

July 13, 2023

Township of Randolph
Randolph, NJ 07869
July 13, 2023

A regular meeting of the Randolph Township Board of Adjustment was called to order at 7:30PM by Chairman Sesko. 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. Asbaty, Bell, Norman, O'Neill, Stracco, Alt. Tatch, Chairman Sesko, Darren Carney, Assistant Manager/Planning and Zoning Administrator, Richard Schneider, Board of Adjustment Attorney

Absent: Alt. Fiscella, Vice Chairman Dunn

ACTION ON MINUTES OF:

June 22, 2023

Chairman Sesko suggested a clarification on page 3 paragraph one reading second front yard.

Comr. Stracco made a motion to approve the minutes with the change and Comr. O'Neill seconded the motion. All in favor.

June 22, 2023 Executive Session

Comr. Stracco made a motion to approve the minutes and Comr. O'Neill seconded the motion. All in favor.

PUBLIC COMMENTS: None heard.

MEMBERS COMMENTS:

RESOLUTION:

**RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR BOARD OF ADJUSTMENT ATTORNEY FOR MATTERS OF
LITIGATION:**

Deepak Das vs. Township of Randolph Board of Adjustment

WHEREAS, the Board of Adjustment of the Township of Randolph has a need to acquire the professional services of an attorney for purposes of representing the Board of Adjustment concerning the matter of Deepak Das vs. Township of Randolph Board of Adjustment, and

WHEREAS, the Township of Randolph Board of Adjustment desires to enter into a professional service agreement with Richard L. Schneider, Esq. of the Vogel, Chait, Collins & Schneider for said purpose, and

WHEREAS, the contract with Vogel, Chait, Collins & Schneider is for a total amount not to exceed \$7,500 and therefore the requirements of N.J.S.A. 19:44A-20.5 (Anti Pay-to-Play Legislation) do not apply; and

WHEREAS, the Vogel, Chait, Collins & Schneider have submitted to the Township the Political Contribution Disclosure Form, Stockholder Disclosure Certification and Business Entity Disclosure Certification should the dollar amount of their contract be amended during the 2023 calendar year and exceed \$17,500 and the requirements of the Anti Pay-to-Play Legislation would then 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 an attorney for the purposes of representing the Board of Adjustment in the matter of Deepak Das vs. Township of Randolph 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:

1. That the Township of Randolph Board of Adjustment hereby retains and hires Richard L. Schneider, Esq. for the purpose of representing the Board of Adjustment concerning Deepak Das vs. Township of Randolph Board of Adjustment for the calendar year 2023.
2. 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.
3. Compensation for Attorney shall be based on the following:
 - a. Litigation representation shall be billed at a rate of \$160.00 per hour.
 - b. The Board of Adjustment Attorney shall adhere to the litigation procedures contained in the Township of Randolph Planning Board Procedures and Guidelines for 2023.
4. The Chairman and Secretary are authorized to execute an agreement with the attorney for services outlined herein not to exceed \$7,500.
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.

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 July 13, 2023.

Dated: 7/13/2023

Kimberly Coward, Board of Adjustment Secretary

Comrs. Norman, O'Neill, Stracco, Asbaty, Alt. Tatch, Chairman Sesko

NEW BUSINESS:

23-04 Believe in Me LLC(carried from June 22, 2023)

B 44 L 13.01, 791 Route 10

C Variance and D Variance

Douglas Sclar, Esq. appeared to represent the application. He noted that there are three variances being requested. This property was before the Board back in 1996 for resolution permitting commercial building as a church and again in 2003 for permitting D(3) variance and C variance relief as to parking for combined uses and site plan amending seeking relief from condition 7 of the Full Gospel Resolution. The proposed use is for development services for children which will be one on one service for children.

He explained the that hours do not conflict as the church has different hours than the Believe in Me LLC. The parking is not an issue as the parents stay in the car during drop off and some of them come in and out to get their child. The parking is far less parking that was allowed to the other tenant.

Casandra Generelli, owner was sworn.

Comr. O'Neill asked about the cueing of the cars during drop off.

Ms. Generelli noted that the is a loop road and the practitioner will come out to the car to receive the child and then the parent leaves.

Mr. Sclar noted that the driveway is very long with a horseshoe turn around.

Ms. Generelli noted that this is a developmental center for profit.

Comr. Stracco asked if there will be any overnight parking of the school.

Mr. Generelli noted that there is no overnight parking.

Ms. Generelli noted that the maximum number of students will be 50 students.

Comr. Bell questioned the number of staff.

Ms. Generelli noted that maximum parking would be 75 cars.

Comr. Asbaty questioned the ages of students.

Ms. Generelli noted that this is a developmental skills center ages 18 months to 12 years old.

Comr. Stracco questioned if there is an expansion of the space.

Mr. Sclar noted that the space is not changing the accounting space has never been rented when the accounting firm left.

Mr. Schneider questioned the supplemental information about the church hours of operation. He asked if there would be a church representative will testify.

Roldan Manlapig, pastor Bible Church International was sworn. He noted that the hours will not conflict with the church hours. He noted that the hours are 9am-2pm Sunday hours. There are some special events for holidays, weekdays hours and Friday evening 8pm-10pm. He is not involved with the center. He felt that there is no conflict to the space or the parking.

Comr. Asbaty asked about if there are any space conflicts.

Chairman Sesko clarified that the tenant space is separate from the church.

Sergio Chavarria, architect was sworn. He explained the layouts of the church and the tenant space. There is a shared lobby and the church space is separate from the tenant space. The tenant space that was an accounting firm and there are only minimal changes that need to be made. The door will be changed to be a secured door for the safety of the children.

Comr. Tatch asked about the space that the church has.

Mr. Chavarria explained the space that will be used by Believe in Me LLC.

Comr. Bell asked about the egress.

Mr. Chavarria noted that there are four egress doors.

Chairman Sesko asked if there would be a building permit for the tenant fit up.

Mr. Chavarria stated yes.

Mr. Schneider clarified if the applicant would agree to a condition of hours that do not conflict with the church hours.

Mr. Sclar agreed.

Mr. Schneider clarified the parking.

Mr. Carney noted required parking is 225 spaces for office and church.

Chairman Sesko opened to the public. No public present.

Mr. Schneider noted that the previous application was so that there wasn't a conflict with the church use. so, the variance was granted for the space that was complementary to church.

Mr. Carney noted that there can be two uses. The D 3 variance for the conditional use standards for an institutional use.

Mr. Sclar noted that back in the 1995 application it was granted. He did not know why the variance was granted but it seems that one acre of building and 7 acres of property.

Mr. Schneider clarified noted that the parking variance was granted on the office use.

There was no public present for public comment.

CASE REVIEW:

The Board discussed the application and the three variances.

There was a suggestion of the Board if they could impose a condition of the developmental services be limited to Monday thru Friday.

Comr. Stracco made a motion and Comr. Bell seconded the motion.

ROLL CALL:

AYES: Comrs. Bell, Norman, O'Neill, Asbaty, Stracco, Tatch, Chairman Sesko

NAYES:

ABSTAIN:

Motion carries.

ADJOURN: A motion and a second to adjourn.

Attest:

Kimberly Coward
BOA Secretary

TIME: 8:11 PM