

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

January 22, 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.

Oath of Public Officers – Newly Appointed Members

Robert Pereda – 4-year term to end 12/31/2029

Ms. Wolfe administered the oath of office to Mr. Pereda.

Roll Call:

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

Adoption of Minutes:

December 11, 2025 Regular Meeting

December 11, 2025 Executive Session

January 8, 2026 Reorganization Meeting

A motion was made by Mr. Sylvester, seconded by Mr. Coviello, and carried 7-0 to adopt the minutes of the December 11, 2025 Regular Meeting and Executive Session as presented.

A motion was made by Mr. Coviello, seconded by Mr. Smith, and carried 7-0 to adopt the minutes of the January 8, 2026 Reorganization Meeting as presented.

Applications for Review:

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)

Yiren Xu and Wen Jun Lu were sworn and stated that the purpose of the proposed portico is to protect the front entrance to the home.

In response to questions from the Board, Ms. Xu stated that this is the only renovation proposed, no trees will be removed and no additional lighting is proposed.

A motion was made by Mr. Delia, seconded by Mr. Deegan, with respect to App.# 25-020: Yiren Xu & Wen Jun Lu, 280 Killarney Drive, Block 4401, Lot 9 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 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor and none opposed.

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.

Ilir and Loreta Bitici were sworn. Mr. Bitici stated that there are no significant changes to the plan previously presented and they are seeking essentially the same project approval.

Anthony Tedesco, architect, was sworn, provided his educational and professional background and was accepted as an expert witness. Mr. Tedesco reviewed the proposed project and the variances being requested for setbacks and coverage. He stated that they propose to keep the existing foundation, add a two-car one-story garage and a two story addition to the house.

In response to questions from the Board, Mr. Tedesco stated that the garage will be one-story with unfinished storage space above.

Mr. Tedesco further stated that the house is in the R-20 zone and is 14,375 square feet where 20,000 square feet is required. The applicant is also seeking relief for an existing non-conforming shed that would be very difficult to relocate, location of the proposed generator and the driveway location. Mr. Tedesco stated that there is a proposed 1.6% increase in combined coverage.

Discussion took place regarding the location of the shed and the generator. The applicant agreed to relocate both to a conforming location. It was suggested that the applicant consider adding a deck in place of the patio.

Mr. Tedesco stated that the foundation of the house will remain and he reviewed the layout of the proposed two-story addition. He also provided details of the exterior materials.

Discussion took place regarding the driveway width. Mr. Tedesco stated that the width of the road opening will be 18', the gravel driveway will be paved, and the applicant will consult with the Township Engineer. All lighting on the property will be directed downward.

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. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Ringwood, seconded by Mr. Delia, with respect to App.# 25-018: Ilir & Loreta Bitici, 51 Mercier Pl., Block 3002, Lot 14 (R-20 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 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor and none opposed.

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.

Taylor Whittaker was sworn and stated that a variance is needed for an existing swim spa. She obtained permits for the fence and for tree removal but was not aware that a permit was needed for the swim spa. Ms. Whittaker stated that variances are needed for lot coverage, setbacks and driveway location.

In response to questions from the Board, Ms. Whittaker stated that the tree was removed in 2021 because its roots took up the entire yard. Two trees were planted as a replacement. The swim spa was purchased in 2023, it holds 3,300 gallons of water and the height is 4½' above grade.

Ms. Whittaker further stated that the rear yard setback is 4' and the side yard is 2½' and the zoning officer determined that the swim spa is an accessory structure and a 5' setback is required. There is a small deck with a railing and a pergola 12' in height around the swim spa. There is a 6' fence that is owned by the rear property owner.

Discussion took place regarding the turf grass and the applicant agreed to remove it.

In response to questions from the Board, Ms. Whittaker stated that the purpose of the screening is for privacy, but she would agree to remove it if required, there are four slow drains, and she cannot afford the expense of having it recessed into the ground.

Open to Public

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

Phyllis Mele and Scott Mele were sworn. Ms. Mele stated that she lives behind the applicant's property and objects to the presence of the structure around the pool which can be seen from every room in her house. Mr. Mele stated the opinion that this is not an accessory structure, and it is a pool.

Ms. Mele presented Exhibit O-1 – photographs showing the structure around the pool. She stated that she does not object to the pool, but her issue is with the structure. Ms. Mele also stated that there is a camera on the applicant's property that is aimed at her house.

Mr. Sullivan noted that the camera would be an issue to be brought to the attention of the police department.

Mr. Mele raised a question with regard to drainage, and it was noted that storm water management review by the Township Engineer would be required. Discussion took place regarding the location of the swim spa and the removal of the structure. Ms. Whittaker stated that she will relocate the swim spa prior to using it again or no later than July 1, 2026 to comply with the setback requirements, remove the structure and the turf grass and plant some trees.

Ms. Wolfe reviewed the conditions of approval.

A motion was made by Mr. Coviello, seconded by Mr. Deegan, with respect to App.#25-019: Taylor Whittaker, 168 Washington St., Block 107, Lot 10 (R-10 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 7-0 with Mr. Sullivan, Mr. Coviello, Mr. Delia, Mr. Ringwood, Mr. Sylvester, Mr. Pereda and Mr. Deegan voting in favor and none opposed.

Request for Extension of Approval:

App.#22-0014: Michael & Ani Baran, 74 Rutgers Ave., Bl. 1107, L. 2 (R-15 Zone)

Proposed installation of an in-ground pool with pool deck, covered patio area with outdoor kitchen, fireplace, and walkway to the proposed pool. The Board approved this application on August 25, 2022, memorialized in a resolution dated September 22, 2022. The applicant was unable to move forward with the project and is hereby requesting an extension of the approval. However, the project has been downsized. The planned project for the patio area and overhang is exactly the same as presented to the Board in August 2022, but the pool is being removed.

A motion was made by Mr. Coviello, seconded by Mr. Ringwood, with respect to App.#22-0014: Michael & Ani Baran, 74 Rutgers Ave., Bl. 1107, L. 2 (R-15 Zone) to approve the request for extension of approval and memorialization of the extension approval of the application with requested variances, subject to the conditions discussed and standard conditions. The approval will be extended to July 1, 2026. 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.

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 8:54 PM.

Regina Giardina, Secretary Pro Tem