

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

REGULAR MEETING AGENDA

Warren Craft Meeting Room

June 9, 2021

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. 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 Zoning Board of Adjustment web page. Please note that all questions/comments must be made in person.

1. CALL TO ORDER

2. FLAG SALUTE

3. OPEN PUBLIC MEETING STATEMENT

4. ROLL CALL

5. APPROVAL OF MINUTES

A. May 13, 2021 – Special Session

6. APPROVAL OF RESOLUTIONS

A. Vial, Louis & Nellie; Block 2004, Lot 2; 10 Brook Avenue; ZB21-008 (approved)

B. Simao, Salvador & Sofia; Block 4301, Lot 67.02; 20 Canoe Brook Lane; ZB21-009 (approved)

C. Sefchovich, P./Bonilla, T.; Block 4802, Lot 1.03; 91 Queen Anne Drive; ZB21-010 (approved)

D. Lesnik, Howard & Keri; Block 1803, Lot 1; 6 Cedar Street; ZB21-011 (approved)

E. Calvert, Caeleigh B.; Block 603, Lot 12; 19 Fieldstone Drive; ZB21-020 (approved)

F. Braemar Partners; Block 8201, Lots 22 & 23; 3066-3074 Valley Road; ZB20-027 (approved)

7. COMPLETENESS AND PUBLIC HEARING

A. [RCP Realty Associates LLC](#); Block 3901, Lot 5, 31 Country Lane; Bulk Variances; ZB21-007

B. [Colucci, Adam D.](#); Block 7002, Lot 42; 373 Lyons Road; Bulk Variances; ZB21-013

8. PUBLIC HEARING

A. [Kenken LLC](#); Block 1805, Lot 42; 1 Brownlee Place; Preliminary/Final Site Plan, Floor-Area Ratio, Bulk Variances; ZB21-014

9. COMMENTS FROM MEMBERS

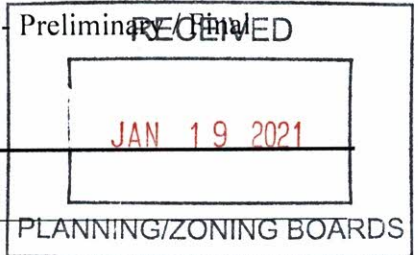
10. COMMENTS FROM STAFF

11. ADJOURN

06/01/2021dssw

**TOWNSHIP OF BERNARDS
2021 ZONING BOARD OF ADJUSTMENT APPLICATION**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Appeal of Zoning Officer's Decision
<input type="checkbox"/> Interpretation of Zoning Ordinance
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision
<input type="checkbox"/> Other (specify): _____ |
|--|--|



1. APPLICANT: RCP Realty Associates, LLC

Address: 30 Country Lane, Basking Ridge, New Jersey 07920

Phone: (home) _____ (work) _____ (mobile) (908) 642-0344

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

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

Address: _____

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

3. ATTORNEY: Paul D. Mitchell / Bisogno, Loeffler & Zelley, LLC

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

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

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

Name: John James Profession: Architect

Address: 11 Inwood Place, Maplewood, New Jersey 07040

Phone: (973) 378-3118 Email (*will be used for official notifications*): contact@johnjamesarchitect.com

5. PROPERTY INFORMATION: Block(s): 3901 Lot(s): 5 Zone: R-2

Street Address: 31 Country Lane Total Area (*square feet/acres*): 35,719/0.82

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:

The property is a single-family home in the R-2 Zone. The existing home is severely distressed. The applicant is proposing to tear down the existing 1½ story structure and to construct a two-story single-family home in approximately the same footprint.

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

See addendum.

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

See addendum.

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

APPLICANT(S) SIGN HERE:

I/we, Beverly A. Saadeh and William S. Hocking 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): Beverly A. Saadeh and William S. Hocking

Sworn and subscribed before me, this 8th day of January, 2021.

Paul D. Mitchell
Notary Paul D. Mitchell, 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

4. Other Professionals (additional sheet)

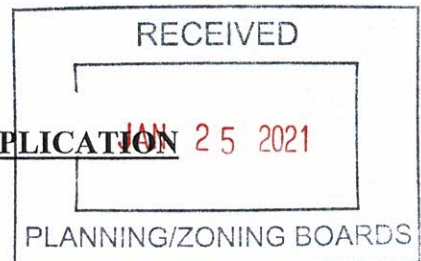
Chris Kastrud, Engineer
1952 Route 22 East
Suite 104

Bound Brook, NJ 08805

(732) 667-7744

ckastrud@kastrudengineering.com

REVISED - ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION
RCP REALTY ASSOCIATES, LLC
31 COUNTRY LANE, BLOCK 3901, LOT 5



The proposed deck shown on the architectural elevations will be an “open deck.” The lattice enclosure currently shown on the architectural elevations will be deleted and the deck will be an “open deck.”

The following are responses to the respective Application Items noted “See Addendum”:

10. **[DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS:]**

- A. Variance for Lot Area. The R-2 Zone requires a minimum lot area of 2 acres. The subject property has a lot area of 0.847 acres. The lot area is a pre-existing condition which will remain. [Ord. #585, Table 501; Ord. #1103, § 27; Ord. #1371, 8-24-1999, amended; Ord. #1888, 9-12-2006, amended]
- B. Variance for Front Yard Setback. The R-2 Zone requires a front yard setback of 100 feet. The existing structure has a front yard setback of 61.8 feet. The proposed structure will have a front yard setback of 52.8 feet. Due to the depth of the lot, the applicant cannot comply with the front yard setback. [Ord. #585, Table 501; Ord. #1103, § 27; Ord. #1371, 8-24-1999, amended; Ord. #1888, 9-12-2006, amended]
- C. Variance for Rear Yard Setback. The R-2 Zone requires a rear yard setback of 100 feet. The existing structure has a rear yard setback of 45.5 feet. The proposed structure will have a rear yard setback of 28.8 feet. Due to the depth of the lot, the applicant cannot comply with the rear yard setback. [Ord. #585, Table 501; Ord. #1103, § 27; Ord. #1371, 8-24-1999, amended; Ord. #1888, 9-12-2006, amended]
- D. Variance for Improvable Lot Area. The R-2 Zone requires an improvable lot area of 22,000 S.F. The existing improvable lot area is 0 (zero) S.F. Due to the size of the lot, the applicant cannot comply with the improvable lot area. [§21-10.4.b, (Table 401-A)]
- E. Lot is not fronting on a public street. Bernards Township Ordinance § 21-21.2 requires “All lots shall have frontage on a public street ...” [§ 21-21.2. Public Streets. [Ord. #585, § 509B]]. This lot fronts on a private road, Country Lane, as shown on Township of Bernards Tax Map 39 (attached hereto as Exhibit A).

With the exception of the aforementioned variances, the Applicant believes that no other variance, waiver or exception is required in order to grant the approval requested. However, if the Board directs that additional variance(s), waiver(s) or exception(s) is/are needed, the Applicant may seek the same in accordance with such direction.

11. **[THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE**

APPLICATION:]

Variances A, B, and C are pre-existing, non-conforming conditions which will remain. Variance A, Lot Size will not be exacerbated and Variances B and C will be slightly exacerbated.

The positive criteria are satisfied for the following reasons: The variance for the Lot Area is an existing condition and the applicant has offered to purchase additional property from neighbors or to sell their existing lot to neighbors. The variances for front and rear yard setbacks cannot be complied with by the applicant because of the depth of the lot (\pm 130 feet). The minor increase in the size of the building is necessary to accommodate a contemporary home.

There is no substantial detriment to the public good or the zone plan for the following reasons: The structure is already there. The applicant is replacing the existing, distressed 1½ story single-family home with a new, two-story single-family home, in approximately the same footprint, which will be in keeping with size of existing homes on Country Lane (see attached exhibit B – House sizes on Country Lane). The new home will be approximately 3,830 square feet. We are constructing a single-family home in a single-family zone. We are removing a distressed structure and replacing it with new construction which will be a benefit to neighboring properties. The requested variances, in substance, already exist.

As to Variance E, pursuant to **N.J.S.A. § 40:55D-36. Appeals.** “Where the enforcement of section 26 of P.L.1975, c.291 (C.40:55D-35) would entail ***practical difficulty or unnecessary hardship***, or where the circumstances of the case do not require the building or structure to be related to a street, the board of adjustment may upon application or appeal, vary the application of section 26 of P.L.1975, c.291 (C.40:55D-35) and direct the issuance of a permit subject to conditions that ***will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety . . .***”

Country Lane is sufficiently improved and accessible. It provides, and has provided in the past, adequate access for firefighting equipment, ambulances, and other emergency vehicles.

TOWNSHIP OF BERNARDS
2021 ZONING BOARD OF ADJUSTMENT APPLICATION

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|--|---|
| <p><input type="checkbox"/> Bulk or Dimensional ("c") Variance</p> <p><input type="checkbox"/> Use ("d") Variance</p> <p><input type="checkbox"/> Conditional Use ("d") Variance</p> <p><input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance</p> <p><input type="checkbox"/> Site Plan - Preliminary / Final</p> | <p><input type="checkbox"/> Appeal of Zoning Officer's Decision</p> <p><input type="checkbox"/> Interpretation of Zoning Ordinance</p> <p><input type="checkbox"/> Minor Subdivision</p> <p><input type="checkbox"/> Major Subdivision</p> <p><input type="checkbox"/> Other (specify):</p> |
|--|---|

RECEIVED
Preliminary/Final

FEB - 9 2021

PLANNING/ZONING BOARDS

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, Christian M. 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 ^{ROAD} 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?

[☒] 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 ADJAINER
LOTS. SECTION 21-18.1
2. 2,908 SF OF DISTURBANCE ON SLOPES $\geq 25\%$ 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

MEAGHAN V NUGENT
Notary Public - State of New Jersey
My Commission Expires Oct 9, 2023

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

TOWNSHIP OF BERNARDS

2021 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input type="checkbox"/> Conditional Use ("d") Variance
<input checked="" type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input checked="" type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Appeal of Zoning Officer's Decision
<input type="checkbox"/> Interpretation of Zoning Ordinance
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision - 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): rickypennisi@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): jrirtie@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): [Signature] and _____

Sworn and subscribed before me, this 5 day of February, 2021.

[Signature]
Notary Jason R. Ritt, ESQ

JASON R. RITT

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.

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.

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 2nd 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.