

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

## **REGULAR MEETING AGENDA**

Warren Craft Meeting Room

July 6, 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.** June 8, 2022 – Regular Session
- 6. APPROVAL OF RESOLUTIONS**
  - A.** Cook, Vincent J. & Lisa; Block 5602 Lot 3; 34 Gerard Avenue; ZB22-005 (approved)
  - B.** Silver Living LLC; Block 1607, Lot 2; 14 North Maple Avenue; ZB22-004 (approved)
- 7. RESOLUTION #22-06** – Award of Change Order #1 – Professional Services Contract for Board Attorney (Warner)
- 8. PUBLIC HEARING** (continued from 06/16/2022) – ***No Testimony Will Be Heard***
  - A.** Finley Real Estate LLC; Block 1801, Lot 1; 55 South Finley Avenue; Preliminary/Final Site Plan, Variances; ZB21-031 – TO BE CARRIED TO 09/15/2022 WITH NO FURTHER NOTICE REQUIRED
- 9. COMPLETENESS AND PUBLIC HEARING**
  - A.** Kocheck, Peter & Carrie; Block 1802, Lot 22; 143 South Finley Avenue; Bulk Variances; ZB22-006
  - B.** Patel, Dhaval & Nipuben; Block 4701, Lot 2.07; 17 River Farm Lane; Bulk Variance; ZB22-010
  - C.** Leis, Matthew/Klanchnik, Colleen; Block 1614, Lot 12; 97 Juniper Way; Bulk Variance; ZB22-012
  - D.** Pruss, Christopher & Lisa; Block 5504, Lot 9; 85 Spring House Lane; Bulk Variance; ZB22-009
  - E.** Gilbert, Michael & Catherine; Block 6301, Lot 34.03; 18 Belmont Court; Bulk Variance; ZB22-008
- 10. COMMENTS FROM MEMBERS**
- 11. COMMENTS FROM STAFF**
- 12. ADJOURN**

06/27/2022dssw

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

RECEIVED

MAR 24 2022

PLANNING/ZONING BOARDS

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

**1. APPLICANT:** PETER AND CARRIE KOCHER  
143 SOUTH FINLEY AVE  
Address: BASKING RIDGE, NEW JERSEY 07920  
Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) \_\_\_\_\_  
Email (will be used for official notifications): \_\_\_\_\_

**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: 908 204 9527 Email (will be used for official notifications): JDBOOTHARC@GMAIL.COM

**5. PROPERTY INFORMATION:** Block(s): 1302 Lot(s): 22 Zone: R-7  
Street Address: 143 SOUTH FINLEY AVE Total Area (square feet/acres): .4 AC  
17,428 sq

**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?**  
02/06/19 Bernards Township Zoning Board of Adjustment Page 1 of 2

[✓] No [ ] Yes (if yes, explain) \_\_\_\_\_

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

*the existing 17, 423 st property contains the following: a) a two story mid 19<sup>th</sup> cent. residence at approx 2500 st, and a one story, 402 st detached garage. Applicants seek permission to construct a 763 st, detached garage (replacing the existing) requiring two variances.*

**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, Peter Kochel and Carrie Kochel 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): Peter Kochel and Carrie Kochel

Sworn and subscribed before me, this 20th day of March, 2022

Joseph R. Corbalis  
Notary

**JOSEPH R. CORBALIS**  
NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Dec. 02, 2022

**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



Kochek

**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 a 763 sf, detached two car garage resulting in the following variances:

1. Side Yard Setback  
To allow to a proposed accessory structure 5.0' to the side property line, where a min of 10' is required
2. Lot Coverage:  
To permit lot coverage of 26.95%, where a maximum of 20% is allowed, and 23.04% exists

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

1. Hardship due to Size of Lot

The property is undersized and narrow relative to the R-7 zone criteria.

2. Safety Considerations

For the residents of this property, it is imperative that vehicles exit the narrow driveway front facing. South Finley is a busy road, and the side walls of the driveway create a visual screen for all drivers concerned (the residents and those driving by). The coverage variance is required, in part, to allow enough driveway dimension to maneuver and turn a car forward to exit.

3. Context of Neighborhood

The subject property borders the B-1 Village Business zone immediately to the north. The B-1 zone allows 75% lot coverage, and a 0' side yard setback. If the subject property was considered a "transitional" lot between the B-1 and more standard R-7 lots, then perhaps consideration would be given to relax the R-7 criteria that result in the variance requests.

The neighboring property to the south (147 South Finley) has similar bulk characteristics to the subject property (i.e. small, narrow lot). The proposed improvements will create less lot coverage, and greater side yard setback, than the existing condition at 147 South Finley.

St. Mark's Episcopal Church, directly across the street to the east, while in the R-7 zone, represents a non-residential use with greater coverage than the proposed application.

4. Historic Integrity

The owners appreciate the historic significance of the home. Fortunately, the proposed improvements will have no impact on this locally significant streetscape.

5. Practical Considerations

An existing detached garage, which is in poor condition, dates from about 1930. It is small (20' by 20'), and automobiles barely fit within it. Further, its location creates an obstruction between the residence, and the open property to the rear. The proposed detached garage will accommodate two vehicles, some recreational storage, and will open the balance of the property to be enjoyed by the homeowners.

**TOWNSHIP OF BERNARDS**  
**2022 ZONING BOARD OF ADJUSTMENT APPLICATION**

RECEIVED

APR 26 2022

- |  |   |
|--|---|
| <p><input 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:** Dhaval Patel & Nipunben Patel  
Address: 17 River Farm Lane, Far Hills, NJ 07931  
Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) 732-501-9657  
Email (will be used for official notifications): DPATEL79@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: Gregg Spadaro Profession: Architect  
Address: \_\_\_\_\_  
Phone: 908-789-4626 ext. 1 Email (will be used for official notifications): GSPADARO@landidentity.com

**5. PROPERTY INFORMATION:** Block(s): 4701 Lot(s): 2.07 Zone: R-1  
Street Address: 17 River Farm Lane, Far Hills, NJ 07931 Total Area (square feet/acres): ~~52566~~ 4.13 Acres

**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?**  
02/06/19      Bernards Township Zoning Board of Adjustment      Page 1 of 2



☒ No    ☐ Yes (if yes, explain) \_\_\_\_\_

**9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:** Existing home  
is shaped like an elbow on a large lot of over 4 acres and is requesting  
permission to build a pool in the backyard of the house. The pool  
would be in back of house and not visible to neighbor but due to odd lot  
layout does not fall behind rear building line.

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

21-1861 - In all cases the pool shall be located behind the  
rear building line of existing residential structures on  
adjoining lots.

**11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:** I request  
an exception because the pool will be behind my house which has an elbow  
shape so will not be visible to neighbors. My neighbor and I both have 4 acre  
lots so our homes are further apart and my pool proposal is to be further  
part of my home away from neighboring lot and structure.

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

**APPLICANT(S) SIGN HERE:**

I/we, Dhaval Patel and Nipunen Patel 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 25<sup>th</sup> day of April, 2022

B. Manjusree  
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

# TOWNSHIP OF BERNARDS

## 2022 ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

MAY - 2 2022

PLANNING/ZONING BOARDS

- |  |  |
|--|--|
| <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 type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Appeal of Zoning Officer's 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): _____ |
|--|--|

1. APPLICANT: MATTHEW LEIS + COLLEEN KLANCHNIK  
 Address: 97 JUNIPER WAY BASKING RIDGE N.J. 07920  
 Phone: (home) USE CELL (work) USE CELL (mobile) 718-986-7222  
 Email (will be used for official notifications): MATTHEW.LEIS@GMAIL.COM / Colleen.Klanchnik@gmail.com

2. OWNER (if different from applicant): — SAME —  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

3. ATTORNEY: \_\_\_\_\_  
 Address: — NONE —  
 Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):  
 Name: THOMAS BAIO Profession: ARCHITECT  
 Address: 343 MILLBURN AVE MILLBURN, N.J. 07041  
 Phone: 973-376-1176 Email (will be used for official notifications): TOM@THOMASBAIOARCHITECT.COM

5. PROPERTY INFORMATION: Block(s): 1614 Lot(s): 12 Zone: R-4  
 Street Address: 97 JUNIPER WAY Total Area (square feet/acres): 43,995.6 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) \_\_\_\_\_

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

SINGLE FAMILY COLONIAL HOME

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

WE ARE SEEKING TO EXPAND THE HOUSE WHEREBY ORDINANCE 21-15.1, LOT COVERAGE: ORD 585 TABLE 501 IS VIOLATED SUCH THAT 15% IS ALLOWED AND 20.8% IS PROPOSED.

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

THE LOT COVERAGE IS COMPOSED OF POOL / PATIO / DRIVEWAY AND HOUSE, WITH AN APPROVAL LOT COVERAGE VIOLATION ACTUALLY DECLINES

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

**APPLICANT(S) SIGN HERE:**

I/we, Matthew LEIS and COLLEEN KLANCHNIK 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 24<sup>th</sup> day of march, 2024

Notary

Veranika A. Khamianok

**VERANIKA A KHAMIANOK**

Notary Public

State of New Jersey

My Commission Expires Apr. 6, 2026

I.D.# 50156222

**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, Matthew LEIS + Colleen Klanchnik the owner(s) of the property described in this application,

hereby authorize THOMAS BAIO 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 24<sup>th</sup> day of march, 2022

Notary

Veranika A. Khamianok

**VERANIKA A KHAMIANOK**

Notary Public

State of New Jersey

My Commission Expires Apr. 6, 2026

I.D.# 50156222



RECEIVED

APR - 8 2022

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

PLANNING/ZONING BOARDS

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

**1. APPLICANT:** Lisa + Chris Pruss

Address: 85 Springhouse Ln, Basking Ridge, NJ 07920

Phone: (home) 908-403-9894 (work) \_\_\_\_\_ (mobile) 917-751-9095

Email (will be used for official notifications): lisa.pruss@gmail.com, Chris.pruss@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 Booth Profession: Architect

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

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

**5. PROPERTY INFORMATION:** Block(s): 5504 Lot(s): 9 Zone: RC-4

Street Address: 85 Springhouse Ln Total Area (square feet/acres): 29,400 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) \_\_\_\_\_

**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, Lisa Pruss and Chris Pruss 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):

Lisa Pruss

and

Chris Pruss

Sworn and subscribed before me, this 11th day of March

2022

Notary

LINO M. LOPEZ  
Commission # 50093787  
Notary Public, State of New Jersey  
My Commission Expires  
November 12, 2023

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): \_\_\_\_\_

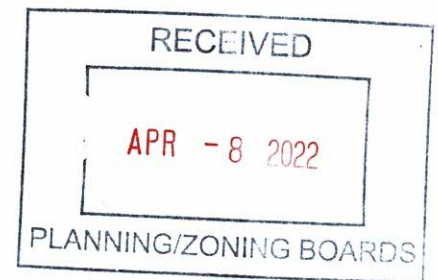
Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary



Pruss  
85 Springhouse Lane

blk 5504 lot 9



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

The existing 29,400 sf property contains the following:

two story, five bedroom residence

The proposal seeks to add a 20' by 40' (924 sf with coping) and related pool equipment.

**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS:**

Variance relief is sought from the following ordinance section:

21-15.1(d)1, Table 501 (Ch 21 attachment 7)

Specifically, Lot Coverage:

To permit 25.17%, where a maximum of 20% is allowed, and 21.98% exists

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

1. Hardship due to existing nonconformity

The property currently exceeds the allowable coverage, and so there is no conforming potential for the construction of a private swimming pool

2. Modest nature of proposed improvement

A private swimming pool is a typical feature in the neighborhood, and does not represent a significant visual impact. The single variance sought pertains to lot coverage, while all other zoning criteria are satisfied. Note, that while the proposal adds a total of 939 sf (7402-6463), when the 800 sf surface area of the pool is deducted, there is only 139 sf of proposed impervious coverage added. From the standpoint of surface stormwater created by impervious areas, this is a modest amount.

3. Effective buffering of residence from adjoining neighbors

The pool is visually screened from neighboring residences, with a dense evergreen buffer around perimeter of property. This is a corner lot, and potentially impacts a single neighboring property (west). The lands adjoining the subject lot to the south, are open public areas (William Annin Middle School).

**TOWNSHIP OF BERNARDS**  
**2019 ZONING BOARD OF ADJUSTMENT APPLICATION**

RECEIVED

MAR 31 2022

- |   |   |
|---|---|
| <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:** Michael and Catherine Gilbert

Address: 18 Belmont Court, Basking Ridge, NJ 07920

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) (516) 384-1277

Email (will be used for official notifications): catgilbert723@gmail.com

**2. OWNER** (if different from applicant): (Same as Applicants)

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: Jeff Egarian Profession: P.E.

Address: DJ Egarian & Associates, 271 Route 46, Suite G-208, Fairfield, NJ 07004

Phone: (973) 898-1401 Email (will be used for official notifications): jeffegarian@djegarian.com

**5. PROPERTY INFORMATION:** Block(s): 6301 Lot(s): 34.03 Zone: R-4

Street Address: 18 Belmont Court Total Area (square feet/acres): 49,338sf / 1.13ac

**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) (None known)

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



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

☐ No ☒ Yes (if yes, explain and attach copy) Please see Addendum

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

Please see Addendum

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

Please see Addendum

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

Please see Addendum

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

**APPLICANT(S) SIGN HERE:**

I/we, Michael Gilbert and Catherine Gilbert 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 18<sup>th</sup> day of March, 2022.

[Signature]  
Frederick B. Zelley, Attorney at Law of the 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary

**ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION**  
**MICHAEL AND CATHERINE GILBERT**  
**18 BELMONT COURT, BLOCK 6301, LOT 34.03, R-4 ZONE**

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PLANNING/ZONING BOARD

The following are responses to the respective Application Items noted "See Addendum":

7. [Current Violations of the Zoning Ordinance involving the Property]

There is presently 7,980 sf of impervious coverage on the property, which represents 16.2% where only 15% is permitted in the R-4 Zone. This non-conformity will be abated.

8. [Description of Deed Restrictions or Easements Affecting the Property]

The property is encumbered by a 30' wide tree conservation easement running along the entire rear property line and a 25' wide basin maintenance easement running parallel and southerly adjacent to the said tree conservation easement for approximately one-third of the width of the property and then angling in a southeasterly direction toward Lot 34.04.

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

The property is an irregular, generally triangular shaped lot situated on the northern side of Belmont Court, a the *cul de sac* bulb. The property hosts a single family residence with a paved driveway and a paver patio. The Applicants wish to install a 760 sf swimming pool between the house and the basin maintenance easement, adjacent to the edge of the easement, with an open deck between the swimming pool and the house and possibly on the sides of the swimming pool as well. The Applicants propose to remove the existing paver patio and one foot of asphalt along the entire eastern edge of the paved driveway, in order to comply with the 15% impervious coverage limitation in the zone (the property is presently not in compliance with the said limitation).

10. [Description of Requested Variances or Exceptions]

This is an application for a bulk variance for a swimming pool not being located behind the rear building line of existing residential structure(s) on adjoining lot(s), in violation of Ordinance Section 21-18.1. Because the Applicants' home and the home on an adjacent property (Lot 34.04 / 22 Belmont Court) are located on the bulb of a *cul de sac*, almost all of the Applicants' property is located in front of the rear building line of the home on the adjacent property. The only portion of the Applicants' property that is not in front of the said line, is the far northeast corner of the Applicant's property. That location, however, in addition to being too far from the house from a safety and practicality standpoint, falls largely within the 20' swimming pool setback and the 30' wide tree conservation easement.



With the exception of the aforementioned variance, the Applicants believe 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 Applicants may seek the same in accordance with such direction.

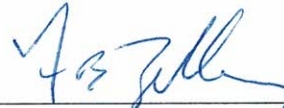
11. [Arguments in Support of Application]

The required variance is a "C-1" hardship variance, as the location and orientation of the home on Lot 34.04, combined with the existing 30' tree conservation easement and the 20' swimming pool setback requirement effectively preclude compliance with the zoning ordinance.

The Negative Criteria are satisfied as the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC

A handwritten signature in blue ink, appearing to read "F B Zelle", is written over a horizontal line.

By: Frederick B. Zelle, Esq.  
Attorneys for the Applicants  
Michael and Catherine Gilbert

Dated: March 30, 2022