

## MINUTES

### BOARD OF ADJUSTMENT

### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

May 22, 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 and Mr. Delia. Mr. Sullivan and Mr. Henry were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

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

##### **App.#16-14: Rosemary Sica & Jill Steidel, 106 Baker Avenue, Block 903, Lot 12 (R-15 Zone)**

Proposed in-ground pool with a stamped concrete patio surround result in exceeding the maximum "other" and "total" lot coverage limits. As a result, relief is needed from Section 6.1.1B "Schedule of General Regulations." A variance is also being sought for an existing shed which is located 1.5 feet from the rear property line, where 10' is required. Nonconforming issues are lot depth and an existing fence along southeast side property line which is located off of the subject property. Also Variance Case No. 13-03 established a principal front-yard setback of 25', a rear-yard setback of 34' and building coverage of 16.3%. A new house was constructed as a result of the variance approval.

Joseph Paparo, attorney for the applicant, stated that the applicant is seeking a variance for coverage in connection with a proposed pool installation.

Rosemary Sica, applicant, was sworn. She presented Exhibits A-1 – A-5 – photographs of the backyard and proposed location of the pool. The pool will be

15' x 28' and it will be heated. There will not be a diving board or slide and it will be located in a manner that will not impact the neighbors. The applicant said she would be willing to put pavers in the patio instead of concrete to decrease the amount of impervious coverage.

Chester DiLorenzo, engineer and planner, was sworn, gave is professional and educational background and was accepted as an expert witness. Mr. DiLorenzo stated that with the switch to pavers the coverage will only be over by 1%. He noted that the drainage could also be addressed by expanding the dry wells since the applicant would prefer to have stamped concrete for the patio.

In response to questions from the Board, Mr. DiLorenzo stated that the existing arborvitae will be maintained, the existing shed has been there for nine years and it would not be easy to move, and no permit was obtained for the shed.

Discussion took place and the Board members noted that the location of the shed is not a problem but they would prefer that pavers be used rather than concrete.

The applicant stated that she will agree to pavers.

### **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. Delia, seconded by Mr. Boyer, to approve Application #16-14: Rosemary Sica & Jill Steidel, 106 Baker Avenue, Block 903, Lot 12 (R-15 Zone), including variances for coverage and for the location of the existing 8' x 8' shed, subject to the standard pool and other 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 6-0 in favor with Mr. Bussiculo, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Siburn, and Mr. Delia voting in favor.

### **Correspondence**

With respect to the Berkeley Heights Realty Inc. (Enrite) application, Mr. Bernstein advised that he spoke to the applicant's attorney who advised that the applicant wants to re-notice for the application at a future date. Discussion took

place and it was noted that the Beautification Committee and the Environmental Committee should be invited to attend the hearing of this matter.

**Adoption of Resolution:**

**App.#14-14 Connell East LLC and Connell Corporate Center I, LLC, 50  
Connell Drive,  
Block 4501, Lot 25 and 100 Connell Drive, Block 4301, Lot 1.02 (OR-B Zone)**

In Board of Adjustment Case No. 18-11, Connell East LLC and Connell Corporate Center I, LLC (collectively, "Applicant") received preliminary and final site plan approval and a use variance for the installation of solar panels, solar canopies and associated facilities at the L'Oreal Building within Connell Corporate Park which is located at 50 Connell Drive on property designated as Lot 25, Block 4501 by way of a written Resolution adopted by the Board on October 13, 2011 ("Resolution"). A condition of the site plan approval was the maintenance of plantings in the islands under the solar canopies. The Applicant is now requesting that the conditions under the Resolution requiring the installation and maintenance of shrubs under the solar canopies be waived as attempts to grow shrubs under the solar canopies have been unsuccessful. (Applicant is not seeking to waive the requirements that trees be maintained around the Property.)

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

**Adoption of Minutes**

May 8, 2014

A motion was made by Mr. Siburn, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the May 8, 2014 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 7:47 PM.

Regina Giardina, Secretary Pro Tem