

# **Borough of Bernardsville Board of Adjustment 2015 Annual Report**

## **Board Members**

David Greenebaum, Chairman – Term -Jan 2012-Dec 2015, appointed: 3/7/05, reappointed 1/3/2012. Elected Chairman January 6, 2015.

Gerald L. Negri – Term: Jan 2014 – Dec 2017, appointed: 8/16/82, reappointed January 2010. Elected Vice-Chairman January 6, 2015. Resigned September 15, 2015.

Edward English – Term: Jan 2012-Dec 2015, appointed: 2/13/09. Full Member 2/28/11, reappointed 1/3/2012. Elected Vice-Chairman September 15, 2015.

Russell Giglio – Term: Jan 2013 – Dec 2016, appointed 1/7/13.

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

Jeff Sailliard – Term: Jan 2015 – Dec 2018, appointed: 1/5/10; reappointed: 5/20/13.

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

Thomas Carton – Alternate #1 – Term: Jan 2014 – Dec 2015, appointed 1/7/13.

Rich Traynor – Alternate #2 - Term: Jan 2015 – Dec 2016, appointed 1/7/14

Ed McDowell – Alternate #3 – Term: Jan 2014 – Dec 2015, appointed 1/29/15.

Paul Sedlak – Alternate #4 - Term: April 2015 – Dec 2016, appointed 4/13/15.

## **Board Professionals**

John T. Lynch, Esq. (Jan – April). Louis Rago (May – Dec), Board Attorney.

P. David Zimmerman, P.P., Board Planner.

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 2015.

## 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 17 meetings held during 2015, including the annual joint meeting with the Borough Council and Planning Board held on January 29, 2014.

Ten (10) variance applications were filed and seven (7) were approved in 2015; two will be heard in 2016 and one application was withdrawn during 2015. A summary of the applications can be viewed below.

### B. Summary Table of Applications:

| Category/Description  | # of Applications |
|---|-------------------|
| Applications for extensions filed and approved in 2015            | 0                 |
| Applications for variances filed in 2014 and approved in 2015     | 1                 |
| Applications for variances filed and approved in 2015             | 7                 |
| Applications for variances filed and withdrawn in 2015            | 1                 |
| Applications for variances or extensions filed and denied in 2015 | 0                 |
| Applications for appeals and/or interpretation filed in 2015      | 0                 |
| Applications for variances filed in 2015 to be heard in 2016      | 2                 |

**C. Application Descriptions:**

1. #14-09 Silverman - Bulk Variance. 1-2 Chapin Road, B:5, L:2, Zone: R-1-10 Hearing began in 2014 and carried to 2015. "C" variances required for 5 garage bays and accessory structure located in front yard. Applicant met all conditions to have guest/caretaker apartment above attached garage. Approved.
2. #15-01 Healy-Elefante Residential Addition. 161 Washington Corner Road, B:20, L:8, Zone: R-1-10. Bulk variance application. Front yard setback variance and relief to rebuild (if necessary) an existing dilapidated nonconforming shed of same size, in same location required. Approved.
3. #15-02 Fairhurst Use and bulk variances for residential addition. 15 Highview Avenue, B:56, L:8, Zone: R-4. Floor Area Ratio, front yard setback for main residence and rear & side yard setback variances for shed required for addition/renovation to home. Approved.
4. #15-03 Kalinowski Bulk Variance for residential addition. 15 Spruce Place, B:48, L:2, Zone: R-2. Front yard setback variance required. Approved.
5. #15-04 Gualpa Bulk Variance for residential addition. 17 Dayton Crescent, B:111, L:20, Zone: R-5. Application withdrawn 5/7/15.
6. #15-05 Ward Bulk Variance for residential addition. 337 Mt. Harmony Road, B:14, L:17, Zone: R-1. Front and side yard setback variances required. Approved.
7. #15-06 Ruschman Special reasons and bulk variances for residential addition. 260 Mine Brook Road, B:14, L:17, Zone: R-1. Special reasons, steep slope and number of stories variances required for expansion of nonconforming residence. Approved.
8. #15-07 Patel Bulk (C-2) variance for lot coverage required for addition to residence and addition of new pool. 391 Mendhan Road, B:7, L:2, Zone: R-1-10. Approved.
9. #15-08 Singleterry Use and bulk variance for guest house addition. 331 Claremont Road, B:17, L:34, Zone R-1. Expansion of nonconforming guest/rental cottage dwelling unit. Approved.
10. #15-09 E. Gregory 110 – Bulk variances for new residence . 110 Chapin Road, B: 3, L: 6 Zone R-1. Received 11/20/15. Scheduled to be heard 2/1/16.
11. #15-10 E. & M. Gregory 130 – Bulk variances for new residence. 130 Chapin Road, B: 3, L: 7 Zone R-1. Received 11/20/15. Scheduled to be heard 2/1/16..
12. #15-11 Bernardsville Petroleum Group, LLC. Minor Non-residential Site Plan with Special Reasons and Bulk variances for new gas station with convenience store. 135 Morristown Road, B: 140, L: 1, Zone: C-1. Received 12/28/15. To be heard in 2016.

## Borough of Bernardsville Board of Adjustment – 2015 Annual Report

### D. Attendance:

| Members             | Meetings Attended | Attendance Percentage |
|---------------------|-------------------|-----------------------|
| Anthony Dello Russo | 10                | 59%                   |
| Ed English          | 13                | 76%                   |
| Russell Giglio      | 12                | 71%                   |
| David Greenebaum    | 16                | 94%                   |
| Diana Kramer        | 12                | 71%                   |
| Gerald Negri ***    | 12 (of 13)        | 92%                   |
| Jeff Sailliard      | 15                | 88%                   |

| Alternates          | Meetings Attended | Attendance Percentage |
|---------------------|-------------------|-----------------------|
| Thomas Carton (#1)  | 12                | 71%                   |
| Rich Traynor (#2)   | 12                | 71%                   |
| Ed McDowell * (#3)  | 10 (of 14)        | 71%                   |
| Paul Sedlak ** (#4) | 7 (of 10)         | 70%                   |

Total meetings = 17

\* Mr. McDowell appointed January 29, 2015.

\*\* Mr. Sedlak appointed April 13, 2015.

\*\*\* Mr. Negri resigned September 15, 2015.

### E. Members/Alternates Requirements:

1. The Regular Member position vacated with the resignation of Gerald Negri remains open.  
There are currently no vacancies for Alternate Members.
2. All members of the Zoning Board have completed the NJ required training for board members.

**F. Litigation:**

In April, the State Appellate Court upheld the Borough's denial of a Verizon proposal to build a cell tower on Washington Corner Road.


**G. Observations/Recommendations from Members:**

The Board of Adjustment respectfully requests that the Borough Council consider providing guidance to both the Board of Adjustment and Planning Board regarding projects that involve significantly intense land alteration, specifically with respect to steep slope disturbance, (e.g., Chase Bank on Rt. 202S) in the Borough.

**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