

# MINUTES

## BOARD OF ADJUSTMENT

### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

January 31, 2019

The Regular Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

#### **Roll Call:**

Members present were Mr. Sullivan, Mr. Siburn, Mr. Delia, Mr. Nappi (8:50 pm), Mr. Mustacchi, Mr. Sylvester, Mr. Ringwood and Mr. Coviello (8:50 pm). Mr. Steve Warner, Board Attorney, was also present.

#### **Adoption of Minutes:**

January 24, 2019 Reorganization Meeting

A motion was made by Mr. Mustacchi, seconded by Mr. Siburn, and carried by unanimous voice vote to adopt the minutes of the January 24, 2019 Reorganization Meeting as presented.

A motion was made by Mr. Siburn, seconded by Mr. Mustacchi, and carried by unanimous voice vote to adopt the minutes of the January 24, 2019 Executive Session as presented.

#### **Adoption of Resolutions:**

Board Attorney

Steven Warner of Ventura, Miesowitz, Keough & Warner, P.C. was appointed as Board Attorney, and the Resolution memorializing the same was adopted, on the motion of Mr. Sylvester, seconded by Mr. Delia, and carried by roll call vote 6-0 with Mr. Sullivan, Mr. Siburn, Mr. Delia, Mr. Mustacchi, Mr. Sylvester and Mr. Ringwood voting in favor and none opposed .

**App.#22-18: 18 Sayre St LLC, 32 Roosevelt Ave., Block 1301, Lot 22 (R-15 Zone)**

Proposed renovation of an existing single-family residence, one of two single family detached dwellings on the same lot. The applicant is seeking to renovate the fireplace, lower the existing basement floor area and add a deck. In 2017 a Certificate of Prior Non-Conforming Use and Structures was issued by the Board of Adjustment by resolution (Case No. 17-17) for the two dwellings on one lot. The resolution prohibits any expansion of the structures without a variance from the Board of Adjustment; the applicant is now requesting a variance pursuant to N.J.S.A. 40:55D-70d(2), commonly known as a d (2) variance--expansion of a non-conforming use and structure.

Jay Delaney, attorney for the applicant, stated that the applicant is seeking approval for renovation of one of the single family dwellings located on the lot and a variance is requested for expansion of a non-conforming situation.

Fred Truncale, Managing Member of 18 Sayre St LLC, was sworn and stated that he and his partner want to rehabilitate the property. He has lived in Berkeley Heights for 15 years and has experience with renovating properties. Mr. Truncale stated that there are two cottages on the property, the one in the rear is occupied and the one in the front needs work to make it marketable to prospective tenants.

Mr. Truncale described the proposed renovations that will include a fireplace, lowering the existing basement floor and a deck. The home will be converted from three bedrooms/two baths to two bedrooms/one bath. The intent is for the cottages to be rented.

In response to questions from the Board, Mr. Truncale stated that there is no change proposed to the footprint of the property and the basement will continue to be used as a laundry room and location of utilities. He has met with the Township Engineer and will be working with him with regard to drainage. The proposal is to lower the garage by approximately 2 feet and there will be no material change to the driveway.

Mr. Delaney reviewed the variances being sought. Mr. Warner advised that the notice provided by the applicant is sufficient for the variances requested.

Thomas Baio, architect, was sworn, gave his professional and educational background and was accepted as an expert witness. Mr. Baio stated that he was hired to develop architectural plans to renovate the property. He has visited the site numerous times. Mr. Baio presented Exhibit A-1 – colorized rendering of the

plans, and Exhibit A-2 A-G – photographs of the property. Mr. Baio reviewed the proposed improvements.

In response to questions from the Board, Mr. Baio stated that the basement will be for storage and utilities, the fireplace will be a desirable amenity, the 220 square foot deck will be maintenance free and the siding will be hardy plank.

Mr. Truncale stated that they do not plan to take down the frame of the house and they would be willing to agree to a condition that the existing shell of the structure will not be removed. He further stated that they plan to renovate the house in the rear of the property eventually.

Mr. Delaney suggested that the resolution of approval include a provision that the applicant will make a good faith effort to upgrade the other house.

Mr. Truncale stated that the shed will be moved onto the applicant's property, the concrete slab on the neighboring property will be removed and the rocks will be raked off of the neighboring property.

In response to further questions from the Board, Mr. Baio stated that the driveway will remain gravel, the applicant will address the concerns raised in the report from the Environmental Commission, the end result will not be out of character with the neighborhood, there will not be any detriment to the neighborhood and the project will not substantially impair the zoning ordinance.

### **Open to Public**

The hearing was opened to the public for questions or comments with regard to the application. There were no members of the public who had questions or comments.

Discussion took place and the consensus of the Board was in favor of granting approval of the application.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Delia, seconded by Mr. Sylvester, with respect to App#22-18: 18 Sayre St LLC, 32 Roosevelt Ave., Block 1301, Lot 22 (R-15 Zone) to approve the application with requested variances, subject to the conditions discussed and subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board. The roll call vote

was 6-0 with Mr. Sullivan, Mr. Siburn, Mr. Delia, Mr. Mustacchi, Mr. Sylvester and Mr. Ringwood voting in favor and none opposed.

Mr. Nappi and Mr. Coviello arrived at the meeting and Mr. Siburn left the meeting (8:50 pm).

**CARRIED FROM DECEMBER 13, 2018, WITH NO FURTHER NOTICE  
REQUIRED:**

**App. #18-18: Daniel Zucker, 18 Kuntz Avenue, Block 302, Lot 8 (R-15 Zone)**

Proposed dormer addition to one half of the existing two car, detached garage, which is to be used for storage. A 10 ft. x 12 ft. one story addition to the existing garage is also proposed. This shed type structure would have a flat roof with railings surrounding the roof area. The proposed dormer addition would have door access to the roofed area of the shed addition. Relief is needed from Section 6.1.1B "Schedule of General Regulations" due to 1) insufficient side yard setback – the height of the dormer addition results in a larger setback requirement, 2) exceeding the 25% maximum total lot coverage allowed (Existing total lot coverage is nonconforming.) and 3) size and location of two sheds. Relief is also needed from Section 8.1.1D "Nonconforming buildings." Nonconforming issues are existing sheds, detached garage location, principal front yard setback, existing "other" and "total" lot coverage.

Daniel Zucker, previously sworn, stated that his architect, Robert Coletta, will present the new plans.

Robert Coletta, architect, was sworn, gave his professional and educational background and was accepted as an expert witness. Mr. Coletta stated that he and Mr. Zucker met with the zoning officer and reviewed the project. Mr. Coletta presented Exhibit A-12 – sketches of the revised floor plan and elevations. The walkable flat roof is being eliminated and a pitched roof is now proposed.

Discussion took place and it was noted that the numbers need to be provided on the application in order for the Board to reach a determination on the application. The applicant should also make it clear whether this should be considered a shed, an addition to the garage or an additional garage bay.

In response to questions, Mr. Coletta provided further information regarding the proposed dormer, access to the dormer and the proposed use of the additional storage space.

Mr. Zucker stated that he does not believe there will be any impact on the neighboring property because the back of his garage faces an abandoned commercial property.

Discussion took place and it was noted that there are a number of non-conforming items and the Board needs to know exactly what the space will be used for.

Mr. Zucker stated that the interior will be used for storage of furniture, clothing and old artifacts. It will not be a finished area.

It was suggested that the Board might be in favor of the application if the existing shed is removed. It was noted that the Board needs clear information about the impervious coverage and additional details about the stairway and dormer.

The hearing of the application was carried to March 28, 2019 with no further notice required. The applicant granted an extension through the end of March.

**Open to Public**

The meeting was opened to the public for questions or comments. There were no members of the public present.

**Adjournment:**

A motion was made by Mr. Delia, seconded by Mr. Sylvester, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 10:10 PM.

Regina Giardina, Secretary Pro Tem