

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference Meeting

September 10, 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.

Oath of Public Officers – Newly Appointed Members

Bruce Mustacchi – 1st Alternate – replacement of unexpired term to end 12/31/16

The oath of office was administered by Mr. Bernstein.

Roll Call:

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

Informal Review of Submitted Applications:

App.#17-15: Thomas Altomare, 36 Ferndale Drive, Block 801, Lot 4 (R-15 Zone)

Proposed deck 16' x 21.6' with stairs to grade does not conform to principal rear yard setback requirement of 40'. In addition, the proposed deck does not conform to height restrictions. The existing deck will be removed. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for the setbacks and Section 3.1.8 "Decks" for the height. Nonconforming issues include principal rear yard setback for the house, principal rear yard setback for the existing deck and height of the existing deck.

Thomas Altomare was present and introduced his contractor, Dan Masterson.

Mr. Masterson advised that his client has an existing deck on the home that he purchased 13 years ago. The existing deck does not conform to the rear setback requirement of 40' and the proposed new deck, which will be smaller, also does not conform. The existing deck is 16' from the rear property line and the proposed new deck will be 19' from the rear property line. There are no homes behind the property line and there is a wooded area.

The application was deemed complete and scheduled for hearing on September 24, 2015. The applicant was advised to send out the appropriate notices and to provide photos of the property showing where the deck is proposed to be located and the wooded area behind the property.

App.#19-15: Maurizio Voi & Dee Shen, 35 Rogers Ave., Block 2704, Lot 4.02 (R-20 Zone)

Proposed in-ground pool, pool surround, waterfall and pool equipment to be located in the rear yard. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because "other" coverage, which is currently nonconforming at 11.02% (compared with 10% permitted), would increase to 16.59%. The permitted "total" lot coverage of 25% would also be exceeded (Existing: 25.28% and currently nonconforming; Proposed: 30.78%).

Dee Shen advised that she and her husband want to put a pool on their property and the impervious coverage will be increased to 30.79%.

In response to questions from the Board, Ms. Shen stated that the area around the pool will be concrete, a small waterfall is proposed, there will be no hot tub, and the pool equipment will be stored in an area behind the pool. She further stated that the house was built in 2008 and the neighbors also have a pool.

Mr. Sullivan advised that when the other neighbors appeared before the Board the Board expressed concern about the impervious coverage over 30% and the neighbors reduced their proposals to be under the 30%.

The application was deemed complete and scheduled for hearing on September 24, 2015. The applicant was advised to send out the appropriate notices and to provide photographs showing the proposed location of the pool and the proximity to the neighbors' homes.

App.#20-15: Urmalena & Neil Sternberg, 18 Hamilton Ave., Bl. 1103, Lot 4 (R-15 Zone)

Proposed standby generator (“accessory structure”) to be located in the side yard. Relief is needed from Section 6.1.1B “Schedule of General Regulations” because the proposed location of the generator is 8’ from the side property line whereby a side setback of 10’ is required. Since there are existing nonconforming “other” coverage and “total” coverage issues, the slight increase due to the generator results in variance requests for “other” and “total” lot coverage. Nonconforming issues are combined principal side yard setback, lot width, existing other coverage and existing total lot coverage.

Mr. and Mrs. Sternberg were present and advised that they are seeking a variance for the location of their generator on the side of their house 8’ from the side property line where a 10’ setback is required. Locating the generator on the other side would be considerably more expensive because of the location of the gas line.

In response to questions from the Board, Mr. Sternberg stated that the neighbor's garage faces the side of his house where the generator will be located. The noise from the generator is similar to that from the air-conditioning unit which is also located on that side of the house.

The application was deemed complete and scheduled for hearing on September 24, 2015. The applicant was advised to send out the appropriate notices and to provide photographs showing the proposed location of the generator and the proximity to the neighbor's home.

App.#21-15: Tal & Etya Novik, 17 Briarwood Drive, Block 801, Lot 18 (R-15 Zone)

Proposed addition to a single-family dwelling in order to expand the existing one-car garage to a two-car garage (13’ x 23’). Also, a new roof will be constructed to cover the existing front porch (8’ x 12’). Relief is needed from Section 6.1.1B “Schedule of General Regulations” because a principal front-yard setback of 50’ is required, while the existing setback is 44.90,’ and the proposed setback to the covered front porch roof would be 44.’ The required principal side-yard setback is a minimum of 12’, while the existing is 13.36’ and the proposed side-yard setback to the new garage is proposed at 6’ and the proposed front-yard setback is 46.59.’ Nonconforming issues are lot area and principal front-yard setback.

Mr. and Mrs. Novik were present and stated that they are seeking a variance in connection with the proposed expansion of the existing one-car garage at their

home to a two-car garage. A variance is required because of the side-yard setback of 6' where 12' is required.

In response to questions from the Board, Mr. Novik stated that the height of the garage will be the same as existing, which is 18'. The garage will have a pitched roof but there will be no storage above the garage. The addition will be 13' wide.

The applicant is also seeking a variance for a portico over the front door.

The application was deemed complete and scheduled for hearing on September 24, 2015. The applicant was advised to send out the appropriate notices, to stake out the area where the garage will be located and provide photographs showing the proposed location of the garage and the view from the neighbor's property.

Adoption of Resolutions:

App.#10-15: Elizabeth & Horacio Marcos, 124 Rutgers Avenue, Block 1704, Lot 6

Proposed principal one-story addition to a house on a corner lot. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the addition will not meet the setback requirements along Central Street, an unimproved paper street. Existing nonconforming issues are: setbacks from Rutgers Avenue and Central Street as well as lot width. (R-15 Zone)

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

App.#15-15: Donna Posner-Aflalo, 54 Berkshire Drive, Block 3503, Lot 12 (R-20 Zone)

Portico (4' x 7') over existing front porch encroaches into principal front yard setback. (The required front yard setback is 50'. The house without the portico has a nonconforming setback of 40.3'. The portico setback is 36.3'.) The applicant is also proposing to build a shed that is larger than the 100 sq. feet allowed by ordinance. (Proposed shed size: 150 sq. ft.) Also the addition of the shed increases "other" coverage to 14.20% (existing: 13.34%; allowed: 10%). Relief is needed from Sections 6.1.1B and 6.3.1B.4 of the Land Use Ordinance. Existing nonconforming issues are: lot area, lot width, principal front yard setback, existing "other" coverage, driveway location.

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

App.#14-15: Dave & Ruth DeBang, 41 Hamilton Avenue, Block 1108, Lot 4 (R-15 Zone)

Proposed principal second story addition over the first floor of single family home located on the corner of Hamilton Ave. and College Ave., an unimproved or paper street. The project includes interior renovations to the first floor and a roof overhang over the existing front steps. Variances are needed because the existing house has insufficient front yard setbacks, lot depth, and lot area. According to Section 8.1.1B of the land use ordinance, no nonconforming single family dwelling and no single family dwelling on a nonconforming lot may be enlarged, extended or increased. Relief is also needed from Section 6.1.1B "Schedule of General Regulations" to allow the insufficient setbacks. The existing principal front yard setback along Hamilton Avenue is 14.81' (proposed addition: 14.81'; required: 50') and the existing principal front yard setback along College Avenue is 15.74'; (proposed addition: 29'; required: 50').

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

App.#26-14: Ramesh & Sheela Raman, 61 Kuntz Avenue, Block 301, Lot 18 (R-15 Zone)

Proposed construction of a single-family dwelling located on a vacant corner lot fronting Kuntz Avenue and Camptown Drive. The proposal would require variances for many nonconforming issues including insufficient rear yard setback, "other coverage," the proposed driveway, the building overhang, not adhering to ordinance requiring an enclosed garage, construction materials being used for the driveway, non-conforming lot width, and any other variances as required.

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

Adoption of Minutes
July 23, 2015

A motion was made by Mr. Miller, seconded by Mr. Boyer, and carried by unanimous voice vote to adopt the minutes of the July 23, 2015 Conference and Regular Meeting as presented.

Adjournment:

A motion was made by Mr. Miller, seconded by Mr. Smith, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:07 PM.

Regina Giardina, Secretary Pro Tem