

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – April 2, 2018
PUBLIC MEETING – 7:30 pm

- 1. Statement of Adequate Meeting Notice:** Read by Chairman Greenebaum.
- 2. Flag Salute:** All present participated in the Pledge of Allegiance.
- 3. Roll Call:**
Present: Members Greenebaum, English, Dello Russo, Sailliard, Kramer, Sedlak, and Traynor.
Absent: Members Giglio, Carton, McDowell & Otteau.
Board professionals present: Messrs. Rago, Szabo and Brightly.
- 4. Approval of Minutes:** None.
- 5. Communications:** Copies of *The New Jersey Planner*, January/February 2018 edition, were distributed to the Board.
- 6. Old Business:** Status Update - 2018 Professional Evaluations: Chairman Greenebaum stated that he had received three sets of evaluations so far and asked members to submit them to him by the end of the week so he can compile them in time for the next meeting.
- 7. New Business:** Application #18-03 – Horsfield: Bulk variances for existing shed at 16 Garibaldi Street, B: 112, L: 1.03, Z: R-5; Received 2/26/18; Deemed technically incomplete on 3/7/18 but recommended for hearing by Board Planner Szabo.

Appearing on behalf of the application were property owners Emma and Steven Horsfield, who were both sworn by Mr. Rago. Chairman Greenebaum explained the procedure typically followed by applicants in requesting variances.

Mr. Horsfield introduced the application stating that he and Ms. Horsfield are requesting rear and side yard variances for a detached shed they installed in the rear corner of their property, with setbacks that are deficient of the required seven feet. The survey submitted as part of the application shows a 1.5' setback from the rear property line and a 1.1' setback from the side property line. The Horsfields are the first owners of the house that was completed in 2016. Several months after fencing the property in July 2016, they installed the shed because they have no garage or outside access to their basement. Having checked building regulations, it was their understanding that the no permit was required for the shed since it was less than 100 S.F. The shed was located to maximize utilization of their enclosed rear yard and was based on the location of other detached sheds they observed in their neighborhood. When a Borough official went to their property to close out the zoning permit for the fence in July 2017, the shed was observed and a violation notice subsequently issued.

As was noted in Mr. Brightly's 3/28/18 report, the location of the shed is in conflict with stormwater management facilities that were required as a condition of approval of the subdivision (Molinaro) from which the lot was created in 2014. A partial copy of the approved subdivision

plan was attached to Mr. Brightly's report, which further recommended the property survey be revised to show the stormwater management facilities. Consequently, the shed is located over the subsurface dry well facility. Although the Horsfields placed a gravel bed under the shed and elevated it on a railroad tie at the rear to facilitate draining, it was pointed out that they would not be able to maintain the structure as required in the subdivision deed. Mr. Brightly also cautioned that the structure may not be the traffic bearing reinforced type and unable to sustain the weight of a filled storage shed. The Horsfields stated that they were unaware of the cleaning and reporting requirements mandated by the subdivision deed restriction and detailed in the stormwater maintenance manual, a copy of which they said they had never received from the developer. Mr. Rago suggested they ask the attorney that represented them in the closing if he or she has it and is aware of the deed restriction. The Board requested the applicants confirm the location of the drywell on the property and research their closing documents for paperwork on the stormwater management requirements. Mr. Horsfield said they know the general location of the drywell as being in the same rear corner of lot as the shed. He said the builder/developer, Sam Maddaluna, prepped the gravel base for the shed. On a 50' wide lot there are not many options for placing a shed.

The Board asked the applicants to confirm the location of the dry well, research their maintenance obligations, determine if there are any alternate locations for the shed on the lot and adjourned the hearing to May 7 with no further notice required.

- 8. Pending Applications:** The Board acknowledged the four pending applications listed on the agenda and their anticipated hearing dates. Mr. Mottola was asked to change the hearing date for application #18-05 York to May 21st if possible.

- 9. Bills List:** None.

- 10. Executive Session:** Discussion of ongoing litigation matters.

Motion to close the public meeting and reconvene in executive session: Mr. Dello Russo.

Second: Mr. Sailliard.

Roll call vote: All members voted in the affirmative.

It is anticipated that the matters discussed in closed session may be disclosed to the public upon determination of the Board that the public interest will no longer be served by such confidentiality.

Motion to close the executive session and reopen the public meeting: Mr. Dello Russo.

Second: Mr. English.

Voice vote: All members voted in the affirmative.

- 11. Comments from Members:** None.

- 12. Comments from Staff:** None.

- 13. Adjournment:**

A motion to adjourn was made by Mr. English. Second: Mr. Dello Russo.

Voice vote: All members voted in the affirmative.

Chairman Greenebaum adjourned the meeting at 9:31 pm.

Respectfully submitted,

Frank Mottola, Planning & Zoning
Boards Administrative Officer

Keywords: evaluations-Horsfield-Garibaldi-shed-drywell-drainage-Maddaluna-litigation-opinion.