

BERNARDS TOWNSHIP **ZONING BOARD OF ADJUSTMENT**

MINUTES

Regular Meeting

February 7, 2018

CALL TO ORDER

Vice Chairman Breslin called the meeting to order at 7:35 PM.

OPEN MEETING STATEMENT

Vice Chairman Breslin 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: Breslin, Bellows, Genirs, Kleinert, Lane, Pozner, Zaidel.

Members Late: NONE

Members Absent: Mastrangelo, Rhatican; On motion by Mr. Zaidel, second by Ms. Genirs, the absences of Vice Chairman Breslin (01/03/18), Chairman Rhatican (02/07/18) and Ms. Mastrangelo (02/07/18) were excused by unanimous Voice Vote.

Also Present: Board Attorney, Steven K. Warner Esq.; Township/Board Planner, David Schley, PP, AICP; Board Engineer, Sam Koutsouris, EIT; Board Secretary, Cyndi Kiefer.

Because of technical difficulties with the recording system, the Executive Session agenda item was moved forward.

EXECUTIVE SESSION

Resolution authorizing a closed session for the purpose of: discussion of a proposed adjustment to the hourly rate for the Zoning Board of Adjustment attorney.

Ms. Genirs motioned, Mr. Lane seconded and by unanimous Roll Call Vote, the Open Session of the meeting was recessed at 7:38 PM.

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Ms. Genirs motioned, Ms. Pozner seconded and by unanimous Roll Call Vote, the Open Session of the meeting was reconvened at 7:46 PM.

APPROVAL OF MINUTES

December 6, 2017 - Regular Session - Mr. Zaidel moved approval of the minutes as drafted. Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Zaidel.

Nay: NONE

Motion carried.

January 3, 2018 -Regular & Reorganization Sessions - Ms. Genirs moved approval of the minutes as drafted. Mr. Zaidel seconded.

Roll Call:

Aye: Bellows, Genirs, Kleinert, Lane, Posner, Zaidel.

Nay: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Eorio, Daniel & Lyndsey, Block 1602, Lot 12; 157 South Maple Avenue; Bulk Variances (addition); #ZB17-041.

Present: Jay M. Petrillo, AIA, Architect for the Applicant
Daniel Eorio, Applicant

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

Daniel Eorio, the applicant, briefly described the proposed addition to the board members.

Jay M. Petrillo, AIA, whose work address is 38 Hardscrabble Road, Basking Ridge, NJ was accepted as an expert in the field of architecture.

Mr. Petrillo stated that he had proposed a series of additions for the property. He then gave an overview of the plans for the addition proposed in this application which included a laundry room, powder room, coat closet and utility closet, all of which would be on the first floor.

In addition to the relief originally requested, two (2) additional variances were required. A variance for total lot coverage was now being sought since the actual impervious coverage exceeded the calculations originally submitted. **Exhibit A-1**, a revised Dimensional Statistics Sheet was entered into evidence. The second additional variance, the side yard setback (north) variance, was being requested for an existing shed. Mr. Warner opined that the content of the published notice with the "catch all" phrase was sufficient to cover these additional variances.

Mr. Petrillo testified that the property itself was smaller and narrower than what was required and that these nonconformities contributed to the hardship experienced by the applicant. He stated that the proposed addition would be a visual enhancement to the neighborhood and that there were no detriments.

In response to a question, Mr. Eorio testified that moving the shed to a conforming location would encroach on his children's play area. He added that he had had no complaints from the neighbors concerning its current location and that the neighbors were very supportive of the plans for the addition. Finally, Mr. Eorio stated that the addition and existing dwelling would be substantially similar in color, materials and architectural detail.

The meeting was opened to the public for questions and/or comments. There were none.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for both a "c(1)" or "hardship" variance and "c(2)" or "flexible c" variance for the first three (3) variances. They felt that the shed setback qualified for a "c(2)" variance and that the negative criteria had been satisfied for all relief requested.

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. Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Breslin, Genirs, Kleinert, Lane, Pozner, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Dreyling, Erin & Aron, Jessie; Dreyling, Roger & Andrea; Block 7201, Lot 5.01; 128 South Stonehedge Drive; Bulk Variances (additions); #ZB17-038.

Present: Jonathon E. Booth, AIA, Architect for the Applicants
Erin Dreyling & Jessie Aron, Applicants
Roger & Andrea Dreyling, Applicants

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

Roger Dreyling, the applicant, listed his current address as 1700 Perrineville Road, Monroe Township, NJ, and stated that he and his wife, Andrea, wanted to move into the South Stonehedge Drive dwelling with his daughter, son-in-law and their three (3) grandchildren who currently live there. He briefly described the proposed two (2) additions.

Jonathon E. Booth, AIA, whose work address is 33 Bullion Road, Basking Ridge, New Jersey, was accepted by the Board as an expert in the field of architecture.

Mr. Booth gave a brief overview of the subject property noting that it fronted on both South Stonehedge Drive and Annin Road, giving it two (2) front yards. He testified that the proposed project required two (2) rear yard setback variances (one for each addition) and one (1) front yard setback variance (for the garage addition).

Mr. Zaidel expressed concern that the existing pool house area gave the appearance of a second living area. **Exhibit A-1**, a Weichert Realtors sales brochure from the purchase of the house by the applicants was entered into evidence. Roger Dreyling testified that there was only one kitchen and it was located in the main portion of the house. Mr. Aron testified that there were no cooking facilities in the pool house.

The applicants also stipulated to the comments in Mr. Schley's memo dated January 31, 2018.

Vice Chairman Breslin opened the meeting to the public for questions only.

Michael S. Barth, 14 Annin Road, Far Hills, questioned Mr. Booth as to whether he had investigated any conforming locations for the garage. **Exhibit A-2**, a colorized version of Sheet S-1 of 2, "Site Plan - Zoning Schedule" prepared by Mr. Booth, was entered into evidence and used to show that there were no logical locations. Mr. Barth then questioned the potential drainage issues that might be caused by the additions. Mr. Booth noted that the proposal would create 993 square feet of new impervious coverage and that no water runoff remediation was required by Township ordinance for projects under 1,000 square feet of new coverage.

Lisa B. Wood, 120 South Stonehedge Drive, Far Hills, also questioned the effect of the proposed additions on drainage. Mr. Booth responded that the roof leaders of both additions could be connected to the existing drainage system to limit surface runoff. Mr. Koutsouris testified that tying the roof leaders into the existing conveyance system would avert any additional run off provided that the applicant could prove that that system was delivering the runoff to the cul-de-sac. This option would actually exceed the requirements of the ordinance and the applicants stipulated to this.

Hearing no further questions from the public, the meeting was opened for comments from the public.

Michael S. Barth, 14 Annin Road, Far Hills, was duly sworn by Mr. Warner and commented on drainage issues.

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

The applicants stipulated to submitting a survey as confirmation that the existing system drained into the cul-de-sac.

Mr. Lane 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 subject to the conditions stipulated to by the applicants (*including* a survey requirement).

Mr. Zaidel opined that the applicants had satisfied the positive criteria required for a "c(1)" or "hardship" variance and that the negative criteria has also been satisfied. He then moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the relief requested by the applicants subject to the conditions stipulated to by the applicants and as stated during deliberations (*excluding* a survey requirement). Second by Ms. Pozner.

Mr. Warner opined that because the first motion failed to receive a second before Mr. Zaidel's motion was made *and* seconded, the ensuing vote was taken based on Mr. Zaidel's motion.

Roll Call:

Aye:	Bellows, Breslin, Kleinert, Pozner, Zaidel.
Nay:	Genirs, Lane.
Abstain:	NONE

Motion carried.

At 9:40 PM, Vice Chairman Breslin called for a brief recess.

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The Open Session of the meeting was reconvened at 9:48 PM.

COMPLETENESS AND PUBLIC HEARING

Dwek, David, Morris, Jamie; Block 5901, Lot 23; 5 Joanna Court; Bulk Variances (addition); #ZB17-040.

Present:	David Dwek, Jamie Morris, Applicants Allen Morris, Applicant's Father
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The Board's professionals, the Applicants and Allen Morris were duly sworn by Mr. Warner.

Ms. Morris, the applicant, stated that although the proposed expansion of the second floor for a bedroom, bathroom and laundry room would be totally within the existing footprint of the dwelling, it would still require a floor area variance. In addition, they were seeking a variance for the additional lot coverage associated with a shed, pool patio and walkways installed by the previous owners without any approvals.

The applicants addressed the comments made in Mr. Schley's memo dated January 31, 2018.

The applicants stipulated to obtaining the required permits to move the existing shed and to have it moved to a conforming location within six (6) months.

Ms. Morris testified that the neighbors were in support of the project.

The meeting was opened to the public for questions and/or comments. There were none.

Mr. Warner advised the board members that in addition to the two (variances) being sought for floor area and lot coverage, the applicants were seeking a waiver from §21-42.1.f.2 (soil erosion, sediment control and stormwater remediation requirements) for the additional impervious coverage created by the previous owner.

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. 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 and for the waiver requested by the applicants subject to the conditions stipulated to by the applicants and as stated during deliberations. Ms. Pozner seconded.

Roll Call:

Aye: Breslin, Bellows, Genirs, Kleinert, Lane, Pozner, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Klinger, Stephen/Musso, Meghan; Block 2001, Lot 34; 65 South Alward Avenue; Bulk Variances (addition); #ZB17-042.

Present: Jonathon E. Booth, AIA, Architect for the Applicants
Stephen Klinger, Meghan Musso, Applicants

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

Mr. Klinger, the applicant, testified that the application proposed to remove an existing detached two-car garage, an existing rear deck and portions of an existing driveway and to construct an addition consisting of an attached two-car garage and expansion of living area including an open porch and a patio. He noted that the neighbors surrounding the subject property were in support of the project.

Mr. Klinger testified that the addition would be substantially the same or similar in color, materials and architectural design as the existing dwelling. This was the final phase of a series of renovations and there were no plans for any further development.

Jonathon E. Booth, AIA, whose work address is 33 Bullion Road, Basking Ridge, New Jersey, was accepted by the Board as an expert in the field of architecture.

Mr. Booth testified that the project would bring the driveway into conformity and that there would be a net reduction in lot coverage. He addressed the comments in Mr. Schley's memo of January 31, 2018.

There were no questions or comments from the public.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for 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. Lane seconded.

Roll Call:

Aye: Breslin, Bellows, Genirs, Kleinert, Lane, Pozner, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

APPROVAL OF RESOLUTION

Resolution #18-06: Professionals Services Contract for 2018 for Zoning Board of Adjustment Attorney awarded to Steven K. Warner, Esq., of the firm Ventura, Miesowitz, Keough & Warner PC - hourly rate adjustment.

Ms. Genirs moved approval of the resolution as drafted. Second by Mr. Lane.

Roll Call:

Aye: Breslin, Bellows, Genirs, Kleinert, Lane, Pozner, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

COMMENTS FROM MEMBERS OR STAFF

It was agreed that the Zoning Board of Adjustment special meeting scheduled for February 15, 2018 would be cancelled.

Ms. Kiefer advised the board members that they would have to complete a stormwater management online class within six (6) months and that the link to the class would be sent to them shortly.

ADJOURNMENT

Ms. Pozner motioned, Mr. Lane seconded and by unanimous Voice Vote, the meeting was adjourned at 10:18 PM.

Respectfully submitted,



Cyndi Kiefer, Secretary
Zoning Board of Adjustment