

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

REVISED

REGULAR MEETING AGENDA

Warren Craft Meeting Room

December 4, 2024

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 home page - [Bernards Township NJ - Zoning Board of Adjustment](#). The meeting can also be viewed live on Optimum/Cablevision TV – Channel 15 and Verizon FiOS TV – Channel 2135. 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 6, 2024 – Regular Session
- 6. COMPLETENESS HEARING**
 - A.** The Pingry Corporation; Block 11601, Lot 3.01; 131 Martinsville Road; Preliminary/Final Site Plan; Conditional Use Variance; ZB24-024
- 7. COMPLETENESS AND PUBLIC HEARING**
 - A.** [CSN NJRE LLC](#); Block 701, Lot 4; 5 Brookside Avenue; Bulk Variances; ZB24-018
 - B.** [Healy, Preston & Christine A.](#); Block 5501, Lot 2; 51 Spring House Lane; Bulk Variances; ZB24-021
 - C.** [Brady, Ryan Z.](#); Block 5001, Lot 34; 30 N. Stone Hedge Drive; Bulk Variance; ZB24-015
 - D.** [Hessels, Robert](#); Block 1206, Lot 34; 131 Conkling Street; Bulk Variances; ZB24-020
- 8. COMMENTS FROM MEMBERS**
- 9. COMMENTS FROM STAFF**
- 10. ADJOURN**

12/02/2024 ds
FINAL

TOWNSHIP OF BERNARDS
2024 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|--|--|
| <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 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: Ryan Brady

Address: 30 North Stone Hedge Drive, Basking Ridge, NJ 07920

Phone: (home) _____ (work) _____ (mobile) (973) 476-4942

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

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

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: G. Gloede & Associates/George R. Gloede Profession: Professional Engineer

Address: PO BOX 449, OAK RIDGE, NJ 07438

Phone: (973) 697-9247 Email (will be used for official notifications): grgjrpe@optonline.net

5. PROPERTY INFORMATION: Block(s): 5001 Lot(s): 34 Zone: R-4

Street Address: 30 North Stone Hedge Drive Total Area (square feet/acres): 50,400.8 (1.16 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 [X] Yes (if yes, explain) Drainage easement along northern property line

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

Single family home located in the R-4 zone district. This application proposes to construct and install an in-ground pool and associated patio.

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

Seeking a variance from section 21-15.1(d)1 + Table 501 of the ordinance for exceeding the maximum impervious coverage. the R-4 zone permits 15% and this application proposes 20.9%.

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, Ryan Brady 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): Ryan E Brady and _____

Sworn and subscribed before me, this 10 day of August, 2024

K Patel
Notary

KRUTIKA K PATEL
Notary Public, State of New Jersey
Comm. # 50206702
My Commission Expires 2/6/2028

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 | <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: CSN NJRE LLC
Address: 169 Morristown Road, Bernardsville, NJ 07924
Phone: (home) 908-625-9189 (work) _____ (mobile) _____
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. Zellej / Post Polak, P.A.
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): fzellej@postpolak.com

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):
Name: William G. Hollows / Profession: Engineer
Address: Murphy & Hollows Associates, LLC, 192 Central Avenue, Stirling, NJ 07980
Phone: 908-580-1255 Email (will be used for official notifications): murphyhollows@gmail.com

5. PROPERTY INFORMATION: Block(s): 701 Lot(s): 4 Zone: R-6
Street Address: 5 Brookside Avenue Total Area (square feet/acres): 6,253sf/0.14 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) None known to Applicant

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 [x] Yes (if yes, explain and attach copy) Private Easement- see attached

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

Please see Addendum

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

Side yard set back and Lot Coverage

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, CSN NJRE, LLC By: Aaron Tyler Simmons, Member 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 19th day of September, 2024.

[Signature]
Frederick B. Zelle, 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 _____, 20____.

Notary

ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION
CSN NJRE, LLC
5 BROOKSIDE AVENUE, BLOCK 701, LOT 4

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

4. [Additional Professionals]

Name: Mansoor Aziz, AIA. DSA Profession: Architect
Address: Danon Group, 1218 Warrens Way, Wanaque, NJ 07465
Phone: 973-723-0039 Email: mazizi366@gmail.com

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

- a. Minimum Lot Area of 0.14 acres where 0.75 acres is required;
- b. Minimum Lot Width of 50.0' where 150.0' is required;
- c. Minimum Lot Frontage of 50.0' where 75.0' is required;
- d. Minimum Front Yard of 24.1' where 50' is required;
- e. Minimum Single Side Yard of 9.8' where 15' is required;
- f. Minimum Single Side Yard of 13.6' where 15' is required;
- g. Minimum Combined Side Yards of 23.4' where 40' is required; and
- h. Lot Coverage of 26.7%, where 27.5% exists, where a maximum of 18% is permitted.

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

to square off the back of the property to allow Automatic Water to have an easement so the current wall and fence can be removed and the property sloped up to the current grade of the backyard of the house. This will allow us to have more clearance for trucks coming down the hill and to extend the current drive over to the property line.

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

The Applicant wishes to renovate and expand the existing single family residence on the subject property, and to then sell the same to a residential user. The lot is located in a single family residential neighborhood, but on the right side is physically adjacent to the rear of a commercial property hosting a gasoline station and auto repair facility. The site is severely undersized (0.14 acres in a 0.75 acre zone), with non-compliant side yard setbacks on both sides. The left side yard setback, which is adjacent to a single family residence, is more compliant (13.6' where 15' is required, and is buffered by a mature hedgerow. The right side yard setback), but is much less compliant (9.8'), but this deficiency presents no detriment to the adjacent commercial property and in any event it is buffered by a wooded area. Both side yard setbacks are proposed to be exacerbated vertically and the right side yard setback is proposed to be

exacerbated laterally (toward the rear). Lot coverage is being reduced from 27.5% to 26.7%, but will still exceed the maximum permitted 18%.

10. [Description of Requested Variances or Exceptions]

This is an application for bulk variance relief for minimum side yards of 13.6' and 9.8' where 15' is required, and minimum combined side yards of 23.4' where 40' is required, due to lateral and/or vertical exacerbation of an existing conditions. In addition, a bulk variance is required for lot coverage, which is being reduced from 27.5% to 26.7%, but where a maximum of 18% is permitted.

With the exception of the aforementioned variance(s), 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 variance(s) requested is/are "C-1" variance(s), based upon the hardship created by the severely narrow and undersized lot and the location of the lawfully existing residence on the property.

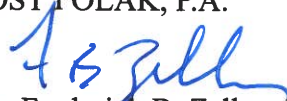
The variance(s) can also be characterized as a "C-2" a/k/a "flexible C" variance(s), in that the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. The expansion and renovation of the existing dwelling, which is in poor condition and the size and layout of which do not meet the needs and desires of a modern family, will 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 proposed renovated home will also promote a desirable visual environment through creative development techniques and good civic design and arrangement, which satisfies purpose "i" of the MLUL. Any detriment presented by the expansion would be substantially outweighed by these benefits.

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. The right side of the subject home, where the side yard setback is 9.8', faces the rear of a gasoline station, buffered by a wooded area, and thus no detrimental effect would be presented by the exacerbation of the existing side yard setback deficiency. The left side of the subject home, where the side yard setback is 13.6', faces a home which is similar in size to the proposed renovated and expanded home, as are other homes in the neighborhood, and which is closer to the common lot line than is the home on the subject property. There is also a mature hedgerow separating the two homes. Again, no detrimental effect would be presented by the exacerbation of the existing side yard setback deficiency. The

lot coverage, while remaining non-conforming, which be improved by the proposed changes to the property.

Respectfully Submitted,

POST POLAK, P.A.



By: Frederick B. Zelle, Esq.

Attorneys for the Applicant CSN NJRE, LLC

Dated: September 2024

SEP 26 2024

PLANNING/ZONING BOARDS

TOWNSHIP OF BERNARDS 2024 ZONING BOARD OF ADJUSTMENT APPLICATION

- 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: ROBERT HESSELS

Address: 14 BLACKWELL AVE MORRISTOWN, NJ 07960

Phone: (home) _____ (work) _____ (mobile) (973) 270-8807

Email (will be used for official notifications): BOB@RPHDESIGNGROUP.COM

2. OWNER (if different from applicant): CARLOS ABAN

Address: 131 WINKLING ST

Phone: (732) 425-4243 Email (will be used for official notifications): CARLOS@BEGREATPROJECT.COM

3. ATTORNEY: NONE

Address: _____

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

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

Name: SEE ATTACHED Profession: _____

Address: _____

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

5. PROPERTY INFORMATION: Block(s): 1206 Lot(s): 3A Zone: R-7

Street Address: 131 WINKLING ST Total Area (square feet/acres): 15683 SF / .36 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) _____

THE LOT IS UNDERSIZED
THE HOUSE IS IN THE FRONT YARD SET BACK

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:

SINGLE FAMILY RESIDENCE LOOKING TO INSTALL
A NEW ADDITION + PATIO

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

SEC 21 ATTACHMENT 7 TABLE 501 PERMITTED REQUESTED
FRONT YARD SETBACK 40' 23.7'

SEC 21 ATTACHMENT 7 TABLE 501
MAX. COVERAGE 20% 26.55%

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

- THE LOT IS UNDERSIZED FOR THE ZONE
- THE EXISTING RESIDENCE IS IN THE
FRONT YARD SETBACK

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

APPLICANT(S) SIGN HERE:

I/we, ROBERT HESSELS 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 23rd day of September, 2024.

Notary

ASHTON BAILEY
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES FEBRUARY 19, 2025
COMMISSION #50123099

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, Amy Hessels + Carlos Abd the owner(s) of the property described in this application,

hereby authorize Bob Hessels 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 23rd day of September, 2024.

Notary

ABDELRAHMAN M HUSSEIN
Commission # 50213279
Notary Public, State of New Jersey
My Commission Expires
August 22, 2028

RECEIVED

OCT -7 2024

TOWNSHIP OF BERNARDS

ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

OCT -7 2024

- | | |
|--|--|
| <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 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:

Christine + Preston Healy

Address: 51 Springhouse Ln Basking Ridge, NJ 07920

Phone: (home) _____ (work) _____ (mobile) 908-507-5090

Email (will be used for official notifications): CHEALY32@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: John Haeberle Profession: Architect

Address: 385 Route 24, Suite 3-D, Chester, NJ 07930

Phone: 908-955-7143 Email (will be used for official notifications): john@haeberle-ria.com

5. PROPERTY INFORMATION: Block(s): 5501 Lot(s): 2 Zone: RC4

Street Address: 51 Springhouse Ln Total Area (square feet/acres): 26306.8 S.F.

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: _____

Currently a two story home. We are proposing to increase the Kitchen by 6 ft and build over the garage

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

(1) We are seeking an increase in coverage (20% required) to 21.14%
(2) We are seeking an increase in Gross Floor Area (3036 Sq Ft required) to 3932 sq ft

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

the setbacks and easement

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

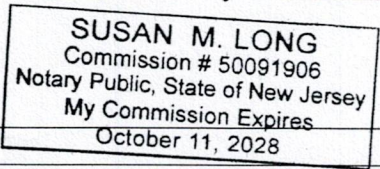
APPLICANT(S) SIGN HERE:

I/we, Christine Healy and Preston Healy 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): *Christine Healy* and *Preston*

Sworn and subscribed before me, this 20 day of September, 2024

Susan Long
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