

# MINUTES

## BOARD OF ADJUSTMENT

### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference Meeting

May 12, 2016

The Conference Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room by William Smith, Acting Chairman.

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

#### Adoption of Minutes:

April 28, 2016 Regular Meeting

A motion was made by Mr. Boyer, seconded by Mr. Siburn, and carried by unanimous voice vote to adopt the minutes of the April 28, 2016 Regular Meeting as presented.

#### Adoption of Resolutions:

##### 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.

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

**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 sq.ft.) 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).

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

**Informal Review of New Applications:**

**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. Relief is needed from Section 6.1.1B “Schedule of General Regulations” because the addition will encroach into the side yard setback. The lot width is a nonconforming issue.

Joanne DeCerce, daughter of the applicant, stated that the proposal is to add a second garage bay to the house with a master bedroom above the existing house. A variance for side yard setback is required.

Discussion took place regarding the side yard setback. Mrs. DeCerce stated that the setback will be 7’. She was asked to make the necessary corrections to the application and the plans.

The application was deemed complete and scheduled for hearing on May 26, 2016. The applicant was advised to provide photographs of the neighbor's house and to send out the required notices.

**App.#7-16: Robert Nichols, 33 Holly Glen Lane South, Block 3504, Lot 36 (R-20 Zone)**

Proposed second-story addition over the existing two-car garage. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the existing house has a front yard setback of 42.43 ft. (vs. 50 ft. required), and the front yard setback for the proposed addition will be the same (42.43 ft.). Relief is also needed from Section 8.1.1B.1: "No nonconforming single family dwelling and no single family dwelling on a nonconforming lot may be enlarged, extended or increased unless said enlargement by itself conforms with all requirements of the Zoning Ordinance..." The only other nonconforming issue is lot area.

Bob Nichols, applicant, stated that he wants to add a master bedroom over the existing garage. There will be no change in the footprint. Variances are required for front yard setback and lot area. The height of the new addition will not be higher than the existing house.

The application was deemed complete and scheduled for hearing on May 26, 2016. The applicant was advised to send out the required notices.

**App.#9-16: Doug Reinstein, 64 Hampton Drive, Block 3204, Lot 10 (R-20 Zone)**

Proposed principal addition to expand the existing one-car garage into a two-car garage and an 8' x 26' one-story addition to the rear portion of the house. The driveway would be expanded to accommodate the new garage. Relief is needed from Section 6.1.1B "Schedule of General Regulations" which requires a principal front yard setback of 50 ft. where 43.1 ft. is existing and 43 ft. is proposed; combined side yard setbacks required are 30 ft. where 40.6 ft. are existing and 28.2 ft. are proposed; required rear yard setback required is 40 ft. where 42 ft. is existing and 32 ft. is proposed. A variance is also required for exceeding the maximum permitted building coverage of 15%, other coverage of 10%, and total lot coverage of 25%. Nonconforming issues are lot area, lot depth and accessory setbacks for existing shed – side and rear.

Doug Reinstein, applicant, stated that he wants to add a second garage with a small storage area behind the two car garage. Variances are required for setback and building coverage.

Carol Hewitt, architect, stated that the proposal is to add a second car garage and storage area behind the two garages. The existing house has no basement and the attic is very small so they want to add storage area and park the cars in the garage. The pre-existing conditions include lot size of approximately 11,700 where 20,000 square feet is required, lot depth of 130' where 150' is required and front yard setback of 43.1' where 50' is required. There is an existing shed that is only 2' off the property line. None of these pre-existing conditions are proposed to be changed. Variances are requested for side yard setback of 28.2' where 30' is required, building coverage of 18.42% where 15% is permitted, and other coverage of 10.76% where 10% is permitted.

Ms. Hewitt further stated that most of the neighbors have two car garages and this is only a one story addition so the height will remain the same. The driveway will be expanded for the second garage and the storage area will be accessed from the inside of the house only.

In response to questions from the Board, Ms. Hewitt stated that the existing shed was on the property when the applicant purchased it, the size of the shed is 7' x 10' and the applicant wishes to keep it. Mr. Reinstein stated that he believes the shed has a subfloor and that it cannot easily be moved forward.

The application was deemed complete and scheduled for hearing on May 26, 2016. The applicant was advised to bring photographs of the surrounding homes, to provide a clearer copy of the survey as well as more information regarding the shed, and to send out the required notices.

**App.#3-16: Ruggero Scavina, Lenox & Rosehill Avenues, Block 401, Lots 3, 4, 5, 6 & 7**

The applicant is seeking a determination under N.J.S.A. 40:55D-68 that the use of the property as a nursery (i.e. plant or horticulture business) is a valid, prior nonconforming use. The applicant is therefore applying for the issuance of a certificate certifying that the use existed before the adoption of the ordinance which rendered the use nonconforming. (R-15 Zone)

Nick Scavina, representing his father who owns the property, stated that this is an application for a determination as to a valid, prior non-conforming use of the property as a nursery.

Mr. Bernstein advised as to the need for the determination by the Board and noted that the applicant has an alternative of applying for a use variance.

Discussion took place as to the use of the property as a nursery.

The application was deemed complete and scheduled for hearing on May 26, 2016. The applicant was advised to bring documentation of the prior use of the property as a nursery and to send out the required notices.

**Adjournment:**

A motion was made by Mr. Boyer, seconded by Mr. Mustacchi, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:25 PM.

Regina Giardina, Secretary Pro Tem