

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

July 23, 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. Ringwood and Mr. Pereda. Mr. Steve Warner, Board Attorney, was also present.

Oath of Office

Mr. Sullivan announced that Mr. Boyer has retired from the Board. He thanked Mr. Boyer for his service to the Township.

Mr. Warner administered the oath of office to Joseph Ringwood as a regular member of the Board. Mr. Ringwood was previously an alternate member.

Adoption of Minutes:

June 25, 2020

A motion was made by Mr. Siburn, seconded by Mr. Nappi, and carried 7-0 to adopt the minutes of the June 25, 2020 Regular Meeting as presented.

Adoption of Resolutions:

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.

A motion was made by Mr. Ringwood, 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. Ringwood voting in favor.

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.

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. Ringwood voting in favor.

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.

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

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.

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. Coviello, Mr. Ringwood and Mr. Pereda voting in favor.

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.

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

Applications for Review:

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. Nonconforming issues are lot width and combined side-yard setback.

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

Justin Patel, applicant, and Jawahar Patel, his father, were sworn.

Ted O'Rourke, neighbor, was sworn and stated that he has no objection to the application.

Justin Patel stated that he is trying to fix his driveway which is very long and narrow. It is not safe to back out of the driveway and he wants to put in a turn-around and a parking space at the top. A variance is needed for coverage and for less than 5' setback from the property line.

In response to questions from the Board, Mr. Patel stated that the existing driveway is 10' wide and he wants to make it 12' wide. The new driveway will be 100% asphalt. He would like to install Belgian block to make the driveway look better and so that it doesn't fall apart.

It was suggested by the Board that the existing gravel parking spot become part of the lawn area and that would reduce the coverage. Mr. Patel was instructed to consult with the Township Engineer as to any drainage issues that may be caused by the use of Belgian block. It was also suggested that a fence or vegetation be used to block some of the visibility from the road.

Discussion took place regarding various ways that the Belgian block can be configured to deal with water run-off.

Mr. Patel agreed to consult with the Township Engineer and to buffer the visibility.

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. Nappi, seconded by Mr. Ringwood, with respect to App. #32-19: Justin Patel, 415 Emerson Lane, Block 2702, Lot 8 (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. Ringwood and Mr. Pereda voting in favor and none opposed.

App.#11-20: Anthony Ruscitto & Jennifer Lopez, 107 Cambridge Dr. (BI.3503, L.25)

Proposed 650-sq. ft. patio with a 2-ft. high retaining wall, seating wall, lamp post, path lights, uprights, and plant material. Relief is needed from "Schedule of General Regulations" for exceeding the 10% "other coverage" allowed. (R-20 Zone)

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 applicant wants to put in a 622 square foot paver patio connected to the deck with an area for seating and plantings. The resulting coverage will be 12.1% where 10% is permitted.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows described the existing conditions and proposed patio. He stated that the house meets all bulk requirements for setbacks and lot area but a variance is needed for coverage.

Jennifer Lopez, applicant, was sworn and stated that there is existing shrubbery and trees between her yard and the neighboring houses. The photos of the home and the backyard that were previously submitted were marked as Exhibit A-1.

Open to Public

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

Stacy Braun was sworn and stated that she is the neighbor behind the applicant's property. She asked if consideration had been given to the water issues that might be caused by the patio since she lives downhill from the property. She stated that she did an expansion that required excavation and at that time they had to deal with a lot of water.

Mr. Hollows advised that with a patio they will only go down about 6-8" as compared to a much greater disturbance for an excavation for an addition. He does not believe there will be any water issues.

Ms. Lopez stated that she plans to add some landscaping that will help with the water issue. Photos of the landscaping were marked as Exhibit A-2.

Mr. Warner reviewed the application and conditions of approval.

A motion was made by Mr. Ringwood, seconded by Mr. Nappi, with respect to App. #11-20: Anthony Ruscitto & Jennifer Lopez, 107 Cambridge Dr. (Bl.3503, L.25) 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. Ringwood and Mr. Pereda voting in favor and none opposed.

App. #12-20: Sandra Ulloa, 230 Park Avenue, Block 1105, Lot 4 (R-15 Zone)

Proposed house renovation consisting of a new second story over the existing first floor, a new one-story addition at the front foyer, a new covered front porch and stairs, and interior renovations. This corner lot has frontage on Park, unimproved Euclid, and unimproved Clinton Avenues, thereby requiring three front-yard setbacks of 50 ft. each. Relief is needed from Section 6.1.1B “Schedule of General Regulations” for insufficient front yard setback from Euclid Ave. Nonconforming issues are lot width, lot area, existing front yard setback from Euclid Ave., existing side-yard setback, shed setbacks and location (located in Clinton Ave. front yard).

Sandra Ulloa was sworn and stated that she and her husband want to make an addition to their home to have additional bedrooms for the children. The roof is being removed to add the second floor and the home will remain a single-family residence. The basement is partially finished and has a partial kitchen. Ms. Ulloa reviewed the proposed changes to the first floor and the second-floor addition.

In response to questions from the Board, Ms. Ulloa stated that the partial kitchen in the basement dates back to the 1950-60s. The proposed height of the house is 27’, the front of the house faces Park Avenue and the driveway faces Euclid Avenue. The laundry room is presently in the basement and it will remain there. All the siding on the house will be replaced and the driveway is gravel.

It was noted that there is a pre-existing encroachment onto the Township right of way and the maintenance of the masonry wall is the responsibility of the homeowner. The applicant agreed to hold harmless the township as a condition of approval. Mr. Warner will address that in the resolution of approval.

Discussion took place regarding the partial kitchen in the basement and the Board’s concern about the basement being used as an apartment. Mr. Warner advised that there will be a condition of approval that the house will remain a single-family residence and a deed restriction to that effect and prohibiting the addition of any kitchen appliances in the basement.

Photographs submitted by the applicant of the interior and exterior of the house were marked as Exhibits A-1 and A-2.

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. Nappi, seconded by Mr. Ringwood, with respect to App. #12-20: Sandra Ulloa, 230 Park Avenue, Block 1105, 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. Nappi, Mr. Delia, Mr. Coviello, Mr. Ringwood and Mr. Pereda 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. Nappi, seconded by Mr. Ringwood, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 9:00 PM.

Regina Giardina, Secretary Pro Tem