

**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 & Cyntia 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

Certificate of Authorization 24GA27927500
Consulting Engineers, Planners & Surveyors
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Telephone: 732-349-2215 • Fax: 732-349-4127
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John N. Ernst, P.E., C.M.E., P.P.
Carl P. Werner, L.S., P.P.
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,
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



Page 3 of 3

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.

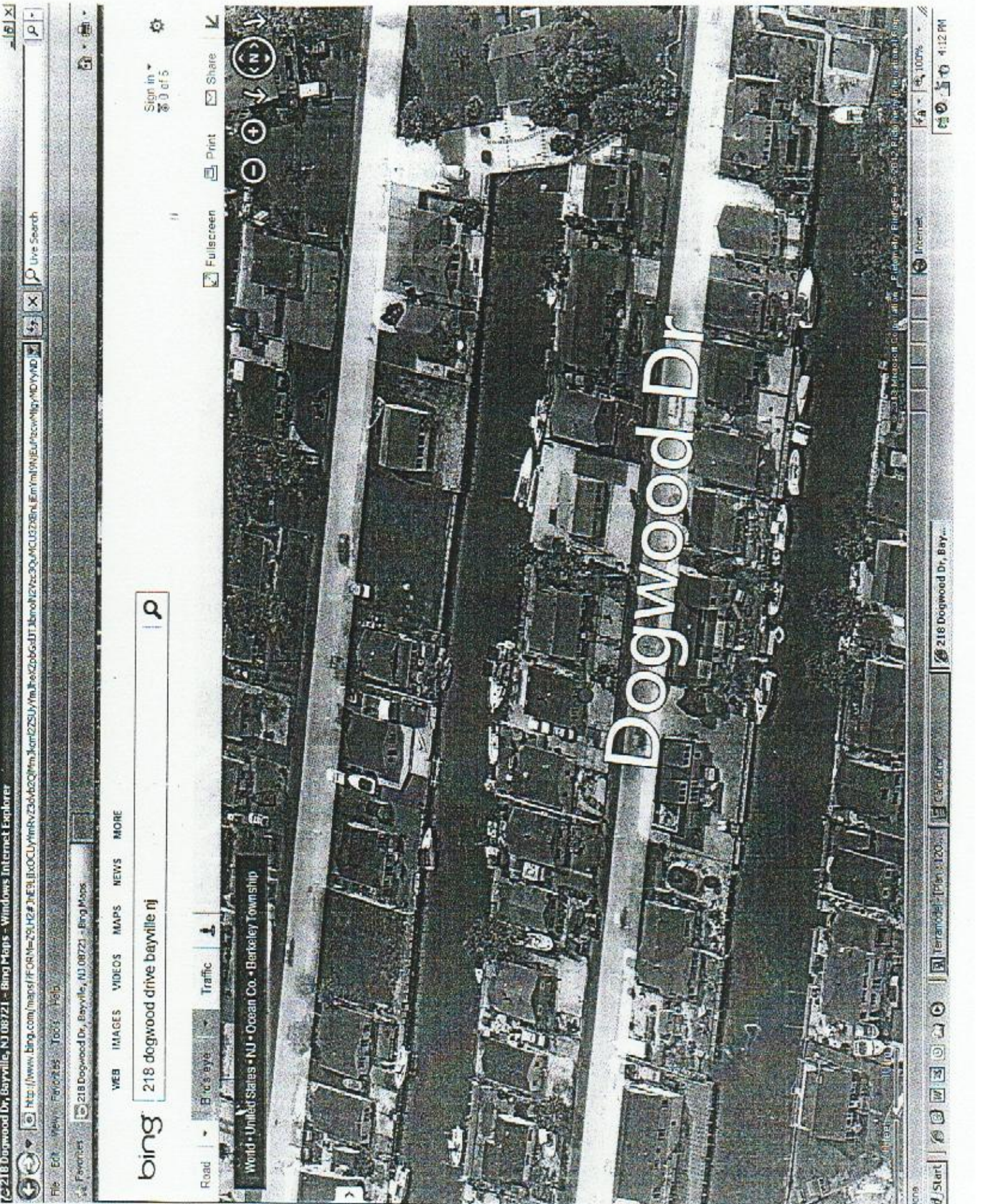
Should you have any questions or we can be of any further assistance on this matter, please do not hesitate to call our office.

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



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(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

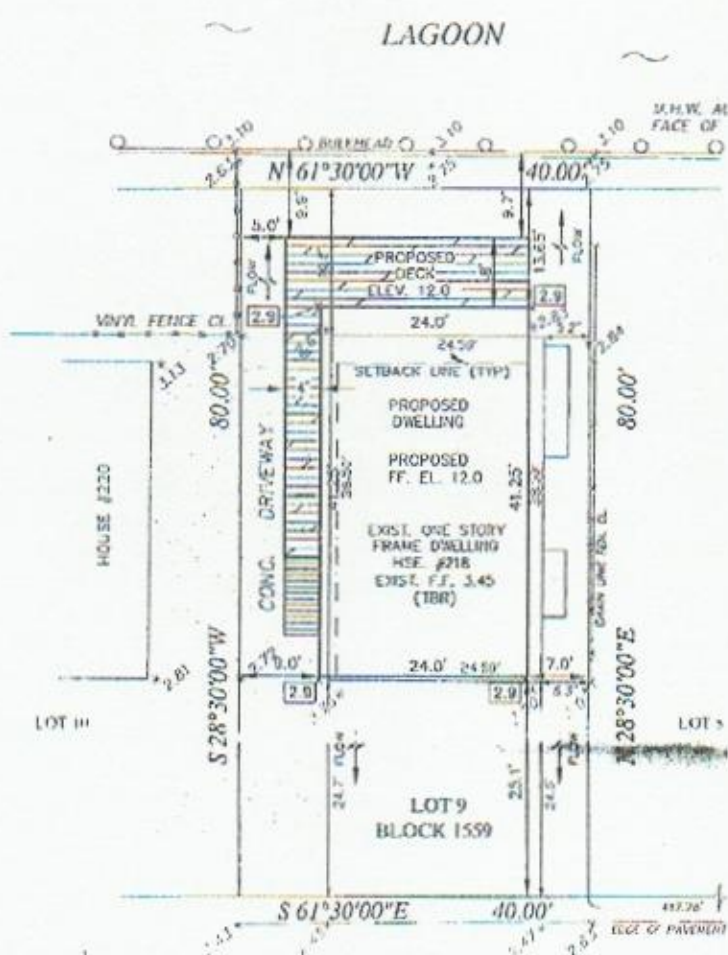
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Earning Our Reputation Every Day Since 1901

Maximum Lot Coverage %	30%	29.5%	30.9 %	Variance

A. PROJECT OVERVIEW:

The denial states: Applicant to demolish a storm damaged SFD on an undersized lot and proposes to construct a SFD with a 9.7 foot rear setback/20 feet required, and 5 foot setback/7 required, and a 12 foot side setback/18 required, and lot coverage of 30.9% where 30% is max allowed. The lot is an existing non-conforming undersized lot, with a lot area of 3,200 square feet, where 6,400 SF is required and 40 feet of frontage whereas 80 feet is required, variances are also required for the lot size. It should be noted that a new ordinance was adopted to "grandfather" reconstruction due to damage from the storm on undersized lots (meeting the required setbacks is a condition of this ordinance). The new ordinance will be in effect in June.



B. VARIANCES:

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The Board should examine whether or not they believe that the Applicant is proposing a dwelling which will not, and the variances requested will not, cause a substantial detriment to the public good, or be a substantial detriment to the Master Plan and Zoning Ordinance. Reasonable conditions may be imposed and all requested variances should be considered as follows:

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.
- c(2) where in an application or appeal relating to a specific piece of property the purposes of this act...would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

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 variances will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

The applicant should also provide testimony regarding any requested or required waivers.

GENERAL REVIEW COMMENTS:

1. The applicant is proposing to construct a 990 square foot single story single family dwelling on the existing undersized lot. It should be noted that were the applicant to develop a new home within the required setbacks, the home would only be 770 square feet, and a variance would be required for the minimum size of the home, unless it was a two story home.
2. The applicant has chosen to locate the home so that they meet the front yard setback but not the rear yard setback. It should be noted that the proposed deck is included in the footprint of the home (because it is elevated), which makes the rear yard setback 9.7, not 13.65 as shown on the plans. If the Board is satisfied that the size of the home is appropriate, they may wish to determine if the setback that should be violated should be the front yard or the rear yard. Though conformity of front yard setback is a common desirable neighborhood design, in this case it may be more desirable to minimize the front setback rather than the rear, so that the common view along the lagoon is not obstructed by elevated decks and/or homes.
3. The applicant is proposing to raise the new home to meet the new ABFE FEMA required flood elevations, at 12 feet, approximately 9 feet above the existing grade. The property is located within the "V" Zone, with a required flood elevation of 9, plus freeboard. The first floor elevation of this home is proposed at elevation 12. Testimony should be provided regarding how this will visually affect the neighboring properties in the rear yard where variances are required.

Page 4

4. The applicant has submitted floor plans and elevations of the proposed new home. Testimony describing the proposal, and the necessity of the size, location, and exterior access should be provided.
5. Testimony should be provided regarding the extent of damage to the existing home, and the reasons to construct an entirely new home.
6. The property contains an existing concrete driveway which appears to abut the adjacent property line. Parking on the site previously accommodated parking along the entire property line, which will now be encumbered by stairs and access decking. Testimony regarding the location of the required two (2) off street parking spaces, should be provided.
7. Testimony should be provided regarding the 9± feet of spaces below the first floor of the new home. For instance, how this area will be screened and what it will be used for. In addition testimony regarding the proposed location of all heating and air conditioning units, as well as any other necessary accessory structures or uses proposed, should be provided.

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 obtain any and other 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 provide to the Building Department any required elevation certificate.
3. The Applicant certifying that the proposed home will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township.
4. The Applicant provides additional drainage and runoff drawings and/or plans and calculations which verify that there will be no drainage impact to adjacent property owners.
5. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
6. The Applicant 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

ARW

cc: Alex Pavliv, Esq. -Board Attorney; Jack Mallon, P.E. – Board Engineer; Alfred Agnello – Applicant

218 Dogwood Dr, Bayville, NJ 08721, USA

Dogwood Dr

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Google earth



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
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Website: www.eelengr.com
March 12, 2013

PRINCIPALS

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

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.



C. Variances Requested and Items of Discussion

1. The applicant has requested a bulk variance to construct a 200 s.f. detached shed with a 0 ft. side yard setback; whereas 10 ft. minimum is required.
2. The applicant must provide testimony and proofs supporting the granting of the variance.
3. In as much as the survey was conducted in 1999, are all improvements to the site shown?
4. An aerial photograph shows a small shed adjacent to the side steps. Will this shed be removed from the site or relocated? Will there be any additional construction to the existing dwelling unit?
5. Will the proposed shed cause any drainage problems?
6. Where is the pool equipment and where does it backwash to?
7. Photographs of the property should be provided.
8. An architectural plan or catalog cuts of the proposed shed should be provided.
9. How will the south side of the shed be maintained without going onto adjacent Lot 8?
10. Where will the door to the shed be?
11. Will the shed require any steps?
12. What will the shed be used for?

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 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 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.

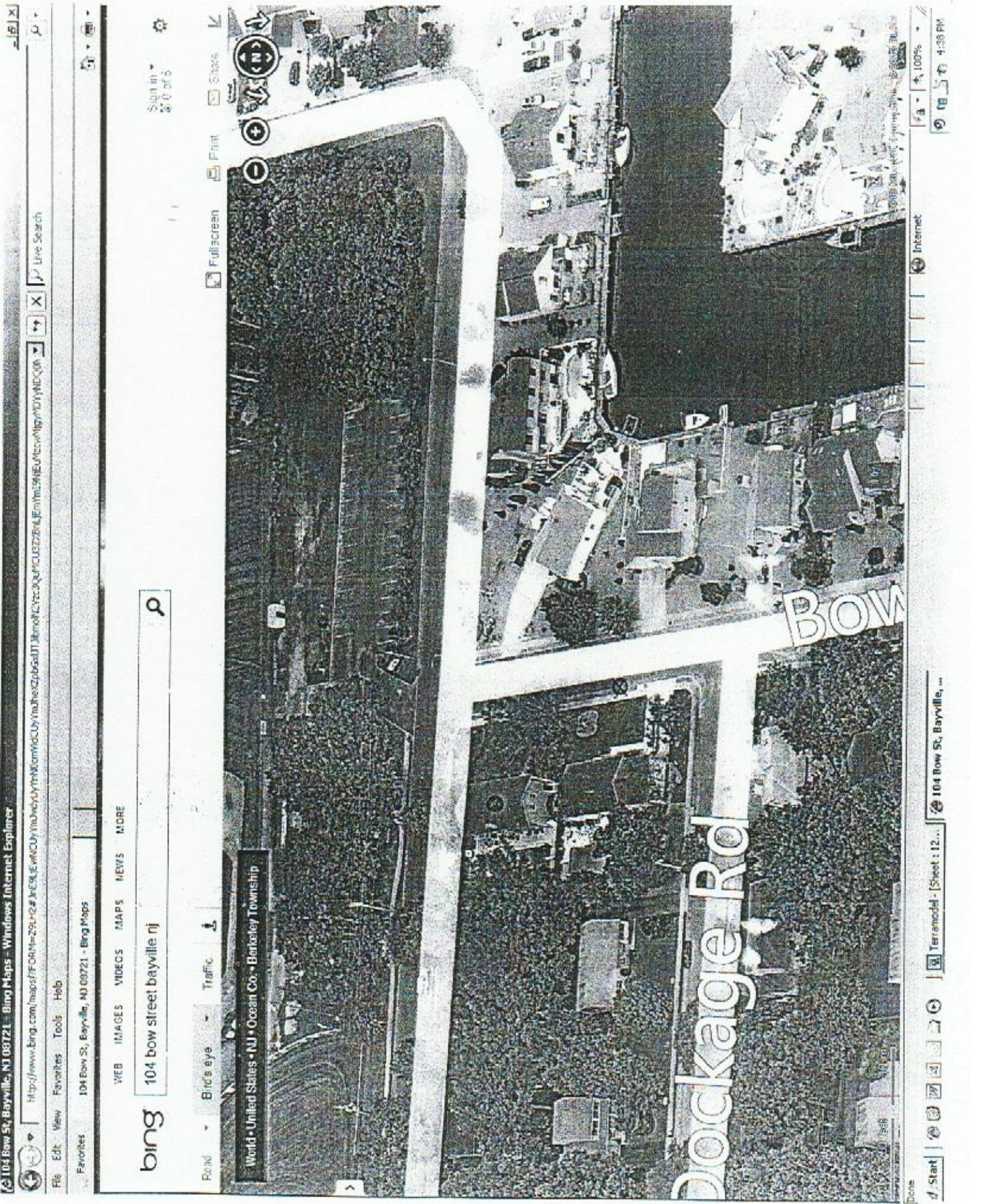
Should you have any questions or we can be of any further assistance on this matter, please do not hesitate to call our office.

Very truly yours,

John J. Mallon, PE
Zoning Board Engineer

JJM/jet

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Mark Stanfield, Applicant
File





Ernst, Ernst Lissenden

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

June 11, 2013

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

Re: **BOA # 13-5435**
Applicant: Michael & Lauren Amatrudi
Application: Construct a Single Family Dwelling
Unit on an Undersized Lot with Front Yard
Setback Variance
Block 1712, Lot 2347
Fronting on: Twenty Third Avenue & Barnegat Avenue
Zone: R-50
EE & L Project No. 12B4533-7A02

Dear Ms. Kazmac:

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 22, 2013 by the Zoning Official states "Applicant proposes to replace a 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 feet where 25 feet is required."

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Map of Survey, Lot 2347, Block 1712, Berkeley Township, Ocean County, New Jersey, dated May 20, 2013, prepared by Owen, Little & Associates, Inc."
 - Architectural plans entitled "Michael Amatrudi~, ~New Residence~, ~2213 Barnegat Avenue~, Berkeley Township, New Jersey, 08752", consisting of two (2) sheets, last revised on May 28, 2013, prepared by Monmouth Ocean Design Experts
 - Certified list of property owners.
 - An application and application checklist.
 - Photographs
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 26, 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 northeast corner of Twenty Third Avenue and Barnegat Avenue approximately 450 feet east of Island Beach State Park and lies within the R-50 Zone and comprises an area of 5,000 s.f. At present, the property is occupied by a one story frame dwelling with a wood shed and hot tub located to the rear of the site. The property is currently serviced by public water and sewer.

In accordance with the FEMA Advisory Base Flood Elevation Map, the site is situated in Zone "A" with a base flood elevation of 8 feet, with the Governor's January 24, 2013 declaration, the flood elevation is 9 feet.

The applicant proposes to demolish and remove the existing one-story storm damaged dwelling unit and construct a two-story dwelling unit in accordance with the new flood hazard elevation requirements. Existing water and sewer service will be utilized.

C. Variance/Waivers and Items of Discussion

1. Lot area: 7,500 s.f. is required; whereas 5,000 s.f. exists, however this is currently grandfathered; therefore following variance is required:
 - a. Variance for front yard setback: 17.6 feet and 24.9 feet are proposed, whereas 35 feet is required.
2. The applicant must provide testimony and proofs supporting the granting of the variances.
3. A waiver for not providing sidewalks along the entire property frontage is required.
4. A waiver for not providing concrete curbing along the edge of pavement is required.
5. Is the existing inlet south of the property connected with a drainage pipe? Where does the drainage go and where does it outlet?
6. Are there any drainage problems on the property, adjacent properties or in the street?
7. Where is the location of the driveway? This should be shown on "Map of Survey".
8. The required lot area in the zoning schedule should be revised to 7,500 s.f.
9. It appears that there is an increase in impervious surface on the site which would produce a minor increase in runoff.
10. How long has the wood shed and hot tub been in existence? It appears there is a setback variance. Is it possible to relocate these structures? The side/rear setback requirement is 5 feet.

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 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.

Re: BOA # 13-5435
Applicant: Michael & Lauren Amatrudi
Application: Construct a Single Family Dwelling
Unit on an Undersized Lot with Front Yard
Setback Variance
Block 1712, Lot 2347
Fronting on: Twenty Third Avenue
& Barnegat Avenue
Zone: R-50
EE & L Project No. 12B4533-7A02

Page 3 of 3



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. In as much as spot elevations show positive drainage for the property, we recommend that the grading plan requirements be waived by the Township Engineer.

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

sa:jjm:kh

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Michael & Lauren Amatrudi, Applicants
Owen, Little & Associates, Inc., Applicant's Engineer
File

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(856) 303-1249 (fax)

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

MEMO: Berkeley Township Zoning Board of Adjustment

FROM: Anna Wainright, PP, AICP *new*
Board Planner

DATE: June 5, 2013

RE: Michael & Lauren Amatrudi
PLANNING REVIEW #1
Application: Single Family Dwelling
Block 1712, Lot 2347
2213 Barnegat Avenue
Zoning District: R-50 - Residential Zone
Plan Title: Zoning Plan
Prepared By: Daniel Condatore, R.A.
Dated: Revised through 05/28/13
Map of Survey: Owen, Little, & Assoc., 5/20/13
Architectural - Daniel Condatore, R.A. (2 sheets)
Dated May 28, 2013
BOA# 13-5435
Our File: 1506-Z-161

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

Zoning Requirements:

R-50 Residential Zone 35-95 & 35-96.3 (*existing condition)

<u>Principal Bldg</u>	<u>Required</u>	<u>Proposed</u>	<u>Variance Requested</u>
Minimum Lot Area	7,500 SF	5,000* SF	Grandfathered
Minimum Lot Frontage	50 FT	50/100 FT	None
Front Yard Setback	35 FT	25/17.50** FT	Variance Required
Rear Yard Setback	20 FT	27 FT	None
Side Yard Setback	5 FT	5** FT	None
Combined Side Yard Setbacks	N/A	N/A	None
Maximum Lot Coverage	35%	26.5%	None
Maximum Bldg Height	35 FT	30 FT	None

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Accessory Building Setback – Rear required 5 feet, 3 feet proposed, variance required.

** setback variances to be clarified

A. PROJECT OVERVIEW

The denial states that "Applicant proposes to replace a storm damaged SFD on a 5,000 SF lot where 7,500 SF 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 feet where 25 feet is required." The Board should be aware that a new ordinance has been adopted Ordinance No. 13-20-OA, which "grandfathers" area and frontage requirements, but requires the setbacks be met, for single family homes being reconstructed due to Sandy. It appears that the applicant requires variances for the two front yard setbacks (to be clarified) possibly a side yard setback for the home, and a rear yard setback for the shed.

The subject parcel is located in South Seaside Park, at the southernmost area just before the Island Beach State Park. The applicant wishes to demolish the existing one story home, and construct a two story home which complies with Base Flood Elevations. It should be noted that the property is located within an ABFE (Advisory Base Flood Elevation) of 8 feet. The first floor elevation is proposed at 8 feet.

The Applicant also requires a waiver for not providing curbing and a sidewalk along the two frontages.

B. VARIANCES

The Applicant must satisfy the Board that there are proofs under the law for the granting of the variances, then the Board should examine whether or not they believe that the Applicant is proposing a dwelling which will not, and the variances requested will not, cause a substantial detriment to the public good, or be a substantial detriment to the Master Plan and Zoning Ordinance. Reasonable conditions may be imposed and all requested variances should be considered as follows:

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.
- c(2) where in an application or appeal relating to a specific piece of property the purposes of this act...would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

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 variances will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

The applicant should also provide testimony regarding any requested or required waivers.

C. GENERAL REVIEW COMMENTS

1. The applicant is proposing to construct a two (2) story single family home, on an existing lot which previously contained a one story home. The existing home had similar front yard setbacks, and a slightly larger side yard setback. It appears that non-conforming accessory structures which were located on and over the property line, have been removed. Testimony regarding existing and proposed setbacks should be provided. The lot size, though undersized in area for a corner lot is "grandfathered" under the new ordinance.
2. It should be noted that the property is located 18' from the public right of way requiring that the applicant extend the driveway through the R.O.W. to the pavement. Testimony should be provided regarding compliance with requirements for improvements within the R.O.W..
3. Testimony should be provided regarding the proposal and the submitted architectural plans for the home. Testimony should include a comparison between the existing and proposed structures.
4. Testimony should be provided regarding existing and proposed accessory structures.
5. The applicant is proposing a first floor elevation of 8 feet whereas the ABFE for that area is 8 feet. Testimony should be provided which discusses the chosen elevation in relation to regulations regarding additional height for a "freeboard".
6. The permitted building height for the zone is 35 feet, taken from the average finished grade to the mean height between the eaves and ridge. Testimony should be provided as to the finished mean height (maximum) and the proposal.
7. The Applicant should provide testimony regarding off street parking. It appears that there will be two garages and access from Twenty Third Avenue, however, the plans are not clear. The driveway is not indicated on the plan. Testimony regarding parking and locations of the driveway should be provided. It should be noted that the driveway will be in close proximity to the corner.
8. The Applicant should provide testimony regarding setbacks listed on the plan and the shaded area shown over those setbacks, shown on the plan.
9. Any approval must be subject to compliance with all applicable codes and regulations for construction within a floodplain, and any other codes or regulations which may be applicable.

10. The applicant is proposing to connect to public water and sanitary sewer. The applicant should provide testimony and additional details for proposed connections.
11. With regard to grading, the applicant should provide testimony regarding proposed grading changes, if any, and their impacts, if any on adjacent properties. We defer to the Board engineer on the issue of grading and drainage.

E. 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 must provide any details and/or cost estimates which may be required for any and all improvements, and the posting of any required performance bonds proposed or required by any approvals given by this Board.
2. The Applicant certifying that the proposed new home will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party or agency applicable.
3. The Applicant submitting payment of any and all outstanding professional review fees of the Board and the Township.
4. Payment of all COAH Development Fees, where required.
5. The Applicant providing all required plans necessary to show compliance with all required Building Codes to the Building Department at the time of the permit application, including, but not necessarily limited to the following:
 - a. The applicant submitting the required Floodplain Development Application to the appropriate department for compliance review and approval.
 - b. The applicant submitting for a grading permit in accordance with Section 11-1.5.
 - c. The applicant submitting signed and sealed architectural plans of the proposed dwelling in accordance with all testimony and plans provided at the public hearing, as well as applicable building codes.
 - d. Proof of approval and/or waivers, if required from all agencies having jurisdiction including, NJDEP, CAFRA, the Ocean County Board of Health, the Berkeley Township Sewerage Authority, and the Ocean County Planning Board.

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.

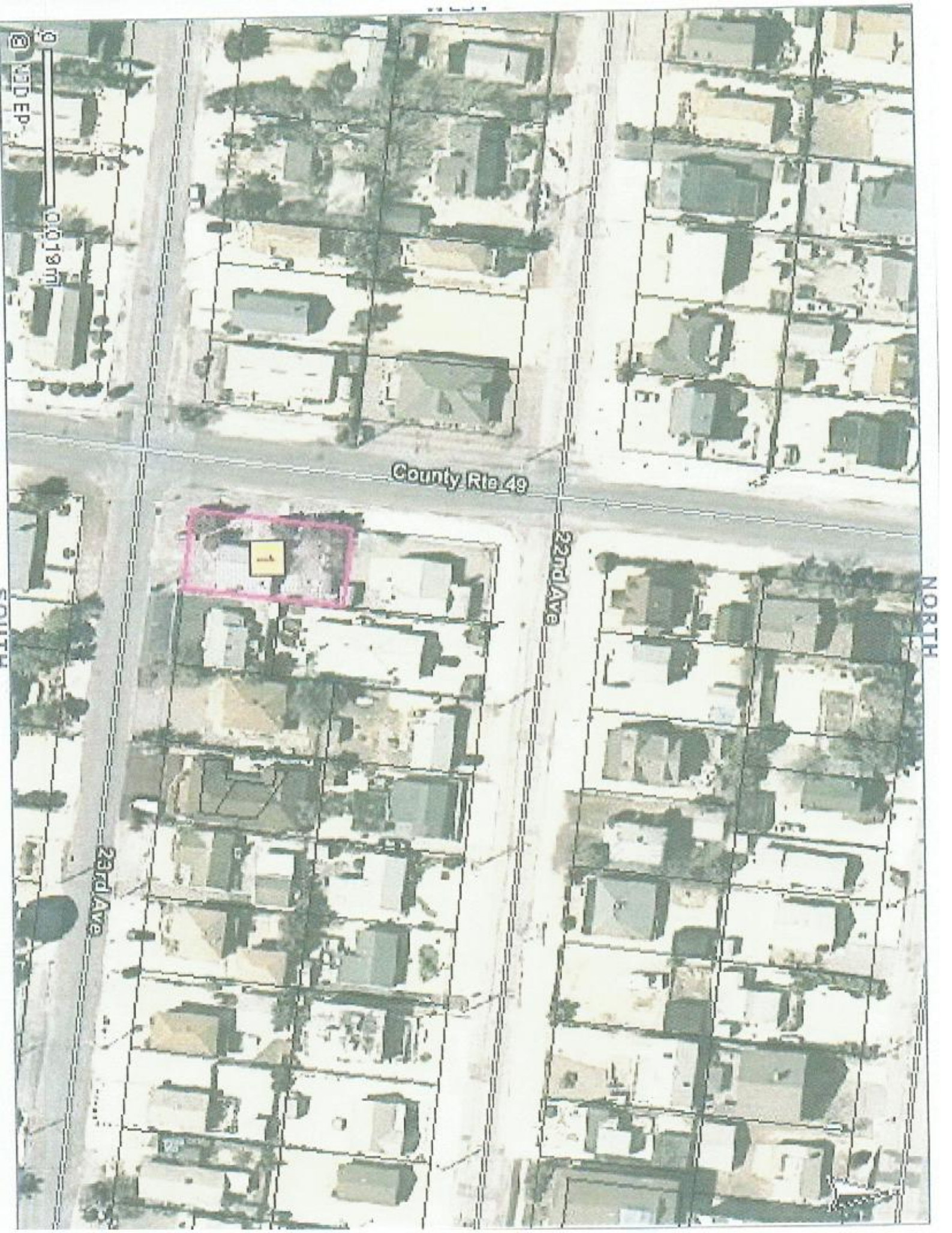
Berkeley Zoning Board
Our File: 1506-Z-161

Page 5

God Bless America

ARW/ktr

cc: Alex Pavliv, Esq., Board Attorney
Jack Mallon, P.E., Board Engineer
William Berg, P.L.S., Owen Little & Associates – Applicant's Engineer
Daniel Condatore, R. A. - Applicant's Architect
Michael & Lauren Amatrudi (1559 Forge Pond Road, Brick, NJ 08724)



NORTH

County Rd 49

22nd Ave

23rd Ave

0 0.018m

0 0.018m

SOUTH



Ernst, Ernst Lissenden

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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

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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.

June 12, 2013

Berkeley Township Zoning Board of Adjustment

Pinewald-Keswick Road

P.O. Box B

Bayville, NJ 08721

Re: **BOA #13-5439**

Applicant: Richard & Cyntra Smentkowski

Application: Construct a Single Family Dwelling

Unit with Front, Rear, Side Setback Variances

Block 1543, Lot 121

Fronting on Longview Drive

Zone R-64

EE & L Project No. 12B4533-7S08

Dear Board Members:

Our office has received for review a plot plan, survey plan and architectural drawings for the above referenced application. These items have been submitted to address the comments in my June 6, 2013 review letter which deemed this application incomplete. We have reviewed the submitted information, deeming this application complete for review and offer the following comments:

The denial letter issued May 29, 2013 states that the "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.

A. Completeness

1. The applicant has submitted the following information:

- Plan entitled "Plot Plan, Block 1543, Lot 121, Berkeley Township, Ocean County, New Jersey" dated May 28, 2013, prepared by East Coast Engineering, Inc.
- Plan entitled "Survey Map, Block 1543, Lot 121, Berkeley Township, Ocean County, New Jersey" dated February 27, 2013 prepared by East Cost Engineering, Inc.
- Architectural plans entitled "Smentkowski Residence, 211 Longview Drive, Bayville, NJ" dated May 3, 2013, prepared by DeBarbieri Architects, LLC.
- A 200 foot 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 26, 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 north side of Longview Drive approximately 200 feet east of North Bay Drive and lies in 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 an existing one-story frame dwelling and a shed and a paver area. Access to the site is a bituminous driveway.

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 replace the one-story storm damaged dwelling with a two-story framed dwelling and both have a first and second floor deck in accordance with the new flood hazard elevation requirements. The applicant has indicated that the paver area and shed are to remain.

C. Variances/Waivers and Items of Discussion

1. The following variances are grandfathered:
 - a. Lot area: 6,400 s.f. is required; whereas 3,200 s.f. exists.
 - b. Lot frontage: 80 feet is required; whereas 40 feet exists.
 - Other variances will no longer remain since the existing dwelling is being removed.
2. The following variances are required:
 - a. Minimum front yard setback: 25 feet is required; whereas 23.9 feet is proposed.
 - b. Minimum rear setback: 20 feet is required; whereas 16.3 feet is proposed.
 - c. Minimum side setback: 7 feet is required; whereas 2.9 feet is proposed.
 - d. Minimum side setback (combined): 18 feet is required; whereas 13.3 feet is proposed.
 - e. Maximum lot coverage: 30% is allowed; whereas 30.88% is proposed.
3. The applicant must provide testimony and proofs supporting the granting of the variances.
4. A waiver for not providing sidewalk along the property frontage is required.
5. A waiver for not providing concrete curbing along the edge of pavement is required.
6. At present, are there any drainage problems on the property, adjacent properties or in the street?
7. Are there any drainage structures in the area for runoff from the site?
8. What is the rear yard setback dimension for the proposed shed noted to remain? Currently, the side yard is in violation. Is it possible to relocate the shed? Otherwise a variance is required (five needed).
9. Sheet 2 from the architectural plans is missing and should be submitted to this office.
10. The first floor elevation on the architectural plans must be revised to elevation 12.5 to match the submitted 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: DOA #13-5439
Applicant: Richard & Cyntra Smentkowski
Application: Construct a Single Family Dwelling
Unit with Front, Rear, Side Setback Variances
Block 1543, Lot 121
Fronting on Longview Drive
Zone R-54
EE & L Project No. 12B4533-7S08

Page 3 of 3

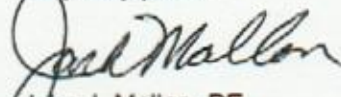


2. The Applicant certifying that the proposed dwelling unit will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party involved, if any.
3. The Applicant shall submit payment of any and all outstanding professional review 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

sa:jjm:kh

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Richard & Cyntra Smentkowski, Applicant
DeBarbieri Architects., Applicant's Architect
East Coast Engineering, Applicant's Engineer
file

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John N. Ernst, P.E., C.M.E., P.P.

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

June 12, 2013

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

Re: BOA #13-5440
Applicant: Edward Greco
Application: Construct a Single Family Dwelling
Unit on an Undersized Lot with Front, Side,
Combined Side Yard Setbacks, Lot Coverage
and Lot Frontage Variances
Block 1560, Lot 15
Fronting on Teakwood Drive
Zone R-64
EE & L Project No. 12B4533-7G06

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 June 6, 2013 by the Zoning Official states "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/7 feet required; a combined setback of 7.73 feet/18 feet and 34% lot coverage/35% maximum."

A. Completeness

1. The applicant has submitted the following information:

- Plan entitled "Map of Survey, Lot 15, Block 1560, Tax Map, (Sheet No. 127), Berkeley Township, Ocean County, New Jersey" last revised on April 9, 2013, prepared by Delco Land Surveying Corp.
- Architectural plans entitled "Block 1560/Lot 15, Berkeley Township, NJ", consisting of four (4) sheets, dated April 15, 2013, prepared by Keith Mazurek A.I.A. Architect.
- A 200 foot 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 26, 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 north side of Teakwood Drive approximately 550 feet east of Bay View Avenue and lies in the R-64 Zone and comprises an area of 3,200 s.f. At present, the property is occupied by a one-story dwelling unit with a frame deck, frame bar, frame shed and paver area in the rear area of the property. The rear of the property is bulkheaded on a lagoon. A frame tie curb and block curb are located in the front of the property. The site is accessed by an asphalt driveway.

In accordance with the FEMA Advisory Base Flood Elevation Map, the site is situated in zone "A" 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 existing one-story storm damaged dwelling unit and construct a two-story dwelling unit with the new flood hazard elevation requirements within the same foot print.

C. Variances/Waivers and Items of Discussion

1. The following variances are grandfathered:
 - a. Lot area: 6,400 s.f. is required; whereas 3,200 s.f.± exists.
 - b. Lot frontage: 80 linear feet is required; whereas 40 linear feet exists.
2. The following variances are required:
 - a. Front yard setback: 25 feet is required; whereas 23.775 feet is proposed.
 - b. Side yard setback: 7 feet is required; whereas 2.81 feet is proposed.
 - c. Side yard setback combined: 18 feet is required; whereas 7.73 feet is proposed.
 - d. Maximum lot coverage: 30% is allowed; whereas 34% is proposed.
3. The applicant must provide testimony and proofs supporting the granting of the variances.
4. A waiver for not providing sidewalk along the property frontage is required.
5. A waiver for not providing concrete curbing along the edge of pavement is required.
6. Are there any drainage structures along Teakwood Drive to pick the runoff from the property?
7. At present, are there any drainage problems on the property, adjacent properties or in the street?
8. What are the conditions of the existing structures in the rear of the property? Will they remain?
9. The frame shed and frame bar are within the minimum side yard setback requirements of 5 feet. Can they be relocated? If not, a variance would be required.
10. The frame deck appears to encroach on both side lot lines onto neighboring properties? Will it remain?
11. Will the existing utilities be used for the new dwelling unit?
12. The new dwelling unit will be a four (4) bedroom. Will there be sufficient parking per RSIS requirements which requires 2.5 parking spaces?
13. Sheet 2 from the Architectural plans is missing. Please forward a copy to this office.

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 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.

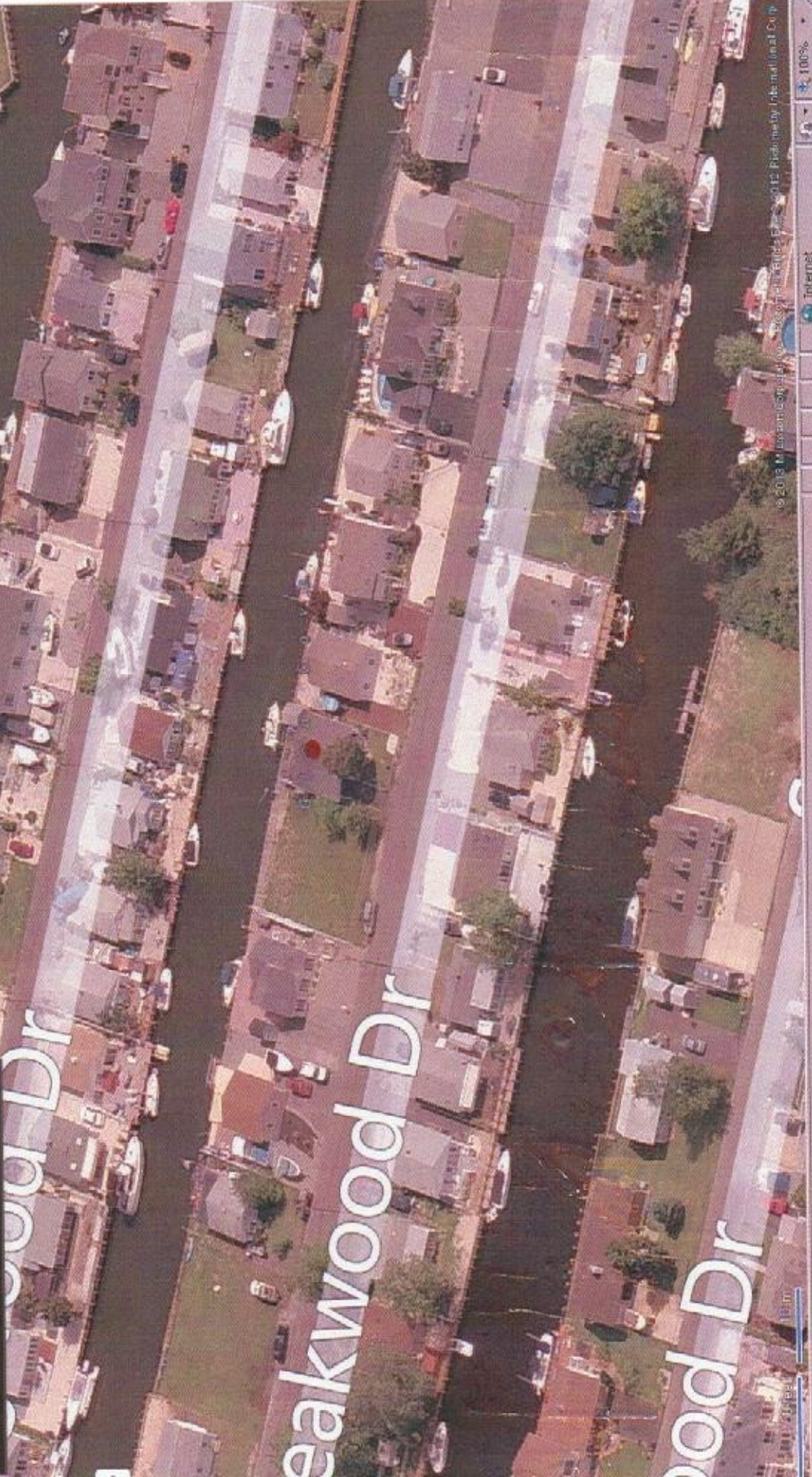
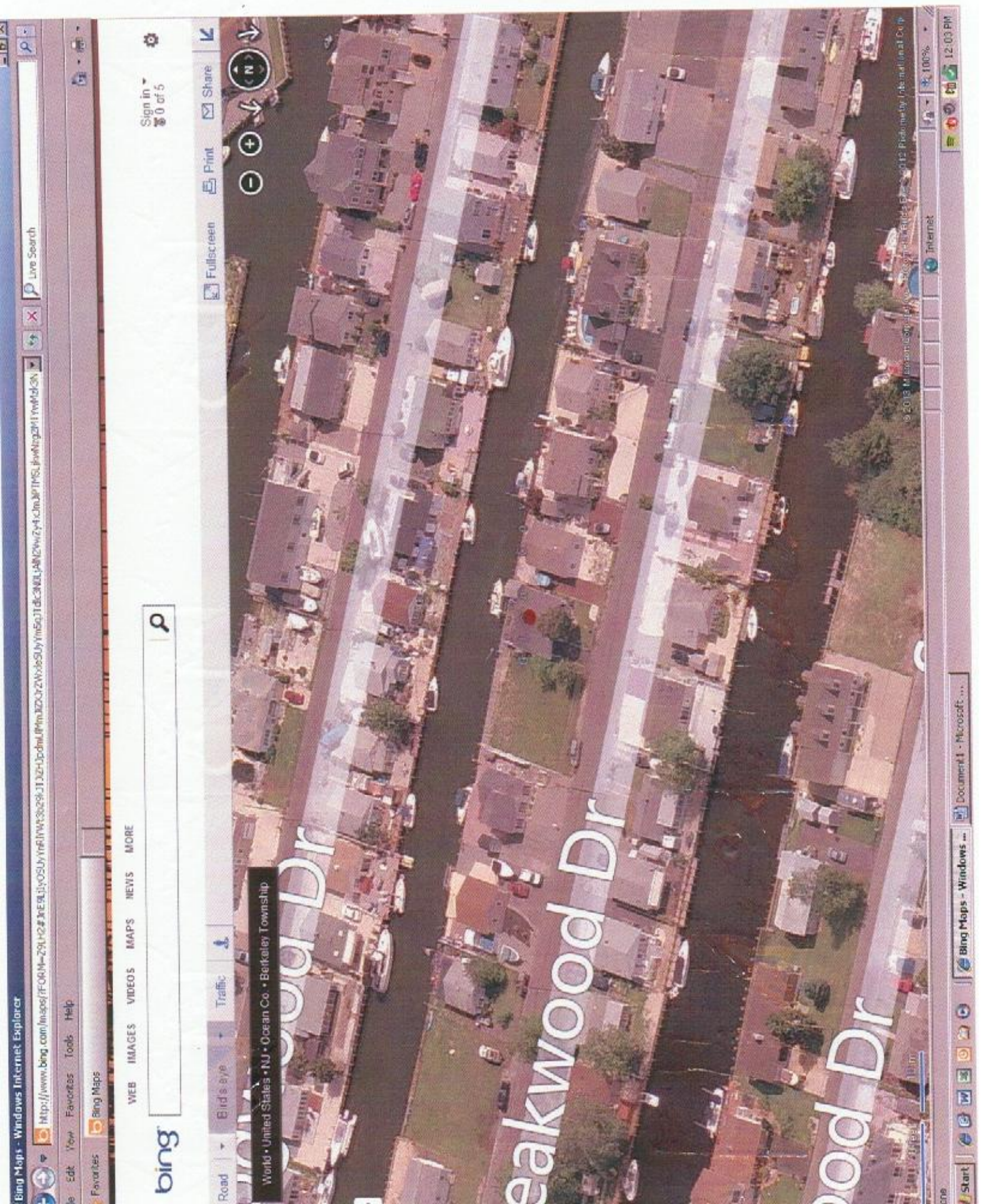
Should you have any questions or we can be of any further assistance on this matter, please do not hesitate to call our office.

Very truly yours,

John J. Mallon, PE
 Zoning Board Engineer

sa:jjm:kh

cc Anna Wainwright, Board Planner
 Alex Pavliv, Board Attorney
 Edward Greco, Applicant
 Delco Land Surveying Corp., Inc., Applicant's Engineer
 Keith Mazurek, Applicant's Architect
 file



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MEMO: Berkeley Township Zoning Board of Adjustment

FROM: Anna Wainright, PP, AICP *AW*
Board Planner

DATE: June 19, 2013

RE: Edward Greco
PLANNING REVIEW #1
Application: Single Family Dwelling
Block 1560, Lot 15
229 Teakwood Drive
Zoning District: R-64 - Residential Zone
Plan: May of Survey by Bernard Collins L.S.
Dated: July 23, 2008
Architectural - Keith Mazurek, R.A. (4 sheets)
Dated April 15, 2013
BOA# 13-5440
Our File: 1506-Z-164

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

Zoning Requirements:

R-64 Residential Zone 35-95 & 35-96.3 (*existing condition)

<u>Principal Bldg</u>	<u>Required</u>	<u>Proposed</u>	<u>Variance Requested</u>
Minimum Lot Area	6,400 SF	3,200* SF	Grandfathered
Minimum Lot Frontage	80 FT	40* FT	Grandfathered
Front Yard Setback	25 FT	23.77** FT	Variance Required
Rear Yard Setback	20 FT	26** FT	None
Side Yard Setback	7 FT	2.81* FT	Variance Required
Combined Side Yard Setbacks	18 FT	7.73* FT	Variance Required
Maximum Lot Coverage	30%	34%	Variance Required
Maximum Bldg Height	35 FT	34' 10" FT	None

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Accessory Building Setback – Rear required 5 feet, 1.18 and .32 foot proposed, variance required.

**** Indicates that there is an additional structure which may require further encroachment into the setback.**

A. PROJECT OVERVIEW

The denial states that "Applicant proposes to replace a storm damaged SFD and build a new SFD with a 23.77' front setback/25' required, a side setback of 2.81'/7' required, a combined setback of 7.73'/18' required, and 34% lot coverage [35%] 30% max." The property does not conform in area and frontage; 6,400 SF required whereas 3,200 SF exists, and 80 feet of frontage required whereas 40 feet exists. These existing nonconformities are grandfathered by new ordinance 13-20-OA, which "waives" area and frontage requirements, but requires that setbacks be met, for single family homes being reconstructed due to Sandy. It appears that the applicant requires variances for the above listed setbacks as well as a further front yard setback for the roofed raised front porch (setback not shown), and the raised deck in the rear yard (dimensions not indicated), and the shed and bar in the rear yard setback and side yard setback.

The subject parcel is located on Teakwood Drive, with a rear located on the lagoon. The applicant wishes to demolish the existing one story home, and construct a three (3) story home (first level to be open) which complies with Base Flood Elevations. It should be noted that the property has now been changed to an AE (Base Flood Elevation) 7 feet. The first floor elevation is proposed above 10 feet. Testimony regarding the affects of this change should be provided

The Applicant also requires a waiver for not providing curbing and a sidewalk along Teakwood Drive.

B. VARIANCES

The Applicant must satisfy the Board that there are proofs under the law for the granting of the variances, then the Board should examine whether or not they believe that the Applicant is proposing a dwelling which will not, and the variances requested will not, cause a substantial detriment to the public good, or be a substantial detriment to the Master Plan and Zoning Ordinance. Reasonable conditions may be imposed and all requested variances should be considered as follows:

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.

- c(2) where in an application or appeal relating to a specific piece of property the purposes of this act...would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

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 variances will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

The applicant should also provide testimony regarding any requested or required waivers.

C. GENERAL REVIEW COMMENTS

1. The applicant is proposing to construct a three (3) story single family home, on an existing lot which previously contained a one story home. The existing home had similar front yard setbacks, however, the front did not have the front roofed stairs and porch, and the decks in the rear were ground level. Testimony should be provided which satisfies the Board that the variances if granted will not have a detrimental effect on the neighboring properties, and/or the zoning.
2. The applicant is also showing a shed and a frame bar in the rear yard which are within one (1) foot of the side property line, and decking and an air conditioner over the property line. Testimony should be provided which describes how these conditions were created, and whether or not variances were granted. It should be noted that the encroachments on neighboring properties cannot be approved by the Board.
3. The survey does not show dimensions and details for the front porch and rear elevated deck. These structures should be added to the plot plan.
4. It appears that the new home will eliminate one parking space from the property. The applicant should provide testimony regarding existing and proposed parking and driveways.
5. Testimony should be provided regarding the proposal and the submitted architectural plans for the home. Testimony should include a comparison between the existing and proposed structures. It should be noted that the plan sheets are listed as Sheets 1,3,4,5, there is no sheet 2.
6. Testimony should be provided regarding existing and proposed accessory structures.
7. The applicant should provide testimony regarding compliance with the required ABFE and flood plain regulations. Specifically, the use and construction of the first level below the finished floor.
8. The permitted building height for the zone is 35 feet, taken from the average finished grade to the mean height between the eaves and ridge. Testimony should be provided as to the finished mean height (maximum) and the proposal.

9. Any approval must be subject to compliance with all applicable codes and regulations for construction within a floodplain, and any other codes or regulations which may be applicable.
10. The applicant is proposing to connect to public water and sanitary sewer. The applicant should provide testimony and additional details for proposed connections.
11. With regard to grading, the applicant should provide testimony regarding proposed grading changes, if any, and their impacts, if any, on adjacent properties. We defer to the Board engineer on the issue of grading and drainage.

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 must provide any details and/or cost estimates which may be required for any and all improvements, and the posting of any required performance bonds proposed or required by any approvals given by this Board.
2. The Applicant certifying that the proposed new home will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party or agency applicable.
3. The Applicant submitting payment of any and all outstanding professional review fees of the Board and the Township.
4. Payment of all COAH Development Fees, where required.
5. The Applicant providing all required plans necessary to show compliance with all required Building Codes to the Building Department at the time of the permit application, including, but not necessarily limited to the following:
 - a. The applicant submitting the required Floodplain Development Application to the appropriate department for compliance review and approval.
 - b. The applicant submitting for a grading permit in accordance with Section 11-1.5.
 - c. The applicant submitting signed and sealed architectural plans of the proposed dwelling in accordance with all testimony and plans provided at the public hearing, as well as applicable building codes.
 - d. Proof of approval and/or waivers, if required from all agencies having jurisdiction including, NJDEP, CAFRA, the Ocean County Board of Health, the Berkeley Township Sewerage Authority, and the Ocean County Planning Board.

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

Berkeley Zoning Board
Our File: 1506-Z-164

Page 5

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

ARW/ktr

cc: Alex Pavliv, Esq., Board Attorney
Jack Mallon, P.E., Board Engineer
Bernard Collins, P.L.S. - Applicant's Surveyor
Edward Greco - Applicant



229 Teakwood Dr, Bayville, NJ 08721, USA

Teakwood Dr

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Google

Image Date: 9/20/2010 39°52'58.17" N 74°08'33.94" W elev



Ernst, Ernst Lissenden

A New Jersey Corporation

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John N. Ernst, P.E., C.M.E., P.P.
Carl P. Werner, L.S., P.P.
Harold Mathis, Jr., L.S., P.P.

June 10, 2013

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

Re: **BOA #13-5434**
Applicant: Peter & Stephanie Tonon
38 Timberline Road
Application: Construct a 6 ft. High Fence Within
A Front yard Area
Block 939.05, Lot 15
Fronting on Timberline Road, Hickory Lane & Keefe Street (Unimproved)
Zone: R-200 Zone
EE & L Project No. 12B4533-7T01

Dear Ms. Kazmac:

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

The denial letter issued April 23, 2013 states the applicant proposes to install a 6 ft. high fence between a building line and a public street and an unimproved street where 4 ft. maximum is allowed.

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Plan of Survey for Lot 15, Block 939.05, Berkeley Villages North Tract, 38 Timberline Road, Berkeley Township, Ocean County, New Jersey, prepared by KSA Associates, Inc., last revised on October 23, 2001".
 - 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 26, 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 Timberline Road and at the southeast corner of Hickory Lane and Keefe Street (unimproved). The property lies within the R-200 Zone and comprises an area of 20,151 s.f. or 0.46 Ac. The site contains a two story frame dwelling with a concrete driveway on to Timberline Avenue.

The site lies with Flood Zone "X" (unshaded), which is an area determined to be outside the 0.2% annual chance flood plain. The FEMA advisory base flood elevation map (ABFE) indicates that this area remains unchanged.

The applicant proposes to construct a 6 ft. high fence within the front yard area along Hickory Lane and Keefe Street (unimproved). The proposed fence will enclose what is considered the rear yard of the two-story frame dwelling as the dwelling faces Timberline cul-de-sac.

Re: BOA #13-5434
Applicant: Peter & Stephanie Tonon
28 Timberline Road
Application: Construct a 6 ft. High Fence Within
A Front yard Area
Block 939.05, Lot 15
Fronting on Timberline Road, Hickory Lane &
Keefe Street (Unimproved)
Zone: R-200 Zone
EE & L Project No. 12B4533-7T01



C. Variances Requested and Items of Discussion

1. A Variance is required for the construction of a 6 ft. high fence in a front yard area; whereas 4 ft. is the maximum allowed.
2. The applicant does not indicate in the application but a variance appears to be required for a solid fence; whereas a minimum of 50% open is allowed.
3. The applicant must provide testimony and proofs supporting the granting of the variance.
4. How far off all the property lines will the fence be constructed?

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, Building Department, Fire Department, Health Department, and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed fence 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.
3. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
4. In as much as spot elevations showing positive drainage for the property is exhibited, we recommend that the Grading Plan requirements be waived by the Township Engineer.

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

SA/JJM/jkh

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Peter & Stephanie Tonon, Applicants
file

