

TOWNSHIP OF BERKELEY
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
AUGUST 14, 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. **Peter & Stephanie Tonan** **BOA # 13-5434**
Carried from July 10, 2013 meeting

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"**.
- 2. **John Podesta** **BOA # 12-5419**

Variance requested	Setback Variance to Bulkhead
Project:	Complete construction of an Existing Deck/Patio
Block: 1628	Lot: 8
Address: 64 Harbor Inn Road	Zone: R-64

Denial reads: **"Applicant proposes to construct a 46' x 22' deck 11' from the bulkhead where 20' is required."**
- 3. **John & Melissa D'Addario** **BOA # 10-5316**
Carried from June 12, 2013 meeting

Variances now requested	Insufficient Frontage, Front & Rear Setback Variances
Project	Construct a two-story residential dwelling
Block 893	Lots 425-429
Address: 90 Lakeview Ct...	Zone: R-100

Previous 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"**.
- 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

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

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

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

Page 2 of 2



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





Ernst, Ernst Lissenden

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

July 10, 2013

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

Re: BOA #12-5419
Applicant: John Podesta
Application: Complete Construction of an
Existing Deck/Patio with a Rear Yard Setback
Variance to Bulkhead
Block 1628, Lot 8
Fronting on: Harbor Inn Road
Zone R-64
EE & L Project No. 12B4533-7P01

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 October 22, 2012 by the Zoning Official states "Applicant proposes to construct a 46' x 22' deck 11' from the bulkhead where 20' is required.

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Plot Plan, Block 1628, Lot 8, R-64 Zone, Berkeley Township, Ocean County, New Jersey", dated June 3, 2013, prepared by East Coast Engineering, Inc.
 - A list of property owners within 200 ft. of the site.
 - 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 **August 14, 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 south side of Harbor Inn Road approximately 1,720 ft. east of U.S. Route 9. The property lies within the R-64 zone and comprises an area of 7,808 s.f. The rear of the property is a



bulkhead on a lagoon. At present the property is occupied by a one-story dwelling unit, shed, a wood deck approximately 9" above grade and a paver patio which is under construction which is approximately on average 2' – 6" above grade. Two concrete driveways off Harbor Inn Road are also present on the site.

In accordance with the FEMA Base Flood Elevation Map the site is situated on zone "AE" with a base flood elevation of 8.

The applicant proposes a paver patio which is approximately 2.5 ft. above grade which is currently under construction. A hot tub in the patio area is also proposed. In addition it is proposed to move an existing shed from the east side yard to the southwest corner of the property.

C. Variances and Items of Discussion

1. The denial letter indicates that the proposed deck/patio is 46' x 22' with an 11' setback from the bulkhead, however based upon the submitted plan the proposed patio is 39' x 20' (scaled) with a 3.2 ft. rear yard setback from the property line and 4.0 ft. ± from the bulkhead; whereas 20 ft. minimum is required.
2. A variance for insufficient rear yard setback to the hot tub is required; whereas 3.3 ft. is proposed and 15 ft. minimum is required.
3. A variance for insufficient side yard setback for the proposed new shed location is required; whereas 3 ft. minimum is required and 2 ft. is proposed. It should be noted that the existing shed is under 120 s.f. and as such not considered an accessory structure but sheds are to be 3 ft. off of the property line.
4. The applicant must provide testimony and proofs supporting the granting of the variances.
5. Testimony as to the reason why the shed cannot be moved an additional foot in order to eliminate the required side yard variance.
6. The Zoning Schedule on the plan should be amended.
7. Is there positive drainage along the side lot lines?
8. Steps from the concrete walks to the patio should be provided and shown on the plan.

D. Conditions and Recommendations

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

1. The Applicant shall obtain any and all agency approvals, including but not limited to, CAFRA, NJDEP, Building Department, Fire Department, Health Department, and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed patio 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.

Re: BOA #12-5419
Applicant: John Podesta
Application: Complete Construction of an
Existing Deck/Patio with a Rear Yard Setback
Variance to Bulkhead
Block 1628, Lot 8
Fronting on: Harbor Inn Road
Zone R-64
EE & L Project No. 12B4533-7P01



Page 3 of 3

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

Very truly yours,

John J. Mallon, PE
Zoning Board Engineer

PAG/JJM/jet

cc Ernie Peters, Remington, Vernick & Vena
Alex Pavliv, Board Attorney
John Podesta, Applicant
East Coast Engineering, Inc., Applicant's Engineer
Brady & Kunz, Applicant's Attorney
file



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
Website: www.eelengr.com

July 30, 2013

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

Re: BOA #10-5316
Applicant: John & Melinda D'Addario
Application: Construction of a Two-Story Residential
Dwelling Unit with Insufficient Frontage with
Front and Rear Setback Variances
Block 893, Lots 406-409 & 425-428
Fronting on: Lakeview Court
Zone: R-100
EE & L Project No. 12B4533-7D01

Dear Ms. Kazmac:

Our office has received for review amended documents and an amended map entitled "Plot Plan, Prepared for John & Melinda D'Addario, Block 893, Lots 406-409 & 425-428, Berkeley Township, Ocean County, New Jersey", dated July 23, 2013, prepared by East Coast Engineering, Inc., for the above referenced project.

A. Completeness

The applicant proposes to construct a new two-story single family dwelling with concrete driveway, an open deck, concrete patio, in-ground pool and retaining wall.

This amended application shows the addition of Lots 406-409 which eliminates the lot area variance and lot coverage variance initially requested by the applicant. With the additional lots, the lot now fronts two (2) streets and per the Ordinance, the front of the dwelling is considered to be the street the dwelling is facing (Lakeview Drive).

This property still contains an overlap along the westerly side lot line. The variances listed do not consider this overlap as part of the lot.

B. General Comments

In accordance with the FEMA Advisory Base Flood Elevation Map the site is situated in Zone "X" which are areas of moderate coastal risk outside the regulatory 1% annual chance flood up to the 0.2% annual chance flood level.

C. Variances Requested and Items of Discussion

1. The applicant is seeking the following variances:
 - a. Insufficient lot frontages: whereas 100 ft. is required and 73.44 ft. is proposed (To overlap area).
 - b. For insufficient front yard setback; whereas 35 ft. minimum is required and 30 ft. is proposed.
 - c. For insufficient rear yard setback for a principal building; whereas 30 ft. is required and 28.30 ft. is proposed to Lot 410.
 - d. For insufficient rear side yard setback; whereas 30 ft. minimum is required and 13.3 ft. is proposed to Block 9, Lot 11 in Pine Beach. In accordance with the Zoning Permit Application of the Township Ordinance and the property fronting on two streets, the right side property line (westerly in this case) shall be known as the rear lot line.
2. The applicant must provide testimony and proof supporting the granting of the variances.

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

Re: BOA #10-5316
Applicant: John & Melinda D'Addario
Application: Construction of a Two-Story Residential
Dwelling Unit with Insufficient Frontage with
Front and Rear Setback Variances
Block 893, Lots 406-409 & 425-428
Fronting on: Lakeview Court
Zone: R-100
EE & L Project No. 12B4533-7D01



Page 2 of 2

3. Is the 6.7± ft. strip of property adjacent to Lot 11 in Block 9 in Pine Beach an overlap or an easement or both as the area is labeled as both. As in the previous hearing, the Board will address the worst case scenario and have the adjoining neighbors and applicant mediate the final outcome of the property line discrepancy.
4. Waivers from providing curb, sidewalk and pavement widening along the property frontage is required.
5. Dry wells for stormwater runoff from the roof should be provided and shown on the plan.
6. Both existing water and sewer lines in Lakeview Court and connection to same is to be shown on the plan.
7. The Zoning Schedule on the plan should be revised to depict the requested variances as listed above.
8. When was the property cleared and were permits for said activity acquired at that time?

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 construction 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. 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

SA/JJM/jet

cc Ernie Peters, Board Planner
Alex Pavliv, Board Attorney
East Coast Engineering, Applicant's Engineer
John Doyle, Esq., Applicant's Attorney
John & Melinda D'Addario, Applicants
File

