

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

## **REGULAR MEETING AGENDA**

Warren Craft Meeting Room

August 3, 2022

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 16, 2022 – Special Session
  - B. July 6, 2022 – Regular Session
- 6. APPROVAL OF RESOLUTIONS**
  - A. Kocheck, Peter & Carrie; Block 1802, Lot 22; 143 South Finley Avenue; ZB22-006 (approved)
  - B. Patel, Dhaval & Nipuben; Block 4701, Lot 2.07; 17 River Farm Lane; ZB22-010 (approved)
  - C. Leis, Matthew/Klanchnik, Colleen; Block 1614, Lot 12; 97 Juniper Way; ZB22-012 (approved)
  - D. Pruss, Christopher & Lisa; Block 5504, Lot 9; 85 Spring House Lane; ZB22-009 (approved)
  - E. Gilbert, Michael & Catherine; Block 6301, Lot 34.03; 18 Belmont Court; ZB22-008 (approved)
- 7. COMPLETENESS HEARING**
  - A. New Jersey American Water Co. Inc.; Block 1609, Lot 25; East Oak Street (rear); Preliminary/Final Site Plan, Variances; ZB22-014
- 8. HEARING – Modification of Condition**
  - A. [J. Nan Realty Company, LLC](#); Block 3603 Lot 1; 18 Columbia Road; Preliminary/Final Site Plan; Extension of Time to Obtain Construction Permits, Commence and Complete Construction, Obtain Certificates of Occupancy; ZB18-011C
- 9. HEARING – Modification of Condition**
  - A. [Blauvelt, Richard S.](#); Block 1603, Lot 21.01; 20 Lewis Street; Allow Separate Uses; ZB07-12A
- 10. COMPLETENESS AND PUBLIC HEARING**
  - A. [Jordano Living Trust](#); Block 8802, Lot 25; 37 St. Nickolas Way; Bulk Variance; ZB22-011
  - B. [Monk, Trevor & Caren](#); Block 8602, Lot 82; 489 King George Road; Bulk Variance; ZB22-013
  - C. [Kotel, Ira L. & Amy G.](#); Block 4301, Lot 11; 18 Colts Glen Lane; Bulk Variance; ZB22-015
- 11. COMMENTS FROM MEMBERS**
- 12. COMMENTS FROM STAFF**
- 13. ADJOURN**

07/13/2022 dssw

*Law Offices of Frederick B. Zelley LLC*

53 Division Avenue – First Floor  
Post Office Box 324  
Millington, New Jersey 07946

Frederick B. Zelley, Esq.  
(Member N.J. & Pa. Bars)

Telephone (Temporary): (973) 397-0254  
Email: fzelley@fbzlegal.com

July 14, 2022

Ms. Cynthia Kiefer, Administrator  
Bernards Township Board of Adjustment  
277 South Maple Avenue  
Basking Ridge, New Jersey 07920

Via Email and Hand Delivery

Re: Application for Use Variance and Bulk Variances  
Applicant: J. Nan Realty Company, LLC  
Tax Block 3603, Lot 1 – 18 Columbia Road, Basking Ridge

Dear Ms. Kiefer:

This office now represents J. Nan Realty Company, LLC, the Applicant in the above referenced Application.

The Applicant received Preliminary and Final Site Plan Approval, with variances, on October 3, 2018, which approval was memorialized by a formal Resolution adopted on November 7, 2018. The Resolution contains various conditions, including Condition 35(b) which provides as follows:

Time to Obtain Construction Permits, Commence and Complete Construction, and Obtain Certificates of Occupancy. The applicant shall apply for and obtain a construction pennit within two years of the adoption of the Board's resolution. If during said two year period, or extension thereof as granted by the Board, the applicant fails to obtain a construction permit, the approval shall automatically expire and become null and void. The applicant shall also have one year from the date of issuance of the construction permit to commence construction and obtain a permanent certificate of occupancy. If during said one year period, or extension thereof as granted by the Board, work is not commenced and/or a permanent certificate of occupancy is not obtained, the approval shall automatically expire and become null and void.

Effective July 1, 2020 (but retroactively applied to March 9, 2020), the Permit Extension Act of 2020, N.J.S.A. 40:55D-136.7, *et seq.*, was enacted. Pursuant to N.J.S.A. 40:55D-136.9, the “approvals” covered by the Act expressly include “preliminary and final approval granted in connection with an application for development pursuant to the “Municipal Land Use Law,” P.L.1975, c. 291 (C.40:55D-1 *et seq.*)”, such as the approval granted in the within Application. Pursuant to N.J.S.A. 40:55D-136.10(a):

For any government approval in existence on March 9, 2020, the running of the period of approval is automatically suspended for the COVID-19 extension period, except as otherwise provided hereunder; however, the tolling provided for herein shall extend the government approval at least six months beyond the conclusion of the COVID-19 extension period.

By the plain language of the Act, the construction permit application deadline set forth in Condition 35(b) of the Board’s Resolution is automatically tolled for six (6) months from the conclusion of the Public Health Emergency, which conclusion was declared by Governor Murphy on March 7, 2022. Accordingly, under the Act, the deadline is tolled to September 7, 2022.

On August 14, 2020, in light of the COVID-19 “Corona Virus” pandemic, Governor Murphy issued Executive Order No. 178, entitled “An Order Extending Certain Statutory Deadlines Across State Government”, which extended deadlines that were to fall within the Public Health Emergency declared by the Governor on March 9, 2020, by Executive Order No. 103. Specifically included among the approvals covered by the Executive Order were land development approvals issued pursuant to the Municipal Land Use Law, such as the approval issued in the within Application. The Governor declared “that strict enforcement of certain statutory deadlines that fall within or shortly after the period of the Public Health Emergency would be detrimental to the public welfare”. A Public Notice issued by the N.J.D.E.P. in conjunction with the said Executive Order noted that one of bases for its issuance was to “prevent the abandonment of approved projects and activities, and the waste of public and private resources that would result if such projects and activities were required to repeat the application and approval process.”

To qualify for automatic extension of an approval without having the apply to the approval authority for the same, an approval holder was required to register with the N.J.D.E.P. within thirty (30) days of the issuance of the Executive Order, i.e. by September 13, 2020. Such registration was ministerial in nature, requiring no proofs or other qualification in order to be covered by the extension. Nonetheless, in the absence of the registration, no automatic extension went into effect. Unfortunately, neither the Applicant nor its counsel became aware of the said registration requirement until after the 30 days window had lapsed.

We are therefore writing at this time to request an extension of the deadline imposed in Condition 35(b) of the Resolution. For some time, the Applicant has been under contract to sell the property to a local builder who intends to build it out in accordance with the approval granted by the Board. Due to COVID-19 related delays of the buyer’s projects that were already under

way when the pandemic hit, closing of the sale (and thus application by the buyer for construction permits) has been delayed. The buyer has advised the Applicant, however, that he is now ready and able to move forward. Of course, the extension requested herein must be granted before closing can occur and permit applications may be submitted.

If consideration of this request for an extension will entail a formal appearance before the Board, kindly so advise. It is our understanding that no public notice need be made for such an application. If this is incorrect, kindly so advise.

Thank you for your attention and anticipated continued cooperation in this matter. Should you have any questions or concerns, or if we may otherwise be of any further assistance, please do not hesitate to contact me.

Very truly yours,

*Frederick B. Zelley*

Frederick B. Zelley

FBZ/wp

cc: Steven K. Warner, Esq. (via email)  
Mr. David Schley, PP, AICP, Twp. Planner (via email)  
Mr. John W. Utz, Jr. – J. Nan Realty Co., LLC (via email)

RECEIVED

MAY 11 2022

**TOWNSHIP OF BERNARDS**

**2022 ZONING BOARD OF ADJUSTMENT APPLICATION**

PLANNING BOARD (PC) 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): Modification of condition.

**1. APPLICANT:** Richard S. Blauvelt

Address: 20 Lewis Street, Basking Ridge, New Jersey 07920

Phone: (home) \_\_\_\_\_ (work) (908) 766-6199 (mobile) \_\_\_\_\_

Email (will be used for official notifications): richisbear@aol.com

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

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

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

**3. ATTORNEY:** 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): vbisogno@baskingridgelaw.com

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

Name: N.A. Profession: \_\_\_\_\_

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

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

**5. PROPERTY INFORMATION:** Block(s): 1603 Lot(s): 21.01 Zone: B-3

Street Address: 20 Lewis Street Total Area (square feet/acres): 7,082 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) See attached.

**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) See attached.

**9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:** \_\_\_\_\_  
See attached.

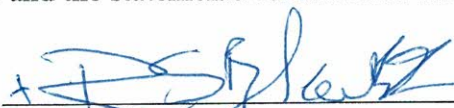
**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):** \_\_\_\_\_  
See attached.

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

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

**APPLICANT(S) SIGN HERE:**

I/we, Richard S. Blauvelt 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 10<sup>th</sup> day of May, 2022.



Notary

**NICOLE BONARDEL**

**A NOTARY PUBLIC OF NEW JERSEY**

**MY COMMISSION EXPIRES MAY 18, 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 \_\_\_\_\_, 20\_\_.

Notary

## **ADDENDUM TO APPLICATION**

The applicant, Richard S. Blauvelt, is the owner of 20 Lewis Street in the Basking Ridge Section of Bernards Township. The property has an existing building which is over 200 years old and has been in the applicant's family since that time.

In 2007, the applicant applied to this Board for variances and other relief to convert the existing property from a single-family home to a florist shop on the first floor with offices for the florist shop on the second floor. Applicant is operating the florist shop.

In addition, and as part of the application, applicant donated approximately 4,493 SF to Bernards Township for expansion of the Municipal parking lot. Applicant retained the existing building and 7,082 SF. Applicant also granted Bernards Township an Easement along the westerly side of his property from Lewis Street to the Municipal parking lot.

The Board granted approval to the applicant. One of the conditions of approval provided that the second-floor offices had to be used in conjunction with the first-floor business (Condition C of Resolution dated September 5, 2007, attached hereto). That condition stated:

- C. The second-floor offices shall be used only in conjunction with the operation of the first-floor business, and not for rental to third parties;

Applicant intends to retire and the condition is impacting on the sale and viability of the real estate. Perspective purchasers have expressed a desire to have separate uses in the building, i.e., a commercial use on the first floor and possibly an apartment or other commercial use on the second floor. Therefore, the applicant is requesting a modification of Condition C by allowing applicant and future owners to use the building for any use permitted in the B-3 Zone, except a use which would increase the parking requirement beyond 13 spaces. This modification will be a benefit to the municipality since it will aid in preserving a historic building and allow for reasonable uses which are permitted by the Zoning Ordinance. The existing condition does not continue to advance the purposes of the Zoning Ordinance and Zone Plan of Bernards Township since it prohibits many permitted uses on the property.





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

RECEIVED

APR 26 2022

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:** John Thomas Jordano and Carol Tjon Jordano, Trustees of the Jordano Living Trust  
Address: 37 St. Nickolas Way, Basking Ridge, New Jersey 07920  
Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) (917) 853-2967  
Email (will be used for official notifications): john.t.jordano@gmail.com

**2. OWNER** (if different from applicant): Jordano Living Trust  
Address: 37 St. Nickolas Way, Basking Ridge, New Jersey 07920  
Phone: (917) 853-2967 Email (will be used for official notifications): john.t.jordano@gmail.com

**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: Christopher McDowell / Midstate Engineering Inc. Profession: P.E.  
Address: 82 Walnut Hill Lane, Freehold, New Jersey 07728  
Phone: (732) 308-4226 Email (will be used for official notifications): chris.midstate@gmail.com

**5. PROPERTY INFORMATION:** Block(s): 8802 Lot(s): 25 Zone: R-5  
Street Address: 37 St. Nickolas Way Total Area (square feet/acres): 61,176sf/1.4ac

**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) (None known to Applicant) \_\_\_\_\_

**7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY?** ☐ No ☒ Yes (if yes, explain) \_\_\_\_\_  
Please see Addendum \_\_\_\_\_



**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 Addendum

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

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

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

\_\_\_\_\_  
Please see Addendum

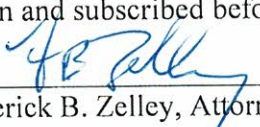
**12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):**

**APPLICANT(S) SIGN HERE:**

I/we, John Thomas Jordano, Trustee and Carol Tjon Jordano, Trustee 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 26<sup>th</sup> day of APRIL, 2022.

  
Frederick B. Zelle, 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): \_\_\_\_\_

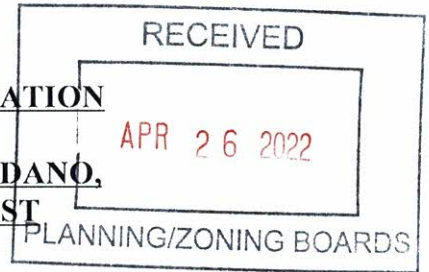
Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary

**ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION**

**JOHN THOMAS JORDANO AND CAROL TJON JORDANO,**  
**AS TRUSTEES OF THE JORDANO LIVING TRUST**

**37 ST. NICKOLAS WAY, BLOCK 8802, LOT 25 (R-5 ZONE)**



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

4. [Additional Professionals]

Keith T. Chambers, AIA  
Chambers Architecture Inc.  
110 Ferris Place  
Hackettstown, New Jersey 07840  
(908) 788-3646

7. [Current Violations of the Zoning Ordinance involving the Property]

Existing impervious coverage is 16.10% where 15% is permitted; existing lot width is 188.12' where 200' is required; and lot frontage is 75.24' where 100' is required. Upon information and belief, the lot width and frontage are either pre-existing non-conforming conditions or perhaps conditions for which variances may have been granted at the time of the major subdivision that created the subject lot.

The impervious coverage status is somewhat uncertain. When the swimming pool was built in 1996, it was approved by zoning, whose review presumably included an impervious coverage calculation. However, the surrounding patio was not shown on the approved plan (see swimming pool application materials submitted herewith). The patio was nonetheless built at the same time as the swimming pool, and was present at the time of the municipal inspections, but the additional impervious coverage created by the patio was apparently somehow overlooked.

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

The property is a somewhat irregularly shaped lot situated on the southwesterly side of the *cul de sac* bulb of St. Nickolas Way. The property hosts a single family residence with a paver driveway, various paver and concrete walkways, and a 734 sf inground swimming pool with a surrounding 1,439 sf concrete patio, most if not all of which was installed more than twenty (20) years ago. The Applicants wish to replace an existing 211 sf screen porch with a new 416 sf screen porch, to replace the existing wood deck with a composite deck, and to replace a leaning wood tie retaining wall with a modular block retaining wall.



10. [Description of Requested Variances or Exceptions]

This is an application for a variance for excessive impervious coverage: Ordinance §21-15.1(d)(1) and Table 501. The existing impervious coverage is 16.05% where only 15% is permitted in the R-5 Zone. 3.55% out of the said 16.05% is comprised of the swimming pool surface (1.20%) water and the surrounding concrete patio (2.35%). The Applicants propose to remove a portion of the said patio as well as some of the paver and concrete walkway areas in order to mitigate excess coverage, after which the proposed improvements will result in 16.28% coverage, which represents an arguably *de minimis* 1.43% increase over the existing coverage. Moreover, if the stormwater neutral swimming pool water surface were not taken into account, the total impervious coverage would be nearly compliant at 15.08%.

With the exception of the aforementioned 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.

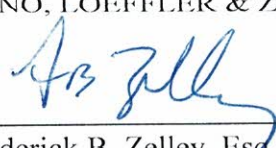
11. [Arguments in Support of Application]

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 the proposed deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. The addition of a larger screen porch to the Applicants' home would improve the housing stock and thereby 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 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. The proposed increase in impervious coverage represents an arguably *de minimis* change over a coverage condition that has existed on the property for more than a quarter century (26 years) without any detrimental effect.

Respectfully Submitted,

BISOGNO, LOEFFLER & ZELLEY, LLC

  
By: Frederick B. Zelley, Esq.  
Attorneys for the Applicant

4/26/22  
Date

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

RECEIVED

MAY 12 2022

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:** TREVOR and CAREN MONK

Address: 489 KING GEORGE ROAD  
BASKING RIDGE, NEW JERSEY 07920

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) 267 872 1437 (CMail)  
973 524 1643 (TMail)

Email (will be used for official notifications): TREVOR@MONKSHI.COM  
CAREN@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: JONATHAN E BOOTH Profession: ARCHITECT

Address: 33 BULLION ROAD  
BASKING RIDGE, NEW JERSEY 07920

Phone: 908 204 9527 Email (will be used for official notifications): JONBOOTHARC@GMAIL.COM

**5. PROPERTY INFORMATION:** Block(s): 8602 Lot(s): 82 Zone: R-5

Street Address: 489 KING GEORGE ROAD Total Area (square feet/acres): 1.15 Ac  
50,094 sq ft

**6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY?** ☒ No ☐ Yes (if yes, explain or attach Board resolution) \_\_\_\_\_

**7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY?** ☒ No ☐ Yes (if yes, explain) \_\_\_\_\_

**8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?** \_\_\_\_\_



[ ] No [ ] Yes (if yes, explain) \_\_\_\_\_

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

see attached

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

see attached

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

see attached

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

**APPLICANT(S) SIGN HERE:**

I/we, Sterling Monk and Caren Monk 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): Sterling Monk and Caren Monk

Sworn and subscribed before me, this 11 day of may, 2022

Michele C Stasse  
Notary

**MICHELE C STASSE**  
Notary Public  
State of New Jersey  
My Commission Expires Oct. 20, 2025  
I.D.# 50140592

**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

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

The existing 50,094 sf property contains the following structures:

- a) two story, 3112 sf single family residence
- b) detached 500 sf unfinished garage, 15' high

The proposed project removes 876 sf of existing floor area to construct a two story 2032 sf addition, resulting in a net addition of 1156 sf to the residence. The proposed addition will provide improved family living areas as follows:

First Floor: kitchen, mudroom and informal living areas

Second Floor: master suite, laundry and bedroom functions, as well as an improved backstair.

See further at item #11 below.

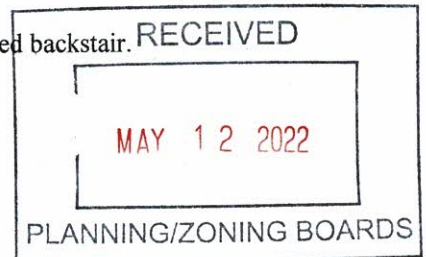
**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS:**

Variance relief is sought from the following ordinance section:

21-11.2, 21-15.1(d)1, Table 501 (Ch 21 attachment 7)

Specifically, Front Yard:

To permit a front yard setback of 65.0', where a minimum of 75' is required, and 28.5' exists



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

Due to the nonconforming location of the residence, the proposed addition at the west side encroaches on the front yard setback.

Hardship due to Location of Residence

The residence was constructed incrementally during the 19<sup>th</sup> century, predating current land use regulation. Due to its nonconforming location on the property, conforming alternatives for expansion are extremely limited. The portion of the residence that requires variance relief (65.0' where 75' min front yard reqd), replaces existing construction in that location. The remaining existing residence is already 28.5' from the front property line.

Practical Considerations

The addition will replace a portion of the existing structure where the following physical conditions exist:

- a) an earth crawl space that invites moisture and pest infestation, presenting challenges with the overall comfort and maintenance of the home,
- b) flat roofed sections that require ongoing maintenance and repair, and
- c) original 19<sup>th</sup> century construction that has been altered and compromised over the generations, such that its historical integrity is compromised if not entirely lost.

Context of Neighborhood

The neighborhood is somewhat incoherent and lacks uniformity. To the west there is a single family residential flaglot, and then the condominium developments of Spring Valley Boulevard. To the east, across King George Road, the properties in the R-6 zone are characterized by relatively narrow lots and smaller homes developed in the mid 20<sup>th</sup> century.

Buffer at Front Yard

The proposal seeks relief from the minimum front yard setback. The front of this property is substantially buffered from King George Road. Furthermore, the residence already exists almost 40' in advance of the proposed addition. Except for the front yard relief, all other zoning criteria are satisfied in this proposal.



RECEIVED

MAY 16 2022

## TOWNSHIP OF BERNARDS

## ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

MAY 16 2022

☒ Bulk or Dimensional ("c") Variance  
☐ Use ("d") Variance

PLANNING/ZONING BOARDS

☐ Appeal of Zoning Officer's Decision  
☐ Interpretation of Zoning Ordinance

PLANNING/ZONING BOARDS

☐ Minor Subdivision☐ Major Subdivision - Preliminary / Final☐ Other (specify): \_\_\_\_\_

1. APPLICANT: Amy G. &amp; Ira L. Kotel

Address: 18 Colts Glen Lane, Basking Ridge, NJ 07920

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) (917) 902-5242

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

2. OWNER (if different from applicant): Same as Applicant

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

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

3. ATTORNEY: N/A

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

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

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

Name: Evan D. Hill, PE, CME / EDH Engineering Services, LLC Profession: Civil Engineer

Address: 446 Burke Road, Jackson, NJ 08527

Phone: (732) 904-9085 Email (will be used for official notifications): edhengineering@gmail.com

5. PROPERTY INFORMATION: Block(s): 4301 Lot(s): 11 Zone: R-2  
B-1

Street Address: 18 Colts Glen Lane Total Area (square feet/acres): 145,926sf / 3.35ac

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) \_\_\_\_\_

Existing side yard setback 36.7'; whereas 50' is required due to zoning requirement changes since house was constructed.

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

02/06/19

Bernards Township Zoning Board of Adjustment

Page 1 of 2

[ ] No [X] Yes (if yes, explain) Property is encumbered by a conservation easement as per filed map

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

Existing single family dwelling. Applicant proposes to construct an in-ground pool and hardscaping improvements in the rear yard.

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

Variance required from Section 21-18.1 since the proposed pool is not located behind the rear building line of existing residential structures on adjacent Lot 16 (116 Meeker Street).

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

Hardship (c1) variance relief can be granted due to the configuration and location of applicant's property in relation to the adjacent Lot 16 configuration and location. Additional landscape screening is proposed to mitigate any perceived negative impacts.

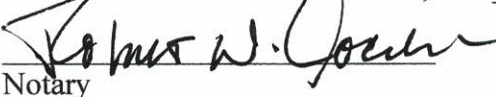
**12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):**

**APPLICANT(S) SIGN HERE:**

I/we, Amy G. Kotel and Ira L. Kotel 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 13<sup>th</sup> day of April, 2022

  
Notary

ROBERT W. COCKREN  
Attorney-At-Law, State of New Jersey  
Authorized to Administer Oaths And

Take Acknowledgements Under Section

**OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):** <sup>41-2-1 of Title 41 Oaths and Affidavits, New Jersey Statutes</sup>

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