

# BOARD OF ADJUSTMENT MINUTES

August 9, 2005

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
3. Roll Call

Members present were Mr. Biba, Ms Buchanan, Mrs. Dee, Mr. Foster, Mr. Hagen, Mr. Negri, Mr. Palomaki, Mr. Salisbury and Mrs. Shea. Mr. Berman and Mr. Greenebaum were absent.

Also present were Scott Parente, Esq., sitting for 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. Somerset County Resolution - new affordable housing units must be accessible for elderly and disabled

Mr. Foster noted the resolution had been distributed.

5. Minutes

Mr. Negri moved the approval of the draft July 19, 2005 minutes with corrections and Mr. Hagen seconded. The minutes were approved by voice vote. Mr. Hagen moved the approval of the draft July 26, 2005 minutes and Mr. Negri seconded. The minutes were approved by voice vote.

5. Vouchers

6. John T. Lynch, Esq.

1. Connolly, Appl. #05-05 (escrow), \$262.00; 2. Denuree, Appl. #05-08 (escrow), \$262.00; Sub-total \$524.00.

- A. P. David Zimmerman, P.P.

1. Connolly, Appl. #05-05 (escrow), \$31.25; 2. Denuree, Appl. #05-08 (escrow), \$31.25; 3. Hollo, Appl. 05-09 (escrow), \$375.00; 4. Morante, Appl. #05-10 (escrow), \$125.00; 5. Ferrante, Appl. #05-12 (escrow), \$125.00; 6. Bailey, Appl. #05-13 (escrow), \$187.50; 7. Morrison, LLC, Appl. #05-14 (escrow), \$187.50;

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Sub-total \$1,062.50.

TOTAL \$1,586.50

Ms Buchanan moved the vouchers sent to the Borough Council for payment from the escrow accounts. Mr. Biba seconded. The roll call vote was:

Mr. Biba	yes	Mr. Negri	yes
Ms Buchanan	yes	Mr. Palomaki	yes
Mrs. Dee	yes	Mr. Salisbury	yes
Mr. Foster	yes	Mrs. Shea	yes
Mr. Hagen	yes		

7. Resolutions - None

8. Pending Applications

A. #05-07 Mistretta/Stringer, 215 Chestnut Avenue; Block 35, lot 11, R-1-10 Zone - addition to house on small lot

This application was withdrawn by the applicant.

A. #05-14 9 Morrison, LLC, 9 Morrison Avenue; Block 135, lot 4, R-3 zone; demolish existing house and build new single-family house  
Carried from July 19, 2005.

Steven Considine, AIA, co-owner

Brian Fleming, Esq., co-owner

Sherry Frawley, Chair, Environmental Commission, objector

Matthew Bolink, 7 Morrison Avenue, objector

Joseph Bolink, 6 Morrison Avenue, objector

Marion Bolink, 6 Morrison Avenue, objector

Mr. Fleming and Mr. Considine noted that a requested environmental study had been done and submitted to the Board. Mr. Fleming reviewed the materials submitted at the first hearing and said that the environmental report stated there were no wetlands on the property. The property is in both Bernardsville and Bernards Township.

Mr. Fleming said the area to be disturbed for the new home is totally in Bernardsville. Harrison Brook does cross the property but is not near the house site.  
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The present small home will be removed and replaced by a 3,000 S.F. new home (the ordinance would allow a larger home than that based on percentages). They are asking for a frontyard setback variance (50 ft. required - 36± ft. proposed setback is better than present 6 ft. setback) and a rearyard setback (50 ft. required - 36± ft. proposed). They had considered improving the present house but felt a new house is better. They wanted to protect the trees and keep the house away from the neighbors. The Shade Tree Committee has suggested that additional landscaping (2 or 3 street trees) be placed in front of the house. The applicants agreed.

Mr. Fleming said the building envelope is the problem because there are 50 ft. front and rear setbacks required which gives them a 5 ft. deep building envelope, the lot being 105 ft. deep in the area proposed for development. There is no problem with the width of the house since the lot is rather long. The proposal will eliminate what is now a side encroachment and change the present front encroachment from 6 ft. to 36± ft.

Mr. Considine said he tried to balance the house on the lot, keeping it away from the neighbors and away from the tree line as well as making the front and rear setbacks equal. The garage would be removed and the new garage attached to the house. There was a discussion about the width of Morrison Avenue (right-of-way width vs paved width).

Asked about houses of similar size in the area, Mr. Considine said there are some on Conklin Avenue. There is a development of larger homes in Bernards Township, as well as small homes having additions. There was a discussion about the various houses on other streets, as well as the house next door. The applicants were asked about building a somewhat smaller house, to match the neighborhood and the lot narrowness. There was a question why the owners of one lot were not notified as they were not on the certified list. The applicants said they did not realize the lot was not on the list - they simply followed the list as required by the MLUL. Mr. Fleming said he had spoken to the new couple who had purchased the home so they are aware of the proposal.

Mrs. Frawley asked about some trucks parked on a rear lot. Mr. Fleming said he had seen them also and believes a pool is going in on the lot.

Matthew Bolink said he feels the proposed house will be too large for the

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area. He described his home and asked for buffering between the lots since the new driveway will face his home.

Joseph Bolink described the neighboring houses on Conklin Street as being large and in Bernards Township. He also described the 6 present houses on Morrison Avenue as being comparable in size. He objects to the demolition and replacement with a large home.

Marion Bolink said she also objects to the new house because it will be so much larger than what is in the neighborhood.

Mrs. Frawley said the Environmental Commission feels there is more of a water issue on this site than what has been presented. The DEP website indicated there are extensive wetlands on that lot. The GIS shows actively running water but Harrison Brook is not a trout stream. The Commission checked with an expert in Bernards Township who said Harrison Brook floods frequently and cyclically. The lot is lovely and contains large trees. The Commission asks if the Board would agree to have another expert look at the site as to wetlands with a requirement for an LOI as a contingency.

The Board members discussed the application and the concerns that they have about it. Mr. Parente summed up what the Board has decided - approval with the condition regarding the wetlands study. The applicants agreed to the condition. If the matter goes to the DEP and its opinion is negative, the applicants would have to submit a new application.

Mr. Palomaki moved approval of the application with the agreed conditions and Mr. Biba seconded. The roll call vote:

Mr. Biba

yes

Mr. Negri

no

Ms Buchanan	no	Mr. Palomaki	yes
Mr. Foster	yes	Mrs. Shea	yes
Mr. Hagen	no		

The vote was 4-3 in favor.

#05-11 Mary Chenoweth, 110 Washington Corner Road; Block 7, lot 9, R-1-10

Zone; allow a pre-existing cottage to be used as residence

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The applicant asked to continued to a new date due to illness. (This was first set for August 23, 2005 but due to absences, it will be heard on September 13, 2005.)

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

Mr. Salisbury moved the meeting be adjourned at 9:00 p.m. and Mr. Hagen seconded.

Respectfully submitted,

Joy W. Vavrek  
Administrative Officer

8-9mins.05

keywords-considine-morrison-chenowith