

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**  
Reorganization & Regular Meeting  
Tuesday, January 18, 2011  
—MINUTES—

CALL MEETING TO ORDER:

Attorney Lawrence Vastola called the Reorganization and Regular Meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:30 p.m. at the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 20, 2010 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request.

SWEAR IN NEW MEMBERS:

Filipe Pedroso, Lee Schapiro, Pushpavati Amin (alternate #1), Evans Humenick (alternate #2) and Carl A. Schulz (alternate #3) were sworn in by Attorney Vastola.

ROLL CALL:

Don Sweeney – present	Jay Rosen – present
Filipe Pedroso – present	Jim Scott – present
Paul Riga – present	William Vornehm – present
Lee Schapiro – present	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – present	Carl Schulz, Alt. #3 – present

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

REORGANIZATION:

Election of Chairman – Motion by Mr. Pedroso, second by Mr. Schapiro, Bill Vornehm was elected Chairman for 2011 on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga, Mrs. Amin
NOT ELIGIBLE:	Mr. Humenick, Mr. Schulz, Mr. Vornehm

Election of Vice-Chairman – Motion by Mr. Scott, second by Mr. Schapiro, Filipe Pedroso was elected Vice-Chairman for 2011 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga, Mrs. Amin  
Chairman Vornehm

NOT ELIGIBLE: Mr. Humenick, Mr. Schulz, Mr. Pedroso

Election of Board Secretary – Motion by Mr. Rosen, second by Mr. Schapiro, Jim Scott was elected Board Secretary for 2011 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga,  
Chairman Vornehm, Mrs. Amin

NOT ELIGIBLE: Mr. Scott, Mr. Humenick, Mr. Schulz

Appointment of Board Clerk – Motion by Mr. Scott, second by Mr. Schapiro, Marie L. Broughman was appointed Board Clerk for 2011 on unanimous voice vote.

Appointment of Board Professionals:

Board Attorney –

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE  
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING  
THE AWARD OF A CONTRACT FOR PROFESSIONAL  
SERVICES TO LAWRENCE A. VASTOLA, ESQ. OF  
VASTOLA, FACKELMAN & SULLIVAN

WHEREAS, the Zoning Board of Adjustment of the Township of Bridgewater will require professional services for legal services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Lawrence A. Vastola, Esq., a Member of the Firm of Vastola, Fackelman & Sullivan; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Zoning Board of Adjustment of the Township of Bridgewater to approve an agreement with Lawrence A. Vastola, Esq. per the attached fee schedule; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5,

WHEREAS, Robert C. Bogart, the Township Administrator, has determined and certified in writing that the value of the acquisition and such services will exceed \$17,500, that document being entitled Certificate of Value; and

WHEREAS, Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan completed and submitted a Business Entity Disclosure Certification to the Township, prior to the adoption of this Resolution, which certifies that Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan (including any individual with an ownership “interest” or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Christine Henderson Rose, Allen Kurdyla, Dan Hayes, members of the Bridgewater Township Council and/or Mayor Patricia Flannery and that the contract will prohibit Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan ha completed and submitted to the Township, in accordance with the New Jersey Local Unit Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a Political Contribution Disclosure Form (submitted at least 10 days prior to the adoption of this Resolution) as well as a New Jersey Business Registration Certificate and a Stockholder Disclosure Certification (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Township Professional Services Agreement which the Vastola, Fackelman & Sullivan will be required to sign; and

WHEREAS, a certification affirming the availability of funds in accordance with N.J.A.C. 5:34-5 et seq. has been provided by the Chief Financial Officer of the Township and is attached hereto and made a part hereof, and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of Adjustment of the Township of Bridgewater hereby approves the contract with Lawrence A. Vastola from January 1, 2011 through December 31, 2011.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Lawrence A. Vastola, Esq. for Professional Legal services for the period from January 1, 2011 through December 31, 2011 in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.
4. This appointment will be published in the Courier News, the Zoning Board of Adjustment's official newspaper, within ten (10) days of passage as required by law.

Motion by Mr. Pedroso, second by Mr. Schapiro, Lawrence A. Vastola was appointed Board Attorney for 2011 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga,  
Chairman Vornehm  
NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

#### Board Planner

RESOLUTION OF THE ZONING BOARD OF THE  
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING  
THE AWARD OF A CONTRACT FOR PROFESSIONAL  
SERVICES TO SCARLETT DOYLE, P.P. OF  
THE FIRM OF JOHN CILO ASSOCIATES INC.

WHEREAS, the Zoning Board of the Township of Bridgewater will require professional services for planning services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Scarlett Doyle, a member of the firm of John Cilo Associates, Inc.; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Zoning Board of the Township of Bridgewater to approve an agreement with Scarlett Doyle at an hourly rate of \$110.00 per hour; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5;

WHEREAS, Robert C. Bogart, the Township Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500;

WHEREAS, Scarlett Doyle, P.P. and John Cilo Associates, Inc. completed and submitted a Business Entity Disclosure Certification to the township, prior to the adoption of this Resolution, which certifies that Scarlett Doyle, P.P. (including any individual with an ownership “interest” or control of more than 10% of its profits or assets for 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Christine Henderson Rose, Dan Hayes, Allen Kurdyla and/or Mayor Patricia Flannery and that the contract will prohibit Scarlett Doyle, P.P. and John Cilo Associates, Inc. from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Scarlett Doyle, P.P. and John Cilo Associates, Inc. have completed and submitted to the Township, in accordance with the New Jersey Local Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a Political Contribution Disclosure Form (submitted at least 10 days prior to the adoption of this Resolution) as well as a New Jersey Business Registration Certificate and a Stockholder Disclosure Certification (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provision within the Township Professional Services Agreement which Scarlett Doyle, P.P. and John Cilo Associates, Inc. will be required to sign; and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of the Township of Bridgewater hereby approves the contract with Scarlett Doyle from January 1, 2011 through December 31, 2011.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Scarlett Doyle, P.P., for Professional Planning services for the period from January 1, 2011 through December 31, 2011 in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.
4. Notification of this appointment will be published in the Courier News, the Zoning Board's official newspaper, within ten (10) days of passage as required by law.

Motion by Mr. Riga, second by Mr. Scott, Scarlett Doyle was appointed Board Planner for 2011 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga,  
Chairman Vornehm  
NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

Board Engineer

RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRIDGEWATER  
APPOINTING THE TOWNSHIP ENGINEER, THOMAS FORSYTHE, P.E. AS THE ZONING  
BOARD ENGINEER

WHEREAS, the BOARD OF ADJUSTMENT of the Township of Bridgewater will require engineering services for the Board; and

WHEREAS, the above mentioned services can be performed adequately by Thomas Forsythe, P.E. who is employed as the Township Engineer of the Township of Bridgewater; and

WHEREAS, it is the intent of the Zoning Board of the Township of Bridgewater to appoint Thomas Forsythe, P.E. as the Board Engineer commencing January 1, 2011 thru December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, the Board of Adjustment of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of the Township of Bridgewater hereby appoints Thomas Forsythe, P.E. as the Board Engineer for 2011, commencing January 1, 2011 thru December 31, 2011.
2. Notification of this appointment shall be published in the Courier News, the Zoning Board's Official Newspaper, within 10 days of passage, as required by law.

Motion by Mr. Sweeney, second by Mr. Rosen, Thomas Forsythe was appointed Board Engineer on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga,  
Chairman Vornehm

NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

Supplemental Engineering Services

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
ESCROW RELATED SUPPLEMENTAL PROFESSIONAL ENGINEERING SERVICES TO  
DAVID J HODER, P.E. OF MASER CONSULTING, P.A.

WHEREAS, the Zoning Board of Adjustment of the Township of Bridgewater has a need to retain engineering services for escrow related planning services pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Township Administrator has determined and certified in writing that the value of the acquisition will potentially exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is for one year from 1/1/11 to 12/31/11; and,

WHEREAS, David J. Hoder, P.E. of Maser consulting, P.A. has submitted a contract indicating that he will provide the requested services pursuant to said contract; and,

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and,

WHEREAS, such award of contract shall be made as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, and,

WHEREAS, David J. Hoder, P.E., and Maser Consulting, P.A. have completed and submitted a business Entity Disclosure Certification to the Township, prior to the adoption of this Resolution, which certifies that David J. Hoder, P.E. and Maser Consulting, P.A. (including any individual with an ownership "interest" or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors of their spouses) has not made any reportable contributions to a political or candidate committee in the name of Dan Hayes, Howard Norgalis, Christine Henderson Rose, Alan Kurdyla, Matthew Moench and/or Mayor Patricia Flannery and

that the contract will prohibit David J. Hoder, P.E. and Maser Consulting, PA from making any reportable contributions, contrary to N.J.S.A. 1944A:20.5, through the term of their contract with the municipality; and

WHEREAS, David J. Hoder, P.E. and Maser Consulting, P.A. have completed and submitted to the Township, in accordance with the New Jersey Local Unit Pay to Play Laws (N.J.S.A. 19:44A-20.4, et seq.) a Political Contribution Disclosure Form (submitted at least 10 days prior to the adoption of this Resolution) as well as a New Jersey Business Registration Certificate and a Stockholder Disclosure Certification (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Township Professional Services Agreement which David J. Hoder, P.E. and Maser Consulting, P.A. will be required to sign; and,

WHEREAS, a certification affirming the availability of funds in accordance with N.J.A.C. 5:34-5.1 et seq. has been provided by the Chief Financial Officer of the Township and is attached hereto and made a part hereof; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the Township of Bridgewater authorizes the entry of a contract not awarded through a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq. with David J. Hoder, P.E. of Maser Consulting, P.A., as described herein for the period of January 1, 2011 to December 31, 2011.

BE IT FURTHER RESOLVED that the Business disclosure entity Certification and Determination of Value be placed on file with this Resolution.

The Contract is entered into without competitive bidding as a “professional service” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.

Notification of this appointment will be published in the Zoning Board of Adjustment official newspaper, within ten (10) days of passage as required by law.

Motion by Mr. Sweeney, second by Mr. Rosen, Dave J. Hoder of Maser Consulting, PA was appointed Supplemental Engineer for 2011 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga,  
Chairman Vornehm

NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

#### Radio Frequency Engineer

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE  
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING  
THE AWARD OF A CONTRACT FOR SPECIAL PROFESSIONAL RADIO FREQUENCY  
SERVICES TO HANK MENKES OF  
MENKES ASSOCIATES, LLC

WHEREAS, the Zoning Board of Adjustment of the Township of Bridgewater will require professional services of a special radio frequency engineer; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Hank Menkes of Menkes Associates; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Zoning Board of Adjustment of the Township of Bridgewater to approve an agreement with Hank Menkes per the attached fee schedule; and  
WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;  
WHEREAS, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5,

WHEREAS, the services to be rendered by Hank Menkes will relate to applications filed with the Zoning Board of Adjustment for approval of cellular facilities upon which he will report to the Zoning Board of Adjustment with the cost of his services being billed to the escrow of said applicant; and

WHEREAS, Hank Menkes and Menkes Associates, LLC have completed and submitted a Business Entity Disclosure Certification to the Township, prior to the adoption of this Resolution, which certifies that Hank Menkes and Menkes Associates, LLC (including any individual with an ownership “interest” or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Christine Henderson Rose, Allen Kurdyla, Dan Hayes, members of the Bridgewater Township Council and/or Mayor Patricia Flannery and that the contract will prohibit Hank Menkes and Menkes Associates, LLC from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Hank Menkes and Menkes Associates, LLC have completed and submitted to the Township, in accordance with the New Jersey Local Unit Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a Political Contribution Disclosure Form (submitted at least 10 days prior to the adoption of this Resolution) as well as a New Jersey Business Registration Certificate and a Stockholder Disclosure Certification (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Township Professional Services Agreement which the Menkes Associates will be required to sign; and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of Adjustment of the Township of Bridgewater hereby approves the contract with Hank Menkes from January 1, 2011 through December 31, 2011.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Hank Menkes for Professional Special Radio Frequency Engineering services for the period from January 1, 2011 through December 31, 2011 in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.
4. This appointment will be published in the Courier News, the Zoning Board of Adjustment’s official newspaper, within ten (10) days of passage as required by law.

Motion by Mr. Sweeney, second by Mr. Schapiro, Hank Menkes was appointed Special Radio Frequency Engineer for 2011 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga,  
Chairman Vornehm

NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

Designation of Meeting Dates, Time and Place

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bridgewater that the following schedule of dates and times for Regular Meetings respectively be established for 2011 and that all scheduled meetings shall convene at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

January 18, 25	February 1, 15, 22	March 1, 15, 29
April 5, 19, 26	May 3, 17, 31	June 7, 21, 28
July 5, 19, 26	August 2, 16, 30	September 6, 20, 27
October 4, 18, 25	November 1, 15, 29	December 6, 20, 27

BE IT FURTHER RESOLVED that the 2012 Annual Reorganization Meeting followed by the Regular Meeting shall be held on January 17, 2012, at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

Motion by Mr. Sweeney, second by Mr. Scott, the foregoing meeting dates, time and place were set by the Board for 2011 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga, Chairman Vornehm

NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

Designation of Official Newspapers

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bridgewater that The Courier News is hereby designated the official newspaper of the Zoning Board of Adjustment for 2011; and

BE IT FURTHER RESOLVED, that The Courier News and The Star Ledger are hereby designated to receive all notices of Zoning Board of Adjustment meetings in 2011 as required under the Open Public Meetings Act.

Motion by Mr. Sweeney, second by Mr. Rosen, the foregoing resolution was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga, Chairman Vornehm

NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

MINUTES FOR APPROVAL:

**December 7, 2010 Regular Meeting** – Motion by Mr. Rosen, second by Mr. Sweeney, the foregoing minutes were adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga, Chairman Vornehm

NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

MEMORIALIZING RESOLUTIONS:

**T-MOBILE** – PSE&G Routes 22 & 28

**Block 170 Lot 4.02**

**#15-10-ZB**, Minor Site Plan w/use variance

**DECISION:** Approved w/conditions 12/7/10



Motion by Mr. Sweeney, second by Mr. Rosen, the resolution memorializing the approval with conditions on 12/7/10 for the above referenced application was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Rosen, Mrs. Amin, Mr. Humenick, Chairman Vornehm  
NOT ELIGIBLE: Mr. Pedroso, Mr. Schapiro, Mr. Scott, Mr. Riga, Mr. Schulz

HEARING AND DELIBERATIONS:

**OMNIPOINT COMMUNICATIONS**

**Block 134, Lot 4** (65 Old York Road)

**#41-08-ZB** Site Plan w/use variance and 'c' variances (Court Remand of Board denial on 12/15/09)

Time: 120=3/23/11

Attorney James Pryor was present to represent the applicant. Sworn testimony was provided by Joshua Cottrell, PE.

No exhibits were marked into evidence.

Board Attorney Vastola summarized the history of this application stating that the original application was denied by the Board on 12/15/09. The applicant appealed the decision and Judge Kumpf remanded it back to the Board.

Engineer Cottrell stated that the applicant is proposing a 25'x18' compound, a 120-ft monopole with 6-antennas inside of the flagpole monopole. The elevated platform will house three equipment cabinets. There are three canisters left after installation of the 6-antennas by Ominipoint which are available for collocation by others. Since the compound is located in a flood-prone area, the proposed 8-ft chain link fence is proposed to have no slats which in accordance with NJDEP regulations.

Engineer Cottrell reviewed Planner Doyle's report dated 12/14/09 and stated that the NJDEP will not allow a solid fence in the flood-prone areas.

The meeting was opened to the public for questions and comments. Hearing none, the public portion was closed.

The Board deliberated and discussed several conditions.

Motion by Mr. Rosen, second by Mr. Sweeney, the Board denied the use variance for a regular monopole (not a flag pole) on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Rosen, Mr. Riga, Chairman Vornehm  
OPPOSED: Mr. Pedroso, Mr. Schapiro, Mr. Scott  
NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

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Motion by Mr. Schapiro, second by Mr. Rosen, the Board approved the use variance for a 120-ft flag pole monopole with no flag on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney Mr. Schapiro, Mr. Rosen, Mr. Riga, Chairman Vornehm  
OPPOSED: Mr. Pedroso, Mr. Scott  
NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

Motion by Mr. Sweeney, second by Mr. Riga, the Board approved the Site Plan with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney Mr. Schapiro, Mr. Rosen, Mr. Riga, Chairman Vornehm  
OPPOSED: Mr. Pedroso, Mr. Scott  
NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

MEETING OPEN TO THE PUBLIC:

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There were no members of the public wishing to address the Board on any matter not listed on the agenda.

OTHER BOARD BUSINESS/ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:30 pm.

Respectfully submitted,  
Marie L. Broughman,  
Land Use Administrator/Clerk

ADOPTED: 2/1/11