

## **Borough of River Edge/ Zoning Board**

Meeting Minutes

February 8, 2017

### **PRESENT:**

<b>Chair</b>	<b>Eileen Chusid</b>
<b>Vice-Chair</b>	<b>Gary Esposito</b>
<b>Secretary</b>	<b>Avo Derbalian</b>
<b>Attorney</b>	<b>Victoria Pekerman</b>
<b>Board Member</b>	<b>Al Ruhlmann</b>
<b>Board Member</b>	<b>Robert Nyman</b>

### **ABSENT:**

<b>Board Member</b>	<b>Valerie Costa</b>
<b>Alt. Board Member</b>	<b>Ronald Black</b>
<b>Alt. Board Member</b>	<b>Mark Gioffre</b>
<b>Zoning Official</b>	<b>Mark Skerbetz</b>

### **Opening**

The regular meeting of the Borough of River Edge/ Zoning Board was called to order at 8:00PM on February 8, 2017 by Chair Eileen Chusid.

### **Salute to Flag**

### **Sunshine Law (Open Public Meetings Act)**

Adequate notice of this meeting has been provided by sending notices on December 23, 2016 to The Record and The Ridgewood News, by posting on the bulletin board in the lobby of the Borough Hall, and filing a notice of the same with the Municipal Clerk.

### **Roll Call by Avo Derbalian**

### **New Business**

**Memorialization of VanderVoort - Application #2016-10 – 247 Voorhis Ave., Block 707, Lot 8 - Bulk Variance needed for Impervious Coverage and Setback due to in-ground pool. Motion by Al Ruhlmann, second by Gary Esposito.**

All in favor 5-0

## **Old Business**

### **Chair Eileen Chusid stated that the next order of business would be the approval of 3 sets of minutes from July 13, 2016, October 12, 2016 & January 11, 2017.**

Approve the Minutes from January 11, 2017 – 2 changes – 1<sup>st</sup> on page 4 change radius from 250 to 200 & 2<sup>nd</sup> change wording on page 5 last paragraph – Robert Nyman asked “How did the notification error happen and when did the Board Representatives become aware of it.”

Chair Eileen Chusid again reiterated that the mistake was in the 200 foot radius, and that it was an administrative error. Attorney Victoria Pekerman stated that she spoke to Nicole Florio and Nicole stated that she now has a second set of eyes looking at it. First to look over the measurements to make sure that they are accurate and then again to make sure that the data she entered into the computer is accurate.

Robert Nyman stated that he feels that this is still a sticky issue and that it has the potential to be an issue again, he asked if the Board knows what other Boards do. Chair Eileen Chusid stated that the notifications are major because when the Board gets the application, with the green certified mail receipts, at that point the Board is accepting the word of the Administration Office that the application is complete. At that time, when the error was made, Chair Eileen Chusid asked Attorney Victoria Pekerman to contact the applicant’s attorney and to research law to see if the Board had acted inappropriately and if the Board was liable for this action. Attorney Victoria Pekerman stated that there is prescient in case law, and that we are within the letter of the law. She also stated that with the changes that went on in the Administration Office it will help to prevent future errors. It was a clerical error and not done on purpose. Gary Esposito stated that it was a mistake and errors do happen upon occasion, and The Board has to act on the information the Board is given. Attorney Victoria Pekerman also said that the applicant is entitled to rely on the list that is provided by the Administrative Office. The question is did the applicant rely on that list as per Statue NJSA40:55D-12C. Al Ruhlmann suggested that maybe when the application is complete there could be a check list attached that they can review prior to it being approved. Chair Eileen Chusid said that they would have to come in an hour early to go over the list. Attorney Victoria Pekerman said she would be willing to come in an hour earlier, but she would still have to rely on the list that is given to her. She also stated that if the list, that is compiled, is inaccurate she would not be able to detect the error, because she has to rely on the information given to her. Al Ruhlmann said he believes that the issue is being addressed now because of the changes made in the Administrative Office. Attorney Victoria Pekerman stated that there is a rule that the Board tells the applicant every time the hearing is over, and a decision is made, not to do any work until 45 days later when the resolution is memorialized. The reason is because

neighbors have 45 days in which to come in. Al Ruhlmann said that with the checks and balances that the Administrative Office has put into place and by the Board reviewing the document checklist to make sure everything is checked, the Board is on fairly solid ground that The Board is doing their due diligence. Chair Eileen Chasid stated that even if the Board reviews the checklist the Board still wouldn't know for sure if it was correct because they do not have a compass.

Approval of Minutes of January 11, 2017 as amended – Motion by Al Ruhlmann. Second by Robert Nyman.

Approve 5-0

Approval of the Minutes of July 13, 2016 – Motion by Al Ruhlmann, second by Gary Esposito.

Approve 4-0 (Avo Derbalian could not vote because he was not at this meeting)

Approval of the Minutes of October 12, 2016 – with changes - Attorney Victoria Pekerman was not at this meeting she sent her associate Kali Trahanas. Also the start and end times are incorrect. Change start time from 7:02PM to 8:02PM and end time from 7:17PM to 8:17PM.

Approval of the Minutes from October 12, 2016 as amended – Motion by Al Ruhlmann, second by Gary Esposito.

Approve 4-0 (Avo Derbalian could not vote because he was not at this meeting).

Chair Eileen Chusid stated that last year Mayor Mignone provided her with “Standard Operating Procedures” for a Planning and Zoning Boards. He made some edits and Chair Eileen Chusid made some edits. Chair Eileen Chusid is asking for 2 or 3 volunteers to go through and finalize them so that they can be presented to the entire Board. Robert Nyman volunteered because he had done something similar for the Planning Board a few years back. He asked if it would be similar to what he did at that time such as what defines a quorum, terms, etc. Chair Eileen Chusid said yes, and also suggested that once they are finalized the Board should think about including them in the applicant's packet. Chair Eileen Chusid stated that it would increase the comfort level. It would also provide the applicant with what their obligations are, what the Administrative Office's obligations are and what the Board's obligations are. Robert Nyman suggested that at least one other person should dutifully look it over. Chair Eileen Chusid said she would distribute to everyone to have a look and make suggestions.

## **Adjournment**

Meeting was adjourned at 8:45PM by Chair Eileen Chusid. Motion by Al Ruhlmann, second by Robert Nyman.

All in favor 5-0

Minutes submitted by: Carol Byrne

Approved on: April 12, 2017