

# **MINUTES**

## **BOARD OF ADJUSTMENT**

### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

Regular Meeting

May 28, 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. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda, Mr. Deegan, Ms. West-Augustin and Mr. Smith. Amanda Wolfe, Board Attorney, was also present.

#### **Adoption of Minutes:**

April 23, 2026 Regular Meeting

A motion was made by Mr. Delia, seconded by Mr. Deegan, and carried 6-0-1 (Abstain-Mr. Pereda) to adopt the minutes of the April 23, 2026 Regular Meeting as presented.

#### **Adoption of Resolutions:**

##### **App.#26-002: GLR Property Management, LLC, 104 Cornell Ave., Block 1715, Lot 1**

Proposed reconstruction of a single-family dwelling to include new second story over existing first story, new covered entry porch, additional attached garage, two-story addition to the rear. Relief is needed from Section 6.1.1B for insufficient front-yard setbacks from both Hillcrest and Cornell Avenues. Variances are also needed for exceeding the maximum permitted 15% building coverage and 25% total lot coverage and for the proposed driveway width. (R-15 Zone)

A motion was made by Mr. Ringwood, seconded by Mr. Sylvester, to adopt the above Resolution. The roll call vote was 6-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Ms. West-Augustin and Mr. Deegan voting in favor.

**App.#26-004: Matthew & Jessica Shaw, 273 Chaucer Drive, Block 1002, Lot 6**

Proposed construction project comprised of a second-story addition over the entire first story, expansion of the garage to a two-car garage, removal of a patio, and construction of a raised deck in the rear and a covered front porch. Variances are needed for 1) insufficient front-yard setback to the second story addition and the proposed porch; 2) exceeding the 15% maximum permitted building coverage and 25% maximum permitted total lot coverage; 3) insufficient rear-yard setback to the proposed raised deck; 4) exceeding the maximum permitted driveway width of 18 feet. (R-15 Zone)

A motion was made by Mr. Deegan, seconded by Ms. West-Augustin, to adopt the above Resolution. The roll call vote was 6-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Ms. West-Augustin and Mr. Deegan voting in favor.

**Applications for Review:**

**CARRIED FROM MARCH 26, 2026 WITH NO FURTHER NOTICE REQUIRED:**

**App.#24-0020: Berkeley Heights 713 Realty, LLC, 713 Plainfield Avenue, Block 3102, Lot 33 (R-20 Zone)**

Proposal to convert the abandoned repair garage to a small convenience store, reconfigure the parking area, add a diesel fueling station, install EV space, modify signage and add landscaping. The applicant also seeks expanded hours of operation for the existing service station.

Mr. Coviello advised that the hearing this evening is for comments by residents only. Each resident will be permitted three minutes for comment and the vote by the Board will be in three parts – expansion of hours, addition of diesel fuel and conversion of the garage to a convenience store.

Lawrence Sachs, attorney for the applicant, advised that the contract between the applicant and Sunoco that indicates the required hours of operation will be provided to the Board attorney.

**Open to Public**

The hearing was opened to the public for comments with regard to the application.

Members of the public, including Chris House, Peggy House, Gregory Fevola, Sunita Kandula, Kathleen Williams, Andrea DeSilva, Michelle Howard, Robert Lanser, Sarah Miller, Joe Iandanza, Rohit Kumar Dubey, Mark Porzio, and Heather Januzzi were sworn and expressed their opinions and concerns regarding the application. Topics discussed included negative effect on the neighborhood of the noise generated by the types of vehicles using diesel fuel, products being sold and layout of a similar gas station convenience store owned by the applicant in Watchung, number of children in the neighborhood who would be negatively impacted by the convenience store, not enough room at the existing gas station for trucks that would come for diesel fuel resulting in trucks blocking the sidewalk, crime and safety concerns, EV charging stations will not benefit the neighborhood, granting approval will not provide any benefit to the neighborhood, the public is being treated like second-class citizens by being required to come and express their disapproval, the number of motor vehicle accidents since 2022 at this location, no advantage to the neighbors of expanded hours, safety of the intersection for school buses, congestion and safety concerns on Janet Lane, existing problems with traffic will be exacerbated by expansion of the gas station, major problem with traffic safety on Plainfield Avenue should be considered, and signage on I-78 indicating hours of operation attracts undesirable people in the middle of the night.

The following exhibits were presented in support of the public comments:

Peggy House

- Exhibit O-1 – photos of trucks that do not fit and extend onto the sidewalk area.
- Exhibit O-2 – photo showing a truck extending out to the sidewalk.
- Exhibit O-3 – photos of the convenience store owned by the applicant in Watchung.

Gregory Fevola

- Exhibit O-4 – accident reports February 2022 thru February 2026.
- Exhibit O-5 – photo of accident referred to in report.
- Exhibit O-6 – photo of cars queuing up and blocking the sidewalk.
- Exhibit O-7 – photo of truck blocking the sidewalk
- Exhibit O-8 – Highway advertisement sign

Sarah Miller

- Exhibit O-9 – list of accidents between 2022 and 2026.
- Exhibit O-10 – photo showing blind spot on Plainfield Ave.
- Exhibit O-11 – excerpt from 2025 study showing egress in front of the building.
- Exhibit O-12 – photo of car making right turn exiting the gas station.
- Exhibit O-13 – photo of pick-up truck exiting the gas station and car blocking the sidewalk.

Exhibits O-14– Sunoco website on Google showing hours of operation as 6 am to midnight.

Exhibit O-15 – Yelp review showing hours of operation as 6 am to midnight.

All the members of the public indicated their disapproval of the proposed expansion of the hours of operation, the inclusion of diesel gas and the addition of a convenience store and asked that the application be denied.

Mr. Sachs thanked the members of the public for their comments and made the following statements in response to the comments:

He has reviewed the accident reports and did not see any indication that they were caused by the existence of the gas station.

The Berkeley Heights Police Department reviewed the application and did not express any concerns about safety issues.

The Board should disregard the photographs presented as exhibits based on New Jersey rules of evidence.

Comments regarding the projects being sold at another site are irrelevant to this application.

The allegations that the applicant has been operating from 6 am to midnight are untrue.

This gas station has been in existence since 1940 and some of the homes in the neighborhood were built after that time.

The existing repair garage does not serve any purpose as there is not enough demand for repair service, and what is being proposed is a rehabilitation of the site.

The requested hours of operation are not out of the ordinary.

The applicant has provided a comprehensive traffic study that was reviewed by the Board's professionals, and the applicant has agreed to comply with their recommendations.

Board members commented with regard to the application, and it was noted that the applicant has the right to apply for the changes he is requesting, and the public is not being disrespected by the Board's review of the application.

A motion was made by Mr. Delia, seconded by Ms. West-Augustin, with respect to App.#24-0020: Berkeley Heights 713 Realty, LLC, 713 Plainfield Avenue, Block 3102, Lot 33 (R-20 Zone) to deny the request for extension of hours of operation. The roll call vote was 7-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda, Ms. West-Augustin and Mr. Deegan voting in favor and none opposed. A Resolution of Memorialization of the denial of the application will be adopted by the Board at a future meeting.

A motion was made by Ms. West-Augustin seconded by Mr. Sylvester, with respect to App.#24-0020: Berkeley Heights 713 Realty, LLC, 713 Plainfield Avenue, Block 3102, Lot 33 (R-20 Zone) to deny the request for addition of a diesel fuel station. The roll call vote was 7-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda, Ms. West-Augustin and Mr. Deegan voting in favor and none opposed. A Resolution of Memorialization of the denial of the application will be adopted by the Board at a future meeting.

A motion was made by Mr. Deegan, seconded by Mr. Delia, with respect to App.#24-0020: Berkeley Heights 713 Realty, LLC, 713 Plainfield Avenue, Block 3102, Lot 33 (R-20 Zone) to deny the request for conversion of the abandoned repair garage to a small convenience store. The roll call vote was 7-0 with Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda, Ms. West-Augustin and Mr. Deegan voting in favor and none opposed. A Resolution of Memorialization of the denial of the application will be adopted by the Board at a future meeting.

### **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. Delia, seconded by Mr. Pereda, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at 8:00 PM.

Regina Giardina, Secretary Pro Tem