

BERNARDS TOWNSHIP

ZONING BOARD OF ADJUSTMENT

MINUTES

Regular Meeting
October 4, 2017

CALL TO ORDER

Chairman Rhatican called the meeting to order at 7:32 PM.

OPEN MEETING STATEMENT

Chairman Rhatican read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this special meeting of the 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, New Jersey, was sent to the Bernardsville News, Bernardsville, NJ, and the Courier News, Bridgewater, NJ, and was filed with the Township Clerk all on January 11, 2017 and was electronically mailed to all those people who have requested individual notice.

"The following procedure has been adopted by the Bernards Township 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: Bellows, Genirs, Lane, Mastrangelo Nungester, Rhatican, Surano, Zaidel.
Members Late: NONE
Members Absent: Breslin; on motion by Mr. Surano, seconded by Ms. Mastrangelo, the absence of Mr. Breslin was excused.
Also Present: Amanda Wolfe, Esq., Board Attorney; David Schley, PP, AICP, Township/Board Planner; Thomas Quinn, PE, Board Engineer; Cyndi Kiefer, Board Secretary.

APPROVAL OF MINUTES

August 9, 2017 - Ms. Genirs moved approval of the minutes as drafted. Ms. Nungester seconded.

Roll Call:

Aye: Bellows, Genirs, Lane, Mastrangelo, Nungester, Zaidel.
Nay: NONE

Motion carried.

September 6, 2017 - Ms. Nungester moved approval of the minutes as drafted. Mr. Surano seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Nungester, Surano, Zaidel.
Nay: NONE

Motion carried.

APPROVAL OF RESOLUTIONS

Resolution - T-Mobile Northeast LLC; Block 3604, Lot 4; 25 Stonehouse Road; Extension of Preliminary/Final Site Plan and Variance Approvals; #ZB09-022RA (approved).

It was noted that the vote count was missing on page two. Ms. Genirs moved approval of the resolution as revised. Ms. Mastrangelo seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Nungester, Surano, Zaidel.

Nay: NONE

Motion carried.

Resolution - Loughnane, Philip & Eileen; Block 1509, Lot 1; 2 Lee Place; Bulk Variances; Application #ZB17-014 (approved).

Ms. Mastrangelo moved approval of the resolution as written and Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Nungester, Zaidel.

Nay: NONE

Motion carried.

Resolution - The Pingry Corporation; Block 11601, Lot 3.01; 131 Martinsville Road; Preliminary/Final Site Plan, (d) Variances, Bulk Variance; Application #ZB17-017 (approved).

Ms. Mastrangelo moved approval of the resolution as written and Mr. Lane seconded.

Roll Call:

Aye: Bellows, Genirs, Lane, Mastrangelo, Zaidel.

Nay: NONE

Motion carried.

Resolution - Swan, Kenneth & Karen; Block 5901, Lot 13; 60 Linden Drive; Bulk Variance; Application #ZB17-018 (approved).

Ms. Mastrangelo moved approval of the resolution as revised (typographical error) and Ms. Nungester seconded.

Roll Call:

Aye: Bellows, Genirs, Lane, Mastrangelo, Nungester, Zaidel.

Nay: NONE

Motion carried.

Resolution - Beaudry, Nancy; Block 3703, Lot 3; 96 Lyons Place; Bulk Variances; Application #ZB17-020 (approved).

Ms. Mastrangelo moved approval of the resolution as revised (typographical error) and Ms. Genirs seconded.

Roll Call:

Aye: Bellows, Genirs, Lane, Mastrangelo, Nungester, Zaidel.

Nay: NONE

Motion carried.

Resolution - Pareddy/Duggirala; Block 11401, Lot 5.02; 393 Martinsville Road; Bulk Variances; Application #ZB17-021 (approved).

Ms. Nungester moved approval of the resolution as written and Mr. Zaidel seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Nungester, Surano, Zaidel.

Nay: NONE

Motion carried.

Resolution - Jani, Salil & Nileem; Block 4102, Lot 17; 34 Fairview Drive East; Bulk Variances; Application #ZB17-022 (approved).

Ms. Mastrangelo moved approval of the resolution as written and Ms. Nungester seconded.

Roll Call:

Aye: Bellows, Mastrangelo, Nungester, Zaidel.
Nay: NONE

Motion carried.

Resolution - Simons, Christa; Block 1206, Lot 28; 81 Conkling Street; Conditional Use; Application #ZB17-023 (approval).

Ms. Genirs moved approval of the resolution as written and Ms. Nungester seconded.

Roll Call:

Aye: Bellows, Genirs, Mastrangelo, Nungester, Zaidel.
Nay: NONE

Motion carried.

COMPLETENESS & PUBLIC HEARING

Ireland, Brian & Sara; Block 1617, Lot 4; 17 Ashwood Lane; Bulk Variances; #ZB17-024.

Present: Christian M. Kastrud, PE, CME, Engineer for the Applicants
Brian & Sara Ireland, Applicants

Mr. Schley, Mr. Quinn, Mr. Kastrud and both applicants were duly sworn by Ms. Wolfe.

Christian M. Kastrud, PE, CME, engineer with *Kastrud Engineering LLC*, Bound Brook, NJ, provided his professional credentials and education history to the Board and was accepted as an expert in the field of civil engineering.

Exhibit A-1, an aerial photo of the property dated September 19, 2017 was superimposed with a site plan (Pool Plan by Kastrud Engineering LLC, Sheet 1 of 2, last revised August 25, 2017) and was entered into evidence by Mr. Kastrud. He then discussed the property which is located on a cul-de-sac, explaining that the curvature of the cul-de-sac along with the property's triangular shape dictated the proposed location of the pool. The applicant was requesting relief from §21-18.1 which states, "...the pool shall be located behind the rear building line of existing residential structures on adjoining lots." Although the pool could be moved to lessen the intensity of the variance, Mr. Kastrud opined that the pool would then be less buffered from the surrounding neighbors and more trees would have to be removed. He stated that the second variance requested was for exceeding the maximum lot coverage by approximately 1500 square feet or 3.8%.

Mr. Kastrud added that there was an existing utility easement along with riparian buffers which further encumbered the property. A wetlands expert had verified that there were no wetlands involved. Mr. Kastrud testified that the applicants had submitted an application to the New Jersey Department of Environmental Protection (NJDEP) for disturbance within the riparian zone associated with an unnamed tributary flowing behind the property. He stated any permits required would fall under Permit by Rule #21.

Mr. Kastrud testified that the runoff from the patio would be collected and directed to two (2) drywells.

In response to question from Mr. Surano, Sara Ireland, the applicant, testified that she had spoken to the owners of Lot 5 (affected by the first variance) and that they did not object to the proposed pool location.

Mr. Quinn advised the board members that the drywells were adequately sized to catch the runoff from all of the square footage of the proposed project with the exception of the pool surface which is excluded.

Mr. Kastrud testified that the applicants had reviewed the memos from Mr. Quinn dated September 28, 2017 and from Mr. Schley dated September 22, 2017 and were willing to stipulate to all comments.

Hearing no further questions from the board members, Chairman Rhatican opened the meeting to the public for questions or comments.

Tracy A. Peterson, 12 Manchester Drive, was duly sworn by Ms. Wolfe and stated that her property (Lot 22) bordered along the applicants' property towards the back. She expressed concern about the impact the additional runoff would have on the existing trees along the property line. Mr. Kastrud explained that all of the runoff from the project would be captured by the drywells so that there would be no impact.

Hearing no further comments from the public, Chairman Rhatican closed that portion of the meeting.

Mr. Kastrud advised the board members that the applicants would agree to an easement for the stream buffer.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for both a "c(1)" or "hardship" variance and a "c(2)" or "flexible c" variance. They also felt that the applicants had satisfied the negative criteria.

Mr. Surano moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Zaidel seconded.

Roll Call:

Aye:	Genirs, Lane, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

COMPLETENESS & PUBLIC HEARING

Beadle, Tim & Carol; Block 1204, Lot 23.01; 137 Washington Avenue; Bulk Variances; #ZB17-025.

Present: Tim & Carol Beadle, Applicants

Mr. Schley, Mr. Quinn and both applicants were duly sworn by Ms. Wolfe.

Tim Beadle, the applicant, testified that he and his wife were requesting variance relief for exceeding the maximum lot coverage allowed along with deficiencies in the side and rear yard setbacks and the distance between buildings in order to replace an existing shed with a larger one. He explained that the existing shed was beyond repair and that a larger shed was required for storage since there was no garage.

Carol Beadle, the applicant, testified that she had taken the pictures submitted with the application sometime in August and that they represented the property as it currently exists.

Chairman Rhatican noted that the shed was well buffered by trees along the property line and by a wooden fence.

Mr. Beadle added that regardless of where the proposed shed was located, it would require variance relief. He had spoken to the neighbors and they were in support of the project since the current shed was falling down.

Mr. Beadle stipulated to installing cement footings if required by the Construction Official.

Hearing no further questions or comments from the board members, Chairman Rhatican opened the hearing to the public for questions or comments. Hearing none, he closed that portion of the hearing.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for both a "c(1)" or "hardship" variance and a "c(2)" or "flexible c" variance. They also felt that the applicants had satisfied the negative criteria.

Mr. Surano moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Lane seconded.

Roll Call:

Aye: Genirs, Lane, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

COMPLETENESS & PUBLIC HEARING

Doliner, Brian & Samantha; Block 401, Lot 19.01; 105 Childs Road; Bulk Variance; #ZB17-026.

Present: Simone D. Calli, Esq., Attorney for the Applicants
Karl R. Nichol, RA, Architect for the Applicants
Brian & Samantha Doliner, Applicants

Mr. Schley, Mr. Quinn, Karl R. Nichol and both applicants were duly sworn by Ms. Wolfe.

Simone D. Calli, Esq., attorney with *Calli Law LLC*, Kinnelon, NJ, advised the board members that she would be representing the applicants during these proceedings. She stated that the applicants were requesting relief for a front yard setback deficiency in order to construct a 414 sq. ft. addition connecting the main house with the garage which was currently detached. She noted that the addition would not cause any further exacerbation of the existing deficiency.

Karl R. Nichol, RA, architect with *Frank J. Rawding Architecture and Planning*, Morristown, NJ, provided his professional credentials and education history to Chairman Rhatican and was accepted as an expert in architecture.

Exhibit A-1, a colorized version of Sheet A-2 "Elevations" of an architecture plan set by Frank J. Rawding Architecture and Planning dated July 27, 2017 was entered into evidence by Mr. Nichol along with two (2) 11" X 17" photos of the existing house and garage as **Exhibits A-2** and **A-3**. Mr. Nichol testified that he had taken the photos approximately two (2) weeks earlier.

Mr. Nichol described the property and testified that the addition would match the existing house in siding and color.

In response to a question from Ms. Wolfe, Brian Doliner, the applicant, testified that the area above the garage would be used as a personal home office.

Hearing no further questions or comments from the board members, Chairman Rhatican opened the hearing to the public for questions or comments. Hearing none, he closed that portion of the hearing.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for a "c(1)" or "hardship" variance. They also felt that the applicants had satisfied the negative criteria.

Ms. Genirs moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicants subject to the conditions stipulated to by the applicant and as stated during deliberations. Ms. Mastrangelo seconded.

Roll Call:

Aye: Genirs, Lane, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

COMPLETENESS & PUBLIC HEARING**Gannon, John & Kristen; Block 2906, Lot 27; 4 Woodstone Road; Bulk Variances; #ZB17-028.**

Present: Joseph M. Marchese, AIA, architect for the Applicants

Mr. Schley, Mr. Quinn, Joseph M. Marchese and both applicants were duly sworn by Ms. Wolfe.

John Gannon, the applicant, advised the board members that the proposed project involved adding another bedroom over the left side of the existing residence as well as constructing a roof with columns over an existing stoop. The project required relief for front and rear yard setback deficiencies as well as exceeding the maximum lot coverage allowed. He stipulated, as a condition of approval, to relocating the existing shed as was required by Condition #3 of a previous approval, #ZB09-021, prior to the issuance of any construction permits.

In response to questions from board members, Mr. Gannon stipulated, as a condition of approval, that the front porch would remain open and that the materials and colors of the addition would match the existing house. He added that the neighbors he had spoken to were in favor of the project. He also agreed to all the comments made in both Mr. Schley's memo of September 22, 2017 and Mr. Quinn's memo of September 29, 2017.

Mr. Schley noted that the application sought relief for the full amount of square footage over the maximum lot coverage even though the addition was entirely within the existing footprint because the existing patio had been expanded without benefit of a permit.

Hearing no further questions or comments from the board members, Chairman Rhatican opened the hearing to the public for questions and comments. Hearing none, he closed that portion of the hearing.

After deliberating, the board members felt that the applicants had satisfied the positive criteria required for both a "c(1)" or "hardship" variance and a "c(2)" or "flexible c" variance. They also felt that the applicants had satisfied the negative criteria.

Mr. Surano moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicants subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Lane seconded.

Roll Call:

Aye: Genirs, Lane, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

COMPLETENESS & PUBLIC HEARING**Reale, Stephen; Block 1205, Lots 1, 2, 3, 4, 12; Washington Avenue & Conkling Street; Bulk Variances; #ZB17-027.**

Present: Vincent T. Bisogno, Esq., Attorney for the Applicant
Nicholas J. Ferrara, AIA, Architect for the Applicant
William G. Hollows, PE, PLS, PP, Engineer for the Applicant
Stephen Reale, Applicant

Mr. Schley, Mr. Quinn, Nicholas J. Ferrara and the applicant were duly sworn by Ms. Wolfe.

Vincent T. Bisogno, Esq., attorney with *Bisogno, Loeffler & Zelley, LLC*, Basking Ridge, NJ, advised the board members that he would be representing the applicant during these proceedings. He described the subject property as being .49 acres whereas .50 acres was required and stated that the improvable lot area was 4,906 sq. ft. whereas 5,000 sq. ft was required. Letters had been mailed to the owners of adjoining Lot 5 and Lot 11 (**Exhibits A-1 and A-2**) offering the subject lots for purchase in their entirety. He entered into evidence a copy

of the "2017 Residential Property Square Footage Assessment Data" report consisting of two pages as **Exhibit A-3** and opined that the subject property was similar to those in the surrounding area.

Nicholas J. Ferrara, AIA, architect whose work address is 29 Greenwood Drive, Millington, NJ, provided his professional credentials and education history to Chairman Rhatican and was accepted as an expert in the field of architecture. He described the architecture of the homes in the area and entered three (3) photos he had taken the prior day into evidence as **Exhibits A-4, A-5 and A-6**. The photos showed the front elevations of Lots 11, 24 and 22 as examples of the style, size and quality of the homes in the area and he testified that the proposed new house would be representative of the character of the neighborhood.

Mr. Ferrara then described the interior floor plan as a typical center hall colonial and gave a brief narrative. He noted that most of the homes in the area were actually larger than what was being proposed.

In response to a question from Ms. Wolfe, Mr. Bisogno stated that the applicant would comply with the comments listed in Mr. Schley's memo of September 22, 2017 and Mr. Quinn's memo of October 3, 2017. Mr. Quinn stated that the drain inlet for the drywell overflow must be repositioned so that it would not impact any neighbors and Mr. Bisogno confirmed that the applicant would agree to that condition.

In response to a question from Ms. Mastrangelo, Mr. Bisogno said that the pictures in the application packet were taken by Mrs. Reale when the application was filed.

Stephen Reale, 45 Pond Hill Road, the applicant, was duly sworn by Ms. Wolfe. He testified that he had spoken to the neighbors who were in favor of the project since the lot was overgrown and unsightly. He added that there had been a house there at one point so the utilities were already present.

Mr. Bisogno agreed that, as a condition of approval, the five (5) lots listed would be merged into one.

Hearing no further questions or comments from the board members, Chairman Rhatican opened the hearing to the public for questions or comments.

Zhenggang Pan, 14 Conkling Street (Lot 11), voiced concern over a triangular portion of Lot 12 located right in front of his house. He said that even though it was not his property, it looked as if it was his front yard and he wanted to ensure that there would be no changes made to that area which was now lawn. He suggested a land swap for just that portion but Mr. Bisogno stated it would not make the applicant's property compliant and hence would serve no purpose. He noted that the applicant had offered the five lots in their entirety for purchase but not a land swap. A discussion about the viability of a land swap ensued.

William G. Hollows, PE, PLS, PP, engineer with *Murphy & Hollows Associates LLC*, Stirling, NJ, arrived at 9:17 PM and was duly sworn by Ms. Wolfe. After providing his professional credentials and education history to Chairman Rhatican, he was accepted as an expert in the field of civil engineering.

Mr. Hollows testified that the three (3) drywells proposed would collect all runoff from the newly created impervious coverage. Mr. Quinn referenced his earlier comment about repositioning the drain inlet for the drywell overflow and suggested piping the overflow to the south westerly corner of the property so that it would run off into Conkling Street.

Mr. Pan objected to the new discharge location since it was located in the lower portion of the subject triangle area near his property. A lengthy discussion ensued. Mr. Bisogno stated that Mr. Hollows would work with the township engineer to examine whether that location could be move farther north.

Mr. Schley asked if the applicant would stipulate, as a condition of approval, to allowing the subject triangle area to remain as lawn with no fence or plantings. The applicant agreed.

Hearing no further questions or comments from the public, Chairman Rhatican closed that portion of the hearing.

After deliberating, the board members felt that the applicant had satisfied the positive criteria required for both a "c(1)" or "hardship" variance and a "c(2)" or "flexible c" variance. They also felt that the applicant had satisfied the negative criteria.

Mr. Lane moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the Board's decision to grant the application for variance relief requested by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Surano seconded.

Roll Call:

Aye:	Genirs, Lane, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

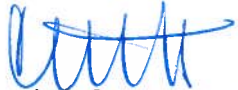
COMMENTS FROM MEMBERS OR STAFF

None.

ADJOURNMENT

Ms. Mastrangelo motioned and by unanimous Voice Vote, the meeting was adjourned at 10:05 PM.

Respectfully submitted,



Cyndi Kiefer, Secretary
Zoning Board of Adjustment