

The Regular Meeting of the BERKELEY TOWNSHIP ZONING BOARD was held on August 13, 2014 at the Municipal Building's Meeting Room, Pinewald-Keswick Road, Bayville, New Jersey.

Roll call was taken. Present were Chairman Richard Elliott, Larry Borio, Edward Gudaitis, Jerome Bollettieri, and Lee Gashlin. Also present were Alexander Pavliv, Esq., Zoning Board Attorney, John J. Mallon, PE, Zoning Board Engineer, Melanie Adamson, PE, Zoning Board Planner, Darlene Sillitoe, Court Reporter and Kelly Hugg, Secretary to the Zoning Board.

Chairman Elliott led the flag salute, moment of silence, read the public announcements and started the meeting.

1. **Elfert, Michael & Spicuzza, Maria** **BOA #14-5617**

Application: Construct a Rear Yard Deck with Setback Variance
Block: 1547 Lot: 104
Location: 252 Butler Boulevard

Denial Reads: "Applicant proposes to construct a deck in the rear yard that will have an 8.19 foot rear setback where 20 feet is required."

Mr. Elfert described renovation of home and requesting a variance for a deck. The platform of air conditioner cannot be moved.

Mr. Mallon questioned steps in rear deck; side yard setback variance which will make, roof runoff not going into lagoon; waiver for curbs and sidewalks; discussed air conditioning unit location.

Mr. Pavliv and Ms. Adamson had no questions.

The Board members questioned if he would be enclosing deck; the air conditioner location; enclosing the lower level.

Chairman Elliott opened to public comment; Mr. Borio motioned to close to public; seconded by Mr. Gudaitis.

Motion by Mr. Borio to approve; seconded by Mr. Bollettieri; with stipulations for waiver on curbs and sidewalks and runoff to the lagoon. Motion carried.

2. **Leonard, George B.** **BOA 14-5603**

Application: Replace a Storm Affected Single Family Dwelling With a New Single-Family Dwelling with Setback Variance
Block: 1556 Lot: 14
Location: 227 Rosewood Drive

Denial Reads: "Applicant proposes to construct an elevated 2-level single family dwelling that will leave an 11 foot rear yard setback from the property line and a 13.35 foot setback from the bulkhead where 20 feet is required. New dwelling will not be on the same footprint of the previous structure."

Attorney: Fred Wiedeke

Engineer: Jason Marciano, PE

Mr. Wideke introduced Mr. Marciano of East Coast Engineering explained property to be typical lagoon lot. Mr. Marciano explained applicant proposing new home and requesting a rear yard setback variance for deck. Mr. Marciano introduced exhibit of larger scale drawing to Board and photographs of surrounding neighborhood. Mr. Marciano said proposed house is in conformance with neighborhood. Mr. Wideke mentioned requesting waiver for curbs and sidewalks. Mr. Marciano explained the roof runoff.

Ms. Adamson questioned about open deck; floor area; AIA plans will be sealed; site inspection indicated that there deck would be obstructing view.

Mr. Mallon questioned roof runoff.

Mr. Pavliv questioned about submitting a proposed grading plan.

The Board Members questioned grading issue of adjoining property and suggested revising swale; when new bulkhead was being installed and if bulkhead would be replaced in same area; recommended a turbidity curtain around work-site; CAFRA permits for bulkhead; property line in rear to bulkhead

Mr. Pavliv said that the turbidity curtain was not in the jurisdiction of the Zoning Board.

Chairman Elliott opened to public; Mr. Borio motioned to close to public; seconded by Mr. Bollettieri.

Motion by Mr. Bollettieri to approve; seconded by Mr. Borio to approve this application, with stipulations for grading. Motion carried.

3. **Hubbs, John** **BOA # 14-5619**

Application: Construct a Front Yard Deck with Setback Variance.

Block: 1710, Lot: 2265

Location: 230 Twenty Second Avenue, South Seaside Park

Denial reads: "Applicant proposes to construct an 18'x7.5' deck in the front yard that will leave a 12.2' front setback where 25 feet is required."

Mr. Hubbs testified that he was proposing to construct an 18 x 7.5' deck in front yard. The deck will not be enclosed top or bottom.

Mr. Mallon questioned the edge of pavement; location of parking; step and stair location; no disturbance to land; deck coverage.

Ms. Adamson and Mr. Pavliv had no questions

The Board questioned the size of deck; direction of cantilevered landing; steps.

Chairman Elliott opened to public comment; Mr. Gudaitis motioned to close to public; seconded by Mr. Borio.

Motion by Mr. Gudaitis to approve; seconded by Mr. Bolliettieri; with stipulations for waiver on curbs and sidewalks and grading. Motion carried.

4. **Lagrosa, James M. & Wilda D** **BOA # 14-5592**

Application: Construct a Two-Story SFD on an Undersized lot with a Side Yard Setback & Combined Side yard Setback, Rear Yard Setback, Step Setback and Front yard Setback Variances.

Block 1551, Lot 25

Location: 252 Pine Drive

Denial reads: "Applicant proposes to replace a storm Sandy affected SFD with a 2-story 1680sf SFD with conforming side entrance stairs and stoops and exterior stairway to an elevated deck. The new SFD will have a rear setback of 14.2 (20' required), a side setback of 5' (7 required), a combined side setback of 12' (18' required), a front setback of 19' (25' required), and a front entrance stoop and stairs less than 12' from the front property line and in excess of 10' of their perimeters."

Attorney: Michael Paxton

Engineer: Mr. Kornick

Mr. Paxton explained that the plan was revised in conformance with suggestions in review letters from T&M Associates and Remington, Vernick & Vena. Mr. Kornick explained what the existing conditions had been. Mr. Kornick explained that the applicant is proposing a new 2 story home, with portion of lower level enclosed, porches proposed and proposed deck. The proposed deck will not be enclosed. The raised stairs will require a variance. Waivers were requested of curb and sidewalks; all roof runoff will be piped through driveway; landscaped with pavers; explained benefits of the variances; explained generator pad.

Mr. Mallon questioned steps and side setback variance; all items have been addressed.

Mr. Pavliv no questions.

Ms. Adamson questions AIA plans signed and sealed; floor area; consistent with other area homes; parking underneath; relocation of air conditioning unit; step variances; feels there is a sight issue on this lot; distance to the bulkhead from what was existing.

The Board members questioned the bulkhead and if it would be replaced; steps on east side distance to setback; generator pad and air conditioning unit platform; distance to bulkhead; feels that deck should be reduced.

Chairman Elliott opened to public comment; Mr. Gudaitis motioned to close to public; seconded by Mr. Bolliettieri.

Motion by Mr. Gudaitis to approve with stipulations; seconded by Mr. Gashlin. Motion carried.

5. **Podesta, John** **BOA #14-5599**

Application: Legitimize Construction of a Raised Paver Patio and Hot Tub with a Setback Variance to the Bulkhead

Block: 1628 Lot: 8

Location: 64 Harbor Inn Road

Denial Reads: "Applicant proposes to construct a raised paver patio and a hot tub that will leave a 3.2' setback where 15' is required"

Attorney: Joseph D. Coronato, Jr.

Engineer: Jason Marciano, PE

Mr. Marciano explained current conditions of raised paver patio; deck area height; amend plan to take out columns; all walls and all columns will change, but not the deck; keep pavers and lose all walls; hot tub is still proposed (height) 14 inches above patio surface, which will be 9 ½ feet back from bulkhead; providing a drywell. Enter pictures into exhibit. Block 6 inches in height.

Mr. Mallon questioned location of hot tub moving to far end; proposed shed location; patio if flush should have steps due to safety issues; should comply with local building code.

Ms. Adamson questioned AIA plans; no trees; replacement of concrete and decorative stone; runoff; railing for safety issue.

The Board members questioned height of patio from Harbor Inn Road; applicant did without permit; existing bulkhead; grade is unacceptable; decorative stone elevation; thickness of the block; concerned about weight on the dead men; dock is legal, riparian; dimension of hot tub; what is underneath the paver blocks; elevation of the dock and questioned elevation of the ground (existing grade); thickness of pad;

Chairman Elliott opened to Public portion

April DeGroat 62 Harbor Inn road (west side) objects to patio; the height is blocking the view; concerned about applicant putting a roof over the deck; location of hot tub; feels it devalues their property.

Attorney Coronato presented exhibit A-2, questioned about tree and blow up pool.

Gary DeGroat 62 Harbor Inn Road questioned about the setbacks. The patio blocks block circulation of air.

Attorney Coronato questioned Mr. DeGroat about neighbors Jacuzzi blocking his view.

Robert Heyboer (neighbor) questioned notice; hot tub height and weight.

Mr. Coronato questioned Mr. Heyboer picture to the east showing hot tub; distance is it 15 feet. His view is not obstructed.

Ms. Astorio 69 Cedar Run Road objected because applicant never went through the proper procedures of obtaining the required permits.

Mr. Coronato questioned Ms. Astorio.

Mr. Battisti, Zoning official for Berkeley Township, clarified that Mr. Podesta never was issued a permit. A permit is needed to construct any sort of deck.

Mr. Coronato questioned Mr. Battisti regarding being contacted by telephone for information regarding placement of deck.

Mr. Pavliv questioned Mr. Battisiti regarding being contacted by applicant.

Mr. Gudaitis motioned to close to public; seconded by Mr. Bolliettieri.

Mr. Gudaitis motioned to deny application with stipulations; seconded by Mr. Bolliettieri. Motion carried.

F. RESOLUTIONS

Richard & Tammy Schmidt, BOA #14-5605

Gregory Wagner, BOA #14-5606

Peter & Zorine Iesals, BOA #13-5568

Justin & Tina Lucas, BOA #14-5601

Motion by Mr. Gudaitis to approve; seconded by Mr. Gashlin. Motion carried.

G. VOUCHERS

Motion by Mr. Gudaitis to approve; seconded by Mr. Gashlin. Motion carried.

H. MINUTES FROM JULY 23, 2014

Motion by Mr. Gudaitis to approve; seconded by Mr. Gashlin. Motion carried.

I. ADJOURNMENT

Motion by Mr. Gudaitis to approve; seconded by Mr. Gashlin. Motion carried.