

TOWNSHIP OF BERKELEY  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
FEBRUARY 13, 2013  
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. **Central Jersey Construction** **BOA# 12-5411**  
Variance requested Use & Bulk Variances, Site Plan  
Project: Construct a larger building expand an existing non-conforming use  
Block 837.02 Lot: 2.02  
Address: Route 9 Zone: HB  
Denial reads: "The applicant proposes to expand an existing non-conforming use by constructing a larger building with a 32 ft. front yard setback where 50 ft. is required".
2. **Sciara (Bayside Builders)** **BOA # 12-5407**  
**Carried from January 9, 2013 meeting**  
Variance requested Rear setback Bulk Variance  
Project: Construct a 572 s.f. addition  
Block: 1561 Lot: 16  
Address: 234 Teakwood Dr.  
Denial reads: "Applicant proposes to construct a 572 s.f. addition that will leave a 15.74 ft. setback where 20 ft. is required."
3. **Patricia Mullin** **BOA # 12-5203**  
**Provided an indefinite extension, will re-advertise.**  
Variance requested Front Yard Setback & Exceeding Lot coverage  
Project: Front porch, 2<sup>nd</sup> level front deck, rear 2<sup>nd</sup> level living space addition and a deck.  
Block 1689.06 Lot 27  
Address: 322 Roberts Avenue, South Seaside Park Zone: R-31.5  
Denial reads: "Applicant proposes to construct a front porch addition and a 2<sup>nd</sup> level deck both leaving 14 ft. setback where 20 ft. is required and a rear yard 2 level living space addition and deck. The total construction will increase lot coverage to 43.6% where 35% is maximum allowed".

4. **Ada Stevens** **BOA # 11-5395**  
Variance requested 6' Solid Fence in front yard.  
Project Enclose yard  
Block 45 Lots 1267 thru 1271  
Address: 203 Seconds Ave.. Zone: MPRPD  
Denial reads: **"Applicant proposes to install a 6' high solid fence between a building line and a public street whereas 4' maximum is allowed.**

5. **David Roman** **BOA # 12-5416**  
Variance requested Use & Bulk variances  
Project Construction of Multifamily residential units  
Block: 956 Lot 4  
Address: 730 Route 9 Zones: HB – R-125  
Denial reads: **"Applicant proposes to construct attached multi-family residential units that are located in both the HB & R125 zones. Multi-family dwellings are not allowed in the R-125 zone and are a conditional use in the HB zone. The unit will not meet item 6.a of the conditional uses.**

- G. RESOLUTIONS –
- I. VOUCHERS
- H. ADJOURNMENT





# Ernst, Ernst Lissenden

A New Jersey Corporation

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## 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.

December 19, 2012

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

**Re: BOA# 12-5411**  
**Applicant: Central Jersey Construction**  
**Application: Site Plan, Use & Bulk Variances**  
**Block 837.02, Lot 2.02**  
**Fronting on N.J.S.H. Route 9**  
**Zone: HB (Highway Business)**  
**EE & L Project No. 12B4533-7C05**

Dear Ms. Kazmac:

In accordance with your request, our office has reviewed an application for Preliminary and Final Site Plan with use and bulk variances for the above referenced site. The following information has been submitted for review:

- An amended set of plans entitled "Preliminary And Final Major site Plan For Jersey Rents, Block 837.02, Lot 2.02, Township of Berkeley, Ocean County, New Jersey", consisting of ten (10) sheets, last revised November 15, 2012, prepared by William A. Stevens, P.E., P.P. of Professional Design Services, LLC.
- Application for Preliminary and Final Site Plan approval.
- Preliminary and Final Major Site Plan Application Checklists.
- Application for a 'C' variance (appeal to Zoning Board of Adjustment).
- A 'C' Variance Application Checklist.
- Copy of Ocean County Planning Board minutes, dated October 17, 2012, granting conditional approval.
- Copy of a letter to the Berkeley Township Municipal Utilities Authority, dated September 13, 2012.
- Copy of a letter to the Berkeley Township Sewerage Authority, dated September 13, 2012.
- A copy of a letter to the Ocean County Soil Conservation District, dated September 13, 2012.
- Architectural Plans entitled "Addition & Renovation to Jersey Rents, 248 route 9 South", consisting of seven (7) sheets, dated October 28, 2008, prepared by Dario Architecture/Designs.
- Proof of current payment of property taxes through October 31, 2012.
- A copy of the denial letter dated August 22, 2012.
- Copy of a letter from PDS requesting the checklist waiver items.

### A. Completeness

- Based upon our review of the submitted information, 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 **January 9, 2013** meeting agenda.
- 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.

**B. Project Overview**

The denial letter issued August 22, 2012 by the Zoning Official states; "The applicant proposes to expand an existing non-conforming use by constructing a larger building with a 32 ft. front yard setback where 50 ft. is required".

The existing and proposed uses on the site are the sales and outdoor storage, maintenance and repair of construction equipment which is not a permitted use within the HB zone.

The site is located on the south side of New Jersey State Highway Route 9, approximately 385 ft. east of Sylvan Lake Blvd. It lies within the HB (Highway Business) Zone and comprises an area of 1.53 acres. A 20 ft. wide access easement to Lot 2.03 which houses a cell tower is present adjacent to the west and south boundary lines. The site has been developed with an existing one story framed building which appears to be vacant at present or may be used for storage. A small portion of the site is partially paved with a safety island which is landscaped with two trees and shrubs along Route 9 while the balance of the site appears to be a gravel surface. Much of the pavement in front of the existing building is in very poor condition. The site is currently used for the storage and display of heavy construction equipment. Public utilities provide the site with water and sanitary sewer service.

The southeast corner of the project property is situated adjacent to the Route 9 Residential Zone for which there is no buffer. Other than that all other adjacent sites are within the HB Zone are developed with commercial enterprises.

The site appears to be in Flood Zone "X" (unshaded) which is an area determined to be outside the 0.2% annual chance floodplain. In accordance with the Ocean County Soil Survey, the site appears to be situated on Downer series soils, which are well drained soils with a seasonal high water table expected to be greater than 6 ft. below the surface of the ground. There are no freshwater wetlands on the site.

The applicant proposes to demolish and remove the existing building and construct a larger 5,600 s.f. building with concrete pads on the east, south and west sides of the building. The proposed building has the same front yard setback as the existing building.

Parking facilities for nineteen (19) vehicles is proposed in the front yard area within the New Jersey State Highway Route 9 N.J.D.O.T. desired typical section.

A refuse enclosure with landscaping is provided at the south end of the west concrete pad. As presented, it appears that no new pavement is provided and that existing water and sanitary sewer service lines are to be used. The plans represent that the existing site has two (2) access drives from Route 9. It is proposed to close off the east access drive by extending the safety island and to reconfigure the west access drive.

The applicant is requesting Preliminary and Final Site Plan approval to construct a 5,600 s.f. building to be used for sales, storage and maintenance of construction equipment.

**C. Zoning**

HB (Highway Business Zone §35-106.2

Principal Bldg.	Required	Existing	Proposed	Variance Required
Minimum Lot Area	15,000 s.f.	66,747 s.f.	66,747 s.f.	None
Minimum Lot Frontage	150 ft.	230 ft.	230 ft.	None
Front Yard Setback	50 ft.	32.4 ft.	32.4 ft.	Yes
Rear Yard Setback Structure	40 ft.	216 ft.	162 ft.	None
Side Yard Setback	15 ft.	34 ft.	44.6 ft.	None
Combined Side Yard Setbacks	40 ft.	141 ft.	151 ft.	None
Maximum Lot Coverage	50%	3.3%±	8.4%	None
Maximum Bldg Height	35. ft	<35 ft.	25 ft.	None





#### D. Variances

1. The applicant requires a Use Variance for the expansion of an existing non-conforming use in the HB Zone.
2. The applicant also requires a front yard setback variance; whereas 32.4 ft. is existing and proposed and 50 ft. minimum is required.
3. A variance is required for parking within the front yard area which is prohibited in the HB Zone by Section 35-106.2.f.1.

#### E. Design Waivers

1. The applicant requires and has requested several design waivers unless otherwise agreeing to comply with the ordinance.
  - a. Section 35-63.1 requires access drive curb radii to be 15 ft.; whereas 13 ft. is provided.
  - b. Section 34-48.a requires buffers along all side and rear property lines abutting a residential zone or use; whereas the southwest corner of the site is adjacent to the R-90 zone and no buffer is proposed.
  - c. Section 35-67.1a indicates that when a development abuts an existing street sidewalk is to be constructed on that side of the street and no sidewalk is proposed.

The Board should be aware that the site adjacent to the east (Lot 1) has sidewalk across its lot frontage on Route 9.
  - d. Section 35-63.4.b which requires a 5 ft. wide unbroken landscape strip along all property lines adjacent to parking areas and none is provided along the western property line.
  - e. Section 35-48m (Route 9 Corridor Landscaping) requires specific landscaping of an area within 50 ft. of the Route 9 right-of-way which has not been provided; whereas shade trees and shrubs in accordance with Section 35-63.2d has been provided.Areas for parking, storage of equipment and display of equipment are to be shown and noted on the plan.

#### F. Review Comments

1. General
  - a. The applicant must be prepared to provide sufficient testimony regarding the granting of any required waivers. Waivers should not be granted unless the Board is satisfied that the waiver is justified and it will not be a detriment to public safety or welfare, and it can be granted without detriment to the public good and Zoning Ordinances.
  - b. The applicant should be prepared to address the Board as to why the proposed building cannot be move further back to provide the required front yard setback and eliminate the need for the variance.
  - c. The applicant should be prepared to describe the present condition of the site and present use of the site.

The Board should be aware that the existing pavement in front of the existing and proposed buildings is in very poor condition. Is the existing pavement suitable for use by the general public? Will any additional pavement be provided?
  - d. The applicant should be prepared to provide testimony as to the use of the proposed parking spaces. Will the spaces be used for public parking or for the display of heavy construction equipment.
  - e. The applicant should provide testimony as to the anticipated amount and frequency of clients and general public visiting the site.
  - f. At present are there any drainage problems on the site?
  - g. What is the section of the existing gravel access road to Lot 2.03. Can the access drive support emergency vehicles?
  - h. The applicant should be prepared to describe an approximate timeline intended for the improvements as shown on the plan and when the project will be improved in accordance with the plans.



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- i. The Board should be aware that there are two (2) trees and shrubs within the existing safety island and that the tree branches are growing into the overhead wires on Route 9. These trees and shrubs are not shown on the plan. What will happen to them?
  - j. Will any maintenance activities be conducted outside?
  - k. What methods for preventing soil contamination from vehicles and equipment leaking various fluids are being employed?
  - l. The applicant has provided an Environmental Impact Statement consisting of one paragraph on the plan and does not contain many of the items required by the Ordinance. The statement indicates that the project will not alter any existing stormwater runoff nor remove any existing vegetation and therefore not create any adverse environmental impacts. Inasmuch as the project consists of the redevelopment of an existing fully developed site and as such the Board may deem the statement on the plan adequate.
  - m. The Traffic Impact Statement is on the plan and indicates that it is estimated the proposed development will cause an increase of 50 trips a day or 5 trips per hour for a 10 hour day. How were the 50 trips estimated? What is the existing daily trips for the site and will the additional trips have any impact to the level of service at the intersection of Sylvan Lake Blvd. and Route 9.
2. Plan Amendments
- a. Cover Sheet 1 of 10
    1. General Note #1 is to be amended to include Tax Map Sheet 77.
    2. The zone line in the area map is to be made more defined and noted.
    3. All structures and uses of all properties within 200 feet of the site are to be shown and noted on the area map.
    4. All variances and waivers are to be listed on the plan.
    5. A note is to be added to the General Notes indicating that all parking spaces will be delineated by 4" wide painted white stripes.
    6. The existing project identification sign is to be noted and indicated to be removed.
  - b. Site Plan Sheet 2 of 10
    1. The distance from the parking lot existing curb to the Route 9 right-of-way line is to be dimensioned.
    2. The total width of the safety island should be dimensioned.
    3. The parking requirement calculation on the Site Plan must be amended as it only accounts for 3,518 s.f. of the 5,600 s.f. building.
    4. The limit of existing woods is to be noted on the plan.
    5. Driveways within 100 feet of the site to the north and to the west of the site are to be shown on the plan.
    6. The use of the building adjacent and to the east of the site is to be noted on the plan.
    7. Sight triangle easements are to be shown and noted on the plan.
    8. General Note 1 is to be amended to include Tax Map Sheet 77.
    9. The limits of the existing pavement that is to remain and any new pavement is to be more clearly shown and noted on the plan.
    10. It should be indicated that the existing sign adjacent to the property I.D. sign is to be removed.
    11. A stop sign and stop bar is to be shown and noted at the exit drive from the site.
    12. The handicap parking sign is to be shown and noted on the plan.
    13. A painted cross walk from the handicap parking space to the building is to be provided. It may be a good idea to move the handicap space closer to the building entrance.
    14. Traffic flow arrows are to be provided.
    15. Indicate that the concrete around the building are proposed concrete pads.



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16. The front yard setback line from the Route 9 right-of-way line should be dimensioned.
  17. A note is to be added to the General Notes that indicates that parking spaces are to be delineated by 4" wide white painted stripes.
  18. Any areas of new pavement are to be shown and noted on the plan.
  19. In accordance with the Condition of Ocean County Approval, the project identification sign is to be removed from the NJDOT DTS.
- c. Grading, Drainage and Utility Plan Sheet 3 of 10
1. The location of the water and sewer lines and connection to same are to be shown and noted on the plans.
  2. The location of the existing fire hydrant in front of Lot 1 is to be shown and noted on the plan. The existing water main in Route 9 should also be shown.
  3. Additional spot elevations indicating top of curb and gutter elevations on Route 9 and along the parking lot curb that forms the safety island must be provided. Additional spot elevations which show positive drainage for the site must be provided. It appears that there are low areas between the parking lot curbing and the front of the existing building.
  4. An easement is to be provided for the existing onsite sanitary sewer.
  5. Invert elevations are to be provided for the existing sanitary sewer.
  6. The limit of existing woods should be noted on the plan.
- d. Landscaping Plan Sheet 4 of 10
1. The existing trees and shrubs in the Route 9 safety island should be shown and noted on the plan and their disposition should be noted.
- e. Lighting Plan Sheet 5 of 10
1. It appears that additional lighting for the parking spaces adjacent to Route 9 should be provided.
- f. Construction Detail Sheet 6 of 10
1. A detail for the concrete pad around the proposed building is to be provided.
  2. An onsite pavement detail and Route 9 pavement repair detail is required.
  3. A parking space layout detail in conformance with Section 35-63.1.h of the Ordinance is to be provided.
  4. A handicap parking space with access aisle detail is to be provided.
  5. A stop sign detail including and installation details of same is to be provided.
  6. A detail for a painted handicap symbol should be provided.
  7. If existing water and sanitary services are being used details of same are to be provided and details of connection of same should be provided.
  8. If the project identification sign is within the sight triangle it will have to be raised.
- g. Soil Erosion & Sediment Control Plan, Notes and Details Sheets 7 & 8 of 10
1. These plans, notes and details are to be amended in accordance with comments from the Ocean County Soil Conservation District.
- h. Stormwater Management Plan – Sheet 9 of 10
1. The time of concentration flow paths on the pre and post development drainage area maps are to be amended to reflect the actual flow paths.
3. Drainage

The stormwater calculations which are on Sheet 1 of 10 of the plan is a brief report that provides a definition for impervious surfaces as stated in N.J.A.C. 7:8. It states that an impervious surface is a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. It is shown by this definition