

Borough of Bernardsville Board of Adjustment 2017 Annual Report

Board Members

David Greenebaum, Chairman – Term -Jan 2016-Dec 2019, appointed: 3/7/05. Elected Chairman January 17, 2017.

Russell Giglio – Term: Jan 2017 – Dec 2020, appointed: 1/7/13. Elected Vice-Chairman January 17, 2016.

Edward English – Term: Jan 2016 - Dec 2019, appointed: 2/13/09.

Anthony Dello Russo – Term: Jan 2015 – Dec 2018, appointed: 2/25/13.

Diana Kramer – Term: Jan 2014 – Dec 2017, appointed 1/4/11.

Jeff Sailliard -- Term: Jan 2015 – Dec 2018, appointed: 1/5/10.

Paul Sedlak – Term: Jan 2014 – Dec 2017, appointed: 4/13/15

Thomas Carton – Alternate #1 – Term: Jan 2016 – Dec 2017, appointed 1/7/13.

Rich Traynor – Alternate #2 - Term: Jan 2017 – Dec 2018, appointed 1/7/14.

Edward McDowell – Alternate #3 – Term: Jan 2016 – Dec 2017, appointed 1/29/15.

Vacant – Alternate #4 - Term: Jan 2016 – Dec 2017, appointed.

Board Professionals

Louis P. Rago, Board Attorney.

P. David Zimmerman, P.P., Board Planner (January 1 – September 25, 2017)

Robert C. Brightly, P.E., Ferriero Engineering, Board Engineer.

Frank Mottola, Board Administrative Officer & Recording Secretary.

Purpose

Pursuant to the New Jersey Municipal Land Use Law, the Borough of Bernardsville Zoning Board of Adjustment is required to prepare an annual report and to adopt the same for submission to the Mayor, Council and Planning Board. Specifically, N.J.S.A. 40:55D-70.1 states: “The board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its finding on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board.”

The following provides the annual report for the Bernardsville Board of Adjustment for the year 2017.

Applications

A. Overview:

The Board of Adjustment reviews applications brought before it with the objective of reducing the intensity and quantity of variances requested. The Board accomplishes this by working with applicants, where necessary, to develop improved designs. Through the process, the number and/or intensity of variances initially requested by an applicant is often reduced. Additionally, the Board generally places reasonable and appropriate conditions upon its variance approvals to help negate or minimize any potential negative impacts to the zoning plan and/or surrounding properties.

There were 21 meetings held during 2017, including the annual joint meeting with the Borough Council and Planning Board held on January 23, 2017.

There was one application from 2015 that was denied in 2017 and two from 2016 that were approved in 2017. One application from 2016 was withdrawn in 2017. Nine variance applications and one request for interpretation were filed in 2017. Nine variances were approved in 2017. The interpretation application was deemed to be a permitted use; no variance required. A summary of the applications is below.

B. Summary Table of Applications:

Category/Description	# of Applications
Applications for variances filed in 2015 and denied in 2017	1
Applications for variances filed in 2016 and withdrawn in 2017	1
Applications for variances filed in 2016 and approved in 2017	2
Applications for variances filed and approved in 2017	9
Applications for variances filed and withdrawn in 2017	0
Applications for variances or extensions filed and denied in 2017	0
Applications for appeals and/or interpretation filed in 2017	1
Applications for variances filed in 2017 to be heard in 2018	0

C. Application Descriptions:

1. #15-11 Bernardsville Petroleum, LLC. C&D Variances. 135 Morristown Road, B-140, L-1, Zone: C-1. Application received 12/28/15; deemed complete 1/14/16. Minor non-residential site plan to add convenience store. Variances required: conditional use, setbacks & loading in front yard. 9 meetings held during 2016 with much public attendance/commentary. Concluded and denied 1/17/17.
2. #16-06 Menella, Prelim. Major Subdivision w/Use & Bulk variances; 62 Bernards Ave. B-102, L- 12, Zone R-5. App. commenced 4/3/17; carried to 10/16/17; withdrawn.
3. #16-10 M & J Iskra. Bulk variances. 10 Pfizer Road, B-17, L-4, Zone: R1. Variances required for additions to S/F/R. Application rec'd 10/21/16. Approved 2/21/17
4. #16-11 Schaffhauser. Variances required for pool and patio additions. Application approved 3/20/17
5. #17-01 James & Jennifer Liming. 34 Dayton Crescent, B-118, L-16, Zone: R-4. "C" variance required for Front Yard setback for residence additions. Approved 2/21/17.
6. #17-02 NGC Development, LLC. 88 & 108 Claremont Road. C & D Variances, S/F/R. Prelim/Final Site Plan w/Minor Sub-division. 20+ condos, new church center. B-68 & 37, L-9 & 18.01, Zones B1 & R4. 12 highly attended meetings held in 2017. Approved 10/16/17.
7. #17-03 Eric & Amy Schott. 10 Olcott Lane. B-31, L-7, Zone R-2. FAR, Front & Side yard Variances required to rebuild S/F/R and Carriage House. Approved 4/3/17.
8. #17-04 Heather MacDonald & Matt King. 5 Somerset Ave. B-68, L-1, Zone R-4. Front yard setback and height variances required for addition to S.F.R. and new detached garage. Approved 4/17/17.
9. #17-05 Joyce Falcone. 225 Chestnut Ave. B-35, L-12, Zone R-1-10. Bulk C Setbacks and parking variances to enable front porch addition. Approved 5/15/17.
10. #17-06 Power World, LLC/Jin Kwon. 67-69 Mine Brook Road. Request for interpretation of permitted use for 1st floor Laundromat in existing multi-use building. BOA deemed permitted use.
11. #17-07 James & Silvia Sasso. 154 Claremont Road. B-36, L-12.01, Zone R-5. Bulk C Variance for front yard setback. Build Open front porch on existing house. Approved 7/17/17.
12. #17-08 Equity Trust Co. (Bonura). 6 Conkling Ave. B-135, L-5, Zone R-3. Front and rear yard setbacks. Demo existing structure & build new 3,400 Sq. Ft. SFR. Approved 10/16/17.
13. #17-09 John & Christine Murphy. 21 Liberty Road. B-113, L-13, Zone R-4. Bulk Variances for additions and renovations to existing SFR. Approved 10/2/17.
14. #17-010 Maria Fernandez & Julio Perez. 52 Bernards Ave. B-114, L-8, Zone R-5. Use Variance to operate convenience store in residential zone. Approved 12/4/17.

D. Attendance:

Members	Meetings Attended	Attendance Percentage
Anthony Dello Russo	11 *	52%
Ed English	20	95%
Russell Giglio	12 *	57%
David Greenebaum	21	100%
Diana Kramer	17	81%
Paul Sedlak	17	81%
Jeff Sailliard	17	81%

Alternates	Meetings Attended	Attendance Percentage
Thomas Carton	18 *	86%
Ed McDowell	16	76%
Rich Traynor	10 *	48%
Rich Fernicola (1)	N/A	N/A

* Recused for Application #17-02: NGC Development, LLC.

(1) Rich Fernicola resigned 5/12/17

Total meetings = 21

E. Members/Alternates Requirements:

1. There is currently one vacancy for an Alternate.
2. All members of the Zoning Board have completed the NJ required training for board members.

F. Litigation:

Bernardsville, Petroleum, LLC has appealed the Board's denial of Application #15-11.

G. Observations/Recommendations from Members:

1. The Board of Adjustment respectfully requests that the Borough Council pursue more rigorous and consistent zoning enforcement throughout the Borough.
2. The Board of Adjustment respectfully requests that the Borough Planning Board consider addressing existing non-conforming uses throughout the Borough in the Borough Master Plan.
3. The Board of Adjustment respectfully requests that the Borough Planning Board consider developing architectural and streetscape design standards for the Borough's Business and Commercial zone districts for inclusion in the master plan and that the Borough Council subsequently consider adoption of such standards as zoning and/or site plan development regulations by ordinance.

H. Escrow Accounts:

The Administrative Officer continued to work (in conjunction with the Finance Office) with due diligence to close out accounts in a timely manner.

Respectfully submitted on behalf of the entire Zoning Board of Adjustment,



David Greenebaum, Chairman
Zoning Board of Adjustment
Borough of Bernardsville