

Application No. APP22-0009 **RECEIVED**
 Date of Filing 4/27/2022 **APR 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 the 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 Ellen R. Guritzky for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name _____ residing at 15 Cromwell Court
 Telephone No. 908.464.2135 Email address ergrdh@aol.com

1. Petitioner is owner of property at 15 Cromwell Court, Block 1602, Lot 13 on the Tax Map located in the R-15 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:
Installation of above ground swimming pool (12'x17') needing variance relief for insufficient rear yard setback, pool weight and total lot 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 — 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 6.1 Section 6.1.6 of the Zoning Ordinance.
 5. a. Description of the Property: 3.1 3.1.7 3.1 3.1.7D

	Required See Attached Schedule 6.1.1.B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	15,000	11,848	11,848	nonconforming
Lot Width	100	107'	107'	N
Lot Depth	130	111'	111'	nonconforming
Front Setback	50	51'	51'	N
Side Setback	12	20.9	20.9	N
Side Setback	12	31	31	N
Combined side setbacks	30	51.9	51.9	N
Rear Setback	40	8.5 (deck)	8.5 (deck)	variance granted

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 1989 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 1989 sq. ft.
- Total area to be occupied by buildings/structures 1989 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 943 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 204 sq. ft.
- Total area to be occupied by Other Items 1147 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 2932 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 3136 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>16.79</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot) <u>7.96</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot) <u>24.75</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot) <u>16.79</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot) <u>9.68</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot) <u>26.47</u> percent	25%	30%

d. (POOL -) Accessory buildings/structures (if applicable): above ground pool
 (type: pool, etc.)

Area proposed 204 square feet
 Maximum height proposed 52" feet
variance
(48" allowed)

Proposed Set Backs
 Side 24' Side N/A Rear 2'
variance.
(12' required)

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

7. Facts in support of petitioner's relief:
Nonconforming undersized lot

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
NA

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.

Aileen Dutzik
 Petitioner Signature

15 Cornwell Ct
 Address
Berkeley Heights NJ

908-464-2135 862-812-3636
 Phone Cell Phone

engrdh@aol.com
 E-Mail Address



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

Application Date: 4/4/2022
 Application Number: ZA-22-164
 Permit Number: _____
 Project Number: _____
 Fee: \$0

Denial of Application

Date: 4/8/2022

To: GURITZKY, ELLEN
 15 CROMWELL CT
 BERKELEY HEIGHTS, NJ 07922

CC: APP TELE:(908) 464-2135
 APP EMAIL:EGURITZKY@GMAIL.COM

RE: 15 CROMWELL CT
 BLOCK: 1602 LOT: 13 QUAL: ZONE: R-15

DEAR GURITZKY, ELLEN,

The property owner is proposing to install an above ground pool, 12' x 17' x 52" high in location as shown on survey map, attached to the existing deck.

Section 3.1.7 "Swimming and Wading Pool" of the Municipal Land Use Procedures Ordinance requires a minimum 12' accessory rear yard setback, where 2 feet is proposed.

Section 3.1.7D. Height - the above ground pool height is proposed 52" high where 48" maximum is allowed.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for a maximum total lot coverage of 25%, where 24.75% is existing and 26.47% is proposed with the addition of the pool.

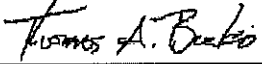
Note:

1. BOA variance resolution Case No. 16-18 approved a new rear yard deck for this property.
2. The above ground pool has been determined to be an accessory structure. Section 3.1.2 - "General Regulations" item E. defines "Accessory Structures" - E. Accessory Buildings - An accessory building attached to the main building shall comply in all respects with the requirements of this Ordinance applicable to the main building (the word "building" is used interchangeably with "structure"). If the above ground pool is determined to be attached to the principal structure via the deck a required minimum 40' principal setback is required.
3. Coverage for the pool has been added to "other" coverage.
4. Based on FEMA (flood zone AE) mapping, it is unclear exactly where the 100 year flood zone line is relative to the subject property's rear property line.

Existing nonconforming - addressed as part of deck variance Case No. 16-18.

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

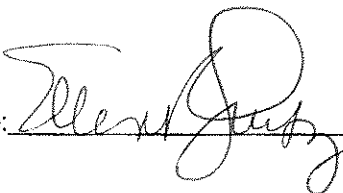
SITE INSPECTION CONSENT FORM

Applicant: Ellen R Gwartzky Application No.: _____

Block: 1602 Lot: 13

Street Address: 15 Cromwell Court Berkeley Heights, NJ 07922

I, Ellen R Gwartzky, 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: 4-27-22

Applicant Ellen Guritzky
Application # APP22-0009

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

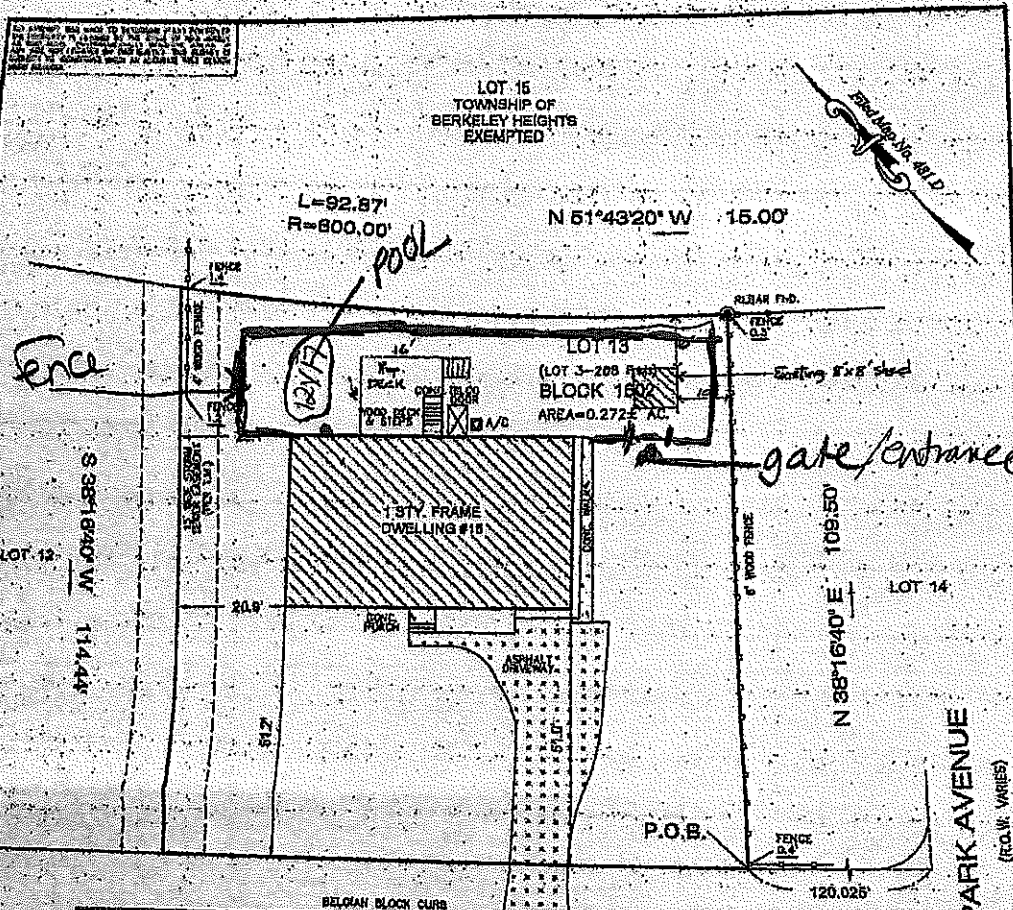
<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	()	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(✓)	()	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
(✓)	()	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>
()	() MA	Consider Increasing amount of insulation by using 2 x 6 studs.
()	() MA	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
()	() MA	Consider installation heat pumps to transfer energy heat and cold.
()	() MA	Consider use high efficiency boilers/furnaces.
()	() MA	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
()	() W/MA	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>
()	() MA	Consider use of low-flow shower heads.
()	() MA	Consider installing dual-flush toilets.
()	() MA	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe: _____ _____ _____ _____



#15 CROMWELL COURT
(60' R.O.W.)

PREPARED FOR: ELLEN GURITZKY
 TITLE INSURER: DEMOCRACY TITLE AGENCY (D-26970)
 FIDELITY NATIONAL TITLE INSURANCE COMPANY
 MORTGAGE HOLDER: RESIDENTIAL HOME MORTGAGE CORPORATION
 its successors and/or assigns, as their interest may appear.
 CLOSING ATTORNEY: SUSAN M. SIMON-SPADA, Esquire

Map Reference: MAP OF BERKELEY HEIGHTS, SECTION 4	Filed Map Block: 3-208	Filed Map Lot: 3-208	Filing Date: 5-25-1988	Filed Map No. 481 D
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DISTRICTS OF AUTHORIZATION: 240A1428800

MORGAN
engineering & surveying

P.O. BOX 8238
TOWNSHIP, N.J. 08784
TEL: 732-270-8890
FAX: 732-270-8881
www.morganengineering.com

SURVEY OF PROPERTY

LOT No. 13 BLOCK No. 1502
 TOWNSHIP OF BERKELEY HEIGHTS
 COUNTY OF UNION NEW JERSEY

Frank R. DeSantis
FRANK R. DeSANTIS
 PROFESSIONAL LAND SURVEYOR
 N.J. Lic. No. 42001

Order #	Drawn By	Date	Scale	CD File #	Sheet #
1020	SP	8-1-12	15-2835	15-2835	1 of 1