

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

August 27, 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. Coviello, Mr. Sylvester, Mr. Ringwood and Mr. Pereda. Ms. Amanda Wolfe, Acting Board Attorney, was also present.

Adoption of Minutes:

July 23, 2020

A motion was made by Mr. Coviello, seconded by Mr. Ringwood, and carried 6-0 to adopt the minutes of the July 23, 2020 Regular Meeting as presented.

Adoption of Resolutions:

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.

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

**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)

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

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.

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

Applications for Review:

App. #14-20: Richard Jurgens, 146 Chaucer Drive, Block 1001, Lot 12 (R-15 Zone)

Proposed construction of a covered front porch (approx. 19 ft. x 7 ft.) on an existing single-family dwelling. Relief is needed from Section 6.1.1B “Schedule of General Regulations” because the new porch will encroach into the required front-yard setback. Nonconforming issues are lot area, lot width, and shed location.

Ms. Wolfe confirmed that the notice was sufficient and that the Board had jurisdiction to hear this application.

Richard Jurgens, applicant, was sworn and stated that he wants to put a porch on his house to enhance its appearance in connection with a renovation project that involves gutting and completely renovating the one-story ranch-style house.

Joseph Kaiser, architect, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Kaiser stated that the renovation includes a new roof, siding, windows, kitchen and bath. The only

addition to the house will be the 7' porch. The house will remain a single-family house and the proposed porch will increase the curb appeal and will be consistent with the neighborhood.

In response to a question from the Board regarding the existing 6 x 8 shed, Mr. Jurgens stated that he would be willing to move it to meet the 10' set back requirement.

Mr. Sullivan noted that a storm water management plan will be required.

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.

A motion was made by Mr. Sylvester, seconded by Mr. Ringwood, with respect to App. #14-20: Richard Jurgens, 146 Chaucer Drive, Block 1001, Lot 12 (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 6-0 with Mr. Sullivan, Mr. Siburn, Mr. Coviello, Mr. Sylvester, Mr. Ringwood and Mr. Pereda voting in favor and none opposed.

App. #13-20: Ciraco Construction, 124 & 126 Washington Street, Block 105, Lots 13 & 13.01 (R-10 Zone)

The applicant is appealing the Zoning Officer's decision which denied the application to construct a one-family house on each lot.

Ms. Wolfe explained the process for the appeal of the Zoning Officer's decision.

Paul Weeks, attorney for the applicant, stated that the property currently consists of two lots that are 50' x 100' each. Upon investigation and title search it was determined that these were originally four separate lots that were consolidated into two lots. The applicant purchased the property and wants to develop it with two single family homes that would be consistent with the neighborhood. If the Zoning Officer's decision is upheld, the applicant will have one 100' x 100' lot.

Tom Bocko, Zoning Officer, was sworn, and stated that his decision was based on the section of the ordinance that provides that two non-conforming lots under the same ownership become merged. There were many potential buyers of this

property including the applicant who were informed that a subdivision would be needed to make the one lot two individual building lots.

Mr. Weeks noted that while he agrees that there was not a previous subdivision, there were originally four separate lots that were consolidated into two. It is the applicant's position that if the lots were consolidated after the zoning change requiring a minimum lot size of 100' then the need for a subdivision would be avoided.

Nicholas Ciraco, applicant, was sworn and stated that he believes the property should be two small lots rather than one large lot with a large house that will not fit in with the neighborhood.

Mr. Weeks stated that the applicant is hoping to avoid the necessity of applying for a subdivision.

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.

Discussion took place regarding the applicant's appeal of the Zoning Officer's decision. The consensus of the Board was in favor of supporting Mr. Bocko's decision with respect to the application.

A motion was made by Mr. Coviello, seconded by Mr. Ringwood, with respect to App. #13-20: Ciraco Construction, 124 & 126 Washington Street, Block 105, Lots 13 & 13.01 (R-10 Zone) to affirm the decision of the Zoning Officer. The roll call vote was 6-0 with Mr. Sullivan, Mr. Siburn, Mr. Coviello, Mr. Sylvester, Mr. Ringwood and Mr. Pereda voting in favor and none opposed.

App. #16-20: Yelena Lyudmilova, 64 Rutgers Ave., Block 1107, Lot 3 (R-15 Zone)

Proposed construction of a deck at the rear of the house (approx. 20 ft. x 16 ft. x 10 ft. high) with stairs to grade level. Relief is needed from Section 3.1.8 "Decks" as the proposed deck would have an insufficient rear yard setback (24 ft. from the rear property line) and would not conform to height limitations. Existing, nonconforming issues are lot area, lot width, lot depth, principal front and rear yard setbacks, and building coverage.

Ms. Wolfe confirmed that the notice was sufficient and that the Board had jurisdiction to hear this application.

Yelena Lyudmilova, applicant, was sworn and stated that she wants to put a deck on her house and a variance is needed for rear yard setback. She does not believe there will be a privacy problem because of the existing fencing around her property and the neighboring properties.

In response to questions from the Board, Ms. Lyudmilova stated that the property is mostly flat, she would be willing to put in some shrubs or trees for additional privacy, there are no trees to be removed and only one light is proposed and it will not be on all night.

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.

A motion was made by Mr. Sylvester, seconded by Mr. Pereda, with respect to App. #16-20: Yelena Lyudmilova, 64 Rutgers Ave., Block 1107, 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 6-0 with Mr. Sullivan, Mr. Siburn, Mr. Coviello, Mr. Sylvester, Mr. Ringwood and Mr. Pereda voting in favor and none opposed.

App. #15-20: Tammy Karelus, 14 Pine Grove Road, Block 2201, Lot 2 (R-15 Zone)

Proposed above ground pool (15 ft. x 30 ft. x 54" high) in the rear yard. A slotted deck (25 ft. x 15 ft.) will be attached to the pool surround. Variances are needed for exceeding the 10% "other" coverage percentage allowed and for exceeding the permitted above ground pool height of 48". Existing nonconforming issues are lot area, lot width, principal front, side, and combined side-yard setbacks.

Ms. Wolfe confirmed that the notice was sufficient and that the Board had jurisdiction to hear this application.

Tammy Karelus, applicant, was sworn and stated that she is proposing to put in an above ground pool. The Environmental Commission recommended a rain garden and that is being done.

In response to questions from the Board, Ms. Karelus stated that the pool will be 15' x 30' with 10,000 gallon capacity and it will be 54" high where 48" is permitted. There is currently a 5' fence and they will comply with all requirements for fencing.

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. Sullivan noted that the drainage will be subject to the approval of the Township Engineer.

A motion was made by Mr. Siburn, seconded by Mr. Coviello, with respect to App. #15-20: Tammy Karelus, 14 Pine Grove Road, Block 2201, Lot 2 (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 6-0 with Mr. Sullivan, Mr. Siburn, Mr. Coviello, Mr. Sylvester, 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.

Discussion

Discussion took place regarding the 2019 report of the Board of Adjustment to the Township Council. Ms. Wolfe noted the comments made by the Board.

Adjournment:

A motion was made by Mr. Ringwood, seconded by Mr. Pereda, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 9:05 PM.

Regina Giardina, Secretary Pro Tem