

Borough of Bernardsville Board of Adjustment 2014 Annual Report

Board Members

David Greenebaum, Chairman – Term -Jan 2012-Dec 2015, appointed: 3/7/05, reappointed 1/3/2012. Elected Chairman January 7, 2014.

Gerald L. Negri – Term: Jan 2010 – Dec 2014, appointed: 8/16/82, reappointed January 2010. Elected Vice-Chairman January 7, 2014.

Edward English – Term: Jan 2012-Dec 2015, appointed: Full Member 2/28/11, reappointed 1/3/2012.

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

Anthony Dello Russo – Term: Jan 2011 – Dec 2014, appointed: 2/25/13 (unexpired Biba.)

Jeff Sailliard – Term: Jan 2012 – Dec 2015 appointed: 1/5/10. Appointed alternate #1 May 20, 2014. (unexpired Lincoln.).

Robert Holmes – Term: Jan 2013 – Dec 2014, appointed 1/7/13.

Diana Kramer – Alternate #1 – Term: Jan 2014 – Dec 2015, appointed 1/11; reappointed: 1/3/2012.

Thomas Carton – Alternate #2 – Term: Jan 2013 – Dec 2014, appointed 1/7/13.

Rich Traynor – Alternate #3 - Term: Jan 2014 – Dec 2015.

George Peterson – Term: Jan 2011 – Dec 2014, appointed: 5/26/08. Resigned April 8, 2014.

Board Professionals

John T. Lynch, Esq., 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.

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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 2014 year.

Applications

A. Overview:

The Board of Adjustment reviews applications before it with an eye toward 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 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 minimize any potential negative impacts to the zoning plan and/or surrounding properties.

There were 17 meetings held during 2014, including the annual joint meeting with the Borough Council and Planning Board held on January 27, 2014.

Nine (9) variance applications, one (1) appeal/interpretation application and one (1) variance extension application were filed in 2014. 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 2014	1
Applications for variances filed in 2013 and approved in 2014	3
Applications for variances filed and approved in 2014	7
Applications for variances or extensions filed and denied in 2014	0
Applications for appeals and/or interpretation filed in 2014	1
Applications for variances filed in 2014 to be heard in 2015	1

C. Application Descriptions:

1. #13-06 Sedlak Pool & Patio. Hearing began in 2013 and carried to 2014; 5 Charlotte Hill Drive, B: 95 L: 4.19 Zone:R-1A. Application for Special Reasons/Conditional Use variance for violation of steep slopes to construct rear yard pool & patio. Approved.
2. #13-08 Jasinkiewicz Carriage House Addition, 211 Douglas Avenue, B: 28 L: 60 Zone: R1, Application for side yard setback variances. Accessory dwelling use abandoned. Approved.
3. #13-09 Joseph and Kristin Mannello, 137 Jockey Hollow Road, B: 21 L: 3 Zone:R-1-10 Special Reasons/FAR (floor area ratio) & impervious lot coverage variances to construct a cabana & sports court. Approved.
4. #11-06 Ext-2, Michael Falduto. Request for additional 1-year extension of variance for house addition at, 8 Washington Avenue, B: 139, L: 2, Zone R-3. Personal situation required delay of previously approved project for financial reasons. Approved.
5. #14-01 Active Citizens for Responsible Sustainability, Inc. ("ACRES"). Appeal and Request for Interpretation regarding Somerset Hills School District Board of Education High School lower field expansion at 25 Olcott Avenue, B: 64, L: 1, Zone: R4. The Board upheld the appealed actions of the Zoning Enforcement Officer and Borough Engineer and interpreted that the tree removal waiver granted to the Board of Education by the Borough Council does not constitute development activity and does not require site plan approval.
6. #14-02 Peter & Geraldine Canavan 7 Blazure Drive; B:125, L: 27:14, Zone: R-10B. Rear yard setback variance for deck addition. Approved.
7. #14-03 SHSD Board of Education, High School Lower Fields Expansion at 25 Olcott Avenue, B: 64, L: 1, Zone: R4. Steep slope variance for sports field enlargement. Approved.
8. #14-04 Kathleen Sensmeier Residence Addition 22 Mullens Lane, B: 63 L: 10 Zone: R4. Special front yard setback variance for 1-story garage addition. Approved.
9. #14-05 DCL Holding, LLC.vv25 Mill Street, B: 69 L: 39 Zone: B-1/R-5. Amended site plan, use, height & no./stories variances for new 4-story, 27 unit residential building. Approved.
10. #14-06 NY SMSA d/b/a VERIZON WIRELESS; 4 Essex Street – B:76, L:5, Zone B-1/R-5. d(6) height variance & waiver of site plan approval for rooftop antenna. Approved.
11. #14-07 KATHERINE LIMING Residential Addition at 40 Liberty Road; B:116, L:49, Zone: R-4. Special front yard setback variance for 2-story home addition. Approved.
12. #14-08 Magura Residence. 66 Liberty Road, B: 116, L: 42, Zone: R-4; Special front yard setback variance for 2-story home addition. Approved.
13. #14-09 Silverman Residence. 1-2 Chapin Road, B: 5, L:2, Zone: R-1-10. No./garage spaces, accessory building in front yard and conditional approval application. To be heard in 2015.

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D. Attendance:

Members	Meetings Attended	Attendance Percentage
Anthony Dello Russo	8	47%
Ed English	15	88%
Russell Giglio	14	82%
David Greenebaum	16	94%
Robert Holmes *	0	0%
Gerald Negri	16	94%
George Peterson **	3	50%
Jeff Sailliard	15	88%

Alternates	Meetings Attended	Attendance Percentage
Thomas Carton	13	76%
Diana Kramer	13	76%
Rich Traynor	12	70%

* Mr. Holmes resigned at the end of 2014.

** Mr. Peterson resigned April 8, 2014.

Total meetings = 17

E. Members/Alternates Requirements:

1. Two alternate member positions are currently vacant and the Board recommends they be filled as soon as practical.
2. All members of the Zoning Board have completed the NJ required training for board members.

F. Litigation:

Summary -

In December oral arguments were heard in State Appellate Court for the suit Verizon brought against the Borough. Verizon seeks to overturn the denial rendered in their application for a cell tower on Washington Crossing Road. We do not know when the Appellate court will render a decision in the Verizon appeal.

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G. Observations/Recommendations from Members:

1. At the recommendation of Mr. Carton, the Board changed its procedure and reciting the Pledge of Allegiance will occur at the start of every meeting.
2. Currently no legal notice is required for type a and b zoning applications. After discussing the process and procedures invoked by both the applicant (ACRES) and the defendant (Somerset Hills BOE) the Board strongly recommends to the Borough Council that notice shall be required for all types of Zoning Board of Adjustment applications (a, b, c and d). Currently the State of New Jersey requires notice for types c and d but does not require notice for types a and b. Whether to require notice for types a and b applications is left for each municipality to decide.

H. Escrow Accounts:

The Board respectfully submitted recommendations last year which the Borough Council did address. We have no further comment this year.

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

David Greenebaum, Chairman
Zoning Board of Adjustment
Borough of Bernardsville