

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference and Regular Meeting

October 8, 2015

The Conference and 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.

Election of Temporary Chairperson

Mr. Smith was elected to act as Chairperson for the meeting.

Roll Call:

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

Applications for Review:

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.

Urmalena Sternberg was sworn and stated that they need a variance for a generator. The required setback is 10' and they are proposing an 8' foot setback. They want to put the generator in that location because the gas and water lines are located on that side of the house.

In response to questions from the Board, Mrs. Sternberg stated that the distance from their neighbor's garage to their fence is about 19' and then there is another 8' to the location of the generator. Mrs. Sternberg presented Exhibits A-1 – A-4 – photographs showing the proximity to the neighbor's house and the proposed location of the generator, and Exhibit A-5 – manual for the generator. She stated that they need the generator since they have elderly parents who visit frequently who are diabetic and need refrigeration for the medicines and they have two sump pumps on the property. They plan to plant some landscaping to buffer the generator. Mrs. Sternberg also stated that the noise from the generator is not loud and that the generator will be placed on top of gravel rather than a concrete slab.

Open to Public

The hearing was opened to the public for comments or questions regarding the application. There were no members of the public who had comments or questions and the hearing was closed to the public.

A motion was made by Mr. Mustacchi, seconded by Mr. Nappi, with respect to App.#20-15: Urmalena & Neil Sternberg, 18 Hamilton Ave., Bl. 1103, Lot 4 (R-15 Zone) to approve the application with variances, subject to the conditions as discussed and further 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 6-0 with Mr. Smith, Mr. Siburn, Mr. Nappi, Mr. Delia, Mr. Sylvester and Mr. Mustacchi voting in favor and none opposed.

Informal Review of Submitted Applications:

App.#18-15: Ondina Purcell, 685 Mountain Avenue, Block 2006, Lot 30, (R-15 Zone)

Proposed principal addition consisting of an attached one-car garage (12 ft. x 27ft.) and new living space (9 ft. x 12 ft.). Also proposing to enclose the existing covered porch. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the proposed addition will result in insufficient side yard and combined side yard setbacks.

Ondina Purcell stated that she wants to put an addition on her house that would include a one-car garage and new living space. The addition will be behind the existing garage and the existing porch will be enclosed.

Discussion took place regarding the plans submitted. It was suggested that the applicant obtain and provide a more formal plan rather than just a rough sketch. The plan should be an elevation plan and include dimensions.

The application was deemed complete and scheduled for hearing on October 22, 2015. The applicant was advised to provide a better plan, bring photographs of the property and send out the appropriate notices,

App.#22-15: Lillian Court Assoc.LLC, Mountain Avenue, Block 3303, Lot 12 (R-20 Zone)

Proposed construction of a new single family house on this vacant lot. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for insufficient side yard and combined side yard setbacks. In addition, "other coverage" would be approximately 15% (compared with the 10% maximum "other coverage" allowed).

Dan Reichard, Managing Member of Lillian Court Assoc. LLC, was sworn.

Mr. Bernstein noted that an applicant that is an entity usually should be represented by an attorney but in this case that requirement could be waived.

Mr. Reichard stated that the applicant would have no problem bringing an attorney to the formal hearing. He stated that the property is a pie-shaped lot that is overgrown with weeds and the applicant is proposing to develop it for a single family dwelling. The combined side setback is required to be 30' and the plan is to have 12' on one side and 12' on the other side where 18' would be required. Mr. Reichard further stated that the plan originally submitted required a variance for coverage but they have reconfigured the driveway to eliminate the need for that variance. It is up to the Board to decide which driveway configuration is used. The property was subdivided by PSE&G when they put the wires in for the development.

In response to questions from Mr. Bernstein and the Board members, Mr. Reichard stated that he will research the subdivision documents and provide information as to how the subdivision was acquired by PSE&G. He will also review the proposed location of the house to see if it can be moved further away from the existing neighbor. The proposed house will be a two story colonial that will be smaller than the other houses in the development. Elevations will be provided at the hearing.

Discussion took place regarding the configuration of the driveway and the consensus of the Board was in favor the design that will not require a variance.

The application was deemed complete and scheduled for hearing on October 22, 2015. The applicant was advised to provide photographs of the adjacent properties and to send out the appropriate notices,

App.#23-15: Georgene Granholm, 49 Shadow Lane, Block 504, Lot 64 (R-15 Zone)

Application for hot tub on an existing deck. Relief is needed from Section 3.1.8. "Decks" of the Municipal Land Use Procedures Ordinance which prohibits hot tubs from being located on any exterior deck. Nonconforming issues are lot area, lot width, principal front yard setback, other lot coverage, total lot coverage, existing shed size and existing shed accessory setbacks.

Georgene Granholm stated that she needs a variance for a proposed hot tub on an existing deck that is 6" off the ground. The property is in a very bad flood zone and if the hot tub were put on the lawn it could get flooded away. The proposal is for a 6 x 6 portable hot tub boxed in on both sides by the house. The hot tub will not be visible from neighbors' properties. Mrs. Granholm stated that she has numerous medical issues that require water therapy which is not covered by insurance if she goes to an outside facility.

In response to questions from the Board members, Mrs. Granholm stated that there is a concrete patio under the decking. There were problems with flooding over the patio so they put the 6" decking to avoid stepping in mud. The deck has footings but it is over the pre-existing concrete patio.

Mrs. Granholm was asked to have someone add the side yard dimensions to the plan showing how far the neighbors would be from the hot tub.

The application was deemed complete and scheduled for hearing on October 22, 2015. The applicant was advised to provide photographs and send out the appropriate notices.

App.#24-15: Neil Hemann, 347 Park Avenue, Block 1005, Lot 7 (R-15 Zone)

Proposed installation of a residential storage shed not in conformance with the required rear yard accessory setback of 10 feet. Relief is needed from Section 6.1.1B "Schedule of General Regulations." Other nonconforming issues were addressed in variance case No. 20-81.

Mr. and Mrs. Hemann were present and stated that their home is on a corner lot on Park Avenue. They want to put a shed on the property. Their lot is odd shaped and does not meet the required setbacks. They have an existing two car garage but they need a shed for the lawn mower, kids bikes, etc. There are not a

lot of options for placing the shed and the proposed location is the only viable option.

Discussion took place regarding the proposed location of the shed and it was noted that the Board has never approved a 1' setback. The applicant was asked to mark the proposed location of the shed and the Board members will visit the property.

The application was deemed complete and scheduled for hearing on October 22, 2015. The applicant was advised to provide photographs, to mark the proposed location of the shed and to send out the appropriate notices.

Adoption of Resolutions:

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.

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

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%).

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

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.

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

Adoption of Minutes

September 24, 2015

A motion was made by Mr. Siburn, seconded by Mr. Delia, and carried by unanimous voice vote to adopt the minutes of the September 24, 2015 Regular Meeting as presented.

Adjournment:

A motion was made by Mr. Siburn, seconded by Mr. Nappi, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:43 PM.

Regina Giardina, Secretary Pro Tem