

## MINUTES

### BOARD OF ADJUSTMENT

#### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

January 29, 2014

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. Boyer, Mr. Smith, Mr. Siburn, Mr. Sullivan and Mr. Delia. Mr. Daniel Bernstein, Board Attorney, was also present.

#### **Applications for Review:**

##### **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.

Mr. Bussiculo announced that this hearing has been carried to the meeting of the Board scheduled on February 27, 2014 with no further notice required.

##### **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').

Leonard DeBotton, applicant, was sworn.

Alexander Bol, architect, was sworn and accepted as an expert witness.

Mr. DeBotton stated that the house has four bedrooms but only one bathroom and they want to add another bathroom and make the bedroom and kitchen a little bigger.

Mr. Bol stated that the houses on this street were built with 40' setbacks rather than 50'. Mr. Bol presented Exhibits A-2 through A-6 – photographs of the house including a view of the rear of the property where the addition will be added. The driveway is 1' too close to the property line and that is a pre-existing condition for which a variance is being requested. The home on the property to the rear is approximately 90' from the property line. There will be new windows installed in the front to enhance the appearance of the house, the siding will match and new roofing will be done. The previous non-conforming shed has been removed and replaced with a conforming shed.

Mr. Sullivan noted that the deck is 40' from the property line where 50' is required and suggested that be included in the approval.

### **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. Miller, seconded by Mr. Boyer, to approve Application #2-14: Leonard & Elizabeth DeBotton, 106 Briarwood Dr. E., Block 1401, L.30 (R-15), including variances for the driveway and rear yard setback, 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. Boyer, Mr. Smith, Mr. Siburn, Mr. Sullivan and Mr. Delia voting in favor. There were none opposed.

**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%).

August Pellegrini, applicant, was sworn and stated that they are requesting a variance to build a free-standing 10' x 12' pergola adjacent to the pool. Mr. Pellegrini submitted a color rendering of the proposed pergola and provided the information requested by the Board as to the distances from the property lines.

In response to questions from the Board, Mr. Pellegrini stated that the purpose of the pergola is strictly for shade. There are existing pavers that will be beneath the pergola. The existing screened porch is attached to the house off the family room. The porch is a three-season porch with no heat. There were previously two sheds on the property. One has been removed and the other relocated and is used for storage of firewood. The remaining shed is a 4 x 6 Rubbermaid container. Mr. Pellegrini did not know how far the shed is located off the property line. The property is screened with vegetation along the fence and there are a number of large trees along Park Avenue. The height of the proposed pergola is 12' and there will not be a cupola. The roof of the pergola will match the roof of the house. With regard to drainage, Mr. Pellegrini stated that there is a large dry well in the back. It was noted that the drainage will be reviewed by the Township Engineer.

**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. Miller, seconded by Mr. Boyer, to approve Application #3-14: August & Marie Pellegrini, 21 Columbus Ave., Block 509, Lot 4 (R-15 Zone), subject to the providing of information as to the location of the shed at least 10' off the property line and 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.

Boyer, Mr. Smith, Mr. Siburn, Mr. Sullivan and Mr. Delia voting in favor. There were none opposed.

**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, applicant, was sworn.

James Ramentol, architect, was sworn and accepted as an expert witness. Mr. Ramentol stated that the addition will be on the rear of the house and the front of the house will be face-lifted. A variance is required for coverage. Mr. Ramentol presented Exhibit A-1 – set of photographs of the house and Exhibit A-2 – before and after elevations of the house.

In response to questions from the Board, Mr. Ramentol stated that the house will be re-sided with new siding on all sides. The present square footage of the house is 2,625 and the addition will be 739 square feet resulting in a total new square footage of 3,364. The addition will result in a larger kitchen, family room and dining room. A new deck will be added that will not be as large as the existing deck. A variance is required for the deck since a 40' setback is required for the 4' height of the deck. The air conditioning unit will be relocated.

**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. Miller, seconded by Mr. Boyer, to approve Application #5-14: Steven & Anne Marie Weisman, 164 Spring Ridge Dr., Bl. 2001, L.11 (R-15 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. Boyer, Mr. Smith, Mr. Siburn, Mr. Sullivan and Mr. Delia voting in favor. There were none opposed.

**Adoption of Minutes**

January 9, 2014

A motion was made by Mr. Siburn, seconded by Mr. Boyer, and carried by unanimous voice vote to adopt the minutes of the January 9, 2014 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 8:33 PM.

Regina Giardina, Secretary Pro Tem