

RECEIVED

Application No. 17-20
Date of Filing 7/28/20

Application Fee _____
Escrow _____

JUL 28 2020

PLANNING / ZONING / ENGINEERING
TOWNSHIP 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 391 SPRINGFIELD AVENUE, LLC for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

(applicant name)

Petitioner Name 391 SPRINGFIELD AVENUE, LLC residing at 81 INDUSTRIAL RD, Berkeley Hts, NJ

07922

Telephone No. 908 508-0333, Fed. ID# (if applicable) _____

1. Petitioner is OWNER of property at 381-391 Springfield Ave Block 208, Lot 20 on the Tax Map located in the DD Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:
SEE ATTACHED LIST

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

Does the Application concern a Use Variance? Y, and: a) Site Plan Y 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.)	5,000	2,4314	2,4314	N
Lot Width	40'	100'	100'	N
Lot Depth	N/A	238'	238'	N
Front Setback	17'	11.9'	11.9'	N * pre-existing
Side Setback	0 feet windows to windows			Y
Side Setback	20' windows to windows	4.9'	3.9'	Y
Combined side setbacks	30' window to windows	N/A		
Rear Setback	10' + 10' / Stg	96.3'	13.8'	Y

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

- 1-Area of existing structures (house, attached garage, covered porch) to remain 9381 sq. ft.
+ parking deck
- 2-Area of proposed structures (house, attached garage, covered porch) 3243 sq. ft.
+ parking deck
- 3- Total area to be occupied by structures 12624 sq. ft.
- 4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 7620 sq. ft.
- 5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) 2046 sq. ft.
- 6-Total area to be occupied by Accessory Items 5574 sq. ft.
- 7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 17001 sq. ft.
- 8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 18198 sq. ft.

c. Accessory structures (if applicable): _____

(type: shed, deck pool, etc.)

Area proposed _____ square feet

Proposed Set Backs

Maximum height proposed 41.5 feet

Side _____ Side _____ Rear _____

Maximum Allowed

	<u>R-15/20 Zone</u>	<u>R-10 Zone</u>	<u>DD Zone</u>
d. <u>Coverage</u> (from 5.b., Page 1)	15%	20%	20%
Existing structures (Item 1/sq.ft. of lot)			<u>.50%</u>
Existing accessory items (Item 4/sq.ft. of lot)	10%	10%	<u>35%</u>
Total existing lot coverage	25%	30%	<u>85%</u>
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	25%	30%	<u>85%</u>
Proposed structures (Items 1 + 2/sq. ft. of lot)	15%	20%	<u>50%</u>
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	10%	10%	<u>35%</u>
Total proposed lot coverage	25%	30%	<u>85%</u>
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	25%	30%	<u>85%</u>

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

7. Facts in support of petitioner's relief:

SEE ATTACHED

8. Set forth the particular Statute under which this Application is made (NJSA 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? NO 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.

By: [Signature]
Petitioner Signature ROBERT FORST

Address 81 Industrial Road

BERKELEY HTS, NJ 07922

Phone 908 508 0333

Cell Phone _____

E-Mail Address BOB@FORSTCON.COM

WRITTEN USE PLAN
391 Springfield Avenue, LLC

The subject property is an existing brick building in the DD (Downtown Development) zone. Applicant is in the process of finalizing construction on the approved conversion of the 2nd and 3rd floor existing/vacant commercial office space into a total of 8 residential units which such approval was granted in early 2020 by the Berkeley Hts., Planning Board as a permitted use. The units will be 4-Studio and 4-2BR units. The original application did not contemplate or address the first floor space as the conversion of said space into 3 residential apartment units (COAH UNITS—1-1BR, 1-2BR, and 1 3BR) as currently proposed requires a use variance as residential units are not permitted on the first floor in DD zone. In addition to the proposed conversion of the remaining existing first floor space into 3 residential units, the applicant seeks to construct an addition over the existing parking deck which such area will encompass an additional 8 units (5-2BR, 2-1BR, 1-Studio). This increase in units is in excess of the density limits for the zone and as such same triggers a “D-5” Density variance. There are a few bulk variances and minor deviations and exceptions which require some design waivers.

LIST OF VARIANCES:

1. Density. This is a "D5" variance. The zone permits 20 units per acre. The subject property is 24,314 square feet which yields a maximum permitted unit count of 11.4 permitted units in the DD zone. The applicant seeks a total approved unit count of 19 units which includes the three required COAH units. The approval and allocation of units and COAH obligations from the first application are proposed to be combined into one standard for the total unit counts and not to be viewed separately from the Planning Board application and this current application to the Board of Adjustment.
2. Use. This is a "D1" variance. The DD zone does not permit residential use on the first floor.
3. §6.1.1B—Bulk criteria. The side setback from 20' Window to Windowless setback is existing at 4.9' and the newly proposed condition exacerbates that criteria at 3.9'. In addition, the rear setback requirement is 10' plus 10' per story. The addition is technically 1 story above the existing parking. As such, the rear yard setback is 20' wherein applicant proposes 13.8' rear yard setback.
4. The maximum height for buildings shall be 3 stories provided that the 3rd story is built into the roof of the building or structure and shall not exceed 36'. The proposed addition neither exceeds the 36' height limitation nor does it exceed the 3 story limitation. However, the proposed roof is a flat roof with cornice. This design requires relief. It is important to note that the construction of the addition over the garage covers the parking area. The existing roof and facade on the existing building will not be modified. The addition is a rear addition and does not alter the appearance of the front facade from the street.
5. All projects containing residential units shall include dry storage area either on the ground or first floor level, or on each apartment level adjacent to common areas or trash rooms- which dry storage area shall be a minimum of 20 sq. ft. in area per unit. The 20 sq. ft. storage areas shall be included in the units of the proposed addition plus 177 sq. ft located on the first floor of the existing building. Applicant requests a waiver/variance for any deviation from the total area and/or the specific locations required.
6. Any additional design waivers, exceptions or other variance relief as may be requested or required by the Board at the time of the hearing.

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

