Pursuant to Chapter 231, Public Law 1975 Open Public Meetings Act, adequate notice of this meeting has been provided by:

* Adoption of an annual schedule of meetings.
* Posting a copy of same at Borough Hall.
* Forwarding a copy of same to the Record.
* Mailing a copy to any person requesting same.

FLAG SALUTE, MEETING OPENED AT 8:02 P.M.

Absent: Messrs. Eilert, Kurz,

Also in attendance were Ms. Sophy Sedarat, Board Attorney, and John Yakimik, Boswell Engineering.

EXCUSE ABSENCES:

Motioned by Mr. Rose and seconded by Mr. Bremer to excuse the absences was voted unanimously by the Board.

PROFESSIONALS SWORN:

Mr. John Yakimik, Boswell Engineering, was sworn in.

PUBLIC MEETING:


Chairman Smid announced that the above application has requested to carry to the August 8th meeting with no further notice.


Chairman Smid reported that he and Mr. Arredondo conducted a site inspection. Also conducting a site inspection was Messrs. Pereira, Rose, and Bremer. The property is located in an RA-3 zone where traffic is light. Chairman Smid reviewed comments from the various departments.
The applicant is seeking a front yard setback of 32-feet where 40-feet is required.

Mr. Steven and Mrs. Jennifer Mawhinney were sworn in and testified that they are proposing to add a 2nd story addition with a 2-foot cantilever. They intend to move the 3 bedrooms to the second level increase the living space on the 1st floor. Also added to the second level will be 2 full bathrooms.

*Mr. Zingone entered the meeting at 7:18pm

A discussion ensued concerning height calculations shown on the site plan. Mr. Yakimik commented that the applicant is proposing a building height of 35-feet and he requested that their architect provide him with proof that the calculations were done as per the code.

*Mr. Arredondo entered the meeting at 7:24pm.

Ms. Sedarat explained that the applicant can either carry their application to the next meeting, provide height calculations to the engineer ahead the next meeting or agree with a condition of approval that the dwelling will not exceed the 35-feet in height. If the applicant chooses the condition of approval option, they will need to work with their architect to ensure that the pitch of the roof does not exceed the 35-feet. Mr. Mawhinney responded that they planned to be compliant with the height requirements to avoid another variance. Their architect assured them that the height calculations were compliant, but they will have him reach out to the Board engineer to confirm.

Chairman Smid questioned the number of bedrooms. Mr. Mawhinney responded that the home will remain three-bedrooms. Chairman Smid confirmed that the door will be removed from the den/office on the first floor.

Mr. Yakimik questioned the location of the applicant’s shed which sits upon a drainage pipe within a Borough easement. Mr. Mawhinney responded that they have permission from the town to place the shed there due to some drainage work being done by the town. The engineer and administrator agreed to the shed location as long as the shed was considered not permanent in the event it has to be moved. The Board was satisfied with the response.

Ms. Sedarat confirmed with the applicant that the hardship is due to an undersized lot with excessive shallowness. She reviewed the conditions of approval which will include language permitting the location of the shed, the home will not exceed three-bedrooms, height calculations, removal of door from the den/office on the first floor and no adverse drainage will affect the neighboring properties. Chairman Smid entertained a motion to open the meeting to the public.

Motioned by Mr. Rose and seconded by Mr. Bremer, to open the meeting to the public regarding matters concerning the Mawhinney application was voted unanimously by the Board.
No comments.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to close the meeting to the public regarding matters concerning the Mawhinney application was voted unanimously by the Board.

Mr. Arredondo stated for the record that he’s heard enough testimony to vote on the application. Chairman Smid entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Bremer, to approve the Mawhinney application subject to, language permitting the location of the shed, the home will not exceed three-bedrooms, height calculations, removal of door from the den/office on the first floor and no adverse drainage will affect the neighboring properties.

Roll Call Vote: Ayes: Messrs. Zingone, Arredondo, Pereira, Rose, Bremer, and Chairman Smid.  
Nays: None  
Abstain: None  
Absent: Messrs. Kurz and Eilert

MEMORIALIZATION OF RESOLUTIONS:

1. Manfredonia – 86 Oneida Avenue, Block 5102, Lot 53. Approval for a front, and two side yard setbacks.

Motioned by Mr. Rose and seconded by Mr. Bremer, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Messrs. Zingone, Arredondo, Pereira, Rose, Bremer, and Chairman Smid.  
Nays: None  
Abstain: None  
Absent: Mr. Kurz

3. Poula, LLC – 455 Ramapo Valley Road, Block 4508, Lot 2 & 3. Approval for a site plan and use variance.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Messrs. Arredondo, Pereira, Rose, Bremer, and Chairman Smid.  
Nays: None  
Abstain: None  
Absent: Mr. Kurz
PAYMENT OF BILLS:

Motioned by Mr. Bremer and seconded by Mr. Arredondo, to approve payment of bills subject to availability of funds was voted unanimously by the Board.

There was discussion concerning bills not being paid to the professionals in a timely manner and applicants not replenishing their escrow accounts after approvals. Ms. Sedarat suggested that an “escrow report” item be added to the agenda just before the public hearing portion to ensure that an applicant is up to date with their escrow before getting approvals and that the professionals get paid for their final bills. This will eliminate the escrow shortage as discussed. In addition, notify the professionals the status of escrow three days prior to the meeting. Chairman Smid entertained a motion to add “Escrow Report” to the agenda before the public hearing portion.

Motioned by Mr. Pereira and seconded by Mr. Rose, to add the item “Escrow Report” to the agenda before the public hearing portion was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Rose and seconded by Mr. Arredondo, to approve the June 13, 2023 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

Deliberations & Bylaws:

Ms. Sedarat informed the Board that in the By-Laws it states that a board member must conduct a site inspection in order to take part in the vote. She explained that a site inspection is not required and questioned if the Board wishes to keep this requirement in the By-Laws. A discussion ensued concerning keeping site inspections a requirement in the By-Laws. They decided to keep it in the By-Laws that site inspections are required.

Ms. Sedarat recommended that a “deliberation portion” be added to the By-Laws before the Board goes to a vote. She explained that by including a deliberation portion, it will provide, for the record, enough reasoning to back up the decision and will protect the Board in the event the applicant decides to appeal. Once the meeting is closed to the public, it will give the Board members an opportunity, with no interruptions, to discuss their pros and cons concerning the application. Many boards include this item before voting on an application. A favorable discussion ensued. Chairman Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Rose, to amend the By-Laws to include a deliberation item before the formal vote was voted unanimously by the Board.

OLD BUSINESS DISCUSSION:

Ms. Sedarat gave the Board members an update on the status of the denial for the Kroog application. She explained that the applicant hired an attorney to reconsider the application after the application was denied. The attorney contacted the Zoning Board office by email with the intent to file for a reconsideration
of their application. This pauses the 45-day period before the memorialization. Currently, they are awaiting a letter from the attorney giving his legal reasons for the Board to reconsider the application. When the letter is received, the Board can either vote “yes” to reconsider or “no” not to reconsider. If the Board reconvenes the application, the application will be heard again in its entirety and the Board will make their decision. If the Board votes not to reconsider, the denial will be memorialized at the next meeting.

Ms. Sedarat informed the Board that Mariela will be instructed to contact the attorney representing the Kroog application and inform them that a formal letter of reconsideration must be submitted no less than 10 days prior to the August meeting, or the Board will move forward with the memorialization.

MEETING ADJOURNED:

Motioned by Mr. Arredondo and seconded by Mr. Rose, to adjourn the meeting at 8:33 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary
*Next meeting is August 8, 2023.