

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference Meeting

May 14, 2015

The Conference 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. Miller, Mr. Boyer, Mr. Nappi, Mr. Delia and Mr. Sylvester. Mr. Sullivan, Mr. Smith, Mr. Siburn and Mr. Henry and were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Informal Review of Submitted Applications:

App.#11-15: Berkeley Square, L.L.C., 240-264 Springfield Ave., Bl. 801, L. 23 & 24

The property (Primrose School and retail building) was subject to Site Plan approval through the Zoning Board of Adjustment, App.#18-12. As part of the approval, one "plaza" sign, 6' x 4' (24 sq. ft.) was approved for installation. The applicant is now proposing to install another freestanding or ground sign to accommodate the retail building which contains three tenant units. The proposed sign would be 4' x 6' x 7' high. Relief is needed from Section 10.1.4C of the Municipal Land Use Procedures Ordinance which states that the site plan, as approved, shall be binding on the applicant, Section 10.8.8A which makes failure to comply with the approved site plan a violation of the ordinance, and Section 5.4.2 (Zone HB-2) permitting only one plaza sign.

Brian Silbert stated that the project for the Primrose School and a second building has been completed. The second building presently has two tenants and a third unit. The two tenants are Mara's Bakery and Accents Active Wear. They have submitted a request to install a second monument sign on the property since visibility into the site is blocked by the very large retaining wall.

The tenants are not doing well and the applicant wants to do what they can to help. A request for a second monument sign was submitted and denied by Mr. Bocko.

Mr. Miller noted that a variance was granted for the existing monument sign so now the applicant is seeking a new variance for the second sign.

Mr. Silbert further stated that the plan would be for a tasteful sign in accordance with the Township ordinance that would identify the three tenants in the building. The sign would be located at the southerly end of the property.

Mr. Miller noted that the tenants should take down the illegal signs that have been up since they opened.

Mr. Silbert said he was not aware of any illegal signs but he will take care of it. He will bring photos of the proposed sign and provide information about the materials. Mr. Silbert asked if the Board would consider hearing testimony from the applicant with respect to a prospective tenant for the vacant unit.

It was suggested that the principal of the proposed tenant appear at the meeting to explain the proposed use and that the applicant provide a color photo of the existing sign and details of the proposed sign, such as size of the letters, fonts, and how the sign will be changed when the tenants change.

The application was deemed complete and scheduled for hearing on May 28, 2015.

App.#9-15: 569 Springfield Avenue, LLC, 569 Springfield Ave., Bl.610, L.8 (HB-3 Zone)

The applicant is proposing to demolish an existing single family dwelling and construct one new building containing eight condo units (with four units on the first floor and four units on the second floor). Based on the definitions and intent of the ordinance, such as Section 2.1.1B and Section 6.3.3A.4.C, a use variance in accordance with MLUL 40:55D-70.d(1) is needed because the ordinance allows certain types of “townhouses” with no more than six attached dwelling units and requires strict adherence to the requirements for townhouse developments. As a result, the proposed building, as designed, is not a permitted use. The applicant also seeks variances for exceeding permitted coverage ratios and driveway width as well as any other variances that may be needed.

August Santore, attorney for the applicant, stated that the plan involves eight residential units on two separate floors with four units on each floor. He advised that Mr. Tobia, planner, Mr. Coletta, architect, and Mr. Gazelle, engineer, are the witnesses who will be presenting testimony at the hearing. The applicant's professionals have met with Mr. Mistretta and made certain revisions to the plan based on that meeting. There are three variances being requested – for the 23' driveway, other coverage and the D variance.

Mr. Santore stated that the property now has a single family home with a detached garage and the D variance is needed because an 8-unit condominium building is not a permitted use in this zone.

The application was deemed complete and scheduled for hearing on May 28, 2015.

Adoption of Resolutions:

App.#7-15: Thomas Shallcross, 245 Spring Ridge Dr., Bl. 2107, L. 1 (R-15 Zone)

Proposed storage shed to be placed on property would be 192 square feet (16' x 12' x 12' high) and therefore does not adhere to Section 6.3.1.B.4 of the Municipal Land Use Procedures Ordinance which limits shed size to 100 square feet.

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

App.#8-15: Meghan & Robert Calichman, 5 Harrison Dr., Bl. 1815, L.15 (R-15 Zone)

Proposed renovations to an existing single-family house on a corner lot containing two principal fronts. The renovations include new one car garage addition, new second story addition over existing house, alterations to first floor living space of the ranch style house, new deck, raising of the first story wall height from 8' to 9' and modifications and relocation of the existing driveway opening from Snyder Avenue to Harrison Drive. Relief is needed from Section 6.1.1B "Schedule of General Regulations" due to insufficient principal front yard setback and Section 8.1.1B which prohibits enlarging, extending or increasing nonconforming buildings. The principal front yard setback from the Harrison Drive front yard is an existing, nonconforming condition.

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

**App.#4-15: Nagoya Group, LLC, 538 Springfield Ave., Bl.612, Lots 3 & 7
(DD-Zone)**

Proposed renovation and enlargement of the second floor bar. The use of the space as a nightclub is not permitted under Section 6.3.2A “Permitted Principal Uses” of the Municipal Land Use Procedures Ordinance.

A motion was made by Mr. Boyer, seconded by Mr. Delia, to adopt the two Resolutions presented with respect to this approval. The voice vote was unanimous with Mr. Miller, Mr. Boyer, Mr. Nappi, Mr. Delia and Mr. Sylvester voting in favor.

Adoption of Minutes

April 9, 2015
April 23, 2015

A motion was made by Mr. Sylvester, seconded by Mr. Delia, and carried by unanimous voice vote to adopt the minutes of the April 9, 2015 Conference and Regular Meeting and the April 23, 2015 Regular Meeting as presented.

Adjournment:

A motion was made by Mr. Delia, seconded by Mr. Boyer, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:10 PM.

Regina Giardina, Secretary Pro Tem