

# **MINUTES**

## **BOARD OF ADJUSTMENT**

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

Regular Meeting

July 27, 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. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia. Ms. Amanda Wolfe, Board Attorney, was also present.

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

June 22, 2023 Regular Meeting

A motion was made by Mr. Ringwood, seconded by Mr. Pereda, and carried 5-0-1 (Abstain-Mr. Sincaglia) to adopt the minutes of the June 22, 2023 Regular Meeting as presented.

#### **Application for Review:**

##### **App.#23-0007: Yakov Weiss, 48 Baker Ave., Block 903, Lot 5 (R-15 Zone)**

Proposed construction of a second story addition. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for insufficient front yard setback to the new second story addition. Existing nonconforming issues are lot area, lot width, lot depth, principal front yard setback, combined side yard setbacks, building, other, and total lot coverage percentages.

Ms. Wolfe confirmed that the notice provided is sufficient.

August Santore, attorney for the applicant, stated that the proposal is for the addition of a second story that results in the expansion of an existing non-conforming front yard setback. Mr. Santore presented Exhibit A-1 – photographs

of the property and noted that the existing lot coverage is being reduced to 28%. Mr. Santore stated that the applicant is also requesting approval for a 160 square foot patio that would increase the coverage to 29.97%. The patio would be subject to review with respect to drainage.

In response to questions from the Board, Mr. Santore stated that the house will remain a single-family home and all materials will match with vinyl siding in the back.

Discussion took place regarding the proposed patio versus a deck. It was noted that the buyer of the home would be restrained from seeking additional improvements because of the coverage and a deck might be preferred.

### **Open to Public**

The hearing was opened to the public for questions and comments. There were no members of the public present.

Ms. Wolfe reviewed the application and conditions of approval,

A motion was made by Mr. Coviello, seconded by Mr. Sincaglia, with respect to App.#23-0007: Yakov Weiss, 48 Baker Ave., Block 903, Lot 5 (R-15 Zone) to approve the application for the second story addition 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 6-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

A motion was made by Mr. Delia, seconded by Mr. Pereda, with respect to App.#23-0007: Yakov Weiss, 48 Baker Ave., Block 903, Lot 5 (R-15 Zone) to approve the application for a 160 square foot (10' x 16') patio 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 5-1 with Mr. Sullivan, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and Mr. Coviello opposed.

### **Request for Extension of Approval:**

**App.#26-19: Joseph & Josie Mullaly, 34 Washington Ave., Block 1801, Lot 4**  
Proposed principal addition (R-15 Zone)

The Board approved this application on November 14, 2019, memorialized in a Resolution dated December 12, 2019. The Board granted a one-year extension of the approval through March 4, 2023, in a resolution adopted on January 6, 2022.

The applicant was unable to move forward with the project and is hereby requesting another one-year extension of the approval.

Ms. Wolfe reviewed the request for extension and Resolution.

A motion was made by Mr. Coviello, seconded by Mr. Delia, to approve the extension of approval of App.#26-19: Joseph & Josie Mullaly, 34 Washington Ave., Block 1801, Lot 4 and to adopt the Resolution memorializing the approval. The roll call vote was 6-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor.

**App.#23-0005: James & Clara Tome, 76 Old Cannon Rd., Bl. 2303, L. 34**

Proposed portico over the front door, replacement of existing front sidewalk from the new portico to the driveway. Relief is needed from Section 6.1.1B “Schedule of General Regulations” for insufficient front-yard setback and for exceeding the maximum permitted Other Coverage of 10% and Total Lot Coverage of 25%. Existing nonconforming issues are lot depth, Other Coverage, and Total Lot Coverage. (R-15 Zone)

Ms. Wolfe confirmed that the notice provided is sufficient.

James Tome, applicant, was sworn and stated that they are making improvements to the exterior of the home including a new portico. The existing concrete patio is to be removed.

James Ramentol, architect, was sworn and accepted as an expert witness. Mr. Ramentol stated that the new portico will create a setback issue. The property is already over on coverage and will now be 27.94%. Mr. Ramentol presented Exhibit A-1 – photographs of the property and the adjoining properties.

In response to questions from the Board, Mr. Ramentol stated that the area in the rear of the property contains a utility right of way.

**Open to Public**

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

Ms. Wolfe reviewed the application and conditions of approval,

A motion was made by Mr. Delia, seconded by Mr. Ringwood, with respect to App.#23-0005: James & Clara Tome, 76 Old Cannon Rd., Bl. 2303, L. 34 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 6-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

**App.#23-0006: Cory Bussey, 880 Mountain Ave., Block 3001, Lot 14 (R-20 Zone)**

Proposed installation of a 685-sq. ft. patio. Relief is needed from Section 6.1.1B “Schedule of General Regulations” for exceeding the 10% maximum permitted “other” coverage. The existing “other” coverage percentage is nonconforming.

Ms. Wolfe confirmed that the notice provided is sufficient.

Cory Bussey, applicant, was sworn and stated that because of the long driveway the property is over on coverage. A deck has been approved and this application is for a patio. There will be no additional run-off and no negative effect on the neighboring properties.

In response to questions from the Board, Mr. Bussey stated that the deck is 16’ x 30’, the patio will include a gas line for a grill, and the purpose of the requested 6’ fence is for privacy. Mr. Bussey stated that there will be a rain garden and acknowledged that drainage improvements may be required. He further stated that there will be a gate in the fence and indicated its location.

**Open to Public**

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

Ms. Wolfe reviewed the application and conditions of approval,

A motion was made by Mr. Sincaglia, seconded by Mr. Delia, with respect to App.#23-0006: Cory Bussey, 880 Mountain Ave., Block 3001, Lot 14 (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 6-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Pereda and Mr. Sincaglia voting in favor and none opposed.

**Board Discussion:**

2022 Annual Report of the Zoning Board of Adjustment

Ms. Wolfe reviewed the report and the process for submission to the Planning Board and Township Council. Discussion took place regarding the submission of the same recommendations as made in previous annual reports and the consensus was in favor of making the same recommendations in the 2022 Annual Report.

A motion was made by Mr. Ringwood, seconded by Mr. Delia, to approve the 2022 Annual Report as prepared for submission to the Township Council. The roll call vote was 6-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, 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. Sincaglia, seconded by Mr. Coviello, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at 8:45 PM.

Regina Giardina, Secretary Pro Tem