

**BOARD OF ADJUSTMENT  
BOROUGH OF BERNARDSVILLE  
April 4, 2011 Minutes  
7:30 PM PUBLIC MEETING**

1. Adequate Meeting Notice: Vice Chairman Greenebaum read into the record the Open Public Meeting Law Statement.
2. Roll Call: Members Present: Vice Chairman Greenebaum, Members: Negri, Dee, Lincoln, Sailliard and Kramer
3. Approval of Minutes: None
4. Communications: New Jersey Planner Newsletter
5. Resolutions: None
6. Pending Applications: None
7. New Applications: Witness for St. Bernards application has not yet arrived, therefore the parties agreed to begin with the Balmuth Hearing.

Application 11-02: Michael Balmuth, 399-2 Claremont Rd  
Block: 6 Lot: 5, deemed complete March 7, 2011  
Time is 7:40 PM

Representing the applicant is Peter Henry, Esq. Witnesses to testify will be Dan Maselli from Brandes Maselli Architecture, Bernardsville, New Jersey and Ronald Kennedy, PE from Gladstone Design, Gladstone, New Jersey.

Mr. Henry provided the Board with a brief summary regarding the applicant's desire to enlarge a pool house located in the front yard.

Mr. Maselli introduced himself to the Board, noted his education and professional background. Mr. Maselli was accepted by the Board.

Mr. Maselli began his testimony marking Exhibit A1 which included the following plans: C100, A101, A103 and A103. Ten years ago Mr. Maselli's firm was retained by the former property owners for a major renovation to the main residence. Mr. Balmuth desired this improvement to be of similar architectural design.

Mr. Maselli noted there is no intention for future use of the Loft and the applicant would be willing to accept this as a condition and Deed Restriction. Mr. Henry suggested rather a Restricted Covenant which the Board concurred.

The pool house currently does not have HVAC, but the improvement proposes HVAC . The kitchen will house a refrigerator and sink. In addition there will be a full bath.

Ms. Dee questioned if there were plans for the tennis court. Mr. Maselli said there are no plans at this time. However, this did open the subject of impervious surface. It was concluded and agreed that this subject will be incorporated in the record. There were no other questions from the Board or public for Mr. Maselli.

Next witness called is Ronald Kennedy, PE. Mr. Kennedy presented his education and professional credentials which the Board accepted as expert. Mr. Kennedy marked the next Exhibit A2 which is the Sheet S2; Pool House Rendering dated April 4, 2011. Mr. Kennedy presented site characteristic. The application is under the Floor Area Ration, but there is excess impervious surface which the majority is at the principal residence. Regarding the drive it was agreed that the applicant would meet with the Fire Department regarding twelve feet width. However, the private road is not counted [toward imp. surface] because it is a separate lot.

Mr. Kennedy then addressed the PK Environmental Wetland Report which was submitted with the application. Given the distance of the wetlands it is not a regulation item for the application. No trees are proposed to be cleared for this project. Regarding septic, the pool house will tie into the main system, which complies with the BOH permit. Board Professionals reports were reviewed and the applicant have no issues with recommendations/suggested offered.

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Mr. Greenebaum recommended that the applicant install a hydrant to the pool, which agreed to by the applicant.

Closing comments from Professionals included Mr. Zimmerman's acceptance and appreciation of the recognition of the C-1-C variance. Mr. Brightly suggested rather than the removal of the K turn, remove the secondary driveway and return the area to a natural state.

Time is 8:45 PM. Case rests. No other questions from the Board or public. Mr. Lynch presented a summary of conditions followed by Board final comments.

Motion to approve Application: Mr. Negri

Second: Mr. Sailliard

Roll Call: Aye: Mr. Greenebaum, Mr. Negri, Ms Dee, Ms. Lincoln, Mr. Sailliard and Ms Kramer.

Nay: None

Application 11-01: St Bernards Church, 88 Claremont Rd

Block: 68 L: 9, deemed complete March 14, 2011

Time is 8:40 PM

Due to a conflict of interest, Ms. Lincoln was excused from the meeting and left the Chamber.

Mr. Negri disclosed that years ago he was retained by the Church for an employment contract. Mr. Lynch inquired if he felt it could affect his judgment and Mr. Negri stated that it would not. Mr. Negri was permitted to sit and hear the application.

Mr. Daniel Somers. Esq. introduced himself stating that he is Legal Counsel for the Church. Two witnesses will be called; Mr. Daniel Lincoln, Architect and Rector William Feus.

Mr. Lincoln was sworn and accepted as a witness.

[Note for the record, Mrs. Lincoln has left the building] Mr. Lincoln presented two Exhibits: A1 which is sheet S1 of the plans and A2, which is sheet S2 of the plan. Mr. Lincoln reported that the application is strictly regarding the utilization of the Parish House

interior and only one exterior sign is proposed. Mr. Lincoln proceeded to provide details regarding the character and history of the Parish House. The entire Church property is listed in the National Historic Sites Registry. Another issue with the application is access off a non-County Road. Main access is off Steve Street. Mr. Lincoln referred to Mr. Zimmerman's opinion that it would be easier to seek a Use Variance. Mr. Somers noted all the variances being sought, which includes:

Variance for B1 Zone, School is not permitted.

Parking/access in R4 Zone

Sign Variance

Variance/Interpretation regarding For Profit

Re: Pre-School enrolment will be determined by DYFS License

Agreement

2<sup>nd</sup> and 3<sup>rd</sup> Principal as accessory use

Mr. Lincoln showed the Floor Plans noting uses for church office, restroom, pre-school and dance school.

Mr. Somers reported that at a future meeting date representatives from the Ballet School will testify.

There was discussion and questions regarding parking stalls count, size and how the proposed uses will impact the parking situation. Mr. Lincoln reported that the preschool would meet in the morning. There would be 15 students with two staff. Hours of operation are between 8:00 AM – 3:00 PM. Church staff consists of 2-3 employees, working between the hours of 8:00 AM – 3:00 PM.

Ballet School is proposing a week day morning preschool program, with the remainder of the programs scheduled after school and Saturday morning. Ballet School can arrange schedule on those dates when a wedding or funeral has been scheduled.

Other discussion highlighted the suggestion that the application identify the preschool as child care center. Mr. Somers suggested a more expansive description i.e. Instruction Use. However Mr. Lynch stated that was too generic.

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Mr. Lincoln concluded his presentation regarding the proposed sign that would be 4' wide and 2' high, similar to Bernardsville Library sign. The sign will not be lit and the color will be green background with gold lettering.

Board requested that at the next hearing, Mr. Somers please be more specific regarding ingress and egress.

Time is 10:40PM

Hearing will continue without further notice to June 6, at 7:30 PM.

8. Old Business: None

9. New Business: None

10. Bill List: None

11. Comments from Members: Nothing to report.

12. Comments from Staff: Nothing to report.

13. Adjournment:

Time is 11:00 PM

Motion to Adjourn: Mr. Negri

Second: Ms. Dee

Voice Vote: All those present voted in the affirmative.

Respectfully submitted,

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Teresa Lyons, Administrative Officer

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keywords:minutes-board-of-adjustment-application-11-02-balmuth-399-2-claremont-road-application-11-01-saint-bernards-church-88-claremont-road

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