

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

## **REGULAR MEETING AGENDA v3**

Warren Craft Meeting Room

May 4, 2022

7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. In addition, the public will be able to view the meeting live on Optimum/Cablevision TV – Channel 15 and Verizon FIOS TV – Channel 35. For those interested in watching on their computers, the link will be available at 7:30 PM by clicking on the “Watch the Meeting Live” icon on the Bernards Township Zoning Board of Adjustment web page. Please note that all questions/comments must be made in person.

**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. OPEN PUBLIC MEETING STATEMENT**

**4. ROLL CALL**

**5. APPROVAL OF MINUTES**

**A.** April 6, 2022 – Regular Session

**6. APPROVAL OF RESOLUTION**

**A.** Verizon Corporate Services Group Inc.; Block 803, Lots 2, 3, 5, 6, 23; 300 North Maple Avenue; ZB22-002 (approved)

**7. PUBLIC HEARING**

**A.** [Finley Real Estate LLC](#); Block 1801, Lot 1; 55 South Finley Avenue; Preliminary/Final Site Plan, Variances; ZB21-031

**8. COMMENTS FROM MEMBERS**

**9. COMMENTS FROM STAFF**

**10. ADJOURN**

05/04/2022dssw  
FINAL2

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

RECEIVED

OCT - 1 2021

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

**1. APPLICANT:** Finley Real Estate, LLC

Address: PO Box 411, Basking Ridge, NJ 07920

Phone: (home) 973-425-1228 (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email (will be used for official notifications): mads@scandicbuilders.com

**2. OWNER (if different from applicant):** Not applicable.

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

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

**3. ATTORNEY:** David Burton Brady, Esq.

Address: Brady & Correale, LLP, PO Box 2136, Morristown, NJ 07962

Phone: 973-267-3500 Email (will be used for official notifications): lawman.brady@gmail.com

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

Name: Ronald A. Kennedy, P.E. Profession: Engineer

Address: Gladstone Design, Inc., 256 Main Street, Box 400, Gladstone, NJ 07934

Phone: 908-234-0309 Email (will be used for official notifications): rkennedy@gladstonedesign.com

**5. PROPERTY INFORMATION:** Block(s): 1801 Lot(s): 1 Zone: B-1

Street Address: 55 South Finely Avenue Total Area (square feet/acres): 15,548 to ROW

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

**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 Project Report.

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

See attached Project Report.

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

See attached Project Report.

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

**APPLICANT(S) SIGN HERE:**

I/we, Mads Jepsen on behalf of Finley Real Estate, LLC 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 30 day of September, 2021.

David Owen Bevel  
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,

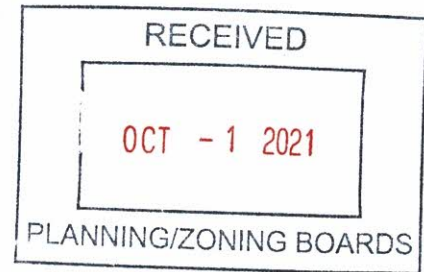
hereby authorize \_\_\_\_\_ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): \_\_\_\_\_

Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary

**PROJECT REPORT  
FOR  
WASHINGTON HOUSE**



**LOT 1, BLOCK 1801  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, NEW JERSEY**

**Prepared by:**

**GLADSTONE DESIGN, INC.**

Consulting Engineers | Land Surveyors | Landscape Architects | Land Planners

265 Main Street, P.O. Box 400  
Gladstone, New Jersey 07934

September 24, 2021



**WASHINGTON HOUSE  
PROJECT REPORT**

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|                            |              |
|----------------------------|--------------|
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|----------------------------|--------------|

# WASHINGTON HOUSE PROJECT REPORT

## **INTRODUCTION**

This Project Report has been prepared for the property located at 55 South Finley Avenue in Bernards Township, New Jersey, home to the Washington House restaurant, to support the associated application for Preliminary and Final Site Plan approval with variances from the Bernards Township Board of Adjustment. This report has been prepared in accordance with the criteria specified in Section 21-54.6 of the Bernards Township Land Development Ordinance entitled "Support Documentation."

## **BACKGROUND INFORMATION**

The Washington House property is located on Lot 1, Block 1801 in Bernards Township, Somerset County, New Jersey. The site is located in the heart of the downtown Basking Ridge village business district with frontage along South Finley Avenue to the east, West Henry Street to the south, and Brownlee Place to the west (see **Figure 1**). The total tract area is 0.357 acres to the right-of-way line and 0.413 acres to the deed line in the center of South Finley Avenue. The site is within the B-1 (Village Business Zone) zoning designation.

The subject property is developed with a three-story building and associated parking. The Washington House restaurant occupies the first floor and exterior patios. Offices occupy the upper two floors. Parking is provided by an on-site parking lot in the rear of the building and an auxiliary parking lot located on Lot 2, Block 1802. The auxiliary parking lot sits caddy-corner to the restaurant with access off West Henry Street to the north and the street address of 2 Rankin Avenue. The auxiliary parking lot is located within the R-7 (1/2-acre Residential Zone) zoning designation. Parking is prohibited as a principal use within the R-7 zone. A "d(1)" use variance was granted for the parking lot as part of a Board of Adjustment approval on April 3, 1985.

This site has been the subject of several prior Site Plan approvals, summarized as follows:

1. The site received Preliminary and Final Site Plan approval on August 22, 2017 from the Bernards Township Planning Board (Application #PB17-004) to allow an increase in restaurant seating and a reduction in parking spaces provided from 60 to 59 spaces.
2. The site received Preliminary and Final Site Plan approval on December 22, 2015 from the Bernards Township Planning Board (application #PB15-001) to allow construction of two outdoor at-grade decks and a trash enclosure in the auxiliary parking lot (Lot 2, Block 1802), and to allow a reduction in parking spaces provided from 72 to 60 spaces.
3. The site received Preliminary and Final Site Plan approval on July 9, 2003 from the Bernards Township Board of Adjustment (#03-03) to construct a wireless telecommunications antenna facility.
4. The site received Site Plan approval on March 3, 1999 from the Bernards Township Board of Adjustment (#98-24) to construct two additions to the building: first, to expand the restaurant bathroom and dining seating by 12 additional seats; and second, to accommodate new kitchen equipment.
5. The site received Site Plan approval on April 3, 1985 from the Bernards Township Board of Adjustment (#85-01) to utilize the front porch for 20 additional restaurant seats and to enlarge the second floor to accommodate a food storage area.

## WASHINGTON HOUSE PROJECT REPORT

### PROJECT REPORT

#### Project Description and Statistics Report

The site received a special use permit on October 19, 2020 and a certificate of approval from the construction code division on December 2, 2020 for the installation of a 50-ft x 100-ft temporary tent for outdoor dining in the rear parking lot. The purpose of this application is to obtain Preliminary and Final Major Site Plan approval with variances from the Bernards Township Board of Adjustment to make permanent the existing, temporary dining tent and associated structures erected at the site. As part of this project, a second means of egress for diners, in the form of an on-grade staircase, will be provided out the rear of the tent in the northwest corner of the site.

The tent and auxiliary structures will add 5,208 square feet of additional floor area bringing the total floor area on the site to 13,316 square feet or an 85.6% floor area ratio. A variance is being requested from Table 402 for a maximum floor area ratio of 85.6% where the ordinance allows a maximum of 25.0%.

The existing restaurant has a capacity of 174 seats (150 indoor and 24 outdoor). The tent to be made permanent will add an additional 164 seats and the existing rear bluestone patio can accommodate an additional 12 seats for a total proposed restaurant capacity of 350 seats. Bernards Township sets forth a parking requirement for restaurants as the greater of 1 parking space per 3 seats or 1 parking space per 50 square feet of floor area. In this case the 10,145 square feet of floor area creates the greater parking demand of 203 spaces. In addition, 13 spaces are required for the 3,171 square feet of office floor area, bringing the total parking requirement to 216 spaces. A variance is being requested from Section 21-22.1 to allow for 36 spaces to be provided where the ordinance required 216 spaces.

The dining tent and associated structures have been erected over the existing asphalt parking lot, there is no proposed land disturbance and no change in the total impervious coverage across the site.

For a complete tabulation of zoning requirements, see the calculation tables on the Lot Development Plan, Sheet 1 of 1.

#### Land Classification Map and Report

The property is comprised entirely of Unrestricted lands, meaning no lands on the property are classified as Environmentally Restricted, lands within a floodway or with slopes more than 25%, or Restricted, lands within a special flood hazard area, R-5 Lowlands, or with slopes between 15% and 25%, as defined by the Bernards Township Land Development Ordinance Article II.

Based on the United States Department of Agriculture Web Soil Survey, the entire site is part of the Pen silt loam (PenB) soil group. Penn silt loam is a 2 to 6 percent sloping soil series consisting of fine-loamy residuum weathered from acid reddish shale, siltstone, and fine-grain sandstone classified as Hydrologic Soil Group 'C'. The depth to the water table is more than 80 inches and the capacity of the most limiting layer to transmit water is very low to moderately low. No further soil investigations were performed on the site because the project proposes no land disturbance.

The property is developed, with no woodlands, significant tree masses, or waters. All existing trees are to remain. The location and diameter breast height of all existing trees is depicted on the Lot Development Plan, Sheet 1 of 1.

## WASHINGTON HOUSE PROJECT REPORT

### Natural Features Report

There are no notable natural features or environmental constraints on the property. This project proposes no tree removal nor impact to existing landscaping.

### Open Space Plan and Report

The property is developed. No areas of the site are designated as open space.

### Land Coverage and Drainage Plan and Report

The dining tent and associated structures have been erected over the existing asphalt parking lot; therefore, this project proposes no land disturbance and no change in total impervious coverage across the site. This project qualifies as an Exempt Development as defined in the Bernards Township Drainage Ordinance (Section 21-42). Complete coverage calculations are included on the Lot Development Plan, Sheet 1 of 1.

### Soil Erosion and Sedimentation Control Report

This project proposes to make permanent an existing tent erected over an asphalt parking lot, there is no proposed land disturbance associated with this project. As such, this project does not require approval from the Somerset-Union Soil Conservation District.

### Sewer and Water Plan and Report

This project proposes no change to the existing sewer and water services provided to the site.

### Circulation Plan and Traffic Report

The property has frontage along two Township right-of-ways: West Henry Street and Brownlee Place. In addition, the property has frontage along the County Route 613, South Finley Avenue. Street parking is available along both West Henry Street and South Finley Avenue. Patrons of the Washington House can access the restaurant through the front entrance on South Finley Avenue, or directly access the dining tent via a side entrance off Henry Street. As part of this project, a second means of egress for diners, in the form of an on-grade staircase, will be provided out the rear of the tent in the northwest corner of the site towards Brownlee Place.

As previously described, the total parking requirement for the site is 216 spaces. A variance is being requested from Section 21-22.1 to allow for 36 spaces to be provided where the ordinance required 216 spaces. To support the variance, a comprehensive parking study is underway and shall be submitted prior to the Board hearing under separate cover. A traffic professional shall provide testimony at the hearing.

### Utilities Plan and Report

This project proposes no change to the existing utility services provided to the site.

### Development Schedule Plan

Construction of the dining tent and associated structures was completed under the special use permit issued on October 19, 2020. The only new construction proposed is for the on-grade staircase to provide a second means of egress out the rear of the tent.

### Variances and Exceptions Report

This project is seeking the following variances from the Bernards Township Land Development Ordinance:

1. A variance is being requested from Table 402 for a maximum floor area ratio of 85.6% where the ordinance allows a maximum of 25.0%.

## **WASHINGTON HOUSE PROJECT REPORT**

2. A variance is being requested from Section 21-22.1 to allow for 36 parking spaces to be provided where the ordinance requires 216 spaces.
3. A variance is being requested from Table 506 for a rear yard setback of 3.2 feet where the ordinance requires a minimum of 10 feet.

This site has been the subject of several prior Site Plan approvals and has previously received variances for maximum floor area ratio (1999, 1985), parking (2017, 2015, 1999) and building setbacks (1999). The following is a comprehensive description of the variances previously granted:

### 2017 Approval:

1. A variance was granted from Section 21-22.1 to allow for 59 parking spaces to be provided where the ordinance requires 112 spaces.

### 2015 Approval:

1. A variance was granted from Section 21-22.1 to allow for 60 parking spaces to be provided where the ordinance requires 112 spaces.

### 2003 Approval:

1. A variance was granted from Section 21-10.6.a.1 to construct a wireless telecommunications facility where the ordinance does not allow this use in the B-1 zone.
2. A variance was granted from Table 402 for a maximum height of 43.25 feet where the ordinance allows a maximum of 35 feet.

### 1999 Approval:

1. A variance was granted from Table 402 for a maximum floor area ratio of 47.8% where the ordinance allows a maximum of 25.0%.
2. A variance was granted from Table 402 for a maximum lot coverage of 85.1% where the ordinance allows a maximum of 75%.
3. A variance was granted from Table 506 for a front yard setback of 1 foot where the ordinance requires a minimum of 10 feet.
4. A variance was granted from Table 402 for a lot area of 15,959.6 square feet where the ordinance requires a minimum of 20,000 square feet.
5. A variance was granted from Section 21-22.1 to allow for 72 parking spaces to be provided where the ordinance requires 110 spaces.

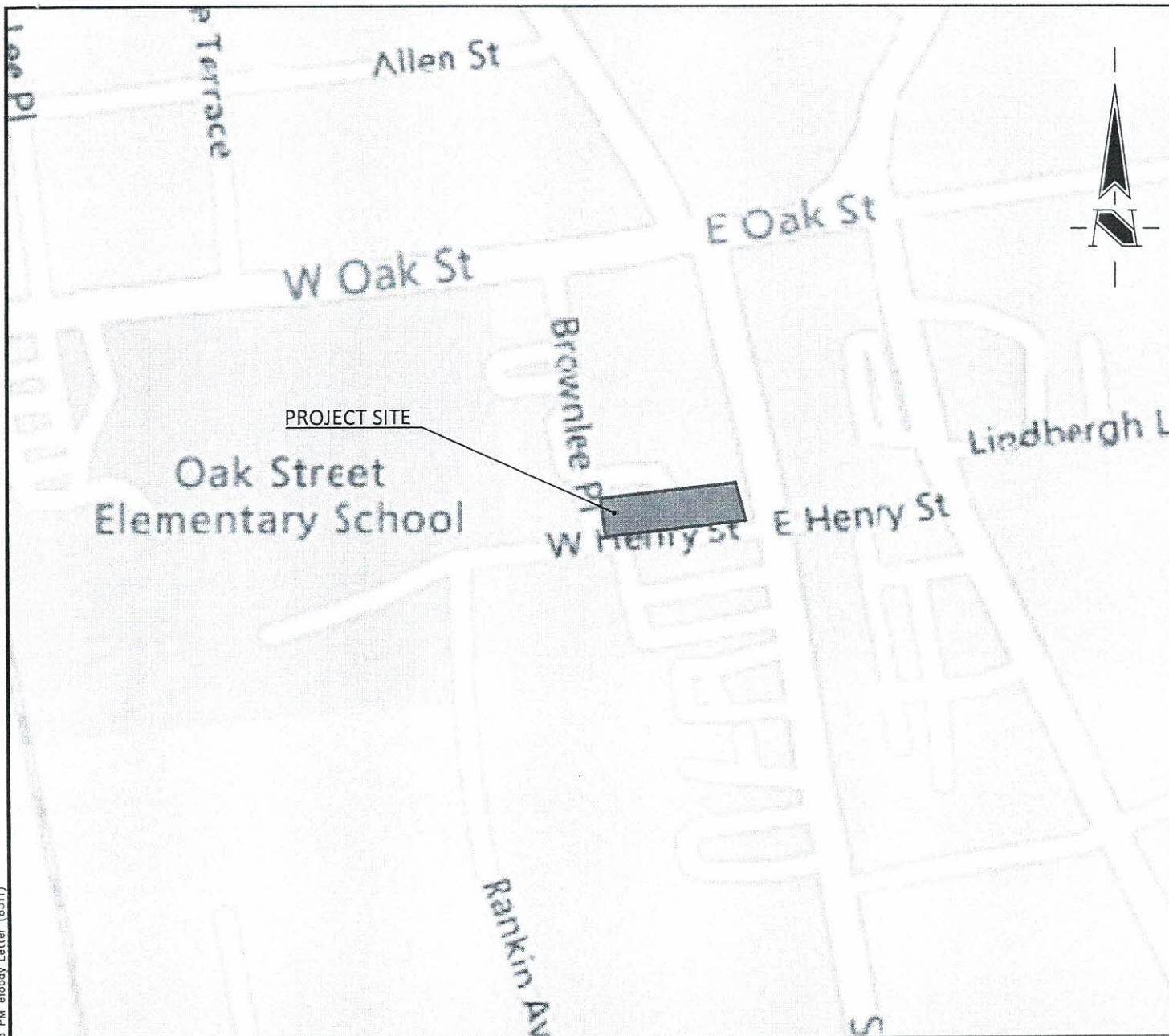
### 1985 Approval:

1. A variance was granted from Table 402 for a maximum floor area ratio of 47.5% where the ordinance allows a maximum 25.0%.

### Easements and Covenants Report

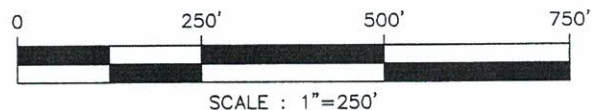
This project proposes no new easements or covenants to be imposed upon the use of the land, structures, or other improvements within the development.

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NOTES:

1. KEY MAP FROM BING MAPS.
2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.



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Land Planners

265 Main Street P.O. Box 400  
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Telephone (908) 234-0309  
Facsimile (908) 719-3320

NJ Certificate of Authorization  
No. 24GA28034400

## WASHINGTON HOUSE

BLOCK 1801 LOT 1  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, N.J.

SHEET TITLE:

KEY MAP

REFERENCE:

BING MAPS

DWN.

EMF

CHKD.

CRF

SCALE

1"=500'

DATE

09-24-21

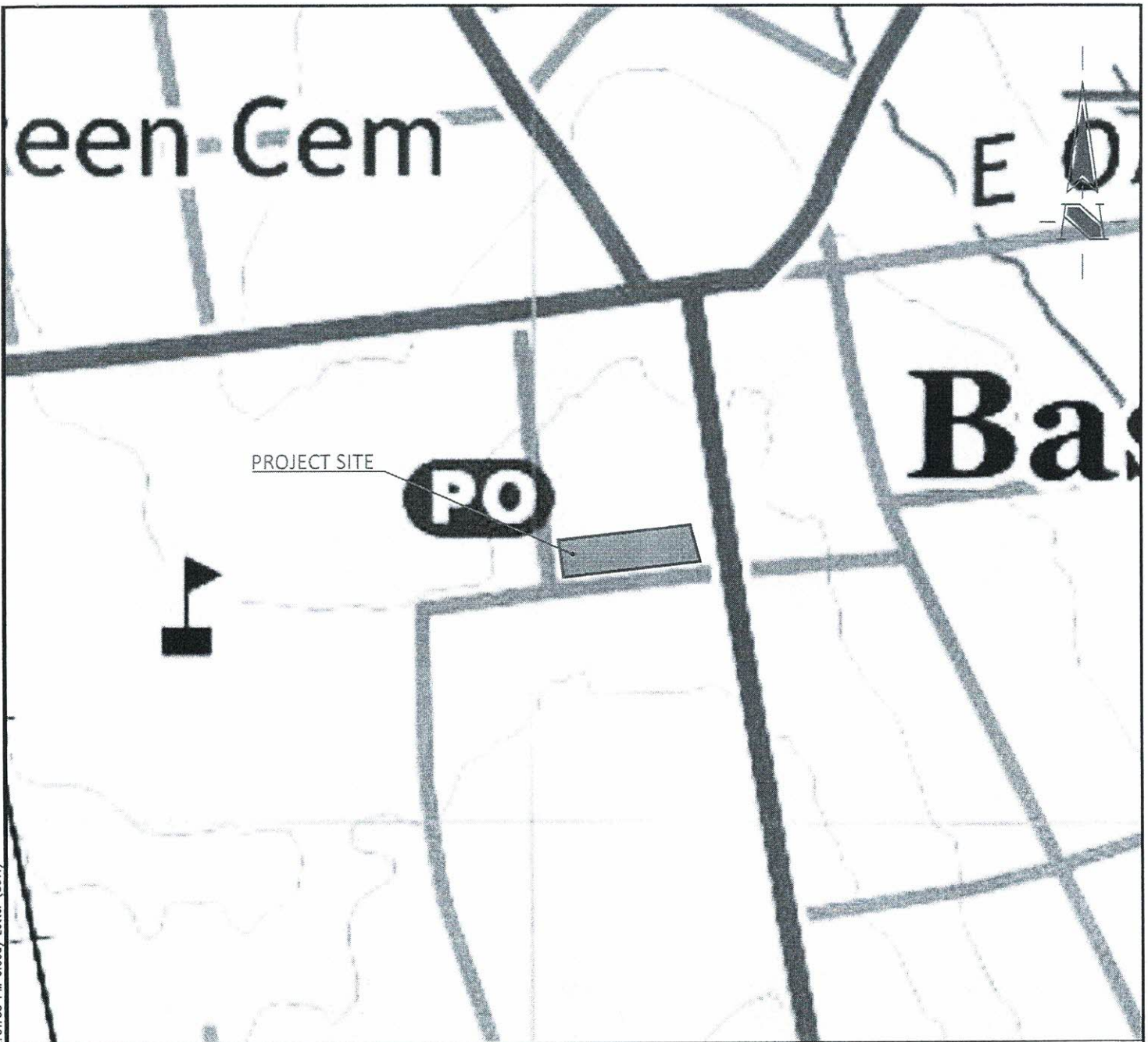
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1

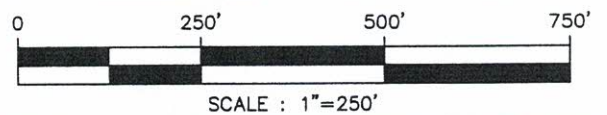
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1108-01

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- NOTES:
1. QUAD MAP FROM UNITED STATES GEOLOGICAL SURVEY.
  2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.



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## WASHINGTON HOUSE

BLOCK 1801 LOT 1  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, N.J.

SHEET TITLE:

U.S.G.S. QUAD MAP

REFERENCE:

UNITED STATES  
GEOLOGICAL SURVEY

DWN.

EMF

CHKD.

CRF

SCALE

1"=250'

DATE

09-24-21

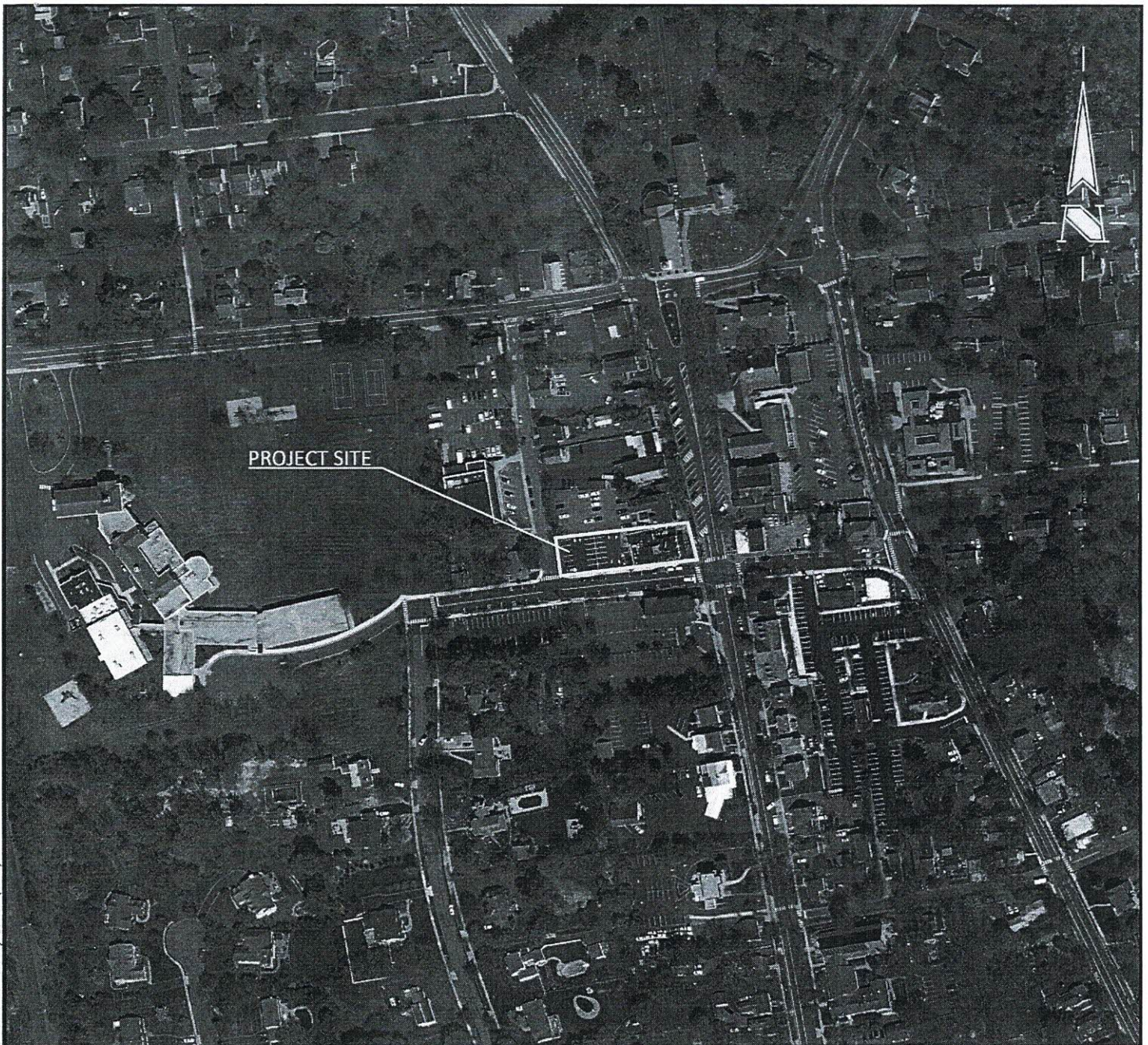
FIG. NO.

2

JOB NO.

1108-01

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PROJECT SITE

NOTES:

1. AERIAL MAP TAKEN FROM THE OFFICIAL STATE OF NEW JERSEY GEOGRAPHIC INFORMATION NETWORK, 2020.
2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.

0 250 500 750



SCALE : 1"=250'

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## WASHINGTON HOUSE

BLOCK 1801 LOT 1  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, N.J.

SHEET TITLE:

AERIAL MAP

REFERENCE:

NEW JERSEY  
GEOGRAPHIC  
INFORMATION NETWORK  
ARCGIS

DWN.

EMF

CHKD.

CRF

SCALE

1"=250'

DATE

09-24-21

FIG. NO.

3

JOB NO.

1108-01

**TENT PHOTOGRAPHS REPORT  
FOR  
WASHINGTON HOUSE**

**LOT 1, BLOCK 1801  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, NEW JERSEY**

**Prepared by:**

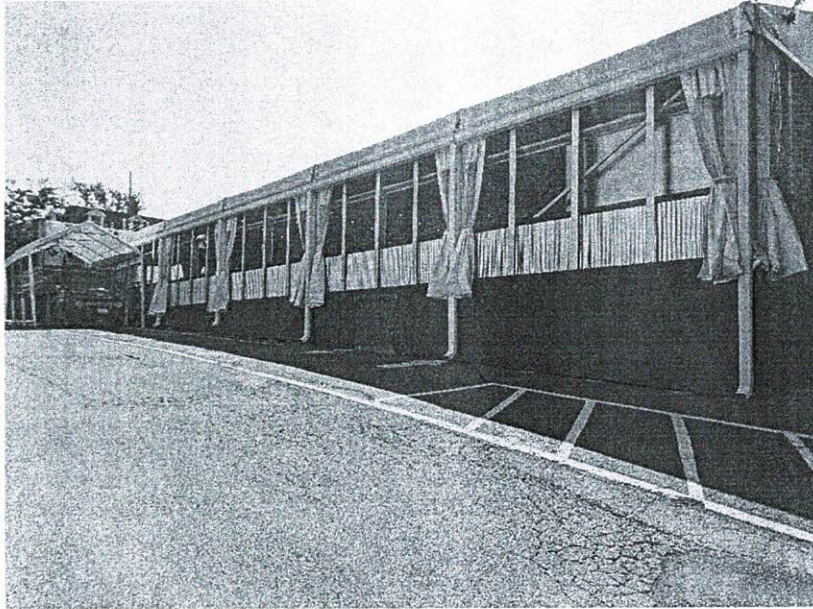
**GLADSTONE DESIGN, INC.**

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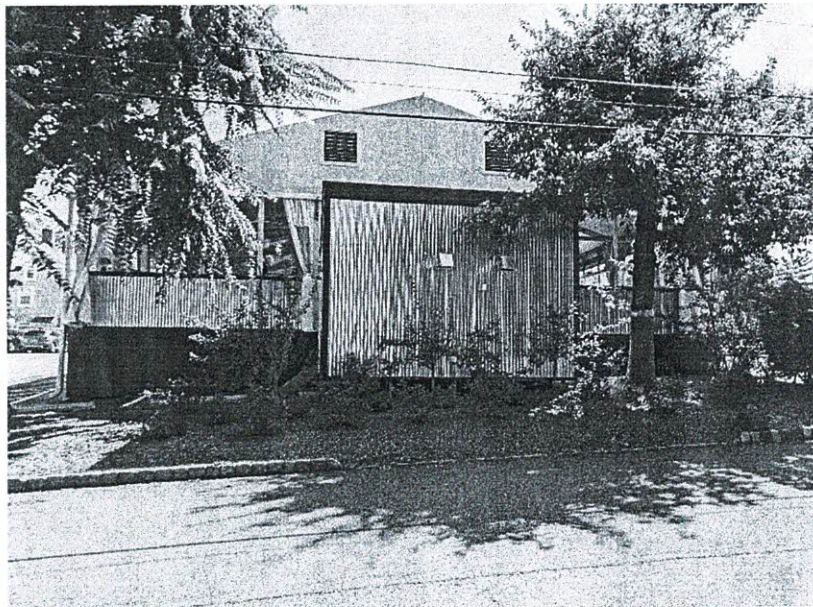
265 Main Street, P.O. Box 400  
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September 24, 2021





*Photo No. 1: Existing tent from adjacent lot, looking south.*



*Photo No. 2: Existing tent from Brownlee Place, looking east.*



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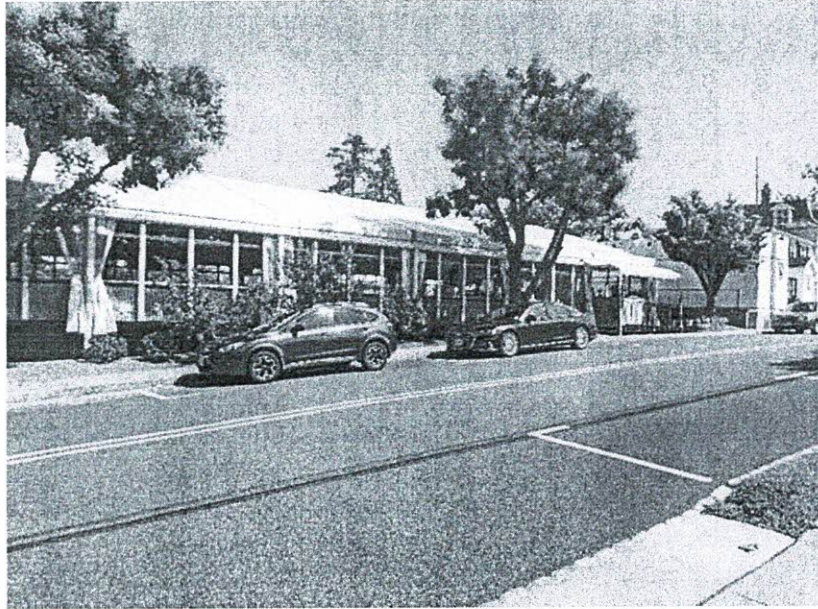
**WASHINGTON HOUSE**

LOT 1, BLOCK 1801  
BERNARDS TOWNSHIP  
SOMERSET COUNTY  
NEW JERSEY

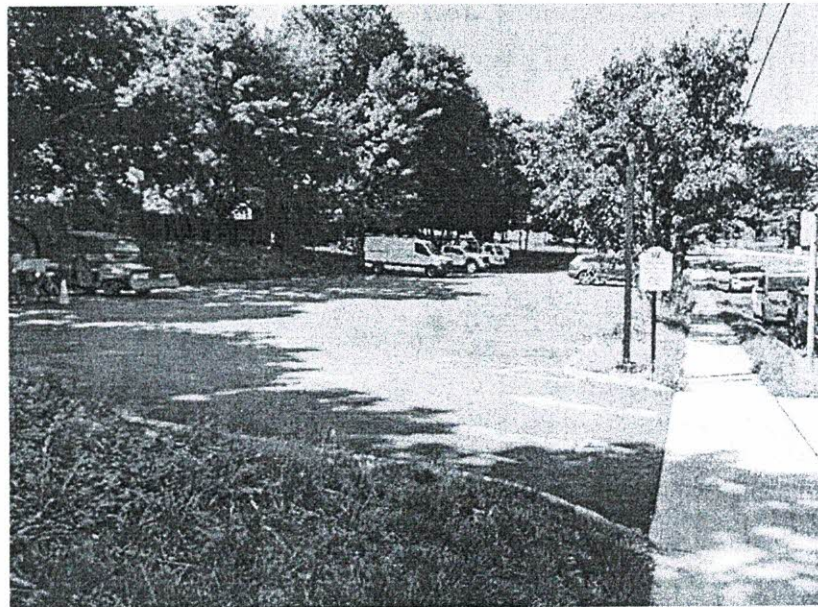
Photos Taken: 08/25/21  
Date Prepared: 09/24/21  
Prepared By: EMF  
Checked By: CRF

Proj. No.:  
**1108-01**

Photo Nos.:  
**1 & 2**



*Photo No. 3: Existing tent from West Henry Street, looking north.*



*Photo No. 4: Auxiliary parking lot, looking southwest.*



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**WASHINGTON HOUSE**

LOT 1, BLOCK 1801  
BERNARDS TOWNSHIP  
SOMERSET COUNTY  
NEW JERSEY

Photos Taken: 08/25/21  
Date Prepared: 09/24/21  
Prepared By: EMF  
Checked By: CRF

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**1108-01**

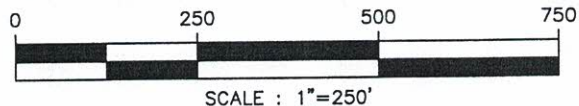
Photo Nos.:  
**3 & 4**

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NOTES:

1. AERIAL MAP TAKEN FROM THE OFFICIAL STATE OF NEW JERSEY GEOGRAPHIC INFORMATION NETWORK, 2020.
2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.



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## WASHINGTON HOUSE

BLOCK 1801 LOT 1  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, N.J.

SHEET TITLE:

PHOTO LOCATIONS ON  
AERIAL MAP

REFERENCE:

NEW JERSEY  
GEOGRAPHIC  
INFORMATION NETWORK  
ARCGIS

DWN.

EMF

CHKD.

CRF

SCALE

1"=250'

DATE

09-24-21

FIG. NO.

4

JOB NO.

1108-01