

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

SPECIAL MEETING AGENDA

Warren Craft Meeting Room

July 13, 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. June 7, 2023 – Regular Session
 - B. June 15, 2023 – Special Session
- 6. APPROVAL OF RESOLUTION**
 - A. Cordano, Eugene & Gina; Block 4601, Lot 12; 177 Whitenack Road; Bulk Variance; ZB23-006
- 7. COMPLETENESS AND PUBLIC HEARING**
 - A. Wadhwa, N./Mohan, M.; Block 7101, Lot 21; 16 Chaucer Court; ZB23-005 (*carry to 10/04/2023*)
 - B. [Stowe, Jody M. & Clark, Carolyn S.](#); Block 1902, Lot 8; 11 Culberson Road; Bulk Variances; ZB23-010 (*continued from 06/15/2023*)
 - C. [Lembo, Matthew J.](#); Block 708, Lot 5; 17 Tysley Street, Bulk Variance; ZB23-008
 - D. [Norton, Gregory & Jennifer](#); Block 6303, Lot 25; 76 Highland Avenue; Bulk Variances; ZB23-011
- 8. 2022 ANNUAL REPORT AND RECOMMENDATIONS**
- 9. COMMENTS FROM MEMBERS**
- 10. COMMENTS FROM STAFF**
- 11. ADJOURN**

07/05/2023sw

TOWNSHIP OF BERNARDS
2019 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): _____
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1. APPLICANT: Carolyn S. Clark and Jody M. Stowe

Address: 11 Culberson Road, Basking Ridge, New Jersey 07920

Phone: (home) _____ (work) _____ (mobile) (908) 391-2143

Email (will be used for official notifications): jodymstowe@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 / Law Offices of Frederick B. Zelley LLC

Address: 53 Division Avenue, First Floor, P.O. Box 324, Millington, New Jersey 07946

Phone: (908) 647-6001 Email (will be used for official notifications): fzelley@fbzlegal.com

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

Name: Catherine A. Mueller / Page-Mueller Eng. Consult. Profession: P.E.

Address: P.O. Box 4619, Warren, New Jersey 07059

Phone: (732) 805-3979 Email (will be used for official notifications): cmueller@pagemuellereng.com

5. PROPERTY INFORMATION: Block(s): 1902 Lot(s): 8 Zone: R-6

Street Address: 11 Culberson Road Total Area (square feet/acres): 41,481sf/0.95ac

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)

Variance granted for deficient lot width. Please see copy of Resolution submitted herewith.

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

Existing impervious coverage is 18.54% (7,691 sf) where 18% (7,467 sf) is permitted. This is due to installation of gravel walkways, etc., which Applicants did not realize are considered impervious in Bernards Township.

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

[☒] No [☐] Yes (if yes, explain and attach copy) (None known)

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

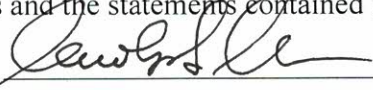
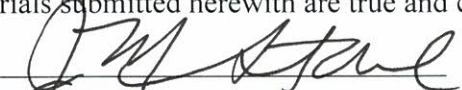
11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

Please see Addendum

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

APPLICANT(S) SIGN HERE:

I/we, Carolyn S. Clark and Jody M. Stowe 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 20th day of April, 2023.


Frederick B. Zelly, 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 _____, 2023.

Notary

Addendum to Application for Bulk Variances

Applicants: Carolyn S. Clark and Jody M. Stowe

Tax Block 1902, Lot 8 – 11 Culberson Road (R-6 Zone)

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

4. [Additional Professionals]

David C. Washington, Architect
or Thomas Chauvette, Architect
Washington Architectural Group
930 Mt. Kemble Avenue
Morristown, New Jersey 07960
Phone: (973) 425-7722
FAX: (973) 425-1366
Email: dcwarch@aol.com



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

The Applicants wish to construct a detached, front load, two bay garage with a second level recreation/golf room at the end of their existing driveway, on the right (east) side of their property. They will soon have four (4) licensed drivers in their family with separate vehicles. They also have a collector vehicle. They wish to be able to garage all of the said vehicles, for protection from the elements as well as from theft given the recent increase in residential auto thefts in the area.

10. [Description of Requested Variances or Exceptions]

This is an application for bulk variances for impervious coverage (21.58% (8,950 sf) where 18% (7,467 sf) is permitted in the R-6 Zone) and for excessive height of an accessory building (detached garage) (21.92' where 20' is permitted).

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

11. [Arguments in Support of Application]

The variances requested would be "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 the detached garage to the Applicants' property would advance the following purposes of the MLUL, as set forth in N.J.S.A. 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare, by providing safe storage of the Applicants' vehicles and by providing a safe environment (on the second level of the proposed garage) within which the Applicant and their family can recreate;
- c. To provide adequate light, air and open space, by constructing a second building detached from the main house, rather than increasing the size and mass of the house; and
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement, by constructing an attractive accessory structure architecturally complementary to the Applicants' home and the surrounding neighborhood.

Additionally, the proposed attractive additional garage with recreation space 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. In fact, there are several detached garages in the Applicants' neighborhood which are as large if not larger than their proposed garage, the existence of which has not been detrimental to the public good and has not substantially impaired of the intent and the purpose of the zone plan and zoning ordinance.

Respectfully Submitted,

LAW OFFICES OF
FREDERICK B. ZELLEY LLC



By: Frederick B. Zelley, Esq.
Attorneys for the Applicants
Carolyn S. Clark and Jody M. Stowe

Dated: April 20, 2023

TOWNSHIP OF BERNARDS
2023 ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

APR 11 2023

PLANNING/ZONING BOARDS

- ☒ Bulk or Dimensional ("c") Variance
☐ Use ("d") Variance
☐ Conditional Use ("d") Variance
☐ Floor Area Ratio, Density, or Height ("d") Variance
☐ Site Plan - Preliminary / Final
- ☐ Appeal of Zoning Officer's Decision
☐ Interpretation of Zoning Ordinance
☐ Minor Subdivision
☐ Major Subdivision - Preliminary / Final
☐ Other (specify): _____

1. APPLICANT: Matthew S. Lembo
Address: 17 Tysley St. - Baseline Ridge, NJ 07920
Phone: (home) _____ (work) 908-977-9510 (mobile) 908-507-6388
Email (will be used for official notifications): mlembo31@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: Robert Coleman Profession: Architect
Address: 208 Edison Ave. Stewartville, NJ 08886
Phone: _____ Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 708 Lot(s): 5 Zone: R-Ce
Street Address: 17 Tysley St. Total Area (square feet/acres): 1.71

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?
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☒ No [] Yes (if yes, explain) _____

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

Single family home - Addition was completed - deteriorating structure on back existing deck removed - new structure has roof line that extends ~~past~~ further than original structure

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

side setback - to account for ~~slightly~~ roof line of new structure that covers original footprint.

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

Not extending original footprint

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

APPLICANT(S) SIGN HERE:

I/we, Mat Lembo 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): [Signature] and _____

Sworn and subscribed before me, this 30TH day of MARCH, 2023

Notary

CYNTHIA KIEFER

Notary Public - New Jersey

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

Expires 01/10/24

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

- | | |
|---|--|
| <input 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: GREGORY NORTON and JENNIFER NORTON
Address: 76 HIGHLAND AVE BASING BRIDGE NJ
Phone: (home) 973 307 8774 (work) 678 429 6578 (mobile) 404 307 0610
Email (will be used for official notifications): gregory-norton@yahoo.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: _____ Profession: _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 6303 Lot(s): 25 Zone: R-6
Street Address: 76 HIGHLAND AVENUE Total Area (square feet/acres): 0.60 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? _____

☒ No ☐ Yes (if yes, explain) _____

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

REPLACEMENT OF SPLIT RAIL FENCE SURROUNDING POOL ON 3 SIDES W/ PICKET FENCE. THE PICKET FENCE EXTENDS PAST FRONT OF HOUSE IN SIDE YARD. HOUSE IS ON A DEAD END STREET, ONE SIDE OF POOL FENCE IS VACANT WOODED LOT. FENCE FACING STREET IS GRANDFATHERED PRIVACY FENCE.

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

REQUEST VARIANCE AGAINST REQUIREMENT OF 75% OPEN FENCE IN "FRONT" YARD.

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

- 1) FENCE IS SIDE YARD W/ GRANDFATHERED ~~STREET~~ STREET FACING PRIVACY FENCE (6")
- 2) MATCHES EXISTING FENCE AROUND POOL EQUIPMENT. 3) OTHER REGULATIONS REQUIRE BUSHES FOR PRIVACY IF ON CORNER LOT SURROUNDING POOL (CLEARLY DESIRE PRIVACY AROUND POOL)

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

APPLICANT(S) SIGN HERE:

I/we, JENNIFER NORTON and GREGORY NORTON 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 16 day of FEBRUARY, 2023

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