

**AGENDA**  
**BOARD OF ADJUSTMENT**  
**TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**  
**REGULAR MEETING**  
**FEBRUARY 27, 2014 7:30 pm**

NOTE: Meeting is being held in conformance with all regulations of the SUNSHINELAW and proper notice has been given to the Courier; also, the Agenda has 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 substantially past 10:30 PM.

**Members:** Mr. Bussiculo, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Siburn,  
Mr. Sullivan, Mr. Henry, and Mr. Delia

Mr. Bernstein, Board Attorney

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

Mr. Patrick Henry – 4-year term to end 12/31/2017

**Roll Call:**

**Applications for Review:**

**App.#6-14: Charles & Barbara Radcliffe – 32 Cedar Green Lane, Bl.3001, L.11 (R-20 Zone)**

Proposed second story addition over an existing first floor single family dwelling and a new front portico over the existing front porch. Relief is needed from Section 6.1.1B “Schedule of General Regulations” due to an insufficient front-yard setback (required: 50’, existing: 44.1’, proposed 2<sup>nd</sup> story addition: 44.1’ and proposed portico: 40’ setback). In addition, Section 8.1.1B.1 prohibits the enlargement of a nonconforming structure. Existing nonconforming conditions are: principal front-yard setback and principal side-yard setback.

**App.#7-14: Jennifer Muhs & Mahmoud Abdalla – 331 Diamond Hill Rd., Bl.4502, L.10 (R-20)**

Proposed one-story principal addition (611 sq. ft.) with a deck landing and stairs to grade. The addition does not conform to the required principal side-yard setback (required: 12’, existing: 14.4’, proposed: 9.5’ to the proposed new deck landing and stairs) and combined side yard setbacks (required: 30’, existing: 25.6’, proposed: 20.7’). Nonconforming issues are lot area, lot width, principal front-yard setback, principal side-yard setback, and combined principal side-yard setbacks.

**App.#8-14: John & Allison Murphy, 86 Delmore Avenue, Block 401, Lot 36 (R-15 Zone)**

Proposed second-story addition above an existing nonconforming first story of a single-family dwelling. Relief is needed from Section 6.1.1B, “Schedule of General Regulations” due to the insufficient side-yard and combined side-yard setbacks. In addition, Section 8.1.1B.1 prohibits the expansion of a nonconforming structure and Section 6.3.10C requires that a garage be built when a new addition brings the total floor area of the dwelling to above 1700 square feet. (The home does not have a garage.) Existing nonconforming issues are lot area, lot width, principal front-yard setback, both principal side-yard setbacks, combined side-yard setbacks, existing “other” coverage, shed location, accessory rear-yard setback and driveway less than the required 5’ minimum from the property line.

**App. #10-14: Ilir & Loreta Bitici, 51 Mercier Place, Block 3002, Lot 14 (R-20 Zone)**

Proposed principal additions to the existing single-family dwelling. Relief is needed from Section 6.1.1B, "Schedule of General Regulations" for 1) principal rear-yard setback (allowed: 40', existing: 19.83', proposed: 18.42'); 2) minimum principal side-yard setback (allowed: 12', existing: 29.06', proposed: 7.08'); 3) maximum building coverage (allowed: 15%, existing: 8.11%, proposed: 20.82%); 4) maximum "other" coverage (allowed: 10%, existing: 11.55%, proposed: 10.49%) and 5) maximum total coverage (allowed: 25%, existing: 19.64%, proposed: 31.26%). Also, Section 8.1.1 prohibits the expansion of a nonconforming structure. Nonconforming issues are lot area, lot depth, existing principal rear-yard setback and existing "other" coverage.

**--CARRIED FROM JANUARY 29, 2014, WITHOUT FURTHER NOTICE:****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.

**Adoption of Resolutions:****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 Ave. (required: 50', existing: 34.8'; proposed: 30.2'.) and on Briarwood Dr. E.(required: 50'; existing: 40.4', proposed: 40.4'). Existing nonconforming issues are lot area, lot width, principal front-yard setbacks along both street fronts, and existing shed location.

**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.

**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 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%).

**Adoption of Minutes:**

January 9, 2014

January 29, 2014

**Adjournment:**

Connie Valenti/Secretary