

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

August 14, 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. Henry and Mr. Delia. Mr. Miller, Mr. Boyer, Mr. Siburn and Mr. Sullivan were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Applications for Review:

--TO BE CARRIED TO SEPTEMBER 11, 2014, WITH NO FURTHER NOTICE REQUIRED:

App.#24-14: Berkeley Square, LLC, 240-268 Springfield Ave., Block 801, Lots 23 & 24

Proposed amendment of previous site plan and land use approval (Case #18-12) to include 2 reserved off-street parking spaces and request an off-street parking variance for 1 space. Applicant requests approval of the amendment to the site plan, variance relief from the standards regulating: 1) maximum other coverage, 2) the number, location, size and design of off-street parking spaces where 1 additional space is needed and where 2 reserved spaces are proposed near Springfield Avenue in the front of the building; and 3) the permitted uses in the R-15 Zone where residential uses are permitted and the pre-school, its access, off-street parking and other uses accessory to the non-permitted or conditionally permitted pre-school and retail stores are proposed; together with all other relief necessary to realize the development.(R-15 and HB-2 Zones)

Mr. Bussiculo announced that the application has been carried with no further notice required.

Adoption of Resolution:

App.#20-14: Berkeley Square, LLC, 260-264 Springfield Avenue, Block 801, Lots 23 & 24

Appeal, Interpretation and variance concerning occupancy by Mara's Café & Bakery within Unit 1 of Retail Building within Berkeley Square. (HB-2 Zone)

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

Applications for Review:

App.#23-14: Jonell Associates Development, 73 Hillside Ave., Bl. 2506, L. 21 (R-15 Zone)

This application is a revision of App.#18-14 which was approved at the July 24, 2014, Board of Adjustment meeting. Applicant is proposing to demolish the existing single family dwelling and construct a new single family house. However, the location of the proposed house on the lot is being changed from the plan that was presented in App.#18-14. As a result, relief is needed from Section 6.1.1B "Schedule of General Regulations" because the front yard setback will be less than the 50 ft. required and the lot coverage and building coverage limits will be exceeded. The proposed deck will now adhere to the setback requirements. Nonconforming issues are lot area and lot width.

Nicolas Ciraco, principal of Jonell Associates, was sworn, and stated that the application is being amended to change the front yard setback to be more consistent with the neighborhood. Mr. Ciraco presented Exhibits A-1 through A-5 – photographs of the houses on the street showing front yard setbacks of 30-35'. Mr. Ciraco also stated that the impervious coverage has been reduced because of the reduction in the size of the driveway and the rear yard setback variance has been eliminated.

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 #23-14: Jonell Associates Development, 73 Hillside Ave., Bl. 2506, L. 21 (R-15 Zone), including variances for front yard setback, lot coverage and building

coverage, and subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board. The voice vote was unanimous with Mr. Bussiculo, Mr. Smith, Mr. Siburn, Mr. Henry, and Mr. Delia voting in favor.

Adoption of Resolutions:

App.#18-14: Jonell Associates Development, 73 Hillside Ave., Bl.2506, L.21 (R-15 Zone)

Applicant is proposing to demolish the existing single family dwelling and construct a new single family house on the lot. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for exceeding the permitted building coverage and total lot coverage limits as well as Section 3.1.8 "Decks" because the proposed deck does not comply with the required 30 ft. rear yard setback. Nonconforming issues are lot area and lot width.

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

App.#23-14: Jonell Associates Development, 73 Hillside Ave., Bl.2506, L.21 (R-15 Zone)

This application is a revision of App.#18-14 which was approved at the July 24, 2014, Board of Adjustment meeting. Applicant is proposing to demolish the existing single family dwelling and construct a new single family house. However, the location of the proposed house on the lot is being changed from the plan that was presented in App.#18-14. As a result, relief is needed from Section 6.1.1B "Schedule of General Regulations" because the front yard setback will be less than the 50 ft. required and the lot coverage and building coverage limits will be exceeded. The proposed deck will now adhere to the setback requirements. Nonconforming issues are lot area and lot width.

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

Applications for Review:

App.#19-14: Eric Lange, 24 Maple Avenue, Block 902, Lot 25 (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" and Section 8.1.1B.1 for the expansion of a

nonconforming structure. The applicant is also seeking variances for nonconforming rear and side yard setbacks for an existing shed, swimming pool, pool patio and pool deck and for "other" and total lot coverage. Existing nonconformities are lot area, lot width and lot depth.

Eric Lange, applicant, was sworn.

Mark Bess, architect, was sworn, gave his educational and professional background, and was accepted as an expert witness.

Mr. Bess stated that the applicant is proposing to add a second story to an existing split level home. The footprint will remain the same and the new area will be approximately 450 square feet. The one-story addition will essentially be a master suite.

Mr. Lange stated that the house was built and bought by his grandmother in 1958 and all the structures including the pool are over 45 years old. There were no records in town of any permits.

In response to questions, Mr. Lange stated that the existing shed is on a cement slab and is approximately 10' x 10'. The neighbor's property consists of a large open area and a house. Mr. Bess stated that he would estimate the neighbor's house to be at least 100' from the street. On the left the neighbor has a garage that is parallel to the shed.

Mr. Lange stated that the shed is approximately 45 years old and is used to store tools and equipment.

Discussion took place with regard to drainage. It was decided that the Resolution of approval will include the requirement that the applicant consult with the Township Engineer as to whether a drainage plan should be required.

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. Henry, to approve Application #19-14: Eric Lange, 24 Maple Avenue, Block 902, Lot 25 (R-15 Zone), including variances for nonconforming rear and side yard setbacks for an existing shed, swimming pool, pool patio and pool deck and for "other" and total

lot coverage, 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. Henry, and Mr. Delia voting in favor.

App.#22-14: Gianluca Baglioni, 531 Mountain Avenue, Block 2105, Lot 8 (R-15 Zone)

Proposed construction of an inground pool and detached garage/pool house require relief from Section 6.1.1B and 6.3.1B because “other” coverage limits are exceeded and a pool house is not a permitted accessory use.

Gianluca Baglioni was sworn.

Dan Masterson, contractor, Remodeling LLC, was sworn, gave his professional background and was accepted as an expert witness.

Mr. Baglioni stated that he wants to add a pool to his backyard as well as a detached structure with a one-car garage and storage space. He has an existing two-car garage that is attached to the house that is used to store bikes and lawn equipment.

Discussion took place regarding the number of garages allowed under the ordinance and it was determined that the number is three. It was noted that the long driveway is the cause of the impervious coverage issue.

Mr. Masterson stated that they are still working on the area that will surround the pool and they are considering pavers in order to decrease the impervious coverage.

It was noted that the existing driveway may be too close to the property line and that should be addressed as a pre-existing condition. A drainage plan will also be required to the satisfaction of the Township Engineer.

Open to Public

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

Debra and Chris Thedinga, 537 Mountain Avenue, asked if there is any intent to turn the structure into a dwelling of any sort.

Mr. Baglioni stated that it will not be a dwelling. There will be no running water and no utilities. Mr. Masterson stated that the structure will be 15' in height and there will be no heat or air-conditioning and no second floor.

Mr. Bernstein noted that the Resolution will include restrictions against a bathroom, heat, air-conditioning and a second floor.

Mr. and Mrs. Thedinga were sworn and stated that they are satisfied with the location of the structure and they do not have a problem with it as long as there are no utilities.

Discussion took place regarding the discrepancy between the numbers on the application and on the plans. The applicant made the necessary corrections.

With regard to the shed on the applicant's property, the applicant advised that it is not his shed but belongs to his neighbor along with the fence. He is in the process of discussing with his neighbor how to resolve this issue. Discussion took place with regard to the shed and it was determined that this is a private issue to be resolved between the applicant and his neighbor.

A motion was made by Mr. Delia, seconded by Mr. Henry, to approve Application #22-14: Gianluca Baglioni, 531 Mountain Avenue, Block 2105, Lot 8 (R-15 Zone), including variances for other coverage and for the pre-existing driveway location, subject to the conditions that the structure will not be used as a dwelling, there will be no bathroom, no water, no heat or air-conditioning and no second floor, and further subject to the standard conditions with respect to pools, decks, tree removal and drainage 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. Henry, and Mr. Delia voting in favor.

Adoption of Minutes

June 26, 2014 Regular Meeting
July 24, 2014 Special Meeting

The minutes were tabled.

Adjournment:

A motion was made by Mr. Smith, seconded by Mr. Henry, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 9:00 PM.

Regina Giardina, Secretary Pro Tem