

RECEIVED

Application No. 13-20

Application Fee _____

Date of Filing 7/7/20

JUL 07 2020

Escrow _____

PLANNING / ZONING / ENGINEERING

APPLICATION TO ZONING BOARD ADJUSTMENT, Berkeley Heights, NJ

NOTE: It is the responsibility of the applicant 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 requested.

In the matter of the petition of CIRACO CONSTRUCTION for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

(applicant name)

Petitioner Name CIRACO CONSTRUCTION, residing at 144 GARFIELD ST, BERKELEY HTS

Telephone No. 908-531-7842, Fed.ID# (if applicable) 22-2047557

1. Petitioner is OWNER of property at 124.126 WASHINGTON Block 105, Lot B, 13.01 ST.
(owner or tenant etc.)

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

2. The Petitioner is requesting to use the property in the following manner with the following variances required:
PLEASE SEE ATTACHED ZONING DENIAL LETTER

3. Does the Application concern a request for Certificate of Nonconformity? _____

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 _____ Section 31.5 of the Zoning Ordinance.

5. a. Description of the Property:

	<u>Required</u> See Attached Schedule 6.1.1B	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u> <u>Required:</u> Y/N
Lot Area (sq. ft.)				
Lot Width				
Lot Depth				
Front Setback				
Side Setback				
Side Setback				
Combined side setbacks				
Rear Setback				

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

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

c. Accessory structures (if applicable): _____

(type: shed, deck pool, etc.)

Area proposed _____ square feet

Proposed Set Backs

Maximum height proposed _____ feet

Side _____

Side _____

Rear _____

Maximum Allowed

R-15/20 Zone R-10 Zone

d. Coverage (from 5.b., Page 1)
Existing structures (Item 1/sq.ft. of lot) _____ percent

15% 20%

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

10%

Total existing lot coverage _____ percent

30%

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

30%

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

15%

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

10%

Total proposed lot coverage _____ percent

25%

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

25%

30%

6. Has there been a previous petition for relief involving the property? _____ (If yes, attach Resolution.)

7. Facts in support of petitioner's relief:

PLEASE SEE ATTACHED APPEAL APPLICATION. ALSO IN THE NEIGHBORHOOD THERE ARE ALREADY EXISTING 27 LOTS THAT ARE 50' WIDE, OF WHICH 16 ARE 50' X 100'. TWO SMALLER HOMES WOULD FIT THE NEIGHBORHOOD BETTER THAN ONE LARGER ONE. PHOTOS ARE TYPICAL OF NEIGHBORHOOD

8. Set forth the particular Statute under which this Application is made (NUSA 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? _____ 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.

Michael Conner
Petitioner Signature

144 GARFIELD ST
Address

BERKELEY HILLS, NJ

Phone _____ Cell Phone 908-531-7842

E-Mail Address NACIRACO @ AOL . COM



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

Application Date: 6/12/2020
Application Number: ZA-20-235
Permit Number:
Project Number:

Fee: \$0

Denial of Application

Date: 6/12/2020

To: CIRACO CONSTRUCTION
144 GARFIELD STREET
BERKELEY HEIGHTS, NJ 07922
CC: APP TELE:(908) 531-7842
APP EMAIL:NACIRACO@AOL.COM

RE: 124 WASHINGTON STREET
BLOCK: 105 LOT: 13.01 &13 QUAL: ZONE: R-10

DEAR CIRACO CONSTRUCTION,

Your request is hereby denied based upon the following requirements:

The applicant has submitted a request, through correspondence received in the office, to construct a single family dwelling on each lot number 13 and 13.01 in block 105. Both lots are nonconforming as to area and other dimensional requirements listed in the Schedule of General Regulations for the R-10 zone. Both lot are contiguous and under identical ownership.

As per Section 3.1.5. (see below) of the Land Use Procedures Ordinance the lots in question are to be one lot and two single family dwellings are not permitted to be constructed on one lot.

Section 3.1.5 - Adjoining Lot

Where two (2) or more adjoining lots are under the same ownership, and should one (1) or more of said lots not conform with the minimum area and/or dimension requirements for the zone in which it is located, the lots shall be considered as a single lot and the provisions of this Ordinance shall hold.

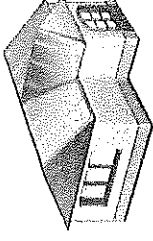
Sincerely,

THOMAS A. BOCKO, ZONING OFFICER

CIRACO CONSTRUCTION CO.

CUSTOM HOME BUILDERS
GENERAL CONTRACTOR

144 GARFIELD STREET
BERKELEY HEIGHTS, NJ
PHONE (908)531-7842
E MAIL: naciraco@aol.com
License # 13VH05814300



Tom Bocko
Zoning Officer
Township of Berkeley Heights

Re: 124 & 126 Washington Street, Berkeley Heights

Mr. Bocko,

Ciraco Construction is the owner of 124 Washington Street, Lot 13, Blk 105 and 126 Washington Street, Lot 13.01, Blk 105. Each lot is 50' x 100' and Ciraco Construction would like to construct 2 single family homes on each 50' x 100' lot. Each home will conform to the existing neighborhood.

Thank you,



Nick Ciraco

CITY OF BERKELEY HEIGHTS
APPLICATION FOR AN INTERPRETATION / APPEAL

Applicant: Ciraco Construction
Property Address: 124 Washington Street
Block(s) 105 Lot(s) 13 & 13.01
Mailing Address: 144 Garfield Street , Berkeley Heights, NJ 07922
(if different)
Telephone No.: (908) 531-7842
E-mail Address: naciraco@aol.com
Attorney for Applicant: Raff, Masone & Weeks, PA, (Paul N. Weeks, Esq.)
Attorney's Address: 1081 Avenue C, Bayonne, N.J. 07002
Telephone No.: 201-339-0924 E-mail firm@raffmasone.com
Zoning Officer Decision Being Appealed (*Attach Decision*): _____

Denial of application to construct one family home on each lot 13 and 13.01

Relevant Section(s) of Zoning Code: Section 3.1.5
Date of Zoning Officer's Decision: June 12, 2020
Basis for Appeal (*Attach Supporting Documentation*): _____

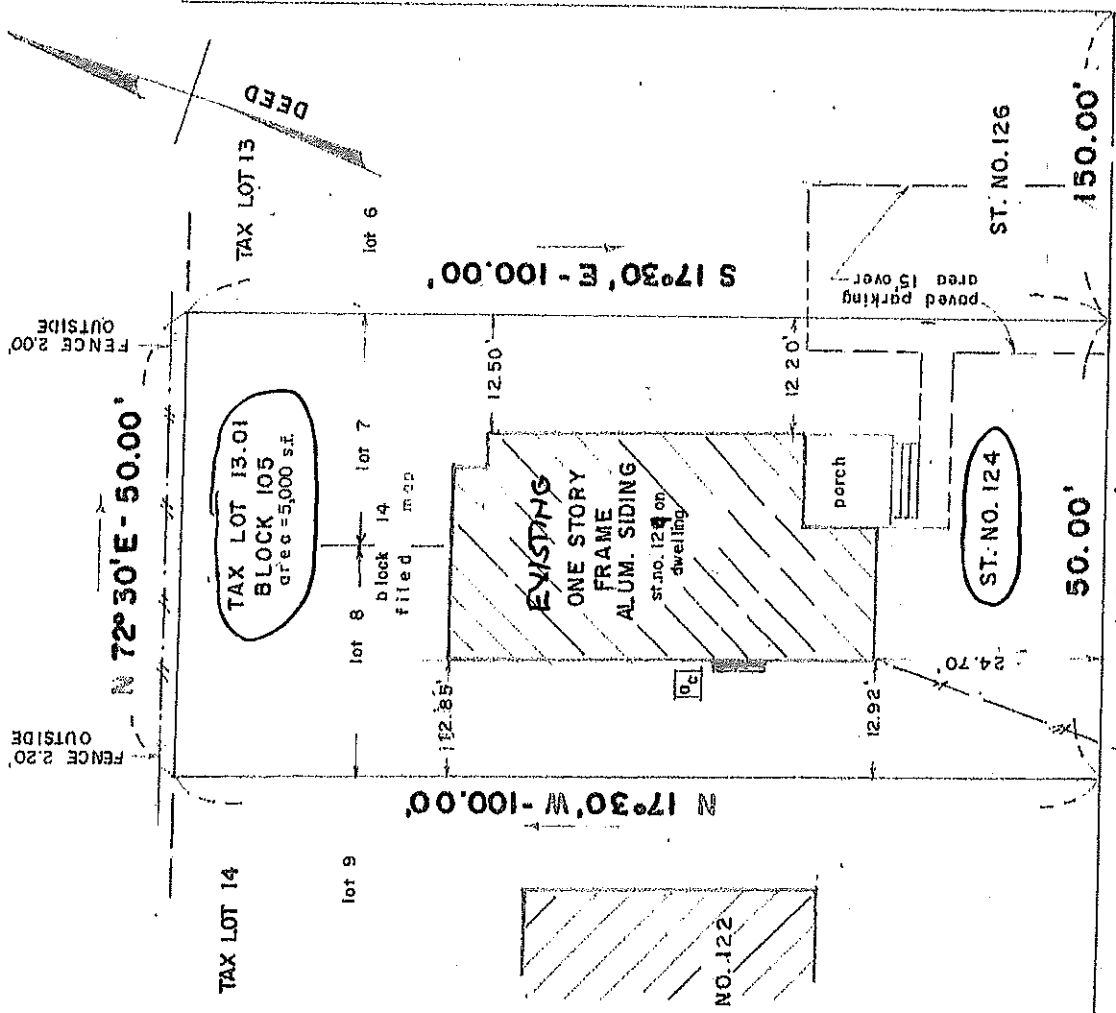
The lots in question were previously subdivided into lots 13 & 13.01
In order to construct one family dwellings on each of the lots, applicant will need
bulk variances for lot size , etc., but if the town considers the previously subdivided lots as
one lot, will the town combine the lots (13 & 13.01) and then require another
subdivision of the combines lots into the same dimensions and new lot numbers (13
&13.01)?

Applicant Signature *Paul N. Weeks* Date: 7/7/20

Paul N. Weeks, Esq.
1081 Avenue C
Bayonne, NJ 07002

TOWNSHIP OF BERKELEY HEIGHTS, N.J.

UNION COUNTY



124 WASHINGTON STREET

50' R.O.W.

Being all of lots 7 and 8 in block 14 on Map no. 1 Property of Berkeley Heights Improvement Co., Filed Feb. 19, 1890 as map no. 66A

THIS SURVEY IS CERTIFIED TO:
 Scott Sampson and Allan Sampson
 Saiber, LLC
 Nino A. Coviello, Esq.
 Pisciotta & Menasha, LLC
 Benjamin Menasha

MR. MARZO & SON, ASSOC., INC.

Surveyors • Planners
 2204 MORRIS AVENUE, SUITE 103
 P.O. BOX 1717
 UNION, NEW JERSEY 07083-1717
 TEL: (908) 686-2380
 FAX: (908) 686-7640

William P. Swift
WILLIAM P. SWIFT, N.J.P.L.S. 20786
 PROFESSIONAL LAND SURVEYOR and PROFESSIONAL PLANNER
 CERTIFICATE OF AUTHORIZATION NUMBER 246A27971790

This certification is made only to the parties to the plat and for the purposes of such certification. It is not intended to constitute a warranty of any kind, and the Surveyor is not liable for any errors or omissions in the plat or for any damages or losses of any kind, including but not limited to, consequential, special or punitive damages, arising from the use of the plat for any purpose other than that for which it was prepared. The Surveyor's liability is limited to the amount of the fee for the survey.

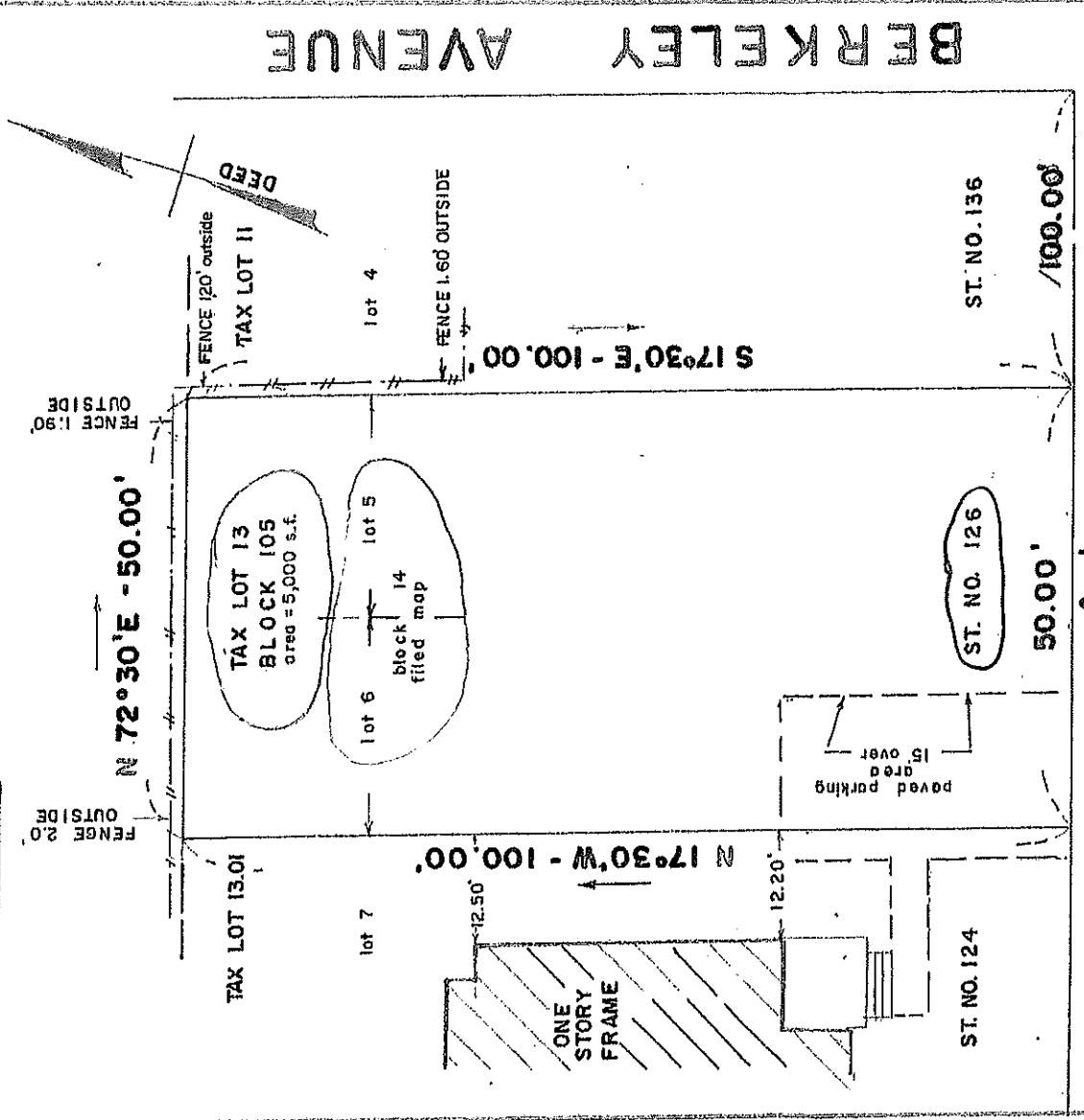
BLOCK 105 SCALE 1"=16' PROJ. NO.19-958

DATE: JUNE 14, 2019

250

TOWNSHIP OF BERKELEY HEIGHTS, N. J.

UNION COUNTY



126 WASHINGTON STREET

50' R.O.W.

Being all of lots 5 and 6 in block 14 on Map no. 1 Property of Berkeley Heights Improvement Co., Filed Feb. 19, 1890 as map no. 66A

THIS SURVEY IS CERTIFIED TO:

Scott Sampson and Allan Sampson
 Sailer, LLC
 Nino A. Caviello, Esq.
 Pisciotto & Menasha, LLC
 Benjamin Menasha

Wm. DiMarzo & Son, Assoc., Inc.
 Surveyors • Planners

2204 MORRIS AVENUE, SUITE 103
 P.O. BOX 1717
 UNION, NEW JERSEY 07083-1717
 TEL: (908) 686-2360
 FAX: (908) 686-7640

William P. Swift

WILLIAM P. SWIFT, N.J.L.S. 28768
 N.J.P.P. 4757
 PROFESSIONAL LAND SURVEYOR and PROFESSIONAL PLANNER
 CERTIFICATE OF AUTHORIZATION NUMBER 24GA27871700

BLOCK 105 SCALE 1"=16' PROJ. NO.19-96A

DATE: JUNE 14, 2019

The participation in this survey by the profession and the purchase and use of the same, is not intended to constitute an endorsement or approval by the State Surveyor for the use of survey for any other purpose including but not limited to use of survey for zoning, eminent domain, or any other purpose not stated in connection, other than as intended. The State Surveyor's name and number are included on this certificate for identification purposes only. The State Surveyor's name and number are not to be used for any other purpose without the written consent of the State Surveyor.