

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT
MEETING HELD ON TUESDAY, MARCH 13, 2018**

Chairman Byrne called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by noticed dated March 5th, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

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

ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL

ABSENT: *BRACCHITTA, FOREMAN AND WOLFSON

Chairman Byrne stated the first order of business is approval of the February 13, 2018 meeting minutes.

Ms. Ward mentioned the members that can vote on the minutes are Byrne, Erickson, Kubisky and Zalewski. Mr. Zapf left the meeting prior to the Bell application.

Chairman Byrne asked Mr. Zapf if he reviewed the minutes.

Mr. Zapf stated I've reviewed every word and I have no corrections.

Chairman Byrne asked does someone want to move them.

Mrs. Kubisky moved the minutes.

Mr. Erickson seconds.

Roll call:

Yes: Kubisky, Erickson, Byrne and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned okay they're approved.

Chairman Byrne stated the next order of business is Variance Application #2017-04 (bulk) by Frans Van Der Berg, on property known as Block 75, Lot 42 on the municipal tax map also known as 4 Algonquin Avenue. This is a consideration of the resolution.

Ms. Ward mentioned this is a memorialization and the members that can vote are Byrne, Erickson, Kubisky and Zalewski.

In the resolution I corrected Mr. Wiltshire's name and that was the only change.

**LINCOLN PARK BOARD OF ADJUSTMENT
RESOLUTION**

**Bulk Variance Application #2017-04
Zoning Permit #2016-63Z**

WHEREAS, Frans Van Der Berg the (the "Applicant") has filed an application before the Lincoln Park Zoning Board of Adjustment (the "Board") with regard to property known as 4 Algonquin Avenue, Lincoln Park, New Jersey, also identified as Block 75, Lot 42 on the official tax maps (the "Property"); and

WHEREAS, all persons located within 200 feet of the Property have been notified according to law and a public hearing was held before the Board on February 13, 2018; and

WHEREAS, based on the hearing and a review of all the testimony and documents submitted in conjunction with the application, the Board makes the following findings of facts:

1. The Property is located in the R-15 zone. The Property is undersized with a non-conforming lot area of 10,024 square feet. The Applicant seeks approval to construct a one story addition to the left and right sides of the existing dwelling and to install a back deck. The existing front ramp would also be removed in favor of an indoor ramp in the new garage.

2. The Applicant submitted to the Board for its review the following material:

- i. Standard Development Application;
- ii. Checklist for General Information;
- iii. Checklist for Variance Application;
- iv. A copy of zoning permit #2016-63Z, denied on August 30, 2016;
- v. Municipal lien search;
- vi. List of property owners within 200 feet;
- vii. Applicant's Buy/Sell Offer to Abutting Property Owner at 29 Seminole Ave., Block 75, Lot 19 (Craig Wiltshire and Kristi Troisi);
- viii. Area map with approximate front yard setback of adjoining properties, received August 10, 2017;
- ix. Survey prepared by Behre Associates, PC, consisting of one page, dated October 1, 2017, bearing no revisions;
- x. Variance maps and floor plans, consisting of four pages, received December 7, 2017;
- xi. Preliminary exterior elevation plans and floor plans, consisting of five (5) sheets, bearing no title block, undated, received by the Borough on December 7, 2017.

3. The Applicant has requested the following variances in connection with this application: (i) lot area (15,000 sf required; 10,024 sf existing and proposed); (ii) left side yard setback (20 feet required; no less than 17.5 feet proposed); (iii) front yard setback (40 feet required; 29 feet to left side addition proposed; 29.7 feet to right side addition proposed); (iv) back yard setback (35 feet required 33.8 feet to deck (30 feet to stairs) proposed); (v) right side

yard setback (20 feet required; 17.5 feet proposed); (vi) lot coverage (25% maximum; 27% existing; 36.7% proposed).

4. The Applicant testified at the hearing and explained the proposed addition. The Property is undersized with a non-conforming lot area of 10,024 square feet. In order to offset the increase in impervious coverage, the Applicant agreed to the Board Engineer's recommendation to install seepage pits. The Applicant also agreed to raise the elevation of the garage floor. Because of the Board's concerns about drainage and storm water runoff, the Board conditioned its approval on the seepage pits being approved and installed. The Applicant agreed to this condition and further agreed to additional Board review if the Board Engineer does not approve the design and installation of the seepage pits.

5. Craig Wiltshire, who lives at the adjacent property, testified during the public portion of the hearing and expressed concern about storm water runoff.

6. The Board concluded after reviewing all of the testimony, exhibits submitted and documents included with the application, that by reason of the exceptional narrowness, slope and/or configuration of the Property, the strict enforcement of the provisions of the ordinances would result in exceptional and undue hardship upon the Applicant. Further, the Board concluded that this relief can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

7. The application is consistent with the intent and plan of the zoning ordinances of the Borough of Lincoln Park and will not adversely impact the neighborhood or surrounding properties.

NOW, THEREFORE, BE IT RESOLVED, that based upon the testimony and facts as found above, the Lincoln Park Zoning Board of Adjustment does hereby grant the application and the requested variances on the following terms and conditions:

1. This Resolution is subject to any comments offered by the Borough's Engineer and Construction Official on the application and the plans. The Applicant shall comply with any requirements imposed by the Borough's Engineer and Construction Official with respect to this application or the plans.

2. The Applicant is hereby notified of the following Borough code that is incorporated into this Resolution:

Section 17-38. EXPIRATION OF VARIANCE:

Any variance from the terms of the Zoning Ordinance hereafter granted by the Board of

Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced within one year from the date of entry of the judgment or determination of the Board of Adjustment, except however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Governing Body, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding; except further in the case of a variance which also involves a subdivision or site plan approval, the variance shall extend for the full period of preliminary or final approval or any extensions thereof pursuant to the Act.

3. The Applicant shall install seepage pits to reduce storm water runoff from the existing and proposed impervious surfaces. The Applicant shall submit plans, construction details and supporting calculations, prepared by a professional engineer, to show runoff from all roof areas, driveways and sub-pump basement water will be controlled and directed toward adequately sized storm water management facilities. The design and installation of the seepage pits and storm water management facilities shall be subject to the Board Engineer's review and approval. If the Board Engineer does not approve it, the Applicant shall be required to return to the Board for further review and consideration of the application.

4. The Applicant shall cause the plans to be revised by raising the garage floor elevation higher than the driveway to prevent driveway runoff from entering the garage. The driveway should be pitched away from the garage, building foundations, adjacent properties and public roads. The revised plans shall be subject to the Board Engineer's review and approval.

5. No HVAC pads or generators may be installed outside of the building envelope.

6. Before a Certificate of Occupancy may be issued, the Applicant must submit a copy of the Borough's Project Completion Report, signed and sealed by the Applicant's engineer or architect, as well as an as-built survey prepared by a licensed professional land surveyor. The survey shall show all setback dimensions, lot coverage calculations and the location of all storm water management facilities and shall be subject to the Borough Engineer's review and approval. Any remaining balance in the Applicant's escrow account will not be returned until the Project Completion Report has been properly submitted. The Applicant must submit to the Board Secretary a status report form the Borough Finance Officer confirming that all Borough fees for the Property and this application are current.

7. All other rules and regulations of any governmental agency having jurisdiction over the Property shall be complied with, including but not limited to the payment of all taxes, water and sewer charges and application fees and/or charges. No alteration of any construction plans

submitted with this application and on file with the Board shall be permitted without the Board's prior written approval.

Chairman Byrne asked does anyone want to move it.

Mrs. Kubisky moved the resolution.

Mr. Erickson seconds.

Roll call:

Yes: Kubisky, Erickson, Byrne and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward stated it's approved.

Chairman Byrne stated the next order of business is the time extension request from Francine Chillemi with reference to Variance Application #2016-01 and Flood Plain Encroachment Application #FPE 16-01, on property known as Block 120.6, Lot 2.4 on the municipal tax map also known as 5 Caroline Terrace.

Ms. Ward mentioned Francine is here.

*Mr. Bracchitta joined the meeting.

Mr. Alexander asked Ms. Chillemi to state her name and address for the record.

Ms. Chillemi stated Francine Chillemi, 5 Caroline Terrace, Lincoln Park, NJ 07035.

Mr. Alexander swore in Ms. Chillemi.

Chairman Byrne stated okay go ahead you are looking for a time extension.

Ms. Chillemi testified I'm seeking an extension. I realized there was a certain amount of time that I was supposed to commence construction but I just have not be able to focus on the project since the resolution was passed for a number of reasons. Most prominently at this point my parents are 87, and as everybody understands a lot of things happen when they get to that age, and I just cannot see myself starting a massive construction project with having to run out here and there. I just haven't selected a contractor and I see the deadline is coming up and that's why I'm here.

Chairman Byrne asked when is the deadline.

Ms. Ward mentioned you approved it on April 11th and memorialized the action on May 9th, 2017.

Chairman Byrne stated so it is a year from May 9th.

Ms. Ward mentioned Ms. Chillemi is here for the extension before the application expires. She had to get DEP approval with the flood plain encroachment application and she doesn't want to lose her approval.

Chairman Byrne asked how long of an extension.

Ms. Chillemi testified I think I have sometime on the DEP application.

Ms. Ward mentioned you do on that.

Ms. Chillemi testified so I'm okay with them, but I just don't want to run into a situation where I've

gone through this far and I want to start construction and then they tell me, oh so sorry you are out of time with the variance.

Chairman Byrne asked how long of an extension were you looking for.

Ms. Chillemi testified as long as possible. At this point I can't even see when I'll be able to focus and sit down and look at some bids that I have gotten and meet with some contractors. I can't really give you a date when I'll be starting, so I'll ask for the maximum that you would feel comfortable giving me.

Chairman Byrne asked eighteen months or a year.

Ms. Ward mentioned a year and then come back.

Mr. Zapf stated yes.

Chairman Byrne asked if we agree to give you a year and if you need more time, you'll come back and tell us the status all right.

Ms. Chillemi testified that sounds good. I appreciate that, thank you.

Chairman Byrne stated we don't want to give you too long and then not have anything happen for 18 months.

Ms. Chillemi testified understood. Certainly if I can start earlier, if I find that I have the time to sit down and make the decisions I need to make to get started, I certainly will do it earlier.

Chairman Byrne stated okay.

Ms. Ward asked do you want to give her a year then from the April 11th date, or do you want to do it from the memorialization date in May?

Mr. Craig stated from the memorialization date.

Ms. Ward mentioned then from the May date okay.

Mr. Zapf made the motion.

Mr. Dubowsky seconds.

Ms. Ward mentioned that is going to be year from the May 9th, 2017 date. Craig should this be done by resolution or by letter?

Mr. Alexander stated actually by resolution.

Ms. Ward mentioned if we do it by resolution, Francine, we are going to have to have some money put in your escrow account to cover the resolution fee. I know I have a zero balance in the account and you mentioned you would replenish it when you go forward.

Ms. Chillemi testified yes.

Ms. Ward asked Craig do you have a guestimate on the preparation of the resolution. Do you want \$300 put in?

Mr. Alexander stated that would be fine.

Ms. Ward mentioned \$300 Francine okay?

Ms. Chillemi testified yes no problem.

Roll call:

Yes: **Zapf, Dubowsky (Alt. #1), Bracchitta, Byrne, Erickson, Kubisky and Zalewski (Alt. #2)**

No: **None**

Abstain: **None**

Ms. Ward stated okay it will be a year from the May 9th date, and we'll adopt the resolution on April 10th. You do not have to attend the meeting and I'll forward a copy to you.

Ms. Chillemi thanked everyone.

Chairman Byrne stated as soon as you determine if you are going to meet that date or not, just give Joan a call and she can advise you.

Ms. Ward mentioned yes keep that in mind. I'll try to mark it on my calendar that we may have to do it again, if need be.

Ms. Chillemi testified yes. I know you are very good in getting back to me very quickly so I appreciate that.

Ms. Ward mentioned I didn't want you to lose the variance and DEP approvals.

Ms. Chillemi testified that was very costly and time consuming. Thank you again.

Chairman Byrne stated the next order of business is a discussion with Doug Bell (Bell's Lilly Pond, LLC), regarding Variance Application #2003-16, Mountain Heights Avenue (Block 35, Lot 24) approved on August 10th, 2004 by resolution.

Mr. Zapf mentioned as per our previous discussion, I need to recuse myself for the rest of the evening.

Chairman Byrne asked can we just go to the next item quickly.

Ms. Ward mentioned sure.

Chairman Byrne stated hang on Tom for a second, we are going to do #5. This is an update with reference to Francis Kelly Jose, 242 Pine Brook Road (Block 46.4, Lot 269.1) regarding Variance Application #2016-03 by Dorothy Ippolito, the re-recording of the deed for the extended-family-dwelling unit.

Ms. Ward stated the deed has finally been recorded and we have the document in our file. The case is finally closed.

Chairman Byrne stated okay. Tom you are going to recuse yourself, so now we'll move onto the Bell discussion.

****Mr. Zapf left the meeting.**

Chairman Byrne stated good evening, how are you? Steve, I was here for that case.

Mr. Schepis stated were you?

Chairman Byrne mentioned I was and I remember the application.

Mr. Schepis stated I think that is great because we are trying to recreate what happened. I wasn't involved in that application. Mr. Bell is seated on my far right, Mr. Miannecki was involved and I'm trying to piece stuff together.

Joan was kind enough to dig through the minutes and we found Karen Noonan's minutes. I don't think Joan was the Board secretary in 2004. I sent an inquiry asking about any ordinances that were adopted after. Tom responded and we have his response about the ordinance that

was there at the time, Section 38 of your ordinance, and I haven't seen anything new that has come out in ordinance modifications on point since that time. Periodically, I'll look and see what is coming out of Council.

Our recollection is best announced by Mr. Mianecki since he was here and I wasn't, so I'm just going to ask him to enlighten the Board on what he recalls and then perhaps we can have an exchange and then figure out what we have. How is that?

Mr. Alexander asked for his name and address please.

Mr. Mianecki stated Joseph S. Mianecki, Jr., 9 Midvale Avenue, Towaco, New Jersey.

Mr. Alexander swore in Mr. Mianecki.

Mr. Mianecki testified yes I will.

Mr. Schepis stated all right Joe, you just heard me give this brief introduction about the history of this application, so why don't you just tell the Board what you recall, and then we'll have an exchange with the Board and see what we can figure out happened.

Mr. Mianecki testified okay. It has been awhile, but my recollection of the application was that we submitted a variance application that showed a conceptual location of the house, the driveway, utility connections in a basic form; and we were seeking approval for the variances in the dwelling location on the property. Basically what we were proposing is Mr. Bell at that time had no intention of building so it would have been much longer than a year before he would build, if he was going to, so we asked that the approval not expire unless there was a change in zoning or something like that. My recollection is over the past at least 20 years I believed that they always had the (inaudible). We asked that this one be granted indefinitely so that we wouldn't have to come back and request a variance and a grading permit application all over again.

So we came in with a conceptual house location that showed a conforming home and we agreed that the house location could shift, or be moved as long as it was still in a conforming location in accordance with the rules at the time that we apply for a building permit so we wouldn't have to come back, and that's my recollection.

Mr. Alexander asked Mr. Mianecki has anything changed in terms of zoning codes, setbacks, ordinances, anything at all.

Mr. Mianecki testified not to my knowledge. There has been no change in the bulk requirements nor any of the requirements of the Borough that I am aware of.

Mr. Alexander asked stormwater or nothing.

Mr. Mianecki testified well the Borough adopted the DEP storm regulations back a number of years ago, so it was after that approval so the stormwater regulations would have changed.

Mr. Schepis asked but you can make it comply with those regulations can't you.

Mr. Mianecki testified absolutely.

Mr. Schepis asked what do you know Mr. Byrne.

Mr. Mianecki asked what is your recollection.

Ms. Ward mentioned there is a letter in the file from Karen Noonan dated August 2004 and she mentioned that it was a conditional approval and there were items to be satisfied. In reviewing the file, apparently the revised plans were never submitted and there are no signed plans in the file. The plans in the file are old and were submitted prior to the resolution being adopted.

Mr. Mianecki asked can you tell me what date those plans are because I have a number of plans in my file.

Ms. Ward stated Tom has the file.

Mr. Alexander asked what relief are you requesting from the Board.

Mr. Schepis stated I don't think we are asking for any relief, we are just looking for confirmation and for meeting the resolution. It seems as though the Board intended that the resolution not sunset under the ordinance that existed at the time, and I believe it was ordinance Section 38 where you have a year to get your building permit and start construction. We don't think there is anything that we need other than to simply get confirmation from the Board that this is what the resolution meant.

Mr. Alexander asked you are not seeking to build it now.

Mr. Schepis stated well actually Mr. Bell is looking to sell the property and his would be purchaser wants to know whether or not this variance remains in effect. Now I would say that the variance only related to the dimensions of the lot. The lot conformed in lot area, lot width, lot depth; it just had frontage along Mountain Heights Avenue that didn't comply with the R-15 zone requirements so they sought a variance for that one bulk standard as it related to the lot. So it had nothing to do with the house per se as far as setback, building coverage, impervious coverage, and everything else was compliant.

Mr. Alexander stated so your purchaser wants to know that he can build the house according to the resolution.

Mr. Schepis stated absolutely. He would pursue a building permit through the ordinary course and it would be reviewed by the administration as far as compliance with all the bulk standards, compliance with stormwater management rules, etc., etc., etc.

Mr. Boorady mentioned to answer Joe's question, Joe your plans are dated October 13th, 2003 and revised two times, most recently December 22nd, 2003.

Mr. Miannecki asked does that show the house on the back side of the pond with a big box around it.

Mr. Boorady stated yes, it shows it on the east side of the pond. It still shows the garage and I think it was agreed upon, if you read the minutes, the garage would be removed. So I think the reason that there is supposed to be updated plans was to memorialize all of the agreements that were made during the public hearing; such as removal of the garage and I think it was stated if they wanted the garage in the future, they would come and ask for variances at a later time.

Mr. Miannecki testified okay that I wasn't aware of.

Mr. Schepis stated it is in the resolution.

Mr. Boorady mentioned it looks like the house has a garage on it but there was going to be a detached garage.

Mr. Miannecki testified it did, at the time Mr. Bell was contemplating a detached garage.

Mr. Boorady stated the code requires either a carport or a garage.

Mr. Miannecki testified right.

Mr. Boorady stated assuming he would pull a building permit today, it looks like he had enough room for an attached garage.

Mr. Miannecki testified I do show an attached garage on it.

Mr. Boorady stated but there was supposed to be, according to Karen's letter, Ms. Noonan's letter, revised plans submitted to memorialize that.

Mr. Miannecki testified okay.

Mr. Boorady stated I think that is what Joan mentioned early this evening.

Ms. Ward mentioned I don't see any revised plans signed in the file.

Mr. Miannecki testified I had several plans that I did for Mr. Bell so I know that this is the most current and that's the one that shows a driveway going around the pond, grading and drainage. It shows not a complete site plan but it shows enough detail.

Mr. Boorady stated so if I'm reading the minutes correctly, you would have to remove the garage, and I don't know what other details they asked you to remove.

Mr. Miannecki testified I never even got a copy of it.

Mr. Boorady stated you know other than that, you know there shouldn't be very much in the way of modifications.

Mr. Miannecki testified okay.

Chairman Byrne asked was that a detached garage.

Mr. Boorady stated a detached garage on the west side of the pond.

Chairman Byrne stated I remember there was a long debate and yeah I think you agreed not to pursue that.

Mr. Alexander asked Mr. Schepis, do you know if the proposed buyer has a time frame for constructing the house.

Mr. Schepis stated I can find out.

Ms. Ward mentioned Tom, the DEP approval ran out.

Mr. Boorady stated I was going to ask the applicant to speak to the DEP approvals and the likelihood of having them being reapproved or extended.

Mr. Miannecki testified we had a letter of interpretation back in 2004 which we extended which has expired, so we don't have any valid DEP approvals at this time for it.

Mr. Schepis asked what is the likelihood of securing those approvals from DEP.

Mr. Miannecki stated I don't see any reason why we wouldn't be able to secure them.

Mr. Boorady asked were the prior approvals subject to DEP approvals, or did you have them first.

Mr. Miannecki testified we had them all at the time. It was before riparian zones.

Mr. Boorady stated so really if any favorable extension of time is given tonight, it really would be conditioned upon you being able to get the same permits right?

Mr. Miannecki testified I would assume so yes.

Mr. Boorady stated so if the plan is revised to remove the garage and you submit them for signatures, we wouldn't be able to sign them until we had the permit from DEP.

Mr. Miannecki testified okay.

Mr. Boorady stated so we are talking a few months delay at least so you can get those permits.

Mr. Miannecki testified yes, probably 4 or 5 months.

Mr. Boorady asked that makes sense right.

Mr. Miannecki testified yes.

Ms. Ward asked do they need soil conservation approval too.

Mr. Boorady stated yes. So any extension of the time that you grant they would still need grading permit approval. I think they would still need to come before the Planning Board for a grading permit subject to any extensions of time for the variance right?

Ms. Ward asked would it be Planning Board or this Board because of the variance.

Mr. Boorady stated usually grading permits are reviewed by the Planning Board. Even though this was granted a variance for insufficient frontage, I don't know that a grading permit was issued at the same time.

Mr. Alexander asked does the Board have to do that or can that be done administratively.

Ms. Ward mentioned if it is over 5,000 sq. ft. it has to be done by the Board.

Mr. Boorady stated yes. The driveway alone is 900 feet. I don't know which Board it would go to but I think you need grading plan approval from the municipality. You wouldn't have to argue the variance if you are granted the extension of time tonight right? The grading permit is almost administrative there is no public notice and it is fairly straightforward.

Mr. Miannecki testified correct.

Mr. Boorady stated so it would be a grading permit and NJDEP.

Mr. Schepis stated what we are really looking for is confirmation that the variance is still valid and that the lot is an approved building lot, then after that we will pursue whatever other permits are necessary in order to get a building permit.

Mr. Alexander mentioned I think what the Board is concerned about is the prior resolution left it open ended and you can't continue open ended forever, so we would need some time frame by which --

Mr. Schepis asked how about two years. I mean that is usually what you would get like on a minor subdivision or a minor site plan two years to perfect your approval.

Chairman Byrne stated all right that would close the loop.

Mr. Alexander asked how long would it take to secure the DEP permits.

Mr. Miannecki testified four to six months.

Mr. Alexander stated okay.

Mr. Schepis mentioned hopefully this gentleman is going to go forward with the purchase, if not, then Mr. Bell will have to find somebody else. I mean in the two years we will have something done one way or the other.

Mr. Alexander stated other than the DEP permit and the grading permit --

Ms. Ward mentioned soil conservation district approval too.

Mr. Alexander stated yeah, whatever approvals you have to get you have to get.

Mr. Miannecki testified whatever agency approvals we need we'll have to get.

Mr. Alexander stated correct.

Mr. Boorady stated I think two years is reasonable considering how fast Trenton moves and you know the Board only meets once a month if they have to come in with a grading permit. Morris

County Soil only meets once a month, plus the negotiations with the potential sale of the property all that takes time, so I think two years is fair. It takes awhile to put this stuff together is what I'm saying.

Chairman Byrne mentioned I agree with that.

Mr. Mianecky testified if the deal falls through, then you'd have to find somebody else.

Chairman Byrne stated Karen Noonan's letter mentions other paperwork that should have been submitted in conjunction with the resolution, I don't know if all of that was provided as far as the updated plans?

Mr. Boorady mentioned I don't think it was.

Mr. Mianecky testified I didn't do anything after we walked out, I wasn't aware I even had to.

Mr. Boorady stated okay.

Ms. Ward mentioned the Borough doesn't have an escrow account for this project anymore.

Mr. Mianecky stated we won't be submitting revised plans until we get the DEP approval.

Mr. Boorady mentioned there is no need for engineering escrow but there may be a need for legal escrow, but I don't need escrow until they come back with a grading plan.

Ms. Ward asked will they have to get revised plans for this application.

Mr. Boorady stated we can do that with the grading permit because DEP will have comments.

Mr. Mianecky asked do you want me to revise them in accordance with the prior resolution, Karen's notes, and then you'll have them and I'll proceed with a full set of drawings.

Ms. Ward mentioned asked Tom or Craig on that. We don't have signed plan in that file but do we need them? This was so long ago.

Mr. Mianecky testified you don't want to sign them until after the DEP approvals.

Mr. Boorady stated I really can't, I don't think the rules allow me to sign plans unless all the permits are in.

Mr. Mianecky testified I understand.

Mr. Boorady stated I don't think having revised plans just to remove a garage helps anybody and you might waste time and money.

Mr. Mianecky testified okay.

Mr. Boorady stated I'd rather see you have the DEP permits and then come in for the grading permit and we are good to go after that.

Ms. Ward asked Mr. Bell if he would give the Borough money to open up an escrow account as we do not have any funds for this application anymore because it so long ago.

Mr. Bell stated I never said no.

Ms. Ward stated okay. So if we could have a check for \$400 and then I'll open the account. I will also need a W-9 form signed by you so I can open the account.

Mr. Bell stated not a problem.

Ms. Ward mentioned the resolution will be on for the April 10th meeting, providing the Board gives an affirmative vote.

Chairman Byrne opened the meeting up to the public on the extension request. I'll close the public portion. Does anyone want to move the time extension for two years from what date?

Mr. Alexander stated the date of the resolution.

Chairman Byrne asked so what would the date be two years from May 11th.

Mr. Alexander asked when is our next meeting.

Mr. Boorady stated April 10th.

Mr. Alexander stated April 10th, 2020.

Chairman Byrne mentioned okay. Anyone on the Board have any questions or comments? We are voting on giving a two year time extension from April 10th okay.

Mr. Bracchitta moved it.

Mr. Dubowsky seconds.

Roll call:

Yes: Bracchitta, Dubowsky (Alt. #1), Byrne, Erickson, Kubisky and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward stated okay it will be on for the 10th.

Mr. Schepis thanked the Board.

Mr. Miannecki thanked everyone.

Mr. Bell thanked the Board.

Chairman Byrne is there anything else?

Ms. Ward stated that's it. We have several applications that are still incomplete. We are working on them and they may be on for the 10th.

Chairman Byrne made the motion to close the meeting.

Ms. Kubisky seconds.

Meeting adjourned 7:35 P.M.

Respectfully submitted:

Joan E. Ward, Secretary

Patrick Byrne, Chairman