

Application No. 7-21
 Date of Filing 3/22/21 MAR 22 2021
 Application Fee _____
 Escrow _____

PLANNING / ZONING / ENGINEERING
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 DAVID + LILIANA BUSSIN for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.
(applicant name)

Petitioner Name DAVID + LILIANA BUSSIN residing at 53 WATCHUNG BLVD

Telephone No. 347-421-4790, Email address dbussin@gmail.com / lillysprints@gmail.com

1. Petitioner is owner of property at 53 WATCHUNG BLVD (Block 4806, Lot 17)
(owner or tenant etc.) on the Tax Map located in the R20 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:
LOT COVERAGE (rear + OTHER)
INGROUND pool for family leisure

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 6.1.1A of the Zoning Ordinance.

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	18,700	-	N
Lot Width	100	100	-	N
Lot Depth	150	187.02	-	N
Front Setback	50	76.6	-	N
Side Setback	18	28	-	N
Side Setback	12	14.3	-	N
Combined side setbacks	30	42.3	-	N
Rear Setback	40	45	-	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 2,298 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 2,298 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 2,342 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 1,690 sq. ft.
- Total area to be occupied by Other Items 4,032 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 4,640 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 6,330 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>12.29</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot) <u>12.52</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot) <u>24.81</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot) <u>12.29</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot) <u>21.56</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot) <u>33.85</u> percent	25%	30%

d. Accessory buildings/structures (if applicable): Inground Pool, Spa, Pool Surround, (pool surroundings) (type: pool, etc.) See page Tank
 Area proposed 1,658 square feet
 Maximum height proposed 4 feet
 Proposed Set Backs: Side 20.6 Sides 23 Rear 7

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

7. Facts in support of petitioner's relief:
The purpose of this petition is to gain approval from the board for an inground pool for family leisure & enjoyment

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 _____

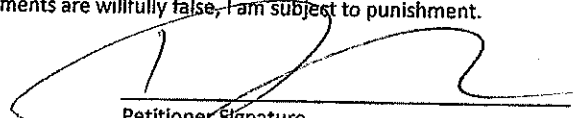
9. Has the Building or Zoning Department examined the plans for the proposed building and refused a building permit? YES If Yes, please attach the Zoning Officer's Denial letter.

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.



 Petitioner Signature

 Address 53 WATCHUNG Blvd.

347-421-4790

 Phone abussia@gmail.com Cell Phone _____
 E-Mail Address _____



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

Application Date: 3/16/2021
 Application Number: ZA-21-142
 Permit Number: _____
 Project Number: _____
 Fee: \$0

Denial of Application

Date: 3/16/2021

To: BUSSIN, DAVID SCOTT & LILLIAN
 53 WATCHUNG BLVD
 MURRAY HILL, NJ 07974

CC: APP TELE:(347) 421-4790
 APP EMAIL:DBUSSIN@GMAIL.COM

RE: 53 WATCHUNG BLVD
 BLOCK: 4806 LOT: 17 QUAL: ZONE: R-20

DEAR BUSSIN, DAVID SCOTT & LILLIAN,

The property owner is proposing to install and inground pool, 18' x 36', spa, pool surround, sidewalk connecting the pool to the existing deck and pool equipment as shown on Pool Location & Grading Plan prepared by D.J. Egarian & Associates Inc., dated 1/29/21, no revisions.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires a minimum 15' rear yard setback for an accessory structure (pool deck edge), where 7' is proposed. Maximum other coverage allowed is 10% of the lot area, where nonconforming 12.52% is existing and 21.56% is proposed.

Maximum total lot coverage allowed in the R-20 zone is 25%, where 24.81% is existing and 33.85% is proposed. Minimum accessory structure side yard setback is 12', where 4' is proposed to the 500 gallon seepage tank with grate.

Existing nonconforming: lot area, other coverage, driveway off-set from side property line, existing fence and paver patio are shown on Pool Location and Grading Plan as being extremely off of the subject lot.

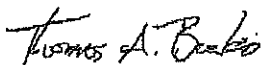
Note:

1. Zoning permit #ZP-16-00176 dated 8/10/2016 for a fence installation. It is unclear whether the fence shown on the plan is the fence installed under the fence permit granted?
2. A paver patio is shown on the plan in the eastern rear yard corner partially on the subject lot. It is unclear if the patio is existing or has been removed and/or who owns the patio? The 294 sq. ft. patio has not been added into the "other" coverage calculations.
3. Due to the location of the existing driveway it is unclear if there will be a negative impact to the adjacent property as a result of construction vehicles.

FEMA Flood Zone Determination - Panel 18F 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



Berkeley Heights Township
 29 Park Ave
 Berkeley Heights, NJ 07922
 908-464-2700, 2115

Date Issued: 8/10/2016
 Application Number: ZA-16-219
 Application Date: 8/10/2016
 Project Number: _____
 Permit Number: ZP-16-00176
 Fee: \$50.00

Zoning Permit

Worksite **53 WATCHUNG BLVD**
 Location: **Berkeley Heights Township, NJ**

Owner: **BUSSIN, DAVID SCOTT & LILLIAN**
 Address: **53 WATCHUNG BLVD**
MURRAY HILL, NJ 07974

Applicant: **Challenger Fence**
 Address: **53 Kentucky Ave.**
Paterson, NJ 07503

Block: 4806 Lot: 17 Qualifier: _____ Zone: R-20

This Certifies that an application for the issuance of a Zoning Permit has been examined.

Present Use: Residential-Single Family

Non Conforming Use

Non Conforming Structure

Proposed Use: Residential-Single Family Fence

Work Description:

Fence - The applicant is proposing to install a 5' high solid pvc type fence in location as shown on the survey map submitted with the zoning application. The property owner is responsible for the entire fence (posts and rails/panels) to be located on the subject lot.

Note:

- 1. The application fee has been paid in full.**
- 2. Prior to removing any trees a tree removal permit shall be obtained.**

Application Approved Date: 8/10/2016

Upon review it was determined that the Zoning Permit:

Permitted by Ordinance

Permitted by Variance approved on: _____

Approved with Conditions

Valid Nonconforming Use/Structure is established by

Zoning Board of Adjustment

Zoning Officer

Thomas A. Bocko

Thomas A. Bocko - Zoning Officer

3/16/2021

Date

Applicant _____

Application # _____

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.

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

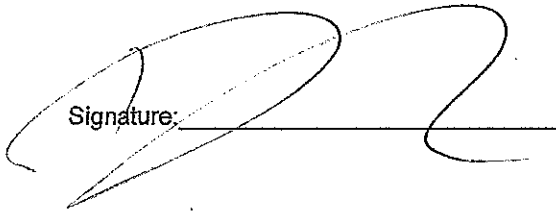
SITE INSPECTION CONSENT FORM

Applicant: DAVID BUSSIN Application No.: _____

Block: 4806 Lot: 17

Street Address: 53 Watchung Blvd

I, DAVID BUSSIN, 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: 3/19/21

OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

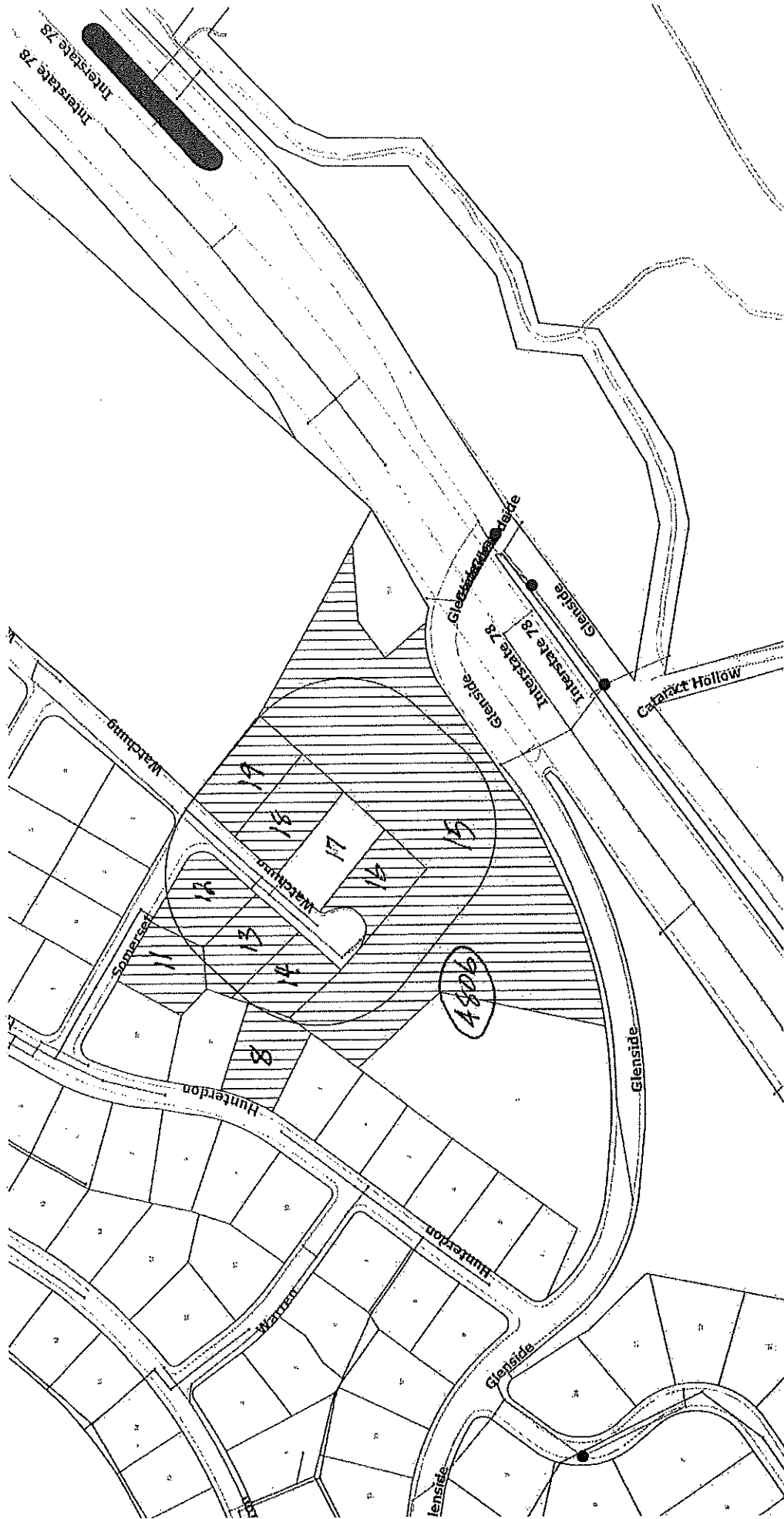
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CERTIFIED 200' LIST FOR BLOCK: 4806 LOT: 17
53 WATCHUNG BLVD

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
4806	8		2	FAJARDO, JUAN M. & MEGAN 49 HUNTERDON BLVD MURRAY HILL, N J 07974	49 HUNTERDON BLVD	
4806	11		2	SAYASITH, SOUKSAVAN & LYNN 17 SOMERSET PLACE MURRAY HILL, N J 07974	17 SOMERSET PL	
4806	12		2	NEWMAN, RYAN A & CARA BRISTOL 27 SOMERSET PL MURRAY HILL, NJ 07974	27 SOMERSET PL	
4806	13		2	MIRABELLA, MICHAEL & MARY ANN 54 WATCHUNG BLVD MURRAY HILL, N J 07974	54 WATCHUNG BLVD	
4806	14		2	CROWE, NATALIE & DANIEL J 46 WATCHUNG BLVD NEW PROVIDENCE, NJ 07974	46 WATCHUNG BLVD	
4806	15		15C	DIV.OF PARKS & REC./UNION CTY.ADM.B ELIZABETHTOWN PLAZA ELIZABETH, N J 07207	GLENSIDE AVE	
4806	16		2	ERTLMAIER, H. JOSEPH 45 WATCHUNG BLVD MURRAY HILL, N J 07974	45 WATCHUNG BLVD	
4806	18		2	KLACIK, TODD W & WHITNEY E 61 WATCHUNG BLVD. MURRAY HILL, NJ 07974	61 WATCHUNG BLVD	
4806	19		2	DANIELS, A RAIFORD 69 WATCHUNG BLVD MURRAY HILL, N J 07974	69 WATCHUNG BLVD	

(53 Watching Birds)

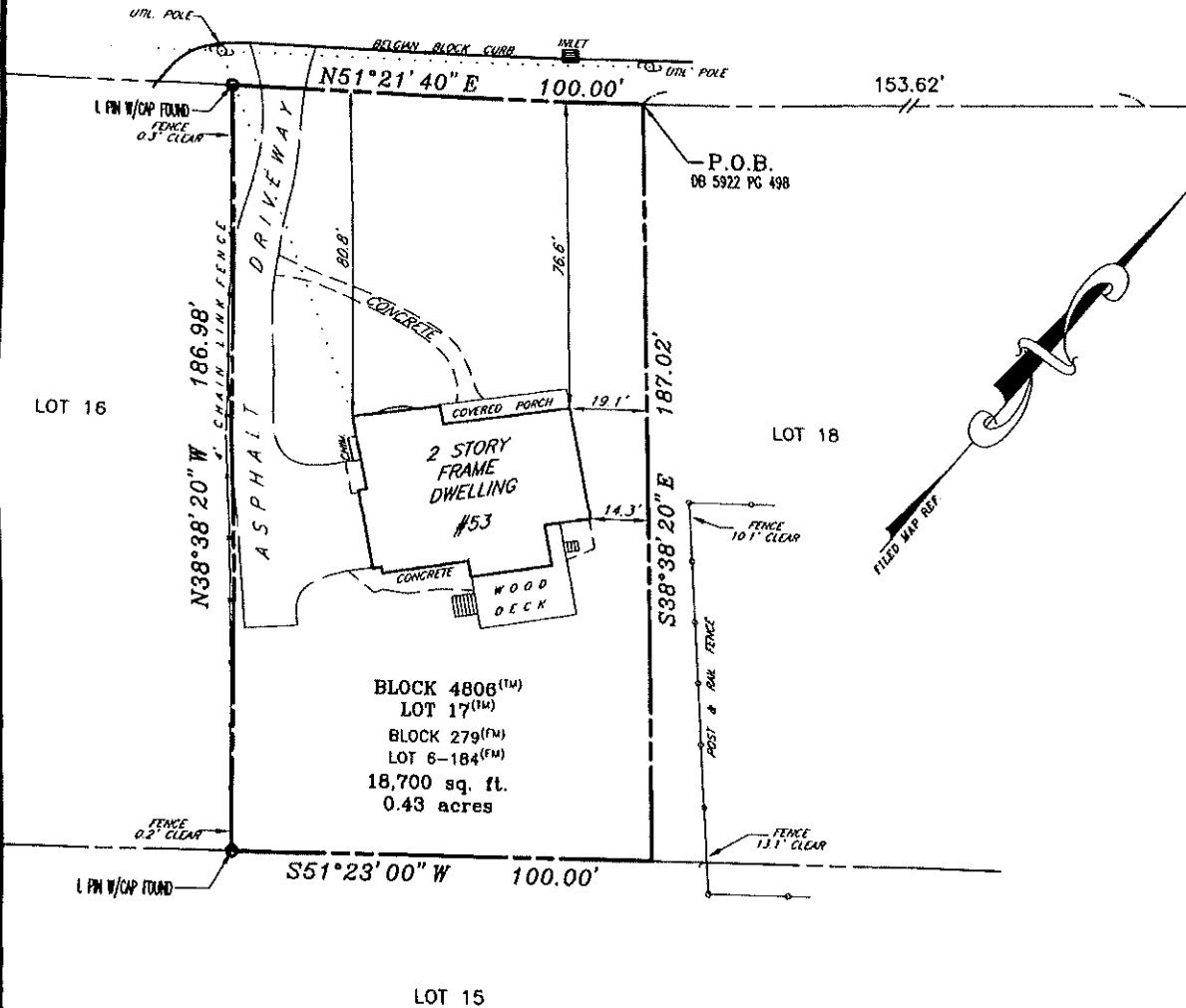
200' radius map
block 4806 for 16717



PLAN OF SURVEY
DAVID BUSSIN & LILANA PINILLA
 SITUATED IN
 TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY
 BLOCK 4806 LOT 17

SOMERSET PLACE
 50' R.O.W.

WATCHUNG BOULEVARD
 50' R.O.W.



THIS CERTIFICATION IS MADE ONLY TO ABOVE NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY ABOVE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY FOR SURVEY ADJUDICATION, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

I HEREBY CERTIFY THIS SURVEY TO:

DAVID BUSSIN and LILANA PINILLA, husband and wife
 NJ LENDERS CORP., its successors and/or assigns
 ACRES LAND TITLE AGENCY, INC. (301000)
 WFG NATIONAL TITLE INSURANCE COMPANY
 BENENSON & SCHER
 ELIOT SCHER, ESQUIRE

REFERENCES:

DEED BOOK 5922 PAGE 498

MAP ENTITLED "FINAL MAP SECTION NO. 11 MURRAY HILL ESTATES"
 FILED MAY 1, 1958 AS MAP NO. 480-E.

A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003, c.14(C45:8-36.3) and N.J.A.C. 13:40-5.2 (d).

CONTROL LAYOUTS, INC.

LAND SURVEYORS
 CERTIFICATE OF AUTHORIZATION #24GA28001900
 271 CLEVELAND AVENUE, HIGHLAND PARK, N.J. 08904
 PHONE (732) 846-9100 FAX (732) 937-5793

DATE: 7/29/15