

Application No. APP22-0005
 Date of Filing 2/1/22

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 MARAT MICHIN for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.
(applicant name)

Petitioner Name MARAT MICHIN, residing at 34 ORION ROAD
 Telephone No. 917 689-3151, Email address marat.mich@gmail.com

1. Petitioner is OWNER of property at 34 ORION ROAD, Block 340L Lot 22
(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:
POOL & PATIO REQUIRING A VARIANCE FOR EXCEEDING MAX OTHER COVERAGE AND TOTAL COMBINED COVERAGE

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 16 of the Zoning Ordinance.

5. a. Description of the Property:

	Required See Attached Schedule 6.1.18	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	20000	23022	23022	N
Lot Width	100	113.23'	113.23'	N
Lot Depth	150	207.50'	207.50'	N
Front Setback	50	48.07'	48.07'	N - PNC
Side Setback	12	9.83'	9.83'	N - PNC
Side Setback	18	32.40'	32.40'	N
Combined side setbacks	30	42.23'	42.23'	N
Rear Setback	40	82.10'	82.10'	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 3045 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) -946 sq. ft. **shed removed*
- Total area to be occupied by buildings/structures 2951 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 2395 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 1557 sq. ft.
- Total area to be occupied by Other Items 3952 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 5440 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 6903 sq. ft.

c. Lot Coverage (from 5.b., Page 1)

Existing buildings/structures (Item 1/sq.ft. of lot) 13.23 percent
 Existing Other coverage (Item 4/sq.ft. of lot) 10.40 percent
 Total existing lot coverage (Item 7/sq. ft. of lot) 23.63 percent
 Proposed buildings/structures (Item 3/sq.ft. of lot) 12.82 percent
 Proposed Other coverage (Item 6/sq. ft. of lot) 17.17 percent
 Total proposed lot coverage (Item 8/sq. ft. of lot) 29.98 percent

	Maximum Allowed <u>R-15/20 Zone</u>	R-10 Zone
Existing buildings/structures	15%	20%
Existing Other coverage	10%	10%
Total existing lot coverage	25%	30%
Proposed buildings/structures	15%	20%
Proposed Other coverage	10%	10%
Total proposed lot coverage	25%	30%

d. Accessory buildings/structures (if applicable):

Pool

(type: pool, etc.)

Area proposed 512 square feet

Proposed Set Backs

Maximum height proposed N/A feet

IN GROUND

Side 31 Side 712 Rear 18

6. Has there been a previous petition for relief involving the property? UNKNOWN (NOT BY THIS APPLICATION) (If yes, attach Resolution.)

7. Facts in support of petitioner's relief:

The lot is an oversized lot in the R20 zone with significant width and depth that creates additional buffer and shielding of any potential impact on neighboring properties. The significant recessed garage and front yard setback creates over 7% open coverage from the driveway.

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? 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 _____

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.

MaF Michin

Petitioner Signature

Address

34 ORION ROAD, BACKLICK HTS NJ 07922

917 689-3151

Phone

Cell Phone

marat.mich@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: 2/1/2022
Application Number: ZA-22-41
Permit Number: _____
Project Number: _____
Fee: \$0

Denial of Application

Date: 2/7/2022

To: MICHIN, MARAT & GABRIELLA
34 ORION RD
BERKELEY HEIGHTS, NJ 07922

CC: APP TELE:(917) 689-3151
APP EMAIL:MARAT.MICH@GMAIL.COM

RE: 34 ORION RD
BLOCK: 3401 LOT: 22 QUAL: ZONE: R-20

DEAR MICHIN, MARAT & GABRIELLA,

The property owner is proposing to install an in-ground pool, stepping stones around the pool with patio's on each end, stepping stones to connect to expanded house patio, two retaining walls, pool equipment and fencing. An existing 8' x 12' shed is to be removed.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for other coverage of 10%, where nonconforming 10.40% is existing and 17.49% is proposed. Total lot coverage is limited to 25%, where 23.63% is existing and 30.01% is proposed.

REVISED PLAN (3/18/22) - proposed "other" cover = 17.17% and proposed total or combined coverage = 29.98%.

NOTE;

Access to pool construction to be from street curb, north side yard, to rear yard. If approved, access needs street opening permit.

Trees are proposed to be removed; a tree removal permit is needed and a tree replacement plan and implementation will be required.

Fence height has not been labeled. Maximum fence height not to exceed 5 feet. All parts of the fence shall be located on the subject lot. Fence subject to building department approval (pool enclosure).

Land disturbance will exceed 5,000 sq. ft. If approved, Somerset Union Soil Conservation approval plan is required.

FEMA Flood Zone Determination - Panel 017F 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: MARAT MICHIN Application No.: _____

Block: 3401 Lot: 22

Street Address: 34 ORION ROAD

I, MARAT MICHIN, 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: Marat Michin Date: 1/28/22



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 filling of affidavit.

Application No.: _____ Date Requested: 01/19/2022

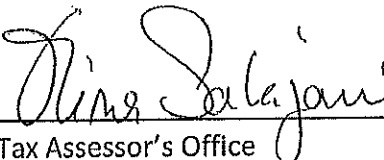
Block: 3401 Lot(s): 22 Address: 34 Orion Road

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Service</u>
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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: 01/19/2022


Tax Assessor's Office

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

Date: 1-19-2022


Tax Collector

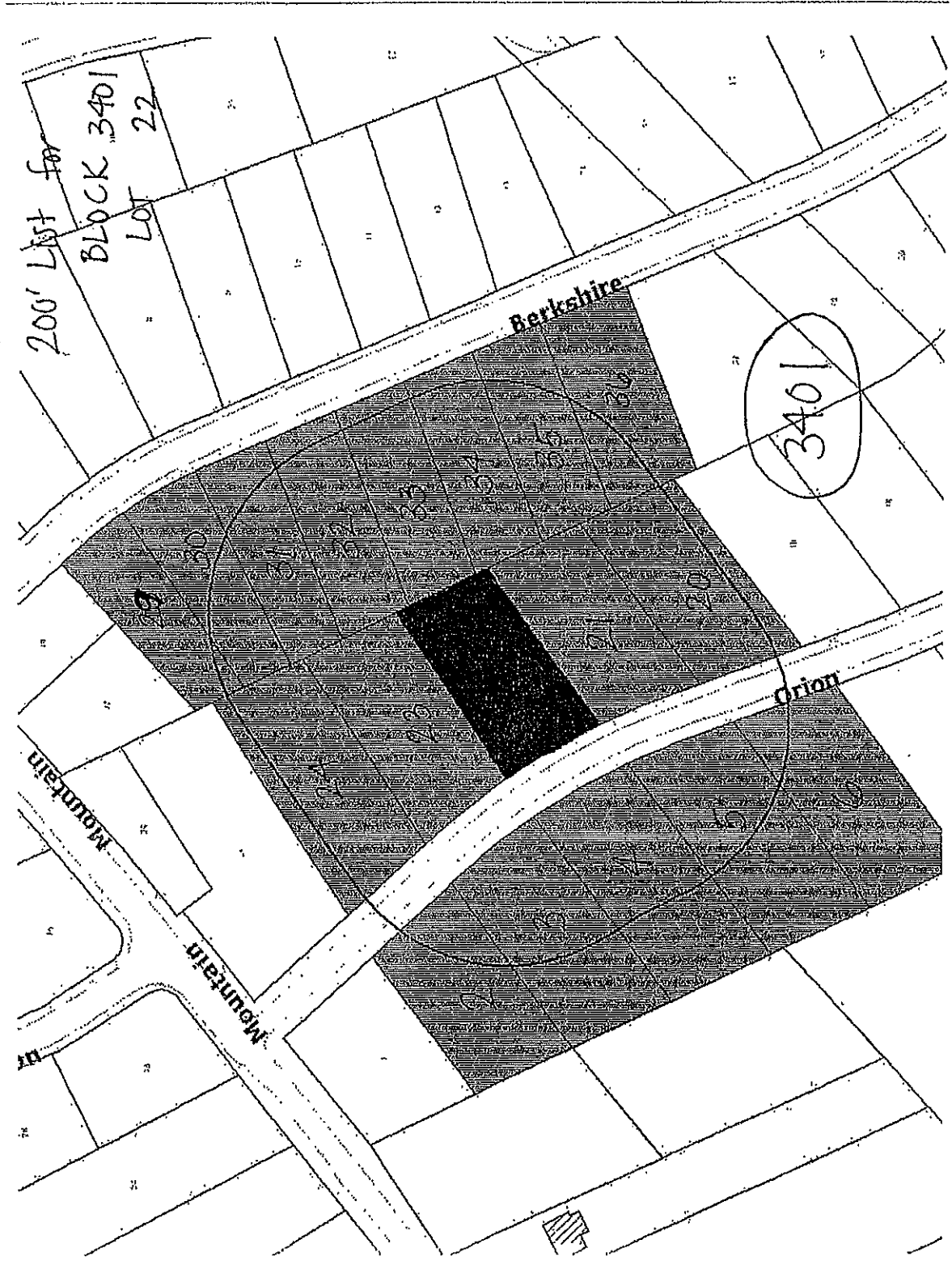
OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

01/19/22 Page 1

CERTIFIED 200' LIST FOR BLOCK: 3401 LOT: 22
34 ORION ROAD

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3401	2		2	Current Owner 15 ORION ROAD BERKELEY HEIGHTS, N J 07922	15 ORION RD	
3401	3		2	Current Owner 25 ORION ROAD BERKELEY HEIGHTS, NJ 07922	25 ORION RD	
3401	4		2	Current Owner 35 ORION RD BERKELEY HEIGHTS, NJ 07922	35 ORION RD	
3401	5		2	Current Owner 43 ORION RD BERKELEY HEIGHTS, NJ 07922	43 ORION RD	
3401	6		2	Current Owner 53 ORION RD BERKELEY HEIGHTS, NJ 07922	53 ORION RD	
3401	20		2	Current Owner 50 ORION ROAD BERKELEY HEIGHTS, N J 07922	50 ORION RD	
3401	21		2	Current Owner 42 ORION ROAD BERKELEY HEIGHTS, NJ 07922	42 ORION RD	
3401	23		2	Current Owner 24 ORION ROAD BERKELEY HEIGHTS, N J 07922	24 ORION RD	
3401	24		2	Current Owner 16 ORION RD BERKELEY HEIGHTS, NJ 07922	16 ORION RD	
3401	29		2	Current Owner 15 BERKSHIRE DR BERKELEY HEIGHTS, NJ 07922	15 BERKSHIRE DR	
3401	30		2	Current Owner 21 BERKSHIRE DRIVE BERKELEY HEIGHTS, N J 07922	21 BERKSHIRE DR	
3401	31		2	Current Owner 27 BERKSHIRE DRIVE BERKELEY HEIGHTS, N J 07922	27 BERKSHIRE DR	
3401	32		2	Current Owner 33 BERKSHIRE DRIVE BERKELEY HEIGHTS, N J 07922	33 BERKSHIRE DR	
3401	33		2	Current Owner 39 BERKSHIRE DR BERKELEY HEIGHTS, NJ 07922	39 BERKSHIRE DR	
3401	34		2	Current Owner 45 BERKSHIRE DR BERKELEY HEIGHTS, NJ 07922	45 BERKSHIRE DR	
3401	35		2	Current Owner 51 BERKSHIRE DRIVE BERKELEY HEIGHTS, N J 07922	51 BERKSHIRE DR	
3401	36		2	Current Owner 59 BERKSHIRE DRIVE BERKELEY HEIGHTS, NJ 07922	59 BERKSHIRE DR	



200' Lot for
BLOCK 3401
LOT 22

3401

Berkshire

Orion

Mountain

Mountain

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>
N/A	()	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.
N/A	()	Consider choosing ENERGY STAR appliances.

Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
M/A	()	Consider Increasing amount of insulation by using 2 x 6 studs.
M/A	()	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
M/A	()	Consider installation heat pumps to transfer energy heat and cold.
M/A	()	Consider use high efficiency boilers/furnaces.
M/A	()	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
M/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>
M/A	()	Consider use of low-flow shower heads.
M/A	()	Consider installing dual-flush toilets.
M/A	()	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe: _____ _____ _____