

Application No. APP #5-21

FEB 12 2021

Application Fee \$ 250-

Date of Filing JAN 28, 2021

Escrow \$ 500-

2/12/21

PLANNING / ZONING / ENGINEERING

TWP. OF BERKELEY HEIGHTS, 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 STUART ROSENTHAL for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name STUART ROSENTHAL residing at: 18 MAGNUM COURT

Telephone No. 908-230-2222 Email address SROSENTHAL777@COMCAST.NET

1. Petitioner is OWNER of property at 18 MAGNUM CT. Block 601 Lot 1.03

(owner or tenant, etc.)

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:

SEE ATTACHED APPENDUM

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 _____ Section _____ of the Zoning Ordinance.

SECTIONS: 8.1.D.1, 3.1.B.4, & 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.)	15,000	15,480	NC	N
Lot Width	100 ft	105 ft ESTOK	NC	N
Lot Depth	130 ft	159 ft	NC	N
Front Setback	40 ft	40.0/31.9	40.0/32.4	N
Side Setback	12 ft	17.46 ft	NC	N
Side Setback	12 ft	20.68 ft	NC	N
Combined side setbacks	30 ft	38.14 ft	NC	N
Rear Setback	40 ft	40 ft	NC	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 2451 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 2451 sq. ft.
- Total area to be occupied by buildings/structures NO CHANGE 2451 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 4606 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) REDUCED 4252 sq. ft.
- Total area to be occupied by Other Items 4252 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 7057 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS REDUCED 6703 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)	15.8	percent	15%
Existing Other coverage (Item 4/sq. ft. of lot)	29.7	percent	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	45.6	percent	25%
Proposed buildings/structures (Item 3/sq. ft. of lot)	16.8	percent	15%
Proposed Other coverage (Item 6/sq. ft. of lot)	27.5	percent	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	43.3	percent	25%

d. Accessory buildings/structures (if applicable): NA
 (type: pool, etc.)
 Area proposed _____ square feet
 Maximum height proposed _____ feet
 Proposed Set Backs:
 Side _____ Side _____ Rear _____

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: CASE NO. 14.91 RELIEF GRANTED TO INSTALL AN IN GROUND POOL
SEE ATTACHED ADDENDUM

8. Set forth the particular Statute under which this Application is made (N.J.S.A. 40:55D-70)
 a) Appeal N/A b) Interpretation N/A c) Hardship YES d) Use N/A

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
NA

If the property is not to be owner occupied, name the Lessee and the proposed Use of the building and premises.
NA

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.

ARCHITECT
 WILLIAM TOTTH
 950 FERNWOOD AVE
 PLAINFIELD NJ 07062
 908-229-9342 CELL
 Billy@TotthArchitecture.com
 NJ 21 AJO1443700

STUART ROSENTHAL
 Petitioner Signature
 Address 18 MARBUN COURT
908 230 2222
 Phone Call Phone
SROSENTHAL77C.COMCAST.NET
 E-Mail Address





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

Application Date: 1/23/2021
 Application Number: ZA-21-44
 Permit Number: _____
 Project Number: _____
 Fee: \$0

Denial of Application

Date: 1/27/2021

To: WILLIAM TOTH ARCHITECT
 950 FERNWOOD AVE
 PLAINFIELD, NJ 07062

CC: Stuart & Jean Rosenthal
 18 Magnum Court
 Berkeley Heights, NJ 07922

RE: 18 MAGNUM COURT
 BLOCK: 601 LOT: 1.03 QUAL: ZONE: R-15

DEAR WILLIAM TOTH ARCHITECT,

The property owner is proposing to remove the existing pool surround and sidewalk leading to the driveway and reconstruct both. The pool surround will increase in size from 3' wide to 8' wide (273 sq. ft.) along that portion closest to the rear property line. The pool surround will also be increase in size from the pool edge to the house foundation.

A new deck at first floor level, 8'4" off grade, is to be constructed across the rear of the house extending 10 feet out.

A retaining wall is to be incorporated into the plan needed to travers from the proposed deck to the pool deck.

New fencing is proposed to surround the rear yard area, maximum 5 feet high. The existing fence is to be removed.

The property is located at the end of a cul-de-sac with street frontage on Magnum Court. An unimproved municipal street right-of-way parallels a portion of the rear property line, making it techically a front yard. Board of Adjustment Resolution Case No. 14-91 granted relief to install an in-ground pool.

Section 8.1.1D.1 - Nonconforming, expansion of the pool deck located in the front yard.

Section 3.1.1B.4. - Use Regulations, accessory structure in the front yard.

Section 3.1.8. - Deck height exceeding 4' high, proposed height 8'4".

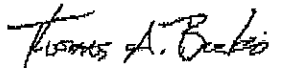
Note;

1. Architectural "Zoning Review Data" submitted has taken a 560 sq. ft. credit for removing a gravel play area rear yard corner and gravel placed against house foundation rear yard.
2. Coverage existing; building 15.83%, other 30.65%, total 46.49%
 Coverage proposed; building 15.83%, other 27.47%, total 43.30%
3. A fence has been proposed, however location and height of fence is not indicated on the plan.

FEMA Flood Zone Determination - Panel 16F 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

Item 7. Facts in support of petitioners' relief:

The existing lot is a pie shaped lot at the end of a cul-de-sac which creates an irregular building envelope and setback boundaries

There exists a 'paper' street – an unimproved right-of-way at the rear of the property making a portion of the rear yard technically a front yard. Relief has been granted for this condition to allow an inground pool – Case No. 14-91. This condition is responsible for two of the three variances requested.

The existing house is on sloped property resulting in grade level at the rear of the house to be at basement level. This combined with the pie shaped setback lines creates a situation where for the homeowner to have a deck at the first-floor level the deck height will exceed the 4' maximum height restriction outside of the main building setbacks.



LIST OF PROPERTY OWNERS TO BE SERVED NOTICE

TOWNSHIP OF BERKELEY HEIGHTS

29 PARK AVENUE

BERKELEY HEIGHTS, NEW JERSEY 07922

ROBERT J. EDGAR,
CTA
MUNICIPAL ASSESSOR

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: January 28, 2021

Block: 601 Lot(s): 1.03 Address: 18 MAGNUM COURT

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Service</u>
--------------	------------	--------------	----------------	----------------

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: 01/28/2021

Robert J. Edgar
Tax Assessor TS.

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

Date: 1-28-2021

Paula A. Leggio
Tax Collector

OWNER & ADDRESS REPORT

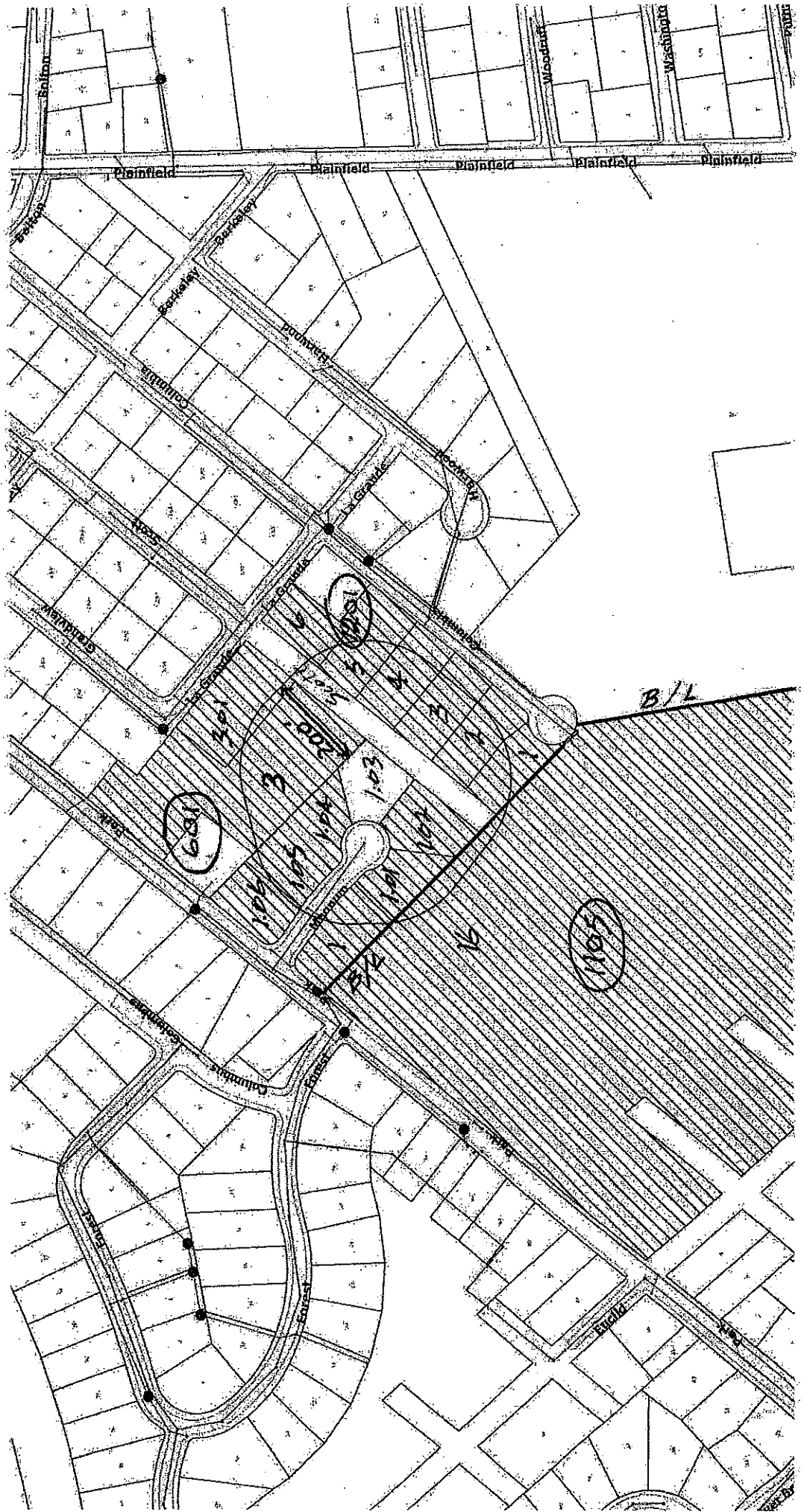
BERKELEY HEIGHTS

01/28/21 Page 1

CERTIFIED 200' LIST FOR BLOCK 601, LOT 1.03
18 MAGNUM COURT

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
601	1		2	GEROW, GREGORY & DIANE 249 LINCOLN STREET BERKELEY HEIGHTS, N J 07922	9 MAGNUM COURT	
601	1.01		2	SALTZMAN, MATTHEW & GENEVIEVE 17 MAGNUM COURT BERKELEY HEIGHTS, NJ 07922	17 MAGNUM COURT	
601	1.02		2	FORRESTER, WALTER C. & BARBARA M. 21 MAGNUM COURT BERKELEY HEIGHTS, N J 07922	21 MAGNUM COURT	
601	1.03		2	ROSENTHAL, STUART J. & JEAN P. 18 MAGNUM COURT BERKELEY HEIGHTS, NJ 07922	18 MAGNUM COURT	
601	1.04		2	CARDONA, GISELA 14 MAGNUM COURT BERKELEY HEIGHTS, NJ 07922	14 MAGNUM COURT	
601	1.05		2	SCHNEINHOLTZ, BARRY J. & DEBRA F. 8 MAGNUM COURT BERKELEY HEIGHTS, N J 07922	8 MAGNUM COURT	
601	1.06		2	HEEREN, EDWARD ANDREW 4 MAGNUM COURT BERKELEY HEIGHTS, N J 07922	4 MAGNUM COURT	
601	3		2	LAHR, J GREGORY & KYMBERLY 120 PARK AVE BERKELEY HEIGHTS, NJ 07922	120 PARK AVE	
601	3.01		2	RYVICKER, JUSTIN E 65 LAGRANDE AVENUE BERKELEY HEIGHTS, NJ 07922	65 LA GRANDE AVENUE	
1105	16		150	TOWNSHIP OF BERKELEY HEIGHTS 29 PARK AVENUE BERKELEY HEIGHTS, N J 07922	PARK AVE	
1201	1		2	NATALE, DENNIS JR. & JEANNETTE 117 COLUMBIA AVENUE BERKELEY HEIGHTS, NJ 07922	117 COLUMBIA AV	
1201	2		2	FRANCHINO, F & P L/E C/RO & MARIA 109 COLUMBIA AVENUE BERKELEY HEIGHTS, N J 07922	109 COLUMBIA AV	
1201	3		2	BURY, VINCENT P & CATHERINE 101 COLUMBIA AV BERKELEY HEIGHTS, NJ 07922	101 COLUMBIA AV	
1201	4		2	LEE, MARJORIE & LI, YANYAN 93 COLUMBIA AVENUE BERKELEY HEIGHTS, NJ 07922	93 COLUMBIA AVE	
1201	5		2	POON, STANLEY C. & WANG, HUEI CHARN 85 COLUMBIA AVENUE BERKELEY HEIGHTS, N J 07922	85 COLUMBIA AVE	
1201	6		2	MARTINO, HARRY J & STETSON, CATHERI 46 SCOTT AVENUE BERKELEY HEIGHTS, NJ 07922	35 LA GRANDE AVE	

200' radius map
for
block 601, lot 103
(18 Magnum Court)



Applicant STUART ROSENTHAL
Application # 2A-21-44

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.
(✓)	()	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>
(✓)	()	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 solar tubes. Consider using triple-pane windows, with protection against sun damage.
(✓)	()	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
(N/A)	()	Consider use of motion sensor lighting where applicable. In commercial/industrial settings consider use of sensor controls.
(N/A)	()	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.
(N/A)	()	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe: _____ _____ _____