



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

Application Date: 7/17/2020  
 Application Number: ZA-20-330  
 Permit Number: \_\_\_\_\_  
 Project Number: \_\_\_\_\_  
 Fee: \$0

## Denial of Application

Date: 7/17/2020

To: CONNELL FOLEY, LLP C/O PATRICK MCAULEY, ESQ.  
 56 LIVINGSTON AVE.  
 ROSELAND, NJ 07068  
 CC: K. Hughes, P.P. , C. Valenti, planning bd.,

RE: 450 SPRINGFIELD AVE  
 BLOCK: 702 LOT: 13 QUAL: ZONE: DD

DEAR CONNELL FOLEY, LLP C/O PATRICK MCAULEY, ESQ.,  
 Changing approved site plan, see denial letter!

Your request is hereby denied based upon the following requirements:

It has come to my attention that a revised site plan has been submitted to the township building department which contains changes to the originally approved site plan for The Terrace at Berkeley Heights. In general, an outdoor terrace has been removed and architectural features of the building have changed.

**Section 17.1.1 - Prohibitions**

It shall be unlawful for any person, partnership, corporation, or agent to construct, move, alter, or change the use of, or occupancy of, any building or structure or use of any land without receiving all required permits or approvals.

**Section 17.4.1 - Violations and Penalties**

Any person, partnership or corporation, whether as owners, lessee, principal, agent, employee or otherwise, who shall violate any of the provisions of this Ordinance or shall fail to comply with any of the requirements thereof, or who shall erect, construct or alter, enlarge, convert, rebuild, move or use any building or structure or uses any lot or land in violation of any statements or plans submitted and approved hereunder the provisions of this Ordinance, shall be in violation of this Ordinance, or who shall refuse reasonable opportunity to inspect any premises or who shall fail to abate such violation immediately after written notice has been served upon him, either by certified mail or by personal service, shall upon conviction thereof be punishable by a fine of not more than five hundred (\$500.00) dollars for each offense or imprisonment in the county jail for a period not to exceed thirty (30) days. Each and every day that such a violation continues after such notice shall be deemed a separate and specific violation of this Ordinance.

For purposes of this section, any failure to satisfy a condition of approval, any failure to ensure continued compliance with any condition of approval, and/or any failure to maintain the buildings or other structures in conformity with the approved plans, architectural drawings or elevations constituting a portion of the approved application, or other representations as to appearance and condition made during the course of the presentation to the approving Board shall be a violation of this Ordinance.

In order to avoid issues with the layout of the site and design of the building during its construction a revised site plan shall be submitted and approved by the planning board to move forward with the changes made to the approved site plan.

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.

  
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 Thomas A. Bocko, Zoning Officer