

**BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS
Berkeley Heights, NJ 07922**

**AGENDA
Virtual Online Public Meeting
February 25, 2021 @ 7:30 PM**

NOTE: Due to the COVID-19 outbreak, meetings are being conducted using the Zoom virtual meeting service, a cloud platform for video and audio conferencing across mobile devices, desktops, and telephones.

TO JOIN A LIVE MEETING:

1. If you are joining from a smartphone or tablet, install the Zoom app using the App store and join meeting number 357-574-7364 (and Password: 360071).
2. If you are joining from a desktop or laptop computer with a web browser, open <https://zoom.us/j/3575747364> --You may need to DOWNLOAD & RUN ZOOM first
Meeting ID: 357-574-7364
Password: 360071
3. You may join the meeting using AUDIO or AUDIO & VIDEO.
4. If only joining audio by phone, call: 1-929-205-6099, then provide meeting ID: 357-574-7364#

Members of the public are invited to watch the meeting and participate (optional) using Zoom. Your microphone will be off (muted) by the host of the meeting. If you wish to participate in the public comment portion of the meeting, you must follow the instructions below:

1. Controls appear at the bottom of the Zoom window. Use the "chat" function to send a typewritten message to the "host" of the meeting which should include only a) your first and last name and b) your home address.
2. When you hear your name announced during the public comment portion of the meeting, you may address the Board with your objections or comments.
3. When you are finished speaking, your microphone will be muted to allow others an opportunity to speak.

Members of the public who lack the ability to access the meeting or need assistance may contact Connie Valenti, Board Secretary, at 908-464-2700, Ext. 2124 or 908-963-3454 (cell) or by email at cvalenti@bhtwp.com.

Adequate Meeting Notice:

This meeting is being held electronically via the Zoom virtual meeting service and will be conducted in conformance with all regulations of the SUNSHINE LAW. Proper notice has been posted on the Township website and sent to the newspaper of record. The Agenda for the meeting has been posted on the Township website and the bulletin board of Town Hall. Instructions for public participation in the meetings has 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 substantially past 10:30 PM.

Members: Mr. Sullivan, Mr. Siburn, Mr. Ringwood, Mr. Nappi, Mr. Delia, Mr. Coviello,
Mr. Sylvester, and Mr. Pereda

Mr. Warner, Board Attorney

Roll Call**Adoption of Minutes:**

January 28, 2021

Adoption of Resolutions:**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)

App 28-20: Jason Liu, 182 Briarwood Dr. E., Block 1401, Lot 20 (R-15 Zone)

Proposed installation of a back-up generator. A variance is needed because 1) accessory structures must be at least 10 ft. from a side property line, whereas the proposed generator would be 4.9 ft. from the side property line, and 2) the existing other and total lot coverage numbers are nonconforming, and the proposed generator would result in a slight increase in the percentages.

App.#29-20: Paul Genua, 36 Hampton Drive, Block 3204, Lot 13 (R-20 Zone)

Proposed 3-season room (12' x 24') over an existing deck. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for exceeding the 15% maximum building and the 25% maximum total lot coverage percentages allowed.

App.#30-20: Cory Rotkel, 174 Maple Avenue, Block 1501, Lot 13 (R-15 Zone)

Proposed installation of an above-ground pool (15' x 26' x 52" high). Relief is needed from Section 6.1.1B "Schedule of General Regulations" for exceeding the 10% maximum other and 25% maximum total lot coverage percentages allowed. A variance is also needed as the 52" height of the proposed pool would exceed the 48" limit (as per Section 3.7.7D "Swimming and Wading Pools").

App.#31-20: Roger Walker, 47 Summit Road, Block 4901, Lot 3 (R-20 Zone)

Proposed installation of gas backup house generator to be located in the northeastern side yard. Relief is needed from Section 6.1.1B. "Schedule of General Regulations" because the location of the generator would not meet the minimum setback requirements.

Applications for Review:

Please Note:

Documents in support of the applications may be found on the Zoning Board of Adjustment page of the Township Website at:

<https://www.berkeleyheights.gov/227/Zoning-Board-of-Adjustment>

Scroll down to **Applications** and click on **Current/Pending Applications**.

CARRIED FROM JANUARY 28, 2021 WITH NO FURTHER NOTICE REQUIRED:

App.#27-20: Jon Fehleison & Christal McElroy, 20 Rosegate Ct., Bl. 3201, L. 47.02

Proposed deck expansion, roof structure over a portion of existing deck, pergolas over deck areas, outdoor kitchen and exterior fireplace on raised deck. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for insufficient rear yard setback and exceeding the maximum permitted building and total lot coverage percentages. Existing nonconforming issues are deck rear yard setback, other coverage and total coverage. (R-15 Zone)

App. #1-21: Cyr & Alejandra Ryan, 65 Sycamore Ave., Bl. 2303, L.11 (R-15 Zone)

Proposed addition consisting of a new second story over a portion of the first story, new foyer and covered front porch, new addition in rear with covered patio, walkways and patios. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for insufficient front-yard, side-yard, and combined side-yard setbacks. A variance is also needed for exceeding the permitted maximum other and total lot coverage percentages of 10% and 25%, respectively. Existing nonconforming issues are lot width, principal front, side- and combined side-yard setbacks, other coverage, existing residential storage shed size and location, detached garage location, and a portion of driveway too close to side property line.

App.#33-20: Miguel Ortega, Jr. & Osdaymi Rodriguez, 669 Mountain Ave., Block 2006, Lot 28 (R-15 Zone)

Proposed inground pool with pool surround, patio, and walkway leading from existing patio to the pool. A temporary storage container (6' x 4') is also proposed. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for exceeding the 10% other coverage permitted. (Existing other coverage is 11.06% and exceeds the maximum percentage permitted.)

Applications for Review (continued):

App.#34-20: Michael Doherty, 298 Emerson Lane, Bl. 2901, L. 1.27 (R-20 Zone)

Proposed new deck to be added to existing deck with stairs to grade. Variances are needed for insufficient rear yard setback and for the height of the deck. Existing nonconforming issues are lot area, lot depth, principal front and rear yard setbacks, and existing deck platform height.

App.#2-21: Daniel Brown, 156 Briarwood Dr. E., Block 1401, Lot 24 (R-15 Zone)

Proposed principal addition over existing garage and new two-story addition behind the garage. A variance is needed for insufficient rear-yard setback. Existing nonconforming issues are lot area, lot depth, principal front and rear yard setbacks.

App.#32-20: Rominnella Associates, LLC, 33 Liberty Ave., Bl. 2004, L. 1

The applicant is proposing to demolish the existing single family dwelling and construct a new single family home on this corner lot with frontages on Liberty Avenue and along unimproved Burgmiller Avenue. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the proposed front-yard setback from Liberty Avenue will be less than the 50 ft. required. In addition, the proposed rear yard setback will not meet the 40 ft. requirement. A variance will also be needed for exceeding the 15% maximum building coverage allowed. The lot area and lot depth are both nonconforming. (R-15 Zone)

Adjournment

Connie Valenti, Secretary