

## MINUTES

### BOARD OF ADJUSTMENT

#### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

March 13, 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. Smith, Mr. Siburn and Mr. Delia. Mr. Boyer, Mr. Sullivan and Mr. Henry were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

#### Applications for Review:

##### 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.

Ilir Bitici, applicant, was sworn.

James Ramentol, architect, was sworn and accepted as an expert witness.

Mr. Bitici stated that they are upsizing their home from a two bedroom, 1126 square foot home with a one-car detached garage to a three bedroom, 2800 square foot home with an attached two-car garage. Variances are needed for rear yard setback, side yard setback, total coverage and other coverage.

Mr. Ramentol presented Exhibit A-1 – updated drawing showing the house to the right of the proposed garage, and Exhibit A-2 – photographs of the applicant's property and surrounding properties. Mr. Ramentol indicated on the photographs the location of the house next door that is approximately 27' from the property line. Mr. Ramentol discussed the possibility of reducing the width of the throat of the driveway to reduce the amount of coverage. He noted that this will still be a ranch-style home with the majority of the living space on the ground floor.

Mr. Ramentol indicated on the photographs the location of the trees that are to be removed, the property and house across the street, the next door neighbor's property and the view from the backyard of the wooded area to the rear of the applicant's property.

In response to questions regarding what the garage will look like from the neighbor's property, Mr. Ramentol stated that the garage will have dormers and windows. The design was discussed with the next door neighbor to protect his privacy. The height of the garage will be 19', less than the highest point of the building which is 22'. Mr. Ramentol indicated the proposed location of the door to the garage that has been moved to the back and stated that the walkways will be pavers and the driveway will be paved.

With respect to the trees to be removed, Mr. Ramentol referred to the photographs to indicate their location and stated that two of the trees are dead. The applicant will replace the trees with some kind of plantings. The drainage will be managed with a detention system in the front yard.

### **Open to Public**

The hearing was opened to the public for questions or comments regarding the application.

Steve Greguske, 131 Lenape Lane, stated that he and his wife own the house next door and he has met with the applicant. There were some concerns they had about what was being done as to privacy, environment and drainage. Their concerns were discussed and adequately taken care of. They discussed some plantings along the side that would alleviate the concerns about privacy. The applicant has also agreed to address their concerns about damage to the trees.

Mr. Greguske stated that he is satisfied with the applicant's plan for addressing the drainage and he appreciates the applicant agreeing to move the garage door to the back.

A motion was made by Mr. Delia, seconded by Mr. Miller, to approve Application #10-14: Ilir & Loreta Bitici, 51 Mercier Place, Block 3002, Lot 14 (R-20 Zone), with requested variances and subject to conditions discussed relating to tree replacement, driveway width and location of the garage door, 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 unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Siburn and Mr. Delia voting in favor.

**--CARRIED FROM FEBRUARY 27, 2014, WITHOUT FURTHER NOTICE:**

**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.

Barbara and Charles Radcliffe, previously sworn, stated that they have provided additional details and signed architect drawings for the proposed second story addition.

In response to questions from the Board, Mr. and Mrs. Radcliffe stated that the house will be re-sided with vinyl siding. The house will be smaller than some of the houses in the neighborhood and it will fit in with the neighborhood. The shed will be removed and if it is replaced it will be moved to a location that is the appropriate amount of feet from the property line. There will be no increase in impervious coverage and the drainage will continue to be addressed with the existing drainage system.

**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. Delia, to approve Application #6-14: Charles & Barbara Radcliffe – 32 Cedar Green Lane, Bl.3001, L.11 (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 and Mr. Delia voting in favor.

**Adoption of Resolutions:**

**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.) which does not conform to the required principal side-yard setback and combined side-yard setbacks. Nonconforming issues are lot area, lot width, principal front-yard setback, principal side-yard setback, and combined principal side-yard setbacks.

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

**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.

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

**Adoption of Minutes**

February 27, 2014

A motion was made by Mr. Siburn, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the February 27, 2014 Regular Meeting as presented.

**Adjournment:**

A motion was made by Mr. Delia, seconded by Mr. Smith, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:20 PM.

Regina Giardina, Secretary Pro Tem