

**AGENDA**  
**BOARD OF ADJUSTMENT**  
**TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**  
**REGULAR MEETING**  
**December 1, 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:**

November 10, 2016

**Adoption of Resolutions:**

**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 / 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:**

**CARRIED FROM SEPTEMBER 22, 2016, WITH NO FURTHER NOTICE REQUIRED:**

**App.#15-16: Thomas and Barbara Pugliese, 6 Debbie Pl., Bl. 2402, L. 2.01 (R-15 Zone)**

Relief is sought from the provisions of Articles 3.1 & 6.1, Sections 3.1.7A and B and 6.1.1.B. of the Zoning Ordinance so as to permit the installation of an in-ground swimming pool. The applicants are seeking side and rear yard setback variances for a sitting wall and pool walkway surround. Variances are also requested for exceeding the allowable "other" coverage limit of 10% and the "total coverage" limit of 25%. Nonconforming issues are existing "other" and "total lot coverage."

**App.#24-16: Pam Salter, 97 Tudor Lane, Block 1606, Lot 1 (R-15 Zone)**

Proposed two-story addition and in-ground pool on a corner lot with two principal front-yard setbacks. Relief is needed from Section 6.1.1B, "Schedule of General Regulations" for 1) encroaching into the required front-yard setback on Windsor Way, 2) exceeding the maximum allowed "other coverage" ratio of 15%, and 3) exceeding the maximum allowed "total coverage" ratio of 25%. Relief is also needed from Section 3.1.7.C. which prohibits swimming pools in front yards.

**CARRIED FROM NOVEMBER 10, 2016:**

**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.#11-16: Berkeley Development Company, L.P., 390-400 Springfield Avenue, Block 701, Lots 2.01 & 3.01 (and to be known as Lots 2.01 and 3.01) (DD-Zone)**

Proposed erection of a new externally illuminated two-sided ground sign in order to display the name of the Shopping Plaza "Berkeley Heights Shopping Center", the address number of the property, and the names of multiple tenants. Variances are required for (1) height of the sign, (2) maximum sign width, (3) maximum sign square footage, (4) sign content to include multiple tenant names on the sign as well as shopping center name and address number, and (5) number of signs located on the property and an increase in sign content in order to display multiple tenant names on the sign. Applicant will also seek any and all other variances, design waivers, or special exceptions as may be required upon review of the application by the Board and its professionals

**Applications for Review (continued):**

**App.#3-16: Ruggero Scavina, Lenox & Rosehill Avenues, Block 401, Lots 3, 4, 5, 6, & 7**  
Application for site plan approval of a nursery and landscape business with associated bulk variances. A use variance for the nursery and landscape business was approved on May 26, 2016 and memorialized in a resolution which was adopted on June 23, 2016. The applicant is seeking variances for 1) insufficient front yard setback on Lenox Avenue, 2) exceeding the 25% maximum total coverage allowed, 3) exceeding the 10% maximum "other coverage" allowed, and 4) insufficient setback for accessory structures on Lenox Avenue. The applicant is also seeking such other and further relief or variances as may be requested or otherwise required at the time of the hearing along with any design waivers or exceptions from the Township requirements that may be necessary or requested by the applicant. (R-15 Zone)

**Adjournment**

Connie Valenti, Secretary