

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TELECONFERENCE VIA ZOOM
NOVEMBER 1, 2021**

Chairman Stein called the meeting to order at 8:00 P.M.

OPEN PUBLIC MEETING STATEMENT

In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates are confirmed at the Annual Meeting. Notice of this meeting was provided to the Record, Star Ledger, and Cablevision, posted on two municipal public notice bulletin boards and published on the borough website. Notice of this meeting via the October 25, 2021 Sunshine Notice has been sent to the Record, Star Ledger, and Cablevision, posted on two municipal bulletin boards and the Borough website.

Any board member having a conflict of interest involving any matter to come before the board this evening is reminded they must recuse himself/herself from participating in any discussion on this matter.

Members of the public calling in to the meeting who would like to ask a question or make a comment, can press *9 to raise their hand and *6 to unmute themselves.

PLEDGE OF ALLEGIANCE

Led by Chairman Stein.

INTRODUCTORY STATEMENT

Read by Board Member Friedman

Welcome to the Zoning Board of Adjustment. Let me briefly explain what we do. We are appointed by the Bergenfield Council to decide when a property owner should get relief from the strict application of the zoning regulations that are set forth in Bergenfield and zoning ordinance. Typically, we hear two types of variances. The first is whether an applicant can vary from land use restrictions including rules on sideline distance, height, and lot coverage. That is commonly called a bulk variance. The second type of variance is a use variance, where an applicant wants to use the property for a purpose not permitted under the zoning ordinance in that zone.

In these cases, the applicant has the burden of meeting certain criteria set forth in the Municipal Land Use Law which is available online. The Borough's zoning ordinance is also available online. We carefully listen to the testimony, including objectors, and review all relevant documents. If a majority of the Board concludes that the applicant has satisfied those criteria for a bulk variance, we must grant the requested variance. Approval of a use variance requires five affirmative votes.

ROLL CALL

Present: Shimmy Stein, Richard Morf, Sara Berger, John Smith, Charles Steinel, Amnon Wenger, Marc Friedman, and Jose Morel

Absent:

Also Present: Gloria Oh, Zoning Board Attorney, Carlos Fuentes, Zoning Board Engineer, Michael Knowles, Planning Board Liaison, and Hilda Tavitian, Zoning Board Clerk

APPROVE MINUTES OF PREVIOUS MEETING – October 4, 2021

Motion By: John Smith
Second By: Richard Morf
All ayes. None opposed.

CORRESPONDENCE

None.

OLD BUSINESS

1. Resolutions:

145 West Main Street, LLC, 145 West Main Street, Construct Multi-Family Building

All ayes. None opposed.

Gazmend Lita, 372-378 S. Washington Avenue, Change of Use

All ayes. None opposed.

Board member Friedman stated there was a call for votes for the resolution for those who voted on the variance application for 145 W. Main Street. His name was not called and put on the record that he votes to approve the resolution presented denying the application for 145 W. Main Street.

2. Applications: Matthew Doyle
 75 Hillside Avenue
 Semi-Inground Pool
 Carried from October 4, 2021 Meeting

Matthew Doyle, applicant, stated the variance sought is only for 39.87%. The size of the lot is 62 ½ x 100.

Board engineer Fuentes confirmed that. He checked the plans and Mr. Ravenda's letter had a typo for the coverage.

Chairman Stein stated that is why the application is being judged for R6 criteria rather than R5. He explained that once you are over 6,000 sq. ft., even though you are in an R5 zone, you take on the R6 criteria.

Mr. Doyle stated he understands that now. He stated he and his wife moved to Bergenfield in 2002 and had bought a house by the Lincoln School district. They outgrew it when they had two kids and moved to this side of town with a corner property and a bigger lot in June 2019. Mr. Doyle stated back in March they started the process of researching and purchasing a pool. He had submitted the pool application on March 12, 2021. Mr. Ravenda had stated in his letter dated April 1, 2021, the only issue was the lot coverage. They started looking at their options. The pool is 12 x 20 oval and will be below 40% including the pool. The bigger issue came in July when he was questioning Mr. Ravenda if there was anything he could remove from his property to bring him below 35% with the pool. They had talked about taking out the back patio and the concrete walkway. He was going to possibly remove part of the concrete patio. It was July 9, 2021 when Mr. Ravenda realized when he had initially reviewed the application, he didn't realize Mr. Doyle was going to put the pool 10 feet from his property line and because it is a corner property, Mr. Ravenda stated it had to be 15 feet. Mr. Doyle stated at that point, they had already dug out

a pit and had it excavated. It is two variances sought, lot coverage to exceed 35% and to place the pool 10 feet from the property line as opposed to 15 feet.

Chairman Stein stated he does not have any notification about the 15 feet.

Board engineer Fuentes stated it is outlined in their letter.

Board member Smith stated it's on the application.

Board member Morf stated he has something in reference to the 15 feet and read it into the record.

Board engineer Fuentes confirmed that 39.87% is the actual coverage the applicant is seeking. There is a second variance needed for the setback of the pool. The borough ordinance and additional requirements for a pool on a corner lot is that a pool can not exceed the setback of the house. The existing house has to be setback 15 feet from the property line and is why the pool needs to be set back the same distance. Mr. Fuentes stated this is done because when looking at the property from the street, they want to see the pool doesn't overhang the house. He stated since this is an in-ground pool, that effect is minimized and won't be seen as readily from the street. Mr. Fuentes stated they are going to prohibit any connections to the public sanitary sewer. A gate and fence is needed to enclose the pool area as per borough and state code. This is approximately 210 sq. ft. of impervious area that will be added to the property. He stated on a 6,250 sq. ft. lot, that is minimal area and does trigger any local or state requirements for stormwater management on site. The pool is going to retain water and it's not going to act as a truly impervious surface that directs runoff directly onto the municipal system. It'll retain some volume into the pool and eventually if the storm is large enough will overflow. It shouldn't happen on a regular basis and only during bigger storms.

Mr. Doyle stated the whole yard is encased by a six foot fence and no one will see the pool.

Board member Friedman stated the vinyl fence shown on the plan is some distance away from the concrete curb and inquired who owns the property between Mr. Doyle's fence and the curb. Mr. Friedman stated the side line requirement is 15 ft. and is an odd configuration, it would be ten feet from the fence but roughly 20 feet from the concrete curb. Mr. Friedman stated he was wondering, because it's 20 feet from the concrete curb, whether a side line variance is required.

Mr. Doyle stated he was told the town owns it.

Mr. Fuentes stated he is going to stay firm with the side line variance. He explained the way the borough ordinance is read, it's measured from the curb line, not the property line. Mr. Fuentes stated measuring from the curb line to the house is approximately is 24 feet distance. The same distance would be required for the pool off the Orchard Street curb line.

Mr. Friedman inquired if that is because of the side line restriction or the restriction Mr. Fuentes read that requires the pool to align with the house. Mr. Friedman stated the setback issue with respect to the street is only the rear property which is 10.1 and is not enough. The other issue is an alignment issue. He inquired if those are the two matters that need to be addressed.

Mr. Fuentes stated that's the borough ordinance regulation requires a pool to be align with the house. Mr. Fuentes stated that was correct.

Chairman Stein stated the second 10.1 is a rear yard setback. The pool and Orchard Street are two front yards. The one in the back should not be 15 feet and is not an issue. The only issue is the one on the Orchard Street side.

Board member Steinel asked how deep down will the pool be in the ground. He inquired how high the pool is in total and what the depth of the pool is. Mr. Steinel asked if the area had already been dug out prior to being notified by the borough about the side line problems.

Mr. Doyle stated the bottom 27 inches of the pool is buried. In total, it is 54 inches with half the pool being below grade and half will be above grade. Mr. Doyle stated it was excavated on June 25, 2021 and he didn't learn about the 15 feet requirement until July 9, 2021. Mr. Ravenda's letter was dated March 24, 2021. At any time between March 24, 2021 and June 25, 2021, he would have followed the rules. Mr. Doyle stated any issues with his application should have been noted in that letter in March.

Board member Berger asked if Mr. Doyle is going to have another fence around the pool itself.

Mr. Doyle's response was no. His entire yard is fenced in.

Mr. Fuentes stated it depends on whether the existing fence meets the height requirements for a pool enclosure. He stated he believes it's 48 inches in height.

Chairman Stein stated the drawing shows 6 feet.

Mr. Doyle stated it's 6 feet along the Orchard Street side (back of the yard) and the front area is a 4 foot fence. Mr. Doyle stated the fence wasn't there and they installed the 6 foot fence. He already has the self-closing latches and gates needed in the code for a pool.

Board member Smith stated he is confused about the setback. He inquired if there is any way the pool can be moved around.

Mr. Doyle stated even if he turned the pool the other way, it would still need to be closer to the side of his property.

Board member Morf suggested moving it into the 15 ft. to get rid of a variance and then they would only be left with one square footage.

Chairman Stein stated a variance is still needed no matter what since it's 39 ft. A variance is needed for lot coverage.

Board member Friedman stated it looks like the pool is extending 3 feet beyond the side of the house and that speaks to the section of the ordinance Mr. Fuentes is referring to. He inquired if it is possible to move that pool 3 feet to the left to avoid having to seek a variance related to the extension of the pool beyond the side of the house. Mr. Friedman stated it would at least resolve the need for variance with respect to the extension of the side of the pool beyond the side of the house.

Mr. Doyle stated if he needs a variance to exceed 15 feet from the property line, then he would still need a variance for 2 feet instead of 5 feet with Mr. Friedman's solution. It sounds like he needs three variances now.

Questions from 200 feet and beyond:

No one came forward.

Motion to Approve Application with Variances

Motion By: Mr. Wenger

Second By: Mr. Steinel

5 ayes. 2 Nays.

Mr. Doyle thanked the board and stated Hilda was extremely helpful throughout the entire process.

Board engineer Fuentes stated there are two components to the pool setback in the borough ordinance. The first component is the ten foot minimum setback requirement for any property, either from the side line or rear property line. The second regulation that requires the pool to be lined up with the house comes into play because it is a corner lot. Typically, the side yard setbacks are 7 ½ feet. In the borough of Bergenfield, the setbacks are 10 ft. This case was trickier than normal.

Bergen Regency LLC
51-59 Bedford Avenue
Construct a Multi-Family Residential Building in B-2 Zone
Carried from October 4, 2021 Meeting

Chairman Stein stated there are three variances, a use variance, a width variance where 40 feet is required going to 54 feet, and the buffer strip.

Douglas Bern, attorney for applicant from Bern Root, LLC, 90 West Palisade Avenue, Englewood, NJ, stated all experts had testified at the October 4, 2021 meeting. He stated he had appeared on the matter in 2012 when the project was approved, which was an identical project. The only change this time is that the height requirement in the B2 business zone has been changed. It's now a higher height, 40 feet. They do not require a height variance anymore but do require a use variance. Mr. Bern stated while they are in a B2 zone, a multi-family is permitted, they do not have commercial use on the ground floor. They do have sufficient parking to meet the borough standards and the RSIS standards. They are proposing a small residential project with a townhouse like design, same as 2012, that fits nicely into the neighborhood. There is no parking variance. The site will experience significant improvement. The site now is being used as a parking facility for landscapers. There are uncontrolled vehicles going in and out without controlled curb cuts. There is no drainage infrastructure. Mr. Bern stated as heard from Mr. Hubschman's testimony at the last meeting, there is going to be significant improvement in drainage, curb cuts will be controlling, with ingress/egress for safety purposes, and a unit dedicated to handicap accessibility. Mr. Bern stated the developer made that point in 2012 and it was carried over the same design for the present application.

Board member Smith stated he had raised the question about the height requirement at the last hearing for the application. The master plan states 40 feet height is allowed if there is commercial on the bottom floor. He inquired if anybody got an answer legally. Mr. Smith stated they are not putting any commercial on the bottom floor.

Mr. Bern stated they looked at the zoning ordinance and there is no restriction on the principle building in the B2 zone in terms of height. It doesn't have a condition and is unrestricted. It's found in the zoning chart, schedule B, limiting factors in the zoning ordinance.

Mr. Smith stated he looked at schedule B and called the code enforcer. It is contradicting itself. He asked Ms. Oh if she contacted someone about it.

Board attorney Oh stated she spoke with the board engineer.

Board engineer Fuentes stated he came to the same conclusion as Mr. Bern. Based on the published limiting schedule in the ordinance, the height requirement is 40 feet. He didn't see any other ordinance or stipulation that would limit that height requirement.

Michael Pessalano, planner, stated limiting schedule B has a footnote #7 assigned to the height limits. Footnote #7 on the bottom of the table specifies a maximum density of 12 units per acre in the B1 and B2 zones. This application proposes a density that's higher than 12 units per acre. The key question for density relief concerns one item and that is if a site can accommodate any of the problems associated with the added density. Mr. Pessalano stated to do that evaluation, first they need to assess the numbers involved. Seven units on a lot containing 9,800, the subject property, has a density of 32.8 units per acre. The borough's AAHO zone expresses a limit of 40 dwelling units per acre for affordable rental projects. This is below that standard even though it is applying to a different zone. Mr. Pessalano explained when he looks at density, he tries to evaluate where the proposed project stands in the overall scheme of density limitations throughout the community. Mr. Pessalano stated applying the 12 units per acre limit to the .227 acre lot yields an allowed density of 2.73 units. Seven units minus the 2.73 units that would be allowed is a difference of 4.27 units which is the access density involved. Mr. Pessalano stated compliant parking is proposed including enclosed spaces. Mr. Pessalano stated adequate solid waste facilities are provided, runoff from the site is proposed, and there will be adequate light air and open space. There wouldn't be excess density or too much crammed into a too small of a piece of property. The application intertwines density relief with use relief. The positives of the application outweigh any of the negatives. The project will upgrade the immediate neighborhood. There is no substantial detriment to the neighborhood from the increased density. The project will transform the site to residential in character with the neighborhood quality.

Mr. Bern stated they ran out of runway. There was a recession and there were several extensions, including with COVID-19. Mr. Bern stated in discussion with Mr. Mondello, they felt to fortify it for the record, they would just present it to the board. Mr. Bern stated the one benefit to waiting is that there no longer is a height variance. It is still the same small townhouse style 7 unit development with a handicapped unit. Mr. Bern stated the town now has a affordable housing requirement they will comply with.

Chairman Stein stated there were no extensions granted and the board couldn't make an exception. Mr. Stein stated Chris Naylis from the fire department had some fire safety issues and believed it was addressed at the last meeting regarding the use of a 13R or a regular system.

Mr. Bern stated they had discussed it at the completeness session.

Mr. Hubschman stated they are providing a fire connection on Front Street.

Marios Lachanaris, architect, stated they will comply with the construction codes. The building will be fully sprinklered.

Board member Steinel inquired if the minimum code will meet the NFPA 13 or 13R sprinkler system. It is called sprinklering the building as opposed to the common areas. The client gets a better protected building as well the occupants and the firemen that go in should there be a fire.

Mr. Lachanaris stated it will be NFPA 13A, the minimum code unless the board directs them otherwise.

Mr. Bern stated he doesn't have any objections. He appreciated the comments.

Board member Morel stated he is having trouble identifying the three bedroom apartments in the architectural plans in the mix between the first and second unit. The second unit shows 2 two bedroom units even though your request is to provide proof to three bedroom units. He wasn't sure if there was a change. There also wasn't clarity between the units as there were two units labeled 1A.

Mr. Lachanaris stated the three bedroom unit is in the area on the ground floor behind the garages. The third bedroom can be used as either a den or bedroom as it was noted on the application.

Mr. Morel stated he wants to make sure egress opportunities will be provided if it will be a bedroom.

Michael Hubschman, engineer, shared on the screen Exhibit A2. It is a proposed 7 unit building. There are 2 three bedroom units and 1 one bedroom unit. There is a bedroom behind the garage that makes up the third bedroom for the second floor. There is a one bedroom ADA unit with an ADA accessible walk. The 3 two bedrooms are on the third floor. The driveways provide 2 spaces for each unit. There are two stairways that lead to the second and third floors to the upper units. Refuse is in the rear. Mr. Hubschman stated they are requesting a small buffer variance that is about 3 ½ off the side yard. They are proposing landscaping at the lawn area and around the site. They are also requesting variances for the drop curbs along the frontage. There will be new curb, aprons, and sidewalk along the frontage. Right now, there is just broken up curbing. Mr. Hubschman stated they will be adding three seepage pits, where two are required. The roof leaders are piped. There will be basins in the front with an overflow that is typical with any other infrastructure. Mr. Hubschman showed on the screen where they are proposing the fire connection to be. All utilities are available to the site. All the egress/ingress is controlled now due to the drop curbs.

Board member Smith inquired if the ADA ramp will be included when the sidewalks get replaced. Mr. Smith stated there may be a shift with the sidewalks when they are done. They need to make sure the ramp is even with the road.

Mr. Hubschman stated that looks new. Mr. Hubschman stated they sometimes make the ramp a little higher. They will fix it and will make sure it is even with the road.

Chairman Stein stated they had acknowledged at the last meeting that the applicant will comply with all of Mr. Fuentes' comments.

Questions from residents within 200 feet and beyond:

No one came forward.

Board member Smith inquired how many of the units will be affordable housing.

Mr. Bern stated one unit will be affordable housing. The requirement for affordable housing is 15% for rental units.

Motion to Approve Application Contingent Upon Recommendations Made By Board Engineer:

Motion By: John Smith

Second By: Sara Berger

All Ayes. None Opposed.

The meeting was recessed at 9:19 pm. The meeting resumed at 9:30 pm.

NEW BUSINESS

1. Applications: Ron & Aliza Weinberg
60 Highgate Terrace
Construct second floor addition and new rear one story addition

Aliza Weinberg, applicant, stated they are seeking to add an additional room to the back of their house that would require a side yard variance for lot coverage. They want to use the additional room primarily for her mother-in-law when she visits as she has difficulty climbing stairs. They would convert the current bathroom to a full bathroom with a shower so she would have a room and bathroom accessible to her.

Chairman Stein stated the side yard variance they are seeking is an existing non-conforming side yard. They are extending beyond the existing house. They have to start from scratch and request the side yard variance.

Lawrence Quirk, architect, 15 Union Avenue, Rutherford, NJ, stated the house is in a R5 zone, but due to the square footage, they have to comply with the R6 zone requirements. They are seeking to add a one story addition. Mr. Quirk explained they will be removing the patio. There are three variances required. The first one is the rear yard variance, where 25 ft. is required, and they are proposing 21.50 ft., side yard requirement is 7.5 ft. and they are proposing 4.60 ft. which is the current side yard setback. They are seeking a lot coverage variance, where the maximum required is 30% and they are proposing 35.28%. The improved lot coverage, where 35% is required, they are proposing 43.47%. Mr. Quirk stated his clients will comply with the recommendations made by the board engineer to install a seepage pit. This project compliments the neighborhood and works well with the existing home.

Chairman Stein requested further explanation of the hardship. He understands her mother-in-law can't climb stairs and inquired if she will be staying there for long periods of time.

Mrs. Weinberg stated because her mother-in-law doesn't have a permanent residence in the New York state area, she would stay with them. She stated unfortunately, her parents also are unable to climb stairs. It would suit both of their parents' needs.

Board engineer Fuentes stated he had provided a list of conditions in his review letter. There should be no issues if Mr. Quirk complies with all of them.

Board member Friedman stated on the plan, it calls the new addition a library and inquired if that is the same room that will be used for her mother-in-law and others that will be coming. Mr. Friedman stated they didn't discuss the plan for the second floor. It looks like there is going to be an enlarged master bedroom, a closet, and a couple of other changes. He requested an explanation for the reason for the second floor addition.

Mrs. Weinberg stated that was just how it was labeled. She explained since COVID-19 hit, her husband had been working from home and will continue to work from that room. Most of the time the room will function as a bedroom when her mother-in-law is with them. Mrs. Weinberg stated the second floor room is going to be bigger. When they bought the house, it was not squared off at the top and the master bedroom closet is dysfunctional. They figured when they add the first floor room, it made sense to square off the room upstairs and make a walk-in master bedroom closet.

Board member Berger inquired if there is any way to get rid of the large side yard variance.

Chairman Stein stated it's an existing non-conforming. The existing house is already shy. All they are doing is extending the house, making it longer. You can't get rid of the side yard. The house is there already.

Board member Morf inquired if there is any reason the library can't be shifted to the left 3 feet.

Mr. Quirk stated they can shift it to the left and make sure they have 7.5 ft. side yard setback.

Board member Morel stated the new paver patio area is not part of the impervious coverage calculation and is in addition to.

Mr. Quirk stated that is correct.

Board member Friedman stated it looked like, in response to Mr. Morf's question, Mr. Quirk had said they could shift it 3 feet to the left to gain additional frontage. He thought he saw a reaction from Mrs. Weinberg about that. It may be the owner does not want to do that.

Mrs. Weinberg stated the idea is that the room is attached to the current bathroom. There are windows they had installed when they had done previous work and shifting it all would mean the bathroom would not be attached. They would have to redo the whole back of the house.

Questions from residents within 200 feet:

Michael Felsen, 51 Westminster Avenue, requested clarification that the new second story addition is going to be 21 feet from where the current fence is. Mr. Felsen inquired if there are any plans to create more of a barrier between the two backyards. Mr. Felsen inquired if any trees will be planted in the back to have some privacy. The fence that is currently there is 5 feet. He inquired what the height of the new room is. Mr. Felsen inquired if there is any additional structure on top of the library.

Mr. Quirk's response was yes, it will be 21.5 feet from the property line. Mr. Quirk stated the new room is 17 feet to the peak. It's just a one story addition.

Mrs. Weinberg stated there is a 6 foot fence there currently. The new room is not two stories, it is a one story room.

Mark Trahan, on behalf of homeowner Margaret Toby, 68 Highgate Terrace, stated they are the corner lot next door. Mr. Trahan stated the required side yard that is proposed is for 4.6 where 7.5 is required. This house is very close to them as it is and they barely have any privacy. Their heart goes out to the applicant with what she is going through with her family. They are concerned about their privacy and safety reasons if there should be a fire. They should stay within the guidelines of what the codes are for their property. He stated he was under the impression that it was coming out towards 68 Highgate. Mr. Trahan stated they have a tiny house and don't have any privacy at all. Their house is big enough as is and to build up more is really unnecessary. It won't be a problem as long as it does not affect them.

Chairman Stein stated the side yard variance needed is not close to Mr. Trahan's house. The right side of the house is not adjacent to Mr. Trahan's property. It's already that far out and it is already that way. Mr. Stein stated it's going back the other way.

Motion to Approve Application Provided Applicant Conforms To Recommendations Made By Board Engineer

Motion By: Shimmy Stein

Second By: Amnon Wenger

5 ayes. 2 nays.

Paul & Selena Koppel
35 Thames Blvd

Construct a new second story addition and new rear two story addition

Paul Koppel, applicant, stated they moved to Bergenfield more than 20 years ago. They have five children and during that period their kids shared bedrooms. Most of their kids are married now and they would like to add some space so when their kids come back with their spouses they can have appropriate accommodations on weekends and holidays.

Larry Quirk, architect, 15 Union Avenue, Rutherford, NJ, stated the Koppel's have a 1 ½ story home with a detached one car garage. There is a very large deck in the back that will be eliminated. They have an oversized lot of 7,500 sq. ft. and are in the R6 zone. They will remove the deck and the deck stairs to design a new two story addition in the rear. The first floor will have an expanded dining room. Mr. Quirk explained right now the dining room is very small. The new dining room will take up the existing dining room space and the existing kitchen space. There will be a new kitchen at the rear. On the second floor, above the existing living room, they will be adding a new second story above the living room, dining room, and kitchen. The addition will have 5 new bedrooms and new bathrooms. This project requires 4 variances. The first is the side yard variance, required is 7.5 ft. and they are proposing 7.13 ft. They are not encroaching any further than the existing side yard setback. There is a combined side yard variance required where 15 ft. is required and they are proposing 14.53 ft. Lot coverage required is 30% and they are proposing 33.80%. They will only be increasing the existing lot coverage by 1%. Improved lot coverage required is 35% and they are proposing 45.79%, also an increase of only 1%. They will be installing a seepage pit to control any runoff.

Board engineer Fuentes stated this application is similar to the last application that was just heard. He was in agreement with Mr. Quirk with the list of variances required for the application. They supplied the applicant with a list of conditions and guidelines for the seepage pit.

Board member Steinel wanted confirmation from Mr. Quirk that the side yard setback is existing and all that is going to be done is just extending them.

Mr. Quirk stated that was correct.

Questions from residents within 200 feet and beyond:

No one came forward.

Motion to Approve Application:

Motion By: Amnon Wenger

Second By: Marc Friedman

All ayes. None opposed.

PUBLIC COMMENTS

Comments by members of audience on matters not on evening's agenda

No one came forward.

2. Discussion of RFQ's

Chairman Stein stated the town is going to send them out no matter what. Mr. Stein stated the town sends out RFQ's to cover themselves even when in the past, the board has said they did not want to change professionals. It is the responsibility of the borough administrator to send the RFQ's out and make sure the board receives them. It is not the responsibility of any board member to send out the RFQ or deliver them to the board. Chairman Stein stated it's out of their hands and they are going to send them anyway for board engineer and lawyer.

Board attorney Oh stated the RFQ is already posted on the borough website and is due in December.

Board member Smith inquired if they can make a motion to who the board wants now.

Chairman Stein stated they can't do it now because the board is still obligated to go through all the RFQ's.

Board member Steinel stated the board is not obligated. The board decides and no one else. It's annoying that it's advertised already and the board had no discussion on it.

Board member Wenger stated that is what they decided last time and they were overruled.

Chairman Stein stated it's the board's decision. He stated come January, it will have to be revisited by the new board. The borough has the right to send out an RFQ. It is up to the board to choose who the board wants as board attorney and board engineer.

Ms. Oh stated once the RFQ deadline is reached, the board has the opportunity to review the RFQ applications.

Mr. Wenger stated the board has the right to review the applications, but is not obligated to.

Mr. Stein stated the RFQ's are out now and the board needs to wait until they come back. Mr. Stein stated they can discuss it at the next meeting, December 13, 2021.

Board clerk Hilda Tavitian stated the deadline to receive RFQ's is December 10, 2021.

MOTION TO ADJOURN MEETING

Motion By: John Smith

Second By: Shimmy Stein

All ayes. None opposed.

Meeting was adjourned at 10:16 PM.

Respectfully Submitted,



Hilda Tavitian, Clerk
Zoning Board of Adjustment