

RECEIVED

11/25/19

Application No. 22-19  
Date of Filing 11/25/19

Application Fee \_\_\_\_\_  
Escrow \_\_\_\_\_

NOV 25 2019

PLANNING / ZONING / ENGINEERING

APPLICATION TO ZONING BOARD OF 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 JUSTIN RATA for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name JUSTIN RATA residing at 415 EMERSON LANE

Telephone No. 908-380-2948 Fed.ID# (if applicable) \_\_\_\_\_

1. Petitioner is OWNER of property at 415 EMERSON LANE, Block 2 Lot 8 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: EXPAND DRIVEWAY FOR ADDITIONAL PARKING & TURN INCREASE IN OTHER STORAGE ABOVE THE ALLOWED JOB. NEEDED TO ELIMINATE FERRY-BACK PARKING. ALSO, DRIVEWAY PARKING TO CLOSE TO SIDE PROPERTY LINE.

3. Does the Application concern a request for Certificate of Nonconformity? N/A  
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 6.1.1.B of the Zoning Ordinance.  
5. a. Description of the Property: 4-11-1 4-11.1-7A

	Required See Attached Schedule 6.1.1.B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	<u>20,000</u>	<u>24,558</u>	<u>24,558</u>	<u>N</u>
Lot Width	<u>100'</u>	<u>57.50'</u>	<u>57.50'</u>	<u>NON CONFORMANCE</u>
Lot Depth	<u>150'</u>	<u>427'</u>	<u>427'</u>	<u>N</u>
Front Setback	<u>50'</u>	<u>164'</u>	<u>164'</u>	<u>N</u>
Side Setback	<u>12' MIN.</u>	<u>12.8'</u>	<u>12.8'</u>	<u>N</u>
Side Setback	<u>18'</u>	<u>12.4'</u>	<u>12.4'</u>	<u>NON CONFORMANCE</u>
Combined side setbacks	<u>30'</u>	<u>25.2'</u>	<u>25.2'</u>	<u>NON CONFORMANCE</u>
Rear Setback	<u>40'</u>	<u>188'</u>	<u>188'</u>	<u>N</u>

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

- 1-Area of existing structures (house, attached garage, covered porch) to remain 1908 sq. ft.
- 2-Area of proposed structures (house, attached garage, covered porch) 0 sq. ft.
- 3- Total area to be occupied by structures 1908 sq. ft.
- 4-Area of existing Accessory items (detached garage, patio, driveways, walks, pool, shed) 2136 sq. ft.
- 5-Area of proposed Accessory items (detached garage, patio, driveway, walks, pool, shed) 1380 sq. ft.
- 6-Total area to be occupied by Accessory items 3516 sq. ft.
- 7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 4044 sq. ft.
- 8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 5424 sq. ft.

OWNER

c. Accessory structures (if applicable): FRANK DRIVEWAY  
(type: shed, deck pool, etc.)

Area proposed 1380 square feet

Maximum height proposed N/A feet

Proposed Set Backs

Side 11' Side 1' Rear N/A

	Maximum Allowed	
	R-15/20 Zone	R-10 Zone
d. Coverage (from 5.b., Page 1)		
Existing structures (Item 1/sq.ft. of lot)	<u>7.77</u> percent	<u>20%</u>
Existing accessory items (Item 4/sq.ft. of lot)	<u>8.70</u> percent	<u>10%</u>
Total existing lot coverage	<u>16.47</u> percent	<u>30%</u>
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	<u>16.47</u> percent	<u>30%</u>
Proposed structures (Items 1 + 2/sq. ft. of lot)	<u>7.77</u> percent	<u>20%</u>
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	<u>14.32</u> percent	<u>10%</u>
Total proposed lot coverage	<u>22.09</u> percent	<u>30%</u>
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	<u>22.09</u> percent	<u>30%</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:

EXISTING LONG NARROW DRIVEWAY ALLOWS NO ROOM FOR 2ND CAR PARKING PLUS NARROWNESS OF THE LOT PROHIBITS ROOM FOR OFF-STREET PARKING. NO ON-LOT K-TURN PARKING DUE TO DRIVEWAY IS TOO NARROW. LOT COVERAGE IS LESS THAN THE ALLOWED 25%.

8. Set forth the particular Statute under which this Application is made (NJSA 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.

[Signature]

Petitioner's Signature

415 EMERSON LANE

Address

BERKELEY HEIGHTS, NJ 07922

908-380-2998

Phone

Cell Phone

JUSTIN J PATEL @ JPP@A.COM

E-Mail Address



Berkeley Heights Township  
Zoning & Engineering  
29 Park Ave  
Berkeley Heights, NJ 07922  
908-464-2700, 2115  
tbocco@bhtwp.com

Application Date: 7/2/2019  
Application Number: ZA-19-200  
Permit Number:  
Project Number:

Fee: \$0

## Denial of Application

Date: 7/2/2019

To: PATEL, JUSTIN  
415 EMERSON LANE  
BERKELEY HEIGHTS, NJ 07922

RE: 415 EMERSON LANE  
Block: 2702 Lot: 8 Qual: Zone: R-20

Dear PATEL, JUSTIN,

Your request is hereby denied, based upon the following requirements:

The applicant is proposing to repair, enlarge (parking) and refinish an existing asphalt driveway as shown on the survey map submitted with the zoning application.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for a maximum 10% other coverage, where 8.70% is existing and 14.32% is proposed.

Section 11.1.7A. requires a minimum off-set of 5 feet from a driveway to a lot line. The proposed gravel parking space on the east side of the property counts as driveway. The proposed parking space is to be approx. 1 foot off the side property line.

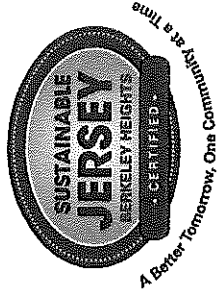
Nonconforming: lot width, combined side yard setback

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. Bocco, Zoning Officer



**Berkeley Heights Environmental Commission**  
29 Park Avenue  
Berkeley Heights, NJ 07922  
(908) 464-2700 ext. 2116  
[www.BH-EC.org](http://www.BH-EC.org)

**MEMO**

February 5, 2020

**TO: Zoning Board of Adjustment**

**Subject: 415 Emerson Lane, Block 2702, Lot 8**

**Findings of Fact:**

- The applicant proposes to repair and expand the asphalt driveway.
- The site does not appear to be in a flood plain, a riparian zone or a wetland.
- Recharge value is apparently greater than 12 inches per year.
- Slope of 0 to 3 percent.
- Proposed impervious coverage for accessory items increases from 8.7 percent to 14.32 percent and exceeds the maximum allowed by 4.32 percent for the R-20 zone.
- Total proposed impervious and lot coverage, at 22.09 percent, is below the maximum of 25 percent.

**Recommendations:**

- The Commission recommends that the application as submitted be denied.
- If the Zoning Board approves the application, the Commission recommends keeping maximum impervious coverage for accessory items at or below the maximum allowed.
- To comply with maximum coverage, require the following options:
  - install pervious pavers for the driveway, as approved by the township engineer.
  - slope the drive so that runoff flows into a bioswale on the property.
  - retain stormwater runoff on the property by disconnecting any downspouts or sump pumps from the street and connect them to rain gardens. Information on rain gardens can be found at [http://water.rutgers.edu/Rain\\_Gardens/RGWebsite/raininfo.html](http://water.rutgers.edu/Rain_Gardens/RGWebsite/raininfo.html).

ZONING BOARD OF ADJUSTMENT - RESIDENTIAL VARIANCE APPLICATION

Berkeley Heights, NJ

COMPLETENESS CHECKLIST:

Application No.: 32-18

Name of Applicant: JUSTIN PATEL

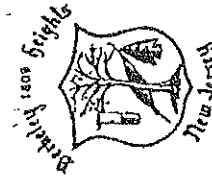
Property Address: 415 Emerson Ln

Please submit TWELVE (12) sets of your application documents to the Board Secretary. Each set should include the following documents:

	Date Document Received	Initials
• Application form (pages 1 and 2)	11-25-19	<i>J</i>
• Zoning Officer's Denial Letter	7-2-19	<i>J</i>
• Survey of Property (Site Plan/Plot Plan) showing: --Dimensions and area --Existing structures and proposed additions or changes with dimensions --Setback distances on front, rear, and sides	/	<i>J</i>
• Architectural plans or equivalent showing dimensions and elevations	/	<i>J</i>
• 200-ft. radius map and list	11/25/19	C.V.
• Checklist of General Construction and Design & Grounds and Landscaping Considerations	/	
• Fees and Escrow checks received	11/21/19	C.V.

DATE OF CERTIFICATION OF COMPLETENESS:

1/18/20  
*J Patel*



# 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: November 4, 2019

Block: 2702 Lot(s): 8 Address: 415 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: 11/04/2019 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: 11-4-19 [Signature]  
Tax Collector

## BERKELEY HEIGHTS

## OWNER &amp; ADDRESS REPORT

CERTIFIED 200' LIST FOR BLOCK: 2702 LOT: 8  
415 EMERSON LANE

11/04/19 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2702	4		2	GUIDETTI, VICTOR & PATRICIA 397 EMERSON LANE BERKELEY HEIGHTS, N J 07922	397 EMERSON LANE	
2702	5		2	TAURO, ANTHONY & TURNER, MELISSA 403 EMERSON LANE BERKELEY HEIGHTS, N J 07922	403 EMERSON LANE	
2702	6		2	LAROCHE, EMMANUEL & MICHELE 409 EMERSON LANE BERKELEY HEIGHTS, N J 07922	409 EMERSON LANE	
2702	7		2	109 GREEN ST LLC 46 TIP TOP WAY BERKELEY HTS., NJ 07922	411 EMERSON LANE	
2702	9		2	KINNEY, CASSANDRA LEE 417 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	417 EMERSON LANE	
2702	10		2	SEIDEN, SHAWN & MURPHY, MEGAN 12 BRANKO ROAD BERKELEY HEIGHTS, NJ 07922	12 BRANKO ROAD	
2702	11		2	MILANO, FRANCES P.O. BOX 5 BERKELEY HEIGHTS, N J 07922	8 BRANKO ROAD	
2702	12		2	VINHAI, ANTHONY & PATRICIA 4 BRANKO ROAD BERKELEY HEIGHTS, N J 07922	4 BRANKO ROAD	
2702	15		2	WEBER, RADIN ILENE 40 BRANKO ROAD BERKELEY HEIGHTS, N J 07922	40 BRANKO ROAD	
2702	16		2	AGUILERA, RAUL & DAISY 34 BRANKO ROAD BERKELEY HEIGHTS, N J 07922	34 BRANKO ROAD	
2702	17		2	DELACRUZ, JOSEPH JR & KELLY C 30 BRANKO ROAD BERKELEY HEIGHTS, NJ 07922	30 BRANKO ROAD	
2702	18		2	CHOI, TEDDY & LU, CONNIE 20 BRANKO ROAD BERKELEY HEIGHTS, NJ 07922	20 BRANKO ROAD	
2703	2		2	GEERTSMA, BERNARD G & ROSMARIE 396 EMERSON LANE BERKELEY HEIGHTS, N J 07922	396 EMERSON LANE	
2703	3		2	ZRATKO, HENRY & SOPHIE 402 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	402 EMERSON LANE	
2703	11.01		2	GEDAL, MARK & IRINA 41 RALPH PLACE BERKELEY HEIGHTS, N J 07922	41 RALPH PLACE	
2703	12		2	CRUMYS, MICHAEL & MARA 416 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	416 EMERSON LANE	
2703	13		2	HENDRICK, WALTER E. III 422 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	422 EMERSON LANE	
2703	14		2	HUGHES, STEPHEN J & JENNIFER G 428 EMERSON LANE BERKELEY HEIGHTS NJ 07922	428 EMERSON LANE	

200' radius map  
for  
block 2702 lot 8 (415 Emerson Cr.)

