

GREEN TOWNSHIP BOARD OF ADJUSTMENT

REGULAR MEETING AGENDA

June 6, 2013 @ 7 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC NOTICE: Adequate notice of this public meeting has been made in accordance with the Open Public Meetings Act of 1975 inasmuch as a notice has been published in the New Jersey Herald, transmitted to the Star Ledger and posted at the Municipal Building, 150 Kennedy Road, Tranquility, New Jersey.

ROLL CALL: Eugene Bambara, Chairman; Louis Tommaso, Vice Chair; Matthew Fox; Sharon Mullen; Michael Muller; William Neilan; Jason Reinbold; and, Michael Roller (Alt. #1)

SWEAR IN NEW MEMBER (Board Attorney): Carmine Torella, Alternate #2

MOTION TO EXCUSE ABSENT MEMBERS: Voice Vote:

MOTION TO APPROVE MINUTES (from May 2, 2013)

Corrections / Additions:

Board Action:

Voice Vote:

ORDINANCES: None

RESOLUTIONS (Board Attorney to provide):

A. #BA 1213 - "D" Variance Request: Doggone Farm - Hartman, Stephen & Lillian.
Property: Bl. 25, L 2 (221 Brighton Rd.) -

Discussion:

Corrections / Additions:

Board Action:

Roll Call Vote:

B. BA Resolution - E-mail Policy 2013Jun6 (provided in packet)

Discussion:

Board Action:

Roll Call Vote:

OLD APPLICATIONS: None

NEW APPLICATIONS: None

PUBLIC COMMENT:

OTHER BOARD BUSINESS:

- a) Chairman's Report; b) Cross-Over Report; c) Secretary's Report; d) Old Case Update;
- Zoning Official's Report(s);
- NJ Planner
- Other

MOTION TO ADJOURN: Voice Vote:

NO NEW TESTIMONY WILL BE ENTERTAINED AFTER 10:00 PM

GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES

Regular Meeting of May 2, 2013

@ 7:08 PM, Board Chairman, Gene Bambara CALLED THE MEETING TO ORDER, then led members in reciting the PLEDGE OF ALLEGIANCE followed immediately by his reading the OPEN PUBLIC MEETING STATEMENT.

ROLL CALL: The Board Secretary – Desiree L. Dunn called the Roll finding Eugene "Gene" Bambara; Matthew Fox (7:18 PM); Sharon Mullen; William "Bill" Neilan; Jason Reinbold; Michael Roller; and, Louis Tommaso in attendance. Also present: Board Attorney - Lyn Paul Aaroe.

MOTION TO EXCUSE ABSENT MEMBERS: Michael Muller.

- L. Tommaso so moved. S. Mullen seconded. **VOICE VOTE: All members present voted "aye" in the affirmative. No objections. No abstentions. Motion carried.**

MOTION TO APPROVE MINUTES (from APRIL 4, 2013)

DISCUSSION: The Chairman asked everyone present to review the minutes provided in the packets. He requested the following amendments: Two (2) typos - 1st paragraph - correct the spelling of 'doublecheck' and page 2 - specify 'to' start construction. No further corrections so he entertained a motion for approval.

J. Reinbold so moved. B. Neilan seconded. S. Mullen abstained. **VOICE VOTE: All other members present voted "aye" in the affirmative. No objections. Motion carried.**

RESOLUTIONS: The Chairman moved out of the Agenda order in order to wait for M. Fox who called to say he was delayed, as he would serve as the fifth required board member to vote on the "d" variance application. Thus, the Board addressed the following resolution, as provided by the Board Attorney.

A. #BA1304 - "C" VARIANCE REQUEST: BIENKO, ANNIE & BOGDAN.

Property: Block 18.01, Lot 37 (6 Green Farms Road)

DISCUSSION: The Board Attorney provided background information. Board members concurred that it would be a welcome improvement to the Township. The Chairman entertained a motion to approve the resolution.

- B. Neilan so moved. M. Roller seconded. **ROLL CALL VOTE of eligible members: L. Tommaso - YES; J. Reinbold - YES; M. Roller - YES; and, G. Bambara - YES. S. Mullen ABSTAINED (as she was absent last month and unable to hear the recording). No objections. Motion carried.**

OLD APPLICATIONS:

A. #BA 1213 - "D" VARIANCE REQUEST: DOGGONE FARM - HARTMAN, STEPHEN & LILLIAN.

Property: Bl. 25, L 2 (221 Brighton Rd.) -

PUBLIC HEARING CONTINUATION: Representing the application: Gabrielle Hartman, owner / applicant; and, Michael Selvaggi, Esq.

M. Selvaggi described the proposed 'boutique kennel' operation for Board members who missed prior testimony on the application and described how his client will address concerns with wetlands and fencing. He described how fencing would be erected according to Wade Wander's report. He asked for any questions and thanked the Board. The Chairman expressed his apologies to the applicant for not having the requisite number of eligible members to address the application last month. He said from his perspective, the AI-10 zoning district includes animal husbandry and thus the proposed land use would conform well with conditions placed to meet State requirements. The Board Attorney said the use is basically self-policing and it's good the applicant has demonstrated skills in handling animals. State, County and Township requirements for kennel operations would have to be met as well as said regulations for any fencing that would be required. The Chairman asked if other Board members had concerns or comments regarding the proposed use. Discussion ensued between the Board and the applicant regarding imposition of a deadline to ensure that conditions are met because they could be extensive and involve third party approvals. In that this was the first step to achieving the goal and the use is ongoing, although limited, the Board wants to give the applicant the option to come back or the use variance would expire. M. Selvaggi concurred that a lot of towns allow one year from next month. Board members concurred it's best to err on the side of caution. M. Selvaggi reiterated that at this point the applicant doesn't plan to build any new structures. Board members said no advertising should take place until conditions are met. The Chairman entertained a motion to approve the "d" variance application to operate a dog kennel in the AI-10 zoning

district, as submitted for this property, with conditions placed in the resolution to meet State, County and Township kennel requirements and any other third party approvals that may be deemed necessary.

- **@7:41 PM, M. Fox so moved. L. Tommaso seconded. ROLL CALL VOTE: L. Tommaso - YES; J. Reinbold - YES; M. Roller - YES; M. Fox - YES; and, G. Bambara - YES. S. Mullen ABSTAINED (as she was absent last month and unable to hear the recording). No objections. Motion carried.**

ORDINANCES: None

PUBLIC COMMENT: @ 7:42 the Chairman noted that no one was present in the audience to offer public comments.

OTHER BOARD BUSINESS:

Chairman's Report: Mentioned the new Township electronic mail policy and described for his cross-over report how the Planning Board didn't adopt the formal policy created to adhere to the new DARM policies for records retention. He asked that Board members refrain from putting comments in e-mails except to confirm receipt. The Board Secretary confirmed that she would keep hardcopies, as required, if copied. The Chairman then entertained a motion to adjourn the meeting.

ADJOURNEMENT:

- **@ 8:06 PM, M. Fox so moved. B. Neilan seconded. VOICE VOTE: All members present voted "aye" in the affirmative. No objections. No abstentions. Motion carried.**

Respectfully Submitted by:

Desiree L. Dunn, Secretary
Planning Board & Board of Adjustment

✓ **APPROVED June 6, 2013**

**GREEN TOWNSHIP ZONING BOARD OF ADJUSTMENT
RESOLUTION MEMORIALIZING THE GRANT OF
OF A USE OR *SPECIAL REASONS* VARIANCE
PURSUANT TO N.J.S.A. 40:55D-70(d.) (1) TO
APPLICATION NO. BA1213
DOGGONE FARM, LLC
(BLOCK 25, LOT 2)**

WHEREAS, application having been made on November 28, 2012, by Doggone Farm, LLC, an entity in which Steven and Lillian Hartman, who reside at 40 Burnette Terrace, Maplewood, NJ 07040, are principles to the Green Township Zoning Board of Adjustment seeking, as stated in the *Addendum to Green Township Zoning Board of Adjustment "D" Variance Checklist: ... use variance approval to allow an existing residential home on the property to be used as a dog hotel for the boarding of dogs. The residential use of the home will remain; however, the owners/occupants will accept dogs in their home to stay for a fee. The dogs will be permitted to occupy the house as though they were the owners/occupants' own pets. The pets will be brought to the home by their owners or will be picked up by the Applicant;* and,

WHEREAS, amended application having been submitted on December 7, 2012, stating the proposed use to be: *... operate a doggie-day care center out of the residential home in Zone AI-10;* and,

WHEREAS, a hearing was held upon the application at the regular meeting of the Board of Adjustment convened on January 3, 2013, to review the administrative completeness thereof and at which hearing the application was deemed to be *administratively incomplete* although a hearing date was scheduled for February 7, 2013; and,

WHEREAS, a noticed public hearing was held at the regular meeting of the Green Township Zoning Board of Adjustment convened on February 7, 2013, at which the applicants, Steven and Lillian ("Gabby") Hartman appeared and at which David P. Zimmerman, P.P., the applicant's professional planning consultant, appeared and testified and at which the applicant was represented by counsel, to wit, Michael S. Selvaggi, Esq., of the firm of Courter, Kobert & Cohen of Hackettstown, NJ; and,

WHEREAS, the hearing on the application was continued to the regular meeting of the Board of Adjustment convened on March 7, 2013 at which additional presentation, testimony and argument of counsel with respect to the application was presented but, given that the Board had only four (4) members in attendance who were qualified (having also been in attendance at the February 7, 2013 meeting) to participate and vote and the application requiring the *extraordinary vote* (five affirmative votes) required by the Municipal Land Use Law, the Board of Adjustment was unable to take Official Action on said application; and,

WHEREAS, the application was continued to the regular meeting of the Board of Adjustment convened on April 4, 2013, at which only four (4) voting and *qualified* members were in attendance; and,

WHEREAS, the application was further continued to the regular meeting of the Board convened on May 2, 2013, at which the applicant's presentation of the application was completed and Official Action, as hereinbelow set forth, was taken with respect thereto; and,

WHEREAS, John P. Miller, P.E., P.P., C.M.E., the Green Township engineer and the Green Township Zoning Board of Adjustment engineer, having reviewed the application and rendered reports thereon dated February 5, 2013 and March 4, 2013; and,

WHEREAS, Jessica C. Caldwell, P.P., of J. Caldwell & Associates, LLC, the Green Township Zoning Board of Adjustment planner, having reviewed the application and rendered reports thereon dated January 2, 2013, and January 30, 2013; and,

WHEREAS, the Board having determined, based upon the review of proof of service and proof of publication conducted by its secretary, that the applicant had provided proper, timely and adequate notice of the relief being sought by having published, once, in the official newspaper of the Township of Green, a notice of said application and notice thereof having been provided to all property owners located within 200 feet of the subject property via certified mail, return receipt requested and, accordingly, the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-12) were satisfied and the Board was vested with jurisdiction to hear the application and take Official Action with respect thereto; and,

WHEREAS, in support of the application, the applicants have submitted (in addition to the completed application form, amended application form and checklist) the following: a plat entitled: *Survey of Property Lot No. 2, Block No. 25, Township of Green, County of Sussex New Jersey*, said plat prepared by Frank R. DeSantis, PLS, of Morgan Engineering, LLC, of Tom's River, NJ, said plat being constituted of one (1) sheet and being dated November 30, 2011 and bearing a December 14, 2011 (4:12 pm) annotation and a colorized brochure showing the subject property and various photographs of the grounds and dogs utilizing the grounds and the facilities within the home, said brochure entitled: *Doggone Farm, the All-Inclusive Doggie Daycare & Hotel!; Doggone Farm, 221 Brighton Road, Green Township, N.J. 07821*, including the phone number, email address and a *Facebook* reference; and,

WHEREAS, no objectors or other parties interested in the application appeared before the Board at the various hearings held thereon and as set forth hereinabove, nor were any communications by or on behalf of any such objectors or interested parties received by the Board; and,

WHEREAS, as a result of the application made to it, the hearings held thereon at the regular meetings of the Board of Adjustment convened on January 3, 2013; February 7, 2013; March 7, 2013; April 4, 2013 and May 2, 2013, the Board does herewith render the following basic **FINDINGS OF FACT**:

1. The applicant is Doggone Farm, LLC, a limited liability company in which (presumptively) Steven and Lillian Hartman are the principles (managing member and member).

2. Steven and Lillian reside at 40 Burnette Terrace, Maplewood, NJ 07040.
3. The subject property, which is owned by the applicant, is known and designated as Block 25, Lot 2, on the Green Township Tax Map and is commonly known as 221 Brighton Road.
4. The subject property has frontage upon, existing driveway access to and is located on the northeasterly side of Brighton Road and within the AI-10 Agricultural Industrial Zone District.
5. The subject property is irregular in configuration and contains an area of 2.74 acres, as set forth on the Morgan Engineering, LLC survey plat.
6. The subject property has presently located thereon a two-story frame dwelling house containing a total floor area of 2,632 sq. ft. and a barn containing an area of 600 sq. ft.
7. Additionally, the subject property is improved with a pond, wooden deck and is enclosed by a split-rail/wiremesh fence to retain the *guests* (dogs) to within the limits of the property.
8. The proposed operation of the *Doggie Hotel*, as described in the testimony of applicant, Lillian Hartman, within the colorized marketing brochure described hereinabove and in the attachment to the application form (summarized herewith) is as follows:
 - *Doggone Farms is an exclusive and unique retreat for dogs! Situated on our beautiful three acre fenced-in property, the daycare¹ and hotel that are run completely from our home in Green, N.J.*
 - *We are not a kennel and we do not use crates or cages. We are all about letting dogs be dogs!*
 - *They need to run and romp just as much as they need to be nurtured, and their minds need exercise just like their bodies.*
 - *Being a certified dog trainer and an athlete, we make sure to fulfill these needs for the dogs daily.*
 - *A tired dog is a good dog, and you will have one good dog after a visit with us!*

¹ The "daycare" component of the application was withdrawn and, accordingly, not approved by the BOA.

- *On Doggone Farm, your dog is truly on their own vacation, allowing you to feel guilt free, even when you cannot be with them.*
 - *All dogs staying with us must pass a doggie interview to ensure they are social and will enjoy staying at our home.*
 - *Owners must provide proof of vaccinations.*
 - *Maximum of ten dogs accepted at one time.*
 - *We provide a pick-up/drop-off service...*
 - *All dogs staying with us three days or more will receive a complimentary bath.*
9. The testimony of Lillian Hartman, given under oath, at the hearing held upon the application at the regular meeting of the Board convened on February 7, 2013 (summarized herewith) was as follows:
- She is a certified dog trainer and a graduate of an *Animal Behavioral College*.
 - The residence is a five (5) bedroom house, three (3) of which bedrooms will be utilized for the dogs to stay.
 - A maximum of ten (10) dogs will be permitted upon the site at any one time.
 - The applicants are meticulous about controlling the barking of the dogs in order to eliminate any imposition/disturbance to the neighbors.
 - Parking will be on-site; no signs are proposed and lighting will be standard residential lighting.
10. The testimony of David P. Zimmerman, P.P., the applicant's planning consultant, given at the hearing held upon the application at the regular meeting of the Board convened on February 7, 2013 (summarized herewith) was follows:
- The proposed use is less intense than the various uses permitted in the zone district which is Agricultural Industrial (AI-10) Zone.
 - The 2010 Master Plan Re-examination Report encourages business uses.
 - The facility will be owner-occupied and, accordingly, will have a high degree of control and limitation.

WHEREAS, a result of the foregoing basic **FINDINGS OF FACT**, the Green Township Zoning Board of Adjustment hereby makes the following **ULTIMATE CONCLUSIONS BASED THEREON**:

- a. The use variance sought in this application is made pursuant to the provisions of the Municipal Land Use Law, particularly, N.J.S.A. 40:55D-70(d)(1), which provides that one of the categories of use variances is a *use or principal structure in a district restricted of such use of principal structure*.
- b. N.J.S.A. 40:55D-70(d) vests in the Zoning Board of Adjustment the power to: *In particular cases and for special reasons, grant a variance to allow a departure from regulations pursuant to article 8 of this act*. The foregoing are the so-called *positive criteria* attending use variance applications.
- c. The so-called *negative criteria* which must be satisfied are that: *No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance*.
- d. To be successful and secure the grant of a use variance, an applicant must demonstrate and the Board of Adjustment must find that sufficient and compelling *special reasons* exist. *Special reasons* mean that the granting of the application would have a benefit beyond that confined, exclusively, to the applicant, only.
- e. *Special reasons* mean, generally, that the granting of the application will promote the purposes of the Municipal Land Use Law, the purposes of the Green Township Master Plan, the purposes of the Green Township Zoning Ordinance or would have some public purpose, public significance or public benefit.
- f. One of the leading if not **the** leading case on use variances was decided by the New Jersey Supreme Court in 1987 and is **Medici v. BPR Co.** (107 N.J. 1).
- g. The New Jersey Supreme Court in **Medici** undertook to re-educate boards of adjustment as to their rights and obligations in administering use variance applications, emphasizing the need to strictly adhere to the statutory standards attending such variances.
- h. The New Jersey Supreme Court, in **Medici**, found that a "course correction" was required with respect to the way boards of adjustment were commonly granting use variances despite a lack of demonstration of the applicant's statutory entitlement to same.

- i. The Court, in Medici, held as follows with respect to the use variance administration process:
 - i. If the use for which a variance is sought is **not** one that inherently serves the public good, the applicant must prove and the board must specifically find that the use **promotes the general welfare** because the proposed site is **particularly suitable** for the proposed use.
 - ii. An **enhanced quality of proof**, as well as clear and specific findings by the board of adjustment that the grant of a use variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance, are required.
 - iii. Such proofs and findings must satisfactorily reconcile the grant of a use variance with the ordinance's continued omission of the proposed use from those permitted in the zone, thereby providing a more substantive basis for the typically conclusionary determination that the variance *will not substantially impair the intent and purpose of the zone plan and zoning ordinance*.
 - iv. The foregoing requirements shall apply to all use variance cases thereby effectuating the Legislature's apparent objective of encouraging municipalities to make zoning decisions by ordinance, rather than by variance.
- j. Consequently, it is required that a successful applicant for a use or *special reasons* variance must satisfy the so-called *positive criteria* and the so-called *negative criteria*.
- k. That is, the applicant must demonstrate, in order to secure the grant of the use or *special reasons* variance, the following:
 - i. That the use **promotes the general welfare** because the proposed site is **particularly suitable** for the proposed use.
 - ii. By an **enhanced quality of proof** that the grant of the use variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance.
 - iii. That the proposed use will not result in any **substantial detriment to the public good**.
- l. The showings outlined and required by paragraphs ii. and iii., above, must be **entirely independent** of the demonstration of *special reasons*, i.e. the demonstration of *special reasons*, in view of the June 30, 1997, amendment to the

Municipal Land Use Law use variance provisions (N.J.S.A. 40:55D-70) accomplished by Ch. 145, P.L. 1997, gives an applicant no advantage or presumption, whatsoever, with respect to satisfaction of the *negative criteria* that the *granting of the variance sought will not result in substantial detriment to the public good nor in substantial*.

- m. The Board of Adjustment is satisfied, in that the applicant has demonstrated, by an *enhanced quality of proof*, that the grant of the use variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance of Green Township.
- n. Although certain commercial uses may inherently serve the general welfare in a particular community, the typical commercial use can be better described as a **mere convenience** to its patrons than as an inherent benefit to the general welfare.
- o. Consequently, the Board of Adjustment finds that following purposes of the Municipal Land Use Law will be advanced by the granting of the variance relief sought:
 - *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare; (N.J.S.A.40:55D-2(a)).*
 - *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; (N.J.S.A. 40:55D-2(g)).*
- p. Particularly, the Board of Adjustment has been persuaded by the applicant's training, experience, enthusiasm and obvious dedication to what they do that the use variance sought can and should be granted.
- q. Additionally, the Board of Adjustment finds that the subject property is *uniquely suited* to its intended use.
- r. Finally, the Board of Adjustment is satisfied that the grant of the use variance relief sought can be undertaken without substantial detriment to the public good and without substantial impairment to the intent and purpose of the Zone Plan and Zoning Ordinance.
- s. To the contrary, the Board of Adjustment finds that the granting of this particular use variance will in fact enhance the public good on account of the specialized and custom animal (dog) care facility proposed, thereby providing more than a *mere convenience* to its patrons but, rather, a unique opportunity to fulfill the needs of the applicant's clients.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Green that, as a result of the foregoing basic **FINDINGS OF FACT** and ultimate **CONCLUSIONS BASED THEREON**, the following **OFFICIAL ACTION** is taken with respect thereto:

1. A **USE** or **SPECIAL REASONS VARIANCE** pursuant to N.J.S.A. 40:55D-70(d.)(1) **BE** and same is herewith **GRANTED** to **APPLICATION NO. BA1213**, being the application of **DOGGONE FARMS, LLC**, so as to permit the subject property to be utilized as a boarding (overnight) care facility for not in excess of ten (10) dogs, on property known and designated as **BLOCK 25, LOT 2**, and commonly known as **221 BRIGHTON ROAD**.
2. The foregoing Official Action is taken, subject to full compliance by the applicant with the following terms and conditions:
 - a. The applicant shall provide proof of the payment of all real estate taxes and assessments due on the subject property through the second quarter of 2013.
 - b. The applicant shall pay all use variance application and professional services (engineer, planner and attorney) charges and shall reimburse the Township of Green for the costs of administration of the application, including the cost of preparation of this memorializing Resolution.
 - c. The applicant shall devote the subject property to the use for which variance relief was sought and granted and in accordance with the documentation and testimony of the applicant and the applicant's professional planning consultant, **any deviations therefrom** requiring resubmission to, re-review and reapproval by the Board.
 - d. In that the originally sought *doggie day-care* component of the use was voluntarily withdrawn by the applicant and was, accordingly, not granted by the Board of Adjustment, no such use shall be engaged in on the subject premises without subsequent application to, review and approval by the Board of Adjustment of a new or amended (as the case may be) application.
 - e. The applicant shall exercise control of the dogs so as to limit/confine them to the subject property.
 - f. The applicant shall exercise supervision and control of the dogs so as to eliminate or minimize, to the greatest extent practicable, and, in all cases,

in accordance with applicable Green Township *nuisance control* ordinances, the barking of the dogs on the site.

- g. There shall be a maximum of ten (10) dogs in residence on the site at any one time.
- h. The applicant shall apply for, diligently pursue and shall secure a kennel license from the issuing authority.
- i. No dog waste shall be disposed of on-site. Rather, such waste shall be disposed of in an approved fashion by off-site transportation or pick-up.
- j. The applicant shall comply with and obtain all third-party approvals, licenses and permits including, but not limited to, NJDEP (with respect to the fence and possible Stream Encroachment Permit requirements); the Sussex County Board of Health and the Green Township Board of Health.
- k. The applicant shall have a period of **one (1) year** from the date of adoption of this memorializing Resolution within which to satisfy Conditions 2.(h.) and (j.).

**GREEN TOWNSHIP ZONING BOARD
OF ADJUSTMENT**

EUGENE BAMBARA, CHAIRMAN

DESIREE L. DUNN, SECRETARY

I hereby certify that the foregoing Resolution be a true and complete memorialization of the Official Action taken by the Green Township Zoning Board of Adjustment at its regular meeting held on May 2, 2013, by a motion and vote as follows:

**MOTION TO GRANT A USE VARIANCE TO APPLICATION NO. BA1213 –
DOGGONE FARM, LLC (BLOCK 25, LOT 2), SUBJECT TO CERTAIN CONDITIONS:**

IN FAVOR: Chairman Bambara, Mr. Neilan, Mr. Fox, Mr. Reinbold,
Mr. Roller, Mr. Tommaso.

OPPOSED: None.

ABSTAIN: Mrs. Mullen.

ATTEST:

DESIREE L. DUNN, SECRETARY

Dated: June 6, 2013
GTZB:DoggoneFarmsSpecialUseReso

TOWNSHIP OF GREEN BOARD OF ADJUSTMENT
RESOLUTION #BA2013 / E-mail Policy
June 6, 2013 - Adoption of Township E-mail Policy

WHEREAS, electronic mail (E-mail) has become an increasingly important and common means of communications for conducting municipal business; and,

WHEREAS, electronic mail may constitute a public record subject to retention under the Destruction of Public Records Act, N.J.S.A. 47:3-15 et seq. and may be subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq. ; and,

WHEREAS, the Division of Archives and Records Management in the Department of State has developed guidelines and best practices for electronic mail; and,

WHEREAS, the Township has developed a policy incorporating the guidelines and best practices developed by the Division of Archives and Records Management (DARM); and,

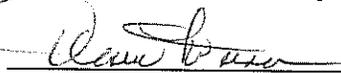
WHEREAS, a copy of said Township of Green Electronic Mail Policy is attached hereto; and,

WHEREAS, the Green Township Board of Adjustment wishes to officially adopt the attached as its policy for the retention of electronic mail;

NOW THEREFORE, BE IT RESOLVED that the Green Township Board of Adjustment hereby adopts the attached Electronic Mail Policy to standardize the retention of electronic mail by the Board.

DATED: June 6, 2013

I, Desiree L. Dunn, Secretary for the Planning Board & Board of Adjustment of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Board of Adjustment at the regular meeting held on June 6, 2013.



 Desiree L. Dunn, Secretary
 Planning Board & Board of Adjustment

Vote on Resolution:

	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Mr. Bambara	✓			
Mr. Tommaso	✓			
Mr. Fox	✓			
Mr. Neilan	✓			
Mrs. Mullen				✓
Mr. Muller				✓
Mr. Reinbold				✓
Mr. Roller, Alt. #1	✓			
Mr. Torella, Alt. #2	✓			