

**BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION**

**Regular Meeting of April 25, 2022 - 7 pm  
Municipal Building, Warren Craft Room  
1 Collyer Lane, Basking Ridge, NJ**

Meeting Agenda

- 1. Call to Order**
- 2. Open Public Meeting Statement**
- 3. Flag Salute**
- 4. Roll Call**
- 5. Approval of EC meeting minutes regular – [March 28, 2022](#)**
- 6. Reports and Miscellaneous Correspondence**
- 7. Discussion**
  - a. Subcommittee Reports
    - i. Applications Review: John Crane (lead) Jim Lamaire, Corey Fischer
    - ii. ANJEC email monitoring / important educational webinars: Nancy Cook (lead) Alice Smyk, Todd Edelstein
      1. Grant Application
    - iii. Native Pollinator Group / Plant Sale: Deb DeWitt (lead), Sarah Wolfson
      1. Factory Days, Transportation from GSWA to Ross Farm, Distribution
    - iv. Community Outreach / Education: Deb DeWitt (lead), Nancy Cook
      1. Plant Sale
      2. Cooking Fat / Rolled Oats
      3. Earth Day
    - v. Guerilla Gardening: Sarah Wolfson (lead)
    - vi. Spotted Lanternfly Park Project: Deb DeWitt with Randy Santoro (STC) and Ryan Wallace (DPW)
    - vii. Native Plants/Pollinator Pathways - discussion of ordinances (Montclair and Eatontown)
- 8. Old Business**
  - a. **Status on Current Projects:**
- 9. New Business**
  - a. **Applications**
    - i. [Finley Real Estate LLC – ZB 21-031- 55 South Finley Ave](#) – Variance to make temporary outside dining area & associated structures permanent.
    - ii. [Moye, William & Carol – PB 22-001 – 11 Mountain Rd](#) – Minor subdivision.
    - iii.
- 10. Comments by Public**
- 11. Comments by Members**
- 12. Adjournment**

Ellen Houlihan, Secretary



Please call (908) 204 - 3000 seventy-two (72) hours in advance if accommodations are required, including Assistive listening devices (ALD).



## ***Bernards Township Environmental Commission***



### **BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION MINUTES – March 28, 2022 – 7pm**

#### **CALL TO ORDER**

Chairperson Debra DeWitt called the meeting to order at 7:02pm in accordance with the Open Public Meeting Act of 1975.

#### **FLAG SALUTE**

All those assembled saluted the flag.

#### **ROLL CALL**

**Present:** Jennifer Asay, Debra DeWitt, John Crane, Todd Edelstein, Alice Smyk, John Valeri, Jr., Sarah Wolfson

**Absent:** Nancy Cook, Corey Fischer, James LaMaire

**Also Present:** Deirdre Vogel, Recording Secretary

#### **APPROVAL OF MEETING MINUTES**

Motion to approve the February 28, 2022, Regular Meeting Minutes was made by Todd Edelstein, seconded by John Crane. Jennifer Asay abstained, all others were in favor.

#### **REPORTS & MISCELLANEUS CORRESPONDENCE**

a. **Owen/Little – Public Notice Letter NJDEP**

No comment

#### **DISCUSSION**

a. Subcommittee Reports

- i. Application Review: John Crane, Jim LaMaire, Corey Fischer  
No comment
- ii. ANJEC email monitoring/important educational webinars: Nancy Cook, Alice Smyk, Todd Edelstein  
Todd viewed several online webinars. Todd, Nancy and Alice will meet to discuss some ideas. Todd mentioned an email regarding a \$1500 grant opportunity they may want to consider. Sarah Wolfson was interested in pursuing the grant for purchasing seed, garden tools, etc. The plastic bag ban is set to begin on May 5th.
- iii. Native Pollinator Group/Plant Sale: Debra DeWitt, Sarah Wolfson  
Plant sale will begin Friday, April 1, at noon and run through April 22nd. Email was sent requesting volunteers to help with distributing plants at the Ross Farm on April 30th.
- iv. Community Outreach / Education: Debra DeWitt, Nancy Cook



## ***Bernards Township Environmental Commission***



Debra posted lists of invasive species and recirculated a flyer on the spotted lantern fly. Ways to aid in eradication of the spotted lantern fly were discussed. Sarah Wolfson spoke to a watershed ambassador regarding removal of spotted lantern fly egg masses. Debra will reach out to Ryan Wallace in Public Works to enlist the help of the park employees to identify areas with egg masses. Jennifer Asay suggested involving scout troops. Debra will investigate organizations participating in Charter Day that might have space for a spotted lantern fly display.

- v. Guerilla Gardening – Sarah Wolfson  
Sarah mentioned the entrance to Pleasant Valley Park as a possible location for planting.
- vi. AmeriCorps Watershed Project – The Environmental Commission will not be participating in Charter Day.

### **NEW BUSINESS**

John Valeri, Jr. recused himself from the meeting at 7:30pm

**a. Verizon – ZB 22-002 – 300 N. Maple Ave – Guard House**

The Environmental Commission notes the presence of freshwater wetlands, wetland buffers, riparian buffers and streams/surface water body on the subject property. Additionally, the property contains a wetlands conservation easement. The Environmental Commission recommends the Board require a new NJDEP approved Letter of Interpretation (LOI) prior to application approval and suggests our Bernards Township professionals review what NJDEP permits are necessary (Wetlands Permit GP 10 B, Wetlands Individual Permit, Stream Encroachment Permit). The Commission would also like the Board to examine the Zone 2 township riparian buffer.

Best management practices to protect these sensitive ecological areas should be implemented during the site work (sediment and erosion controls – extra soil erosion measures should be taken above the standard) and post-construction (organic lawn care, protect and preserve natural soil, vegetation, and grading in buffer zones and within the stream).

The Environmental Commission notes that due to the site and surrounding topography, storm water best management practices should be given extra consideration during site work and as part of the final site grading and restoration. In addition, implementation of best management practices to preserve and protect trees during the site work should be considered.

The Environmental Commission notes additional impervious coverage of 1,165 sf, above the 1,000 sf required per the township ordinance, thereby requiring a stormwater recharge plan. Site drainage in general is a concern due to the existing characteristics of the property.



## ***Bernards Township Environmental Commission***



The Environmental Commission notes the tree removal and replacement plan, shown as 6 trees removed, 14 required replacements and either 6 or 7 proposed (need clarification as it's different on different plans). The Commission would like the applicant to be queried as to why the tree replacement requirement cannot be met and if the Board is satisfied with the answer, the applicant should be required to contribute to the Township Tree Fund for any trees they do not plant.

Motion by Sarah Wolfson, seconded by Todd Edelstein. All in favor, motion carried.

John Valeri, Jr. returned to the meeting at 7:45

**b. Silver Living LLC - ZB 22-004 – 14 N. Maple Ave – Construct a new single-family dwelling**

As with previous plans submitted by the applicant, the Environmental Commission notes the existing lot coverage exceeds the maximum amount. Increased impervious coverage increases the volume (quantity) of stormwater runoff, which can contribute to local and potentially area wide flooding. Site drainage is still a concern with this application, therefore features to promote the recharge of stormwater from the roof leaders should be considered. The New Jersey Department of Environmental Protection Green Infrastructure website is a good reference for “green” stormwater management practices for homeowners. (<http://www.nju.gov/dep/gi/>)

Due to the age of the existing dwelling, the Environmental Commission would like the applicant to be aware of the potential for in-ground tanks, lead paint and asbestos. Proper precautions should be taken during demolition.

As with previous plans submitted, the Environmental Commission notes the absence of a tree removal and replacement plan. (It appears as if 10 trees are being removed.) Long term tree survivability should be the goal of any tree replacement plan and native hardwood species should be selected. The Commission recommends the applicant be required to contribute to the Township Tree Fund if they cannot meet the tree replacement requirements, with a satisfactory explanation as to why.

Motion by Alice Smyk, seconded by Todd Edelstein. All in favor, motion carried.

### **PUBLIC COMMENT**

No members of the public present.

### **COMMENTS BY MEMBERS**

Todd Edelstein discussed the Natural Resources Inventory with David Schley who confirmed it is the Environmental Commission's responsibility to update it every 10 years. John Crane will discuss the need for the NRI with Dave Banish. Jennifer Asay shared her interest in having the Commission help in the promotion of organizations that collect used clothing for redistribution.



***Bernards Township Environmental Commission***



Sarah Wolfson commented that the Raritan Headwaters has a program offering assistance in setting up bird boxes near transmission lines for kestrels once an area is identified. Debra DeWitt will see who owns the property on Somerville Road with power lines. John Valeri, Jr. mentioned that St. James is collecting reusable grocery bags.

**ADJOURNMENT**

Meeting was adjourned at 8:30 pm. Motion by Jennifer Asay, seconded by John Valeri, Jr. All in favor, motion carried.

Respectfully submitted,

Deirdre Vogel, Meeting Secretary



## *Bernards Township Environmental Commission*

**TO:** Zoning Board Chairperson and Members

**FROM:** Deb Dewitt, Chairperson  
Bernards Township Environmental Commission

**DATE:** April 11, 2022

**SUBJECT:** Applications Review

The Environmental Commission reviewed these applications at their **March 28, 2022**, meeting and forwards the following comments:

### **Verizon – ZB22-002 – 300 North Maple Avenue**

The Environmental Commission notes the presence of freshwater wetlands, wetland buffers, riparian buffers and streams/surface water body on the subject property. Additionally, the property contains a wetlands conservation easement.

The Environmental Commission recommends the Board require a new NJDEP approved Letter of Interpretation (LOI) prior to application approval and suggests our Bernards Township professionals review what NJDEP permits are necessary (Wetlands Permit GP 10 B and Individual Permit, Stream Encroachment Permit). The Commission would also like the Board to examine the Zone 2 township riparian buffer.

Best management practices to protect these sensitive ecological areas should be implemented during the site work (sediment and erosion controls – extra soil erosion measures should be taken above the standard) and post-construction (organic lawn care, protect and preserve natural soil, vegetation, and grading in buffer zones and within the stream).

The Environmental Commission notes that due to the site and surrounding topography, storm water best management practices should be given extra consideration during site work and as part of the final site grading and restoration. In addition, implementation of best management practices to preserve and protect trees during the site work should be considered.

The Environmental Commission notes additional impervious coverage of 1,165 sf, above the 1,000 sf required per the township ordinance, thereby requiring a stormwater recharge plan. Site drainage in general is a concern due to the existing characteristics of the property.

The Environmental Commission notes the tree removal and replacement plan, shown as 6 trees removed, 14 required replacements and either 6 or 7 proposed (need clarification as it's different on different plans). The Commission would like the applicant to be queried as to why the tree replacement requirement cannot be met and if the Board is satisfied with the answer, the applicant should be required to contribute to the Township Tree Fund for any trees they do not plant.



## *Bernards Township Environmental Commission*

### **Silver Living LLC – ZB22-004 – 14 North Maple Avenue**

As with previous plans submitted by the applicant, the Environmental Commission notes the existing lot coverage exceeds the maximum amount. Increased impervious coverage increases the volume (quantity) of stormwater runoff, which can contribute to local and potentially area wide flooding. Site drainage is still a concern with this application, therefore features to promote the recharge of stormwater from the roof leaders should be considered. The New Jersey Department of Environmental Protection Green Infrastructure website is a good reference for “green” stormwater management practices for homeowners. (<http://www.nju.gov/dep/gi/>) Due to the age of the existing dwelling, the Environmental Commission would like the applicant to be aware of the potential for in-ground tanks, lead paint and asbestos. Proper precautions should be taken during demolition.

As with previous plans submitted, the Environmental Commission notes the absence of a tree removal and replacement plan. (It appears as if 10 trees are being removed.) Long term tree survivability should be the goal of any tree replacement plan and native hardwood species should be selected. The Commission recommends the applicant be required to contribute to the Township Tree Fund if they cannot meet the tree replacement requirements, with a satisfactory explanation as to why.

Cc: David Schley, Township Planner  
Cyndi Kiefer, Secretary; for distribution to BOA members

EG

ADDITIONAL MAT'LS

**TOWNSHIP OF BERNARDS  
ZONING BOARD OF ADJUSTMENT  
APPLICATION STATUS FORM**

Application No: ZB21-031 Block: 1801 Lot: 1 Zone: B-1

Applicant: FINLEY REAL ESTATE LLC

Address of Property: 55 SOUTH FINLEY AVENUE

Description: PRELIM/FINAL SITE PLAN / "C" VARIANCES  
TO MAKE TEMPORARY OUTSIDE DINING AREA'S  
ASSOCIATED STRUCTURES PERMANENT

**APPLICATION CHECKLIST**

- |                                     |                                     |                                     |                            |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | Original + 16 copies of Application | <input checked="" type="checkbox"/> | Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> | W-9                                 | <input checked="" type="checkbox"/> | Architectural Plans        |
| <input checked="" type="checkbox"/> | Site Visit Consent (A)              | <input checked="" type="checkbox"/> | Survey                     |
| <input checked="" type="checkbox"/> | Ownership Form (B)                  | <input checked="" type="checkbox"/> | Photographs                |
| <input checked="" type="checkbox"/> | 200' Property Search List (C)       | <input type="checkbox"/>            | Wetlands Report/LOI        |
| <input checked="" type="checkbox"/> | Tax Certification (D)               | <input checked="" type="checkbox"/> | Application Fee            |
| <input type="checkbox"/>            | Notice to be Served/Published (E)   | <input checked="" type="checkbox"/> | Escrow Deposit             |
| <input checked="" type="checkbox"/> | Dimensional Statistics Form (F)     | <input type="checkbox"/>            | Imaging Fee                |
| <input checked="" type="checkbox"/> | Contributions Disclosure Form (G)   | <input type="checkbox"/>            | Tax Map Revision Fee       |
|                                     |                                     | <input checked="" type="checkbox"/> | Checklist                  |

**SCHEDULING**

10/1/21 Original Submission Date  
11/15/21 Completeness Deadline (45 days)  
 \_\_\_\_\_ Incomplete Date  
 \_\_\_\_\_ Resubmission Date  
 \_\_\_\_\_ Date Complete  
3:3:22\* Time to Act (45/95/120 days)  
 \*FROM 11/3/21

**HEARING**

\_\_\_\_\_ Notice to Property Owners  
 \_\_\_\_\_ Date of Publication  
11/3/21 Completeness Hearing  
1/5/22 Public Hearing  
 \_\_\_\_\_ Carried to Date  
 \_\_\_\_\_ Decision - Approved/Denied  
 \_\_\_\_\_ Resolution Memorialized  
 \_\_\_\_\_ Resolution Published

**DISTRIBUTION**

10/4/21 Environmental Comm  
 \_\_\_\_\_ Fire Official  
 \_\_\_\_\_ LCFAS  
 \_\_\_\_\_ Police

**NOTES**

# PARKING STUDY

*For*

**Washington House**

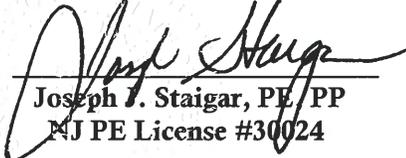
*Property Located at:*

**55 South Finley Avenue  
Block 1801 – Lot 1  
Township of Bernards, Somerset County, NJ**

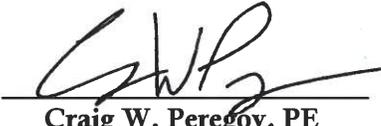
Prepared by:



1904 Main Street | 245 Main Street, Suite #110  
Lake Como, NJ 07719 | Chester, NJ 07930  
(732) 681-0760



Joseph J. Staigar, PE, PP  
NJ PE License #30024



Craig W. Peregoy, PE  
NJ PE License #45880

October 28, 2021

2023-99-001TE

## INTRODUCTION

Finley Real Estate, LLC is the owner of the property located at the northwest corner of the intersection of South Finley Avenue and Henry Street in the Township of Bernards, Somerset County, New Jersey, otherwise known as Block 1801 – Lot 1. The property is located within the B-1 – Village Business Zone. The property is currently developed with a 2.5 story building containing the 4,937 SF Washington House restaurant on the first floor and 3,171 SF of office on the upper floors. Parking is accommodated by an on-site parking lot at the rear of the building containing 23 parking spaces and an auxiliary parking lot owned by the Applicant that is located at the southeast corner of Henry Street and Rankin Avenue which contains 36 spaces. Thus, the total off-street parking provided is 59 spaces.

In August 2017, the Bernards Township Planning Board approved an increase in restaurant seating to 174 seats (150 indoor and 24 outdoor) and the reduction of off-street parking spaces provided from 60 to 59 in the two lots owned by the Applicant. However, the parking lot at the rear of the building is currently occupied by a temporary dining tent which was constructed to provide outdoor dining services while indoor dining restrictions were in place due to the COVID-19 pandemic.

It is proposed to make the dining tent permanent, which effectively eliminates the 23 on-site parking spaces at the rear of the restaurant and reduces the off-street parking to the 36 spaces available in the auxiliary lot. The proposed permanent dining tent is 5,208 SF and contains 164 seats. It is also proposed to provide 12 additional seats on the existing bluestone patio at the rear of the building. Thus, the total restaurant area will be increased to 10,145 SF and the total seating capacity will be increased to 350 seats (The Project).

Dynamic Traffic, LLC has been retained to prepare this study to assess the parking impact associated with the implementation of the site improvements and the requested parking variance. This study documents the methodology, analyses, findings and conclusions of our study and includes:

- A field inspection was conducted to obtain an inventory of conditions that effect parking at the site; e.g., tenant vacancies, inaccessible spaces, etc. and general layout.
- Existing parking data was collected via parking counts during the Friday and Saturday evening peak periods within the vicinity of the site to determine the peak availability of vacant parking spaces in the vicinity of the site.
- The parking layout and supply was compared to accepted design standards and local zoning codes.

## PARKING DEMAND

A review of the existing conditions near the site was conducted to provide the basis for assessing the parking impact of the development.

### Local Ordinance Requirements

The Township of Bernards sets forth a parking requirement of 1 parking space per 50 square feet or 1 parking space per 3 seats for restaurant uses, whichever is greater, and 4 parking spaces per 1,000 square feet for office uses. With 10,145 square feet of restaurant space and 3,171 square feet of office space, the total parking requirement is 216 parking spaces. Alternatively using 350 proposed seats for the restaurant and 3,171 square feet of office space, 130 parking spaces would be required. These calculations are exemplified below:

**Table I  
Parking Requirements**

Land Use	Variable	Required Spaces		Increase
		Current	Proposed	
Office	SF	13	13	0
Restaurant	SF	99	203	104
Restaurant	Seats	58	117	59
<b>Total</b>	<b>SF</b>	<b>112</b>	<b>216</b>	<b>104</b>
	<b>Seats</b>	<b>71</b>	<b>130</b>	<b>59</b>

### Existing On-Site & On-Street Parking Demand

Parking counts were conducted on Friday, September 17, 2021 and on Saturday September 18, 2021 from 6:30 – 8:30 PM within the auxiliary parking lot and on-street within a one block distance of the Washington House restaurant. The on-site parking consists of the 36-space auxiliary parking lot located on Block 1802, Lot 2 (SE corner of West Henry Street and Rankin Avenue). Review of the collected data reveals that an average of 15 spaces in the auxiliary lot and 68 spaces on-street are available for a total of 83 vacant spaces. The full parking counts are located in the Technical Appendix.

These specific count times were selected to coincide with the peak business activity of the Washington House and the expected peak parking demands of the existing use. It should also be noted that no adjustments were made in association with the COVID-19 pandemic. A comparison of current and pre-pandemic transaction data provided by the Applicant indicates that the customer demand has met and even surpassed that of pre-pandemic levels. As such, it is the opinion of this office that the as-counted 2021 parking accumulation data accurately represents true conditions. The aforementioned transaction data is contained within the Technical Appendix.

### ITE Parking Demand

In order to better establish the actual parking demand by the proposed increase in seating, reference is made to empirical parking demand data as presented by the Institute of Transportation Engineers (ITE) within their publication *Parking Generation, 5<sup>th</sup> Edition*. This publication establishes peak parking demands for multiple land uses based upon different independent variables, such as GFA and employees. The following Table II shows the projected parking demand using ITE.

**Table II**  
**ITE Average Parking Demand**

Land Use	ITE Demand	Projected Demand
	Average	
LUC 931 – 350 Seat Quality Restaurant	0.47/seat	165
LUC 712 – 3,171 SF of Office	2.56/1,000 SF	8
<b>Total ITE Parking Demand</b>		<b>173</b>

It should be noted that these projections are conservative in that;

1. They were developed assuming no drop in occupancy/usage of the interior dining areas during those times when the alternative to dine outside (al fresco) rather than inside would be the diner's choice, if the weather conditions are comfortable. For the most part, the customer base remains the same and indoor seating is swapped for outdoor seating, resulting in no appreciable increase in total occupancy.
2. The separate office and restaurant uses will generate parking demands that do not peak coincidentally and during the same time period. The office space peaks during late morning or early afternoon (typically 10:00 -11:00 AM and 2:00 – 3:00 PM, respectively, and outside of the typical lunch-time period) when the restaurant will have little to no parking demand. Conversely, the restaurant peaks during the later evening time period when the office space will have little to no parking demand. In reality, the site will not require a maximum of 173 parking spaces based on the ITE rates since both uses will not peak at the same time.

A more realistic projection for the actual parking demand of the restaurant is one that is based on the ITE average peak parking demand. This projects a demand of 165 parking spaces for the proposed restaurant as opposed to the calculation made by Ordinance of 203 spaces.

Therefore, with a peak demand of 165 parking spaces and a supply of 36 parking spaces within the auxiliary lot, there is an overage of 129 parking spaces that would be generated by the proposed restaurant with 350 seats. Further, based on ITE parking rates and the proposed increase of 176 seats (from the existing 174 seats to the proposed 350 seats), the increase in parking demand is calculated to be 176 seats x 0.47 spaces per seat = 83 spaces, whereas there is an average of 83 vacant spaces within the auxiliary lot and on-street, as determined by the parking surveys.

It is important to note that these projections are based on the very unlikely assumption that all 350 inside and outside seats are occupied. In reality, diners choose outdoor seating in lieu of indoor seating during periods of comfortable weather; leaving indoor seating vacant and vice versa. Furthermore, the number of occupied/serviceable seats is also limited by kitchen capacity.

Based on transaction data provided by the Applicant from April 2, 2021 – September 18, 2021, the restaurant served a maximum of 332 customers over a 4-hour dinner period which averages to 83 customers or occupied seats per hour. During this time period, only the 164 outdoor seats were available to patrons which means the maximum seating occupancy was 51% (83 occupied/164 total seats = 0.51). If this ratio is applied to the proposed total of 350 seats, this translates a maximum of 179 occupied seats. Based on ITE parking rates and the projected increase of 96 occupied seats (from the existing 83 seats to the proposed 179 seats), the increase in parking demand is calculated to be 96 seats x 0.47 spaces per seat = 45 spaces.

## FINDINGS & CONCLUSIONS

### **Findings**

Based upon the detailed analyses as documented herein, the following findings are noted:

The office use and restaurant use will not have coincidental peak periods, thus the parking demand of each use can be looked at separately. Further, in order to prepare a conservative assessment of a worst case scenario, the ITE trip generation projections were utilized for the total 350 proposed seats. The ITE average parking demand projects 165 parking spaces for the 350 seat restaurant as proposed, which is an increase of 83 parking spaces when compared to the existing parking demand based on 174 seats. Furthermore, based on actual operational data it is projected that there will be an increase of 96 occupied seats, which translates to an increase of 45 parking spaces based on the ITE parking rates. The parking counts show an average of 83 available parking spaces at or in close vicinity of the site<sup>1</sup>, which is sufficient to accommodate the projected demand. During the restaurant off-peak periods, the office use will conservatively require 8 parking spaces when the restaurant generates none or minimal parking demand, which can be accommodated within the auxiliary lot during the time periods.

### **Conclusions**

The site as proposed will provide adequate parking to support the projected demand of the proposed restaurant and office use. Based upon our Parking Study as detailed in the body of this report, it is the professional opinion of Dynamic Traffic, LLC that the adjacent parking lot will not experience any significant degradation in operating conditions with the construction of The Project.

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<sup>1</sup> Parking surveys were conducted a distance of only one (1) block distance from the site. Additional on-street parking availability was observed further south on South Finley Avenue and not included in the surveys.

## **Technical Appendix**



**Location:** 55 S Finley Ave  
Bernards, NJ



Location: 55 South Finley Avenue

Date: Friday 9/17/2021

Municipality: Bernards

Job #: 2023-99-001TE

State: NJ

# of Vacant Parking Spaces								
Start Time	Location*							Total Vacant Spaces
	A	B	C	D	E	F	G	
6:30 PM	5	14	9	12	9	18	6	73
6:45 PM	5	21	8	12	7	18	9	80
7:00 PM	5	20	8	12	6	18	9	78
7:15 PM	5	14	8	13	8	18	15	81
7:30 PM	6	14	9	12	7	19	16	83
7:45 PM	6	14	8	13	5	19	16	81
8:00 PM	6	7	8	12	5	19	17	74
8:15 PM	6	9	8	13	6	19	17	78

\*See Map for Count Locations



Location: 55 South Finley Avenue

Date: Saturday 9/18/2021

Municipality: Bernards

Job #: 2023-99-001TE

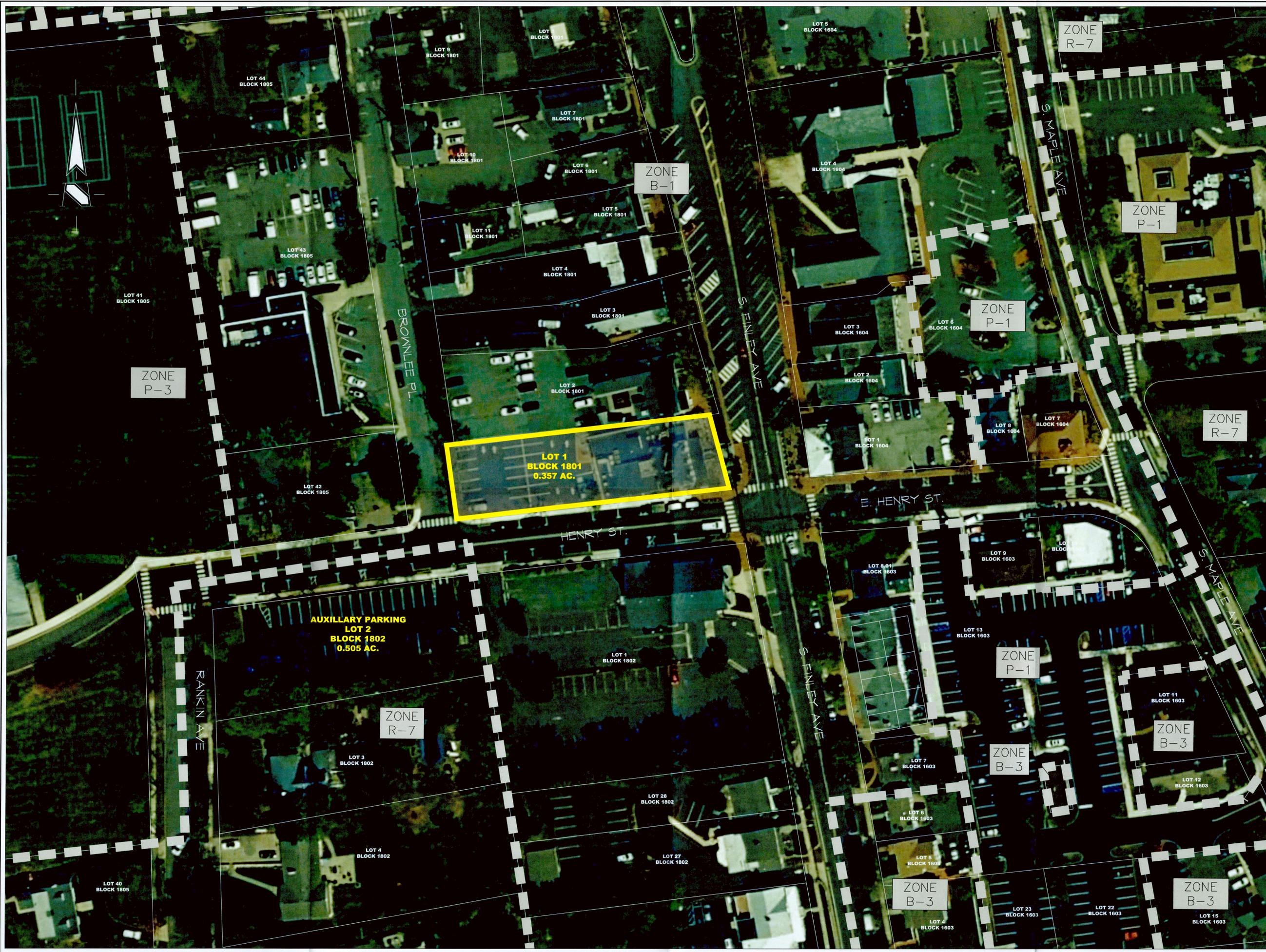
State: NJ

<b># of Vacant Parking Spaces</b>								
<b>Start Time</b>	<b>Location*</b>							<b>Total Vacant Spaces</b>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	
<b>6:30 PM</b>	6	15	14	14	7	18	17	<b>91</b>
<b>6:45 PM</b>	5	16	12	14	5	19	15	<b>86</b>
<b>7:00 PM</b>	6	14	12	14	7	19	15	<b>87</b>
<b>7:15 PM</b>	6	15	12	14	6	17	14	<b>84</b>
<b>7:30 PM</b>	6	9	11	14	10	18	18	<b>86</b>
<b>7:45 PM</b>	6	11	12	14	7	18	21	<b>89</b>
<b>8:00 PM</b>	6	13	13	14	5	18	19	<b>88</b>
<b>8:15 PM</b>	6	13	13	14	6	18	20	<b>90</b>

\*See Map for Count Locations

Washington House Cover Data (as per Breadcrumb POS System) Date Range: 5/6/2016 - 10/21/2016 (Fridays Only) 1 Cover = 1 Person					Washington House Cover Data (as per Breadcrumb POS System) Date Range: 5/7/2016 - 10/22/2016 (Saturdays Only) 1 Cover = 1 Person				
DATE	DAY	Lunch Covers	Dinner Covers	Total Covers	DATE	DAY	Lunch Covers	Dinner Covers	Total Covers
5/6/2016	Friday	64	186	250					
5/13/2016	Friday	41	161	202	5/7/2016	Saturday	86	219	305
5/20/2016	Friday	36	114	150	5/14/2016	Saturday	84	196	280
5/27/2016	Friday	37	119	156	5/21/2016	Saturday	139	235	374
6/3/2016	Friday	42	164	206	5/28/2016	Saturday	46	99	145
6/10/2016	Friday	92	144	236	6/4/2016	Saturday	41	149	190
6/17/2016	Friday	86	175	261	6/11/2016	Saturday	76	178	254
6/24/2016	Friday	76	112	188	6/18/2016	Saturday	65	137	202
7/1/2016	Friday	26	97	123	6/25/2016	Saturday	67	188	255
7/8/2016	Friday	35	128	163	7/2/2016	Saturday	28	73	101
7/15/2016	Friday	38	123	161	7/9/2016	Saturday	61	120	181
7/22/2016	Friday	42	121	163	7/16/2016	Saturday	30	115	145
7/29/2016	Friday	26	106	132	7/23/2016	Saturday	117	156	273
8/5/2016	Friday	34	112	146	7/30/2016	Saturday	20	58	78
8/12/2016	Friday	48	94	142	8/6/2016	Saturday	30	78	108
8/19/2016	Friday	35	159	194	8/13/2016	Saturday	54	125	179
8/26/2016	Friday	44	104	148	8/20/2016	Saturday	58	118	176
9/2/2016	Friday	45	101	146	8/27/2016	Saturday	17	134	151
9/9/2016	Friday	53	151	204	9/10/2016	Saturday	52	164	216
9/16/2016	Friday	57	138	195	9/17/2016	Saturday	102	187	289
9/23/2016	Friday	41	199	240	9/24/2016	Saturday	53	188	241
9/30/2016	Friday	49	136	185	10/1/2016	Saturday	31	150	181
10/7/2016	Friday	55	170	225	10/8/2016	Saturday	51	162	213
10/14/2016	Friday	57	199	256	10/15/2016	Saturday	63	143	206
10/21/2016	Friday	119	172	291	10/22/2016	Saturday	53	181	234
	Avg	51	139			Avg	59	148	
	Max	119	199			Max	139	235	
	Min	26	94			Min	17	58	
	Median	44	136			Median	54	150	

Washington House Cover Data (as per Breadcrumb POS System) Date Range: 4/2/2021 - 9/17/2021 (Fridays Only) 1 Cover = 1 Person					Washington House Cover Data (as per Breadcrumb POS System) Date Range: 4/3/2021 - 9/18/2021 (Saturdays Only) 1 Cover = 1 Person				
DATE	DAY	Lunch Covers	Dinner Covers	Total Covers	DATE	DAY	Lunch Covers	Dinner Covers	Total Covers
4/2/2021	Friday	105	172	277	4/3/2021	Saturday	202	192	394
4/9/2021	Friday	122	200	322	4/10/2021	Saturday	149	246	395
4/16/2021	Friday	121	186	307	4/17/2021	Saturday	228	246	474
4/23/2021	Friday	98	251	349	4/24/2021	Saturday	97	269	366
4/30/2021	Friday	127	246	373	5/1/2021	Saturday	176	299	475
5/7/2021	Friday	148	301	449	5/8/2021	Saturday	236	290	526
5/14/2021	Friday	132	235	367	5/15/2021	Saturday	194	325	519
5/21/2021	Friday	108	289	397	5/22/2021	Saturday	167	258	425
5/28/2021	Friday	143	201	344	5/29/2021	Saturday	76	237	313
6/4/2021	Friday	134	284	418	6/5/2021	Saturday	135	299	434
6/11/2021	Friday	159	219	378	6/12/2021	Saturday	176	332	508
6/18/2021	Friday	220	320	540	6/19/2021	Saturday	117	240	357
6/25/2021	Friday	120	235	355	6/26/2021	Saturday	122	187	309
7/2/2021	Friday	118	267	385	7/3/2021	Saturday	142	188	330
7/9/2021	Friday	101	274	375	7/10/2021	Saturday	195	202	397
7/16/2021	Friday	79	205	284	7/17/2021	Saturday	106	228	334
7/23/2021	Friday	133	243	376	7/24/2021	Saturday	97	277	374
7/30/2021	Friday	98	262	360	7/31/2021	Saturday	90	286	376
8/6/2021	Friday	116	239	355	8/7/2021	Saturday	64	218	282
8/13/2021	Friday	64	207	271	8/14/2021	Saturday	103	266	369
8/20/2021	Friday	123	246	369	8/21/2021	Saturday	123	257	380
8/27/2021	Friday	111	194	305	8/28/2021	Saturday	152	287	439
9/3/2021	Friday	130	264	394	9/4/2021	Saturday	117	243	360
9/10/2021	Friday	106	315	421	9/11/2021	Saturday	160	289	449
9/17/2021	Friday	123	198	321	9/18/2021	Saturday	157	284	441
	Avg	122	242			Avg	143	258	
	Max	220	320			Max	236	332	
	Min	64	172			Min	64	187	
	Median	121	243			Median	142	258	



REVISIONS		
NO.	DATE	DESCRIPTION



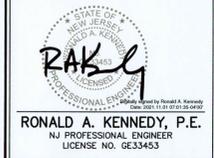
**GLADSTONE DESIGN, Inc.**

Consulting Engineers  
 Land Surveyors  
 Landscape Architects  
 Land Planners

265 Main Street, P.O. Box 400  
 Gladstone, New Jersey 07934  
 T: (908) 234-0309  
 F: (908) 719-3320

NJ Certificate of Authorization  
 No. 24GA28034400

Ronald A. Kennedy, P.E., P.P., CME, LEED AP  
 Kurt T. Haines, P.L.S.  
 Robert C. Morris  
 Robert C. Moschello, P.E.



**PROJECT**

**WASHINGTON HOUSE**

LOT 1 BLOCK 1801

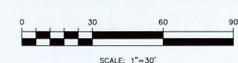
BERNARDS TOWNSHIP  
 SOMERSET COUNTY  
 NEW JERSEY

**SHEET TITLE**

PRELIMINARY AND FINAL  
 MAJOR SITE PLAN

**AERIAL EXHIBIT**

DATE	OCTOBER 29, 2021
SCALE	1" = 30'
DRAWN	EMF
CHKD.	CRF
JOB NO.	1108-01
SHEET NO.	1 OF 1



EC

**TOWNSHIP OF BERNARDS  
ZONING BOARD OF ADJUSTMENT  
APPLICATION STATUS FORM**

Application No: ZB21-031 Block: 1801 Lot: 1 Zone: B-1

Applicant: FINLEY REAL ESTATE LLC

Address of Property: 55 SOUTH FINLEY AVENUE

Description: PRELIM/FINAL SITE PLAN / "C" VARIANCES  
TO MAKE TEMPORARY OUTSIDE DINING AREAS  
ASSOCIATED STRUCTURES PERMANENT

**APPLICATION CHECKLIST**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Original + 16 copies of Application | <input checked="" type="checkbox"/> Engineering Plan/Plot Plan |
| <input checked="" type="checkbox"/> W-9                                 | <input checked="" type="checkbox"/> Architectural Plans        |
| <input checked="" type="checkbox"/> Site Visit Consent (A)              | <input checked="" type="checkbox"/> Survey                     |
| <input checked="" type="checkbox"/> Ownership Form (B)                  | <input checked="" type="checkbox"/> Photographs                |
| <input checked="" type="checkbox"/> 200' Property Search List (C)       | <input type="checkbox"/> Wetlands Report/LOI                   |
| <input checked="" type="checkbox"/> Tax Certification (D)               | <input checked="" type="checkbox"/> Application Fee            |
| <input type="checkbox"/> Notice to be Served/Published (E)              | <input checked="" type="checkbox"/> Escrow Deposit             |
| <input checked="" type="checkbox"/> Dimensional Statistics Form (F)     | <input type="checkbox"/> Imaging Fee                           |
| <input checked="" type="checkbox"/> Contributions Disclosure Form (G)   | <input type="checkbox"/> Tax Map Revision Fee                  |
|   | <input checked="" type="checkbox"/> Checklist                  |

**SCHEDULING**

10/1/21 Original Submission Date  
11/15/21 Completeness Deadline (45 days)  
 \_\_\_\_\_ Incomplete Date  
 \_\_\_\_\_ Resubmission Date  
 \_\_\_\_\_ Date Complete  
3:3:22\* Time to Act (45/95/120 days)  
 \*FROM 11/3/21

**HEARING**

\_\_\_\_\_ Notice to Property Owners  
 \_\_\_\_\_ Date of Publication  
11/3/21 Completeness Hearing  
1/5/22 Public Hearing  
 \_\_\_\_\_ Carried to Date  
 \_\_\_\_\_ Decision - Approved/Denied  
 \_\_\_\_\_ Resolution Memorialized  
 \_\_\_\_\_ Resolution Published

**DISTRIBUTION**

10/4/21 Environmental Comm  
 \_\_\_\_\_ Fire Official  
 \_\_\_\_\_ LCFAS  
 \_\_\_\_\_ Police

**NOTES**

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

- |  |  |
|--|--|
| <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 checked="" type="checkbox"/> Site Plan - Preliminary / Final          | <input type="checkbox"/> Other (specify): _____                  |

**1. APPLICANT:** Finley Real Estate, LLC

Address: PO Box 411, Basking Ridge, NJ 07920

Phone: (home) 973-425-1228 (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email (will be used for official notifications): mads@scandicbuilders.com

**2. OWNER (if different from applicant):** Not applicable.

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

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

**3. ATTORNEY:** David Burton Brady, Esq.

Address: Brady & Correale, LLP, PO Box 2136, Morristown, NJ 07962

Phone: 973-267-3500 Email (will be used for official notifications): lawman.brady@gmail.com

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

Name: Ronald A. Kennedy, P.E. Profession: Engineer

Address: Gladstone Design, Inc., 256 Main Street, Box 400, Gladstone, NJ 07934

Phone: 908-234-0309 Email (will be used for official notifications): rkennedy@gladstonedesign.com

**5. PROPERTY INFORMATION:** Block(s): 1801 Lot(s): 1 Zone: B-1

Street Address: 55 South Finely Avenue Total Area (square feet/acres): 15,548 to ROW

**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 Project Report.

**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 Project Report.

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

See attached Project Report.

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

See attached Project Report.

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

**APPLICANT(S) SIGN HERE:**

I/we, Mads Jepsen on behalf of Finley Real Estate, LLC 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): [Signature] and \_\_\_\_\_

Sworn and subscribed before me, this 30 day of September, 2021.

[Signature]  
Notary  
[Signature]

**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

**SUBMIT ORIGINAL AND 16 COPIES**

**FORM A**

**TOWNSHIP OF BERNARDS  
PLANNING BOARD / BOARD OF ADJUSTMENT**

**SITE INSPECTION CONSENT FORM**

Applicant: Finley Real Estate, LLC

Block: 1801 Lot: 1

Street Address: 55 South Finely Avenue

I, Mads Jepsen, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature:

  
\_\_\_\_\_  
Mads Jepsen, on behalf of  
Finley Real Estate, LLC

Date: 9/29/2021

**SUBMIT ORIGINAL + 2 COPIES**  
**For Corporations, LLC, LLP ONLY**

**STATEMENT OF OWNERSHIP**

Corporate or Partnership  
Name of Applicant Finley Real Estate, LLC

Address 55 South Finley Avenue, Basking Ridge, New Jersey 07920

The following is a list of all shareholders and/or partners owning beneficially or having registered in their names not less than ten percent (10%) of the stock of the corporation or interest in a partnership involved in an application hereinabove referred to:

Name Jepsen Family, LLC

Name \_\_\_\_\_

Address: 55 South Finley Avenue

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

Basking Ridge, NJ 07920

\_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

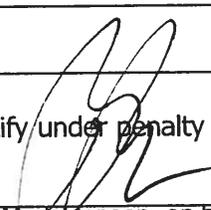
Address: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

I hereby certify under penalty of perjury that the foregoing is true:

Signature:   
Matt Jepsen, on behalf of  
Finley Real Estate, LLC

Date: 9/29/2021

SUBMIT 17 COPIES TOTAL

DIMENSIONAL STATISTICS

	REQUIRED	EXISTING	PROPOSED
LOT AREA	20,000	15,548 to ROW	15,548 to ROW
LOT WIDTH	50	66	66
FRONTAGE	50	372	372
FRONT YARD SETBACK	10	11.2	11.2
REAR YARD SETBACK	10	127.9	3.2
COMBINED SIDE YARD			
SIDE YARD	10	0	0
COVERAGE	75%	93% to ROW	93% to ROW
HEIGHT	35	43.25	43.25
<i>IF REQUIRED,</i> GROSS FLOOR AREA		81.08	13,316
<i>IF REQUIRED,</i> FLOOR AREA RATIO	25%	52.1%	85.6%
<i>IF REQUIRED,</i> IMPROVABLE LOT AREA			

**SUBMIT ORIGINAL + 2 COPIES**  
**Not for "Bulk" or "C" variances**

**FORM G**

**TOWNSHIP OF BERNARDS**  
**PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**  
**CONTRIBUTION DISCLOSURE STATEMENT**

**Contribution Disclosure Statement Required.** Pursuant to Bernards Township Ordinance Section 21-7A (Ordinance #1745, adopted October 26, 2004), Contribution Disclosure Statements are required for certain types of development applications that include a request for a variance or other relief. When required, a Contribution Disclosure Statement must be submitted by all applicants and property owners, as well as all professionals who apply for or provide testimony, plans or reports in support of the application. See Section 21-7A for details.

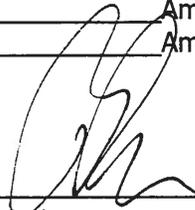
Applicant: Finley Real Estate, LLC Application: \_\_\_\_\_

Pursuant to Bernards Township Ordinance Section 21-7A, I hereby certify that I, or the firm or entity with which I am associated, made the following contributions to or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Township of Bernards, within one year prior to the filing of the above application.

I made no contributions.

I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature:   
Name: Mads Jepsen  
Title: Member  
Firm: Finley Real Estate, LLC  
Address: 55 South Finely Avenue  
Basking Ridge, NJ 07920

Date: 9/29/2021

**SUBMIT ORIGINAL + 2 COPIES**  
**Not for "Bulk" or "C" variances**

**FORM G**

**TOWNSHIP OF BERNARDS  
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT  
CONTRIBUTION DISCLOSURE STATEMENT**

**Contribution Disclosure Statement Required.** Pursuant to Bernards Township Ordinance Section 21-7A (Ordinance #1745, adopted October 26, 2004), Contribution Disclosure Statements are required for certain types of development applications that include a request for a variance or other relief. When required, a Contribution Disclosure Statement must be submitted by all applicants and property owners, as well as all professionals who apply for or provide testimony, plans or reports in support of the application. See Section 21-7A for details.

Applicant: Finley Real Estate, LLC Application: \_\_\_\_\_

Pursuant to Bernards Township Ordinance Section 21-7A, I hereby certify that I, or the firm or entity with which I am associated, made the following contributions to or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Township of Bernards, within one year prior to the filing of the above application.

I made no contributions.

I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature: *Ronald A. Kennedy* Date: 9/29/2021  
Name: Ronald A. Kennedy, P.E.  
Title: President  
Firm: Gladstone Design, Inc.  
Address: 265 Main Street, PO Box 400  
Gladstone, NJ 07934

**APPENDIX B. ARTICLE III**

**Checklist**

**Application for Preliminary Approval of a Major Subdivision or Site Plan (See Article VII for Details)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist(s). If the application involves a wireless telecommunications tower and/or antennas, all items listed on the Wireless Telecommunications Facilities Checklist must be also be submitted.	X		
2	A certificate from the tax collector indicating that taxes are paid.	X		
3	All required application and escrow deposit fees.	X		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	X		
5	Title block indicating:	X		
	a. Name of development and street location.	X		
	b. Name and address of applicant, owner and authorized agent, if any.	X		
	c. Name and address of professional(s) preparing plans including signature, date, license number and seal.	X		
	d. Tax map block and lot numbers.	X		
	e. Date of plan preparation and revision box with date of each revision.	X		
	f. Development application number.	X		
	g. Written and graphic scale.	X		
6	Signature of applicant and, if applicant is not owner, signed consent of the owner.	X		
7	Name and address of the attorney representing parties, if any, and the name of each client represented.	X		
8	Signature blocks as required by the Map Filing Law.		X	
9	North arrow giving reference meridian.	X		
10	Copies of any protective covenants or deed restrictions applying to the subject property, including a statement as to whether such covenants or deeds are of record. A copy or abstract of the deed or deeds or other instruments by which title is derived with the names of all owners must also be provided.	X		
11	A key map showing the entire tract and its relation to the surrounding areas, including all roads, zone boundaries and municipal boundaries within one-half (1/2) mile of the subject property at a scale of one (1) inch equals not more than two thousand (2,000) feet.	X		
12	A zoning schedule indicating the zone(s) within which the property is located and required, existing & proposed conditions relative to lot area, width, frontage, yard setbacks, lot coverage, height, floor area, floor area ratio, density, open space, parking, loading, signs, etc.	X		
13	A list of required and obtained regulatory approvals and permits.	X		
14	A list of requested variances and exceptions.	X		
15	The location and dimensions of existing & proposed property lines, existing streets, streets shown on the Township's official map or master plan, structures (indicating the use of each structure and whether existing structures will remain or be removed), building setbacks, rights-of-way, easements, parking & loading areas, driveways, railroads, bridges, culverts, drain pipes, gas transmission lines, overhead utilities, historic sites/structures, wooded areas, watercourses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of the subject property.	X		
16	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to § 21-14.1.a.			X

No.	Item	Submitted	Not Applicable	Waiver Requested
17	Plans & profiles of proposed utility layouts, including water supply, sewage disposal, stormwater drainage, gas, telephone and electricity, showing feasible connections to existing or proposed systems. Plans for individual on-site water supply and/or sewage disposal systems shall be accompanied by the necessary local, county and/or state agency approvals. If service will be provided by an existing utility company, a letter from that company stating that service will be available before occupancy is required.		X	
18	The locations of percolation tests on each existing/proposed lot and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if sewage disposal is to be handled by individual septic system(s). For each lot, the applicant shall submit test locations and written approvals from the Health Department for both a primary and secondary septic disposal field. The applicant must show on the development plan the locations and dimensions of both septic disposal fields.		X	
19	All means of vehicular and pedestrian access to the site from public streets, including locations and dimensions of driveways and curbs and any traffic signs, signals, channelization, acceleration and deceleration lanes or other traffic control devices.	X		
20	Site identification sign and street sign locations and details.			X
21	Existing & proposed topographic contour intervals based on U.S.C. & G.S. datum on and within 200' of the subject property as follows: - up to 3% grade = 1' intervals                      - over 3% grade = 2' intervals	X		
22	A steep slope map in accordance with § 21-14.2.b, if the property contains any existing slopes of 15% or greater.		X	
23	Spot and finished elevations at all property corners.	X		
24	A landscaping plan showing shade trees, screening, buffering, existing vegetation and limits of clearing, a planting schedule, details of plantings, landscape treatments and other amenities, etc. (see § 21-54.4 for detailed requirements).			X
25	A tree identification plan and an application for tree removal permit including the following (see § 21-45.3 for detailed requirements):	X		
	a. Location of existing tree canopy and labeling of the canopy areas to be removed and to be preserved.	X		
	b. Location of individual trees with a DBH equal to or greater than six inches identified by size and species within the limit of disturbance and 30 feet beyond the limit of disturbance, labeled to be removed or to be preserved.	X		
	c. Location of individual trees with a DBH equal to or greater than ten inches identified by size and species within the property boundaries, labeled to be removed or to be preserved.	X		
	d. Tree protection details.		X	
	e. A list of all trees to be removed and, if replacement trees are required, a schedule in accordance with the table in § 21-45.1 indicating the number of replacement trees required and the number of replacement trees proposed.		X	
26	A lighting plan in accordance with Section 21-41, including the location, type, height, graphic details and specifications of all existing & proposed lighting. The plan shall show the proposed illumination in footcandle values throughout the site and shall identify the average maintained horizontal illumination in vehicular areas and in sidewalk areas.			X
27	A soil erosion and sediment control plan, if required pursuant to Section 21-27.		X	
28	A solid waste management plan and a recycling plan, including locations and details of outdoor refuse and recycling storage areas and means of screening, in accordance with Sections 21-40 and 21-40A.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
29	Plans and profiles of proposed driveways.		X	
30	Plans, typical cross-sections, centerline profiles, tentative grades, curb radii and details of all streets on the site or off the site which are proposed to be improved, including curbing, sidewalks and drainage structures.		X	
31	Construction details in accordance with Township standards.		X	
32	Existing & proposed easements or land reserved for or dedicated to public use, utility use or for the common use of property owners in the development, including a statement of the limits and purpose of the easement rights or dedicated land.		X	
33	Existing & proposed sight triangles.		X	
34	Development staging plans.		X	
35	Existing & proposed block and lot numbers.	X		
36	The area in square feet and to the nearest tenth of an acre of all existing and proposed lots.	X		
37	A sketch of the proposed or possible layout or disposition of remaining lands, if any.		X	
38	General soil information including soil logs.			X
39	Source and date of the current property survey and a copy of the survey showing all existing tract boundary or lot lines with lengths of courses to hundredths of a foot and bearings to half minutes, the error of closure not to exceed one (1) to ten thousand (10,000). The tract boundary or lot lines shall be clearly delineated. All bearings shall be in the New Jersey Plane Coordinate System, with coordinates shown on at least three (3) corners.	X		
40	Appropriate certification blocks as required by the Map Filing Law		X	
41	Monumentation as specified by the Map Filing Law.		X	
42	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way and centerline curves on streets.	X		
43	Plans and computations for any storm drainage systems, including locations, details and specifications of all storm sewer lines, catch basins, inlets, manholes, culverts, headwalls, dry wells, ground water recharge basins, detention basins, etc. and existing and proposed drainage area maps.		X	
44	When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, intermittent stream, swale or drainageway, evidence of approval or of the request for approval, required modifications or lack of jurisdiction over the improvement by the New Jersey Department of Environmental Protection shall accompany the application (see § 21-54.4 for additional required details).		X	
45	When ditches, streams or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown.		X	
46	For a site plan, preliminary elevations and plans of all buildings and structures, showing windows, doors, architectural treatment, roof treatment, roof appurtenances and screening, floor elevations and proposed methods of energy conservation and the locations, dimension and legend(s) of all proposed signs. For a subdivision, the approximate basement and first floor elevation for each house.			X (partial)
47	A list of names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.	X		

No.	Item	Submitted	Not Applicable	Waiver Requested
48	A Project Report, which may be submitted separately or as part of the Environmental Impact Assessment, including the following (see § 21-54.6 for details). Where individual maps or exhibits are submitted separately to satisfy other checklist requirements, they may be referenced in the Project Report.	X		
	a. Project Description and Statistics Report.	X		
	b. Land Classification Map and Report.	X		
	c. Natural Features Report.	X		
	d. Open Space Plan and Report.	X		
	e. Land Coverage and Drainage Plan and Report.	X		
	f. Soil Erosion and Sedimentation Control Plan and Report.	X		
	g. Sewer and Water Plan and Report.	X		
	h. Circulation Plan and Traffic Report.	X		
	i. Utilities Plan and Report.	X		
	j. Development Schedule Plan.	X		
	k. Variances and Exceptions Report.	X		
	l. Easements and Covenants Report.	X		
49	An Environmental Impact Assessment, including the following (see § 21-54.6.m for details).			X
	a. Plan and description of the development plan.			X
	b. Inventory of existing natural resources.			X
	c. Assessment of environmental impacts.			X
	d. Unavoidable adverse environmental impacts.			X
	e. Steps to minimize environmental damage.			X
	f. Alternatives.			X
	g. Details and matters to be evaluated:			X
	(1) Sewerage facilities.			X
	(2) Water supply.			X
	(3) Storm water.			X
	(4) Stream encroachments.			X
	(5) Floodplains.			X
	(6) Solid waste disposal.			X
	(7) Air pollution.			X
	(8) Traffic.			X
	(9) Social/economic factors.			X
	(10) Aesthetics.			X
	(11) Licenses, permits, etc.			X
	(12) A copy of the development plan and application form.			X
50	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		X	
51	Contribution Disclosure Statement, if required pursuant to Section 21-7A.	X		
52	A plan showing all the details required in the procedures of Table 401-A, entitled Maximum Permitted Lot Yield & Minimum Improvable Lot Area Standards, Residential Development, R-1 Through R-7 Zones.		X	
53	For each proposed dwelling, cross sections shall be provided from the center of the road to the rear of the house in existing and proposed conditions; cross sections shall be provided perpendicular to the road through the center of the dwelling to a point 50' to the rear of the dwelling; the cross section shall be provided at a scale of 1" = 10' horizontal and 1" = 10' vertical.		X	
54	A fire service plan, showing on a separate plan sheet(s) information relating to fire safety and emergency response, including: existing and proposed water lines, fire department connections, hydrants and cisterns; widths and turning radii of streets, driveways, parking aisles, emergency access roads and fire lanes; public building entrances; parking spaces; and stormwater drainage basins.	X		

**APPENDIX C. ARTICLE III**

**Checklist**

**Application for Final Approval of a Major Subdivision or Site Plan**

**(See Article VII for Details)**

\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\*

No.	Item	Submitted	Not Applicable	Waiver Requested
1	All items required for preliminary approval as set forth in § 21-54.4, unless previously waived by the Board.	X		
2	All additional items required by the Board as a condition of preliminary approval.		X	
3	A certificate from the tax collector indicating that taxes are paid.	X		
4	All required application and escrow deposit fees.	X		
5	Final detailed architectural renderings of each building and sign, including front, side and rear elevations.			X
6	Final cross-sections, profiles and established grades of all streets, aisles, lanes and driveways and construction documents for all public improvements.		X	
7	Final plans and profiles of all storm sewers.		X	
8	Final plans and profiles of all sanitary sewers.		X	
9	Final plans and profiles of all water mains.		X	
10	All dimensions of the exterior boundaries of any subdivision, balanced and closed to a precision of one to 10,000, and the dimensions of all lot lines to within one to 20,000. All dimensions, angles and bearings must be tied to at least two permanent monuments not less than 300 feet apart and all information shall be indicated on the plat. At least one corner of the subdivision shall be tied to U.S.C. and G.S. benchmarks with data on the plat as to how the bearings were determined.		X	
11	Proposed street names.		X	
12	A Final Application Comparison Report, including:		X	
	a. The number and type of dwelling units.		X	
	b. The amount of nonresidential floor space.		X	
	c. The type of community facilities and/or structures.		X	
	d. The amount of open space to be preserved.		X	
	e. The nature and cost of public improvements.		X	
	f. The anticipated value of residential and nonresidential construction.		X	
	g. Finalized landscaping and tree removal information pursuant to Sections 21-43 through 21-45.		X	
	h. A comparison to the preliminary development approval, indicating the nature and reasons for any changes to the preliminary approval.		X	

No.	Item	Submitted	Not Applicable	Waiver Requested
13	Organization documents, including:		X	
	a. Articles of incorporation, by-laws and membership rules/regulations for any homeowner's association, condominium association or other organization to maintain the common open space or community facilities.		X	
	b. A copy of the master deed detailing the rights and privileges of individual owners of common property.		X	
	c. A copy of all materials submitted to the Department of Community Affairs as required by the New Jersey Planned Real Estate Development Full Disclosure Act Regulations and evidence of the status of acceptance of and/or approval by the Department of Community Affairs.		X	
	d. Covenants or easements restricting the use of the common open space or elements.		X	
	e. Covenants or agreements requiring homeowners or residents to pay the organization for the maintenance of the common open space and/or community facilities. This shall include a proposed schedule of membership fees for at least the first three years of operation.		X	
14	All easements or covenants affecting any land in the development.	X		
15	All maintenance agreements under which private roads and other facilities will be maintained, refuse collected and other supplementary services provided, if there is to be no homeowners' association, condominium association, open space organization or similar arrangement.		X	
16	An offer of dedication including all legal requirements for valid dedication to the Township or, where appropriate, to another governmental body of roads or other improvements intended for public ownership.	X		

# GLADSTONE DESIGN, Inc.

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Consulting Engineers  
Land Surveyors  
Landscape Architects  
Land Planners

265 Main Street, P.O. Box 400  
Gladstone, New Jersey 07934  
T: (908) 234-0309  
F: (908) 719-3320  
www.gladstonedesign.com

Ronald A. Kennedy, P.E.; P.P.; CME; LEED AP  
Kurt T. Hanie, P.L.S.  
Robert C. Morris  
Robert C. Moschello, P.E.

September 21, 2021  
1108-01

Re: Preliminary and Final Major Site Plans  
Washington House  
Lot 1, Block 1801  
55 South Finley Avenue  
Bernards Township, Somerset County, New Jersey

## **Rider to Application**

**The Applicant respectfully requests that the Bernards Township Board of Adjustment grant the following waivers for items on the Site Plan Checklist that have not been provided with this application:**

### **Preliminary Site Plan Checklist**

<b><u>Item</u></b>	<b><u>Reason</u></b>
16	A completeness waiver is being requested from the requirement to provide a wetlands absence determination. This is a developed property with no nearby wetlands according to a review of the NJDEP Geoweb and confirmed through visual observation.
20	A completeness waiver is being requested from the requirement to provide site identification signs. No signage is proposed as part of this project.
24	A completeness waiver is being requested from the requirement to provide a landscaping plan. No impact to landscaping shall be impacted by this project.
26	A completeness waiver is being requested from the requirement to provide a lighting plan. No impact to existing exterior lighting is proposed by this project.
38	A completeness waiver is being requested from the requirement to provide general soil information and soil logs. This project is solely to make permanent an existing tent. No soil disturbance is proposed.
46	A partial completeness waiver is being requested from the requirement to provide architectural elevations. Instead, photographs of the existing tent are included as an attachment to this application. An architectural floor plan of the tent seating is provided as a supplemental drawing.



**48** A completeness waiver is being requested from the requirement to provide a Project Report. This project is solely to make permanent an existing tent. Preparation of a Project Report would be beyond the scope of this project.

**49** A completeness waiver is being requested from the requirement to provide an Environmental Impact Assessment in accordance with Section 21-54.6.m.1. This project is solely to make permanent an existing tent and will create no additional environmental impacts beyond those experienced under the current site conditions.

**Final Site Plan Checklist**

<b><u>Item</u></b>	<b><u>Reason</u></b>
<b>05</b>	A completeness waiver is being requested from the requirement to provide architectural renderings and elevations. Instead, photographs of the existing tent are included as an attachment to this application.

**The following variances are being requested from the Bernards Township Land Use Ordinance:**

<b><u>Code</u></b>	<b><u>Variance</u></b>
Table 402	A variance is being requested for a maximum floor area ratio of 85.6% where the ordinance allows a maximum of 25.0%. A variance for a maximum floor area ratio of 47.8% was previously granted as part of Docket No. 03-03, as memorialized by the Bernards Township Board of Adjustment on March 7, 2003.
Section 21-22.1	A variance is being requested to allow for 36 parking spaces to be provided where the ordinance requires 216 spaces. A variance to allow 59 provided parking spaces was previously granted as part of Application #PB17-004, as memorialized by the Bernards Township Planning Board on August 22, 2017.
Table 506	A variance is being requested for a rear yard setback of 3.2 feet where the ordinance requires a minimum of 10 feet.

**PROJECT REPORT  
FOR  
WASHINGTON HOUSE**

**LOT 1, BLOCK 1801  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, NEW JERSEY**

**Prepared by:**

**GLADSTONE DESIGN, INC.**

Consulting Engineers | Land Surveyors | Landscape Architects | Land Planners

265 Main Street, P.O. Box 400  
Gladstone, New Jersey 07934

September 24, 2021



**WASHINGTON HOUSE  
PROJECT REPORT**

**TABLE OF CONTENTS**

INTRODUCTION..... 1  
BACKGROUND INFORMATION..... 1  
PROJECT REPORT ..... 2  
    Project Description and Statistics Report ..... 2  
    Land Classification Map and Report ..... 2  
    Natural Features Report..... 3  
    Open Space Plan and Report ..... 3  
    Land Coverage and Drainage Plan and Report ..... 3  
    Soil Erosion and Sedimentation Control Report ..... 3  
    Sewer and Water Plan and Report..... 3  
    Circulation Plan and Traffic Report ..... 3  
    Utilities Plan and Report ..... 3  
    Development Schedule Plan..... 3  
    Variances and Exceptions Report..... 3  
    Easements and Covenants Report ..... 4

**FIGURES**

KEY MAP ..... FIGURE 1  
U.S.G.S. QUAD MAP..... FIGURE 2  
AERIAL MAP..... FIGURE 3

**PLANS**

LOT DEVELOPMENT PLAN ..... SHEET 1 OF 1

# WASHINGTON HOUSE PROJECT REPORT

## INTRODUCTION

This Project Report has been prepared for the property located at 55 South Finley Avenue in Bernards Township, New Jersey, home to the Washington House restaurant, to support the associated application for Preliminary and Final Site Plan approval with variances from the Bernards Township Board of Adjustment. This report has been prepared in accordance with the criteria specified in Section 21-54.6 of the Bernards Township Land Development Ordinance entitled "Support Documentation."

## BACKGROUND INFORMATION

The Washington House property is located on Lot 1, Block 1801 in Bernards Township, Somerset County, New Jersey. The site is located in the heart of the downtown Basking Ridge village business district with frontage along South Finley Avenue to the east, West Henry Street to the south, and Brownlee Place to the west (see **Figure 1**). The total tract area is 0.357 acres to the right-of-way line and 0.413 acres to the deed line in the center of South Finley Avenue. The site is within the B-1 (Village Business Zone) zoning designation.

The subject property is developed with a three-story building and associated parking. The Washington House restaurant occupies the first floor and exterior patios. Offices occupy the upper two floors. Parking is provided by an on-site parking lot in the rear of the building and an auxiliary parking lot located on Lot 2, Block 1802. The auxiliary parking lot sits caddy-corner to the restaurant with access off West Henry Street to the north and the street address of 2 Rankin Avenue. The auxiliary parking lot is located within the R-7 (1/2-acre Residential Zone) zoning designation. Parking is prohibited as a principal use within the R-7 zone. A "d(1)" use variance was granted for the parking lot as part of a Board of Adjustment approval on April 3, 1985.

This site has been the subject of several prior Site Plan approvals, summarized as follows:

1. The site received Preliminary and Final Site Plan approval on August 22, 2017 from the Bernards Township Planning Board (Application #PB17-004) to allow an increase in restaurant seating and a reduction in parking spaces provided from 60 to 59 spaces.
2. The site received Preliminary and Final Site Plan approval on December 22, 2015 from the Bernards Township Planning Board (application #PB15-001) to allow construction of two outdoor at-grade decks and a trash enclosure in the auxiliary parking lot (Lot 2, Block 1802), and to allow a reduction in parking spaces provided from 72 to 60 spaces.
3. The site received Preliminary and Final Site Plan approval on July 9, 2003 from the Bernards Township Board of Adjustment (#03-03) to construct a wireless telecommunications antenna facility.
4. The site received Site Plan approval on March 3, 1999 from the Bernards Township Board of Adjustment (#98-24) to construct two additions to the building: first, to expand the restaurant bathroom and dining seating by 12 additional seats; and second, to accommodate new kitchen equipment.
5. The site received Site Plan approval on April 3, 1985 from the Bernards Township Board of Adjustment (#85-01) to utilize the front porch for 20 additional restaurant seats and to enlarge the second floor to accommodate a food storage area.

# WASHINGTON HOUSE PROJECT REPORT

## PROJECT REPORT

### Project Description and Statistics Report

The site received a special use permit on October 19, 2020 and a certificate of approval from the construction code division on December 2, 2020 for the installation of a 50-ft x 100-ft temporary tent for outdoor dining in the rear parking lot. The purpose of this application is to obtain Preliminary and Final Major Site Plan approval with variances from the Bernards Township Board of Adjustment to make permanent the existing, temporary dining tent and associated structures erected at the site. As part of this project, a second means of egress for diners, in the form of an on-grade staircase, will be provided out the rear of the tent in the northwest corner of the site.

The tent and auxiliary structures will add 5,208 square feet of additional floor area bringing the total floor area on the site to 13,316 square feet or an 85.6% floor area ratio. A variance is being requested from Table 402 for a maximum floor area ratio of 85.6% where the ordinance allows a maximum of 25.0%.

The existing restaurant has a capacity of 174 seats (150 indoor and 24 outdoor). The tent to be made permanent will add an additional 164 seats and the existing rear bluestone patio can accommodate an additional 12 seats for a total proposed restaurant capacity of 350 seats. Bernards Township sets forth a parking requirement for restaurants as the greater of 1 parking space per 3 seats or 1 parking space per 50 square feet of floor area. In this case the 10,145 square feet of floor area creates the greater parking demand of 203 spaces. In addition, 13 spaces are required for the 3,171 square feet of office floor area, bringing the total parking requirement to 216 spaces. A variance is being requested from Section 21-22.1 to allow for 36 spaces to be provided where the ordinance required 216 spaces.

The dining tent and associated structures have been erected over the existing asphalt parking lot, there is no proposed land disturbance and no change in the total impervious coverage across the site.

For a complete tabulation of zoning requirements, see the calculation tables on the Lot Development Plan, Sheet 1 of 1.

### Land Classification Map and Report

The property is comprised entirely of Unrestricted lands, meaning no lands on the property are classified as Environmentally Restricted, lands within a floodway or with slopes more than 25%, or Restricted, lands within a special flood hazard area, R-5 Lowlands, or with slopes between 15% and 25%, as defined by the Bernards Township Land Development Ordinance Article II.

Based on the United States Department of Agriculture Web Soil Survey, the entire site is part of the Pen silt loam (PenB) soil group. Penn silt loam is a 2 to 6 percent sloping soil series consisting of fine-loamy residuum weathered from acid reddish shale, siltstone, and fine-grain sandstone classified as Hydrologic Soil Group 'C'. The depth to the water table is more than 80 inches and the capacity of the most limiting layer to transmit water is very low to moderately low. No further soil investigations were performed on the site because the project proposes no land disturbance.

The property is developed, with no woodlands, significant tree masses, or waters. All existing trees are to remain. The location and diameter breast height of all existing trees is depicted on the Lot Development Plan, Sheet 1 of 1.

## WASHINGTON HOUSE PROJECT REPORT

### Natural Features Report

There are no notable natural features or environmental constraints on the property. This project proposes no tree removal nor impact to existing landscaping.

### Open Space Plan and Report

The property is developed. No areas of the site are designated as open space.

### Land Coverage and Drainage Plan and Report

The dining tent and associated structures have been erected over the existing asphalt parking lot; therefore, this project proposes no land disturbance and no change in total impervious coverage across the site. This project qualifies as an Exempt Development as defined in the Bernards Township Drainage Ordinance (Section 21-42). Complete coverage calculations are included on the Lot Development Plan, Sheet 1 of 1.

### Soil Erosion and Sedimentation Control Report

This project proposes to make permanent an existing tent erected over an asphalt parking lot, there is no proposed land disturbance associated with this project. As such, this project does not require approval from the Somerset-Union Soil Conservation District.

### Sewer and Water Plan and Report

This project proposes no change to the existing sewer and water services provided to the site.

### Circulation Plan and Traffic Report

The property has frontage along two Township right-of-ways: West Henry Street and Brownlee Place. In addition, the property has frontage along the County Route 613, South Finley Avenue. Street parking is available along both West Henry Street and South Finley Avenue. Patrons of the Washington House can access the restaurant through the front entrance on South Finley Avenue, or directly access the dining tent via a side entrance off Henry Street. As part of this project, a second means of egress for diners, in the form of an on-grade staircase, will be provided out the rear of the tent in the northwest corner of the site towards Brownlee Place.

As previously described, the total parking requirement for the site is 216 spaces. A variance is being requested from Section 21-22.1 to allow for 36 spaces to be provided where the ordinance required 216 spaces. To support the variance, a comprehensive parking study is underway and shall be submitted prior to the Board hearing under separate cover. A traffic professional shall provide testimony at the hearing.

### Utilities Plan and Report

This project proposes no change to the existing utility services provided to the site.

### Development Schedule Plan

Construction of the dining tent and associated structures was completed under the special use permit issued on October 19, 2020. The only new construction proposed is for the on-grade staircase to provide a second means of egress out the rear of the tent.

### Variances and Exceptions Report

This project is seeking the following variances from the Bernards Township Land Development Ordinance:

1. A variance is being requested from Table 402 for a maximum floor area ratio of 85.6% where the ordinance allows a maximum of 25.0%.

## **WASHINGTON HOUSE PROJECT REPORT**

2. A variance is being requested from Section 21-22.1 to allow for 36 parking spaces to be provided where the ordinance requires 216 spaces.
3. A variance is being requested from Table 506 for a rear yard setback of 3.2 feet where the ordinance requires a minimum of 10 feet.

This site has been the subject of several prior Site Plan approvals and has previously received variances for maximum floor area ratio (1999, 1985), parking (2017, 2015, 1999) and building setbacks (1999). The following is a comprehensive description of the variances previously granted:

### 2017 Approval:

1. A variance was granted from Section 21-22.1 to allow for 59 parking spaces to be provided where the ordinance requires 112 spaces.

### 2015 Approval:

1. A variance was granted from Section 21-22.1 to allow for 60 parking spaces to be provided where the ordinance requires 112 spaces.

### 2003 Approval:

1. A variance was granted from Section 21-10.6.a.1 to construct a wireless telecommunications facility where the ordinance does not allow this use in the B-1 zone.
2. A variance was granted from Table 402 for a maximum height of 43.25 feet where the ordinance allows a maximum of 35 feet.

### 1999 Approval:

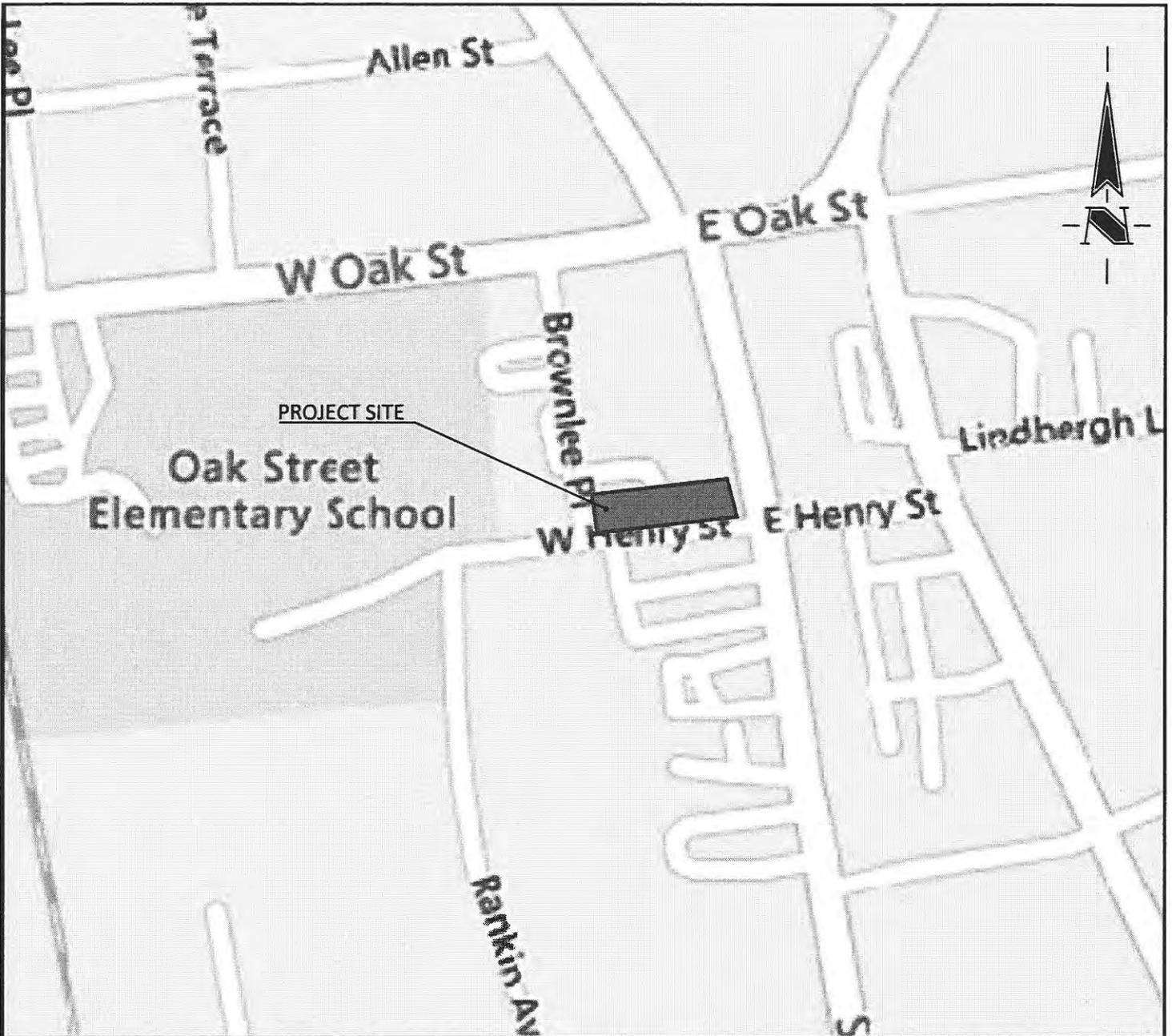
1. A variance was granted from Table 402 for a maximum floor area ratio of 47.8% where the ordinance allows a maximum of 25.0%.
2. A variance was granted from Table 402 for a maximum lot coverage of 85.1% where the ordinance allows a maximum of 75%.
3. A variance was granted from Table 506 for a front yard setback of 1 foot where the ordinance requires a minimum of 10 feet.
4. A variance was granted from Table 402 for a lot area of 15,959.6 square feet where the ordinance requires a minimum of 20,000 square feet.
5. A variance was granted from Section 21-22.1 to allow for 72 parking spaces to be provided where the ordinance requires 110 spaces.

### 1985 Approval:

1. A variance was granted from Table 402 for a maximum floor area ratio of 47.5% where the ordinance allows a maximum 25.0%.

### Easements and Covenants Report

This project proposes no new easements or covenants to be imposed upon the use of the land, structures, or other improvements within the development.



**NOTES:**

1. KEY MAP FROM BING MAPS.
2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.



SCALE : 1"=250'

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# GLADSTONE DESIGN, Inc.

Consulting Engineers  
Land Surveyors  
Landscape Architects  
Land Planners

265 Main Street P.O. Box 400  
Gladstone, New Jersey 07934  
Telephone (908) 234-0309  
Facsimile (908) 719-3320

NJ Certificate of Authorization  
No. 24GA28034400

## WASHINGTON HOUSE

BLOCK 1801 LOT 1  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, N.J.

SHEET TITLE:

KEY MAP

REFERENCE:

BING MAPS

DWN.	EMF
CHKD.	CRF
SCALE	1"=500'
DATE	09-24-21
FIG. NO.	1
JOB NO.	1108-01

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PROJECT SITE

PO



NOTES:

- 1. QUAD MAP FROM UNITED STATES GEOLOGICAL SURVEY.
- 2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.



SCALE : 1"=250'

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## WASHINGTON HOUSE

BLOCK 1801 LOT 1  
 BERNARDS TOWNSHIP  
 SOMERSET COUNTY, N.J.

SHEET TITLE:

U.S.G.S. QUAD MAP

REFERENCE:

UNITED STATES  
GEOLOGICAL SURVEY

DWN.

EMF

CHKD.

CRF

SCALE

1"=250'

DATE

09-24-21

FIG. NO.

2

JOB NO.

1108-01

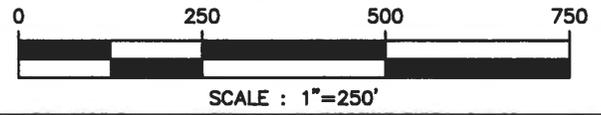
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PROJECT SITE



- NOTES:
1. AERIAL MAP TAKEN FROM THE OFFICIAL STATE OF NEW JERSEY GEOGRAPHIC INFORMATION NETWORK, 2020.
  2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.



**GLADSTONE  
DESIGN, Inc.**

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**WASHINGTON HOUSE**

BLOCK 1801 LOT 1  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, N.J.

SHEET TITLE:

**AERIAL MAP**

REFERENCE:

**NEW JERSEY  
GEOGRAPHIC  
INFORMATION NETWORK  
ARCGIS**

DWN.	EMF
CHKD.	CRF
SCALE	1"=250'
DATE	09-24-21
FIG. NO.	3
JOB NO.	1108-01

**TENT PHOTOGRAPHS REPORT  
FOR  
WASHINGTON HOUSE**

**LOT 1, BLOCK 1801  
BERNARDS TOWNSHIP  
SOMERSET COUNTY, NEW JERSEY**

**Prepared by:**

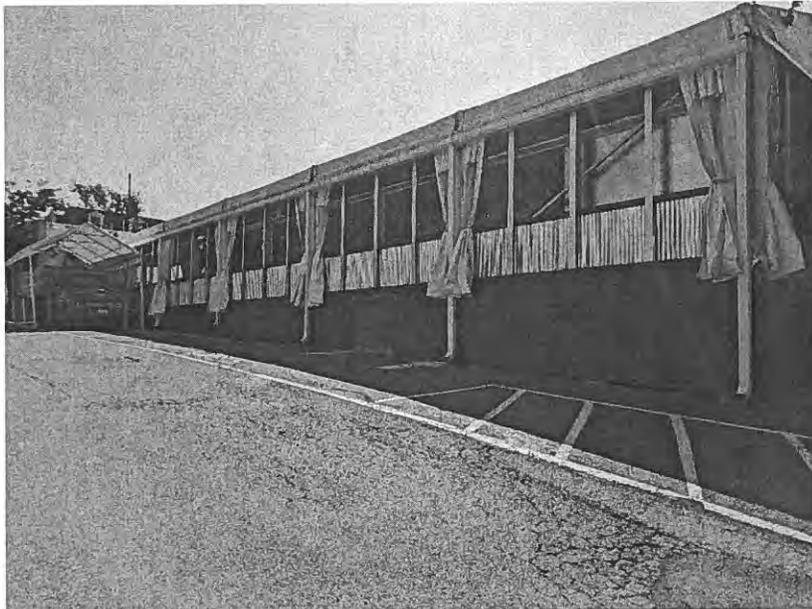
**GLADSTONE DESIGN, INC.**

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265 Main Street, P.O. Box 400  
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September 24, 2021





*Photo No. 1: Existing tent from adjacent lot, looking south.*



*Photo No. 2: Existing tent from Brownlee Place, looking east.*



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265 Main Street, P.O. Box 400  
 Gladstone, New Jersey 07934  
 (908) 234-0309

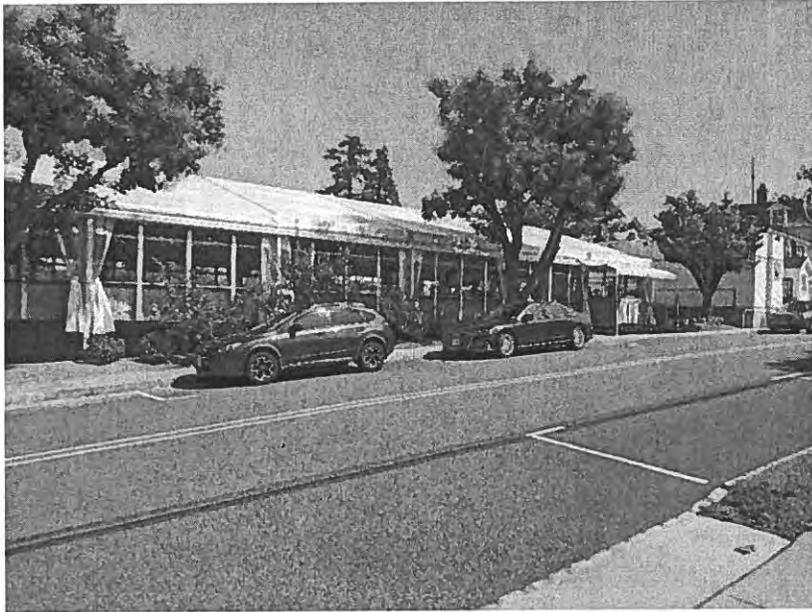
**WASHINGTON HOUSE**

LOT 1, BLOCK 1801  
 BERNARDS TOWNSHIP  
 SOMERSET COUNTY  
 NEW JERSEY

Photos Taken: 08/25/21  
 Date Prepared: 09/24/21  
 Prepared By: EMF  
 Checked By: CRF

Proj. No.:  
**1108-01**

Photo Nos.:  
**1 & 2**



*Photo No. 3: Existing tent from West Henry Street, looking north.*



*Photo No. 4: Auxiliary parking lot, looking southwest.*



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Consulting Engineers | Land Surveyors | Landscape Architects | Land Planners

265 Main Street, P.O. Box 400  
 Gladstone, New Jersey 07934  
 (908) 234-0309

**WASHINGTON HOUSE**

LOT 1, BLOCK 1801  
 BERNARDS TOWNSHIP  
 SOMERSET COUNTY  
 NEW JERSEY

Photos Taken: 08/25/21  
 Date Prepared: 09/24/21  
 Prepared By: EMF  
 Checked By: CRF

Proj. No.:  
**1108-01**

Photo Nos.:  
**3 & 4**



PHOTO LOCATIONS (TYP.)  
PROJECT SITE



SCALE : 1"=250'

- NOTES:  
 1. AERIAL MAP TAKEN FROM THE OFFICIAL STATE OF NEW JERSEY GEOGRAPHIC INFORMATION NETWORK, 2020.  
 2. OUTLINE OF PROPERTY IN QUESTION APPROXIMATE FROM BERNARDS TOWNSHIP TAX MAP.

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 Facsimile (908) 719-3320

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## WASHINGTON HOUSE

BLOCK 1801 LOT 1  
 BERNARDS TOWNSHIP  
 SOMERSET COUNTY, N.J.

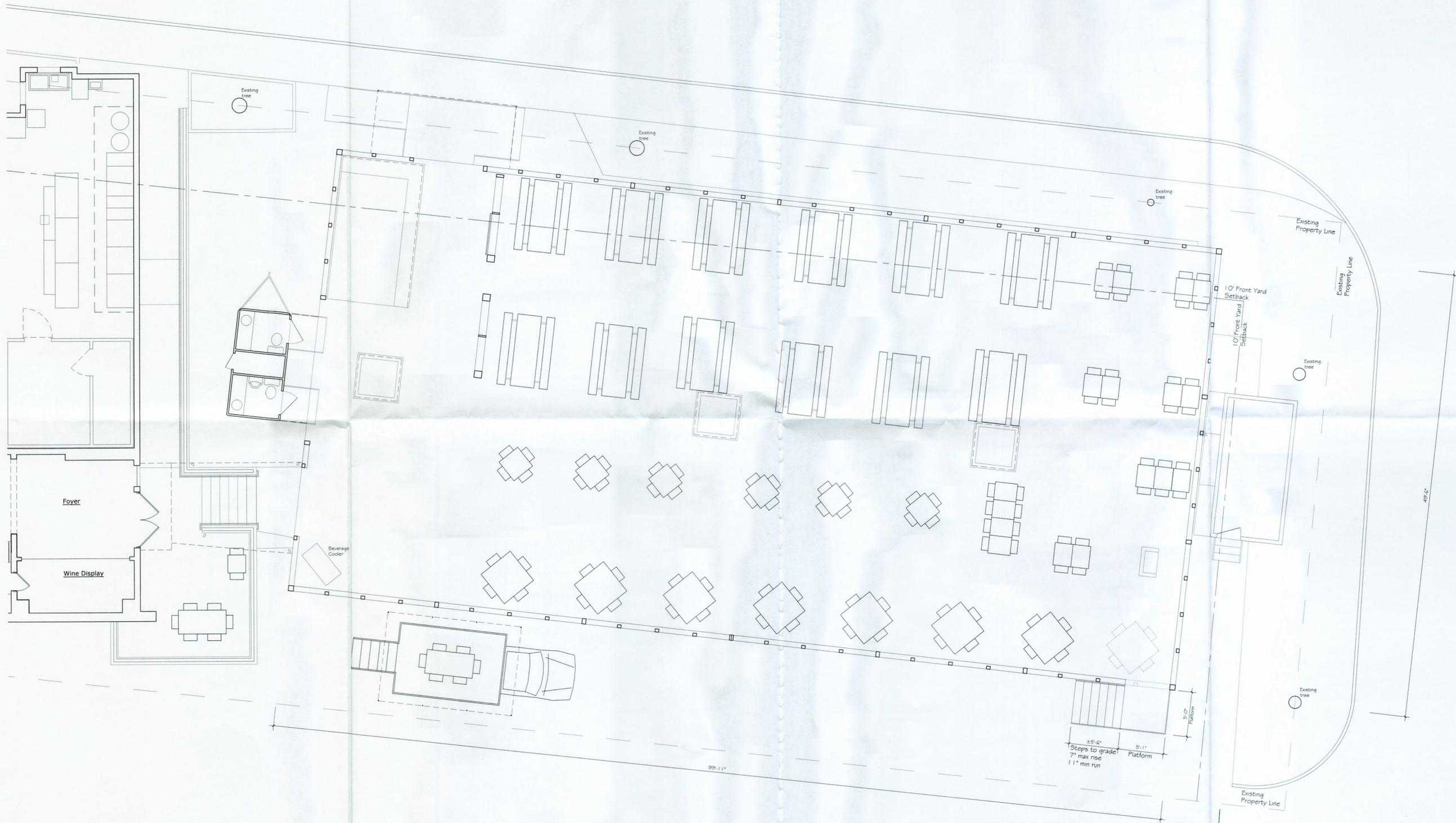
SHEET TITLE:

PHOTO LOCATIONS ON  
 AERIAL MAP

REFERENCE:

NEW JERSEY  
 GEOGRAPHIC  
 INFORMATION NETWORK  
 ARCGIS

DWN.	EMF
CHKD.	CRF
SCALE	1"=250'
DATE	09-24-21
FIG. NO.	4
JOB NO.	1108-01



 Pavilion Seating  
503 241 1100

PROJECT LOCATION:

Proposed Outdoor Pavilion for:  
**THE WASHINGTON HOUSE**  
 55 South Finley Avenue  
 Basking Ridge, New Jersey 07920

  
**JOSEPH M MARCHESE**  
**A R C H I T E C T**  
 P.O. Box 184 Kenil, NJ 07847  
 PH: 973-252-7746 FX: 973-252-7747  
 JMMARCHESOPONLINE.NET

SEAL  
 NJ LIC. 21A01487100

REVISIONS  
 25 June 21 Design Rev  
 28 June 21 Extg Layout

DATE  
 DRAWN BY JMM  
 JOB NO. 2135

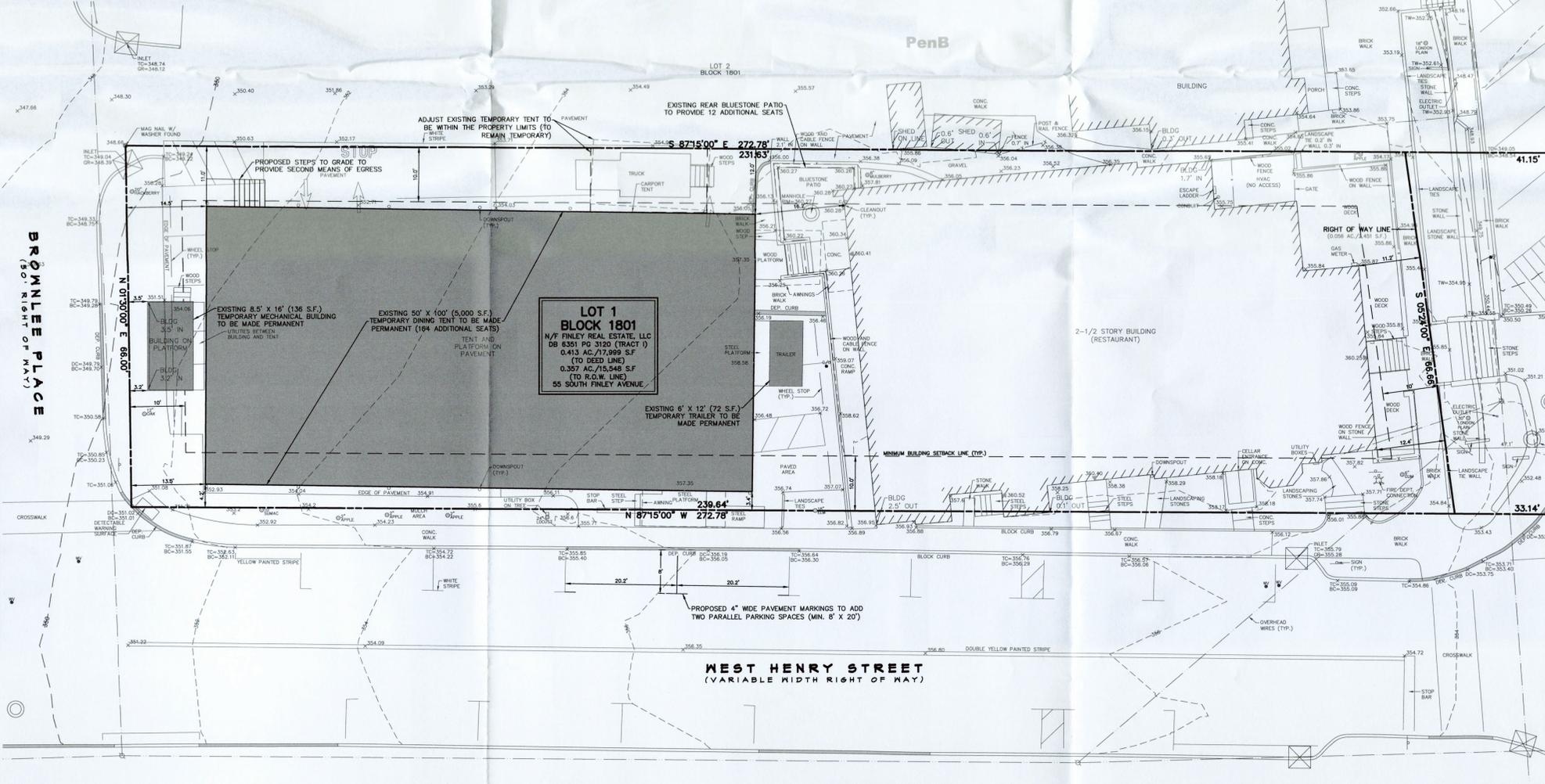
**DS-1**

# WASHINGTON HOUSE

## BERNARDS TOWNSHIP SOMERSET COUNTY, NEW JERSEY

### PROPERTY OWNERS WITHIN 200 FEET

BLOCK	LOT	PROPERTY OWNER	UTILITIES
1802	3	DUMASKALA, BANANA & UMAKANT 1 LINDENHILL RD BASKING RIDGE, NJ 07920	ALCONGIN GAS TRANSMISSION CO. 1 LINDENHILL RD STONY POINT, NY 10880
1802	2	FINLEY REAL ESTATE LLC PO BOX 336 BASKING RIDGE, NJ 07920	BELL ATLANTIC CORPORATION SECRETARY, 16TH FLOOR 1717 ARCH PHILADELPHIA, PA 19102
1802	1	UNIVERSITY PROPERTY TAX PROCESSING 1 PO BOX 2609 COLUMBIA, CA 92028	JCB&L/SPU SERVICE TAX DEPT PO BOX 1811 MORRISTOWN, NJ 07962-1911
1801	5	SAP PROPERTY MGMT LLC 2FASCARELLA PO BOX 114 BASKING RIDGE, NJ 07920	PUBLIC SERVICE ENERGY & GAS CO MANAGER - CORPORATE PROPERTIES 80 PARK PLAZA, 200 NEWARK, NJ 07102
1801	4	FE PROPERTIES LLC PO BOX 114 BASKING RIDGE, NJ 07920	VERIZON COMMUNICATIONS ENGINEERING 290 W WYPLESANT AVE, STE 1400 LIVINGSTON, NJ 07039-2763
1801	3	BRUSH, BARBARA & T & LOPINZI, D/TRST PO BOX 114 BASKING RIDGE, NJ 07920	NEW JERSEY AMERICAN WATER CO DONNA SIKEL, CO SUPERVISOR NJ-AMERICAN WATER COMPANY, INC. 1025 LAUREL OAK ROAD WOODRIDGE, NJ 07093
1801	2	SAP PROPERTY MGMT LLC PO BOX 114 BASKING RIDGE, NJ 07920	CABLEVISION OF PARTIAN VALLEY 275 CENTENNIAL AVE, ONR805 POSSAUMAY, NJ 08850
1804	6	BERNARDS TOWNSHIP OF ONE COLLETER LN BASKING RIDGE, NJ 07920	RE: MARGUERITE PENDEWILLE CONSTRUCTION DEPT
1804	4	UNITED METHODIST CHURCH OF B.R. 22 S FINLEY AVE BASKING RIDGE, NJ 07920	BERNARDS TWP SEWERAGE AUTHY 1 COLLETER LN BASKING RIDGE, NJ 07920
1804	3	BASKING RIDGE 2001 LLC 1728 MARKET ST#201A-400 PHILADELPHIA, PA 19103	ENVIRONMENTAL DISPOSAL CORP WILLIAM HALVEY, PRESIDENT 601 STATE HWY 202/208 BENNETT, NJ 07921
1804	2	BASKING RIDGE 2001 LLC 1728 MARKET ST#201A-400 PHILADELPHIA, PA 19103	NEW JERSEY BELL TELEPHONE CO EDWARD A STONE II, SECRETARY VERIZON LEGAL DEPT 340 BRADY STREET, ROOM 2001 NEWARK, NJ 07101
1804	1	QUALITY LLC PO BOX 331 DOVER, NJ 07804	TRANSDUCENTIAL GAS PIPELINE DIVISION OFFICE LINDEN, NJ 07036
1803	13	BERNARDS TOWNSHIP OF ONE COLLETER LN BASKING RIDGE, NJ 07920	VERIZON BUSINESS/CO RIGHT OF WAY DEPT 2400 N GLENVILLE DR ROCKAWAY, NJ 07866
1801	11	REYNOLDS, DANA R & MICHAEL 28 BRADY STREET, ROOM 2001 BASKING RIDGE, NJ 07920	SOMERSET COUNTY PLANNING BOARD PO BOX 308 SOMERSET, NJ 08876
1800	42	KONEN LLC 1 BROOKVIEW PL BASKING RIDGE, NJ 07920	
1800	43	POSTAL SERVICE 23 BROADWAY, 2L SOMERSET, NJ 08876	
1803	25.07	F.F.B.R. A NEW JERSEY PARTNERSHIP PO BOX 408, 89 S FINLEY AVE BASKING RIDGE, NJ 07920	
1803	25.08	F.F.B.R. ASSOCIATES, PARTNERSHIP PO BOX 408, 89 S FINLEY AVE BASKING RIDGE, NJ 07920	
1803	25.09	FINLEY MAPLE ASSOCIATES LLC PO BOX 408 BASKING RIDGE, NJ 07920	
1803	25.03	MAM FERRETTI'S REAL ESTATE HOLDINGS PO BOX 408 BASKING RIDGE, NJ 07920	
1803	25.04	ROMAR PO BOX 408 BASKING RIDGE, NJ 07920	
1803	25.05	ROMAR PO BOX 408 BASKING RIDGE, NJ 07920	
1803	25.06	ROMAR PO BOX 408 BASKING RIDGE, NJ 07920	
1803	8.01	66 SOUTH FINLEY LLC 300 TANGLEWOOD DR CATAUNO BASKING RIDGE, NJ 07920	
1803	8.02	BRACCHETTA CONDOMINIUM 88 S FINLEY AVE BASKING RIDGE, NJ 07920	



**OVERALL SITE PLAN**  
SCALE: 1" = 10'

**DRAWING INDEX**  
SHEET NO. TITLE  
1 OF 1 LOT DEVELOPMENT PLAN

**SUPPLEMENTAL DRAWINGS**  
SHEET NO. TITLE  
1 OF 1 BOUNDARY & TOPOGRAPHIC SURVEY  
1 OF 1 FIRE SERVICE PLAN  
DS-1 PAVILION SEATING

**ZONING REQUIREMENTS**  
(B-1 - VILLAGE BUSINESS ZONE)

REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA TO DEED	17,999 S.F.	17,999 S.F.
MINIMUM LOT AREA TO DEED	10,548 S.F.	10,548 S.F.
MAXIMUM LOT COVERAGE TO DEED	75 %	75 %
MINIMUM FLOOR AREA RATIO TO DEED	90.0 %	90.0 %
MINIMUM FLOOR AREA RATIO TO DEED	45.0 %	45.0 %
MINIMUM FRONT YARD SETBACK	10 FT.	11.2 FT.
MINIMUM REAR YARD SETBACK	10 FT.	10 FT.
MINIMUM SIDE YARD SETBACK	10 FT.	10 FT.
MINIMUM FRONT PORCH DEPTH	50 FT.	66 FT.

**LOT AREA CALCULATIONS**

EXISTING	EXISTING	PROPOSED	PROPOSED
(TO DEED)	(TO R.O.W.)	(TO DEED)	(TO R.O.W.)
4,808 S.F.	4,808 S.F.	4,808 S.F.	4,808 S.F.
2,044 S.F.	2,044 S.F.	2,044 S.F.	2,044 S.F.
2,044 S.F.	2,044 S.F.	2,044 S.F.	2,044 S.F.
744 S.F.	744 S.F.	744 S.F.	744 S.F.
16,224 S.F.	14,409 S.F.	16,224 S.F.	14,409 S.F.
(0.37 AC)	(0.33 AC)	(0.37 AC)	(0.33 AC)

**REQUIRED PARKING SUMMARY**  
(SECTION 21-22.1)

USE	REQUIRED PARKING SPACES	EXISTING PARKING SPACES	NET REQUIRED PARKING SPACES
OFFICE	4 SPACES PER 1,000 S.F. OF FLOOR AREA	11 SPACES	11 SPACES
RESTAURANT	1 SPACE PER 3 SEATS	303 SPACES	303 SPACES
GREATER OF	4 SPACES PER 1,000 S.F. OF FLOOR AREA	10,140 S.F.	10,140 S.F.
TOTAL		314 SPACES	314 SPACES



**KEY MAP**  
3000 STATE HIGHWAY  
SCALE: 1" = 500'

**ZONE LEGEND:**

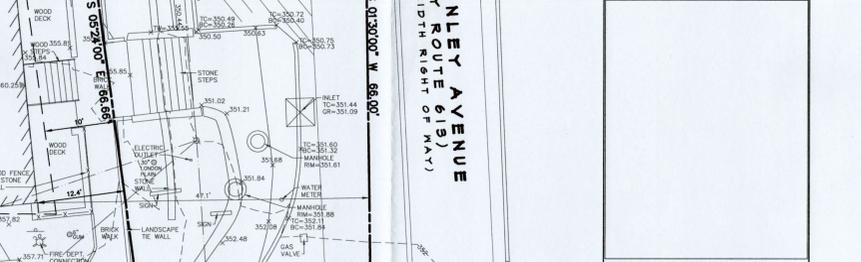
- B-1 VILLAGE BUSINESS ZONE
- B-2 HISTORIC BUSINESS ZONE
- P-1 PUBLIC PURPOSE ZONE
- P-2 HISTORIC RESIDENTIAL ZONE
- P-3 PUBLIC PURPOSE ZONE
- R-1 5-ACRE RESIDENTIAL ZONE
- R-2 2-ACRE RESIDENTIAL ZONE
- R-3 1-ACRE RESIDENTIAL ZONE
- R-4 2-ACRE RESIDENTIAL ZONE
- R-5 1-ACRE RESIDENTIAL ZONE
- SH-1 SENIOR HOUSING ZONE
- SH-2 SENIOR HOUSING ZONE

**SOIL SURVEY LEGEND**

SOIL SYMBOL	SOIL NAME	SLOPE
PenB	PINN SLT. LOAM, 2 TO 6 PERCENT SLOPES	C

**SOMERSET COUNTY ACCEPTANCE STAMP**

AREA TO BE DEDICATED TO SOMERSET COUNTY FOR ROADWAY PURPOSES (0.056 AC @ 22.451 S.F.)



**PRELIMINARY AND FINAL MAJOR SITE PLAN**  
LOT DEVELOPMENT PLAN

**APPLICANT/OWNER:**  
FINLEY REAL ESTATE, LLC  
P.O. BOX 411  
BASKING RIDGE, NJ 07920  
(973) 425-1228

**ATTORNEY:**  
DAVID B. BRADY, ESQ.  
BRADY & CORREALE, LLP  
P.O. BOX 2136  
MORRISTOWN, NEW JERSEY 07962  
(973) 267-3500

**TRACT INFORMATION:**  
LOT 1, BLOCK 1801  
TRACT AREA: 0.413 ACRES (17,999 S.F.)  
(TO DEED LINE)  
0.357 ACRES (15,548 S.F.)  
(TO R.O.W. LINE)

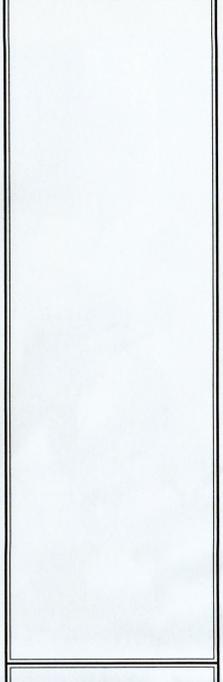
**TOWNSHIP OF BERNARDS**  
SOMERSET COUNTY, NEW JERSEY  
TAX MAP SHEET: 5  
ZONE: B-1 (VILLAGE BUSINESS)

**BERNARDS TOWNSHIP PLANNING BOARD**

CHAIRWOMAN (KIPPY PIEDIC)	DATE
SECRETARY (CYNDI KEIFER)	DATE
BOARD ENGINEER (LARRY PLEVER, P.E.)	DATE

**REVISIONS**

NO.	DATE	DESCRIPTION



**GLADSTONE DESIGN, Inc.**  
Consulting Engineers  
Land Surveyors  
Landscape Architects  
Land Planners

265 Main Street, P.O. Box 400  
Gladstone, New Jersey 07934  
T: (908) 234-0309  
F: (908) 719-3320

NJ Certificate of Authorization  
No. 24GA28034400

Ronald A. Kennedy, P.E., P.P., C.M.E. LEED AP  
Kurt T. Hanic, P.L.S.  
Robert C. Morris  
Robert C. Moschella, P.E.

**RONALD A. KENNEDY, P.E.**  
NJ PROFESSIONAL ENGINEER  
LICENSE NO. 6233453

**PROJECT**  
WASHINGTON HOUSE  
LOT 1 BLOCK 1801  
BERNARDS TOWNSHIP  
SOMERSET COUNTY  
NEW JERSEY

**SHEET TITLE**  
PRELIMINARY AND FINAL MAJOR SITE PLAN  
LOT DEVELOPMENT PLAN

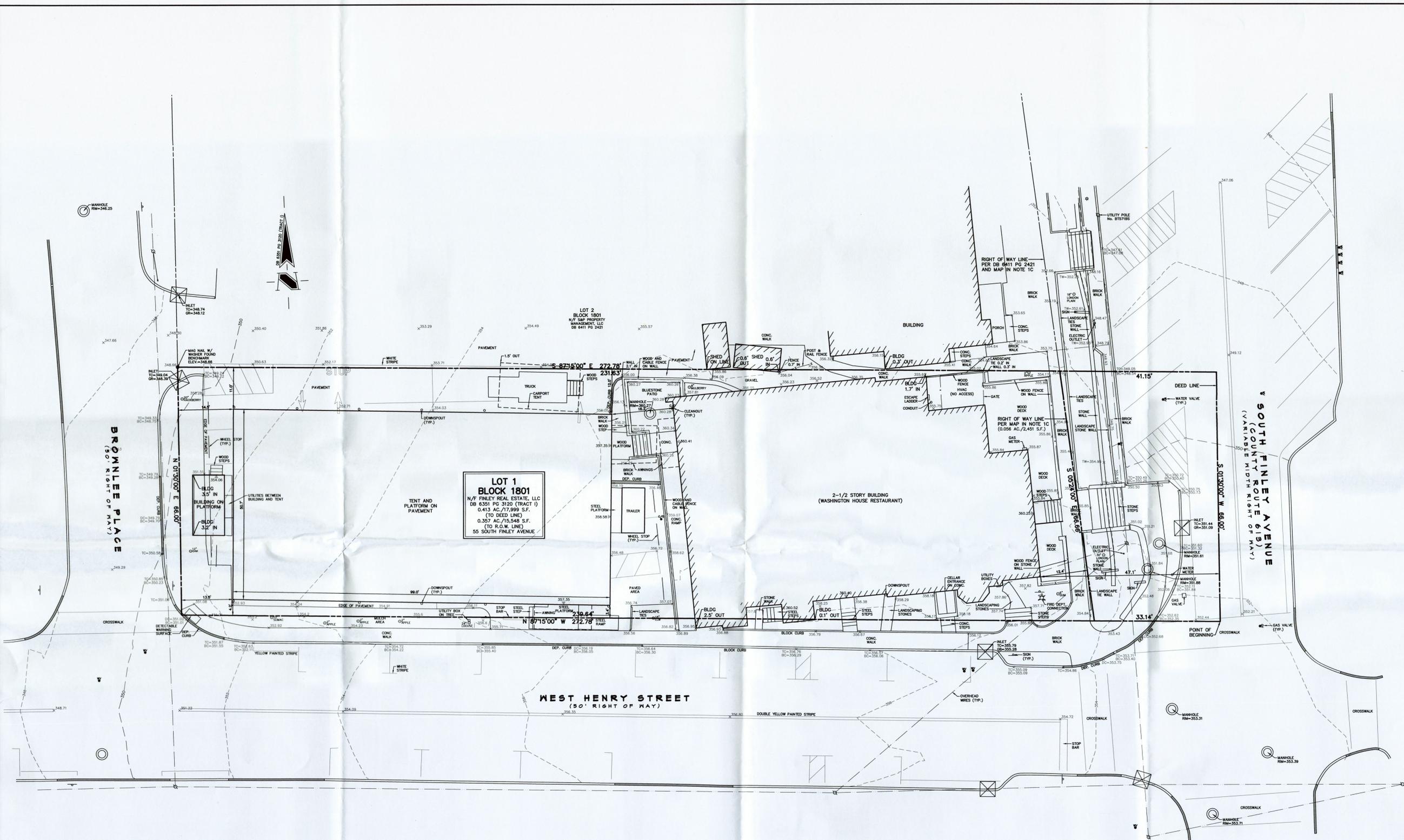
**DATE**  
SEPTEMBER 17, 2021

SCALE	AS NOTED	JOB NO.
1108-01		

DRAWN	EMF	SHEET NO.
1 OF 1		

CHKD.	CRF	DATE

# PRELIMINARY AND FINAL MAJOR SITE PLAN



**LOT 1  
BLOCK 1801**  
N/F FINLEY REAL ESTATE, LLC  
DB 6351 PG 2120 (TRACT I)  
0.413 AC, 17,899 S.F.  
(TO DEED LINE)  
0.357 AC, 15,348 S.F.  
(TO R.O.W. LINE)  
55 SOUTH FINLEY AVENUE

**WEST HENRY STREET**  
(50' RIGHT OF WAY)

**2-1/2 STORY BUILDING**  
(WASHINGTON HOUSE RESTAURANT)

**LOT 2  
BLOCK 1801**  
N/F S&P PROPERTY  
MANAGEMENT, LLC  
DB 6411 PG 2421

**GENERAL NOTES:**

- THIS MAP WAS PREPARED IN ACCORDANCE WITH THE FOLLOWING:
  - REPORT ON TITLE ISSUED BY DOWNES RETRIEVALS LLC, FILE NO. M18247, DATED SEPTEMBER 18, 2018.
  - MAP ENTITLED "SURVEY OF PROPERTY, LOT NO. 1 BLOCK NO. 1801, TOWNSHIP OF BERNARDS, COUNTY OF SOMERSET, NEW JERSEY," DATED DECEMBER 30, 2014, PREPARED BY MORGAN ENGINEERING & SURVEYING.
  - MAP ENTITLED "PARTIAL SURVEY OF SOUTH FINLEY AVENUE IN BERNARDS TOWNSHIP, SOMERSET COUNTY, NEW JERSEY," DATED NOVEMBER 28, 2012, PREPARED BY HATCH MOTT MACDONALD.
  - DEEDS FILED IN THE SOMERSET COUNTY CLERK'S OFFICE AS SHOWN HEREON.
  - TOWNSHIP OF BERNARDS TAX MAP SHEET 18.
- UNDERGROUND IMPROVEMENTS AND/OR UNDERGROUND ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON. IT IS NOT THE INTENT OF THIS SURVEY TO LOCATE, DELINEATE OR OTHERWISE DEFINE SUBSURFACE CONDITIONS EITHER NATURAL OR MANMADE, EXCEPT AS MAY BE SHOWN. SUB-SURFACE UTILITY CONDITIONS AND LOCATIONS ARE NOT CERTIFIED AND MUST BE FIELD VERIFIED VIA TEST PITS AND UTILITY COMPANY MARKINGS.
- VERTICAL DATUM BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) ESTABLISHED BY DIFFERENTIAL GPS METHODS VIA THE NGS CORS SYSTEM.
- ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY.
- THE PROPERTY APPEARS ON THE NATIONAL FLOOD INSURANCE PROGRAM-FIRM FLOOD INSURANCE RATE MAP, SOMERSET COUNTY, NEW JERSEY, PANEL 58 OF 501, MAP NUMBER 340300000E, EFFECTIVE DATE SEPTEMBER 28, 2007 AND IS LOCATED IN ZONE X.
- A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, c.14 (C45-9-36.3) AND N.J.A.C. 13-40-5.1(g).
- PREMISES SURVEYED SUBJECT TO THE FOLLOWING:
  - DEED BOOK 5275 PAGE 3833 - MEMORANDUM OF AGREEMENT (NOT PLOTTABLE).
  - DEED BOOK 5966 PAGE 1434 - MEMORANDUM OF AMENDMENT TO SITE AGREEMENT (NOT PLOTTABLE).
  - DEED BOOK 6130 PAGE 1098 - WIRELESS COMMUNICATION EASEMENT AND ASSIGNMENT AGREEMENT (NOT PLOTTABLE).
  - RIGHTS, PUBLIC AND PRIVATE IN AND TO ANY STREETS, ROADS, LANES OR HIGHWAYS ABUTTING, CROSSING OR BOUNDING THE SUBJECT PREMISES.
  - RIGHTS OF OTHERS TO DRAIN THROUGH OR OTHERWISE USE ANY BROOK, STREAM OR WATERCOURSE RUNNING ALONG OR THROUGH THE SUBJECT PREMISES.
  - EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORD.

REVISIONS		
NO.	DATE	DESCRIPTION



**GLADSTONE DESIGN, Inc.**

Consulting Engineers  
Land Surveyors  
Landscape Architects  
Land Planners  
265 Main Street, P.O. Box 400  
Gladstone, New Jersey 07934  
T: (908) 234-0309  
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NJ Certificate of Authorization  
No. 24GA28034400  
Ronald A. Kennedy, P.E., P.P., CME, LEED AP  
Kurt T. Hanie, P.L.S.  
Robert C. Morris  
Robert C. Moschello, P.E.



**KURT T. HANIE, P.L.S.**  
NJ PROFESSIONAL LAND SURVEYOR  
LICENSE No. GS40376

PROJECT  
**55 SOUTH FINLEY AVENUE**  
LOT 1 BLOCK 1801  
TOWNSHIP OF BERNARDS  
SOMERSET COUNTY  
NEW JERSEY

SHEET TITLE  
**BOUNDARY & TOPOGRAPHIC SURVEY**

DATE	AUGUST 03, 2021	
SCALE	1" = 10'	JOB NO.
DRAWN	JAC	1108-01
CHKD.	KTH	SHEET NO.
		1 OF 1





REVISIONS		
NO.	DATE	DESCRIPTION



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 Robert C. Morris  
 Robert C. Moschella, P.E.

**RONALD A. KENNEDY, P.E.**  
 NJ PROFESSIONAL ENGINEER  
 LICENSE NO. GE33453

PROJECT

**WASHINGTON HOUSE**

LOT 1 BLOCK 1801

BERNARDS TOWNSHIP  
 SOMERSET COUNTY  
 NEW JERSEY

SHEET TITLE

PRELIMINARY AND FINAL  
 MAJOR SITE PLAN

**FIRE SERVICE PLAN**

DATE: SEPTEMBER 17, 2021

SCALE: 1" = 30'

JOB NO.: 1108-01

DRAWN: EMF

CHECKED: CRF

SHEET NO.: 1 OF 1



EC

**TOWNSHIP OF BERNARDS  
PLANNING BOARD  
APPLICATION STATUS FORM**

Application No: PB22.001 Block: 11401 Lot: 11 Zone: R-3

Applicant: MOYE, WILLIAM & CAROL

Address of Property: 11 MOUNTAIN ROAD

Description: MINOR SUBDIVISION \*

(DEADLINE MISSED) \* PREVIOUSLY APPROVED 12.8.2020  
(NOTHING HAS CHANGED)  
FROM PB17.001

**APPLICATION CHECKLIST**

- |                                     |                                    |                                     |                                  |
|-------------------------------------|------------------------------------|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | Original + 3 copies of Application | <input checked="" type="checkbox"/> | Contributions Form (H)           |
| <input checked="" type="checkbox"/> | Remaining 17 copies of Application | <input checked="" type="checkbox"/> | Engineering Plan/Plot Plan       |
| <input checked="" type="checkbox"/> | W-9                                | <input type="checkbox"/>            | Architectural Plan               |
| <input checked="" type="checkbox"/> | Site Inspection Form (A)           | <input type="checkbox"/>            | Survey                           |
| <input type="checkbox"/>            | Ownership Form (B)                 | <input checked="" type="checkbox"/> | Wetlands Report/LOI NJDEP PERMIT |
| <input type="checkbox"/>            | Property Owners List (C)           | <input checked="" type="checkbox"/> | Application Fee                  |
| <input checked="" type="checkbox"/> | Tax Certification (D)              | <input checked="" type="checkbox"/> | Escrow Deposit                   |
| <input type="checkbox"/>            | Public Notice (E)                  | <input type="checkbox"/>            | Imaging Fee                      |
| <input checked="" type="checkbox"/> | Outside Agencies Form (F)          | <input type="checkbox"/>            | Tax Map Revision Fee             |
| <input type="checkbox"/>            | Tree Removal Form (G)              | <input checked="" type="checkbox"/> | Checklist                        |

**SCHEDULING**

- 4.5.22 Original Submission Date
- 5.20.22 Completeness Deadline (45 days)
- \_\_\_\_\_ Incomplete Date
- \_\_\_\_\_ Resubmission Date
- \_\_\_\_\_ Date Complete
- \* 6.3.22 Time to Act (45/95/120 days)  
\* BASED ON 4.19.22 HRG

**HEARING**

- \_\_\_\_\_ Notice to Property Owners
- \_\_\_\_\_ Date of Publication
- 4.19.22 Completeness Hearing
- 5.3.22 Public Hearing
- \_\_\_\_\_ Carried to Date
- \_\_\_\_\_ Decision - Approved/Denied
- \_\_\_\_\_ Resolution Memorialized
- \_\_\_\_\_ Resolution Published

**DISTRIBUTION**

- 4.5.22 Environmental Commission
- 4.5.22 Fire Official
- LCFAS
- \_\_\_\_\_ Police

**NOTES**

**TOWNSHIP OF BERNARDS  
2022 PLANNING BOARD APPLICATION**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Minor Subdivision    | <input type="checkbox"/> Site Plan - Preliminary |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input type="checkbox"/> Site Plan - Final       |
| <input type="checkbox"/> Major Subdivision - Final       | <input type="checkbox"/> Informal Review         |
| <input type="checkbox"/> Conditional Use                 | <input type="checkbox"/> Other (specify): _____  |

1. APPLICANT: Mr. and Mrs. William Moye

Address: 11 Mountain Road, Basking Ridge NJ 07920

Phone: (home) 908-580-1227 (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email (will be used for official notifications): wc.494@hotmail.com

2. OWNER (if different from 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: Stephen Parker Profession: P.E., P.P.

Address: Parker Engineering & Surveying, P.C., 370 East Main St., Somerville NJ 08876

Phone: 908-725-4400 Email (will be used for official notifications): parkeres@aol.com

5. PROPERTY INFORMATION: Block(s): 11401 Lot(s): 11 Zone: R-3

Street Address: 11 Mountain Road Total Area (square feet/acres): 256,750.98/5.893

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 and attach copy) See Subdivision Plans

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

Existing oversized lot with a single family home

Proposal is to create one new building lot

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

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

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

APPLICANT(S) SIGN HERE:

I/we, Mr. William Moye and Carol Moye 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): William Moye and Carol Moye

Sworn and subscribed before me, this 1 day of April, 2022

Steph EP  
Notary



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

SUBMIT 21 COPIES TOTAL

FORM A

**TOWNSHIP OF BERNARDS  
PLANNING BOARD / BOARD OF ADJUSTMENT**

**SITE INSPECTION CONSENT FORM**

Applicant: William and Carol Moye

Block: 11401 Lot: 11

Street Address: 11 Mountain Road

I, William Moye, owner of the above property, hereby acknowledge that, upon determination of completeness of the application, a site inspection may be scheduled with the Board for a mutually convenient date and time. I hereby authorize members of the Planning Board/Board of Adjustment and their representatives and consultants to enter onto the property at the time of the site inspection for the purpose of evaluating the application.

Signature: William Moye Date: 4/1/2022

**TOWNSHIP OF BERNARDS  
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

**CONTRIBUTION DISCLOSURE STATEMENT**

**Contribution Disclosure Statement Required.** Pursuant to Bernards Township Ordinance Section 21-7A (Ordinance #1745, adopted October 26, 2004), Contribution Disclosure Statements are required for certain types of development applications that include a request for a variance or other relief. When required, a Contribution Disclosure Statement must be submitted by all applicants and property owners, as well as all professionals who apply for or provide testimony, plans or reports in support of the application. See Section 21-7A for details.

Applicant: Mr. and Mrs. William Moye

Pursuant to Bernards Township Ordinance Section 21-7A, I hereby certify that I, or the firm or entity with which I am associated, made the following contributions to or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Township of Bernards, within one year prior to the filing of the above application.

I made no contributions.

I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature:  Date: 04/01/22  
 Name: Stephen Parker  
 Title: P.E.  
 Firm: Parker Engineering & Surveying  
 Address: 370 East Main St.  
Samerville, NJ 08876

**TOWNSHIP OF BERNARDS  
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

**CONTRIBUTION DISCLOSURE STATEMENT**

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Applicant: Mr. and Mrs. William Moye

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I made no contributions.

I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature: William M. Moye  
 Name: Mr. William Moye  
 Title: owner  
 Firm: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: 4/1/22



**BERNARDS TOWNSHIP PLANNING BOARD**

**WILLIAM AND CAROL MOYE  
BLOCK 11401, LOT 11  
11 MOUNTAIN ROAD**

**APPLICATION NO. PB-17-001**

**RESOLUTION MEMORIALIZING GRANT OF "C(2)" VARIANCE AS TO LOT YIELD  
AND MINOR SUBDIVISION APPROVAL**

**WHEREAS**, William and Carol Moye (the "**applicant**") is the owner of an approximately 5.9-acre property located in the Township of Bernards (the "**Township**") which has an address of 11 Mountain Road and is designated on the Township tax maps as Block 11401, Lot 11 (the "**property**"), and the property is situated in the R-3 residential zoning district (the "**R-3 zone**") on the northwest corner of Mountain Road and Martinsville Road, and the property is developed with an existing single family dwelling and accessory improvements (the "**existing improvements**");

**WHEREAS**, the applicant submitted an application (the "**application**") to the Bernards Township Planning Board (the "**Board**") seeking a "**c(2)**" variance and minor subdivision approval to allow the subdivision of the property into two parcels (the "**proposed subdivision**"), a 2.70 acre lot on which the existing improvements would be located, and a 3.19 acre lot on which a proposed dwelling and associated improvements would be located (the "**proposed improvements**");

**WHEREAS**, the Board has exclusive subject matter jurisdiction over the application pursuant to N.J.S.A. 40:55D-20 by virtue of N.J.S.A. 40:455D-47, -60 and -70c;

**WHEREAS**, a number of documents were submitted with regard to the application by the applicant, as well as by the Board's and Township's experts and officials, all of which documents are on file with the Board and are part of the record in this matter, and the following are the latest versions of the plans, drawings and documents for which Board approval is sought, which plans, drawings and documents have been on file and available for public inspection for at least 10 days prior to the hearing on the application in accordance with N.J.S.A. 40:55D-10b:

1. Plan set, titled "Minor Subdivision – Lot 11, Block 11401 -11 Mountain Road", prepared by Stephen E. Parker, PE of Parker Engineering & Surveying, PC, dated November 16, 2016, last revised November 5, 2020, consisting of four sheets (the "**subdivision plans**");

**WHEREAS**, the Board held a public hearing on the application commencing on February 4, 2020, continuing on June 2, 2020, and concluding on December 8, 2020 during which hearing the applicant appeared pro se and the Board was represented by Jonathan E. Drill, Esq.;

**WHEREAS**, the following individuals testified during the hearing, were subject to cross examination, and the testimony is part of the record in this matter:

1. Carol Moye (applicant),
2. William Moye (applicant),
3. Steve Parker, PE (applicant's engineering expert),
4. David Schley, PP, AICP (Township planner), and
5. David Banisch, PP, AICP (Board planning expert);

**WHEREAS**, no exhibits were entered into the record;

**WHEREAS, AFTER CONSIDERING THE APPLICATION, DOCUMENTS ON FILE WITH THE BOARD, AND THE TESTIMONY REFERENCED ABOVE, AND GIVING APPROPRIATE WEIGHT TO SAME, AND BASED ON ITS UNDERSTANDING OF THE APPLICABLE LAW, THE BOARD MAKES THE FOLLOWING FACTUAL FINDINGS AND LEGAL CONCLUSIONS FOR THE PURPOSE OF MEMORIALIZING IN A WRITTEN RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-10g(2) ITS ACTION IN GRANTING THE APPLICATION SUBJECT TO CONDITIONS AS SET FORTH BELOW:**

**A. FACTUAL FINDINGS**

1. **The Property, Surrounding Area and Zoning.** The property is an approximately 400 feet by 650 feet generally rectangular shaped lot situated on the northwest corner of Mountain Road and Martinsville Road, consisting of approximately 5.89-acres and situated in the R-3 zone. Mountain Park is located across Mountain Road from the property to the south, and Warren Township is located across Martinsville Road from the property to the east. The existing improvements are located on the northerly portion of the property with driveway access to Martinsville Road. The southerly portion of the property is predominately open field, much of which consists of wetlands and wetlands transition areas. The property is situated in the R-3 zone which allows residential development pursuant to ordinance section 21-10.4.a.

2. **The Proposed Subdivision and Requested "C(2)" Maximum Lot Yield Variance.** As set forth above, the proposed subdivision would subdivide the property to create two lots, a 2.70-acre lot on which the existing improvements would be located, and a 3.19-acre lot on which the proposed improvements would be located, consisting of the proposed dwelling and associated improvements. The property contains 2.77 acres of wetlands and wetlands transition areas, leaving 3.123 areas of unconstrained land. During the course of the hearings on the application, the applicant revised certain details of the proposed subdivision to relocate the proposed dwelling closer to the street intersection, with a larger dwelling footprint and greater usable rear yard space between the proposed dwelling and the proposed wetlands boundary / conservation easement that also is proposed to be located on the property. In connection with the proposed subdivision, the applicant has requested a "c(2)" variance from ordinance section 21-10.4b / Table 401-A, which permits a maximum lot yield of one lot on the property. Because the unconstrained area of the property is only 3.123 acres, and the minimum

required lot area in the R-3 zone is two acres, the maximum lot yield on the 3.123 unconstrained acres of the property is one lot, whereas the applicant proposes two lots, thereby triggering the requirement for a “c” lot yield variance.

3. **Findings as to the “C(2)” Maximum Lot Yield Variance.** The Board’s findings as to positive and negative criteria of the requested “c(2)” maximum lot yield variance are as follows.

a. **Findings as to the Positive Criteria of the “C(2)” Maximum Lot Yield Variance.** The Board’s findings as to the positive criteria of the “c(2)” maximum lot yield variance are as follows. First, the Board finds that the deviation has been created as a result of a design which minimizes the fill of wetlands on the property. The Board notes and finds that the applicant could have proposed a design which resulted in greater fill under NJDEP rules, which design would have resulted in the applicant not requiring a maximum lot yield variance relief under the ordinance. As such, the Board finds that granting the proposed variance to allow the proposed subdivision will result in the division of the property in such a manner that preserves wetlands on the property which the Board finds promotes the purposes of zoning set forth in the Municipal Land Use Law (MLUL) as enunciated in: N.J.S.A. 40:55D-2a (promoting the general welfare); -2e (promoting the preservation of the environment); and -2m (encouraging coordination of the various public and private procedures and activities shaping land development to provide a more efficient use of the land). Further, the Board finds that these zoning benefits are community wide benefits and not simply a private benefit to the applicant. Finally, provided that the conditions set forth below are imposed and complied with, the Board finds that the zoning benefits resulting from the grant of the “c(2)” variance will substantially outweigh any detriment.

b. **Findings as to the Negative Criteria of the “C(2)” Maximum Lot Yield Variance.** The Board’s findings as to the negative criteria of the “c(2)” maximum lot yield variance are as follows. As to the first prong of the negative criteria, the Board finds that there will be no negative aesthetic impacts resulting from exceeding the maximum permitted lot yield because, from a visual perspective, the property does not appear to be less than 5.9-acres in size which complies with the minimum lot size requirement for the R-3 zone and the property after subdivision as well as the existing and proposed dwellings will not appear overcrowded or overdeveloped from a visual standpoint. As to the second prong of the negative criteria, the Board finds that the grant of the variance will not impair the intent or purpose of the master plan and zoning ordinance because the proposed design conserves wetlands areas and provides a more environmentally sound means of dividing the property and ultimately developing same with the proposed dwelling. For the foregoing reasons, and provided that the conditions set forth below are imposed and complied with, the Board finds that the “c(2)” maximum lot yield variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the master plan and zoning ordinance.

4. **Findings as to Minor Subdivision Review.** The Board’s findings as to minor subdivision review and approval are as follows. With the exception of the variance that the Board has determined can and should be granted, the Board finds that the subdivision plans will comply with all other applicable zoning ordinance regulations and all subdivision ordinance requirements, provided that the conditions set forth below are imposed and complied with. This

includes the Board being satisfied as to the level of detail of the subdivision plans. The Board finds that approval of the subdivision plans, subject to the revisions required below being made, is appropriate in this particular application because, as revised, the subdivision plans will comply with all applicable ordinance regulations and requirements (other than from the ordinance provision from which the Board has determined that a variance can and should be granted). For the foregoing reasons, the Board's ultimate finding is that minor subdivision approval is warranted provided that the conditions set forth below are imposed and complied with.

## B. CONCLUSIONS OF LAW

1. Conclusions as to the "C(2)" Maximum Lot Yield Variance. The Board's conclusions as to the "c(2)" maximum lot yield variance are as follows:

a. Standards for Considering the "C(2)" Variance. The Board has the power to grant "c(2)" or so-called "benefits v. detriments" variances pursuant to N.J.S.A. 40:55D-70c(2) where, in an application or appeal relating to a specific piece of property, the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements, and the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment. This is the so-called "positive" criteria of a "c(2)" variance. The zoning benefits resulting from permitting the deviation(s) must be public benefits ("improved zoning and planning that will benefit the community") and not merely benefits for the private purposes of the owner. Kaufmann v. Warren Township Planning Board, 110 N.J. 551, 563 (1988). The zoning benefits resulting from permitting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; the benefits of permitting the deviation can be considered in light of benefits resulting from the entire development proposed. Pullen v. South Plainfield Planning Board, 291 N.J. Super. 1, 9 (App. Div. 1996). Finally, while "c(1)" hardship variances are not available for self-created situations and/or for mistakes, an intentionally created situation or mistake does not serve to bar a "c(2)" variance because the focus of a "c(2)" variance is not on hardship but, rather, on advancing the purposes of zoning. Ketcherick v. Mountain Lakes Board of Adj., 256 N.J. Super. 647, 656-657 (App. Div. 1992); Green Meadows v. Montville Planning Board, 329 N.J. Super. 12, 22 (App. Div. 2000). Even if an applicant proves the "positive" criteria of a "c(2)" variance, the Board may not exercise its power to grant the variance unless the so-called "negative criteria" has been satisfied. Pursuant to the last unlettered paragraph of N.J.S.A. 40:55D-70, "no variance or other relief ... may be granted ... unless such variance or other relief ... can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance." The phrase "zone plan" as used in the N.J.S.A. 40:55D-70 means the Town "master plan." Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987).

b. Grant of the "C(2)" Variance. As set forth in the factual findings above, the Board found that granting the "c(2)" maximum lot yield variance would advance the purposes of the MLUL provided that the conditions set forth below are imposed and complied with. The Board further found that the zoning benefits were community wide, and not solely for the benefit of the applicant. The Board also found that the benefits of the deviation would substantially outweigh any detriments provided, again, that the conditions set forth below are imposed and complied with. Finally, provided that the conditions set forth below are imposed

and complied with, the Board found that the grant of the “c(2)” variance would not result in substantial detriment to the public good or substantial impairment of the intent or purpose of the master plan or zoning ordinance. As such, the Board concludes that it can and should grant the “c(2)” variance at issue subject to the conditions set forth below.

2. **Minor Subdivision Review.** The Board’s conclusions as to minor subdivision review are as follows:

a. **Standards Applicable to Minor Subdivision Review.**

N.J.S.A. 40:55D-47 is the starting point for consideration of a minor subdivision application and provides that “minor subdivision approval shall be deemed to be final approval of the subdivision.” N.J.S.A. 40:55D-50a is thus the focal point for consideration of the minor subdivision as it provides that final site plan approval “shall” be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such, if the application complies with all ordinance provisions, the Board must grant approval. Conversely, if the application does not comply with all ordinance provisions, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there are two exceptions: The first exception is where an application does not comply with all ordinance provisions but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance provisions and grant approval if the application complies with all such remaining provisions. The second exception is where the application does not comply with all ordinance provisions but a condition can be imposed requiring a change that will satisfy the ordinance provisions. In that case, the Board can either grant approval on the condition that the application or plan be revised prior to signing the plan to comply with the ordinance provisions or the Board can adjourn the hearing to permit the applicant the opportunity to revise the application or plan prior to the Board granting approval. However, the Board cannot grant approval subject to later submission of additional information which is fundamental to an essential element of a development plan. The reason for this is because, at the time of preliminary review, the Board is under an obligation to deal with matters vital to the public health and welfare such as stormwater management and drainage, sewage disposal, water supply, and traffic circulation safety. D’Anna v. Washington Twp. Planning Board, 256 N.J. Super. 78, 84 (App. Div.), certif. denied, 130 N.J. 18 (1992); Field v. Franklin Twp., 190 N.J. Super. 326 (App. Div.), certif. denied, 95 N.J. 183 (1983). If information and/or plans related to such essential elements of the development plan have not been submitted to the Board in sufficient detail for review and approval as part of the subdivision review process, approval must be denied. Id.

b. **Grant of Minor Subdivision Approval.** As set forth above in the factual findings, since the variance requested was granted and provided that the conditions set forth below are imposed and complied with, the Board found that the application and subdivision plans will comply with all remaining applicable zoning ordinance regulations and all applicable subdivision ordinance requirements. As set forth above, this includes the Board being satisfied as to the level of detail of the subdivision plans. As the Board has concluded that the variance can and should be granted, the Board further concludes that minor subdivision approval can and should be granted, subject to the conditions set forth below being imposed and complied with.

3. **Imposition of Conditions.** Boards have inherent authority to impose conditions on any approval it grants. North Plainfield v. Perone, 54 N.J. Super. 1, 8-9 (App. Div. 1959), certif. denied, 29 N.J. 507 (1959). Further, conditions may be imposed where they are required in order for a board to find that the requirements necessary for approval of the application have been met. Alperin v. Mayor and Tp. Committee of Middletown Tp., 91 N.J. Super. 190 (Ch. Div. 1966) (holding that a board is required to impose conditions to ensure that the positive criteria is satisfied); Eagle Group v. Zoning Board, 274 N.J. Super. 551, 564-565 (App. Div. 1994) (holding that a board is required to impose conditions to ensure that the negative criteria is satisfied). Moreover, N.J.S.A. 40:55D-49a authorizes a board to impose conditions on a preliminary approval, even where the proposed development fully conforms to all ordinance requirements, and such conditions may include but are not limited to issues such as use, layout and design standards for streets, sidewalks and curbs, lot size, yard dimensions, off-tract improvements, and public health and safety. Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216, 232-233 (1994). See, Urban v. Manasquan Planning Board, 124 N.J. 651, 661 (1991) (explaining that “aesthetics, access, landscaping or safety improvements might all be appropriate conditions for approval of a subdivision with variances” and citing with approval Orloski v. Ship Bottom Planning Board, 226 N.J. Super. 666 (Law Div. 1988), aff’d o.b., 234 N.J. Super. 1 (App. Div. 1989) as to the validity of such conditions.); Stop & Shop Supermarket Co. v. Springfield Board of Adj., 162 N.J. 418, 438-439 (2000) (explaining that site plan review “typically encompasses such issues as location of structures, vehicular and pedestrian circulation, parking, loading and unloading, lighting, screening and landscaping” and that a board may impose appropriate conditions and restrictions based on those issues to minimize possible intrusions or inconvenience to the continued use and enjoyment of the neighboring residential properties). Further, municipal ordinances and Board rules also provide a source of authority for a board to impose conditions upon a developmental approval. See, Cox and Koenig, New Jersey Zoning and Land Use Administration (Gann 2021), sections 28-2.2 and 28-2.3 (discussing conditions limiting the life of a variance being imposed on the basis of the Board’s implicit authority versus by virtue of Board rule or municipal ordinance). Finally, boards have authority to condition approval on review and approval of changes to the plans by Board’s experts so long as the delegation of authority for review and approval is not a grant of unbridled power to the expert to approve or deny approval. Lionel Appliance Center, Inc. v. Citta, 156 N.J. Super. 257, 270 (Law Div. 1978). As held by the court in Shakoor Supermarkets, Inc. v. Old Bridge Tp. Planning Board, 420 N.J. Super. 193, 205-206 (App. Div. 2011): “The MLUL contemplates that a land use board will retain professional consultants to assist in reviewing and evaluating development applications” and using such professional consultants to review and evaluate revised plans “was well within the scope of service anticipated by the applicable statutes. It was the Board, and not any consultant, that exercised the authority to approve the application.” The Board concludes that the conditions set forth below are warranted and should be imposed on all of the above-mentioned bases.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, BY MOTION DULY MADE AND SECONDED ON DECEMBER 8, 2020, THAT THE APPLICATION IS GRANTED, SUBJECT TO CONDITIONS AS FOLLOWS:**

**C. RELIEF GRANTED**

1. **Grant of “C(2)” Maximum Lot Yield Variance.** Subject to the conditions set forth below being imposed and complied with, the Board hereby grants a “c(2)” variance from ordinance section 21-10.4.b / Table 401-A to allow a lot yield of two lots where one lot is permitted based on the usable/unconstrained acreage of the property.

2. **Grant of Minor Subdivision Approval.** Subject to the conditions set forth below being imposed and complied with, the Board hereby grants minor subdivision approval for the subdivision plans to allow the division of the property into two lots as proposed.

**D. CONDITIONS**

1. **Revisions to the Subdivision Plans.** Revisions to the subdivision plans shall be made by notes and/or drawings to the satisfaction of the Board expert(s) who filed the report or testified as well as to the satisfaction of the Township Engineer and Township Planner as set forth below. All revisions shall be made and the subdivision plans signed by the Board Chair and Secretary by April 19, 2022 (which is six months from the date the within resolution was adopted on October 19, 2021). In the event that the applicant fails to revise the subdivision plans as required by the within condition and/or fails to obtain signatures on the subdivision plans as required by the within condition, all within said time period, or extension thereof as granted by the Board, the approvals shall expire and become automatically null and void. (The Board notes that, in the absence of the within time limitation condition, it would decline to grant the approvals subject to conditions and, instead, would continue the hearing on an application for no more than a six month period to provide the applicant with the opportunity to revise the subdivision plans and, failure by the applicant to resubmit same to the Board within that period or submission within that period but failure of the applicant to make all the required revisions, would result in denial of the application.). Any dispute(s) concerning satisfaction of any conditions related to the revisions of the subdivision plans may be brought to the Board for resolution by written letter application submitted by the applicant without the necessity for public notice but on written notice to the Board engineering expert and Township Planner. The required revisions and the expert report from which they emanated are as follows:

a. **Following comments emanating from reports submitted by Board and Township experts prior to the hearing and/or Board member comments made during the hearing:**

(1) Revise the subdivision plans, including the zoning schedule and building setback lines, to show the proposed dwelling is required to be located with a front yard setback of 100-103 feet from Martinsville Road.

(2) Revise the subdivision plans, including the zoning schedule and building setback lines, to show the proposed dwelling is required to be located with a front yard setback of 120-140 feet from Mountain Road.

(3) Revise the subdivision plans to include a note that the applicant shall maintain hedgerows along the two roads.

(4) Revise the subdivision plans to show a 30-foot wide scenic corridor conservation easement along both roads.

(5) Add a note to the subdivision plans that all utilities shall avoid the hedgerows.

(6) Add a note to the subdivision plans that the proposed stormwater management design shall be subject to further review and approval by the Township Engineering Department prior to issuance of a construction permit.

2. **Limit on Fill.** The proposed 10,126 square feet wetland fill as shown on the plans shall be the limit of wetland fill for the property as proposed.

3. **Compliance with Master Plan Setback Recommendations.** The applicant shall comply with Land Use Plan of the 2010 Township Master Plan recommendations as to “scenic corridor” setbacks for new construction within the CR-1 Conservation Residential District. Specifically, the proposed dwelling shall have front yard setbacks of 100-103 feet from Martinsville Road and 120-140 feet from Mountain Road.

4. **Scenic Corridor Conservation Easement.** A 30-foot wide scenic corridor conservation easement shall be established along the frontages of Martinsville Road and Mountain Road, with gaps in the easement to accommodate the existing and proposed driveways. The easement shall primarily provide for preservation of the existing hedgerow, including trees and understory vegetation. The easement shall permit water line and other utility connections in accordance with the conditions set forth herein, and shall also permit continued maintenance of existing lawn areas, planting of supplemental landscaping, and selective replacement of existing vegetation, subject to approval by the Township Engineer. The scenic corridor conservation easement shall not overlap the proposed wetlands conservation easement or reserve septic system easement.

5. **Field Location of Design Elements.** To ensure impacts to the existing streetscape will be minimized, the proposed driveway, water line and other utility connections shall be field located and subject to further review and approval by the Township Planner and Township Engineer prior to any land disturbance.

6. **Driveway Location.** The proposed driveway location shall be subject to further review and approval by the Township Engineer, prior to any land disturbance, to ensure adequate sight distances along Mountain Road.

7. **Septic Field Design.** If the proposed septic field on Lot 11.02 will be raised above the existing ground level, supplemental landscaping buffering shall be provided to the extent necessary to adequately screen the septic field from Mountain Road and Martinsville Road, and such supplemental landscaping buffering shall be to the satisfaction of the Township Planner.

8. **Deed Restriction.** There shall be a deed restriction recorded on both of the lots which shall include notification of the stormwater management requirements for a major development. The purpose of this deed restriction is to notify any potential developer of the property that, based on the amount of land disturbance and new impervious surface shown on the subdivision plans, the proposed improvements are classified as a “minor development,” requiring stormwater infiltration measures as conceptually shown on the plans. In the event a developer chooses to increase the amount of land disturbance or new impervious surface, to the extent that the proposed improvements would be classified as a “major development,” a more comprehensive stormwater management design would be required.

9. **Wetlands Conservation Easement Marker Review.** The locations of the proposed wetlands conservation easement boundary markers shall be subject to further review and approval by the Township Engineering Department (the quantity of markers shown on the plans is adequate but some markers must be relocated). The markers on Lot 11.01 must be installed prior to recording of the subdivision map or deeds. The markers on Lot 11.02 must be bonded prior to issuance of a construction permit and installed prior to issuance of a certificate of occupancy.

10. **Subdivision Document Review.** The proposed subdivision map or deeds shall be subject to review and approval by the Township Engineering Department and the Township Attorney prior to recording with the Somerset County Clerk.

11. **Document Preparation/Recordation.** The proposed wetlands conservation easements, reserve septic system easements, scenic corridor conservation easements, any other required easement, and the proposed Mountain Road right-of-way dedication, shall be prepared by the Township Attorney and must be executed by the applicant and recorded with the Somerset County Clerk prior to or simultaneous with, the recording of the subdivision map or deeds.

12. **Street Addresses for Lots.** The proposed street addresses shown on the subdivision plans for the existing dwelling on Lot 11.01 and for the proposed dwelling on Lot 11.02 shall be subject to review and approval by the Township. The approved addresses must be shown on the subdivision map or deeds prior to recording.

13. **Pre-Construction Meeting.** The applicant shall attend a pre-construction meeting with the Township Engineering Department prior to the start of any construction activity.

14. **Engineering Permit – ROW.** An engineering permit must be obtained from the Township prior to any work within the Mountain Road right-of-way.

15. **Development Fee.** A development fee must be submitted for Lot 11.02 in accordance with Section 21-86 of the Land Development Ordinance.

16. **Digital Plans.** The applicant shall submit digital copies of all plans and documents in formats acceptable to the Township Engineering Department.

17. **Escrow Fees.** Any and all outstanding escrow fees shall be paid in full and the escrow account replenished to the level required by ordinance within 10 days of the adoption of a resolution, within 10 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan and/or subdivision plat, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance (whichever is applicable). Failure to abide by this condition shall result in the relief granted automatically terminating and becoming null and void.

18. **Easements, Dedications and Conveyances.** Any and all easements, dedications and/or conveyances running to and in favor of the Township which are proposed on the site plan and/or subdivision plat and/or required as a condition of the approval resolution shall, in addition to being identified on the applicant's plans, maps and/or plats, be contained in separate documents if required by the Township Attorney to be prepared at the direction of the Township Attorney after the metes and bounds descriptions and maps of the easement, dedication and/or conveyance areas have been reviewed and approved by the Township Engineer. Said documents shall specifically outline the grant of the easement, dedication and/or conveyance and its purpose and shall contain a metes and bounds description and maps of the easement, dedication and/or conveyance area. All such documents shall then be recorded and, upon completion of the recording process, be transmitted to the Township Clerk for maintenance with other title documents of the Township.

19. **Time to Perfect Subdivision.** In accordance with N.J.S.A. 40:55D-47d, the applicant shall perfect the subdivision by April 7, 2022 (which is within 190 days from October 19, 2021, the date the within resolution is adopted) unless otherwise extended pursuant to N.J.S.A. 40:55D-47f or -47g, in which case the subdivision shall be perfected by the extended date. In the event that the subdivision is not perfected within the time limitations provided, the within approvals shall automatically expire and become null and void.

20. **Time to Obtain Construction Permits, Commence and Complete Construction, and Obtain Certificates of Occupancy.** In accordance with Board Rule 2:4-9.8, the applicant shall apply for and obtain a construction permit for the proposed dwelling on lot 11.02 by October 19, 2023 (which is within two years of the adoption of the Board's resolution on October 19, 2021). 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 within approvals shall automatically expire and become null and void.

21. **Outside Agency Approvals and Permits.** The within approvals shall be conditioned upon the applicant obtaining permits and/or approvals from all applicable outside agencies and/or departments including (if applicable) but not necessarily limited to the following municipal, county and/or state agencies and/or departments:

- a. Township Board of Health;
- b. Somerset County Department of Health;
- c. Somerset - Union Soil Conservation District certification / approval;
- d. Somerset County Planning Board approval of any aspect of the proposed development within its jurisdiction, and
- e. NJDEP approval of any aspect of the proposed development within its jurisdiction.

22. **Subject to Other Approvals and Laws.** The within approval and the use of the property are also conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of the property are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

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**VOTE ON MOTION DULY MADE AND SECONDED ON DECEMBER 8, 2020:**

**THOSE IN FAVOR: ASAY, CRANE, DAMURJIAN, HARRIS, HURLEY, MCNALLY, MANDUKE, MASTRANGELO & PIEDICI.**

**THOSE OPPOSED: NONE.**

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The within resolution memorializing the Board action in granting the approvals set forth above was adopted on October 19, 2021 by the following vote of eligible Board members:

<u>Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
ASAY				X
CRANE	X			
DAMURJIAN	X			

2021-10-19-v4

**HARRIS**

**(No longer a member)**

**HURLEY**

**(No longer a member)**

**MCNALLY**

**X**

**MASTRANGELO**

**X**

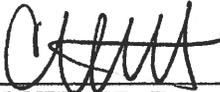
**MANDUKE**

**X**

**PIEDICI**

**X**

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on October 19, 2021.



**CYNDI KIEFER, Board Secretary**

262 South Finley Ave.  
Basking Ridge  
New Jersey 07920



T. 908.204.3070  
F. 908.204.3075  
health@bernards.org  
www.bernardshealth.org

DATE: November 19, 2019

TO: Steve Parker, Parker Engineering

FROM: Tricia Cowell, Sr. REHS

RE: Moye Subdivision  
11 Mountain Road  
Block 11401 Lot 11  
Bernards Township  
Minor Subdivision

The above referenced application proposes a minor subdivision of one lot into two lots. Additional soil logs were recorded for reserve areas for the existing lot (Lot 11) and the proposed lot (Lot 11.02) in October of 2015. Please note the following comments:

1. The soil tests meet the requirements of NJAC 7:9A except for the fact that the regional zone of saturation is less than 24 inches below natural grade. A Treatment Works Approval will be required by the NJDEP before a permit to construct can be issued for the septic system on proposed Lot 11.02.
2. Proposed Lot 11.02 has the wetlands properly mapped out on the drawing
3. A septic system design plan and application must be submitted to the Health Department for review and approval before a permit to construct is issued.

Please contact me at (908) 204-3072 or email me at [tcowell@bernards.org](mailto:tcowell@bernards.org) if you have any questions regarding this matter.

*The Bernards Township Health Department is the Contractual Health Agency serving:*  
Bernards Township • Bernardsville Borough • Chester Borough • Long Hill Township • Mendham Borough • Peapack and Gladstone Borough



William and Carol Moye  
11 Mountain Road  
Basking Ridge, NJ 07920

## SOMERSET - UNION SOIL CONSERVATION DISTRICT

Somerset County 4-H Center  
308 Milltown Road • Bridgewater, NJ 08807  
(908) 526-2701 Fax (908) 575-3977  
March 15, 2022

**RE: Moye Minor Subdivision  
(plan dated 2/22/2022)  
Block 11401, Lot 11  
Bernards Township  
Application #2022-5187**

Dear Sir or Madam:

The Somerset-Union Soil Conservation District has reviewed the above erosion control plan and certifies that the plan is in accordance with the N.J. Erosion and Sediment Control Act, Chapter 251, P.L. 1975.

This approval is limited to the soil erosion and sedimentation controls specified in this plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency.

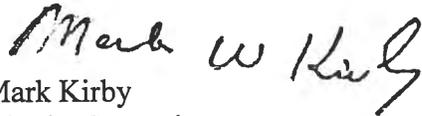
All revisions and municipal renewals of this project will require resubmission and approval by the District. Any conveyance of the project (or portion thereof) will transfer full responsibility for compliance to subsequent owner(s). The District must be notified in writing of any change of ownership.

The District requires written notification prior to the start of land disturbance. Please be advised that failure to do so is considered a violation of State Law and a fine will be imposed.

If there are any questions, please feel free to call our office.

Very truly yours,

**SOMERSET-UNION S.C.D.**

  
Mark Kirby  
District Supervisor

MK/FC/JK J:\Access\MASTERS\CerLot-35-SU.doc

Enclosure

cc: Bernards Twp. Const. Off.  
Mun. Planning Board  
Mun. Engineer  
Parker Engineering & Surveying



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERSHED & LAND MANAGEMENT**  
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.nj.gov/dep/landuse



## PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<b>Approval Date</b> <b>October 7, 2021</b>
		<b>Expiration Date</b> <b>October 6, 2026</b>
<b>Permit Number(s):</b> 1802-18-0004.1 LUP210001	<b>Type of Approval(s):</b> FWW GP6 Non-Tributary Wetlands	<b>Governing Rule(s):</b> N.J.A.C. 7:7A-1.1(a)
<b>Permittee:</b> William and Carol Moye 313 Martinsville Road Basking Ridge, NJ 07920	<b>Site Location:</b> Block & Lot: [11401, 11] Municipality: Bernards Township County: Somerset	
<b>Description of Authorized Activities:</b> <p>This document authorizes the construction of a single family dwelling in association with the subdivision of the existing lot under a Freshwater Wetland General Permit No. 6 on the parcel referenced above.</p> <p>The Division of Land Resource Protection has reviewed the referenced application for a General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-7. The activities allowed by this authorization shall comply with applicable conditions noted at N.J.A.C. 7:7A-5.7, 7.6, and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetland Protection Act (N.J.S.A. 13:9B-1 et. Seq.).</p> <p>Any additional un-permitted disturbance of freshwater wetlands, State Open Waters and/or transition areas besides that shown on the approved plan shall be considered a violation of the Freshwater Wetlands Protection Act rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance. In addition, the authorization of activities under this Freshwater Wetlands General Permit includes the Department's approval of a Water Quality Certificate for these activities.</p>		
<b>Prepared by:</b>  <b>Mark Harris</b>	<b>Received and/or Recorded by</b> <b>County Clerk:</b>	
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**STATEMENT OF AUTHORIZED IMPACTS:**

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7A-22

<b>FWW GP6 Non-Tributary Wetlands</b>	<b>Permanent Disturbance (Acres)</b>	<b>Temporary Disturbance (Acres)</b>
<b>Freshwater wetlands</b>	0.232	0
<b>Transition areas</b>	0	0
<b>State open waters</b>	0	0

**PRE-CONSTRUCTION CONDITIONS:**

1. **Timing:** If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Division that such condition(s) cannot be satisfied.
2. Prior to the commencement of site clearing, grading or construction, the permittee shall have a silt fence erected at the limits of disturbance authorized herein. This fence shall be sufficient to prevent the sedimentation of the remaining wetlands and transition area, and will also serve as a physical barrier protecting the remaining wetlands and transition area from encroachment by construction vehicles or activities. The fences shall be kept in place and maintained throughout the duration of construction or until such time that the site is stabilized. Any excess soils must be removed from wetlands and transition area and these areas must be stabilized in accordance with soil erosion best management practices.

**SPECIAL CONDITIONS:**

1. Provisions of the Freshwater Wetland General Permit No. 6  
The total amount of disturbance associated with this authorization shall not exceed the following: **the permanent disturbance of 0.232 acres (10,126 s.f.) of isolated, Intermediate resource value wetlands for the construction of a single family dwelling under General Permit No. 6.**
2. Pursuant to the procedures outlined in the December 22, 1993 Memorandum of Agreement among the United States Fish and Wildlife Service (USFWS), the United States Environmental Protection Agency (USEPA), and the New Jersey Department of Environmental Protection (NJDEP), **a tree clearing restriction of trees with a diameter at breast height (dbh) of 5 inches or greater is required from April 1<sup>st</sup> through September 30<sup>th</sup> to protect the Indiana Bat.**
3. Only clean, suitable fill material shall be utilized.
4. Any excess soil or bedding material must be disposed of immediately upon completion of construction. This material must be disposed of outside of freshwater wetlands, transition areas, State Open Waters, and areas regulated under the Department's Flood Hazard Area Control Act rules at N.J.A.C. 7:13.

5. The wetlands affected by this permit authorization are of Intermediate resource value. A standard transition area or buffer of 50 feet is required adjacent to Intermediate resource value wetlands. This general permit includes a transition area waiver, which allows encroachment only in that portion of the transition area, which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Department. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.3. Please refer to the Freshwater Wetland Protection Act (N.J.S.A. 13:9B-1 et. seq.) and implementing rules (N.J.A.C. 7:7A-1.1 et seq.) for additional information.
6. This authorization for a Freshwater Wetland Permit is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the terms of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the permittee must comply with the requirements of the new regulations by applying for a new General Permit authorization or an Individual Permit.
7. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area.
8. **Material Disposal:** All excavated material, excess soil/bedding material and construction debris shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

**STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.

7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
  - i. A description of the noncompliance and its cause;
  - ii. The period of noncompliance, including exact dates and times;
  - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
  - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action; and
  - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.

14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site

is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management at the address listed on page one of this permit.

**APPROVED PLAN:**

The drawing hereby approved consist of one (1) sheet prepared by Stephen E. Parker, New Jersey Professional Engineer and Daniel E. Parker, New Jersey Land Surveyor, both of Parker Engineering and Surveying, P.C., dated January 13, 2017, last revised November 5, 2020, unless otherwise noted, and entitled:

**“MINOR SUBDIVISION LOT 11 BLOCK 11401 – 11 MOUNTAIN AVENUE  
TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY”, Sheet 3 of 4**

**APPEAL OF DECISION:**

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at [www.nj.gov/dep/bulletin](http://www.nj.gov/dep/bulletin)). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at [www.nj.gov/dep/landuse/forms.html](http://www.nj.gov/dep/landuse/forms.html)). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management’s Technical Support Call Center at (609) 777-0454.

Approved By:



Tina Wolff  
2021.10.07  
12:55:26-04'00'

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Tina Wolff, Environmental Specialist 3  
Division of Land Resource Protection

c: Municipal Clerk, Bernards Twp.  
Municipal Construction Official, Bernards Twp.  
Agent (original) – Edward Kuc

**APPENDIX A, ARTICLE III**

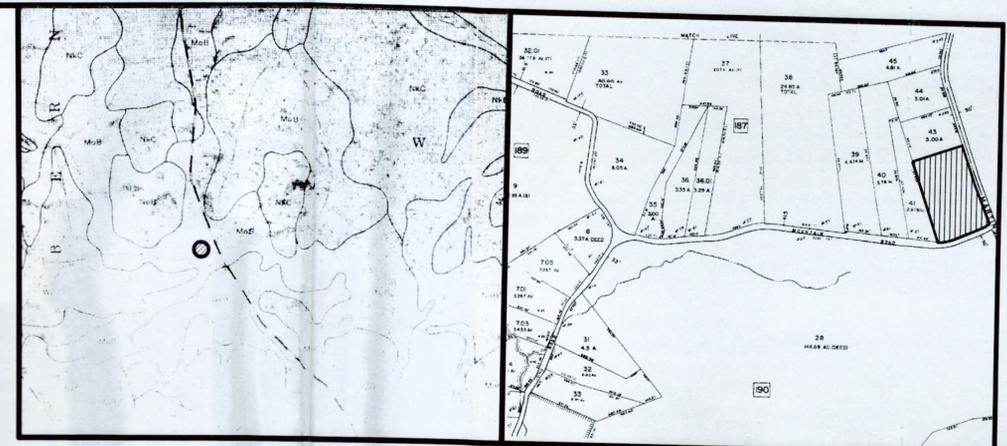
**Checklist**

**Application for Final Approval of a Minor Subdivision (See Article VII for Details)**

**\*Important: Each item must be marked Submitted, Not Applicable or Waiver Requested\***

No.	Item	Submitted	Not Applicable	Waiver Requested
1	A completed application form and checklist.	✓		
2	A certificate from the tax collector indicating that taxes are paid.	✓		
3	All required application and escrow deposit fees.	✓		
4	Names and addresses of property owners within 200' of the subject property, as disclosed by current tax records and identified by block & lot numbers.	✓		
5	Title block indicating:	✓		
	a. Name of development and street location.	✓		
	b. Name and address of applicant, owner and authorized agent, if any.	✓		
	c. Name and address of professional(s) preparing plans including signature, date, license number and seal.	✓		
	d. Tax map block and lot numbers.	✓		
	e. Date of plan preparation and revision box with date of each revision.	✓		
	f. Development application number.	✓		
	g. Written and graphic scale.	✓		
6	Signature of applicant and, if applicant is not owner, signed consent of the owner.	✓		
7	Name and address of the attorney representing parties, if any, and the name of each client represented.		✓	
8	North arrow giving reference meridian.	✓		
9	Copies of any protective covenants or deed restrictions applying to the subject property, including a statement as to whether such covenants or deeds are of record. A copy or abstract of the deed or deeds or other instruments by which title is derived with the names of all owners must also be provided.	✓		
10	A key map showing the entire tract and its relation to the surrounding areas, including all roads, zone boundaries and municipal boundaries within one-half (1/2) mile of the subject property at a scale of one (1) inch equals not more than two thousand (2,000) feet.	✓		
11	A zoning schedule indicating the zone(s) within which the property is located and required, existing & proposed conditions relative to lot area, width, frontage, yard setbacks, lot coverage, height, floor area, floor area ratio, density, open space, parking, loading, signs, etc.	✓		
12	A list of required and obtained regulatory approvals and permits.	✓		
13	A list of requested variances and exceptions.	✓		
14	The location and dimensions of existing & proposed property lines, existing streets, streets shown on the Township's official map or master plan, structures (indicating the use of each structure and whether existing structures will remain or be removed), building setbacks, rights-of-way, easements, parking & loading areas, driveways, railroads, bridges, culverts, drain pipes, gas transmission lines, overhead utilities, historic sites/structures, wooded areas, watercourses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of the subject property.	✓		
15	A wetlands delineation or wetlands absence determination prepared by a qualified consultant and verified by a letter of interpretation from the New Jersey Department of Environmental Protection, if required pursuant to Section 21-14.1.a.	✓		
16	Existing & proposed water supply, sewage disposal and stormwater drainage plans. Plans for individual on-site water supply and/or sewage disposal systems shall be accompanied by the necessary local, county and/or state agency approvals.	✓		
17	The locations of percolation tests on each existing/proposed lot and a copy of the written approval of the tests and locations from the Bernards Township Health Department, if sewage disposal is to be handled by individual septic system(s). For each lot, the applicant shall submit test locations and written approvals from the Health Department for both a primary and secondary septic disposal field. The applicant must show on the development plan the locations and dimensions of both septic disposal fields.	✓		

No.	Item	Submitted	Not Applicable	Waiver Requested
18	Existing & proposed topographic contour intervals based on U.S.C. & G.S. datum on and within 200' of the subject property as follows: - up to 3% grade = 1' intervals      - over 3% grade = 2' intervals	✓		
19	A steep slope map in accordance with Section 21-14.2.b, if the property contains any existing slopes of 15% or greater.		✓	
20	A tree identification plan and an application for tree removal permit including the following (see § 21-45.3 for detailed requirements):	✓		
	a. Location of existing tree canopy and labeling of the canopy areas to be removed and to be preserved.	✓		
	b. Location of individual trees with a DBH equal to or greater than six inches identified by size and species within the limit of disturbance and 30 feet beyond the limit of disturbance, labeled to be removed or to be preserved.		✓	
	c. Location of individual trees with a DBH equal to or greater than ten inches identified by size and species within the property boundaries, labeled to be removed or to be preserved.		✓	
	d. Tree protection details.	✓		
	e. A list of all trees to be removed and, if replacement trees are required, a schedule in accordance with the table in § 21-45.1 indicating the number of replacement trees required and the number of replacement trees proposed.		✓	
21	A landscaping plan in conformance with Section 21-43, including types, sizes and quantities of plantings and planting, staking and mulching details.		✓	
22	A soil erosion and sediment control plan, if required pursuant to Section 21-27.	✓		
23	Plans and profiles of proposed driveways.	✓		
24	Existing & proposed easements or land reserved for or dedicated to public use, utility use or for the common use of property owners in the development, including a statement of the limits and purpose of the easement rights or dedicated land.	✓		
25	Existing & proposed sight triangles.	✓		
26	The elevation of the basement and first floor of existing & proposed buildings.	✓		
27	Existing & proposed block and lot numbers.	✓		
28	The area in square feet and to the nearest one hundredth of an acre of all existing & proposed lots.	✓		
29	A sketch of the proposed/possible layout or disposition of remaining lands, if any.	✓		
30	General soil information including soil logs.	✓		
31	Drainage calculations.	✓		
32	Source and date of the current property survey and a copy of the survey.	✓		
33	Appropriate certification blocks as required by the Map Filing Law	✓		
34	Monumentation as specified by the Map Filing Law.	✓		
35	Dimensions, bearings, curve data, length of chords, chord bearings and central angles for all centerlines and rights-of-way and coordinate values for at least three (3) corners located around the tract based upon the New Jersey State Plane Coordinate System.	✓		
36	The plat shall be prepared in compliance with the "Map Filing Act" P.L. 1960, (C.46.2309.9 et seq.).	✓		
37	Delineations of existing and proposed stream buffer conservation areas and stream buffer management plans, if required pursuant to Section 21-14.4.b.		✓	
38	A plan showing all the details required in the procedures of Table 401-A, entitled Maximum Permitted Lot Yield & Minimum Improvable Lot Area Standards, Residential Development, R-1 Through R-7 Zones.	✓		
39	For each proposed dwelling, cross sections shall be provided from the center of the road to the rear of the house in existing and proposed conditions; cross sections shall be provided perpendicular to the road through the center of the dwelling to a point 50' to the rear of the dwelling; the cross section shall be provided at a scale of 1" = 10' horizontal and 1" = 10' vertical.	✓		



**SOILS SURVEY MAP**

SOMERSET COUNTY - SHEET No. 12  
SCALE: 1" = 1,320'  
SOILS MAPPED AS: M6B (MOUNT LUCAS SILT LOAM)

**KEY MAP**

TAX MAP - TOWNSHIP OF BERNARDS - SHEET No. 114  
SCALE: 1" = 2,000'

**BERNARDS TOWNSHIP PROPERTY OWNERS WITHIN 200 FT.**

BLOCK	LOT	OWNER NAME & ADDRESS
11401	10	PETRIU, ROBERT
11401	12	FERRERA, ANTONIO & ERMELINDA
11401	13	FEELEY, BRIAN & AHNENS, JULIE LYNN
11401	1	TOWNSHIP OF BERNARDS

PROPERTY OWNERS LIST OBTAINED FROM THE BERNARDS TOWNSHIP OFFICE OF THE ASSESSOR, DATED 11/28/16.

**WARREN TOWNSHIP PROPERTY OWNERS WITHIN 200 FT.**

BLOCK	LOT	OWNER NAME
12	9	MARKHAM, RICHARD O. & JILL P.
12	10.01	BATH, GURMEET SINGH & GILL, S. K.
12	10.02	PATEL, YOGESH & SREE
12	11	WELLS, JOHN R. & SUSAN C.
12	12	PROCHASKA, DOREEN T., TRUSTEE
24	8.01	OLIVERAA, JOSE & ARMINDA
24	7.03	SOUSA, AMERICO & SARAH S.

PROPERTY OWNERS LIST OBTAINED FROM THE TOWNSHIP OF WARREN OFFICE OF THE TAX COLLECTOR, DATED 11/28/16.

**OWNER OF RECORD/APPLICANT:**

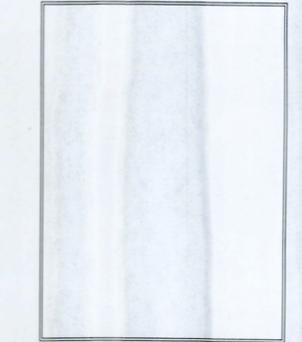
WILLIAM AND CAROL MOYE  
11 MOUNTAIN ROAD  
BASKING RIDGE, NJ, 07920  
PH: 908-510-3635

**OWNERS CONSENT:**

I HEREBY CONSENT TO THE FILING OF THIS PLAN WITH THE PLANNING BOARD OF THE TOWNSHIP OF BERNARDS, SOMERSET COUNTY, NEW JERSEY.

OWNER	DATE
OWNER	DATE

**SOMERSET COUNTY ACCEPTANCE STAMP**



THESE PLANS ARE NOT ACCEPTED FOR CONSTRUCTION UNLESS THIS BLOCK IS STAMPED "ACCEPTED AS SUBMITTED" BY A STAFF MEMBER OF THE SOMERSET COUNTY ENGINEERING DIVISION. BIDS FOR CONSTRUCTION SHOULD NOT BE BASED ON THESE PLANS UNTIL THE PLANS ARE ACCEPTED BY THE COUNTY.

ACCEPTANCE OF THESE PLANS EXPIRES TWO (2) YEARS FROM THE STAMPED DATE.

NO.	DATE	REVISION
7	03/09/22	RESOLUTION COMPLIANCE
6	01/20/22	RESOLUTION COMPLIANCE
5	11/05/20	PER CLIENT
4	07/20/20	PLANNING BOARD
3	03/16/20	PLANNING BOARD
2	10/15/19	ADD WETLANDS
1	03/20/17	PER TOWNSHIP REVIEW

DRAWN BY: DANIEL E. PARKER  
NEW JERSEY LAND SURVEYOR LIC. NO. 35866

**GENERAL NOTES:**

- SUBJECT PROPERTY KNOWN AS LOT 11, BLOCK 11401 AS SHOWN ON THE CURRENT TAX MAP (SHEET No. 114) OF THE TOWNSHIP OF BERNARDS, SOMERSET COUNTY, N.J.
- BOUNDARY AND LOCATION DATA OBTAINED FROM AN AS-BUILT PLAN PREPARED BY MURPHY & HOLLOWES ASSOCIATES, WILLIAM G. HOLLOWES, N.J.P.L.S. No. 27473 DATED MAY 4, 1989. ADDITIONAL BOUNDARY INFORMATION WAS OBTAINED FROM DEED INFORMATION FILED IN THE SOMERSET COUNTY CLERK'S OFFICE. EXISTING CONDITIONS HAVE BEEN UPDATED BY THIS FIRM IN NOVEMBER, 2016. TOPOGRAPHIC INFORMATION SHOWN HEREON OBTAINED FROM TOWNSHIP AERIAL TOPOGRAPHIC MAPS, SHEETS E-17 and E-18. AS PER SAID MAPS, THERE ARE NO SLOPES IN EXCESS OF 15% WITHIN THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS LOCATED IN THE R-3 SINGLE FAMILY RESIDENCE DISTRICT.
- THE SUBJECT PROPERTY LIES WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS PER THE FLOOD INSURANCE RATE MAP, SOMERSET COUNTY, NEW JERSEY (ALL JURISDICTIONS) PANEL 64 OF 301, MAP No. 34035C0064E, EFFECTIVE DATE: SEPTEMBER 28, 2007.
- ADDITIONAL REGULATORY APPROVALS REQUIRED BY: SOMERSET COUNTY PLANNING BOARD, BERNARDS TOWNSHIP HEALTH DEPARTMENT, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.
- BASED ON THE U.S.D.A. SOILS SURVEY FOR SOMERSET COUNTY, NJ, SOILS WITHIN THE SUBJECT PROPERTY IS MAPPED AS: M6B - MOUNT LUCAS SILT LOAM.
- PRIOR TO RECORDING WITH THE SOMERSET COUNTY CLERK, THE PROPOSED SUBDIVISION DEEDS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE TOWNSHIP ENGINEERING DEPARTMENT AND TOWNSHIP ATTORNEY.
- THIS PROPERTY IS SERVED BY INDIVIDUAL SEPTIC SYSTEM AND PUBLIC WATER SUPPLY.
- THE LOCATION OF SUBSURFACE UTILITIES IN THE VICINITY OF THE SUBJECT PROPERTY ARE APPROXIMATE AND ARE NOT GUARANTEED FOR ACCURACY AND/OR COMPLETENESS. THE CONTRACTOR IS RESPONSIBLE TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. FOR UTILITY MARKOUT, CALL 1-800-272-1000.
- A PERMIT FROM THE BERNARDS TOWNSHIP ENGINEERING DEPARTMENT IS REQUIRED FOR ANY WORK WITHIN THE BERNARDS TOWNSHIP RIGHT OF WAY.
- THE WETLAND BOUNDARY ILLUSTRATED ON SHEET 2 HAS BEEN VERIFIED BY THE NJDEP IN FILE No. 1802-18-0004.1.
- THERE ARE NO PROTECTIVE COVENANTS OR DEED RESTRICTIONS THAT APPLY TO THE SUBJECT PROPERTY.
- A DETAILED PLOT PLAN WILL BE SUBMITTED FOR THE ACTUAL HOME TO BE CONSTRUCTED ON LOT 11.02 AT THE TIME OF A BUILDING PERMIT APPLICATION. THE PLAN WILL ILLUSTRATE THE LOCATION OF THE PROPOSED HOME AND DRIVEWAY AND WILL INCLUDE SOIL EROSION AND SEDIMENT CONTROL DETAILS AS WELL AS ANY TREE REMOVAL/REPLACEMENT REQUIREMENTS.
- ALL TREE REMOVAL AND PROTECTION MEASURES SHALL COMPLY WITH BERNARDS TOWNSHIP LAND USE ORDINANCE SECTION 21-45.
- ALL PROPOSED UTILITY SERVICES SHALL BE UNDERGROUND.
- THE PROPOSED LOT NUMBERS ILLUSTRATED ON THESE PLANS HAVE BEEN ASSIGNED BY THE TAX ASSESSORS OFFICE. IN ADDITION, THE FOLLOWING PROPOSED STREET ADDRESSES HAVE BEEN PROVIDED BY THE TOWNSHIP AND MUST BE INCLUDED IN THE SUBDIVISION DEEDS:  
LOT 11.01 - 313 MARTINSVILLE ROAD  
LOT 11.02 - 7 MOUNTAIN ROAD
- ALL FINAL WETLAND AND WETLAND TRANSITION AREAS ON LOTS 11.01 AND 11.02 SHALL BE CONTAINED WITHIN A WETLANDS CONSERVATION EASEMENT DEEDED TO BERNARDS TOWNSHIP.
- THE RESERVE SEPTIC SYSTEM AREAS ON LOTS 11.01 AND 11.02 SHALL BE CONTAINED WITHIN RESERVE SEPTIC SYSTEM EASEMENTS DEEDED TO BERNARDS TOWNSHIP.
- THE PROPOSED DWELLING ON LOT 11.02 IS REQUIRED TO BE 100 FT. TO 103 FT. FROM MARTINSVILLE ROAD AND 120 FT. TO 140 FT. FROM MOUNTAIN ROAD.
- THE PROPERTY OWNER OF EACH LOT IS REQUIRED TO MAINTAIN THE HEDGEROW ALONG THE FRONTAGE OF THEIR PROPERTY.
- ALL PROPOSED UTILITIES SHALL AVOID THE HEDGEROWS.
- THE PROPOSED STORMWATER MANAGEMENT DESIGN SHALL BE SUBJECT TO FURTHER REVIEW AND APPROVAL BY THE TOWNSHIP ENGINEERING DEPT. PRIOR TO THE ISSUANCE OF A CONSTRUCTION PERMIT.

**APPROVALS:**

APPROVED BY THE PLANNING BOARD OF THE TOWNSHIP OF BERNARDS, SOMERSET COUNTY, NEW JERSEY.

CHAIRMAN	DATE
SECRETARY	DATE
TOWNSHIP ENGINEER	DATE

I HAVE REVIEWED THIS SITE PLAN AND CERTIFY THAT IT MEETS ALL CODES AND ORDINANCES UNDER MY JURISDICTION.

**AREA MAP**



1" = 100 FT.  
GRAPHIC SCALE (IN FEET)

**MINOR SUBDIVISION**

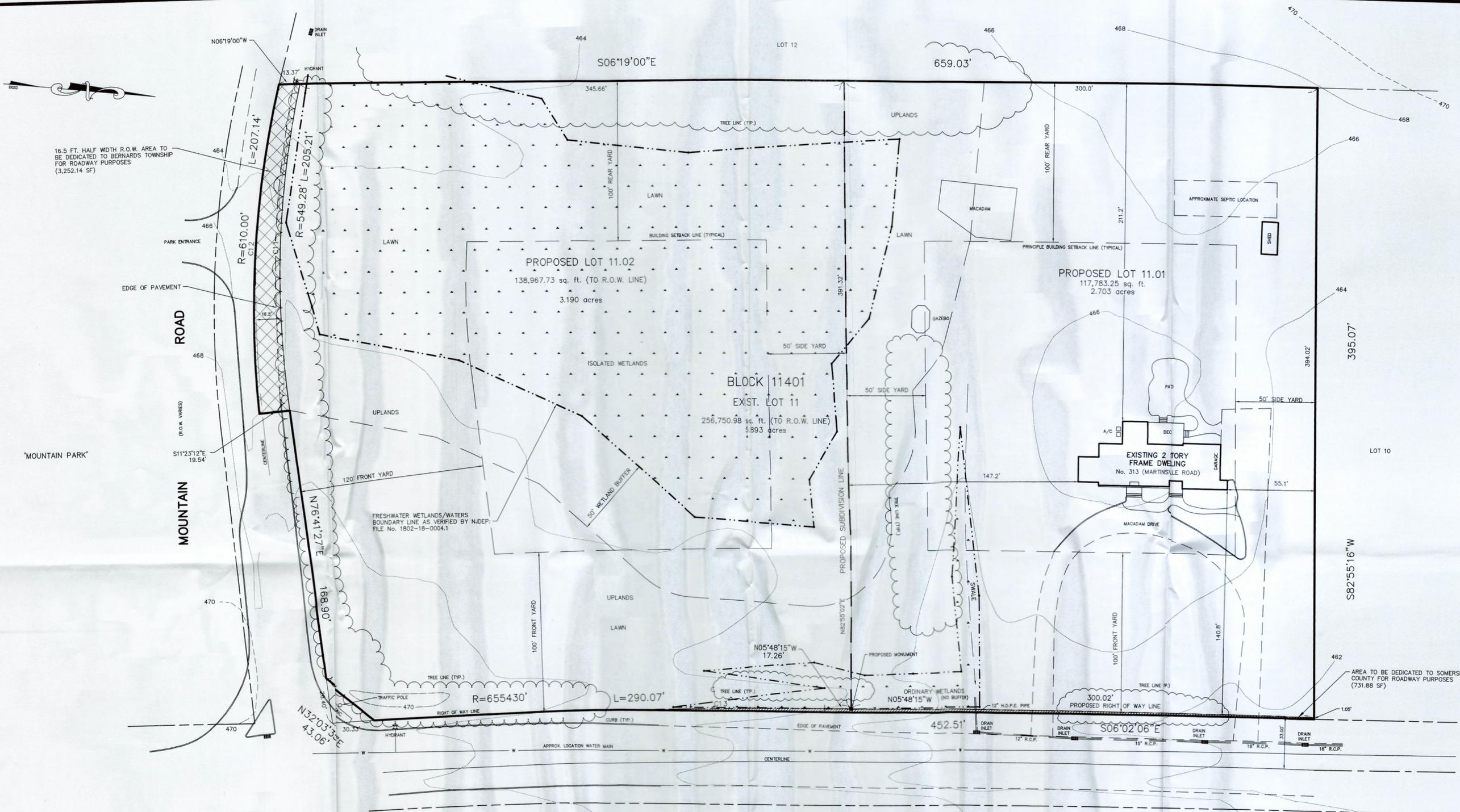
LOT 11 BLOCK 11401 - 11 MOUNTAIN ROAD  
TOWNSHIP OF BERNARDS  
SOMERSET COUNTY, NEW JERSEY



370 EAST MAIN STREET, SOMERVILLE, N.J. 08876  
PHONE: (908) 725-4400 - FAX: (908) 722-4401  
E MAIL ADDRESS: PARKERES@AOL.COM

**STEPHEN E. PARKER**  
NEW JERSEY PROFESSIONAL ENGINEER LIC. NO. 36187

DRAWN BY: PJD	CHECKED BY: S.E.P.	SCALE: 1"=100'	DATE: 11-16-16	FILE: 5705	SHEET: 1 OF 5
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**ZONING SCHEDULE: R-3 RESIDENTIAL ZONE:**

STANDARD LOT TYPE BULK ITEM	REQUIRED	PROPOSED LOT 11.01	PROPOSED LOT 1.02
PROPOSED LOT 11.01			
1. MIN. LOT AREA	2 Ac.	2.703 Ac.	3.190 Ac.
2. MIN. LOT WIDTH (1)	250 FT.	300.0 FT.	398.5 FT.
3. MIN. LOT FRONTAGE	125 FT.	300.0 FT.	374.1 FT.
4. MAX. LOT COVERAGE (TOTAL IMPERVIOUS)	15 %	11.1 %	6.6 %
PRINCIPAL BUILDING			
5. MIN. FRONT YARD (3)	100 FT.	140.8 FT.	101.0 FT.
6. MIN. SIDE YARD (ONE) (2)	50 FT.	55.1 FT.	148.0 FT.
7. MIN. SIDE YARD (BOTH)	100 FT.	202.3 FT.	148.0 FT.
8. MIN. REAR YARD	100 FT.	211.2 FT.	252.0 FT.
9. MAX. BUILDING HEIGHT (FEET)	35 FT.	34 FT.	34 FT.
10. MINIMUM IMPROVABLE LOT AREA	22,000 S.F.	36,649.9 S.F.	22,402 S.F.

NOTE:  
 (1) - ON A CORNER LOT, THE MINIMUM WIDTH SHALL BE 125% OF THE MINIMUM LOT WIDTH ONLY ONE LOT WIDTH SHALL BE REQUIRED TO MEET THE 125% STANDARD.  
 (2) - WHERE A SIDE YARD ABUTS A REAR YARD, THE SIDE YARD SHALL BE A MINIMUM OF 10% OF THE MINIMUM SIDE YARD SET FORTH IN TABLE 501.  
 (3) - THE PROPOSED HOUSE ON LOT 11.02 IS REQUIRED TO BE LOCATED BETWEEN 100 FEET AND 103 FEET FROM MARTINSVILLE ROAD AND BETWEEN 120 FEET AND 140 FEET FROM MOUNTAIN ROAD.

CURVE	LENGTH	RADIUS	CHORD
C11	205.21'	549.28'	N86°40'35"E 204.02'
C12	207.14'	610.00'	N88°20'30"E 206.15'
C13	135.23'	6554.30'	S07°01'49"E 135.23'

**EXISTING CONDITIONS AND PROPOSED SUBDIVISION**



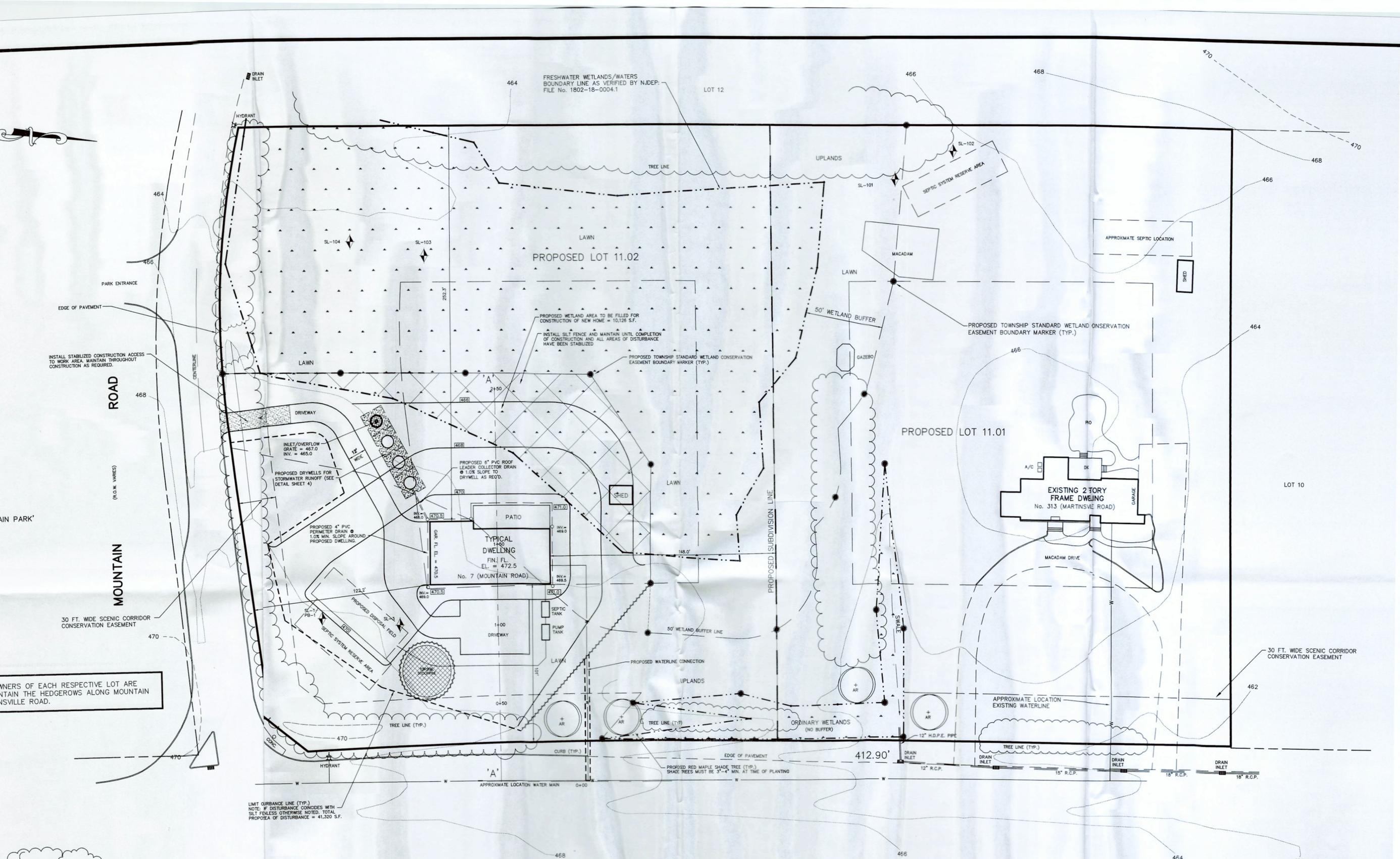
NO.	DATE	REVISION
7	03/09/22	RESOLUTION COMPLIANCE
6	01/20/22	RESOLUTION COMPLIANCE
5	11/05/20	PER CLIENT
4	07/20/20	PLANNING BOARD
3	03/16/20	PLANNING BOARD
2	10/15/19	ADD WETLANDS
1	03/20/17	PER TOWNSHIP REVIEW

**PARKER**  
 ENGINEERING & SURVEYING P.C.  
 370 EAST MAIN STREET, SOMERVILLE, N.J. 08876  
 (908) 725 - 4400 - FAX (908) 722 - 4401

**MINOR SUBDIVISION**  
 LOT 11 BLOCK 11401 - 11 MOUNTAIN AVENUE  
 TOWNSHIP OF BERNARDS  
 SOMERSET COUNTY, NEW JERSEY

*Steph E. Parker*  
**STEPHEN E. PARKER**  
 NEW JERSEY PROFESSIONAL ENGINEER LIC. NO. 36187

DRAWN BY	CHECKED BY	SCALE	DATE	FILE	SHEET
DEP/PJD	S.E.P.	AS NOTED	01/13/17	5705	2 OF 5



OWNERS OF EACH RESPECTIVE LOT ARE TO MAINTAIN THE HEDGEROWS ALONG MOUNTAIN ROAD.

NOTES:  
ESTIMATE A: "PROTECTED ROOT ZONE" (PRZ) BY CAPPING THE CRITICAL ROOT RADIUS (CRR).

- MEASURE DBH (DIAMETER OF TREE AT BREAST HE 4.5 FEET ABOVE GROUND ON THE UPSIDE OF TREE) IN INCHES. MULTIPLY WED DBH BY 1.5 OR 1.0. EXPRESS RESULT IN FEET.
- DBH x 1.5 EQUALS ROOT RADIUS FOR OLDEREALTHY, OR SENSITIVE SPECIES.
- DBH x 1.0 EQUALS ROOT RADIUS FOR YOUNGEREALTHY, OR TOLERANT SPECIES.

TREE PRECTION DETAIL TO SCALE

INSTALL "SNOW FENCE" @ PROTECTED ROOT ZONE (PRZ) LINE OF TREE(S) TO BE PROTECTED.

GRADING, SOIL EROSION & SEDIMENT CONTROL PLAN



THE PROPOSED HOUSE ON LOT 11.02 IS REQUIRED TO BE LOCATED BETWEEN 100 FEET AND 103 FEET FROM MARTINSVILLE ROAD AND BETWEEN 120 FEET AND 140 FEET FROM MOUNTAIN ROAD.

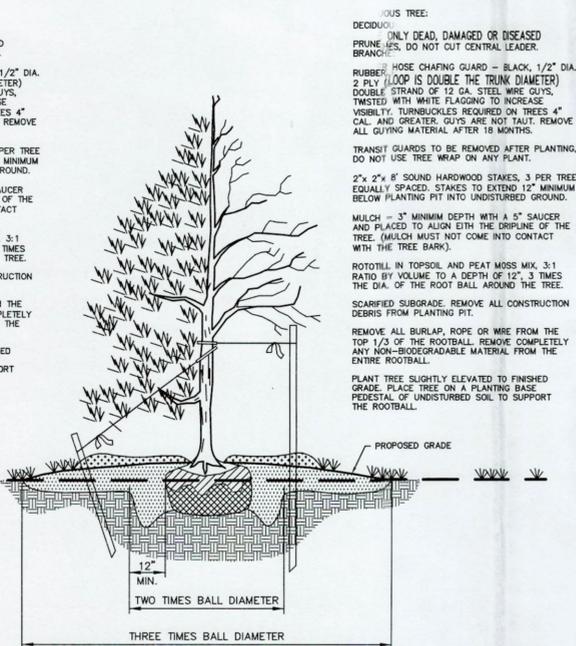
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NO.	DATE	REVISION
 DANIEL E. PARKER NEW JERSEY LAND SURVEYOR LIC. NO. 35866		

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**MINOR SUBDI**  
 LOT 11 BLOCK 11401 - 11 MO  
 TOWNSHIP OF BER  
 SOMERSET COUNTY, N

STEPHEN E. PARKER  
 NEW JERSEY PROFESSIONAL ENGINEER

DRAWN BY DEP/PJD	CHECKED BY S.E.P.	SCALE AS NOTED	DATE 01/13/17	FILE 5705
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TREE PLANTING DETAILS  
NOT TO SCALE

PLANTING NOTES:

PLANT MATERIAL SHALL BE NURSERY GROWN STOCK FREE FROM OBJECTIONABLE DISEASE. TRUE TO VARIETY AND PLANTED IN CONFORMANCE WITH SOUND NURSERY PRACTICE.

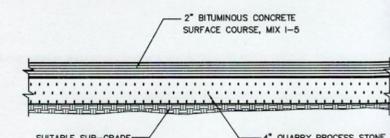
PLANTING PITS ARE TO BE DUG AT LEAST 8 INCHES DEEPER AND 12 INCHES WIDER THAN THE PLANT BALL AND ARE TO BE BACKFILLED WITH PREPARED PLANTING SOIL CONSISTING OF EQUAL PARTS NATIVE SOIL AND HUMUS.

TREES ARE TO BE STAKED WITH 6 FT. CEDAR STAKES GUYED WITH HOSE REINFORCED WIRES.

PLANTINGS ARE TO BE MULCHED WITH A MINIMUM 3 INCH DEPTH OF SHREDDED REDWOOD BARK.

PROTECTING SAUCERS SHALL BE PROVIDED AROUND EACH TREE.

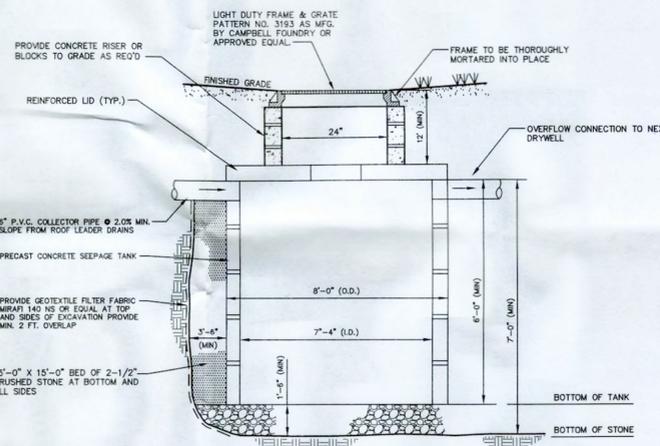
PLANT MATERIALS ARE TO BE GUARANTEED BY FOR ONE YEAR TO BE IN HEALTHY AND VIGOROUS CONDITION. NECESSARY WATERING AND OTHER MAINTENANCE DURING GUARANTEE PERIOD IS THE RESPONSIBILITY OF THE APPLICANT.



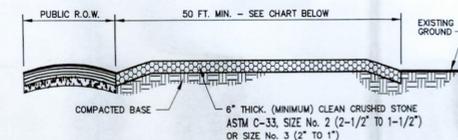
DRIVEWAY PAVEMENT DETAIL  
NOT TO SCALE

DRYWELL CALCULATIONS:

STORE 3" OF RUNOFF FROM NEW IMPERVIOUS AREA (AREA = 9,140 S.F.)  
STORAGE VOLUME REQUIRED = 9,140 S.F. X 3.0/12 = 2,285 CU. FT.  
TYPICAL DRYWELL: 15'-0" X 15'-0" X 7'-0" DEEP (BELOW OVERFLOW) STONE BED WITH 8'-0" DIA. X 5'-6" DEEP (BELOW OVERFLOW) PRECAST CONC. SEEPAGE TANK DISPLACEMENT VOL. OF SEEPAGE TANK:  
 $p \times r^2 \times h = p \times (4')^2 \times 5.5 = 276.5 \text{ CU. FT.}$   
STORAGE VOL. OF SEEPAGE TANK:  
 $p \times r^2 \times h = p \times (3.67')^2 \times 5.5 = 232.1 \text{ CU. FT.}$   
VOL. OF STONE BED =  $l \times w \times h = 15.0' \times 15.0' \times 7.0' = 1,575 \text{ CU. FT.}$   
STORAGE VOL. OF STONE BED:  
(VOL. STONE-DISP. VOL. TANK) X 0.33 VOIDS  
= (1,575.0 - 276.5) X 0.33 = 428.5 CU. FT.  
STORAGE VOLUME OF DRYWELL:  
VOL. (BED) + VOL. (TANK) = 428.5 + 232.1 = 660.6 CU.FT. / DRYWELL  
DRYWELLS REQUIRED: STORAGE VOL. REQUIRED / STORAGE VOL. DRYWELL  
= 2,285 / 660.6 = 3.46 THEREFORE CONSTRUCT (4) DRYWELLS



DRYWELL DETAIL  
NOT TO SCALE



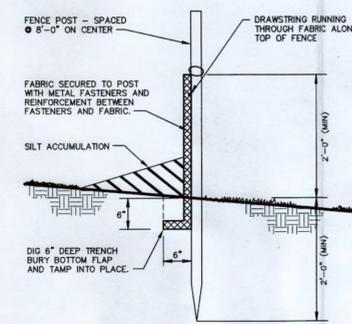
NOTE: LENGTH OF STABILIZED CONSTRUCTION ACCESS SHALL NOT BE LESS THAN AS SPECIFIED IN THE CHART BELOW.  
NOTE: WIDTH OF STABILIZED CONSTRUCTION ACCESS SHALL NOT BE LESS THAN THE FULL WIDTH OF POINT(S) OF INGRESS AND EGRESS.

% SLOPE OF ROADWAY	LENGTH OF STONE REQUIRED	
	COARSE SOILS	FINE SOILS
0% TO 2%	50 FT.	100 FT.
2% TO 5%	100 FT.	200 FT.
> 5%	ENTIRE SURFACE TO BE STABILIZED*	

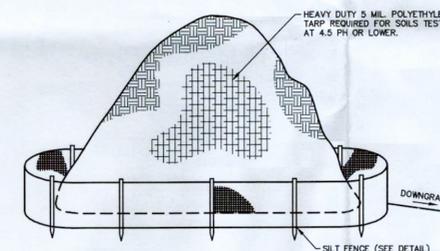
\* IF REQUIRED BY LOCAL ORDINANCE OR OTHER GOVERNING BODY AT POORLY DRAINED LOCATIONS, SUBSURFACE DRAINAGE GRAVEL FILTER OR FILTER FABRIC SHALL BE INSTALLED BEFORE INSTALLING THE STABILIZED CONSTRUCTION ENTRANCE.

MAINTENANCE  
THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.

STABILIZED CONSTRUCTION ACCESS DETAIL  
NOT TO SCALE



SILT FENCE DETAIL  
NOT TO SCALE



TOPSOIL STOCKPILE DETAIL  
NOT TO SCALE

TOWNSHIP OF BERNARDS

THE TOWNSHIP ENGINEER SHALL BE NOTIFIED IN WRITING 72 HOURS PRIOR TO THE BEGINNING OF ANY LAND DISTURBANCE.

SOIL EROSION CONTROL NOTES:

- 1) ALL SOIL EROSION AND SEDIMENT CONTROL SHALL BE IN ACCORDANCE WITH THE SOIL EROSION CONTROL ACT, CHAPTER 251, P.L. 1978, INTERIM RULES AND REGULATIONS AS PUBLISHED IN THE "STATE REGISTER" AND THE SOIL EROSION AND SEDIMENT CONTROL IN N.J. AS ADOPTED BY THE NJ STATE SOIL CONSERVATION COMMITTEE. COPIES OF WHICH ARE AVAILABLE AT ALL SOIL CONSERVATION DISTRICT OFFICES.
- 2) ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE IN ACCORDANCE WITH ANY GRADING OPERATIONS AND INSTALLATION OF STRUCTURES OR UTILITIES.
- 3) STRIPPING OF VEGETATION, GRADING OR OTHER SOIL DISTURBANCE SHALL BE DONE IN A MANNER WHICH WILL MINIMIZE SOIL EROSION.
- 4) WHENEVER FEASIBLE, NATURAL VEGETATION SHALL BE RETAINED AND PROTECTED.
- 5) THE EXTENT OF THE DISTURBED AREA SHALL BE KEPT WITHIN LIMITS. ALL DISTURBED AREAS AND STOCKPILES WHICH ARE EXPOSED FOR A PERIOD LONGER THAN 30 DAYS SHALL BE TEMPORARILY STABILIZED.
- 6) WATER RUNOFF SHALL BE MINIMIZED AND RETAINED ON SITE WHERE POSSIBLE TO FACILITATE GROUND WATER RECHARGE.
- 7) SEDIMENT SHALL BE RETAINED ON SITE.
- 8) THE CONTRACTOR SHALL NOTIFY THE MUNICIPAL ENGINEER AND SOIL CONSERVATION DISTRICT 72 HOURS PRIOR TO START OF ANY LAND DISTURBANCE.
- 9) ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE IN ACCORDANCE WITH STANDARD CONSTRUCTION DETAILS SHOWN AND THEIR USE, AS SPECIFIED IN THESE SPECIFICATIONS AND AS DIRECTED BY THE ENGINEER.
- 10) STANDARD CONSTRUCTION DETAILS SHOWN AND THEIR USE, AS SPECIFIED IN THESE SPECIFICATIONS AND AS DIRECTED BY THE ENGINEER.
- 11) ANTI-TRACKING STRIPS SHALL BE UTILIZED TO MINIMIZE THE TRACKING OF MUD AND DIRT ONTO EXISTING STREETS. WHEEL WASHINGS SHALL BE PROVIDED IF FIELD CONDITIONS WARRANT.
- 12) WHERE NECESSARY, DISTURBED AREAS SHALL BE TEMPORARILY SEEDED AND/OR MULCHED UNTIL PROPER WEATHER CONDITIONS PERMIT ESTABLISHMENT OF A PERMANENT VEGETATIVE COVER.
- 13) FILL MATERIAL SHALL BE FREE FROM DEBRIS, PERISHABLE OR COMBUSTIBLE MATERIAL, SOD, FROZEN OR WET EARTH AND SHALL BE LARGER THAN 6 INCHES IN MAXIMUM DIMENSION.
- 14) ALL PAVED ROADWAYS MUST BE KEPT CLEAN AT ALL TIMES.

DUST CONTROL MATERIALS:

MATERIAL	WATER DILUTION	TYPE OF NOZZLE	APPLICA GALLONS
ANIONIC ASPHALT EMULSION	7:1	COARSE SPRAY	1
LATEX EMULSION	12.5:1	FINE SPRAY	2
RESIN IN WATER	4:1	FINE SPRAY	3
POLYACRYLAMIDE (PAM)-SPRAY ON POLYACRYLAMIDE (PAM)-DRY SPREAD		APPLY ACCORDING TO MANUFACTURER'S SPECIFICATIONS. MAY ALSO BE USED AS AN ADDITIVE TO RAP TO FLOCCULATE AND PRECIPITATE SUSPENDED SOLIDS (SEE SEDIMENT BASIN STANDARDS)	
ACIDULATED SOY BEAN SOAP STICK	NONE	COARSE SPRAY	1

VEGETATION STABILIZATION NOTES:

- 1) TEMPORARY VEGETATIVE COVER TO BE ESTABLISHED ON SOILS FROM 1 TO 12 MONTHS  
A) ADD LIMESTONE AT A RATE OF 4000 LB/ACRE AND 10-15% AT A RATE OF 800 LB/ACRE.  
B) PLANT AS FOLLOWS:  
BEFORE MAY 20 ANNUAL RYEGRASS 40 LB/ACRE  
MAY 20-JUNE 20 SUDANGRASS 60 LB/ACRE  
JUNE 20-AUG.1 WEeping LOVEGRASS 30 LB/ACRE  
AUG. 15-OCT. 15 ANNUAL RYEGRASS 40 LB/ACRE  
OR APRIL-OCT. KOREAN LESPEDEZA 40 LB/ACRE  
(IF ADEQUATE SOIL MOISTURE IS MAINTAINED)
- 2) PERMANENT VEGETATIVE COVER-GENERAL AREAS UNDER 5% SLOPE  
A) ADD LIMESTONE AT A RATE OF 4000 LB/ACRE OR ACCORDING TO RESULTS OF SOIL TESTS.  
B) 54 LBS/AC. KENTUCKY 38 LBS/AC. FESCUE, 5% RED TOP INERT (SOMETIMES DESIGNATED AS ATHLETIC FIELD MIXTURE).
- 3) PERMANENT VEGETATIVE COVER-CRITICAL AREAS-UNDER 5% SLOPE  
A) ADD LIMESTONE AT A RATE OF 4000 LB/ACRE OR ACCORDING TO RESULTS OF SOIL TESTS AND 10-20% FERTILIZER AT A RATE OF 10-20 LB/ACRE OR ACCORDING TO RESULTS OF SOIL TESTS.  
B) SEED WITH 50 LBS/AC. OF KENTUCKY, 40 LBS/AC. FESCUE LBS/AC. CROWN VETCH.
- 4) MULCHING IS REQUIRED ON ALL SEEDING. MULCH WILL INSURE EROSION BEFORE GRASS IS ESTABLISHED AND WILL PROMOTE EARLIER ESTABLISHMENT.  
A) THE FOLLOWING MATERIALS ARE SUITABLE FOR MULCHING-STRAW OR SALT HAY 1 1/2 TO 2 TONS/ACRE, ASPHALT EMULSION, CUTBACK ASPHALT 600 TO 1200 GAL/ACRE, WOOD FIBER OR PAPER FIBER (HYDROSEEDING 1500 LB/ACRE), MULCH NETTING, EXCELSIOR, COTTON OR PLASTIC.  
B) STRAW OR SALT HAY MULCHERS SHOULD BE IMMEDIATELY USING PEG TWINE NETTING, A MULCH ANCHORING TOOL OR LIQUID BINDERS.
- 5) ALL DISTURBED AREAS NOT SCHEDULED FOR CONSTRUCTION WITHIN 30 DAYS OF DISTURBANCE SHALL BE STABILIZED WITH VEGETATIVE COVER.
- 6) ALL ROADSIDE SWALES AND ROAD BANKS ARE TO BE STABILIZED IMMEDIATELY AFTER CONSTRUCTION.

TEMPORARY STABILIZATION WITH MULCH ONLY:

STRAW MULCH (HAY MULCH MAY BE SUBSTITUTED IF APPROVED BY DISTRICT) IS TO BE SPREAD UNIFORMLY AT A RATE OF 2 TO 2.5 TONS/ACRE (TOTAL GROUND SURFACE COVERAGE). THIS PRACTICE IS INTENDED TO BE USED WHEN VEGETATIVE COVER CAN NOT BE ESTABLISHED DUE TO OTHER CONDITIONS. MULCH MUST BE ANCHORED IN ACCORDANCE WITH STANDARD PRACTICES FOR SOIL EROSION AND SEDIMENT CONTROL. MULCH BE USED FOR SHORT PERIODS AND WILL REQUIRE MAINTENANCE. OTHER MULCH MATERIALS MAY BE UTILIZED IF APPROVED BY THE ENGINEER.

SOIL EROSION & SEDIMENT CONTROL DETAILS

7 03/09/22 RESOLUTION COMPLIANCE

NO.	DATE	REVISION
6	01/20/22	RESOLUTION COMPLIANCE
5	11/05/20	PER CLIENT
4	07/20/20	PLANNING BOARD
3	03/16/20	PLANNING BOARD
2	10/15/19	ADD WETLANDS
1	03/20/17	PER TOWNSHIP REVIEW

DANIEL E. PARKER  
NEW JERSEY LAND SURVEYOR LIC. NO. 35866



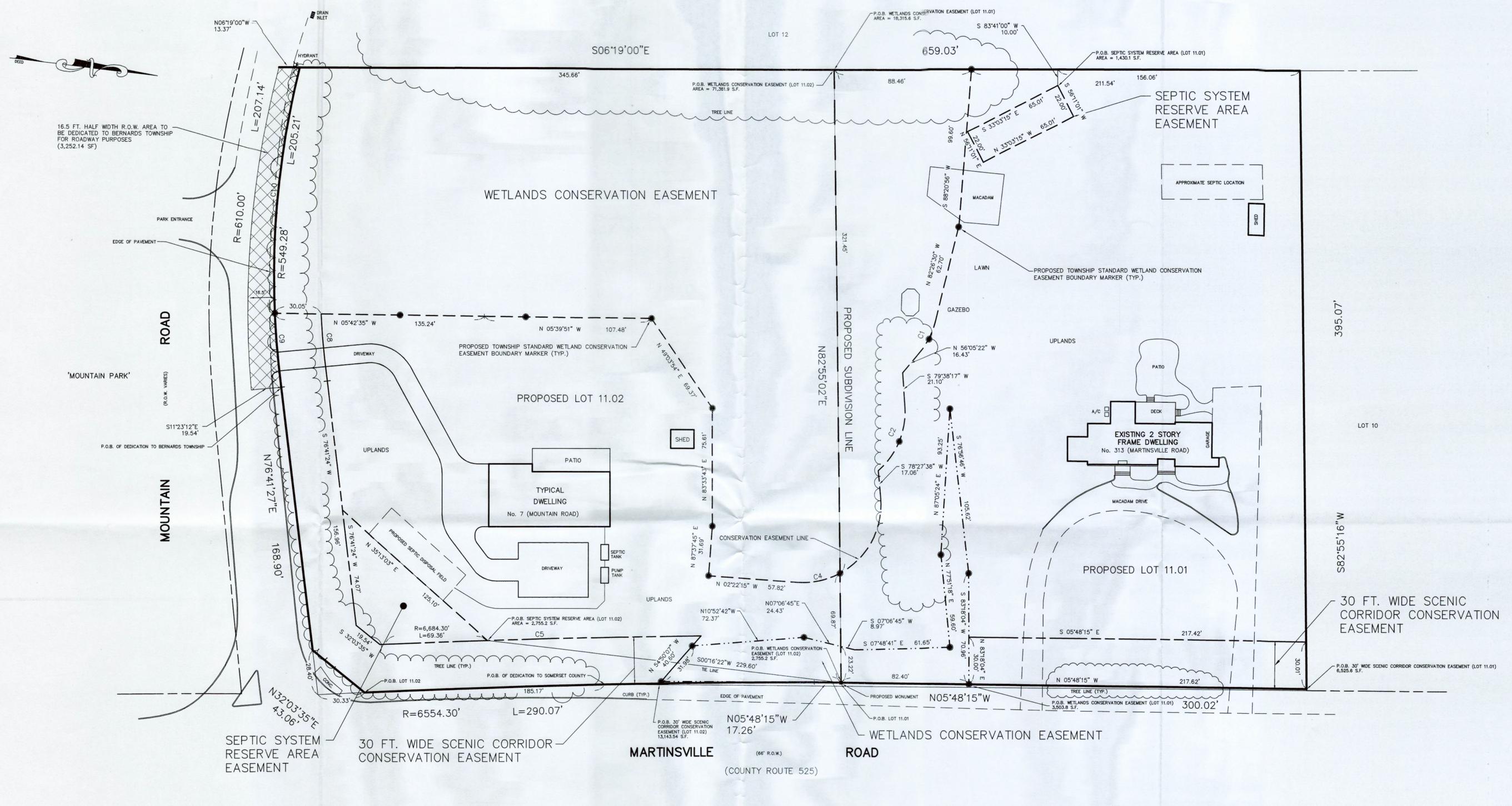
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PHONE: (908) 725-4400 - FAX: (908) 722-4401  
E MAIL ADDRESS: PARKERES@AOL.COM

DRAWN BY	CHECKED BY	SCALE	DATE	FILE
DEP	S.E.P.	1"=30'	2/9/16	12178

MINOR SUBDIVISION

LOT 11 BLOCK 11401 - 11  
TOWNSHIP OF BERNARDS  
SOMERSET COUNTY, NJ

STEPHEN E. PARKER  
NEW JERSEY PROFESSIONAL ENGINEER



CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	23.00'	50.00'	N69°15'56"W 22.79'
C2	46.85'	50.00'	N74°10'27"W 45.15'
C3	58.38'	50.00'	N68°05'24"W 55.12'
C4	28.16'	50.00'	N18°30'20"W 27.79'
C5	206.96'	6554.30'	S07°57'44"E 206.96'
C6	189.92'	6554.30'	S08°07'41"E 189.92'
C7	100.15'	6554.30'	S06°52'45"E 100.15'
C8	43.26'	519.28'	N78°21'37"E 43.25'
C9	47.62'	549.28'	N78°27'26"E 47.60'
C10	157.59'	549.28'	N89°09'36"E 157.05'



SOMERSET COUNTY DEDICATION DETAIL  
AREA = 731.8

NO.	DATE	REVISION
7	03/09/22	RESOLUTION COMPLIANCE
6	01/20/22	RESOLUTION COMPLIANCE
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DRAWN BY: DEP/PJD  
CHECKED BY: S.E.P.  
SCALE: AS NOTED  
DATE: 01/13/17  
FILE: 5705  
SHEET: 5 OF 5

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ENGINEERING & SURVEYING P.C.  
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(908) 725-4400 FAX (908) 722-4401

**MINOR SUBDIVISION**  
LOT 11 BLOCK 11401 - 11 MOUNTAIN AVENUE  
TOWNSHIP OF BERNARDS  
SOMERSET COUNTY, NEW JERSEY

**STEPHEN E. PARKER**  
NEW JERSEY PROFESSIONAL ENGINEER LIC. NO. 36187