

A Meeting of the **BERKELEY TOWNSHIP Board of Adjustment** was held Wednesday January 19, 2011 at 7:00P.M at the Municipal Building, 627 Pinewald Keswick Road, Bayville, New Jersey.

Roll Call, Present were Chairman Fulcomer, Richard Elliott, James Byrnes, Lynn Hansen, Michael Hale, Michael Schwartz, Beverly Mazzella and Ed Gudaitis.

Also in attendance were Brian Di Stefano, Board Attorney, Bob Forsyth, Board Engineer, Linda Sullivan-Hill, Board Court Reporter and Patricia Osborne, Board Secretary.

Chairman Fulcomer led the Flag Salute and read the public announcements.

Joe Bruschino, Jr. was sworn in as new member.

Approval of Resolutions:

Barton, Richard BOA# 08-5258 Block:1694 Lot: 66.

Motion to approve made by Mr. Hale, seconded by Mr. Byrnes, motion to approve carried, and Ms. Mazzella, Mr. Guidadis and Mr. Bruschino abstain from vote.

Resolution of Denial:

Jerman, Jeffery BOA#09-5272, Roosevelt Ave Block: 509 Lot: 11

Mr. Hale abstained, Mr. Schwartz approved, Ms Hansen approved, Ms. Mazzella approved, Mr. Elliott abstained, Mr. Byrnes approve, Mr. Guidadis abstained, Mr. Bruschino abstained, Chairman Fulcomer abstained.

Approval of Minutes:

None

Approval of Vouchers:

Professional Services for Edward F. Liston \$ 1,375.25
Professional Services for CME Associates\$2,212.00
Professional Services for Harold Hensel (Conflict Attorney).....\$ 653.00

Motion to approve vouches made Mr. Byrnes, seconded by Mr. Elliott, motion to approve carried. Mr. Bruschino abstained from vote.

Request to Release Escrow on:

Kenneth Fiorelli BOA # 08-5221.....\$ 310.00
Harry Hartjen BOA# 08-5218\$1,376.00
Jennifer Goodman BOA# 08-5236\$225.00
Kenneth Smith BOA#09-5288 \$53.50

Motion to approve made by Ms. Hansen, seconded by Mr. Elliott, motion to approve carried, Mr. Bruschino abstained from vote.

Mr. Byrnes and Ms. Mazzella questioned if the Engineer and Attorney confirm that they have no outstanding voices, confirmed and certified by Patricia Osborne, Board Secretary.

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AGENDA:

1.Stankowitz BOA#10-5326
Request to carry to February 9, 2011

Variance(s) requested: Bulk Variance

Project: Porch Addition

Block(s): 1690.01 **Lot(s):** 3

Address: 209 Midway Ave. **Zone:** R31.5

Denial Reads: The Applicant proposes to construct a 300sf covered front porch leaving a 10ft front yard setback where 20ft is required.

Motion to carry to February 9, 2011 meeting made by Mr. Schwartz seconded by Ms. Mazzella, motion to approve request carried.

2. Sontag

BOA# 10-5338

Variance Requested:

Bulk Variance

Project:

Demolish & Rebuild Single-Family Dwelling
On an undersized lot

Block(s): 1541

Lot(s): 93

Address: North Bay Ave

Zone: R-64

Denial Reads: The Applicant proposes to demolish a single-family dwelling and construct a 1,588 s.f. dwelling on a 4,975s.f. lot where 6,400s.f. is required, and a side yard setback of 5.25 feet where 7 feet is required and a combined side yard setback of 14.56 feet where 18 feet is required. Applicant will also construct a 458 sf grade-level deck that is permitted per revised Ordinance 35-89 and relocating 2 sheds of 64s.f. and 80 s.f. Lot coverage percentage of all structures will be 32.2 % where 30% maximum is permitted.

Dawn Sontag introduces the application.

Mr. Di Stefano states that due to his instatement on the Board this evening that he has not reviewed the application and does not feel comfortable giving any legal advise at this time. He suggested moving hearing to next calendar night to give ample time to review application for fairness to the applicant and to the Board. Applicant stated that postponing would cause additional hardship in time and money to postpone. Chairman Fulcomer suggested that given that the Engineers reviews have been provided that we should hear the application tonight.

Mr. Forsyth stated that he has reviewed the application and is familiar with the review from CME Engineering. As a courtesy to applicant the hearing will proceed.

Applicant was sworn in. Dawn Sontag, homeowner.

Applicant stating request to widened the house to accommodate wheelchair access. Applicant stated that there is severe flooding on property. Applicant is proposes that changes resolve flooding. Raising the grading will help drainage pitch. Applicant will comply with Engineers requests regarding drainage half to clamming creek and half to roadway also the swales on both side of property and a storm drain in front of dwelling. A grading plan will submitted upon a condition of approval. Suggesting the grading plan should be submitted prior to granting approval. Direction of rooftop drainage also discussed.

Motion to postponed hearing to February meeting was made by Mr. Elliott, seconded by Mr. Gudatis, open for discussion.

Mr. Elliott withdrew motion.

Mr. Charles Brittian,, applicant's contractor, is sworn. License Builder and 10yrs Architectural experience from design field. All lots in area are below street level.

No drains in area. Reason for raising grading. Grading is in compliance.

Drainage on property –half to street and half is going into back yard and percolating into ground.

Hearing open to public, closed to public.

No further comments from the Board.

Mr. Brittian stated that the rear of house complies with setback the lot is irregular,

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Ms. Mazzella suggests that you could get rid one variance if house gets pivoted.

Combined side yard setback and rear yard setback variance would be eliminated.

Mr. Brittian stated that next meeting would have revised plans.

Motion to postpone made by Ms Hansen seconded by Ms. Schwartz, all in favor to postpone carried.

Mr. Elliott questioned Mr. Brittian regarding mark out for sewerage and water.

Applicant will return with revisions next regular scheduled meeting on February 9, 2011.

3. Janes

BOA# 10-5337

Variance(s) requested:

Bulk Variance

Project:

Patio Enclosure and Deck

Block(s): 881 Lot(s) 1

Address: 86 Midland Ave.

Zone: R-200

Denial Reads: The Applicant proposes to construct a 12ft x 14ft. three-season attached sunroom with a 28 ft rear yard setback where 30 feet is required in the R-200 Zone.

Kathleen Janes sworn in.

Domenick Wronko represents the proposed contractor Tri State, sworn in.

Mr. Wronko introduces the application, sunroom will exceed into rear yard setback by 2ft.

Concern for reason for variance, size of property is less than half required square footage

No negative detriment to environment and the neighborhood.

Discussion regarding grading plan, it will be submitted, as a condition upon approval requirement, grading permit will be submitted during construction

Mr. Wronko stated that there is no negative grading issue at this location.

Existing deck will be torn down.

Mr. Wronko suggests installing dry wells to reduce any drainage issue.

Chairman Fulcomer suggests approving with conditions regarding drainage.

Open to public, no comments from public, closed to public.

Motion to approve made by Mr. Byrnes seconded by Mr. Schwartz, Ms. Mazzella suggests considering deed restriction, Mr. Byrnes suggests not necessary.

Motion to approve carried.

Meeting adjourned.

Respectfully Submitted,

*Patricia A. Osborne
Zoning Board Secretary*

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