

Application No. APP22-0014  
 Date of Filing 7/14/22

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 **Michael & Ani Baran** for relief from the strict application of  
 (applicant name)  
 the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name Michael & Ani Baran, residing at 74 Rutgers Avenue

Telephone No. 201-463-5213, Email address: michaetbaran@gmail.com

1. Petitioner is Owner of property at 74 Rutgers Ave., Block 1107, Lot 2  
 (owner or tenant etc.)  
 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:  
**Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires a minimum 50' front yard setback where 27' is proposed to unimproved Princeton Ave. Building coverage is limited to 15% of the lot area where 14.78% is existing and 18.58% is proposed with the addition of the roofed structure. Other cover is limited to 10% of the lot area, where 8.49% is existing and 11.29% is proposed. Total lot coverage of 25% is allowed, where 23.26% is existing and 29.87% is proposed.**

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 6.1.1B of the Zoning Ordinance.

5. a. Description of the Property:

	<u>Required</u> See Attached Schedule 6.1.1B	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u> <u>Required:</u> <u>Y / N</u>
Lot Area (sq. ft.)	15,000	20,000	UNCHANGED	N
Lot Width	100 FT.	100 FT.	UNCHANGED	N
Lot Depth	130 FT.	200 FT.	UNCHANGED	N
Front Setback—Rutgers Av	50 FT.	52.5 FT.	UNCHANGED	N
Front Setback—Princeton Av (Unimproved Street)	50 FT.	91.5 FT.	27 FT.	Y
Side Setback	12 FT.	12 FT.	12 FT.	N
Side Setback	18 FT.	30 FT.	30 FT.	N
Combined side setbacks	30 FT.	30 FT.	42 FT.	N
Rear Setback	40 FT.	91.5 FT. *		

\* Rear yard setback is actual a Front yard setback from Unimproved Princeton Ave.

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 2,956 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) +760 sq.ft.
- Total area to be occupied by buildings/structures 3,716 sq.ft.
- Area of existing Other Items (patio, driveways, walks, pool) 1,697 sq.ft.
- Area of proposed Other Items (patio, driveway, walks, pool) +560 sq.ft.
- Total area to be occupied by Other Items 2,257 sq.ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 4,653 sq.ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 5,973 sq.ft.

c. <u>Lot Coverage</u> (from 5.b., Page 1)		Maximum Allowed	
		R-15/20 Zone	R-10 Zone
Existing buildings/structures (Item 1/sq.ft. of lot)	<u>14.78</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot)	<u>8.49</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	<u>23.26</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot )	<u>18.58</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot)	<u>11.29</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	<u>29.87</u> percent	25%	30%

d. Accessory buildings/structures (if applicable): POOL & GAS FIREPLACE  
 (type: pool, etc.)

Area proposed POOL-464 & FIREPLACE- 19 square feet

Proposed Set Backs

Maximum height proposed 15 feet

POOL Side 27 FT. Side +40 ft. Rear \_\_\_\_\_

FIREPLACE Side 10 FT. Side +50 FT. 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:

The rear yard has only a small portion of the rear yard covered with a narrow patio. The applicant would like to expand the outdoor living space for recreational use for a pool & covered entertainment areas. There are no dwellings at the rear.

The relief sought will not have a major impact to the intent and purpose of the Municipal Land Use Law. The pool area will be surround by additional evergreen planting buffer and 6 ft. high vinyl fence on the rear & right sides like the left side. Additionally, the Applicant plans to install a storm drainage system along the left property line to capture rainwater runoff similar to a system the Applicant had installed along the left property line.

8. Set forth the particular Statute under which this Application is made (NJSA 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? \_\_\_\_\_ 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.

Michael T. Baran

Petitioner Signature

74 RUTGERS AVE.

Address

BERKELEY HEIGHTS, NJ 07922

N/A | 201-463-5213

Phone Cell Phone

michaeltbaran@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: 6/1/2022  
 Application Number: ZA-22-288  
 Permit Number: \_\_\_\_\_  
 Project Number: \_\_\_\_\_  
 Fee: \$0

## Denial of Application

Date: 7/11/2022

To: GRA ARCHITECTS  
 310 SPRINGFIELD AVE.  
 BERKELEY HEIGHTS, NJ 07922

CC: Michael & Ani Baran  
 74 Rutgers Ave.  
 Berkeley Heights, NJ 07922

RE: 74 RUTGERS AVENUE  
 BLOCK: 1107 LOT: 2 QUAL: ZONE: R-15

DEAR GRA ARCHITECTS,

The property owner is proposing to install an in-ground pool with pool deck, covered patio area with outdoor kitchen attached to rear of house, fireplace and walkway to proposed pool. The property is a through lot with frontage on Rutgers Ave. and frontage on unimproved Princeton Ave.

Secton 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires a minimum 50' front yard setback where 27' is proposed to unimproved Princeton Ave.

Building coverage is limited to 15% of the lot area where 14.78% is existing and 18.58% is proposed with the addition of the roofed structure.

Other cover is limited to 10% of the lot area, where 8.49% is existing and 11.29% is proposed.

Total lot coverage of 25% is allowed, where 23.26% is existing and 29.87% is proposed.

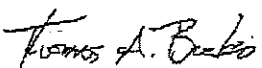
An outdoor fireplace is proposed, which is considered an accessory structure. A conforming accessory side yard setback is 10 feet subject to the allowed maximum height of 15 feet. The height of the proposed fireplace is 17.5' which requires the fireplace to maintain a minimum side yard setback of 12.5', where 10 feet is proposed. (One foot setback increase for each foot over 15 feet, not to exceed the height of the principal structure).

Secton 3.1.1B.4. Accessory building or structures in front yard. Pool techically is in a front yard.

FEMA Flood Zone Determination - Panel 16F 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

Applicant MICHAEL ANI BARAN

Application # 2A-22-288

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.
( )	(N/A)	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>
( )	N/A	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.
( )	N/A	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: _____ _____ _____ _____