

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

September 24, 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, Mr. Tom Solfaro, Township Engineer, and Mr. Keenan Hughes, Township Planner, were also present.

Adoption of Minutes:

August 27, 2020

A motion was made by Mr. Coviello, seconded by Mr. Ringwood, and carried 7-0 to adopt the minutes of the August 27, 2020 Regular Meeting as presented.

Adoption of Resolutions:

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.

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

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.

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

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.

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

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.

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

Applications for Review:

App.#20-20: Edward & Christine Sorge, 5 Wilson Drive, Block 1815, Lot 1

Proposed one-story addition to a single-family home. The existing home – located on a corner lot with frontage on Wilson Drive and Snyder Avenue – is nonconforming because it is set back less than the required 50 ft. from both Wilson Drive and Snyder Avenue. (The existing setbacks are approximately 40.6 ft. and 41.8 ft., respectively.) A variance is needed because the addition would have a proposed front-yard setback of approximately 39.9 ft. from Snyder Avenue. (R-15 Zone)

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

Edward Sorge and Christine Sorge were sworn. Mr. Sorge stated that they want to add on to their home and a variance is required for front yard setback.

Carolyn Young, architect, was sworn, gave her educational and professional background and was accepted as an expert witness. Ms. Young reviewed the proposed addition to the back of the house to increase the size of the kitchen and dining room and the variance required due to the house being on a corner lot.

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.

In response to questions from the Board Ms. Young stated that the concrete patio is already existing and the bump-out is for the kitchen island. Ms. Young further stated her opinion that the strict requirements for front yard setback from Snyder Avenue would result in undue hardship.

A motion was made by Mr. Ringwood, seconded by Mr. Sylvester, with respect to App. #20-20: Edward & Christine Sorge, 5 Wilson Drive, Block 1815, Lot 1 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.#17-20: 391 Springfield Avenue, LLC, 389-391 Springfield Ave, Block 208, Lot 20

By resolution memorialized on February 19, 2020, the Planning Board approved the conversion of the 2nd and 3rd floor commercial office space in this existing building into a total of 8 residential apartments, a permitted use. The applicant is now seeking approval to convert the 1st floor space into 3 residential apartments – all affordable housing units – which would require a use variance, as residential units are not permitted on the first floor in the DD-Zone. The applicant is also requesting approval to construct an addition over the existing parking deck for an additional 8 residential units. The increase in units (to a total of 19 units) exceeds the density limits for the zone and triggers a D-5 Density variance. (DD-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, gave an overview of the application and the approval obtained from the Planning Board for conversion of the second and third floors of the building into residential units. He stated that the applicant is now addressing the first floor use.

Michael Tobia, planner, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Tobia presented Exhibit A-1 – power point presentation including an aerial photo of the building and photos of the building façade, parking deck, existing buffers around the building, driveway leading to the parking deck and the streetscape. Mr. Tobia stated that the Planning Board approved the use of the top two floors of the building for apartments and the applicant is working on that now. He reviewed the long history of vacancy of the first floor due to the lack of a storefront, front yard parking and access into the space. Because of the lack of interest in retail use of the first floor, the applicant is now proposing to convert the ground floor to apartment use. Mr. Tobia stated that the second part of the application is to cover the existing parking deck and build eight apartments above it. The result will be a building of 19 residential units, no commercial space and a sheltered parking deck. Mr. Tobia reviewed the variances required including residential use of the first floor, no retail on the first floor, number of units, side yard setback, rear yard setback, building coverage and number of parking spaces. Mr. Tobia noted that there will be minimal effect on traffic.

In response to questions from the Board, Mr. Tobia stated that the residential units over the parking deck will be connected so it will be considered one building, the lettered signage on the front of the building will be removed, the lampposts will be changed, the sidewalk will be replaced with pavers, the trench drain will be

repaired and landscaping will be added. There will be one parking space designated for each residential unit and 15 spaces for visitors.

Robert Forst, owner of the building, was sworn and stated that the applicant will stipulate to a maintenance obligation for the landscaping.

Nancy Doherty, architect, was sworn, gave her educational and professional background and was accepted as an expert witness. Ms. Doherty reviewed the existing conditions of the building and the proposed changes to the existing structure and the additional eight units. Ms. Doherty stated that the owner of the building is working with the Township building department to make the parking deck safe. She discussed the reasons why the ground floor is not suitable for retail space and reviewed the proposed layout of the residential units and addition over the parking deck. Ms. Doherty presented Exhibit A-2 – colorized version of the building elevations and noted that the building materials will remain the same as the existing building. She indicated the location of the amenity space on the roof deck and ground floor entrance to the parking deck. Ms. Doherty further stated that the height of the building will meet the intent of the ordinance with the third floor built into the roof line and the proposed paint colors meet the requirements of the downtown standards.

Digia Chen, present on behalf of Keenan Hughes, Township Planner, asked if the roof deck will include railings or screening.

Ms. Doherty stated that there will be railings or screening that will define the deck area and there will be no visual impact on the neighbors.

It was suggested that the applicant provide aerial photographs showing the visual impact on the adjacent properties.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows reviewed the existing site conditions and presented Exhibit A-3 – colorized version of the existing conditions.

In response to questions from the Board, it was noted that the applicant will agree to maintain the fence shown on the plan and that per the conditions of the Planning Board approval the sidewalk will be changed to pavers and the street lights will be replaced.

Mr. Hollows presented Exhibit A-4 – site plan with colorized third floor addition. Mr. Hollows indicated the location of the air conditioning units, the areas to be used for snow removal and for trash and the lighting.

In response to questions from the Board, Mr. Hollows stated that the additional coverage has been included in the calculations and the trash removal pad will not increase the impervious coverage above what is permitted.

Mr. Hollows stated that he has reviewed the September 22, 2020 report from Mr. Solfaro and the applicant will comply with the comments in the report. Mr. Solfaro confirmed that the applicant can comply.

Mr. Forst stated that he will provide outdoor furniture meeting the downtown standards. He further stated that they have been working with the Township Construction Code official and following the Township's recommendations to bring the parking deck up to standards.

Following further discussion, the applicant agreed to provide additional buffering, submit a landscape plan and remove the existing dumpster area. Mr. Hollows explained how the snow removal will be handled and the drainage of the melting snow that will prevent icing.

Open to Public

The hearing was opened to the public for questions or comments regarding the testimony of the applicant's professionals and regarding the application.

Jim Ramentol asked questions regarding the use of the amenity space including hours of operation and visual and noise impact on adjacent properties, height of the stair tower and location of the HVAC units.

Ms. Doherty stated that the shape of the roof deck can be adjusted to reduce the visibility and the area may include barbeque grills, tables and umbrellas. She stated that the stairway is fully enclosed and there is a door which defines the height. Mr. Forst stated that the leases can include a provision that the use of the amenity space can be restricted. Mr. Hollows indicated the location of the HVAC.

Members of the Board provided feedback to the applicant regarding the application. It was noted that a commercial element on the ground floor would be preferred, there is concern regarding the number of units proposed, and the applicant should provide a detailed plan for the roof deck. Questions were raised as to whether the parking deck needs to be covered, if there is sufficient parking being provided, if the lighting will disturb the neighboring properties, and if the access for emergency vehicles is sufficient.

The hearing was carried to the virtual meeting scheduled on November 12, 2020 with no further notice required. Mr. Santore stated that the applicant will provide an extension of the time for the Board to act on the application through the end of November.

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. Coviello, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 10:41 PM.

Regina Giardina, Secretary Pro Tem