

**TOWNSHIP OF BERKELEY  
ZONING BOARD OF ADJUSTMENT  
RE-ORGANIZATION MEETING AGENDA  
January 8, 2014  
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. 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**
  - Nominations
  - Atlantic City Press
    - Further Nominations
  - Asbury Park Press
    - Motion to Close Nominations, Roll Call
  - Berkeley Times
    - Roll Call on Nomination
  - Berkeley Patch
13. **BOARD MEETING TIME AND DATES**
  - Motion to hold the meeting of the Berkeley Township Board of Adjustment on the 2<sup>nd</sup> Wednesday of each month with Special Meetings on 4<sup>th</sup> 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, 2<sup>nd</sup> 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 set back 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 4<sup>th</sup> Wednesday of the month**



# 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](http://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.

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?

Re: BOA #13-5565  
Applicant: Kory & Melanie Rabinowitz  
Application: Construct a Two-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



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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.
4. Please revise "Max. Building Coverage" to read "Max. Lot Coverage" in the zoning requirements.

**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







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December 9, 2013

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.
  - Architectural plans (4 sheets) entitled "Proposed Reconstruction Heath Residence", dated September 23, 2013, last revised November 26, 2013, prepared by Sincox Associates Architects.
  - 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.

**PRINCIPALS**

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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.



## **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 area: 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 (1<sup>st</sup> 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.

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

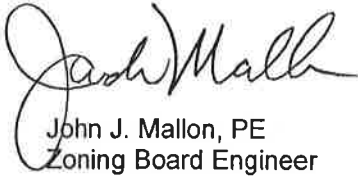


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4. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
5. The Applicant shall provide all required plans necessary to show compliance with all required Building Codes and Ordinances, to the Building Department at the time of the permit application.
6. Submission of a Grading Plan.

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

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

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Dennis K. Yoder, PE, PP, CME, LEED  
Charles E. Adamson, PLS, AET  
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Old Bridge, NJ 08857  
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& Walberg Engineers  
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Pleasantville, NJ 08232  
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(609) 645-7076 (fax)

4907 New Jersey Avenue  
Wildwood City, NJ 08260  
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(609) 522-5313 (fax)

Remington, Vernick  
& Beach Engineers  
922 Fayette Street  
Conshohocken, PA 19428  
(610) 940-1050  
(610) 940-1161 (fax)

73 West Main Street, Rear  
Mechanicsburg, PA 17055  
(717) 766-1775  
(717) 766-0232 (fax)

1000 Church Hill Road, Suite 220  
Pittsburgh, PA 15205  
(412) 263-2200  
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building  
262 Chapman Road, Suite 105  
Newark, DE 19702  
(302) 266-0212  
(302) 266-6208 (fax)

Remington, Vernick  
& Arango Engineers  
The Presidential Center  
Lincoln Building, Suite 600  
101 Route 130  
Cinnaminson, NJ 08077  
(856) 303-1245  
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor  
Secaucus, NJ 07094  
(201) 624-2137  
(201) 624-2138 (fax)

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:

REMINGTON, 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

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Application Transmittal Memo	Melissa Kazmac	11/7/13	
Refusal of Permit	John Battisti Zoning Officer	10/23/13	
Appeal to Berkeley Township Board of Adjustment	Applicant	Undated	

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Berkeley Township Zoning Board of Adjustment Application	Applicant	10/25/13	
Site Inspection Permission Form		10/30/13	
Tree Removal Certification		10/30/13	
Notice of Hearing		Undated	
Applicant's Offer to Abutting Property Owners			
Stephen & Maria & Nicholas Kramer		Undated	
Sandra & William Baumann		Undated	
Reproduction of (presumably) Photograph of Subject	Unsigned	Undated	
Checklist L.D. 8: Berkeley Township Application for "C" Variance Checklist		Undated	
Certification of Taxes Paid		Undated	
Adjacent Property Listing		10/24/13	
Tax Map Reproduction (w/ 200' Radius)	Not Discernible	10/24/13	
Heath Residence 226 Dogwood Drive Berkeley Twp. NJ 08721	George F. Sincox, AIA Sincox Associates Architects		
G-1: General Notes, Code & Zoning Information & Proposed Site Plan		9/23/13	11/26/13
D-1: Demolition Plans		9/23/13	11/26/13
A-1: Ground and First Floor Plans for Zoning		9/23/13	11/26/13
A-2: Building Elevations		9/23/13	11/26/13
Elevation Certification	James J. Kuhn, PLS Seneca Survey Company	9/6/12 <sup>1</sup>	
Plan of Survey Situate: Township of Berkeley, Ocean County, New Jersey Block 1559, Lot 13		9/7/12	

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:

ITEM	REQUIRED	PROPOSED	STATUS
Minimum Lot Area	6,400 s.f.	3,200 s.f.	Pre-existing Nonconformity <sup>1</sup>
Minimum Lot Frontage	80'	40'	Pre-existing Nonconformity <sup>1</sup>
Minimum Front Yard Setback	25'	25.58'	Conforms
Minimum Side Yard Setback	Minimum: 7'	East: 5.86'	<b>Variance Required</b> <sup>4</sup>
		West: 5' <sup>2</sup>	<b>Variance Required</b> <sup>2,4</sup>
	Combined: 18'	10.86' <sup>2</sup>	<b>Variance Required</b> <sup>2,4</sup>
Minimum Rear Yard Setback	20'	13.43' <sup>3</sup>	<b>Variance Required</b> <sup>3,4</sup>
Maximum Lot Coverage	30%	38%	<b>Variance Required</b> <sup>5</sup>
Maximum Building Height	35'	22'10"	Conforms
Minimum Floor Area	864 s.f.	960 s.f.	Conforms
Off-Street Parking	<u>\$35-89.12</u> Minimum 2	Front Drive = 27'x22'. Sufficient for 3 cars.	Conforms
	<u>RSIS</u> 2 bdrm = 1.5 spaces.		

- 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**

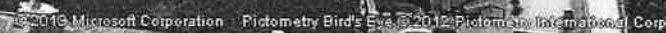
by



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  
Sincox Associates - Applicant's Architect  
Brian & Meredith Heath - Applicant







# Ernst, Ernst Lissenden

A New Jersey Corporation

Certificate of Authorization 24GA27927500

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George C. Lissenden, Jr., (Retired)

John J. Mallon, P.E., C.M.E., P.P.

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Carl P. Werner, L.S., P.P.

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

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 an 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.

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

Page 2 of 2



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 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,

  
John J. Mallon, PE  
Zoning Board Engineer

JJM/jet

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



bing

322 roberts avenue south seaside park nj

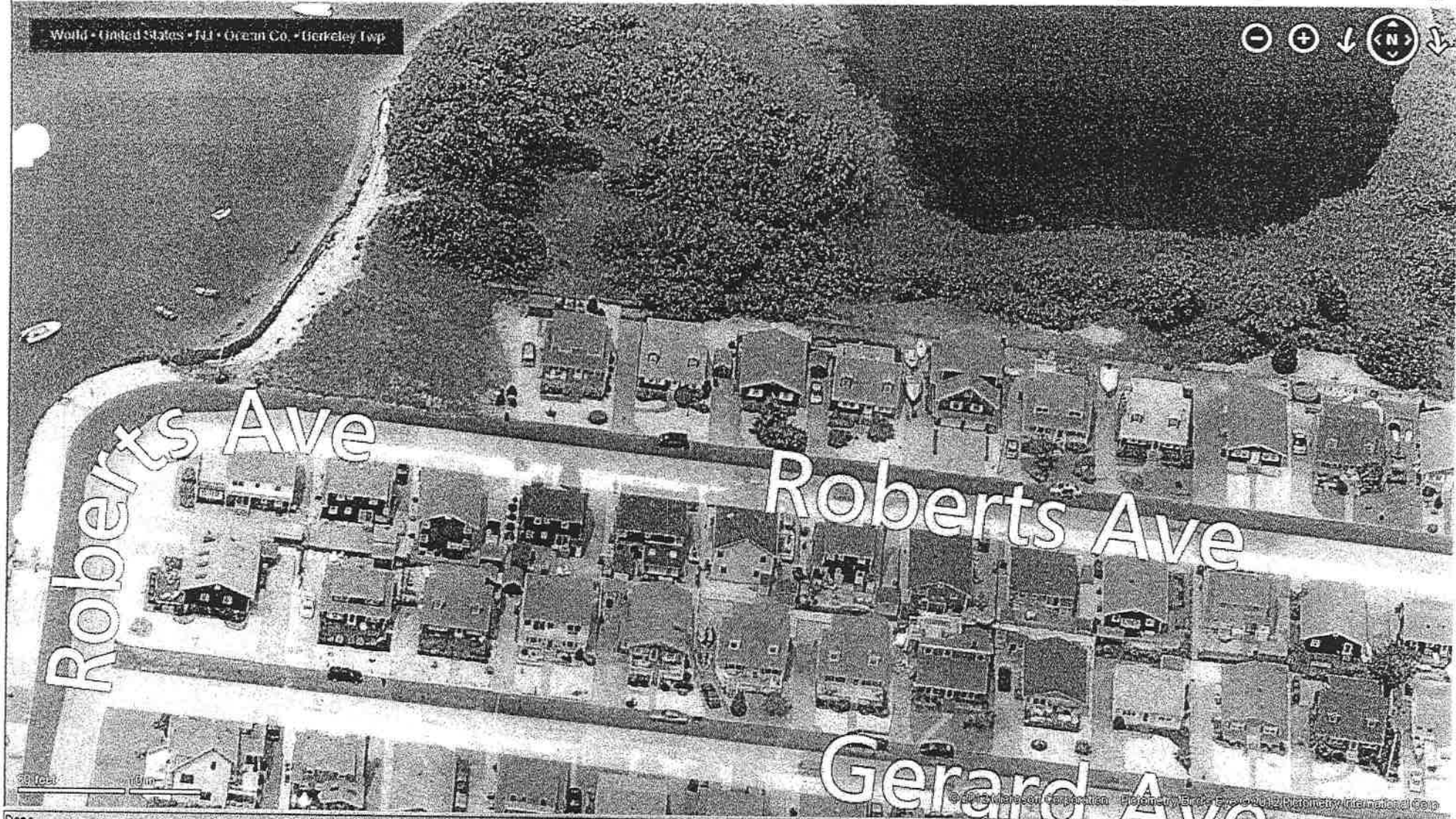
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Road Bird's eye Traffic

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

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.
  - Plan entitled "Map of Survey, Tax Map Lot 25, Block 1563, Berkeley Township, Ocean County, New Jersey", dated April 11, 2013, prepared by Dolan Endriss Associates, P.A.
  - 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:



**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 2<sup>nd</sup> and 3<sup>rd</sup> floors and a 2<sup>nd</sup> 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 '5 ft.'
8. The note under the dwelling finish floor elevation should be made legible.

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



Page 3 of 3

**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,

John J. Mallon, PE  
Zoning Board Engineer

SA/JJM/jet

cc Ernie Peters, Board Planner  
Alex Pavliv, Board Attorney  
Elaine & Sal Quartuccio, Applicants  
East Coast Engineering, Applicant's Engineer  
Dolan-Endriss Associates  
File

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

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& Beach Engineers  
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(717) 766-0232 (fax)

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(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building  
262 Chapman Road, Suite 105  
Newark, DE 19702  
(302) 266-0212  
(302) 266-6208 (fax)

Remington, Vernick  
& Arango Engineers  
The Presidential Center  
Lincoln Building, Suite 600  
101 Route 130  
Cinnaminson, NJ 08077  
(856) 303-1245  
(856) 303-1249 (fax)

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

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

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Application Transmittal Memo	Melissa Kazmac	11/25/13	
Refusal of Permit	John Battisti Zoning Officer	11/7/13	
Variance Application Package		11/7/13	
Certified Mailing List and 200' Area Map		Undated	
Checklist L.D. 8: Berkley Township Application for "C" Variance Checklist	Unsigned	Undated	



TITLE	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Tree Removal Certification	Applicant	11/1/13	
Site Inspection Permission Form		11/1/13	
Berkeley Township Zoning Board of Adjustment Application		11/1/13	
Appeal to Berkeley Township Board of Adjustment (A)		11/1/13	
Map of Survey	Francis A. Dolan, P.L.S. Dolan - Endriss Associates, P.A.	4/11/13	
Plot Plan (B)	Robert J. Harrington, P.E. East Coast Engineering, Inc.	10/28/13	

(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:

ITEM	REQUIRED	PROPOSED	STATUS
Minimum Lot Area	6,400 s.f.	8,836 s.f.	Conforms
Minimum Lot Frontage	80'	164'	Conforms
Minimum Front Yard Setback	25'	18' (to porch)	<b>Variance Required</b>
Minimum Side Yard Setback			
Principal Structure	7'	10'	Conforms
Combined Side Yard Setback	18'	38.8'	Conforms
Minimum Rear Yard Setback			
Principal Structure	15'	12' (to deck)	<b>Variance Required</b>
Minimum Floor Area	864 s.f.	2,587 s.f.	Conforms
Maximum Lot Coverage	30%	29.3%	Conforms
Maximum Building Height	35'	Undetermined	Undetermined (1)
Off-Street Parking (RSIS):	3 bdrm = 2.5	4	Conforms

(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.

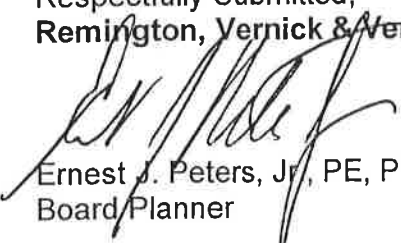
#### Variance Justification

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

