

BERNARDS TOWNSHIP **ZONING BOARD OF ADJUSTMENT**

MINUTES

Regular Meeting
June 5, 2019

CALL TO ORDER

Chairman Breslin called the meeting to order at 7:30 PM.

FLAG SALUTE

OPEN PUBLIC MEETINGS STATEMENT – Chairman Breslin read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this 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, Whippany, NJ, and the Courier News, Bridgewater, NJ, and was filed with the Township Clerk all on January 10, 2019 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: Breslin, Eorio, Genirs, Kleinert, Kraus, Pochtar, Tancredi, Zaidel
Members Absent: Lane
Also Present: Board Attorney, Steven K. Warner, Esq.; Township/Board Planner, David Schley, PP, AICP;
Board Engineer, Thomas Quinn, PE; Board Secretary, Cyndi Kiefer

On motion by Mr. Tancredi, seconded by Ms. Genirs, all in favor and carried, the absence of Mr. Lane was excused.

APPROVAL OF MINUTES

May 8, 2019 – Regular Session - On motion by Mr. Zaidel, seconded by Ms. Kleinert, all in favor and carried, the minutes were approved as written.

May 16, 2019 – Regular Session - On motion by Mr. Zaidel, seconded by Mr. Tancredi, all in favor and carried, the minutes were approved as written.

May 16, 2019 – Closed Session – Carried to the July 11, 2019 meeting.

APPROVAL OF RESOLUTIONS

Vohden, Robert & Gina; #ZB19-006; Block 1403, Lot 7; 7 Evergreen Place; Bulk Variances (denied)
Mr. Zaidel moved approval of the resolution as drafted. Mr. Tancredi seconded.

Roll Call: Aye: Breslin, Kraus, Tancredi, Zaidel
Ineligible: Eorio, Genirs, Kleinert, Pochtar
Motion carried.

Heinze, Bradley & Sarah; #ZB19-007; Block 11401, Lot 32; 100 Emerald Valley Lane; Bulk Variances (approved)
Ms. Kleinert moved approval of the resolution as drafted. Mr. Kraus seconded.

Roll Call: Aye: Breslin, Kleinert, Kraus, Pochtar, Tancredi, Zaidel
Ineligible: Eorio, Genirs
Motion carried.

Bentley, Robert & Nicole; #ZB19-009; Block 2903, Lot 16; 13 Woodstone Road; Bulk Variances (approved)
Mr. Zaidel moved approval of the resolution as drafted. Mr. Kraus seconded.

Roll Call: Aye: Breslin, Kleinert, Kraus, Pochtar, Tancredi, Zaidel
Ineligible: Eorio, Genirs

Motion carried.

Millington Quarry Inc.; ZB18-026; Block 6001, Lot 6, 135 Stonehouse Road; Jurisdictional Issue (approved)
Ms. Genirs moved approval of the resolution as drafted. Mr. Tancredi seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kleinert, Kraus, Tancredi, Zaidel
Ineligible: Pochtar

Motion carried.

PUBLIC HEARING AND APPROVAL OF RESOLUTION- EXTENSION OF VARIANCE APPROVAL

J. Nan Realty Co., LLC; Block 3603, Lot 1, 18 Columbia Road; Preliminary/Final Site Plan, Variances; #ZB18-011A

Present: Frederick B. Zelle, Esq., Attorney for the Applicant

Frederick B. Zelle, Esq., attorney with *Bisogno, Loeffler & Zelle LLC*, Basking Ridge, NJ, entered his appearance on behalf of the applicant who was requesting a six (6) month extension of variance approval pursuant to a resolution adopted by the Board in 2018 in order to submit revised plans to the Board Secretary for signature.

J. Nan Realty Co., LLC; #ZB18-011A; Block 3603, Lot 1, 18 Columbia Road; Preliminary/Final Site Plan, Variances (extension)

Ms. Genirs moved to approve the resolution granting the extension of variance approvals for six (6) months to November 7, 2019 as requested by the applicant subject to the conditions stipulated to in the original resolution. Mr. Tancredi seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kleinert, Kraus, Tancredi, Zaidel
Ineligible: Pochtar

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Utz, John; Block 11102, Lot 3, 33 Rickey Lane and Block 11301, Lot 1, Mountain View Boulevard; Bulk Variances, d(1) Variance; #ZB19-001

Chairman Breslin announced that, at the request of the applicant, the application shall be carried *with no further notice* to the regularly scheduled August 7, 2019 meeting of this Board to be held at 7:30 PM in this same room.

COMPLETENESS AND PUBLIC HEARING

Udelsman, Lee & Jody; Block 7901, Lot 17; 108 Goltra Drive; Bulk Variance; #ZB19-011

Present: Lee & Jody Udelsman, Applicants

Jody Udelsman, applicant residing at 108 Goltra Drive, Basking Ridge, NJ, testified that she proposed to replace an existing uncovered 6' X 12' porch with a covered 6' X16' porch requiring relief for minimum front yard setback.

Mrs. Udelsman confirmed that the porch would be maintained as an open porch meaning that it would be covered with a roof but not enclosed on the sides except for columns and open railings as proposed and confirmed that there had been no negative comments from any of the neighbors.

The hearing was opened to the public for comment. Hearing none, that portion of the hearing was closed.

After deliberating, the Board felt that the positive and negative criteria for "c(2)" or "benefits v. detriments" variance relief had been satisfied. Ms. Genirs moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the decision to grant the variance relief as requested subject to the conditions stipulated to by the applicants and as stated during deliberations. Mr. Zaidel seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kleinert, Kraus, Tancredi, Zaidel
Ineligible: Pochtar

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Knox, William T.; Block 11101, Lot 5; 415 Mountain Road; Bulk Variance; #ZB19-008

Present: Andrew DeCarlo, Operations Manager, *Solar Me*
Carolyn Knox, Property Owner
William T. Knox, Applicant

William T. Knox, applicant residing at 415 Mountain Road, Basking Ridge, NJ, testified that he proposed to install a ground-mounted photovoltaic solar power system on the southerly front corner of the subject property which required relief for an accessory structure located in the front yard. He opined that this was the only functional location since the bulk of the remainder of the property was encumbered by utility easements and high-tension wires and by utilizing this location, the array would not be visible to anyone. Noting that alternative energy facilities such as this were recognized in the Master Plan as uses that should be encouraged, Mr. Knox added that the additional impervious coverage created would be negligible since there were no concrete footings, just pilings that would be driven into the ground. He added that he had spoken to his neighbor who voiced no concerns. Finally, he confirmed that the electricity generated would be strictly for the use of the existing residence.

In response to comments made in Mr. Schley's May 29, 2019 memo, Andrew DeCarlo, Operations Manager for *Maier Solar Engineering d/b/a Solar Me*, South Amboy, NJ, described the unit and the installation. **Exhibits A-1 through A-4**, 8.5" X 11" color photos of a unit, were entered into evidence. Mr. DeCarlo testified that he had taken the pictures and that they accurately portrayed a unit similar to the one proposed by this application. Both Mr. Quinn and Mr. Schley stated that the comments in their review memos had been satisfied.

Mr. Warner noted that the Environmental Commission had submitted a memo with no comments or recommendations adding that a solar array was listed as an inherently beneficial use in the Municipal Land Use Law.

Mr. Knox stipulated to providing a landscaping plan to further buffer the solar array to the satisfaction of Mr. Schley and to limiting the size of the array.

The hearing was opened to the public for comment. Hearing none, that portion of the hearing was closed.

After deliberating, the Board felt that the positive and negative criteria for "c(2)" or "benefits v. detriments" variance relief had been satisfied. Ms. Genirs moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the decision to grant the variance relief as requested subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Zaidel seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kleinert, Kraus, Tancredi, Zaidel
Ineligible: Pochtar

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Yglesias, S./DeCosta, M.; Block 8802, Lot 19; 3137 Valley Road; Bulk Variances; #ZB19-004

Present: Frederick B. Zelle, Esq., Attorney for the Applicant
William G. Hollows, PE, Engineer for the Applicant
Steven T. Yglesias, Applicant

Frederick B. Zelley, Esq., attorney with *Bisogno, Loeffler & Zelley LLC*, Basking Ridge, NJ, entered his appearance on behalf of the applicant who was requesting relief for maximum lot coverage for an existing driveway expansion and an existing pool with walkways and for minimum rear setback for an existing shed. In addition, the applicant sought to construct a "pool house" with an outside shower and decking around the pool. Mr. Zelley stated that the applicant had requested similar relief in 2018 but had been denied. The current application sought to reduce the amount of impervious coverage by removing portions of the driveway and replacing an existing paver walkway with wood decking. Mr. Zelley opined that the pool's water surface area is considered to be stormwater neutral and if it was eliminated from the coverage calculations, the total coverage would fall below the maximum allowed.

Exhibit A-1, a colorized version of page 2 of 3 of plans prepared by William G. Hollows, PE, dated November 28, 2018, illustrating the existing conditions on the property, was entered into evidence. **Exhibit A-2**, a colorized version of page 3 of 3 of the same plans showing the proposed reductions in coverage, was entered into evidence.

William G. Hollows, PE, engineer with *Murphy & Hollows Associates LLC*, Stirling, NJ, testified that there were three (3) areas of the driveway that were being removed to create a reduction in lot coverage. In addition, the applicant proposed to replace the rear paver walkway with wood decking. Referring to Mr. Schley's memo dated May 29, 2019, Mr. Hollows addressed all comments to Mr. Schley's satisfaction.

Referring to the Environmental Commission's memo dated April 25, 2019 which suggested that a dry well be installed, Mr. Hollows opined that it would not work with the soil on the property and stated that the pool itself would act as a retention basin. Mr. Quinn was satisfied that there would be no stormwater management issues.

Steven T. Yglesias, applicant residing at 3137 Valley Road, Basking Ridge, NJ, testified that the overages in coverage were the results of field changes made during construction of an addition and of the pool, adding that the existing shed had been situated in this nonconforming location for many years with no complaints from any of the neighbors.

In reference to the proposed pool house, Mr. Yglesias testified that there would be no kitchen facilities, no living spaces in the second story and that there would be no lighting in the cupola.

Mr. Yglesias agreed to complete the conversion of the impervious areas to pervious, as proposed in the application, and to relocate an existing fence which encroached on neighboring lots, within 90 days of the date of the resolution.

The hearing was opened to the public for comment. Hearing none, that portion of the hearing was closed.

Mr. Zelley provided a summary of the application.

After deliberating, the Board felt that the positive and negative criteria for "c(2)" or "benefits v. detriments" variance relief had been satisfied. Ms. Genirs moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the decision to grant the variance relief as requested subject to the conditions stipulated to by the applicants and as stated during deliberations. Mr. Kraus seconded.

Roll Call:	Aye:	Breslin, Eorio, Genirs, Kleinert, Kraus, Tancredi, Zaidel
	Ineligible:	Pochtar

Motion carried.

COMMENTS FROM MEMBERS OR STAFF - None

ADJOURN

On motion by Mr. Zaidel, seconded by Ms. Genirs, all in favor and carried, the meeting was adjourned at 9:15 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Zoning Board of Adjustment

07/11/2019 Approved as written.

06/14/19