

BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION

**Regular Meeting of May 23, 2022 - 7 pm
Municipal Building, Warren Craft Room
1 Collyer Lane, Basking Ridge, NJ**

Meeting Agenda

- 1. Call to Order**
- 2. Open Public Meeting Statement**
- 3. Flag Salute**
- 4. Roll Call**
- 5. Approval of EC meeting minutes regular – [April 25, 2022](#)**
- 6. Reports and Miscellaneous Correspondence**
- 7. Discussion**
 - a. Subcommittee Reports**
 - i. Applications Review: John Crane (lead) Jim Lamaire, Corey Fischer
 - ii. ANJEC email monitoring / important educational webinars: Nancy Cook (lead) Alice Smyk, Todd Edelstein
 1. Environmental Studies Scholarship – Todd Edelstein
 - iii. Native Pollinator Group / Plant Sale Wrap Up: Deb DeWitt (lead), Sarah Wolfson
 - iv. Community Outreach / Education: Deb DeWitt (lead), Nancy Cook
 - v. Guerilla Gardening: Grant Decision - Sarah Wolfson
 - vi. Spotted Lanternfly Park Project: Deb DeWitt
- 8. Old Business**
 - a. Status on Current Projects:**
- 9. New Business**
 - a. Applications**
 - i. [Cook– ZB 22-005 – 34 Gerard Ave](#) – Front/Rear Yard setback relief for an addition.
- 10. Comments by Public**
- 11. Comments by Members**
- 12. 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 – April 25, 2022 – 7pm

CALL TO ORDER

Chairperson Debra DeWitt called the meeting to order at 7:02 pm in the Warren Craft Room, Bernards Township Municipal Building in accordance with the Open Public Meeting Act of 1975.

FLAG SALUTE

All those assembled saluted the flag.

ROLL CALL

Present: Debra DeWitt, Alice Smyk, Jennifer Asay, Nancy Cook, John Crane, Todd Edelstein (Alternate 1), Corey Fischer, James LaMaire, John Valeri Jr., Sarah Wolfson (Alternate 2)

Absent: None

Also Present: Kaitlin Cartoccio, Recording Secretary

APPROVAL OF MEETING MINUTES

Motion to approve the March 28, 2022 minutes made by Alice Smyk, second by John Valeri Jr. All in favor, motion carried.

REPORTS & MISCELLANEUS CORRESPONDENCE

None

DISCUSSION

a. Subcommittees

1. Applications

Todd Edelstein was at the Verizon meeting where there were questions about tree replacements and when they should occur.

2. ANJEC

Alice Smyk discussed applying for an ANJEC grant for preserving open space. Discussion around applying for guerilla gardening.

3. Native Pollinator Group/Plant Sale

Debra DeWitt, Sarah Wolfson and Todd Edelstein volunteered to put orders together for the April 30th sale from Ross Farm. There's about 37 orders.

4. Community Outreach/Education

Debra DeWitt posted about the plant sale on her page. There was a post regarding cooking fat and oats being a snack for animals. Nancy Cook created a one pager for Earth Day. Upcoming topic ideas: avian flu, energy efficiency.

5. Guerilla Gardening

Discussion around picking a site for the ANJEC application.

6. Spotted Lanternfly Park Project

Partnering with DPW, Shade Tree and other volunteers. Everyone will work to build lanternfly traps to be placed in Bernards Township Parks with a spotter lanternfly



Bernards Township Environmental Commission



information. Work with high school students to place the traps on Ridge Gives Back Day.

7. Invasive Species

Discussion about ordinances to prevent the planting of invasive species.

OLD BUSINESS

a. Status on Current Projects

None

NEW BUSINESS

- a. Finley Real Estate LLC – ZB 21-031 – 55 South Finley Ave** – Variance to make temporary outside dining area & associated structures permanent.

No environmental concerns.

Motion by James LaMaire , seconded by John Valeri Jr.

All in favor, motion carried.

- b. Moye. William & Carol – PB 22-001 – 11 Mountain Rd** – Minor subdivision

No environmental concern.

Motion by John Valeri Jr., seconded by Alice Smyk.

All in favor, motion carried.

PUBLIC COMMENT

None

COMMENTS BY MEMBERS

Todd – Nancy, John Crane - ANJEC

ADJOURNMENT

Meeting was adjourned at 8:10 pm . Motion by John Crane, second by John Valeri Jr. All in favor, motion carried.

Respectfully submitted,
Kaitlin Cartoccio, Meeting Secretary

TOWNSHIP OF BERNARDS
ZONING BOARD OF ADJUSTMENT
APPLICATION STATUS FORM

Application No: ZB22005 Block: 5602 Lot: 3 Zone: R-4

Applicant: COOK, VINCENT J. & LISA

Address of Property: 34 GERRARD AVENUE

Description: FRONT/REAR YARD SETBACK RELIEF FOR
AN 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 checked="" 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

3.8.22 Original Submission Date
4.22.22 Completeness Deadline (45 days)
 _____ Incomplete Date
 _____ Resubmission Date
 _____ Date Complete
8.20.22 Time to Act (45/95/120 days)

HEARING

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

DISTRIBUTION

3.8.22 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: VINCENT AND LISA COOK
Address: 34 GERARD AVE
BASKING RIDGE, NEW JERSEY 07920
Phone: (home) _____ (work) _____ (mobile) 973 476-2199
Email (will be used for official notifications): VJC2598@MSN.COM
LAC5300@MSN.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 BROTH Profession: ARCHITECT
Address: 33 BULLION RD
BASKING RIDGE, NEW JERSEY 07920
Phone: 908 204 9927 Email (will be used for official notifications): JONBROTHA@GMAIL.COM

5. PROPERTY INFORMATION: Block(s): 5602 Lot(s): 2 Zone: R-4
Street Address: 34 GERARD AVE Total Area (square feet/acres): 1.117 ac
48,650 sq ft

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☐ No ☐ Yes (if yes, explain or attach Board resolution) THIS WAS THE SUBJECT OF CASE No. ZB18-018, RESOLUTION ATTACHED. THE PROPOSED ADDITION IS UNCHANGED FROM THE 2018 APPROVAL

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

THERE ARE EXISTING AND PROPOSED EASEMENTS AND DEED RESTRICTIONS THAT ARE DESCRIBED IN DRAWINGS PROVIDED BY YAKNACONE, VILLA AND ADDICAT, AND IN SUPPORTING DOCUMENTS THAT ARE ATTACHED

[] No [x] Yes (if yes, explain)

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

THE EXISTING 1.117 AC PROPERTY HAS A 1992 W RES, WITH A 556 W GARAGE
THE PROPOSED 1448 W ADDITION IS COMPRISED AS FOLLOWS

FIRST FLOOR: 724 W GARAGE

SECOND FLOOR: 724 W MASTER SUITE

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

RELIEF IS SOUGHT FROM ORD. SEC. 21-15.1(A) AND TABLE 501, IN THESE VARIANCES:

1. TO ALLOW A FRONT YARD SETBACK OF 53.4' (TO ROOF OVERHANG) WHERE 75' IS REQUIRED
2. TO ALLOW A REAR YARD SETBACK OF 72.0', WHERE 75' IS REQUIRED

(NOTE THIS IS MEASURED TO ZONE 1 BOUNDARY OF A PROPOSED STREAM CONSERV BUFFER

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, VINCENT J. COOK and LISA COOK 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): Vincent J. Cook and Lisa Cook

Sworn and subscribed before me, this 24th day of Feb, 2022

B. Manjushree
Notary

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

Cook Residence
34 Gerard Avenue

15. The following arguments are urged in support of this application:

1. Hardship due to Location of the Structure and Easements

The location of the residence in relation to an existing drainage easement, allows limited potential for a conforming addition. One of the primary functions of the addition, a new garage, can only be accomplished in the vicinity of the existing driveway, as other locations are impractical.

There are wetlands and associated transition areas within 50 feet of the proposed site disturbance, and a NJDEP permit has been obtained. The location of the addition (shifted east, or to the front) is intended to minimize impact to the wetlands. The project actually results in a net decrease in lot coverage, primarily due to the elimination of existing driveway area.

2. Minimal Impact to Immediate Neighbor

The neighboring property to the north, closest to the addition (38 Gerard, blk 5602, lot 2) is a relatively large tract (5.6 ac). The residence at 38 Gerard is about 360' from the subject residence.

3. Architectural Compatibility

The addition will be integrated with the existing architectural design.

4. Prior Approval

This project was the subject of variance application No. ZB18-018, and a hearing was held on July 12th, 2018. Refer to the resolution of approval adopted on August 8th, 2018 for further findings of the Board of Adjustment at that time.

The physical characteristics, and variance relief sought herein, is unchanged from the 2018 submission.

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.	✓		

FORM F

SUBMIT 17 COPIES TOTAL

COOK
 34 GERARD AVE
 BLOCK 5602
 LOT 3
 ZONE: R-4

DIMENSIONAL STATISTICS

	REQUIRED	EXISTING	PROPOSED
LOT AREA	1 AC 43,560 sq	1.117 AC 48,650 sq	1.117 AC 48,650 sq
LOT WIDTH	200'	150'	150'
FRONTAGE	100'	123'	123'
FRONT YARD SETBACK	75'	75.8'	53.4' to overhang 56.7' to wall
REAR YARD SETBACK	75'	0'	72.0'
COMBINED SIDE YARD	50'	97.7'	69.3'
SIDE YARD	20'	25.6' @ So 72.1' @ No	25.6' @ So 49.7' @ No
COVERAGE	15% 7297 sq	8.65% 4208 sq	8.44% 4108 sq
HEIGHT	35' 2 st.	23.5' 2 st.	23.5' 2 st.
IF REQUIRED, GROSS FLOOR AREA			
IF REQUIRED, FLOOR AREA RATIO			
IF REQUIRED, IMPROVABLE LOT AREA			

REQUIRES
VARIANCEREQUIRES
VARIANCE

SUBMIT ORIGINAL AND 16 COPIES

FORM A

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

SITE INSPECTION CONSENT FORM

Applicant: VINCENT AND LISA COOK

Block: 5602 Lot: 3

Street Address: 34 GERARD AVE

I, VINCENT AND LISA COOK, 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: 2/24/22



YANNACCONI, VILLA & ALDRICH, LLC

Civil Engineers & Land Surveyors

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

Gregory E. Yannaccone, PE
Christopher J. Aldrich, PLS
Ryan L. Smith, PE, PLS, CME

Candice J. Davis, PE, CME
Rudy L. Holzmann, PE, CME

February 11, 2022

Cyndi Kiefer
Township of Bernards Zoning Board of Adjustment
277 South Maple Avenue
Basking Ridge, NJ 07920

Re: Vincent and Lisa Cook
Case No. ZB-18-018
Block 5602, Lot 3
34 Gerard Avenue
Township of Bernards

note:

This is a cover letter provided by Yannaccone, Villa, and Aldrich. The materials it references (easement description, flood certificate, and drawings) are enclosed with this application. The cover letter is included here, because it comments on how the conditions of the 2018 approval (appl no. ZB18-018) have been addressed in the new submission. Jon Booth

Dear Cyndi,

On behalf of our client, please find enclosed 21 copies of the revised plans for the Cook Project, 2 copies of conservation easement description, 2 copies of the drainage easement description, 1 copy of the Flood Certificate. In response to the Resolution of Approval, we offer the following comments:

- Condition 2 – General Note 14 indicates the NJDEP Permit obtained.
- Condition 3 – The wetlands conservation easement is shown on the plan and ready for preparation by the Township Attorney.
- Condition 4 – Two replacement trees are provided on Sheet 1 and a tree detail on Sheet 2.
- Condition 5 – The existing rear yard setback and notation on zoning schedule has been revised.
- Condition 6 – The new easement for the existing drain pipe is shown on the plan and is ready for preparation by the Township Attorney.
- Condition 9 – General Note 20 has been added to plan.
- Condition 10 – A Flood Certificate has been prepared and is ready for review by Township Engineering Department.
- Condition 11 – General Note 14 has been revised.

If you have any questions, comments or concerns, or need additional copies, please feel free to call at your earliest convenience.

Sincerely,

Rudy L. Holzmann, NJPE
For the Firm

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BERNARDS**

**VINCENT and LISA COOK
Case No. ZB18-018**

RESOLUTION

WHEREAS, **VINCENT and LISA COOK** (the “Applicants”) have applied to the Zoning Board of Adjustment of the Township of Bernards (the “Board”) for the following variances in connection with the construction of a two-story addition to the north side of the existing dwelling and conversion of an existing two-car garage into a family room, on property identified as Block 5602, Lot 3 on the Tax Map, more commonly known as 34 Gerard Avenue (the “Property”):

- (1) A variance for a front-yard setback of 53.4 feet for the proposed addition, whereas the existing front-yard setback is 75.8 feet, and whereas the minimum required front yard setback in an R-4 (1 acre) residential zone is 75 feet, pursuant to Section 21-15.1(d)(1) and Table 501 of the Land Development Ordinance; and
- (2) A variance for a rear-yard setback¹ of 32 feet to the existing dwelling and 72 feet to the proposed addition, whereas the existing rear-yard setback is 0 feet, and whereas the minimum required rear-yard setback in an R-4 (1 acre) residential zone is 75 feet, pursuant to Section 21-15.1(d)(1) and Table 501 of the Land Development Ordinance; and

WHEREAS, a public hearing on notice was held on such application on July 12, 2018, 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 Pursuant to the Township Stream Buffer Conservation Ordinance, adopted in 2001, when a yard adjoins a stream, setbacks are measured from the centerline of zone two of the stream buffer. The Applicants’ dwelling is presently located within the stream buffer, such that the existing rear yard setback is 0 feet. As part of their proposal, the Applicants are requesting a zone two waiver, which would eliminate a portion zone two and provide for the proposed setbacks indicated above, which are measured from zone one of the stream buffer.

1. The Board reviewed the application and deemed it to be complete.
2. The Property is a narrow lot located on 34 Gerard Avenue and is presently improved with a bi-level brick and frame dwelling, deck, gravel area and associated walkways and driveway.
3. The Applicants' property is traversed front-to-rear by a tributary to Harrison Brook. This stream enters the Applicants' northerly front yard in an underground pipe, and surfaces at a headwall in the rear yard. The majority of the Property is occupied by stream buffer conservation areas and/or wetlands and wetlands transition areas. As such, the area where a conforming addition could be constructed is limited.
4. The rear of the Applicants' dwelling is located within the 75 foot wide stream buffer conservation area which lies adjacent to the above-ground portion of the stream. While the Applicants propose no disturbance within the stream buffer area, they are requesting a zone two waiver to eliminate the zone two portion of stream buffer that extends north of the headwall. The requested waiver would provide a more conforming rear yard setback for the proposed addition, and also for the existing dwelling. Pursuant to §21-14.4.b.3(d):

"If the applicant submits a stream buffer management plan, in consideration of Subsection 21-14.4a, that proves to the satisfaction of the approving authority that a proposed vegetative or other enhancement to Zone One will eliminate the need for a Zone Two or a portion of Zone Two, the approving authority shall waive the requirement for a Zone Two or a portion of Zone Two, provided that the approved stream buffer management plan is implemented by the applicant."

5. The Applicants propose to construct a two-story, 1,448 square foot addition to the north side of the existing dwelling, including a two-car garage (724 square feet) on the first floor and a master bedroom/bathroom (724 square feet) on the second floor. The Applicants also propose to convert an existing two-car garage into a family room.

6. The Applicants' proposal is depicted on engineering plans prepared by Christopher J. Aldrich, P.L.S., and Gregory E. Yannaccone, P.E., dated May 24, 2018, last revised June 14, 2018, same consisting of two (2) sheets and architectural plans prepared by Jonathon E. Booth, A.I.A., dated June 8, 2018, unrevised, same consisting of three (3) sheets. The Applicants also included a copy of the June 12, 2018 letter from David C. Krueger, President of Environmental Technology, to the New Jersey Department of Environmental Protection seeking authorization of a special activity transition area waiver-redevelopment and four (4) photographs of the Property.

7. The Property is located in the R-4 (1 acre) residential zone and the requested variances for the front- and rear-yard setback deviations are governed by the criteria of N.J.S.A. 40:55D-70(c).

8. Board Member Pozner recused herself.

9. David Schley, A.I.C.P./P.P., the Township/Board Planner, and Thomas J. Quinn, P.E., C.M.E., the Board Engineer, both were duly sworn according to law.

10. Vincent Cook, having an address of 34 Gerard Avenue, was duly sworn according to law. Mr. Cook testified that he, his wife, and his 23-year-old autistic son presently reside in the existing dwelling. He further testified that the existing garage would be converted into a family room and that the addition would allow his son to have a separate living space and training area. On questioning by the Board, Mr. Cook explained that his son would still live with the family, notwithstanding his separate space, and that the proposed addition would not be used as a separate living space for a non-family member. He further explained that his son's area would not have a separate bathroom or kitchen. On further questioning, Mr. Cook confirmed that the dwelling would be occupied by a single housekeeping unit.

11. Jonathon E. Booth, R.A., having an address of 33 Bullion Road, Basking Ridge, New Jersey, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of architecture. Mr. Booth introduced into evidence, as **Exhibit A-1**, a colorized version of Sheet 1 of the Engineering Plans, last revised June 14, 2018.

12. Mr. Booth testified that the Property was severely constrained by wetlands, a riparian zone, a stream buffer, and a 20 foot wide drainage and sanitary sewer easement. He explained that, because of the constraints on the Property, the proposed addition could not be located in a conforming location. Mr. Booth testified that the Property also contains a large drainage pipe and associated easement and that the surveyed location of the pipe indicates that the present easement location does not correlate well with the actual pipe location. He further testified that the Applicants had retained Yannaccone Villa & Aldrich, LLC, to locate the pipe. The Applicants stipulated, as a condition of approval, to granting an easement containing the protected areas to the Township.

13. Mr. Schley, the Township/Board Planner, explained that the Applicants' proposal is affected by the Stream Buffer Conservation Ordinance, which was adopted in 2001. Mr. Schley explained the unnamed tributary to the Harrison Brook required a 75 foot wide stream buffer conservation area. He further explained that the stream buffer consists of a 25 foot wide Zone One buffer located adjacent to the stream, plus a 50 foot wide Zone Two buffer located adjacent to the Zone One buffer. Here, the Applicants' dwelling is located within the stream buffer, such that the existing rear yard setback is zero feet. As such, the Applicants are requesting a Zone Two Waiver in order to eliminate a portion of Zone Two so as to reduce the magnitude of the rear-yard setback encroachment and better accommodate the proposed expansion of the dwelling. Mr. Schley explained that if the rear-yard setbacks were measured

from the Zone One buffer, rather than the Zone Two buffer, the existing dwelling would be set back approximately 32 feet and the addition would be set back 72 feet. He further explained that waiving a portion of the Zone Two buffer area would not open that area of the Property up for development because the waiver area will remain subject to the New Jersey Department of Environmental Protection Freshwater Wetlands Protection Act rules. Mr. Schley explained that the construction required the Applicants to obtain a Special Activity Transition Area Waiver from the NJDEP. In short, while the increased setbacks would reduce the setback deviation, the location of the dwelling would not change and, visually, there would be no additional impact.

14. Mr. Schley explained that the Applicants proposed a stream buffer management plan mitigating any potential detriment, which consists of (1) soil erosion and sediment control measures to protect the stream during construction, and (2) the net reduction of over 800 square feet of driveway surface which results in improved stormwater runoff quality. He further explained that stormwater runoff flowing over a driveway is not considered clean runoff, whereas stormwater runoff from roof leaders and the roof surface is because less contaminants are picked up. The Applicants stipulated, as a condition of approval, to submitting a tree protection, removal, and replacement plan that would be subject to the review and approval of the Township Engineering Department.

15. The Applicants stipulated, as a condition of approval, to complying with the comments and requirements set forth in the June 29, 2018 Review Memo prepared by Mr. Schley and the July 11, 2018 Review Letter prepared by Mr. Quinn.

16. On questioning by the Board, the Applicants testified that they had taken the photographs of the Property submitted with the application in April of 2018 and that they constituted an accurate depiction of the Property as it exists.

17. Arthur Cifelli, having an address of 5 Debra Lane (Block 3702, Lot 7), was duly sworn according to law. Mr. Cifelli testified that he lived across the street from the Applicants and that they maintain the Property very well. He further testified that he did not believe the development would have a detrimental impact on the neighborhood and, instead, would result in a benefit because the proposed addition would improve the functionality of the dwelling as well as improve the housing stock.

18. No other member of the public commented on, or objected to, the application.

DECISION

19. After reviewing the evidence submitted, the Board, by a vote of 5 to 0, finds that the Applicants have satisfied their burden of proving an entitlement to the requested waiver of a portion of the Zone Two stream buffer, and the requested variance relief for the front- and rear-yard setback deviations, under both N.J.S.A. 40:55D-70(c)(1) and N.J.S.A. 40:55D-70(c)(2).

The c(1) Positive Criteria:

20. As to the positive criteria for “(c)(1)” or “undue hardship” variances, the Board finds that the Applicants have satisfied their burden of demonstrating that strict application of the zoning regulations will result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, them as the owners of the Property, as a result of unique conditions relating to the Property, which is narrow and constrained by a tributary to Harrison Brook and its associated buffer areas.

21. The Board recognizes that the proposed front- and rear-yard setback deviations are a function of measuring the rear-yard setback from the centerline of Zone Two of the stream buffer. The Township’s Stream Buffer Conservation ordinance (§21-14.4), adopted in 2001, generally requires a 75 foot wide stream buffer conservation area consisting of a 25 foot wide

Zone One located adjacent to the stream, plus a 50 foot wide Zone Two located adjacent to Zone One. The Board finds that it would be impractical for the Applicants to build a conforming addition that meets the rear-yard setback even with the Zone Two Waiver, let alone without it. The Board further finds that the Applicants have submitted an appropriate stream buffer management plan that will mitigate any detriments associated with the elimination of the Zone Two buffer area. Finally, the Board recognizes that the undue hardship that would be incurred by the Applicant if the zoning regulations were to be strictly enforced would not be self-created.

22. As to the positive criteria for “(c)(2)” or “flexible c” variances, the Board finds that the proposed development will serve multiple purposes of zoning, as set forth in the Municipal Land Use Law. 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. Moreover, by eliminating 800 square feet of driveway area, the expert testimony revealed that the Applicants will improve stormwater runoff quality. 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.

23. Finally, the Board finds that the Applicants have satisfied the negative criteria for the requisite variance relief. The Applicants have demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The Board considers, in this regard, that the relatively modest detrimental impact is mitigated by the proposed stream buffer management plan, and the other conditions stipulated to by the Applicants and set forth below. Moreover, the Board recognizes that no member of the public objected to the proposal and, in

fact, one of the most affected property owners expressed his support for the Applicants' proposal.

WHEREAS, the Board took action on this application at its meeting on July 12, 2018, 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 12th day of July, 2018, that the application of **VINCENT and LISA COOK** for variance relief as aforesaid, 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 have applied to the NJDEP for a Special Activity Transition Area Waiver (Redevelopment) in order to allow the proposed improvements to encroach upon a wetlands transition area and approval of same shall be obtained prior to issuance of a building permit;
3. All wetlands and wetlands transition areas shall be contained within a wetlands conservation easement deeded to the Township. In the Applicants' case, this wetlands conservation easement shall also contain the stream buffer conservation area which would otherwise have been required to be within a stream buffer conservation easement. The wetlands conservation easement shall be prepared by the Township Attorney, and shall be executed by the Applicants and recorded with the Somerset County Clerk prior to issuance of a building permit. The easement boundary shall be delineated with Township standard markers, which must be bonded prior to issuance of a building permit and installed prior to issuance of a certificate of occupancy;
4. The Applicants shall provide replacement trees for the two existing trees that are shown to be removed. Evergreen plantings shall be provided as a buffer between the new driveway/garage area and Gerard Avenue. The tree protection, removal and replacement plan shall be subject to further review and approval by the Township Engineering Department prior to any land disturbance;
5. The Applicants shall revise the zoning schedule on the Grading Plan to reflect that the existing rear yard setback, prior to the grant of a zone two waiver, is 0 feet;

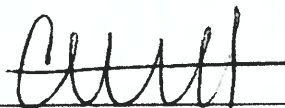
6. As noted on the Grading Plan, the existing drainage easement does not coincide with the existing storm pipe (underground stream). The Applicants shall remedy this situation by granting a new drainage easement. The new easement, which may include extinguishing the existing easement if possible, shall be prepared by the Township Attorney, and shall be executed by the Applicants and recorded with the Somerset County Clerk prior to issuance of a building permit;
7. The exterior of the proposed addition shall be substantially similar in architectural components, materials, and colors to the exterior of the balance of the dwelling;
8. Notwithstanding that the proposed addition includes a separate living space for the Applicants' son, the dwelling shall remain a single "dwelling unit" occupied by a single "housekeeping unit", as such terms are defined in the Land Development Ordinance;
9. The Applicants shall obtain an engineering permit prior to any work within the Township right-of-way;
10. The Applicants shall complete a National Flood Insurance Program Elevation Certificate to document compliance with the Township Flood Damage Prevention Ordinance, and same shall be submitted to the Township Engineering Department, prior to the issuance of a building permit;
11. The Applicants shall update Note 14 on the Plans to reflect the presence of wetlands on the Property and the need to obtain a transition area redevelopment in association with the proposed addition;
12. 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;
13. 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
14. 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.

ROLL CALL VOTE:

Those in Favor: Korn, Lane, Mastrangelo, Zaidel

Those Opposed: NONE

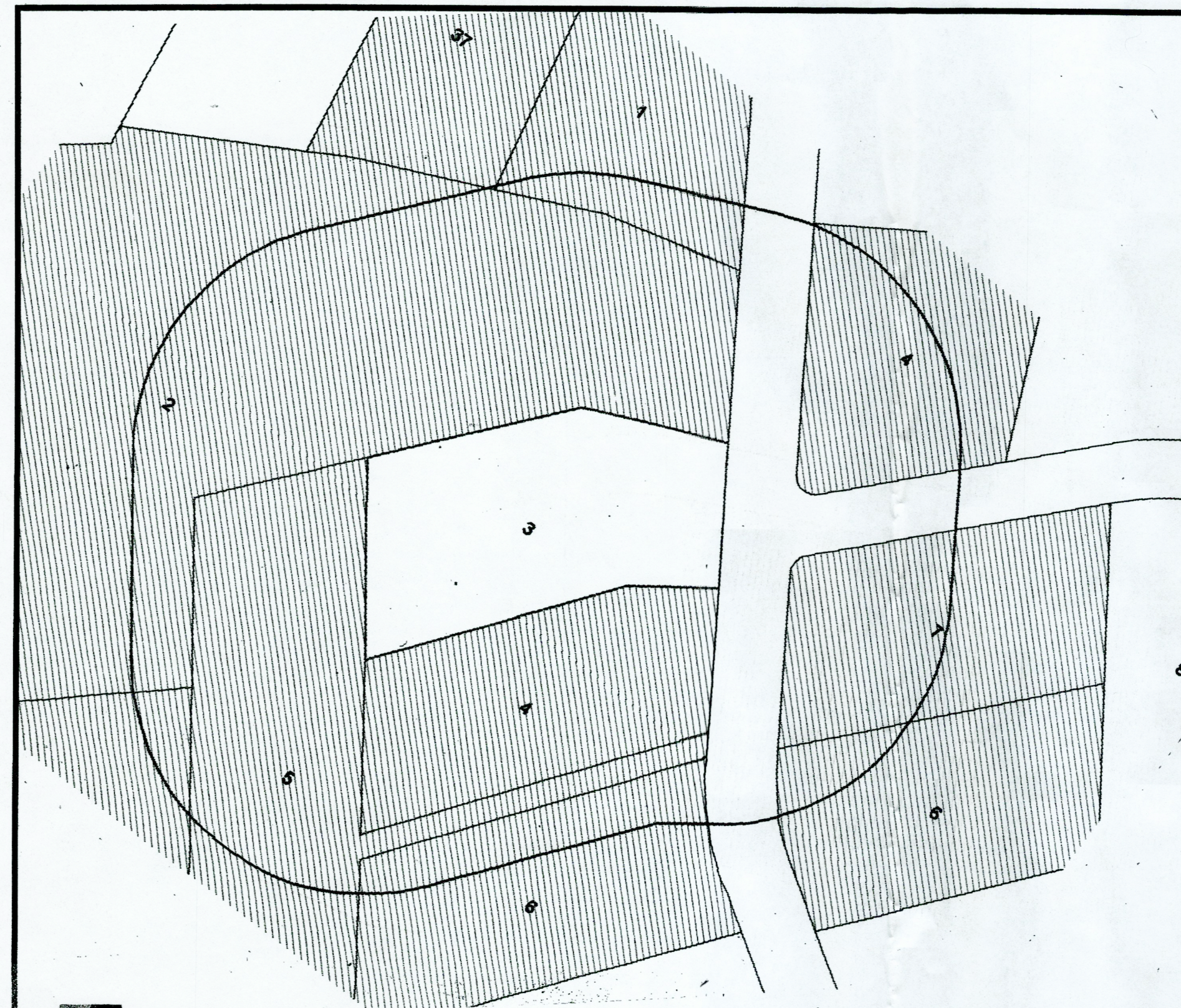
The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Bernards at its meeting on August 8, 2018.

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

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

Dated: August 8, 2018





Bernards Township
Parcel Offset List

Target Parcel(s): Block-Lot: 5602-3
COOK, VINCENT J & LISA
34 GERARD AVE

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

Block-Lot: 5602-12.01 GIBSON, JAMES G & JILL 58 LYONS PL BASKING RIDGE NJ 07920 RE: 58 LYONS PL	Block-Lot: 3702-6 LI, MOYANG & SHU SUN PO BOX 2 STIRLING NJ 07980 RE: 19 GERARD AVE
Block-Lot: 5602-6 HESS, DENNIS F & DONNA A 20 GERARD AVE BASKING RIDGE NJ 07920 RE: 20 GERARD AVE	Block-Lot: 5602-37 BAUER, PAUL 10 JEFFREY CT BASKING RIDGE NJ 07920 RE: 10 JEFFREY CT
Block-Lot: 5602-5 BERNARDS, TOWNSHIP OF ONE COLLYER LN BASKING RIDGE NJ 07920 RE: 24 GERARD AVE	Block-Lot: 5602-1 MARTIN, JOHN H & JENNIE 44 GERARD AVE BASKING RIDGE NJ 07920 RE: 44 GERARD AVE
Block-Lot: 5602-4 MARSHALL, JOHN L & ETTA JANE 28 GERARD AVE BASKING RIDGE NJ 07920 RE: 28 GERARD AVE	Block-Lot: 3701-4 ALBANESE, JOHN A & SARAH L 4 DEBRA LN BASKING RIDGE NJ 07920 RE: 4 DEBRA LN
Block-Lot: 5602-2 MARSHALL, JOHN L & ETTA J 38 GERARD AVE BASKING RIDGE NJ 07920 RE: 38 GERARD AVE	Block-Lot: 5602-12.01-00056 GIBSON, JAMES G & JILL R 58 LYONS PL BASKING RIDGE NJ 07920 RE: 58 LYONS PL
Block-Lot: 3702-7 CIFELLI, ARTHUR J & DIANNE 5 DEBRA LN BASKING RIDGE NJ 07920 RE: 5 DEBRA LN	

Date Printed: 2/15/2022

Owner:
Vincent and Lisa Cook
34 Gerard Avenue
Basking Ridge, New Jersey
07920

blk 5602 lot 3

Building Data

Area, sf	Existing	Existing Garage to be converted to habitable space	Proposed Addition	Total
First Floor	692	556	0	1248
Second Floor	1300	0	724	2024
	1992	556	724	3272
Proposed Garage			724	724

Tax Map

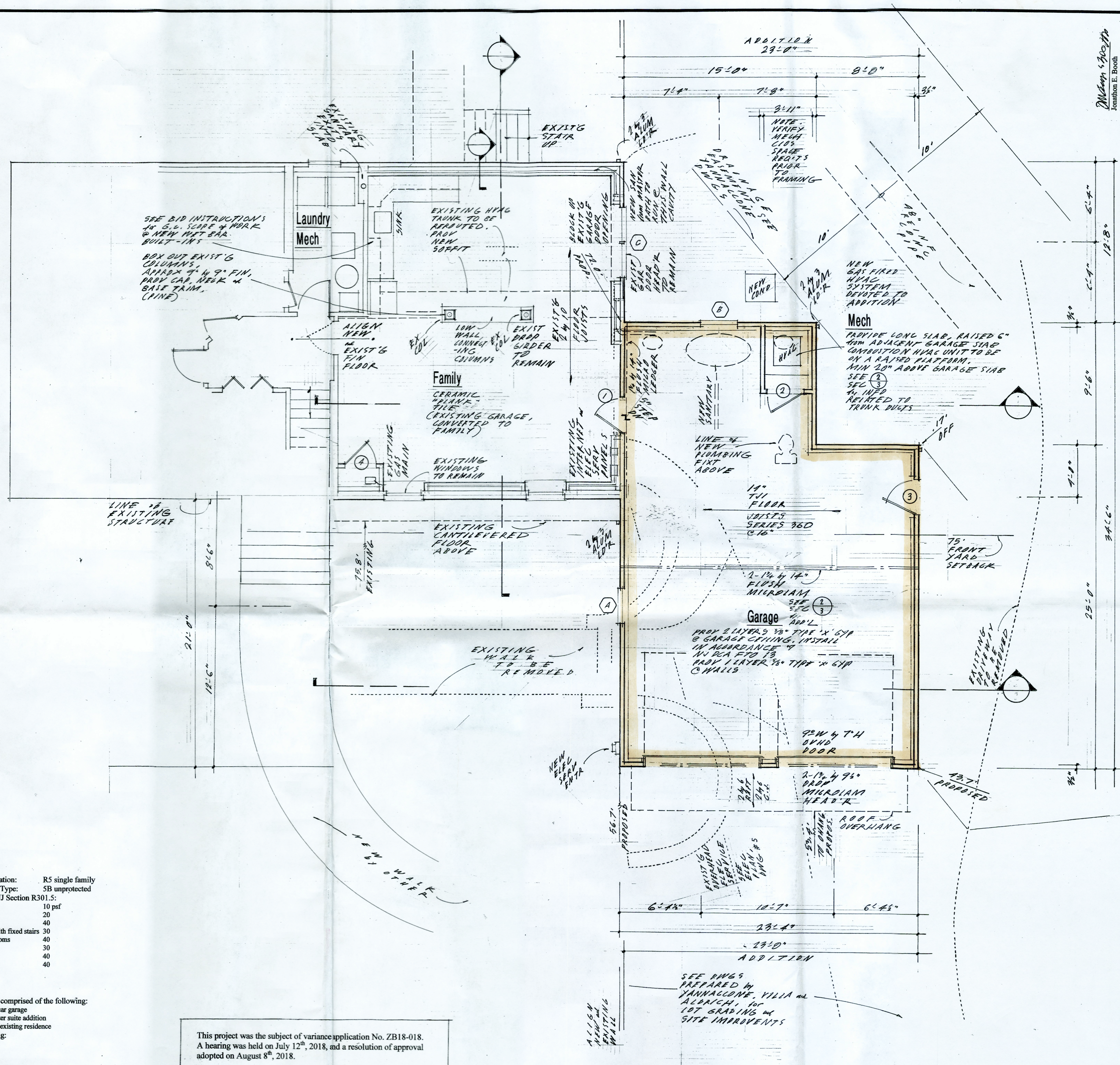
Notes:

- Volume of Addition: 15,204 cf
- 2015 IRC NJ Edition Use Classification: R5 single family
- 2015 IRC NJ Edition Construction Type: 5B unprotected
- Design Live Loads per 2015 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
 - Roofs 40
- Building Height:
 - 2 story, 23.5
- Project Description:
 - A 2 story, 1448 sf addition comprised of the following:
 - 1st floor, 724 sf two car garage
 - 2nd floor, 724 sf master suite addition
- Residence is served by the following:
 - public water and sewer
 - natural gas
 - overhead electrical service

This project was the subject of variance application No. ZB18-018.
A hearing was held on July 12th, 2018, and a resolution of approval
adopted on August 8th, 2018.

The physical characteristics, and variance relief sought herein, is
unchanged from the 2018 submission.

Refer to Grading Plan prepared by Yannaccone, Villa and Aldrich, LLC,
LS and PE, dated February 9th, 2022, or subsequent revision, and
supporting documents, addressing conditions of the 2018 resolution of
approval.



First Floor

REVISIONS	BY
8 JUN 18	



Jonathon E. Booth
Architect

T 908.204.9327
F 908.204.9328
33 Bullion Road
Basking Ridge, New Jersey
07920

Jonathon E. Booth
NJ Lic # AI 11475 00

Addition
and
Alterations
to

**Cook
Residence**

34 Gerard Avenue
Basking Ridge,
New Jersey

blk 5602 lot 3

Date 2 MAR 22

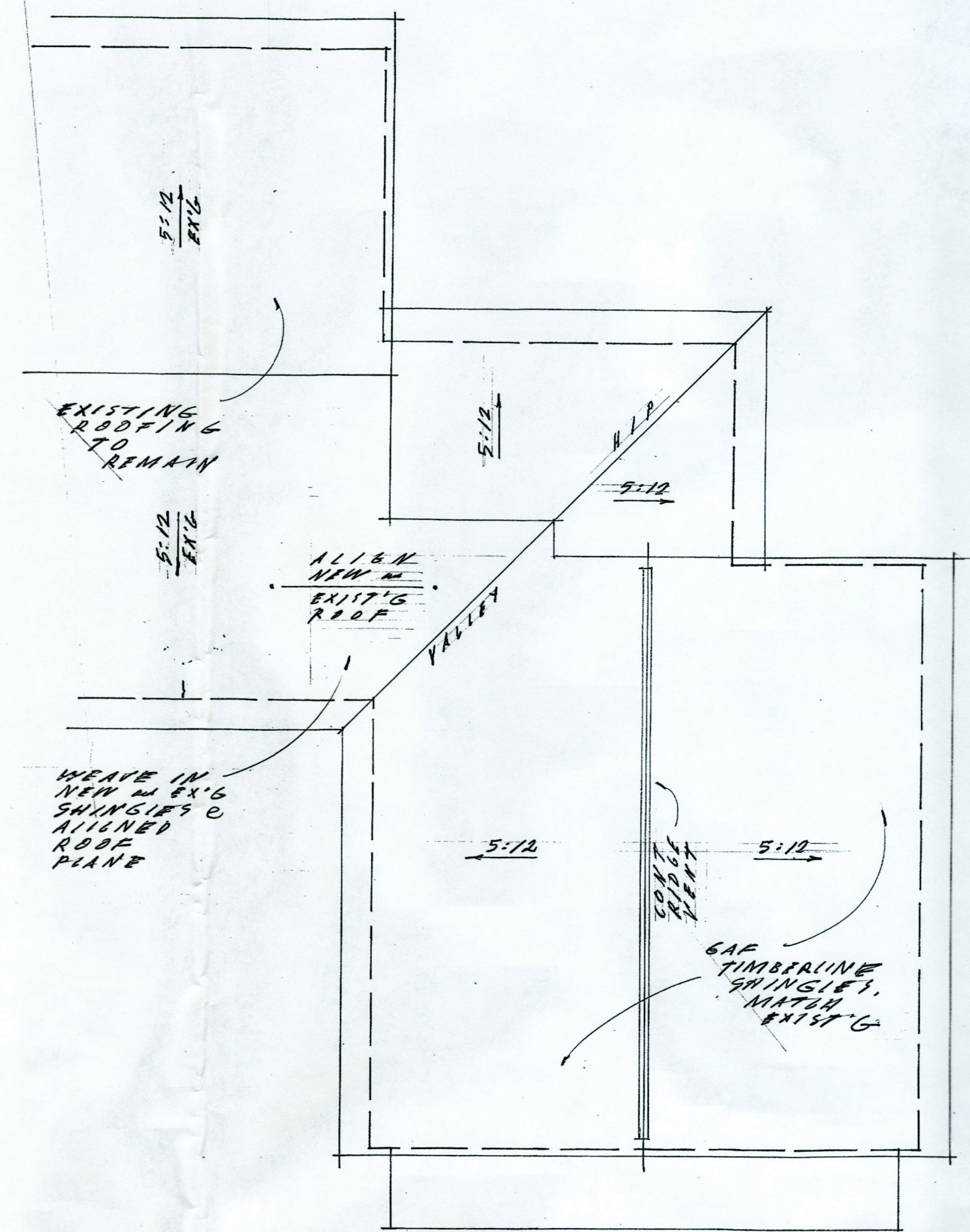
Scale 1/4" = 1'

Drawn M

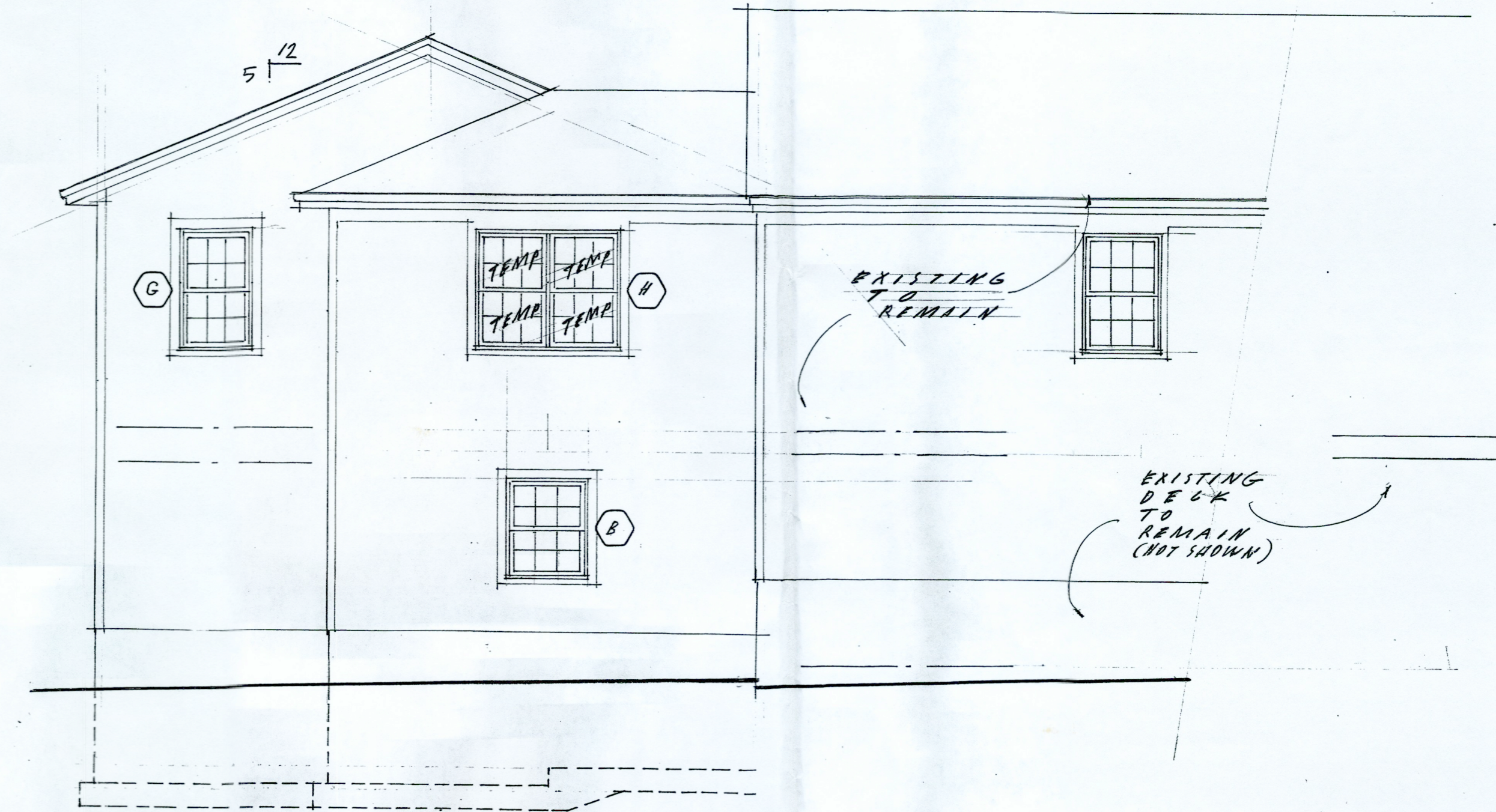
Job 18162207

Sheet 1

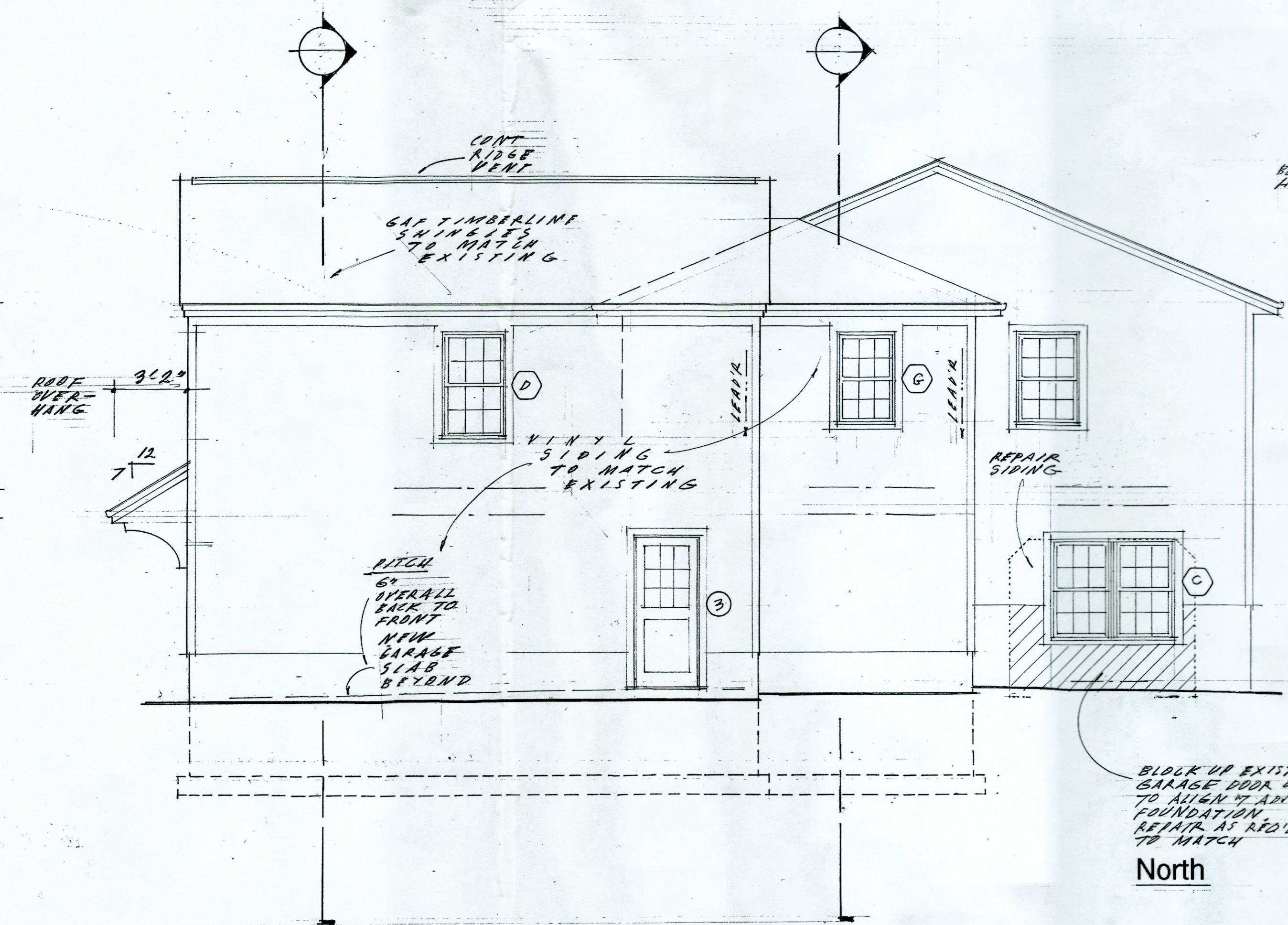
Of 3 sheets



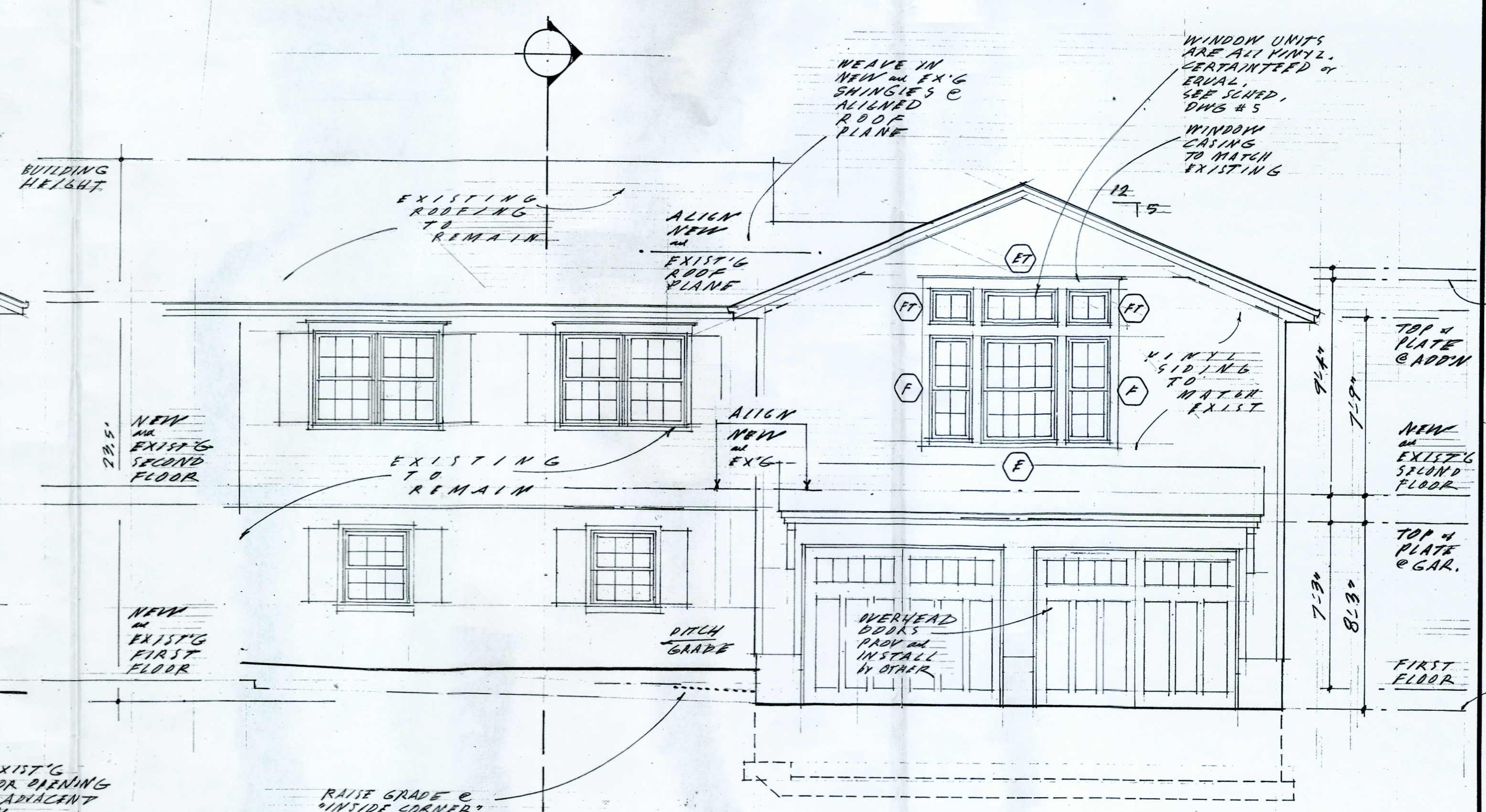
Roof Plan



West



North



East

REVISIONS
8 JUN 18



Jonathon E. Booth
Architect
T 908 204-9527
F 908 204-9528
33 Bullion Road
Basking Ridge, New Jersey
07020

Jonathon E. Booth
NJ Lic # AI 11475 00

Addition
and
Alterations
to

Cook Residence

34 Gerard Avenue
Basking Ridge,
New Jersey

blk 5602 lot 3

NOT A
CELL
JOISTS

TOP 4
PLATE
@ ADDN

NEW
W/ EXIST'G
SECOND
FLOOR

TOP 4
PLATE
@ GAR.

FIRST
FLOOR

GARAGE
FLOOR

OVERHEAD
DOORS

DATE 2 MAR 22

Scale 1/4" = 1'

Drawn JM

Job 18182207

Sheet

3

Of 3 Sheets