South Plainfield 1985

Pgs = 5

(8/29)

Appeal to vary or modify certain provision of the zoning ordinance.

MLCOO344T

NELINIAL MARKANNER BOARD OF ADJUSTMENT

BOROUCH OF SOUTH PLAINFIELD, N. J.

	BIFURCATED HEARING	- USE VARIANCE AND INT	TERPRETATION UNLY.	
	,		Date Filed	••
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THE	E XEYXNNYYNXXBOARD X BOARD OF ADJUST	1ENT 1 South New York A	venue Suite 802.	•
хX.	AMERICAN CELLULAR NE WORK CORP.	of Atlantic City, New	Jersey 08401	
Λ./H ₄	(Name)		(Address)	• • •
	x ok property xmx	perty located , ond	known as Lol(s) 30.((proposed Lot	0 <mark>1</mark> 8)
Block	k 308 and located in an M-	3 . Zo i	ne District, hereby reques	
erect	a moorie verspinste the the the	th associated and inci	dent tower	-
ditex conve	A .		•	
WW XX	XX			•
	ry to the requirements of Section(s) 508	of the Zoning Ordinance of		ainfield, N.
Size	 52,674 square feet 	of the Zoning Ordinance of Present Use of Premises		ainíield, N.
Size Fi. A	e 52,674. square feet Area oposed action is contrary to the Ordinance in the fo	Present Use of Premises	Vacant land	
i Size . Fi. A	 52,674 square feet Area oposed action is contrary to the Ordinance in the for Applicant requests interpretation of on is permitted. 	Present Use of Premises lowing particulars: dinance to determine w	Vacant land	
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The following arguments are presented in support of this appeal:)

Applicant contends that the proposed use is a permitted use in that the primary operation is an office together with computer storage and switching mechanisms incident to a mobile telephone transmission and switching office. The primary use is permitted by the Zoning ordinance, the transmission tower being an incident is permitted under Section 507 of the Zoning Ordinance which makes non applicable the height limitation of fifty (50) feet when related to antennae similar to the same.

Thesubject lot will be created by virtue of a subdivision currently pending before the South Plainfield Planning Board. Said subdivision being subject to Section 803 of the Zoning Ordinance "Planned Industrial District. The lot will be a conforming lot in all respects to the bulk requirements of the ordinance.

Section 508 of the Zoning Ordinance permits public utilities as a matter of right but qualifies the permissability thereof by indicating that the public utility must be "subject to regulation and control by the Board of Public Utilities c⁻ the State of New Jersey". The proposed use is licensed by the Federal Communications Commission and the State of New Jersey Board of Public Utilities has no jurisdiction over the same. It is respectfully submitted that the use is substantially similar to those public utilities intended under SEction 508 with the sole exception that this utility is governed by the F.C.C. and not the State of New Jersey.

In the event the interpretation of the ordinance by the Board of Adjustment results in the determination that the use is not permitted, applicant contends that the proposed use is inherently beneficial to the public good and general welfare, in that it forms an essential element of the communications network for New Jersey and, more specifically, for this portion of the State of New Jersey. The subject use is peculiarly suited to and appropriate for the subject site in that the transmission and switching location must be positioned within the context of a fixed geographic "grid". The subject site is within that grid and is in an industrial zone best suited to its use. The location of this utility is "necessary and accessory to the distribution and transmission or collection system serving local consumers'.

It is in conformity with the uses permitted in the zone and will not constitute a detriment or impairment of the Zoning Ordinance or plan or public good.

I hereby depose and say that all the above statements and the statements contained in the papers submitted here with are true and accurate.

Sworn to before me this 29th

day al

1985 August

Iskindrije of Applicant ANGELO H. DALTO, Attorney for Applicant 1550 Plyrk Avenue, South Plainfield, N.J. (Address) 07080

ETHEL PAOLETTI A Notary Public of How Jarsey

NOTE: This apply Commission Bepires New 16, 1967 stary of the Board and or Building Inspector at least THIRTY (30) DAYS prior to the regular meeting date of the Board.

IMPORTANT: The following must be submitted with this appeal:

- 1. A map or set of drawings, drawn to scale, containing front, rear, side, and all necessary measurements and all facts : volved in this appeal.
- 2. Form BA-2-List of All Property Owners within 200 feet of the property for which this appeal is being incide.

3 Form BA.3. Allidavit of Service of Notice to Property Owners in item 2.

4. Form BA 4. One sample copy to Board of Adjustment.

5. Letter of Authority or power of attorney, if this appeal is it by made by a person other than the actual property owner

6. Attiduvit that additional adjacent property is not available, if this appeal is for the granting of an exception because of no. rowness, shallowness, or lack of required minimum area.

7. A fee of twenty-five dollars (\$25.00) in CHECK OR MONEY ORDER ONLY and made payable to the "Ireasurer of the Borough of South Plainfield."





Block	Lot	Owner & Address
308	.28	Berkeley Sutton, Inc.
	34	Borough of South Plainfield
·	35.01	Conhagen Industrial Sales, Inc.
·	36	David P. Johnson
	37	Geneva Smith
	44	Bonmur, Inc.
· · · · · · · · ·	45	Bonmur, Inc.
	46	Bonmur, Inc.
	47	Dennis & Bobbi Linn
	.48	Bonmur, Inc.
	49	Thomas W. B. & Jean M. Chin
	(00001)	Thomas we be a sear me onthe
	49	Daniel W. K. Chin
	(00002)	
· .	50	Charles Roger & Yolanda Smith
	51	Riad B. & Evelyn M. Assad
· ·	(00001)	. Alad D. d Evelyn n. Assad
· ·	51	William & Susanne Sahlman
	(00002)	WIIIIam & Susaime Samman
		William F. S. Manuann Hanlam
	52 53	William F. & Maryann Hopler
310	27	Bonmur, Inc.
, JTO		Bonmur, Inc.
	28 29	Bonmur, Inc.
		Bonmur, Inc.
	(00001)	
	29	Jay S. & Janice M. Carrick
	(00002)	
	30	Robert A. La Forte
	(00001)	
	30	Josephine La Forte
	(00002)	Topolo D. C. Management Defendence Top
	31	Joseph B. & Margaret DeAndrea, Jr.
/ ~ 7	32	Leonard Rasile, Et. Als.
427	31	John & Mary Ferrante
	(00001)	
	31	John & Mary Ferrante
	(00002)	
(1,1,2,2,2,2,2,2,2,2,2,2,2,2,2,2,2,2,2,2	32	Kun Young & Yong Ja Lee
•	33	Joseph P. & Theresa M. McMorrow
	34	Rosario & Adele Del Piano
448	1	Gould Associates
	4.01	Borough of South Plainfield

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