

Application No. APP22-0010  
 Date of Filing 5/3/22

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 Ali Latifi & Golnessa Mojtabadi for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.  
(applicant name)

Petitioner Name Golnessa Mojtabadi residing at 46 Winchip Road  
 Telephone No. 646-455-7836 Email address golnessame@gmail.com

1. Petitioner is OWNER of property at 46 Winchip Road, Block 3906, Lot 5  
(owner or tenant etc.)  
 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:  
Proposed one story (14x13') Principal Addition. Variance required for front-yard setback (existing non-conforming)

3. Does the Application concern a request for Certificate of Nonconformity? N/A  
 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 N/A Section N/A 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 (sq. ft.)	20,000	28,532	28,532	N
Lot Width	100	120	120	N
Lot Depth	150	220	220	N
Front Setback	50	33.29	36	Y
Side Setback	12	14.15	14.15	N
Side Setback	12	22.78	22.78	N
Combined side setbacks	30	36.93	36.93	N
Rear Setback	40	143	143	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 1713 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 186 sq. ft.
- Total area to be occupied by buildings/structures 1899 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 710 + 1013 = 1723 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) - sq. ft.
- Total area to be occupied by Other Items 710 + 1013 = 1723 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 2423 + 1013 = 3436 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 2609 + 1013 = 3622 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>6.0%</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot)	<u>6.04%</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	<u>12%</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot)	<u>6.6%</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot)	<u>6.04%</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	<u>12.7%</u> percent	25%	30%

d. Accessory buildings/structures (if applicable): N/A  
(type: pool, etc.)

Area proposed \_\_\_\_\_ square feet Proposed Set Backs  
Maximum height proposed \_\_\_\_\_ feet Side \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_

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:

We are planning to grow our family and the kitchen addition will make the space more functional and give us a proper eating area. We purchased the house year ago under the impression that everything was to code. The new addition will not increase the non-conformity of the house nor extend past the part of the house that is non-conforming.

8. Set forth the particular Statute under which this Application is made (NJSA 40:55D-70)  
a) Appeal \_\_\_\_\_ b) Interpretation \_\_\_\_\_ c) Hardship X 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 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.

H. Mojtahedi  
Petitioner Signature  
46 Winthrop Road  
Address

646-455-7836  
Phone Cell Phone  
golnessame@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: 3/3/2022  
 Application Number: ZA-22-72  
 Permit Number: \_\_\_\_\_  
 Project Number: \_\_\_\_\_  
 Fee: \$0

## Denial of Application

Date: 3/9/2022

To: MOJTAHEDI, GOLNESSA & LATIFI,ALI R      CC: APP TELE:(917) 982-6811  
 46 WINCHIP RD                                      APP EMAIL:ARLATIFI@TUCKERLATIFI.COM  
 SUMMIT, NJ 07901

RE: 46 WINCHIP RD  
 BLOCK: 3906 LOT: 5 QUAL: ZONE: R-20

DEAR MOJTAHEDI, GOLNESSA & LATIFI,ALI R,

The property owner is proposed to construct a one story, 14' x 13'3", principal addition onto this single family dwelling. The existing house is non-conforming as to existing principal front yard setback where 50' is required, 33.29' is existing and 36' setback is proposed to the new addition.

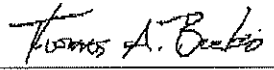
Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires a 50' front yard setback, where 33.29' is existing and 36' to the new addition is proposed.

Existing non-conforming: principal front yard setback,

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. Bocko - Zoning Officer

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.
(N/A)	( )	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.
(✓)	( )	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).
(✓)	( )	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).
(N/A)	( )	Consider reducing impervious cover to promote infiltration that captures and treats storm water runoff from rainfall.
(N/A)	( )	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

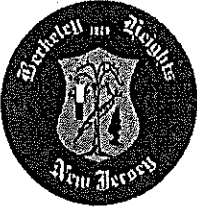
<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	( )	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(✓)	( )	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
(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.
(N/A)	( )	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.
(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.
(N/A)	( )	Consider use high efficiency boilers/furnaces.
(✓) will use metal roof	( )	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
(✓)	( )	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

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 filing of affidavit.

Application No.: \_\_\_\_\_ Date Requested: 05/05/2022 List #: 713

Block: 3906 Lot(s): 5 Address: 46 Winchip Road

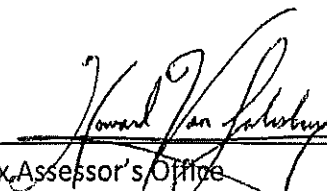
<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Service</u>
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### SEE ATTACHED LIST

(If applicable; this list does not include any additional properties in other municipalities)

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: 05/05/2022

  
Tax Assessor's Office

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

Date: 5-5-2022

  
Tax Collector

OWNER & ADDRESS REPORT

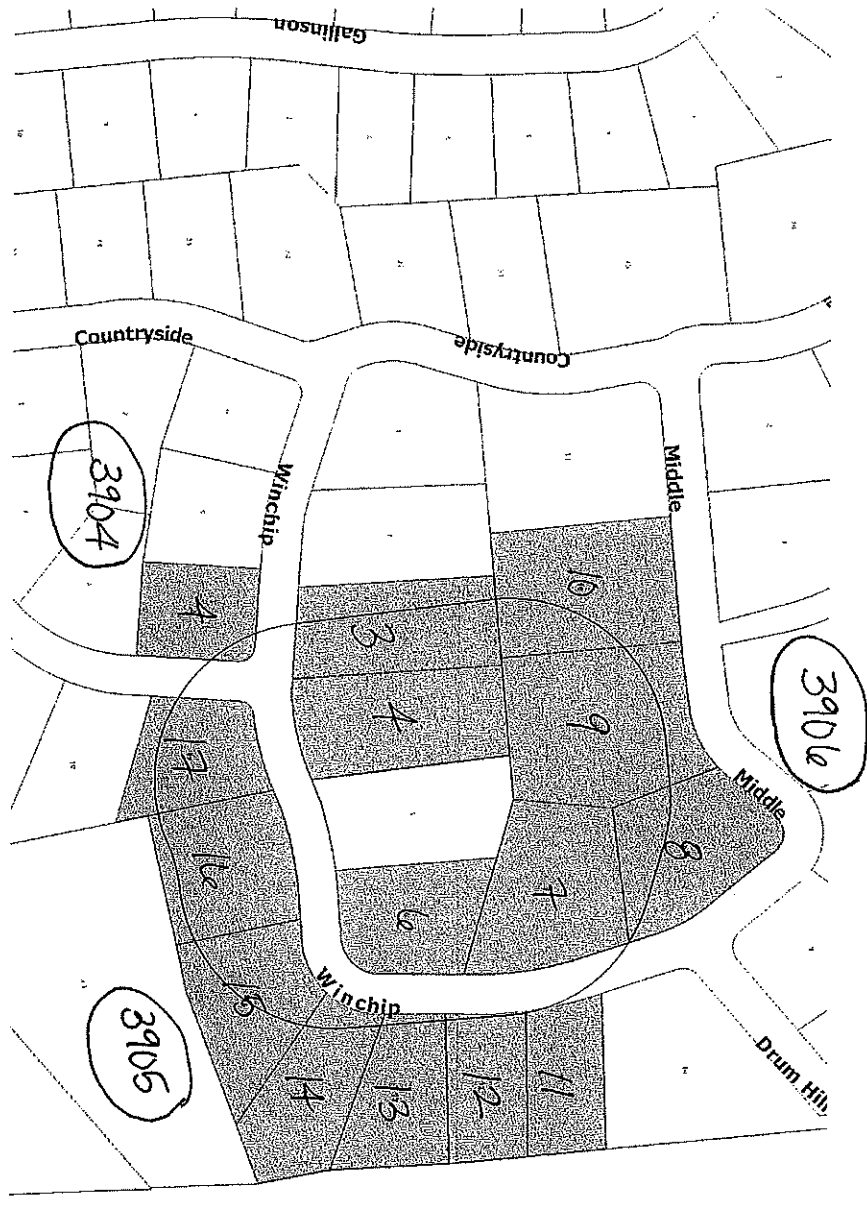
BERKELEY HEIGHTS

CERTIFIED 200' LIST FOR BLOCK 3906 LOT 5

05/05/22 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3904	4		2	ELDRIDGE, ANN SEELER 23 WINCHIP RD SUMMIT, N J 07901	23 WINCHIP RD	
3905	11		2	SALAZAR, COLTON JAMES & MOLLY 85 WINCHIP RD SUMMIT, NJ 07901	85 WINCHIP RD	
3905	12		2	NANIA, LISA M. 77 WINCHIP RD SUMMIT, NJ 07901	77 WINCHIP RD	
3905	13		2	KELLY, JOHN & ALAINA 69 WINCHIP RD SUMMIT, NJ 07901	69 WINCHIP RD	
3905	14		2	VARDAS, DIMITRIOS 63 WINCHIP RD SUMMIT, NJ 07901	63 WINCHIP RD	
3905	15		2	AHMED, SANGEETA & FELICETTA, DANIEL 57 WINCHIP RD SUMMIT, NJ 07901	57 WINCHIP RD	
3905	16		2	BARRY BENISCH QUALIFIED PERSONAL RE 101 EISENHOER PKWY ROSELAND, NJ 07068	47 WINCHIP RD	
3905	17		2	FRANOVIC, PETER & BUFANO, THERESA 35 WINCHIP RD SUMMIT, NJ 07901	35 WINCHIP RD	
3906	3		2	HALEY, ADELE 26 WINCHIP RD SUMMIT, NJ 07901	26 WINCHIP RD	
3906	4		2	PHILLIPS, CHARLES M & ELISABETH H 36 WINCHIP RD SUMMIT, NJ 07901	36 WINCHIP RD	
3906	6		2	WATCHUNG GRACE REDEMPTIONTRUST 70 WINCHIP RD SUMMIT, NJ 07901	70 WINCHIP RD	
3906	7		2	PALUSEO, ANTONIO D & TAMMARO, B P 84 WINCHIP RD SUMMIT, NJ 07901	84 WINCHIP RD	
3906	8		2	YOSS, ERIC & PAMELA 61 MIDDLE WAY SUMMIT, NJ 07901	61 MIDDLE WAY	
3906	9		2	BUNYANER, MICHAEL & ELIZABETH ANN 33 MIDDLE WAY SUMMIT, N J 07901	33 MIDDLE WAY	
3906	10		2	MERIN, KENNETH 21 MIDDLE WAY SUMMIT, NJ 07901	21 MIDDLE WAY	





200' List 4e Winchip Rd.  
BLOCK 3906  
Lot 5