

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

March 28, 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. Boyer, Mr. Nappi, Mr. Delia, Mr. Mustacchi, Mr. Sylvester, Mr. Ringwood and Mr. Coviello. Mr. Steve Warner, Board Attorney, was also present.

Adoption of Minutes:

February 28, 2019 Regular Meeting

March 14, 2019 Conference Meeting

A motion was made by Mr. Coviello, seconded by Mr. Delia, and carried by unanimous voice vote to adopt the minutes of the February 28, 2019 Regular Meeting as presented.

A motion was made by Mr. Ringwood, seconded by Mr. Coviello, and carried 3-0 to adopt the minutes of the March 14, 2019 Conference Meeting as presented.

Applications for Review:

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. Sullivan announced that the hearing of this application has been carried to April 25, 2019 with no further notice required.

CARRIED FROM FEBRUARY 28, 2019, WITH NO FURTHER NOTICE

REQUIRED:

App.#2-19: Christopher Sparrer, 23 Springfield Ave., Bl. 401, L. 58 (R-15 Zone)

The applicant is proposing a two-story principal addition, a deck replacement, and interior renovations. This single-family home is located on a corner lot (Delmore Ave. and Springfield Ave.). A variance is needed for insufficient principal front-yard setback from Delmore Ave.; existing house is nonconforming. The proposed deck also requires a variance for insufficient setback from Delmore Ave. The project will result in a slight increase in the lot coverage levels. (Existing “other” coverage and “total” lot coverage already exceed the 10% and 25% maximum percentages allowed.) Nonconforming issues are lot area, lot width, principal front-yard setback along Delmore Ave., accessory structures (detached garage) not permitted in the front yard, accessory structure setback from Delmore Ave., existing “other” and “total” lot coverage.

Christopher Sparrer, applicant, was sworn.

Richard Tokarski, architect, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Tokarski stated that the applicant’s property is a corner lot and the proposal is for a small addition on the back of the house and a rebuilding of the existing deck. Variances are needed for lot area, lot width, front-yard setback, the detached garage in the front yard, existing other and total lot coverage. The hardship is the result of the existing non-conforming corner lot that does not meet current zoning requirements. Mr. Tokarski indicated on the site plan the location of the proposed addition and reviewed the floor plan.

In response to questions from the Board, Mr. Tokarski stated that the deck will not be covered and there will be no storage underneath the deck. There is no change proposed to the detached garage and there will be no second story living space in the garage. The addition is designed to blend in with the character of the house and all materials will be consistent with what is existing.

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.

Mr. Warner reviewed the variances being requested and the conditions of approval.

A motion was made by Mr. Mustacchi, seconded by Mr. Siburn, with respect to App#2-19: Christopher Sparrer, 23 Springfield Ave., Bl. 401, L. 58 (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 7-0 with Mr. Sullivan, Mr. Siburn, Mr. Boyer, Mr. Nappi, Mr. Delia, Mr. Mustacchi and Mr. Sylvester voting in favor and none opposed.

App.#5-19: Brent Doucette, 611 Mountain Ave., Block 2006, Lot 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% allowed. 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 would be less than the 50 ft. required.

Brent Doucette, applicant, was sworn and stated that the plans have been revised in order to reduce the impervious coverage. Variances are being requested for front-yard setbacks, lot coverage and location of the in-ground pool in the front yard. Mr. Doucette stated that the trailer that is currently on the property will be removed.

James Ramentol, architect, was sworn and accepted as an expert witness. Mr. Ramentol reviewed the site plan indicating the location of the detached garage, the proposed four-season room and the expanded deck. He stated that the garage will be connected to the house through a one-story breezeway. Mr.

Ramentol reviewed proposed modifications to the house and the plans for installation of an in-ground pool with decking. He advised that the decking was previously proposed to be 7' and that has been reduced to 4' resulting in a reduction of the impervious coverage. Mr. Ramentol presented Exhibit A-1 – photograph of the existing rear yard. Mr. Ramentol stated that the pool will not be visible from the street and the proposed setback is 46' where 50' is required. The existing fence will remain and it will be added to in order to enclose the entire property. Mr. Ramentol presented Exhibit A-2 – photograph of the existing fence.

In response to questions from the Board, Mr. Ramentol stated that the pool equipment will probably be located behind the garage with proper screening and it will not be visible from the street.

Open to Public

The hearing was opened to the public for questions or comments with regard to the application.

Warren Schumacher, 638 Mountain Avenue, was sworn and stated that he does not object to the improvements but with respect to the pool he wants to make sure the homeowner exercises restraint as to sound.

Mr. Warner advised that there are state statutes with regard to sound that would be enforced by the municipality. A condition of approval can be included confirming that the applicant will be subject to sound regulations.

In response to further questions, Mr. Doucette acknowledged that the storm water management will be subject to review and approval of the Township Engineer, stated that there will be no trees removed and that the materials for the addition will be consistent with the exterior of the existing structure.

Mr. Ramentol stated that the applicant has received the Environmental Commission report and the impervious coverage has been reduced.

Discussion took place regarding the impervious coverage. The applicant discussed a proposal to further reduce the impervious coverage, bringing it down to 30.59%. Mr. Ramentol presented Exhibit A-3 – photograph of the rear of the property.

Mr. Doucette stated that he will provide additional screening with evergreens.

Open to Public

The hearing was opened to the public for questions or comments with regard to the application.

Man-Li Huang, 2 Deer Path, was sworn and stated that he wants to make sure that the pool is installed safely. He asked about the process for determining the location of the pool.

Mr. Sullivan advised that the pool installation is subject to the uniform construction code and there will be periodic inspections as required.

Mr. Warner reviewed the variances and conditions of approval.

A motion was made by Mr. Sylvester, seconded by Mr. Delia, with respect to App#5-19: Brent Doucette, 611 Mountain Ave., Block 2006, Lot 21 (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 7-0 with Mr. Sullivan, Mr. Siburn, Mr. Boyer, Mr. Nappi, Mr. Delia, Mr. Mustacchi and Mr. Sylvester voting in favor and none opposed.

Mr. Boyer and Mr. Siburn left the meeting (9:05 pm).

CARRIED FROM JANUARY 31, 2019, 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 he has decided to withdraw his previous request for a variance for the proposed shed type structure and is now

only requesting variances for the height of the garage and for lot coverage. The proposal is now only for the dormer addition over the garage.

In response to questions from the Board, Mr. Zucker stated that the access to the dormer addition would be by an internal staircase and the proposed dormer is exactly the same as previously presented. The dormer will not be livable space, will only be used for storage and there will be no heat. With respect to the existing shed, Mr. Zucker stated that it was on the property when he purchased the home, it is 112 square feet and he would like to keep it in its present location 3' off the property line.

Open to Public

The hearing was opened to the public for questions or comments with regard to the application.

Glenda Behm and Natalie Kelly, neighbors, were sworn and stated that they have no objection to the application. Ms. Kelly said she would like to have the shed remain where it is now.

Mr. Zucker presented Exhibit A-13 – revised garage design prepared by Robert Colletta, architect, with the dormer but without the previously proposed addition.

Mr. Warner reviewed the variances and conditions of approval.

A motion was made by Mr. Nappi, seconded by Mr. Delia, with respect to App#18-18: Daniel Zucker, 18 Kuntz Avenue, Block 302, Lot 8 (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 7-0 with Mr. Sullivan, Mr. Nappi, Mr. Delia, Mr. Mustacchi, Mr. Sylvester, Mr. Ringwood and Mr. Coviello voting in favor and none opposed.

Adoption of Resolution:

Zoning Board of Adjustment Rules and Regulations

Mr. Warner reviewed the Rules and Regulations. Discussion took place regarding the document including the provisions with respect to electronic attendance, the completeness review process, technical review committee and the annual report.

A motion was made by Mr. Mustacchi, seconded by Mr. Nappi, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Nappi, Mr. Delia, Mr. Mustacchi, Mr. Sylvester, Mr. Ringwood and Mr. Coviello voting in favor and none opposed.

Open to Public

The meeting was opened to the public for questions or comments.

There were no members of the public who had questions or comments.

Adjournment:

A motion was made by Mr. Mustacchi, seconded by Mr. Sylvester, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 10:25 PM.

Regina Giardina, Secretary Pro Tem