

Application No. ZA-21-439
Date of Filing _____

Application Fee \$250.00
Escrow \$500.00

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 Okan Esendemir, Principal of OES Properties, LLC for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

(applicant name)

Petitioner Name Okan Esendemir, residing at 2 Pfommer Ave Budd Lake, NJ

Telephone No. 201-970-3846 Email address oesproperties@gmail.com

1. Petitioner is owner of property at 40 Cedar Green Lane Block 3001, Lot 10 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:
Add a 2nd story over entire 1st story, construct a portico over the front entry door, remove the exist breezeway & 2-car garage and reconstruct a new 2-car garage. "Schedule of Gen'l Regulations" requires 50' front yard setback. Existing nonconforming setback is 41.19', proposed portico is setback 36', proposed 2nd flr add'n setback is 41.19'. Exist. Garage side yard setback is nonconforming. New Garage will conform to combined side yard setback of 30'.

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 6.1.1B 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	20,720	no change	N
Lot Width	100	100	no change	N
Lot Depth	150	207.36	no change	N
Front Setback	50	44.19	36	Y
Side Setback	12	14.20	15.6	N
Side Setback	12	14.40	no change	N
Combined side setbacks	30	28.6	30	N
Rear Setback	40	129.8	no change	N

b. Provide coverage numbers below. Do not include slotted deck in this section:

1. Area of existing buildings/structures (house, attached/detached garage, covered porch, shed) to remain 1890 sq. ft.
2. Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 195 sq. ft.
3. Total area to be occupied by buildings/structures 2085 sq. ft.
4. Area of existing Other Items (patio, driveways, walks, pool) 1236 sq. ft.
5. Area of proposed Other Items (patio, driveway, walks, pool) 0 sq. ft.
6. Total area to be occupied by Other Items 1236 sq. ft.
7. TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 3126 sq. ft.
8. TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 3321 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)	9.12	percent 15%	percent 20%
Existing Other coverage (Item 4/sq.ft. of lot)	5.96	percent 10%	percent 10%
Total existing lot coverage (Item 7/sq. ft. of lot)	15.08	percent 25%	percent 30%
Proposed buildings/structures (Item 3/sq.ft. of lot)	10.06	percent 15%	percent 20%
Proposed Other coverage (Item 6/sq. ft. of lot)	0	percent 10%	percent 10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	16.02	percent 25%	percent 30%

d. Accessory buildings/structures (if applicable): Existing 100 sf shed
 Area proposed NA square feet (type: pool, etc.) Proposed Set Backs
 Maximum height proposed NA feet Side NA Side NA Rear NA

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 renovation is to update an existing "50's" home to bring it into the 21st century - both in interior layout and curb appeal - without extending the existing footprint - and to bring it up to the aesthetic standard of the houses on the rest of Cedar Green Lane. Proposed plans actually reduce the existing nonconformity by demolishing the existing Garage and reconstructing within the Ordinance stipulated combined side yard setback.

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 ✓ d) Use _____


9. Has the Building or Zoning Department examined the plans for the proposed building and refused a building permit? Y 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 _____

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

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
2 Ptrommer Ave
 Address
Budd Lake, NJ 07828
201-970-3846
 Phone
oesproperties@gmail.com Call Phone
 E-Mail Address



TOWNSHIP OF BERKELEY HEIGHTS
29 Park Ave. Berkeley Heights, NJ 07922
TEL: (908)-464-2700 FAX: (908) 464-3791

LIST OF PROPERTY OWNERS TO BE SERVED NOTICE

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: 08/05/2021

Block: 3001 Lot(s): 10 Address: 40 CEDAR GREEN LANE

<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: 08/05/2021

Tax Assessor's Office

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

Date: 8-5-2021

Tax Collector

BERKELEY HEIGHTS

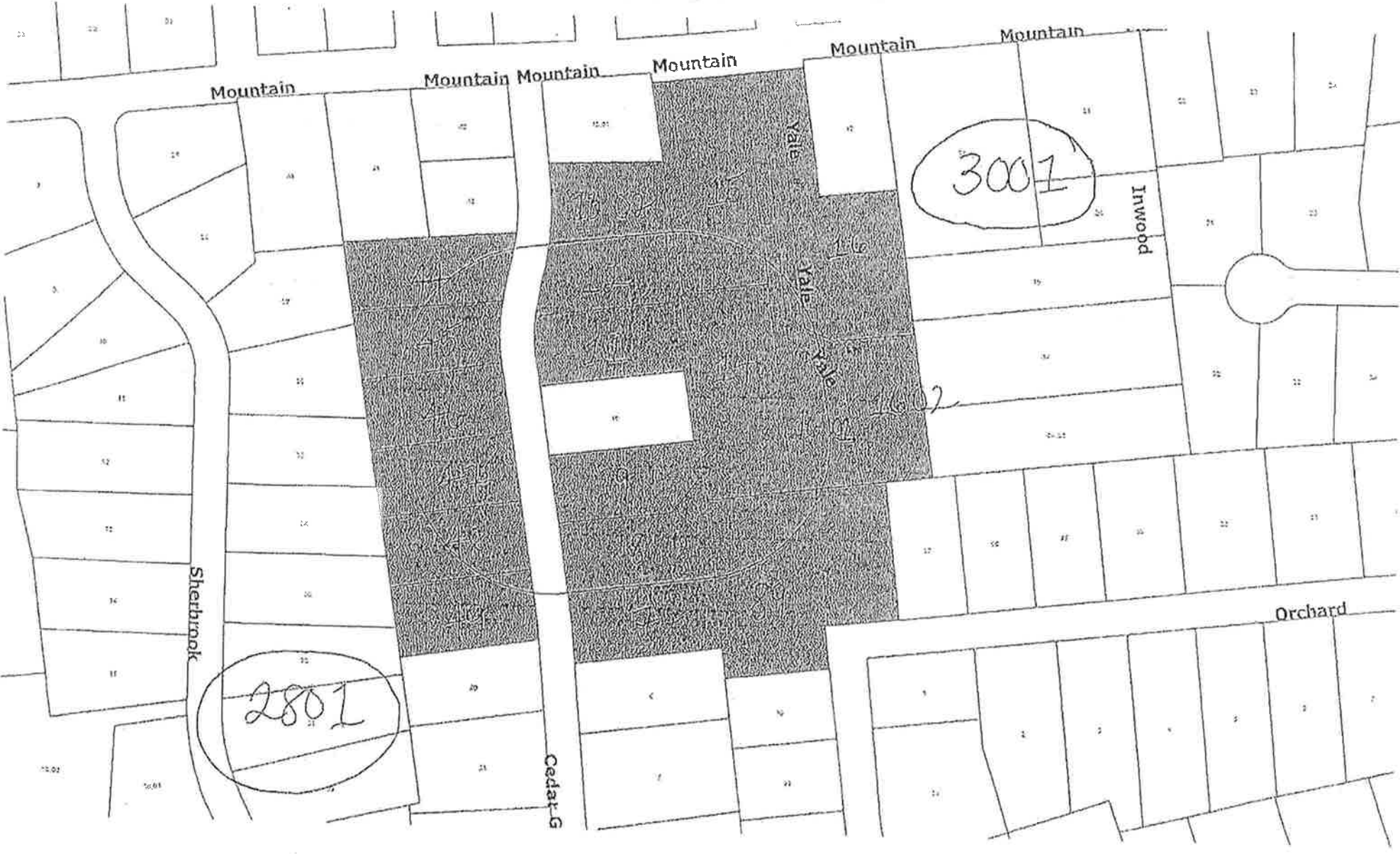
CERTIFIED 200' LIST FOR BLOCK 3001, LOT 10
40 CEDAR GREEN LANE

OWNER & ADDRESS REPORT

08/05/21 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2801	44		2	YOON, LAWRENCE K & JESSICA B 19 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	19 CEDAR GREEN LANE	
2801	45		2	DULTZ, ALISA 29 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	29 CEDAR GREEN LANE	
2801	46		2	DIETZEL, DAVID & KELLY 37 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	37 CEDAR GREEN LANE	
2801	47		2	ARUSADA, CHAR 45 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	45 CEDAR GREEN LANE	
2801	48		2	ETTERMAN, BRUCE & PRUSSACK, RHONDA 53 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	53 CEDAR GREEN LANE	
2801	49		2	LANIER, TERENCE & EDWINA 59 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	59 CEDAR GREEN LANE	
3001	7		2	COLLIGAN, TROY & MAZO, ALLISON S 64 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	64 CEDAR GREEN LANE	
3001	8		2	SIEGEL, DAVID B. & SIEGEL, JUDI S 56 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	56 CEDAR GREEN LANE	
3001	9		2	KOHLER, WILLIAM & DAMN 48 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	48 CEDAR GREEN LANE	
3001	11		2	DIPOLA, JOHN G. & JANET C 32 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	32 CEDAR GREEN LANE	
3001	12		2	LANG, LAWRENCE J. & CAROL L. 24 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	24 CEDAR GREEN LANE	
3001	13.02		2	SHERIDH, JAMES R. & DENMARK, LOIS 16 CEDAR GREEN LANE BERKELEY HEIGHTS, NJ 07922	16 CEDAR GREEN LANE	
3001	14		2	BUSSEY, GORY & KONSSAM, R 880 MOUNTAIN AVE BERKELEY HEIGHTS, NJ 07922	880 MOUNTAIN AVE	
3001	15		2	BERNSTEIN, DAVID S. & SUSAN R. I. 874 MOUNTAIN AVENUE BERKELEY HEIGHTS, NJ 07922	874 MOUNTAIN AVE	
3001	16		2	JANKOWSKI, SUSAN POWERS 866 MOUNTAIN AVENUE BERKELEY HEIGHTS, NJ 07922	866 MOUNTAIN AVE	
3001	16.01		2	GOLLAPUDI, NEELA M.K. & NEELIMA D. 872 MOUNTAIN AVENUE BERKELEY HEIGHTS, NJ 07922	872 MOUNTAIN AVE	
3001	16.02		2	ANGELICA, ROBERT A. & DENISE M. 868 MOUNTAIN AVENUE BERKELEY HEIGHTS, NJ 07922	868 MOUNTAIN AVE	
3001	89		2	PIATNOCZKA, GEORGE T. & DENISE R. 112 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	112 OLD FARM ROAD	

200' Radius List for 40 Cedar Lane (BL 3001 L 10)



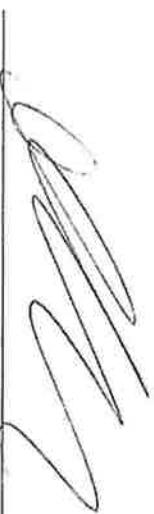
TO: BOARD OF ADJUSTMENT APPLICANTS

Effective July 2019 please provide a W-9 Form together with your escrow check.

Please sign below to indicate that you have read the information about the required escrow deposit.

I understand that the sum of \$ 500.00 will be deposited in an escrow account. In accordance with the Ordinances of the Township of Berkeley Heights, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials, drafting the resolution of decision, and publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

7/30/2021
(Date)


(Signature of Applicant)

Application # ZA-21-439

Property Address: 40 Cedar Green Lane

**TOWNSHIP OF BERKELEY HEIGHTS
BOARD OF ADJUSTMENT**

To: Board of Adjustment Applicants

If you are being represented by an attorney or have an architect or other professional who may be assisting you in the project, please include their contact information below.

Thank you,

Connie Valenti
Board Secretary

Attorney's Name: Jeffery A Siedsma/ Siedsma Law LLC

Attorney's Phone No.: 973-870-0470

Attorney's Email Address: 84 Washington St Morristown, NJ 07960

Other Professionals (architect, landscape architect, engineer, etc.) involved in my application:

Professional's Name: Deborah Jones/ O5 ARCHITECTS

Type of Professional: Architect

Phone and Email Address: 973-616-1000 q5incdjb@aol.com

Professional's Name: _____

Type of Professional: _____

Phone and Email Address: _____

TOWNSHIP OF BERKELEY HEIGHTS
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

SITE INSPECTION CONSENT FORM

Applicant: Okan Esendemir, Principal of OES Properties, LLC Application No.: ZA-21-439

Block: 3001 Lot: 10

Street Address: 40 Cedar Green Lane Berkeley Heights, NJ

I, Okan Esendemir, Principal of OES Properties, LLC, 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: 7/30/2021



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

Application Date: 7/13/2021
 Application Number: ZA-21-439
 Permit Number: _____
 Project Number: _____
 Fee: \$0

Denial of Application

Date: 7/20/2021

To: OES PROPERTIES LLC
 2 PFROMMER AVE
 BUDD LAKE, NJ 07828

CC: APP TELE:(201) 970-3846
 APP EMAIL:OESPROPERTIES@GMAIL.COM

RE: 40 CEDAR GREEN LANE
 BLOCK: 3001 LOT: 10 QUAL: ZONE: R-20

DEAR OES PROPERTIES LLC,

The applicant is proposing to add a second story over the entire first story of this single family dwelling, construct a portico over the front entry door, remove the existing breezeway and 2 car garage and reconstruct a new 2 car garage.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires a minimum 50' setback in the R-20 zone, where nonconforming 41.20' is existing and 36' +/- is proposed to the new portico and 41.19' to the new second story addition.

Note: The existing garage is to be demolished. The new garage to be constructed will be shifted further off the side property line in order to conform to the combined side yard setback of 30 feet.

Existing nonconforming; principal front yard setback; 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. Backo - Zoning Officer

Applicant Okan Esendermir, Principal of OES Properties, LLC

Application # ZA-21-439

Township of Berkeley Heights
Township Official

General Construction and Design & Grounds and Landscaping Considerations

- | <u>Applicant</u> | <u>Reviewed</u> | <u>Item</u> |
|------------------|-----------------|--|
| (NA) | () | 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. |
| (NA) | () | 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>
(NA)	()	Consider limiting impervious surfaces such as use of an open grid pavement system (at least 50% pervious).
(NA)	()	Consider reducing impervious cover to promote infiltration that captures and treats storm water runoff from rainfall.
(NA)	()	Consider avoiding runoff to other properties by installing an underground system 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 solar 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:



DEED

TAX LOT 1302

S 01°13'40" W

100.00'

TAX LOT 10
BLOCK 3001
AREA = 20,720.5 S.F.

207.05'

TAX LOT 9

FRAME SHED

15.9'

N 88°57' W

MOUNTAIN AVENUE

207.36'

TAX LOT 11

S 88°57' E

446.61'

P.O.B.

N 01°03' E

50' R.O.W.

CEDAR GREEN LANE

LOCATION PROPERTY SURVEY
St. No. 40 CEDAR GREEN LANE
TAX LOT 10
BLOCK 3001
TOWNSHIP of BERKELEY HEIGHTS,
UNION COUNTY, NEW JERSEY

THIS SURVEY IS CERTIFIED TO:
OKAN ESENDEMIR

Wm. DiMarzo & Son, Assoc., Inc.

Surveyors - Planners

2204 MORRIS AVENUE, SUITE 103
P.O. BOX 1717
UNION, NEW JERSEY 07083-1717
TEL: (908) 686-2380
FAX: (908) 686-7640

William P. Swift

WILLIAM P. SWIFT, N.J.P.L.S. 20788
PROFESSIONAL LAND SURVEYOR and PROFESSIONAL PLANNER
CERTIFICATE of AUTHORIZATION NUMBER 24GA27971700

BLOCK 3001 SCALE 1" = 20' PROJ. NO. 21-053

DATE: MAY 11, 2021

This certification is made only to the parties for the purchase and/or mortgage of herein delineated property by the named purchaser. No responsibility or liability is assumed by the Surveyor for the use of survey for any other purpose including but not limited to use of survey for survey of record, resale of property, or any other person not listed in certification, either directly or indirectly.
This is a location survey, property corners were not set as per written contractual agreement pursuant to N.J.A.C. 17:27-5.1(d).
This survey is subject to facts that a complete and accurate title search may reveal and is subject to easements of record.