

Approved
12/9/2020

**New Milford Zoning Board of
Work Session
11 10 2020
Virtual meeting (zoom)**

Chairman Weisbrot called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:32 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Adelong	Present
Mr. Birnbaum	Present
Ms. DeBari	Present
Ms. Hittel	Present
Mr. Levine	Present
Mr. Loonam	Present
Mr. LoPorto	Present
Mr. Rebsch	Present
Mr. Weisbrot -Acting Chairman	Present
Mr. Sproviero - Attorney	Present
Ms. Batistic-Engineer	Present

REVIEW MINUTES OF THE WORK/PUBLIC SESSION – October 13, 2020

The Board Members reviewed the minutes and there were no changes or comments.

DISCUSSION ON REVISIONS OF FILING FEES AND ESCROW MODIFICATIONS

The Board Members reviewed the revisions of filing fees and escrow modifications and made suggestions.

The Board Attorney said they have tried to come up with application fees and escrow requirements that are reflective of the time. He utilized actual data to get a gauge on what it typically costs the applicants. Mr. Sproviero looked at different towns where they have a bifurcated system based on the application and the number of variances sought. The primary purpose is to avoid going back to the applicant to replenish their escrow. The homeowner would be refunded any escrow not used by the professionals.

Mr. Weisbrot explained the comparisons from three other towns have been summarized in the proposed increases.

Mr. Loonam asked if there could be a provision put into the proposal that if the escrow gets to 25%, the applicant would have to replenish their escrow account to 50% before the next meeting.

NEW BUSINESS

20-06-Psarianos – 317 Webster Drive – Block 1602 Lot 2

Construction of Gazebo prior to permits – side and rear yard

The Chairman asked the board members if there were any questions they wanted to discuss now. The board attorney stated this was not an appeal of an adverse determination but it was a variance application for setbacks. The applicant installed a gazebo type structure in their rear yard which did not conform to the side yard and rear set back requirements. He explained it came to the town's attention that it has been built and was problematic with regard to compliance with the borough's bulk requirements and action was to be taken to correct it.

The Board Attorney explained the action taken was filing an application seeking variance relief after the fact. He added that no permits or permits fees were taken out on this structure.

The Board Attorney said the borough attorney, representing the zoning officer, would be logging in at 8 pm. The Chairman suggested to continue and pause and take a break when we get to the application.

Ms. DeBari asked if there was a complaint filed. The Board Attorney said none that he was aware of.

Motion made by Mr. Rebsch to close the work session, seconded by Mr. Birnbaum and carried by all.

**New Milford Zoning Board of Adjustment
Public Session
November 10, 2020**

Chairman Weisbrot called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:55pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Adelung	Present
Mr. Birnbaum	Present
Mr. DeBari	Present
Ms. Hittel	Present
Mr. Levine	Present
Mr. Loonam	Present
Mr. LoPorto	Present
Mr. Rebsch	Present
Mr. Weisbrot -Acting Chairman	Present
Ms. Batistic -Engineer	Present
Mr. Sproviero - Attorney	Present

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK /PUBLIC SESSION – October 13, 2020

Motion to accept the minutes was made by Ms. Hittel, seconded by Mr. Rebsch and carried by all.

OLD BUSINESS

20-02 Conclusion of the Appeal of the Determination of Zoning Officer-680 Plympton

Mr. Jack Darakjy, Esq. logged in and stated he was representing Father Hadodo, Hadodo Construction LLC, owner of the property.

The Board Attorney asked Ms. Caruso if she was represented by legal counsel. Ms. Caruso said no since her counsel has not signed in. The board attorney said Mr. Abrahamsen knows how to contact him if he was having a problem logging in.

Mr. Kevin Kelly, borough attorney representing Mr. Cahill, logged in.

The Chairman said there were some members that reviewed the recording. The board secretary said they submitted certifications that they listened. The Chairman asked Mr. Loonam, Ms. Hittel and Mr. Levine if they listened to the recording. They all answered yes.

The Chairman stated this was an appeal of the zoning officer determination relating to a height variance and soil movement.

The Board Attorney said on 2/11/2020 the board considered the appeal application and the primary issue that was brought to the board's attention was the height of the structure being built at 680 Plumpton being brought by Mr. Dickson who was the adjoining neighbor. The board heard testimony on 2/11/20 at the public hearing. It was determined that on Thanksgiving 2019, soil was brought to the property causing some conditions that were objectionable to the neighbor including an improper raising of the height of the structure where it was alleged that the height of the structure was more than 30' which would then require variance relief. The board had determined not to proceed further until they receive further documentation with respect to soil movement, the amount of soil movement, the nature of the soil movement and the characteristic of the soil that was brought to the site which was purported to be contaminated and in need of remediation. The Board Attorney thought the zoning officer should give a brief summary where they were prior to 2/11 and where they were now.

The Chairman called Mr. Vince Cahill to give that information.

Mr. Vince Cahill was reminded by the Board Attorney he was still under oath. Mr. Cahill agreed. Mr. Cahill said since the February meeting, the property went under analysis of the soil and was determined in was contaminated for two contaminants. It also went under remediation from a soil remediation company. They notified the NJDEP who issued a case number. At that point, all soil being removed, analysis of the soil and soil brought onto the property was done in conjunction with the NJDEP. He explained when the clean fill was brought onto the property, the grade was reset. A second as built and second benchmarks of the grade of the property were conducted. From those grades, the engineer determined the height of the structure, said Mr. Cahill. He explained that the grade was still within the allowable 2" of adjustment as per ordinance and the height of the structure was still under the 30' allowed by ordinance. The as built were done, he complied with the soil removal, the state signed off on the cleanup and he complied with all zoning regulations according the borough regulations.

The Board Attorney said there were issues discussed at the 2/11 hearing regarding a retaining wall and fence and asked if he could give any information on the retaining wall and fencing. Mr. Cahill said although the retaining wall was not in the original plans, it was approved by the borough engineer. The borough engineer's report states he complied with everything required, said Mr. Cahill.

The board attorney said Ms. Caruso's had testimony on above grade fencing due to the installation of the retaining wall and asked if he could add to it.

The Borough Attorney understood that the soil, grade and height was part of the appeal but did not know about the issue of the retaining wall but said Mr. Cahill could answer if he knew the answer.

The Chairman agreed that this was a bit beyond the scope but would like the board to hear everything so that the board could make an informed decision.

Mr. Cahill said he did not measure the fence but it appeared to be a 4' fence and the wall was no more than 2' in height so his calculation would be the fence was 2' differential from his property to where the fence was.

Mr. Sproverio questioned when he said it was a 2' differential was that 2' above the retaining wall or was that 2' grade from the neighboring property. Mr. Cahill answered if they go from grade from the neighboring property, then he is estimating that there is a 4' fence and a 2' retaining wall. The zoning officer said the fence on the neighboring property was now 2' above the retaining wall.

Mr. Cahill added that the property owner has obtained a fence permit and installed fencing at the rear of the property 6' in height which is allowed.

The Chairman asked Mr. Kelly if they had anything to add before opening to the public. Mr. Kelly said not at this time.

Mr. Levin referred to a photo and asked how much space was there between the chain link fence and the retaining wall. Mr. Cahill said approximately 2'. Mr. Levin said to get over the fence, they would have to get over the gap. Mr. Cahill said that photo was taken before the fence was installed at 680 Plympton.

Ms. Hittel asked how much higher is their fence above the neighbor's fence. Mr. Cahill said he did not measure the neighbor's fence. If they are talking about grade, it would be about 8' above their grade. His grade is higher because he leveled his rear yard.

Mr. Adelung wanted to verify that there was a fence installed to eliminate the safety concerns that were discussed at the last meeting. Mr. Adelung understood why they spoke about the fence the last time but it was nothing to do with what they were talking about.

Mr. Kelly questioned if a zoning permit was issued due to the height and the neighbor's objecting isn't that outside the scope of the appeal. He understood that the board wanted to be thorough. If this was solely for the height, he concurred with the member and had concerns about it.

The Board Attorney said the appeal application that was filed on behalf of Mr. Dickson was constrained to the height.

Mr. Kelly said then the board had limited jurisdiction for the witness. He understood this appeal was whether he was correct or incorrect. Mr. Sproverio agreed and asked that his documentation submitted and posted on the website be marked as exhibit B-1.

The Chairman agreed from a legal perspective with Mr. Kelly regarding the scope of this board's review but he would open to the public and ask Mr. Cahill to respond to questions that he was

able to answer from the public. Mr. Kelly said without waiving any right to object but did not want to squelch the public's right to be heard.

Ms. Batistic said in February the appeal was for the determination of the height of the building. She reviewed the existing survey which showed the grades of the property and the as built done in January which showed the height of the soil that was brought to the site. It was clear, said the Board Engineer, that the building was not higher than 30' and the existing grade was not graded for more than 2'. Ms. Batistic also reviewed the as built in September 2020. She understood the soil from January had to be removed and brought in new soil. The height of the building, said Ms. Batistic was still under 30'. Her conclusion was that Mr. Cahill's determination was correct and there was no violation of the height.

The Chairman asked the Board Members if they had any questions for Mr. Cahill. There were none.

The Chairman asked if the public had any questions for Mr. Cahill's regarding his testimony.

Ms. Caruso asked if there was any soil movement permit. Mr. Cahill said yes and approved by the Borough Engineer. Ms. Caruso said she has that the soil movement permit was approved on May 27 and the soil was contaminated on December 2019. The Board Attorney interrupted and said the question involves factual predicates and reminded Ms. Caruso that she was still remain under oath.

The Chairman said he would not allow predicate questions without any foundation.

Ms. Caruso asked when the soil movement permit issued. Mr. Cahill believed it was issued in May and the Borough Engineer reserved making a determination until Bergen County Soil was able to review and make their determination. At that point, he was told to issue the permit. Ms. Caruso asked if someone could move soil without a permit in New Milford. Mr. Cahill answered no. Ms. Caruso asked if soil was removed without a permit. Mr. Cahill said yes.

The Chairman asked if there were any other witness to be presented on behalf of the zoning officer/zoning application.

The Board Attorney said no.

The Chairman asked Ms. Caruso to call her witnesses.

Ms. Caruso did not have witnesses but wanted to state her concerns. She stated that the retaining wall was 8" from the fence. Ms. Caruso said the board was provided with the picture in February but could put in up on the screen.

Mr. Adelung asked if fences could be built on the property line. Mr. Cahill said yes. Mr. Adelung questioned if it mattered if it was 8" or 2'. Mr. Cahill said the ordinance permits it as long as they don't have to maintain it from the other side of the property line.

The Chairman asked if there was a swimming pool on their property. Ms. Caruso answer not at the moment. They had applied for a permit to fill it in because it was leaking and were planning to get a drop-in pool. The Chairman asked when was there an active pool at their property. Ms. Caruso said 2018. The Chairman asked if she ever came before this board and represented that there was an active swimming pool at the property during the course of this application. Ms. Caruso said no and on page 2 of the report it had that she said there was a pool. She explained she was saying they had a pool in the past tense.

The Chairman said he was a member of the board during that application. He understood the testimony to be there was a health and safety issue because of the swimming pool that you are now saying does not exist. The Chairman asked her to clarify that issue.

Ms. Caruso said in 2018 there was a swimming pool and it was filled it in because it was leaking and they are going to put in a drop-in pool. There was this wall built along their fence line and the wall was not only 2' high but 30". She said when the 6' fence was added on top it creates an area that you could step over her fence.

The Chairman remembered that testimony and was concerned at the time. Ms. Caruso said she was also concerned because the new neighbors have children and wants the fence to be secure.

The Board Attorney asked if Ms. Caruso was done with her testimony. Ms. Caruso said she could not use the share button and sent the photo to the Chairman.

Mr. Adelung asked if their fence was on their property line and asked whose space was that between the fence and wall. Ms. Caruso said it was the neighbors and collects garbage because they can't maintain it.

Mr. Loonam said this is not a zoning board application seeking relief. This application is to review the zoning officer's determination. Mr. Loonam asked Ms. Caruso if she had any factual information disputing the determination of the zoning officer or Ms. Batistic that disputes that this house was greater than 30' above grade.

Ms. Caruso said that no construction permit shall be issued until a soil movement permit is issued. Mr. Loonam said that is not why the board was here. Ms. Caruso said the height issue would only be ok if the soil movement was ok.

Mr. Loonam said the board had testimony/documents from the zoning officer and borough engineer that this meets requirements. The board was only here to determine the appeal if this house was greater than 30' within the confines of 2' that was allowed to the property. If the soil was or was not contaminated was not an issue for the board.

Ms. Caruso said there was no permit for the retaining wall. The Chairman said that was not before the board. The Chairman asked if she had anything else to respond to Mr. Loonam. Ms. Caruso said no.

The Chairman asked if the professionals had anything to add or ask the witness.

Ms. Batistic clarified that the ordinance allows the grade to be raised 2'. The original plan showed that and was clear that the building was less than 30'.

Motion to open to the public was made by Mr. Loonam, seconded by Mr. Levin and carried by all.

Mr. Richard Davidson, 685 Berkley Avenue, said for the record he was a licensed architect. He said this soil was brought in as a remedy after the house was built too tall. Two feet of soil was brought in on the entire property and that is why a retaining wall had to be built on the south property line. Mr. Davidson said had the house not been built too high, there would be no need to change the grade and no need for a retaining wall. The architect said the ordinance says that natural grades should be preserved whenever possible and no soil removal shall be allowed or prejudicially affect the values of adjacent properties". Mr. Davidson said that Plympton Street is a relatively level street so the change in grade has made this house 2' higher to the house to the south, north and west. He asked if there were soil test results for the front on the house. Mr. Davidson said if the ordinance allows for the change of grade, he did not believe the ordinance allows this to be done as a remedy for a violation to the ordinance.

The Chairman clarified that the board was not here to discuss the soil testing or soil but were here to discuss the height. The Chairman said to Mr. Davidson that he was testifying that it was previously built over 30' which was a concern. The Chairman wanted to confirm that it was his testimony that this property was built over 30'. Mr. Davidson said no that was not his testimony. The Chairman clarified that when you said, as an architect, that this property was previously built over 30' that was not what he meant, to his knowledge, that it was never built over 30'. Mr. Davidson said to his knowledge.

The Board Attorney said what was supposed to be a comment period was actually a factual presentation. The Board attorney swore in Mr. Davidson on the testimony that he gave was the truth. Mr. Davidson said yes. The Chairman said the testimony he gave that previously this property was built over 30' was not what he meant under oath. Mr. Davidson agreed. Mr. Davidson's question was which came first the soil then the ridge line of the house or the soil was brought in because the ridge line was too high. The Chairman repeated that the board was not here to discuss soil, removal or remediation but here to discuss height. The Chairman asked if he had any evidence or documents to show this property was ever over 30'. Mr. Davidson said no.

The Chairman asked if there was anyone else who wanted to make a comment. There was no one.

Motion to close was made by Mr. Rebsch, seconded by Mr. Birnbaum and carried by all.

Mr. Adelung felt everything was conforming and the house was under 30'.

Mr. Loonam said a person in town requested an appeal and they have done that and there was nothing to contradict what our professionals said and nothing to contradict Mr. Cahill's determination zoning officer.

The Chairman was disturbed about the swimming pool representation. He wanted to enhance the integrity of this board and said if someone comes to the board with statements, misrepresentation or facts that are not true, then they would face the ramifications. He added that this is an appeal of the decision of the zoning officer in connection to this application. The Board did not grant a variance nor was the Board asked to grant a variance. The Board Members were being asked if they affirm the zoning officer's findings or reject Mr. Cahill's findings.

Motion made by Mr. Loonam to affirm Mr. Cahill's determination and deny the the appeal of the applicant, seconded by Mr. Rebsch.

The motion was passed by a roll call as follows:

For the motion to deny the appeal: Members Loonam, Rebsch, Adelung, DeBari, Hittel, Levine, Weisbrot

Denied appeal 7-0

The Board Attorney said the applicant has the right to challenge their determination in a court of law and have 45 days to do so.

NEW BUSINESS

20-06-Psarianos – 317 Webster Drive – Block 1602 Lot 2

Construction of Gazebo prior to permits – side and rear yard

The Board Attorney said this was an application relating to a gazebo type structure that was constructed at 317 Webster Drive. It was built and does not appear that permits were taken out for construction. When this came to the attention of the zoning officer, no permits would be issued unless variance relief was sought.

The Chairman clarified that the board was being asked to retroactively approve construction of a gazebo that has already been constructed in violation of the zoning ordinance. The Board Attorney said that the component missing from the issuance of a permit is that bulk variances are implicated. The Board is here solely for the issue of determining whether the applicant can demonstrate his entitlement to those variances.

The Chairman asked if they deny their relief would the applicant have to remove the gazebo. The Board Attorney said yes.

Mr. LoPorto recused himself from the application because of his relationship with the applicant. The Chairman accepted his recusal.

Mr. Tuttle, counsel representing the applicant, apologized on behalf of his client for not getting permits from the town. He explained it was a covid project started in July 2020 and was done to allow grandparents the opportunity to visit. The applicant tried to come up with something to allow a meeting place in the backyard to allow the Governors order to be observed. The structure consisted of 4 6"x6" posts and a 11.5 height for the peak of the roof. It has pressure treated wood and hurricane straps that hold the roof to the structure. There was a swing set that was removed

to accommodate this structure. The current placement of the gazebo has posts that were approximately 4' from the side with a requirement of 5' and the posts in the rear were 1.4 ft and 1.7 ft from the rear property line. He explained those are the variances they sought to keep the structure.

The Board Attorney asked if there were witnesses. Mr. Tuttle wanted to call the owner of the property.

Ms. Androniki Psarianos, homeowner, was sworn in by the Board Attorney.

Ms. Psarianos said the structure was built in the beginning of July because they could not go anywhere and their elderly parents had no place to go. They wanted to build something that they could all eat dinner together. The applicant said they did not want to destroy the trees and that is why they put it close to the fence. Mr. Tuttle clarified that they did not want to remove the trees because they create privacy for both you and the neighbors. Ms. Psarianos agreed. Mr. Tuttle asked when they were aware that the gazebo was not built with the setbacks of the ordinance. Ms. Psarianos said she received a letter from the zoning officer and called the building department. The resident said she sent in the \$65.00 application fee to the zoning officer.

Mr. Tuttle asked if they received any complaints from any neighbors. Ms. Psarianos said no.

The Chairman asked the board members if there were any questions.

Ms. DeBari asked who put in the cement patio. Ms. Psarianos said it was a family project and the whole project started in July.

The Chairman asked if it occurred to them that they might need permits and permission. Ms. Psarianos did not think it was a permitted structure.

The Chairman asked if they had discussed this with an attorney. Ms. Psarianos answered no.

Ms. Hittel clarified that she did not think she needed a permit for the structure but questioned that she also didn't think the cement area needed a permit. The homeowner did not think either needed a permit because it was only four post with a roof and it was open.

Ms. DeBari asked if a contractor or family built the structure. Ms. Psarianos said family members built it.

Mr. Loonam asked if there was a pool on their property. Ms. Psarianos said yes. Mr. Loonam asked if this structure was built as far away from the pool as possible. The homeowner said yes but they built it where the playground used to be. Mr. Loonam asked when they were able to use it. Ms. Psarianos said at the end of July. Mr. Loonam asked if they have received summons from the police regarding noise complaints. Ms. Psarianos said none. Mr. Loonam asked if the police have come to the house warning them that the noise was too loud because neighbors were complaining. The homeowner answered never.

The Chairman asked why was this gazebo necessary. Mr. Tuttle answered that it was necessary because it gave them a meeting place to be with their family. He added that they were a very large Greek family and when they get together they needed a space since under Covid they are not permitted to gather inside. This was a place outside that gave them coverage and shelter especially for older people in the family. The homeowner stated that their parents were elderly and had health issues.

Mr. Tuttle had no further witnesses.

The Chairman asked if anyone had any questions for the witness. No one wished to speak.

Motion to open to the public for comments was made by Mr. Adelung, seconded by Mr. Rebsch and carried by all.

Mr. Eduardo Valdivia, 322 Webster Drive, was sworn in by the Board Attorney.

Mr. Valdivia said this structure was built since July and they never knew it was there. There was no noise, they had no complaints and it did not bother their family. They were fine with it.

Mr. Carl Dogali, 319 Webster Drive, was sworn in by the Board Attorney.

The resident understood why they would wanted to be near their family and there has been no issues with crowds or noise. He said they were wonderful neighbors and they had no issues with them having the structure.

Mr. Lagano, 237 Merritt Drive, Oradell, was sworn in by the Board Attorney.

The resident did not know it was there and said they were a very good family. He understood the Covid issues but it was not an issue with them and they never hear any noise.

Ms. Barbara Mezzina, 40 Prell Lane, was sworn in by the Board Attorney.

The resident said they can see the gazebo from her house but it was not offensive to her and she had no problems with it.

Mr. Robert Hogue, 51 Prell Lane, was sworn in by the Board Attorney.

He had no issues and said it was a beautiful gazebo and they were great neighbors. He had no complaints.

The Chairman said there was a neighbor that had an objection. The Board Secretary said they came in and reviewed the application in the office.

Motion to close to the public was made by Mr. Loonam, seconded by Mr. Rebsch and carried by all.

The Board Attorney said in order to demonstrate entitlement to a variance, the applicant has to show satisfaction of both the positive and negative criteria. He believed the positive criteria has

been established by way of the testimony of the witness and the comments of the public but felt Mr. Tuttle needed to address the negative criteria.

The Board Attorney asked Mr. Tuttle if he believed that as a result of the gazebo that there was any deleterious effect upon the neighbor scheme or the surrounding neighbors. Mr. Tuttle said no.

The Chairman asked what would he say if a neighbor said the gazebo was so close to their property that it was having a deleterious effect on their right of quiet and their ability to enjoy property.

Mr. Tuttle answered he didn't know how moving the structure one foot to the right and three feet closer to homeowner's house would alleviate any issues. He added sound travels more than three feet and whether they moved it in or not it would still be visible from the neighbor's property. He did not think it would change the noise standard or eye line.

The Chairman asked if the Board Members had any questions or comments.

Mr. Adelung agreed that moving it at this point wouldn't change anyone's opinion on it. He added there were a lot of neighbors speaking in favor of it.

Mr. Loonam said the board would have to consider that if there was a deleterious effect those people would have been here. He said six neighbors testified that the Psarianos were good neighbors and thought that spoke volumes with a situation like this. Mr. Loonam said when he first saw this application he thought it to be extreme but said he never considered that they were living in times with zoom meetings and wearing masks. He explained it never dawned on him that this was built out of need for a family and had a family that were scared to go inside. Mr. Loonam felt the applicant and the applicant's attorney did a good job presenting their case and he was for the application.

Ms. DeBari said during Covid people are doing all sorts of projects and it did not seem like they did anything to try to put anything over on anyone. Ms. DeBari asked about permits. The Board Attorney said they could not take out a permit because they were non-compliant but if they are approved they could reapply for the permit.

Ms. Hittel said everyone is very sympathetic because of Covid but hesitated to use Covid for a reason for a permanent structure that would last beyond the pandemic. Ms. Hittel questioned what would be the outcome if the neighbors were not neighborly. Ms. Hittel was impressed by all the neighbors that did come out for the applicant. She did mention there was someone who did not agree with this but agreed moving it a few feet probably wouldn't make a difference.

Mr. Birnbaum cautioned the public that everyone has thought of projects that they would like to get done. Despite the outcome of this application, to move forward without making sure everything is in line, it would be to do so at your own peril. He added whatever the outcome of this application, might not be the outcome of someone else's application.

The Chairman agreed with Mr. Birnbaum and said he was initially against this application because he would like to implement a standing rule that if you do construction without a permit or a variance that is needed, you should not be approved. He didn't want the people to hope if there is no public opposition and hope if no one cares, they get their application. The Chairman stated that will undermine the entire zoning structure. The Chairman said he keeps an open mind on applications until he hears the testimony. He was impressed how several neighbors came in to support this application and the only objector he heard of decided not to spend their time to make a presentation. He believed the prime objective of this body was to try to help residents do what they need to do. He was making decisions based on the unprecedented times that exist now not based on what might exist later.

The Board Attorney recommended that when a motion is made that it be conditioned upon the applicant applying for and obtaining all required and necessary permits. The Chairman said the board could make a motion to grant the application with the condition that they will comply with all permitting obligations and requirements or make a motion to deny the application retroactively.

Motion made by Mr. Levine to grant approval with conditions recommended by the Board Attorney, seconded by Mr. Loonam.

The motion passed on a roll call vote as follows:

For the motion: Members Levine, Loonam, Adlung, DeBari, Hittel, Weisbrot

Against the motion: Member Rebsch

Recused: Mr. Loporto

Vote -6-1

The Board Attorney stated that he would be making modifications to the proposed fee schedule based upon the recommendations by Mr. Loonam.

The Chairman explained to the Board that there were two different fees/escrows that is required for every application. One is a fee when an applicant applies and one is an escrow. We have researched other towns to see what they were charging and the research has confirmed that our numbers were low. As a result, there is a new schedule of fees and escrow that will be updated by the Board Attorney from the advice of some board members.

The Chairman asked the members to review the Schedule of Meeting for 2021 in their packets and it would be voted at the next meeting.

Mr. Loonam suggested the Board take a moment of silence in memory of Art Castronova, a long-time planning board member and volunteer for the borough, who passed away recently. The Chairman commented he was so welcoming, friendly and a great guy. Ms. DeBari commented that Artie was the nicest, kindest gentlemen that she ever met. The Chairman asked the Board to take a moment of silence.

As there was no further business to discuss, a motion was made to close by Mr. Rebsch, seconded by Mr. Adlung and carried by all.

Respectfully submitted,
Maureen Oppelaar