

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

June 25, 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. Nappi, Mr. Delia, Mr. Coviello, Mr. Sylvester, Mr. Ringwood and Mr. Pereda. Mr. Steve Warner, Board Attorney, was also present.

Adoption of Minutes:

May 28, 2020

A motion was made by Mr. Coviello, seconded by Mr. Delia, and carried 7-0 to adopt the minutes of the May 28, 2020 Regular Meeting as presented.

Adoption of Resolutions:

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.

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

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).

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

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.

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

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.

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

Applications for Review:

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

App.#8-20: Robin & Jim McConekey, One Holly Mews, Bl. 3501, L.18 (R-20 Zone)

The applicant is proposing to build a portico over the existing open front porch. The covering will measure 12' x 5.5' x 10' high. A variance is needed for encroaching into the required 50' front-yard setback.

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

Jim McConekey and Robin McConekey were sworn. Mr. McConekey stated that they want to construct a portico to cover the front steps of their house to protect the front entrance from snow and ice.

In response to questions from the Board, Mr. McConekey stated that the portico will be open with columns and a roof. A variance is needed for front yard setback.

Photographs received from the applicant showing other houses in the neighborhood with similar porticos was marked as Exhibit A-1.

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 application and conditions of approval.

A motion was made by Mr. Coviello, seconded by Mr. Delia, with respect to App. #8-20: Robin & Jim McConekey, One Holly Mews, Bl. 3501, L.18 (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. Nappi, Mr. Delia, Mr. Coviello, Mr. Sylvester and Mr. Ringwood voting in favor and none opposed.

App. #6-20: Fiona & Terrence Rouse, 5 Wentworth Dr., Bl. 2402, L. 44 (R-15 Zone)

Proposed new deck (approx. 12' x 20' x 8') attached to the rear of the house. Relief is needed from Section 3.1.8 "Decks" which allows a 30 ft. rear-yard setback for a deck provided the deck platform does not exceed 4' in height. The proposed rear-yard setback for the deck is 28 feet and the proposed height of the deck is estimated at approximately 8 feet. Nonconforming issues are principal front-yard setback from Wentworth Drive, lot depth, existing other coverage.

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

Terrence Rouse and Fiona Rouse were sworn. Mr. Rouse stated that they want to add a deck to the back of the house that would be more than 8' in height. A variance is also requested for rear set back of 28' where 40' is required.

In response to questions from the Board, Mr. Rouse stated that the bottom of the deck will be open and no trees would be removed.

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 application and conditions of approval.

A motion was made by Mr. Coviello, seconded by Mr. Delia, with respect to App. #6-20: Fiona & Terrence Rouse, 5 Wentworth Dr., Bl. 2402, L. 44 (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. Nappi, Mr. Delia, Mr. Coviello, Mr. Sylvester and Mr. Ringwood voting in favor and none opposed.

App.#9-20: Lisa Hernandez, 47 Cromwell Court, Block 1602, Lot 9 (R-15 Zone)

Proposed installation of an above-ground pool (30' x 15' x 52" high). Relief is needed from Section 6.1.1B for exceeding the 10% other coverage and 25% total lot coverage limits. Relief is also needed from Section 3.1.7.D for exceeding height restrictions for the pool. Nonconforming issues are lot area, lot width, principal

front-yard setback (variance issued in Case #16-90), combined side-yard setbacks, existing building, other, and total lot coverage.

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

Lisa Hernandez and Dario Hernandez were sworn. Ms. Hernandez stated that they want to install an above-ground pool in the backyard for family use and variances are requested for coverage and for pool height.

In response to questions from the Board, Ms. Hernandez stated that she did not know if the fence is over the property line but they can move it if required. The pool has not yet been purchased and they will make sure it conforms to code. It was suggested that the applicant touch base with the township construction official for guidance.

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 application and conditions of approval.

A motion was made by Mr. Siburn, seconded by Mr. Nappi, with respect to App. #9-20: Lisa Hernandez, 47 Cromwell Court, Block 1602, Lot 9 (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. Nappi, Mr. Delia, Mr. Coviello, Mr. Sylvester and Mr. Ringwood voting in favor and none opposed.

App. #7-20: Carla DaSilva, 299 Garfield Street, Block 210, Lot 5 (R-10 Zone)

Proposed second story over two sections of the first story of this single-family house on a corner lot (Garfield and Prospect). The project includes a new, attached one-car garage, covered front porch, and interior renovations. Relief is needed from Section 6.1.1B for insufficient front-yard setback (along Garfield for the covered front porch and along Prospect Street for the proposed garage); insufficient rear-yard setback; and for exceeding the 20% building coverage and 30% total lot coverage limits. Non-conforming issues are lot area, existing rear-yard setback, existing other coverage.

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

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

August Santore, attorney for the applicant, stated that the application involves expansion of the property and a few variances are required.

Carla DaSilva, applicant, was sworn.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows reviewed the existing conditions and the proposed conditions of the property and the variances being requested for front-yard setback, rear-yard setback, building coverage and total lot coverage. He stated that the proposed one-car garage will be 12' x 20' and a dry well is proposed to take care of the additional impervious coverage.

Ms. DaSilva stated that she is proposing to put a second story addition to accommodate a master suite and to expand the existing bedrooms.

In response to questions from the Board, Ms. DaSilva stated that the proposed new garage will not have anything above it and the new garage will be used with the existing garage for parking of two cars. There are no trees proposed to be removed.

Mr. Warner noted that seven photographs were submitted by the applicant showing views of the existing house.

Open to Public

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

Robert Delia was sworn and asked if the applicant is saving the pine tree and stated that he likes the proposed improvements.

Discussion took place regarding the pine tree and the applicant stipulated that she will make sure the tree remains, and Mr. Hollows stated that he will do what is necessary to protect the root system of the tree.

Mr. Warner reviewed the application and conditions of approval.

A motion was made by Mr. Coviello, seconded by Mr. Nappi, with respect to App. #7-20: Carla DaSilva, 299 Garfield Street, Block 210, Lot 5 (R-10 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. Nappi, Mr. Coviello, Mr. Sylvester, Mr. Ringwood and Mr. Pereda voting in favor and none opposed.

App. #5-20: Carlos & Cristina Fabiao, 82 Forest Ave., Bl. 504, L. 18 (R-15 Zone)

Proposed principal addition(s) and renovations to a single-family dwelling, new covered front porch, and small deck leading to a paver patio. Variances are needed for insufficient front-yard setback; insufficient side-yard setbacks; combined side-yard setbacks; building coverage; other coverage; and total lot coverage. Nonconforming issues are lot area, lot width, existing front, side and combined side-yard setbacks, existing other and total lot coverage, driveway too close to the side property line.

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

James Ramentol, architect, was sworn and accepted as an expert witness. Mr. Ramentol reviewed the proposed additions and renovations that will be similar to those done on other houses in the neighborhood where second story additions have been made. Mr. Ramentol presented Exhibit A-1 – photographs of the existing house and neighboring houses, Exhibit A-2 – photographs of properties in the Forest Avenue neighborhood. He reviewed the variances being requested for front-yard setback, side-yard setbacks building coverage, other coverage and total lot coverage.

In response to questions from the Board, Mr. Ramentol stated that the applicant will consider using pavers for the patio as suggested by the Environmental Commission and the proposed patio would be 16' x 16'. There are no trees to be removed. The driveway is 3' from the property line and that is a pre-existing condition. The total height with the addition will be 25'.

It was suggested that the applicant consider having a deck rather than the patio. After discussion the applicant stated that she would prefer the patio at this time.

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 application and conditions of approval.

A motion was made by Mr. Siburn, seconded by Mr. Nappi, with respect to App. # 5-20: Carlos & Cristina Fabiao, 82 Forest Ave., Bl. 504, L. 18 (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. There were no members of the public who had comments or questions.

Adjournment:

A motion was made by Mr. Siburn, seconded by Mr. Sylvester, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 9:30 PM.

Regina Giardina, Secretary Pro Tem