

# **MINUTES**

## **BOARD OF ADJUSTMENT**

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

Regular Meeting

May 28, 2020

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. Siburn, Mr. Boyer, Mr. Nappi, Mr. Delia, Mr. Coviello, Mr. Sylvester, Mr. Ringwood and Mr. Pereda. Mr. Steve Warner, Board Attorney, was also present.

Mr. Sullivan recused himself from the meeting and Mr. Siburn became acting Chairman.

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

April 23, 2020

A motion was made by Mr. Boyer, seconded by Mr. Ringwood, and carried 7-0 to adopt the minutes of the April 23, 2020 Regular Meeting as presented.

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

##### **App.#22-19 Angad Fuel, LLC, 713 Plainfield Ave., Bl. 3102, L. 33 (R-20 Zone)**

Proposed renovation and expansion of an existing gasoline service station located in a residential zone. The gas station is considered a prior nonconforming use. The relief requested includes site plan approval, expansion of preexisting nonconforming use pursuant to section 70(d)(2) and amendment to conditions of prior approvals.

A motion was made by Mr. Boyer, seconded by Mr. Coviello, to adopt the above Resolution. The roll call vote was unanimous with Mr. Siburn, Mr. Boyer, Mr. Delia, Mr. Coviello, Mr. Ringwood and Mr. Pereda voting in favor.

Mr. Sullivan returned to the meeting.

**Applications for Review:**

Mr. Sullivan reviewed the standard conditions that would apply to applications that might be approved by the Board.

**App. #32-19: Justin Patel, 415 Emerson Lane, Block 2702, Lot 8 (R-20 Zone)**

Proposed reconfiguration of existing driveway to allow for off-street parking and on-site turn around. Variances are needed because the 10% “other coverage” limit will be exceeded, and the driveway will be less than 5 feet from the property line as required.

Mr. Sullivan advised that the hearing of this application has been postponed.

**App.#3-20: Glenn & Dara Forrester, 115 North Rd., Bl. 2701, L. 2.01 (R-20 Zone)**

Proposed one-story addition to consist of a kitchen expansion, mud room, and laundry room to the rear of the house. In addition, a side load, two car garage will be enlarged and converted to a front load, two car garage. The proposal also includes driveway alterations, deck modification, and interior alterations. Variances are needed for insufficient front-yard setback, side-yard setback, and combined side-yard setbacks. The driveway is also located less than the 5 ft. required from the side property line.

Mr. Warner confirmed that the notice was sufficient and that the Board had jurisdiction to hear this application.

Glenn Forrester, applicant, and James Ramentol, architect, were sworn, and Mr. Ramentol was accepted as an expert witness.

Mr. Ramentol reviewed the variances that are being requested in connection with this application.

Mr. Forrester stated that the home presently has a two-car garage with a side entrance that is not usable because of the turning radius. The proposal is to convert to a front entrance garage and in addition there would be driveway alterations, deck modification and interior alterations.

In response to questions from the Board, Mr. Forrester stated that the garage would cover a portion of the existing driveway and the basketball net would be removed.

Mr. Ramentol stated that photographs were previously submitted showing views of the house. The photographs were designated as Exhibit A-1. Mr. Ramentol reviewed the proposed new configuration of the garage and the renovations to the interior of the house including a new entrance through the garage into the basement.

In response to a question from the Board regarding the basement access through the garage, the applicant agreed to stipulate that the house will only be utilized as a single family home with no separate living space in the basement or otherwise.

In response to questions from the Board Mr. Ramentol stated that the existing retaining wall will remain the same. He further stated that the benefits of the renovations will substantially outweigh the detriments and there will be no impact on the zoning plan or ordinance.

### **Open to Public**

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

Huey Fang, 120 North Road, was sworn, and asked why the front setback needs to be changed.

Mr. Ramentol indicated the location of the electric meter that necessitates the change in the setback.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Siburn, seconded by Mr. Nappi, with respect to App. #3-20: Glenn & Dara Forrester, 115 North Rd., Bl. 2701, L. 2.01 (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. Siburn, Mr. Boyer, Mr. Nappi, Mr. Delia, Mr. Coviello, and Mr. Sylvester voting in favor and none opposed.

**App.#2-20: Joseph Trezza, 87 Twin Falls Road, Block 4501, Lot 16 (R-20 Zone)**

Proposed construction of a two-story principal addition consisting of a first-floor kitchen addition/renovation with a new, second-story bedroom above with cantilever, and a new deck. Relief is needed from Section 6.1.1B of the Zoning Ordinance for insufficient side-yard setbacks (new addition and deck). Existing nonconforming issues are lot area, lot width, principal side-yard setback, and location of existing shed.

Mr. Warner confirmed that the notice was sufficient and that the Board had jurisdiction to hear this application.

Joseph and Robin Trezza were sworn. Mr. Trezza reviewed the proposed addition and expansion and the variances required and the existing nonconforming issues.

In response to questions from the Board, Mr. Trezza stated that the proposal is for a two-story addition and the home is uphill from the neighbor's home. It was suggested that the deck be moved to behind the center of the home rather than the location closest to the neighbors. Mr. Trezza said it could be moved but that would stop the natural flow of the yard. The existing deck is being reduced in size and they would be willing to put in additional shrubbery to buffer the neighbors. Mr. Trezza further stated that he does not think the existing shed can be moved.

**Open to Public**

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

Christopher and Laritza D'Amato, 95 Twin Falls Road, were sworn and stated that they are the next-door neighbors and they are fine with what is being proposed.

Mr. Sullivan suggested that an additional 5' be added to the proposed deck and the applicants agreed with that suggestion.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Boyer, seconded by Mr. Sylvester, with respect to App. #2-20: Joseph Trezza, 87 Twin Falls Road, Block 4501, Lot 16 (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. Siburn, Mr. Boyer, Mr. Nappi, Mr. Delia, Mr. Coviello and Mr. Sylvester voting in favor and none opposed.

**App.#4-20: Sarat Puthenpura, 289 Chaucer Drive, Block 1002, Lot 4 (R-15 Zone)**

Proposed construction of a sunroom, 15'6" x 12', over a portion of an existing deck which measures 25'6" x 12'. The proposed sunroom would be 30 ft. from the rear property line and require a variance from the provisions of Section 6.1.1B for insufficient principal rear-yard setback. Also, existing "building coverage" is nonconforming and would increase further as a result of the sunroom addition. Existing, nonconforming issues are lot area, lot width, lot depth, building coverage, other coverage, and total lot coverage.

Mr. Warner confirmed that the notice was sufficient and that the Board had jurisdiction to hear this application.

Sarat Puthenpura was sworn and stated that he wants to build a sunroom.

In response to questions from the Board, Mr. Puthenpura stated that the room is intended to be used 12 months and will be heated and there will be a door leading to the backyard.

Discussion took place regarding the change in coverage as a result of putting a roof over the existing deck. It was noted that drainage review by the Township Engineer will be a condition of approval.

**Open to Public**

The hearing was opened to the public for comments or questions with regard to the application. There were no members of the public who had comments or questions.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Siburn, seconded by Mr. Nappi, with respect to App. #4-20: Sarat Puthenpura, 289 Chaucer Drive, Block 1002, Lot 4 (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. Siburn, Mr. Boyer, Mr. Nappi, Mr. Delia, Mr. Coviello and Mr. Sylvester voting in favor and none opposed.

**App.#1-20: Bill & Lauren Crane, 151 Rutgers Ave., Block 1702, Lot 3 (R-15 Zone)**

Proposed construction of a second story over the first floor of this home and a new two-story addition to the rear. In addition, the existing detached garage will be connected to the principal structure, and a new paver patio will replace the old. Variances are needed for insufficient front-yard setback. Existing nonconforming issues are principal front-yard setback and shed location.

Mr. Warner confirmed that the notice was sufficient and that the Board had jurisdiction to hear this application.

Bill and Lauren Crane were sworn. Karen Khalaf, architect, was sworn, gave her educational and professional background and was accepted as an expert witness.

Ms. Khalaf reviewed the proposed expansion of the one-story ranch house. She noted that there is an existing two-car detached garage that will become an attached garage with the expansion. Ms. Khalaf reviewed the variances needed and existing nonconforming issues. She stated that the addition to the first floor will include a family room and expansion of the existing kitchen. The second floor will have four bedrooms, master bathroom, another full bathroom and a laundry room. The entrance to the house from the garage will be through a mud room.

In response to questions from the Board, Ms. Khalaf stated that the existing patio will be removed and be replaced with a smaller patio and the height of the house will be 29'7". Ms. Khalaf reviewed the materials to be used on the exterior of the house and advised that the existing shed was moved by the applicant so it would conform to setback requirements. It was noted that approval will be subject to drainage review by the Township Engineer.

**Open to Public**

The hearing was opened to the public for comments or questions with regard to the application. There were no members of the public who had comments or questions.

Mr. Warner reviewed the conditions of approval.

A motion was made by Mr. Coviello, seconded by Mr. Boyer, with respect to App. #1-20: Bill & Lauren Crane, 151 Rutgers Ave., Block 1702, Lot 3 (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. Siburn, Mr. Boyer, Mr. Nappi, Mr. Delia, Mr. Coviello and Mr. Sylvester voting in favor and none opposed.

**Open to Public**

The hearing was opened to the public.

Martha Carrion, 275 Diamond Hill Road, addressed the Board with regard a problem on her property caused by water runoff from Route 78. She stated that she has discussed the problem with Tom Solfaro, Township Engineer.

Wagoner Carrion, Ms. Carrion's brother, stated that there is soil erosion being caused by the stormwater run off and it is also affecting the neighbor's property. Mr. Solfaro has advised Ms. Carrion that the DOT needs to be involved and he said he would provide information about a contact at the DOT.

Mr. Sullivan advised that the DOT is the correct party to be contacted about the situation and that this is not within the jurisdiction of the Board of Adjustment. He assured Ms. Carrion that Mr. Solfaro would address the issue and provide guidance as to the DOT.

**Adjournment:**

A motion was made by Mr. Boyer, seconded by Mr. Sylvester, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 10:00 PM.

Regina Giardina, Secretary Pro Tem