment or deposit when a request for copies exceeds \$5.00. The custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records.
7. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. N.J.S.A. 47:1A-2.2. This includes anonymous requests for said information.
8. By law, the responding agency must notify you that it grants or denies a request for access to government records within applicable response time frame after the custodian receives the request. If the record requested is in storage, the custodian will advise you within seven (7) or fourteen (14) business days after receipt of the request when the record can be made available and the estimated cost for reproduction within no more than twenty-one (21) business days from date of notification. N.J.S.A. 47:1A-5(i).
9. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you. N.J.S.A. 47:1A-5(g).
10. If the custodian is unable to comply with your request for access to a government record, they will indicate the specific bases for denial on the request form or other written correspondence and send it to you.
11. Except as otherwise provided by law or by agreement with the requester, if the custodian fails to respond to you in writing within seven (7) or fourteen (14) business days of receiving a request, the failure to respond is a deemed denial of your request. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
12. If your request for access to a government record has been denied or unfilled within the seven (7) or fourteen (14) business days required by law, you have a right to challenge the decision by the responding agency to deny access. At your option, you may either: 1) institute a proceeding in the Superior Court of New Jersey; or 2) file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County. Questions regarding the GRC's Denial of Access Complaint process can be directed to the GRC toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at [Government.Records@dca.nj.gov](mailto:Government.Records@dca.nj.gov), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc). The Council can answer general inquiries about OPRA.
13. Information provided on this form may be subject to disclosure under the Open Public Records Act.

**From:** Leanna Colubriale <[REDACTED]>  
**Sent time:** 03/30/2026 11:43:14 AM  
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- ☐ Certificate of honorable discharge issued by the United States government (commonly Form DD-214 or NGB-22) filed with a public agency
- ☐ Oath of allegiance, oath of office, or other affirmation; except that full name, title, and oath date.
- ☐ Privacy Information:
  - ☐ Social security numbers
  - ☐ Credit card or debit card numbers
  - ☐ Bank account information
  - ☐ Month and day of birth
  - ☐ Personal e-mail address required by a public agency for government applications, services, or programs
  - ☐ Telephone numbers
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- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
  - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
  - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
  - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

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- ☐ Records exempted from disclosure by State agencies' proposed rules.

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- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

**Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9(a).**

(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

**REQUEST FOR RECORDS UNDER THE COMMON LAW**

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

***Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.***



1. All "government records" as defined in N.J.S.A. 47:1A-1.1 are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5(g). In accordance with OPRA, custodians will generally have seven (7) business days to respond, unless:
  - The requestor seeks "immediate access" records as outlined in N.J.S.A. 47:1A-5(e); where the custodian must respond "immediately" disclosing responsive records not to exceed twenty-four (24) months old.
  - The requestor seeks information required to be disclosed by N.J.S.A. 47:1A-3(b), where the custodian must respond disclosing the information within twenty-four (24) hours or as soon as practical;
  - The requestor is seeking records for a "commercial purpose" as defined in N.J.S.A. 47:1A-1.1, where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i). However, the response time frame can be reduced to seven (7) business days upon payment of no more than two times the cost to produce the responsive records.
  - The requestor is seeking records requiring review for compliance with "Daniel's Law" (N.J.S.A. 47:1B-1, et seq.), where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i).
  - Fire district employing one or fewer full-time employees serving as custodians may add seven (7) business days to the seven (7) or fourteen (14) business day response time frames.

The applicable response time does not commence until the custodian receives the request form. N.J.S.A. 47:1A-5(h). If you submit the request form to any other officer or employee, the recipient must either forward the request to the appropriate custodian or direct you to the appropriate custodian. Id.

3. Requestors are not required to use this OPRA request form; however, a written equivalent not containing the form requirements of N.J.S.A. 47:1A-5(f) and N.J.S.A. 47:1A-5(g) may be denied by a custodian.
4. Requestors may submit requests anonymously. A request submitted anonymously shall not be considered incomplete. N.J.S.A. 47:1A-5(f). If you elect not to identify yourself accurately or provide an accurate address, e-mail address, or telephone number, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request. Further, anonymous requestors are prohibited from filing a complaint with either the GRC or the Courts. N.J.S.A. 47:1A-6.
5. The fees for duplication of a "government record" in printed form are listed on page 1 of this form. The custodian will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the responding agency.
6. You may be charged a prepayment or deposit when a request for copies exceeds \$5.00. The custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records.
7. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. N.J.S.A. 47:1A-2.2. This includes anonymous requests for said information.
8. By law, the responding agency must notify you that it grants or denies a request for access to government records within applicable response time frame after the custodian receives the request. If the record requested is in storage, the custodian will advise you within seven (7) or fourteen (14) business days after receipt of the request when the record can be made available and the estimated cost for reproduction within no more than twenty-one (21) business days from date of notification. N.J.S.A. 47:1A-5(i).
9. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you. N.J.S.A. 47:1A-5(g).
10. If the custodian is unable to comply with your request for access to a government record, they will indicate the specific bases for denial on the request form or other written correspondence and send it to you.
11. Except as otherwise provided by law or by agreement with the requester, if the custodian fails to respond to you in writing within seven (7) or fourteen (14) business days of receiving a request, the failure to respond is a deemed denial of your request. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
12. If your request for access to a government record has been denied or unfilled within the seven (7) or fourteen (14) business days required by law, you have a right to challenge the decision by the responding agency to deny access. At your option, you may either: 1) institute a proceeding in the Superior Court of New Jersey; or 2) file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County. Questions regarding the GRC's Denial of Access Complaint process can be directed to the GRC toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at [Government.Records@dca.nj.gov](mailto:Government.Records@dca.nj.gov), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc). The Council can answer general inquiries about OPRA.
13. Information provided on this form may be subject to disclosure under the Open Public Records Act.

From: McCaffrey, Stephanie <XXXXXXXXX@XXXXXXXXXXXXXXX>  
Sent time: 03/30/2026 09:42:11 AM  
To: [REDACTED]  
Cc: McGill, Elizabeth <XXXXXXXXX@XXXXXXXXXXXXXXX>  
Subject: Fw: American Tower "Shared File" -OPRA  
Attachments: Outlook-aoowetci.png clear res.pdf clearwire app.pdf data descript.pdf

\*Please see attached/below

Hello Ms. McCaffrey,

Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and New Jersey common law, I am requesting the following public records:

- Pre/Final Major Site Plan & Conditional Use Application submitted by American Tower Corporation (2026-1) for Block 1402.01, Lot 120
- All supporting documents submitted with the application — engineering reports, site plans, drainage plans, traffic studies, utility demand disclosures (water, sewer, electric), and/or environmental assessments
- Any prior applications, variances, or approvals on Block 1402.01, Lot 120

I would like copies of these records sent to me by email.

If there are any fees for these records, please inform me if the cost will exceed \$25. I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. This information is not being sought for commercial purposes.

Thanks so much for your assistance.

All the best,

-Jen Russell  
Publisher, Editor, and Warbler-in-Chief  
The Woodbury Warbler  
woodbunyawarbler.com

Good morning Jen,

Please see below "shared" file from American Tower—this should have all the documents for the April 21 meeting. The 2 attachments show when Clearwire (American Tower) came before the Board in 2008.

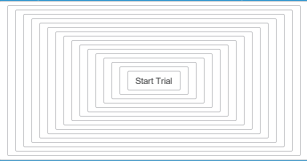
Regards,

*Stephanie*

Stephanie McCaffrey  
Deputy Clerk Y.C.M.R.  
Township of East Greenwich  
159 Democrat Road  
Mickleton, NJ 08056  
(T) 856-423-0654 x8102  
(F) 856-224-0296

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American Tower - Data Centers • 211805 - Mt. Royal Data Storage Facility

| Type | Item Name                                             |
|------|-------------------------------------------------------|
|      | <a href="#">2026.03.20 - East Greenwich Submittal</a> |

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## Project Description

Applicant ATC Edge LLC, a leader in digital communications infrastructure, is applying to Township of East Greenwich to collocate a small telecommunications and data storage facility at its existing wireless telecommunications facility located in East Greenwich Township, Gloucester County, New Jersey. As set forth above, this parcel, which the Applicant owns, is already developed with existing telecommunications uses consisting of a cellular tower together with ancillary radio and battery equipment within an existing fenced compound area. This facility is designed to enhance local connectivity and support the demand for digital services. Moreover, this project will bring better connectivity to the region, supporting local businesses, schools, and public safety. This proposed use is a permitted conditional use in the Township of East Greenwich.



Resolution No.: 2008-19(R)

**RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF  
ADJUSTMENT OF THE TOWNSHIP OF EAST GREENWICH, COUNTY OF  
GLOUCESTER, STATE OF NEW JERSEY, GRANTING A USE VARIANCE  
AND MINOR SITE PLAN WAIVER TO CLEARWIRE US, LLC, REGARDING  
PROPERTY LOCATED AT 114 MANTUA ROAD, AND BEING FURTHER  
SHOWN AS BLOCK 1402.01, LOT 120, ON THE TAX MAPS OF THE  
TOWNSHIP OF EAST GREENWICH, APPLICATION NO.: Z2008-3**

**WHEREAS**, Application No. Z2008-3 (the "Application"), was submitted before the Combined Planning/Zoning Board of Adjustment of the Township of East Greenwich, County of Gloucester, State of New Jersey (the "Board") by Clearwire US, L.L.C., 4400 Carillon Point, Kirkland, WA 98033 (the "Applicant") regarding a use variance with minor site plan waiver, regarding property located at 114 Mantua Road (County Route 678), (the "Subject Property"), and being further shown as Block 1402.01, Lot 120, on the Tax Maps of the Township of East Greenwich (the "Township"); and

**WHEREAS**, the Applicant did appear at a meeting and public hearing held on the Application on May 20, 2008 at 7:00 P.M., time prevailing, and at said time were the following present on behalf of the Applicant: Nicholas T. Menas, Esquire, Cooper Levenson, 1125 Atlantic Avenue, Atlantic City, New Jersey 08401 (the Applicant's attorney); Jamin Johnson, Radio Frequency Expert for Clearwire US, L.L.C.; and Michael E. Radbill, P.E., F.A.S.C.E., C.P.C., Vice President, Urban Engineers, Incorporated, 530 Walnut Street, 14<sup>th</sup> Floor, Philadelphia, Pennsylvania 19106 (the Applicant's civil engineer); and

**WHEREAS**, Messrs. Radbill and Johnson, having never testified before the Board previously, provided their expertise, professional backgrounds, licensing (if applicable), and other information, after which it was stipulated on the record by the Board that both Mr. Radbill and Mr. Johnson were qualified to testify as experts in their respective fields on behalf of the Applicant with respect to the Application before the Board, after which were Messrs. Radbill and Johnson sworn and provided testimony on the Application;

**NOW, THEREFORE, BE IT RESOLVED** by the Combined Planning/Zoning Board of Adjustment of the Township of East Greenwich, County of Gloucester, State of New Jersey, as follows:



## FINDINGS OF FACT

1. The Application was deemed to be complete and properly before the Board. As such, the Board had jurisdiction to act on the Application. Because the Board is a Combined Planning/Zoning Board of Adjustment, and the Application involves a Use Variance under the provisions of N.J.S.A. 40:55D-70.d., the Board had to reconfigure itself into a Zoning Board of Adjustment. Accordingly, the Class I Member (Mayor Grant) recused himself and took his seat in the audience. The Class III member (Township Committeemen Garozzo), also could not participate. However, Mr. Garozzo was absent from the meeting.

2. The Applicant submitted and the Board entered into the record the following:

A. Application, Application Fee, Escrow Agreement, Escrow Deposit, Certified List of Property Owners within 200 ft. of the Subject Property, Certification of Taxes Paid on the Subject Property, Notice of Public Hearing, Affidavit of Publication, and Affidavit of Service.

B. A set of four (4) Zoning Drawings, "Clearwire Wireless Broadband, ATC Mt. Royal", consisting of:

- 1) Title Sheet, Drawing Number 1, dated 2/20/07, revised 1/18/08;
- 2) Overall Site Plan, Drawing Number 2, dated 2/20/07, revised 1/18/08;
- 3) Equipment Layout Plan and Tower Elevation, Drawing Number 3, dated 2/20/07, revised 1/18/07; and
- 4) Details, Drawing Number 4, dated 2/20/07, revised 1/18/08.

3. This is an Application submitted by Clearwire US, LLC (the "Applicant") for variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) & (6), and waiver of the site plan submission and approval requirements, or in the alternative, site plan approval pursuant to the requirements of the East Greenwich Township Land Development Code (the "Code"). The Applicant proposes the installation of up to three (3) wireless telecommunications antennae at a centerline height of one hundred twenty-nine ft. six in. (129 ft., 6 in.), and up to three (3) microwave dishes installed at a height of one hundred thirty ft. (130 ft.) on an existing one hundred ninety-seven ft. (197 ft.) lattice tower, with related telecommunications equipment located at the base of the existing tower. The location of the proposed use is at 114 Mantua Road, Mt. Royal, New Jersey, also known as Block 1402.01, Lot 120, on the Official Tax Map of the East Greenwich Township, Gloucester County, New Jersey (the "Subject Property").

4. The Applicant seeks relief from Section 16.68.020 of the Code. Section 16.68.020 requires use variance and site plan approvals. In addition to the foregoing, Section 16.68.050 limits the maximum height to thirty-five feet (35 ft.) where the existing lattice tower is one hundred ninety-seven feet (197 ft.) ft. Testimony must be provided, through Applicant's professionals, that the use promotes the general welfare because the proposed site is particularly suitable for the proposed telecommunications facility.

5. The Applicant also requests that the Application be deemed to request any additional variances and design waivers or exceptions determined to be necessary during the review and processing of the Application by the Board.

6. Mr. Menas provided an overview of the Application as just set forth above.

7. Mr. Radbill provided an overview of the proposed amendments to the existing tower on the Subject Property, and the additional antenna that are proposed to be added to the existing tower. Mr. Radbill confirmed the location of the additional equipment that will be added to the ground-based equipment area, and testified that there would be no impact on impervious coverage at the site. Mr. Radbill reviewed the conceptual site plan that had been submitted with the Application to indicate that there would be no change with respect to access and egress to the site, and he further detailed that the electrical power to the site was underground. Mr. Radbill entered into evidence "Exhibit A-1, Clearwire, 5/20/08", which was a report from the Applicant's structural engineer regarding the structural soundness of the cell tower on which the Applicant proposed to place additional cellular communications antennae. Mr. Radbill also reviewed details of the previously submitted "overall site plan" and testified that currently three cellular communication companies had antennas on the subject tower: T-Mobile, Singular Wireless, and Nextell. Mr. Radbill also testified that the tower had been installed in 1963.

8. Mr. Menas, by way of the rider to his Application, set forth on the record how and why the positive and negative criteria with respect to the use variance Application are being met by the Applicant, as well as the request for a waiver of former minor site plan approval. Mr. Menas set forth the following:

A. Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70(d), a (d) or use variance will be granted if (1) "special reasons" exist for the variance and (2) the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance. In order to satisfy the first statutory prong, referred to as the "positive criteria", the Applicant must determine that the "use promotes the general welfare because the proposed site is particularly suitable for the proposed use. *Smart SMR of New York, Inc. v. Fairlawn Board of Adjustment*, 152 N.J. 309, 323 (1989), citing *Medici v. BPR Co.*, 107 N.J. 1,4 (1987).

B. As to second prong, or the "negative criteria", the Applicant must demonstrate not only that a variance can be granted "without substantial detriment to the



public good”, but must also demonstrate, via an “enhanced quality of proof”, that the variance request is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. *Smart, supra*, 152 N.J. at 323, citing *Medici, supra*, 107 N.J. at 21-22.

C. However, because telecommunication systems are licensed and serve the general welfare, our Supreme Court has determined that a less-stringent balancing test, applicable to traditionally inherent beneficial uses, should be used. See, *New Brunswick Cellular Telephone Co. v. Zoning Board of Adjustment of West Windsor Township*, 172 N.J. 75, 82 (2002) (reaffirming the decision in *Smart*).

D. In *Sica v. Board of Adjustment of the Township of Wall*, 127 N.J. 152 (1992), the New Jersey Supreme Court set forth the less-stringent four-part analysis to be used by municipal boards when assessing whether the granting of a variance would cause a substantial detriment to the public good. When striking a balance between the positive and negative criteria, the court advised local land use boards that they should: (1) identify the public interest at stake; (2) ascertain the detrimental effect that will ensue from the grant of the variance; (3) reduce the detrimental effect, if possible, by imposing reasonable conditions on the use and then, in turn, reducing the wait according to the adverse effect by the anticipated effect of these restrictions; and (4) weigh the positive and negative criteria and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good. *Id.* At 165-66.

E. With regard to the positive statutory criteria, the New Jersey Supreme Court has opined that:

“[a] telecommunications facility is a paradigm for a use that serves a greater community than a particular municipality”, and that (added) “The issuance of an FCC license should suffice for a carrier to establish that the use serves the general welfare”. *Smart, supra*, 152 N.J. at 332, 336.

F. The Applicant is a wireless communications service provider licensed by the FCC to construct, operate, and maintain a personal communications service (“PCS”) in the State of New Jersey, including the Township of East Greenwich. The proposed facility consists of the construction of up to three (3) wireless antennas at a centerline height of one hundred twenty-nine feet, six inches (129 ft.6 in.) on an existing one hundred ninety-seven foot (197 ft.) lattice tower, and the installation of up to three (3) microwave dishes at a height of one hundred thirty feet (130 ft.) with the installation of associated cabinetry within the existing fenced compound. Generally, if variance relief was required under N.J.S.A. 40:55D-70(d) the Applicant must prove that “the use promotes the general welfare because the proposed site is particularly suitable for the proposed use”. *Supra, Smart*, 152 N.J. at 323. In terms of telecommunications facilities, the “particular suitability” of a site refers to inadequacy of existing capacity and signal strength and whether the site proposed could relieve that inadequacy. See, *Ocean County Cellular Telephone Co. v. Township of Lakewood Board of Adjustment*, 352 N.J. *supra*, 514, 525-529 (App. Div. 2002), cert. denied, 175 N.J. 75 (2002). Further, the



Telecommunications Act of 1996 (the “TCA”) places federal requirements upon the siting of personal wireless service facilities. The TCA provides in pertinent part:

“(i) the regulation of the placement and construction, and modification of personal wireless services facilities, by any State or local government, or instrumentality thereof...”

“(I) shall not unreasonable discriminate among providers of functionally equivalent services, and shall not prohibit or have The effect of prohibiting the provision of personal wireless services, (II) any decision by a state or local government or instrumentality thereof to deny a requested place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence in a written record, and (III) no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent such facilities comply with the Commissioner’s regulation concentration and such emissions. U.S.C. § 332(C)(7)(B)”.

G. In *Cellular Telephone Co. v. the Zoning Board of Adjustment of Ho-Ho-Kus*, 1997 F.3d and *Cellular Telephone to the Kus*, 64, 70 (3<sup>rd</sup> Cir. 1959), the Third Circuit held that local zoning decisions had the effect of prohibiting wireless communication services if they result in “significant gaps” in the availability of wireless service. The wireless provider must demonstrate that the manner in which it proposed to fill the gap is the least intrusive means available (*Ibid.*). The TCA’s mandate is relevant to the issue of “particular suitability” because:

“It places the local board on notice that, although it may consider the equality of existing services in deciding that the variance application, there is an absolute bar prohibiting the denial of the application if the provider meets the ‘significant gap’ and ‘least intrusive means’ standards articulated by the federal courts”. *Ocean County Cellular Telephone*, supra, 352 N.J. super. At 532.

H. Clearwire’s planning and engineering experts will testify that the proposed facility will fill a significant gap in Clearwire’s wireless network, and it is the least intrusive location for doing so. Clearwire’s planning expert will testify that the proposed facility will benefit the community by providing an enhanced ability to communicate for emergency, personal and business purposes.

I. With regard to the negative criteria, Clearwire’s experts will testify at the hearing that the proposed facility will not be a detriment to the public good and is not inconsistent with the intended purpose of the Master Plan and Zoning Ordinance. Clearwire’s experts will testify that locating Clearwire’s facility on the Subject Property

will have no detrimental effect upon the surrounding properties, or substantially impair the intent and purpose of the ordinance and master plan as the proposed facility will not generate any noise, dust, odor, or traffic, and does not require municipal services of water and sewer.

J. Traditionally, because telecommunications facilities “usually generate little pollution or demand on municipal services, the primary objection is to their construction concerning the aesthetic impact on the character of the locality...”, *Omnipoint Communications, Inc. v. Board of Adjustment of Township of Bedminster*, 337 N.J. Super., 398, 416-17 (App. Div. 2001) in *Smart*, supra, the court found that the removal of a ninety foot (90 ft.) telecommunications monopole and its replacement with a one hundred forty foot (140 ft.) monopole suitable for “co-location” would result in merely a fifty foot (50 ft.) increase in height. That increase would not substantially alter the Fairlawn skyline. *Id.*, 152 N.J. at 333. The Appellate Court determined that an addition of eight feet (8 ft.) to ten feet (10 ft.) for placement of telecommunications antennae on the top of an existing water tower was “aesthetically inconsequential and a minimal intensification of the non-conformity”. *NYEXT Mobile Communications v. Hazlet Twp. Zoning Bd. of Adjustment*, 267 N.J. super. 598, 162, (App. Div. 1994). Here, because of the location and the type of structure posed, at-at-stake impact from the proposed wireless facility would be negligible.

K. The Appellate Division reversed a Board of Adjustment’s denial of a use variance to place a wireless facility on top of a rooftop of a building, used as a student residence and school. *County Cellular Telephone Co.*, supra, 352 N.J. super. at 519-537. The proposed rooftop telecommunications facility, included installation of twelve (12) antenna on the top of the forty-five foot (45 ft.) high building’s elevator penthouse that would extend approximately seven feet (7 ft.) above the penthouse roof. *Id.* at 533. The antennae were to be color coordinated with the building in order to minimize their “visual impact” from street level. *Ibid.* The court found that the aesthetic impact of the facility would be minimal. *Id.* at 533-34.

L. Most recently, the Appellate Division affirmed the Court’s reversal of a Board of Adjustment’s denial of a use variance to place a wireless facility in a residential zone in Leonia. *Sprint Spectrum, L.P. v. Zoning Board of Adjustment of Borough of Leonia*, 360 N.J., super. at 337 (app. Div. 2003). The court held that:

“Because the proposed telecommunications facilities will serve the general welfare, its benefits to the public will outweigh the potential detriments, and locating the equipment in a residential zone would not substantially impair the intended purpose of the zone plan or ordinance”.

M. The court rejected the board’s conclusions that the site’s location in a residential zone, and Sprint’s failure to seek alternative proposed locations, rendered the use not particularly suited.



N. As it relates to the waiver of site plan submission and approval, the New Jersey Municipal Land Use Law contemplates the Applicant's request for waiver for site plan approval and waiver of site plan submission requirements. More specifically, N.J.S.A. 40:55D-10.3 gives recognition to the fact that, particularly in connection with site plan applications, requests to waive submission and approval requirements are appropriate. The situation in which such waivers should be granted typically involves applications for site plan approval, whereas in this case, buildings, parking lots, etc. already exist on the site. Given the fact that this is a limited application, which does not include expansion to the building footprint and does not propose any impact of storm water management, the requested waiver of site plan approval and the site plan submission requirements is appropriate.

9. The Board reviewed the letter submitted by its professional engineer, Martin S. Sander, PE, CME, Federici & Akin, P.A. Consulting Engineers, 307 Greentree Road, Sewell, New Jersey 08080 dated April 11, 2008 with respect to the Application. Mr. Sander pointed out the following:

A. All additional equipment is proposed to be installed either inside an existing building at the site, or on the existing telecommunications tower. Consequently, there are no site plan modifications proposed for the site and Mr. Sander had no objection to the granting of a site plan waiver for this project.

B. Should the Board grant the requested use variance and site plan waiver, the approvals should be conditioned upon:

1) Submission of a structural analysis of the tower performed by a Professional Engineer licensed in the State of New Jersey prior to installation of the proposed additional antennae and microwave dishes. This was accomplished by the Applicant submitting "Exhibit A-1, Clearwire, 5/20/08".

2) Note 1 on Drawing Number 3 of the Plan Set should be revised to indicate that the required structural analysis will be conducted by a professional engineer licensed in the State of New Jersey. The Applicant agreed to comply.

10. The Board's professional planner, Leah Furey, PP, AICP, BACH Associates, PC, 304 White Horse Pike, Haddon Heights, New Jersey 08035 reviewed with the Board and the Applicant her letter of April 9, 2008 as follows:

A. In regards to Use and Zoning: The site is located within the R-10 zoning district, which in accordance with section 16.68.020, does not permit telecommunication towers. The maximum height permitted in the R-10 zone is 35 ft. and the existing tower is 197 ft. Therefore, a "D(2)" variance is required to permit the expansion of a nonconforming use and possibly a "D(6)" variance to permit the installation of the antennae at a height of 126 feet to 131 feet, though this may also be covered by the D(2) variance since the structure exists.



B. Co-location of telecommunication facilities on existing towers is generally favored, in that co-location minimizes the total number of towers throughout the community and facilitates the provision of wireless communication services to the residents and businesses if the Township (and those traveling on the Turnpike). This site is surrounded in all directions by other properties in the R-10 zoning district. To the north are new residential town homes and to the south is a property owned by the N.J. Turnpike Authority.

C. With regard to Bulk and Yard Variances: It appears that the existing structures on the site meet the bulk and area requirements for the zone, with the exception of height as explained above.

| Section              | Required | Proposed                                          | Compliance                                                                                               |
|----------------------|----------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 16.68.050D<br>Height | 35 ft.   | 197 ft. – tower<br>131 ft. – proposed<br>antennae | Variance previously granted<br>for existing condition.<br>Variance may be needed for<br>antennae height. |

D. Ms. Furey offered the following comments for the Board's consideration:

1) Use. The Applicant's attorney has provided an Application Rider that explains the proposal and the need for the antennae. Generally in order to provide the necessary proofs to support "D" variance an Applicant must prove to the satisfaction of the Board that there are "special reasons" for the Board to exercise its jurisdiction to grant the requested relief, demonstrating that the site is particularly suited to the proposed development and that the proposal will advance the purposes of Municipal Land Use Law and the Township's Master Plan and Zoning ordinances (the "Positive" criteria). Also, the Applicant must show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance (the "negative" criteria). The Application rider provides an extensive overview of the justification for the variance.

2) Since the proposal is upon an existing structure, no new access is required and the proposed additions will not substantially change the existing operations at the site. The Applicant should confirm at the hearing that the site will continue to operate as it does now and that the addition of the antennae will not alter the operations of the existing site in a manner that would be detrimental to nearby residents. The Applicant confirmed the same.

3) Site Plan Waiver. The Applicant requests a site plan waiver because the buildings, parking lot and lattice tower already exist on the site. The proposed equipment cabinet will be located inside the existing building. Ms. Furey deferred to the

Board's engineer for additional comment, but from a planning perspective a Site Plan waiver seems appropriate given the circumstances.

4) The Applicant indicates that they have a license from the FCC. The Applicant has not provided a report on the levels of radio frequency (RF) electromagnetic energy. The Applicant should provide testimony confirming that the RF exposure limits will not be exceeded with the addition of the proposed antennae. Mr. Johnson had provided same.

5) Note 1 on Sheet 3 on the plan set indicates that the structural analysis will be completed by a licensed engineer in the state of Pennsylvania. This should be changed to New Jersey. The Applicant agreed to same.

6) The Applicant should provide testimony confirming that if the equipment proposed is decommissioned in the future, it will be removed promptly. The Applicant agreed to such a condition being imposed.

7) Considering that this is an existing tower, it does not appear that the proposed addition will raise any significant planning issues. However, since there are new residents nearby that were not there when the tower was initially constructed, if needed the Applicant should agree to supplement the landscape buffer in the vicinity of the compound. The Board determined no additional landscaping was necessary.

11. Mr. Johnson, on behalf of the Applicant, confirmed that there would be no interference with other cellular communications carriers with respect to the proposed antenna on the existing tower on the Subject Property. Mr. Johnson testified that the Applicant utilized wireless broad band technology, which meant that the frequency is higher, with a lower signal strength. Mr. Johnson testified that there would be no impact on first responders within the community insofar as the radio frequencies were concerned, and he further confirmed that the Applicant did not provide any coverage within East Greenwich Township at this time.

12. The hearing on the Application was opened to the public at which time the following members of the public were sworn and provided testimony on the Application as follows:

A. Dennis Carroll, 91 Oak Ridge Drive, testified that he was very concerned with the proposal to add antennas to the existing tower and that he had understood based on previous e-mail with a member of the Township Committee, that this tower was to have been removed. It was also Mr. Carroll's understanding that the existing antennae on said tower were not in operation. The Board and the Applicant responded that, to the best of their knowledge, the antennae that were already on the existing tower did in fact operate, and that there were no plans to remove the tower.

B. Paul Sawyer, 89 Oak Ridge Drive, testified that he was concerned with expanding the band width in the future, and he also voiced concern with the negative



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aesthetic impact that the proposed antennae would have with regard to the surrounding homes.

C. Anne Sawyer, 89 Oak Ridge Drive, also testified that she was concerned with the continued expansion of more antennas on the existing tower in that it would not have a good visual impact on their residence, and other residences that were in the immediate area.

12. There being no further members of the public wishing to give testimony, the public portion on the hearing of the Application was closed.

## **CONCLUSIONS**

The Board concluded that the Applicant had met its burden in terms of both the positive and negative criteria, in that the Applicant had received a license from the FCC to provide cellular communications services to local residences and that this met the purposes of zoning in that the public good was being advanced. Furthermore, the Board concluded that the Applicant met its burden to show that the added antennae to an already existing tower would not create a substantial negative impact nor detriment on the zone code, the master plan, or the surrounding area, for the reasons set forth in the Applicant's rider to its Application, and in the testimony given at the hearing. The Board further found that the site information submitted was sufficient in detail for the Board to act on the Application and, to the extent that said information did not constitute a formal site plan, that the same shall be waived as a condition of approval.

## **CONDITIONS**

1. The Board presumes that the Applicant's Application, all exhibits, maps and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for relief. In the event that it appears to be the Board, on reasonable grounds, that the Application, exhibits, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may rescind its approval and rehear the Application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.



2. At any time after the adoption of this resolution of memorialization, should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Borough pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with the law.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner.

6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project.

7. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein.

8. The Applicant agrees to comply with all of the understandings, conditions, agreements, stipulation, and acknowledgments as set forth above under "Findings of Fact".

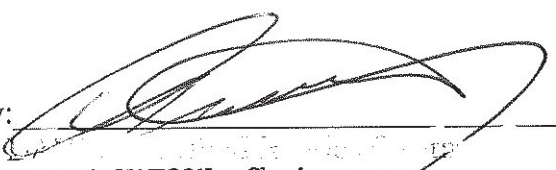
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**WHEREUPON** a motion was made by Board member Carfagno, which was seconded by Board member Schweigart, at a meeting of the Combined Planning/Zoning Board of Adjustment of the Township of East Greenwich, County of Gloucester, State of New Jersey, held on May 20, 2008, with respect to the above referenced Application, to grant a Use Variance and Waiver of formal Minor Site Plan Approval, to the Applicant, with the following Board members voting in favor of the motion: Schweigart, Outten, Carfagno, Mc Henry, Schmidt, Faramelli (Alternate Member # 1) and Giordiano, Jr. (Alternate Member # 4). Mayor Grant had recused himself from participating insofar as this Application involves a Use Variance and the Board had to reconfigure itself into a Zoning Board of Adjustment, thereby eliminating the participation of the Class I and Class III members. There were no votes in the negative. The following Board members were absent: Garozzo, Alexson, Watson, Mitchell (Alternate Member # 2), and Pool (Alternate Member # 3). There were no abstentions

**THIS RESOLUTION WAS ADOPTED** at a meeting of the Combined Planning/Zoning Board of Adjustment of the Township of East Greenwich, County of Gloucester, State of New Jersey, held on June 17, 2008, as a memorialization of the action taken by the Board on the above referenced Application at the Board's meeting and public hearing held on May 20, 2008.

**EAST GREENWICH TOWNSHIP COMBINED  
PLANNING/ZONING BOARD OF ADJUSTMENT**

By:

  
JAMES WATSON, Chairperson

**ATTEST:**

  
ANGELA L. HAGUE, Secretary

## CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regular meeting of the East Greenwich Township Planning Board, County of Gloucester, State of New Jersey, held on the 17<sup>th</sup> day of June, 2008 at the Township Municipal Building, 159 Democrat Road, Mickleton, New Jersey 08056 at 7:00 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's May 20, 2008 meeting on the above cited Application.

  
ANGELA L. HAGUE, Secretary



# APPLICATION

## EAST GREENWICH TOWNSHIP ZONING BOARD OF ADJUSTMENT

TOWNSHIP OF EAST GREENWICH

159 DEMOCRAT ROAD

MICKLETON, NEW JERSEY 08056

TEL: (856) 423-0654 ext. 100

This application, with supporting documentation, must be filed with the Secretary of the East Greenwich Township Zoning Board of Adjustment (the "Board") at the above referenced address, for a review and determination as to completeness prior to a hearing date being set or an applicant advertising for, or mailing notices regarding, a hearing date.

ONLY THE BOARD SECRETARY CAN SET A HEARING DATE.

### This Section To be Completed by Board Staff Only

Date Filed (Received): \_\_\_\_\_ Application No. \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_ Date of Check: \_\_\_\_\_ Check No.: \_\_\_\_\_

Escrow Deposit: \$ \_\_\_\_\_ Date of Check: \_\_\_\_\_ Check No.: \_\_\_\_\_

Review for Completeness Completed: \_\_\_\_\_ Hearing Date Set For: \_\_\_\_\_

### TO BE COMPLETED BY APPLICANT

1. SUBJECT PROPERTY (All requested information must be completed):

Location (Street Address): 114 Mantua Road

ZONE DISTRICT - Must Complete (Obtain from Zoning Office): R-10

Tax Map: Block 1402.1 Lot(s) 120 (Check with Tax Office or look at tax bill)

Dimensions: Frontage 200' Depth 1,440' Total Area 6.12 acres

Attached Survey/Plot Plan: ☒ Yes ☐ No. Waiver Requested because See Rider

The location of the property is approximately 68.75' feet from the intersection of Berkley Road and \_\_\_\_\_

The property is located within 200 feet of another municipality: ☒ NO. ☐ YES - Specify Name of Municipality: East Greenwich

The property fronts on a county road or state highway: ☐ NO ☒ YES - Specify County or State Highway Number: COUNTY RT. NO.: \_\_\_\_\_ STATE HIGHWAY NO.: NJ Turnpike

Has an application regarding this property ever been filed before the Board before? ☐ NO. ☐ YES.  
If "Yes", please give details, and attach a copy of the written decision (Resolution) adopted by the Board:  
The Resolutions were ordered on 5/17/07 but never received.

2. APPLICANT INFORMATION (All requested information must be completed):

Full Legal Name Clearwire US, LLC

Address 4400 Carillon Point, Kirkland WA 98033  
(Street) (City) (State) (Zip Code)

Telephone Number(s): DAY (609) 572-7606 EVENING ( )

Applicant is a (must check one): ☐ Corporation ☐ Partnership ☐ Sole Proprietor ☐ Resident LLC

Relationship of Applicant to property in question: ☐ Owner. ☒ Tenant or Lessee. ☐ Purchaser  
under contract. ☐ Other: \_\_\_\_\_

3. DISCLOSURE STATEMENT (If Applicant is a Corporation or Partnership)

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% or more of the stock in a corporation that is an applicant, or 10% or greater interest in a partnership that is an applicant, must be disclosed. In accordance with N.J.S.A. 40:55D-48.2, that disclosure requirement applies to any stockholder in a corporation that is an applicant, or partner in a partnership that is an applicant, who owns or holds 10% or more of its stock, or 10% or greater interest in the partnership, until the names and addresses of the non-corporate stockholders and individual partners at or exceeding the 10% ownership criterion, have been listed. [Attach pages as necessary to fully comply with the following information that is required for each individual.]

Name See attached Disclosure Statement Percent of Interest held: \_\_\_\_\_%

Address \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

4. OWNER IF DIFFERENT FROM APPLICANT

If the owner of the property is someone different from the Applicant, then please complete the following:

Owner's Name: American Tower, Inc.

Address 10 Presidential Way, Woburn, MA 01801  
(Street) (City) (State) (Zip Code)

Telephone Number: DAY: ( ) EVENING: ( )

5. ADDITIONAL PROPERTY INFORMATION (All requested information must be completed):

Restrictions, covenants, easements, homeowners/condo association by-laws, existing or proposed on the property:

[ ] YES (Attach Copies and/or Copy of Deed) [ ] PROPOSED (Attach Description) [X] None

NOTE: All deed restrictions, covenants, easements, association by-laws, either existing or proposed, must be submitted for review, and must be written in easily understandable English in order to be approved.

Present use of the premises and proposed use (describe in detail):

See Rider attached

6. APPLICANT'S EXPERTS / REPRESENTATIVES:

Applicant's Attorney Nicholas T. Menas, c/o Cooper Levenson Law Offices  
(Name, and Firm if Applicable)

Address 1125 Atlantic Ave., Atlantic City, NJ 08401  
(Street) (City) (State) (Zip Code)

Telephone Number ( 609 ) 572-7606 Fax Number ( 609 ) 572-7607

Applicant's Engineer Robert Duclos, P.E., c/o C&S Engineers, Inc.  
(Name, and Firm if Applicable)

Address 499 Col. Eileen Collins Blvd., Syracuse, NY 13212  
(Street) (City) (State) (Zip Code)

Telephone Number ( 315 ) 455-2000 Fax Number ( 315 ) 455-9667

Applicant's Planning Consultant \_\_\_\_\_  
(Name, and Firm if Applicable)

Address \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Telephone Number ( ) Fax Number ( )



Applicant's Traffic Engineer \_\_\_\_\_  
(Name, and Firm if Applicable)

Address \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Telephone Number ( ) Fax Number ( )

## 7. OTHER EXPERTS

List any other expert(s) who will submit a report and/or testify on behalf of the Applicant; (Attach additional sheets as may be necessary, with the following information):

Name \_\_\_\_\_ Field of Expertise \_\_\_\_\_

Address \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Telephone Number: ( ) Fax Number ( )

## 8. RELIEF BEING REQUESTED:

The applicant is requesting the following relief from the Board. (List as many forms of relief that are applicable). Mark and Attach Separate Sheet if More Space Needed:

### SITE PLAN APPROVAL (IF ASSOCIATED WITH A USE VARIANCE).

☐ Major Site Plan Approval ☒ Minor Site Plan Approval

☐ Preliminary Site Plan Approval (phases - if applicable) \_\_\_\_\_

☐ Final Site Plan Approval (phases - if applicable) \_\_\_\_\_

☐ Amendment or Revision to an Approved Site Plan (Area to be disturbed - square feet) \_\_\_\_\_

☒ Request for Waiver From Site Plan Review and Approval. Reason for request: See Rider  
attached

### OTHER:

☐ Informal Review of \_\_\_\_\_

☐ Appeal of decision of the Zoning Officer (N.J.S.A. 40:55D-70.a.). Describe nature of appeal:

\_\_\_\_\_  
\_\_\_\_\_

☐ Interpretation of Map or Ordinance, or Decisions Upon Special Questions (N.J.S.A. 40:55D-70.b.). Explain:

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☐ \* Variance Relief - "Hardship" (N.J.S.A. 40:55D-70c(1)). Provide Reasons: \_\_\_\_\_  
(Bulk Variances - Deck, Addition, Etc.)

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☐ \* Variance Relief - "Substantial Benefit" (N.J.S.A. 40:55D-70c(2)). Provide Reasons: \_\_\_\_\_  
(Bulk Variance - Deck, Addition, Etc.)

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☒ \* Variance Relief - "Use" (N.J.S.A. 40:55D-70d). Provide Reasons: See Rider attached

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\* List sections of the East Greenwich Township Zone Code from which relief is requested when providing "reasons".

☒ Conditional Use Variance Approval. See Rider

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☐ Direct issuance of a permit for a structure in the bed of a mapped street, public drainage way, or flood control basin - other than as part of subdivision, site plan or conditional use (N.J.S.A. 40:55D-34).

Describe: \_\_\_\_\_  
\_\_\_\_\_

[ ] Direct issuance of a permit for a lot lacking street frontage (N.J.S.A. 40:55D-35, -36):

Block \_\_\_\_ Lot \_\_\_\_ Reason for request: \_\_\_\_\_

## 9. SUBMISSION REQUIREMENTS

The Applicant is required to submit each of the following, unless otherwise noted:

- A-1 Application (with attached site plan, plot plan, survey and/or any other pertinent documents):  
An original and fourteen (14) copies to the Board Secretary (Total 15) must be submitted.  
\*Also mail 1 copy to each professional from attached "Mailing List"
- A-2 Certified List of Property Owners Within 200 Feet. Obtain from Tax Collector's Office and submit with original copy of application.  
Application and Escrow Fees as determined by Secretary from fee schedule
- A-3 Escrow Agreement: Sign and submit with original copy of application.
- A-4 Notice of Public Hearing (DO NOT MAIL TO PROPERTY OWNERS UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY). Submit a draft copy (leaving date of hearing blank) and submit with original application.
- A-5 Affidavit of Publication - Gloucester County Times: Evidencing that the Notice of Public Hearing was Published at Least Ten (10) days prior to the Hearing Date. (DO NOT PUBLISH NOTICE IN NEWSPAPER UNTIL AUTHORIZED TO DO SO BY THE BOARD SECRETARY). Submit to the Board's Secretary as soon as received by the newspaper.
- A-6 Affidavit of Service - With Attachments. Submit to the Board's Secretary along with original copies of Certified Mail Receipts stamped by the U.S. Post Office as to the date of mailing, and a copy of Notice of Public Hearing with hearing date.
- A-7 Tax Payment Certification. Submit with original copy of application.

## 10. OTHER APPROVALS, WHICH MAY BE REQUIRED, AND THE DATES THAT PLANS/APPLICATIONS WERE SUBMITTED:

| <u>AGENCY OR PERMIT</u>             | <u>YES</u> | <u>NO</u> | <u>DATE PLANS SUBMITTED</u> |
|-------------------------------------|------------|-----------|-----------------------------|
| Gloucester County Health Department | _____      | _____     | _____                       |
| Gloucester County Planning Board    | <u>X</u>   | _____     | <u>2/22/08</u>              |



Gloucester County Soil Conservation District

N/A

NJ Department of Environmental Protection

N/A

(Check nature of approval(s) needed:

☐ Sewer Extension Permit;

☐ Sanitary Sewer Connection Permit;

☐ Stream Encroachment Permit;

☐ Wetlands Permit; ☐ Tidal Wetlands Permit;

☐ Potable Water Construction Permit;

☐ Other: \_\_\_\_\_

NJ Department of Transportation

N/A

Connectiv Electric

N/A

Other: \_\_\_\_\_

☐ List of Maps, Reports and other materials accompanying this application (attach additional pages as required for complete listing): Site plans prepared by C&S Engineers, Inc. dated

2/20/07 and revised through 5/15/07

11. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION. (List the specific information attached and its importance/significance to your application): \_\_\_\_\_

See Rider attached

12. CERTIFICATIONS:

APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. (If the Applicant is a corporation, this Application must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this

22nd day of February, 2008

NOTARY PUBLIC

MARY L. SPISSINGER  
A Notary Public of New Jersey  
My Commission Expires 6/3/98

X

NICHOLAS T. MENAS, Esq.

SIGNATURE OF APPLICANT  
Attorney for Applicant

CLEARWIRE US, LLC

Applicant's Name (Print)

## OWNER (IF DIFFERENT FROM APPLICANT)

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made by the applicant, and the decision of the Board in this matter. (If the owner is a corporation, this must be signed by an authorized corporate officer as indicated in a corporate resolution which must be attached hereto. If the owner is a partnership, this must be signed by a general partner.)

Sworn and subscribed to before me this

day of \_\_\_\_\_, 200\_\_

NOTARY PUBLIC

X

See Lease In Lieu of Owner's Consent

SIGNATURE OF OWNER

Owner's Name (Print)

## APPLICATION RIDER

This is an application submitted by Clearwire US, LLC (the "Applicant") for variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) & (6), and waiver of the site plan submission and approval requirements, and in the alternative, site plan approval pursuant to the requirements of the East Greenwich Township Land Development Code (the "Code"). The Applicant proposes the installation of up to three (3) wireless telecommunications antennae at a centerline height of one hundred twenty-nine feet six inches (129'6"), and up to three (3) microwave dishes installed at a height of one hundred thirty feet (130') on an existing one hundred ninety-seven foot (197') lattice tower, with related telecommunications equipment located at the base of the existing tower. The location of the proposed use is at 114 Mantua Road, Mt. Royal, New Jersey, also known as Block 1402.01, Lot 120, on the Official Tax Map of the East Greenwich Township, Gloucester County, New Jersey (the "Property").

The property is located in the R-10 Zoning District (the "District"), and the project as proposed conforms to the ordinance requirements except that variance relief may be required as follows:

| <u>BULK</u>             | <u>REQUIRED</u> | <u>PROPOSED</u>                                                             | <u>EXISTING</u> |
|-------------------------|-----------------|-----------------------------------------------------------------------------|-----------------|
| Maximum Building Height | 35'             | <35'<br>(no change to the height of the existing lattice tower is proposed) | <35'            |

| <u>USE</u> | Prohibited | Permit use of wireless Telecommunications facility | No change |
|------------|------------|----------------------------------------------------|-----------|
|------------|------------|----------------------------------------------------|-----------|

Applicant seeks relief from Section 16.68.020 of the Code. Section 16.68.020 requires use variance and site plan approvals. In addition to the foregoing, Section 16.68.050 limits the maximum height to thirty-five feet (35') where the existing lattice tower is one hundred ninety-seven (197') feet. Testimony will be provided, through Applicant's professionals, that the use promotes the general welfare because the proposed site is particularly suitable for the proposed telecommunications facility. More specifically, the proposed site is necessary, in part, to cover a gap in existing service coverage.

Applicant also requests that the Application be deemed to request any additional variances and design waivers or exceptions determined to be necessary during the review and processing of the Application by the Township of East Greenwich.

## USE VARIANCE APPROVAL

Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70(d), a (d) or use variance will be granted if (1) "special reasons" exist for the variance and (2) the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance. In order to satisfy the first statutory prong,



referred to as the “positive criteria”, an applicant must determine that the “use promotes the general welfare because the proposed site is particularly suitable for the proposed use. Smart SMR of New York, Inc. v. Fairlawn Board of Adjustment, 152 N.J. 309, 323 (1989), citing Medici v. BPR Co., 107 N.J. 1, 4 (1987).

As to second prong, or the “negative criteria”, the Applicant must demonstrate not only that a variance can be granted “without substantial detriment to the public good”, but must also demonstrate, via an “enhanced quality of proof”, that the variance request is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. Smart, supra, 152 N.J. at 323, citing Medici, supra, 107 N.J. at 21-22.

However, because telecommunication systems are licensed and serve the general welfare, our Supreme Court has determined that a less-stringent balancing test, applicable to traditionally inherent beneficial uses, should be used. See, New Brunswick Cellular Telephone Co. v. South Plainfield Board of Adjustment, 160 N.J., 1, 14 (1999); Smart, supra, 152 N.J. at 336. Although the Supreme Court declined to characterize all telecommunications facilities as inherently beneficial uses, it did opine that: “[We] might reach a different result with a facility that does not require a tower monopole, such as one that simply involves appending antennas to an existing structure”. Id. at 331. See also, CellSouth of New Jersey v. Zoning Board of Adjustment of West Windsor Township, 172 N.J. 75, 82 (2002) (reaffirming the Decision in Smart).

In Sica v. Board of Adjustment of the Township of Wall, 127 N.J. 152 (1992), the New Jersey Supreme Court set forth the less-stringent four-part analysis to be used by municipal boards when assessing whether the granting of a variance would cause a substantial detriment to the public good. When striking a balance between the positive and negative criteria, the court advised local land use boards that they should: (1) identify the public interest at stake; (2) ascertain the detrimental effect that will ensue from the grant of the variance; (3) reduce the detrimental effect, if possible, by imposing reasonable conditions on the use and then, in turn, reducing the wait according to the adverse effect by the anticipated effect of these restrictions; and (4) weigh the positive and negative criteria and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good. Id. at 165-66.

With regard to the positive statutory criteria, the New Jersey Supreme Court has opined that:

“[a] telecommunications facility is a paradigm for a use that serves a greater community than a particular municipality,” *and that (added)* “The issuance of an FCC license should suffice for a carrier to establish that the use serves the general welfare”. Smart, supra, 152 N.J. at 332, 336.

The Applicant is a wireless communications service provider licensed by the FCC to construct, operate, and maintain a personal communications service (“PCS”) in the State of New Jersey, including the Township of East Greenwich. The proposed facility consists of the construction of up to three (3) wireless antennas at a centerline height of one hundred twenty-nine feet six inches (129’6”) on an existing one hundred ninety-seven (197’) foot lattice tower, and the installation of up to three (3) microwave dishes at a height of one hundred thirty feet (130’) with the installation of associated cabinetry within the existing fenced compound. Generally, if variance relief was required under N.J.S.A. 40:55D-70(d) the Applicant must prove

clearwire app.pdf

that “the use promotes the general welfare because the proposed site is particularly suitable for the proposed use”. Supra, Smart, 152 N.J. at 323. In terms of telecommunications facilities, the “particular suitability” of a site refers to inadequacy of existing capacity and signal strength and whether the site proposed could relieve that inadequacy. See, Ocean County Cellular Telephone Co. v. Township of Lakewood Board of Adjustment, 352 N.J. supra, 514, 525-529 (App. Div. 2002), cert. denied, 175 N.J. 75 (2002). Further, the Telecommunications Act of 1996 (the “TCA”) places federal requirements upon the siting of personal wireless service facilities. The TCA provides in pertinent part:

“(i) the regulation of the placement and construction, and modification of personal wireless services facilities, by any state or local government, or instrumentality thereof...”

“(I) shall not unreasonably discriminate among providers of functionally equivalent services, and shall not prohibit or have the effect of prohibiting the provision of personal wireless services, (II) any decision by a state or local government or instrumentality thereof to deny a requested place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence in a written record, and (III) no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent such facilities comply with the Commissioner’s regulation concentration and such emissions. U.S.C. § 332(C)(7)(B).”

In Cellular Telephone Co. v. the Zoning Board of Adjustment of Ho-Ho-Kus, 1997 F.3d and the Cellular Telephone to the Kus, 64, 70 (3rd Cir. 1959), the Third Circuit held that local zoning decisions had the effect of prohibiting wireless communication services if they result in “significant gaps” in the availability of wireless service. The wireless provider must demonstrate that the manner in which it proposed to fill the gap is the least intrusive means available (Ibid.). The TCA’s mandate is relevant to the issue of “particular suitability” because:

“It places the local board on notice that, although it may consider the equality of existing services in deciding that the variance application, there is an absolute bar prohibiting the denial of the application if the provider meets the ‘significant gap’ and ‘least intrusive means’ standards articulated by the federal courts”. Ocean County Cellular Telephone, supra, 352 N.J. super. at 532.

Clearwire’s planning and engineering experts will testify that the proposed facility will fill a significant gap in Clearwire’s wireless network, and it is the least intrusive location for doing so. Clearwire’s planning expert will testify that the proposed facility will benefit the community by providing an enhanced ability to communicate for emergency, personal and business purposes.

With regard to the negative criteria, Clearwire’s experts will testify at the hearing that the proposed facility will not be a detriment to the public good and is not inconsistent with the intended purpose of the Master Plan and Zoning Ordinance. Clearwire’s experts will testify that

clearwire app.pdf

locating Clearwire's facility on the subject property will have no detrimental effect upon the surrounding properties, or substantially impair the intent and purpose of the ordinance and master plan as the proposed facility will not generate any noise, dust, odor, or traffic, and does not require municipal services of water and sewer.

Traditionally, because telecommunications facilities "usually generate little pollution or demand on municipal services, the primary objection is to their construction concerning the aesthetic impact on the character of the locality...", Omnipoint Communications, Inc. v. Board of Adjustment of Township of Bedminster, 337 N.J. super., 398, 416-17 (App. Div. 2001) in Smart, supra, the court found that the removal of a ninety (90') foot telecommunications monopole and its replacement with a one hundred forty (140') foot monopole suitable for "co-location" would result in merely a fifty (50') foot increase in height. That increase would not substantially alter the Fairlawn skyline. Id., 152 N.J. at 333. The Appellate Court determined that an addition of eight (8') feet to ten (10') feet for placement of telecommunications antenna on the top of an existing water tower was "aesthetically inconsequential and a minimal intensification of the non-conformity". NYEXT Mobile Communications v. Hazlet Twp. Zoning Bd. of Adjustment, 267 N.J. super. 598, 162 (App. Div. 1994). Here, because of the location and the type of structure posed, any at-stake impact from the proposed wireless facility would be negligible.

The Appellate Division reversed a Board of Adjustment's denial of a use variance to place a wireless facility on top of a rooftop of a building, used as a student residence and school. County Cellular Telephone Co., supra, 352 N.J. super. at 519-537. The proposed rooftop telecommunications facility, included installation of twelve (12) antenna on the top of the forty-five (45') foot high building's elevator penthouse that would extend approximately seven (7') feet above the penthouse roof. Id. at 533. The antenna were to be color coordinated with the building in order to minimize their "visual impact" from street level. Ibid. The court found that the aesthetic impact of the facility would be minimal. Id. at 533-34.

Most recently, the Appellate Division affirmed the Court's reversal of a Board of Adjustment's denial of a use variance to place a wireless facility in a residential zone in Leonia. Sprint Spectrum, L.P. v. Zoning Board of Adjustment of Borough of Leonia, 360 N.J., super. at 337 (App. Div. 2003). The court held that:

"Because the proposed telecommunications facilities will serve the general welfare, its benefits to the public will outweigh the potential detriments, and locating the equipment in a residential zone would not substantially impair the intended purpose of the zone plan or ordinance".

The court rejected the board's conclusion that the site's location in a residential zone, and Sprint's failure to seek alternative proposed locations, rendered the use not particularly suited.

### **WAIVER OF SITE PLAN**

As it relates to the waiver of site plan submission and approval, the New Jersey Municipal Land Use Law contemplates the Applicant's request for waiver for site plan approval and waiver of site plan submission requirements. More specifically, N.J.S. 40:55D-10.3 gives recognition to the fact that, particularly in connection with site plan applications, requests to waive submission and approval requirements are appropriate. The situation in which such



waivers should be granted typically involves applications for site plan approval, whereas in this case, buildings, parking lots, etc. already exist on the site. Given the fact that this a limited application, which does not include expansion to the building footprint and does not propose any impact of storm water management, the requested waiver of site plan approval and the site plan submission requirements is appropriate.

CLAC; 132015.1

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**Subject:** Tax Certification - 114 Mantua Road, Block: 1402.01, Lot: 120

Good morning Stephanie,

I spoke to Angela in the tax office and she recommended that I reach out to you about getting a tax certification for the property listed above so I left you a voicemail as well. Please let me know if you need any additional info or if I need to contact someone else to get a copy.

thanks,

Jordan

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**Sent:** Tuesday, July 15, 2025 10:23 AM  
**To:** [xxxxxxxx@xxxxxxxxxxxxxxx.xxx](mailto:xxxxxxxx@xxxxxxxxxxxxxxx.xxx) <[xxxxxxxx@xxxxxxxxxxxxxxx.xxx](mailto:xxxxxxxx@xxxxxxxxxxxxxxx.xxx)>  
**Cc:** Kevin Jones <[xxxxxx@xxxxxxxxxxxxxxx.xxx](mailto:xxxxxx@xxxxxxxxxxxxxxx.xxx)>  
**Subject:** Tax Certification - 114 Mantua Road, Block: 1402.01, Lot: 120

Good morning Stephanie,

I spoke to Angela in the tax office and she recommended that I reach out to you about getting a tax certification for the property listed above so I left you a voicemail as well. Please let me know if you need any additional info or if I need to contact someone else to get a copy.

thanks,

Jordan

Jordan Young  
Legal Assistant  
Zubblatt & Jones, P.C.  
[3836 Quakerbridge Road](#)  
[Suite 106](#)  
[Hamilton, New Jersey 08619](#)

609-570-7081 - Direct Dial  
609-951-9693 - Fax  
[www.zubblattjones.com](http://www.zubblattjones.com)

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**From:** xxxxxx@xxxxxxxxxxxxxxxxxxx  
**Sent time:** 03/29/2026 05:42:57 PM  
**To:** xxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx  
**Subject:** Open Public Records Request - Planning/Zoning - 2026-1: AMERICAN TOWER CORPORATION

This is the first time you received an email from this sender (xxxxxx@xxxxxxxxxxxxxxxxxxx). Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hello Ms. McCaffrey,

Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and New Jersey common law, I am requesting the following public records:

- Pre/Final Major Site Plan & Conditional Use Application submitted by American Tower Corporation (2026-1) for Block 1402.01, Lot 120
- All supporting documents submitted with the application — engineering reports, site plans, drainage plans, traffic studies, utility demand disclosures (water, sewer, electric), and/or environmental assessments
- Any prior applications, variances, or approvals on Block 1402.01, Lot 120

I would like copies of these records sent to me by email.

If there are any fees for these records, please inform me if the cost will exceed \$25. I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. This information is not being sought for commercial purposes.

Thanks so much for your assistance.

All the best,

-Jen Russell  
Publisher, Editor, and Warbler-in-Chief  
**The Woodbury Warbler**  
woodburywarbler.com



**From:** xxxxxx@xxxxxxxxxxxxxxxxxxx  
**Sent time:** 03/29/2026 05:42:57 PM  
**To:** xxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx  
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- All supporting documents submitted with the application — engineering reports, site plans, drainage plans, traffic studies, utility demand disclosures (water, sewer, electric), and/or environmental assessments
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All the best,

-Jen Russell  
Publisher, Editor, and Warbler-in-Chief  
**The Woodbury Warbler**  
woodburywarbler.com

**From:** Jean Anconetani <xxxxxxxxxx@xxxxxxx.xxx>  
**Sent time:** 03/26/2026 10:37:58 AM  
**To:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Subject:** RE: Mt Royal Data Storage Facility  
**Attachments:** image001.png

---

Thank you so much!

## Jean Anconetani

### Pennoni

2 Aquarium Drive, Suite 320 | Camden, NJ 08103  
**Direct:** +1 856-656-2860  
[www.pennoni.com](http://www.pennoni.com) | [JAnconetani@Pennoni.com](mailto:JAnconetani@Pennoni.com)

---

**From:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Sent:** Thursday, March 26, 2026 10:36 AM  
**To:** Jean Anconetani <xxxxxxxxxx@xxxxxxx.xxx>  
**Subject:** Re: Mt Royal Data Storage Facility

Hi Jean,

That's strange as all of the prof packets had one, but I've attached.

Regards,

*Stephanie*

Stephanie McCaffrey  
Deputy Clerk \ C.M.R.  
Township of East Greenwich  
159 Democrat Road  
Mickleton, NJ 08056  
(T) 856-423-0654 x8102  
(F) 856-224-0296

---

**From:** Jean Anconetani <xxxxxxxxxx@xxxxxxx.xxx>  
**Sent:** Thursday, March 26, 2026 10:24 AM  
**To:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Subject:** Mt Royal Data Storage Facility

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good morning Stephanie,

Pennoni is in receipt of the documentation for the Mt Royal Data Storage Facility, 114 Mantua Road, Block 1402.01, Lot 120. However, we do not have the application. Would you be able to forward that to me?

Thank you

## Jean Anconetani

### Pennoni

2 Aquarium Drive, Suite 320 | Camden, NJ 08103  
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[www.pennoni.com](http://www.pennoni.com) | [JAnconetani@Pennoni.com](mailto:JAnconetani@Pennoni.com)



[Learn more about the Pennoni](#)







**From:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Sent time:** 03/26/2026 10:35:45 AM  
**To:** Jean Anconetani <xxxxxxxxxx@xxxxxxxxxxx>  
**Subject:** Re: Mt Royal Data Storage Facility  
**Attachments:** ATT00001.png jean.pdf

---

Hi Jean,

That's strange as all of the prof packets had one, but I've attached.

Regards,

*Stephanie*

Stephanie McCaffrey  
Deputy Clerk \ C.M.R.  
Township of East Greenwich  
159 Democrat Road  
Mickleton, NJ 08056  
(T) 856-423-0654 x8102  
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---

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**Sent:** Thursday, March 26, 2026 10:24 AM  
**To:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Subject:** Mt Royal Data Storage Facility

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Thank you

**Jean Anconetani**

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**Direct:** +1 856-656-2860  
[www.pennoni.com](http://www.pennoni.com) |  



[Learn more about the Pennoni Training Center!](#)

# UNIFIED DEVELOPMENT APPLICATION

**COMBINED PLANNING/ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF EAST GREENWICH  
159 DEMOCRAT ROAD  
MICKLETON, NEW JERSEY 08056  
TEL: (856) 423-0654**

This application, with supporting documentation, must be filed with the Secretary of the East Greenwich Township Combined Planning/Zoning Board of Adjustment (the "Board") at the above referenced address, for a review and determination as to completeness *prior* to a hearing date being set or an applicant advertising for, or mailing notices regarding, a hearing date.

**ONLY THE BOARD SECRETARY CAN NOTIFY YOU OF THE HEARING DATE.**

---

**This Section To be Completed by Board Staff Only**

Date Filed (Received): 3/20/2026 Application No. 2026-1  
Application Fee: \$ 1125.- Date of Check: 2/23/2026 Check No.: 330970, 971, 973  
Escrow Deposit: \$ 9200.- Date of Check: 2/23/2026 Check No.: 330964, 965, 969  
Review for Completeness Completed: \_\_\_\_\_ Hearing Date Set For: April 21, 2026

---

**TO BE COMPLETED BY APPLICANT**

**1. SUBJECT PROPERTY (All requested information must be completed):**

Location (Street Address): 114 Mantua Road

Tax Map: Block: 1402.01 Lot: 120

Dimensions: Frontage: 200' Depth: 1,445' Total Area: 6.22 acres

Zone District: R-10 Residential

Attached Survey/Plot Plan: ☒ Yes ☐ No. Waiver Requested because

The location of the property is approximately 750 feet from the intersection of Mantua Road (CR 678) and Oak Ridge Drive.

The property is located within 200 feet of another municipality: ☒ NO. ☐ YES

The property fronts on a county road or state highway: ☐ NO ☒ YES – Specify County or State Highway Number: COUNTY RT. NO.: 678

Has an application regarding this property ever been filed before the Board before? ☐ NO. ☒ YES. If "Yes", please give details, and attach a copy of the written decision (Resolution) adopted by the Board: Applicant filed an *Informal Sub-Committee Review Application* on May 27, 2025. No written decision was adopted since this was merely an informal review.

**2. APPLICANT INFORMATION (All requested information must be completed):**

Full Legal Name: ATC Edge LLC c/o Zublatt & Jones, P.C. (attorneys for applicant)

Address: 3836 Quakerbridge Road, Suite 106, Hamilton, NJ 08619

Telephone Number(s): DAY (609) 951-0600

Email Address: kjones@zublattjones.com

Applicant is a (**must check one**): ☒ LLC

Relationship of Applicant to property in question: ☒ Owner. ☐ Tenant or Lessee. ☐ Purchaser under contract.

**3. DISCLOSURE STATEMENT (If Applicant is a Corporation or Partnership)**

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% or more of the stock in a corporation that is an applicant, or 10% or greater interest in a partnership that is an applicant, must be disclosed. In accordance with N.J.S.A. 40:55D-48.2, that disclosure requirement applies to any stockholder in a corporation that is an applicant, or partner in a partnership that is an applicant, who owns or holds 10% or more of its stock, or 10% or greater interest in the partnership, until the names and addresses of the non-corporate stockholders and individual partners at or exceeding the 10% ownership criterion, have been listed. ☐

Name - See attached Disclosure Letter

**4. OWNER IF DIFFERENT FROM APPLICANT**

If the owner of the property is someone different from the Applicant, then please complete the following:

N/A – Applicant owns the property.

**5. ADDITIONAL PROPERTY INFORMATION (All requested information must be completed):**

Restrictions, covenants, easements, homeowners/condo association by-laws, existing or proposed on the property: ☒ None

Present use of the premises and proposed use (describe in detail):

The subject property is currently used as a telecommunications facility and the existing use will not change as a result of this proposed development.



**6. APPLICANT'S EXPERTS / REPRESENTATIVES:**

**Applicant's Attorney** Kevin R. Jones, Esquire of Zublatt & Jones, P.C.

Address: 3836 Quakerbridge Road, Suite 106, Hamilton, NJ 08619

Telephone Number: 609-951-0600 Fax Number: 609-951-9693

Email Address: [kjones@zublattjones.com](mailto:kjones@zublattjones.com)

**Applicant's Engineer** David Glen, P.E., of ATC Tower Services, LLC

Address: 1 Fenton Main, Suite 300 Cary, NC 27511

Telephone Number: (919) 466-5160

Email: [David.Glenn@americantower.com](mailto:David.Glenn@americantower.com)

**Applicant's Planning Consultant:** Brian Seidel, P.P. of Seidel Planning & Design

Address: 2103 E. High Street, Suite 200 Pottstown PA 19464

Telephone Number: (610) 323-8752

Email: [bseidel@seidelplanning.com](mailto:bseidel@seidelplanning.com)

**Applicant's Traffic Engineer** N/A

**7. OTHER EXPERTS: TBD**

**8. RELIEF BEING REQUESTED:**

The applicant is requesting the following relief from the Board. (List as many forms of relief that are applicable).

**SITE PLAN APPROVAL.**

[ X ] Major Site Plan Approval [ ] Minor Site Plan Approval

[ X ] Preliminary Site Plan Approval (phases - if applicable) \_\_\_\_\_

[ X ] Final Site Plan Approval (phases - if applicable) \_\_\_\_\_

[ ] Amendment or Revision to an Approved Site Plan (Area to be disturbed - square feet) \_\_\_\_\_

[ ] Request for Waiver From Site Plan Review and Approval. Reason for request: \_\_\_\_\_

**OTHER:**

[ X ] Conditional Use Approval. **Site applicable section of the Township's Development Ordinance:**

Chapter 16.53.20 of the *Land Development Ordinance of the Township of East Greenwich* provides that "Any telecommunications facility proposed to be located on township-owned property, regardless of the zone district in which said township-owned property is located, or to be co-located at an existing telecommunications facility, regardless of the zone district in which said existing telecommunications facility is located, shall be deemed to be a "conditional use", as that term is defined in NJSA 40:55D..."

**9. SUBMISSION REQUIREMENTS**

The Applicant is required to submit each of the following, unless otherwise noted:

A. **Application** (with attached site plan, plot plan, survey and/or any other pertinent documents): An original and seventeen (17) copies to the Board Secretary (**Total 18**) must be submitted.

B. **Certified List of Property Owners Within 200 Feet.** Obtain from Tax Collector's Office and submit with original copy of application. (*Not required for minor subdivisions with no variances*)

C. **Escrow Agreement (Form # 1):** Sign and submit with original copy of application. **Applicant has already signed and submitted an Escrow Agreement for this development with the Township.**

D. **Notice of Public Hearing (Form # 2) (DO NOT MAIL TO PROPERTY OWNERS UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY).** Submit a draft copy (leaving date of hearing blank) and submit with original application. (*Not required for minor subdivisions where no variances are requested*)

E. **Completed Land Development Checklist. (Form # 6)**

F.. **Affidavit of Publication – Gloucester County Times:** Evidencing that the Notice of Public Hearing (Form # 3) was Published at Least Ten (10) days prior to the Hearing Date. (**DO NOT PUBLISH NOTICE IN NEWSPAPER UNTIL AUTHORIZED TO DO SO BY THE BOARD SECRETARY**). Submit to the Board's Secretary as soon as received by the newspaper. (*Not required for minor subdivisions where no variances are required*).

**G. Affidavit of Service – With Attachments (Form # 4).** Submit to the Board's Secretary along with **original** copies of Certified Mail Receipts stamped by the U.S. Post Office as to the date of mailing, and a copy of Notice of Public Hearing (Form # 2) with hearing date. *(Not required for minor subdivisions where no variances are required).*

**H. Tax Payment Certification (Form # 5)..** Submit with original copy of application.

**10. OTHER APPROVALS, WHICH MAY BE REQUIRED, AND THE DATES THAT PLANS/APPLICATIONS WERE SUBMITTED:**

| <u>AGENCY OR PERMIT</u>                      | <u>YES</u> | <u>NO</u> | <u>DATE PLANS SUBMITTED</u> |
|----------------------------------------------|------------|-----------|-----------------------------|
| Gloucester County Health Department          | ___        | <u>X</u>  |                             |
| Gloucester County Planning Board             | <u>X</u>   | ___       |                             |
| Gloucester County Soil Conservation District | <u>X</u>   | ___       |                             |
| NJ Department of Environmental Protection    | <u>X</u>   | ___       |                             |

(Check nature of approval(s) needed:

- ☐ Sewer Extension Permit;
- ☐ Sanitary Sewer Connection Permit;
- ☐ Stream Encroachment Permit;
- ☐ Wetlands Permit; ☐ Tidal Wetlands Permit;
- ☐ Potable Water Construction Permit;
- ☐ Other: \_\_\_\_\_ TBD \_\_\_\_\_

|                                 |     |          |       |
|---------------------------------|-----|----------|-------|
| NJ Department of Transportation | ___ | <u>X</u> |       |
| Connectiv                       | ___ | <u>X</u> |       |
| Other: _____                    | ___ | ___      | _____ |

☒ List of Maps, Reports and other materials accompanying this application (attach additional pages as

required for complete listing): See attached transmittal letter

**11. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.** (List the specific information attached and its importance/significance to your application): **See attached application cover letter.**

**12. CERTIFICATIONS:**

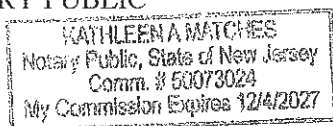
**APPLICANT**

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. **(If the Applicant is a corporation, this Application must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner.)**

Sworn to and subscribed before me this

19 day of MARCH, 2026  
Kathleen A. Matches

NOTARY PUBLIC



X   
SIGNATURE OF APPLICANT

Kevin R. Jones, Esquire, of Zublatt & Jones, P.C.  
(Attorneys for Applicant)

**OWNER**

Applicant owns the subject property.

**ESCROW AGREEMENT**



## **Project Description**

Applicant ATC Edge LLC, a leader in digital communications infrastructure, is applying to Township of East Greenwich to collocate a small telecommunications and data storage facility at its existing wireless telecommunications facility located in East Greenwich Township, Gloucester County, New Jersey. As set forth above, this parcel, which the Applicant owns, is already developed with existing telecommunications uses consisting of a cellular tower together with ancillary radio and battery equipment within an existing fenced compound area. This facility is designed to enhance local connectivity and support the demand for digital services. Moreover, this project will bring better connectivity to the region, supporting local businesses, schools, and public safety. This proposed use is a permitted conditional use in the Township of East Greenwich.



**From:** Jean Anconetani <xxxxxxxxxx@xxxxxxxx.xxx>  
**Sent time:** 03/26/2026 10:24:52 AM  
**To:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Subject:** Mt Royal Data Storage Facility  
**Attachments:** no\_name\_attachment

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Good morning Stephanie,

Pennoni is in receipt of the documentation for the Mt Royal Data Storage Facility, 114 Mantua Road, Block 1402.01, Lot 120. However, we do not have the application. Would you be able to forward that to me?

Thank you

**Jean Anconetani**

**Pennoni**

2 Aquarium Drive, Suite 320 | Camden, NJ 08103

**Direct:** +1 856-656-2860

[www.pennoni.com](http://www.pennoni.com) | [JAnconetani@Pennoni.com](mailto:JAnconetani@Pennoni.com)



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**From:** Jean Anconetani <xxxxxxxxxx@xxxxxxx.xxx>  
**Sent time:** 03/26/2026 10:24:52 AM  
**To:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Subject:** Mt Royal Data Storage Facility  
**Attachments:** no\_name\_attachment

---

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Thank you

**Jean Anconetani**

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**Direct:** +1 856-656-2860

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**From:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Sent time:** 03/16/2026 09:07:18 AM  
**To:** Jordan Young <xxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Cc:** Alan Zublatt <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>; Kelly Young <xxxxxx@xxxxxxxxxxxxxxxxxxx>; Kevin Jones <xxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Subject:** Re: American Tower - 114 Mantua Road, Block: 1402.01, Lot: 120 April 21st Hearing Date

---

Good morning Jordan,

Yes—the notice is to be sent to the SJ Times and to 200 ft listings at least 10 days prior to meeting date. (we do not have a contact, as things have changed for advertising), however this is on the web:

**Customer Service/Subscriptions:** 1-888-965-5353 (NJ.com/South Jersey Media)

**Website:** NJ.com

They need to be sent certified—return receipt requested. The green stubs come to me to show proof they were sent only (not delivered).

Regards,

*Stephanie*

Stephanie McCaffrey  
Deputy Clerk \ C.M.R.  
Township of East Greenwich  
159 Democrat Road  
Mickleton, NJ 08056  
(T) 856-423-0654 x8102  
(F) 856-224-0296

---

**From:** Jordan Young <xxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Sent:** Friday, March 13, 2026 10:54 AM  
**To:** McCaffrey, Stephanie <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Cc:** Alan Zublatt <xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx>; Kelly Young <xxxxxx@xxxxxxxxxxxxxxxxxxx>; Kevin Jones <xxxxxx@xxxxxxxxxxxxxxxxxxx>  
**Subject:** American Tower - 114 Mantua Road, Block: 1402.01, Lot: 120 April 21st Hearing Date

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Hi Stephanie,

Now that American Tower's application is scheduled to be heard by the Board on April 21<sup>st</sup>, I just wanted to reach out to get more information on the notice portion of our application requirements to set deadlines to have everything completed before the hearing date. I have a copy of the application that you sent me a few months back with some info on the notice steps but just wanted to confirm a few things with you. Do you have an email or contact information for the Gloucester County to publish the public notice in? and do we need to mail the notices by certified mail or certified mail, return receipt requested (green cards)? Any information that you can provide would be much appreciated.

Thanks,

Jordan

Jordan Young  
Legal Assistant  
Zublatt & Jones, P.C.  
[3836 Quakerbridge Road](#)  
[Suite 106](#)  
[Hamilton, New Jersey 08619](#)

609-570-7081 - Direct Dial  
609-951-9693 - Fax

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---

**From:** McCaffrey, Stephanie <xxxxxxxxx@xxxxxxxxxxxxxxx.xxx>  
**Sent:** Friday, February 13, 2026 12:28 PM  
**To:** Jordan Young <xxxxxx@xxxxxxxxxxxxxxx.xxx>  
**Cc:** Alan Zublatt <xxxxxxxxx@xxxxxxxxxxxxxxx.xxx>; Kelly Young <xxxxxx@xxxxxxxxxxxxxxx.xxx>; Kevin Jones <xxxxxx@xxxxxxxxxxxxxxx.xxx>  
**Subject:** Re: Tax Certification - 114 Mantua Road, Block: 1402.01, Lot: 120

Hi Jordan,

When are you planning on coming before the Board, as it should really be handed in with the application? A new form is included in the attached application.

Regards,

*Stephanie*

Stephanie McCaffrey  
Deputy Clerk \ C.M.R.  
Township of East Greenwich  
159 Democrat Road  
Mickleton, NJ 08056  
(T) 856-423-0654 x8102  
(F) 856-224-0296

---

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**To:** McCaffrey, Stephanie <xxxxxxxxx@xxxxxxxxxxxxxxx.xxx>  
**Cc:** Alan Zublatt <xxxxxxxxx@xxxxxxxxxxxxxxx.xxx>; Kelly Young <xxxxxx@xxxxxxxxxxxxxxx.xxx>; Kevin Jones <xxxxxx@xxxxxxxxxxxxxxx.xxx>  
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[Secured by Check Point](#)

Good morning Stephanie,

I need to get an updated tax payment certification form from the Tax Collector and have attached a form for signature. We have an older form from last July that you sent me. Please let me know if you need any additional information to complete our request.

Thanks,

Jordan

Jordan Young  
Legal Assistant  
Zublatt & Jones, P.C.  
[3836 Quakerbridge Road](#)  
[Suite 106](#)  
[Hamilton, New Jersey 08619](#)

609-570-7081 - Direct Dial  
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sender immediately by e-mail or by telephone at (609) 951-0600 and delete the original message. Thank You.

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**From:** McCaffrey, Stephanie <XXXXXXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Sent:** Wednesday, July 16, 2025 1:24 PM  
**To:** Jordan Young <XXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Cc:** Kevin Jones <XXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Subject:** Re: Tax Certification - 114 Mantua Road, Block: 1402.01, Lot: 120

Hi Jordan,

Please find attached signed tax certification.

Regards,

*Stephanie*

Stephanie McCaffrey  
Deputy Clerk \ C.M.R.  
Township of East Greenwich  
159 Democrat Road  
Mickleton, NJ 08056  
(T) 856-423-0654 x8102  
(F) 856-224-0296

---

**From:** Jordan Young <XXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Sent:** Wednesday, July 16, 2025 12:07 PM  
**To:** McCaffrey, Stephanie <XXXXXXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Cc:** Kevin Jones <XXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Subject:** Re: Tax Certification - 114 Mantua Road, Block: 1402.01, Lot: 120

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[Secured by Check Point](#)

Hi Stephanie,

Per our conversation yesterday, I have attached a Tax Payment Certification form with applicant information for the Tax Collector's signature. Please let me know if you need any additional information.

thanks,

Jordan

Jordan Young  
Legal Assistant  
Zubblatt & Jones, P.C.  
[3836 Quakerbridge Road](#)  
[Suite 106](#)  
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---

**From:** McCaffrey, Stephanie <XXXXXXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Sent:** Tuesday, July 15, 2025 2:11 PM  
**To:** Jordan Young <XXXXXX@XXXXXXXXXXXXXXXXX.XXX >  
**Subject:** Re: Tax Certification - 114 Mantua Road, Block: 1402.01, Lot: 120

Hi Jordan,