

# **MINUTES**

## **BOARD OF ADJUSTMENT**

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

Regular Meeting

May 26, 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. Sullivan, Mr. Coviello, Mr. Delia, Mr. Nappi, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Sincaglia. Ms. Amanda Wolfe, Board Attorney, was also present.

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

April 13, 2022 Special Meeting

April 28, 2022 Regular Meeting

A motion was made by Mr. Delia, seconded by Mr. Pereda, and carried 6-0 (Abstain-Mr. Nappi, Mr. Ringwood) to adopt the minutes of the April 13, 2022 Special Meeting as presented.

A motion was made by Mr. Ringwood, seconded by Mr. Delia, and carried 5-0 (Abstain-Mr. Sullivan, Mr. Nappi, Mr. Sylvester) to adopt the minutes of the April 28, 2022 Regular Meeting as presented.

#### **Adoption of Resolutions**

##### **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)

A motion was made by Mr. Pereda, seconded by Mr. Sincaglia, to adopt the above Resolution. The roll call vote was 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor.

**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)

A motion was made by Mr. Ringwood, seconded by Mr. Pereda, to adopt the above Resolution. The roll call vote was 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor.

**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.

A motion was made by Mr. Coviello, seconded by Mr. Sincaglia, to adopt the above Resolution. The roll call vote was 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor.

**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.

A motion was made by Mr. Delia, seconded by Mr. Ringwood, to adopt the above Resolution. The roll call vote was 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor.

**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.

A motion was made by Mr. Pereda, seconded by Mr. Sincaglia, to adopt the above Resolution. The roll call vote was 5-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor.

**Applications for Review:**

**App.#22-0008: Paola Garro, 39 Southview Drive, Block 4503, Lot 3 (R-20 Zone)**

Proposed two-story principal addition (12’7” x 17’3”) to the rear of the home. Relief is needed from Section 6.1.1B “Schedule of General Regulations” for exceeding the maximum permitted total lot coverage and insufficient rear-yard setback. Existing nonconforming issues are lot area, lot depth, principal front-yard setback, shed location, and other coverage.

Ms. Wolfe confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

Paola Garro was sworn and stated that she is proposing a two-story addition for a guest room on the first floor and a bedroom for her son on the second floor. Variances are required for rear yard setback and for lot coverage.

In response to questions, Ms. Garro stated that there is no deck, but they did install a patio in the rear that does not comply with rear yard setback requirements. She also stated that they would be willing to move the shed if required, and the existing fence belongs to the neighbors. It was noted that the driveway is 4’ from the property line where 5’ is required and that will be included in the variances being requested. With respect to the shed, it was suggested that approval be granted for a 100 square foot shed in an appropriate location. The applicant also agreed to move the snowplow that is presently located on the driveway into the garage.

**Open to Public**

The hearing was opened to the public.

Mike Boyer, 52 Southview Drive, stated that he has a similar home and asked questions regarding the height of the roof and drainage.

Ms. Garro stated that the addition will not be visible from the street. Mr. Sullivan advised that the approval will be subject to review of storm water management by the Township Engineer.

In response to further questions, Ms. Garro stated that the exterior of the addition will match the rest of the house and no trees will be removed.

Ms. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Ringwood, seconded by Mr. Pereda, with respect to App.#22-0008: Paola Garro, 39 Southview Drive, Block 4503, Lot 3 (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 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Nappi, Mr. Ringwood, Mr. Sylvester and Mr. Pereda voting in favor and none opposed.

**App.#22-0010: Ali Latifi & Golnessa Mojtahedi, 46 Winchip Rd., Bl.3906, L, 5**  
Proposed construction of a one-story addition (14' x 13'3"). Relief is needed from Section 6.1.1B "Schedule of General Regulations" for insufficient front-yard setback. The existing front-yard setback is nonconforming. (R-20 Zone)

Ms. Wolfe confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

Ali Latifi and Golnessa Mojtahedi, applicants, were sworn and stated that they propose to construct a one-story addition to the existing kitchen and a variance is required for front yard setback.

In response to questions, the applicants stated that the patio is not going to be used as a basketball court, no trees will be removed, the exterior of the addition will match the existing house and the storm water management plan will be submitted to the Township Engineer.

Ms. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Ringwood, seconded by Mr. Nappi, with respect to App.#22-0010: Ali Latifi & Golnessa Mojtahedi, 46 Winchip Rd., Bl.3906, L, 5 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. Coviello, Mr. Delia, Mr. Nappi, Mr. Ringwood, Mr. Sylvester and Mr. Pereda voting in favor and none opposed.

**App#22-0009: Ellen R. Guritzky, 15 Cromwell Ct., Block 1602, Lot 13 (R-15 Zone)**

Proposed installation of an above-ground pool (12' x 17' x 52" high). Relief is needed from 1) Section 3.1.7 "Swimming and Wading Pool" for insufficient rear-yard setback; 2) Section 3.1.7D. "Height" for exceeding the 48" maximum height allowed; and 3) Section 6.1.1B. "Schedule of General Regulations" for exceeding the maximum total lot coverage permitted.

Ms. Wolfe confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

Ellen Guritzky, applicant, was sworn and stated that she wants to install an above-ground pool and variances are required for rear yard setback and for pool height.

In response to questions, Ms. Guritzky stated that she would prefer to have the pool at grade rather than excavating, the coverage will increase to 26% and the rear yard setback is 2' where 12' is required. There is a creek behind the house.

It was suggested that the pool be located closer to the house so that the rear yard setback will be 8' and Ms. Guritzky agreed to that suggestion. Ms. Guritzky also stated that she will be installing a compliant fence around the whole property.

Ms. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Ringwood, seconded by Mr. Nappi, with respect to App.#22-0009: Ellen R. Guritzky, 15 Cromwell Ct., Block 1602, Lot 13 (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. Coviello, Mr. Delia, Mr. Nappi, Mr. Ringwood, Mr. Sylvester and Mr. Pereda voting in favor and none opposed.

**App22-0007: 41 Putnam Ave LLC, 41 Putnam Ave., Bl. 1803, L. 9 (R-15 Zone)**

Proposed reconstruction of an existing single-family dwelling due to fire damage. The project consists of a first and second floor addition, covered porch, rear-yard deck, new two-car garage, and sidewalk and driveway modifications. The

property is a corner lot with frontage on improved Putnam Avenue and unimproved Bolton Blvd. Variances are needed for insufficient principal front-yard setback (from both streets) and rear-yard setback to the new deck. Variances are also needed for exceeding the 15% maximum permitted building coverage and the 25% maximum permitted total lot coverage. Existing nonconforming issues are lot area, lot depth, principal front-yard setbacks (from both streets) and rear-yard setback.

Ms. Wolfe confirmed that the notice provided is sufficient and the Board has jurisdiction to hear the application.

Rosemary Stone-Dougherty, attorney for the applicant, stated that the application is for reconstruction of and addition to an existing single-family home that was damaged by fire. She presented a 5-page site plan.

Kurt Ludwig, architect, was sworn, provided his educational and professional background and was accepted as an expert witness. Mr. Ludwig reviewed the site plan including photographs of the existing dwelling, proposed repairs to the structure, additions to the existing house, floor plans, the proposed new deck and the proposed front elevation. Mr. Ludwig also reviewed the required variances for front yard setback, rear yard setback, maximum building coverage and lot coverage. He stated the opinion that the variances should be granted since the proposal will clean up the site and benefit the neighborhood.

In response to questions, Mr. Ludwig stated that there will be a partial basement and a crawl space, they are working with the DEP, awaiting their direction and they will comply with any DEP requirements. Mr. Ludwig also discussed the neighboring homes.

In response to further questions, Ms. Stone-Dougherty stated that the applicant will install a fence if required, and any potential buyer of the home will be advised that there is no room for anything else on the property.

Discussion took place regarding a shed and it was suggested that approval be granted for a compliant shed so that the potential homeowner will not have to appear before the Board if they decide a shed is needed.

### **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.

Ms. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Ringwood, seconded by Mr. Sylvester, with respect to App.#22-0007: 41 Putnam Ave LLC, 41 Putnam Ave., Bl. 1803, L. 9 (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. Coviello, Mr. Delia, Mr. Nappi, Mr. Ringwood, Mr. Sylvester and Mr. Pereda 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. Delia, seconded by Mr. Pereda, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at 9:15 PM.

Regina Giardina, Secretary Pro Tem