

BERNARDS TOWNSHIP **ZONING BOARD OF ADJUSTMENT**

MINUTES v3
Regular Meeting
May 4, 2022

CALL TO ORDER

Chairwoman Genirs called the meeting to order at 7:34 PM.

FLAG SALUTE

OPEN PUBLIC MEETINGS STATEMENT – Chairwoman Genirs 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, Whippany, NJ, and the Courier News, Bridgewater, NJ, and was filed with the Township Clerk, all on January 6, 2022 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: Amin, Baumann, Cambria, Genirs, Helverson, Kraus, Pavlosky, Tancredi
Members Absent: Pochtar
Also Present: Board Attorney, Steven K. Warner, Esq.; Township/Board Planner, David Schley, PP, AICP;
Board Engineer, Thomas Quinn, PE, CME; Board Secretary, Cyndi Kiefer

On motion by Mr. Tancredi, seconded by Mr. Cambria, all eligible in favor and carried, the absence of Ms. Pochtar was excused.

APPROVAL OF MINUTES

April 6, 2022 – Regular Session – On motion by Mr. Kraus, seconded by Mr. Tancredi, all eligible in favor and carried, the minutes were adopted as drafted. (Ineligible: Amin)

APPROVAL OF RESOLUTION

Verizon Corporate Services Group Inc.; Block 803, Lots 2, 3, 5, 6, 23; 300 North Maple Avenue; ZB22-002 (approved) – Mr. Tancredi moved to approve the resolution as drafted. Mr. Pavlosky seconded.

Roll call: Aye: Baumann, Genirs, Cambria, Kraus, Pavlosky, Tancredi
Nay: NONE
Ineligible: Amin, Helverson

Motion carried.

Mr. Tancredi recused himself from participating in the following application hearing and left the building at 7:38 PM.

PUBLIC HEARING

Finley Real Estate LLC; Block 1801, Lot 1; 55 South Finley Avenue; Preliminary/Final Site Plan, Floor Area Ratio & Height Variances, Bulk Variances; ZB21-031

Present: David B. Brady, Esq., Attorney for the Applicant
Ronald A. Kennedy, PE, Engineer for the Applicant
Craig W. Peregoy, PE, Traffic Engineer for the Applicant
Mads Jepsen, Principal in the Applicant LLC

Mr. Warner stated that notice was sufficient and timely therefore the board had jurisdiction to hear the application. Mr. Kennedy, Mr. Peregoy, Mr. Jepsen, Mr. Quinn and Mr. Schley were duly sworn.

David B. Brady, Esq., attorney with the firm of *Brady & Correale, LLP*, Morristown, NJ, entered his appearance on behalf of the applicant. He stated that the applicant is seeking approval to make permanent an existing 50' X 100' dining tent and related structures at the Washington House (restaurant located on the subject property, 55 South Finley Avenue) that were approved temporarily pursuant to a special use (pandemic relief) permit issued in 2020. The proposal requires preliminary and final site plan approval, relief for exceeding the maximum floor area ratio (d-4) and maximum height (d-6) allowed, and for three (3) bulk variances.

The following exhibits were entered into evidence:

- Exhibit A-1 – Aerial photo taken prior to 2020 with the subject property outlined in yellow, also showing the auxiliary parking lot at 2 Rankin Avenue, prepared by Gladstone Design Inc., dated 02/17/2022
- Exhibit A-2 – Aerial photo taken by a drone in the winter of 2022 which shows the existing tent and surrounding structures
- Exhibit A-3 – Colorized rendering of the subject property, prepared by Gladstone Design Inc., dated 02/17/2022
- Exhibit A-4 – Colorized ADA Parking Space Exhibit, prepared by Gladstone Design Inc., dated 05/04/2022
- Exhibit A-5 – Color photo of the inside of the tent

Ronald A. Kennedy, PE, PP, CME, LEED, president/founder of *Gladstone Design Inc.*, Gladstone, NJ, was accepted by the board as an expert in the field of civil engineering. Using **Exhibit A-1**, Mr. Kennedy provided an overview of the subject property as it existed prior to the erection of the tent. He added that even though the auxiliary parking lot at 2 Rankin Avenue (Block 1802, Lot 2) which is also owned by Finley Real Estate LLC, is in a residential zone, it had previously received board approval for use as a parking lot, for the number of parking stalls and for the refuse and recycling area. Mr. Kennedy referred to **Exhibit A-2** and described the structures currently in existence on the subject property in addition to the restaurant: the 100 x 50 tent, the mechanical building which provides heat to the tent, the bathroom trailer, the additional small tent and a "connector" or covered walkway from the tent to the rear door of the restaurant. He pointed out that even though those structures (excluding the "connector") represent over 5,200 sq. ft. of new floor area, there is no increase in impervious coverage since all of the structures have been built on existing paved areas, ramps, stairs or walkways. He then stated that the applicant is proposing to move the bathrooms to the inside of the tent to provide space for handicapped parking.

Mr. Kennedy testified that in the restaurant, there are a total of 174 seats (150 inside and 24 outside) which were previously approved by either the Planning Board (PB) or the Zoning Board of Adjustment (ZBOA). The upper floors of the restaurant house the offices for the restaurant and a construction business and remain unchanged. He added that both businesses are run by the Jepsen family. In the tent and associated areas, there are 176 seats for a total of 350 seats for both the tent and restaurant requiring, by Township's ordinance, 216 off street parking spaces (36 are being proposed). He noted that prior to the erection of the tent, there were 59 off street parking stalls which were approved by the PB in 2017 based on the office areas and a restaurant seating capacity of 174. With the tent, there are 36, all located in the auxiliary parking lot. Acknowledging that in reality, there are only 35, not 36 stalls, Mr. Kennedy stated that the applicant would stipulate to providing 36. He added that the trash area located in the auxiliary lot would be reconfigured.

Mr. Kennedy explained that because the tent is attached to the restaurant, it is considered part of the main building, requiring recalculation of the average grade and height. As a result of that recalculation, the restaurant now requires a d(6) variance for height. In addition, Mr. Kennedy stated that variance relief for maximum floor area ratio, for minimum front yard setbacks to both West Henry Street and Brownlee Place and for minimum number of off-street parking spaces is also required.

Using **Exhibit A-4**, Mr. Kennedy testified that there will be an ADA compliant parking stall on the 55 South Finley Avenue property noting that the Township Engineer was not in favor of using street stalls for handicapped parking. Mr. Quinn added that because the required number of ADA stalls is dependent on the total number of parking spaces available, not seating capacity, one (1) would be sufficient for this lot. He also stated that it would be impractical to have an ADA stall on the auxiliary lot. Mr. Kennedy confirmed that the applicant planned to discuss options for additional street parking with the Township Engineer prior to the next meeting.

Mr. Kennedy testified that although most of the bathrooms will be located in the restaurant, there will be two (2) ADA compliant bathrooms, one for each sex, inside the tent. He added that the trailer housing the existing bathrooms would be removed and that ramps and walkways will be installed to allow ADA compliant access to the tent and restaurant.

Mr. Kennedy continued his testimony by stating that the applicant will install new landscaping and will replace one tree that is to be removed.

Mr. Kennedy asserted that although the tent structure has a long life, the canvas requires replacement on a regular basis, every 15 to 20 years on average. He added that the frame structure is substantial and anchored so there is no concern about uplift.

Mr. Pavlosky questioned whether the significant increase in the number of seats would result in an increase in the number of plates served and in the size of the kitchen. He speculated that if the applicant were to construct an addition instead of retaining the tent, the new structure could be designed to address many of the issues currently under review.

Hearing no further questions from the board or its professionals, the hearing was opened to the public for questions of this witness.

Todd Edelstein, 172 Riverside Drive, questioned whether electric vehicle charging stations would be required in the parking lot and Mr. Brady advised that that requirement relates to new parking lots only. Mr. Kennedy testified that 23 parking spaces will be lost if the tent remains.

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

Mads Jepsen, residing in Green Village, NJ, advised the board that Finley Real Estate LLC is wholly owned by family members and that he is a principal. He testified that they have owned the Washington House for eight (8) years and that they also own the construction business which uses office space above the restaurant. He then provided a summary of the hours of operation, the total number of employees and parking information for each of the two businesses. Mr. Jepsen testified that at the onset of Covid, the restaurant was closed for six (6) weeks. It reopened for take-out only and once outside dining became available, smaller tents were installed in the rear parking lot. Realizing that the restaurant could not survive on take-out service alone when outside dining was no longer viable due to the weather, he began to explore options to offer inside dining all year while still adhering to the Covid restrictions.

Using **Exhibit A-5**, Mr. Jepsen testified that the existing tent manufactured by a German tent maker, has a rigid frame with aluminum trusses meant to withstand 75 mph winds. It sits on a Bil-Jax stage floor and is anchored 3.5 feet into the ground. Since it is not insulated, radiant floor heat was installed, however there is no air conditioning. He added that when he applied for a construction permit for the tent, he had to submit a hurricane preparedness plan and a snow removal plan. Mr. Jepsen asserted that the tent represented a significant monetary investment and that he wanted to retain it to preserve jobs for his employees and to maintain the restaurant business should Covid restrictions return. He also speculated that it offered a unique dining experience attracting patrons from not only Bernards Township but from all areas of the state.

Mr. Jepsen testified that there are no plans to use the facilities for banquets or weddings since the applicant has no experience in that area of the restaurant business. He gave a brief description of the flow of patrons and employees serving those patrons throughout the restaurant and tent when both are open. He added that live music is provided at times in the tent (usually only one person) and that there are speakers throughout the tent for background music. He confirmed that there are no plans to add a bar/bar seats to the tent however some thought is being given to installing a service bar in the hostess area to facilitate beverage delivery.

Addressing the deficiency in the number of parking stalls being proposed, Mr. Jepsen stated that drive services such as Uber and Lyft, neither of which were available even just a few years ago, are used by more and more people thus reducing onsite parking demand. He testified that even during their busiest hours which are on Thursday,

Friday and Saturday evenings, he had never heard any complaints about inadequate parking or disruptions caused by traffic. Many of the employees ride bikes, carpool or walk to work and at night, some patrons use the Wells Fargo or ReMax parking lots across the street. He conceded that he has no formal arrangement or agreement with Wells Fargo or ReMax but stated that there have never been any complaints from either. Finally, Mr. Jepsen speculated that because his busiest hours of operation are at night when most of the downtown businesses are closed, ample street parking would be available, adding that if parking was an issue, people would not patronize the restaurant.

Mr. Jepsen testified that the number of people choosing to dine in the tent versus the main building is determined predominantly by the weather however seating 350 people at the same time is operationally impossible. He contended that having both the tent and the restaurant is meant to offer patrons an option of dining in either spot rather than filling both areas to capacity. Mr. Warner noted that the board must consider the maximum usage available in its determination and that it would not be considered uncommon to require a cap on the number of patrons being served at any given time as opposed to relying on self-policing.

In response to a question about reducing the size of the tent, Mr. Jepsen testified that the length could be shortened but the width could not be adjusted because of the framing. He added that he was not considering that option.

Mr. Jepsen stated that the only complaint he had received concerned construction equipment stored on the auxiliary parking lot for snow removal preparedness and that the equipment has since been removed.

Mr. Jepsen agreed to supply the paperwork that were submitted for permits for temporary outdoor dining.

Hearing no further questions from the board or its professionals, the hearing was opened to the public for questions of this witness.

Louis Pascarella, co-owner of *S & P Property Management LLC* stated that the LLC owns 23 South Finley Avenue and 47 South Finley Avenue and that the latter property abuts 55 South Finley Avenue, the subject property. At Mr. Pascarella's request, Mr. Jepsen agreed to install a buffer between the restaurant's parking lot (55 South Finley Avenue) and the parking lot on 47 South Finley Avenue to inhibit overflow restaurant parking in the neighboring lot. Mr. Jepsen also stated that he would forego using the tent for banquets and consider valet parking.

Stephen Salvigsen, co-owner of *S & P Property Management LLC* stated that because the tent blocks the West Henry Street access to the restaurant, the applicant began using the ingress/egress area on his property, 47 South Finley Avenue and because the commercial deliveries and restaurant patron parking are disruptive to the residents of that property, he did not want to share that access. (Mr. Salvigsen was then duly sworn since he had provided commentary.) Mr. Jepsen explained that most deliveries take place on West Henry Street in the morning prior to opening or at the auxiliary lot in the afternoon.

Todd Edelstein, 172 Riverside Drive, asked if the applicant could get a more formalized agreement with Wells Fargo and/or ReMax for overflow parking. Mr. Jepsen agreed to inquire.

Hearing no further questions from the board or its professionals, the hearing was closed.

Chairwoman Genirs stated that the application would be carried with no further notice to the 06/08/2022 meeting. Mr. Brady agreed to an extension of time to act to 06/30/2022.

COMMENTS FROM MEMBERS OR STAFF

Chairwoman Genirs advised that because of the large number of applications pending, a special meeting would be scheduled for 07/14/2022 if a quorum is not available for the 07/06/2022 meeting.

ADJOURN

Moved by Ms. Baumann, seconded by Mr. Kraus, all in favor and carried, the meeting was adjourned at 11:00 PM.

Respectfully submitted,

Cyndi Kiefer

Cyndi Kiefer, Secretary
Zoning Board of Adjustment

Adopted as drafted 06/08/2022

05/19/2022 dssw

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BERNARDS**

**VERIZON CORPORATE SERVICES GROUP INC.
300 NORTH MAPLE AVENUE
BLOCK 803, LOTS 2, 3, 5, 6 and 23
Case No. ZB22-002**

RESOLUTION

WHEREAS, Verizon Corporate Services Group Inc. (the “Applicant”), has applied to the Zoning Board of Adjustment of the Township of Bernards (the “Board”), seeking preliminary and final site plan approval, together with subsection d(3) conditional use and bulk variance relief and site plan exception relief as set forth below, in connection with the construction of a 48 square foot guardhouse along the existing driveway between the existing conference inn and North Maple Avenue, on property identified as Block 803, Lots 2, 3, 5, 6 and 23 on the Township of Bernards Tax Map, more commonly known as 300 North Maple Avenue (the “Property” or the “Site”):

1. A conditional use variance pursuant to N.J.S.A. 40:55D-70(d)(3), since a conference inn is a conditional use in the E-1 Zone and the proposed guardhouse is permitted provided the lot contains a minimum of 130 acres (here, the lot consists of 34.99 acres), pursuant to Section 21-12.3.i.19 and Section 21-16.1.b of the Land Development Ordinance (the “Ordinance”);
2. A bulk variance for a guardhouse located in a front yard (North Maple Avenue), whereas accessory guardhouses are permitted in the front yard so long as the lot contains a minimum of 130 acres within the E-1 Zone, pursuant to Section 21-16.1.b of the Ordinance;
3. A bulk variance for two solid, 3’ tall decorative screen walls in the front yard (North Maple Avenue), whereas walls in a front yard shall be constructed so they are at least 50% open, pursuant to Section 21-16.2.a of the Ordinance;
4. A bulk variance for an internally illuminated wall-mounted sign, whereas no sign shall be internally illuminated, pursuant to Section 21-17.2.g of the Ordinance;

5. A site plan exception for a proposed average illumination of 10.05 footcandles¹, whereas the maximum average maintained horizontal illumination permitted in a non-residential vehicular roadway area is 0.9 footcandles, pursuant to Section 21-41.3 of the Ordinance; and
6. A zone two waiver to eliminate a portion of the stream buffer conservation area occupied by proposed improvements, pursuant to Section 21-14.4.d of the Ordinance; and
7. A waiver from the requirement of providing stormwater rate/volume control, through additional infiltration measures, pursuant to Section 21-42.11.b.1 of the Ordinance;

WHEREAS, a public hearing on notice was held on such application on April 6, 2022, at which time interested citizens were afforded an opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and members of the public, and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. The Property is located on the westerly side of North Maple Avenue across from the Verizon Corporate Campus in the E-1 Office and R-4 residential zones. It is comprised of five (5) contiguous lots totaling 34.99 acres. The majority of the development consists of “The Ridge” hotel and associated ancillary uses and improvements. The Ridge constitutes a conference inn pursuant to Section 21-3.1 of the Ordinance, which defines a “conference inn” as follows:

Conference Inn – Shall mean one or more structures on a site designed to accommodate individuals or groups of persons with the primary purpose of providing formal or informal education, training facilities, lectures and business and commerce meeting facilities for those individuals or groups of persons. A conference inn shall provide living accommodations, dining and entertainment facilities as well as resource centers, media rooms and meeting rooms and may also provide indoor and outdoor recreation areas, indoor and outdoor swimming pools and other such accessory uses as may be subordinate and customarily incidental to the principal use.

¹ The Applicant modified the proposal to reduce the proposed average illumination from 10.05 footcandles to 5.45 footcandles.

2. The existing conference inn and surface parking areas were constructed pursuant to Planning Board approvals between 1986 and 1997, and again in 2018 when the Board granted variances to permit replacement of two (2) existing freestanding identification signs, then again in 2020 when the Board granted site plan and variance approvals to permit the installation of six (6) test nodes for 5G wireless communications testing/research. The Site was most recently before the Board in 2021 when the Board approved the construction of 50 additional parking spaces.

3. The Applicant now proposes Site security improvements along the existing driveway between the conference inn and North Maple Avenue, including an 8' wide by 26' long curbed island containing a 6' by 8', 12.5' high guardhouse, a 4' by approximately 22' curbed island containing gates to control entering and exiting traffic, expansion of the existing driveway pavement to provide a security pull-off area, two new light poles, and two new light fixtures replacing fixtures on existing poles. The proposed guardhouse island also contains two, 3' high, 10.8' long decorative screen walls to the front and to the rear of the guardhouse. A 2.9 square foot internally illuminated identification sign is proposed to be mounted on the front screen wall.

4. Pursuant to Section 21-10.5.a.3(b) of the Ordinance, a conference inn is a conditional use in the E-1 Zone. All of the existing improvements and all proposed improvements/disturbances are in the E-1 Zone. The following is a partial list of those conditions that must be met for a conditional use within the E-1 zone:²

- a. *Section §21-12.3.i.2. The maximum FAR of the total building(s) shall be 90% of the FAR allowed for the zone.*

² Most of the conditional use standards applicable to a conference inn, as set forth in Section 21-12.3.i, are intended to regulate the amount of floor area and the operation of the various uses permitted within the building (guest rooms, educational/training facilities, indoor recreation, restaurant/lounge, etc.), and will not be affected by the proposed construction of a 48 square foot guardhouse.

- The E-1 Zone permits a maximum Floor Area Ratio (“FAR”) of 15%, so the maximum permitted FAR for a conference inn is 13.5%. The proposed 48sf guardhouse increases the FAR to 10.55%, which **complies** with the conditional use standard.

- b. *Section 21-12.3.i.4. In no case shall the maximum floor area ratio constructed and devoted to all purposes other than those described above in Paragraph i3 above [i.e. guest rooms and areas related to guest rooms] exceed 65% nor be less than 30% of the floor area allowed for the zone.*

- The E-1 Zone permits a maximum FAR (floor area ratio) of 15%, so the minimum FAR for areas not devoted to guest rooms is 4.5%, and the maximum is 9.75%. The proposed 48sf guardhouse increases the FAR for areas not devoted to guest rooms to 5.37%, which **complies** with the conditional use standard.

- c. *Section §21-12.3.i.5. The maximum coverage of all impervious surfaces shall be 70% [of the coverage] allowed for the zone.*

- The E-1 Zone permits a maximum impervious coverage of 40%, so the maximum permitted coverage for a conference inn is 28%. The proposal results in a net increase in impervious surfaces of 1,166sf, which increases the total coverage to ±18.2%, which **complies** with the conditional use standard.

- d. *Section 21-12.3.i.7. At least 25% of the entire tract, whether or not the tract lies wholly within the “E-1” or “E-2” Zone, shall be retained as undisturbed open space and protected by a conservation easement running to the Township.*

- The proposal reduces the amount of undisturbed open space to ±56.74%, the majority of which is protected by a conservation easement, which **complies** with the conditional use standard.

- e. *Section 21-12.3.i.10. All recreation and parking areas shall be screened from view from all property lines.*

- The proposal **complies** because the proposed security pull-off area is not intended to be a parking area and, nevertheless, the Applicant demonstrated how this area shall be adequately screened from the adjoining residences to the south.

- f. *Section 21-12.3.i.19. All other applicable requirements of this chapter for the zone shall be met.*

- The proposal does **not comply** with all other Land Development Ordinance

requirements applicable to the E-1 Zone, as indicated above, requiring conditional use variance relief pursuant to N.J.S.A. 40:55D-70d(3).

5. Here, the proposal does not comply with all of the conditional use requirements, particularly Section 21-12.3.i.19 of the Ordinance. As such, the Applicant is required to seek conditional use variance relief in accordance with N.J.S.A. 40:55D-70(d)(3). The Applicant also seeks preliminary and final site plan approval, bulk variance relief, site plan exception relief, a waiver from stormwater management requirements, and a zone two waiver to eliminate the portion of zone two occupied by the proposed improvements.

6. The Applicant submitted the following documents for review by the Board:

- Preliminary and Final Site Plans prepared by R.L. Streker, P.E., dated December 22, 2021, last revised January 28, 2022, same consisting of fifteen (15) sheets;
- Wetland Conservation Easement Exhibit prepared by Mr. Streker, P.E., dated December 22, 2021, unrevised, same consisting of one (1) sheet;
- Architectural Plans prepared by Paul Silverberg, R.A., dated December 22, 2021, unrevised, same consisting of one (1) sheet;
- ALTA/NSPS Land Title Survey prepared by Jack W. Shoemaker, P.L.S., dated December 8, 2016, last revised December 15, 2016, same consisting of two (2) sheets;
- Topographic and Utility Survey prepared by James D. Sens, P.L.S., dated July 23, 2021, last revised August 2, 2021, same consisting of one (1) sheet;
- Stormwater Management Report prepared by Mr. Streker, P.E., dated December 2021, unrevised; and
- Environmental Impact Assessment prepared by Mr. Streker, P.E., dated December 2021, unrevised.

7. David Schley, P.P., A.I.C.P., the Board Planner, and Thomas Quinn, P.E., C.M.E., the Board Engineer, were duly sworn according to law.

8. Steven J. Tripp, Esq., of Wilentz, Goldman & Spitzer, P.A., appeared on behalf of

the Applicant. Mr. Tripp explained the history of the Property and noted that the existing conference inn is a conditional use and, as a condition of that conditional use, the Applicant must comply with all applicable zoning requirements. He further explained that, while a guardhouse is a permitted accessory use, guardhouses cannot be located in a front yard except in the E-1 Zone, provided the lot on which the guardhouse is located is at least 130 acres. Here, because the Property consists of only 35 acres, the Applicant must obtain conditional use variance pursuant to N.J.S.A. 40:55D-70(d)(3). Mr. Tripp advised that, in addition to the d(3) conditional use variance relief, the Applicant is also seeking bulk variance relief for a screening wall, internally illuminated identification signage, design exceptions for lighting and stormwater conditions, and a zone two waiver.

9. Bryan Ehnes, P.E., having a business address of 30 Independence Boulevard, Suite 200, Warren, New Jersey, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of civil engineering. Mr. Ehnes introduced the following exhibits into evidence:

- **Exhibit A-1**: Aerial Exhibit, dated April 6, 2022;
- **Exhibit A-2**: Colorized Site Layout Plan (Sheet C-302) dated April 6, 2022;
- **Exhibit A-3**: Sheet A-1 of the Architectural Plans; and
- **Exhibit A-4**: Sheet C-601 – Soil Erosion & Sediment Control Plan.

10. Referencing Exhibit A-1, Mr. Ehnes described the existing conditions, including the environmental constraints, which include wetlands, streams and buffers, as well as a flood hazard area. He explained that the Applicant is still working with the NJDEP to obtain a Letter of Interpretation (“LOI”) and permits to allow proposed improvements within a wetlands transition

area and flood hazard area, but noted that the NJDEP has not expressed concern about the current stormwater management design.

11. Referencing Exhibit A-2, Mr. Ehnes described the proposed guardhouse. He testified that it is 6' by 8' or 48 square feet, and that it also includes a 3' high decorative screen wall with the Applicant's logo. He explained that the wall not only exists for aesthetic purposes, but also safety purposes as it will serve as a visual barrier between vehicles and the security officer. Mr. Ehnes testified that the decorative wall also has an illuminated logo sign and that same requires variance relief since internally illuminated signage is not permitted.

12. Referencing Exhibit A-2, Mr. Ehnes described how traffic would circulate once the guardhouse is installed. He explained that there is also a 'bump-out' area that can be used if the security officer requests any visitor to pull off to the side to provide additional information. He further explained that the 'bump-out' area will allow other vehicles to pass while the security officer is working with the visitor. The Applicant confirmed that said area will not be used for long term parking. On questioning, Mr. Ehnes confirmed that a SU-30 or delivery truck could utilize the bump-out area to turn around without requiring the security officer to open the gate, but that a larger truck, such as an 18-wheeler, would not be able to turn around. He explained that if a larger vehicle needs to turn around, the driver would have to work with the security officer because same would require that the gate be opened.

13. On questioning as to the proposed 3' wall, Mr. Ehnes explained that the wall is aesthetic, but will also serve as a visual barrier between the vehicles and the security officer and the guardhouse. He noted that the proposed wall and signage are designed to be consistent with the balance of the improvements on the Site.

14. Marybeth Holgate, Senior Project Manager at Verizon, having a business address of 300 North Maple Avenue, was duly sworn and provided testimony as a fact witness. On questioning regarding visitor access, Ms. Holgate explained that it would typically take approximately 5 minutes for the security guard to manage existing traffic and walk over to the vehicle. She further explained that if a number of visitors are expected at a certain time, the security gate can be opened and security can review credentials once on the Site. On questioning, she confirmed that the guardhouse will be staffed 24/7.

15. On questioning as to the need for the guardhouse, Ms. Holgate explained that upper management utilizes the conference inn for meetings and that increased security and control over access to the Site is necessary.

16. Mr. Ehnes testified that the guardhouse would be permitted if the proposed use met all of the conditional use requirements, which include a minimum lot area of 130 acres, whereas the Site is only 34.99 acres. He further testified that the maximum permitted size for a guardhouse is 700 square feet, and that the Applicant is only proposing a guardhouse consisting of 48 square feet. Mr. Ehnes explained that the guardhouse will be located more than 470 feet from the North Maple Avenue right-of-way (the minimum required setback is 400 feet) and more than 1,400 feet from the Madisonville Road right-of-way (the minimum required setback is 200 feet). He further explained that the guardhouse is setback slightly more than 100 feet from any property line, and that same complies with the Ordinance requirements.

17. Mr. Ehnes testified that the appearance of the guardhouse has been designed to be consistent with the architectural style and general appearance of the other improvements on the Site. He noted that the stucco and barrel vault roof for the guardhouse will match the stucco and

barrel vault roof on the existing conference building. Mr. Ehnes further noted that the proposed logo sign is consistent with other signage throughout the campus. On questioning, Mr. Ehnes confirmed that the proposal complies with all of the conditions required for a conforming conditional use, except as to the size of the Property.

18. On questioning as to tree removal and replacement, Mr. Ehnes testified that the Applicant is proposing to remove six (6) trees and to plant seven (7) trees. He explained that planting additional trees would require further disturbance to the Site. On discussion of whether the guardhouse will be sufficiently screened by the existing landscaping, Mr. Ehnes contended that it would be so. He further explained that the topography of the Property is such that the adjacent residential dwellings, which are setback more than 250 feet from the guardhouse, also are 10 to 15 feet higher in grade and, therefore, neighboring residents would not be impacted by the proposed signage lighting.

19. As to lighting, Mr. Ehnes testified that the Applicant is proposing two (2) new freestanding lights at a height of 12 feet, and four (4) canopy lights (i.e., lights mounted underneath the canopy) mounted at a height of 8 feet. He explained that the canopy lights are downward directed and that the two freestanding lights will not produce light spillage. Mr. Ehnes testified that the Applicant is seeking design exception relief for lighting exceeding 0.9 footcandles. He explained that the proposed lighting is 10.05 footcandles, but that same only includes the entire egress lane from the guardhouse to the gate. He further explained that if Applicant calculated the lighting level based on the limit of disturbance, the proposed lighting level would be 5.45 footcandles. Mr. Ehnes opined that the proposed lighting levels are necessary for on-site safety and he confirmed that there will be no impact from the lighting on the adjacent residential

properties.

20. On questioning as to the calculation of the lighting levels, Mr. Ehnes introduced into evidence, as **Exhibit A-4**, Sheet C-601 of the Site Plan and outlined the project area that was used in calculating the average lighting intensity level at 5.45 footcandles. Mr. Ehnes added that, in asking for a waiver for maximum allowable illumination in a vehicular area, he had selected an area next to the guardhouse (where the light is focused) that had the highest average of 10.05 footcandles. After discussion, it was agreed that the average of the entire project area should be used in the site plan exception request and that same would result in a proposed lighting level of 5.45 footcandles, not 10.05 footcandles.

21. Mr. Ehnes testified that the development constitutes a minor development which requires water quantity control equivalent to three (3) inches of runoff from all new impervious cover, pursuant to Section 21-42.11.b.1. He explained that the Applicant is seeking a waiver from this requirement given the proximity of adjacent wetlands and the existence of a large above ground detention pond facility. Mr. Ehnes noted that Mr. Quinn supported this request, in part, because the new impervious coverage amount is so small relative to the overall drainage area that overall runoff calculations for the drainage area would be unchanged.

22. Mr. Ehnes advised that the conservation easements would be modified and NJDEP approval would be submitted as a condition of approval. The Applicant stipulated to complying with the comments and requirements set forth in the Review Memorandum prepared by the Board Planner, Mr. Schley, dated March 28, 2022 and the Review Letter prepared by the Board Engineer, dated April 4, 2022. Mr. Ehnes confirmed that he had submitted, at the Fire Official's request, a copy of the plan for emergency services. The Applicant further stipulated to obtaining the

necessary approvals from the Bernards Township Sewerage Authority for work within the sanitary sewer easement near the proposed guardhouse.

23. Todd Edelstein, 172 Riverside Drive, questioned the proposed landscaping and, in response, the Applicant stipulated to planting trees that would be consistent with the existing vegetation.

24. Keenan Hughes, A.I.C.P., P.P., having a business address of 70 Hudson Street, Hoboken, New Jersey, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of professional planning. Mr. Hughes provided testimony in support of the Applicant's request for subsection d(3) conditional use variance relief, as well as the bulk variance and design exception relief. As to the requested bulk variance relief, Mr. Hughes contended same could be granted pursuant to N.J.S.A. 40:55D-70(c)(2) because the benefits associated with granting the requested relief substantially outweigh the detriment associated therewith. As to the design exceptions, Mr. Hughes opined that the exception for the lighting was reasonable since reduced lighting levels would be inadequate for the intended use of the guardhouse. As to the requested zone two and stormwater management waivers and the exception as to lighting levels, Mr. Hughes contended that they are considered technical requirements. He noted that, based on the testimony of Mr. Ehnes, the exception and waivers are reasonable and within the general purpose and intent of the Ordinance, and that literal enforcement would be impracticable in these circumstances.

25. No member of the public commented or objected to the Applicant's proposal.

BOARD DECISION

26. After reviewing the evidence submitted, the Board, by a vote of 7 to 0, finds that

the Applicant has demonstrated its entitlement to preliminary and final site plan approval, subsection d(3) conditional use variance relief, and bulk variance and site plan exception relief, for the reasons set forth below.

The d(3) Variance Relief:

27. As to positive criteria for the requested subsection d(3) conditional use variance relating to the non-conforming lot size, the Board finds that, consistent with the standards set forth in Coventry Square, 138 N.J. 285 (1994), the Applicant has established that the Site can accommodate the problems associated with the proposed use, despite the violation of the conditions imposed by Section 21-12.3.i.19 of the Ordinance. Here, guardhouses are permitted in the front yard provided the Site is 130 acres, however, the Property consists of only 34.99 acres. The Board concurs with the unrefuted expert testimony of the Applicant's professional planner that the guardhouse must be located in a front yard in order to function as a means of controlling access to the Site. The Board recognizes that, while a guardhouse consisting of 700 square feet would be permitted, the Applicant is only proposing a guardhouse consisting of 48 square feet. The Board also accepts the unrefuted expert testimony provided by the Applicant's professional engineer that the proposal will not have a significant impact on the stormwater management measures given the de minimis increase in impervious coverage. In sum, the Board finds that the Applicant has satisfied the positive criteria required for the grant of d(3) conditional use variance relief.

28. As to the negative criteria for the requested subsection d(3) conditional use variance relief, the Board finds that the Applicant has demonstrated that the requested variance relief can be granted without substantial detriment to the public good (i.e., not substantially out of character with the neighborhood) and without substantial impairment of the intent and purpose of the zone plan

(Master Plan) and the Zoning Ordinance (i.e., not spot zoning).

29. As to the “substantial detriment” prong of the negative criteria, the Board recognizes the significant distances between the proposed guardhouse and the nearby residential areas, the substantial landscape screening, and the topography of the Property, will mitigate the modest detriment associated with the proposal. The Board further recognizes that no member of the public objected to the proposal.

30. As to the “substantial impairment” prong of the negative criteria, the Board finds that granting the requested subsection d(3) variance relief would not rise to the level of a rezoning of the Property. Here, the Board recognizes the relatively modest nature of the proposal and that guardhouses are permitted, rather than prohibited. Accordingly, the Board finds that granting the requested relief will not be substantially detrimental to the public good, nor would a grant of the requested variance relief substantially impair the intent and purpose of the Master Plan or the Zoning Ordinance.

The c(2) “Bulk” Variance Relief – Positive Criteria:

31. As to the positive criteria for the requested bulk variance relief for the location of the guardhouse in the front yard, the construction of the decorative screen wall, and the internal illumination of the proposed logo sign, the Board finds that the Applicant demonstrated that the purposes of the Municipal Land Use Law (“MLUL”), will be advanced by the requested deviations from the zoning requirements and that the benefits to be derived therefrom will substantially outweigh any detriments associated therewith. The proposed guardhouse and associated improvements will promote increased security and otherwise promote the general welfare, particularly given the aesthetically pleasing design of said improvements.

32. The Board further finds that the Applicant has satisfied its burden of demonstrating

that the purposes of the MLUL will be advanced by the requested deviations from the zoning requirements and that the benefits to be derived therefrom will substantially outweigh any detriments associated therewith. In this regard, the Board adopts the testimony of the Applicant's Planner that the proposal advances the purposes set forth in subsections (a), (g), and (i) of Section 2 of the MLUL in that it promotes the public health, safety, morals and general welfare; provides sufficient space for commercial uses; and promotes a desirable visual environment. Here, the proposed guardhouse will allow the Applicant to secure the Site and better control access thereto. Additionally, the proposed 3' tall wall will protect the guardhouse and the security official from vehicles.

33. Finally, the Board finds that any potential detriment resulting from the granting of the requested relief is mitigated by the substantial landscape buffering and existing topographical conditions. As such, the Board finds that the Applicant has satisfied the positive criteria for "c(2)" or "flexible c" variance relief for all of the bulk variances requested.

The c(2) "Bulk" Variance Relief – Negative Criteria:

34. As to the negative criteria, the Board finds that the Applicant has demonstrated 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 Zoning Ordinance. As to the first prong of the negative criteria, the Board finds that the Applicant has mitigated the detrimental impacts of the proposal, particularly given the stipulated to conditions as set forth below. Moreover, the Board recognizes that no member of the public objected to the application. As to the second prong of the negative criteria, the Board finds that granting the requested relief will not result in substantial impairment of the Master Plan and Zoning Ordinances, for the reasons

set forth above. As such, the Board finds that the Applicant has satisfied the negative criteria for the “c(2)” or “flexible c” variance relief for all of the bulk variances requested.

Zone Two Waiver:

35. The Site is traversed by unnamed tributaries to the Passaic River and as a result, contains overlapping Township-regulated stream buffer conservation areas and NJDEP regulated riparian zones. The stream buffer conservation area is comprised of a “zone one”, which extends twenty-five (25) feet from the top of each stream bank, and a “zone two”, which extends an additional two hundred seventy-five (275) feet. The outer boundaries of the stream buffer conservation areas coincide with the outer boundaries of the three hundred (300) foot wide riparian zones.

36. The proposed improvements encroach upon both the stream buffer conservation area (zone two) and the riparian zone. As to the riparian zone, the Applicant is working with the NJDEP to obtain the necessary permits. As to the stream buffer conservation area, within which the proposed improvements are not permitted under Section 21-14.4.d of the Township Ordinance, the Applicant requests a zone two waiver to eliminate the portion of zone two occupied by the parking area. Pursuant to Section 21-14.4.b.3(d):

“If the applicant submits a stream buffer management plan, in consideration of Subsection 21-14.4a, that proves to the satisfaction of the approving authority that a proposed vegetative or other enhancement to Zone One will eliminate the need for a Zone Two or a portion of Zone Two, the approving authority shall waive the requirement for a Zone Two or a portion of Zone Two, provided that the approved stream buffer management plan is implemented by the applicant.”

37. Here, the Board recognizes that the Applicant has submitted a Stream Buffer Conservation Area Waiver Justification letter and has stipulated, as a condition of approval, to complying with all applicable requirements. As such, the Board grants the requested waiver relief.

The Site Plan Exception Relief:

38. Pursuant to Section 21-34 of the Township's Land Development Ordinance, an exception may be granted from the ordinance requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions of such ordinance provisions, if the literal enforcement of one (1) or more provisions of the ordinance is impracticable or would exact undue hardship because of peculiar conditions pertaining to the land in question. The Board finds that the site plan exception for the excessive illumination in the vehicular area should be granted, since literal enforcement of the Land Use Ordinances would be impracticable and exact undue hardship upon the Applicant due to the size of the Property and need for sufficient lighting near the guardhouse to improve public safety. As such, the Board finds that the Applicant has demonstrated an entitlement to the requested site plan exception relief.

Waiver from Stormwater Management Requirements for a Minor Development:

39. Pursuant to Section 21-42.11.b.1 of the Ordinance, infiltration measures are required for rate/volume control of stormwater runoff. The Board finds that literal enforcement of this requirement is impracticable because the impervious coverage is de minimis and the run-off volume is so small that there is no impact on overall drainage run-off. Moreover, the existing stormwater management system handles the runoff and directs it to existing basins. As such, the waiver is reasonable and within the general intent of the Ordinance.

Preliminary and Final Site Plan Approval:

40. The Board further finds that, in accordance with Article VII of the Ordinance and Article 6 of the MLUL, good cause exists for granting the application for preliminary and final site plan approval, subject to the conditions of approval set forth below.

WHEREAS, the Board took action on this application at its meeting on April 6, 2022, and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g); and

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bernards, on the 4th day of May, 2022, that the application of Verizon Corporate Services Group, Inc., for preliminary and final site plan approval, subsection d(3) conditional use variance relief, bulk variance and site plan exception relief (including a zone two waiver), as aforesaid, be and is hereby granted, subject to the following conditions:

1. The Applicant shall post sufficient funds with the Township to satisfy any deficiency in the Applicant's escrow account and shall satisfy any outstanding taxes and/or municipal assessments prior to the issuance of any building permits;
2. The Applicant shall comply with the comments and recommendations set forth in the March 28, 2022 Review Memorandum prepared by the Board Planner, Mr. Schley, including making the following plan revisions:
 - a. Sheet C-101 – On the Tax Map and Aerial Map, label the R-4 Zone.
 - b. Sheet C-101 – Amend the Drawing Sheet Index to include the Wetland Conservation Easement Exhibit (sheet 1 of 1) and the Architectural Plan & Elevations (sheet A-1), and to reflect that the Control Point Associates survey is only one sheet.
 - c. Sheet C-101 – Add a note indicating the five lots comprising the subject property (lots 2, 3, 5, 6 & 23) have been consolidated into a single lot now known as lot 2.01. This lot consolidation was a requirement of the Board's 2020 site plan approval, and a declaration effecting the consolidation was recorded after the applicant filed the current application.

- d. Sheet C-201 – Label the existing pine tree that is to be removed.
- e. Sheet C-301 – Add a label indicating the parking expansion approved in 2021 is approved but not yet constructed.
- f. Sheet C-301 – Label subject lots 3, 5, 6 & 23 and all adjoining lots, and show the entire E-1/R-4 zone boundary. Correct the building envelope to reflect that the subject property is comprised of all five lots, not just lot 2.
- g. Sheet C-302 – Various items in the tables and related notes (e.g. the specified impervious coverages) must be revised to be consistent with the parking expansion site plan approved in 2021. Also, the proposed FAR/floor area must reflect the 48sf increase resulting from the guardhouse.
- h. Sheet C-302 – Revise the area of the proposed sign, which is shown as 5sf, to be consistent with the architectural plan, which shows a $\pm 1'-10''$ wide x $1'-7''$ high (± 2.9 sf) sign.
- i. Sheet C-302 – Show the minimum required 100' setback dimension from the southerly side property line as measured to the canopy at the rear of the guardhouse.
- j. Sheet C-302 – Label the guardhouse canopy lights, and correct the labeling of the front screen wall.
- k. Sheet C-302 – Add a note(s) identifying each required NJDEP determination, permit, etc., and indicating the status of each.
- l. Sheets C-302 thru C-801 – Label the adjoining lot to the south (lot 7) and show/label the E-1/R-4 zone boundary.
- m. Sheet C-701 – Identify the area (south of the security gates) where evergreen trees will be planted in conjunction with the Board's 2020 site plan approval.
- n. Sheet C-701 – Revise the Compliance Chart to eliminate references to proposed parking spaces, because no parking spaces are proposed.
- o. Sheet C-702 – Revise the lighting notes and details to specify that the proposed light pole foundations shall extend not more than a couple inches above ground level (consistent with existing light poles) and to specify that the proposed mounting heights are measured from ground level to the centerline of the light source.

- p. Sheets C-701 & C-703 – Revise the Landscape Plan and the Tree Removal & Replacement Calculations to show that all 14 required replacement trees are proposed to be planted on the Property, and delete the duplicative labeling of the trees to be removed.
 - q. Stream Buffer Conservation Easement Exhibit – Show the parking expansion approved in 2021 and add/revise labels to indicate the parking expansion is approved but not yet constructed and to indicate the associated zone two waiver areas are approved (not proposed).
 - r. Stream Buffer Conservation Easement Exhibit – Remove from the zone two waiver area the areas of proposed underground electric conduit. Utility transmission lines are permitted within zone two, provided that the land disturbance is the minimum required to accomplish the permitted use, and subject to compliance with an approved stream buffer management plan.
 - s. Conservation Easement Exhibit – Revise the easement boundaries and marker locations to be consistent with the parking expansion site plan approved in 2021.
3. The Applicant shall comply with the comments and recommendations set forth in the April 4 2022 Review Letter prepared by the Board Engineer, Mr. Quinn, including making the following plan revisions:
- a. The site plan sheet shall list the required NJDEP permits associated with the current proposal and indicate the status of same.
 - b. All plans shall clearly label the Flood Hazard Area Boundary which appears to encumber the northeasterly portion of the site including the current area of proposed work. This line appears to be present on the steep slopes map only and is unlabeled.
 - c. The demolition plan shall label the existing pine tree to be removed.
 - d. The overall plans shall label the previously approved parking area as approved but not yet constructed. This shall also be clarified on the wetland conservation easement plan which currently depicts nothing in that area.
 - e. The drawing sheet index shall reference all submitted plans that comprise the submission, including the Wetland Conservation Easement Plan and the Architectural Plan & Elevations.
 - f. The cover sheet shall label the 5 lots that comprise the parcel and include the R-4 zoning that impacts a portion of the tract.
 - g. The cover sheet shall be reviewed and revised as required to be consistent with the previous parking lot application, and shall reflect the increased FAR, albeit minor, reflected by the guard house.

- h. The site plan depicts a wall mounted sign of 5 square feet for the decorative screen on the entrance side of the Guard House, while the architectural appears to depict a smaller sign. This shall be clarified. Also this sign is shown to be backlit. The source of illumination, color and intensity of this lighting shall be included in the details on the plan.
 - i. The label for the decorative screen and sign shall be corrected as required. Also any lighting on the Guard House shall be labeled.
 - j. The compliance chart on Sheet C-701 includes a section on parking lots that requires clarification since no new parking is depicted or proposed.
 - k. The tree identification plans shall be revised delete the duplicate numbering and reflect the proposed planting of 14 trees.
 - l. The plan shall show where the proposed speed limit sign is to be located.
4. The illumination of the proposed logo on the 3' tall decorative wall shall be limited to the lettering/graphics portion of the sign, not the background, and the sign shall not be illuminated by any means other than the approved internal illumination;
 5. The Applicant shall not use the 'bump-out' area as a parking area for any type of vehicle. Vehicles may occupy the 'bump-out' area only temporarily, such as when the security officer requests a visitor to pull off to the side to provide additional information;
 6. The Applicant shall revise the plans to show the existing sanitary sewer line and easement, confirming that the proposed guardhouse is not located in the easement, and the Applicant shall obtain approval from the Bernards Township Sewerage Authority prior to any land disturbance within the easement;
 7. The Applicant shall submit for approval and thereafter shall implement a stream buffer management plan including measures necessary to offset the proposed disturbance to the stream buffer conservation area in accordance with Section 21-14.4.h.1 of the Townships Land Development Ordinance. The portion of zone two (2) that is requested to be waived shall be delineated on all future plan submissions and same shall be subject to the review and approval of the Township Engineering Department;
 8. The existing Wetlands Conservation Easement and Stream Buffer Conservation Easement shall be amended to reflect changes resulting from the approval of this application. Existing wetlands conservation easement boundary markers shall be relocated and/or supplemented accordingly. Since these same existing easements shall also be amended to reflect changes resulting from the parking expansion site plan approved in 2021, the amended easements shall, to the extent practicable, reflect the changes necessitated by both site plan approvals, so that the easements need to be amended only once. The amended easements shall be prepared by the Township Attorney, executed by the Applicant, and

recorded with the Somerset County Clerk prior to issuance of any permit. The wetlands conservation easement boundary markers must be installed, or bonded, prior to issuance of any permit;

9. The Applicant shall provide a copy of the plan for emergency services access to the location when the guardhouse is not occupied and same shall be subject to the review and approval of the Basking Ridge Fire Department prior to the issuance of any permit;
10. The Applicant shall obtain all required permits and approvals from the NJDEP;
11. The soil erosion and sediment control plan shall be subject to the review and approval of the Somerset-Union Soil Conservation District;
12. The Applicant shall attend a pre-construction meeting with the Township Engineering Department prior to the start of any construction activity;
13. The Applicant shall submit digital copies of all plans and documents in formats acceptable to the Township Engineering Department;
14. The Applicant shall submit development fees pursuant to Section 21-86 of the Township's Ordinance, if applicable;
15. The aforementioned approval shall be subject to all State, County and Township statutes, ordinances, rules and regulations affecting development in the Township, County and State. The Applicant shall obtain permits and/or approvals from all applicable agencies and/or departments, including but not necessarily limited to the Sewerage Authority, New Jersey Department of Transportation, and the Somerset-Union Soil Conservation District;
16. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, **including prior Planning Board and Zoning Board of Adjustment approvals**, to the extent same are not inconsistent with the terms and conditions set forth herein; and
17. Pursuant to the Board's Rules and Regulations, the following time limitation conditions shall apply to any approval, unless modified by the Board. The applicant should indicate whether any changes are requested to any of the Board's standard time limitation conditions.
 - A. Revisions to Plans. Revisions to the submitted plans and other documents, as may be required as conditions of approval, shall be made, and the plans signed by the Board Secretary, within one year of the adoption of the Board's resolution. In the event that the applicant fails to make the revisions as required and/or fails to obtain signatures on the plans as required, all within said time period, or extension

thereof as granted by the Board, the approval shall expire and become automatically null and void.

- B. Time to Obtain Construction Permits, Commence and Complete Construction, and Obtain Certificates of Occupancy. The applicant shall apply for and obtain a construction permit within two years of the adoption of the Board's resolution. If during said two year period, or extension thereof as granted by the Board, the applicant fails to obtain a construction permit, the approval shall automatically expire and become null and void. The applicant shall also have one year from the date of issuance of the construction permit to commence construction and obtain a permanent certificate of occupancy. If during said one year period, or extension thereof as granted by the Board, work is not commenced and/or a permanent certificate of occupancy is not obtained, the approval shall automatically expire and become null and void.

ROLL CALL VOTE:

Those in Favor: Baumann, Cambria, Genirs, Kraus, Pavlosky, 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 meeting on May 4, 2022.

Cyndi Kiefer

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

Dated: May 4, 2022