

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING HELD JULY 1, 2004**

**CALL TO ORDER:** The meeting was called to order by Chairman Miller at 7:30 p.m.

**STATEMENT OF COMPLIANCE:** Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975, adequate notice as defined in Section 3D of Chapter 231 P.L. 1975 has been made to the New Jersey Herald and is also posted on the Bulletin Board at the Hardyston Township Municipal Building.

**ROLL CALL:**

William Walsh	Present
Santo Verrilli	Present
Gerald Laughlin	Excused
David Toye	Present
Gary Bargiel	Excused
Candace Leatham	Present
Carl Miller	Present
Mary Ann Murphy (Alt.1)	Present
Roger Kabbash (Alt. 2)	Present

**OTHERS PRESENT:** Michael G. Vreeland, P.E., Richard Brigliadoro., Esq., Anne-Marie Wilhelm, Secretary.

**APPROVAL OF MINUTES:** A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held March 4, 2004*, was made by Santo Verrilli and seconded by David Toye. Roll Call: William Walsh – yes, Santo Verrilli – yes, David Toye – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

**APPLICATION: ZB-6-04-1, Brennan, T.M., use Variance, Block 64, Lot 4.04:** The application was carried at the request of the Applicant due to insufficient notice. A motion to carry the matter to the next meeting was made by William Walsh and seconded by Santo Verrilli. All were in favor. The motion carried.

**ZB-7-03-1, AT & T Wireless Service, Amended Preliminary and Final Site Plan Request for Extension of Approval Conditions' time Deadline, Block 62, Lot 35:**

Judith Babinski, Esq., appeared on behalf of the Applicant and apologized to the Board stating that the contractor AT & T uses has created the present scenario and a need for her assignment, which involves problem resolution with municipalities. She stated that once problems reach this level, she oversees the matter and the contractor reports to her. Ms. Babinski stated that since she assumed control of the site, landscaping and fencing had been installed and one of the dying trees on-site would be replaced. Mr. Miller noted that the site conditions are entirely contrary to the resolution conditions. He stated the Board reluctantly granted an extension previously.

Ms. Babinski provided an overview of the matter and requested an extension for the installation of antennae branches until November 1, 2004, stating that she could assure the Board that site issues would be resolved by this date. She stated she may be able to get the job done prior to November 1, 2004, and agreed to try to expedite delivery and installation of the branches.

Ms. Babinski agreed to provide records of the matter to include contracts with Bechtel and vendors for the Board's review.

Mr. Verrilli asked why AT & T did not initially supervise the job. Ms. Babinski stated that

AT & T cut down on staff and now uses third-party contractors. She stated her job as outside counsel is to remedy problems created by the use of these contractors.

Mr. Walsh asked when the branches were ordered. Ms. Babinski stated that the branches were probably ordered last week. Mr. Miller noted that the branches were a major issue at the last meeting. Mr. Vreeland noted that the condition stating that branches must be added to the pole was also included in the Omnipoint resolution.

The Board requested a representative of Bechtel Telecommunications, AT & T, Omnipoint, and the cemetery owner to be present at the next meeting on August 5, 2004. Ms. Babinski agreed to notify the parties. Board members discussed a performance bond and it was noted that the Applicant would be required to present an engineering estimate of costs. In addition, the Board requested that efforts be made to expedite the placement of the branches. The Applicant agreed to check into the matching of new branches' color to the old branches.

Board members discussed the matter. Board members emphasized that failure to provide a resolution of the issues noted above by the next meeting would result in the removal of the Applicant from the site.

Michael G. Vreeland, P.E, noted that clarification of landscaping maintenance issues would need to be addressed as well. Chairman Miller requested the provision of a document that acknowledges AT & T's responsibility for landscaping maintenance.

A motion to approve a one-month extension conditioned upon the Applicant's provision of the information noted above and the Applicant's appearance at the next meeting scheduled on August 5, 2004, was made by William Walsh and seconded by Santo Verrilli. Roll Call: William Walsh – yes, Santo Verrilli – yes, David Toye – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

**PUBLIC PARTICIPATION:** Chairman Miller opened the meeting to the public. There were no participants. The meeting was closed to the public.

**DISCUSSION:** Chairman Miller noted that additional training sessions for Board members would be held in the fall.

**BILLS:** A motion to approve a recommendation of payment to the Council of the bills cited below was made by Santo Verrilli and seconded by William Walsh. All were in favor. The motion carried.

**Guerin & Vreeland**

Invoice #WO597	ZB-2-04-1, Eastern Concrete	\$95.00
Invoice # WO592	ZB-2-04-1, Eastern Concrete	285.00

**Weiner Lesniak, LLP**

Invoice # 734176AA	ZB-3-03-1, Wolverton, R	57.91
Invoice # 734175AA	Zoning OE	280.00
Invoice # 734177AA	ZB-2-04-1, Eastern Concrete	557.00
Invoice # 734177AA	Zoning OE	350.37
Invoice # 735732AA	Zoning OE	84.00

**Hollander, Hontz, Hinkes & Pasculli**

Invoice # WEH-1471	ZB-1-04-1 (PB-1-04-1)	630.00
--------------------	-----------------------	--------

[Omnipoint Inc.]

Invoice # WEH-1470

ZB-1-04-1 (PB-1-04-1)

70.00

[Omnipoint Inc.]

**ADJOURNMENT:** Having no further business, a motion to adjourn was made by William Walsh and seconded by Candace Leatham. All were in favor. The motion carried. The meeting was adjourned at 7:55 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm