

RECEIVED

Application No. APP22-0017
Date of Filing 9/26/22

SEP 26 2022

Application Fee _____
Escrow _____

PLANNING / ZONING / ENGINEERING
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 Chris Tribuna for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name Chris Tribuna, residing at 5 Brook Street
Telephone No. 908-295-1840, Email address info@balloondesignstudio.com

1. Petitioner is owner of property at 5 Brook Street, Block 1603, Lot 9 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: Principal front yard setback - portico and 2nd story addition, side yard setback for deck, exceeding other coverage, patio on Park Ave front yard

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 3.1 Section 3.1.8 of the Zoning Ordinance.
6.1 6.1.1B
3.1 3.1.1

5. a. Description of the Property:

<u>± 10% corner lot</u>	<u>Required</u> See Attached Schedule 6.1.1B	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u> <u>Required:</u> Y/N
Lot Area (sq. ft.)	<u>16,500</u>	<u>10,716</u>	<u>10,716</u>	<u>nonconforming</u>
Lot Width	<u>100ft</u>	<u>80ft</u>	<u>80ft</u>	<u>nonconforming</u>
Lot Depth	<u>130ft</u>	<u>135ft</u>	<u>135ft</u>	<u>N</u>
Front Setback <u>Brook Park</u>	<u>50ft/50ft</u>	<u>41ft/52.1ft</u>	<u>34ft/52.1ft</u>	<u>Y/N</u>
Side Setback	<u>12ft</u>	<u>19.08ft</u>	<u>8.08ft</u>	<u>Y</u>
Side Setback	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Combined side setbacks	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Rear Setback	<u>40ft</u>	<u>40ft</u>	<u>40ft</u>	<u>N</u>

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 1151 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 14 sq. ft.
- Total area to be occupied by buildings/structures 1165 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 1254 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 167 sq. ft.
- Total area to be occupied by Other Items 1421 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 2405 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 2986 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>10.74</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot)	<u>11.70</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	<u>22.44</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot)	<u>10.87</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot)	<u>13.26</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	<u>24.13</u> percent	25%	30%

d. Accessory buildings/structures (if applicable): Patio
 (type: pool, etc.)
 Area proposed 352 square feet
 Maximum height proposed 0 feet
 Proposed Set Backs
 Side 7ft Side _____ Rear _____
Front 34ft

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:
Undersized corner lot, preexisting nonconforming

8. Set forth the particular Statute under which this Application is made (NJA 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? _____ 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.

Chi Lu
 Petitioner Signature
27 Shadow Lane
 Address
Berkeley Heights, NJ 07922
908-295-1840
 Phone
info@ballondesignstudio.com
 E-Mail Address



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

Application Date: 9/14/2022
 Application Number: ZA-22-508
 Permit Number: _____
 Project Number: _____
 Fee: \$0

Denial of Application

Date: 9/14/2022

To: CHRISTOPHER TRIBUNA
 5 BROOK STREET
 BERKELEY HEIGHTS, NJ 07922

CC: APP TELE:(908) 295-1840
 APP EMAIL:INFO@BALLOONDESIGNSTUDIO.COM

RE: 5 BROOK STREET
 BLOCK: 1603 LOT: 9 QUAL: ZONE: R-15

DEAR CHRISTOPHER TRIBUNA,

The property owner is proposing a second story addition over the existing garage, new front portico, small side yard deck, new patio and interior renovations to the existing single family dwelling located on a corner lot (Brook St & Park Ave.).

Section 6.1.1B "Schedule of General Regulation" of the Municipal Land Use Procedures Ordinance requires a principal 50' front yard setback, where nonconforming 41' setback exists off Brook Street and 34' is proposed to the new portico and 39' to a new second story addition.

Other coverage allowance is 10% of the lot area, where nonconforming 11.70% is existing and 13.26% is proposed.

Accessory side yard setback for the proposed patio is 10 feet, where 7 feet is proposed.

Section 3.1.8 Decks -Decks shall conform to all side yard setback lines. The principal side yard setback in the R-15 zone is 12 feet, where 8.08' is proposed.

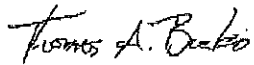
Section 3.1.1B.4. - Use Regulations; Accessory buildings or structures in front yard shall be prohibited. The proposed patio is located in the Park Ave. front yard.

Existing nonconforming; lot area, lot width, principal front setback from Brook Street, other coverage.

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 Chris Tribuna

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

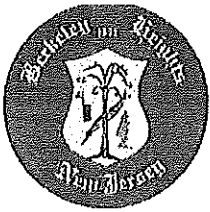
<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	(✓)	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(✓)	()	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
(✓)	()	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>
()	(✓)	Consider Increasing amount of insulation by using 2 x 6 studs.
(✓)	()	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
()	(✓)	Consider installation heat pumps to transfer energy heat and cold.
(✓)	()	Consider use high efficiency boilers/furnaces.
()	(✓)	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>
()	(✓)	Consider use of low-flow shower heads.
()	(✓)	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: 9/16/2022

Block: 1603 Lot(s): 9 Address: 5 Brook Street List: 735

Block Lot Owner Address Service

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 NISA 40:55D-12.

Date: 9/16/2022

[Signature]

Tax Assessor's Office

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

Date: 9-19-2022

[Signature] Tax Collector

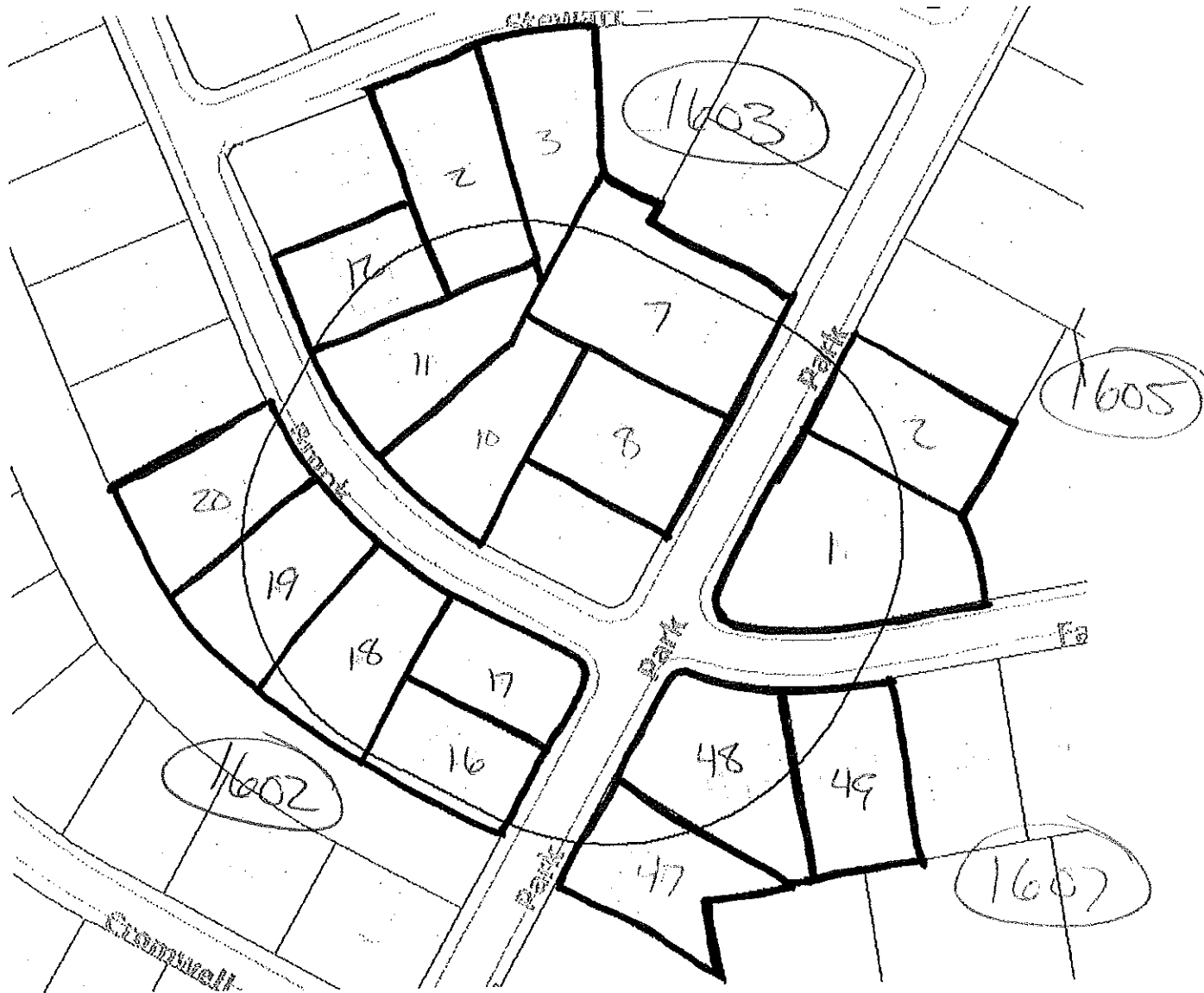
OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

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CERTIFIED 200' LIST FOR BLOCK 1603 LOT 9 - 5 BROOK STREET
IF APPLICABLE; LIST DOES NOT INCL ANY ADD PROPERTIES IN OTHER MUNICIPALITIES

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1602	16		2	REID, JOHN J & DEBORAH & BRENDAN J 503 PARK AVE BERKELEY HEIGHTS, NJ 07922	503 PARK AVE	
1602	17		2	CHALEFF, GLENN MATTHEW 6 BROOK ST BERKELEY HEIGHTS, NJ 07922	6 BROOK ST	
1602	18		2	MAHONEY, SCOTT & BUCCI, NANCINA 14 BROOK ST BERKELEY HEIGHTS, NJ 07922	14 BROOK ST	
1602	19		2	STINER, JON A & CLABBY, KATHLEEN 20 BROOK STREET BERKELEY HEIGHTS, N J 07922	20 BROOK ST	
1602	20		2	ARMINIO, CHRISTOPHER & ARMINIO, JOSEP 26 BROOK ST BERKELEY HEIGHTS, NJ 07922	26 BROOK ST	
1603	2		2	FUDENNA, STEVEN & LYNNE 36 STEWART LANE BERKELEY HEIGHTS, N J 07922	36 STEWART LA	
1603	3		2	LONG, EMILY 28 STEWART LANE BERKELEY HEIGHTS N J 07922	28 STEWART LA	
1603	7		2	GREEY, EDWARD G & LAURA J 467 PARK AVENUE BERKELEY HEIGHTS, N J 07922	467 PARK AVE	
1603	8		2	KERYC, JAMES JR & STACI 481 PARK AVE BERKELEY HEIGHTS, NJ 07922	481 PARK AVE	
1603	10		2	CACIOPPO, GIAN F & LAUREN R 15 BROOK ST BERKELEY HEIGHTS, NJ 07922	15 BROOK ST	
1603	11		2	FELEZZOLA FAMILY IRREVOCABLE TRUST 27 BROOK ST BERKELEY HEIGHTS, NJ 07922	27 BROOK ST	
1603	12		2	MORAVEK, JOHN R & MARGARET P 31 BROOK STREET BERKELEY HEIGHTS, N J 07922	31 BROOK ST	
1605	1		2	CANTOR, DAVID & CANTOR, KAREN L. 482 PARK AVENUE BERKELEY HEIGHTS, NJ 07922	482 PARK AVE	
1605	2		2	GILFEDDER, JOSEPH T & ELIZABETH A 472 PARK AVENUE BERKELEY HEIGHTS, N J 07922	472 PARK AVE	
1607	47		2	TANG, YIMIN & JIANG, BEI 504 PARK AVENUE BERKELEY HEIGHTS, NJ 07922	504 PARK AVE	
1607	48		2	BORROMEO, FELIX & INGRID 3 FAIRFAX DRIVE BERKELEY HEIGHTS, N J 07922	3 FAIRFAX DR	
1607	49		2	SOUDERS, JOAN & CHIRICHELLA, FRANCIS 9 FAIRFAX DRIVE BERKELEY HEIGHTS, N J 07922	9 FAIRFAX DR	



Subject Property's 1603-9