

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – January 17, 2023
VIRTUAL ONLINE REORGANIZATIONAL & REGULAR MEETING

1. **Statement of Adequate Meeting Notice:** Read by temporary Chair Greenebaum at 7:34 pm.
2. **Oaths of Office:** Administered by Administrative Officer Mottola to renewed member Jeff Sailliard and new Alternate #4 Mark Melillo.

3. **Roll Call:**

Present – Members Greenebaum, Kramer, McDowell, Sailliard, (8:03 pm), Slocum and Traynor.

Absent – Messrs. Dello Russo, Sedlak and Reynolds and Ms. Loeffler.

Board professionals present: Engineer Robert Brightly.

4. **Election of Officers:**

A. (Mr. Mottola officiating) Nomination of David Greenebaum as Chair by Ms. Kramer and second by Mr. McDowell. Hearing no others, nominations were closed by Mr. Mottola.

Voice vote to affirm Mr. Greenebaum as Chair:

All members voted in the affirmative.

B. (Chair Greenebaum officiating) Nomination of Rich Traynor as Vice Chair by Mr. McDowell and second by Mr. Sailliard.

Voice vote to affirm Mr. Traynor as Vice Chair:

All members voted in the affirmative.

5. **Annual Resolutions:** Chairman Greenebaum read each of the following resolutions on the record prior to the vote on each:

#01-2023: 2023 Meeting Schedule

Motion to adopt the draft resolution as presented: Mr. McDowell. Second: Ms. Kramer.

Roll call vote:

All members voted in the affirmative.

#02-2023: Administrative Officer – Frank Mottola.

Motion to adopt the draft resolution as presented: Mr. McDowell. Second: Mr. Sailliard.

Roll call vote:

All members voted in the affirmative.

#03-2023: Attorney – Louis P. Rago, Esq.

Motion to adopt the draft resolution as presented: Mr. McDowell. Second: Ms. Kramer.

Roll call vote:

All members voted in the affirmative.

#04-2023: Engineer – Ferriero Engineering, Inc. (Robert Brightly, P.E.)

Motion to adopt the draft resolution as presented: Mr. McDowell. Second: Ms. Kramer.

Roll call vote:

All members voted in the affirmative.

#05-2023: Planner – Burgis Associates, Inc. (John P. Szabo, P.P., AICP)
Motion to adopt the draft resolution as presented: Mr. McDowell. Second: Ms. Kramer.
Roll call vote: All members voted in the affirmative.

#06-2023: Official Newspapers – Bernardsville News & Courier-News.
Motion to adopt the draft resolution as presented: Mr. McDowell. Second: Ms. Kramer.
Roll call vote: All members voted in the affirmative.

6. Approval of Minutes: Review of draft 12/5/22 meeting minutes.

Upon review, Mr. Kramer asked that a portion of a statement attributed to her during the meeting be stricken. A motion to approve the minutes as amended was made by Ms. Kramer and seconded by Mr. Sailliard.

Voice vote:

All eligible members voted in the affirmative

7. Communications: Copies of the following documents were distributed to the Board and the Chair briefly touched on each of them:

A. 1/17/23 draft 2023 BOA Roster.

Mr. Mottola asked that Board members let him know if they have any changes they would like made to the roster regarding their personal information.

B. 3/1/77 Board of Adjustment By Laws (re: 13B).

8. Old Business: 2022 BOA Annual Report – Status update.

Mr. Mottola reported that he had provided Ms. Loeffler with copies of past annual reports, the summary of applications and the 2022 roster. He still owed her the 2022 meeting notes and attendance form he keeps, which somehow managed to be irretrievably deleted and would have to be recreated from scratch. Chair Greenebaum explained for Mr. Melillo's benefit the basis for and use of annual reports.

9. New Business: Review 1/17/23 Bills List with Invoices.

Upon review, Mr. Mottola noted that funds had been received from Mr. Paul Savas to assist in the payment of services by Boswell Engineering in the NJAW litigation. A motion to pay the listed invoices, in the amount of \$4,077.00, was made by Mr. McDowell and seconded by Mr. Slocum.

Roll call vote:

All members voted in the affirmative.

10. Pending Applications: The Board acknowledged and/or briefly discussed the following applications and their status:

A. 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; Deemed incomplete 8/15/22; Awaiting supplemental application documents.

B. 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; Deemed incomplete 8/15/22; Waiver requests, completeness determination & public hearing T.B.D.

C. BOA Application #22-06 GELB-O'CONNOR – Bulk Variance for Front Porch Addition to Single Family Residence at 62 Center Street Extension, B: 111, L: 32, Zone: R-5; Received 12/7/22; Pending completeness review.

D. BOA Application #22-07 ASSAAD – Bulk Variances for Residence, Pool & Patio Additions to Single Family Residence at 141 Campbell Road, B: 9, L: 7, Zone: R-1; Received 12/15/22; Pending completeness review.

E. Application #23-01 UPTON PYNES REAL ESTATE, LLC – Preliminary & Final Major (7 lot) Subdivision w/ Variances & Design Waivers; 67 Ravine Lake Road, B:10, L:23, Zone: R-1-10; Originally filed with Planning Board 10/24/22; Determined to be jurisdiction of and to be heard by Board of Adjustment; Pending new application to BOA with additional fee and escrow payments.

11. Executive Session: None.

12. Comments from Members:

A. Chair Greenebaum welcomed newly appointed alternate Board member Melillo. He explained the practical reasons for the Board having expanded its number of alternates from two to four and the votes required for the two types of variances the Board hears. He touched upon the nature and availability of the state-mandated training for all new Board members within 18 months of their appointment. The Chair also explained that Board hearings are quasi-judicial proceedings and therefore the associated importance of not discussing ongoing applications outside of the noticed, open public meetings at which they are heard.

B. Updating BOA By Laws. Chair Greenebaum urged members to read through the By-Laws, which have not been updated since 1977. He relayed Board Attorney Rago's comments: 1) that language similar to that contained in the opening OPMA notice, about removal from meetings for disruptive behavior, should be incorporated into the rules of procedure and 2), in Article 6, item #3, the permissibility of accepting written opinions on an application from any interested party should be stricken as it does not comport with the MLUL. Everything must be presented and discussed during the course of public hearings. Members were asked to review the By-Laws and to bring any edits they may have to the next meeting where they will be discussed.

13. Comments from Staff:

Mr. Mottola asked for a tally of all Board members that would like to receive paper copies of applications for all future hearings. Of the members present, such were requested by members Greenebaum, McDowell, Melillo, Sailliard and Slocum. Mr. Traynor said he may from time to time request applications in hard copy form. Mr. Mottola said he would reach out to the members that are absent from tonight's meeting to complete the count with them.

14. Adjournment:

Motion to adjourn: Mr. McDowell.

Second: Ms. Kramer.

Chair Greenebaum adjourned the meeting at 8:15 pm.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a large, stylized 'F' followed by several loops and a trailing line.

Frank Mottola,
Planning & Zoning Boards
Administrative Officer

Keywords: reorganization-oaths-Sailliard-Melillo-Greenebaum-Traynor-resolutions-By-Laws.