

BERNARDS TOWNSHIP
ZONING BOARD OF ADJUSTMENT

MINUTES

Re-organization & Regular Meeting
January 3, 2018

Ms. Kiefer called the meeting to order at 7:32 PM.

FLAG SALUTE

OPEN MEETING STATEMENT

Ms. Kiefer read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this regular and reorganization meeting of the Board of Adjustment of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, New Jersey; was mailed to the Bernardsville News, Bernardsville, New Jersey; the Courier News, Bridgewater, New Jersey; and was filed with the Township Clerk all on November 30, 2017, and was mailed electronically to all those people who have requested individual notice."

OATHS OF OFFICE

Counselor Warner swore in the following members:

- Heather Bellows, Regular Member, four-year term expiring 12/31/21
- Barbara Kleinert, Alternate #1, filling unexpired two-year term of John Surano, expiring 12/31/18
- Zina Pozner, Alternate #2, filling unexpired two-year term of Heather Bellows, expiring 12/31/18

ROLL CALL:

Members Present:	Bellows, Genirs, Kleinert, Lane, Mastrangelo, Pozner, Rhatican, Zaidel.
Members Late:	NONE
Members Absent:	Breslin
Also Present:	Steven K. Warner, Esq., Thomas J. Quinn, PE, CME; Township Planner, David Schley, PP/AICP; Cyndi Kiefer.

NOMINATIONS FOR CHAIRMAN OF THE BOARD

Ms. Kiefer called for nominations for the office of Chairman of the Board for the year 2018.

The motion was made by Mr. Zaidel that Mr. Rhatican be nominated for the position of Chairman of the Board, term to expire December 31, 2018. Ms. Genirs seconded the motion.

The motion was carried by unanimous Voice Vote with Mr. Rhatican abstaining.

NOMINATIONS FOR VICE CHAIRMAN OF THE BOARD

Chairman Rhatican called for nominations for the office of Vice Chairman of the Board for the year 2018.

The motion was made by Mr. Lane that Mr. Breslin be nominated for the position of Vice Chairman of the Board, term to expire December 31, 2018. Ms. Mastrangelo seconded the motion. Mr. Warner

noted that Mr. Breslin had advised Ms. Kiefer via email that if he was nominated to the office of Vice Chairman, he would be happy to serve.

The motion was carried by unanimous Voice Vote.

NOMINATIONS FOR VICE CHAIRMAN PRO TEMP OF THE BOARD

Chairman Rhatican called for nominations for the office of Vice Chairman Pro Temp of the Board for the year 2018.

The motion was made by Ms. Mastrangelo that Mr. Zaidel be nominated for the position of Vice Chairman Pro Temp, term to expire December 31, 2018. Ms. Genirs seconded the motion.

The motion was carried by unanimous Voice Vote with Mr. Zaidel abstaining.

APPOINTMENT OF BOARD ENGINEER - Resolution #18-02

BE IT RESOLVED, by the Board of Adjustment of the Township of Bernards (herein "Board"), Somerset County, New Jersey, as follows:

WHEREAS, the Board wishes to engage the services of an engineer to perform engineering services as required for the year 2018, which is a "professional service" as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Board has special confidence in the firm of EKA Associates, P.A., by reason of the special knowledge and experience demonstrated by the firm and further by reason of the scope of services and schedule of compensation proposed by the firm;

NOW THEREFORE, BE IT RESOLVED that the Board engage the firm of EKA Associates, P.A., as its engineering firm for the year 2018, with Thomas J. Quinn, PE, CME, of that firm designated as the individual specifically authorized to act in the Board's behalf and, in his absence any other engineer in that firm as he may designate.

BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for the services of EKA Associates, P.A., which contract shall be available for inspection at the Municipal Offices during regular business hours.

BE IT FURTHER RESOLVED, that Notice of this Resolution and the terms of the contract for services be published once in an official newspaper of the Board, as required by N.J.S.A. 40A:11-5(1)(a)(I).

Moved by Ms. Mastrangelo and seconded by Mr. Lane that the resolution be approved.

Roll Call:

Aye:	Bellows, Genirs, Kleinert, Lane, Mastrangelo, Pozner, Rhatican, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

APPOINTMENT OF BOARD PLANNER

Chairman Rhatican called for nominations for Board Planner for 2018.

The motion was made by Ms. Genirs and seconded by Ms. Mastrangelo that Township Planner, David Schley, PP/AICP be appointed as Board Planner for the year 2018.

The motion was carried by unanimous Voice Vote.

APPOINTMENT OF BOARD SECRETARY

Chairman Rhatican called for appointments for the office of Board Secretary for 2018.

The motion was made by Ms. Mastrangelo and seconded by Ms. Kleinert that Cyndi Kiefer be appointed to the office of Board Secretary for the year 2018.

The motion was carried by unanimous Voice Vote.

APPOINTMENT OF BOARD ATTORNEY - Resolution #18-01

BE IT RESOLVED, by the Board of Adjustment of the Township of Bernards (herein "Board"), Somerset County, New Jersey, as follows:

WHEREAS, the Board wishes to engage the services of an attorney to perform legal services as required for the year 2018, which is a "professional service" as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Board has special confidence in the firm of Ventura, Miesowitz, Keough & Warner by reason of the special knowledge and experience demonstrated by the firm and further by reason of the scope of services and schedule of compensation proposed by the firm;

NOW THEREFORE, BE IT RESOLVED that the Board engage the firm of Ventura, Miesowitz, Keough & Warner as its legal counsel for the year 2018, with Steven K. Warner, Esq., of that firm designated as the individual specifically authorized to act in the Board's behalf and, in his absence any other attorney in that firm as he may designate.

BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for the services of Ventura, Miesowitz, Keough & Warner, which contract shall be available for inspection at the Municipal Offices during regular business hours.

BE IT FURTHER RESOLVED, that Notice of this Resolution and the terms of the contract for services be published once in an official newspaper of the Board, as required by N.J.S.A. 40A:11-5(1)(a)(I).

Moved by Mr. Zaidel and seconded by Ms. Mastrangelo that the resolution be approved.

Roll Call:

Aye:	Bellows, Genirs, Kleinert, Lane, Mastrangelo, Pozner, Rhatican, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

ADOPTION OF RULES AND REGULATIONS OF THE BOARD - Resolution #18-03

Mr. Warner advised the board members that there were two (2) changes made to last year's Rules and Regulations that would allow the document to more exactly comport with the Municipal Land Use Laws.

WHEREAS, N.J.S.A. 40:55D-8(1) requires each municipal agency to adopt reasonable rules and regulations for the administration of its functions, powers and duties; and

WHEREAS, N.J.S.A. 40:55D-8(a) further requires that the municipal agency furnish a copy of the adopted rules and regulations to any person upon request; and

WHEREAS, N.J.S.A. 40:55D-8(a) further requires that the municipal agency's rules and regulations thereto be maintained in the office of the administrative officer;

THEREFORE, BE IT RESOLVED, that the attached Rules and Regulations for the Zoning Board of Adjustment of the Township of Bernards be and the same are hereby adopted; and

BE IT FURTHER RESOLVED that copies of this resolution and copies of the attached said rules and regulations be maintained in the office of the Secretary of the Board of Adjustment and the clerk of the Township of Bernards.

Moved by Ms. Mastrangelo and seconded by Ms. Genirs that the resolution be approved and that the Rules and Regulations be adopted as revised.

Roll Call:

Aye:	Bellows, Genirs, Kleinert, Lane, Mastrangelo, Pozner, Rhatican, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

ADOPTION OF STATED MEETING DATES - Resolution #18-04

The Bernards Township Board of Adjustment meets at 7:30 p.m. on the first Wednesday after the first Monday of every month on a regular basis in the Municipal Building, Collyer Lane, Basking Ridge. If necessary, the Board may schedule additional meetings on the second Thursday after the first Monday, except in July, August, and December.

Ms. Kiefer suggested, since the Regular Meeting in July fell on a holiday and would therefore not be held, that July 12, 2018 be added as a Special Meeting date.

Chairman Rhatican read the following resolution:

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Township of Bernards will meet to discuss or act upon public business at 7:30 p.m. on each of the dates in the year 2018 as set forth below, at the Municipal Building, Collyer Lane, Basking Ridge, New Jersey:

Regular Meetings:	January 3, 2018 - Reorganization Meeting
	January 9, 2019 - Reorganization Meeting

February 7	August 8
March 7	September 5
April 4	October 3
May 9	November 7
June 6	December 5

Special Meetings:

January 11	June 14
February 15	July 12*
March 15	September 13
April 12	October 11
May 17	November 15

*Added

Notice of any revisions to the above schedule will be posted, mailed to the newspapers and to those who have so requested as required by law.

The motion was made by Ms. Genirs and seconded by Ms. Mastrangelo that the foregoing resolution as revised be adopted.

Roll Call:

Aye:	Bellows, Genirs, Kleinert, Lane, Mastrangelo, Pozner, Rhatican, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

ADOPTION OF OFFICIAL NEWSPAPERS

Chairman Rhatican called for designating official newspapers for the publication of all advertisements and notices required by law to be published by the Board.

The motion was made by Ms. Mastrangelo and seconded by Ms. Kleinert that the Bernardsville News, Bernardsville, NJ, and the Courier News, Bridgewater, NJ, be designated as the official newspapers for 2018. The Daily Record of Morristown, NJ, and the Star Ledger of Newark, NJ are designated as newspapers which may be given notice by the Board Secretary when the publication schedule of the Bernardsville News or Courier News does not enable it to publish advance notice of special, rescheduled, or emergency meetings.

The motion was carried by unanimous Voice Vote.

ADOPTION OF POLICY OF ADEQUATE NOTICE - Resolution #18-05

WHEREAS, the Open Public Meeting Act, Chapter 231 of the Public Laws of the State of New Jersey requires that henceforth no Public Body shall hold a meeting unless adequate notice thereof has been provided to the public in the manner and under the circumstances therein set forth;

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Bernards that adequate notice, as defined in said Act, be:

1. Posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge;

2. Mailed, telephoned, telexed, hand delivered, or electronically delivered to the Bernardsville News, Bernardsville, and the Courier News, Bridgewater, being designated the official newspapers of the Township. The Daily Record of Morristown, NJ, and the Star Ledger of Newark, NJ are designated as newspapers which may be given notice by the Board Secretary when the publication schedule of the Bernardsville News or Courier News does not enable it to publish advance notice of special, rescheduled, or emergency meetings;

3. Filed with the Township Clerk;

4. Mailed to any person who has so requested such notice for the forthcoming year upon payment of ten dollars;

BE IT FURTHER RESOLVED, that the foregoing notice be posted, mailed and submitted in accordance with said Act.

On motion made by Ms. Mastrangelo, and seconded by Ms. Genirs, the foregoing resolution was adopted.

Roll Call:

Aye: Bellows, Genirs, Kleinert, Lane, Mastrangelo, Pozner, Rhatican, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

ADJOURNMENT OF THE REORGANIZATION PORTION OF THE MEETING

Ms. Genirs motioned, Mr. Lane seconded and by unanimous Voice Vote, the re-organization portion of the meeting was adjourned at 7:48 PM.

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APPROVAL OF RESOLUTIONS

Resolution: Pellegrino, Michael & Amy; Block 1507, Lot 2; 28 Allen Street; Bulk Variances; #ZB17-032 (approved).

Ms. Genirs moved approval of the resolution as written and Mr. Zaidel seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Rhatican, Zaidel.
Nay: NONE

Motion carried.

Resolution: Koo Academy/KRE Group; Block 10001, Lot 4; 580 Allen Road; Bulk Variance; #ZB17-034 (approved).

Ms. Mastrangelo moved approval of the resolution as written and Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Rhatican, Zaidel.
Nay: NONE

Motion carried.

Resolution: Bautista, A./Rivera, C.; Block 2701, Lot 10; 124 South Alward Avenue; Bulk Variance; #ZB17-035 (approved).

Mr. Zaidel moved approval of the resolution as written and Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Rhatican, Zaidel.

Nay: NONE

Motion carried.

Resolution: Rockridge Court LLC; Block 3302, Lot 8; 23 Hill Top Road; Bulk Variances; #ZB17-036 (approved).

Ms. Mastrangelo moved approval of the resolution as written and Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Rhatican, Zaidel.

Nay: NONE

Motion carried.

Resolution: Donohoe, Douglas & Jennifer; Block 1804, Lot 9; 126 Dyckman Place; Bulk Variance; #ZB17-037 (approved).

Ms. Mastrangelo moved approval of the resolution as written and Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Rhatican, Zaidel.

Nay: NONE

Motion carried.

RESOLUTION OF DISMISSAL - without prejudice

Anand, Jogender; Block 7601, Lot 6; 21 Newell Drive; Bulk Variance; #ZB16-024 (incomplete).

The board members were advised that the application had been declared incomplete on December 6, 2016 and April 5, 2017. Ms. Kiefer sent out letters on June 27, 2017 and September 12, 2017 (the latter via Certified Mail 7071 1000 9300 3502) requesting whether the applicant wished to proceed with the application. The signed return receipt was received for the September 12, 2017 letter without any indication from the applicant as to whether or not he intended to pursue the application.

Ms. Mastrangelo moved approval of the resolution as written and Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Kleinert, Lane, Mastrangelo, Rhatican, Zaidel.

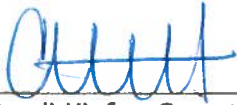
Nay: NONE

Motion carried.

ADJOURNMENT

Ms. Mastrangelo motioned, Ms. Genirs seconded and by unanimous Voice Vote, the meeting was adjourned at 7:58 PM.

Respectfully submitted,



Cyndi Kiefer, Secretary
Township of Bernards
Zoning Board of Adjustment