

**TOWNSHIP OF BERKELEY
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
APRIL 10, 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. MINUTES
- F. OLD/NEW BUSINESS:

G. AGENDA

1. **Thomas Wright** **BOA# 12-5421**

Variance requested	Unimproved Road
Project:	Construct a SFD on an Unimproved Road with Waivers
Block 987	Lots: 5-11
Address: Fronting on Radovan Avenue	Zone: R-150

Denial reads: **"The applicant proposes construct a SFD on a lot without frontage on a public street that was constructed to Township standards"**.

2. **Mark Stanfield** **BOA # 12-5409**

Variance requested	Side Yard Setback Variance
Project:	Detached Shed
Block: 1231	Lot: 4
Address: 104 Bow Street	Zone: R-100

Denial reads: **"Applicant requests a variance for a detached structure placed 0 feet from the side yard property line where 10 ft. is required"**.

3. **William Somers** **BOA # 13-5423**

Variance requested	Front Yard Setback on a lot with insufficient lot frontage
Project:	Construct 3 additions to existing dwelling
Block 793	Lots: 46-48, 50-52
Address: 228 Evernham Ave.	Zone: R-150

Denial reads: **"Applicant proposes to construct 3 additions 25 ft. from the front property line where 35 ft. is required"**.

4. John & Melissa D'Addario BOA # 10-5316

Variance requested Undersized Lot, Insufficient Frontage,
with front, rear setbacks & lot coverage variances.

Project Construct a two-story residential dwelling on an undersized lot

Block 893 Lots 425-429

Address: 90 Lakeview Ct... Zone: R-100

Denial reads: **“Applicant proposes construct a SFD on a 8,438.4 s.f. lot, 10,000 s.f. required, with 80.24’ lot frontage, 100’ required and 30’ front yard setback, 35’ required, combined side yard setback of 27.3’, 30’ required and 26% lot coverage, 25% max. allowed”.**

5. Idean Bariesteh BOA # 13-5425

Variance requested S.F.D. on lot with insufficient lot frontage with front, rear and
side setback variances

Project Construct a Single Family Dwelling

Block: 1625 Lot: 2

Address: 2 Dune Drive Zone: R-64

Denial reads: **“Applicant proposes to construct a SFD with 50 ft. frontage where 53.3 ft. on a cul-de-sac is required, and a 21.21’ front setback where 25’ is required, and an inground pool 10’ form the rear and side yard bulkheads where 15’ is required from a bulkhead”.**

6. Stephen Gallagher BOA# 12-5412

Variance requested Undersized lot with front, rear side yard setback variances

Project: Construct a three-story Residential Dwelling unit on an
undersized lot with front and rear side setback variances.

Block: 1402 Lots: 1-11, 11.01 & 11.02

Address: 1009 Balsam Drive Zone: CR

Denial reads: **“Applicant proposes to construct a 3-story SFD on a 0.89 acre lot where 3 acres is required, leaving a 33’ front yard setback, 75’ required, a 13’ rear setback, 50’ required, an existing shed 16.2’ x 12.1’ to remain a pre-existing non-conforming structure”.**

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



Ernst, Ernst Lissenden

A New Jersey Corporation

Certificate of Authorization 24GA27927500
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

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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.

March 18, 2013

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

Re: **BOA #12-5421**
Applicant: Thomas Wright
Application: To Construct a 2 Story Single Family
Dwelling Unit on an Unimproved Road with Waivers
Block 987, Lots 5-11
Fronting on Radovan Avenue
Zone: R-150
EE & L Project No. 12B4533-7 W01

Dear Ms. Kazmac:

In response to my review letter of January 31, 2013 which deemed this application incomplete, the applicant has submitted additional information and amended the application to include waivers. I have reviewed the submitted information and offer the following comments:

The denial letter issued January 8, 2013 by the Zoning Official stated that "the applicant proposes to construct a SFD on a lot without frontage on a public street that was constructed to Township standards".

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Preliminary Plot Plan, Prepared for Thomas & Dorothy Wright, Block 987, Lots 5 – 11, Berkeley Township, Ocean County, New Jersey", dated January 7, 2013, revised March 14, 2013, prepared by East Coast Engineering, Inc.
 - Architectural layout – 2 sheets – untitled.
 - A 200 ft. radius map and a certified list of property owners.
 - An application and application checklist.
2. 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 **April 10, 2013** meeting agenda.
3. 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. General Comments

The property and street right-of-way at present is vacant and wooded.

The site appears to be in a transition area between Downer and Lakehurst series soils. Downer series soils are deep well drained soils with a seasonal high water table expected to be greater than 6 ft. from the surface of the ground while Lakehurst series soils are deep moderately well drained soils with the seasonal high water table expected to be 1.5 ft. to 3.5 ft. from the surface of the ground. The Flood Rate Insurance Map indicates that the property is situated in Flood Zone "X" (unshaded) which is an area determined to be outside the 0.2% annual chance floodplain. The FEMA Advisory Base Flood Elevation Map (ABFE) indicates that this area remains unchanged. Freshwater wetlands do not appear to be present on the site.

The applicant proposes to construct a two-story frame dwelling unit on a street which has not been improved to Township standards. The applicant proposes to construct a 12 ft. wide R-Blend driveway in the right-of-way of Radovan Avenue from Southern Boulevard to gain access to his properties Lots 5-11, Block 987.

C. Variances/Waivers Requested and Items of Discussion

1. The applicant has requested a variance from Section 40:55D-35 of the Municipal Land Use Law to construct a dwelling unit on an unimproved street.
2. The applicant must provide testimony and proofs supporting the granting of the variance.
3. The applicant is seeking the following waivers from the following checklist items:
 - a. Item B-7, for not fully dimensioning the building.
 - b. Item B-13, for not providing building gross floor area.
 - c. Item B-28, for not providing soil borings.
 - d. For non-compliance with checklist item 34 which requires the maximum grade for lawns and disturbed areas within 5 ft. from a building to be 10%; whereas 20% is provided at the west end of the garage.
 - e. For non-compliance with checklist item 35 which requires drainage swales to be a minimum of 1.5%; whereas 1.1% to 0.71% is provided around the building on its north and west sides. It should be noted that there is a low area to the north and west of the spot elevations of what is suppose to be drainage swales. Some from of drainage relief for this area should be provided.

We would recommend that items c, d and e be waived until the time of submission of Grading Plans.

4. The applicant is also seeking a waiver from providing road improvement plans.
5. A waiver from providing a semi-improved road from Southern Boulevard is being sought.
6. Waivers from providing roadway and drainage fees are also requested.
7. The applicant should provide testimony supporting the granting of the requested waivers.
8. In as much as the driveway is over 150 ft. in length, traffic safety should be discussed.

D. Conditions and Recommendations

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

1. As this is the only dwelling unit on this end of Radovan Avenue to utilize the road, we recommend that the applicant provides a 6 inch thick gravel driveway to the northerly end of the proposed house,

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EE & L Project No. 12B4533-7 W01



18 feet wide, 14 feet clear height, capable of supporting 30,000 lbs. This allows two (2) vehicles to pass and clearance and access for fire apparatus.

2. A street sign is to be installed at the corner of Radovan Avenue and Southern Boulevard.
3. Garbage is to be picked up at Southern Boulevard.
4. There will be no Township snow plowing of the driveway.
5. Mail pick-up and delivery is to be at Southern Boulevard or as approved by the Post Office.
6. 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, Ocean County Soil Conservation District, Berkeley Township Sewage Authority, Berkeley Township Water Utility, etc., if required.
7. The Applicant certifying that the proposed dwelling unit does not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party involved, if any.
8. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
9. 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.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Mallon". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John J. Mallon, PE
Zoning Board Engineer

PAG/JJM/jet

Cc: Thomas Wright, Applicant
Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Jason Marciano, East Coast Engineering
File





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March 12, 2013

Berkeley Township Zoning Board of Adjustment
Pinewald-Keswick Road
PO Box B
Bayville, NJ 08721

Re: **BOA # 12-5409**
Applicant: Mark Stanfield
Application: Side Yard Setback Variance
for a Detached Shed
Block 1231, Lot 4
Fronting on: Bow Street
Zone: R-100
EE & L Project No. 12B4533-7S05

Dear Ms. Kazmac:

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 same:

The denial letter issued August 14, 2012 by the Zoning Official states that the "applicant requests a variance for a detached structure placed 0 feet from the side yard property line where 10 ft. is required".

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Map of Survey, Lot 4 in Block 1231, T.M. SHT. 104, Berkeley Township, Ocean County, New Jersey, dated October 25, 1999, prepared by D. Niz Associates.
 - A 200 ft. radius map and a certified list of property owners.
 - Application and an application checklist.
2. 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 **April 10, 2013** meeting agenda.
3. 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. General Comments

The property is located on the southwest corner of Bow Street and Moorage Avenue. The property lies within the R-100 Zone and comprises an area of 10,000 s.f. The property has been developed with a two-story dwelling unit with a concrete walk out onto Bow Street, a driveway onto Moorage Avenue and a swimming pool in the rear yard.

In accordance with the Flood Insurance Rate Maps the site is situated in Flood Zone "X" (black dots) which is an area subject to the 0.2% annual chance floodplain. In accordance with the FEMA Advisory Base Flood Elevation Maps (ABFE) the site is situated in zone unchanged from previous mapping.

The applicant proposes to construct a 200 s.f. detached shed at the front yard setback line with 0 ft. clearance to the side property line.

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