

BERNARDS TOWNSHIP
ZONING BOARD OF ADJUSTMENT

MINUTES
Regular Meeting
December 6, 2017

CALL TO ORDER

Chairman Rhatican called the meeting to order at 7:30 PM.

OPEN MEETING STATEMENT

Chairman Rhatican read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this meeting of the Board of Adjustment of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, New Jersey, was sent to the Bernardsville News, Bernardsville, NJ, and the Courier News, Bridgewater, NJ, and was filed with the Township Clerk all on January 11, 2017 and was electronically mailed to all those people who have requested individual notice."

"The following procedure has been adopted by the Bernards Township Board of Adjustment. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM."

ROLL CALL:

Members Present: Bellows, Genirs, Mastrangelo Nungester, Rhatican, Surano, Zaidel.
Members Late: NONE
Members Absent: Breslin, Lane; on motion by Mr. Surano, seconded by Ms. Nungester, the absences of Mr. Breslin and Mr. Lane were excused.
Also Present: Steven K. Warner Esq., Board Attorney; David Schley, PP, AICP, Township/Board Planner; Thomas Quinn, PE, CME, Board Engineer; Cyndi Kiefer, Board Secretary.

COMMITTEE SELECTION

Pingry School Site Plans; Block 11601, Lot 3.01; 131 Martinsville Road; Site Plans; #ZB14-024 & #ZB17-017.

Ms. Mastrangelo, Ms. Genirs and Chairman Rhatican volunteered to serve on the Landscaping Committee for the above referenced Pingry School site plan applications.

APPROVAL OF MINUTES

November 8, 2017 - Ms. Mastrangelo moved approval of the minutes as drafted. Ms. Nungester seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Nungester, Surano, Zaidel.
Nay: NONE

Motion carried.

APPROVAL OF RESOLUTIONS

Resolution: Mertz, Andrew & Kelly; Block 3301, Lot 6; 21 Riverside Drive; Bulk Variances; #ZB17-029(approved).

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

Roll Call:

Aye: Genirs, Mastrangelo, Nungester, Surano, Zaidel.
Nay: NONE

Motion carried.

Resolution: Kosakowski, William & Gina; Block 4101, Lot 13; 42 Eton Place; Bulk Variance; #ZB17-030 (approved).

Ms. Nungester moved approval of the resolution as drafted and Ms. Genirs seconded.

Roll Call:

Aye: Genirs, Mastrangelo, Nungester, Surano, Zaidel.

Nay: NONE

Motion carried.

Resolution: Garden State Property Management (GSPM) XX LLC; Block 3501, Lot 13; 105 Cross Road; Bulk Variance; #ZB17-031 (approved).

Ms. Genirs moved approval of the resolution as drafted and Ms. Nungester seconded.

Roll Call:

Aye: Genirs, Mastrangelo, Nungester, Surano, Zaidel.

Nay: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING**Pellegrino, Michael & Amy; Block 1507, Lot 2; 28 Allen St; Bulk Variances (addition); #ZB17-032.**

Present: Michael and Amy Pellegrino, Applicants

The applicants and the Board's professionals were duly sworn by Mr. Warner.

Amy Pellegrino, applicant, testified that she and her husband, Michael Pellegrino, were requesting variance relief to construct an addition to the west and rear of the existing dwelling, to expand the existing front porch and to replace the existing deck (400 sq. ft.) with a new deck (464 sq. ft.). Mr. Pellegrino added that the existing detached two-car garage and the driveway area associated with it would be removed generating a net reduction in lot coverage of 35 sq. ft. The proposed projects required variances for minimum front yard setback, minimum side yard setback (east side) and minimum combined side yard setback. Because there was a net decrease in lot coverage from a pre-existing nonconforming 23.31% (where 20% is required), to 23.06%, no variance was required for maximum lot coverage. Finally, Mrs. Pellegrino noted that the subject property, zoned R-7, was undersized and narrow.

Referring to Comment #5 of Mr. Schley's memo dated November 30, 2017, Mrs. Pellegrino stated that they did not intend to construct a walkway along the west side of the dwelling even though there was a doorway from the proposed garage on that side. The applicants stipulated, as a condition of approval, to all the comments in the memo.

The applicants further testified that the neighbors they had spoken to were in favor of the project. Mrs. Pellegrino said that she had taken the photos submitted with the application a few months earlier and that they accurately depicted the property as it existed at the time of the hearing. She also stated that the exterior of the proposed addition would be substantially the same in materials, color and architectural details as the existing dwelling.

Hearing no further questions or comments from the board members, Chairman Rhatican opened the hearing for comments or questions from the public. Hearing none, he closed that portion of the hearing.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for a "c(2)" or "flexible c" variance. They also felt that the applicants had satisfied the negative criteria.

Mr. Surano moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicants subject to the conditions stipulated to by the applicants and as stated during deliberations. Mr. Zaidel seconded.

Roll Call:

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

Nay: NONE

Abstain: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Koo Academy/KRE Group; Block 10001, Lot 4; 580 Allen Rd; Bulk Variance (over 75% of space occupied by retail uses); #ZB17-034.

Present: Michael P. O'Grodnick, Esq., Attorney for the Applicant
James T. Kyle, PP/AICP, Planner for the Applicant
Fred Luo, Owner, Koo Academy, Applicant

Michael P O'Grodnick, attorney with *Savo, Schalk, Gillespie, O'Grodnick & Fisher*, Somerville, NJ, stated that he would be representing the applicant, Koo Academy/KRE Group, during these proceedings. He explained that the applicant proposed to operate a Chinese cultural and language learning center for children in a currently vacant 1,605 sq. ft. space in the Highlands Village Center requiring relief for excessive retail space {§21-84.11.b.9(a)}.

Exhibit A-1, a colorized version of page 3 of 3 of the variance plan (*Stires Associates PA*, dated 09/07/17 and last revised 11/02/17) showed the breakdown of office, childcare and retail uses in the Highlands Village Center. The applicant, Koo Academy, proposed to occupy 1,605 square feet in Building B which would bring the total space occupied by retail uses in the Highlands Village Center to 83.1% or 8.1% over the maximum allowed.

The Board's professionals, the applicant's professional and Fred Luo were duly sworn by Mr. Warner.

Mr. Luo testified that he had operated the Koo Academy for the past 18 months in two (2) locations: Branchburg and Basking Ridge. This application, if approved, would provide a second location in the same complex as the current Basking Ridge location which occupied 2,605 square feet in Building A. He explained that the academy was a Chinese cultural and language learning center for children ages kindergarten through eighth grade. Currently, there were a total of 150 students in the Basking Ridge location with a total of seven (7) employees although only four (4) employees were on site at any given time. Hours of operation were Monday through Friday, 3:00 PM to 6:00 PM; Saturday, 1:30 PM to 6:00 PM; and Sunday, 9:30 AM to 2:30 PM. Typically parents dropped off their children at the beginning of the class and picked them up afterwards however some of the students were able to walk to the facility after school. He testified that he needed both sites in Basking Ridge to accommodate the increasing demand for the program.

A brief discussion ensued as to the impact the additional students would have on parking and on the drop off area in front of the facility. Mr. Luo testified that he had spoken to some of the tenants and none of them expressed any negative comments in reference to parking or to the drop off traffic.

Hearing no further questions from the board members, Chairman Rhatican opened the hearing to the public for questions. Hearing none, he closed that portion of the hearing.

James T. Kyle, PP/AICP, professional planner with *Kyle Planning & Design*, Hopewell, NJ provided his education and professional credentials. After confirming that his license was in good standing, he was accepted by the Board as an expert in the field of professional planning. Mr. Kyle testified that he had reviewed the variance issues related to the 75% limit on retail use and opined that because there was a growing need for this particular service in Basking Ridge, the benefits of this deviation would greatly outweigh the detriments; there would be no impairment of the current zoning plan and ordinances; and there was no substantial detriment to the public good thus satisfying the criteria for a "c-2" or "flexible c" variance. He further testified that this area had evolved into a retail *service* location and that the academy was consistent with other retail service uses in the complex such as martial arts, theater and hair salons. Finally, he testified that this was a permitted use and complied with the zoning ordinance but for the percentage cap. He noted that the Board had recently approved a similar application, Glow Yoga (ZB16-013), which increased the total space occupied by retail uses in the Highlands Village Center to 80% at that time.

Mr. Kyle then discussed the potential negative impact on parking availability and opined that based on numerous outside benchmarks (i.e. International Traffic Engineers data) and the township's standards which were even more stringent, the available parking was more than sufficient. He opined that the parking demand for this retail service use was less intense than for a strictly retail store use.

Mr. Warner questioned whether this application would qualify as an inherently beneficial use. Mr. Kyle replied that in his opinion it would since it promoted the public good and provided an educational benefit.

Mr. Kyle stated, as a condition of approval, that the applicant would stipulate to the comments in Mr. Schley's memo dated November 30, 2017. He also addressed to Mr. Quinn's satisfaction, comments in Mr. Quinn's December 4, 2017 memo relating to discrepancies in tenant square footage numbers as they appeared in various documents.

Hearing no further questions for this witness from the board members, Chairman Rhatican opened the hearing to the public for questions. Hearing none, he closed that portion of the hearing.

Mr. Zaidel suggested that the hours of operation be extended to 9:00 AM to 6:00 PM during the weekends and to 6:00 AM to 9:30 PM during the week. There was also a suggestion that the hours of the classes be staggered between the two (2) Basking Ridge locations in order to ease any potential drop off/pick up congestion. Mr. Luo stipulated to both.

Chairman Rhatican opened the hearing to the public for comment.

Three (3) parents of current students were duly sworn by Mr. Warner and testified that, in their experience, there had never been any parking or traffic issues even during rush hour.

Hearing no further comments from the public, Chairman Rhatican closed that portion of the hearing.

After deliberating, the board members felt that the applicant had satisfied the positive criteria required for a "c(2)" or "flexible c" variance. They also felt that the applicant had satisfied the negative criteria.

Ms. Genirs moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Surano seconded.

Roll Call:

Aye:	Bellows, Genirs, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

The meeting was recessed at 8:55 PM.

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The meeting was reconvened at 9:03 PM.

COMPLETENESS AND PUBLIC HEARING

Bautista, Ana/Rivera, Carlos; Block 2701, Lot 10, 124 S. Alward Ave; Bulk Variance (new dwelling); #ZB17-035.

Present:	Robert J. Templin, PE, PLS, Engineer for the Applicants A. Bautista/C. Rivera, Applicants
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The Board's professionals, the applicants' professional and the applicants were duly sworn by Mr. Warner.

Ana Bautista, applicant, testified that this application proposed to raze the existing dwelling and shed on the subject property (R-2 Zone) and to build a new two-story house with an attached three-car garage requiring variance relief for minimum improvable lot area. She noted that the existing improvable lot area (21, 865 sq. ft.) was deficient by less than 1% of the required 22,000 sq. ft.

Robert J. Templin, PE, PLS, engineer with *Templin Engineering Associates*, Bridgewater, NJ, provided his education and professional credentials. After confirming that his license was in good standing, he was accepted by the Board as an expert in the field of civil engineering.

Mr. Templin testified that the applicants would comply with all of comments in Mr. Schley's memo dated November 30, 2017 and Mr. Quinn's memo dated December 4, 2017 as conditions of approval. He added that there was no additional land available for purchase in order to make the property compliant in minimum improvable lot area. He also noted that the improvable lot area deficiency was created by a 2006 ordinance implementing improvable lot area standards and not by the applicants.

Ms. Bautista testified that she and her realtor had taken the pictures of the property submitted with the application and that they accurately depicted the property as it existed at the time of the hearing.

Ms. Bautista stated that she had received no negative comments from neighbors about the proposed project.

Hearing no further questions or comments from the board members, Chairman Rhatican opened the hearing to the public for questions or comments.

Webster and Martha Winter, 167 Spencer Road, were duly sworn by Mr. Warner. Mr. Winter expressed concern about removal of existing mature trees in the rear of the subject property which abutted his lot. Mr. Rivera testified that he intended to remove only dead vegetation. No large trees in that area were going to be removed and he stipulated to submitting a tree protection, removal and replacement plan subject to review and approval by the Township Engineering Department.

Hearing no further questions or comments from the public, Chairman Rhatican closed that portion of the hearing.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for both a "c(1)" or "hardship" variance and a "c(2)" or "flexible c" variance. They also felt that the applicants had satisfied the negative criteria.

Mr. Zaidel moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicants subject to the conditions stipulated to by the applicants and as stated during deliberations. Mr. Surano seconded.

Roll Call:

Aye:	Bellows, Genirs, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Rockridge Court LLC; Block 3302, Lot 8; 23 Hill Top Rd; Bulk Variances (new dwelling); #ZB17-036.

Present:	Frederick B. Zelle, Esq., Attorney for the Applicant
	Cathy Mueller, PE, CME, Engineer for the Applicant
	Robert I. Horowitz, Managing Member of Rockridge Court LLC

Frederick B. Zelle, attorney with *Bisogno, Loeffler & Zelle LLC*, Basking Ridge, NJ, stated that he would be representing the applicant during these proceedings. The applicant proposed to raze the existing dwelling and to construct a new two-story house with a three-car attached garage. The proposed project would be in conformance with the front yard setback but would require relief for a minimum rear yard setback, minimum lot area, minimum lot width and minimum improvable area.

Mr. Zelle then stated that the applicant wanted to propose an alternate design which would move the house forward so that only the open front porch would protrude into the front setback. This would lessen the rear yard setback deviation. In addition, the repositioning of the house would make the driveway shorter thus creating less

impervious coverage. Mr. Warner added that the notice published and served would be sufficient since the new front yard setback deviation was covered in the catchall phrase contained in said notice.

Mr. Zellely conceded that the existing building envelope was large enough to accommodate a house of this size or larger with no variance relief required however in order to comply, the house would have to be considerably wider and hence, visibly more massive than the proposed design. It was the applicant's intent to maintain the open atmosphere of the neighborhood by preserving the larger side yards.

The Board's professionals and the applicant's professionals were duly sworn by Mr. Warner.

Cathy Mueller, PE, CME, engineer with *Page Mueller Engineering Consultants PC*, Warren, NJ, provided her education and professional credentials. After confirming that her license was current, she was accepted by the Board as an expert in the field of civil engineering.

Ms. Mueller described the property and noted that the North Arrow on the engineering drawings was upside-down. She testified that the house was positioned so as not to disturb the large trees on the southern side of the property. Although a drywell had been proposed, it was determined that there was poor soil permeability so a retention system would be utilized to keep the water on the property. **Exhibit A-1** ("Alternate House Location" Variance Plan by *Page Mueller Engineering Consultants PC* dated 12/06/17) which had been prepared by Ms. Mueller, showed the alternate plan described earlier by Mr. Zellely. The engineering would remain the same however the front line of the house would be moved forward to the front yard setback line. Originally the proposed house conformed to the front yard setback however with the revised positioning, a front yard setback variance for the open porch and two steps would be required. In the rear, it would reduce the deviance to 71.6 feet where 75 feet is required. By pushing the house forward, the driveway would be shorter creating approximately 78 sq. ft. less impervious coverage. Although the existing lot area, lot width and improvable area were all in violation, the side yards were conforming and maximum lot coverage would be less than the maximum of 15%. Lot coverage for the original proposal was 14.9% but with the reduction in driveway area, it would be less.

In reference to Comment #4 in Mr. Schley's memo dated November 30, 2017, Ms. Mueller responded that there would be a patio as opposed to an open deck. She stated that the applicant would comply, as a condition of approval, to the remainder of the comments contained in that memo.

In response to a question by Mr. Surano pertaining to what stormwater management modifications would be made to accommodate the low permeability of the soil, Ms. Mueller proposed that the orifice of the drywell be lowered to allow 72 hours for water drainage. Mr. Quinn felt that this would be sufficient. She also stipulated, as a condition of approval, to the comments in Mr. Quinn's memo dated December 4, 2017.

Hearing no further questions from the board members, Chairman Rhatican opened the hearing to the public.

Richard G. Carr, 14 Castle Way, explained that his property abutted the rear of the subject property and expressed concern that the proposed development would disturb the berm on his property, potentially causing stormwater runoff damage to his house. Ms. Mueller explained that all the runoff from the newly created impervious coverage would be directed towards the street. The only runoff that would flow towards the Carr property would be from the back yard. Since currently there was no stormwater management, the proposed plan would ensure that there would be no additional runoff to the Carr property. Ms. Mueller also showed Mr. Carr the limit of land disturbance which did not encroach into the existing berm area. Mr. Carr stated that he was pleased that the applicant was moving the proposed dwelling forward on the property.

Hearing no further questions from the public, Chairman Rhatican closed that portion of the meeting.

Robert Horowitz, Managing Member of Rockridge Court LLC, was duly sworn by Mr. Warner and testified that he had built the houses on 11, 84 and 90 Culberson Road, noting that the house on 84 Culberson Road was identical in design to the house proposed in this application. **Exhibits A-2, A-3 and A-4**, photos of the house on 84 Culberson Road, were entered into evidence. Mr. Horowitz stated that the photos had been taken the day prior to the hearing.

He opined that this narrower, deeper design was better suited to the neighborhood than a fully conforming wider design because it provided large side yards which preserved the openness of the area.

Mr. Horowitz addressed Comment #4 in Mr. Schley's memo dated November 30, 2017, confirming that a rear patio would be constructed. In reference to Comments #5 and #7, he stipulated, as a condition of approval, to submitting a tree protection, removal and replacement plan for review and approval by the Township Engineering Department. Finally, he confirmed that the front porch would remain open.

Hearing no further questions or comments from the board members, Chairman Rhatican opened the hearing to the public for questions or comments. Hearing none, he closed that portion of the hearing.

After deliberating, the board members felt that the applicant had satisfied the positive criteria required for a "c(1)" or "hardship" variance in relation to the lot area, lot width and improvable area deviations. They also felt that the applicant had satisfied the positive criteria required for a "c(2)" or "flexible c" variance relative to the front and rear yard deviations. Finally, they felt that the applicant had satisfied the negative criteria.

Mr. Surano moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Ms. Genirs seconded.

Roll Call:

Aye:	Bellows, Genirs, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

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

Present:	Frederick B. Zelle, Esq., Attorney for the Applicants
	John E. Hansen, PE, PP, CME, LEED, Engineer for the Applicants
	Douglas Donohoe, Applicant

Frederick B. Zelle, Esq., attorney with *Bisogna, Loeffler & Zelle, LLC*, Basking Ridge, NJ, stated that he would be representing the applicants during this hearing. The applicants proposed to construct a two-story dwelling with an attached two-car garage on the subject property which was currently occupied by two (2) one-story dwellings and a shed. The shed was to be removed however the two dwellings were to be converted from dwellings into fully conforming accessory buildings. The proposed development required relief for minimum lot width (150.14 feet existing where 200 feet is required) and he opined that if the subject property, currently zoned R-4, were zoned R-6 as were all the surrounding properties, the lot width would be conforming and no relief would be required.

The Board's professionals, the applicants' professional and the applicant were duly sworn by Mr. Warner.

John E. Hansen, PE, PP, CME, LEED, engineer with *Ferriero Engineering Inc.*, Chester, NJ, provided his education and professional credentials. After confirming that his license was current, he was accepted by the Board as an expert in the field of civil engineering.

Susan R. Rubright, Esq., attorney with *Brach Eichler LLC*, Roseland, NJ, advised the Board that she would be representing Frank S. and Suzy Dewey, 10 Forbes Court (Lot 11), whose property abutted the subject property to the southeast. She stated she had no objection to the Board accepting Mr. Hansen as an expert in the field of civil engineering.

Mr. Hansen described the property and testified that the two existing principal dwellings at the rear of the property would be converted into fully conforming accessory buildings by removing the cooking facilities. The proposed new principal dwelling would be fully conforming with the exception of lot width. It would not violate the existing sewer

easement and all utilities would be underground. As a whole, the proposal would eliminate multiple existing setback deficiencies along with an existing lot coverage deviation. He noted that the pool depicted on the plans was not part of the proposal and was shown only to illustrate that one could be constructed in the future with no requirement for a coverage variance. No additional stormwater management measures were proposed because the project actually decreased the current lot coverage by eliminating the driveway areas associated with the two existing dwellings. Finally, he testified that the applicants would comply with all the comments listed in Mr. Schley's memo dated November 30, 2017 and in Mr. Quinn's memo dated December 5, 2017. He noted that in the latter memo, Comment #1 pertained to the pool which was not part of this proposal.

Hearing no further questions for the witness from the board members, Chairman Rhatican opened the meeting to the public for questions.

Ms. Rubright questioned Mr. Hansen about the application and about the two existing dwellings.

Hearing no further questions from the public, Chairman Rhatican closed that portion of the hearing.

Douglas Donohoe, applicant, testified that the cooking facilities would be removed from the two existing cottages along with a propane tank as long as it wasn't used for heating purposes. In addition, the shed would be removed. The cottages' tenants would leave once construction began. Although he did not have any definite future plans for the cottages, he confirmed that they would not be rented out for any reason.

Mr. Schley advised the board members that there was no limit to the number or size of accessory buildings or as long as they were under 20 feet high and did not exceed the lot coverage limit. The current two cottages were approximately 1,000 square feet each and approximately 14 feet high.

Hearing no questions from the board members, Chairman Rhatican opened the meeting to the public.

Julie A. Shaw, 4 Forbes Court (Lot 10), was duly sworn by Mr. Warner and stated that her property abutted the subject property. Although there was an existing line of trees and vegetation, Ms. Shaw testified that the screening effect was minimal since most of the trees and vegetation were dead. Mr. Donohoe agreed to plant evergreen trees between the two properties to enhance privacy.

Frank S. Dewey, 10 Forbes Court (Lot 11), was duly sworn by Mr. Warner and testified that **Exhibits O-1 and O-2**, two photos, were taken by his wife earlier in the week. **Exhibit O-1** showed the shed which was to be removed and the cottage closest to his fence. **Exhibit O-2** was the same view taken from farther away. He stated that he had lived there for 35 years and gave a history of the cottages on the subject property. He asked that they be removed because he felt there would be too many structures on one lot. When asked about additional buffering, Mr. Dewey stated that it would be of no benefit to him.

Ms. Rubright opined that the two cottages were an anomaly and requested that either the application be denied in its entirety or that strict limitations on the use of the cottages be applied.

Hearing no further questions or comments, Chairman Rhatican closed that portion of the hearing.

Mr. Zelle summarized by reiterating that if the property had been zoned R-6 as were all the surrounding properties, there would be no need for a variance. He added that once the cottages were converted to accessory buildings, they would be conforming and permitted and that their usage was strictly an enforcement issue.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for both a "c(1)" or "hardship" variance and a "c(2)" or "flexible c" variance. They also felt that the applicants had satisfied the negative criteria.

Mr. Surano moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicants subject to the conditions stipulated to by the applicants and as stated during deliberations. Mr. Zaidel seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

COMMENTS FROM MEMBERS OR STAFF - None

ADJOURNMENT

Ms. Mastrangelo motioned, Ms. Nungester seconded and by unanimous Voice Vote, the meeting was adjourned at 11:56 PM.

Respectfully submitted,



Cyndi Kiefer, Secretary
Township of Bernards
Zoning Board of Adjustment

