

BERNARDS TOWNSHIP

PLANNING BOARD

Minutes

Regular Meeting

June 20, 2017

Chairwoman Piedici called the meeting to order at 7:35 PM.

FLAG SALUTE

OPEN PUBLIC MEETING STATEMENT

Chairwoman Piedici read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was mailed to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ, and was mailed to all those people who have requested individual notice and paid the required fee.

The following procedure has been adopted by the Bernards Township Planning Board. 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: Baldassare, Malay, Piedici, Ross, Zaidel.

Members Absent: Gaziano, Moschello

Members Late: Kleinert (7:44 PM)

Also Present: Board Attorney Jonathan Drill, Esq.; Township Planner David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Secretary Cyndi Kiefer.

Mr. Baldassare motioned that the absences of Mayor Gaziano and Mr. Moschello be excused. Mr. Ross seconded and by unanimous Voice Vote, the motion was carried.

APPROVAL OF MINUTES

May 2, 2017 – Regular Meeting – Mr. Ross moved approval of the minutes as written and Chairwoman Piedici seconded the motion.

Roll Call:

Aye: Piedici, Ross.

Nay: NONE

Abstain: Baldassare*, Malay*, Zaidel*

Motion carried.

*Recused

May 16, 2017 – Regular Meeting - Mr. Ross moved approval of the minutes as written and Mr. Baldassare seconded.

Roll Call:

Aye: Baldassare, Piedici, Ross, Zaidel.

Nay: NONE

Abstain: Malay*

Motion carried.

*Not present at the meeting

May 23, 2017 – Closed Session Meeting – Mr. Baldassare moved approval of the minutes as written and Committeeman Malay seconded.

Roll Call:

Aye: Baldassare, Malay, Piedici, Zaidel.

Nay: NONE

Abstain: Ross*

Motion carried.

*Not present at the meeting

COMPLETENESS HEARING

Bonnie Brae School; Block 90002, Lot 1; 3415 Valley Road; Preliminary/Final Site Plan; #PB17-007.

Present: Michael Osterman, Esq., Attorney for the Applicant

Michael Osterman, attorney with *Kennedys CMK*, Basking Ridge, NJ, informed the Board that he was representing the applicant during these proceedings. Referring to Item #3 in Mr. Schley's Completeness Review Memo dated June 19, 2017 which requested a Letter of Interpretation (LOI) from the NJDEP, Mr. Osterman advised the board members that the application would not impact the wetlands area and that the applicant was seeking a waiver from this requirement.

Mr. Schley stated that Items #1 and #2 in his memo had been submitted and that the applicant had had an LOI for a prior application. That application approval had established a conservation easement which was marked. He agreed with the request to waive the LOI requirement.

Mr. Baldassare motioned to deem the application complete and waive the LOI. Mr. Ross seconded.

Roll Call:

Aye: Baldassare, Malay, Piedici, Ross, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

A hearing date of July 18, 2017 was set.

PUBLIC HEARING

Wenzel, Michael & Heather; Block 4701, Lot 19; 152 Annin Road; Conforming Conditional Use (addition for Single Family Apartment); Lot Area, Lot Width, Front Yard Setback, Side Yard Setback, Combined Side Yard Setback, Pool located in Stream Buffer #PB-17-006.

Present: Vincent T. Bisogno, Esq., Attorney for the Applicant
William G. Hollows, PE, PP, PLS, Engineer for the Applicant
Mark E. Yarrington, AIA, Architect for the Applicant
Heather Wenzel, Applicant

The Board's professionals, the applicants' professionals and the applicant were duly sworn in by Mr. Drill.

Vincent T. Bisogno, attorney with *Bisogno, Loeffler & Zelle LLC*, Basking Ridge, NJ, advised the board members that he would be representing the applicants during this hearing. He stated that the applicants proposed to construct a one-story addition to an existing two-story dwelling for use as an apartment for Mrs. Wenzel's parents. The proposed apartment complied with all the conditions set forth in the ordinance for a Conditional Use however there were pre-existing deviations: lot size (2.99 acres where 3.0 acres are required), minimum front yard (76.0 feet where 100 feet are required), minimum lot width (218.01 feet where 250 feet are required), and swimming pool location (in a stream buffer). The current minimum side yard (south) would become more conforming as a result of the requested Zone Two Stream Buffer Waiver (14.3 feet existing, 39.3 feet proposed where 50 feet are required). Finally, the project exacerbated the pre-existing nonconforming combined side yards of the house.

Mark E. Yarrington, architect with *Yarrington Architectural Group*, Bridgewater, NJ provided his professional experience and credentials to Chairwoman Piedici. After confirming that his license was in good standing, Mr. Yarrington was accepted as an expert in the field of architecture.

(Ms. Kleinert arrived at 7:44 PM)

Mr. Yarrington described the existing dwelling as a center hall colonial built in 1971 with typical style and accents. The front of the house depicted in a photo labeled **Exhibit A-1** would not change. **Exhibit A-2** was a photo of the rear of the house showing the walk-out basement and the pool. **Exhibit A-3** was a photo of the right side of the house with an attached two-car garage and a shed. Mr. Yarrington testified that he had taken these pictures and that they accurately represented the property as it currently existed. The applicants proposed to construct a 1,134 square foot, one-story apartment on the back of the existing house for Mrs. Wenzel's parents. The apartment would consist of two (2) bedrooms, two (2) bathrooms, a living room, a dining room, a kitchen and a laundry room.

Mr. Yarrington testified that the apartment met all the conditional use standards as set forth in 21-12.3.h and as outlined in Mr. Schley's memo dated May 23, 2017.

In response to a question asked by Chairwoman Piedici, Mr. Bisogno stipulated, as a condition of approval, to comply with Item #5 of that memo which referenced placement of an evergreen tree buffer or other means of screening between the proposed driveway and the property on Lot 20.

There was discussion as to whether the lower living level was considered a basement or a cellar for the purposes of calculating Floor Area. Mr. Schley testified that if it was finished usable space as this was, historically it was treated as a basement and included in the Floor Area calculation. The proposed

apartment, at 24.96%, didn't exceed the conditional use standard limit of 25% of the floor area of the principal building.

(Committeeman Malay left the building at 8:08 PM)

Chairwoman Piedici asked if there were any further questions for this witness from the board members. Hearing none, she asked for questions from the public.

Kristina Roser, 160 Annin Road, asked whether the 83 square foot laundry room depicted on Sheet A-1 of the architectural plans had been included in the 1,134 square foot total of the apartment. Mr. Yarrington replied that the laundry in question was not part of the apartment. It belonged to the main house and was currently empty garage space.

Mrs. Roser revisited the basement/cellar discussion and Mr. Drill stated that that since it was not defined as a cellar, it was a basement and therefore included in the living area.

Hearing no further questions, Chairwoman Piedici closed that portion of the meeting to the public.

William G. Hollows, engineer with *Murphy & Hollows Associates LLC*, Stirling, NJ, provided his professional experience and credentials to Chairwoman Piedici. After confirming that his license was in good standing, he was accepted as an expert in the field of engineering.

Mr. Hollows described the subject property and the pre-existing nonconforming conditions. **Exhibit A-4**, a colorized version of the survey dated 12/27/16 and **Exhibit A-5**, a colorized version of Sheet 2 of 3 of the Grading Plan last revised 04/27/17, were entered into evidence. The various colors represented *existing* improvements and *proposed* improvements.

Mr. Hollows testified that a proposed drywell for stormwater management would catch the additional runoff. Mr. Quinn added that he was satisfied that the dry well was sufficient.

Exhibit A-6, a colorized version of Sheet 2 of 3 of the Grading Plan last revised 04/27/17, was entered into evidence. This sheet showed the two (2) buffer zone lines. The applicants were seeking a waiver to eliminate a portion of the Zone 2 line since it went straight through the house and the pool.

Mr. Banisch advised the applicants that since they were requesting a waiver from the Zone 2 requirements, by ordinance they would be required to provide vegetative enhancement to Zone 1.

Mr. Bisogno advised the board members that the Stream Buffer Conservation ordinance was adopted in 2001 after the house and pool were built making them pre-existing nonconforming conditions.

Mr. Hollows testified that there would be adequate off-street parking. Two (2) cars could park in the proposed garage and two (2) additional cars could fit in the driveway. The only addition to the driveway was a back out area to provide sufficient room for vehicles and pedestrians.

Mr. Hollows stated that the applicants could comply with all engineering comments made in the memos from Mr. Schley and Mr. Banisch. Mr. Quinn asked that a note be placed on the plan stating that no sump pumps should be connected to the drywell and Mr. Hollows agreed.

Kristina Roser, 160 Annin Road, was duly sworn in by Mr. Drill.

Mrs. Roser voiced concern about the size of the project as a whole and the impact that she felt it would have on her property. **Exhibit R-1**, a paper copy of her power point presentation of a comparison of houses in the area, was entered into evidence. In addition to her concerns about the size and the appearance of the apartment, Mrs. Roser was worried about the orientation of the additional garages and the effect the additional pavement could have on the existing tree line between the subject property and her property.

John Roser, 160 Annin Road, was duly sworn in by Mr. Drill and gave further testimony.

Chairwoman Piedici opened the meeting to the public for questions. Hearing none, that portion of the meeting was closed.

Mr. Bisogno questioned Mrs. Roser about her testimony.

Heather Wenzel, applicant residing at 152 Annin Road, testified that her parents had moved in with her, her husband and their three (3) children in August of 2015. She confirmed that she understood all the conditions in the ordinance pertaining to the apartment.

Mrs. Wenzel read a statement outlining the reasons for the proposed project. Her parents play an integral role in raising her disabled son, Luke, and they currently live in the basement. The apartment would provide an efficient, private and independent space for her parents. Once they were gone, Mrs. Wenzel hoped to have Luke move into the apartment so that he could lead a semi-independent life.

Mr. Drill questioned the need for the additional garages. Mrs. Wenzel responded that they would provide storage areas along with the convenience of being able to park her parents' cars indoors. There was further discussion between the board members, the applicant and the professionals as to the possible ramifications of approving the application *without* the garages.

Chairwoman Piedici asked the board members and professionals if they had any further questions. Hearing none, she opened the meeting to the public for questions.

Mrs. Roser asked, if the proposed garages were to be used for storage, would the cars then be parked outside. Mrs. Wenzel responded that there would be only a small amount stored and that both cars would be parked inside the garage.

Hearing no further questions from the public, Chairwoman Piedici closed that portion of the meeting and requested a brief recess (10:12 PM).

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The meeting was reconvened at 10:25 PM.

Mr. Bisogno advised the Board that the applicant wished to amend the plans by moving the addition and pavement back 10 feet. This would eliminate the need for a combined side yard setback variance. At that point, the only relief required would be for pre-existing nonconforming conditions. He requested that the application be carried with no further notice to the July 18, 2017 meeting.

After polling the board members, Chairwoman Piedici announced that the application would be carried to the July 18, 2017 regular meeting of the Planning Board with no further notice.

Hearing no comments from staff, Chairwoman Piedici asked for a motion to adjourn. Mr. Baldassare moved, Mr. Ross seconded and by unanimous Voice Vote, the meeting was adjourned at 10:29 PM.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Cyndi Kiefer', written over a horizontal line.

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board