

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference Meeting

June 13, 2013

The Conference 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.

Roll Call:

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

Informal Review of New Applications:

App. #13-13: Mr. and Mrs. Dean Nasto, 14 Robbins Ave., Block 901, Lot 1 (R-15 Zone)

Proposed entrance portico requires relief from Section 6.1.1B, "Schedule of General Regulations" because it would encroach into the front-yard setback. As a result of the principal structure being elevated per Flood Plain Relief, the existing deck will increase in height and therefore require relief from Section 3.1.8, "Decks" which limits deck height to 4' in sections of a deck between the 40' rear-yard setback and the 30' setback allowed for decks.

Nora Nasto stated that they are raising their house since they are in the flood plain and proposing to widen the driveway.

James Ramentol, architect, said that the applicant is raising the house and as part of the process adding a portico with a roof which increases the front yard setback by 1'. As a result of raising the house the height of the deck in the rear of the house will be 36" higher which exceeds the permitted height.

In response to questions from the Board, Mr. Ramentol stated that there is no hot tub on deck, the circular structure on the deck is the existing fire pit which is built into the masonry.

Mr. Ramentol further stated that the existing driveway is 18' wide. The garage used to be a side entrance garage and now it will be a front entrance garage which will reduce the impervious coverage.

The application was deemed complete and scheduled for hearing on June 27, 2013. The applicant was instructed to send out the required notice.

App. #14-13: The Lusardi Group, 50 Industrial Road, Block 1301, Lot 14.01 (LI Zone)

Applicant is seeking conditional use approval to park its tractor trailer moving trucks overnight at the rear of the property. Since all conditions of the conditional use will not be met, Zoning Board approval is required. (Tractor trailers are not allowed under Section 7.1.5.K.7. of the ordinance.) The applicant is also proposing to create a parking area in the front yard for staff and customers which is not permitted in the LI Zone. The new parking area would result in "other coverage" and "combined coverage" limits being exceeded. Finally, the application includes a free-standing sign in the front yard (not permitted as per Section 5.4.3.).

Roger Mehner, attorney representing the applicant, stated that the property is in the L-1 zone and was acquired by the applicant about a year ago. Renovations have been made to the building and the applicant took occupancy in March. The applicant's moving and storage operation is being moved to the site and will consist mostly of warehouse space where they store their customers' belongings. New office space and conference room space have been added. The operation involves the use of tractor trailers that leave in the morning and return in the evening. It is important to the functioning of the business that they park the trucks in the rear of the property and the applicant is proposing striping for truck parking and car parking. The applicant proposes creation of a parking area in the front yard to provide parking for office staff, customers and visitors. The proposal is to create 16 parking spaces in the front and a new curb cut for exit.

Discussion took place and it was noted that there was a former situation where someone was parking buses in that area and neighbors complained about the parking and maintenance of the buses. The Board will be concerned about the view from surrounding properties.

Mr. Mehner advised that there will be no maintenance involved and the adjoining property is a church property.

William Hollows, engineer, stated that there are condos within 200' of the applicant's property. The applicant's property is heavily wooded and there are trees over 10'.

Mr. Bernstein advised that the Board Planner, Mike Mistretta, will review this. He suggested that the applicant's engineer meet with him prior to the meeting to work out engineering details.

In response to questions from the Board, Donald Lusardi, principal of the applicant, stated that the hours of operation will be 7 a.m. to 5 p.m. The truck drivers come in earlier at around 7:00 and the office is open from 8:30 to 5:00. The trucks return to the site when they are done with their job. There are 18 trucks and everything is stored in the warehouse and not stored on vehicles. The trucks only come in and out once a day. There is no additional lighting proposed. The applicant is proposing to construct a fence down the sides of the property.

Board members will to and look at the property before the next meeting to see if it is properly screened. The applicant was asked to leave a truck out so the Board members can see what it looks like from the adjoining properties.

With respect to the proposed free standing sign, the applicant was told to look at existing signage on Springfield Avenue to see what would be acceptable and to provide details of what is being proposed.

In response to further questions, Mr. Lusardi stated that there is not enough room inside the building for the trucks and the items being stored are about 80% household and 20% office furniture. The lights in the rear of the building are on a timer and can be turned off at night.

The application was deemed complete and scheduled for hearing on June 27, 2013. The applicant was instructed to send out the required notice.

Adoption of Resolutions:

App. #11-13: Edward Delia, 294 Garfield Street, Block 209, Lot 7 (R-10 Zone)

Relief is needed from Section 6.1.1B and Section 11.1.7A for expansion of existing driveway which resulted in "Other Coverage" being exceeded and also for being less than the required 5 feet from the lot line. Nonconforming

conditions are lot width, principal side-yard setback, combined side-yard setback, and existing accessory structure (shed) less than the required five feet from the property side line.

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

App. #12-13: William J. Manning, Jr., 57 Hampton Drive, Block 3205, Lot 6 (R-20 Zone)

Proposed 400 sq. ft. increase in driveway width from the street to the house would result in exceeding the 10% "Other Coverage" limit. Nonconforming conditions are lot area, lot width and principal front-yard setback. Relief is needed from Section 6.1.1B., "Schedule of General Regulations."

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

Approval of Minutes

May 23, 2013 Regular Meeting

A motion was made by Mr. Siburn, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the May 23, 2013 Regular Meeting as presented.

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 8:03 PM.

Regina Giardina, Secretary Pro Tem