

**BERNARDS TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
Regular Meeting
June 9, 2010**

The Vice Chair, in the absence of the Chairman, called the regular meeting to order at 7:50 p.m.

ROLL CALL:

Members present: Miller, Ross, Viola, Schulenburg,

Members absent: Lasko, Orr, Plaza, Rhatican

Members late: none

Board Attorney Steven Warner, Esq., and Board Planner David Schley were also present.

OPEN MEETING STATEMENT

“In accordance with the requirements of the Open Public Meetings Law, notice of this regular meeting of the Board of Adjustment of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, New Jersey, was sent to the Bernardsville News, Bernardsville, NJ, the Courier News, Bridgewater, NJ, and the Star-Ledger, Newark, NJ and was filed with the Township Clerk all on January 11, 2010. We received no requests for individual notice.

“The following procedure has been adopted by the Bernards Township Board of Adjustment. There will be no new cases heard after 10:00 p.m. and no new witnesses or testimony heard after 10:30 p.m.”

APPROVAL OF MINUTES

The motion was made by Mr. Ross and seconded by Mr. Viola to approve the minutes of March 3, 2010 as drafted.

Roll call:

Aye: Miller, Ross, Viola, Schulenburg

Motion carried

The motion was made by Mr. Miller and seconded by Mr. Viola to approve the minutes of April 7, 2010 as drafted.

Roll call:

Aye: Miller, Viola, Schulenburg

(Mr. Ross was ineligible to vote)

Motion carried

The motion was made by Mr. Ross and seconded by Mr. Viola to approve the minutes of May 5, 2010 as drafted.

Roll call:

Aye: Miller, Ross, Viola, Schulenburg
Motion carried

APPROVAL OF CHARGES AGAINST ESCROW ACCOUNTS

The motion was made by Mr. Viola and seconded by Mr. Ross to approve the charges submitted by Mr. Schley for May 2010, by Mr. Messina for May 2010, and by Mr. Warner for April 2010.

Roll call:

Aye: Miller, Ross, Viola, Schulenburg
Motion carried

COMPLETENESS REVIEW – United States Golf Association – Block 9601, Lot 5 – 77 Liberty Corner Road – Use Variance and Preliminary & Final Site Plan (Administrative Building Addition)

Christopher Quinn, Esq., represented the applicant. He said the applicant requested a waiver of the project report and environmental impact statement based on the minimal amount of disturbance associated with the proposed construction. Mr. Schley stated as per his May 18, 2010 memo that the applicant had submitted Item #1.

Board members agreed to waive the project report and environmental impact statement as a submission requirement. Mr. Schulenburg announced that the public hearing on this application was scheduled for July 7, 2010.

The motion was made by Mr. Miller and seconded by Mr. Viola to deem the application complete.

Roll call:

Aye: Miller, Ross, Viola, Schulenburg
Motion carried

HEARING – Feldman, Craig and Elda – Block 7201, Lot 23 – 32 Old Coach Road – Extension of Bulk Variance to March 12, 2011

Craig Feldman, 32 Old Coach Road, and Mr. Schley were sworn in. Mr. Feldman stated that after receiving variance approval in 2009 for a 300 sq ft addition he had to find a new job and he found that construction costs were higher than anticipated. He said that he had obtained all required permits from NJDEP.

Public hearing was opened for questions and comments on this application. Hearing none, the public portion of this hearing on this application was closed.

The motion was made by Mr. Viola and seconded by Mr. Miller to direct the Board Attorney to draft a resolution extending the variance approval granted on March 12, 2009 to March 12, 2011.

Roll call:

Aye: Miller, Ross, Viola, Schulenburg
Motion carried

Mr. Schulenburg announced that the application by Rohan and Jeuragie Somar, 12 Green Mountain Road, would be carried by request of the applicant to July 7, 2010.

**COMPLETENESS & PUBLIC HEARING – DALY, MARY CATHERINE –
Block 1614, Lot 7 – 6 Tanglewood Lane – Bulk Variance**

Mary Catherine Daly, 6 Tanglewood Lane, and Mr. Schley were sworn in. Ms. Daly explained that she wants to enclose an existing deck on the rear of her house and build an expanded deck. Due to the shape of her lot, this proposed construction needs relief from the permitted rear yard setback. She said that none of her neighbors had objections to her project. She agreed that the deck would remain an open deck.

Public hearing was opened for questions and comments on this application. Hearing none, the public portion of this hearing on this application was closed.

The motion was made by Mr. Viola and seconded by Mr. Miller to deem the application complete and to direct the Board Attorney to draft a resolution approving relief from rear yard setback.

Roll call:

Aye: Miller, Ross, Viola, Schulenburg
Motion carried

Comments from Staff

Mr. Warner discussed a recent court decision concerning the right of a property owner to appeal a Board of Adjustment decision.

The Board moved to adjourn the public meeting at 8:30 p.m., there being no further business to discuss.

Respectfully submitted,

Frances Florio
Secretary to the Board