

**TOWNSHIP OF BERKELEY  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
APRIL 11, 2012  
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. Edward & Ginger Greco BOA # 11-5390

Variance requested	Bulk – Setbacks to bulkhead
Project	Deck & Swim Spa
Block 1218.02	Lot 33
Address: 5 Peaksail Dr.	Zone: R-60 Residential

Denial reads: Install a swim spa 10 ft. from bulkhead; whereas 15 ft. is required and a 40 ft. x 20 ft. deck 3 ft. from the bulkhead; whereas 5 ft. is required.

2. Keith & Tania McShaffrey BOA # 11-5393

Variance requested	Front setback for deck & fence height in front yard
Project:	2 level deck & screening fence
Block 492	Lots 15, 17, 19
Address: 370 Coolidge Ave.	Zone: R-125

Denial reads: Install 6 ft. high fence between public street and a building line and also a 2 level deck 25 ft. from front property line; whereas 35 ft. is required.

3. Gerard & Joann Coppola BOA # 11-5391

Variance requested:	Fence height in front yard
Project	Install fence & arbor in front yard on a corner lot.
Block 1108.12	Lot 23
Address: 50 Spinnaker Ct.	Zone: R-60 Residential

Denial reads: Installed a 5 ft. fence between building line and the public street; whereas 4 ft. is allowed.

4. The Cove BOA # 11-5380

Variance requested	Use Variance
Project	Construct 21 single family homes & Marina
Block 1032	Lots 29 – 34.01
Block 1033	Lots 37.01 – 43
Address:	Zone R-100
Denial reads:	

Applicant appeared before the Board previously requesting numerous Waivers which were not accepted. Applicant has revised project to single family homes from Townhouses.

G. RESOLUTIONS

H. ADJOURNMENT



# Ernst, Ernst Lissenden

A New Jersey Corporation

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

## PRINCIPALS

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

March 6, 2012

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

**Re: Edward & Ginger Greco**  
**Application: Variance for Deck and Spa to Bulkhead**  
**BOA #11-5390**  
**Block 1218.02, Lot 33**  
**Zone: R-60 Residential Zone**  
**EE&L Project No. 12B4533-7G02**

Dear Ms. Osborne:

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

The denial letter issued November 30, 2011 by the Zoning Official states applicant proposes to install a swim spa 10 ft. from the bulkhead whereas 15 ft. is required and a 40 ft. x 20 ft. 3 ft. deck 3 ft. from the bulkhead whereas 5 ft. is required in the R-60 Zone (Ordinance No. 35-96.3a2).

### 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 April 11, 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.
3. It is noted that the applicant has incorrectly checked some items N/A (not applicable to the application) on the Checklist Application for "C Variance" Section II General Information. Upon review however, the required information is correctly provided in the application and the items become a non-issue.

### B. General Comments

- The property is located north side of Peaksail Drive approximately 120 feet west of Bowsprit Drive and is situated on a bulkheaded lagoon.
- Property is located within the R-60 Residential Zone and comprises an area of 6,000 s.f.
- Property contains an existing 2 story frame dwelling with a concrete driveway and sidewalk. The rear yard is currently covered with decorative stone.
- The site is located in the AE Flood Zone with a base flood elevation of 6.0.
- Applicant proposes to construct a rear yard 40 ft. x 20 ft. upper deck (floor el. = 8.89) with a spa (el. 8.89) and a lower ground deck (floor el. = 5.56).

Re: **Edward & Ginger Greco**  
**Application: Variance for Deck and Spa to Bulkhead**  
**BOA #11-5390**  
**Block 1218.02, Lot 33**  
**Zone: R-60 Residential Zone**  
**EE&L Project No. 12B4533-7G02**



**C. Variances Requested and Items of Discussion**

1. A bulkhead minimum distance setback variance is required as the proposed upper deck is 2.7 ft. from the bulkhead; whereas 5.0 ft. is required. The address should address why only 5 ft. can be achieved.
2. A bulkhead minimum distance setback variance is required as the proposed spa is 8.6 ft.; whereas 15 ft. is required.
3. Applicant must provide testimony and proofs supporting the granting of the variances.
4. Plan submitted in support of the Variance is a "Plot Plan – Lot 33 – Block 1218.02", prepared by JCR Engineering, LLC, dated January 17, 2011 consisting of 1 sheet, signed by Robert A. Woodcock, P.E. & P.P.
5. 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**

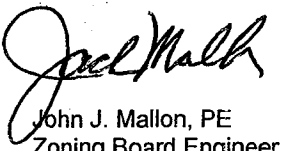
Should the Board determine that the relief requested should be granted, we recommend that the approval be conditioned upon the following:

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 deck 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.

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

Enclosure: Aerial Photograph

JJM/jet

cc Anna Wainwright, Board Planner  
Alex Pavliv, Board Attorney  
Edward & Ginger Greco, Applicants  
file

# bing

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Gregory J. Sullivan, PE, PP, CME  
Richard B. Czekanski, PE, CME, BCEE

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

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

3 Jucama 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)

5010 East Trindle Road, Suite 203  
Mechanicsburg, PA 17050  
(717) 766-1775  
(717) 766-0232 (fax)

U.S. Steel Tower  
600 Grant Street, Suite 1251  
Pittsburgh, PA 15219  
(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) 624-2136 (fax)

**MEMO:** Berkeley Township Zoning Board of Adjustment

**FROM:** Anna Wainright, PP, AICP  
Zoning Board Planner

**DATE:** March 1, 2012

**RE:** Greco, Edward & Ginger – Planning Review #1  
Application: Deck & Swim Spa  
Block 1218.02, Lot 33  
Address: 5 Peaksail Drive  
Zoning District: R-60 Residential Zone  
Plan Prepared By: JCR Engineering  
Robert Woodcock, P.E., P.P., P.L.S., dated 01/17/11  
BOA# 11-5390  
Our File: 1506-Z-129

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

### Zoning Requirements:

### R-60 Residential Zone §35-95 & §35-96.3

<u>Principal Bldg</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Requested</u>
Minimum Lot Area	6,000 SF	6,000 SF	6,000 SF	None
Minimum Lot Frontage	60 FT	60 FT	60 FT	None
Front Yard Setback	35 FT	25.4 FT	25.4 FT	Pre-existing Non-conforming
Rear Yard Setback Structure	20 FT	22.5 FT	22.5 FT	None
Side Yard Setback	7 FT	7.9 FT	7.9 FT±	None
Combined side yard setback	18 FT	19.7 FT	19.7 FT	None
Proposed Spa	15 FT	N/A	5.8 FT*	*Variance Required
Deck above 18"	20 FT	N/A	2.7 FT*	*Variance Required

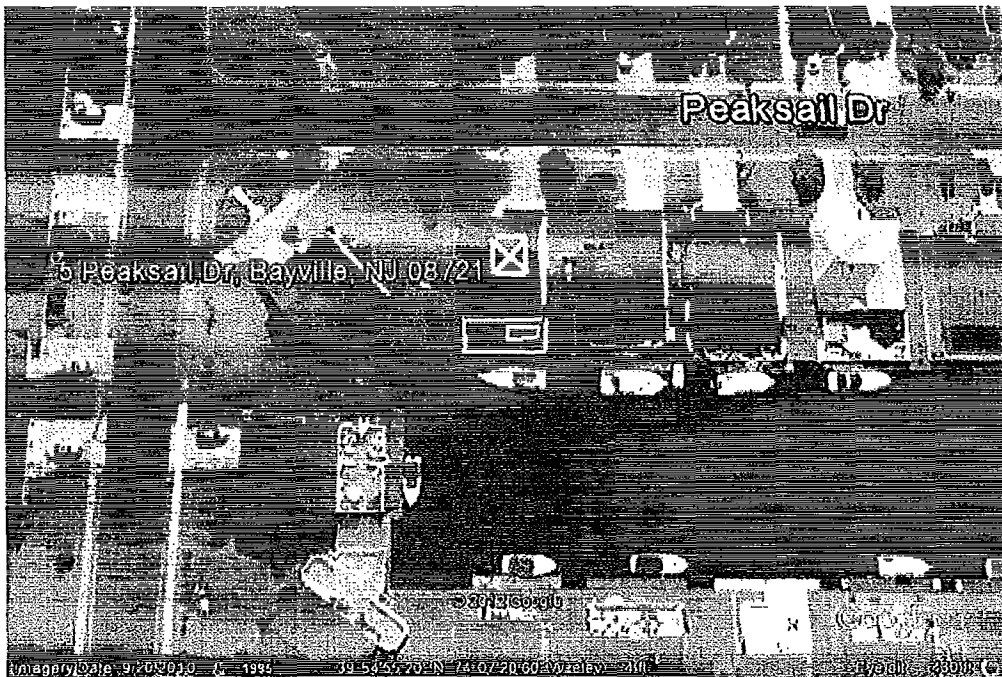
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**A. PROJECT OVERVIEW**

The denial states: Applicant proposes to install a swim spa 10' from the bulkhead where 15' is required and a 40' X 20' X 3' deck 3 feet from the bulkhead where 5 feet is required in the R-60 Zone.

**B. GENERAL REVIEW COMMENTS**

1. The applicant is proposing to construct a 40' X 20' deck 2.7 ' from the bulkhead which is above the 18" height maximum allowed when encroaching into a "yard setback" area. In this case the applicant is also proposing a 14' 7" X 8'1" swim spa on top of the deck and a 4' high Jerith Fence along the upper deck. Both the deck and the spa require variances for setbacks (as described above). The applicant is also proposing a new ground level lower deck which does not require any variances.
2. The applicant should provide some testimony regarding any possible way that variances can be lessened or eliminated. The applicant should describe rear yard conditions on either side of the property. In this case the proposal is similar to the conditions on the adjacent property to the west, and some distance from the adjacent structures on the lot to the east (which recently received a variance to construct their deck within 5 feet of the bulkhead).



3. 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 required 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 deck 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

EJP/ARW/ktr

cc: J. Mallon, PE – Board Engineer  
A. Pavliv, Esq. – Board Attorney  
Edward & Ginger Greco – Applicant





# 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

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

March 6, 2012

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

**Re: Keith & Tania McShaffrey**  
**Application: Variance for Deck and 6 Ft. Fence**  
**in Front Yard**  
**BOA #11-5393**  
**Block 492, Lots 15, 17 & 19**  
**Zone: R-125 Zone**  
**EE&L Project No. 12B4533-7M03**

Dear Ms. Osborne:

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 November 28, 2011 by the Zoning Official states applicant proposes to install a 6 ft. high fence between a public street and a building line and also a 2 level deck 25 ft. from front property line; whereas 35 ft. is required (35-95.1 & 11-5.1-7).

### 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 April 11, 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.
3. It is noted that the applicant has not checked some items "yes" and N/A (not applicable to the application) on the Checklist Application for "C Variance" Sections. **Upon review however, the required information is correctly provided in the application and the items become a non-issue.**

### B. General Comments

- Property is a corner lot located at the intersection of Coolidge and Lexington Avenues.
- Property is located in the R-125 Zone and comprises an area of 15,000 s.f. (0.344 acres).
- Property contains an existing one story frame dwelling with an asphalt driveway, a frame shed, a frame deck and a chain link fence.
- Applicant proposes to construct a 2 level deck around a portion of the existing above ground pool and a 6 ft. high white vinyl fence along the property line with a portion (approx. 80 ft.) in the front yard along Lexington Avenue right-of-way.

### C. Variances Requested and Items of Discussion

1. A front yard setback variance is required for the deck as the proposed setback is 25 ft.; whereas 35 ft. is required.

Re: Keith & Tania McShaffrey  
Application: Variance for Deck and 6 Ft. Fence  
in Front Yard  
BOA #11-5393  
Block 492, Lots 15, 17 & 19  
Zone: R-125 Zone  
EE&L Project No. 12B4533-7M03



2. A Variance is required for the proposed 6 ft. high solid white vinyl fence between the building line and Lexington Avenue. The proposed fence does not obstruct the intersection site triangle.
3. The plan submitted in support of the variance application is a copy of the Survey map prepared by Bernard Collins, P.L.S., dated February 1, 2012 on which the applicant has sketched the proposed construction. Proposed locations of the construction have been scaled from the copy and are approximately dimensioned.
4. The applicant must provide testimony and proof supporting the granting of the variances.
  - a. Applicant should provide testimony regarding:
    1. Distance of fence from property (street frontage line) and how this proposal will not be a detriment to the visual landscape.
    2. Status of existing fence (to remain or be removed).
    3. The removal of trees, if any.
    4. Applicant should provide testimony regarding deck dimensions and location from property lines.
  - b. The applicant should provide a true and accurate representation of the proposed location of the fence and deck.
5. 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).

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, appearing to read "John J. Mallon".

John J. Mallon, PE  
Zoning Board Engineer

Enclosure: Aerial Photograph

JJM/jet

cc Anna Wainwright, Board Planner  
Alex Pavliv, Board Attorney  
Keith & Tania McShaffrey, Applicants  
file



Map of 370 Coolidge Ave, Bayville, NJ 08721 - Bing Maps

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Map of 370 Coolidge ... 7 GB

8:27 AM

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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 Allen Street  
Toms River, NJ 08753  
(732) 286-9220  
(732) 505-8416 (fax)

3 Jicama 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)

5010 East Trindle Road, Suite 203  
Mechanicsburg, PA 17050  
(717) 766-1775  
(717) 766-0232 (fax)

U.S. Steel Tower  
600 Grant Street, Suite 1251  
Pittsburgh, PA 15219  
(412) 263-2200  
(412) 263-2210 (fax)

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

**MEMO:** Berkeley Township Zoning Board of Adjustment

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

**DATE:** March 21, 2012

**RE:** **McShaffrey, Keith & Tania**  
**PLANNING REVIEW-#1**  
**Application: Fence & Deck**  
**Block 492 Lot 15,17,19**  
**Address: 370 Coolidge Ave.**  
**Zoning District: R-125 Residential**  
**Plan Title: Map of Survey Tax Lots 15,17,19, Block 492**  
**Prepared by: Bernard Collins, P.L.S., , dated 2-1-12.**  
**BOA#: 11-5393**  
**Our File: 1506-Z-131**

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

**Zoning Requirements:**

**R-125 Residential Zone - §35-95 & §35-96.2**

<u>Principal Bldg</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Required</u>
Minimum Lot Area	12,500 SF	15,000 SF	15,000 SF	None
Minimum Lot Frontage	100 FT	100/150 FT	100/150 FT	None
Front Yard Setback	35 FT	38/35FT	38/35 FT	None
Rear Yard Setback Structure	30 FT	> 30 FT	> 30 FT	None
Rear Yard Setback Accessory	7 FT	>7 FT	>7 FT	None
Front Yard Setback Deck	35 FT	N/A	25 FT*	<u>Variance Required</u>
Front Yard Fence 6'	Not Permitted	N/A	0 FT*	<u>Variance Required</u>