

TOWNSHIP OF BERKELEY
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
MARCH 13, 2013
6:30 PM PUBLIC HEARING

- A. SALUTE TO THE FLAG
- B. ROLL CALL, DECLARATION OF QUORUM
- C. SUNSHINE ACT STATEMENT: This meeting was advertised in the Asbury Park Press, posted on the Township's bulletin board as required by the "Open Public Meeting Act".
- D. Please be advised that there is to be **NO SMOKING** in this building in accordance with New Jersey Legislation.
- E. OLD/NEW BUSINESS:

F. AGENDA

1. Joseph Semanchik BOA# 12-5405
Variance requested Bulk Variances, Fence
Project: Construct a fence between building and bulkhead
Block 1541 Lot: 65
Address: 215 Butler Blvd. Zone: R-64
Denial reads: "The applicant proposes to install a 6 ft. high fence between building line and bulkhead where 4 ft. maximum is allowed and must be 50% open".

2. Anthony & Debra Lee Marchese BOA # 12-5417
Variance requested BV Pool setback front yard/corner lot
Project: Install an in ground pool
Block: 285 Lots: 13-18
Address: 296 Bradford Place Zone: R-150
Denial reads: "Applicant proposes to a 16 ft. x 32 ft. inground pool within a front yard setback on a corner lot."

3. Robert & Marie Crespi BOA # 13-5422
Variance requested Bulk Variances, pool and spa setback to bulkhead
Project: Install an inground pool and spa within setbacks
Block 1617.02 Lot: 7
Address: 69 Cedar Run Zone: R-64
Denial reads: "Applicant proposes to install an inground pool 6.5 feet from the bulkhead where 15 feet is required and a hot tub 4.5 feet from the side property line where 5 feet is required. Applicant also proposes to install the following conforming structures, a fence to pool code, a landscape wall less than 18 inches in height and an outdoor shower".

- G. RESOLUTIONS
- H. VOUCHERS
- I. EXECUTIVE SESSION
- J. ADJOURNMENT



Ernst, Ernst Lissenden

A New Jersey Corporation

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

January 31, 2013

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

Re: **BOA #12-5405**
Applicant: Joseph Semanchik
215 Butler Boulevard
Application: To Construct a Solid 6 Ft. High Fence
Between the Rear Building Line and Bulkhead
Block 1541, Lot 65
Fronting on Butler Boulevard
Zone: R-64 Zone
EE & L Project No. 12B4533-7S03

Dear Ms. Kazmac:

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

The denial letter issued June 20, 2012 by the Zoning Official states that the applicant proposes to install a 6 ft. high fence between a building line and a bulkhead where 4 ft. maximum is allowed and must be 50% open.

The application states that the fence to be installed is a solid vinyl fence.

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Map of Block 1541, Lot 65, Amended Map Glen Cove on Barnegat Bay, Section 2, Berkeley Township, Ocean County, New Jersey", prepared by Terrence D. Magee, P.L.S., dated July 25, 2005.
 - A 200 ft. Radius Map and a certified list of property owners within 200 ft. of the property.
 - An application and application checklist.
2. Based upon our review, we recommend that this **application be deemed complete** subject to the Applicant complying with all applicable notification requirements as set forth in the Berkeley Township Land Use Ordinance and the Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment's **March 13, 2013** meeting agenda.
3. Notice to property owners and the newspaper (published) must be provided no later than 10 days prior to the meeting date and all proofs of service must be in the Municipal Planning and Zoning office no later than 5 days prior to the meeting. Should you have any questions with regard to noticing requirements, contact the Board office at 732-244-7400.

B. General Comments

The property is located on the northside of Butler Boulevard, 351 ft. East of Bayview Avenue near the intersection of North Bay Drive. The property lies within the R-64 Zone and comprises an area of 5,400 s.f. ±. The site contains a one story frame dwelling unit with a paved driveway and fronts on a paved street.

The subject property is situated in Flood Zone ABFE-V (Map Toms River SE) which is a Special Flood Hazard Area with a base flood elevation of 9± and is subject to inundation by the 1% annual chance flood.

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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.

Re: BOA #12-5405
Applicant: Joseph Semanchik
Application: To Construct a Solid 6 Ft. High Fence
Between the Rear Building Line and Bulkhead
Block 1541, Lot 65
Fronting on Butler Boulevard
Zone: R-64 Zone
EE & L Project No. 12B4533-7S03



The applicant proposes to construct a 6 ft. high solid vinyl fences between the rear building line and the bulkhead on both the East and West sides of the property.

C. Variances requested and Items of Discussion

1. A Variance is required as the applicant proposes to construct a 6 ft. high solid vinyl fences between the rear building line and the bulkhead on both east and west sides of the property; whereas the Ordinance (Section 11-5.5.6) limits the fence height to 4 ft. and must be a minimum of 50% open.
2. The applicant must provide testimony and proofs supporting the granting of the variance.
3. The Board should be aware that the existing lot appears to be undersized; whereas 5,400 s.f. appears to be existing and proposed and 6,400 s.f. is required. In addition, the existing lot is non-conforming with respect to lot frontage; whereas 80 ft. minimum is required and 60 ft. is existing and proposed. These are existing conditions for which the Board generally takes no action.
4. How far off the property lines and the bulkhead will the fences be constructed? The plan should show said offsets.
5. The plan should also show fences along both property lines if they are proposed.

D. Conditions and Recommendations

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

1. The Applicant shall obtain any and all agency approvals, including but not limited to, Building Department, Fire Department, Health Department, and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed fences do 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. We recommend that the Grading Plan requirements be waived by the Township Engineer.

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

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

Very truly yours,

John J. Mallon, PE
Zoning Board Engineer

PAG/JJM/jet

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Joseph Semanchik, Applicant
file



215 Butler Blvd, Bayville, NJ 08721 - Bing Maps - Windows Internet Explorer

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(201) 624-2136 (fax)

MEMO: Berkeley Township Zoning Board of Adjustment

FROM: Anna Wainright, P.P., A.I.C.P. 
Zoning Board Planner

DATE: January 30, 2013

RE: Semanchik, Joseph
PLANNING REVIEW-#1
Application: Fence
Block 1541 Lot 65
Address: 215 Butler Blvd
Zoning District: R-64 Residential Lot 65, Block 1541
Prepared by: Hayes A. Hewitt, P.L.S., dated 1/27/54
BOA#: 11-5405
Our File: 1506-Z-154

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

Zoning Requirements:

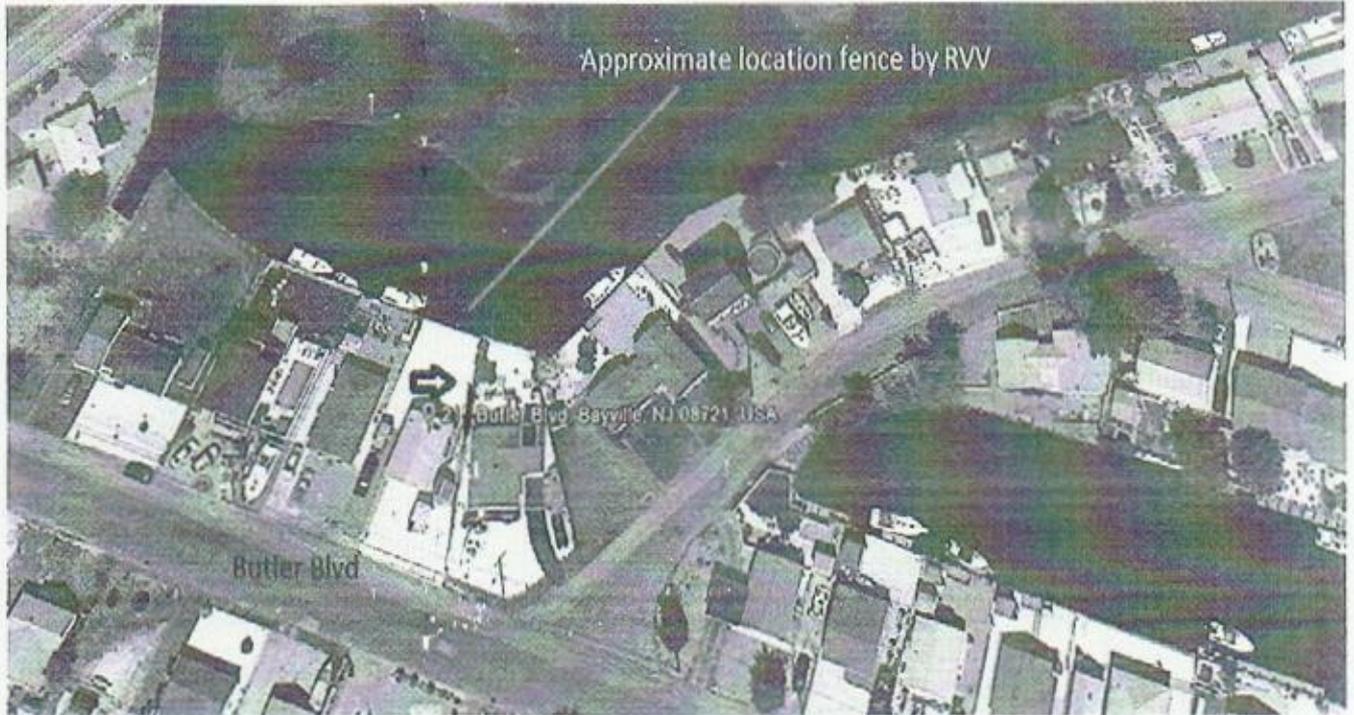
R-64 Residential Zone - §35-95 & §11-5.5(a)(1)

The Applicant's property is located in the R-64 Residential Zone, on Claming Creek. The fence ordinance, §11.5.5(b), does not allow waterfront lots to construct any fence unless at least 50% percent remains open, and it does not exceed 4'. This is to avoid obstructing the view from adjoining properties. It should be noted that in this case the property is located in a way that this area of the yard does not affect anyone's view of the water. The applicant is proposing a six (6) foot solid vinyl fence, on the side property line from the approximate rear of the house up to twenty (20) feet from the bulkhead.

A. Zoning Denial

The denial states that the "Applicant proposes to install a 6' fence between the building line and a bulkhead where 4' is the max height allowed and must be 50% open."

The Applicant should provide testimony which satisfies the Board that the variances should be granted. Testimony regarding why the fence is proposed in this area, should be provided.



B. GENERAL REVIEW COMMENTS

1. Pursuant to the MLUL Section 40:55D-70, the Board of Adjustment may grant a bulk variance request if:

- c.(1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

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. The Board must also be satisfied that the granting of the variance will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

C. CONDITIONS AND RECOMMENDATIONS

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

1. The Applicant certifying that the proposed fence will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township or other involved party.
2. The Applicant is to submit payment of any and all outstanding professional review fees of the Board and the Township.
3. The Applicant provide all required plans necessary to show compliance with all required Building Codes, to the Building Department at the time of the permit application.

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

Should you have any questions or we can be of any further assistance on this matter, please don't hesitate to call our office at 732-286-9220.

God Bless America

REMINGTON, VERNICK & VENA ENGINEERS

EJP/ARW/ktr

cc: J. Mallon, P.E. – Board Engineer
A. Pavliv, Esq. – Board Attorney
Joseph Semanchik – Applicant



Ernst, Ernst Lissenden

A New Jersey Corporation

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

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

February 5, 2013

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

Re: **BOA #12-5417**
Applicant: Anthony & Debralee Marchese
Application: Construction of an Inground Pool
within the Front yard Setback on a Corner Lot
Block 285, Lots 13-18
Fronting on Bradford Pl. with Frontages on
Columbus Circle & Hanover St.
Zone: R-150
EE & L Project No. 12B4533-7M07

Dear Ms. Kazmac:

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

The denial letter issued October 1, 2012 by the Zoning Official states that the applicant proposes to install a 16 ft. x 32 ft. inground pool within a front yard setback on a corner lot.

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Final Location and Grading As-Built Lots 13, 14, 15, 16, 17 & 18, Block 285, Township of Berkeley, County of Ocean, New Jersey", prepared by Morgan Engineering, LLC, last revised November 12, 2012. The location of the proposed pool has been located on this plan.
 - Photographs of the existing area to the rear of the dwelling that fronts on Hanover Street which appear to be a paper street. The photographs show that this area has been cleared and a 6 ft. high (solid) fence has been installed apparently around this area. The fence and extent of clearing is not accurately depicted on the above mentioned plan. It appears the fence and some clearing occurred after the final survey was prepared.
 - A 200 ft. Radius Map and certified list of property owners.
 - An application and application checklist.
2. Based upon our review, we recommend that this **application be deemed complete** subject to the Applicant complying with all applicable notification requirements as set forth in the Berkeley Township Land Use Ordinance and the Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment's **March 13, 2013** meeting agenda.



3. Notice to property owners and the newspaper (published) must be provided no later than 10 days prior to the meeting date and all proofs of service must be in the Municipal Planning and Zoning office no later than 5 days prior to the meeting. Should you have any questions with regard to noticing requirements, contact the Board office at 732-244-7400.

B. General Comments

This property fronts on three (3) streets. The property is located on the northwest corner of Bradford Place and Columbus Circle. The rear of the property (i.e. back of the home) also fronts on Hanover Street. The property lies within the R-150 Zone and comprises an area of 0.42 acres \pm . The site contains a two-story, 4 bedroom dwelling unit with a basement and an asphalt driveway. Approximately 105 ft. of the site on Bradford Place fronts on a paved road with concrete curb and sidewalk while the balance of the property on Bradford Place and Columbus Circle fronts on gravel surfaced roads. Hanover Street appears to be wooded and undeveloped.

The site lies with Flood Zone "X" (unshaded), which is an area determined to be outside the 0.2% annual chance flood plain. In accordance with the Ocean County Soil Survey the property appears to be situated on Woodmansie series soils which are deep well drained soils with a seasonal high water table expected to be greater than 6 ft. from the surface of the ground. Freshwater wetlands do not appear to be present on the site.

The applicant proposes to construct a 16 ft. x 32 ft. inground pool 7 ft. off the property lines in the southwest corner of the site.

C. Variances Requested and Items of Discussion

1. A variance is required for the construction of an inground pool within a front yard area. The applicant proposes a 7 ft. front yard setback to the pool from the right-of-way line of Hanover Street; whereas 35 ft. minimum is required. The Board should be aware that Hanover Street is a paper street and is wooded at the present time.
2. The applicant must provide testimony and proofs supporting the granting of the variance.
3. Will the 7 ft. setback on Hanover Street be an adequate buffer should the street be developed?
4. Will the pool have a sidewalk or pad around it?
5. Was a permit to construct the 6 ft. high solid fence obtained for its construction? If not, variances for this fence will be required as it appears from the photographs that it is constructed either along or within the front yard area of Hanover Street. The Ordinance only allows for a fence 4 ft. maximum in height and 50% open to be constructed within the front yard area.
6. Will the pool cause any drainage problems on or off-site? Where will overflow from the pool be directed too?
7. Where are the pool filter and backwash facilities going to be located?

D. Conditions and Recommendations

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

1. The Applicant shall obtain any and all agency approvals, including but not limited to, Building Department, Fire Department, Health Department, and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed pool construction 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 #12-5417
Applicant: Anthony & Debralee Marchese
Application: Construction of an Inground Pool
within the Front yard Setback on a Corner Lot
Block 285, Lots 13-18
Fronting on Bradford Pl. with Frontages on
Columbus Circle & Hanover St.
Zone: R-150
EE & L Project No. 12B4533-7M07



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,

A handwritten signature in black ink that reads "John J. Mallon". The signature is written in a cursive, flowing style.

John J. Mallon, PE
Zoning Board Engineer

JJM/jet

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
Anthony & Debralee Marchese, Applicant
File

bing 296 Bradford Place, Bayville, NJ

Road Bird's eye Traffic
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Kim Wendell Bibbs, PE, CME
Marc DeBlasio, PE, PP, CME
Leonard A. Falola, PE, CME
Christopher J. Fazio, PE, CME
Kenneth C. Resales, PE, CME
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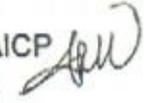
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MEMO: Berkeley Township Zoning Board of Adjustment

FROM: Anna Wainright, PP, AICP 
Zoning Board Planner

DATE: February 20, 2013

RE: Anthony & Debralee Marchese- Review #1
Application: Inground Pool
Block 285, Lots 13,14,15,16,17,18
Address: 296 Bradford Place
Zoning District: R-150 Residential Zone
Plan Prepared By: Morgan Engineering, dated 11/05/10
BOA# 12-5417
Our File: 1506-Z-151

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

Zoning Requirements:

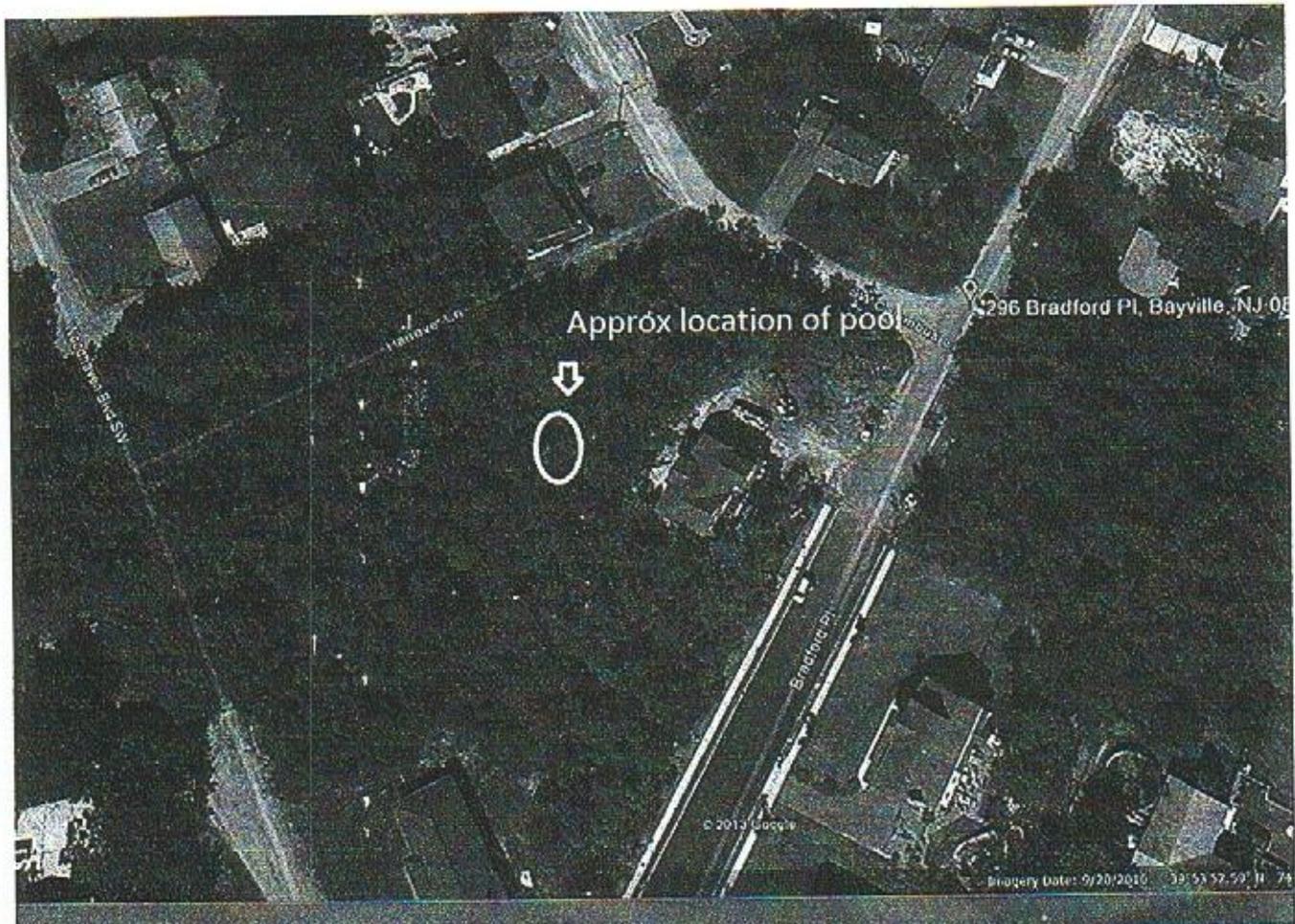
R-150 Residential Zone §35-95 & §35-96.2

A. PROJECT OVERVIEW

The denial states: Applicant proposes to install an inground pool within the front yard setback on a corner lot.

B. GENERAL REVIEW COMMENTS

The applicant is proposing to install a 16' X 32' inground pool in the front yard area of a corner lot. The subject parcel fronts on three different streets, Hanover Street, Columbus Circle and Bradford Place. The home faces Bradford Place. Hanover Street is an approximately 50' wide unimproved right-of-way, which is heavily wooded at the present time. The applicant is proposing to locate the proposed pool 7 feet from the property line, which is presently fenced with a six (6) foot vinyl privacy fence. The front yard setback requirement off of Hanover is 35 feet. It should be noted that immediately to the north, the property that would be on the other side of Hanover faces Columbus Circle.



Aerial Photo from Google Earth (9/20/10) Modified by RVV to show approximate location of the proposed pool.

1. The applicant should be prepared to provide testimony describing the proposed location and size of the pool. The pool is located 7 feet from the property lines.
2. The applicant should be prepared to provide testimony regarding any proposed patios or decks, and their relation to the setbacks, if any.
3. The applicant should be prepared to provide testimony regarding the reason that the pool cannot be located closer to the home, within the setback.
4. The applicant should be prepared to discuss whether or not the location and size of the pool will affect any drainage on the site, or adjacent properties.
5. It may be advisable that the pool be located a minimum of ten (10) feet from the property line, so that the pool and patio are located completely outside of the 6 foot shade tree and utility easement, should Hanover Street ever be improved.

6. The applicant must provide the appropriate testimony and proofs for the granting of variances Pursuant to the MLUL Section 40:55D-70, the Board of Adjustment may grant a bulk variance request if:
 - c(1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

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).

C. CONDITIONS AND RECOMMENDATIONS

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

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

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

Should you have any questions or we can be of any further assistance on this matter, please don't hesitate to call our office at 732-286-9220.

God Bless America

REMINGTON, VERNICK & VENA ENGINEERS

Berkeley Zoning Board
Our File: 1506-Z-151

Page 4

REMINGTON, VERNICK & VENA ENGINEERS

ARW/ktr

cc: J. Mallon, P.E. – Board Engineer
A. Pavliv, Esq. – Board Attorney
Anthony & Debralee Marchese – Applicant



Ernst, Ernst Lissenden

A New Jersey Corporation

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

February 13, 2013

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

Re: **BOA #13-5422**
Applicant: Robert & Marie Crespi
Application: Construction of an Inground Pool
on an Undersized Lot with Side & Rear
Setback Variances
Block 1617.02, Lot 7
Fronting on: Cedar Run
Zone: R-64
EE & L Project No. 12B4533-7C07

Dear Ms. Kazmac:

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

The denial letter issued January 30, 2013 by the Zoning Official states that "the applicant proposes to install an inground pool 6.5 feet from the bulkhead where 15 feet is required and a hot tub 4.5 feet from the side property line where 5 feet is required. Applicant also proposes to install the following conforming structures, a fence to pool code, a landscape wall less than 18 inches in height and an outdoor shower".

A. Completeness

1. The applicant has submitted the following information:
 - A plan entitled "Plot Plan, Block 1617.02, Lot 7, Berkeley Township, Ocean County, New Jersey", dated January 22, 2013, prepared by East Coast Engineering, Inc.
 - A plan entitled "Survey of Property, Final As-Built W/Grading, Lot 7, Block 1617.02, Berkeley Township, Ocean County, New Jersey, dated July 20, 2011, prepared by Ronald W. Post Surveying, Inc.
 - A 200 ft. Radius Map and a certified list of property owners.
 - An application and application checklist.
2. Based upon our review, we recommend that this **application be deemed complete** subject to the Applicant complying with all applicable notification requirements as set forth in the Berkeley Township Land Use Ordinance and the Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment's **March 13, 2013** meeting agenda.
3. Notice to property owners and the newspaper (published) must be provided no later than 10 days prior to the meeting date and all proofs of service must be in the Municipal Planning and Zoning office no later than 5 days prior to the meeting. Should you have any questions with regard to noticing requirements, contact the Board office at 732-244-7400.



B. General Comments

The property is located on the south side of Cedar Run approximately 1,875 ft. east of Sand Road. The property lies within the R-64 Zone and comprises an area of 5,247 s.f. The property has been developed with a split level frame dwelling unit, wood deck, paver patio, wood tie border or curb, asphalt driveway and fronts on a paved street.

The site lies within Flood Zone "AE" (blue dots) which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood with a base flood elevation of 6.0. In accordance with FEMA Advisory Base Flood Elevation Map, the site is situated in zone "A" with a base flood elevation of 8.0.

The applicant proposes to remove the wood deck and install an irregular shaped inground pool and fence, low landscape walls, expand the existing stone patio, construct steps on to patio, construct an outdoor shower and install a hot tub on the east side of the rear yard adjacent to the house where pool equipment will also be located.

C. Variances Requested and Items of Discussion

1. A variance is required for insufficient rear yard setback for an accessory structure to a bulkhead; whereas 6.5 ft. to the inground pool is proposed and 15 ft. minimum is required.
2. A variance for insufficient side yard setback is required for an accessory structure; whereas 4.7 ft. to the hot tub is proposed and 5 ft. minimum is required.
3. It should be noted that the pool equipment is to be located 3.5 ft.± off the east property line.
4. The applicant must provide testimony and proofs supporting the granting of the variances.
5. The Board should be aware that the following non-conformances exist on the property:
 - a. Minimum lot area 6,400 s.f. required; 5,247 s.f. existing and proposed.
 - b. Minimum lot frontage 80 ft. required; 60 ft. existing and proposed.
 - c. Minimum side yard setback 7 ft. required; 4.8 ft. existing and proposed.
 - d. Minimum combined side yard setback 18 ft. required; 9.61 ft. existing and proposed.

These are all existing conditions for which the Board generally takes no action.

6. Where will backwash be directed to?
7. The applicant should provide testimony as to the height of the landscape walls.
8. The applicant should provide testimony and catalog cuts of the type of fencing to be installed.

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 pool 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.

Re: BOA #13-5422
Applicant: Robert & Marie Crespi
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on an Undersized Lot with Side & Rear
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Block 1617.02, Lot 7
Fronting on: Cedar Run
Zone: R-64
EE & L Project No. 12B4533-7C07



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.

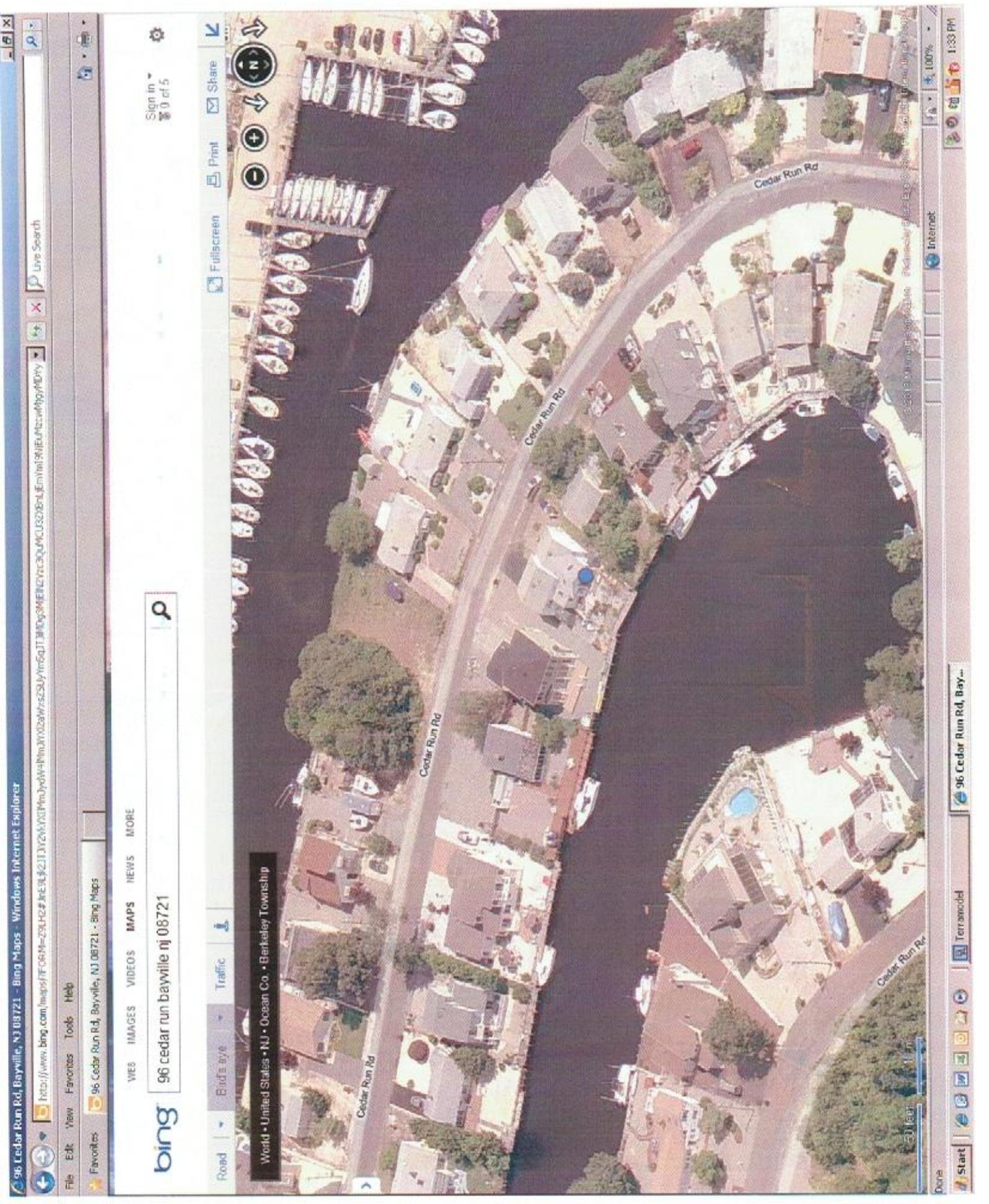
Very truly yours,

A handwritten signature in black ink that reads "John J. Mallon". The signature is fluid and cursive, with the first name being particularly prominent.

John J. Mallon, PE
Zoning Board Engineer

JJM/jet

cc Anna Wainwright, Board Planner
Alex Pavliv, Board Attorney
East Coast Engineering, Applicant's Engineer
Robert & Marie Crespi, Applicants
File



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Sign in 0 of 5

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(601) 624-2136 (fax)

MEMO: Berkeley Township Zoning Board of Adjustment

FROM: Anna Wainright, PP, AICP
Zoning Board Planner

DATE: March 5, 2013

RE: **Crespi- Review #1**
Application: Inground Pool
Block 1617.02, Lot 7
Address: 69 Cedar Run
Zoning District: R-64 Residential Zone
Plan Prepared By: East Coast Engineering
Revised February 27, 2013
BOA# 13-5422
Our File: 1506-Z-155

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

Zoning Requirements:

R-64 Residential Zone §35-95 & §35-96.3

A. PROJECT OVERVIEW

The denial states: "Applicant proposes to install an inground pool 6.5 feet from the bulkhead where 15 feet is required and a hot tub 4.5 feet from the side property line where 5 feet is required. Applicant also proposes to install the following structures: A fence to pool code, a landscape wall less than 18 inches in height, and an outdoor shower." It also appears that the applicant requires a variance to install the pool equipment 3± feet from the property line, whereas 5 feet is required.

B. GENERAL REVIEW COMMENTS

The applicant is proposing to install an irregular kidney shaped inground pool in the rear yard 6.5 feet from the bulkhead. The applicant requires variances for the pool location, the relocation of the hot tub, and the location of the pool equipment. The lot is a pre-existing undersized lot in the R-64 Residential Zone. All other variance conditions are pre-existing. The variance from the ordinance which requires that pools be located a minimum of 15 feet from the bulkhead, is in accordance with State regulations and a new Township ordinance which requires the same. The regulation is apparently in place to ensure that the bulkheads along shore areas can be replaced, repaired and/or moved up to 18', should work need to be done. The Applicant must provide engineering.

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certification which indicates that replacement of the bulkhead can be accomplished if certain measures are taken. Attached is the State CAFRA regulation that allows for the location of a pool closer than 15' if an engineering certification is provided. Testimony should be provided with regard to the engineering certification and the State regulations of "permit by rule" as submitted. We defer to the Board engineer on these issues.



1. The applicant should be prepared to provide testimony describing the proposed location and size of the pool, and hot tub, and the reason that they cannot be located in compliance with ordinance.
2. The applicant should be prepared to provide testimony regarding the proposed fence and its height, materials, and location.
3. The applicant should be prepared to discuss whether or not the location and size of the pool, patio and accessory structures, will affect any stormwater run-off or drainage in the rear yard.
4. The applicant must provide the appropriate testimony and proofs for the granting of variances Pursuant to the MLUL Section 40:55D-70, the Board of Adjustment may grant a bulk variance request if:

- c(1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

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).

C. CONDITIONS AND RECOMMENDATIONS

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

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

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

Should you have any questions or we can be of any further assistance on this matter, please don't hesitate to call our office at 732-286-9220.

God Bless America

REMINGTON, VERNICK & VENA ENGINEERS

ARW/ktr

cc: J. Mallon, P.E. – Board Engineer
A. Pavliv, Esq. – Board Attorney
Robert & Marie Crespi, 24 Cypress ST., Millburn, NJ 07041 – Applicant

**DEVELOPMENT (INCLUDING EXPANSION OR RECONSTRUCTION AND
EXPANSION) OF A SINGLE FAMILY HOME OR DUPLEX
ON A BULKHEADED LAGOON LOT**

Description of Permit-by-Rule:

The development (including expansion or reconstruction and expansion) of a single family home or duplex and/or accessory development (such as garages, sheds, pools driveways, grading, excavation and clearing, excluding shore protection structures) on a bulkheaded lagoon lot, provided that the proposed development complies with all of the following:

- i. The proposed single family home or duplex is not part of a larger development;
- ii. The site is located on a man-made lagoon lot, with an existing bulkhead along the entire waterfront portion of the site;
- iii. All waterfront portions of the site are protected by a currently serviceable bulkhead;
- iv. There are no wetlands on site landward of the bulkhead;
- v. The proposed single family home or duplex and accessory structures (excluding decks) are set back a minimum of 15 feet from the waterward face of the bulkhead. If there is no alternative to locating the proposed single family home or duplex and accessory structures at least 15 feet landward of the bulkhead, the setback shall be reduced if an engineering certification is provided demonstrating that, after the proposed development has been constructed, the shore protection structures can be replaced within 18 inches of the existing bulkhead and a conservation restriction is recorded for the property which states that any reconstruction of a bulkhead shall be within 18 inches of the existing bulkhead;
- vi. A silt fence is erected landward of the bulkhead with a 10-foot landward return on each end prior to construction. This fence shall be maintained and remain in place until all construction and landscaping activities are completed;
- vii. If the development includes the construction of a driveway, any newly constructed portion of the driveway shall be covered with a permeable material or else be pitched to drain all runoff onto permeable areas of the site;
- viii. The development shall comply with the elevation and flood proofing requirements of the National Flood Insurance Program regulations at 44 CFR Chapter 1;



Ernst, Ernst Lissenden

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

March 5, 2013

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

Re: *2nd Review*
BOA #13-5422
Applicant: Robert & Marie Crespi
Application: Construction of an Inground Pool
on an Undersized Lot with Side & Rear
Setback Variances
Block 1617.02, Lot 7
Fronting on: Cedar Run
Zone: R-64
EE & L Project No. 12B4533-7C07

Dear Ms. Kazmac:

This office is in receipt of an amended plan for the above referenced project and the following comments are offered in regards to same.

- An amended plan entitled "Plot Plan, Block 1617.02, Lot 7, Berkeley Township, Ocean County, New Jersey", last revised February 27, 2013, prepared by East Coast Engineering, Inc., was submitted for review.

The only amendment to the original plan consists of moving the hot tub from the east to the west side of the dwelling unit and downsizing the proposed shower. The proposed hot tub is now 0.2 ft. closer to a side property line.

The variances cited below remain.

C. Variances Requested and Items of Discussion

1. A variance is required for insufficient rear yard setback for an accessory structure to a bulkhead; whereas 6.5 ft. to the inground pool is proposed and 15 ft. minimum is required.
2. A variance for insufficient side yard setback is required for an accessory structure; whereas 4.5 ft. to the hot tub is proposed and 5 ft. minimum is required.
3. It should be noted that the pool equipment is to be located 3.5 ft.± off the east property line.
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EE & L Project No. 12B4533-7C07



d. Minimum combined side yard setback 18 ft. required; 9.61 ft. existing and proposed.

These are all existing conditions for which the Board generally takes no action.

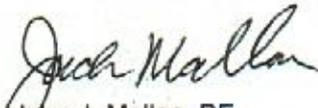
6. Where will backwash be directed to?
7. The applicant should provide testimony as to the height of the landscape walls.
8. The applicant should provide testimony and catalog cuts of the type of fencing to be installed.

All items listed in my letter dated February 13, 2013 remain.

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
East Coast Engineering, Applicant's Engineer
Robert & Marie Crespi, Applicants
File