

Township of Randolph
Randolph, NJ 07869
January 12, 2023

A reorganization meeting of the Randolph Township Board of Adjustment was called to order at 7:30PM by the Kimberly Coward. Adequate notice of the meeting was given to the official newspaper and an agenda was posted on the Township bulletin board.

ROLL CALL

Present: Comrs. Bell, Norman, O'Neill, Stracco, Alt. Tatch, Vice Chairman Dunn, Richard L. Schneider, Board Attorney, Darren Carney, Assistant Manager/Planning and Zoning Administrator

Absent: Alt. Asbaty, Chairman Sesko

NOMINATION FOR CHAIRMAN

A motion was made by Comr. Dunn and seconded by Comr. Norman to nominate Comr. Sesko for Chairman. Comr. Sesko was elected Chairman by a unanimous roll call vote.

NOMINATION FOR VICE CHAIRMAN

A motion was made by Comr. Stracco and seconded by Comr. Bell to nominate Comr. Dunn for Vice Chairman. Comr. Dunn was elected Vice Chairman by a unanimous roll call vote.

Vice Chairman Dunn took over the meeting.

APPOINTMENT OF BOARD OF ADJUSTMENT ATTORNEY

RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BOARD OF ADJUSTMENT ATTORNEY

WHEREAS, the Board of Adjustment of the Township of Randolph has a need to acquire the retention of the professional services of an attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A20.4 and/or 20.5; and

WHEREAS, the Administrative Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Vogel, Chait, Collins & Schneider, PC has submitted a Business Entity Disclosure Certification which certifies that Vogel, Chait Collins & Schneider, PC has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Vogel, Chait Collins & Schneider, PC from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11.1 et. seq.) requires that the resolution authorizing the retention of attorneys for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the Chief Financial Officer of the Township of Randolph has certified the availability of funds in the 2023 Budget for the retention of the professional services of an attorney for the year 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township of Randolph Board of Adjustment, in the County of Morris and State of New Jersey as follows:

1. That the Township of Randolph Board of Adjustment hereby retains and hires Richard L. Schneider, Esq. of Vogel, Chait, Collins & Schneider, PC as Board of Adjustment Attorney for the year 2023.
2. Said attorney is retained and hired without competitive bidding as a “Professional Service” under the provisions of R.S. 40A:11-5 of the Local Public Contract Law, which specifically provides for the exemption of “Professional Services” from competitive bidding.
3. Compensation for Board of Adjustment Attorney shall be based on the following:
 - a. A retainer of \$695 shall be paid each month for general legal services to the Board and include attendance at one (1) regular meeting of the Board each month.
 - b. A fee of \$635 shall be paid for attendance at a second regular meeting of the Board in a calendar month.
 - c. All work performed not covered by the retainer arrangement, including all work performed in connection with representation of the Board in litigation, shall be billed at a rate of \$160.00 per hour.
 - d. A Professional Services Agreement shall be executed for each litigation item.
 - e. The Board of Adjustment Attorney shall adhere to the litigation procedures contained in the Township of Randolph Board of Adjustment Procedures and Guidelines for 2023.
 - f. Attendance at special meetings shall be billed at the rate of \$160.00 per hour.
4. The Chairman and Secretary are authorized to execute an agreement with the attorney for services outlined herein.
5. A copy of this Resolution shall be published within the official newspaper of the Board of Adjustment as required by law within ten days after its passage.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

I, Kimberly Coward, Township of Randolph Board of Adjustment Secretary, do hereby certify the above to be a true copy of a resolution adopted by the Township of Randolph Board of Adjustment at the meeting held on January 12, 2023.

Dated: 1/12/2023

Kimberly Coward
Board of Adjustment Secretary

Prof. Serv. Res. For BOA Atty 2023

**RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR ENGINEERING CONSULTANT**

WHEREAS, the Board of Adjustment of the Township of Randolph has a need to acquire the retention of the professional services of an engineering consultant as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A20.4 and/or 20.5; and

WHEREAS, the Board of Adjustment Secretary has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Ferriero Engineering, Inc. has submitted a Business Entity Disclosure Certification which certifies that Ferriero Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Ferriero Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11.1 et. seq.) requires that the resolution authorizing the retention of professional planners for “Professional Services” without competitive bids must be publicly advertised; and

NOW, THEREFORE, BE IT RESOLVED by the Randolph Township Board of Adjustment in the County of Morris and State of New Jersey as follows:

1. That the Township of Randolph Board of Adjustment hereby retains and hires Ferriero Engineering, Inc. as Board Engineering Consultant for the year 2023.
2. Said engineering consultant is retained and hired without competitive bidding as a “Professional Service” under the provisions of R.S. 40A:11-5 of the Local Public Contract Law, which specifically provides for the exemption of “Professional Services” from competitive bidding.
3. Compensation for Engineering Consultant shall be based on the following:
 - a. Engineering Consultant services shall be billed at the rates as provided in the Ferriero Engineering, Inc. proposal of October 17, 2022.

- b. The Board consultant shall bill for services against the developer's escrow.
4. The Chairman and Secretary are authorized to execute an agreement with the engineering consultant for services outlined herein.
5. A copy of this Resolution shall be published within the official newspaper of the Board of Adjustment as required by law within ten days after its passage.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

I, Kimberly Coward, Township of Randolph Board of Adjustment Secretary, do hereby certify the above to be a true copy of a resolution adopted by the Township of Board of Adjustment at the reorganization meeting held on January 12, 2023.

Dated: 1/12/2023

Kimberly Coward, Board of Adjustment Secretary

Prof Service Res. Eng. ,& Pl. Consultant -PSA's

**RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PLANNING CONSULTANT**

WHEREAS, the Board of Adjustment of the Township of Randolph has a need to acquire the retention of the professional services of a planning consultant as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A20.4 and/or 20.5; and

WHEREAS, the Board of Adjustment Secretary has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Harbor Consultants, Inc. has submitted a Business Entity Disclosure Certification which certifies that Harbor Consultants, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Harbor Consultants, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11.1 et. seq.) requires that the resolution authorizing the retention of professional planners for "Professional Services" without competitive bids must be publicly advertised; and

NOW, THEREFORE, BE IT RESOLVED by the Randolph Township Board of Adjustment in the County of Morris and State of New Jersey as follows:

1. That the Township of Randolph Board of Adjustment hereby retains and hires Harbor Consultants, Inc. as Board Planning Consultant for the year 2023.

2. Said planning consultant is retained and hired without competitive bidding as a “Professional Service” under the provisions of R.S. 40A:11-5 of the Local Public Contract Law, which specifically provides for the exemption of “Professional Services” from competitive bidding.
3. Compensation for Planning Consultant shall be based on the following:
 - a. Planning Consultant services shall be billed at a rate of \$155/hr. Professional Planner/Board Review and \$125/hr. Assistant Planner.
 - b. The Board consultant shall bill for services against the developer’s escrow.
4. The Chairman and Secretary are authorized to execute an agreement with the planning consultant for services outlined herein.
5. A copy of this Resolution shall be published within the official newspaper of the Township of Randolph Board of Adjustment as required by law within ten days after its passage.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

I, Kimberly Coward, Township of Board of Adjustment Secretary, do hereby certify the above to be a true copy of a resolution adopted by the Township of Randolph Board of Adjustment at the reorganization meeting held on January 12, 2023.

Dated: 1/12/2023

Kimberly Coward, Board of Adjustment Secretary

Prof Service Res. Eng. ,& Pl. Consultant -PSA’s

**RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR BOARD OF ADJUSTMENT FOR SPECIAL ENGINEERING
CONSULTANT:**

WHEREAS, the Board of Adjustment of the Township of Randolph has a need to acquire the professional services of a traffic engineer consultant for purposes of representing the Board of Adjustment, and

WHEREAS, the Township of Randolph Board of Adjustment desires to enter into a professional service agreement with Klein Traffic Consulting, LLC for said purpose, and

WHEREAS, the contract with Klein Traffic Consulting, LLC is for a total amount not to exceed \$5,000 and therefore the requirements of N.J.S.A. 19:44A-20.5 (Anti Pay-to-Play Legislation) do not apply; and

WHEREAS, the Chief Financial Officer of the Township of Randolph has certified the availability of funds in the 2023 Budget for the retention of the professional services of a traffic engineer for the purposes of representing the Board of Adjustment for the year 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township of Randolph Board of Adjustment in the County of Morris and State of New Jersey as follows:

2. That the Township of Randolph Board of Adjustment hereby retains and hires Klein Traffic Consulting, LLC for the purpose of representing the Board of Adjustment for the calendar year 2023.
3. Said attorney is retained and hired without competitive bidding as a “Professional Service” under the provisions of N.J.S.A. 40A:11-5(1)(a)(i), which specifically provides for the exemption of “Professional Services” from competitive bidding.
4. Compensation for Special Engineering Consultant shall be based on the following:
 - a. Special Engineering Consultant services shall be billed at the rates as provided in the Klein Traffic Consulting, LLC proposal of December 12, 2022.
 - b. The Board consultant shall bill for services against the developer’s escrow.
5. The Chairman and Secretary are authorized to execute an agreement with the traffic engineer for services outlined herein not to exceed \$5,000.
7. A copy of this Resolution shall be published within the official newspaper of the Board of Adjustment as required by law within ten days after its passage.

I, Kimberly Coward, Township of Randolph Board of Adjustment Secretary, do hereby certify the above to be a true copy of a resolution adopted by the Township of Randolph Board of Adjustment at the meeting held on January 12, 2023.

Dated: 1/12/2023

Kimberly Coward, Board of Adjustment Secretary

**RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF RANDOLPH,
MORRIS COUNTY, NEW JERSEY, TO ESTABLISH A SCHEDULE OF REGULAR
MEETINGS OF THE BOARD OF ADJUSTMENT DURING THE 2023 CALENDAR YEAR**

WHEREAS, N.J.S. 10:4-6 et. seq. known as the "Open Public Meeting Act" requires that all public bodies of the State of New Jersey provide adequate notice to the public of its intended meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF RANDOLPH, MORRIS COUNTY, NEW JERSEY, AS FOLLOWS:**

1. The regular meetings of the Board of Adjustment for the Township of Randolph, to discuss or act upon public business during the calendar year 2023, will be held at 7:30 PM prevailing time, at the Randolph Township Municipal Building, Millbrook Avenue, Randolph, New Jersey, on the following dates:

January 12, 26
February 9, 23
March 9, 23
April 27
May 11
June 8, 22
July 13, 27
August 10, 24
September 14, 28
October 12, 26
November 9
December 14, 21(if needed)
January 11 & 25, 2024

1. The meetings will be held on the second and fourth Thursday of the month, with the second Thursday designated as the alternate meeting night.
2. Certified copies of this said Resolution shall, within seven days of its adoption, be mailed to the Daily Record and the Randolph Reporter, the official newspapers designated by the Board of Adjustment.
3. A certified copy of this said Resolution shall also be maintained on file with the office of the Clerk of the Township of Randolph, and be posted and maintained throughout the year 2023 on the bulletin board located immediately adjacent to the Planning Office in the main hallway of the Municipal Building.
4. A certified copy of this said Resolution shall be mailed to any person requesting notices of the meetings of the Board of Adjustment pursuant to N.J.S. 10:4-19, and who has paid the required fee for such notice.

I, Kimberly Coward, Secretary of the Board of Adjustment, do hereby certify the above to be a true copy of a resolution adopted by the Board of Adjustment on January 12, 2023.

Kimberly A. Coward
Board of Adjustment Secretary
Township of Randolph

(forms) Res. On Meeting Dates 2023

All in favor by a unanimous roll call vote.

Meeting adjourned at 7:37pm.

Vice Chairman Dunn opened the **Regular Meeting**.

ROLL CALL:

Present: Comrs. Bell, Norman, O'Neill, Stracco, Alt. Tatch, Vice Chairman Dunn, Richard L. Schneider, Board Attorney, Darren Carney, Assistant Manager/Planning

Absent: Alt. Asbaty, Chairman Sesko

MINUTES:

December 8, 2023

Comr. O'Neill made a motion to approve the minutes and Comr. Norman seconded the motion.

All in favor.

PUBLIC COMMENTS:

Deepak Das 8 Devonshire asked about chairman not being present. He asked if a member of the public can ask the Board to request a traffic engineer to review an application.

Mr. Schneider noted that during the he could ask for that during the meeting of an application.

CORRESPONDENCE:

None.

MEMBER'S COMMENTS:

Mr. Schneider noted that the Board could review the Annual Report. He reviewed the process of the Annual Report for the Board Members.

RESOLUTIONS:

NEW BUSINESS:

Mr. Schneider announced that application 22-16 Claudia Perlaza (to be carried February 9, 2023) has made notice to the property owners within 200 feet list and the applicant will be provide notice in the newspaper for the meeting February 9, 2023 with no further notice to the public.

#22 Jose Vargas
B 142 L 2, 127 High Street
C Variance

Jose Vargas was sworn and explained that he had previously come to the Board for the pool location. His property has two front yards Route 10 and High Street. The variance is for an accessory structure in the front yard. He proposed to enclosed a hot tub with a gazebo in the front yard five feet from the side yard.

Mr. Schneider noted that there is a need for a side yard setback of the five feet for the enclosed gazebo in the front yard.

Mr. Vargas noted that he didn't know that the hot tub required a variance as he received a building permit.

Vice Chairman Dunn questioned if the hot tub is there already.

Mr. Vargas noted that the septic is on the right side of the yard.

Vice Chairman Dunn opened the meeting to the Board.

The Board discussed the application.

Mr. Schneider clarified the setback for the gazebo is five feet. If the Board determines that the hot tub is part of the gazebo it is also approving the location of the hot tub.

Vice Chairman Dunn opened the meeting up to the public.

One none unidentified resident was in support the applicant.

Mr. Schneider clarified the gazebo is five feet and the hot tub six feet from the property line which is located in the front yard.

CASE REVIEW:

The Board discussed the request.

Commr. O'Neill made a motion to approved and Comr. Stracco seconded the motion.

ROLL CALL:

AYES: Comrs. Bell, Norman, O'Neill, Stracco, Alt. Tatch, Vice Chairman Dunn

NAYES:

ABSTAIN:

Motion carried.

MEMBERS COMMENS: None heard.

January 12, 2023

10

ADJOURN: A motion to adjourn was made and seconded.

Attest:

Kimberly Coward
BOA Secretary

TIME: 8:01PM