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. Swear in New Members
F. Board Re-Organization and Appointment of Professional Staff
   1. CHAIRMAN Nominations
      Further Nominations
      Motion to Close Nominations, Roll Call
      Roll Call on Nomination
   2. VICE CHAIRMAN Nominations
      Further Nominations
      Motion to Close Nominations, Roll Call
      Roll Call on Nomination
   3. SECRETARY Nominations
      Further Nominations
      Motion to Close Nominations, Roll Call
      Roll Call on Nomination
   4. ACTING SECRETARY Nominations
      Further Nominations
      Motion to Close Nominations, Roll Call
      Roll Call on Nomination
   5. BOARD ATTORNEY Nominations
      Further Nominations
      Motion to Close Nominations, Roll Call
      Roll Call on Nomination
   6. BOARD PLANNER Nominations
      Further Nominations
      Motion to Close Nominations, Roll Call
      Roll Call on Nomination
7. BOARD ENGINEER
   Nominations
   Further Nominations
   Motion to Close Nominations, Roll Call
   Roll Call on Nomination

8. BOARD SECRETARY
   Nominations
   Further Nominations
   Motion to Close Nominations, Roll Call
   Roll Call on Nomination

9. BOARD COURT REPORTER
   Nominations
   Further Nominations
   Motion to Close Nominations, Roll Call
   Roll Call on Nomination

10. BOARD CONFLICT ENGINEER
    Nominations
    Further Nominations
    Motion to Close Nominations, Roll Call
    Roll Call on Nomination

11. BOARD CONFLICT ATTORNEY
    Nominations
    Further Nominations
    Motion to Close Nominations, Roll Call
    Roll Call on Nomination

12. BOARD NEWSPAPERS
    Atlantic City Press
    Asbury Park Press
    Berkeley Times
    Berkeley Patch
    Nominations
    Further Nominations
    Motion to Close Nominations, Roll Call
    Roll Call on Nomination

13. BOARD MEETING TIME AND DATES
    Motion to hold the meeting of the Berkeley Township
    Board of Adjustment on the 2nd Wednesday of each
    month with Special Meetings on 4th Wednesday. The
    hour for Regular Meetings will be 6:30 PM (6:00 PM
    for Executive Caucus, if required)

G. OLD/NEW BUSINESS:
H. AGENDA
1. Kory & Melanie Rabinowitz  BOA# 13-5565
   Variance requested: Bulk Variances
   Project: Construct a One-Story SFD, Undersized Lot, Front, Rear, Side, Combined
            Side and Lot Coverage Variances
   Block 1180
   Lot: 3978
   Address: 750 Long Branch Drive East
   Zone: PPC
   Denial reads: “Applicant proposes to construct a 2-story SFD on an undersized lot with a
                 30.5’ front setback (100’ required), a 36.5’ rear setback (50’ required), a 17.2’ side
setback (50’ required), a 35.9’ combined side setback (100’ required) and a 26.66% lot coverage (10% max. allowed).”

2. **Brian & Meredith Heath**
   BOA # 13-5569
   - Variance requested: Bulk Variances
   - Project: Construct SFD, Undersized Lot, Rear & Side yard Setback variances
   - Block: 1559
   - Lot: 13
   - Address: 226 Dogwood Dr.
   - Zone: R-64
   Denial reads: “Applicant proposes to replace a non-conforming storm damaged sfd with a SFD that will increase the rear and side yard non-conformities”.

3. **Patricia Mullin**
   BOA # 12-5203
   - Variance requested: Front Yard Setback, Lot Coverage Variances
   - Project: Construct Front Porch, 2nd Floor Deck, Third Story Living space & rear yard deck
   - Block: 1689.06
   - Lot: 27
   - Address: 322 Roberts Ave
   - Zone: R-64
   Denial reads: The denial letter issued May 25, 2012 by the Zoning Official states that a front porch addition and second level front deck are proposed leaving a 14 foot setback where 20 ft. is required and rear second level living space addition and deck. The total construction will increase lot coverage to 43.6% where 35% maximum is allowed. It appears that the plans have been amended since the issuance of the denial letter as the applicant now proposes the addition of a third story living space and rear yard deck. In addition the front yard setback to the front porch and second story deck is now 12 ft. instead of 14 ft. as quoted in the denial letter.

4. **Sal & Elaine Quartuccio**
   BOA # 13-5572
   - Variance: Front & Rear Yard Setbacks Variances
   - Project: Construct a Three-Story SFD
   - Block: 1563
   - Lot: 25
   - Address: 248 Sandlewood Drive
   - Zone: R-64
   Denial Reads: “Applicant proposes to replace a storm damaged 2-story SFD with a 3-story SFD that will leave a front yard setback of 20’ (25’ required) and a rear yard setback of 13.3’ (20’ required)”.

I. RESOLUTIONS –
J. VOUCHERS
K. ADJOURNMENT
BERKELEY TOWNSHIP ZONING BOARD

2014

REGULAR MEETINGS

January 8
February 12
March 12
April 9
May 14
June 11
July 9
August 13
September 10
October 8
November 12
December 10

January 14, 2015

** Special Meeting (if required) will be held on the 4th Wednesday of the month
November 21, 2013

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

Re: BOA #13-5565
Applicant: Kory & Melanie Rabinowitz
Application: Construct a One-Story SFD on an Undersized Lot with Front, Rear, Side & Combined Side Yard Setbacks and Lot Coverage Variances
Block 1180, Lot 3978
Fronting on Long Branch Avenue East
Zone PPC (Public Preservation Conservation) Zone
EE & L Project No. 12B4533-7R07

Dear Board Members:

Our office has reviewed the following application for variances submitted for the above referenced property for completeness. The following comments are offered in regards to same.

The denial letter issued on October 7, 2013 by the Zoning Official states "Applicant proposes to construct a 2-story SFD on an undersized lot with a 30.5' front setback (100' required), a 36.5' rear setback (50' required), a 17.2' side setback (50' required), a 35.9' combined side setback (100' required) and a 26.66% lot coverage (10% max. allowed).*

A. Completeness

1. The applicant has submitted the following information:
   - A plan entitled "Survey/Plot Plan/Variance Map For The Rabinowitz Residence, Tax Lot 3978, Block 1180", dated April 7, 2013 prepared by WSB Engineering Group, P.A.
   - Architectural Sketches (consisting of 6 sheets) dated October 31, 2013, prepared by Statewide Custom Modular Homes.
   - Certified property owners list.
   - An application with the Township 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 December 11, 2013 at 6:30 PM 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.
I have reviewed the submitted information and offer the following comments:

**B. General Comments**

The property is located on the south side of Long Branch Avenue East, approximately 350 ft. east of Narragansette Avenue and lies in the PPC (Public Preservation Conservation) Zone and comprises an area of 6,000 s.f. At present the property is occupied by a one-story frame dwelling with a wood deck, wood shed and aluminum shed, various fencing and concrete sidewalks. The property is serviced by public water and sewer.

In accordance with FEMA Advisory Base Flood Elevation Map the site is situated in Zone “AE” with a base flood elevation of 8 with the Governor’s January 24, 2013 proclamation this should be elevation 9.

The applicant proposes to demolish the existing dwelling and construct a new elevated one-story frame dwelling in accordance with the new flood elevation requirements (9.0 is required; whereas 9.1 is proposed). The site will be accessed by a proposed gravel driveway and existing water and sewer will be utilized. A landscape tie wall along the westerly property line is also proposed.

The Board should be aware that although the denial letter states the applicant is constructing a two-story frame dwelling, the plan and architectural sketches show a one-story frame dwelling.

**C. Variances/Waivers and Items of Discussion**

1. The following non-conformities are grandfathered:
   a. Lot area: 130,680 s.f. is required; whereas 6,000 s.f. exists;
   b. Lot frontage: 200 ft. is required; whereas 60 ft. exists;
   c. Lot depth: 200 ft. is required; whereas 100 ft. exists.

2. The following variances are required:
   a. Front yard: 100 ft. is required; whereas 27.5 ft. is proposed (to the covered porch);
   b. Side yard: 50 ft. is required; whereas 8 ft. is proposed;
   c. Side yard combined: 100 ft. is required; whereas 16 ft. is proposed;
   d. Rear yard: 50 ft. is required; whereas 42 ft. is proposed;
   e. Lot coverage: 10% maximum is allowed; whereas 19.4% is proposed.

3. The applicant must provide testimony and proofs supporting the granting of the variances.

4. A waiver for not providing sidewalks along the entire property frontage is required.

5. A waiver for not providing concrete curbing along the edge of pavement is required.

6. A waiver for not constructing a bituminous concrete or concrete material driveway is required.

7. The applicant must provide testimony in support of the above requested waivers.

8. At present are there any drainage problems on the property, adjacent properties or in the street?

9. Is there a nearby drainage system for the site runoff?

10. What is the status of the existing fences and wood and aluminum sheds? Will they be removed?

11. The architectural sketches are not prepared by a licensed professional architect. It is recommended that signed and sealed plans be provided by an architect.

12. The applicant should address control of the runoff from impervious surfaces.

13. How does the development of this lot affect the master Plan and Zoning Ordinance?
14. There is a discrepancy between the lot coverage calculation as the denial letter states 26.6% and the plan states 19.4%, please clarify and revise the map accordingly.

D. Plat Details
1. The correct base flood elevation information noted in this letter should be incorporated on the plan.
2. All items to be removed or to remain should be noted.
3. The Plot plan does not show the proposed 3' x 7’ rear deck on the proposed dwelling, please revise.

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 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. Recommend waiver 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/Jet

cc Ernie Peters, Board Planner
Alex Pavliv, Board Attorney
Kory & Melanie Rabinowitz, Applicants
WSB Engineering, Applicant’s Engineer
File
Berkeley Township Zoning Board of Adjustment
Pinewald-Keswick Road
PO Box B
Bayville, NJ 08721

Re: BOA # 13-5569
Applicant: Brian & Meredith Heath
Application: Construct a Single Family Dwelling and Deck, Undersized Lot with Rear and Side Yard Setbacks Variances
Block 1559, Lot 13
Fronting on: Dogwood Drive
Zone: R-64
EE & L Project No. 12B4533-7H02

Dear Ms. Kazmac:

We have received a revised map and have reviewed the above referenced variance application for completeness. The following comments are offered in regards to same:

The denial letter issued on October 23, 2013 by the Zoning Official states "Applicant proposes to replace a non-conforming storm damaged sfd with a SFD that will increase the rear and side yard non-conformities".

A. Completeness

1. The applicant has submitted the following information:

   • A plan entitled "Survey Map, Block 1559, Lot 13, Berkeley Township, Ocean County, New Jersey", dated September 6, 2012, prepared by Seneca Survey Co., Inc.


   • Certified Property Owners List with map.

   • Application with attachments and 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 January 8, 2014 @ 6:30 p.m. 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 500 feet East of Bayview Drive, the rear of the property abuts a lagoon and comprises an area of 3,200 s.f. At present, the property is currently occupied by a one-story frame dwelling, stone driveway, wood shed, sunken dock and wood bulkhead along the lagoon. The submitted survey does not show existing water or sewer services.

In accordance with the FEMA Advisory Base Flood Elevation map the site is situated in zone "AE" with a base flood elevation of 7, with the Governor's January 24, 2013 Declaration, the flood elevation is 8.

The applicant proposes to replace a storm damaged one-story framed dwelling with a new two-story (raised piling), and raised deck. The home will be constructed at the same location however the raised deck now creates further variances.

C. Variances/Waivers and Items of Discussion

1. The following non-conformities are grandfathered by Ordinance or are pre-existing:
   a. Lot are: 6,400 s.f. is required; whereas 3,200 exists;
   b. Lot frontage: 80 ft. is required; whereas 40 ft. exists;

2. The following variances are required:
   a. Side yard setback: 7 ft. required; whereas 5.86 ft. is proposed to the home and rear deck; and 4.89 ft. to the east side deck is proposed;
   b. Side yard setback combined: 18 ft. required; whereas 10.75 ft. is proposed;
   c. Rear yard: 20 ft. is required; whereas 13.42 is proposed (1st floor deck).

3. The applicant must provide testimony and proofs supporting the granting of the variances.

4. A waiver from providing sidewalk along the property frontage is required.

5. A waiver from providing concrete curbing along the edge of pavement is required.

6. The outside shower is 1.97 ft. off of the property line but contains no roof.

7. At present are there any drainage problems on the property, adjacent properties or in the street?

8. Is there a nearby drainage system for the site runoff?

9. A waiver is required for not paving the driveway. The Plot Plan allows for parking 2 vehicles at least.

10. The dwelling's roof drains should direct the clean roof water to discharge into the lagoon.

11. Is the property on public water or sewer?

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 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. NJDEP and CAFRA approval have already been obtained for this application.

3. 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.
4. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.

5. 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.


Should you have any questions or need further assistance on this matter, please do not hesitate to contact this office.

Very truly yours,

John J. Mallon, PE
Zoning Board Engineer

JJM/jet

cc
Ernie Peters, Board Planner
Alex Pavliv, Board Attorney
Brian & Meredith Heath, Applicant
George Sincox, Applicant's Architect
File
December 9, 2013

Ms. Melissa Kazmac, Secretary
Berkeley Township Zoning Board
Pinewald-Keswick Road
PO Box B
Bayville, New Jersey 08721

Re: Application No. 13-5569
Construction of Single Family Dwelling with 'c' Variance Relief
Brian & Meredith Heath
226 Dogwood Drive, Bayville (Block 1559, Lot 13)

Our File: 1506-Z-173

Dear Ms. Kazmac & Board Members:

REMITNAG, VERNICK & VENA has received the above captioned Application for review. Applicant seeks to demolish a nonconforming storm-damaged single-family home and construct a new single-family home that will increase the degree of nonconformity.

Subject is located in the R-64 Single-Family Zoning District.

This report consists of our review of the Subject Application for conformance with the Berkeley Township Land Development Ordinance (Chapter 35) and is limited to planning issues. Engineering and legal issues shall be reviewed by the Board Engineer and Solicitor, respectively.

Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing.

I. OWNER & APPLICANT INFORMATION

Owner & Applicant: Brian & Meredith Heath
16 Brookdale Road
Cranford, NJ 07016
(908) 447-7284

II. SUBMITTALS

<table>
<thead>
<tr>
<th>TITLE / DESCRIPTION</th>
<th>PREPARED / SIGNED / SEALED BY</th>
<th>DATE</th>
<th>DATE LAST REVISED</th>
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<tr>
<td>Application Transmittal Memo</td>
<td>Melissa Kazmac</td>
<td>11/7/13</td>
<td></td>
</tr>
<tr>
<td>Refusal of Permit</td>
<td>John Battisti Zoning Officer</td>
<td>10/23/13</td>
<td></td>
</tr>
<tr>
<td>Appeal to Berkeley Township Board of Adjustment</td>
<td>Applicant</td>
<td>Undated</td>
<td></td>
</tr>
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</table>
1. Certification pre-dates FEMA Advisory Base Flood Elevation (ABFE) Maps issued in or about January 2013 and Preliminary Work Maps (PWM) issued in or about June 2013. Sincox Sheet G-1 notes the Base Flood Elevation as 7.0'. Applicant is asked to provide evidence that the proposed construction conforms with the Best Available Data as required by N.J.A.C. 7:13.

III. ZONING

A. Use:

Subject is located in the R-64 Zoning District, which is governed by §36-96.3 and permits...
detached single-family dwellings for residential purposes, together with their accessory structures.

B. Area & Bulk Standards:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>6,400 s.f.</td>
<td>3,200 s.f.</td>
<td>Pre-existing Nonconformity ¹</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>80'</td>
<td>40'</td>
<td>Pre-existing Nonconformity ¹</td>
</tr>
<tr>
<td>Minimum Front Yard Setback</td>
<td>25'</td>
<td>25.58'</td>
<td>Conforms</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>Minimum: 7' East: 5.86'</td>
<td>East: 5.86'</td>
<td>Variance Required ³</td>
</tr>
<tr>
<td></td>
<td>Combined: 18' West: 5'²</td>
<td>West: 5'²</td>
<td>Variance Required ³</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>20'</td>
<td>13.43³</td>
<td>Variance Required ³</td>
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<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>38%</td>
<td>Variance Required ⁵</td>
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<tr>
<td>Maximum Building Height</td>
<td>35'</td>
<td>22'10&quot;</td>
<td>Conforms</td>
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<tr>
<td>Minimum Floor Area</td>
<td>864 s.f.</td>
<td>960 s.f.</td>
<td>Conforms</td>
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<tr>
<td>Off-Street Parking</td>
<td>§35-89.12 Minimum 2 RSIS 2 bdrm = 1.5 spaces.</td>
<td>Front Drive = 27'x22'. Sufficient for 3 cars.</td>
<td>Conforms</td>
</tr>
</tbody>
</table>

1. Condition is not caused or exacerbated by Applicant's proposed activity. The Board may address this issue via Technical 'c' Variance. **Applicant is asked to confirm that offers to purchase abutting properties have been unsuccessful.**

The Zoning Schedule on Sincox Sheet G-1 indicates compliance. **Applicant is asked to revise the Schedule accordingly.**

2. Measured to the proposed deck. While many communities consider attached decks to be part of the Principal Structure, Chapter 35 does not address such situation. If an attached deck is considered part of the Principal Structure, 'c' variance relief is required. If not, the property conforms.

3. Measured to the proposed deck. Note that 'c' variance relief is required whether or not the deck is considered part of the principal Structure.

4. The Scope of Work on Sincox Sheet G-1 and the note on Sincox Sheet D-1 indicate that the existing building will be demolished. The Zoning Schedule on this sheet suggests that Side and Rear Yard Setbacks are existing nonconformities. The Application is for new construction, no existing nonconformity for the building is possible.

5. Includes the deck. Again, if an attached deck is considered part of the Principal Structure, 'c' variance relief is required. If not, the property conforms.
IV. LANDSCAPING

A. This office has received no Landscaping Plan. Applicant is asked to confirm that all planting details are in conformance with applicable sections of §35-48 k & l. Where not in conformance, a variance or waiver is required. A note to this effect is recommended for the Landscaping Plan.

V. ADDITIONAL ISSUES

A. The General Demolition Notes on Sincox Sheet D-1 suggest that some portion of the existing structure will remain. Applicant is asked to revise this drawing accordingly.

B. Exterior Elevation Key Notes 2 and 12 on Sincox Sheet A-2 suggest that some portion of the existing structure will remain. Applicant is asked to revise this drawing accordingly.

VI. VARIANCE(s)

A. Applicant requests variance relief under N.J.S.A. 40:55D-70(c); commonly referred to as a 'c' or "bulk" variance, for Minimum Side Yard Setback, Minimum Combined Side Yard Setback, Minimum Rear Yard Setback and Maximum Lot Coverage.

B. This office finds that the nonconformities for Minimum Lot Area and Minimum Lot Frontage are preexisting conditions that may be addressed via Technical 'c' relief.

C. Additional variance relief may be required pending Applicant's response to the issues identified in the body of this report.

In order for the Board to grant a 'c' variance, an Applicant must demonstrate, to the Board's satisfaction, that: (1) such action will relieve peculiar and exceptional practical difficulties or exceptional and undue hardship upon the developer of the subject property resulting from the strict application of the zoning ordinance (typically known as a Hardship Variance); OR (2) that granting a variance to allow departure from the zoning ordinance would advance one of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq. ["MLUL"]) and that the benefits of the deviation would substantially outweigh any detriment (typically known as the Special Reasons). Collectively, these are known as the Positive Criteria.

The granting of a 'c' variance requires the affirmative vote of a majority of the Board members present at the hearing.

The MLUL defines "peculiar and exceptional practical difficulties" and "exceptional and undue hardship" as:

(a) [where] 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... would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property...[N.J.S.A. 40:55D-70c(1)]
n. To promote utilization of renewable energy resources;

o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

Variance Justification

Applicant has provided no justification for the variance requests. Applicant is asked to address these issues within the context of the requirements for variance relief detailed above.

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items, with revisions on the plans clouded or highlighted to indicate changes. In order to facilitate the Board's decision making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

As always, Board members, Applicants and their professionals should feel free to contact me in our Pleasantville office if they have any questions or require additional information.

Respectfully Submitted,

Remington, Vernick & Vena Engineers
by

Stuart B. Wiser, P.P., AICP
Corporate Associate
Regional Director of Planning & Redevelopment

cc: Mr. Alex Pavliv, Esq. - Board Attorney
Mr. Jack Mallon, P.E. - Board Engineer
Sinox Associates - Applicant's Architect
Brian & Meredith Heath - Applicant
September 24, 2012

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

Re: BOA #12-5203
Applicant: Patricia Mullin
Application: Front Yard Setback & Exceeding Lot Coverage
Block 1689.06, Lot 27
Fronting on Roberts Avenue.
Zone: R-31.5
EE & L Project No. 12B4533-7 M05

Dear Ms. Kazmac:

In response to my review letter of June 28, 2012, the applicant has submitted additional information and our office has reviewed the above referenced variance application for completeness. The following comments are offered with regard to same.

The denial letter issued May 25, 2012 by the Zoning Official states that a front porch addition and second level front deck are proposed leaving a 14 foot setback where 20 ft. is required and rear second level living space addition and deck. The total construction will increase lot coverage to 43.6% where 35% maximum is allowed.

It appears that the plans have been amended since the issuance of the denial letter as the applicant now proposes the addition of a third story living space and rear yard deck. In addition the front yard setback to the front porch and second story deck is now 12 ft. instead of 14 ft. as quoted in the denial letter.

A. Completeness

1. 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 October 10, 2012 meeting agenda.

2. 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 Roberts Avenue approximately 521 ft. west of Bay View Avenue. The property lies within the R-31.5 zone and comprises area of 3,150 s.f. The site has been developed with a two story single family dwelling unit with a concrete driveway and patio. A paved road with a concrete curb is present along the entire property frontage.

The property lies within Flood Zone AE with a base flood elevation of 5.0.

The applicant now proposes to construct a first story porch and second story deck in the front yard and a second story living area and deck in the rear yard. The applicant also proposes to construct a third story living space with a deck in the rear yard. The existing concrete driveway will remain and a new patio at grade is to be constructed in the rear yard.
1. A front yard setback variance is required as the proposed setback to the proposed first story porch and second story deck is 12 ft.; whereas 20 ft. minimum is required.

2. A rear yard setback variance is required as the proposed setback to the second story deck is 9.44; whereas 10 ft. minimum is required.

3. A variance for exceeding the maximum lot coverage is required as the proposed lot coverage is 43.6%; whereas 35% maximum is allowed.

4. The applicant is to provide testimony supporting the granting of the variances.

5. The survey indicates that stormwater is directed away from the building to the east and west property lines and then is directed to the street and what appears to be vacant property to the rear of the site. Testimony verifying this should be provided.

6. The survey indicates that the crawl space is at elevation 6.64 while the finished first floor is at elevation 10.05 while the elevation certificate indicates the finished first floor elevation to be 10.04. Testimony should be provided on continuing the additional stormwater from the front expansion in the front yard. The rear portion flows to a vacant wooded area which appears to be unbuildable.

7. 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 variance will not cause any detriment to the public good, or the Zoning Plan (Master 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 building addition 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,

Jack Mallon, PE
Zoning Board Engineer

JMjet

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Patricia Mullin, Applicant
Ronald W. Post, Applicant's Surveyor
Melillo Architecture, Applicant's Architect
File
December 11, 2013

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

Re: BOA #13-5572
Applicant: Elaine & Sal Quartuccio
Application: Construct a Three-Story SFD with Front and Rear Yard Setbacks Variances
Block 1563, Lot 25
Fronting on Sandlewood Drive
Zone R-64 (Residential) Zone
EE & L Project No. 12B4533-7Q01

Dear Board Members:

Our office has reviewed the following application for variances submitted for the above referenced property for completeness. The following comments are offered in regards to same.

The denial letter issued on November 7, 2013 by the Zoning Official states "Applicant proposes to replace a storm damaged 2-story SFD with a 3-story SFD that will leave a front yard set back of 20' (25' required) and a rear yard setback of 13.3' (20' required)."

A. Completeness

1. The applicant has submitted the following information:
   - A plan entitled "Plot plan, Prepared for Elaine & Salvatore Quartuccio, Block 1563, Lot 25, Berkeley Township, Ocean County, New Jersey", dated October 28, 2013, prepared by East Coast Engineering, Inc.
   - Architectural drawing entitled "Quartuccio Proposed New Construction, 248 Sandlewood Dr., Bayville, New Jersey 08721, Berkeley Township, Ocean County", last revised November 8, 2013, prepared by Adamson, Riva & Lepley Architects, AIA.
   - Certified property owner's list.
   - An application and 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 January 8, 2014 @ 6:30 p.m. 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.

I have reviewed the submitted information and offer the following comments:
Re: BOA #13-5572
Applicant: Elaine & Sal Quartuccio
Application: Construct a Three-Story SFD with Front and Rear Yard Setbacks Variances
Block 1563, Lot 25
Fronting on Sandlewood Drive
Zone R-64 (Residential) Zone
EE & L Project No. 12B4533-TQ01

B. General Comments

The property is located on the southerly side of Sandlewood Drive approximately 975 ft. west of Bayview Drive and lies within the R-64 (Residential) Zone and comprises an area of 8,836 s.f. The property is currently occupied by the remains of a foundation accessed by an asphalt driveway, concrete patio, brick patio, wood deck, wood dock and bulkhead.

In accordance with FEMA Advisory Base Flood Elevation Map the site is situated in Zone "AE" with a base flood elevation of 8 with the Governor's January 24, 2013 proclamation this should be elevation 9.

The applicant proposes to replace the remains of the foundation with an elevated 3-story single family dwelling which includes covered decks on the 2nd and 3rd floors and a 2nd floor sundeck. A retaining wall will also be constructed along the westerly property line.

C. Variances/Waivers and Items of Discussion

1. The following variances are required:
   a. Front setback: 25 feet required; whereas 20 feet is proposed (previous setback 16.97 ft.).
   b. Rear setback: 20 feet required; whereas 13.3 feet is proposed (previous setback 15.21 ft.).

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. The applicant must provide testimony in support of the above requested waivers.

6. Although a paver driveway is proposed a waiver must be sought since it is not bituminous concrete or concrete material.

7. Will the existing foundation be used to construct the new dwelling?

8. We have been advised by the Township that an issue presently exists with adjoining Lot 25.05 as to the damaged bulkhead on the property. The applicant must provide testimony for the status of this issue. We recommend that until this matter is resolved a building permit should not be issued.

9. At present are there any drainage problems on the property, adjacent properties or in the street?

10. Is there a nearby drainage system for the site runoff?

11. The roof runoff will be discharged into the lagoon

12. The applicant should provide testimony for the following:
   a. Have any existing structures been removed?
   b. Will existing utilities be used to service the new dwelling?

13. Is there a reason why the finished floor is set at 12.8? This is approximately 4 feet higher than the required 9.0 elevation per the Governor's Proclamation.

D. Plat Details

1. Revise the ground floor and first floor elevations notes on the proposed dwelling. It appears they are reversed.

2. Revise the '20' rear setback' located on the easterly side of the lot to be a side yard setback.

3. A note should be added to the plan describing the FEMA Advisory Base Flood Elevation of 9.0.

4. It appears that the retaining wall will trap the water on the southwesterly corner of the dwelling. Re-grading will be required when submitting for Grading Plan approval.

5. Revise the top and bottom of walls to be more legible.

6. Revise the retaining wall note to state what type of material will be used. In addition, the wall is noted as being 12" high which is incorrect, please revise.

7. The minimum requirements for accessory structures in the zoning schedule should be revised to '6 ft'.

8. The note under the dwelling finish floor elevation should be made legible.
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 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. Recommend that a Grading Plan be submitted for review.

6. As shown on Plot plan, roof runoff must discharge into the lagoon.

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,

[Signature]

J. Mallon, PE
Zoning Board Engineer

cc Ernie Peters, Board Planner
Alex Pavliv, Board Attorney
Elaine & Sal Quaruccio, Applicants
East Coast Engineering, Applicant’s Engineer
Dolan-Endriss Associates
File
December 9, 2013

Ms. Melissa Kazmac, Secretary
Berkeley Township Zoning Board
Pinewald-Keswick Road, PO Box B
Bayville, New Jersey 08721

Re: Application No. 13-5572
Construction of Single Family Dwelling with 'c' Variance Relief
Elaine & Salvatore Quartuccio
248 Sandlewood (Block 1563, Lot 25)
Our File: 1506-Z-176

Dear Ms. Kazmac & Board Members:

REMINGTON, VERNICK & VENA has received the above captioned Application for review. Applicant seeks variance relief to construct a three (3) story residence on a raised-pile foundation to replace a storm-damaged dwelling at the Subject Property. A new 2nd and 3rd floor rear deck and front covered porch is also proposed.

Subject is located in the R-64 Zoning District. Subject is not located in the Pinelands.

This report consists of our review of the Subject Application for conformance with the Berkeley Township Land Development Ordinance (Chapter 35) and is limited to planning issues. Engineering and legal issues shall be reviewed by the Board Engineer and Solicitor, respectively.

Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing.

I. OWNER & APPLICANT INFORMATION

Owner & Applicant: Elaine & Salvatore Quartuccio
248 Sandlewood Drive
Berkeley, NJ 08721
(732) 674-1326

II. SUBMITTALS

<table>
<thead>
<tr>
<th>TITLE/DESCRIPTION</th>
<th>PREPARED/SIGNED/SEALED BY</th>
<th>DATE</th>
<th>DATE LAST REVISED</th>
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<tbody>
<tr>
<td>Application Transmittal Memo</td>
<td>Melissa Kazmac</td>
<td>11/25/13</td>
<td></td>
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<td>Refusal of Permit</td>
<td>John Battisti</td>
<td>11/7/13</td>
<td></td>
</tr>
<tr>
<td>Variance Application Package</td>
<td>Zoning Officer</td>
<td>11/7/13</td>
<td></td>
</tr>
<tr>
<td>Certified Mailing List and 200' Area Map</td>
<td></td>
<td></td>
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<tr>
<td>Checklist L.D. B: Berkeley Township</td>
<td></td>
<td></td>
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<tr>
<td>Application for 'C' Variance Checklist</td>
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</table>
(A) The application proposes a 3 story single family dwelling, whereas the appeal proposes a 2 story single family dwelling. Applicant to clarify.

(B) Decks and porches greater than 18" become part of the principal structure. Front and rear setbacks shall be revised accordingly on the zoning schedule.

III. ZONING

A. Use: Subject is located in the R-64 Zoning District, which is governed by §36-96.3, which references §36-96.2. §36-96.2 permits detached single family dwellings for residential purposes, together with their accessory structures.

B. Area & Bulk Standards:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>STATUS</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>6,400 s.f.</td>
<td>8,836 s.f.</td>
<td>Conforms</td>
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<tr>
<td>Minimum Lot Frontage</td>
<td>80'</td>
<td>164'</td>
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</tr>
<tr>
<td>Minimum Front Yard Setback</td>
<td>25'</td>
<td>18' (to porch)</td>
<td>Variance Required</td>
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<td>Minimum Side Yard Setback</td>
<td>7'</td>
<td>10'</td>
<td>Conforms</td>
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<td>Principal Structure</td>
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<tr>
<td>Combined Side Yard Setback</td>
<td>18'</td>
<td>38.6'</td>
<td>Conforms</td>
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<tr>
<td>Minimum Rear Yard Setback</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Principal Structure</td>
<td>15'</td>
<td>12' (to deck)</td>
<td>Variance Required</td>
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<td>Minimum Floor Area</td>
<td>664 s.f.</td>
<td>2,587 s.f.</td>
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<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>29.3%</td>
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<tr>
<td>Maximum Building Height</td>
<td>35'</td>
<td>Undetermined</td>
<td>Undetermined (1)</td>
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<tr>
<td>Off-Street Parking (RSIS):</td>
<td>3 bdrm = 2.5</td>
<td>4</td>
<td>Conforms</td>
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</tbody>
</table>

(1) No architectural plans have been submitted. It is therefore not possible to determine conformance with this requirement. Applicant shall provide architectural plans signed and sealed by a licensed professional architect.

IV. LANDSCAPING

This office has received no Landscaping Plan. Applicant is asked to confirm that all planting details are in conformance with applicable sections of §35-48 k & l. Where not in conformance, a variance or waiver is required. A note to this effect is recommended for the Plan.
V. ADDITIONAL COMMENTS

A. Applicant is asked to confirm that the dwelling will be constructed in accordance with current FEMA / NJDEP flood-related requirements (i.e., Best Available Data).

B. Per §35-54 Driveways shall be constructed of bituminous concrete or concrete material. Applicant is asked to confirm type of material for driveway.

VI. VARIANCE(S)

A. Applicant requires variance relief under N.J.S.A. 40:55D-70(c); commonly referred to as a 'c' or "bulk" variance for Minimum Front Yard Setback and Minimum Rear Yard Setback.

B. Additional variance relief may be required pending Applicant's response to the issues identified in the body of this report.

In order for the Board to grant a 'c' variance, an Applicant must demonstrate, to the Board's satisfaction, that: (1) such action will relieve peculiar and exceptional practical difficulties or exceptional and undue hardship upon the developer of the subject property resulting from the strict application of the zoning ordinance (typically known as a Hardship Variance); OR (2) that granting a variance to allow departure from the zoning ordinance would advance one of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq. ["MLUL"]) and that the benefits of the deviation would substantially outweigh any detriment (typically known as the Special Reasons). Collectively, these are known as the Positive Criteria.

The granting of a 'c' variance requires the affirmative vote of a majority of the Board members present at the hearing.

The MLUL defines "peculiar and exceptional practical difficulties" and "exceptional and undue hardship" as:

(a) [where] 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... would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property...[N.J.S.A. 40:55D-70c(1)]

Under N.J.S.A. 40:55D-2, the MLUL enumerates as its purposes:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

b. To secure safety from fire, flood, panic and other natural and man-made disasters;

c. To provide adequate light, air and open space;

d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all NJ citizens;

h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;

l. To encourage senior citizen community housing construction;

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

n. To promote utilization of renewable energy resources;

o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

**Variance Justification**

Applicant has provided no justification for the variance requests. **Applicant is asked to address these issues within the context of the requirements for variance relief detailed above.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items, with revisions on the plans clouded or highlighted to indicate changes. In order to facilitate the Board's decision making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

As always, Board members, Applicants and their professionals should feel free to contact me in our Toms River office if they have any questions or require additional information.

Respectfully Submitted,

Remington, Vernick & Vena Engineers

Ernest J. Peters, Jr., PE, PP, CME
Board Planner