

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT  
MEETING HELD ON WEDNESDAY, NOVEMBER 9, 2016**

Chairman Byrne called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated November 1<sup>st</sup>, 2016 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

**PRESENT: BYRNE, ERICKSON, FOREMAN, KUBISKY, DUBOWSKY (ALT. #1) AND ZALEWSKI (ALT. #2)**

**ALSO PRESENT: BOORADY, ENGINEER AND LORBER, COUNSEL**

**ABSENT: \*BRACCHITTA, WOLFSON AND ZAPF**

Chairman Byrne mentioned the first order of business is the approval of the minutes from the October 11<sup>th</sup>, 2016 meeting.

Mr. Lorber stated Tom is not here so there will be no corrections.

Ms. Ward mentioned my proof reader isn't here tonight.

Mrs. Kubisky stated I didn't see anything.

Ms. Ward mentioned good. The members that can vote are Byrne Erickson, Kubisky and Zalewski.

Chairman Byrne asked does someone want to make a motion.

Mrs. Kubisky made the motion to accept the minutes.

Mr. Erickson seconds.

**Roll call:**

**Yes: Kubisky, Erickson, Byrne and Zalewski (Alt. #2)**

**No: None**

**Abstain: None**

Ms. Ward stated they are approved.

Chairman Byrne stated the next order of business is the Preliminary & Final Major Site Plan Application #353, Use and Bulk Variance Application #2014-01 and Flood Plain Encroachment Application #FPE 14-01 by New Cingular Wireless PCS, LLC (AT & T), on property known as Block 22, Lot 318 on the municipal tax map also known as 370 George Cobb Lane. This is a time extension memorialization resolution.

Ms. Ward stated right and the members who can vote on the resolution are Byrne, Erickson, Kubisky and Zalewski.

Chairman Byrne mentioned okay. Does someone want to move it?

**LINCOLN PARK BOARD OF ADJUSTMENT  
RESOLUTION**

**Preliminary and Final Major Site Plan Application #353  
Use and Bulk Variance Application #2014-01  
Flood Plain Encroachment with Variance Application #FPE 14-01**

**WHEREAS**, the Lincoln Park Zoning Board of Adjustment (the 'Board') granted an application filed by New Cingular Wireless PCS, LLC (the "Applicant") for site plan, variance and flood plain

encroachment relief pursuant to Resolution memorialized on October 14, 2014 with regard to property known and 370 George Cobb Lane, Lincoln Park, New Jersey, also identified as Block 22, Lot 318 on the official tax maps (the "Property"); and

**WHEREAS**, the Applicant has requested a two year extension of the approval in order to complete the work at the Property; and

**WHEREAS**, the Board has voted to amend the Resolution as follows:

1. The Applicant is hereby granted a two (2) year extension of time to complete all of the work authorized by the Resolution.
2. All other terms and conditions of the Resolution shall remain in full force and effect.

Mr. Erickson moved the resolution.

Ms. Kubisky seconds.

**Roll call:**

**Yes:** Erickson, Kubisky, Byrne and Zalewski (Alt. #2)

**No:** None

**Abstain:** None

Ms. Ward mentioned it's approved.

\*Mr. Bracchitta arrived at the meeting.

Mr. Bracchitta stated sorry I'm late but there was a traffic accident.

Chairman Byrne mentioned the next item on the agenda is the closed session on the Bower Application, 131 Ryerson Road and this is a consideration of a resolution.

Ms. Ward asked does somebody want to move the resolution.

**RESOLUTION OF THE LINCOLN PARK  
ZONING BOARD OF ADJUSTMENT  
RE: BOWER & DE FALCO MATTER TO BE  
DISCUSSED IN CLOSED SESSION**

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Lincoln Park (the "Board") deems it necessary to discuss a certain matter in closed session, with the public excluded, as permitted by *N.J.S.A. 10:4-12.b.*; and

**WHEREAS**, the subject matter to be discussed in closed session comes within a specific exception (under *N.J.S.A. 10:4-12.b.*) to the requirement under *N.J.S.A. 10:4-12.a.* that all Board meetings be open to the public; and

**WHEREAS**, the Board desires to adopt this resolution prior to entering the closed session, as required by *N.J.S.A. 10:4-13.*

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Lincoln Park as follows:

1. That the Board's discussion of the matter covered by the attorney-client privilege shall be conducted in closed session, with the public excluded.
2. That the matter discussed in closed session can be disclosed to the public at a future time to be determined by the Board.

Mr. Forman moved the resolution.

Chairman Byrne asked is there a second.

Mr. Dubowsky seconds.

Voice vote Board aye.

Opposed none.

**\*\*Closed Session Bower**

Ms. Ward mentioned the Board is back in regular session.

Chairman Byrne asked any other business.

Mr. Lorber mentioned I have one question. Is anything going to be on for December?

Ms. Ward stated yes. We have Tito Masa on for a public hearing for an extended-family dwelling larger than what is permitted.

Mr. Lorber mentioned oh like the last one. I think Craig was here for the last one.

Ms. Ward stated yes.

Mr. Lorber stated he'll probably be here for this one.

Ms. Ward stated okay.

Mr. Lorber mentioned I got a call this morning, I had a matter scheduled November 22<sup>nd</sup> in another town and because it is Thanksgiving week they are not going to have a quorum so they asked me if I would move it to December 13<sup>th</sup>. I haven't asked Craig yet but I assume he'll be available. My other meeting I already sent the notices out for.

Ms. Ward mentioned that's the only thing on right now. The other case aren't ready that we have. You are going to be getting the Beaver Brook Garden Apartment application; they are coming in with generators, a parking lot and what else are they coming in with Tom?

Mr. Boorady stated it is technically a use variance because they are expanding the parking lot in a residential zone.

Mr. Lorber mentioned it is a separate lot and Tom and I spoke about it.

Mr. Boorady stated they are going to install more than 30 generators.

Ms. Ward mentioned that is Conoscenti's property. He came in years ago for a subdivision with the Planning Board to build two houses but he never recorded the deed. The Board wanted to deny the application because of severe flooding but Brian told the Board they couldn't deny it because we didn't have a leg to stand on if it was appealed, but the subdivision wasn't perfected.

Mr. Lorber stated this is going to be an accessory to the apartments.

Ms. Ward mentioned and a dog run too.

Mr. Boorady stated I'm still looking at everything.

Mr. Lorber stated Tom and I spoke about this but I was going to wait until the hearing but since we are all here I don't think I have a conflict. I represent, it is really convoluted, a part owner of the apartments is a family by the name of Weingarten, I think that's her name, her husband has a company that is partners with a client of mine so I really don't think it is a conflict because I don't represent her or her husband I represent a partner who has his own company and the two companies are partners. But I just thought I would let everybody know this and I don't think it is a conflict it doesn't sound like one to me. If something came up during the hearing that I thought is a conflict, I'd have to step back but I just wanted everybody to know that.

My client's company and her husband's company are builders and they are building a development right now down in South Jersey, but they've done a couple of things together so I just thought I'd let everybody know that. I don't assume anything will come up but that will be on in January right?

Ms. Ward stated I don't know it is in for completeness review with Tom.

Mr. Boorady mentioned there are completeness waivers so I'm thinking December. If they are granted, then maybe January.

Mr. Lorber stated okay January I expect to be here.

Mr. Foreman asked those are generators for each building if they have a power outage.

Mr. Boorady mentioned yeah there are over 30 and then another group of 10 generators.

Mr. Foreman asked those are going to be big generators I guess.

Mr. Boorady stated I guess yeah they are going to be elevated.

Mr. Byrne mentioned they did a nice job of moving everything up higher.

Mr. Foreman asked who is representing them.

Mr. Boorady mentioned Schepis.

Mr. Lorber stated oh Steve right.

Mr. Bracchitta mentioned it was Irene when they had to do that right.

Ms. Ward stated is was a mess over there with Irene and also with the 84 flood.

Chairman Byrne asked does someone want to make a motion to adjourn.

Mr. Erickson made the motion to adjourn the meeting.

Mr. Foreman seconds.

Respectfully submitted:

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Joan Ward, Secretary

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Patrick Byrne, Chairman