

The Regular Meeting of the BERKELEY TOWNSHIP ZONING BOARD was held on November 12, 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, Jerome Bollettieri, Edward Cammarato, Edward Gudaitis, 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, 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.

1. **Bogdan, Kenneth & Mary** **BOA #14-5621**
Application: Replace a Storm Affected Single-Family Dwelling with a New Single Family Dwelling with Setback and Lot Coverage Variances.
Block: 1553 Lot: 19
Location: 240 Evergreen Drive

Denial Reads: "Applicant proposes to replace a Storm Sandy affected SFD that will leave a front setback of 19.5 feet (25' required), a rear yard setback of 12.66 feet (20' required), a side setback of 5.10 feet (7' required), a combined side setback of 15.75 feet (18' required), and lot coverage of 35.2% (30% max. allowed)".

Chairman Elliott postponed with no further notice per Mr. Mallon; carried to December 10, 2014.

2. **Lee, Richard** **BOA #14-5626**
Application: Additions to an existing Single Family Dwelling Creating Setback Variances.
Block: 1246.05 Lot: 15
Location: 31 Steerage Way

Denial Reads: "Applicant proposes to replace a SFD with an attached deck that will leave a rear setback of 4.7' (20' required) and a side setback of 4.7' (5' required) and a combined setback of 11.3' (15' required)."

Engineer: Bruce Jacobs, PE

Mr. Lee explained the proposed construction; variance relief for expansion second level deck. Mr. Lee requested more storage space entered exhibit A-1 photos and explained photos of surrounding area. Mr. Lee wanted to do all construction including replacing bulkhead at same time. Mr. Lee wanted to know how many decorative rain barrels would be required.

Mr. Jacobs described the property and that the applicant was proposing to expand second floor deck, add a storage area and expand second story. Mr. Jacobs explained that Mr. Lee obtained approval from DEP to bump out the bulkhead. The lower deck would be lowered and lower level would be open to add visibility to the neighbors. Mr. Jacobs explained all the variances applicant was requesting. The roof runoff piped to the lagoon drainage. Adequate provisions to light and space requirements and feels there is no detriment to the public.

Mr. Mallon questioned the lot coverage indicated on the plan; schedule on replacement of the bulkhead; ground level deck; will decks be enclosed underneath; questioned location of air conditioning units.

Ms. Adamson questioned the front yard setback. Ms. Adamson questioned what was underneath the upper deck and felt second floor deck was excessive and not conforming with neighboring homes.

The Board members questioned the elevation of the roof top deck and what is the height; what temporary structures are being put on the roof top deck; use decorative rain barrels for the runoff; was there a permit for the rear deck; did not like that the proposed deck was that close to the bulkhead and the height of the deck; requested that applicant explain the finished height of the structure; pictures were questioned and the addresses.

Chairman Elliott opened to public.

Motion to close to public by Mr. Cammarato; seconded by Mr. Gudaitis. Motion carried.

Motion by Mr. Borio to approve with stipulations, no Certificate of Occupancy until the bulkhead is constructed; seconded by Mr. Cammarato. Motion carried.

3. Jerman, Jeffrey**BOA #14-5623****Application: Construct a Single-Family Dwelling on an Undersized Lot.****Block: 473, Lot: 14****Hayes Avenue****Denial Reads: "Applicant proposes to construct a SFD on a 7500 sf lot with 50 ft. lot frontage where 12,500 sf and 100 ft. are required."****Engineer: Graham MacFarland**

Mr. Jerman stated he is applying for variance for undersized lot; introduced the buy sell letters and responses from the neighbors indicating they were not interested in buying or selling lot exhibit A-1; exhibit A-2 ; Millers' response; exhibit A-3 samples of deeds for undersized properties; exhibit A-4 Wilson letter; A-5 affidavit; A-6 picture board. Mr. Jerman explained the hardship. Mr. Jerman commented on the review letters prepared by T & M Associates and Remington, Vernick and Vena's.

Mr. MacFarland summarized the location, the variances that are required, and proposed home to be constructed. The home is similar to existing homes in the neighborhood. There is no violation in light, air or space of neighborhood. The runoff of the drainage was discussed. The overhead line will be relocated. Mr. MacFarland clarified that Mr. Jerman was not the builder.

Mr. Mallon questioned where the location of the trees were on the plan in the back of the property; restrict the trees in the back; basement in house; sump pump not to be tied into the dry wells.

Ms. Adamson requested that the Architectural plans be signed and sealed. Ms. Adamson requested that a note be added for the tree stump removal.

The Board questioned if Mr. Jerman received an appraisal for the lot; who relocates the power line; how many homes were built by Mr. Jerman in this area; are the plans changing; can stipulation be added to resolution to hook up to public utilities; are adjoining properties tied into sewer and water; could the drywell be eliminated if piped to inlet; the survey bearings were incorrect; concern about application being incomplete without signed Architectural plans; roof runoff.

Mr. Pavliv discussed Architectural plan issue and tree stumps.

Chairman Elliott opened the meeting to the Public.

John Miller 321 Hayes Avenue was interested in purchasing property. Mr. Miller did not understand how Mr. Jerman could claim there was a hardship. He objected to the development.

Mr. Pavliv explained definition of what a hardship entailed.

Mark Saliski 455 Western Blvd. is against the development proposed for this property.

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

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

4. 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****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)."****Engineer: Jeff Daum**

Mr. Jerman explained the buy sell letters and responses from the adjoining neighbors; introduced following exhibits: exhibit A-1 letter sent certified mail to Mr. and Mrs. Joseph Boudreau; A-2 Affidavit; A-3 picture board; Exhibit A-4 site plan. Mr. Jerman explained the variances that were required for this proposed development.

Mr. Daum summarized that property located in conservation zone; undersized lot in this area; discussed the variances that were required for this proposed application; Mr. Daum explained the existing houses are similar to what is presently in the neighborhood. Mr. Daum reviewed the letters from T & M Associates and Remington, Vernick & Vena.

Mr. Mallon wanted to know if any changes to the survey map; questioned the proposed architectural plans differ from what was originally submitted to the Board.

The Board felt that the architectural plans were insufficient; wanted confirmation of the easement.

Mr. Pavliv stated to applicant to have the actual architectural plans that will be proposed for this site at the next meeting.

Motion to carry the matter by Mr. Cammarato; seconded by Mr. Bollettieri. Motion carried.

5. **Sideris, Nick**

BOA #14-5638

Application: Repairs and Renovations to a Fire Damaged 3-Family Dwelling Requiring a Use Variance and Variances for Setbacks and Lot Coverage.

Block: 1706 Lot: 205

Location: 2009 Central Avenue

Denial Reads: "Applicant proposes repair a fire damaged 3-family dwelling that did not receive previous approval for use as a 3-family dwelling. Variances also needed for existing non-conforming bulk requirements – front setback 16.23' – 25' required, rear setback 17.94' – 20' required, side yard setback 1.2' – 5' required, combined side setback 4.18' – 15' required and lot coverage of 93.7% - 60% max. allowed."

Attorney: Richard Stanzione

Architect: Mark Marcille

Mr. Stanzione stated that that there is no change in the footprint of the house; slight changes due to fire damage. Mr. Stanzione reviewed the letters which were prepared by T & M Associates and Remington, Vernick & Vena. Taxation information from Ocean County entered as exhibit A-1. The applicant is willing to use emergency ladders from upper floors.

Mark Marcille, Architect, explained the existing conditions of the dwelling. Applicant proposes to convert flat roof for a balcony. No changes to footprint or the use. The existing ramp would be removed unless the building department requires the ramp to remain. The air conditioning units at rear of property and will be placed on platforms. There are no proposed grade changes. The existing parking is located on south side of house.

William Masters, planner, stated what variances the applicant was requesting and floor space was decreasing. The neighborhood is more residential than commercial in this area.

Mr. Mallon recommended to board to waive preliminary grading plan; how long has the property been around.

Ms. Adamson questioned lot coverage. The noise complaints will be addressed if necessary due to air compressors.

The Board questioned if the applicant was willing to put in the decorative rain barrels; what was cause of the fire; where the nearest fire hydrant is; egress to property for first responders; the exits located on third floor and what is the flood zone for this property.

Chairman Elliott opened the meeting to the Public.

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

Motion to approve by Mr. Borio with stipulations; seconded by Mr. Cammarato. Motion carried.

F. MINUTES APPROVAL

October 22, 2014

Motion to approve by Cammarato; seconded by Mr. Bollietieri. Motion carried.

Mr. Gudaitis spoke about Resolution for Island Drive.

G. VOUCHERS

T & M Associates

Linda Sullivan-Hill

Motion by Mr. Gudaitis; seconded by Mr. Bollietieri. Motion carried.

H. RESOLUTIONS

Mark & Heather Zavanelli – BOA #14-5622

Mary Scarlata – BOA #14-5600

Robert Bryant – BOA #14-5624

Michael McMunn – BOA #14-5625

Motion by Mr. Cammarato; seconded by Mr. Bollietieri. Motion carried.

I. ADJOURNMENT

Motion by Mr. Cammarato; seconded by Mr. Bollietieri. Motion carried.