

# **MINUTES**

## **BOARD OF ADJUSTMENT**

### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

Re-Organization & Conference Meeting

January 9, 2014

The Re-Organization and 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.

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

Mr. Bernstein administered the oath of office to Mr. Siburn.

#### **Roll Call:**

Members present were Mr. Bussiculo, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Siburn and Mr. Delia. 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. Miller, seconded by Mr. Smith. 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. Smith, seconded by Mr. Boyer. There were no other nominations and Mr. Miller was elected Board Vice Chairman by unanimous voice vote 6-0.

**Designation of and Adoption of Resolutions:**

The 2014 Meeting Schedule was approved, and the Resolution memorializing the same was adopted, on the motion of Mr. Miller, seconded by Mr. Siburn 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. Boyer, seconded by Mr. Siburn 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. Smith, seconded by Mr. Siburn 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. Boyer, seconded by Mr. Smith 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. Siburn, seconded by Mr. Delia 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. Delia, seconded by Mr. Smith and carried by unanimous roll call vote 6-0.

**Executive Session**

The Board entered into Executive Session at 7:36 p.m. on the motion of Mr. Miller, seconded by Mr. Boyer 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 7:41 p.m. on the motion of Mr. Miller, 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.#2-14: Leonard & Elizabeth DeBotton, 106 Briarwood Dr. E., Block 1401, L.30 (R-15)**

Proposed two-story addition on corner lot with two principal front-yard setbacks. Relief is needed from Section 6.1.1B, "Schedule of General Regulations" for encroaching into the required front-yard setback on Ridgewood Avenue (required: 50', existing: 34.8'; proposed: 30.2'.) and on Briarwood Drive E. (required: 50'; existing: 40.4', proposed: unchanged at 40.4'). Existing nonconforming issues are lot area, lot width, principal front-yard setbacks along both street fronts, and existing shed location (required: 10' rear-yard setback, existing: 7').

Phillip Iannitto, architect, was present and stated that the applicant is proposing to add a two-story addition to the house. They will be removing a porch, enlarging the footprint and adding two stories. This will result in an encroachment on the front setback bringing it closer to the road. On the first floor there will be an expansion of the kitchen, an added room and a covered porch.

In response to questions from the Board, Mr. Iannitto stated that the existing foundation in the front will be removed and a new one constructed. This is being done in the front rather than the back because of the layout of the house and the fact that it is on a corner lot. The existing metal shed is non-conforming and the applicant would like it to remain.

Discussion took place regarding the shed and it was noted that the applicant should make it conform or take it out.

Questions were raised with regard to the survey and the dimensions shown on the survey. Mr. Iannitto will look into the discrepancies in the survey before the hearing. He will also check on whether the driveway is 5' off the property line and if a variance is required for the driveway.

Discussion took place regarding the existing shed. Mr. Iannitto did not know the size of the shed but details about the shed will be provided at the hearing. It was also suggested that photographs be taken of the neighboring properties to show the impact of the addition on them.

The application was deemed complete and scheduled for hearing on January 29, 2014 with notice to be sent by certified mail.

**App. #3-14: August & Marie Pellegrini, 21 Columbus Ave., Block 509, Lot 4 (R-15 Zone)**

Proposed free standing pergola type roofed structure (10' x 12' x 12'H or 120 sq. ft.) with four open sides results in coverage limits being exceeded. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for Other Coverage (permitted: 10%; existing: 9.44%; proposed: 10.15%) and Total Lot Coverage (permitted: 25%; existing: 24.72%; proposed: 25.43%). Building Coverage is an existing, nonconforming issue (permitted: 15%, existing: 15.28%, proposed: unchanged at 15.28%).

Marie Pelligrini was present and stated that they would like to build a pergola by the pool in the backyard and they are over on coverage by a small amount.

In response to questions from the Board, Mrs. Pelligrini stated that the existing storage shed is used to store firewood and children's toys. She said they spend a lot of time at the pool and want to make it nice. There is an existing fence with bushes and a retaining wall inside the fence. The materials for the pergola will match the materials on the house.

It was suggested that the applicant provide additional information on the proposed location of the pergola with dimensions showing the distance from the property lines. The applicant was also asked to provide details, including color, of the pergola.

The application was deemed complete and scheduled for hearing on January 29, 2014 with notice to be sent by certified mail.

**App.#5-14: Steven & Anne Marie Weisman, 164 Spring Ridge Dr., Bl. 2001, L.11 (R-15 Zone)**

Proposed one-story principal addition, new deck, and expanded covered front porch. The existing sidewalk will be removed and replaced with a new sidewalk. Relief is needed from Section 6.1.1B, "Schedule of General Regulations," for exceeding allowed building coverage of 15% (existing: 13.57%, proposed: 18.80%). The maximum 25% total lot coverage would also be exceeded (existing: 21.61%, proposed: 27.15%).

Steven Weisman and James Ramentol, architect, were present. Mr. Weisman said he is proposing to add a one-story space to the back of the house to provide

more kitchen space and more family space. A variance is needed for building and lot coverage.

In response to questions from the Board, Mr. Weisman stated that there is no shed on the property. Mr. Ramentol stated that the addition will be 739 square feet and he will review the drainage. It was suggested that the applicant bring photographs showing the impact on the neighbors.

The application was deemed complete and scheduled for hearing on January 29, 2014 with notice to be sent by certified mail.

**App.#4-14: Berkeley Heights Realty, Inc., 525 Springfield Ave., Bl. 611, L. 7 (HB-3 Zone)**

Proposed canopy, kiosk on the pump island for service station use, addition to the approved pole sign, and three signs on the canopy structure. The applicant appeared before the Board in 2013 (App.#26-12: Ilya Shlakman) to obtain the necessary approvals. A Certificate of Prior Nonconforming Status of the gasoline service station and repair garage was granted by the Board of Adjustment.

Mark Williams, attorney for the applicant, advised that the applicant was before the Board a year ago and obtained a certificate of prior non-conforming status. At the Board's suggestion the applicant removed the canopy and kiosk under it. The applicant is now seeking approval for a canopy with lighting, a kiosk and signage. Part of the signage is on the canopy and other part is a free-standing sign.

Discussion took place regarding the concerns of the Board with regard to the free-standing sign. It was noted that the sign was approved by the Board, but it looks more like a highway type of sign than a suburban street type of sign.

Ilya Shlakman, applicant, stated that the hours that the sign will be lighted are 6 – 10. He said that across the street there is a sign at the bank with time and temperature that is the same height as his sign. He will try to reduce the sharpness and brightness of the sign. He stated that the original intent was not to sell diesel fuel but there were a number of inquiries, including from the fire department, so it was decided that diesel will be added. Additional space will be needed on the sign to advertise the diesel.

The applicant was asked to make the changes to the sign before the meeting on January 29 so the Board members can see it before the hearing.

The application was deemed complete and scheduled for hearing on January 29, 2014 with notice to be sent by certified mail.

**Adoption of Minutes**

December 12, 2013

A motion was made by Mr. Siburn, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the December 12, 2013 Regular Meeting as presented.

**Adjournment:**

A motion was made by Mr. Boyer, seconded by Mr. Smith, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:53 PM.

Regina Giardina, Secretary Pro Tem