

BERNARDS TOWNSHIP **ZONING BOARD OF ADJUSTMENT**

MINUTES

Regular Meeting
December 4, 2019

CALL TO ORDER

Vice Chairman Zaidel called the meeting to order at 7:33 PM.

FLAG SALUTE

OPEN PUBLIC MEETINGS STATEMENT – Vice Chairman Zaidel read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this 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, Whippany, NJ, and the Courier News, Bridgewater, NJ, and was filed with the Township Clerk all on January 10, 2019 and was electronically mailed to all those people who have requested 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 PM and no new witnesses or testimony heard after 10:30 PM."

ROLL CALL:

Members Present: Eorio, Genirs, Kleinert, Pochtar, Tancredi, Zaidel
Members Absent: Breslin, Kraus, Lane
Also Present: Board Attorney, Steven K. Warner, Esq.; Township/Board Planner, David Schley, PP, AICP;
Board Secretary, Cyndi Kiefer

On motion by Ms. Genirs, seconded by Ms. Kleinert, all in favor and carried, the absences of Chairman Breslin, Mr. Kraus and Mr. Lane were excused.

APPROVAL OF MINUTES

November 6, 2019 – Regular Session - On motion by Mr. Tancredi, seconded by Ms. Pochtar, all eligible in favor and carried, the minutes were accepted as written. Abstentions for those who were absent: Genirs, Kleinert.

APPROVAL OF RESOLUTIONS

Lordi, Michael & Jacqueline; #ZB19-017; Block 1205, Lot 5; 76 Washington Avenue; Bulk Variance (approved)
Mr. Tancredi moved approval of the resolution as drafted. Mr. Eorio seconded.

Roll Call: Aye: Eorio, Pochtar, Tancredi, Zaidel
Nay: NONE

Motion carried.

Merrilees, Matthew & Megan; #ZB19-018; Block 3901, Lot 25; 16 Heath Drive; Bulk Variance (approved)
Ms. Pochtar moved approval of the resolution as revised. Mr. Tancredi seconded.

Roll Call: Aye: Eorio, Pochtar, Tancredi, Zaidel
Nay: NONE

Motion carried.

[Harmaty, M./Krikorian, K.; #ZB19-019](#); Block 6001, Lot 10.09; 7 Tall Timber Lane; Bulk Variances (approved)
Mr. Tancredi moved approval of the resolution as drafted. Mr. Eorio seconded.

Roll Call: Aye: Eorio, Pochtar, Tancredi, Zaidel
 Nay: NONE

Motion carried.

Mr. Eorio and Ms. Pochtar recused themselves and left the dais.

COMPLETENESS AND PUBLIC HEARING

[Eorio, Daniel & Lyndsey](#); Block 1602, Lot 12; 157 South Maple Avenue; Bulk Variances; #ZB19-020

Present: Jay M. Petrillo, AIA, Architect for the Applicant
 Lyndsey Eorio, Applicant

Mr. Warner stated that notice was sufficient and timely therefore the board had jurisdiction to hear this application.
Mr. Petrillo, Mrs. Eorio and Mr. Schley were duly sworn.

Lyndsey Eorio, applicant residing at 157 South Maple Avenue, testified that in 2018, she was granted bulk variance relief in order to construct a one-story addition to the existing dwelling (#ZB17-041). After construction began, a 2nd story was proposed to be added to the top of the previously approved addition to create a laundry room and additional bedroom. Although the footprint would remain identical to the plans approved in 2018, the proposed 2nd story addition required relief for a side yard setback and combined side yard setback, both of which are the same as approved in the previous application for the one-story addition.

Jay M. Petrillo, AIA, architect with a business address of 38 Hardscrabble Road, Basking Ridge, NJ, was accepted by the board as an expert in the field of architecture. He reiterated that this proposal would not create any additional impervious coverage or encroachment into the setbacks. Mr. Petrillo testified that the new 2nd story addition would create two (2) new bedrooms however an existing bedroom would be converted to a laundry room for a net gain of only one (1) bedroom. He discussed the design techniques used to mitigate the visual impact of the addition on the streetscape and to enhance the Victorian character of the home. Finally, Mr. Petrillo noted that the dwelling on the property to the south of the subject property is the most adjacent to the new addition and since that house is set back much farther on the lot, the proposed second story would not have any negative impact on it.

Mrs. Eorio testified that she had spoken to the neighbors and that they were all in support of the project.

As a condition of approval, Mr. Petrillo stipulated to the comments made in the board professionals' memos. He also testified that the pictures submitted with the application were taken by him and that they accurately reflect the property as it currently exists.

Hearing no further questions from the board, Vice Chairman Zaidel opened the meeting to the public for questions or comments.

Beth Pochtar, 150 South Finley Avenue, spoke in favor of the application.

Hearing no further questions or comment, that portion was closed.

Mr. Warner noted that the conditions listed in the 2018 approval would carry forward should this application be approved.

After deliberating, the board felt that the applicants had satisfied the positive and negative criteria required for a "c(1)" or "hardship" variance and also for a "c(2)" or "benefits outweigh detriments" variance. Ms. Genirs moved to deem the application complete and to direct the board attorney to draft a resolution memorializing the board's decision to grant the application for variance relief requested subject to the conditions stipulated to by the applicants and as stated during deliberations. Ms. Kleinert seconded.

Roll Call: Aye: Genirs, Kleinert, Tancredi, Zaidel
 Nay: NONE

Motion carried.

Ms. Pochtar and Mr. Eorio returned to the dais.

COMMENTS FROM MEMBERS OR STAFF

Noting that this was Ms. Kleinert's last meeting, Vice Chairman Zaidel thanked her for her many years of public service on both the Planning Board and the Zoning Board of Adjustment. He presented her with a "Resolution of Appreciation" passed by the Township Committee in recognition of that service.

ADJOURN

On motion by Mr. Tancredi, seconded by Ms. Genirs, all in favor and carried, the meeting was adjourned at 8:12 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Zoning Board of Adjustment

12/17/19

Approved as drafted 01/08/2020