

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.

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 #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

Live Search

WEB IMAGES VIDEOS MAPS NEWS MORE

bing 215 butler boulevard bayville nj

Sign in 0 of 5

Full Screen Print Share



World - United States - NJ - Ocean Co - Barnstable Township

Road Bird's eye Traffic

100% 11:00 AM

Start 215 Butler Blvd, Bayville, NJ 08721

REMINGTON & VERNICK ENGINEERS AND AFFILIATES

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

EXECUTIVE VICE PRESIDENTS
Michael D. Vena, PE, PP, CME *Member 2006*
Edward J. Walberg, PE, PP, CME
Thomas F. Beach, PE, CME
Richard G. Arango, PE, CME

DIRECTOR OF OPERATIONS
CORPORATE SECRETARY
Bradley A. Blubaugh, BA, MPA

SENIOR ASSOCIATES
John J. Cambwell, PE, PP, CME
Alan Dittenhofer, PE, PP, CME
Frank J. Seery, Jr., PE, PP, CME
Terence Vogt, PE, PP, CME
Dennis K. Yoder, PE, PP, CME, LEED
Charles E. Adamson, PLS, AET
Kim Wendell Bibbs, PE, CME
Marc DeBlasio, PE, PP, CME
Leonard A. Falola, PE, CME
Christopher J. Fazio, PE, CME
Kenneth C. Bessler, PE, CME
Gregory J. Sullivan, PE, PP, CME
Richard B. Chokanski, PE, CME, DCEE

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

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

3 Jocassee Boulevard, Suite 300-400
Old Bridge, NJ 08857
(732) 956-8000
(732) 591-2815 (fax)

Remington, Vernick
& Walberg Engineers
845 North Main Street
Piscataway, NJ 08822
(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
Corryton, PA 19428
(610) 940-1050
(610) 940-1161 (fax)

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


1300 Church Hill Road, Suite 220
Ft. Struth, PA 15205
(412) 263-2200
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building
762 Chapman Road, Suite 10b
Newark, DE 19702
(302) 266-0912
(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, 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:

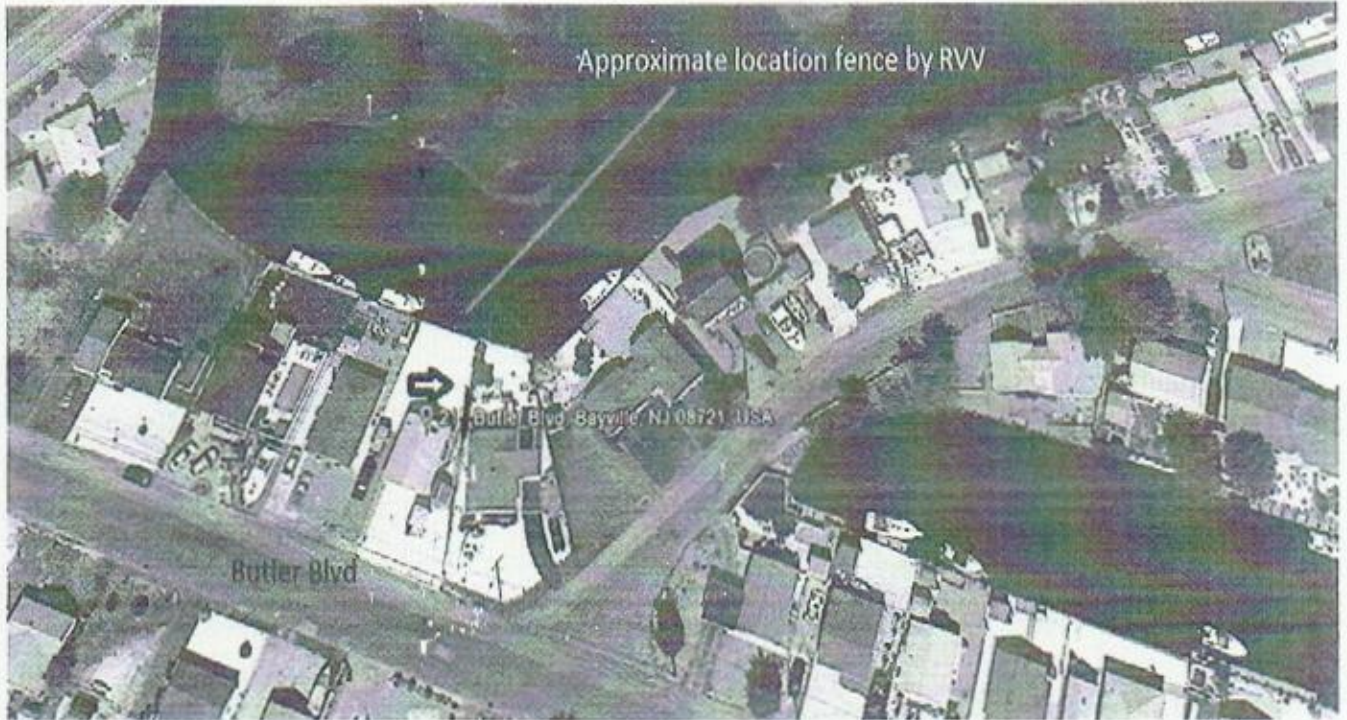
R-64 Residential Zone - §35-95 & §11-5.5(a)(1)

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