

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – July 19, 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, English, Greenebaum, McDowell, Sailliard, Slocum and Traynor.

Absent: Members Dello Russo, Kramer and Sedlak.

Board professionals present: Attorney Louis P. Rago and Planner John Szabo, Jr.

3. **Meeting Minutes:**

Review draft minutes of 6/7/21 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:** 7/14/21 D. Hickey, Esq. letter re BOA Application #20-07 Bank of America – Request for hearing postponement to 10/18/21 with decision deadline extension to 10/18/21 (re #5A).

5. **Old Business:**

A. 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 7/19/21; Applicant requests postponement of hearing to 10/18/21 and provides corresponding decision deadline extension.

Referencing the above correspondence from the applicant's attorney, Chair Greenebaum announced that this application will be carried to the 10/18/21 meeting with the proviso that the applicant refresh their notice, given the length of time since the application was last heard and the likelihood that the 10/18 meeting may not be remote.

B. Memorialize resolution #20-02 BV Two, LLC - Preliminary & Final Major Site Plan w/ Use and Bulk Variances for storage structures with outdoor storage; Old Quarry Road; B:100, L:2.41, Zone I; Approved 4/19/21.

The Chair read the draft resolution on the record with the inclusion of Mr. Brightly's markups that were provided in advance of the meeting. Mr. Rago said he will add Mr. Brightly's comments to the final draft. A motion to adopt the resolution as discussed and amended was made by Mr. McDowell and seconded by Mr. Slocum.

Roll call vote:

All in favor: Members English, Greenebaum, Sailliard, McDowell and Slocum

Those opposed: None. Those abstaining: None.

C. Memorialize resolution #21-03 Hernandez - Bulk Variances to Expand Single Family Residence & Rebuild Detached Garage; 16 Woodland Road, B: 78, L:5, Zone: R-4; Approved 6/7/21.

The Chair read the draft resolution on the record with the inclusion of Mr. Brightly's markups that were provided prior to the meeting. With no further revisions deemed necessary, a motion to adopt the resolution as discussed and amended was made by Mr. McDowell and seconded by Mr. Sailliard.

Roll call vote:

All in favor: Members English, Greenebaum, Sailliard, McDowell and Slocum

Those opposed: None. Those abstaining: None.

6. New Business:

A. 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; Deemed incomplete 6/21/21; *Waiver requests, completeness determination application were heard as follows:*

Because Chair Greenebaum he is a property owner within 200' of the subject property, he recused himself from hearing this application. Vice Chair English officiated in his stead. Appearing on behalf of the application were owners Amy and Joshua Shaver. Both were sworn by Mr. Rago.

Addressing the issues of requested waivers and completeness, Mr. Szabo advised that provided the applicant agrees to adding a signature block to the variance plan, he recommends that the Board grant the waivers and deem the application complete. As the Board and applicant were amenable such provision, a motion to grant the requested waivers and deem the application complete was made by Mr. McDowell and seconded by Mr. Sailliard.

Roll call vote:

All in favor: Members Carton, English, McDowell, Sailliard and Slocum.

Those opposed: None. Those abstaining: Mr. Traynor.

Ms. Shaver stated that the her family has owned the property for five years. They have endeavored to remain conforming with all of the landscaping and built enhancements added their property in that time. However, the property is oddly shaped with the left side yard to the southwest of the house occupied by a septic field and a 50' wide drainage easement. These greatly limited the location on the lot where a shed for pool equipment and patio furniture storage can be placed. The principal structure located right at the 30' setback line, leaving no room for any other structures in between. The garage is currently being used for the aforementioned storage. A shed that already exists on the property is not suitable for storage the intended use due to its distance from the pool and because it is already being used for of other materials. Prior to their application, the Shavers had already installed the subject shed within the right side yard, at the end of the driveway. Ms. Shaver said that such positioning is common in the neighborhood. The shed setback 6' from the property line where 30' is required. A stormwater management plan is already in place from when the rear yard pool and patio were developed. The plan accounts for the lot coverage attributed to the subject shed. The chosen location is the only practical location for the shed.

Responding to Mr. Carton, Mr. Szabo confirmed that part of the older, existing shed is positioned within the front yard setback. The opposite side of this shed is up against the

drainage easement line. Per Ms. Shaver, the older shed was there when they purchased the property and is probably about 20 years old. As the Shaver's notice included language that allows for the granting of other variances determined to be needed by the Board, Mr. Rago recommended and Mr. Szabo agreed that the Board should grant a front yard setback variance for the older shed. Ms. Shaver said that its north corner provides a terminal point for an existing fence that screens their rear yard. It would be a hardship to have to move the older shed and attached fence. The Board agreed that an additional variance for the older shed could be added to the application.

There were neither questions for Ms. Shaver nor comments on the application from the public.

A motion to approve the application with variances for both old and new sheds was made by Mr. Slocum and seconded by Mr. McDowell.

Roll call vote:

All in favor: Members Carton, English, McDowell, Sailliard, Traynor and Slocum.

Those opposed: None. Those abstaining: None.

B. Review 7/19/21 Bills List w/ Invoices

Upon review, a motion to approve the listed invoices in the amount of **\$4,553.14** was made by Mr. McDowell and seconded by Mr. English.

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 & 5/17/21; Decision deadline extended to 8/31/21 and scheduled to be continued 8/2/21.

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

B. 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; Deemed incomplete 6/21/21; Waiver requests, completeness determination & hearing scheduled for 8/16/21.

C. 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; Deemed incomplete 6/29/21; Waiver requests, completeness determination & hearing scheduled for 8/16/21.

D. 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 extended to 12/31/21; Scheduled to be continued 9/7/21.

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

E. 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; Deemed incomplete 6/21/21; Waiver requests, completeness determination & hearing date T.B.D.

8. **Executive Session:** None.
9. **Comments from Members:** None.
10. **Comments from Staff:** None.

11. Adjournment:

Motion to adjourn: Mr. McDowell.

Second: Mr. Traynor.

Voice vote:

All members voted in the affirmative.

Chair Greenebaum adjourned the meeting at 8:43 pm.

Respectfully submitted,



Frank Mottola,
Planning & Zoning Boards
Administrative Officer

Keywords: Bank-America-Hickey-BV-Two-Hernandez-Woodland-Shaver-Shed-Southfield.