

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

June 26, 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. Smith, Mr. Siburn, Mr. Henry and Mr. Delia. Mr. Miller, Mr. Boyer and Mr. Sullivan were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Applications for Review:

--CARRIED FROM APRIL 24, 2014, WITHOUT FURTHER NOTICE:

App.#11-14: 174 Snyder Ave. BH, LLC, 174 Snyder Avenue, Block 801, Lot 50 (R-15 Zone)

Seeking a d(1) use variance for a two-story residential dwelling built in 1910 and located in the R-15 single family zone which has been operating as a four-family home. The applicant and owner of the property would like to undertake interior improvements, most notably a relocation of the existing laundry facilities from the interior living area on the second floor to the attic area above the second floor units. Other changes include new exterior windows and removal of the existing Bilco door. The existing shed and garbage enclosure will be relocated to comply with the setback requirements or removed entirely. Relief is also needed from Section 8.1.1B.1 "Expanding a nonconforming use" due to the interior expansion into the existing attic space for use as a utility room. Existing nonconforming issues are principal use; principal front-yard setback; existing "other" coverage of 22.44%, which includes the 800 sq. ft. stone driveway (allowed: 10%); and existing shed (which encroaches into the rear-yard setback).

Joseph Murray, attorney for the applicant, explained why the applicant is requesting that this matter be postponed, including the limited number of board members available to hear the application, the inability of the architect to complete his work on the application, lack of proofs to support the pre-existing use as a four family home and COAH considerations that need to be reviewed.

Discussion took place with regard to a possible date for hearing the application. Mr. Murray requested time to discuss the possible date with his client and the witnesses.

Mr. Murray returned to the meeting and advised that the applicant requests an adjournment to September 11, 2014 and will grant an extension to October 1, 2014.

A motion was made by Mr. Siburn, seconded by Mr. Smith, to carry the application to September 11, 2014 with no new notice required, except that a new list of property owners will be obtained and notice will be sent to any new property owners on the list. The voice vote was unanimous with Mr. Bussiculo, Mr. Smith, Mr. Siburn, Mr. Henry, and Mr. Delia voting in favor.

App.#17-14: Victoria DiSanto, 564 Snyder Avenue, Block 2301, Lot 35 (R-15 Zone)

Proposed second-story addition requires a variance because the front-yard setback will be less than the required 50'. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for the setback and Section 8.1.1B.1 for the expansion of a nonconforming structure. Nonconforming issues are existing principal front-yard setback and a driveway that is less than 5 feet from the property line.

Victoria DiSanto was sworn and stated that she is proposing an addition to her home over the garage. The home is located 44' from the road where 50' is required so a variance is requested.

Tom Majek, builder, was sworn and accepted as a witness for the applicant. Mr. Majek stated that he has been contracted to do the addition to the applicant's home. He stated that the house to the right of the property is about 10' closer to the street than the applicant's house. The applicant is proposing a master bedroom above the garage.

In response to questions from the Board, Ms. DiSanto and Mr. Majek stated that the neighbor's kitchen is on the side of the house where the addition will be built and that the garage and bedroom will not have any windows.

Ms. DiSanto presented her phone to display photographs taken of her property and the neighbor's property.

Discussion took place regarding placement of one or two windows in either the garage or the bedroom in order to soften the view for the neighbors so they are not looking at a blank wall.

Ms. DiSanto objected to having any windows in the garage or bedroom and stated that there is a border of trees between the houses. Mr. Majek stated that the distance between the houses is approximately 30-40' but noted that windows could be put in the garage. Following a short recess Ms. DiSanto agreed to the windows.

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. Siburn, seconded by Mr. Henry, to approve Application #17-14: Victoria DiSanto, 564 Snyder Avenue, Block 2301, Lot 35 (R-15 Zone), including variances for front-yard setback and for the driveway location, 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. Smith, Mr. Siburn, Mr. Henry, and Mr. Delia voting in favor.

Adoption of Minutes

June 12, 2014

A motion was made by Mr. Siburn, seconded by Mr. Smith, and carried by unanimous voice vote to adopt the minutes of the June 12, 2014 Conference Meeting as presented.

Adjournment:

A motion was made by Mr. Smith, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:15 PM.

Regina Giardina, Secretary Pro Tem