

Regular meeting of the Haworth Zoning Board of Adjustment on January 9, 2019, at the Municipal Center.

**PRESENT:** Dennis Posen, Chairman  
Richard Ehrenberg  
Jeffrey Lester, Vice Chairman  
Catharine Luby  
Joseph Panzella  
John Paquet, Secretary/Treasurer  
Laura Weingartner, Alternate 1

Alexander West, Board Attorney  
Andrew Rosenberg, Council Liaison

**ABSENT** David Roth

Mr. Posen called the meeting to order and upon roll call, the above Members were present. Mr. Roth gave notice that he would not be able to attend this meeting.

Due notice of this meeting was given in accordance with the New Jersey Open Public Meetings Act.

### **ACCEPTANCE OF THE MINUTES**

#### **November 2018**

Mr. Posen noted that review and acceptance of the November 2018 minutes had been postponed until this evening.

They were distributed and reviewed and Mr. Posen entertained a motion for acceptance.

Mr. Panzella moved to accept the minutes.

Seconded by Mr. Paquet and upon roll call, the vote went as follows: Yes - Mr. Panzella, Mr. Paquet, Mr. Ehrenberg, Mr. Lester, Mrs. Luby, Mrs. Weingartner, and Mr. Posen; No - none. Motion carried.

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### December 2018

The minutes of the December 2018 meeting were reviewed.

Mr. Panzella moved to accept the minutes as prepared.

Seconded by Mr. Paquet and unanimously carried.

### **CORRESPONDENCE**

- *New Jersey Planner*

Mr. Posen distributed copies to the Board

- Memo advising that Mr. Roth had been reappointed for a 3-year term.

- Email dated January 4, 2019 from Mr. Lubin stating that he had received a copy of the draft Resolution, however, he would not be responding.

### **ST. GABRIEL'S CHURCH APPLICATION (continuation)**

Mr. Capizzi appeared on behalf of the applicant.

Mr. Ehrenberg noted that the November 2018 minutes contained testimony on page 81 that Mr. West pointed out that there was another condition which needed to be satisfied. He noted that there had to be one shade tree for every 10 stalls and Mr. Capizzi said that the applicant would provide them.

Mr. Capizzi responded that he could get them in within 30 days of the Resolution.

Mr. Panzella requested that the location of the berm be spelled out

Mr. Posen reminded everyone that since there were additional revisions, this document would have to go back to Mr. Vinces office. He also reminded everyone that Sunset Avenue was a County road.

There was discussion with Mr. Capizzi.

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Mr. Posen noted for the record that the Board was going to request a revised Plan to be submitted to Mr. Vince's office.

The revised Draft Memorial Resolution was then distributed and reviewed.

Mr. Posen entertained a motion to approve this document.

Mr. Ehrenberg moved to approve St. Gabriel's Draft Memorializing Resolution.

Seconded by Mr. Paquet.

There was discussion.

Mr. Capizzi stated that Mr. West had sent him a revised copy of the Resolution and he marked it up and sent it back to him.

There was a lengthy discussion between Mr. Capizzi and Mr. West about amending the Resolution to include Mr. Capizzi's comments and recommendations. He stated that he believed that the Board had not passed the test of RLUPA.

Mr. West stated that he felt his Resolution was adequate. He said he put the Board's findings in it and it would be the Board's Resolution.

There was discussion.

Mr. Posen noted that this case had been exceptionally long and difficult. He said that they Board relied on their Counsel to sift through his notes, minutes and records of the testimony. Mr. Posen stated, notwithstanding that, he would like to have all comments distributed and then have a discussion about them. He said that it was at the Board's discretion to rely on Counsel to prepare the Resolution.

Mr. Posen asked if they wanted to withdraw the motion or table it until the next meeting. It was decided to table the motion and not take a vote this evening.

Mr. West said that he would provide copies to the Board.

Mr. West then explained that Mr. Lubin received a draft resolution from Mr. Capizzi; however, he did not want to make any comments since he represented the opposition. He stated that a red-lined copy would not be sent to him. Mr. West explained that Mr. Capizzi wanted to expand on what Mr. West had proposed.

