

**TOWNSHIP OF BERKELEY
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
JUNE 26, 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. RESOLUTIONS
- G. OLD/NEW BUSINESS:

H. AGENDA

1. **Alfred Agnello** **BOA# 13-5430**

Carried from June 12, 2013

Variance requested	Undersized Lot, Front, Rear Side Setbacks, Lot Coverage
Project:	Construct S.F.D. on an undersized lot
Block 1559	Lot: 9
Address: Fronting on Dogwood Drive	Zone: R-64

Denial reads: **"Applicant to demolish a storm damaged S.F.D. on an undersized lot and proposes to construct a S.F.D. dwelling with a 9.7 foot rear setback/20 feet required, and a 5 foot side setback/7 feet required, and a 12 foot side setback/18 feet required and lot coverage of 30.9% where 30% is max. allowed"**

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

Carried from the June 12, 2013

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. **Michael & Lauren Amatrudi** **BOA # 13-5435**

Variance requested	Undersized Lot with front yard setbacks
Project:	Re-Construct a storm damaged Single Family Dwelling
Block: 1712	Lot: 2347
Address: 2213 Barnegat Avenue, Seaside Park	Zone: R-50

Denial reads: **"Applicant proposes to replace storm damaged SFD on a 5000 s.f. lot where 7500 s.f. on a corner lot is required. The new SFD will increase the non-conformity of the two front yard setbacks from 17.6 to 17 feet and 24.8 to 23 where 25 feet is required"**.

4. **Richard & Cyntra Smentkowski** **BOA # 13-5439**
-
- Variance requested Front, rear and side yard setbacks
Project: Re-Construct a storm damaged Single Family Dwelling
Block: 1543 Lot: 121
Address: 211 Longview Drive Zone: R-64
- Denial reads: **“Applicant proposes to demolish a storm damaged one-story SFD with a two-story SFD that will increase the front, rear and side yard non-conformities by adding the second level”.**

5. **Edward Greco** **BOA # 13-5440**
-
- Variance requested Undersized Lot with front, side, combined side yard setbacks, lot coverage and lot frontage variances
Project: Re-Construct a storm damaged Single Family Dwelling
Block: 1560 Lot: 15
Address: 229 Teakwood Drive Zone: R-64
- Denial reads: **“Applicant proposes to demolish a storm damaged SFD and build a new SFD with a 23.77 foot front setback/25 feet required; a side setback of 2.81 feet/7feet required; a combined setback of 7.73 feet/18 feet and 34% lot coverage/35% maximum”.**

6. **Peter & Stephanie Tonan** **BOA # 13-5434**
-
- Variance requested Fence variance/front yard
Project: Install a 6 ft. fence within the front yard area
Block: 939.05 Lot: 15
Address: 38 Timberline Road Zone: R-200C
- Denial reads: **“Applicant proposes to construct a 6’ high fence between a principle structure and a public right-of-way”.**

- I. VOUCHERS
J. ADJOURNMENT



Ernst, Ernst Lissenden

A New Jersey Corporation

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

May 16, 2013

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

Re: **BOA #13-5430**
Applicant: Alfred J. Agnello
Application: Construct a Single Family Dwelling
Unit on an Undersized Lot with Rear, Side,
Combined Side Yard Setbacks and Lot
Coverage Variances
Block 1559, Lot 9
Fronting on Dogwood Drive
Zone R-64
EE & L Project No. 12B4533-7A01

Dear Board Members:

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

The denial letter issued April 8, 2013 by the Zoning Official states "Applicant to demolish a storm damaged S.F.D. on an undersized lot and proposes to construct a S.F.D. with a 9.7 foot rear setback/20 feet required, and a 5 foot side setback/7 feet required, and a 12 foot side setback/18 feet required and lot coverage of 30.9% where 30% is max. allowed".

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Proposed Single Family Home Dwelling 218 Dogwood Drive, Lot 9, Block 1559, Township of Berkeley, Ocean County, New Jersey", dated April 1, 2013, prepared by Scope Engineering, Inc.
 - Architectural plans consisting of 3 – 8½" x 11" sheets, front elevation, last revised April 12, 2013, rear elevation and floor plan, last revised February 27, 2013, prepared by Excel Homes.
 - A 200ft. Radius Map and certified property owners list.
 - 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 **June 12, 2012** 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 south side of Dogwood Drive approximately 418 feet east of Bayview Avenue and it lies within the R-64 zone and comprises an area of 3,200 s.f. The rear of the property is bulkheaded on a lagoon. At present the property is occupied by a one-story single family dwelling unit which is storm damaged and a concrete driveway. It appears that public water and sewer services the property.

In accordance with the FEMA Advisory Base Flood Elevation Map the site is situated in zone "V" with a base flood elevation of 9, with the Governor's January 24, 2013 declaration, the flood elevation is 10.

The applicant proposes to demolish and remove the one-story storm damaged dwelling unit and construct a one-story frame dwelling unit with decks in accordance with the new flood hazard elevation requirements. The applicant has indicated that two stone surface parking spaces will be provided in front of the new dwelling unit.

C. Variances/Waivers and Items of Discussion

1. A variance for insufficient rear yard setback is required; whereas 9.7 ft. is proposed and 20 ft. minimum to a bulkhead is required.
2. A variance for insufficient side yard setback is required; whereas 5 ft. is proposed and 7 ft. minimum is required.
3. A variance for insufficient combined side yard setback is required; whereas 12 ft. is proposed and 18 ft. minimum is required.
4. A variance for exceeding the maximum lot coverage; whereas 30.9% is proposed and 30% is maximum allowed.
5. The applicant must provide testimony and proofs supporting the granting of the variances.
6. A waiver from Section 35-54.a which requires residential drives to be paved with 2 inches F.A.B.C. surface course and 6 inches dense aggregate base course is required; whereas the applicant proposes to install a stone surface driveway.
7. A waiver from providing sidewalk along the property frontage is required. It appears that this waiver can be granted as no sidewalks are existing within the development.
8. A waiver from providing concrete curbing along the edge of pavement is required. It appears that this waiver can be granted as no curbs are existing within the development.
9. Is there adequate slope along the property line adjacent to Lot 10?
10. The front and lagoon elevations do not appear to be consistent with the elevations shown on the Plot 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.

Re: BOA #13-5430
Applicant: Alfred J. Agnello
Application: Construct a Single Family Dwelling
Unit on an Undersized Lot with Rear, Side,
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Coverage Variances
Block 1559, Lot 9
Fronting on Dogwood Drive
Zone R-64
EE & L Project No. 12B4533-7A01



2. The Applicant certifying that the proposed dwelling unit 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.
5. Submission of a Grading Plan.

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

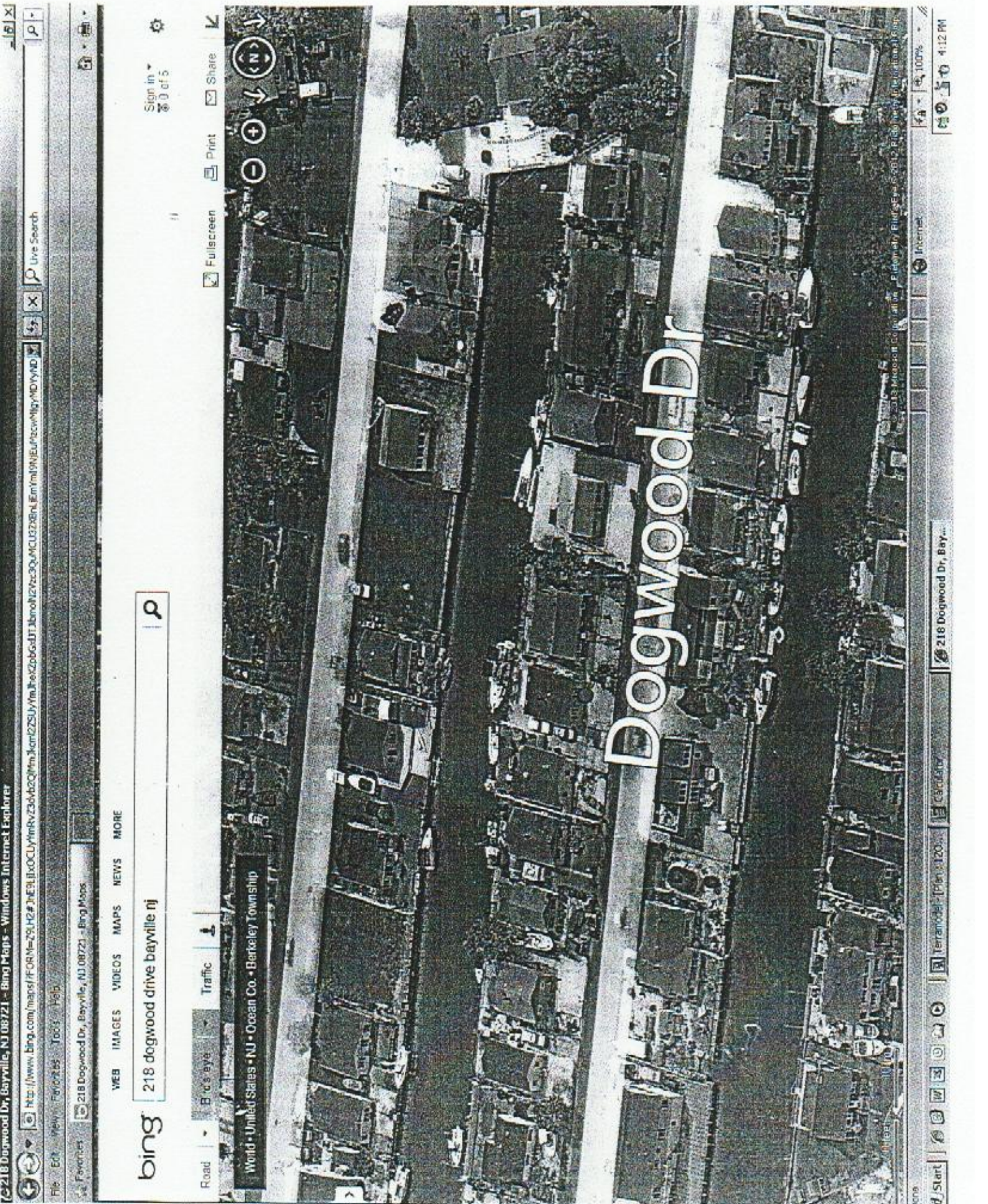
Should you have any questions or we can be of any further assistance on this matter, please do not hesitate to call our office.

Very truly yours,


John J. Mallon, PE
Zoning Board Engineer

PAG/JJM/jet

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Alfred J. Agnello, Applicant
Scope Engineering, Inc., Applicant's Engineer
Elite Construction, Nick Salerno, via email elite1@comcast.net
file



218 Dogwood Dr, Bayville, NJ 08721 - Bing Maps - Windows Internet Explorer

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(201) 624-2137
(201) 624-2136 (fax)

MEMO: Berkeley Township Zoning Board of Adjustment

FROM: Anna Wainright, P.P., A.I.C.P.
Zoning Board Planner

DATE: May 21, 2013

RE: Agnello – Review #1
Application: New SFD
Block 1559, Lot 9
Address: 218 Dogwood Drive
Zoning District: R-64 Residential Zone
Plan Prepared By: Matthew R. Martin, P.E., dated 4/01/2013.
Building Plans: Prepared by Excel Homes, revised 2/27/13.
BOA# 13-5430
Our File: 1506-Z-160

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

Zoning Requirements:

R-64 Residential Zone - §35-96.3 & 35-95

<u>Principal Bldg</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Requested</u>
<u>Minimum Lot Area</u>	6,400 SF	3,200 SF	3,200 SF	*Existing Non-Conforming
<u>Minimum Lot Frontage</u>	80 FT	40 FT	40 FT	*Existing Non-Conforming
<u>Front Yard Setback</u>	25 FT	24.7 FT	25.1 FT	None
<u>Rear Yard Setback Structure</u>	20 FT	16.8 FT	9.7 FT	Variance
<u>Side Yard Setback</u>	10 FT	5.3/10 FT	5/7 FT	None
<u>Combined Side Yard Setbacks</u>	18FT	15.3 FT	12 FT	Variance

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