



PLANNING BOARD  
TOWNSHIP OF BERKELEY HEIGHTS

BERKELEY HEIGHTS, NEW JERSEY 07922



TEL. (908) 464-2700  
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December 16, 2020

August N. Santore, Jr., Esq.  
143 Summit Avenue  
Berkeley Heights, NJ 07922

Dear Mr. Santore:

Re: **App.#M-3-20: August N. Santore, Jr., 6 Maple Avenue, Block 902, Lot 1**

The applicant is seeking minor subdivision approval to create two lots from one existing lot on which there is a single-family home. The existing house would be razed, and two new, single-family dwellings would be built on each new lot. Various bulk variances would be required as described in the application. (R-15 Zone)

Attached you will find the Resolution of Approval that was adopted by the Planning Board at its meeting on December 9, 2020.

Please review the conditions that need to be satisfied before the project may proceed.

Sincerely,

A handwritten signature in cursive script that reads "Connie Valenti".

Connie Valenti  
Secretary, Zoning Board of  
Adjustment and Planning Board

Encl.

**PLANNING BOARD  
TOWNSHIP OF BERKELEY HEIGHTS**

Application No.: M-3-20

**RESOLUTION APPROVING APPLICATION**

**WHEREAS**, pursuant to the applicable provisions of the Municipal Land Use Procedures Ordinance of the Township of Berkeley Heights ("Ordinance"), an Application was submitted to the Township of Berkeley Heights Planning Board ("Board"), by August N. Santore, Jr. ("Applicant"), seeking minor subdivision for property known as 6 Maple Avenue (Block 902, Lot 1) with variances for lot area, lot depth, lot width, front set back and building coverage; and

**WHEREAS**, the Property is located in the R-15 Single Family zone district and the proposed residential use is permitted, however the following variances are requested by the Applicant:

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
<b>Proposed Lot 1.01</b>		
Lot area	16,500	8,598
Lot depth	130	100
Lot width (corner)/Springfield Ave	120	100.4
Maple Ave		85.33
Front set back (Maple)	50	22
Front set back (Springfield)	50	25
Principal building coverage	15%	19.5%
<b>Proposed Lot 1.02</b>		
Lot area	15,000	8,500
Lot depth	130	100
Lot width	100	85
Front set back (Maple)	50	22
Principal building coverage	15%	19.7%

**WHEREAS**, the following Exhibits were presented during the hearing and considered by the Board;

<u>Description</u>	<u>Exhibit No.</u>
Colored Rendering of Tax Map	A-1
Photo ( submitted by Evelyn Morton)	M-1
Photo ( submitted by Evelyn Morton)	M-2
Photo (submitted by Evelyn Morton)	M-3

**WHEREAS**, the Application reviewed by the Board consisted of the following:

- Township of Berkeley Heights Planning Board Application for Minor Subdivision Approval, filed on October 8, 2020;
- Township of Berkeley Heights Planning Board Checklist, dated October 6, 2020, and Design Standards;
- Signed and sealed subdivision plan set consisting of three (3) sheets, entitled “Minor Subdivision of Lot 1, Block 902, 6 Maple Avenue & Springfield Avenue, Township of Berkeley Heights, Union County, New Jersey,” prepared by William G. Hollows, P.E.,P.P., of Murphy and Hollows Associates LLC, dated September 25, 2020.
- Berkeley Heights Environmental Commission Letter dated October 19, 2020.
- Engineering Review Memo prepared by Neglia Engineering Associates, dated October 19, 2020; and

**WHEREAS**, the Applicant properly published a newspaper notice of the hearing and the Applicant did duly notify property owners within 200 feet of the subject Property of the scheduling of such hearing pursuant to Code Section 4.3.1 and N.J.S.A 40:55D-12; and

**WHEREAS**, on October 21, 2020 a public hearing was held on the Application; and

**WHEREAS**, the Applicant was represented by August N. Santore, Esq.; and

**WHEREAS**, after reviewing the plans, reports, submissions and evidence presented, the Board hereby makes the following findings:

**FINDINGS**

1. The Applicant August N. Santore, Jr. ("Applicant") is the contract purchaser of property located at 6 Maple Avenue, ( Block 902, Lot 1) Berkeley Heights, New Jersey. The Property is owned by Robert G. Delia and is located in the R-15 Zone. The property is a corner lot and is located at the corner of Maple Avenue and Springfield Avenue. The property contains 17,098 of lot area and is presently improved with a two story frame dwelling with asphalt driveway leading onto Maple Avenue. There are walkways in the front and rear of the dwelling and a brick patio and shed in the eastern corner of the property.
2. The Applicant proposes to subdivide the existing lot into two residential building lots. The Applicant proposes to remove the existing dwelling and construct two residential dwellings. The Applicant requires variances for lot area, lot depth, lot width, front set back and principal building coverage.
3. William Hollows, P.E., P.L.S., was qualified as a professional engineer and testified on behalf of the Applicants. Mr. Hollows described the existing conditions of the property and noted that the property was on the easterly side of Maple Avenue on the corner of Springfield. The property has frontage on both Maple Avenue and Springfield Avenue, however, the existing home is oriented toward Maple Avenue. The lot is 170.33 feet in width and 100 feet in depth. The property is in the R-15 zone and is presently improved with a 1 story single family home, two car garage, patio, driveway and shed. The property slopes to the south at a 2% slope. The Applicant proposes to subdivide the

property into two building lots and demolish the existing home. The Applicant requires variances for lot area, lot width, front set back and building coverage. Mr. Hollows noted that the front set back from the curb line would be 32-33 feet as compared to the existing set back for the adjoining property which is 14.5 feet from the right of way line and 24.25 feet from the curb line. Mr. Hollows also noted that there would be a minimal amount of additional impervious coverage and that a detailed grading plan would be submitted for review by the Township Engineer prior to issuance of a building permit. In response to questions from the Board, Mr. Santore noted that there is no patio or deck proposed at this time but a deck would require a different set back and would be required to meet Township requirements for set back. Mr. Santore also noted that the proposed homes would be four bedroom homes of approximately 2,800-2,950 square feet and would meet the Township height requirements. Mr. Santore was also of the opinion that the two homes on the property would fit the neighborhood better than one large home that would be out of character for the neighborhood.

4. The Applicant's Professional Planner, Brian Leff, was sworn and qualified as an expert in the field of professional planning. Mr. Leff introduced a colored rendering of a copy of the Township Tax Map showing the subject property and the other lots in the neighborhood. Mr. Leff described the proposed variances and noted that the majority of homes in the neighborhood were closer in lot area to the proposed new lots which will be approximately 8,500 square feet. Mr. Leff was of the opinion that the proposed lots were closer in size and scale to the other lots in the area and that the subdivided lots were in greater conformity to the existing neighborhood. Mr. Leff further noted that 21 of the 26 lots in the neighborhood were deficient in lot width and that most were 85-87 feet in

width which is similar to the width of the proposed new lots. Mr. Leff also noted that the front set back was consistent with the front set back of the 5 lots immediately across the street. Mr. Leff also testified that it was impractical to meet the front set back requirement because the lot was only 100 feet deep and with a 50 foot front yard set back requirement and a 40 foot rear yard requirement the lot would only permit a 10 foot deep building envelope. With regard to the building coverage, Mr. Leff testified that the lots would comply with the overall coverage and imperious coverage requirements so there would be no actual impact on the property. Mr. Leff was of the opinion that the subdivision was compatible with the pattern of development and consistent with the Master Plan which includes the goal of maintaining the character of residential development through appropriate density. Mr. Leff was of the opinion that the variances advanced several of the purposes of zoning and would result in lots more in character with the existing neighborhood scheme. Mr. Leff also believed that the variances could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

5. The hearing was open for public comment and Evelyn Morton, owner of the adjacent property at 16 Maple Avenue testified that according to her calculations the average home size in the neighborhood was 1,555 square feet which is substantially less than the homes being proposed. Ms. Morton was also of the opinion that the existing lot was not out of character with the lots across the street. Ms. Morton also introduced three photographs (marked M-1 to M-3) showing her home and the neighborhood. Ms. Morton was concerned about the precedent being set, the increase in impervious coverage and the impact on her property. Ms. Morton was particularly concerned about the

distance between the new home on new Lot 1.02 and her home which will dwarf her home in size.

6. In response to the concerns expressed by Ms. Morton and concerns from the Board, the Applicant agreed to reduce the size of the building footprint on Lot 1.02 to 1,628 square feet and to slide the footprint to the north to increase the side yard setback on the southerly side from 18 to 24 feet. The additional side yard set back will provide approximately 34 feet between the new house on Lot 1.02 and Ms. Morton's house on Lot 26. Mr. Santore also stated that he would not have an issue providing a sight easement at the corner of Springfield Avenue and will address the sidewalk along Springfield Avenue to the satisfaction of the Engineering Department and Union county. Mr. Hollows also testified that the Applicant would be removing 12 trees but that the large trees around the perimeter would remain.

**WHEREAS**, the Board took action on the Application at the October 21, 2020 meeting and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g); and

**NOW, THEREFORE**, the Township of Berkeley Heights Planning Board, after carefully considering the plans, reports, submissions and evidence provided, including the testimony of the Applicant's experts, makes the following conclusions:

1. The Board has jurisdiction over the Application.
2. The Applicant's Experts were credible and accepted by the Board.
3. The Application for lot area, lot width, front set back and principal building coverage can be granted under NJSA 40:55D-c(1) and c(2). As noted by the Applicant's Planner Mr. Leff, the subdivision will actually bring the lots into greater conformity with the existing neighborhood plan. The variances will advance purposes c, e and i of the Municipal Land Use Law and the variances will not result in substantial detriment to the public good or the zone plan or

zoning ordinance. The impacts on the immediately adjoining Lot 26 will be mitigated by the increased side yard set back and the limitation on the size of the building footprint.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Berkeley Heights on this 9<sup>th</sup> day of December, 2020 confirming the action taken by the Board on October 21, 2020, approving the Application seeking minor subdivision approval with variances for lot area, lot width, lot depth, front set back and building coverage subject to the following conditions:

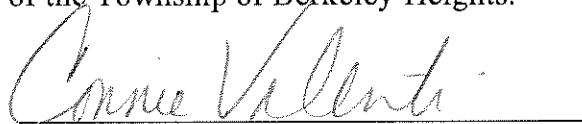
1. The Applicant shall limit the size of the building footprint on Lot 1.02 to 1,628 square feet.
2. The Applicant shall revise the plans to slide the building envelope on Lot 1.02 to the north to increase the side yard setback to 24 feet on the side of the lot adjacent to Lot 26.
3. The Applicant shall comply with the recommendations and requirements set forth in the October 19, 2020, engineering report of Neglia Engineering Associates to the satisfaction of the Board Engineer and that Report is incorporated here in as though set forth at length.
4. The Applicant shall install evergreen screening along the sideline of Lot 1.02 and Lot 26 between the dwellings (not continuing up to the road but only up to the front of the house) and will submit a revised landscape screening plan which shall be subject to review and satisfaction of the Board Engineer
5. The Applicant shall replace the concrete sidewalk along Springfield Avenue frontage to the satisfaction of the Township Engineer and Union County.
6. The Applicant shall submit stormwater management/grading plan as part of the building permit application. The stormwater management/grading plan shall be subject to review and approval by the Board Engineer.
7. The subdivision may be perfected by deed, full metes and bounds descriptions of each new lot must be provided with the proposed deed of subdivision and both shall be reviewed to the satisfaction of the Board Attorney and Engineer prior to filing with the County. The Applicant is directed to N.J.S.A. 40:55D- 47 for the time limits on filing a minor subdivision deed.



8. This approval is for subdivision and variance relief only. No construction is permitted without first obtaining all required building permits and other agency approvals.
9. The Applicant shall comply with all limitations on construction in the Township including the limits on construction hours and days.
10. The Applicant shall pay all taxes, fees, sewer connection fees and required escrow deposits that may be due and owing prior to the Board signing the subdivision deed.
11. The Applicant shall comply with the tree removal and replacement permits and new permits shall be filed with the tree inspector along with the submission of any building permits, if additional trees will be impacted.
12. The Applicant shall obtain any and all approvals required by outside agencies, and submit copies of such approvals to the Board, including, but not limited to, Union County Planning Board, NJDOT, NJDEP, Somerset-Union Soil Conservation District, Emergency Services and Department of Public Works, Township Police and Fire, and Township of Berkeley Heights Sewer Department.
13. The Applicant shall pay any required Township map revision fee prior to signing the minor subdivision deed.
14. The Applicant shall comply with the Township of Berkeley Heights affordable housing ordinance and shall pay any applicable fees.

**BE AND THE SAME IS HEREBY GRANTED**

I hereby certify that the above Resolution is a true copy of the Resolution adopted on December 9, 2020 by the Planning Board of the Township of Berkeley Heights.

  
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Connie Valenti, Secretary

Roll Call Vote on  
10/21/2020:

6 – 0

Motion to Approve:

Mr. Graziano

Second:

Mr. Hall

Ayes:

Mr. Johnson, Mr. Graziano, Mr. Hall, Ms. Poage,  
Ms. Greenwald, and Mr. Monaco

Nays:

None

Abstentions:

None