

**BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
JUNE 7, 2010 MINUTES
7:30 PM PUBLIC MEETING**

1. Adequate Meeting Notice: Read into the record by Chairwoman Desjourdy.
2. Roll Call: Members Present: Chairwoman Desjourdy, Vice Chairman Biba, Members Mr. Greenebaum, Mr. Negri, Mr. Omlor, Mr. English, Ms. Robertson, Ms. Lincoln and Mr. Sailliard

Members absent: Mr. Peterson and Ms. Dee

Professionals Present: Board Attorney John Lynch, Board Engineer Robert Brightly and Board Planner P. David Zimmerman

3. Approval of Minutes: May 3 and May 17
May 3: all but Omlor, Robertson and Sailliard
Motion to approve: Mr. Greenebaum
Second: Ms. Desjourdy
Voice Vote: All eligible members present voted in the affirmative.

May 17: all but Omlor and Sailliard can vote
Motion to approve: Mr. Greenebaum
Second: Ms. Robertson
Voice Vote: All eligible members present voted in the affirmative.

4. Communications: None

5. Resolutions: None

6. Pending Applications: None

7. Old Business:
Request for an Extension, LTD Landscaping, Inc.460 Mine Brook Rd.,
Lots: 11.01 and 11.02, Block 94
Time is 7:33 PM

Mr. Vincent Bisogno, attorney for the applicant provide the Board a brief recap of the application, which was approved November 3, 2009 followed the current status of ongoing work with the NJDEP. Mr. Bisogno requested a six month extension until November 19, 2010.

Motion to grant extension Reso 08-09 EXT: Mr. Biba

Second: Mr. Negri

Roll Call:

Aye: Chairwoman Desjourdy, Vice Chairman Biba, Mr. Greenebaum, Mr. Negri, Mr. Omlor, Mr. English, Ms. Robertson, Ms. Lincoln and Mr. Sailliard.

Nay: None

8. New Applications:

10-04 Boulder Construction/Foley Property, 22 Burrows Avenue,
Block: 129, Lot: 32, R-4 Zone

Time is 7:35 PM

Mr. Vincent Loughlin, Esq. from the firm Johnston, Skok, Loughlin and Lane; 324 East Broad Street, Westfield, New Jersey provided the Board with a brief summary of the application and the variances being sought for the construction of a single family dwelling on a the vacant lot.

Mr. Loughlin noted his witness is Mr. Ken Marsh, PE from Murphy & Hollows, 331 Elm Street, Stirling, New Jersey. Mr. Marsh was accepted as an expert.

Exhibits A1-A7 as listed below were presented.

A1- Grading Plan dated May 26, 2010

A2- House Plans and Elevations, Architecture Plus dated February 9, 2010

A3-Grading Plan dated March 24, 2010

A4- Photographs of Homes on same side of street taken June 4, 2010 by K. Marsh

A5- Photographs of Homes on opposite side of street taken June 4, 2010 by K. Marsh

A6- Photographs of Lot taken June 4, 2010 by K. Marsh

A7-Highlighted Tax Map Page 74 showing B 129 L 32

Upon conclusion of Mr. Marsh testimony it was agreed that the house will be 24' front set back and Letter of Interpretation will be waived. Revised plans will be prepared and addressed at the next hearing.

The time is 8:55 PM. This matter will be carried without further notice to July 6 meeting.

TEN MINUTES RECESS

#10-05 Steven and Diana Kramer, 8 Charlotte Hill, B: 95 L: 4.02 and 4.03, R-1A Zone
Time is 9:05 PM

Robert Simon attorney for the applicants addressed the Board regarding the history of how this application had come to their attention for interpretation. After much discussion, the Board agreed to proceed to hear the application.

Mr. Lynch then invited Mr. Robert Re, attorney for Mr and Mrs. Boyland to make an Opening Statement. At the conclusion of his Statement, the Board agreed that the next meeting date to continue this hearing will be July 19.

Mr. Simon called Mr. and Mrs. Kramer as fact witnesses. Mrs. Kramer reported that they have resided at this home since October 5, 2001. Between 2001-2008 no ATV or ORV was present at 6 Charlotte Hill Drive. The paths on this property currently utilized by the all terrain vehicles, previously existed for the former property owner landscaper who traveled these paths to dispose of grass clippings.

In 2008 one ATV was infrequently used, but early 2009 three more vehicles appeared and are used at various times. In 2009 Mr and Mrs. Kramer contacted the Bernardsville Police and communicated via email to the Boylands regarding their concerns with the ATV and bikes.

Mr and Mrs. Kramer filed a complaint and went to the Town Council to express their concerns because the Borough does not have a Noise Ordinance. Since, the complaint and the meeting with the Town Council, the riding has decreased. Mr and Mrs. Kramer have not returned to the Town Council.

Mr and Mrs. Kramer testified that their quality of life has been affected. Mr and Mrs. Kramer were questioned if they would be opposed to a pool on the property? Mrs. Kramer stated they would not.

As the hour approached 11:00 PM, the request to extend the meeting for further discussion was denied by the Board. It was agreed that the matter will carry to the July 19 meeting without further notice.

9. New Business: None

10. Bill List: None

11. Comments from Members: None

12. Comments from Staff: None

13. Adjournment:

Time is 11:10 PM

Motion to adjourn: Mr. Greenebaum

Second: Mr. Negri

Voice Vote: All members present voted in the affirmative.

Respectfully submitted,

Teresa Lyons, Administrative Officer

Minutes approved: October 4, 2010

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Agenda Attachments:

- May 3 and May 17 Minutes
- Boulder Construction/Foley Property

March 18, 2010 letter from Vincent Loughlin, Esq. noting application

10-04 Application date received March 22, 2010

Plans and Elevations date received March 22, 2010

March 23, 2010 letter from Vincent Loughlin, Esq. with enclosures regarding contract purchase and Mrs. Foley's deed to property.

Grading Plan for Lot 32, Block 129, date received April 5, 2010

April 1, 2010 Zoning Officer Report

April 12, 2010 letter from P. David Zimmerman, PP deeming application incomplete.

May 6, 2010 letter from P. David Zimmerman PP deeming application complete.

May 13, 2010 Shade Tree Memorandum

May 18, 2010 Environmental Commission Memorandum

May 21, 2010 letter from Robert Brightly, PE

May 28, 2010 email from Board of Health

Draft Notice of Public Hearing

June 2, 2010 report/letter from P. David Zimmerman, PP

➤ Application 10-05: Steven and Diana Kramer, 8-Charlotte Hill,
B: 95 L: 4.02 and 4.03

March 12, 2010 letter to Sandra Jones, RMC from Robert Simon, Esq.

March 18, 2010 letter to Sandra Jones, RMC from Robert Re, Esq.

March 23, 2010 letter from John R. Pidgeon, Esq.

April 9, 2010 letter with supporting application from Robert Simon, Esq.

April 14, 2010 letter from Robert Re, Esq.

April 15, 2010 letter from Robert Simon, Esq.

April 15, 2010 letter from P. David Zimmerman, PP, re: sufficient
application.

April 19, 2010 Zoning Officer report from Michael Mondok

May 14, 2010 email from Shade Tree Committee

May 25, 2010 email from Robert Simon, Esq. proceeding June 7

May 27, 2010 Notice of Public Hearing

June 1, 2010 email from Environmental Commission

June 2, 2010 report letter from P. David Zimmerman, PP

June 2, 2010 letter from Robert Re, Esq.

TENTATIVE

➤ LTD Request for and Extension

May 26, 2010 letter from Vincent Bisogno, Esq.