

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

April 24, 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. Sullivan, Mr. Henry, and Mr. Delia. Mr. Siburn was absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Applications for Review:

Mr. Bussiculo announced that App.#11-14: 174 Snyder Ave. BH, LLC, 174 Snyder Avenue, Block 801, Lot 50 (R-15 Zone) has been carried to June 26, 2014 with no further notice required.

App.#12-14: Michaela K. Quinlan, 86 Orion Road, Block 3401, Lot 16 (R-20 Zone)

Seeking to replace an existing, 112 square ft. shed (8' x 14' x 10' high) with a new 140 square ft. shed. The larger shed would be for storage of specific items. Relief is needed from Section 6.3.1B.4. of the Land Use Ordinance which limits sheds to 100 square ft. in size.

Michaela and John Quinlan were sworn and stated that they want to replace an existing 100 square foot shed on their property with a new shed that is approximately 140 square feet.

Mrs. Quinlan presented Exhibits A-1 – A-6 – photographs of the property showing the existing shed, the distance and buffering from the neighboring properties, the 70' distance to the end of their property, the Township property

and stream, their neighbor's yard, and the front of their neighbor's property. Mrs. Quinlan stated that the proposed shed would be 2 ½' wider than the existing shed.

In response to questions from the Board, Mrs. Quinlan stated that the existing shed is 7 ½' x 13 ½' and there was a permit obtained for it many years ago. The proposed shed is 10' x 14' and they proposed to put it in the same location. Her parents lived in the house and she has lived there since 1969 and the fence was put up for their dogs. They plan to use the shed for storage of bikes, Christmas decorations, horse blankets in totes containers and the lawn mower. They only have a single car garage so they need additional storage space.

Mr. Quinlan presented Exhibit A-7 – brochure showing the proposed shed which will be purchased from Florham Park Hardware. He noted that the barn-like shed is almost identical to the existing shed.

Discussion took place regarding the size of the proposed shed and it was noted that the applicants have a very large lot with plenty of room but the Board is concerned about sheds getting larger.

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. Boyer, to approve Application #12-14: Michaela K. Quinlan, 86 Orion Road, Block 3401, Lot 16 (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 7-0 in favor with Mr. Bussicula, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Sullivan, Mr. Henry, and Mr. Delia voting in favor.

App. #13-14: Michael & Sylvia Deo, 63 Old Farm Road, Block 3002, Lot 15 (R-20 Zone)

Relief is needed from Article 6.1, Section 6.1.1B "Schedule of General Regulations" because the existing outdoor fireplace, raised patio and seating wall encroach into the accessory side yard setback (required: 12', existing: 7.3'). In addition, the applicants are requesting removal of Condition #5 of the Resolution of Approval for Application #11-09 which stated that the "area over the garage shall be limited to storage and not used as a living space." The homeowners had

been before the Board in 2009 to apply for variances needed to construct additions to their single-family residence.

Michael Deo was sworn. Mr. Deo stated that there previously was a pull-down ladder in the garage and that was taken out so the only access is through the hallway in the house.

Mr. Bussiculo noted that the Board's concern about the use of the space over the garage relates to outside access. If the space is being accessed from the home that is not a problem.

Mr. Sullivan noted that there might have been concern about the side yard setback but with the revised survey showing 14' that problem has been eliminated.

With regard to the outdoor fireplace, Mr. Deo stated that there was no intent to violate any regulations. Mr. Deo presented Exhibits A-1 – A-4 – photographs showing the fireplace, the views from the fireplace and his neighbor's backyard.

In response to questions from the Board, Mr. Deo stated that the distance to his neighbor's house from the fireplace is 45' and to the back of his deck is 35' and the fireplace is 11' in height from grade.

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.

Discussion took place and it was suggested that the Township be asked to consider an ordinance with respect to outdoor fireplaces.

A motion was made by Mr. Miller, seconded by Mr. Delia, to approve Application #13-14: Michael & Sylvia Deo, 63 Old Farm Road, Block 3002, Lot 15 (R-20 Zone), including a variance for side 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. In addition, the applicant must apply for a permit if it is determined that one is required. The voice vote was 7-0 in favor with Mr. Bussiculo, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Sullivan, Mr. Henry, and Mr. Delia voting in favor.

App.#15-14: Stephen Croneberger, 42 Hamilton Terrace, Block 2004, Lot 6 (R-15 Zone)

Proposed 3-car garage with loft area above and raised deck type area between the proposed garage and existing house. The lot is a corner lot with frontage on Hamilton Terrace, Burgmiller Avenue (an unimproved municipal 50' road right-of-way) and Wardle Avenue (unimproved). Relief is needed from Section 6.1.1B, "Schedule of General Regulations," because the garage will encroach into the front-yard setback on Burgmiller Avenue (required: 50'; existing: 70'; proposed: 34.25'). Nonconforming issues are existing principal front yard setback from Hamilton Terrace, existing shed location (located over the property line into Burgmiller Avenue) and existing shed size of 160 sq. ft. compared with 100 sq. ft. allowed.

Stephen Croneberger and Doris Croneberger were sworn. Mr. Croneberger stated that they are proposing to construct a three car garage and relief is required for front yard setback along the paper street. In addition there is an existing shed which is partially on Township property. The house was built in 1948 by his father.

Discussion took place regarding the driveway being totally on the paper street which is not the applicant's property. Mr. Bernstein advised that if it is an unimproved street the applicant has legitimate access.

Mr. Croneberger stated that he proposes to construct a deck between the house and the garage.

In response to questions from the Board, Mr. Croneberger stated that the garage will be 35' x 34'. He wants this size garage in order to house his collector car, his son's collector car and his mother's car. He needs extra room for his workbenches and he is trying to make the garage fit the house. He has no intention to have a car workshop. He and his son just enjoy tinkering with the cars. The doors in the back would be for access to the backyard and the garage will solely be for storage of car-related things. The shed would be used for storage of the lawnmower. Mrs. Croneberger noted that there are about 15 homes in Berkeley Heights with garages larger than a three car garage.

Mr. Croneberger presented Exhibits A-1 – A-4 – google maps showing the house and foliage, view of the location of the house where the proposed deck would be constructed and view of the yard and heavily wooded area.

In response to further questions, Mr. Croneberger stated that the existing fence will probably be removed and there is a house across the street that also uses

the paper street for access. The garage height will be 19'. The existing 25-30 year old shed is 160 square feet and is in good shape. It can be moved to a conforming location at least 15' from the property line and the paved area leading to it can be removed.

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. Delia, to approve Application #15-14: Stephen Croneberger, 42 Hamilton Terrace, Block 2004, Lot 6 (R-15 Zone), subject to relocation of the shed, removal of the paved area leading to the shed, standard deck conditions, garage height of 19' 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 7-0 in favor with Mr. Bussiculo, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Sullivan, Mr. Henry, and Mr. Delia voting in favor.

Adoption of Minutes

March 13, 2014
April 10, 2014

The minutes of the March 13, 2014 Regular Meeting were tabled.

A motion was made by Mr. Smith, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the April 10, 2014 Regular Meeting as presented.

Adjournment:

A motion was made by Mr. Miller, seconded by Mr. Boyer, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:37 PM.

Regina Giardina, Secretary Pro Tem