

RECEIVED

Application No. 5-20  
Date of Filing 4/24/20

Application Fee \_\_\_\_\_  
Escrow \_\_\_\_\_

APR 24 2020

PLANNING / ZONING / ENGINEERING  
APPLICATION TO ZONING BOARD OF BERKELEY HEIGHTS, 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 CARLOS & CRISTINA FABRIO for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name CARLOS & CRISTINA FABRIO, residing at 109 FOREST AVE. B.H.

Telephone No. 908-255-0466 Fed.ID# (if applicable) N/A

1. Petitioner is OWNER of property at 82 FOREST AVE. Block 504 Lot 16  
(owner or tenant etc.) Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:  
SINGLE FAMILY DWELLING EXPANSION, REQUIRING VARIANCES FOR: FRONT YARD, SIDEYARD & COMBINED SIDEYARD SETBACKS; BUILDING COVERAGE; OTHER COVERAGE; TOTAL COVERAGE. (REFER TO LETTER OF DENIAL FOR MORE DETAIL)

3. Does the Application concern a request for Certificate of Nonconformity? NO

Does the Application concern a Use Variance? NO, and: a) Site Plan NO b) Subdivision NO

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 6.1.1.B 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.)	17,865	12,865	
Lot Width	75.36 FT.	75.36 FT.	
Lot Depth	160.69 FT.	160.69 FT.	
Front Setback	31.50 FT.	31.50 FT.	
Side Setback	7.89 FT.	7.89 FT.	
Side Setback	9.77 FT.	9.77 FT.	
Combined side setbacks	17.66 FT.	17.66 FT.	
Rear Setback	99.31 FT.	80.31 FT.	

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

- 1-Area of existing structures (house, attached garage, covered porch) to remain 1420 sq. ft.
- 2-Area of proposed structures (house, attached garage, covered porch) 751 sq. ft.
- 3- Total area to be occupied by structures 2,171 sq. ft.
- 4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 1,886 sq. ft.
- 5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) 1,625 sq. ft.
- 6-Total area to be occupied by Accessory items 1,625 sq. ft.
- 7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 3,306 sq. ft.
- 8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 3,796 sq. ft.

c. Accessory structures (if applicable): 18 SF DECK  
 (type: shed, deck pool, etc.)  
 Area proposed 18 square feet  
 Maximum height proposed N/A feet  
 Proposed Set Backs  
 Side \_\_\_\_\_ Rear \_\_\_\_\_

	R-15/20 Zone	Maximum Allowed R-10 Zone
Existing structures (Item 1/sq. ft. of lot)	15%	20%
Existing accessory items (Item 4/sq. ft. of lot)	10%	10%
Total existing lot coverage	25%	30%
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	25%	30%
Proposed structures (Items 1 + 2/sq. ft. of lot)	15%	20%
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	10%	10%
Total proposed lot coverage	25%	30%
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	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 OWNERS ARE SEEKING AN ADDITION TO: 1. EXPAND THE 1ST FLOOR TO ADD A FAMILY RM. & EXPAND KITCHEN, ADD MUDROOM GARAGE CONNECTION. 2. ADD 2ND FLOOR W/3 BRs + 2 BATHS. THE EXISTING FOOTPRINT SIDE & FRONT YARDS ARE NON-CONFORMING. RELIEF WILL NOT EXPAND THESE NON-CONFORMITY; LOT AREA IS NON-CONFORMING WHICH CREATED BUILDING AREA & TOTAL LOT COVERAGE HARDSHIP.

8. Set forth the particular Statute under which this Application is made (NJSA 40:55D-70)  
 a) Appeal \_\_\_\_\_ b) Interpretation \_\_\_\_\_ c) Hardship X 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. (ATTACHED)

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

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

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.

CARLOSA CRISTINA FABIO  
 Petitioner Signature  
109 FOREST AVE.  
 Address  
BERKELEY HEIGHTS, NJ 07922  
908-255-0466 SAME  
 Phone Cell Phone  
Cristinafabio@yahoo.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: 3/31/2020  
Application Number: ZA-20-90  
Permit Number:  
Project Number:  
  
Fee: \$0

## Denial of Application

Date: 3/31/2020

To: GRA ARCHITECTS C/O JIM RAMENTOL      CC: CARLOS & CRISTINA FABIAO  
310 SPRINGFIELD AVE.                      82 FOREST AVE.  
BERKELEY HEIGHTS, NJ 07922              BERKELEY HEIGHTS, NJ 07922

RE: 82 FOREST AVE  
BLOCK: 504 LOT: 18    QUAL: ZONE: R-15

DEAR GRA ARCHITECTS C/O JIM RAMENTOL,

Your request is hereby denied based upon the following requirements:

Principal addition to a single family dwelling; new covered front porch, new one story addition to the rear, second story addition over the existing first floor, small deck off the back leading to a new paver patio. Interior renovations.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires;

- \* A minimum 50' principal front yard setback, where nonconforming 31.5' is existing and 31.5' is proposed to the new covered front porch and new second story addition;
- \* Both existing side yard setbacks are nonconforming at 7.89' and 9.77', where a minimum of 12' is required. The second story addition is proposed to be in line with these existing setbacks;
- \* Combined side yard setbacks are required to be a minimum of 30', where 17.66' is existing and 17.66' is proposed;
- \* Building coverage allowed is 15%, where 11.04% is existing and 16.48% is proposed;
- \* Other coverage allowed is 10%, where nonconforming 14.66% is existing and 12.91% is proposed;
- \* Total lot coverage allowed is 25%, where nonconforming 25.70% is existing and 29.11% is proposed.

Existing nonconforming; lot area, lot width, existing front, side and combined side yard setbacks, existing other and total lot coverage, driveway off-set from side property line.

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.

Sincerely,

THOMAS A. BOCKO, ZONING OFFICER

Applicant FABIAG RESIDENCE

Application # \_\_\_\_\_

Township of Berkeley Heights

Township Official

General Construction and Design & Grounds and Landscaping Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(X)	( )	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.
(X)	( )	Minimize disturbance to soils and vegetation. Use proper planning to protect vegetation during construction and prevent damage to surrounding areas.
(X)	( )	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.
N/A	( )	Recycle and/or salvage non-hazardous construction and demolition debris.
(X)	( )	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).
(X)	( )	The use of local construction companies and products (i.e. local and sustainable woods) is recommended.
N/A	( )	Where practicable, place parking spaces in shaded areas and consider using paving materials with an SRI value >29 (this will reflect, not absorb solar heat).

Storm Water Management Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(N/A)	( )	Consider limiting impervious surfaces such as use of an open grid pavement system (at least 50% pervious).
(X)	( )	Consider reducing impervious cover to promote infiltration that captures and treats storm water runoff from rainfall.
(X)	( )	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

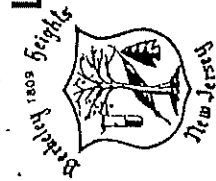
<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(N/A)	( )	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(X)	( )	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.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

Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(X)	( )	Consider increasing amount of insulation by using 2 x 6 studs.
(X)	( )	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
(N/A)	( )	Consider installation heat pumps to transfer energy heat and cold.
(X)	( )	Consider use high efficiency boilers/furnaces.
(N/A)	( )	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
(N/A)	( )	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>
(N/A)	( )	Consider use of low-flow shower heads.
(N/A)	( )	Consider installing dual-flush toilets.
(N/A)	( )	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: May 4, 2020

Block: 504 Lot(s): 18 Address: 82 Forest Ave

<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: 5/4/2020 Robert Y. Edgar  
Tax Assessor

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

Date: 5-4-2020 Heather A. Johnson  
Tax Collector

BERKELEY HEIGHTS

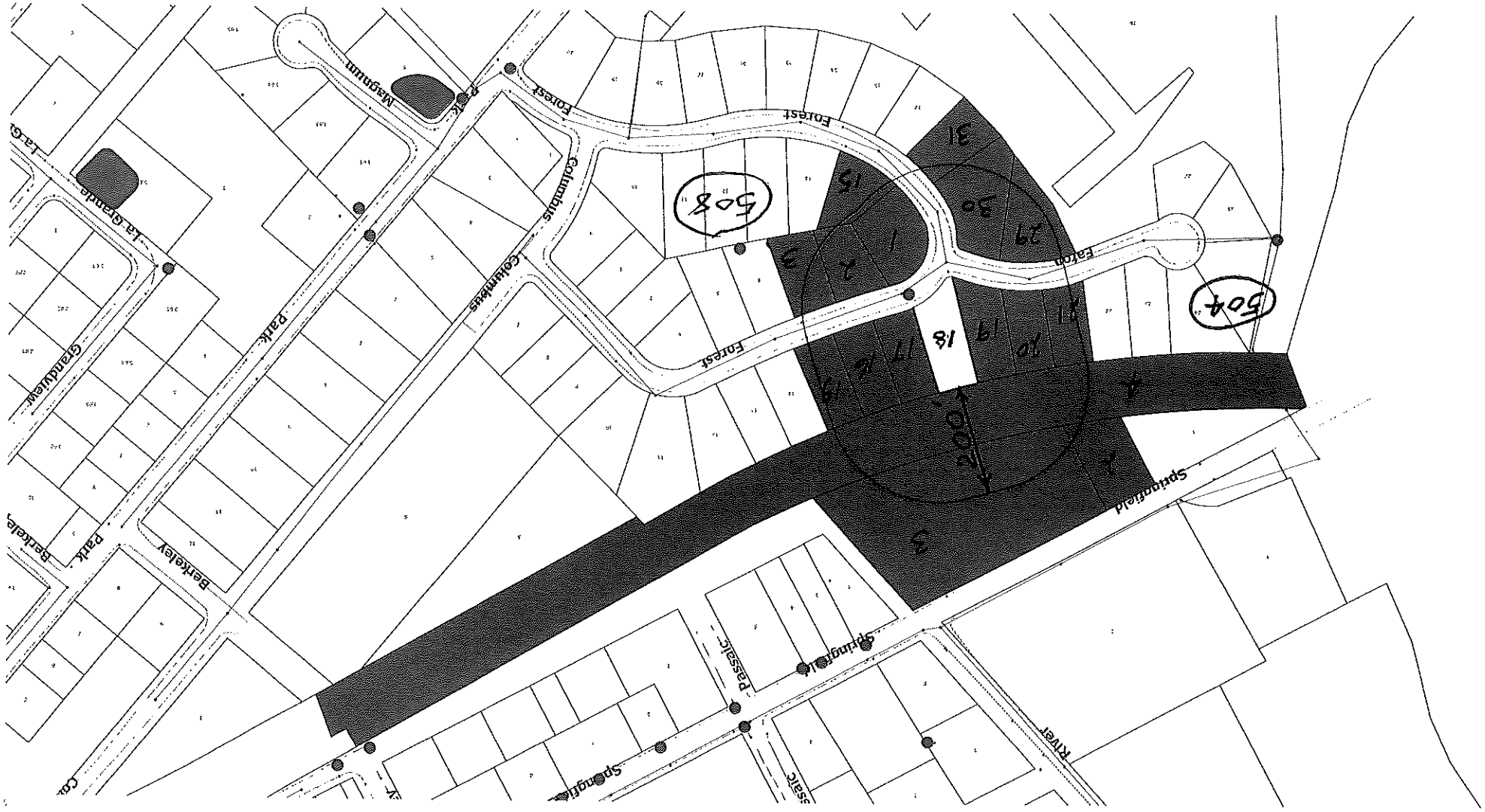
OWNER & ADDRESS REPORT

CERTIFIED 200' LIST FOR BLOCK: 504 LOT: 18  
82 FOREST AVE

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
504	2		2	735 SPRINGFIELD AVENUE LLC 735 SPRINGFIELD AVE BERKELEY HEIGHTS, NJ 07922	714 SPRINGFIELD AVE	
504	3		4A	THOMAS A HALL CREDIT SHELTER TRUST 314 LINCOLN ST BERKELEY HEIGHTS, NJ 07922	700 SPRINGFIELD AVE	
504	4		5A	NJ TRANSIT CORPORATION 1 PENN PLAZA NEWARK, NJ 07105	RAILROAD	
504	15		2	IMBIMBO, ANNE C & STEPHEN 100 FOREST AVE BERKELEY HEIGHTS, NJ 07922	100 FOREST AVE	
504	16		2	MELILLO LIVING TRUST 94 FOREST AVE BERKELEY HEIGHTS, NJ 07922	94 FOREST AVE	
504	17		2	GARTNER, ROBERT D & KAREN A/TRUSTEES 88 FOREST AVENUE BERKELEY HEIGHTS, N J 07922	88 FOREST AVE	
504	19		2	TSIMBOUKIS, JOHN & ANDREA 5 EATON COURT BERKELEY HEIGHTS, N J 07922	5 EATON CT	
504	20		2	MAZZUCCO, ANTHONY & CAMILLE 11 EATON COURT BERKELEY HEIGHTS, N J 07922	11 EATON CT	
504	21		2	PLOCINSKI, JOSEPH M. & LISA ANN 17 EATON COURT BERKELEY HEIGHTS, N J 07922	17 EATON CT	
504	29		2	POAGE, RUSSELL J. & POAGE, SUSAN LEE 12 EATON COURT BERKELEY HEIGHTS, N J 07922	12 EATON CT	
504	30		2	DERDZIKOWSKI, JOSEPH & ANNA 70 FOREST AVENUE BERKELEY HEIGHTS, N J 07922	70 FOREST AVE	
504	31		2	GUTIERREZ, RODRIGO F B & RAMSDEN, AE 62 FOREST AVE BERKELEY HEIGHTS, NJ 07922	62 FOREST AVE	
508	1		2	GAMBA, RICHARD & NANCY 59 FOREST AVENUE BERKELEY HEIGHTS, NJ 07922	59 FOREST AVE	
508	2		2	BUTLER, THOMAS A & NANCY J 89 FOREST AVENUE BERKELEY HEIGHTS, N J 07922	89 FOREST AVE	
508	3		2	ROTONDI, MICHAEL A & ROHRIG, L E 95 FOREST AVE BERKELEY HEIGHTS, NJ 07922	95 FOREST AVE	
508	15		2	MC CABE, ROBERT & KATHLEEN 51 FOREST AVENUE BERKELEY HEIGHTS, N J 07922	51 FOREST AVE	





900' radius map  
 for lot 18  
 block 504  
 (82 Forest Ave.)