

Application No. 11-20

Date of Filing 6/2/20

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

Escrow \_\_\_\_\_

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 Anthony Rusotto & Jennifer Lopez for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.  
Petitioner Name Anthony Rusotto & Jennifer Lopez residing at 107 Cambridge Dr. Berkeley Hts  
Telephone No. \_\_\_\_\_ Fed.ID# (if applicable) \_\_\_\_\_

1. Petitioner is OWNER of property at 107 CAMBRIDGE DR. Block 3503, Lot 25 on the Tax Map located in the R-20 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:  
The maximum other impervious coverage proposed as a result of the proposed patio is 12.17% which is permitted in the R-20 zone.

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 1b of the Zoning Ordinance.

5. a. Description of the Property:

	Required See Attached Schedule 6.1.1.B	Existing	Proposed	Variance Required:
Lot Area (sq. ft.)	<u>22,100 sq. ft.</u> <u>20,000 sq. ft.</u>	<u>20338</u>	<u>20338</u>	<u>Y/N</u>
Lot Width	<u>100' x 120'</u>	<u>148'</u>	<u>148'</u>	<u>N</u>
Lot Depth	<u>150'</u>	<u>133'</u>	<u>133'</u>	<u>N</u>
Front Setback	<u>50'</u>	<u>50.5'</u>	<u>50.5'</u>	<u>N</u>
Side Setback	<u>12'</u>	<u>39.2'</u>	<u>39.2'</u>	<u>N</u>
Side Setback	<u>18'</u>	<u>51.6'</u>	<u>51.6'</u>	<u>N</u>
Combined side setbacks	<u>30'</u>	<u>90.8'</u>	<u>90.8'</u>	<u>N</u>
Rear Setback	<u>40'</u>	<u>55'</u>	<u>55'</u>	<u>N</u>

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

1-Area of existing structures (house, attached garage, covered porch) to remain 1995 sq. ft.

2-Area of proposed structures (house, attached garage, covered porch) 0 sq. ft.

3- Total area to be occupied by structures 1995 sq. ft.

4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 1790 sq. ft.

5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) 2455 sq. ft.

6-Total area to be occupied by Accessory Items 3385 sq. ft.

7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 4050 sq. ft.

8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 4050 sq. ft.

c. Accessory structures (if applicable): EXISTING DECK (nothing proposed)  
(type: shed, deck pool, etc.)

Area proposed \_\_\_\_\_ square feet

Maximum height proposed \_\_\_\_\_ feet

Proposed Set Backs

Side \_\_\_\_\_ Rear \_\_\_\_\_

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

Existing structures (Item 1/sq.ft. of lot) 7.8 percent

Existing accessory items (Item 4/sq.ft. of lot) 8.8 percent

Total existing lot coverage 16.6 percent

Total existing impervious (Item 1 + Item 4/sq. ft. of lot) 16.6 percent

Proposed structures (Items 1 + 2/sq. ft. of lot) 7.8 percent

Proposed accessory items (Items 4 + 5/sq. ft. of lot) 12.1 percent

Total proposed lot coverage 19.9 percent

Total proposed impervious (Items 1+2+4+5/sq. ft. of lot) 19.9 percent

Maximum Allowed  
R-15/20 Zone 15%  
R-10 Zone 20%

15%

10%

25%

25%

15%

percent VARIABLE 10%

25%

25%

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 total combined coverage is at 19.9% which is significantly below the 25% permitted. The proposed patio deck is designed for maximum utility and is especially important in light of the current pandemic while more people are staying at home.

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  
N/A

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.

J. P. Lopez

Petitioner Signature

107 CAMBRIDGE DR.

Address

BERKELEY HTS, NJ 07922

9176208658

Phone

Cell Phone

Jenniferpercylopez@gmail.com

Email Address



Berkeley Heights Township  
Zoning & Engineering  
29 Park Ave  
Berkeley Heights, NJ 07922  
908-464-2700, 2115  
tbocko@bhtwp.com

Application Date: 9/11/2019  
Application Number: ZA-19-279  
Permit Number:  
Project Number:

Fee: \$0

## Denial of Application

Date: 9/11/2019

To: Jerry Sinagra  
658 White Bridge Road  
Gillette, NJ 07933

CC: Anthony Ruscitto  
107 Cambridge Road  
Berkeley Heights, NJ 07922

RE: 107 CAMBRIDGE DR  
Block: 3503 Lot: 25 Qual: Zone:

Dear Jerry Sinagra,

Your request is hereby denied based upon the following requirements:

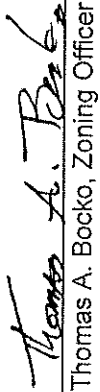
The applicant is proposing to install a patio approx. 650 sq. ft. with 2' high retaining wall, seating wall, lamp post, path lights, uplights and plant material.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for 10% other coverage, where 9.18% is existing and 12.01% is proposed. An existing deck had been reconstructed and received zoning approval through Permit #ZP-19-00184.

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.

FEMA Flood Zone Determination - Panel 17F Zone X

Sincerely,

  
Thomas A. Bocko, Zoning Officer

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Applicant Jennifer Lopez + Anthony  
Application # 1120 Ruscitto

Township of Berkeley Heights

Township Official

General Construction and Design & Grounds and Landscaping Considerations

Applicant	Reviewed	Item
( )	( )	NA 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.
( )	( )	NA Recycle and/or salvage non-hazardous construction and demolition debris.
( )	( )	NA 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).
( )	( )	NA The use of local construction companies and products (i.e. local and sustainable woods) is recommended.
( )	( )	NA 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>
( )	( )	NA Consider limiting impervious surfaces such as use of an open grid pavement system (at least 50% pervious).
( )	( )	NA 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>
( )	( )	NA Consider providing natural daytime lighting as much as possible with skylights or solar 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.
( )	( )	NA Consider choosing ENERGY STAR appliances.

Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
( )	( )	NA Consider increasing amount of insulation by using 2 x 6 studs.
( )	( )	NA Consider installation programmable thermostats and attic fans to regulate heating and cooling.
( )	( )	NA Consider installation heat pumps to transfer energy heat and cold.
( )	( )	NA Consider use high efficiency boilers/furnaces.
( )	( )	NA Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
( )	( )	NA 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>
( )	( )	NA Consider use of low-flow shower heads.
( )	( )	NA Consider installing dual-flush toilets.
( )	( )	If there are any other sustainable building practices not mentioned before, that will be used in this project please describe.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. P. Pappas



**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) 464-6150

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 18, 2020

Block: 3503 Lot(s): 25 Address: 107 CAMBRIDGE DRIVE

Block      Lot      Owner      Address      Service

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: 05/18/2020      Robert J. Edgar      TS.  
Tax Assessor

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

Date: 5-18-2020      [Signature]  
Tax Collector

## BERKELEY HEIGHTS

## O W N E R &amp; A D D R E S S R E P O R T

CERTIFIED 200' LIST FOR BLOCK 3503, LOT 25  
107 CAMBRIDGE DRIVE

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3503	15		15C	TOWNSHIP OF BERKELEY HEIGHTS 29 PARK AVENUE BERKELEY HEIGHTS, NJ 07922	HOLLY GLEN LANE	
3503	16		2	VIKAN, PAUL & MARIA 84 BERKSHIRE DRIVE BERKELEY HEIGHTS, NJ 07922	84 BERKSHIRE DR	
3503	17		2	BRAUN, RICHARD & STACY 90 BERKSHIRE DRIVE BERKELEY HEIGHTS, N J 07922	90 BERKSHIRE DR	
3503	18		2	TOOLSIDAS, DHRUV & SONA 96 BERKSHIRE DRIVE BERKELEY HEIGHTS, N J 07922	96 BERKSHIRE DR	
3503	19		2	KOLFENBACH WILLIAM A & DIANA G 102 BERKSHIRE DRIVE BERKELEY HEIGHTS, N J 07922	102 BERKSHIRE DR	
3503	20		2	BRUSCA, ANDREW & LAURA 108 BERKSHIRE DR BERKELEY HEIGHTS, NJ 07922	108 BERKSHIRE DR	
3503	21		2	DOELE, KENNETH J & WENDY A 116 BERKSHIRE DR BERKELEY HEIGHTS, NJ 07922	116 BERKSHIRE DR	
3503	23		2	BISKADUROS, JEFFREY & ELLEN 137 CAMBRIDGE DRIVE BERKELEY HEIGHTS, N J 07922	137 CAMBRIDGE DR	
3503	24		2	WRIGHT, MARGARET H 119 CAMBRIDGE DRIVE BERKELEY HEIGHTS, NJ 07922	119 CAMBRIDGE DR	
3503	26		2	TANSEY, LINDA H 95 CAMBRIDGE DRIVE BERKELEY HEIGHTS, NJ 07922	95 CAMBRIDGE DR	
3503	27		2	MATHEWS, KENNETH J & ELEANOR 83 CAMBRIDGE DRIVE BERKELEY HEIGHTS, N J 07922	83 CAMBRIDGE DR	
3504	32		2	TEO, BOON K & MUN-YEOK 65 HOLLY GLEN LA SOUTH BERKELEY HEIGHTS, N J 07922	65 HOLLY GLEN LA S	
3504	33		2	KAUFMAN, BARRY L & AIMEE 57 HOLLY GLEN LANE SOUTH BERKELEY HEIGHTS, N J 07922	57 HOLLY GLEN LA S	
3504	34		2	BACCARELLA, RICHARD & KRISTEN 49 HOLLY GLEN LA S BERKELEY HEIGHTS, NJ 07922	49 HOLLY GLEN LA S	
3504	35		2	KIDDER, JEFFREY A & EMILY C 41 HOLLY GLEN LA S BERKELEY HEIGHTS, NJ 07922	41 HOLLY GLEN LA S	
3504	42		2	WILSON, JAMES M & CARIDAD 88 CAMBRIDGE DRIVE BERKELEY HEIGHTS, N J 07922	88 CAMBRIDGE DR	
3504	43		2	DOREN, MICHAEL & CHRISTA 98 CAMBRIDGE DRIVE BERKELEY HEIGHTS, N J 07922	98 CAMBRIDGE DR	
3504	44		2	JEN, MICHAEL S & LIN, JENNIFER H 112 CAMBRIDGE DR BERKELEY HEIGHTS, NJ 07922	112 CAMBRIDGE DR	
3504	45		2	CARNEY, TIMOTHY H. & MELINDA A. 128 CAMBRIDGE DRIVE BERKELEY HEIGHTS, NJ 07922	128 CAMBRIDGE DR	



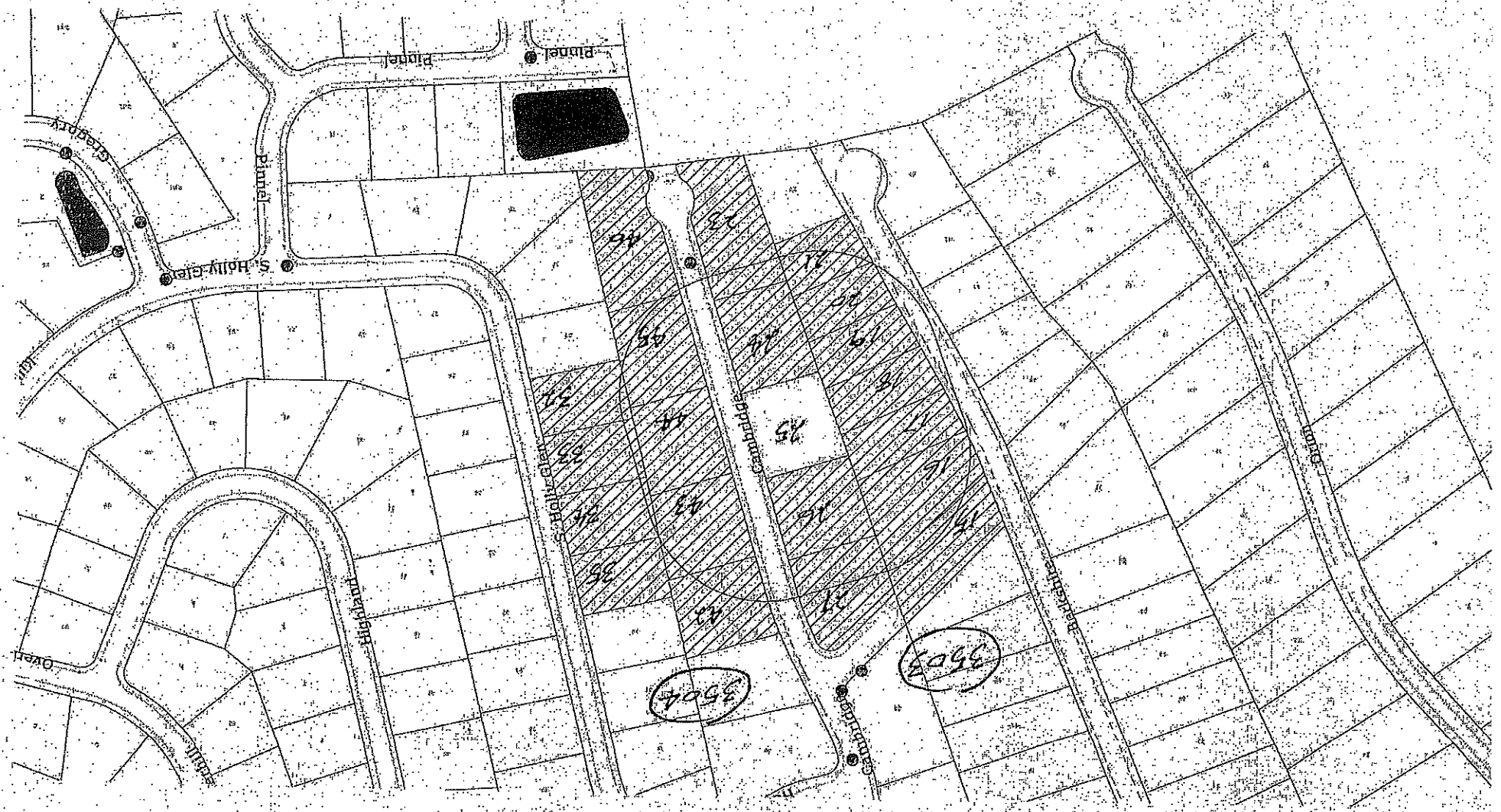
BERKELEY HEIGHTS

OWNER & ADDRESS REPORT

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CERTIFIED 200' LIST FOR BLOCK 3503, LOT 25  
107 CAMBRIDGE DRIVE

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3504	46		2	BULONE, JOSEPH & DANIELLE M 138 CAMBRIDGE DR BERKELEY HEIGHTS, NJ 07922	138 CAMBRIDGE DR	



700' radius map  
 for  
 block 3503 lot 25  
 (107 Cambridge Dr.)