

**AGENDA**  
**BOARD OF ADJUSTMENT**  
**TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**  
**REGULAR MEETING**  
**November 10, 2016 7:30 pm**

NOTE: Meeting is being held in conformance with all regulations of the SUNSHINE LAW and proper notice has been given to the Courier; also, the Agenda has 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 substantially past 10:30 PM.

**Members:** Mr. Sullivan, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Siburn,  
Mr. Nappi, Mr. Delia, Mr. Sylvester and Mr. Mustacchi

Mr. Bernstein, Board Attorney

**Roll Call:**

**Adoption of Minutes:**

October 27, 2016

**Adoption of Resolutions:**

**App.#18-16: Richard D. Arnold, 132 Fairview Avenue, Block 905, Lot 3 (R-15 Zone)**

Proposed construction of an asphalt surface area to be used as a basketball ½ court. Relief is needed from Section 6.1.1B of the Zoning Ordinance because "other" coverage will reach 15.94%. (Maximum "other" coverage allowed: 10%; existing: 11.05%; proposed: 15.94%.) Nonconforming issues are driveway too close to the property line and those variances approved in variance resolution Case No. 17-91.

**App.#19-16: Faig Fazal, 185 Chaucer Drive, Block 1002, Lot 21 (R-15 Zone)**

The applicant is proposing to remove the existing greenhouse room (approx. 11' x 20') and replace it with a larger, one-story addition (approx. 16' x 20'). The existing "building coverage" of 15.08% marginally exceeds the 15% allowed. The proposed addition would increase this number to 15.79%. Other existing, nonconforming issues for this property include lot area, lot width, and driveway too close to side property line.

**App.#17-16: Joseph & Licienne Sodano, 55 Shadow Lane, Bl. 504, L. 65 (R-15 Zone)**

Proposed installation of an 8' x 8' x 10' high residential storage shed which does not comply with the required side yard setback of 10'. Existing, nonconforming issues for this property are lot area, lot width, and principal front-yard setback.

**App.#23-16: Giovanni's Bistro, LLC, 449 Springfield Ave., Block 212, Lot 7.01 (DD-Zone)**

Proposed free-standing ground sign requires relief from Section 5.4.2.2. of the Municipal Land Use Procedures Ordinance because said sign is only permitted for office or shopping plazas, and the applicant is a restaurant which does not qualify under the ordinance. Applicant also seeks such other and further relief as may be requested or otherwise required at the time of the hearing along with any requests for design waivers or exceptions from the Township requirements that may be necessary or requested by the applicant.

**Informal Review / Update:**

**App.#12-15: Anco Environmental Services, Inc., 40 Russo Pl., Bl. 1901, L. 40 (LI-Zone)**

Anco Environmental Services, Inc. ("Anco") is a company involved in oil tank removal and installation and also operates as a clean-up contractor. The property is also used for vehicle and equipment repair and as a storage yard for equipment. The fuel oil that is removed is retained in a tanker truck at 40 Russo Place and then sold. A company related to Anco is engaged in the cleaning and servicing of oil burners. The owner of the property was cited for noncompliance of Section 17.1.1 – "Use of land without receiving all required permits of approval." A zoning permit was not issued for the current use. The applicant is requesting approval to continue to operate its business – which is not an approved use – and would like to obtain all variances needed (including relief from Sections 17.1.1 "Prohibitions," Section 6.3.6A "Permitted Principal Uses," Section 6.3.6B "Permitted Accessory Uses," Section 6.1.1B "Schedule of General Regulations," Section 6.4.3A.6 "Nuisance Factors," Section 6.4.3B.26., and Section 6.4.3B.48.) There are also accessory structures – such as fuel tanks – on the property that do not comply with the required setbacks and/or permitted accessory Uses.

**Applications for Review:**

**App.#20-16: Matthew E. Burton, 60 Grandview Ave., Block 602, Lot 2.03 (R-10 Zone)**

Applicant is proposing to expand an existing deck. Relief is needed from Section 3.1.8. "Decks" of the Municipal Land Use Procedures Ordinance because a deck must be offset from the rear property line a distance of 25,' provided it is not over 4' in height. The proposed deck extension will be 19' off of the rear property line.

**App.#21-16: Thomas Altomare, 36 Ferndale Drive, Block 801, Lot 4 (R-15 Zone)**

Proposed in-ground pool with pool surround, paver patio, shed, and fence. Relief is needed from Section 6.1.1B. "Schedule of General Regulations" because "other" coverage would increase to 18.02% compared with 10% allowed. Also, "total lot coverage" would increase to 25.04% (compared with 25% allowed). The proposed fence would be 6' high while Section 3.1.3 allows a maximum height of 5'. An existing shed (8' x 12') will be relocated.

**Informal Review of Application:**

**App.#14-16:Dorothy Gallic, 10 Ralph Place, Block 2703, Lot 5 (R-20 Zone)**

There are two single family residences on a single residential lot which is not allowed in Berkeley Heights. The applicant is seeking a determination that the use of the property is a valid, prior nonconforming use. Therefore the applicant is requesting the issuance of a certificate certifying that the use existed before the adoption of the ordinance which rendered the use nonconforming. In the alternative, a use variance is sought.

**Application for Review:**

**CARRIED FROM SEPTEMBER 8, 2016:**

**App.#2-16: Wireless EDGE Towers, LLC & Co-Applicant: New York SMSA Limited Partnership (d/b/a Verizon Wireless), 175 Watchung Blvd., Bl. 4903, L. 36 (OL-Zone)**

Wireless EDGE is the tower company that won the Board of Education's bid to place a monopole and compound on the high school property and is appearing before the Board of Adjustment for approval of the monopole and the placement of Verizon's antennas at a centerline height of 124' on the monopole. Verizon will also place its related equipment at the base of the pole. Wireless telecommunications antennas are not permitted in the OL-Zone; therefore, the Applicant is seeking use variance and a height variance. The Applicant is also seeking preliminary and final site plan approval.

**Adjournment**

Connie Valenti, Secretary