

The Regular Meeting of the BERKELEY TOWNSHIP PLANNING BOARD was held on January 8, 2015 at the Municipal Building's Meeting Room, Pinewald-Keswick Road, Bayville, New Jersey.

Roll call was taken. Present were Anthony DePaola, Councilman John Bacchione, Brian Gingrich, Dominick Lorelli, Jack Wiegartner, Robert Winward and Frederick Bell. Also present were Ernie Peters, Planning Board Engineer, James Oris, PE, Planning Board Planner, Greg McGuckin, Esq., Planning Board Attorney, Linda Sullivan-Hill, Court Reporter and Kelly Hugg, Secretary to the Planning Board.

Mr. DePaola 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 and the Press of Atlantic City and posted in the Clerk's Office on the 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.

Swear in New members

Class I Member – Frederick Bell

Class II Member – Jack Wiegartner

Class III Member – Councilman John Bacchione

Mr. McGuckin swore in Jack Wiegartner and Councilman Bacchione. Mr. Bell had been sworn in previous to the meeting by the Township Clerk.

Board Re-Organization and Appointment of Professional Staff

APPOINTMENT OF BOARD CHAIRMAN

Nomination was made by Robert Winward to elect Anthony DePaola as Chairman; nomination seconded by Mr. Wiegartner; motion carried.

APPOINTMENT OF BOARD VICE CHAIRMAN

Nomination was made by Robert Winward to elect Mr. Wiegartner as Vice-Chairman; nomination seconded by Councilman Bacchione; motion carried.

APPOINTMENT OF BOARD SECRETARY

Nomination was made by Robert Winward to elect Domenick Lorelli as Secretary; nomination seconded by Councilman Bacchione; motion carried.

APPOINTMENT OF ACTING SECRETARY

Nomination was made by Robert Winward to elect Brian Gingrich as Acting Secretary; nomination seconded by Mr. Wiegartner; motion carried.

APPOINTMENT OF PLANNING BOARD SECRETARY

Nomination was made by Mr. Wiegartner to elect Kelly Hugg as Planning Board Secretary; nomination seconded by Councilman Bacchione; motion carried.

APPOINTMENT OF BOARD ATTORNEY

Nomination was made by Mr. Wiegartner to elect Greg McGuckin, Esquire of Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors as Planning Board Attorney; nomination was seconded by Councilman Bacchione; motion carried.

APPOINTMENT OF BOARD CONFLICT ATTORNEY'S

Nomination was made by Councilman Bacchione to elect Dina Vicari, Esquire, of R.C. Shea and Associates and Arthur Stein, Esquire of Stein & Supsie as Planning Board Conflict Attorney's; nomination was seconded by Mr. Wiegartner; motion carried.

APPOINTMENT OF BOARD ENGINEER

Nomination was made by Mr. Wiegartner to elect Alan Dittenhofer of Remington, Vernick & Vena as Planning Board Engineer; nomination was seconded by Councilman Bacchione; motion carried.

APPOINTMENT OF BOARD CONFLICT ENGINEER

Nomination was made by Councilman Bacchione to elect the Alaimo Group as Planning Board Conflict Engineer; nomination was seconded by Mr. Wiegartner; motion carried.

APPOINTMENT OF BOARD PLANNER

Nomination was made by Councilman Bacchione to elect James Oris of T & M Associates as Planning Board Planner; nomination was seconded by Mr. Winward; motion carried.

APPOINTMENT OF BOARD CONFLICT PLANNER

Nomination was made by Councilman Bacchione to elect the Alaimo Group as Planning Board Conflict Planner; nomination was seconded by Mr. Wiegartner; motion carried.

APPOINTMENT OF COURT REPORTER

Nomination was made by Brian Gingrich to elect Linda Sullivan-Hill as Planning Board Court reporter; nomination was seconded by Mr. Wiegartner; motion carried.

BOARD NEWSPAPERS

Nomination was made by Atlantic City Press
Asbury Park Press
Berkeley Times
Berkeley Patch

BOARD MEETING TIME AND DATES

Motion to hold the meeting of the Berkeley Township Planning Board on the 1st Thursday of each month. The hour for Regular Meetings will be 6:00 PM.

Nomination was made by Councilman Bacchione to approve the Planning Board meeting times and dates and the Board Newspapers; nomination was seconded by Mr. Winward; motion carried.

Comments from the Public:

General public comments are limited to five minutes per person.

Meeting Time

The Planning Board meetings will end at 10:00 p.m.

Memorialization of Pending Resolutions

Berkeley Family Apartments LLC – PB #14-010

Mr. McGuckin stated for the record, all conditions that were being included in the Resolution that were agreed upon at the December 4, 2014 meeting.

Motion to approve the resolution by Mr. Lorelli, Mr. Wiegartner and Mr. Winward.

Seymour Investments, LLC – PB#03-495

Mr. McGuckin stated the resolution for Seymour Investments, LLC would be completed and signed at the next Planning Board meeting.

Vouchers Submitted for Payment

Linda Sullivan Hill
Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors - \$7,767.82
Remington, Vernick & Vena - \$2,320.00
T & M Associates

Motion to approve by Mr. Winward; seconded by Mr. Wiegartner. Motion carried.

Approval of Minutes

November 6, 2014

Motion to approve by Councilman Bacchione; seconded by Mr. Wiegartner. Motion carried with Mr. Bell abstaining.

Call of Agenda Application

Consideration of Agenda Application

South Seaside Park Homeowners and Voters Association
De-Annexation Petition Hearing

Attorney: Joseph Micheline

Action: Public hearing & discussion

Mr. Micheline testified to the following: represents the residents of South Seaside Park for De-Annexation Petition hearing and indicated that a petition was signed by 285 of 435 voters for seeking De-Annexation from Berkeley Township. Mr. Micheline discussed the history of certain facts that were presented at the 1978 De-Annexation case and indicated that information that was presented at the time is similar with the testimony that will be presented now. Mr. Micheline introduced the following exhibits: Exhibit A-1 state of New Jersey DOT map under Christi Administration; Exhibit A-2 same exhibit as A-1 but includes a legend. Mr. Micheline described map and location of the Borough of South Seaside Park. There are no churches, no schools, no libraries, no public transportation, one police officer, fire prevention provided from Seaside Park and residents of South Seaside Park are in remote area. South Seaside Park residents would like de-annex from Berkeley and become a part of Seaside Park Borough. The commute to Bayville is a 25 to 45 minute trip depending on the season.

Mr. McGuckin stated the previous statute that was valid during the previous de-annexation case had changed. The Planning Board meetings will dedicate 2 hours to this case and stated that there will be several meetings to hear this case due to the testimony that will be presented. Stuart Wisner from Remington and Vernick will be an expert for Berkeley Township.

Don Whiteman, 2000 Barnegat Avenue, South Seaside Park. Mr. Whiteman, resident for 58 years, discussed the history of South Seaside Park; entered Exhibit A-3 - map from Rutgers University archives which shows that South Seaside Park was set up to be a part of Seaside Park. Mr. Whiteman was questioned by Mr. Michelini and he reviewed Exhibits A-1 and A-2.

Mr. McGuckin questioned Mr. Whiteman regarding the Exhibit A-3 map and the legends that were on the exhibits.

Mr. McGuckin said that the de-annexation case in 1978 never went through.

The Board members questioned the exhibits entered into the record; have the laws changed for the de-annexation; questioned why Mr. Whiteman was questioning the travel times after all these years.

Mr. McGuckin felt it was not appropriate to include in the record what happened in the de-annexation case of 1978 and times were different.

Mr. Michelini stated there were similarities in the 1978 case and the present case and did not know why the Board would not want to know what happened in 1978.

Mr. Wiser stated not only have there been changes in the statute but there have been a number of cases presented to guide the Board since 1978. The facts of the past case may not be relevant to the decision and recommendation of the Board.

Mr. Gingrich, Mr. Lorelli, Councilman Bacchione, Mr. Wiegartner, Mr. Bell, Mr. Winward and Chairman DePaolo voted at this time, no further testimony regarding the history of the 1978 De-annexation case was necessary.

Mr. Whiteman explained he did a travel study during March 2014 involving the distances to different areas of Berkeley Township. One way distance to drive to the Municipal Offices takes sixteen minutes. During the summer months, drive time can take up to forty-five minutes to the Municipal Offices.

Mr. Whiteman entered Exhibit A-4 – Whiteman mileage chart into the record and explained the time it takes to travel to the places on the exhibit.

Mr. Whiteman has been dissatisfied with the services of Berkeley Township regarding roads and snow removal. Mr. Whiteman discussed the recreational sports.

Mr. McGuckin questioned Mr. Whiteman regarding the recreational sports offered by Seaside Park and the school districts Seaside Park attended.

Mr. McGuckin explained that this case will take many months to be heard and the next meeting would be February 5, 2015.

Mr. Wiser questioned Mr. Whiteman regarding beach badges.

Mr. McGuckin questioned Mr. Whiteman about the Berkeley Township beaches.

Adjournment

Motion to adjourn by Mr. Gingrich; seconded by Mr. Winward. Motion carried.