

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – July 18, 2022
VIRTUAL ONLINE MEETING

1. **Statement of Adequate Meeting Notice:** Read by Chair Greenebaum at 7:32 pm.

2. **Roll Call:**

Present – Members Dello Russo, Greenebaum, Kramer, McDowell, Sailliard, Traynor (arrived at 7:58 pm), Loeffler and Reynolds.

Absent – Members Sedlak and Slocum.

Board professionals present: Attorney Louis P. Rago, Engineer Robert C. Brightly and Planner John P. Szabo, Jr.

3. **Approval of Minutes:**

Review of draft minutes of 6/20/22 meeting.

Upon review, a motion to approve the minutes as presented was made by Mr. Sailliard and seconded by Ms. Kramer.

Voice vote:

All eligible members voted in the affirmative.

4. **Communications:** The Chair noted the following correspondence:

5/12/22 Bernardsville News article re Edward English obituary.

5. **Old Business:** None.

6. **New Business:**

A. Application #22-02 BROWNE – Bulk Variance for Addition to Single-family Residence at 72 Seney Drive; B:40, L:16, Zone: R-3; Received 3/31/22; Waiver requests, completeness determination and public hearing scheduled for this evening.

Upon review and discussion, Mr. Szabo stated that the requested waivers are listed in his report. He opined that they are minor in nature and recommended they be granted. A motion to grant the requested waivers and deem the application complete was made by Ms. Kramer and seconded by Mr. Sailliard.

Voice vote:

All members voted in the affirmative.

Appearing on behalf of the application were owners Caroline and Peter Browne, both of whom were sworn by Mr. Rago. The owners explained that the purpose of this application is to obtain a rear yard setback variance in order to construct a small mud room addition and enclosed entrance to the attached garage at the southwest portion of their home. In doing so, part of the existing

deck that wraps around the west side of the house will be removed. This will result in a reduction to the house's footprint and consequently the amount of impervious lot coverage. To construct the proposed 218 S.F. addition, a 38' rear yard setback is proposed where 50' is required. The existing deck is currently in a nonconforming location as to its rear yard setback. The portion of the deck that will remain will be approximately 30' from the rear property line at its closest point. However, the drawings submitted for the application do not provide the setback dimension for the portion of the deck that is to remain. There was no indication that a variance had ever been obtained to construct the deck, which the owners stated was built prior to their ownership of the property. According to the application, the applicants' intention was to remove the gravel covered area beyond the paved driveway and gravel beneath the part of the deck to be removed and to replace it with lawn. As suggested by the Environmental Commission, they are amenable to planting natural grasses and/or perineal plants instead. Mr. Brown estimated the total height of the mud room addition to be 15' above grade with the lowest part of the roof at 12'. Ms. Brown opined that the proposed addition was insignificant and would likely not be visible to all but one of their neighbors.

Mr. Reynolds questioned whether the deck was considered impervious coverage since it has openings between the slats through which water can pass. Mr. Brightly and Mr. Szabo both affirmed that the language in the current ordinance counts decks as impervious and gives no credit for any amounts of porosity. Mr. Szabo suggested that the Board consider recommending an ordinance revision in its next annual report that would provide some percentage of credit for the semi-pervious nature of decks. Responding to Ms. Kramer question regarding overall impervious coverage, Chair Greenebaum responded that it is conforming. He also stated that the height of the addition is not an issue and that the current building height is conforming.

There were neither questions for the applicants nor comments on the application from members of the public.

Mr. Browne summarized the application stating that the requested variance is minimal and that the addition would be a positive improvement to the house and neighborhood. He asked that the Board approve their application.

Mr. Szabo commented that a portion of the house already encroaches into the side yard so the variance requested is related to an existing condition, which under the "c.1" criteria qualifies it as a hardship variance. Mr. Brightly recommended that the drawings be revised to more clearly indicate (possibly by shading) what portion of the deck is to be removed and what is to remain. He also requested that the final drawings for signatures be amended to provide the dimension from the closest point of the deck to the rear property line. The applicants agreed to do both.

A motion to approve the application as conditioned and stipulated to was made by Ms. Kramer and seconded by Mr. Dello Russo.

Roll call vote:

All in favor: Members Dello Russo, Greenebaum, Kramer, McDowell, Sailliard, Loeffler and Reynolds.

Those opposed: None. Those abstaining: None.

B. Review of 6/20/22 Bills List w/ Invoices.

Upon review, a motion to pay the listed invoices, in the amount of **\$1,682.50** was made by Mr. McDowell and seconded by Mr. Dello Russo.

Roll call vote:

All members voted in the affirmative.

7. Pending Applications: The Chair noted the following applications and their status:

A. Application #22-01 DAWNLEIGH LLC – Request for D68 Certificate of Non-conforming Use 1 Dawnleigh Lane, B:67, L:8, Zone R-4; Received 3/8/22; Deemed incomplete 5/12/22; awaiting document submittal.

B. BOA Application #22-03 MEGALLA-SCHEID – Bulk Variances for Detached Accessory Structures for Single Family Residence at 601 Mine Brook Road, B: 90, L: 10, Zone: R-2; Received 6/16/22; Pending completeness review.

C. BOA Application #22-04 MADDALI – Bulk Variances for Detached 3-Car Garage for Single Family Residence at 10 Chapin Road, B: 3, L: 14.03, Zone: R-1-10; Received 6/16/22; Pending completeness review.

8. Executive Session: None.

9. Comments from Members: None.

10. Comments from Staff: Mr. Rago reported that information is still being obtained in the NJAW water tower denial appeal litigation and that the next conference call with the judge will be on August 9th. Mr. Mottola indicated that the not to exceed contract amount provided by Boswell Engineering for consulting services has been requisitioned as a purchase order. He will request a signature proposal from Boswell as the not to exceed spending cap was only provided via email. On the Board's behalf, Mr. Mottola has requested an enhanced historic preservation report with regard to this litigation from Daniel Lincoln, the reviewing member of the Bernardsville HPAC.

11. Adjournment: Motion to adjourn: Mr. McDowell. Second: Mr. Dello Russo.

Upon an unanimous voice vote, Chair Greenebaum adjourned the meeting at 8:22 pm.

Respectfully submitted,



Frank Mottola,
Planning & Zoning Boards
Administrative Officer

Keywords: English-Browne- Caroline-Peter-72-Seney-residence-addition-mud-room-deck.