

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

## **REGULAR MEETING AGENDA v2**

Warren Craft Meeting Room

October 5, 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.** September 7, 2022 – Regular Session
  - B.** September 15, 2022 – Special Session
- 6. APPROVAL OF RESOLUTIONS**
  - A.** Raustad, Gregory & Katie; Block 6301 Lot 4; 211 Stonehouse Rd; ZB22-016 (approved)
  - B.** Dietrich, Jennifer; Block 1616, Lot 8; 33 Manchester Drive; ZB22-007 (approved)
- 7. COMPLETENESS AND PUBLIC HEARING**
  - A.** [Jacobs, M./Brady, A.](#); Block 501, Lot 9; 270 Childs Road; Bulk Variance; ZB22-019
  - B.** [Powell, Clare D.](#); Block 2701, Lot 9; 112 South Alward Avenue; Bulk Variance; ZB22-020
  - C.** [Ventriglia, Karen](#); Block 10401, Lot 33; 180 Somerville Road; Bulk Variances; ZB22-018
  - D.** [Soled, Leonard & Alexis](#); Block 7702, Lot 10.01; 6 Fenwick Place; Bulk Variances; ZB22-017
- 8. COMMENTS FROM MEMBERS**
- 9. COMMENTS FROM STAFF**
- 10. ADJOURN**

09/27/2022 dssw

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

- |  |  |
|--|--|
| <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 Jacobs and Alayne Brady

Address: 270 Childs Road, Basking Ridge, NJ 07920

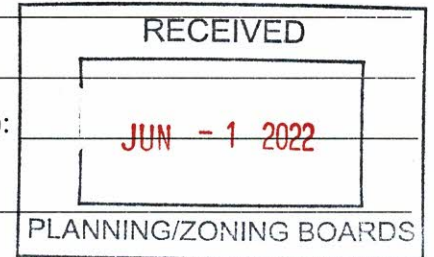
Phone: (home) 908-704-3178 (work) \_\_\_\_\_ (mobile) 908-581-4781

Email (will be used for official notifications): mattfjacobs@gmail.com alaynebrady@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: WESKetch Architecture Inc. Profession: Architect

Address: 1942 Long Hill Rd, Millington, NJ, 07946

Phone: 908-647-8200 Email (will be used for official notifications): kkaufman@wesketch.com

**5. PROPERTY INFORMATION:** Block(s): 501 Lot(s): 9 Zone: R-1

Street Address: 270 Childs Road Total Area (square feet/acres): 123,275 SF / 2.83 ACRE

**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) The required lot area is 130,680 SF, 123,275 existing, required lot frontage is 125', 100.6' existing, required front yard setback 100', 55.9' existing.

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

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

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

Addition/renovation to an existing 1 1/2 story single family home. Addition to include 1 story kitchen and living area off the rear of the house, new rear porch, walkway and patio. Part of existing walkway to be removed.

New generator to be installed on site.

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

100' minimum required front yard setback per ordinance 21-15.1.d.1 and Table 501. Existing setback of 55.9'. No change proposed.

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

There are no proposed additions to the front of the home, all additions are proposed at the rear. The existing front yard setback of 55.9' will remain, unchanged, by this work.

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

**APPLICANT(S) SIGN HERE:**

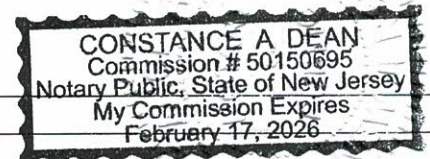
I/we, Matthew Jacobs and Alayne Brady hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s):  and 

Sworn and subscribed before me, this 1<sup>st</sup> day of July, 2022



Notary



**OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):**

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, \_\_\_\_\_ the owner(s) of the property described in this application,

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

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

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

Notary



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

- |  |  |
|--|--|
| <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:** CLARE D. POWELL  
**Address:** 48 CHESTNUT STREET  
**Phone:** (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) (917) 210-9973  
**Email (will be used for official notifications):** pwlconsult@optonline.com

**2. OWNER (if different from applicant):** SAME  
**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:** TIMOTHY J COLEMAN, RA **Profession:** ARCHITECT  
**Address:** 16 HIGHVIEW AVE  
**Phone:** 908-963-3434 **Email (will be used for official notifications):** Tim.Coleman@gmail.com

**5. PROPERTY INFORMATION:** Block(s): 2701 Lot(s): 9 Zone: R-2  
**Street Address:** 112 S. ALWARD AVE. **Total Area (square feet/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)  
EXISTING SIDE YARD SETBACK IS 48.1' vs. REQ'D 50'  
EXISTING LOT WIDTH IS 240.38' vs. REQ'D 250'

**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:**

SINGLE FAMILY RESIDENCE. WE WOULD LIKE  
TO HAVE A LARGER FRONT PORCH AS FOR OUR  
NEWLY REMODELED HOME.

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

NEW PROPOSED OPEN PORCH EXCEEDS THE SIZE ALLOWED  
BY ARTICLE 21-18B.2.b+c AND HAS A FRONT SETBACK  
OF 96.85' VS THE REQ'D. 100' FRONT YARD SETBACK

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

THIS RANCH STYLE HOME IS LONG AT 94' +/- WE ARE  
PROPOSING A LONGER PORCH TO BETTER MATCH THIS  
HOMES SIZE AND SCALE. IT IS A LONG HOME NOT  
A TALL HOME. THIS LONGER PORCH WILL REINFORCE THAT

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

AESTHETIC.

**APPLICANT(S) SIGN HERE:**

I/we, CLARE POWELL and X 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 \_\_\_\_\_

Sworn and subscribed before me, this 8th day of July, 2022

B. Manjy Sree  
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**  
**2019 ZONING BOARD OF ADJUSTMENT APPLICATION**

- |  |  |
|--|--|
| <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:** Karen Ventriglia

Address: 180 Somerville Road, Basking Ridge, New Jersey 07920

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) (908) 334-8800

Email (will be used for official notifications): karencapp13@yahoo.com

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

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: David E. Fantina Profession: Professional Engineer

Address: 15 Sunset Drive, Bernardsville, New Jersey 07924

Phone: (908) 969-9598 Email (will be used for official notifications): \_\_\_\_\_

**5. PROPERTY INFORMATION:** Block(s): 10401 Lot(s): 33 Zone: R-1

Street Address: 180 Somerville Road Total Area (square feet/acres): 54,833 sf / 1.26 ac

**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) \_\_\_\_\_

Please see Addendum

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

[ ☒ ] No [ ☐ ] Yes (if yes, explain and attach copy) \_\_\_\_\_

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

\_\_\_\_\_  
Please see Addendum  
\_\_\_\_\_

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

\_\_\_\_\_  
Ordinance Section 21-15.1(d)(1) and Table 501  
\_\_\_\_\_

**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, Karen Ventriglia 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): Karen Ventriglia and \_\_\_\_\_

Sworn and subscribed before me, this 17<sup>th</sup> day of June, 2022.

F. B. Zelley  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary



**ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION**  
**KAREN VENTRIGLIA**  
**180 SOMERVILLE ROAD, BLOCK 10401, LOT 33**

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

4. [Additional Professionals]

Nicholas J. Ferrara Architect / Planner  
29 Greenwood Drive  
Millington, New Jersey 07946  
Tel. (908) 647-3655 / FAX: (908) 647-3655  
Email: nick.ferrara1@verizon.net

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

Save for a detached garage, the subject lot is vacant due to a house fire that occurred on November 27, 2019. The remnants of the home have been demolished and removed from the site, as have the swimming pool, septic system, walkways and other improvements. The lot is deficient as to Lot Area (1.26 acres where 3.0 acres are required), Improvable Lot Area (7,663 sf where 25,000 sf are required) and Lot Width (177.79 feet where 250 feet are required). The original home had the following pre-existing, non-conforming conditions: Single Side Yard Setbacks (29.29 feet Left Side and 47.60 feet Right Side where 50 feet are currently required), Combined Side Yard Setbacks (76.89 feet where 100 feet are currently required) and Impervious Coverage (20.29% where 15% is currently permitted).

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

The subject property is a significantly undersized lot which is surrounded to both sides and to the rear by open space conservation areas associated with the Beacon Hill residential development. The Applicant and her late husband built a home on the property after purchasing the lot in 1970. As noted above, the home was destroyed by fire on November 27, 2019. Everything except for a detached shed/garage (which is to remain) has been demolished and removed from the site, including the septic system (a replacement septic system has been approved by the Bernards Township Health Department. The Applicant wishes to replace her lost home with a similar home in essentially the same location as the original, with similar bulk non-conformities.

10. [Description of Requested Variances or Exceptions]

The Applicant is seeking the following bulk variances:

- i. Lot Area (1.26 acres where 3.0 acres are required)
- ii. Improvable Lot Area (7,663 sf where 25,000 sf are required)



- iii. Lot Width (177.79 feet where 250 feet are required)
- iv. Single Side Yard Setbacks (29.29 feet Left Side and 43.24 feet Right Side where 50 feet are required)
- v. Combined Side Yard Setbacks (72.53 feet where 100 feet are required)
- vi. Impervious Coverage (19.31% where 15% is permitted).

With the exception of the aforementioned variances, the Applicant believes 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 Applicant may seek the same in accordance with such direction.

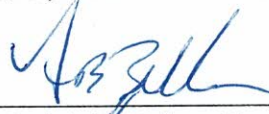
11. [Arguments in Support of Application]

The variances requested are "C-1" variances, based upon the hardship created by the significantly undersized lot. The Lot Area, Improvable Lot Area and Lot Width are all lawfully pre-existing, non-conforming conditions over which the Applicant has no control. The proposed non-conforming Side Yard Setbacks are similar to those that existed with the original home. The proposed Lot Coverage, while in excess of the permitted coverage, is less than what existed with the original home. If the subject lot were conforming in lot area, the coverage would be well under the limit at only 8.1%, and compliance with the Side Yard Setback requirements would presumably not be an issue.

The Negative Criteria are also satisfied, as the variance(s) can be granted without substantial detriment to the public good and without substantial impairment of the intent and the purpose of the zone plan and zoning ordinance. All of the requested variances are for conditions that existed on the site, either identically or similarly, for decades, without any negative effect. None of these conditions has any practical impact upon neighbors, as the property is surrounded to both sides and to the rear by heavily wooded open space areas.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC



By: Frederick B. Zelle, Esq.  
Attorneys for the Applicant Karen Ventriglia

Dated: June 18, 2022

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

RECEIVED

JUN 20 2022

PLANNING/ZONING BOARDS

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|--|--|
| <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:** Leonard and Alexis Soled

Address: 18 Skyline Drive, Warren, New Jersey 07059

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) (908) 334-9056

Email (will be used for official notifications): lex18x2@aol.com

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

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: W. Leland Titus / Titus Surveying & Engineering Profession: P.E.

Address: 618 Somerset Street, North Plainfield, New Jersey 07060

Phone: (908) 756-9047 Email (will be used for official notifications): Tsandeng@comcast.net

**5. PROPERTY INFORMATION:** Block(s): 7702 Lot(s): 10.01 Zone: R-4

Street Address: 6 Fenwick Place Total Area (square feet/acres): 182,846 SF / 4.198 AC

**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) Subject lot was created by Major Subdivision, Planning Board Application No. PB17-008.

**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 and attach copy) Please see Disclosures in Deed submitted herewith.

**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, Leonard Soled and Alexis Soled 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): Leonard Soled and Alexis Soled

Sworn and subscribed before me, this 18th day of June, 2022.

Frederick B. Zelley  
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**  
**LEONARD AND ALEXIS SOLED**  
**6 FENWICK PLACE, BLOCK 7702, LOT 10.01**

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

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

The subject lot is an extremely oversized corner lot (the corner of Valley Road and Fenwick Place) in a recently created five (5) lot subdivision. The Applicants' home on the lot is presently under construction. The lot is located on the western side of Fenwick Place. The property is over 4 acres in area, when only 1 acre is required in the R-4 Zone. Most of the lot (more than 3 acres), including the entire corner portion, lies within a dedicated, undevelopable conservation easement. For all intents and purposes, and from the visual perspective of a passerby, the lot is a typical interior (i.e. non-corner) lot. Had the conservation easement instead been open space deeded to the township, the subject lot would in fact be an interior, non-corner lot.

The Applicants wish to install a 780 square foot inground swimming pool in the southwest corner of the unrestricted portion of the lot, in what would be the left side yard and rear yard if the lot were not technically a corner lot with two front yards.

10. [Description of Requested Variances or Exceptions]

This is an application for variance relief from Ordinance § 21-18.1, which in pertinent part requires a swimming pool to be located behind the rear building line of existing residential structures on adjoining lots, and from Ordinance § 21-18.2(a), which in pertinent part prohibits a swimming pool from being located within the front yard. Since the subject lot it is technically a corner lot, the proposed swimming pool location is within a front yard and variance relief is required. Additionally, since the adjacent lot (Lot 10.02) is located on a *cul de sac*, the home being built thereon will be oriented in such a way that the Applicants' proposed swimming pool will not be located behind the rear building line of that home.<sup>1</sup>

With the exception of the aforementioned variances, the Applicant believes 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 Applicant may seek the same in accordance with such direction.

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<sup>1</sup> Construction of the home on adjacent Lot 10.02 has not commenced as of this writing and the filing of this application, and thus the §21-18.1 variance may not be necessary given the inclusion of the word "existing" in that ordinance. The said variance is nonetheless being included in this application as a precautionary measure.



11. [Arguments in Support of Application]

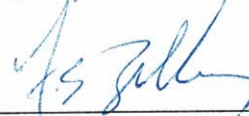
The variances requested are “C-1” variances, based upon the respective hardships created by the subject lot technically being a corner lot with two front yards and the adjacent lot being located on a *cul de sac*.

The variances could also be considered “C-2” flexible variances, in that the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. The addition of a swimming pool to the Applicants’ property would assist in improving the housing stock and conserving property values in the neighborhood as whole, which remains a purpose of land use regulation even though that goal is not expressly stated in N.J.S.A. 40:55D-2. Home Builders League of S. Jersey, Inc. v. Township of Berlin, 81 N.J. 127, 144-45 (1979).

The Negative Criteria are also satisfied, as the variances can be granted without substantial detriment to the public good and without substantial impairment of the intent and the purpose of the zone plan and zoning ordinance. Given the presence of the expansive conservation easement in the corner portion of the subject property, the front yard within which the swimming pool is proposed to be located does not appear to be a front yard, and thus the visual detriment of having a swimming pool in a front yard would not exist. Similarly, the visual detriment associated with having a swimming pool located in front of the rear building line of the home on the adjacent property will be minimal, if not non-existent, especially given the distance between the proposed swimming pool and the adjacent home and given the fact that the Applicants’ home will largely shield the neighbor’s view of the proposed swimming pool.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC



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