

BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION  
**Regular Meeting of May 24, 2021-7 pm**

The Environmental Commission meeting for Mat 24, 2021 will be conducted using Zoom Video Conferencing. The public will be able to view the meeting live by clicking on this link at 7:00pm

<https://us02web.zoom.us/j/83566205595?pwd=S0VvMFQ2NHkzd2xsWU85MEJhOFVaQT09>

Or by calling 1-646-558-8656 and entering Meeting ID: 835 6620 5595 and Passcode: 532318

Public comment will be accepted via e-mail. Please include your name and address in the e-mail and send comments to [kcartoccio@bernards.org](mailto:kcartoccio@bernards.org). They will be read during the public comment section.

**Meeting Agenda**

1. **Call to Order**
2. **Open Public Meeting Statement**
3. **Flag Salute**
4. **Roll Call**
5. **Approval of EC Meeting Minutes Regular –[April 26, 2021](#)**
6. **Reports and Miscellaneous Correspondence**
  - a. **[Correspondence -TWA approval permit-LCB Senior Living](#)**
7. **Old Business**
  - a. **Status on Current Projects:**
    - i. Public Outreach
    - ii. GSWA Native Plant Sale
    - iii. Reusable Bag Design Challenge
8. **New Business**
  - a. **Applications:**
    - [i. Fairmount Cemetery Assn of Newark-& Somerset Hills -PB21-003](#)**-95 Mt. Airy Road—Prelim/Final site plan for Expansion of Existing Crematory.
    - [ii. Colucci,-ZB-21-013-](#)** 373 Lyons Road—Pool not located Behind the Rear Building of Adjacent Dwellings, Steep Slope Disturbance.
    - [iii. Kenken-ZB21-014](#)**—1 Brownlee Place—Addition & Site Improvements Requiring Preliminary/Final Site Plan Approval, Bulk Variances, Floor Area Ratio.
    - [iv. Baston 95, LLC-ZB21-015](#)**—95 Morristown Road—Demolish Existing Bldg. & Replace with New Structure-Preliminary & Final Site Plan, Use Variance, Bulk Variances
9. **Comments by Public**
10. **Comments by Members**
11. **Adjournment**

Kelly Julian, Secretary



Please call (908) 204 - 3000 seventy-two (72) hours in advance if accommodations are required, including assistive listening devices (ALD).



## ***Bernards Township Environmental Commission***



### **BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION MINUTES – April 26, 2021 – 7pm**

#### **CALL TO ORDER**

Chairperson Ann Parsekian called the meeting to order at 7:04 pm via Zoom Conference call in accordance with the Open Public Meeting Act of 1975.

#### **FLAG SALUTE**

All those assembled saluted the flag.

#### **ROLL CALL**

**Present:** Joan Bannan, John Crane, Debra DeWitt, Nancy Cook, Jane Conklin, Ann Parsekian, Alice Smyk, Sarah Wolfson

**Absent:** James LaMaire, Jason Roberts

**Also Present:** Kaitlin Cartoccio – Recording Secretary, Todd Edelstein – Resident

#### **APPROVAL OF MEETING MINUTES**

Motion to approve the March 22, 2021 minutes made by Nancy Cook seconded by Debra DeWitt with the addition of the “What Not to Recycle” article posted on Facebook. All others in favor, motion carried.

#### **REPORTS & MISCELLANEOUS CORRESPONDENCE**

**a. Correspondence – Moye**

No comments

#### **OLD BUSINESS**

**a. Status on Current Projects**

**i. Public Outreach**

Posts during the month of April – focus has been on the Great Swamp Plant Sale and the Spotted Lantern Fly. There were also posts not with the Environmental Commission, but Shade Tree posted sapling giveaway.

**ii. GSWA Native Plant Sale**

Volunteers are gathering to organize the orders. They will be picked up and brought to DPW for distribution.

**iii. Reusable Bag Design Challenge**

Launched on Earth Day. Local schools like Mount Prospect and Saint James have expressed interest.

#### **NEW BUSINESS**

- i. RCP Realty Associates LLC.-ZB-21-007-31 Country Lane - Bulk variances and lot not fronting on a public street. Demolish existing house and build new single-family dwelling.**



## ***Bernards Township Environmental Commission***



The Environmental Commission notes that there is currently no tree removal or replacement plan. Link to organic lawn care suggestions. The Environmental Commission notes that the plan proposes additional impervious coverage which brings the coverage is close to the threshold, so the Commission recommends discussing stormwater recharge and test pits as part of the application. The Environmental Commission also notes that there is a proposed well and if there is an existing well it must be abandoned. Dust control measures should be taken during demolition and caution of existing asbestos and lead.

Motion by Debra DeWitt, seconded by Alice Smyk.

All in favor, motion carried.

- ii. Sefchovich - ZB-21-010** - 91 Queen Anne Drive - Pool (SPA) not located behind the rear building line of adjacent dwellings

Nancy Cook recused herself at 7:38 pm. Reviewed application alongside David Schley's April 23, 2021 comments and Environmental Commission agrees with environmental related comments: 5,6,7,8 and 10.

Motion by John Crane , seconded by Debra DeWitt .

All in favor, motion carried.

- iii. Lesnick - ZB-21-011** - 6 Cedar Street - Pool not located behind rear building line of adjacent dwellings.

Nancy Cook returned at 7:49 pm. The Commission would ask the Board to remind the applicants that they are virtually at capacity on lot coverage and that any future additions such as patios, sheds, pools or any other impervious surface coverage items would put them over the limit. The Commission suggests they discuss this with the applicant and perhaps the applicant may want to consider reducing the amount of impervious surface coverage. Reviewed application alongside David Schley's April 23, 2021 comments and Environmental Commission agrees with environmental related comments:4,5,7,8, and 9.

Motion by Alice Smyk, seconded by Nancy Cook.

All in favor, motion carried.

- vi. Naulty - ZB-20-012** - 1 Pin Oak Court - Pool not located behind the rear building line of adjacent dwelling

The Commission would ask the Board to remind the applicants that they are virtually at



## ***Bernards Township Environmental Commission***



capacity on lot coverage and that any future additions such as patios, sheds, pools or any other impervious surface coverage items would put them over the limit. The Commission suggests they discuss this with the applicant and perhaps the applicant may want to consider reducing the amount of impervious surface coverage. Reviewed application alongside David Schley's April 23, 2021 comments and Environmental Commission agrees with environmental related comments:6 7 8 10 11

Motion by Sarah Wolfson, seconded by Debra DeWitt.

All in favor, motion carried.

**vii. Calvert - ZB-21-020 - 19 Fieldstone Drive - 6' high solid fence in front yard (through lot)**

The Environmental Commission recommends that the applicant should comment if they plan on removing and replacing trees due to the new fence location.

Motion by Nancy Cook, seconded by Alice Smyk.

All in favor, motion carried.

### **PUBLIC COMMENT**

Todd Edelstein commented on 6 Cedar Street and asked if it had gone in front of the Board before. John Crane said it was.

### **COMMENTS BY MEMBERS**

Nancy Cook spoke to Colgate Recycling Plant about a tour in East Brunswick. The EC will be visiting June 7<sup>th</sup> as a group. Sarah Wolfson had a conversation with Mike Van Clef from Ecological Solutions. His recommendations for Spotted Lantern Fly control included action against the host tree. Ann spoke about NJEC workshops and Mandatory Harassment Training. There was discussion about rain gardens as they came up during the March meeting. Sarah Ireland, a student pursuing her Silver Award called "Caps for a Cause" – collecting plastic caps to keep them out of landfills. Seeking assistance from the EC, has a collection bin at the YMCA. NJEC social media Canva posts could be used by the Environmental Commission. There was also discussion about resuming in-person meetings.

### **ADJOURNMENT**

Meeting was adjourned at 8:58 pm by Joan Bannan and seconded by Alice Smyk. All in favor, motion carried.

Respectfully submitted,  
Kaitlin Cartoccio, Meeting Secretary



## *Bernards Township Environmental Commission*

**TO:** Zoning Board Chairperson and Members

**FROM:** Ann Parsekian, Chairperson  
Bernards Township Environmental Commission

**DATE:** April 28, 2021

**RE:** Applications review

The Environmental Commission reviewed these applications at their April 26, 2021 meeting and forwards the following comments.

### **Board of Adjustment**

#### **RCP Realty Associates LLC – ZB21-007-31 Country Lane**

The Environmental Commission has reviewed this application and has the following comments:

The EC notes there is no tree survey or removal/replacement information. The EC notes that a 30" tree behind the garage and 12" & 24" trees in front of the house are proposed for removal. The Applicant should discuss the need for the removal of these trees, since they do not appear to be in the way of proposed features.

The EC notes that the plan proposes 992 sf of additional impervious coverage, just 8 sf shy of the 1,000 sf threshold for stormwater recharge requirements. Additional impervious coverage - such as for air conditioning equipment, a generator, a path from the bottom of the deck stairs, or a path instead of stepping stones from the secondary front entrance – would result in over 1,000 sf of impervious coverage and conceivably could be added in connection with occupancy. Therefore, the EC recommends discussion of stormwater recharge and test pits as part of the application.

The EC notes the plan proposes a new well. The EC recommends discussion of proper closure of any existing well.

The Commission recommends dust control measures be required during demolition activity, and that proper precautions be taken regarding investigation for and disposal of in-ground tanks, and protocols be observed for existing asbestos and lead paint.



## *Bernards Township Environmental Commission*

### **Sefchovich – ZB21-010-91 Queen Anne Drive**

The Environmental Commission has reviewed this application and David Schley's comments dated April 23, 2021, and agrees with his environmental-related comments #s 5-8 and 10.

### **Lesnik – ZB21-011- 6 Cedar Street**

The Environmental Commission has reviewed this application and David Schley's comments dated April 23, 2021, and agrees with his environmental-related comments #s 4,5, and 7-9.

In addition, the Environmental Commission asks the Board to remind the applicant that they are virtually at capacity on lot coverage and that any future additions such as patios, sheds or any other impervious coverage items could put them over the limit. The EC suggests they discuss this with the applicant and perhaps the applicant may want to consider reducing the amount of proposed impervious coverage.

### **Naulty – ZB20-012- 1 Pin Oak Court**

The Environmental Commission has reviewed this application and David Schley's comments dated April 23, 2021, and agrees with his environmental-related comments #s 6-8 and 10-11.

In addition, the Environmental Commission asks the Board to remind the applicant that they are virtually at capacity on lot coverage and that any future additions such as patios, sheds or any other impervious coverage items could put them over the limit. The EC suggests they discuss this with the applicant and perhaps the applicant may want to consider reducing the amount of proposed impervious coverage.

### **Calvert – ZB21-020 -19 Fieldstone Drive**

The Environmental Commission has reviewed this application and recommends that the Board discuss with the Applicant whether the new location of the fence will have any impact on existing trees.

Cc: David Schley, Township Planner  
Cyndi Kiefer, Secretary; for distribution to BOA members

# GLADSTONE DESIGN, INC.

*EC Correspondence*

*Consulting Engineers  
Land Surveyors  
Landscape Architects*

265 Main Street, P.O. Box 400  
Gladstone, New Jersey 07934  
Telephone: (908) 234-0309  
Facsimile: (908) 719-3320

Ronald A. Kennedy, P.E.; P.P.; CME; LEED AP  
Kurt T. Hanie, P.L.S.

Robert C. Morris  
Robert C. Moschello, P.E.

April 26, 2021  
1040-01

Ms. Leslie Math  
Secretary- Environmental Commission  
Bernards Township  
Engineering Services Building  
277 South Maple Avenue  
Basking Ridge, NJ 07920

Re: LCB Senior Living  
Block 2301, Lot 31  
Bernards Township, Somerset County, New Jersey



Dear Ms. Math:

This letter is to provide the required public notification of a Treatment Works Approval Permit Application/Sanitary Sewer Extension for the above referenced project. LCB Senior Living proposes to construct a new three-story, approximately 92,185 square foot assisted living and memory care facility consisting of 94 total units and other associated site improvements. The project proposes to remove the existing office building currently being utilized as a house of worship. The Site is located on Block 2301 and Lot 31 in Bernards Township, Somerset County, New Jersey. The Property encompasses a total of 9.61 acres of which approximately 3 acres are to be used for development. The property is located to the north of New Jersey Interstate Highway Route 287 and the intersection of Mount Airy Road and Whitenack Road. The project is proposing to discharge 13,125 gpd by means of a proposed gravity sanitary sewer main into the existing sanitary sewer main located on the site.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

GLADSTONE DESIGN, INC.

A handwritten signature in blue ink, appearing to read "R. Moschello".

Robert C. Moschello, P.E.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 24  
EC meeting

EC

**TOWNSHIP OF BERNARDS  
PLANNING BOARD  
APPLICATION STATUS FORM**

Application No: PB21-003 Block: 2301 Lot: 12.01 Zone: R-4

Applicant: FAIRMOUNT CEMETERY ASSN of NEWARK-SOMERSET HILLS

Address of Property: 95 MT. AIRY ROAD

Description: PRELIM/FINAL SITE PLAN FOR EXPANSION OF EXISTING CREMATORY

**APPLICATION CHECKLIST**

- |                                     |                                    |                                     |                            |
|-------------------------------------|------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | Original + 3 copies of Application | <input checked="" type="checkbox"/> | Contributions Form (H)     |
| <input type="checkbox"/>            | Remaining 17 copies of Application | <input checked="" type="checkbox"/> | Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> | W-9                                | <input checked="" type="checkbox"/> | Architectural Plan         |
| <input checked="" type="checkbox"/> | Site Inspection Form (A)           | <input checked="" type="checkbox"/> | Survey                     |
| <input checked="" type="checkbox"/> | Ownership Form (B)                 | <input type="checkbox"/>            | Wetlands Report/LOI        |
| <input type="checkbox"/>            | Property Owners List (C)           | <input checked="" type="checkbox"/> | Application Fee            |
| <input checked="" type="checkbox"/> | Tax Certification (D)              | <input checked="" type="checkbox"/> | Escrow Deposit             |
| <input type="checkbox"/>            | Public Notice (E)                  | <input checked="" type="checkbox"/> | Imaging Fee                |
| <input checked="" type="checkbox"/> | Outside Agencies Form (F)          | <input type="checkbox"/>            | Tax Map Revision Fee       |
| <input type="checkbox"/>            | Tree Removal Form (G)              | <input checked="" type="checkbox"/> | Checklist                  |

**SCHEDULING**

4.14.21 Original Submission Date 60\*  
 \_\_\_\_\_ Completeness Deadline (45 days)  
 \_\_\_\_\_ Incomplete Date  
 \_\_\_\_\_ Resubmission Date  
 \_\_\_\_\_ Date Complete 60\*  
8.12.21 Time to Act (45/95/120 days)

**HEARING**

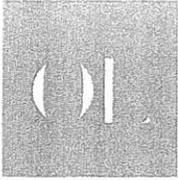
\_\_\_\_\_ Notice to Property Owners  
 \_\_\_\_\_ Date of Publication  
 \_\_\_\_\_ Completeness Hearing  
6.8.21 Public Hearing  
 \_\_\_\_\_ Carried to Date  
 \_\_\_\_\_ Decision - Approved/Denied  
 \_\_\_\_\_ Resolution Memorialized  
 \_\_\_\_\_ Resolution Published

**DISTRIBUTION**

4.14.21 Environmental Commission  
 \_\_\_\_\_ Fire Official  
 \_\_\_\_\_ LCFAS  
 \_\_\_\_\_ Police

**NOTES**

\*COVID



**OSTERMAN LAW**  
— LLC —

181 West High St. A  
Somerville, NJ 08876  
michael@ostermanesq.com E  
908.402.2600 office P  
www.ostermanesq.com W

April 13, 2021

Via Hand Delivery

Ms. Cyndi Kiefer, Secretary  
Bernards Township Planning Board  
277 South Maple Avenue  
Basking Ridge, NJ 07920

Re: Fairmount Cemetery Association of Newark & Somerset Hills  
Block 2301, Lot 12.01, Bernards Township, New Jersey  
Crematory Expansion Project

Dear Ms. Kiefer:

I represent Fairmount Cemetery Association of Newark & Somerset Hills ("Fairmount") in connection with a proposed development project for a building addition allowing an expansion of Fairmount's existing crematory facilities. On behalf of Fairmount, I am pleased to submit to the Bernards Township Planning Board an application for preliminary and final site plan approval for that project. In connection with that application, I hereby enclose four (4) collated application packages, each package containing the following items:

1. Completed 2021 Planning Board Application form;
2. Rider to Application;
3. Site Inspection Consent Form;
4. Statement of Ownership;
5. Tax certification;
6. Other approvals Addendum to Application;
7. Contribution Disclosure Statements;
8. Site plans and survey prepared by Apgar Associates, the site plans consisting of three (3) sheets dated March 26, 2021, and the survey consisting of two (2) sheets dated March 28, 2002;
9. Architectural plans prepared by D. Macartney Wilson, A.I.A. Architects & Associates, P.A., dated March 22, 2021, consisting of three (3) sheets;
10. Project Report and Environmental Impact Assessment, dated March 26, 2021, prepared by Apgar Associates;
11. Wetlands Absence Assessment letter from PK Environmental, dated April 8, 2021;
12. Completed Preliminary Site Plan Checklist;
13. Completed Final Site Plan Checklist; and
14. Title report containing copies of existing easements and restrictions on the subject property.

Ms. Cyndi Kiefer, Secretary

Page 2

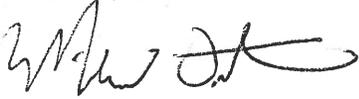
April 13, 2021

In addition to those application packages, I am also enclosing the following items:

1. Completed W-9 form;
2. Calculation of Application Fee and Escrow Deposit;
3. A check payable to "Township of Bernards" in the amount of \$4,253.62, representing the required preliminary and final site plan application fees;
4. A check payable to "Township of Bernards" in the amount of \$5,752.67, representing the required Escrow deposits;
5. A check payable to "Township of Bernards" in the amount of \$150.00, representing the required digital imaging fee; and
6. A copy of the complete application submitted to the Somerset County Planning Board.

If you have any questions regarding this application, please do not hesitate to contact me.

Very truly yours,



Michael Osterman, Esq.

cc: Fairmount Cemetery Association of Newark & Somerset Hills, Att: Mr. Frederick B. Lehlbach,  
President (with enclosures)  
James O. Madsen, P.E. (with enclosures)  
David M. Wilson, A.I.A. (with enclosures)  
John Peel, P.P. (with enclosures)

**TOWNSHIP OF BERNARDS  
2021 PLANNING BOARD APPLICATION**

- |  |   |
|--|---|
| <input type="checkbox"/> Minor Subdivision               | <input checked="" type="checkbox"/> Site Plan - Preliminary |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input checked="" type="checkbox"/> Site Plan - Final       |
| <input type="checkbox"/> Major Subdivision - Final       | <input type="checkbox"/> Informal Review                    |
| <input type="checkbox"/> Conditional Use                 | <input type="checkbox"/> Other (specify): _____             |

**1. APPLICANT:** FAIRMOUNT CEMETERY ASSOCIATION OF NEWARK AND SOMERSET HILLS

**Address:** P.O. Box 36, Basking Ridge, NJ 07920

**Phone:** (home) \_\_\_\_\_ (work) 908-766-0522 (mobile) \_\_\_\_\_

**Email (will be used for official notifications):** Fred@fairmountcemetery.com

**2. OWNER (if different from applicant):** same

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email (will be used for official notifications):** \_\_\_\_\_

**3. ATTORNEY:** Michael Osterman, Esq.

**Address:** Osterman Law LLC, 181 West High Street, Somerville, NJ 08876

**Phone:** 908-402-2600 **Email (will be used for official notifications):** michael@ostermanesq.com

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

**Name:** James O. Madsen, P.E. C/O Apgar Associates **Profession:** Engineer

**Address:** 13 De Mun Place, P.O. Box 310, Far Hills, NJ 07931

**Phone:** 908-234-0416 **Email (will be used for official notifications):** jmadsen@apgarassocaites.com

**5. PROPERTY INFORMATION: Block(s):** 2301 **Lot(s):** 12.01 **Zone:** R-4

**Street Address:** 95 Mt. Airy Road **Total Area (square feet/acres):** 68.038 acres  
Also Block 101, Lot 6.01 in Bernardsville Borough

**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) Several approvals pertaining to the mausoleum building, and the maintenance building

**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) Numerous easements and agreements

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

**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):**  
None

**11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:** \_\_\_\_\_  
Arguments and evidence in support of the application will be presented at the public hearing on this application.

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

**APPLICANT(S) SIGN HERE:**

Gina Walker, General Manager of Somerset Hills Memorial Park and Assistant Secretary of Applicant

I/we, \_\_\_\_\_ 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): Gina Walker and \_\_\_\_\_

Sworn and subscribed before me, this 12<sup>th</sup> day of April, 2024

Michael Osterman  
Notary Michael Osterman  
Attorney at Law, 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

**FAIRMOUNT CEMETERY ASSOCIATION OF NEWARK AND SOMERSET HILLS  
RIDER TO BERNARDS TOWNSHIP DEVELOPMENT APPLICATION**

I. Project Architect:

David Wilson, A.I.A.  
D. McCartney Wilson, A.I.A. Architects & Associates, P.A.  
PMB 609, 3438 East Lake Rd.  
Palm Harbor, FL 34685  
727-785-7257  
[davidmwilson@frontier.com](mailto:davidmwilson@frontier.com)

II. Project Description:

Fairmount Cemetery Association of Newark and Somerset Hills (“Fairmount”) is the owner of certain property located in the Township of Bernards and in the Borough of Bernardsville, Somerset County, New Jersey which property is identified as Block 2301, Lot 12.01 on the official tax maps of the Township of Bernards, and as Block 101, Lot 6.01, on the official tax maps of the Borough of Bernardsville (collectively, the “Property”). The Property is known as Somerset Hills Memorial Park.

Fairmount is proposing a 1,724 sq. ft. addition to the main building on the Property in order to allow an expansion of the existing crematory which is located in that building. Fairmount is seeking preliminary and final site plan approval to allow construction of that building addition and related site improvements. No variances are required for this project.

Presently, the crematory at Somerset Hills Memorial Park includes four crematory units, but the demand for cremation has been steadily increasing over time, and in order to meet that demand, Fairmount is proposing to expand the existing crematory at Somerset Hills Memorial Park so as to initially increase the number of crematory units to five, with space to add a sixth unit in the future.

III. Project Need:

The clear and unmistakable trend in New Jersey and throughout the United States significantly favors cremation over interment and entombment. A year ago, the Cremation Association of North America (“CANA”) issued its annual report for 2020 of cremation statistics including final data for 2018, preliminary data for 2019, and projections for 2024 (all rates given are for cremations as a percentage of all final dispositions):

1. For the United States as a whole, the 2018 cremation rate was 53.1%, up from 51.7% in 2017 and 47.0% in 2014 (the rate first exceeded 50% in 2016). The 2019 preliminary rate is 54.6% and the projected 2024 rate is 60.7%.
2. For New Jersey, the 2018 cremation rate was 46.9%, up from 45.9% in 2017 and 41.2% in 2014. The 2019 preliminary rate is 48.6% and the projected 2024 rate is 54.4%.

Thus, for the third consecutive year, the cremation rate for the United States exceeded 50% and the growth is expected to continue into 2024 when it will exceed 60%. Likewise, the cremation rate in New Jersey is projected to exceed 50% in 2021 and continue rising into 2024 (to 54.4%), marking more than a decade of unbridled growth (from 36.6% in 2011 to 54.4% in 2024).

CANA is on record as saying that next annual statistical report (to be released prior to May 1) will show an accelerated trend favoring cremation due to the effects of the COVID-19 pandemic. As noted by CANA in the 2020 report: "As of the date of publication, COVID-19 deaths continue to increase . . . . There are anecdotal indications that the total number and rate of cremations will increase beyond projections in the year 2020. The projections for 2024 in this report do not account for COVID-19 deaths."

The pandemic is not the only cause of the upward trend favoring cremation. Another major factor is the demographic fact that the first of the "baby boom generation" (born 1946-1964) is just now reaching the age of 75, which will dramatically increase the number of deaths going forward. The United States Census Bureau has written extensively on this subject.

The crematory at Somerset Hills Memorial Park is essential to the public health and welfare of the residents of Somerset County and its environs. There are only 25 crematories in the entire State. The crematory at Somerset Hills Memorial Park is the only one in Somerset County. There is only one crematory in Morris County, located in Dover. There are no crematories in Hunterdon, Warren, or Sussex Counties.

Therefore, because of the undeniable trend favoring cremation, it is of prime importance that the crematory at Somerset Hills Memorial Park be kept as up-to-date as possible both as to technology, equipment, and overall facilities. It is for this reason that Fairmount makes this application.

#### IV. Submission Waivers:

A submission waiver is sought with respect to the requirement for a wetlands delineation verified by a letter of interpretation ("LOI") from the NJDEP. Fairmount obtained a wetland delineation and an LOI for the Property in connection with a prior Bernards Township development application, and as a condition of approval of that application, Fairmount conveyed a conservation easement to Bernards Township for the wetlands and wetlands transition areas, and monuments were installed to delineate the boundaries of the conservation easement area. In connection with this application, Fairmount's qualified wetlands consultant has inspected the Property and has issued a letter confirming no NJDEP-regulated wetlands or State Open Waters were observed within 150 feet of the proposed crematory expansion improvements.

**TOWNSHIP OF BERNARDS  
PLANNING BOARD / BOARD OF ADJUSTMENT**

**SITE INSPECTION CONSENT FORM**

**Applicant:** Fairmount Cemetery Association of Newark and Somerset Hills  
Prelim and Final Site Plan

**Block:** 2301 **Lot:** 12.01

**Street Address:** 95 Mt. Airy Road

Fairmount Cemetery Assn. of Newark and Somerset Hills

I, \_\_\_\_\_, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

**Signature:**  **Date:** 4-12-2021  
Gina Walker, Assistant Secretary  
Fairmount Cemetery Association of Newark and Somerset Hills

SUBMIT 21 COPIES TOTAL

**STATEMENT OF OWNERSHIP**

**Corporate or Partnership  
Name of Applicant** \_\_\_\_\_

Fairmount Cemetery Association of Newark and Somerset Hills

**Address** PO Box 36, Basking Ridge, NJ 07920  
\_\_\_\_\_  
\_\_\_\_\_

The following is a list of all shareholders and/or partners owning beneficially or having registered in their names not less than ten percent (10%) of the stock of the corporation or interest in a partnership involved in an application hereinabove referred to:

**Name** None \_\_\_\_\_

**Name** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Name** \_\_\_\_\_

**Name** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Name** \_\_\_\_\_

**Name** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Name** \_\_\_\_\_

**Name** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

I hereby certify under penalty of perjury that the foregoing is true:

**Signature:** 

**Date:** 4-12-2021

Gina Walker, Assistant Secretary  
Fairmount Cemetery Association of Newark and Somerset Hills

SUBMIT ORIGINAL + 2 COPIES

FORM D

FORM TO BE SENT TO TAX COLLECTOR, ONE COLLYER LANE,  
BASKING RIDGE, NEW JERSEY, 07920 (908) 204-3078  
FOR CERTIFICATION OF CURRENT PROPERTY TAX PAYMENTS. CERTIFICATION WILL  
BE MAILED TO YOU WHEN IT IS COMPLETED.  
DO NOT SUBMIT APPLICATION WITHOUT PROOF OF TAXES PAID.

**CERTIFICATION OF CURRENT PROPERTY TAX PAYMENTS**

BLOCK 2301 LOT 12.01

PROPERTY LOCATION: 95 Mt. Airy Road

ASSESSED TO: Fairmount Cemetery Assn. of Newark and Somerset Hills

ADDRESS: P.O. Box 36, Basking Ridge, NJ 07920

REQUESTED BY: Michael Osterman

PHONE NUMBER: (908) 528-6556

MAIL CERTIFICATION TO: michael@ostermanesq.com

Michael Osterman, Esq., Osterman Law LLC, 181 West High Street, Somerville, NJ 08876

I CERTIFY THAT THE PROPERTY TAXES ARE CURRENT, PAID THROUGH  
property is exempt from taxes.

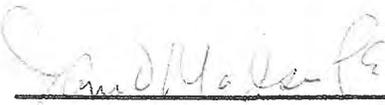
  
\_\_\_\_\_  
PEGGY WARREN,  
TAX COLLECTOR

**ADDENDUM TO THE BERNARDS TOWNSHIP  
PLANNING BOARD APPLICATION**

**APPROVALS REQUIRED BY LOCAL, COUNTY,  
STATE AND OTHER AGENCIES**

PERMITS	APPLICABLE	N/A	PENDING	RECEIVED
Somerset County Planning Bd.***	X		X	
Somerset County Road Opening Permit		X		
Bernards Sewerage Authority		X		
NJDEP:				
a) Stream encroachment		X		
b) Filing Floodplain		X		
c) Other		X		
Army Corp of Engineers:				
a) Section 404		X		
b) Other		X		
NJDOT:				
a) Road opening permit		X		
b) Drainage permit				

**\*\*\* All applications for subdivision or site plan, whether Preliminary, Final, Minor or Major, must be submitted to Somerset County Planning Board by the applicant and proof of submittal must be received by Bernards Township prior to the scheduling of the application for the first hearing before the Bernards Township Planning Board.**

  
 \_\_\_\_\_                      36637                      4/8/21  
**Applicant's Engineer**                      **PE Number**                      **Date**

**TOWNSHIP OF BERNARDS  
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

**CONTRIBUTION DISCLOSURE STATEMENT**

**Contribution Disclosure Statement Required.** Pursuant to Bernards Township Ordinance Section 21-7A (Ordinance #1745, adopted October 26, 2004), Contribution Disclosure Statements are required for certain types of development applications that include a request for a variance or other relief. When required, a Contribution Disclosure Statement must be submitted by all applicants and property owners, as well as all professionals who apply for or provide testimony, plans or reports in support of the application. See Section 21-7A for details.

Fairmount Cemetery Association of Newark and Somerset Hills

Applicant: \_\_\_\_\_ Application: Site Plan

Pursuant to Bernards Township Ordinance Section 21-7A, I hereby certify that I, or the firm or entity with which I am associated, made the following contributions to or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Township of Bernards, within one year prior to the filing of the above application.

I made no contributions.

I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature: *Gina Walker* Date: 4-8-21  
 Name: Gina Walker  
 Title: General Manager  
 Firm: Fairmount Cemetery Association  
 Address: PO Box 36  
95 Mt. Airy Rd  
Basking Ridge, NJ 07920

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PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

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Fairmount Cemetery Association of Newark and Somerset Hills

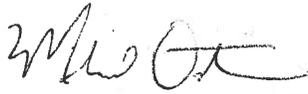
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Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature:  Date: 4-8-21  
 Name: Michael Osterman  
 Title: Applicant's Attorney  
 Firm: Osterman Law LLC  
 Address: 181 West High St.  
Somerville, NJ 08876

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PLANNING BOARD/ZONING BOARD OF ADJUSTMENT

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I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature: John Peel  
 Name: John Peel  
 Title: President  
 Firm: PK ENVIRONMENTAL  
 Address: 205 Main Street  
Chatham, NJ 07928

Date: 4/8/2021

**TOWNSHIP OF BERNARDS  
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

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Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature:  
Name:  
Title:  
Firm:  
Address:

*James B. Madsen*  
JAMES B. MADSEN  
PROJECT ENGINEER  
APCAR ASSOCIATES  
13 DEMUN PLACE  
FAR HILLS NJ  
07931

Date: 4-8-21

**TOWNSHIP OF BERNARDS  
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

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Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature: \_\_\_\_\_

*David Wilson* Date: 4/8/21  
DAVID WILSON

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

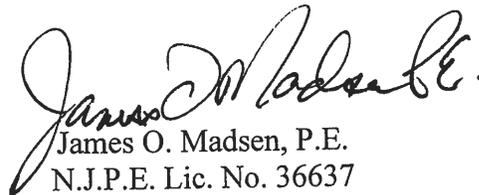
PRESIDENT  
D. MACARTNEY WILSON AIA ARCHITECT & ASSOC. PA  
PHB 609 3432 EAST LAKESHORE  
PALE HORSE, FL 34685

**Project Report  
And  
Environmental Impact Assessment**

**Somerset Hills Memorial Park  
Block 2301 Lot 12.01  
Bernards Township, Somerset County  
New Jersey**

March 26, 2021

Prepared By:  
Apgar Associates  
Engineers, Land Surveyors and Planners  
13 DeMun Place, P.O Box 310  
Far Hills, NJ 07931

  
James O. Madsen, P.E.  
N.J.P.E. Lic. No. 36637

# SOMERSET HILLS MEMORIAL PARK

## PROJECT REPORT AND ENVIRONMENTAL IMPACT ASSESSMENT

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# SOMERSET HILLS MEMORIAL PARK

## Project Report and Environmental Impact Assessment

### Project Description and Statistics

The subject application is for the expansion of the existing crematory at Somerset Hills Memorial Park. The existing crematory presently contains three cremators. Under the present application two (2) of the existing cremators will be removed and replaced with three (3) new more efficient cremators. The new addition will be approximately 35' x 49' and contain 1724 sf. The Somerset Hills Memorial Park is shown as Lot 12.01 of Block 2301 on the Township of Bernards Tax Map. The total property amounts to 68.038 acres and approximately 0.057 acres will be disturbed by the proposed project. The existing floor area of the site is 45,929 square feet; the crematory expansion will add 1724 square feet of new floor area for a total of 47,653 square feet. The new crematory addition will not increase the overall lot coverage as the new addition will be constructed on an area that is currently paved. The lot coverage will remain at 8.52%.

### Land Classification Report

The proposed project does not include the disturbance of any floodway, flood plains, wetlands, or wetland transition areas: Documentation from a Wetlands Consultant regarding the location of wetlands and transition areas on the property was performed as part of the previous mausoleum expansion, approved in 2002. Additionally, a Wetland Conservation Easement was established at that time, as well as a Stream Buffer Conservation Easement. The easements depicted on the site plan drawings, Sheet 1, encompass the wetlands, wetland buffer and required stream buffer and were approved by the Township in 2002.

The proposed expansion is to be located adjacent to the existing crematory in an area of the site that meets the definition of unrestricted lands (less than 15% slope).

### Natural Features Report

The proposed area of disturbance is surrounded on the south and west by the existing mausoleum and driveway to the north and driveway to the east. The total amount of area to be disturbed for the construction is approximately 0.057 acres or 0.08 % of the site.

The design of the new crematory addition considered existing limitations of the site. The location of burial plots, existing roadways, existing utilities, and steep slopes around the existing facility limited the new addition to being at the site of the existing facility.

The disturbance of soil is an unavoidable impact. The primary impact associated with soil disturbance is increased rates of erosion during construction. The impact of this erosion will be mitigated by limiting the overall amount of disturbance and using filter fabric fencing to prevent sediment from migrating away from the project area. Additionally, the proposed area of disturbance is located a significant distance from any receiving stream. Water flowing from the site will flow through long wooded areas that serve to further reduce pollutants in the stormwater.

### Land Coverage and Drainage Report

The proposed addition will include the construction of 1,724 square feet of roof area. The proposed addition will be constructed in an area currently covered by pavement. As such, there will be no increase in stormwater runoff from the site. Runoff from the new addition will continue to discharge to the same location as runoff from the paved area currently does. Additionally, the change of pavement to roof area will reduce the amount of pollutants in the stormwater discharge from the site.

### Erosion and Sedimentation Control Report

Appendix A of this report contains calculations of estimated soil loss from the proposed area of disturbance in an unimproved state and during construction. These calculations are provided in accordance with the requirements of Section 21-54.6(f) of the code.

Control of soil erosion during construction will be accomplished through the use of filter fabric fencing and filters constructed around stormwater management features. Areas disturbed during initial clearing that are not subject to construction traffic for more than 30 days will be temporarily stabilized with seed and mulch.

### Sewer and Water Report

The proposed expansion does not include the construction of any new sewer or waterlines. Existing lines that conflict with the construction of the addition will be re-routed. As such, it is not anticipated that there will be any significant change in the present sewage generation or water usage rates.

### Circulation and Traffic Report

The proposed addition will not require the relocation of any driveways. Present on-site parking will remain the same for the proposed crematory expansion.

### Utilities Report

Utilities required (other than sewer and water) are gas and electric to heat and light the new addition. These loads are not significant and are not anticipated to exceed the current capabilities of the present utility distribution systems. Both the electric and gas companies will be contacted prior to the submittal of a building permit application to verify that they will be able to provide suitable supplies to the site.

### Development Schedule Plan

The applicant anticipates that the proposed construction will be completed within twelve months of Planning Board and Construction Permit Application approval.

### Variance, Exceptions, and Modifications

No variances, exceptions and modifications are required.

## Other Required Approval, Permits, and Licenses

Required approvals would include the Somerset County Planning Board, the Bernards Township Planning Board, and the Bernards Township Building Department.

## Assessment of Environmental Impact

### *Water Use Depletion*

There will be no depletion of water as the expansion will occur over existing impervious areas.

### *Quality and Quantity of Surface and Ground Water*

Impacts to groundwater quality are anticipated to improve with the change from pavement to roof area at the addition site. No change is anticipated in the quantity of surface runoff.

Minor impacts to surface water quality may occur during the construction phase of the proposed project. It is anticipated that the filtering action provided by filter fabric fencing, and existing vegetated buffer strips will mitigate these impacts.

### *Air Quality*

The only impacts to air quality expected from the proposed project would be temporary impacts during construction and long-term impacts resulting from the proposed heating system. Temporary impacts would be mitigated with dust control measures as specified on the project plans. Long-term impacts resulting from the proposed heating system would be expected to be minor and far less than if the property were fully developed in accordance with the existing residential zoning.

### *Traffic*

Significant traffic impacts are not anticipated from the project. Present onsite parking is more than adequate for the existing and proposed expansion.

### *Aquatic and Terrestrial Wildlife*

The project will not impact aquatic and wildlife as the expansion will occur in an area that is currently paved.

### *Loss of Open Space*

The project does not result in a loss of open space as the addition is to be constructed over existing paved areas.

## Unavoidable Environmental Impacts

### *Air and Water Pollution*

Minor impacts to air and water quality could occur during construction. Such impacts would be mitigated through documented dust control procedures and soil erosion/sediment control procedures, respectively.

### *Damage to Plants, Trees, or Wildlife Systems*

Damage to such systems is not anticipated.

*Displacement of Existing Farms*

No displacement of farms would result from the proposed project.

*Increase in Sedimentation and Siltation*

Increases in sedimentation and siltation resulting from the proposed project would be mitigated through the construction of filtration features.

Steps to Minimize Environmental Damage

Filter fabric fencing and vegetated buffer areas will mitigate sedimentation that occurs during construction. Furthermore, the site design is proposed to be completed in a compact manner to limit the overall amount of disturbance.

Alternatives

The only alternative that would avoid all of the adverse environmental impacts would be not to construct the proposed project. This is not considered acceptable due to the fact that should the project not be constructed, the applicant would not be able to meet the demand for cremation services. Such a discontinuance of service would have a negative impact to the community.

APPENDIX A  
Soil Loss Calculations

**APGAR ASSOCIATES**

Engineers, Land Surveyors & Planners  
13 DeMun Place P.O. Box 310  
FAR HILLS, NEW JERSEY 07931  
Telephone (908) 234-0416  
Telefax (908) 234-0186

JOB SOMERSET HILLS MEMORIAL PARK

SHEET NO. 1 OF 1

CALCULATED BY JOM DATE 3-26-21

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

CALCULATION OF ESTIMATED SOIL LOSS  
SOMERSET HILLS MEMORIAL PARK  
PROPOSED CREMATORY EXPANSION  
LOT 12.01 BLOCK 2301  
TOWNSHIP OF BERNARDS  
SOMERSET COUNTY, NEW JERSEY

CALCULATION OF SOIL LOSS

DURING CONSTRUCTION

THE NEW JERSEY STANDARDS FOR SOIL EROSION &  
SEDIMENT CONTROL (SSESC) STATES THAT CONSTRUCTION  
AREAS ARE SUBJECT TO 50 TONS/ACRE/YEAR OF EROSION  
(Pg 26-4)

SIZE OF PROPOSED AREA OF DISTURBANCE = 0.057 AC

SOIL EROSION DURING CONSTRUCTION =

$0.057 \text{ ACRES} (50 \text{ TONS/ACRE/YEAR}) = 2.85 \text{ TONS/YEAR}$

**PK ENVIRONMENTAL**  
*Planning & Engineering*  
PO Box 1066, 205 Main Street  
Chatham, New Jersey 07928

*Sandra E. Kehrley, PE, CFM*  
*John Peel, PP*

*tel (973) 635-4011*  
*fax (973) 635-4023*

April 8, 2021

Michael Osterman, Esq.  
P.O. Box 262  
Pottersville, NJ 07979

Re: Wetlands Absence Assessment / Crematory Expansion Project  
Block 2301 Lot 12.01 (Somerset Hills Memorial Park)  
Township of Bernards, Somerset County, NJ

Dear Michael,

PK ENVIRONMENTAL (PK) conducted a March 20, 2021, on-site inspection to observe the existing property conditions, to determine if the proposed Somerset Hills Memorial Park "Crematory Expansion" site improvements are in compliance with NJDEP's freshwater wetlands and flood hazard area regulations. As depicted on the Apgar Associates "Lot Grading, Soil Erosion and Sediment Control Plan, Crematory Expansion", dated March 26, 2021, the proposed improvements will be situated within a previously disturbed and developed area.

There is an elevated vacant wooded upland area immediately to the north of the project area, and on-site hand auger soil borings were completed in these adjacent woodlands with no evidence of mottled or hydric (wetland) soils, or any visible surface wetland hydrology. Present vegetation in the woodland area includes mesic upland hardwood and evergreen overstory trees including Norway spruce, eastern red cedar, tuliptree (poplar), white oak and red oak.

In conclusion, we did not observe NJDEP regulated wetlands or State Open Waters (SOW) within 150-feet of the proposed Somerset Hills Memorial Park "Crematory Expansion" improvements. If you have any additional questions regarding the information in this letter, please contact us at any time.

Sincerely,

**PK ENVIRONMENTAL**



John Peel, P.P.

cc: Bernards Township  
James Madsen, PE (Apgar Associates)

## QUALIFICATIONS

### **JOHN PEEL, P.P.**

#### **Professional Planner/Environmental Scientist**

##### **Education:**

- B.A. Environmental Sciences/Geology and English, **Fairleigh Dickinson University, Madison, NJ**
- Master of City and Regional Planning (MCRP) with Environmental Policy & Planning concentration, **Rutgers University, New Brunswick, NJ**
- Cook College Office of Continuing Professional Education (**Rutgers**) including numerous courses in Wetlands Management, Environmental Management, Site Remediation, Threatened/Endangered Species & Habitat Analyses, Stormwater Management, Hydrogeology, and Ecology.

##### **Professional Registration and Societies:**

- Society of Wetland Scientists, 1986
- Licensed Professional Planner (PP) #5211
- Member, American Planning Association (APA & NJAPA) & Member (Urban Ecology)

##### **Experience:**

Thirty-five (35) years of project design and technical experience in land use planning, regulatory compliance, environmental science and site evaluation, and wetlands analyses and management. A licensed Professional Planner with expertise in environmental land use consulting associated with NJDEP permitting analyses and approvals (Freshwater Wetlands, Flood Hazard Areas, Waterfront Development, Highlands, CAFRA, Enforcement), functional value analyses (SWRPA/Wetlands), Phase 1 Environmental Site Assessment and NJDEP Preliminary Assessments, Phase 2 Site Investigations / Site Remediation, riparian corridor analyses (RCA), environmental impact statements (EIS), habitat identification, and comprehensive wetlands analyses including delineation, restoration and mitigation/monitoring projects for NJDEP permitting.

### **SANDRA E. KEHRLEY, P.E.**

#### **Professional Engineer/Hydrologist**

##### **Education**

- A.S. in Engineering Science from **SUNY @ Morrisville, New York**
- B.S. in Forest Engineering, a dual forestry and civil engineering program, from **SUNY-Environmental Science & Forestry @ Syracuse University**.
- Cook College Office of Continuing Professional Education (Rutgers) including numerous courses in stormwater management, flood hazard area, wetlands, geology and hydrogeology, NPS pollution, environmental site assessments, underground storage tanks, and ecology.

##### **Professional Registrations and Memberships**

- Professional Engineer, NJ PE License #38560
- Member, National Society of Professional Engineers
- NJDEP Underground Storage Tank (UST) License #18790
- OSHA-HazWOpER certification

##### **Experience**

Thirty (30) years of professional experience in environmental engineering and site evaluation, including preparation of Phase 1 ESA and NJDEP Preliminary Assessments (PA), Phase 2 and Phase 3 site investigation and remedial activities, hydrologic and hydraulic stream studies, modelling and delineation of flood hazard areas (HEC-RAS), quantifying the effects of development on stormwater quantity and quality, environmental impact statements (EIS), indices for determining suitability for wildlife habitat, comprehensive wetlands analyses including delineation, restoration, evaluation, and preparation of NJDEP Wetlands, Flood Hazard Area, CAFRA, and Waterfront Development Permit applications.

**APPENDIX B, ARTICLE III**

**Checklist**

**Application for Preliminary Approval of a Major Subdivision or Site Plan (See Article VII for Details)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist(s). If the application involves a wireless telecommunications tower and/or antennas, all items listed on the Wireless Telecommunications Facilities Checklist must be also be submitted.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	Title block indicating:	X		
	a. Name of development and street location.	X		
	b. Name and address of applicant, owner and authorized agent, if any.	X		
	c. Name and address of professional(s) preparing plans including signature, date, license number and seal.	X		
	d. Tax map block and lot numbers.	X		
	e. Date of plan preparation and revision box with date of each revision.	X		
	f. Development application number.	X		
	g. Written and graphic scale.	X		
6	Signature of applicant and, if applicant is not owner, signed consent of the owner.	X		
7	Name and address of the attorney representing parties, if any, and the name of each client represented.	X		
8	Signature blocks as required by the Map Filing Law.		X	
9	<del>North arrow giving reference meridian.</del>	<del>X</del>		
10	Copies of any protective covenants or deed restrictions applying to the subject property, including a statement as to whether such covenants or deeds are of record. A copy or abstract of the deed or deeds or other instruments by which title is derived with the names of all owners must also be provided.	X		
11	A key map showing the entire tract and its relation to the surrounding areas, including all roads, zone boundaries and municipal boundaries within one-half (1/2) mile of the subject property at a scale of one (1) inch equals not more than two thousand (2,000) feet.	X		
12	A zoning schedule indicating the zone(s) within which the property is located and required, existing & proposed conditions relative to lot area, width, frontage, yard setbacks, lot coverage, height, floor area, floor area ratio, density, open space, parking, loading, signs, etc.	X		
13	A list of required and obtained regulatory approvals and permits.	X		
14	A list of requested variances and exceptions.		X	
15	The location and dimensions of existing & proposed property lines, existing streets, streets shown on the Township's official map or master plan, structures (indicating the use of each structure and whether existing structures will remain or be removed), building setbacks, rights-of-way, easements, parking & loading areas, driveways, railroads, bridges, culverts, drain pipes, gas transmission lines, overhead utilities, historic sites/structures, wooded areas, watercourses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of the subject property.	X		
16	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to § 21-14.1.a.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
17	Plans & profiles of proposed utility layouts, including water supply, sewage disposal, stormwater drainage, gas, telephone and electricity, showing feasible connections to existing or proposed systems. Plans for individual on-site water supply and/or sewage disposal systems shall be accompanied by the necessary local, county and/or state agency approvals. If service will be provided by an existing utility company, a letter from that company stating that service will be available before occupancy is required.		X	
18	The locations of percolation tests on each existing/proposed lot and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if sewage disposal is to be handled by individual septic system(s). For each lot, the applicant shall submit test locations and written approvals from the Health Department for both a primary and secondary septic disposal field. The applicant must show on the development plan the locations and dimensions of both septic disposal fields.		X	
19	All means of vehicular and pedestrian access to the site from public streets, including locations and dimensions of driveways and curbcuts and any traffic signs, signals, channelization, acceleration and deceleration lanes or other traffic control devices.	X		
20	Site identification sign and street sign locations and details.	X		
21	Existing & proposed topographic contour intervals based on U.S.C. & G.S. datum on and within 200' of the subject property as follows: - up to 3% grade = 1' intervals                      - over 3% grade = 2' intervals	X		
22	A steep slope map in accordance with § 21-14.2.b, if the property contains any existing slopes of 15% or greater.	X		
23	Spot and finished elevations at all property corners.	X		
24	A landscaping plan showing shade trees, screening, buffering, existing vegetation and limits of clearing, a planting schedule, details of plantings, landscape treatments and other amenities, etc. (see § 21-54.4 for detailed requirements).		X	
25	A tree identification plan and an application for tree removal permit including the following (see § 21-45.3 for detailed requirements):		X	
	a. Location of existing tree canopy and labeling of the canopy areas to be removed and to be preserved.		X	
	b. Location of individual trees with a DBH equal to or greater than six inches identified by size and species within the limit of disturbance and 30 feet beyond the limit of disturbance, labeled to be removed or to be preserved.		X	
	c. Location of individual trees with a DBH equal to or greater than ten inches identified by size and species within the property boundaries, labeled to be removed or to be preserved.		X	
	d. Tree protection details.		X	
	e. A list of all trees to be removed and, if replacement trees are required, a schedule in accordance with the table in § 21-45.1 indicating the number of replacement trees required and the number of replacement trees proposed.		X	
26	A lighting plan in accordance with Section 21-41, including the location, type, height, graphic details and specifications of all existing & proposed lighting. The plan shall show the proposed illumination in footcandle values throughout the site and shall identify the average maintained horizontal illumination in vehicular areas and in sidewalk areas.	X		
27	A soil erosion and sediment control plan, if required pursuant to Section 21-27.	X		
28	A solid waste management plan and a recycling plan, including locations and details of outdoor refuse and recycling storage areas and means of screening, in accordance with Sections 21-40 and 21-40A.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
29	Plans and profiles of proposed driveways.		X	
30	Plans, typical cross-sections, centerline profiles, tentative grades, curb radii and details of all streets on the site or off the site which are proposed to be improved, including curbing, sidewalks and drainage structures.		X	
31	Construction details in accordance with Township standards.	X		
32	Existing & proposed easements or land reserved for or dedicated to public use, utility use or for the common use of property owners in the development, including a statement of the limits and purpose of the easement rights or dedicated land.	X		
33	Existing & proposed sight triangles.		X	
34	Development staging plans.	X		
35	Existing & proposed block and lot numbers.	X		
36	The area in square feet and to the nearest tenth of an acre of all existing and proposed lots.	X		
37	A sketch of the proposed or possible layout or disposition of remaining lands, if any.		X	
38	General soil information including soil logs.		X	
39	Source and date of the current property survey and a copy of the survey showing all existing tract boundary or lot lines with lengths of courses to hundredths of a foot and bearings to half minutes, the error of closure not to exceed one (1) to ten thousand (10,000). The tract boundary or lot lines shall be clearly delineated. All bearings shall be in the New Jersey Plane Coordinate System, with coordinates shown on at least three (3) corners.	X		
40	Appropriate certification blocks as required by the Map Filing Law		X	
41	Monumentation as specified by the Map Filing Law.		X	
42	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way and centerline curves on streets.		X	
43	Plans and computations for any storm drainage systems, including locations, details and specifications of all storm sewer lines, catch basins, inlets, manholes, culverts, headwalls, dry wells, ground water recharge basins, detention basins, etc. and existing and proposed drainage area maps.		X	
44	When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, intermittent stream, swale or drainageway, evidence of approval or of the request for approval, required modifications or lack of jurisdiction over the improvement by the New Jersey Department of Environmental Protection shall accompany the application (see § 21-54.4 for additional required details).		X	
45	When ditches, streams or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown.		X	
46	For a site plan, preliminary elevations and plans of all buildings and structures, showing windows, doors, architectural treatment, roof treatment, roof appurtenances and screening, floor elevations and proposed methods of energy conservation and the locations, dimension and legend(s) of all proposed signs. For a subdivision, the approximate basement and first floor elevation for each house.	X		
47	A list of names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.		X	

No.	Item	Submitted	Not Applicable	Waiver Requested
48	A Project Report, which may be submitted separately or as part of the Environmental Impact Assessment, including the following (see § 21-54.6 for details). Where individual maps or exhibits are submitted separately to satisfy other checklist requirements, they may be referenced in the Project Report.	X		
	a. Project Description and Statistics Report.	X		
	b. Land Classification Map and Report.	X		
	c. Natural Features Report.	X		
	d. Open Space Plan and Report.		X	
	e. Land Coverage and Drainage Plan and Report.	X		
	f. Soil Erosion and Sedimentation Control Plan and Report.	X		
	g. Sewer and Water Plan and Report.	X		
	h. Circulation Plan and Traffic Report.	X		
	i. Utilities Plan and Report.	X		
	j. Development Schedule Plan.	X		
	k. Variances and Exceptions Report.		X	
	l. Easements and Covenants Report.	X		
49	An Environmental Impact Assessment, including the following (see § 21-54.6.m for details).	X		
	a. Plan and description of the development plan.	X		
	b. Inventory of existing natural resources.	X		
	c. Assessment of environmental impacts.	X		
	d. Unavoidable adverse environmental impacts.	X		
	e. Steps to minimize environmental damage.	X		
	f. Alternatives.	X		
	g. Details and matters to be evaluated:			
	(1) Sewerage facilities.	X		
	(2) Water supply.	X		
	(3) Storm water.	X		
	(4) Stream encroachments.		X	
	(5) Floodplains.		X	
	(6) Solid waste disposal.		X	
	(7) Air pollution.	X		
	(8) Traffic.	X		
	(9) Social/economic factors.		X	
	(10) Aesthetics.	X		
	(11) Licenses, permits, etc.	X		
	(12) A copy of the development plan and application form.	X		
50	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.	X		
51	Contribution Disclosure Statement, if required pursuant to Section 21-7A.	X		
52	A plan showing all the details required in the procedures of Table 401-A, entitled Maximum Permitted Lot Yield & Minimum Improvable Lot Area Standards, Residential Development, R-1 Through R-7 Zones.		X	
53	For each proposed dwelling, cross sections shall be provided from the center of the road to the rear of the house in existing and proposed conditions; cross sections shall be provided perpendicular to the road through the center of the dwelling to a point 50' to the rear of the dwelling; the cross section shall be provided at a scale of 1" = 10' horizontal and 1" = 10' vertical.		X	
54	A fire service plan, showing on a separate plan sheet(s) information relating to fire safety and emergency response, including: existing and proposed water lines, fire department connections, hydrants and cisterns; widths and turning radii of streets, driveways, parking aisles, emergency access roads and fire lanes; public building entrances; parking spaces; and stormwater drainage basins.	X		

**APPENDIX C, ARTICLE III**

**Checklist**

**Application for Final Approval of a Major Subdivision or Site Plan**

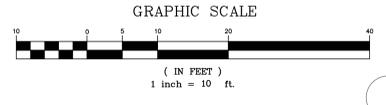
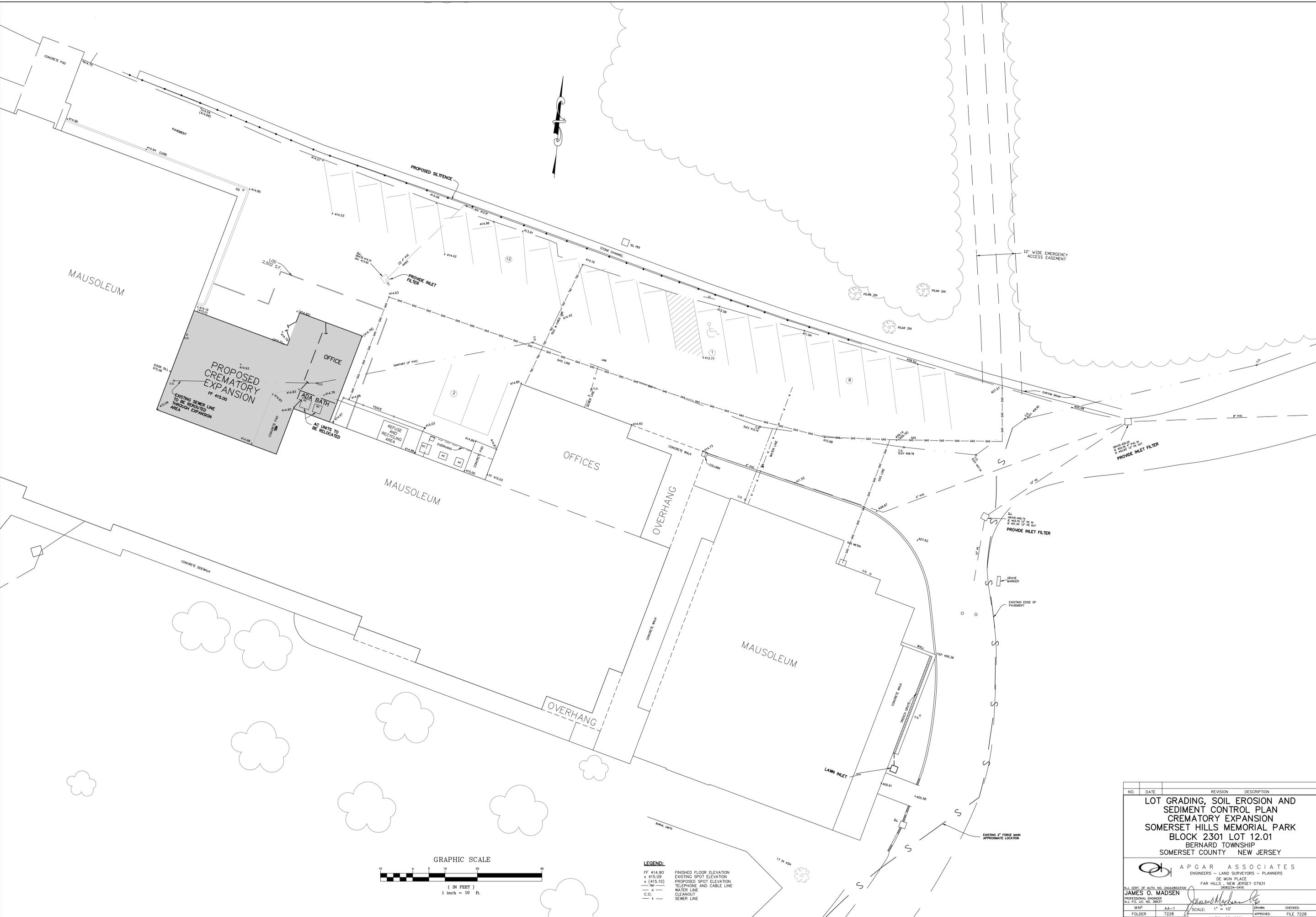
**(See Article VII for Details)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	All items required for preliminary approval as set forth in § 21-54.4, unless previously waived by the Board.	X		
2	All additional items required by the Board as a condition of preliminary approval.	X		
3	A certificate from the tax collector indicating that taxes are paid.		X	
4	All required application and escrow deposit fees.	X		
5	Final detailed architectural renderings of each building and sign, including front, side and rear elevations.	X		
6	Final cross-sections, profiles and established grades of all streets, aisles, lanes and driveways and construction documents for all public improvements.		X	
7	Final plans and profiles of all storm sewers.		X	
8	Final plans and profiles of all sanitary sewers.		X	
9	Final plans and profiles of all water mains.		X	
10	All dimensions of the exterior boundaries of any subdivision, balanced and closed to a precision of one to 10,000, and the dimensions of all lot lines to within one to 20,000. All dimensions, angles and bearings must be tied to at least two permanent monuments not less than 300 feet apart and all information shall be indicated on the plat. At least one corner of the subdivision shall be tied to U.S.C. and G.S. benchmarks with data on the plat as to how the bearings were determined.		X	
11	Proposed street names.		X	
12	A Final Application Comparison Report, including:	X		
	a. The number and type of dwelling units.		X	
	b. The amount of nonresidential floor space.	X		
	c. The type of community facilities and/or structures.		X	
	d. The amount of open space to be preserved.		X	
	e. The nature and cost of public improvements.		X	
	f. The anticipated value of residential and nonresidential construction.	X		
	g. Finalized landscaping and tree removal information pursuant to Sections 21-43 through 21-45.		X	
	h. A comparison to the preliminary development approval, indicating the nature and reasons for any changes to the preliminary approval.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
13	Organization documents, including:		X	
	a. Articles of incorporation, by-laws and membership rules/regulations for any homeowner's association, condominium association or other organization to maintain the common open space or community facilities.		X	
	b. A copy of the master deed detailing the rights and privileges of individual owners of common property.		X	
	c. A copy of all materials submitted to the Department of Community Affairs as required by the New Jersey Planned Real Estate Development Full Disclosure Act Regulations and evidence of the status of acceptance of and/or approval by the Department of Community Affairs.		X	
	d. Covenants or easements restricting the use of the common open space or elements.		X	
	e. Covenants or agreements requiring homeowners or residents to pay the organization for the maintenance of the common open space and/or community facilities. This shall include a proposed schedule of membership fees for at least the first three years of operation.		X	
14	All easements or covenants affecting any land in the development.	X		
15	All maintenance agreements under which private roads and other facilities will be maintained, refuse collected and other supplementary services provided, if there is to be no homeowners' association, condominium association, open space organization or similar arrangement.		X	
16	An offer of dedication including all legal requirements for valid dedication to the Township or, where appropriate, to another governmental body of roads or other improvements intended for public ownership.		X	





- LEGEND:
- FF 414.90 FINISHED FLOOR ELEVATION
  - x 415.09 EXISTING SPOT ELEVATION
  - x (415.10) PROPOSED SPOT ELEVATION
  - TELEPHONE AND CABLE LINE
  - WATER LINE
  - CLEANOUT
  - SEWER LINE

NO.	DATE	REVISION	DESCRIPTION
<b>LOT GRADING, SOIL EROSION AND SEDIMENT CONTROL PLAN</b> <b>CREMATORY EXPANSION</b> <b>SOMERSET HILLS MEMORIAL PARK</b> <b>BLOCK 2301 LOT 12.01</b> BERNARD TOWNSHIP SOMERSET COUNTY NEW JERSEY			
<b>APGAR ASSOCIATES</b> ENGINEERS - LAND SURVEYORS - PLANNERS DE MUNI PLACE FAR HILLS, NEW JERSEY 07931 (908)234-0416			
N.J. CERT. OF AUTH. NO. 24628023100 <b>JAMES O. MADSEN</b> PROFESSIONAL ENGINEER			
MAP	AA-1	SCALE: 1" = 10'	DRAWN:
FOLDER	7228	DATE: MARCH 26, 2021	APPROVED:
BOOK	421		CHECKED: FILE 7228
			JOB 3-8405 (INCORPORATORY EXPANSION)





- LEGEND:**
- EXISTING CONTOUR LINE
  - WOODS EDGE
  - ISOLATED TREES
  - STRUCTURES FROM FIELD SURVEY
  - STRUCTURES FROM AERIAL SURVEY
  - SIGN
  - UTILITY POLES
  - DRAINAGE INLETS
  - WETLAND BOUNDARY
  - WETLAND FLAGS

**NOTES:**

UNDERGROUND UTILITY LOCATIONS ARE BASED ON MARK OUT BY UTILITY COMPANY OR INFORMATION SUPPLIED BY OWNER. AND SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.

LOCATION OF PIPES BETWEEN DRAINAGE INLETS SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.

WHERE NO PIPE OR PIPE SIZE IS INDICATED, WE WERE UNABLE TO REMOVE GRATE OR PIPE WAS SILLED IN.

ELEV = NAVD 1929.

BOUNDARY SURVEY INFORMATION IS BASED ON A FIELD SURVEY BY APGAR ASSOCIATES DATED JULY 1997 AND UPDATED IN FEBRUARY 2002.

NO.	DATE	REVISION	DESCRIPTION
<b>BOUNDARY, TOPOGRAPHIC AND WETLANDS DELINEATION SURVEY</b> LOT 19 & 20.12 BLOCK 90 TOWNSHIP OF BERNARDS LOT 6.01 BLOCK 101 BOROUGH OF BERNARDSVILLE SOMERSET COUNTY NEW JERSEY			
<b>APGAR ASSOCIATES</b> ENGINEERS - LAND SURVEYORS - PLANNERS DE MUN PLACE FAR HILLS, NEW JERSEY 07931 (908)244-2915			
<b>WAYNE F. HOLMAN</b> PROFESSIONAL LAND SURVEYOR N.J. REG. LIC. NO. 18484		SCALE: 1" = 50' DATE: MARCH 28, 2002	
MAP: AA-1	SCALE: 1" = 50'	DRAWN: L.W. CHECKED:	
FOLDER: 7228	DATE: MARCH 28, 2002	APPROVED: DCA FILE 7228	
BOOK: 421	DATE: MARCH 28, 2002	JOB: 3-8405 DWS: TOPO	

MATCH LINE - SEE SHEET 2



BLOCK 90  
LOT 19  
2.60518 AC.

BLOCK 101  
LOT 6  
3.47342 AC.

MATCH LINE - SEE SHEET 1

SECTIONS A, B & C

SECTION 11

SECTION 10

BLOCK 90  
LOT 20.12  
65.43804 AC.

SECTION 5

SECTION 6

SECTION 7

SECTION 8

SECTION 18

SECTION 29

PILL HILL ROAD  
BOROUGH OF BERNARDSVILLE

TOWNSHIP OF BERNARDS

# SOMERSET HILLS CREMATORY

MT AIRY RD  
BASKING RIDGE, NJ 07620

**CLIENT**  
**SOMERSET HILLS CREMATORY**  
RICH GILMAN  
95 MT AIRY RD  
BASKING RIDGE, NJ 07620  
CONTACT: (903) 334-4300

**MEP ENGINEER**  
**MDCI FLORIDA, INC.**  
TOM FERRARO  
405 2ND ST S, SUITE B  
SAFETY HARBOR, FL 34695  
LICENSE #:  
CONTACT: (727) 698-0398

**GENERAL CONTRACTOR**  
**NORTHEAST MAUSOLEUM**  
KEVIN FISHER  
46 WEST FERRY ST  
NEW HOPE, PA 18938  
CONTACT: (267) 535-1490

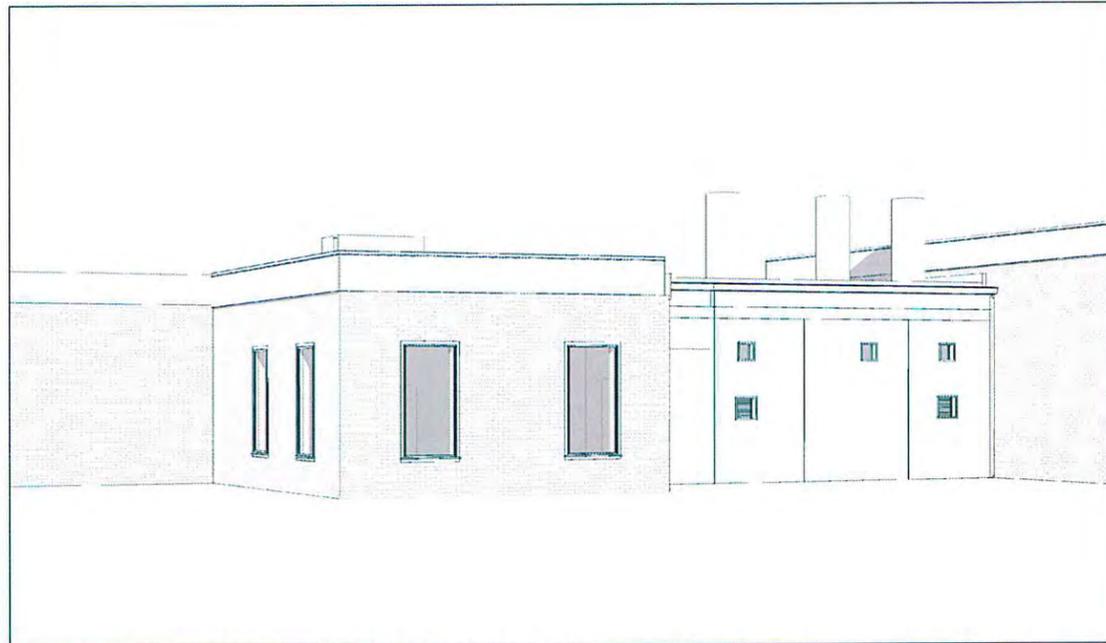
**PROJECT INFORMATION**  
PROJECT ADDRESS 95 MT AIRY RD, BASKING RIDGE, NJ 07920  
JURISDICTION BERNARD'S TOWNSHIP  
ZONING P-1 (PUBLIC PURPOSE)  
PARCEL ID 1802\_2301\_12  
FLOOD ZONE ZONE X  
PROPOSED USE CREMATORY 3'-2"  
OCCUPANT LOAD 1 ACTUAL OCCUPANT  
CONSTRUCTION TYPE TYPE V - B (NON-SPRINKLERED, UNPROTECTED)  
NO. OF STORIES 1 [ONE]

**APPLICABLE BUILDING CODES**  
ALL CODE REFERENCES ARE TO CURRENT FLORIDA BUILDING CODE (FBC) EDITIONS AS INDICATED BELOW; UNLESS OTHERWISE NOTED, SUPERSEDED AND/OR DIRECTED BY PROJECTS JURISDICTION AUTHORITY.  
**CODE TYPE: CODE MODEL:**  
BUILDING CODE INTERNATIONAL BUILDING CODE/2018, NJ ED  
PLUMBING CODE NATIONAL STANDARD PLUMBING CODE/2018, NJ ED  
ELECTRICAL CODE 2017 NEC / NFPA 70, ASHRAE 90.1-2016  
ENERGY CODE ASHRAE 90.1-2016  
MECHANICAL CODE INTERNATIONAL MECHANICAL CODE/2018  
FUEL AND GAS CODE INTERNATIONAL FUEL GAS CODE/2018  
BARRIER FREE CODE ICC/ANSI A117.1-2009  
CODE OF ORDINANCES BERNARD'S TOWNSHIP

**WIND LOADS**  
EXPOSURE CATEGORY EXPOSURE C  
RISK CATEGORY CATEGORY II  
WIND SPEED CRITERIA 112 MPH

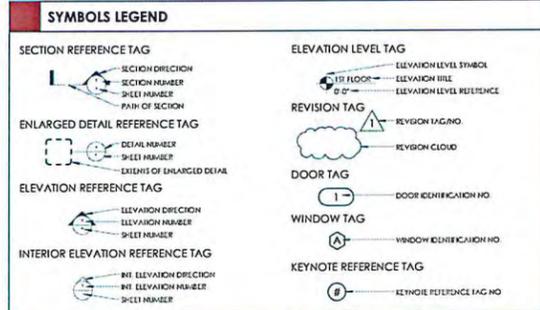
**LEGAL DESCRIPTION**  
18 SOMERSET TWP  
02 BERNARDS TWP  
BLOCK 2301, LOT 12

**SQUARE FOOTAGE**  
PROPOSED CREMATORY.....1,724 SF  
TOTAL SQUARE FOOTAGE.....1,724 SF



ARTIST RENDERING MAY NOT DEPICT THE FINAL DESIGN. THE CONTRACTOR SHALL REVIEW THE ENTIRE CONSTRUCTION DOCUMENT SET FOR CURRENT DESIGN INTENT AND SPECIFICATIONS.

**PROJECT SCOPE**  
PROPOSED ADDITION AS SEPARATE BUILDING OF A 1724 SF CREMATORY TO AN EXISTING MAUSOLEUM AND CREMATORY.  
**FOUNDATION:** REINFORCED CONCRETE SLAB AND FOOTERS. PAD FOR CREMATORYS TO BE ISOLATED FROM ADJACENT SLAB.  
**WALLS:** EXISTING WALLS: 8" CMU WITH 4" BRICK VENEER. PROPOSED WALLS: 2X6 WOOD FRAME WALL WITH 4" BRICK VENEER. 2X6 WOOD FRAME WALL WITH EIFS AT LOCATIONS AS INDICATED ON FLOOR PLAN.  
**INTERIOR PARTITIONS:** 2X4 WOOD STUD PARTITIONS TYPICAL.  
**INSULATION:** RIGID INSULATION AT C.I.P. CONCRETE WALLS. R-30 FIBERGLASS INSULATION INSTALLED AT ROOF.  
**ROOFING:** ENGINEERED PARALLEL CHORD ROOF TRUSSES W/ PLYWOOD DECKING & MODIFIED BITUMEN ROOFING MATERIAL.



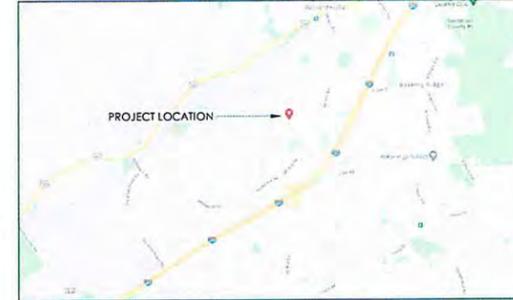
**DOCUMENT NOTE**  
\*\*\*THESE DOCUMENTS ARE FOR THE PURPOSE OF CONSTRUCTING THE SPECIFIC PROJECT IDENTIFIED ON THE ADDRESS OF THE PROPERTY INDICATED HEREIN. FURTHER USE OF THE DOCUMENTS FOR ADDITIONAL CONSTRUCTION IS NOT PERMITTED.\*\*\*

**SHEET INDEX**

SHEET NO.	SHEET NAME	REVISION	REVISION DATE
A000	COVER		
A200	FLOOR PLAN		
A300	LIFE SAFETY PLAN		
A500	ELEVATIONS & SECTIONS		
A501	FOUNDATION & ROOF PLAN		
A502	TRUSS LAYOUT		
A503	TRUSS CALCS		
A504	TRUSS CALCS		
A601	CREMATORY DETAILS		
A602	CREMATORY DETAILS		

**PLAN NOTES**

- WORK PERFORMED SHALL COMPLY WITH THE FOLLOWING:  
A. THESE GENERAL NOTES, AND CONSTRUCTION DOCUMENTS AND SPECIFICATIONS.  
B. ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES, ORDINANCES AND REGULATIONS.  
ALL CODES LISTED IN SPECIFICATIONS AND DRAWINGS SHALL BE INCLUSIVE OF ALL CODES, REGULATIONS AND REQUIREMENTS ADOPTED BY JURISDICTION.
- SOURCE OF BASE INFORMATION IS ASSUMED TO BE CORRECT. REPORT ANY DISCREPANCIES IMMEDIATELY TO THE OWNER'S REPRESENTATIVE.
- VERIFY LOCATIONS OF PERTINENT SITE IMPROVEMENTS INSTALLED UNDER OTHER CONTRACTS. IF ANY PART OF THIS PLAN CANNOT BE FOLLOWED DUE TO SITE CONDITIONS, CONTACT OWNER'S REPRESENTATIVE FOR INSTRUCTIONS PRIOR TO COMMENCING WORK.
- CONTACT LOCAL UNDERGROUND UTILITY SERVICES FOR UTILITY LOCATION AND IDENTIFICATION, PRIOR TO COMMENCING WORK.
- PERFORM EXCAVATION IN THE VICINITY OF UNDERGROUND UTILITIES WITH CARE AND BY HAND. IF NECESSARY, THE CONTRACTOR BEARS FULL RESPONSIBILITY FOR THIS WORK AND DISRUPTION OF DAMAGE TO UTILITIES SHALL BE REPAIRED IMMEDIATELY AND AT NO EXPENSE TO THE OWNER.



VICINITY MAP



SITE MAP

**GENERAL NOTES**

- THE CONTRACTOR WILL SECURE ALL BUILDING PERMITS & INSPECTIONS NECESSARY FOR THE CONSTRUCTION OF THE PROJECT.
- ALL INTERIOR FINISHES, UNLESS OTHERWISE NOTED, ARE TO BE SELECTED BY THE OWNER.
- PRECEDENCE: DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE. LARGER SCALE DRAWINGS HAVE PRECEDENCE OVER SMALLER SCALE DRAWINGS. SPECIFICATIONS AND GENERAL NOTES TAKE PRECEDENCE OVER DRAWINGS. ARCHITECT SHALL BE NOTIFIED FOR CLARIFICATION.
- DISCREPANCIES BETWEEN ARCHITECTURAL AND ENGINEERING DOCUMENTS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY UPON DELIVERY.
- VEENDOR DESIGN COORDINATION: ANY VEENDOR PROVIDED STRUCTURAL, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS ARE SUPPLEMENTARY TO THE ARCHITECT DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK AND COORDINATE ALL THE DRAWINGS BEFORE FABRICATION AND/OR INSTANTING OF ANY WORK. COORDINATOR SHALL IMMEDIATELY NOTIFY ARCHITECT OF ANY DISCREPANCIES OR ERRORS.
- FIELD VERIFICATION: PRIOR TO SCHEDULING OF WORK AND COMMENCING CONSTRUCTION, CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN.
- FRAMING: CONTRACTOR SHALL PROVIDE ALL REQUIRED BLOCKING, BACKING, FRAMING, HANGERS, OR OTHER SUPPORT AS NECESSARY OR ALL FIXTURES, EQUIPMENT, CABINETRY, FURNISHINGS, AND ALL OTHER ITEMS REQUIRING THE SAME. IT IS THE CONTRACTORS RESPONSIBILITY TO COORDINATE WITH FURNITURE MANUF. AND INSTALLER AND REVIEW SHOP DRAWINGS FOR BACKING, UTILITIES CONNECTION, ETC.
- GLASS: ALL GLASS TO CONFORM TO CONSUMER SAFETY COMMISSION, PRODUCT SAFETY ACT 16 CFR 1201.
- GYPSUM BOARD: ALL GYP. BD. TO BE 1/2" UNLESS NOTED OTHERWISE. INSTALL CEMENT BOARD AS A TILE BACKER IN SHOWERS AND TUB ENCLOSURES AND BEHIND SINKS AND OTHER POTENTIALLY DAMP LOCATIONS. ALL OTHER GYPSUM SURFACES WITHIN BATHROOMS SHALL BE MOLD AND MOISTURE RESISTANT GWB AT A MINIMUM.
- PLUMBING WALL: WOOD STUDS SHALL BE SIZED TO FIT NECESSARY PLUMBING AND VENT PIPES. GWB PER NOTE #9.
- THE BUILDING OWNER'S WRITTEN AUTHORIZATION MUST BE OBTAINED PRIOR TO THE ORDERING OF ANY MATERIAL, AWARDDING OF ANY CONTRACTS OR THE EXECUTION OF ANY WORK INVOLVING EXTRA COST TO THE CONTRACT SUM.
- NEW CONCRETE FLOOR SLABS & SUBFLOOR SURFACES ARE TO MEET TOLERANCE REQUIREMENTS OF 1/8" IN 10' AND MUST BE LEVEL TO ACCEPT THE INSTALLATION OF NEW FLOOR COVERING MATERIALS.
- THE WEATHER RESISTIVE BARRIER SHALL BE INSTALLED IN STRICT ADHERENCE TO THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. ALL EXTERIOR SHEATHING SHALL BE PROTECTED AND POSITIVE DRAINAGE MUST OCCUR.
- ALL EXTERIOR COMPONENTS AND CLADDING (SWING DOORS, GARAGE DOORS, WINDOWS, ROOFING SYSTEMS, ETC.) SHALL BE INSTALLED PER THE MANUFACTURER'S INSTALLATION INSTRUCTIONS FOR THE APPROPRIATE WIND ZONE TO THE PROJECT.
- SALT WATER/AIR CORROSION RESISTANCE: ALL STAINLESS STEEL WEATHER RESISTANT FASTENERS SHALL BE USED FOR THIS PROJECT, UNLESS NOTED OTHERWISE. ADDITIONALLY, THE COORDINATOR SHALL ENSURE THAT DISSIMILAR METAL MATERIAL SHALL NOT BE IN CONTACT WITH ONE ANOTHER SO AS TO PREVENT GALVANIC CORROSION. CONSULT THE ANODIC INDEX (V) TO ENSURE A MAXIMUM ANODIC DIFFERENCE OF 0.15V BETWEEN DISSIMILAR METALS.

**ABBREVIATIONS**

AFF	ABOVE FINISH FLOOR
ALUM.	ALUMINIUM
@	AT
BD.	BOARD
BLDG	BUILDING
BRG	BEARING
C.J.	CONTROL JOINT
CANT	CANTILEVER
CL	CENTERLINE
CMU	CONCRETE MASONRY UNITS
COL	COLUMN
CONC	CONCRETE
CONT	CONTINUOUS
CLG	CEILING
D	DRYER
DBL	DOUBLE
DIA	DIAMETER
DN	DOWN
DW	DISHWASHER
DWG	DRAWING
DS	DOWN SPOUT
EA	EACH
E.J.	EXPANSION JOINT
ELEC	ELECTRICAL
ELEV	ELEVATOR
EQ	EQUAL
EXIST	EXISTING
EXP	EXPANSION
EXT	EXTERIOR
F	REFRIGERATOR
FC	FILLED CELL
FD	FLOOR DRAIN
FEC	FIRE EXTINGUISHER CABINET
FLR	FLOOR
FND	FOUNDATION
F.O.	FACE OF
FP	FIRE PLACE
FTG	FOOTING
GA	GAUGE
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GEN	GENERAL
GWB	GYPSUM WALL BOARD
GYP	GYPSUM
H	HORIZONTAL
HB	HOSE BIBB
HDR	HEADER
HI	HIGH
HR	HOUR
HVAC	HEATING, VENTILATING, AND AIR CONDITIONING
ILO	INCLUDING
INCL	IN LIEU OF
INSUL	INSULATED OR INSULATION
INT	INTERIOR
LAV	LAVATORY
LO	LOW
MAX	MAXIMUM
MECH	MECHANICAL
MIN	MINIMUM
MTL	METAL
NO	NUMBER
N.I.C.	NOT IN CONTRACT
NTS	NOT TO SCALE
OC	ON CENTER
OPT	OPTIONAL
OSB	ORIENTED STRAND BOARD
OZ	OUNCE
PLUMB	PLUMBING
PNL	PANEL
PROJ	PROJECTED
P.S.F.	POUNDS PER SQUARE FOOT
P.S.I.	POUNDS PER SQUARE INCH
PT	PRESSURE TREATED
PVC	POLYVINYL CHLORIDE
R	RISER
RCP	REFLECTED CEILING PLAN
REINF	REINFORCED
REQ	REQUIRED
RM	ROOM
RND	ROUND
R.O.	ROUGH OPENING
R&S	ROD AND SHELF
SC	SOLID CORE
SH	SINGLE HUNG
SHWR	SHOWER
SIM	SIMILAR
SPEC	SPECIFIED OR SPECIFICATION
S.S.	STAINLESS STEEL
STEEL	STEEL
STRUCT	STRUCTURE OR STRUCTURAL
SGD	SLIDING GLASS DOOR
SQ	SQUARE
TELE	TELEPHONE
TLT	TOILET
TR	TOWEL ROD
TRP	TRIPLE
T/D	TELEPHONE/DATA
TYP	TYPICAL
U.N.O	UNLESS NOTED OTHERWISE
V	VERTICAL
V.I.F.	VERIFY IN FIELD
W	WASHER
W/	WITH
WC	WATER CLOSET
WD	WOOD

REVISION	DATE

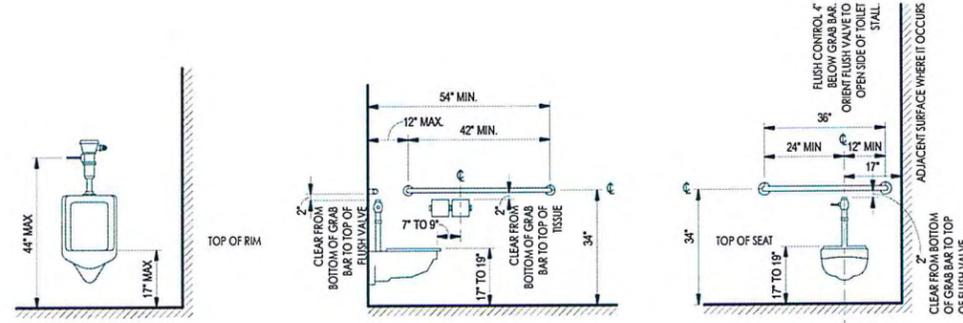
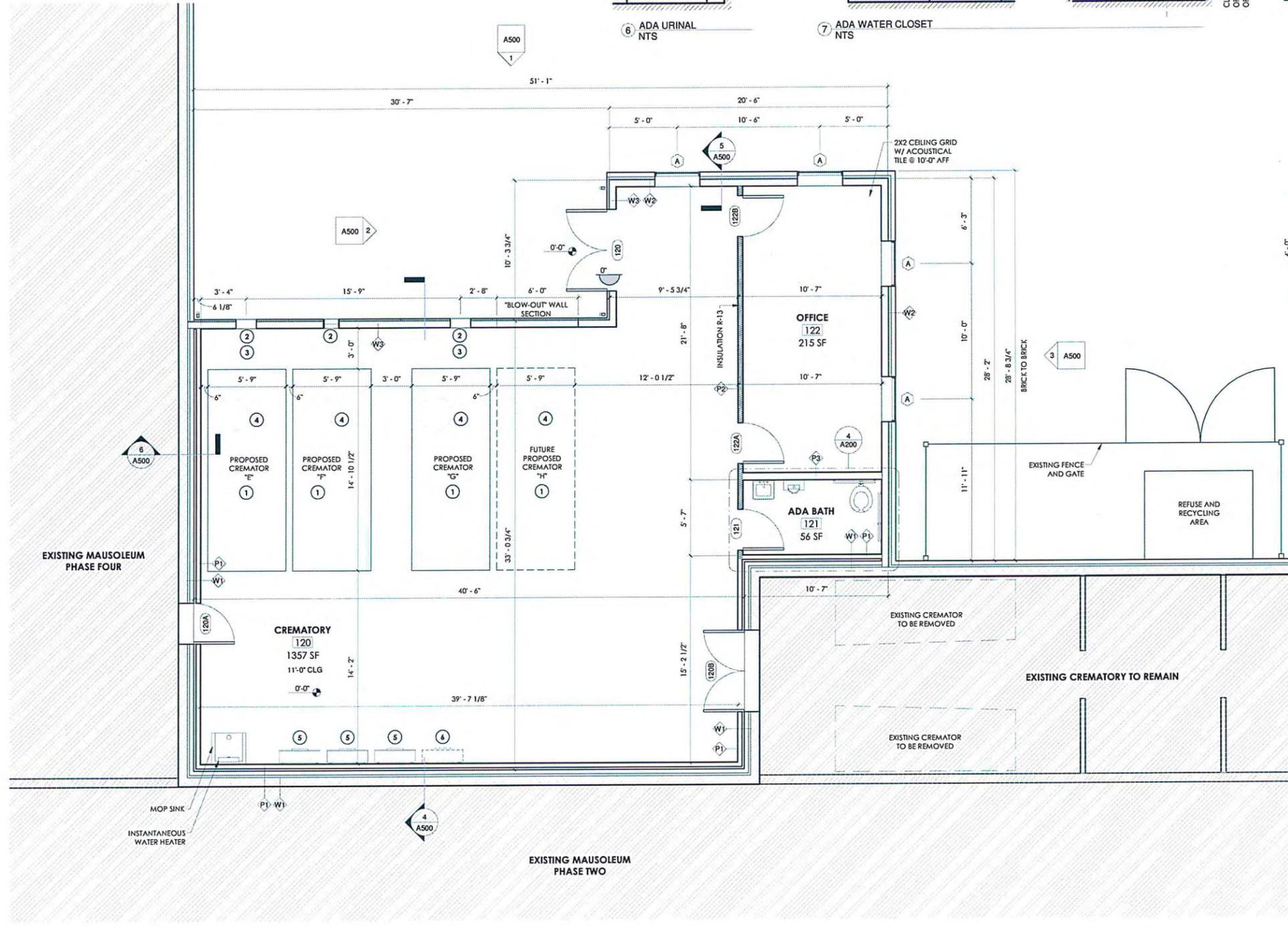


**d. macartney wilson a.i.a.**  
architects & associates, p.a.  
PMB 609, 3438 EAST LAKE RD, PALM HARBOR, FL 34685  
Tel: 727-781-7492 Fax: 727-781-7492  
www.dmwarchitect.com

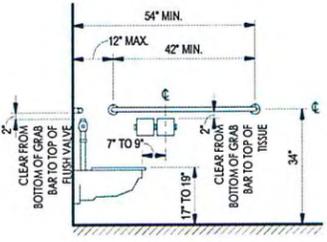
**SOMERSET HILLS CREMATORY**  
PROJECT:  
95 MT AIRY RD  
BASKING RIDGE, NJ 07620  
FOR PERMIT  
FL LICENSE NO. 9688

PROJECT NO. 20-013  
DATE: 03/22/21  
SHEET NO.

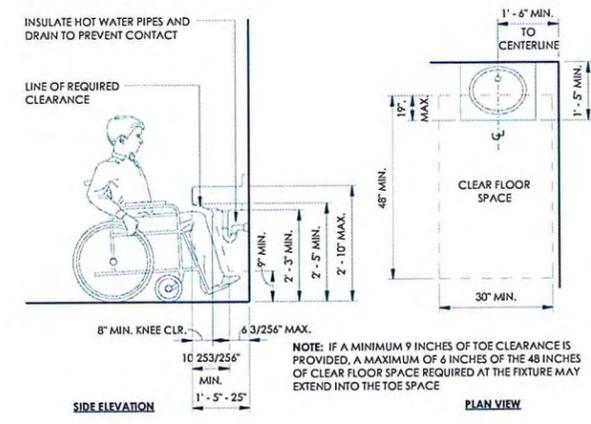
**A000**  
COVER  
DRAWN BY K.M.A.



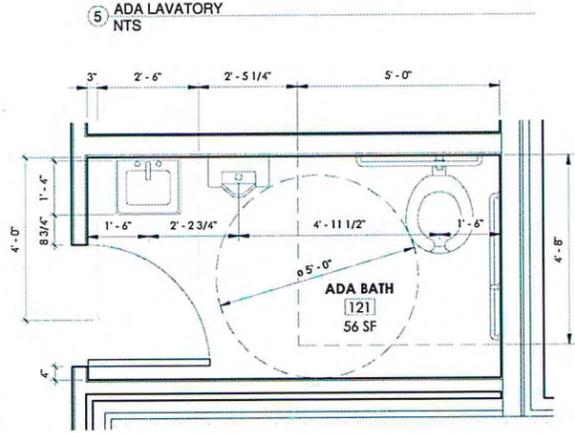
6 ADA URINAL NTS



7 ADA WATER CLOSET NTS



5 ADA LAVATORY NTS



4 ADA BATH PLAN DETAIL 1/2\"/>

- EQUIPMENT NOTES**
- CREMATOR, FLUE, THIMBLE, CONTROLS, POWER, ETC., BY OWNER (N.J.C.). G.C. SHALL PROVIDE 6\"/>
  - AIR SUPPLY DUCT TO CREMATOR.
  - MAKEUP AIR LOUVER, 18\"/>
  - CREMATOR STACKS.
  - CREMATOR CONTROLS, BY OWNER (N.J.C.), BOTTOM OF CONTROL CABINET TO BE @ 48\"/>
  - FUTURE CREMATOR CONTROLS, BY OWNER (N.J.C.), BOTTOM OF CONTROL CABINET TO BE @ 48\"/>

**PARTITION SCHEDULE**

SYMBOL	DESCRIPTION
W1	EXISTING LOAD BEARING 8\"/>
W2	PROPOSED LOAD BEARING 2x6 WOOD FRAMED WALL W/ 4\"/>
W3	PROPOSED LOAD BEARING 2x6 WOOD FRAMED WALL W/ BFS FINISH
P1	PROPOSED 2x4 WOOD FRAMED PARTITION WALL W/ 5/8\"/>
P2	PROPOSED 2x4 WOOD FRAMED PARTITION WALL W/ 5/8\"/>
P3	PROPOSED 2x6 WOOD FRAMED PARTITION WALL W/ 5/8\"/>

**WINDOW SCHEDULE**

MARK	COUNT	WIDTH	HEIGHT	TYPE	NOTES
A	4	3'-4"	6'-8"		
K	2	1'-6"	1'-6"		
Q	3	1'-2"	1'-2"		

**DOOR SCHEDULE**

MARK	COUNT	WIDTH	HEIGHT	TYPE	NOTES
120	1	6'-0"	7'-0"		
120A	1	3'-0"	6'-8"	90 MIN	CLOSER
120B	1	6'-0"	7'-0"	90 MIN	CLOSER
121	1	3'-0"	6'-8"		
122A	1	3'-0"	6'-8"		
122B	1	3'-0"	6'-8"		

1 FLOOR PLAN 1/4\"/>



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 architects & associates, p.a.  
 PMB 609, 3439 EAST LAKE RD, PALM HARBOR, FL 34685  
 Tel: 727-785-7257 Fax: 727-781-7492  
 www.dmwarchitect.com

**SOMERSET HILLS CREMATORY**

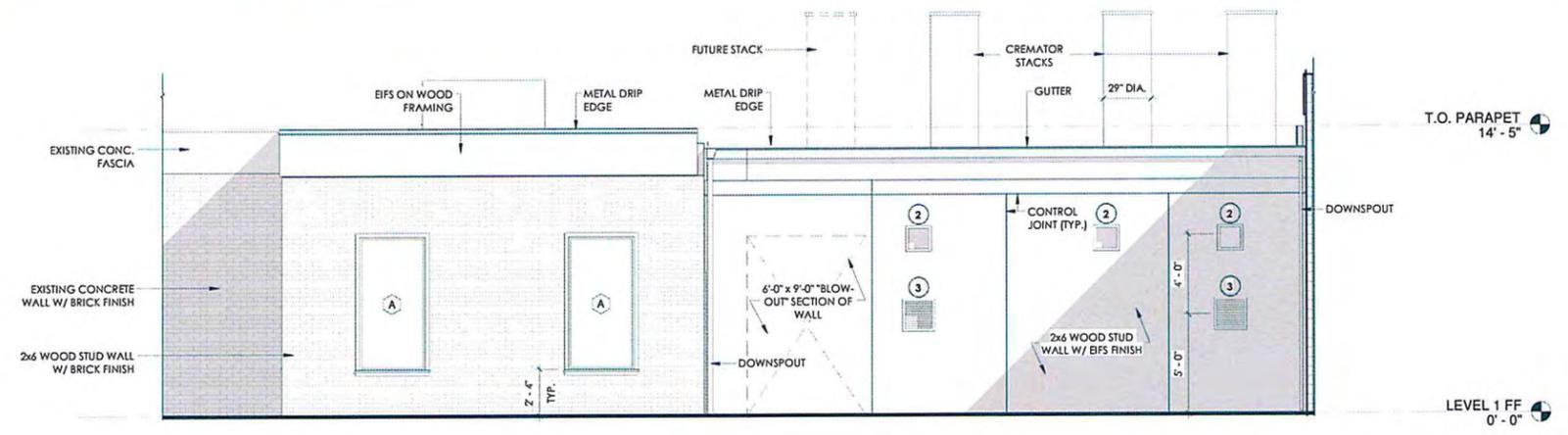
PROJECT:

FL. LICENSE NO. 9688

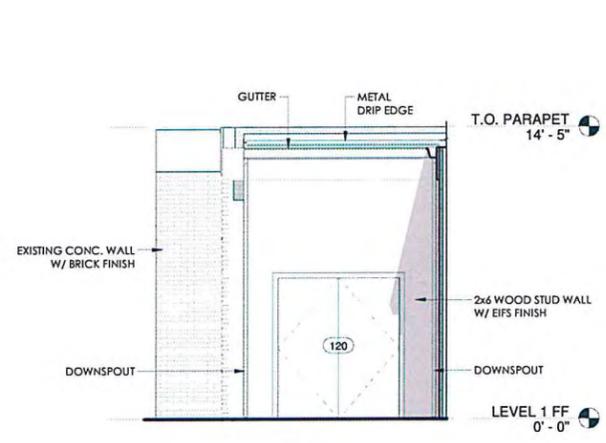
PROJECT NO. 20-013  
 DATE: 03/22/21  
 SHEET NO. **A200**  
 FLOOR PLAN  
 DRAWN BY: K.M.A.

© 2012 d. macartney wilson a.i.a. architect & associates, p.a.

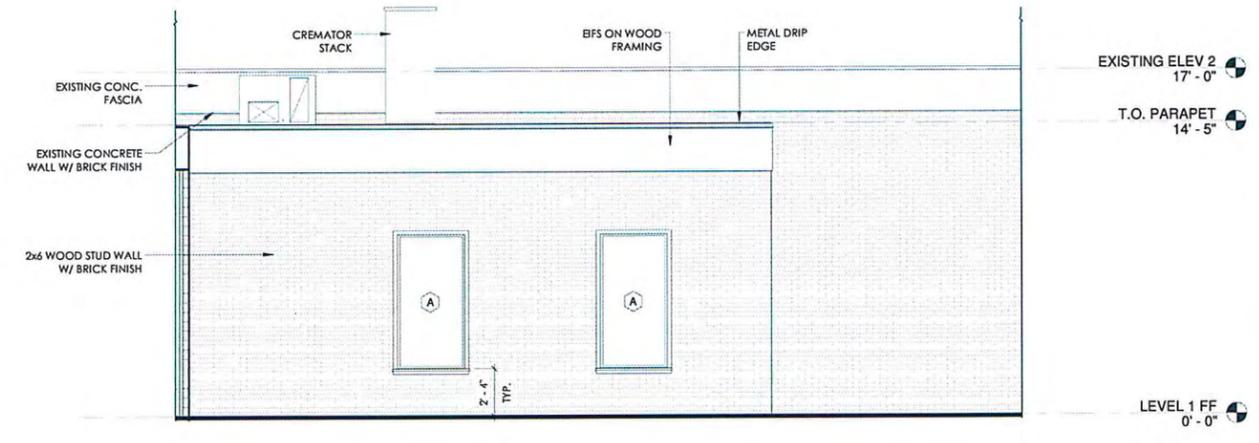
NOTE: USE CORROSION RESISTANT FLASHING AT ALL ROOF TO WALL INTERSECTIONS



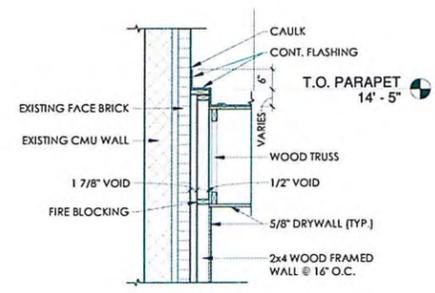
1 NORTH ELEVATION  
1/4" = 1'-0"



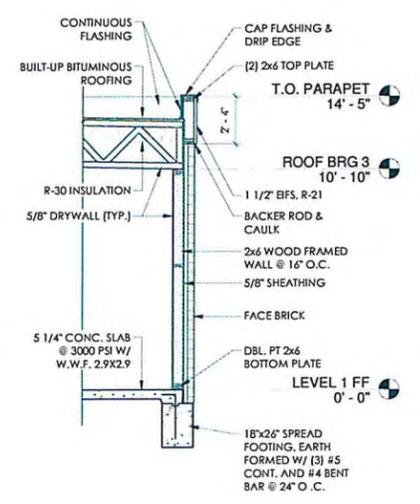
2 WEST ELEVATION  
1/4" = 1'-0"



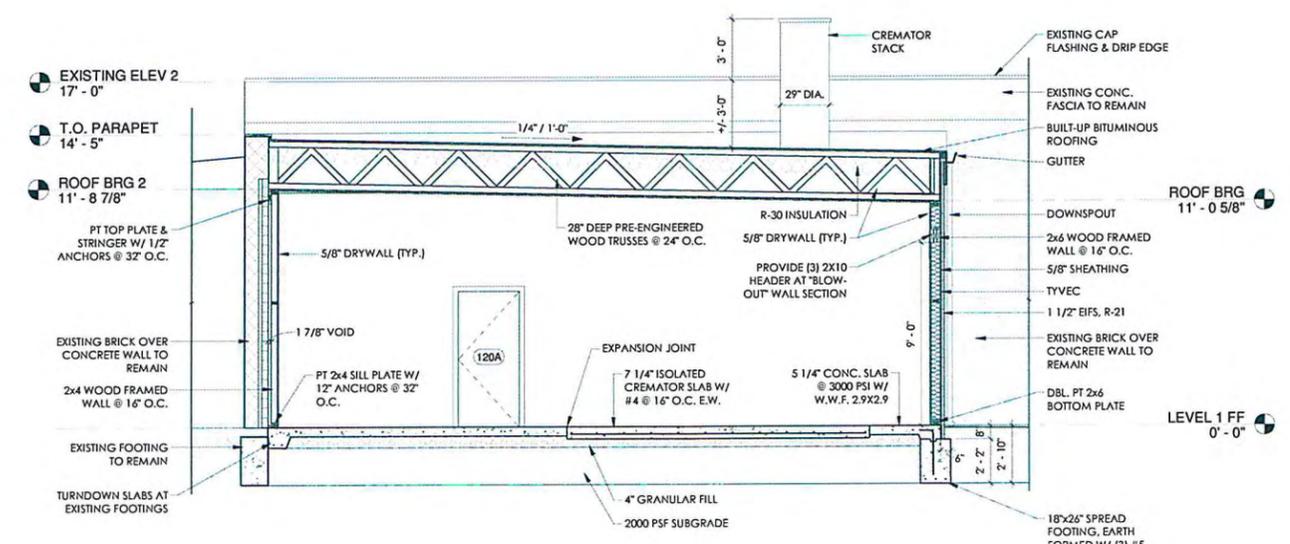
3 EAST ELEVATION  
1/4" = 1'-0"



6 Section 3  
1/2" = 1'-0"



5 Section 2  
1/4" = 1'-0"



4 Section 1  
1/4" = 1'-0"

REVISION	DATE



**d. macartney wilson a.i.a.**  
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PMB 609, 3438 EAST LAKE RD, PALM HARBOR, FL 34685  
Tel: 727-785-7257 Fax: 727-781-7492  
www.dmwarchitect.com  
REGISTERED ARCHITECT  
L.C. NO. 9888

**SOMERSET HILLS CREMATORY**  
PROJECT:  
96 MT AIRY RD  
WASHINGTON BLDG., N 01920  
FOR PRINT  
FL LICENSE NO. 9688

PROJECT NO. 20-013  
DATE: 03/22/21  
SHEET NO.

**A500**  
ELEVATIONS & SECTIONS  
DRAWN BY K.M.A.

5-24  
EC meeting

# ADDITIONAL MAT'Ls

## TOWNSHIP OF BERNARDS ZONING BOARD OF ADJUSTMENT APPLICATION STATUS FORM

Application No: ZB21.013 Block: 7002 Lot: 42 Zone: R-4

Applicant: COLUCCI, ADAM D.

Address of Property: 373 LYONS ROAD

Description: POOL NOT LOCATED BEHIND THE REAR  
BUILDING OF ADJACENT DWELLINGS, STEEP SLOPE  
DISTURBANCE

### APPLICATION CHECKLIST

- |                                     |                                     |                                     |                            |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | Original + 16 copies of Application | <input checked="" type="checkbox"/> | Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> | W-9                                 | <input type="checkbox"/>            | Architectural Plans        |
| <input checked="" type="checkbox"/> | Site Visit Consent (A)              | <input type="checkbox"/>            | Survey                     |
| <input type="checkbox"/>            | Ownership Form (B)                  | <input type="checkbox"/>            | Photographs                |
| <input checked="" type="checkbox"/> | 200' Property Search List (C)       | <input type="checkbox"/>            | Wetlands Report/LOI        |
| <input checked="" type="checkbox"/> | Tax Certification (D)               | <input checked="" type="checkbox"/> | Application Fee            |
| <input type="checkbox"/>            | Notice to be Served/Published (E)   | <input checked="" type="checkbox"/> | Escrow Deposit             |
| <input type="checkbox"/>            | Dimensional Statistics Form (F)     | <input checked="" type="checkbox"/> | Imaging Fee                |
| <input type="checkbox"/>            | Contributions Disclosure Form (G)   | <input type="checkbox"/>            | Tax Map Revision Fee       |
|                                     |                                     | <input type="checkbox"/>            | Checklist                  |

### SCHEDULING

2.9.21 Original Submission Date 60\*  
4.10.21 Completeness Deadline (45 days)  
3.12.21 Incomplete Date  
4.28.21 Resubmission Date  
 Date Complete 60\*  
6.9.21 Time to Act (45/95/120 days)

### HEARING

Notice to Property Owners  
 Date of Publication  
 Completeness Hearing  
6.9.21 Public Hearing  
 Carried to Date  
 Decision - Approved/Denied  
 Resolution Memorialized  
 Resolution Published

### DISTRIBUTION

2.22.21 Environmental Comm 4:30 ADD'L MAT'Ls  
 Fire Official  
 LCFAS  
 Police

### NOTES

\* COVID-19

Adam Colucci  
373 Lyons Road  
Basking Ridge, NJ 07920

April 28, 2021

Brad Breslin, Chairman  
Zoning Board of Adjustment  
Bernards Township  
277 South Maple Avenue  
Basking Ridge, NJ 07920

Re: Colucci Residence  
373 Lyons Road  
Block 7002, Lot 42  
Apartment over Detached Garage

Dear Mr. Breslin:

As a brief introduction, my name is Adam Colucci and I own and reside at the property which is the subject of the application before the Zoning Board of Adjustment for two variances related to the construction of a pool in my rear yard. The first variance is for disturbing steep slopes greater than twenty-five percent in my rear yard. The second variance is for the location of the pool... it is not behind the rear building lines of the adjoining neighbors. During the completeness review process, your professionals noticed that this property was the subject of a prior variance approval for an apartment above my detached garage. Mr. Schley provided me with a copy of the resolution which approved the apartment. I have attached the resolution to this letter.

According to the tax records, the house was originally built in 1928, and according to the resolution, the garage was built fifty (50) years later in 1978. In 1983 the owners and residents of the property made an application to the Board of Adjustment and received approval for the apartment above the garage, albeit with a few conditions. When I purchased the property in 2018 from a sheriff's sale, I was aware of the apartment, but not aware of the variance which approved it. While the resolution approved the variance to occupy the space above the garage as living quarters for nursing care that would serve the residents of the single-family home on the property, it also provided a sunset provision that the variance would expire upon the then current residents ceasing to live at the property.

I understand that this issue will be discussed at the June 9<sup>th</sup> hearing where I will be appearing to request the variances for the swimming pool. I respectfully request that the board consider my two variances for the pool that evening and provide me with sixty (60) days after the decision on those variances to make a decision to either remove the apartment or make an application to the board requesting a variance for that apartment.

Jacob terMarsch      Block 106 Lot 123,124

Counsel Bitar      read the following resolution.

Docket No. 82-15

Re: Application of Jacob and Irene ter Marsch

On the application of Jacob and Irene ter Marsch, the Bernards Township Board of Adjustment finds as follows:

1. Applicants are owners of property located at 373 Lyons Road, Basking Ridge, also known as Block 106, Lot 123 on the Bernards Township tax map. The tract is in the R-4 zone.

2. The property contains a one and one-half story frame dwelling and a detached two story garage building. At the time of the construction of the garage building in 1978, the second story was equipped with electrical and plumbing connections, but it was never completed as an apartment.

3. Applicants who are 75 and 68 years of age now desire to complete the second story as a garage apartment for the use as living quarters by domestic or nursing help. Mr. ter Marsch has been ill and has been under medical care in the past. He anticipates he or his wife might require nursing care or domestic help in the future and would like to provide for such help on their own premises as an alternative to moving out of their home. There is insufficient room in the main dwelling to provide living quarters for such help.

4. Apartments in detached garages for domestic or nursing help are not expressly permitted in the Township's residential zones under the present Land Use Ordinance, although they were expressly permitted under the zoning ordinance in existence at the time of the construction of the garage in 1978.

application and map submitted therewith be and the same is hereby granted subject, nevertheless, to the following conditions:

(a) The apartment shall be contained wholly within the second story of the presently existing garage building on the premises.

(b) The general layout of the garage apartment shall be as set forth in Exhibit A-5, submitted at the hearing of this matter.

(c) The apartment shall be used only by domestic or nursing help engaged by the Applicants to serve their personal needs or the needs of the survivor of them.

(d) When both of the Applicants cease to reside in the primary dwelling, the right under this variance to use the second story of the garage as an apartment for the reasons herein provided shall forthwith cease and terminate.

(e) This variance is to be regarded as personal to the Applicants and shall not run with the land.

Dated: April 6, 1983

FOR

7

AGAINST

0

ABSTAIN

It was moved by Mr. Feitner and seconded by Mr. Cox to adopt the resolution as read.

ROLL CALL: Mr. Cox-yes, Mrs. Holt-yes, Mr. Madary-yes, Mr. Daggett-yes, Mr. Feitner-yes, Mr. Parry-yes, Mr. Seebohm-yes. Mr. Wiley-absent.



# The Pros Guide

To Engineering & Building 8 Feet & Under Retaining Walls

**CAMBRIDGE**  
**SIGMA 8**

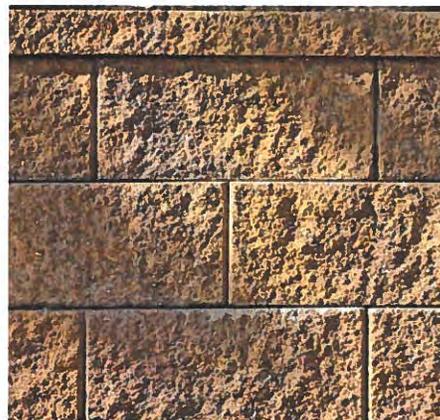


**STANDARDIZED ENGINEERING & CONSTRUCTION**  
for 8 feet and under

# RETAINING WALLS



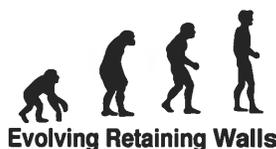
**Complete Guide to Planning, Bidding, Engineering & Building**



This guide requires products of the following:

**CAMBRIDGE**  
**SIGMA 8™**  
Retaining Wall System

**SRW PRODUCTS®**  
Accessories



The "Missing Link" Between Dealers • Engineers • Contractors • Do-It-Yourselfers

**APPENDIX D, ARTICLE III**

**Checklist**

**Application for Approval of a Variance Pursuant to NJSA 40:55D-70(c)**

**\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\***

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	✓		
2	A certificate from the tax collector indicating that taxes are paid.	✓		
3	All required application and escrow deposit fees.	✓		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	✓		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	✓		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	✓		
7	Calculations of existing & proposed lot coverage percentages.	✓		
8	Architectural sketches (floor plan and elevations) of the proposed improvements.	✓		
9	Photographs of the property in the location of the proposed improvements.	✓		
10	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.		✓	
11	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		✓	
12	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		✓	
13	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.		✓	



LOT 41  
BLOCK 7002  
N/F WANG, QIONG & HUI REN  
(Bk. 6398 Pg. 2584)

LOT 7  
BLOCK 7002  
N/F O'BRIEN, THOMAS P & DENISE M  
(Bk. 5767 Pg. 42)

N/F SOMERSET BLOCK 7002  
LOT 49  
HILLSIDE BAPTIST CHURCH  
(Bk. 1232 Pg. 185)

LOT 42  
BLOCK 7002  
70,650± S.F.  
1.622 AC. (to C/L)

LOT 43  
BLOCK 7002  
N/F LEE, ANN M & WARRICK E JR, TRUSTEES  
(Bk. 7081 Pg. 2062)

LYONS ROAD  
VARIABLE WIDTHS

PK NAIL  
BENCHMARK  
S26°38'30"W  
20.26'  
S49°02'44"E  
34.03' (SURVEY)  
33.49' (DEED)

P.O.B.  
(Bk. 7020 Pg. 2226)

CERTIFIED TO:  
• KASTRUD ENGINEERING, LLC

MAP REFERENCE:  
\*FINAL MAP OF ~BROOKSIDE~ SECTION TWO,  
LANDS OF DAVE JACKSON HOMES INC., TOWNSHIP  
OF BERNARDS, SOMERSET COUNTY, N.J., DATED  
JANUARY 9, 1974, LAST REVISED JANUARY 18,  
1978 & FILED IN THE SOMERSET COUNTY CLERK'S  
OFFICE ON JANUARY 24, 1978 AS MAP No. 1734.

- NOTES:
1. THIS SURVEY IS PREPARED SPECIFICALLY FOR THE INDIVIDUAL(S) IN THE TITLE AND/OR CERTIFICATION. THE UNDERSIGNED WILL NOT BE RESPONSIBLE FOR ANY ASSIGNMENT OF THIS SURVEY TO ANY PERSON NOT SO NAMED.
  2. SUBJECT TO SUCH STATE OF FACT THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.
  3. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.
  4. UNDERGROUND UTILITIES ARE NOT DEPICTED. THE LACK OF UTILITY INFORMATION DOES NOT DENY THE EXISTENCE OF SAME. REFERENCE TO THE APPROPRIATE UTILITY AUTHORITY SHOULD BE MADE TO VERIFY THE PRESENCE OR EXISTENCE OF SAME.
  5. DEED REFERENCE: BOOK 7020 PAGE 2226, FILED IN THE SOMERSET COUNTY CLERK'S OFFICE.
  6. A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003, C. 14 (N.J.A.C. 45:8-36.3) AND (N.J.A.C. 13:40-5.1(D)).
  7. VERTICAL DATUM ASSUMED AT 100.00'. BENCHMARK SHOWN ON PLAN.



<b>JAMES P. DEADY SURVEYOR, LLC</b>		<b>PARTIAL TOPOGRAPHIC SURVEY</b>	
PROFESSIONAL LAND SURVEYING SERVICES		295 ROUTE 22 EAST, ONE SALEM SQUARE	
SUITE 202 WEST		LOCATED IN THE	
WHITEHOUSE STATION, NJ 08889		<b>TOWNSHIP OF BERNARDS</b>	
(908) 534-0145	(908) 534-0147 FAX	<b>TAX LOT 42-BLOCK 7002</b>	
REVISIONS	DATE	Scale: 1"=20'	BY: <i>John C. Ritt</i> John C. Ritt N.J.P.L.S. Lic. No. 24GS04324100 Certificate No. 24GA28199000
		Date: 11-05-20	
		Dwn. By: J.A.	
		Chk'd By: J.C.R.	
		FILE# 1802-1292-1	
		BK PG	

**TOWNSHIP OF BERNARDS  
ZONING BOARD OF ADJUSTMENT  
APPLICATION STATUS FORM**

Application No: ZB21.013 Block: 7002 Lot: 42 Zone: R-4

Applicant: COLUCCI, ADAM D.

Address of Property: 373 LYONS ROAD

Description: POOL NOT LOCATED BEHIND THE REAR  
BUILDING OF ADJACENT DWELLINGS, STEEP SLOPE  
DISTURBANCE

**APPLICATION CHECKLIST**

- |                                     |                                     |                                     |                            |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | Original + 16 copies of Application | <input checked="" type="checkbox"/> | Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> | W-9                                 | <input type="checkbox"/>            | Architectural Plans        |
| <input checked="" type="checkbox"/> | Site Visit Consent (A)              | <input type="checkbox"/>            | Survey                     |
| <input type="checkbox"/>            | Ownership Form (B)                  | <input type="checkbox"/>            | Photographs                |
| <input checked="" type="checkbox"/> | 200' Property Search List (C)       | <input type="checkbox"/>            | Wetlands Report/LOI        |
| <input checked="" type="checkbox"/> | Tax Certification (D)               | <input checked="" type="checkbox"/> | Application Fee            |
| <input type="checkbox"/>            | Notice to be Served/Published (E)   | <input checked="" type="checkbox"/> | Escrow Deposit             |
| <input type="checkbox"/>            | Dimensional Statistics Form (F)     | <input checked="" type="checkbox"/> | Imaging Fee                |
| <input type="checkbox"/>            | Contributions Disclosure Form (G)   | <input type="checkbox"/>            | Tax Map Revision Fee       |
|                                     |                                     | <input type="checkbox"/>            | Checklist                  |

**SCHEDULING**

2.9.21 Original Submission Date 60\*  
4.10.21 Completeness Deadline (45 days)  
 \_\_\_\_\_ Incomplete Date  
 \_\_\_\_\_ Resubmission Date  
 \_\_\_\_\_ Date Complete 60\*  
6.9.21 Time to Act (45/95/120 days)

**HEARING**

\_\_\_\_\_ Notice to Property Owners  
 \_\_\_\_\_ Date of Publication  
 \_\_\_\_\_ Completeness Hearing  
6.9.21 Public Hearing  
 \_\_\_\_\_ Carried to Date  
 \_\_\_\_\_ Decision - Approved/Denied  
 \_\_\_\_\_ Resolution Memorialized  
 \_\_\_\_\_ Resolution Published

**DISTRIBUTION**

\_\_\_\_\_ Environmental Comm  
 \_\_\_\_\_ Fire Official  
 \_\_\_\_\_ LCFAS  
 \_\_\_\_\_ Police

**NOTES**

\* COVID-19

**TOWNSHIP OF BERNARDS  
2021 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:** Adam Colucci  
Address: 373 Lyons Rd Basking Ridge, NJ 07920  
Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) 845-235-2977  
Email (will be used for official notifications): adam.colucci@gmail.com

**2. OWNER** (if different from 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: Kastrud Engineering, LLC, <sup>Christian M.</sup> Kastrud Profession: Engineer  
Address: 1952 Rt. 22 East, Suite 104, Bound Brook, N.J. 08805  
Phone: 732-667-7744 Email (will be used for official notifications): ckastrud@kastrud-engineering.com

**5. PROPERTY INFORMATION:** Block(s): 7002 Lot(s): 42 Zone: R-4  
Street Address: 373 Lyons Avenue Total Area (square feet/acres): 70,650 SF / 1.622 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?

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

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

EXISTING PROPERTY HAS A SINGLE-FAMILY DWELLING. PROPOSAL IS TO CONSTRUCT POOL AND PATIO IN STEEP SLOPE AREA.

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

- 1. POOL IS NOT LOCATED BEHIND THE REAR BUILDING LINES OF ADJOINER LOTS. SECTION 21-18.1
- 2. 2,900 SF OF DISTURBANCE ON SLOPES ≥ 25% WHERE NO DISTURBANCE IS PERMITTED. SECTION 21-14.2.

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

- 1. TO COMPLY WITH 21-18.1, WOULD REQUIRE ADDITIONAL STEEP SLOPE DISTURBANCE.
- 2. THERE IS NO SUITABLE ALTERNATIVE LOCATION.

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

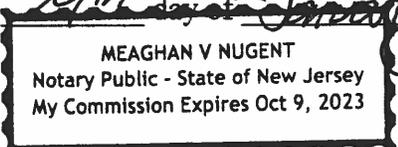
APPLICANT(S) SIGN HERE:

I/we, Adam Colucci 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 20th day of January, 2021.

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 \_\_\_\_\_

**SUBMIT ORIGINAL AND 16 COPIES**

**FORM A**

**TOWNSHIP OF BERNARDS  
PLANNING BOARD / BOARD OF ADJUSTMENT**

**SITE INSPECTION CONSENT FORM**

Applicant: Adam Colucci

Block: 7002 Lot: 42

Street Address: 373 Lyons Avenue

I, Adam Colucci, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature:  Date: 2/2/21



# OFFICE OF THE ASSESSOR

TOWNSHIP OF BERNARDS

ONE COLLYER LANE

BASKING RIDGE, NJ 07920

(908) 204-3082 Fax (908) 766-1644

## \*\*\* 200 Foot Property Search \*\*\*

\*\* VALID FOR 90 DAYS \*\*

**Date:** 01/28/2021

**Block:** 7002      **Lot(s):** 42      **Qual:**

**Property Location:** 373 Lyons Road

**Applicant:** Maria Torrisi

**Phone :** 732-667-7744      **Fax:**      **Email:** mtorrisi@kastridengineering.com

### PROPERTY OWNER INFORMATION

**Name:** Adam Colucci

**Address:** 373 Lyons Road

**City, State, Zip:** Basking Ridge, NJ 07920

Due to the location of the referenced  
Block and Lot, the following  
Fire Company Should be notified:



Liberty Corner Fire Company  
P.O. Box 98, Church St.  
Liberty Corner, NJ 07938

### Email When Complete:

**Email Report To:** Maria Torrisi  
mtorrisi@kastridengineering.com

**CERTIFIED BY:**

David Centrelli, Assessor - Township Of Bernards

**Amount Paid:** \$10.00

**Paid By:** Check (No. 2593)

# Bernards Township

## Parcel Offset List

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**Target Parcel(s):** Block-Lot: 7002-42  
COLUCCI, ADAM  
373 LYONS RD

16 parcels fall within 200 feet of this parcel(s).

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✓ **Block-Lot: 7903-21**  
PINELES, J&AWALLEY CHILDREN ASSOC  
55 S NEWMAN ST  
HACKENSACK NJ 07601  
RE: 374 LYONS RD

✓ **Block-Lot: 7903-9**  
PHELPS, MARK D & LESLIE E  
47 HARRISON BROOK DR  
BASKING RIDGE NJ 07920  
RE: 47 HARRISON BROOK DR

✓ **Block-Lot: 7903-8**  
HAMILTON, JILL A  
41 HARRISON BROOK DR  
BASKING RIDGE NJ 07920  
RE: 41 HARRISON BROOK DR

✓ **Block-Lot: 7903-7**  
ZEISER, CURTIS P & CERVANTES-BANKS, A  
33 HARRISON BROOK DR  
BASKING RIDGE NJ 07920  
RE: 33 HARRISON BROOK DR

✓ **Block-Lot: 7002-43**  
LEE, ANN M & WARRICK E JR, TRUSTEES  
379 LYONS RD  
BASKING RIDGE NJ 07920  
RE: 379 LYONS RD

✓ **Block-Lot: 7903-6**  
SOMERSET COUNTY  
BRIDGE & E HIGH ST  
SOMERVILLE NJ 08876  
RE: 340 LYONS RD

✓ **Block-Lot: 7903-5**  
KUMAR, VIKAS & SMITA B RAI  
27 HARRISON BROOK DR  
BASKING RIDGE NJ 07920  
RE: 27 HARRISON BROOK DR

✓ **Block-Lot: 7002-48**  
SOMERSET HILLS BAPTIST CHURCH  
510 MT AIRY RD  
BASKING RIDGE NJ 07920  
RE: 510 MT AIRY RD

✓ **Block-Lot: 7002-41**  
WANG, QIONG & HUI REN  
347 LYONS RD  
BASKING RIDGE NJ 07920  
RE: 347 LYONS RD

✓ **Block-Lot: 7002-40**  
MASTRO, J ALBERT & ADRIENNA E  
341 LYONS RD  
BASKING RIDGE NJ 07920  
RE: 341 LYONS RD

✓ **Block-Lot: 7002-8**  
EISENBERG, STUART R & RITA  
81 WEXFORD WAY  
BASKING RIDGE NJ 07920  
RE: 81 WEXFORD WAY

✓ **Block-Lot: 7002-7**  
O'BRIEN, THOMAS P & DENISE M  
71 WEXFORD WAY  
BASKING RIDGE NJ 07920  
RE: 71 WEXFORD WAY

**Block-Lot: 7002-6** ✓  
KING, DAVID MICHAEL & RACHEL H  
61 WEXFORD WAY  
BASKING RIDGE NJ 07920  
RE: 61 WEXFORD WAY

**Block-Lot: 7002-44.01** ✓  
VINCENT, ROBERT & PRISCILLA  
1 WAVERLY PL  
BASKING RIDGE NJ 07920  
RE: 1 WAVERLY PL

**Block-Lot: 7002-44.02** ✓  
MAGGIO, LYNN & FARRELL, MICHAEL  
11 WAVERLY PL  
BASKING RIDGE NJ 07920  
RE: 11 WAVERLY PL

**Block-Lot: 7002-44.03** ✓  
WANG, RU  
17 WAVERLY PL  
BASKING RIDGE NJ 07920  
RE: 17 WAVERLY PL



**OFFICE OF THE ASSESSOR**  
**TOWNSHIP OF BERNARDS**  
 ONE COLLYER LANE  
 BASKING RIDGE, NJ 07920  
 (908)-204-3082 FAX (908)-766-1644

## 200 FOOT PROPERTY SEARCH

List of names and addresses of all owners of property as shown on the current tax duplicate located within 200 feet of any part of the property affected by this application. The Township of Bernards accepts no liability for errors hereon. *The attached list was compiled by the Engineering Department.*

If the property is within 200 feet of an adjoining municipality, the Township Clerk of that municipality should be notified. In addition, the applicant must also obtain the names and addresses of the owners of the land in such adjoining municipalities that are located within 200 feet of the subject premises.

The following is a list of utility companies located within Bernards Township. It is not to be construed as utilities being on or within 200 feet of the property being searched.

- |  |   |   |
|--|---|---|
| 1. ALGONQUIN GAS TRANSMISSION CO<br>1 Lindbergh Rd<br>Stony Point, NY 10980<br>(908) 757-1212                | 6. NEW JERSEY AMERICAN WATER CO<br>Donna Short, GIS Supervisor<br>NJ-American Water Company, Inc.<br>1025 Laurel Oak Rd<br>Voorhees, NJ 08043 | 10. NEW JERSEY BELL TELEPHONE CO<br>Edward D. Young III, Secretary<br>Verizon Legal Dept.<br>540 Broad St – Room 2001<br>Newark, NJ 07101<br>(201) 649-2233 |
| 2. BELL ATLANTIC CORPORATION<br>Secretary, 46 <sup>th</sup> Floor<br>1717 Arch<br>Philadelphia, PA 19102     | 7. CABLEVISION OF RARITAN VALLEY<br>275 Centennial Ave; CN6805<br>Piscataway, NJ 08855<br>Attn: Margurite Prenderville<br>Construction Dept   | 11. TRANSCONTINENTAL GAS PIPELINE<br>Division Office<br>3200 S Wood Ave<br>Linden, NJ 07036   |
| 3. JCP & L/ GPU<br>Service Tax Dept<br>PO Box 1911<br>Morristown, NJ 07962-1911                              | 8. BERNARDS TWP SEWERAGE AUTHORITY<br>1 Collyer Ln<br>Basking Ridge, NJ 07920<br>(908) 204-3002   | 12. VERIZON BUSINESS/MCI<br>Right of Way Dept.<br>2400 N Glenville Dr<br>Richardson, TX 75082   |
| 4. PUBLIC SERVICE ELECTRIC & GAS<br>Manager – Corporate Properties<br>80 Park Plaza, T6B<br>Newark, NJ 07102 | 9. ENVIRONMENTAL DISPOSAL CORP<br>William Halsey, President<br>601 State Hwy 202/206<br>Bedminster, NJ 07921<br>(908) 234-0677                |   |
| 5. VERIZON COMMUNICATIONS<br>Engineering<br>290 W Mt Pleasant Ave; Ste 1400<br>Livingston, NJ 07039-2763     |   |   |

**PLEASE NOTE :**  
 Numbers 1,3,4,5 and 7 are  
 registered with the Township and  
 REQUIRE NOTIFICATION

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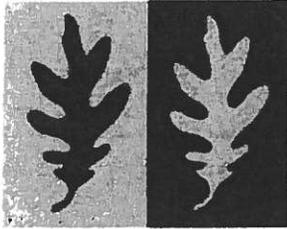
If the property is adjacent to a State Highway, the  
 COMMISSIONER OF TRANSPORTATION  
 must be notified at

NEW JERSEY DEPT OF TRANSPORTATION  
 1035 Parkway Ave., CN600  
 Trenton, NJ 08625

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If the property is adjacent to a County Road, the  
 SOMERSET COUNTY PLANNING BOARD  
 must be notified at

SOMERSET COUNTY PLANNING BOARD  
 PO Box 3000  
 Somerville, NJ 08876



# Township of Bernards

Peggy L Warren, Tax Collector

1 Collyer Lane, Basking Ridge, NJ 07920

Phone: 908-204-3080; Fax: 908-766-1941; Website: [www.bernards.org](http://www.bernards.org)

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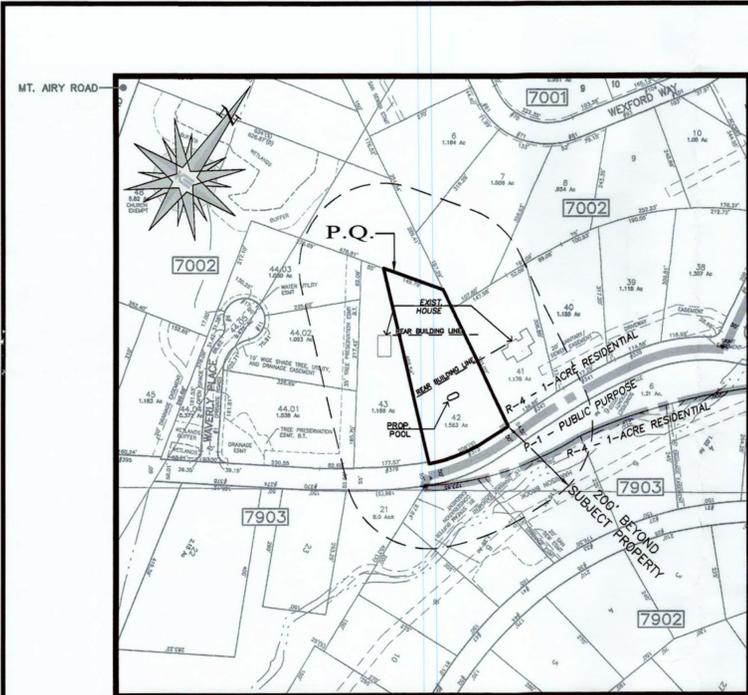
January 29, 2021

This is to certify that the property located at Block 7002 Lot 42, otherwise known as 373 Lyons Rd, Basking Ridge, NJ is assessed to Colucci, Adam and is paid for the year 2020.

Very truly yours,

Peggy L. Warren  
Tax Collector

Kevin Sant'Angelo  
Deputy Tax Collector



TAX MAP (SHEET 70, TOWNSHIP OF BERNARDS)  
SCALE: 1" = 200'

**PROJECT DESCRIPTION:**

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF CONSTRUCTING A RETAINING WALL FOR A POOL AND ASSOCIATED APPURTENANCES.

**THIS PLAN HAS BEEN PREPARED FOR:**

COLUCCI, ADAM  
373 LYONS ROAD  
BASING RIDGE NEW JERSEY 07920

**CERTIFIED TO:** (JAMES P. DEADY SURVEYOR, LLC)

KASTRUD ENGINEERING, LLC

**MAP REFERENCE:** (JAMES P. DEADY SURVEYOR, LLC)

FINAL MAP OF BROOKSIDE- SECTION TWO, LANDS OF DANIEL JACKSON HONES INC. TOWNSHIP OF BERNARDS, SOMERSET COUNTY, N.J., DATED JANUARY 9, 1974, LAST REVISED JANUARY 18, 1978 & FILED IN THE SOMERSET COUNTY CLERK'S OFFICE ON JANUARY 24, 1978 AS MAP NO. 1734.

**NOTES:** (JAMES P. DEADY SURVEYOR, LLC)

- THIS SURVEY IS PREPARED SPECIFICALLY FOR THE INDIVIDUAL(S) IN THE TITLE AND/OR CERTIFICATION. THE UNDERSIGNED WILL NOT BE RESPONSIBLE FOR ANY ASSIGNMENT OF THIS SURVEY TO ANY PERSON NOT SO NAMED.
- SUBJECT TO SUCH STATE OF FACT THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.
- UNDERGROUND UTILITIES ARE NOT DEPICTED. THE LACK OF UTILITY INFORMATION DOES NOT DENY THE EXISTENCE OF SAME. REFERENCE TO THE APPROPRIATE UTILITY AUTHORITY SHOULD BE MADE TO VERIFY THE PRESENCE OR EXISTENCE OF SAME.
- DEED REFERENCE BOOK 7000 PAGE 2226, FILED IN THE SOMERSET COUNTY CLERK'S OFFICE.
- A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003, C. 14 (N.J.A.C. 45:9-36.3) AND (N.J.A.C. 13-40-5.1(D)).
- VERTICAL DATUM ASSUMED AT 100.00', BENCHMARK SHOWN ON PLAN.

**GENERAL DEVELOPMENT NOTES:**

- SUBJECT PROPERTY KNOWN AS BLOCK 7002 LOT 42 (373 LYONS AVENUE) AS SHOWN ON THE TOWNSHIP OF BERNARDS TAX MAP SHEET NUMBER 70, DATED AUGUST 2004 LAST REVISED 1-18-16. TOTAL TRACT AREA IS ABOUT 70,650 SF OR 1.622 ACRES.
- OWNER/APPLICANT:  
COLUCCI, ADAM  
373 LYONS ROAD  
BASING RIDGE NEW JERSEY 07920
- BOUNDARY, TOPOGRAPHY, AND SITE PLANNETRICS FROM A SURVEY ENTITLED "PARTIAL TOPOGRAPHIC SURVEY OF TAX LOT 42-BLOCK 7002 LOCATED IN THE SOMERSET COUNTY, NEW JERSEY TOWNSHIP OF BERNARDS" BY JAMES P. DEADY SURVEYOR, LLC, DATED 11-09-20, NO REVISION.
- PROPERTY IS LOCATED WITHIN THE R-4 1-ACRE RESIDENTIAL DISTRICT.
- ALL DISTURBED AREAS SHALL BE STABILIZED IN ACCORDANCE WITH THE STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL IN N.J. ALL ROOF LEADERS SHALL BE MINIMUM SCHEDULE 40 PVC @ 2.0% MIN.
- THE APPLICANT SHALL REMOVE ALL EXCAVATED AND EXCESS SOIL FROM THE SITE.
- IF STORMWATER RUNOFF DRAINAGE PROBLEMS OCCUR ON YOUR PROPERTY AND/OR NEIGHBORING PROPERTIES AS A RESULT OF THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS, IT IS THE APPLICANT'S RESPONSIBILITY TO REMEDY THAT DRAINAGE ISSUE.
- THE APPLICANT IS RESPONSIBLE TO REPAIR ANY DAMAGE WITHIN THE TOWNSHIP RIGHT-OF-WAY INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, CURBS, AND ASPHALT CAUSED BY CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE INSTALLATION OF THE IMPROVEMENTS ON THE SUBJECT LOT.
- THIS PLAN DEMONSTRATES THAT THE PROPOSED GRADING, AS SHOWN ON THE LOT, CAN BE ADJUSTED TO FIT INTO EXISTING TOPOGRAPHIC CONTOURS ON ADJOINING LOTS WITHOUT AN ADVERSE GRADING OR DRAINAGE IMPACT AND THAT ALL DISTURBANCE AND GRADING CAN BE LIMITED TO WITHIN THE PROPERTY IN QUESTION.
- PROPOSED GRADING SHALL BE CONTAINED WITHIN SUBJECT PROPERTY.

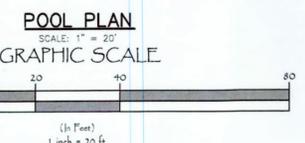
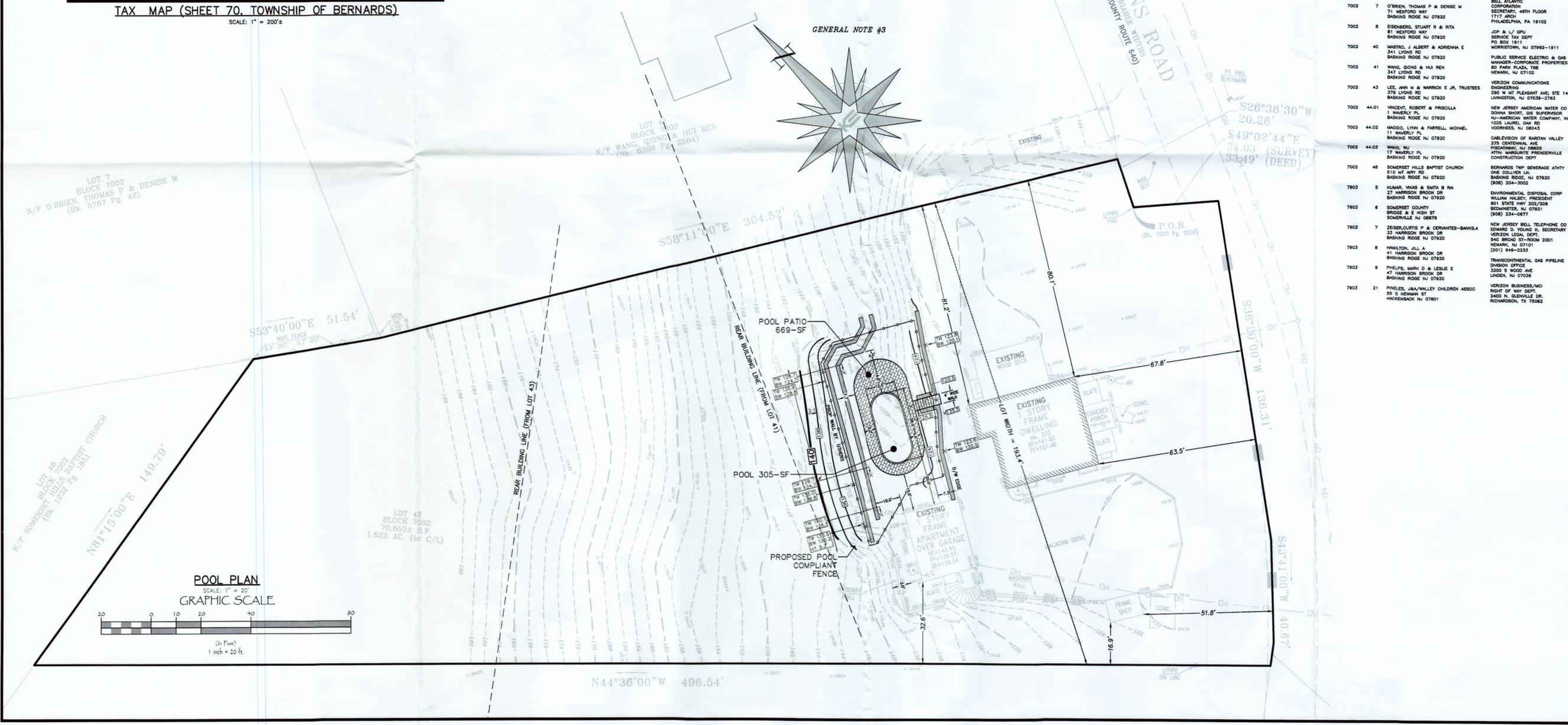
SUMMARY OF IMPERVIOUS SURFACES		
	EXISTING AREAS	PROPOSED AREA
HOUSE	1,589-SF	1,589-SF
APARTMENT OVER GARAGE	631-SF	631-SF
SHED	122-SF	122-SF
DRIVEWAY	4,088-SF	4,088-SF
WOODEN DECK (EXCLUDED IN COVERAGE)	539-SF	539-SF
WALKS	380-SF	380-SF
CONCRETE	179-SF	179-SF
LYONS ROAD	588-SF	588-SF
POOL	0-SF	305-SF
POOL EQUIPMENT	0-SF	24-SF
POOL PATIO	0-SF	669-SF
<b>TOTAL IMPERVIOUS AREA</b>	<b>8,477-SF</b>	<b>9,478-SF</b>

IMPERVIOUS SURFACE NOTES  
1. INCREASE IN IMPERVIOUS AREA = 998-SF OR 0.023-AC. (9,478 - 8,477)

ZONING INFORMATION TABLE			
R-4 1-ACRE RESIDENTIAL ZONE (21 ATTACHMENT 7, TABLE 501)	REQUIRED (R-4 DISTRICT)	EXISTING	PROPOSED
MINIMUM LOT AREA	1-AC.	1,622-AC.	1,622-AC.
MAXIMUM HEIGHT	35-FT	< 35-FT	< 35-FT
MINIMUM LOT WIDTH 1	200-FT	193.4-FT 5	193.4-FT 5
MINIMUM FRONTAGE	100-FT	186.3-FT	186.3-FT
MINIMUM FRONT YARD SETBACK	75-FT	63.5-FT 5	63.5-FT 5
MINIMUM REAR YARD SETBACK	75-FT	248.1-FT	248.1-FT
MIN. SIDE YARD SETBACK (COMBINED)	50-FT	112.7-FT	112.7-FT
MIN. SIDE YARD SETBACK	20-FT	32.6-FT	32.6-FT
MAXIMUM COVERAGE 2	15%	12.0%	14.4%
MAX. REAR YARD COVERAGE (POOL) 3	25%	N/A	2.3%

- ZONING INFORMATION NOTES**
- SECTION 21-3.1 DEFINITIONS LOT WIDTH - SHALL MEAN THE DISTANCE BETWEEN THE SIDE LOT LINES MEASURED ALONG A LINE DRAWN PARALLEL TO THE FRONT LOT LINE AT A DISTANCE FROM THE FRONT LOT LINE EQUAL TO THE MINIMUM FRONT YARD SETBACK. WHERE THE MINIMUM WIDTH IS REQUIRED TO BE INCREASED AS A RESULT OF BEING A CORNER LOT, ONLY ONE WIDTH NEED BE INCREASED FOR CORNER LOTS OR PRE-SHARED LOTS IN EXISTENCE OR PRESUMABLY APPROVED AS OF FEBRUARY 15, 2008. THE LOT WIDTH SHALL BE MEASURED AT THE ACTUAL OR APPROVED LOCATION OF THE HOUSE, BUT NOT CLOSER TO THE STREET RIGHT-OF-WAY THAN THE MINIMUM FRONT YARD SETBACK. [Ord. #1428, 5-29-2007, amended Ord. #1999, § 1, 2-12-2008, Ord. #64]
  - SECTION 21-3.1 DEFINITIONS COVERAGE OR LOT COVERAGE - SHALL MEAN THE PORTION OF A LOT, EXPRESSED AS A PERCENTAGE OF THE LOT AREA, COVERED BY ANY OF THE FOLLOWING: [Ord. #2255, 12-10-2013, Ord. #64]
    - BUILDINGS OR STRUCTURES, INCLUDING ALL AREAS UNDER A ROOF, EXCLUDING OPEN DECKS NOT ENCLOSED BY WALLS OR A ROOF.
    - PARKING AREAS, LOADING AREAS, DRIVEWAYS, AND OTHER AREAS DESIGNED FOR VEHICULAR USE, REGARDLESS OF THE SURFACE MATERIAL.
    - PATIOS AND WALKWAYS, REGARDLESS OF THE SURFACE MATERIAL.
    - THE WATER SURFACE OF ALL SWIMMING POOLS, FOUNTAINS, AND MAN-MADE PONDS.
    - ANY IMPERVIOUS SURFACE, WHETHER OR NOT LISTED ABOVE.
  - SECTION 21-18.1 PRIVATE SWIMMING POOL AREAS [Ord. #685, § 506A; Ord. #1103, § 22] THE SURFACE AREA OF A PRIVATE SWIMMING POOL, HEREINAFTER CONSTRUCTED OR ENLARGED SHALL NOT EXCEED 25% OF THE AREA OF THE REAR YARD. NO PART OF ANY POOL INCLUDING WATER AREA AND SURROUNDING PATIOS, REGARDLESS OF MATERIAL OR DECKS SHALL BE LOCATED CLOSER THAN 20 FEET TO ANY PROPERTY LINE. IN ALL CASES THE POOL SHALL BE LOCATED BEHIND THE REAR BUILDING LINE OF EXISTING RESIDENTIAL STRUCTURES ON ADJOINING LOTS.
  - TABLE 501, NOTE 3 - THE MINIMUM SIDE YARD AND MINIMUM COMBINED SIDE YARD FOR DWELLINGS CONSTRUCTED PRIOR TO SEPTEMBER 21, 2008, MAY BE REDUCED TO 15 FEET AND 40 FEET, RESPECTIVELY, PROVIDED ANY ADDITION SHALL BE NO CLOSER TO THE SIDE LOT LINES THAN THE EXISTING DWELLING.
  - EXISTING NON-CONFORMITY
  - VARIANCE/WAIVER REQUIRED
  - SEE SHEET 2 FOR STEEP SLOPE VARIANCES
  - VARIANCE REQUIRED FOR POOL NOT BEING LOCATED BEHIND REAR BUILDING LINE OF ADJOINING LOTS 41 AND 43.

PROPERTY OWNERS & UTILITIES WITHIN 200-FT OF SUBJECT TRACT		UTILITIES
BLOCK	LOT	PROPERTY OWNER
7002	6	ALDOVINI GAS TRANSMISSION CO 1 LINDBROOK RD STONE POINT, NY 10980 (908) 757-1212
7002	7	BELL ATLANTIC CORPORATION SECRETARY, 4TH FLOOR 1717 ARCH PHILADELPHIA, PA 19102
7002	8	JOP & L/ GPU SERVICE TAX DEPT PO BOX 1811 MORRISTOWN, NJ 07962-1911
7002	40	PUBLIC SERVICE ELECTRIC & GAS MANAGER-CORPORATE PROPERTIES 80 PARK PLAZA, 18B NEWARK, NJ 07102
7002	43	VERIZON COMMUNICATIONS ENGINEERING 290 W MT PLEASANT AVE, STE 1400 LINDSIGHT, NJ 07036-2783
7002	44.01	NEW JERSEY AMERICAN WATER CO DONNA SHORT, GIS SUPERVISOR NJ-AMERICAN WATER COMPANY, INC. 1035 LAUREL OAK RD VORHEES, NJ 08043
7002	44.02	CABLEVISION OF BARBANT VALLEY SECRETARY, 4TH FLOOR 1717 ARCH PHILADELPHIA, PA 19102
7002	44.03	BERNARDS TWP SEWERAGE AUTHORITY 210 MT NEW RD BASING RIDGE, NJ 07920 (908) 204-3022
7903	5	ENVIRONMENTAL DISPOSAL CORP WILLIAM HALSEY, PRESIDENT 801 STATE HWY 202/208 BENDMEINER, NJ 07921 (908) 234-0877
7903	7	NEW JERSEY BELL TELEPHONE CO EDWARD D. YOUNG II, SECRETARY VERIZON LEGAL DEPT. 540 BRING ST-ROOM 2001 NEWARK, NJ 07101 (201) 648-2233
7903	8	TRANSCONTINENTAL GAS PIPELINE DIVISION OFFICE 3200 S WOOD AVE LINDEN, NJ 07036
7903	21	VERIZON BUSINESS/AG RIGHT OF WAY DEPT. 2400 N. GLENVILLE DR. RICHARDSON, TX 75082



SHEET: PROJECT:	POOL GRADING PLAN	DRAWING FILE: 20-0494	1			
	VARIANCE PLAN			PROJECT NUMBER: 20-0494	2	
	BLOCK 7002 LOT 42					REV. 0
	373 LYONS AVENUE					
TOWNSHIP OF BERNARDS SOMERSET COUNTY NEW JERSEY						
DATE: 02/04/2021	SCALE: 1" = 20'	DRAWN BY: P.L.H.	CHK'D BY: C.M.K.	NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24GA28194600	1952 ROUTE 22 EAST SUITE 104 BOUND BROOK, NEW JERSEY 08805 PH 732.667.7744 FAX 732.667.7741	

**SOMERSET - UNION SOIL CONSERVATION DISTRICT  
SOIL EROSION AND SEDIMENT CONTROL NOTES**

- ALL SOIL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE INSTALLED IN ACCORDANCE WITH THE STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL IN NEW JERSEY (NEW JERSEY STANDARDS) AND WILL BE IN PLACE PRIOR TO ANY MAJOR SOIL DISTURBANCE, OR THEIR PROPER SEQUENCE AND MAINTAINED UNTIL PERMANENT PROTECTION IS ESTABLISHED.
- ANY DISTURBED AREA THAT WILL BE LEFT EXPOSED FOR MORE THAN THIRTY (30) DAYS AND NOT SUBJECT TO CONSTRUCTION TRAFFIC SHALL IMMEDIATELY RECEIVE A TEMPORARY SEEDING. IF THE SEASON PROHIBITS TEMPORARY SEEDING, THE DISTURBED AREA WILL BE MULCHED WITH STRAW OR HAY AND TACKED IN ACCORDANCE WITH THE NEW JERSEY STANDARDS. SEE NOTE 21 BELOW.
- PERMANENT VEGETATION IS TO BE ESTABLISHED ON EXPOSED AREAS WITHIN TEN (10) DAYS AFTER FINAL GRADING. MULCH IS TO BE USED FOR PROTECTION UNTIL VEGETATION IS ESTABLISHED. SEE NOTE 22 BELOW.
- IMMEDIATELY FOLLOWING INITIAL DISTURBANCE OR ROUGH GRADING, ALL CRITICAL AREAS (STEEP SLOPES, SANDY SOILS, WET CONDITIONS) SUBJECT TO EROSION WILL RECEIVE A TEMPORARY SEEDING IN ACCORDANCE WITH NOTE 21 BELOW.
- TEMPORARY DIVERSION BERMES ARE TO BE INSTALLED ON ALL CLEARED ROADWAYS AND EASEMENT AREAS. SEE THE DIVERSION DETAIL.
- PERMANENT SEEDING AND STABILIZATION TO BE IN ACCORDANCE WITH THE STANDARDS FOR "PERMANENT VEGETATIVE COVER FOR SOIL STABILIZATION." SPECIFIED RATES AND LOCATIONS SHALL BE IN THE APPROVED SOIL EROSION AND SEDIMENT CONTROL PLAN.
- THE SITE SHALL AT ALL TIMES BE GRADED AND MAINTAINED SO THAT ALL STORM WATER RUNOFF IS DIVERTED TO SOIL EROSION AND SEDIMENT CONTROL FACILITIES.
- ALL SEDIMENTATION STRUCTURES (STABILIZED CONSTRUCTION ENTRANCE, SCOUR HOLE, SILT FENCE, HAY BALE AND SEDIMENT FENCE, TREE PROTECTION, INLET FILTERS, AND SEDIMENT BASINS) WILL BE INSPECTED AND MAINTAINED DAILY.
- STOCKPILES SHALL NOT BE LOCATED WITHIN 50 FT. OF A FLOOD PLAIN, SLOPE, DRAINAGE FACILITY, OR ROADWAY. ALL STOCKPILE BASES SHALL HAVE A SILT FENCE PROPERLY ENTRENCHED AT THE TOP OF THE SLOPE.
- A STABILIZED CONSTRUCTION ACCESS WILL BE INSTALLED, WHENEVER AN EARTHEN ROAD INTERSECTS WITH A PAVED ROAD. SEE THE STABILIZED CONSTRUCTION ACCESS DETAIL AND CHART FOR DIMENSIONS.
- ALL NEW ROADWAYS WILL BE TREATED WITH SUITABLE SUBBASE UPON ESTABLISHMENT OF FINAL GRADE ELEVATIONS.
- PAVED ROADWAYS MUST BE KEPT CLEAN AT ALL TIMES.
- BEFORE DISCHARGE POINTS BECOME OPERATIONAL, ALL STORM DRAINAGE OUTLETS WILL BE STABILIZED AS REQUIRED.
- ALL DEWATERING OPERATIONS, IF REQUIRED, MUST BE DISCHARGED DIRECTLY INTO A SEDIMENT FILTER AREA. THE FILTER SHOULD BE COMPOSED OF A FABRIC OR APPROVED MATERIAL. SEE THE DEWATERING DETAIL.
- ALL SEDIMENT BASINS WILL BE CLEANED WHEN THE CAPACITY HAS BEEN REDUCED BY 50%. A CLEAN OUT ELEVATION WILL BE IDENTIFIED ON THE PLAN AND A MARKER INSTALLED ON THE SITE.
- DURING AND AFTER CONSTRUCTION, THE APPLICANT WILL BE RESPONSIBLE FOR THE MAINTENANCE AND LITKEEP OF THE DRAINAGE STRUCTURES, VEGETATION COVER, AND ANY OTHER MEASURES DEEMED APPROPRIATE BY THE DISTRICT. SAID RESPONSIBILITY WILL END WHEN COMPLETED WORK IS APPROVED BY THE SOMERSET - UNION SOIL CONSERVATION DISTRICT.
- ALL TREES OUTSIDE THE DISTURBANCE LIMIT INDICATED ON THE SUBJECT PLAN OR THOSE TREES WITHIN THE DISTURBANCE AREA WHICH ARE DESIGNATED TO REMAIN AFTER CONSTRUCTION ARE TO BE PROTECTED WITH TREE PROTECTION DEVICES. SEE THE TREE PROTECTION DETAIL.
- THE SOMERSET - UNION SOIL CONSERVATION DISTRICT MAY REQUEST ADDITIONAL MEASURES TO MINIMIZE ON SITE OR OFF SITE EROSION PROBLEMS DURING CONSTRUCTION.
- THE TOWNSHIP ENGINEER MUST BE NOTIFIED, IN WRITING, AT LEAST 72 HOURS PRIOR TO ANY LAND DISTURBANCE, AND A PRE-CONSTRUCTION MEETING HELD.
- TOPSOIL STOCKPILE PROTECTION
  - APPLY GROUND Limestone AT A RATE OF 90 LBS. PER 1000 SQ. FT.
  - APPLY FERTILIZER (10-20-10) AT A RATE OF 11 LBS. PER 1000 SQ. FT.
  - APPLY PERENNIAL RYE GRASS SEED AT 1 LB. PER 1000 SQ. FT. AND ANNUAL RYE GRASS AT 1 LB. PER 1000 SQ. FT.
  - MULCH STOCKPILE WITH STRAW OR HAY AT A RATE OF 90 LBS. PER 1000 SQ. FT.
  - APPLY A LIQUID MULCH BINDER OR TACK TO STRAW OR HAY MULCH.
  - PROPERLY ENTRENCH A SILT FENCE AT THE BOTTOM OF THE STOCKPILE.
- TEMPORARY STABILIZATION SPECIFICATIONS
  - APPLY GROUND Limestone AT A RATE OF 90 LBS. PER 1000 SQ. FT.
  - APPLY FERTILIZER (10-20-10) AT A RATE OF 11 LBS. PER 1000 SQ. FT.
  - APPLY PERENNIAL RYE GRASS SEED AT 1 LB. PER 1000 SQ. FT. AND ANNUAL RYE GRASS AT 1 LB. PER 1000 SQ. FT.
  - MULCH STOCKPILE WITH STRAW OR HAY AT A RATE OF 90 LBS. PER 1000 SQ. FT.
  - APPLY A LIQUID MULCH BINDER OR TACK TO STRAW OR HAY MULCH.
- PERMANENT STABILIZATION SPECIFICATIONS
  - APPLY TOPSOIL TO A DEPTH OF 5 INCHES (UNSETTLED).
  - APPLY GROUND Limestone AT A RATE OF 90 LBS. PER 1000 SQ. FT. AND WORK FOUR INCHES INTO SOIL.
  - APPLY FERTILIZER (10-20-10) AT A RATE OF 11 LBS. PER 1000 SQ. FT.
  - APPLY HARD FESCUE SEED AT 2.7 LBS. PER 1000 SQ. FT. AND CREeping RED FESCUE SEED AT 0.7 LBS. PER 1000 SQ. FT. AND PERENNIAL RYE GRASS SEED AT 0.25 LBS. PER 1000 SQ. FT.
  - MULCH STOCKPILE WITH STRAW OR HAY AT A RATE OF 90 LBS. PER 1000 SQ. FT.
  - APPLY A LIQUID MULCH BINDER OR TACK TO STRAW OR HAY MULCH.
- USDS SOIL SERIES FROM NRCS, NATURAL RESOURCES CONSERVATION SERVICES:  
PqBAt = PAISSIPPANY SILT LOAM, 0 TO 3 PERCENT SLOPES, FREQUENTLY FLOODED (HS0-D)
- AREA OF DISTURBANCE = 4,700 SF OR 0.11 ACRE.

**PROJECT DESCRIPTION:**

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF CONSTRUCTING A RETAINING WALL FOR A POOL AND ASSOCIATED APPURTENANCES.

**THIS PLAN HAS BEEN PREPARED FOR:**

COLUCCI, ADAM  
373 LYONS ROAD  
BASKING RIDGE NEW JERSEY 07920

**CERTIFIED TO:** (JAMES P. DEADY SURVEYOR, LLC)

KASTRUD ENGINEERING, LLC

**MAP REFERENCE:** (JAMES P. DEADY SURVEYOR, LLC)

TYPICAL MAP OF "BROOKSIDE" SECTION TWO, LANDS OF DAVE JACKSON HOMES INC., TOWNSHIP OF BERNARDS, SOMERSET COUNTY, N.J., DATED JANUARY 9, 1974, LAST REVISED JANUARY 18, 1978 & FILED IN THE SOMERSET COUNTY CLERK'S OFFICE ON JANUARY 24, 1978 AS MAP No. 1734.

**NOTES:** (JAMES P. DEADY SURVEYOR, LLC)

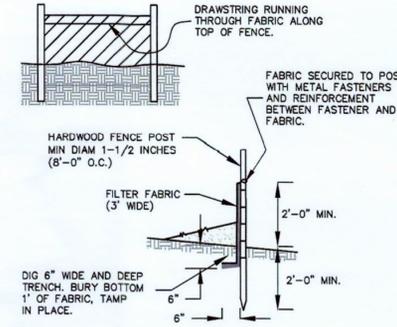
- THIS SURVEY IS PREPARED SPECIFICALLY FOR THE INDIVIDUAL(S) IN THE TITLE AND/OR CERTIFICATION. THE UNDERSIGNED WILL NOT BE RESPONSIBLE FOR ANY ASSIGNMENT OF THIS SURVEY TO ANY PERSON NOT SO NAMED.
- SUBJECT TO SUCH STATE OF FACT THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.
- UNDERGROUND UTILITIES ARE NOT DEPICTED. THE LACK OF UTILITY INFORMATION DOES NOT DENY THE EXISTENCE OF SAME. REFERENCE TO THE APPROPRIATE UTILITY AUTHORITY SHOULD BE MADE TO VERIFY THE PRESENCE OR EXISTENCE OF SAME.
- DEED REFERENCE: BOOK 7030 PAGE 2226, FILED IN THE SOMERSET COUNTY CLERK'S OFFICE.
- A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003, C. 14 (N.J.A.C. 45-6-36.3) AND (N.J.A.C. 13-40-5.10).
- VERTICAL DATUM ASSUMED AT 100.00', BENCHMARK SHOWN ON PLAN.

**GENERAL DEVELOPMENT NOTES:**

- SUBJECT PROPERTY KNOWN AS BLOCK 7002 LOT 42 (373 LYONS AVENUE) AS SHOWN ON THE TOWNSHIP OF BERNARDS TAX MAP SHEET NUMBER 70, DATED AUGUST 2004, LAST REVISED 1-18-16. TOTAL TRACT AREA IS ABOUT 70,650 SF OR 1.622 ACRES.
- OWNER/APPLICANT:  
COLUCCI, ADAM  
373 LYONS ROAD  
BASKING RIDGE NEW JERSEY 07920
- BOUNDARY TOPOGRAPHY AND SITE PLANNIMETRES FROM A SURVEY ENTITLED "PARTIAL TOPOGRAPHIC SURVEY OF TAX LOT 42-BLOCK 7002 LOCATED IN THE SOMERSET COUNTY, NEW JERSEY TOWNSHIP OF BERNARDS" BY JAMES P. DEADY SURVEYOR, LLC, DATED 11-05-20, NO REVISION.
- PROPERTY IS LOCATED WITHIN THE R-4 1-ACRE RESIDENTIAL DISTRICT.
- ALL DISTURBED AREAS SHALL BE STABILIZED IN ACCORDANCE WITH THE STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL IN N.J. ALL ROOF LEADERS SHALL BE MINIMUM SCHEDULE 40 PVC @ 2.0X MIN.
- THE APPLICANT SHALL REMOVE ALL EXCAVATED AND EXCESS SOIL FROM THE SITE.
- IF STORMWATER RUNOFF DRAINAGE PROBLEMS OCCUR ON THEIR PROPERTY AND/OR NEIGHBORING PROPERTIES AS A RESULT OF THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS, IT IS THE APPLICANT'S RESPONSIBILITY TO REMEDY THAT DRAINAGE ISSUE.
- THE APPLICANT IS RESPONSIBLE TO REPAIR ANY DAMAGE WITHIN THE TOWNSHIP RIGHT-OF-WAY INCLUDING, BUT NOT LIMITED TO, SIDEWALK, CURB, AND ASPHALT CAUSED BY CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE INSTALLATION OF THE IMPROVEMENTS ON THE SUBJECT LOT.
- THIS PLAN DEMONSTRATES THAT THE PROPOSED GRADING, AS SHOWN ON THE LOT, CAN BE INTO EXISTING TOPOGRAPHIC CONTOURS ON ADJOINING LOTS WITHOUT AN ADVERSE GRADING OR DRAINAGE IMPACT AND THAT ALL DISTURBANCE AND GRADING CAN BE LIMITED TO WITHIN THE PROPERTY IN QUESTION.
- PROPOSED GRADING SHALL BE CONTAINED WITHIN SUBJECT PROPERTY.

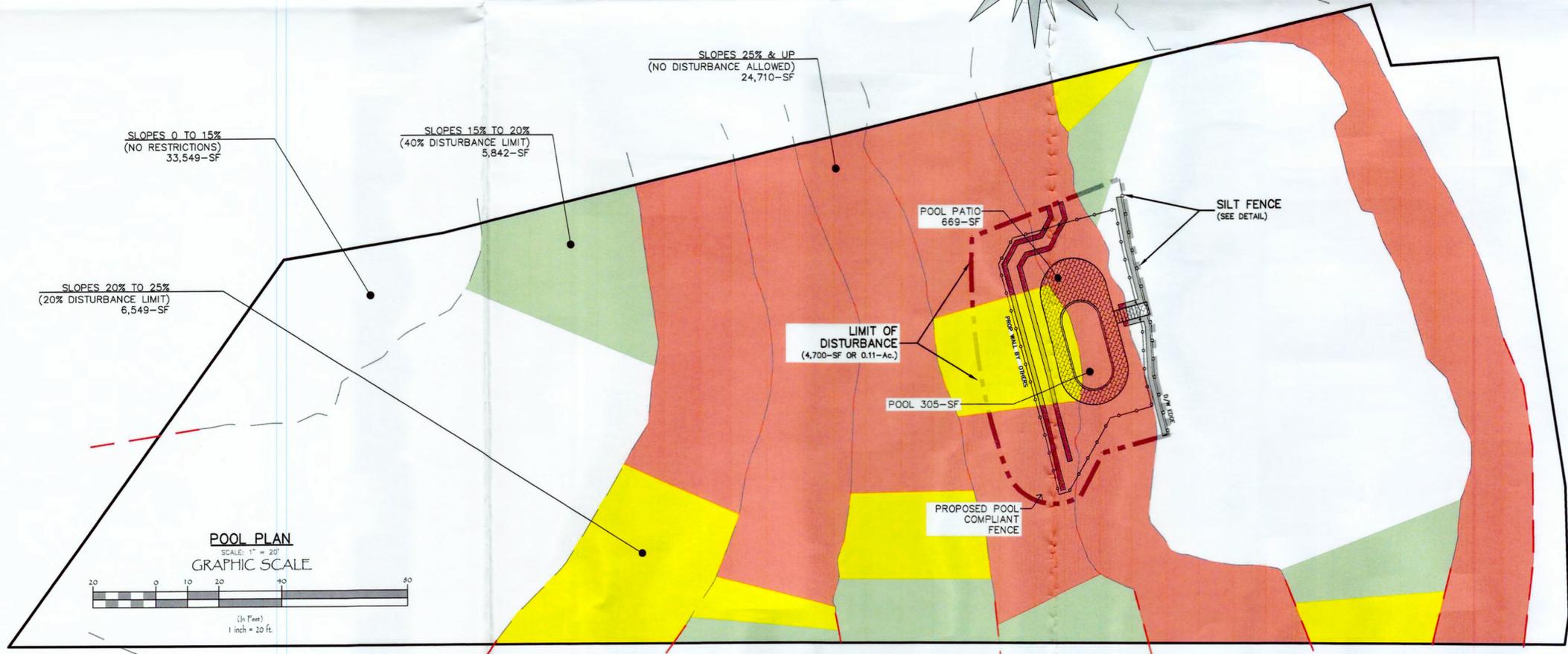
SLOPE ANALYSIS				
	PERCENT DISTURBANCE LIMIT	EXISTING AREA	ALLOWABLE DISTURBANCE	PROPOSED 1' AREA OF DISTURBANCE
0 TO 15%, NO RESTRICTIONS	100%	33,549-SF	33,549-SF	615-SF
15% TO 20%, 40% DISTURBANCE LIMIT	40%	5,842-SF	2,337-SF	70-SF
20% TO 25%, 20% DISTURBANCE LIMIT	20%	6,549-SF	1,310-SF	1,107-SF
25% & UP, NO DISTURBANCE ALLOWED	0%	24,710-SF	0-SF	2,908-SF 2
<b>TOTAL</b>		<b>70,650-SF</b>	<b>37,196-SF</b>	<b>4,700-SF</b>

ANALYSIS NOTES:  
1. PROPOSED AREA OF DISTURBANCE ONLY INCLUDES THE DISTURBED AREA OF THE POOL AND NOT THE EXISTING AREAS THAT WERE ALREADY DISTURBED.  
2. VARIANCE/WAIVER REQUIRED



**SILT FENCE DETAIL**  
NOT TO SCALE

**GENERAL NOTE #3**



DATE: 02/04/2021	SCALE: 1" = 20'	DRAWN BY: P.L.H.	CHK'D BY: C.M.K.	NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 240628194600
<p><b>SLOPE ANALYSTS &amp; SCD PLAN</b></p> <p><b>VARIANCE PLAN</b> BLOCK 7002 LOT 42 373 LYONS AVENUE TOWNSHIP OF BERNARDS SOMERSET COUNTY NEW JERSEY</p>				
<p>1952 ROUTE 22 EAST SUITE 104 BOUND BROOK, NEW JERSEY 08805 PH 732.667.7744 FAX 732.667.7741</p>				<p>02-04-21 Christian M. Kastrud Professional Engineer N.J. Lic. 24GE04161200 P.A. Lic. PE060122</p>
<p>DRAWING FILE: 20-0494</p> <p>PROJECT NUMBER: 20-0494</p>				<p>2</p> <p>2</p> <p>REV. 0</p>

**TOWNSHIP OF BERNARDS  
ZONING BOARD OF ADJUSTMENT  
APPLICATION STATUS FORM**

Application No: ZB21-014 Block: 1805 Lot: 42 Zone: B-1

Applicant: KENKEN LLC

Address of Property: 1 BROWNLEE PLACE

Description: ADDITION & SITE IMPROVEMENTS  
REQUIRING PRELIMINARY/FINAL SITE PLAN  
APPROVAL, BULK VARIANCES, FLOOR AREA RATIO

**APPLICATION CHECKLIST**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Original + 16 copies of Application | <input checked="" type="checkbox"/> Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> W-9                                 | <input checked="" type="checkbox"/> Architectural Plans        |
| <input checked="" type="checkbox"/> Site Visit Consent (A)              | <input type="checkbox"/> Survey                                |
| <input checked="" type="checkbox"/> Ownership Form (B)                  | <input type="checkbox"/> Photographs                           |
| <input checked="" type="checkbox"/> 200' Property Search List (C)       | <input type="checkbox"/> Wetlands Report/LOI                   |
| <input checked="" type="checkbox"/> Tax Certification (D)               | <input type="checkbox"/> Application Fee                       |
| <input type="checkbox"/> Notice to be Served/Published (E)              | <input type="checkbox"/> Escrow Deposit                        |
| <input checked="" type="checkbox"/> Dimensional Statistics Form (F)     | <input type="checkbox"/> Imaging Fee                           |
| <input type="checkbox"/> Contributions Disclosure Form (G)              | <input type="checkbox"/> Tax Map Revision Fee                  |
|   | <input checked="" type="checkbox"/> Checklist                  |

**SCHEDULING**

- 2.11.21 Original Submission Date 60\*
- 4.12.21 Completeness Deadline (45 days)
- Incomplete Date
- Resubmission Date
- Date Complete 60
- Time to Act (45/95/120 days)

**HEARING**

- Notice to Property Owners
- Date of Publication
- 4.7.21 Completeness Hearing
- 6.9.21 Public Hearing
- Carried to Date
- Decision - Approved/Denied
- Resolution Memorialized
- Resolution Published

**DISTRIBUTION**

- Environmental Comm
- Fire Official
- LCFAS
- Police

**NOTES**

\* COVID DEADLINES

**TOWNSHIP OF BERNARDS  
2021 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 checked="" type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance | <input type="checkbox"/> Major Subdivision - Preliminary / Final |
| <input checked="" type="checkbox"/> Site Plan - Preliminary / Final                     | <input type="checkbox"/> Other (specify):                        |

**1. APPLICANT:** Kenken LLC

Address: 1 Brownlee Place, Basking Ridge, NJ 07920

Phone: (home) \_\_\_\_\_ (work) 908-766-4630 (mobile) 973-632-0490

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

**2. OWNER (if different from applicant):** \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

**3. ATTORNEY:** Jason R. Rittie, Esq.

Address: Einhorn Barbarito - 165 East Main Street, Denville, New Jersey 07834

Phone: 973-586-4944 Email (will be used for official notifications): jrittie@einhornlawyers.com

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

Name: Kenneth J. Fox, AIA PP Profession: Architect/ Planner

Address: 546 State Route 10 West Ledgewood, NJ 07852

Phone: 973-970-9355 Email (will be used for official notifications): kfox@foxarch.com

**5. PROPERTY INFORMATION:** Block(s): 1805 Lot(s): 42 Zone: B-1

Street Address: 1 Brownlee Place Total Area (square feet/acres): 13,008.5 / 0.29 +/-

**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:** \_\_\_\_\_

See Rider attached hereto and made a part hereof.

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

See Rider attached hereto and made a part hereof.

**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, Kenken LLC and Ricky Pennisi 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 5 day of February, 2021.

  
Notary Jason R. Ritti, ESQ  
**JASON R. RITTI**

**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

**Rider to Township of Bernards  
Zoning Board of Adjustment  
Application for Development/Variance**

Applicant: Kenken LLC

Property Location: 1 Brownlee Place

Application Summary: Applicant, Kenken LLC is applying to the Township of Bernards Zoning Board of Adjustment for Preliminary and Final Site Plan, Use Variance (N.J.S.A. 40:55D-70(d)(4)) and Bulk Variances (N.J.S.A. 40:55D-70(c)), together with associated waivers, deviations and/or exceptions. The subject property is located at **1 Brownlee Place**, being further known and designated as **Lot 42 in Block 1805** on the official tax map of the Township of Bernards. The subject property is situated in the **B-1 Village Business Zone District**. The subject property contains two (2) principal buildings. The front building is an existing two (2) story framed building, whereas Applicant is not proposing any work to this front building. The rear building is an existing one (1) story framed building, and Applicant is proposing an approx. 251 sq.ft. addition to the rear building, together with façade renovations and related site improvements.

Applicant requires the following Variances, exceptions, deviations and/or waivers:

1. From the provisions of § 21-10.6 b., Table 402, of the Land Development Ordinance, which requires a Floor Area Ratio maximum of 25.0%. Applicant is proposing a Floor Area Ratio of 28.93%. This variance is a Use Variance.
2. From the provisions of § 21-15.2 a., of the Land Development Ordinance, which states that no lot in the B-1 or B-3 Zones shall have more than one principal building. The subject property currently has two (2) principal buildings on one single lot, which is a pre-existing, non-conforming condition.
3. From the provisions of § 21-15.2 d., Table 506 of the Land Development Ordinance, which requires a minimum front yard set-back of 10'. The front building has an existing front yard set-back of 1.6', and the rear building has an existing front yard set-back of 4.9', which are pre-existing, non-conforming conditions and shall remain unchanged.
4. From the provisions of § 21-22.1 a. 1. (b), of the Land Development Ordinance, which requires approx. 19 parking spaces, whereas Applicant is proposing 10 parking spaces.
5. From the provisions of § 21-22.1 b. 3.(b), of the Land Development Ordinance, which states that no parking area shall be located closer than 5 feet from a side property line, whereas the existing parking area does not conform to this condition, and is a pre-existing, non-conforming condition that shall remain unchanged.

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At this time, Applicant is not aware of any additional approvals, variances and/or additional waivers, deviations, or exceptions; provided, however, Applicant requests that the Application be deemed amended to include and the Board grant any additional approvals, variances, deviations, exceptions or waivers determined to be necessary in the review and processing of this Application, whether requested by the Board or otherwise. If necessary, Applicant also requests a waiver of the Township's requirement for a Developer's Agreement due to the limited nature of this Application.

The variances, waivers, deviations and/or exceptions requested by the Application can be granted by the Board without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. As will be demonstrated at the time of the Public Hearing, Applicant's subject property is uniquely situated in its size, shape and location, and the site has existing non-conforming structures with mixed uses. Applicant's proposed second story addition can be accommodated by the lot size and existing site conditions, and will have no substantial impact on the surrounding properties or neighbors. As will also be demonstrated at the time of the Public Hearing, the proposed addition and site improvements on the subject property will not have a negative impact on the zoning, surrounding areas, or public welfare. Applicant's proposed use of the subject property and buildings will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance. At the time of the Public Hearing, the variance relief sought by the Applicant can and will be justified pursuant to N.J.S.A. 40:55D-70(d)(4) and N.J.S.A. 40:55D-70(c)(1) and/or (2). As will also be demonstrated at the time of the Public Hearing, Applicant's proposed variances will provide a substantial benefit to the public and the benefit derived from the proposed variances will substantially outweigh any detriment (if any) sustained as a result of the granting of the relief sought. The granting of the relief sought will not have any substantial detriment to the surrounding area, nor will there be any substantial detriment to the public welfare.

The waivers being requested, as noted with the Application, can be waived by the Board due to the limited nature of the Application and/or several items are either not applicable or unnecessary in light of the limited relief being sought by the Applicant.

Except for Somerset County Planning Board, Applicant is not aware, at this time, of any other approvals which are required from other governmental or quasi-governmental entities.

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**19070 Pennis – Atlier**

**Kenken LLC**

**One Brownlee Place**

**Basking Ridge, NJ 07920**

**9. Description of the existing property and the proposal / request:**

Existing property contains 2 principal buildings. The front building is a 2 story framed building containing a salon. No work is to be done to this building.

The rear building is a 1 story framed building containing an unoccupied retail space. Proposed 2<sup>nd</sup> floor addition and façade renovations. Raise the height – add second floor addition. Add thin stone façade and detailing to give building a historic colonial look.

**SUBMIT ORIGINAL AND 16 COPIES**

**FORM A**

**TOWNSHIP OF BERNARDS  
PLANNING BOARD / BOARD OF ADJUSTMENT**

**SITE INSPECTION CONSENT FORM**

Applicant: Kenken LLC

Block: 1805 Lot: 42

Street Address: 1 Brownlee Place

I, KenKen LLC, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature:



Date:

2/5/21

**SUBMIT ORIGINAL + 2 COPIES  
For Corporations, LLC, LLP ONLY**

**STATEMENT OF OWNERSHIP**

Corporate or Partnership Name of Applicant KenKen LLC  
Address One Brownlee Place, Basking Ridge, New Jersey 07920

The following is a list of all shareholders and/or partners owning beneficially or having registered in their names not less than ten percent (10%) of the stock of the corporation or interest in a partnership involved in an application hereinabove referred to:

Name Ricky C. Pennisi 100% owner Name \_\_\_\_\_

Address: 1 Brownlee Place Address: \_\_\_\_\_  
Basking Ridge, NJ

Name \_\_\_\_\_ Name \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Name \_\_\_\_\_ Name \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Name \_\_\_\_\_ Name \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

I hereby certify under penalty of perjury that the foregoing is true:

Signature: Ricky Pennisi Date: 2/9/2021

*\* Signed electronically*



# OFFICE OF THE ASSESSOR

TOWNSHIP OF BERNARDS

ONE COLLYER LANE

BASKING RIDGE, NJ 07920

(908) 204-3082 Fax (908) 766-1644

## \*\*\* 200 Foot Property Search \*\*\*

\*\* VALID FOR 90 DAYS \*\*

**Date:** 12/21/2020

**Block:** 1805      **Lot(s):** 42      **Qual:**

**Property Location:** 1 Brownlee Place

**Applicant:** Sharon Groover, Fox Architectural Design, PC

**Phone :** 973-970-9355      **Fax:**      **Email:**

### PROPERTY OWNER INFORMATION

**Name:** KENKEN, LLC

**Address:** 1 Brownlee Place

**City, State, Zip:** Basking Ridge, NJ 07920

Due to the location of the referenced  
Block and Lot, the following  
Fire Company Should be notified:



Basking Ridge Fire Company  
P.O. Box 326  
Basking Ridge, NJ 07920

### Mail Report To:

**Name:** Sharon Groover, Fox Architectural Design, PC

**Address:** 546 State Route 10

**City, State, Zip:** Ledgewood, NJ 07852

**CERTIFIED BY:**

David Centrelli, Assessor - Township Of Bernards

**Amount Paid:** \$10.00

**Paid By:** Check (No. 6311)

**CC:** Board of Adjustment



## OFFICE OF THE ASSESSOR

TOWNSHIP OF BERNARDS  
ONE COLLYER LANE  
BASKING RIDGE, NJ 07920  
(908)-204-3082 FAX (908)-766-1644

# 200 FOOT PROPERTY SEARCH

List of names and addresses of all owners of property as shown on the current tax duplicate located within 200 feet of any part of the property affected by this application. The Township of Bernards accepts no liability for errors hereon. *The attached list was compiled by the Engineering Department.*

If the property is within 200 feet of an adjoining municipality, the Township Clerk of that municipality should be notified. In addition, the applicant must also obtain the names and addresses of the owners of the land in such adjoining municipalities that are located within 200 feet of the subject premises.

The following is a list of utility companies located within Bernards Township. It is not to be construed as utilities being on or within 200 feet of the property being searched.

- |  |   |   |
|--|---|---|
| 1. ALGONQUIN GAS TRANSMISSION CO<br>1 Lindbergh Rd<br>Stony Point, NY 10980<br>(908) 757-1212                | 6. NEW JERSEY AMERICAN WATER CO<br>Donna Short, GIS Supervisor<br>NJ-American Water Company, Inc.<br>1025 Laurel Oak Rd<br>Voorhees, NJ 08043 | 10. NEW JERSEY BELL TELEPHONE CO<br>Edward D. Young III, Secretary<br>Verizon Legal Dept.<br>540 Broad St - Room 2001<br>Newark, NJ 07101<br>(201) 649-2233 |
| 2. BELL ATLANTIC CORPORATION<br>Secretary, 46 <sup>th</sup> Floor<br>1717 Arch<br>Philadelphia, PA 19102     | 7. CABLEVISION OF RARITAN VALLEY<br>275 Centennial Ave; CN6805<br>Piscataway, NJ 08855<br>Attn: Margurite Prenderville<br>Construction Dept   | 11. TRANSCONTINENTAL GAS PIPELINE<br>Division Office<br>3200 S Wood Ave<br>Linden, NJ 07036   |
| 3. JCP & L/ GPU<br>Service Tax Dept<br>PO Box 1911<br>Morristown, NJ 07962-1911                              | 8. BERNARDS TWP SEWERAGE AUTHTY<br>1 Collyer Ln<br>Basking Ridge, NJ 07920<br>(908) 204-3002  | 12. VERIZON BUSINESS/MCI<br>Right of Way Dept.<br>2400 N Glenville Dr<br>Richardson, TX 75082   |
| 4. PUBLIC SERVICE ELECTRIC & GAS<br>Manager - Corporate Properties<br>80 Park Plaza, T6B<br>Newark, NJ 07102 | 9. ENVIRONMENTAL DISPOSAL CORP<br>William Halsey, President<br>601 State Hwy 202/206<br>Bedminster, NJ 07921<br>(908) 234-0677                |   |
| 5. VERIZON COMMUNICATIONS<br>Engineering<br>290 W Mt Pleasant Ave; Ste 1400<br>Livingston, NJ 07039-2763     |   |   |

**PLEASE NOTE:**  
Numbers 1,3,4,5 and 7 are  
registered with the Township and  
REQUIRE NOTIFICATION

If the property is adjacent to a State Highway, the  
COMMISSIONER OF TRANSPORTATION  
must be notified at

NEW JERSEY DEPT OF TRANSPORTATION  
1035 Parkway Ave., CN600  
Trenton, NJ 08625

If the property is adjacent to a County Road, the  
SOMERSET COUNTY PLANNING BOARD  
must be notified at

SOMERSET COUNTY PLANNING BOARD  
PO Box 3000  
Somerville, NJ 08876

## Bernards Township Parcel Offset List

---

Target Parcel(s): Block-Lot: 1805-42  
KENKEN LLC  
1 BROWNLEE PL

14 parcels fall within 200 feet of this parcel(s).

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**Block-Lot: 1805-41**  
EDUCATION, BOARD OF  
BOX 156  
BASKING RIDGE NJ 07920  
RE: 70 W OAK ST

**Block-Lot: 1802-3**  
DUMASWALA, RANJANA & UMAKANT  
6 RANKIN AVE  
BASKING RIDGE NJ 07920  
RE: 6 RANKIN AVE

**Block-Lot: 1802-2**  
FINLEY REAL ESTATE LLC  
PO BOX 338  
BASKING RIDGE NJ 07920  
RE: 2 RANKIN AVE

**Block-Lot: 1802-1**  
WACHOVIA-PROPERTY TAX PROCESSING 1  
PO BOX 2609  
CARLSBAD CA 92018  
RE: 59 S FINLEY AVE

**Block-Lot: 1801-10**  
30 BROWNLEE REAL ESTATE LLC  
2 JAY DR  
BROOKSIDE NJ 07926  
RE: 30 BROWNLEE PL

**Block-Lot: 1801-5**  
S&P PROPERTY MGMT LLC %PASCARELLA  
PO BOX 114  
BASKING RIDGE NJ 07920  
RE: 23 S FINLEY AVE

**Block-Lot: 1801-4**  
FE PROPERTIES LLC,  
31 S FINLEY AVE  
BASKING RIDGE NJ 07920  
RE: 31 S FINLEY AVE

**Block-Lot: 1801-3**  
BRUSH, BARBARA & T & LOPRINZI, D/ TRST  
PO BOX 157  
BASKING RIDGE NJ 07920  
RE: 37 S FINLEY AVE

**Block-Lot: 1801-2**  
S&P PROPERTY MGMT LLC  
PO BOX 114  
BASKING RIDGE NJ 07920  
RE: 47 S FINLEY AVE

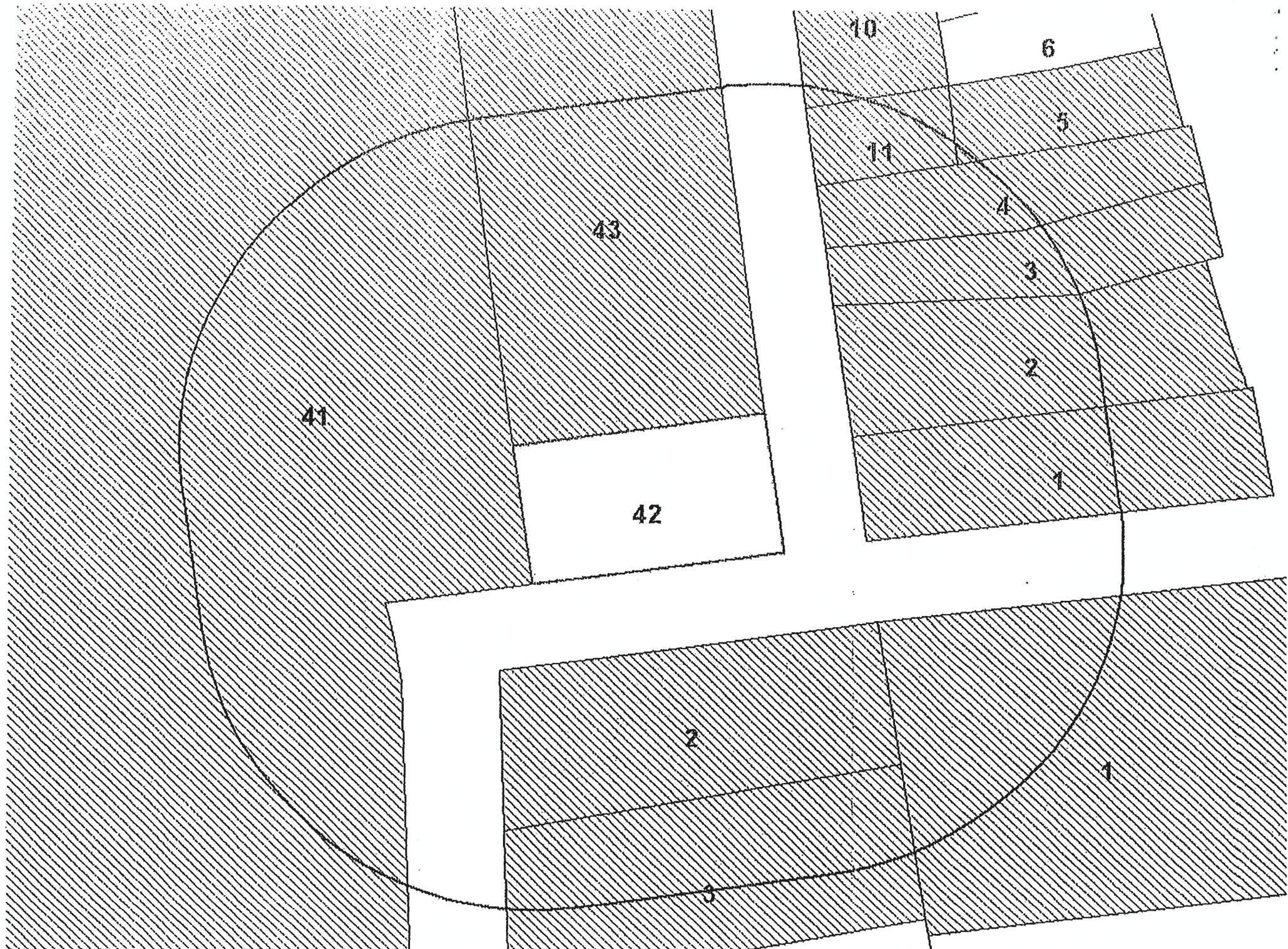
**Block-Lot: 1801-1**  
FINLEY REAL ESTATE LLC  
PO BOX 338  
BASKING RIDGE NJ 07920  
RE: 55 S FINLEY AVE

**Block-Lot: 1801-11**  
REYNOLDS, DANA R & MICHAEL  
28 BROWNLEE PL  
BASKING RIDGE NJ 07920  
RE: 26 BROWNLEE PL

**Block-Lot: 1805-43**  
POSTAL SERVICE  
21 BROWNLEE PL  
BASKING RIDGE NJ 07920  
RE: 25 BROWNLEE PL

**Block-Lot: 1802-1-CELL**  
WACHOVIA-PROPERTY TAX PROCESSING 1  
PO BOX 2609  
CARLSBAD CA 92018  
RE: 59 S FINLEY AVE

**Block-Lot: 1801-1-CELL**  
FINLEY REAL ESTATE LLC  
PO BOX 338  
BASKING RIDGE NJ 07920  
RE: 55 S FINLEY AVE



FORM D

**SUBMIT ORIGINAL + 2 COPIES**

FORM TO BE SENT TO TAX COLLECTOR, ONE COLLYER LANE,  
BASKING RIDGE, NEW JERSEY, 07920 (908) 204-3078  
FOR CERTIFICATION OF CURRENT PROPERTY TAX PAYMENTS. CERTIFICATION WILL  
BE MAILED TO YOU WHEN IT IS COMPLETED.  
DO NOT SUBMIT APPLICATION WITHOUT PROOF OF TAXES PAID.

**CERTIFICATION OF CURRENT PROPERTY TAX PAYMENTS**

BLOCK 1805 LOT 42

PROPERTY LOCATION: 1 Brownlee Place

ASSESSED TO: Kenken, LLC

ADDRESS: 1 Brownlee Place, Basking Ridge, NJ 07920

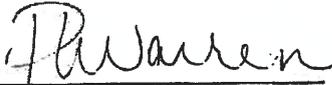
REQUESTED BY: Jason R. Rittie, Esq. (Einhorn Barbarito Frost & Botwinick, PC)

PHONE NUMBER: 973-627-7300

MAIL CERTIFICATION TO: Jason R. Rittie, Esq. (Einhorn Barbarito Frost & Botwinick, PC)

165 East Main Street, Denville NJ 07834

I CERTIFY THAT THE PROPERTY TAXES ARE CURRENT, PAID THROUGH  
Q2021 as of 2/19/2021

  
PEGGY WARREN,  
TAX COLLECTOR

*\* We will provide our own Form of  
Legal Notice prior to Public Hearing.*

**FORM E**

**SUBMIT ORIGINAL + 2 COPIES**

(retype in Word format and fill in red areas)

Notice to be published in the Bernardsville News via email to: [legals@recordernewspapers.com](mailto:legals@recordernewspapers.com) in "Word" format **and** served to owners indicated on 200-foot property search both a minimum of 10 days prior to the hearing date.

**TOWNSHIP OF BERNARDS**

**ZONING BOARD OF ADJUSTMENT**

**NOTICE OF HEARING ON APPEAL OR APPLICATION**

PLEASE TAKE NOTICE:

That the undersigned has filed an appeal or application for development with the Board of Adjustment of the Township of Bernards for a Type of Variance from the requirements of Section Board Secretary will advise of the Bernards Township Zoning Ordinance so as to permit: Description of the project, what is required by ordinance, what currently exists and what is being proposed example: construction of an addition where a minimum side yard setback of 50 feet is required, 62 feet exist and 45 feet is proposed and any other variances the Board may deem necessary, on the premises located at Address of subject property and designated as Block 1234567, Lot 1234567, on the Township Tax Map, and this notice is sent to you as an owner of property in the immediate vicinity.

A public hearing has been set for XXXXX 123, 20\_\_, at 7:30 p.m. or as soon thereafter as the matter may be reached, in the Municipal Building, 1 Collyer Lane, Basking Ridge, New Jersey, and, when the case is called, you may appear either in person, or by Attorney, and present any objections which you may have to granting of the relief sought in the petition.

The application and maps in support thereof are on file in the office of the Secretary, Planning Offices located at 277 South Maple Avenue, Monday through Friday, 8:30 AM to 4:30 PM and are available for inspection. If possible, call to make an appointment at (908) 204-3026.

The applicant, by order of the Board of Adjustment, sends this notice to you.

Respectfully,

YOUR NAME

SUBMIT 17 COPIES TOTAL

DIMENSIONAL STATISTICS

P1 - Principal Building #1

P2 - Principal Building #2

	REQUIRED	EXISTING	PROPOSED
LOT AREA	20,000 sq. ft.	13,008.5 / 0.299	NO CHANGE
LOT WIDTH	50 FT.	152.0 / 85.0 FT.	NO CHANGE
FRONTAGE	50.0 FT.	153.12 / 85.0 FT.	NO CHANGE
FRONT YARD SETBACK	10.0 FT.	P1 - 1.6 / 14.0 FT. P2 - 4.9 FT.	P1 - NO CHANGE P2 - NO CHANGE
REAR YARD SETBACK	10.0 FT.	P1 - 33.4 FT. P2 - 44.67 FT.	P1 - NO CHANGE P2 - 44.29 FT.
COMBINED SIDE YARD			
SIDE YARD	0.0 FT.	P1 - 106.58 FT. P2 - 6.1 FT.	P1 - NO CHANGE P2 - NO CHANGE
COVERAGE IMPERVIOUS	75%	8,962 / 68.81%	NO CHANGE
HEIGHT	35.0 FT.	P1 - 21.25 FT. P2 - 22.43 FT.	P1 - NO CHANGE P2 - 25.33 FT.
<i>IF REQUIRED,</i> GROSS FLOOR AREA			
<i>IF REQUIRED,</i> FLOOR AREA RATIO	25 %	3,196 / 24.56%	3,693 / 28.39%
<i>IF REQUIRED,</i> IMPROVABLE LOT AREA			

Signature:   
Ricky Pennisi (Feb 9, 2021 09:05 EST)

Email: rickypennisi@gmail.com

**SUBMIT ORIGINAL + 2 COPIES**  
**Not for "Bulk" or "C" variances**

**FORM G**

**TOWNSHIP OF BERNARDS**  
**PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

**CONTRIBUTION DISCLOSURE STATEMENT**

**Contribution Disclosure Statement Required.** Pursuant to Bernards Township Ordinance Section 21-7A (Ordinance #1745, adopted October 26, 2004), Contribution Disclosure Statements are required for certain types of development applications that include a request for a variance or other relief. When required, a Contribution Disclosure Statement must be submitted by all applicants and property owners, as well as all professionals who apply for or provide testimony, plans or reports in support of the application. See Section 21-7A for details.

Applicant: Kenken, LLC Application: \_\_\_\_\_

Pursuant to Bernards Township Ordinance Section 21-7A, I hereby certify that I, or the firm or entity with which I am associated, made the following contributions to or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Township of Bernards, within one year prior to the filing of the above application.

I made no contributions.

I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature: Ricky Pennisi  
 Name: Ricky C. Pennisi  
 Title: Member  
 Firm: KenKen LLC  
 Address: 1 Brownlee Place, Basking Ridge, NJ 07920

Date: 2/9/2021  
*\* signed electronically*

**APPENDIX B, ARTICLE III**

**Checklist**

**Application for Preliminary Approval of a Major Subdivision or Site Plan (See Article VII for Details)**

**\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\***

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist(s). If the application involves a wireless telecommunications tower and/or antennas, all items listed on the Wireless Telecommunications Facilities Checklist must be also be submitted.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	Title block indicating:	X		
	a. Name of development and street location.	X		
	b. Name and address of applicant, owner and authorized agent, if any.	X		
	c. Name and address of professional(s) preparing plans including signature, date, license number and seal.	X		
	d. Tax map block and lot numbers.	X		
	e. Date of plan preparation and revision box with date of each revision.	X		
	f. Development application number.	X		
	g. Written and graphic scale.	X		
6	Signature of applicant and, if applicant is not owner, signed consent of the owner.	X		
7	Name and address of the attorney representing parties, if any, and the name of each client represented.	X		
8	Signature blocks as required by the Map Filing Law.	X		
9	North arrow giving reference meridian.	X		
10	Copies of any protective covenants or deed restrictions applying to the subject property, including a statement as to whether such covenants or deeds are of record. A copy or abstract of the deed or deeds or other instruments by which title is derived with the names of all owners must also be provided.	X		
11	A key map showing the entire tract and its relation to the surrounding areas, including all roads, zone boundaries and municipal boundaries within one-half (1/2) mile of the subject property at a scale of one (1) inch equals not more than two thousand (2,000) feet.	X		
12	A zoning schedule indicating the zone(s) within which the property is located and required, existing & proposed conditions relative to lot area, width, frontage, yard setbacks, lot coverage, height, floor area, floor area ratio, density, open space, parking, loading, signs, etc.	X		
13	A list of required and obtained regulatory approvals and permits.		X	
14	A list of requested variances and exceptions.	X		
15	The location and dimensions of existing & proposed property lines, existing streets, streets shown on the Township's official map or master plan, structures (indicating the use of each structure and whether existing structures will remain or be removed), building setbacks, rights-of-way, easements, parking & loading areas, driveways, railroads, bridges, culverts, drain pipes, gas transmission lines, overhead utilities, historic sites/structures, wooded areas, watercourses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of the subject property.	X		
16	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to § 21-14.1.a.		X	

No.	Item	Submitted	Not Applicable	Waiver Requested
17	Plans & profiles of proposed utility layouts, including water supply, sewage disposal, stormwater drainage, gas, telephone and electricity, showing feasible connections to existing or proposed systems. Plans for individual on-site water supply and/or sewage disposal systems shall be accompanied by the necessary local, county and/or state agency approvals. If service will be provided by an existing utility company, a letter from that company stating that service will be available before occupancy is required.		X	
18	The locations of percolation tests on each existing/proposed lot and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if sewage disposal is to be handled by individual septic system(s). For each lot, the applicant shall submit test locations and written approvals from the Health Department for both a primary and secondary septic disposal field. The applicant must show on the development plan the locations and dimensions of both septic disposal fields.		X	
19	All means of vehicular and pedestrian access to the site from public streets, including locations and dimensions of driveways and curbcuts and any traffic signs, signals, channelization, acceleration and deceleration lanes or other traffic control devices.	X		
20	Site identification sign and street sign locations and details.		X	
21	Existing & proposed topographic contour intervals based on U.S.C. & G.S. datum on and within 200' of the subject property as follows: - up to 3% grade = 1' intervals                      - over 3% grade = 2' intervals	X		
22	A steep slope map in accordance with § 21-14.2.b, if the property contains any existing slopes of 15% or greater.		X	
23	Spot and finished elevations at all property corners.	X		
24	A landscaping plan showing shade trees, screening, buffering, existing vegetation and limits of clearing, a planting schedule, details of plantings, landscape treatments and other amenities, etc. (see § 21-54.4 for detailed requirements).	X		
25	A tree identification plan and an application for tree removal permit including the following (see § 21-45.3 for detailed requirements):		X	
	a. Location of existing tree canopy and labeling of the canopy areas to be removed and to be preserved.	X		
	b. Location of individual trees with a DBH equal to or greater than six inches identified by size and species within the limit of disturbance and 30 feet beyond the limit of disturbance, labeled to be removed or to be preserved.			X
	c. Location of individual trees with a DBH equal to or greater than ten inches identified by size and species within the property boundaries, labeled to be removed or to be preserved.			X
	d. Tree protection details.		X	
	e. A list of all trees to be removed and, if replacement trees are required, a schedule in accordance with the table in § 21-45.1 indicating the number of replacement trees required and the number of replacement trees proposed.		X	
26	A lighting plan in accordance with Section 21-41, including the location, type, height, graphic details and specifications of all existing & proposed lighting. The plan shall show the proposed illumination in footcandle values throughout the site and shall identify the average maintained horizontal illumination in vehicular areas and in sidewalk areas.		X	
27	A soil erosion and sediment control plan, if required pursuant to Section 21-27.		X	
28	A solid waste management plan and a recycling plan, including locations and details of outdoor refuse and recycling storage areas and means of screening, in accordance with Sections 21-40 and 21-40A.		X	

No.	Item	Submitted	Not Applicable	Waiver Requested
29	Plans and profiles of proposed driveways.		X	
30	Plans, typical cross-sections, centerline profiles, tentative grades, curb radii and details of all streets on the site or off the site which are proposed to be improved, including curbing, sidewalks and drainage structures.		X	
31	Construction details in accordance with Township standards.		X	
32	Existing & proposed easements or land reserved for or dedicated to public use, utility use or for the common use of property owners in the development, including a statement of the limits and purpose of the easement rights or dedicated land.		X	
33	Existing & proposed sight triangles.		X	
34	Development staging plans.		X	
35	Existing & proposed block and lot numbers.	X		
36	The area in square feet and to the nearest tenth of an acre of all existing and proposed lots.	X		
37	A sketch of the proposed or possible layout or disposition of remaining lands, if any.		X	
38	General soil information including soil logs.		X	
39	Source and date of the current property survey and a copy of the survey showing all existing tract boundary or lot lines with lengths of courses to hundredths of a foot and bearings to half minutes, the error of closure not to exceed one (1) to ten thousand (10,000). The tract boundary or lot lines shall be clearly delineated. All bearings shall be in the New Jersey Plane Coordinate System, with coordinates shown on at least three (3) corners.	X		
40	Appropriate certification blocks as required by the Map Filing Law		X	
41	Monumentation as specified by the Map Filing Law.		X	
42	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way and centerline curves on streets.	X		
43	Plans and computations for any storm drainage systems, including locations, details and specifications of all storm sewer lines, catch basins, inlets, manholes, culverts, headwalls, dry wells, ground water recharge basins, detention basins, etc. and existing and proposed drainage area maps.		X	
44	When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, intermittent stream, swale or drainageway, evidence of approval or of the request for approval, required modifications or lack of jurisdiction over the improvement by the New Jersey Department of Environmental Protection shall accompany the application (see § 21-54.4 for additional required details).		X	
45	When ditches, streams or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown.		X	
46	For a site plan, preliminary elevations and plans of all buildings and structures, showing windows, doors, architectural treatment, roof treatment, roof appurtenances and screening, floor elevations and proposed methods of energy conservation and the locations, dimension and legend(s) of all proposed signs. For a subdivision, the approximate basement and first floor elevation for each house.	X		
47	A list of names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
48	A Project Report, which may be submitted separately or as part of the Environmental Impact Assessment, including the following (see § 21-54.6 for details). Where individual maps or exhibits are submitted separately to satisfy other checklist requirements, they may be referenced in the Project Report.			X
	a. Project Description and Statistics Report.			
	b. Land Classification Map and Report.			
	c. Natural Features Report.			
	d. Open Space Plan and Report.			
	e. Land Coverage and Drainage Plan and Report.			
	f. Soil Erosion and Sedimentation Control Plan and Report.			
	g. Sewer and Water Plan and Report.			
	h. Circulation Plan and Traffic Report.			
	i. Utilities Plan and Report.			
	j. Development Schedule Plan.			
	k. Variances and Exceptions Report.			
	l. Easements and Covenants Report.			
49	An Environmental Impact Assessment, including the following (see § 21-54.6.m for details).			X
	a. Plan and description of the development plan.			
	b. Inventory of existing natural resources.			
	c. Assessment of environmental impacts.			
	d. Unavoidable adverse environmental impacts.			
	e. Steps to minimize environmental damage.			
	f. Alternatives.			
	g. Details and matters to be evaluated:			
	(1) Sewerage facilities.			
	(2) Water supply.			
	(3) Storm water.			
	(4) Stream encroachments.			
	(5) Floodplains.			
	(6) Solid waste disposal.			
	(7) Air pollution.			
	(8) Traffic.			
	(9) Social/economic factors.			
	(10) Aesthetics.			
	(11) Licenses, permits, etc.			
	(12) A copy of the development plan and application form.			
50	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		X	
51	Contribution Disclosure Statement, if required pursuant to Section 21-7A.		X	
52	A plan showing all the details required in the procedures of Table 401-A, entitled Maximum Permitted Lot Yield & Minimum Improvable Lot Area Standards, Residential Development, R-1 Through R-7 Zones.		X	
53	For each proposed dwelling, cross sections shall be provided from the center of the road to the rear of the house in existing and proposed conditions; cross sections shall be provided perpendicular to the road through the center of the dwelling to a point 50' to the rear of the dwelling; the cross section shall be provided at a scale of 1" = 10' horizontal and 1" = 10' vertical.		X	
54	A fire service plan, showing on a separate plan sheet(s) information relating to fire safety and emergency response, including: existing and proposed water lines, fire department connections, hydrants and cisterns; widths and turning radii of streets, driveways, parking aisles, emergency access roads and fire lanes; public building entrances; parking spaces; and stormwater drainage basins.			X

**APPENDIX C, ARTICLE III**

**Checklist**

**Application for Final Approval of a Major Subdivision or Site Plan**

**(See Article VII for Details)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	All items required for preliminary approval as set forth in § 21-54.4, unless previously waived by the Board.	X		
2	All additional items required by the Board as a condition of preliminary approval.	X		
3	A certificate from the tax collector indicating that taxes are paid.	X		
4	All required application and escrow deposit fees.	X		
5	Final detailed architectural renderings of each building and sign, including front, side and rear elevations.	X		
6	Final cross-sections, profiles and established grades of all streets, aisles, lanes and driveways and construction documents for all public improvements.		X	
7	Final plans and profiles of all storm sewers.		X	
8	Final plans and profiles of all sanitary sewers.		X	
9	Final plans and profiles of all water mains.		X	
10	All dimensions of the exterior boundaries of any subdivision, balanced and closed to a precision of one to 10,000, and the dimensions of all lot lines to within one to 20,000. All dimensions, angles and bearings must be tied to at least two permanent monuments not less than 300 feet apart and all information shall be indicated on the plat. At least one corner of the subdivision shall be tied to U.S.C. and G.S. benchmarks with data on the plat as to how the bearings were determined.	X		
11	Proposed street names.		X	
12	A Final Application Comparison Report, including:		X	
	a. The number and type of dwelling units.		X	
	b. The amount of nonresidential floor space.		X	
	c. The type of community facilities and/or structures.		X	
	d. The amount of open space to be preserved.		X	
	e. The nature and cost of public improvements.		X	
	f. The anticipated value of residential and nonresidential construction.		X	
	g. Finalized landscaping and tree removal information pursuant to Sections 21-43 through 21-45.	X		
	h. A comparison to the preliminary development approval, indicating the nature and reasons for any changes to the preliminary approval.		X	

No.	Item	Submitted	Not Applicable	Waiver Requested
13	Organization documents, including:		X	
	a. Articles of incorporation, by-laws and membership rules/regulations for any homeowner's association, condominium association or other organization to maintain the common open space or community facilities.		X	
	b. A copy of the master deed detailing the rights and privileges of individual owners of common property.		X	
	c. A copy of all materials submitted to the Department of Community Affairs as required by the New Jersey Planned Real Estate Development Full Disclosure Act Regulations and evidence of the status of acceptance of and/or approval by the Department of Community Affairs.		X	
	d. Covenants or easements restricting the use of the common open space or elements.		X	
	e. Covenants or agreements requiring homeowners or residents to pay the organization for the maintenance of the common open space and/or community facilities. This shall include a proposed schedule of membership fees for at least the first three years of operation.		X	
14	All easements or covenants affecting any land in the development.		X	
15	All maintenance agreements under which private roads and other facilities will be maintained, refuse collected and other supplementary services provided, if there is to be no homeowners' association, condominium association, open space organization or similar arrangement.		X	
16	An offer of dedication including all legal requirements for valid dedication to the Township or, where appropriate, to another governmental body of roads or other improvements intended for public ownership.		X	

**APPENDIX D, ARTICLE III**

**Checklist**

**Application for Approval of a Variance Pursuant to NJSA 40:55D-70(c)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	X		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	X		
7	Calculations of existing & proposed lot coverage percentages.	X		
8	Architectural sketches (floor plan and elevations) of the proposed improvements.	X		
9	Photographs of the property in the location of the proposed improvements.	X		
10	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.			X
11	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		X	
12	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		X	
13	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.	X		

**APPENDIX E, ARTICLE III**

**Checklist**

**Application for Approval of a Variance Pursuant to NJSA 40:55D-70(d)**

**Where Site Plan Approval is Not Required**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	X		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	X		
7	Additional information on the plot plan or survey relating to parking, landscaping or buffering, if required.	X		
8	Calculations of existing & proposed lot coverage percentages.	X		
9	Architectural sketches (floor plan and elevations) of the proposed improvements.	X		
10	Photographs of the property in the location of the proposed improvements.	X		
11	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.			X
12	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		X	
13	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		X	
14	Contribution Disclosure Statement, pursuant to Section 21-7A.		X	
15	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.	X		



## COUNTY OF SOMERSET PLANNING BOARD

County Administration Building  
20 Grove Street, P.O. Box 3000  
Somerville, New Jersey 08876-1262  
(908) 231-7021 • Fax (908) 707-1749  
PlanningBd@co.somerset.nj.us  
www.co.somerset.nj.us



### STAFF

Walter C. Lane, AICP/PP  
Director of Planning

Anthony V. McCracken Sr.,  
Asst. Director of Planning

Cynthia Mellusi  
Office Manager

January 15, 2021

Ms. Kippy Piedici, Chairwoman  
Bernards Township Planning Board  
277 South Maple Avenue  
Basking Ridge, New Jersey 07920

Re: **PENNISI - ATELIER**  
**BLOCK 1805 - LOT 42**  
**BN 377:000-20S**

Dear Ms. Piedici:

This office and the office of the County Engineer have reviewed information submitted for the above-referenced project proposing an addition to the first and second floor of a one story building for retail use. The .29 acre tract is located on Brownlee Place. The reviewed information consists of a plan entitled "Proposed Addition and Alteration for: Pennisi - Atelier" dated December 14, 2020 with a most recent revision date of September 9, 2020. Fox Architectural Design PC prepared the plan.

Since this application does not adversely affect a County facility, the Somerset County Planning Board approves this project.

This report reflects comments from the office of the County Engineer (908) 231-7024 and the County Planning Board. Should you have any questions please contact the appropriate person listed below.

Sincerely,

Nora Fekete  
Planner

Thomas Tabatneck  
Engineer, Land Development Section

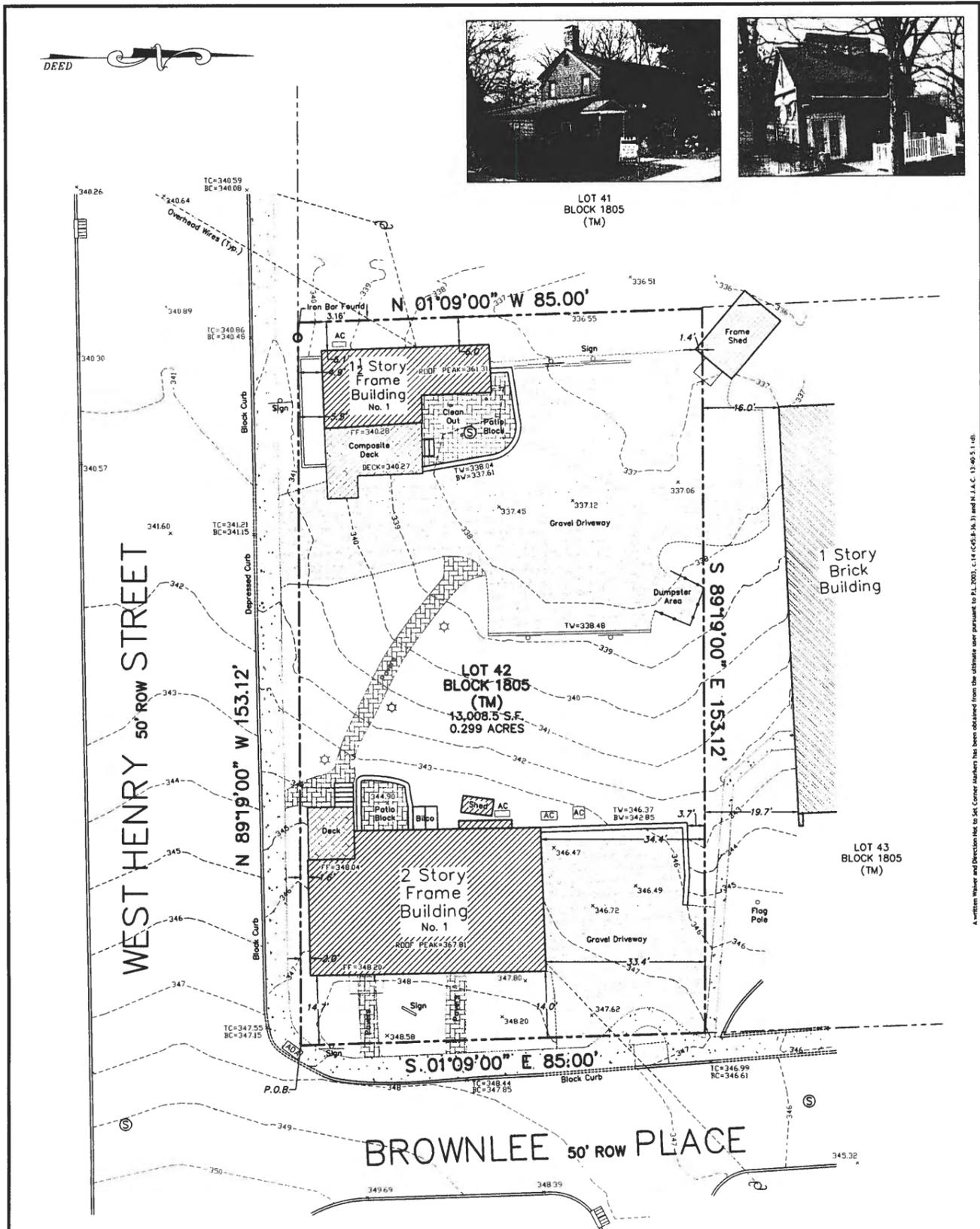
cc: Cyndi Kiefer, Bernards Township Board  
Bernards Township Engineer  
Kenken, LLC, 1 Browless Place, Basking Ridge, NJ 07920 ([rickvpennisi@gmail.com](mailto:rickvpennisi@gmail.com))  
Kenneth J. Fox, AIA, PP, 546 State Route 10, West Ledge Wood, NJ 07852 ([kjfox@foxarch.com](mailto:kjfox@foxarch.com))

### - Mission Statement -

The County of Somerset is committed to excellence and innovation in public service, promoting the well-being of all residents and communities by providing effective, efficient and responsive leadership.

*Somerset County Is An Equal Opportunity Employer*

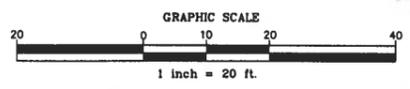
DEED



This survey certified to:  
**RICKY PENNISI**  
**KENKEN LLC**

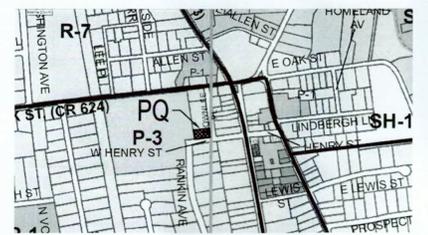
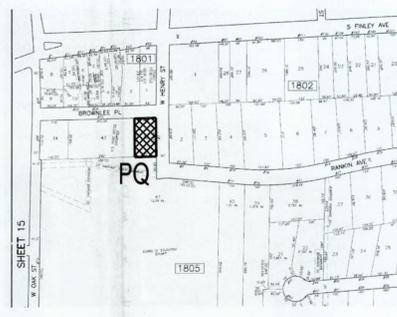
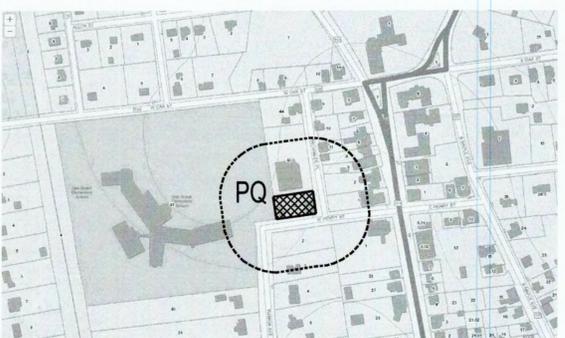
**Notes:**  
 Field Survey Performed on 11/15/2019  
 Vertical Datum NAVD83  
 Subject to an accurate title search  
 Subject to documents of record  
 Survey performed without the benefit of a complete title search and subject to municipal restrictions, easements of record and other facts that a title search may disclose.

**This survey references:**  
 Deed Book 3872 Page 3877  
 Survey of Lot 43 and 44 dated April 1956 prepared by Robert C. Scherzer



I declare that this plan is based on actual field survey performed by Lakeland Surveying, Inc., under my direct supervision, in accordance with N.J.A.C. 17:27-5.1 and to the best of my professional knowledge, information and belief, correctly represents the conditions found on the date of the field survey, except such easements, if any, below the surface of the lands not visible. This declaration is given solely to the above named parties for this transaction only and is not transferable. Survey is valid only if print has original raised seal of the undersigned professional.

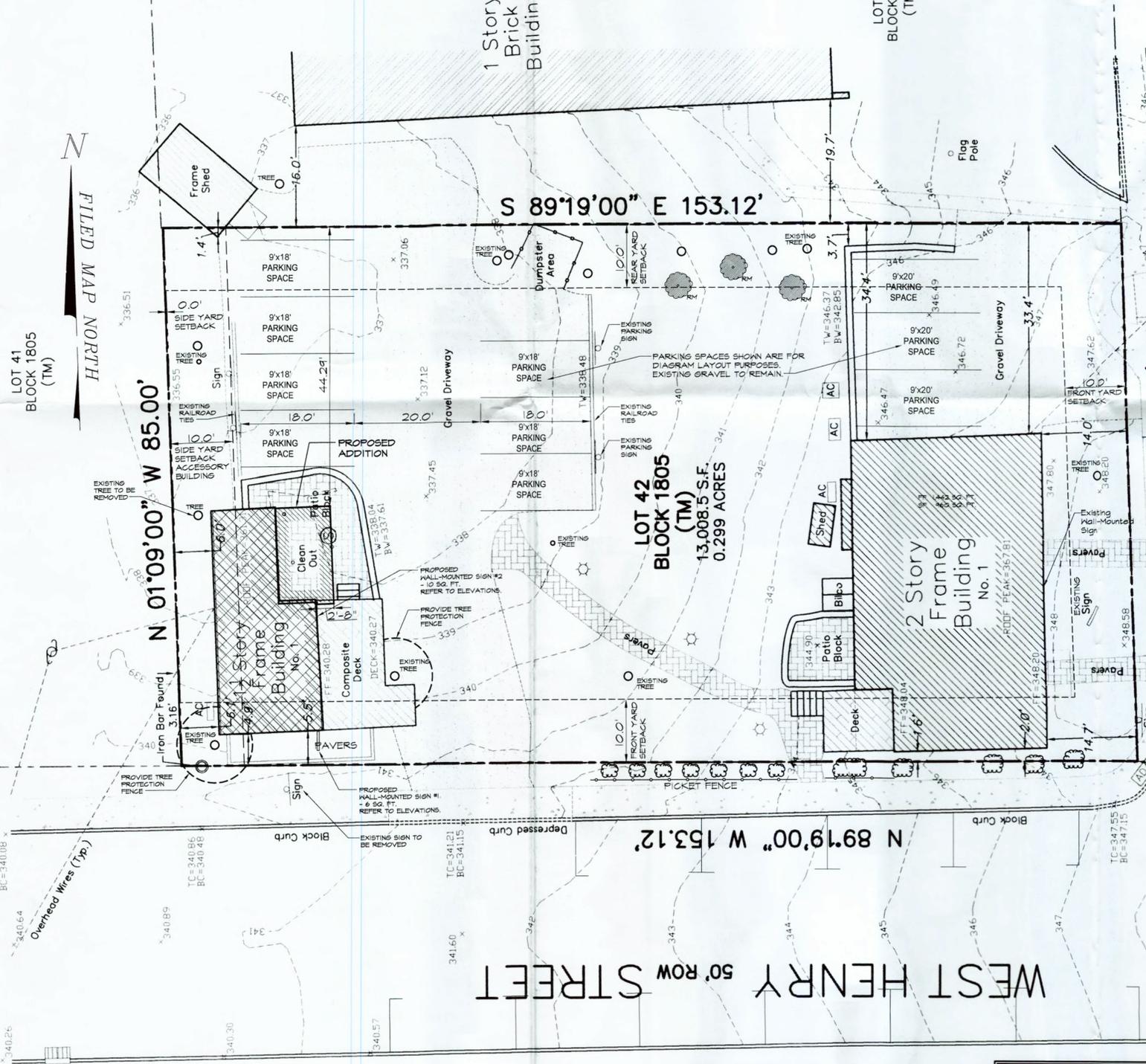
<b>TOPOGRAPHIC SURVEY OF PROPERTY</b> Tax Lot 42 - Block 1805 1 Brownlee Place, Township of Bernards Somerset County, New Jersey				<b>PROJECT NUMBER</b> 193450		Certificate of Authorization #24628090000	Marc J. Cifone PROFESSIONAL LAND SURVEYOR	Jeffrey S. Grunn PROFESSIONAL LAND SURVEYOR
<b>FIELD:</b> AAD	<b>DWN BY:</b> JES	<b>CHECKED:</b> JSG	<b>DATE:</b> 11/18/19	<b>SCALE:</b> 1"=20'		117 Hibernia Avenue   Rockaway   NJ   Ph: (973) 625-5670   Fx: (973) 625-4121 www.LakelandSurveying.com	Marc J. Cifone N.J. P.L.S. LIC. No. 24GS04132900 Jeffrey S. Grunn N.J. P.L.S. LIC. No. 24GS04339900	



**ZONING MAP**  
SCALE: NONE

**TAX MAP**  
SCALE: NONE

**PROPERTY OWNERS WITHIN 200'**  
SCALE: NONE



**REQUESTED VARIANCE**

- (C1) BULK VARIANCE**
- SECTION 21-15(c) INDIVIDUAL LOT REGULATIONS—NONRESIDENTIAL ZONES: NO LOT IN THE B-1 OR B-3 ZONES SHALL HAVE MORE THAN ONE PRINCIPAL BUILDING. ( 2 EXISTING PRINCIPAL BUILDINGS ON ONE LOT ).
  - SECTION 21-15(d) INDIVIDUAL LOT REGULATIONS—NONRESIDENTIAL ZONES: DIMENSIONAL REQUIREMENTS, NONRESIDENTIAL DEVELOPMENT, UNDER THE PROVISIONS OF SUBSECTION 21-10.15, STANDARD NONRESIDENTIAL DEVELOPMENT, SHALL PROVIDE FOR THE MINIMUM DIMENSIONS AS SET FORTH IN TABLE 506. ( EXISTING NON-CONFORMING MINIMUM FRONT YARD SETBACK TO REMAIN UNCHANGED ).
  - SECTION 21-22.1(f) PARKING AND LOADING: REQUIRED NUMBER OF PARKING SPACES. ( REQUIRED NUMBER OF PARKING SPACES REQUIRED ).
  - SECTION 21-22.1(g) PARKING AND LOADING: IN A NONRESIDENTIAL ZONE PARKING SETBACKS. ( EXISTING NON-CONFORMING MINIMUM SIDE YARD PARKING SETBACK TO REMAIN UNCHANGED ).
- (D4) USE VARIANCE**
- SECTION 21-10.6(b) B-1 VILLAGE BUSINESS AND B-2 NEIGHBORHOOD BUSINESS ZONES: THE REQUIREMENTS LISTED IN TABLE 402 MUST BE COMPLIED WITH IN THE B-1 AND B-2 ZONES. ( MAXIMUM FLOOR AREA RATIO, MINIMUM LOT AREA ).

**PARKING REQUIREMENTS**

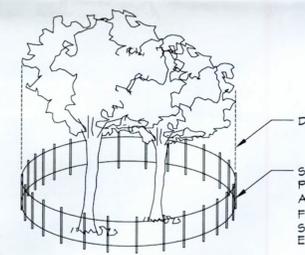
**PRINCIPAL STRUCTURE #1**  
RETAIL / BUSINESS USE:  
5 SPACES REQUIRED PER 1,000 SQ. FT. GFA.  
FIRST FLOOR 1,442 SQ. FT. = 7.1 SPACES REQUIRED  
SECOND FLOOR 980 SQ. FT. = 4.8 SPACES REQUIRED  
TOTAL NUMBER OF SPACES REQUIRED = 12

**PRINCIPAL STRUCTURE #2**  
RESTAURANT  
1 SPACES REQUIRED FOR EVERY 500 SQ. FT. GFA.  
FIRST FLOOR 604 SQ. FT. = 1.28 SPACES REQUIRED  
RETAIL / BUSINESS USE:  
5 SPACES REQUIRED PER 1,000 SQ. FT. GFA.  
SECOND FLOOR 574 SQ. FT. = 2.87 SPACES REQUIRED  
TOTAL NUMBER OF SPACES REQUIRED = 5  
TOTAL NUMBER OF SPACES REQUIRED FOR SITE = 17

CURRENT NUMBER OF SPACES EXISTING 10  
PROPOSED NUMBER OF NEW SPACES 0  
TOTAL NUMBER OF SPACES PROPOSED 10

**SIGN REQUIREMENTS** (PER SECTION 21-17.4)

- PRINCIPAL STRUCTURE #1.**  
EXISTING WALL-MOUNTED SIGN AND EXISTING FREESTANDING SIGN TO REMAIN.
- PRINCIPAL STRUCTURE #2.**  
NEW WALL-MOUNTED SIGNS TO BE INSTALLED. THE NEW WALL-MOUNTED SIGNS ARE TO BE EXTERNALLY LIT. LIGHTING TO BE TURNED OFF AT THE CLOSE OF BUSINESS.
- NEW WALL-MOUNTED SIGNS REQUIREMENTS:**
- PROPOSED SIGN SIZES: (1) 3.00" WIDE x 2.0' HIGH, (2) 4.0' WIDE x 2.5' HIGH
  - PROPOSED TOTAL SIGN AREA PRINCIPAL STRUCTURE #2 = 16.50 SQ. FT.
  - BOTTOM OF SIGN #1: 8'-0" ABOVE GRADE



**GENERAL SITE INFORMATION**

TRACT INFORMATION INCLUDING METES AND BOUNDS TAKEN FROM A SURVEY PREPARED BY LAKELAND SURVEYING, 117 LIBERTY AVENUE, ROCKAWAY, NJ. OF BLOCK: 1805, LOT: 42 - DATED: 11-18-2019.

**SITE OWNER:**  
KENKEN LLC  
1 BROWNLEE PLACE  
BASKING RIDGE, NJ 07920

**SITE APPLICANT:**  
KENKEN LLC  
1 BROWNLEE PLACE  
BASKING RIDGE, NJ 07920

**AREA AND BULK REQUIREMENTS**

B-1 ZONE	REQUIRED	EXISTING	PROPOSED
*MIN. LOT SIZE (ACRES)	20,000 SQ. FT.	13,008.5 SQ. FT.*	NO CHANGE
MIN. LOT WIDTH	50 FT.	152.0/85.0 FT.	NO CHANGE
MIN. LOT FRONTAGE	50 FT.	153.12/85.0 FT.	NO CHANGE
<b>MIN. BLDG. SETBACKS (PRINCIPAL STRUCTURE #1)</b>			
*MIN. FRONT YARD	10 FT.	1.6/14.0 FT.*	NO CHANGE
MIN. SIDE YARD	0 FT.	0.299 AC.	NO CHANGE
MIN. REAR YARD	10 FT.	33.4 FT.	NO CHANGE
MIN. SETBACK RESIDENTIAL ZONE	30 FT.	NO CHANGE	NO CHANGE
MAX. BLDG. HEIGHT	35 FT.	±21.25 FT.	NO CHANGE
MAX. BLDG. STORIES		2	NO CHANGE
<b>**MIN. BLDG. SETBACKS (PRINCIPAL STRUCTURE #2)</b>			
*MIN. FRONT YARD	10 FT.	4.9 FT.*	NO CHANGE
MIN. SIDE YARD	0 FT.	6.1 FT.	NO CHANGE
MIN. REAR YARD	10 FT.	44.67 FT.	44.29 FT.
MAX. BLDG. HEIGHT	35 FT.	±22.43 FT.	25.33 FT.
MAX. BLDG. STORIES		1 1/2	2
MIN. DISTANCE BETWEEN TWO BUILDINGS	10 FT.	85.25 FT.	NO CHANGE
MAX. IMPERVIOUS COVERAGE	75%	8,962/68.82%	8,963/68.82%
MAX. BUILDING COVERAGE		1,944/14.93%	2,077/15.95%
FLOOR AREA RATIO	25%	3,094/23.7%	3,580/27.52%**
* EXISTING NON-CONFORMING CONDITION TO REMAIN UNCHANGED			
** NEW DESIGN VARIANCE REQUIRED			
*** SECTION 21-15.2(A): 2 PRINCIPAL BUILDINGS ON ONE LOT			

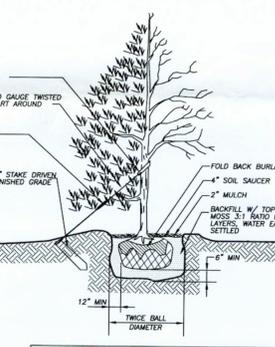
**TREE REPLACEMENT CHART**

CALCULATION AS PER ORDINANCE SECTION 21-45.1  
SPECIMEN TREES REMOVED AND REQUIRED REPLACEMENTS:  
(1) 12.01"-18" DBH: 3 REQUIRED PER TREE = 3 REPLACEMENTS

TOTAL REPLACEMENT TREES REQUIRED = 3  
TOTAL REPLACEMENT TREES PROVIDED = 3

**PLANT SCHEDULE**

KEY	COMMON NAME	BOTANICAL NAME	SIZE AT PLANTING	QUANTITY (NEW)
●	RED MAPLE (OCTOBER GLORY)	ACER RUBRUM	2.5"-3" CAL. BAB	3
●		ACER RUBRUM	13 FT. 10.15 FT.	



**PROPERTY OWNERS WITHIN 200'**

- BLOCK 1805 LOT 41**  
EDUCATION, BOARD OF  
BOX 156  
BASKING RIDGE, NJ 07920
- BLOCK 1802 LOT 3**  
DUMASWALA, RANJANA & UMAKANT  
6 RANKIN AVENUE  
BASKING RIDGE, NJ 07920
- BLOCK 1802 LOT 2**  
FINLEY REAL ESTATE LLC  
PO BOX 338  
BASKING RIDGE, NJ 07920
- BLOCK 1802 LOT 1**  
WACHOVA-PROPERTY TAX PROCESSING 1  
PO BOX 2609  
CARLSBAD, CA 92018
- BLOCK 1801 LOT 10**  
30 BROWNLEE PLACE LLC  
79 BRIARWOOD DRIVE WEST  
WARREN, NJ 07059
- BLOCK 1801 LOT 5**  
S&P PROPERTY MGMT LLC #PASCARELLA  
PO BOX 114  
BASKING RIDGE, NJ 07920
- BLOCK 1801 LOT 4**  
FE PROPERTIES LLC  
31 SOUTH FINLEY AVENUE  
BASKING RIDGE, NJ 07920
- BLOCK 1801 LOT 3**  
BRUSH, BARBARA T & LOPRINZI,  
D/TRST  
PO BOX 157  
BASKING RIDGE, NJ 07920
- BLOCK 1801 LOT 2**  
S&P PROPERTY MGMT LLC  
PO BOX 114  
BASKING RIDGE, NJ 07920
- BLOCK 1801 LOT 11**  
REYNOLDS, DANA R & MICHAEL  
28 BROWNLEE PLACE  
BASKING RIDGE, NJ 07920
- BLOCK 1805 LOT 43**  
POSTAL SERVICE  
21 BROWNLEE PLACE  
BASKING RIDGE, NJ 07920
- BLOCK 1802 LOT 1 CELL**  
WACHOVA-PROPERTY TAX PROCESSING 1  
PO BOX 2609  
CARLSBAD, CA 92018
- BLOCK 1801 LOT 1 CELL**  
FINLEY REAL ESTATE LLC  
PO BOX 338  
BASKING RIDGE, NJ 07920
- ALGONQUIN GAS TRANSMISSION CO**  
1 LINDBERGH ROAD  
STONY POINT, NY 10980
- JCP&L / SERVICE TAX DEPT**  
PO BOX 1911  
MORRISTOWN, NJ 07962-1911
- PUBLIC SERVICE ELECTRIC & GAS**  
MANAGER - CORPORATE PROPERTIES  
80 PARK PLACE, 16B  
NEWARK, NJ 07102
- VERIZON COMMUNICATIONS**  
ENGINEERING  
290 WEST MT. PLEASANT AVE, STE 1400  
LIVINGSTON, NJ 07039-2763
- CABLEVISION OF RARITAN VALLEY**  
275 CENTENNIAL AVE; CN8805  
PISCATAWAY, NJ 08855  
ATTN: MARGUERITE PRENDERVILLE  
CONSTRUCTION DEPT.

**CERTIFICATIONS**

APPROVED BY THE ZONING BOARD OF ADJUSTMENT FOR BERNARDS TOWNSHIP, SOMERSET COUNTY, NJ

BOARD CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

BOARD SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

BOARD ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**PRELIMINARY AND FINAL SITE PLAN REVIEW**

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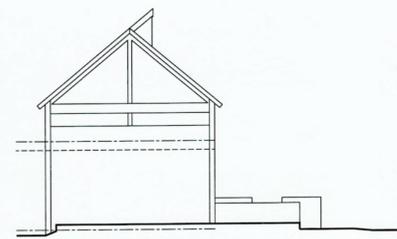
**PROPOSED SITE LAYOUT PLAN**  
PROPOSED ADDITION AND ALTERATION FOR:  
**PENNISI - ATELIER**  
ONE BROWNLEE PLACE  
BERNARDS TOWNSHIP

973 970-8955  
design@foxarch.com  
www.foxarch.com

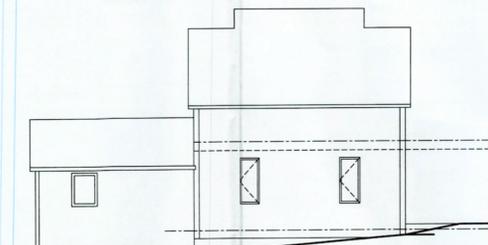
**Fox Architectural Design PC**  
546 STATE ROUTE 10 WEST, LEDGEWOOD, NEW JERSEY 07852

DATE: 12-16-20  
DRAWN: JSH  
SCALE: AS NOTED

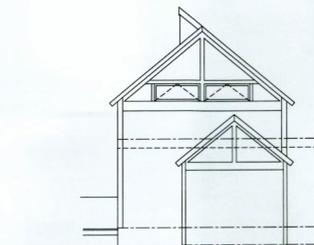
1 OF 2



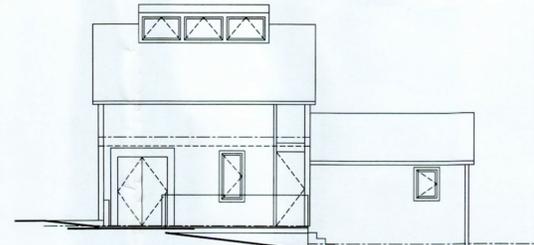
LEFT ELEVATION  
SCALE: 1/8"=1'-0"



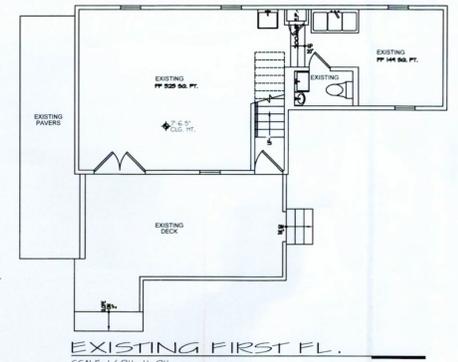
BACK ELEVATION  
SCALE: 1/8"=1'-0"



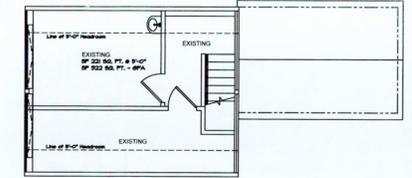
RIGHT ELEVATION  
SCALE: 1/8"=1'-0"



FRONT ELEVATION  
SCALE: 1/8"=1'-0"



EXISTING FIRST FL.  
SCALE: 1/8"=1'-0"



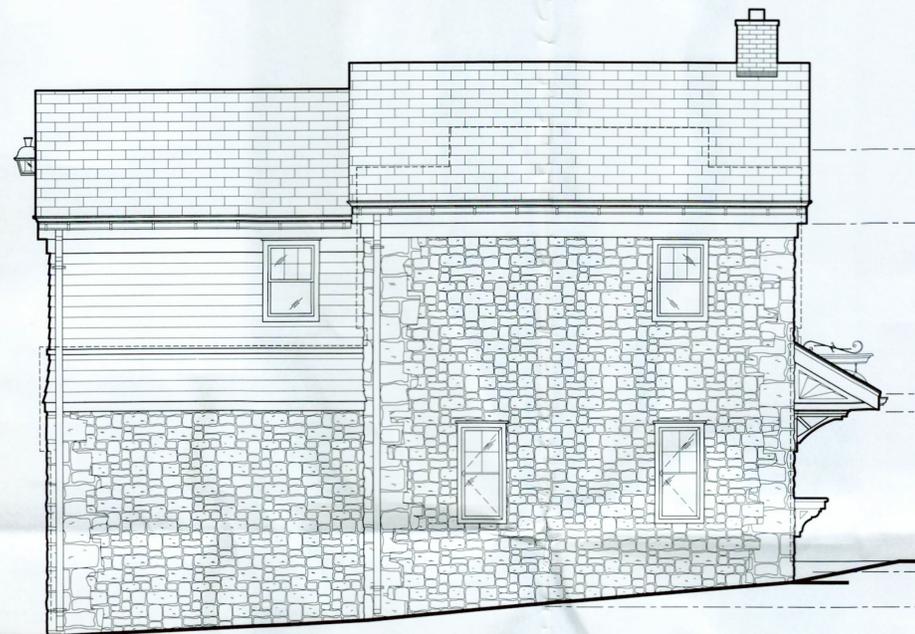
**BUILDING FLOOR AREA**

AREA	EXISTING
FIRST FLOOR	471 SQ. FT.
SECOND FLOOR	221 SQ. FT. - 5'-0" HEADROOM
TOTAL FLOOR	692 SQ. FT.

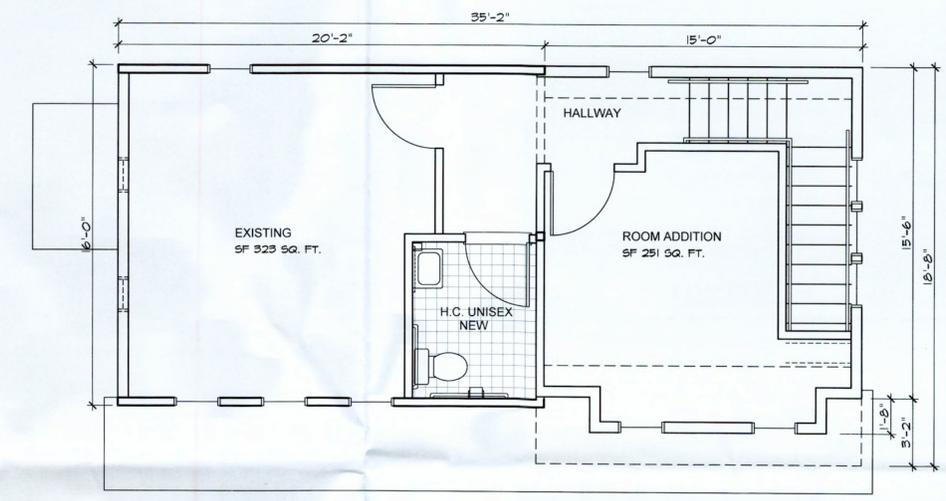
EXISTING SECOND FL.  
SCALE: 1/8"=1'-0"



LEFT ELEVATION  
SCALE: 1/4"=1'-0"



BACK ELEVATION  
SCALE: 1/4"=1'-0"



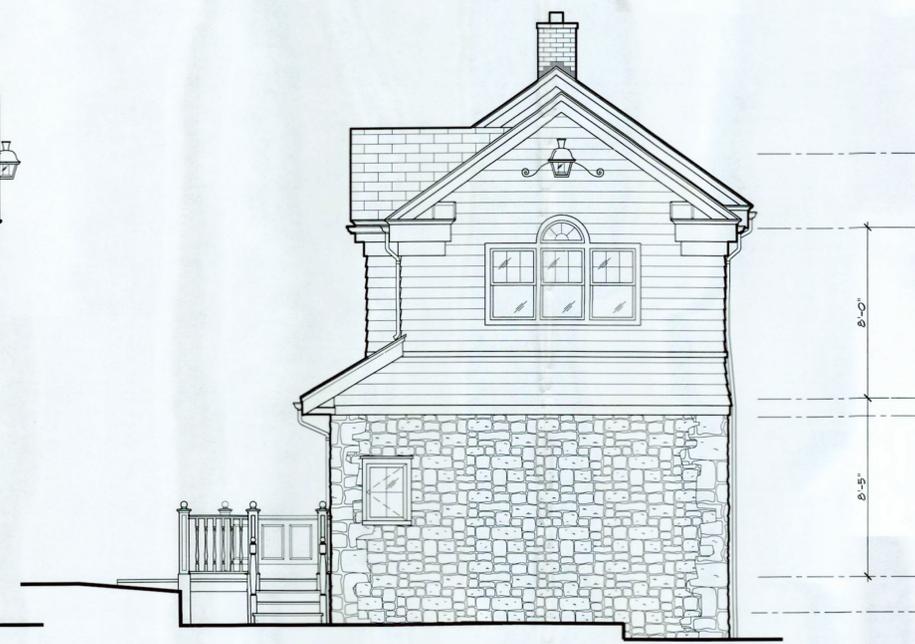
SECOND FLOOR PLAN  
SCALE: 1/4"=1'-0"

**BUILDING FLOOR AREA**

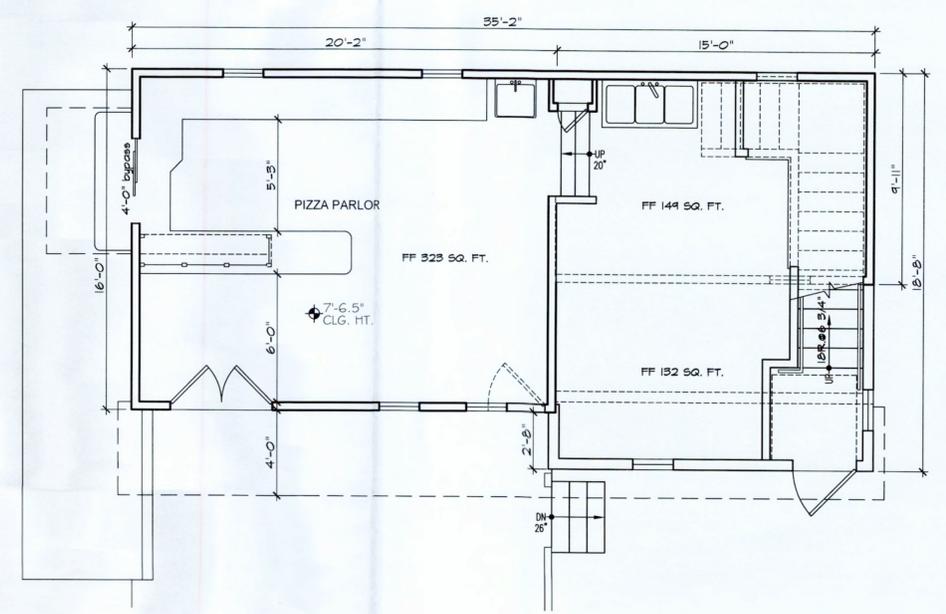
AREA	EXISTING/ RENOVATED	PROPOSED	TOTAL
FIRST FLOOR	323 SQ. FT.	281 SQ. FT.	604 SQ. FT.
SECOND FLOOR	323 SQ. FT.	274 SQ. FT.	574 SQ. FT.
TOTAL FLOOR			1,178 SQ. FT.



FRONT ELEVATION  
SCALE: 1/4"=1'-0"



RIGHT ELEVATION  
SCALE: 1/4"=1'-0"



**PRELIMINARY AND FINAL SITE PLAN REVIEW**

NO.	DATE	BY	DESCRIPTION
1	JSH	JSH	COMPLETE REVIEW, PARKING, TREES, SHADING, FLOOR AREA

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design@foxarch.com  
www.foxarch.com

**Fox Architectural Design PC**

546 STATE ROUTE 10 WEST, LEDGEWOOD, NEW JERSEY 07852

**DESIGN PLAN**

PROPOSED ADDITION AND ALTERATION FOR:  
PENNISI - ATELIER  
ONE BRONXVILLE PLACE  
BERNARDS TOWNSHIP, NEW JERSEY

JOB NO: 19070  
DATE: 2-16-20  
DRAWN: JSH  
SCALE: AS NOTED

UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

**A1**  
SHEET 2 OF 2

EC

5-24 EC meeting

**TOWNSHIP OF BERNARDS  
ZONING BOARD OF ADJUSTMENT  
APPLICATION STATUS FORM**

Application No: ZB21.015 Block: 704 Lot: 1.01 Zone: R-6

Applicant: BASTON 95, LLC

Address of Property: 95 MORRISTOWN ROAD

Description: DEMOLISH EXISTING BLDG. REPLACE WITH NEW STRUCTURE - PRELIMINARY: FINAL SITE PLAN, USE VARIANCE, BULK VARIANCES

**APPLICATION CHECKLIST**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Original + 16 copies of Application | <input checked="" type="checkbox"/> Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> W-9                                 | <input checked="" type="checkbox"/> Architectural Plans        |
| <input checked="" type="checkbox"/> Site Visit Consent (A)              | <input checked="" type="checkbox"/> Survey                     |
| <input checked="" type="checkbox"/> Ownership Form (B)                  | <input checked="" type="checkbox"/> Photographs                |
| <input checked="" type="checkbox"/> 200' Property Search List (C)       | <input type="checkbox"/> Wetlands Report/LOI                   |
| <input checked="" type="checkbox"/> Tax Certification (D)               | <input checked="" type="checkbox"/> Application Fee            |
| <input type="checkbox"/> Notice to be Served/Published (E)              | <input checked="" type="checkbox"/> Escrow Deposit             |
| <input checked="" type="checkbox"/> Dimensional Statistics Form (F)     | <input checked="" type="checkbox"/> Imaging Fee                |
| <input checked="" type="checkbox"/> Contributions Disclosure Form (G)   | <input type="checkbox"/> Tax Map Revision Fee                  |
|   | <input checked="" type="checkbox"/> Checklist                  |

**SCHEDULING**

2.19.21 Original Submission Date 60\*  
4.21.21 Completeness Deadline (45 days)  
 \_\_\_\_\_ Incomplete Date  
 \_\_\_\_\_ Resubmission Date  
 \_\_\_\_\_ Date Complete 60\*  
6.19.21 Time to Act (45/95/120 days)

**HEARING**

\_\_\_\_\_ Notice to Property Owners  
 \_\_\_\_\_ Date of Publication  
 \_\_\_\_\_ Completeness Hearing  
6.17.21 Public Hearing  
 \_\_\_\_\_ Carried to Date  
 \_\_\_\_\_ Decision - Approved/Denied  
 \_\_\_\_\_ Resolution Memorialized  
 \_\_\_\_\_ Resolution Published

**DISTRIBUTION**

2.22.21 Environmental Comm  
 \_\_\_\_\_ Fire Official  
 \_\_\_\_\_ LCFAS  
 \_\_\_\_\_ Police

**NOTES**

\* COVID



**PK ENVIRONMENTAL**  
**Planning & Engineering**  
PO Box 1066, 205 Main Street  
Chatham, New Jersey 07928

Sandra E. Kehrley, PE, CFM  
John P. Peel, PP

tel (973) 635-4011  
fax (973) 635-4023

**PUBLIC NOTICE**

**Freshwater Wetlands (FWW) Special Activity Transition Area Waiver for Redevelopment**

- TO:** Bernards Township Clerk, Bernards Township Construction Official, Bernards Township Environmental Commission, Bernards Township Planning Board, Somerset County Planning Board, Somerset-Union SCS and Property Owners Within 200-Feet of Block 704 Lot 1.01 in Bernards Township
- DATE:** April 21, 2021
- RE:** NJDEP Freshwater Wetlands ("FWW") Special Activity Transition Area Waiver (SAW) for Redevelopment Block 704 Lot 1.01 (95 Morristown Road), Bernards Township, Somerset County, NJ  
Applicant/Owner: Baston 95, LLC

This letter provides you with legal notification that Baston 95, LLC has submitted an application for an NJDEP "Special Activity Transition Area Waiver for Redevelopment" for NJDEP regulated activities within a previously disturbed/developed wetland transition area (buffer). Enclosed is a copy of the "NJDEP Freshwater Wetlands" plan, prepared by Page-Mueller Engineering Consultants, PC.

The complete NJDEP application package can be reviewed at the Bernards Township Clerk's office, or by appointment at the NJDEP's Trenton office, and the NJDEP welcomes comments and any information that you may provide concerning the proposed on-site development. Please submit your comments to the address below, within 45-days of your receipt of this letter to ensure that the NJDEP will be able to consider your concerns during its review. You can also obtain general information about the FWW program at the following website: [www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

**NJDEP Division of Land Resource Protection**  
**Mail Code 501-02A, PO Box 420**  
**Trenton, NJ 08625-0420**  
**Attn: Somerset County Supervisor**

Sincerely,

**PK ENVIRONMENTAL**  
  
John Peel, P.P.

**ENC**

- cc: NJDEP DLRP  
Denise Szabo (Bernards Clerk)  
Baston 95, LLC (Applicant/Owner)  
Vincent Bisogno, Esq.

**CERTIFIED MAIL**

# Bisogno, Loeffler & Zelley, L.L.C.

Attorneys at Law  
88 South Finley Avenue  
Post Office Box 408  
Basking Ridge, New Jersey 07920

Vincent T. Bisogno

[vbisogno@baskingridgelaw.com](mailto:vbisogno@baskingridgelaw.com)

Paul H. Loeffler (Member N.J. & N.Y. Bars)

[ploeffler@baskingridgelaw.com](mailto:ploeffler@baskingridgelaw.com)

Frederick B. Zelley (Member N.J. & Pa. Bars)

[fzelley@baskingridgelaw.com](mailto:fzelley@baskingridgelaw.com)

Paul D. Mitchell

[pmitchell@baskingridgelaw.com](mailto:pmitchell@baskingridgelaw.com)

Telephone: (908) 766-6666

Facsimile: (908) 766-7809

April 28, 2021

Cyndi Kiefer

C.O. Township of Bernards

Dpt. Of Engineering services

277 South Maple Avenue

Basking Ridge NJ 07920

Re: Baston Ninety-Five LLC 95 Morristown Road block 704 lot 1.01 application #  
ZB21-015

Dear Ms. Kiefer,

As you know this office represents Baston Ninety-Five LLC. A public hearing on this matter is scheduled for June 17<sup>th</sup> 2021.

Pursuant to my conversations with Dave Schley, Township planner, we have amended our application to address some wetlands issues. The changes are not substantial.

Accordingly, to make sure all the plans are consistent, we are enclosing herewith 17 copies of the following document:

1. Board of Adjustment application and addendum explaining application. Please note there is attached to the application the following:
  - a. Dimensional statistics (form F)
  - b. Form F1, B zone comparison.
  - c. Contact sheet.

- d. Form E, Sight Inspection Consent Form.
  - e. Statement of Ownership (form B)
  - f. Colored photos of property and building (4)
2. Zoning board resolutions:
- a. Resolution # 81-14
  - b. Resolution # 93-14
  - c. Resolution # ZB05-016
  - d. Resolution # ZB16-32
3. Check List:
- a. Preliminary approval for Site Plan
  - b. Final approval of site plan
  - c. Approval for variants pursuant to N.J.S.A. 40:55D-70(c)
4. Storm Water Management Report Prepared by Page Mueller (2 pages) dated January 2021 and last revised to April 21, 2021.
5. Project report and Environmental Assessment Report prepared by Page Mueller dated February 16, 2021 (3 pages)
6. Floor Plans and Roof Plan prepared by the Martinson group LLC dated April 15, 2021 (2 sheets)
7. Building Elevation Plans prepared by the Martinson group LLC dated April 15, 2021 (2 sheets)
8. Freshwater Wetlands information consisting of the following:
- a. Letter from PK Environmental dated April 5, 2021 concerning wetlands
  - b. Application of PK Environmental filed with the NJ DEP to obtain Fresh Water Wetlands Determination and a Special Activity Transition Area Waiver for Redevelopment. The application is dated April 21, 2021. (Please note back up material not included.)
  - c. Maps showing location of wetlands. (3 sheets)
9. Approval Letter from Somerset County Planning Board dated March 17, 2021. (2 pages)

10. Preliminary and Final Site Plan prepared by Page Mueller Engineering Consultants dated February 16, 2021 and last revised to April 19, 2021. (5 sheets) Please note there is included in the Site Plan a Fire Service plan.
11. Topographic survey prepared by Murphy and Hollows dated December 31, 2020 (1 sheet)
12. Landscaping plan prepared by Bosenberg Landscape Architects dated February 9<sup>th</sup>, 2021 and last revised to April 15, 2021 (3 sheets)
13. 3 copies of the following documents:
  - a. Deed vesting title in Baston Ninety-Five LLC recorded in the Clerk's office of Somerset county.
  - b. Declaration of Sanitary Sewer and Drywell Drainage Pipe Easement
  - c. Amendment to Declaration of Sanitary Sewer and Drywell Drainage Pipe Easement
  - d. Easement for Construction Installation and Maintenance of Sewer Connection line.
14. Application for Tree Removal Permit. Please note only one tree is to be removed.
15. Please note the following:
  - a. The location and dimensions of all proposed free standing and wall mounted identification signs are listed on page 5 of the engineering plans of Page/Mueller.
  - b. A lighting plan is part of the plans of Page Mueller and is sheet 4 of said plans.
  - c. Soil information is noted on the cover sheet. Please note there is no soil logs provided since our engineer believes they are not necessary because the project is not on a septic system and there is no storm water project that is soil dependent.
  - d. Fire striping is noted on the plan
  - e. We have a new list of property owners within 200 Feet dated April 23, 2021.
  - f. Tax information will be forwarded by Tax Collector after the May 2021 payment.

If there's any additional information needed, please do not hesitate to contact this office.

Very truly yours,

Vincent T. Bisogno

VTB:nbb

Cc:	Afrim Berisha	<a href="mailto:Afrimbistro73@gmail.com"><u>Afrimbistro73@gmail.com</u></a>
	Bekim Gjevukaj	<a href="mailto:Bekimlol@yahoo.com"><u>Bekimlol@yahoo.com</u></a>
	Mick Gjevukai	<a href="mailto:mickgjevuka@enjoywithgusto.com"><u>mickgjevuka@enjoywithgusto.com</u></a>
	Jeff Martinson	<a href="mailto:jeff@themartinsongroup.com"><u>jeff@themartinsongroup.com</u></a>
	Mike Tobia	<a href="mailto:tobia.michael@verizon.hot"><u>tobia.michael@verizon.hot</u></a>
	Chuck Olivo	<a href="mailto:Colivo@stonefieldeng.com"><u>Colivo@stonefieldeng.com</u></a>
	John Corak	<a href="mailto:jcorak@stonefieldeng.com"><u>jcorak@stonefieldeng.com</u></a>
	Cathy Mueller	<a href="mailto:cmueller@pagemuellereng.com"><u>cmueller@pagemuellereng.com</u></a>
	Jim Mazzucco	<a href="mailto:jim@bwboosenberg.com"><u>jim@bwboosenberg.com</u></a>

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

**1. APPLICANT:** Baston 95, LLC

Address: c/o Afrim Berisha, 20 Gold Boulevard, Basking Ridge, NJ 07920

Phone: (home) N/A (work) N/A (mobile) 908-400-3481

Email (will be used for official notifications): afrimbistro73@gmail.com

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

**3. ATTORNEY:** Bisogno, Loeffler & Zelle

Address: 88 South Finley Avenue, P.O. Box 408, Basking Ridge, NJ 07920

Phone: 908-766-6666 Email (will be used for official notifications): vbisogno@baskingridgelaw.com

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

Name: See attached Contact Sheet Profession: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

**5. PROPERTY INFORMATION:** Block(s): 704 Lot(s): 1.01 Zone: R-6

Street Address: 95 Morristown Road Total Area (square feet/acres): 98,725 s.f.; 2.27 acres

**6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY?**  No  Yes (if yes, explain or attach Board resolution) See attached 4 Resolutions (Docket No. 81-14; 93-14; ZB05-016 and ZB16-032.

**7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY?**  No  Yes (if yes, explain) Property is a non-conforming use and inherently has zoning violations. See attached Addendum explaining application.

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

[X] No [ ] Yes (if yes, explain and attach copy) All easements are utility easements.

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

See attached Addendum describing property and proposal/request.

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

See attached Addendum.

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

See attached Addendum.

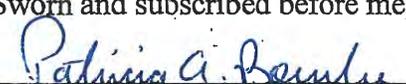
**12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):**

**APPLICANT(S) SIGN HERE:**

I/we, Afrim Berisha 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 Managing Member of Owner

Sworn and subscribed before me, this 16 day of FEBRUARY, 2021 ~~2019~~

  
Notary **PATRICIA A. BOURLIER**  
A Notary Public of New Jersey  
My Commission Expires August 28, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary

**ADDENDUM**  
**STATEMENT OF FACTS, VARIANCES**  
**AND JUSTIFICATION FOR SAME**

This Application concerns the restaurant known as “The Vine” located at 95 Morristown Road (U.S. Route 202) in the Basking Ridge section of Bernards Township. The Lot is 2.27 acres and is located in the R-6 Zone of the Township. A restaurant has been at this location since the 1930s and has been recognized by this Board as a non-conforming use.

Applicant originally intended to renovate the existing restaurant building and maintain the same square footage, parking and lot coverage. However, because of the age of the structure, the deterioration of the mechanical systems and lack of handicap access, the Applicant has elected to demolish the existing building and replace it with a new modern and efficient building with handicap access and new HVAC systems in order to improve not only accessibility but air quality. This would make the structure a safer dining experience in the post COVID-19 era.

The Application is for Preliminary and Final Major Site Plan approval, variances, exceptions and waivers. The existing building size will be increased from approximately 6352 s.f. (1<sup>st</sup> and second floor) to 7,511 s.f. (1<sup>st</sup> and second floor). See attached Architectural Plans. This is an increase of 1,159 s.f. Applicant intends to increase the number of parking spaces to 85<sup>1</sup>, with six of the spaces being tandem; maintain the same number of seats (165 indoor plus 50 outdoor)<sup>2</sup>, and slightly reduce lot coverage at 38.3%<sup>3</sup>. Note, there is an additional 190 s.f. in the cellar for office and employee restroom.

Applicant now seeks the following relief from the Board:

- A. Preliminary and Final Major Site Plan approval.
- B. A use variance or an expansion of a non-conforming use by approximately 1,159 s.f.
- C. A parking variance where 151 spaces is required and 85 provided; an exception is requested for six tandem spaces.
- D. Accessory building separation of 10’ is required and Applicant provides 2.3’.
- E. A 50’ buffer to the residential zone is required and Applicant proposes 34 feet for parking. Note a trash enclosure is approximately 20’ and was approved by Resolution #ZB16-032 at page 1.

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<sup>1</sup> Resolution #ZB93-14; Page 1

<sup>2</sup> Resolution #ZB16-032; Page 7

<sup>3</sup> Resolution #ZB05-016l; Page 3

G. Front yard setback required is 50' and applicant proposes 45' to the steps. Note that the existing setback is 33'.

H. All signs are pre-existing but do not meet the area requirement of 4 inches.

I. Lot coverage will be reduced to 38.3% from a previously approved 38.5%. See Resolution #ZB06-16 at page 3.

The justification for the variances are as follows:

### **Positive Criteria**

A. **Use Variance or Expansion of a Non-Conforming Use:** Proofs required in establishing the justification for a use variance or an expansion of a non-conforming use are somewhat similar in nature. This lot has been used as a restaurant since the 1930s. It has been temporarily closed because of the COVID-19 pandemic which has decimated the restaurant industry. It was not a voluntary closure and there was no intent to voluntarily abandon the use.

A use variance is justified in our case because the general welfare is served because the use as a restaurant is peculiarly fitted to the particular location. Also, the building proposed by the applicant will create a desirable visual environment, with enhanced safety features of a new HVAC system, more space between tables handicap accessibility which is not present in the existing restaurant. Particular suitability is also demonstrated by the fact that the use is on a U.S. highway and adjacent to office complexes. There is also a substantial landscaping being proposed.

B. **Parking Variance:** The Bernards Township Zoning Ordinance requires 151 parking spaces based upon the square footage of the restaurant. Applicant has 85 spaces which has existed for many years without issue. This parking variance was approved previously. Applicant's traffic engineer will testify that the 85 spaces can adequately accommodate the modest increase in square footage of the restaurant.

C. **Accessory Building Location:** The Bernards Township Zoning Ordinance requires a 10' separation between accessory buildings and Applicant has 2.3'. This condition has existed for many years and will be addressed by the Applicant's planner.

D. **50' Buffer to Residential Zone:** Currently there is a dumpster in the buffer area. This dumpster will be removed. The variance was previously approved by this Board. Additional landscaping is being proposed in this area to mitigate against any impact on the residential zone.

E. **Front Yard Setback:** The front yard setback is currently 33 feet and applicant proposes 45 feet to the steps. It is 50 feet to the building.

### Negative Criteria

There is no substantial detriment to the public good nor is there any substantial detriment to the Zone Plan and the Zoning Ordinance of Bernards Township (emphasis added). The critical word here is “substantial” and involves a balancing of the benefits of the variance against the detriments. As was pointed out, the building has been at this location for over 90 years and is located on a U.S. highway adjacent to office complexes. In fact, what is being proposed by the applicant will be a benefit to the surrounding area. The general welfare is served for the following reasons:

- A. It replaces a deteriorating structure with a new modern structure.
- B. Improved aesthetics of the building.
- C. A new landscaping plan is proposed which improves the aesthetics of the building and provides privacy for surrounding residents.
- D. It creates a safer dining experience by providing more space between tables.
- E. A new HVAC system is proposed which also enhances safety.
- F. It provides handicap accessibility which does not exist today.

There is no negative aspects to this construction since the building exists and has been here for 90 years.

In regard to the use variance and the enhanced burden of proof set forth in Medici v. BPRC, 107 N.J. (1) 1987, the Township Committee did not rezone the property for a restaurant because it would be a one lot zone. The adjacent residential zones and the E zones does not allow for restaurants. The Township is aware that the matter has been before the Board of Adjustment on several occasions and the Board has appropriately handled the case on all occasions.

SUBMIT 17 COPIES TOTAL

DIMENSIONAL STATISTICS

R-6 ZONE

	REQUIRED	EXISTING	PROPOSED
LOT AREA	32,670 s.f.	98,725 s.f.	98,725 s.f.
LOT WIDTH	150'	454.71'	454.71'
FRONTAGE	75'	467.99'	467.79'
FRONT YARD SETBACK	50'	33.7' *	50'
REAR YARD SETBACK	50'	125.2'	94'
COMBINED SIDE YARD	75'	357.3'	342.2'
SIDE YARD	30'	167.8'	166.6'
COVERAGE	18%	38.3% **	38.3% **
HEIGHT	2 1/2 Stories 35'	3 Stories *	2 Stories & 35'
<i>IF REQUIRED, GROSS FLOOR AREA</i>	N/A	N/A	N/A
<i>IF REQUIRED, FLOOR AREA RATIO</i>	N/A	N/A	N/A
<i>IF REQUIRED, IMPROVABLE LOT AREA</i>	N/A	N/A	N/A

\* Existing condition

\*\* Variance Granted ZB05-016, Page 3

SEE ADDENDUM TO APPLICATION FOR ADDITIONAL VARIANCES.

**FORM F-1  
DIMENSIONAL STATISTICS**

**B- Zones Comparison (Informational Purposes Only)  
Pursuant to BTZO Table 506, Section 21-9.7**

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area	20,000 s.f.	98,725 s.f.	98,725 s.f.
Minimum Lot Width	50'	454.71'	454.71'
Minimum Lot Frontage	50'	467.95'	467.95'
Minimum Front Yard	10'	33.7'	50'
Minimum Rear Yard	10'	125.7'	94'
Maximum Floor Area Ratio	25%		7.8%
Maximum Coverage	75%	39.1%	38.5%
Maximum Set Back from Residential Zone	30'	125.7'	94'

## CONTACT SHEET

### **I. Principals:**

- A. Afrim Berisha  
[afrimbistro73@gmail.com](mailto:afrimbistro73@gmail.com)  
(main contact)
- B. Bekim Gjevukaj  
[bekim0101@yahoo.com](mailto:bekim0101@yahoo.com)
- C. Faruk Gjevukaj  
[mickgjevukaj@enjoywithgusto.com](mailto:mickgjevukaj@enjoywithgusto.com)

### **II. Architect:**

Jeff Martinson  
204 Buskill Street  
Easton, PA 18046  
610-252-9030  
[jeffm@themartinsongroup.com](mailto:jeffm@themartinsongroup.com)

### **III. Planner:**

Mike Tobia  
92 Overlook Road  
Morristown, NJ 07960  
973-670-8888  
[tobia.michael@verizon.net](mailto:tobia.michael@verizon.net)

### **IV. Traffic Engineer:**

Chuck Olivo  
Stonfield Engineering & Design, LLC  
92 Park Avenue  
Rutherford, NJ 07070  
908-461-3518  
[colivo@stonefieldeng.com](mailto:colivo@stonefieldeng.com)

### **V. Engineer:**

Cathy Mueller  
Page Mueller Engineering  
P.O. Box 4619  
Warren, NJ 07059  
732-805-3979  
[cmueller@pagemuellereng.com](mailto:cmueller@pagemuellereng.com)

### **VI. Landscape Architect:**

Jim Mazzucco  
350 Main Street, Suite 8  
Bedminster, NJ 07921  
908-234-0557  
[iim@hwhosenberg.com](mailto:iim@hwhosenberg.com)

Submit 21 copies TOTAL

FORM E

**TOWNSHIP OF BERNARDS  
PLANNING BOARD / BOARD OF ADJUSTMENT**

**SITE INSPECTION CONSENT FORM**

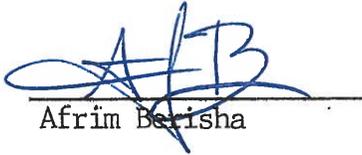
Applicant: Baston 95, LLC Application: \_\_\_\_\_

Block: 704 Lot: 1.01

Street Address: 95 Morristown Road, Basking Ridge, NJ 07920

I, Afrim Berisha, Mananging <sup>/Member</sup>, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature: \_\_\_\_\_

  
Afrim Berisha

Date: \_\_\_\_\_

2/9/21

**STATEMENT OF OWNERSHIP**  
*(if required – please see instructions)*

Corporate or Partnership  
Name of Applicant Baston 95, LLC

Address 20 Gold Boulevard, Basking Ridge, NJ 07920

The following is a list of all shareholders and/or partners owning beneficially or having registered in their names not less than ten percent (10%) of the stock of the corporation or interest in a partnership involved in an application hereinabove referred to:

Name Afrim Berisha

Name Bekim Gjevukaj

Address: 20 Gold Boulevard

Address: 571 County Road 579

Basking Ridge, NJ 07920

Hampton, NJ 08827

Name Faruk Gjevukaj

Name \_\_\_\_\_

Address: 5 Deer Run

Address: \_\_\_\_\_

Pittstown, NJ 08867

Name \_\_\_\_\_

Name \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

I hereby certify under penalty of perjury that the foregoing is true:

Signature:  Date: 2/9/21  
Afrim Berisha, Managing Member







PME #2154-000  
Gusto Restaurant  
Block 704, Lot 1.01  
Color Site Photos  
Taken 11/12/20 by Page-Mueller Engineering



Re: Application of John Rader and Gloria Rader

On the application of John Rader and Gloria Rader, the Board of Adjustment of Bernards Township finds as follows:

1. Applicants are owners of property located at 95 Morristown Avenue, Basking Ridge, also known as Block 6, Lot 8 on the Bernards Township tax map. The property is comprised of 3.117 acres and is in the R-6 zone.

2. The property contains a two story building which has been used as a restaurant for many years, constituting a pre-existing non-conforming use in the R-6 zone. The existing set back of the structure is also non-conforming. The property also contains a 51 car parking lot for the use of employees and patrons of the restaurant.

3. Applicants seek (a) a variance under N.J.S.A. 40:55-70(d) to enlarge the restaurant use, and (b) final site plan approval to expand the parking facilities to accommodate a total of 82 cars. The Board conducted public hearings on the application on December 9, 1981, March 31, 1982 and May 5, 1982.

4. The proposed enlargement of the restaurant, known as the Girafe Restaurant, involves the conversion of an apartment and meeting room on the second floor, comprising approximately 1300 square feet, into a banquet and meeting room. No enlargement or change of the outside dimensions of the building is contemplated. The increase in parking must also be regarded as part of the enlargement of the non-conforming use.

5. The Board is of the view that the proposed enlargement is not so significant as to change the essential nature of the existing use as a small restaurant. In light of the pre-existing non-conformity, the history of the restaurant use as being unobtrusive in the residential area, and the relatively minor extension involved, the Board finds that special reasons exist to grant the variance requested.

6. The Site Plan submitted consists of two sheets prepared by Yannaccone, Murphy & Hollows, Inc., Civil Engineers & Surveyors,

dated March 2, 1982, amended April 12 and April 15, 1982. The details of the Plan have been reviewed by the Municipal Engineer. A number of changes in the original Plans, made at the request of the Municipal Engineer and the Board, have been reflected in the amended form of the Plans.

7. In view of the limited nature of the Site Plan, and after consultations with the Municipal Engineer, the Board has waived the requirement of an Environmental Impact Study.

8. No one appeared in opposition to the application.

9. The relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Bernards that the variance and final site plan approval as requested in the respective applications and detailed in the Plans set forth in paragraph 6 of this resolution, be and the same are hereby approved.

Dated: May 5, 1982

FOR: 5  
AGAINST         
ABSTAIN 2

Docket No. 93-14

Re: Application of JohnGlo, Inc.  
(The Girafe Restaurant)

WHEREAS, on September 8, 1993, the Bernards Township Board of Adjustment, by a vote of 7 to 0, denied the application of JohnGlo, Inc., and directed its attorney to prepare a memorializing resolution pursuant to N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, by way of memorializing the action of the Board taken on September 8, 1993, the Bernards Township Board of Adjustment finds as follows:

1. Applicant operates the Girafe Restaurant on property owned by John and Gloria Rader located at 95 U.S. Highway 202 (Morristown Road), Basking Ridge, also known as Block 6, Lot 8 on the Bernards Township tax map. The property consists of approximately 3.117 acres and is in the R-6 Standard Residential zone.
2. The property contains a two-story building which has been used as a restaurant for many years, constituting a preexisting nonconforming use in the R-6 zone. By resolution dated May 5, 1982, Applicant obtained a variance and site plan approval from this Board to expand the nonconforming use by enlarging the internal restaurant space and expanding the parking facilities to accommodate a total of 82 cars. No increase or change of the outside dimensions of the building was requested or granted at that time, but significant landscaping was required under the approved site plan.

3. Applicant now seeks relief pursuant to N.J.S.A. 40:55D-70(d) to expand the nonconforming use by the construction of a two-story extension to the rear of the entry building, and a two-story extension to the westerly side of the existing building. Applicant also seeks variance relief pursuant to N.J.S.A. 40:55D-70(c) for a number of bulk variances, and site plan approval pursuant to N.J.S.A. 40:55D-76. The proposal calls for increasing the present parking from 82 spaces to 106 spaces, including 9 small, stacked valet parking spaces. Were the property in a zone permitting restaurants, 224 parking spaces would be required. The proposed additions to the building would result in an increase in lot coverage from 27.4% to 39.8%, where 18% is the maximum permitted in the R-6 Residential zone.

4. The Board conducted extensive hearings on this matter on July 7, 1993, August 4, 1993 and September 8, 1993 at which it heard the testimony of the Applicant's architect, engineer, planner and acoustics expert as well as a representative of the Applicant. The Board received and reviewed numerous exhibits, reviewed the comments of the Bernards Township municipal engineer, heard the arguments of the Applicant's attorney, and received the advice of the Board's attorney. The Board also heard the extensive comments of the public in opposition to the application.

5. While there was substantial and sometimes conflicting discussion as to the maximum occupancy of the proposed new facility, the Applicant's architect testified that the maximum would be from 302 to 316 persons. The present maximum occupancy

is approximately 214. The Applicant testified that the restaurant in the downstairs portion of the building would not be enlarged from its present capacity of 79 persons. The primary enlargement would be to the second floor banquet or "Special Function" room which was designed to hold a maximum of approximately 150-155 persons. Presently, there is a banquet room with a 55-person capacity on the second floor. Related to the special function use is a proposed cocktail/reception area referred to as a "Conservatory" which might hold 73 persons in addition to the adjacent 18-person capacity bar area and an adjacent patio. It is the Applicant's position that the Conservatory reception area should not be counted doubly with the Special Function room since it would not be separately used, but rather it would be used only in conjunction with any upstairs special function. Accordingly, the Applicant's position is that the "real" number as to maximum occupancy of the expanded facility is 229 (79 for the restaurant and 150 for a special function). While the Applicant indicated a willingness to accept a condition to any variance grant which would limit the total use of the facilities to 229 customers, the Board, as a practical matter, is extremely doubtful of the ability of the Township to monitor or enforce such a limitation or the ability of the Applicant, or any successor in interest, over time to resist the use of available space where circumstances would otherwise permit its use.

6. The Applicant offers as partial justification for granting its application for the proposed new construction that it would bring all structures into compliance with new building

code requirements, including those related to accessibility for the handicapped under the Americans with Disabilities Act. These improvements would include such things as a lift for the handicapped, sprinklers throughout the structure, barrier-free restrooms, enclosed stairways and new exit areas. While the Board understands that some of this code-mandated updating would be required in any event and some might not but for the new construction, and while the Board also appreciates that all of the proposed code upgrading is both desirable and laudable, none of these factors constitutes special reasons for permitting the extensive enlargement of the facility contemplated by the application. The Applicant's architect estimated that making all of the proposed code improvements, irrespective of whether they would be required, without any enlargement at all of the existing facilities would reduce the present available space by about 20%. By contrast, the proposed additions would double the size of the existing facilities.

7. The Applicant produced general opinion testimony, but no marketing studies, indicating that the Special Function room would serve a need of the local business community for seminars, conferences and banquets, as well as providing a facility for weddings and other social events. Even if such a need were established to the satisfaction of the Board, and it was not, nothing was presented to indicate that the property in question was uniquely suited for such a purpose, or that the purpose could not be fulfilled by facilities located elsewhere in the general area.

8. The Applicant's planner testified at length as to his opinion of how the application satisfied the various purposes of zoning as set forth in N.J.S.A. 40:55-2, and was also of the view that the site in question was peculiarly suited for the proposed expanded use. Although such factors may have some relevance to the inquiry, the Board is simply unable to discern in the Applicant's case a compelling special reason for permitting so extensive an intensification of the existing nonconforming commercial use in this residential zone. In this regard, the Board notes that notwithstanding the long-term existence of the restaurant on this tract, over the years the municipality has consistently refused to alter the zone designation. Moreover, when the variance was granted in 1982, this Board was persuaded by the limited extent of the expansion, which, except for parking, was totally internal, and by the fact that the variance would not "change the essential nature of the existing use as a small restaurant." The Board was also persuaded by "the history of the restaurant use as being unobtrusive in the residential area". Such is not the case in the project as proposed. The size of the restaurant would essentially be doubled, the parking lot and total lot coverage would be significantly increased and the new focus on meeting the special function needs of the area's businesses would, in the Board's view, dramatically change the nature as well as the intensity of the nonconforming use of the site.

9. The Applicant proposed additional landscaping and noise buffering which, in the opinion of its experts, would greatly reduce both the visual and noise impact on adjacent properties

and properties on the opposite side of Route 202. Also, although the Applicant did not produce a traffic expert, through its planner it suggested that in most instances, the peak hours for use of the proposed facilities would not coincide with the peak traffic hours of Route 202. The Board does not contest that point, but the Board also finds that the regular late night activity of automobile comings and goings is not consistent with a residential area and to the extent that such activity would be increased by an enlarged facility it can be detrimental to neighboring property owners. A number of owners of neighboring residential properties stated that the present restaurant activity on the site is both visible and audible from their properties. Residential properties are located to the north, south and west of the property in question, and, as previously suggested, the municipality has not given any indication in its master plan and zoning ordinance review that it proposes to permit nonresidential uses on this tract as a matter of right.

In view of all of the foregoing, this Board cannot find that special reasons exist to permit the proposed expansion of this nonconforming commercial use. Nor can it find that the relief requested can be granted without substantial detriment to the public good or without substantially impairing the intent and purpose of the zone plan or the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Bernards Township Board of Adjustment that the relief requested by the application and the map and plans submitted therewith be and the same is hereby denied.

Dated: October 6, 1993

FOR	<u>5</u>
AGAINST	<u>0</u>
ABSTAIN	<u>0</u>

I hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted by the Board of Adjustment of the Township of Bernards in the County of Somerset, State of New Jersey, at its meeting of 10/16/93

*James J. ...*  
Secretary, Board of Adjustment

Re: Application of B Three, LLC

WHEREAS, B Three, LLC (the "Applicant") has applied to the Bernards Township Board of Adjustment (the "Board") for permission to subdivide an existing lot into two lots, the first consisting of a 2.27 acre lot for the existing restaurant and the second consisting of a 0.85 acre lot for a proposed residence, and for use variance relief to expand the existing nonconforming use; and

WHEREAS, a public hearing was held on April 5, 2006, during which hearing the Applicant's submissions were reviewed by the Board, testimony was provided by the Applicant and its experts, and members of the public were given an opportunity to comment on the application; and

WHEREAS, the Board has considered the Applicant's submissions for the requested subdivision and variance relief, including testimony presented by the Applicant and its experts, and comments from several members of the public; and

WHEREAS, the Board, by a vote of 7 to 0, granted the application, and directed its attorney to prepare a memorializing resolution pursuant to N.J.S.A. 40:55D-10(g);

NOW, THEREFORE by way of memorializing the action of the Board taken on April 5, 2006, the Board finds as follows:

1. The Board has reviewed the application of the Applicants and has deemed it complete.
  
2. Applicant is the owner of property, which is located in the R-6 Residential Zone at 95 Morristown Road, Basking Ridge, designated Block 6, Lot 8 on the Bernards Township Tax Map (the "Property"). The Property faces Morristown Road to the northwest and is bound by developed residential lots to the southwest and southeast and is bound by office/industrial lots to the northeast. The Property currently consists of approximately 3.117 acres, and contains a restaurant and parking area, which has been in operation by various owners for the past 60-70 years. The restaurant use pre-dates the current zoning ordinance, and therefore it operates as a preexisting, nonconforming use. The position of the restaurant creates a nonconforming northwesterly front yard setback of 33.7 feet where a minimum of 50 feet is required under the Land Development Ordinance of the Township of Bernards (the "zoning ordinance"), and a nonconforming maximum lot coverage of 27% where a maximum of 18% is permitted under the zoning ordinance. In addition to the foregoing, there are a number of various existing nonconforming

conditions relating to such items as parking space size, curbing, landscaping, buffering and signage, all of which remain unchanged by this application. In all other respects, the lot and structure comply with the zoning ordinance.

3. The Applicant seeks: a) permission to subdivide the existing lot into two lots of 2.27 and .85 acres; and b) a use variance pursuant to § 21-11.2.a/N.J.S.A. 40:55D-70(d)(2) to permit the expansion of the nonconforming use, which results from the proposed reduction in lot size of the restaurant lot. In addition to the use variance, the Applicant seeks relief from the exception found in §21-15.1.d.1 (Table 501) which limits the maximum lot coverage on the restaurant lot to 18%. The existing coverage is 27%, and the applicant proposes an increase in coverage on the restaurant lot to 38.5%, which only results from the reduction in lot size pursuant to the proposed subdivision. Ancillary jurisdiction to hear the subdivision application in these circumstances is conferred on the Board by N.J.S.A. 40:55D-76(b).

4. Testimony was first given by one of the principals of the Applicant, Afrim Berisha. Mr. Berisha testified that the restaurant, Tre Vigne, has been in operation by various owners for the past 60-70 years under multiple names. He described the details of the subdivision,

including his plan to build a home for his family to live in that would be constructed on the second smaller lot to be created by the subdivision. Mr. Berisha noted that although the plans do not require a variance for lot coverage on the residential lot, as the plans reflect lot coverage of 17.97% where 18% is permitted by the zoning ordinance, he did not plan to construct any additional impervious improvements on the residential lot, but would be agreeable to any changes the Board should suggest. In that regard, he agreed to amend the plans to reflect a revised driveway design entering the proposed home, as suggested by the Township Engineer, in an effort to reduce the overall lot coverage.

5. The testimony continued with William G. Hollows, a professional engineer and planner. Mr. Hollows discussed in great detail the plan to subdivide the lot into 2 lots, and clarified that no construction would be performed on the lot containing the restaurant. He emphasized that the only variance required by this application was simply an expansion of the nonconforming use and lot coverage, each of which is only a result from the proposed subdivision and not from construction on the Property or to the building. Anticipating some of the concerns of the public, Mr. Hollows discussed the drywell proposed as part of the residential lot, which he explained would virtually eliminate any concerns of runoff created by the construction of the home. He also

mentioned that only 2 large trees would be removed to construct the home. Three members of the public questioned Mr. Hollows regarding water runoff, tree removal and wetlands.

6. Wayne Napolitano, an architect, then testified with regard to the aesthetics of the proposed residence. Mr. Napolitano also clarified that straightening the driveway would result in only 520 feet less impervious coverage, but agreed that it could be accomplished. He explained the purpose of the curved driveway was to compliment the architectural style of the home. The Board and the Township Engineer agreed, although still expressed concern over the amount of coverage proposed.

7. Joseph E. Rosina, a professional planner and engineer, concluded the testimony in this matter. Mr. Rosina discussed the Township zoning plan and zoning ordinance, reviewed the bulk requirements of the restaurant lot and the proposed residential home, and then went over the details of the proposed construction. He reminded the Board that no construction was taking place on the restaurant lot, and that the construction on the residential lot would not require any variances from the Board. He concluded by comparing the bulk requirements of the R-6 residential zone to that of the township

business zone, and found that the restaurant more than complied with the bulk requirements found in typical business zones.

8. At the conclusion of the testimony, a number of people from the public stated that they were concerned about the removal of trees and shrubs that screen their homes from the restaurant, and the impact of increasing runoff which apparently has been a problem for some years. The Board discussed the drainage problem at length with the Applicant, and the Applicant offered to remediate any drainage issues currently existing on the restaurant lot to the satisfaction of the Township Engineer.

9. The Board has reviewed the minor subdivision and site plans and related documents of the Applicant, as well as the memoranda of the Township Engineer. The Applicant has met or agreed to satisfy the requirements of the report of the Township Engineer dated March 30, 2006, which is attached to and made a part hereof. The Board is therefore satisfied that, subject to the conditions hereinafter set forth, the site plan meets the requirements for approval.

10. In view of the fact that the variance required is merely an impact of the subdivision, and not the result of additional improvement

made to the Property, the Board finds that expansion of a nonconforming use variance will not negatively affect neighboring residences. The Board further finds that the increase in lot coverage on the restaurant lot will not negatively impact the neighboring residences, as the Applicant has agreed to take affirmative measures to improve the existing runoff problems even though no further construction is proposed. In view of the preexisting non-conforming use not being physically increased and the other unique features of the Property, including the presence of the office/industrial zoned properties bordering the Property to the northeast, the Board finds that special reasons exist to grant the variance to technically enlarge the nonconforming use and exceptions, all of which are necessary exclusively from the subdivision. Also, in view of the fact that the proposed residential structure will comply in all respects with all bulk requirements as set forth in the zoning ordinance and the willingness of the Applicants to revise their plans to address the concerns of the Board, the Board finds that the variance relief requested, as hereinafter conditioned, can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Bernards Township Board of Adjustment that the relief requested in accordance with the

application and the maps and site plans submitted therewith be and the same is hereby granted, subject to the following conditions:

a. With the exception of comment number 8 or as otherwise noted herein, the Applicant shall comply with all conditions set forth in the memorandum from Peter A. Messina, Township Engineer/Planner, dated March 30, 2006 to the satisfaction of the Township Engineer. The contents of the memorandum are incorporated herein as if fully set forth; and

b. All of the foregoing conditions which in the judgment of the Township Engineer require amendments to the site plan, shall be incorporated into an amended site plan prior to the issuance of any construction permits; and

c. Comment number 14 contained in the memorandum from Peter A. Messina, Township Engineer/Planner, dated March 30, 2006 is revised to now require that the existing water runoff on the Property shall be subject to a stormwater management plan to be submitted to the Township Engineer, such that water runoff shall not exceed that which is consistent with a lot containing 27% impervious coverage.

d. Granite block curb shall be installed along the southeasterly edge of the parking lot boundaries of the existing restaurant lot to the satisfaction of the Township Engineer; and

e. Driveway design of the residence shall be submitted and approved by the Township Engineer prior to the issuance of any construction permit; and

f. Impervious lot coverage on the residential lot shall not exceed 17% prior to the issuance of a certificate of occupancy; and

g. Tree screening shall be provided along the Property bordering lots 9, 10, 16, and 17 in order to screen the Applicant's proposed residence and restaurant and to maintain privacy for the adjacent residences. All final quantities, type and locations of the landscaping shall be subject to approval in the field by the Township Engineer; and

h. Applicants shall pay a development fee in accordance with § 21-76.16 of the zoning ordinance; and

i. The Applicants shall comply with all other relevant federal, state and local laws and regulations.

DATED: May 3, 2006

FOR: 7

AGAINST: 0

ABSTAIN: 0

I hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted by the Board of Adjustment of the Township of Bernards in the County of Somerset, State of New Jersey, at its meeting of May 3, 2006

Francis Flano  
Secretary, Board of Adjustment

**BERNARDS TOWNSHIP  
DEPARTMENT OF ENGINEERING SERVICES  
PLANNING/ZONING BOARDS**

**TO:** Board of Adjustment Members

**FROM:** Peter A. Messina, PE, PP  
Township Engineer/Planner 

**DATE:** March 30, 2006

**APPLICANT:** B Three, LLC (Tre Vigne Restaurant)

**APPLICATION:** Minor Subdivision & Use Variance #ZB05-016

**LOCATION:** Block 6, Lot 8; 95 Morristown Road

**ZONE:** R-6 (¾ acre) Residential

**LOT AREA:** 3.117 Acres

**WETLANDS:** Absence of wetlands has been verified by the applicant's consultant.

**PROPOSAL:** Subdivide the property into two lots, consisting of a 2.27 acre lot for the existing restaurant and a 0.85 acre lot for a proposed dwelling.

**VARIANCE:** 1. §21-11.2.a / N.J.S.A. 40:55D-70 (d)(2) A use variance is required to permit the expansion of a nonconforming use, which results from the proposed reduction in size of the restaurant lot.

**EXCEPTIONS:** 1. §21-15.1.d.1 (Table 501) Minimum front yard on the restaurant lot (required: 50'; existing: 33.7'; proposed: no change).  
2. §21-15.1.d.1 (Table 501) Maximum lot coverage on the restaurant lot (permitted: 18%; existing: 27%; proposed: 38.5%).

**DESIGN STANDARD MODIFICATION:** 1. §21-32.3 Maximum building height on the restaurant lot (permitted: 2.5 stories; existing: 3 stories; proposed: no change).

In addition to the above, various existing nonconforming conditions relating to such items as parking space size, curbing, landscaping, buffering and signage are proposed to remain unchanged.

## GENERAL COMMENTS

The applicant proposes to subdivide the site into two lots. A new dwelling is proposed on a 0.85 acre lot and the existing restaurant is to remain on a 2.27 acre lot. Since the restaurant is a pre-existing, nonconforming use in the R-6 Residential Zone, it is permitted to continue only as it presently, lawfully exists. The proposed reduction in the size of the lot containing the restaurant results in a proportional expansion of the nonconforming use, requiring a use ("d") variance. The proposed subdivision also intensifies the existing nonconforming lot coverage on the restaurant lot, requiring a bulk ("c") variance. The proposed residential lot is fully conforming.

## SPECIFIC COMMENTS

Plans reviewed: Minor Subdivision plans (4 sheets) revised through February 6, 2006 and architectural plans (1 sheet) dated February 13, 2006.

1. Sheet 1 – In the Zoning Schedule, add a note stating the minimum side yard adjacent to a rear yard is 22.5’.
2. Sheet 1 – Revise the lot areas specified in General Note 2 to match the Zoning Schedule.
3. Sheet 1 – Amend General Note 6 to specify all utilities shall be underground.
4. Sheet 1, etc. – Change the proposed lot numbers from 8 and 8.01 to 8.01 and 8.02, respectively.
5. Sheet 1, etc. – Revise the location of the existing off-site sanitary sewer easement and existing/proposed sewer lines to be consistent on all sheets.
6. Sheet 3 – Revise the westerly required side yard for the dwelling to be 22.5’.
7. Sheet 3 – Increase the size of the drain pipes from the proposed drywell system to 4”.
8. Sheet 3 – Discuss the need for a curved driveway for the new dwelling. A straight driveway would result in less impervious coverage.
9. Sheet 3 – Consider adjusting the proposed property line to be perpendicular to Route 202, thus providing more rear yard and less front yard for the proposed residential lot.
10. Sheet 3 – Show the required 50’ wide buffer on the restaurant lot adjacent to the residential lot.
11. Sheet 4 – Revise the drywell detail to clarify the height.
12. Misc. – The proposed easements/agreements required to permit the residential sanitary sewer line and drywell drain pipes to cross the restaurant property shall be subject to review and

approval by the Township Engineer and Township Attorney and must be recorded prior to filing the subdivision deed/map.

13. Misc. – Pursuant to Ordinance #1853, adopted February 28, 2006, the proposed dwelling is a “minor development”, requiring soil erosion & sediment control and stormwater infiltration measures in accordance with §21-42.1.f.2. The plans, which include a proposed drywell system to collect run-off from the dwelling, are in general compliance with these requirements, however, should be subject to further review and approval by the Township Engineer prior to issuance of a building permit.
14. Misc. – Given the requested relief from the lot coverage requirement on the restaurant lot, the applicant should investigate means of reducing the rate and volume of stormwater run-off on the restaurant lot.
15. Misc. – Discuss the status of the proposal with regard to NJDOT access permit requirements.
16. Misc. – The applicant should be required to disclose to the initial purchaser of the new dwelling information regarding lot coverage, using the Township standard form. The proposed lot coverage of 17.97% allows very little potential for additional impervious improvements by the future owner.
17. Misc. – Digitized copies of all plans and documents must be submitted in formats acceptable to the Township Engineering Department (upon approval/finalization of plans).
18. Misc. – A development fee shall be required for the dwelling pursuant to Section 21-76.16.

The applicant is requested to address the above comments.

c: Mr. Thomas J. Bitar, Esq.  
Mr. Vincent T. Bisogno, Esq.  
Mr. William G. Hollows, PE & LS, PP

**ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF BERNARDS**

**B3, LLC (The Vine Restaurant)  
Case No. ZB16-032**

**RESOLUTION**

WHEREAS, B3, LLC (the "Applicant") is the owner of the premises at which operates The Vine Restaurant (the "Restaurant"), has applied to the Zoning Board of Adjustment of the Township of Bernards (the "Board") seeking preliminary and final site plan approval, together with variance relief as set forth below, in connection with an as-built outdoor dining patio with masonry wall enclosure in front of the existing Restaurant and a raised garden behind the Restaurant, located on property identified as Block 704, Lot 1.01 on the Township Tax Map, more commonly known as 95 Morristown Road (the "Property," the "Lot," or the "Site"):

- (1) A d(2) variance for the expansion of a preexisting non-conforming use (a restaurant), since the as-built outdoor dining area is not a permitted use in the R-6 residential zone, pursuant to Section 21-10.4.a.1 of the Land Development Ordinance;
- (2) A variance for a proposed lot coverage of 38.5%, whereas the existing lot coverage is 38.6%, and whereas the maximum lot coverage permitted is 18%, pursuant to Section 21-15.d.1 and Table 501 of the Land Development Ordinance;
- (3) A variance for an as-built solid wall constructed in a front yard, whereas a wall in a front yard is not permitted to be less than 50% open, pursuant to Section 21-16.2.a of the Land Development Ordinance; and
- (4) A variance for a buffer of less than 50 feet in width relating to the expansion of a trash enclosure located on Property which abuts a residentially zoned lot, whereas a 50 foot buffer is required, pursuant to Section 21-28.2 of the Land Development Ordinance; and

WHEREAS, a public hearing on notice was held on such application on April 5, 2017, at which time interested citizens were afforded an opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and members of the public, and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. The Board reviewed the application and previously had deemed it complete.
2. The 2.266 acre Property fronts on Morristown Avenue and is located in the R-6 Residential Zone. The Restaurant is a pre-existing nonconforming use which has been in existence for more than 30 years.
3. The most recent land use board approval for the Property was granted by the Board in 2006, when the Applicant obtained minor subdivision approval to create the adjoining lot to the southwest, which is now occupied by a dwelling. The 2006 project did not involve the physical expansion of the restaurant, however, the approval included variances permitting the expansion of the nonconforming use and permitting an increase in lot coverage, both of which variances were necessitated by the reduction in size of the lot containing the Restaurant.
4. The Applicant now seeks approval for an approximately 20 foot by 40 foot (approximately 800 square foot) outdoor dining patio adjoining the front of the Restaurant, a freestanding masonry wall along the front of the patio, and incidental walkways. These improvements have already been constructed. The Applicant also proposes to construct a raised garden in the parking area behind the Restaurant. Given the removal of existing

pavement to accommodate the proposed garden, the proposal, as a whole, results in a net reduction in impervious coverage of 119 square feet.

5. The proposed expansion of the previously approved nonconforming restaurant use requires a variance pursuant to N.J.S.A. 40:55D-70d(2). The proposed changes to the previously approved site plan require preliminary and final site plan approval and bulk variance relief for lot coverage, wall construction, and trash enclosure within a buffer pursuant to N.J.S.A. 40:55D-70(c).

6. The Applicant submitted a Preliminary and Final Site Plan prepared by William G. Hollows, P.E., P.P., L.S., of Murphy & Hollows Associates, LLC, dated June 6, 2016, last revised October 18, 2016, same consisting of two (2) sheets. The Applicant also submitted a Survey prepared by William G. Hollows, P.E., P.P., L.S., of Murphy & Hollows Associates, LLC, dated July 8, 2014, same consisting of one (1) sheet and four photographs of the patio area.

7. David Schley, P.P., A.I.C.P., the Township/Board Planner, and Thomas Timko, P.E., C.M.E., the Township/ Board Engineer, both were duly sworn according to law.

8. Denis G. Murphy, Esq., of Schwartz Simon Edelstein & Celso, LLC, appeared on behalf of the Applicant.

9. Jeffrey Bauer, a shareholder of B3, LLC, the Applicant, having an address of 30 Baldwin Court, was duly sworn according to law. Mr. Bauer testified that he became a partial owner of The Vine Restaurant a few years ago. He explained that the Restaurant attracts a mature crowd, as well as local corporate employees, and that patrons do not stay at the Restaurant very late in the evening.

10. Mr. Bauer testified that he was seeking approval of an outdoor patio area so existing customers would have the ability to dine outdoors in the warm weather months. He explained that when the Restaurant sought a liquor license, the form included an option for outdoor dining. Mr. Bauer believed that since the liquor license had been approved, the outdoor seating was also approved and the Applicant constructed the patio. Once the Applicant became aware that the necessary approvals had not been received, it ceased utilizing the outdoor seating area and stored the associated patio furniture. Mr. Bauer testified that for as long as he could remember, the Property had been used as a restaurant which, at times, had outdoor seating.

11. As to the existing conditions, Mr. Bauer testified that the Restaurant had a dining room, bar, and three private dining areas upstairs. He explained that the busiest time was during the holidays and that the summer was generally slower. Mr. Bauer further explained that he had not witnessed any parking issues and noted that, if a large group was expected, he would request that the guests carpool or utilize a shuttle bus. Mr. Bauer testified that he was unaware of any complaints from adjacent neighbors as to the parking, noise, or lighting.

12. Mr. Bauer testified that the Property was surrounded by woods and that the nearest dwelling was substantially setback from the patio. He further testified that, during the summer, it is very difficult to see the neighboring structures given the existing landscape buffering.

13. As to the as-built wall enclosing the patio, Mr. Bauer testified that the wall was intended to function as a decorative wall that could also act as a sound barrier. He explained

that he intended to plant flowers and other landscaping around the seating area to make it more private and aesthetically pleasing. Mr. Bauer testified that the outdoor seating area was intended to have approximately 8 to 10 tables and would not exceed a capacity of 50 patrons. He further testified that he was not proposing to install an additional bar outside.

14. Mr. Bauer testified that the patio furniture would be stored during the winter. He stipulated, as a condition of approval, to not having any amplified music or similar entertainment outdoors and also to not having any umbrellas with advertising on them. The Applicant further stipulated to complying with the requirements and recommendations set forth in Board Planner, David Schley's April 4, 2017 Review Memo, as well as the requirements and recommendations set forth in the March 22, 2017 Review Memo of Board Engineer, Thomas Timko. As to comment 3 of the Mr. Schley's Review Memo, the Applicant stipulated to modifying the trash enclosure. The Applicant further stipulated that there would not be any signage on the patio wall.

15. On questioning by the Board, the Applicant testified that the kitchen is open until 9:00 PM, but that the Restaurant is rarely busy at that time and often closes early. As to the outdoor lighting on the patio, Mr. Bauer opined that additional lighting was likely unnecessary, but to the extent additional lighting was proposed, same would consist of string lighting. Mr. Bauer introduced into evidence, as Exhibit A-1, a compendium of five (5) photographs that he and the Applicant's professionals had taken during the Fall of 2016, and he testified that the photographs constituted an accurate depiction of the Property as it presently exists.

16. Mr. Bauer testified that he spoke with the neighbor across the street and that

she expressed her support for the outdoor seating area.

17. Jean Marie Dour, having an address of 28 Franklin Drive, Basking Ridge, New Jersey, (Block 704, Lot 8), was duly sworn according to law. Ms. Dour inquired whether additional lighting was proposed and expressed concern about the potential noise from the patio.

18. William G. Hollows, P.E., of Murphy & Hollows Associates, LLC, having a business address of 192 Central Avenue, Stirling, New Jersey, was duly sworn according to law, provided his credentials, and was accepted by the Board as an expert in the field of civil engineering.

19. Mr. Hollows introduced into evidence, as Exhibit A-2, a Colorized Version of Sheet 2 of the plans previously submitted to the Board as part of the application materials. Referencing Exhibit A-2, Mr. Hollows described the existing/as-built conditions and the proposed garden. As to the garden, Mr. Hollows testified that the Applicant was proposing to remove some of the pavement in the parking area and replace it with a landscaped area that could be used to grow herbs. He explained that the parking lot had very large aisles and even with the removal of some of the pavement, would continue to have the same number of parking spaces.

20. As to the sufficiency of parking, Mr. Hollows explained that the requirement could be calculated based on square footage or number of seats, and Mr. Schley confirmed that, pursuant to the standards set forth in Section 21-22.1.a.1 of the Land Development Ordinance, the minimum number of parking spaces required for a restaurant is 1 space/3 seats or 1 space/50 square feet of gross floor area, whichever is greater. At the time of the Board's

2006 approval, the Restaurant contained 165 seats (requiring 55 parking spaces) and 4,120 square feet of area (requiring 83 parking spaces). The building in 2006 also contained 340 square feet of office space, requiring 2 parking spaces and resulting in a total parking requirement of 85 spaces. Mr. Schley explained that the pre-patio parking requirement is based on floor area, because the floor area generates a greater requirement (83 spaces) than the number of seats (55 spaces). Mr. Schley further explained that the patio is not considered floor area and could contain up to 84 seats (resulting in a restaurant total of 249 seats), without increasing the ordinance parking requirement for the Restaurant. However, from a practical standpoint, if the 800 square foot patio was counted as floor area, an additional 16 parking spaces would be required.

21. Mr. Hollows testified that there was additional space that could be used for parking, but that said parking would require Board approval due to the increased lot coverage. Mr. Bauer testified that he did not intend to increase the number of seats indoors and noted that, even with the outdoor seating, sufficient indoor seating would be required should it start raining. Mr. Bauer further testified that he did not plan on changing the current kitchen hours of 11:00 AM to 2:30 PM and 5:00 PM to 9:00 PM (9:30 on weekends) or the current hours of operation of 11:00 AM to 12:00 AM. He explained that while the bar is open until midnight, most customers leave by 10:00 PM.

22. On questioning by the Board as to handicapped access, the Applicant stipulated to ensuring the outdoor seating area had code-compliant access and turnaround areas.

23. Frederick Dour, 28 Franklin Drive, Basking Ridge, New Jersey (Block 704, Lot 8), inquired about the distance from the patio to the right-of-way.

24. Daniel P. Gallic, P.P., having a business address of 44 Hillcrest Road, Warren, New Jersey, was duly sworn according to law, provided his credentials and was accepted by the Board as an expert in the field of professional planning.

25. Mr. Gallic testified that the proposal required four variances, (1) existing nonconforming use in a residential zone, (2) expansion of the nonconforming use to include the patio, (3) lot coverage, and (4) a wall in the front yard that is not 50% open. As to the existing nonconforming use and expansion thereof, Mr. Gallic opined that the nonconforming use preexisted the zoning laws and that outdoor dining is already offered by other restaurants in the area. As to the lot coverage, Mr. Gallic testified that although the existing coverage exceeded the maximum permitted coverage of 18%, the proposed coverage of 38.5% was less than the existing coverage of 38.6%. As to the wall, Mr. Gallic explained that the wall served to reduce the noise generated by Route 202 (Morristown Road) and to shield guests from headlight glare. Specifically, he explained that if the wall were to be more than 50% open, the headlight glare may have a strobe effect, which could be a nuisance to the patrons.

26. Mr. Gallic introduced into evidence, as Exhibit A-3, a compendium of 16 photographs of other outdoor dining areas in the Basking Ridge and the neighboring community. He testified that he had taken the photographs on April 1, 2017 and that they accurately depicted the properties as they presently exist.

27. As to the expansion of the preexisting nonconforming use as a restaurant, Mr. Gallic opined that the Property was particularly suited for the use, despite its location in the residential zone, because the Property was largely surrounded by corporations and that many of the employees of same frequented the Restaurant. In this regard, Mr. Gallic further opined

that the proposal benefited the public good. As to the patio wall in the front yard, Mr. Gallic explained that the wall served as a physical, psychological, and visual barrier that separated the dining area from the rest of the outdoor area and confined the dining area to a specific location. He opined that the wall increased the aesthetic value of the outdoor area and that the intent of the Ordinance was met since the wall provided a desirable visual environment while maintaining adequate light, air and open space.

28. No member of the public commented on, or objected to, the development application.

### **DECISION**

29. After reviewing the evidence submitted, the Board bifurcated the application such that two votes were taken. The first vote was as to the d(2) variance for the expansion of the preexisting nonconforming use, the lot coverage, the trash enclosure located within the buffer, and all aspects of the site plan except those relating solely to the wall in the front yard, and the second vote was as to variance relief for the wall in the front yard. Both votes included all of the appropriate stipulated to conditions. The Board, by a vote of 7 to 0, finds that the Applicant has satisfied its entitlement to preliminary and final site plan approval and all of the variance relief sought herein with the exception of the location and construction of the solid wall in the front yard. The Board further found, by a vote of 6 to 1, that the Applicant satisfied its entitlement to the variance and site plan relief relating to the construction and location of the wall.

### **The "d(2)" Variance Relief - Positive Criteria:**

30. The Board finds that the Applicant has satisfied the “positive criteria” by demonstrating “special reasons” sufficient to grant the requested d(2) use variances. First, the evidence revealed that the non-permitted restaurant use was a preexisting use/condition that was continuous and not abandoned by the property owners or any predecessor-in-title.

31. Second, consistent with the Supreme Court’s decision in Burbridge v. Mine Hill Township, 117 N.J. 376, 378 -88 (1990), the Board concludes that the proposal carries out multiple purposes of zoning, including promoting the general welfare, providing a desirable visual environment through creative development techniques and good civic design and arrangement, providing sufficient space in appropriate locations for a variety of uses, and promoting open space.

32. Third, the Board finds that the Applicant has shown “special reasons” for permitting the expansion of the restaurant use to include outdoor seating. The case law recognizes three categories of circumstances in which the “special reasons” required for a use variance may be found: (1) where the proposed use inherently serves the public good, such as a school, hospital or public housing facility; (2) where the property owner would suffer “undue hardship” if compelled to use the property in conformity with the permitted uses in the zone; and (3) where the use would serve the general welfare because “the proposed site is particularly suitable for the proposed use.” Saddle Brook Realty, LLC v. Twp. of Saddle Brook Zoning Bd. of Adj., 388 N.J. Super. 67, 76 (App. Div. 2006). In this case, given the clear inapplicability of the first and second categories, the Applicant was required to demonstrate the particular suitability of its Site for the expansion of the Restaurant to include outdoor seating.

33. The Board recognizes that New Jersey Courts have found that “peculiar suitability special reasons exist where, generally, the use is one that would fill a need in the general community, where there is no other viable location, and where the property itself is particularly well fitted for the use either in terms of its location, topography or shape.” Funeral Home Mgmt., Inc. v. Basralian, 319 N.J. Super. 200, 210 (App. Div. 1999). The test is whether the public benefits because of the community’s need of the use itself. Ibid. Moreover, our Supreme Court recently clarified that particular suitability does not require unique suitability and, therefore, although the availability of alternative locations is relevant to the analysis, it does not bar a finding of particular site suitability. Price v. Himeii, 214 N.J. 263 (2013).

34. The Board finds that the Site is particularly suitable for the existing/expanded use (outdoor dining) and structure (the wall), as the Restaurant use has existed at the Site for decades and the expansion outdoors is relatively modest in magnitude. Moreover, the proposed expansion of the preexisting nonconforming use, and the area to be used for same, is relatively modest and the conditions stipulated to by the Applicant will serve to mitigate any detriments associated with same.

**The “c(2)” Variance Relief – Positive Criteria:**

35. The Board finds that the Applicant has satisfied the positive criteria for “c(2)” or “flexible c” variance relief for the balance of the variances, including those for excessive lot coverage, a wall that is less than 50% open, and the expansion of the trash enclosure in the designated buffer area. The Board finds, as to same, that the Applicant has satisfied its burden of demonstrating that the purposes of the Municipal Land Use Law (“MLUL”) will be

advanced by the requested deviations from the zoning requirements and that the benefits to be derived therefrom will substantially outweigh any detriments associated therewith. In this regard, the Board finds that the proposed development will provide a desirable visual environment, enhance the visual compatibility of the Site with adjoining properties and otherwise promote the general welfare. Moreover, the Board finds that the detriments, if any, resulting from the increased lot coverage (which actually will be less than the existing lot coverage), the wall location in a front yard, and the expansion of the trash enclosure in the designated buffer, are mitigated by the substantial landscape buffering (existing and proposed) around the patio and within the parking lot. As to the wall, the Board finds that it not only results in aesthetic benefits, but also serves to protect the public from the hazards associated with a main thoroughfare (Morristown Road/Route 202) which has a speed limit of 50 mph. Further, the wall serves to delineate the patio space and potentially reduce noise and/or headlight nuisance. Overall, the Board finds that the proposal advances the purposes of the MLUL and that the benefits to be derived therefrom substantially outweigh any detriments associated therewith.

**The Negative Criteria:**

36. As to the negative criteria for all of the variance relief, the Board finds that the Applicant has demonstrated that the proposal will not result in either substantial detriment to the public good or substantial impairment of the zone plan and ordinance. In fact, the Board finds that the proposal will allow the Restaurant to become more economically viable by providing a desirable outdoor dining area while still maintaining the character of the neighborhood. In this regard, the Board recognizes that there was no public comment or

opposition to the application and the modest nature of the variances sought as mitigated by the numerous conditions stipulated to by the Applicant, including the proposed landscaping. The Board also recognizes that the Property, although located in a residential zone, is more closely identified as a commercial lot given its location on Route 202/Morristown Road and the surrounding corporate offices. Finally, the Board acknowledges that outdoor seating has become more prominent in the area and providing such an amenity generally benefits the public.

**The Preliminary and Final Site Plan Approval:**

37. The Board further finds that good cause exists for granting the application for preliminary and final site plan approval, subject to the conditions of approval set forth below.

WHEREAS, the Board took action on this application at its meeting on April 5, 2017, and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bernards, on the 5th day of April, 2017, that the application of **B3, LLC**, for preliminary and final site plan approval and variance relief, as aforesaid, be and is hereby granted, subject to the following conditions:

1. The Applicant shall post sufficient funds with the Township to satisfy any deficiency in the Applicant's escrow account;
2. The Applicant shall plant landscaping along the external portion of the patio wall that is visible from the right-of-way and same shall be subject to the review and approval of the Engineering Department;
3. The Applicant shall not install speakers or otherwise provide amplified music or similar entertainment in the outdoor dining area or anywhere outside of the Restaurant;

4. The Applicant shall refrain from installing signage in the outdoor dining area and on the wall surrounding same;
5. The Applicant shall ensure the outdoor seating area provides barrier-free access and turnaround areas in compliance with the UCC Barrier Free code;
6. The Applicant shall modify the trash enclosure to accommodate all of the refuse and recycling containers needed for the restaurant and same shall be subject to the review and approval of the Engineering Department;
7. The Applicant shall not utilize outdoor umbrellas containing signage or advertising;
8. The Applicant shall amend the plans to show one-way pavement arrows where they exist in the parking aisles, and to show width dimensions of those aisles;
9. The Applicant shall amend the plans to indicate the height of the wall adjoining the patio;
10. The Applicant shall amend the plans to include a note stating: "Accessible routes shall comply with the New Jersey Uniform Construction Code ("NJUCC"). In the event an improvement designed for handicapped accessibility is not subject to the NJUCC, the Applicant's engineer shall certify that the improvement has been constructed in compliance with all applicable standards and guidelines of the Americans with Disabilities Act, prior to final approval by the Township."
11. The Applicant shall, if required by the Township Engineering Department, attend a pre-construction meeting prior to the start of any construction activity;
12. The Applicant shall submit digital copies of all plans and documents in formats acceptable to the Township Engineering Department;
13. The Applicant shall provide four (4) handicap parking stalls with corresponding access aisles, one of which must be a handicap van accessible stall;
14. The Applicant shall provide handicap parking stall and sign details;
15. The Applicant shall provide details for the proposed railroad tie border around the garden;
16. The Applicant shall provide curb stop/parking stall details;

17. The Applicant shall replace all missing or damaged curb stops in the parking lot;
18. Pursuant to Section 21-5.10 of the Land Development Ordinance, the variance relief granted herein shall expire unless such construction or alteration permitted by the variance(s) has actually commenced within two years of the date of this Resolution;
19. Pursuant to the Board's Rules and Regulations, the following time limitations shall apply to the aforementioned approval:
  - a. Revisions to Plans. Revisions to the submitted plans, as required herein, shall be made, and the plans signed by the Board secretary, within six months of the adoption date of this resolution. In the event that the Applicant fails to make the revisions as required and/or fails to obtain signatures on the plans as required, all within said time period, or extension thereof as granted by the Board, the approval shall expire and become automatically null and void.
  - b. Time to Obtain Construction Permits, Commence and Complete Construction, and Obtain Certificates of Occupancy. The Applicant shall apply for and obtain a construction permit within two years of the adoption of the Board's Resolution. If during said two year period, or extension thereof as granted by the Board, the Applicant fails to obtain a construction permit, the approval shall automatically expire and become null and void. The Applicant shall also have one year from the date of issuance of the construction permit to commence construction and obtain a permanent certificate of occupancy. If during said one year period, or extension thereof as granted by the Board, work is not commenced and/or a permanent certificate of occupancy is not obtained, the approval shall automatically expire and become null and void. The aforementioned approval shall be subject to all State, County and Township statutes, ordinances, rules and regulations affecting development in the Township, County and State. The Applicant shall obtain permits and/or approvals from all applicable agencies and/or departments, including but not necessarily limited to the Somerset County Planning Board; and
20. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, including, but not limited to, all prior approvals of this Board, to the extent same are not inconsistent with the terms and conditions set forth herein.

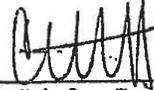
ROLL CALL VOTE:

Those in Favor: Breslin, Lane, Mastrangelo, Rhatican, Zaidel

Those Opposed: NONE

Not Eligible: Genirs

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Bernards at its meeting on May 3, 2017.



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Cynthia Kiefer, Secretary  
ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF BERNARDS,  
COUNTY OF SOMERSET,  
STATE OF NEW JERSEY

Dated: May 3, 2017

**APPENDIX B, ARTICLE III**

**Checklist**

**Application for Preliminary Approval of a Major Subdivision or Site Plan (See Article VII for Details)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist(s). If the application involves a wireless telecommunications tower and/or antennas, all items listed on the Wireless Telecommunications Facilities Checklist must be also be submitted.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	Title block indicating:	X		
	a. Name of development and street location.	X		
	b. Name and address of applicant, owner and authorized agent, if any.	X		
	c. Name and address of professional(s) preparing plans including signature, date, license number and seal.	X		
	d. Tax map block and lot numbers.	X		
	e. Date of plan preparation and revision box with date of each revision.	X		
	f. Development application number.		X	
	g. Written and graphic scale.	X		
6	Signature of applicant and, if applicant is not owner, signed consent of the owner.	X		
7	Name and address of the attorney representing parties, if any, and the name of each client represented.	X		
8	Signature blocks as required by the Map Filing Law.	X		
9	North arrow giving reference meridian.	X		
10	Copies of any protective covenants or deed restrictions applying to the subject property, including a statement as to whether such covenants or deeds are of record. A copy or abstract of the deed or deeds or other instruments by which title is derived with the names of all owners must also be provided.	X		
11	A key map showing the entire tract and its relation to the surrounding areas, including all roads, zone boundaries and municipal boundaries within one-half (1/2) mile of the subject property at a scale of one (1) inch equals not more than two thousand (2,000) feet.	X		
12	A zoning schedule indicating the zone(s) within which the property is located and required, existing & proposed conditions relative to lot area, width, frontage, yard setbacks, lot coverage, height, floor area, floor area ratio, density, open space, parking, loading, signs, etc.	X		
13	A list of required and obtained regulatory approvals and permits.	X		
14	A list of requested variances and exceptions.	X		
15	The location and dimensions of existing & proposed property lines, existing streets, streets shown on the Township's official map or master plan, structures (indicating the use of each structure and whether existing structures will remain or be removed), building setbacks, rights-of-way, easements, parking & loading areas, driveways, railroads, bridges, culverts, drain pipes, gas transmission lines, overhead utilities, historic sites/structures, wooded areas, watercourses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of the subject property.	X		
16	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to § 21-14.1.a.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
17	Plans & profiles of proposed utility layouts, including water supply, sewage disposal, stormwater drainage, gas, telephone and electricity, showing feasible connections to existing or proposed systems. Plans for individual on-site water supply and/or sewage disposal systems shall be accompanied by the necessary local, county and/or state agency approvals. If service will be provided by an existing utility company, a letter from that company stating that service will be available before occupancy is required.	×		
18	The locations of percolation tests on each existing/proposed lot and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if sewage disposal is to be handled by individual septic system(s). For each lot, the applicant shall submit test locations and written approvals from the Health Department for both a primary and secondary septic disposal field. The applicant must show on the development plan the locations and dimensions of both septic disposal fields.		×	
19	All means of vehicular and pedestrian access to the site from public streets, including locations and dimensions of driveways and curbcuts and any traffic signs, signals, channelization, acceleration and deceleration lanes or other traffic control devices.	×		
20	Site identification sign and street sign locations and details.	×		
21	Existing & proposed topographic contour intervals based on U.S.C. & G.S. datum on and within 200' of the subject property as follows: - up to 3% grade = 1' intervals                      - over 3% grade = 2' intervals	×		
22	A steep slope map in accordance with § 21-14.2.b, if the property contains any existing slopes of 15% or greater.		×	
23	Spot and finished elevations at all property corners.	×		
24	A landscaping plan showing shade trees, screening, buffering, existing vegetation and limits of clearing, a planting schedule, details of plantings, landscape treatments and other amenities, etc. (see § 21-54.4 for detailed requirements).	×		
25	A tree identification plan and an application for tree removal permit including the following (see § 21-45.3 for detailed requirements):		×	
	a. Location of existing tree canopy and labeling of the canopy areas to be removed and to be preserved.		×	
	b. Location of individual trees with a DBH equal to or greater than six inches identified by size and species within the limit of disturbance and 30 feet beyond the limit of disturbance, labeled to be removed or to be preserved.		×	
	c. Location of individual trees with a DBH equal to or greater than ten inches identified by size and species within the property boundaries, labeled to be removed or to be preserved.		×	
	d. Tree protection details.		×	
	e. A list of all trees to be removed and, if replacement trees are required, a schedule in accordance with the table in § 21-45.1 indicating the number of replacement trees required and the number of replacement trees proposed.	×		
26	A lighting plan in accordance with Section 21-41, including the location, type, height, graphic details and specifications of all existing & proposed lighting. The plan shall show the proposed illumination in footcandle values throughout the site and shall identify the average maintained horizontal illumination in vehicular areas and in sidewalk areas.	×		
27	A soil erosion and sediment control plan, if required pursuant to Section 21-27.	×		
28	A solid waste management plan and a recycling plan, including locations and details of outdoor refuse and recycling storage areas and means of screening, in accordance with Sections 21-40 and 21-40A.	×		

No.	Item	Submitted	Not Applicable	Waiver Requested
29	Plans and profiles of proposed driveways.		X	
30	Plans, typical cross-sections, centerline profiles, tentative grades, curb radii and details of all streets on the site or off the site which are proposed to be improved, including curbing, sidewalks and drainage structures.		X	
31	Construction details in accordance with Township standards.	X		
32	Existing & proposed easements or land reserved for or dedicated to public use, utility use or for the common use of property owners in the development, including a statement of the limits and purpose of the easement rights or dedicated land.	X		
33	Existing & proposed sight triangles.		X	
34	Development staging plans.		X	
35	Existing & proposed block and lot numbers.	X		
36	The area in square feet and to the nearest tenth of an acre of all existing and proposed lots.	X		
37	A sketch of the proposed or possible layout or disposition of remaining lands, if any.		X	
38	General soil information including soil logs.	X		
39	Source and date of the current property survey and a copy of the survey showing all existing tract boundary or lot lines with lengths of courses to hundredths of a foot and bearings to half minutes, the error of closure not to exceed one (1) to ten thousand (10,000). The tract boundary or lot lines shall be clearly delineated. All bearings shall be in the New Jersey Plane Coordinate System, with coordinates shown on at least three (3) corners.	X		
40	Appropriate certification blocks as required by the Map Filing Law	X		
41	Monumentation as specified by the Map Filing Law.		X	
42	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way and centerline curves on streets.		X	
43	Plans and computations for any storm drainage systems, including locations, details and specifications of all storm sewer lines, catch basins, inlets, manholes, culverts, headwalls, dry wells, ground water recharge basins, detention basins, etc. and existing and proposed drainage area maps.	X		
44	When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, intermittent stream, swale or drainageway, evidence of approval or of the request for approval, required modifications or lack of jurisdiction over the improvement by the New Jersey Department of Environmental Protection shall accompany the application (see § 21-54.4 for additional required details).		X	
45	When ditches, streams or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown.		X	
46	For a site plan, preliminary elevations and plans of all buildings and structures, showing windows, doors, architectural treatment, roof treatment, roof appurtenances and screening, floor elevations and proposed methods of energy conservation and the locations, dimension and legend(s) of all proposed signs. For a subdivision, the approximate basement and first floor elevation for each house.	X		
47	A list of names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
48	A Project Report, which may be submitted separately or as part of the Environmental Impact Assessment, including the following (see § 21-54.6 for details). Where individual maps or exhibits are submitted separately to satisfy other checklist requirements, they may be referenced in the Project Report.	×		
	a. Project Description and Statistics Report.	×		
	b. Land Classification Map and Report.	×		
	c. Natural Features Report.	×		
	d. Open Space Plan and Report.		×	
	e. Land Coverage and Drainage Plan and Report.	×		
	f. Soil Erosion and Sedimentation Control Plan and Report.	×		
	g. Sewer and Water Plan and Report.	×		
	h. Circulation Plan and Traffic Report.	×		
	i. Utilities Plan and Report.	×		
	j. Development Schedule Plan.	×		
	k. Variances and Exceptions Report.			
	l. Easements and Covenants Report.			
49	An Environmental Impact Assessment, including the following (see § 21-54.6.m for details).			
	a. Plan and description of the development plan.	×		
	b. Inventory of existing natural resources.	×		
	c. Assessment of environmental impacts.	×		
	d. Unavoidable adverse environmental impacts.	×		
	e. Steps to minimize environmental damage.	×		
	f. Alternatives.	×		
	g. Details and matters to be evaluated:			
	(1) Sewerage facilities.	×		
	(2) Water supply.	×		
	(3) Storm water.	×		
	(4) Stream encroachments.	×		
	(5) Floodplains.	×		
	(6) Solid waste disposal.	×		
	(7) Air pollution.	×		
	(8) Traffic.	×		
	(9) Social/economic factors.	×		
	(10) Aesthetics.	×		
	(11) Licenses, permits, etc.	×		
	(12) A copy of the development plan and application form.	×		
50	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		×	
51	Contribution Disclosure Statement, if required pursuant to Section 21-7A.	×		
52	A plan showing all the details required in the procedures of Table 401-A, entitled Maximum Permitted Lot Yield & Minimum Improvable Lot Area Standards, Residential Development, R-1 Through R-7 Zones.		×	
53	For each proposed dwelling, cross sections shall be provided from the center of the road to the rear of the house in existing and proposed conditions; cross sections shall be provided perpendicular to the road through the center of the dwelling to a point 50' to the rear of the dwelling; the cross section shall be provided at a scale of 1" = 10' horizontal and 1" = 10' vertical.		×	
54	A fire service plan, showing on a separate plan sheet(s) information relating to fire safety and emergency response, including: existing and proposed water lines, fire department connections, hydrants and cisterns; widths and turning radii of streets, driveways, parking aisles, emergency access roads and fire lanes; public building entrances; parking spaces; and stormwater drainage basins.	×		

**APPENDIX C, ARTICLE III**

**Checklist**

**Application for Final Approval of a Major Subdivision or Site Plan**

**(See Article VII for Details)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	All items required for preliminary approval as set forth in § 21-54.4, unless previously waived by the Board.	X		
2	All additional items required by the Board as a condition of preliminary approval.	Pending		
3	A certificate from the tax collector indicating that taxes are paid.	X		
4	All required application and escrow deposit fees.	X		
5	Final detailed architectural renderings of each building and sign, including front, side and rear elevations.	X		
6	Final cross-sections, profiles and established grades of all streets, aisles, lanes and driveways and construction documents for all public improvements.		X	
7	Final plans and profiles of all storm sewers.		X	
8	Final plans and profiles of all sanitary sewers.		X	
9	Final plans and profiles of all water mains.		X	
10	All dimensions of the exterior boundaries of any subdivision, balanced and closed to a precision of one to 10,000, and the dimensions of all lot lines to within one to 20,000. All dimensions, angles and bearings must be tied to at least two permanent monuments not less than 300 feet apart and all information shall be indicated on the plat. At least one corner of the subdivision shall be tied to U.S.C. and G.S. benchmarks with data on the plat as to how the bearings were determined.		X	
11	Proposed street names.		X	
12	A Final Application Comparison Report, including:	X		
	a. The number and type of dwelling units.		X	
	b. The amount of nonresidential floor space.	X		
	c. The type of community facilities and/or structures.		X	
	d. The amount of open space to be preserved.		X	
	e. The nature and cost of public improvements.		X	
	f. The anticipated value of residential and nonresidential construction.	X		
	g. Finalized landscaping and tree removal information pursuant to Sections 21-43 through 21-45.	X		
	h. A comparison to the preliminary development approval, indicating the nature and reasons for any changes to the preliminary approval.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
13	Organization documents, including:		X	
	a. Articles of incorporation, by-laws and membership rules/regulations for any homeowner's association, condominium association or other organization to maintain the common open space or community facilities.			
	b. A copy of the master deed detailing the rights and privileges of individual owners of common property.		X	
	c. A copy of all materials submitted to the Department of Community Affairs as required by the New Jersey Planned Real Estate Development Full Disclosure Act Regulations and evidence of the status of acceptance of and/or approval by the Department of Community Affairs.		X	
	d. Covenants or easements restricting the use of the common open space or elements.		X	
	e. Covenants or agreements requiring homeowners or residents to pay the organization for the maintenance of the common open space and/or community facilities. This shall include a proposed schedule of membership fees for at least the first three years of operation.		X	
14	All easements or covenants affecting any land in the development.	X		
15	All maintenance agreements under which private roads and other facilities will be maintained, refuse collected and other supplementary services provided, if there is to be no homeowners' association, condominium association, open space organization or similar arrangement.		X	
16	An offer of dedication including all legal requirements for valid dedication to the Township or, where appropriate, to another governmental body of roads or other improvements intended for public ownership.		X	

**APPENDIX D, ARTICLE III**

**Checklist**

**Application for Approval of a Variance Pursuant to NJSA 40:55D-70(c)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	A plot plan or survey accurately depicting the entire subject property and all existing buildings, structures, driveways, patios, etc.	X		
6	Sketch of all proposed improvements on the plot plan or survey, with dimensions of improvements and distances to property lines.	X		
7	Calculations of existing & proposed lot coverage percentages.	X		
8	Architectural sketches (floor plan and elevations) of the proposed improvements.	X		
9	Photographs of the property in the location of the proposed improvements.	X		
10	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.	X		
11	The locations of percolation tests and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if the application involves a new dwelling and sewage disposal is to be handled by an individual septic system.		X	
12	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		X	
13	Existing topography, proposed grading, and proposed stormwater infiltration measures in accordance with §21-42.1.f.2(b), shown on the plot plan or survey, if 1,000sf or more of new impervious area is proposed.	X		

# ***STORMWATER MANAGEMENT REPORT***

***FOR PROPOSED***

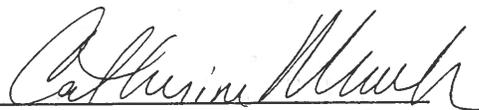
***GUSTO RESTAURANT  
BLOCK 704, LOT 1.01***

***TOWNSHIP OF BERNARDS  
SOMERSET COUNTY, NEW JERSEY***

***Prepared By:***

***Page-Mueller Engineering Consultants, PC  
PO Box 4619  
5 Powder Horn Drive, Unit #4  
Warren, New Jersey 07059***

***Revised April 2021  
January 2021  
Project #2154-000***



***Catherine Mueller, P.E. #GE44252***

This report addresses the stormwater management associated with the redevelopment and construction of a new freestanding restaurant building (“Gusto”) located on Block 704, Lot 1.01 in the Township of Bernards, Somerset County. The site contains an existing freestanding restaurant (“Vine”) and associated parking.

The footprint of the existing parking lot will be modified slightly to provide proper parking space and drive aisle dimensions, but will remain largely unchanged. The parking lot footprint will not be expanded within the wetland transition area.

There will be no overall increase in impervious coverage as a result of this project. There will be a net decrease of 1,798 sf of regulated motor vehicle surface.

Under existing conditions, all runoff from the site sheet flows from west to east; the drainage pattern will not be altered. There is an existing underground detention basin located at the northeastern end of the parking lot, which will remain.

Since the total disturbance limit is less than 1 acre and there is no proposed increase in impervious surface, the project does not qualify as a ‘Major Development’, and does not require compliance with the NJDEP stormwater management regulations. However, it still satisfies the NJDEP requirements as follows:

Stormwater Runoff Quantity Standards N.J.A.C. 7:8-5.6

The NJDEP requirements allow for four ways to satisfy the requirements for quantity control. The following criteria is met:

1. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2, 10, and 100-year storm events do not exceed, at any point, the pre-construction runoff hydrographs for the same storm events.

The curve number will not be increased, and time of concentration will remain unchanged. Therefore, the rate and volume of runoff leaving the site will not exceed existing. The proposed hydrograph will not exceed the existing hydrograph.

Stormwater Runoff Quality Standards N.J.A.C. 7:8-5.5

Regulation 7:8-5.5(a) states ‘Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface’. Since there is a proposed decrease in motor vehicle surface, no water quality measures are required for this project.

Groundwater Recharge Standards N.J.A.C. 7:8-5.4

The NJDEP requirements allow for two ways to satisfy the requirements for groundwater recharge. The following criteria is met:

- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site.

Since no increase in impervious coverage is proposed, the post-construction recharge will not be reduced from the existing recharge.

February 16, 2021

Township of Bernards Board of Adjustment  
277 South Maple Avenue  
Basking Ridge, New Jersey 07920

**SUBJECT:** *PME #2154-000  
Block 704, Lot 1.01  
Gusto Restaurant  
Township of Bernards  
Somerset County, New Jersey  
PROJECT REPORT & ENVIRONMENTAL  
ASSESSMENT REPORT*

Dear Board Members:

Please accept this as satisfying the requirements for a Project Report and Environmental Assessment Report.

**A. PROJECT DESCRIPTION & STATISTICS**

The site is known as Block 704, Lot 1.01, containing 2.27 acres with an existing freestanding restaurant ("Vine") and associated parking, etc. The applicant is proposing to demolish the existing building and redevelop the property with a new 2-story freestanding restaurant ("Gusto"). The footprint of the existing parking lot will be modified slightly to ensure adequate dimensions, but will remain largely unchanged. There will be a slight reduction in impervious coverage. There will be 7,511 sf of restaurant floor area, and 190 sf of separate office/toilet area in the cellar. Required parking calculations are shown on the Site Plan. Approvals required for this project include Bernards Township Board of Adjustment, Somerset County Planning Board, and the Somerset-Union Soil Conservation District.

**B. LAND CLASSIFICATION REPORT**

The site is composed entirely of unrestricted lands (as defined in the township ordinance). There are no steep slopes on the site. Soils information, tree canopy, and individual trees within the development area are shown on the site plan.

**C. NATURAL FEATURES REPORT**

The site contains woods, grassed areas, buildings, parking and walkways. The property is generally flat, and does not contain any slopes over 15%. There is a storm discharge headwall on the eastern side of the site. It has a drainage area of less than 50 acres and does not appear on USDA or USGS maps, therefore it does not meet the definition of "stream" per Bernards Township ordinance sec. 21-14.4.b.1. It does not have an associated flood hazard elevation. Per GIS information, there are no wetlands or wetland buffers on site.

**D. OPEN SPACE PLAN**

Not applicable.

**E. LAND COVERAGE AND DRAINAGE**

The existing and proposed impervious coverage is delineated on the site plan. Two (2) existing trees are marked for removal; per the township ordinance, since these comprise less than 10% of existing on-site trees with a DBH of 10" or greater, no tree replacement plan is required. A proposed landscaping plan is included in the

submission package. Since the project disturbs more than 1 acre, it is considered a major stormwater development under NJDEP rules. However, since there will be no increase in impervious coverage, the NJDEP requirements will be met without the need for additional stormwater management. Under existing conditions, all runoff from the site sheet flows from west to east; the drainage pattern will not be altered. There is an existing underground detention basin located at the eastern end of the parking lot which will remain.

**F. *EROSION AND SEDIMENTATION CONTROL***

The project requires approval from the Somerset-Union Soil Conservation District (SCD) prior to the start of construction. The site plan depicts the proposed soil erosion & sedimentation control measures, including hay bales to be placed along the limit of disturbance on the downhill side. The existing parking lot will serve as a stabilized construction entrance to minimize the tracking of silt. The project is subject to the SCD requirements for soil de-compaction, but since there are no contiguous land areas greater than 500 sf which would be subject to compaction, there is no compaction testing or mitigation required.

**G. *SEWER AND WATER***

The existing sewer and water services will be utilized. No additional demand is anticipated. The locations of the nearby mains are shown on the Site Plan.

**H. *CIRCULATION & TRAFFIC***

The existing access to Route 202 will be retained. The on-site circulation will be improved, and is depicted on the Site Plan. Since the number of seats in the proposed restaurant will be the same as existing, no additional traffic is anticipated. The number of proposed parking spaces is the same as existing.

**I. *UTILITIES***

The existing utility stubs will be field located and utilized.

**J. *DEVELOPMENT SCHEDULE***

Not applicable.

**K. *VARIANCES AND EXCEPTIONS***

A list of required variances and waivers is included in the Site Plan.

**L. *EASEMENTS AND COVENANTS***

The site contains an existing 15' wide sanitary sewer easement, and a 10' wide private storm sewer easement. No additional easements are proposed.

**M. *ENVIRONMENTAL IMPACT ASSESSMENT***

**a. *DESCRIPTION OF DEVELOPMENT PLAN***

See above.

**b. *INVENTORY OF EXISTING NATURAL RESOURCES***

See above. A letter from a wetlands expert is also included in the submission package.

c. *ASSESSMENT OF ENVIRONMENTAL IMPACT*

*SOLID WASTE DISPOSAL*

The existing dumpster enclosure will be relocated on site. Waste collection will be privately arranged.

*AIR POLLUTION*

Other than possibly air pollution from the heating system and vehicular traffic, there should be minimal impact.

*SOCIAL/ECONOMIC*

The proposed restaurant use will be consistent with what has existed on the site for many years, and will be of benefit to the community.

d. *UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS*

There will be short-term impacts due to the active construction project.

e. *STEPS TO MINIMIZE ENVIRONMENTAL DAMAGE*

The project will be located within the existing developed area on site.

f. *ALTERNATIVES*

The existing restaurant could remain unchanged. The proposed project has been designed to not increase the intensity of the use, and to respect the existing developed area and site constraints. The new building location eliminates an existing non-conforming front yard setback.

g. *DETAILS AND MATTERS TO BE EVALUATED*

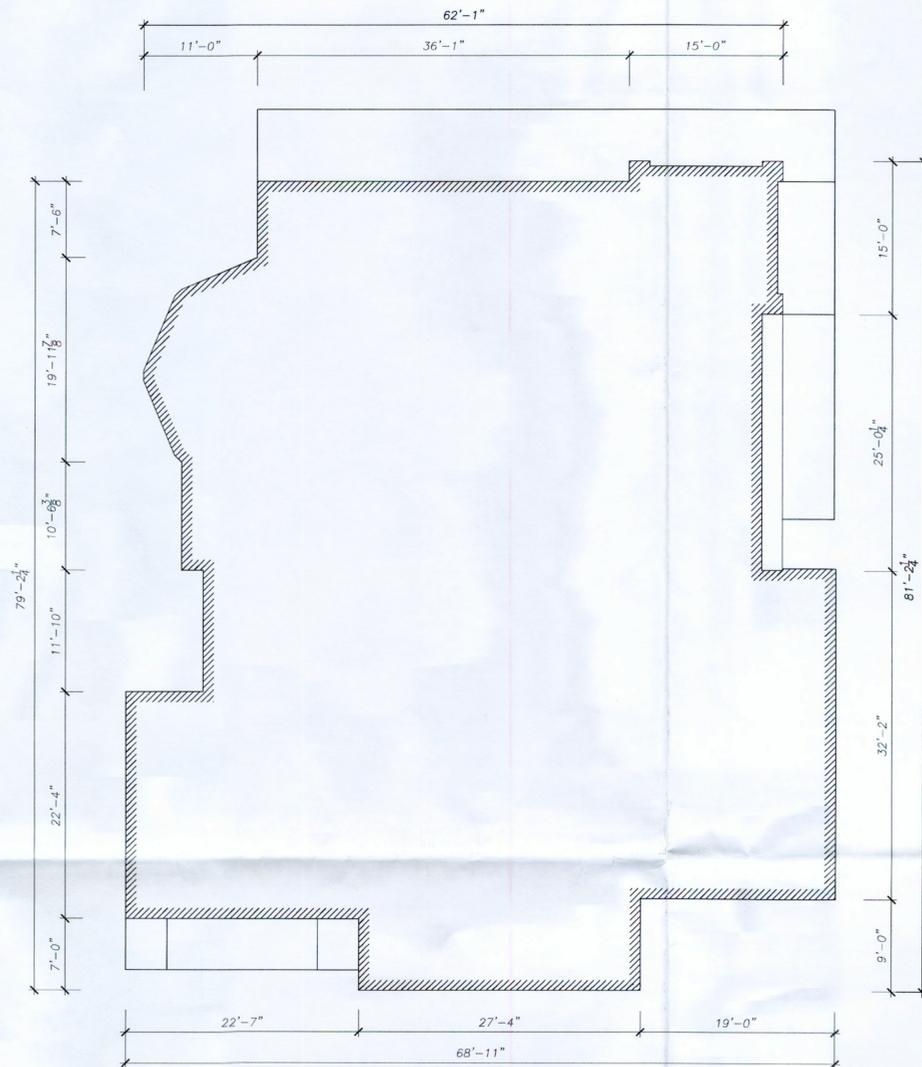
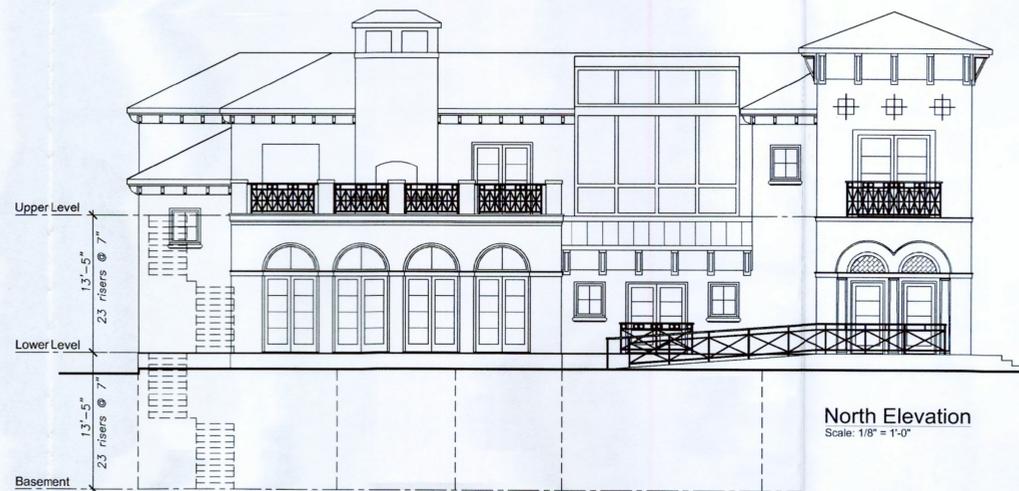
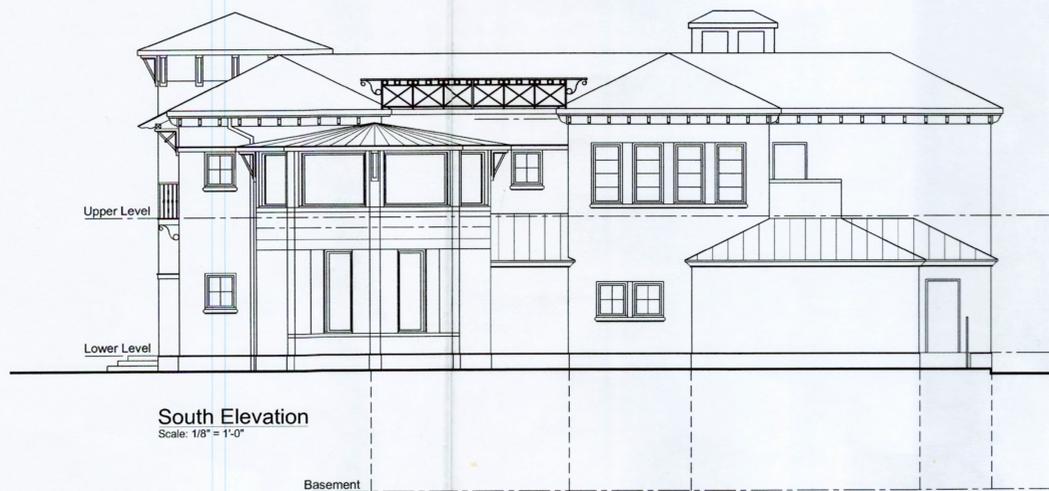
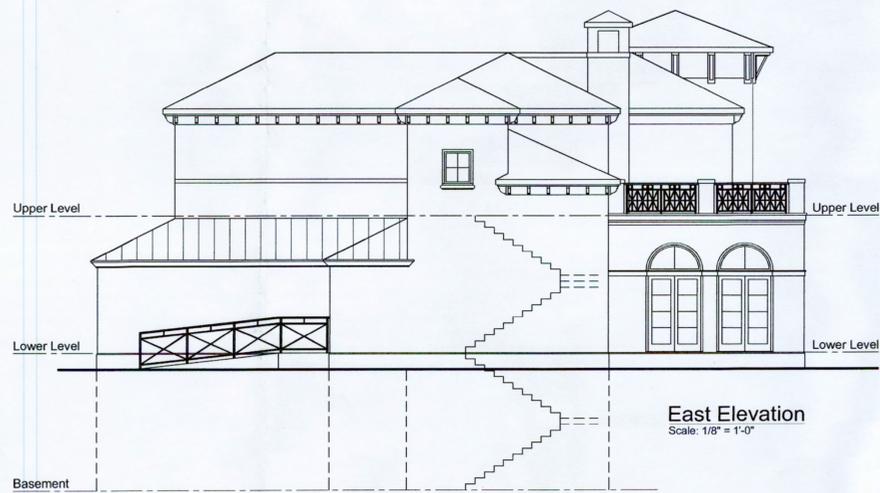
All required items are described above, including sewer, water supply, stormwater, stream encroachments, floodplains, solid waste disposal, air pollution, traffic, social/economic, aesthetics, licenses/permits, and development plan.

Very truly yours,



Cathy Mueller P.E.  
President





Restaurant Development  
**Boston 95, LLC**  
Morristown Avenue, Basking Ridge, NJ



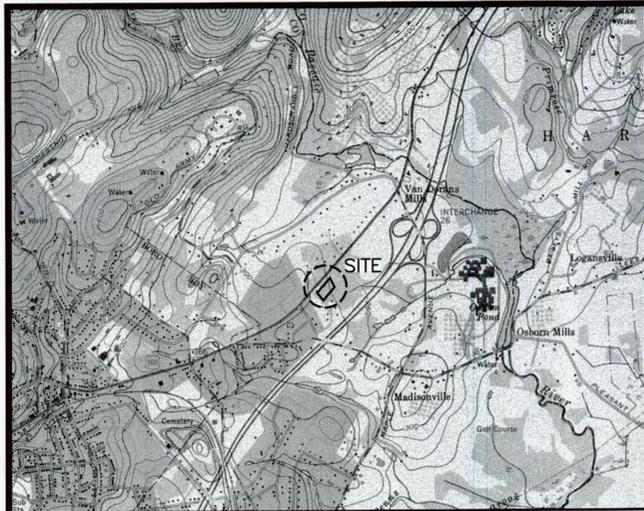
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Date	Revisions

**The MARTINSON Group LLC**  
Architecture / Planning / Historic Preservation  
204 Bushkill Street / Easton, PA 18042  
610-252-9030

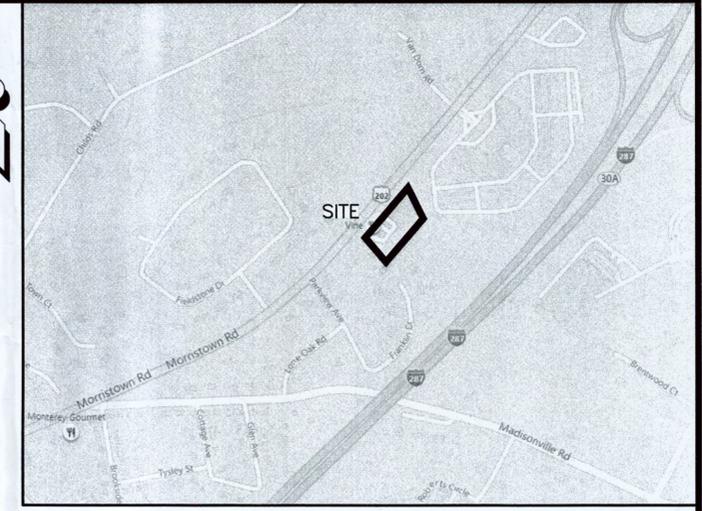
Sheet Title:  
**LAND DEVELOPMENT APPROVAL**  
**Building Elevations**

Project No.  
Date: **April 15, 2021** Sheet No.  
Scale: **1/8" = 1'-0"** **2 of 2**



**U.S.G.S. MAP**  
SCALE: 1" = 2,000'

# PRELIMINARY & FINAL SITE PLAN FOR GUSTO RESTAURANT BLOCK 704: LOT 1.01 TAX MAP SHEET 7 TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY



**KEY MAP**  
SCALE: 1" = 600'

**PROPERTY OWNERS WITHIN 200 FEET**  
(AS CERTIFIED BY THE TOWNSHIP OF BERNARDS TAX ASSESSOR 10/26/20)

Block	Lot	Owner
501	27	GOULD, MARGARET J TRUSTEE 9107 RT 154 SHUNK, PA 17765
603	6	SALAKI, JOHN S & ROSE A 114 MORRISTOWN RD BASKING RIDGE, NJ 07920
603	7	THOMAS, BENNY & KOCHURANI BENNY 108 MORRISTOWN RD BASKING RIDGE, NJ 07920
603	8	SUSAN A SCHLICHTING LIVING TRUST 100 MORRISTOWN RD BASKING RIDGE, NJ 07920
603	12	CALVERT, ROBERT GEORGE & CALEIGH 19 FIELDSTONE DR BASKING RIDGE, NJ 07920
603	13	KANE, PHILIP J & CINDRA M 21 FIELDSTONE DR BASKING RIDGE, NJ 07920
704	1.02	HIRA, AJAY & RUCHIKA 89 MORRISTOWN RD BASKING RIDGE, NJ 07920
704	2	ALVAREZ, VICTORIANO & MARIA NELY 37 PARKVIEW AVE BASKING RIDGE, NJ 07920
704	3	FINESMITH, ROSS B & LESLIE S 31 PARKVIEW AVE BASKING RIDGE, NJ 07920
704	8	DOUR, FREDERICK W & JEAN MARIE 28 FRANKLIN DR BASKING RIDGE, NJ 07920
704	9	SIKORSKI, BRUCE & LISA WAGNER 32 FRANKLIN DR BASKING RIDGE, NJ 07920
704	10	MORO, MICHAEL & ALICE M 31 FRANKLIN DR BASKING RIDGE, NJ 07920
801	1	NJ AMERICAN WTR C/O GEN TAX DEPT PO BOX 2738 CAMDEN, NJ 08101
801	2	131 MORRISTOWN RD C/O UBS RLTY INV PO BOX 1368 CARLSBAD, CA 92018

**UTILITIES**

ALGONQUIN GAS TRANSMISSION CO  
1 LINDBERGH RD  
STONY POINT, NY 10980  
(908) 757-1212

JCP & L/GPU  
SERVICE TAX DEPT  
PO BOX 1911  
MORRISTOWN, NJ 07962-1911

PUBLIC SERVICE ELECTRIC & GAS  
MANAGER - CORPORATE PROPERTIES  
80 PARK PLAZA, 16B  
NEWARK, NJ 07102

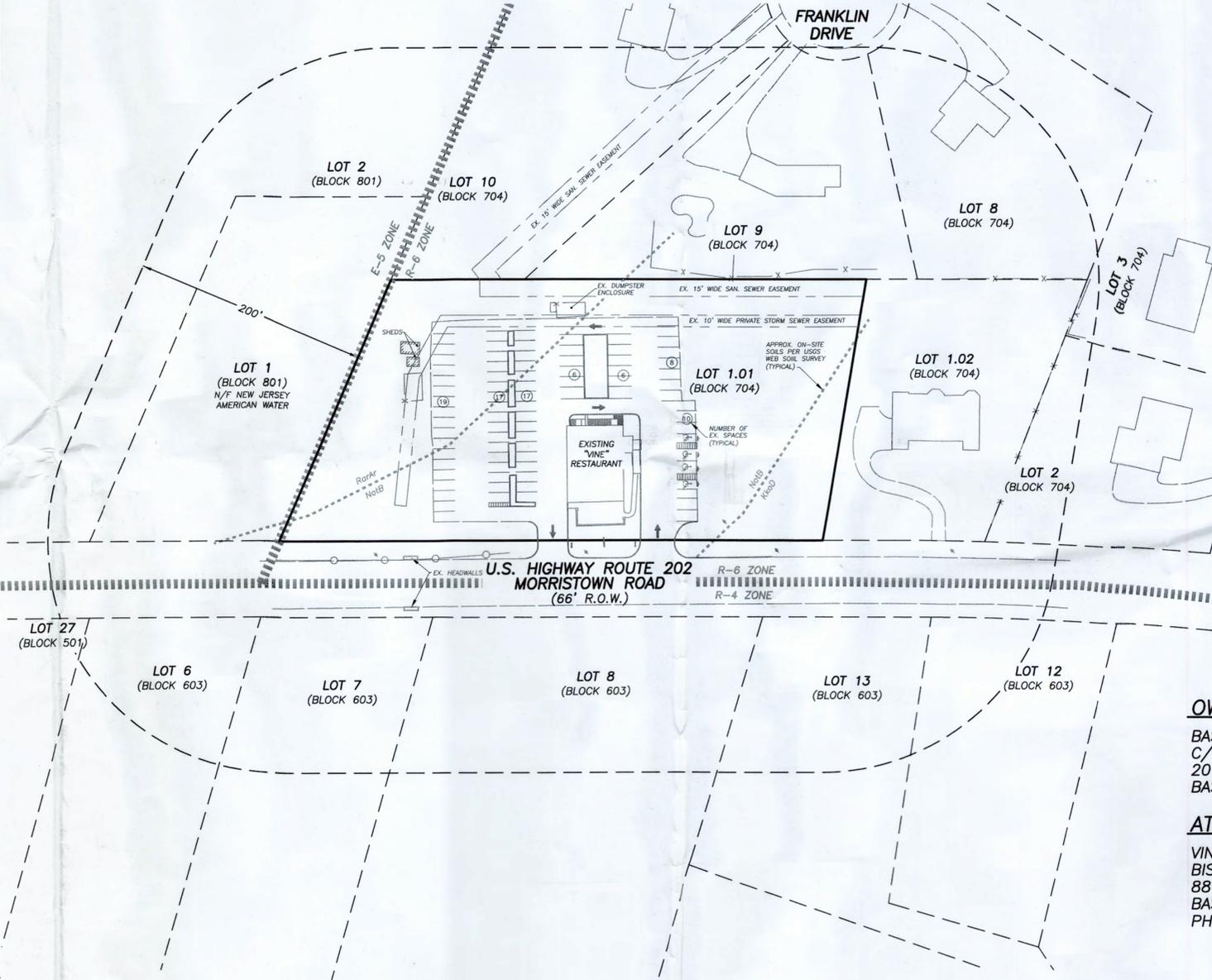
VERIZON COMMUNICATIONS  
ENGINEERING  
290 W MT PLEASANT AVE; STE 1400  
LIVINGSTON, NJ 07039-2763

CABLEVISION OF RARITAN VALLEY  
275 CENTENNIAL AVE; CN6805  
PISCATAWAY, NJ 08855  
ATTN: MARGURITE PRENDERVILLE  
CONSTRUCTION DEPT

NEW JERSEY DEPT OF TRANSPORTATION  
1035 PARKWAY AVE., CN600  
TRENTON, NJ 08625  
ATTN: COMMISSIONER OF TRANSPORTATION

**GENERAL NOTES/REFERENCES**

- EXISTING BOUNDARY & ON-SITE IMPROVEMENTS ACQUIRED FROM A SURVEY PREPARED BY MURPHY & HOLLOWES ASSOCIATES LLC, DATED 12/31/20.
- EXISTING OFF-SITE IMPROVEMENTS, TOPOGRAPHY, & PHYSICAL FEATURES SHOWN ON THIS SHEET ACQUIRED FROM BERNARDS TOWNSHIP TOPOGRAPHIC MAPS.
- ADJACENT LOT LINES ACQUIRED FROM GIS INFORMATION.
- WETLANDS DELINEATED BY PK ENVIRONMENTAL, MARCH 2021. WETLAND FLAGS FIELD LOCATED BY MURPHY & HOLLOWES ASSOCIATES LLC.
- ON-SITE STATE OPEN WATER DOES NOT HAVE A DRAINAGE AREA GREATER THAN 50 ACRES, AND DOES NOT APPEAR ON USDA OR USGS MAPS. THEREFORE IT DOES NOT MEET THE DEFINITION OF "STREAM" PER BERNARDS TOWNSHIP ORDINANCE SEC. 21-14.4.b.1, AND IT DOES NOT HAVE AN ASSOCIATED FLOOD HAZARD ELEVATION.
- NO STEEP SLOPES EXIST ON SITE.



**AREA MAP**  
SCALE: 1" = 60'



**PAGE-MUELLER ENGINEERING CONSULTANTS, PC**  
POST OFFICE BOX 4619  
WARREN, NEW JERSEY 07059  
(732) 805 - 3979 \* FAX (732) 805 - 3978  
FEBRUARY 16, 2021

**LIST OF DRAWINGS**

- COVER SHEET
- SITE DIMENSION PLAN
- GRADING/UTILITY/SOIL EROSION & SEDIMENT CONTROL PLAN
- LIGHTING PLAN
- CONSTRUCTION DETAILS

**OWNER/APPLICANT**

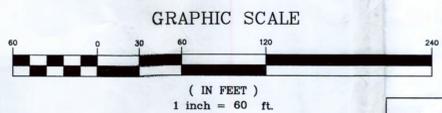
BASTON 95, LLC  
C/O AFRIM BERISHA  
20 GOLD BOULEVARD  
BASKING RIDGE, NJ 07920

**ATTORNEY**

VINCENT T. BISOGNO, ESQ.  
BISOGNO, LOEFFLER & ZELLEY LLC  
88 S FINLEY AVE  
BASKING RIDGE, NJ 07920  
PH: 908-766-6666

**LIST OF REQUIRED GOVERNMENTAL APPROVALS**  
(BEFORE THE COMMENCEMENT OF ANY CONSTRUCTION)

- BERNARDS TOWNSHIP BOARD OF ADJUSTMENT
- SOMERSET COUNTY PLANNING BOARD
- SOMERSET-UNION SOIL CONSERVATION DISTRICT



Plan (or plat) of BLOCK 704: LOT 1.01  
Lot 1.01 Section          Map          Zone R-6  
Date APRIL 16, 2021 Scale AS NOTED  
Applicant BASTON 95, LLC

I consent to the filing of this Development Plan with the Board of Adjustment of the Township of Bernards.

Afrim Berisha (Member) \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that I have prepared this Development Plan and that all dimensions and information are correct, to the best of my knowledge and belief.

*Catherine A. Mueller* 4/19/21  
Catherine A. Mueller, N.J.P.E. Lic. No. GE44252 Date \_\_\_\_\_

I have reviewed this Development Plan and certify that it meets all codes and ordinances under my jurisdiction.

Thomas Timko, N.J.P.E. Lic. No. 24GE06449 Date \_\_\_\_\_  
(Township Engineer)

TO BE SIGNED BEFORE THE ISSUANCE OF A CONSTRUCTION PERMIT:  
I hereby certify that all the required improvements have been installed or a bond posted in compliance with all applicable codes and ordinances.  
(If improvements installed):

Thomas Timko, N.J.P.E. Lic. No. 24GE06449 Date \_\_\_\_\_  
(Township Engineer)

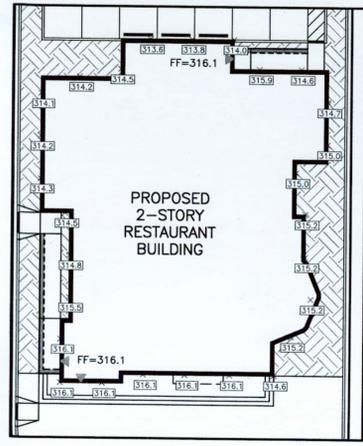
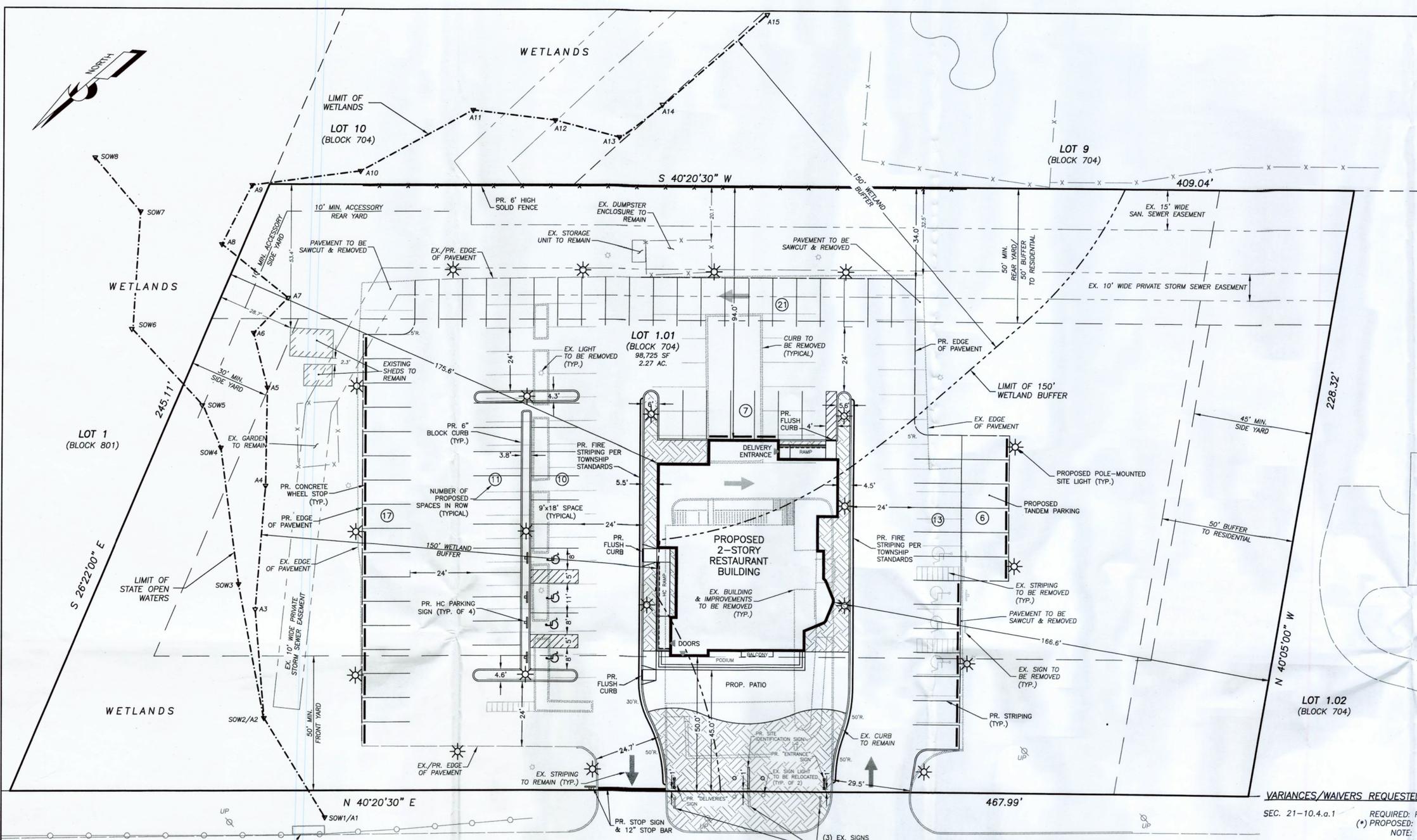
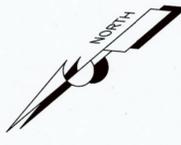
(If bond posted):

Rhonda Pisano (Township Clerk) \_\_\_\_\_ Date \_\_\_\_\_

Approved by the Board of Adjustment.  
Preliminary Final (Circle one) \_\_\_\_\_

Brad Breslin (Chairman) \_\_\_\_\_ Date \_\_\_\_\_

Cyndi Kiefer (Secretary) \_\_\_\_\_ Date \_\_\_\_\_



**BUILDING HEIGHT DETAIL**  
 SCALE: 1"=20'  
 BUILDING HEIGHT CALCULATION  
 TOTAL OF (27) SPOT ELEVATIONS = 8,504.7  
 AVERAGE FINISHED GRADE OF BUILDING = 8,504.0 / 27 = 314.99  
 MAX. ALLOWABLE RIDGE = 314.99 + 35' = 349.99

**PARKING CALCULATIONS**

**EXISTING:**  
 EX. RESTAURANT AREA: 5,834 SF @ 1/50 SF = 117 SPACES REQ'D  
 EX. OFFICE & TOILET AREA: 518 SF @ 1/200 SF = 3 SPACES REQ'D  
 TOTAL = 120 SPACES REQUIRED (BASED ON FLOOR AREA)  
 EX. NUMBER OF SEATS = 165 (INDOOR) + 50 (OUTDOOR) @ 1/3 = 72 SPACES REQUIRED (BASED ON SEATS)  
 EXISTING SPACES: 83 (INCL. 4 H.C.)

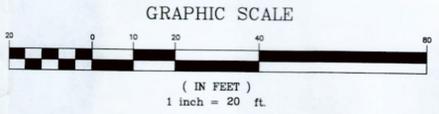
**PROPOSED:**  
 PR. RESTAURANT AREA: 7,511 SF @ 1/50 SF = 150 SPACES REQ'D  
 PR. OFFICE & TOILET AREA: 190 SF @ 1/200 SF = 1 SPACE REQ'D  
 TOTAL = 151 SPACES REQUIRED (BASED ON FLOOR AREA)  
 PR. NUMBER OF SEATS = 165 (INDOOR) + 50 (OUTDOOR) @ 1/3 = 72 SPACES REQUIRED (BASED ON SEATS)  
 PROPOSED SPACES: 85 (INCL. 4 H.C. & 6 TANDEM)

NOTE: EXISTING FLOOR AREA BASED ON FIELD MEASUREMENTS FROM OCTOBER 2020 BY THE MARTINSON GROUP LLC (ARCHITECT). FLOOR AREA DOES NOT INCLUDE CELLAR AREA.

**VARIANCES/WAIVERS REQUESTED**

- SEC. 21-10.4.a.1 REQUIRED: RESTAURANT NOT LISTED AS A PERMITTED USE  
 (\* PROPOSED: STAND-ALONE RESTAURANT  
 NOTE: USE VARIANCE PREVIOUSLY GRANTED (RESOLUTION NO. ZB16-032)
  - SEC. 21-15.1.d.1 REQUIRED: MAXIMUM LOT COVERAGE = 18%  
 PROPOSED: 38.3%  
 NOTE: VARIANCE PREVIOUSLY GRANTED FOR 38.5% (RESOLUTION NO. ZB16-032)
  - SEC. 21-15.1.d.1 REQUIRED: MINIMUM FRONT YARD SETBACK = 50'  
 PROPOSED: 45.0' (TO STEPS)
  - SEC. 21-16.c REQUIRED: MINIMUM ACCESSORY BUILDING SEPARATION = 10'  
 PROPOSED: 2.3'
  - SEC. 21-17.2.1.1 REQUIRED: MINIMUM SIGN LETTER HEIGHT = 4"  
 PROPOSED: 2.5" LETTER HEIGHT (SITE IDENTIFICATION SIGN), 3" LETTER HEIGHT ('ENTRANCE' SIGN), 2" LETTER HEIGHT ('DELIVERIES' SIGN)
  - SEC. 21-17.3 REQUIRED: RESTAURANT SIGNS NOT PERMITTED IN RESIDENTIAL ZONE  
 PROPOSED: 3 SIGNS
  - SEC. 21-22.1.a.1(b) REQUIRED: 151 PARKING SPACES (SEE PARKING CALCULATION)  
 PROPOSED: 85 PARKING SPACES
  - SEC. 21-28.2.g REQUIRED: 50' BUFFER TO RESIDENTIAL ZONE  
 PROPOSED: 34.0'  
 NOTE: VARIANCE PREVIOUSLY GRANTED FOR TRASH ENCLOSURE <50' (RESOLUTION NO. ZB16-032)
- (\* USE VARIANCE

**U.S. HIGHWAY ROUTE 202 MORRISTOWN ROAD**  
 (66' R.O.W.)



**COMPARATIVE ZONING**

PROPOSED USE	REQUIRED/PERMITTED	PROPOSED
B-2 NEIGHBORHOOD BUSINESS	RESTAURANT	RESTAURANT
MAX. FLOOR AREA RATIO	25%	7.8%
MAX. LOT COVERAGE	75%	38.3%

**ZONING INFORMATION**

	R-6 RESIDENTIAL	REQUIRED/PERMITTED	EXISTING	PROPOSED
MIN. LOT AREA	3/4 ACRE 32,670 SF		98,725 SF	98,725 SF
MIN. LOT WIDTH	150'		454.71'	454.71'
MIN. LOT FRONTAGE	75'		467.99'	467.99'
MIN. FRONT YARD	50'		33.7' (P)	45.0' (V)
MIN. SIDE YARD (EACH)	30'		167.8'	166.6'
MIN. SIDE YARD (BOTH)	75'		357.3'	342.2'
MIN. REAR YARD	50'		126.2'	94.0'
MIN. SIDE YARD	10'		28.7'	28.7'
MIN. REAR YARD	10'		53.4'	53.4'
MIN. BUILDING SEPARATION	10'		2.3' (P)	2.3' (V)
MIN. BUFFER TO RESIDENTIAL	50'		20.1' (DUMPSTER) (VG) 32.5' (PARKING) (P)	20.1' (DUMPSTER) (VG) 34.0' (PARKING) (V)
MAX. LOT COVERAGE	18%		38.3% (VG)	38.3% (V)
MAX. BUILDING HEIGHT	2.5 STORIES 35'		3 STORIES	2 STORIES <35'
PERMITTED IN RESIDENTIAL ZONE	NO		3 SIGNS (P)	3 SIGNS (V)
MIN. FRONT YARD	N/A		0' (IN R.O.W.)	1'
MIN. LETTER HEIGHT	4"		2.5" (SITE ID) (P) 3.5" ('ENTRANCE') (P) 2" ('DELIVERIES') (P)	2.5" (SITE ID) (V) 3.5" ('ENTRANCE') (V) 2" ('DELIVERIES') (V)
MAX. HEIGHT	N/A		8'-0" (SITE ID) 3'-6" ('ENTRANCE') 2'-9" ('DELIVERIES')	8'-0" (SITE ID) 3'-6" ('ENTRANCE') 3'-6" ('DELIVERIES')
MAX. AREA	N/A		32 SF (SITE ID) 2 SF ('ENTRANCE') 2 SF ('DELIVERIES')	32 SF (SITE ID) 2 SF ('ENTRANCE') 2 SF ('DELIVERIES')

(P) - PRE-EXISTING NON-CONFORMING CONDITION  
 (VG) - VARIANCES PREVIOUSLY GRANTED PER BERNARDS TOWNSHIP BOARD OF ADJUSTMENT RESOLUTION NO. ZB16-032  
 \* RESIDENTIAL BUFFER <50' (TRASH ENCLOSURE)  
 \* LOT COVERAGE 38.3%  
 (V) - VARIANCE REQUIRED

**EXISTING IMPERVIOUS COVERAGE**

BUILDING	3,329 SF
SHEDS	254 SF
ASPHALT PARKING	32,362 SF
PATIO	892 SF
WALKS, MISC.	998 SF
<b>TOTAL</b>	<b>37,835 SF</b>

**PROPOSED IMPERVIOUS COVERAGE**

BUILDING	4,563 SF
SHEDS	254 SF
ASPHALT PARKING	30,529 SF
PODIUM & PATIO	1,792 SF
WALKS, MISC.	682 SF
<b>TOTAL</b>	<b>37,820 SF NO NET INCREASE</b>

**PM EC** PAGE-MUELLER ENGINEERING CONSULTANTS, PC  
 POST OFFICE BOX 4619  
 WARREN, NEW JERSEY 07059  
 (732) 805 - 3979 • FAX (732) 805 - 3978

**CATHERINE A. MUELLER, P.E.**  
 NEW JERSEY PROFESSIONAL ENGINEER LICENSE No. GE44252

REVISED 4/19/21: PER COMPLETENESS REVIEW & WETLAND INFORMATION  
 project name: **PRELIMINARY & FINAL SITE PLAN FOR GUSTO RESTAURANT**  
 BLOCK 704: LOT 1.01  
 (TAX MAP SHEET 7)  
 TOWNSHIP OF BERNARDS  
 SOMERSET COUNTY, NEW JERSEY

**SITE DIMENSION PLAN** 2 OF 5  
 drawing no. 2154-000  
 drawn by TBB checked by CAM date 2/16/21 scale 1"=20' project no. 2154-000

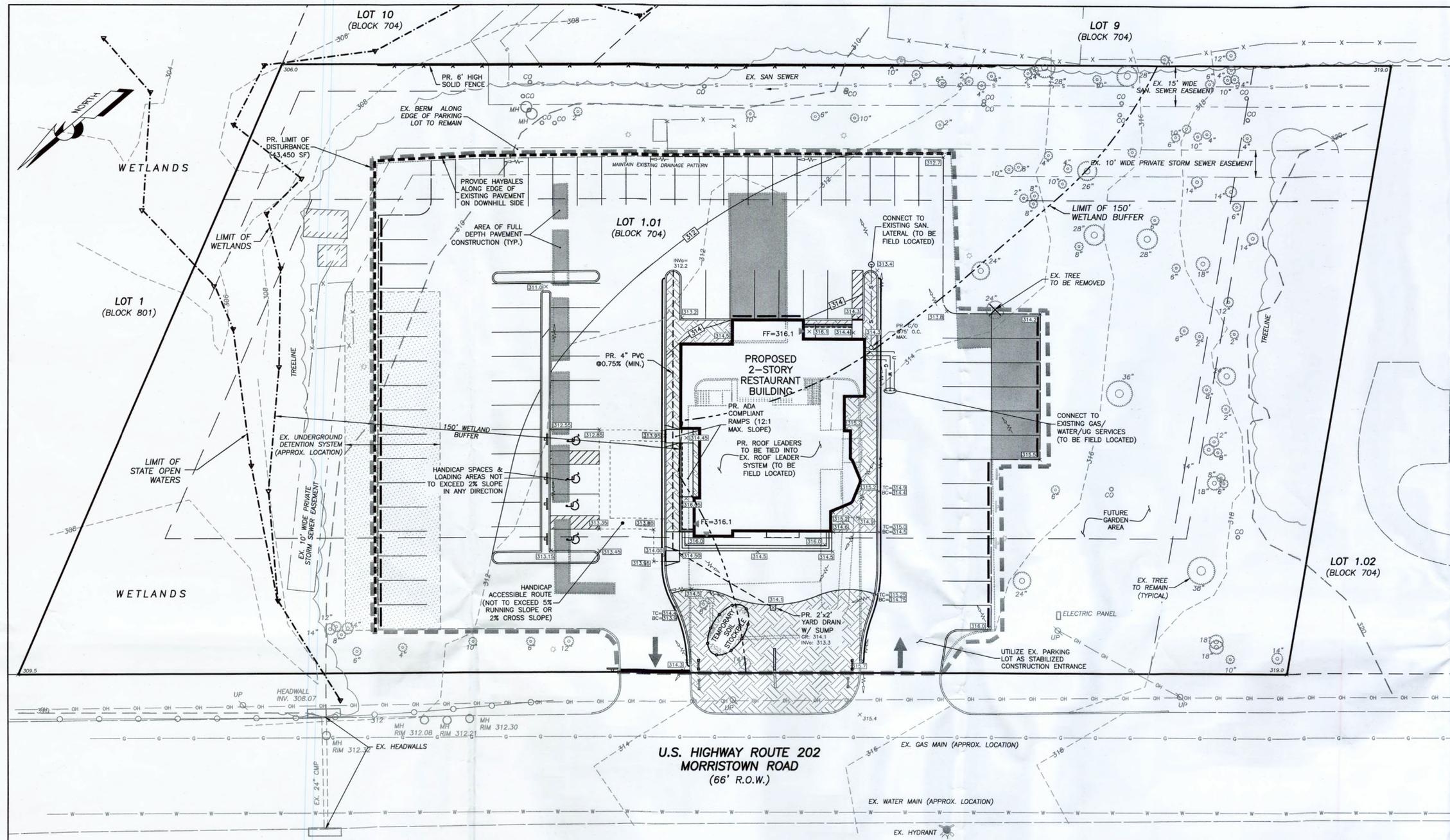
**SOIL EROSION AND SEDIMENT CONTROL NOTES:**

- ALL SOIL EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE INSTALLED PRIOR TO ANY MAJOR SOIL DISTURBANCES, OR IN THEIR PROPER SEQUENCE AND MAINTAINED UNTIL PERMANENT PROTECTION IS ESTABLISHED.
- ANY DISTURBED AREAS THAT WILL BE LEFT EXPOSED MORE THAN 30 DAYS AND NOT SUBJECT TO CONSTRUCTION TRAFFIC, WILL IMMEDIATELY RECEIVE A TEMPORARY SEEDING. IF THE SEASON PREVENTS THE ESTABLISHMENT OF A TEMPORARY COVER, THE DISTURBED AREAS WILL BE MULCHED WITH STRAW, OR EQUIVALENT MATERIAL, AT A RATE OF TWO (2) TONS PER ACRE, ACCORDING TO NJ STATE STANDARDS.
- PERMANENT VEGETATION SHALL BE SEEDING OR SOODED ON ALL EXPOSED AREAS WITHIN TEN (10) DAYS AFTER FINAL GRADING. MULCH WILL BE USED FOR PROTECTION UNTIL SEEDING IS ESTABLISHED.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE NJ STATE STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL IN NEW JERSEY.
- A SUB-BASE COURSE WILL BE APPLIED IMMEDIATELY FOLLOWING ROUGH GRADING AND INSTALLATION OF IMPROVEMENTS IN ORDER TO STABILIZE STREETS, ROADS, DRIVEWAYS AND PARKING AREAS. IN AREAS WHERE NO UTILITIES ARE PRESENT, THE SUB-BASE SHALL BE INSTALLED WITHIN 15 DAYS OF PRELIMINARY GRADING.
- IMMEDIATELY FOLLOWING INITIAL DISTURBANCE OR ROUGH GRADING ALL CRITICAL AREAS SUBJECT TO EROSION (I.E. STEEP SLOPES, ROADWAY EMBANKMENTS) WILL RECEIVE A TEMPORARY SEEDING IN COMBINATION WITH STRAW MULCH OR A SUITABLE EQUIVALENT, AT A RATE OF TWO (2) TONS PER ACRE, ACCORDING TO THE NJ STATE STANDARDS.
- ANY STEEP SLOPES RECEIVING PIPELINE INSTALLATION WILL BE BACKFILLED AND STABILIZED DAILY, AS THE INSTALLATION PROCEEDS (I.E. SLOPES GREATER THAN 3:1).
- TRAFFIC CONTROL STANDARDS REQUIRE THE INSTALLATION OF A 50' X 30' X 6" PAD OF 1 1/2" OR 2" STONE, AT ALL CONSTRUCTION DRIVEWAYS, IMMEDIATELY AFTER INITIAL SITE DISTURBANCE.
- THE SOMERSET-UNION SOIL CONSERVATION DISTRICT SHALL BE NOTIFIED IN WRITING 48 HOURS IN ADVANCE OF ANY LAND DISTURBING ACTIVITY.
- AT THE TIME WHEN THE SITE PREPARATION FOR PERMANENT VEGETATIVE STABILIZATION IS GOING TO BE ACCOMPLISHED, ANY SOIL THAT WILL NOT PROVIDE A SUITABLE ENVIRONMENT FOR SUPPORT ADEQUATE VEGETATIVE GROUND COVER, SHALL BE REMOVED OR TREATED IN SUCH A WAY THAT WILL PERMANENTLY ADJUST THE SOIL CONDITIONS AND RENDER IT SUITABLE FOR VEGETATIVE GROUND COVER. IF THE REMOVAL OR TREATMENT OF THE SOIL WILL NOT PROVIDE SUITABLE CONDITIONS, NON-VEGETATIVE MEANS OF PERMANENT GROUND STABILIZATION WILL HAVE TO BE EMPLOYED.
- IN THAT N.J.S.A. 4:24-39 ET SEQ., REQUIRES THAT NO CERTIFICATE OF OCCUPANCY BE ISSUED BEFORE THE PROVISIONS OF THE CERTIFIED PLAN FOR SOIL EROSION AND SEDIMENT CONTROL HAVE BEEN COMPLIED WITH FOR PERMANENT MEASURES. ALL SITE WORK FOR SITE PLANS AND ALL WORK AROUND INDIVIDUAL LOTS IN SUBDIVISIONS, WILL HAVE TO BE COMPLETED PRIOR TO THE DISTRICT ISSUING A REPORT OF COMPLIANCE OR A CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY.
- CONDUIT OUTLET PROTECTION MUST BE INSTALLED AT ALL REQUIRED OUTFALLS PRIOR TO THE DRAINAGE SYSTEM BECOMING OPERATIONAL.
- ANY CHANGES TO THE CERTIFIED SOIL EROSION AND SEDIMENT CONTROL PLAN WILL REQUIRE THE SUBMISSION OF REVISED SOIL EROSION AND SEDIMENT CONTROL PLANS TO THE DISTRICT FOR RE-CERTIFICATION. THE REVISED PLANS MUST MEET ALL CURRENT NJ STATE SOIL EROSION & SEDIMENT CONTROL STANDARDS.
- THE SOMERSET-UNION SOIL CONSERVATION DISTRICT SHALL BE NOTIFIED OF ANY CHANGES IN OWNERSHIP.
- MULCHING TO THE NJ STANDARDS IS REQUIRED FOR OBTAINING A CONDITIONAL REPORT OF COMPLIANCE. CONDITIONALS ARE ONLY ISSUED WHEN THE SEASON PROHIBITS SEEDING.
- CONTRACTOR IS RESPONSIBLE FOR KEEPING ALL ADJACENT ROADS CLEAN DURING LIFE OF CONSTRUCTION PROJECT.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR REMEDIATING ANY EROSION OR SEDIMENT PROBLEMS THAT ARISE AS A RESULT OF ONGOING CONSTRUCTION AT THE REQUEST OF THE SOMERSET-UNION SOIL CONSERVATION DISTRICT.
- HYDRO SEEDING IS A TWO-STEP PROCESS. THE FIRST STEP INCLUDES SEED, FERTILIZER, LIME, ETC., ALONG WITH MINIMAL AMOUNTS OF MULCH TO PROMOTE CONSISTENCY, GOOD SEED TO SOIL CONTACT, AND GIVE A VISUAL INDICATION OF COVERAGE. UPON COMPLETION OF SEEDING OPERATION, HYDRO-MULCH SHOULD BE APPLIED AT A RATE OF 1500 LBS. PER ACRE IN SECOND STEP. THE USE OF HYDRO-MULCH, AS OPPOSED TO STRAW, IS LIMITED TO OPTIMUM SEEDING DATES AS LISTED IN THE NJ STANDARDS.

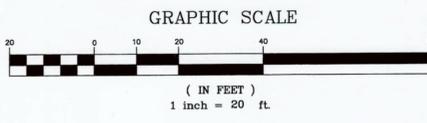
**VEGETATION STABILIZATION NOTES:**

- TEMPORARY VEGETATIVE COVER TO BE ESTABLISHED ON SOILS EXPOSED FROM 1 TO 12 MONTHS
  - ADD LIMESTONE AT A RATE ESTABLISHED VIA SOIL TESTING AND 10-10-10 FERTILIZER AT A RATE OF 600 LBS/ACRE
  - PLANT AS FOLLOWS:
 

BEFORE MAY 20 ANNUAL RYEGRASS	40 LBS/ACRE
MAY 20 - JUNE 20 SUDANGRASS	60 LBS/ACRE
JUNE 20 - AUG. 1 WEeping LOVEGRASS	30 LBS/ACRE
AUG. 15 - OCT. 15 ANNUAL RYEGRASS	40 LBS/ACRE
OR APRIL - OCT. KOREAN LESPEDEZA	25 LBS/ACRE, IF ADEQUATE
- PERMANENT VEGETATIVE COVER - GENERAL AREAS UNDER 5% SLOPE
  - ADD LIMESTONE AT A RATE ESTABLISHED VIA SOIL TESTING AND 10-20-10 FERTILIZER AT A RATE OF 600 LBS/ACRE OR ACCORDING TO RESULTS OF SOIL TESTS.
  - 54% KENTUCKY 31 FESCUE, 5% RED TOP AND 3% INERT (SOMETIMES DESIGNATED AS ATHLETIC FIELD MIXTURE), 100 LBS/ACRE
- PERMANENT VEGETATIVE COVER - CRITICAL AREAS - OVER 5% SLOPE
  - ADD LIMESTONE AT A RATE ESTABLISHED VIA SOIL TESTING AND 10-20-10 FERTILIZER AT A RATE OF 600 LBS/ACRE OR ACCORDING TO RESULTS OF SOIL TESTS.
  - SEED WITH 50 LBS OF KENTUCKY 31 FESCUE AND 10 LBS CROWN VETCH/ACRE.
- MULCHING IS REQUIRED ON ALL SEEDING. MULCH WILL INSURE AGAINST EROSION BEFORE GRASS IS ESTABLISHED AND WILL PROMOTE FASTER AND EARLIER ESTABLISHMENT.
  - THE FOLLOWING MATERIALS ARE SUITABLE FOR MULCHING - UNROOTED STRAW OR SALT HAY 1-1/2 TO 2 TONS/ACRE, WOOD FIBER OR PAPER OR PAPER FIBER (HYDRO-SEEDING 1500 LBS/ACRE), MULCH NETTING (PAPER JUTE, EXCELSIOR, COTTON OR PLASTIC)
  - STRAW OR SALT HAY MULCHERS SHOULD BE IMMEDIATELY ANCHORED USING PEG TWINE NETTING, A MULCH ANCHORING TOOL OR LIQUID MULCH BINDERS.
- ALL DISTURBED AREAS NOT SCHEDULED FOR CONSTRUCTION ACTIVITIES WITHIN 30 DAYS OF DISTURBANCE SHALL BE STABILIZED WITH PERMANENT VEGETATIVE COVER.
- ALL ROADSIDE SWALES AND ROAD BANKS ARE TO BE STABILIZED IMMEDIATELY AFTER CONSTRUCTION.
- TOPSOIL SHOULD BE HANDLED ONLY WHEN IT IS DRY ENOUGH TO WORK WITHOUT DAMAGING THE SOIL STRUCTURE. A UNIFORM APPLICATION TO A DEPTH OF 5 INCHES (UNSETTLED) IS REQUIRED ON ALL SITES. TOPSOIL SHALL BE AMENDED WITH ORGANIC MATTER, AS NEEDED, IN ACCORDANCE WITH THE STANDARD FOR TOPSOILING.



**U.S. HIGHWAY ROUTE 202  
MORRISTOWN ROAD  
(66' R.O.W.)**



**SEQUENCE OF CONSTRUCTION**

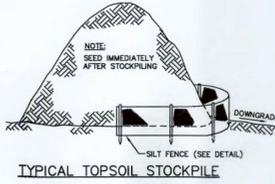
- INSTALL ALL SEDIMENT CONTROL DEVICES. (1 DAY)
- REMOVE ALL TREES & IMPROVEMENTS MARKED FOR REMOVAL, STRIP & STOCKPILE TOPSOIL. (2 WEEKS)
- INSTALL CURBING. (1 WEEK)
- BEGIN BUILDING CONSTRUCTION. (6-8 MONTHS)
- APPLY 4" DENSE GRADED AGGREGATE AND 3" STABILIZED BASE COURSE. (2 WEEKS)
- UPON THE COMPLETION OF ALL BUILDING CONSTRUCTION, INSTALL 2" FABC SURFACE COURSE. (1 WEEK)
- FINE GRADE SITE AND STABILIZE ALL DISTURBED AREAS W/ 5" OF TOPSOIL (2 DAYS).
- REMOVE ALL SOIL EROSION CONTROL DEVICES AS FINAL ITEM. (1 DAY)

**DUST CONTROL NOTES**

THE FOLLOWING METHODS SHOULD BE CONSIDERED FOR CONTROLLING DUST:  
 MULCHES - IN ACCORDANCE WITH STATE SOIL EROSION STANDARDS.  
 VEGETATIVE COVER - SEE STABILIZATION SPECIFICATIONS.  
 SPRAY ON ADHESIVES - AS FOLLOWS. ON MINERAL SOILS (NOT EFFECTIVE ON MUCK SOILS). KEEP TRAFFIC OFF THESE AREAS.

MATERIAL	WATER DILUTION	TYPE OF NOZZLE	APPLY GALLONS/ACRE
ANIONIC ASPHALT EMULSION	7:1	COARSE SPRAY	1200
LATEX EMULSION	12.5:1	FINE SPRAY	235
RESIN IN WATER	4:1	FINE SPRAY	300
POLYACRYLAMIDE (PAM) - SPRAY ON			
POLYACRYLAMIDE (PAM) - DRY SPREAD			
ADJULATED SOY BEAN SOAP STICK	NONE	COARSE SPRAY	1200

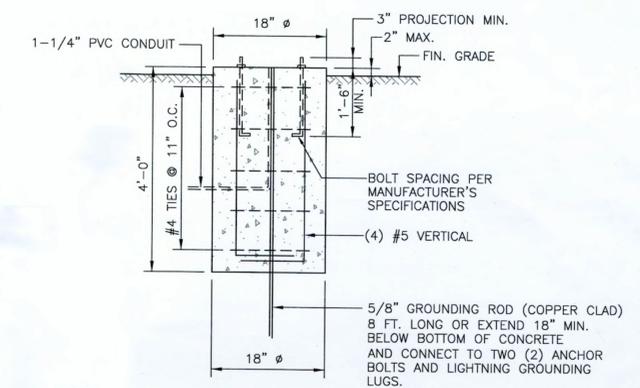
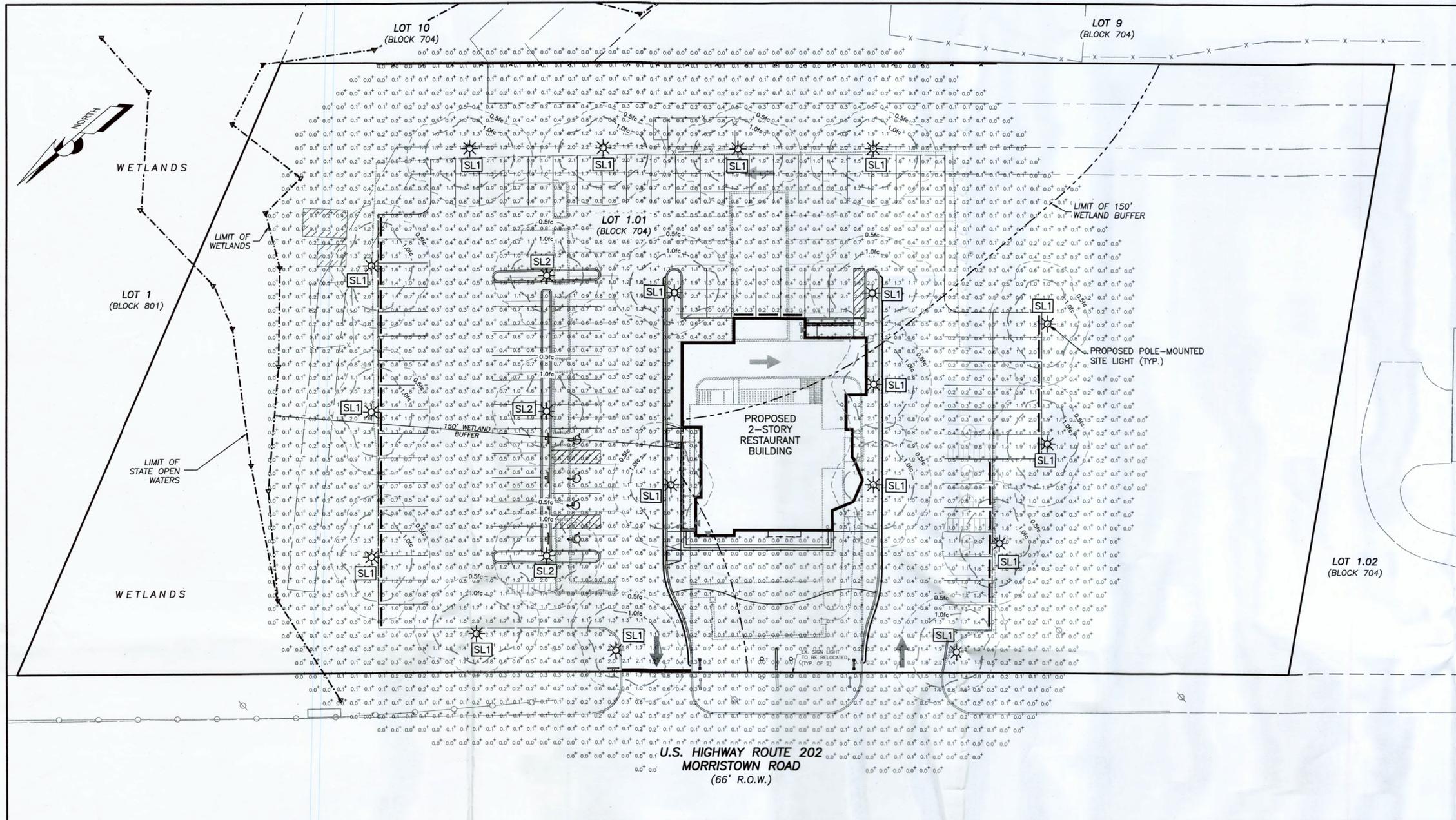
TILLAGE - TO ROUGHEN SURFACE AND BRING CLODS TO THE SURFACE. THIS IS A TEMPORARY EMERGENCY MEASURE WHICH SHOULD BE USED BEFORE SOIL BLOWING STARTS. BEGIN PLOWING ON WINDWARD SIDE OF SITE. CHISEL-TYPE PLOWS SPACED ABOUT 12 INCHES APART, AND SPRING-TOOTHED HARROWS ARE EXAMPLES OF EQUIPMENT WHICH MAY PRODUCE THE DESIRED EFFECT.  
 SPRINKLING - SITE IS SPRINKLED UNTIL THE SURFACE IS WET.  
 BARRIERS - SOLID BOARD FENCES, SNOW FENCES, BURLAP FENCES, CRATE WALLS, BALES OF HAY, AND SIMILAR MATERIAL CAN BE USED TO CONTROL AIR CURRENTS AND SOIL BLOWING.  
 CALCIUM CHLORIDE - SHALL BE IN THE FORM OF LOOSE, DRY GRANULES OF FLAKES FINE ENOUGH TO FLOOD THROUGH COMMONLY USED SPREADERS AT A RATE THAT WILL KEEP SURFACE MOIST BUT NOT CAUSE POLLUTION OR PLANT DAMAGE. IF USED ON STEEPER SLOPES, THEN USE OTHER PRACTICES TO PREVENT WASHING INTO STREAMS, OR ACCUMULATION AROUND PLANTS.  
 STONE - COVER SURFACE WITH CRUSHED STONE OR COARSE GRAVEL.



**UTILITY NOTES:**  
 1. THE INFORMATION CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. ALL EXISTING UNDERGROUND UTILITIES ARE TO BE FIELD VERIFIED BEFORE THE COMMENCEMENT OF ANY CONSTRUCTION. THE CONTRACTOR SHALL COMPLY WITH THE NEW JERSEY ONE-CALL REGULATIONS BY CALLING 1-800-272-1000 AND PROVIDE THE MUNICIPALITY WITH THE CONFIRMATION NUMBER PROVIDED PRIOR TO COMMENCING EXCAVATION WORK.

NOTE: THIS PROJECT HAS NO LAND AREAS >500 SF IN SIZE SUBJECT TO SOIL COMPACTION TESTING/MITIGATION WITHIN THE PROPOSED LIMIT OF DISTURBANCE. THEREFORE, THIS PROJECT HAS NO SOIL COMPACTION TESTING/MITIGATION REQUIREMENTS PER TECHNICAL BULLETIN 2018-1.0 SECTION 1.02.1.

	PAGE-MUELLER ENGINEERING CONSULTANTS, PC POST OFFICE BOX 4619 WARREN, NEW JERSEY 07059 (732) 866 - 3979 • FAX (732) 805 - 3978	REVISED 4/19/21: PER COMPLETENESS REVIEW & WETLAND INFORMATION project name <b>PRELIMINARY &amp; FINAL SITE PLAN FOR GUSTO RESTAURANT</b> BLOCK 704: LOT 1.01 (TAX MAP SHEET 7) TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY	drawing no. <b>GRADING/UTILITY/SOIL EROSION &amp; SEDIMENT CONTROL PLAN</b>	drawing no. <b>3 OF 5</b>
	drawn by <b>CATHERINE A. MUELLER, P.E.</b> NEW JERSEY PROFESSIONAL ENGINEER LICENSE No. GE44252	checked by CAM	date 2/16/21	scale 1" = 20'



- NOTES:
1. ANCHOR BOLT SIZE, NUMBER, LOCATION, AND LENGTH SHALL BE VERIFIED WITH APPROVED MANUFACTURER'S SHOP DRAWING.
  2. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 P.S.I.
  3. THIS DETAIL IS NOT TO BE USED FOR POLES OVER 12 FT. IN HEIGHT.

**LIGHT BASE DETAIL**  
N.T.S.

LIGHTING SCHEDULE						
SYMBOL	LABEL	QUANTITY	MANUFACTURER	CATALOG NO.	DESCRIPTION	LAMP
☀	SL1	18	SENTRY ELECTRIC LLC	SBP-LEDV18C-07A-835-KHT4	POLE MOUNTED LIGHT @ 12' M.H.	26W LED 3500K
☀	SL2	3	SENTRY ELECTRIC LLC	SBP-LEDV18C-07A-835-KHT5	POLE MOUNTED LIGHT @ 12' M.H.	26W LED 3500K

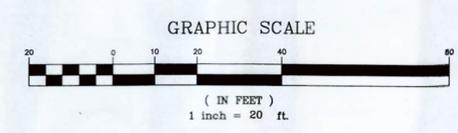
LIGHTING CALCULATIONS AND PRODUCT INFORMATION PROVIDED BY:  
 DIVERSIFIED LIGHTING ASSOCIATES, INC.  
 1 NYBROOK BLVD, SUITE 100  
 WARMINSTER, PA 18974  
 215-442-0700  
 WWW.DIVERSIFIED-PHL.COM



**POLE MOUNTED SITE LIGHT DETAIL**  
NOT TO SCALE

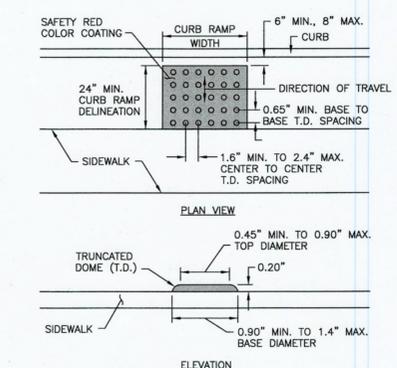
STATISTICS				
DESCRIPTION	SYMBOL	AVERAGE	MAX	MIN
DRIVES & PARKING	+	0.84 fc	2.4 fc	0.2 fc

PER SEC. 21-41.3:  
 ALLOWABLE MAXIMUM AVERAGE ILLUMINATION, NON-RESIDENTIAL VEHICULAR AREAS: 0.9 FC  
 PROPOSED: 0.84 FC

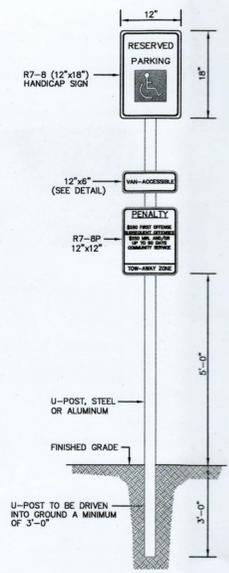


	PAGE-MUELLER ENGINEERING CONSULTANTS, PC POST OFFICE BOX 4619 WARREN, NEW JERSEY 07059 (732) 805 - 3979 • FAX (732) 805 - 3978	REVISED 4/18/21: SHEET ADDED TO SET project name <b>PRELIMINARY &amp; FINAL SITE PLAN FOR GUSTO RESTAURANT</b> BLOCK 704: LOT 1.01 (TAX MAP SHEET 7) TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY
	drawing name <b>LIGHTING PLAN</b>	drawing no. <b>4 OF 5</b>
drawn by <b>TBB</b>	checked by <b>CAM</b>	date <b>4/14/xx</b>
scale <b>1" = 20'</b>	project no. <b>2154-000</b>	

*Catherine A. Mueller*  
**CATHERINE A. MUELLER, P.E.**  
 NEW JERSEY PROFESSIONAL ENGINEER LICENSE No. 25114

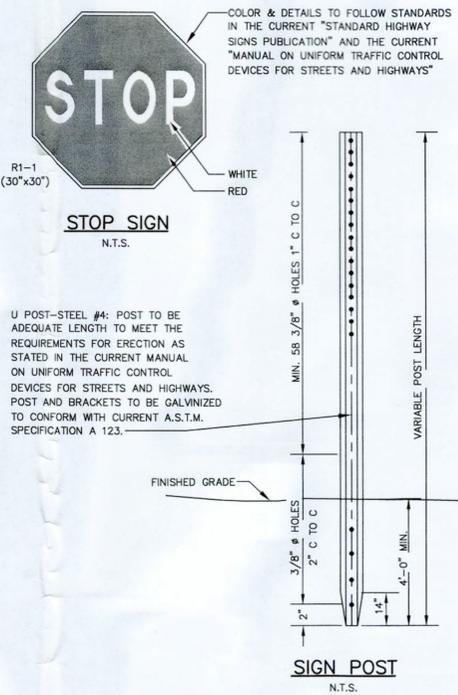


TO BE PROVIDED AT PROPOSED HANDICAP RAMPS AS REQUIRED BY REGULATION  
**DETECTABLE WARNING SURFACE DETAIL**  
 N.T.S.

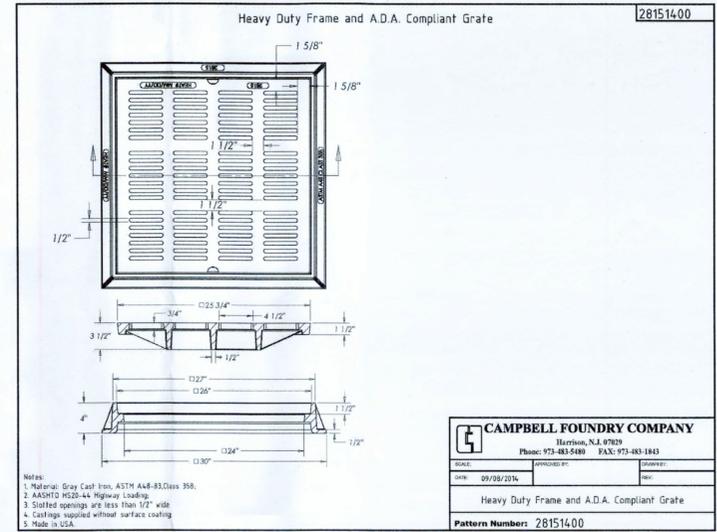


**HANDICAPPED PARKING SIGN ASSEMBLY**  
 NOT TO SCALE

NOTES:  
 1. THE PARKING SPACE SHALL BE MARKED WITH AN R7-8 SIGN FROM THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES OPERATING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY.  
 2. BETWEEN THE R7-8 SIGN, THE PARKING SPACE SHALL ALSO BE MARKED WITH AN R7-8P SIGN AS REQUIRED BY N.J.S.A. 39:4-197.3c.  
 3. THE BOTTOM EDGE OF THE R7-8P SIGN SHALL BE MOUNTED APPROXIMATELY 60 INCHES ABOVE THE PARKING LOT SURFACE.

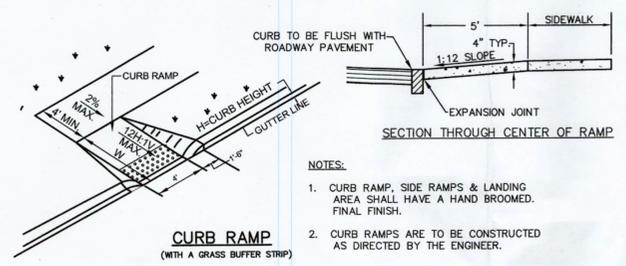


COLOR & DETAILS TO FOLLOW STANDARDS IN THE CURRENT "STANDARD HIGHWAY SIGNS PUBLICATION" AND THE CURRENT "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS"  
**STOP SIGN**  
 N.T.S.  
 U-POST-STEEL #4; POST TO BE ADEQUATE LENGTH TO MEET THE REQUIREMENTS FOR ERECTION AS STATED IN THE CURRENT MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS. POST AND BRACKETS TO BE GALVANIZED TO CONFORM WITH CURRENT A.S.T.M. SPECIFICATION A 123.



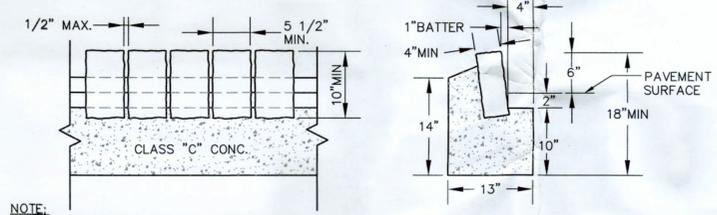
Notes:  
 1. Material: Gray Cast Iron, ASTM A48-83, Class 300.  
 2. ASHTO H-19.1 Highway Loading.  
 3. Slotted openings are less than 1/2" wide.  
 4. Coatings supplied without surface coating.  
 5. Made in USA.

Campbell Foundry Company 1000 N. J. 9729 Warren, N.J. 07059 Phone: 973-483-5889 FAX: 973-483-1843	Heavy Duty Frame and A.D.A. Compliant Grate Pattern Number: 28151400



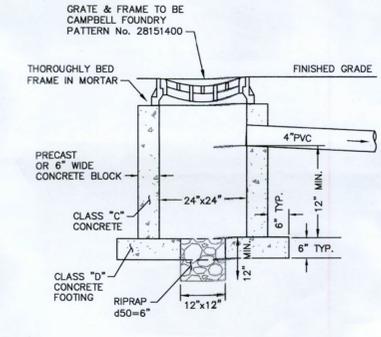
NOTES:  
 1. CURB RAMP, SIDE RAMPS & LANDING AREA SHALL HAVE A HAND BROOMED, FINAL FINISH.  
 2. CURB RAMPS ARE TO BE CONSTRUCTED AS DIRECTED BY THE ENGINEER.

**CURB RAMP**  
 (WITH A GRASS BUFFER STRIP)

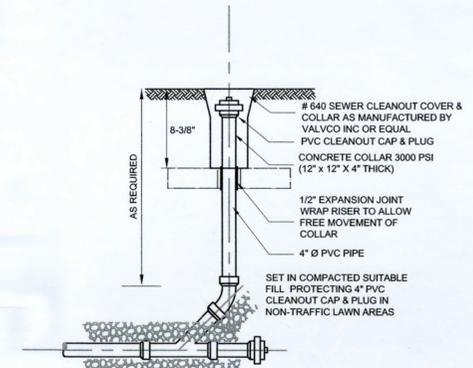


NOTE:  
 PROVIDE EXPANSION JOINTS AT 20' INTERVALS. JOINTS TO BE 1/2" WIDE MAX., USING 1:2 MIX CEMENT MORTAR STRUCK WITH CONCAVE TOOL.  
 ALTERNATE PLACEMENT PERMITTED FOR PLACEMENT OF GRANITE BLOCKS

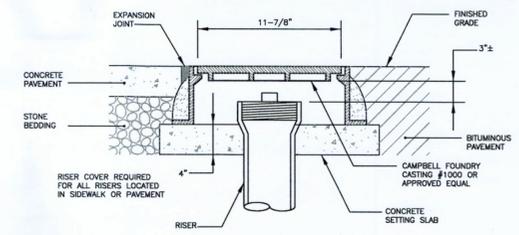
**BLOCK CURB-ON-SITE**  
 N.T.S.



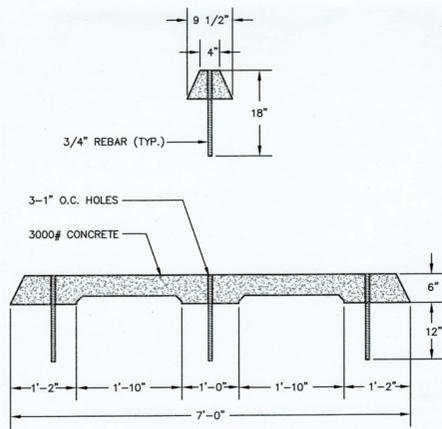
**YARD DRAIN W/ SUMP**  
 N.T.S.



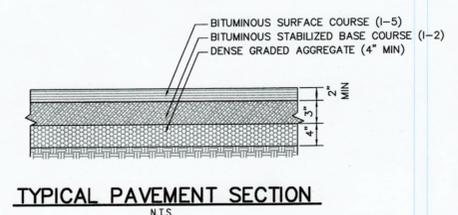
**TYPICAL GRAVITY SEWER CLEANOUT DETAIL LAWN AREAS**  
 NOT TO SCALE



**CLEANOUT RISER COVER DETAIL**  
 NOT TO SCALE

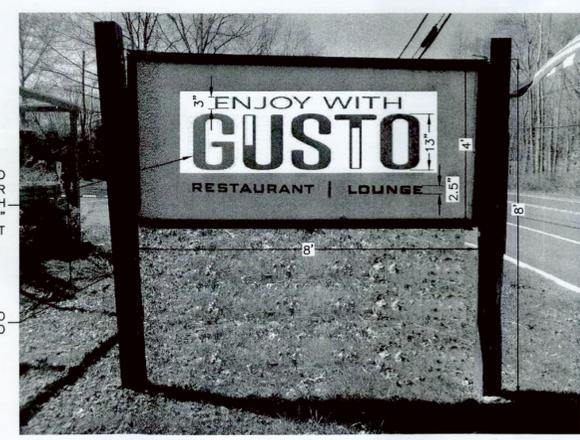


**CONCRETE WHEEL STOP**  
 N.T.S.



**TYPICAL PAVEMENT SECTION**  
 N.T.S.

PROPOSED "GUSTO" LETTER HEIGHT TO MATCH EXISTING "VINE" LETTER HEIGHT  
 EXISTING SIGN TO BE REPURPOSED



**SITE IDENTIFICATION SIGN DETAIL**  
 N.T.S.

NOTE: SIGN TO BE RELOCATED 1' INSIDE R.O.W. AND REFURBISHED AS NECESSARY



**"ENTRANCE" & "DELIVERIES" SIGN DETAILS**  
 N.T.S.

NOTE: SIGNS TO BE RELOCATED 1' INSIDE R.O.W. AND REFURBISHED AS NECESSARY

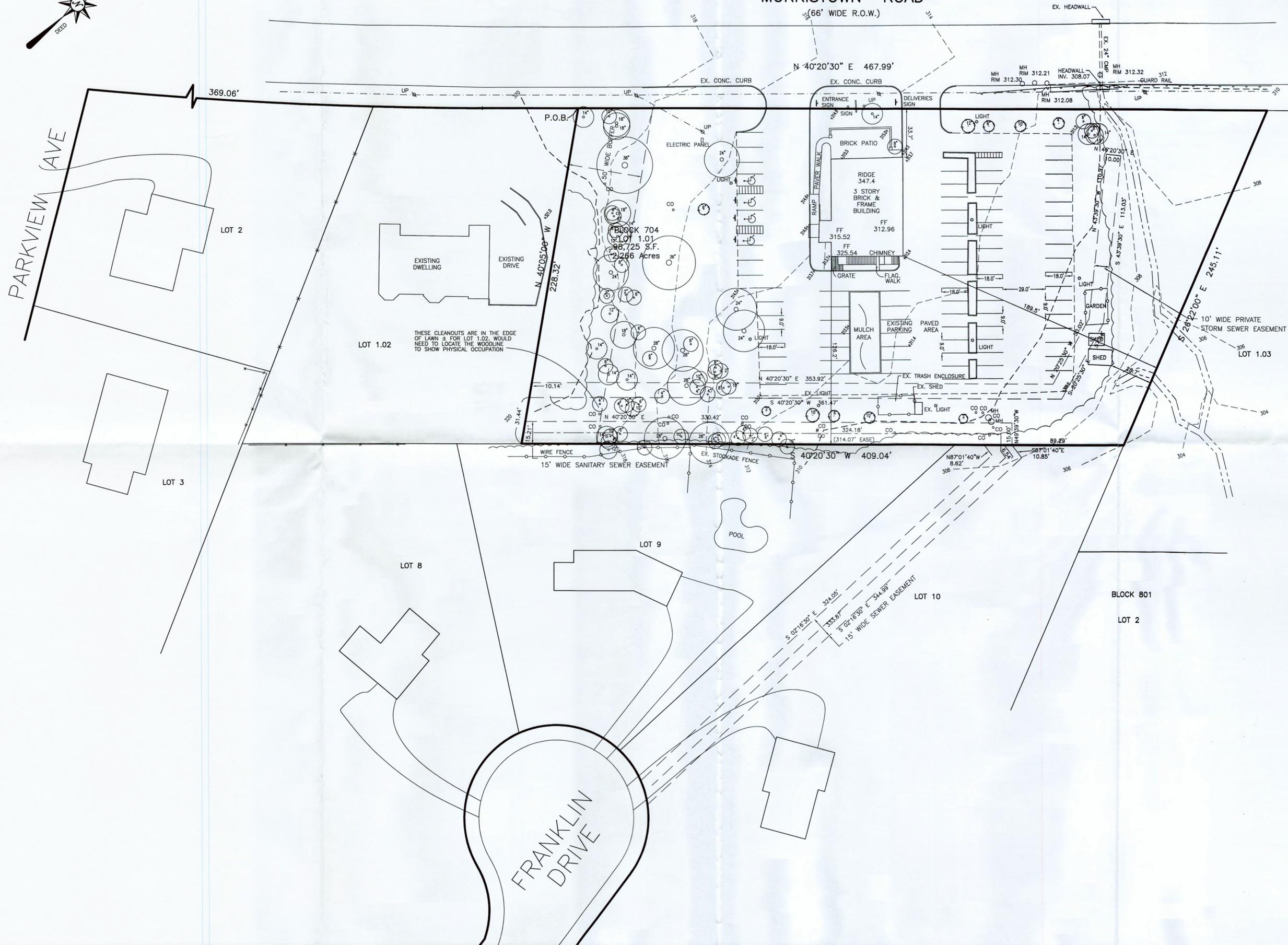
PAGE-MUELLER ENGINEERING CONSULTANTS, PC  
 POST OFFICE BOX 4619  
 WARREN, NEW JERSEY 07059  
 (732) 805 - 3979 • FAX (732) 805 - 3978

**CATHERINE A. MUELLER, P.E.**  
 NEW JERSEY PROFESSIONAL ENGINEER LICENSE No. GE44252

REVISION 4/19/21: PER COMPLETENESS REVIEW & WETLAND INFORMATION project name: <b>PRELIMINARY &amp; FINAL SITE PLAN FOR GUSTO RESTAURANT</b> BLOCK 704: LOT 1.01 (TAX MAP SHEET 7) TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY	
drawing name: <b>CONSTRUCTION DETAILS</b>	drawing no.: <b>5 OF 5</b>
drawn by: <b>TBB</b>	checked by: <b>CAM</b>
date: <b>2/16/21</b>	scale: <b>1" = 20'</b>
project no.: <b>2154-000</b>	



U.S. HIGHWAY ROUTE 202  
MORRISTOWN ROAD



DRAWN BY: SP	CHECKED BY: WGH
JOB No. 04-169	
BOOK	
SCALE 1" = 30'	
GRAPHIC SCALE	

DATE DECEMBER 31, 2020
REVISIONS
CERTIFICATE OF AUTHORIZATION No. 24GA27959700

NOTES

**Murphy & Hollows Associates LLC**  
CIVIL ENGINEERING AND SURVEYING  
192 CENTRAL AVENUE, STIRLING, NJ 07980  
908.580.1255 murphyhollows@gmail.com

TOPOGRAPHIC SURVEY  
OF  
LOT 1.01  
BLOCK 704  
95 MORRISTOWN ROAD  
US HIGHWAY ROUTE 202  
TOWNSHIP OF  
BERNARDS  
SOMERSET COUNTY  
NEW JERSEY

**AIDAN T. MURPHY**  
N.J. LIC. PROFESSIONAL ENGINEER #21319  
1973-2016

*William G. Hollows*  
**WILLIAM G. HOLLOWS**  
N.J. LIC. PROFESSIONAL ENGINEER  
& LAND SURVEYOR #27473  
N.J. PROFESSIONAL PLANNER #2530

FILE LF04-169	SHEET 1 OF 1
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**SCOPE OF WORK**

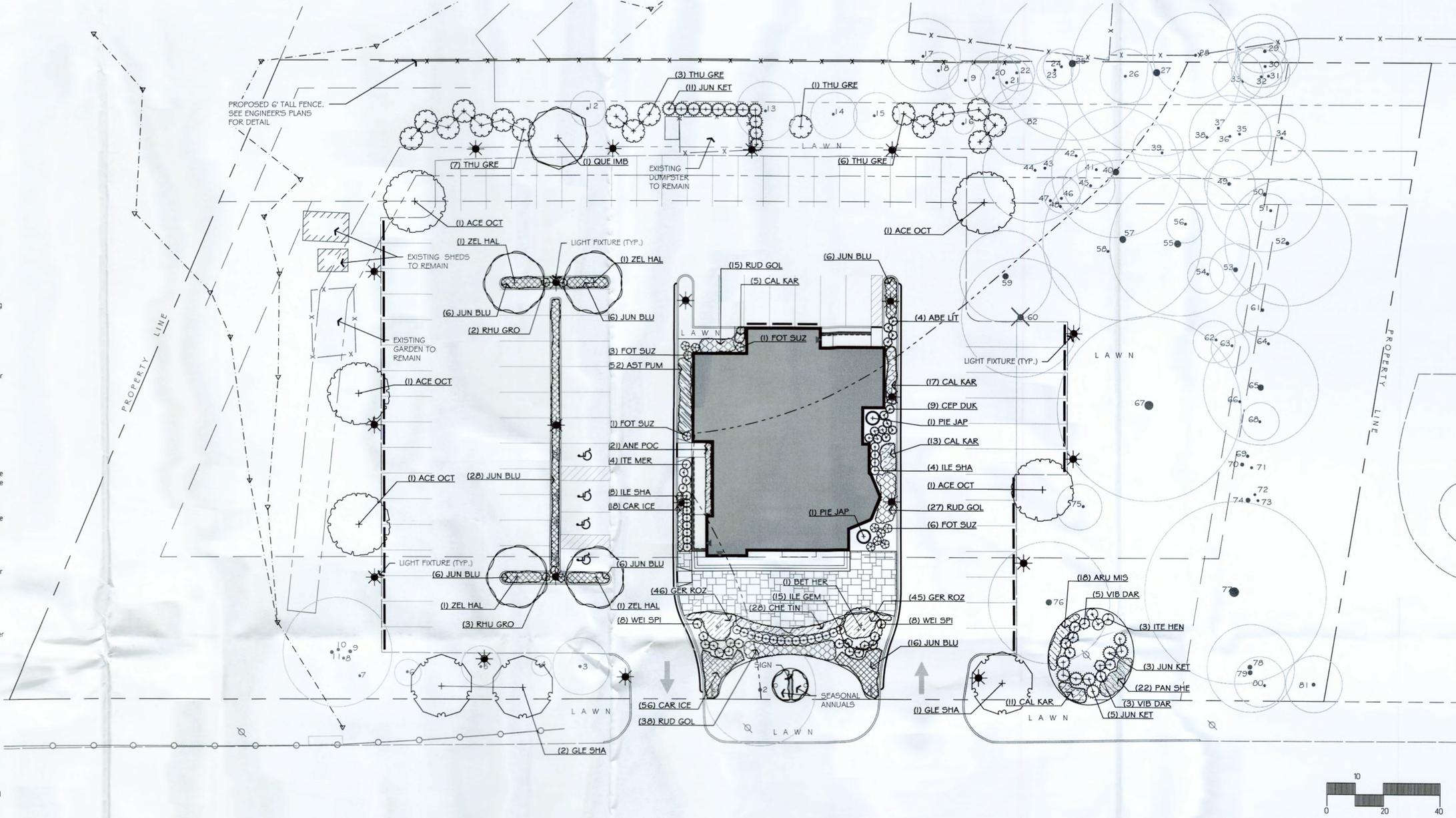
It is the intention and meaning of these specifications to specify and secure all labor, materials, equipment, workmanship and supervision required for the installation of the work in accordance with the drawings and specifications and all else not necessarily shown or mentioned but which may be essential for a complete and workmanlike job as intended. Contractor is responsible to verify any planting or quantity lists on the plans. Any items contained within the plans shall be included in the contractor's scope of work unless otherwise specified. Prices shall include all operations and permits necessary for the construction and installation as specified on the drawings and herein.

**CONSTRUCTION NOTES**

- Contractor shall obtain and be responsible for all permits and inspections. All work shall be performed in accordance with the IRC 2015 New Jersey Edition and Bernards Township. All work shall be in compliance with all Federal, State, County, and Local regulations and ordinances. Contractor shall follow and be guided by Soil Conservation Service regulations.
- Once the construction permit is issued by Federal, State or Municipal officials, the landscape architect shall not be responsible for any changes to the scope of work, alterations to the project, materials specified, site furnishings, drainage design, guard rails or hand rails that are found not to be in compliance with all Federal, State or Municipal building codes. The landscape architect is not responsible for discrepancies discovered by the final inspection for the certificate of occupancy or Federal, State or Municipal inspections / approvals that were not identified at the time that the permits were issued by Federal, State or Municipal officials for the project.
- The contractor shall follow and be guided by OSHA safety regulations. Contractor shall furnish to owner and landscape architect a certificate of insurance prior to start of work. The landscape architect shall not have control over or charge of and shall not be responsible for construction means, safety precautions, and safety programs in conjunction with the work. These are solely the contractor's responsibility.
- Existing site conditions: The contractor shall thoroughly investigate all site conditions and take field measurements prior to the start of work. Field check all measurements, existing and proposed topography prior to the start of work. Check and verify all existing dimensions on job site.
- Contractor shall notify the landscape architect of any discrepancy in the plans or specification before proceeding with any work related to or affected by the discrepancy or error. Give 72-hour notice prior to the need for additional information or for clarification.
- Written dimensions govern. Do not scale drawing. Specifications govern drawings.
- The property owner shall submit these drawings for municipal approval before commencing ANY CONSTRUCTION. The landscape architect shall not be responsible or liable for any adjustments to the drawings, materials, site work, walls, pools, structures, fences, buildings, plantings, etc. if required by regulation compliance or changes made by owner after construction has started.
- Locate, determine the depth of, and be responsible for all underground utilities prior to start of work / construction. The contractor is responsible for all repairs to any underground or overhead utility damaged by him or his sub-contractor during construction. It is illegal to perform excavation without a proper markout performed by a qualified agency. Within NJ call 1-800-272-1000.
- Septic system: Contractor shall locate septic system and septic laterals and protect them during construction. Do not park equipment on or drive across these areas.
- At the commencement of the project, the contractor shall furnish the owner and landscape architect with a time schedule for the completion of the various phases of the proposed work. Contractor shall keep the owner and the landscape architect notified of schedule changes.
- The landscape architect shall not be responsible for the contractor's schedules or ability to carry out the work in accordance with the plans and specifications. The landscape architect shall have no control over or charge of acts or omissions of the contractor, subcontractor or their agents or employees or other persons performing portions of their work.
- Site protection: Protect lawns, meadows, buildings and existing trees & shrubs from construction damage. Do not park equipment or stockpile materials on lawn, meadow or within the root zone/drip-line of trees areas. Tree protection fencing shall be provided around all existing trees to be saved that are within the work zone. Contractor is responsible for the repair of any damage outside of work area.
- Site clean up and debris removal: At the completion of each phase, the contractor is responsible to remove his own debris. Cost of such removal shall be included in cost estimates. AT ALL TIMES, JOB SITE SHALL BE KEPT NEAT AND CLEAN.
- Topsoil: Supply source and sample of topsoil at the time of the bid submission. Spread topsoil 12"-18" (for larger shrubs make 4" deeper than root ball deep in all plant bed areas and 4" in all lawn areas. Excavate plant bed areas as required in order to facilitate the installation of topsoil and drainage.
- Contractor is responsible for removing and or supplying fill dirt or topsoil as may be required for the project. Do not dispose of excess fill material on site.
- The landscape architect shall not be responsible for maintenance or possible removal of the following items from the project site which may be discovered during the course of excavation, demolition and construction:
  - Underground drainage systems, storage tanks, utilities, and/or septic systems.
  - Asbestos, lead or any other material classified as hazardous.
  - Buried debris or trash.
 Upon discovery the contractor shall not disturb or damage any of the above mentioned items, but shall notify the owner immediately of the above-mentioned situation. Furthermore, the contractor shall proceed with arranging for all inspections and for hiring appropriate licensed professionals as required to rectify the discovered problem. The contractor shall advise the owner of all extra costs before proceeding with the work, and shall obtain approvals from all regulatory agencies.
- The Client acknowledges and agrees that proper project maintenance is required after the project is complete. A lack of or improper maintenance may result in damage to property or persons. Client further acknowledges that, as between the parties to this agreement, client is solely responsible for the results of any lack of or improper maintenance.
- The Client is responsible for the determining and delineating all wetlands, streams and their associated buffers.

**LAWN SEEDING SPECIFICATIONS**

- Ground preparation: Area to be seeded must be friable to a depth of 4" and contain no debris of any kind, including but not limited to clumps, branches, stones, wood construction debris, rubbish and dead plant material. Debris over 1 1/2" dia are a "must remove" item. After soil is prepared no heavy equipment shall be moved over the area.
- Lime to be added to the soil at a rate of 2 tons per acre or as dictated by soil tests.
- Apply starter fertilizer such as 18-24-12 at a rate of 5 lb per 1000 sq ft, incorporate into the top three inches of the soil.
- Seed at the rate of 6 lb per 1000 sq ft in all lawn areas. Contractor shall use FM Brown's, Inc. (800-334-8816) www.fmbrown.com "Green Turf Sun & Shade Mixture" seed mix or equal with 25% perennial ryegrass blend added. Seed to be incorporated into the soil by 1/16" - 1/8" by dragging or raking.
- Straw mulch at a rate of 2-2 1/2 tons per acre. Straw mulch or equal shall be applied by the means of a mechanical mulcher. Tack Straw as required to stabilize.
- Produce dense, vigorous, well-established grass areas. Reseed areas as required. Owner is responsible for proper watering to ensure turf establishment.
- Once established the lawn shall be mowed to a height of 4" to allow for dense root growth.



**LANDSCAPE PLAN**

**PLANT SCHEDULE**

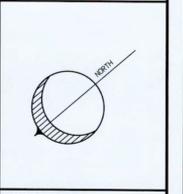
TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS	
BET HER	1	Betula nigra 'Heritage'	River Birch	6'-8'	B&B	fall planting hazard, multi-stem	
THU GRE	17	Thuja x 'Green Giant'	Green Giant Arborvitae	6'-8'	B&B		
PARKING LOT TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS	
ACE OCT	5	Acer rubrum 'October Glory'	October Glory Red Maple	3'-4" cal.	B&B	fall planting hazard	
ZEL HAL	4	Zelkova serrata 'Halka'	Halka Zelkova	3'-4" cal.	B&B	fall planting hazard	
REPLACEMENT TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS	
GLE SHA	3	Gleditsia triacanthos inermis 'Shademaster'	Shademaster Honey Locust	2.5'-3" CAL.	B&B		
QUE IMB	1	Quercus imbricaria	Shingle Oak	2.5'-3" CAL.	B&B	fall planting hazard	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS	
ABE LIT	4	Abelia x grandiflora 'Little Richard'	Little Richard Glossy Abelia	24"-30"	B&B		
CEP DUK	9	Cephalotaxus harringtonia 'Duke Gardens'	Duke Gardens Plum Yew	24"-30"	B&B		
FOT SUZ	11	Fothergilla gardenii 'Suzanne'	Dwarf Fothergilla	24"-30"	B&B		
ILE SHA	12	Ilex glabra 'Shamrock'	Shamrock Inkberry Holly	24"-30"	CONT.		
ILE GEM	15	Ilex glabra Gem Box	Inkberry Holly	24"-30"	CONT.		
ITE HEN	3	Itea virginica 'Henry's Garnet'	Henry's Garnet Sweetspire	24"-30"	CONT.		
ITE MER	4	Itea virginica 'Merlot' TM	Short n Sweet Sweetspire	24"-30"	CONT.		
JUN KET	19	Juniperus chinensis 'Keteleeri'	Keteleeri Chinese Juniper	6'-8'	B&B		
PIE JAP	2	Pieris japonica	Lily of the Valley Bush	30"-36"	B&B		
RHU GRO	5	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	3 gal.	CONT.		
VIB DAR	8	Viburnum x rhytidophylloides 'Darts Duke'	Darts Duke Viburnum	30"-36"	B&B		
WEI SPI	16	Weigela florida Spilled Wine	Weigela	24"-30"	CONT.		
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING	REMARKS
ANE POC	21	Anemone hepatica 'Pocahontas' TM	Fantasy Pocahontas Japanese Anemone	1 GAL.	CONT.	18" o.c.	
ARU MIS	18	Aranuncus x 'Misty Lace'	Misty Lace Goatsbeard	1 GAL.	CONT.	24" o.c.	
AST PUM	52	Astilbe chinensis 'Pumila'	Dwarf Pink Chinese Astilbe	1 GAL.	CONT.	18" o.c.	
CAL KAR	46	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	1 GAL.	CONT.	24" o.c.	
CAR ICE	74	Carex x 'Ice Dance'	Ice Dance Sedge	1 GAL.	CONT.	18" o.c.	
CHE TIN	28	Chelone obliqua 'Tiny Tortuga'	Tiny Tortuga Turtlehead	1 GAL.	CONT.	24" o.c.	
GER ROZ	91	Geranium x 'Rozanne'	Rozanne Cranesbill	1 GAL.	CONT.	18" o.c.	
JUN BLU	74	Juniperus conferta 'Blue Pacific'	Blue Pacific Shore Juniper	1 GAL.	CONT.	36" o.c.	
PAN SHE	22	Panicum virgatum 'Shenandoah'	Shenandoah Switch Grass	1 GAL.	CONT.	24" o.c.	
RUD GOL	80	Rudbeckia fulgida sullivanii 'Goldsturm'	Goldsturm Coneflower	1 GAL.	CONT.	24" o.c.	



**WARNING**  
If this drawing does not contain a raised seal impression and an original signature by the professional it is not an original document, it may have been altered, and should not be used for construction.

**SOURCE INFORMATION**  
Site Plan information provided by:  
Pam Mader Engineering Consultants, PC  
P O Box 466  
Far Hills, NJ 07931  
732-890-3979

**GUSTO RESTAURANT**  
BERNARDS TOWNSHIP, NEW JERSEY



**LANDSCAPE PLAN**  
PREPARED FOR:  
GUSTO RESTAURANT  
LOT 101, BLOCK 704  
95 MORRISTOWN ROAD  
BERNARDS TOWNSHIP, NJ  
PREPARED BY:  
**BOSENBERG**  
LANDSCAPE ARCHITECTURE  
PO BOX 466  
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(908)234-0557

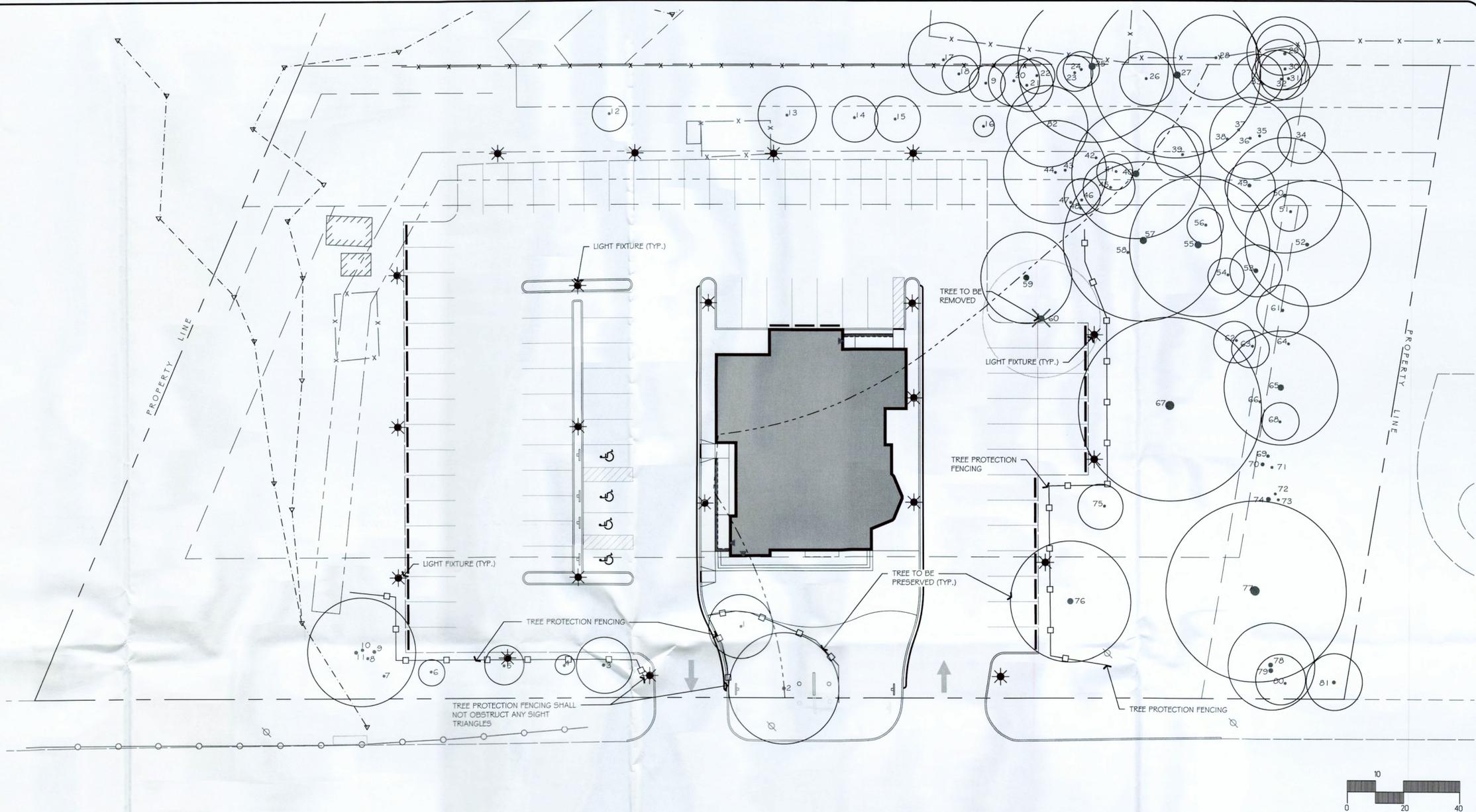
DATE: FEBRUARY 9, 2021  
SCALE: 1" = 20'  
REVISIONS:

April 15, 2021 - revise site plan updates

NJ Certificate of Authorization  
MH000126  
JIM MAZZUCCO  
NEW JERSEY LICENSED  
LANDSCAPE ARCHITECT  
#A50001800

*Jim Mader*  
SHEET 1 OF 3

Existing Tree Inventory				
TREE NUMBER	DBH	TREE SPECIES	TO BE REMOVED	WITHIN AREA OF DISTURBANCE
1	8	BIRCH	NO	YES
2	14	HONEYLOCUST	NO	YES
3	12	PINE	NO	NO
4	6	PINE	NO	NO
5	10	PINE	NO	NO
6	4	PINE	NO	NO
7	6	PINE (DEAD)	NO	NO
8	8	MAPLE	NO	NO
9	14	MAPLE	NO	NO
10	12	MAPLE	NO	NO
11	14	MAPLE	NO	NO
12	2	HEMLOCK	NO	NO
13	10	PINE	NO	NO
14	6	SPRUCE	NO	NO
15	10	PINE	NO	NO
16	2	PINE	NO	NO
17	10	MAPLE	NO	NO
18	4	MAPLE	NO	NO
19	6	BIRCH	NO	NO
20	2	MAPLE	NO	NO
21	4	MAPLE	NO	NO
22	4	BIRCH	NO	NO
23	2	BIRCH	NO	NO
24	4	HICKORY	NO	NO
25	28	OAK	NO	NO
26	10	ASH	NO	NO
27	28	OAK	NO	NO
28	10	WALNUT	NO	NO
29	12	ALANTHUS	NO	NO
30	4	MAPLE	NO	NO
31	14	OAK	NO	NO
32	10	OAK	NO	NO
33	6	HICKORY	NO	NO
34	4	SPRUCE	NO	NO
35	4	HICKORY	NO	NO
36	10	ELM	NO	NO
37	10	OAK	NO	NO
38	6	OAK	NO	NO
39	4	MAPLE	NO	NO
40	26	OAK	NO	NO
41	4	ASH	NO	NO
42	4	ASH (DEAD)	NO	NO
43	8	ASH (DEAD)	NO	NO
44	10	MAPLE	NO	NO
45	10	ASH	NO	NO
46	8	ASH	NO	NO
47	2	OAK (DEAD)	NO	NO
48	8	ASH (DEAD)	NO	NO
49	14	OAK	NO	NO
50	14	OAK	NO	NO
51	6	BEACH	NO	NO
52	14	MAPLE	NO	NO
53	18	HICKORY	NO	NO
54	6	HICKORY	NO	NO
55	28	OAK	NO	NO
56	6	MAPLE	NO	NO
57	28	OAK	NO	NO
58	8	PINE (DEAD)	NO	NO
59	24	OAK	NO	NO
60	24	OAK	YES	YES
61	12	ASH	NO	NO
62	6	OAK	NO	NO
63	2	MAPLE	NO	NO
64	2	BIRCH	NO	NO
65	24	OAK	NO	NO
66	8	ASH (DEAD)	NO	NO
67	36	OAK	NO	NO
68	2	LOCUST	NO	NO
69	12	ASH (DEAD)	NO	NO
70	14	ASH (DEAD)	NO	NO
71	8	ASH (DEAD)	NO	NO
72	8	ASH (DEAD)	NO	NO
73	6	ASH (DEAD)	NO	NO
74	18	ASH (DEAD)	NO	NO
75	6	PINE	NO	NO
76	24	OAK	NO	NO
77	38	OAK	NO	NO
78	18	MAPLE	NO	NO
79	18	MAPLE	NO	NO
80	10	DEAD PINE	NO	NO
81	14	PINE	NO	NO
82	28	OAK	NO	NO



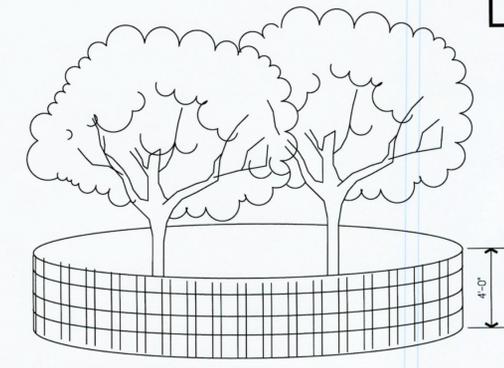
**TREE REMOVAL/PRESERVATION PLAN**

TREE REPLACEMENT CALCULATION			
QTY. REMOVED	DBH	REQUIRED NUMBER OF REPLACEMENTS	SIZE
1	24"	4	2 1/2" - 3" cal.

PARKING LOT TREE CALCULATION		
No. SPACES	REQUIRED NUMBER OF PARKING LOT TREES	SIZE
85	9	3" - 4" cal.

- Notes:**
- Snow fencing is to be 4'-0" high and self supported.
  - Do not stockpile materials or store equipment within the tree protection fencing.
  - Snow fence to be installed at drip line of existing tree or tree cluster to be protected or no closer than 6' from tree trunk if necessary.
  - The grade of the land located within the drip line shall not be raised or lowered more than six inches unless compensated by welling or retaining wall methods. In no event shall welling or retaining wall methods be less than six feet from the trunk of a tree.
  - Any clearing as shown on the approved plan within the drip line or within six feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.
  - When it is necessary for curbing or utility line installation within the drip line or within six feet of a remaining tree, damage to roots shall be kept to the minimum necessary for proper installation of the line.

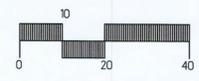


TREE PROTECTION DETAIL

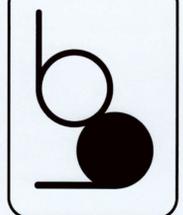
NO SCALE

**LEGEND**

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- DEAD TREE
- TREE NUMBER



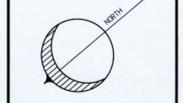
SCALE 1" = 20'



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**SOURCE INFORMATION**  
Site Plan Information provided by:  
High-Market Engineering Consultants, PC  
P.O. Box 469  
Morris, New Jersey 07959  
732-655-3879

**GUSTO RESTAURANT**  
BERNARDS TOWNSHIP, NEW JERSEY



TREE REMOVAL/PRESERVATION PLAN  
PREPARED FOR:  
GUSTO RESTAURANT  
LOT 101 BLOCK 704  
95 MORRISTOWN ROAD  
BERNARDS TOWNSHIP, NJ  
PREPARED BY:  
**BOSENBERG**  
LANDSCAPE ARCHITECTURE  
PO BOX 486  
FAR HILLS, NJ 07931  
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NJ Certificate of Authorization  
M400026  
JIM MAZZUCCO  
NEW JERSEY LICENSED  
LANDSCAPE ARCHITECT  
#AS000000

*Jim Mazucco*  
SHEET 2 OF 3

**10 SELECTION AND HANDLING OF PLANT MATERIAL**

- CONTRACTOR TO VERIFY PLANT LIST(S), PLANT SPECIES AND QUANTITIES COORDINATE WITH PLANTING PLANS.
- CONTRACTOR TO SUPPLY NURSERY SOURCE FOR ALL PLANT MATERIAL. PLANTS SHALL BE SOURCED FROM THE SAME GEOLOGICAL REGION.
- PLANTS WITH UNDERZOD OR BROKEN ROOT BALLS, EXCESSIVE CURLING AND/OR GROUNDING OF ROOTS, INJURY FROM ROUGH TREATMENT OR DROUGHT STRESS WILL BE REJECTED.
- RELEASE NOTE:** IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO GUARANTEE THAT THE ROOT BALLS ARE PROPERLY SIZED. PLEASE BE AWARE THAT FOR PROPER ZONING, EXCESS ALIEN SOIL SHALL BE REMOVED PRIOR TO DIGGING. (SEE DIAGRAM 12)
- ROOT BALLS SHALL BE KEPT MOIST AT ALL TIMES.
- PLANTS SHALL BE COVERED DURING TRANSPORT TO PREVENT DESICCATION FROM WIND. IN WARM WEATHER PLANTS SHALL BE COVERED JUST PRIOR TO TRAVEL AND UNCOVERED IMMEDIATELY UPON REACHING DESTINATION TO AVOID HEAT BUILD UP UNDER THE TARP. PLANT MATERIAL SHALL NOT BE LEFT IN DIRECT SUNLIGHT OR ON HIGH HEAT ABSORPTION MATERIALS, SUCH AS BUT NOT LIMITED TO ASPHALT AND/OR METAL TRUCK BEDS TO PREVENT THE WILTING OF MATERIAL.
- TREES SHALL BE MOVED BY THEIR ROOT BALL NOT THEIR TRUNK. TREES LARGER THAN 6" SHALL BE MOVED WITH PROPER STRAPPING SECURING ROOT BALL TO EQUIPMENT. WEAVE STRAPPING THROUGH THE LACKS, NOT AROUND THE TRUNK. TREE TRUNK SHALL BE PROTECTED AT ALL TIME FROM COMPRESSION AND SEARING.
- IF PLANTS ARE NOT PLANTED IMMEDIATELY ON SITE, PROPER CARE SHALL BE TAKEN:
  - PLACE IN PARTIAL SHADE WHEN POSSIBLE.
  - COVER ROOT BALL WITH MOISTENED MULCH OR AGED WOOD CHIPS.
  - SUPPLY PROPER IRRIGATION AS NOT TO ALLOW THE ROOT BALL TO DRY OUT.
  - WET PLANT MATERIAL AND ALLOW PROPER SPACING OF PLANTS FOR AIR CIRCULATION TO PREVENT DISEASE, WILTING, LEAF LOSS AND GENERAL HEALTH OF PLANTS.

**11 STANDARD ROOT BALL SIZES FOR NURSERY-GROWN SHADE TREES**

DECIDUOUS TREES			
CALIPER (IN)	HEIGHT RANGE	MAX HEIGHT	MIN BALL DIA (IN)
2"	5'-6"	8'	12"
2 1/2"	6'-8"	10'	14"
3"	8'-10"	12'	16"
3 1/2"	9'-12"	14'	18"
4"	10'-12"	16'	20"
4 1/2"	12'-14"	18'	24"
5"	12'-14"	20'	28"
5 1/2"	14'-16"	22'	32"
6"	14'-16"	24'	36"
6 1/2"	16'-18"	26'	40"
7"	18'-20"	28'	44"

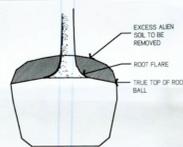
MULTI-STEM TREES			
HEIGHT	MIN BALL DIA (IN)	MIN BALL DEPTH (IN)	MIN BALL DIA (IN)
4'	16"	12"	12"
5'	18"	14"	14"
6'	20"	16"	16"
7'	22"	18"	18"
8'	24"	20"	20"
10'	28"	24"	24"
12'	32"	28"	28"
14'	36"	32"	32"
16'	40"	36"	36"
18'	44"	40"	40"
20'	48"	44"	44"

CONIFEROUS TREES			
HEIGHT	MIN BALL DIA (IN)	MIN BALL DEPTH (IN)	MIN BALL DIA (IN)
4'	16"	12"	12"
5'	20"	13 1/2"	13 1/2"
6'	22"	14 1/2"	14 1/2"
7'	24"	16"	16"
8'	27"	18 1/2"	18 1/2"
10'	34"	21 1/2"	21 1/2"
12'	38"	25 1/2"	25 1/2"
14'	42"	28"	28"
16'	46"	32"	32"
18'	50"	33 1/2"	33 1/2"

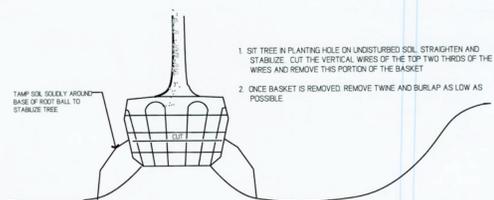
- USE AMERICAN STANDARD FOR NURSERY STOCK AND 2601 FOR COMPLETE LIST OF NURSERY STANDARDS FOR OTHER TYPES AND SIZES OF TREES AND SHRUBS.
- UP TO AND INCLUDING THE 4" CALIPER SIZE, THE CALIPER MEASUREMENT INDICATES THE DIAMETER OF THE TRUNK 6" IN ABOVE GROUND LEVEL. FOR LARGER SIZES, THE CALIPER MEASUREMENT IS TAKEN 12" IN ABOVE GROUND LEVEL.

**12 TREE ROOT FLARE DIAGRAM**

- PRIOR TO DIGGING TREE AT NURSERY, LOCATE THE ROOT FLARE. THIS WILL ALLOW FOR PROPER ROOT BALL SIZES BEFORE DIGGING.
- PRIOR TO PLANTING, VERIFY THE TOP ELEVATION OF THE TRUE ROOT BALL BY REMOVING BURGLAP IF ALIEN SOIL IS PRESENT REMOVE UNTIL THE ROOT FLARE IS EXPOSED.
- AT THIS TIME ANY GROUNDING OR CURLING ROOTS SHOULD BE REMOVED. EXCESSIVE GROUNDING OR CURLING ROOTS WILL CAUSE THE TREE TO BE REJECTED.
- ONCE SOIL IS REMOVED RETIE DRUM LACING IF BASKET IS PRESENT. RETIE TO BASKET.
- IF TOO MUCH SOIL IS REMOVED IN THE FIELD THE ROOT BALL IS EFFECTIVELY UNDERZOD AND WILL BE REJECTED.



**13 REMOVAL OF WIRE BASKETS (if present)**



- SET TREE IN PLANTING HOLE ON UNDISTURBED SOIL. STRAIGHTEN AND STABILIZE. CUT THE VERTICAL WIRES OF THE TOP TWO THIRDS OF THE WIRES AND REMOVE THIS PORTION OF THE BASKET.
- ONCE BASKET IS REMOVED, REMOVE TWINE AND BURGLAP AS LOW AS POSSIBLE.

**14 GENERAL RANGE OF SOIL MODIFICATIONS AND VOLUMES FOR VARIOUS SOIL CONDITIONS**

POST CONSTRUCTION SOIL CONDITION	MIN. WIDTH PREPARED SOIL FOR TREES (X)	TYPE OF PREPARATION
GOOD SOIL NOT PREVIOUSLY GRADED OR COMPACTED (TOPSOIL LAYER INTACT)	6 FT. OR TWICE THE WIDTH OF THE ROOT BALL, WHICHEVER IS GREATER	LOOSEN THE EXISTING SOILS TO THE WIDTHS AND DEPTHS SHOWN ON PLANTING DETAILS
COMPACTED SOIL NOT PREVIOUSLY GRADED (TOPSOIL LAYER DESTROYED BUT NOT ELIMINATED)	15 FT.	LOOSEN THE EXISTING SOILS TO THE WIDTHS AND DEPTHS SHOWN ON PLANTING DETAILS AND COMPOSTED TO BRING THE ORGANIC CONTENT UP TO 5% DRY WEIGHT.
GRADED SUBGRADE AND CLEAN FILLS WITH CLAY CONTENT BETWEEN 5 AND 20 %	30 FT.	MINIMUM TREATMENT: LOOSEN EXISTING SOILS TO WIDTHS AND DEPTHS SHOWN, ADD COMPOSTED TO BRING ORGANIC CONTENT UP TO 5% DRY WEIGHT. OPTIMUM TREATMENT: REMOVE TOP 18 TO 24 IN OF THE EXISTING MATERIAL, LOOSEN EXISTING SOILS TO THE WIDTHS AND DEPTHS SHOWN IN THE PLANTING DETAILS, ADD 8"-10" IN OF LOAM TOPSOIL.
POOR QUALITY FILLS, HEAVY CLAY SOILS, SOILS CONTAMINATED WITH RUBBLE OR TOXIC MATERIAL	30 FT.	REMOVE EXISTING SOILS TO THE WIDTHS AND DEPTHS SHOWN, REPLACE WITH LOAM AND TOPSOIL.

**14 SOIL MODIFICATIONS cont.**

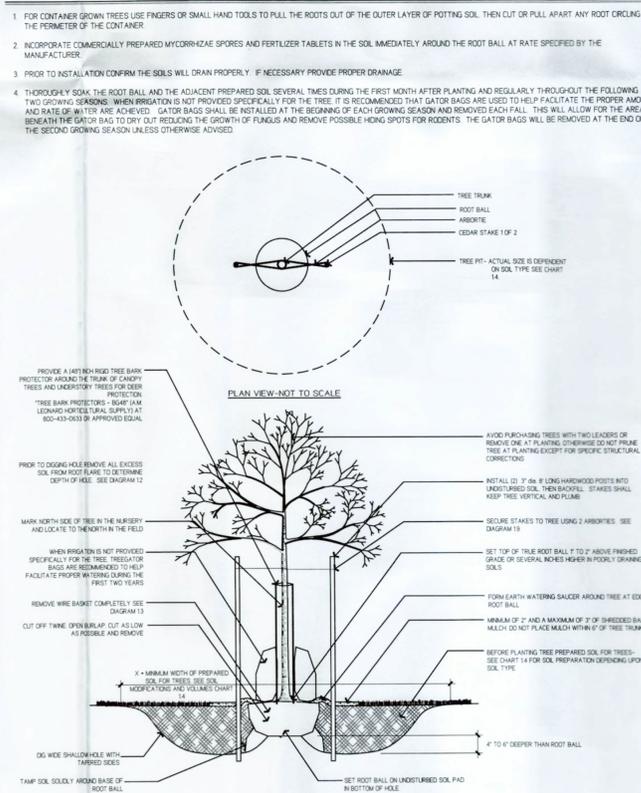
- THE QUALITY OF SOIL AVAILABLE FOR PLANTING VARIES WIDELY FROM SITE TO SITE, ESPECIALLY AFTER CONSTRUCTION ACTIVITY HAS OCCURRED. THE NATURE OF CONSTRUCTION RESULTS IN COMPACTED FILLING, CONTAMINATION AND GRADING OF THE ORIGINAL SOIL ON A SITE RARELY MAKING IT USELESS FOR PLANTING. PREVIOUS HUMAN ACTIVITY AT A SITE CAN ALSO AFFECT THE ABILITY OF THE SOIL TO SUPPORT PLANTS.
- WHENEVER POSSIBLE THE SOIL IMPROVEMENT AREA SHOULD BE CONNECTED FROM TREE TO TREE.
- ALWAYS TEST SOIL FOR PH, NUTRIENT LEVELS, AND TEXTURAL CLASS AND ADJUST THESE AS REQUIRED. SUBMIT TEST RESULTS TO THE LANDSCAPE ARCHITECT PRIOR TO PLANTING ALONG WITH SOIL IMPROVEMENT SUGGESTIONS. SOIL TESTS CAN BE ACCURATE FROM YOUR LOCAL COUNTY AGRICULTURAL EXTENSION OR A NURSERY COOPERATIVE EXTENSION 732-932-9295.
- LOOSEN SOIL WITH A BACK HOE OR OTHER LARGE COARSE-TILING EQUIPMENT WHEN POSSIBLE THIS SHOULD NOT BE PERFORMED WHEN SOIL IS FROZEN OR EXCESSIVELY WET. TILING THAT PRODUCES LARGE, COARSE CLUMPS OF SOIL IS PREFERABLE TO TILING THAT RESULTS IN FINE GRAINS UNIFORM IN TEXTURE. AFTER THE PLANTING AREA IS LOOSENED IT SHALL NOT BE COVERED BY ANY WEEDS.
- APPLY PRE-EMERGENT WEED CONTROL TO ALL PLANT BEDS PRIOR TO MULCHING. ENSURE COMPATIBILITY BETWEEN PRODUCT AND PLANT MATERIAL.
- PLANT BED/TREE PIT DRAINAGE: LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER SURFACE AND SUBSURFACE PLANT BED DRAINAGE PRIOR TO INSTALLATION OF PLANTS. IF POOR DRAINAGE CONDITIONS EXIST CORRECTIVE ACTION SHALL BE TAKEN PRIOR TO PLANTING.
- ALL PLANTING SOIL SHALL BE AMENDED WITH THE FOLLOWING:
  - MYCORRHIZAL TREE SAVERS:** IS A DRY (SMALL) MYCORRHIZAL FUNGUS INOCULANT THAT IS MIXED IN THE BACKFILL WHEN PLANTING TREES AND SHRUBS. IT CONTAINS SPORES OF BOTH ECTOMYCORRHIZAL AND VA MYCORRHIZAL FUNGI (VA), BENEFACT RHIZOSPHERE BACTERIA, TERRA-SORB SUPERABSORBENT HYDROGEL TO REDUCE WATER LEACHING, AND SELECTED ORGANIC MICROBIAL NUTRIENTS.
    - DIRECTIONS FOR USE:** USE 3-OZ PER EACH FOOT DIAMETER OF THE ROOT BALL OR 3-OZ PER INCH CALIPER. MIX INTO THE BACKFILL WHEN TRANSPLANTING TREES AND SHRUBS. MIX PRODUCT IN A RING-SHAPED VOLUME OF SOIL AROUND THE UPPER PORTION OF THE ROOT BALL, EXTENDING FROM THE SOIL SURFACE TO A DEPTH OF ABOUT 8-INCHES (20-CM) AND EXTENDING OUT FROM THE ROOT BALL ABOUT 8-INCHES (20-CM) INTO THE BACKFILL. APPLY WATER TO SOIL SATURATION.
    - COMPATIBILITY:** SPECIES MYCORRHIZAL TREE SAVERS® IS EFFECTIVE FOR ALL TREE AND SHRUB SPECIES EXCEPT RHODODENDRONS, AZALEAS, AND MOUNTAIN LAUREL, WHICH REQUIRE ERICOID MYCORRHIZAE. USE OF TREE SAVERS® WITH THESE SPECIES WILL NOT HARM THEM.
    - SOIL PH:** THE FUNGI IN THIS PRODUCT WERE CHOSEN BASED ON THEIR ABILITY TO SURVIVE AND COLONIZE PLANT ROOTS IN A PH RANGE OF 3 TO 9. FUNGICIDES, THE USE OF CERTAIN FUNGICIDES CAN HAVE A DETRIMENTAL EFFECT ON YOUR INOCULATION PROGRAM. SOIL APPLICATION OF ANY FUNGICIDE IS NOT RECOMMENDED FOR TWO WEEKS AFTER APPLICATION.
    - OTHER PESTICIDES:** HERBICIDES AND INSECTICIDES DO NOT NORMALLY INTERFERE WITH MYCORRHIZAL FUNGAL DEVELOPMENT, BUT MAY INHIBIT THE GROWTH OF SOME TREE AND SHRUB SPECIES IF NOT USED PROPERLY.
  - HEALTHY START MACRO TABS 2-8-8:** FERTILIZER TABLETS ARE PLACED IN THE UPPER 4 INCHES OF BACKFILL. SOIL WHEN PLANTING TREES AND SHRUBS. TABLETS ARE FORMULATED FOR LONG-TERM RELEASE BY SLOW DEGRADATION, AND LAST UP TO 2 YEARS AFTER PLANTING. TABLETS CONTAIN 12-8-8 NPK, FERTILIZER, AS WELL AS A MINIMUM OF SEVEN PERCENT (7%) HUMIC ACID BY WEIGHT. MICROBIAL NUTRIENTS DERIVED FROM SEA KELP, PROTEIN BY-PRODUCTS, AND YUCCA SCHODDERA, AND A COMPLEMENT OF BENEFACT RHIZOSPHERE BACTERIA. THE STANDARD 21 GRAM TABLET IS SPECIFIED HERE.
  - DIRECTIONS FOR USE:** FOR PLANTING BALLED & BURGLAPPED TREES AND SHRUBS, MEASURE THE THICKNESS OF THE TRUNK, AND USE ABOUT 1 TABLET (21-GM) PER HALF-INCH PLACE THE TABLETS DIRECTLY NEXT TO THE ROOT BALL, EVENLY DISTRIBUTED AROUND ITS PERIMETER AT A DEPTH OF ABOUT 4 INCHES.
  - PROOF OF COMPLIANCE WITH SPECIFICATIONS:** THE CONTRACTOR WILL DEMONSTRATE COMPLIANCE BY SHOWING INVOICES TO PROVE PURCHASE OF PRODUCT IN SUFFICIENT QUANTITY TO COVER THE PROJECT AT THE RATES RECOMMENDED BY THE MANUFACTURER, INCLUDE PRODUCT NAME, DATE OF PURCHASE OF PRODUCT, AND NAME OF CONTACT.

Plant Health Care, Inc. 440 William Pitt Way, Pittsburgh, PA 15232, Tel: (800) 421-9051, Fax: (412) 826-5445, www.planthealthcare.com

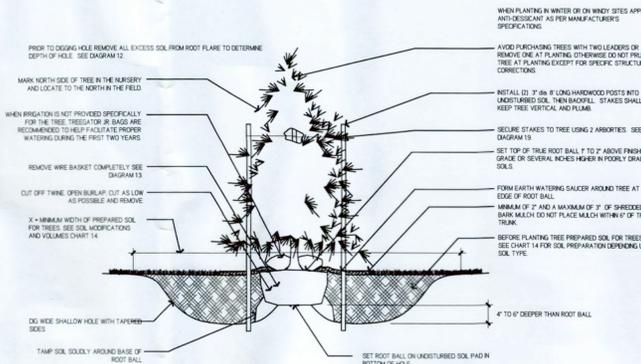
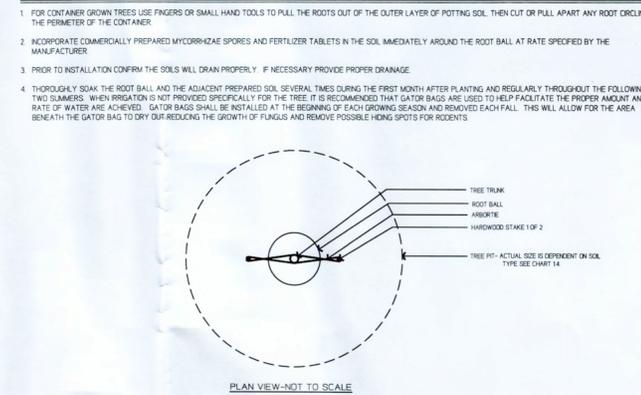
**15 BARE ROOT TREE PLANTINGS**

- SUBMERGE ROOTS IN ROOT DIP GEL - BARE ROOT PLANTING AD WITH MYCORRHIZAE approved equal.
  - DIRECTIONS: EMPTY THE CONTENTS OF THIS PACKAGE IN FOUR GALLONS OF WATER. LET MIX STAND FOR TEN MINUTES, STIRRING OCCASIONALLY. THE PRODUCT WILL FORM A SLURRY OR THICK MIXTURE, SO THE ACTIVE INGREDIENTS WILL ADHERE TO THE ROOTS. DIP EACH PLANT FOR ABOUT 5 SECONDS. PLANT IMMEDIATELY. THERE IS NO HARM IN LEAVING THE PLANT IN THE MIX, BUT NO ADVANTAGE. FOUR GALLONS OF MIX WILL TREAT 100-500 PLANTS. THE NUMBER OF PLANTS DEPENDS ON ROOT MASS AND HOW MUCH OF THE MIXTURE THE ROOTS OF YOUR PLANTS ABSORB. THE END AND ECTOMYCORRHIZAE WILL BE USEFUL ON ALMOST ALL PLANTS. THE MAJOR EXCEPTIONS ARE RHODODENDRONS AND AZALEAS BUT THE ROOTS OF BOSTIMULANT AND THE WATER HOLDING GEL WILL STILL BE BENEFICIAL.
- CUT OFF ALL BROKEN ROOTS.
- MAKE FRESH CUTS AT ENDS OF ROOTS.
- DIG PLANT HOLES AT LEAST 3 X THE WIDTH AND DEPTH OF THE ROOT MASS.
- PLANT ROOT FLARE AT GRADE OR PLANT JUST ABOVE GRADE.
- BACK FILL ALL HOLES WITH PLANTING MIX APPROVED BY LANDSCAPE ARCHITECT.

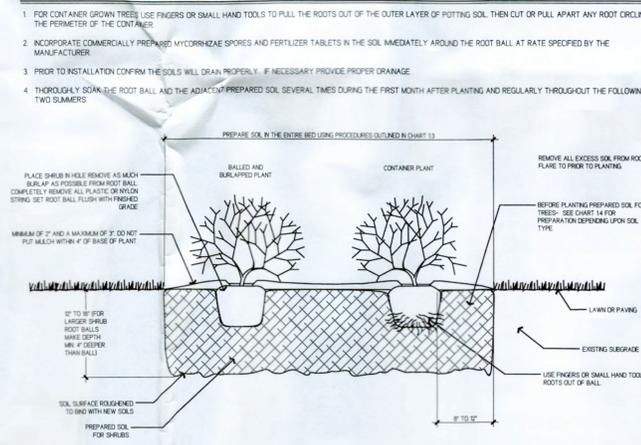
**16 DECIDUOUS TREE PLANTING DETAIL**



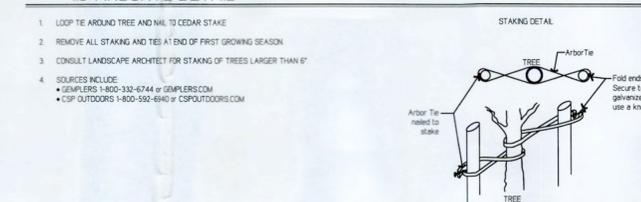
**17 CONIFEROUS TREE PLANTING DETAIL**



**18 SHRUB PLANTING DETAIL**



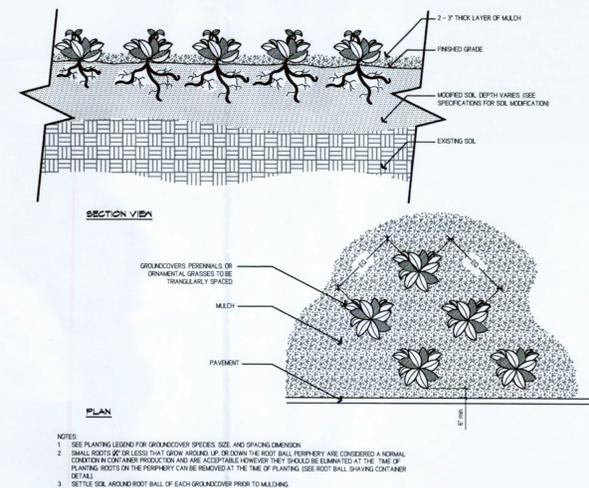
**19 ARBORET DETAIL**



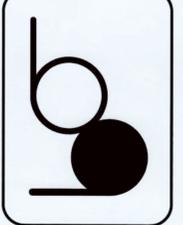
**1.10 PLANT MATERIAL GUARANTEE**

- LANDSCAPE CONTRACTOR SHALL SUPPLY A ONE YEAR PLANT MATERIAL GUARANTEE.
- CONTRACTOR SHALL NOT BE RESPONSIBLE FOR THE PLANTINGS IF OWNER FAILS TO PROVIDE PROPER CARE AND WATERING DURING GUARANTEE PERIOD.
- CONTRACTOR SHALL INSTRUCT OWNER AS TO PROPER CARE OF MATERIAL.

**1.11 GROUNDCOVER, PERENNIAL, AND ORNAMENTAL GRASS PLANTING**



- USE PLANTING LEGEND FOR GROUNDCOVER SPECIES, SIZE AND SPACING DIMENSION.
- SMALL ROOTS 20% OR LESS THAT GROW AROUND UP GROUND THE ROOT BALL PERIPHERY ARE CONSIDERED A NORMAL CONDITION IN CONTAINER PRODUCTION AND ARE ACCEPTABLE PROVIDED THEY SHOULD BE ELIMINATED AT THE TIME OF PLANTING. ROOTS ON THE PERIPHERY CAN BE REACHED AT THE TIME OF PLANTING (SEE ROOT BALL SHOWING CONTAINER DETAILS).
- SETTLE SOIL AROUND ROOT BALL OF EACH GROUNDCOVER PRIOR TO MULCHING.



WARNING: If this drawing does not contain a raised seal impression and an original signature by the professional, it is not an original document. It may have been altered and should not be used for construction.

SOURCE INFORMATION

**GUSTO RESTAURANT**  
 BERNARDS TOWNSHIP, NEW JERSEY

PLANTING DETAILS AND SPECIFICATIONS  
 PREPARED FOR:  
 GUSTO RESTAURANT  
 LOT 101 BLOCK 704  
 95 MORRISTOWN ROAD  
 BERNARDS TOWNSHIP, NJ  
 PREPARED BY:  
**BOSENBERG**  
 LANDSCAPE ARCHITECTURE  
 PO BOX 486  
 FAR HILLS, NJ 07931  
 (908)234-0557

DATE: FEBRUARY 9, 2021  
 SCALE: AS NOTED  
 REVISIONS:

April 15, 2021 - revise site plan updates  
 NU Certificate of Authorization  
 M-0000126  
 JM MAZZUCCO  
 NEW JERSEY LICENSED  
 LANDSCAPE ARCHITECT  
 #AS000800  
 3 OF 3

**PK ENVIRONMENTAL**  
*Planning & Engineering*  
PO Box 1066, 205 Main Street  
Chatham, New Jersey 07928

*Sandra E. Kehrley, PE, CFM*  
*John P. Peel, PP*

*tel (973) 635-4011*  
*fax (973) 635-4023*

April 5, 2021

Vincent T. Bisogno, Esq.  
**Bisogno, Loeffler & Zelle, LLC**  
88 South Finley Avenue  
Basking Ridge, NJ 07920

Re: NJDEP Regulatory Assessment (Baston 95, LLC)  
Block 704 Lot 1.01 (95 Morristown Road)  
Township of Bernards, Somerset County, NJ

Dear Vince,

As requested, PK ENVIRONMENTAL (PK) completed an environmental assessment of the 2.26-acre developed property, which resulted in the observation of on-site NJDEP regulated wetlands. These wetlands have been field delineated and surveyed, and the limits of the wetlands and associated 150-foot wetland transition area (TA) are depicted on the project redevelopment plans prepared by Page-Mueller Engineering Consultant, PC.

Part of the proposed "Gusto Restaurant" redevelopment activities will be within the previously disturbed 150-foot wetland TA, and based upon our regulatory assessment, the proposed redevelopment activities are in compliance with the NJDEP Freshwater Wetlands regulations (NJAC 7:7A). We are now coordinating the combined application to submit and secure the NJDEP "Transition Area Waiver for Redevelopment" and "Letter of Interpretation (LOI) Line Verification" from the NJDEP Division of Land Resource Protection.

If you have any additional questions regarding the information in this letter, please contact us at any time.

Sincerely,

**PK ENVIRONMENTAL**



John Peel, PP

cc: David Schley, PP, AICP  
Cathy Mueller, P.E.

**PK ENVIRONMENTAL**  
**Planning & Engineering**  
**PO Box 1066, 205 Main Street**  
**Chatham, New Jersey 07928**

*Sandra E. Kehrley, PE, CFM*  
*John Peel, PP*

*tel (973) 635-4011*  
*fax (973) 635-4023*

April 21, 2021

Tina Wolff, ES3, Somerset County Supervisor  
NJDEP Division of Land Resource Protection  
Mail Code 501-02A  
Trenton, NJ 08625-0420

Re: Freshwater Wetlands (FWW) Special Activity TA Waiver (SAW) for Redevelopment  
Block 704 Lot 1.01 (95 Morristown Road)  
Township of Bernards, Somerset County, NJ  
Applicant/Owner: Baston 95, LLC

Dear Tina,

On behalf of Baston 95, LLC, we are requesting an FWW Special Activity Transition Area Waiver (SAW) for Redevelopment for the proposed commercial restaurant redevelopment project which is entirely situated within a severely disturbed wetland transition area. There will be no increase in impervious coverage as a result of this project, and there will be a net decrease of 1,798-square feet of regulated motor vehicle surface. This application has been prepared in accordance with the regulatory standards and guidelines as outlined in the FWW Protection Act Rules (NJAC 7:7A-8.3(f)), and enclosed is the following information for your review:

1. A copy of the FWW Special Activity Transition Area Waiver checklist.
2. A check (#3313) for \$2,400.00, made payable to the "Treasurer, State of NJ" for the combined LOI Line Verification and SAW for Redevelopment for a 2.27-acre property.
3. The NJDEP Application form signed by Afrim Berisha (owner/applicant), by Catherine Mueller, PE of Page/Mueller Engineering, and by John Peel, PP (Agent).
4. The "Compliance Statement" report, dated April 20, 2021, prepared by PK ENVIRONMENTAL (PK), including the following information:
  - USGS Topographic Map depicting the property location (Bernardsville Quad);
  - USDA/SCS Soil Survey for Somerset County
  - NJDEP GIS GeoWeb 2015 aerial photograph of existing property conditions;
  - Tax Map for Bernards Township;
  - Somerset County Road Map;
  - Four (4) Wetlands Data Sheets (WSL1-WSL8);
  - Four (4) color photos of the existing property conditions and descriptions.

**PK ENVIRONMENTAL**  
*Planning & Engineering*

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5. Three (3) sets of the following plan sheets, prepared by Page-Mueller Engineering, PC:
  - "NJDEP Freshwater Wetlands Plans for Block 704 Lot 1.01, Township of Bernards, Somerset County NJ" (Sheet W-1);
  - "Wetlands Location Map" Plans for Block 704 Lot 1.01 (Sheet W-2) which depicts the on-site wetlands, wetland soil log locations, TA limits;
  - "FWW Transition Area Waiver (TAW) Redevelopment Plan" (Sheet W-3) which depicts the existing on-site conditions, limit of wetlands /transition areas, and all proposed activities associated with the commercial redevelopment project, and transition area (TA) disturbance calculations.
6. One copy of the "Stormwater Management Report" prepared by Page-Mueller Engineering, PC, although there is no increase in impervious coverage as a result of this project.
7. "Attachment D" certifying that the regulated activities will not result in any direct or indirect impacts to bog turtle (*Glyptemys insculpta*) species or documented habitat.
8. A copy of the NJDEP Natural Heritage Database results.
9. A copy of the November 2020, property deed to Baston 95, LLC.
10. Verification that a certified mail notice (RRR), and complete copy of the NJDEP SAW for Redevelopment application has been sent to Rhonda Pisano, Bernards Township Clerk.
11. Verification that a certified mail notice with a copy of the SAW Redevelopment plan has been sent to the Bernards Township Environmental Commission, Planning Board, and Construction Official, the Somerset County Planning Board, Somerset County Soil Conservation District (SCD) and all landowners within 200-feet of the subject property.
12. The October 26, 2020, certified list of landowners within 200-feet of the property supplied by David Centrelli, the Bernards Township Assessor.

If you have any questions or require any additional information, please contact us at any time.

Sincerely,

**PK ENVIRONMENTAL**  
  
John Peel, PP

**ENC**

cc: Afrim Berisha (Baston 95 LLC / Applicant/Owner)  
Rhonda Pisano (Bernards Township Clerk)  
Vincent Bisogno, Esq.

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**



**FRESHWATER WETLANDS APPLICATION CHECKLIST**

**Transition area waiver – Special activity waiver**

**CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS**

To apply for a transition area waiver, please submit the information below to:

<u>Postal Mailing Address</u>	<u>Street Address (Courier &amp; Hand Carry Only)</u>	<u>Electronic Submission</u>
NJ Department of Environmental Protection Division of Land Use Regulation P.O. Box 420, Code 501-02A Trenton, New Jersey 08625-0420 <b>Attn: Application Support</b>	NJ Department of Environmental Protection Division of Land Use Regulation 501 East State Street Station Plaza 5, 2 <sup>nd</sup> Floor Trenton, New Jersey 08609 <b>Attn: Application Support</b>	Access the submission system at <a href="https://njdeponline.com">https://njdeponline.com</a> . Follow the registration process and create an account. To submit an application, select the service "Apply for a Land Use Permit or Authorization."

**CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS**

1. A completed application form (Paper submissions ONLY)
2. A completed Property Owner Certification form (Electronic submissions ONLY)
  - Acceptable file formats include pdf, jpg, and png.
3. Public notice:
  - **Electronic Submissions:** A completed Public Notice form. Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 must be attached to the form (see below for details). Acceptable file formats include pdf, jpg, and png.
  - **Paper Submissions:** Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 (see below for details).

Both electronic and paper submissions require documentation of public notice as follows:

  - i. Notice to municipal clerk (N.J.A.C. 7:7A-17.3(a))  
 A copy of the entire application, as submitted to the Department, must be provided to the municipal clerk in each municipality in which the site is located. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.
    - Documentation of compliance with this requirement shall consist of a copy of the certified United States Postal Service white mailing receipt, or other written receipt, for each copy of the application sent.

ii. Notice to governmental entities and property owners (N.J.A.C. 7:7A-17.3(b) and (c))

A brief description of the proposed project, a legible copy of the site plan, and the form notice letter described at N.J.A.C. 7:7A-17.3(e)1iii must be sent to the following recipients:

- A. The construction official of each municipality in which the site is located;
- B. The environmental commission, or other government agency with similar responsibilities, of each municipality in which the site is located;
- C. The planning board of each municipality in which the site is located;
- D. The planning board of each county in which the site is located;
- E. The local Soil Conservation District if the regulated activity or project will disturb 5,000 square feet or more of land; and
- F. Adjacent property owners:

If the application is for one of the following projects (listed at N.J.A.C 7:7A-17.3(c)1-5), notice shall be sent to all owners of real property, including easements, located within 200 feet of any proposed above-ground structure, except for any conveyance lines suspended above the ground or small utility support structures (e.g. telephone poles):

- A linear project of one-half mile or longer
- A trail or boardwalk of one-half mile or longer
- A public project on a site of 50 acres or more
- An industrial or commercial project on a site of 100 acres or more
- A project to remove sediment or debris from a channel of one-half mile or longer

For any other project, notice shall be sent to all owners of real property, including easements, located within 200 feet of the site of the proposed regulated activity.

The owners of real property, including easements, shall be those on a list that was certified by the municipality, with a date of certification no more than one year prior to the date the application is submitted.

- Documentation of compliance with this requirement shall consist of:
  - 1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
  - 2. A certified list of all owners of real property, including easements, located within 200 feet of the property boundary of the site (including name, mailing address, lot, and block) prepared by the municipality for each municipality in which the project is located. The date of certification of the list shall be no earlier than one year prior to the date the application is submitted to the Department; and
  - 3. A copy of the form notice letter.
- The form notice letter required under N.J.A.C. 7:7A-17.3(e)1iii shall read as follows:

*"This letter is to provide you with legal notification that an application for a transition area waiver <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE PROPOSED PROJECT>>*

*The complete permit application package can be reviewed at either the municipal clerk's office in the municipality in which the site subject to the application is located, or by appointment at the Department's Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of receiving this letter to:*

New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420, Code 501-02A  
Trenton, New Jersey 08625  
Attn: (Municipality in which the property is located) Supervisor"

iii. Newspaper notice (N.J.A.C. 7:7A-17.4)

Newspaper notice, in the form of a legal notice or display advertisement in the official newspaper of the municipality(ies) in which the project site is located, or if no official newspaper exists, in a newspaper with general circulation in the municipality(ies), is required for the following projects:

- A. A linear project of one-half mile or longer
- B. A shore protection development, including beach nourishment, beach and dune maintenance, or dune creation of one-half mile or longer
- C. A public project on a site of 50 acres or more
- D. An industrial or commercial project on a site of 100 acres or more
- E. Maintenance dredging of a State navigation channel of one-half mile or longer

If your project is not one listed above, newspaper notice is not required.

- Documentation of newspaper notice shall consist of:
  - 1. A copy of the published newspaper notice; and
  - 2. The date and name of the newspaper in which notice was published.
- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

*"Take Notice that an application for a transition area waiver <<has been/ will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development described below:*

**APPLICANT:**

**PROJECT NAME:**

**PROJECT DESCRIPTION:**

**PROJECT STREET ADDRESS:**

**BLOCK:            LOT:**

**MUNICIPALITY: COUNTY:**

*The complete permit application package can be reviewed at either the municipal clerk's office in the municipality in which the site subject to the application is located, or by appointment at the Department's Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of the date of this notice to:*

New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420, Code 501-02A  
501 East State Street  
Trenton, New Jersey 08625  
Attn: (Municipality in which the property is located) Supervisor"

4 Application fees: (\$2,400.00 including LOI)

- **Electronic Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, payable through the online service via credit card or e-check, or to receive a bill, select "Bill Me" on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.

- **Paper Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to "Treasurer State of New Jersey."

5. Site plans:

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant's name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:7A-16.7(a)4:

i. Existing features:

- A. Lot Lines and right of-way lines;
- B. Delineation of wetlands, transition areas, and State open waters;
- C. Land cover and vegetation.

ii. Proposed regulated activities:

- A. Changes in lot lines;
- B. Location and area of any transition areas that will be disturbed;
- C. Size, location, and detail of any proposed activities;
- D. For a special activity transition area waiver, include the following:

- ✓ 1) The location and extent of areas that are significantly disturbed so that they are not functioning as a transition area, including impervious surfaces; and
- ✓ 2) The location and extent of proposed development and attendant features including but not limited to septic systems discharging onsite, stormwater outfalls, and proposed stormwater management measures;

- E. Details of any planting to restore temporarily disturbed areas in accordance with N.J.A.C. 7:7A-11.8.

iii. Topography:

- A. Existing and proposed topography. All topography must reference NGVD or include the appropriate conversion factor to NGVD.

iv. Soil erosion and sediment control:

- A. Details of any proposed soil erosion and sediment control measures.

- **Electronic Submissions:** Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:7A-16.2(j) and prepared according to the Department's site plan specifications for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.

- **Paper Submissions:** Three sets of site plans, certified in accordance with N.J.A.C. 7:7A-16.2(j). Prior to issuance of any permit, the Department will require four to five sets of final site plans. The site plans

must be signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4.

6. Photographs:

i. Color photographs depicting:

- A. The existing site conditions; and
- B. The location of the proposed disturbance.

ii. A photo location map showing the location and direction from which each photograph was taken.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.

- **Paper Submissions:** One set of photographs mounted on 8½-inch by 11-inch paper. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

7. A compliance statement that includes:

NA i. For a special activity transition area waiver for stormwater management under N.J.A.C. 7:7A-8.3(d), a written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-8.3(c) and (d). The alternatives analysis must list the possible alternatives and explain why each was rejected;

NA ii. For a special activity transition area waiver for linear development under N.J.A.C. 7:7A-8.3(e), a written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-8.3(c) and (e). The alternatives analysis must list the possible alternatives and explain why each was rejected;

NA iii. For a special activity transition area waiver for a project that would be eligible for an individual freshwater wetlands permit under N.J.A.C. 7:7A-8.3(g), the information required for an individual freshwater wetlands permit application at N.J.A.C. 7:7A-16.9 and the appropriate application checklist;

NA iv. If the site is located in a municipality with the endangered plant known as swamp pink (*Helonias bullata*), which are listed in Known Locations of Swamp Pink in NJ, a signed statement from the applicant certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;

v. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Known Locations of Bog Turtles in NJ), a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat;

NA vi. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, a letter from the National Park Service approving the proposed activities;

NA vii. If the application reflects any of the characteristics at N.J.A.C. 7:7A-19.5(l), a Phase IA historical and archaeological survey, and an architectural survey, defined at N.J.A.C. 7:7A-1.3; and

viii. A copy of the deed and/or other legal documents pertaining to the site.

- **Electronic Submissions:** The compliance statement should be uploaded under the attachment type "Environmental Report with Site Location Maps." Acceptable file formats include pdf, doc, docx, rtf, and zip.

8. Color copies of the following maps:

i. The tax map for the property;

ii. A copy of the portion of the county road map showing the property location; and

iii. A copy of the USGS quad map(s) that includes the site, with the site clearly outlined to scale.

- **Electronic Submissions:** The required maps should be uploaded with the compliance statement under the attachment type "Environmental Report with Site Location Maps." Acceptable file formats include pdf, doc, docx, rtf, and zip.

9. Location of wetlands: (LOI LV included)

Documentation that a line delineation or line verification Letter of Interpretation (LOI) has been issued for the site

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

10. Calculations and analyses:

NA i. If the project is a major development as defined by N.J.A.C. 7:8-1.2, a demonstration of compliance with the requirements of the Stormwater Management Rules, N.J.A.C. 7:8.

All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7-23.2(j). Any necessary stormwater calculations must be signed and sealed by a New Jersey licensed professional engineer.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater calculations must be digitally signed and sealed in accordance with N.J.A.C. 13:40-8.1A. Stormwater calculations with electronic signatures, such as scans of calculations with a handwritten signature, will not be accepted. Therefore, when calculations are necessary, the acceptable file formats are limited to pdf and zip.

11. Natural Heritage Program Letter:

A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

12. Mitigation:

NA For an activity that requires mitigation in accordance with N.J.A.C. 7:7A, the applicant may submit a mitigation proposal as part of the application for the individual permit. If the applicant does not submit a mitigation proposal with the application, the applicant must submit the mitigation proposal at least 90 calendar days before the start of activities authorized by the permit, in accordance with N.J.A.C. 7:7A-11.

- **Electronic Submissions:** If a mitigation proposal is available at the time of submission, the service will provide an attachment type for "Mitigation Proposal." Alternatively, it may be uploaded separately at a later time through the service "Submit Additional Information for a Land Use Permit or Authorization." Acceptable file formats include pdf, doc, docx, rtf, and zip.

13. Additional requirements:

i. Aerial photo and/or approved site plans – applies only if the application is for a special activity transition area waiver for redevelopment and the disturbance in the area of the proposed activity was lawfully existing prior to July 1, 1989 or was previously permitted under N.J.A.C. 7:7A.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.

NA ii. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

NA iii. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

NA iv. Written consent from municipality – applies only if the project includes a gas pipeline and any section of that pipeline is located within a municipally-owned right-of-way. Written consent shall consist of one of the following:

- A. Written consent from the municipality in the form of a resolution of the governing body or an ordinance
  - B. A municipal designation of the route pursuant to N.J.S.A. 48:9-25.4
  - C. A Board of Public Utilities designation of route pursuant to N.J.S.A. 48:9-25.4
- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

14. A computer disk containing a copy of the entire application (Paper submissions ONLY)



**State of New Jersey  
Department of Environmental Protection**

Division of Land Use Regulation

Application Form for Permit(s)/Authorization(s)

501 E. State Street Mail Code 501-02A P.O. Box 420  
Trenton, NJ 08625-0420

Phone #: (609) 777-0454 Web: www.nj.gov/dep/landuse



Please print legibly or type the following: Complete all sections and pages unless otherwise noted. Is this project a NJDOT Priority 1 Repair Project? Yes  No

Initial Application  Response to DLUR Deficiency  Extension / Modification  Is this project a NJDOT Priority 2 Repair Project? Yes  No

1. Applicant Name: Mr./Ms./Mrs Baston 95 LLC E-Mail: afrimbistro73@gmail.com

Address: 5 Deer Run Daytime Phone: 908-886-3121 Ext. \_\_\_\_\_

City/State: Pittstown, NJ Zip Code 08867 Cell Phone: \_\_\_\_\_

2. Agent Name: Mr./Ms./Mrs John Peel, P.P.

Firm Name: PK ENVIRONMENTAL E-Mail: john@pkenvironmental.com

Address: PO Box 1066, 205 Main Street Daytime Phone: 973-635-4011 Ext. \_\_\_\_\_

City/State: Chatham Borough, NJ Zip Code 07928 Cell Phone: 201-787-3952

3. Property Owner: Mr./Ms./Mrs Same E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_ Ext. \_\_\_\_\_

City/State: \_\_\_\_\_ Zip Code \_\_\_\_\_ Cell Phone: \_\_\_\_\_

4. Project Name: Gusto Restaurant (Vine Restaurant Redevelopment) Address/Location: 95 Morristown Road

Municipality: Bernards Township County: Somerset Zip Code 07920

Block(s): 704 Lot(s): 1.01

N.A.D. 1983 State Plane Coordinates (feet) E (x): 478965 N(y): 688980 Not Longitude/Latitude

Watershed: Passaic River Upper Subwatershed: Passaic River Upr (Above Osborn Mills)

Nearest Waterway: Passaic River (tributary)

5. Project Description: NJDEP Special Activity Transition Area Waiver for Redevelopment is required for proposed commercial redevelopment, where the existing Vine Restaurant is already situated within a regulated 150-foot wetland transition area.

Provide if applicable: Previous LUR File # (s): \_\_\_\_\_ Waiver request ID # (s): \_\_\_\_\_

**A. SIGNATURE OF APPLICANT (required):**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment. If the applicant is an organization such as a corporation, municipal entity, home-owners association etc., the party responsible for the application shall sign on behalf of the organization.

Signature of Applicant AR

Date 4/14/21

Afrim Berisha (Baston 95 LLC)  
Print Name

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

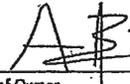
Print Name \_\_\_\_\_

**B. PROPERTY OWNER'S CERTIFICATION**

I hereby certify that the undersigned is the owner of the property upon which the proposed work is to be done. This endorsement is certification that the owner/easement holder grants permission for the conduct of the proposed activity. In addition, written consent is hereby given to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) or survey(s) of the property in question.

In addition, the undersigned property owner hereby certifies:

- 1. Whether any work is to be done within an easement? Yes  No   
(If answer is "Yes" -- Signature/title of responsible party is required below)
- 2. Whether any part of the entire project will be located within property belonging to the State of New Jersey? Yes  No
- 3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres? Yes  No
- 4. Whether this project requires a Section 106 (National Register of Historic Places) Determination as part of a federal approval? Yes  No

  
 Signature of Owner  
4/12/21  
 Date  
**Afrim Berisha (Baston 95 LLC)**  
 Print Name

\_\_\_\_\_  
 Signature of Owner/Easement Holder  
 \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Print Name/Title

**C. APPLICANT'S AGENT**

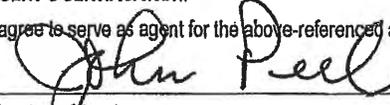
I **Afrim Berisha**, the Applicant/Owner, authorize to act as my agent/representative in all matters pertaining to my application the following person:

**John Peel, P.P.**  
 Name of Agent  
**Environmental Consultant, Professional Planner**  
 Occupation/Profession of Agent

\_\_\_\_\_  
 Signature of Applicant/Owner  
 \_\_\_\_\_  
 Signature of co-Applicant/Owner

**AGENT'S CERTIFICATION:**

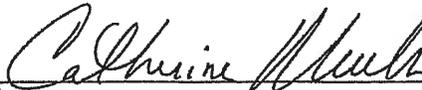
I agree to serve as agent for the above-referenced applicant:

  
 Signature of Agent

**PK ENVIRONMENTAL**  
 Name of Firm

**D. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS, SURVEYOR'S OR ENGINEER'S REPORT**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

  
 Signature  
**Catherine Mueller, PE**  
 Print Name  
**Page-Mueller Engineering Consultants, PC**  
 Position & Name of Firm  
**PE Lic. #GE44252**      4/12/21  
 Professional License #      Date

**E. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

  
 Signature  
**John Peel, PP**  
 Print Name  
**Environmental Consultant / PK ENVIRONMENTAL**  
 Position & Name of Firm  
**PP Lic. #5211**      4/15/21  
 Professional License #      Date  
 (If Applicable)

**FEE CALCULATION TIPS:**

- Whenever the calculation requires an acreage figure (including the Stormwater calculations), you will need to round UP to the nearest whole number, for example: 0.25 acres gets rounded up to one (1) acre or 2.61 acres gets rounded up to three (3) acres.
- The maximum fee for a CAFRA Individual permit, an Upland Waterfront Development permit, or an In-Water Waterfront Development permit is \$30,000 per permit type. For example: If you are applying for both an upland and an in-water Waterfront Development the maximum fee is applied to each permit for a maximum total of \$60,000 plus any applicable stormwater review fee.
- The stormwater review fee is applied only one time per project, maximum of \$20,000, regardless of multiple applications.

APPLICATION(S) FOR: Please check each permit/authorization that you are applying for and fill in the calculated fee (for each) in the "Fee Paid" column

	Coastal General Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	CZMGP1 Amusement Pier Expansion	\$1,000.00	
<input type="checkbox"/>	CZMGP2 Beach/Dune Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP3 Voluntary Reconstruction Certain Residential/Commercial Dev.	\$1,000.00	
<input type="checkbox"/>	CZMGP4 Development of one or two SFH or Duplexes	\$1,000.00	
<input type="checkbox"/>	CZMGP5 Expansion or Reconstruction SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP6 New Bulkhead/Fill Lagoon	\$1,000.00	
<input type="checkbox"/>	CZMGP7 Revetment at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP8 Gabions at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP9 Support Facilities at a Marina	\$1,000.00	
<input type="checkbox"/>	CZMGP10 Reconstruction of Existing Bulkhead	\$1,000.00	
<input type="checkbox"/>	CZMGP11 Hazard Waste Clean-up	\$1,000.00	
<input type="checkbox"/>	CZMGP12 Landfill of Utilities	\$1,000.00	
<input type="checkbox"/>	CZMGP13 Recreation Facility at Public Park	\$1,000.00	
<input type="checkbox"/>	CZMGP14 Bulkhead Construction & Fill Placement	\$1,000.00	
<input type="checkbox"/>	CZMGP15 Construction of Piers/Docks/Ramps in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP16 Minor Maintenance Dredging in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP17 Eroded Shoreline Stabilization	\$1,000.00	
<input type="checkbox"/>	CZMGP18 Avian Nesting Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP19 Modification of Electrical Substations	\$1,000.00	
<input type="checkbox"/>	CZMGP20 Legalization of the Filling of Tidelands	\$1,000.00	
<input type="checkbox"/>	CZMGP21 Construction of Telecommunication Towers	\$1,000.00	
<input type="checkbox"/>	CZMGP22 Construction of Tourism Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP23 Geotechnical Survey Borings	\$1,000.00	
<input type="checkbox"/>	CZMGP24 Habitat Creation, Restoration, Enhancement, Living Shorelines	No Fee	No Fee
<input type="checkbox"/>	CZMGP25 1 to 3 Turbines < 200 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP26 Wind Turbines < 250 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP27 Dredge Lagoon (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP28 Dredge post Bulkhead Failure	\$1,000.00	
<input type="checkbox"/>	CZMGP29 Dredge Marina (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP30 Aquaculture Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP31 Placement of Shell (shellfish areas)	\$1,000.00	
<input type="checkbox"/>	CZMGP32 Application of Herbicide in Coastal Wetlands	\$1,000.00	
<input type="checkbox"/>	CZM Permit-by-Certification (On-line application ONLY)	\$1000.00	

	Coastal Individual Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	CAFRA - IP SFH or Duplex	\$2,000	
<input type="checkbox"/>	CAFRA - IP Residential not SFH/duplex	\$3,000 x _____ # of units	
<input type="checkbox"/>	CAFRA - IP Commercial, Industrial or Public	\$3,000 x _____ acres of the site	
<input type="checkbox"/>	WD - IP SFH or Duplex (Upland/Landward of MHWL)	\$2,000	
<input type="checkbox"/>	WD - IP Residential not SFH/duplex (Upland/Landward of MHWL)	\$3,000 x _____ # of units	
<input type="checkbox"/>	WD - IP Commercial, Industrial or Public Development (Upland/Landward of MHWL)	\$3,000 x _____ acres of the site	
<input type="checkbox"/>	WD - IP SFH or Duplex (Waterward of MHWL)	\$2,000	
<input type="checkbox"/>	WD - IP Residential not SFH/duplex (Waterward of MHWL)	\$3,000 x _____ acres of water area impacted	
<input type="checkbox"/>	WD - IP Commercial, Industrial or Public Development (Waterward of MHWL)	\$3,000 x _____ acres of water area impacted	
<input type="checkbox"/>	CSW - IP SFH or Duplex	\$2,000	
<input type="checkbox"/>	CSW - IP All Development not SFH/duplex	\$3,000 x _____ acres of wetlands disturbed	

	Additional Coastal Authorizations	Fee Amount	Fee Paid
<input type="checkbox"/>	Modification of a Coastal GP	\$500	
<input type="checkbox"/>	Minor Technical Modification of a Coastal Wetland Permit	\$500 x _____ # of items to be revised	
<input type="checkbox"/>	Minor Technical Modification of a CAFRA IP	\$500 x _____ # of items to be revised	
<input type="checkbox"/>	Minor Technical Modification of a Waterfront IP	\$500 x _____ # of items to be revised	
<input type="checkbox"/>	Major Technical Modification of a Coastal Wetland Permit	0.30 x _____ original fee = Fee (Minimum \$500)	
<input type="checkbox"/>	Major Technical Modification of a CAFRA IP	0.30 x _____ original fee = Fee (Minimum \$500)	
<input type="checkbox"/>	Major Technical Modification of a Waterfront IP	0.30 x _____ original fee = Fee (Minimum \$500)	
<input type="checkbox"/>	Zone Letter (Waterfront Development Exemption)	\$500	
<input type="checkbox"/>	CAFRA Exemption Request	\$500	
<input type="checkbox"/>	CZM General Permit Extension	\$240 x _____ # of GPs to be extended	
<input type="checkbox"/>	Waterfront Development Individual Permit - Extension (Waterward of MHWL)	0.25 x _____ original fee = Fee (Maximum \$3,000)	
<input type="checkbox"/>	Meadowlands District Water Quality Certificate	\$5,000 + (\$2,500 x _____ # acres regulated area disturbed)	
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA	No Fee	No Fee

	Consistency Determination	Fee Amount	Fee Paid
<input type="checkbox"/>	Water Quality Certificate (NOTE: No fee required under the coastal program)	\$5,000 + (\$2,500 x _____ # acres regulated area disturbed)	
<input type="checkbox"/>	Federal Consistency	No Fee	No Fee

APPLICATION(S) FOR: Please check each permit/authorization that you are applying for and fill in the calculated fee (for each) in the "Fee Paid" column

	Freshwater Wetlands General Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	FWGP1 Main. & Repair Exst Feature	\$1,000.00	
<input type="checkbox"/>	FWGP2 Underground Utility Lines	\$1,000.00	
<input type="checkbox"/>	FWGP3 Discharge of Return Water	\$1,000.00	
<input type="checkbox"/>	FWGP4 Hazard Site Invs/Cleanup	\$1,000.00	
<input type="checkbox"/>	FWGP5 Landfill Closures	\$1,000.00	
<input type="checkbox"/>	FWGP6 Filling of Non-Tributary Wetlands	\$1,000.00	
<input type="checkbox"/>	FWGP6A TA Adj. to Non-Tributary Wetlands	\$1,000.00	
<input type="checkbox"/>	FWGP7 Human-made Ditches/Swales in Headwaters	\$1,000.00	
<input type="checkbox"/>	FWGP8 House Additions	\$1,000.00	
<input type="checkbox"/>	FWGP9 Airport Sight-line Clearing	\$1,000.00	
<input type="checkbox"/>	FWGP10A Very Minor Road Crossings	\$1,000.00	
<input type="checkbox"/>	FWGP10B Minor Road Crossings	\$1,000.00	
<input type="checkbox"/>	FWGP11 Outfalls / Intakes Structures	\$1,000.00	
<input type="checkbox"/>	FWGP12 Surveying and Investigating	\$1,000.00	
<input type="checkbox"/>	FWGP13 Lake Dredging	\$1,000.00	
<input type="checkbox"/>	FWGP14 Water Monitoring Devices	\$1,000.00	
<input type="checkbox"/>	FWGP15 Mosquito Control Activities	\$1,000.00	
<input type="checkbox"/>	FWGP16 Creation/Restoration/Enhancement Habitat	No Fee	No Fee
<input type="checkbox"/>	FWGP17 Trails / Boardwalks	\$1,000.00	
<input type="checkbox"/>	FWGP17A Non-Motorized Multi-Use Paths	\$1,000.00	
<input type="checkbox"/>	FWGP18 Dam Repairs	\$1,000.00	
<input type="checkbox"/>	FWGP19 Docks and Piers	\$1,000.00	
<input type="checkbox"/>	FWGP20 Bank Stabilization	\$1,000.00	
<input type="checkbox"/>	FWGP21 Above Ground Utility Lines	\$1,000.00	
<input type="checkbox"/>	FWGP22 Expansion Cranberry Growing (Pinelands)	No Fee	No Fee
<input type="checkbox"/>	FWGP23 Spring Developments	\$1,000.00	
<input type="checkbox"/>	FWGP24 Malfunctioning Individual Septic Systems	No Fee	No Fee
<input type="checkbox"/>	FWGP25 Minor Channel / Stream Cleaning	\$1,000.00	
<input type="checkbox"/>	FWGP26 Redevelop Previously Disturbed Site	\$1,000.00	
<input type="checkbox"/>	FWGP27 Application of herbicide in wetlands	\$1,000.00	

	Highlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Pre-application Meeting	\$500.00	
<input type="checkbox"/>	Resource Area Determination Presence/Absence	\$500.00	
<input type="checkbox"/>	Resource Area Determination ≤ one acre	\$500.00	
<input type="checkbox"/>	Resource Area Determination > one acre	\$750 + (\$100 x # of acres of the site)	
<input type="checkbox"/>	Resource Area Determination Extension	0.25 x original fee (Minimum \$500)	
<input type="checkbox"/>	HPAAGP 1/ Habitat Creation/Enhance	No Fee	No Fee
<input type="checkbox"/>	HPAAGP 2 Bank Stabilization	\$500.00	
<input type="checkbox"/>	Preservation Area Approval (PAA)		
<input type="checkbox"/>	PAA with Waiver (Specify type below)		
	Waiver Type:		
<input type="checkbox"/>	HPAA Extension	\$1,000	

	Freshwater Individual Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	FWW IP-SFH/Duplex-Wetlands	\$2,000	
<input type="checkbox"/>	FWW IP-Wetlands (not SFH/Duplex)	\$5,000 + (\$2,500 x # acres FWW disturbed)	
<input type="checkbox"/>	FWW IP-SFH/Duplex-Open Water	\$2,000	
<input type="checkbox"/>	FWW IP-Open Water (not SFH/Duplex)	\$5,000 + (\$2,500 x # acres FWW disturbed)	

	Freshwater Wetlands Transition Area Waivers	Fee Amount	Fee Paid
<input type="checkbox"/>	TAW Averaging Plan		
<input type="checkbox"/>	TAW Hardship Reduction		
<input type="checkbox"/>	TAW Reduction per N.J.A.C. 77A-8.1(d)		
<input type="checkbox"/>	TAW Special Activity Individual Permit		
<input type="checkbox"/>	TAW Special Activity Linear Development		
<input checked="" type="checkbox"/>	TAW Special Activity Redevelopment	Without valid LOI \$1000 + (\$100 x 1-acre TA disturbed) + LOI Fee	\$2,400.00
<input type="checkbox"/>	TAW Special Activity Stormwater		

	Letter of Interpretation	Fee Amount	Fee Paid
<input type="checkbox"/>	LOI Presence Absence	\$1,000.00	
<input type="checkbox"/>	LOI Footprint of Disturbance (1)	\$1,000.00	
<input type="checkbox"/>	LOI Delineation < 1.00 Acres	\$1,000.00	
<input type="checkbox"/>	LOI Verification	\$1,000 + \$100 x 16 (# of acres of the site)	
<input type="checkbox"/>	LOI Partial Site Verification	\$1,000 + (\$100 x # of acres of the site subject to LOI)	
<input type="checkbox"/>	LOI Extension Presence/Absence, Footprint, Delineation < 1 acre (Re-issuance)	\$500	
<input type="checkbox"/>	LOI Extension Line Verification (Re-issuance)	0.50 x original fee (Minimum \$500)	

	Additional Freshwater Wetlands Authorizations	Fee Amount	Fee Paid
<input type="checkbox"/>	FWGP Administrative Modification	No fee	No Fee
<input type="checkbox"/>	FWGP Minor technical modification	\$500.00	
<input type="checkbox"/>	FWGP Major technical modification	\$500.00	
<input type="checkbox"/>	Individual Permit Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	Individual Permit Minor Technical Modification	\$500.00	
<input type="checkbox"/>	Individual Permit Major Technical Modification	0.30 x original fee (Minimum \$500)	
<input type="checkbox"/>	TAW Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	TAW Minor Technical Modification	\$500.00	
<input type="checkbox"/>	TAW Major Technical Modification	0.30 x original fee (Minimum \$500)	
<input type="checkbox"/>	FWGP Extension	\$500 x # of items to be extended	
<input type="checkbox"/>	Individual Permit/Open Water Permit Extension	0.30 x original fee (Minimum \$500)	
<input type="checkbox"/>	TAW Extension	\$500 x # of items to be extended	
<input type="checkbox"/>	Freshwater Wetlands Exemption	\$500.00	
<input type="checkbox"/>	TAW Exemption	\$500.00	
<input type="checkbox"/>	Permit Equivalency/CERCLA	No Fee	No Fee

APPLICATION(S) FOR: Please check each permit/authorization that you are applying for and fill in the calculated fee (for each) in the "Fee Paid" column

	Flood Hazard Area General Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	FHAGP1 Channel Clean w/o Sediment Removal	No Fee	
<input type="checkbox"/>	FHAGP1 Channel Clean w/Sediment Removal	No Fee	
<input type="checkbox"/>	FHAGP2 Mosquito Control	\$1,000.00	
<input type="checkbox"/>	FHAGP3 Scour Protection Bridges/Culverts	\$1,000.00	
<input type="checkbox"/>	FHAGP4 Creation/Restoration/Enhancement of Habitat and Water Quality Values and Functions	No Fee	
<input type="checkbox"/>	FHAGP5 Reconstruction and/or Elevation of Building in a Floodway	No Fee	
<input type="checkbox"/>	FHAGP6 Construction of One SFH/Duplex and Driveway	\$1,000.00	
<input type="checkbox"/>	FHAGP7 Relocation of Manmade Roadside Ditches for Public Roadway Improvements	\$1,000.00	
<input type="checkbox"/>	FHAGP8 Placement of Storage Tanks	\$1,000.00	
<input type="checkbox"/>	FHAGP9 Construction/Reconstruction of Bridge/Culvert Across Water < 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP10 Construction/Reconstruction of Bridge/Culvert Across Water > 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP11 Stormwater Outfall Along Regulated Water <50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP12 Construction of Footbridges	\$1,000.00	
<input type="checkbox"/>	FHAGP13 Construction of Trails and Boardwalks	\$1,000.00	
<input type="checkbox"/>	FHAGP14 Application of herbicide in riparian zone	\$1,000.00	

	Additional Flood Hazard Area Authorizations	Fee Amount	Fee Paid
<input type="checkbox"/>	FHA Hardship Exception Request	\$4,000	
<input type="checkbox"/>	FHA GP Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	FHA GP Minor technical modification	\$500 x _____ # of project elements to be revised	
<input type="checkbox"/>	FHA GP Major technical modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	FHA Individual Permit Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	FHA Individual Permit Minor Technical Modification	\$500 x _____ # of project elements to be revised	
<input type="checkbox"/>	FHA Individual Permit Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	FHA Verification Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	FHA Verification Minor Technical Modification	\$500 x _____ # of project elements to be revised	
<input type="checkbox"/>	FHA Verification Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	FHA GP Extension	\$240	
<input type="checkbox"/>	FHA Individual Permit Extension	0.25 x _____ original fee	
<input type="checkbox"/>	FHA Verification Extension of Methods 1, 2, 3, 5, or Riparian Zone Only	\$240	
<input type="checkbox"/>	FHA Verification Extension of Methods 4 or 6	0.25 x _____ original fee	
<input type="checkbox"/>	FHA Individual Permit Equivalency/CERCLA	No Fee	No Fee
<input type="checkbox"/>	FHA GP Administrative Modification	No Fee	No Fee

	Flood Hazard Area Individual Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	FHA - IP SFH and/or Accessory Structures	\$2,000	
<input type="checkbox"/>	Individual Permit ( Fee is calculated by adding the base fee to the specific elements below)	\$3,000 Base Fee	
	FHA - IP Utility*	+\$1,000 x _____ # of water crossings)	
	FHA - IP Bank/Channel (No Calculation Review) *	+\$1,000	
	FHA - IP Bank/Channel (With Calculation Review) *	+\$4,000 + (\$400 x _____ per 100 linear ft.)	
	FHA - IP Bridge/Culvert/Footbridge/Low Dam (No Calculation Review)*	+\$1,000 x _____ # of structures)	
	FHA - IP Bridge/Culvert/Footbridge/Low Dam (With Calculation Review) *	+\$4,000 x _____ # of structures)	
	FHA - Review of Flood Storage Displacement (net fill) Calculations*	+\$4,000	
	Total	IP Review Fee	

	Stormwater Review Fee (Maximum Fee = \$20,000)	Fee Amount (Round UP to the nearest whole number)	Fee Paid
<input type="checkbox"/>	Stormwater Review ( Fee is calculated by adding the base fee to the specific elements below)	\$3,000 Base Fee	
	Review of Groundwater Calculations	+\$250 x _____ # acres disturbed	
	Review of Runoff Quantity Calculations	+\$250 x _____ # acres disturbed	
	Review of Water Quality Calculations	+\$250 x _____ # acres impervious surface	
	Total	Stormwater Review Fee	

	Applicability Determination	Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Flood Hazard Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Highlands Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Executive Order 215	No Fee	No Fee

	Flood Hazard Area Verifications	Fee Amount	Fee Paid
<input type="checkbox"/>	Verification-Delineation of Riparian Zone Only	\$1,000	
<input type="checkbox"/>	Verification-Method 1 (DEP Delineation) *	SFH / No Fee	
<input type="checkbox"/>	Verification-Method 2 (FEMA Tidal Method) *	\$1,000	
<input type="checkbox"/>	Verification-Method 3 (FEMA Fluvial Method) *	\$1,000	
<input type="checkbox"/>	Verification-Method 4 (FEMA Hydraulic Method)	\$4,000 + (\$400 x _____ per 100 linear feet)	
<input type="checkbox"/>	Verification-Method 5 (Approximation Method) *	\$1,000	
<input type="checkbox"/>	Verification-Method 6 (Calculation Method)	\$4,000+(\$400 x _____ per 100 linear feet)	

<b>TOTAL FEE:</b>	<b>\$2,400.00</b>
<b>CHECK NUMBER:</b>	<b>3313</b>

\*Fee not applicable to (1) SFH

\*Fee not applicable to (1) SFH

APPLICANT NAME: Baston 95 LLC

FILE # (if known): \_\_\_\_\_

**APPLICATION FORM - APPENDIX I**

**Section 1:** Please provide the following information for the overall project site. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres).

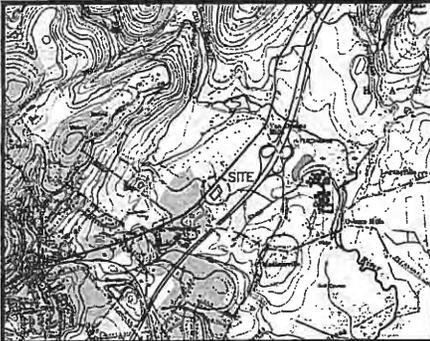
<u>PROPOSED:</u>	<u>PRESERVED</u>	<u>UNDISTURBED</u>	<u>DISTURBED</u>
RIPARIAN ZONE	_____	_____	_____
CZMRA FORESTED (CZMRA IP - Only)	_____	_____	_____
E & T HABITAT Endangered and/or Threatened	_____	_____	_____
FRESHWATER WETLANDS	<b>0.243</b>	<b>0.243</b>	_____

**Section 2:** Please provide the following information for each permit/authorization requested pursuant to the Freshwater Wetlands Protection Act. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres). Use additional sheets if necessary

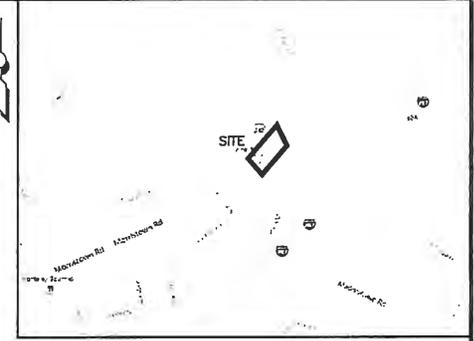
PERMIT TYPE	TAW for Redevelopment	WETLAND TYPE <i>Emergent, Forest, Shrub, Etc.</i>	(TA is disturbed pavement/asphalt)	RESOURCE CLASSIFICATION <i>Ordinary, Intermediate, Exceptional, EPA, Etc.</i>	Exceptional
<u>PROPOSED DISTURBANCE:</u>		<u>WETLANDS</u>		<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED		_____		_____	_____
EXCAVATED		_____		_____	_____
CLEARED		_____		_____	_____
TEMPORARY DISTURBANCE		<b>0</b>		<b>0.671</b>	_____

PERMIT TYPE		WETLAND TYPE <i>Emergent, Forest, Shrub, Etc.</i>		RESOURCE CLASSIFICATION <i>Ordinary, Intermediate, Exceptional, EPA, Etc.</i>	
<u>PROPOSED DISTURBANCE:</u>		<u>WETLANDS</u>		<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED		_____		_____	_____
EXCAVATED		_____		_____	_____
CLEARED		_____		_____	_____
TEMPORARY DISTURBANCE		_____		_____	_____

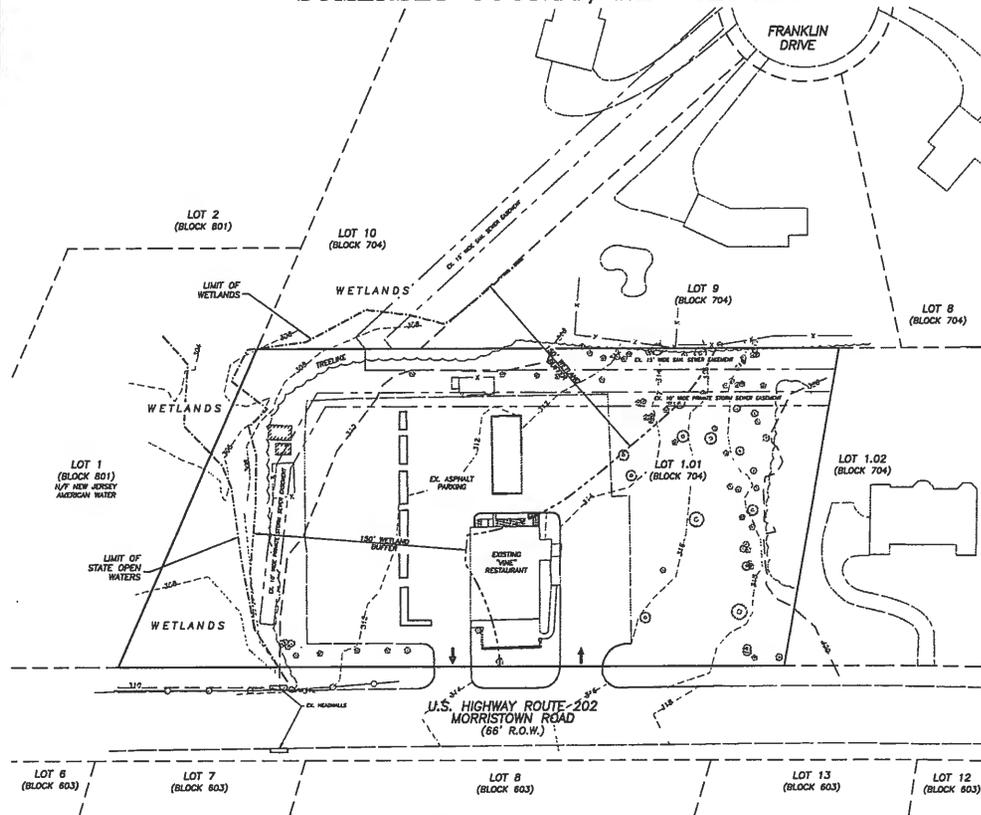
**NJDEP FRESHWATER WETLANDS PLANS  
FOR  
GUSTO RESTAURANT  
BLOCK 704: LOT 1.01  
TAX MAP SHEET 7  
TOWNSHIP OF BERNARDS  
SOMERSET COUNTY, NEW JERSEY**



U.S.G.S. MAP  
SCALE: 1" = 2,000'



KEY MAP  
SCALE: 1" = 600'



AREA MAP  
SCALE: 1" = 40'

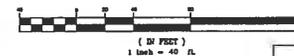
**GENERAL NOTES/REFERENCES**

- EXISTING BOUNDARY, TOPOGRAPHY, & ON-SITE IMPROVEMENTS ACQUIRED FROM A SURVEY PREPARED BY MURPHY & HOLLOWAY ASSOCIATES LLC, DATED 12/31/20.
- EXISTING OFF-SITE IMPROVEMENTS SHOWN ON THIS SHEET ACQUIRED FROM BERNARDS TOWNSHIP TOPOGRAPHIC MAPS.
- ADJACENT LOT LINES ACQUIRED FROM GIS INFORMATION.
- WETLAND PLACES DELINEATED BY THE ENVIRONMENTAL FIELD LOCATED BY MURPHY & HOLLOWAY ASSOCIATES LLC.
- ON-SITE STATE OPEN WATERS DO NOT HAVE A DRAINAGE AREA GREATER THAN 50 ACRES, THEREFORE THERE IS NO ASSOCIATED FLOOD HAZARD ELEVATION.



**PAGE-MUELLER ENGINEERING CONSULTANTS, PC**  
POST OFFICE BOX 4619  
WARREN, NEW JERSEY 07059  
(732) 805 - 3979 \* FAX (732) 805 - 3978  
APRIL 9, 20XX

**GRAPHIC SCALE**

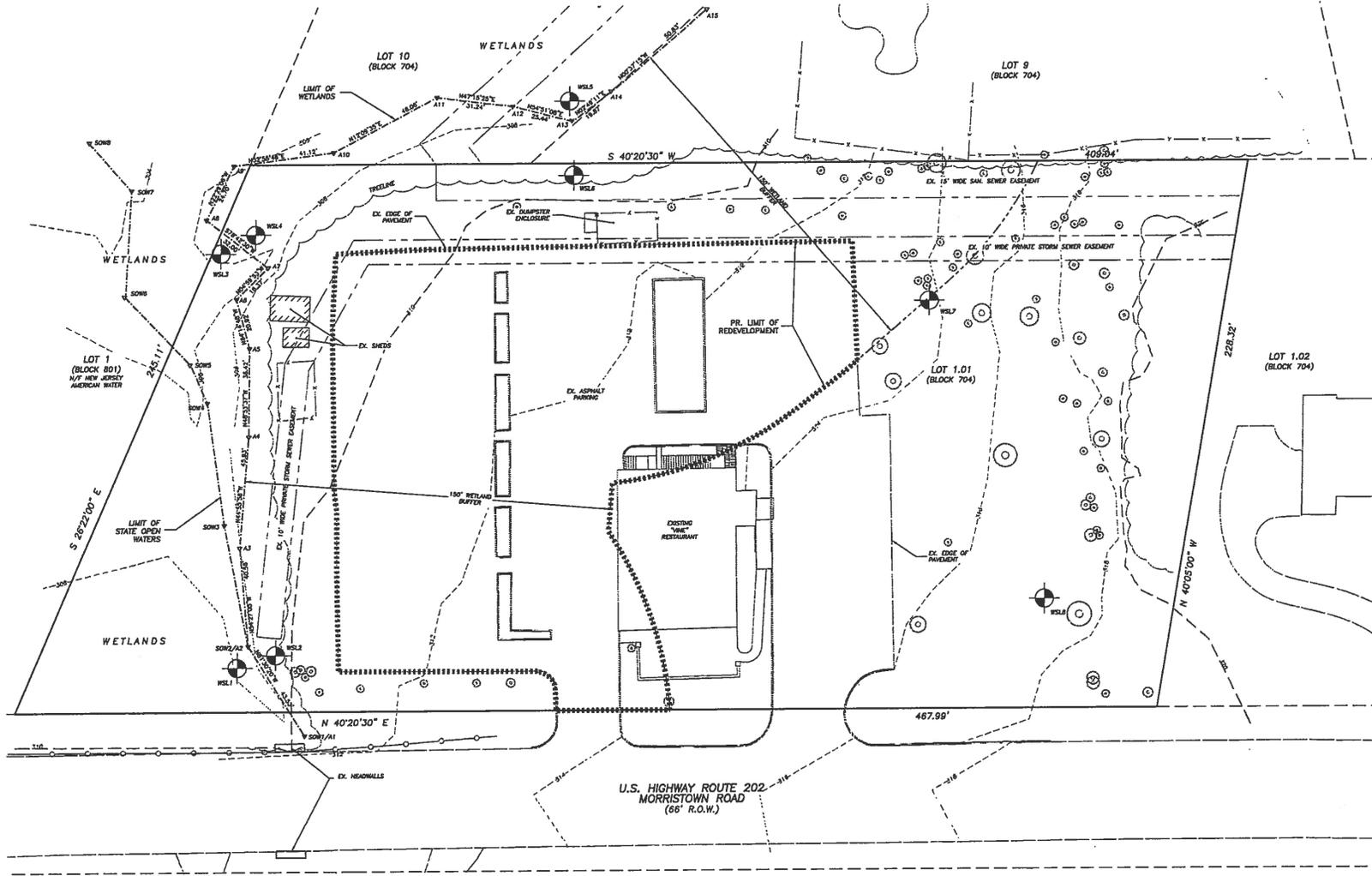


**LIST OF DRAWINGS**

- W-1 COVER SHEET
- W-2 WETLANDS LOCATION PLAN
- W-3 FWW TRANSITION AREA WAIVER (TAW) REDEVELOPMENT PLAN

**OWNER/APPLICANT**

BASTON 95, LLC  
C/O AFRIM BERISHA  
20 GOLD BOULEVARD  
BASKING RIDGE, NJ 07920

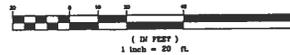


**LEGEND OF SYMBOLS:**

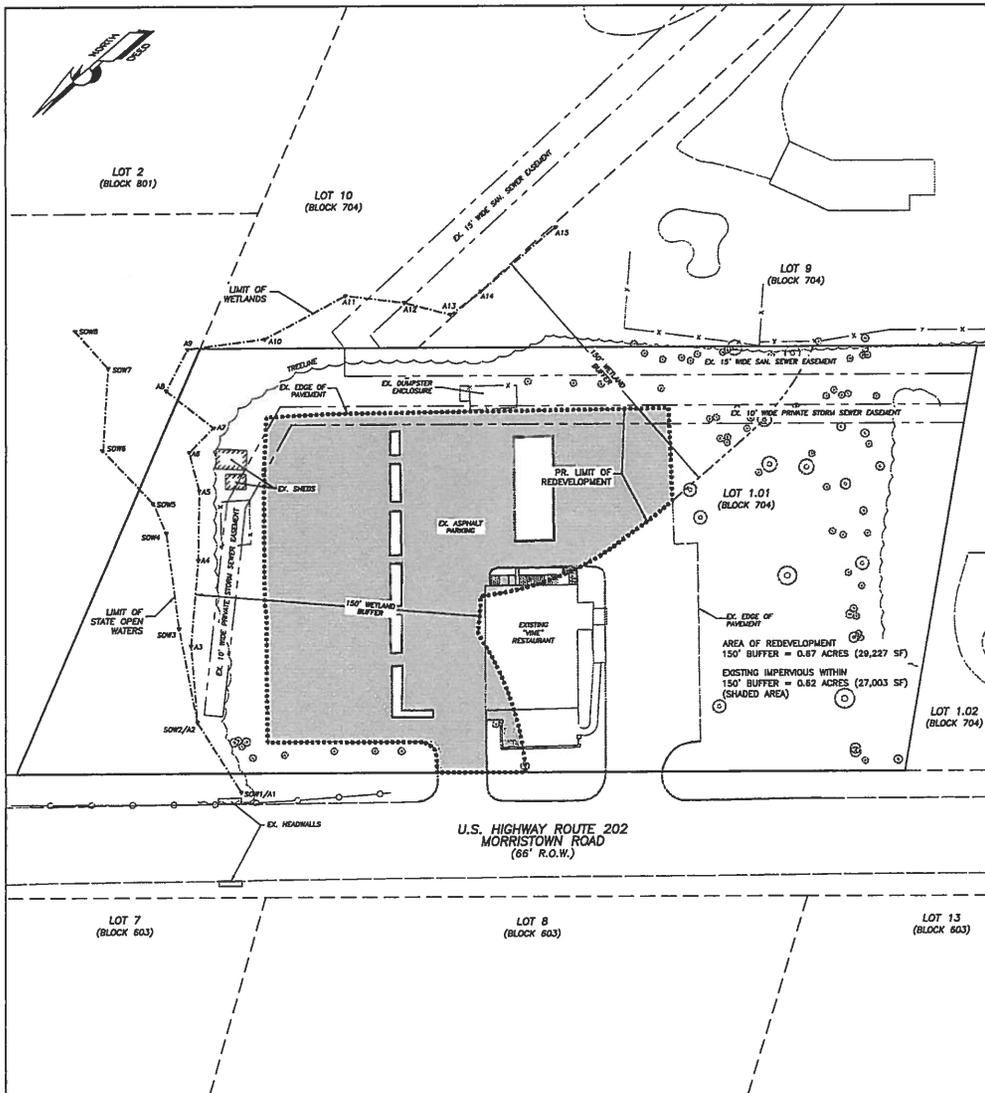


WETLAND SOLE LOC  
(EX. = WSL)

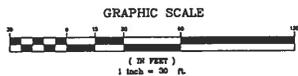
**GRAPHIC SCALE**



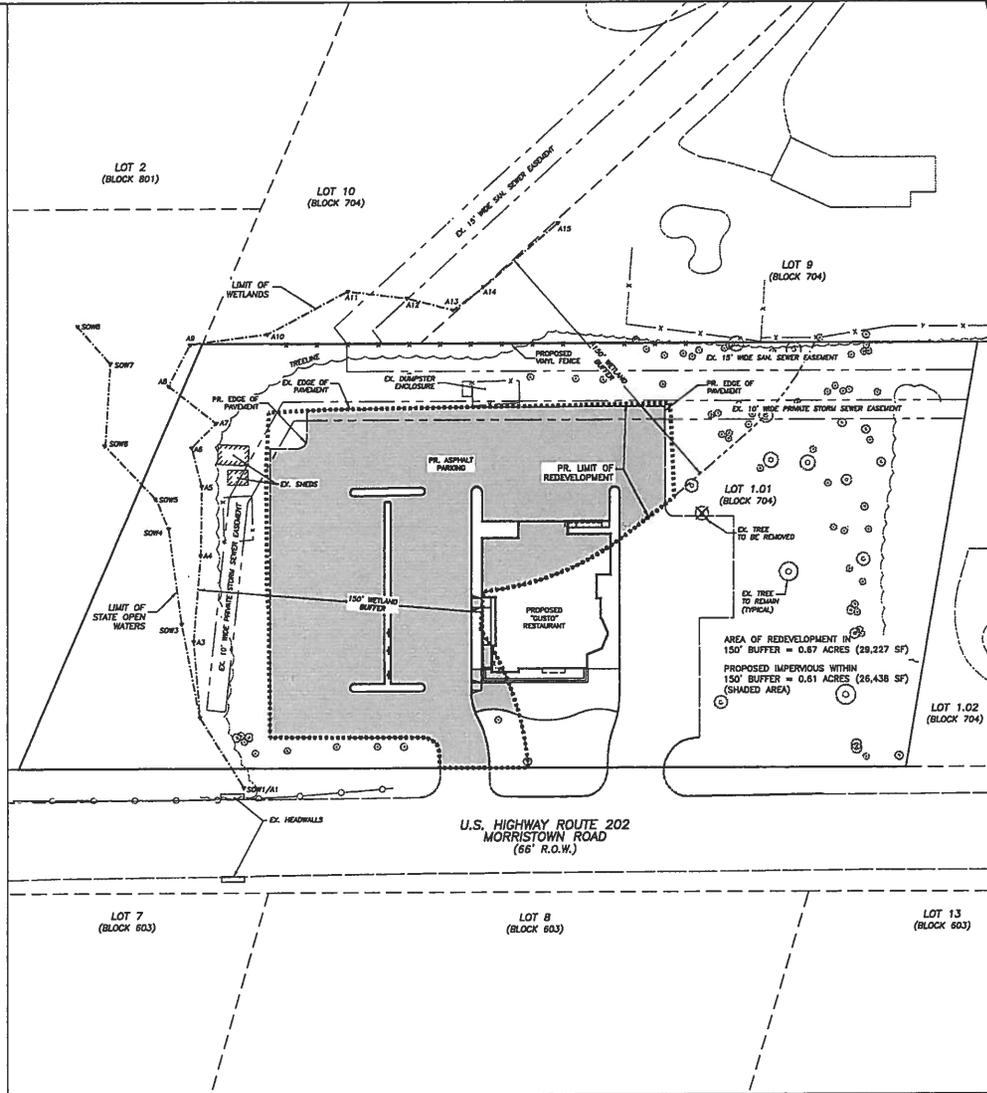
	PAGE-MUELLER ENGINEERING CONSULTANTS, PC POST OFFICE BOX 4816 FAIRBURN, NEW JERSEY 07009 (732) 805 - 3978 • FAX (732) 805 - 3978	project name <b>NUDEP FRESHWATER WETLANDS                  GUSTO RESTAURANT</b> BLOCK 704, LOT 1.01 (SEE MAP SHEET 2) TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY
	drawing name <b>WETLANDS LOCATION MAP</b>	drawing no. W-2
CATHERINE A. MUELLER, P.E. NEW JERSEY PROFESSIONAL ENGINEER LICENSE No. GE44252	drawn by TBB	checked by CAM
	date 4/9/02	scale 1" = 20'
		project no. 2154-000



**EXISTING CONDITIONS**



TOTAL LOT AREA=3.27 AC.  
 EXISTING LOT COVERAGE  
 IMPERVIOUS: 37,835 SF  
 LAWN AREA: 60,880 SF  
 PROPOSED LOT COVERAGE  
 IMPERVIOUS: 37,837 SF  
 LAWN AREA: 60,888 SF  
 NO NET INCREASE IN IMPERVIOUS COVERAGE



**PROPOSED CONDITIONS**

TRANSITION AREA REDEVELOPMENT SUMMARY:  
 ON-SITE WETLANDS: 10,587 SF  
 ON-SITE TRANSITION AREA: 48,587 SF  
 TRANSITION AREA TO BE REDEVELOPED: 29,227 SF  
 TO BE SAILED & RE-POWER:  
 CONTAINING NEW FOUNDATIONS:  
 SAW CUT & FULL DEPTH REPLACEMENT/NEW PAVEMENT:  
 SIDEWALK/PADA/BISS: 644 SF  
 REDUCTION OF IMPERVIOUS IN TRANSITION AREA: 545 SF

23,316 SF  
 1,898 SF  
 1,777 SF  
 644 SF

NOTE: NO TREE REMOVAL PROPOSED WITHIN WETLAND TRANSITION AREA.

PAGE-MUELLER ENGINEERING CONSULTANTS, PC  
 POST OFFICE BOX 4819  
 PARSON, NEW JERSEY 07059  
 (732) 805 - 3979 \* FAX (732) 805 - 3978

PROJECT NAME: NJDEP FRESHWATER WETLANDS GUSTO RESTAURANT  
 BLOCK 704: LOT 1.01  
 (24' WIDE STREET 2)  
 TOWNSHIP OF BERNHARDS  
 SCHUMBERG COUNTY, NEW JERSEY

DRAWING NAME: FWW TRANSITION AREA WAIVER (TAW) REDEVELOPMENT PLAN  
 DRAWING NO.: W-3

CATHERINE A. MUELLER, P.E.  
 NEW JERSEY PROFESSIONAL ENGINEER LICENSE No. 0644252

DATE BY: TBB CHECKED BY: CAM DATE: 4/9/20X SCALE: 1"= 30' PROJECT NO.: 2154-000

\s\proj\2154\paw\2154.dwg 4/9/20



## COUNTY OF SOMERSET PLANNING BOARD

County Administration Building  
20 Grove Street, P.O. Box 3000  
Somerville, New Jersey 08876-1262  
(908) 231-7021 • Fax (908) 707-1749  
PlanningBd@co.somerset.nj.us  
www.co.somerset.nj.us



### MEMBERS

Bernard V. Navatto, Jr.  
Chairman  
Christopher Kelly  
Vice Chairman  
Albert Ellis  
John Lindner  
Jeffrey A. Wright Sr.  
Erika Inocencio  
Shanel Y. Robinson  
Commissioner Director  
Paul Drake  
Commissioner / Liaison  
Matthew D. Loper  
County Engineer/  
Board Secretary

March 17, 2021

Mr. Brad Breslin, Chairman  
Bernards Township Board of Adjustment  
277 South Maple Avenue  
Basking Ridge, New Jersey 07920

Re: **BASTON 95, LLC**  
**BLOCK 704 – LOT 1.01**  
**BN 145:002-21**

### ALTERNATE MEMBERS

Sami Shaban  
1<sup>st</sup> Alternate  
Ashok Rakhit  
2<sup>nd</sup> Alternate  
Adam Slutsky  
County Engineer Alternate

### STAFF

Walter Lane, AICP/PP  
Director of Planning  
Joseph DeMarco, Esq.  
Deputy County Counsel  
for Planning  
Cynthia Mellusi  
Office Manager

Dear Mr. Breslin:

This office and the office of the County Engineer have reviewed information submitted for the above-referenced project to demolish an existing 6,352 square foot restaurant and construct a new 7,511 square foot restaurant building. The 2.27 acre tract is located on Morristown Road (US Route 202). The reviewed information consists of a plan entitled "Preliminary & Final Site Plan for Gusto Restaurant Block 704 Lot 1.01" dated February 16, 2021. Page-Mueller Engineering Consultants, PC prepared the plan

Since this application does not adversely affect a County facility, the Somerset County Planning Board approves this project.

### Recycling Requirement

Somerset County does not collect from commercial properties as part of Somerset County Solid Waste Management Program. As such, all recycling and garbage shall be picked up by a private hauler.

### Stormwater Runoff

It is shown on the plan that majority of the site will sheet flow northeast towards existing woods. Since there is minimal increase in impervious coverage and there will be minimal runoff coming from this development, it is requested that the Township handle the review of the stormwater plan for this proposal.

- Mission Statement -

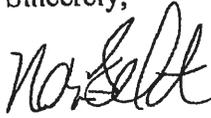
The County of Somerset is committed to excellence and innovation in public service, promoting the well-being of all residents and communities by providing effective, efficient and responsive leadership.

*Somerset County Is An Equal Opportunity Employer*

Baston 95, LLC  
BN 145:002-21  
Page 2 of 2

This report reflects comments from the office of the County Engineer (908) 231-7024 and the County Planning Board. Should you have any questions please contact the appropriate person listed below.

Sincerely,



Nora Fekete  
Planner



Thomas Tabatneck  
Engineer, Land Development Section

cc: Cyndi Kiefer, Bernards Township Board Secretary  
Baston 95, LLC, c/o Afrim Berisha, 20 Gold Blvd., Basking Ridge, NJ 07920  
Page-Mueller Engineering Consultants, PC, PO Box 4619, Warren NJ 07920  
Vincent T. Bisogno, Esq., 88 S. Finley Avenue, PO Box 408, Basking Ridge, NJ 07920

**TOWNSHIP OF BERNARDS  
APPLICATION FOR TREE REMOVAL PERMIT**

Date 4/19/21

1. Name and address of the owner of the premises and status of legal entity (individual, partnership, corporation of this or any other state, etc.)  
Baston 95 LLC; Limited liability company  
Care of Afrim Berisha  
20 Gold Bullivard, Basking Ridge, NJ 07920
  
2. Status of the applicant with respect to land (owner, lessee, tenant, purchaser, under contract, etc.) Owner
  
3. Name and address of the applicant for the permit if other than the owner (attach owner's written consent) N/A
  
4. Description of the premises where tree removal is to take place, including lot and block numbers and street address  
95 Morristown Rd., (U.S. Route 202)  
Block 704, Lot 1.01
  
5. A list of all trees to be removed with a DBH equal to or greater than six inches identified by size and species, including total number of each species to be removed (attach separate sheet if necessary)  
1 Oak Tree, DBH 24
  
6. Purpose for tree removal (construction, street or roadway, driveway, utility easement, recreation areas, patio, parking lot, etc.)  
Construction of driveway
  
7. Proof that there are no delinquent property taxes or assessments due on the property for which the application is submitted (attach certification from tax collector) Submitted
  
8. Trees that had been removed within the past two years  
None known to applicant