

**BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)**



LDS BR-PZ 10402996

Use and Bulk Variances and Site Plan

AT & T Wireless

1666 Route 88

Block: 1170.01, Lot: 2

Zone: H-S

Case No.: BA-2219

**RESOLUTION OF DENIAL WITHOUT PREJUDICE
ZONING BOARD OF ADJUSTMENT, TOWNSHIP OF BRICK
APPLICATION NO.: BA-2219
RESOLUTION NO.:**

June 18, 2003

WHEREAS, an application has been made by AT & T Wireless, whose mailing address is 15 East Midland Avenue, Paramus, New Jersey 07652 for use and bulk variances and site plan approval to construct a telecommunications facility including a 122.5 foot monopole with supporting equipment in a H-S zone which is not a permitted use on property located on 1666 Route 88, Block No. 1170.01, Lot No. 2, as set forth on the Tax Maps of the Township of Brick; and

WHEREAS, public hearing was scheduled on said application for June 4, 2003 in the Municipal Building of said Municipality; and

WHEREAS, the application documents included the following:

1. A land development application dated June 18, 2002;
2. A Survey prepared by Crest Engineering Associates, Inc., dated July 13, 2002, last revised September 26, 2002;
3. Plans entitled "AT & T Wireless, Site Name: Route 88, Site Number: 003C-4", undated, last revised December 11, 2002.

VARIANCES AND WAIVERS REQUESTED

WHEREAS, the Applicant has requested the following waivers and / or variances:

File
APP.
A. ATTY
A. ENG
B. ATTY
B. ENG
Blding
Zoning

1. Section 190-27 - Permitted Use. A use variance is required because a telecommunications tower is not a permitted use in an H-S Zone.
2. Section 190-129 - Area, yard and building requirements. The required side yard setback is 30 feet; whereas 3.6 feet is proposed for the equipment cabinets and 11.9 feet for the proposed monopole.
3. Section 190-132A(1) – Total landscaped area shall be a minimum of twenty percent (20%) of the total lot area.

TESTIMONY

WHEREAS, the Applicant was not present and failed to provide a proper waiver and extension of the statutory time limitation for decision pursuant to N.J.S. 40:55D-10 at the hearing on June 4, 2003.

WHEREAS, the Board, unable to proceed with the matter or obtain a valid waiver of time, voted to deny this application without prejudice subject to being re-opened if a proper time waiver was provided prior to the following meeting scheduled for June 11, 2003.

WHEREAS, the Board was advised by applicant's counsel, Judith A. Babinski, Esquire, through correspondence dated June 6, 2003 that AT & T Wireless decided to consider an alternative site for the proposed telecommunications facility and agreed to the Board's Dismissal Without Prejudice.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Brick that the within application is hereby **denied** without prejudice.

ROLL CALL VOTE:

Moved by: J. Rentschler

Seconded by: L. Romano

Affirmative Vote: D. Raftery, L. Romano, J. Rentschler, H. Langer

Negative Vote:

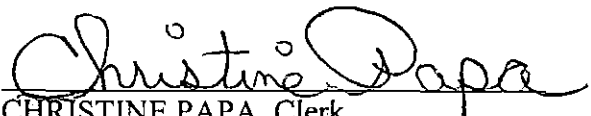
Abstaining:

Absent: S. Dyer, R. Gunther, J. Donnelly

Ineligible: R. Panten, T. Leahy,

CERTIFICATION

I, Christine Papa, Clerk, Board of Adjustment of the Township of Brick, County of Ocean, and State of New Jersey, do hereby certify that the foregoing Resolution was duly passed by the said Board of Adjustment of the Township of Brick at a meeting held on this
____ 18th ____ day of ____ June ____ 2003.


CHRISTINE PAPA, Clerk
Brick Township Board of Adjustment