

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

## **REGULAR MEETING AGENDA v2**

Warren Craft Meeting Room

August 4, 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.** July 7, 2021 – Regular Meeting

**6. APPROVAL OF RESOLUTIONS**

**A.** Lembo, Matthew J.; Block 708, Lot 5; 17 Tysley Street; ZB21-016 (approved)

**B.** Laird, T./Querrazzi, J.; Block 7801, Lot 20; 20 Lurline Drive; ZB21-017 (approved)

**C.** DiNardo, Carmine & Cynthia; Block 8101, Lot 9; 282 Stonehouse Road; ZB20-017 (approved)

**D.** Trinks, Uwe; Block 11601, Lot 30; 50 Long Road; ZB21-018 (approved)

**E.** Porr, Michael & Wendy; Block 1611, Lot 48; 10 Prospect Avenue; ZB21-023 (denial-pool; approval-shed)

**7. COMPLETENESS AND PUBLIC HEARING**

**A.** [Caesar, Albert & Stephanie](#); Block 5302, Lot 3; 24 Post Terrace; Bulk Variance; ZB21-022

**B.** [Weisfelner, B./Jackson, R.](#); Block 9501, Lot 37; 22 High Meadow Road; Bulk Variance; ZB21-019

**C.** [Fabian, Matthew & Michelle](#); Block 6902, Lot 14; 20 Addison Drive; Bulk Variance; ZB21-021

**D.** [Verb, G./Williams-Verb, C.](#); Block 11501, Lots 11 & 12; 33 Long Road; Bulk Variances; ZB21-024

**8. DISCUSSION - REVISED MEETING START TIME** – Formal action may be taken.

**9. COMMENTS FROM MEMBERS**

**10. COMMENTS FROM STAFF**

**11. ADJOURN**

08/04/2021 FINAL

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

RECEIVED

MAY 3 2021

PLANNING/ZONING BOARDS

- ☒ Bulk or Dimensional ("c") Variance  
☐ Use ("d") Variance  
☐ Conditional Use ("d") Variance  
☐ Floor Area Ratio, Density, or Height ("d") Variance  
☐ Site Plan - Preliminary / Final

- ☐ Appeal of Zoning Officer's Decision  
☐ Interpretation of Zoning Ordinance  
☐ Minor Subdivision  
☐ Major Subdivision - Preliminary / Final  
☐ Other (specify):

1. APPLICANT: AL and STEPHANIE CAESAR

Address: 24 POST TERRACE

Phone: (home) 908-696-8980 (work) \_\_\_\_\_ (mobile) 908-500-9467 (S)

Email (will be used for official notifications): sb-caesar@yahoo.com

2. OWNER (if different from applicant): N/A

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: JAY M. PETRILLO, AIA Profession: ARCHITECT

Address: 38 HARD SCRABBLE ROAD BASKING RIDGE, NJ 07920

Phone: 908-766-4549 Email (will be used for official notifications): jaypetrilloarchitect@verizon.net

5. PROPERTY INFORMATION: Block(s): 5302 Lot(s): 3 Zone: R-4

Street Address: 24 POST TERRACE Total Area (square feet/acres): 40,722

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) 2B 14-007

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:** THE REQUEST IS TO REMOVE ROOF FROM 2 CAR GARAGE TO ADD A 2ND FLOOR MASTER SUITE OVER GARAGE. THE GARAGE IS CURRENTLY IN VIOLATION OF THE REAR YARD SETBACK WHICH REQUIRES A 75' SETBACK AND 45' EXISTS AND IS PROPOSED.

**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):**  
REQUEST FOR VARIANCE FOR 21-15.1(d)(1) and Table 501 REAR YARD SETBACK

**11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:** THE HOUSE FRONTS ONTO TWO ROADS AND THE LOT IS NARROW COMPARED TO ITS WIDTH CAUSING A MAJORITY OF THE EXISTING HOME TO BE OUTSIDE OF THE BUILDABLE AREA. SECOND FLOOR ADDITION WILL BE NO CLOSER THAN THE EXISTING GARAGE

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

**APPLICANT(S) SIGN HERE:**

I/we, Albert Caesar and Stephanie B. Caesar 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): Albert Caesar and Stephanie B. Caesar

Sworn and subscribed before me, this 23<sup>rd</sup> day of April, 2021

B. Manjushree  
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 \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary



MAR 19 2021

PLANNING/ZONING BOARDS

## TOWNSHIP OF BERNARDS

## 2021 ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

MAR 19 2021

PLANNING/ZONING BOARDS

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

1. APPLICANT: Benjamin Weistkener Rebecca Jackson

Address: 22 High Meadow Road

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) 516-860-8831

Email (will be used for official notifications): \_\_\_\_\_

2. OWNER (if different from applicant): Same

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

3. ATTORNEY: Homeowner is attorney

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

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

Name: Scott Anderson Profession: Pool Contractor

Address: 100 Main St Chatham

Phone: 862-222-4569 Email (will be used for official notifications): SRA07920@yahoo.com

5. PROPERTY INFORMATION: Block(s): 4501 Lot(s): 37 Zone: PUD-5

Street Address: 22 High Meadow Rd Total Area (square feet/acres): 89,782.43 +/-

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 [X] Yes (if yes, explain) Wetlands easement

**9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:**

Install swimming pool/Patio/fence on existing residential lot with 2 story home

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

Requesting relief from Land Development Ordinance 21-18.1 Pool must be behind adjacent homes

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

Improvements to be centrally located in rear yard of subject property. Stormwater run off to be collected on site not to cause any issues with adjacent Property

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

**APPLICANT(S) SIGN HERE:**

I/we, Rebecca Jackson and Benjamin Weisfelner 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): R Jackson and B Weisfelner

Sworn and subscribed before me, this 22<sup>nd</sup> day of February, 2021.

Susan M. Kelleher  
Notary

USAN M. KELLEHER  
Attorney-at-Law  
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



**TOWNSHIP OF BERNARDS**  
**2019 ZONING BOARD OF ADJUSTMENT APPLICATION**

RECEIVED

APR 9 2021

- |  |  |
|--|--|
| <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:** Matthew W. and Michelle A. Fabian

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

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) (732) 710-8672

Email (will be used for official notifications): fabianmw@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: Aaron Pastore Profession: Landscape Architect

Address: C/O Dell Outdoor, 136 Lincoln Road, Kinnelon, New Jersey, 07405

Phone: (201) 546-4448 Email (will be used for official notifications): apastore@twcnny.rr.com

**5. PROPERTY INFORMATION:** Block(s): 6902 Lot(s): 14 Zone: R-4

Street Address: 20 Addison Drive, Basking Ridge Total Area (square feet/acres): 40,678sf/.934ac

**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) \_\_\_\_\_

Impervious coverage (subject of within application). Lot area and lot width are preexisting, 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 lot with excess impervious coverage due to paver patio areas and swimming pool.

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

Impervious coverage

Ordinance Section 21-15.1(d)(1) and Table 501

Please see Addendum

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

Please see Addendum

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

**APPLICANT(S) SIGN HERE:**

I/we, Matthew W. Fabian and Michelle A. Fabian 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 [Signature]

Sworn and subscribed before me, this 9<sup>th</sup> day of April, 2021.

[Signature]  
Frederick B. Zelle, Attorney at Law 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.

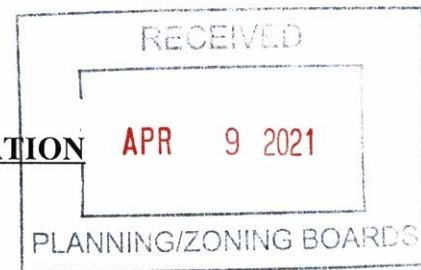
Signature of owner(s): \_\_\_\_\_

Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary



**ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION**  
**MATTHEW W. AND MICHELLE A. FABIAN**  
**20 ADDISON DRIVE, BLOCK 6902, LOT 14**



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

10. [Description of Requested Variances or Exceptions]

This is an application for a variance for excessive impervious coverage. In the course of construction of an inground swimming pool with associated patio areas, the Applicants exceeded the 15% maximum impervious coverage requirement of the R-4 Zone. Prior to completion of the project, this nonconformity was noted to the Applicants by the zoning official. The Applicants seek variance relief in order to be able to complete the construction of a safe and appropriately designed swimming pool and patio area (see further discussion below). Specifically, the Applicants seek a variance for impervious coverage of 17.3%, of which approximately 1% (almost 50% of the excess) consists of stormwater neutral pool water area.

With the exception of the said variance, the Applicants believe 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 Applicants may seek the same in accordance with such direction.

11. [Arguments in Support of Application]

Positive Criteria

The variance requested would likely be considered a “C-2” (“flexible c”) variance, 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.

In this case, the granting of the requested variance would satisfy the purpose set forth in N.J.S.A. 40:55D-2(a), which is “[t]o 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”. The primary reason that the Applicants constructed the swimming pool patio as they have, and that they wish to expand the same to surround the entire pool, is to provide a safer (level and less slippery) area for bathers, as well as to provide more secure and safer anchors for the pool cover. Without the requested patio areas, the area surrounding the pool would consist of slippery grass and the anchors would continue to consist of dangerous pieces of rebar protruding from the grass. The granting of the requested variance would therefore promote health, safety and general welfare.

The completion of the swimming pool project as proposed by the Applicants would also 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).

The Applicants do not believe that the granting of the variance would be detrimental in any way (see Negative Criteria discussion below). Accordingly, the benefit outweighs any detriment (none being perceived).

Additionally, the property is undersized, which creates a hardship under "C-1" analysis. While it is conceded that the proposed coverage would be excessive (albeit it less so) even if the property were of compliant area, some recognition of this hardship should nonetheless be afforded by the Board in the course of its deliberations.

#### Negative Criteria

The Negative Criteria are also satisfied, as the variance 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. Other similarly sized lots in the neighborhood have similarly sized inground swimming pools and associated patios, which have not caused any detrimental effect. Notably, such improvements are located on the following lots: Block 6902, Lots 6 and 17; Block 6701, Lots 17 and 19; Block 6704, Lots 3 and 9; and Block 7901, Lots 24, 25 and 26.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC



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By: Frederick B. Zelle, Esq.  
Attorneys for the Applicants  
Matthew W. and Michelle A. Fabian

Dated: April 9, 2021

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

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

**1. APPLICANT:** Gregori Verb and Cara Williams-Verb

Address: 33 Long Road, Bernards, NJ 07920

Phone: (home) \_\_\_\_\_ (work) 908-704-8989 (mobile) \_\_\_\_\_

Email (will be used for official notifications): gverb@moorehouseentities.com

**2. OWNER (if different from applicant):** N/A

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

**3. ATTORNEY:** John J. Sullivan, Jr., Esq. / Vastola & Sullivan

Address: 495 Union Avenue, Middlesex, NJ 08846

Phone: 732-560-0888 Email (will be used for official notifications): jsullivan@vfesqs.com

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

Name: Deborah D'Amico Profession: Engineer

Address: 68 North Bridge Street, Somerville, NJ 08876

Phone: 908-635-2868 Email (will be used for official notifications): d.damico@damicoengineer.com

**5. PROPERTY INFORMATION:** Block(s): 11501 Lot(s): 11 and 12 Zone: R-3

Street Address: 33 Long Road Total Area (square feet/acres): 6.18 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) \_\_\_\_\_

**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 [x] Yes (if yes, explain) 30' wide drainage/conservation easement along the centerline of the stream traversing the property.

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: \_\_\_\_\_  
See annexed project description.

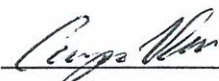

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):  
21-18.1 to permit a private swimming pool in front of the rear building line of the adjacent property and  
21-18.2 in the front yard of the subject property.

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: \_\_\_\_\_  
See annexed project description.

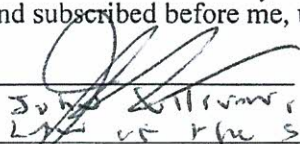
12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Gregori Verb and Cara Williams-Verb 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 24 day of May, 2021



Notary   
Sylvia Sullivan, an attorney at law of the State of NJ

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

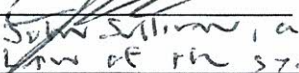
If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, Gregori Verb and Cara Williams-Verb the owner(s) of the property described in this application,

hereby authorize Gregori Verb and Cara Williams-Verb 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 24 day of MAY, 2021

Notary   
Sylvia Sullivan, an attorney at law of the State of NJ

### **PROJECT DESCRIPTION**

The applicants, Gregori Verb and Cara Williams-Verb, are the owners and occupants of the property located at 33 Long Road and designated as Lots 11 and 12 in Block 11501 on the tax map. The site is improved with a single family dwelling and a detached garage. The lots will be merged as part of this application.

The applicants propose to construct a private swimming pool with a landscape and rock waterfall with slide, a pool house and related pool deck and fencing.

The site and the proposed improvements comply with all requirements of the ordinance with the exception of section 21-18.2 of the ordinance. Due to the configuration of the lot and the location of the existing dwelling the swimming pool is proposed to be located in front of the rear building line of existing residential structures on adjoining lots contrary to section 21-18.2 of the above ordinance.

Depending on the Board's interpretation of the ordinance as applied to this irregular shaped lot, the applicant may require a variance for the swimming pool to be located in a front or side yard contrary to section 21-18.1 of the ordinance.

The applicants submit that the application may be granted as a C(1) hardship variance and/or a C(2) benefits outweigh any detriment variance. The site is oversized for the zoning district, the pool will be several hundred feet from the front property line and will be shielded from the view of adjoining properties.