

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – April 16, 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, Carton, Traynor and McDowell.
Absent: Members Sedlak & Otteau.
Board professionals present: Messrs. Rago, Szabo and Brightly.
- 4. Approval of Minutes:** The Board reviewed draft minutes of the 4/2/18 meeting.
Motion to approve the minutes as presented: Mr. Dello Russo. Second: Mr. Sailliard.
Voice vote:
All eligible members voted in the affirmative.
- 5. Communications:** Copies of Russell Giglio's 4/12/18 letter of resignation were distributed to the Board. Chairman Greenebaum regretfully accepted the resignation and noted the new Board vacancy.
- 6. Old Business:**
 - A. Status Update - 2018 Professional Evaluations:** Chairman Greenebaum stated that he has received them all and will have compiled the results in time for the next meeting.
 - B. Memorialize resolution #18-01 Roberts - FAR & Dimensional Variances for Residence, Pool and Patio Additions at 200 Old Army Road, B: 50, L: 1, Zone: R-1;** Approved 3/19/18.
Chairman Greenebaum read the draft resolution on the record, into which the applicant's attorney's and Mr. Brightly's comments had already been incorporated. A lot coverage area revision offered by Mr. Brightly and a text revision suggested by Chairman Greenebaum were accepted. Motion to adopt the resolution as revised: Mr. Dello Russo. Second: Ms. Kramer.
Roll call vote:
All in favor: Members Greenebaum, English, Dello Russo, Sailliard and Kramer.
Those opposed: None.
 - C. Adopt resolution of appreciation for P. David Zimmerman:** Chairman Greenebaum read the draft resolution on the record. Motion to adopt the resolution as read: Ms. Kramer.
Second: Mr. English.
Voice vote:
All members voted in the affirmative.
- 7. New Business:**
 - A. Application #18-02 – Fitzpatrick:** Bulk variances for new detached garage 44 Highview Avenue, B:53, L:13; Zone: R-4; Received 2/7/18; Deemed technically incomplete but recommended for hearing 3/26/18 by Board Planner Szabo.

Appearing for the application was property owner Margaret Fitzpatrick, who was sworn by Mr. Rago. Chairman Greenebaum explained the procedure typically followed by applicants in presenting their variance requests to the Board.

Ms. Fitzpatrick introduced the application stating that she wishes to construct a detached two-car garage. Rather than a typical side by side layout, she is proposing a front to back/tandem parking arrangement, as that configuration best suites her property. It will be located at the end of an existing driveway that runs parallel and 6'-10" in from the northern lot line. This area where cars currently park is enclosed with an 8' high wood fence. The proposed one story, 480 S.F. garage would be 12' wide x 40' long and would replace the wood fence. Per the zoning officer's report, variances are required for deficient side yard setbacks for the existing driveway (6'-10" proposed – 8' required) and proposed garage 6'-10" proposed – 10' required) and for deficient front yard setback (31'-9" proposed – 40' required). The side yard variances are requested because to construct the driveway with a conforming side yard setback, the driveway would either have to be bent to meet the garage or the entire driveway moved to fall in line with garage. In either scenario, to avoid the proposed construction an existing sewer line would have to be moved at considerable cost. The front yard setback variance is requested in order to align the front of the garage with the front of the house (not the front one story, wraparound porch, which is further deficient at 17'-11" from the street). Ms. Fitzpatrick stated the house was constructed in 1911. There is no intent to remove the existing vegetation along the north property line, which consists of an elm tree, a fir tree and a row of approximately 30' high spruce trees. The exterior siding will be either cedar shakes to match the house, if affordable, or clapboard. Although the façades are not yet fully designed, she intends to have windows on the south side facing the house. At the Board's suggestion, she agreed to add four high, transom type windows on the north side of the garage to soften and balance the appearance of that long façade.

Mr. Brightly commented that due to the size of the proposed garage addition, new stormwater management facilities (dry wells) would not be required. Moving the driveway would be counterproductive since new curbs and driveway openings were recently installed on Highview Ave.

There were no questions of the applicant from members of the public.

Mr. Phillip Kennedy-Grant, 38 Highview Avenue, commented on the historic nature of the neighborhood and that many detached garages exist and were typical for the era. He said that the existing front yard setback on the subject lot is consistent with the neighborhood. He is familiar with and complemented Ms. Fitzpatrick's work as an architect. He believes the proposed garage is optimally located on the site and recommended the Board approve the application.

There were no other comments from the public.

Mr. Dello Russo agreed with Ms. Kramer's comments that the application was well thought out and it should be approved. Mr. Rago restated the variances required by the application and conditions of approval discussed by the Board. Motion to approve the application as conditioned: Ms. Kramer. Second: Mr. Dello Russo.

Roll call vote:

All in favor: Members Greenebaum, English, Dello Russo, Sailliard, Kramer, Carton & Traynor. Those opposed: None.

B. Review 4/16/18 Bills List with Vouchers:

Motion to approve vouchers in the amount of \$6,066.75: Mr. McDowell. Second: Ms. Kramer.

Roll call vote:

All members voted in the affirmative, except for Mr. Carton who abstained.

8. Pending Applications: The Board acknowledged the five pending applications listed on the agenda and their anticipated hearing dates.

9. Executive Session: Matters of personnel and ongoing litigation.

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

Second: Mr. English.

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. McDowell.

Second: Ms. Kramer.

Voice vote: All members voted in the affirmative.

10. Comments from Members: Chairman Greenebaum agreed with Mr. Carton's comment that zoning reports for applications should be issued sooner than the day of the hearing as was the case for the above application. Mr. Mottola was asked to relate the Board's sentiment to Zoning Officer Geoffrey Price.

Chairman Greenebaum also reminded members of the April 30 deadline for online filing of their state-required Financial Disclosure Statements.

11. Comments from Staff: None.

12. Adjournment:

A motion to adjourn was made by Mr. Sailliard. Second: Mr. McDowell.

Voice vote: All members voted in the affirmative.

Chairman Greenebaum adjourned the meeting at 11:01 pm.

Respectfully submitted,

Frank Mottola, Planning & Zoning
Boards Administrative Officer

Keywords: Fitzpatrick-Highview-garage-evaluations-zoning-financial-personnel-litigation.