

**INSTRUCTIONS FOR FILING APPLICATION  
TO THE ZONING BOARD OF ADJUSTMENT**

Berkeley Heights, NJ

All of the following requirements must be satisfied before the Application can be placed on the Board of Adjustment Agenda.

1. Obtain a Denial Letter from the Zoning Officer.
2. Secure Application Packet from the Board Secretary. It contains forms you will need as described below. If not the owner of the subject property, the owner must complete an authorization form. (Please see Board Secretary for details.)
3. The 200-foot radius list. Fill out the form to obtain the 200-foot radius map and list of property owners within 200 feet of your property. The fee is \$10.00 (for one block and lot). Please pay in cash or by check made payable to The Township of Berkeley Heights. The map and list will be mailed to you unless otherwise specified. If your property is within 200 feet of a neighboring town, there are additional notification requirements which are explained on a separate handout.
4. Submissions to Board Secretary prior to meeting. Please submit TWELVE (12) sets of your application documents which should include the following:
  - Application form (pages 1 and 2)
  - Zoning Officer's Denial Letter
  - Survey of your property (photocopy is OK) showing:
    - Dimensions and area
    - Existing structures and proposed additions or changes with dimensions
    - Setback distances on front, rear, and sides
  - Architectural plans or equivalent showing dimensions and elevations
  - 200-foot radius map and list of property owners within 200 feet of your property
5. Fees and Escrow. Two checks – one for the Application Fee and one for the Escrow deposit – made payable to the Township of Berkeley Heights are due on the day your Application is filed. (The Fee Schedule is attached.)
6. Meeting Dates. After submission of the above, the Secretary will assign an application number and advise you of the date to appear before the Board at a Conference Meeting (2<sup>nd</sup> Thursday of the month). Your application will be reviewed at the Conference Meeting and scheduled for a Public Hearing at a Regular Meeting (4<sup>th</sup> Thursday of the month). [NOTE: There are four months during the year in which there is only one meeting – the Public Hearing – rather than two meetings: July, August, November and December.]
7. The Legal Notice. You are required to send out the Legal Notice **at least TEN (10) days prior to the Public Hearing** (Regular Meeting) to the property owners on the list received from the Township. If your property is within 200 feet of a neighboring town, there are additional notification requirements as explained on a separate handout. It is suggested that your Legal Notice be reviewed first by the Secretary or Zoning Officer. **Do not send out your notices until after the Conference Meeting.\* Notices must be mailed by CERTIFIED MAIL (recommended)** or by handing the Notice in person to the property owners (not recommended). Note: If there are property owners living OUTSIDE the Township, they must be notified by Certified Mail.

*\*This does not apply to meetings in July, Aug., Nov. or Dec. since there is only one meeting as explained in Paragraph #6 above.*
8. The Affidavit of Service. After you have mailed the Legal Notices, fill out the AFFIDAVIT OF SERVICE form and have it notarized.
9. The Affidavit of Service and the Certified Mail Receipts from the Post Office must be submitted to the Board Secretary prior to the Public Hearing and will become part of the Applicant's file.

Please note the following:

1. An Applicant or his authorized agent must be in attendance at the Public Hearing in order for action to be taken. A Corporation or L.L.C. must be represented by an attorney.
2. A notice of Public Hearing will be advertised by the Board Secretary in the legal newspaper designated by the Board of Adjustment. The action taken by the Board will also be advertised in the legal newspaper as soon as the resolution of approval or denial is adopted by the Board.
3. If Site Plan approval is required, a Site Plan application must be filed on proper forms and fees paid in addition to the variance fees.

**IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE BOARD SECRETARY AT 464-2700, Ext. 2124**

**FEE SCHEDULE**  
**FOR RESIDENTIAL APPLICATIONS**  
**TO THE ZONING BOARD OF ADJUSTMENT**

Berkeley Heights, NJ

Two separate checks, made payable to the Township of Berkeley Heights, are required for the following:

- 1. Application Fee:** A nonrefundable Application Fee is charged to each applicant. The amount of this fee depends on the type of variance requested.

*For a (c) variance **not** relating to a deck, shed or fence:   **\$250.00 APPLICATION FEE***

*For a (c) variance relating to a deck, shed or fence:           **\$150.00 APPLICATION FEE***

- 2. Escrow Deposit:** Each applicant must also submit an escrow deposit which is used to pay for the services of the Board Attorney, Board Engineer, if applicable, Legal Advertising, and any other professional charges incurred in connection with the Application. The amount of this deposit depends on the type of variance requested. (See section below.)

Any unused portion of the Escrow deposit will be returned to the Applicant after the Resolution has been processed and all outstanding invoices for the above mentioned charges have been paid. Please note that if the initial escrow deposit is not adequate to pay for all of the charges incurred, the Applicant will have to pay the required shortfall – by posting additional escrow – prior to receiving the Resolution.

*For a (c) variance **not** relating to a deck, shed or fence:   **\$500.00 ESCROW DEPOSIT***

*For a (c) variance relating to a deck, shed or fence:           **\$250.00 ESCROW DEPOSIT***

⇒ IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE BOARD SECRETARY AT

(908) 464-2700, Ext. 2124

Application No. \_\_\_\_\_

Application Fee \_\_\_\_\_

Date of Filing \_\_\_\_\_

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 \_\_\_\_\_ for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.  
*(applicant name)*

Petitioner Name \_\_\_\_\_, residing at \_\_\_\_\_

Telephone No. \_\_\_\_\_, Fed.ID# (if applicable) \_\_\_\_\_

1. Petitioner is \_\_\_\_\_ of property at \_\_\_\_\_, Block \_\_\_\_\_, Lot \_\_\_\_\_  
*(owner or tenant etc.)*  
on the Tax Map located in the \_\_\_\_\_ Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the Application concern a request for Certificate of Nonconformity?

Does the Application concern a Use Variance? \_\_\_\_\_, 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 \_\_\_\_\_ Section \_\_\_\_\_ 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 Required:</u> <u>Y / N</u>
Lot Area				
Lot Width				
Lot Depth				
Front Setback				
Side Setback				
Side Setback				
Combined side setbacks				
Rear Setback				

b. NOTE: DO NOT INCLUDE DECK IN THIS SECTION:

1-Area of existing structures (house, attached garage, covered porch) to remain \_\_\_\_\_ sq. ft.

2-Area of proposed structures (house, attached garage, covered porch) \_\_\_\_\_ sq.ft.

3- Total area to be occupied by structures \_\_\_\_\_ sq.ft.

4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) \_\_\_\_\_ sq.ft.

5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) \_\_\_\_\_ sq.ft.

6-Total area to be occupied by Accessory Items \_\_\_\_\_ sq.ft.

7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS \_\_\_\_\_ sq.ft.

8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS \_\_\_\_\_ sq.ft.

c. Accessory structures (if applicable): \_\_\_\_\_  
(type: shed, deck pool, etc.)

Area proposed \_\_\_\_\_ square feet

Proposed Set Backs

Maximum height proposed \_\_\_\_\_ feet

Side \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_

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

Existing structures (Item 1/sq.ft. of lot) \_\_\_\_\_ percent

Existing accessory items (Item 4/sq.ft. of lot) \_\_\_\_\_ percent

Total existing lot coverage \_\_\_\_\_ percent

Total existing impervious (Item 1 + Item 4/sq. ft. of lot) \_\_\_\_\_ percent

Proposed structures (Items 1 + 2/sq .ft. of lot ) \_\_\_\_\_ percent

Proposed accessory items (Items 4 + 5/sq. ft. of lot) \_\_\_\_\_ percent

Total proposed lot coverage \_\_\_\_\_ percent

Total proposed impervious (Items 1+2+4+5/sq. ft. of lot) \_\_\_\_\_ percent

	<u>Maximum Allowed</u>	
	<u>R-15/20 Zone</u>	<u>R-10 Zone</u>
Existing structures (Item 1/sq.ft. of lot)	15%	20%
Existing accessory items (Item 4/sq.ft. of lot)	10%	10%
Total existing lot coverage	25%	30%
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	25%	30%
Proposed structures (Items 1 + 2/sq .ft. of lot )	15%	20%
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	10%	10%
Total proposed lot coverage	25%	30%
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	25%	30%

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

7. Facts in support of petitioner's relief:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_\_\_

\_\_\_\_\_  
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

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Cell Phone

\_\_\_\_\_  
E-Mail Address

## Low Impact Checklist – Planning & Construction

This suggested list has been compiled by the Berkeley Heights Green Team in collaboration with related township departments. This is not a requirement of the uniform construction code. It is intended to:

- 1) assist those planning construction projects to do so in a manner that causes the least disruption to the environment;
- 2) establish a healthy setting for those occupying the new or renovated space; and
- 3) reduce waste and save resources.

### General Construction and Design & Grounds and Landscaping

- Use 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). Use captured rainwater (rain barrel) or recycled grey water for irrigation.
- Recycle and/or salvage non-hazardous construction and demolition debris
- Use renewable building materials and products. Choose products with low VOCs and avoid products that contain hazardous chemicals (i.e. formaldehyde, cyanide)
- Use local construction companies and products ( i.e. local and sustainable woods)
- Place parking spaces in shaded areas. Use paving materials with an SRI value >29 (this will reflect, not absorb solar heat)

### Storm Water Management

- Limit impervious surfaces – use an open grid pavement system (at least 50% pervious)
- Reduce impervious cover to promote infiltration that captures and treats storm water runoff from rainfall
- Avoid 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 system

## Energy & Lighting

- Provide natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage
- Choose energy-efficient light bulbs. Use solar lighting outdoors
- Use motion sensor lighting where applicable. In commercial/industrial settings use sensor controls
- Conserve energy, reduce electricity use and if possible incorporate renewable energy
- Choose ENERGY STAR appliances

## Heating and Cooling

- Increase amount of insulation by using 2 x 6 studs
- Install programmable thermostats and attic fans to regulate heating and cooling
- Install heat pumps to transfer energy heat and cold
- Use high efficiency boilers/furnaces
- Use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs
- Use roofing material with a solar reflectance index (SRI) equal or greater than 78 for low roofs and 29 for steep-sloped roofs

## Water

- Install 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:

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### Resources:

1. U.S. Green Building Council -NJ, <http://www.usgbcnj.org/>
2. Green Building Manual, <http://greenmanual.rutgers.edu>
3. The Native Plant Society of New Jersey, [www.npsnj.org](http://www.npsnj.org)

## Additional Resources

1. Rutgers New Jersey Agricultural Experiment Station
  - a. <http://njaes.rutgers.edu/extension/>
2. Landscaping for Energy Savings
  - a. <http://landscaping.sustainablesources.com/>
3. Rutgers NJ Agricultural Experiment Station
4. ENERGY STAR
  - a. <http://www.energystar.gov/>
5. New Jersey Clean Energy Program
  - a. [http://www.nicleanenergy.com/residential/tools-and-resources/tradeally/approved\\_vendorsearch&start=](http://www.nicleanenergy.com/residential/tools-and-resources/tradeally/approved_vendorsearch&start=)
6. US EPA – Wastes – Resource Conservation – Reduce, Reuse, Recycle- Construction and Demolition Materials
  - a. <http://www.epa.gov/wastes/consERVE/rrr/imr/cdm/index.htm>
7. NJ DEP Standard for Pervious Paving Systems
  - a. [http://www.state.nj.us/dep/watershedmgt/DOCS/BMP\\_DOCS/Paving.PDF](http://www.state.nj.us/dep/watershedmgt/DOCS/BMP_DOCS/Paving.PDF)
8. Rutgers Cooperative Extension Water Resources Program - Rain Barrels  
[http://www.water.rutgers.edu/Stormwater\\_Management/rainbarrels.html](http://www.water.rutgers.edu/Stormwater_Management/rainbarrels.html)
9. Rutgers Cooperative Extension - Rain Gardens
  - a. [http://www.water.rutgers.edu/Rain\\_Gardens/RGWebsite/rginfo.html](http://www.water.rutgers.edu/Rain_Gardens/RGWebsite/rginfo.html)
10. US EPA: How To Conserve Water and Use it Effectively
  - a. <http://water.epa.gov/polwaste/nps/nps- conserve.cfm>
11. California Environmental Protection Agency: Formaldehyde in the Home
  - a. [www.arb.ca.gov/research/indoor/formaldeg108-04.pdf](http://www.arb.ca.gov/research/indoor/formaldeg108-04.pdf)
12. US EPA. An Introduction to Indoor Air Quality. <http://www.epa.gov/iaq/voc.html>
13. Portland Cement Association. "Hardscape & Pavers - Permeable Pavement and Surfaces.", <http://www.concretethinker.com/applications/Hardscape-Pavers.aspx>
14. California Energy Commission Consumer Energy Center. "Cool Roofs.", <http://www.consumerenergycenter.org/coolroof/>

**ZONING BOARD OF ADJUSTMENT**

Berkeley Heights, NJ

**LEGAL NOTICE**

TAKE NOTICE that \_\_\_\_\_ has appealed to the Board of Adjustment of the Township of Berkeley Heights for a variance from the provisions of Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance so as to permit

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on premises located at \_\_\_\_\_ and also known as Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ on the Tax Map, which is within 200 feet of property owned by you. This appeal is now on the Secretary's calendar, and a public hearing has been ordered for Thursday evening \_\_\_\_\_, at 7:30 PM prevailing time, in the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ at which time you may appear either in person or by attorney and present any objection which you may have to the granting of this appeal.

Copies of said plans may be found in the office of the Board Secretary between the hours of 8:30 AM and 12 Noon or between 2:00 PM and 4:00 PM Monday through Friday. (During the summer the office closes at 1:00 PM on Fridays.)

\_\_\_\_\_  
(Applicant's Signature)

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY  
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

AFFIDAVIT OF SERVICE

I, \_\_\_\_\_, being duly sworn by oath, depose and say: that I am the Applicant (     ), Owner (     ), Agent of Applicant (     ); and that I have served Notice upon the property owners within 200 feet of the property of appellant to be affected in this matter, in the manner following, that is to say –

- (A) Personally, by handing such true copy to said property owners being residents of the Township
- (B) By mailing, Certified Mail, such true copy at the last known address of the property owners as shown by the most recent tax list of said Township; said persons being residents and/or non-residents of the Township.

\_\_\_\_\_  
(Applicant's Signature)

Sworn and Subscribed to  
Before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

REQUEST FOR 200 FT. RADIUS MAP  
AND LIST OF NAMES OF PERSONS WITHIN 200 FT.

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TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

FEE - \$10.00 PER LOT

Date \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Phone Number \_\_\_\_\_

For premises located at \_\_\_\_\_  
(street address)

Block \_\_\_\_\_ Lot (s) \_\_\_\_\_

MAIL TO:

Name \_\_\_\_\_

Address \_\_\_\_\_

OR EMAIL TO:

Email Address \_\_\_\_\_

I. Land Development Application Notices – Chapter 245, P.L. 1991

On August 7, 1991, the above referenced law (formally S-2314) became effective to require an applicant SEEKING APPROVAL OF A MAJOR SUBDIVISION OR SITE PLAN to provide notice of a public hearing on all public utilities and CATV companies that own land or possess an easement within 200 feet of the proposed development.

Ms. Donna Short  
NJ American Water  
1025 Laurel Oak Road  
Voorhees, NJ 08043

Water Company

Public Service Electric & Gas Company  
48 Middle Avenue  
Summit, NJ 07901

Gas

Mr. George Palyca  
Construction Manager  
Comcast of New Jersey  
800 Rahway Avenue  
Union, NJ 07083

Cable

Verizon New Jersey, Inc.  
New Jersey Bell Headquarters Bldg.  
540 Broad Street  
Newark, NJ 07102

Telephone

New Jersey Transit  
One Penn Plaza East  
Newark, NJ 07105

Bus

Mr. Craig Mandel  
JCP&L Real Estate  
300 Madison Avenue  
Morristown, NJ 07962

Electric

ATTN: Director , Wastewater  
Township of Berkeley Heights WPCP  
29 Snyder Avenue  
Berkeley Heights, NJ 07922

Sewer

Updated 9/24/12

PLEASE NOTE:

If the property is adjacent to an existing county road or adjoins any other county land, the COUNTY PLANNING BOARD should be notified. If the property is within 200 feet of a municipal boundary, the COUNTY PLANNING BOARD and the TOWNSHIP CLERK of the adjoining municipality should also be notified.

In addition, the applicant must obtain the names and addresses of owners of land in such adjoining municipalities which are located within 200 feet of subject premises.\*

The list below may be helpful.

ADDITIONAL ADDRESSES THAT MAY NEED TO BE NOTIFIED OF PUBLIC HEARING:

*COUNTY OFFICES:*

UNION COUNTY PLANNING BOARD

Admin. Bldg.  
2<sup>nd</sup> Floor  
Elizabethtown Plaza  
Elizabeth, NJ 07207

SOMERSET COUNTY PLANNING BOARD

c/o Somerset County Planning Division  
20 Grove Street  
P.O. Box 8000  
Somerville, NJ 08876

MORRIS COUNTY PLANNING BOARD

P.O. Box 900  
Morristown, NJ 07963-0900

OFFICES OF NEIGHBORING TOWNS (for obtaining list of property owners who may need to be notified):\*

WARREN TOWNSHIP CLERK  
WARREN TOWNSHIP MUNICIPAL BLDG.  
46 Mountain Avenue  
Warren, NJ 07059-5695

BOROUGH CLERK  
Borough of Watchung  
15 Mountain Boulevard  
Watchung, NJ 07069

BOROUGH CLERK  
Municipal Clerk's Office  
Municipal Building  
Borough of New Providence  
360 Elkwood Avenue  
New Providence, NJ 07974

MUNICIPAL CLERK  
CITY OF SUMMIT  
CITY HALL  
512 Springfield Avenue  
Summit, NJ 07901