

**BOARD OF ADJUSTMENT  
MINUTES  
BOROUGH OF BERNARDSVILLE  
MONDAY, APRIL 5, 2010  
7:30 PM PUBLIC MEETING**

1. Adequate Meeting Notice: Chairwoman Desjourdy read into record the Open Public Meeting Law Statement.
2. Roll Call: Members present: Chairwoman Desjourdy, Vice Chairman Biba, Mr. Peterson, Mr. Greenebaum, Mr. Negri, Mr. Omlor, Mr. English, Ms. Robertson, Ms. Lincoln, Mr. Sailliard.

Members absent: Ms. Dee

Professionals Present: Board Attorney, John T. Lynch and Board Engineer Robert Brightly

Professionals Absent: Board Planner P. David Zimmerman

3. Approval of Minutes: January 19, 2010  
Motion to approve as amended: Mr. Negri  
Second: Mr. Omlor  
Voice Vote: All members present voted in the affirmative.

4. Communications: None

5. Resolutions: None

6. Pending Applications:

7. New Applications: Application 10-03: John Kolassa and Yodit Seifu, 16 Elmer Avenue, B: 43 L: 9, R5 Zone, Bulk Variance for Addition  
Time is 7:38 PM

Applicants John Kolassa and Yodit Seifu appeared before the Board and were administered the Testimonial Oath by Mr. Senders. Joining the applicants was their Architect Tim Coleman, 16 Highview Avenue, Bernardsville, New Jersey. Mr. Coleman's credentials and professional expertise was questioned and as a result he was deemed an expert to testify in this application.

The application is for minimum yard setback relief to permit the construction of a garage addition to their home. The home is a Cape Cod style residence which has two occupied levels. The applicants desire additional living space and to expand the garage. The existing home violates current zoning codes, but the applicants have presented a plan that is consistent to the neighborhood, include side garage entrances and although the application is technically exempt from the storm water management regulations, the application does propose the installation of a dry well.

Mr. Coleman presented the following exhibits:

- A1 – Drawing A3 – Additions and Alterations
- A2 – Drawing A2 – Floor Plans
- A3 – Drawing AG – Proposed Variance w/ Dry Well
- A4- Photograph – 17 Elmer Avenue
- A5- Photograph – 10 Elmer Avenue
- A6- Photograph – 5 Elmer Avenue
- A7-Photograph – 11 Elmer Avenue
- A8-Photograph – Lot 19, Elmer Avenue side of Corner Lot

Applicants propose to eliminate the one car garage in the basement level and construct a 20 foot by 20 foot two story addition off the north side of the existing dwelling. The new addition will provide a two car garage on the basement level which will be accessed by a modification to the existing driveway. A first floor addition will be added above the new garage with modifications to the first floor. All roof lines, fascia and trim of the addition will match the existing structure.

Applicant agreed to comply with the concerns expressed in the March 24 report of the Shade Tree Committee to protect near by trees and if the driveway addition requires removal of any trees, that a Tree Removal permit will be filed.

No questions or comments were raised by members of the public.

Comments and questions rose by the Board, addressed and questioned if the applicant considered a modification to interior floor plan to reduce

the proposed addition, add second floor dormers to increase floor area and be an esthetic improvement to the property.

After deliberation, Board accepted application with conditions. Mr. Lynch recited proposed Resolution.

Motion to approve application with conditions: Mr. Negri

Second: Mr. Greenebaum

Roll Call:

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

Nay: None

Hearing concludes 8:23 PM

8. Old Business: None

9. New Business:

- Ordinance Distribution: Tree Ordinance Requirement Relative to Subdivisions and Site Plans, effective December 4, 2010  
Board acknowledged receipt of Ordinance.
- Ordinance Amending and Supplementing Chapter 12 of the Borough Land Development Ordinance Entitled “Zoning” By Adding Provision Regulating Dumpsters, effective March 25, 2010  
Board acknowledged receipt of Ordinance.
- Shade Tree Committee correspondence, dated 2/24/10  
Board agreed to hold discussion on the matter of completeness, until Mr. Zimmerman was present at a meeting.

10. Bill List:

Motion to approve Bill List in the Amount: \$4, 653.25: Mr. Greenebaum

Second: Mr. Negri

Roll Call:

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

Nay: None

11. Comments from Members: Board members and Professionals present proceeded to sign Resolution Honoring William Foster Years of Service to the Board of Adjustment.

12. Comments from Staff:

Mr. Lynch reported on various Legal Decisions and Updates.

13. Adjournment: The time is 9:15 PM

Motion to adjourn: Mr. Greenebaum

Second: Mr. Omlor

Voice Vote: All members present voted in the affirmative.

Respectfully submitted,

Teresa Lyons

Minutes approved: April 19, 2010

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Keywords: minutes-board-of-adjustment-kolassa-seifu-16-Elmer-Avenue-Block-43-Lot-9-bulk-variance

Agenda Attachments:

January 19, Minutes:

Please check you email.

Application 10-03: Kolessa Residence, 16 Elmer Avenue, B: 43 L; 9

March 15, 2010: Zoning Report

Application, date received March 22, 2010 w/ Deed

Drawings A-G: received March 22, 2010

March 24, 2010: P. David Zimmerman correspondence deeming application complete

March 24, 2010: Shade Tree Committee correspondence

March 29, 2010: Bernards Township Health Department

March 31, 2010: P. David Zimmerman correspondence noting review

Bill List: Hard copy will be available on the dais the night of the meeting.