

RECEIVED

Application No. APP22-0019

Application Fee \$250

Date of Filing 12/30/22

DEC 30 2022

Escrow \$500

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 Philip Maccarelli for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name Philip Maccarelli, residing at 95 Oakland St., Berkeley Hts. NJ 07922
Telephone No. 201-850-9338, Email address plmaccarelli@gmail.com

1. Petitioner is owner of property at 95 Oakland St, Block 1715, Lot 34 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: Self supporting portico was approved by zoning on 09/28/22 - za-22-00474. We are looking to add posts in lieu of brackets.

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 6.1.1B of the Zoning Ordinance.

5. a. Description of the Property:

Table with 5 columns: Required (See Attached Schedule 6.1.1B), Existing, Proposed, Variance Required: Y/N. Rows include Lot Area, Lot Width, Lot Depth, Front Setback, Side Setback, Combined side setbacks, and Rear Setback.

b. Provide coverage numbers below. Do not include slotted deck in this section:

- 1. Area of existing buildings/structures (house, attached/detached garage, covered porch, shed) to remain 1,950 sq. ft.
2. Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 0 sq. ft.
3. Total area to be occupied by buildings/structures 1950 sq. ft.
4. Area of existing Other Items (patio, driveways, walks, pool) 1,537 sq. ft.
5. Area of proposed Other Items (patio, driveway, walks, pool) 0 sq. ft.
6. Total area to be occupied by Other Items 1,537 sq. ft.
7. TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 3,487 sq. ft.
8. TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 3,487 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)	10.3 percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot)	8.2 percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	18.5 percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot)	10.3 percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot)	8.2 percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	18.5 percent	25%	30%

d. Accessory buildings/structures (if applicable): N/A
 (type: pool, etc.)
 Area proposed _____ square feet
 Maximum height proposed _____ feet
 Proposed Set Backs
 Side _____ Side _____ Rear _____

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

7. Facts in support of petitioner's relief:
Setback from street including right of way is 56'. Street almost certainly won't be widened, and is its permanent state
Portico was approved to be supported with brackets, this will be supported by posts.
Size of portico is visually appropriate in relation to size of the house
No other variances are needed, other than for the front setback.

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 _____

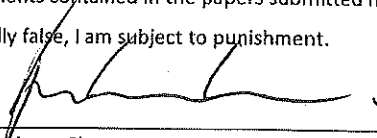
9. Has the Building or Zoning Department examined the plans for the proposed building and refused a building permit? y If Yes, please attach the Zoning Officer's Denial letter.

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.



 Petitioner Signature
 Address 95 Oakland St
Berkeley Heights, NJ 07922
 Phone 201-850-9338 Cell Phone _____
 E-Mail Address plmaccarelli@gmail.com



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

Application Date: 11/18/2022
 Application Number: ZA-22-663
 Permit Number: _____
 Project Number: _____
 Fee: \$0

Denial of Application

Date: 11/21/2022

To: MACCARELLI, PHILIP L & FERNANDA R CC: APP TELE:(201) 850-9338
 95 OAKLAND ST APP EMAIL:PLMACCARELLI@GMAIL.COM
 BERKELEY HEIGHTS, NJ 07922

RE: 95 OAKLAND ST
 BLOCK: 1715 LOT: 34 QUAL: ZONE:

DEAR MACCARELLI, PHILIP L & FERNANDA R,

The property owner is proposing to construct a new portico over the facade front door. Initial submission showed portico roof support with posts. Conversation with property owner explained post supports will make the portico structure nonconforming with a front yard setback encroachment, however if bracket supports were to be used, no posts, there would not be an encroachment.

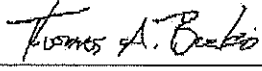
Zoning permit #ZP-22-00474 signed off on the bracket supports.

A new set of architectural plans have been submitted showing post supports for the portico.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance requires a minimum 50' principal front yard setback, where non-conforming 49.9' is existing and 44' is proposed to the new portico support posts.

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 Philip Maccarelli

Application # APP 22-0019

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.
(x)	()	Recycle and/or salvage non-hazardous construction and demolition debris.
(x)	()	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).
(x)	()	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>
n/a ()	()	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(x)	()	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
(x)	()	Consider use of motion sensor lighting where applicable. In commercial/industrial settings consider use of sensor controls.
(x)	()	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>
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.
()	()	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
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

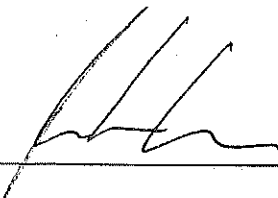
SITE INSPECTION CONSENT FORM

Applicant: Philip Maccarelli Application No.: APP22-0019

Block: 1715 Lot: 34

Street Address: 95 Oakland St,

I, Philip Maccarelli, 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: 11/22/22



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: 1/3/2023

Block: Lot(s): Address: List:

Block 1715 Lot 34 Owner Address 95 Oakland St 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 NJSA 40:55D-12.

Date: 1/3/2023

Tax Assessor's Office

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

Date: 1-3-2023

Tax Collector

BLOCK 1715



Subject property B1715
L34

OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

01/03/23 Page 1 of 2

CERTIFIED 200' LIST FOR BLOCK 1715 LOT 34 95 OAKLAND STREET
IF APPLICABLE; LIST DOES NOT INCL ANY ADD PROPERTIES IN OTHER MUNICIPALITIES

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1715	26.01		2	SCOTT, FRANK 793 MOUNTAIN AVE BERKELEY HEIGHTS, NJ 07922	793 MOUNTAIN AVE	
1715	27		2	DIETTMANN, TONYA N 805 MOUNTAIN AVE BERKELEY HEIGHTS, NJ 07922	805 MOUNTAIN AVE	
1715	28.02		2	HEBA, VANESSA & CONNOLLY, C 15 KINGS COURT BERKELEY HEIGHTS, NJ 07922	15 KINGS COURT	
1715	28.03		2	SAVINO, JOSEPH F. & MARIA G. 25 KINGS COURT BERKELEY HEIGHTS, NJ 07922	25 KINGS COURT	
1715	28.04		1	MT. VALLEY GRP. C/O E. MCMAHON 103 EISENHOWER PARKWAY ROSELAND, NJ 07068	30 KINGS COURT	
1715	28.05		2	FONTES, RAPHAEL & ROSA 20 KINGS COURT BERKELEY HEIGHTS, NJ 07922	20 KINGS COURT	
1715	30		2	DVORIN, KAREN J & JAMES A 162 CORNELL AVENUE BERKELEY HEIGHTS, N J 07922	162 CORNELL AV	
1715	31		2	CHEN, MAO & SHU, HUAI 150 CORNELL AV BERKELEY HEIGHTS, NJ 07922	150 CORNELL AV	31
1715	31.01		2	ROCZEY, MARK & LETICIA 144 CORNELL AVENUE BERKELEY HEIGHTS, NJ 07922	144 CORNELL AVENUE	
1715	32		2	JEN, ERIC & JI-MAY T 83 OAKLAND STREET BERKELEY HEIGHTS, NJ 07922	83 OAKLAND STREET	
1715	33		2	CHAMARTHI, RAJESH K & KEERTHI, SWAPNA 89 OAKLAND ST BERKELEY HEIGHTS, NJ 07922	89 OAKLAND ST	
1715	35		2	WOJTOWICZ, GRZEGORZ & LAURICE 101 OAKLAND ST BERKELEY HEIGHTS, NJ 07922	101 OAKLAND ST	
1715	36		2	BURKAT, STEPHEN J. & AGNES M. 107 OAKLAND STREET BERKELEY HEIGHTS, NJ 07922	107 OAKLAND ST	
1715	37		2	MARESCA, MICHAEL & DANIELLE G. 111 OAKLAND STREET BERKELEY HEIGHTS, NJ 07922	111 OAKLAND ST	
1715	38		2	HADDAD, IMAD 115 OAKLAND STREET BERKELEY HEIGHTS, N J 07922	115 OAKLAND ST	
1715	39		2	CRYSTAL, ADAM & JESSICA E 112 OAKLAND ST BERKELEY HEIGHTS, NJ 07922	112 OAKLAND ST	
1715	40		2	BAILEY, WILLIAM & DOROTHY 108 OAKLAND STREET BERKELEY HEIGHTS, N J 07922	108 OAKLAND ST	
1715	41		2	ABBEY, JOHN & KRISTI 102 OAKLAND ST BERKELEY HEIGHTS, NJ 07922	102 OAKLAND ST	
1715	42		2	TEKLEMARIAM, AWRARIS 96 OAKLAND ST BERKELEY HEIGHTS, NJ 07922	96 OAKLAND ST	

OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

01/03/23 Page 2 of 2

CERTIFIED 200' LIST FOR BLOCK 1715 LOT 34 95 OAKLAND STREET
 IF APPLICABLE; LIST DOES NOT INCL ANY ADD PROPERTIES IN OTHER MUNICIPALITIES

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1715	43		2	UPPAL, AARTI & AKASH 90 OAKLAND ST BERKELEY HEIGHTS, NJ 07922	90 OAKLAND ST	
1715	44		2	VITIELLO, ERNEST & MICHELE 122 CORNELL AV BERKELEY HEIGHTS, NJ 07922	122 CORNELL AV	
1715	45		2	SCOTTI, CHRISTOPHER & SAMANTHA 114 CORNELL AV BERKELEY HEIGHTS, NJ 07922	114 CORNELL AV	