

A Meeting of the **BERKELEY TOWNSHIP Board of Adjustment** was held Wednesday February 9, 2011 at 7:00P.M at the Municipal Building, 627 Pinewald Keswick Road, Bayville, New Jersey.

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

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

Also in attendance were Michael Tier, Board Attorney, Bob Forsyth, Board Engineer, Ana Wainright, Board Planner, Linda Sullivan-Hill, Board Court Reporter and Patricia Osborne, Board Secretary.

**Approval of Resolutions:**

Janes, Kathleen, Midland Ave, Pine Beach - Block: 881 Lot: 1  
Bulk Variance/Patio Enclosure and Deck approved 1/19/2011  
Motion to approve made by Mr. Hale, seconded by Mr. Elliott, motion carried, Mr. Bruschino abstained.

Jerman, Jeffery BOA #08-5208- Denial – Overrule Board by Appellate Court  
Nixon Ave Block: 565 Lot: 13 Bulk Variance, Undersized Lot  
Mr. Tier, Board Attorney suggests that he could review that at a later time.  
Chairman Fulcomer suggests that Mr. Tier review and vote at next regular meeting.  
Mr. Tier discusses language of Court.

**Approval of Minutes:**

January 19, 2011 - Reorganization Meeting  
Motion to approve made by Mr. Byrnes, seconded by Ms. Hansen motion carried.

**Approval of Vouchers:**

Professional Services for Tier and Di Stefano ..... \$ 1,465.67  
Professional Services for CME Associates ..... \$ 385.00  
Professional Services for Linda Sullivan Hill ..... \$ 550.00

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

**Request to Release Escrow on:**

Metro PCS New York BOA# 09-5278 ..... \$3, 925.00

**Agenda**

**1. Sontag BOA#10-5338**

Variance requested: Bulk Variance  
Project: Demolish and Rebuild Single-Family Dwelling  
On an undersized lot.

Block(s): 1541 Lot(s): 93  
Address: North Bay Avenue.

Denial Reads: The Applicant proposes to demolish a single family dwelling and construct a 1, 588 s.f. single-family dwelling on a 4,976 s.f lot where 6,400 s.f. is required, and a side yard setback of 5.25 ft. where 7ft is required and a combined side yard setback of 14.56 feet where 18 feet is required. Applicant will also construct a 458s.f. grade-level deck that is permitted per revised Ordinance 35-89.9 and relocating 2 sheds of 64 sf. And 80 s.f.. Lot coverage percentage of all structures will be 35.2% where 30% maximum is permitted.

Application partially heard at January 19, 2011 meeting and carried.

Mr. Tier opened conversation regarding the water distribution issue.

Mr. Forsyth stated the he received revised plans since last meeting and also met with the applicants Engineer.

The revised plan included eliminating side setback and relocation of dwelling.

Side setback mets Ordinance.

Regarding draining of property half onto street will still have concern of flooding.

Also the sheds have been removed. Deck is elevated not ground level.

After discussion, both parties agreeing that all drainage from roof goes toward rear of property into clamming creek.

Grading requirement met Ordinance,

Driveway will be of pervious material and drain onto side of property.

Wheelchair access is necessary. Gravel for driveway will be considered.

The applicant will agree to the Board and Professionals suggestions to alleviate undo flooding onto the street.

Motion to approve made by Mr. Hale, seconded by Mr. Bruschino, motion to approve carried.

## **2. Stankowitz**

**BOA#10-5326**

Variance requested: Bulk Variance

Project: Porch Addition

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

Address: 209 Midway Avenue Zone: R31.5

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

Michael Stankowitz the applicant and homeowner was sworn in and introduce his application.

Mr. Tier commented regarding water distribution.

Mr. Forsyth stated that property to west has similar property conditions.

Mr. Stankowitz stated that several neighbors have similar porch, simple porch not closed in.

Open to Public, Closed to Public

Chairman Fulcomer hands over gavel to Mr. Elliot to make motion to approve the application, seconded by Mr. Byrnes, motion to approve carried.

## **3. Pontani**

**BOA#10-5335**

Applicant requested to carry until March 9<sup>th</sup> meeting

Variance requested: Bulk Variance

Project: Shed

Block: 1545 Lot: 8

Address: 247 Butler Blvd. Zone: R-64

Denial Reads: The applicant proposes to construct a 4' X 12' shed which will exceed the 35.8% lot coverage allowed by BOA# 08-5254 where 30% is max allowed in the R-64 zone. The application and revised plan appear to indicate the shed is 8' X 12' and is existing.

Motion to carry approved and carried.

Application will be heard at March 9, 2011 meeting.

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## **4. Janssen**

**BOA#10-5341**

Variance requested: Fence Ordinance

Project: Existing six foot (6') high solid fence

Block: 338 Lot: 6 & 7

Address: 528 Vanderbilt Av. Zone: R-150

Denial Reads: Applicant is requesting a variance for a 6' high solid fence on a corner lot between the building line and a public street which is not allowed and that was previously installed without a permit.

Roy Janssen, applicant is sworn in.

*Mr. Tier, Board Attorney asked Mr. Janssen is his property is currently for sale and applicant stated for fact that property is for sale.*

*Fence was originally installed with the intension that a pool would be also installed. Street is unpaved.*

*Mr. Forsyth stated that the fence does not hinder sight with regard to street.*

*Ana Wainright, Board Planner, stated that with lack of development in area the fence does not appear to be a problem at this time, although 6ft high solid fence to roadway are not recommended and are not allowed normally.*

*Mr. Byrnes stated that he might have conflict and rescues himself.*

*Open to public.*

*All Helle, 525 Vanderbilt Ave, opposes this application with concern to character change to neighborhood.*

*Future plans may change street activity, future construction may occur and the street may become busy and feels that this would be a sight obstruction.*

*Also feels that homeowner should have been responsible for permit or variance not fence company. Zoning laws are to be enforce*

*Ronald Krott, sworn in, 524 Vanderbilt Ave, opposes the application, added that the reason for variance doesn't exist and that the future of the neighborhood has been changing and will probly be paved street.*

*Ms. Hansen question Mr. Krott if the fence is a sight obstruction. Mr. Krott stated no.*

*Mr. Forsyth stated that fence doesn't intrude with sight triangle.*

*Mr. Fulcomer hands over gavel to Mr. Elliott, questioning Ms. Helle if this is an eyesore and driving obstruction. Ms. Helle, stated no, but her concern is future or neighborhood.*

*No further comments from the Board.*

*Motion to approve made by Ms. Hansen, seconded by Mr. Elliott,*

*Mr. Tier stated that economic hardship may or may not be considered a hardship.*

*Ms. Hansen stands by original motion seconded by Mr. Elliott,*

*Mr. Hale approved, Mr. Schwartz appoved, Mr. Elliott approved, Mr. Brynes abstained, Mr. Guiditias approved, Mr. Bruschino opposed, Chairman Fulcomer abstained.*

*5 approve, 2 abstain, 1 oppose.*

*Application is approved.*

*Chairman Fulcomer requested an Executive Closed Session and excused Professionals from the room along with the Board Secretary.*

*Meeting was opened at 9:30 to adjourn. Motion to adjourn carried.*

*Respectfully Submitted,*

*Patricia A. Osborne  
Zoning Board Secretary*

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