

# BOARD OF ADJUSTMENT MINUTES

July 31, 2006

## Special Meeting

A complete record of this special 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

Roll Call: members present were Mr. Berman, Mr. Biba, Ms Buchanan, Mrs. Dee, Mr. Fell, Mr. Foster, Mr. Greenebaum, Mr. Hagen, Mr. Negri, Mr. Salisbury, Mrs. Shea

Also present were: Scott Parente, Esq., substituting for John T. Lynch, Esq., Board Attorney; Robert Brightly, P.E., Ferriero Engineering, engineering consultant; and P. David Zimmerman, P.P., planning consultant.

Communications - distributed to members

A. "Municipal Role in Implementing the Highlands Act" - Somerset County Planning Board

NJ Planner - July/August 2006

July 13, 2006 letter from J. R. Pidgeon, Esq., Borough attorney, re: education requirements

### 5. Minutes

Mr. Negri moved approval of the draft minutes of May 1, 2006 and Mr. Salisbury seconded; Mr. Biba moved approval of the draft minutes of May 30, 2006 and Mr. Greenebaum seconded; and Mr. Negri moved approval of the draft minutes of June 5, 2006 and Mr. Biba seconded. All motions were approved by voice vote.

### 6. Vouchers - None

### 7. Resolutions

#05-26 Schlott, 211 Douglass Avenue; Block 28, lot 60, R-1 Zone - subdivision -  
Memorialization of Approval

(Eligible to vote: Mr. Biba, Ms Buchanan, Mr. Foster, Mr.

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Greenebaum, Mr. Hagen, Mr. Negri, Mrs. Shea)

Held to August 21, 2006 meeting.

#06-02 Isabella Jazz, LLC, 450 Claremont Road; Block 4, lot 4, R-1-10 Zone - Memorialization  
of Approval

(Eligible to vote: Mr. Berman, Mr. Biba, Ms Buchanan, Mrs. Dee, Mr. Foster, Mr.  
Negri, Mrs. Shea)

Held to August 21, 2006 meeting.

#06-03 Jedediah Hogan, 361 Mt. Harmony Road; Block 14, lot 20, R-1-10 Zone -  
Memorialization of Approval

Mr. Parente read a draft resolution approving the application for additions. Mr. Negri moved approval of the draft resolution and Ms Buchanan seconded. The roll call vote was:

Mr. Biba yes Mr. Foster yes  
Ms Buchanan yes Mr. Negri yes  
Mrs. Dee yes Mrs. Shea yes

#06-04 Omnipoint (LTD Nursery), 460 Mine Brook Road; Block 94, lot 11.02, R-3 Zone -  
Memorialization of Approval

Mr. Parente read a draft resolution approving additional antennae on the existing tower. Mr. Negri moved approval of the draft resolution and Mrs. Shea seconded. The roll call vote was:

Mr. Biba yes Mr. Negri yes  
Ms Buchanan yes Mr. Salisbury yes  
Mrs. Dee yes Mrs. Shea yes

Mr. Foster yes

Pending Applications/Review

#06-06 Rylocat, Inc., 25 & 26 Brookside Avenue; Block 142, lots 9 & 10, R-3 Zone - merge  
lots, build new house

Guliet Hirsch, Esq., applicant's attorney

David Smith, P. E., applicant's engineer

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Edward Matthew O'Brien, AIA, applicant's architect

Peter Miller, Environmental Commission

Robert DelVecchio, 23 Brookside Avenue

Leo Lin, 3 Tysley Street

James Burnash, 30 Brookside Avenue

James Vilade, 21 Brookside Avenue

Exhibits: A-1 - Judge's Order placing DEP regulation application on inactive list; A-2 - appraisal; A-3 - colored rendering of Sheet 3 of plans; A-4 - application by DelVecchio for a freshwater fill permit; A-5 - colored rendering of Sheet 2 of plans; A-6 - pictures 8 homes in the area; A-7 - colored rendering of floor plans and elevations

Ms Hirsch reviewed the application and presented her witnesses. Board members, Mr. Miller and members of the public questioned the witnesses. Concerns were voiced about the wetlands and flooding in the area. Because of the number of questions raised, it was decided to hold the matter to October 2, 2006.

#06-07 Peter Ruschmann, 260 Mine Brook Road; Block 96, lot 2, R-1A Zone - demolish  
house, build new house - "d" variance - expansion of a non-conforming use (multiple  
dwellings on a single lot)

Peter Flannery, Esq., applicant's attorney

James Madsen, P.E., applicant's engineer

Peter Ruschmann, applicant

Megan Hunschar, P.P., applicant's planner

Mr. Flannery went over the application for the new house, explaining why a new house was wanted and questioned his witnesses. Board members asked questions, noting they are all familiar with the property. Mr. Negri moved approval of the application as presented and Ms Buchanan seconded. The roll call vote was:

Mr. Berman yes Mr. Hagen yes  
Mr. Biba yes Mr. Negri yes  
Ms Buchanan yes Mr. Salisbury yes

Mr. Foster yes

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#06-09 Somerset Hills Board of Education, 141 Seney Drive; Block 35, lot 1, R-2 Zone - sign at the Middle School

John C. Phillips, Esq., applicant's attorney

Nancy Hunter, Board of Education Business Administrator

Miss Hunter explained the reasons for the sign and answered questions from the Board members. Mr. Salisbury moved approval of the application and Mr. Biba seconded. The roll call vote was:

Mr. Berman yes Mr. Hagen yes  
Mr. Biba yes Mr. Negri yes  
Ms Buchanan yes Mr. Salisbury yes

Mr. Foster yes

Old Business - None

New Business - None

11. Comments from Members - None

Comments from Staff - None

Adjournment

Mr. Negri moved the meeting be adjourned at 11:15 p.m. and Mrs. Shea seconded. The motion was approved by voice vote and the meeting ended.

Respectfully submitted,

Joy W. Vavrek

Administrative Officer

keywords - schlott-isabella-jazz-hogan-omnipoint-LTD-rylocatit-ruschmann-education-sign

7-31mins