

# MINUTES

## BOARD OF ADJUSTMENT

### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference Meeting

April 14, 2016

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. Sullivan, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Nappi, Mr. Delia and Mr. Sylvester. Mr. Siburn and Mr. Mustacchi were absent.

#### **Adoption of Resolutions:**

##### **App.#4-16: David & Joe Peluso, 74 Park Avenue, Block 601, Lot 8 (R-10 Zone)**

Applicant seeks approval to construct a wood framed chimney for a gas-insert fireplace to be located on the southwest exterior side wall of the house, approximately 2' x 4.5' x 15' high. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the combined side yard setbacks are less than the required 30' and the building and total lot coverage percentages will be further increased. Existing, nonconforming issues are lot area; lot width; principal side yard and combined side yard setbacks; building coverage; and total lot coverage.

A motion was made by Mr. Sylvester, seconded by Mr. Delia, to adopt the above Resolution. The roll call vote was unanimous with Mr. Sullivan, Mr. Miller, Mr. Delia and Mr. Sylvester voting in favor and none opposed.

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

The applicant is seeking preliminary and final site plan approval of seven residential two-story townhomes, split between two buildings. (The existing single family dwelling will be demolished.) Relief is needed from Section 6.3.3(A)(4)(c) relating to an increase in density. Other variances are also being requested including a variance and waivers pertaining to the size of the required parking spaces and bulk variances for insufficient rear yard setback and exceeding other coverage limits. All variances and waivers are described in detail in the application documents.

A motion was made by Mr. Miller, seconded by Mr. Sylvester, to adopt the above Resolution. The roll call vote was unanimous with Mr. Sullivan, Mr. Miller, Mr. Smith, Mr. Delia, and Mr. Sylvester voting in favor and none opposed.

**Adoption of Minutes**

March 24, 2016 Regular Meeting

A motion was made by Mr. Sylvester, seconded by Mr. Delia, and carried by unanimous voice vote to adopt the minutes of the March 24, 2016 Regular Meeting as presented.

**Informal Review of New Applications:**

**App.#5-16: Pete Dellomo, 144 Rutgers Avenue, Block 1705, Lot 2 (R-15 Zone)**

Proposed principal additions including a second-level addition, a two-car garage addition and a covered front porch. The lot is a through lot with frontage and the driveway opening onto Rutgers Avenue and frontage also on Princeton Avenue. Relief is needed from Section 6.1.1B "Schedule of General Regulations" which requires a principal front yard setback of 50' where 50.01' is existing and 44' is proposed. The ordinance also allows a maximum "other" coverage of 10% where 9.38% is existing and 10.38% is proposed.

Pete Dellomo stated that he is purchasing an existing home and planning some extensive renovations. He proposes to make it a two-story home with a two-car garage. The lot is deep and wider than most of the lots in the area. The main issue is the front setback since he wants to put a porch on the front of the house. He looked at the houses on half of the street and measured the front setbacks. Ten of those houses encroach into the front yard setback and nine of them by more than what he is asking for.

It was suggested that the applicant provide information about the neighboring houses as well as the two houses on the street that have been renovated.

In response to questions from the Board, Mr. Dellomo stated that the existing structure in the back of the property is in good shape and he believes it will be an asset to the property. He does not intend to bring the driveway to the back but wants to keep the buildings as an additional structure. He might put a walkway to it. The existing garage under the house will become part of the basement and a two-car garage will be added to the house.

The applicant was instructed to review the numbers shown on the plot plan and application to verify that they match.

The application was deemed complete and scheduled for hearing on April 28, 2016 with notice to be sent by certified mail.

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

August Santore, attorney for the applicant, requested the opportunity to discuss a proposed change in the Resolution of approval of this application with respect to snow removal. Mr. Sullivan advised that the Board had already adopted the Resolution and suggested that Mr. Santore contact Mr. Bernstein and Mr. Mistretta with regard to the proposed change.

**App.#6-16: Palma Quelly, 206 Sawmill Drive West, Block 1101, Lot 8 (R-15 Zone)**

Proposed principal addition to expand the existing one-car garage into a two-car garage and a new second-story addition to create a new bedroom and bathroom. The existing driveway would be expanded to accommodate the new garage. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the addition will encroach into the side yard setback (side yard required: 12'; existing: 15'; proposed: 5'). In addition, Section 11.1.7 requires that driveways be 5' from the lot line, while the proposed driveway would only be about 3' off of the side property line. The lot width is a nonconforming issue.

Joanne Decerce, daughter of the applicant, stated that the applicant's house is the only one in the development with a one-car garage. They are proposing to add an extra bay to the garage and put a master bedroom suite above it.

Discussion took place regarding the application and the plans as submitted. A question was raised as to the size of the proposed master suite and whether it would cover only one or both of the garages. Mr. Sullivan suggested that the applicant meet further with her architect so that more complete plans can be submitted that would show the two-story setback for which a variance is needed. The new plans should also include all the dimensions. It was also suggested that the architect provide side elevations of the proposed addition so that the Board can see what the neighbor will be looking at and that the applicant consider one solid door instead of two doors to decrease the width of the garage.

**App.#8-16: James O’Keefe, 41 Putnam Avenue, Block 1803, Lot 9 (R-15 Zone)**

The applicant is proposing to add a two-car garage, a second story above, and a small addition (approx. 46 s.f.) to the rear of this house on a corner lot. (Putnam Avenue is an improved street; Bolton Boulevard is a paper street.) Relief is needed from Section 6.1.1B “Schedule of General Regulations” because a 50’ principal front yard setback from Putnam Avenue is required, while the existing setback is 39.66’ and 43’ is proposed. The required principal rear yard setback is 40’, where 17’ is existing and 19’ is proposed. The amount of building coverage allowed is 15% where 12.04% is existing and 17.73% is proposed. The total lot coverage permitted is 25%, with 24.61% existing and 28.62% proposed. Nonconforming conditions are lot area, lot width, principal front yard setbacks from both Putnam Avenue and Bolton Boulevard; existing “other” coverage and existing rear yard setback. Also, an existing shed is located off of the property (on Township property).

David Cronheim, attorney for the applicant, stated that the proposal is to add a two-car garage on an existing structure, add a porch in the rear section and add a second story onto the house. The property is located in the R-15 zone and the lot is 10,481 square feet where 15,000 square feet is required so the lot size is a pre-existing non-conforming condition. The front yard setback is also a pre-existing condition. A variance is required for impervious coverage where the maximum permitted is 25% and 25.7% is requested.

In response to questions from the Board, Mr. O’Keefe stated that the existing porch is on raised concrete and they are proposing to enclose it and make it part of the house. The applicant is aware of the location of the property in the flood zone and the DEP requirements that may have to be met. The existing shed will be removed, the existing deck will be removed if it is an issue and the fence will be moved onto the applicant’s property.

Mr. Cronheim further stated that most of the houses on the street are two-story and the proposal will be in character with the neighborhood and will enhance the street.

The application was deemed complete and scheduled for hearing on April 28, 2016 with notice to be sent by certified mail.

**Open to Public**

The meeting was opened to the public for questions or comments. There were no members of the public present.

**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 8:25 PM.

Regina Giardina, Secretary Pro Tem