

**BOARD OF ADJUSTMENT MINUTES**  
**June 14, 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

Mr. Biba, Ms Buchanan, Mr. Foster, Mr. Greenebaum, Mr. Hagen, Mr. Negri, Mr. Palomaki, Mr. Salisbury. Mr. Berman was absent.

Also present were John T. Lynch, Esq., Board attorney; Robert Brightly, P.E., Ferriero Engineering, engineering consultant and Kenneth Fears, P.E., Board traffic consultant

1. Communications
2. Educational Requirement for Land Use Boards - Legislative Update
3. Resignation - Cathy Tafaro

Mr. Foster noted the communications.

5. New Items
6. Revised checklist

The Council is considering a recommendation to add a requirement that all applications be submitted to the Environmental Commission, the Shade Tree Committee, the Fire Prevention Bureau and the Health Department for reports.

- A. Subcommittee report

The Subcommittee will be meeting on June 15, 2005 to review 5 applications for completeness.

- A. Minutes update

Work is continuing on both the Board of Adjustment and Planning Board minutes.

6. Minutes - None

6. Vouchers

7. John T. Lynch, Esq.

1. Habitat for Humanity, Appl. #04-24 (escrow)	\$ 100.00
2. Verizon, Appl. #04-15A (escrow)	<u>334.50</u>
Total	\$ 434.50

Ms Buchanan moved the vouchers be sent to the Council with a recommendation

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they be paid from the escrow accounts. Mr. Negri seconded. The roll call vote was:

Mr. Biba	yes	Mr. Hagen	yes
Ms Buchanan	yes	Mr. Negri	yes
Mr. Foster	yes	Mr. Palomaki	yes
Mr. Greenebaum	yes	Mr. Salisbury	yes

8. Resolutions

A. #7-2005 Resolution recognizing Catherine Tafaro's service to the Board  
The Administrative Officer read a draft resolution. Ms Buchanan moved approval of the resolution and Mr. Negri seconded. The roll call vote was:

Mr. Biba	yes	Mr. Hagen	yes
Ms Buchanan	yes	Mr. Negri	yes
Mr. Foster	yes	Mr. Palomaki	yes
Mr. Greenebaum	yes	Mr. Salisbury	yes

#05-02 Jonathan & Mary Kleinstein, 6 Oak Ridge Road; Block 51, lot 6, R-2 Zone -  
Memorialization of Approval

Mr. Lynch read a draft resolution. Mr. Salisbury moved approval of the resolution with conditions. Mr. Hagen seconded. The roll call vote was:

Mr. Foster	yes	Mr. Palomaki	yes
Mr. Hagen	yes	Mr. Salisbury	yes

A. #05-04 Gary & Diana Tantleff, 180 Mt. Harmony Road; Block 29, lot 4,  
R-1 Zone - Memorialization of Approval

Mr. Lynch read a draft resolution. Mr. Hagen moved approval of the resolution with conditions. Mr. Palomaki seconded. The roll call vote was:

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

## 9. Application

A. #04-20 Weichert Realtors, 67 Morristown Road; Block 64, lot 1 and 1.02; Block 67, lot 9, C-1 &  
R-4 Zones - use variance /bulk variances - new office building with parking on Board of Education  
property carried from March 22, 2005

Vincent T. Bisogno, Esq. represented the applicant.  
Bryan Bosenberg, landscape architect, witness

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Joseph McDonald, Weichert vice president, witness  
Gary Dean, C.E., traffic engineer, witness  
Lou Matlack, Chairman, Shade Tree Committee, questioner  
Kerry Haselton, 397 Mine Brook Road, questioner  
Sherry Frawley, Chairman, Environmental Commission, questioner  
Rosalie Ballantine, 19 Pheasant Hill Road, questioner

Exhibits: A-12 - overlay showing new landscaping; A-13, A-14 and A-15 - pictures of the Weichert office in Bethlehem, PA; A-16 - car count for rush hours at Bethlehem office.

Mr. Bisogno reviewed the past meetings. Mr. Bosenberg described the amended landscaping plan and answered questions from the Board, its professionals and the public. Mr. Bosenberg agreed with some suggestions, adding that if the Board likes the way this is proposed, he will come up with a definitive plan. Mr. Bosenberg explained how this plan will follow the Borough tree ordinance. There was a discussion about how the required number of replacement trees might be handled.

Mr. Bosenberg began a review of the proposed lighting plan, explaining how comments and questions from Mr. Brightly were handled. He also explained his experience in lighting.

Mr. McDonald presented exhibits showing the Bethlehem office to give the Board an idea of their proposal, including a traffic count. He answered questions from the Board, the professionals and the public regarding both the Bethlehem building and the proposed building, how meetings for the staff are handled as well as classes and the uses of the various rooms in the buildings. There was a discussion about how the present building will be used.

Mr. Dean discussed his traffic report, including the dates of the counts and how they analyzed them. He answered questions from the Board, professionals and public. An application has been made to the NJ DOT for permission to make the proposed road opening for the new building and the Board of Education and closure of 'middle' driveway. The proposed new driveway conforms with the DOT requirements. However, the Bernardsville Centre driveways do not and Mr. Dean's study took how traffic is affected into consideration. There was a discussion about left and right turns. No contact has been made with the Police Department with regard to the accident rate. Since this roadway is under the NJ DOT jurisdiction, they have only considered those rules.

Mr. Fears gave a short comment on the traffic study and the use by the school staff. He is most concerned about weekend traffic since that is when it is the heaviest

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from the stores. The proposed driveway is designed according to standards and he agrees it should be on the eastern side. If there were reserved parking, the smaller number of spaces would be satisfactory since it is unlikely that the parking at the two buildings will peak at the same time. If the upper parking spaces are within walking distance of the smaller building (via a stair), he doubts there is any need for concern about the number of spaces.

There was a discussion about how the plan might be revised to meet the concerns of the Board: cutting the number of parking spaces, making the building smaller, moving the building back, increasing plantings (in the parking areas), etc. It was agreed that there would be no signage indicating the easterly driveway led to the school.

After a discussion about dates, this matter was carried to August 23, 2005.

10. Old Business - None

10. New Business

Mr. Lynch explained a legal matter - Elmo Corporation and Sabea, Inc. vs Borough of Bernardsville, Board of Adjustment of Borough of Bernardsville, Bank of Somerset Hills, Albert Pistilli, Jr., Eric & Patricia Bender and Glenn & Valeria Shalit. Mr. Negri moved Mr. Lynch be authorized to defend the Board and Mr. Hagen seconded. The motion was approved by voice vote.

12. Comments from Members

13. Comments from Staff

14. Adjournment

Mr. Negri moved the meeting be adjourned at 11:30 p.m. and Mr. Hagen seconded.

Respectfully submitted,

Joy W. Vavrek  
Administrative Officer

6-14mins.05

keywords: tafaro-kleinsteintantleff-weichert-bisogno-bosenberg-elmo-sabeapistilli