

MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
March 23, 2021
Regular Meeting via Zoom

(Due to COVID-19 social distancing requirements this virtual meeting was held on Zoom.) Robert Brady, Board Chairman, opened the Zoom Meeting of the Zoning Board of Adjustment at 7:33 p.m. The Board Secretary read the Legal Notice. The Pledge of Allegiance was recited.

Roll Call

Present: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, Michael DeJohn and Robert Brady

Also present: Deidre Ellis, Board Secretary, Stephen Glatt, Board Attorney, Ken Ochab, Board Planner and Patrick McClellan, Board Engineer

Absent: Jo Ann Blom

The Chairman greeted the Board, the applicants and any members of the public. Mr. Brady explained the Zoning Board and Open Public Meetings Act, the social distancing requirements as a result of Covid-19, and the reason that the meeting was being conducted by electronic means via ZOOM. The meetings are advertised in the Herald News and on the Township website. The Board operates in accordance with the Open Meeting Act of the State of New Jersey, which means discussions and decisions are made in public. Under normal circumstances the Board follows a printed agenda. There are no new applications after 10:30 pm and no new testimony after 11:00 pm, after the applicant speaks then anyone can speak for or against that application. If it is needed there will be a break at approximately 9:00 pm. The appeals of this Board go directly to the Superior Court of the State of New Jersey.

KURT RENZLAND
RESOLUTION 4-2021
BULK VARIANCE ZB10-20-10
Block 4601; Lot 16
900 Burnt meadow Rd.; R-4 Zone

Decided: Approval of a bulk variance application for the construction of a 4,800 sq ft accessory garage for storage and maintenance of personal vehicles and to establish a private workshop, where max size allowed is 1,500 sq ft.

Approved: February 23, 2021

Eligible to vote: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst and Robert Brady

A motion was made by Arthur McQuaid to memorialize Resolution 4-2021.

Second by Frank Curcio.

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, Michael DeJohn and Robert Brady

No: None

Abstain: None

NATHAN KIPPERMAN
RESOLUTION 5-2021
BULK VARIANCE ZB10-20-09
Block 2701; lot 13
129 Lakeshore Dr.; LR Zone

Decided: Approval of a bulk variances for front, side and rear yard setback and maximum building coverage for a home addition and connection to a detached garage.

Approved: February 23, 2021

Eligible to vote: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst and Robert Brady

**A motion was made by Frank Curcio to memorialize Resolution 5-2021.
Second by Michael Gerst.**

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, Michael DeJohn and Robert Brady
No: None
Abstain: None

The Board Attorney indicated that there were three applications on the Agenda, the Lauretta/Bianchi Use Variance, the English Bulk Variance and a new applicant Jennifer Scates. Mr. McKittrick happened to be the Engineer for all three applications and he was unable to attend this evening as his father had passed away in another State. Mr. Barbarula indicated that due to there being a use variance involved, he could not continue with the Lauretta/Bianchi application at this meeting, and requested the application be read and carried to the next meeting without the applicant having to re-advertise.

CARRIED APPLICATIONS

**RICK LAURETTA/JOHN BIANCHI
USE VARIANCE ZB09-20-08**

**Complete: 11/23/2020
Deadline: 6/21/2021**

Block 6303; Lot 7
71 Marshall Hill Rd.; CC Zone

Use variance requested to permit the conversion of the first floor of the existing structure to residential use and to retain the second floor residential use resulting in a two-family structure and to create a contractor storage use in the rear of the property.

A motion was made by Michael Gerst to carry Application ZB09-20-08 to the April 27, 2021 meeting.

Second by Daniel Jurkovic.

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, Michael DeJohn and Robert Brady
No: None
Abstain: None

The Board Attorney indicated that the applicant would not need to renotice, and that anyone interested in the matter should plan on being at the April 27, 2021 meeting.

**GEORGE ENGLISH III
BULK VARIANCE ZB06-19-10**

**Complete: 11/24/2020
Deadline: 6/22/2021**

Block 5901; Lot 28
111 Mountain Circle South; R-3 Zone

***** Application REVISED- Received 1-14-2021*****

Bulk variance requested for side yard setback where 50' is required, 39'/42.3 exists and 39'/15' is proposed, rear yard setback where 100' is required, 53.8' exists and 47' is proposed, lot coverage where 10% is permitted 8.97% is existing and 14.38% is proposed, construction of a 32' by 28' two story garage. (Breezeway has been removed.)

Eligible to vote: Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst and Robert Brady

A motion was made by Michael Gerst to carry Application ZB06-19-10 to the April 27, 2021 meeting.

Second by Daniel Jurkovic.

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, Michael DeJohn and Robert Brady
No: None
Abstain: None

NEW APPLICATIONS

JENNIFER SCATES
BULK VARIANCE ZB11-20-11
Block 13812; Lots 3 & 4
37 Walker Ave.; LR Zone

Complete: 2/26/2021
Deadline: 6/26/2021

Bulk variances requested for front yard setback where 40' is required, 15.6' is existing, 14.8' is proposed, side yard setback where 30' is required, 24.6' and 42.3' is existing and 24.6' and 23' is proposed and lot coverage for a principle building where 10% maximum is allowed, 10.54% is existing and 17.38% is proposed to expand a single family dwelling 699 sq ft.

The Board Attorney swore in Jennifer Scates, 37 Walker Avenue, West Milford, New Jersey. Ms. Scates indicated that she had purchased lot 3 under the name Jennifer Tucci, and lot 4 under the name Scates and believed the lots had been merged with the Town. Ms. Scates indicated that the house currently has one bedroom and they would like to put in a master bedroom and expand the house. The lot next door was purchased with hopes of being able to expand.

The Board Attorney informed Ms. Scates that she would need to provide history of the property, details about the topography, and related lot facts for the record, as the finding of those facts are incorporated in any type of resolution that may result from the application being heard.

Ms. Scates indicated that the both lots were relatively flat and rectangular. The first lot was purchased in January 2015, and was a foreclosure, so purchased from the bank and the additional lot in 2017, purchased from the Town, to try to minimize the variances that would come with the addition. The front yard variance is being sought where 40' is required and there is a pre-existing condition of 15.6' and 14.8' is being requested in order to keep the line of the house and the aesthetics of the house. The Board Planner indicated that also the house was not quite parallel to the property line and that was also a reason for the distance being different. For the side yard variance one side being 24.6' and that will be maintained on the other side there is 42.3' and 23' is requested as that is where the addition will be located, which is also toward the more recently purchased property. If you were to stand in the street and look at the house the left side would stay the same and the addition would be located to the right. The neighboring house to the right is approximately 50' from the property line between the homes, resulting in about 70' to 75' between the two homes. The home to the left of Ms. Scate's house is around 200' away, a significant distance.

Ms. Scates indicated that there would be no negative impact to surrounding neighbors and that even with the addition to the home, the house itself is still quite a bit smaller than houses in the neighborhood. Because of the investment being made to the property, there will be an overall benefit to the neighborhood. It will improve aesthetics and promote the public good. There will be a visual enhancement to the neighborhood as well.

Ms. Scates indicated that the lot coverage variance where 10% maximum is allowed, 10.54% is existing and 17.38% is proposed is necessary for the addition to benefit the homeowners in the best way and there is no negative impact. Ms. Scates indicated that the benefits of the coverage issue outweigh any negative impact. Mr. Jurkovic indicated that it was a rather technical question for a lay-person to answer, Ms. Scates may not be qualified to answer whether or not the benefits outweigh the negative impact and the Board Attorney indicated that certainly she could give her opinion and the Board could give it whatever weight it wanted and if necessary, Ms. Scates could carry the application and Mr. McKittrick could testify as an expert. The Board also has experience and expertise that they take into consideration.

The Board Attorney indicated that the Health Department memo stated that the house was to remain a two bedroom home and the office cannot be made into a bedroom. Ms. Scates was aware that the septic the home has is for a two bedroom and the office being added is very small will not be used as a bedroom. There will be no encroachment on the septic system. Regarding the Engineering Department's memo, and storm water runoff, Ms. Scates indicated that she spoke with the architect and it should have been noted on the plan that gutters and leaders will be installed going to the street. The applicant is not going to place rain barrels.

The Board Engineer indicated that he was satisfied with the responses to the Health Department's memo and that drainage to the street was an appropriate response. Ms. Scates indicated that the final architectural plans would show the leaders and gutters. There were questions regarding availability of land relieving variances and Ms. Scates indicated that she there was to be no construction on the side of the house that faces lot 5. The Board Attorney clarified that purchasing property on that side would not ameliorate any of the variances. Arthur McQuaid commented that the applicant had purchased a home that had been foreclosed on, and a vacant lot and that the Township owned and now pays taxes on it, both of which are

good things for the Town. Mr. Jurkovic indicated that it should be a condition of approval that the applicant supply plans that had the locations of the gutters on them. Ms. Scates indicated that she had no problem with having a revised plan done. There were no more questions from Board Members.

Chairman Brady opened the meeting to the public. The Board Secretary asked all who wished to speak to unmute, verbally and through the Zoom program.

**Seeing no one, a motion was made by Michael Gerst to close the Public Portion.
Second by Arthur McQuaid.**

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur
McQuaid, Michael Gerst, Michael DeJohn and Robert Brady
No: None
Abstain: None

A motion was made by Daniel Jurkovic to approve Application ZB11-20-11, Block 13812; Lots 3 & 4; 37 Walker Ave.; LR Zone with bulk variances requested for front yard setback where 40' is required, 15.6' is existing, 14.8' is proposed, side yard setback where 30' is required, 24.6' and 42.3' is existing and 24.6' and 23' is proposed and lot coverage for a principle building where 10% maximum is allowed, 10.54% is existing and 17.38% is proposed to expand a single family dwelling 699 sq ft. The applicant has merged two smaller lots, which should be promoted in the Township. The expansion would bring it more into conformance with the community. Mr. Jurkovic reiterated that due to the slant of the property line, any addition to that side of the house would result in a front yard variance but the change being about a foot is de minimus. The home would remain a two-bedroom structure.

Second by Michael Gerst.

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur
McQuaid, Michael Gerst, Michael DeJohn and Robert Brady
No: None
Abstain: None

The Board Attorney indicated that most likely there would be a Resolution approved at the next meeting and the Board Secretary would advertise in the newspaper and that this would start the 45 day appeals period, a time when anyone can appeal the decision made by the Board. If any work had been done it would be at the risk of the applicant and is ill advised. The Board Attorney indicated that the decision of recording the Resolution in the Passaic County Clerk's Office or recording a revised deed that will make reference to that resolution would be up to Ms. Scates. The Resolution being recorded may cost more that revising the deed but an Attorney may be needed to prepare the deed. This will put future owners on notice that it is a two bedroom home. Ms. Scates thanked the Board.

The Board Chairman asked that someone make a motion to move the approval of Invoices of the Board Professionals ahead of the discussion items. A motion was made by Michael Gerst and second by Russell Curving. All were in favor.

A motion was made to approve invoices for the all Board Professionals, Attorney, Planner and Engineer by Daniel Jurkovic. Second by Russell Curving.

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur
McQuaid, Michael Gerst, Michael DeJohn and Robert Brady
No: None
Abstain: None

The Board Attorney addressed the litigation matter (Grishuk vs Board of Adjustment) and indicated that the Ward's Attorney, Mr. Moshman was filing a motion to allow the Wards to intervene and become a party to the action. Friday the Court signed the order and Mr. Moshman will be filing an answer on behalf of the Applicant, and we may be getting some kind of calendar notice. Mr. Barbarula received the transcripts and the Board Attorney has a copy of the transcripts.

A motion was made to approve the February 23, 2021 Regular Meeting Minutes by Frank Curcio. Second by Robert Brady.

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, and Robert Brady
No: None
Abstain: Michael DeJohn

There were some discussion items. The Board Attorney indicated that the Board Planner had submitted his Annual Reports for 2019 and 2020, which had somewhat been delayed due to the current pandemic. The Board Attorney indicated that recently the Town Council had passed an ordinance that makes West Milford a “Rehabilitative” Town, which would serve to encourage development and upgrade housing that was over 20 years old. There would also be a tax abatement over a period of time. There was also another ordinance before the Council regarding properties less than an acre, the Board Attorney only became aware of it from reading the newspaper, and was very concerned by what the ordinance entailed. The ordinance provided for changing dimensional variances, for example, where a 30’ side yard setback exists currently, the side yard setback would be reduced to 5’. Instead of 10% lot coverage the ordinance was going to permit 25% lot coverage, 2.5 times more than what is now allowed. Instead of having an accessory structure of 100 sq ft the new ordinance would allow for 1000 sq ft. The ordinance was created without the benefit and input of the Board of Adjustment Planner’s Annual Reports from 2019 and 2020, or any apparent discussion or input from the Planning Board or the Board of Adjustment. The Board Attorney indicated that since the Board of Adjustment is a quasi-judicial Board, the Planning Board and Council are not, in the ways that the Board of Adjustment is. The Board of Adjustment through its’ process is able to put controls and conditions on applications, to listen to the remarks of neighbors, do buffering, reduce the size of a structure. If this ordinance 2021-013 had been approved, people could just pull permits and build right up to 5’ of the property line and there would be nothing you as a neighbor could do about it. The Board Attorney indicated that it was very important that the Board of Adjustment be involved in the process, as they are the entity that will deal with the results and also could be able to solve potential problems before they arise. The Board Attorney indicated that a cover letter should accompany the Annual Report indicating that at the very least if something like this is ever presented again the Board is made aware of it ahead of time and give, in order to be able to review it and make suggestions, and as an independent, quasi-judicial body have some right to have some input as to what is being proposed.

Mr. Daniel Jurkovic indicated that he was in agreement with the Board Attorney and that the ordinance was all news to him and to have two Boards with experience and expertise in the area of Land Use and for the governing body to not reach out of at least seek comment from the Boards and their professionals can create all kinds of unintended consequences that could potentially be avoided.

The Board Attorney indicated that although the Planning Board found the ordinance to be in conformance with the Master Plan, the Chairman of the Board, Chris Garcia, sent a letter of objection and had it read at the Council meeting that stated in part exactly what the opinion of the Board of Adjustment would be and in order to protect the Township there should be input from the Board of Adjustment because we are the ones dealing with the issue all the time.

The Board Attorney indicated that if passed there could be an accessory structure added to a property 5 feet from the neighboring property, that would be a 20’ by 50’ shed, wall to wall buildings on a property. Linda Connolly indicated that the Planning Board had very little time to review the 4 ordinances that they received. Ms. Connolly indicated that with the recent chicken ordinance allowing 12 chickens on a property, in conjunction with this new ordinance should it be passed, that would mean a person could have a neighbor’s chickens 5 feet from their property line. Ms. Connolly indicated that they Planning Board was instructed to just address the conformity of the ordinance to the MLUL.

The Board Attorney indicated that he did not know or care who came up with the numbers in this ordinance but they seemed to be irrational numbers, thrown in without consideration of the ramifications. Daniel Jurkovic indicated that being familiar with the Council, he found it troublesome and to be clear he did not want to get political, but usually when a change is being made there is something that the Council is trying to address, perhaps we can reach out to Council with our expertise and help the Council address the matter, without taking a hammer to our Zoning ordinances. The Board Attorney indicated that it was fortunate that the ordinance was not passed but the voice of the Board should be heard. We protect neighbors from neighbors that may not be good neighbors or maybe they do not realize what is going on, so that everyone can live in their own homes comfortably.

The Board Planner mentioned that in the 1970's there was an R-10 Zone, basically a 10,000 sq ft Zone and even back then, the setbacks were more than what was proposed in this latest ordinance. When Master Plan was redone in the 1980's Rutgers was hired by the Township to perform a study of the capacity of the land to hold residential buildings, most lake homes having individual septic and wells and after a year or so of study, the recommendation from Rutgers was that lot sizes should be increased particularly in the Lake communities and on smaller lots in other Zones. The number was not pulled out of the air it was heavily based on well capacity and septic capacity and also the environmental impact especially to the Lake communities, based on that degree of development. The Board Planner indicated that to simply decide to change that, from parameters that had been established from where the Township has spent years, to something to allow more coverage without considering what the impacts are does not do the Township justice.

Michael Gerst indicated that initially the new ordinance came from sheds being put up in the lake communities, and how those people had to go through the Board with such a minor type of variance, and have to put up escrow for an application like that, but the ordinance grew from there. More discussion about de minimus applications. In some Townships there is a de minimus list, and they decide if it should go to the Board or if the Zoning Officer can make that determination. Discussion regarding Lakeside homes having garages, there is usually no place in the rear yard for a garage. There are small changes that may be made and should be suggested, to help residents.

Linda Connolly indicated that the numbers on Ordinance 2021-013 did not come from the Planning Board. Chairman Brady indicated that he did not see how a professional planner, hired by our community could write this, if they are then they are taking taxpayer money, yet doing a disservice to the residents of the community and we need to look at who is hiring them.

The Board Planner addressed his 2019 & 2020 Year End Reports, which go to the Mayor and Council and also to the Planning Board. The reports summarize the types of applications the Board has had and also highlights any recommendations the Board may have for ordinance recommendations. In 2019, there were 11 bulk variances, 9 use variances and 1 zoning appeal. There were 7 bulk variances and 2 use variances in 2020. More details from the report were explained. 2 D variances that were turned down, Randa Investments and an accessory structure on Fox Island, all the others were approved as listed in the report. The Green Meadow application took a lot of the Board's time and eventually was withdrawn. The Board did not deny any of the applications in the Lake residential zone, but placed conditions/requirements on the applications. 14-17% lot coverage has been the average permitted and a lot of those decisions were based on the character of the area that was being dealt with. Recommendations included allowing residential uses in commercial zones and for the Planning Board to see if it is feasible to mix the uses in the commercial zones. When the commercial zones were established it was prior to the highlands and perhaps the Planning Board should at least look into making a change or at least giving it a reassessment.

The Board Planner indicated that he was concerned about allowing composting as a permitted use, due to Green Meadow Organics being a massive application, and he's not sure if the intent of Municipal Land Use Law is to push an application of that magnitude in the direction of the Board of Adjustment, but should rather be more of a zoning issue that the Planning Board deals with as that is what it is intended to do. Looking at certain conditions allows an applicant to "Board shop" where if they do not meet a specific condition it can send it to the Board of Adjustment. The recommendation is for the Planning Board and Council to at least look at this again. They could make it a permitted use but just attach conditions to the permitted use which would keep the jurisdiction with the Planning Board. Or, on the contrary just make it a prohibited use and in which case the Board of Adjustment would get the application as a D-variance or use variance, as opposed to a conditional use variance where the use is permitted, but it is one or two conditions that are not met by the application. The use variance would provide a significant burden for the applicant to prove the reasons for granting the variance with all the criteria. A different set of criteria applies when it is a conditional permitted use. The "Coventry Criteria" has to be addressed after "Coventry vs. Westwood" and that criteria includes showing the Board that the site is still appropriate for the use not withstanding the deviation from the condition and that the site can accommodate any problems associated with the deviation of the condition and that is different than having a D-1 variance.

In driving by the Burnt Meadow site, the Board Planner indicated that that type of application will likely come back to the Board and now would be a good time to decide if the Town wants that type of use permitted and also how to best get that use to the proper Board. The Board Planner praised the Board for its ability to help those in the Lake Residential zone and has helped the applicants and the surrounding neighbors in keeping a consistent pattern of development for the neighborhood that they are in. 2020 was a similar report and details are given in those reports. The Board Planner commended the Board on working with the people

and being flexible but also encouraging growth. Clarification was made that it was the Board Planner's suggestion to the Planning Board, whether residential uses without commercial uses could/should be permitted in those commercial zones, and if would it enhance the downtown area and be a viable planning directive.

There was discussion on which Board has the purview to change zoning and ordinances. Either entity can suggest change and get the discussion started but the Council is the one who will ultimately write the ordinance and approve it. The Board Attorney indicated that there appeared to be a lack of communication between the Council and the Planning Board and there certainly is no communication with the Board of Adjustment as seen from recent events. The Board Planner indicated that under the Municipal Land Use Law that if the Council initiates a change Zoning it must go to the Planning Board for a recommendation, there are time limits involved. The Council then has the ability to reject the recommendation by the Planning Board. The Planning Board can also recommend an ordinance and then send it up to the Council for action. There was more discussion regarding the purposes of our (the Board's) reports and input as far as coming up with reasonable ordinances is concerned.

The topic of sheds was brought up by Daniel Jurkovic. Mr. Jurkovic indicated that he believed a shed is a smaller structure where one would house lawn equipment, not a pole barn or larger accessory structure. The question was raised how many sheds were being denied by Zoning but then not being pursued by the variance process. The Board Secretary, who also processes all Zoning permits indicated that of those rejected perhaps a handful choose to move the shed to a different location, or not to go for a variance. The last shed to be approved by the Board was in 2019, Arthur Husk was the applicant and due to his property being along a Pinecliff Lake fire road, it had been considered to have two front yards. The Board eventually approved the shed location. The Board Secretary indicated when asked that even on some of the smaller residential applications more there are several reviews and more escrow is more often than not, required by the applicant.

There was more discussion about transparency and communication. The Board Attorney indicated that he was shocked to have read about Ordinance 2021-013 in the paper, after there was no discussion at all and the possible ramifications for the Township by putting an ordinance of that nature through.

A motion was made to approve the 2019 and 2020 Annual Reports and to have them submitted to the Mayor, Council and Planning Boards for review by Michael Gerst. Second by Daniel Jurkovic.

Roll call vote:

Yes: Russell Curving, Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, Michael DeJohn and Robert Brady

No: None

Abstain: None

At this time the Board Engineer indicated that the Board of Adjustment had previously had an application for Jonathan Brett ZB08-19-17, Cahill Cross Road, which was for a use variance and a minor site plan and was approved in January of 2020 and memorialized in February of 2020. The Engineering Department had contacted the Board Engineer with concerns that the applicant, during construction had strayed from the parameters of the approval regarding the driveway opening on Cahill Cross Road. According to the plan by Mr. McKittrick, the driveway was approximately 17 to 18' and did not specify a curb cut dimension but in the field a curb cut dimension is oftentimes 35'. The Engineering Department questioned if this was contradictory to the approval granted by the Board, and after looking at the plan, the resolution and the photos of the current construction and the Board Engineer feels that the field change is de minimus. It does not warrant an amendment from the applicant of having the applicant return to the Board for any further approval. There was already a request to widen the base of the driveway, to 20' in the conditions, based on a request by the Fire Department Comments. The curb cut does not mean that the driveway itself is 35', just that it tapers at the bottom. The actual driveway is about 23'. There is no impact to the Zoning numbers regarding the project at all, and does not impact the sight lines. The plan itself could have had a few more details, but in the field the decisions that were made were in keeping with the request of the Fire Department. The Board Engineer indicated that the Engineering Department has requested that the Board pass some sort of additional resolution for the matter and the Board Engineer finds that to be extreme and that having it documented in the minutes should suffice. There is no negative impact to widening this driveway and the Bard Engineer indicated that it was actually of benefit because it was consistent with the Fire Department request to widen it in order to get their vehicles in and out and also the application was for large vehicle storage and it would allow for larger vehicles to get in and out easier. No negative impact and in fact, a slight positive impact.

The Board Attorney indicated that because Russell Curving and Michael De John were not on the original Resolution they would not be allowed to vote, and reminded the Board that it is not uncommon to allow the Board Engineer to speak on such matters, when small changes are made, and that there is no reason to require the applicant to come back before the Board for such a minor change. The Board Attorney indicated that what the Board Engineer is asking, is for some acknowledgement by the Board that they are allowing the Board Engineer to make the determination, without having the applicant come back before the Board, needing to amend an application, pay more fees etc. The Board Engineer shared his screen and showed the driveway and indicated that if the driveway were left at 20' vehicles would have great difficulty making the turn in and out. A wider curb cut allows better access. The point is not that the plan showed something different, it actually lacked this detail and the contractor used good judgement, in the Board Engineer's opinion.

A motion was made to allow the Board Professional, the Board Engineer, to speak for the Board to the Township Engineering Department on this matter, and that the Board gives the Board Engineer the authority to approve the 35' opening at the bottom of the driveway by Michael Gerst. Second by Linda Connolly.

Roll call vote:

Yes:	Daniel Jurkovic, Linda Connolly, Frank Curcio, Arthur McQuaid, Michael Gerst, Michael DeJohn and Robert Brady
No:	None
Abstain:	Russell Curving, Michael DeJohn

There was discussion about in person meetings. The Board Attorney indicated that it is up to the Town to provide a safe and healthy environment for meetings. Perhaps, we could resume in person meeting by June if people get their shots. The Board was greatly in favor of continuing with the Zoom meetings, as they are going well. Daniel Jurkovic would like to see the cleaning policy in writing, what is the Township doing to sanitize the main meeting room between uses? These procedures should be known before in person meetings are even considered by the Board of Adjustment. The Board Planner indicated that one advantage of the Zoom meetings is that applicants can put exhibits on the screen and rather than have them on an easel some distance away where it is more difficult to see.

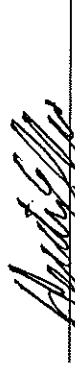
The Board Attorney indicated that there is an individual who has not been in attendance for more than a year. There have been cases where Boards have requested that individuals be removed from the Board. For use variances it is best to have as many Board Members as possible. The Board Attorney indicated that he did not know the reason why this particular individual refuses to use Zoom, he was unaware of any type of health issue related to the absences. Daniel Jurkovic asked to be recused from the conversation. There was discussion regarding the MLUL and the possibility of the Board Secretary being made a third alternate if there was no quorum. In the end the Board felt uncomfortable at the current time asking for the Board Member to be removed and decided to proceed with the status quo.

**Motion for adjournment of the March 23, 2021 meeting by Linda Connolly.
Second by Dan Jurkovic.**

All in favor. None opposed.

ADJOURNMENT at 10:50 PM
Next regular meeting April 27, 2021 at 7:30 p.m.

Respectfully submitted by,


Deirdre Ellis

Board of Adjustment Secretary