

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – August 15, 2022
VIRTUAL ONLINE MEETING

1. **Statement of Adequate Meeting Notice:** Read by Chair Greenebaum at 7:30 pm.

2. **Roll Call:**

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

Absent – Members Dello Russo, Sedlak and Reynolds

Board professionals present: Attorney Louis P. Rago.

3. **Approval of Minutes:**

Review of draft minutes of 7/18/22 meeting.

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

Voice vote:

All eligible members voted in the affirmative.

4. **Communications:** The Chair acknowledged the following correspondence:

A. 8/11/22 Boswell Engineering updated signature proposal for water systems consulting services re: NJAW water tower denial appeal.

B. The New Jersey Planner, May/June 2022, VOL. 83, No. 3.

Responding to the Chair, Mr. Rago clarified the meaning of the article having to do with the need for municipalities to establish escrow accounts for appeals.

5. **Old Business:** Memorialize Resolution #22-02 BROWNE – Bulk Variance for Addition to Single-family Residence at 72 Seney Drive; B:40, L:16, Zone: R-3; Heard and approved 7/18/22.

Chair Greenebaum read on the record the draft resolution that contained the Board's engineer's comments. A motion to adopt the resolution as drafted and read was made by Mr. McDowell and seconded by Ms. Kramer.

Roll call vote:

All in favor: Greenebaum, Kramer, McDowell, Sailliard and Loeffler.

Those opposed: None. Those abstaining: None.

6. **New Business:** Review of 8/15/22 Bills List with Invoices:

Upon review, a motion to pay the listed invoices, in the amount of **\$2,777.50** was made by Mr. McDowell and seconded by Mr. Traynor.

Roll call vote:

All members voted in the affirmative.

7. **Pending Applications:** The Chair noted the following applications and their status:

A. Application #22-01 DAWNLEIGH LLC – Request for D68 Certificate of Non-conforming Use 1 Dawnleigh Lane, B:67, L:8, Zone R-4; Received 3/8/22; Deemed incomplete 5/12/22; awaiting document submittal.

B. BOA Application #22-03 MEGALLA-SCHEID – Bulk Variances for Detached Accessory Structures for Single Family Residence at 601 Mine Brook Road, B: 90, L: 10, Zone: R-2; Received 6/16/22; Pending completeness report; scheduled to be heard 10/3/22.

C. BOA Application #22-04 MADDALI – Bulk Variances for Detached 3-Car Garage for Single Family Residence at 10 Chapin Road, B: 3, L: 14.03, Zone: R-1-10; Received 6/16/22; Pending completeness report; scheduled to be heard 10/3/22.

8. **Executive Session:** Matter of ongoing litigation re NJAW Fenwick Tank denial appeal.

A motion to close the public meeting and reconvene in executive session was made at 7:57 pm by Mr. Slocum and seconded by Mr. McDowell.

Roll call vote: All members voted in the affirmative.

It is anticipated that the matters discussed in closed session may be disclosed to the public upon determination of the Board that the public interest will no longer be served by such confidentiality.

A motion to close the executive session and reopen the meeting to the public was made at 8:21 pm by Mr. McDowell and seconded by Ms. Kramer.

Voice vote: All members voted in the affirmative.

9. **Action on Matters Discussed in Executive Session:** None.

10. **Comments from Members:** The Chair relayed a conversation he had with Borough Administrator Tom Czerniecki regarding returning to in-person meetings. Mr. Czerniecki said that the OWL hybrid meeting technology currently in use by the Council is currently inadequate for use for quasi-judicial hearings such as those conducted by the Planning and Zoning Boards. Consequently, until informed otherwise by administration, the Board will continue to meet via Zoom.

11. **Comments from Staff:** None.

12. **Adjournment:**

Motion to adjourn: Mr. McDowell. Second: Ms. Kramer.

Chair Greenebaum adjourned the meeting at 8:23 pm.

Respectfully submitted,



Frank Mottola,
Planning & Zoning Boards
Administrative Officer

Keywords: Browne-resolution-Seney-Fenwick-litigation-Boswell-NJAW-Rago.