

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

February 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. Delia, Mr. Sylvester, Mr. Ringwood and Mr. Coviello. Mr. Steve Warner, Board Attorney, and Mr. Dan Bernstein, Acting Board Attorney were also present.

Adoption of Minutes:

January 31, 2019 Regular Meeting

February 14, 2019 Conference Meeting

A motion was made by Mr. Coviello, seconded by Mr. Ringwood, and carried by unanimous voice vote to adopt the minutes of the January 31, 2019 Regular Meeting as presented.

A motion was made by Mr. Coviello, seconded by Mr. Delia, and carried by unanimous voice vote to adopt the minutes of the February 14, 2019 Conference Meeting as presented.

Adoption of Resolutions:

Resolution in Recognition of Service

Daniel S. Bernstein, Esq.

Mr. Sullivan read a Resolution that was presented to Mr. Bernstein recognizing Mr. Bernstein's 46 years of service to the Berkeley Heights Board of Adjustment.

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. Sullivan, Mr. Delia, Mr. Sylvester, Mr. Ringwood and Mr. Coviello voting in favor and none opposed.

App.#22-18: 18 Sayre St LLC, 32 Roosevelt Ave., Block 1301, Lot 22 (R-15 Zone)

Proposed renovation of an existing single-family residence, one of two single family detached dwellings on the same lot. The applicant is seeking to renovate the fireplace, lower the existing basement floor area and add a deck. In 2017 a Certificate of Prior Non-Conforming Use and Structures was issued by the Board of Adjustment by resolution (Case No. 17-17) for the two dwellings on one lot. The resolution prohibits any expansion of the structures without a variance from the Board of Adjustment; the applicant is now requesting a variance pursuant to N.J.S.A. 40:55D-70d(2), commonly known as a d (2) variance--expansion of a non-conforming use and structure.

A motion was made by Mr. Ringwood, seconded by Mr. Delia, to adopt the above Resolution. The roll call vote was 4-0 with Mr. Sullivan, Mr. Delia, Mr. Sylvester and Mr. Ringwood voting in favor and none opposed.

Applications for Review:

App.#2-19: Christopher Sparrer, 23 Springfield Avenue, 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.

Mr. Warner advised that there was an issue with the notice. The application is to be carried to March 28, 2019 to afford the applicant an opportunity to rectify the deficiency in the notice.

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

Proposed construction of an inground 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.

Mr. Bernstein acted as Board Attorney for this application.

Rebecca Nappi was sworn and stated that they are proposing to construct an in ground pool and variances are being requested for side and rear setbacks and for other and total coverage.

In response to questions from the Board, Mrs. Nappi stated that the size of the proposed shed is 8 x 12, 96 square feet, and the setbacks will be 6' where 10' is required. The pool surround will be concrete. The pool will be a standard size with a vinyl liner.

Open to Public

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

Linda Fuller, 33 Robbins Avenue, and Colleen Fletcher, 41 Robbins Avenue, were sworn and stated their concerns with regard to drainage. They are not opposed to the pool but do not want to see the existing drainage issues in the neighborhood exacerbated. Ms. Fuller presented Exhibits O-1, O-2, O-3 and O-4 – photographs of her backyard and her neighbors' properties showing the existing water problems following a storm. Ms. Fuller asked if the plan for the pool will address drainage and storm water management to insure that the neighbors are not affected.

Mrs. Nappi stated that there is an existing well on their property that will deal with water, and the grading plan will show that there will be no additional run off from their property. The grading plan will be reviewed by the Township Engineer.

Mr. Bernstein advised that if the application is approved the approval will be subject to review and approval of the drainage plan by the Township Engineer. He will suggest that the Township Engineer confer with the neighbors.

Jess Germansky, 30 Lawrence Drive, was sworn and stated that he has no objection to the pool but shares the concerns regarding the existing water problems in the area.

Virginia Coccia, 20 Lawrence Drive, was sworn and discussed the history of the drainage problems on her property and the other properties in the area. She said she is concerned about the effect of this application on the water table.

Discussion took place and it was noted that this Board can only deal with drainage on a parcel by parcel basis. The Board will look at the plans and determine what the applicant needs to do in order to not affect the surrounding properties and make sure that the development does not impact the neighborhood.

Discussion took place and the consensus of the Board was in favor of granting approval of the application.

Mr. Bernstein reviewed the conditions of approval.

A motion was made by Mr. Coviello, seconded by Mr. Delia, with respect to App#4-19: Gerald & Rebecca Nappi, 46 Lawrence Dr., Bl. 804, L. 34 (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 5-0 with Mr. Sullivan, Mr. Delia, Mr. Sylvester, Mr. Ringwood and Mr. Coviello voting in favor and none opposed.

App.#1-19: John V. Leo, Jr., 43 Forest Avenue, Block 508, Lot 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.

Mr. Ringwood recused himself from the hearing of this application.

John Leo was sworn and stated that he wants to construct an addition similar to other homes in the neighborhood. Variances are needed for expansion of

existing non-conforming issues. Mr. Leo presented Exhibit A-1 – revised application, and Exhibit A-2 – revised plan dated 2/28/19.

In response to questions from the Board, Mr. Leo stated that his property has a one-car garage and straight driveway.

Open to Public

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

Joseph Ringwood, 37 Forest Avenue, stated that he fully supports the plans for the addition but he is concerned about drainage issues.

Mr. Sullivan noted that a storm water management plan will be required and the plan must be approved by the Township Engineer.

In response to further questions, Mr. Leo stated that the exterior of the house will be hardy plank on the top and bottom, this will represent an improvement to the housing stock and the benefits of the development will outweigh the detriments. Mr. Leo also agreed to the suggestions made with regard to landscaping.

Discussion took place and the consensus of the Board was in favor of granting approval of the application.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Delia, seconded by Mr. Sylvester, with respect to App#1-19: John V. Leo, Jr., 43 Forest Avenue, Block 508, Lot 14 (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 4-0 with Mr. Sullivan, Mr. Delia, Mr. Sylvester and Mr. Coviello voting in favor and none opposed.

Open to Public

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

Christopher Sparrer asked some questions regarding the notice he is required to send out for his hearing to be held on March 28 and Mr. Warner provided him with the information.

Discussion

Zoning Board of Adjustment Rules and Regulations

Mr. Warner presented the proposed Rules and Regulations and discussed the procedures for completeness review and electronic attendance by members.

Mr. Sullivan asked the Board members to review the proposed Rules and Regulations and send any comments, suggestions or questions. The Board will have a final review of the document and formally adopt it on March 28.

Primrose

Mr. Sullivan advised that with the end of the parking arrangement that existed between Primrose School and Alexander Bol, the zoning officer has asked if Primrose should be required to make another arrangement for overflow parking. Mr. Sullivan asked the Board members to consider the matter for future discussion.

Adjournment:

A motion was made by Mr. Coviello, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 9:15 PM.

Regina Giardina, Secretary Pro Tem