

**MINUTES OF THE BOARD OF ADJUSTMENT**  
**July 21, 2010**

PRESENT: Chair Harrison, Mr. Burr, Ms. Cockey, Vice Chair Fleischer, Ms. Holloway, and Mr. Whipple; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Ms. English, Mr. Kenney, and Mr. Susswein

Assistant Secretary Charreun called the roll and announced the regular meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

On motion by Mr. Fleischer, seconded by Mr. Whipple, the following Resolution memorializing the Board's decision on the application of **Focus Physical Therapy and Wellness, 552 Valley Road** was adopted as modified:

WHEREAS, Focus Physical Therapy and Wellness, did make application to the Board of Adjustment of the Township of Montclair for site plan approval to convert the existing two-family dwelling to a commercial building that would include medical office use on the first floor of the building on property designated as Lot 23 in Block 1711 on the Montclair Township Tax Map and located in N-C Neighborhood Commercial Zone; and

WHEREAS, the applicant requested relief as follows:

1. A variance pursuant to N.J.S.A. 40:55D-70d(1) to permit 250 square feet of medical office in the rear of the first floor of the building which is not a permitted use pursuant to Montclair Code Section 347-90.
2. A variance pursuant to N.J.S.A. 40:55D-70c to permit six parking spaces where seventeen parking spaces are required pursuant to Montclair Code Section 347-101.
3. A variance pursuant to N.J.S.A. 40:55D-70c to allow a zero setback from property lines for the proposed driveway and parking area contrary to Montclair Code Section 347-96.
4. A variance pursuant to N.J.S.A. 40:55D-70c for failure to provide landscaping in all parking area setbacks contrary to Montclair Code Section 347-104.
5. An exception from Montclair Code Section 281-9G for failure to provide a four foot landscape setback for parking areas.
6. An exception from Montclair Code Section 281-9I to permit a two-way driveway with a width of 13 feet 4 inches where a minimum of 18 feet is required.

WHEREAS, the applicant submitted a site plan, floor plans and elevations consisting of Sheets ZBA-1/HPC-1 through ZBA-5/HPC-5 prepared by Oasis Architecture dated February 4, 2010 revised through June 7, 2010; and

WHEREAS, this matter came on to be heard at meetings of the Board of Adjustment held on May 19 and June 16, 2010 at which time it was established the notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property consists of 8,190 square feet of lot area and 50 feet in width measured along its angled frontage on Valley Road. The property is improved with a nonconforming two-family dwelling with a gravel driveway on the northerly side of the lot.

2. The applicant seeks to convert the existing two-family dwelling to a physical therapy and wellness center with a handicapped accessible lift at the rear of the building, offering physical and massage therapy, acupuncture, pilates training, body work and relaxation techniques, athletic musculoskeletal screenings and retail sales of health and wellness products to patients and clients identical to the business run by the applicant over the past 5 years at 193 Bellevue Avenue also in the N-C Zone.

3. The site is particularly suited for the proposed limited medical office use which, although not permitted on the first floor, is not prohibited entirely in the N-C Zone. A predominant portion of the first floor would be occupied by permitted uses and the building can accommodate the limited medical office use without any adverse impact. Furthermore, the intensity of use of the property is controlled by the applicant through appointments and class schedules.

4. Approval of this application advances the purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-1 et seq., specifically encouraging appropriate use of land which promotes the general welfare (-2a); provides sufficient space in an appropriate location for the proposed use (-2g); promotes a desirable visual environment (-2i) and promotes the conservation of historic sites (-2j).

5. The size and shape of the lot combined with the location of the lawfully existing building and driveway results in peculiar and exceptional practical difficulties and undue hardship upon the applicant in attempting to comply with the parking and setback standards contained in the Zoning Ordinance.

6. The layout provides six parking spaces on site where a minimum of seventeen are required. The applicant stipulated all employees (except handicapped) shall park off site and has agreed to secure eleven off-site parking spaces to address the parking deficiency.

7. The driveway is proposed to be widened to provide a minimum width of thirteen feet four inches and cannot be brought into conformity with the Ordinance due to site constraints and although nonconforming, provides safe and adequate ingress and egress.

8. The preexisting nonconforming building is two and one-half stories and 33 feet one and three-quarter inches high to the ridge at the front wall where a minimum of two stories and twenty-four feet is allowed in accordance with Montclair Code Sections 347-95A(1) and (2). The proposed additions do not exacerbate the preexisting nonconforming height and otherwise conform to the height restrictions and thus, do not require variances.

9. The preexisting nonconforming building contains a front yard setback of 19 feet five and one-quarter inches where a minimum of 20 feet is required pursuant to Sections 347-95C(1) and (2). The proposed additions do not exacerbate the preexisting nonconforming front yard setback and otherwise conform to the Ordinance and thus, do not require variances.

10. Based upon the Board's particular knowledge of local conditions, including the existence of a number of compatible uses in the area, the within application is not inconsistent with the character of the neighborhood and will not adversely impact the public good.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved the requisite special reasons for the granting of this application and proved by a preponderance of the evidence that the proposed relief could be granted without substantial detriment to the public good, and would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2).

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair, that the within application of Focus Physical Therapy and Wellness for site plan approval, use and bulk variances and exceptions is hereby approved subject to the following conditions:

1. The applicant shall obtain the right to utilize eleven off-site parking spaces.
2. All employees (except handicapped) shall park off site.
3. Compliance with the conditions contained in the Historic Preservation Commission Resolution and Certificate of Appropriateness No. HPC 2010-6 dated May 20, 2010 to the extent said conditions remain relevant.
4. The applicant shall comply with the conditions contained in the Board Engineer's review memorandum dated March 27, 2010 and shall submit the revised plans to the Board Engineer and comply with any additional requirements.
5. This approval is limited to medical office use not exceeding 250 square feet at the rear of the first floor of the building.
6. The proposed fence shall conform to the requirements of the Zoning Ordinance.
7. All outstanding property taxes shall be paid prior to the issuance of a construction permit.
8. The applicant shall be responsible for payment of all escrow charges incurred in connection with the review of this matter.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Mr. Fleischer, seconded by Mr. Whipple, the following Resolution memorializing the Board's decision on the application of **David and Azita Staubach, 12 Argyle Road** was adopted:

**WHEREAS, David and Azita Staubach**, did make an application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70c associated with the proposed construction of a vestibule and landing at the front entrance of the dwelling on property designated as Lot 93 in Block 4601 on the Township Tax Map and located in the R-1 One-Family Zone; and

**WHEREAS**, the applicant requested a variance from **Montclair Code Section 347-45E** for a principal building coverage exceeding 25 percent of the lot area; and

**WHEREAS**, the applicant submitted a property survey dated October 7, 1993, a plot plan copy depicting the proposed vestibule and landing, and architectural drawings prepared by TLDA Architect, dated March 26, 2010; and

**WHEREAS**, this matter came on to be heard at a regular meeting of the Board of Adjustment held on June 16, 2010 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

**WHEREAS**, the Board carefully reviewed the testimony presented and established the following findings:

1. The property is located in the R-1 One-Family Zone and contains a single family dwelling. The lot is located at the end of a cul-de-sac, is irregularly shaped, and measures 7,700 square feet in lot area.

2. The property received a variance for the setback of an addition and deck on the easterly side of the dwelling in 1987, which were not constructed. The same setback variance was approved for the same addition and deck in 2000.

3. The existing dwelling currently exceeds the allowable principal structure coverage on the site, occupying approximately 27.8 percent of the lot including the existing low-lying front landing and step that measures approximately 30 square feet. A vestibule measuring approximately 16.2 square feet, and a new low-lying landing and step measuring approximately 24 square feet, are proposed at the front entrance of the dwelling. With the new construction, the principal structure coverage slightly increases to 27.9 percent, and a variance is requested.

4. The Board determined that the requested variance could be granted. The property is relatively small in overall lot area. The proposed vestibule and landing are very modest improvements that improve the dwelling. The increase the existing nonconforming principal structure coverage on the site has no negative impact and the dwelling would remain in keeping with the scale of the other dwellings in the neighborhood.

**WHEREAS**, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

**WHEREAS**, the Board, based on the aforementioned findings, concluded that the applicant proved that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township of Montclair that the within application of **David and Azita Staubach** is hereby approved; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

On motion by Mr. Fleischer, seconded by Mr. Whipple, the following Resolution memorializing the Board's decision on the application of **John and Katherine Lubensky, 17 Carlisle Road** was adopted:

**WHEREAS, John and Katherine Lubensky**, did make an application to the Board of Adjustment of the Township of Montclair for variances pursuant to N.J.S.A. 40:55D-70c associated with proposed additions to the dwelling on property designated as Lot 18 in Block 1001 on the Township Tax Map and located in the R-1 One-Family Zone; and

**WHEREAS**, the applicant requested variances from **Montclair Code Section 347-45C(1)** for a northerly side yard setback less than permitted, from **Montclair Code Section 347-45D** for a rear yard setback less than permitted, and from **Montclair Code Section 347-45C4(a)** for a principal structure width exceeding the maximum permitted; and

**WHEREAS**, the applicant submitted a property survey dated February 17, 2010 and drawings prepared by Mark Braithwaite, AIA, with a plot plan dated May 28, 2010 and floor plans and elevations dated April 28, 2010; and

**WHEREAS**, this matter came on to be heard at a regular meeting of the Board of Adjustment held on June 16, 2010 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

**WHEREAS**, the Board carefully reviewed the testimony presented and established the following findings:

1. The property is located in the R-1 One-Family Zone and contains a 2½ story single family dwelling with a one-car attached garage. The lot has an irregularly shaped rear property line, measures 65 feet in width across its frontage on Carlisle Road, and measures 5,925 square feet in lot area. The property is located across from a New Jersey Transit railroad.

2. The required rear yard setback for new construction on the property is 29.98 feet, which is 30 percent of the lot depth of 96.61 feet. The northerly side yard setback is required to be no less than 6 feet. The maximum permitted principal structure width for the subject property is 42.25 feet, which is 65 percent of the lot frontage width of 65 feet.

3. A 2½ story addition is proposed at the northerly rear corner of the dwelling that would square off that corner of the building footprint. This addition measures 10 feet 3½ inches by 8 feet 4 inches and would contain an eating area for the existing kitchen on the first floor, and a study on the second floor. Due to the irregular shape of the rear property line, this addition lies fully within the required rear yard setback on the northerly side of the property, and a rear yard setback of 20.49 feet is proposed, which requires a variance. This addition is also aligned with the northerly side wall of the dwelling, which has a side yard setback of 5.89 feet where a minimum of 6 feet is required, and a variance is requested. The Board determined that the rear setback variance and the side yard setback variance for this addition can be approved due to the irregular shape of the rear property line and the position of the existing dwelling on the lot.

4. A larger 2.5 story addition is proposed on the southerly side of the dwelling. This addition measures 16 feet by 23 feet 9½ inches and would contain a family room on the first floor, and a master bedroom on the second floor. A small portion of this addition lies within the required rear yard setback, and requires the same variance as above for the rear yard setback. The Board found the rear setback variance for this addition acceptable for the same reasons indicated above. This addition would extend the width of the dwelling to a total of 48.08 feet, which equals 73.96 percent of the lot frontage width, and a variance is requested. The existing dwelling is small in size and the rear yard configuration poses a hardship for the applicants, however, the Board determined that this variance could only be permitted for the first floor of the addition, subject to the conditions indicated below. Allowing the second floor to be expanded to the proposed width would be out of scale with the dwellings in the neighborhood and would negatively impact nearby properties and the streetscape.

**WHEREAS**, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and proved that the variances, subject to conditions, could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

**WHEREAS**, the Board, based on the aforementioned findings, concluded that the applicant proved that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variances, subject to conditions, could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township of Montclair that the within application of **John and Katherine Lubenesky** is hereby approved, subject to the following conditions:

1. The larger addition proposed on the southerly side of the dwelling shall be modified so that the second floor of the addition complies with the maximum permitted principal structure width. The highest part of the roof of the first floor of this addition shall not exceed the level that is equal with the bottom of the second floor windows on the southerly elevation depicted on the plans submitted to the Board.
2. Any new or relocated central air conditioning units shall conform to the zoning ordinance.
3. The applicant shall add landscaping along the southerly section of the rear property line and the southerly side property line to provide screening the view of the larger addition proposed on the southerly side of the dwelling. The landscaping shall include shrubs and at least 2 evergreen or deciduous trees.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

The continuation of the application of **Wallwood Gardens, Inc, 400 Orange Road** was postponed until the October 20, 2010 regular meeting at the request of the applicant. The Board was granted an extension of time and the applicant would be required to complete a full public notice for that date. The continuation of the application of **William L. Rose, 476 Grove Street** was postponed until the September 15, 2010 regular meeting at the request of the applicant. The Board was granted an extension of time and no further notice would be given. The application of **John Reimnitz, 9 Glenwood Road** was postponed until the August 18, 2010 regular meeting. No extension of time was necessary.

The application of **Jennifer and Robert Thornton, 38 Highland Avenue** was called. The applicants were sworn and described the application for a northerly side yard setback less than permitted for a proposed detached garage in the rear yard of the property. A detached garage located in the rear yard was recently demolished after it was severely damaged by a fallen tree in March 2010. A detached garage is proposed that would be located in the same area as the previously existing garage, except that the proposed garage would be larger. The footprint of the proposed garage measures 24 feet wide by 24 feet long. The previously existing garage had a northerly side yard setback of 5 feet at its closest point, and the northerly side yard setback would be increased to 6 feet for the proposed garage. A variance is requested in that a side yard setback of no less than 12 feet is required and a lesser side yard setback of 6 feet is proposed from the northerly side property line. The garage would comply with the maximum height of 15 feet. No other variances are requested.

Ms. Cockey arrived at the meeting. The Board questioned the applicants. No questions or comments were offered from the public. The Board discussed the application and determined that the requested variance could be granted. The garage is being replaced in the same area as the previously existing garage and the northerly side yard setback would be increased. The proposed northerly side yard setback of the

garage is in keeping with that of similar properties in the neighborhood and the application would have no substantial detriment to the public good. On motion by Mr. Fleischer, seconded by Mr. Whipple, the application was approved, Ms. Cockey abstaining.

The application of **Charles Adickman, 402 North Fullerton Avenue** was called. Mr. Whipple was recused. The applicant was sworn and described the application for a northerly side yard setback less than permitted for a proposed detached garage in the rear yard of the property. A previously existing detached one car garage in the rear yard was recently demolished due to its age and poor condition. The garage is proposed to be constructed on the existing footings and foundation. The foundation of the previously existing garage is located 2.14 feet from the northerly side property line at its closest point. A variance is requested in that a side yard setback of no less than 6 feet is required and a lesser side yard setback of 2.14 feet is proposed from the northerly side property line. No other variances are requested. The proposed garage will have the same width and length dimensions as the previously existing garage. The footprint of the detached garage measures 12.5 feet wide by 20.3 feet long. A conforming height of 12 feet is proposed.

The Board questioned the applicant. No questions or comments were offered from the public. The Board discussed the application determined that the requested variance could be granted. The garage is being replaced on the existing footings and foundation and the northerly side yard setback is remaining the same. The proposed garage is small in size and the northerly side yard setback of the garage is in keeping with that of similar properties in the neighborhood. Subject to the condition imposed below, the application would have no substantial detriment to the public good. On motion by Mr. Fleischer, seconded by Ms. Cockey, the application was approved subject to the condition below, Mr. Whipple abstaining:

1. All roof leaders on the proposed garage shall be directed away from the northerly side property line.

The Board took a short recess while they awaited the arrival of the next applicant who indicated they would be present in about 10 minutes. The application of **Sprint Nextel Corp., 36 Hawthorne Place** was called. James Pryor, Esq. appeared as attorney for the applicant and described the application to install three panel antennas, one GPS antenna, two dish antennas and one equipment cabinet on the roof of the residential apartment building. Dave Collins was sworn and stated his qualifications and experience specializing in FCC and New Jersey regulatory compliance regarding cellular sites. The proposed antennas and related equipment are in compliance with all applicable State and Federal regulations for radiation transmission levels. The Board questioned the witness. No questions were offered from the public.

Robert Marsac was sworn and stated his qualifications as an Architect. He described the plans submitted, which include a site plan and details prepared by Ramaker & Associates, Inc. revised through March 24, 2010 consisting of Sheets T-1, Z-1 through Z-4. The application contemplates the installation of three panel antennas,

one in each of the alpha (southerly), beta (westerly) and gamma (northerly) sectors. A 26.1 inch diameter flush-mounted dish antenna is proposed in the beta sector. He clarified that a 12 inch diameter flush-mounted dish antenna will be affixed to the northeasterly corner of the screened equipment enclosure. The antennas shall be 65 feet in height measured from ground level to the top of the antennas. A GPS antenna is also proposed in the gamma sector to be mounted onto the screened equipment enclosure and a new equipment cabinet is proposed on the roof within the enclosure.

Exhibits marked:

A-1 Sheet Z-5, Stealth Details, prepared by Ramaker & Associates, Inc. dated July 20, 2010

The Board questioned the witness. Mr. Marsac stated the drawings incorrectly identify the existing screened equipment enclosure as a RF stealth enclosure. The proposed RF stealth screening of the panel antenna in the alpha sector can be removed and can be replaced by cylindrical stealth screens of the minimum size necessary not to exceed three feet in diameter. No questions were offered from the public. Ron Evans was sworn and stated his qualifications in radio frequency Engineering. The applicant is licensed by the Federal Communications Commission to provide personal communication services which includes wireless telephone, data and other communications services to its subscribers. He described the proposed installation, the existing coverage, proposed coverage, and other more specific information relating to the antennas and the network. In 2006 the Board approved an application by Sprint to install thirteen panel antennas, one GPS antenna and four equipment cabinets on the roof of the subject property. The 2006 Sprint approval provided for the installation of 13 panel antennas, however, only three were installed. The panel antenna proposed in the beta and gamma sectors as part of this application, are in the same location as two of the antennas which were not constructed as part of the 2006 approval. Mr. Sullivan stated that pursuant to Montclair Code Section 202-20, the variances associated with the antennas which were not constructed have expired.

Exhibits marked:

A-2 Radio Frequency Coverage Map with overlays, depicting existing and proposed coverage

The Board questioned the witness extensively. No questions were offered from the public. Tim Kronk was sworn and stated his qualification as a Professional Planner. The application complies with all of the conditional use standards contained in the Montclair Township Zoning Ordinance except that the apartment building is 58 feet 8 inches in height where a minimum of 60 feet is required pursuant to Montclair Code Section 347-17.1C(5)(a) and the height of the proposed antennas exceed the height of the top of the building roof line contrary to Montclair Code Section 347-17.1C(5)(d). Based upon the size and location of the existing apartment building, the proposed roof top location of the site is particularly suited for wireless communication antennas and continues to be an appropriate site for the conditional use notwithstanding the

deviations from the conditions imposed by the ordinance. The visual intrusion caused by the height of the proposed antennas is minimal and will not adversely impact adjacent properties and is not inconsistent with the intent and purpose of the zone plan and zoning ordinance. The proposed antennas will be utilized by Clearwire Corp., a subsidiary of Sprint licensed by the Federal Communications Commission to provide wireless communication services which is in the process of a 4G wireless network build-out in this region. Approval of the application constitutes appropriate municipal action in a manner which promotes the public health, safety and general welfare consistent with the purposes of the Municipal Land Use Law.

Exhibits marked:

- A-3 Photo simulations on a board depicting the proposed antennas
- A-4 Photo simulations on a board depicting the proposed antennas
- A-5 Photo simulations on a board depicting the proposed antennas
- A-6 Photo simulations on a board depicting the proposed antennas

The Board questioned the witness. No questions were offered from the public. The Board discussed the application. On motion by Mr. Fleischer, seconded by Ms. Cockey, the application was approved subject to the following conditions:

1. The antennas shall be painted to match the structure to which they are affixed.
2. The proposed panel antenna in the alpha sector shall be enclosed by a cylindrical stealth screen of the minimum size necessary not to exceed three feet in diameter.
3. The cylindrical stealth enclosures in the alpha sector shall be separated by a distance not less than the diameter of the largest of the two cylindrical enclosures.
4. The antenna not constructed by Sprint in accordance with its 2006 approval shall require application to the appropriate Land Use Board for approval.
5. The plans shall be revised to reflect the 12 inch dish antenna opposite the beta sector shall be affixed to the northeasterly corner of the screened equipment enclosure.
6. The applicant shall be responsible for all inspection fees required under Montclair Code Section 202-27 as well as escrow fees incurred in connection with review of this matter.

The application of **Sprint Nextel Corp., 641 Bloomfield Avenue** was called. James Pryor, Esq. appeared as attorney for the applicant and described the application to install 3 panel antennas, 1 GPS antenna, and 1 dish antenna on the roof of the existing commercial building at 641 Bloomfield Avenue. An equipment cabinet is proposed within an existing room within the building. Dave Collins was sworn and stated his qualifications and experience specializing in FCC and New Jersey regulatory compliance regarding cellular sites. The proposed antennas and related equipment are

in compliance with all applicable State and Federal regulations for radiation transmission levels. The Board questioned the witness. No questions were offered from the public.

Robert Marsac was sworn and stated his qualifications as an Architect. He described the plans submitted, which include a site plan and details prepared by Ramaker & Associates dated April 28, 2010. In 1997, an application by Sprint was approved to install 9 panel antennas and 1 GPS antenna on the roof of the building. The Alpha sector is located at the northerly/northwesterly corner of the roof, where 2 Sprint/Nextel panel antennas exist on the northerly side of the wall of a penthouse on the rooftop. A new panel antenna is proposed on a vacant antenna mount located between the 2 existing panel antennas in this sector. A GPS antenna is also proposed in this sector, mounted onto the southerly wall of the penthouse. The Beta sector is located at the southeasterly side of the roof, where 2 Sprint/Nextel panel antennas exist mounted on pipe masts that extend above the parapet. A new panel antenna is proposed on a vacant antenna mount located between the 2 existing panel antennas, and a new dish antenna is proposed above the new panel antenna in this sector. The Gamma sector is located along the southwesterly side of the roof, where 2 Sprint/Nextel panel antennas exist mounted on pipe masts that extend above the parapet. A new panel antenna is proposed on a vacant antenna mount located between the 2 existing panel antennas in this sector. The Board questioned the witness. No questions were offered from the public.

Mr. Pryor requested that the application be continued at a subsequent meeting of the Board. Chair Harrison announced that the application would be continued at the August 18, 2010 meeting of the Board and that no further notice would be given. On motion by Mr. Whipple, seconded by Mr. Fleischer the meeting was adjourned.