

## MINUTES

### **BOARD OF ADJUSTMENT TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

Conference Meeting

March 14, 2019

The Conference 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. Ringwood, Mr. Coviello and Mr. Mustacchi. Mr. Steve Warner, Board Attorney, was also present.

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

##### **App.#1-19: John V. Leo, Jr., 43 Forest Avenue, Bl. 508, L. 14 (R-15 Zone)**

*The applicant is seeking to construct a second story over the entire first story of this single-family home. A bump-out addition to the rear of the garage (approx. 23 sq. ft.) and a new covered front porch are also proposed. Relief is needed from Section 6.1.1B. "Schedule of General Regulations" for insufficient principal front-yard setback and combined side-yard setback. (The existing house is nonconforming.) In addition, Section 8.1.1B.1 prohibits the expansion of a nonconforming structure. Nonconforming issues are lot area, lot width, principal front-yard setback, and combined side-yard setbacks.*

A motion was made by Mr. Coviello, seconded by Mr. Sullivan, to adopt the above Resolution. The roll call vote was 2-0 with Mr. Sullivan and Mr. Coviello voting in favor and none opposed.

##### **App.#4-19: Gerald & Rebecca Nappi, 46 Lawrence Dr., Bl. 804, L. 34 (R-15 Zone)**

*Proposed construction of an in-ground pool with pool surround and patio and installation of a storage shed. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the proposed shed location does not meet the required setback requirements. In addition, the proposed pool, pool surround,*

*patio and shed result in exceeding the 10% limit for “other” lot coverage and the 25% limit for “total” lot coverage.*

A motion was made by Mr. Ringwood, seconded by Mr. Coviello, to adopt the above referenced Resolution. The roll call vote was 3 – 0 with Mr. Sullivan, Mr. Ringwood, and Mr. Coviello voting in favor and none opposed.

Mr. Warner mentioned that he was recused from hearing the adoption of that motion on February 28, 2019 which was handled by another attorney, Daniel Bernstein.

Mr. Mustacchi left the meeting at 7:43 p.m.

There were no members from the public present and the public portion of the meeting was closed.

**Completeness Determination for New Applications:**

**App.#3-19: Jefferson Freyre, 105 Briarwood Dr. East, Bl. 1404, L. 19  
(R-15 Zone)**

*The applicant is proposing a principal addition to consist of a new front portico entry with new and reconfigured sidewalk, new one-story addition in place of existing covered porch (side yard) and new second-story addition (rear) over a portion of the first story. Variances are needed for insufficient front-yard setback and for exceeding the maximum allowed “other” lot coverage of 10% and maximum allowed “total” lot coverage of 25%. Existing nonconforming issues are lot area, lot width, principal front-yard setback, “other” and “total” lot coverage, shed setback location and driveway too close to the property lines.*

Mr. Freyre briefly described the proposed project including the variances which are required.

Discussion took place about the required sideyard and combined sideyard setbacks. Mr. Freyre agreed to review the numbers with his architect and make corrections if needed.

Mr. Warner reviewed the variances being requested and confirmed that the language in Mr. Freyre’s notice is sufficient. Mr. Freyre was advised to mail out the notices in a timely manner and provide the Affidavit of Service.

The Board Members reviewed the application checklist.

The application was deemed complete and scheduled for hearing on March 28, 2019. Mr. Freyre commented that he would be back on the 28<sup>th</sup> with his architect.

**App.#5-19: Brent Doucette, 611 Mountain Ave., Bl. 2006, L. 21 (R-15 Zone)**

*Proposed principal addition, new slotted deck area, covered walkway connecting detached garage to house, modified driveway pavement, interior renovations and in-ground pool with paver surround. The house is on a corner lot fronting Mountain Avenue and Deer Path. Relief is needed from Section 6.1.1B "Schedule of General Regulations" which requires a 50 ft. principal front-yard setback on both Deer Path and Mountain Avenue. The existing house has an insufficient front-yard setback on Deer Path (existing: 18.5 ft.; proposed: 18.5 ft). "Other" lot coverage currently exceeds the 10% allowed and will increase as a result of the proposal. "Total" lot coverage will also increase so that it exceeds the 25% permitted. A variance is required for the proposed in-ground pool, as 1) the ordinance prohibits pools in the "front yard" and 2) the front-yard setback to the pool surround along Deer Path is proposed to be less than the 50 ft. required.*

Mr. Doucette described the project.

Mr. Warner reviewed and clarified the variances needed for the project and confirmed that the Legal Notice as presented is sufficient in content.

The Board Members reviewed the application checklist.

Mr. Doucette asked whether a notice should be sent to Union County because his property is located on a County road. Mr. Doucette was advised to also send notice to the County.

After further discussion Mr. Doucette indicated he intends to modify the plan to reduce coverage from what was shown in his application. Mr. Doucette was advised to bring the revisions (12 copies) to the Board Office no later than Monday, 3/18/19.

Mr. Doucette added that his architect will accompany him to the meeting on March 28. App. #5-19 was deemed complete and scheduled for hearing on March 28, 2019. Mr. Doucette was asked to mail out the required notices in a timely fashion.

**Adjournment:**

A motion was made by Mr. Ringwood, seconded by Mr. Coviello, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:11 p.m.

Connie Valenti, Secretary