

**REGULAR MEETING**

**Salute to Flag: 8:03pm**

**OPENING STATEMENT:**

**This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Herald News and the Suburban Trends on February 14, 2016 and February 17, 2016 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk**

**ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Frank Covelli, Barry Hain, Peter Hoffman, Don Ludwig, Michael Levine, Suzanne Henderson, David Karp and Attorney Ronald Mondello and Engineer Christopher Nash**

**ABSENT: Members Donald Ludwig and David Karp.**

**Member Karp attended the meeting, but had to leave - Motion To Excuse Member Karp Due to an Illness: made by Member Levine, seconded by Member Covelli. Motion carried by a voice vote.**

**Application #ZBA2016-07 – Priestly, Edward & Kaitlyn  
81 Snake Den Road, Wanaque, NJ (Block 102/Lot 9)**

**Attorney Mondello advised the Board that he reviewed the proof of publication and the notice to residents within 200 feet of the subject property and deems the application complete and jurisdiction is vested in the Zoning Board to hear the application.**

**Attorney Mondello swore in Applicant Kaitlyn Priestly for her testimony.**

**Applicant stated they are requesting a use variance to put a second floor addition on their residence. The reason we want the addition is because currently our home has one room on the first floor that we use as a bedroom and one room on the second floor that could be a bedroom. We want to expand the second floor so that the bedrooms will be on the same floor. We have a 1-1/2 year old son and we want to have another child so we would like the bedrooms to be on the same floor.**

**Chairman Dunning asked the Board if they had any questions on the drawing submitted on this application.**

**Chairman Dunning wanted to confirm that basically you are ripping the roof off and putting a straight second floor addition on the same footprint of the existing dwelling. Applicant stated correct.**

**Chairman Dunning stated we are looking at an architectural drawing, page 1 of 1, with a date on it of 3/22/16 showing the different elevations of the proposed addition.**

**Vice Chairman Grygus stated, without having read the engineer's report, we are showing three accessory structures on the property; one of which is right on the property line and is a car port. Typically, in the past, we have cleaned those up and granted them.**

**Chairman Dunning stated Bruce is talking about the car port that is attached to your neighbor's garage. It appears to be a part of his garage, but you have a driveway to it and it is loaded with gardening supplies.**

**Applicant stated correct. The understanding we had and were told when we brought the house is that originally the houses had been owed by the same family. The person living in our house either was the father of the person in that house or visa-versa. Because it was the same family, that is why they built the car port for the garage and split them.**

**Chairman Dunning questioned the Board's Attorney if this is something we can deal with as far as granting a variance since it is an existing condition.**

**Attorney Mondello stated "it is at the Board's pleasure, if you want to."**

**Vice Chairman Grygus stated we have always done that in the past. Since this is part of the building and can't be moved, then we would add that as a variance and then we would add three accessory structures, instead of two.**

**Attorney Mondello stated the Notice would cover that.**

**Chairman Dunning stated that is the only oddity on the property and other than that it looks pretty simple.**

**Chairman Dunning: Any other questions from Board Members? Seeing and hearing none, let's open it up to the public.**

**Chairman Dunning: Does anyone in the public have any questions on the testimony so far on this house addition? Seeing and hearing none, we close the public portion.**

**Vice Chairman Grygus questioned do you have other houses in the neighborhood that are two-story houses?**

**Applicant stated yes.**

**Vice Chairman Grygus questioned so you feel that it will fit in with the other houses that surround you?**

**Applicant stated we do. There are a few houses that are one-story, but I would say the majority of the houses around us are two-stories.**

**Attorney Mondello questioned that this addition would make your house more in harmony with the rest of the block?**

**Applicant stated yes.**

Vice Chairman Grygus questioned, did you explore at all the potential to expand out as opposed to going up?

Attorney Mondello swore in Applicant Edward Priestly for his testimony.

Mr. Priestly advised the Board that the property is kind of enclosed with the septic system. It is a new septic system for three bedrooms and that is why we decided to go up instead of out.

Vice Chairman Grygus questioned you would have to encroach upon the field and/or the septic system if you tried to expand with an equal square footage out from the existing foot print?

Mr. Priestly stated yes.

Engineer Nash stated he has no questions. However, they are asking for a lot width variance but I don't believe there is one needed, per my explanation.

**MOTION TO APPROVE THE APPLICATION FOR THE REQUEST OF THE USE VARIANCE TO CONSTRUCT A SECOND FLOOR ADDITION IN THE EXISTING CONSERVATION ZONE WITH THE ONLY VARIANCES TO DATE IS THE EXISTING CAR PORT IS RIGHT ON THE PROPERTY LINE SO WE ARE GIVING NOTICE THAT WE ARE GRANTING THEM A VARIANCE OF FIVE FEET WHERE ZERO FEET IS PROVIDED AND FIVE FEET IS REQUIRED; WE ARE ALSO GOING TO GIVE THEM A VARIANCE FOR TWO ADDITIONAL ACCESSORY BUILDINGS WHERE EXISTING IS THREE AND THE ORDINANCE ONLY ALLOWS FOR ONE**

Attorney Mondello commented, so the record is clear, this is an expansion of a non-conforming use – D2 Variance.

**MOTION TO APPROVE THE APPLICATION:** made by Vice Chairman Grygus, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hain, Hoffman, Levine and Henderson. Motion Carried.

**Application #ZBA2016-08 – Sbarra, Michael S.**  
**14 Brook Street, Haskell, NJ (Block 436/Lot 4.02)**

Attorney Mondello swore in Applicant Michael Sbarra for his testimony.

Applicant states his application is similar to the one just heard. I want to do a second story addition to my existing house. I have a one bedroom house on the first floor and I have two children that need bedrooms. We are short on space.

Attorney Mondello wanted to confirm how many people were living in the house.

Applicant stated me, my girlfriend and two children (one boy/one girl).

Chairman Dunning, after reviewing the site plan and architectural plans, questioned what is the other building on your property that is to the left of your house?

Applicant stated, because I assume my property is zoned commercial, the other building is a garage that is also on the same lot and block that I do rent out to tenants. It is a larger commercial type of garage.

Member Levine questioned if you are renting it out for commercial use?

Applicant stated there is a video company that just stores stuff in there; they are not operating their business out of there. It is mostly for storage.

Attorney Mondello confirmed it is a business zone.

Chairman Dunning stated the survey doesn't show any parking.

Applicant stated the survey is a little on the older side. Right between the two buildings there actually is a current driveway that is there. This survey was done for At Your Service Landscaping, which was my former company, and I have since sold the company and kept this property. Before I had acquired the property under my own personal name, a driveway was installed after this initial survey was done. There is a driveway between the house and the commercial building.

Chairman Dunning questioned what is the capacity of the driveway?

Applicant stated four cars.

Attorney Mondello questioned if you have registered or got a permit for that garage?

Apparently, you now have two principal uses on the same lot; a commercial building and your residence on the same lot.

Applicant stated, before I even purchased it through my landscaping business, it was existing when I purchased it. I didn't put up that garage; it has been there for a long while. I believe longer than I have been on this earth.

Attorney Mondello questioned, prior to 1970 or 1975?

Applicant stated he believes older than that.

Vice Chairman Grygus questioned if there was a tenant when you brought it?

Applicant stated it did have a tenant. I just continued the existing use for the most part. When I purchased the property, the house had a tenant living in it and when the tenant's lease was up, I moved in.

**Attorney Mondello questioned if there was a similar use in that commercial property when you brought it?**

**Applicant stated it was the exact same use; same tenant.**

**Chairman Dunning questioned if the property goes all the way to the building on the right? Applicant stated yes, but it is a few feet off the building (5.1 feet).**

**Vice Chairman Grygus stated I believe there is a shed also on the right side yard.**

**Applicant stated, if you are looking at the parcel, to the upper right, there is a shed. That was also installed prior to my taking it personally. It was similar timing to the driveway install.**

**Vice Chairman Grygus stated there is a metal storage container and what do we consider the second building – an accessory building to the residential use or is the residential use an accessory to the commercial use?**

**Attorney Mondello stated it pre-dates the code. It is another non-conforming use, existing prior use. It was there before the code. It is not an accessory use; it is a separate principal use.**

**Applicant stated that the other building actually has its own address as well. My house is 14 and that garage is actually 20, but it is all on the same lot.**

**Attorney Mondello stated it is up to the Board if they want to “clean it up now”.**

**Vice Chairman Grygus stated typically that is what we have done and documented that there is only two there so that if he wants to put a third one he would have to come in for a variance. When I say “clean it up” I mean as far as what exists today on the site.**

**Chairman Dunning stated approve the existing structures on the property.**

**Vice Chairman Grygus stated correct.**

**Attorney Mondello stated he advertised for a D-2 Variance.**

**Applicant stated he believes he also needs the front rear setback relief as well because of the irregularity of the lot. However, my addition is using the exact same footprint.**

**Vice Chairman Grygus questioned if there were any other residential structures on the street and if they were two stories?**

**Applicant stated the whole other side of the street is residential and most of them are two stories. I think I might be the only one on the block that isn't as far as residential.**

**Member Hoffman questioned the Applicant if he was planning on changing the parking area between your house and the commercial building?**

**Applicant stated there currently is a four car driveway and I was just going to leave the driveway as is. You can approach the driveway right from the street. There is a curb cut and I obtained permits for all of that. Also, the fence isn't there anymore. I understand the survey I have here is a little dated, but hopefully I have explained everything that has changed.**

Attorney Mondello stated that, if the Board wants to “clean this up”, it would be a D-1 Variance because two principal uses are not permitted on the same property, even though it is pre-existing. The D-2 Variance is that he is expanding a non-conforming use. He is in a business zone and he is going residential.

Member Covelli believes it is in the Applicant’s favor if we “clean it up”.

Attorney Mondello stated Member Levine was asking him why do we want to do this? Vice Chairman Grygus stated because it documents what is there today so that if he wants to put up another accessory building, he has to get a variance.

Attorney Mondello stated you are obviously making it a little bit easier for him when he sells it.

Vice Chairman Grygus stated correct. Also, the other aspect is if all those people who probably didn’t come out for this application tonight, if they all of a sudden decide that they want to contest why does he have two accessory structures, he wouldn’t have to come back before the Board for approval.

Chairman Dunning questioned if there was a basement?

Applicant stated no, it is on a slab.

Chairman Dunning questioned if any members have a question on the architectural drawings?

Member Hoffman questioned where the front door was going to face?

Applicant stated where the cars are parked now.

Chairman Dunning: Does anyone in the public have any questions on the testimony so far? Seeing and hearing none, we close the public portion.

**MOTION TO APPROVE THE APPLICATION FOR APPROVAL OF A D-1 AND A D-2 VARIANCE AS NOTED BY THE ATTORNEY WITH THE FOLLOWING VARIANCES: (1) LOT DEPTH WHERE THE APPLICANT IS PROVIDING 72.22 FEET, WHERE 100 FEET IS REQUIRED BY ORDINANCE FOR A 27.78 FOOT VARIANCE; (2) FRONT YARD SETBACK WHERE THE APPLICANT IS PROVIDING 9.7 FEET WHERE 20 FEET IS REQUIRED BY ORDINANCE FOR A 10.3 FOOT VARIANCE; (3) REAR YARD SETBACK WHERE THE APPLICANT IS PROVIDING 14.3 FEET WHERE 40 FEET IS REQUIRED BY ORDINANCE FOR A VARIANCE OF 25.7 FEET; AND (4) APPROVAL FOR ONE ADDITIONAL ACCESSORY BUILDING WHERE ONE IS PERMITTED AND THERE ARE TWO ON THE SITE.**

**MOTION TO APPROVE THE APPLICATION:** made by Vice Chairman Grygus, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hain, Hoffman, Levine and Henderson. Motion Carried.

**Application #ZBA2016-05 – MKR Enterprises, LLC**  
**17 Park Street, Wanaque, NJ (Block 240/Lot 3)**

See Attached Transcript For This Matter

**APPLICANT’S EXHIBITS**

- A-5 Architectural Drawings prepared by James P. Cutillo Associates dated 10/21/2005 for Permit No. 06-21 (A1-A2-A3)
- A-6 Mike Ryan Letter of Jeff Brusco dated 1/31/06
- A-7 Deed dated May 13, 2016 and recorded June 6, 2016 containing certain restrictions
- A-8 April 22, 2010 Letter of Anthony Fiorello, Esq. to Katherine J. Falone, Borough Clerk

**OPPONENTS EXHIBITS**

- O-12 Four colored pictorials dated 5/24/1974; 7/16/1977; 7/16/1977; 7/17/1977
- O-13 Certification of Maurice Houckes, Jr. signed 2/15/16
- O-14 Liquor License Renewal for the Period July 1, 1982 to June 30, 1983

Attorney Mondello advised the next meeting is Wednesday, January 4, 2017

Attorney Fernicola asked for an outline as to what additional witnesses are needed so we can get some time frame. Since I am the Mayor of my town and we meet once a month on the first Wednesday, I just want to know since I obviously will have to adjourn our Re-Organization meeting. How much longer?

Attorney Mondello stated that Attorney Rubin may be amendable to an adjournment into February. Nobody should be messing with your Re-Organization Meeting. Attorney Fernicola stated I am content to do it since, like this Board, we meet the first Wednesday of the month, and I will have the same issues. I just want to get an idea if he thinks he will be done on the 4<sup>th</sup> so I can advise my counsel so we can notice then for something other than the first Wednesday for January and February.

Attorney Rubin stated that he would anticipate as far as the issue of the pre-existing, non-conforming use, this is all the witnesses we are having on that segment of this case. Subject to the interested parties presenting their case, that is the totality of that portion of this case. It would then be up to the Board to decide what it wants to do as to the pre-existing, non-conforming use. If the Board feels that we have prevailed as to the pre-existing, non-conforming use, they will then vote on that hopefully, and that would be the end of this matter. If the Board decides that the proofs weren't sufficient to prove that there was a pre-existing, non-conforming use, we would then present witnesses as to a Use Variance and then counsel would have the ability to present whatever the interested parties have as to the Use Variance. That is the procedure that I believe is appropriate.

Attorney Mondello stated you are going to need at least two meetings then. If in fact, the Board decides it is not a pre-existing, non-conforming use, well then Attorney Rubin, I am sure, will be presenting a planner in some form or fashion and you are going to have complete cross-examination.

Attorney Fernicola stated they do not object to the use of the bifurcated process. Attorney Rubin made it very clear on September 7<sup>th</sup> he wasn't presenting his case on the Use Variance so we would agree that it would be the best procedural way to allow the Board to vote on the interpretation of the pre-existing, non-conforming.

Attorney Mondello stated you got your answer - you know how many witnesses. Attorney Fernicola stated after we cross Mr. Ryan then we will be presenting our case on the 4<sup>th</sup>.

Vice Chairman Grygus questioned if a time extension was needed. Both parties waive any time constraints.

**WITH THE APPROVAL OF ALL PARTIES, THE HEARING OF THIS MATTER WILL CONTINUE ON WEDNESDAY, JANUARY 4, 2017 AT 8:00PM.**

**PUBLIC DISCUSSION: Let the record show no one came forward.**

**RESOLUTION:** Application #ZBA-2016-05 – Aguanno, Daniel, Applicant 826 Ringwood Avenue, Haskell, NJ (Block 460/Lots 14 & 15) for reconstruction on the first floor and an addition on the second floor onto his existing house.

**MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD**

**ATTORNEY:** made by Member Levine, seconded by Member Hoffman. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Levine, Hoffman and Henderson.  
Motion Carried

**CORRESPONDENCE:** None

**VOUCHERS:** submitted by Ronald Mondello, Esq. for attendance at the November 2, 2016 Meeting in the amount of \$300; for attendance at the December 7, 2016 Meeting in the amount of \$300; and preparation of the Aguanno Resolution in the amount of \$675.

**MOTION TO APPROVE:** made by Member Covelli, seconded by Member Hain. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hain, Hoffman, Levine and Henderson.

**VOUCHERS:** submitted by Boswell Engineering on the Sbarra Application in the amount of \$582; on the Priestly Application in the amount of \$388; on the Aguanno Application in the amount of \$388; on the MKR Enterprises Application in the amount of \$582; and on the New Cingular/AT&T Application in the amount of \$97.

**MOTION TO APPROVE:** made by Vice Chairman Grygus, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hain, Hoffman, Levine and Henderson.

**MOTION TO APPROVE SEPTEMBER 7, 2016 MINUTES:** made by Member Vice Chairman Grygus, seconded by Member Hoffman. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hain, Hoffman, Levine and Henderson.

**MOTION TO APPROVE NOVEMBER 2, 2016 MINUTES:** made by Member Vice Chairman Grygus, seconded by Member Hoffman. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Levine and Henderson. Members Covelli and Hain abstained/not qualified.

**ENGINEER'S REPORT:** Nothing new to report

## **DISCUSSIONS:**

1. Vice Chairman Grygus noted that Members Ludwig and Hain need to listen to tonight's meeting in order to be eligible to vote on the MKR Enterprises Application.

2. Attorney Mondello asked if anyone has any questions from a legal perspective as to what is going on. Please do not bring in substantive issues or factual issues associated with this case. But if you have some general overall legal questions about what is going on, how does the vote take place, I don't understand non-conforming, pre-existing use; that sort of thing is fine. We won't get into the details of the application.

Chairman Dunning questioned if we vote in favor of the application, does he still have to come back for a Use Variance?

Attorney Mondello stated no, if the Board, based on all of the testimony determines, in fact, that the serving of food and beverages (alcohol or not) was prior to 1979 and that use was not abandoned, which word has a very legal definition. Vice Chairman Grygus asked if you can explain that because I still kind of read it different in that if a person, not even intentionally, but just allows something –

Attorney Mondello stated you just hit it right on the head – the key is intention. I have to have an intention to abandon the use.

Vice Chairman Grygus stated if your inaction leads to a condition whereby that use could no longer be used.

Attorney Mondello stated that is a pretty broad statement. My inaction so that the use can no longer be used – I am having a difficult time in even coming up with an example, but I will try, i.e., You and I own a barbershop and the chairs are in such horrific condition that nobody can sit on them maybe but, again, it has to be coupled with our intention not to run that barbershop any more. We decided that we are not going to do that and we are going to open up a spa. There needs to be two components: (1) There may be an intention to abandon it. If we don't want this use anymore, coupled with either an admission or an overt act; one or the other. But it has to be centered with the intention that I am abandoning that use.

Member Henderson stated general point is that they are trying to prove that there was a use before 1979.

Attorney Mondello agreed.

Member Levine asked if it had to be a legal use?

Attorney Mondello stated no because the whole purpose of somebody coming before the Board, and you had two of them tonight, for an expansion of a pre-existing, non-conforming use or voting on whether or not it existed. The code didn't exist so it wasn't illegal. It is illegal now, but not in that sense because the code didn't exist. So it is actually a legal pre-existing, non-conforming use.

Vice Chairman Grygus stated a situation – You and I own a bowling alley and there is a swimming pool that is adjacent to it and for years people would come, they would have

parties, they would swim in the pool. Over the years we drained the pool, a tree grew up through it, and twenty years later we decide we want to go back. Didn't our inaction to keep that pool usable essentially abandoned the use of that pool?

Attorney Mondello stated, if the testimony would be Bruce and I didn't have enough money to take care of that pool, we always planned on keeping that pool, but the bowling alley was doing so poorly we didn't have the money, then it is No. On the other hand, if the explanation is you know what we were pretty sure that we wanted to focus on the bowling alley and never use that swimming pool, then the answer is Yes you abandoned it. So tell me what your intention was, not just the overt act or the omission of an act.

Member Covelli believes it is incumbent upon the Board, since we seem to have a fair number of citizens coming to this meeting who really are watching the actions of what is going on here and not understanding what it is we are even doing, how far can you go in terms. When we vote on a question on a ballot there is the legal language and then there is the interpretative statement that people read so that they decide if they are going to vote for this or not. How much can you explain, which also puts on the record, that the Board was aware of what the perimeters for which they were voting on is laid out for them by their counsel. It serves as a dual edge in terms of providing the public with some kind of explanation/interpretative statement of what it is the Board is doing here. Secondly, so it is on the record because obviously this could be viewed as contentious by one side or the other and what we do may be further reviewed by some other body and it would show that we knew what we were voting for. I am saying this to you now in preparation for how you would want to formulate that knowing that some of the actors in this tend to be a little aggressive and may challenge you in terms of your explanation because I think it is beneficial on both this side of the dais and them.

Attorney Mondello stated it is a great point and I will put something together because there is a logical progression, if-then-else. The first thing the Board is going to have to be asked to determine is was there a pre-existing, non-conforming use. If the answer is "no", we are done and he is going to put on his Use Variance. If the answer is "yes", well then the next question is - was it abandoned. If the answer is "no", it wasn't legally abandoned, then that is it and the case is over. If the answer is "yes" we feel that there was no intention to continue having food and beverages served outside, then it is back to a Use Variance.

Attorney Mondello reiterated this is part of the minutes and people are going to read what you are saying so please don't be specific. Don't ask what the meeting is on and the public isn't here.

Member Covelli stated the meeting is on and the public is invited to stay here. It was the public that left. This is a public meeting.

Attorney Mondello stated I should have pointed out that the attorneys are in the midst of their case. That is what I should have said.

Vice Chairman Grygus questioned would the uses have to be identical in scope?

Attorney Mondello stated they are not identical in scope, but they need to be similar. I will see if I can come up with a definition of similar. I will find some cases for similar.

**Member Hoffman questioned if we are asking about the scale of the use?**

**Attorney Mondello stated good questioned.**

**Members Henderson and Covelli concurred.**

**Member Covelli added intensity and thought it was interesting that Attorney Rubin had to lay out the time line on where we are.**

**Attorney Mondello stated we are really getting into facts now.**

**Member Covelli stated I am not going any further other than to say Attorney Fernicola, who stated his reasons that don't need to be repeated, as to why he asked the question and laid it out and there was an agreement between counsels on procedure. That is my only point in saying it so that if we can get a three-way agreement of all the counsel in the room of what the procedure is supposed to be, I think that is beneficial to everybody.**

**Member Hoffman asked if he could ask a question about the Deed restrictions?**

**Attorney Mondello stated "no". I want you to forget this application; I want you just try to focus in on how do we decide or I have questions regarding how we decide whether a pre-existing, non-conforming use exists. That is it.**

**Member Covelli added what else may be helpful is we stop this conversation tonight, go have a nice holiday and in January, when they are sitting here, we can ask these exact same questions.**

**Attorney Mondello said absolutely.**

**Member Hoffman stated is this a question we can ask at the work meeting?**

**Attorney Mondello stated "no" because a Zoning Board really isn't supposed to have a work session that discussions applications.**

**3. Member Covelli questioned if we have to give a report on an annual basis to the Mayor & Counsel with respect to applications.**

**Attorney Mondello stated yes there is a statute.**

**Chairman Dunning stated I have done it when we had multiple applications. The last couple of years we only one or two for a whole year.**

**Board Secretary advised that she keeps a list of the Applications for the Tax Assessor, similar to the Agenda information.**

**Attorney Mondello stated the report needs to contain a little bit more information, i.e., the application was for a D-2 Variance and it was granted. The whole purpose behind it is for the governing body to see if we are getting too many sheds that are five feet off the property line, etc.**

**Member Hoffman stated that is how we got the cantilever ordinance.**

**Chairman Dunning stated the Board Secretary will e-mail me her list and I will fill in the details for the report.**

**4. Vice Chairman Grygus stated, while we are on the discussion of the January meeting, is that going to be our Re-Organizational Meeting.**

**Chairman Dunning stated that will start at 7:30pm and the Regular Meeting will start at 8:00pm. Board Secretary will have to give notice to the newspapers.**

**Vice Chairman Grygus questioned if the professionals put out a request for proposals.**

**Attorney Mondello stated the Borough Administrator sent out an e-mail request that we fill out a full RFQ, which makes sense. When I was a Councilman in Kinnelon, I wanted to see all the RFQs to see what was out there. Then I realized, if you are not replacing your professionals and you're really not interested in doing that, don't make a hundred people spend hundreds of hours on this. He stated just send in a letter that you are still interested with hourly rate and meeting rate and we do that.**

**Engineer Nash stated the company does do that and it was sent.**

**Attorney Mondello questioned if there was enough time to re-organize at 7:30pm and start the meeting at 8pm.**

**Chairman Dunning stated we are quick. I will have the Mayor do the first phase and when the Chairman gets put into his seat, he will take over the meeting from the Mayor.**

**5. Member Covelli wanted to let everyone know that the Borough's Tree Lighting is this Sunday at 7pm. Everyone is welcome. Hot chocolate and cookies and other surprises.**

**MOTION TO ADJOURN AT 10:55 PM: made by Member Covelli, seconded by Vice Chairman Grygus. Motion carried by a voice vote.**

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**Jennifer A. Fiorito  
Board of Adjustment Secretary**