

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – June 7, 2021
VIRTUAL ONLINE MEETING

1. **O.P.M.A. Statement:** A statement of adequate meeting notice and adherence to the state mandated emergency remote meetings protocols, as set forth on this meeting's web-posted agenda, was read by Chair, David Greenebaum, at 7:30 pm.
2. **Roll Call:**

Present: Members Carton (arrived 7:55), Greenebaum, Kramer, McDowell, Sailliard, Slocum and Traynor.
Absent: Members Dello Russo, English and Sedlak.
Board professionals present: Attorney Louis P. Rago, Engineer Robert Brightly and Planner John Szabo, Jr.
3. **Meeting Minutes:**

A Review minutes of 4/19/21:
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.

B. Review draft minutes of 5/3/21 meeting:
Upon review a motion to approve the minutes as presented was made by Mr. McDowell and seconded by Mr. Slocum.
Voice vote:
All eligible members voted in the affirmative.
4. **Communications:** Copies of The New Jersey Planner, March/April 2021, Vol.82, No.2. were distributed electronically to members of the Board.
5. **Old Business:**

A. Memorialize resolution #21-01 PARAGANO – Bulk Variances for Additions and Renovations to Existing SFR; 40 Flintlock Ct.; B: 80, L: 33.13, Zone: R-2; Approved 5/17/21.
Chair Greenebaum read the draft resolution on the record. Owner Vincent Paragano was in attendance and discussed with the Board the deed notice requirement regarding the existence and maintenance obligation for dry wells on the property. Mr. Brightly agreed to send him an example of the standard deed language.
A motion to adopt the resolution as drafted and memorialize the Board's 5/17/21 approval was made by Mr. Slocum and seconded by Mr. Sailliard.
Roll call vote:
All in favor: Members Greenebaum, Kramer, Sailliard, Traynor and Slocum.
Those opposed: None. Those abstaining: None.

B. Memorialize resolution #21-02 ADAMS – Bulk Variance to Rebuild Detached Garage for Single-family Residence 77 Mullens Lane, B: 59, L: 7, Zone: R-4; Approved 5/17/21.

Chair Greenebaum read the draft resolution on the record. Upon review, it was determined that the variance the Board granted to exceed the maximum allowable floor area, and as cited in the zoning officer's report, was omitted from the resolution and must be added. Additionally, Mr. Szabo clarified that this is only a dimensional, "c" variance, not a FAR, "d" variance. The sections of the resolution that need to be amended were noted. Either Mr. Rago or Mr. Mottola will amend the resolution accordingly.

A motion to adopt the resolution with the required amendments and memorialize the Board's 5/17/21 approval was made by Ms. Kramer and seconded by Mr. Slocum.

Roll call vote:

All in favor: Members Carton, Greenebaum, Kramer, Sailliard Traynor and Slocum
Those opposed: None. Those abstaining: None.

6. New Business:

A. Application #21-03 HERNANDEZ - Bulk Variances to Expand Single Family Residence & Rebuild Detached Garage; 16 Woodland Road, B: 78, L:5, Zone: R-4; Received 3/23/21.

Hearing for waiver requests, completeness determination and application:

Appearing on behalf of the application were owners Megan and Robert Hernandez and architect Nick Bensley. All were sworn and Mr. Bensley was qualified.

A completeness waiver from providing complete topographic contours of all areas within 300' of the subject lot was requested. Corner elevations at the dwelling were provided on a revised site plan. Upon consideration, a motion to grant the requested waiver and deem the application complete was made by Ms. Kramer and seconded by Mr. Slocum.

Voice vote:

All members voted in the affirmative.

Per Ms. Hernandez, the applicants determined that they need additional living space to be able to continue living in their existing home, which they purchased in 2018. The proposed addition will add eat-in space in the kitchen, a living area and a master bedroom on the second floor.

There were no questions from either the Board or the public for Mr. and Ms. Hernandez.

Mr. Bensley expounded upon the scope of the proposed work stated prior by the owner, which also includes the reconstruction of a dilapidated detached garage as a storage facility. All of the requested variances are for nonconforming setbacks. The property is a narrow and deep undersized corner lot, 50' x 220', which has two front yards. On the Woodland Rd. side, a 21.4' setback exists where 30' is required and from Essex St., the house is 13.7' where 40' is required. At one of the side yards, an existing wrap-around porch is setback 1.1' where 10' is required. The existing detached garage encroaches 0.7' into the street right-of-way. For this application, the hardship of not being able to expand the home without variances is driven by the narrowness of the lot and the need to maintain two front yard setbacks. It is Mr. Bensley's interpretation of the ordinance that the front yard setback from Essex St. is 30', and 40' from Woodland Rd., not vice versa as stated by Mr. Bensley.

Mr. Bensley displayed variance drawing sheet V-2 to explain the existing and proposed floor plans. 396 S.F. will be added onto each floor. The building foot print will be increased an additional 43 S.F. with an

expansion of a covered porch. The 12' x 16' structure that will replace the detached garage will be used for storage, not as a garage. As the existing garage foundation cannot be reused, the new storage structure will be out of the right-of-way, setback 2' from the street line and moved back into the lot approximately 4' to the current rear wall line of the garage. Its exterior finish will be compatible with that of the house. Moving the structure further than 4' back into the lot would likely involve disturbance of steep slopes. None of the existing nonconforming setbacks will be exacerbated. Since the amount of proposed new roof area will be under 500 S.F., new stormwater management facilities are not required. The applicant agreed to connect the leaders from the new roof area to existing subsurface drainage if possible or to direct at least one side of the roof drainage onto the driveway. The applicant stipulated to complying with all of Mr. Brightly's report comments and providing updated drawings to reflect the changes to the storage structure.

There were no questions from the public for Mr. Bensley. Mr. Rago summarized the application and reviewed potential conditions should the Board vote to approve the application. A motion to approve the application as conditioned was made by Ms. Kramer and seconded by Mr. McDowell.

Roll call vote:

All in favor: Members Carton, Greenebaum, Kramer, Sailliard, Traynor, McDowell and Slocum.
Those opposed: None. Those abstaining: None.

B. Review 6/7/21 Bills List w/ Invoices:

Upon review, a motion to approve the listed invoices in the amount of **\$5,968.82** was made by Mr. McDowell and seconded by Mr. Slocum.

Roll call vote:

All members voted in the affirmative.

7. Pending Applications: The Board acknowledged these applications and their respective status:

A. Continued Application #20-01 NJ AMERICAN WATER CO., INC. – Fenwick Tower
–Preliminary and Final Major Site Plan with Conditional Use & Bulk Variances for replacement water tank at Mendham Road; B: 5, L: 5, Zone: R-1; Deemed complete & hearing commenced on 11/16/20, also heard on 3/1 & 4/5/21; Scheduled to be continued 6/21/21.

[Eligible to vote: Carton, English, Greenebaum, Kramer, Sailliard, McDowell and Slocum.].

B. Continued Application #20-07 BANK OF AMERICA (ATM) – Amended Site Plan w/ Dimensional Variances; 37 Morristown Rd.; B:125, L:8, Zone: C-1; Rec'd 8/12/20; Previously heard 11/2 & 12/7/20 and 2/16 & 4/5/21; Scheduled to be continued and decision deadline extended to 7/19/21.

[Eligible to vote: Carton, English, Greenebaum, Kramer, McDowell, Sailliard, Sedlak and Slocum.].

C. Continued Application #19-09 OCHS – Bulk variances for residential addition and retaining wall; 180 Round Top Road, B: 81, L: 24, Zone: R-1A; Received 9/24/19; Decision required by 2/29/20. Previously heard 12/2/19 & 11/16/20; Decision deadline extension to 12/31/21; Scheduled to be continued 9/7/21.

[Eligible to vote: Greenebaum, Sailliard, Kramer, Traynor, McDowell and Slocum.].

D. Application #21-04 PHILLIPS – Bulk Variances for Addition and Alteration to Single Family Residence at 21 Chestnut Avenue, B: 34, L: 3.01, Zone: R-2; Received 4/8/21; Pending completeness review.

E. Application #21-05 SHAVER – Bulk Variance for New Detached Shed on Single Family Residential Lot at 20 Southfield Drive, B: 28, L: 49.06, Zone: R-2; Received 4/22 & 5/4; Pending completeness review.

F. Application #21-06 GREGORY – Bulk Variances for New Detached Barn on Single Family Residential Lot at 130 Chapin Road, B: 3, L: 7, Zone: R-1; Received 4/29/21; Pending completeness review.

G. Application #21-07 SCOTT – Bulk Variances for Driveway and Patio Expansions at 371 Claremont Road B: 6, L: 10, Zone: R-1-10; Received 5/10/21; Pending completeness review.

8. **Executive Session:** None.

9. **Comments from Members:** None.

10. **Comments from Staff:** None.

11. **Adjournment:**

Motion to adjourn: Mr. McDowell.

Second: Mr. Slocum.

Voice vote:

All members voted in the affirmative.

Chair Greenebaum adjourned the meeting at 8:95 pm.

Respectfully submitted,



Frank Mottola,
Planning & Zoning Boards
Administrative Officer

Keywords: Paragano-Lincoln-Flintlock- Adams-Mullens-garage-Hernandez-Woodland-Bensley.