

Application No. APP22-0002  
 Date of Filing 1/27/2022

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

**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 Andrew Park for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.  
(applicant name)

Petitioner Name Andrew Park, residing at 45 Rogers Ave  
 Telephone No. (310) 968-4485, Email address andrewpark310@gmail.com

1. Petitioner is owner of property at 45 Rogers Ave, Block 1.01, Lot 2.07  
(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:  
construction of an inground pool on an existing nonconforming lot area. Variances requesting section 6.1.1B other lot coverage max of 10% proposed 20.92%. Total lot coverage max is 25% and proposed 34.69%.

3. Does the Application concern a request for Certificate of Nonconformity? Y  
 Does the Application concern a Use Variance? NO, and: a) Site Plan \_\_\_\_\_ b) Subdivision \_\_\_\_\_

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.

**a. Description of the Property:**

	Required See Attached Schedule 6.1.1B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	20,000	18,934	18,934	N
Lot Width	100	113.81	113.81	N
Lot Depth	150	167.10	167.10	N
Front Setback	50	50	50	N
Side Setback	12	13.4	13.4	N
Side Setback	12	20.7	20.7	N
Combined side setbacks	30	34.1	34.1	N
Rear Setback	40	43	43	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 2843 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 2843 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 2058 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 2261 sq. ft.
- Total area to be occupied by Other Items 4319 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 4901 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 7162 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>15.01</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot) <u>10.87</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot) <u>25.88</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot) <u>15.01</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot) <u>22.81</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot) <u>37.82</u> percent	25%	30%

d. Accessory buildings/structures (if applicable): Pool  
 (type: pool, etc.)  
 Area proposed 880 square feet Proposed Set Backs  
 Maximum height proposed 6 feet depth pool Side 14.63 Side 21.88 Rear 26.54

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:  
In 2018 this vacant lot was given a permit to construct a single family dwelling where a 15' road right of way dedication was received. The lot area less the deduction of this ROW created a nonconforming lot size of 18,934 sq ft where 20,000 sq ft. is required.

8. Set forth the particular Statute under which this Application is made (NJS 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.  
denial letter attached.

10. If the property is not owner occupied, name the Lessee and Use of the existing building and premises \_\_\_\_\_  
owner occupied

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.

Andrew Park  
 Petitioner's Signature  
45 Rogers Ave  
 Address  
Berkeley Heights, NJ 07922  
310-908-4485  
 Phone Cell Phone  
Andrew.Park310@gmail.com  
 E-Mail Address



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

Application Date: 12/9/2021  
 Application Number: ZA-21-743  
 Permit Number: \_\_\_\_\_  
 Project Number: \_\_\_\_\_  
 Fee: \$0

# Denial of Application

Date: 12/9/2021

To: EVERCLEAR POOLS & SPAS  
 144-146 ROSSITER AVE.  
 PATERSON, NJ 07502

CC: APP EMAIL:JEN@EVERCLEARPOOLSNJ.COM

RE: 45 ROGERS AVENUE  
 BLOCK: 2704 LOT: 6 QUAL: ZONE: R-20

DEAR EVERCLEAR POOLS & SPAS,

The applicant is proposing to install an inground pool 20' x 44' with patio surround.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for "other" lot coverage limits of 10%, where existing is 9.97% and proposed is 20.92%. Total lot coverage is limited to 25% where 23.74% is existing and 34.69% is proposed with the addition of the pool and patio.

The above percentages have been calculated using a lot area of 20,640 sq. ft. In the year 2018 this vacant lot received a building permit to construct a new single family dwelling, where a 15' road right of way dedication had been received from the builder to the township. Setbacks for the new construction were measured from this new R.O.W. dedication. The lot area less the dedication is 18,934 sq. ft. and the coverage numbers for this lot area are; existing "other" is 10.87%, where 22.81% is proposed. Total lot coverage existing is 25.88%, where 37.82% is proposed.

Reference -

Section 2.1.1 - Words and Terms Defined; Usage

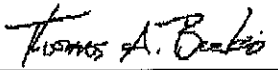
- \* Lot Area: An area of land which is determined by the limits of the lot lines bounding that area. Any portion of a lot included in a street right-of-way, school way or public walkway, shall not be included in calculating lot areas for the purpose of meeting minimum lot dimension requirements.
- \* Right-of-way Areas: Any property either owned by the Township of Berkeley Heights in fee simple or over which the Township has an easement and which is held by the Township for road purposes or for any other municipal utility or other purpose, the said area providing access for Township purposes.

Existing nonconforming: lot area

FEMA Flood Zone Determination - Panel 89E 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

TOWNSHIP OF BERKELEY HEIGHTS  
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

SITE INSPECTION CONSENT FORM

Applicant: Andrew & Sara Park Application No.: \_\_\_\_\_

Block: 2704 Lot: 6

Street Address: 45 Rogers Avenue

I, Andrew Park, 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: 1/21/22

Applicant Andrew Park

Application # 82-002

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.
( )	( ) N/A	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.
( )	( ) N/A	Recycle and/or salvage non-hazardous construction and demolition debris.
( )	( ) N/A	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).
( )	( ) N/A	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>
( )	( )	N/A 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

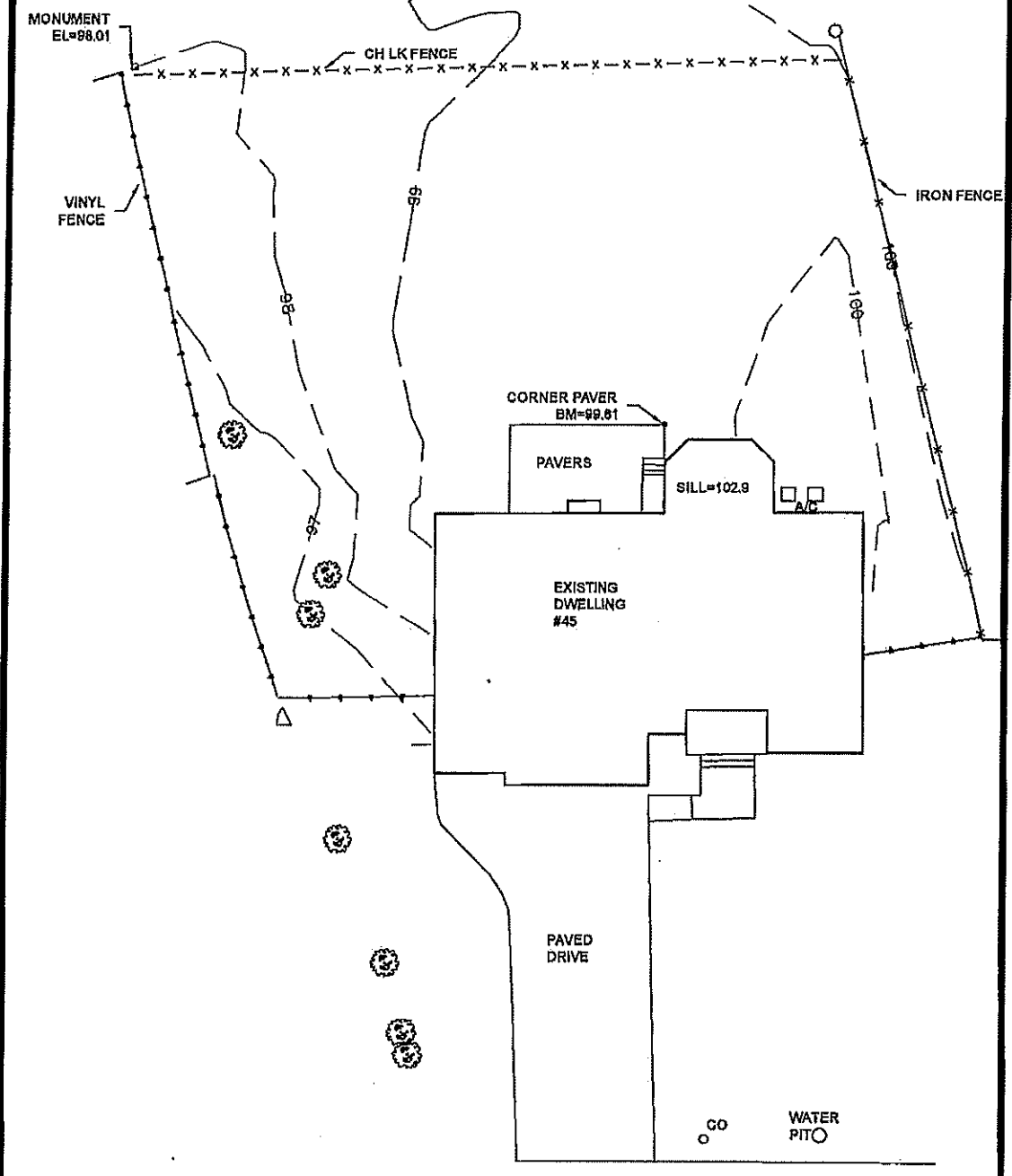
<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
( )	( )	N/A Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(/)	( )	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors. LED pool lights
( )	( )	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.
( ✓ )	( )	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: <hr/> <hr/> <hr/> <hr/>



ROGERS AVENUE

**SURVEY REFERENCES**  
 1. ELEVATION DATUM ASSUMED.  
 2. TAX ASSESSMENT MAP OF THE TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY

**GENERAL NOTES**  
 1. PROPERTY SUBJECT TO DOCUMENTS OF RECORD AND TO AN ACCURATE TITLE SEARCH.  
 2. THE SUBJECT PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS, OR EXCEPTIONS, OR CONVEYANCES THAT MAY EXIST.  
 3. ONLY SURFACE CONDITIONS ARE SHOWN, NO RESPONSIBILITY IS TAKEN FOR BURIED PIPES, NIKES, SEPTIC, WELLS, UST'S, ETC.  
 4. THE SUBJECT PROPERTY IS SUBJECT TO THE RIGHTS OF THE PUBLIC IN ANY PORTION OF SAID PROPERTY LYING WITHIN THE RIGHTS OF WAY OF THE ROADS SHOWN.  
 5. THIS IS NOT A BOUNDARY SURVEY

**REAR TOPOGRAPHIC SURVEY**  
  
 BLOCK 2704 LOT 6  
 45 ROGERS AVENUE  
 TOWNSHIP OF BERKELEY HEIGHTS  
 UNION COUNTY, NEW JERSEY

REVISION:	DRAWN BY: WTM
	CHECK BY: WTM
	DATE: 03/31/21
	SCALE: 1:20
	PROJECT: 45ROGERS

**PAX** Surveying & Environmental Consultants, LLC  
 271 US 48 West, SUITE G 208  
 FAIRFIELD, NEW JERSEY 07004  
 201-230-3621 bill@paxsurvey.com

**WILLIAM T. MANNING, PLS**  
 NJ LICENSE NO. N1246S04040800  
 CERTIFICATE OF AUTHORIZATION: 24GA28248200