

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

SPECIAL MEETING AGENDA v3

Warren Craft Meeting Room
March 11, 2021
7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. In addition, the public will be able to view the meeting live on Optimum/Cablevision TV – Channel 15 and Verizon FIOS TV – Channel 35 and the meeting will also be streamed live for those interested in watching on their computers. The link will be available at 7:30 PM by clicking on the “Watch the Meeting Live” icon on the Bernards Township homepage. During the meeting, questions and/or comments from the public will be accepted **only** during the public questions and /or comments periods of the meeting. Those questions/comments may be offered in person at the hearing or by calling 908-202-6426. Please use Google “Duo” for your call. You will be required to provide your name and address and be sworn in prior to making comments. If at all possible, please register your telephone number with the Board Secretary (ckiefer@bernards.org or 908-204-3026) prior to the meeting.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. COMPLETENESS AND PUBLIC HEARING**
 - A. [Burcat, Joseph & Adrienne](#); Block 2701, Lot 32; 153 Spencer Road; Bulk Variances; ZB21-005**
- 6. PUBLIC HEARING**
 - A. [Verizon Corporate Services Group Inc.](#); Block 803, Lots 2, 3, 5, 6, 23; 300 North Maple Avenue; Preliminary/Final Site Plan, Conditional Use Variance, Bulk Variances; ZB21-001**
- 7. COMMENTS FROM MEMBERS**
- 8. COMMENTS FROM STAFF**
- 9. ADJOURN**

03/10/2021 dssw

TOWNSHIP OF BERNARDS
2021 ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

JAN 14 2021

- | | |
|--|---|
| <p><input type="checkbox"/> Bulk or Dimensional ("c") Variance</p> <p><input type="checkbox"/> Use ("d") Variance</p> <p><input type="checkbox"/> Conditional Use ("d") Variance</p> <p><input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance</p> <p><input type="checkbox"/> Site Plan - Preliminary / Final</p> | <p><input type="checkbox"/> Appeal of Zoning Officer's Decision</p> <p><input type="checkbox"/> Interpretation of Zoning Ordinance</p> <p><input type="checkbox"/> Minor Subdivision</p> <p><input type="checkbox"/> Major Subdivision - Preliminary / Final</p> <p><input type="checkbox"/> Other (specify):</p> |
|--|---|

1. APPLICANT: Joseph and Adrienne Burcat
Address: 153 Spencer Road, Basking Ridge, NJ 07920
Phone: (home) 908-204-8908 (work) 732-565-5711 (mobile) _____
Email (will be used for official notifications): burcat@earthlink.net

2. OWNER (if different from applicant): _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):
Name: Ann Sears - ANDesign LLC Profession: Architecture - Design
Address: 36 Demarest Rd., Sparta, NJ 07871
Phone: 973-300-1100 Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 2701 Lot(s): 32 Zone: R2
Street Address: 153 Spencer Rd Total Area (square feet/acres): _____

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

☒ No ☐ Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: Single

Family 3 bedroom 2 bath Ranch with deck - add 2nd story so it becomes 2 story 4 bedroom 3.5 bath single family home with additional deck, above ground pool & hot tub on new deck

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

- 12-15.1(D) 1 + table 501 - Required is 100' and existing is 75.7' - proposed to build on top
- 21-8.1 Pool shall be located behind rear building line of existing residential dwelling

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

- House currently is in the setback and we are adding a second story
- House is located on a sharp curve in Road - rear line of neighboring house is at a near 90° angle to ours.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Joseph Burcat and Adrienne Burcat hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): _____ and _____

Sworn and subscribed before me, this 13TH day of JANUARY, 2021.

Notary

CYNTHIA KIEFER
Notary Public - New Jersey
Commission #2442187
Expires 01/10/24

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

TOWNSHIP OF BERNARDS

2021 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input checked="" type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input checked="" type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Appeal of Zoning Officer's Decision
<input type="checkbox"/> Interpretation of Zoning Ordinance
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision - Preliminary / Final
<input type="checkbox"/> Other (specify): |
|--|--|

RECEIVED

JAN 21 2021

PLANNING/ZONING BOARDS

1. APPLICANT: Verizon Corporate Services Group, Inc.

Address: One Verizon Way, Basking Ridge, New Jersey 07920

Phone: (home) 908-373-2110 (work) (mobile)

Email (will be used for official notifications): abhilasha.bhalani@verizon.com

2. OWNER (if different from applicant): Same as Applicant.

Address:

Phone: Email (will be used for official notifications):

3. ATTORNEY: Steven J. Tripp, Esq. c/o Wilentz, Goldman & Spitzer, P.A.

Address: 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095

Phone: 732-855-6076 Email (will be used for official notifications): stripp@wilentz.com

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: David F. Wisotsky, P.E. c/o Bohler Engineering Profession: Professional Engineer

Address: 30 Independence Boulevard, Suite 200, Warren, New Jersey 07059

Phone: 908-668-8300 Email (will be used for official notifications): dwisotsky@bohlereng.com

5. PROPERTY INFORMATION: Block(s): 803 Lot(s): 2, 3, 5, 6 and 23 Zone: E-1

Street Address: 300 North Maple Avenue Total Area (square feet/acres): 34.991

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☐ No ☒ Yes (if yes, explain or attach Board resolution) See attached Rider.

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) None.

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

[] No [X] Yes (if yes, explain) See attached Wetlands Conservation and Stream Buffer Conservation Easements.

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____

See attached Rider.

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

See attached Rider.

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

See attached Rider.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Abhilasha Bhalani Patel and _____ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): Abhilasha Patel and _____

Sworn and subscribed before me, this 1/29 day of January, 2021

[Signature]
Notary

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

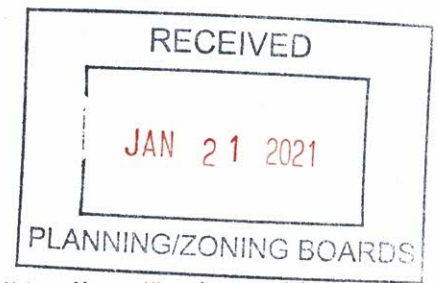
If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Rider



A. Introduction

Applicant, Verizon Corporate Services Group, Inc. (the “Applicant”), is seeking preliminary and final major site plan approval, conditional use and bulk variances, and design waivers in connection with the proposed construction of additional parking at the property located at 300 North Maple Avenue, Bernards Township, New Jersey 07920, identified as Block 803, Lots, 2, 3, 5, 6, and 23 on the Bernards Township Tax Map (the “Site”).

The Site is located in the E-1 (Office / Laboratory) Zone (the “E-1 Zone”) and contains the Ridge, a “conference inn,” which is a conditionally permitted use in the E-1 Zone. See Section 21-10.5a(3)(b); see also, Section 21-12.3(i). The Applicant is proposing to remove the tennis courts located on the northwestern portion of the Site, adjacent to Interstate Route 287 (“Route 287”), and to replace the courts with a parking lot containing fifty (50) spaces. This will increase the on-site parking from 379 to 429 spaces. Also proposed is the construction of a drive aisle connecting the new parking lot to the existing parking area. The parking spaces will be 9’ wide and 18’ long where a 2’ overhang is provided, and 9’ wide and 20’ long where a 2’ overhang is not provided, in accordance with Section 21-39.1b. As such, all proposed parking spaces comply with the ordinance.

B. Conditional Use Variance

The Bernards Township Planning Board (the “Planning Board”) previously approved the parking layout on the Site, in four (4) resolutions dating back to 1986. First, in 1986, the owner-applicant, AT&T Resource Management Corporation (“AT&T”), obtained site plan approval with a variance for the required number of parking and a modification as to parking stall width. See Exhibit A. Then, in 1991, AT&T obtained amended site plan approval with similar relief,

including approval of 9' x 18' parking spaces. See Exhibit B. In 1992, AT&T obtained further amended site plan approval, again allowing 9' x 18' parking stalls. See Exhibit C.

Finally, in 1997, AT&T obtained amended preliminary and final site plan approval to permit construction of 66 additional parking spaces and installation of various related improvements. See Exhibit D. The Board noted in its Resolution that “[i]n order to construct the additional parking spaces, the applicant proposes to cut into the back side of the berm which was installed to buffer the complex from I-287 and install a retaining wall.” Ibid. The Resolution continued:

The retaining wall, some of the proposed lighting stanchions, and some of the parking spaces will be located as close as 30 feet to the property line. Ordinance §21-22.1b3(b) is a site design standard (and not a zoning regulation) which provides that parking areas must be a minimum of 50 feet from the property lines. The applicant has therefore applied for an exception or waiver from this site design standard along with the amended preliminary and final site plan application.

[Ibid.]

Notably, the Planning Board treated the portion of the Site abutting Route 287, where the Applicant’s proposed new parking area is to be constructed, as a side yard, requiring only a 50-foot setback.

Here, the Applicant is providing a setback of 51.2 feet from the closest parking space in the new lot to Route 287. If the yard abutting Route 287 were to continue to be treated as a side yard, as it has been historically, the proposed parking would be in compliance with the 50-foot requirement in Section 21-22.1b(3)(b). The Applicant has been advised, however, that the yard abutting Route 287 is now being treated as a front yard, requiring a setback from Route 287 of 150 feet. Pursuant to Section 21-12.3(i)(19), one of the conditions for a conference inn, as a conditional use, is that it must meet “[a]ll other applicable requirements of this chapter for the

zone.” Thus, the Applicant requires a d(3) conditional use variance to permit a front yard setback adjacent to Route 287 of 51.2 feet, where 150 feet is required.

An applicant’s burden of proof for a conditional use variance is to demonstrate that the site continues to be appropriate for the conditional use notwithstanding the deviation from one or more conditions. In this regard, an applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions established to address those problems. See Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994).

Here, the applicant can easily meet this burden. As noted above, the prior resolutions approving the existing use for the Site treated the yard abutting Route 287 as a side yard, and relief was granted to permit parking less than 50 feet from the Route 287 property line. The only reason that relief is required for this application is a change in interpretation, pursuant to which the yard abutting Route 287 is now considered a front yard with a 150 foot setback. The additional parking lot proposed in this application will be set back further from Route 287 than the existing parking along the Route 287 frontage. Moreover, the parking lot also will have a greater setback from Route 287 than the tennis courts it is replacing. Thus, the Applicant’s proposal will bring the Site closer to compliance with the Ordinance as it relates to the front yard setback adjacent to Route 287. As such, the site continues to be appropriate for the use, notwithstanding a deviation from the newly interpreted requirement of a 150 foot parking setback from Route 287.

C. Bulk Variances and Design Waivers

The Applicant is also requesting two (c) variances from the steep slope provision of the ordinance, as follows:

1. Section 21-14.2b(2)(b) – Areas with slopes ranging from 20% to 25% shall have disturbed areas limited to 20% of that slope category. The Applicant is proposing to disturb 21.4% of the slope area for slopes ranging from 20% to 25%; and
2. Section 21-14.2b(3) – In areas with slopes greater than 25%, no development, regarding, or strip of vegetation shall be permitted unless the disturbance is for roadway crossings or utility construction and it can be demonstrated that the roadway or utility improvements are necessary in the sloped area for the improvement to exist. The Applicant is proposing to disturb 9.15% of the slope area for slopes greater than 25%.

The disturbance of steep slopes occurs solely within previously disturbed areas that were constructed as part of the conference inn development, including the berm, sidewalks, areas adjacent to the tennis court, and other man-made features. None of the slopes to be disturbed are natural slopes. Disturbance of these existing disturbed areas is necessary to ensure that the grades in the proposed parking lot are safe for purposes of pedestrian and vehicle circulation. It should be noted that the slope disturbance calculations are very conservative, as they are based only on areas within the partial topographic survey, which comprises approximately one-third (1/3) of the total Site. If the entire site was considered, the percentage of slopes disturbed in each slope range would be reduced.

The Applicant also is requesting the following design waivers:

3. Ordinance Section 21-41.3 – the maximum average maintained horizontal illumination for vehicular roadways in non-residential areas is 0.9 FC. The Applicant is proposing 1.79 FC; and
4. Ordinance Section 21-41.3 – the maximum average maintained horizontal illumination for sidewalks in non-residential areas is 0.9 FC. The Applicant is proposing 1.32 FC.

The enhanced lighting levels are necessary for site safety in the parking areas and driveway. The lighting will not impact any neighboring properties, given the distances and the fact that house side shields are proposed for all light fixtures.

D. Existing Easements

There are existing wetlands conservation and stream buffer conservation easements on the site. The Applicant is proposing slight modifications to these easement areas, based on a new wetlands delineation and flood hazard area applicability determination filed with DEP. Copies of the existing conservation easements, a conservation easement map showing the proposed changes, and the DEP applications are included with this site plan application.