

Township of South Hackensack
BOARD OF ADJUSTMENT
January 26, 2009
MINUTES

At 7:30 p.m. the meeting was Called to Order. Pursuant to the Open Public Meetings Act, adequate notice of this meeting was advertised in The Record and the Herald News and by posting a copy of the meeting notice on the bulletin board in the clerk's office where notices are customarily posted.

The Chairman led the flag salute.
The Secretary called the roll.

Members Present

Joseph D'Amico
James Diraimondo
John Falato
Phil Iacono
Bill Regan
Brian Veprek Sr.
Blasé Coppola
Mary Terraccino- Acting Secretary
Ralph Chandless - Attorney

Members Absent

Luis Perdomo
John Kopec

RE-ORGANIZATION

John Falato and William Regan took the Oaths of Office for a 4 yr. term to expire on 12/31/2012 as regular Board of Adjustment members.

ZB Resolution No. 2008-01-Secretary

D'Amico **motioned**; Coppola seconded to appoint **Evelyn Stefano as Secretary** to the Board of Adjustment. All in favor. 7 Yes Votes: D'Amico, Diraimondo, Falato, Iacono, Regan, Veprek, and Coppola.

ZB Resolution No. 2008-02-Attorney

D'Amico **motioned**; Veprek seconded to appoint **Ralph Chandless Jr. as legal counsel** for the Board of Adjustment and set compensation of a yearly retainer of \$2,500 and \$100 per hour for all work associate with applications and preparation of resolutions. These funds are subject by way of adoption of the 2009 municipal budget. The provisions of said contract shall be in accordance with the dictates of the N.J. S.A. 19:44A-20.4 et seq for non fair and open contracts that will exceed \$17,500. **All in favor. 7 Yes Votes:** D'Amico, Diraimondo, Falato, Iacono, Regan, Veprek, Coppola.

Chairman

Falato **motioned**; Iacono seconded to appoint **Joe D'Amico as Chairman** to the Board of Adjustment. **All in favor. 6 Yes Votes:** Diraimondo, Falato, Iacono, Regan, Veprek, Coppola - Abstain: D'Amico

Vice-Chairman

D'Amico **motioned**; Falato seconded to appoint **Phil Iacono as Vice-Chairman** to the Board of Adjustment. **All in favor.** 6 Yes Votes: D'Amico, Diraimondo, Falato, Regan, Veprek, Coppola – Abstain: Iacono

MINUTES:

D'Amico **motioned**; Regan seconded to approve the **Minutes** of November 24, 2008. All in favor.

CORRESPONDENCE:

D'Amico, **motioned**; Diraimondo **seconded** to accept the **Correspondence** listed and place them in the appropriate files. All in favor.

OLD BUSINESS

No old business.

NEW BUSINESS

Central Bakery – 120 Leuning Street – B 50 Lot 17.02

The board addressed a letter received from Central Bakery at 120 Leuning Street dated December 23, 2008 regarding the use variance and site plan review for Clemente Bakery at the same location.

Chandless informed the board that the compliance issue raised in the letter is not in the jurisdiction of this board. This matter should be referred to the compliance officers in the Construction Dept. Approval was granted in November 2001, but Barbara Nemchek from Boswell indicated that the final Site Plan had not been submitted with all conditions stated in the resolution. Chandless indicated that permits should not be issued. The issue here is that the new tenant (Central Bakery) applied to do retail and this changes the use of this location and would require site plan approval. The revised/final amended plans for the approved application in 2001 should be sent to Boswell before any permits are issued.

D'Amico **motioned**; Veprek seconded for Ray DeRiso to check on the files and to check on the status of the CCO for the new tenant. All in favor.

Meeting Open to the Public

D'Amico **motioned**; Falato seconded to open to the public. All favor.

No comments

D'Amico **motioned**; Coppola seconded to close to the public. All in favor.

At 8:00 p.m. D'Amico **motioned**; Falato seconded to **adjourn**. All in favor.

Respectfully Submitted,

Mary Terraccino
PB/ZB Secretary

**BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF SOUTH HACKENSACK
January 26, 2009**

RESOLUTION NO. 2009-01

**APPOINTMENT OF THE BOARD
SECRETARY, A SALARIED NON-
CONTRACTUAL APPOINTMENT, FOR THE
YEAR 2009**

WHEREAS, this Body requires the services of a Board Secretary, and

WHEREAS, N.J.S.A. 40A:55D-71 provides that a Board of Adjustment may appoint such person qualified to render those services, and

WHEREAS, this Board has considered the qualifications of Evelyn Stefano of 75 Grove St. South Hackensack, N.J., as Board Secretary and desires to appoint her to that position,

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of South Hackensack that the said Evelyn Stefano be and is hereby appointed to the position of Secretary of this Board for the year 2009, and

BE IT FURTHER RESOLVED that this appointment be made known to the Township Committee of the Township of South Hackensack with the recommendation that she be engaged and compensated under the Salary Ordinance of this Township accordingly.

I hereby certify that the foregoing is a true copy of the resolution of the South Hackensack Board of Adjustment duly adopted in this matter on January 26, 2009.

Date: January 26, 2009

Mary Terracina
(Acting) Board Secretary

**BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF SOUTH HACKENSACK
January 26, 2009**

RESOLUTION NO. 2009-02

**APPOINTMENT OF THE BOARD ATTORNEY
FOR THE YEAR 2009 AND AUTHORIZATION
OF PROFESSIONAL CONTRACTS FOR
THOSE SERVICES**

WHEREAS, this Body requires the services of a Board Attorney, and

WHEREAS, N.J.S.A. 40A:55D-71 provides that a Board of Adjustment may engage the services of such persons qualified to render those services, and

WHEREAS, this Board has considered the qualifications of Ralph W. Chandless, Jr., as Board Attorney, and desires to appoint him to that position, and

WHEREAS, the Local Public Contracts Law authorizes the award of contracts for professional services without competitive bidding, and

WHEREAS, this Board has determined that the compensation to be paid to such attorney may exceed the sum of \$17,500.00, and

WHEREAS, the said attorney has been notified of the obligation to file a Business Entity Disclosure Certification as required by the New Jersey Pay-to-Play Law and further notified that his contract will prohibit the making of any reportable contribution to a political or candidate committee of the Township of South Hackensack throughout the term of the contract as provided in that law,

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of South Hackensack that Ralph W. Chandless, Jr., having his office at 237B Boulevard, Hasbrouck Heights, New Jersey 07604, be and is hereby appointed as Attorney to this Board for the year 2008,

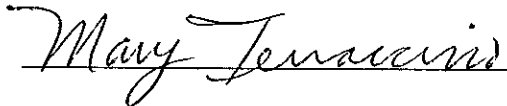
in consideration of a yearly retainer of \$2,500.00 together with the payment of \$100.00 per hour for all professional services reasonably required to be rendered in connection with applications to this Board and the defense of litigation instituted in relation to such applications subject to the limits of the lawful appropriation made therefore and only upon the presentation and approval of a certified voucher for such services, and

BE IT FURTHER RESOLVED as follows:

1. There is hereby authorized a contract with the aforesaid professional reflecting the aforesaid terms in such form as the Township Attorney may require and approve.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5(1)(a) based upon a determination by this Board that the services to be rendered there under are those of a person authorized by law to practice a recognized regulated profession.
3. The said contract together with the attorney's Business Entity Disclosure Certification shall be placed on file in the office of the Township Clerk and open for inspection by the public during the regular office hours thereof.
4. The Board Secretary shall give notice of this action by publication of a notice as required by law.

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Board of Adjustment on January 26, 2009.

Date: January 26, 2009



(Acting) Board Secretary