

# BOARD OF ADJUSTMENT MINUTES

Tuesday, February 14, 2006

A complete record of this meeting is contained on the audio tape of the meeting which may be listened to at the Bernardsville Municipal Building. Information on how to obtain a transcript can be had by contacting the Administrative Officer of the Zoning Board of Adjustment.

Call to Order

Statement by Presiding Officer: Adequate Notice

Roll Call: members present were Mr. Biba, Ms Buchanan, Mrs. Dee, Mr. Fell, Mr. Foster, Mr. Greenebaum, Mr. Hagen, Mr. Salisbury and Mrs. Shea. Mr. Berman and Mr. Negri were absent.

Also present were John T. Lynch, Esq., Board attorney; Robert Brightly, P.E., Ferriero Engineering, engineering consultant; and P. David Zimmerman, P.P., planning consultant.

Communications - distributed to Board members

NJ Planner - Dec.'05-Jan.'06

5. Minutes

Mr. Greenebaum moved the approval of the draft minutes of November 15, 2005 and Ms. Buchanan seconded. The minutes were approved by voice vote.

Vouchers

Ferriero Engineering: PCJ, Appl. #05-03 (escrow) \$157.20; Morante, Appl. #05-10 (escrow) \$105.00; Polsen, Appl. #05-19 (escrow) \$52.50;Zanardi,

Appl. #05-21 (escrow)\$105.00; B.P. David Zimmerman, P.P.: PCJ, Appl. #05-03(escrow) \$218.75; Chenoweth, Appl. #05-11 (escrow) \$250.00; 9 Morrison, Appl. #05-14 (escrow) \$375.00; Kimball & Kimball, P.P.: Omnipoint, Appl. #03-22 (escrow) \$300.00 for a total of **\$1,563.45.**

Ms Buchanan moved that the Council be asked to pay the vouchers from the escrow accounts and Mr. Biba seconded. The roll call vote was:

Mr. Biba yes Mr. Foster yes

Ms Buchanan yes Mr.  
Greenebaum yes

Mrs. Dee yes Mr. Hagen yes

Mr. Fell yes Mr. Salisbury yes

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7. Resolutions

Renewal of Kimball & Kimball contract

Mr. Biba moved approval of the contract with Kimball & Kimball and Ms Buchanan seconded. The roll call vote was:

Mr. Biba yes Mr. Foster yes

Ms Buchanan yes Mr.

Greenebaum yes

Mrs. Dee yes Mr. Hagen yes

Mr. Fell yes Mr. Salisbury yes

B. #05-22 Walsh, 71 Beverly Drive, Block 8, lot 3.05, R-1-10 Zone -

Memorialization of Resolution  
of Approval

Mr. Lynch read a draft resolution. Mr. Salisbury moved approval of the draft resolution and Mr. Biba seconded. The roll call vote was:

Mr. Biba yes Mr. Hagen  
yes

Ms Buchanan yes Mr. Salisbury yes

Mr. Foster yes

#05-24 Daibes Gas XIV, LLC, 37 Morristown Road; Block 125, lot 8, C-1 Zone -

Memorialization of Resolution of Approval

Mr. Lynch read a draft resolution. Mr. Biba moved approval of the draft resolution and Mr. Salisbury seconded. The roll call vote was:

Mr. Biba yes Mr. Hagen  
yes

Mr. Foster yes Mr. Salisbury yes

#### Pending Applications

A. #05-03 PCJ Associates, LLC, 79 Bernards Avenue; Block 100, lot 2.01, I-2  
Zone - allow continued use as storage facility. Carried from

November 7, 2005/December 13, 2005

Vincent T. Bisogno, Esq., for the applicants

Michael Ferrante, Sr., applicant

Michael Ferrante, Jr., applicant

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Sue Rankin, 15-21 Pine Street, neighbor

Dina Priovolos, 15-19 Pine Street, neighbor

Sherry Frawley, Environmental Commission Chair

Mr. Lynch reviewed a proposed resolution which he has developed from the previous Board meetings: what the application said and asked for; findings of facts so far; suggested conditions; etc. Subjects discussed included: number of tenants and changes; limitation of use; hours of operation; noise control; certificates of occupancy; maximum weight; vehicle storage - time limit; landscaping; parking of employees' vehicles; defining of areas; storage trailers; storage of tools and equipment; fuel storage; storage of DEP regulated items; lighting; oil changing and other vehicle maintenance; vehicle washing; no landlines; no offices; run-off;

Ms Rankin outlined her concerns as a neighbor - noise, odors, children at the playground and trucks, vehicles lined up at the playground, etc. and some suggested conditions. Ms Priovolos agreed with Ms Rankin's comments and suggestions. Board members asked both neighbors questions and then discussed some of the concerns raised.

It was decided to ask the staff to review the suggestions and thoughts of the Board members and bring a revised draft resolution to the Board. The matter was held to April 3, 2006 and then to May 15, 2006.

B. #04-20 Weichert Realtors, 67 Morristown Road; Block 64, lot 1 and 1.02;  
Block 67, lot 9, C-1 & R-4 Zones - use variance /bulk variances - new plans.  
Carried from August 23, 2005

Held to March 6, 2006.

Old Business - None

New Business

Protocol for talking to the press

A report from the Administrative Officer outlined the correct protocol.

“De minimus” variances

A short discussion was held on whether the MLUL would allow the staff to make decisions regarding "de minimus" variances. Mr. Lynch explained that all variances must come to a Board according to the MLUL.

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Sending applications to Police Department

The Administrative Officer was asked to send applications which impacted traffic, particularly on Rt. 202 and Mt. Airy/Anderson Hill Road to the Police Department for information/report.

Comments from Members

Comments from Staff

Adjournment

Mr. Biba moved the meeting be adjourned at 11:30 p.m. and Mr. Hagen seconded. The motion was approved by voice vote and the meeting ended.

Respectfully submitted,

Joy W. Vavrek

Administrative Officer

keywords - walsh-daibes-gas-PCJ-weichert

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