

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – February 22, 2022
VIRTUAL ONLINE MEETING

1. **Statement of Adequate Meeting Notice:** Read by Chair Greenebaum at 7:32 pm.
2. **Oaths of Office:** Administered by Board Attorney Rago to repositioned member Thomas Slocum (to alternate #2).

3. **Roll Call:**

Present – Members Greenebaum, Kramer, Sailliard, Slocum and Traynor.

Absent – Members Dello Russo, McDowell and Sedlak

Board professionals present: Attorney Louis P. Rago, Engineer Robert C. Brightly and Planner John P. Szabo, Jr.

4. **Approval of Minutes:**

Review draft minutes of 2/7/22 meeting.

Upon review, a motion to approve the minutes as presented was made by Ms. Kramer and seconded by Mr. Traynor.

Voice vote:

All eligible members voted in the affirmative.

5. **Communications:** Copies of the following documents were distributed to the Board; the Chair briefly touched on each of them:

A. 2/8/22 SCBA email re: 4/9/22 Land Use Law Symposium registrations -seats filling notice.

B. 2/15/22 A. Suriano email re: BOA vacancy filling procedure w/ Council Resolution #22-45.

C. 2/18/22 J. Szabo, Jr. P.P. memo re: Swimming Pool Requirements (*discussed under #6*).

D. 2/21/22 T. Carton email re: BOA resignation.

E. 2/22/22 J. Szabo Jr., P.P. memo re: proposed text for Annual Report re excavation requirements (*discussed under #6*).

F. 2/22/22 D. Brady, Esq. email request for hearing adjournment re BOA App. #21-12 Jepsen (*discussed under 7A*).

6. **Old Business:** BOA 2021 Annual Report – Status update:

Chair Greenebaum noted that copies of the draft annual report were distributed to Board members. He referenced the two above-cited memos received from Board Planner Szabo, regarding a recommendation the Board wishes to add to the report, that it believes would help prevent structures from being mistakenly constructed within required setbacks without first having received variance approval. Mr. Szabo recommended that septic systems not be included in the Board's recommendation as they fall entirely under the jurisdiction of the Board of Health

and under state law are already required to be located by a surveyor with regard to BOH mandated setbacks. His proposed language was tailored to provide the zoning office some flexibility in deciding when to require surveyor-verified setbacks of excavations for structures. He read for the Board the text of the recommendation he prepared for inclusion in the annual report, as it had only been distributed via email earlier in the day and some members had not yet read it. The Chair suggested that in addition to the recommended ordinance text, that Mr. Szabo's 2/18/22 memo be appended to the report. Mr. Slocum commented on several areas of the report he felt could be better developed, including the applications summary table and the attendance section. Chair Greenebaum agreed and said he would endeavor to complete the a final draft in time for Board review and approval at the March 7th meeting.

7. New Business:

A. Application #21-12 JEPSEN – Request for D68 Certificate of Nonconforming Use at 161-163 Mount Airy Road; B:119, L:7 & 8; Received 10/4/21; Deemed complete 12/20/21; *Scheduled to be heard 2/22/22.*

Attorney David Brady appeared on behalf of the applicant, stating that several of his planned witnesses were unable to attend tonight's meeting. Based on his conversations with Board Administrator Mottola, who confirmed that no other application is scheduled for the date, he asked that the hearing be adjourned to March 7th. Hearing no objections from the Board or its professionals, Chair Greenebaum announced that this application will be adjourned to the March 7th meeting without further notice to the public.

B. Review 2/22/22 Bills List with Vouchers:

Upon review, a motion to approve the listed vouchers in the amount of **\$4,235.00** was made by Ms. Kramer and seconded by Mr. Slocum.

Roll call vote:

All members voted in the affirmative.

8. Pending Applications: The Board acknowledged and/or briefly discussed the following application and its status:

Application #21-13 SELLERS - Conditional Use Variance for Detached Caretakers Cottage at 140 Post Kennel Road, B: 27, L: 1, Zone: R-1; Deemed complete 2/18/22; Scheduled to be heard 3/21/22.

9. Executive Session: None.

10. Comments from Members: None

11. Comments from Staff:

Mr. Rago briefly updated the Board on the status of NJAW's appeal of its denial of its water tower application and his actions in defense of the Board's decision. A phone conference with the administrative law judge has been scheduled for March 2nd. Mr. Amerikaner has filed a motion for intervenor status on behalf of his client Paul Savas. He believes Mr. Schkolnick will soon follow suit on behalf of his client and will be partnering with a member of Rob Simon's office.

12. Adjournment:

Motion to adjourn: Ms. Kramer.

Second: Mr. Slocum.

Voice vote:

All members voted in the affirmative.

Chair Greenebaum adjourned the meeting at 8:01 pm.

Respectfully submitted,



Frank Mottola,
Planning & Zoning Boards
Administrative Officer

Keywords: Slocum-oath-Jepsen-Brady-ajournment-Airy-annual-report-NJAW-appeal.