

TOWNSHIP OF BERNARDS **PLANNING BOARD**

REGULAR MEETING AGENDA v2

Warren Craft Meeting Room

December 8, 2020

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 and the meeting will also be streamed live 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 homepage. Questions/comments from the public will be accepted **only** during the public questions/comments periods of the meeting which will be announced by Chairwoman Piedici. Those questions/comments may be offered in person at the hearing or by calling 908-202-6426. If you are calling in, please turn off your computer/television and use Google “Duo” for your call. You will be required to provide your name and address and be sworn in prior to making comments.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
 - A.** November 17, 2020 – Regular Session
- 6. LANDSCAPE AND LIGHTING COMMITTEE SELECTION**
 - A.** Crown Court Associates LLC; Block 8501, Lots 7 & 9; Crown Court Drive; PB18-004
- 7. PUBLIC HEARING** (last heard 06/02/2020)
 - A.** [Moye, William & Carol](#); Block 11401, Lot 11; 11 Mountain Road; Minor Subdivision; PB17-001
- 8. POST APPROVAL HEARING AND RESOLUTION REVIEW**
 - A.** [Martin, J./Berman, L.](#); Block 2001, Lot 4; 35 Spruce Street; Minor Subdivision, Bulk Variances; PB19-006
- 9. EXECUTIVE SESSION** – To discuss terms and conditions for 2021 Planning Board Professionals
- 10. COMMENTS FROM MEMBERS** (5-minute limit per member)
- 11. COMMENTS FROM STAFF**
- 12. ADJOURN**

**TOWNSHIP OF BERNARDS
2019 PLANNING BOARD APPLICATION**



- | | |
|--|--|
| <input checked="" type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Site Plan - Preliminary |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input type="checkbox"/> Site Plan - Final |
| <input type="checkbox"/> Major Subdivision - Final | <input type="checkbox"/> Informal Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Other (specify): _____ |

1. APPLICANT: William & Carol Moyer

Address: 313 Martinsville Rd, Basking Ridge, NJ, 07920

Phone: (home) 908-580-1227 (work) 973-416-1755 (mobile) 973-454-0941

Email (will be used for official notifications): W.C. 494@hotmail.com

2. OWNER (if different from applicant): Same Abv.

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: Steve Parker - Surveying + Profession: Engineering

Address: 370 East Main Street - Somerville, N.J. 08876

Phone: 908-725-4400 Email (will be used for official notifications): Parkeres@aol.com

5. PROPERTY INFORMATION: Block(s): 11401 Lot(s): 11 Zone: R-3

Street Address: 11 Mountain Rd. Total Area (square feet/acres): 3.19 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?

[X] No [] Yes (if yes, explain and attach copy) _____

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

Property being subdivided into two lots, one with 2.70 Acres and the other 3.19 Acres

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

NO

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

Conforming Subdivision

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

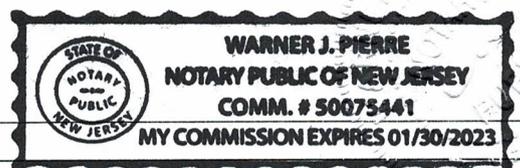
APPLICANT(S) SIGN HERE:

I/we, William Moya and Carl Moya 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): William Moya and Carl Moya

Sworn and subscribed before me, this 21st day of Nov., 2019.

[Signature] Notary



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
2019 PLANNING BOARD APPLICATION**

- | | |
|--|---|
| <input checked="" type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Site Plan - Preliminary |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input type="checkbox"/> Site Plan - Final |
| <input type="checkbox"/> Major Subdivision - Final | <input type="checkbox"/> Informal Review |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Other (specify): <u>"C" Variance for Frontage</u> |

1. APPLICANT: James Martin and Lois Berman

Address: 35 Spruce Street, Basking Ridge, New Jersey 07920

Phone: (home) (908) 766-9863 (work) _____ (mobile) (973) 796-4490

Email (will be used for official notifications): LoLoBerman7@gmail.com

2. OWNER (if different from applicant): Same

Address: _____

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

3. ATTORNEY: Frederick B. Zelle / Bisogno, Loeffler & Zelle, 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): fzelle@baskingridgelaw.com

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

Name: Rudy Holzmann / Yannaccone, Villa & Aldrich, LLC Profession: Professional 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): 2001 Lot(s): 4 Zone: R-2

Street Address: 35 Spruce Street Total Area (square feet/acres): 304,911 sf / 7.0 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) Frontage and front yard setback

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: _____

Minor subdivision of 7.0 acre improved lot into 2 lots. Both lots would be conforming except as to frontage and as to the continuing deficient front yard setback of the existing home (on proposed Lot 4.01).

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

Variance for lot frontage. Ordinance Section 21-15.1(d)(1) and Table 501

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, James Martin and Lois Berman 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): James Martin and Lois Berman

Sworn and subscribed before me, this 18th day of October, 2019.

Frederick B. Zelle
Notary Frederick B. Zelle
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 _____, 2019.

Notary

ADDENDUM TO MARTIN AND BERMAN MINOR SUBDIVISION APPLICATION
BERNARDS TOWNSHIP PLANING BOARD
BLOCK 2001, LOT 4 – 35 SPRUCE STREET

NARRATIVE DESCRIPTION

This application is for a minor subdivision with a “C” variance for frontage. The subject property, 35 Spruce Street, Block 2001, Lot 4, is a 7.0 acre parcel (measured from the edge of the easement access on which it faces) located in the R-2 Zone, at the end of Spruce Street, a dead end street with no *cul de sac*. It fronts on the northern half (25 feet) of the western end of Spruce Street, with the southern half thereof being contiguous to the staff of Lot 25 (a flag lot). There is a private access easement that runs through the said staff (along the eastern edge of the subject property) and then westward along the southern edge of the property, which provides access to Lots 3, 3.01 and 25, as well as to the existing residence on the subject lot. Proposed Lot 4.01 (which would contain the existing home) would continue to have access from the easement, while Proposed Lot 4.02 would essentially have access from the end of Spruce Street.

Both proposed lots would be conforming to the bulk requirements of the zoning ordinance, except that the deficient front yard setback of the existing home would remain unchanged and both lots would not conform to the frontage requirement. As stated, the lot is located at the end of Spruce Street and its total frontage on that street is limited to half of the width of the right of way.

It is respectfully submitted that the variance required would be a “C-1” hardship variance, since the lot’s frontage at the end of Spruce Street is an existing condition over which the Applicant has no control. Granting of the variance would cause no substantial detriment to the public good and would not substantially impair the intent and the purpose of the zone plan and zoning ordinance. There is ample space within the existing frontage for a residential driveway for the proposed new lot and, as stated, the existing home is accessed from the private easement.

With the exception of the variance discussed above, 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.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC


By: Frederick B. Zelle, Esq.
Attorneys for the Applicants
James Martin and Lois Berman

Dated: November 18, 2019