

**TOWNSHIP OF BERKELEY
ZONING BOARD OF ADJUSTMENT
RE-ORGANIZATION MEETING AGENDA
February 12, 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. AGENDA

1. Jernegan Enterprises BOA# 13-5570

Variance requested Bulk Variances

Project: Construct a One-Story SFD, Lot Area, Lot Frontage Front, Side, Combined Side and Lot Coverage Variances

Block 1180 Lots: 3984-3988

Address: 730 East Long Branch Drive Zone: PPC

Denial reads: "Applicant proposes to construct a SFD on a 10000 sf lot (130680 required) with 100' frontage (200' required) and lot depth of 100' (200' required) that will leave a 21' front setback (100' required), a 29' side setback (50' required), a 58' combined setback (100' required) and lot coverage 13.8% (10% maximum allowed)".

2. Allen & Ellen McCafferty BOA # 13-5576

Variance requested Bulk Variances

Project: Construct SFD, Undersized Lot, Front, Rear & Side Yard Setback, Lot Coverage variances

Block: 891 Lots: 383-386

Address: 7 Tudor Avenue Zone: R-100

Denial reads: "applicant proposes to construct a 1-story SFD to replace a storm affected SFD that have rear yard setback of 15.6 feet and a combined side yard set back of 25.3 feet where 30 feet is required for each".

3. David Roman BOA # 12-5416

Variance requested Preliminary/Final Site Plan

Project The applicant proposes to construct ten (10), two (2) story, eight (8) unit age restricted garden apartments with parking (169 spaces proposed), drainage and stormwater management facilities. The project will be serviced by public water and sewers. All of the above improvements are situated in the R-125 Zone.

Block: 956 Lot: 4

Address: U.S. Highway Route 9 Zones: HB – R-125

- I. RESOLUTIONS
- J. VOUCHERS
- K. ADJOURNMENT



Ernst, Ernst Lissenden

A New Jersey Corporation

Certificate of Authorization 24GA27927500
Consulting Engineers, Planners & Surveyors
52 Hyers Street, P.O. Box 391 • Toms River, NJ 08754
Telephone: 732-349-2215 • Fax: 732-349-4127
Website: www.eelengr.com

PRINCIPALS

John A. Ernst, Jr., (1908-1997)
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.

December 9, 2013

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

Re: BOA # 13-5570
Applicant: Jernegan Enterprises
Application: Construct a Single Family
Dwelling with Lot Area, Lot Frontage, Lot Depth,
Lot Coverage & Front, Side, Combined Side
Yard Setback Variances
Block 1180, Lots 3984-3988
Fronting on: East Long Branch Avenue
Zone: PPC (Public Preservation/Conservation) Zone
EE & L Project No. 12B4533-7J07

Dear Ms. Kazmac:

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

The denial letter issued on October 28, 2013 by the Zoning Official states "Applicant proposes to construct a SFD on a 10000 sf lot (130680 required) with 100' frontage (200' required) and lot depth of 100' (200' required) that will leave a 21' front setback (100' required), a 29' side setback (50' required), a 58' combined setback (100' required) and lot coverage 13.8% (10% maximum allowed)".

A. Completeness

1. The applicant has submitted the following information:

- A plan entitled "Boundary & Topographic Survey, Tax Lots 3984-3986, Block 1180, situated in Berkeley Twp., Ocean County, N.J.", dated July 18, 2013, prepared by FWH Associates, P.A.
- A plan entitled "Variance Map, Tax Lots 3984-3986, Block 1180, Applicant" Jernegan Enterprises, Zone: PPC, Situated in Berkeley Twp., Ocean Co., N.J.", dated October 4, 2013, prepared by FWH Associates, P.A.
- Architectural sketches (8½" x 11" sheets - 4 total), prepared by John W. Bishop III, Registered Architect.
- Certified property owner's list and map.
- Application and application checklist.
- Site Photographs.

2. Based upon our review, we recommend that this application be deemed complete subject to the Applicant complying with all applicable notification requirements as set forth in the Berkeley Township Land Use Ordinance and the Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment's January 8, 2014 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

Re: BOA # 13-5570
 Applicant: Jernegan Enterprises
 Application: Construct a Single Family
 Dwelling with Lot Area, Lot Frontage, Lot Depth,
 Lot Coverage & Front, Side, Combined Side
 Yard Setback Variances
 Block 1180, Lots 3964-3988
 Fronting on: East Long Branch Avenue
 Zone: PPC (Public Preservation/Conservation) Zone
 EE & L Project No. 12B4533-7J07



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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 East Long Branch Avenue approximately 250 ft. west of Elberon Avenue and lies within the PPC (Public Preservation/Conservation) Zone and comprises an area of 10,000 s.f.. The property is currently occupied by a 1-story frame dwelling with a wood deck/screen porch, two (2) stone driveways and two (2) sheds located in the rear of the property.

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 1-story frame dwelling, wood deck/screen porch and both sheds and construct a two-story frame dwelling.

C. Variances/Waivers and Items of Discussion

1. The following existing non-conformities are grandfathered:
 - a. Lot area: 130,680 s.f is required; whereas 10,000 s.f. exists.
 - b. Lot frontage: 200 ft. is required; whereas 100 ft. exists.
 - c. Lot depth: 200 ft. is required; whereas 100 ft. exists.
2. The following variances are required:
 - a. Front setback: 100 ft. is required; whereas 21 ft. is proposed.
 - b. Side setback: 50 ft. is required; whereas 29 ft. is proposed.
 - c. Side yard setback combined: 100 ft. is required; whereas 58 ft. is proposed.
 - d. Lot coverage: 10% is the max. allowable; whereas 13.8% 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 from providing concrete curb along the edge of pavement is required.
6. The applicant must provide testimony in support of the requested waivers.
7. The Board should be aware of the following discrepancies between the Architectural Sketches and the Variance Map. These items should be clarified:
 - a. Architectural Sketches show the dwelling on a concrete slab; whereas the Variance map shows the dwelling elevated at El. 10.0.
 - b. Neither plan shows the height of the proposed dwelling. Will a height variance be required?
 - c. The Variance Map shows a proposed garage on the westerly side of the new dwelling; whereas the Architectural Sketches do not show a garage.

We recommend a revised set of signed and sealed architectural plan be submitted. The review has been based upon the Variance Map not the architectural.

8. Is it possible to set the proposed dwelling back to 27 ft. to 29 ft. to match the existing dwellings?
9. According to the site photographs there appears to be a large tree located in the front of the property, will it be removed?
10. At present are there any drainage problems on the property, adjacent properties or in the street?
11. Is there a nearby drainage system for the site runoff?
12. How will the roof runoff for the proposed dwelling be controlled?

Re: BOA # 13-5570
Applicant: Jernegan Enterprises
Application: Construct a Single Family
Dwelling with Lot Area, Lot Frontage, Lot Depth,
Lot Coverage & Front, Side, Combined Side
Yard Setback Variances
Block 1180, Lots 3984-3988
Fronting on: East Long Branch Avenue
Zone: PPC (Public Preservation/Conservation) Zone
EE & L Project No. 12B4533-7J07



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D. Plat Details

1. The front setback provided on the Variance map should be revised to read "21 ft." in the bulk requirements schedule.
2. The Variance Map shows two (2) front right-of-ways, please revise.
3. Both the Boundary Topographic Survey and the Variance Map must be revised to show the correct lot numbers.
4. The location of the proposed water and sewer and existing water should be added to the Variance Map.

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.

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
Jernegan Enterprises, Applicants
FWH Associates, Applicant's Engineer
John W. Bishop, III, Applicant's Architect
File



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Remington & Vernick Engineers
232 Kings Highway East
Haddonfield, NJ 08033
(856) 795-9595
(856) 795-1882 (fax)

Remington, Vernick
& Vena Engineers
9 Allan Street
Toms River, NJ 08753
(732) 286-9220
(732) 505-8416 (fax)

3 Jocasama Boulevard, Suite 300-400
Old Bridge, NJ 08857
(732) 955-8000
(732) 591-2815 (fax)

Remington, Vernick
& Walberg Engineers
845 North Main Street
Pleasantville, NJ 08232
(609) 645-7110
(609) 645-7076 (fax)

4907 New Jersey Avenue
Wildwood City, NJ 08260
(609) 522-5150
(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
252 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) 624-2136 (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. 13-5570**
Construction of Single Family Dwelling with 'c' Variance Relief
Jernegan Enterprises
730 East Long Branch Avenue (Block 1180, Lots 3984-3988)
PPC - Public Preservation/Conservation Zone
Our File: 1506-Z-175

Dear Ms. Kazmac & Board Members:

REMINGTON, VERNICK & VENA has received the above captioned Application for review. Applicant seeks variance relief to construct a two (2) story residential dwelling raised per FEMA standards. The existing storm-damaged dwelling and sheds will be demolished at the Subject Property. A new garage and covered front porch and stairs are also proposed.

Subject application is located in the PPC - Public Preservation/Conservation Zoning District. Subject application 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 : Jernegan Enterprises
c/o Peter Costanzo
122 Silver Birch Road
Williamstown, NJ 08094
(856) 905-4227

II. SUBMITTALS

| TITLE/DESCRIPTION | PREPARED/SIGNED/ SEALED BY | DATE | DATE LAST REVISED |
|--|---------------------------------|----------|----------------------|
| Application Transmittal Memo | Melissa Kazmac | 11/25/13 | |
| Certification of Taxes Paid | Berkeley Township Tax Collector | Undated | |
| Refusal of Permit | John Battisti Zoning Officer | 10/28/13 | |
| Variance Application Package | | 10/28/13 | |
| Certified Mailing List and 200' Area Map | | 9/10/13 | |
| Checklist L.D. 8: Berkeley Township Application for "C" Variance Checklist | Unsigned | Undated | |

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Earning Our Reputation Every Day Since 1901

Berkeley Twp. Zoning Board
Our File: 1506-Z-175

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| TITLE | PREPARED / SIGNED / SEALED BY | DATE | DATE LAST REVISED |
|--|--|----------|-------------------|
| Tree Removal Certification | Applicant | Undated | |
| Site Inspection Permission Form | | Undated | |
| Berkeley Township Zoning Board of Adjustment Application | | Undated | |
| Appeal to Berkeley Township Board of Adjustment | | 11/15/13 | |
| Notice of Hearing | | Undated | |
| Boundary & Topographic Survey | Anthony B. Koval, P.L.S. FWH Associates, P.A. | 7/18/13 | |
| Variance Map (B) | Brian P. Murphy, P.E. FWH Associates, P.A. | 10/4/13 | |
| Architectural Sketches (A) | John W. Bishop III, A.I.A. Unsigned | Undated | |
| 8 Photographs | Unsigned | Undated | |

(A) The architectural plans shall be signed and sealed by a licensed professional architect as required by law.

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

III. ZONING

A. Use: Subject is located in the PPC - Public Preservation/Conservation Zoning District, which is governed by §35-96.1B, which permits detached single-family dwellings for residential purposes, together with its accessory structures.

B. Area & Bulk Standards:

| ITEM | REQUIRED | PROPOSED | STATUS |
|----------------------------|------------|------------------|-------------------------------|
| Minimum Lot Area | 130,680 SF | 10,000 SF | Preexisting Nonconformity (1) |
| Minimum Lot Frontage | 200 FT | 100 FT | Preexisting Nonconformity (1) |
| Minimum Lot Depth | 200 FT | 100 FT | Preexisting Nonconformity (1) |
| Minimum Front Yard Setback | 100 FT | 21 FT (to porch) | <i>Variance Required</i> |
| Minimum Side Yard Setback | 50 FT | 29 FT | <i>Variance Required</i> |
| Combined Side Yard Setback | 100 FT | 58 FT | <i>Variance Required</i> |
| Minimum Rear Yard Setback | 50 FT | 50 FT | Conforms |
| Maximum Lot Coverage | 10% | 13.8% | <i>Variance Required</i> |
| Maximum Building Height | 35 FT | undetermined | Undetermined (2) |
| Off-Street Parking (RSIS): | 3 bdrm = 2 | 2 | Conforms |

(1) Condition is not caused or exacerbated by the Applicant's proposed activities. **Many Boards address such nonconformities via "Technical 'c' Variance".**

(2) Elevation dimensions are not dimensioned or scaled. **Applicant is asked to confirm building height.**

Berkeley Twp. Zoning Board
Our File: 1506-Z-175

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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. *Applicant is asked to confirm the construction of raising the proposed home. (Architectural plans show slab foundation).*
- C. *The architectural plans shall show the footprint and height dimensions of the proposed garage and steps leading to the front porch.*
- D. *The architectural plans shall show the height dimensions of the proposed dwelling.*
- E. *Applicant is asked to confirm the purchase of lots 3986-3988. It is recommended that the Board condition any approvals granted this application on the formal consolidation of the 5 lots into a single lot.*

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, Minimum Side Yard Setback, Minimum Combined Side Yard Setback and Maximum Building Coverage.
- B. This office recommends that Technical 'c' relief is sufficient for the pre-existing Lot Area, Lot Frontage and Lot Depth nonconformities.
- 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

Berkeley Twp. Zoning Board
Our File: 1506-Z-175

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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.*



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

January 21, 2014

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

Re: BOA #13-5576
Applicant: Allen & Ellen McCafferty
Application: Construct One Story SFD on an
Undersized Lot with Front, Rear, Side Yard Combined
Setbacks and Lot Coverage Variances
Block 891, Lots 383-386
Fronting on: Tudor Avenue
Zone R-100
EE & L Project No. 12B4533-7M08

Dear Board Members:

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

The denial letter issued December 6, 2013 by the Zoning Official states that the "applicant proposes to construct a 1-story SFD to replace a storm affected SFD that have rear yard setback of 15.6 feet and a combined side yard set back of 25.3 feet where 30 feet is required for each".

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Survey Map – Block 891 – Lots 383, 384, 385 & 386 – Berkeley Township, Ocean County, New Jersey", dated December 2, 2013, prepared by East Coast Engineering, Inc.
 - A plan entitled "Plot Plan – Block 891 – Lots 383, 384, 385 & 386 – Berkeley Township, Ocean County, New Jersey", dated December 23, 2013, prepared by East Coast Engineering, Inc.
 - An Architectural Plan entitled "New Construction For: Rinderer Custom Homes Builders – 7 Tudor Avenue – Blk 891, Lots 383-386" dated December 18, 2013, Sheets 3 & 5 of 5, prepared by Dario Pasquariello, P.A.
 - Certified property owners list.
 - 200 Foot Area Map.
 - Application and Application Checklist.
2. Based upon our review, we recommend that this application be deemed complete subject to the Applicant complying with all applicable notification requirements as set forth in the Berkeley Township Land Use Ordinance and the Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment's February 12, 2014 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:

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.

Re: BOA #13-5576
 Applicant: Allen & Ellen McCafferty
 Application: Construct One Story SFD on an
 Undersized Lot with Front, Rear, Side Yard Combined
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 Block 891, Lots 383-386
 Fronting on: Tudor Avenue
 Zone R-100
 EE & L Project No. 12B4533-7M08



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B. General Comments

Property is located on the east side of Tudor Avenue, approximately 256 feet south of Lawshe Drive and lies within the R-100 Residential Zone. The property is bulkheaded with an area of 8371.2 s.f. upland and 1,228.8 s.f. waterward within the yacht basin. At present the property is occupied by a two-story dwelling with a wood patio and deck, a stone driveway, floating dock and wood ramp. Property contains existing wood ties on the entire north side property line and a partial concrete block border on the south property line. 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 10.0 is proposed). The site will be accessed by a proposed concrete driveway and the existing water and sewer will be utilized. The existing borders will remain.

The applicant proposes a roof drain down spout through the bulkhead with the remainder of the lot drainage pitched to drain to the front and rear of the property.

C. Variances/Waiver and Items of Discussion

1. The following non-conformities are grandfathered:
 - a. Lot area – 10,000 s.f. is required; whereas 9,600 s.f. exists;
 - b. Lot frontage – 100 ft. is required; whereas 80 ft. exists.
2. The following Variances are required:
 - a. Front yard setback: 35 ft. required; whereas 25.5 ft. is existing and proposed;
 - b. Rear yard setback: 30 ft. required; whereas 25.0 ft. is proposed to the bulkhead; (16.9 ft. existing)
 - c. Side yard combined: 30 ft. require; whereas 25.3 ft. is proposed; (27.6 ft. is existing).
 - d. Maximum lot coverage: 25% allowed; whereas 30% is proposed. (27.1% is existing).
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 curb along the edge of pavement is required.
6. The applicant must provide testimony in support of the requested waivers.
7. At present are there any drainage problems on the property, adjacent properties or in the street? Will the existing wood border be raised along the north property line?

D. Conditions and Recommendations

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

1. The Applicant shall obtain any and all agency approvals, including but not limited to, CAFRA, NJDEP, Building Department, Fire Department, Health Department, and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed dwelling unit will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party involved, if any.
3. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
4. The Applicant shall provide all required plans necessary to show compliance with all required Building Codes and Ordinances, to the Building Department at the time of the permit application.
5. We recommend a waiver for a submission of a Grading Plan.

Re: BOA #13-5576
Applicant: Allen & Ellen McCafferty
Application: Construct One Story SFD on an
Undersized Lot with Front, Rear, Side Yard Combined
Setbacks and Lot Coverage Variances
Block 891, Lots 383-386
Fronting on: Tudor Avenue
Zone R-100
EE & L Project No. 12B4533-7M08



Page 3 of 3

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

KP/JJM/jet

Cc: Melanie Adamson, Board Planner
Alex Pavliv, Board Attorney
Allen & Ellen McCafferty, Applicants
East Coast Engineering, Applicant's Engineer
File

*** FAX RX REPORT ***

INCOMPLETE RECEPTION

| | | |
|---------------------|-------------|-------|
| JOB NO. | 6910 | |
| DESTINATION ADDRESS | UNKNOWN | |
| SUBADDRESS | | |
| DESTINATION ID | | |
| ST. TIME | 02/06 16:29 | |
| TX/RX TIME | 08' 56 | |
| PGS. | 16 | |
| RESULT | NG | |
| | 16 | ##791 |



ERNST, ERNST AND LISSENDEN
CONSULTING ENGINEERS, PLANNERS, SURVEYORS
52 HYERS STREET, P.O. BOX 391, TOMS RIVER, NJ, 08754
CERTIFICATE OF AUTHORIZATION 24GA27927500
TELEPHONE: (732) 349-2215 FAX: (732) 349-4127

FAX COVER SHEET

TO:

Karen

AT:

FROM:

Joanne

RE:

ENCLOSURES:

Berkeley Agenda & Memorandum

MESSAGE:

THIS IS YOUR ONLY COPY ☒ ORIGINAL COPY TO FOLLOW VIA MAIL

NUMBER OF PAGES INCLUDING COVER SHEET

32

DATE:

2/6/14

TIME:

3:20A.M. ☒ P.M.

FAX NUMBER:

732-505-0145

SENT BY:

**M E M O R A N D U M**

DATE: January 13, 2014
FROM: Jack Mallon *Jack Mallon*
TO: ZONING BOARD MEMBERS
RE: Entrance Stoops and Stairway Encroachments

At the January 8, 2014 Zoning Board meeting there was a question concerning the encroachments into setbacks of exterior stairways and entrance stoops and stairways. Please be advised that on back of the schedule in Section 35-95 the limitations for encroachments from both the second story level and the main story. Note 10 D addresses entrance stoops and stairways which have a limitation of 6 feet in height above the average finished grade and are limited to 12 feet from the property line in the front yard and 6 feet from the structure and not less than 1 foot from the property line when located in a side yard or rear yard.

I have attached a copy for your use.

Notes to Schedule 1, Section 35-95.

- 1 See subsection 35-96.7
- 2 PRRC: One (1) bedroom, eight hundred (800) square feet; two (2) bedrooms, nine hundred (900) square feet; three (3) bedrooms, one-thousand (1,000) square feet.
- 3 One (1) bedroom, nine hundred fifty (950) square feet; two (2) bedrooms, one thousand one hundred (1,100) square feet; three (3) bedrooms and larger, one thousand two hundred fifty (1,250) square feet.
- 4 See Section 35-103 requirements.
- 5 See Section 35-101 requirements.
- 6 See subsection 35-107.4 for requirements.
- 7 See subsection 35-89.5.
- 8 Front setback requirements in the R-50 and R-60 Residential Zones may be reduced to twenty-five (25) feet, provided that the lot in question is served by a municipal or public water and sewer system and that the setback distance for any new structure will not be less than the average setback of the existing structures within the same block face.
- 9 Sheds of one hundred twenty (120) square feet and less may be constructed and placed not less than three (3) feet from the rear property line and three (3) feet from any side line in any zone of the Township, except that in all circumstances where the rear property line of a building lot is a bulkheaded lagoon area, the aforesaid shed shall not be less than five (5) feet from any such bulkhead.
- 10 The following shall be exceptions to the setback requirements under this chapter:
 - A. Roof eaves may project not more than three (3) feet into the required yard area.
 - B. Architectural features. Windowsills, belt courses and similar architectural features, rain leaders and chimneys may project not more than two (2) feet into the required yard area.
 - C. Exterior stairways and fire escapes. Exterior stairways going to a second story, smokeproof towers, balconies, fire escapes or other required elements of a means of egress may not project more than four (4) feet beyond the face of the wall. This exception shall apply only to rear and side yards and to those structures which presently comply with the minimum sideyard requirements under this chapter.
 - D. Entrance stoops and stairways are excepted as long as same are not more than six (6) feet in height above the average finished grade within ten (10) feet of their perimeters and are no less than twelve (12) feet from the property line when same are located in the front yard and no more than six (6) feet from the structure and not less than one (1) foot from the property line when located in a side yard or rear yard.

Definitions and Notations:

A setback is the distance the proposed structure will be from a property line.

Front setbacks apply to any property line that abuts a public street, whether paved or unpaved.

Frontage is the length of a property line on a paved street. The property must abut at least one paved street.

A shed over 120sf is considered an accessory structure.

A deck or other structure that abuts the principal structure must comply with principal structure setbacks.

Accessory structures, whether attached or detached, cannot exceed the size of the principle structure.

Accessory or additional uses cannot exceed the principal use in size or scope.

Detached structures shall not be located closer to any street than the principal structure.

An attached or detached garage must have a driveway constructed to township standards.

Lot Coverage % is the lot area covered by all existing and proposed structures divided by the total lot area. For Grading Waivers all impervious coverage such as driveways, patios, pavers, deck, pools and other similar surfaces are to be included in the calculations.