

BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS

CASE NO. #14-91

RESOLUTION

WHEREAS, JOHN AND MARY REGIT have applied to the Board of Adjustment of the Township of Berkeley Heights for permission to install an in-ground swimming pool on property located at 18 Magnum Court and designated as Lot 1.03 in Block 601 on the municipal tax map, which premises is located in the R-15 zone, and

WHEREAS, while the subject property fronts on Magnum Court, a cul-de-sac, the rear property is situate on Scott Avenue, a paper street, and

WHEREAS, the subject property has an unusual configuration, and

WHEREAS, the applicants proposed to place an 18 feet by 37 feet swimming pool a minimum of 10 feet in back of the residence, which would result in the swimming pool having a 27 foot setback on Scott Place while the zoning ordinance requires 50 feet, and

WHEREAS, the applicants could bring the swimming pool closer to the northern side yard, which would have a greater impact on the neighbors than the proposed location, and

WHEREAS, there are other accessory structures in the neighborhood which also would front on Scott Avenue, and

WHEREAS, MARY REGIT presented photographs to the Board which showed that the property was heavily shrubbed,

and

WHEREAS, the Board has determined that the relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Berkeley Heights.

AND WHEREAS, the applicants are entitled to a variance under N.J.S.A. 40:55D-70(c) on the basis of the shape of the lot, the location of Scott Avenue along the rear yard, and the placement of the existing residence.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Berkeley Heights on this 22nd day of August, 1991, that the application of JOHN AND MARY REGIT be approved, subject, however, to the following conditions:

1. The application is subject to the landscaping plan, which shows the location of the swimming pool equipment, to be presented to and approved by the Board.
2. All plant materials shall be guaranteed for two years to be in healthy and vigorous condition. Any dead, diseased, and unhealthy plants shall be replaced. It is understood that the applicant will provide adequate and timely care during the guarantee period.
3. No swimming pool certificate of occupancy shall be issued until the aforementioned condition is satisfied. If the landscaping is not installed, the applicants may post a bond in an amount satisfactory to the

municipal engineer and in a form satisfactory to the municipal attorney.

Roll Call Vote 5 - 0

Those in Favor: MESSRS. DEL DUCA, NIGRO, HARRISON, MERLO & FERRARA

Those Opposed: NONE

The foregoing is a true copy of a resolution adopted by the Board of Adjustment of the Township of Berkeley Heights at its meeting on the 22nd day of August, 1991 as copied from the minutes of said meeting.

The within resolution memorializes a motion which was adopted by the Board of Adjustment of the Township of Berkeley Heights on May 23, 1991.



GRACE HODSHON, SECRETARY
BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS
STATE OF NEW JERSEY