

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

REGULAR MEETING AGENDA v3

Warren Craft Meeting Room

October 4, 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. September 6, 2023 – Regular Session

B. September 14, 2023 – Special Session

6. APPROVAL OF RESOLUTIONS

A. Maio, Peter A. & Nicole; Block 5203, Lot 18; 444 Mt. Airy Road; ZB23-012 (approved)

B. Basking Ridge Presbyterian Church; Block 1608, Lot 1; 12 East Allen Street; ZB23-007 (approved)

7. PUBLIC HEARING

A. Monk, Sterling Trevor & Caren; Block 8602, Lot 82; 489 King George Road; Extension of Time; ZB22-013

8. COMPLETENESS AND PUBLIC HEARING

A. [Blumberg, Darren & Niki](#); Block 4701, Lot 15; 106 Annin Road; Bulk & "d" Variances; ZB23-004

B. [Wadhwa, N./Mohan, M.](#); Block 7101, Lot 21; 16 Chaucer Court; Bulk Variances; ZB23-005

C. [Flanigan, Michael & Caitlyn](#); Block 1805, Lot 24; 54 Dyckman Place; Bulk Variance; ZB23-013

D. [Brinkworth, G./Tsung, C.](#); Block 4101, Lot 23; 12 Fairview Drive E; Bulk Variances; ZB23-018

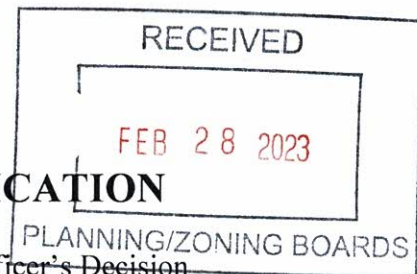
9. COMMENTS FROM MEMBERS

10. COMMENTS FROM STAFF

11. ADJOURN

09/26/2023dssw
FINAL

TOWNSHIP OF BERNARDS
2019 ZONING BOARD OF ADJUSTMENT APPLICATION



- | | |
|---|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input checked="" 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: Darren and Niki Blumberg

Address: 106 Annin Road, Far Hills, New Jersey 07931

Phone: (home) (973) 493-2005 (work) _____ (mobile) (732) 319-1600

Email (will be used for official notifications): _____

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

Address: _____

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: Frederick B. Zelle / Law Offices of Frederick B. Zelle 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): fzelle@fbzlegal.com

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

Name: David J. Schmidt / D.S. Engineering, P.C. Profession: P.E.

Address: P.O. Box 792, Rocky Hill, New Jersey 08553

Phone: (908) 359-0989 Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 4701 Lot(s): 15 Zone: R-1

Street Address: 106 Annin Road Total Area (square feet/acres): 122,736sf/2.82ac

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) _____
Lot area (2.82 ac where 3.0 ac required) (pre-existing condition) _____

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

☐ No ☒ Yes (if yes, explain and attach copy) Stream Conservation Easement (unaffected by the proposed project)

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 Sections 21-18.1 and 21-10.4(a)(2)(b). 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, Darren Blumberg and Niki Blumberg 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 22nd day of February, 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,

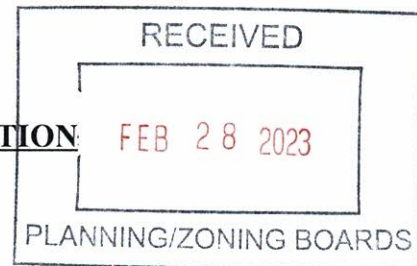
hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 2019.

Notary

ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION
DARREN AND NIKI BLUMBERG
106 ANNIN ROAD, BLOCK 4701, LOT 15



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

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

There is a stream conservation easement, shown on the plans, protecting the Dead River in the rear of the subject property. The proposed swimming pool and related improvements would not encroach upon the said easement.

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

The property is an irregular, but generally rectangular shaped lot situated on the western side of Annin Road, extending from Annin Road to the Dead River. The property hosts a single family residence with an open deck, a paver and asphalt driveway, a patio, and a detached garage in the rear yard situated toward the northern property line. The Applicants wish to install a 1,250 sf irregularly shaped inground swimming pool behind the house and south of the detached garage, with surrounding paver patio areas.

10. [Description of Requested Variances or Exceptions]

This is an application for:

- A. A Use Variance for a 1,250 square foot private swimming pool in a residential zone, where a swimming pool is a permitted accessory use only if it is not more than 1,000 square feet in area under Ordinance Section 21-10.4(a)(2)(b); and
- B. A Bulk Variance for a swimming pool not being located behind the rear building line of an existing residential structure on an adjoining lot, in violation of Ordinance Section 21-18.1.

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]

Use Variance

The Land Development Ordinance at §21-10.4(a)(2) lists accessory uses permitted in the R-1 Zone. Among those permitted accessory uses, §21-10.4(a)(2)(b) states:

“Private swimming pool of not more than 1,000 square feet in area for the use alone of the occupant, his family and personal guests without any charge or fee or membership requirements and provided that no aboveground lighting is provided for use after dark. See Section 21-18 for applicable regulations.”

A private swimming pool exceeding 1,000 square feet is therefore not a permitted use. Since the Applicants propose a 1,250 square foot swimming pool, a “D-1” use variance is required. While the zoning ordinance is silent as to why the 1,000 square foot limitation is set forth in the language of the accessory use ordinance section itself, as opposed to being a condition of a conditional use (in which case a larger swimming would only require a “D-3” use variance) or being set forth in a bulk requirements section of the ordinance (in which case it would require only a “C-2” bulk variance), the additional language of the ordinance suggests that the primary goal of the limitation was to prevent the establishment of private, fee-based swim clubs.

The Applicants intend to use the proposed swimming pool solely for their own private family use and for that of their personal guests, and will stipulate to compliance with all requirements of Ordinance §21-10.4(a)(2)(b) other than the 1,000 square foot swimming pool area requirement. With such stipulations, this Board has previously granted “D-1” use variances for excessively sized private swimming pools in the R-1 Zone on at least two occasions, most recently in the Hardy application (#ZB19-023) in which a 1,480 square foot swimming pool was approved for 242 Liberty Corner Road, and prior to that in the Clott application (#ZB15-006) in which a 1,360 square foot swimming pool was approved for 75 Wisteria Way. The swimming pools in both of the said applications are larger than the swimming pool proposed herein.

Bulk Variance

Because the home on the northerly adjacent property (Lot 16 / 120 Annin Road) faces the subject property rather than facing Annin Road, the entirety of the subject property is located in front of the rear building line of that home. Accordingly, it is physically impossible to locate a swimming pool on the subject property in compliance with Ordinance Section 21-18.1. The variance requested is a “C-1” variance, based upon the hardship created by the location and situation of the lawfully existing home on adjacent Lot 16, which make compliance with the said ordinance section physically impossible.

The variance would also satisfy the positive criteria for a “C-2” flexible variance, 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 a 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 both the Use Variance and the Bulk Variance 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. Neither of the dangers designed to be protected against through the subject ordinance sections will be presented by the Applicants' proposed swimming pool. As to the Use Variance, the Applicants' stipulation to the remaining conditions set forth in the ordinance will prevent the property from being used as a private swimming club. As to the Bulk Variance, the general intent of the ordinance in question is to prevent swimming pools from being visible from the front or side of a neighbor's home. The Applicants' proposed swimming pool will not be visible from the home on Lot 16 due to the amount of land, which is largely wooded, situated between that home and the subject property. Even if that area were not wooded, due to the curvature of Annin Road, the view from the home on Lot 16 would generally be of Annin Road itself, and possibly of the subject property's front yard, not of the proposed swimming pool location.

Respectfully Submitted,

LAW OFFICES OF FREDERICK B. ZELLEY LLC



By: Frederick B. Zelley, Esq.
Attorneys for the Applicants
Darren and Niki Blumberg

Dated: February 23, 2023

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

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| <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): _____ |
|--|--|

1. APPLICANT: Nandni Wadhwa MADAN MODHAN

Address: 16 Chaucer Ct, Bernards, NJ 07920

Phone: (home) _____ (work) _____ (mobile) 908-723-0442

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

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

Address: _____

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: N/A

Address: _____

Phone: _____ Email (will be used for official notifications): _____

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

Name: MBTC Associates Profession: P.E.

Address: 237-1 Buves Rd, Burlington, NJ 08016

Phone: 609-556-4915 Email (will be used for official notifications): mycassociatesllc@gmail.com

5. PROPERTY INFORMATION: Block(s): 7101 Lot(s): 21 Zone: R-4

Street Address: 16 Chaucer Ct Total Area (square feet/acres): 0.96 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) current lot coverage 15.5%

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

[] No [x] Yes (if yes, explain) 10' wide utility easement

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

Ex. Single family home. Propose in-ground swimming pool
and pool house and patio, fencing.

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

Z1 - Table 501 Lot coverage 15% allowed, 19.8% proposed
Z1-18.1 pool is not behind rear of dwelling to lot 20

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

Ex. Impervious already over allowable.
Hardship due to location of ex. dwelling on adjacent lot 20

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

APPLICANT(S) SIGN HERE:

I/we, NANDNI WADHWA 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): Nandni Wadhwa and _____

Sworn and subscribed before me, this 16th day of September, 2022

Notary

AMANTE SANSANO, JR.
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 12, 2027

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

JUN 20 2023

PLANNING/ZONING BOARDS

- | | |
|---|---|
| <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 & CAITLYN FLANIGAN

Address: 54 DYCKMAN PL, BASKING RIDGE, NJ 07920

Phone: (home) _____ (work) _____ (mobile) 609 240-4436

Email (will be used for official notifications): MFLANIGAN@GAZELLEGROUP.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: CORY, FERNANDEZ, RA Profession: ARCHITECT

Address: 176 LINDEN ST, BRIDGEWATER, NJ 08807

Phone: 908-625-6459 Email (will be used for official notifications): CORY@TOTARCH.COM

5. PROPERTY INFORMATION: Block(s): 1805 Lot(s): 24 Zone: R-7

Street Address: 54 DYCKMAN PL, BASKING RIDGE, NJ 07920 Total Area (square feet/acres): 20,021/ .46 (+/-)

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 NON-CONFORMING CONDITIONS INCLUDE LOT AREA, LOT WIDTH, AND LOT COVERAGE. SEE
EXISTING CONDITIONS SURVEY & DEMOLITION PLAN BY ENSURPLAN INC. FOR BULK ZONING MATRIX

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 PROPERTY IS A SINGLE-FAMILY RESIDENCE, INTERIOR LOT ON CUL-DE-SAC. THE PROPOSAL REQUEST INCLUDES A 153 SF SINGLE STORY ADDITION WHICH INCLUDES A LAUNDRY & POWDER ROOM. THE PROPOSAL REQUEST ALSO INCLUDES A SWIMMING POOL, PATIO, AND DECK

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

LAND DEVELOPMENT 21 TABLE 501 ATTACHMENT 7 (21-021G) MAXIMUM COVERAGE REQUIREMENTS, WHEREAS A MAXIMUM 20% IS ALLOWED, WHEREAS 24.2% IS EXISTING, AND 26.05% IS PROPOSED

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

THE EXISTING LOT IS NON-CONFORMING IN THAT IT DOES NOT MEET THE MINIMUM LOT AREA (20,021 IS EXISTING WHEREAS 21,780 IS REQUIRED). ADDITIONALLY, THE HOUSE IS SET FURTHER BACK REQUIRING AN EXTENDED DRIVEWAY WHICH USES MORE COVERAGE. THE PROPOSAL REMOVES EXISTING COVERAGE (PATIO) TO MITIGATE THE ADDITIONAL REQUIRED COVERAGE. THE PROPOSAL IS IN THE REAR OF THE HOME, IS SIMILAR TO OTHER LOCAL DEVELOPMENT, AND DOES NOT NEGATIVELY IMPACT THE NEIGHBORHOOD

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

APPLICANT(S) SIGN HERE:

I/we, MICHAEL FLANIGAN and CATLYN FLANIGAN 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 8th day of June, 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

AUG 28 2023

TOWNSHIP OF BERNARDS

2023 ZONING BOARD OF ADJUSTMENT APPLICATION

BERNARDS TOWNSHIP ENGINEERING

- | | |
|--|--|
| <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): _____ |
|--|--|

1. APPLICANT: GREG BRINKWORTH
CHRISTINA TSUNG
 Address: 12 FAIRVIEW DRIVE EAST
BASKING RIDGE, New Jersey 07920
 Phone: (home) _____ (work) _____ (mobile) 908 406-2521
 Email (will be used for official notifications): brinkworth@msn.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 E. BOOTH Profession: ARCHITECT
 Address: 73 BULLION ROAD
BASKING RIDGE, New Jersey 07920
 Phone: 908 304-3782 Email (will be used for official notifications): jonbootharc@gmail.com

5. PROPERTY INFORMATION: Block(s): 4101 Lot(s): 23 Zone: R-6
 Street Address: 12 FAIRVIEW DRIVE EAST Total Area (square feet/acres): 29,100 sq. ft. / .67 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) _____

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: _____

The existing 29,100 sq ft (3 1/2 ac) prop. contains a 1 1/2 story, 1794 st residence (ca. 1950) with 3 bedrooms and 1 bath and 1 car garage

The proposal adds 1776 sq ft, with 3 new bedrooms and 2 baths and a two car garage (requiring front and side yard variances) and general improvements.

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, Gregory Brinkworth and Christina Tsouk 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 17 day of August, 2023.

[Signature]
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, Gregory Brinkworth + Christina Tsouk the owner(s) of the property described in this application,

hereby authorize Jon Booth 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): [Signature]

Sworn and subscribed before me, this 17 day of August, 2023.

[Signature]
Notary

**GABRIELLE BRINKWORTH
NOTARY PUBLIC OF NEW JERSEY**

Comm. # 2458236

My Commission Expires 02/28/2025

02/06/19

Forwards Township Zoning Board of Adjustment

Page 2 of 2

Brinkworth
12 Fairview Drive East
blk 4101 lot 23

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:

To permit a front yard setback of 48.5' to the principal structure, and 45.7' to the garage overhang, where a minimum of 50' is required, and 53' exists.

To permit a side yard setback of 17.7' to the principal structure, where a minimum of 25.91' is required and also exists at the south side yard.

To permit a combined side yard setback of 34.13' where a minimum of 42.34' is required.

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

1. Hardship due to Narrowness of Lot and Placement of the Existing Residence

The property is relatively narrow for the neighborhood, and tapers from front to back. The side yard setbacks, although conforming at the time of construction and until an ordinance change in 2006, do not afford any expansion to the sides.

2. The Benefit of the Proposed Development, as Compared to Conforming Alternatives

A fundamental driver of the layout of the addition is to accomplish a two car garage, a feature that is typically found in the neighborhood. A conforming alternative for a two car garage, would locate it at the back of the house. Although this would conform to the bulk requirements, including lot coverage, it would also create significant additional coverage, and would likely result in greater visual impact to the immediate neighbors. The proposal, although requiring minor front and side setback variances, is also compact.

3. Context of the Neighborhood

The size and scale of homes in the neighborhood is somewhat mixed. Many properties have smaller, 1950's capes, such as the subject property. Gradually, though, homes are being expanded and enlarged.