

# **MINUTES**

## **BOARD OF ADJUSTMENT**

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

Regular Meeting

February 26, 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. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan. Amanda Wolfe, Board Attorney, was also present.

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

January 22, 2026 Regular Meeting

A motion was made by Mr. Deegan, seconded by Mr. Pereda, and carried 7-0 to adopt the minutes of the January 22, 2026 Regular Meeting as presented.

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

Resolution Amending the Official Newspapers for the Board of Adjustment to include the Courier News online publication, mycentraljersey, as an additional Official Electronic Media Newspaper.

A motion was made by Mr. Coviello, seconded by Mr. Ringwood, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor.

Resolution Amending the Resolution which appointed the 2026 Board of Adjustment Attorney

A motion was made by Mr. Sylvester, seconded by Mr. Deegan, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor.

**App.#25-020: Yiren Xu & Wen Jun Lu, 280 Killarney Drive, Block 4401, Lot 9**

Proposed construction of a portico over an existing masonry front door landing. Relief is needed from section 6.1.1B “Schedule of General Regulations” for insufficient front-yard setback. (R-20 Zone)

A motion was made by Mr. Ringwood, seconded by Mr. Pereda, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor.

**App.#25-018: Ilir & Loreta Bitici, 51 Mercier Pl., Block 3002, Lot 14 (R-20 Zone)**

The applicant had received Board approval for an addition in March 2023 but has since revised the project. The new proposal is for additions to the existing dwelling, new attached two-car garage, and removal of the existing detached garage. The project includes a new driveway, new front sidewalk and new rear yard patio. Variances are needed for insufficient rear-yard and side-yard setbacks and for exceeding the maximum permitted building coverage of 15% and total lot coverage of 25%. Relief is also needed for the proposed location of a generator, proposed width of the driveway, and nonconforming location of the shed.

A motion was made by Mr. Coviello, seconded by Mr. Delia, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor.

**App.#25-019: Taylor Whittaker, 168 Washington St., Block 107, Lot 10 (R-10 Zone)**

A swim spa structure located in the rear yard requires a variance for insufficient accessory rear and side-yard setbacks. In addition, relief is needed for exceeding the maximum permitted total lot coverage of 30%. Existing nonconforming issues are lot area; lot width; principal front, side, and combined side-yard setbacks; total lot coverage; and driveway location.

A motion was made by Mr. Deegan, seconded by Mr. Delia, to adopt the above Resolution. The roll call vote was 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor.

**Update on Previously Approved Application:**

**App.#25-002: Marianne C. Massulli Living Trust, 60 Liberty Ave., Bl.1806, L.3**

Proposed one-story addition to the rear of the existing house on a corner lot (R-15 Zone)

Mr. Sullivan advised that this application was approved in 2025, but the applicant was required to show the Board how they intended to adjust the impervious coverage so that the total coverage, after the addition, does not increase from what currently exists (38.60%).

A motion was made by Mr. Sylvester, seconded by Mr. Deegan, with respect to App.# 25-002: Marianne C. Massulli Living Trust, 60 Liberty Ave., Bl.1806, L.3 to approve the impervious coverage plan presented by the architect in his letter dated February 25, 2026, 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 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor and none opposed.

**Applications for Review:**

**CARRIED TO 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. Sullivan announced that the application has been carried to March 26, 2026 with no further notice required.

**App.#25-013: Rodak Builders LLC, 123 Forest Ave., Block 508, Lot 6 (R-15 Zone)**

Proposed demolition of an existing house and construction of a new single-family dwelling. A variance is needed for insufficient front-yard setback.

Mr. Ringwood recused himself from the hearing as a resident within 200' of the property.

John Barbarula, attorney for the applicant, stated that the application has been modified in response to comments from the Board and the public.

Thomas Stearns, engineer, was sworn, provided his educational and professional background and was accepted as an expert witness. Mr. Stearns presented Exhibits A-1, A-2 and A-3 and reviewed the differences between the current proposal and what was previously presented to the Board. He stated that the only variance required is for front yard setback and that the proposed setback is similar to setbacks of the surrounding properties. Mr. Stearns further stated that the width of the house has been reduced from 70' to 50' and the height of the house has been reduced from 28.32' to 25.68'.

In response to questions from the Board, Mr. Stearns explained how the proposed house was rotated and stated that the driveway will be 18' wide.

Ayman Sedra, architect, was sworn, provided his educational and professional background and was accepted as an expert witness. Mr. Sedra presented Exhibits A-4 and A-4(2) – comparison between the old plan and the new plan. He stated that the basement has been changed to eliminate the bedroom and change the full bathroom to a half bath and the playroom has been removed. On the first floor the layout is mostly the same except for the removal of the half bath and a new proposed shared bathroom between the guest room and the main floor. On the second floor the previous plan had 4 bedrooms, 3 bathrooms and a two-story family room and foyer. The new plan is similar, but the two-story family room has been enlarged. The livable space in the attic has been eliminated, and the attic will now be used only for storage and mechanical equipment. The square footage of the house has been reduced from 4708 to 3873 and the building height to the midpoint has been reduced from 28.31' to 25.69'. Mr. Sedra presented Exhibits A-5 and A-5(2) – colorized versions of the plan showing the comparison. He also stated that the materials previously presented will remain the same.

Paul Ricci, Planner, was sworn, provided his educational and professional background and was accepted as an expert witness. Mr. Ricci presented Exhibit A-6 – aerial view of the property, tax map and photographs of neighboring homes on Forest Avenue. He stated that the roof line of the home will be consistent with the other homes in the neighborhood. Mr. Ricci stated that the variance required for front yard setback can be granted without substantial detriment to the public good or the zone plan and that the proposed project will meet the goals and objectives of the Master Plan.

### **Open to Public**

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

Steve Imbimbo, 100 Forest Avenue, asked a question about the location of the house on the lot. The location was indicated, and it was noted that the revised location improves the setbacks.

Anne Imbimbo, 100 Forest Avenue, was sworn and expressed concern about the changes in the neighborhood as a result of houses being made larger. She said she was concerned that the previously proposed house would be used as a multi-family home. She also asked if there will be a deck on the house and requested that the street be kept clean during construction.

Mr. Barbarula stated that the applicant listened to the Board and the public and made changes, and this will not be a multi-family home. Mr. Sedra indicated the location of a proposed 230 square foot patio behind the kitchen. Mr. Barbarula stated that the applicant will comply with all regulations relating to construction. He further stated that there is no plan for a fence and the applicant will take care of the overgrown shrubs as previously agreed to.

Mr. Barbarula stated that he believes the applicant has done a good job of listening to the Board and the public and making this project more in keeping with the neighborhood, and he requested approval.

Ms. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Delia, seconded by Mr. Pereda, with respect to App.#25-013: Rodak Builders LLC, 123 Forest Ave., Block 508, Lot 6 (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. Delia, Mr. Sylvester, Mr. Pereda and Mr. Deegan 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. Delia, seconded by Mr. Ringwood, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at 8:00 PM.

Regina Giardina, Secretary Pro Tem