

The Regular Meeting was called to order by Chairman List at 7:10 P.M.

The Pledge of Allegiance and Moment of Silence was led by Chairman List

The Open Public Notice was read by Jenifer DeSimone, Zoning Board Secretary

Roll Call taken by Jenifer DeSimone, Zoning Board Secretary.

Board Members: Ms. Jones, Present; Ms. Liciaga, Present; Mr. Kiernan, Present; Mr. Killen, Present; Mr. Kramer, Present; Mr. Green, Present; Mr. Francescone, Present; Vice Chairman Bailey, Present; Chairman List, Present.

Board Professionals: William Long, Engineer, Present; Jay Petrongolo, Planner, Present; Mr. Mike Angelastro, Board Traffic Engineer; Present; Brian McVey, Fire Marshal, Present; Mr. Anthony Costa, Board Conflict Solicitor, Present; Ms. Suzanna O'Hagan, Assistant to the Zoning Board, Present; Ms. Jenifer DeSimone, Zoning Board Secretary, Present.

Chairman List Reviewed the Boards Procedures

Announcements:

Memorialize Resolutions:

Resolution to appoint Anthony Costa, Attorney at Law as Zoning Board Conflict Solicitor for the duration of Application ZB#17-C/D-04, Cellco Partnership, Chairman List asked for a motion to adopt the resolution Appointing Mr. Costa, Attorney at Law as Zoning Board Conflict Solicitor, Mr. Francescone moved the motion and Mr. Killen second. All present voted affirmatively and the motion was carried.

Khai Huynh, ZB#17-C-13, 110 Phillips Road, Chairman List asked for a motion to adopt the resolution for Khai Huynh, ZB#17-C-13, Mr. Killen moved the motion and Mr. Green second. All present voted affirmatively, except Mr. Francescone who abstained, and the motion was carried.

Resolution of Appreciation for Jenifer DeSimone, Zoning Board of Adjustment Secretary recognizing 32 years of dedicated service, Chairman List asked for a motion to approve the Resolution of Appreciation for Jenifer DeSimone, Mr. Kramer moved the motion and Mr. Green second. All present voted affirmatively and the motion was carried.

Adopt Minutes: Regular Meeting Minutes of November 1, 2017. Chairman List asked for A motion to adopt the Regular Meeting Minutes of November 1, 2017. Board Member Killen moved the motion and Board Member Green second. All present voted affirmatively, except Mr. Francescone who abstained and the motion was carried.

Petitions Before the Board:

CELLCO PARTNERSHIP, d/b/a Verizon Wireless, ZB #17-C/D-04, 291 Larchmont Blvd, Block 406 Lot 2 – Use variance is sought from section 154-25(a) of the Zoning Ordinance to allow the applicant to place a wireless telecommunications facility in a PUD Zone. Bulk Variance is sought from section 154-63 and 154- Attachment 1 of the Zoning Ordinance to allow the proposed telecommunications facility to be 125' in height where 35' is allowed. Ms. DeSimone read the application and certified its completeness. Mr. Chris Shubert, Attorney for the Applicant was sworn in by the Board Solicitor. Mr. Shubert requested an Adjournment noting that the applicants planner is in North Jersey and therefore not available for tonight's meeting. Mr. Costa noted the preparation and special accommodations that were afforded to the applicant to make it possible to hear their application at this meeting and to allow the public to be heard including the appointment of himself as Conflict Attorney, change of location to the Community Center and police presence. Mr. Costa further stated that Ms. DeSimone will be retiring at the end of this year and has been handling the application since its inception in March of 2017. Chairman List confirmed the applicant agreed to this date at previous Zoning Board meeting of November 1, 2017. Mr. Francescone noted the previous extensions and

postponements granted to the applicant. Mr. Costa questioned Mr. Shubert about the reasons for the extension. Mr. Shubert cited concerns of the possibility of new board members and/or professionals being sat on the Zoning Board for the 2018 calendar year, the possible inability to present the entire application at this meeting due to the 90 minute presentation time limit, and that his planner was unavailable this evening. Mr. Costa addressed these concerns stating that Mr. Shubert was unaware of the possible board changes until Mr. Costa informed Mr. Shubert during a phone conversation this afternoon, and that as per the Municipal Land Use Law any new board members or professionals would read the transcript of the hearing to get up to speed. Mr. Costa stated that the assumption that the application would not conclude at this meeting is unreasonable and the board has made the night available to the applicant, Mr. Costa cited the obligation of the board to present this application to the residents who have waited over nine months to participate in this hearing. Mr. Shubert stated that case law in New Jersey is clear that an adjournment should be liberally granted by the board, the alternative would be the applicant would withdraw the application and refile and that seems a waste of resources. Chairman List clarified that Mr. Shubert is asking for an adjournment and asked when they want to adjourn to. Mr. Shubert replied they would like an adjournment to the February 7, 2018 public hearing. Chairman List asked for a motion to grant an adjournment for application ZB#17-C/D-04 to February 7, 2018. No motion was made. Chairman List asked for a motion to deny an adjournment of ZB#17-C/D-04 until February 7, 2018, Mr. Francescone made a motion to deny an adjournment and Mr. Killen second. Roll call vote: Mr. Francescone, agree; Mr. Killen, agree; Mr. Kiernan, agree; Mr. Kramer, agree; Mr. Green, agree; Vice Chairman Bailey, agree; Chairman List, agree; motion carried, denied

Chairman List asked Mr. Shubert if he is ready to proceed, Mr. Shubert said he is not. Mr. Shubert stated for the record that the applicant was ready to go for the November 1, 2017 meeting and if it had not been postponed due to the Board solicitors conflict he believes they would have concluded in two meetings. Now this will be an appeal to be addressed in superior court unless the board will allow Mr. Shubert to withdraw the application and refile and reschedule.

Mr. Costa said the applicant is not ready to proceed, the board is ready to proceed and because Mr. Shubert made a decision to not bring his professionals and witnesses, the board has no alternative but to make a motion to deny the application. Chairman List asked for a motion to deny application ZB#17-C/D-04, Mr. Francescone made a motion to deny application ZB#17-C/D-04 Mr. Killen second. Roll call vote: Mr. Francescone, agree; Mr. Killen, agree; Mr. Kiernan, agree; Mr. Kramer, agree; Mr. Green, agree; Vice Chairman Bailey, agree, Chairman List, agree; Motion carried, application is denied.

The board discussed the meeting dates for 2018. Chairman List asked for a motion to approve the Zoning Board Meeting dates for 2018, Mr. Killen made a motion to approve the 2018 Zoning Board Meeting dates and Mr. Kramer second. All present voted affirmatively and the motion was carried.

Board Solicitor Mr. Costa explained the proceedings and the appeal process at Mr. Francescones' request.

Resident Charles Stroble, 15 Dickens Lane was sworn in by Board Solicitor Mr. Costa. Mr. Stroble had questions concerning the appeal process.

Michael Pascuzzo, 1 Sheffield Lane, was sworn in by board solicitor Mr. Costa. Mr. Pascuzzo had questions about future applications and thanked the board.

Andrew Kubiak, 9106 Normandy Drive, questioned if the township would receive money from the applicant.

Pat Halbe, 2101 Denham Court, was sworn in by the Board Solicitor. Ms. Halbe expressed her recognition of Jenifer DeSimone's dedication to her position as Board Secretary and thanked Mrs. DeSimone for her service and assistance over many years.

Individual Board Members expressed their appreciation and respect for Jenifer DeSimone, thanking her for her years of service and dedication.

Discussion Item:

Adjournment:

Chairman List asked for a motion to adjourn the Zoning Board meeting at 8:12 P.M. Mr. Killen made the motion. All present voted affirmatively and the motion was carried.

Adopted on: January 10, 2018

Respectfully Submitted by:
Suzanna O'Hagan, Secretary
Zoning Board of Adjustment