

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

REGULAR MEETING AGENDA

Warren Craft Meeting Room

July 7, 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. June 9, 2021 – Regular Meeting
 - B. June 17, 2021 – Special Meeting
- 6. APPROVAL OF RESOLUTIONS**
 - A. RCP Realty Associates LLC; Block 3901, Lot 5; 31 Country Lane; ZB21-007 (approved)
 - B. Colucci, Adam; Block 7002, Lot 42; 373 Lyons Road; ZB21-013 (approved)
 - C. Naulty, David & Carrie; Block 6303, Lot 16; 1 Pin Oak Court; ZB21-012 (approved)
- 7. COMPLETENESS AND PUBLIC HEARING**
 - A. [Lembo, Matthew J.](#); Block 708, Lot 5; 17 Tysley Street; Bulk Variances; ZB21-016
 - B. [Laird, T./Querrazzi, J.](#); Block 7801, Lot 20; 20 Lurline Drive; Bulk Variances; ZB21-017
 - C. [DiNardo, Carmine & Cynthia](#); Block 8101, Lot 9; 282 Stonehouse Road; Bulk Variances; ZB20-017
 - D. [Trinks, Uwe P.](#); Block 11601, Lot 30; 50 Long Road; Bulk Variances; ZB21-018
 - E. [Porr, Michael & Wendy](#); Block 1611, Lot 48; 10 Prospect Avenue; Bulk Variances; ZB21-023
- 8. COMMENTS FROM MEMBERS**
- 9. COMMENTS FROM STAFF**
- 10. ADJOURN**

06/28/2021 sw FINAL

TOWNSHIP OF BERNARDS
2021 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><input checked="" 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 - Preliminary / Final</p> <p><input type="checkbox"/> Other (specify):</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1. APPLICANT: Matthew J. Lembo

Address: 17 Tysley St. - Basking Ridge, NJ 07920

Phone: (home) _____ (work) 908-927-9510 (mobile) 908-507-6388

Email (will be used for official notifications): mlembo31@gmail.com

2. OWNER (if different from applicant): _____

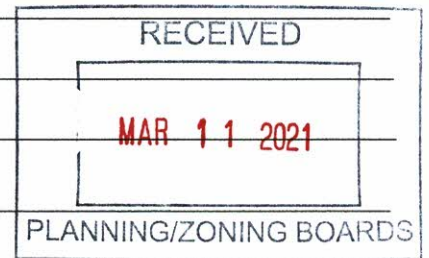
Address: _____

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

3. ATTORNEY: _____

Address: _____

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



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

Name: Robert Coleman Profession: Architect

Address: 208 Edison Ave., Stewartsville, NJ 08886

Phone: 908-209-6515 Email (will be used for official notifications): njarchitectbob@netscape.net

5. PROPERTY INFORMATION: Block(s): 708 Lot(s): 5 Zone: _____

Street Address: 17 Tysley St. Total Area (square feet/acres): 1.71

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: _____

Single family home. I want to expand the existing large attic and turn it into a 2nd floor. There will be no increase to the existing footprint.

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

Variance for front yard setback - existing home is already noncompliant and side, _____

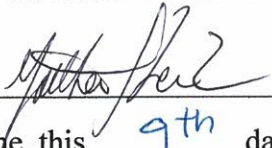
11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

~~We need room upstairs for my teenage son and daughter.~~
We are not seeking to expand the footprint. Existing house is already nonconforming.


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

APPLICANT(S) SIGN HERE:

I/we, Matthew Lembo 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 9th day of MARCH, 2021.


CYNTHIA KIEFER
Notary Public - New Jersey
Commission #2442187
Expires 01/10/24

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
2019 ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

MAR 11 2021

PLANNING/ZONING BOARDS

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

1. APPLICANT: Therese L. Laird and John Querrazzi

Address: 20 Lurline Drive, Basking Ridge, New Jersey 07920

Phone: (home) 908-604-2302 (work) _____ (mobile) 908-432-2870

Email (will be used for official notifications): terrilaird0@gmail.com

2. OWNER (if different from applicant): _____

Address: _____

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

3. ATTORNEY: Frederick B. Zelley / Bisogno, Loeffler & Zelley, L.L.C.

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): fzelley@baskingridgelaw.com

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

Name: Catherine A. Mueller Profession: P.E.

Address: Page Mueller Engineering Consultants, P.O. Box 4619, Warren, NJ 07059

Phone: (732) 805-3979 Email (will be used for official notifications): cmueller@pagemuellereng.com

5. PROPERTY INFORMATION: Block(s): 7801 Lot(s): 20 Zone: R-4

Street Address: 20 Lurline Drive, Basking Ridge, New Jersey 07920 Total Area (square feet/acres): 51,389 sf / 1.18ac

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) _____

Lot width and improvable lot area are both pre-existing non-conforming conditions.

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: _____

Single family residential property. Existing home is proposed to be razed and replaced.

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

Lot width (pre-existing 150' where 200' is required); Improvable lot area (pre-existing 6,292 sf where 10,000 sf is required); Front yard setback (73' to front steps/stoop where 75' is required); Driveway side yard setback (4' where 5' is required). Ordinance Section 21-15.1(d)(1) and Table 501

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

Lot width and improvable lot area are pre-existing conditions over which Applicants have no control, which is a hardship; the location of the proposed home, and thus the location of the driveway, are dictated by the location of the 50' wetlands buffer, which is a hardship; front yard setback pertains to the front steps/stoop only and is a significant improvement over the setback of the existing steps/stoop. No substantial, if any, detriment.

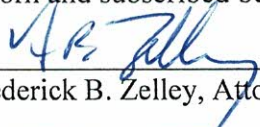
12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Therese Laird and John Querrazzi 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 10th day of March, 2021.


Frederick B. Zelley, Attorney at Law of 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 _____, 2019.

Notary

TOWNSHIP OF BERNARDS
2020 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><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</p> | <p><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):</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1. APPLICANT: Carmine Dinardo Cynthia Dinardo

Address: 282 Stonehouse Road, Basking Ridge NJ 07920

Phone: (home) 908-604-8043 (work) _____ (mobile) _____

Email (will be used for official notifications): Cindi724@hotmail.com

2. OWNER (if different from applicant): _____

Address: _____

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

3. ATTORNEY: _____

Address: _____

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

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

Name: _____ Profession: _____

Address: _____

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

5. PROPERTY INFORMATION: Block(s): 8101 Lot(s): 9 Zone: _____

Street Address: 282 Stonehouse Road Total Area (square feet/acres): 1.03 Acre

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: _____

Porch built on existing concrete patio; extended approximately 6 feet.

Pool filter situated on concrete slab was moved to side of house on crushed stone.

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

Coverage when property was purchased in 1994 was 20%. Rear setback was 54.4 feet.

Porch adds 153 sq ft, shed adds 156 sq ft to coverage, bringing it 20.1%. Rear setback is 42.5 feet.

21.15.1 (d) + Table 501

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

The coverage is essentially unchanged from time of purchase in 1994 and rear setback

reveals no neighboring properties.

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

APPLICANT(S) SIGN HERE:

I/we, Carmine Dinardo and Cynthia Dinardo 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): Carmine Dinardo and Cynthia Dinardo

Sworn and subscribed before me, this 22nd day of September, 2020.

B. Manjusee
Notary

MANJUSREE R. REVURI
NOTARY PUBLIC OF NEW JERSEY
ID # 50001769
My Commission Expires 8/13/2024

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 _____, 2020.

Notary

**TOWNSHIP OF BERNARDS
2020 ZONING BOARD OF ADJUSTMENT APPLICATION**

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| <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 - Preliminary / Final <input type="checkbox"/> Other (specify): |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
-

1. APPLICANT: Uwe P. Trinks

Address: 50 Long Road, Basking Ridge NJ 07920

Phone: (home) _____ (work) _____ (mobile) 908-578-1791

Email (will be used for official notifications): utrinks58@gmail.com

2. OWNER (if different from applicant): _____

Address: _____

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

3. ATTORNEY: _____

Address: _____

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

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

Name: Walter Poniken Profession: Engineer

Address: 37 Farber Hill Road, Boonton NJ 07005

Phone: 973-876-4800 Email (will be used for official notifications): wallycsr@aol.com

5. PROPERTY INFORMATION: Block(s): 11601 Lot(s): 30 Zone: _____

Street Address: 50 Long Road, Basking Ridge, NJ Total Area (square feet/acres): 3.06 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) Variance received on 07 October 2020 for setback violation to side and back.

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:

Property is odd shaped very long but small. Less than 197 feet wide. Existing Dwelling was built in 1968, when setback was 20 feet. An addition is currently built with a variance received 07 October 2020. An underground garage 22' x 22' with deck is proposed between the new addition and the driveway.

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

Add an underground garage, with deck on top, driveway side of the new addition.

The required setback is 50 feet from the side and 100 feet from both sides. The new garage will be within 47.5 feet from the side, 97.5 feet from both sides and 50 feet from the back.

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

Existing dwelling is completely within the setback. The garage is on the other side from the line

The property is very small and odd shaped. A variance was received in 2002 and 2020 for an addition to the existing house with a setback of 26 feet (Variances are attached).


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

APPLICANT(S) SIGN HERE:

I/we, Uwe Trinks 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 16th day of March, 2021.


Notary

David J. Ramirez
NOTARY PUBLIC
State of New Jersey
ID # 2405425

My Commission Expires 3/10/2026

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 _____, 2020.

Notary

Uwe Trinks
50 Long Road
Basking Ridge, NJ 07920

Basking Ridge, 11 March 2021

Application for a Variance to the Zoning Board of Bernards Township

Ladies and Gentlemen,

I am applying for a variance to build a 22 x 22 feet (484 sq ft) underground garage with deck on top adjacent to my existing dwelling at 50 Long Road in Basking Ridge (**Block 11601, Lot 30**). The dwelling violates the zoning rules for setback to one side and the combined setback. The required setback is 50 feet to one side and 100 ft combined. My house is built within 26.9 feet of the one sideline and 76.9 feet combined. The garage is 47.5 feet from the sideline and 50 feet from the back measured to the sideline.

My property is very long (650 feet) and small (197 feet, below the required minimum of 250 ft). The house was built in 1968, when the setback was 20 feet. I acquired it in 1997. In 2006, I finished an extension to the house thanks to a variance I had received from this board on March 14, 2002 to build within 26.9 feet of the sideline. At that time, my property was called **Block 190, Lot 33**. In October 2020, I received a variance to build an extension to the existing dwelling. The garage is an extension to that extension. Both variances are attached to the application as well as a wetland assessment from 2002 which found no wetlands. My dwelling is located close to the top of the hill.

When we excavated the basement of the extension, we realized that the basement floor is at level with the driveway. Instead of a planned underground access, we would like to now build a garage between basement and driveway and a deck on top of it. I am seeking relief from the 50 feet side setback, the 100 feet combined side setback and the 100 feet rear setback requirement.

My yard is over 200 feet away from the next dwelling and a berm planted with large pine trees separates the property next door (40 Long Road) from mine. My backyard is over 250 feet from the rear line to Mountain Park.

Thank you for your consideration.



Uwe Trinks

TOWNSHIP OF BERNARDS
2019 ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

MAY 4 2021

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| <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 - Preliminary / Final <input type="checkbox"/> Other (specify): _____ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1. APPLICANT: Michael Porr and Wendy Porr

Address: 10 Prospect Avenue Basking Ridge, NJ 07920

Phone: (home) _____ (work) _____ (mobile) (862)345-8119

Email (will be used for official notifications): michael.porr@yahoo.com

2. OWNER (if different from applicant): _____

Address: _____

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

3. ATTORNEY: Frederick B. Zelley / Bisogno, Loeffler & Zelley, L.L.C.

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): fzelley@baskingridgelaw.com

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

Name: Rudolph L. Holzmann, PE Yannacone Villa & Aldrich LLC Profession: Engineer

Address: 460 Main Street, P.O. Box 459, Chester, New Jersey 07930

Phone: (908) 879-6646 Email (will be used for official notifications): r.holzmann@yvallc.com

5. PROPERTY INFORMATION: Block(s): 1611 Lot(s): 48 Zone: R-7

Street Address: 10 Prospect Avenue Total Area (square feet/acres): 19,041 SF

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) Excessive coverage (28.16% when 20% is permitted), which is a pre-existing, non-conforming condition (predates 1978 ordinance), as per 5/3/2021 email from Zoning Officer Nancy Koederitz submitted herewith; Utility shed is in violation of side and rear yard setbacks, for which variance is being requested herein.

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: _____

Please see attached Addendum

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

Please see attached Addendum.

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

Please see attached Addendum


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

APPLICANT(S) SIGN HERE:

I/we, Michael Porr and Wendy Porr 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 30th day of April, 2021.


Frederick B. Zelly, Attorney at Law of 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 _____, 2019.

Notary

RECEIVED

MAY 4 2021

PLANNING/ZONING BOARDS

ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION

MICHAEL AND WENDY PORR

10 PROSPECT AVENUE – BLOCK 1611, LOT 48

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

9. [Description of the Existing Property and the Proposal/Request]

The Applicants wish to install an inground swimming pool in a conforming location in the rear yard of their property. The property is modestly undersized (.437 ac in a half acre zone), and presently hosts a single family residence with a patio, as well as a small utility shed. The house and patio are conforming. The shed, installed in or about 2007, is in violation of the side and rear setbacks. The property has excessive impervious coverage, which is a pre-existing, non-conforming condition, predating the 1978 zoning ordinance, as confirmed by the Zoning Official.

10. [Description of Requested Variances or Exceptions]

Variance for excessive impervious coverage: Ordinance Section 21-15.1(d)(1) and Table 501. The installation of the proposed inground swimming pool, including its coping and equipment pad, will increase the existing impervious coverage on the property by 848 sf, of which 672 sf is “stormwater neutral” pool water surface area. The Applicants propose to eliminate a 102 sf portion of their driveway asphalt and restore the area to grass. Accordingly, the net increase in impervious coverage is 746 sf. This represents an increase from 28.16% to 32.08%. Discounting the pool water surface area, however, the increase is only 74 sf, or from 28.16% to 28.55%, an arguably *de minimis* increase.

Variances for Side and Rear Setbacks for Utility Shed: Ordinance Section 21-16.1(c) and Table 507. Shortly after the Applicants purchased the subject property in 2007, they installed a small utility shed in the northeast corner of the property, 3.2' from the side line and 2.4' from the rear line, unknowingly in violation of the 10' side and rear setbacks. The Applicants are now seeking variance relief to permit the shed to remain in its present location.

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. [Arguments in Support of Application]

Positive Criteria

The variances requested are “C-1” variances, based upon the hardship created by the undersized lot and the locations of the lawfully existing structures and impervious features on the property. As to the coverage variance, but for the undersized lot, the coverage (not including the pool water surface area) would be less than 25% (all but 74 sf of which would be pre-existing, non-conforming). As for the shed setback variances, compliance with the setbacks would place the shed in an unfavorable location, such as in the middle of the relatively modest backyard grassed area and/or in a location more visible from the street.

The variances could also be considered “C-2” (“Flexible C”) variances, in that the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

As to the shed variances, leaving the shed in its present location would satisfy the following purposes of the MLUL, as set forth in N.J.S.A. 40:55D-2:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare:

Keeping the shed out of the open grassed areas of the rear yard will contribute to the health, safety and general welfare of the Applicants, their family members and visitors.

c. To provide adequate light, air and open space:

Keeping the shed out of the open grassed areas of the rear yard will maintain the existing light, air and open space of the property.

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement:

Keeping the shed largely out of view from the street will maintain the existing desirable visual environment of the property and the neighborhood.

There is no perceived detriment to offset the above benefits. The additional impervious coverage, disregarding the “stormwater neutral” pool water surface area, is *de minimis*. The shed has existed in its present location for many years, with no complaints from any neighbors and with no apparent detriment being presented by its location.

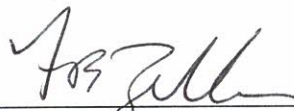
As to the impervious coverage variance, the addition of a swimming pool to the Applicants' property would assist in conserving property values in the neighborhood as whole, which remains a purpose of land use regulation even though that goal is not expressly stated in N.J.S.A. 40:55D-2. Home Builders League of S. Jersey, Inc. v. Township of Berlin, 81 N.J. 127, 144-45 (1979).

Negative Criteria

The Negative Criteria are also satisfied, as the variances can be granted without substantial detriment to the public good and without substantial impairment of the intent and the purpose of the zone plan and zoning ordinance. The shed location and most of the impervious coverage reflect existing conditions, which have had no detrimental effect upon the public good or the zone plan to date, and will have none in the future. As noted, when the stormwater neutral pool water surface area and the portion of the driveway that is being removed are removed from the equation, the additional impervious coverage is *de minimis*.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC



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