

Application No. 7-20

RECEIVED

Date of Filing 5/6/20

MAY 06 2020

Application Fee _____
Escrow _____

PLANNING / ZONING / ENGINEERING
TWP. OF BERKELEY HGTS. NJ
APPLICATION TO ZONING BOARD OF ADJUSTMENT, Berkeley Heights, NJ

NOTE: It is the responsibility of the applicant to specify in this application all requests for relief from any section of the ordinance that may be needed. Should any unspecified violation be found prior to or during the course of a public hearing, no such relief can be granted and the case cannot be permitted to proceed without re-advertising the notices. If the failure is not discovered by the Board until it commences its deliberation after closing the public hearing, the result may be a denial of the entire application, or the grant or recommendation that the variance be granted limited to the specific relief requested, which will result in the necessity for a re-application to obtain the remaining relief required.

In the matter of the petition of CARLA DA SILVA for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name CARLA DA SILVA residing at 299 GARFIELD ST.

Telephone No. 973-517-3982 Fed.ID# (if applicable) _____

1. Petitioner is OWNER of property at 299 GARFIELD ST. Block 210 Lot 5
(owner or tenant etc.)

on the Tax Map located in the R-10 Zone.

* ALSO BUILDING COVERGE IS 20.7' W/ HEREIN 20% IS ALLOWED. APPROXIMATELY
2. The Petitioner is requesting to use the property in the following manner with the following variances required: EXISTING LOT AT 10,000 SQ. FT. WHERE CORNER LOT REQUIRES 11,000 SQ. FT. LOT WIDTH IS 100' W/ HEREIN 120' REQUIRED FOR CORNER LOTS. PRE-EXISTING NON-CONFORMITIES W/ FRONT YARD SETBACK OF 27.9' ON PROSPECT (W/ HEREIN 30' IS REQUIRED) W/ HEREIN 30' IS EXISTING. (3) REAR YARD SETBACK (W/ HEREIN 30' IS EXISTING AND 30' REQUIRED) REAR YARD SETBACK IS 29.4' EXISTING W/ HEREIN 30' IS EXAGGERATION W/ HEREIN 30' IS REQUIRED.

3. Does the Application concern a request for Certificate of Nonconformity? NO IS 29.4' EXISTING W/ HEREIN 30' IS EXAGGERATION W/ HEREIN 30' IS REQUIRED.
Does the Application concern a Use Variance? NO and: a) Site Plan _____ b) Subdivision _____

NOTE: If Application concerns site plan or subdivision, appropriate plans and additional forms must be filed with the Zoning Board of Adjustment as an additional part of the Application.

4. The proposed building/subdivision/use is contrary to Article 6.1 Section 1b of the Zoning Ordinance.

5. a. Description of the Property:

	Required See Attached Schedule 6.1.1B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	11,000	10,000	10,000	NO
Lot Width	120'	100'	100'	NO
Lot Depth	100'	100'	100'	NO
Front Setback	30'	30.7'	25.9'	YES
Side Setback	30'	39.9'	27.9'	YES
Side Setback	12'	15.5'	15.5'	NO
Combined side setbacks	30'	54.7'	43.4'	NO
Rear Setback	30'	29.4'	29.4'	YES
			* ADDITION	

b. NOTE: DO NOT INCLUDE DECK IN THIS SECTION:

1-Area of existing structures (house, attached garage, covered porch) to remain 1712 sq.ft.

2-Area of proposed structures (house, attached garage, covered porch) 358 sq.ft.

3- Total area to be occupied by structures 2070 sq.ft.

4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 970 sq.ft.

5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) -71 sq.ft.

6-Total area to be occupied by Accessory Items 899 sq.ft.

7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 2682 sq.ft.

8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 2969 sq.ft.

c. Accessory structures (if applicable): N/A

Area proposed _____ (type: shed, deck pool, etc.)

Maximum height proposed _____ square feet

Proposed Set Backs

Side _____ Rear _____

d. Coverage (from 5.b., Page 1)

Existing structures (Item 1/sq.ft. of lot) _____

Existing accessory items (Item 4/sq.ft. of lot) 17.1 percent

Total existing lot coverage 9.7 percent

Total existing impervious (Item 1 + Item 4/sq. ft. of lot) 26.8 percent

Proposed structures (Items 1 + 2/sq. ft. of lot) 26.8 percent

Proposed accessory items (Items 4 + 5/sq. ft. of lot) 20.7 percent

Total proposed lot coverage 9.0 percent

Total proposed impervious (Items 1+2+4+5/sq. ft. of lot) 29.7 percent

Maximum Allowed	R-15/20 Zone	R-10 Zone
1.5%	1.5%	20%
10%	10%	10%
25%	25%	30%
25%	25%	30%
15%	15%	20%
10%	10%	10%
25%	25%	30%
25%	25%	30%

6. Has there been a previous petition for relief involving the property? No (If yes, attach Resolution.)

7. Facts in support of petitioner's relief: The coverage related to building is slightly over but under in the setback elevations all partly related to aesthetic issues with new front porch which is not a mass structure. The project is in scope, scale, character and conformity with other newer dwellings in the neighborhood. There are no existing conditions associated with the site. The corner lot double front yard triggers same by the necessary relief that would otherwise be granted in excess of standard side yard setbacks.

8. Set forth the particular Statute under which this Application is made (N.J.S.A. 40:55D-70)

a) Appeal _____ b) Interpretation _____ c) Hardship d) Use _____

9. Has the Building or Zoning Department examined the plans for the proposed building and refused a building permit? yes If Yes, please attach the Zoning Officer's Denial letter.

10. If the property is not owner occupied, name the Lessee and Use of the existing building and premises _____

If the property is not to be owner occupied, name the Lessee and the proposed Use of the building and premises. _____

11. Attach hereto and made a part hereof are the following:

- a) Complete set of plans of any proposed building alteration or extension, including all items set forth in instructions
- b) 200-foot radius map and copy of certified list (provided by the Township) of property owners within 200 feet
- c) Architectural plans or equivalent

I hereby certify that the above statements made by me and the statements contained in the papers submitted herewith are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

X Shula Opa

Petitioner Signature

299 GARFIELD ST.

Address

BERKELEY HTS, NJ 07222

973-517-3982

Phone

Cell Phone

cdasilva74@hotmail.com

E-Mail Address



Berkeley Heights Township
ZONING & ENGINEERING
29 PARK AVE
BERKELEY HEIGHTS, NJ 07922
908-464-2700, 2115
TBOCKO@BHTWP.COM

Application Date: 3/6/2020
Application Number: ZA-20-62
Permit Number:
Project Number:

Fee: \$0

Denial of Application

Date: 3/6/2020

To: CARLA DASILVA
299 GARFIELD STREET
BERKELEY HEIGHTS, NJ 07922

CC: K & K Architects, LLC
764 Ave. C
Bayonne, NJ 07002

RE: 299 GARFIELD ST
BLOCK: 210 LOT: 5 QUAL: ZONE: R-10

DEAR CARLA DASILVA,

Revised from application number ZA-20-41;

The applicant is proposing to construct a second story over two portions of the first story on this single family dwelling, new attached one car garage, new covered front porch, and interior renovations. The house sits on a corner lot with frontage on Garfield Street and Prospect Ave.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires a principal front yard setback of 30' along both street fronts.

- a. A new covered front porch is proposed to be added along the Garfield Street front, where 30.79' setback is existing and 26' is proposed;
- b. An attached one car garage addition is proposed which fronts Garfield Street, however the front yard along Prospect Street is existing 40' with a proposed setback to the side of the proposed garage to be 27.71';
- c. A second story addition to the rear will not comply with the required 30' rear yard setback, where nonconforming 29.67' is existing and 29.67' is proposed;
- d. Allowed building coverage is 30%, where 16.54% is existing and 20.21% is proposed;
- e. Total lot coverage allowed is 30%, where 27.19% is existing and 30.02% is proposed.

Nonconforming: lot area (corner lot requires 10% more area), existing rear yard setback, existing other coverage of 10.65% to be reduced to 9.81% due to garage construction.

Note: The plot plan submitted is very minimal in detail as to potential "other" coverage expansion or changes needed to have the lot function with the improvements, such as, the existing driveway maybe to narrow to service the new garage, there is a existing sidewalk which leads to a patio on the east side of the house. A new covered front porch is to be added which may change the entry sidewalk. None of these potential improvements have been shown on the plot plan.

Nonconforming: lot area (corner lot), existing rear yard setback, existing other coverage.

FEMA Flood Zone Determination - Panel 16F Zone X

You have a right to appeal this determination to the Berkeley Heights Zoning Board of Adjustment. Please call Connie Valenti at 908-464-2700, ext., 2124. Your request is hereby denied based upon the following requirements:


Thomas A. Bocko, Zoning Officer

Applicant _____

Application # _____

Township of Berkeley Heights

Township Official _____

General Construction and Design & Grounds and Landscaping Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider the orientation and design to maximize passive solar heat/cooling. For example, orient the building along its east-west axis to have a larger surface exposure to the south, and use deciduous vegetation to block the sun in the summer months and maximize light and heat in the winter months.
()	()	Minimize disturbance to soils and vegetation. Use proper planning to protect vegetation during construction and prevent damage to surrounding areas.
()	()	Create landscapes that use native plantings to limit the need for lawn chemicals and maintenance (mowing, trimming, watering). Consider using captured rainwater (rain barrel) or recycled grey water for irrigation.
()	()	Recycle and/or salvage non-hazardous construction and demolition debris.
()	()	Consider the use of renewable building materials and products. Consider choosing products with low VOCs and avoid products that contain hazardous chemicals (i.e. formaldehyde, cyanide).
()	()	The use of local construction companies and products (i.e. local and sustainable woods) is recommended.
()	()	Where practicable, place parking spaces in shaded areas and consider using paving materials with an SRJ value >29 (this will reflect, not absorb solar heat).

Storm Water Management Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider limiting impervious surfaces such as use of an open grid pavement system (at least 50% pervious).
()	()	Consider reducing impervious cover to promote infiltration that captures and treats storm water runoff from rainfall.
()	()	Consider avoiding runoff to other properties by installing an underground cistern or rain garden. This will keep water on your own property and out of the sewer.

Energy & Lighting Considerations

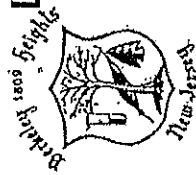
<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
()	()	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
()	()	Consider use of motion sensor lighting where applicable. In commercial/industrial settings consider use of sensor controls.
()	()	Conserve energy, reduce electricity use and if possible incorporate renewable energy.
()	()	Consider choosing ENERGY STAR appliances.

Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	()	Consider Increasing amount of insulation by using 2 x 6 studs.
(✓)	()	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
(✓)	()	Consider installation heat pumps to transfer energy heat and cold.
(✓)	()	Consider use high efficiency boilers/furnaces.
(✓)	()	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
(✓)	()	Consider use roofing material with a solar reflectance index (SRI) equal or greater than 78 for low roofs and 29 for steep-sloped roofs.

Water Usage Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	()	Consider use of low-flow shower heads.
(✓)	()	Consider installing dual-flush toilets.
W/P	()	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe:



LIST OF PROPERTY OWNERS TO BE SERVED NOTICE TOWNSHIP OF BERKELEY HEIGHTS

29 PARK AVENUE
BERKELEY HEIGHTS, NEW JERSEY 07922



PHONE: (908) 464-2700
FAX: (908) 464-8150

The following property owners shall be notified at least 10 days prior to the date set for hearing. The applicant shall clearly indicate the type of service, i.e., P.S. (Personal Service) or R.M.S. (Registered Mail Service) used to notify each owner. See instruction for method of service and filing of affidavit.

Application No.: _____ Date Requested: February 27, 2020

Block: 210 Lot(s): 5 Address: 299 Garfield St

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Service</u>
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SEE ATTACHED LIST

I certify that the above is an accurate and complete list of property owners and addresses as prepared from the most recent tax lists. The owners must be given notice pursuant to NJSA 40:55D-12.

Date: 2/27/2020 Robert M. Edgen
Tax Assessor

I certify that no taxes, or assessments for local improvements, are due or delinquent on the subject property.

Date: 2-27-2020 Jackie Ann Liggio
Tax Collector

BERKELEY HEIGHTS

OWNER & ADDRESS REPORT

CERTIFIED: 200' LIST FOR BLOCK: 210 LO: 5
299 GARFIELD ST

02/27/20 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
208	3		2	SHAH, JAMIL & CRUEL, KIMBERLY 308 GARFIELD ST BERKELEY HEIGHTS, NJ 07922	308 GARFIELD ST	
208	4		2	HUMPHREYS, SCOTT P & HAU, HANNAH M 316 GARFIELD ST BERKELEY HEIGHTS, NJ 07922	316 GARFIELD ST	
208	6		2	CAVALLARO, MARCELLO JR 313 GARFIELD ST BERKELEY HEIGHTS, NJ 07922	313 GARFIELD ST	
208	7		2	PRIEST, PATRICIA ANN 321 GARFIELD STREET BERKELEY HEIGHTS, N J 07922	321 GARFIELD ST	
208	10		2	MAHLSTADT, THOMAS J. & MAUREEN 320 LINCOLN STREET BERKELEY HEIGHTS, N J 07922	320 LINCOLN ST	
208	11		2	HALL, THOMAS A & MARY LOU 314 LINCOLN STREET BERKELEY HEIGHTS, N J 07922	314 LINCOLN ST	
208	12		2	MAHLSTADT, JUDITH K. 92 PROSPECT AVENUE BERKELEY HEIGHTS, N. J. 07922	92 PROSPECT AVENUE	
209	5		2	BENCHMARK PROPERTY GROUP LLC 282 GARFIELD ST BERKELEY HEIGHTS, NJ 07922	282 GARFIELD ST	
209	6		2	FUSCO, JOSEPH & JOAN 288 GARFIELD STREET BERKELEY HEIGHTS, NJ 07922	288 GARFIELD ST	
209	7		2	DELIA, EDWARD J 294 GARFIELD ST BERKELEY HEIGHTS, NJ 07922	294 GARFIELD ST	
209	8		2	DELIA, EDWARD J. 300 GARFIELD STREET BERKELEY HEIGHTS, N J 07922	300 GARFIELD ST	
210	2		2	WANG, NAN 275 GARFIELD ST BERKELEY HEIGHTS, NJ 07922	275 GARFIELD ST	
210	3		2	TOM, CHUNG LAM & PATRICIA ENG 283 GARFIELD STREET BERKELEY HEIGHTS, N J 07922	283 GARFIELD ST	
210	4		2	BAUER, GARY F. & KAREN M. 291 GARFIELD STREET BERKELEY HEIGHTS, NJ 07922	291 GARFIELD ST	
210	6		2	HORTON, JEFFREY S. & PATRICIA M. 304 LINCOLN STREET BERKELEY HEIGHTS, NJ 07922	304 LINCOLN ST	L 7
210	8		2	RUGGIERO, CAMILLE 298 LINCOLN STREET BERKELEY HEIGHTS, NJ 07922	298 LINCOLN ST	
210	9		2	BEAY, R. S. & BEAY, LA MAITA, S. 288 LINCOLN STREET BERKELEY HEIGHTS, N J 07922	288 LINCOLN ST	
210	10		2	WALLIS, JEREMY & MARGARET 278 LINCOLN STREET BERKELEY HEIGHTS, NJ 07922	278 LINCOLN ST	
211	3		2	DEL DUCA, ROBERT & PATRICIA 281 LINCOLN STREET BERKELEY HEIGHTS, N J 07922	281 LINCOLN ST	

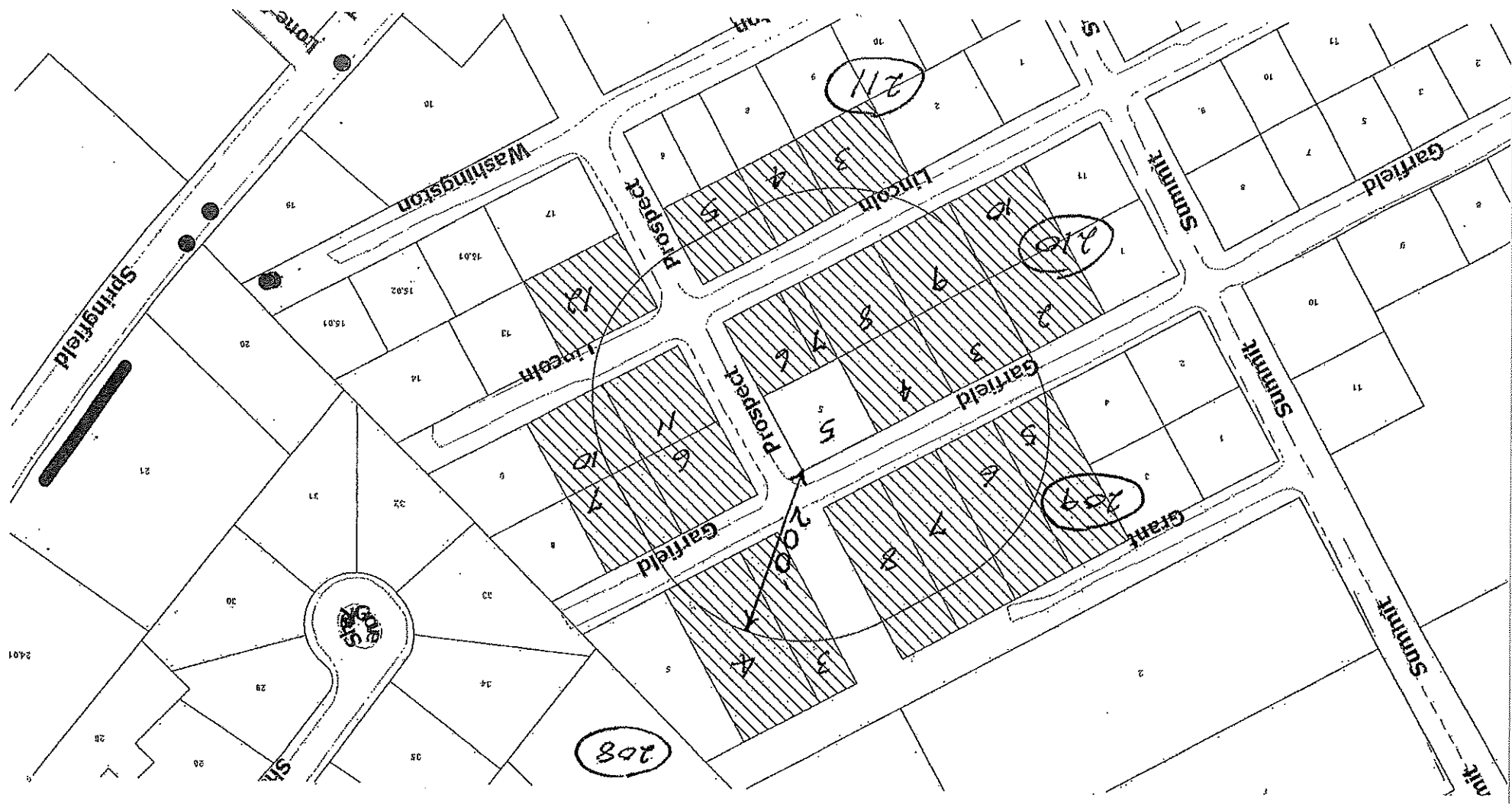
BERKELEY HEIGHTS

OWNER & ADDRESS REPORT

CERTIFIED 200' LIST FOR BLOCK: 210 LO: 5
299 GARFIELD ST

02/27/20 Page 2

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
211	4		2	PASQUERELLO, LOUIS & ROSE ANN 287 LINCOLN STREET BERKELEY HEIGHTS, N J 07922	287 LINCOLN ST	
211	5		2	BEAGAN, EDWARD J & ANGELINA/ TRUSTEES 87 PROSPECT AVENUE BERKELEY HEIGHTS, N J 07922	87 PROSPECT AVENUE	



100' radius map
 block 210 for lot 5
 (199 Grant St.)