

BERNARDS TOWNSHIP **ZONING BOARD OF ADJUSTMENT**

MINUTES

Regular Meeting
November 6, 2019

CALL TO ORDER

Chairman Breslin called the meeting to order at 7:32 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, Kraus, Pochtar, Tancredi, Zaidel
Members Absent: Genirs, Kleinert, Lane
Also Present: Board Attorney, Steven K. Warner, Esq.; Township/Board Planner, David Schley, PP, AICP;
Board Engineer, Sam Koutsouris, PE; Board Secretary, Cyndi Kiefer

On motion by Ms. Pochtar seconded by Mr. Eorio, all in favor and carried, the absences of Ms. Genirs, Ms. Kleinert and Mr. Lane were excused.

APPROVAL OF MINUTES

October 9, 2019 – Regular Session - On motion by Mr. Tancredi, seconded by Mr. Zaidel, all eligible in favor and carried, the minutes were accepted as written. Abstentions for those who were absent: NONE

APPROVAL OF RESOLUTIONS

DaSilva, David & Jennifer; #ZB19-015; Block 2602, Lot 11; 29 Dogwood Way; Bulk Variances (approved)
Mr. Zaidel moved approval of the resolution as drafted. Mr. Tancredi seconded.

Roll Call: Aye: Breslin, Eorio, Kraus, Tancredi, Zaidel
Nay: NONE
Ineligible: Pochtar

Motion carried.

Pareddy, S./Duggirala, J.; #ZB18-005; Block 11401, Lot 5.02; 393 Martinsville Road; Rehearing Request (denied)
Mr. Tancredi moved approval of the resolution as drafted. Mr. Zaidel seconded.

Roll Call: Aye: Breslin, Kraus, Pochtar, Tancredi, Zaidel
Nay: NONE
Ineligible: Eorio

Motion carried.

LCB Senior Living Holdings II LLC; #ZB19-010; Block 2301, Lot 31; 219 Mount Airy Road; Preliminary/Final Site Plan, Variances (approved) - Mr. Kraus moved approval of the resolution as drafted. Mr. Tancredi seconded.

Roll Call: Aye: Breslin, Eorio, Kraus, Tancredi
 Nay: NONE
 Ineligible: Pochtar, Zaidel

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Lordi; Michael & Jacqueline; Block 1205, Lot 5; 76 Washington Avenue; Bulk Variance; #ZB19-017

Present: Michael & Jacqueline Lordi, Applicants

Mr. Warner stated that notice was sufficient and timely therefore the board had jurisdiction to hear this application. Both applicants and the board professionals were duly sworn.

Michael Lordi, applicant residing at 76 Washington Avenue, testified that he proposed to construct a two-story addition to the north side of the existing dwelling. He noted that although the project required variance relief for minimum front yard setback, the addition's encroachment into the setback was less than that of the existing dwelling. In addition, the proposal eliminated an existing deviation (minimum distance between buildings) by removing the existing detached garage. Finally, Mr. Lordi explained that because of the orientation of the house to the street and the fact that this is a corner lot, the north side of the dwelling was the only spot where the addition could be located.

Mr. Lordi acknowledged that he had reviewed Mr. Schley's memo dated 11/01/2019 and stipulated, as a condition of approval, to all the comments listed in that memo and to those in board engineer, Thomas J. Quinn's memo dated 11/01/2019. He also stipulated that the addition would be substantially similar in style, color and architectural design to the existing structure and substantially similar to what is depicted in the plans. Finally, Mr. Lordi testified that he was unaware of any objections from other neighbors.

Jacqueline Lordi, applicant residing at 76 Washington Avenue, testified that the pictures submitted with the application were taken by her in September and that they accurately reflect the property as it currently exists.

The hearing was opened to the public for questions or comments. Hearing none, that portion was closed.

After deliberating, the board felt that the applicants had satisfied the positive and negative criteria required for a "c(1)" or "hardship" variance. 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 application for variance relief requested subject to the conditions stipulated to by the applicants and as stated during deliberations. Mr. Zaidel seconded.

Roll Call: Aye: Breslin, Eorio, Kraus, Pochtar, Tancredi, Zaidel
 Nay: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Merrilees, Matthew & Megan; Block 3901, Lot 25; 16 Heath Drive; Bulk Variance; #ZB19-018

Present: Matthew & Megan Merrilees, Applicants

Mr. Warner stated that notice was sufficient and timely therefore the board had jurisdiction to hear this application. Both applicants and the board professionals were duly sworn.

Megan Merrilees, applicant residing at 16 Heath Drive, testified that she sought to expand the existing deck at the rear of the existing dwelling and to install an exercise spa in the deck expansion. Because of the size of the spa, it qualifies as a pool and must be located behind the rear building line of adjacent dwellings. She stated that since the property is located on a cul-de-sac, the spa would have to be placed in the middle of the back yard, approximately 30 to 40 feet behind the existing dwelling, in order to comply with the ordinance, hence the application requested

relief from that requirement.

Ms. Merrilees testified that the pictures submitted with the application were taken by her in September and that they accurately reflect the property as it currently exists. She explained that they show the existing vegetative buffering, adding that once the installation of the spa and deck extension is complete, she plans to install more plantings to provide increased privacy. Finally, she stated that she had spoken to the neighbors on either side of the subject property. Both fully supported the project and neither requested additional buffering.

Ms. Merrilees noted that other than the interior lighting of the spa, there would be no other lighting. The spa is self-contained and in addition to the required latching lid, she plans to install fencing to provide more security.

Ms. Merrilees stipulated that the spa and decking would be substantially similar to what is depicted in the plans and that she would adhere to the Best Management Practices when discharging water from the spa.

The hearing was opened to the public for questions or comments. Hearing none, that portion was closed.

After deliberating, the board felt that the applicants had satisfied the positive and negative criteria required for a "c(1)" or "hardship" variance. Mr. Zaidel 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 subject to the conditions stipulated to by the applicants and as stated during deliberations. Mr. Eorio seconded.

Roll Call: Aye: Breslin, Eorio, Kraus, Pochtar, Tancredi, Zaidel
 Nay: NONE

Motion carried.

COMPLETENESS AND PUBLIC HEARING

Harmaty, M./Krikorian, K.; Block 6001, Lot 10.09; 7 Tall Timber Lane; Bulk Variances; #ZB19-019

Present: Cara A. Murphy, Esq., Attorney for the Applicants
 Edward Clark, LLA, Landscape Architect for the Applicants
 Marco Harmaty/Kim Krikorian, Applicants

Cara A. Murphy, Esq., attorney with the firm of *Herold Law PA*, Warren Township, NJ, entered her appearance on behalf of the applicants. She advised the board that the applicants were seeking variance relief for both maximum fence height in a front yard (for both the Tall Timber Lane driveway gate and fence and the Pond Hill Road security gate) and for a fence not greater than 50% open in a front yard (driveway gate).

Mr. Warner stated that notice was sufficient and timely therefore the board had jurisdiction to hear this application. Both applicants, Mr. Clark and the board professionals were duly sworn.

Edward Clark, LLA, licensed landscape architect with a business address of Flanders, NJ, was accepted by the board as an expert in the field of landscape architecture. He testified that he had prepared the landscaping plans for the subject property. Referring to the "Front Foundation Planting Plan," Sheet L-03, last revised on 09/20/19, he described the architectural style of the driveway gate (Tall Timber Lane) as being in scale with the property and complementing the style of the house and the rural nature of the area. He added that the large posts and struts are needed for support since the gate spans 17 feet.

Ms. Murphy stated that the subject property is a corner lot and that because an additional gate which faces Pond Hill Road (secondary front yard) is being installed for security reasons, it has to exceed 4 feet. She noted that it still would not be visible from Pond Hill Road because of the heavy vegetative buffering.

Mr. Clark testified that other than low voltage lighting at grade near the driveway gate piers, no lighting was proposed and that the driveway gates themselves would not be motorized. Marco Harmaty, applicant residing at 7 Tall Timber Lane, added that the intent was to keep the driveway gates open and that they were purely decorative.

Kim Krikorian, applicant residing at 7 Tall Timber Lane, testified that the pictures submitted with the application were

taken by her a couple of months ago and that they accurately reflect the property as it currently exists. She added that none of the neighbors had expressed any objections to the project.

Ms. Murphy opined that this project and the associated landscaping would serve as an enhancement to the neighborhood as a whole.

The applicants stipulated that, as a condition of approval, the materials used in the gates and fencing would be substantially similar to what was depicted in the plans. In addition, they also stipulated to the conditions listed in the resolution adopted by the Planning Board on January 22, 2019 (#PB18-002) approving an underground storm water detention system for the subject property.

The hearing was opened to the public for questions or comments. Hearing none, that portion was closed.

After deliberating, the board felt that the applicants had satisfied the positive and negative criteria required for "c-2" or "benefits outweigh detriments" variances. Mr. Zaidel 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 subject to the conditions stipulated to by the applicants and as stated during deliberations. Chairman Breslin seconded.

Roll Call:	Aye:	Breslin, Eorio, Kraus, Pochtar, Tancredi, Zaidel
	Nay:	NONE

Motion carried.

COMMENTS FROM MEMBERS OR STAFF

Chairman Breslin announced that the special meeting scheduled for November 14, 2019 was cancelled.

Ms. Kiefer reminded the board that the annual Holiday Party would be held at 6:30 PM, prior to the next meeting scheduled for Wednesday, December 4, 2019 and that all members had to complete the computer training session about harassment in the workplace.

ADJOURN

At 8:40 PM, moved by Mr. Zaidel, seconded by Chairman Breslin, all in favor and carried, the meeting was adjourned.

Respectfully submitted,

Cyndi Kiefer, Secretary
Zoning Board of Adjustment

11/18/19v2 ds

Approved as drafted 12-04-2019.