

**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE
COMBINED AGENDA - REGULAR MEETING**

November 23, 2021 – 7:30 PM Executive Closed Session; 8:00 PM Public Open Session

The meeting will take place in the Warren Craft meeting room of the Municipal Building, 1 Collyer Lane, Basking Ridge. There is no state mask requirement, however, the CDC continues to recommend individuals wear masks at indoor gatherings. The meeting will be live streamed and can be found by clicking on the “Watch a Meeting Live” icon on the home page, www.bernards.org and can also be viewed live on Optimum/Cablevision TV - Channel 15 and Verizon FiOS TV - Channel 35.

**Estimated
Times**

A G E N D A

7:30 PM

- 1. CALL TO ORDER** Video
- 2. FLAG SALUTE**
- 3. MAYOR’S OPENING MEETING STATEMENT**
- 4. ROLL CALL**
- 5. EXECUTIVE SESSION - Resolution #2021-0387**

8:00 PM

- 6. PUBLIC WORK SESSION**
- 7. REPORTS**
- 8. CORRESPONDENCE**

8:05 PM

- 9. PUBLIC COMMENT**
- 10. TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS**
- 11. FIRE & RESCUE APPOINTMENT**
- 12. UNFINISHED BUSINESS**

8:20 PM

13. NEW BUSINESS

A. Consent Agenda

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, are posted with the agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

- 1) Resolution #2021-0379 - Approval of the Bill List Dated 11/23/2021
- 2) Resolution #2021-0378 - Award of Change Order #1 for the Wastewater Management Plan-Septic Capacity Constraints to Mott MacDonald LLC, 111 Wood Avenue South, Iselin, NJ 08830-4112 Increase of \$1,500.00 for a new not to exceed amount of \$6,500.00
- 3) Resolution #2021-0380 - Acknowledgement of 2020 Annual Report Submitted by the Zoning Board of Adjustment – 2020 Zoning Board of Adjustment Annual Report & Recommendations
- 4) Resolution #2021-0381- Award of Purchase Orders for Identified Vendors – Performance Trailers Inc.
- 5) Resolution #2021-0382 - Award of Change Order #1 for the Senior Food Security & Wellness Program to DH of Basking Ridge Increase of \$2,910.00 (4.3%)
- 6) Resolution #2021-0383- Acceptance of Grant and Insertion of Grant Revenue Items Into the 2021 Budget \$8,474.92 for the Somerset County Municipal Alliance Grant for the Purpose of Funding the 2022 Municipal Alliance Program and \$2,118.73 for the 2022 Municipal Alliance 25% Match



Please call 24 hours in advance (908) 204-3001
if accommodations are required, including assistive listening devices (ALD).

- 7) Resolution #2021-0384- Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Katherine Borra to Use Space Solely as an artist (writer's) studio
- 8) Resolution #2021-0385 Awarding Professional Services Contract for 2021 Aerial Orthophotographs to Bruce Blair, PLS, Lic No. 24GS01509800, and Kurt Lutz, Director of Operations, of the firm Robinson Aerial Surveys, Inc. - In the Not to Exceed Amount of \$63,950.00
- 9) Resolution #2021-0386 - Approval of Special Event Permit for Basking Ridge Business Alliance for Winter Market and Tree Lighting on 12/04/2021 in Basking Ridge Including Temporary Street Closure and Banner Display
- 10) Resolution #2021-0388 - Authorizing Execution of an Agreement to Accept Public Works Commodities and Services Through Somerset County Commodity Resale Agreement ID#201SCCRS-2021-2026, Effective November 05, 2021 – October 12, 2026
- 11) Resolution #2021-0389 - Authorizing Submission of a Grant Application to the Somerset County Board of Commissioners for a Grant Entitled 2022-2023 Application for Funding Municipal Alliances for the Purpose of Providing Funding for the Bernards Township Municipal Alliance
- 12) Resolution #2021-0390 - 2022 Fee Schedule for The Coakley-Russo Memorial Golf Course
- 13) Resolution #2021-0391 - Amending Resolution #2021-0268 Authorizing Approving the Acceptance of Grant Funding from the State of New Jersey Department of Law and Public Safety for the Purpose of Purchasing Police Body-Worn Cameras
- 14) Resolution #2021-0392 - 2022 Fee Schedule for Pleasant Valley Pool
- 15) Resolution #2021-0393 - Personnel Appointment Zulmira Donahue – Administrative Assistant – Tax Assessor

B. Ordinance #2480 - Accepting a Stream Buffer Conservation Easement on Property Located at 17 Tysley Street; Block 708, Lot 5, from Matthew Lembo to the Township of Bernards – Map - Introduction

C. Ordinance #2481 - Ordinance Authorizing Fine For Failure To License Dog And Amending Enforcement And Penalty Provisions of Chapter 5 - - Introduction

D. Approval of Minutes:
11/09/2021 Closed and Open Session Minutes

14. PUBLIC COMMENT

15. EXECUTIVE SESSION (if required)

16. ADJOURNMENT

Rhonda Pisano, Municipal Clerk

(Note: Copies of Resolutions and other supporting documents listed on this agenda can be found on the pages below)



Please call 24 hours in advance (908) 204-3001
if accommodations are required, including assistive listening devices (ALD).



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0387

Authorizing an Executive Session Meeting of the Bernards Township Committee

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the regular meeting of the Township Committee will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Township Committee will go into closed session for the following reason(s) as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Township Committee hereby declares that the discussion of subject(s) may be made public at a time when the Township Attorney advises the Township Committee that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Township Committee, hereby declares that the public is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

<u>Reason for Closed Session</u>		<u>Estimated Time of Disclosure or Upon Occurrence Of</u>
<input type="checkbox"/>	Any matter which by express provisions of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public Provision relied upon .	
<input type="checkbox"/>	Any matter in which the release of information would impair a right to receive funds from the federal government. .	
<input type="checkbox"/>	Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy. .	
<input type="checkbox"/>	Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.	
<input type="checkbox"/>	Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed. .	

- ☐ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection.
- ☐ Any investigations of violations or possible violations of the law.
- ☐ Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. *Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded, or the circumstances no longer present a potential impact.*
- ☒ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.
The employee(s) and nature of discussion is. *Personnel – 2022 Board Appointments and Professional Appointments* Upon Appointment
- ☐ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0379

Approval of the Bill List Dated 11/23/2021

BE IT RESOLVED, that the bill list dated 11/23/2021 be audited, and if found correct, be paid.

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0378

Award of Change Order #1 for the Wastewater Management Plan-Septic Capacity Constraints
to Mott MacDonald LLC, 111 Wood Avenue South, Iselin, NJ 08830-4112
Increase of \$1,500.00 for a new not to exceed amount of \$6,500.00

WHEREAS, on February 23, 2021, the Township approved Resolution #2021-0135 awarding Mott MacDonald a contract in the amount of \$5,000.00 to review the Somerset County Wastewater Management Plan-Septic Capacity Constraints element and recommend options to comply with the plan; and

WHEREAS, additional consulting work is needed to provide specific technical criteria for the advanced septic treatment systems option; and

WHEREAS, Change Order #1 in the amount of \$1,500.00 is required to address an increase in scope and time for the additional consulting services; and

WHEREAS, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to Mott MacDonald LLC, 111 Wood Avenue South, Iselin, NJ 08830-4112; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget line account #1-01-20-165-204.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey, that the Purchasing Agent is hereby authorized to issue a change order to Mott MacDonald LLC, 111 Wood Avenue South, Iselin, NJ 08830-4112 in the amount of \$1,500.00, 30%, for a new total award of \$6,500.00 and extend the contract until December 31, 2021.

Agenda and Date Voted: 11/23/2021

EXPLANATORY STATEMENT

Compliance with the Wastewater Plan Septic Capacity Constraints element includes various options one of which is advance septic treatment. This change order provides additional time for the consultant to develop specific technical criteria as the preferred viable option to zoning changes.

Date: 11/03/2021

Thomas Timko, PE, CME
Township Engineer

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available in the budget or the line item in the amount of \$1,500.00 for a new not to exceed amount of \$6,500.00. Monies are available in account #1-01-20-165-204.


Date: November 8, 2021

Sean McCarthy
Chief Financial Officer

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: November 5, 2021


Francis J. Decibus, QPA
Purchasing Agent

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0380

Acknowledgement of 2020 Annual Report
Submitted by the Zoning Board of Adjustment

WHEREAS, N.J.S.A. 40:55D-70.1 requires the Board of Adjustment annually to prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and to report its recommendations for zoning ordinance amendment or revision; and

WHEREAS, N.J.S.A. 40:55D-70.1 further requires the Board of Adjustment to send copies of its report to the governing body and planning board.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Bernards hereby acknowledges receipt of the Zoning Board of Adjustment's 2020 Annual Report which is on file with the Municipal Clerk.

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk

VENTURA, MIESOWITZ, KEOUGH & WARNER

A PROFESSIONAL CORPORATION
COUNSELORS AT LAW

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JAMES A. VIGLIOTTI

November 3, 2021

*LL.M. IN TAXATION
▲MEMBER NJ & NY BARS
◊MEMBER FL BAR

Via EMAIL

Honorable Janice M. Fields, Mayor
Rhonda Pisano, Municipal Clerk
Thomas Timko, P.E., Township Engineer
David Schley, A.I.C.P./P.P., Township Planner
Kippy Piedici, Township Planning Board Chairwoman
Jeanmarie Genirs, Township Board of Adjustment Acting Chairwoman

***Re: Report and Recommendations of the Board of
Adjustment for the Township of Bernards
for the period January 1, 2020 – December 31, 2020***

Ladies and Gentlemen:

On behalf of the Bernards Township Board of Adjustment, we herewith enclose copies of the 2020 Annual Report and Resolution adopting same dated November 3, 2021, pursuant to N.J.S.A. 40:55D-70.1. Full copies of the resolutions summarized in this report may be obtained through the Secretary of the Board of Adjustment.

Very truly yours,

VENTURA, MIESOWITZ, KEOUGH &
WARNER, P.C.

By: _____
Steven K. Warner

SKW/ss
Enclosures

cc: Cyndi Kiefer, Board of Adjustment Secretary (w/enc.)

**REPORT AND RECOMMENDATIONS
OF THE ZONING BOARD OF ADJUSTMENT
FOR THE TOWNSHIP OF BERNARDS
FOR THE PERIOD
JANUARY 1, 2020 – DECEMBER 31, 2020**

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**REPORT AND RECOMMENDATIONS
OF THE
ZONING BOARD OF ADJUSTMENT FOR THE TOWNSHIP OF BERNARDS
FOR THE PERIOD
January 1, 2020 through December 31, 2020**

Pursuant to the requirements of N.J.S.A. 40:55D-70.1, the Zoning Board of Adjustment for the Township of Bernards (the “Board”) hereby reports, with copies to the Township Committee and the Planning Board for the Township of Bernards, as follows:

The Board received a total of 27 new applications from January 1, 2020 through December 31, 2020, and considered and memorialized resolutions as to 26 applications during that period. Of the 26 applications considered and memorialized, 19 of the applications involved just “bulk” variances under N.J.S.A. 40:55D-70(c), none of the applications involved just “use” variances under N.J.S.A. 40:55D-70(d), and 3 of the applications involved both “bulk” and “use” variances. Two (2) of the applications involved an extension of a prior approval, one of the applications was withdrawn and one was a request to eliminate conditions that was dismissed due to lack of jurisdiction. None of the applications involved modifications of conditions of prior approvals, or involved an appeal from the Zoning Officer's decision pursuant to N.J.S.A. 40:55D-70(a) or an interpretation from the Board under N.J.S.A. 40:55D-70(b).

None of the variance applications involved subdivision approval and two of the applications involved site plan approval under the Board’s ancillary jurisdiction pursuant to N.J.S.A. 40:55D-76. There were no applications presented for a “certificate of nonconformity” by the Board under N.J.S.A. 40:55D-68.

The number of applications both received, and resolved, by the Board in 2020 were nearly the same as those received, and resolved, in 2019. Moreover, the type of applications were generally similar to those resolved in 2019.

Copies of all of the Board's resolutions relating to applications heard during the reporting period may be obtained through the Secretary of the Board and a summary of all such applications is included at the end of this Report.

I. Subsection (d) Variance Applications

The Board considered three (3) variance applications seeking relief under N.J.S.A. 40:55D-70(d) in 2020, as compared to two (2) such applications in 2019 and three (3) in 2018.

First, in **Edmond J. and Suzanne L. Hardy, Case No. ZB19-023**, the Board granted d(1) use variance relief, in connection with the construction of a private swimming pool exceeding 1,000 square feet in the R-1 (3 acre) Residential Zone, which is in violation of Section 21-10.4.a.2(b) of the Land Development Ordinance ("LDO"). The Board also granted bulk variance relief to locate the in-ground swimming pool such that it is not behind the rear building line of an adjacent dwelling, in violation of Section 21-18.1 of the LDO. The subject property was identified as Block 7301, Lot 33 on the Tax Map, more commonly known as 242 Liberty Corner Road.

The Property is located in the R-1 (3 acre) residential zone, consists of 3 acres and is located on the bulb of a cul-de-sac on Liberty Corner Road. The Property is presently improved with a two-story frame dwelling with porch, paver patios, a frame shed, and an asphalt driveway. The westerly portion of the lot is encumbered by freshwater wetlands.

The Applicant proposed to construct a 1,480 square foot in-ground swimming pool (including 50 square foot spa) and 1,370 square feet of adjoining patio/walkway, in the rear yard of the existing dwelling. The pool location variance is governed by the criteria of N.J.S.A. 40:55D-70(c). The pool area variance is governed by the criteria of N.J.S.A. 40:55D-70(d)(1).

As to the d(1) use variance request for the excessive swimming pool size, the Board found that the Applicant had satisfied the positive criteria required for the grant of a d(1) use variance,

as he had demonstrated that the proposal serves the general welfare and, due to the larger than typical lot area and dwelling size, as well as the location of the pool in the middle of the backyard with significant landscape screening, the Property was particularly suitable for a pool that exceeds 1,000 square feet. Moreover, the Board incorporated the Township Planner's testimony regarding the outdated size limitation for the pool area and that the proposal is consistent with the intent and purpose of the ordinance provision, which is to prevent swim clubs on residential properties.

The Board further found that the Applicant had satisfied the negative criteria for a d(1) use variance. The Board found that the Applicant had demonstrated that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. In this regard, the Board concluded that the proposal was consistent with the spirit and intent of Section 21-10.4.a.2(b) regulating residential pools so as to prevent swimming clubs on residential properties.

Second, in **New York SMSA Limited Partnership, Case No. ZB20-001**, the Board granted preliminary and final site plan approval, bulk and d(1) use variance relief, in connection with the installation of six (6) test nodes (antennas) relating to the testing/research of 5G wireless communication services, to be located on property identified as Block 803, Lots 2, 3, 5, 6 & 23 on the Township Tax Map, and more commonly known as 300 North Maple Avenue or the Ridge Hotel.

The Property is located in the E-1 zone. It consists of 34.99 acres and is occupied by The Ridge Hotel, which is a conditionally permitted use (a "conference inn"). The existing facility was constructed pursuant to Planning Board approvals dating to 1986, and was most recently before the Board of Adjustment in 2018, when the Board granted variances to permit replacement of two existing freestanding identification signs.

The Applicant proposed to install a total of six (6) wireless communications test nodes (antennas), all of which would be used in conjunction with the testing and research of 5G wireless communication services being conducted at the Verizon Corporate Campus located across North Maple Avenue. Each node was 12 inches wide by 18.7 inches high by 6.3 inches deep, and the nodes were proposed to be concealed using film matching the surface to which it was being mounted. Three nodes (Nodes 12, 14 & 43) were proposed to be mounted on the existing Ridge Hotel, one node (Node 13) was proposed to be mounted on a new 20 foot high security camera pole on the existing parking deck, and two nodes were proposed to be mounted on an existing 16.5 foot high light pole (Node 15) and an existing 16 foot high light pole (Node 16), which will replace two existing light poles in the same ground-level locations. Proposed Nodes 15 and 16 included the installation of underground utilities (electric and fiber) extended from the existing building. All of the existing improvements and the proposed nodes were located in the E-1 Office Zone. No construction or land disturbance was proposed in the residentially-zoned portions of the Site.

This application was filed with the Board of Adjustment because the proposed nodes were not considered wireless telecommunications antennas pursuant to Section 21-17A of the Land Development Ordinance because they were not part of the Verizon network that serves the public (they are solely used to test 5G capabilities on the Property), nor were they an accessory use to the permitted principal use (conference inn) located on the subject lot. As such, the Applicant's proposal to install the test nodes required a "d" (use) variance pursuant to N.J.S.A. 40:55D-70d(1). The bulk variance relief the Applicant sought was governed by N.J.S.A. 40:55D-70(c).

As to the d(1) use variance relief for the proposed 5G test nodes, the Board initially recognized that, while an applicant seeking to install a wireless telecommunication facility

ordinarily would be permitted to demonstrate an entitlement to the requested relief pursuant to the less restrictive standards set forth in Smart SMR v. Borough of Fair Lawn Bd. of Adjustment, 152 N.J. 309, 329 (1998), here, the proposed test nodes did not constitute wireless telecommunication facilities, because they were not being installed to provide any wireless communications services to the general public. As such, the Board concluded that the Applicant must demonstrate the positive and negative criteria for the requested d(l) use variance relief pursuant to the more restrictive standards of proof set forth in Medici v. BPR Co., 107 N.J. 1, 21-22 (1987).

The Board found that the Applicant had satisfied the positive criteria required for the grant of a d(l) use variance under the enhanced quality of proof pursuant to the Medici decision.

The Board found that, even assuming that the proposed use did not constitute an inherently beneficial use, it, nevertheless, served the general welfare and the Site was particularly suitable for the installation of the proposed six 5G test nodes.

In regard to its site suitability finding, the Board considered the unobtrusive nature of the test nodes, the proposed location of the nodes on existing structures, the existing and stipulated to landscape screening, and the relatively modest impact of the proposal on adjacent residential properties. Additionally, the Board noted that the location of the nodes would allow the Applicant to conduct testing and research relating to the Applicant's 5G network, which is of significant public interest. The Board accepted the unrefuted expert planning testimony provided by Mr. Masters that the nodes would not result in increased traffic, noise, odor, or other nuisance conditions and, instead, would promote a desirable visual environment through creative development techniques and good civic design and arrangement. The Board also accepted the unrefuted expert radio frequency testimony of Mr. Petersohn that the nodes were highly directional

and must be located near the area throughout which they are designed to provide coverage, such that they could not be relocated further from the adjacent residential properties.

The Board further accepted Mr. Petersohn's testimony that, assuming worst-case conditions, the cumulative electromagnetic power density level predicted to exist at two nearby residential properties due to the proposed node installation were more than 1,856 times below, and 244 times below, the FCC General Population MPE Limit, for 28 Brentwood Court and 27 Brentwood Court, respectively. Here, the Board recognized that the Applicant was required to demonstrate compliance with the FCC guidelines and that said guidelines pre-empt the Township from imposing stricter regulations regarding EMF levels. Finally, while the Board appreciated the concern expressed by the members of the public as to the safety of 5G technology, no credible expert testimony to refute the Applicant's professionals' testimony was provided.

Based upon the foregoing, the Board concluded that the Applicant had satisfied the positive criteria required for a d(1) use variance.

As to the negative criteria, the Board found that the Applicant had satisfied its burden of demonstrating that the requested relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Master Plan and the applicable provisions of the Land Development Ordinance. As to the "substantial detriment" prong of the negative criteria for d(1) use variance relief, the Board found that the Applicant had demonstrated that the proposed 5G test nodes would not have a substantially detrimental impact on the character of the subject neighborhood, given the size and location of the proposed nodes, as well as the existing and proposed landscape buffering.

As to the "substantial impairment" prong of the negative criteria for d(1) use variance relief, and the requisite enhanced quality of proof under the Medici decision, the Board found

that the Applicant had demonstrated that the Applicant's proposal would not result in substantial impairment of the Master Plan and Land Development Ordinance. The Board recognized that, if the test nodes were considered "antenna" pursuant to Section 21-17A.2 of the Land Development Ordinance, the Applicant would comply with all of the municipal zoning requirements relating to wireless telecommunication facilities. The Board accepted the unrefuted expert planning testimony of Mr. Masters that the test nodes were not inconsistent with the Master Plan or Land Development Ordinance because the installation of wireless telecommunications facilities is not prohibited in the E-1 Zone. The Board further found that granting the requested relief certainly would not result in a rezoning of the Property by variance, rather than ordinance, such that the relief requested would not rise to the level of a substantial impairment of the Master Plan or the Zoning Ordinance.

Third, in **Lincoln Avenue Gospel Hall**, Case No. ZB20-006, the Board granted bulk variance and site plan approval and d(3) use variance relief, in connection with the renovation of the existing residence for use as a house of worship and the construction of 15 parking spaces, on property identified as Block 8903, Lot 36 on the Tax Map, more commonly known as 3265 Valley Road.

The Property consisted of 39,809 square feet (0.91 acres), fronted on Valley Road, and was located in the R-4 Residential Zone. The absence of wetlands, wetlands transition areas, and riparian zones had been verified by the Applicant's environmental consultant. The Property was presently improved with a small, single-family ranch dwelling in the northwest corner and a small shed in the rear yard (in the southeast corner of the Property).

The Applicant proposed to redevelop the existing single-family residence for use as a house of worship. The interior of the existing one-story, 938 square foot dwelling was to be renovated to

provide a roughly 21 foot by 25 foot (approximately 538 square feet) prayer hall, restrooms, a closet, and hallway/foyer space. The prayer hall, which will be used for twice-weekly services (Sunday mornings and Monday evenings) was shown on the floor plans to be open with no fixed seating, though the plans estimated a maximum of 42 seats. A new door and an exterior staircase (four steps with a 4 foot by 8 foot upper landing) was proposed at the rear of the building.

The existing driveway was proposed to be widened to 24 feet to provide paved/curbed access to fifteen (15) parking spaces in the rear yard. The parking area design included six (6) additional parking spaces that would be “banked” for potential future construction. The stormwater management design included a proposed detention basin in the easterly side yard. The existing dwelling was connected to the public water and sanitary sewer systems, and the Applicant proposed to utilize said existing connections.

As to the d(3) conditional use variance, pursuant to Section 21-12.3.f of the Land Use Ordinance, for nonconforming conditions relating to the lot area, lot coverage, the front- and side-yard setbacks, the minimum parking setbacks, and the lighting requirements for a house of worship, the Board found that, consistent with the standard set forth in Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994), the Applicant had established that the site can accommodate the detriments associated with the proposed use despite the violation of the conditional use requirements.

As to the existing lot area, the Board found that the Applicant had demonstrated that, notwithstanding the undersized nature of the lot, the site can accommodate the proposed use. Here, the Board recognized that the proposed house of worship was not a typical house of worship that can accommodate a significant number of people and multiple functions such as worship services,

educational services, and community services, but rather a small satellite location within a converted ranch anticipated to be used by a small group of congregants within the immediate area.

As to the proposed lot coverage, the Board concurred with the Applicant's planner that the site can accommodate the excess coverage and that, if the Board were to deny the requested relief, same would constitute an undue hardship on the Applicant. In this regard, the Board recognizes that the increased coverage was a function of the confluence of the undersized nature of the lot and the construction of the required parking spaces. The Board further recognized that the Applicant proposed to bank six (6) parking spaces to reduce the proposed coverage, and also had stipulated to installing stormwater management measures to capture the runoff associated with same. The Board found that the Applicant could not increase the lot area to reduce the magnitude of the lot area and lot coverage deficiencies because the adjacent properties were already developed and would be rendered nonconforming, or more nonconforming, as a result thereof.

As to the location of the house of worship within 100 feet of any property line, the Board concurred with the unrefuted expert testimony of the Applicant's planner that the existing building cannot be relocated into a conforming location, because the lot width is only 150 feet and a 100 foot side-yard setback on each side of the Property would create a negative building envelope. Moreover, the Board found that the Applicant had demonstrated that the site can accommodate the deficient setbacks, particularly given the specific nature of the use of the Property as a satellite location for a small group of congregants, as well as the location of the Property on a major road, the existing landscaping and the conditions stipulated to by the Applicant. In this regard, the Board recognized that the Property is located on a main road adjacent to a Delta Gas Station, across from the Veterans Administration hospital and golf course, and found that the deficient setbacks would

not have a detrimental impact on the adjacent properties given the nature of the surrounding neighborhood and the stipulated to conditions.

As to the location of the proposed parking area within 100 feet of any property line, the Board accepted the expert testimony of the Applicant's planner that the proposed parking area could not be relocated into a conforming location because the lot width is only 150 feet and a 100 foot side-yard setback from the property line cannot be provided on either side of the parking area.

As to the proposed exterior lighting not being turned off between 6:00 PM and 8:00 AM on Sunday given the timing of services at approximately 5:00 AM, the Board accepted the expert testimony of the Applicant's planner that the lighting was necessary for congregants to safely use the parking lot and walkways. The Board recognized that the Applicant had stipulated to planting additional landscape buffering, including evergreen hedges, to mitigate the impact of headlights on adjacent properties, and to utilizing motion activated lighting fixtures on the front and rear doors of the building.

The Board found that the Applicant had satisfied its burden of proving an entitlement to preliminary and final site plan approval and all of the d(3) conditional use, bulk variance, and site plan exception relief sought therein.

II. Subsection (c) Variance Applications

The Board considered 22 applications seeking variance relief under N.J.S.A. 40:55D-70(c); 19 of which sought relief under just subsection (c) and 3 of which sought relief under both N.J.S.A. 40:55D-70(c) and (d). Of these 22 subsection (c) cases, the Board granted (with specific conditions) approval of all 22 applications.

In 12 of the 19 subsection (c) cases, the applicant sought variances from front-yard, rear-yard and/or side-yard setback requirements. The Board granted all of these applications with specific conditions, finding generally that the requested deviations from the Land Development Ordinance requirements were relatively minor and/or that sufficient landscape buffering and other screening either existed or was agreed to be installed by the applicants.

In 3 of the 19 subsection (c) cases, the applicant sought a pool location variance. Section 21-18.1 of the Land Development Ordinance requires the location of an in-ground pool behind the rear building line of an existing residential structure on an adjoining lot.

In 2 of the 19 subsection (c) cases, the applicant sought minimum lot area, lot frontage, lot width and/or improvable lot area variances. These cases involved pre-existing undersized lots in which the undersized nature of the lot was impacted by the new construction. The Board granted approval in both cases, satisfying itself in each case that efforts to buy adjacent property from, or sell the subject nonconforming property to, adjacent property owners for fair market value were either sufficiently pursued by the applicants or such efforts would have been futile if pursued, such that the lot sizes could not be brought into, or closer to, conformity.

None of the 19 subsection (c) cases sought a fence height and/or location variance. In 2 of the 19 subsection (c) cases, the applicant sought accessory structure height and/or location variances, both of which applications were granted by the Board. The Board found the deviations

to be relatively modest and landscape screening to be sufficient to minimize any visual detriment, and the benefits to be derived from the application substantially outweighed the associated detriments.

There were no applications involving the proposed demolition of an existing dwelling and construction of a new dwelling.

The Board heard 9 applications involving residential additions/expansions. All of these applications were granted with specific conditions of approval.

There were 6 cases in which the applicant sought a lot coverage variance. The applications were granted with specific conditions of approval.

A standard condition in all resolutions granting variance relief provides that, pursuant to § 21-5.10 of the Land Development Ordinance, the variance will expire unless the construction or alteration permitted by the variance has actually commenced within one year of the date of the resolution. There were 2 extension request(s) in 2020.

III. Planning Variances Pursuant to Sections 34 and/or 35 of the MLUL

The Board addressed no applications in 2020 invoking its authority to consider planning variances pursuant to N.J.S.A. 40:55D-35 and -36.

IV. Applications Involving the B-1 Village Business Zone

There were no applications considered during 2020 involving property located in the B-1 Village Business Zone.

V. Applications Involving the B-2 Neighborhood Business Zone

There were no applications addressed during 2020 involving a property located in the B-2 Neighborhood Business Zone.

VI. Applications Involving the B-3 Historic Business Zone

There were no applications considered during 2020 involving property located in the B-3 Historic Business Zone.

VII. Applications Involving the B-4 Liberty Corner Business Zone

There were no applications considered during 2020 involving property in B-4 Liberty Corner Business Zone.

VIII. Applications Involving the B-5 Village Center Zone

There were no applications considered during 2020 involving property located in the B-5 Village Center Zone.

IX. Applications Involving the SH-1, SH-2, and SH-3 Senior Housing Zones

There were no applications considered during 2020 involving property located in any of the Senior Housing Zones.

X. Applications Involving the E-1, E-2, E-3, E-4 and E-5 Office Zones

There were two (2) applications considered during 2020 involving property located in the E office zones, specifically, the New York SMSA Limited Partnership application referenced above, involving d(1) use variance relief for property located in the E-1 Office Zone, and LCB Senior Living Holdings II, LLC, Case No. ZB19-010A, involving property located in the E-4 Office Zone.

XI. Applications Involving the P-1, P-2, P-3, P-4 and P-5 Public Purpose Zones

There were no applications considered during 2020 involving property located in any of the Public Purpose Zones.

XII. Applications Involving the PUD-5 Planned Unit Development Zone

There were no applications considered during 2020 involving property located in the PUD-5 Planned Unit Development zone.

XIII. Site Plan and Subdivision Approvals Under N.J.S.A. 40:55D-76

There were two (2) applications considered in 2020 seeking site plan approval and no applications seeking subdivision approval under the Board's ancillary jurisdiction powers.

XIV. Prior Year Matters on Appeal

There were no prior year matters on appeal in 2020.

XV. Recommendations and Suggestions

After reviewing and discussing the applications decided in 2020, the Zoning Board of Adjustment of the Township of Bernards decided not to make any recommendations or suggestions for Ordinance changes to the Township Committee and the Planning Board. Nonetheless, the Board does wish to recognize an upward trend in the number of residential lot coverage variance applications experienced over the past few years.

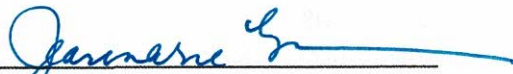
In 2020, the Board decided 20 applications involving single-family residences. Five (25%) of those 20 applications included a request for a lot coverage variance. While this number is down from 2019, the number of lot coverage variance requests over the past four years remains significantly higher than in previous years. From 2017 through 2020, 37% (38 out of 102) of the total single-family residential variance applications involved a lot coverage variance. By comparison, only 17% (23 out of 138) of the total single-family residential variance applications decided in the six years prior, i.e. 2011 through 2016, involved a lot coverage variance.

The Board will continue to monitor residential lot coverage variance applications and will give further consideration to the subject when drafting its Report and Recommendations for 2021.

We thank the Township Committee and the Planning Board for its consideration of the aforementioned annual report and recommendations.

Respectfully submitted,

ZONING BOARD OF ADJUSTMENT FOR
THE TOWNSHIP OF BERNARDS

By: 
Jeanmarie Genirs, Chairperson

cc: Hon. Janice M. Fields, Mayor
Rhonda Pisano, Municipal Clerk
Thomas Timko, PE, Township Engineer
David Schley, AICP, PP, Township Planner
Kathleen Piedici, Planning Board Chairperson

**Docket Numbers Assigned for the Period
January 1, 2020 through December 31, 2020**

<u>Docket Number:</u>	<u>Applicant(s):</u>
1. ZB20-001	New York SMSA d/b/a Verizon Wireless
2. ZB20-002	Buzin, Marc and Michelle
3. ZB20-003	Muir, Nicholas and Amanda
4. ZB20-004	Sweet Pea Farms I, LLC
5. ZB20-005	Hayworth, Stephen B.
6. ZB20-006	Lincoln Avenue Gospel Hall
7. ZB20-007	Heath, Christopher & Renee
8. ZB20-008	Hughes, Robert and Carrie
9. ZB20-009	Kangas, David & Kristine
10. ZB20-010	Reynolds, Scott / Ellison, Martha
11. ZB20-011	McCrone, Robert & Susan
12. ZB20-012	Trinks, Uwe P.
13. ZB20-013	Sands, Stephen C. & Laura K.
14. ZB20-014	Becht, Derek & Victoria
15. ZB20-015	Silver Living, LLC
16. ZB20-016	A. Sposato Realty Co., Inc. / Sposato Realty LP
17. ZB20-017	Dinardo, Carmine & Cynthia
18. ZB20-018	Cohen, David / Patel-Cohen, Mital
19. ZB20-019	Porcelli, Joseph
20. ZB20-020	Clarke, Mary Lou & Seldon T.
21. ZB20-021	Shaw, Adriane
22. ZB20-022	Boyle, Joseph
23. ZB20-023	Raymond, Michael / Staub, Stacey
24. ZB20-024	Reilly, Peter & Bernadette
25. ZB20-025	Khoshaba, Ursula
26. ZB20-026	Keith, John D. & Gloria E. Living Trust
27. ZB20-27	Braemar Partners

**Memorializing Resolutions
of Applications Heard
January 1, 2020 through December 31, 2020**

	<u>Date of</u> <u>Resolution</u>	<u>Docket</u> <u>Number:</u>	<u>Applicant:</u>
1.	Jan. 8	ZB19-020	Eorio, Daniel and Lyndsey
2.	Feb. 5	ZB18-011B	J. Nan Realty Company, LLC
3.	Feb. 5	ZB19-016	Buono, Brian
4.	Feb. 5	ZB19-021	Majewski, Matthew and Judith
5.	Mar. 4	ZB19-022	Family Realty and Mortgage Company, Inc.
6.	Mar. 4	ZB19-023	Hardy, Edmond J. and Suzanna L.
7.	Mar. 4	ZB19-024	Aptekar, Matthew
8.	Mar. 4	ZB19-025	Goldstein, Chad and Sandy
9.	May 6	ZB19-005	Richter, Matthew and Lisa
10.	May 6	ZB20-002	Buzin, Marc and Michelle
11.	Jun. 3	ZB20-003	Muir, Nicholas and Amanda
12.	Jun. 11	ZB20-005	Hayworth, Stephen B.
13.	Jun. 11	ZB20-008	Hughes, Robert and Carrie
14.	Jun. 22	ZB20-004	Sweet Pea Farms I, LLC
15.	Aug. 5	ZB19-010A	LCB Senior Living Holdings II, LLC
16.	Aug. 5	ZB20-001	New York SMSA Limited Partnership d/b/a Verizon Wireless
17.	Aug. 5	ZB20-009	Kangas, David and Kristine
18.	Aug. 5	ZB20-010	Reynolds, Scott and Ellison, Martha
19.	Sep. 9	ZB20-006	Lincoln Avenue Gospel Hall
20.	Sep. 9	ZB20-011	McCrone, Robert and Susan
21.	Oct. 7	ZB20-007	Heath, Renee and Christopher
22.	Oct. 7	ZB20-012	Trinks, Uwe
23.	Oct. 7	ZB20-013	Sands, Stephen and Laura
24.	Oct. 7	ZB20-014	Becht, Derek
25.	Dec. 9	ZB20-016	A. Sposato Realty Co., Inc. / Sposato Realty LP
26.	Dec. 9	ZB20-020	Clarke, Mary Lou and Seldon T.

RESOLUTIONS MEMORIALIZED IN 2020

DOCKET APPLICANT

ZB19-020 Eorio, Daniel and Lyndsey Granted: December 4, 2019
R-7 (1/2 acre) Residential Zone **Adopted: January 8, 2020**
157 South Maple Avenue
Block 1602, Lot 12

Construction of a second-story addition on top of a previously approved 10'6" by 25'4" (266 square foot) addition to the south side of the existing two-story dwelling.

Bulk variance (side-yard setback; combined side-yard setback)

ZB19-016 Buono, Brian Granted: January 8, 2020
R-1 (3 acre) Residential Zone **Adopted: February 5, 2020**
117 Whitenack Road
Block 4801, Lot 3

Construction of a second floor addition above the first floor of the existing one-story dwelling, renovation of the existing first floor (including the construction of a one-car garage), and the extension of the existing driveway.

Bulk variances (front-yard setback; side-yard setback; combined side-yard setback)

ZB19-021 Majewski, Matthew and Judith Granted: January 8, 2020
R-3 (2 acre) Residential Zone **Adopted: February 5, 2020**
195 Mountain Road
Block 11102, Lot 19

Construction of an inground swimming pool and patio/walkway to the rear of the existing dwelling.

Bulk variance (pool location)

ZB18-011B	J. Nan Realty Company, LLC	Granted: February 5, 2020
	R-4 (1 acre) Residential Zone	Adopted: February 5, 2020
	18 Columbia Road	
	Block 3603, Lot 1	

Extension of variance approval (construction of an approximately 4,900 square foot, two-story residential building, containing four dwelling units.

ZB19-022	Family Realty and Mortgage Company, Inc.	Granted: February 5, 2020
	R-6 (3/4 acre) Residential Zone	Adopted: March 4, 2020
	288 South Finley Avenue	
	Block 2801, Lot 30	

Construction of a 14 foot by 37 foot one-story, basement-level garage addition to the south side of the existing dwelling, and construction of a separate 14 foot by 20 foot first floor deck at the rear of the dwelling.

Bulk variance (side-yard setback; combined side-yard setback)

ZB19-023	Hardy, Edmond J. and Suzanne L.	Granted: February 5, 2020
	R-1 (3 acre) Residential Zone	Adopted: March 4, 2020
	242 Liberty Corner Road	
	Block 7301, Lot 33	

Construction of a 1,480 square foot in-ground swimming pool (including 50 square foot spa) and 1,370 square feet of adjoining patio/walkway, in the rear yard of the existing dwelling.

Bulk variance (pool location)
d(1) pool size

ZB19-024	Aptekar, Matthew	Granted: February 5, 2020
	R-3 (2 acre) Residential Zone	Adopted: March 4, 2020
	21 Sentry Court	
	Block 11004, Lot 10	

Removal of an existing deck and the construction of two decks with a patio/walkway between the two decks, at the rear of the existing dwelling.

Bulk variance (rear-yard setback)

ZB19-025	Goldstein, Chad and Sandy	Granted: March 4, 2020
	R-4 (1 acre) Residential Zone	Adopted: March 4, 2020
	9 Lyons Place	
	Block 5801, Lot 17	

Withdrawal without prejudice of proposal to expand the existing dwelling.

ZB19-005	Richter, Matthew and Lisa	Granted: March 4, 2020
	R-4 (1 acre) Residential Zone	Adopted: May 6, 2020
	63 Juniper Way	
	Block 1614, Lot 3	

Previously installed paver patio/walkway.

Bulk variance (lot coverage)

ZB20-002	Buzin, Marc and Michelle	Granted: March 4, 2020
	RC-4 Residential Cluster Zone	Adopted: May 6, 2020
	52 Bernard Drive	
	Block 8102, Lot 11	

Previously completed interior renovation which created 693 square feet of finished/livable floor area within a pre-existing unfinished attic space above the garage.

Bulk variance (floor area)

ZB20-003	Muir, Nicholas and Amanda	Granted: May 6, 2020
	R-6 (3/4 acre) Residential Zone	Adopted: June 3, 2020
	14 Forest Trail	
	Block 2904, Lot 18	

Construction of a one-story garage addition to the rear of the existing dwelling, and the replacement of an existing shed with a smaller shed in the same location.

Bulk variances (side-yard setback; combined side-yard setback; lot coverage)

ZB20-005	Hayworth, Stephen B. R-7 (1/2 acre) Residential Zone 10 Depot Place Block 1511, Lot 4	Granted: June 3, 2020 Adopted: June 11, 2020
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Replacement of a storm-damaged detached one-car garage with a detached two-story garage in the front yard.

Bulk variance (accessory structure – detached garage) located in a front yard.

ZB20-008	Hughes, Robert and Carrie R-4 (1 acre) Residential Zone 31 Coppergate Drive Block 5401, Lot 21	Granted: June 3, 2020 Adopted: June 11, 2020
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Renovation/expansion of the existing two-story dwelling, a one-story covered deck added to the rear of the dwelling, a covered front porch replacing an existing uncovered stoop, interior renovations throughout the existing first and second floors, and modification of the existing driveway.

Bulk variances (front-yard setback; rear-yard setback)

ZB20-004	Sweet Pea Farms I, LLC R-3 (2 acre) Residential Zone 48 Kings Ridge Road Block 11501, Lot 3.03	Granted: June 3, 2020 Adopted: June 22, 2020
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Construction of a single-family dwelling.

Bulk variances (lot frontage; lot width)

ZB19-010A	LCB Senior Living Holdings II, LLC E-4 Office Zone 219 Mount Airy Road Block 2301, Lot 31	Granted: August 5, 2020 Adopted: August 5, 2020
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Extension of variance approval (construction of a three-story, approximately 92,185 square foot assisted living and memory care facility).

ZB20-001	New York SMSA Limited Partnership E-1 Zone 300 North Maple Avenue Block 803, Lots 2, 3, 5, 6 & 23	Granted: June 22, 2020 Adopted: August 5, 2020
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Installation of six (6) test nodes (antennas) relating to the testing/research of 5G wireless communication services.

Bulk variances (side-yard setback; residential zone setback)
d(1) use of test nodes (antennas)

ZB20-009	Kangas, David and Kristine R-2 (2 acre) Residential Zone 134 South Alward Avenue Block 2701, Lot 11	Granted: July 8, 2020 Adopted: August 5, 2020
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Construction of an in-ground swimming pool with attached spa, pavilion with outdoor kitchen and surrounding patio/walkway to the rear of the existing dwelling.

Bulk variance (pool location)

ZB20-010	Reynolds, Scott and Ellison, Martha R-4 (1 acre) Residential Zone 36 Kensington Road Block 5201, Lot 2	Granted: July 8, 2020 Adopted: August 5, 2020
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Replacement of an existing open deck with a covered deck/screened porch and a patio at the rear of the existing dwelling.

Bulk variance (rear-yard setback)

ZB20-006	Lincoln Avenue Gospel Hall R-4 (1 acre) Residential Zone 3265 Valley Road Block 8903, Lot 36	Granted: August 5, 2020 Adopted: September 9, 2020
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Renovation of the existing residence for use as a house of worship and the construction of 15 parking spaces.

Preliminary and final site plan approval
Bulk variances (lot area; lot coverage; front-yard setback
side-yard setback; accessory building setback; buffer)
d(3) conditional use

ZB20-011	McCrone, Robert and Susan	Granted: August 5, 2020
	R-7 (1/2 acre) Residential Zone	Adopted: September 9, 2020
	55 Decker Street	
	Block 1302, Lot 26	

Expansion of the existing driveway and the nonconforming location of the existing shed.

Bulk variance (lot coverage; accessory building setbacks)

ZB20-007	Heath, Renee and Christopher	Dismissed w/prej.: September 9, 2020
	R-1 (3 acre) Residential Zone	Adopted: October 7, 2020
	21 Old Stagecoach Road	
	Block 10704, Lot 42	

Dismissal, with prejudice, for lack of jurisdiction due to deficient notice and due to pre-emption by the court, of application for elimination of conditions imposed in prior variance approvals, pertaining to the construction of a dwelling with attached two-car garage.

ZB20-012	Trinks, Uwe	Granted: September 9, 2020
	R-3 (2 acre) Residential Zone	Adopted: October 7, 2020
	50 Long Road	
	Block 11601, Lot 30	

Expansion of an existing deck on the rear of the existing dwelling, and the construction of a two-story addition with an attached sun roof (glass pergola) on the northwest side of the existing dwelling.

Bulk variance (side-yard setbacks; combined side-yard setbacks; rear-yard setbacks)

ZB20-013	Sands, Stephen and Laura	Granted: September 9, 2020
	R-7 (1/2 acre) Residential Zone	Adopted: October 7, 2020
	141 Washington Avenue	
	Block 1204, Lot 20	

Construction of a 14 foot x 18 foot (252 square foot) louvered pergola/roof on top of an existing open deck, attached to the northwest side of the existing dwelling.

Bulk variance (rear-yard setback; lot coverage)

ZB20-014	Becht, Derek	Granted: September 9, 2020
	R-4 (1 acre) Residential Zone	Adopted: October 7, 2020
	26 Normandy Court	
	Block 3801, Lot 16	

Construction of a 310 square foot enclosed/screened porch, adjoining an existing deck on the rear of the existing dwelling.

Bulk variance (rear-yard setback; side-yard setback; lot coverage)

ZB20-016	A. Sposato Realty Co., Inc. / Sposato Realty LP	Granted: October 7, 2020
	R-6 (3/4 acre) Residential Zone	Adopted: December 9, 2020
	31 and 35 East Craig Street	
	Block 1608, Lots 10.02 and 11	

Construction of a dwelling on each of two adjoining lots consistent with a subdivision approval granted by the Planning Board in 2008, and the modification of the existing driveway on Lot 11 to provide access to the new dwellings.

Bulk variance (lot frontage; lot width)

ZB20-020	Clarke, Mary Lou and Seldon T.	Granted: November 4, 2020
	R-1 (3 acre) Residential Zone	Adopted: December 9, 2020
	35 Old Farm Road	
	Block 304, Lot 2	

Construction of a two-story addition to the southeast side of the existing dwelling, the replacement/relocation of an existing sidewalk, and the expansion/relocation of the existing driveway.

Bulk variance (front-yard setback)

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BERNARDS**

RESOLUTION

WHEREAS, N.J.S.A. 40:55D-70.1 requires the Zoning Board of Adjustment of the Township of Bernards (the "Board"), to, at least annually, review its decisions on appeals and applications for variances, prepare a report on its findings regarding the Land Development Ordinance provisions which were the subject of same ("Report"), and adopt, by resolution, the Report and its recommendation for zoning ordinance amendments or revisions, if any (the "Resolution"); and

WHEREAS, N.J.S.A. 40:55D-70.1 further requires the Board to send copies of the Report and Resolution to the Township Committee of the Township of Bernards ("Township Committee") and the Planning Board of the Township of Bernards ("Planning Board"); and

NOW, THEREFORE, BE IT RESOLVED by the Board, that the attached Report for the period of January 1, 2020 through December 31, 2020, be, and hereby is, adopted as the Report of this Board; and

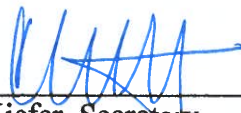
BE IT FURTHER RESOLVED, that copies of this Resolution and the attached Report shall be submitted to the Township Committee and the Planning Board.

ROLL CALL VOTE

Those in Favor: Baumann, Cambria, Genirs, Kraus, Pavlosky, Pochtar, Tancredi

Those Opposed: NONE

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Bernards at its November 3, 2021 meeting.



Cyndi Kiefer, Secretary
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF BERNARDS,
COUNTY OF SOMERSET,
STATE OF NEW JERSEY

Dated: November 3, 2021



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021- 0381

Award of Purchase Orders for Identified Vendors – Performance Trailers Inc.

WHEREAS, the Township Committee of Bernards has adopted Ordinance #1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

WHEREAS, pursuant to the ordinance window contracts determined to exceed \$17,500.00 and within the bid threshold of \$44,000.00 requires governing body approval; and

WHEREAS, the purchasing agent has determined that the value of the expenditures with the vendor(s) listed below will exceed \$17,500.00 in purchases; and

Vendor	Not to Exceed
Performance Trailers, Inc.	\$ 44,000.00

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendors listed above to maintain continuity and facilitate the ordering process through December 31, 2021.

Agenda and Date Voted: 11/23/2021

EXPLANATORY STATEMENT

Pursuant to the adoption of the Bernards Township Pay to Play ordinance #1854 and P. L. 2004, Chapter 19, adoption will permit the purchases from noted vendor(s) relative to the day to day operation of the township departments.

Date: November 15, 2021

Francis J. Decibus, QPA, RPPO
Purchasing Agent

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: November 23, 2021

Francis J. Decibus, QPA, RPPO
Purchasing Agent

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution # 2021 -0382

Award of Change Order #1 for the Senior Food Security & Wellness Program to DH of Basking Ridge
Increase of \$2,910.00 (4.3%)

WHEREAS, the Department of Parks & Recreation requests the following change order be authorized by the Township Committee:

Vendor	CO	Original Award	Amount of Increase	New Total
DH of Basking Ridge	Number 1	\$66,990.00 Res # 2021-0296	\$2,910.00 (4.3%)	\$69,900.00
TOTAL CO	CO #1		\$2,910.00 (4.3%)	\$69,900.00

WHEREAS, it is the recommendation of the Director of Parks & Recreation and Purchasing Agent to award this change order to Delicious Heights of Basking Ridge, 185 Madisonville Rd, Basking Ridge NJ 07920; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget, line account #1-01-28-370-272 for Senior Citizen Programs.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey, that the Purchasing Agent is hereby authorized to issue a change order Delicious Heights of Basking Ridge, 185 Madisonville Rd, Basking Ridge NJ 07920 in the amount of \$2,910.00 for a new total award of \$69,900.00.

Agenda and Date Voted: 11/23/2021

EXPLANATORY STATEMENT

The original award of \$66,990 was funded by a one-time sub-grant from Somerset County, through the Community Development office, funded by the C.A.R.E.S. Act to provide a temporary food security program for seniors in our community. This change order allows us to select an end date for the program and allow all registered participants to request meals up until that date, without cutting anyone off mid-month when the grant funding is exhausted. This change order will be charged to our Senior Citizen Program budget account as the Department has not been able to provide our regular weekly grocery shopping service or other in-person senior programming for 2021 due to COVID.

Date: 11-09-2021

Jennifer Gander
Director, Parks & Recreation

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available in the budget, line account #1-01-28-370-272 for Senior Citizen Programs in the not to exceed amount of \$2,910.00.


Date: November 15, 2021


Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: November 15, 2021


Francis J. Decibus, QPA, RPPO
Purchasing Agent

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0383

Acceptance of Grant and Insertion of Grant Revenue Items Into the 2021 Budget
\$8,474.92 for the Somerset County Municipal Alliance Grant for the Purpose of Funding the
2022 Municipal Alliance Program and \$2,118.73 for the 2022 Municipal Alliance 25% Match

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received an award of \$8,474.92 from the Somerset County Board of Freeholders for the purpose of funding the "Municipal Alliance" program and the Township will provide a 25% cash match of \$2,118.73 and wishes to amend its 2021 budget to include these amounts as revenue items.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written
Consent of Director of Local Government Services - Public and
Private Revenues Offset with Appropriations:
2022 Municipal Alliance
2022 Municipal Alliance 25% Match

BE IT FURTHER RESOLVED that like sums of \$8,474.92 and \$2,118.73 be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
2022 Municipal Alliance
2022 Municipal Alliance 25% Match

BE IT FINALLY RESOLVED

Agenda and Date Voted: 11/23/2021

EXPLANATORY STATEMENT:

This resolution authorizes the acceptance of a grant and amends the 2021 budget to appropriate the grant monies not anticipated at the time of budget adoption. The match will be funded by the Municipal Alliance Trust Fund acct #T-13-56-050-MAP.

Date: 11/15/2021

Sean McCarthy, CFO

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0384

Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Katherine Borra to Use Space Solely as an artist (writer's) studio

WHEREAS, the Township of Bernards owns the real property identified as Block 8401, Lot 23 (formally known as Block 185, Lot 20.03), consisting of approximately 4.397± acres, and located at 450 King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the "Property"); and

WHEREAS, the Property contains an "English Barn," "Farm House," Wagon House," "Cow Shed," and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. ("Friends") entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the "Lease"), which was thereafter amended to increase the term of the Lease; and

WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and

WHEREAS, by email dated November 17, 2021 the Friends requested approval to permit a lease agreement with Kathe Borra for use of space solely as an artist studio; and

WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Katherine Borra, 125 Ashland Road, Summit, NJ 07901-3240 from December 1, 2021 – December 1, 2022.

BE IT FURTHER RESOLVED that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk

EXPLANATORY STATEMENT

12-month License for Katherine Borra at KMS Farmstead
Dated: 11/17/2021

Leslie Workman, President



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution # 2021-0385

Awarding Professional Services Contract for 2021 Aerial Orthophotographs to Bruce Blair, PLS, Lic No. 24GS01509800, and Kurt Lutz, Director of Operations, of the firm Robinson Aerial Surveys, Inc. - In the Not to Exceed Amount of \$63,950.00

WHEREAS, the Township of Bernards requires Professional Survey services; and

WHEREAS, Bruce Blair, PLS, Lic No. 24GS01509800, and Kurt Lutz, Director of Operations, of the firm Robinson Aerial Surveys, Inc., One Edgeview Drive, Hackettstown, NJ, 07840, have submitted a proposal dated October 21, 2021, outlining aerial survey and photogrammetry services to the Township; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, this contract is awarded without public advertisement as defined in N.J.S.A. 19:44A-20-7 and pursuant to the provisions of N.J.S.A. 19:44A-20-4; and

WHEREAS, the Chief Financial Officer has certified funds are available in account name Twp Aerial and Topography line account # C-04-55-470-A04 line item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Bruce Blair, PLS, and Kurt Lutz, Director of Operations, of the firm Robinson Aerial Surveys, Inc., One Edgeview Drive, Hackettstown, NJ, 07840 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated October 21, 2021.
2. The contract term is from November 23, 2021, through May 22, 2022, for professional survey services not to exceed an amount of \$ 63,950.00. The aerial flight must be completed between December 1, 2021, and March 15, 2022, in accordance with the Request for Proposal.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. **Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.**
5. **No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.**
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Thomas Timko, PE, CME, Township Engineer, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that a copy of this resolution be published in the official township newspaper, and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

I agree to the terms as stated in the Resolution and by signing this document, I am committed to follow all terms of this award.

Bruce Blair, PLS, Survey Manager
Robinson Aerial Surveys, Inc.
Lic No. 24GS01509800

Kurt Lutz, Director of Operations
Robinson Aerial Surveys, Inc.

Agenda and Date Voted: November 23, 2021

Explanatory Statement

Bernards Twp Engineering Services uses aerial photographs of the Township for daily department operations including land use board applications, zoning review and enforcement, and preparation of maps and construction documents. The previous aerial photographs were flown in 2016 and need to be updated to reflect changes and new construction. Several of the Township GIS layers are based upon the aerial survey and are used for the preparation of capital construction projects.

Date

Thomas Timko, PE, CME
Township Engineer

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$ 63,950.00. Monies are available in Capital Account line account #C-04-55-470-A04.

Date: November 15, 2021



Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: November 15, 2021



Francis J. Decibus, QPA, Purchasing Agent

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0386

Approval of Special Event Permit for Basking Ridge Business Alliance
for Winter Market and Tree Lighting on 12/04/2021 in Basking Ridge
Including Temporary Street Closure and Banner Display

WHEREAS, Marcy Borcharding, representing the Basking Ridge Business Alliance, 5 Lyons Road, #325, Basking Ridge, NJ 07920 “the applicant,” has requested a special event permit for 12/04/2021, from 12:00 PM to 7:00 PM for the purpose of holding a Winter Market and Tree Lighting which includes temporary street closure and the display of a temporary banner; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq. and Resolution #070491; and

WHEREAS, the Municipal Clerk, Police Chief, Recreation Director, have reviewed the application in connection with this event; and

WHEREAS, the DPW Director and Township Engineer have reviewed the temporary banner application and found it to be in conformance; and

WHEREAS, the applicant applied for and received permission from Somerset County Department of Public Works to hang a street banner and to temporarily close South Finley Avenue between Henry Street to East Oak Street from 4:30 PM – 7:00 PM; and

WHEREAS, Township Committee agreed at their 09/28/2021 township committee meeting to partner with the Basking Ridge Business Alliance to co-sponsor the event, waiving the application fee, the banner hanging fee, and the cost for the two off-duty police officers.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request for special event be approved, including the display of “Winter Market and Christmas Tree Lighting” temporary banner; and

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that special event approval including the temporary street closure of South Finley Avenue between Henry Street and East Oak Street from 4:30 PM to 7:00 PM.

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk

The Basking Ridge Business Alliance is a non-profit organization that supports local businesses in the Bernards Township area and is sponsoring this event which anticipates up to 400 attendees. It includes a Winter Market with vendors hosted in Bishop Janes Church, outdoor performances, and a tree lighting ceremony.



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0388

Authorizing Execution of an Agreement to Accept Public Works Commodities and Services Through Somerset County Commodity Resale Agreement ID#201SCCRS-2021-2026
Effective November 05, 2021 – October 12, 2026

WHEREAS, the County of Somerset is a leader in the concept of shared services as evidenced by a history of Interlocal Services Agreements pursuant to N.J.A.C. 40:8A-1 et. seq. and Cooperative Pricing System #2-SOCCP pursuant to N.J.S.A. 40A:11-11(5) and N.J.A.C. 5:34-7.1 et. seq.; and

WHEREAS, the County of Somerset is desirous of contracting public works services to the County municipalities and public units in accordance with N.J.S.A. 40:8A-1 et. seq. and the terms of an agreement, copy of which is on file with the Clerk of the Board; and

WHEREAS, the County of Somerset is desirous of implementing a Commodity Resale System in accordance with N.J.A.C. 5:34-7.1 for the resale of gasoline, diesel fuel, snow removal chemicals, and public works materials and supplies and will act as Lead Agency for the County municipalities and public units desiring membership; and

WHEREAS, the Township of Bernards wishes to enter into this agreement pursuant to the Rules governing cooperative purchasing, namely N.J.A.C. 5:34-7.15 for services as described above.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby authorize execution of the agreement by the Mayor and Clerk to accept public works commodities and services through cooperative and joint purchasing and services with Somerset County for the period of November 05, 2021 - October 12, 2026

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021 .

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0389

Authorizing Submission of a Grant Application to the Somerset County Board of Commissioners for a Grant Entitled 2022-2023 Application for Funding Municipal Alliances for the Purpose of Providing Funding for the Bernards Township Municipal Alliance

WHEREAS, the Municipal Alliance Coordinator is recommending the Township Committee approve a grant application to the Somerset County Board of Commissioners for a grant entitled “2022-2023 Application for Funding Municipal Alliances”, which would provide \$10,089.19 for the purpose of funding the township program, project, or facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

WHEREAS, the grant application requires a 75% match of \$7,566.89 in in-kind services and a 25% cash match of \$2,522.30 to be provided by Bernards Township with funds being available in Account: 2022 Budget Request – Outside CAP Township Grant Match as certified below by the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that it does hereby authorize submission of a grant application to the Somerset County Board of Commissioners for a grant entitled “2022-2023 Application for Funding Municipal Alliances” for the purpose of funding the township program, project, or facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that Kaitlin Cartoccio of the Bernards Township Health Department will serve as the project manager for this grant application; and

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards, that the Mayor, Project Manager, and Clerk are hereby authorized to sign the grant on behalf of the township.

Agenda and Date Voted: 11/23/2021

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced grant match in the in-kind amount of \$7,566.89 and cash match amount of \$2,522.30. Monies will be made available in the 2022 Budget Request – Outside CAP Township Grant Match and the Municipal Alliance Trust Fund Acct.

Date: 11/19/21

Sean McCarthy, CFO

EXPLANATORY STATEMENT

This resolution authorizes a contract between Bernards Township and the Somerset County Board of Commissioners for funding of personnel and supplies for the activities of the Bernards Township Municipal Alliance Against Substance Abuse.

Date: 11/16/21

Kaitlin Cartoccio
Health Educator /Municipal Alliance Coordinator

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0390 2022 Fee Schedule for The Coakley-Russo Memorial Golf Course

WHEREAS, The Director of Parks & Recreation and the Golf Advisory Committee has recommended that fees be adopted for the 2022 golf season.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following will constitute the fees for membership in, and use of, the golf course for 2022:

Payment Schedule	Dates
Early Payment Deadline	2/28/2022
Regular Payment Begins	3/1/2022

Fee Type	2022 Fees
<u>Resident/VA Affiliate Memberships</u>	
Full Season Membership, Early Payment	\$ 480.00
Full Season Membership, Regular Payment	\$ 550.00
Senior (60+) Discount off Full Membership Fee at Time of Payment	\$ 40.00
Student (12 – 17) Discount off Full Membership Fee at Time of Payment	\$ 85.00
Prorated Membership Discount (Valid 9/1 – Closing Day)	\$ 300.00
Student Summer Membership, Age 12-23, Valid 5/15 to Labor Day	\$ 270.00
Initiation, First Member in Household	\$ 300.00
Initiation, Additional Family Member in Same Household	\$ 150.00
Lapse of Membership Re-Registration Fee	\$ 100.00
<u>Non Resident Memberships</u>	
Full Season Membership, Early Payment	\$ 625.00
Full Season Membership, Regular Payment	\$ 725.00
Prorated Membership Discount (Valid 9/1 – Closing Day)	\$ 150.00
<u>Guest Fees</u>	
Guest Fee, Weekday (Mon – Thurs)	\$ 20.00
Guest Fee, Weekend (Fri/Sat/Sun) & Holidays	\$ 25.00
Student Guest Fee (ages 8 – 23), Weekday (Mon – Thurs)	\$ 15.00
Student Guest Fee (ages 8 – 23), Weekend (Fri/Sat/Sun) & Holidays	\$ 20.00
Second 9-hole Round (played consecutively)	\$ 7.00
Pre-paid Discounted Guest Pass, Weekday (10 rounds)	\$ 150.00
Pre-paid Discounted Guest Pass, Weekend/Holiday (10 rounds)	\$ 200.00
<u>Complimentary Guest Visit Credits (GVCs)</u>	
Two GVCs issued to members who complete payment by 2/28/2022	\$0.00
Six GVCs issued to members upon paying the full initiation fee	\$0.00

Three GVCs issued to members upon paying the additional family member initiation fee	\$ 0.00
Three GVCs issued to members upon rejoining after a lapse and paying the re-registration fee	\$ 0.00
Other Fees	
Pull/Push Cart Rental	\$ 3.00
USGA Handicap Registration Fee, Members Age 19 and older	\$ 30.00
Students who turn 18 years old or younger in 2022	\$ 0.00
ID Replacement Fee – <i>Printed with paid Membership through 2/28</i>	\$ 0.00
ID Replacement Fee – <i>Printed on after 3/1</i>	\$ 10.00

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021

Rhonda Pisano , Municipal Clerk

EXPLANATORY STATEMENT:

The Golf Advisory Committee voted to approve the 2022 fee schedule on November 15, 2021. There were no changes recommended to membership or gate fees for 2022.

Membership fees were increased for 2021 and combined with growth in total memberships sold, 2022 revenues are expected to continue to exceed operating expenses, including necessary increases (contractual maintenance bid, minimum wage).

Jennifer Gander
Director, Parks & Recreation



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0391

Amending Resolution #2021-0268 Authorizing Approving the Acceptance of Grant Funding from the State of New Jersey Department of Law and Public Safety for the Purpose of Purchasing Police Body-Worn Cameras

WHEREAS, Resolution #2021-0268 was adopted on 07/13/2021; and

WHEREAS, the State of New Jersey requires that the Authorizing Resolution to contain the grant date, the Resolution is amended as follows:

WHEREAS, The State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG) received funds from the SFY21 Budget to administer the Body-Worn Camera (BWC) Grant Program.

WHEREAS, A total of approximately \$57,500,000 of the budget will be awarded to participating law enforcement agencies, for use January 1, 2021, to December 31, 2025; and

WHEREAS, Under the Body-Worn Camera Grant Program, law enforcement agencies are eligible to receive grant funding for the purchase of Body-Worn Camera and related expenses; and

WHEREAS, the Township of Bernards has authorized the purchase of twenty-nine Body-Worn Cameras and related equipment and storage costs for the cost sum of \$124,249; and

WHEREAS, the Township of Bernards has applied for and been awarded the sum of \$59,102 for the purpose of offsetting the cost of implementing Body-Worn Cameras within its police department; and

WHEREAS, the Bernards Township Police Chief is recommending the Township Committee approve acceptance of the awarded funding totaling \$59,102 to be applied to the purchase of Body- Worn Cameras and related equipment for the police department; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that it does hereby authorize the acceptance of \$59,102, Award # 21-BWC-033, from the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG) for the purpose of applying to the purchase of Body Worn Camera and related expenses for the Police Department.

Agenda and Date Voted: 11/23/2021

EXPLANATORY STATEMENT

Under recent legislation, the Police Department is required to equip all uniformed police officers with Body-Worn Cameras. The Township has purchased a system at a cost of \$125,249. A state grant of \$59,102 has been awarded to Bernards Township to offset the cost of the mandate.

Date: 11/10/2021

Michael Shimsky, Police Chief

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0392 2022 Fee Schedule for Pleasant Valley Pool

WHEREAS, The Director of Parks & Recreation and the Pool Commission have recommended that fees be adopted for the 2022 pool season.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following will constitute the fees for membership in, and use of, the municipal pool for 2022:

Fee Type	2022 Fee
RESIDENT FAMILY MEMBERSHIP	
Early Rate – Through April 30	\$ 440.00
Regular Rate – Beginning May 1	\$ 540.00
RESIDENT TWO PERSON HOUSEHOLD MEMBERSHIP	
Early Rate – Through April 30	\$ 340.00
Regular Rate – Beginning May 1	\$ 440.00
RESIDENT SINGLE MEMBERSHIP	
Early Rate – Through April 30	\$ 225.00
Regular Rate – Beginning May 1	\$ 300.00
RESIDENT SENIOR CITIZEN MEMBERSHIP (60+ years old)	
Early Rate – Through April 30	\$ 100.00
Regular Rate – Beginning May 1	\$ 120.00
RESIDENT INITIATION FEES (Paid First Membership Year in addition to membership fee)	
Family or Two Person Membership Initiation Fee Includes an additional 3 complimentary guest visit credits	\$ 350.00
Single Membership Initiation Fee Includes 1 additional complimentary guest visit credit	\$ 175.00
NON-RESIDENT FAMILY MEMBERSHIP	
Early Rate – Through April 30	\$ 740.00
Regular Rate – Beginning May 1	\$ 840.00
NON-RESIDENT SINGLE MEMBERSHIP	
Early Rate – Through April 30	\$ 355.00
Regular Rate – Beginning May 1	\$ 420.00

UPGRADE OF SINGLE MEMBERSHIP	
Initiation Fee <i>(Plus appropriate membership fee)</i>	\$150/\$175
Includes an additional 2 complimentary guest visit credits	
LAPSED MEMBERSHIP RE-REGISTRATION₁	
Family or 2-Person Membership Re-Registration	\$ 150.00
Includes an additional 3 complimentary guest visit credits	
Single Membership Re-Registration	\$ 75.00
Includes 1 additional complimentary guest visit credit	
FAMILY SPONSORED BABYSITTER/NANNY PASS	\$ 170.00
PRORATED MEMBERSHIP FEES, VALID 8/1 TO CLOSING DAY	
New Resident Family Membership, Including Initiation	\$ 540.00
Returning Resident Family Membership, Including Re-Registration	\$ 340.00
New Resident Two Person Membership, Including Initiation	\$ 440.00
Returning Resident Two Person Membership, Including Re-Registration	\$ 240.00
New Resident Single Membership, Including Initiation	\$ 300.00
Returning Resident Single Membership, Including Re-Registration	\$ 200.00
Non-Resident Family Membership	\$ 600.00
Non-Resident Single Membership	\$ 300.00

Fee Type	2022 Fee
DAILY GUEST RATES	
2 Complimentary Guest Passes Included with Each Membership, Valid Any Operating Day	\$ -
Weekday - All Guests, Ages 3 & Up	\$ 10.00
Weekend/Holiday - All Guests, Ages 3 & Up	\$ 12.00
Guests 2 Years & Younger	FREE
Any Day After 4PM - All Guests, Ages 3 & Up	\$ 6.00
PRE-PAID DISCOUNTED GUEST VISIT CREDITS	
10 Visits, Guests 3 & Up, Valid Any Day During Season	
Early Rate – Through April 30	\$ 90.00
Regular Rate – Beginning May 1	\$ 100.00
SWIM TEAM	
Swim Team & Pre Team - per child	\$ 100.00
Swim Team – per PVP Lifeguard	\$ 15.00
SWIM DIAPER	\$ 10.00
PHOTO I.D. REPLACEMENT	
Per ID for 1 - 2 IDs	\$ 10.00
3 or More IDs, Same Family, Reprinted Same Time	\$ 30.00
No Charge for ID Reprints with Renewal through 2/28	\$ -

NOTES REGARDING FEES:	
1.	Re-Registration Fees are charged when those who previously held membership within the last 10 years, have paid the initiation fee and wish to re-join the pool after a lapse in membership. All current membership eligibility qualifications must be met.
2.	Waving of Fees: <ul style="list-style-type: none"> ○ Active Fire Company & First Aid Squad Volunteers are eligible to receive complimentary guest visits credits in an amount equal to five household visits to the pool each season.

- The families or individuals recognized by the Township who lost an immediate family member in the September 11th tragedy are eligible for a complimentary pool membership as long as they meet the requirements for membership to Pleasant Valley Pool, i.e. remain a resident of Bernards Township. Children of eligible families may receive complimentary individual membership up to the age of 23. If the surviving spouse re-marries then annual membership fees will be assessed, per type of membership. Guest fees will be the responsibility of the family.
 - Fees will not be waived under any circumstances for other than those reasons listed above.
3. Full refunds for membership are issued only if the Department is notified in writing prior to opening day for the season. Once the pool has opened a 50% refund of membership fees will be issued only if the Department is notified in writing prior to the start of full time hours. Refund dates for swim lesson and swim team programs will be noted on their respective registration forms. All Department policies and procedures regarding refunds apply to Pleasant Valley Pool fees. Refund policies are subject to change based on action of the Pool Commission.

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021

Rhonda Pisano, Municipal Clerk

EXPLANATORY STATEMENT

The Pool Commission voted to recommend the above 2022 Fee Schedule on October 25, 2021. Revenues from pool memberships, guest and activity fees fund the annual operation of the facility as well as necessary capital improvements.

Resident membership fees were increased approximately \$10-\$20 per payment tier. Non-resident membership fees were increased \$45 per payment tier. Fee increases are necessary to maintain revenues to cover rising minimum wage and material costs in addition to funding large capital improvement projects such as the resurfacing of the main pool.

Jennifer Gander
Director, Parks & Recreation



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510 www.bernards.org

Resolution #2021-0393

Personnel Appointment

Zulmira Donahue – Administrative Assistant – Tax Assessor

WHEREAS, a full time Administrative Assistant position became available due to a retirement; and

WHEREAS, the Tax Assessor, Township Administrator, Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Zulmira Donahue has applied for and is qualified to fill said position; and

WHEREAS, the Tax Assessor, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Zulmira Donahue to full-time Administrative Assistant.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Zulmira Donahue be appointed full-time Administrative Assistant with a hire date of Monday, December 6, 2021, at an hourly rate of \$23.00 for a 40-hour work week.

Agenda and Date Voted: 11/23/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 11/23/2021.

Rhonda Pisano, Municipal Clerk

EXPLANATORY STATEMENT

The Administrative Assistant position became available due to a retirement within the Tax Assessor's Office. The position was posted and advertised according to Township policy. Zulmira Donahue applied for the position and is qualified to fill said position. Ms. Donahue comes to Bernards Township with paralegal and administrative experience as well as her real estate license.

Carol Ackerman, HR Generalist



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2480

Accepting a Stream Buffer Conservation Easement on
Property Located at 17 Tysley Street; Block 708, Lot 5, from
Matthew Lembo to the Township of Bernards

BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Matthew Lembo, with a mailing address at 17 Tysley Street, Basking Ridge, New Jersey, 07920, a Stream Buffer Conservation Easement on Block 708, Lot 5, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

EXPLANATORY STATEMENT

This easement is provided in conjunction with a variance approval granted by the Board of Adjustment on August 4, 2021 (Application #ZB21-016). The approval allows the grantor to construct an addition to his dwelling. The purpose of the easement is to protect the stream buffer conservation area located on the property. The grantor maintains an escrow account with the Board of Adjustment to reimburse the Township for costs incurred in processing the easement.

Date: 11/10/2021

David Schley, PP, AICP, Township Planner

T.M. LOT 23

TYSLEY STREET

N88°28'00"E 100.50'

BY: John C. Ritt
John C. Ritt N.J.P.L.S. Lic. No. 24GS04324100
Certificate No. 24GA28199000



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2481

Ordinance Authorizing Fine For Failure To License Dog And Amending
Enforcement And Penalty Provisions of Chapter 5

BE IT ORDAINED by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey, as follows:

1. Section 5-2-7b. is added to read:

Anyone failing to license his or her dog and who is thereafter found in municipal court to be in violation of this subsection shall be subject to a fine of \$75.00 and court costs.

2. Section 5-9 is amended as follows by adding this new third sentence:

This section shall be enforced by either the Animal Control Officer, Health Officer or the Police.

3. Section 5-10 (Reserved) is added as Penalties to read as follows:

Any person who shall violate or fail to comply with any provisions of this Chapter 5, Animal Control, shall be subject to a fine as established herein, or if not specified herein, as established in Section 3-1.

Each section of this ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

The ordinance is effective upon passage. It will be published in accordance with NJSA 40:49-2d.