

A Meeting of the **BERKELEY TOWNSHIP Board of Adjustment** was held Wednesday September 14, 2011 at 7:00 P.M at the **Municipal Building, 627 Pinewald Keswick Road, Bayville, New Jersey.**

Chairman Fulcomer led the Flag Salute and read the public announcements. A moment of silence was held in honor of our soldiers fighting around the world.

Roll Call, Present were Chairman Fulcomer, Richard Elliott, Lynn Hansen, Beverly Mazzella, Ed Gudaitis, Michael Hale, and Joseph Bruschino.

Also in attendance were Brian DiStefano, Board Attorney, Ernest J. Peters, Board Engineer, Anna Wainright, Board Planner, Sandra Van Blarcon, Certified Court Reporter and Patricia Osborne, Board Secretary.

Approval of Minutes

Minutes from August 10, 2011 have been approval pending amendment.

Old/New Business

Vouches

Professional services for:

Linda Sullivan Hill	\$ 550.00
Tier & DiStefano, LLC.	\$1,572.50
Remington, Vernick & Vena	\$ 4,095.00

Resolutions

BOA#11-5365-Switaj/Block: 1407 Lot: 8.02/2 conor Ct

Motion to approve made by Mr. Hale, seconded by Mr. Elliott, motion to approved carried, Mr. Gudaitis opposes Chairman Fulcomer opposes application. Application approved.

BOA # 11-5352- RTC Policies, FLP/Block: 1014 Lot: 17/978 Rt. 9

Motion to approve made by Mr. Gudaitis, seconded by Ms. Mazzella, motion carried.

BOA#11-5354-Forest Hills 5, LLC/Block: 234 Lot: 5 & 6/Kent Place

Motion to approve made by Mr. Elliott, seconded by Mr. Gudaitis, motion to approve carried.

BOA#08-5237-T-Mobile/Omnipoint-St. Barnabas Church-33 Woodland Road./ Block: 837.03 Lot: 7.01/Remand from Court to impose conditions.

1. Minucci

BOA# 11-5364

Variance(s) requested: A rear yard setback variance of 11ft. where 20ft.is required.

Project: To construct a 16'X30' deck.

Block: 1218.02 Lot: 32

Address: 5 Bowsprit Drive Zone: R-60 Residential Zone

Applicant has requested to carry until October 5th meeting, he has retained an attorney and need addition time.

Motion to carry until October 5, 2001 made by Mr. Elliott, seconded by Mr. Gudaitis, motion to carry approved.

2. Gallo

BOA# 11-5361

Variance(s) requested: A variance for rear yard setback of 7.3 ft. 14 feet required for a "three seasons" room, 20ft. required for an addition to the home. A lot coverage variance for 43.2% where 20% is permitted.

Project: To construct a 13' X 13" sunroom on the rear of the existing home.

Block: 10.27 Lot: 55

Address: 91 Narberth Way Zone: R-400 PRRC Residential Zone

Denial Reads: The applicant proposes to construct a 3-season room on an existing concrete slab which will leave a 7.3 ft rear yard setback where 14 feet is required in the PRRC zone.

*Fred Gallo & Lyndsay Gallo, property owners, sworn in.
Jerry Kay, representative for the contractor, SRA Contractors,
The applicant has stated that the sunroom is common build- on in this area.
Mr. Peters stated that the application is for a not an addition it is a sunroom.
Two rear yard setbacks, rear yard structures and rear yard patio structures.
Also variance is required for lot coverage.
Mrs. Gallo stated that the sunroom will not exceed the existing cement pad and
water runoff will not change.
They will not intrude with the rear yard that is protected land that will not be
disturbed.
No heating in the sunroom. Homeowners Association has approved the
proposed application.*

*Open to the Public, no comments, motion to closed Public Portion made by Mr.
Elliott, seconded by Ms. Mazzella, motion carried.
Motion to approved made by Mr. Gudaitis, seconded by Mr. Elliott, motion
carried without further discussion.*

3. Breckenridge

BOA#11-5354

*Variiances requested: Lot area, lot frontage, rear yard setback, and
combined side yard setbacks.
Project: Construct a new single family home.
Block: 570 Lot: 13 & 14
Address: Nixon Avenue Zone: R-125 Residential Zone
Denial Reads: The applicant proposes a SFD in the R-125 Zone on a
5,000sf lot where 12,500 is required with 50 feet of lot frontage wher 100 feet is
required.
However, it appears that the applicant requires four bulk variances, one each
for lot area, side yard setback combined, lot frontage, and rear yard setback.*

*Mr. & Mrs. Winton, adjacent property owners have requested that this hearing
be adjourned to a further date. The applicant and Mr. & Mrs. Winton are
attempting to negotiate the sale of adjacent property. The Winton's could not
attend tonight's meeting due to a prior engagement.
Chairman Fulcomer respectfully asks the applicant to carry until a later date.
Mr. John Doyle, applicant's attorney, reluctantly agreed to carry until
November 9, 2011.*

*Mr. Doyle, attorney for
Two adjacent property owners are Mr. & Mrs. DeMasi and Mr. & Mrs Winton.
Buy/Sell letters were sent to both neighbors. The Wintons have vacant lots. The
DeMasi's have a house on their property.
The Wintons stated that they would sell lots 11 & 12 as if it had a variance.
The seconded letter sent in August the Wintons stated that they would sell lots
10, 11 & 12. The Winton's own lots 1-12 & 38-50. The law doesn't require to sell
as if it were a buildable lot. An appraisal must be made as if it were just dirt, not
as a buildable lot.*

*Chairman Fulcomer stated that this application be present when both parties
are present, all evidence must be presented at that time.*

4. Jerman

BOA#11-5285

*Variance(s) requested: A variance to construct a SFD on an
unimproved road.
Project: Construct a new single family home.
Block: 392 Lot: 6 & 7
Address: Manhattan Ave. Zone: R-150 Residential Zone
Denial Reads: The applicant proposes to construct a new single family dwelling
without the required 100ft. street frontage on an improved road.*

Jeffery Jerman, applicant, sworn in introduces the application, stating that this is a conforming lot but on an unimproved road.

Applicant will improve the road along Manhattan Avenue.

Jeff Daum, Applicant's Engineer, sworn in. Mr. Daum describes the location both Taylor and Manhattan Ave. are unimproved roads.

Applicants' intent to install curbing, paving and drainage. Septic and well will service the dwelling.

Mr. Elliott brought to the Boards attention that the application was applied for in 2009. The information that was introduced was from 2009. This information is not current. The area now has city water. Well water is not required. Mr.

Elliott stated that he is not comfortable with information that is 3 years old. He suggested that the applicant resubmit current information. Also tax information is not current.

Mr. Jerman stated that he can submit updated information as a condition of approval.

The Board decided that it is not comfortable hearing the application any further during this meeting and suggests that the applicant revise his application and return for the November 9, 2011 meeting. The applicant agreed to the Board's suggestion. Accordingly, the application was postponed to November 9, 2011 and the applicant waived the time limit for consideration of the application.

Meeting adjourned at 8:30.

Respectfully Submitted,

*Patricia A. Osborne
ZBOA/Planning Board Secretary*

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