

TOWNSHIP OF BERNARDS **PLANNING BOARD**

REGULAR MEETING AGENDA v2

Warren Craft Meeting Room
October 4, 2022
7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. In addition, the public will be able to view the meeting live on Optimum/Cablevision TV – Channel 15 and Verizon FIOS TV – Channel 35 and the meeting will also be streamed live for those interested in watching on their computers. The link will be available at 7:30 PM by clicking on the “Watch the Meeting Live” icon on the Bernards Township homepage. Questions/comments from the public will be accepted in person and **only** during the public questions/comment periods of the meeting.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
 - A.** August 16, 2022 – Regular Session
 - B.** August 16, 2022 – Executive Session
 - C.** September 20, 2022 – Regular Session
- 6. PUBLIC HEARING – MODIFICATION OF CONDITION**
 - A.** [Orthmann, James & Kyung-Mi](#); Block 9601, Lot 4.03; 49 Liberty Corner Road; Front Yard Setback; PB22-004
- 7. COMMENTS FROM MEMBERS** (5-minute limit per member)
- 8. COMMENTS FROM STAFF**
- 9. ADJOURN**

09/27/2022 dskp

**TOWNSHIP OF BERNARDS
2022 PLANNING BOARD APPLICATION**

RECEIVED

AUG 12 2022

PLANNING/ZONING BOARDS

- ☐ Minor Subdivision
☐ Major Subdivision - Preliminary
☐ Major Subdivision - Final
☐ Conditional Use

- ☐ Site Plan - Preliminary
☐ Site Plan - Final
☐ Informal Review
☒ Other (specify): Modification of previous condition of approval.

1. APPLICANT: James and Kyung-Mi Orthmann

Address: 49 Liberty Corner Road, Far Hills, N.J. 07931

Phone: (home) (908) 240-8095 (work) N.A. (mobile) N.A.

Email (will be used for official notifications): jorthmann@probablesolutions.com

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

Address: _____

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

3. ATTORNEY: Vincent T. Bisogno, Esq. and Frederick B. Zelle, Esq.

Address: 88 South Finley Ave., 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: Apgar Associates Profession: Engineers

Address: 13 De Mun Place, Far Hills, N.J. 07931

Phone: (908) 234-0416 Email (will be used for official notifications): jmadson@apgarassociates.com

5. PROPERTY INFORMATION: Block(s): 9601 Lot(s): 4.03 Zone: R-1

Street Address: 49 Liberty Corner Road Total Area (square feet/acres): 8.74 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.

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) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: Modification
of a condition of approval requiring a front yard setback of 270 ft. Applicant requests a setback of 221.4 ft.
Ordinance requires a front yard setback of 100 ft.

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

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

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

APPLICANT(S) SIGN HERE:

I/we, James Orthmann and Kyung-Mi Orthmann hereby depose and say that
all of the above statements and the statements contained in the materials submitted herewith are true and
correct.

Signature of Applicant(s): [Signature] and [Signature]

Sworn and subscribed before me, this 11 day of August, 2022.

Notary

[Signature]
Vincent T. Bisogno
An Attorney at Law of the
State of New Jersey

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

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

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

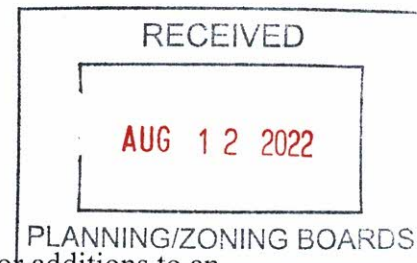
hereby authorize _____ to act as my/our agent for purposes of making
and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all
conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

ADDENDUM TO APPLICATION



This is the Application of Mr. and Mrs. James Orthmann to make minor additions to an existing carriage house located on their lot. It is intended that the carriage house now be used as the main residence of the applicant. The existing carriage house was previously approved as an accessory structure. A brief zoning history of the property is attached hereto for the Board's reference.

The applicants seek a modification of a condition of approval to allow the construction of a three-car garage addition to the easterly side of the carriage house. The construction of this garage will be 221.85' from Liberty Corner Road when, by Resolution dated September 30, 2014, a 270' setback was required. It is to be noted that the existing building is currently 221.4' from Liberty Corner Road.

Applicants also will be constructing an additional two-car garage in the rear of the carriage house. No Variance is required for this construction.

Applicants will also be removing the existing apartment, garage and shed from the front yard.

It is to be noted that the height of the existing carriage house is 31.4', excluding the cupula which raises the height to approximately 39'. Since the carriage house is now the principal structure, a 35' height requirement is the maximum allowed. However, the cupula is an appurtenance which is permitted by Section 21-9.5 of the Bernards Township Zoning Ordinance and was addressed previously by the Planning Board in its Resolution dated July 20, 2010 (Paragraph 3).

Applicants' original plan was to construct a 16,000 SF French chateau. The carriage house was to be an accessory structure in the front yard. Applicant now seeks to renovate the existing carriage house, as set forth on the plans, not construct the 16,000 SF French chateau and use the carriage house as the principal residence. The carriage house has local historical significance, since it was designed by John Russel Pope, who also designed the Jefferson Memorial in Washington D.C.

The improvements proposed, including the garages, allow for a more usable structure, thus making the carriage house a more livable and desirable structure for future generations. Preserving significant local historical structures is a benefit to the community at large, which benefit outweighs any detriments caused by Variance. Also, applicants propose to demolish the existing garage, residence and shed, which is located in the front yard, thus increasing the setback from Liberty Corner Road.

EXPLANATION FOR QUESTION #6 OF APPLICATION

1. **December 22, 2009:** Variance granted to applicants for Subdivision of a 14-acre track into two lots. One lot contained 3.507 acres and one lot contained 10.141 acres. A 30' wide scenic corridor was required along Liberty Corner Road; a front yard setback of 300' was imposed for the 10-acre parcel. Applicants intended to construct a 16,000 SF residence and demolish the existing carriage house.
2. **July 20, 2010:** This Variance modified applicants' request to demolish the existing carriage house. Instead, applicants received permission to retain said carriage house and use it as an accessory building.
3. **March 22, 2011:** Extension of time to file Subdivision Map.
4. **September 30, 2014:** Relief granted to applicant and United States Golf Association to allow applicant to convey 1.41 acres from Lot 4.02 to United States Golf Association to be added to its Lot 5, Block 9601. A front yard setback of 270' was imposed on Lot 4.02 (now known as Lot 4.03).

