

**MINUTES OF REORGANIZATION BOARD OF ADJUSTMENT
MEETING HELD ON TUESDAY, JANUARY 12TH, 2016**

The clerk called to order the reorganization meeting of the board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated January 5th, 2016 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

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

ALSO PRESENT: BOORADY, ENGINEER AND LORBER, COUNSEL

ABSENT: *BYRNE AND WOLFSON

Ms. Ward mentioned the first order of business is acknowledgment of council appointments. Robert Bracchitta, John Erickson, Kenneth Forman have all been reappointed regular members. Bruce Dubowsky has been reappointed Alternate #1. Welcome back everyone.

Board members all said thank you.

Ms. Ward mentioned the next item on the agenda is the election of officers for 2016. The first officer is chairman. Any nominations?

Mr. Zapf asked Joan to say what she said about the planning board.

Ms. Ward mentioned the planning board has bylaws.

Mr. Zapf stated which we don't.

Ms. Ward mentioned right. The chairman can be elected for no more than 3 years consecutively. The chairman can be elected for another year or so as long as the full board gives their consent. The board tries to rotate the chairmanship to give other members a chance to be chairman.

Mr. Lorber mentioned there is no requirement for bylaws. Assuming I'm reappointed this will be my 39th year. During that time there have been chairpersons for 5, 7, 10 years, I can only remember a half a dozen over that whole period of time.

Ms. Ward stated it is up to the board whatever you want to do.

Mr. Lorber stated we have no bylaws so you can choose anybody you want.

Mr. Bracchitta asked how long has Pat been chairman.

Mr. Zapf stated it has been either 3 or 4 years.

Mr. Boorady mentioned Rich Iberer left after that first Bower case was done.

*Mr. Byrne arrived at the meeting.

Mr. Boorady stated it was 2012 when he left.

Mr. Lorber asked Pat how many years have you been chairman.

Mr. Byrne stated three, I filled in the rest of Iberer's term.

Ms. Ward mentioned correct. Well any nominations?

Mr. Zapf asked are you interested in doing it again.

Mr. Byrne stated sure.

Mr. Erickson nominated Pat Byrne.

Mr. Bracchitta seconds.

Ms. Ward asked any other nominees. Move to close the nomination.

Roll call:

Yes: Erickson, Bracchitta, Byrne, Foreman, Kubisky, Zapf and Dubowsky (Alt. #1)

No: None

Abstain: None

Ms. Ward turned the meeting over to Pat.

Chairman Byrne stated next order of business is vice chairman. Do I have any nominations for vice chairman?

I'd like to nominate Tom.

Mr. Foreman seconds.

Roll call:

Yes: Byrne, Foreman, Bracchitta, Erickson, Kubisky, Zapf and Dubowsky (Alt. #1)

No: None

Abstain: None

Chairman Byrne mentioned the next one is secretary.

Mr. Zapf nominated Joan Ward.

Mrs. Kubisky seconds.

Roll call:

Yes: Zapf, Kubisky, Bracchitta, Byrne, Erickson, Foreman and Dubowsky (Alt. #1)

No: None

Abstain: None

Ms. Ward thanked the board.

Chairman Byrne mentioned the next one is assistant secretary.

Mr. Zapf nominated Mary Kubisky.

Mr. Foreman seconds,

Roll call:

Yes: Zapf, Foreman, Bracchitta, Byrne, Erickson, Kubisky and Dubowsky (Alt. #1)

No: None

Abstain: None

Chairman Byrne mentioned the next order of business is the meeting dates and the newspaper agendas.

Ms. Ward mentioned the second Tuesday of the month. One of our meetings will be falling on Election Day so you may have a parking problem.

Chairman Byrne asked 7 o'clock.

Ms. Ward stated yes.

Mr. Zapf stated we can review that when it gets closer.

Chairman Byrne states yeah.

Ms. Ward stated we can always change the date later if we have to. I found out today that it falls on Election Day.

Chairman Byrne asked what about the newspapers.

Ms. Ward mentioned the Daily Record is the official newspaper and the Suburban Trends is the secondary.

Chairman Byrne stated okay.

Ms. Ward stated we haven't had any problems with the Daily Record.

Chairman Byrne asked and the posting of the agendas.

Ms. Ward stated they are sent to the Daily Record and Suburban Trends. They are not published in the paper. If the paper elects to cover the meeting, then they cover the meeting.

Chairman Byrne mentioned it is on line as well.

Ms. Ward stated yes posted on the web.

Chairman Byrne asked does anyone want to move it.

RESOLUTION

ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Lincoln Park that the following annual schedule of meetings be designated and notice thereof delivered in accordance with provisions of the Open Public Meetings Act.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a regular meeting will be held by the Lincoln Park Zoning Board of Adjustment on the second Tuesday of each month for calendar year 2016 commencing at 7:00 P.M. Should the regular meeting fall on a holiday, the meeting will then be scheduled for the following Tuesday.

The regular meetings will be held in the Municipal Building, Council Chambers,
34 Chapel Hill Road, Lincoln Park, New Jersey 07035.

BE IT RESOLVED, that the within notice may be mailed, faxed, or emailed to the Daily Record, the Official Designed Newspaper of the Board of Adjustment. The Suburban Trends has been designated the Alternate Official Newspaper.

FURTHER, all meeting agendas will be sent to the Daily Record and Suburban Trends as required under the Open Public Meeting.

Mr. Zapf moved the resolution.

Chairman Byrne asked is there a second.

Mr. Dubowsky seconds.

Roll call:

Yes: Zapf, Dubowsky (Alt. #1), Bracchitta, Byrne, Erickson, Foreman and Kubisky

No: None

Abstain: None

Chairman Byrne stated the next resolution is appointment of the board attorney.

Ms. Ward mentioned Charlie, we raised the fee to \$150 and we did the same thing with the planning board attorney. We kept the meetings at \$475.

RESOLUTION

LINCOLN PARK ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED by the Lincoln Park Zoning Board of Adjustment and pursuant to Article II, Section 17-32 of the Development Review Ordinance that **Charles S. Lorber, Esq., of Mandelbaum Salsburg, P.C., 3 Becker Farm Road, Suite 105, Roseland, NJ 07068** is hereby appointed the Board of Adjustment Attorney for the calendar year 2016 and the appointment is made without necessity of public bid pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

BE IT FURTHER RESOLVED that the compensation of the Board of Adjustment Attorney for the calendar year 2016 shall be as follows:

- A. Five Thousand Seven Hundred (\$5,700.00) Dollars for attendance of twelve (12) meetings of the Board.
- B. Four Hundred Seventy-Five (\$475.00) Dollars for each additional meeting as may be requested by the Board from time-to-time.
- C. The annual legal fee shall include the preparation of minor resolutions, time extensions and waivers, telephone conferences, correspondence, attendance at monthly meetings and all other legal services customarily rendered in connection with the representation of a municipal Board of Adjustment, excepting litigation, general legal services and professional fees as against an applicant's escrow account as may be permitted by municipal ordinance.

- D. Any and all legal services rendered in connection with litigation/appeals from the resolution and decisions of the Board of Adjustment and/or ordinance revisions, shall be billed at the litigation rate of One Hundred Fifty (\$150.00) Dollars per hour.
- E. General legal services relating to such things as (a) aiding Board and/or Borough Officials in regard to jurisdictional determinations, and (b) providing advice on matters relating to administration of ongoing construction relating to development approvals, but excluding such items as litigation and ordinance revisions, shall be billed at the rate of One Hundred Fifty (\$150.00) Dollars per hour.
- F. Legal services and process fees relating to applications processing and chargeable against application escrow accounts pursuant to Borough Ordinance, to be billed at the rate of One Hundred Fifty (\$150.00) Dollars per hour.

Mr. Zapf stated I'll make the motion that we accept Charlie Lorber as the board attorney.

Mr. Erickson seconds.

Roll call:

Yes: Zapf, Erickson, Bracchitta, Byrne, Foreman, Kubisky, and Dubowsky (Alt. #1)

No: None

Abstain: None

Mr. Lorber thanked the board. As I said earlier this is 39 years.

Board members stated you're welcome.

Chairman Byrne stated the next resolution is appointment of board engineer/planner.

LINCOLN PARK BOARD OF ADJUSTMENT

RESOLUTION

IT IS HEREBY RESOLVED, by the **Lincoln Park Zoning Board of Adjustment** (the "Board") that **PAUL P. DARMOFALSKI, P.E., P.P. of Darmofalski Engineering Associates, Inc., 86 Newark-Pompton Turnpike, Riverdale New Jersey 07457-1429** is hereby appointed engineer and planner for the calendar year 2016, specifically commencing January 1, 2016 and continuing through December 31, 2016, to provide engineer and planning services to the Board. Said appointment is made without necessity of public bid pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

BE IT FURTHER RESOLVED that the compensation for the engineer and planner for the calendar year 2016 shall be as follows:

1. Darmofalski Engineering Associates, Inc. shall be paid for its services based upon the proposed rates set forth in its December 15th, 2015 proposal and subject to all rules, regulations and procedures, of the Board and Borough of Lincoln Park.

Mr. Zapf made the motion that we accept Darmofalski Engineering Associates, Inc. as our board engineer again and planner.

Mr. Dubowsky seconds.

Roll call:

Yes: Zapf, Dubowsky (Alt. #1) Bracchitta, Byrne, Erickson, Foreman and Kubisky

No: None

Abstain: None

Ms. Ward mentioned I just wanted to let you know the planning board has hired a special planner to cover the Housing Element & Fair Share Plan, and also to work with us on the master plan and a couple of projects that may or may not be coming in. Betsy McKenzie will be our special planner.

Perry asked me if the board of adjustment wanted to hire Betsy as special planner. I mentioned to Perry that we used Betsy when we had the nursing home application. If we have another big application, we certainly can hire another professional to assist us along with Tom and Paul and they would be paid from the applicant's escrow account. At this point we have no big applications before us so I don't believe we need to do a resolution.

Mr. Lorber mentioned you can do it on a case by case basis.

Ms. Ward stated we did that with the nursing home. I just wanted to bring it to your attention because administration asked me to.

Chairman Byrne stated alright. Any other business for the reorganization meeting?

Mr. Zapf made the motion to adjourn the meeting

Chairman Byrne seconds.

Meeting adjourned 7:18 P.M.

Respectfully submitted:

Joan Ward, Secretary

Patrick Byrne, Chairman