



August 27, 2019

Kelly Hugg, Secretary
Berkeley Township
Board of Adjustment
PO Box B
Bayville, NJ 08721

Re: T&M File No. BTZB-R3090
Completeness Review – Jerman
Application: Undersized Lot SFD
Block 491, Lot 19
Maryland Avenue
Zone: R-125 (Residential)
Zoning Board Case No. 19-5863
Township of Berkeley, Ocean County, NJ
Deemed **Complete** as of August 26, 2019

Dear Ms. Hugg:

Pursuant to your request, we have reviewed the above referenced application for completeness in accordance with the provisions of the Township Municipal Land Use & Development Regulations. The subject property is located on the south side of Maryland Avenue in the R-125 Residential Zone.

The denial letter issued on July 18, 2019 by the Zoning Official states that the “Applicant proposes to construct a SFD on a 5000 sf lot with 50 foot frontage, 12500 sf & 100 ft, respectively, required and an attached rear yard deck that will leave a 27’ setback where 30’ is required.”

A. Completeness

The applicant has submitted the following information:

1. Refusal of Permit by Office of Zoning Enforcement Officer dated 7/18/2019;
2. Zoning Board Application and Application Checklist L.D.8;
3. Survey entitled “Plan of Survey, Lot 19 ~ Block 491, Tax Map Sheet #49, Berkeley Township, Ocean County, New Jersey” signed by Jay Pierson, P.L.S. of Nelke, Constantine & Assoc., Inc., dated June 6, 2019 with no revisions;
4. Plot Plan entitled “Building Permit Plot Plan, Lot 19 ~ Block 491, Tax Map Sheet #49, Berkeley Township, Ocean County, New Jersey” signed by Jeff Daum, P.E. of Nelke, Constantine & Assoc., Inc., dated July 9, 2019, last revised August 5, 2019.
5. Architectural Plans entitled “New Construction for: Jeffrey Jerman, Lot 33 & 34 Block 708, Madison Avenue, Berkeley Township, New Jersey”, unsigned by Dario Pasquariello, R.A. Dario Architecture Design, consisting of (4) sheets, dated 2/26/2019, with no revisions;

The applicant has submitted the minimum required for completeness, therefore 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 Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment’s **October 9, 2019 meeting agenda at 6:30 PM.**



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Sheet 2

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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 regarding noticing requirements, contact the Board office at 732-244-7400.

B. General Comments

The property is located midblock, on the south side of Maryland Avenue, approximately 100 ft west of Coolidge Avenue, lies within the R-125 (Residential Zone), and comprises an area of 0.11 Acres (5,000 square feet). The existing lot is wooded and vacant with the exception of what appears to be an encroaching neighbor's shed. The surrounding area consists of residential dwellings. Adjoining Lot 17, on the southwest corner of Maryland Avenue and Coolidge Avenue is vacant and wooded and owned by Berkeley Township.

The applicant is seeking approval to construct a two-story SFD with garage, covered porch and asphalt driveway. Two dry wells are proposed in the rear yard for roof runoff. The applicant proposes connection to public water and sewer. Plans indicate that a shed is partially located on the subject property that is to be removed.

C. Variances, Waivers, and Items of Discussion

1. The following variances are required:

- a. Minimum Lot Area (35-95) – The minimum lot area required is 12,500 sf whereas 5,000 sf is existing.
- b. Minimum Lot Frontage (35-95) – The minimum lot frontage required is 100 ft whereas 50 ft is existing.

We note that the Zoning Officer has indicated that a variance is required for the proposed rear yard landing, however as it appears that this is a landing for a staircase as opposed to a deck, it is permitted to encroach within the rear yard area per conditions of (35-95-Schedule 1, Notes to Schedule 1, Note 10D)

2. Waivers required:

- a. (35-53.4) Curb and/or combination curb and gutter shall be constructed along both sides of every street within a development.
- b. (35-67.1) Sidewalks shall be constructed on both sides of all streets within a development and entirely around the perimeter of cul-de-sacs.

3. The applicant must provide testimony and proofs supporting the granting of the variances and waivers.

4. Specific Comments/Questions:

- a. The applicant must provide buy/sell letters to adjacent property owners and provide proof of this at the regular meeting.
- b. Provide testimony on water and sewer service available to the site. It appears the applicant is proposing public water and sewer.



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Sheet 3

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- c. Applicant to provide testimony on removal of the neighbor's shed that appears to encroach on the subject property.
- d. We note that the applicant complies with the tree clearing ordinance (23-2.4c) Where a plan to clear no more than fifty (50%) percent of the side and rear yard setbacks for the zone is shown.
- e. Applicant should provide testimony on the existing and proposed drainage conditions.
- f. We recommend the proposed stormwater recharge pits be re-located to the front yard areas, where they can overflow to the street rather than to adjacent properties should they become surcharged.
- g. We recommend, if the board looks favorably upon this application, that a condition of approval be that a soil boring must be provided for resolution compliance to confirm adequacy of the underlying soil for the proposed stormwater recharge.

D. Plat Details

1. The architectural plans should be titled to reflect the site and applicant for this application.
2. The zoning table must be revised in accordance with the hearing. Specifically, the rear yard variance should be removed as it is a stair case.

E. Fees and Escrow

Based on our review of the subject application, the following fees and escrow are required:

Variance Application Fee **\$ 250.00**

35-8b-7(c) Hardship Variance

Variance Escrow Deposit **\$2,250.00**

35-11d Hardship Variance \$2,000 plus \$250 for additional variances

Two separate checks payable to "Township of Berkeley" are required. If additional variances are indicated during the public hearing, additional fees may be required.

F. 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, Berkeley Township Sewerage Department, Suez, OCUA, Berkeley Township Fire Protection, Ocean County Planning Board, Ocean County Soils Conservation District, NJDOT, Ocean County Health Department, NJDEP, etc., if required.
2. The applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
3. 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.



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Sheet 4

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

If you should have any questions or desire any additional information concerning this matter, please contact my office.

Very truly yours,

RAYMOND W. SAVACOO, P.E., P.P., C.M.E.
ZONING BOARD ENGINEER
BERKELEY TOWNSHIP

RWS:MJR:ls

cc: Alex Pavliv, Esq., Zoning Board Attorney
Melanie Adamson, Board Planner
Jeffrey Jerman (Applicant)
PO BOX 922, Point Pleasant, NJ 08742
Jeff Daum, P.E. (Applicant's Engineer)
590 Rt 539 Suite 4, PO Box 281, Tuckerton, NJ 08087