

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference Meeting

June 9, 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. Nappi, Mr. Delia, Mr. Mustacchi and Mr. Sylvester. Mr. Sullivan, Mr. Miller, Mr. Boyer and Mr. Siburn were absent.

Adoption of Minutes:

May 26, 2016 Regular Meeting

A motion was made by Mr. Mustacchi, seconded by Mr. Delia, and carried by unanimous voice vote to adopt the minutes of the May 26, 2016 Regular Meeting as presented.

Adoption of Resolutions:

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.

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

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.

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

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.

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

Informal Review of New Applications:

App.#10-16: Hemal & Snehaben Vakharia, 40 Pine Grove Road, Bl. 2201, L. 6 (R-15 Zone)

The applicant is proposing to construct a deck, 16' x 24' x approx. 8' high, with a deck connection to an existing side yard porch having stairs to grade. Relief is needed from Section 6.1.1B “Schedule of General Regulations” because

one side yard setback for the deck will be less than the 12' required by ordinance, and the combined side yard setbacks will be less than the 30' required. Nonconforming issues are lot area, lot width and principal front yard setback.

Hemal and Snehaben Vakharia were present and stated that they want to put a deck in the back of their house over the existing patio. A variance is required for side setback of less than 12' and combined side setback of less than 30'.

Questions were raised regarding the setbacks and the dimensions shown on the plan and on the application. The applicant was asked to correct the application to make the numbers match. The applicant stated that they do not intend to close in the area under the deck.

The application was deemed complete and scheduled for hearing on June 23, 2016. The applicant was instructed to provide photographs of the adjoining properties and to send the required notice.

App.#12-16: Iuri Oganezov, 238 Washington Street, Block 205, Lot 7 (R-10 Zone)

Proposed second story addition over the existing first story and new deck attached to the rear of the house. The addition would be an upwards expansion over the existing nonconforming first floor; as a result, the expansion will encroach into the required principal setbacks. Relief is needed from Section 6.1.1B "Schedule of General Regulations" of the Land Use Ordinance because 1) the principal front yard setback is less than the required 30'; 2) both side yard setbacks are less than required by ordinance and 3) combined side yards are less than the 30' required; 4) the maximum building coverage allowed is 20% while the existing coverage number is 29.16% and 30.16% is proposed; 5) the proposed deck does not conform to the 12' side yard requirement. Nonconforming issues are lot area; lot width; principal front, side and combined side yard setbacks; building coverage, other coverage and total lot coverage.

Iuri Oganezov was present and stated that he wants to add a second floor to the house and then resell the property. Natella Petrosyan was also present and stated that there will be no change in the footprint of the house, just the addition of a second floor. The applicant did not know the height of the home with the proposed addition and will provide that information at the hearing. The applicant was also asked to provide additional elevations of the proposed addition showing the sides of the house.

Discussion took place regarding the shared driveway. The applicant was asked to provide a copy of the easement agreement with the neighbor. The applicant stated that the blacktop in the back of the house will be removed and replaced with grass. It was suggested that the applicant speak to his neighbor regarding the driveway since he cannot unilaterally remove the driveway. It was also noted that any change to the driveway to provide front access should be shown on the plans and included on the application.

In response to a question from the Board, the applicant said there will be windows on the addition. He was asked to bring photographs to give the Board an idea of what the neighbor will see. It was also suggested that he speak to the zoning officer with respect to calculation of impervious coverage, provide photographs of the adjacent properties and their view of the applicant's property and showing the other two-story homes in the neighborhood, and provide details of the deck construction.

The application was deemed complete and scheduled for hearing on June 23, 2016. The applicant was instructed to send the required notice.

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. Mustacchi, seconded by Mr. Nappi, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:05 PM.

Regina Giardina, Secretary Pro Tem