

RECEIVED

Application No. APP 22-0020

Date of Filing 12/19/20 & 1/30/23 re-filed as NEW

JAN 30 2023

Application Fee _____

Escrow _____

PLANNING / ZONING / ENGINEERING
TOWNSHIP OF BERKELEY HGTS. NJ

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 ILIR & LORETTA BITICI for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.
(applicant name)

Petitioner Name ILIR & LORETTA BITICI, residing at 51 MERCIER PL.

Telephone No. 701-739-0738 cell, Email address loreta.biticic@gmail.com

1. Petitioner is OWNER of property at 51 Mercier Pl, Block 3002, Lot 14
(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:
A. Relief from rear yard - 40' reqd., 19.83' exist., 18.42' proposed B. Sideyard Setback - 12' reqd., 29.06' exist., 7.08' proposed C. Building Coverage - 15% reqd., 31% exist, 20.82% proposed; D other 10% ; 11.55% exist., 10.43% proposed; E. TOTAL COVERAGE - 25% REQD., 19.64% exist., 31.24% PROPOSED.

3. Does the Application concern a request for Certificate of Nonconformity? _____
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 Section 6.1.B 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	14,375	UNCHANGED	N
Lot Width	100'	115'	UNCHANGED	N
Lot Depth	150'	125'	UNCHANGED	N
Front Setback	50'	69'	60.25'	N
Side Setback	12'	14.8'	14.8'	N
Side Setback	18'	40.2'	23.71'	N
Combined side setbacks	30'	55.0'	38.51'	N
Rear Setback	40'	19.83'	18.42'	Y

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 4,388 sq. ft.
2. Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 810 sq.ft.
3. Total area to be occupied by buildings/structures 2,198 sq.ft.
4. Area of existing Other Items (patio, driveways, walks, pool) 1,780 sq.ft.
5. Area of proposed Other Items (patio, driveway, walks, pool) 327 sq.ft.
6. Total area to be occupied by Other Items 2,107 sq.ft.
7. TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 3,168 sq.ft.
8. TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 4,305 sq.ft.

		Maximum Allowed	
		R-15/20 Zone	R-10 Zone
c. Lot Coverage (from 5.b., Page 1)			
Existing buildings/structures (Item 1/sq.ft. of lot)	<u>9.06</u> percent	15%	20%
Existing Other coverage (Item 4/sq.ft. of lot)	<u>12.38</u> percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	<u>22.04</u> percent	25%	30%
Proposed buildings/structures (Item 3/sq.ft. of lot)	<u>15.29</u> percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot)	<u>14.66</u> percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	<u>29.95</u> percent	25%	30%

d. Accessory buildings/structures (if applicable): NO
 (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? YES (If yes, attach Resolution.)

7. Facts in support of petitioner's relief:
SEEKING RELIEF FOR REAR YARD SETBACK, BUILDING COVERAGE,
* TOTAL COVERAGE, * OTHER COVERAGE

8. Set forth the particular Statute under which this Application is made (N.J.S.A. 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? 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.

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.

Loreta Bitici
 Petitioner Signature
51 MERCIER PL.
 Address
BERKELEY HTS, NJ 07902
201-739-0738
 Phone Cell Phone
loreta.bitici@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: 1/31/2023
Application Number: ZA-23-53
Permit Number: _____
Project Number: _____
Fee: \$0

Denial of Application

Date: 2/9/2023

To: GRA ARCHITECTS
312 SPRINGFIELD AVE
BERKELEY HEIGHTS, NJ 07922

CC: APP TELE:(908) 464-0601
APP EMAIL:J.RAMENTOL@GRAARCHITECTS.COM

RE: 51 MERCIER PL
BLOCK: 3002 LOT: 14 QUAL: ZONE:

DEAR GRA ARCHITECTS,

The property owner is proposing a 706 sq. ft. addition to the north side and rear of the house, a new foyer / portico to the front entry, reconfigured front walkway, new rear yard patio, reconfigured and relocated driveway and interior renovations.

Section 6.1.1B "Schedule of General Regulation" of the Municipal Land Use Procedures Ordinance requires a minimum rear yard setback of 40', where nonconforming 19.83' is existing and 18.42 feet is proposed to the new addition. Maximum building coverage allowed is 15%, where 9.66% is existing and 15.29% is proposed. Other coverage allowed is 10%, where nonconforming 12.38% is existing and 14.66% is proposed. Total coverage allowed is 25%, where 22.04 is existing and 29.95% is proposed.

FEMA Flood Zone Determination - Panel 016F Zone X

Existing nonconforming; lot area, lot depth, existing principal rear yard setback, and existing other coverage.

Note:

1. Zoning Board of Adjustment Case No. 10-14 approved a variance for this property that was never started.
2. If approved, a new driveway opening will be required to be obtained from the township engineer's office.
3. If trees are to be removed a permit is required. A tree replacement plan may be required. Tree locations, type and size are not shown on the plan.

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 ILIR & LORETA BITICI

Application # APP 22-0020

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.
(✓)	()	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe: _____ _____ _____ _____



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: 1/30/2023

Block: 3002 Lot(s): 14 Address: 51 Mercier Place List: 760

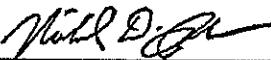
Block Lot Owner Address Service

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 NJSA 40:55D-12.


Date: 1/30/2023



Tax Assessor's Office

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

Date: 1-30-2023



Tax Collector

OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

01/30/23 Page 1 of 1

CERTIFIED 200' LIST FOR BLOCK 3002 LOT 14 51 MERCIER PLACE
IF APPLICABLE; LIST DOES NOT INCL ANY ADD PROPERTIES IN OTHER MUNICIPALITIES

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2801	62.01		2	GABRIELE, VINCENT P & VANESSA N 48 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	48 OLD FARM ROAD	
2801	62.02		2	WAGMAN, LAURENCE I & LORI A 40 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	40 OLD FARM ROAD	
3001	95		2	SCARZELLA, ROBERT & SCARABINO, TINA 66 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	66 OLD FARM ROAD	
3002	2		2	SULLIVAN, ROBERT N & MARY ANN 118 ORCHARD LANE BERKELEY HEIGHTS, N J 07922	118 ORCHARD LA	
3002	3		2	MILLES, MAANO & EPP 108 ORCHARD LANE BERKELEY HEIGHTS, NJ 07922	108 ORCHARD LA	
3002	4		2	PLAUKA, ALAN R. DR. 100 ORCHARD LANE BERKELEY HEIGHTS, NJ 07922	100 ORCHARD LA	
3002	5		2	CHIEFA, MICHAEL C. & SUSANNE E. 92 ORCHARD LANE BERKELEY HEIGHTS, N J 07922	92 ORCHARD LANE	
3002	12		2	LEGER, DARRELL & NANCY 35 MERCIER PL BERKELEY HEIGHTS, NJ 07922	35 MERCIER PL	
3002	13		2	BUCKLEY, DAVID J & TERRA S 43 MERCIER PL BERKELEY HEIGHTS, NJ 07922	43 MERCIER PL	
3002	14		2	BITICI, ILIR 51 MERCIER PLACE BERKELEY HEIGHTS NJ 07922	51 MERCIER PL	
3002	15		2	GREBEN, RANDY J & TAMARA L 63 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	63 OLD FARM ROAD	
3002	16		2	TRAINOR, JAMES & VANESSA 71 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	71 OLD FARM ROAD	
3002	17		2	CONROY, WILLIAM & JESSICA 85 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	85 OLD FARM ROAD	
3002	18		2	THUNBERG, SUSAN G. 95 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	95 OLD FARM ROAD	
3003	1		2	WILCZEWSKI, JOSEPH M & DIANE E 46 MERCIER PL BERKELEY HEIGHTS, NJ 07922	46 MERCIER PL	
3003	2		2	BITICI, SABIT & HATIXHE 34 MERCIER PLACE BERKELEY HEIGHTS, N J 07922	34 MERCIER PL	
3003	8.02		2	TANG, DAVID & GAYLE 169 EMERSON LANE BERKELEY HEIGHTS, NJ 07922	169 EMERSON LANE	
3003	12		2	MOHAN, SHYAM P & PAYAL 39 OLD FARM ROAD BERKELEY HEIGHTS, NJ 07922	39 OLD FARM ROAD	

B3002

B
3001

B
2801

B3003



Subject property
BLOCK 3002 LOT 14

File# 10-14
 Date of Filing 2/11/14

(PRIOR)

Fees to be charged:
 Application \$250
 Escrow \$500

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 ILIR & LORETA BITICI for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner ILIR & LORETA BITICI, residing at 51 MERCIER PLACE B.H.

Telephone No. _____ Fed.ID # (if Applicable) _____ Soc.Sec.# X

1. Petitioner is OWNER of property at 51 MERCIER PLACE, Block 3002, Lot 14 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:
A. RELIEF FROM REARYARD SETBACK - 40' Regd.; 19.83' Exist.; 18.42' Proposed
B. SIDEYARD SETBACK - 12' ALLOWED; 29.06' Exist.; 7.08' Proposed
C. BUILDING COVERAGE - 15% / 2,156 sf Allow; 8.11% / 1,163 sf Exist; 20.87% / 2,994 sf Proposed
D. 10% / 1,438 sf, 11.55% / 1,660 sf Proposed (OTHER)
E. TOTAL COVERAGE - 15% / 3,594 sf Allow; 19.64% / 2,823 sf Exist; 31.26% / 4,494 sf Proposed

3. 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 Section/Article Section 6.1.1B of the Zoning Ordinance.

5. Description of the Property:

a. Item	Required See Attached Schedule: 6.1.1B		Existing	Proposed	Variance Required? Y/N	*
	ALLOW	ACTUAL				
Lot Area (SF)	20,000	14,375	14,375	14,375	N	*
Lot Width (FT)	100		115	115	N	
Lot Depth (FT)	150		125	125	N	*
Front Set Back (FT)	50		69	60.25	N	
Side Set Back side (FT)	12		Principal Bldg. 29.06			
side (FT)				7.08	Y	
Combined (FT)	30		69.73	30.79	N	
Rear Set Back (FT)	40		19.83	18.42	Y	

b. NOTE: DO NOT INCLUDE DECK IN THIS SECTION * PRE-EXISTING NON-CONFORM

- (1) Area of existing structures (house, attached garage, porch) to remain 1,163 sq.ft.
- (2) Area of proposed structures (house, attached garage, porch) 1,831 sq.ft.
- (3) Total area to be occupied by structures 2,994 sq.ft.
- (4) Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 1,660 sq.ft.
- (5) Area of proposed Accessory Items (detached garage, patio, driveways, walks, pool, shed) -160 sq.ft.
- (6) Total area to be occupied by Accessory Items 1,500 sq.ft.
- (7) TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 2,823 sq.ft.
- (8) TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 4,494 sq.ft.

c. Deck (If Applicable)

Area existing N/A square feet

Area proposed _____ square feet

Maximum height proposed _____ feet

Set Backs

Side _____ Side _____ Rear _____

Side _____ Side _____ Rear _____

d. Coverage (From 5.b, Page 1)

Existing structures (sq.ft. of structures [Item (1)]) sq.ft. of lot 8.11 percent

Existing accessory items (sq.ft. of all other items [Item (4)]) sq.ft. of lot 11.55 percent

Total existing lot coverage 19.64 percent

Total existing impervious (total sq.ft. of above [Item (1) and (4)]) sq.ft. of lot 19.64 percent

Proposed structures (includes what remains and anticipated [Item (1) and (2)]) 20.82 percent

Proposed accessory items (includes what remains and anticipated [Item (4) and (5)]) 10.49 percent

Total proposed lot coverage 31.26 percent

Total proposed impervious (includes what remains and anticipated [Item (1), (2), (4), and (5)]) 31.26 percent

Maximum Allowed.	
R-15/20 zone	R-10 zone
15%	20%
10%	10%
25%	30%
25%	30%
15%	20%
10%	10%
25%	30%
25%	30%

6. Has there been a previous petition for relief involving the property? NO
If so, please attach Resolution.

7. Facts in support of petitioner's relief:

SEEKING RELIEF FOR REAR YARD & SIDE YARD SETBACKS, BUILDING COVERAGE, OTHER COVERAGE AND TOTAL COVERAGE

8. Set forth the particular Statute under which this Application is made (NJSA 40:55D-70)

a) Appeal X b) Interpretation _____ c) Hardship _____ d) Use _____

9. Has the Building Department examined the plans for the proposed building and refused a building permit? YES
If yes, please attach Zoning Officer's Denial form.

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

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 the instructions
- b) 200 foot radius map showing size of plot, bounding streets; in 200 foot radius, show all properties within 200 feet of boundaries with Block and Lot numbers, and names of owners
- c) Architectural plans or equivalent
- d) Copy of certified list of property owners within 200 feet

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

ILIR & LORETA BITICI
Petitioner

51 MARCIER PLACE
Address

BERKELEY HTS, NJ 07922

908-964-0106
Phone [Signature] Fax (if applicable)
AGENT FOR PETITIONER

BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS

Case No. 10-14

RESOLUTION

WHEREAS, ILIR and LORETA BITICI have applied to the Board of Adjustment of the Township of Berkeley Heights for permission to construct additions and an attached two car garage to an existing single-family residence which is located at 51 Mercier Place on property designated as Lot 14, Block 3002 on the Berkeley Heights Tax Map, which premises is located in the R-20 Zone, and

WHEREAS, Ilir Bitici and his architect James J. Ramentol, R.A. presented the application at the March 13, 2014 Board of Adjustment meeting, and

WHEREAS, the subject property is developed with a two bedroom ranch style home containing approximately 1,163 square feet of living area and a detached garage, and

WHEREAS, the applicants propose to construct:

- A 706 square foot first floor addition on the western side of the home.
- A 132 square foot living room expansion.
- A foyer/portico containing 104 square feet.
- A kitchen and dining room addition of 176 square feet.

- An attached two car garage/mud room containing 713 square feet.
- Paver patios.
- The pavement of the existing gravel driveway.

AND, WHEREAS, the existing home has a rear yard setback of 19.83 feet, a proposed addition will have a rear yard setback of 18.42 feet, while the zoning ordinance requires a minimum rear yard setback of 40 feet in the R-20 Zone, and

WHEREAS, the existing home has an eastern side yard of 29.06, the proposed two car garage will have a side yard of 7.08 feet, while the zoning ordinance requires a minimum side yard of 12 feet in R-20 Zone, and

WHEREAS, building coverage is currently 8.11%, is proposed to be increased to 20.82%, while the maximum building coverage permitted in the R-20 Zone is 15%, and

WHEREAS, accessory or other coverage is currently 11.55%, is proposed to increase to 10.49%, while the Zoning Ordinance limits accessory or other coverage to 10% in the R-20 Zone, and

WHEREAS, total lot coverage is currently 19.64%, was initially proposed to increase to 31.26%, while total lot coverage is limited to 25% in the R-20 Zone, and

WHEREAS, Architect Ramentol at the March 13, 2014 Board of Adjustment meeting presented to the Board an exhibit marked A-2 which showed the adjoining home at 43 Mercier Place with a western side yard of 27.83 feet to the common boundary with the subject property, and

WHEREAS, Steve Greguske, an owner of 43 Mercier Place, had no objection to the proposed expansion so long as:

- The entrance and mud room was moved from the side of the proposed two car garage to the rear.
- The applicants would replace any of the trees on Greguske's property which were impacted by the construction of the garage.
- Water runoff from the garage would not go to his property.

AND, WHEREAS, the applicants agreed to the requested conditions.

WHEREAS, Architect Ramentol testified that 250 square feet would be removed from the driveway, which would reduce total lot coverage to under 30%, and

WHEREAS, it was noted that the nearest neighbor's home to the rear of the site is a distance from the proposed construction, and

WHEREAS, the applicants chose to keep the residence a ranch style home which is in keeping with the neighborhood, and

WHEREAS, the requested variances are justified under N.J.S.A. 40:55D-70c on the basis of the small size of the subject property, containing 14,375 square feet, while the minimum lot size in the R-20 Zone is 20,000 square feet, and

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

aesthetic enhancement to the home which is shown on architectural plan A-4,
and

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

WHEREAS, the requested relief can be granted, with appropriate
conditions, 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 10th day of April 2014
that the application of Ilir and Loreta Bitici be approved in accordance with a
plan titled: "ILIR & LORETA BITICI 51 MERCIER PLACE BERKELEY
HEIGHTS, NJ 07922 ADDITION & ALTERATION TO THE BITICI
RESIDENCE" prepared by GRA Architects (James J. Ramentol, R.A.) dated
October 3, 2013 and last revised February 7, 2014 consisting of sheets T-1, D-1, A-
2, A-3, and A-4, subject, however, to the following conditions:

1. The architecture and exterior materials for the additions
shall be consistent with that of the existing residence.
2. The applicants 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.

3. The applicants shall obtain a permit from the Municipal Tree Inspector prior to removing any trees.

4. The door and entranceway on the new two car garage shall be moved from the side to the rear of the garage. The plans shall be revised to incorporate this change.

5. Any trees which are damaged on adjoining lot at 43 Mercier Place shall be replaced to the approval of the Township Tree Inspector.

6. The applicants shall plant trees adjoining the new garage to provide additional buffering to 43 Mercier Place, after consulting with Steve Greguske and obtaining approval for the species size and location from the Township Tree Inspector. The trees are to be permanently maintained. Dead, diseased and missing trees are to be replaced to the approval of the Township Tree Inspector.

7. The applicants shall remove 250 square feet from the driveway so that the total lot coverage is below 30%. The plans are to be revised to incorporate this change.

Roll Call Vote: 5 - 0

Those in Favor: Mr. Bussiculo, Mr. Miller, Mr. Siburn,
Mr. Smith, and Mr. Delia

Those Opposed: None