

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

June 23, 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. Ringwood, Mr. Sylvester and Mr. Sincaglia. Ms. Amanda Wolfe, Board Attorney, was also present.

Adoption of Minutes:

May 26, 2022

A motion was made by Mr. Coviello, seconded by Mr. Sylvester, and carried 6-0 to adopt the minutes of the May 26, 2022 Regular Meeting as presented.

Designation of Interim Board Attorney and Adoption of Resolution:

Interim Board Attorney for the period July 1, 2022 – December 31, 2022

Amanda Wolfe of the Post Polak firm was appointed Interim Board Attorney for the period July 1, 2022 through December 31, 2022 and the resolution memorializing the appointment was adopted on the motion of Mr. Coviello, seconded by Mr. Delia and carried by unanimous roll call vote 6-0.

Adoption of Resolutions

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.

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

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)

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

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.

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

Applications for Review:

CARRIED TO SEPTEMBER 22, 2022 WITH NO FURTHER NOTICE REQUIRED:
App.#15-21: Oz Custom Builders, LLC, 725 Mountain Ave., Bl. 2006, L. 32

The applicant is seeking final major subdivision approval with variances to subdivide the approx. 5.96-acre property. The proposal is to demolish the existing residential dwelling and garage and subdivide the property into five lots with the existing church and parking lot to remain on proposed Lot 32.01 and single family residential dwellings to be constructed on proposed lots 32.02, 32.03, 32.04 and 32.05. Preliminary major subdivision approval was previously granted by the Berkeley Heights Planning Board.(R-15 Zone)

Mr. Sullivan announced that this application has been carried to September 22, 2022 with no further notice required.

App.#22-0011: Anthony Wargo, 202 Springfield Ave., Block 803, Lot 1 (R-15 Zone)

A new two-story addition and a covered front porch are proposed for this single-family dwelling on a corner lot. Relief is needed from Section 6.1.1B “Schedule of General Regulations” for insufficient front-yard setbacks on both Springfield Avenue and Briarwood Drive and for exceeding the 25% maximum permitted total lot coverage. Existing nonconforming issues are lot area, lot width, principal front-yard setback from both street fronts, shed location and “other” coverage.

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

Caitlin and Anthony Wargo, applicants, were sworn

William Hollows, engineer and planner, was sworn and accepted as an expert witness.

Mr. Hollows presented Exhibit A-1 – slide presentation of plans. He indicated the location and dimensions of the property and described the existing conditions. Mr. Hollows described the proposed addition to the existing home and reviewed the variances being requested.

In response to questions from the Board, Mr. Hollows stated that the existing fence belongs to the neighbor and the proposed basement will be used as a playroom for the children.

Anthony and Caitlin Wargo reviewed the floor plans for the first and second floor and described the patio and fire pit and how they will be using the front porch. Mr. Wargo also noted that the shed will be removed and not replaced.

Discussion took place regarding the storage of the materials that were purchased prior to approval of the project.

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.#22-0011: Anthony Wargo, 202 Springfield Ave., Block 803, Lot 1 (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. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester 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 8:15 PM.

Regina Giardina, Secretary Pro Tem