

Application No. APP 22-0003
 Date of Filing 1/28/22

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 MARTIN & KARA NOHILLY for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name MARTIN NOHILLY, residing at 26 CHESTNUT HILL DRIVE
 Telephone No. 908 612-2224, Fed.ID# (if applicable) _____

1. Petitioner is MARTIN NOHILLY of property at 26 CHESTNUT HILL DR, Block 3805, Lot 14 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: SINGLE FAMILY RESIDENCE. ADDITION TO REAR OF DWELLING INCL. FAMILY RM, COVERED SCREENED PORCH, REAR DECK. VARIANCES: REAR YARD SETBACK (30.88') BLDG COVERAGE (17.31%); OTHER COVERAGE (14.73%); TOTAL COVERAGE (32.04%) DECK REAR SETBACK (34')

3. Does the Application concern a request for Certificate of Nonconformity? YES
 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 Section 6.11B 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	20,000	15,000 SF	15,000 SF	N
Lot Width	100'	100'	100'	N
Lot Depth	150'	150'	150'	N
Front Setback	50'	53.96'	53.96'	N
Side Setback	12'	15.53'	15.53'	N
Side Setback	18'	27.58'	27.58'	N
Combined side setbacks	30'	43.11'	43.11'	N
Rear Setback	40'	46.51'	30.88	Y

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

- 1-Area of existing structures (house, attached garage, covered porch) to remain 2,102 sq. ft.
- 2-Area of proposed structures (house, attached garage, covered porch) 494 sq. ft.
- 3- Total area to be occupied by structures 2,596 sq. ft.
- 4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 2,063 sq. ft.
- 5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) 147 sq. ft.
- 6-Total area to be occupied by Accessory Items 2,210 sq. ft.
- 7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 4,165 sq. ft.
- 8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 4,806 sq. ft.

c. Accessory structures (if applicable): RAISED DECK ABOVE 4FT.

(type: shed, deck pool, etc.)

Area proposed 359 square feet

Proposed Set Backs

Maximum height proposed 6'-8" feet

Side 27'9" Side 4'50" Rear 34'

d. Coverage (from 5.b., Page 1)

		Maximum Allowed	
		R-15/20 Zone	R-10 Zone
Existing structures (Item 1/sq.ft. of lot)	<u>14.01</u> percent	15%	20%
Existing accessory items (Item 4/sq.ft. of lot)	<u>13.75</u> percent	10%	10%
Total existing lot coverage	<u>27.76</u> percent	25%	30%
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	<u>27.76</u> percent	25%	30%
Proposed structures (Items 1 + 2/sq. ft. of lot)	<u>17.31</u> percent	15%	20%
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	<u>14.73</u> percent	10%	10%
Total proposed lot coverage	<u>32.04</u> percent	25%	30%
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	<u>32.04</u> percent	25%	30%

6. Has there been a previous petition for relief involving the property? NO (If yes, attach Resolution.)

7. Facts in support of petitioner's relief:

THE EXISTING LOT SIZE IS 15,000 WHERE 20,000 SF IS MIN. SIZE OF LOT
CREATE THE PERCENTAGE NON-CONFORMITY OF BLDG, OTHER & TOTAL
COVERAGES. REAR YARD SETBACK OF 30.88' ALSO RESULTS FROM REDUCED
LOT SIZE.

8. Set forth the particular Statute under which this Application is made (N.J.S.A. 40:55D-70)

a) Appeal XXX 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? 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 instruction ns
- 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 Signature
26 CHESTNUT HILL DRIVE

Address
NEW PROVIDENCE, NJ 07974

Phone (908) 790-9014 Cell Phone (908) 612-2224

E-Mail Address Kinneally4@gmail.com



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

Application Date: 1/13/2022
 Application Number: ZA-22-30
 Permit Number: _____
 Project Number: _____
 Fee: \$0

Denial of Application

Date: 1/24/2022

To: KINNEALLY, KARA & NOHILLY, MARTIN
 26 CHESTNUT HILL DR
 MURRAY HILL, NJ 07974

CC: GRA Architects
 310 Springfield Ave. Suite 12
 Berkeley Heights, NJ 07922

RE: 26 CHESTNUT HILL DR
 BLOCK: 3805 LOT: 14 QUAL: ZONE: R-20

DEAR KINNEALLY, KARA & NOHILLY, MARTIN,

The applicant is proposing a one story principal addition with new screened porch, deck, basement, and walkway. The addition will create a new family room, renovated kitchen, screened porch, new deck, and new unfinished space in the basement area where a portion of the existing basement is finished.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires building coverage limits of 15%, where existing is 14.01% and proposed is 17.31%. Other coverage is limited to 10%, where existing nonconforming is 13.75% and proposed is 14.73%. Total coverage cannot exceed 25%, where nonconforming is 27.77% and proposed is 32.04%.

Principal rear yard setback minimum is 40 feet, where 46.51' is existing to the screen porch to be removed and 30.88' is proposed to the new principal addition.

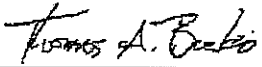
Section 3.1.8 Decks; allows for a 30' rear yard setback if no portion of the deck exceeds the height of 4 feet from grade within the 10 foot allowance between 40' and 30' rear yard setback. The proposed deck height is estimated at 6' +/- and approx. 108 sq. ft. of decking is within the 10' grace area, where 400 sq. ft. is allowed if the deck platform is below 4 feet from grade.

Existing nonconforming: lot area, other coverage, total coverage, shed location, driveway off-set from side property line.

FEMA Flood Zone Determination - Panel 08F 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. Boeko - Zoning Officer

Applicant NOHILLY
Application # 26 CHESTNUT HILL R.

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.
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>
(✓)	()	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.
N/A	()	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.
N/A	()	Consider installation heat pumps to transfer energy heat and cold.
N/A	()	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.
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/>

TOWNSHIP OF BERKELEY HEIGHTS
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

SITE INSPECTION CONSENT FORM

Applicant: Kara Notilly Application No.: _____

Block: 3805 Lot: 14

Street Address: 26 CHESTNUT HILL DR.

I, KARA NOTILLY, 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: Kara Notilly Date: 1/28/22