

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

March 23, 2023

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, Mr. Pereda, Mr. Sincaglia, and Ms. West-Augustin. Ms. Amanda Wolfe, Board Attorney, was also present.

Application for Review:

App.#15-21: Oz Custom Builders, LLC, 725 Mountain Ave., Bl. 2006, L. 32 (continuation of hearing last held 4/13/2022)

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 the hearing of this application has been carried to June 22, 2023 and that meeting will be an in-person meeting. The meeting will be available for viewing via Zoom, but members of the public wishing to raise questions or make comments regarding the application must be physically in attendance.

Adoption of Minutes:

February 23, 2023 Regular Meeting

A motion was made by Mr. Ringwood, seconded by Mr. Sincaglia, and carried 7-0 to adopt the minutes of the February 23, 2023 Regular Meeting as presented.

Adoption of Resolutions:

Resolution adopting the 2021 Annual Report of the Zoning Board of Adjustment

A motion was made by Mr. Coviello, seconded by Mr. Sincaglia, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Sincaglia, voting in favor.

APP22-0020: Ilir & Loreta Bitici: 51 Mercier Pl., Block 3002, Lot 14 (R-20 Zone)

Proposed addition to the north side and rear of the house, new foyer and portico at the front entrance, reconfigured front walkway, new backyard patio, reconfigured and relocated driveway as well as interior renovations. Relief is needed from Section 6.1.1B. "Schedule of General Regulations" for insufficient rear-yard setback and for exceeding the maximum permitted "building," "other," and "total" lot coverage percentages. Existing nonconforming issues are lot area, lot depth, existing principal rear-yard setback, and existing "other" coverage.

Ms. Wolfe reviewed the Resolution. She noted that the applicant has agreed to relocation of the existing shed.

Ilir Bitici was present and confirmed that he has agreed to an amendment to the Resolution regarding the shed.

A motion was made by Mr. Ringwood, seconded by Mr. Sylvester, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Sincaglia and Ms. West-Augustin voting in favor.

Application for Review:

App.#23-0001: Nakul Pandit & Radhika Karajgi, 6 Maple Ave., Bl. 902, Lot 1.02

Proposed installation of an outdoor patio, 20' x 12' at grade, off the rear door of the house. Relief is needed from Section 6.1.1B. for exceeding the 25% maximum permitted total lot coverage. Existing nonconforming issues were addressed in minor subdivision approval granted by the Planning Board through resolution adopted December 9, 2020. (R-15 Zone)

Ms. Wolfe confirmed that the notice provided is sufficient.

August Santore was present as attorney for the applicant.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows stated that a minor subdivision was approved for the property in 2022 and two houses were built. The applicant is seeking a variance for lot coverage for the addition of a patio. The existing lot coverage is approximately 25% and with the patio it will be 27.8%. Mr. Hollows presented Exhibit A-1 – colorized rendering of portions of the site plan, and he indicated the proposed location of the patio that will include gravel drainage that would connect to the existing storm water management system.

Mr. Santore stated that the approval of the subdivision included a requirement for planting of arborvitae. That was done but some of the plantings have died and will be replaced. In response to a question, Mr. Santore stated that the applicant prefers a patio rather than a deck.

Open to Public

The hearing was opened to the public for questions and comments.

Richard Leister, Environmental Commission, suggested that a rain garden be installed to compensate for the increased impervious coverage.

Mr. Hollows explained how the proposed drainage will work and why he would not recommend a rain garden.

In response to questions from the Board, Mr. Hollows stated that the patio will be solid, not pavers. Mr. Santore stated that approval for the patio was not sought at the time of the subdivision but the homeowner decided after the fact that they wanted it. He further stated that if the applicant wants a shed some time in the

future that would be a separate application and there is no additional lighting proposed.

Ms. Wolfe reviewed the application and conditions of approval, including consideration of alternatives for drainage to be discussed with the Township Engineer.

A motion was made by Mr. Sylvester, seconded by Mr. Sincaglia, with respect to App.#23-0001: Nakul Pandit & Radhika Karajgi, 6 Maple Ave., Bl. 902, Lot 1.02 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. Ringwood, Mr. Sylvester, 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. Coviello, seconded by Mr. Ringwood, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at 8:20 PM.

Regina Giardina, Secretary Pro Tem