

BERNARDS TOWNSHIP

ZONING BOARD OF ADJUSTMENT

MINUTES v2
Regular Meeting
October 5, 2022

CALL TO ORDER

Chairwoman Genirs called the meeting to order at 7:32 PM.

FLAG SALUTE

OPEN PUBLIC MEETINGS STATEMENT – Chairwoman Genirs read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this meeting of the Zoning 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, NJ, was sent to the Bernardsville News, Whippany, NJ, and the Courier News, Bridgewater, NJ, and was filed with the Township Clerk, all on January 6, 2022 and was electronically mailed to all those people who have requested individual notice.

The following procedure has been adopted by the Bernards Township Zoning 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: Baumann, Genirs, Helverson, Kraus, Pochtar, Tancredi
Members Absent: Amin, Cambria, Pavlosky
Also Present: Board Attorney, Steven K. Warner, Esq.; Township/Board Planner, David Schley, PP, AICP;
Board Engineer, Thomas Quinn, PE, CME; Board Secretary, Cyndi Kiefer

On motion by Mr. Tancredi, seconded by Mr. Kraus, all eligible and in favor, the absences of Mr. Amin, Mr. Cambria and Mr. Pavlosky were excused.

APPROVAL OF MINUTES

September 7, 2022 – Regular Session – On motion by Mr. Tancredi, seconded by Ms. Baumann, all eligible in favor and carried, the minutes were adopted as drafted.

September 15, 2022 – Regular Session – On motion by Mr. Kraus, seconded by Ms. Baumann, all eligible in favor and carried, the minutes were adopted as revised.

APPROVAL OF RESOLUTIONS

Raustad, Gregory & Katie; Block 6301, Lot 4; 211 Stonehouse Road; ZB22-016 (approved) – Ms. Pochtar moved to approve the resolution as drafted. Mr. Tancredi seconded.

Roll call: Aye: Baumann, Genirs, Kraus, Pochtar, Tancredi
Nay: NONE
Ineligible: Helverson

Motion carried.

Dietrich, Jennifer; Block 1616, Lot 8; 33 Manchester Drive; ZB22-007 (approved) – carried to 11/09/2022

COMPLETENESS AND PUBLIC HEARING

Jacobs, M./Brady, A.; Block 501, Lot 9; 270 Childs Road; Bulk Variance; ZB22-019
Present: William E. S. Kaufman, AIA, Architect for the Applicants
Matthew F. Jacobs, Applicant

Mr. Warner stated that notice was sufficient and timely therefore the Board had jurisdiction to hear this application. Mr. Jacobs, Mr. Kaufman, Mr. Quinn and Mr. Schley were duly sworn.

Matthew F. Jacobs, Applicant residing at 270 Childs Road, testified that the proposed project, renovation/expansion of an existing dwelling including an addition and porch roof to the rear of the dwelling and another addition above the existing first floor, requires relief for encroachment into the front yard setback.

William E. S. Kaufman, AIA, architect with the firm of *Wesketch Architecture Inc.*, Millington, NJ, was accepted by the Board as an expert in the field of architecture and stated that because of the irregular shape of the subject property, nearly all of the existing dwelling encroaches into the front yard setback (pre-existing, nonconforming condition). After testifying that the original portion of the dwelling is about 100 years old, Mr. Kaufman opined that subsequent additions made the house look pieced together and that the proposed project would create a more cohesive look. Finally, he confirmed that the photos submitted with the application were taken by him in the spring of 2022 and that they accurately depict the property as it currently exists.

Mr. Jacobs stipulated as a condition of approval, that if he could not prove that the existing shed in its current (nonconforming) location is a pre-existing nonconforming condition, it would be moved to a conforming location.

The comments in the memos from Mr. Schley (09/30/2022), Mr. Quinn (09/30/2022) and the Environmental Commission (09/28/2022) were addressed to the satisfaction of the Board.

Hearing no further questions or comments from the Board, the hearing was opened to the public for questions or comments. Hearing none, that portion of the hearing was closed.

After deliberating, the Board concluded that the Applicant had satisfied the positive and negative criteria for "c(1)" or "hardship" variance relief. Ms. Pochtar moved to deem the application complete and to direct the Board Attorney to draft a resolution memorializing the Board's decision to grant the relief requested by the Applicant subject to the conditions stipulated to by the Applicant and as stated during deliberations. Ms. Baumann seconded.

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| Roll call: | Aye: | Baumann, Genirs, Helverson, Kraus, Pochtar, Tancredi |
| | Nay: | NONE |

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Powell, Clare D.; Block 2701, Lot 9; 112 South Alward Avenue; Bulk Variance; ZB22-020

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| Present: | Timothy J. Coleman, AIA, Architect for the Applicant |
| | Clare D. Powell, Applicant |

Mr. Warner stated that notice was sufficient and timely therefore the Board had jurisdiction to hear this application. Ms. Powell, Mr. Coleman, Mr. Quinn and Mr. Schley were duly sworn.

Clare D. Powell, Applicant residing at 46 Chestnut Court, testified that the proposed project, replacement of an existing front stoop with a larger open front porch is part of an ongoing renovation project (the balance of which did not require any variances) and requires variance relief for encroachment into the front yard setback.

Timothy J. Coleman, AIA, architect with the firm of *Coleman Architecture*, Bernardsville, NJ, was accepted by the Board as an expert in the field of architecture. Because of its width, the proposed porch did not meet the requirements for a front setback exemption for open porches as put forth in the Township's Land Development Ordinances. However, he opined that as proposed, it would be more in proportion to the house. Ms. Powell stipulated, as a condition of approval, that the porch would remain open.

The comments in the memos from Mr. Schley (09/30/2022) and Mr. Quinn (09/30/2022) were addressed to the satisfaction of the Board.

Hearing no further questions or comments from the Board, the hearing was opened to the public for questions or comments. Hearing none, that portion of the hearing was closed.

After deliberating, the Board concluded that the Applicant had satisfied the positive and negative criteria for "c(2)" or "benefits outweigh detriments" variance relief. Ms. Baumann moved to deem the application complete and to direct the Board Attorney to draft a resolution memorializing the Board's decision to grant the relief requested by the Applicant subject to the conditions stipulated to by the Applicant and as stated during deliberations. Mr. Kraus seconded.

Roll call: Aye: Baumann, Genirs, Helverson, Kraus, Pochtar, Tancredi
 Nay: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Ventriglia, Karen; Block 10401, Lot 33; 180 Somerville Road; Bulk Variances; ZB22-018

Present: Frederick B. Zelle, Esq., Attorney for the Applicant
 Nicholas J. Ferrara, AIA, PP, Architect/Planner for the Applicant
 Karen Ventriglia, Applicant

Mr. Warner stated that notice was sufficient and timely therefore the Board had jurisdiction to hear this application. Ms. Ventriglia, Mr. Ferrara, Mr. Quinn and Mr. Schley were duly sworn.

Frederick B. Zelle, Esq., attorney with a business address of 53 Division Avenue, Millington, NJ, entered his appearance on behalf of the Applicant and stated that the proposal to construct a two-story dwelling with an attached two-car garage (replacing a dwelling destroyed by fire in 2019), requires variance relief for the subject property as well as for the proposed dwelling itself. He added that although the project requires relief for maximum allowable lot coverage, the proposed lot coverage is less than what had previously existed because of the removal of an existing inground pool along with reductions in the driveway and patio/walkway surfaces. Finally, he confirmed that he had taken the photos submitted with the application and that they accurately depict the property as it currently exists.

Karen Ventriglia, Applicant, testified that the proposed dwelling will be substantially similar to the one which was destroyed by fire adding that the only surviving structure, a shed, will be used solely for storage of tools and lawn furniture and not as a garage. Finally, she confirmed that a portion of the proposed deck would be partially covered but not enclosed, that the pre-existing pool would not be replaced and that no trees would be removed.

The hearing was opened to the public for questions of the witness. Hearing none, the hearing was closed.

Nicholas J. Ferrara, AIA, PP, architect and professional planner with a business address of 29 Greenwood Drive, Millington, NJ, was accepted by the Board as an expert in architecture and planning. After discussing the proposed floor plans, he opined that some of the discrepancies in dimensions for the old house could be attributed to the fact that those numbers were taken from an older, less accurate survey. He confirmed that the dimensions for the new dwelling were accurate.

A discussion ensued about further reducing the driveway and although the Applicant did not want to change the proposed configuration, she stipulated, as a condition of approval, that the driveway would be cut back to provide a conforming 5-foot setback.

The comments in the memos from Mr. Schley (09/30/2022), Mr. Quinn (09/30/2022) and the Environmental Commission (09/28/2022) were addressed to the satisfaction of the Board.

Hearing no further questions or comments from the Board, the hearing was opened to the public for questions or comments. Todd Edelstein, 172 Riverside Drive, was duly sworn and spoke in favor of the application. Hearing nothing further, that portion of the hearing was closed.

In Mr. Zelle's summary, he stated that because of the substandard size of the property along with its environmental constraints, the application qualified for the requested relief under "c(1)" or "hardship" criteria.

After deliberating, the Board concluded that the Applicant had satisfied the positive and negative criteria for both "c(1)" or "hardship" and "c(2)" or "benefits outweigh detriments" variance relief. Mr. Tancredi moved to deem the application complete and to direct the Board Attorney to draft a resolution memorializing the Board's decision to

grant the relief requested by the Applicant subject to the conditions stipulated to by the Applicant and as stated during deliberations. Ms. Baumann seconded.

Roll call: Aye: Baumann, Genirs, Helverson, Kraus, Pochtar, Tancredi
Nay: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Soled, Leonard & Alexis; Block 7702, Lot 10.01; 6 Fenwick Place; Bulk Variances; ZB22-017

Present: Frederick B. Zelley, Esq., Attorney for the Applicants
W. Leland Titus, PE, PP, Engineer/Planner for the Applicants
Leonard & Alexis Soled, Applicants

Mr. Warner stated that notice was sufficient and timely therefore the Board had jurisdiction to hear this application. Ms. Soled, Mr. Soled, Mr. Titus, Mr. Quinn and Mr. Schley were duly sworn.

Frederick B. Zelley, Esq., attorney with a business address of 53 Division Avenue, Millington, NJ, entered his appearance on behalf of the Applicants and stated that the proposal, construction of an inground pool with a 6-foot high, solid fence requires relief for the pool and fence locations which are proposed to be in a front yard (Valley Road). Mr. Zelley noted that the property has two front yards: Fenwick Place (primary) and Valley Road (secondary). Given the location of the dwelling (presently under construction) which is nearly 800 feet from Valley Road, the vast majority of the undeveloped area on the Applicants' lot is front yard (Valley Road). Mr. Zelley noted that the Applicants have applied for a variance from the ordinance requiring that the pool shall be located behind the rear building line of existing residential structures on adjoining lots as a precautionary measure because in the future, when a dwelling is constructed on presently vacant adjacent lot 10.02 to the north, the Applicants' pool will not be behind the rear building line of that house.

Leonard Soled, Applicant residing at 18 Skyline Drive, Warren, NJ, testified that the rear yard affords a conforming location for the proposed pool however, because that area is very narrow and restricted by an easement, the pool would take up most of the usable area. The proposed pool location on the Valley Road side of the house would provide more privacy from the other houses in the development. He stated that only the section of fencing that runs from the front of the dwelling parallel to Fenwick Place towards Valley Road is proposed to be solid and 6-feet high for privacy. The remainder of the fencing would be open including that portion which is parallel to Valley Road. Finally, Mr. Soled confirmed that in order to stay below the maximum impervious coverage allowed for this property as required by the original subdivision approval, there would be no patios or walkways associated with the pool.

W. Leland Titus, PE, PP, professional engineer and professional planner with the firm of *Titus Surveying and Engineering PC*, North Plainfield, NJ, was accepted by the Board as an expert in the fields of engineering and planning. He described the subject property, noting that the detention basin for stormwater runoff for the entire 5-lot subdivision is located entirely on the Applicants' property. He opined that there was no detriment to the proposed location of the pool since that location functions as a side yard even though it is technically a front yard (Valley Road).

Mr. Schley stated that the heavily landscaped easement that runs across the rear yards of all five (5) lots in the subdivision (including the subject property) was meant to serve as a buffer between this subdivision and the adjacent neighborhoods. In addition, the proposed dwellings were moved closer to the front yard boundary line to keep them further from the existing neighbors to the rear. He opined locating the pool away from the rear yard and easement is in line with the Planning Board's intent to keep activity further from the pre-existing neighbors..

A discussion ensued about the location of the solid fencing. Mr. Soled confirmed that only the section of fencing parallel to Fenwick Place would be solid. The remaining fencing would be black aluminum to match the fences anticipated in the remainder of the development (as required by a recent Planning Board approval) and stipulated, as a condition of approval, to provide landscape buffering to soften views of the fence from Fenwick Place. Mr. Schley added that the developer will be planting more trees before the development is completed. Mr. Zelley requested a recess to discuss the issue with his clients.

* * * *The Open Session was recessed at 10:20 PM and reconvened at 10:29 PM.* * * *

The comments in the memos from Mr. Schley (09/30/2022), Mr. Quinn (09/30/2022) and the Environmental Commission (09/28/2022) were addressed to the satisfaction of the Board.

Hearing no further questions or comments from the Board, the hearing was opened to the public for questions or comments. Hearing none, that portion of the hearing was closed.

The results of a straw poll indicated that the Board was satisfied with the description and location of the solid fence.

In his summary, Mr. Zelley opined that the testimony provided demonstrated the Applicants' entitlement to relief.

After deliberating, the Board concluded that the Applicants had satisfied the positive and negative criteria for both "c(1)" or "hardship" and "c(2)" or "benefits outweigh detriments" variance relief. Mr. Kraus moved to deem the application complete and to direct the Board Attorney to draft a resolution memorializing the Board's decision to grant the relief requested by the Applicants subject to the conditions stipulated to by the Applicants and as stated during deliberations. Ms. Pochtar seconded.

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| Roll call: | Aye: | Baumann, Genirs, Helverson, Kraus, Pochtar |
| | Nay: | Tancredi |

Motion carried.

COMMENTS FROM MEMBERS OR STAFF – None.

ADJOURN

Moved by Ms. Pochtar, seconded by Mr. Kraus, all in favor and carried, the meeting was adjourned at 10:48 PM.

Respectfully submitted,

Cyndi Kiefer

Cyndi Kiefer, Secretary
Zoning Board of Adjustment

Adopted as drafted 11/09/2022

10/19/2022 dssw

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BERNARDS**

**GREGORY & KATIE RAUSTAD
Case No. ZB22-016**

RESOLUTION

WHEREAS, GREGORY and KATIE RAUSTAD (the “Applicants”) have applied to the Zoning Board of Adjustment of the Township of Bernards (the “Board”), for the following bulk variances, in connection with the removal of an existing one-story dwelling with attached two-car garage and the construction of a two-story, 3,485 square foot dwelling with attached three-car garage, on property identified as Block 6301, Lot 4 on the Tax Map, more commonly known as 211 Stonehouse Road (the “Property”):

(1) A variance for a pre-existing lot area of 0.966 acres, whereas the minimum required lot area in an R-4 residential zone is 1 acre, pursuant to Section 21-15.1.d.1 and Table 501 of the Land Development Ordinance;

(2) A variance for a pre-existing lot width of 184.53 feet, whereas the minimum required lot width in an R-4 residential zone is 200 feet, pursuant to Section 21-15.1.d.1 and Table 501 of the Land Development Ordinance;

(3) A variance for a proposed lot coverage of 17.7%,¹ whereas the existing lot coverage is 15.4% and the maximum permitted lot coverage in an R-4 residential zone is 15%, pursuant to Section 21-15.1(d)(1) and Table 501 of the Land Development Ordinance; and

(4) A variance for an existing accessory (shed) rear-yard setback of 9.2 feet, whereas the minimum required accessory rear-yard setback in an R-4 residential zone is 20 feet, pursuant to Section 21-16.1.c and Table 507 of the Land Development Ordinance; and

¹The Applicants subsequently amended the application to request lot coverage of up to an additional 25 square feet solely to account for the additional coverage that was the result if they move the dwelling slightly further back from its originally designated location.

WHEREAS, a public hearing on notice was held on such application on September 7, 2022, at which time interested citizens were afforded an opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicants and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. The Board reviewed the application and deemed it to be complete.
2. The Property is a pre-existing undersized lot located on Stonehouse Road and improved with a one-story single-family home. The Applicants propose to remove an existing one-story dwelling with attached two-car garage and construct a two-story, 3,485 sq. ft. dwelling with attached three-car garage. An existing +/-648 sq. ft. inground swimming pool with surrounding patio and an existing 165 sq. ft. shed are to remain.
3. The Applicants' proposal is depicted on Variance Map 211 Stonehouse Rd., prepared by Parker Engineering & Surveying, consisting of 2 sheets, dated 6/10/22 and Architectural Plan, prepared by Pran Design Studios, consisting of 2 sheets dated 6/10/22.
4. The requested variances for the minimum lot area and lot width, minimum accessory rear-yard setback and maximum lot coverage deviations, all fall under the criteria of N.J.S.A. 40:55D-70(c).
5. David Schley, A.I.C.P./P.P., the Township / Board Planner and Thomas Quinn, P.E., CME, the Board Engineer, both were duly sworn according to law.
6. Gregory and Katie Raustad, the Applicants, were duly sworn according to law. Mrs. Raustad explained the family is knocking down the existing dwelling that they purchased in 2009 to construct a larger two-story home for their growing family. The new dwelling, unlike

the smaller existing dwelling, would provide a downstairs bedroom and bathroom for the Applicants' aging parents, a separate formal dining room and living room, increased foyer space, and a master bedroom suite upstairs. The pool and shed exist and are not proposed to be removed. Mr. Raustad testified that the Applicants' revised the plans for more than a year to try to accommodate their needs while also minimizing the increase of impervious coverage.

7. Mrs. Raustad testified that she took the photographs submitted with the application materials and they accurately depict the present condition of the dwelling and shed / pool on the Property. She testified as to the trees that will be required to be removed by the project, including 2 cherry trees "near death," and 4 ash trees "diseased and infested with beetles."

8. Mr. Quinn, the Board Engineer, recognized that the Applicants prepared an oversized drywell for stormwater management, sized for an increase of impervious coverage of 2,700 sq. ft. He recommended that the Applicants install a smaller drywell system sized for approximately 1,136 sq. ft. of additional coverage, and the Applicants stipulated to same.

9. Lawrence Pranzo, AIA, the Applicant's architect, was duly sworn, provided his credentials and was accepted by the Board as an expert in the field of architecture. Mr. Pranzo testified that at the rear of the dwelling there would be wood steps leading to the grass and no patio or walkway leading to the pool and the shed.

10. Mrs. Raustad testified that she spoke with her neighbors, no one had any objection, and they were all excited that the new dwelling was proposed to be constructed.

11. On Board questioning, Mrs. Raustad testified regarding the views from adjacent Lot 3 (205 Stonehouse Rd.) and Lot 5 (219 Stonehouse Rd.), and that, despite the appearance on

the picture of same on the plans, the dwelling on Lot 5 is significantly set back from the subject pool / shed. On further Board questioning, Mr. Pranzo testified that the rear porch will be covered, but open on 3 sides, and Mrs. Raustad testified that the Applicants chose the covered porch over a pervious option, like a slatted wood deck, due to the mobility issues of her elderly parents who may be living with them, at least periodically. Mr. Raustad testified, on further Board questioning, that the shed is on blocks (ie, no foundation) and the family keeps the pool toys and outdoor furniture in the shed during the winter months.

12. The Applicants stipulated to complying with the items set forth in the Schley Planning memo of September 1 and the Quinn engineering memo of September 5.

13. No member of the public questioned any of the Applicants or their expert witness.

14. No member of the public commented on, or objected to, the application.

THE BOARD'S DECISION

15. After reviewing the evidence submitted, the Board, by a vote of 7 to 0, finds that the Applicants have satisfied their burden of proving an entitlement to the requested variance relief for the pre-existing lot area and lot width deviations under N.J.S.A. 40:55D-70(c)(1), and the accessory shed rear-yard setback and lot coverage deviations under N.J.S.A. 40:55D-70(c)(2).

The c(1) Variance Relief:

16. As to the positive criteria for “(c)(1)” or “hardship” variances for the minimum lot area and lot width deviations, the Board finds that the Applicants have satisfied their burden of demonstrating that strict application of the zoning regulations will result in peculiar and

exceptional difficulties to, or exceptional and undue hardship upon, them as the owners of the Property.

17. First, the Board recognizes that the Property is a pre-existing undersized lot, with deficient lot area and lot width.

18. Second, the Board recognizes that the Applicants' lot became nonconforming in 1999, when the minimum required lot area increased from 40,000 sq. ft. to 43,560 sq. ft., and the minimum required lot width increased from 150' to 200'. The Applicants' lot adjoins a total of four lots to the sides and rear, all of which are developed with single-family residences and slightly undersized (0.91 to 0.97 acres) for the R-4 one-acre zone. As such, the Board concludes that it is not possible for the Applicants to purchase a portion of any adjoining lot to make the Applicants' lot more conforming in area or width, without making an adjoining lot more nonconforming. Moreover, the undue hardship that the Applicants would sustain if the lot area and lot width regulations were to be strictly enforced, were not self-created by the Applicants or any predecessor-in-title.

19. Based upon the foregoing, the Board finds that the Applicants have satisfied the positive criteria for c(1) variance relief for the lot area and lot width deviations.

The c(2) Variance Relief:

20. As to the positive criteria for "(c) (2)" or "flexible c" variances for the accessory (shed) rear-yard setback and the lot coverage deviations, the Board finds that the proposed development will serve multiple purposes of zoning, as set forth in the MLUL. These benefits include the provision of a desirable visual environment and the enhancement of the visual compatibility of the Property with adjoining properties. The Board further finds that these

benefits to be derived from the proposed development will substantially outweigh any detriments associated therewith.

21. As to the lot coverage deviation, based on historic aerial images, it appears that all of the Applicants' existing lot coverage, with the exception of the shed, existed prior to 1980, which is when residential lot coverage requirements were established. Given that, the pre-existing nonconforming, i.e., grandfathered, lot coverage is 15.4%. The +/-648 sq. ft. of pool accounts for 1.5% lot coverage and the +/-1,379 sq. ft. pool patio accounts for 3.3% lot coverage. It appears that the 165 sq. ft. shed, which is not pre-existing or previously approved, was added between 2002 and 2006. The shed accounts for 0.4% lot coverage.

22. The pre-existing nonconforming lot coverage of 15.4% exceeds the maximum permitted lot coverage by 164 sq. ft. (0.4%). The proposed development, including the shed, increases the coverage by 968 sq. ft. (2.3%). The total proposed coverage of 17.7% exceeds the maximum permitted coverage by 1,132 sq. ft. (2.7%).

23. Further as to the lot coverage deviation, the Board considers that the Applicants proposed more than sufficient stormwater management, confirmed by the Board's Engineer. The Board also notes that the Applicants' dwelling has a side-loaded garage, thus requiring additional length of driveway and paved turnaround area for vehicles to safely turn around, rather than back out onto Stonehouse Road. Moreover, the Board concedes that the Applicants and their professionals demonstrated that they worked in good faith to minimize the lot coverage exceedance.

24. As to the deficient accessory (shed) rear-yard setback, the Board recognizes that the deviation is a nonconforming condition that appears to have existed for many years without

issue, there exists significant screening by way of fencing and tree line between the shed and the neighbor to the rear, and the shed serves the public interest as its utilized to store outdoor furniture and pool toys and accessories that otherwise might be left outside and provide a visual detriment.

25. Based upon the forgoing, the Board finds that the Applicants have satisfied the positive criteria for c(2) variance relief for the accessory (shed) rear-yard setback and the lot coverage deviations.

The Negative Criteria:

26. Finally, the Board finds that the Applicants have satisfied the negative criteria for all of the bulk variance relief. The Applicants have demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The Board considers, in this regard, the relatively modest magnitude of the variance relief requested, the significant conditions stipulated to by the Applicants, and the lack of any opposition from the public / neighbors.

WHEREAS, the Board took action on this application at its meeting on September 7, 2022, and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bernards, on the 5th day of October, 2022, that the application of Gregory and Katie Raustad, for bulk variance relief as aforesaid, be and is hereby granted, subject to the following conditions:

- (1) The Applicants shall post sufficient funds with the Township to satisfy any deficiency in the Applicants' escrow account;
- (2) The Applicants shall submit a grading plan, with the Applicants' construction permit application, based on a topographic survey of the Property;
- (3) The variance plan shall be revised to clearly show that a minimum front setback of 75' is provided at the most projected portion of the dwelling, which based on the building elevations, is the porch roof at the front door. If the dwelling must be moved further back on the Property to comply with the front setback requirement, then the driveway area may be increased by not more than 25 sq. ft., and the total lot coverage may be increased to not more than 7,471 sq. ft. (17.75%);
- (4) The Applicants' tree protection plan (and tree removal / replacement plan, as may become applicable), shall be subject to further review and approval by the Township Engineering Department prior to any land disturbance;
- (5) The variance plan shall be revised to show the existing pool fence, which is shown on the survey. Unless a new pool fence is proposed, the Applicants shall document that the existing fence / gate(s) comply with all current code requirements;
- (6) The Applicants shall make the site available to Liberty Corner Fire Company in the event they wish to run drills on the site, with notice given to the Fire Company at least 30 days prior to the demolition date of the existing dwelling;
- (7) All proposed utility services shall be underground and routed to minimize disturbance to existing trees. Utility meters shall not be located in the front yard;
- (8) A Somerset County road opening permit shall be obtained prior to any work within the Stonehouse Road right-of-way;
- (9) A completed Township standard lot coverage disclosure form shall be submitted prior to issuance of a construction permit;
- (10) A development fee shall be required in accordance with Section 21-86;
- (11) The project shall be subject to the approval of Somerset-Union Soil Conservation District;
- (12) The Applicants shall utilize "best management practices" when discharging pool water, consistent with the recommendations of the Environmental Commission;

- (13) The drywell shall be sized to collect run-off from an area equivalent to the amount of lot coverage that exceeds 6,314 sq. ft. (15%), and shall otherwise be in accordance with §21-42.11, subject to review and approval by the Township Engineering Department prior to issuance of a construction permit;
- (14) The drywell detail shall indicate that soil testing shall be performed in the area of the proposed drywell to confirm the in-situ permeability and the required separation from groundwater;
- (15) Roof leaders and inverts shall be shown on the grading plan for the drywell system;
- (16) An actual field topographic survey of the lot shall be performed prior to submission of construction drawings to the township engineering department;
- (17) The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;
- (18) The aforementioned approval also shall be subject to all State, County and Township statutes, ordinances, rules and regulations affecting development in the Township, County and State; and
- (19) Pursuant to Section 21-5.10 of the Land Development Ordinance, the variance relief granted herein shall expire unless such construction or alteration permitted by the variance relief has actually commenced within one year of the date of this Resolution.

ROLL CALL VOTE:

Those in Favor: Baumann, Genirs, Kraus, Pochtar, Tancredi

Those Opposed: NONE

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Bernards at its meeting on October 5, 2022 as copied from the Minutes of said meeting.

Cyndi Kiefer

CYNTHIA KIEFER, Secretary
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF BERNARDS,
COUNTY OF SOMERSET,
STATE OF NEW JERSEY

Dated: October 5, 2022