

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

June 25, 2026

The Regular Meeting of the Board of Adjustment was called to order at 7:00 PM.

It was confirmed that the meeting was being held in conformance with all regulations of the Open Public Meetings Act. Adequate notice of this meeting has been posted on the Township website and sent to the newspaper of record. The Agenda has been posted on the Township website and bulletin board at the Municipal Building 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.

Roll Call:

Members present were Mr. Sullivan, Mr. Coviello, Mr. Sylvester, Mr. Pereda, Mr. Deegan, and Mr. Smith. Amanda Wolfe, Board Attorney, was also present.

Adoption of Minutes:

May 28, 2026 Regular Meeting

A motion was made by Mr. Sylvester, seconded by Mr. Pereda, and carried 5-0-1 (Abstain-Mr. Sullivan) to adopt the minutes of the May 28, 2026 Regular Meeting as presented.

Applications for Review:

App.#26-005: Jerry Cheng, 41 Eaton Court, Block 504, Lot 25 (R-15 Zone)

Proposed two-story addition to the rear of the house, second story addition over the existing structure, new front sidewalk, portico, and entry stairs. Variances are needed for insufficient front-yard, side-yard, and combined side-yard setbacks to the second-story addition.

Ms. Wolfe advised that the notice is sufficient.

Jerry Cheng was sworn.

Robie Wood, Architect, was sworn, provided his educational and professional background and as accepted as an expert witness.

Mr. Wood reviewed the proposed project and stated that they intend to retain as much of the first-floor walls as possible and the height will comply with the current ordinance. Mr. Wood presented Exhibit A-1 – diagram showing the 50' right of way as it relates to the balance of the street. He stated that the existing front yard setback of 27 will not change, the side yard setbacks will not be made any worse, lot coverage is compliant, and the height will be under 27'.

Mr. Wood stated his opinion that this is not an overdevelopment of the property, and the home will be consistent with the design of the existing neighborhood. He further stated that several homes on the street have had similar additions, no improvements are proposed to in the flood zone and there will be no building on the 10' easement.

In response to questions from the Board, Mr. Wood stated that there is an existing shed that will be removed, an unfinished basement is proposed, the existing house has 7' ceiling height, the driveway will remain in its present location, the applicant will enter into a hold harmless agreement with the municipality with regard to the driveway, there are no new landscape improvements or deck proposed and no trees will be removed. He acknowledged that if approved this project will require storm water management and soil removal permit.

Open to Public

The hearing was opened to the public for questions and comments.

Sandra Kuzmick, 35 Eaton Court, stated her concern about the water level coming up to the back of the house since there is a lot of underground water from the streams.

Mr. Sullivan advised that the Township Engineer will be looking at the drainage.

Terry Carlini, 38 Eaton Court, asked about the 10' easement.

Mr. Sullivan advised that there is also a 10' easement on her side that exists in the event the municipality needs to access the area.

Ms. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Coviello, seconded by Mr. Deegan, with respect to App.#26-005: Jerry Cheng, 41 Eaton Court, Block 504, Lot 25 (R-15 Zone) to approve the application with requested variances, subject to the conditions discussed and subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board. The roll call vote was 6-0 with Mr. Sullivan, Mr. Coviello, Mr. Sylvester, Mr. Pereda, Mr. Deegan and Mr. Smith voting in favor and none opposed.

App.#26-006: Story Book Homes 2, LLC, 146 Baker Ave., Block 1502, Lot 32

An application for this property was submitted in 2025 (and approved by the Board); however, the project has been revised and a new application submitted for approval as follows. Proposed construction of a second story addition over the entire first story with new covered front porch and new two-story addition to the southeast side of the existing home. The detached garage, paver driveway, rear-yard deck, and front-yard sidewalk are to be removed. The project also includes a new, relocated driveway, an attached garage, and a new deck. Variances are needed for front and rear yard setbacks, building height, building coverage, total lot coverage, and driveway width. (R-15 Zone)

Kathryn Kopp, Acting Board Attorney, replaced Amanda Wolfe for the hearing of this application.

James Webber, attorney for the applicant, stated that this is a continuation of a prior approval for the existing home. The applicant originally planned to retain the existing detached garage but during construction it was determined that there would be difficulty with the detached garage, so the applicant is now requesting approval of a two-car attached garage. Mr. Webber stated that variances are required for front yard and rear yard setbacks. The deck will be reduced in size and impervious coverage will be reduced. The existing structure is 32' in height but the addition will comply with the 27' limitation.

Discussion took place regarding whether this should be considered a new application or a continuation of the previously approved application.

Chris Nusser, Engineer and Planner, was sworn, provided his educational and professional background and was accepted as an expert witness. Mr. Nusser stated that the applicant previously obtained approval for the house, permits were issued, and the house has been framed. He stated that the new addition for the two-car attached garage will conform to the new ordinance as to height and the house under construction conforms with what was approved. Mr. Nusser stated the opinion that the new addition should be judged apart from what was previously approved.

Dan Reichard, shareholder of the LLC applicant, was sworn and stated that he has discussed this issue with the zoning officer and he agreed that the house is an existing structure covered by previous variance approvals and that the Board should look at the new proposal separately.

Further discussion took place, and it was determined that the applicant could proceed with the application.

Mr. Reichard described the problems that were encountered with the driveway and detached garage and how it was determined that the existing driveway and garage would not work.

Mr. Nusser presented Exhibit A-2 – table comparing the pre-existing, previously approved conditions and the proposed conditions. He stated that the height of the new addition will conform to the new ordinance, the impervious coverage will be reduced, and the Board previously acknowledged the pre-existing conditions. Mr. Nusser stated his opinion that the improvements to the prior plan will benefit the surrounding neighbors and there will be no negative impact on the neighbors.

Scott Nicholl, Architect, was sworn, provided his educational and professional background and was accepted as an expert witness.

Mr. Nicholl presented Exhibit A-3 – site plan of addition including the two-car attached garage with master suite above it. The side yard setbacks will be the same and the height will be 26.3'. Mr. Richard stated that they might make it a single door rather than two doors for the garage. Mr. Nicholl described the materials to be used.

In response to questions from the Board, Mr. Nicholl stated that the existing house will have a finished basement, but the new addition will not.

Open to Public

The hearing was opened to the public for questions and comments. There were no members of the public who had questions or comments.

Ms. Kopp reviewed the conditions of approval.

A motion was made by Mr. Pereda, seconded by Mr. Coviello, with respect to App.#26-006: Story Book Homes 2, LLC, 146 Baker Ave., Block 1502, Lot 32 to approve the application with requested variances, subject to the conditions

discussed and subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board. The roll call vote was 6-0 with Mr. Sullivan, Mr. Coviello, Mr. Sylvester, Mr. Pereda, Mr. Deegan and Mr. Smith voting in favor and none opposed.

Open to Public

The hearing was opened to the public for questions and comments. There were no members of the public who had questions or comments.

Adjournment:

A motion was made by Mr. Deegan, seconded by Mr. Coviello, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at 8:30 PM.

Regina Giardina, Secretary Pro Tem