

BOARD OF ADJUSTMENT  
BOROUGH OF BERNARDSVILLE  
**Minutes – July 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: Mr. Sedlak,  
Board professionals present: Messrs. Rago, Szabo and Brightly.
- 4. Approval of Minutes:** Board review of draft 6/18/18 meeting minutes:  
Motion to approve the minutes as presented: Mr. Carton. Second: Mr. Dello Russo.  
Voice vote:  
All eligible members voted in the affirmative.
- 5. Communications:** Copies of The New Jersey Planner, May/June 2018, VOL. 79, No. 3 were provided to the Board.
- 6. Old Business:**
  - A. Continued App. #18-06 – Claremont Commons -124:** Use & bulk variances for new two-family residence at 124 Claremont Road; B: 37, L: 13, Zone: B-1.  
Deemed complete 4/18/18, Decision required by 8/16/18, Previously heard on 5/21/18.  
  
Appearing on behalf of the application were attorney Lindsey Cameron, engineer Stephen Parker, architect Douglas Asral and planner/landscape architect John Sadlon.  
  
Mr. Dello Russo was recused from hearing this application and left the dais.  
  
Applicant introduced exhibits:  
**A-4** Revised architectural drawings by Astral Architect, last dated 6/18/18, A-1, A2 & A-3.  
  
In response to Board comments about driveway configuration and excessive front yard pavement at the prior hearing, a revised 11" x 17" site plan drawing by Parker Engineering, titled "SKETCH PLAN Tax Map Lots 12 & 13 Block 37" was submitted on 6/8/18. A revision date was not added to the 2/1/18 original drawing. Mr. Parker explained that the plan, which is for both of the neighboring 124 and 126 Claremont lots, shows revised driveway configurations with reduced pavement and increased areas for landscaping in both front yards. He stipulated agreement with and conformance to Mr. Brightly's 5/7/18 report comments. The zoning table will be revised to indicate the change in impervious coverage. Per Mr. Brightly, the front yard coverage has been reduced from approximately 76% to about 60%.  
  
There were no questions from the public for Mr. Parker.

Copies of new **Exhibit A-4** were distributed to the Board and professionals. Referring to A-4, Mr. Asral explained that the proposed building height of 34.9' is indicated with measurements from the average grade elevation (102.25' - indicated on the site plans) to the mean roof elevation of 137.15'. The Board agreed with Mr. Brightly's recommendation that any approval be conditioned on the submittal of modified architectural drawings and subsequent building height verification by the zoning officer. Mr. Asral said that neither building is closer to a property line than 5', which requires a 1 hour fire rated exterior wall and total window penetrations not exceeding more than 10% of the entire exterior wall surface. This building will be at 6.6%. There will also be a 1-hour rated fire separation between the two units. Although the Fire Prevention report recommended there be no windows on the facing walls of each building, the Board felt that this would limit natural light in the dwellings. The Board did not wish to impose this restriction as a condition of approval provided the applicant further discuss the matter with the fire official and the opposing exterior building walls are built to code.

There were no questions from the public for Mr. Asral.

Mr. Sadlon (of John McDonough Associates, LLC) was sworn and qualified. He stated that they had received the report comments made by the Planner, Engineer and Shade Tree Commission and stipulated compliance with all. Responding to Mr. Carton, he said that as part of the comments revisions the Sentry American Lindens at the front of the property would be replaced with more columnar trees. Per Mr. Brightly, separate landscape plans will have to be submitted for each of the two properties, as the drawing submitted for the application was for both properties. Mr. Sadlon confirmed that the table labeled "Wildflower Mix" on the drawing is not applicable and will be removed.

There were no questions from the public for Mr. Sadlon.

Ms. Cameron summarized the application providing justifications for the Board to grant the requested use, setback and height variances, stating they are essentially the same variances granted for the prior application when the two properties were combined. It was her opinion that all of the Board's concerns have been adequately address. She provided a hard copy of the DEP Phase I environmental assessment for the application file.

The draft approval resolution prepared by Mr. Rago for this application incorporated comments received from Mr. Brightly and Ms. Susan Rubright, Esq. Mr. Rago pointed out that although not underground oil tanks were found as part of the Phase I assessment, the resolution provides that if any are discovered during the course of construction, a tank sweep of the entire property will have to be performed.

A motion to approve the application was made by Ms. Kramer and seconded by Mr. English.

Roll call vote:

All in favor: Members Greenebaum, English, Sailliard, Kramer, Carton and Traynor.

Those opposed: None.

Chairman Greenebaum read the draft resolution on the record. Condition 11 requiring a tank sweep of the property was deleted and a new conditions 11 was added requiring submittal of six sets of final revised drawings for signatures by the Borough Engineer, Board Chairman and Board Secretary. The standard condition requiring dry wells and O&M manuals tied to a deed restriction was also added.

A motion to approve the resolution as amended was made by Mr. Carton and seconded by Mr. English.

Roll call vote:

All in favor: Members Greenebaum, English, Sailliard, Kramer, Carton and Traynor.

Those opposed: None.

**B. Continued App. #18-07 – Claremont Commons - 126:** Use & bulk variances for new two-family residence at 126 Claremont Road; B: 37, L: 12, Zone: B-1.

Deemed complete 4/18/18, Decision required by 8/16/18, Previously heard on 5/21/18.

Appearing on behalf of the application were attorney Lindsey Cameron, engineer Stephen Parker, architect Douglas Asral and planner/landscape architect John Sadlon.

Mr. Dello Russo also recused himself from hearing this application.

Mr. Rago asked all of the applicant's witnesses if there are any substantial differences in the testimony provided for Mr. Dello Russo application from that intended for this, Mr. Rossi's, application. Mr. Parker pointed out that with this application the duplex had to be moved closer to the rear property line so that none of the front driveway would be located within the county ROW. Accordingly, as shown on the resubmitted Sketch Plan, the offset between the two halves of the building was shortened from four to two feet and the rear yard setback reduced from 10' to 8'. There was about 150 S.F. reduction in the impervious coverage.

Mr. Asral introduced a set of three revised architectural drawings for this property, last dated 6/18/18, which were marked as **Exhibit A-5**. He stated that a maximum building height of 34.9' is also proposed for this building, same as that for 124 Claremont.

Ms. Cameron summarized the application providing justifications for the Board to grant the requested use, setback and height variances, stating they are essentially the same variances granted for the prior application when the two properties were combined. It was her opinion that all of the Board's concerns have been adequately address. The hard copy of the DEP Phase I environmental assessment provided for the above application is also applicable to this application.

The draft approval resolution prepared by Mr. Rago for this application incorporated comments received from Mr. Brightly and Ms. Susan Rubright, Esq. Mr. Rago pointed out that although not underground oil tanks were found as part of the Phase I assessment, the resolution provides that if any are discovered during the course of construction, a tank sweep of the entire property will have to be performed.

A motion to approve the application was made by Ms. Kramer and seconded by Mr. Sailliard.

Roll call vote:

All in favor: Members Greenebaum, English, Sailliard, Kramer, Carton and Traynor.

Those opposed: None.

Chairman Greenebaum read the draft resolution on the record. Condition 11 requiring a tank sweep of the property was deleted and a new conditions 11 was added requiring submittal of six sets of final revised drawings for signatures by the Borough Engineer, Board Chairman and Board Secretary. The standard condition requiring dry wells and O&M manuals tied to a deed restriction was also added.

A motion to approve the resolution as amended was made by Ms. Kramer and seconded by Mr. English.

Roll call vote:

All in favor: Members Greenebaum, English, Sailliard, Kramer, Carton and Traynor.

Those opposed: None.

**7. New Business:**

**A. Determine meeting date for MEL-JIF required Board member training.** Chairman Greenebaum explained the nature of the required personal liability training and the reasoning behind it. Mr. Rago added that this is something being required statewide for all towns covered by the JIF. The Board agreed to have Mr. Rago conduct its training during the meeting scheduled for August 20. Mr. Mottola informed the Board that the Planning Board will be conducting its training on July 26 which will be open to Board of Adjustment members with scheduling conflicts. Similarly Planning Board members will be invited to attend the BOA training.

**B. Review of 7/16/18 Bills List with Vouchers.**

Motion to pay bills in the amount of \$5,059.00: Mr. McDowell. Second: Mr. English.

Roll call vote:

All members voted in the affirmative except members Carton and Traynor, who abstained.

**8. Pending Applications:** the Board acknowledged the following pending application:

*#18-08 CLAREMONT MANOR - Preliminary & Final Multi-Family Site Plan w/ Use and Dimensional Variances for New 23 Unit Condominium Building with Enclosed Parking at 24-26 Claremont Road., B:75 L:6; Zone: B-1; Received 7/9/18; Pending completeness review.*

**9. Executive Session: Discussion of personnel and ongoing litigation matters:**

Chairman Greenebaum read the closed session resolution on the record.

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

Second: Mr. Carton.

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: Mr. Sailliard.

Voice vote: All members voted in the affirmative.

**10. Comments from Members:** None.

**11. Comments from Staff:** None.

**12. Adjournment:**

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

Voice vote: All members voted in the affirmative.

Chairman Greenebaum adjourned the meeting at 10:02 pm.

Respectfully submitted,

Frank Mottola, Planning & Zoning  
Boards Administrative Officer

Keywords: Claremont-Commons Dello Ruso-Rossi-MEL-JIF-training-petroleum-litigation.