

BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS

Case No. 8-16

RESOLUTION

WHEREAS, JAMES O'KEEFE has applied to the Board of Adjustment of the Township of Berkeley Heights for permission to construct a second story, to expand a porch, and add a two-car attached garage to an existing single family residence which is located at 41 Putnam Avenue on property designated as Lot 9, Block 1803 on the Berkeley Heights Tax Map, which premises is located in the R-15 Zone, and

WHEREAS, the application was presented by Attorney Jonathan Clemente, Esq.; Architect Michele Gutowski, R.A. of the firm of M & S Gutowski Architects; and James O'Keefe at the April 24th, 2016 Board of Adjustment meeting, and

WHEREAS, the subject property is a corner lot with frontage on Putnam Avenue and Bolton Boulevard, and

WHEREAS, the home fronts and has driveway access to Putnam Avenue, and

WHEREAS, located on the site is a small, three bedroom, Ranch style home, and

WHEREAS, the applicant proposes to add a second story and convert the residence into an attractive Colonial style home, and

WHEREAS, the applicant is proposing to re-side the home which will enhance the appearance, and

WHEREAS, the existing front yard setback from Putnam Avenue is 39.66 feet, the addition will have a front yard setback of 39.66 feet, while the Zoning Ordinance requires a minimum front yard setback of 50 feet in the R-15 Zone, and

WHEREAS, the existing rear yard setback is 18 feet 10 inches, the addition to the rear of the home will have a rear yard setback of 18 feet 10 inches, while the Zoning Ordinance requires a minimum rear yard setback of 40 feet in the R-15 Zone, and

WHEREAS, building coverage will be increased from 12.04% to 17.73%, while the Zoning Ordinance limits building coverage to 15% in the R-15 Zone, and

WHEREAS, total impervious lot coverage will be increased from 24.61% to 28.62%, while the Zoning Ordinance limits total impervious lot coverage to 25% in the R-15 Zone, and

WHEREAS, a hardship exists by reason of the subject property being 10,133 square feet, while the minimum lot size in the R-15 Zone is 15,000 square feet, and

WHEREAS, a hardship exists under N.J.S.A. 40:55D-70c(1)(c) on the basis of the location of the existing residence on the lot, and

WHEREAS, the requested variances are also justified under N.J.S.A. 40:55D-70c(2) on the basis of advancing a purpose of the Municipal Land Use Law

under N.J.S.A. 40:55D-2i by creating a desirable visual impact by the conversion of an older Cape Code into an attractive Colonial style home, and

WHEREAS, the benefits from the deviations substantially outweigh any detriments, and

WHEREAS, it is noteworthy that the new construction will not exacerbate existing setback variances, and

WHEREAS, the Board finds that the expanded home will be relatively modest in size for homes in Berkeley Heights, and

WHEREAS, Tom Kelly of Basking Ridge spoke on behalf of his mother, Mary Kelly, who resides at 300 Hamilton Avenue, and

WHEREAS, Mr. Kelly was concerned with the size of the second story addition, and

WHEREAS, the Board finds that the second story addition is consistent with other additions in the neighborhood, and

WHEREAS, Board member Robert Miller spoke with the Board when he noted that the proposed construction will be "an improvement to the neighborhood", and

WHEREAS, the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Berkeley Heights.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Berkeley Heights on this 12th day of May, 2016, that the application of JAMES O'KEEFE be approved in accordance with a plan titled:

"EXISTING SURVEY INFO REPRO NEW SITE PLAN ZONING INFORMATION PRELIMINARY FLOOR PLANS PRELIMINARY ELEVATIONS" prepared by M & S Gutowski Architects on February 19th, 2016 and last revised April 14th, 2016 consisting of a single sheet, subject, however, to the following conditions:

1. The applicant shall submit a drainage plan to the Township Engineer for his approval. The plan shall comport with the requirements of the Berkeley Heights zoning ordinance. A building permit shall not be issued until the plan is approved. The drainage plan is to be implemented to the approval of the Township Engineer.
2. The applicant shall obtain approval from the Township Tree Inspector prior to removing any trees.
3. The architecture and exterior materials for the home on all four (4) sides shall match.
4. The maximum height of the home shall be 30 feet.
5. The applicant shall remove the shed and the fence which are on Township property.
6. The applicant shall receive NJDEP approval prior to any construction taking place.
7. The applicant shall remove 226 square feet of asphalt on the rear of the home and return the area to turf and 202 square feet of driveway on the front of the property on Putnam Avenue and return it to turf as shown on the plans.

8. The applicant shall replace the fence along Bolton Boulevard and the rear property line adjoining the property at 300 Hamilton Avenue.
9. Vegetation shall be planted along the rear of the property to the approval of the Zoning Officer. The vegetation shall be permanently maintained. Dead, diseased, and missing landscaping shall be replaced to the approval of the Township Zoning Officer.

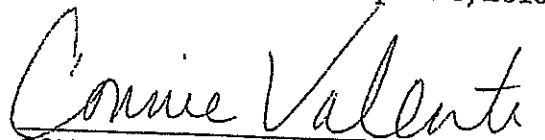
Roll Call Vote
on 4/28/16: 6 - 0

Those in Favor: Mr. Sullivan, Mr. Miller, Mr. Boyer, Mr. Siburn,
 Mr. Delia and Mr. Mustacchi

Those Opposed: None

The foregoing is a true copy of a resolution adopted by the Board of Adjustment of the Township of Berkeley Heights at its meeting on May 12, 2016 as copied from the minutes of said meeting.

The within resolution memorializes a motion which was adopted by the Board of Adjustment of the Township of Berkeley Heights on April 28, 2016.



CONNIE VALENTI, SECRETARY
BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS
STATE OF NEW JERSEY

