

**BOARD OF ADJUSTMENT  
BOROUGH OF BERNARDSVILLE  
JANUARY 19, 2010 MINUTES  
7:30 PM PUBLIC MEETING**

1. Adequate Meeting Notice: Read into record by Chairwoman Desjourdy.

2. Roll Call:

Members Present: Chairwoman Desjourdy, Vice Chairman Biba, Mr. Peterson, Mr. Greenebaum, Ms. Dee, Mr. Negri, Mr. English, Ms. Robertson, Ms. Lincoln, Mr. Sailliard.

Members Absent: Steve Omlor

Professionals Present: Board Attorney John Lynch, Board Engineer Robert Brightly and Board Planner P, David Zimmerman.

3. Approval of Minutes: January 5, 2010 Reorganization Meeting  
[All are eligible to vote]

Motion: Mr. Negri

Second: Mr. Greenebaum

Voice Vote: All members present voted in the affirmative, with the exception of Ms. Dee who abstained.

4. Communications: NJ Dept of State: Annual Campaign Notice  
So noted.

5. Resolutions:

08-2010: Official Newspaper

Motion to approve as amended: [original copy reflected Planning Board]

Mr. Greenebaum

Second: Mr. Peterson

Voice Vote: All members present voted in the affirmative.

6. Pending Applications:

09-11: Proposed House: Chua property, 445 Mine Brook Road, Block 28, Lot 43, R-2 Zone

The time is 7:35 PM

Mr. Edgar Chua was reminded that he still remains under Oath. Mr. Lynch for the benefit of the new members provided a brief overview of the application.

Mr. Chua then explained that the reason for the variance is that he prefers a home design that would have 53' frontage, versus the home design that would not require a variance, but would only be 40' wide, of which 23' would be the garage. The wider frontage is conducive to the neighborhood; otherwise the home would be very narrow and long. Mr. Chua said that he has agreed to align the home with his neighbor's so the house is not too set back and encroaching the neighbor's rear yard open space.

Discussion then followed regarding the width of neighboring lots and the comparison of the proposed plan to neighbors. As a matter of assistance, Mr. Robert Van Rensselaer, Esq. came forward and noted that he represents the neighboring property owners Mr. Pierre Rocha, 451 Mine Brook Road and Mr. Paul Sanderson, 441 Mine Brook Road, Mr. Van Rensselaer presented to the Board a copy of Mr. Rochat's property survey. This was marked as Exhibit A1.

Mr. Chua requested that his Architect Steven Considine continue with the presentation.

Mr. Lynch inquired what are the side yards with other homes in the neighborhood? Mr. Considine stated that the house located on Lot 42 has less side yard, perhaps less than 30'. The new proposed home will abut 32'. The new home conforms to the ordinance. The balance of the neighborhood is similar to the home located on Lot 42.

Mr. Lynch inquired if the proposal is consistent with the neighborhood? Mr. Considine stated that the plan does comply.

After Mr. Considine's presentation, numerous questions were raised by the Board and Professionals. Mr. Chua requested that the matter be carried to the March 1 meeting without further notice.

7. New Applications: None

8. Old Business: None

9. New Business: None

10. Bill List: None

11. Comments from Members:

Brief discussion regarding the upcoming January 15 Joint Meeting with the Governing Body. All members are encouraged to attend and Chairwoman Desjourdy will represent the Board for comment and discussion.

12. Comments from Staff:

Nothing to report.

13. Adjournment:

Time is 9:40 PM

Motion to adjourn: Mr. Negri

Second: Mr. Greenebaum

Voice Vote: All members present voted in the affirmative.

\* \* \* \*

Respectfully submitted,

Teresa Lyons, Administrative Officer

Minutes approved: April 5, 2010

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