

BOARD OF ADJUSTMENT
Minutes of
January 19, 2011

Present:

Mr. D'Armiento
Mr. Fowler
Mr. Kuga
Mr. Langenbach
Mr. Lewis
Mr. Tighe
Mr. Zarnowski

Absent:

Mr. VanWinkle

Also present were Attorney Brian Schwartz, Borough Engineer David Testa and Recording Secretary Maryann Thorpey.

Mr. Schwartz called the reorganization meeting to order at 7:38PM. The compliance statement was read, roll call was taken.

Mr. Zarnowski nominated Mr. Tighe for Chairman, Mr. Fowler seconded, unanimous approval.

Mr. Zarnowski nominated Mr. Fowler for Vice-chairman, seconded by Mr. Langenbach, unanimous approval.

Chairman Tighe read the letter of application from Mr. Schwartz to the Board. Mr. Zarnowski nominated Mr. Schwartz as Board Attorney, Mr. Fowler seconded (after questioning if there were other applicants), unanimous approval.

Dawn Gaebel and Maryann Thorpey were nominated as Board Secretary and Recording Secretary, respectively, unanimous approval.

The Property Maintenance Committee is defunct. The Historic Commission is in effect, Mr. Lewis was appointed liaison (he will not be a voting member).

BA-10-004 Sprint, 739-745 Route 22. The applicant's attorney, Mr. Prior, was not able to secure the documents the Board requested regarding the structural report; he gave his summation.

Dave Testa, Borough Engineer, Birdsall, 65 Jackson Drive, Cranford, NJ, was sworn in. Mr. Schwartz questioned him with regard to the structural report done by Paul J. Ford. Mr. Testa, based on conversations with Mr. Maloney, his

colleague at Birdsall, is satisfied with the structural report. They haven't been able to check reference documents used to put the report together; and they have not been able to check documents with the appliances placed on the pole. Mr. Testa testified his office believes the pole is structurally sound. The report was revised to show the stress ratio went from 101.3 to 99.1.

Mr. Lewis asked how the Board can vote without all of the documents. Chairman Tighe said the issue is that the antennae was installed before the applicant came before the Board. Though the structural report is sound, there is no proof.

Mr. Prior said because it is a structural issue, it should be based on the report. He asked the Board to approve with the condition the applicant submits the proper documentation and then file for the proper permits. Mr. Zarnowski said without the engineer's report he cannot vote. Mr. Lewis said it is about credibility. Mr. Prior does not believe the report will be coming forthright; he doesn't believe the applicant will turn over the report. He said he will go back to his client for "one more shot".

Mr. Fowler asked if there was any use or testing of the antennae. Chairman Tighe asked for a straw pole. The Board agreed to carry-over the application in expectation of getting the full report. Mr. Testa said he and Mr. Maloney are satisfied with the anchoring. Chairman Tighe expects the information by February 16 for the March 2 meeting. The application is carried over to March 2.

Mr. Zarnowski moved the minutes of December 1, Mr. Lewis seconded, unanimous approval.

Chairman Tighe commented on the closing of K Mart. Mr. Schwartz said the county has expressed interest on working on the North Plainfield, Route 22 corridor. Chairman Tighe would like to see outlets placed there.

Mr. Zarnowski asked if there was a cell tower application that covered 1% of the town, with no plan for expansion, what recourse would the Board have. Mr. Schwartz said they get licensed from the FCC and the Board has no recourse.

The meeting adjourned at 8:25PM.

MAR 3 REC'D