

BOARD OF ADJUSTMENT MINUTES
March 8, 2005

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.

1. Call to Order
2. Statement by Presiding Officer: Adequate Notice
3. Roll Call

Members Present: Mr. Berman, Mr. Biba, Ms Buchanan, Mrs. Dees, Mr. Foster, Mr. Greenebaum, Mr. Hagen, Mr. Negri and Mr. Salisbury. Mr. Palomaki and Mrs. Tafaro were absent.

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

1. Communications
2. January-February 2005 - NJ Planner

Mr. Foster noted the communications had been received.

5. Minutes - None

5. Vouchers

A. P. David Zimmerman, P.P.

1. Bedrock Realty, Appl. #04-18 (escrow)	\$	62.50
2. Weichert Realtors, Appl. #04-20 (escrow)		593.75
3. Starbucks, Appl. #04-17 (escrow)		<u>656.25</u>
Total	\$	1,312.50

Ms Buchanan moved the vouchers be submitted to the Council for payment from the escrow accounts and Mr. Negri seconded. The roll call vote was:

Mr. Berman	yes	Mr. Greenebaum	yes
Mr. Biba	yes	Mr. Hagen	yes
Ms Buchanan	yes	Mr. Negri	yes
Mrs. Dees	yes	Mr. Salisbury	yes
Mr. Foster	yes		

7. Resolutions

A. #04-17 Daibes Starbucks, 37 Morristown Road; Block 125, lot 8, C-1 Zone -
Memorialization of Denial

This resolution held to the March 22, 2005 meeting.

8. Pending Applications

A. #00-01 Michael Logerfo, 137 Stone Fence Road; change resolution

Michael Logerfo, owner

Mr. Logerfo explained why he wanted permission to heat the area over his garage and run water to it. Board members asked questions and then decided not to allow everything the applicant requested - only enough heat to protect the household materials to be stored there and water limited to humidification.

Mr. Biba moved the application be approved with conditions and limitations and Mr. Berman seconded. The roll call vote was:

Mr. Berman	yes	Mr. Hagen	yes
Mr. Biba	yes	Mr. Negri	yes
Ms Buchanan	no	Mr. Salisbury	yes
Mr. Foster	yes		

B. #04-21 Molinari, 80 Mountain Top Road; Block 14, lot 1, R-1 Zone; stay in home while building second home on same lot

Joel Kobert, Esq. represented the applicants

James Madsen, P.E., witness

Eric Baker, AIA, witness

Exhibit: A-1 - colored plan

Mr. Madsen reviewed Exhibit A-1, noting what is proposed and the temporary variances requested. Once the original home is removed, the new home will not require any variances. No accessory apartment is proposed, nor any

BOARD OF ADJUSTMENT MINUTES

p. 3

March 8, 2005

bedroom in the basement. All present accessory buildings will be removed and no new ones are proposed. The zoning officer recommended a time limit within which the original house must be removed after the new house receives its c.o. There was a discussion on the Fire Prevention Bureau report and on possibility of basement 'walk-out' being another story. The Shade Tree Commission had no comment on the removal of the 6 deciduous trees. There will be a landscape plan with additional foliage. The Health Department granted approval.

Mr. Biba moved approval of the application with conditions as discussed and Mr. Berman seconded. The roll call vote was:

Mr. Berman	yes	Mr. Hagen	yes
Mr. Biba	yes	Mr. Negri	yes
Ms Buchanan	yes	Mr. Salisbury	yes
Mr. Foster	yes		

- C. #04-22 Abundant Life Church, 55 Mine Brook Road; Block 77, lot 11, B-1
Zone; signs

Peter Roselle, pastor and applicant

Mr. Roselle reviewed the history of the church and why it has this book store/coffee shop/music store. The signs were put up by someone he employed who was not aware of the Borough sign requirements. He described the signs and their locations. The Board defined the LED Ad Glo signs as being “neon” signs using a different gas. Mr. Roselle explained what exactly the establishment includes.

After a discussion of the ‘grandfathered’ sign, Mr. Hagen moved the application be denied and Ms Buchanan seconded. The roll call vote was:

Mr. Berman	yes	Mr. Hagen	yes
Mr. Biba	yes	Mr. Negri	yes
Ms Buchanan	yes	Mr. Salisbury	yes
Mr. Foster	yes		

9. Old Business

Mr. Lynch reviewed the status of the Verizon litigation.

10. New Business

BOARD OF ADJUSTMENT MINUTES p. 4 March 8, 2005

11. Comments from Members

12. Comments from Staff

13. Adjournment

Mr. Negri moved the meeting be adjourned at 9:15 p.m. and Mr. Salisbury seconded.

Respectfully submitted,

Joy W. Vavrek
Administrative Officer

3-8mins.05

keywords - starbucks-loggerfo-molinari-abundant-life-church-roselle-verizon-litigation