

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

SPECIAL MEETING AGENDA

Warren Craft Meeting Room

October 13, 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.** October 5, 2022 – Regular Session
- 6. APPROVAL OF RESOLUTIONS**
 - A.** Dietrich, Jennifer; Block 1616, Lot 8; 33 Manchester Drive; ZB22-007 (approved)
- 7. COMPLETENESS HEARING**
 - A.** Priscilla’s Pantry LLC; Block 801, Lot 4.01; 199 Morristown Road; Amended Preliminary/Final Site Plan, Variances; ZB22-027
- 8. COMPLETENESS AND PUBLIC HEARING**
 - A.** [Zhang, Z./Zhao, H.](#); Block 6207, Lot 5; 125 Highland Avenue; Bulk Variances; ZB22-023
 - B.** [Campbell, Bryan & Jessica](#); Block 1806, Lot 9; 34 Spencer Road; Bulk Variances; ZB22-024
 - C.** [Silva, Erik C. & Catia R.](#); Block 8401, Lot 11; 48 Crest Drive; Bulk Variance; ZB22-025
- 9. COMMENTS FROM MEMBERS**
- 10. COMMENTS FROM STAFF**
- 11. ADJOURN**

10/05/2022 dssw

**TOWNSHIP OF BERNARDS
2022 ZONING BOARD OF ADJUSTMENT APPLICATION**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Appeal of Zoning Officer's Decision
<input type="checkbox"/> Interpretation of Zoning Ordinance
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision - Preliminary / Final
<input type="checkbox"/> Other (specify): _____ |
|--|--|

1. APPLICANT: ZHIGANG ZHANG & HUIJIE ZHAO

Address: 125 HIGHLAND AVE.

Phone: (home) _____ (work) _____ (mobile) 3478781876

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

2. OWNER (if different from applicant): N/A

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: N/A Profession: _____

Address: _____

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

5. PROPERTY INFORMATION: Block(s): 6207 Lot(s): 5 Zone: R6

Street Address: 125 HIGHLAND AVE. Total Area (square feet/acres): 1.05 acres

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) RV parked at front yard

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 attachment

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

See attachment

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

See attachment

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

APPLICANT(S) SIGN HERE:

I/we, ZHIGANG ZHANG and Hui-Jie Zhao 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 3RD day of AUGUST, 2022

Notary

CYNTHIA KIEFER
Notary Public - New Jersey
Commission #2442187
Expires 01/10/24

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:

- 1) Request to park my RV at front yard extended drive due to corner house
- 2) Request setback of to be less than 30' due to the main easement at the west side of the house.
- 3) Request to allow Trellis to be less than 10' to the large shed
- 4) Request to allow a portion of the 2-story shed in the front yard due to corner house

10. Description of the requested variances or Exceptions:

- 1) 21-19.2, RV in a front yard
- 2) 21-15.1(d)+table 501, Sideyard setback for trellis on the east side of house. It is attached to the house, so it must meet the principal dwelling setback (30')
- 3) 21-15.1(d)+table 501, Trellis must be a minimum of 10' from the large shed.
- 4) 21-16.1(b), 2-Story Shed must locate at backyard

11. The following arguments are made in support of the applications:

- 1) The extended driveway should normally be "a side yard" in a normal situation but it is now considered a "front yard" due to the corner house location. The current location is the only location to park a travel trailer. The location is currently screened from view by evergreen trees and fruit trees.
- 2) Sideyard setback for trellis on the east side of the house. It is attached to the house, so it must meet the principal dwelling setback (30'), Due to the main easement across the yard at the west side. The principal house side yard setback is already less than 30'. Request the trellis to allow to be less than 30' too.
- 3) The trellis is for climbing roses and other vegetables(such as Cucumber, Sponge gourd, etc) to grow and provide shade for large shed entrances. The trellis is aligned to the current flower garden.
- 4) The 2-story shed aligns to the Garage, it is ok for a normal situation, due to the corner house situation, a portion of the 2-story shed is treated as the front yard. Please allow the portion of the 2-story shed in the front yard.

TOWNSHIP OF BERNARDS
2019 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Appeal of Zoning Officer's Decision
<input type="checkbox"/> Interpretation of Zoning Ordinance
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision - Preliminary / Final
<input type="checkbox"/> Other (specify): _____ |
|--|--|

1. APPLICANT: Bryan and Jessica Campbell

Address: 34 Spencer Road, Basking Ridge, New Jersey 07920

Phone: (home) _____ (work) _____ (mobile) (609) 468-0094

Email (will be used for official notifications): bjcrx26@yahoo.com

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

Address: _____

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

3. ATTORNEY: Frederick B. Zelley / Law Offices of Frederick B. Zelley LLC

Address: 53 Division Avenue, First Floor, P.O. Box 324, Millington, New Jersey 07946

Phone: (908) 647-6001 Email (will be used for official notifications): fzelley@fbzlegal.com

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

Name: Jeff Egarian Profession: _____

Address: DJ Egarian & Associates, 271 Route 46, Suite G-208, Fairfield, NJ 07004

Phone: (973) 898-1401 Email (will be used for official notifications): jeffegarian@djegarian.com

5. PROPERTY INFORMATION: Block(s): 1806 Lot(s): 9 Zone: R-7

Street Address: 34 Spencer Road Total Area (square feet/acres): 24,938sf / 0.57 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) (None known) _____

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

The following pre-existing, non-conforming conditions exist, which would not be exacerbated by the proposed development: Lot width (100' exists; 125' currently required); Side Yard Combined (41.31' exists; 60' currently required); Side Yard (15.97' exists; 20' currently required)

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 Sections 21-15.1(d)(1) and 21-16.1(c) and Tables 501 and 507

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, Bryan Campbell and Jessica Campbell 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 9th day of August, 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
BRYAN AND JESSICA CAMPBELL
34 SPENCER ROAD, BLOCK 1806, LOT 9

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

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

The Applicants wish to install an inground swimming pool in a conforming location in the rear yard of their property, together with a surrounding patio area and a sitting area with a fire pit. The property presently hosts a single family residence with a concrete patio, as well as a 12' x 8' utility shed¹. The house and patio are conforming. The shed, installed in or about 2017, is in violation of the 10 foot side yard accessory structure setback. The Applicants wish to keep the shed in its present location. The Applicants propose to remove the exiting patio and to replace the same with an open deck in order to reduce impervious coverage.

10. [Description of Requested Variances or Exceptions]

Variance for excessive impervious coverage: Ordinance §21-15.1(d)(1) and Table 501. After removal of the existing patio, the installation of the proposed inground swimming pool, including its coping and equipment pad, and the proposed patio areas, will increase the existing impervious coverage on the property from 18% to 26.6%, of which 2.6% is "stormwater neutral" pool water surface area.

Variance for Side Yard Setback for Utility Shed: Ordinance §21-16.1(c) and Table 507.

The existing shed is 7.3' from the southern side line, where the ordinance requires a 10' side yard setback for an accessory structure. The Applicants are now seeking variance relief to permit the shed to remain in its present location.

With the exception of the aforementioned variances, 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.

11. [Arguments in Support of Application]

The variances requested would likely be considered a "C-2" flexible variances, in that the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. The addition of the proposed swimming pool and patio areas to the Applicants' property would assist in improving the housing stock and conserving property

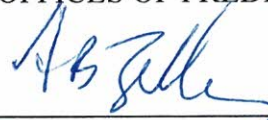
¹ The impervious coverage schedule on the engineering plan erroneously reflects a larger (118 sf) shed, which is a carryover from a prior shed shown on the 2/21/2017 Parker survey.

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 variances 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.

Respectfully Submitted,

LAW OFFICES OF FREDERICK B. ZELLEY LLC



By: Frederick B. Zelley, Esq.
Attorneys for the Applicants
Bryan and Jessica Campbell

Dated: August 19, 2022

**TOWNSHIP OF BERNARDS
2022 ZONING BOARD OF ADJUSTMENT APPLICATION**

RECEIVED

AUG 25 2022

PLANNING/ZONING BOARDS

☒ Bulk or Dimensional ("c") 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): _____

1. APPLICANT: Erik C. Silva and Catia R. Silva

Address: 48 Crest Drive, Basking Ridge, NJ 07920

Phone: (home) 973-477-9900 (work) _____ (mobile) 973-477-9900

Email (will be used for official notifications): matrix2001@verizon.net

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: _____ Profession: _____

Address: _____

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

5. PROPERTY INFORMATION: Block(s): 8401 Lot(s): 11 Zone: R-6

Street Address: 48 Crest Drive Total Area (square feet/acres): 1.20 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) _____

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

[] No [✓] Yes (if yes, explain) Sanitary Sewer easement

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: NO current fence in the backyard. To fence the backyard with an 8 Foot TALL Deer fence.

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.): TO install an 8 Foot TALL Backyard Deer fence where a 6 foot tall is the maximum permitted. ~~Five~~^{one} gates minimum 8 Foot wide will be installed to give access to easement.

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: Keep wildlife out of yard.

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

APPLICANT(S) SIGN HERE:

I/we, Erik C. Silva and Catia R. Silva 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): [Signature] and [Signature]

Sworn and subscribed before me, this 2 day of AUGUST, 2022

Notary

[Signature]
CYNTHIA KIEFER
Notary Public - New Jersey
Commission #2442187
Expires 01/10/24

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