

**BOARD OF ADJUSTMENT
REORGANIZATION MEETING MINUTES
JANUARY 5, 2010
7:30 PM**

1- OPEN PUBLIC MEETING STATEMENT

Chairwoman Desjourdy read into record. "Adequate notice of this meeting has been provided by including same in the annual notice, copies of which are posted on the Municipal Building Bulletin Board on the main floor of the Municipal Building, mailed to The Bernardsville News and Courier-News and filed with the Municipal Clerk, all on January 20, 2009 at 3:00 pm. It is the intention of the Board not to continue any matter past 11:00 pm at any regular or special meeting of the Board unless a motion is passed by the members then present to extend to a later specified cut-off time same shall be announced at the opening of each meeting."

2- SWEARING IN/RECOGNITION OF MEMBERS

Gerald Negri, Full Member, Three Year Term Expiring 12/2012

Steve Omlor, Full Member, Three Year Term Expiring 12/ 2012

George Peterson, Full Member, Three Year Unexpired Term, Expiring 12/31/10

Edward English, Alternate # 1, Two Year Term Expiring 12/ 2011

Renee Robertson, Alternate # 2, Two Year Term, Unexpired Term 12/2010

Kate Lincoln, Alternate # 3, Two Year Term, Expiring 12/2011

Jeff Sailliard, Alternate # 4, Two Year Unexpired Term, Expiring 12/2010

Board Attorney John Lynch administered the Oath of Office to each Member.

3- ROLL CALL

Members Present: Ms. Dee, Mr. Omlor, Mr. Biba, Ms. Desjourdy, Mr. Greenebaum, Mr. Negri and Mr. Peterson. Mr. English, Ms. Robertson, Ms. Lincoln and Mr. Sailliard.

Professionals Present:

John Lynch, Board Attorney; Robert Brightly, Board Engineer and P. David Zimmerman, Board Planner

3- ELECTION OF OFFICERS

Mr. Lynch presided over the Election

➤ **CHAIRPERSON**

Nomination for Kathleen Desjourdy to serve as Chairperson: Mr. Biba

Second: Ms. Dee

No other Nominations were offered:

Voice Vote: All members present voted in the affirmative.

➤ **VICE CHAIRPERSON**

Nomination for Paul Biba to serve as Vice Chairperson: Ms. Desjourdy

Second: Mr. Omlor

Nomination for David Greenebaum to serve as Vice Chairperson: Mr. Peterson

Second: Mr. Negri

Paper Ballot: Majority voted in favor of Mr. Biba

Mr. Biba will serve as Vice Chairperson

At this time the new appointed members were welcomed. Mr. Lynch and Mr. Biba each provided a brief overview of the role of the Bard of Adjustment and their respective role as Alternate. Attendance at the mandated NJPO course was highly recommended at their earliest convenience.

5- RESOLUTIONS

➤ **MEETING DATES: 01-2010**

**Motion to adopt Revised Resolution noting, January 19 and January 25
Joint Meeting with Governing Body and January 4, 2011 Reorganization
Meeting: Mr. Negri**

Second: Mr. Greenebaum

Voice Vote: All members present voted in the affirmative.

➤ **ADMINISTRATIVE OFFICER: 02-2010**

Motion to approve: Mr. Biba

Second: Mr. Omlor

Voice Vote: All members present voted in the affirmative.

➤ **ATTORNEY: 03-2010**

➤ **COURT REPORTER: 04-2010**

➤ **ENGINEER: 05-2010**

➤ **PLANNER: 06-2010**

Motion to approve Resolutions 03-2010 through 06-2010: Mr. Biba

Second: Mr. Omlor

6- APPROVAL OF MINUTES: December 7, 2009

[All 2009 Members eligible to vote with the exception of Mr. English, who was absent]

Motion to approve: Mr. Greenebaum

Second: Ms. Desjourdy

Voice Vote: All eligible members present voted in the affirmative.

7- COMMUNICATIONS: None

8- VOUCHERS: Sine Die Bill List 2009

Motion to approve Bill List: Mr. Greenebaum

Second: Mr. Omlor

Roll Call Vote:

Aye: Ms. Dee, Mr. Omlor, Mr. Biba, Ms. Desjourdy, Mr. Greenebaum and Mr. Negri

Nay: None

Abstain: Mr. Peterson

9- RESOLUTIONS [APPLICATIONS]

No Resolutions

**10- NEW APPLICATIONS: 09-11: Edgar Chua, 445 Mine Brook Rd., B: 5 L: 4
Time is 8:05 PM**

Mr. Robert Van Renssler, attorney , 106 Mine Brook Road, Bernardsville stepped forward stating that he represents neighbors Mr. Pierre Rochat, 451 Mine Brook Road and Mr Paul Sanderson, 441 Mine Brook Road. Both these property owner reside on either side of the applicant.

The neighbors are requesting Mr. Chua to move the proposed dwelling closer to Route 202 so it is aligned with Mr. Rochat's house. It seems there is a consensus of agreement to do this, which obviously results in the plans being revised to reflect this. Mr. Van Renssler suggested that this matter should be carried to the next meeting. Mr. Lynch noted that he had reviewed the plans and comments from both the Board Engineer and Zoning Official Mondok, changes stemming from these comments would have to be incorporated into the plans and these would then have to be revised in any event. It is incumbent upon the applicant this evening to decide if he can present these changes and proceed with the hearing. Mr. Renssler commented that the plans fail to show both Messer Rochat and Sanders homes. Mr. Lynch suggested then that the plans should be corrected and the changes reflected

Mr. Greenebaum commented that the Board does not have property surveys.

Ms. Desjourdy inquired if the applicant was present. Mr. Chua was acknowledged and came forward. Mr. Senders administered the Testimonial Oath to Mr. Edgar Chua, 290 Joan Drive, Watchung, New Jersey 07069.

Ms. Desjourdy explained that the Board recently heard from the neighbor's attorney regarding an agreement to relocate the proposed dwelling. Ms. Desjourdy inquired about Mr. Chua's position regarding this agreement and moving forward this evening.

Mr. Chua said that he does not have a problem with the request to relocate the home. There is an understanding to make this happen. Mr. Steven Considine, Architect, 79 Claremont Road, Suite 303 B, Bernardsville, New Jersey for the project was called forward and administered the Testimonial Oath.

Mr. Considine reported his professional credentials and experience. He has previously testified before this Board, most recently in 2005/2006 for a project on Morrison Street.

Mr. Considine noted that originally the house was proposed to be closer to Route 202, however because the property is long and narrow, 800 feet deep, the applicant decided to push the house back in order to enjoy more of the property. For this reason all the plan pages were changed, but the cover sheet reflects a graphically mistake.

The reason for the variance is to increase the building envelope so it would be a colonial style residence and esthetically compatible with the other homes in the neighborhood. Otherwise, the house would be long and narrow and out of character.

Mr. Biba expressed his concerns about hearing this matter without new plans indicating what is proposed. He recommended that the applicant continue to work with his neighbors, submit a revised plan and proceed at a later date. Ms. Desjourdy also noted that the Professionals have expressed written comments that need to be addressed. Mr. Lynch said that if the applicant wishes to proceed any Resolution would be heavy with conditions.

Brief discussion followed regarding receipt of Engineer's Report and date of hearing. In conclusion, the applicant agreed to address all the concerns presented by the Professionals, issue new plans and this matter will be continued without further notice to the January 19, 2009 meeting.

Time is 8:30 PM

11- OLD BUSINESS

Nothing to report.

12- NEW BUSINESS:

2009 Annual Report

Resolution 07-2010: Approval of 2009 Annual Report

Motion to approve 2009 Annual Report as amended on page 7: Mr.

Greenebaum

Second: Mr. Negri

Voice Vote: All members present voted in the affirmative

13- COMMENTS FROM MEMBERS

Mr. Biba acknowledged the work Ms. Lyons provided to the Board in 2009. Thanking her for getting the outstanding Meeting Minutes and Escrow up to date.

Ms. Lincoln inquired where to direct a resident whose property to adjacent to a former BOA applicant which required that a landscape buffer be planted which it was but has since died. Who is the Borough's enforcement agent? Mr. Lynch advised that the matter would be directed to Mr. Mondok's attention.

14- COMMENTS FROM STAFF

Nothing to report.

15- ADJOURNMENT

Time is 9:10 PM

Motion to adjourn: Mr. Omlor

Second: Mr. Greenebaum

Voice Vote: All members present voted in the affirmative.

Respectfully submitted,

Teresa Lyons, Administrative Officer

Minutes approved: January 19, 2010

Keywords: minutes-board -of- adjustment- reorganization-edgar-chua-445 mine-brook-rd-block-5-lot-4