

**BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
August 15, 2011 Minutes
7:30 PM PUBLIC MEETING**

1. Adequate Meeting Notice: Read into the record my Chairman Biba.
2. Roll Call: Members Present: Chairman Biba, Vice Chairman Greenebaum, Members: Negri, Dee, English, Sailliard, Kramer and Diemar.
3. Approval of Minutes: July 18, 2011
Motion to approve Minutes: Mr. Greenebaum
Second: Mr. Negri
Voice Vote: All eligible members voted in the affirmative
4. Communications: The New Jersey Planner – July 2011 Edition
5. Resolutions: Kolarov Medical Home Office, Application 11-05
69 Old Army Road, B: 55 L: 5
Read into the record by Chairman Biba
Motion to approve as amended: Mr. Negri
Second: Mr. Greenebaum
Roll Call: Aye- Greenebaum, Negri, Dee. English, Sailliard, Kramer and Diemar
Nay – None
Abstain – Mr. Biba
6. Pending Applications: Application 10-06: Nixon, 161 Campbell Road. [Last hearing, February 22, 2011]

Mr. Vincent Bisogno, applicant's attorney addressed the Board providing a brief recap of the application and the changes to be considered today. In addition, Mr. Bisogno indicated that Ms. Lincoln has graciously recused herself for the remainder of this application due to a potential conflict as a result of her husband's offer to provide architectural assistance to Mr. and Mrs. Nixon.

Mr. Bisogno will call two witnesses this evening. Ron Kennedy from Gladstone Design and Nick Nette, architect. Primary issues of concern remain steep slope and storm water management.

Time is 7:55 PM. Mr. Ron Kennedy, Gladstone Design, Gladstone, New Jersey was sworn and accepted by Board and opposing Counsel.

Mr. Kennedy reported that he became involved with the project two to three months ago and as a result of the reduction of the home footprint he was requested to look again at environmental constraints, slopes and alternatives to storm water management.

Proposed techniques for storm water management include:

Design rain garden at the top of the driveway near the garages.
Installation of swale with check dams along the driveway.
Restore more water quality at the bottom of the driveway.

However, Mr. Brightly suggested rather than a rain garden and create further disturbance to simply leave area in natural state, which the applicant accepts.

Mr. Kennedy presented the following Exhibits:
A15- Color coded disturbance plan dated August 15, 2011 prepared by Gladstone Design

Mr. Kennedy reported that the as of July 2011 the Total Area of Disturbance was 24,783 sq ft. It is not 26,106 as noted in February. A reduction in the yellow shaded portion [2,677 sq ft] reduces disturbance number.

In addition with elimination of rain garden there is an additional reduction of 2,200 sq ft. Therefore new total for disturbance is 22,583 sq. ft or 17.8% less disturbance.

During construction additional storm water measures will include silt fence and installation of scower hole at bottom of the driveway.

Now only one retaining wall will be located behind the house versus the two previously proposed. This change saves an additional seven trees.

Next Exhibit A17 – Color aerial of neighborhood disturbance plan dated August 15, 2011 was prepared per Mr. Zimmerman’s August 1 letter. This exhibit shows in comparison what is proposed as to other neighboring properties and their levels of disturbance. Granted most of these other homes were built before the change in regulations.

Exhibit A18 – Stormwater Management Exhibit, dated August 15, 2011 prepared by Gladstone Design. Shows proposed swale and check dams.

Time is 8:25 PM Cross Examination by Mr. Stuart Lieberman.

Q- Is the pond a C1 designation?

A- C1 class is for the water shed.

Q- Endangered species?

Mr. Bisogno expressed objection for this type of question should have been posed when environmental expert was present. This is not Mr. Kennedy’s expertise.

Discussion then followed regarding regulatory taking of the property and it was again emphasized by the Board that there will be no such discussion. The Board will vote on the case presented.

Q- Why was there an error in calculation of disturbance?

A- Cannot speak for Mr. Mantz, but appears it was mathematical.

Q- Did you compare impervious surface with current proposal?

A- No, but there is a reduction with the less footprint for the house.

Discussion followed with further questions challenging impervious surface and steep slope calculations. In conclusion applicant agreed to rest at this point, not call another witness and return to the Board with clarification for slope, disturbance and impervious surface

calculations. Next hearing will be held October 17 without further notice.

Time is 9:10 PM

7. New Applications: None
8. Old Business: None
9. New Business: Board agreed that future applicants not have to bear the expense of full distribution of storm water management study reports. Rather full reports will go to Board Professionals, select agencies and a copy for file. Board would appreciate only the report findings typically the first few pages of the report.
10. Bill List: Motion to approve Bills List totaling \$4,078.05: Mr. Negri
Second: Mr. Greenebaum
Roll Call: Aye: Biba, Greenebaum, Negri, Dee, English, Sailliard, Kramer and Diemar.
Nay - None
11. Comments from Members: None
12. Comments from Staff: None
13. Adjournment:
Time is 9:30 PM
Motion to adjourn: Mr. Negri
Second: Mr. Sailliard
Voice Vote: All members present voted in the affirmative.

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Respectfully submitted,

Teresa Lyons, Administrative Officer

Agenda Enclosures

July 18, 2011 Minutes

Resolution: Application 11-05 – Dr Kolarov Home Office, 69 Old Army Road [will forward under separate email, once received from Mr. Lynch]

August 15, 2011 Bills List [will distribute at Meeting]

Application 10-06: Supporting Documents

July 18, 2011 letter from Vincent Bisogno noting packet enclosure.

July 20, 2011 Revised Zoning Report from Michael Mondok

July – email from Shade Tree Commission

August 1, 2011 Memorandum from Cynthia Lee, Bernards Township Health Dept.

August 1, 2011 Letter from P. David Zimmerman

August 3, 2011 Memorandum from Environmental Commission

Will send under separate email Fire Prevention Bureau report.

Will send under separate email Robert Brightly's report.