

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

April 28, 2022

The Regular Meeting of the Board of Adjustment was called to order at 7:30 PM via Zoom virtual meeting service.

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 on the Township website. The Agenda for the meeting, as well as instructions for public participation in the meeting, have also been posted on the Township website and sent to the newspaper of record. 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. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia. Mr. Steve Warner, Board Attorneys, was also present.

Adoption of Resolution

Request for Modification/Extension of the Temporary Durational Variance Relief granted in the Interim Resolution Adopted by the Board of Adjustment on February 24, 2022: App. 14-21: 40 Russo Place, LLC, 40 Russo Place, Block 1901, Lot 40 (LI-Zone)

Applicant is requesting permission to continue effectuating minor repairs to the buses at the site until the end of June 2022, to coincide with the end of the school year. The Interim Resolution required that the repair of buses within the building on site cease as of April 18, 2022.

A motion was made by Mr. Pereda, seconded by Mr. Coviello, to adopt the above Resolution. The roll call vote was 3-0 with Mr. Coviello, Mr. Delia and Mr. Pereda voting in favor.

Applications for Review:

App.#22-0006: Pamela & Harry Davis, 64 River Bend Road, Block 507, Lot 2

Proposed restoration of house damaged by fire. The project includes a second story addition above the garage with a 3 ft. cantilever (extension) to the rear. Relief is needed from Section 6.1.1B “Schedule of General Regulations” for insufficient front- and combined side-yard setbacks. Existing nonconforming issues are lot area, principal front-yard setback, principal rear-yard setback, and combined side-yard setbacks. (R-15 Zone)

Mr. Warner confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

Pamela and Harry Davis, applicants, were sworn. Mrs. Davis stated that they want to rebuild their home that was damaged in a fire. Mrs. Davis reviewed the proposed renovations and extension and the variance required for the 3’ cantilever.

In response to questions, Mrs. Davis stated that the exterior materials will be substantially similar to the existing dwelling materials, no trees will be removed and there will be no increase in coverage.

Open to Public

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

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Pereda, seconded by Mr. Ringwood, with respect to App.# 22-0006: Pamela & Harry Davis, 64 River Bend Road, Block 507, Lot 2 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 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

App.#22-0003: Martin & Kara Nohilly, 26 Chestnut Hill Dr., Bl. 3805, L.14

Proposed addition with new screened porch, deck, basement, and walkway. Relief is needed from Section 6.1.1B “Schedule of General Regulations” for exceeding the maximum building coverage, other coverage, and total lot coverage percentages permitted and for insufficient rear-yard setback. A variance would also be required for nonconformance with Section 3.1.8 Decks due to the height

and location of the deck. Existing nonconforming issues are lot area, other coverage, total coverage, shed location, and driveway location. (R-20 Zone)

Mr. Warner confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

Kara and Martin Nohilly, applicants, were sworn. Mr. Nohilly stated that they are proposing an addition to expand the kitchen and modernize the house.

James Ramentol, architect, was sworn and accepted as an expert witness. Mr. Ramentol reviewed the proposed site plan and the required variances for coverage, rear yard setback, and the height and location of the deck. Mr. Ramentol presented Exhibit A-1 – photographs of the existing condition of the house, the driveway and the views from the proposed deck.

In response to questions, Mr. Ramentol indicated the photograph of the view from the neighbor's property and stated that the drainage will be subject to review by the Township Engineer and the shed will be moved to a conforming location. Mr. Ramentol further stated that the applicant will provide screening along the property line subject to approval of the zoning officer and the applicant will comply with the tree removal and replacement requirements.

In response to further questions, Mr. Ramentol stated that the exterior materials will be substantially similar to what is existing, there will be no storage under the deck, and he will make revisions to the plans to reduce the impervious coverage to 30.37%. The corrected information will be provided for inclusion in the resolution of approval.

Open to Public

The hearing was opened to the public.

Craig Johnson, 29 Chestnut Hill Drive, was sworn and stated that he is a neighbor and supports the application.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Pereda, seconded by Mr. Ringwood, with respect to App.#22-0003: Martin & Kara Nohilly, 26 Chestnut Hill Dr., Bl. 3805, L.14 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

5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

App.#22-0004: Lee Hills, 125 Kent Drive, Block 2601, Lot 2.02 (R-20 Zone)

Proposed installation of an in-ground pool and patios. Relief is needed from Section 6.1.1B Schedule of General Regulations for exceeding the maximum 10% “other lot coverage” permitted. Existing “other lot coverage” is nonconforming.

Mr. Warner confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

August Santore, attorney for the applicant, stated that this is a pool application with variances needed for coverage.

Lee Hills, applicant, was sworn and stated that the purpose of the pool and patio is for family recreation.

In response to questions, Mr. Hills stated that compliant fencing with a gate will be installed, any lighting will not create spillage over to the neighboring property, no trees will be removed, there will be no retaining walls, and construction vehicles will access the backyard through his property.

Open to Public

The hearing was opened to the public.

Nicholas Ebert, 115 Kent Drive, asked questions regarding the existing and proposed drainage.

Catherine Mueller, engineer, was sworn and accepted as an expert witness. Ms. Mueller stated that she has no issues with Mr. Solfaro’s comments. She stated that the drainage will be sufficient for the project, has been designed per Township regulations and will be subject to approval of the Township Engineer.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Pereda, seconded by Mr. Ringwood, with respect to App.#22-0004: Lee Hills, 125 Kent Drive, Block 2601, Lot 2.02 (R-20 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

5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

App.#22-0005: Marat Michin, 34 Orion Road, Block 3401, Lot 22 (R-20 Zone)

Proposed installation of an in-ground pool, patios, stepping stones, retaining walls, pool equipment, and fencing. A variance is needed for exceeding the maximum permitted 10% “other” and 25% “total” lot coverage percentages.

Mr. Warner confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

August Santore, attorney for the applicant, stated that the application is for installation of a pool and variances are required for coverage.

Catherine Mueller, engineer, was sworn and accepted as an expert witness. Ms. Mueller reviewed the existing and proposed conditions of the property. She stated that the existing patio will be rebuilt and there will be an increase in impervious coverage. Ms. Mueller described the proposed drainage system and indicated the location of the pool and the pool equipment.

In response to questions, Ms. Mueller stated that a total of 10 trees will be removed, and the applicant will comply with permit and replacement requirements. A grading plan will be submitted for approval to the Township Engineer and Zoning Officer. There will be no light spillage onto adjacent properties.

Open to Public

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

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Delia, seconded by Mr. Ringwood, with respect to App.# 22-0005: Marat Michin, 34 Orion Road, Block 3401, Lot 22 (R-20 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 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

**CARRIED FROM MARCH 24, 2022 WITH NO FURTHER NOTICE REQUIRED:
App.#22-0002: Andrew Park, 45 Rogers Avenue, Block 2704, Lot 6 (R-20
Zone)**

Proposed installation of an inground pool with patio surround. Variances are needed for exceeding the 10% “other” and 25% “total” lot coverage limits. The lot area is nonconforming.

Mr. Warner confirmed that the application was carried with no further notice required. He noted that members of the Board have listened to the recording of the March 24 meeting and all members present are eligible to vote on the application.

Andrew Park, previously sworn, stated that the pavers have been changed to a pervious material in order to reduce the coverage to 30%.

Dennis Donatelli, previously sworn and accepted as an expert witness, reviewed the changes made to the plans in order to reduce the amount of impervious coverage. He also reviewed the drainage, fencing and lighting. Mr. Donatelli stated that there will be no spillage of lighting onto adjacent properties and no trees will be removed.

Mr. Park presented Exhibit A-1 – landscaping plan that is proposed to be done in phases over a period of a few years.

Open to Public

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

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Delia, seconded by Mr. Ringwood, with respect to App.# 22-0002: Andrew Park, 45 Rogers Avenue, Block 2704, Lot 6 (R-20 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 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

Open to Public

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

Adjournment:

A motion was made by Mr. Ringwood, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at 9:32 PM.

Regina Giardina, Secretary Pro Tem