

BOARD OF ADJUSTMENT MINUTES
May 24, 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: Ms Buchanan, Mrs. Dees, Mr. Foster, Mr. Greenebaum, Mr. Negri, Mr. Palomaki and Mr. Salisbury. Mr. Berman, Mr. Biba, Mr. Hagen and Mrs. Tafaro 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.

1. Communications
 2. Supplement #8, Revised General Ordinance (Zoning)
 - B. Ordinance #2005-1376 - I-2 Zone Clarification
- Mr. Foster noted the communications had been received.

5. New Items
 6. Application Review Sub-Committee

A discussion was held on the subcommittee and Mr. Foster appointed Mr. Negri as Chair and Ms Buchanan and Mr. Palomaki as members. The Administrative Officer will send the committee all applications for consideration as to completeness.

6. Minutes

Ms Buchanan moved approval of the draft minutes of May 10, 2005 with corrections and Mr. Salisbury seconded. The motion was approved by voice vote.

6.	Vouchers		
7.	Hamal Associates		
	1. Far Hills Country Day School, Appl. #03-19 (escrow)	\$	450.00
A.	Kimball & Kimball		
	1. Omnipoint, Appl. #03-22 (escrow)	240.00	
A.	Oracle Engineering, Inc.		
	1. Weichert, Appl. #04-20 (escrow)	750.00	
A.	Ronald E. Graiff, P.E.		
	1. Omnipoint, Appl. #03-22 (escrow)	<u>4,100.26</u>	
	TOTAL	\$	5,540.26

Mr. Salisbury moved the vouchers be submitted to the Council for payment from

the escrow accounts and Mr. Greenebaum seconded. The roll call vote was:

Ms Buchanan	yes	Mr. Negri	yes
Mrs. Dees	yes	Mr. Palomaki	yes
Mr. Foster	yes	Mr. Salisbury	yes
Mr. Greenebaum	yes		

8. Resolutions

A. #04-24 Habitat for Humanity, 143 Mine Brook Road; Block 80, lot 62, R-4 Zone - Memorializing Resolution of Approval

Mr. Lynch read a draft resolution. Several conditions were noted. Mr. Negri moved approval of the resolution and Mr. Palomaki seconded. The roll call vote was:

Ms. Buchanan	yes	Mr. Negri	yes
Mr. Foster	yes	Mr. Palomaki	yes

A. #04-15A Verizon Wireless, Block 141, lot 1, C-1 & R-3 Zones - Memorializing Resolution of Agreement

Mr. Lynch read a draft resolution. There was a discussion. Mr. Negri moved approval of the draft resolution and Ms Buchanan seconded. The roll call vote was:

Ms. Buchanan	yes	Mr. Negri	yes
Mr. Foster	yes		

9. 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 (established non-conforming use) - in use since 1945

Vincent T. Bisogno, Esq. represented the applicants.

Michael Ferrante, owner, witness

Frank Ansele, 25-27 Haas Road, Basking Ridge, former neighbor, witness

Sue Rankin, 15-21 Pine Street, objector

Mary Ann Streiter (Tulanowski), 15-09 Pine Street, objector

Dina Priovolos, 15-17 Pine Street, objector

Exhibits submitted:

A-1: Picture; A-2: picture; A-3: lease with Bernardsville Quarry; A-4, A-5, A-6, A-7, A-8, A-9: leases with various tenants; A-10: 1950 zoning ordinance; A-11: 1961 zoning ordinance; and A-12, 1996 subdivision map.

Mr. Bisogno and witness Michael Ferrante outlined the history of the subject site and how it has been used over the years. The application is for a use variance - a valid non-conforming use: that the prior use continues although less intense. No other use has

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ever been on the site. If the Board agrees, the applicants will submit a site plan (bifurcation of the application).

Complaints were filed by the Borough against the applicants: (1) PCJ has not obtained c.o.s or c.c.o.s for the use of the property (there are no buildings on the site, only portables); (2) no site plan was filed although there are no structures on site; and (3) the Borough does not know if the use is a permitted use in the zone (grandfathered).

Questions to Mr. Ferrante by neighbors expanded on the prior testimony.

Mr. Ansele supported much of Mr. Ferrante's testimony as a neighboring business and a friend for many years.

Due to the hour, it was decided not to start the next witness, a planner. The matter was carried to a special meeting on June 8, 2005. [At the next meeting (May 31, 2005), Mr. Bisogno asked to carry the matter to July 26, as the planner could not come the 8th.]

- B. #05-04 Gary & Diana Tantleff, 180 Mt. Harmony Road; Block 29, lot 4, R-1 Zone - approval for an existing detached accessory residence - conditional use

Held to May 31, 2005

10. Old Business - None
11. New Business - None
12. Comments from Members
13. Comments from Staff
14. Adjournment

Mr. Negri moved the meeting be adjourned at 11:00 p.m. and Ms Buchanan seconded.

Respectfully submitted,

Joy W. Vavrek
Administrative Officer

5-24mins.05

keywords: sub-committee-habitat-verizon-PCJ-non-conforming-ferrante-tantleff