

**MINUTES OF REMOTE REORGANIZATION ZONING BOARD  
OF ADJUSTMENT MEETING HELD ON TUESDAY, JANUARY 12, 2021**

The clerk called to order the (**Zoom**) reorganization meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

**PRESENT: BYRNE, DUBOWSKY, ERICKSON, KUBISKY, WOLFSON, ZALEWSKI AND ZAPF**

**ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL**

**ABSENT: NONE**

Ms. Ward announced the first item on the agenda is the Acknowledgment of Council Appointments and we have three: John Erickson, Mary Kubisky and Stephen Zalewski. All have been reappointment for four years and welcome back.

The next order of business is the Election of Officers for 2021. The first officer is chairman, any nominations?

Mr. Zapf nominated Pat Byrne.

Mrs. Kubisky seconds.

Ms. Ward asked any other nominees. Okay we'll close the nominations and take a vote.

**Roll call:**

**Yes: Zapf, Kubisky, Byrne, Dubowsky, Erickson, Wolfson and Zalewski**

**No: None**

**Abstain: None**

Ms. Ward stated I'll now turn the meeting over to the chairman.

Chairman Byrne asked do we have any nominees for vice chairman. I nominate Tom Zapf.

Mr. Dubowsky seconds

Chairman Byrne asked any other nominees. Nominations are closed.

**Roll call:**

**Yes: Byrne, Dubowsky, Erickson, Kubisky, Wolfson, Zalewski and Zapf**

**No: None**

**Abstain: None**

Chairman Byrne stated the next order of business is secretary.

Mr. Zapf nominated Joan Ward.

Chairman Byrne seconds.

**Roll call:**

**Yes: Zapf, Byrne, Dubowsky, Erickson, Kubisky, Wolfson and Zalewski**

**No: None**

**Abstain: None**

Ms. Ward thanked the Board.

Chairman Byrne stated the next order of business is the assistant secretary.

Mr. Zapf nominated Mary Kubisky.

Mr. Erickson seconds.

**Roll call:**

**Yes: Zapf, Erickson, Byrne, Dubowsky, Kubisky, Wolfson and Zalewski**

**No: None**

**Abstain: None**

Ms. Kubisky thanked the Board.

Chairman Byrne stated the next order of business is meeting dates/newspaper/agendas. I don't think we need to change anything in that other than the virtual meetings.

Ms. Ward stated we added that paragraph in the resolution about the virtual meetings.

Chairman Byrne stated okay. Does someone want to move it?

**RESOLUTION**  
**BOROUGH OF LINCOLN PARK**  
**ZONING BOARD OF ADJUSTMENT**  
**MEETING SCHEDULE & NEWSPAPERS**  
**CALENDAR YEAR 2021**

**BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Lincoln Park that the following annual schedule of meetings be designated and notice thereof delivered in accordance with provisions of the Open Public Meetings Act.

**PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a regular meeting will be held by the Lincoln Park Zoning Board of Adjustment on the second Tuesday of each month for calendar year 2021 commencing at 7:00 P.M. Should the regular meeting fall on a holiday, the meeting will be scheduled for the following Tuesday.

The regular meetings will be held in the Municipal Building, Council Chambers. 34 Chapel Hill Road, Lincoln Park, New Jersey 07035.

**In response to the state of emergency declared in New Jersey regarding COVID-19 (Coronavirus), the meetings will be held via ZOOM, an online meeting platform. Borough hall will be closed to the public during this emergency.**

**The meetings will be open to the public remotely. To follow along and participate,**

visit the Borough of Lincoln Park website ([www.lincolnpark.org](http://www.lincolnpark.org)), Zoning Board of Adjustment webpage, where the agendas with zoom contact information will be posted in advance of the meetings.

**BE IT RESOLVED**, that the within notice may be mailed, faxed, or emailed to the Daily Record, the Official Designated Newspaper of the Board of Adjustment. The Suburban Trends has been designated the Alternate Official Newspaper.

**FURTHER**, all meeting agendas will be sent to the Daily Record and Suburban Trends and posted on the bulletin board and the official website of the Borough as required under the Open Public Meetings Act.

Mr. Zapf moved the resolution

Mr. Dubowsky seconds.

**Roll call:**

**Yes:** Zapf, Dubowsky, Byrne, Erickson, Kubisky, Wolfson and Zalewski

**None:** None

**Abstain:** None

Ms. Ward stated it's adopted.

Chairman Byrne stated the next order of business is appointment of the Board's counsel, Craig Alexander.

**RESOLUTION**  
**LINCOLN PARK ZONING BOARD OF ADJUSTMENT**  
**LEGAL COUNSEL**  
**CALENDAR YEAR 2021**

**BE IT RESOLVED** by the Lincoln Park Zoning Board of Adjustment and pursuant to Article II, Section 17-32 of the Development Review Ordinance that the firm of **Mandelbaum Salsburg, P.C., 3 Becker Farm Road, Suite 105, Roseland, NJ 07068**, is hereby awarded the position of Board Attorney for the calendar year 2021 in accordance with its proposal dated November 18, 2020, attached and made a part of this Resolution. The appointment is made without necessity of public bid pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5 and is available for public inspection.

**BE IT FURTHER RESOLVED** that the compensation of the Zoning Board of Adjustment Attorney for the calendar year 2021 shall be as follows:

- A. Five Thousand Seven Hundred (\$5,700.00) Dollars for attendance of twelve (12) meetings of the Board.
- B. Four Hundred Seventy-Five (\$475.00) Dollars for each additional meeting as may be requested by the Board from time-to-time.
- C. The annual legal fee shall include the preparation of minor resolutions, time extensions and waivers, telephone conferences, correspondence, attendance at monthly meetings and all other legal services customarily rendered in connection with the representation of a municipal Board of Adjustment, excepting litigation, general legal services and professional fees as against an applicant's escrow account as may be permitted by municipal ordinance.
- D. Any and all legal services rendered in connection with litigation/appeals from the resolution and decisions of the Board of Adjustment and/or ordinance revisions, shall be billed at the litigation rate of One Hundred Thirty Five (\$135.00) Dollars per hour.
- E. General legal services relating to such things as (a) aiding Board and/or Borough Officials in regard to jurisdictional determinations, and (b) providing advice on matters relating to administration of ongoing construction relating to development approvals, but excluding such items as litigation and ordinance revisions, shall be billed at the rate of One Hundred Thirty Five (\$135.00) Dollars per hour.
- F. Legal services and process fees relating to applications processing and chargeable against application escrow accounts pursuant to Borough Ordinance, to be billed at the rate of One Hundred Thirty Five (\$135.00) Dollars per hour.
- G. The Chief Financial Officer of the Borough of Lincoln Park has certified, in accordance with N.J.A.C.5:30(a)(1), that sufficient funds will be available for said purpose in the 2021 Zoning Board of Adjustment Budget, and not to exceed \$7,000.

Mr. Zapf made the motion.

Chairman Byrne asked for a second.

Mrs. Kubisky seconds.

**Roll call:**

**Yes: Zapf, Kubisky, Byrne, Dubowsky, Erickson, Wolfson, and Zalewski**

**No: None**

**Abstain: None**

Ms. Ward stated it's adopted.

Chairman Byrne stated the next appointment is Board Engineer.

**RESOLUTION**  
**LINCOLN PARK ZONING BOARD OF ADJUSTMENT**  
**BOARD ENGINEER**  
**CALENDAR YEAR 2021**

**IT IS HEREBY RESOLVED** by the **Zoning Board of Adjustment** of the Borough of Lincoln Park (the "Board") that the firm of **Darmofalski Engineering Associates, Inc.** ("**Board Engineer**"), **86 Newark-Pompton Turnpike, Riverdale, New Jersey 07457-1429**, is hereby awarded the position of the Zoning Board of Adjustment Engineer for the calendar year 2021 commencing January 1, 2021 and continuing through December 31, 2021 or until the appointment of a successor, to provide engineering services to the Board in accordance with its proposal dated November 6<sup>th</sup>, 2020 and the attached Schedule, both of which are attached and made a part of this Resolution; and

**WHEREAS, Darmofalski Engineering Associates, Inc.** has more than 26 years of experience in municipal engineering and has successfully and professionally provided engineering services to the Zoning Board of Adjustment since 2009; and

**WHEREAS, Darmofalski Engineering Associates, Inc.** has completed and submitted a Political Contribution Disclosure Form, Stockholder Disclosure Certificate and a Business Entity Disclosure Certification in accordance with P.L.2004,Chapter 19 (as amended by P.L.2005;c51), N.J.S.A. 19:44A-20-4 *et seq.*, and/or Lincoln Park Borough Ordinance 9-15; and

**WHEREAS,** the Chief Financial Officer of the Borough of Lincoln Park has certified, in accordance with N.J.A.C.5:30(a)(1), that sufficient funds will be available for said purposes in the 2021 Zoning Board of Adjustment Budget, and not to exceed \$4,000; and

**WHEREAS,** this award is made without necessity for public bidding pursuant to the "Local Public Contracts Law" (N.J.S.A. 40A:11-1 *et seq.*) as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20:4 and/or N.J.S.A. 19:44-20:5 and is available for public inspection.

**SCHEDULE OF SERVICES**  
**ZONING BOARD OF ADJUSTMENT ENGINEER**  
**JANUARY 1, 2021 THROUGH DECEMBER 31, 2021**

The Zoning Board Engineer (“Board Engineer”) shall render the following services to the Lincoln Park Zoning Board of Adjustment (the “Board”) at the rate of \$125 per hour during the period January 1, 2021 through December 31, 2021 or until a subsequent appointment is made, and with reference to the Darmofalski Engineering Associates, Inc. proposal dated November 6<sup>th</sup>, 2020, a copy of which is attached and made part hereof:

1. **Development Applications.** The Board Engineer shall perform all required engineering services in connection with review of development applications submitted to the Board. Such services shall include, without limitation, reviewing all applications for completeness, compliance with all applicable ordinance requirements and other engineering-related functions. All services rendered in connection with development applications shall be charged to and payable from applicants’ escrow accounts. All charges, vouchers, and invoices shall conform to N.J.S.A. 40:55D-53.2.
2. **Meetings.** Attendance at all regular and special meetings of the Board. Except in cases of emergency or whenever there shall be no engineering-related issue on the Board’s agenda (confirmed by the Board Secretary), the Board Engineer shall attend all Board meetings. Whenever the Board Engineer cannot attend, the Board Engineer shall make appropriate arrangements for meeting coverage by a professional engineer.
3. **Inspections.** Perform all necessary inspections of improvements constructed by developers pursuant to Board-approved development applications.
4. **Other Services.** Perform such other engineering services as the Board may request from time to time.
5. **Delegation.** The Board Engineer may, when appropriate, delegate to competent personnel under his direct supervision responsibility for (a) inspections, and (b) design/drafting services (if any) and (c) any other services that will serve the economic interests of the Borough of Lincoln Park and the developers who appear before the Board. All such services shall be performed at the rate of \$75 per hour.
6. **Insurance.** Within ten (10) days of the date of this Resolution and if the Board Engineer has not already done so, the Board Engineer shall provide to the Board Secretary proof that it has obtained professional liability insurance in minimum amounts of \$1 million per claim and \$1 million in the aggregate, or in such other amounts as may be required by the Borough’s risk manager or its Council. That insurance shall be kept in full force at all times during the period of this appointment and until a successor Board Engineer is appointed
7. **Invoices.** The Board Engineer shall submit invoices for all services no less than monthly and on forms supplied by or acceptable to the chief financial officer of the Borough.
8. **Termination.** The Board may terminate the Board Engineer’s appointment or the Board Engineer may resign from the position only after 30 days following written notice delivered to the other party (“Effective Date”). In the event of termination, any work of the Board Engineer completed prior to the Effective Date shall be compensable and be paid in accordance with the terms of this Resolution.
9. **Compliance With Law.** The Board Engineer shall comply fully with all applicable municipal, county, state and federal laws, ordinances, regulations and directives in connection with the performance of the duties of Board Engineer including, without limitation, the Local Unit Pay to Play Law, P.L. 2004, c. 19, as amended by P.L. 2005, c. 51, and N.J.S.A. 10:5-31, *et sq.*

Mr. Zapf made the motion that we accept the resolution for Darmofalski Engineering, Tom Boorady.

Mr. Dubowsky seconds.

**Roll call:**

**Yes:** Zapf, Dubowsky, Byrne, Erickson, Kubisky, Wolfson, and Zalewski

**No:** None

**Abstain:** None

Ms. Ward stated it's adopted.

Mr. Boorady thanked the Board.

Chairman Byrne stated you're welcome.

Next one is Planner.

**RESOLUTION**  
**LINCOLN PARK ZONING BOARD OF ADJUSTMENT**  
**AWARD OF CONTRACT FOR**  
**PROFESSIONAL PLANNER FOR 2021 CALENDAR YEAR**

**WHEREAS**, there exists a need for the professional services of a Professional Planner for the Zoning Board of Adjustment of the Borough of Lincoln Park, County of Morris, State of New Jersey (the "Board"), for the 2021 calendar year, in accordance with the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, *et seq.*, and Article II, Section 17-14 of the Development Review Ordinance of the Borough of Lincoln Park; and

**WHEREAS**, the contract for Board Professional Planner may be awarded without competitive bidding as a non-fair and open "Professional Service" contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law and compliance with provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5, because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Lincoln Park that the firm of **PAUL N. RICCI, AICP, PP, RICCIPLANNING, LLC**, 177 Monmouth Avenue, Atlantic Highlands, New Jersey 07716, is hereby awarded the contract as Zoning Board of Adjustment Professional Planner for the calendar year 2021 commencing January 1, 2021 and continuing through December 31, 2021 or until the appointment of a successor, on an on-needed basis, to provide planning services to the Board in accordance with its proposal dated October 28, 2020 and the attached Schedule of Services, both of which are attached and made a part of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Board and the Zoning Board of Adjustment

Professional Planner shall enter into a written contract that incorporates the terms of this Resolution; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution or a summary of its material terms be published in the official newspaper of the Borough and be on file, available for public inspection, in the office of the Secretary to the Lincoln Park Zoning Board of Adjustment, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035.

**SCHEDULE OF SERVICES**  
**ZONING BOARD OF ADJUSTMENT PLANNER**  
**JANUARY 1, 2021 THROUGH DECEMBER 31, 2021**

The Zoning Board of Adjustment Professional Planner shall render services to the Lincoln Park Zoning Board of Adjustment (the “Board”) at the rate of \$145 per hour and planning staff \$125 an hour during the period of January 1, 2021 through December 31, 2021, or until a subsequent appointment is made.

Mr. Zapf made the motion to accept the resolution for Paul Ricci

Mr. Wolfson seconds.

**Roll call:**

**Yes: Zapf, Wolfson, Byrne, Dubowsky, Erickson, Kubisky, and Zalewski**

**No: None**

**Abstain: None**

Ms. Ward stated it’s adopted.

Chairman Byrne asked if there was any other business to discuss.

Ms. Ward stated not for the reorg meeting.

Chairman Byrne asked for a motion to adjourn the reorg meeting.

Mr. Dubowsky made the motion

Mr. Zapf seconds.

Reorganization meeting adjourned 7:14 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Patrick Byrne, Chairman