

RECEIVED

Application No. 33-20  
Date of Filing 12/29/2020

DEC 29 2020

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 Miguel Ortega Jr & Osdaymi Rodriguez  
(applicant name) for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name Miguel Ortega, Jr residing at 669 Mountain Ave  
Telephone No. 9082948333 Email address Osdaymi@gmail.com

1. Petitioner is Miguel Ortega Jr of property at 669 Mountain Ave, Block 2006, Lot 28  
(owner or tenant etc.) on the Tax Map located in the R15 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:  
lot coverage - inground pool

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.B of the Zoning Ordinance.

**a. Description of the Property:**

	Required See Attached Schedule 6.1.1B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	20,000	30,218	30,218	N
Lot Width	100	133.65	133.65	N
Lot Depth	150	255.98	255.98	N
Front Setback	50	<del>52.8</del> 52.8	52.8	N
Side Setback	12'	28.7'	28.7'	N
Side Setback	18'	50'	50'	N
Combined side setbacks	30'	78.7'	78.7'	N
Rear Setback	40	130'	130'	N

**b. Provide coverage numbers below. Do not include slotted deck in this section:**

- Area of existing buildings/structures (house, attached/detached garage, covered porch, shed) to remain 2089 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 0 sq. ft.
- Total area to be occupied by buildings/structures 2089 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 3477 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 1556 sq. ft.
- Total area to be occupied by Other Items 5033 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 5566 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 7122 sq. ft.

		Maximum Allowed	
		R-15/20 Zone	R-10 Zone
c. <u>Lot Coverage</u> (from 5.b., Page 1)			
Existing buildings/structures (Item 1/sq.ft. of lot)	<u>6.9</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot)	<u>11.5</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	<u>18.42</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot)	<u>6.9</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot)	<u>16.7</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	<u>23.6</u> percent	25%	30%

d. Accessory buildings/structures (if applicable): Pool  
 (type: pool, etc.)

Area proposed 1,556 square feet  
 Maximum height proposed 0 feet  
 Proposed Set Backs  
 Side 29 Side 60.7 Rear 75.2

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:  
We would like to construct a pool for family enjoyment. Although, we are over on other coverage, we are under on total lot coverage. Our property size is 133x225.

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.

[Signature]  
 Petitioner Signature  
669 MOUNTAIN AVE  
 Address  
Berkeley HTS NJ 07922  
908 294 8333 / 609-505 9997  
 Phone Cell Phone  
OSDAYMI@gmail.com  
 E-Mail Address



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

Application Date: 11/14/2020  
Application Number: ZA-20-676  
Permit Number: \_\_\_\_\_  
Project Number: \_\_\_\_\_  
  
Fee: \$0

## Denial of Application

Date: 11/19/2020

To: ORTEGA, MIGUEL & RODRIGUEZ, O  
669 MOUNTAIN AVENUE  
BERKELEY HEIGHTS, NJ 07922

CC: DJ Egarian & Associates, engineers

RE: 669 MOUNTAIN AVENUE  
BLOCK: 2006 LOT: 28 QUAL: ZONE: R-15

DEAR ORTEGA, MIGUEL & RODRIGUEZ, O,  
Proposed in ground pool - see denial letter!!!!!!!!!!

The property owner is proposing to install an inground pool with pool surround, patio and walkway from existing patio to proposed pool. Pool filter and heating equipment located in far rear yard. A temporary storage container (6' x 4') is proposed, I would assume for storage of construction equipment during pool construction.

A drainage plan has been submitted, however not reviewed by the township engineer.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for a maximum of 10% other coverage, where nonconforming 11.51% is existing and 16.65% is proposed.

Existing nonconforming: other coverage

FEMA Flood Zone Determination - Panel 17F Zone X

Note:

1. Existing chain link fence west side property line runs off the subject lot. Relocate fence?
2. The applicant shall obtain approval or waiver from the Somerset Union Soil Conservation District with results to the building department.
3. The temporary storage container needs clarification.

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



# 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: December 2, 2020

Block: 2006      Lot(s): 28      Address: 669 Mountain 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: 12/02/2020

Robert M. Edgar  
Tax Assessor

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

Date: 12-2-2020

Rachelle M. Seltzer  
Tax Collector

OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

CERTIFIED 200' LIST FOR BLOCK 2006, LOT 28  
669 MOUNTAIN AVENUE

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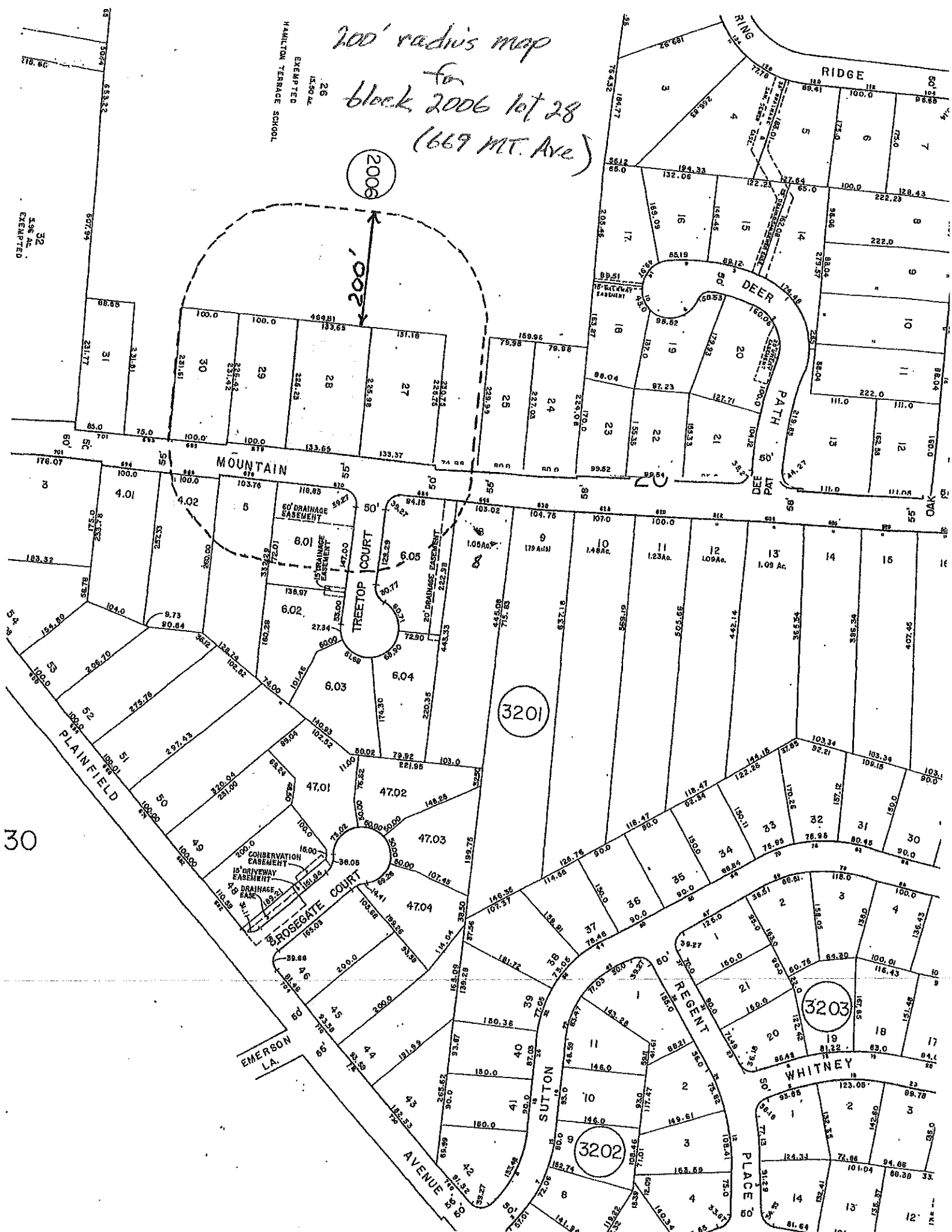
BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2006	26		15A	BOARD OF EDUCATION PLAINFIELD AVENUE BERKELEY HEIGHTS, NJ 07922	651 MOUNTAIN AVENUE	
2006	27		2	RAYMOND, MARGARET/TRUSTEE 659 MOUNTAIN AVENUE BERKELEY HEIGHTS, N J 07922	659 MOUNTAIN AVENUE	
2006	29		2	EWART, JASON C & TELADIA, NYLA 679 MOUNTAIN AVENUE BERKELEY HEIGHTS, NJ 07922	679 MOUNTAIN AVENUE	
2006	30		2	MAXWELL, DONALD ASHLEY 685 MOUNTAIN AVE BERKELEY HEIGHTS, NJ 07922	685 MOUNTAIN AVE	
3201	4.02		2	BJORKESON, CHRISTOFFER H.H.&DAGMAR R 686 MOUNTAIN AVENUE BERKELEY HEIGHTS, N J 07922	686 MOUNTAIN AVE	
3201	5		2	LOPES, JOSEPH & ANGELINA B. 678 MOUNTAIN AVENUE BERKELEY HEIGHTS, N J 07922	678 MOUNTAIN AVE	
3201	6.01		2	DATTA, SUKDEB & CHATTERJEE, KOEL 1 TREETOP COURT BERKELEY HEIGHTS, NJ 07922	1 TREETOP COURT	
3201	6.05		2	SHIAH, JAMES EDWARD 2 TREETOP COURT BERKELEY HEIGHTS, NJ 07922	2 TREETOP COURT	
3201	8		2	HAYAT, M A 646 MOUNTAIN AVENUE BERKELEY HEIGHTS, NJ 07922	646 MOUNTAIN AVENUE	

200' radius map  
for  
block 2006 lot 28  
(669 Mt. Ave)

HAMILTON TERRACE SCHOOL  
EXEMPTED  
1.50 AC.  
26

2006

200'



30

3201

3203

3202

Township of Berkeley Heights

Township Official

General Construction and Design & Grounds and Landscaping Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
N/A	( )	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.
N/A	( )	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.
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).
(✓)	( )	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>
(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.
(N)	( )	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.
(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.
✓	( )	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.
N/A	( )	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe: _____ _____ _____