

**TOWNSHIP OF BERKELEY
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
MARCH 14, 2012
6:30 PM PUBLIC HEARING**

- A. SALUTE TO THE FLAG
- B. ROLL CALL, DECLARATION OF QUORUM
- C. SUNSHINE ACT STATEMENT: This meeting was advertised in the Asbury Park Press, posted on the Township's bulletin board as required by the "Open Public Meeting Act".
- D. Please be advised that there is to be **NO SMOKING** in this building in accordance with New Jersey Legislation.
- E. OLD/NEW BUSINESS:

F. AGENDA

- 1. Newman BOA # 11-5369
Variance requested Bulk – Lot coverage (shed)
Project Install shed on property
Block 1249 Lot 1.01
Address: 113 Red Bank Ave. Zone: CR-Conservation Zone
Denial reads:

- 2. Robert & Virginia Goldfinger BOA # 11-5396
Variance requested Bulk rear setback
Project:
Block 4.255 Lot 101
Address: 23 Selkirk Ave. Zone: PRRC
Denial reads: Applicant proposes to construct 2 conforming additions, a conforming accessory structure and a non-conforming 14 ft. x 30 ft. addition that will leave a 19 ft. setback whereas 20 ft. is required.

- G. RESOLUTIONS
- H. ADJOURNMENT

Shore Design Landscaping & Garden Center

797 Route 37 West • Toms River NJ 08755

732-240-5592 • Fax 732-286-4647

February 3, 2012

Ernest J. Peters, Jr. PE, PP, CME
Remington, Vernick & Vena Engineering
9 Allen Street
Toms River NJ 08753

Re: Newman, Richard & Anna
Block 1249, Lot 1.01
Address: 113 Red Bank Avenue
Berkeley Township BOA#11-5369
Your File #1506-Z-110

Dear Mr. Peters,

Shore Design is the contractor for Mr. & Mrs. Newman. We are helping them get their variance for the installation of a storage structure. The above referenced homeowner was scheduled for a meeting on February 8th regarding a variance application. When the homeowner received the letter with the date of hearing there was not enough allotted time to send out letters to all Mr. Newman's neighbors.

I ask that you please reschedule the hearing date to the next meeting which is March 14th and confirm this date with the homeowner.

If you have any questions, please do not hesitate to contact me at (732) 504-9054.

Thank you,



Nina Gawrys
Shore Design Landscaping & Garden Center, Inc.
ninagawrys@shoredesign.com

cc: Richard and Anna Newman
Patricia Osborne, Board Secretary
Jack Mallon, Engineer

RECEIVED

FEB 08 2012

ERNST, ERNST & LISSENDEN

REMINGTON & VERNICK ENGINEERS

RECEIVED

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CRAIG F. REMINGTON, PLS, PP, Vice President

JAN 31 2012

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(856) 795-1882 (fax)

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& Vena Engineers
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922 Fayette Street
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Mechanicsburg, PA 17050
(717) 766-1775
(717) 766-0232 (fax)

U.S. Steel Tower
600 Grant Street, Suite 1251
Pittsburgh, PA 15219
(412) 263-2200
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building
252 Chapman Road, Suite 105
Newark, DE 19702
(302) 266-0212
(302) 266-6208 (fax)

Remington, Vernick
& Arango Engineers
The Presidential Center
Lincoln Building, Suite 600
101 Route 130
Cinnaminson, NJ 08077
(856) 303-1245
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor
Secaucus, NJ 07094
(201) 624-2137
(201) 624-2136 (fax)

MEMO: Berkeley Township Zoning Board of Adjustment

FROM: Ernest J. Peters, Jr., PE, PP, CME, & Anna Wainright, PP, AICP
Zoning Board Engineer & Planner

DATE: December 15, 2011

RE: Newman, Richard & Anna - Review #1
Application: Accessory Storage Structure
Block 1249, Lot 4.01
Address: 113 Red Bank Ave.
Zoning District: CR-Conservation Zone
Plan Prepared By: William Schemel, P.L.S., dated 08-23-07
BOA# 11-5369
Our File: 1506-Z-110

As requested, our office has reviewed the above named variance application and offer the following comments and recommendations:

Zoning Requirements:

CR-Conservation/Residential Zone

Principal Bldg	Required	Existing	Proposed	Variance Requested
Minimum Lot Area	130,680 SF	15,000 SF	15,000 SF	Pre-existing Variance*
Minimum Lot Frontage	200 FT	75 FT	100 FT	Pre-existing Variance*
Minimum Lot Depth	200 FT	200 FT	200 FT	None
Front Yard Setback	75 FT	35 FT	35 FT	Pre-existing Variance*
Rear Yard Setback	50 FT	118 FT	118 FT	None
Side Yard Setback	25 FT	9.5 FT	9.5 FT 12 FT (shed)	Pre-existing Variance* & New Variance*
Combined Side Yard Setback	50 FT	19.7 FT	19.7 FT	Pre-existing Variance*
Maximum Lot Coverage	10%	14%	15.5 %	Variance Requested*

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A. PROJECT OVERVIEW

The denial states that the Applicant proposes to construct a 16'X12' detached accessory storage structure which will increase the current non-conforming lot coverage of 14% to 15.5%, where 10% is the maximum allowed in the CR Zone. It appears that the applicant requires one variance for lot coverage total, and may need a variance for side yard setback.

B. GENERAL REVIEW COMMENTS

1. The subject property was a part of a previously approved minor subdivision approved in 2002. At the time the property was in the R-100 Zone and the lot conformed with Township Ordinances. The subject property is now located within the CR - Conservation/Residential Zone where three (3) acre lots are required with a maximum 10% lot coverage by buildings, and cluster lots are permitted at 20,000 square feet where a 10% maximum gross impervious tract coverage is required on a minimum tract size of 30 acres.
2. The applicant is proposing to install a new 16'X12' prefabricated shed in the rear yard twenty (20) feet from the rear property line, which requires a variance for exceeding the 10% lot coverage requirement in the zone. The existing lot coverage is 14% and the proposed lot coverage is 15.5%. It should be noted that though this increase is minimal in its intensity to the site, the applicant is proposing to locate it twenty feet from the property line, amongst existing trees. The applicant should be cognizant of the fact the Zone in which they are now located is designed to preserve and conserve as much of the existing natural landscape as possible, and thereby limits lot coverage to 10%. Approximately two thirds of the lot is already cleared and it may be more appropriate for the applicant to locate the shed within in the cleared area of the lot should the Board decide to grant the variance. The woods at the rear of the lot are preserved and contain freshwater wetlands and habitat.
3. It should also be noted that the CR - Zone requires a side yard setback of 25 feet, and the shed appears to be located approximately 12 feet from the property line. Even under the allowance for the R-200 cluster provision in this zone, the requirement would be 15 feet. We would recommend that the applicant locate the shed a minimum of 15 feet from the side property line and an additional variance may be required.
4. The applicant should be prepared to provide testimony describing the proposed new shed, its height, and materials, as well as the proposed use.
5. The applicant should be prepared to discuss stormwater run-off and any proposed mitigation measures which will be installed to prevent additional run-off of stormwater to any adjacent properties.
6. The applicant must provide the appropriate testimony and proofs for the granting of variances Pursuant to the MLUL Section 40:55D-70, the Board of Adjustment may grant a bulk variance request if:
 - c(1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of

an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

The Board must determine that either the property in question meets any or all of the conditions established above, and/or that the strict adherence to the standards of the Berkeley Township Land Development Ordinance would cause undue hardship to the property owner, and also be satisfied that the granting of the variance will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

C. CONDITIONS AND RECOMMENDATIONS

Should the Board determine that the relief requested should be granted, we recommend that the approval be conditioned upon the following:

1. The Applicant shall obtain any and all agency approvals, including but not limited to, CAFRA, NJDEP, Building Department, Fire Department, Health Department, Township Building and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed shed will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party involved if any.
3. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
4. The Applicant shall provide all required plans necessary to show compliance with all required Building Codes, to the Building Department at the time of the permit application.

We reserve the right to request additional information, and/or plans should additional variances or concerns be indicated during the public hearing.

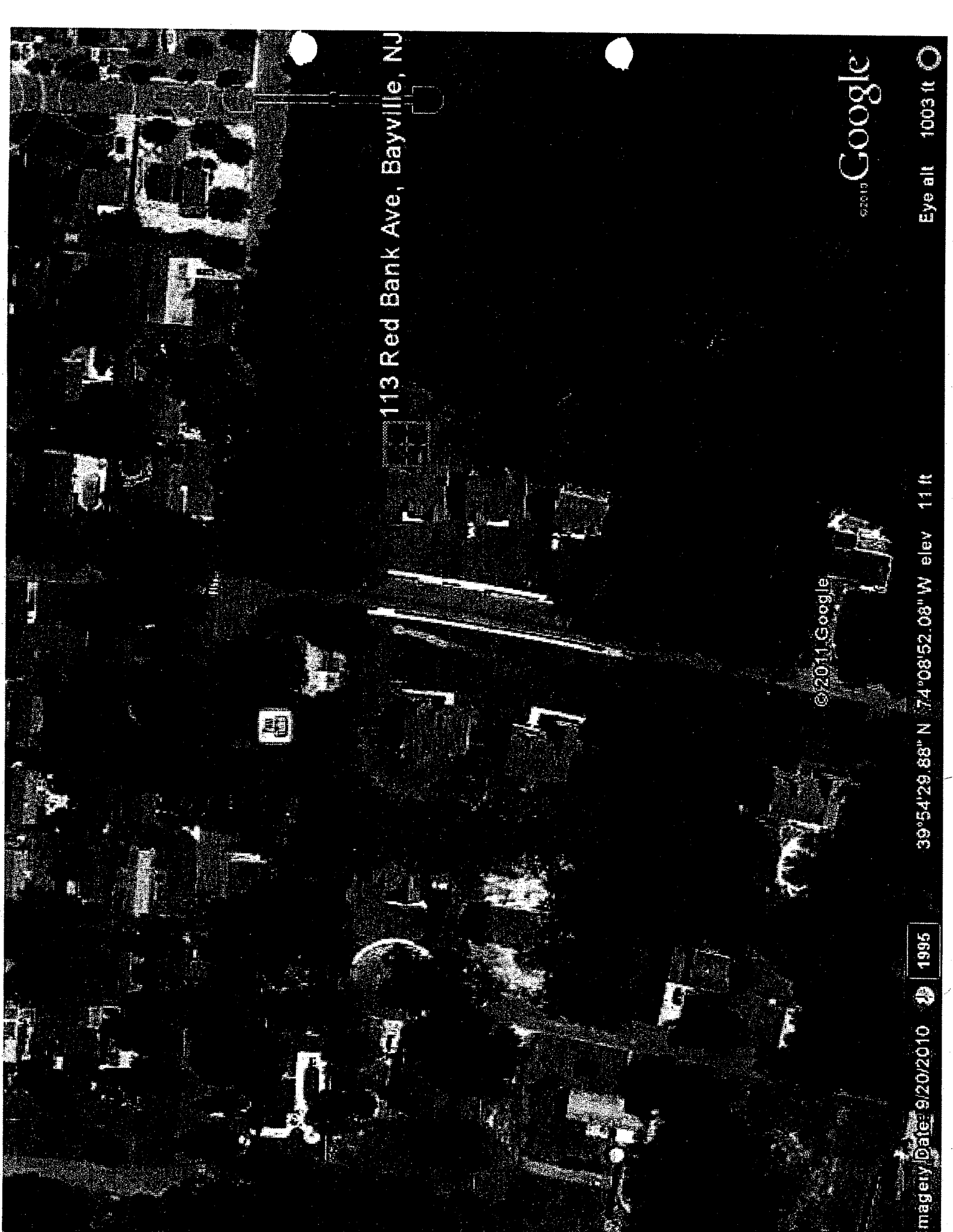
Should you have any questions or we can be of any further assistance on this matter, please don't hesitate to call our office at 732-286-9220.

God Bless America

REMINGTON, VERNICK & VENA ENGINEERS

EJP/ARW:ktr

cc: Brian DiStefano, Esq. – Board Attorney
Richard & Anna Newman – Applicant



113 Red Bank Ave, Bayville, NJ

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Eye alt 1003 ft

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39°54'29.88" N 74°08'52.08" W elev 11 ft

1995

magery Date: 9/20/2010



Ernst, Ernst Lissenden

A New Jersey Corporation

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Consulting Engineers, Planners & Surveyors
52 Hyers Street, P.O. Box 391 • Toms River, NJ 08754
Telephone: 732-349-2215 • Fax: 732-349-4127
Website: www.eelengr.com

PRINCIPALS

John A. Ernst, Jr., (1909-1987)
John A. Ernst, III, (Retired)
George C. Lissenden, Jr., (Retired)
John J. Mallon, P.E., C.M.E., P.P.
Robert J. Romano, P.E., C.M.E., P.P.
John N. Ernst, P.E., C.M.E., P.P.

Carl P. Werner, L.S., P.P.
Harold Mathis, Jr., L.S., P.P.

February 8, 2012

Patricia Osborne, Board Secretary
Berkeley Township Zoning Board of Adjustment
Pinewald-Keswick Road
P.O. Box B
Bayville, NJ 08721

Re: Robert & Virginia Goldfinger
Application: Rear Setback Variance for Accessory Structure
BOA #11-5396
Block 4.255, Lot 1
Fronting on Selkirk Avenue
Zone: PRRC
EE&L Project No. 12B4533-7G01

Dear Ms. Osborne:

In accordance with your request, our office has reviewed the following variance application submitted for the above referenced property for completeness. The following comments are offered with regard to the same:

The denial letter issued January 9, 2012 by the Zoning Official states Applicant proposes to construct two conforming additions, a conforming accessory structure and a nonconforming 14' x 30' addition that **will require a rear yard setback variance of 19' where 20' is required.**

A. Completeness

1. Based upon our review, we recommend that this application be deemed **complete** subject to the Applicant complying with all applicable notification requirements as set forth in the Berkeley Township Land Use Ordinance and the Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment's **March 14, 2012** meeting agenda.
2. Notice to property owners and the newspaper (published) must be provided no later than 10 days prior to the meeting date and all proofs of service must be in the Municipal Planning and Zoning office no later than 5 days prior to the meeting. Should you have any questions with regard to noticing requirements, contact the Board office at 732-244-7400.
3. It is noted that the Applicant has checked all items as "yes" on the checklist "Application for "C" Variance", whereas, most of the items should have been checked as N/A (not applicable to the application).

B. General Comments

The property is located on the north side of Selkirk Avenue approximately 520' east of San Carlos Street. The property lies within the PRRC Zone and comprises an area of 0.1653 acres. The site contains an

Re: **Robert & Virginia Goldfinger**
Application: Rear Setback Variance
for Accessory Structure
BOA #11-5396
Block 4.255, Lot 1
Fronting on Selkirk Avenue
Zone: PRRC
EE&L Project No. 12B4533-7G01



existing one story frame dwelling with an enclosed porch, a concrete front porch, a concrete patio and sidewalk with an asphalt driveway.

The site lies within Flood Zone X (un-shaded), which is an area determined to be outside the 0.2% annual chance flood plain.

The applicant proposes to construct a 14' x 30' non-conforming addition at the rear of the house now occupied by the existing porch enclosure which allows a 14' setback. The Applicant also proposes to construct a 14' x 16' covered deck now occupied by the concrete patio and a 9' x 20' garage extension in the front of the house now partially occupied by the existing concrete porch and concrete patio.

Applicant has Holiday City South Homeowners Associate approval for garage extension with a condition that the garage door will remain the same size. Based upon the presentation, there will be no change in lot coverage.

C. Variance Requested and Items of Discussion

1. A rear yard setback variance is required as the proposed setback is 19', whereas 20' is required. As explained to this Engineer by the Applicant's builder, a line was strung from the 2 rear property corners (rear property line is an arc) and a perpendicular distance was measured to the existing screen porch resulting in a 19' dimension.
2. Applicant must provide testimony and proofs supporting the granting of the variance.
3. Plan submitted in support of the Variance is a survey dated November, 2003. The plan does not indicate by dimension proposed side and rear line setbacks, however, by scale, the additions appear correct.
4. All existing front and side yard setbacks appear conforming by dimension (required 20' front yard, 5' side yard with combined side yards greater than 15').
5. Proposed covered deck and garage appear conforming (scaled) as they are not dimensioned.
6. The Board must determine that either the property in question meets any or all of the conditions established above, and/or that the strict adherence to the standards of the Berkeley Township Land Development Ordinance would cause undue hardship to the property owner, and also be satisfied that the granting of the variance will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

D. Conditions and Recommendations

Should the Board determine that the relief requested should be granted, we recommend that the approval be conditioned upon the following:

1. The Applicant shall obtain any and all agency approvals, including but not limited to, CAFRA, NJDEP, Building Department, Fire Department, Health Department, and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed deck will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party involved, if any.
3. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
4. The Applicant shall provide all required plans necessary to show compliance with all required Building Codes and Ordinances, to the Building Department at the time of the permit application.

We reserve the right to request additional information, and/or plans should additional variances or concerns be indicated during the public hearing.

**Re: Robert & Virginia Goldfinger
Application: Rear Setback Variance
for Accessory Structure
BOA #11-5396
Block 4.255, Lot 1
Fronting on Selkirk Avenue
Zone: PRRC
EE&L Project No. 12B4533-7G01**

Page 3 of 3



Should you have any questions or we can be of any further assistance on this matter, please do not hesitate to call our office at 732-349-2215.

Very truly yours,

A handwritten signature in black ink that reads "John J. Mallon". The signature is written in a cursive style with a large, looping initial "J".

John J. Mallon, PE
Zoning Board Engineering

JJM:kh

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Robert and Virginia Goldfinger, Applicants
Anthony Derosé, Builder
file



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