

Application No. 26-20  
Date of Filing 10/5/20

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 requested.

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

Petitioner Name KEYVAN GHAREGH residing at 129 HAMILTON AVE.

Telephone No. 917 297-9606, Fed.ID# (if applicable) \_\_\_\_\_

1. Petitioner is OWNER of property at 129 HAMILTON AVE. Block 1106 Lot 8.02 on the Tax Map located in the R-15 Zone.

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

INSTALLATION OF A POOL IN THE REAR YARD ALONG WITH POOL PATIO AND COILING WHICH EXCEEDS MAXIMUM OTHER IMPERVIOUS COVERAGE AND MAX TOTAL IMPERVIOUS COVERAGE. THERE ARE SOME PRE-EXISTING NON CONFORMING CONDITIONS DEALING WITH LOT WIDTH, SIDE SETBACKS, COMB. DECK AND SHED SETBACK.

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 Section 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.)	<u>15,000 sq ft</u>	<u>19,128 sq ft</u>	<u>N</u>
Lot Width	<u>100'</u>	<u>89'</u>	<u>N*</u>
Lot Depth	<u>130'</u>	<u>214'</u>	<u>N</u>
Front Setback	<u>50'</u>	<u>50.3'</u>	<u>N</u>
Side Setback	<u>12'</u>	<u>11.7'</u>	<u>N*</u>
Side Setback	<u>18'</u>	<u>17.6'</u>	<u>N*</u>
Combined side setbacks	<u>30'</u>	<u>29.3'</u>	<u>N*</u>
Rear Setback	<u>40'</u>	<u>122.8'</u>	<u>N</u>

b. NOTE: DO NOT INCLUDE DECK IN THIS SECTION: ~~pre-existing~~ pre-existing non-conformity

1-Area of existing structures (house, attached garage, covered porch) to remain 2372 sq.ft.

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

3- Total area to be occupied by structures 2372 sq.ft.

4-Area of existing Accessory items (~~detached garage~~, patio, driveways, walks, pool, ~~shed~~) 2030 sq.ft.

5-Area of proposed Accessory items (~~detached garage~~, patio, driveway, walks, pool, ~~shed~~) 1328 sq.ft.

6-Total area to be occupied by Accessory items 3358 sq.ft.

7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 4402 sq.ft.

8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 5730 sq.ft.

c. Accessory structures (if applicable): SITED (EXISTING)

Area proposed 06 sq ft (type: shed, deck pool, etc.)  
Maximum height proposed 15 feet (9 feet tall) 8x12' (9 feet tall) Proposed Set Backs  
Side 8.9' Side 710' Rear 8.5'

POOL 778 sq ft. (water surface) Side 710' Side 710' Rear 710'

	Maximum Allowed
d. Coverage (from 5.b., Page 1)	
Existing structures (Item 1/sq.ft. of lot)	<u>12.40%</u>
Existing accessory items (Item 4/sq.ft. of lot)	<u>10.61%</u>
Total existing lot coverage	<u>23.01%</u>
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	<u>23.01%</u>
Proposed structures (Items 1 + 2/sq. ft. of lot)	<u>12.40%</u>
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	<u>17.56%</u>
Total proposed lot coverage	<u>29.96%</u>
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	<u>29.96%</u>

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 lot is an oversized lot in the R-15 zone with a significant rear yard that offers a completely conforming rear yard after construction assuming it was measured as a principal setback which is a higher standard. Homeowner looking to create a space to enjoy his home during and beyond the pandemic. The total proposed coverage is under 30%.

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? \_\_\_\_\_ If Yes, please attach the Zoning Officer's Denial letter.

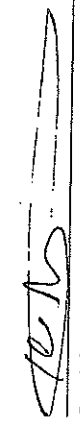
10. If the property is not owner occupied, name the Lessee and Use of the existing building and premises \_\_\_\_\_

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.



Petitioner Signature

129 Hamilton Ave

Address

Belknap Hts, NJ 07922

977 297 9666

Phone

Keyvan@me.com

Cell Phone

E-Mail Address



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

Application Date 9/28/2020  
 Application Number ZA-20-533  
 Permit Number \_\_\_\_\_  
 Project Number \_\_\_\_\_

Fee \$0

## Denial of Application

Date: 9/30/2020

To: GHAREHTAPEH, KEYVAN A & CANTNER, C CC: Murphy & Hollows Associates, LLC  
 129 HAMILTON AVE  
 192 Central Ave.  
 BERKELEY HEIGHTS, NJ 07922  
 Stirling, NJ 07980

RE: 129 HAMILTON AVENUE  
 BLOCK: 1106 LOT: 8.02 QUAL: ZONE: R-15

DEAR GHAREHTAPEH, KEYVAN A & CANTNER, C,

Your request is hereby denied based upon the following requirements.

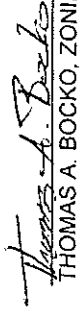
The applicant is proposing to install an in-ground swimming pool with pool surround and fencing to be located in the rear yard.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for a maximum 10% other coverage, where nonconforming 10.61% is existing and 17.56% is proposed. Total lot coverage allowed is 25% of the lot area, where 23.02% is existing and 29.96% is proposed. The percentages above differ from Pool Grading Plan, Zoning Criteria percentages; the existing shed (100 sq. ft.) added to building cover and subtracted from "other" coverage as per the definition of building coverage.

Existing nonconforming: lot width, principal side & combined side yard setbacks, other coverage, existing shed location (zoning approval not on file for this structure).

Note - pool equipment not shown on plan; subject to setbacks, proposed 5' high pool enclosure fencing install impact on existing trees and arborvitae row and adjacent property, construction access impact on adjacent property?

Sincerely,

  
 THOMAS A. BOCKO, ZONING OFFICER

129 Hamilton Ave  
BH

917-297-9606

Applicant Keyven Ghahreghani

Application # 26-20

Township of Berkeley Heights

Township Official

General Construction and Design & Grounds and Landscaping Considerations

Applicant	Reviewed	Item
<input checked="" type="checkbox"/>	( )	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.
<input checked="" type="checkbox"/>	( )	Minimize disturbance to soils and vegetation. Use proper planning to protect vegetation during construction and prevent damage to surrounding areas.
<input checked="" type="checkbox"/>	( )	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.
<input checked="" type="checkbox"/>	( )	Recycle and/or salvage non-hazardous construction and demolition debris.
<input checked="" type="checkbox"/>	( )	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).
<input checked="" type="checkbox"/>	( )	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>
(X)	( )	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.
(X)	( )	Conserve energy, reduce electricity use and if possible incorporate renewable energy.
( ) N/A	( )	Consider choosing ENERGY STAR appliances.

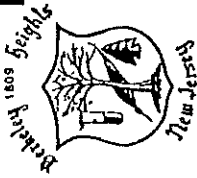
Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
( ) N/A	( )	Consider Increasing amount of insulation by using 2 x 6 studs.
( ) N/A	( )	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
( ) N/A	( )	Consider installation heat pumps to transfer energy heat and cold.
( ) N/A	( )	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.
( )	( )	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: October 2, 2020

Block: 1106 Lot(s): 8.02 Address: 129 Hamilton Avenue

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: 10/02/2020      Robert J. Edgar, Jr.  
Tax Assessor

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

Date: 10-2-2020      Paula de Salvo  
Tax Collector

\* Berkeley Heights, NJ 07922 (unless otherwise noted)

BERKELEY HEIGHTS

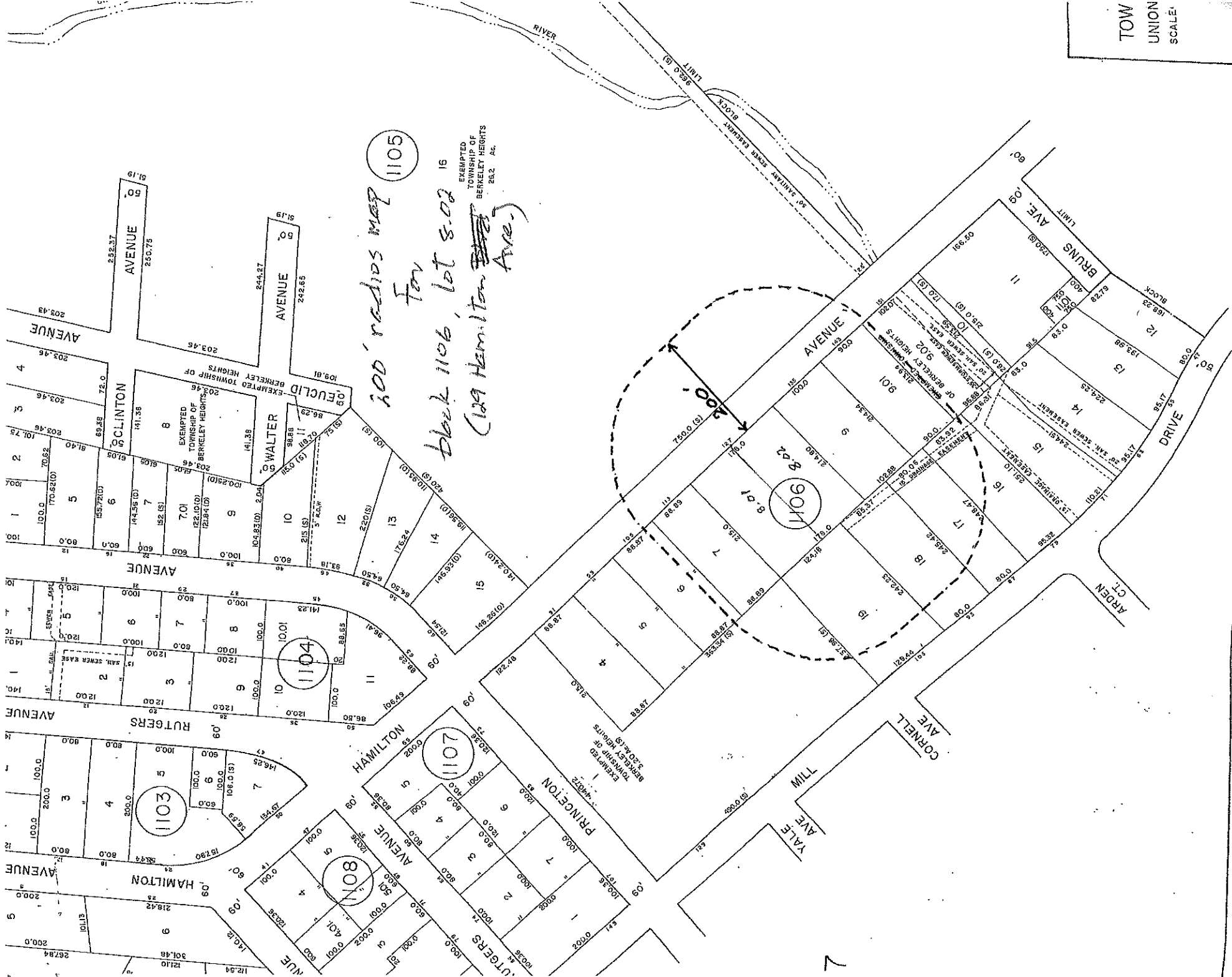
OWNER & ADDRESS REPORT

CERTIFIED 200' LIST FOR BLOCK: 1106 LOT: 8.02 10/02/20 Page 1  
 129 HAMILTON AVE

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1105	16		15C	TOWNSHIP OF BERKELEY HEIGHTS 29 PARK AVENUE BERKELEY HEIGHTS, N J 07922	PARK AVE	
1106	1		15C	TOWNSHIP OF BERKELEY HEIGHTS 29 PARK AVENUE BERKELEY HEIGHTS, N J 07922	PRINCETON & SAW MILL DR	
1106	6		2	RICHEL, DAVID & HEATHER 105 HAMILTON AVENUE BERKELEY HEIGHTS, NJ 07922	105 HAMILTON AVE	
1106	7		2	BAIR, BARBARA BALSAM 113 HAMILTON AVE BERKELEY HEIGHTS, NJ 07922	113 HAMILTON AVE	
1106	8.01		2	PALERMO, MICHAEL A & CHRISTINE A 121 HAMILTON AVE BERKELEY HEIGHTS, NJ 07922	121 HAMILTON AVENUE	
1106	9		2	CHATFIELD, MICHAEL & CHRISTY 135 HAMILTON AVE BERKELEY HEIGHTS, NJ 07922	135 HAMILTON AVE	
1106	9.01		2	LOMBARD, MICHAEL E & LINDSAY D 143 HAMILTON AVE BERKELEY HEIGHTS, NJ 07922	143 HAMILTON AVE	
1106	9.02		15C	TOWNSHIP OF BERKELEY HEIGHTS 29 PARK AVE BERKELEY HEIGHTS, NJ 07922	151 HAMILTON AVE	
1106	16		2	GUNNING, MARY ANNE 79 SAW MILL DR BERKELEY HEIGHTS, NJ 07922	79 SAW MILL DR	
1106	17		2	TSAO, SHENGHUI -CHUNG, SUEJEN-TSAO, I 87 SAW MILL DR BERKELEY HEIGHTS, NJ 07922	87 SAW MILL DR	
1106	18		2	WANG, JIANPAO & ZHU, CHAO 93 SAW MILL DR BERKELEY HEIGHTS, NJ 07922	93 SAW MILL DR	
1106	19		2	NINO, JESUS & ROSELINA F 103 SAW MILL DRIVE BERKELEY HEIGHTS, N J 07922	103 SAW MILL DR	



TOW  
UNION  
SCALE



100' radius map  
 For  
 blk 1106, lot 8.02 16  
 (129 Hamilton Ave.)