BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REORGANIZATION/REGULAR MEETING
MINUTES
January 12, 2015

APPROVED 3/2/15

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a **Reorganization and Regular Meeting** of the Westwood Zoning Board of Adjustment.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: William Martin, Chairman
Eric Oakes, Vice Chairman
Matthew Ceplo
H. Wayne Harper
Marc Truscio
George James
Cynthia Waneck (Alt #1)
Michael Klein (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis A. Raimondi, Board Engineer
Steve Lydon, Burgis Associates, Board Planner
Michele S. Austin, Esq. Substitute Board Attorney for MedExpress Application

ABSENT: Guy Hartman (excused absence)

4. REORGANIZATION MEETING:

SWEARING IN OF MEMBERS:

Mr. Martin and Mr. Truscio were sworn in by David Rutherford, Esq. Ms. Waneck and Mr. Klein were sworn in at the Mayor and Council Reorganization Meeting.

William Martin	Regular Member, 4 Yr. Term, Expiring 12/31/18
Marc Truscio	Regular Member, Term Expiring 12/31/17
Cynthia Waneck	Alternate Member #1 Term Expiring 12/31/15
Michael Klein	Alternate Member #2 Term Expiring 12/31/15

NOMINATIONS FOR CHAIRMAN OF THE ZONING BOARD:

David Rutherford, Esq. called for nominations for the position of Chairman of the Zoning Board.

Upon nomination by Mr. Oakes, seconded by Mr. James, with no further nominations, **William Martin was nominated as Chairman of the Zoning Board.**

Upon motion of Mr. Oakes, seconded by Mr. James, all ayes, the Board closed the nominations for Chairman. On roll call vote, all members voted yes.

NOMINATIONS FOR VICE-CHAIRMAN OF THE ZONING BOARD:

Chairman William Martin requested a nomination for the election of a Vice-Chairman:

Upon nomination Mr. James, seconded by Mr. Harper, with no further nominations, **Eric Oakes was nominated as Vice-Chairman of the Zoning Board.**

Upon motion of Mr. Truscio, seconded by Mr. Harper, all ayes, the Board closed the nominations for Vice-Chairman. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF ATTORNEY FOR THE ZONING BOARD:

Chairman Martin requested a nomination for the appointment of an Attorney:

Upon nomination by Mr. Oakes, seconded by James, with no further nominations, **David Rutherford, Esq. was nominated to continue as Attorney for the Zoning Board.**

Upon motion of Mr. Oakes, seconded by Mr. James, the Board closed the nominations for Attorney for the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL ENGINEER FOR ZONING BOARD:

Chairman Martin requested a nomination for the appointment of Professional Engineer for the Zoning Board:

Upon motion of Mr. Oakes, seconded by Mr. Harper, with no further nominations, **Louis A. Raimondi**, was nominated to continue as Professional Engineer for the Zoning Board.

Upon motion of Mr. Oakes, seconded by Mr. Harper, the Board closed the nominations for Professional Engineer for the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL PLANNER FOR THE ZONING BOARD:

Chairman Martin requested a nomination for the appointment of a Planner:

Upon motion of Mr. Oakes, seconded by Mr. Harper, with no further nominations, **Steve Lydon, Burgis Associates, was nominated to continue as Professional Planner for the Zoning Board.**

Upon motion of Mr. Oakes, seconded by Mr. Harper, the Board closed the nominations for Professional Planner, for the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF RECORDING SECRETARY:

Chairman Martin requested a nomination for the appointment of a Recording Secretary:

Upon motion of Mr. Oakes, seconded by Mr. James, with no further nominations, **Mary R. Verducci was nominated to continue as Recording Secretary for the Zoning Board.**

Upon motion of Mr. James, seconded by Mr. Harper, all ayes, the Board closed the nominations for Recording Secretary for the Zoning Board. On roll call vote, all members voted yes.

ADOPTION OF 2015 MEETING DATES:

Upon motion of Mr. James, seconded by Mr. Oakes, all ayes on roll call vote, the Board adopted the 2015 Meeting Dates

for the Zoning Board as attached. The dates would be forwarded to the Borough Clerk for publication.

ADOPTION OF PROCEDURAL RULES & BY-LAWS – Board Attorney Rutherford advised there were no changes from the prior year. Upon motion of Mr. Oakes, seconded by Mr. James, all ayes on roll call vote, with one abstention by Ms. Waneck, the Board adopted the 2015 Procedural Rules and By-Laws.

ADOPTION OF THE ANNUAL REPORT OF THE ZONING BOARD FOR 2014 Carried to the 2/2/15 meeting to permit Board Members to review the document, upon motion of Mr. Martin, seconded by Mr. James, and carried unanimously on roll call vote.

REGULAR MEETING

5. MINUTES: A motion to approve the Minutes dated 12/1/14 was made by Mr. Oakes, seconded by Mr. Truscio and carried unanimously on roll call vote. Ms. Waneck and Mr. Klein were not eligible to vote.

6. CORRESPONDENCE:

1. Correspondence and briefs from John J. Lamb, Esq. dated 12/22/14, 1/6/15 and 1/8/15 RE: VRS 40 Kinderkamack, LLC and MedExpress;

2. Report of Louis A. Raimondi, dated 1/8/15 RE: Ponce;

7. VOUCHERS: Upon motion of Eric Oakes, seconded by Wayne Harper, all ayes on roll call vote, **the Board approved Vouchers totaling $5,332.50.**

8. RESOLUTIONS:

1. DelVecchio, 115 Prospect, Block 1004, Lot 8 - Section 68 – Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Wayne Harper. There were no further questions, comments or discussion. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, and William Martin voted yes. The remaining members were not eligible to vote.

2. Sobeck, 5 Glenn Court, Block 302, Lot 12 - Section 68 – Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Wayne Harper. There were no further questions,

comments or discussion. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, and William Martin voted yes. The remaining members were not eligible to vote.

3. Ruggiero - 26 Steinbach Place, Block 503, Lot 37 – Variance for Non-Conforming Garage - **Board Attorney Rutherford read the Resolution of Approval** into the record. A motion for approval was made by Eric Oakes and seconded by Wayne Harper. There were no further questions, comments or discussion. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, and William Martin voted yes. The remaining members were not eligible to vote.

9. PENDING NEW BUSINESS:

1. Vassallo, 71 Sixth Avenue, Block 902, Lot 5 – "C" Variance – Incomplete; Carried to the 2/2/15 meeting;

2. Bogush, 43 Sullivan Street, Block 2110, Lot 22 - Use Variance – Incomplete; already noticed; Carried to the 2/2/15 meeting with no further notice;

3. Fernandez, 125 Lake Street, Block 710, Lot 21 - Site Plan – Incomplete; Carried to the 2/2/15 meeting;

4. Pinto, 460 Fairview Avenue, Block 708, Lot 14 – Incomplete; Carried to the 2/2/15 meeting;

5. Cameron, 10 Lewis Place - Section 68 Certificate – Incomplete; Carried to 2/2/15;

10. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS
The Board Professionals were sworn in.

1. Ponce, 188 Sand Road, Block 1401, Lot 9 – "C" Variance - L. Scott Berkoben, Esq. represented the applicant and reviewed from the prior meeting. The applicant, Mr. Ponce, was present. Mr. Fethes, applicant's Architect, continued under oath. They cut back the driveway approximately 650 sf to fit four cars. The surveyor provided the dimensions and measurements, per the 2010 and 2011 surveys filed with the Borough. Mr. Raimondi received the 2011 survey, but it was not signed and sealed. Mr. Fethes then provided the signed and sealed survey, showing the scaling of the two driveways.

Mr. Raimondi acknowledged the dimensions and signed and sealed survey for the record.

Mr. Raimondi reviewed his report dated 1/8/15 and requested clarification on the zoning table appearing on the plan. Mr. Fethes explained Table "A" is the structure. There was an error stating the total size of both driveways, which Mr. Fethes would correct. That was the structure total, and that issue was clarified. Mr. Raimondi continued. On Table "B", clarification was needed and provided. Mr. Raimondi asked where the air conditioner concrete pad was located. Mr. Ponce responded they do not have central air conditioning. Mr. Martin explained the Board, through questioning, is properly documenting the plan. The garage is no longer used as a garage, Mr. Fethes testified. It is just for storage.

Mr. Martin noted there would be a few clarifications needed as to the plan as stated. The two lots were combined. Mr. Raimondi suggested, and Mr. Rutherford advised a Deed combining the two lots would make it official. Mr. Berkoben commented conveying a Deed without consideration may present issues, and he would like to look at it. Mr. Martin commented his understanding was the Tax Office would merge the two lots because they are undersized. We never requested the applicant to convey a Deed, and he deferred to Mr. Rutherford. As per the Doctrine of Merger, the applicant clearly could not sell one of the lots. It would be okay to leave it to the Tax Assessor. Mr. Lydon asked what the size of the southern driveway would be. Mr. Fethes did not have the information at hand. Mr. Martin suggested as a condition, Mr. Fethes could be permitted to provide that information. Mr. Lydon and Mr. Raimondi agreed it could be a condition. Mr. Oakes asked if the removable fence would still go across the driveway. Mr. Ponce desired it to remain. The plan would be amended as stated, with a breakdown of the figures as requested.

There were no further questions, comments or discussions from the Board. There were no interested parties. Board comments followed, and Mr. Oakes commented favorably. The Chairman called for a motion. **A motion for approval** was made by Eric Oakes with all amendments and conditions and updates requested, and seconded by Matthew Ceplo. Board Attorney Rutherford read the conditions into the record. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, and William Martin voted yes.

The Board took a recess from 8:55 pm to 9:55 pm.

2. VRS 40 Kinderkamack, LLC and MedExpress Urgent Care-New Jersey, P.C., 40 Kinderkamack Road, Block 1607, Lots 12, 13 and 14 – Appeal of Zoning Officer's Decision – David Rutherford, Esq. recused himself and departed. Michele S. Austin, Esq. took his place at the dais as Board Attorney for this application. William Martin recused himself and stepped down from the dais. Eric Oakes chaired the meeting for this application.

Carmine R. Alampi, Esq., appeared on behalf of the applicant, VRS 40 Kinderkamack, LLC, the contract purchaser, and Med/Express Urgent Care-New Jersey, P.C., the end user. John J. Lamb, Esq. represented the objector, Westwood Taxpayers Alliance.

Ms. Austin advised that Ms. Waneck has informed me that she was a member of the Mayor and Council when this ordinance was passed, and she was also on the Planning Board at the time of the Master Plan reorganization. That does not affect her ability to sit on the matter; however she wanted to inform the attorneys, applicant, opposing party, and the public. Mr. Lamb had no issue with same. Mr. Alampi commented he was aware and had no other information other than her voting on the ordinance. He had no issue with Ms. Waneck remaining and deliberating. Mr. Lamb restated he also had no issue.

Mr. Lamb further commented on the recusal of William Martin. He cited case law and outlined what he felt were the legal issues. Mr. Lamb stated he provided a substantial letter brief dated 12/22/14 outlining their position that there is no conflict of interest if Mr. Martin participates. The issue is whether there is a personal or business interest. There was no business interest, he concluded, so they reviewed if there was a personal interest. Mr. Lamb questioned how a Planning Board Member that acts on an ordinance can be in conflict and reviewed same. On 9/2/14 the Mayor and Council wanted to first obtain comments from the Planning Board on the ordinance. Two days later the Planning Board received the ordinance, and Mr. Martin made a couple of comments, which is the subject of Mr. Alampi's concern. Mr. Lamb noted on Friday, he looked for a 1/2/15 for a response from Mr. Alampi as to his 12/22/15 letter brief. Finally on 1/6/15, not having had a response, Mr. Lamb felt Mr. Alampi should not have the right to argue it and noted same in a letter of said date. Mr. Alampi responded to say that he did not have to issue a response. Mr. Lamb issued another letter brief dated 1/8/15. Accordingly, for the reasons stated, they do not

feel that Mr. Martin should be disqualified. If Mr. Martin is still uncomfortable, they are willing to go to court to seek a judicial confirmation. They do not think it is appropriate for this applicant to come to a meeting in December and say there is a conflict. If Ms. Waneck, who voted on the ordinance does not have a conflict, they do not see how Mr. Martin would have a conflict.

Mr. Alampi commented next. The law is clear about one thing, when you raise an issue with regard to whether a person, as a judge, can be fair and impartial, the law says that that person, cloaked as a judge, has to make a determination. And, we have to live with it. You don't make a determination whether a colleague has a conflict. I don't make a determination. The individual makes their own determination. In court, for example, in Superior Court, or in arbitrations or if there's any judicial officer, the rules provide for that judicial officer to examine his own conscience and make a decision and make a determination. Many, many times a judge will indicate although they have dealt with this issue in the past, or although they may have had some rulings that have some bearing on the application that's pending before them, they believe that they can be impartial and fair and just, and they will not recuse themselves, they will refuse to recuse themselves. They make their own determination. William Martin made the determination to recuse himself, and what was his determination, not for business or personal interests.

Mr. Alampi continued. The question was he filed an appeal, not for the use variance, but for a separate matter--he filed an Appeal to say the applicant filed an application for a medical office, permitted in the zone. Mr. Marini made a determination to say it is not permitted in the zone. Therefore, Mr. Alampi said he filed an Appeal. Mr. Martin recommended a definition that medical office does not include urgent care, and he prejudged the application. It is difficult enough to appeal a Zoning Officer’s decision, and it is virtually impossible if the Zoning Board Chairman already weighed in on the decision and helped to script the language in the ordinance. He asked Mr. Martin to examine his own conscience under the circumstances, and he recused himself. He did not use conflict of interest. He cannot make an impartial decision. I’m not saying he has an interest in the outcome, Mr. Alampi stated. He already made a decision and locked his mind as to what medical is or isn’t. Mr. Lamb talks about the Mayor and Council meeting of 9/2/14. I have

been around a long time, and I know when people are moving quickly, Mr. Alampi noted. He had his secretary call to make sure he had the correct forms. As a result of the OPRAH request, all emails become a part of the public domain. It was the end of August, heading into Labor Day, Mr. Alampi recalled. The next thing he knew, there was a flurry of emails among the Planning Board and Planner, with copies to Mr. Marini. Then it was the holiday weekend. Then there was a Mayor & Council meeting. He also received the Minutes. In that, there was never a reference. Somehow this got on the Agenda, and there was a comment, by Mr. Bicocchi urging they take a look at the ordinance. From the Minutes, Mr. Bicocchi commented. There was no vote, and the Council did not say to send it to the Planning Board to review. The next day it was sent with a Memo from the Planner that it should be reviewed and definitions created. Of course, Mr. Martin is a planning consultant and architect and a member of the Planning Board. At that point he felt he should stay away from the application. Mr. Martin agreed. He could not insist, but he recused himself. Why is Mr. Lamb trying to get him back on the Board, Mr. Alampi questioned. That is up to Mr. Martin. He believes his involvement was more than generally receiving a packet and voting on it.

Mr. Lamb requested to reply briefly. The issue is whether Mr. Martin has a qualifying conflict. We have yet to have one case that supports it. There is an OPRAH request, but where is there an email with Mr. Martin that says something. A discussion by the Council Liaison has nothing to do with it. The Mayor and Council does not have to wait to review an ordinance. It can act quickly. He felt there is nothing wrong with it. Mr. Lamb discussed the Time of Application Rule. Chairman Oakes asked him to remain on point. He asked to see any email with Mr. Martin’s name on it.

Mr. Alampi commented Mr. Martin is copied on the emails in the email trail. The zoning process is an ongoing, evolving process, and the Governing Body sometimes acts politically. There is nothing wrong with politics. He is not attacking the process and does not disagree with Mr. Lamb as to the prerogatives. We are going to be arguing over the appeal, and Mr. Martin has already made a decision and recused himself. Mr. Alampi stated Mr. Lamb want to re-argue, bring it back, and that is why he did not respond. It is to delay, waste time, and weaken them. So let’s get on with it—Mr. Martin made his decision. Mr. Lamb felt Mr. Martin’s decision was incorrect, and he erred on the side of caution. He did

not want to let it go. He would go to the next authority if that is important. Mr. Lamb felt the Board can make the decision. Mr. Oakes wanted to defer to the Board Attorney, rather than continuing to go back and forth on it.

Procedurally, Ms. Austin stated she would like to hear from William Martin himself and swear him in as a sort of witness, and called upon Mr. Martin to come forward from the audience. Ms. Austin said she would then recommend hearing from Mr. Martin and hearing his decision, and then she would give her opinion on the laws and on what is presented from both sides. Mr. Alampi said he was shocked that Mr. Martin would have reviewed all the material going back and forth. Having him voice his opinion would be a first for him, and it is highly unusual. He cannot prevent him from speaking, a man of high integrity. If he is going to get into this, it is a matter of first impression. Ms. Austin because of the legal issues with Mr. Martin, whether correct or not, she shared the information with him. That is on her. She felt it was his business to know what is going on. Mr. Alampi commented in Superior Court, one judge does not make a decision as to whether another judge should recuse himself. The judge makes his own decision. Mr. James commented he would like to hear from Mr. Martin as to whether he wants to come back.

William J. Martin, resident of Westwood and currently recused member of the Zoning Board, was sworn in. He testified that takes the position very seriously. Over the last 22 years he was involved, he has always maintained an appearance of fairness. It is not always easy or recognized right away. As a member of the Planning Board, he is charged with crafting language of ordinances, as the members do. His comments on this ordinance came so close to the ordinance, he did not want to create any feelings of unfairness. Out of an abundance of caution and in the interest of displaying fairness, he had full confidence of the Board to handle this, and due to his timing of his comments on the Ordinance, he made a decision to recuse himself. Both parties have reappointed him many times, and in respect to the Board, this is his decision. So he would like to reaffirm that he would like to be recused on this application. Now that Mr. Martin made it perfectly clear, Mr. Oakes stated, the Board can move on from this issue.

Mr. Lamb stated this is an appeal of the Zoning Officers decision, not a hearing on the use variance.

Mr. Alampi advised it is an appeal, but if it is overturned, and determined that urgent care is not a medical office, then when he puts his case forward, he has no objection to Mr. Martin participating. There are two different issues. His argument was the prejudgment of the case.

Mr. Lamb then stated the question was whether it was a complete application and reviewed from the prior meeting as to this issue, and whether the new zoning ordinance is applicable. Those he felt are the next two issues.

Mr. Alampi checked his files, and the same owner authorization forms were in both folders. He advised the owner is also present, and why would he be here if he did not authorize the application. The owner has been here all along. In an appeal of the Administrative Officer's decision, there is really no form. There is no form for the owner's authorization either. If there is such, it should be in all the applications.

Mr. Lamb stated his objection was did the owner consent to the appeal. Mr. Alampi responded Mr. Dorf is very specific about wasting time. When Mr. Marini's decision was made, they had to go back to Mr. Dorf, or otherwise terminate their contract. Mr. Dorf has been with them every step of the way. Mr. Oakes asked the Board Attorney to check the Borough's file. Mr. Lamb said he used the same one for both applications. Mr. Oakes noted there is no consent form, and it is done by letter. Having at least the consent form, delivered to the Zoning Officer, shows consent was given. Mr. Lamb said Mr. Alampi used the same form for both applications. Mr. Alampi stated there is no official consent form, so he provided the same consent for both. Mr. Lamb suggested looking for this in the file. Mr. Alampi said Mr. Dorf has been here since they filed in September and has been present November, December and January, and we are belaboring the point. He used the same consent form for both. Ms. Waneck suggested looking at past practice. Mr. Alampi said the appeals are probably few and far between.

The Board took a recess at 10:05 p.m. – 10:15 p.m. to look through the file. They found one consent form, Mr. Oakes stated, and turned it over to the Board Attorney. Ms. Austin referred to the MLUL, and determined there is no checklist associated with the Notice of Appeal. It is done as Mr. Alampi stated—it is done by letter from the appellant and there is

no requirement per her knowledge for a separate consent by the owner. It is her recommendation to the Board, because even though they are separate – one is an application, and one is an appeal, and they were delivered together, there is a consent from the owner, and there is no requirement that the owner have a separate consent in the Notice of Appeal. So she would not consider it to be detrimental or prohibitive to move forward at this time. The Board can discuss and give comment. Mr. Oakes commented he was going to ask Board Members to vote on whether it is seen as required, or because it was seen in the overall package, it is covered and complete. This is one of the items that needs to be voted. Mr. Alampi stated since there is no prescribed form per the statue, he felt the same form in both packages is sufficient, but if you want a vote, okay.

The matter of proceeding with the appeal was opened for discussion and vote. Mr. James commented he expressed his opinion at the last meeting that was the appeal properly conducted. There was an intent for an appeal as the attorney elaborated. His opinion is that the appeal can be accepted. Mr. Harper agreed that the appeal was intended. Ms. Waneck also agreed.

A motion to proceed with the appeal was made by George James and seconded Matthew Ceplo. On roll call vote, all members voted yes to proceed with the appeal.

Mr. Lamb's next issue was if the new ordinance applies. After the two actions, the zoning ordinance was adopted. As stated in his 11/25/14 letter, under which ordinance does the Board consider the substantive items, he asked. We have the Time of Application Rule. The appeal was filed in between the introduction and adoption. The Time of Application Rule applies to applications for development. There are eight instances where this rule applies. They should make a decision both ways.

Mr. Alampi said he did not see how you could make a decision both ways. The law was changed two and a half years ago. It goes beyond the eight types of relief. The new law goes beyond the application for development. Medical office is in the Code in the LB3 zone. He is not going into the argument yet, but there was no definition for urgent care. If it was a dental office, would you struggle with it, no-- it is a medical office. This Time of Application Rule does apply. The definition in 195-42.

Mr. Lamb stated the State law controls. Section 195-23, differentiates between appeals and applications. The first thing we have is an appeal, and the next is an application. The law is clear.

Ms. Austin advised she would like to reserve on the Time of Application Rule and give an opinion at the next meeting. It is not prohibitive to the application proceeding, and it is in the best interest of the Board and applicant and in all fairness to commence the appeal.

Mr. Lamb addressed the signatory on the application. He saw on the internet that MedExpress was bought by two hedge funds. Dr. David Ferrell is the owner of MedExpress of NJ. There is no hedge fund listed on the application. Also there is a resolution by Dr. Ferrell stating the architect can sign the applications, but the applications were dated a year later. He would like to know if the two hedge funds are owners. Mr. Alampi said he did not know anything about this from the internet. A resolution was in place to authorize the architect, Mr. Gates, to sign. He called the Board's attention to a MedExpress currently open in Lodi, NJ. As for the application for the use variance, they are obligated to disclose ownerships of 10% or more. He will search, and if necessary, he will amend the application form. The only knowledge he has it is licensed as a medical office through the State Department of Consumer Affairs. Mr. Lamb distributed the internet printout he had.

Due to the lateness of the hour, 10:40 p.m., Mr. Alampi suggested commencing with Mr. Marini at the next meeting to keep continuity and not be repetitive with questioning. He asked for a special meeting. Mr. Oakes suggested a special meeting be considered, and he would check with Mr. Marini as to his schedule. At the next meeting in February, they would set the date. Mr. Alampi requested the date be considered this evening, since Mr. Marini was present. January 26th was suggested and then scheduled as a special meeting. Mr. Lamb advised he cannot make the 2/2/15 meeting.

The matter was carried to 1/26/15 as a "special meeting", at 8:00 p.m. They will determine any further special meeting dates going forward. A motion to approve the special meeting date of 1/26/15 at 8:00 p.m. was made by Mr. Oakes, seconded by Mr. James and carried unanimously on roll call vote.

11. DISCUSSION: NONE

12. ADJOURNMENT – On motions, made seconded and carried, the meeting was adjourned at approx. 10:50 p.m.

Respectfully submitted,

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MARY R. VERDUCCI, Paralegal
Zoning Board Secretary