

Exhibit A

Housing, Property Maintenance and Zoning Compliance Advisory Committee

Borough of Bernardsville, New Jersey

Minutes of a Virtual On-line Meeting

April 22, 2022

1. **OPMA Statement:** A statement of adequate meeting notice and adherence to the state mandated emergency remote meetings protocols was read by Chair Jeff Horowitz and the meeting was called to order at 3:15 pm.
2. **Attendance:** The following members of the Committee were present: Mayor Mary Jane Canose, Council Member Diane Greenfield, Chairperson Jeff Horowitz and the following at large members Claudia Diaz, Sam Maddaluna, Maureen Sciarretta and Peg Trinter. Also attending were Anthony Suriano, Borough Clerk, Mr. Geoff Price, Borough Zoning Department Head and Zoning Officer, Renee Apuzzo, Zoning Enforcement Officer, Caroline Blanchard, Inspector and Administrative Officer and Raishah Franklin, Zoning Enforcement Officer
3. **Approval of Minutes:** Upon motion duly made and seconded, the minutes of the meeting of March 18, 2022 were approved as submitted.
4. **Geoff Price's Retirement.** Mr. Horowitz noted that Mr. Price would be retiring in the next few days. and recited some of the many accomplishments he had achieved during his service as Bernardsville Zoning Officer. The entire committee joined in thanking Mr. Price for his service to the Borough and in wishing him good luck in his retirement.
5. **Fence Ordinance.** Mr. Horowitz stated that the fence ordinance had not been included in this month's agenda because 1) he had received additional inputs from Tom Czerniecki, Sam Maddaluna and Geoff Price that he wished to consider for inclusion in the proposal and 2) he wanted to discuss the proposal with John Szabo, the Borough's Planner to increase the likelihood that what the Committee recommended would be approved by the Planning Board.
6. **Introduction of New Staff Member.** Mr. Price introduced the newest member of the Zoning Department's staff, Ms. Raishah Franklin who will be serving as a Zoning Enforcement Officer, Rental Housing Inspector and Tree Preservation Inspector. Mr. Price summarized her experience and areas of expertise. Mr. Czerniecki added that Ms. Franklin has a Masters Degree in Public Administration. The Committee welcomed her to the Borough.
7. **Introduction of Tom Czerniecki, Borough Administrator.** Mr. Czerniecki reviewed for the Committee his experience of 27 years as a municipal manager and his philosophy for the operation of a municipality. Mr. Czerniecki and Mr. Price then described the organization of the Zoning Department and how it would change once Mr. Price retired. Ms. Renee Apuzzo will become Acting Department Head and Zoning officer and assume most of the duties of Mr. Price. Initially some of the duties performed by Mr. Price will be shared by Ms. Apuzzo and Mr. Czerniecki.
8. **Short Term Occupancies.** Mr. Horowitz reviewed with the Committee its past discussions regarding short term leasing which had culminated in a consensus to recommend to Council an ordinance that

would seek to prohibit rentals of a month or less. Mr. Horowitz reported that the borough's legal counsel had strongly recommended against the inclusion of a provision requiring the collection of tenants' driver licenses information as a means of enforcement of the ordinance. On motion made and duly seconded, the following resolutions were unanimously adopted:

RESOLVED, that this Committee hereby recommends to the Council of the Borough of Bernardsville that it adopt an ordinance relating to the leasing of properties for a period of 30 days or less substantially in the form attached to these minutes; and further

RESOLVED, that the Chairman of the Committee is hereby directed to forward the proposed ordinance to the Mayor of Bernardsville with such supporting materials as he feels appropriate.

9. Permit application, housing inspection, and zoning enforcement reports. The Committee noted that none of the issues reflected in the February reports raised issues of concern. There was a brief discussion regarding the resolution of long standing zoning violations at 230 Mt. Harmony Rd and 460 Minebrook Road.

10. Sign Ordinance. Mr. Horowitz briefly reviewed the history of this matter indicating that last year there had been a notice to business owners drafted but never distributed. A copy of the notice with some minor updating changes had been circulated with the agenda to the meeting. Mr. Horowitz noted that he wanted to discuss the notice with the Borough's legal counsel before using it and would do that prior to the next meeting of the committee. Mr. Price reported on efforts to identify signs that may violate the sign ordinance. Ms. Apuzzo indicated that there were some areas in which she felt that the ordinance was ambiguous with respect to lighted signs and undertook to send Mr. Horowitz the sections to which she was referring.

11. Truck parking. The Committee then discussed the need to revise the zoning ordinance regulating the parking of commercial vehicles in residential districts. Mr. Horowitz noted that there were some errors and inconsistencies in the existing ordinance that needed to be addressed. Whether the regulation could regulate parking on the street was discussed and it was decided that street parking was outside the scope of zoning regulation and would have to be covered elsewhere with the input of the police department. The Committee discussed the size of trucks that should be prohibited and what signage would be permitted in other vehicles. Mr. Horowitz undertook to draft a proposal for the next meeting.

12. Procedural Training. Mr. Horowitz noted that the Committee was not in compliance with the requirement that it be trained in compliance with open meetings laws. Mr. Czerniecki discussed the limitations on the powers and authority of committees like the Committee to direct Borough employees. Mr. Czerniecki said he would look into providing the required training.

13. Top 10'ish List:

a) 160 Mt. Airy—Alward: The Board of Adjustment granted the owners the requested certificate of conditional use. Mr. Horowitz asked the Zoning Department to look into the condition of the fence on the border of the property.

b) **21 Center Street:** Nothing has not been parked on the property when it was inspected. The condition of the property and the need for continuing inspection was emphasized. The Committee noted that to the extent anyone was parking on the property without the owner's permission, this was not a matter subject to zoning regulation. Ms. Sciarretta also raised her concerns about the condition of the neighboring property, 23 Center Street. It will be added to the Top 10 list.

c) **16 Dayton.** Ms. Apuzzo discussed her ongoing actions to assure proper construction permits are obtained and that the property is maintained as required.

d) **17A Dayton.** Mr. Price reported that the property has been inspected and the landlord has submitted the information required to update the rental roster.

e) **Creative Cube.** All issues with respect to construction permitting and safety and fire inspections have been resolved.

f) **131 Mt. Harmony.** Mr. Price reported that the owner had obtained bids for the removal of the logs on the property and the stump under them. The bids were very high. Apparently prior to the sale of the property to the current owner, Borough Council approved the clearance of the property within its fence and the falling of a split tree outside the fence. However, no provision was made for the removal of the logs that remained after it had been cut down. The owner is questioning whether under these circumstances she should be responsible for the removing of the logs.

g) **460 Minebrook.** Ms Apuzzo reported on the property owner's undertaking to remove the debris that remained on the site.

14. **Notable Vacancies.**

a) **Griffin and Howe.** There was no news on this property.

b) **Vacant House on Corner of Claremont and Mill.** Property owner has submitted an application to the Planning Board for the development of this site for a multifamily condominium structure.

c) **Audi Dealer.** Mayor Canose said that action on development of that property would be taken at the Council meeting to be held in the following week.

d) **Train Station.** Mayor Canose reported that Restaurant MV is working on the development site, including discussions regarding the lease with NJTransit, ABC application and similar actions. Mr Czerniecki reported on the eagerness of MV to move forward.

e) **Kings's Supermarket and Bernardsville Print Shop.** No news.

15. **Other Business.** The Committee discussed progress on the pedestrian walkway over the railroad tracks and the improved pedestrian crossing of Route 202. Mr. Price discussed the Planning Board's approval of Bistro's 73's application to add a floor for two additional apartments and for permanent approval of outdoor seating.

There being no further business, the meeting was adjourned at 4:55 PM.

Submitted
Jeff Horowitz
Chairman

Addendum to Minutes

Text of Proposed Ordinance Restricting Short Term Rentals

“It shall be unlawful for an owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partner or shareholders, or their agents, employees, representatives and other persons(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit in a residential district for a period of 30 days or less.”