

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

October 24, 2013

The 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.

Roll Call:

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

Applications for Review:

ADJOURNED TO NOVEMBER 14, 2013:

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.).

Mr. Bussiculo announced that this application has been carried to the meeting on November 14, 2013 with no further notice required.

CARRIED FROM SEPTEMBER 26, 2013:

App.#20-13: William L. Gorski, 23 Roosevelt Avenue, Block 1302, Lot 3 (R-15 Zone)

Sheds on property do not conform to Section 6.3.1.B.4. which limits the total area of the sheds to 100 square feet.

William Gorski, who was previously sworn, presented Exhibits A-1 through A-4 – three photographs of the existing shed and a drawing of how it will look with a window and window box as suggested by the Board.

In response to questions from the Board, Mr. Gorski stated that the window will not interfere with his use of the shed. He wants to have a shed that he can use and if a window is necessary that is what he will do.

Discussion took place regarding the proposed shed. It was noted that the window will provide natural light since there will be no electricity permitted in the shed. Concern was expressed with regard to the size of the shed, visibility from the street and the design and configuration of the shed. It was suggested that additional shrubs be required for screening from the street. It was further noted that other oversized sheds that have been approved in the past have been designed to look like small houses with the same façade as the house.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

A motion was made by Mr. Siburn, seconded by Mr. Sullivan, to approve Application #20-13: William L. Gorski, 23 Roosevelt Avenue, Block 1302, Lot 3 (R-15 Zone), subject to the conditions discussed including addition of a window and window box, additional screening to the satisfaction of the zoning official, clean-up of the area around the shed, removal of the shed on the other side of the property and removal of the abandoned vehicle on the property, and further subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The voice vote was 4-2 with Mr. Bussiculo, Mr. Siburn, Mr. Smith and Mr. Sullivan voting in favor and Mr. Delia and Mrs. Granholm opposed.

App. #21-13: Andrew Knapp, 134 Twin Falls Road, Block 4502, Lot 17 (R-20 Zone)

Proposed second-story addition will not meet the required principal front-yard setbacks along both fronts of this corner lot. Relief is needed from Section 6.1.1B "Schedule of General Regulations." Relief is also needed from Section 8.1.1B.1, which prohibits the expansion of a nonconforming structure. Nonconforming conditions are lot area, lot depth, principal front-yard setback along both streets and size of existing shed (allowed: 100 sq. ft., existing 118 sq. ft.).

Andrew Knapp, applicant was sworn.

Mike Relton, architect, was sworn and accepted as an expert witness.

Mr. Relton stated that the proposal is for a two story addition at the rear of the residence, a second-story addition and modification of the existing garage. The footprint of the garage will not change. The front yard setback is an existing non-conforming condition. The only change is in the rear yard setback. A second story is being constructed over an existing non-conforming condition which will result in expansion of a pre-existing non-conforming condition.

In response to questions, Mr. Knapp and Mr. Relton stated that there is no neighbor on one side and the neighbors on the other side and to the rear are 100-150' away. The addition will be 417 square feet. The property is not in a flood hazard area. The existing wood deck is being removed as well as the slate and stone pathways and the existing shed is over 10' from the property line.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

A motion was made by Mr. Delia, seconded by Mr. Miller, to approve Application #21-13: Andrew Knapp, 134 Twin Falls Road, Block 4502, Lot 17 (R-20 Zone), subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Siburn, Mr. Sullivan, Mr. Delia and Mrs. Granholm voting in favor. There were none opposed.

App. #22-13: Robert & Carla McGlynn, 41 Hampton Drive, Block 3205, Lot 4 (R-20 Zone)

Proposed new front portico (6' x 6.5' in size) to be constructed over existing porch. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for insufficient front-yard setback and exceeding the allowed building coverage. Existing nonconforming conditions are lot width and lot area.

Robert McGlynn was sworn and stated that he is proposing to construct a portico over an existing porch and it will go out 18".

In response to question from the Board, Mr. McGlynn stated that he obtained approval from the Board in 2005 for a 1,500 square foot addition on the back of the house and replacement of an existing deck.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

A motion was made by Mr. Smith, seconded by Mr. Siburn, to approve Application #22-13: Robert & Carla McGlynn, 41 Hampton Drive, Block 3205, Lot 4 (R-20 Zone), subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Siburn, Mr. Sullivan, Mr. Delia and Mrs. Granholm voting in favor. There were none opposed.

Adoption of Minutes:

October 10, 2013

A motion was made by Mr. Siburn, seconded by Mr. Smith, and carried 6-1 (Abstain-Mr. Miller) to adopt the minutes of the October 10, 2013 Conference 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 8:07 PM.

Regina Giardina, Secretary Pro Tem