

The Regular Meeting of the BERKELEY TOWNSHIP ZONING BOARD was held on September 10, 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, Edward Cammarato, Louis Tuminaro, Gerard Reuter, John Macmoyle, and Anthony Granberg. Also present were Alexander Pavliv, Esq., Zoning Board Attorney, John J. Mallon, PE, Zoning Board Engineer, Melanie Adamson, PE, Zoning Board Planner, Linda Sullivan-Hill, 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. Chairman Elliott stated to the public that the public is allowed to speak for a period of 10 minutes and that no cases will be heard after 10:00 p.m.

1. **O'Hearn, Frank W. & Natalie** **BOA #14-5620**

Application: Replace Storm Affected Single-Family Dwelling with a New Single-Family Dwelling with Setback and Lot Coverage Variances.

Block: 1554 Lot: 27

Location: 251 Fernwood Drive

Denial Reads: "Applicant proposes to replace a Storm Sandy affected SFD with a 2-story SFD leaving a rear yard setback of 16.98 feet (20 feet required from bulkhead), a 16 foot combined side setback (18 feet required), a rear yard deck with a 12.9 foot rear setback (20' from bulkhead required), and lot coverage of 30.9% (30% max allowed)."

Attorney: Harvey L. York

Engineer: Jason Marciano

Attorney York and Mr. Marciano explained that the applicant proposes to take down 1 story home and replace with 2 story cape, open ground level. The lot coverage is closer to compliance than what was existing; waiver for curb and sidewalks; proposing decorative stone; consistent with neighborhood.

Mr. Mallon questioned location of bulkhead; enclosure; recommended waiving preliminary grading plan; roof runoff to go into lagoon.

Attorney Pavliv had no questions.

Ms. Adamson questioned storm inlet; felt that the proposed home for house was done well.

The Board members questioned the air conditioning unit location due to safety issues; consider moving stairs; 2 exits recommended; deck coverage.

Chairman Elliott opened to public comment; Mr. Gudaitis motioned to close to public; seconded by Mr. Bollettieri. Motion carried.

Motion by Mr. Gudaitis to approve; with stipulations for waiver of preliminary grading plan, curbs and sidewalks, relocation of the air conditioning unit and runoff to the lagoon; seconded by Mr. Borio. Motion carried.

2. **Scarlata, Mary** **BOA 14-5600**

Application: Replace Storm Affected Single-Family Dwelling with a New Single-Family Dwelling with Setback Variances.

Block: 1549 Lot: 37

Location: 218 Cedar Drive

Denial Reads: "Applicant proposes to construct a SFD with a front yard setback of 21.03 feet to the front deck where 25 feet is required, and a rear yard setback of 10 feet to the rear deck where 20 feet is required and a 5' side setback, and a combined side setback of 13 feet where 18 feet is required."

Builder: John Schneider

Mr. Borio recused himself from this matter.

Mr. Pavliv questioned what relation Mr. Schneider was to applicant.

Mr. Schneider explained that the applicant was proposing to construct a storm damaged Sandy home which will require variances.

Mr. Mallon questioned the date of survey; variance for floor area; exceed square footage; rear and front yard setback discussed. Mr. Mallon said that there would be no fireplace and move air conditioner unit; gravel to

remain; waiver for curbs, sidewalk and paving; front steps violate what is allowed; request to revise zoning table; under the deck will not be enclosed; shed to be moved under house.

Ms. Adamson AIA plans need to be signed; relocate the air conditioning unit; relocate shed; the deck proposed would be obstructing neighbors view to west based on site inspection.

Mr. Schneider entered pictures (12) A-1 exhibit.

The Board members questioned the front steps encroaching and the view obstruction caused by deck; requested applicant to change size of deck; air conditioner location; move side setback over 2 feet (9 and 7); step location; lower landing eliminate the first landing; front deck and rear would be made smaller; roof drains to lagoon.

Mr. Schneider agreed to make changes as requested by the Board and Professionals.

Chairman Elliott opened to public.

Marian Brovero 216 Cedar Drive would the application denied. Ms. Brovero feels that views will be disrupted.

Jeffrey Carney, Esquire, 4 Banter Place, Hackensack, stated applicant did not testify to hardship.

Richard Brovero questioned air conditioner unit location; deck size and location; concern about erosion of adjoining property; stair location; he is against the application.

Mr. Schneider verified that the lower level would not be enclosed and used to park a car under.

Mary Scarlata explained hardship due to FEMA guidelines.

Elizabeth Orak 7 Holly Place stated that deck would be obstructing view; the size of deck was too large; and opposed to application.

Michael Orak 7 Holly Place questioned piling and cantilever deck.

Glenn Heller 210 Cedar Drive felt the house was too large for the property.

Virginia Zdzchowski 212 Cedar Drive opposed the application. Ms. Zdzchowski's view would be obstructed.

Maryann Froriep 210 Cedar Drive opposed to application; view would be obstructed; feels the deck should be different.

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

Motion by Mr. Gudaitis to approve with stipulations to relocate the air conditioner to the rear, move the shed underneath, reduce the deck to 8 feet, reduce the front deck to 6 feet, move the house over 2 feet, open deck to the rear and underground, submit a grading plan and a waiver for curbs, sidewalks and paving and raise the back landing on the stairs to the level of the deck; seconded by Mr. Macmoyle. Motion carried with Chairman Elliott abstaining.

3. Jerman, Jeffrey

BOA #14-5582

Application: Construct Single-Family Dwelling on Corner Lot fronting on Unimproved Roads with Lot Area, Setback and Lot Coverage Variances.

**Block: 412, Lots: 6 & 7
439 Brinley Street**

Denial Reads: "Applicant proposes to construct a SFD on a 10,000 sf corner lot (130,680 sf required) that fronts 2 unimproved roads, with 35.5' & 36' front yard setbacks (75' required), a 35.5' rear yard setback (50' required), a 21.7' side yard setback (25' required), and lot coverage of 11% where 10% is maximum allowed."

Applicant: Jeffrey Jerman

Engineer: Jeffrey Daum

Continuation of previous testimony; entered another exhibit of A-4 of house Mr. Jerman felt that Mr. Cammarato should recuse himself; bulk variances are required; upgraded to 3 acres zoning; proposing to knock down house and construct a two story home; proposed dwelling will conform to neighborhood. Mr. Jerman tried to purchase surrounding property owned by Township.

Mr. Daum continued testimony regarding the T & M review letter requesting waiver for tree removal permit since there is open space. Drainage improvements requested a waiver. Mr. Daum gave testimony regarding Remington, Vernick & Vena review letter.

Mr. Mallon did not agree with Mr. Daum's testimony regarding the road; questioned note number 3 of plan; needs a letter of interpretation regarding wetlands; questioned emergency access.

Ms. Adamson stated that the plans should be signed and sealed; stated that performance bonds should be submitted.

Mr. Tuminaro left for the night.

The Board members questioned the 18 foot wide road not able to support emergency vehicles; tree removal; property owner's scheduled; questioned the datum referred to on map; water elevation; gravel road construction; who is responsible for road; feels both roads should be improved to 30 feet; lighting should be on road Seabrook and end section of Brinley; maintenance of road; the lot numbers on maps; Seabrook should be extended; Letter of Interpretation for wetlands.

Chairman Elliott opened to public comment.

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

Mr. Jerman felt the recommendation of paving roads was not necessary.

Motion by Mr. Gudaitis to approve with stipulations that both roads are paved 30 feet wide per Berkeley Township ordinances, a bond be posted, rain barrel and recharge trenches, lights are include on Seabrook and Brinley, Letter of Interpretation regarding wetlands (if present), sealed architectural plans be submitted, a "T" at the intersection and barricade at end of Brinley with a light; seconded by Mr. Bollettieri. Motion carried.

RESOLUTIONS

Michael Elfert & Maria Spicuzza, BOA #14-5617

James M. & Wilda LaGrosa, BOA #14-5592

George Leonard, BOA #14-5603

John Hubbs. BOA #14-5619

John Podesta, BOA #14-5599

Motioned by Mr. Gudaitis to approve; seconded by Mr. Bollettieri. Mr. Reuter, Mr. Granberg, Mr. Cammarato and Mr. Macmoyle abstained; Mr. Borio abstained on James M. & Wilda LaGrosa BOA #14-5592. Motion carried.

VOUCHERS

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

MINUTES FROM August 13, 2014

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

ADJOURNMENT

Motion by Mr. Bollettieri to adjourn; seconded by Mr. Cammarato. Motion carried.