

**MINUTES OF ZONING BOARD OF ADJUSTMENT REORGANIZATION  
MEETING HELD ON TUESDAY, JANUARY 8, 2019**

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The clerk of the Board 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 December 31<sup>st</sup>, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

Mr. Alexander administered the oath of office to the following members: Patrick Byrne, Lester Wolfson, Thomas Zapf and Stephen Zalewski.

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

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

Ms. Ward announced the first order of business is Acknowledgment of Council Appointments. Lester Wolfson, Thomas Zapf, Patrick Byrne and Stephen Zalewski have all been reappointed. Welcome back everyone.

The next item on the agenda is Election of Officers for 2019. The first officer is chairman. Any nominees?

Mr. Zapf nominated Pat Byrne.

Ms. Byrne nominated Tom Zapf.

Ms. Ward stated I need a second on one of them.

Mr. Foreman seconds Pat.

**Roll call:**

**Yes: Zapf, Foreman, Bracchitta, Byrne, Erickson, Kubisky and Wolfson**

**No: None**

**Abstain: None**

Ms. Ward stated okay Pat is elected as chairman. I'll turn the meeting over to the chairman.

Did everybody sign their oaths?

Chairman Byrne stated there are two over here.

Ms. Ward stated I've got them, thanks. You're on vice.

Chairman Byrne stated so the next order of business is vice chair. Any nominations? I nominate Tom.

Mr. Foreman seconds.

Chairman Byrne asked any other nominations.

**Roll call:**

**Yes: Byrne, Foreman Bracchitta, Erickson, Kubisky, Wolfson and Zapf**

**No: None**

**Abstain: None**

Ms. Ward mentioned you're vice.

Chairman Byrne stated the next order of business is secretary.

Ms. Kubisky nominated Joan Ward.

Mr. Bracchitta seconds.

**Roll call:**

**Yes: Kubisky, Bracchitta, Byrne, Erickson, Foreman, Wolfson and Zapf**

**No: None**

**Abstain: None**

Ms. Kubisky stated welcome back Joan.

Mrs. Ward thanked the Board. Two more years then retiring, I have 39 years with the Borough.

Chairman Byrne asked how long with the Zoning Board.

Ms. Ward mentioned 2006 when Karen retired, Joe didn't want to train anyone else.

Chairman Byrne stated that works for me.

Next order of business is assistant secretary.

Mr. Zapf nominated Mary Kubisky.

Chairman Byrne 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 item on the agenda is the resolution for the meeting dates/newspapers/agendas.

Ms. Ward mentioned it is still 7 o'clock and the same newspapers.

Chairman Byrne stated nothing has changed. Anyone want to make a motion?

**RESOLUTION**  
**BOROUGH OF LINCOLN PARK**  
**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 2019 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 Meetings Act.

Mr. Zapf moved the resolution.

Mr. Bracchitta seconds.

**Roll call:**

**Yes:** Zapf, Bracchitta, Byrne, Erickson, Foreman, Kubisky and Wolfson

**No:** None

**Abstain:** None

Ms. Ward stated it's adopted.

Chairman Byrne stated the next resolution is the appointment of Board Attorney. Anyone have any questions/comments?

Board members no.

Chairman Byrne asked does someone want to move it.

Ms. Ward stated it is the same as last years.

**RESOLUTION**  
**LINCOLN PARK ZONING BOARD OF ADJUSTMENT**  
**LEGAL COUNSEL**  
**CALENDAR YEAR 2019**

**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 the firm of **Mandelbaum Salsburg, P.C., 3 Becker Farm Road, Suite 105, Roseland, NJ 07068**, is hereby awarded the position of Board Attorney for the calendar year 2019 in accordance with its proposal dated December 13, 2018, attached and made a part of this Resolution. 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.*) as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5 and is available for public inspection.

**BE IT FURTHER RESOLVED** that the compensation of the Zoning Board of Adjustment Attorney for the calendar year 2019 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 Thirty Five (\$135.00) 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 Thirty Five (\$135.00) 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 Thirty Five (\$135.00) Dollars per hour.
- G. The Chief Financial Officer of the Borough of Lincoln Park has certified, in accordance with N.J.A.C.5:30(a)(1), that sufficient funds will be available for said purpose in the 2019 Zoning Board of Adjustment Budget, and not to exceed \$7,000.

Mr. Zapf moved the resolution.

Ms. Kubisky seconds.

**Roll call:**

**Yes:** Zapf, Kubisky, Bracchitta, Byrne, Erickson, Foreman and Wolfson

**No:** None

**Abstain:** None

Ms. Ward stated it's adopted.

Chairman Byrne stated the next order of business is appointment of Board Engineer and we have a resolution here.

Ms. Ward mentioned everything is the same on that resolution too.

Chairman Byrne asked any questions/comments.

**RESOLUTION**  
**LINCOLN PARK ZONING BOARD OF ADJUSTMENT**  
**BOARD ENGINEER**  
**CALENDAR YEAR 2019**

**IT IS HEREBY RESOLVED**, by the **Zoning Board of Adjustment** of the Borough of Lincoln Park (the "Board") that the firm of **Darmofalski Engineering Associates, Inc.** ("**Board Engineer**"), **86 Newark-Pompton Turnpike, Riverdale, New Jersey 07457-1429**, is hereby awarded the position of the Zoning Board of Adjustment Engineer for the calendar year 2019 commencing January 1, 2019 and continuing through December 31, 2019 or until the appointment of a successor, to provide engineering services to the Board in accordance with its proposal dated December 10, 2018 and the attached Schedule, both of which are attached and made a part of this Resolution; and

**WHEREAS, Darmofalski Engineering Associates, Inc.** has more than 26 years of experience in municipal engineering and has successfully and professionally provided engineering services to the Zoning Board of Adjustment for ten years; and

**WHEREAS, Darmofalski Engineering Associates, Inc.** has completed and submitted a Political Contribution Disclosure Form, Stockholder Disclosure Certificate and a Business Entity Disclosure Certification in accordance with P.L.2004,Chapter 19 (as amended by P.L.2005;c51), N.J.S.A. 19:44A-20-4 *et seq.*, and/or Lincoln Park Borough Ordinance 9-15; and

**WHEREAS**, the Chief Financial Officer of the Borough of Lincoln Park has certified, in accordance with N.J.A.C.5:30(a)(1), that sufficient funds will be available for said purposes in the 2019 Zoning Board of Adjustment Budget, and not to exceed \$5,520; and

**WHEREAS**, this award is made without necessity for public bidding pursuant to the "Local Public Contracts Law" (N.J.S.A. 40A:11-1 *et seq.*) as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20:4 and/or N.J.S.A. 19:44-20:5 and is

available for public inspection.

**SCHEDULE OF SERVICES**  
**ZONING BOARD OF ADJUSTMENT ENGINEER**  
**JANUARY 1, 2019 THROUGH DECEMBER 31, 2019**

The Zoning Board Engineer (“Board Engineer”) shall render the following services to the Lincoln Park Zoning Board of Adjustment (the “Board”) at the rate of \$125 per hour during the period January 1, 2019 through December 31, 2019 or until a subsequent appointment is made, and with reference to the Darmofalski Engineering Associates, Inc. proposal dated December 10, 2018, a copy of which is attached and made part hereof:

1. **Development Applications.** The Board Engineer shall perform all required engineering services in connection with review of development applications submitted to the Board. Such services shall include, without limitation, reviewing all applications for completeness, compliance with all applicable ordinance requirements and other engineering-related functions. All services rendered in connection with development applications shall be charged to and payable from applicants’ escrow accounts. All charges, vouchers, and invoices shall conform to N.J.S.A. 40:55D-53.2.

2. **Meetings.** Attendance at all regular and special meetings of the Board. Except in cases of emergency or whenever there shall be no engineering-related issue on the Board’s agenda (confirmed by the Board Secretary), the Board Engineer shall attend all Board meetings. Whenever the Board Engineer cannot attend, the Board Engineer shall make appropriate arrangements for meeting coverage by a professional engineer.

3. **Inspections.** Perform all necessary inspections of improvements constructed by developers pursuant to Board-approved development applications.

4. **Other Services.** Perform such other engineering services as the Board may request from time to time.

5. **Delegation.** The Board Engineer may, when appropriate, delegate to competent personnel under his direct supervision responsibility for (a) inspections, and (b) design/drafting services (if any) and (c) any other services that will serve the economic interests of the Borough of Lincoln Park and the developers who appear before the Board. All such services shall be performed at the rate of \$75 per hour.

6. **Insurance.** Within ten (10) days of the date of this Resolution and if the Board Engineer has not already done so, the Board Engineer shall provide to the Board Secretary proof that it has obtained professional liability insurance in minimum amounts of \$1 million per claim and \$1 million in the aggregate, or in such other amounts as may be required by the Borough’s risk manager or its Council. That insurance shall be kept in full force at all times during the period of this appointment and until a successor Board Engineer is appointed

7. **Invoices.** The Board Engineer shall submit invoices for all services no less than monthly and on forms supplied by or acceptable to the chief financial officer of the Borough.

8. **Termination.** The Board may terminate the Board Engineer’s appointment or the Board Engineer may resign from the position only after 30 days following written notice delivered to the other party (“Effective Date”). In the event of termination, any work of the Board Engineer completed prior to the Effective Date shall be compensable and be paid in accordance with the terms of this Resolution.

9. **Compliance With Law.** The Board Engineer shall comply fully with all applicable municipal, county, state and federal laws, ordinances, regulations and directives in connection with the performance of the duties of Board Engineer including, without limitation, the Local Unit Pay to Play Law, P.L. 2004, c. 19, as amended by P.L. 2005, c. 51, and N.J.S.A. 10:5-31, *et seq.*

Mr. Zapf moved it.

Mr. Dubowsky seconds.

**Roll call:**

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

**No:** None

**Abstain:** None

Ms. Ward stated it's adopted.

Chairman Byrne stated the next order of business is the appointment of Board Planner.

Ms. Ward mentioned Paul is the planner on an as needed basis if we need a planner.

Mr. Zapf asked is this the same company as Betsy McKenzie.

Ms. Ward mentioned no this is Paul Ricci. Betsy is now retired and living in Virginia. Paul Ricci worked with her on the Housing Element and Fair Share Plan and he did the Redevelopment Plan. He is working with the Planning Board on the Meridia application as our planner.

Mr. Boorady stated he is the Redevelopment Planner for the Borough.

Ms. Ward mentioned right.

Mr. Boorady stated he didn't work in Betsy's office but they worked hand in hand.

Mr. Zapf mentioned okay.

Chairman Byrne stated well we have a resolution here. Any questions/comments? Does someone want to move it?

**RESOLUTION**  
**LINCOLN PARK ZONING BOARD OF ADJUSTMENT**  
**AWARD OF CONTRACT FOR**  
**PROFESSIONAL PLANNER FOR 2019 CALENDAR YEAR**

**WHEREAS**, there exists a need for the professional services of a Professional Planner for the Zoning Board of Adjustment of the Borough of Lincoln Park, County of Morris, State of New Jersey (the "Board"), for the 2019 calendar year, in accordance with the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, *et seq.*, and Article II, Section 17-14 of the Development Review Ordinance of the Borough of Lincoln Park; and

**WHEREAS**, the Governing Body of the Borough of Lincoln Park has appropriated the funds from the municipal budget necessary for the expenses of the Board to permit the Board to award a professional services contract for Professional Planner not to exceed Three Thousand (\$3,000) Dollars in accordance with N.J.A.C. 5:30(a)(1); and

**WHEREAS**, the contract for Board Professional Planner may be awarded without competitive bidding as a non-fair and open "Professional Service" contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law and compliance with provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5, because the contract is for a service performed

by a person(s) authorized by law to practice a recognized profession that is regulated by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Lincoln Park that the firm of **PAUL N. RICCI, AICP, PP, RICCIPLANNING, LLC**, 10 Georgian Drive, Clark, New Jersey 07066, is hereby awarded the contract as Zoning Board of Adjustment Professional Planner for the calendar year 2019 commencing January 1, 2019 and continuing through December 31, 2019 or until the appointment of a successor, on an on-needed basis, to provide planning services to the Board in accordance with its proposal dated December 12, 2018 and the attached Schedule of Services, both of which are attached and made a part of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Board and the Zoning Board of Adjustment Professional Planner shall enter into a written contract that incorporates the terms of this Resolution; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution or a summary of its material terms be published in the official newspaper of the Borough and be on file, available for public inspection, in the office of the Secretary to the Lincoln Park Zoning Board of Adjustment, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035-1998.

**SCHEDULE OF SERVICES**  
**ZONING BOARD OF ADJUSTMENT PLANNER**  
**JANUARY 1, 2019 THROUGH DECEMBER 31, 2019**

The Zoning Board of Adjustment Professional Planner shall render services to the Lincoln Park Zoning Board of Adjustment (the "Board") at the rate of \$135 per hour during the period January 1, 2019 through December 31, 2019 or until a subsequent appointment is made.

Mr. Erickson moved the resolution.

Mr. Zapf seconds.

**Roll call:**

**Yes: Erickson, Zapf, Bracchitta, Byrne, Foreman, Kubisky and Wolfson**

**No: None**

**Abstain: None**

Ms. Ward stated it's adopted. That's it for your resolutions.

Chairman Byrne asked any other business to come before us.

Ms. Ward mentioned not for this meeting.

Mr. Erickson asked do we have to approve the minutes.



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Ms. Ward mentioned that's on your regular meeting agenda.

Mr. Erickson stated okay, thank you.

Chairman Byrne stated all right so we can adjourn this meeting.

Mr. Zapf made the motion to adjourn the meeting.

Mr. Bracchitta seconds.

Reorganization meeting adjourned 7:15 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Patrick Byrne, Chairman