

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

## **REGULAR MEETING AGENDA v3**

Warren Craft Meeting Room

September 8, 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. 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 Zoning Board of Adjustment web page. Please note that all questions/comments must be made in person.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
  - A. August 4, 2021 – Regular Meeting
- 6. APPROVAL OF RESOLUTIONS**
  - A. Caesar, Albert & Stephanie; Block 5302, Lot 3; 24 Post Terrace; ZB21-022 (approved)
  - B. Weisfelner, B./Jackson, R.; Block 9501, Lot 37; 22 High Meadow Road; ZB21-019 (approved)
  - C. Fabian, Matthew & Michelle; Block 6902, Lot 14; 20 Addison Drive; ZB21-021 (approved)
  - D. Verb, G./Williams-Verb, C.; Block 11501, Lots 11 & 12; 33 Long Road; ZB21-024 (approved)
  - E. Utz, John W.; Block 11102, Lot 3; 33 Rickey Lane; ZB19-001 (withdrawn)
  - F. Pyramid Healthcare Inc.; Block 2401, Lot 4; 170 Mt. Airy Road; ZB21-025 (withdrawn)
- 7. PUBLIC HEARING** (continued from 06/09/2021)
  - A. [Kenken LLC](#); Block 1805, Lot 42; 1 Brownlee Place; Preliminary/Final Site Plan, Use, Floor-Area-Ratio, Bulk Variances; ZB21-014
- 8. DISCUSSION OF THE 2020 ANNUAL REPORT AND RECOMMENDATIONS**
- 9. COMMENTS FROM MEMBERS**
- 10. COMMENTS FROM STAFF**
- 11. ADJOURN**

08/26/2021 dssw

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

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

**1. APPLICANT:** Kenken LLC

Address: 1 Brownlee Place, Basking Ridge, NJ 07920

Phone: (home) \_\_\_\_\_ (work) 908-766-4630 (mobile) 973-632-0490

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

**2. OWNER** (if different from applicant): \_\_\_\_\_

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

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

**3. ATTORNEY:** Jason R. Rittie, Esq.

Address: Einhorn Barbarito - 165 East Main Street, Denville, New Jersey 07834

Phone: 973-586-4944 Email (will be used for official notifications): jrirtie@einhornlawyers.com

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

Name: Kenneth J. Fox, AIA PP Profession: Architect/ Planner

Address: 546 State Route 10 West Ledgewood, NJ 07852

Phone: 973-970-9355 Email (will be used for official notifications): kfox@foxarch.com

**5. PROPERTY INFORMATION:** Block(s): 1805 Lot(s): 42 Zone: B-1

Street Address: 1 Brownlee Place Total Area (square feet/acres): 13,008.5 / 0.29 +/-

**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: \_\_\_\_\_

See Rider attached hereto and made a part hereof.

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

See Rider attached hereto and made a part hereof.

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

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

APPLICANT(S) SIGN HERE:

I/we, Kenken LLC and Ricky Pennisi 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 \_\_\_\_\_

Sworn and subscribed before me, this 5 day of February, 2021.

[Signature]  
Notary Jason R. Rittie, ESQ  
**JASON R. RITTI**

**ATTORNEY AT LAW**  
**NEW JERSEY**  
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

**Rider to Township of Bernards  
Zoning Board of Adjustment  
Application for Development/Variance**

Applicant: Kenken LLC

Property Location: 1 Brownlee Place

Application Summary: Applicant, Kenken LLC is applying to the Township of Bernards Zoning Board of Adjustment for Preliminary and Final Site Plan, Use Variance (N.J.S.A. 40:55D-70(d)(4)) and Bulk Variances (N.J.S.A. 40:55D-70(c)), together with associated waivers, deviations and/or exceptions. The subject property is located at **1 Brownlee Place**, being further known and designated as **Lot 42 in Block 1805** on the official tax map of the Township of Bernards. The subject property is situated in the **B-1 Village Business Zone District**. The subject property contains two (2) principal buildings. The front building is an existing two (2) story framed building, whereas Applicant is not proposing any work to this front building. The rear building is an existing one (1) story framed building, and Applicant is proposing an approx. 251 sq.ft. addition to the rear building, together with façade renovations and related site improvements.

Applicant requires the following Variances, exceptions, deviations and/or waivers:

1. From the provisions of **§ 21-10.6 b., Table 402**, of the Land Development Ordinance, which requires a Floor Area Ratio maximum of 25.0%. Applicant is proposing a Floor Area Ratio of 28.93%. This variance is a Use Variance.

2. From the provisions of **§ 21-15.2 a.**, of the Land Development Ordinance, which states that no lot in the B-1 or B-3 Zones shall have more than one principal building. The subject property currently has two (2) principal buildings on one single lot, which is a pre-existing, non-conforming condition.

3. From the provisions of **§ 21-15.2 d., Table 506** of the Land Development Ordinance, which requires a minimum front yard set-back of 10'. The front building has an existing front yard set-back of 1.6', and the rear building has an existing front yard set-back of 4.9', which are pre-existing, non-conforming conditions and shall remain unchanged.

4. From the provisions of **§ 21-22.1 a. 1. (b)**, of the Land Development Ordinance, which requires approx. 19 parking spaces, whereas Applicant is proposing 10 parking spaces.

5. From the provisions of **§ 21-22.1 b. 3.(b)**, of the Land Development Ordinance, which states that no parking area shall be located closer than 5 feet from a side property line, whereas the existing parking area does not conform to this condition, and is a pre-existing, non-conforming condition that shall remain unchanged.

At this time, Applicant is not aware of any additional approvals, variances and/or additional waivers, deviations, or exceptions; provided, however, Applicant requests that the Application be deemed amended to include and the Board grant any additional approvals, variances, deviations, exceptions or waivers determined to be necessary in the review and processing of this Application, whether requested by the Board or otherwise. If necessary, Applicant also requests a waiver of the Township's requirement for a Developer's Agreement due to the limited nature of this Application.

The variances, waivers, deviations and/or exceptions requested by the Application can be granted by the Board without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. As will be demonstrated at the time of the Public Hearing, Applicant's subject property is uniquely situated in its size, shape and location, and the site has existing non-conforming structures with mixed uses. Applicant's proposed second story addition can be accommodated by the lot size and existing site conditions, and will have no substantial impact on the surrounding properties or neighbors. As will also be demonstrated at the time of the Public Hearing, the proposed addition and site improvements on the subject property will not have a negative impact on the zoning, surrounding areas, or public welfare. Applicant's proposed use of the subject property and buildings will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance. At the time of the Public Hearing, the variance relief sought by the Applicant can and will be justified pursuant to N.J.S.A. 40:55D-70(d)(4) and N.J.S.A. 40:55D-70(c)(1) and/or (2). As will also be demonstrated at the time of the Public Hearing, Applicant's proposed variances will provide a substantial benefit to the public and the benefit derived from the proposed variances will substantially outweigh any detriment (if any) sustained as a result of the granting of the relief sought. The granting of the relief sought will not have any substantial detriment to the surrounding area, nor will there be any substantial detriment to the public welfare.

The waivers being requested, as noted with the Application, can be waived by the Board due to the limited nature of the Application and/or several items are either not applicable or unnecessary in light of the limited relief being sought by the Applicant.

Except for Somerset County Planning Board, Applicant is not aware, at this time, of any other approvals which are required from other governmental or quasi-governmental entities.

**19070 Pennis – Atlier**

**Kenken LLC**

**One Brownlee Place**

**Basking Ridge, NJ 07920**

**9. Description of the existing property and the proposal / request:**

Existing property contains 2 principal buildings. The front building is a 2 story framed building containing a salon. No work is to be done to this building.

The rear building is a 1 story framed building containing an unoccupied retail space. Proposed 2<sup>nd</sup> floor addition and façade renovations. Raise the height – add second floor addition. Add thin stone façade and detailing to give building a historic colonial look.