

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of January 6, 2010 to order at 7:07 p.m.

MEMBERS PRESENT: Morris Bauer, Elliott Averett, Felix Graziano
Craig Schwemmer, Anthony Spina, John Turick
Alternate Members: Frank Baguiao, Dorothy Walter
Members Absent: Harvey Ort
Others Present: Attorney Fraser, Clerk Kesper

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT
- Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 14, 2009 and posted on the Bulletin Board on the same date. Notices were mailed as there were requests.

Pledge of Allegiance

MINUTES

1. November 4, 2009 Regular Meeting

Mr. Spina made a motion to approve the minutes, seconded by Mr. Bauer. A voice vote was taken; Mr. Graziano, Bauer, Ort, Turick abstained, all others were in favor and the motion carried.

2. December 2, 2009 Regular Meeting

Mrs. Walter made a motion to approve the minutes, seconded by Mr. Bauer. A voice vote was taken; Mr. Graziano abstained, all others were in favor and the motion carried.

RESOLUTIONS

10-06 Belluscio- Block 39, Lots 4, 5, 12 – 237 Fairmont Road – R-5 Zone
– 9.311 Acres – Approval of request for front yard setback variance

The resolution was reviewed.

Mr. Spina made a motion to grant the variance as presented, seconded by Mrs. Walter. A roll call vote was taken:

Ayes: Bauer, Turick, Averett, Schwemmer, Spina, Baguiao Walter,
Nays: Abstentions: Absent: Ort

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Ineligible: Graziano

10-07 Procaccini – Block 11.01 – 19 Kim Lane – r-1 Zone - .93 Acres –
Approval of Request for side yard setback variance

The resolution was reviewed.

Mr. Spina made a motion to approve the resolution, seconded by Mr. Bauer. A roll call vote was taken:

Ayes: Bauer, Averett, Schwemmer, Spina, Baguiao

Nays: Abstentions: Absent: Ort

Ineligible: Graziano, Turick

10-08 Ort – Block 8, Lot 6 – 51 Drakestown Road – O/R Zone – 29.23
acres – Approval of Request for three lot minor subdivision

Ms. Fraser reviewed changes in the resolution from the resolution distributed previously to the board.

Mr. Spina made a motion to approve the resolution as amended this evening, seconded by Mr. Baguiao. A roll call vote was taken:

Ayes: Turick, Averett, Schwemmer, Spina, Baguiao, Walter

Nays: Abstentions: Absent: Ort

Ineligible: Graziano, Bauer

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Verizon Wireless – Block 28, Lot 14 – Bartley Road – R-5 Zone – 10 acres - Request for Use Variance for 120' Wireless Communications Tower – Deemed Complete October 7, 2009 - Previously Heard October 7, 2009 and November 4, 2009 – Public Hearing Continued – Expires February 4, 2010

Mr. Schwemmer announced that the application had been adjourned at the applicant's request to February 3, 2009.

DISCUSSION - CORRESPONDENCE

1. Board Experts

The board discussed hiring their own RF Engineer for the cell tower application.

Ms. Kesper stated that Mr. Banisch has a recommendation for an RF engineer that he has worked with in other Townships.

A motion was made by Spina to hire Mr. Banisch's recommended RF engineer, Dr. Eisenstein, if he is available prior to the next hearing. The motion was seconded by Mr. Averett. A voice vote was taken; all were in favor and the motion carried.

2. Vouchers

The vouchers were reviewed. Mr. Spina made a motion to approve the vouchers reviewed by the Chairman and found in order and send same on for payment. The motion was seconded by Mr. Baguiao. A voice vote was taken; all were in favor and the motion carried.

3. Annual Report

The draft letter and resolution were reviewed.

Mr. Bauer made a motion to adopt resolution 10-09 and send the report to the Planning Board and Township Committee. The motion was seconded by Mr. Averett. A roll call vote was taken:

Ayes: Bauer, Turick, Averett, Schwemmer, Spina, Baguiao, Walter,
Nays: Abstentions: Absent: Ort

Mr. Averett made a motion to adjourn, seconded by Mr. Spina. A voice vote was taken; all were in favor and the meeting was adjourned at 8:20 p.m.

Virginia R. Kesper, Clerk

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