

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

## **REGULAR MEETING AGENDA v3**

Warren Craft Meeting Room

December 6, 2023

7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. 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.** November 8, 2023 – Regular Session
- 6. APPROVAL OF RESOLUTIONS**
  - A.** Stowe, Jody M. & Clark, Carolyn S.; Block 1902, Lot 8; 11 Culberson Road; ZB23-010 (approved)
  - B.** Jain, Arpit & Shikha; Block 2001, Lot 4.02; 29 Spruce Street; ZB23-017 (approved)
  - C.** Far Hills Development LLC; Block 2601, Lot 9; 179 Culberson Road; ZB23-020 (approved)
  - D.** Donchez, Peter J. & Julie L.; Block 5203, Lot 13; 375 Grist Mill Drive; ZB23-016 (approved)
- 7. COMPLETENESS AND PUBLIC HEARING**
  - A.** [Faruk, A. & Belum, T.](#); Block 6404, Lot 13; 145 Bernard Drive; Bulk Variance; ZB23-009 (carried from 09/06/2023)
  - B.** [Skrypnik, Alex & Julia](#); Block 3201, Lot 16; 133 Riverside Drive; Bulk Variance; ZB23-021
- 8. PUBLIC HEARING**
  - A.** [Rogers, Barbara \(Mendham Country Day School\)](#); Block 501, Lot 10; 204 Morristown Road; Preliminary/Final Site Plan, Conditional Use Variance; ZB23-014
- 9. COMMENTS FROM MEMBERS**
- 10. COMMENTS FROM STAFF**
- 11. ADJOURN**

12/06/2023ds  
FINAL

**TOWNSHIP OF BERNARDS  
2023 ZONING BOARD OF ADJUSTMENT APPLICATION**

- |   |   |
|---|---|
| <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 type="checkbox"/> Site Plan - Preliminary / Final</p> | <p><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): _____</p> |
|---|---|

**1. APPLICANT:** ALAM AIR FARUK & TASIM AIR BELUM  
Address: 145 BERNARD DR. BASKING RIDGE NJ 07920  
Phone: (home) 848-248-9688 (work) \_\_\_\_\_ (mobile) \_\_\_\_\_  
Email (will be used for official notifications): ALAMFARUK76@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: MGL Associates Profession: Engineer  
Address: 237-1 Burris Rd, Burlington, NJ 08016  
Phone: 609-556-4915 Email (will be used for official notifications): MGLASSOCIATESLLC@GMAIL.COM

**5. PROPERTY INFORMATION:** Block(s): 162.07 Lot(s): 13 Zone: RC-4  
Street Address: 145 Bernard Dr. Total Area (square feet/acres): 21,805 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:** \_\_\_\_\_

In-ground swimming pool and pavilion and walkway

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

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

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

**APPLICANT(S) SIGN HERE:**

I/we, ALAMAIR FARUK and TASIM ARA BELUM hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): A. Faruk and Tasim A. Belum

Sworn and subscribed before me, this 1st day of FEBRUARY, 2023

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**  
**2023 ZONING BOARD OF ADJUSTMENT APPLICATION**

RECEIVED

SEP 28 2023

- |   |   |
|---|---|
| <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:** Alex & Julia Skrypnik

Address: 133 Riverside Drive, Basking Ridge, NJ 07920

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) 908.502.6354

Email (will be used for official notifications): alex@skrypnik.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: AVLV Development LLC. Jonathan C. Wallace Profession: Architect

Address: 1500 Chestnut St, Suite 2 #1833, Philadelphia, PA 19102

Phone: 267.469.0275 Email (will be used for official notifications): architecture@avlv.com

**5. PROPERTY INFORMATION:** Block(s): 3201 Lot(s): 16 Zone: R-4

Street Address: 133 Riverside Dr Total Area (square feet/acres): 45,231 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) \_\_\_\_\_

**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:** \_\_\_\_\_  
A single family residential property occupied by the owner with family. Adding new front covered porch roof with 3 ceiling lights.

**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):** \_\_\_\_\_  
Please see next page attached

**11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:** \_\_\_\_\_  
Please see next page attached


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

**APPLICANT(S) SIGN HERE:**

I/we, Alex Skrypnik and Julia Skrypnik 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 27<sup>th</sup> day of SEPTEMBER, 2022.

  
Notary **CYNTHIA KIEFER**  
~~Notary Public - New Jersey~~  
~~Commission #2442187~~  
~~Expires 01/10/24~~

**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

**Item 10:**

The architectural plan proposes construction of a symmetrical with regard to the front entrance door, porch. The proposed design is extended for the full length of the second floor overhanging part of the property. The plan utilizes the unorthodox positioning of the second floor which overhangs the walkway and proposes a natural extension of the property which would boost the house's curb appeal. We are proposing a variance to allow a 67.5 ft setback where 75 ft is required.

**Item 11:**

The total width of the 2nd floor overhanging area is approx. 27ft

The depth of the main part of the porch is designed to be proportional to the walkway covered part, but at the same time to be functional space in front of the main entrance, and be square, or close to, in dimensions. the width of the main part of the porch is designed around the front door dimensions, which is 8 feet wide. Considering the 10 ft recommended width, having the porch at this width would diminish the side parts of the porch extended beyond the width of the entrance door, which would be obvious especially to the left of the main entrance, where there is a corner of the 2nd floor overhanging. So we would either need to terminate the porch earlier and create yet another corner, or shift the porch to the left and make it asymmetrical.

We would like to have the porch's roof to be a natural extension of the existing structure. Therefore we have made a decision to have the main part of the porch as 8ft wide, plus equal distances on each side from the edge of the front door frame to the corner of the 2nd floor overhanging area. Which is 2'7" on each side. Which makes it  $2'7" + 8' + 2'7" = 13'3"$  wide in total.

The depth of the porch proposed is 8'6" on the main part of the porch, and 5'6" on the roof over walkway part of the porch. adding 1ft roof overhanging, its 9'6" on the main part, and 6'6" on the walkway part. these include 2ft of the second floor overhanging over the ground floor. The delta resulting is 3ft, which is proportional to the width of the roof depth over the walkway. Making the delta of the roof width between main part and the walkway part smaller, or reducing the depth of the main part of the porch, would make it disproportionally small and diminish the curb appeal. We are proposing a variance to allow a 27 ft wide porch where 10 ft is required.

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

RECEIVED

JUN 10 2023

PLANNING/ZONING BOARDS

- |  |  |
|--|--|
| <input 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 checked="" 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 checked="" type="checkbox"/> Site Plan - Preliminary / Final          | <input type="checkbox"/> Other (specify): _____                  |

**1. APPLICANT:** Barbara Rogers, PAUL ROGERA

Address: P.O. Box 527, Chester, New Jersey 07930

Phone: (home) N.A. (work) 1-908-766-3323 (mobile) 1-908-642-7069

Email (will be used for official notifications): brogers284@aol.com

**2. OWNER (if different from applicant):** Barbara Rogers

Address: P.O. Box 527, Chester, New Jersey 07930

Phone: 1-908-642-7069 Email (will be used for official notifications): brogers285@aol.com

**3. ATTORNEY:** Vincent T. Bisogno, Esq. and Frederick B. Zelley, Esq.

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): vbisogno@baskingridgelaw.com

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

Name: Murphy & Hollows Associates, LLC Profession: Engineer & Surveyor

Address: 192 Central Avenue, Stirling, New Jersey 07960

Phone: 908-580-1255 Email (will be used for official notifications): murphyhollows@gmail.com

**5. PROPERTY INFORMATION:** Block(s): 501 Lot(s): 10 Zone: R-1

Street Address: 204 Morristown Road Total Area (square feet/acres): 3.544 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) See attached Resolution dated 8/4/1992.

**7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY?** ☐ No ☒ Yes (if yes, explain) See attached. Violations occurred because of change in Zoning Ordinance.

**8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?**  
02/06/19                      Bernards Township Zoning Board of Adjustment                      Page 1 of 2



[X] 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. Ordinance Section involved is Section 21-12.3(g).

**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, Barbara Rogers and \_\_\_\_\_ 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 15 day of JUNE, 2023

  
Notary

Vincent T. Bisogno  
An Attorney at Law of the

**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



## ADDENDUM TO APPLICATION



Barbara Rogers is the owner of real estate located at 204 Morristown Road, on which is located the Mendham Country Day School, a private school for children between the ages of 2 months and 13 years. It services children in preschool to the 8<sup>th</sup> grade. The school has an enrollment of 222 students.

The property involved is located at the corner of Route 202, Childs Road and North Maple Avenue, and consists of 3.54 acres of land. It is located in the R-1 Zone of Bernards Township and is a conditional use under Section 21-12.3(g) of the Zoning Ordinance. Mendham Country Day School received approval from the Bernards Township Planning Board on August 4, 1992, to operate a private day school. At the time, all of the conditions set forth in the Ordinance were satisfied by the applicant.

The proposal before the Board is to install a modular building with two classrooms, on the northerly side of the existing building, one story in height, and approximately 1,400 SF. It will be attached to the main building by a covered walkway.

The conditional use requirements set forth in the Bernards Township Zoning Ordinance, Section 21-12.3(g), provide the following requirements for a public or private school:

1. **The minimum lot area shall be 4 acres.** Applicant has 3.54 acres. This is an existing condition.
2. **The maximum floor area for all buildings shall be 10%.** Applicant complies at 7.75%.
3. **The maximum coverage shall be 15%.** Applicant originally was approved by the Planning Board for 23.9% and now seeks lot coverage of 27%. This is a new variance.
4. **No public or private school shall be located within 100 ft. of any property line.** Applicant's current building is approximately 75 ft. from the property lines and the new structure will be 67 ft. from Childs Road. This is a new variance.
5. **No parking shall be permitted in the front yard or within 100 ft. of any property line.** Applicant's parking is approximately 75 ft. from the westerly and northerly property lines. This is an existing condition.
6. **No active recreation area shall be permitted in the front yard or location within 75 ft. of a property line.** The recreation area is approximately 25 ft. from the westerly property line and has been at that distance for approximately 30 years. This is an existing condition.
7. **All recreation and parking area shall be screened from view from all property lines by landscaping in accordance with Section 21-28 and 21-43.** Applicant complies with this section of the Ordinance.

8. **There shall be no outdoor activities after 8:00 p.m.** Applicant complies.

9. **All exterior lighting, except that required for security, shall be turned off between 11:00 p.m. and 6:00 a.m., Monday through Saturday and between 6:00 p.m. and 8:00 a.m. on Sunday.** Applicant complies.

10. **Primary access shall be achieved from a State or County roadway.** Applicant complies.

Schools, whether public or private, are an inherently beneficial use. The leading case in the field of conditional use variance is Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285, 294 (1994).

It is to be noted that when this application was approved in 1992, applicant met all the conditions set forth in the Ordinance for a private school. The variances arise as a result of a change in the Zoning Ordinance.

As was stated in Coventry Square, Super, at Page 298-299, the applicant seeking a conditional use variance that does not meet one or more of the conditions set forth in the Zoning Ordinance, "must demonstrate that the proposed use, in the context of the applicant's proposed site plan, continues to be an appropriate site for the conditional use, notwithstanding the deviations from one or more of the conditions imposed by the Ordinance." The Court further stated at Page 299, "thus, a Conditional-Use Variance applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the Ordinance established to address those problems."

In regard to the negative criteria, the applicant must demonstrate what effect, if any, the deviations from the Ordinance have on the neighboring properties and whether it would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good. Applicant must also show that there is no substantial impairment of the Zone Plan and Zoning Ordinance as a result of the new variances.

Here we have a school that has been in existence for over 30 years, serving the public. Any impact that the school has had on neighboring properties has already occurred and the proposed minor addition will not be a detriment to the neighborhood or the zone plan.