

RECEIVED

DEC 29 2020

Application No. 34-20 PLANNING / ZONING / ENVIRONMENTAL HEARING  
Date of Filing 12/29/2020 TWP. OF BERKELEY HGTS, NJ  
Application Fee \$150.00  
Escrow \$250.00

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 Michael Doherty for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name Michael Doherty, residing at 298 Emerson Lane Berkeley Heights, NJ 07922

Telephone No. 551-500-8890, Email address mdoherty504@gmail.com

1. Petitioner is owner of property at 298 Emerson Lane, Block 2901, Lot 1.27 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: Rebuild; expand deck.

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 3.1 of the Zoning Ordinance. 6.1.1B  
3.1.8

5. a. Description of the Property:

	Required See Attached Schedule 6.1.1B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	20,000	11,749	11,749	nonconforming
Lot Width	100'	112'	112'	N
Lot Depth	150'	88'	88'	nonconforming
Front Setback	50'	24.64'	24.64'	nonconforming
Side Setback	12'	29.88'	29.88'	N
Side Setback	18'	36.30'	36.30'	N
Combined side setbacks	30'	66.18'	66.18'	N
Rear Setback	40'	15'	16'	Y - To deck

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 1668 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 1668 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 1021 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 0 sq. ft.
- Total area to be occupied by Other Items 1021 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 2689 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 2689 sq. ft.

c. Lot Coverage (from 5.b., Page 1)	R-15/20 Zone	Maximum Allowed	
		R-10 Zone	
Existing buildings/structures (Item 1/sq.ft. of lot) <u>14.20</u> percent		15%	20%
Existing Other coverage (Item 4/sq.ft. of lot) <u>8.69</u> percent		10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot) <u>22.89</u> percent		25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot) <u>14.20</u> percent		15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot) <u>8.69</u> percent		10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot) <u>22.89</u> percent		25%	30%

**Deck**

d. ~~Accessory buildings/structures~~ (if applicable): \_\_\_\_\_ (type: pool, etc.)

Area proposed 328 square feet

Proposed Set Backs

Maximum height proposed 7 feet

Side 24 Side \_\_\_\_\_ Rear 16

variance

variance

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

7. Facts in support of petitioner's relief:

undersized lot area: lot depth, expand existing deck to support family activity. Existing grade changes on lot topography.

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 X 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.

Michael Perry  
Petitioner Signature

298 Emerson Lane  
Address

Berkeley Heights, NJ 07922

551-500-8890  
Phone

Cell Phone

mdeperry52409@mail.com  
E-Mail Address



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

Application Date: 10/17/2020  
Application Number: ZA-20-603  
Permit Number: \_\_\_\_\_  
Project Number: \_\_\_\_\_  
Fee: \$0

## Denial of Application

Date: 10/26/2020

To: MICHEAL DOHERTY & CHRISTINA  
KOUTOUDIS  
298 EMERSON LANE  
BERKELEY HEIGHTS, NJ 07922

CC: Mike Tufariello  
11 Mountain Ave.  
Mendham, NJ 07945

RE: 298 EMERSON LANE  
BLOCK: 2901 LOT: 1.27 QUAL: ZONE: R-20

DEAR MICHEAL DOHERTY & CHRISTINA KOUTOUDIS,

Expanding existing deck - 7'-6" X 25'-6" x 7' high and 10' X 12' x 7' high with stairs to grade.

Proposed new deck to be added to existing deck with stairs to grade. Existing nonconforming house structure with deck;

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures ordinance requires a rear yard setback of 40 feet, where nonconforming 9.90' is existing to the house wall and nonconforming 15' rear yard setback to the existing deck platform. Rear setback to the proposed deck extension is 16 feet, where 40 feet is required, due to the height of the deck over 4' high, estimated at 7 feet high.

Section 3.1.8 "Deck" prohibits deck over 4' high beyond the 30' rear yard setback; "The floor of any platform or deck (or portion thereof) which does not comply with the rear yard setback requirements of the Schedule of General Regulations, Article 6.1.1 for Principal Buildings shall not exceed four (4) feet above the ground level at any point beyond such rear yard setback line."

REVISED 12/22/2020 - added;

Existing nonconforming: lot area, lot depth, principal front and rear yard setbacks, existing deck platform height.

FEMA Flood Zone Determination - Panel 016F Zone X

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

Applicant Michael Doherty  
Application # 34-20

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.

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Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	( )	Consider Increasing amount of insulation by using 2 x 6 studs.
(✓)	( )	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
(✓)	( )	Consider installation heat pumps to transfer energy heat and cold.
(✓)	( )	Consider use high efficiency boilers/furnaces.
(✓)	( )	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
(✓)	( )	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>
(✓)	( )	Consider use of low-flow shower heads.
(✓)	( )	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: _____ _____ _____

TOWNSHIP OF BERKELEY HEIGHTS  
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

SITE INSPECTION CONSENT FORM

Applicant: Michael Deherly Application No.: \_\_\_\_\_

Block: 2901 Lot: 1.27

Street Address: 298 Emerson Lane

I, Michael Deherly, the owner of the above property, hereby acknowledge that a site inspection may be scheduled with the Planning Board/Zoning Board of Adjustment for a mutually convenient date and time. I hereby authorize members of the Planning Board/Zoning Board of Adjustment and their representatives and consultants (or other designated officials) to enter onto the property which is the subject of this application at the time of any site inspections for the purpose of evaluating the application.

Signature:  Date: 11/29/2020

MAP REFERENCE:

- 1.) PROPERTY IN THE TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY, TITUS SURVEYING & ENGINEERING, P.C., DATED MAY 17, 2005
- 2.) PROPERTY OF FREE ACRES ASSOCIATION", REVISED TO DECEMBER 1932 AND NOT FILED.

CERTIFIED TO:

- MICHAEL THOMAS DOHERTY AND CHRISTINA BARBARA KOUTOUDIS
- WELLS FARGO BANK N.A., ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR
- REALSAFE TITLE, LLC (TITLE No. 96917RN-01)
- TITLE RESOURCES GUARANTY COMPANY
- DAVID A. STERN, ESQ.

NOTES:

- THIS SURVEY IS PREPARED SPECIFICALLY FOR THE INDIVIDUAL(S) IN TITLE AND/OR CERTIFICATION. THE UNDERSIGNED WILL NOT BE RESPONSIBLE FOR ANY ASSIGNMENT OF THIS SURVEY TO ANY PERSON NOT SO NAMED.
- SUBJECT TO SUCH STATE OF FACT THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE
- SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.
- UNDERGROUND UTILITIES ARE NOT DEPICTED. THE LACK OF UTILITY INFORMATION DOES NOT DENY THE EXISTENCE OF SAME. REFERENCE TO THE APPROPRIATE UTILITY AUTHORITY SHOULD BE MADE TO VERIFY THE PRESENCE OR EXISTENCE OF SAME.
- DEED REFERENCE: BOOK 5473 PAGE 122, FILED IN THE UNION COUNTY REGISTER'S OFFICE
- A WRITTEN WAIVER AND DECLARATION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003, C. 14 (N.J.A.C. 42:9-36.3) AND (N.J.A.C. 13:40-5.1(0)).

JAMES P. DEADY SURVEYOR, LLC

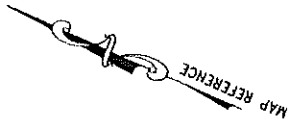
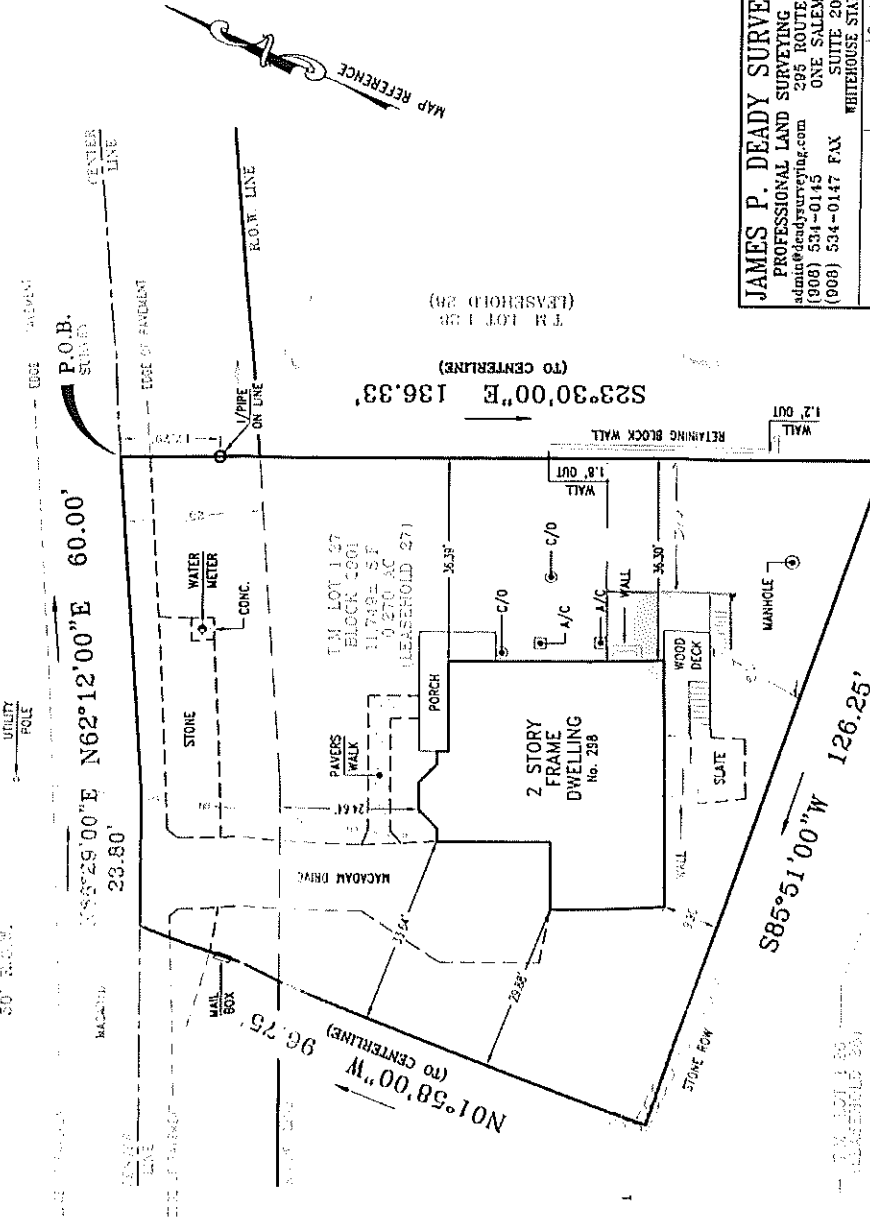
PROFESSIONAL LAND SURVEYING SERVICES  
 295 ROUTE 22 EAST  
 ONE SALEM SQUARE  
 SUITE 202 WEST  
 WHITEHOUSE STATION, NJ 08889

REVISIONS	DATE	SCALE	DATE	SCALE
		1"=20'	03/04/20	
Drawn By:		M.M.		
Checked By:		J.C.R.		
FILE#		2001-244-1		
BK		404		

**SURVEY**  
**TAX LOT 1.27 - BLOCK 2901**  
 LOCATED IN THE  
**TOWNSHIP OF BERKELEY HEIGHTS**  
**UNION COUNTY, NEW JERSEY**

BY: *John C. Ritt*  
 John C. Ritt N.J.P.L.S. Lic. No. 24-G504324100  
 Certificate No. 24G428199000

EMERSON LANE



(TO CENTERLINE) 136.33'  
 (LEASHELD 20) T.M. LOT 1.27

136.33' (TO CENTERLINE)

126.25'

60.00'

23.80'

60.00'

60.00'

60.00'

60.00'

60.00'

60.00'

60.00'



Footings 12" x 42" 3000 psi

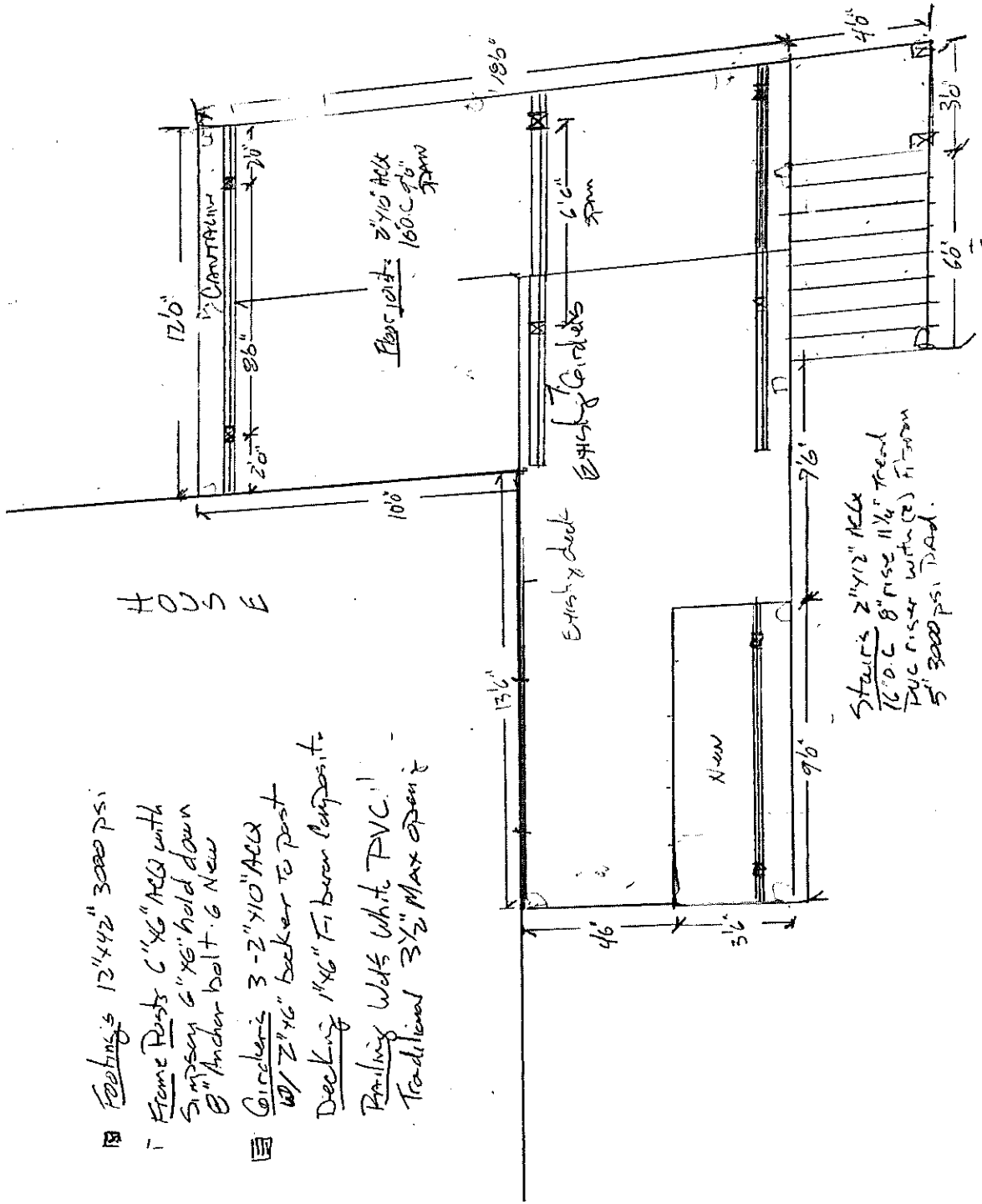
Frame Posts C" x 6" ALG with Simpson 6" x 6" hold down @ 4" Anchor bolt @ 6 New

Corrals 3 - 2" x 10" ALG w/ 2" x 4" backer to post

Decking 1" x 6" Fiberglass Composite

Painting W/lt White PVC!  
Traditional 3 1/2" Max opening

HOUSE



Michael Phung 07/29/2020



**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) 464-8160

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: November 12, 2020

Block: 2901      Lot(s): 1.27      Address: 298 Emerson Lane

<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: 11/16/2020

Robert J. Edgar  
Tax Assessor

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

Date: 11-20-2020

Shirley R. Lygo  
Tax Collector

OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

CERTIFIED 200' LIST FOR BLOCK 2901, LOT 1.27  
298 EMERSON LANE

11/12/20 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2802	1		2	NIGHTHAWK HOME INVESTMENTS LLC 305 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	305 EMERSON LANE	
2802	2		2	LIN, ALBERT W & JOYCE C 10 NORTH ROAD BERKELEY HEIGHTS, N J 07922	10 NORTH ROAD	
2802	3		2	TOKASH, ROBERT F & NADINE R 20 NORTH ROAD BERKELEY HEIGHTS, N J 07922	20 NORTH ROAD	
2802	16		2	SUTHERLAND, LEROY & CHARMAINE 325 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	325 EMERSON LANE	
2802	17		2	NOGUEIRA, GILBERTO & LEA C R C 315 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	315 EMERSON LANE	
2901	1.25		2	RUCHLICKI, GEORGE & IRENE C/O FREE ACRES ASSOC BERKELEY HEIGHTS, NJ 07922	316 EMERSON LANE	
2901	1.26		2	COMERFORD, JAMES F. RETTIG, DAWN M. C/O FREE ACRES ASSOC BERKELEY HEIGHTS, NJ 07922	300 EMERSON LANE	
2901	1.28		2	BARON, LOUIS C/O FREE ACRES ASSOC BERKELEY HEIGHTS, NJ 07922	288 EMERSON LANE	
2901	1.29		2	YODICE, MICHAEL & CAROLINE C/O FREE ACRES ASSOC BERKELEY HEIGHTS, NJ 07922	266 EMERSON LANE	
2901	1.39		2	KLEINBERG, SAMUEL & YVONNE C/O FREE ACRES ASSOC BERKELEY HEIGHTS, NJ 07922	25 FERN WAY	
2901	1.40		2	HEERENS, PAUL D & SYLVIA C/O FREE ACRES ASSOC BERKELEY HEIGHTS, NJ 07922	28 WATER LANE	
2901	1.401		2	CONNER, TERRENCE D. & HAZEL C. C/O FREE ACRES ASSOC BERKELEY HEIGHTS, NJ 07922	34 WATER LANE	

(298 Emerson Lane)

200' radius map

for  
block 2901 lot 1.27

