

**ROBBINSVILLE TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NJ
REORGANIZATION MEETING
TUESDAY, JANUARY 10, 2017
7:30 P.M. – PUBLIC MEETING ROOM IN MUNICIPAL BUILDING
MINUTES**

CALL TO ORDER

The annual reorganization meeting of the Zoning Board of Adjustment of Robbinsville Township was called to order by Board Secretary, Elide Post on January 10, 2017 at 7:30 p.m. in the Public Meeting Room in the Robbinsville Township Municipal Building.

ROLL CALL

The roll call showed the following members to be present: Mr. Caputo, Mr. Haney, Mr. Jackson, Mr. Gibeault, Mr. Lewen, Mr. Bharatiya and Mr. Daniel.

Absent: Dr. Smolarz

Also present were: Mr. McGough, Township Engineer; Mr. Nunziato, Assistant Township Engineer; Mr. Herbert, Esq., Board Attorney; Ms. Post, Board Secretary.

SUNSHINE STATEMENT

Ms. Post read the following statement: "Adequate notice of this meeting has been provided as required under Chapter 231, P.L. 1975, specifying the time and place, with such notices being sent to the "Times of Trenton" and the "Trentonian" and being posted on the Municipal Building Public Notice Bulletin Board."

PLEDGE OF ALLEGIANCE

Ms. Post led the Board members present in the salute to the flag.

PUBLIC COMMENT

At this time, Ms. Post opened the meeting to the public.

Township Council President Daniel Schuberth, 7 North Commerce Square, addressed the Board to wish them a happy new year and to also thank them for their service. He mentioned that he just stepped off the Planning Board after serving two years on the Board. One of the things he recalled when he undertook the mandatory education class is that he was told the Planning Board is a "yes" board and the Zoning Board is a "no" board. He is aware that the Zoning Board tackles some fairly weighty issues and has had some wild hearings according to some of the stories that he has heard. Serving on the Zoning Board is not an easy job. Everyone is a volunteer. The Zoning Board is the only board that the Township Council appoints directly without mayoral consent. When you have some wild meetings late in the evening, you can knock on my door and tell me what the residents really think about your decisions. There are some really interesting issues to tackle in Robbinsville this year. Certainly there is not much left to develop, but there are some interesting requests made to this Board. The Zoning Board is literally in the front lines in determining what the Township

may or may not look like many years in the future. He wished the Zoning Board a successful year and reiterated his thanks for serving on this board.

The Zoning Board thanked Township Council President Schuberth for his kind words.

Since there were no further comments from the public, the public comment portion of the meeting was closed.

BOARD COMMENTS

Ms. Post congratulated Mr. Daniel, Mr. Lewen and Dr. Smolarz, who is not present tonight, on their reappointment to the Board.

Mr. McGough introduced the recently hired Assistant Township Engineer, John Nunziato, who is also a professional planner. Mr. McGough hopes that the Board will agree to appoint Mr. Nunziato as co-planner in addition to whatever planning consultant firm that the Board will appoint tonight. Mr. Nunziato has worked for the town since October 18, 2016. He is an incredibly talented individual, who will perform well for the Board. He asked the Board to welcome Mr. Nunziato, which they did.

BUSINESS TO DISCUSS

Reorganization

Ms. Post stated that the next order of business is the election of chairman and vice chairman. The Nomination Subcommittee conducted a poll with the result that the chair and vice chairman should remain the same as the prior year. For the record, the following Board members are eligible to serve as chairman and vice chairman: Mr. Caputo, Mr. Gibeault, Mr. Daniel, Mr. Bharatiya, Mr. Jackson and Mr. Haney.

Chairman

Ms. Post asked for someone to make a nomination for chairman. Mr. Haney offered a motion to nominate Mr. Daniel for the position of chairman. Mr. Bharatiya seconded the motion. No other nominations were made. Mr. Daniel accepted the nomination. All of the Board members voted unanimously in favor of Mr. Daniel for chairman for 2017 (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Vice Chairman

Ms. Post asked for a nomination for vice chairman. Mr. Daniel nominated Mr. Caputo for the position of vice chairman. Mr. Haney seconded the motion. No other nominations were made. Mr. Caputo accepted the nomination. All of the Board members voted unanimously in favor of Mr. Caputo as vice chairman for 2017 (Haney, Gibeault, Bharatiya, Jackson, Lewen, Caputo, Daniel). Therefore, the motion carried.

Appointments

Ms. Post stated that the Board has to decide on the following appointments, which will run from January 1 to December 31, 2017:

- Township Engineer – Timothy McGough, PE
- Assistant Township Engineer & Planner – John Nunziato, PE,PP

- Board Secretary – Elide Post
- Board Counsel – Only one RFP submitted
 - Michael Herbert, Esq., Herbert, Van Ness, Cayci & Goodell
- Engineer, Planner & Traffic Consultant – Three RFPs submitted
 - Remington, Vernick & Arango Engineers
 - McMahon Associates, Inc.
 - T&M Associates
- Architectural Consultant – Only one RFP submitted
 - Edmund Wilson, AIA, PP

Township Engineer

Mr. Daniel asked for a motion to reappoint Mr. McGough as the Township Engineer. A motion was made by Mr. Haney and seconded by Mr. Bharatiya to reappoint Mr. McGough. All of the Board members voted unanimously in favor of reappointing Mr. McGough as the Township Engineer (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Assistant Township Engineer & Planner

Ms. Post asked for a motion to appoint Mr. Nunziato as the Assistant Township Engineer & Planner. A motion was made by Mr. Caputo and seconded by Mr. Daniel to appoint Mr. Nunziato. All of the Board members voted unanimously in favor of appointing Mr. Nunziato as the Assistant Township Engineer & Planner (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Board Secretary

Ms. Post asked for a motion to reappoint her as Board Secretary. A motion was made by Mr. Haney and seconded by Mr. Gibeault to reappoint Ms. Post. All of the Board members voted unanimously in favor of reappointing Ms. Post as Board Secretary (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Ms. Post thanked the Board for the reappointment.

Board Attorney

Ms. Post asked for a motion to reappoint Mr. Herbert as Board Counsel. A motion was made by Mr. Daniel and seconded by Mr. Bharatiya to reappoint Mr. Herbert. All of the Board members voted unanimously in favor of reappointing Mr. Herbert as Board Counsel (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Mr. Herbert thanked the Board for his reappointment.

Engineer, Planner & Traffic Consultant

Ms. Post stated that three RFPs were submitted for Engineer, Planner & Traffic Consultant Services. Last year the Board split the services and appointed McMahon as their Traffic Consultant and Remington & Vernick Engineers as their Consultant Engineer & Planner. It is the Board's decision as to whether to retain the same consultants as the prior year or use a new firm.

Mr. Bharatiya asked who the Planning Board selected. Mr. McGough responded that the Planning Board will not reorganize until tomorrow.

Mr. Gibeault noted that there were three proposals submitted for Engineer, Planner & Traffic Consultant Services. There is no compelling reason necessarily to split the services.

Mr. McGough stated that last year the Board appointed Remington & Vernick Engineers as their Consultant Engineer & Planner and McMahon as their Consultant Traffic Engineer. He recalled that the Planning Board and Zoning Board had indicated that they desired a traffic specialist, which is why they have McMahon. As he stated earlier, Mr. Nunziato will be handling most of the planning matters for the Zoning Board and Planning Board, if they agree tomorrow. At this point, he would recommend that the Zoning Board retain McMahon as their Consultant Traffic Engineer. It is the Board's decision in respect to hiring a planning consultant; however, he thinks that Board should have a planning consultant in the event something gets very complicated from a planning perspective.

Mr. Caputo asked if there is any downside of having both consultants. Ms. Post answered that the consultants get paid from the applicant's escrow. There is no expense to the town.

Mr. McGough said he did not know if the McMahon firm is known as planners. Ms. Post said the firm focuses on traffic.

Mr. Gibeault noted that a big part of the reason Remington & Vernick Engineers has been around is because of the consistency from Master Plan days and Town Center. Remington & Vernick Engineers has seen a lot of the changes. Mr. McGough agreed and added that the firm has been with the town since 2005.

Mr. McGough doesn't anticipate using Remington & Vernick Engineers unless the Board requests that he does for an application. Mr. Nunziato is a professional planner and has enormous experience. It is better for the town to have their own in-house professionals. He reiterated that the Board should appoint a consultant engineer and planning firm as a backup in case something unforeseen comes up.

Mr. Daniel remarked that now that they have Mr. Nunziato in-house, it would be beneficial to use him than an outside firm. Mr. McGough agreed, but stated the Board should still appoint a firm. He offered the application of Seven Plus One as a perfect example. If they get into some heavy duty litigation, they may want to have an outside firm. On a day to day, an in-house person is fine.

Mr. Caputo asked if this a designation or is there an annual retainer. Ms. Post responded that there is no annual retainer. The consultant gets paid from applicant's escrow if the Board uses them.

Mr. Daniel suggested appointing the same firms as last year.

Mr. Caputo made a motion to appoint Remington & Vernick Engineers as their Planning Consultant on as needed basis and McMahon for their Traffic Consultant. He was seconded by Mr. Jackson. All of the Board members voted unanimously in favor of those appointments (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Architectural Consultant

Ms. Post asked for a motion to appoint Ed Wilson as the Board's Architectural Consultant. Mr. Herbert said that Mr. Wilson has done a terrific job for the Board. Mr. Gibeault agreed and added that Mr. Wilson works very well with the applicants, staff and the Board. A motion was made by Mr. Gibeault and seconded by Mr. Haney to reappoint Mr. Wilson. All of the Board members voted unanimously in favor of reappointing Mr. Wilson as the Board's Architectural Consultant (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

2017 Meeting Schedule

Ms. Post stated that the Board has to establish their monthly meeting dates for 2017. The Board has been meeting on the third Tuesday of each month at 7:30 p.m. with a hard stop at 11:00 p.m. The new location for the meetings would be in the Public Meeting Room in the municipal building unless otherwise noticed. Hearing no comments to change the meeting schedule, she asked for a motion to accept the same meeting schedule as the prior year with the location being in the Public Meeting Room. A motion was made by Mr. Caputo and seconded by Mr. Daniel as to that schedule and location. All of the Board members voted unanimously in favor of keeping the same meeting schedule as last year and meeting in the Public Meeting Room (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Designation of Official Newspaper

Ms. Post stated that in the prior years the "Trenton Times" has been designated as the official newspaper for legal advertising and the "Trentonian" for a secondary newspaper for publication of public notices requiring placement in more than one newspaper, or for instances where the "Trenton Times" cannot publish an advertisement for any reason. The "Trenton Times" and the "Trentonian" have been used for the sunshine notices.

She asked for a motion to use the two newspapers as stated above. That motion was made by Mr. Bharatiya and seconded by Mr. Caputo. All of the Board members voted unanimously in favor of using the two newspapers as stated above (Caputo, Haney, Gibeault, Bharatiya, Jackson, Lewen, Daniel). Therefore, the motion carried.

Discussion Items

Mr. Herbert informed the Board that his firm has dissolved and he has joined the firm of Parker McCay. He will be formally with the firm by the next meeting. Ms. Post said he will need to submit new pay to play forms. Mr. McGough said that Parker McCay is an excellent firm.

Ms. Post announced that there will be no meeting on the third Tuesday of January due to not having any applications or matters for the agenda. The Board's first regularly scheduled meeting will be February 21st and EZ Auto is scheduled for a third continued public hearing.

ADJOURNMENT

With no other business to discuss, a motion was made by Mr. Gibeault and seconded by Mr. Daniel to adjourn the meeting. All in favor. Meeting adjourned at 8:00 p.m.

Respectfully submitted,



Elide M. Post
Zoning Board Secretary

Adopted: February 21, 2017