

# **BERNARDS TOWNSHIP** **ZONING BOARD OF ADJUSTMENT**

## **MINUTES**

Regular Meeting  
August 7, 2019

### **CALL TO ORDER**

Chairman Breslin called the meeting to order at 7:30 PM.

### **FLAG SALUTE**

### **OPEN PUBLIC MEETINGS STATEMENT** – Chairman Breslin 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: Breslin, Eorio, Lane, Pochtar, Tancredi, Zaidel  
Members Absent: Genirs, Kraus, Kleinert  
Also Present: Board Attorney, Steven K. Warner, Esq.; Township/Board Planner, David Schley, PP, AICP;  
Board Engineer, Thomas Quinn, PE; Board Secretary, Cyndi Kiefer

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

### **APPROVAL OF MINUTES**

#### **July 11, 2019 – Regular Session**

On motion by Mr. Lane, seconded by Mr. Tancredi, all in favor and carried, the minutes of July 11, 2019 were accepted as written.

### **APPROVAL OF RESOLUTIONS**

**Pareddy/Duggirala; #ZB18-005**; Block 11401, Lot 5.02; 393 Martinsville Road; Bulk Variances; (approved in part)  
Mr. Tancredi moved approval of the resolution as drafted. Ms. Pochtar seconded.

Roll Call: Aye: Tancredi  
Nay: NONE  
Ineligible: Breslin, Eorio, Lane, Pochtar, Zaidel

Motion carried.

**Pienaar, Jacobus A. & Zanette; #ZB19-012**; Block 7101, Lot 14; 12 Stockmar Drive; Bulk Variance; (approved)  
Mr. Lane moved approval of the resolution as drafted. Mr. Eorio seconded.

Roll Call: Aye: Breslin, Eorio, Lane, Pochtar  
Nay: NONE  
Ineligible: Tancredi, Zaidel

Motion carried.

**PUBLIC HEARING**

**LCB Senior Living Holdings II LLC**; Block 2301, Lot 31; 219 Mount Airy Road; Preliminary/Final Site Plan, Bulk Variances, "d" Variances, Exceptions; #ZB19-010

Mr. Warner stated that, in response to a request from Thomas J. Malman, Esq., attorney for the applicant corporation, dated July 29, 2019, this application will be carried, *with no further notice*, to the October 9, 2019 meeting.

**PUBLIC HEARING**

**Millington Quarry Inc.**; Block 6001, Lot 6, 135 Stonehouse Road; Minor Subdivision; d(1) "Use" Variances, Bulk Variances; #ZB18-026

Mr. Warner stated that this application had been scheduled to be heard on June 24, 2019, however, the board had deemed the applicant's June 13, 2019 Public Notice of Hearing deficient and allowed the applicant an opportunity to cure the legally deficient notice. The application is scheduled to be heard at the September 4, 2019 meeting *pending receipt of sufficient notice*.

Mr. Tancredi recused himself and left the room.

**COMPLETENESS AND PUBLIC HEARING**

**LaTourette, Thomas & Lisa**; Block 5302, Lot 6; 45 Canter Drive; Bulk Variance; #ZB19-014

Present: Thomas and Lisa LaTourette, Applicants

Thomas and Lisa LaTourette, applicants residing at 45 Canter Drive, and the board's professionals were duly sworn.

Mrs. LaTourette stated that, in order to construct two (2) one-story additions to the rear of the existing dwelling along with a new second story above the existing first floor, variance relief for minimum rear yard setback was required because, unlike the neighboring properties, the subject property is wider than it is deep. Referring to the pictures of the surrounding homes submitted with the application, she agreed that after the project was completed, the dwelling would be updated and more in character with the rest of the neighborhood.

As a stipulation, the applicants agreed that the existing front porch and the proposed deck are to remain open. They also stipulated that the additions would be substantially similar in style, color and architectural design to the existing structure.

Mrs. LaTourette stated that the owner of the adjacent property, Lot 5 (57 Canter Drive) expressed concern about the amount of vegetative buffering between the two properties. **Exhibit A-1**, a compendium of six (6) pictures taken by Mrs. LaTourette that day, was entered into evidence. The pictures showed the amount of buffering between the two properties and the board agreed that it was sufficient. Mrs. LaTourette testified that all the other neighbors she had spoken to had expressed support for the project.

The hearing was opened to the public for comment. There being no members of the public present, that portion of the hearing was closed.

After deliberating, the board felt that the applicants had satisfied the positive and negative criteria required for both a "c(1)" or "hardship" variance and a "c(2)" or benefits vs. detriments" variance. Mr. Lane 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 by the applicants, subject to the conditions stipulated to by the applicants and as stated during deliberations. Ms. Pochtar seconded.

Roll Call: Aye: Breslin, Eorio, Lane, Pochtar, Zaidel.  
Nay: NONE

Motion carried.

**COMMENTS FROM MEMBERS OR STAFF** - NONE

**ADJOURN**

On motion by Mr. Lane, second by Mr. Eorio, all in favor and carried, the meeting was adjourned at 8:07 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary  
Zoning Board of Adjustment

08/12/19 v2 dssw

*Approved as written 10-09-2019*