

The Regular Meeting of the BERKELEY TOWNSHIP ZONING BOARD was held on February 11, 2015 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, John Macmoyle and Gerard Reuter. Also present were Alexander Pavliv, Esq., Zoning Board Attorney, John J. Mallon, PE, Zoning Board Engineer, Melanie Adamson, PE, Zoning Board Planner, Jacquelyn Wahler, 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.

SUNSHINE ACT STATEMENT: This meeting was advertised in the Asbury Park Press, posted on the Township's bulletin board as required by the "Open Public Meeting Act".

Please be advised that there is to be **NO SMOKING** in this building in accordance with New Jersey Legislation.

Chairman Elliott spoke to Mr. Tuminaro regarding his position as secretary for the board and because of Mr. Tuminaro's work schedule; Mr. Tuminaro would have to resign as secretary for the board. Chairman Elliott elected Gerard Reuter to replace Mr. Tuminaro as secretary for the board.

Motion approved by all members present at the meeting. Motion carried.

#### AGENDA

Gallo, Brian

BOA 14-5641

Application: Use Variance and Preliminary & Final Major Site Plan  
Block: 882 Lot: 2.05  
Location: 155 Route 9  
Zone: HB

Denial Reads: "Applicant proposes to establish a contractor storage yard for dumpsters and outdoor sales of mulch, topsoil, concrete & stone. There is no principal structure on site at present and no plans to construct a principal building."

Chairman Elliott announced at the meeting that the above case would be carried until May 13, 2015 with no further notice and that this would be the last time the matter was carried. If carried again, the applicant would have to re-notice.

Jerman, Jeffrey

BOA #14-5593

Application: Construct a Single-Family Dwelling on an Undersized Lot with Setback and Lot Coverage Variances.  
Block: 383 Lot: 1  
Location: Western Boulevard at Veterans Boulevard  
Zone: CR

Denial Reads: "Applicant proposes to construct a SFD on an undersized corner lot – 7,769 sf lot (130,680 sf required), 59.36' frontage (200' required), 138' lot depth (200' required), 18% lot coverage (10% max. allowed), 12' & 65' front setbacks (75' required), 25' rear yard setback (50' required) and a 14' side setback (25' required)."

Mr. Jerman testified this was a continuance from previous meeting due to proposing a new house plan; entered as exhibit B-1 - new house design. Mr. Jerman contacted the Sewer Authority and was told there was no sewer easement and sewer was built outside of the property line. Mr. Jerman did not feel that rain barrels were a requirement in this area but was willing to put two barrels in the back of the property. Mr. Jerman addressed the comments made on the review letter prepared by T & M Associates. The previous zone was R-15.

Mr. Daum explained that house was revised from ranch to cape cod which shortened the house and felt that the cape would conform more to the neighborhood. The parking was revised and the site triangle was shown. Mr. Daum stated that even if there was a sewer easement, the development was located a substantial distance away and the easement would not affect the use of this property. Mr. Daum requested waivers for curbs and sidewalks.

Mr. Mallon stated that the front setback was changed and the lot coverage became less. Mr. Mallon questioned if Mr. Jerman would have a problem granting a sewer easement if requested.

Mr. Pavliv explained that without the easement, the Town would not be able to access the property to repair any damages. The easement would grant permission for the Town or Sewer Authority to access the property if repairs were needed.

Ms. Adamson questioned the lot size and is the home conforming to the other homes constructed in this neighborhood; what was the previous zoning; tree removal and driveway.

The Board members questioned the location of the vegetation area; concerned that the lot is lacking in depth.

Chairman Elliott opened to Public comment.

Motion to close to public by Mr. Reuter; seconded by Mr. Macmoyle. Motion carried.

Motion to approve by Mr. Borio with stipulations; seconded by Mr. Bollettieri. Motion carried with Mr. Macmoyle and Mr. Reuter abstaining.

Wunnenberg, Jennifer & Charles (Rantz) BOA 01-4115

Application: Amend Resolution previously approved in 2001

Block: 1668 Lots: 6 & 7

Location: 297 O'Hanlon Avenue

Zone: BC

Applicant requests amendment to previously approved Resolution from 2001.

Charles Wunnenberg, 2530 Rickert Road, Perkasio, PA, requested an extension for a previously approved time extension of 1 year. Mr. Wunnenberg stated that they received the CAFRA permit. The previous house was larger and they will be building smaller home.

Mr. Mallon questioned the applicant regarding the CAFRA permit. The house that was approved by the previous resolution was larger and now the dwelling proposed is actually smaller. Mr. Mallon requested that the house be shifted over one foot so there would be a five foot clearance to the air conditioner unit. A variance for the stairs would be necessary. Mr. Mallon reviewed the plan which had been submitted to the Zoning Officer.

The Board questioned is there a house on this property; questioned the one year extension resolution; should there have been plans submitted.

Mr. Pavliv explained that the Applicant presented this change requesting that the Board waive the one year extension stipulation from the previous resolution.

Chairman Elliott opened to Public comment.

Motion to close to the public by Mr. Reuter; seconded by Mr. Bollettieri. Motion carried.

Motion to approve with stipulations by Mr. Reuter; seconded by Mr. Bollettieri.

Filan, Patrick BOA 14-5635

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

Block: 1033 Lots: 37 & 43.01

Location: 6 Williams Street

Zone: R-100

Denial Reads: "Applicant proposes to elevate and move a storm Sandy affected SFD that will leave a 6.5' side setback and a 13' combined setback (10' and 30' required, respectively) and construct a 256 sf addition that will leave a 26.1' front setback where 35' is required.

Mr. H. Alton Neff, Brick Township, questioned Mr. Filan. Exhibits were entered as follows: Exhibit A-1 – Berkeley Township Zoning Board Variance Application package; Exhibit A-2 – Package of photos, unsigned resolution of the Cove of Toms River, and other miscellaneous information; Exhibit A-3 – Sketch of proposed dwelling. Mr. Neff said he would prepare a deed for the consolidation of the lots.

Mr. Filan, 6 Williams Street, Bayville, NJ - Mr. Filan discussed the history of the estate and explained the changes that occurred to the area as well as reviewed the items included in Exhibit A-2. All the improvements that are being done to the house are to conform to its earlier style. During Hurricane Sandy the house sustained damage prompting the proposed improvements Mr. Filan is applying for. Mr. Filan said he would conform to the 25 foot front yard setback. There was a request for a waiver for sidewalks. Mr. Filan would like to maintain the gravel driveway. No one responded to the buy sell letter. Mr. Filan will be using gravel for the driveway.

Ms. Adamson questioned if the lower level would be enclosed.

Mr. Mallon stated that the final plans for The Cove made all the front setbacks 25 feet. Mr. Mallon requested that the house be moved back to a 25 foot front setback. Mr. Mallon questioned if Mr. Filan would have a problem with the consolidation of the lots. The coverage will match The Cove and Mr. Mallon listed the waivers requested.

Mr. Pavliv questioned the buy sell letter and if there was a response.

The Board questioned the height of the wood fence in the back; the front yard setback; suggested using crushed shell for driveway.

Chairman Elliott opened to public.

Robert Parzanese, 40 Cedar Street, was pleased with the renovations and changes that Mr. Filan was making to the property.

Gary Bleiberd, 30 Doyle Drive, Bayville was in favor of the development and likes the history of the dwelling located on the Filan's lot.

Motion to close to the public by Mr. Gudaitis; seconded by Mr. Bollettieri. Motion carried.

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

#### VOUCHERS

Linda Sullivan Hill  
Alexander Pavliv, Esquire

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

#### RESOLUTIONS

Josephine Hatch – BOA #15-5647  
John & Denise DiCapua – BOA #14-5630

Motion to approve by Mr. Reuter; seconded by Mr. Macmoyle. Motion carried.

#### PROFESSIONAL AGREEMENTS

T & M Associates – John J. Mallon, PE - Board Engineer  
Alexander Pavliv, Esquire – Board Attorney

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

#### ADJOURNMENT

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