

# MINUTES

## BOARD OF ADJUSTMENT

### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

May 25, 2023

The Regular Meeting of the Board of Adjustment was called to order at 7:30 PM.

It was confirmed that the meeting was being held in conformance with all regulations of the Open Public Meetings Act. Adequate notice of this meeting has been posted on the Township website and sent to the newspaper of record. The Agenda has been posted on the Township website and bulletin board at the Municipal Building 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 substantially past 10:30 PM.

#### **Roll Call:**

Members present were Mr. Sullivan, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda, and Mr. Sincaglia. Ms. Amanda Wolfe, Board Attorney, was also present.

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

April 27, 2023 Regular Meeting

A motion was made by Mr. Ringwood, seconded by Mr. Delia, and carried 4-0 to adopt the minutes of the April 27, 2023 Regular Meeting as presented.

#### **Adoption of Resolution:**

#### **Resolution of Approval, App.#23-0002: Tom & Michelle Whited, 131 Timber Dr., Bl. 2202, L. 8 (R-15 Zone)**

*Proposed installation of an in-ground pool (14' x 28') with pool patio, water feature wall, retaining wall, and pool equipment pad. This is a corner lot with street frontage on Timber and Evergreen Drives. Variances are needed for exceeding the maximum permitted 10% "other" coverage and 25% "total" lot coverage. Relief is also needed for insufficient setback to the proposed water feature wall and new patio in the rear yard. The ordinance prohibits accessory structures in the front yard. The proposed pool equipment pad and the pool patio are located in the front yard along Evergreen Drive.*

A motion was made by Mr. Pereda, seconded by Mr. Sincaglia, to adopt the above Resolution. The roll call vote was 4-0 with Mr. Delia, Mr. Ringwood, Mr. Pereda, and Mr. Sincaglia voting in favor.

**Application for Review:**

**App#23-0003: Matt & Caitlin Anderson, 40 Greenbrook Rd., Bl. 2901, L. 1.85**

*Proposed renovation project to consist of a dormer addition to the front, removal of the existing, nonconforming detached garage, construction of a new attached garage, and two-story addition to the rear with new covered porch. Relief is needed from Section 6.1.1B for insufficient side and rear-yard setbacks and for exceeding the 15% maximum permitted building coverage, 10% other coverage, and 25% total lot coverage percentages. (The driveway will be reduced in size so that existing other coverage of 14.90% will decrease to 12.18%.) Existing nonconforming issues are lot area, lot depth, principal front-yard setback, detached garage location, other coverage, total lot coverage, and driveway location. (R-20 Zone)*

Ms. Wolfe confirmed that the notice provided is sufficient.

The applicants, Caitlin and Matt Anderson, were sworn, and Alan Leonard, architect, was sworn and accepted as an expert witness. Mr. Leonard gave some background about the Free Acres leasehold agreement and mentioned that the application for 40 Greenbrook Road was approved by the Free Acres Association.

Mr. Leonard presented Exhibit A-1, a compendium of 6 photographs showing the property from various vantage points. Mr. Leonard reviewed the existing conditions, the proposed project, and the required variances for side and rear-yard setbacks and lot coverage. Discussion took place about whether stucco or clapboard would be used for the siding, the insufficient side setback to the garage and possible buffering on that side, and the effect of outside lights on the neighboring property. In response to questions about tree removal, Mr. Leonard stated that potentially two trees may have to come down in which case they would be replaced.

### **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 with regard to the application.

A motion was made by Mr. Sincaglia, seconded by Mr. Pereda, with respect to Application #23-0003: Matt & Caitlin Anderson, 40 Greenbrook Road, Block 2901, Lot 1.85 (R-20 Zone) to approve the application with the 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. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda, and Mr. Sincaglia voting in favor and none opposed.

### **Adoption of Resolution:**

#### **Resolution of Withdrawal, App.#22-0016: Berkeley Heights 713 Realty, LLC, 713 Plainfield Avenue, Block 3102, Lot 33 (R-20 Zone)**

*Proposed expansion of an existing service station use to allow expanded hours of operation, sale of diesel fuel, sale of ice, and installation of an ATM inside the existing building. The applicant is requesting a d(2) use variance to permit the expansion of a pre-existing, nonconforming use and the modification of previously imposed conditions of approval related to permitted hours and days of operation in the resolution adopted by the Board of Adjustment on May 28, 2020.*

A motion was made by Mr. Sylvester, seconded by Mr. Sincaglia, to adopt the above referenced resolution. The roll call vote was 6 – 0 with Mr. Sullivan, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda, and Mr. Sincaglia voting in favor.

### **Adjournment:**

A motion was made by Mr. Delia, seconded by Mr. Ringwood, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at approximately 8:20 PM.

Connie Valenti, Land Use Administrator