

# **TOWNSHIP OF BERNARDS** **ZONING BOARD OF ADJUSTMENT**

## **REGULAR MEETING AGENDA v2**

Warren Craft Meeting Room  
May 5, 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. **Please register your telephone number with the Board Secretary ([ckiefer@bernards.org](mailto: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. APPROVAL OF MINUTES**
  - A.** April 7, 2021 – Regular Session
- 6. APPROVAL OF RESOLUTIONS**
  - A.** Verizon Corporate Services Group Inc.; Block 803, Lots 2, 3, 5, 6, 23; 300 North Maple Avenue; ZB21-001 (approved)
- 7. COMPLETENESS AND PUBLIC HEARING**
  - A.** [Vial, Louis & Nellie](#); Block 2004, Lot 2; 10 Brook Avenue; Bulk Variance; ZB21-008
  - B.** [Simao, Salvador & Sofia](#); Block 4301, Lot 67.02; 20 Canoe Brook Lane; Bulk Variance; ZB21-009
  - C.** [Sefchovich, P./Bonilla, T.](#); Block 4802, Lot 1.03; 91 Queen Anne Drive; Bulk Variance; ZB21-010
  - D.** [Lesnik, Howard & Keri](#); Block 1803, Lot 1; 6 Cedar Street; Bulk Variance; ZB21-011
  - E.** Naulty, David & Carrie; Block 6303, Lot 16; 1 Pin Oak Court; Bulk Variance; ZB21-012 (*to be carried to 06/17/2021 with no further notice*)
- 8. COMMENTS FROM MEMBERS**
- 9. COMMENTS FROM STAFF**
- 10. ADJOURN**

05/03/2021 dssw

RECEIVED

JAN 21 2021

# TOWNSHIP OF BERNARDS

## 2021 ZONING BOARD OF ADJUSTMENT APPLICATION

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

**1. APPLICANT:** Nellie and Louis Vial  
 Address: 10 Brook Avenue, Basking Ridge, NJ 07920  
 Phone: (home) 908-766-0372 (work) \_\_\_\_\_ (mobile) 201-213-0050  
 Email (will be used for official notifications): nellievial@gmail.com

**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: Joseph Kalnas Profession: Contractor  
 Address: 8 Route 31, Flemington, NJ 08822  
 Phone: 908-713-1000 Email (will be used for official notifications): Joe@MyDeck.com

**5. PROPERTY INFORMATION:** Block(s): 2004 Lot(s): 2 Zone: R7  
 Street Address: 10 Brook Avenue Total Area (square feet/ acres): 33,482 sq ft

**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) Wetlands conservation easement - rear yard

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

Remove existing deck and replace with newly constructed deck including partially covered area and semi-recessed swim spa / hot tub.

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

Seeking relief from ord. 21-18. 1-spa location behind rear building line of adjacent lot. The proposed work will be no more visible than a deck. Railings block view and spa is contained within deck structure and as such would not adversely affect the intent of the ordinance

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

Due to the size of the swim spa / hot tub it falls under a pool and must be placed behind rear line of dwellings on adjoining lots. It can only be placed in this location as it would be too far back and (in the woods) to comply with this. (See photos)

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

**APPLICANT(S) SIGN HERE:**

I/we Nellie Vial and Louis Vial 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): Nellie and Louis

Sworn and subscribed before me, this 20<sup>th</sup> day of JANUARY, 2021

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**

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JAN 21 2021

PLANNING/ZONING BOARDS

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

1. APPLICANT: SALVADOR SIMAO & SOFIA SIMAO

Address: 30 CANOE BROOK LAKE FAR HILLS 07931

Phone: (home) 201 362 3600 (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email (will be used for official notifications): salsimao@gmail.com

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: RICHARD NUSSER, P.E. Profession: ENGINEER

Address: \_\_\_\_\_

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

5. PROPERTY INFORMATION: Block(s): 4301 Lot(s): 67.02 Zone: R-1

Street Address: 20 CANOE BROOK LAKE Total Area (square feet/acres): 151,630 SF / 3.489 Ac

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) CONSERVATION EASEMENT

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

RESIDENTIAL SINGLE FAMILY PROPERTY IN R-1 ZONE

REQUESTING TO INSTALL AN INGROUND POOL, SPA, & POOL PATIO

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

BY ORDINANCE POOL MUST BE BEHIND ADJACENT  
NEIGHBORS HOUSES

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

EXISTING ROAD CURVES SUCH THAT PROPOSED POOL  
AND SPA WILL BE FORWARD OF ADJACENT DWELLINGS

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

APPLICANT(S) SIGN HERE:

I/we, Sal Simao and Sofia Simao 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):

Sworn and subscribed before me, this 21 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**  
**2020 ZONING BOARD OF ADJUSTMENT APPLICATION**

PLANNING/ZONING BOARDS

JAN 25 2021

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

1. **APPLICANT:** Phil Sefchovich and Tamara Bonilla

Address: 91 Queen Anne Dr., Basking Ridge, NJ 07920

Phone: (home) 908-340-4356 (work) 908-927-1891 (mobile) 310-990-7866

Email (will be used for official notifications): p-sefchovich@hotmail.com

2. **OWNER** (if different from applicant): N/A

Address: \_\_\_\_\_

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

3. **ATTORNEY:** N/A

Address: \_\_\_\_\_

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

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

Name: Thomas W. Skrabale Profession: Consulting Engineer

Address: 65 Ramapo Valley Road, Suite 213, Mahwah, NJ

Phone: 201-529-5010 Email (will be used for official notifications): \_\_\_\_\_

5. **PROPERTY INFORMATION:** Block(s): 4802 Lot(s): 1.03 Zone: R4

Street Address: 91 Queen Anne Drive Total Area (square feet/acres): 1.5 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 [X] Yes (if yes, explain) See attached property survey.

**9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:** Single family detached residence. Request approval for backyard patio, gazebo and spa. Given the size of the spa, for purposes of this request, given the proposed size of the spa, it is classified as a pool.

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

Spa to exceed 8' x 8'. Section 21-18.1 pool not located behind rear building line of adjacent dwellings.

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

Brings the house on par with those of my neighbors. It will enhance the neighborhood. Not a detriment to my neighbors since the backyard is completely buffered.

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

**APPLICANT(S) SIGN HERE:**

I/we, Phil J. Sefcharich and Tamara Bonilla 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): [Signature] and [Signature]

Sworn and subscribed before me, this 16 day of Jan, 2020. 2021

[Signature]  
Notary

**SURENDAR REVURI**  
NOTARY PUBLIC OF NEW JERSEY  
ID # 50002731  
My Commission Expires 9/4/2024

**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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary



**TOWNSHIP OF BERNARDS**  
**2021 ZONING BOARD OF ADJUSTMENT APPLICATION**

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

**1. APPLICANT:** Howard and Keri Lesnik

Address: 6 Cedar St. Basking Ridge, New Jersey 07092

Phone: (home) \_\_\_\_\_ (work) 908-264-7701 (mobile) 973-819-5601

Email (*will be used for official notifications*): howardlesnik@gmail.com

**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: Jeff Egarian, PE Profession: Engineer

Address: 271 Route 46 West, Suite G208, Fairfield NJ 07004

Phone: 973-898-1401 Email (*will be used for official notifications*): jeffegarian.com

**5. PROPERTY INFORMATION:** Block(s): 1 Lot(s): 1803 Zone: \_\_\_\_\_

Street Address: 6 Cedar Street Total Area (*square feet/acres*): 30,059 sq. ft/

**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?**

[X] No [ ] Yes (if yes, explain) \_\_\_\_\_

**9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:** \_\_\_\_\_

Single family residence pool installation in the rear yard of existing dwelling on property identified herein. \_\_\_\_\_

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

A variance for locating an inground swimming pool not behind the rear building line of existing residential structures on adjoining lots, in violation of Section 21- 18.1 of the Land Development Ordinance \_\_\_\_\_

**11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:** \_\_\_\_\_

Applicant's home is situated on a corner lot and because of the location of the property, there is no acceptable conforming location on the property for the placement of a pool. \_\_\_\_\_

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

**APPLICANT(S) SIGN HERE:**

I/we, Howard Lesnik and Keri Lesnik 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): Howard Lesnik and Keri Lesnik

Sworn and subscribed before me, this 13<sup>th</sup> day of January, 2021.

Betty L. Fabrizio  
Notary

BETTY L. FABRIZIO  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 2274137  
My Commission Expires 7/18/2021

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

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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