

**BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
October 4, 2010 Minutes
7:30 PM PUBLIC MEETING**

1. Adequate Meeting Notice: Read into record by Vice Chairman Biba.
2. Roll Call: Members Present: Vice Chairman Biba, Mr. Peterson, Mr. Greenebaum, Ms. Dee, Mr. Negri, Mr. Omlor, Mr. English and Ms. Lincoln.

Members absent: Chairwoman Desjourdy, Members Robertson and Sailliard.

Professionals Present: Attorney John Lynch and Engineer Robert Brightly.

Professionals Absent: Planner P. David Zimmerman

3. Approval of Minutes: [See addendum regarding eligible voters]
June 7: Motion – Mr. Negri Second: Mr. Greenebaum Voice Vote: All eligible members voted in the affirmative.

June 21: Motion – Mr. Negri Second: Mr. Greenebaum Voice Vote: All eligible members voted in the affirmative.

July 6: Motion – Mr. Negri Second: Mr. Greenebaum Voice Vote: All eligible members voted in the affirmative.

July 19: Motion – Mr. Negri Second: Mr. Greenebaum Voice Vote: All eligible members voted in the affirmative.

August 2: Motion – Mr. Negri Second: Mr. Greenebaum Voice Vote: All eligible members voted in the affirmative.

August 16: Motion – Mr. Negri Second: Mr. Greenebaum Voice Vote: All eligible members voted in the affirmative.

September 20: Motion – Mr. Negri Second: Mr. Greenebaum Voice
Vote: All eligible members voted in the affirmative.

4. Communications: New Jersey Planner Newsletter: September –
October 2010

5. Resolutions: None

6. Pending Applications: None

7. New Applications: Application 10-7: Roman Graure, 607 Mine
Brook Road, Block 89, Lot 9, R-1 & R-2

Frederick Zelley, Esq., Counsel for Mr. Graure presented a summary of
the application and variances. Mr. Zelley stated that he has four
witnesses who will testify. The first witness is the applicant Roman
Graure. Mr. Graure was sworn in and proceeded to inform the Board
about the history of the property and the proposed house plan. The
following Exhibits were marked during this testimony:

A1- Color Site Plan

A2- Photo of existing smaller barn/wagon house

A3- Photo of existing house and barn

A4- Title Table of Property Owners

A5- Horizontal Historic Photo

A6-Photo of original house

A7-Photo of original barn structures

A8-Photo of original smaller barn/wagon house

Mr Graure and his wife have resided on the property for six years and
have made numerous improvements to the site and structures. The intent
for the new home is to provide for the family he and wife wish to start.
The existing one bedroom home will be occupied by his Mother, who
will assist with child care. Also, Mr. Graure proposes in the future to
house some farm animals on the property. In the future when Mr. Graure
is older and unable to tend to the property this home would be occupied
by a care taker.

Next Mr. Graure presented the new house plans which he personally
designed. A9-DCM Color Drawings sheets A1-A6 was marked as an
Exhibit. Mr. Graure explained that site constraints and preference to be a

distance from Route 202 were the factors to determine the new home's location.

Questions posed by the Board led to the acceptance of the next two witnesses:

Mr. James Madsen, PE. Apgar Engineering, Far Hills, New Jersey and Mr. Eduardo Guzman, AIA, DCM Architecture and Engineering, Camden, New Jersey.

Ms. Lincoln questioned the height and distance of the rear retaining walls. Mr. Madsen stated that the walls are each 3.5' high [total of 7'] and the distance between the walls is between 6-7'.

Ms. Lincoln inquired if renovation to the barn had been considered as the new residence? Ms. Graure answered that it was, but the extensive work would have altered the character of the structure and still the residence would have been close to Route 202.

Mr. Greenebaum noted that the stakes on the property indicate only area of disturbance. It was agreed that weather permitting the property would be staked to mark the corners of the proposed home.

Boards inquired where will Mr. Graure's Mother park her vehicle. Mr. Graure answered the vehicle would be parked in the barn.

Ms. Lincoln questioned if any trees will be impacted with the new septic field. Mr. Madsen answered no trees will be impacted.

Mr. Graure answered questions regarding barn interior which includes heat, cabinetry, sink, toilet and electricity. The building foot print is 2,975 and Mr. Graure indicated that he would no object to a Resolution condition prohibiting occupancy of the barn. The square footage for the smaller barn is 495 square feet.

When questioned what could be a future use for the barn, Mr. Graure indicated that he would like to have some farm animals. His mother grew up on a farm and it would be nice to share this experience again.

Public questions:

Sherry Frawley, Environmental Commission inquired if the driveway to the new home could be reduced to reduce impervious surface which is a real concern. Both Mr Graure and Mr Madsen answered that the driveway proposed is because the garage doors will be on the side of the house and the slope in the front of the house would likely require the construction of a retaining wall.

Mr. Dennis Reznick, 7 Page Hill Road – As a neighbor, will mature trees be planted to screen the view of the new home? Mr. Graure noted it is not on the plan at this time, but he would be willing to consider this request. Next, Mr. Reznick questioned water disturbance. Mr. Madsen answered there is no intention to sink new wells for the new home. The plan will use the existing well, but the depth is uncertain. Mr. Reznick questioned if the any of the buildings have historical designation. Mr. Graure stated there is no official designation.

Mr. Saul Dennison, 24-2 Douglass Avenue. Mr. Dennison questioned what will be the impact to his home with the new construction. Mr. Dennison resides on ten acres and questioned if the new home will be visible. Mr. Madsen located Mr. Dennison’s home on the plan and noted that the new home is 50’ lower to the nearest corner.

Ms. Mary Ellen Goger, 11 Pheasant Hill Drive. Ms. Goger lives across the street and questioned if the new construction will increase the street flooding. Mr. Graure reported the flooding was the result of recent landscaping and the use of mulch. Heavy rains would wash the mulch away and clogged the catch basin. This condition was been eliminated with river rock stone replacing the mulch. Also, during Mr. Madsen’s testimony he will report that there will be no net increase of run off while presenting the drainage plan.

Ms. Goger wanted to know if the Fire Department will still have access to the ponds because the new retaining walls have a gate. Mr. Graure stated that he was not aware of the Fire Department’s use and naturally would not object. The gate is not locked. It is manually operated and will grant easy access to the ponds.

Mr. Biba inquired if a report from the Fire Prevention Bureau has been received. Ms. Lyons answered that no report has been submitted. Mr Biba requested that another reminder/request be forwarded to the Bureau.

Ms. Elizabeth DeAngelis, 35 Page Hill Road. Ms. DeAngelis questioned about the reference to employees residing on the site as expressed in the application. Mr. Zelle answered that this section of the application contains language that is suitable pursuant to the Ordinance.

This concludes the public questions. The time is 9:15 PM. Board agreed to take a ten minutes recess.

Time is 9:25 PM.

Mr. Zelle called his next witness neighbor David Kotz, 601 Mine Brook Road. Mr. Kotz stated that his property is adjacent to the Graure residence and is visible all year long. Mr. Kotz is very pleased with the improvements Mr Graure has made to the property and had no objection to the new home. Concerns that he had have been raised and he is satisfied with the plan.

Next witness is Eduardo Guzman. Mr. Guzman who was previously sworn presented his credentials to the Board. Mr. Guzman stated that Mr. Graure did the initial design for the home. Mr. Guzman reported that he has toured the local area and the new home design keeps with the neighborhood. The other structures on the property are points of reference and compliment the neighborhood.

Mr. Guzman concurs with Mr. Graure's opinion that an addition to the existing home would be difficult and that difficulties were experienced, when the kitchen was recently added. Similarly to convert the barn to a new main residence would greatly take away from the character of the structure.

When questioned about the crawl space, Mr. Guzman indicated that the space would be limited to the main house and rec room locations. Regarding access to the front door, Mr. Graure answered that landscaping and a path would lead to the main entrance. Board members commented about the distance from the drive to the main entrance.

Mr. Brightly requested that the plans be clarified regarding gross floor area. There is a difference between the home and engineering plans.

Public questions for Mr. Guzman.

Mr. Dennis Reznick – Questioned foot print for rec. room and distance to side property line. Mr. Guzman the dimensions are 27x23, less than 900 square feet and the distance to property line is 75.5 feet. Mr. Reznick questioned if this is ample area for mature forty foot trees to be planted. Mr. Guzman deferred to Mr. Madsen and the indication was there was ample space for mature trees.

Mr. Lynch questioned Mr. Guzman if he had explored putting an addition onto the existing house. This would lessen the number of variances. Mr. Graure answered other than the construction challenges an addition would block the view of the barn and still the residence would be close to Route 202.

After further discussion, Mr. Zelle stated that he will continue with his next witness at the next available meeting date. Hearing will continue to November 15 without further notice. The time is 10:20PM

8. Old Business: Discussion of proposed changes to Application, carried from September 20 meeting – Given tonight's Board absences, it was agreed to carry this matter to the October 18 meeting.

9. New Business: None

10. Bill List:

Motion to approve Bills List totaling \$16,456.02 – Mr. Negri

Second: Ms. Lincoln

Roll Call:

Aye: Vice Chairman Biba, Members: Peterson, Greenebaum, Dee, Negri, Omlor, English and Lincoln.

Nay: None

11. Comments from Members:

Mr. Greenebaum requested for a future meeting date that Mr Lynch update the Board as to measures that could be implemented regarding applicant's who withdraw or abandon applications and are deficient with escrow.

12. Comments from Staff: None

13. Adjournment: Time is 10:30 PM

Motion to adjourn: Mr. Negri

Second: Mr. Greenebaum

Voice Vote: All members present voted in the affirmative.

Respectfully submitted,

Teresa Lyons, Administrative Officer

Minutes approved: November 1, 2010

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keywords: minutes-board-of -adjustment-website-roman-graure-6-7-mine-
brook-road

October 4, 2010 Agenda Items:

- Email from John T. Lynch, Esq. regarding proposed changes to application

- Minutes and those not eligible to vote

June 7: Ms. Dee and Mr. Peterson

June 21: Mr. Omlor and Ms. Robertson

July 6: Ms. Desjourdy, Mr. Biba, Mr. Peterson, Ms. Robertson

July 19: All are eligible to vote

August 2: Mr Peterson and Ms. Robertson

August 16: Mr. Peterson, Mr. English and Ms. Robertson

September 20: Mr. English and Mr. Omlor

- Application 10-07: R. Graure, 607 Mine Brook Road

Board of Adjustment application date received June 22, 2010 w/
attachments: Checklist, Addendum, Copy of Deed and Wetlands Report

Site Plants dated May 14, 2010

Architectural Plans dated May 12, 2010

Photographs showing existing barn and residence

June 30, 2010 Zoning Report prepared by Michael Mondok

July 5 correspondence from P. David Zimmerman

September 3 correspondence from Robert Brightly

September 29 correspondence from P. David Zimmerman

August 11 correspondence from Shade Tree Committee

September 30 correspondence from Bernards Township Health Department

October 1 correspondence from Environmental Commission

October 1 correspondence from HPAC

- Bill List – Will be distributed at the meeting