

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

## **REGULAR MEETING AGENDA v2**

Warren Craft Meeting Room

May 3, 2023

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 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 5, 2023 – Regular Session

**6. APPROVAL OF RESOLUTIONS**

**A.** Regino, Thomas C. & Leslie; Block 301, Lot 3; 99 Old Farm Road; ZB22-031 (approved)

**B.** Koenig, C./Lucas-Koenig, J.; Block 2601, Lot 1; 113 Culberson Road; ZB22-032 (approved)

**C.** Lambert, T./Kramer, E.; Block 601, Lot 17; 123 Fieldstone Drive; ZB23-002 (approved)

**D.** Jacobs, M./Brady, A.; Block 501, Lot 9; 270 Childs Road; ZB23-003 (approved)

**E.** Finley Real Estate LLC; Block 1801, Lot 1; 55 South Finley Avenue; ZB21-031 (approved)

**7. APPOINTMENT OF A LIGHTING COMMITTEE**

**A.** LCB Senior Living Holdings II, LLC; Block 2301, Lot 31; 219 Mt. Airy Road; ZB19-010

**8. PUBLIC HEARING**

**A.** [Signature Acquisitions LLC](#); Block 11201, Lots 2 & 3; 150 Allen Road; Preliminary/Final Site Plan, Bulk Variances, “d” Variances; ZB22-028

**9. COMMENTS FROM MEMBERS**

**10. COMMENTS FROM STAFF**

**11. ADJOURN**

04/25/2023 dssw

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PLANNING/ZONING BOARDS

## **Variance Relief Sought to the Extent Necessary**

**150 Allen Road**

**Signature Acquisitions, LLC – Amended Application (22-028ZB)**

**Bernards Township Zoning Board of Adjustment**

- Use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) may be required for Block 11201, Lot 2 as Lot 2 is located in the Township's R-1 Residential Zone, where light manufacturing and office use is not permitted and the Applicant proposes to use the existing driveway on Lot 2 for access to Lot 3. It should be noted that the existing driveway on Lot 2 is currently used as access to Lot 3 from Allen Road. The existing access driveway on Lot 2 was required by the Township's Planning Board pursuant to site plan/subdivision approval granted in the 1980's. The Applicant proposes minor improvements to the existing driveway within the existing easement on Lot 2 in accordance with the County Planning Board's review letters.
- Use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) may be required for Block 11201, Lot 3 in the event the Board determines that the proposed use on Lot 3 is determined to NOT be a "light manufacturing" use as defined in §21-3.1 of the Township's Land Development Ordinance, or any other use permitted in the E-2 Zone.
- Use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) may be required for Block 11201, Lot 2 in the event the Board determines that two (2) principal uses exist on Lot 2, where one principal use is allowed pursuant to §21-3.1 of the Township's Land Development Ordinance and where one principal use on Lot 2 may be farming and the second principal use proposed thereon is the driveway or access way to the Light Manufacturing/Commercial use on Lot 3. It should be noted that this is potentially a pre-existing non-conforming condition since this situation potentially currently exists with respect to possible farming on Lot 2 and existing driveway on Lot 2 servicing the office uses on Lot 3.
- A planning variance pursuant to N.J.S.A. 40:55D-35 and N.J.S.A. 40:55D-36 may be required for the development of a lot (Lot 3) not having direct access to the public right-of-way (i.e., not abutting a street). It should be noted that this is potentially a pre-existing non-conforming condition.
- Variance relief pursuant to N.J.S.A. 40:55d-70(d)(2) may be required for Lot 2 to permit an expansion and/or an intensification of a pre-existing non-conforming use on the existing driveway on Lot 2, as the Applicant proposes minor improvements to the existing driveway within the existing easement on Lot 2. The Applicant notes that, pursuant to the Township's Ordinance, §21-21.5, private access to nonresidential uses shall not be through a residentially zoned lot or lots and, as a result variance relief may be required. Variance relief pursuant to N.J.S.A. 40:55d-70(d)(2) is ultimately based upon the Board's determination that the existing driveway is a pre-existing non-conforming

use and if such a determination is made, that the proposed minor improvements constitute an intensification of this use.

- Variance relief pursuant to N.J.S.A. 40:55d-70(d)(4) is required for Lot 3, to permit an increase in the maximum permitted floor area ratio ("F.A.R.") where pursuant to §21-10.5b / Table 402 of the Township's Ordinance, a maximum of 15% F.A.R. is permitted and 21.0% F.A.R. is proposed.

In addition to the variance relief described above and to the extent necessary, the Applicant seeks the following additional bulk variance relief, pursuant to N.J.S.A. 40:55D-70(c)(1) and/or N.J.S.A. 40:55D-70(c)(2):

Section	Description	Permitted	Proposed
§21-10.5b / Table 402	Maximum Height with respect to Building "A"	48 Feet	52.55 Feet
§21-10.5b / Table 402	Maximum Height with respect to Building "B"	48 Feet	50.65 Feet
§21-14.2.b.2(b)	Maximum disturbance to slopes of 20%-25%	20% (0.014 acres)	41% (0.029 acres)
§21-15.2.d / Table 506	Minimum residential zone setback with respect to the proposed canopy of Building "B"	100 Feet	92.2 Feet
§21-16.3.b	Maximum retaining wall height with respect to the wall south of the "ring road"	8 Feet	13.5 Feet
§21-16.3.b	Maximum retaining wall height with respect to the wall northwest of the "ring road"	8 Feet	12.2 Feet
§21-16.3.b	Maximum retaining wall height with respect to the wall south and west of Building "A"	8 Feet	11.5 Feet
§21-21.5	Private access to nonresidential uses shall not be through a residentially zoned lot, which may trigger "d-2" relief as described above.		The existing/proposed access to the site is through the residentially zoned adjoining Lot 2
§21-22.1.a.1	Minimum number of off-street parking spaces.	639 Spaces	328 Spaces* (300 standard spaces plus 14 "make-ready" electric vehicle charging stations, which count as 2 spaces each)



§21-28.2.b	No construction shall occur within any buffer area.		A retaining wall, fence and grading are proposed within the 50' wide buffer adjoining residentially zoned lot 2 to the northwest
§ 21-14.2.b.3	Disturbance to slope greater than 25% is not permitted, unless necessary, without specific Board approval.		Disturbance of 0.067 acres of land area with slopes greater than 25%.
§ 21-28.2.c	Removal of existing vegetation in existing buffer is not permitted without specific Board Approval.		Removal of existing trees and other vegetation from the 50' buffer, requiring specific approval by the Board.
§ 21-28.2.d	Adequate screening required where nonresidential uses abut residentially zoned lots where existing vegetation does not provide adequate screening.		To be determined by the Board whether adequate screening exists. To the extent necessary, Applicant requests relief from this requirement.

**Exceptions:**

The Applicant seeks the following exceptions from the Township's Ordinance to the extent necessary, pursuant to N.J.S.A. 40:55D-51(a) and/or N.J.S.A. 40:55D-51(b):

Section	Description	Permitted	Proposed
§21-39.1.b.1	Minimum size of parking spaces within a garage or under a cover.	10 Feet x 20 Feet	9 Feet x 18 Feet
§21-41.2	Maximum height of parking area light poles within 250' of a residential zone.	12 Feet	19 light poles at 16 Feet
§21-41.2	Maximum spacing of light standards for other than walkway lighting	80 Feet (5 times the mounting height)	Greater than 80 Feet
§21-41.3	Maximum average illumination in vehicular areas with respect to the Building "A" loading docks	0.9 Footcandles	1.3 Footcandles
§21-41.3	Maximum average illumination in vehicular areas with respect to the Building "B" loading docks	0.9 Footcandles	1.6 Footcandles
§21-41.3	Maximum average illumination in vehicular areas with respect to the parking area under each building.	0.9 Footcandles	1.0 Footcandles
§21-45.3.b.2(c)	Minimum number of replacement trees	649 Trees	176 Trees* Applicant to address the deficiency by way of an in-lieu contribution to the Township Tree Fund

§21-46A.1.e.5	All buildings shall have fire lanes in front of their public entrance, at least 25' wide with the road edge closest to the structure at least 20' from the structure.		Applicant to comply with Fire Official's report and recommendations
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**Approval is also sought for such variances, waivers, exceptions and/or other relief (whether pre-existing or not) from the requirements of the Township's Zoning Ordinances as may be deemed necessary or required at the time of the hearing in this matter.**