

# MINUTES

## BOARD OF ADJUSTMENT

### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Re-Organization/Conference/Regular Meeting

January 10, 2013

The Re-Organization/Conference/Regular Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

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 in Town Hall, Board Office, and supplied to the Township Clerk 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 significantly past 10:30 PM.

#### **Oath of Public Officers – Newly Appointed Members**

Mr. John Bussiculo – 4-year term to expire 12/31/16

Mr. Peter Boyer – 4-year term to expire 12/31/16

Mr. Robert Delia – 4-year term to expire 12/31/16 – Alternate #1

Mrs. Georgene Granholm – 2-year term to expire 12/31/14 – Alternate #2

Mr. Bernstein administered the oath of office to Mr. Bussiculo, Mr. Boyer and Mr. Delia.

#### **Roll Call:**

Members present were Mr. Bussiculo, Mr. Miller, Mr. Boyer, Mr. Minkoff, Mr. Siburn and Mr. Delia. Mr. Smith, Mr. Sullivan and Mrs. Granholm were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

#### **Reorganization:**

Regina Giardina was elected Temporary Chairperson on the motion of Mr. Miller, seconded by Mr. Siburn and carried by voice vote 6-0. Mrs. Giardina opened the nominations for Board Chairman.

Mr. Bussiculo was nominated to serve as Board Chairman on the motion of Mr. Siburn, seconded by Mr. Boyer. There were no other nominations and Mr. Bussiculo was elected Board Chairman by unanimous voice vote 6 -0.

Mr. Miller was nominated to serve as Board Vice Chairman on the motion of Mr. Siburn, seconded by Mr. Bussiculo. There were no other nominations and Mr. Miller was elected Board Vice Chairman by unanimous voice vote 6-0.

**Application for Review:**

**---TO BE CARRIED TO JANUARY 28, 2013, FOR A SPECIAL MEETING---**

(LAST HEARD DECEMBER 17, 2012, AND CARRIED TO JANUARY 10, 2013)

**App. #18-12: Jack Silverman Realty & Mortgage Co., LLC (as successor in interest to original applicant, Berkley Realty Partners 244, LLC), 240-264 Springfield Avenue, Block 801, Lots 23 & 24 (R-15 & HB2 Zones)** Seeking variances and site plan approval for a children's daycare facility and multi-tenant building, both facing Springfield Avenue. Approval for a prior plan had been granted in a Resolution dated July 22, 2010.

Mr. Bussiculo announced that the application has been carried to a Special Meeting on January 28, 2013.

**Designation of and Adoption of Resolutions:**

The 2013 Meeting Schedule was approved, and the Resolution memorializing the same was adopted, on the motion of Mr. Miller, seconded by Mr. Bussiculo and carried by unanimous roll call vote 6-0.

The Courier and The Star Ledger were designated as Official Newspapers, and the Resolution memorializing the same was adopted, on the motion of Mr. Miller, seconded by Mr. Bussiculo and carried by unanimous roll call vote 6-0.

Regina Giardina was designated to provide Secretarial Services, and the Resolution memorializing the same was adopted, on the motion of Mr. Miller, seconded by Mr. Bussiculo and carried by unanimous roll call vote 6-0.

Connie Valenti was designated as Board Secretary, and the Resolution memorializing the same was adopted, on the motion of Mr. Miller, seconded by Mr. Bussiculo and carried by unanimous roll call vote 6-0.

Connie Valenti was designated as Escrow Official, and the Resolution memorializing the same was adopted, on the motion of Mr. Miller, seconded by Mr. Bussiculo and carried by unanimous roll call vote 6-0.

The firm of Schulman, Wiegmann & Associates was designated as Court Reporter, and the Resolution memorializing the same was adopted, on the motion of Mr. Miller, seconded by Mr. Bussiculo and carried by unanimous roll call vote 6-0.

### **Executive Session**

The Board entered into Executive Session at 7:35 p.m. on the motion of Mr. Miller, seconded by Mr. Delia and carried 6-0 for the purpose of discussion of the appointment of a Board Attorney the result of which will be disclosed at the end of the Executive Session.

The Board returned to Public Session at 7:40 p.m. on the motion of Mr. Delia, seconded by Mr. Boyer and carried 6-0.

Daniel Bernstein of Hoffman & Bernstein was appointed as Board Attorney, and the Resolution memorializing the same was adopted, on the motion of Mr. Delia, seconded by Mr. Miller and carried by unanimous roll call vote 6-0.

### **Informal Review of Submitted Applications:**

#### **App. #25-12: Bob & Cindy Cray, -- 50 Beech Avenue, Block 2301, Lot 10 (R-15 Zone)**

Proposed one-story principal addition which results in Building Coverage and Total Lot Coverage limits being exceeded. (Building Coverage allowed: 15%; existing: 17.20%; proposed 19.23%. Total Lot Coverage allowed: 25%; existing: 27.34%; proposed: 34.0 %.) Pre-existing, nonconforming items are Lot Area, Lot Width, Principal Front-yard Setback, Side-yard Setback and Combined Side Yards.

Bob and Cindy Cray were present and stated that they are proposing an addition to the back of the house to add a bedroom, family room and bathroom. The side yard and front yard setbacks will remain the same and a variance is required for building coverage and lot coverage. The addition will go back about the same as the existing garage. The house behind theirs is on Snyder Avenue, is not directly behind their house and there are trees between the houses.

Discussion took place regarding the letter received by the Board from the Environmental Committee with regard to drainage. A drainage plan will be required to be approved by the Township Engineer.

The applicants were instructed to bring photographs of the back yard and the neighboring properties, to show the part of the house that is being removed on

the plan, to show on the plan how far the driveway is from the property line and to provide dimensions from the addition to the property line.

The application was deemed complete and scheduled for hearing on January 24, 2013 with notice to be sent by certified mail.

**App. #26-12: Ilya Shlakman, 525 Springfield Avenue, Block 611, Lot 7 (HB-3 Zone)**

Applying for a certificate pursuant to N.J.S.A. 40:55D-68 certifying that the gas station and the structures are a prior nonconforming use and structures.

August Santore, attorney representing the owner of the property, stated that he has been authorized by the applicant and his attorney to present the informal review of this application.

Mr. Bernstein noted that this property formerly was a Getty gas station at the intersection of Springfield and Plainfield Avenues. The property is being sold and the new buyer wants to insure that this is a legal gas station and that there is no question about whether the gas station was abandoned.

Mr. Santore stated that the property owners chose not to renew the Getty lease. Testimony will be provided regarding the clean-up of the property and efforts to sell it and photos will be presented showing use of the property as a gas station going back to the 1930's and 40's before the township ordinance was enacted.

Discussion took place regarding the issues that will need to be addressed.

The application was deemed complete and scheduled for hearing on January 24, 2013 with notice to be sent by certified mail.

**Adoption of Resolutions:**

**App. #12-12: Paone Realty Associates LLC – 369 Springfield Ave., Block 208, Lot 21**

Construction of a ground sign that would require two variances because 1) ground signs are allowed only for a Shopping or Office Plaza but this complex does not qualify as a Plaza as defined in the township ordinance; 2) proposed sign would list the names of the individual tenants which is prohibited by the township ordinance. (DD Zone)

A motion was made by Mr. Delia, seconded by Mr. Boyer, to adopt the above Resolution. The voice vote was unanimous with Mr. Miller, Mr. Boyer, Mr. Minkoff and Mr. Delia voting in favor.

**App. #24-12: Stephen & Kimberly Blancuzzi, 218 Princeton Avenue, Block 1709, Lot 3**

Proposed new portico and second-story addition do not conform to the required principal side-yard setback and front-yard setback. Also, the existing driveway does not comply with the required 5' from the side property line, and the existing lot width of 80' does not conform to the required 100.' Relief is needed from Section 6.1.1B, "Schedule of General Regulations" and Section 8.1.1B.1 which prohibits the expansion of a nonconforming structure. (R-15 Zone)

A motion was made by Mr. Miller, seconded by Mr. Delia, to adopt the above Resolution. The voice vote was unanimous with Mr. Bussicula, Mr. Miller, Mr. Siburn and Mr. Delia voting in favor.

**Adoption of Minutes**

December 3, 2012  
December 13, 2012  
December 17, 2012

A motion was made by Mr. Siburn, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the December 3, 2012 Special Meeting and the minutes of the as presented.

A motion was made by Mr. Siburn, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the December 13, 2012 Regular Meeting as presented.

The minutes of the December 17, 2012 Special Meeting were tabled.

**Adjournment:**

A motion was made by Mr. Miller, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:00 PM.

Regina Giardina, Secretary Pro Tem