

BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION
Regular Meeting of September 27, 2021-7 pm

The Environmental Commission meeting for September 27, 2021, will be conducted using Zoom Video Conferencing. The public will be able to view the meeting live by clicking on this link at 7:00 PM :

<https://us02web.zoom.us/j/85277562004?pwd=bmMxeUx1Z2trUmluQ0NSRllaMmdzZz09>

Or by calling 1-646-558-8656 and entering Meeting ID: **852 7756 2004** and Passcode: **771979**

Meeting Agenda

- 1. Call to Order**
- 2. Open Public Meeting Statement**
- 3. Flag Salute**
- 4. Roll Call**
- 5. Nomination for Chairperson**
- 6. Nomination for Vice-Chairperson**
- 7. Approval of EC meeting minutes regular – [August 23, 2021](#)**
- 8. Reports and Miscellaneous Correspondence**
- 9. Old Business**
 - a. Status on Current Projects:**
 - i. Public Outreach
 - ii. Reusable Bag Design Challenge
 - iii. EC Comments on the 2019 Reexamination Report
- 10. New Business**
 - a. Applications**
 - i. [Marchelli – ZB 21-026 35 Normandy Ct](#) - Pool not located behind the rear building line of an adjacent dwelling.
 - ii. [Ferrier – ZB 21-027 107 Childs Road](#) - Bulk variances for addition.
 - iii. [Porr – ZB 21-028 10 Prospect Ave](#) - Bulk variances for installation of in-ground pool
 - iv. [Haley - ZB 21-029 5 Dawn Dr](#) - Lot coverage variance for addition
 - b. Pumpkin Smash**
- 11. Comments by Public**
- 12. Comments by Members**
- 13. Adjournment**

Ellen Houlihan, Secretary



Please call (908) 204 - 3000 seventy-two (72) hours in advance if accommodations are required, including assistive listening devices (ALD).



Bernards Township Environmental Commission



BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION MINUTES – August 23, 2020 – 7pm

CALL TO ORDER

Chairperson Ann Parsekian called the meeting to order at 7:01 pm via Zoom conference call in accordance with the Open Public Meeting Act of 1975.

FLAG SALUTE

All those assembled saluted the flag.

ROLL CALL

Present: John Crane, Nancy Cook, Jane Conklin (arrived 7:28 pm), Debra DeWitt, James LaMaire, Ann Parsekian, Alice Smyk

Absent: Joan Bannan, Jason Roberts, Sarah Wolfson

Also Present: Kaitlin Cartoccio – Recording Secretary, Todd Edelstein - Resident

APPROVAL OF MEETING MINUTES

Motion to approve EC regular meeting minutes – July 26, 2020 by Nancy Cook, second by Alice Smyk. All in favor, motion carried.

REPORTS & MISCELLANEOUS CORRESPONDENCE

- a. **161 South Maple Ave – Freshwater Wetlands General Permit**
No comments

OLD BUSINESS

a. Status on Current Projects

i. Public Outreach

The focus of public outreach will look towards Labor Day and other items pertaining to fall. Many members commented that “What to Recycle and What Not to Recycle” is still a widely talked about topic, as well as the spotted lanternfly. Somerset County is currently seeing many adult spotted lanternfly so the goal may now be to address the Tree of Heaven. Kaitlin Cartoccio mentioned that the Health Department is interested in putting out information about the spotted lanternfly since they’ve seen a call increase. Her student group, Ridge Education Action & Community Health (REACH) is also interested in recycling, clean ups and other environmental concerns. Todd Edelstein suggested contacting community service.

ii. Reusable Bag Design Challenge

The winners have been notified and the order has been sent to the printers. Bags and stickers will be arriving soon. It’s hoped they can be sent to the various departments around town for distribution.



Bernards Township Environmental Commission



iii. EC Comments on the 2019 Reexamination Report

Ann Parsekian shared updated comments from the Reexamination Report and edits were made to reflect the views of the Environmental Commission.

NEW BUSINESS

1. Moreira – PB21-004- 37 Parkview Ave – Conditional use apartment

No site plans. The Commission would ask the Board to remind the applicants that they are virtually at capacity on lot coverage and that any future additions such as patios, sheds, pools or any other impervious surface coverage items would put them over the limit. The Commission suggests they discuss this with the applicant and perhaps the applicant may want to consider reducing the amount of impervious surface coverage.

Motion by Debra DeWitt, seconded by Jane Conklin.

All in favor, motion carried.

a. Colucci- ZB-21-013- 373 Lyons Road - Pool not located behind the rear building of adjacent dwellings, steep slope disturbance.

No environmental concerns.

Motion by James LaMaire, seconded by Nancy Cook.

All in favor, motion carried.

PUBLIC COMMENT

No comments.

COMMENTS BY MEMBERS

John Crane commented he was grateful for Ann Parsekian's writing skills though they may disagree from time to time. Ann Parsekian thanked everyone for a good discussion. There were a few applications that were tabled in July that were already completed so the Environmental Commission was not able to comment.

ADJOURNMENT

Meeting was adjourned at 8:10 pm. Motion by Debra DeWitt, second by Nancy Cook. All in favor, motion carried.

Respectfully submitted,
Kaitlin Cartoccio, Meeting Secretary



Bernards Township Environmental Commission

TO: Planning Board Chairperson and Members

FROM: Ann Parsekian, Chairperson
Bernards Township Environmental Commission

DATE: August 24, 2021

RE: **Moreira PB21-004**

Planning Board

Moreira-PB21-004

The Environmental Commission reviewed this application at its August 23, 2021 meeting and has the following comments:

The Environmental Commission would ask the Board to remind the applicants that they are nearing capacity on lot coverage and that future additions, such as the proposed future garage noted on the plans or other impervious surface coverage items, could put them over the limit.

Cc: David Schley, Township Planner
Cyndi Kiefer, Secretary; for distribution to PB members and Attorney to applicant



Bernards Township Environmental Commission

TO: Zoning Board Chairperson and Members

FROM: Ann Parsekian, Chairperson
Bernards Township Environmental Commission

DATE: August 24, 2021

RE: Applications review

The Environmental Commission reviewed these applications at their August 23, 2021 meeting and forwards the following comments.

Board of Adjustment

Pyramid Healthcare Inc. ZB21-025

The Environmental Commission reviewed this request and has no comment.

Cc: David Schley, Township Planner
Cyndi Kiefer, Secretary; for distribution to BOA members

EC

TOWNSHIP OF BERNARDS
ZONING BOARD OF ADJUSTMENT
APPLICATION STATUS FORM

Application No: ZB21-026 Block: 3801 Lot: 18 Zone: RC-4

Applicant: MARCHELLI, F / BASILE, L

Address of Property: 35 NORMANDY CT

Description: POOL NOT LOCATED BEHIND REAR
BUILDING LINE OF ADJACENT DWELLINGS

APPLICATION CHECKLIST

- | | |
|---|--|
| <input checked="" type="checkbox"/> Original + 16 copies of Application | <input checked="" type="checkbox"/> Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> W-9 | <input checked="" type="checkbox"/> Architectural Plans |
| <input checked="" type="checkbox"/> Site Visit Consent (A) | <input checked="" type="checkbox"/> Survey |
| <input checked="" type="checkbox"/> Ownership Form (B) | <input checked="" type="checkbox"/> Photographs |
| <input checked="" type="checkbox"/> 200' Property Search List (C) | <input checked="" type="checkbox"/> Wetlands Report/LOI |
| <input checked="" type="checkbox"/> Tax Certification (D) | <input checked="" type="checkbox"/> Application Fee |
| <input checked="" type="checkbox"/> Notice to be Served/Published (E) | <input checked="" type="checkbox"/> Escrow Deposit |
| <input checked="" type="checkbox"/> Dimensional Statistics Form (F) | <input checked="" type="checkbox"/> Imaging Fee |
| <input checked="" type="checkbox"/> Contributions Disclosure Form (G) | <input checked="" type="checkbox"/> Tax Map Revision Fee |
| | <input checked="" type="checkbox"/> Checklist |

SCHEDULING

9.1.21 Original Submission Date
10.16.21 Completeness Deadline (45 days)
____ Incomplete Date
____ Resubmission Date
____ Date Complete
2.13.22 Time to Act (45/95/120 days)

HEARING

____ Notice to Property Owners
____ Date of Publication
____ Completeness Hearing
12.8.21 Public Hearing
____ Carried to Date
____ Decision - Approved/Denied
____ Resolution Memorialized
____ Resolution Published

DISTRIBUTION

____ Environmental Comm
____ Fire Official
____ LCFAS
____ Police

WILL BE
11.3

NOTES

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 type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input 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): |
|--|--|

1. APPLICANT: FEDERICO MARCHELLI a WCLANA BASILE MARCHELLI
Address: 35 Normandy Ct, Basking Ridge, NJ, 07920
Phone: (home) _____ (work) _____ (mobile) 908-342-3431
Email (will be used for official notifications): basile1@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: Mark J. Mantyla Profession: Engineer & L.S
Address: 139 West Mountain Rd, Sparta, NJ, 07871
Phone: 973-222-6986 Email (will be used for official notifications): markjm@ptd.net

5. PROPERTY INFORMATION: Block(s): 3801 Lot(s): 18 Zone: _____
Street Address: 35 Normandy Ct Total Area (square feet/acres): 40437

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: _____

Approx 1 acre residential lot

Request permit for inground pool, patio & fence

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

cul de sac lot - cannot locate pool behind rear building lines of
(Ordinance 21-18.1) dwellings on adjoining lots & because of
the nature/shape of the lot

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

Hardship due to location on cul de sac

cannot be located behind rear line of neighbor property

40 Normandy Ct

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

APPLICANT(S) SIGN HERE:

I/we, Federico Marchelli and Wendy Basile 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 30th day of August, 2021

Notary

W. Manjusree

MANJUSREE R. REVURI
NOTARY PUBLIC OF NEW JERSEY
ID # 50001769
My Commission Expires 8/13/2024

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 _____, 20__.

Notary

SUBMIT ORIGINAL AND 16 COPIES

FORM A

**TOWNSHIP OF BERNARDS
PLANNING BOARD / BOARD OF ADJUSTMENT**

SITE INSPECTION CONSENT FORM

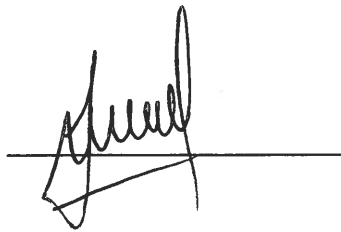
Applicant: Federico Marchelli & Luciana Basile

Block: 3801 Lot: 18

Street Address: 35 Normandy Ct

I, Federico Marchelli, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature:



Date:

8/13/2021

SUBMIT 17 COPIES TOTAL

DIMENSIONAL STATISTICS

	REQUIRED	EXISTING	PROPOSED
LOT AREA	20,000	40,437	40,437
LOT WIDTH	125'	214'	214'
FRONTAGE	N/A	—	—
FRONT YARD SETBACK <i>Pool</i>	N/A	—	—
REAR YARD SETBACK <i>Pool</i>	20'	—	25.8'
COMBINED SIDE YARD			
SIDE YARD <i>Pool</i>	20'	—	78.9'
COVERAGE	20%	13.05%	15.52%
HEIGHT	N/A	—	—
IF REQUIRED, GROSS FLOOR AREA			
IF REQUIRED, FLOOR AREA RATIO			
IF REQUIRED, IMPROVABLE LOT AREA			

APPENDIX D, ARTICLE III

Checklist

Application for Approval of a Variance Pursuant to NJSA 40:55D-70(c)

Important: Each item must be marked Submitted, Not Applicable or Waiver Requested

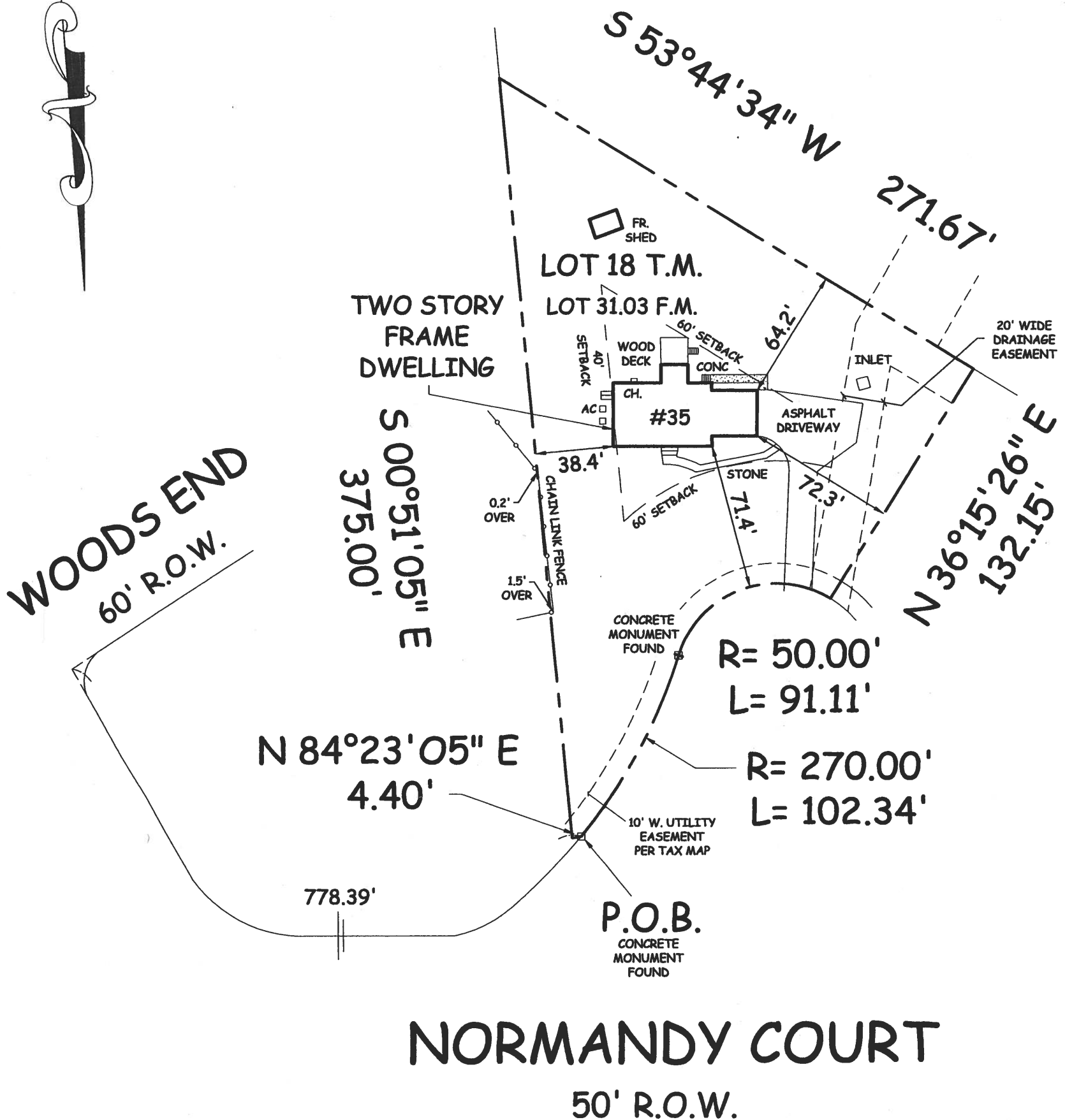
No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	✓		
2	A certificate from the tax collector indicating that taxes are paid.	✓		
3	All required application and escrow deposit fees.	✓		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	✓		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	✓		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	✓		
7	Calculations of existing & proposed lot coverage percentages.	✓		
8	Architectural sketches (floor plan and elevations) of the proposed improvements.	✓		
9	Photographs of the property in the location of the proposed improvements.	✓		
10	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.		✓	
11	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		✓	
12	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		✓	
13	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.		✓	





BLOCK 3801 T.M.
BLOCK 106 F.M.

FILED MAP
1"=60'



REFERENCES:

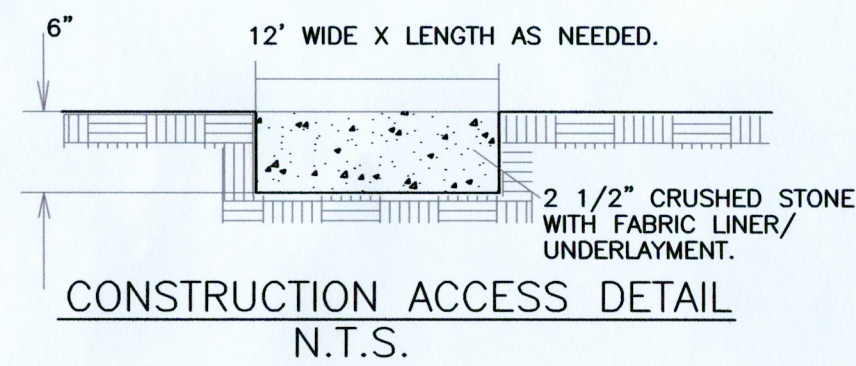
"FINAL MAP - SECTION ONE PRINCE EDWARD
POINTE AT TWO BROOKS FARM" FILED 7/1/1985,
MAP NO. 2224; DEED BOOK 5448, PAGE 1670;
TOWNSHIP OF BERNARDS TAX MAP SHEET 38

A WRITTEN WAIVER AND DIRECTION NOT TO SET
CORNER MARKERS HAS BEEN OBTAINED FROM THE
ULTIMATE USER PURSUANT TO P.L.2003, C.14c
(C45:8-36.3) AND N.J.A.C. 13:40-5.1(d).

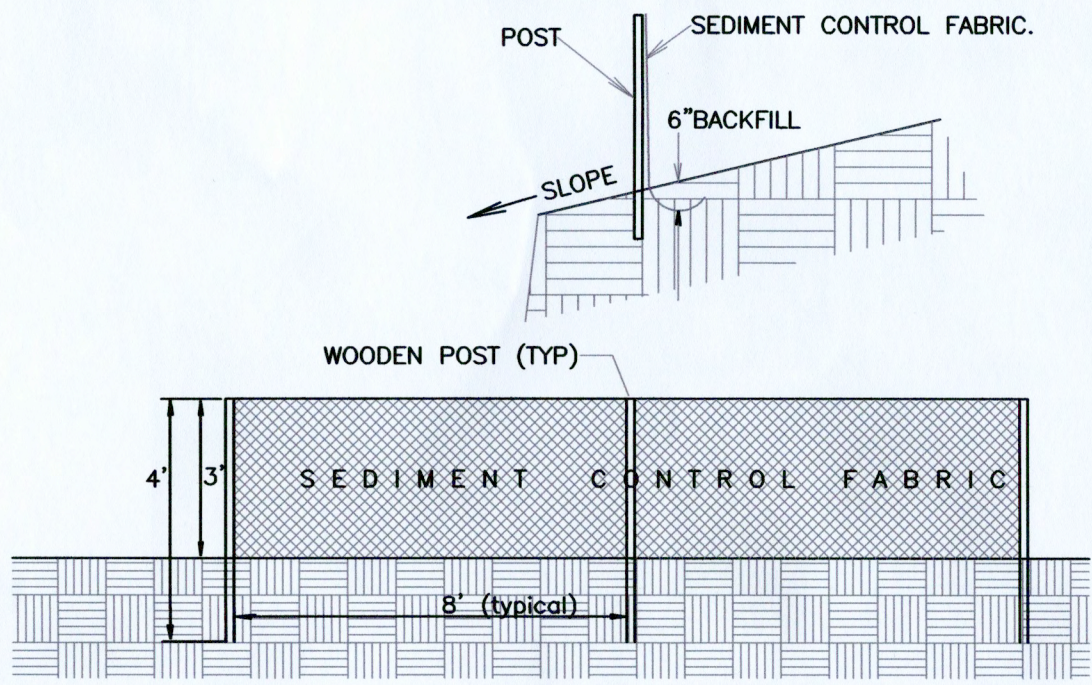
	BRUNSWICK WEST, INC. LICENSED LAND SURVEYORS 219 1/2 SOUTH MAIN STREET FLEMINGTON, NEW JERSEY 08822-1763 PHONE (908) 284-0888 FAX (908) 284-2818		<p>I HEREBY CERTIFY THIS SURVEY TO: FEDERICO MARCHELLI AND LUCIANA BASILE, HUSBAND AND WIFE; RICHARD T. MCCARTHY, ESQUIRE; WEICHERT TITLE AGENCY; WELLS FARGO BANK, N.A., ITS SUCCESSORS AND/OR ASSIGNS</p> RICHARD S. ZINN N.J.L.S. 34888	
	PLAN OF SURVEY FEDERICO MARCHELLI & LUCIANA BASILE BERNARDS TOWNSHIP SOMERSET COUNTY, NEW JERSEY BLOCK 3801, LOT 18 C.A. #246A28022700			
	Drawn by <u>MJC</u>	Job No. <u>17.1838</u>		Date <u>8/19/2017</u>
	Checked by <u>HP</u>	Drawing No. _____		Scale <u>1"=60'</u>

TITLE #W508544

ROADWAY SHALL BE KEPT CLEAN FROM SEDIMENT AND DEBRIS. ANY SEDIMENT OR DEBRIS THAT MAY SPILL OR MIGRATE ONTO THE ROADWAY MUST BE CLEANED UP IMMEDIATELY. ANY DAMAGE TO PUBLIC IMPROVEMENTS WITHIN THE RIGHT OF WAY MUST BE REPAIRS TO THE TOWNSHIP ENGINEERS SATISFACTION PRIOR TO FINAL APPROVALS.



SEDIMENT FENCE DETAILS N.T.S.



NOTES:

- THIS MAP IS A POOL GRADING PLAN ONLY AND NOT A BOUNDARY SURVEY. ALL BOUNDARY AND BUILDING LOCATION INFORMATION IS TAKEN FROM A SURVEY PREPARED BY RICHARD S. ZINN, PLS., BRUNSWICK WEST, INC., FLEMINGTON, NJ, DATED AUGUST 19, 2017 AND PROVIDED BY OWNER. BY PROVIDING THIS SURVEY THE OWNER ASSUMES ALL RESPONSIBILITY FOR THE AUTHORIZATION TO UTILIZE THIS SURVEY FOR THESE PURPOSES.
- POOL AND FENCE CONSTRUCTION MUST CONFORM WITH ALL PERTINENT STATE AND LOCAL REGULATIONS. POOL SAFETY ENCLOSURE MUST BE APPROVED BY THE CONSTRUCTION OFFICIAL PRIOR TO FILLING POOL OR RECEIVING A CERTIFICATE OF OCCUPANCY.
- THE LOCATION OF ALL OVERHEAD OR SUBSURFACE UTILITIES, ELEC., GAS, WATER, DRAINAGE, SPRINKLERS, ETC. AND ANY OTHER SUBSURFACE CONDITIONS MAY NOT BE SHOWN ON THIS PLAN. CONTRACTOR REQUIRED TO LOCATE UTILITIES PRIOR TO ANY EXCAVATION.
- SEE POOL COMPANY FOR DETAILED SPECIFICATIONS ON POOL CONSTRUCTION.
- ALL POOL OPERATIONS SHALL CONFORM TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS AND ANY OTHER PERTINENT GOVERNMENT REGULATIONS.
- EXISTING TOPOGRAPHIC ELEVATIONS BASED ON AN ASSUMED VERTICAL DATUM AS SHOWN. BASEMENT FLOOR ON REAR DOOR SILL ELEV.= 100.00'
- THIS PLAN DOES NOT INCLUDE THE STRUCTURAL DESIGN OF THE POOL STRUCTURE.
- ESTIMATED SOIL VOLUMES ARE 140 C.Y. OF CUT EXCAVATION AND 10 C.Y. OF FILL, 130 C.Y. OF SOIL TO BE REMOVED FROM THE SITE. SOIL VOLUME IS FOR PERMIT PURPOSES ONLY. CONTRACTOR IS RESPONSIBLE TO CALCULATE THE SOIL VOLUMES FOR THEIR OWN PURPOSES.
- FIELD MAPPING IS LIMITED THE AREA OF TOPOGRAPHIC CONTOURS SHOWN. THE LOCATION OF OTHER IMPROVEMENTS SHOWN ON THE LOT ARE BASED ON THE PROPERTY SURVEY REFERENCED ION NOTE #1 ABOVE.

IMPROVEMENT LOT COVERAGE AREAS:

ZONE: RC-4
LOT AREA= 40,437 S.F.+/- (PER SURVEY DIMENSIONS)
MAXIMUM ALLOWABLE COVERAGE =20% = 8,087 Sq.Ft.
REAR YARD AREA = 17,356 S.F.
POOL MAXIMUM ALLOWABLE 25% OF REAR YARD =4,339 S.F.
POOL AREA = 595 S.F. = 3.43% OF REAR YARD.

DESCRIPTION	EXISTING	PROPOSED
HOUSE	2103 SF	2103 SF
SHED	136 SF	136 SF
WOODEN DECKS/STEPS	*558 SF	*558 SF
DRIVEWAY	2447 SF	2447 SF
FRONT WALKS/STEPS	306 SF	306 SF
REAR WALKS	244 SF	244 SF
CELLAR ENTRANCE	25 SF	25 SF
A.C. UNITS	18 SF	18 SF
POOL	0 SF	595 SF
POOL PATIO/COPING	0 SF	371 SF
POOL EQUIPMENT	0 SF	32 SF
TOTALS	5,279 SF	6,277 SF

* WOODEN DECKS NOT INCLUDED IN LOT COVERAGE AREA.
EXISTING LOT COVERAGE=13.05%.
PROPOSED LOT COVERAGE= 15.52%
PROPOSED INCREASE IN IMPERVIOUS COVERAGE, EXCLUDING POOL WATER AREA, IS 998 S.F. SINCE THE INCREASE IN IMPERVIOUS COVERAGE DOES NOT EXCEED 1000 SF STORMWATER MANAGEMENT IS NOT REQUIRED.

LEGEND:

- EXISTING TREE TO BE REMOVED
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION
- PROPOSED CONTOUR
- EXISTING CONTOUR
- PROPOSED PATIO
- PROPOSED FENCE
- PROPOSED LIMIT OF DISTURBANCE (SILT FENCE/ DOWNHILL SIDES CONSTRUCTION FENCING/ UPHILL SIDES)

PROPOSED PROJECT DISTURBANCE AREA IS 2,657 sq.Ft.

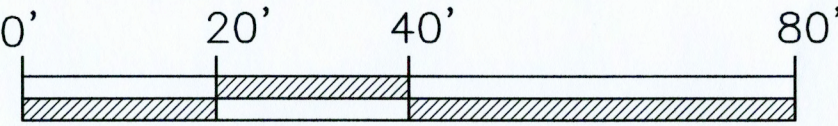
POOL GRADING PLAN for MARCHELLI/BASILE RESIDENCE

situated in
TOWNSHIP OF BERNARDS,
SOMERSET COUNTY, NEW JERSEY.
Being known as Tax Lot 18 Block 3801

NUPLS & PE #24GB03127200 CERT OF AUTH. #24GA28280500
MARK J. MANTYLA, MEMBER
PROFESSIONAL ENGINEER,
PLANNER & LAND SURVEYOR.
MJM SURVEYING & ENGINEERING, LLC
139 West Mountain Road,
Sparta, N.J. 07871
PHONE (973)222-6986
E-MAIL: markjm@ptd.net

DATE: May 19, 2021

SCALE: 1inch=20 feet.



EC

TOWNSHIP OF BERNARDS
ZONING BOARD OF ADJUSTMENT
APPLICATION STATUS FORM

Application No: ZB21-027 Block: 401 Lot: 15 Zone: R-1

Applicant: FERRIER, GRAHAM & CARNE

Address of Property: 107 CHILDS ROAD

Description: BULK VARIANCES FOR ADDITION

APPLICATION CHECKLIST

☒ Original + 16 copies of Application
☒ W-9
☒ Site Visit Consent (A)
☐ Ownership Form (B)
☒ 200' Property Search List (C)
☒ Tax Certification (D)
☒ Notice to be Served/Published (E)
☒ Dimensional Statistics Form (F)
☐ Contributions Disclosure Form (G)

☒ Engineering Plan/Plot Plan
☒ Architectural Plans
☒ Survey
☐ Photographs
☐ Wetlands Report/LOI
☒ Application Fee
☒ Escrow Deposit
☒ Imaging Fee
☐ Tax Map Revision Fee
☒ Checklist

SCHEDULING

9.2.21 Original Submission Date
10.17.21 Completeness Deadline (45 days)
____ Incomplete Date
____ Resubmission Date
____ Date Complete
2.14.22 Time to Act (45/95/120 days)

HEARING

____ Notice to Property Owners
____ Date of Publication
12.8.21 Completeness Hearing
____ Public Hearing
____ Carried to Date
____ Decision - Approved/Denied
____ Resolution Memorialized
____ Resolution Published

DISTRIBUTION

9.2.21 Environmental Comm
____ Fire Official
____ LCFAS
____ Police

NOTES

WILL BE
11.3

TOWNSHIP OF BERNARDS
2021 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|---|---|
| <p><input checked="" 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: GRAHAM and CARRIE FERRIER
Address: 107 CHILDS ROAD
BASKING RIDGE, NEW JERSEY 07920
Phone: (home) _____ (work) _____ (mobile) 973 885-6164 (CF)
Email (will be used for official notifications): GAFFERRIER@GMAIL.COM
CARRIE.FERRIER18@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: JONATHAN E. BOOTH Profession: ARCHITECT
Address: 33 BULLION ROAD BASKING RIDGE, New Jersey 07920
Phone: 908 304 3782 Email (will be used for official notifications): JONBOOTHARC@GMAIL.COM

5. PROPERTY INFORMATION: Block(s): 401 Lot(s): 15 Zone: R-1
Street Address: 107 CHILDS ROAD Total Area (square feet/acres): 28,798 sf
0.66 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) _____

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

see attached

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

see attached

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

see attached

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

APPLICANT(S) SIGN HERE:

I/we, Graham Ferrier and Carrie Ferrier 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 26 day of August, 2021

[Signature]
Notary James F. Sullivan - Attorney at Law - State of NY

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 _____

Ferrier

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

The existing 28,798 sf property contains the following structures:

one and two story, three bedroom residence of 1468 sf

one story, 558 sf barn

The proposed addition provides a family room on the first floor, and relocates the master suite to a second floor addition. The project also addresses several remodeling items, including new roofing, siding and windows.

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS:

Variance relief is sought from the following ordinance sections: 21-11.2, 21-15.1(d)1, Table 501

Applicants seek permission to construct one and two story additions of 1108 sf, resulting in the following variances:

1. Front Yard Setback
To allow 38.67' where min of 100' is required, and 39.67' exists
2. Rear Yard Setback
To allow 60.0' where min of 100' is required, and 59.0' exists
2. Lot Coverage:
To permit 18.81%% where a maximum of 15% is allowed, and 17.32% exists

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

1. Hardship due to Size of Lot

The property is severely undersized relative to the R-1 zone criteria, i.e. 28,798 sf where a min of 130,680 sf is required. Accordingly, there is no available building envelope. Due to its small size, the property is nonconforming with regard to R-1 lot coverage, at 17.32% where a max of 15% is allowed.

2. Hardship due to Location of the Structure

There are no options for a conforming addition to the existing residence. The existing principal residence is nonconforming with regard to front yard (38.67') and rear yard (59.0'), where a min setback of 100' is required. The proposed additions utilize the physical center of the property.

3. Practical Considerations

The existing residence (1468 sf) is small. The proposed addition will provide a more practical room layout. When completed, this will be a modest 2576 sf home, commensurate with other homes in the neighborhood.

4. Context of Neighborhood

This neighborhood, the early Childs farm community, has a novel character. The properties, and the homes, are unique and varied in size and layout. Several of the homes have similar nonconforming characteristics as the subject property. For example, there are front yard setbacks less than the proposed.

5. Historic Integrity

The owners appreciate the historic significance of the home. Aesthetically, the addition takes its cues from the existing home with regard to material, detail, and proportion. The project will improve and update the exterior finishes and ultimately enhances the viability of this home.

SUBMIT ORIGINAL AND 16 COPIES

FORM A

**TOWNSHIP OF BERNARDS
PLANNING BOARD / BOARD OF ADJUSTMENT**

SITE INSPECTION CONSENT FORM

Applicant: Graham and Carrie Ferrier

Block: 401 Lot: 15

Street Address: 107 CHILDS ROAD

I, Graham Ferrier, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature:  Date: 8/26/21

GRAHAM and CARRIE FERRIER
107 CHILDS Road

BLK 401 LOT 15

FORM F

SUBMIT 17 COPIES TOTAL

DIMENSIONAL STATISTICS

	REQUIRED	EXISTING	PROPOSED
LOT AREA	3 ac 130,680 sf	0.66 ac 28,798 sf	0.66 ac 28,798 sf
LOT WIDTH	250'	217'	217'
FRONTAGE	125'	217'	217'
FRONT YARD SETBACK	100'	39.67'	39.67 EX'G 38.67 PROP
REAR YARD SETBACK	100'	59.0'	59.0 EX'G 60.0' PROP
COMBINED SIDE YARD	100'	164.52'	158.0'
SIDE YARD	50'	92.6 @ South 71.92 @ North	88.5' @ South 69.5' @ North
COVERAGE	15% 4319 sf	17.32% 4989 sf	18.81% 5417 sf
HEIGHT	2 story 35'	2 story 28'	2 story 28'
IF REQUIRED, GROSS FLOOR AREA	N/A		
IF REQUIRED, FLOOR AREA RATIO	N/A		
IF REQUIRED, IMPROVABLE LOT AREA	N/A		

REQUIRES
VARIANCE

REQUIRES
VARIANCE

REQUIRES
VARIANCE

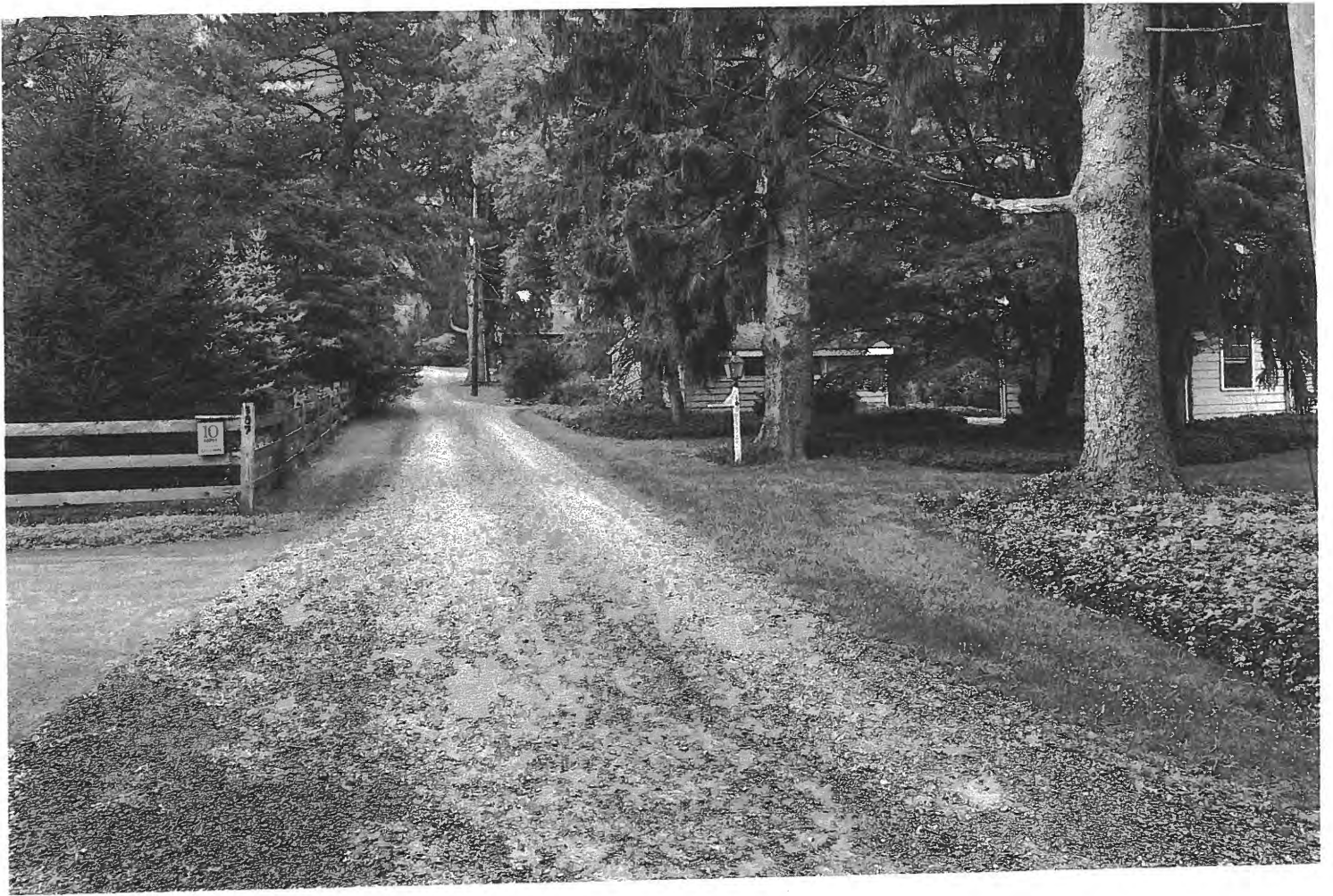
APPENDIX D, ARTICLE III

Checklist

Application for Approval of a Variance Pursuant to NJSA 40:55D-70(c)

Important: Each item must be marked Submitted, Not Applicable or Waiver Requested

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	✓		
2	A certificate from the tax collector indicating that taxes are paid.	✓		
3	All required application and escrow deposit fees.	✓		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	✓		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	✓		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	✓		
7	Calculations of existing & proposed lot coverage percentages.	✓		
8	Architectural sketches (floor plan and elevations) of the proposed improvements.	✓		
9	Photographs of the property in the location of the proposed improvements.	✓		
10	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.			✓
11	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		✓	
12	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		✓	
13	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.		✓	







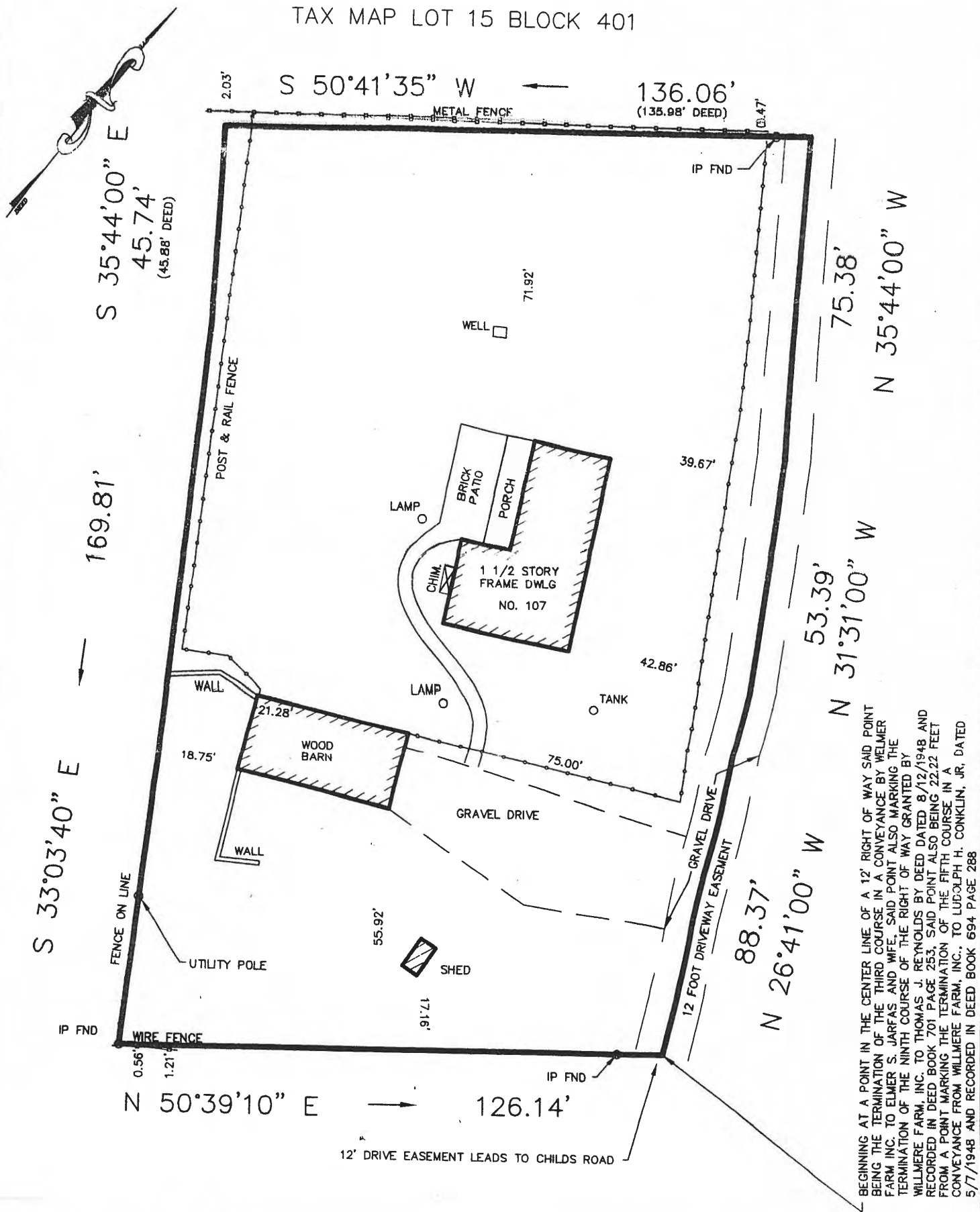


SURVEY OF PROPERTY

TOWNSHIP OF BERNARDS

SOMERSET COUNTY, NEW JERSEY

TAX MAP LOT 15 BLOCK 401



LOT AREA= 28.798.0 S.F.

A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO N.J.A.C. 13:40-5.1(d)

THIS SURVEY IS CERTIFIED TO
GRAHAM FERRIER AND CARRIE S. FERRIER, HUSBAND AND WIFE
MARK J. TOLSTOI, ESQ.
ACRES LAND TITLE AGENCY, INC.
CHICAGO TITLE INSURANCE COMPANY
HOMEBRIDGE FINANCIAL SERVICES, INC., ITS SUCCESSORS
AND/OR ASSIGNS

PARKER

ENGINEERING & SURVEYING P.C.

370 EAST MAIN STREET, SOMERVILLE, N.J. 08876
(908) 725 - 4400 - FAX (908) 722 - 4401

DANIEL E. PARKER
NEW JERSEY LAND SURVEYOR NO.35866

DATE

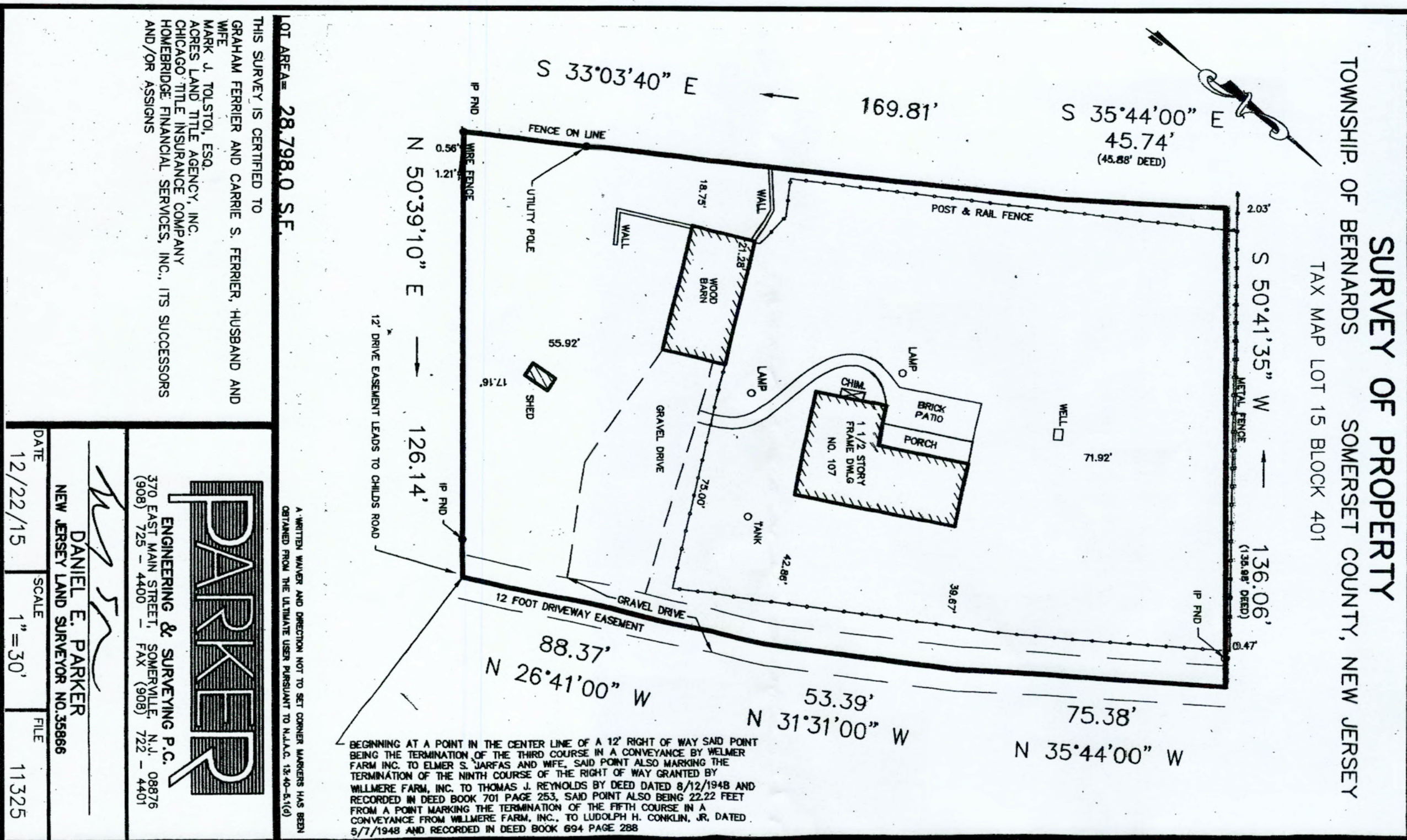
12/22/15

SCALE

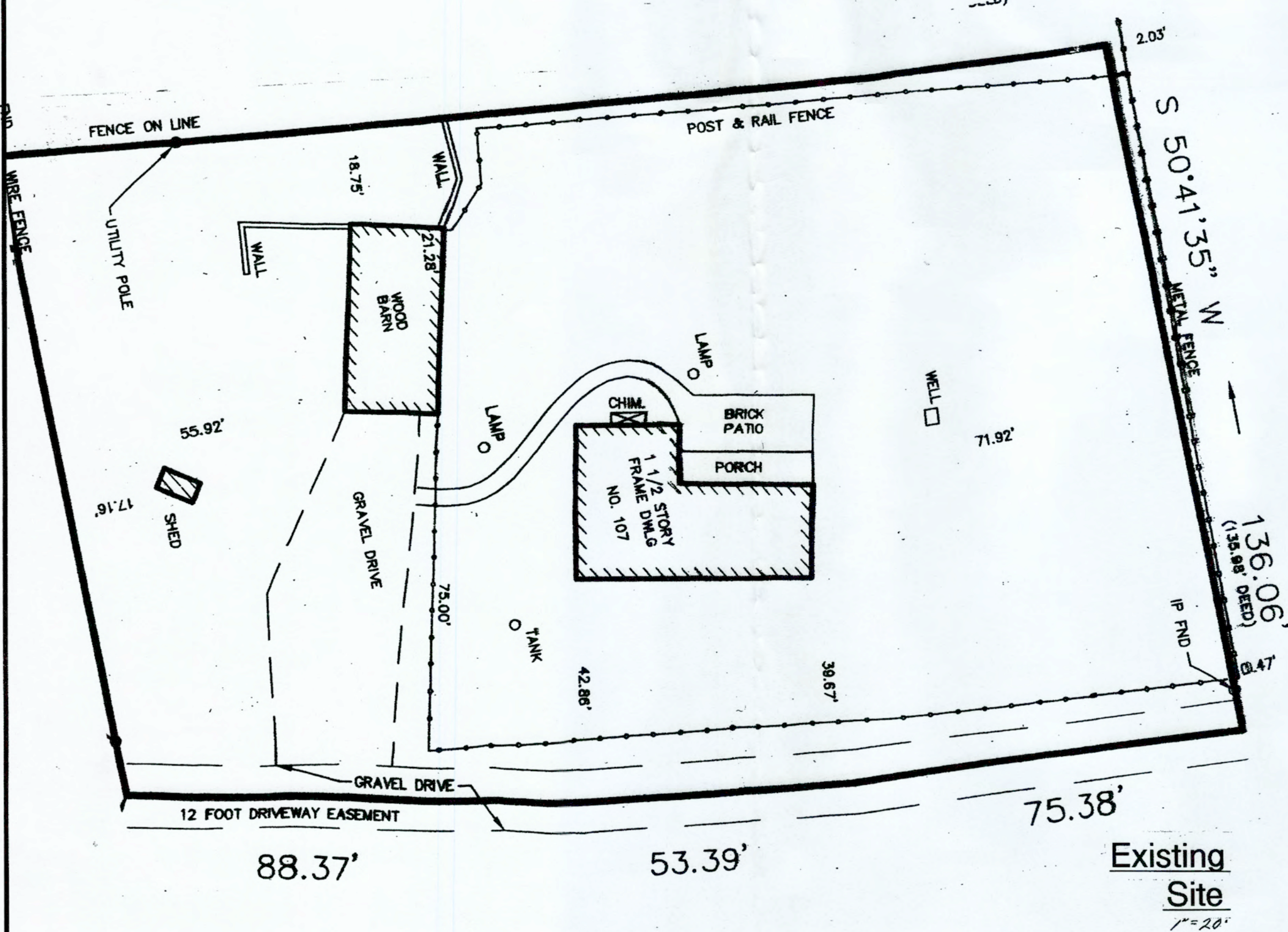
1"=30'

FILE

11325



Survey
1" = 30'



Zoning Data		zone district	R-1 Residential
		Required by Ordinance	Existing Condition
Lot Area	3 ac	0.66 ac	0.66 ac
	130,680 sf	28,798 sf	28,798 sf
Lot Width	250'	217'	217'
Lot Frontage	125'	217'	217'
Front Yard (min)	100'	39.67'	39.67'
			38.67' to proposed 2nd fl cantilever
			59.0' to S addn
Side Yard (min)	50'	92.6' @ S	88.5' @ S
		71.92' @ N	69.5' @ N
Side Yard Combined	100'	164.52'	158.0'
Rear Yard (min)	100'	59.0'	59.0'
			60.0' @ NW addn
			61.0' @ S addn
Building Height	2 story	2 story	2 story
	35'	28'	28'
Lot Coverage (max)	15%	17.32%	18.81%
	(4319 sf)	(4989 sf)	(5417 sf)

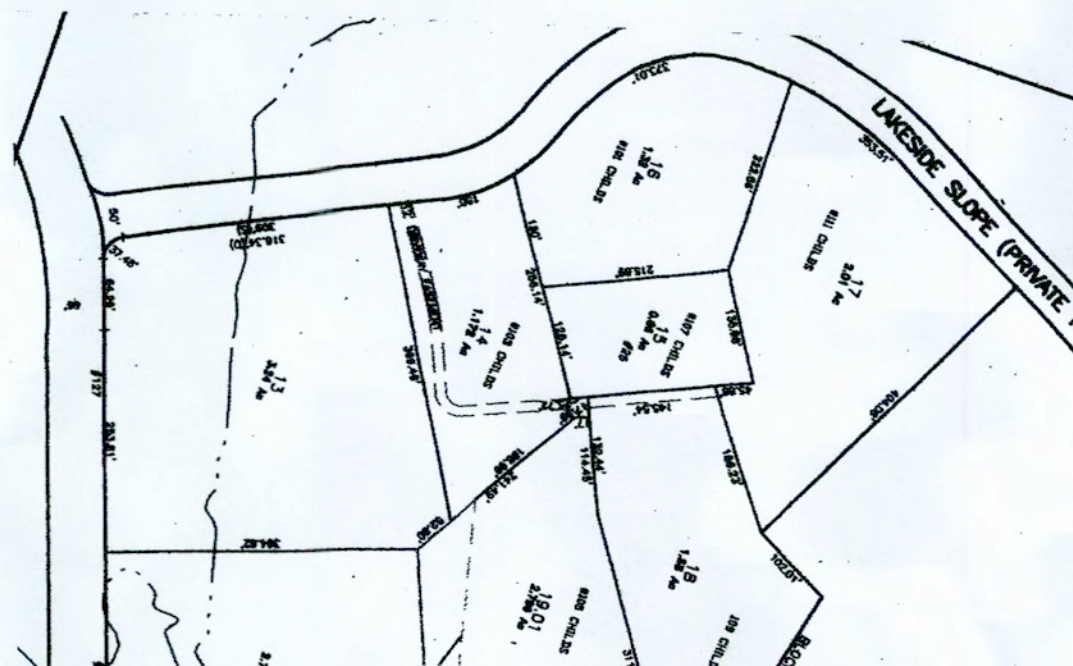
Lot Coverage Calculation #1		Existing	Proposed
Residence, excl porch	1068	1068	
Open Porch	160	0	to be removed
Proposed Addition @ NW	0	302	
Proposed Addition @ S	0	78	
Garage Barn	558	558	
Entry Walk	176	0	to be removed
Patio	286	0	to be removed
New Entry Walk	0	49	
Entry Steps	0	25	
Terrace @ NW	0	300	
Terrace @ SE	0	296	
Driveway	1407	1407	
Frame Shed	32	32	
Portion of Drive Easmt	1302	1302	
	4989	5417	428 net add'l
	(17.32%)	(18.81%)	

Notes:

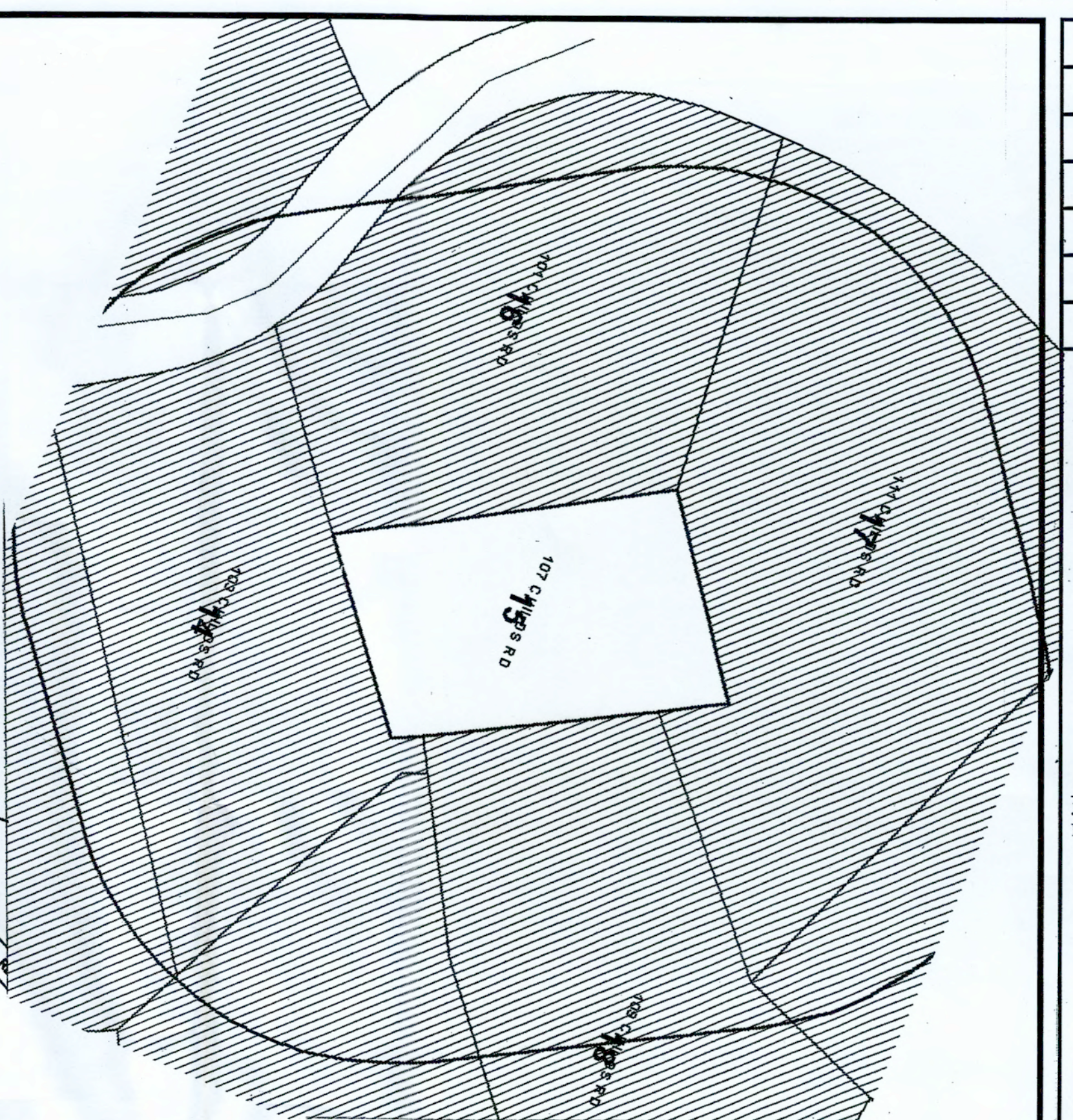
1. Net Additional Coverage: 428 sf
2. Total Land Disturbance: approx 2400 sf
3. This project requires the removal of no trees
4. No known regulated wetlands or riparian courses are impacted by this project
5. Property is served by a private well and septic system

Owner:
Graham and Carrie Ferrier
107 Childs Road
Basking Ridge, New Jersey
07920

blk 401 lot 15



Tax Map



Bernards Township
Parcel Offset List

Target Parcel(s): Block-Lot: 401-15
FERRIER, GRAHAM & CARRIE S
107 CHILDS RD

8 parcels fall within 200 feet of this parcel(s).

Block-Lot: 202-12
ENGEL, TIMOTHY G & CAROL M
115 CHILDS RD
BASKING RIDGE NJ 07920
RE: 115 CHILDS RD

Block-Lot: 401-19.01
DOLINER, BRIAN & SAMANTHA
105 CHILDS RD
BASKING RIDGE NJ 07920
RE: 105 CHILDS RD

Block-Lot: 401-18
GRIMSHAW, ROBERT & OCHS, RACHEL
109 CHILDS RD
BASKING RIDGE NJ 07920
RE: 109 CHILDS RD

Block-Lot: 401-17
HOLDEN, JASON
111 CHILDS RD
BASKING RIDGE NJ 07920
RE: 111 CHILDS RD

Block-Lot: 401-16
JASKOT, JENNIFER & WEBER, ALBERT JR
101 CHILDS RD
BASKING RIDGE NJ 07920
RE: 101 CHILDS RD

Block-Lot: 401-14
FRANCESCH-RIVILLO, JUAN J & MARIE H
103 CHILDS RD
BASKING RIDGE NJ 07920
RE: 103 CHILDS RD

Block-Lot: 401-13
CANGELOSI, CHARLES & GRIMM JESSICA
127 CHILDS RD
BASKING RIDGE NJ 07920
RE: 127 CHILDS RD

Block-Lot: 302-8
MOORE, BRIAN J & ANN M
10 OLD FARM RD
BASKING RIDGE NJ 07920
RE: 10 OLD FARM RD

Date Printed: 8/12/2021

REVISIONS	BY



Jonathan E. Booth
Architect
T 908 204-9527
F 908 204-9528
25 Ballou Road
Basking Ridge, New Jersey
07920

Jonathan E. Booth
NJ Lic # AI 11475 00

Addition
and
Alterations
to

**Ferrier
Residence**

107 Childs Road
Basking Ridge,
New Jersey

blk 401 lot 15

Index
of
Drawings

1
Survey
Existing Site Plan
Proposed Site
Zoning Data
Tax Map
Cert List of Adj Own

2
First Floor Plan
Building Data
East Elevation
North Elevation

3
Second Floor Plan
Roof Plan

4
West Elevation
South Elevation
Photographs

Date 30 AUG 21

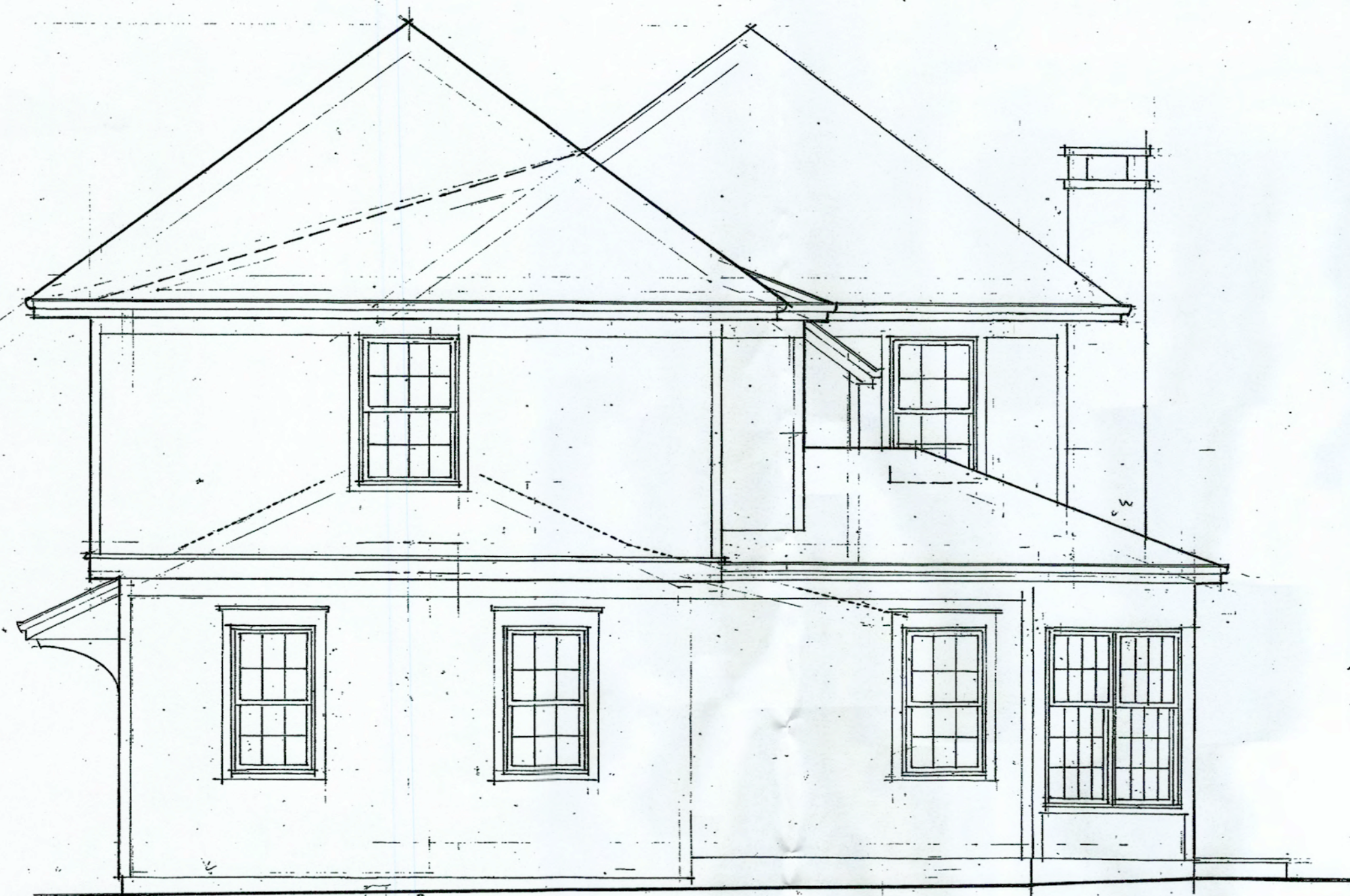
Scale AS NOTED

Drawn JM

Job 2111

Sheet

1
Of 4 Sheets



North



East

Owners
Graham and Carrie Ferrier
107 Childs Road
Basking Ridge, New Jersey
07920

blk 401 lot 315

Area, sf	Existing	Addition	Proposed
First Floor	1068	380	1448
Second Floor	400	728	1128
	1468	1108	2576

Existing
Open
Porch
160
to be removed

Building Data

Notes:

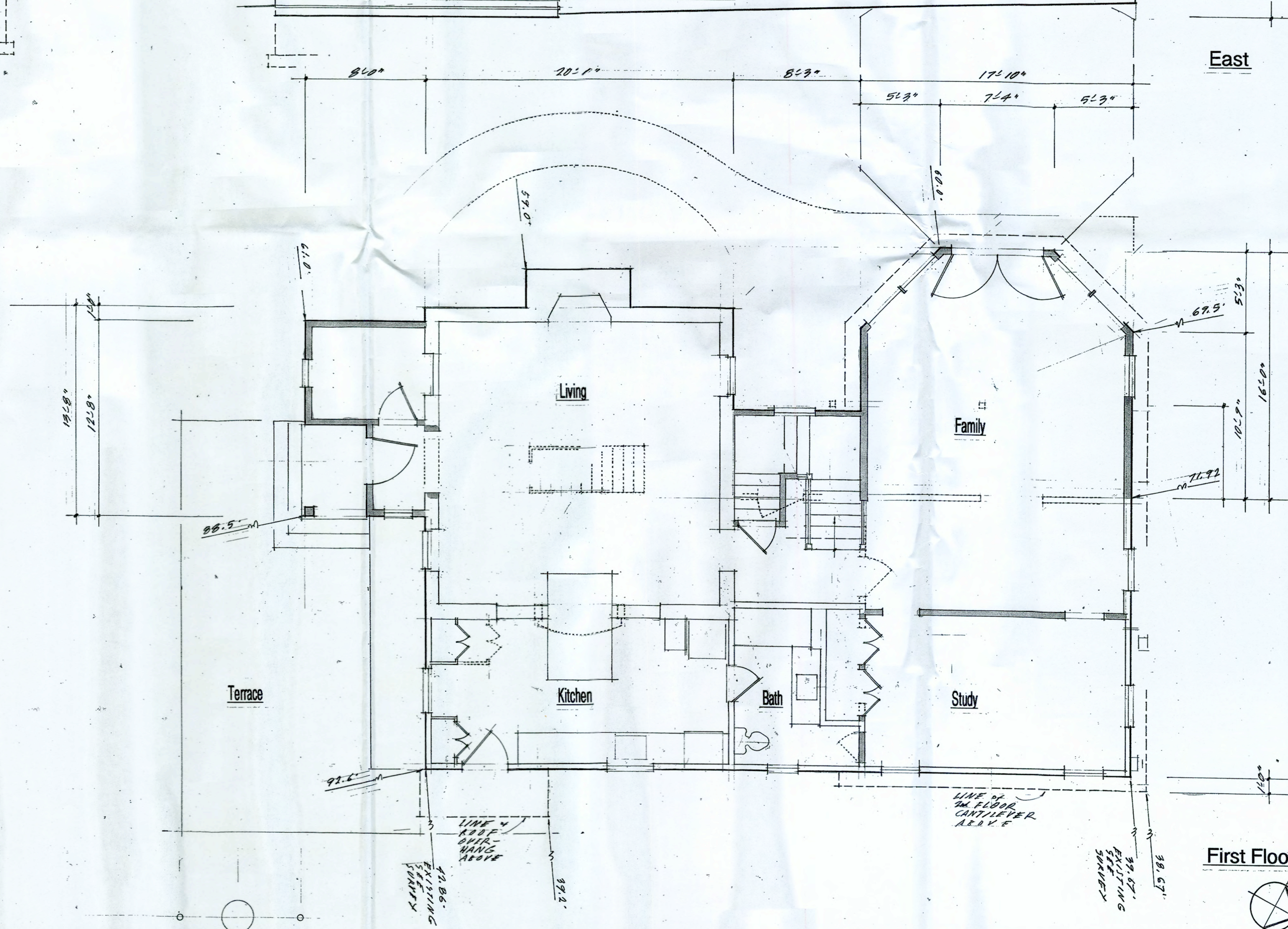
- Volume of Addition: cf
- 2018 IRC NJ Edition Use Classification: R5 single family
- 2018 IRC NJ Edition Construction Type: 5B unprotected
- Design Live Loads per 2018 IRC NJ Section R301.5:

Attics without storage	10 psf
Attics with limited storage	20
Decks	40
Habitable attics and served with fixed stairs	30
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40
- Project Description:
 - first floor family room and mudroom addition
 - second floor bedroom addition (note no net increase in bedroom count)
 - related interior alterations, including new stair, bath and bath remodeling, etc
 - related exterior alterations, including new roofing and siding
- Building Height:

Existing and Proposed	2 st, 28'
-----------------------	-----------
- The residence is served by the following:

private well and septic	
natural gas service	
overhead electrical supply	
- note first floor addition is comprised as follows:

family room addition at NW	302 sf
mudroom/entry addition at S	78 sf



First Floor

REVISIONS BY



Jonathon E. Booth
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T 908 204-9527
F 908 204-9528
33 Bullfinch Road
Basking Ridge, New Jersey
07920

Jonathon E. Booth
NJ Lic # AI 11475 00

Addition
and
Alterations
to

**Ferrier
Residence**

107 Childs Road
Basking Ridge,
New Jersey

blk 401 lot 15

LINE 4
EXISTING
WALL

Date 30 AUG 21

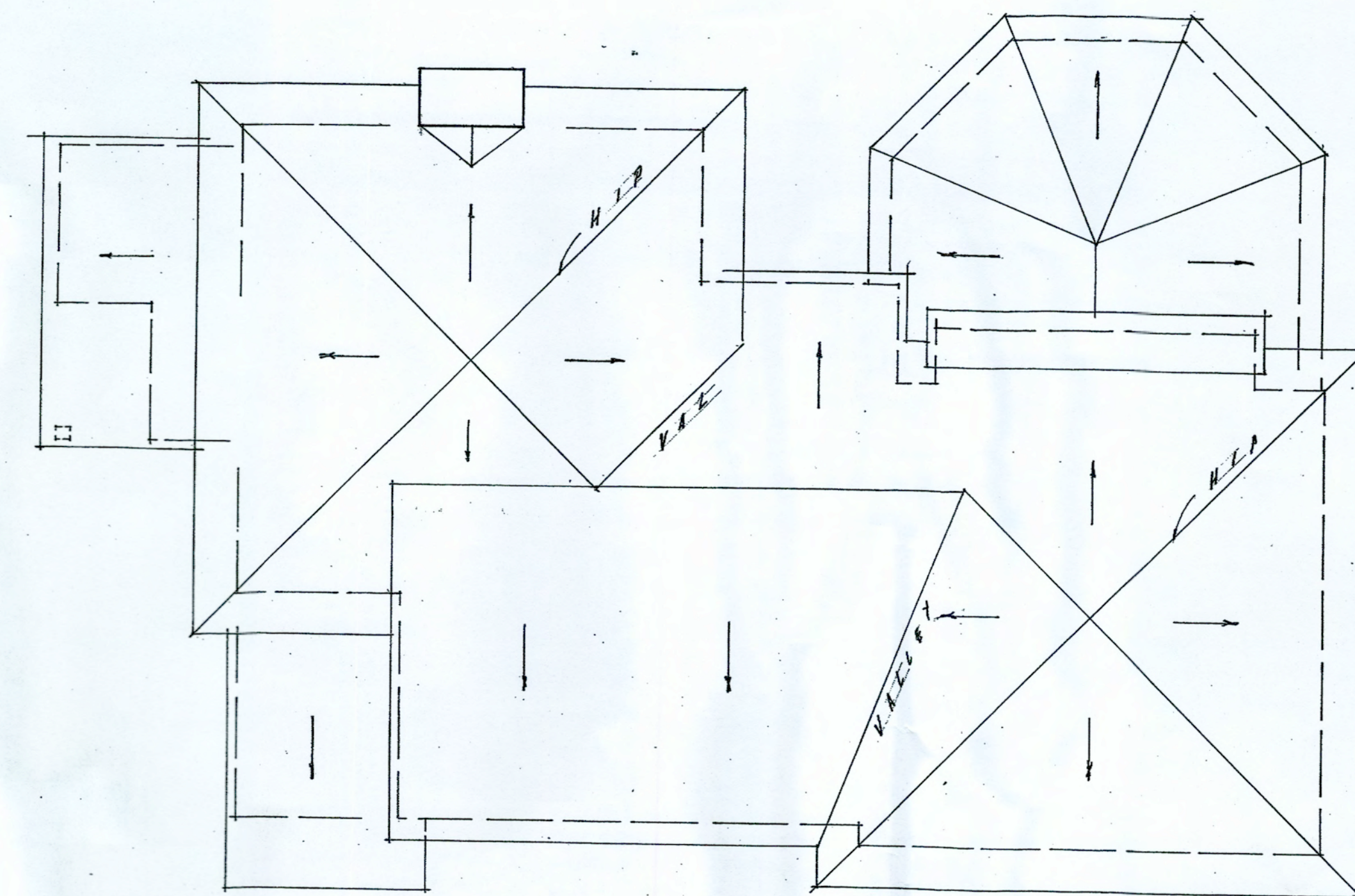
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Drawn dm

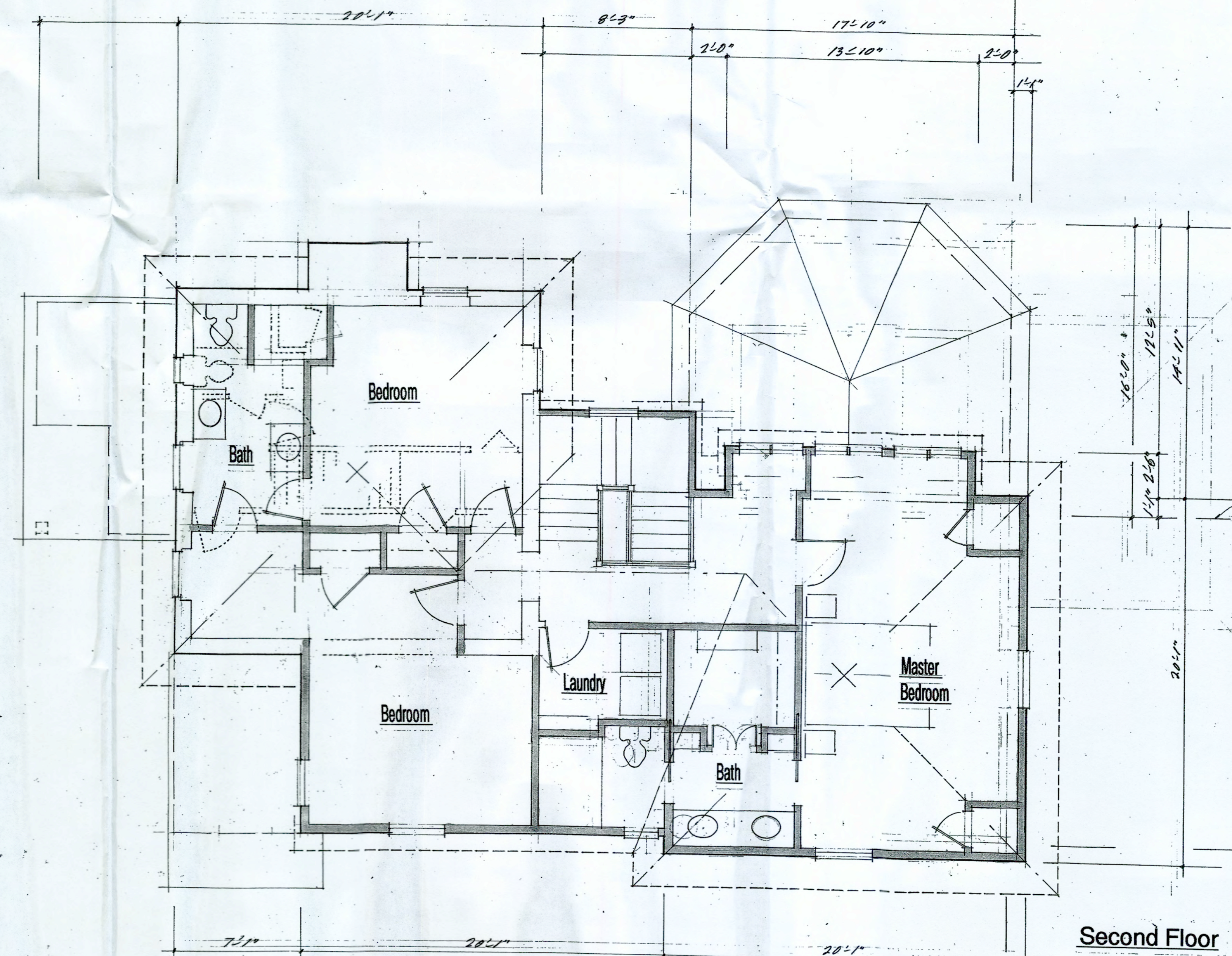
Job 2111

Sheet

2
Of 4 Sheets



Roof Plan



Second Floor

REVISIONS	BY



Jonathon E. Booth
Architect
T 908 294-9527
F 908 294-9528
33 Bullion Road
Basking Ridge, New Jersey
07920

Jonathon E. Booth
Jonathon E. Booth
NJ Lic # AI 11475 00

Addition
and
Alterations
to

**Ferrier
Residence**

107 Childs Road
Basking Ridge,
New Jersey

blk 401 lot 15

LINE & 1/2"
EXISTING
WALL
BELOW

Date 30 AUG 21

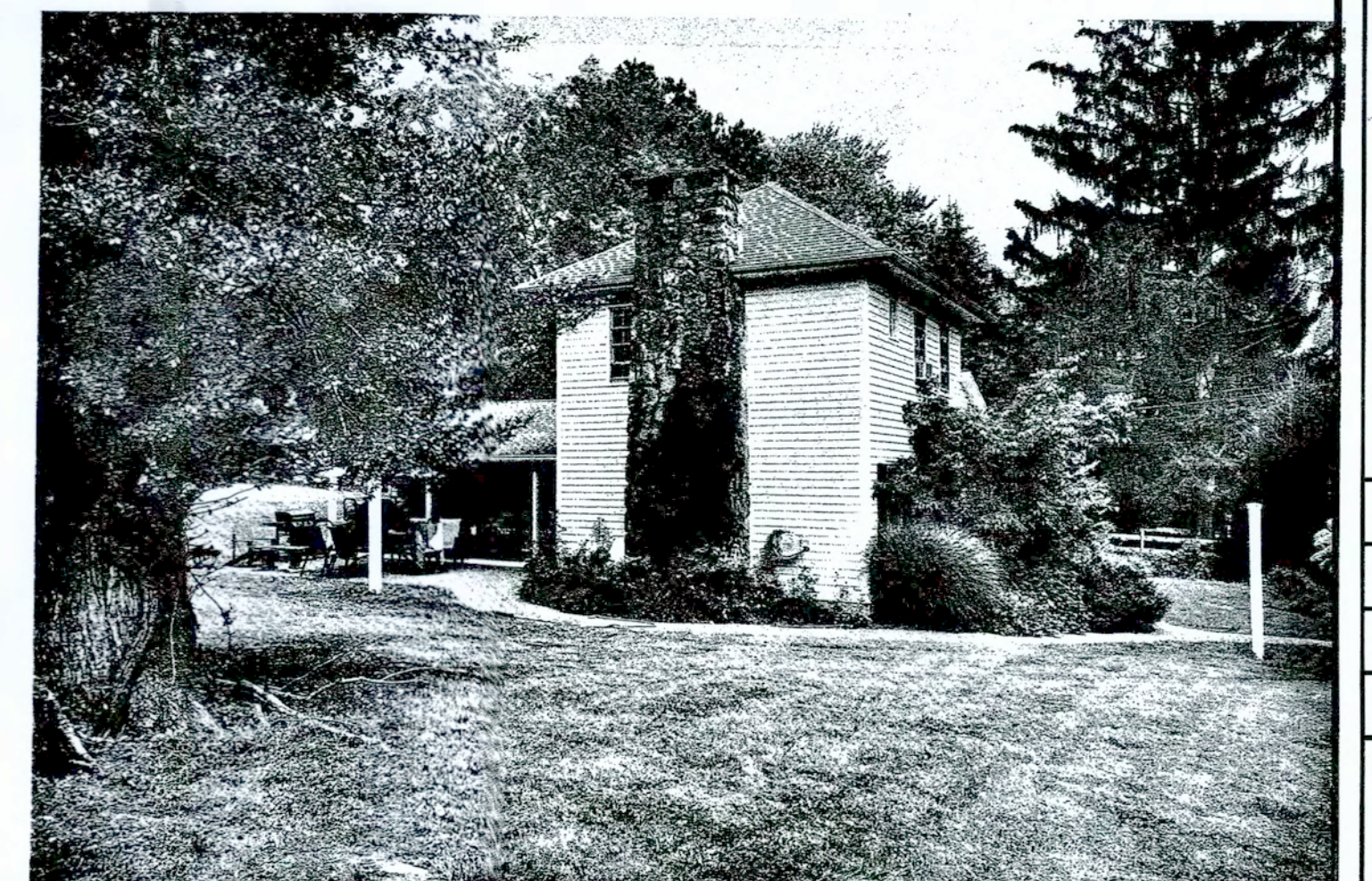
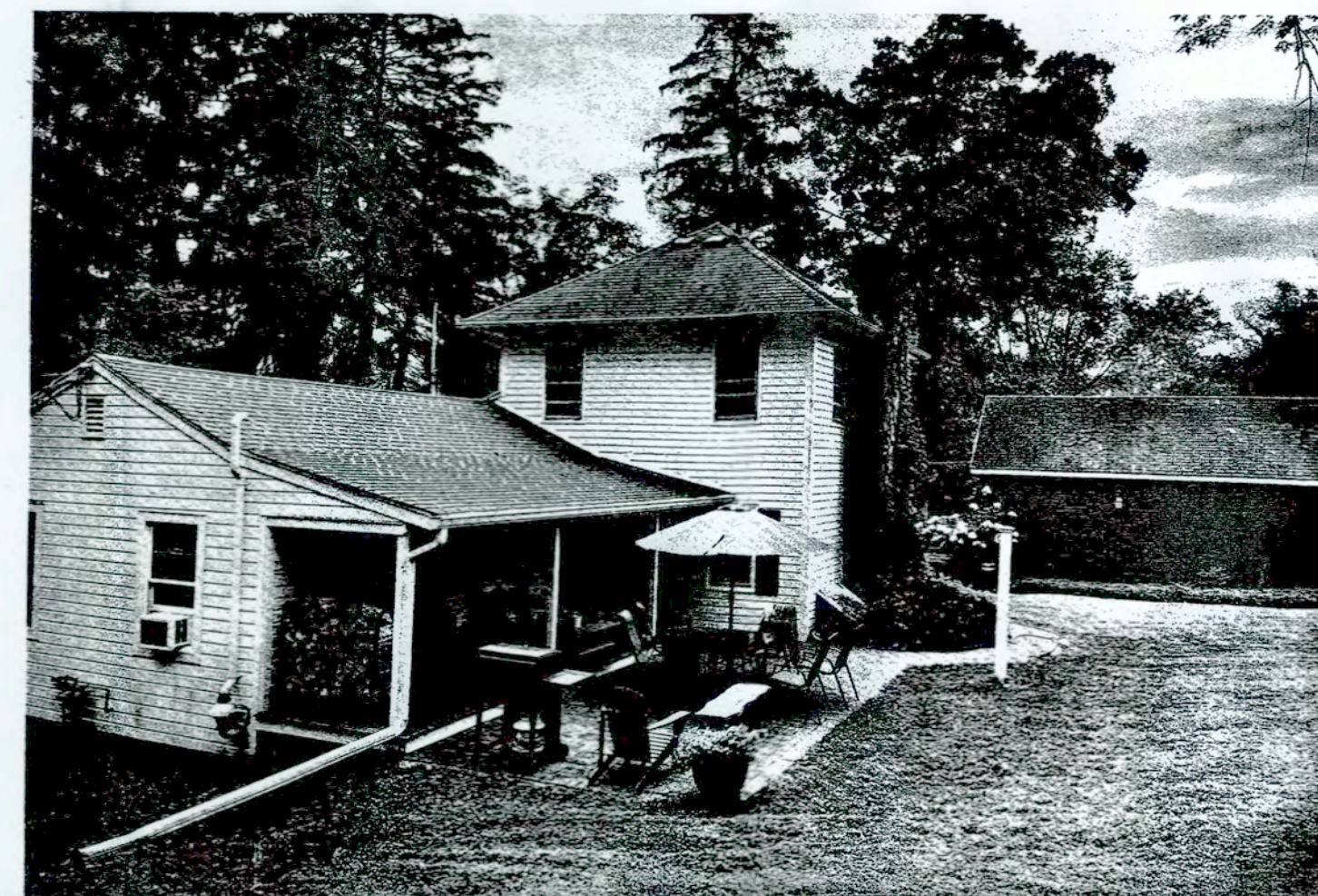
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Drawn JH

Job 2111

Sheet

3
Of 4 Sheets



REVISIONS	BY

Jonathon E. Booth
Architect
T 908 204-9527
F 908 204-9528
33 Balline Road
Basking Ridge, New Jersey
07920

Jonathon E. Booth
Jonathon E. Booth
NJ Lic # AI 11475 00

Addition
and
Alterations

to

Ferrier
Residence

107 Childs Road
Basking Ridge,
New Jersey

blk 401 lot 15

Date 30 AUG 21

Scale 1/4" = 1'

Drawn *Mu*

Job 2111

Sheet 4

Of 4 Sheets

EC

TOWNSHIP OF BERNARDS
ZONING BOARD OF ADJUSTMENT
APPLICATION STATUS FORM

Application No: ZB21028 Block: 11611 Lot: 48 Zone: R-7

Applicant: PORR, MICHAEL, & WENDY

Address of Property: 10 PROSPECT AVENUE

Description: BULK VARIANCES FOR INSTALLATION OF
IN-GROUND POOL.

APPLICATION CHECKLIST

<input checked="" type="checkbox"/> Original + 16 copies of Application	<input checked="" type="checkbox"/> Engineering Plan/Plot Plan
<input checked="" type="checkbox"/> W-9	<input type="checkbox"/> Architectural Plans
<input checked="" type="checkbox"/> Site Visit Consent (A)	<input type="checkbox"/> Survey
<input type="checkbox"/> Ownership Form (B)	<input checked="" type="checkbox"/> Photographs
<input checked="" type="checkbox"/> 200' Property Search List (C)	<input type="checkbox"/> Wetlands Report/LOI
<input checked="" type="checkbox"/> Tax Certification (D)	<input checked="" type="checkbox"/> Application Fee
<input checked="" type="checkbox"/> Notice to be Served/Published (E)	<input checked="" type="checkbox"/> Escrow Deposit
<input checked="" type="checkbox"/> Dimensional Statistics Form (F)	<input checked="" type="checkbox"/> Imaging Fee
<input type="checkbox"/> Contributions Disclosure Form (G)	<input type="checkbox"/> Tax Map Revision Fee
	<input checked="" type="checkbox"/> Checklist

SCHEDULING

9.8.21 Original Submission Date
10.23.21 Completeness Deadline (45 days)
____ Incomplete Date
____ Resubmission Date
____ Date Complete
2.20.22 Time to Act (45/95/120 days)

HEARING

____ Notice to Property Owners
____ Date of Publication
____ Completeness Hearing
12.8.21 Public Hearing
____ Carried to Date
____ Decision - Approved/Denied
____ Resolution Memorialized
____ Resolution Published

DISTRIBUTION

9.8.21 Environmental Comm
____ Fire Official
____ LCFAS
____ Police

NOTES

MAY BE
HEARD
11/3

Bisogno, Loeffler & Zelley, L.L.C.

Attorneys at Law
88 South Finley Avenue
Post Office Box 408
Basking Ridge, New Jersey 07920

Vincent T. Bisogno

vbisogno@baskingridgelaw.com

Paul H. Loeffler (Member N.J. & N.Y. Bars)

ploeffler@baskingridgelaw.com

Frederick B. Zelley (Member N.J. & Pa. Bars)

fzelley@baskingridgelaw.com

Paul D. Mitchell

pmitchell@baskingridgelaw.com

Telephone: (908) 766-6666

Facsimile: (908) 766-7809

September 7, 2021

Ms. Cynthia Kiefer, Administrator
Bernards Township Board of Adjustment
277 South Maple Avenue
Basking Ridge, New Jersey 07920

Via Hand Delivery

Re: Application for Coverage Variance
Applicants: Michael and Wendy Porr
Tax Block 1611, Lot 48 – 10 Prospect Avenue, Basking Ridge

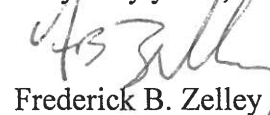
Dear Ms. Kiefer:

This office represents Michael and Wendy Poor, the Applicants in the above referenced Application.

Enclosed herewith please find seventeen (17) duplicates of a color exhibit that was inadvertently omitted from our original package. We apologize for any confusion.

Thank you for your attention and anticipated continued cooperation in this matter. Should you have any questions or concerns, or if we may otherwise be of any further assistance, please do not hesitate to contact me.

Very truly yours,


Frederick B. Zelley

FBZ/wp

Enclosure

cc: Rudolph Holzmann, P.E. (via email)
Mr. and Mrs. Michael and Wendy Poor (via email)

Bisogno, Loeffler & Zelley, L.L.C.

Attorneys at Law
88 South Finley Avenue
Post Office Box 408
Basking Ridge, New Jersey 07920

Vincent T. Bisogno

vbisogno@baskingridgelaw.com

Paul H. Loeffler (Member N.J. & N.Y. Bars)

ploeffler@baskingridgelaw.com

Frederick B. Zelley (Member N.J. & Pa. Bars)

fzelley@baskingridgelaw.com

Paul D. Mitchell

pmitchell@baskingridgelaw.com

Telephone: (908) 766-6666

Facsimile: (908) 766-7809

September 3, 2021

Ms. Cynthia Kiefer, Administrator
Bernards Township Board of Adjustment
277 South Maple Avenue
Basking Ridge, New Jersey 07920

Via Hand Delivery

Re: Application for Coverage Variance
Applicants: Michael and Wendy Porr
Tax Block 1611, Lot 48 – 10 Prospect Avenue, Basking Ridge

Dear Ms. Kiefer:

This office represents Michael and Wendy Poor, the Applicants in the above referenced Application.

Enclosed herewith please find the following:

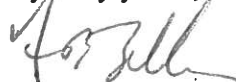
1. Bernards Township Zoning Board of Adjustment Application (O+16)
2. Addendum to Application (O+16)
3. Email from Zoning Officer Nancy Koederitz dated 5/3/2021 (17)
4. C Variance Checklist (17)
5. Dimensional Statistics Sheet (17)

6. Site Inspection Consent Form (17)
7. Proposed Notice of Hearing (17)
8. 200' Property Owners List (17)
9. Property Tax Certification (to be supplied if not enclosed)
10. Copy of Applicants' Deed (17)
11. Copy of August 4, 2021 Board of Adjustment Resolution for Application Number ZB21-023 (17)
12. Site Photographs (5 photos) (17 sets)
13. Engineering Plans by Yannaccone, Villa and Aldrich (3 Sheets) (17 Sets)
14. Survey by Pronesti Surveying, Inc. (1 Sheet) (1 – multiple copies previously provided)
15. Our client's checks in the respective amounts of \$100.00 for the application fees, \$1,500.00 for the escrows and \$25.00 for the document imaging fee.
16. Form W-9

If any additional documentation is needed in order to make this application complete, kindly advise our office accordingly. If not, kindly advise us when the application has been deemed to be complete and of the scheduled hearing date. Needless to say, our client would like to have the application heard as soon as possible.

Thank you for your attention and anticipated continued cooperation in this matter. Should you have any questions or concerns, or if we may otherwise be of any further assistance, please do not hesitate to contact me.

Very truly yours,



Frederick B. Zelley

FBZ/wp

Enclosures

cc: Rudolph Holzmann, P.E. (via email, w/o plans and survey)
Mr. and Mrs. Michael and Wendy Poor (via email, w/o plans and survey)

TOWNSHIP OF BERNARDS
2019 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input 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): _____ |
|--|--|

1. APPLICANT: Michael Porr and Wendy Porr

Address: 10 Prospect Avenue Basking Ridge, NJ 07920

Phone: (home) _____ (work) _____ (mobile) (862)345-8119

Email (will be used for official notifications): michael.porr@yahoo.com

2. OWNER (if different from applicant): _____

Address: _____

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

3. ATTORNEY: Frederick B. Zelley / Bisogno, Loeffler & Zelley, L.L.C.

Address: 88 South Finley Avenue, P.O. Box 408, Basking Ridge, New Jersey 07920

Phone: (908) 766-6666 Email (will be used for official notifications): fzelley@baskingridgelaw.com

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

Name: Rudolph L. Holzmann, PE Yannacone Villa & Aldrich LLC Profession: Engineer

Address: 460 Main Street, P.O. Box 459, Chester, New Jersey 07930

Phone: (908) 879-6646 Email (will be used for official notifications): r.holzmann@yvallc.com

5. PROPERTY INFORMATION: Block(s): 1611 Lot(s): 48 Zone: R-7

Street Address: 10 Prospect Avenue Total Area (square feet/acres): 19,041 SF

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)

Application ZB21-023, in which impervious coverage variance for swimming pool was denied but shed setback variances were granted.

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☐ No ☒ Yes (if yes, explain) Excessive coverage (28.16% when 20% is permitted), which is a

pre-existing, non-conforming condition (predates 1978 ordinance), as per 5/3/2021 email from Zoning Officer Nancy Koederitz submitted herewith;

Utility shed is in violation of side and rear yard setbacks, for which variance is being requested herein.

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

[✓] No [] Yes (if yes, explain and attach copy) _____

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

Please see attached Addendum

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

Please see attached Addendum.

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

Please see attached Addendum

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

APPLICANT(S) SIGN HERE:

I/we, Michael Porr _____ and Wendy Porr _____ 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): R. Michael _____ and Wendy Porr _____

Sworn and subscribed before me, this 3 day of September, 2021.

Frederick B. Zelley
Frederick B. Zelley, Attorney at Law of State of 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 _____, 2019.

Notary

AMENDED ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION
MICHAEL AND WENDY PORR
10 PROSPECT AVENUE – BLOCK 1611, LOT 48

The following are responses to the respective Application Items noted “Please see Addendum”:

9. [Description of the Existing Property and the Proposal/Request]

The Applicants wish to install an inground swimming pool in a conforming location in the rear yard of their property. The property is modestly undersized (.437 ac in a half acre zone), and presently hosts a single family residence with a patio, as well as a small utility shed. The house and patio are conforming. The shed, installed in or about 2007, is in violation of the side and rear setbacks but variance relief was granted by this Board in Application ZB21-023 by Resolution dated August 4, 2021. The property has excessive impervious coverage, which is a pre-existing, non-conforming condition, predating the 1978 zoning ordinance, as confirmed by the Zoning Official.

10. [Description of Requested Variances or Exceptions]

Variance for excessive impervious coverage: Ordinance §21-15.1(d)(1) and Table 501. The installation of the proposed inground swimming pool, including its coping and equipment pad, will increase the existing impervious coverage on the property by 731 sf, of which 544 sf is “stormwater neutral” pool water surface area. The Applicants propose to eliminate a 102 sf portion of their driveway asphalt and restore the area to grass. Accordingly, the net increase in impervious coverage is 629 sf. This represents an increase from 28.16% to 31.46%. Discounting the pool water surface area, however, the increase is only 85 sf, or from 28.16% to 28.61%, an arguably *de minimis* increase.

Variance for Side Setback for Swimming Pool Equipment Pad: Ordinance §21-18.2(a). The Applicants propose placing the pool equipment pad 4.0' from the western side line, within existing landscaping. Compliance with the required 20' setback for swimming pools (which includes the pool equipment by definition under the ordinance) would generally place the pad in open, more visible areas of the property, closer to and more visible from neighboring homes.

With the exception of the aforementioned variances, the Applicant believes that no other variance, waiver or exception is required in order to grant the approval requested. However, if the Board directs that additional variance(s), waiver(s) or exception(s) is/are needed, the Applicant may seek the same in accordance with such direction.

11. [Arguments in Support of Application]

The Applicants applied to this Board for variance relief for excessive impervious coverage and for accessory structure setbacks in Application ZB21-023, relating to a proposed swimming pool project for a 672 sf swimming pool to be surrounded by raised open decking instead of traditional cement or other impervious materials. The Board granted the accessory setback variances for an existing storage shed, but denied the impervious coverage variance. The Board, in its August 4, 2021 Resolution, found that:

while the proposal would promote a desirable visual environment and upgrade the housing stock, the detriment associated with the increased coverage and massing, as well as the potential stormwater runoff considerations, would not be substantially outweighed by said benefits. The Board finds that, given the magnitude of the impervious coverage deviation sought and the proposed mass of the residential amenities as compared to the lot area of the Property, the proposal would provide only a relatively modest public benefit, which benefit would not substantially outweigh the relatively significant detriments associated therewith, particularly as to stormwater runoff and massing. Resolution Paragraph 23.

The Board further noted that the “Applicants acknowledged that the proposed pool and/or existing patio could be reduced in size, but that the Applicants voluntarily declined to pursue either course.” Resolution Paragraph 22.

In the within application, the Applicants are proposing an even more modest swimming pool size of 544 sf, and are proposing no surrounding surface (pervious or impervious), other than the requisite pool coping. This reduces the magnitude of the proposed impervious coverage from that requested in the prior application, from 32.08% (6,108 sf) to 31.46% (5,991 sf) and eliminates any massing effect that may have been caused by the previously proposed raised decking surrounding the pool.

Positive Criteria

The variances requested are “C-1” variances, based upon the hardship created by the undersized lot and the locations of the lawfully existing structures and impervious features on the property. As to the coverage variance, but for the undersized lot, the coverage (not including the pool water surface area) would be less than 25% (all but 42 sf of which would be pre-existing, non-conforming). As for the pool equipment setback variance, compliance with the setback would place the equipment in an unfavorable location, such as in the middle of the relatively modest backyard grassed area and/or in a location more visible from the street.

The variances could also be considered “C-2” (“Flexible C”) variances, in that the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

As to the pool equipment pad variance, installing the pad in the proposed location would satisfy the following purposes of the MLUL, as set forth in N.J.S.A. 40:55D-2:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare:

Keeping the shed and pad out of the open grassed areas of the rear yard will contribute to the health, safety and general welfare of the Applicants, their family members and visitors.

c. To provide adequate light, air and open space:

Keeping the shed and pad out of the open grassed areas of the rear yard will maintain the existing light, air and open space of the property.

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement:

Keeping the shed and pad largely (probably entirely as to the pad) out of view from the street will maintain the existing desirable visual environment of the property and the neighborhood.

There is no perceived detriment to offset the above benefits. The additional impervious coverage, disregarding the “stormwater neutral” pool water surface area, is *de minimis*. The shed has existed in its present location for many years, with no complaints from any neighbors and with no apparent detriment being presented by its location. Because the western side line of the property is adjacent to deep rear yards of the neighboring properties, having the pool equipment in the proposed location is unlikely to have any detrimental impact upon the neighbors, despite not being 20' from the property line. The Applicants respectfully submit that all of the reasoning relied upon by this Board in its August 4, 2021 Resolution, granting setback variance relief for the existing utility shed's non-conforming location, applies equally to the proposed pool equipment pad location.

As to the impervious coverage variance, the addition of a swimming pool to the Applicants' property would assist in conserving property values in the neighborhood as whole, which remains a purpose of land use regulation even though that goal is not expressly stated in N.J.S.A. 40:55D-2. Home Builders League of S. Jersey, Inc. v. Township of Berlin, 81 N.J. 127, 144-45 (1979).

Negative Criteria

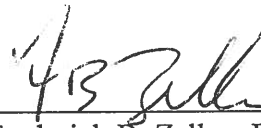
The Negative Criteria are also satisfied, as the variances can be granted without substantial detriment to the public good and without substantial impairment of the intent and the purpose of the zone plan and zoning ordinance.

As to the impervious coverage variance, this Board expressly found in its August 4, 2021 Resolution for Application ZB21-023 that the impervious coverage proposed in that application satisfied the Negative Criteria. Since the magnitude of the impervious coverage proposed in the within application, as well as the magnitude of pervious features proposed in the project, is less than that proposed in the prior application, it is respectfully submitted that the Negative Criteria are satisfied for the within application as well.

As to the pool equipment pad setback variance, the Applicants respectfully submit that all of the reasoning relied upon by this Board in its August 4, 2021 Resolution, granting setback variance relief for the existing utility shed's non-conforming location, applies equally to the proposed pool equipment pad location.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC

A handwritten signature in black ink, appearing to read "F B Zelley", written over a horizontal line.

By: Frederick B. Zelley, Esq.
Attorneys for the Applicants
Michael and Wendy Porr

Dated: September 3, 2021

Fred Zelley

From: Nancy Koederitz <nkoederitz@bernards.org>
Sent: Monday, May 3, 2021 8:45 AM
To: Fred Zelley
Subject: RE: Porr Residence -- 10 Prospect Avenue, Block 1611, Lot 48

Fred,

At the time of the patio permit, I researched our records and determined that the excess coverage existed since 1978 (prior to the Township's lot coverage ordinance in July, 1980), so it was grandfathered.

Regards,
Nancy Koederitz

Zoning Officer/GIS Specialist
Engineering Services Building
277 S Maple Ave
Basking Ridge, NJ 07920
(908) 204-2507 7am-3:30pm

From: Fred Zelley <fzelley@baskingridgelaw.com>
Sent: Friday, April 30, 2021 6:46 PM
To: Nancy Koederitz <nkoederitz@bernards.org>
Subject: Porr Residence -- 10 Prospect Avenue, Block 1611, Lot 48

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Nancy! I hope this finds you well!

I'm hoping you can help us solve a mystery. We are preparing a coverage variance application for the above referenced property associated with a proposed inground swimming pool installation. The existing coverage is 28.16%, where the R-7 Zone only allows 20% as you know. The increase from the pool will actually be minor, as decking is being used for the surround and some existing coverage is being removed. The mystery is how the existing excessive coverage came to be. Our clients tell me that it existed when they purchased the property in 2007. They also tell me that when they did some patio work not long ago, you made sure that they did not exceed the existing coverage, but you did not express an issue with the extent of the existing coverage. Any idea?

Have a great weekend!

Fred

Frederick B. Zelley, Esq.
Bisogno, Loeffler & Zelley, L.L.C.
88 South Finley Avenue
P.O. Box 408

Basking Ridge, New Jersey 07920
TEL: (908) 766-6666
FAX: (908) 766-7809
Email: fzelley@baskingridgelaw.com
Website: www.baskingridgelaw.com

Applicants: Michael and Wendy Porr
10 Prospect Avenue, Basking Ridge (Block 1611, Lot 48)

APPENDIX D, ARTICLE III

Checklist

Application for Approval of a Variance Pursuant to NJSA 40:55D-70(c)

Important: Each item must be marked Submitted, Not Applicable or Waiver Requested

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	X		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	X		
7	Calculations of existing & proposed lot coverage percentages.	X		
8	Architectural sketches (floor plan and elevations) of the proposed improvements.		X	X
9	Photographs of the property in the location of the proposed improvements.	X		
10	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.			X
11	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		X	
12	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		X	
13	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.		X	X

Applicants: Michael and Wendy Porr
10 Prospect Avenue, Basking Ridge (Block 1611, Lot 48)

APPENDIX D, ARTICLE III

Checklist

Application for Approval of a Variance Pursuant to NJSA 40:55D-70(c)

Important: Each item must be marked Submitted, Not Applicable or Waiver Requested

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	X		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	X		
7	Calculations of existing & proposed lot coverage percentages.	X		
8	Architectural sketches (floor plan and elevations) of the proposed improvements.		X	X
9	Photographs of the property in the location of the proposed improvements.	X		
10	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.			X
11	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		X	
12	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		X	
13	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.		X	X

DIMENSIONAL STATISTICS

	REQUIRED	EXISTING	PROPOSED
LOT AREA	21,780 SF= 0.50 AC	19,041 SQ. FT. = 0.437 AC	NO CHANGE
LOT WIDTH	125 FT	100 FT	NO CHANGE
FRONTAGE	75 FT	100 FT	NO CHANGE
FRONT YARD SETBACK	40 FT	64.9 FT	NO CHANGE
REAR YARD SETBACK	40 FT	63.9 FT	63.9 FT. (house) NO CHANGE
COMBINED SIDE YARD	60 FT	39.1 FT	39.1 FT NO CHANGE
SIDE YARD	20 FT	12.8 FT	12.8 FT NO CHANGE
COVERAGE	20.0 % (4,356)	28.16% (5,362 SF)	31.46% (5,991) SF
HEIGHT	35 FT/2.5 STORIES	< 35 FT/1.5 STORIES	NO CHANGE
IF REQUIRED, GROSS FLOOR AREA	NOT REQUIRED		
IF REQUIRED, FLOOR AREA RATIO	NOT REQUIRED		
IF REQUIRED, IMPROVABLE LOT AREA	NOT REQUIRED		

**TOWNSHIP OF BERNARDS
PLANNING BOARD / BOARD OF ADJUSTMENT**

SITE INSPECTION CONSENT FORM

Applicant: Michael Porr and Wendy Porr Application: Bulk or Dimensional Variance
Block: 1611 Lot: 48 Street Address: 10 Prospect Avenue Basking Ridge, NJ

I, Michael Porr and Wendy Porr, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection shall be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature:  Date: 9/3/2021
Michael Porr

Signature:  Date: 9/3/2021
Wendy Porr

NOTICE OF PUBLIC HEARING
BERNARDS TOWNSHIP BOARD OF ADJUSTMENT

YOU ARE HEREBY NOTIFIED that the undersigned Applicants have filed an application with the Bernards Township Board of Adjustment for variance relief relative to the Applicants' property known as Tax Block 1611, Lot 48 and located at 10 Prospect Avenue, Basking Ridge, New Jersey, which is located in the R-7 Residential Zone.

The Applicants wish to install an inground swimming pool and pool equipment, requiring the following bulk variance relief:

1. Excess impervious coverage of 5,991 sf (31.46%), increased from the pre-existing, non-conforming 4,356 sf (28.16%), where 20% is permitted under the current ordinance;
2. Swimming Pool Equipment Pad Setback of 4.0' when 20' is required.

With the exception of the aforementioned variances, the Applicants believe that no other variance, waiver or exception is required in order to grant the approvals requested. However, if the Board of Adjustment directs that additional variance(s), waiver(s) or exception(s) is/are needed, the Applicants may seek the same in accordance with such direction.

A copy of the proposed plans and application are on file with the Secretary to the Board of Adjustment and are open for inspection during regular business hours at the office of said Secretary, which is located at 277 South Maple Avenue, Basking Ridge, New Jersey.

The application will be considered by the Bernards Township Board of Adjustment on Wednesday, _____, 2021 at 7:30 p.m. at the Bernards Township Municipal Building, Courtroom, 1 Collyer Lane, Basking Ridge, New Jersey 07920. A hearing will be held by the Board at that time during which members of the public will be heard on the matter. The public will also be able to view the meeting live on Optimum/Cablevision TV - Channel 15 and Verizon FIOS TV - Channel 35. 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. Any interested party may participate in said hearing in accordance with the rules of the Board of Adjustment.

Michael and Wendy Porr /s/

Dated: September 3, 2021

Submitted by:
Frederick B. Zelley, Esq.
Bisogno, Loeffler & Zelley, L.L.C.
88 South Finley Avenue
P.O. Box 408
Basking Ridge, New Jersey 07920
(908) 766-6666
FAX: (908) 766-7809
Email: fzelley@baskingridgelaw.com



OFFICE OF THE ASSESSOR

TOWNSHIP OF BERNARDS

ONE COLLYER LANE

BASKING RIDGE, NJ 07920

(908) 204-3082 Fax (908) 766-1644

*** 200 Foot Property Search ***

** VALID FOR 90 DAYS **

Date: 04/08/2021

Block: 1611 **Lot(s):** 48 **Qual:**

Property Location: 10 Prospect Ave

Applicant: Frederick B. Zelley, Esq.

Phone : (908) 766-6666 **Fax:** (908) 766-7809 **Email:** fzelley@baskingridgelaw.com

PROPERTY OWNER INFORMATION

Name: Michael & Wendy Porr

Address: 10 Prospect Ave

City, State, Zip: Basking Ridge, NJ 07920

Due to the location of the referenced
Block and Lot, the following
Fire Company Should be notified:



Basking Ridge Fire Company
P.O. Box 326
Basking Ridge, NJ 07920

Email When Complete:

Email Report To: Frederick B. Zelley, Esq.
fzelley@baskingridgelaw.com

CERTIFIED BY:

David Centrelli, Assessor - Township Of Bernards

Bernards Township

Parcel Offset List

Target Parcel(s): Block-Lot: 1611-48
PORR, MICHAEL & WENDY
10 PROSPECT AVE

16 parcels fall within 200 feet of this parcel(s).

Block-Lot: 1612-9

HART, GLENN T & CHERYL L
154 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 154 S MAPLE AVE

Block-Lot: 1612-8

MITCHELL, JEFFREY A & JANE E
9 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 9 PROSPECT AVE

Block-Lot: 1612-7

BRUNO, DAVID P & STEPHANIE L
15 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 15 PROSPECT AVE

Block-Lot: 1612-6

BABINSKI, RAYMOND & JUDITH B
19 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 19 PROSPECT AVE

Block-Lot: 1611-47

BOSWELL, JEANNE MARIE & JOHN
340 CABRINI BLVD #301
NEW YORK NY 10040
RE: 14 PROSPECT AVE

Block-Lot: 1611-46

SLAPIN, JANN V
18 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 18 PROSPECT AVE

Block-Lot: 1611-45

YAROSH, DENIS & TERRY, CATHERINE TRST
22 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 22 PROSPECT AVE

Block-Lot: 1611-6

LOVE, PAMELA F
69 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 69 E LEWIS ST

Block-Lot: 1611-5

SICHENZIO, RICHARD & SHAWN
67 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 67 E LEWIS ST

Block-Lot: 1611-4

KRECICKI, KEITH S & KIM A
136 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 136 S MAPLE AVE

Block-Lot: 1611-3

HARRINGTON, PETER & BASEIL, LAURA A.
140 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 140 S MAPLE AVE

Block-Lot: 1611-2

TODD, CAROL A
142 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 142 S MAPLE AVE

Block-Lot: 1611-1

YOUNG, CYNTHIA & FODERA, JOHN
148 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 148 S MAPLE AVE

Block-Lot: 1611-9

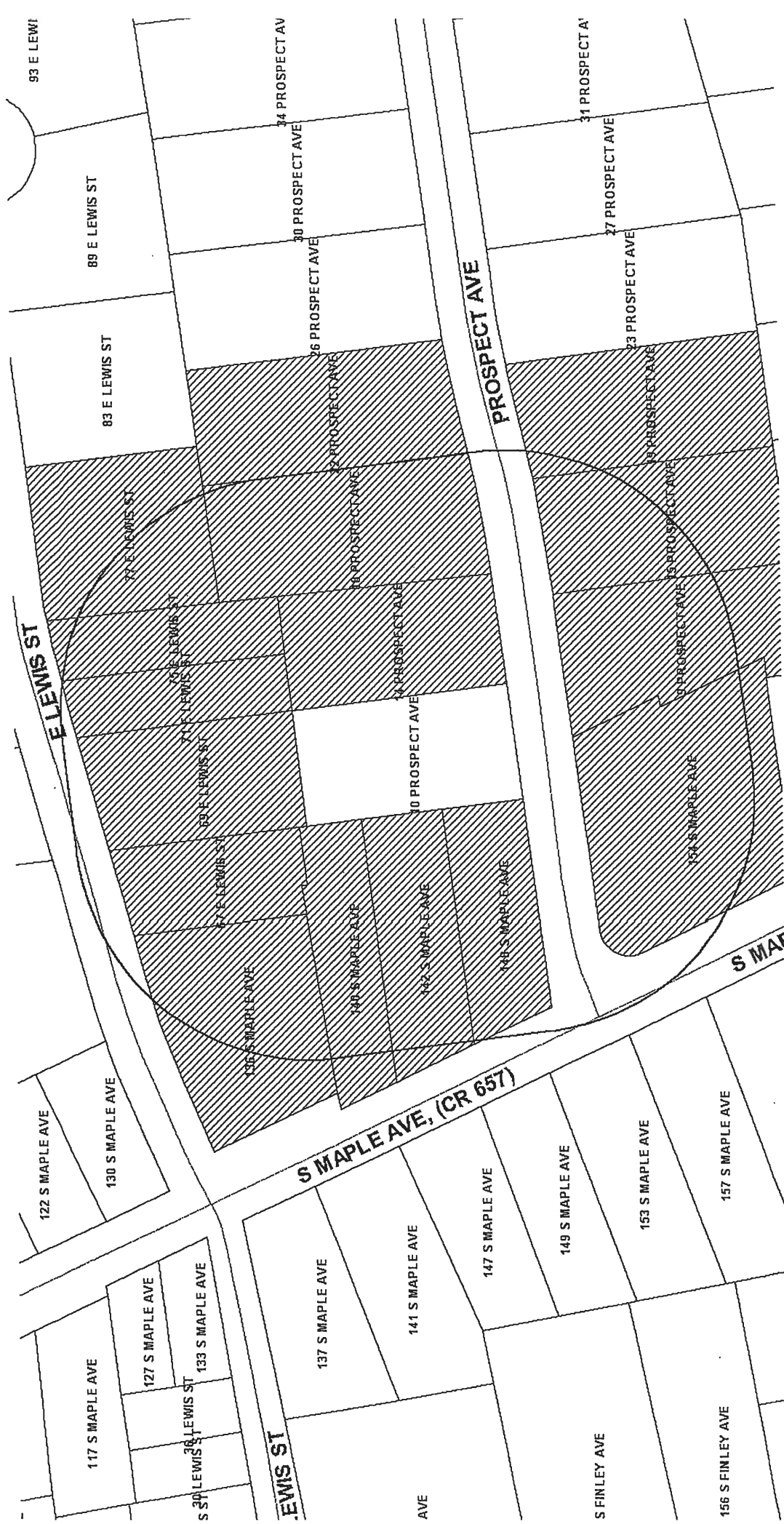
HELVERSON, FRANCIS J
77 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 77 E LEWIS ST

Block-Lot: 1611-8

O'CONNOR-ROBOL, Z & SANJURJO, S
75 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 75 E LEWIS ST

Block-Lot: 1611-7

SHARRON, MELISSA
71 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 71 E LEWIS ST





OFFICE OF THE ASSESSOR

TOWNSHIP OF BERNARDS

ONE COLLYER LANE

BASKING RIDGE, NJ 07920

(908)-204-3082 FAX (908)-766-1644

200 FOOT PROPERTY SEARCH

List of names and addresses of all owners of property as shown on the current tax duplicate located within 200 feet of any part of the property affected by this application. The Township of Bernards accepts no liability for errors hereon. *The attached list was compiled by the Engineering Department.*

If the property is within 200 feet of an adjoining municipality, the Township Clerk of that municipality should be notified. In addition, the applicant must also obtain the names and addresses of the owners of the land in such adjoining municipalities that are located within 200 feet of the subject premises.

The following is a list of utility companies located within Bernards Township. It is not to be construed as utilities being on or within 200 feet of the property being searched.

- | | | |
|--|---|---|
| 1. ALGONQUIN GAS TRANSMISSION CO
1 Lindbergh Rd
Stony Point, NY 10980
(908) 757-1212 | 6. NEW JERSEY AMERICAN WATER CO
Donna Short, GIS Supervisor
NJ-American Water Company, Inc.
1025 Laurel Oak Rd
Voorhees, NJ 08043 | 10. NEW JERSEY BELL TELEPHONE CO
Edward D. Young III, Secretary
Verizon Legal Dept.
540 Broad St – Room 2001
Newark, NJ 07101
(201) 649-2233 |
| 2. BELL ATLANTIC CORPORATION
Secretary, 46 th Floor
1717 Arch
Philadelphia, PA 19102 | 7. CABLEVISION OF RARITAN VALLEY
275 Centennial Ave; CN6805
Piscataway, NJ 08855
Attn: Margurite Prenderville
Construction Dept | 11. TRANSCONTINENTAL GAS PIPELINE
Division Office
3200 S Wood Ave
Linden, NJ 07036 |
| 3. JCP & L/ GPU
Service Tax Dept
PO Box 1911
Morristown, NJ 07962-1911 | 8. BERNARDS TWP SEWERAGE AUTHORITY
1 Collyer Ln
Basking Ridge, NJ 07920
(908) 204-3002 | 12. VERIZON BUSINESS/MCI
Right of Way Dept.
2400 N Glenville Dr
Richardson, TX 75082 |
| 4. PUBLIC SERVICE ELECTRIC & GAS
Manager – Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102 | 9. ENVIRONMENTAL DISPOSAL CORP
William Halsey, President
601 State Hwy 202/206
Bedminster, NJ 07921
(908) 234-0677 | |
| 5. VERIZON COMMUNICATIONS
Engineering
290 W Mt Pleasant Ave; Ste 1400
Livingston, NJ 07039-2763 | | |

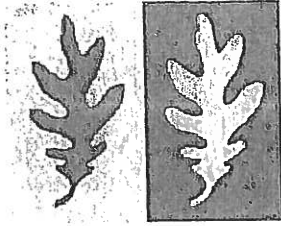
PLEASE NOTE :
Numbers 1,3,4,5 and 7 are
registered with the Township and
REQUIRE NOTIFICATION

If the property is adjacent to a State Highway, the
COMMISSIONER OF TRANSPORTATION
must be notified at

NEW JERSEY DEPT OF TRANSPORTATION
1035 Parkway Ave., CN600
Trenton, NJ 08625

If the property is adjacent to a County Road, the
SOMERSET COUNTY PLANNING BOARD
must be notified at

SOMERSET COUNTY PLANNING BOARD
PO Box 3000
Somerville, NJ 08876



Township of Bernards

Peggy L. Warren, Tax Collector
1 Collyer Lane, Basking Ridge, NJ 07920

Phone: 908-204-3080; Fax: 908-766-1941; Website: www.bernards.org

April 7, 2021

This is to certify that the property located at Block 1611 Lot 48, otherwise known as 10 Prospect Ave, Basking Ridge, NJ is assessed to Porr, Michael & Wendy and is paid through 1st Quarter 2021.

Very truly yours,



Kevin Sant'Angelo
Deputy Tax Collector

DEED

Prepared By:

William J. Kearns
William J. Kearns, Esq.

This Deed is made on July 19, 2007

BETWEEN

JOSEPH DiCESARE and ELIZABETH DiCESARE, his wife

whose address is 10 Prospect Avenue, Basking Ridge, New Jersey, 07920, referred to as the Grantor,

AND

MICHAEL PORR and WENDY PORR, husband and wife

whose post office address is about to be 10 Prospect Avenue, Basking Ridge, New Jersey, 07920, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of EIGHT HUNDRED NINETY-FIVE THOUSAND (\$895,000.00) DOLLARS. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Bernards Township
Block No. 84 Lot No. 33 Account No.

☐ No property tax identification number is available on the date of this Deed. (Check box, if appropriate.)

Property. The property consists of the land and all the buildings and structures on the land in the Township of Bernards, County of Somerset and State of New Jersey. The legal description is:

BEGINNING at a point in the northerly sideline of Prospect Avenue (50' ROW), said point being distant 205.34 feet Easterly, along the same, from its intersection with the centerline of South Maple Avenue; from thence running

- (1) North 1 degree 40 minutes East, 190.41 feet to a point marked by an axel found; thence
- (2) South 88 degrees 20 minutes East 100.00 feet to a point; thence
- (3) South 1 degree 40 minutes West 190.41 feet to a point in the Northerly sideline of Prospect Avenue; thence
- (4) Along the same, North 88 degrees 20 minutes West 100.00 feet to the point and place of BEGINNING.

Being known as Lot #33 in Block #84 as shown on the Tax Map of the Township of Bernards, commonly known as 10 Prospect Avenue, Basking Ridge, New Jersey.

Being the same premises conveyed to the Grantors herein by Deed of Donald J. Murray, et ux. dated October 31, 1991 and recorded November 1, 1991 in the Office of the Clerk of Somerset County in Deed Book 1835 at Page 570.



2007042787

4pgp 7-10-07
BRET A. RADI COUNTY CLERK
SOMERSET COUNTY, NJ
2007 JUL 23 10:51:56 AM
BK: 6048 PG: 2845-2849
CONS: \$895,000.00 EXEMPT: 05
NJ XFEE FEE: \$8,357.00
INSTRUMENT # 2007042787

CHICAGO TITLE INSURANCE COMPANY
SCHEDULE A
NUMBER 4
(CONTINUED)
DESCRIPTION

Commitment No. 07PT-38538

All that certain tract, lot and parcel of land lying and being in the Township of Bernards, County of Somerset, State of New Jersey being more particularly described as follows:

BEGINNING AT A POINT IN THE NORTHERLY SIDELINE OF PROSPECT AVENUE (50 FOOT ROW) SAID POINT BEING DISTANT 205.34 FEET EASTERLY, ALONG THE SAME, FROM ITS INTERSECTION WITH THE CENTERLINE OF SOUTH MAPLE AVENUE; FROM THENCE RUNNING

1. NORTH 1 DEGREES 40 MINUTES EAST, 190.41 FEET TO A POINT MARKED BY AN AXEL FOUND; THENCE
2. SOUTH 88 DEGREES 20 MINUTES EAST, 100.0 FEET TO A POINT; THENCE
3. SOUTH 1 DEGREES 40 MINUTES WEST, 190.41 FEET TO A POINT IN THE NORTHERLY SIDELINE OF PROSPECT AVENUE; THENCE
4. ALONG THE SAME, NORTH 88 DEGREES 20 MINUTES WEST, 100.0 FET TO THE POINT AND PLACE OF BEGINNING.

THE ABOVE DESCRIPTION WAS DRAWN IN ACCORDANCE WITH A SURVEY PREPARED BY PRONESTI SURVEYING, INC. DATED 5/4/07.

THE ABOVE PREMISES IS ALSO KNOWN AS LOT 33 IN BLOCK 84 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF BERNARDS. (REPORTED FOR INFORMATION ONLY)

State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION
(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Name(s)

Joseph DiCesare and Elizabeth DiCesare

Current Resident Address:

Street: 10 Prospect Avenue

City, Town, Post Office

State

Zip Code

NJ

07920

Basking Ridge

PROPERTY INFORMATION (Brief Property Description)

Block(s)

Lot(s)

Qualifier

84

33

Street Address:

10 Prospect Avenue

City, Town, Post Office

State

Zip Code

NJ

07920

Basking Ridge

Seller's Percentage of Ownership

Consideration

Closing Date

100%

\$895,000.00

7/19/2007

SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 8 apply to NON-residents)

1. ☒ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☒ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. ☐ The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

7/18/2007


Date

7/18/2007

Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in FactSignature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by: 
WILLIAM J. KEARNS

~~ELIZABETH~~ DiCESARE

SS.:

(a) is named in and personally signed this Deed;
(b) signed, sealed and delivered this Deed as his or her act and deed; and
(c) made this Deed for \$895,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

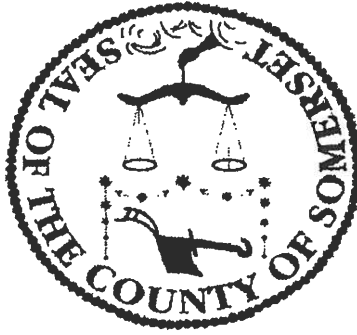
Grantee.

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Record and Return To:

JOSEPH A. MAFFONGELLI, JR.
Attorney at Law
533 Bloomfield Ave
Montclair, NJ 07042

2014年12月15日



BRETT A. RADT
SOMERSET COUNTY CLERK
20 GROVE STREET
P.O. BOX 3000
SOMERVILLE, NJ 08876-1262

Recorded: 07/23/2007 10:51:56 AM
Book: OPR 6048 **Page:** 2845-2849
Instrument No.: 2007042787
DEED 5 PGS \$70.00
CONSIDERATION: \$895,000.00
EXEMPTION: OS
NJ REALTY XFER FEE: \$8,357.00

Recorder: ANDERSON

DO NOT DISCARD



2007042787

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BERNARDS**

MICHAEL and WENDY PORR

Case No. ZB21-023

RESOLUTION

WHEREAS, **MICHAEL and WENDY PORR** (the “Applicants”) have applied to the Zoning Board of Adjustment of the Township of Bernards (the “Board”), for the following variance relief in connection with (1) the construction of an approximately 20 foot by 32 foot (672 square feet) inground swimming pool and surrounding ground-level (6” high) wood deck; (2) the approval of an existing 66 square foot shed that was installed without approval; and (3) the removal of a 102 square foot portion of the existing driveway, relating to property identified as Block 1611, Lot 48 on the Tax Map, more commonly known as 10 Prospect Avenue (the “Property”):

1. A variance for an existing side-yard (west) setback to an accessory structure (shed) of 3.2 feet, whereas the minimum required side-yard setback to an accessory structure in the R-7 Residential Zone is 10 feet, pursuant to Section 21-16.1.c and Table 507 of the Land Development Ordinance (the “Ordinance”);
2. A variance for an existing rear-yard setback to an accessory structure (shed) of 2.4 feet, whereas the minimum required rear-yard setback to an accessory structure in the R-7 Residential Zone is 10 feet, pursuant to Section 21-16.1.c and Table 507 of the Ordinance;
3. A variance for a proposed side-yard (west) setback to the pool equipment of 4 feet, whereas the minimum required setback for a private pool (including all buildings, structures, equipment and appurtenances thereto) is 20 feet, pursuant to Section 21-18.1 of the Ordinance; and
4. A variance for a proposed lot coverage of 31.91%, whereas the existing lot coverage is 27.81%, and the maximum permitted lot coverage in the R-7 Residential Zone is 20%, pursuant to Section 21-15.1.d.1 and Table 501 of the Ordinance; and

WHEREAS, a public hearing on notice was held on such application on July 7, 2021, at which time interested citizens were afforded an opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicants and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. The Property is a slightly narrow (100 feet wide; 125 feet width required), and slightly undersized (19,041 square feet existing; 21,780 square feet required), regularly (rectangular) shaped lot, located in the R-7 (1/2 acre) Residential Zone, with frontage on Prospect Avenue. It is presently improved with a two-story, single-family dwelling, an unapproved shed in the rear yard, paver patio, and associated other improvements.

2. The Applicants propose to construct a 20 foot by 32-foot (672 square feet) inground swimming pool, with a surrounding ground-level (6" high) wood deck, located to the rear of the existing dwelling. The Applicants also seek variance relief for an existing 66 square foot shed that was installed without prior approval. Finally, the Applicants propose to remove a 102 square foot portion of the existing driveway to partially compensate for the excessive existing and proposed impervious coverage.

3. The Applicants' proposal is depicted on Plans prepared by Rudolph Holzmman, P.E., of Yannaccone, Villa & Aldrich, LLC, dated July 28, 2020, last revised April 7, 2021, same consisting of three (3) sheets; and a Survey prepared by George R. Pronesti, P.L.S., dated May 4, 2007, last revised May 18, 2007, same consisting of one (1) sheet. The Applicants also submitted a compendium of five (5) photographs of the Property, same consisting of two (2) sheets.

4. The side- and rear-yard accessory setback (shed), pool equipment setback, and lot coverage variance relief is governed by the criteria of N.J.S.A. 40:55D-70(c).

5. David Schley, P.P., A.I.C.P, the Board Planner, and Sam Koutsouris, P.E., the Substitute Board Engineer, both were duly sworn according to law.

6. Frederick B. Zelley, Esq., of Bisogno, Loeffler, and Zelley, LLC, entered his appearance on behalf of the Applicants. Mr. Zelley described the existing and proposed conditions. He contended that the existing excess coverage is a pre-existing non-conforming condition and that the shed at issue has been on the Property for eleven (11) years. Mr. Zelley confirmed that the Applicants are proposing a 780 square foot (4.1%) net increase in impervious coverage. He contended that the pool surface/water is “stormwater neutral.”

7. Michael and Wendy Porr, the Applicants, having an address of 10 Prospect Avenue, were duly sworn according to law. Mr. Porr testified that the Applicants reside at the Property with their two children. He confirmed that he had taken the photographs submitted with the application materials on May 30, 2020 and that said photographs constitute an accurate depiction of the Property as it presently exists. Referencing same, Mr. Porr described each of the photographs. He contended that the shed is well screened from the neighbors by the existing landscaping, as well as a 6-foot-tall fence. Mr. Porr further contended that the shed is not visible from the right-of-way because there are large pine trees that are approximately 20 feet tall and the canopies are between 15 and 20 feet wide.

8. Mr. Porr testified that the Applicants are seeking approval to construct an inground pool with deck surround, as well as for a shed that was installed in 2007 without the necessary permits. On questioning, Mr. Porr confirmed that he has not received any complaints from his neighbors regarding the shed. He explained that the shed is 8 feet by 8 feet, constructed on top of a wooden platform, and painted to be consistent with the existing dwelling. On questioning, Mr. Porr advised that the Applicants had not constructed any of the existing additions to the dwelling.

9. Mr. Porr testified that the Applicants discovered that they needed variance relief when they expanded the patio in 2018 and, as part of the permit approval process, they had to

remove a certain amount of excess impervious coverage associated with the then-existing driveway. He explained that the then-existing driveway was very wide and that the Applicants reduced the size of it without violating the minimum driveway width requirements. Mr. Porr explained that the Applicants are again seeking to remove some of the existing coverage to reduce the net increase of impervious coverage associated with the pool improvements. On questioning, he testified that the shaded triangular area at the rear of the driveway on the plans depicts the proposed area of pavement to be removed.

10. On discussion of the proposed pool, Mr. Porr testified that he wants to provide recreation and relaxation opportunities for his family. He explained that the proposed pool is rectangular in shape, with dimensions of 32 feet by 20 feet, and with a 4 foot by 8-foot bump-out for a walk-in area. On questioning, Mr. Porr testified that the pool surround will consist of raised decking, but same will be pervious. He further testified that the gravel swales referenced on the plans are just river rocks throughout the backyard, but that, recently, said rocks had been removed and replaced with mulch and grass. The Applicants stipulated that any proposed lighting would be downward directed and/or appropriately shielded, so as to eliminate any light spillage onto the adjacent properties. On questioning, Mr. Porr testified that he had discussed the proposal with his neighbors and all of them expressed support for same.

11. Rudolph L. Holzmnn, P.E., having a business address of 460 Main Street, Chester, New Jersey, was duly sworn according to law. He provided an overview of the existing and proposed conditions and confirmed that the Property is not encumbered by wetlands or other environmental constraints. Mr. Holzmnn described the proposed pool and wood decking surround. He confirmed that the decking will be flush with the pool coping and it will be pervious so as to allow water to drain through it. Mr. Holzmnn testified that the Applicants also propose

to remove a portion of the driveway and opined that doing so will not have a detrimental impact on vehicular circulation.

12. On questioning as to the location of the pool equipment, Mr. Holzmann conceded that it is not adjacent to the pool, but contended that it is in an accessible area that is well screened. He further testified that the Applicants are seeking variance relief for the proposed excess impervious coverage and deficient setbacks to the shed and pool equipment. On questioning, he testified that the water surface of the proposed pool is 672 square feet. On questioning as to the nature of the rocks on the right side of the deck, Mr. Porr advised that they are a tribute to his wife's parents who live in Vermont, and are solely for aesthetic purposes. On questioning as to the location of the pool equipment, Mr. Holzmann explained that locating the equipment closer to the pool would reduce the functionality of the rear yard. On discussion, Mr. Holzmann opined that the proposed location for the pool and related improvements constitutes the most optimal location as it is close to the utilities and less visible to the neighbors.

13. On discussion of the Review Memorandum prepared by the Board Planner, Mr. Schley, the Applicants stipulated, as a condition of approval, to complying with all of the comments and requirements set forth therein. As to Comment 5, Mr. Holzmann explained that the "gravel swale" shown on the plans was not included in the lot coverage calculations, because it is not used as a driveway or area for parking or turning and is not compacted. As to Comment 6, Mr. Holzmann explained that the ground surface area between the paved driveway and the wood fence, labeled as "gravel area", consists of decorative river stone, and same also was not included in the impervious coverage calculations. On discussion, the Applicants stipulated to converting said "gravel swale" to grass. Mr. Schley advised that said area was supposed to have been converted from impervious to pervious coverage as part of the 2018 approval.

14. On discussion of the June 24, 2021 Review Letter prepared by the Board Engineer, Mr. Quinn, the Applicants stipulated, as a condition of approval, to complying with the comments and requirements set forth therein. As to Comment 5, Mr. Holzmann explained that the existing gravel swale in the northeasterly corner of the Property receives stormwater discharge from a 4" pipe, and said runoff is ultimately directed into a creek. He confirmed that he did not observe any evidence of concentrated runoff or erosion. On questioning, Mr. Holzmann confirmed that there is no clearly defined discharge channel. As to Comment 7, Mr. Holzmann advised that the construction entrance pad could be relocated to the rear yard, and he stipulated that the Applicants would revise the plans accordingly. He further stipulated that, if the driveway needs to be repaired after the improvements are constructed, the Applicants will do so. On discussion of the proposed deck construction, Mr. Holzmann advised that the pool deck could be raised 6" to ensure there is sufficient space for stormwater runoff to percolate into the ground.

15. On discussion of the existing impervious coverage, Mr. Porr advised that he did not know that the amount of coverage on the Property when he purchased it was in excess of the maximum amount permitted by the Ordinance. On questioning, Mr. Porr testified that the Applicants preferred not to reduce the size of the 765 square foot patio that they recently had constructed and, instead, preferred to reduce the amount of impervious coverage by further reducing the size of the driveway. On discussion, Mr. Holzmann advised that the Applicants could likely reduce the width of the driveway from 14 feet to 10 feet, which would reduce the impervious coverage by approximately 100 square feet. The Board discussed whether it made sense to reduce the width of the driveway even though same would not address the Board's concerns as to massing associated with the significant excess of impervious coverage.

16. No member of the public commented on, or objected to, the Applicants' proposal.

DECISION

17. After reviewing the evidence submitted, the Board, by a vote of 3 to 3, statutorily denied¹ the application for the relief related to the construction of the proposed pool, i.e., the excessive lot coverage and the deficient setback from the pool equipment, finding that the Applicants had not satisfied their burden of proving an entitlement to the requested variance relief under either N.J.S.A. 40:55D-70(c)(1) or (c)(2).

18. However, the Board, by a vote of 6 to 0, approved the application for the relief related to the deficient setbacks associated with the existing (but not previously approved) shed, finding that the Applicants had satisfied their burden of proving an entitlement to such variance relief under N.J.S.A. 40:55D-70(c)(2).

19. As in all variance cases, the Applicants bear the burden of proving both the positive and the negative criteria for all of the requisite variance relief. See, Ten Stary Dom Ptp. v. Mauro, 216 N.J. 16, 30 (2013); Nash v. Board of Adjustment of Morris Tp., 96 N.J. 97 (1984); Cohen v. Borough of Rumson, 396 N.J. Super. 608, 615 (App. Div. 2007); Kogene Bldg. & Dev. v. Edison Tp., 249 N.J. Super. 445, 449 (App. Div. 1991).

As to the Pool Construction (excessive lot coverage and deficient equipment setback) - Positive Criteria for Subsection (c)(1) Variance Relief is Not Satisfied:

20. As to the positive criteria for subsection “(c)(1)” or “undue hardship” variance relief for the pool-specific proposed deviations, specifically the excess lot coverage and insufficient pool equipment setback, the Board finds that the Applicants have not satisfied their burden of demonstrating that strict application of the zoning regulations will result in peculiar and

¹ Pursuant to N.J.S.A. 40:55D-9, “failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application.” As such, where, as here, a simple majority vote would suffice, a tie vote on a motion to approve the application amounts to a denial of the application.

exceptional difficulties to, or exceptional and undue hardship upon, them as the owners of the Property, as a result of an exceptional or unique condition of the Property or the dwelling lawfully constructed thereon.

21. A predicate issue for the grant of subsection (c)(1) variance relief is that the Applicants must prove that the need for the variance relief “arises out of” (a) the exceptional narrowness, shallowness or shape of the specific property, (b) unique topographic conditions or physical features uniquely affecting the specific property, or (c) an extraordinary and exceptional situation uniquely affecting a specific property or the structures existing thereon. The Board recognizes that a variance under subsection c(1) must be grounded in conditions peculiar to the particular lot, as distinguished from other properties in the zone. If all properties in the area are subject to the same hardships, the remedy is through a revision of the general rule of the ordinance by the governing body, not by variance relief from the land use board. See, Bein v. Morris, 14 N.J. 529, 535-36 (1954). The term “undue hardship” has been variously interpreted, but in Lang v. Zoning Board of Adjustment, 160 N.J. 41, 53, 55-56 (1999), the Court made clear that “undue hardship” refers solely to particular physical conditions of the property as those are described in subsection (c)(1) of the statute, and that it does not refer to personal hardship, financial or otherwise. See, Ten Stary Dom Ptp. v. Mauro, 216 N.J. at 29; Jock v. Zoning Bd. of Adjustment, 184 N.J. 562, 590 (2005) and Smith v. Fair Haven Zoning Bd., 335 N.J. Super. 111, 122 (App. Div. 2000), both citing Isko v. Planning Bd. of Tp. of Livingston, 51 N.J. 162, 174 (1968).

22. Here, the Board finds that the Applicants have failed to demonstrate that the hardship is grounded in a condition peculiar to the particular lot, given that the evidence revealed that many of the neighboring lots also are slightly deficient as to lot area and lot width, and these modestly undersized lots are nevertheless able to sustain reasonable residential improvements and

amenities. The Board further finds that the Applicants have not proven that constructing a smaller pool (i.e., less than 672 square feet), or removing a portion of the existing 765 square foot patio, which would reduce the magnitude of the requisite variance relief for excessive impervious coverage, would constitute an undue hardship upon them. In fact, the Board recognizes that the Applicants acknowledged that the proposed pool and/or existing patio could be reduced in size, but that the Applicants voluntarily declined to pursue either course. Indeed, the Applicants conceded that the only hardship that would be suffered by them if the zoning regulations were to be strictly enforced would be of a personal nature. As such, the Board finds that the Applicants failed to satisfy the positive criteria for subsection c(1) variance relief for the excessive lot coverage and deficient pool equipment setback deviations.

As to the Pool Construction (excessive lot coverage and deficient equipment setback) - Positive Criteria for Subsection (c)(2) Variance Relief is Not Satisfied:

23. As to the “positive criteria” for the subsection “c(2)” or “flexible c” variances for the pool-specific proposed deviations, the Board finds that the Applicants have not satisfied their burden of demonstrating that the purposes of the Municipal Land Use Law (“MLUL”) will be advanced by the requested deviations from the zoning requirements, and that the benefits to be derived therefrom will substantially outweigh any detriments associated therewith. In this regard, the Board finds that while the proposal would promote a desirable visual environment and upgrade the housing stock, the detriment associated with the increased coverage and massing, as well as the potential stormwater runoff considerations, would not be substantially outweighed by said benefits. The Board finds that, given the magnitude of the impervious coverage deviation sought and the proposed mass of the residential amenities as compared to the lot area of the Property, the proposal would provide only a relatively modest public benefit, which benefit would not substantially outweigh the relatively significant detriments associated therewith, particularly as to

stormwater runoff and massing.

24. As such, the Board finds that the Applicants failed to satisfy the positive criteria for subsection (c)(1) and (c)(2) variance relief for the excess lot coverage and non-conforming pool equipment setback deviations.

As to the Shed Location (deficient side- and rear-yard setbacks) - Positive Criteria for Subsection (c)(2) Variance Relief Satisfied:

25. As to the positive criteria for subsection “(c)(2)” or “flexible c” variance relief for the shed-specific relief, i.e., the deficient side- and rear-yard accessory setbacks, the Board finds that granting the requested relief will serve multiple purposes of zoning, as set forth in the MLUL. These benefits include providing a desirable visual environment, providing adequate light, air and open space, upgrading the housing stock, and otherwise promoting the general welfare. Here, the shed has existed since 2007, consists of only 66 square feet, and the Applicants have not received any complaints from their neighbors regarding same. In fact, the Applicants have testified that the location of the shed is such that the existing landscaping, which includes mature evergreen trees that are approximately 20 feet tall with canopies between 15 and 20 feet wide, and the existing 6-foot-tall-fence, significantly buffer the shed from view. The Board further recognizes that the shed allows the Applicants to store equipment and other materials that would otherwise have to be stored outside, where they would potentially be visible to the adjacent property owners, and finds that same provides a benefit to the neighborhood. The Board finds that these benefits derived from the proposed development will substantially outweigh the relatively modest detriments associated with the variance relief sought, particularly given the conditions stipulated to by the Applicants. As such, the Board finds that the Applicants satisfied the positive criteria for subsection c(2) variance relief for the shed specific non-conforming accessory side- and rear-yard setback deviations.

Negative Criteria for Subsection “c(1)” and “c(2)” Variance Relief:

26. The Board recognizes that the burden is on the Applicants to prove the negative criteria, just as it is on the Applicants to prove the positive criteria. See, Dallmeyer vs. Lacey Township Bd. of Adjustment, 219 N.J. Super. 134 (Law Div. 1987). As the appellate court stated in Leon N. Weiner vs. Zoning Board of Adjustment, 144 N.J. Super. 509, 516 (App. Div. 1976), certif. den. 73 N.J. 55 (1977), “[i]t was not the burden of the board to find affirmatively that the plan would be substantially impaired (although it did so in the instant case), it was, rather, the burden of the applicant to prove the converse.”

27. The Board recognizes that the “negative criteria” consist of two elements, both of which a variance applicant must prove; that is, that the proposed development can be accomplished (1) without substantial detriment to the public good and (2) without substantially impairing the intent and purpose of the zone plan and zoning ordinance. See, Medici v. BPR Co., 107 N.J. 1, 4 (1987). The former focuses on balancing the positive and negative aspects of a variance request against the purposes of zoning set forth in N.J.S.A. 40:55D-2, whereas the latter is more concerned with establishing the bounds of zoning board action.

As to the Pool Construction and Shed Location - The First Prong (Substantial Detriment) of the Negative Criteria is Satisfied:

28. The Board recognizes that the focus of the “substantial detriment” prong of the negative criteria is on the impact of the variance on nearby properties. In Medici v. BPR Co., 107 N.J. at 22-23 n.12 (emphasis added), the Supreme Court explained the substantial detriment phrase as follows:

The first prong of the negative criteria [requires] that the variance can be granted “without substantial detriment to the public good.” In this respect the statutory focus is on the variance’s effect on the surrounding properties. The board of adjustment must evaluate the impact of the proposed use variance upon the adjacent properties and determine whether or not it will

cause such damage to the character of the neighborhood as to constitute "substantial detriment to the public good."

29. Here, as to the substantial detriment prong of the negative criteria for the pool-specific variance relief, the Board finds that, while the proposal results in the slight reduction in the light, air, and open space, same will not have a substantially detrimental impact on the character of the existing neighborhood. In this regard, the Board recognizes, that the Applicants are proposing a lot coverage of 31.91%, whereas the existing permitted coverage is already 27.81%. Moreover, the Board finds, and, in fact, the Applicants conceded, that the Applicants could reduce the size, mass and scale of the proposed pool and/or the existing patio, and that doing either, let alone both, of the aforementioned would result in less of a detrimental impact on the public good and the character of the existing neighborhood. However, the Board recognizes that the Property includes landscape buffering and screening, including mature evergreen trees and a six-foot tall fence, which mitigates the detriment such that, on balance, the detriment to the neighborhood does not rise to the level of being substantial. As such, the Board finds that the Applicants have satisfied the requisite first prong of the negative criteria for the pool-specific proposed zoning deviations.

30. As to the substantial detriment prong of the negative criteria for the shed-specific variance relief, specifically the non-conforming side- and rear-yard accessory setbacks, the Board finds that the Applicants have demonstrated that the shed has existed for many years without negatively impacting the neighborhood and finds that the continuation of the non-conforming shed location will not result in substantial detriment to the public good, particularly given the existing buffering. The Board further recognizes that none of the adjacent neighbors expressed concern about the location of the shed. As such, the Board finds that the Applicants have satisfied the requisite first prong of the negative criteria for the shed-specific proposed zoning deviations.

As to the Pool Construction and Shed Location - The Second (Substantial Impairment) Prong of the Negative Criteria is Satisfied:

31. The Board recognizes that the focus of the “substantial impairment” prong of the negative criteria is the extent to which a grant of the variance would constitute an arrogation of the governing body and planning board authority. The Supreme Court in Medici v. BPR Co., 107 at 5, has made it clear that municipalities should make zoning decisions by ordinance rather than by variance.

32. As to the substantial impairment prong of the negative criteria for the pool- and shed-specific variance relief, the Board finds that the Applicants have demonstrated that the relief can be granted without substantial impairment of the Master Plan and the Zoning Ordinance. Here, the Board finds that the Applicants’ proposal does not rise to the level of substantially impairing the Master Plan or the Zoning Ordinance. The Board finds that the Applicants’ proposal, even given its magnitude in comparison to the size of the Property, would not constitute a rezoning of the Property as pools and sheds are permitted accessory structures in the R-7 Residential Zone. As such, the Board finds that the Applicants have satisfied the negative criteria for the requested pool- and shed-specific deviations.

CONCLUSION

33. Based on the foregoing, the Board finds that the Applicants have failed to demonstrate the positive criteria for the pool-specific deviations, specifically the requested variance relief for the excessive lot coverage and deficient pool equipment setbacks, under either N.J.S.A. 40:55D-70(c)(1) or (c)(2). As such, the Board is constrained to deny the application for the pool and associated improvements, since the Applicants were required to prove both the positive and the negative criteria for all of the variance relief associated therewith. Notwithstanding, the Board finds that the Applicants have satisfactorily demonstrated both the

positive and the negative criteria for the requested variance relief for the shed-specific deviations and that the Applicants are, therefore, entitled to such setback variance relief.

WHEREAS, the Board took action on this application at its meeting on July 7, 2021, and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bernards, on the 4th day of August, 2021, that the application of **MICHAEL and WENDY PORR**, for bulk variance relief for the lot coverage and pool equipment setback, be, and is hereby, **DENIED**; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Zoning Board of Adjustment of the Township of Bernards, on the 4th day of August, 2021, that the application of **MICHAEL and WENDY PORR**, for bulk variance relief for the non-conforming accessory (shed) side- and rear- setbacks, be, and is hereby granted, subject to the following conditions:

1. The Applicants shall post sufficient funds with the Township to satisfy any deficiency in the Applicants' escrow account;
2. The Applicants shall apply for and obtain a zoning permit for the shed. The zoning permit application shall include a plan and lot coverage calculations which reflect the following, and same shall be subject to the review and approval of the Township Zoning Officer:
 - A. The shed shall be identified as "proposed" coverage, rather than existing coverage, and the total proposed coverage shall not exceed 5,296 square feet (27.81%);
 - B. The area adjoining the paved driveway and shown on the Plans as "gravel swale," which is not counted as coverage in the calculations shown on the Plans, shall be replaced with grass or other plantings;
 - C. The labeling of the area between the paved driveway and the wood fence, shown on the Plans as "gravel area," shall be revised to indicate "decorative stone groundcover" or to otherwise clarify that this area is not

part of the driveway and not counted as lot coverage;

3. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;
4. The aforementioned approval also shall be subject to all State, County and Township statutes, ordinances, rules and regulations affecting development in the Township, County and State; and
5. Pursuant to Section 21-5.10 of the Land Development Ordinance, the variance relief granted herein shall expire unless such construction or alteration permitted by the variance relief has actually commenced within one year of the date of this Resolution.

POOL (LOT COVERAGE AND POOL EQUIPMENT SETBACK) ROLL CALL VOTE:

Those in Favor: Genirs, Pavlosky, Pochtar

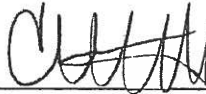
Those Opposed: NONE

SHED (SIDE- AND REAR-YARD SETBACKS) ROLL CALL VOTE:

Those in Favor: Baumann, Breslin, Genirs, Pavlosky, Pochtar, Tancredi

Those Opposed: NONE

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Bernards at its meeting of August 4, 2021.



CYNTHIA KIEFER, Secretary
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF BERNARDS,
COUNTY OF SOMERSET,
STATE OF NEW JERSEY

Dated: August 4, 2021


The Porr Family
10 Prospect Ave., Basking Ridge



The Porr Family
10 Prospect Ave., Basking Ridge







M.A. & ALBRIGHT, LLC
Civil Engineers
Land Surveyors &
Professional Planners
480 MAIN STREET, P.O. BOX 458
CHESTER, NEW JERSEY 07830
PHONE: 908-879-8848
FAX: 908-879-8801
N.J. STATE BOARD FOR P.E. & P.L.S. CERTIFICATE
OF AUTHORIZATION No. 340500003

Rudolf L. Holzman 8/28/21
RUDOLF L. HOLZMAN DATE:
N.J. PROFESSIONAL ENGINEER No. 43842
NOT VALID WITHOUT SIGNATURE AND RAISED SEAL.

DATE	REVISION
8/28/21	ISSUE FOR PERMITS
4/7/21	REVISED NOTES AND PERCE
9/10/20	REVISED DRAINAGE
	REVISED NOTES

PROJECT TITLE:
POOR PROPERTY
10 PROSPECT AVENUE
LOT 48 - BLOCK 1611
TOWNSHIP OF BERGEN
SOMMERS COUNTY,
NEW JERSEY

SHEET TITLE:
**GRADING
PLAN
COLOR EXHIBIT**

DRAWN BY	DATE
02.2	7/28/20

CHECKED BY	SCALE
07	NTS

220033
700/134

COMP FILE:
MSEP10/DATA/220033/LOT48GRADING03

SHEET **1** OF **1**

VARIANCE APPLICATION
PORR PROPERTY
LOT 48 ~ BLOCK 1611 ~ 10 PROSPECT AVENUE
BERNARDS TOWNSHIP - SOMERSET COUNTY

PROPERTY OWNERS WITHIN 200' OF SUBJECT PROPERTY
PROVIDED BY TOWNSHIP OF BERNARDS TAX ASSESSOR'S OFFICE 04/8/2021

Block-Lot: 1612-9
HART, GLENN T & CHERYL L
154 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 154 S MAPLE AVE

Block-Lot: 1612-8
MITCHELL, JEFFREY A & JANE E
9 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 9 PROSPECT AVE

Block-Lot: 1612-7
BRUNO, DAVID P & STEPHANIE L
15 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 15 PROSPECT AVE

Block-Lot: 1612-6
BABINSKI, RAYMOND & JUDITH B
19 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 19 PROSPECT AVE

Block-Lot: 1611-47
BOSWELL, JEANNE MARIE & JOHN
340 CABRINI BLVD #301
NEW YORK NY 10040
RE: 14 PROSPECT AVE

Block-Lot: 1611-46
SLAPIN, JANN V
18 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 18 PROSPECT AVE

Block-Lot: 1611-45
YAROSH, DENIS & TERRY, CATHERINE TRST
22 PROSPECT AVE
BASKING RIDGE NJ 07920
RE: 22 PROSPECT AVE

Block-Lot: 1611-6
LOVE, PAMELA F
69 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 69 E LEWIS ST

Block-Lot: 1611-5
SICHENZIO, RICHARD & SHAWN
67 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 67 E LEWIS ST

Block-Lot: 1611-4
KRECICKI, KEITH S & KIM A
136 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 136 S MAPLE AVE

Block-Lot: 1611-3
HARRINGTON, PETER & BASEIL, LAURA A
140 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 140 S MAPLE AVE

Block-Lot: 1611-2
TODD, CAROL A
142 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 142 S MAPLE AVE

Block-Lot: 1611-1
YOUNG, CYNTHIA & FODERA, JOHN
148 S MAPLE AVE
BASKING RIDGE NJ 07920
RE: 148 S MAPLE AVE

Block-Lot: 1611-9
HELVERSON, FRANCIS J
77 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 77 E LEWIS ST

Block-Lot: 1611-8
O'CONNOR-ROBOL, Z & SANJURJO, S
75 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 75 E LEWIS ST

Block-Lot: 1611-7
SHARRON, MELISSA
71 E LEWIS ST
BASKING RIDGE NJ 07920
RE: 71 E LEWIS ST

UTILITY COMPANY LIST

VERIZON COMMUNICATIONS
ENGINEERING
290 W MT PLEASANT AVE, STE 1400
LIVINGSTON, NJ 07039-2763

CABLEVISION OF RARITAN VALLEY
275 CENTENNIAL AVE, CN6805
PISCATAWAY, NJ 08855
ATTN: MARGURITE PRENDERVILLE
CONSTRUCTION DEPT

NEW JERSEY AMERICAN WATER CO., INC
DONNA SHORT, GIS SUPERVISOR
NJ-AMERICAN WATER COMPANY, INC.
1025 LAUREL OAK ROAD
VOORHEES, NJ 08043

ALGONQUIN GAS TRANSMISSION CO
T LINDBERGH RD
STONY POINT, NY 10980
(908) 757-1212

JCP & L/ GPU
SERVICE TAX DEPT
PO BOX 1911
MORRISTOWN, NJ 07962-1911

PUBLIC SERVICE ELECTRIC & GAS
MANAGER-CORPORATE PROPERTIES
80 PARK PLAZA, 16B
NEWARK, NJ 07102

BELL ATLANTIC CORPORATION
SECRETARY, 46th FLOOR
1717 ARCH
PHILADELPHIA, PA 19102

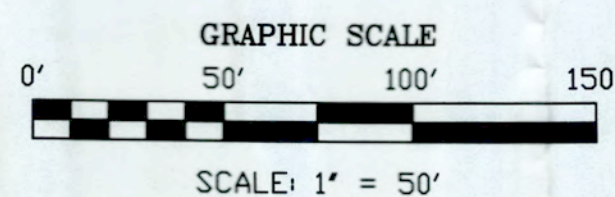
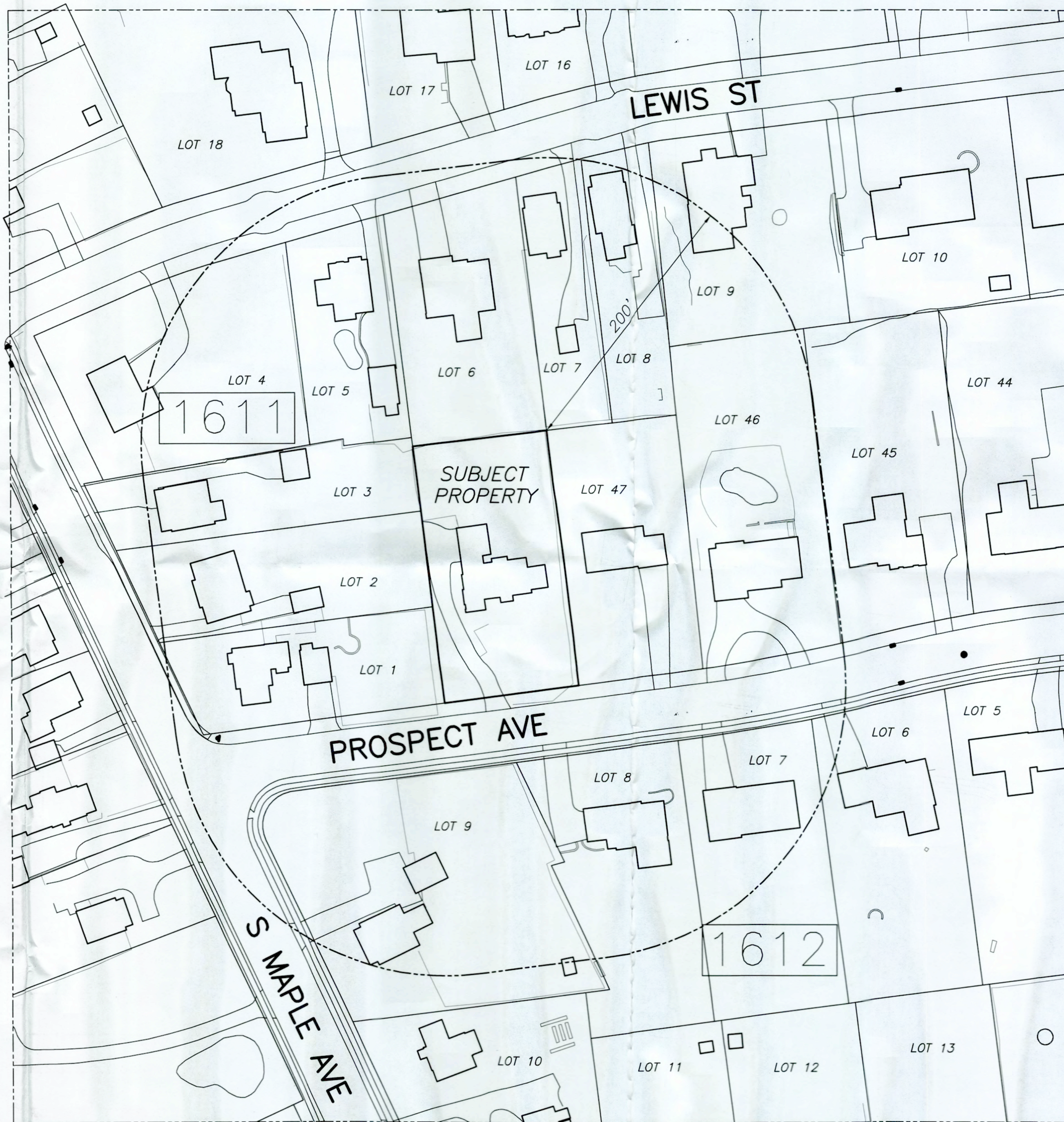
BERNARDS TWP SEWERAGE AUTH
ONE COLLYER LN
BASKING RIDGE, NJ 07920
(908) 204-3002

ENVIRONMENTAL DISPOSAL CORP
WILLIAM HALSEY, PRESIDENT
601 STATE HWY 202/206
BEDMINSTER, NJ 07921
(908) 234-0677

NEW JERSEY BELL TELEPHONE CO
EDWARD D. YOUNG III, SECRETARY
VERIZON LEGAL DEPT.
540 BROAD ST - ROOM 2001
NEWARK, NJ 07101
(201) 649-2233

TRANSCONTINENTAL GAS PIPELINE
DIVISION OFFICE
3200 S WOOD AVE
LINDEN, NJ 07036

VERIZON BUSINESS/MCI
RIGHT OF WAY DEPT.
2400 N. GLENVILLE DR.
RICHARDSON, TX 75082



OWNER/APPLICANT

MICHEL PORR
10 PROSPECT AVENUE
BASKING RIDGE, NJ 07920
862-345-8119

ENGINEER

RUDOLF L. HOLZMANN, NJPE
YANNACCONE VILLA & ALDRICH, LLC
460 MAIN STREET, PO BOX 459
CHESTER, NJ 07930
908-879-6646

ATTORNEY

FRED ZELLEY, ESQ.
BISOGNO, LOEFFLER & ZELLEY, LLC
68 S. FINLEY AVE.
P.O. BOX 408
BASKING RIDGE, NEW JERSEY 07920
908-166-6666
FAX: 908-766-7809

SURVEYOR

GEORGE R. PRONESTI, NJPLS
425 POMPTON AVENUE
CEDAR GROVE, NJ 07009
973-857-3319

DRAWING INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	LOT GRADING PLAN
3	EXISTING CONDITIONS & DETAILS

I CONSENT TO THE FILING OF THIS DEVELOPMENT PLAN WITH THE PLANNING BOARD
OF THE TOWNSHIP OF BERNARDS.

MICHAEL PORR _____ DATE _____

WENDY PORR _____ DATE _____

APPROVED BY THE PLANNING BOARD OF THE TOWNSHIP OF BERNARDS ON: _____ DATE _____

PLANNING BOARD CHAIRMAN _____ DATE _____

PLANNING BOARD SECRETARY _____ DATE _____

PLANNING BOARD ENGINEER _____ DATE _____



**YANNACCONE
VILLA
& ALDRICH, LLC**

460 MAIN STREET, P.O. BOX 459
CHESTER, NEW JERSEY 07930
PHONE: 908-879-6646
FAX: 908-879-6591
N.J. STATE BOARD FOR P.E. & P.L.S. CERTIFICATE
OF AUTHORIZATION No. 24042794300

Paul J. [Signature] 8/25/21
NOT VALID WITHOUT SIGNATURE AND RAISED SEAL

3	8/25/21	MODIFY POOL LOCATION REMOVE PROPOSED POOL DECK
2	4/7/21	REISSUE
1	9/10/20	REDUCED COVERAGE ADDED WOOD DECK
NO.	DATE	REVISION

PROJECT TITLE :

**PORR
PROPERTY**
10 PROSPECT AVENUE
LOT 48 ~ BLOCK 1611
TOWNSHIP OF BERNARDS
SOMERSET COUNTY,
NEW JERSEY

SHEET TITLE :

**TITLE
SHEET**

DRAWN BY: _____ DATE: _____
RLL JULY 28, 2020

CHECKED BY: _____ SCALE: _____
GJ 1" = 50'

W.O. 220033

F.B.

FILE:

COMP FILE:
M-SEPTIC/././220033/Lot33GradingREV3.dwg

SHEET **1** OF **3**

TOPSOIL STOCKPILE PROTECTION

1. CONSTRUCT TEMPORARY DIVERSION BERM AND/OR HAY BALE BARRIER AROUND STOCKPILE AREA AS REQUIRED.
2. APPLY LIMESTONE AT A RATE OF 90 LBS/1000 S.F.
3. APPLY FERTILIZER (10-20-10) AT A RATE OF 11 LBS/1000 S.F.
4. APPLY PERENNIAL RYEGRASS AT A RATE OF 1 LB/1000 S.F.
5. MULCH WITH UNROTTED SALT HAY OR SMALL GRAIN STRAW IMMEDIATELY AFTER SEEDING. APPLY AT A RATE OF 90 LBS/1000 S.F.

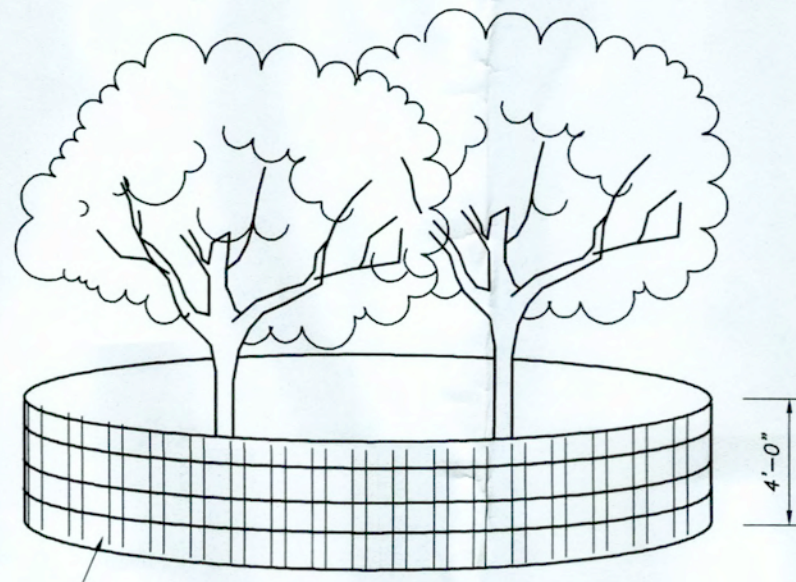
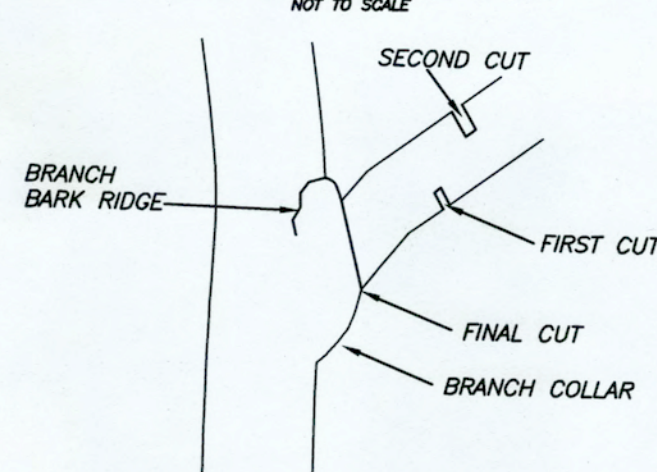
TEMPORARY STABILIZATION SPECIFICATIONS

1. APPLY GROUND LIMESTONE AT A RATE OF 90 LBS/1000 S.F.
2. APPLY FERTILIZER (10-20-10) AT A RATE OF 14 LBS/1000 S.F. AND WORK INTO SOIL 4" DEEP.
3. APPLY SEED MIXTURE.
- PERENNIAL RYEGRASS AT 40 LBS./ACRE AND ANNUAL RYEGRASS AT 40 LBS./ACRE OR APPROVED EQUAL.
4. MULCH WITH UNROTTED SALT HAY OR SMALL GRAIN STRAW IMMEDIATELY AFTER SEEDING. APPLY AT A RATE OF 90 LBS/1000 S.F. AND SECURE BY APPROVED METHODS (I.E. PEG AND TWINE, MULCH NETTING, OR LIQUID MULCH BINDER).
5. PLANT SEED BETWEEN MAR. 1 & MAY 15 OR BETWEEN AUG. 15 & OCT. 1, IF POSSIBLE.

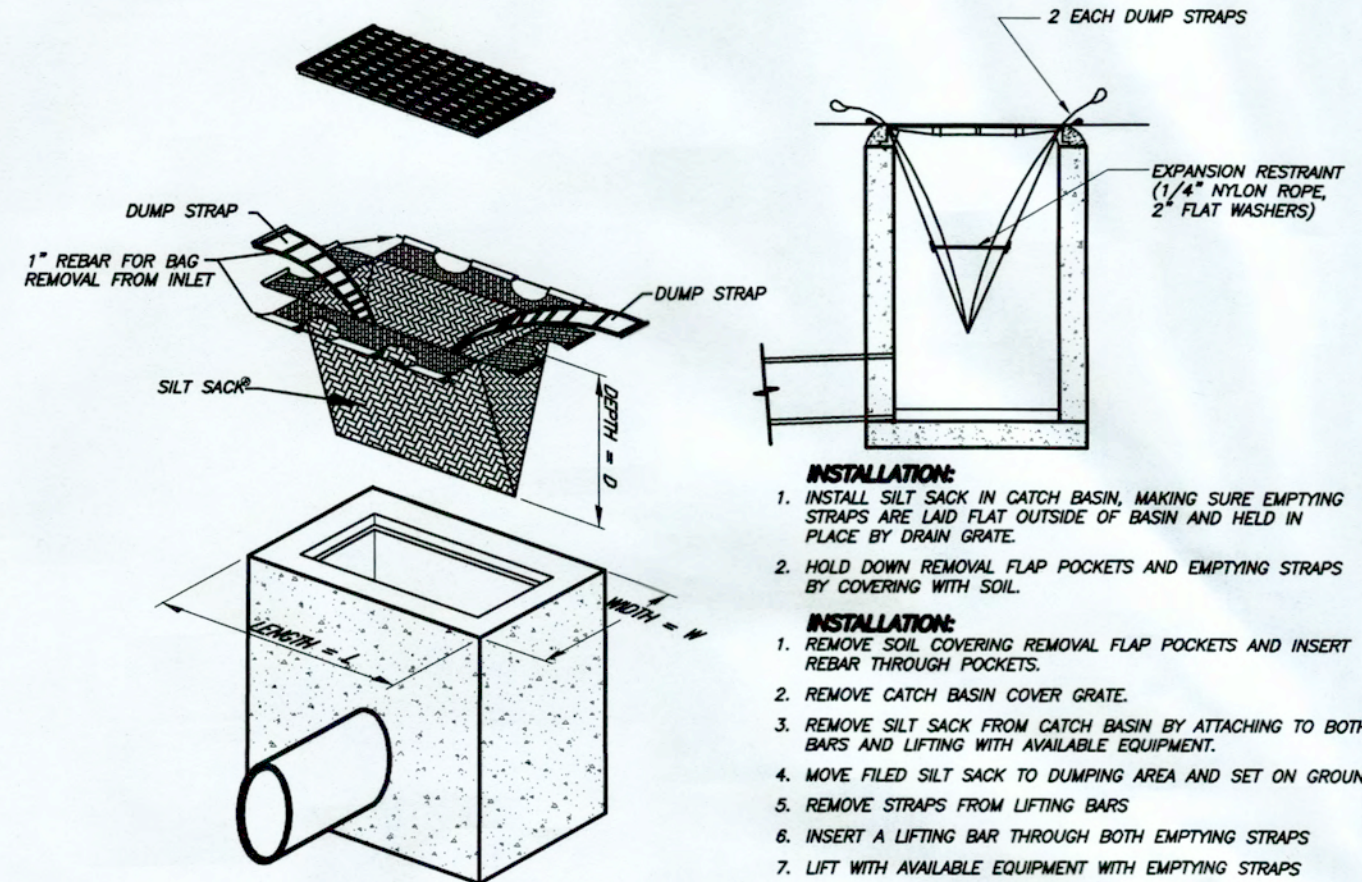
PERMANENT STABILIZATION SPECIFICATIONS

1. APPLY TOPSOIL TO A DEPTH OF 5".
2. APPLY GROUND LIMESTONE AT A RATE OF 90 LBS./1000 S.F.
3. APPLY FERTILIZER (10-20-10) AT A RATE OF 14 LBS./1000 S.F.
4. APPLY SEED MIXTURE: PERENNIAL RYEGRASS AT 10 LBS./ACRE, KENTUCKY BLUEGRASS AT 25 LBS./ACRE, RED FESCUE AT 15 LBS./ACRE, AND SPREADING FESCUE AT 15 LBS./ACRE OR APPROVED EQUAL.
5. MULCH WITH UNROTTED SALT HAY OR SMALL GRAIN STRAW IMMEDIATELY AFTER SEEDING. APPLY AT A RATE OF 90 LBS/1000 S.F. ACCORDING TO THE N.J. STANDARDS.
6. ANCHOR MULCH WITH PEG AND TWINE, MULCH NETTING OR OTHER APPROVED METHODS. IF POSSIBLE, PLANT BETWEEN MARCH 1 AND MAY 15, OR BETWEEN AUG 15 AND OCT 1. NOTE: WRITTEN NOTICE SHALL BE GIVEN TO THE SOMERSET COUNTY SOIL CONSERVATION DISTRICT 72 HOURS PRIOR TO ANY SOIL DISTURBANCE.

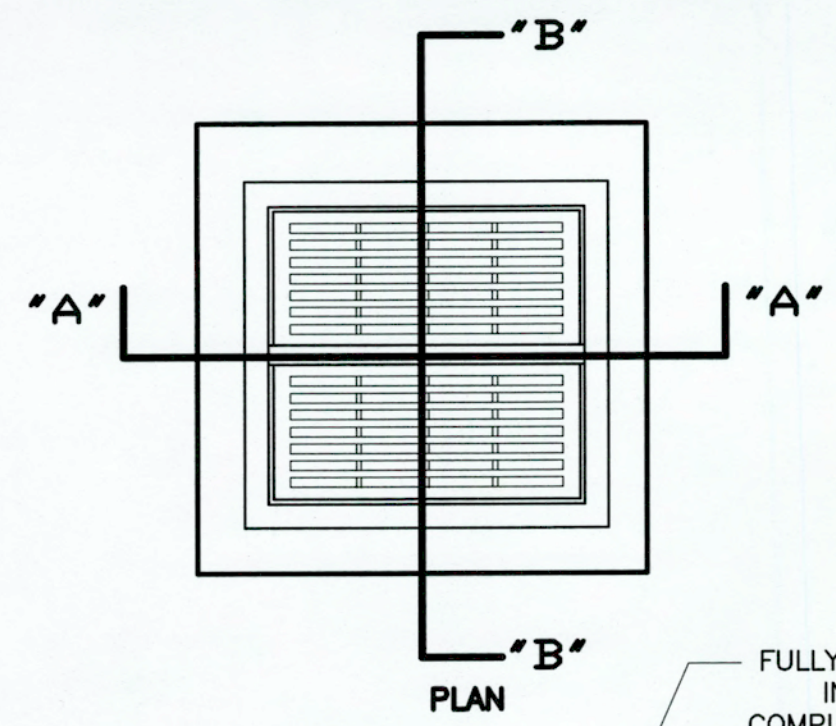
REMOVAL OF TREE LIMB



TREE PROTECTION DETAIL

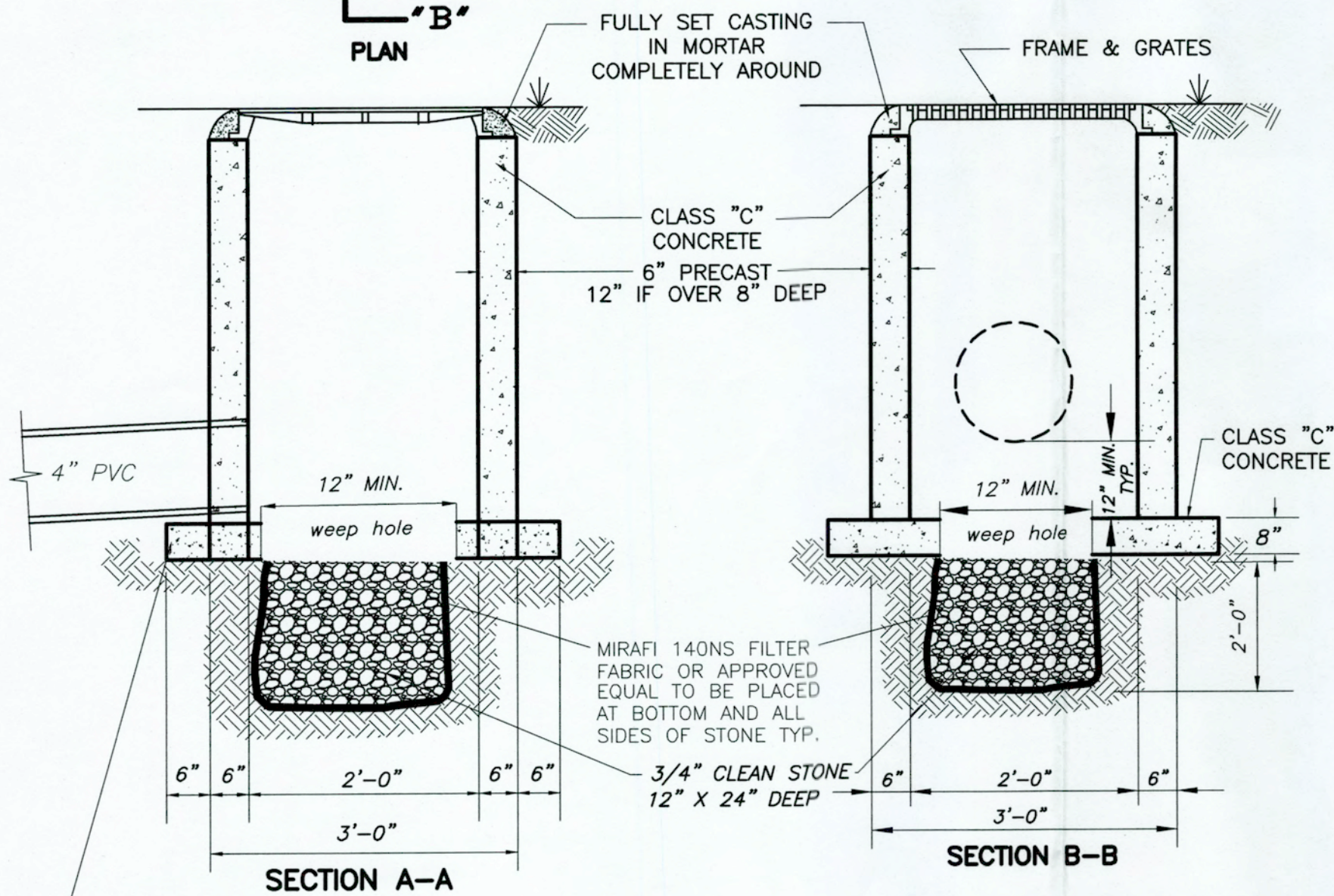


INLET FILTER



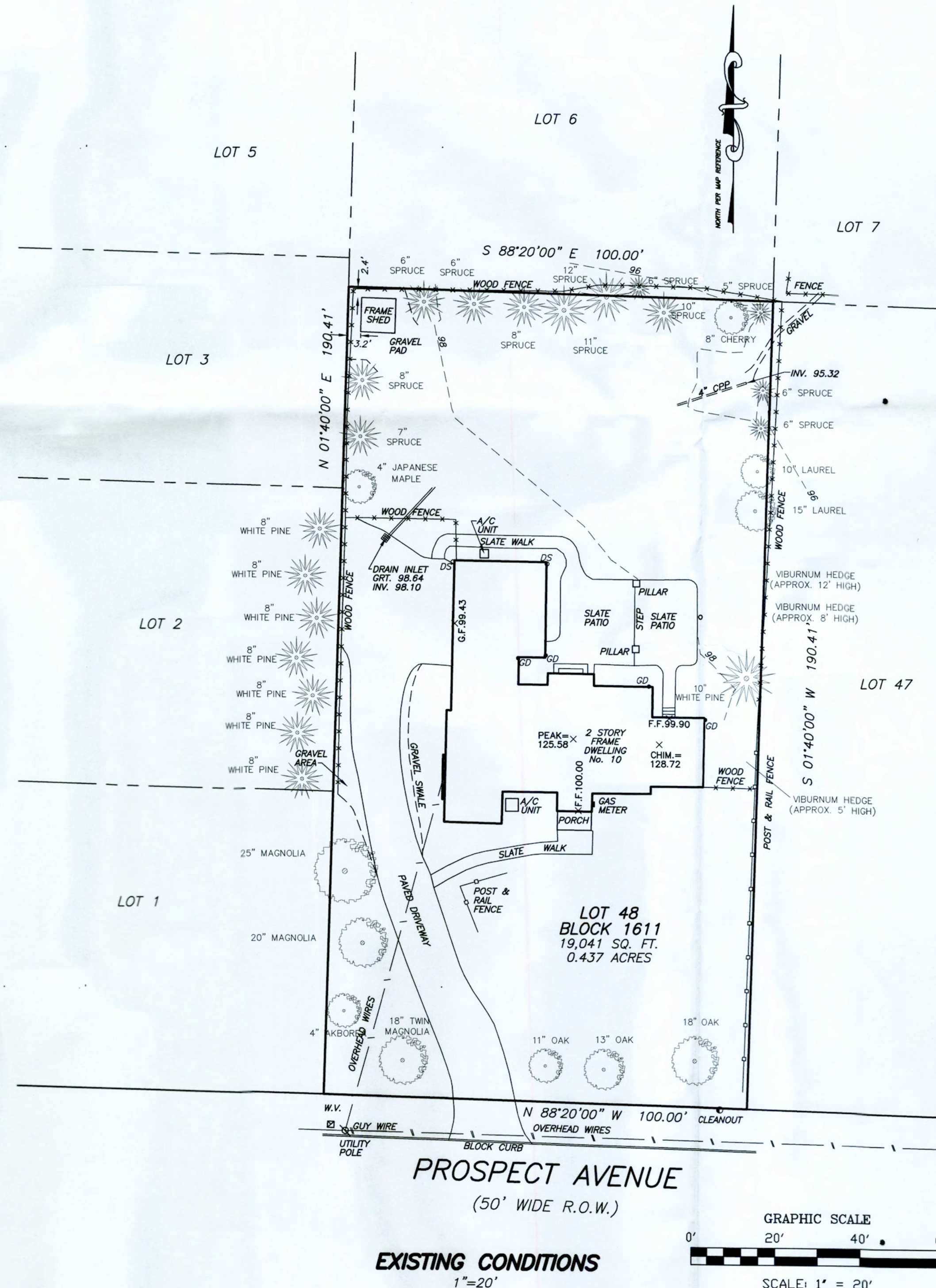
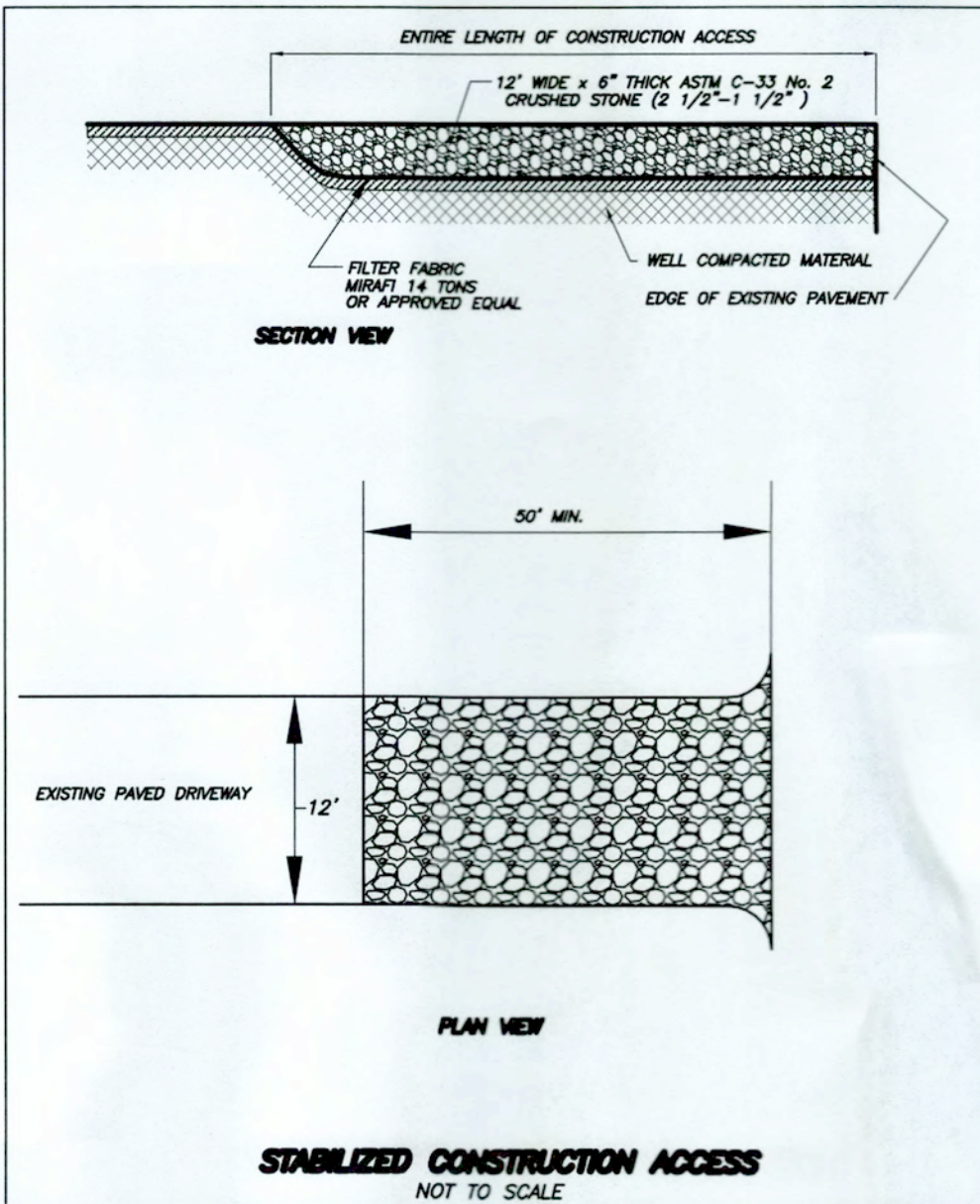
NOTE :

1. INLET MAY BE CONSTRUCTED OF PRECAST CONCRETE OR CONCRETE BLOCK IF CONCRETE BLOCK IS USED, THE BOTTOM SHALL BE AS SHOWN FOR CONCRETE, AND THE OUTSIDE WALL SHALL BE PLASTERED WITH A 1/2" THICK COAT OF 1:2 CEMENT, SAND OR MORTAR.
2. PIPE TO BE CUT FLUSH WITH BASIN WALL.
3. FRAME AND GRATE SHALL BE CAMPBELL FOUNDRY PATTERN No. 3282 OR APPROVED EQUAL.



2' x 2' INLET

NOT TO SCALE



**YANNACCONNE
VILLA
& ALDRICH, LLC**

460 MAIN STREET, P.O. BOX 459
CHESTER, NEW JERSEY 07930
PHONE: 908-879-6646

FAX: 908-879-8591

N.J. STATE BOARD FOR P.E. & P.L.S. CERTIFICATE
OF AUTHORIZATION No. 24627834500

Rudolf L. Holzmann
DATE: 8/25/21

RUDOLF L. HOLZMANN

N.J. PROFESSIONAL ENGINEER No. 43842

NOT VALID WITHOUT SIGNATURE AND RAISED SEAL

NO.	DATE	REVISION
3	8/25/21	REISSUE
2	4/7/21	REISSUE
1	9/10/20	REDUCED COVERAGE ADDED WOOD DECK

PROJECT TITLE :

**PORR
PROPERTY**
10 PROSPECT AVENUE
LOT 48 ~ BLOCK 1611
TOWNSHIP OF BERNARDS
SOMERSET COUNTY,
NEW JERSEY

SHEET TITLE :

**EXISTING
CONDITIONS
& DETAILS**

DRAWN BY: DATE:

CHECKED BY: SCALE:

W.O. 220033

F.B. 769/134

FILE:

COMP FILE:
M-SEPTIC/DATA/220033/LOT48GRADINGREV3

SHEET **3** OF **3**

EC

TOWNSHIP OF BERNARDS
ZONING BOARD OF ADJUSTMENT
APPLICATION STATUS FORM

Application No: ZB21-029 Block: 4002 Lot: 3 Zone: R-4
Applicant: HALEY, ANDREW & KIMBERLY
Address of Property: 5 DAWN DRIVE
Description: LOT COVERAGE VARIANCE FOR ADDITION

APPLICATION CHECKLIST

<input checked="" type="checkbox"/> Original + 16 copies of Application	<input checked="" type="checkbox"/> Engineering Plan/Plot Plan
<input checked="" type="checkbox"/> W-9	<input checked="" type="checkbox"/> Architectural Plans
<input checked="" type="checkbox"/> Site Visit Consent (A)	<input checked="" type="checkbox"/> Survey
<input type="checkbox"/> Ownership Form (B)	<input type="checkbox"/> Photographs
<input checked="" type="checkbox"/> 200' Property Search List (C)	<input type="checkbox"/> Wetlands Report/LOI
<input checked="" type="checkbox"/> Tax Certification (D)	<input checked="" type="checkbox"/> Application Fee
<input type="checkbox"/> Notice to be Served/Published (E)	<input checked="" type="checkbox"/> Escrow Deposit
<input checked="" type="checkbox"/> Dimensional Statistics Form (F)	<input checked="" type="checkbox"/> Imaging Fee
<input type="checkbox"/> Contributions Disclosure Form (G)	<input type="checkbox"/> Tax Map Revision Fee
	<input type="checkbox"/> Checklist

SCHEDULING

9.15.21 Original Submission Date
10.30.21 Completeness Deadline (45 days)
____ Incomplete Date
____ Resubmission Date
____ Date Complete
2.27.22 Time to Act (45/95/120 days)

HEARING

____ Notice to Property Owners
____ Date of Publication
____ Completeness Hearing
11.3.21 Public Hearing
____ Carried to Date
____ Decision - Approved/Denied
____ Resolution Memorialized
____ Resolution Published

DISTRIBUTION

9.15.21 Environmental Comm
____ Fire Official
____ LCFAS
____ Police

NOTES

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 type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input 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): _____ |
|--|--|

1. APPLICANT: AJ Haley

Address: 121 South St. Unit 2, Jersey City, NJ 07307

Phone: (home) (412) 951-5097 (work) N/A (mobile) (412) 951-5097

Email (will be used for official notifications): ajh273@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: Gregory Ralph Profession: Architect

Address: 1924 US Hwy 22 East Bound Brook, NJ 08805

Phone: _____ Email (will be used for official notifications): greg@gralpharchitect.com

5. PROPERTY INFORMATION: Block(s): 4002 Lot(s): 3 Zone: R-4

Street Address: 5 Dawn Basking Ridge, NJ 07920 Total Area (square feet/acres): 40,427sqft

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:

Requesting a C Variance for max lot coverage. We currently have an existing non conformity. The existing non conformity is .5%/6246sqft over the Ordinance's 15%/6064sqft. We are proposing an increase in lot coverage to 17.2%/6960sqft.

Block 4002, Lot 3, Zone R-4

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

The requested variance is for Max Lot Coverage. We have an existing non conformity that requires a Variance. The ordinance max lot coverage is 15%/6064sqft, the existing coverage is 15.5%/6246sqft, we are proposing 17.2%/6960sqft.

21 Attachment 7 Table 501 Ordinance Info Location.

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: Andrew & Kim are currently building their dream home. They would like to remain residence of Basking Ridge. This Variance approval would help them achieve their goal.

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

APPLICANT(S) SIGN HERE:

I/we, AJ Haley and Kim Haley 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): *A.J. Haley* and *Kimberly Haley*

Sworn and subscribed before me, this 30 day of August, 2021

Michael Nenna
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): _____

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

Notary

SUBMIT ORIGINAL AND 16 COPIES

FORM A

**TOWNSHIP OF BERNARDS
PLANNING BOARD / BOARD OF ADJUSTMENT**

SITE INSPECTION CONSENT FORM

Applicant: AJ Haley

Block: 4002 Lot: 3

5 Dawn Drive Basking Ridge, NJ
Street Address: _____

I, AJ Haley, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

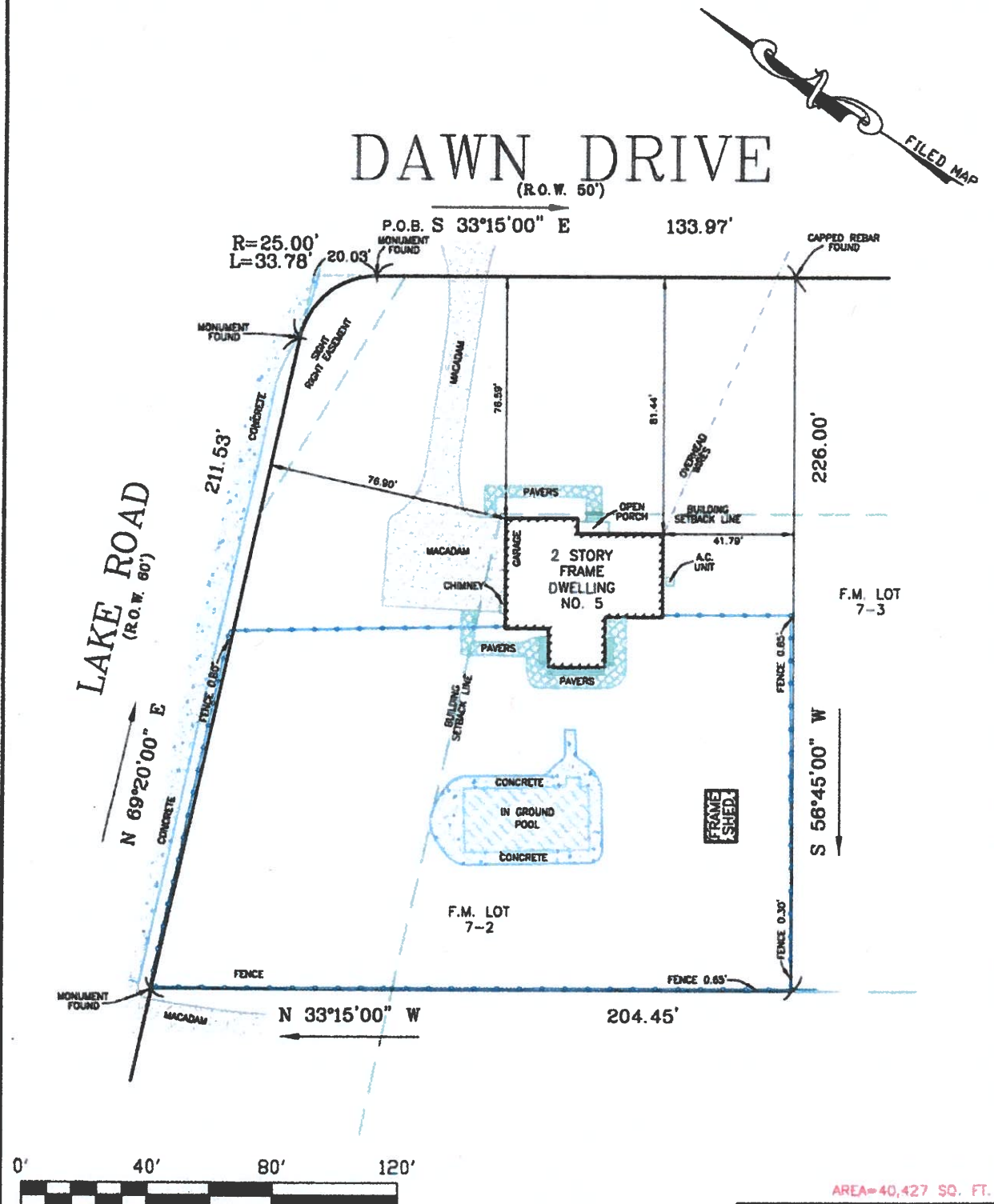
Signature:  Date: 8/30/2021

SUBMIT 17 COPIES TOTAL

DIMENSIONAL STATISTICS

	REQUIRED	EXISTING	PROPOSED
LOT AREA	43,560 SF	40,427 SF	No change
LOT WIDTH	200'	170.5'	No change
FRONTAGE	100'	151.3'	No change
FRONT YARD SETBACK	75'	76.59'	No change
REAR YARD SETBACK	75'	102.39'	No change
COMBINED SIDE YARD	N/A	N/A	N/A
SIDE YARD	20'	41.79'	No change
COVERAGE	15%/6,064 SF	15.5%/6,246 SF	17.2%/6,960 SF
HEIGHT	35'	2 STY/28.2'	No change
<i>IF REQUIRED,</i> GROSS FLOOR AREA			
<i>IF REQUIRED,</i> FLOOR AREA RATIO			
<i>IF REQUIRED,</i> IMPROVABLE LOT AREA			

A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO PL 2003, c.140 (43B-363) AND N.J.A.C. 13-40-51(a).



KTJ ASSOCIATES, LLC
1010 OLD YORK ROAD, NESHANIC STATION NJ 08853
ANDREW J. KIRTLAND
Professional Land Surveyor No. 24C504333000
(908)754-7886 phone (908)755-7750 fax

Anden ~~to~~

THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE. THIS OFFICE MAKES NO DETERMINATION AS TO THE EXISTENCE OF WETLANDS. CERTIFICATION IS MADE ONLY TO ABOVE NAMED PARTIES. NO LIABILITY IS ASSUMED BY SURVEYOR FOR USE

TAX LOT 3	TAX BLOCK 4002	MUNICIPALITY TOWNSHIP OF BERNARDS	CHECKED BY AK
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CLIENT:
MR. & MRS. HALEY

PROJECT:
ADDITION /
ALTERATION

5 DAWN, BASKING
RIDGE, NJ

REVISIONS:

DRAWN BY: DD

CHECKED BY: GR

SEAL:



GREGORY RALPH
ARCHITECT
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1924 RT 22 E
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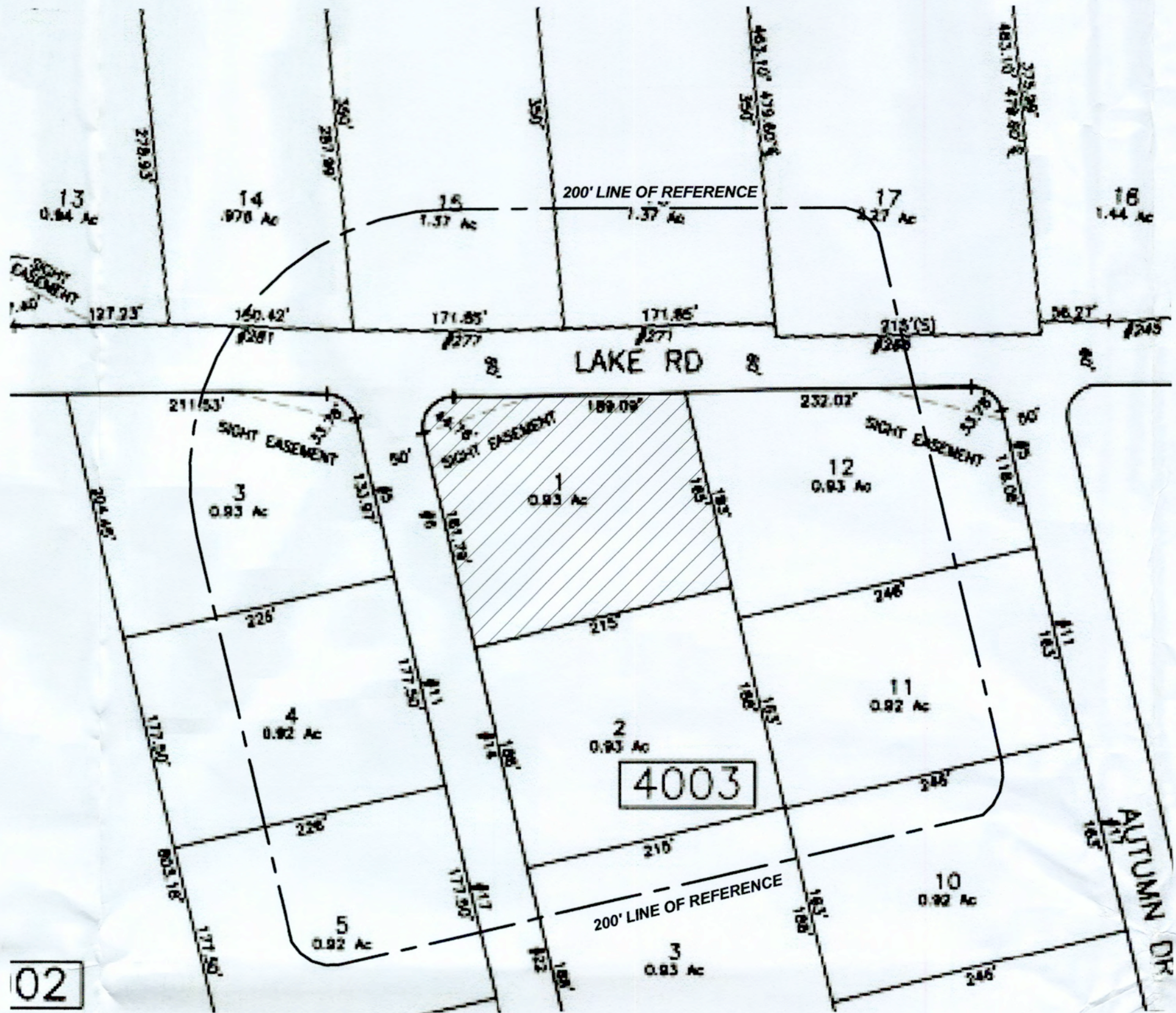
GENERAL NOTES &
ZONING

V-1

SHEET:

DATE: 9-13-21

SCALE: AS INDICATED



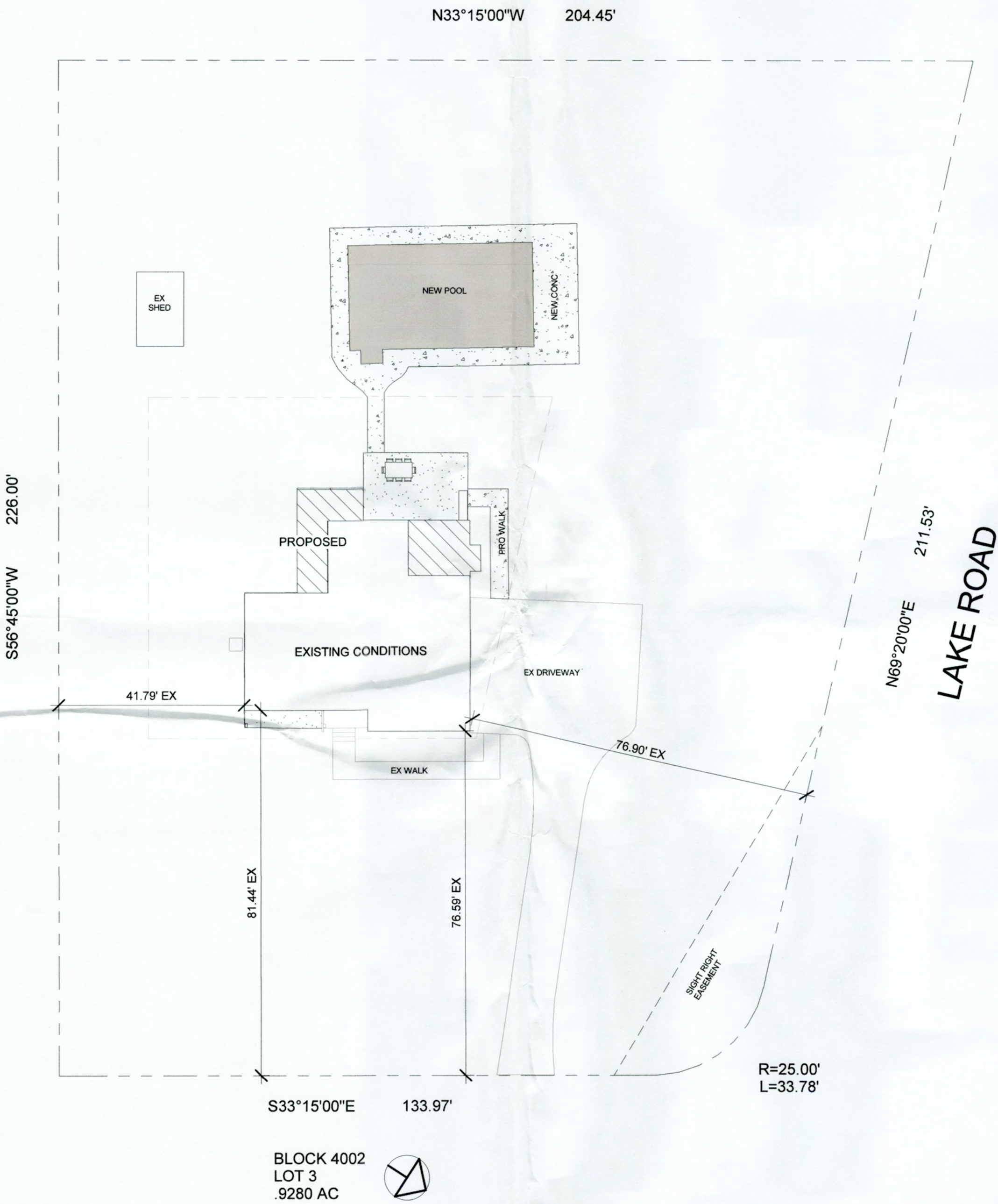
200' TAX MAP REFERENCE
1" = 100'-0"

ZONING DATA: BLOCK# 4002 LOT# 3 ZONE: R-4

ITEM	ORDINANCE	EXISTING	PROPOSED	COMMENTS
LOT AREA	43,560 SF	40,427 SF	NO CHANGE	EXISTING NONCONFORMITY
LOT WIDTH	200'	170.5'	NO CHANGE	EXISTING NONCONFORMITY
LOT FRONTAGE	100'	151.3'	NO CHANGE	CONFORMS
FRONT YARD SETBACK	75'	76.59'	NO CHANGE	CONFORMS
SIDE YARD SETBACK	20' / BOTH 50'	41.79'	NO CHANGE	CONFORMS
REAR YARD SETBACK	75'	102.39'	NO CHANGE	CONFORMS
BUILDING HEIGHT	35'	2 STY / 28.20'	2 STY / 27.25'	CONFORMS
MAX LOT COVERAGE	15% / 6,064 SF	15.5% / 6,246 SF	17.2% / 6,960 SF	EXISTING NONCONFORMITY / VARIANCE REQ'D

COVERAGE CALCULATIONS:

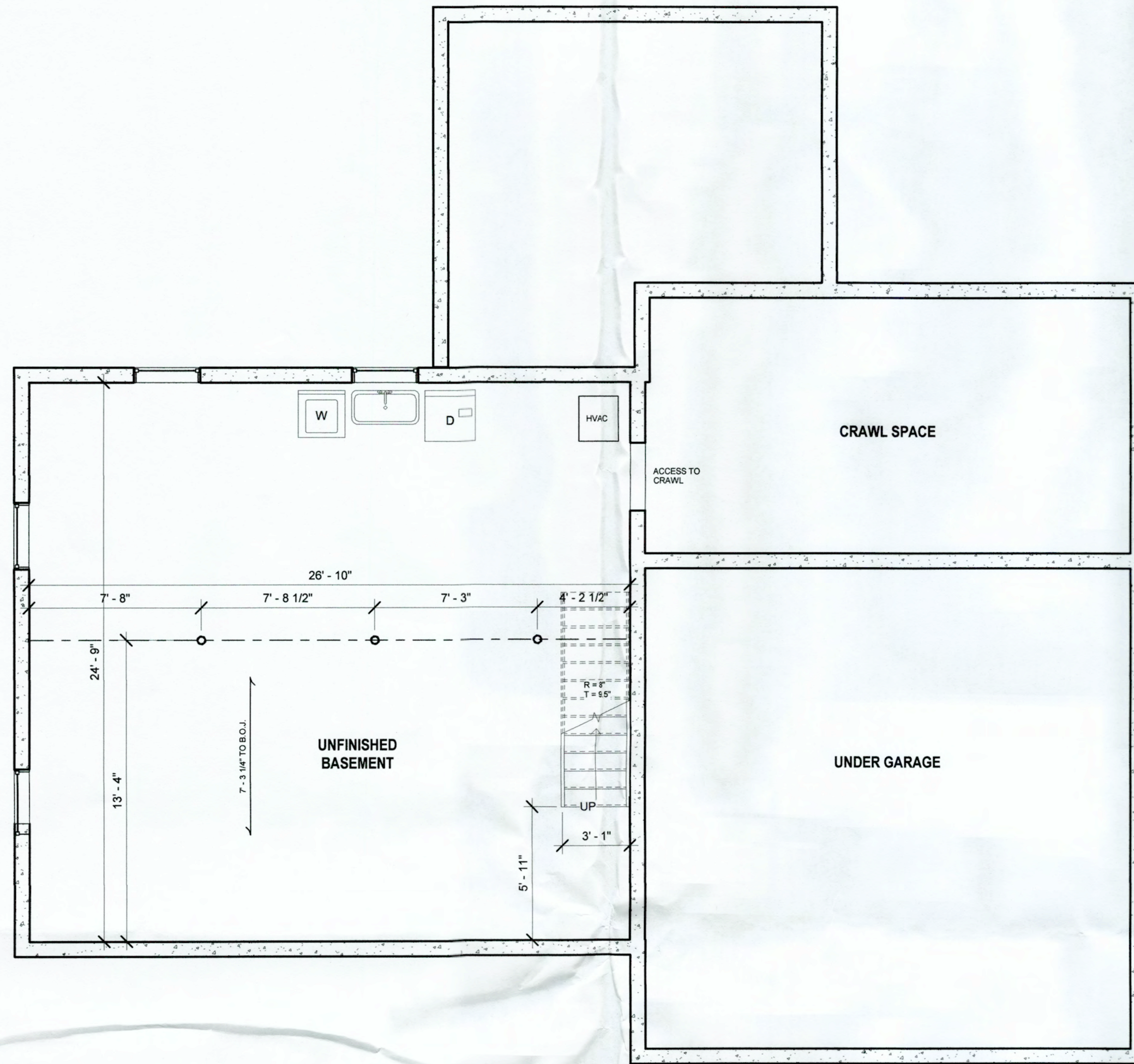
ITEM	EXISTING	PROPOSED
HOUSE	1,768 SF	2,152 SF
SHED	173 SF	173 SF
FRONT PORCH	40 SF	110 SF
DRIVEWAY	2,014 SF	2,014 SF
WALKWAY	718 SF	313 SF
REAR PATIO	0 SF	351 SF
POOL	818 SF	984 SF
POOL PATIO	715 SF	863 SF
TOTAL	6,246 SF	6,960 SF



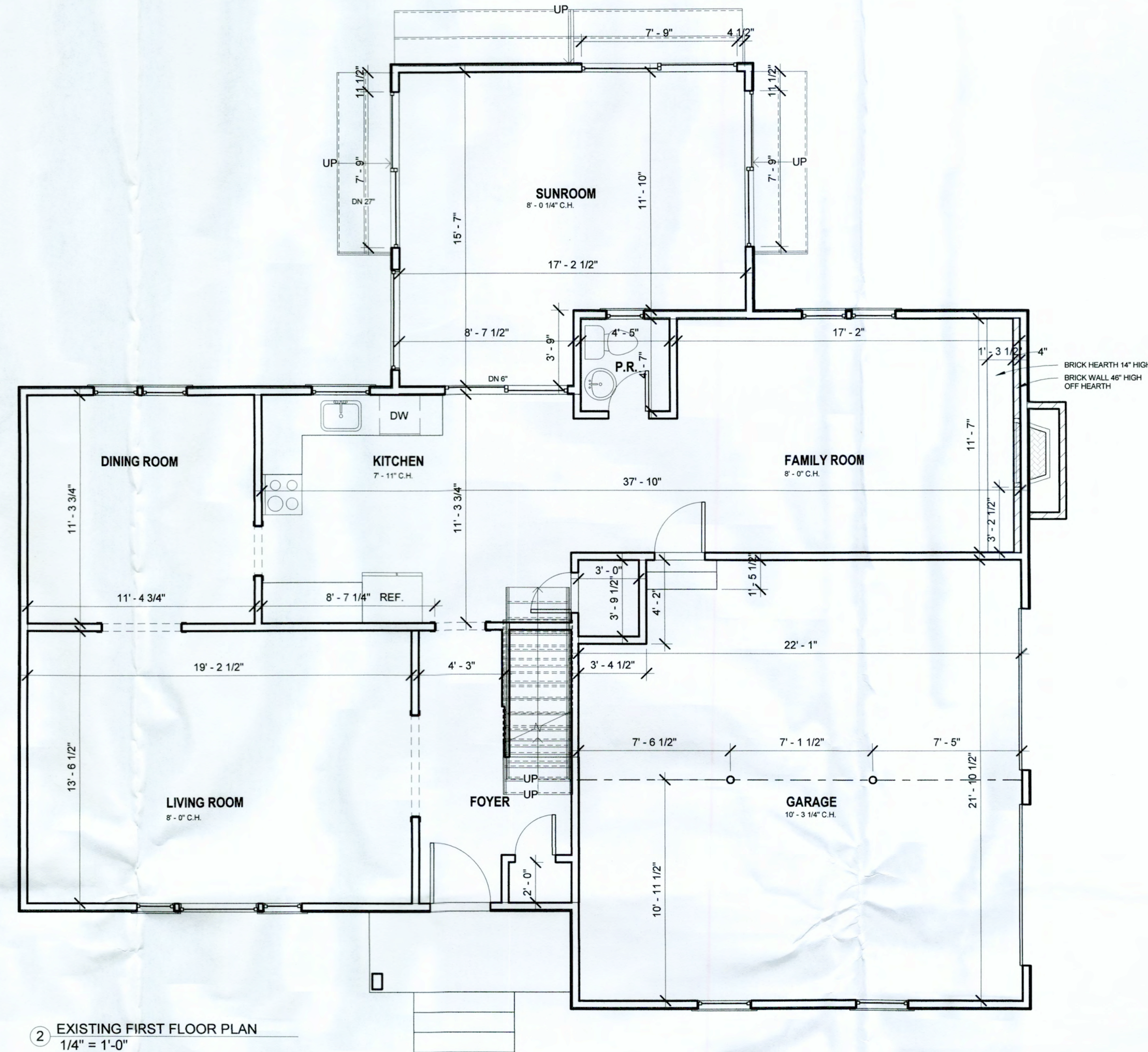
DAWN DRIVE

SURVEY NOTE:
INFORMATION USED IN PREPARATION OF
THIS PLOT PLAN TAKEN FROM SURVEY BY
KTJ ASSOCIATES, LLC.

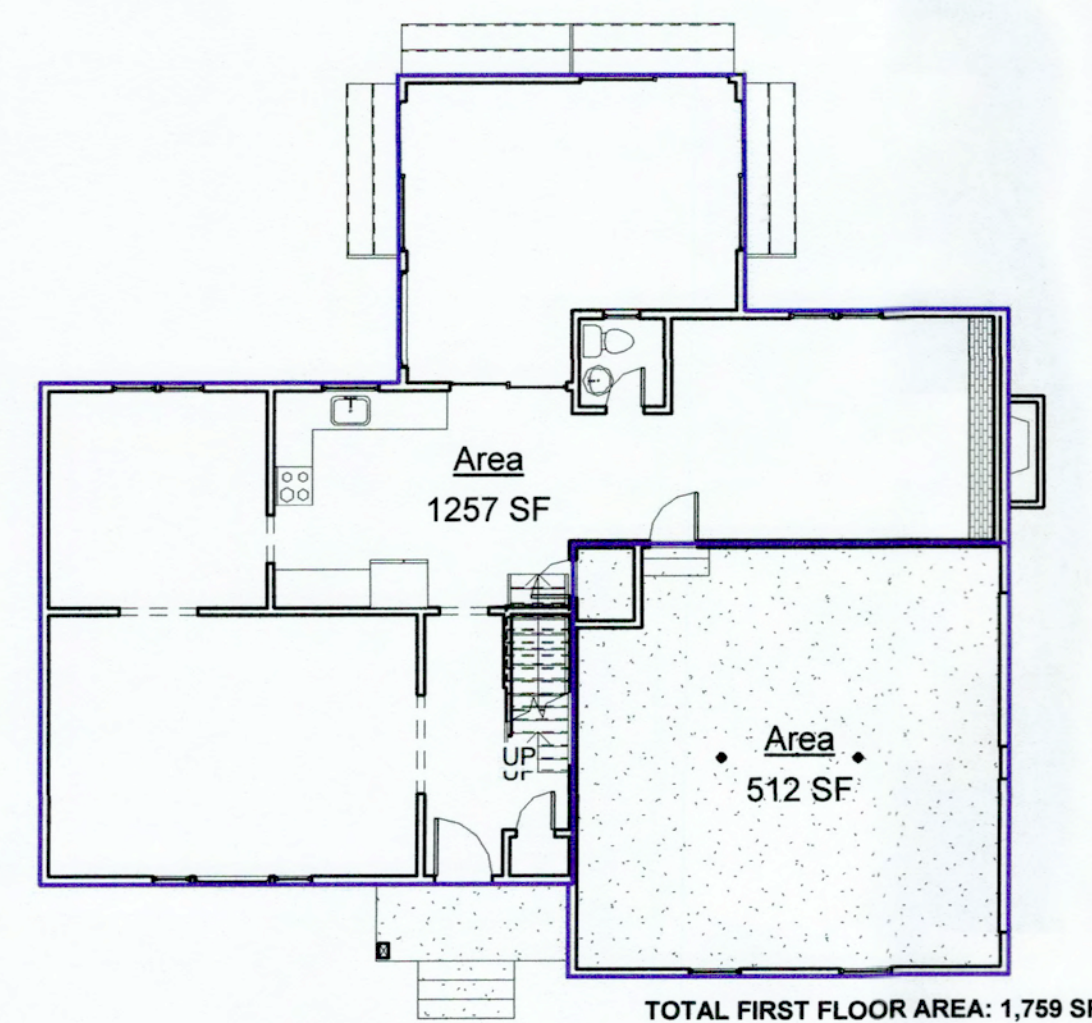
1 PLOT PLAN
1" = 20'-0"



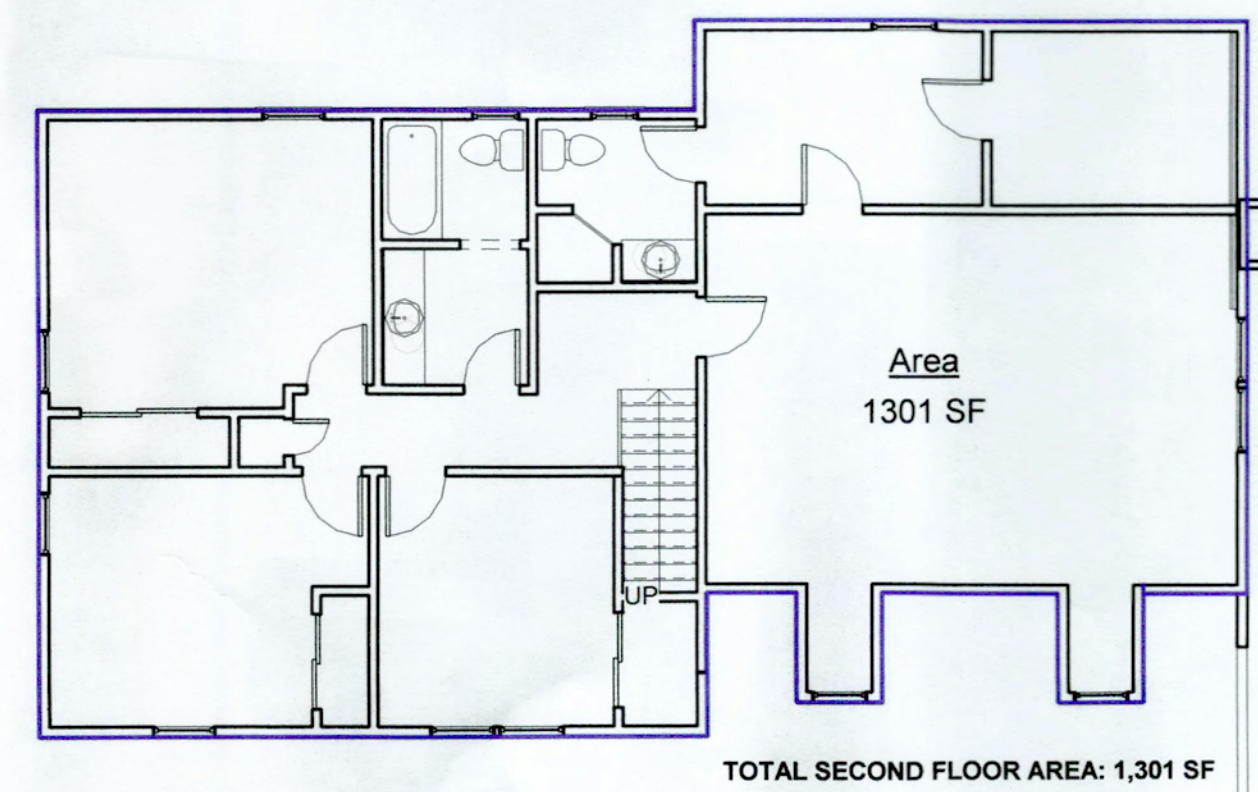
1 EXISTING BASEMENT PLAN
1/4" = 1'-0"



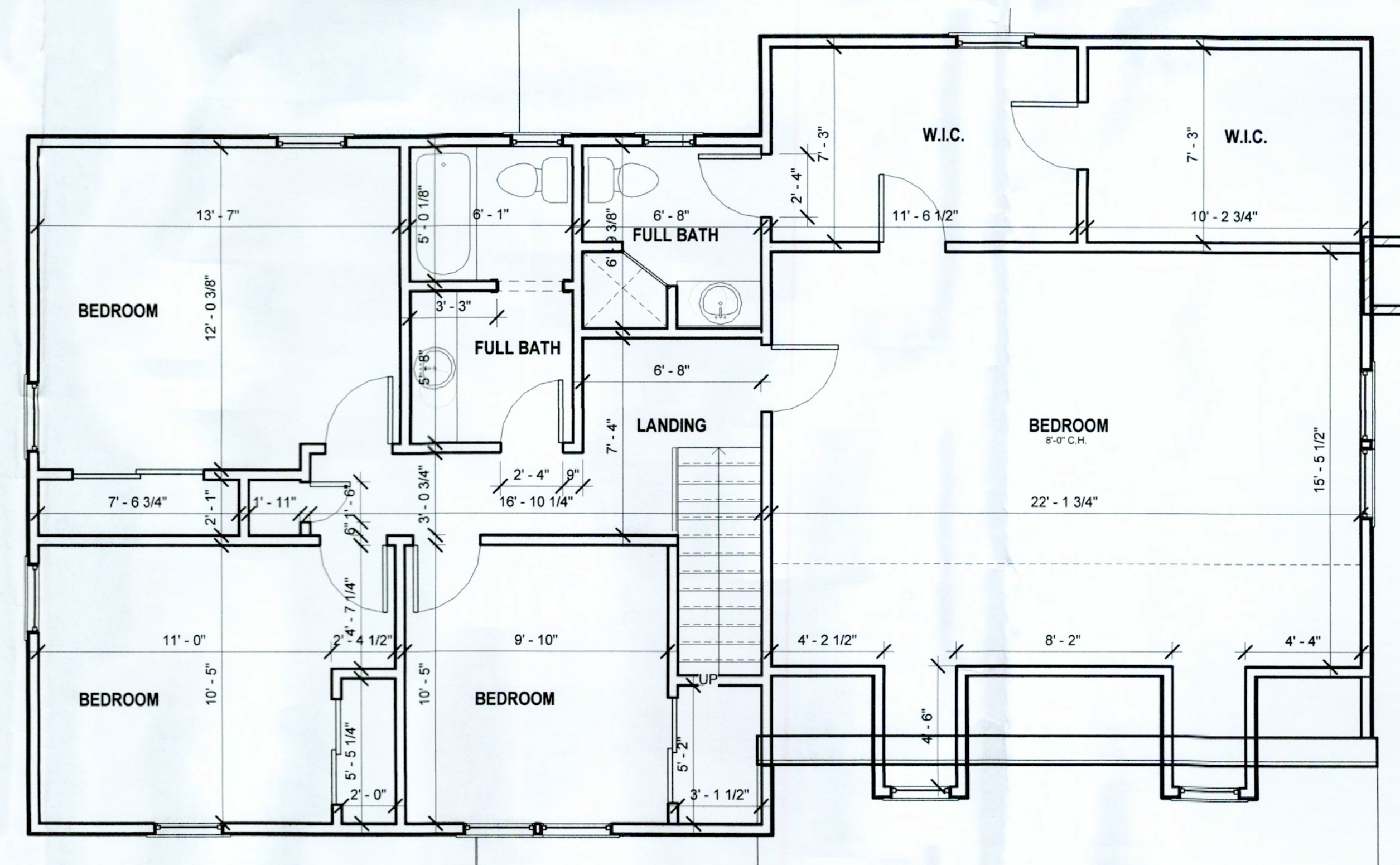
2 EXISTING FIRST FLOOR PLAN
1/4" = 1'-0"



4 FIRST FLOOR
1" = 10'-0"



5 SECOND FLOOR
1/8" = 1'-0"



6 SECOND FLOOR PLAN
1/4" = 1'-0"

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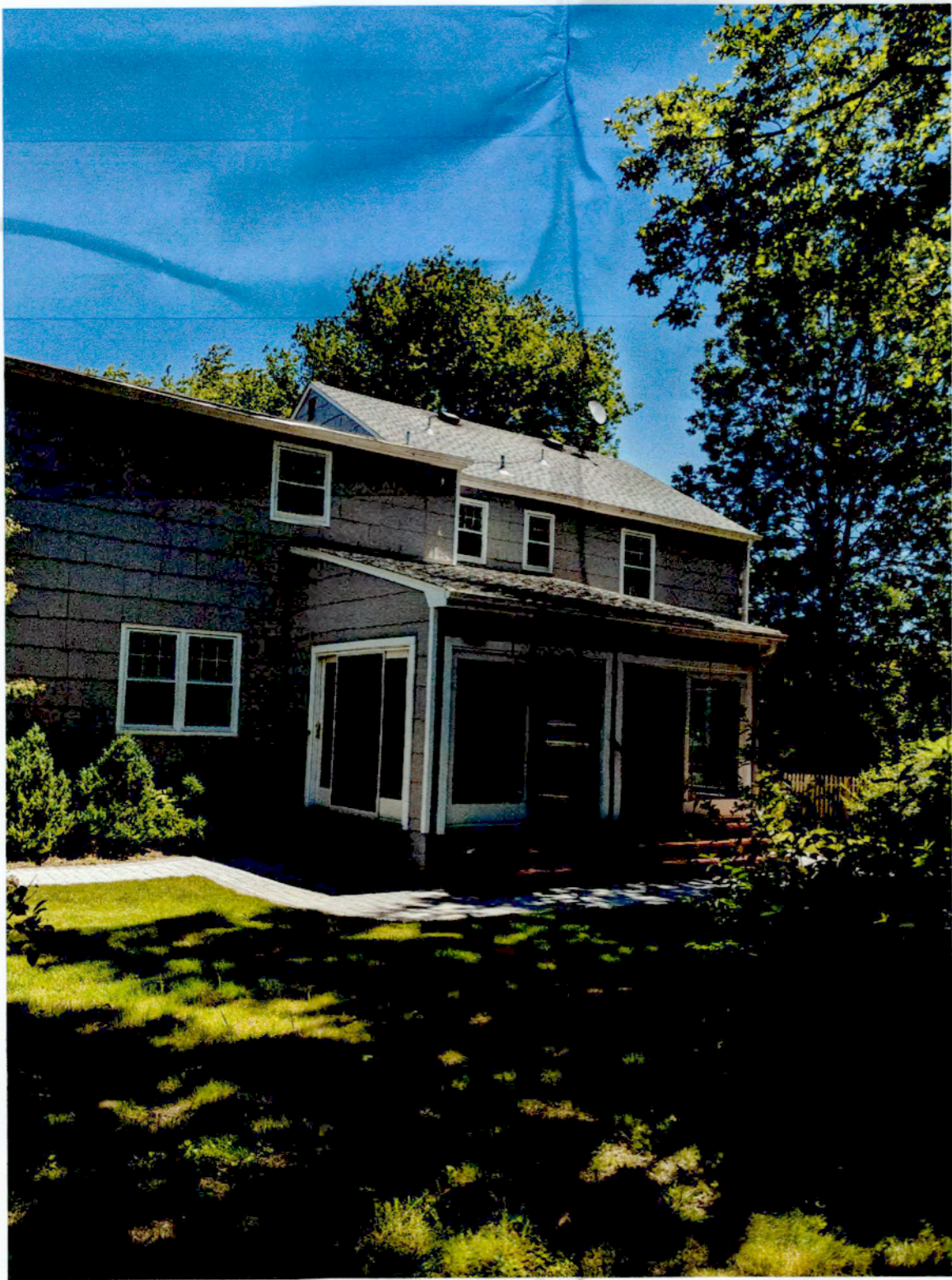
EXISTING FLOOR
PLANS

V-2

SHEET:

DATE: 9-13-21

SCALE: AS INDICATED



CLIENT:
MR. & MRS. HALEY

PROJECT:
ADDITION /
ALTERATION

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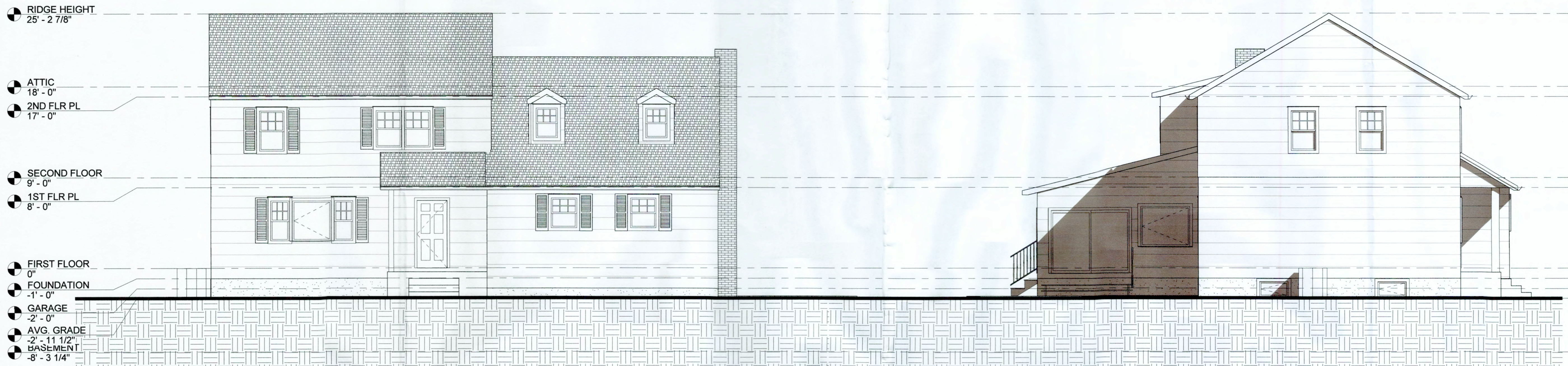
PICTURES EXISTING
CONDITIONS

V-3

SHEET:

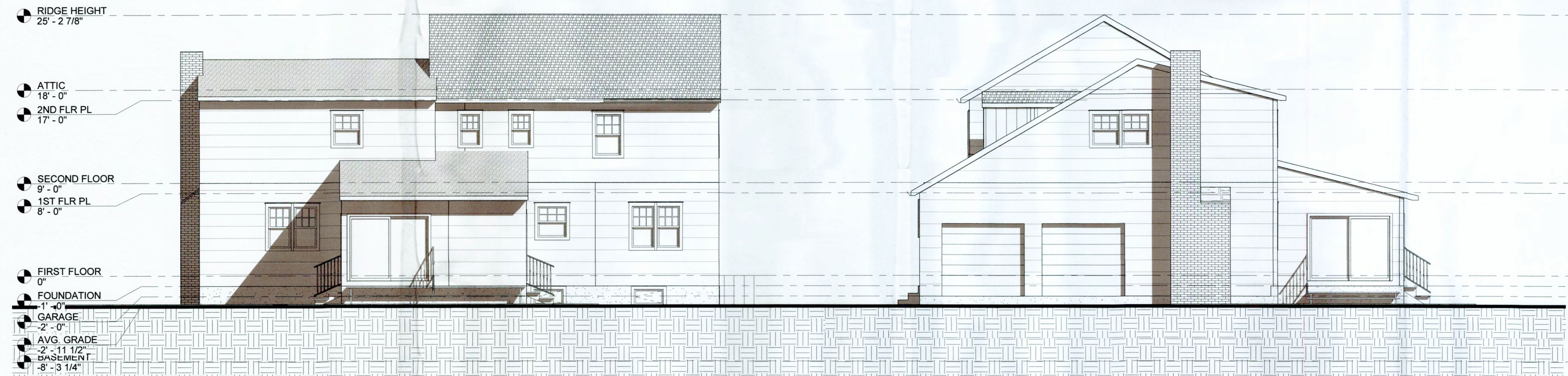
DATE: 9-13-21

SCALE:



① EXISTING FRONT ELEVATION
3/16" = 1'-0"

② EXISTING LEFT ELEVATION
3/16" = 1'-0"



③ EXISTING REAR ELEVATION
3/16" = 1'-0"

④ EXISTING RIGHT ELEVATION
3/16" = 1'-0"

CLIENT:
MR. & MRS. HALEY

PROJECT:
ADDITION /
ALTERATION

5 DAWN, BASKING
RIDGE, NJ

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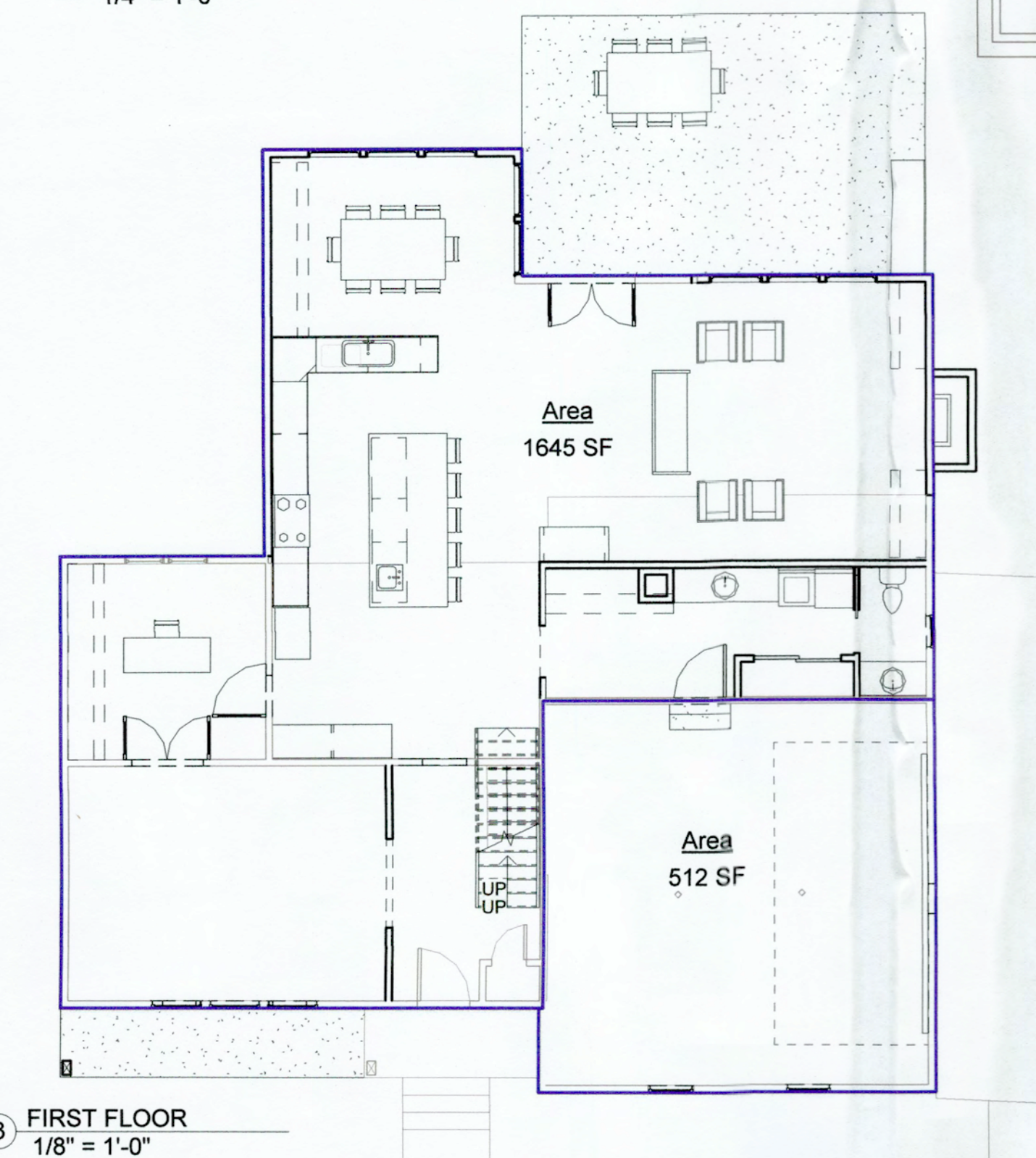
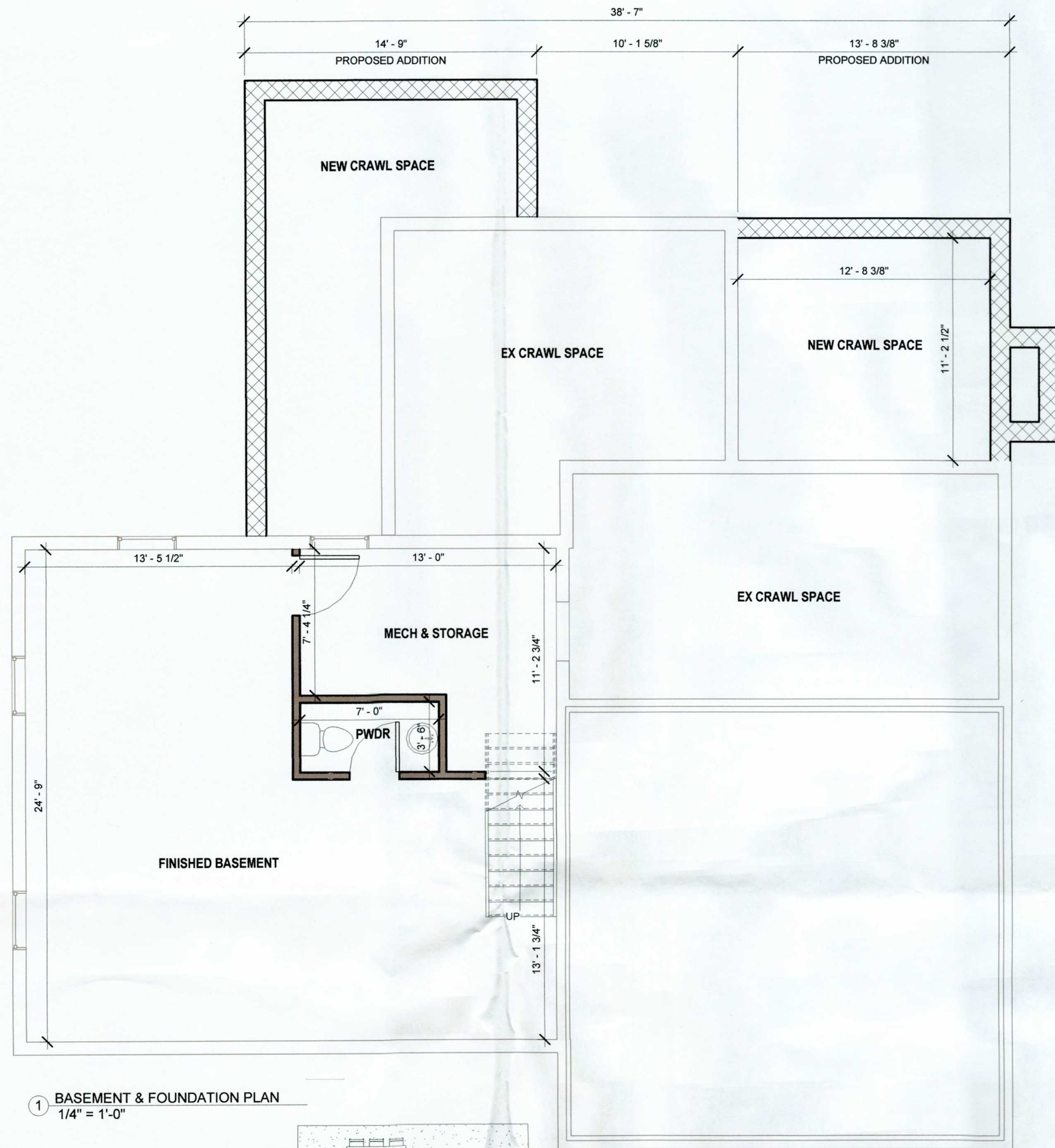
EXISTING
ELEVATIONS

V-4

SHEET:

DATE: 9-13-21

SCALE: 3/16" = 1'-0"



CLIENT:
MR. & MRS. HALEY

PROJECT:
ADDITION /
ALTERATION

5 DAWN, BASKING
RIDGE, NJ

REVISIONS:

DRAWN BY: DD
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SEAL:



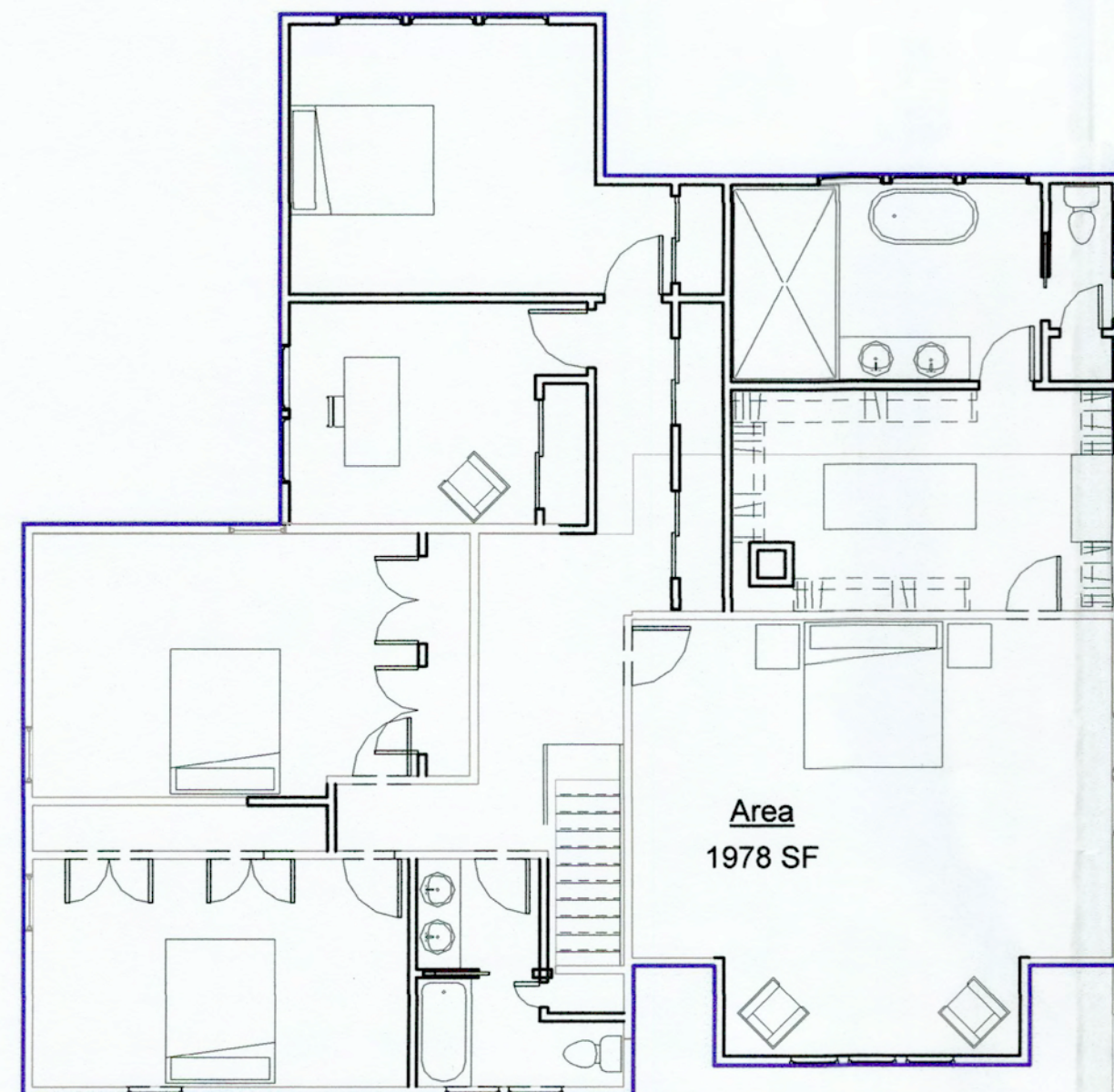
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**PROPOSED FLOOR
PLANS**

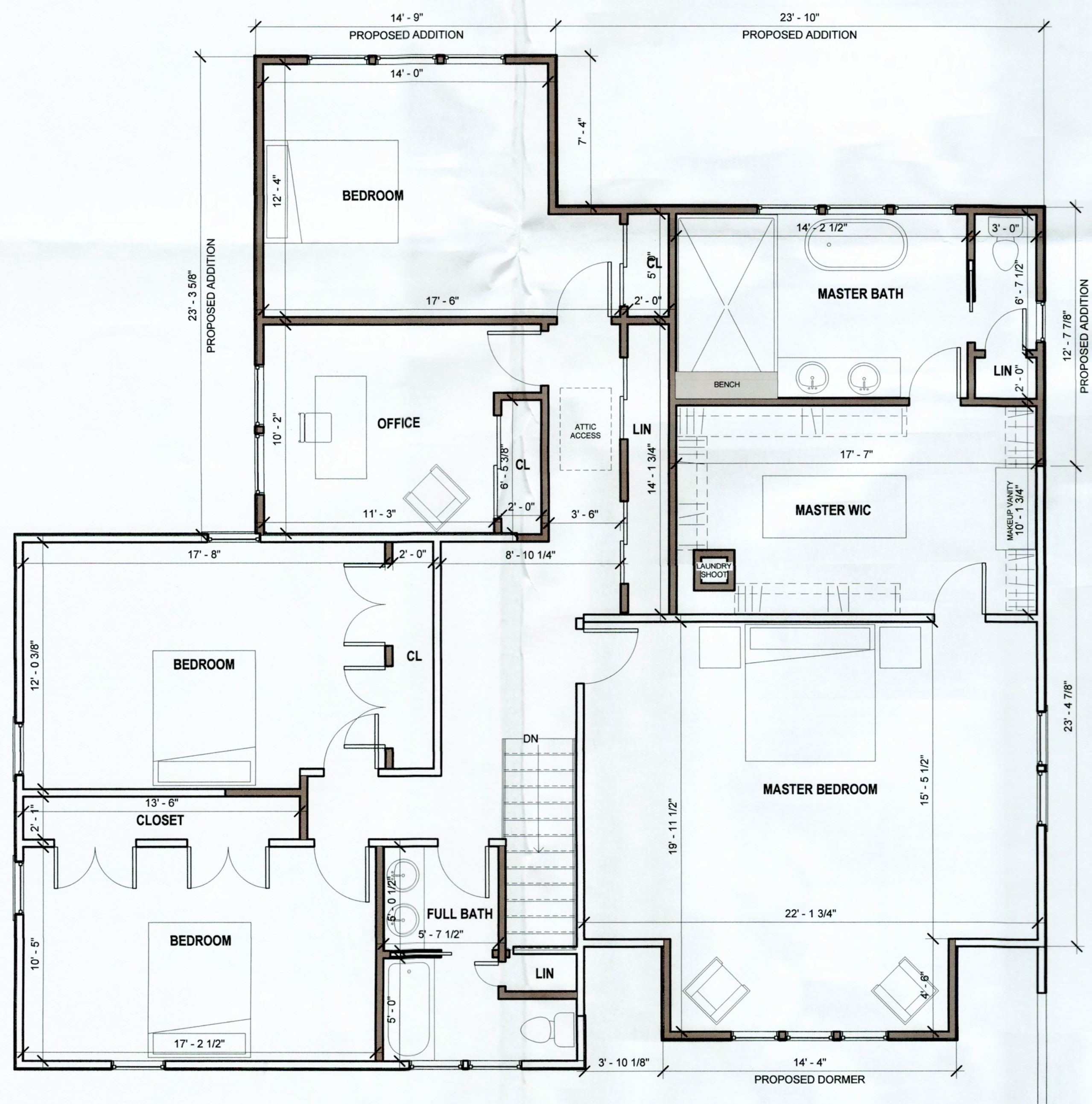
SHEET:
V-5

DATE: 9-13-21

SCALE: AS INDICATED



3 SECOND FLOOR
1/8" = 1'-0"



1 SECOND FLOOR PLAN
1/4" = 1'-0"



CLIENT:
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PROJECT:
ADDITION /
ALTERATION

5 DAWN, BASKING
RIDGE, NJ

REVISIONS:

DRAWN BY: DD
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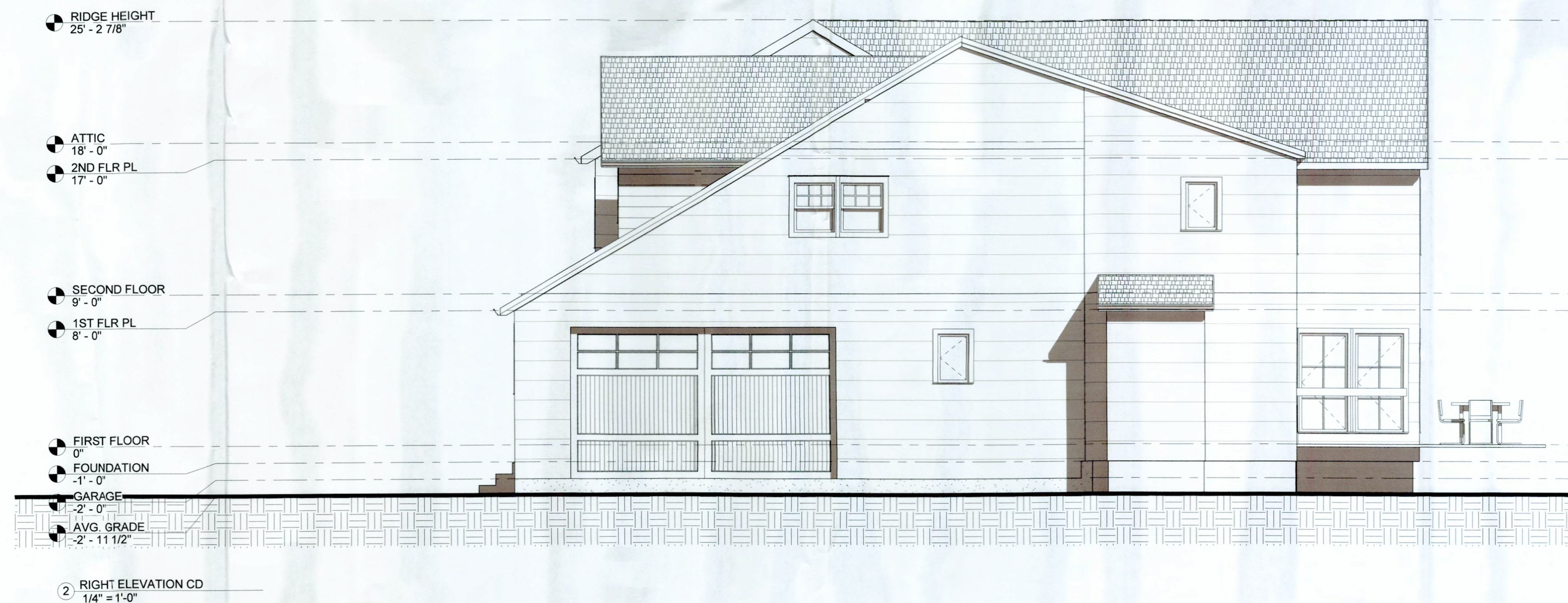
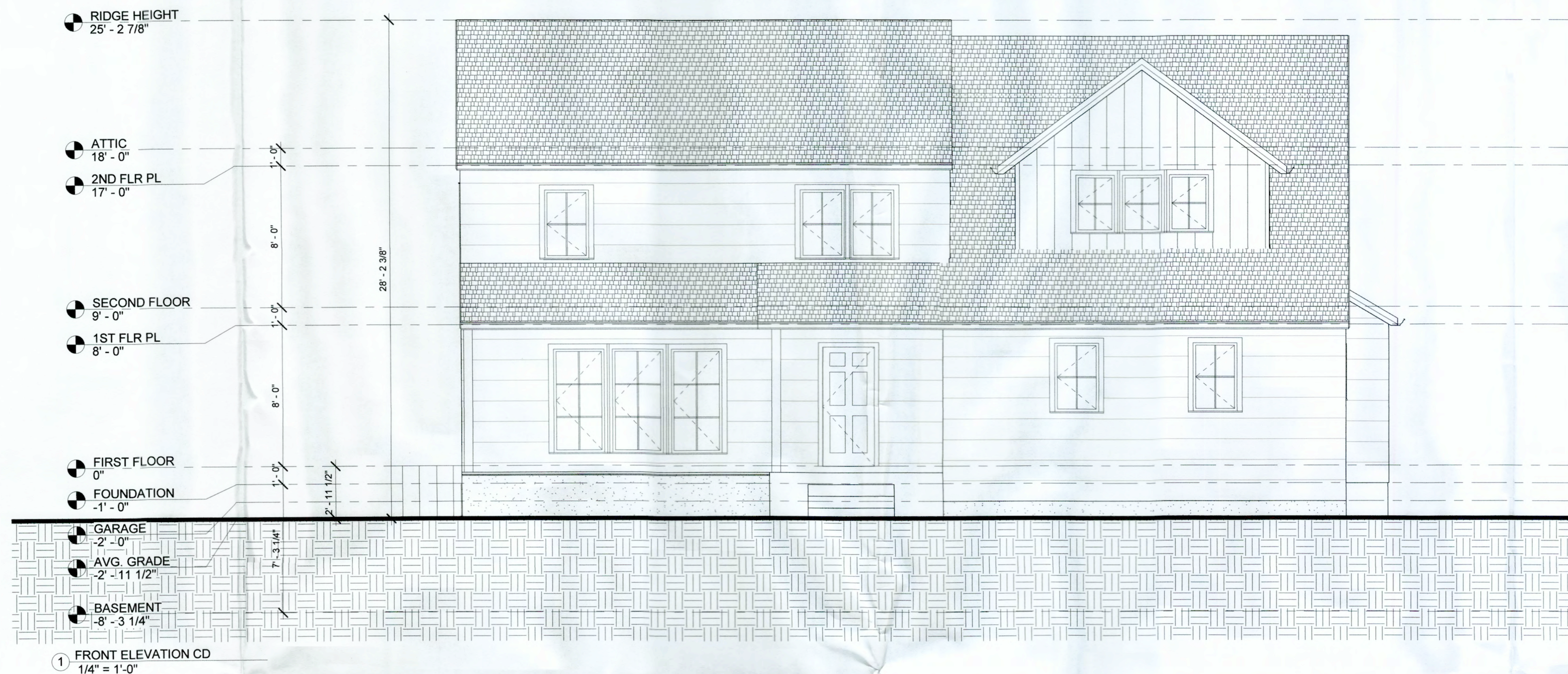
SEAL:



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PROPOSED FLOOR
PLAN

SHEET: V-6
DATE: 9-13-21
SCALE: AS INDICATED



CLIENT:
MR. & MRS. HALEY

PROJECT:
ADDITION /
ALTERATION

5 DAWN, BASKING
RIDGE, NJ

REVISIONS:

DRAWN BY: DD

CHECKED BY: GR

SEAL:



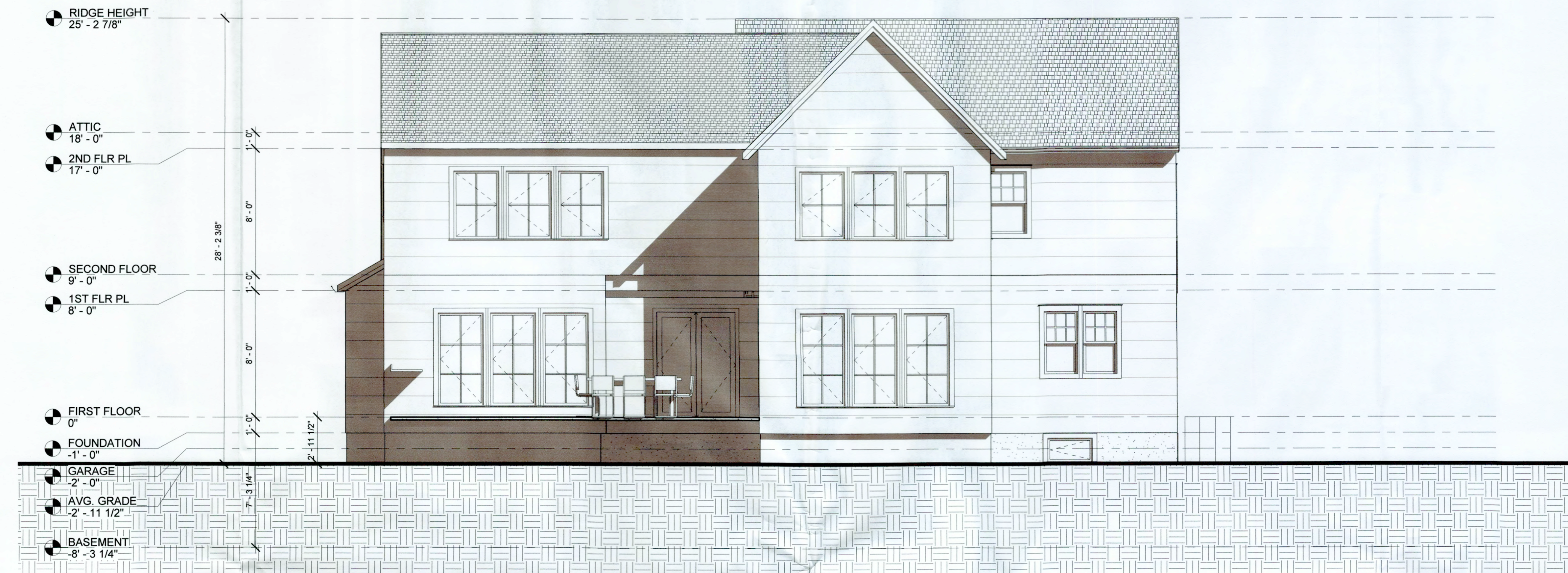
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FRONT & RIGHT
ELEVATION

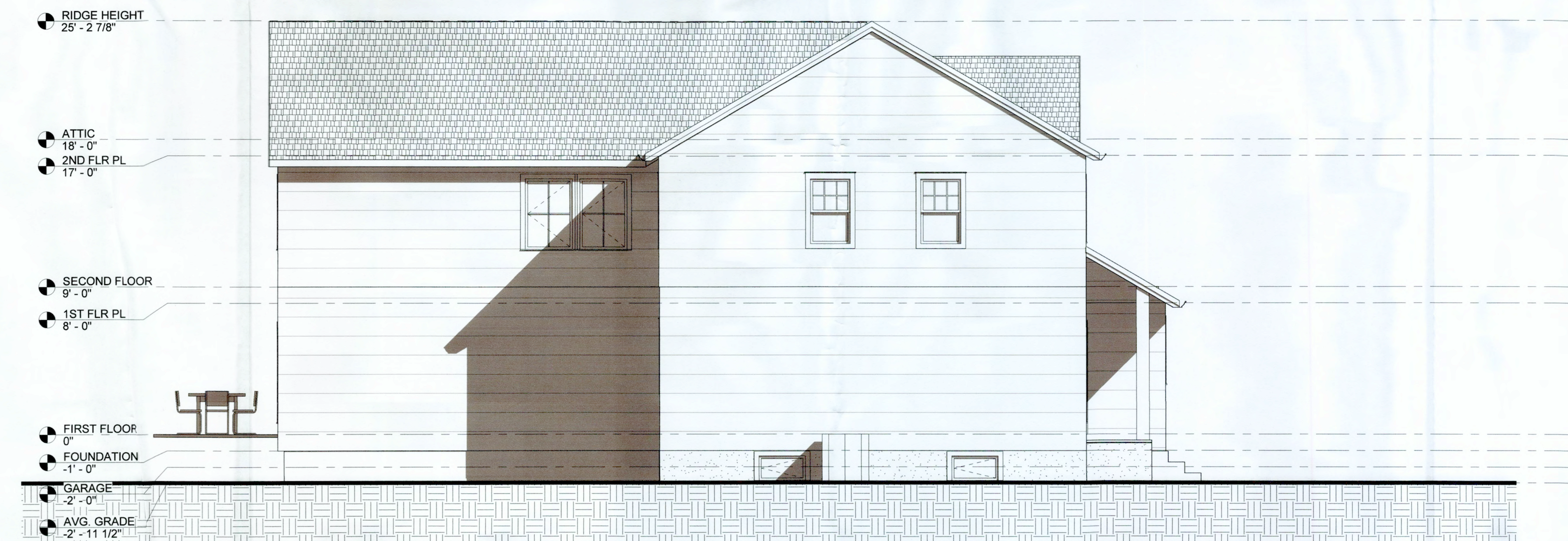
SHEET:
V-7

DATE: 9-13-21

SCALE: 1/4" = 1'-0"



1 REAR ELEVATION CD
1/4" = 1'-0"



2 LEFT ELEVATION CD
1/4" = 1'-0"

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REAR & LEFT
ELEVATION

SHEET: V-8

DATE: 9-13-21

SCALE: 1/4" = 1'-0"