

The Re-organization Meeting of the BERKELEY TOWNSHIP ZONING BOARD was held on January 13, 2016 at the Municipal Building's Meeting Room, Pinewald-Keswick Road, Bayville, New Jersey.

Roll call was taken. Present were Richard Elliott, Larry Borio, Jerry Bollettieri, Lou Tuminaro, Lee Gashlin, Edward Gudaitis, Edward Cammarato and Thomas DiMichele. Also present were Alexander Pavliv, Esq., Zoning Board Attorney, John J. Mallon, PE, Zoning Board Engineer, Melanie Adamson, Zoning Board Planner, Linda Sullivan Hill, Court Reporter and Kelly Hugg, Secretary to the Zoning Board.

Mr. 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.

SALUTE TO THE FLAG

Swear in members

Jerome Bollettieri – Member #6
Edward Gudaitis – Member #7
Thomas DiMichele – Alternate Member #1

Mr. Pavliv gave the Oath of Office and swore in the above members.

Board Re-Organization and Appointment of Professional Staff

APPOINTMENT OF BOARD CHAIRMAN

Nomination was made by Mr. Bollettieri to elect Richard Elliott as Chairman; nomination seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF BOARD VICE CHAIRMAN

Nomination was made by Mr. Bollettieri to elect Larry Borio as Vice Chairman; nomination seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF BOARD SECRETARY

Nomination was made by Mr. Bollettieri to elect Lou Tuminaro as Secretary; nomination seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF ZONING BOARD SECRETARY

Nomination was made by Mr. Bollettieri to elect Kelly Hugg as Planning Board Secretary; nomination seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF BOARD ATTORNEY

Nomination was made by Mr. Bollettieri to elect Alexander Pavliv; seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF BOARD CONFLICT ATTORNEY

Nomination was made by Mr. Bollettieri to elect Dina Vicari, Esquire, of R.C. Shea and Associates as Board Conflict Attorney; seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF BOARD ENGINEER

Nomination was made by Mr. Bollettieri to elect John J. Mallon of T & M Associates as Board Engineer; seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF BOARD PLANNER

Nomination was made by Mr. Bollettieri to elect Alan Dittenhofer of Remington, Vernick & Vena as Board Planner; seconded by Mr. Cammarato; motion carried.

APPOINTMENT OF COURT REPORTER

Nomination was made by Mr. Bollettieri to elect Linda Sullivan-Hill as Court Reporter; seconded by Mr. Cammarato; motion carried.

BOARD NEWSPAPERS

Asbury Park Press
Atlantic City Press
Berkeley Times
Berkeley Patch

Nomination was made by Chairman Elliott for the above newspapers; unanimous vote. Motion carried.

BOARD MEETING TIME AND DATES

Motion to hold the meeting of the Berkeley Township Board of Adjustment on the 2nd Wednesday of each month with Special Meetings on 4th Wednesday. The hour for Regular Meetings will be 6:30 PM (6:00 PM for Executive Caucus, if required).

Nomination was made by Chairman Elliott for the above newspapers; unanimous vote. Motion carried. Chairman Elliott said the Conflict Engineer and Conflict Planner will be made at next meeting.

AGENDA

1. **Jerman, Jeffrey** **BOA 14-5642**

Application: Single Family Dwelling with Lot Area and Bulk Variances

Block: 257.01 Lots: 22 & 23

Location: Columbus Circle SE

Zone: R-150

Denial Reads: "Applicant proposes to construct a SFD on a 6635 sf lot with 50' lot frontage (15000sf/100' required) and a 20' combined side yard setback (25' required)."

Mr. Jerman requested that this matter be carried to January 13, 2015 Zoning Board meeting for further scheduling.

Chairman Elliott stated that the above case would be carried to March 9, 2016 with no further notice.

Mr. Cammarato left the meeting at 6:41 pm.

2. **Lesniak, Mary** **BOA 15-5675**

Application: Approval for Existing Single Family Dwelling with Setback Variance

Block: 4.246 Lot: 66

Location: 6 Alpina Terrace

Zone: R-400 PRRC

Denial Reads: "Applicant requesting approval for a pre-existing non-conforming SFD that has a 17' rear yard setback where 20' is required."

Mr. Wiedeke represented Mr. Lesniak. Mr. Lesniak testified that he is the son of Mary Lesniak. The porch was a pre-existing condition when the home was purchased by Mrs. Lesniak. The Township issued a certificate of occupancy when the home was purchased. Exhibits photos A-1 to A-5 entered into the record and the pictures were discussed. There was no variance on record for the addition. The homeowners association did not have any information on record for the construction of the enclosed porch.

Mr. Mallon questioned if there was any contact with homeowners association. The property in the back is considered green acres.

Mr. Pavliv questioned Mr. Lesniak when the property was purchased if they acquired a survey.

The Board commented that because of this being a senior community development, there should have been approval from homeowners association. The offsets to the rear of the building were missing from the plan.

Chairman Elliott opened to the public.

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

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

3. **Montalvo, Jessica** **BOA #15-5679**

Application: Create an Undersized Building Lot and a Corner Lot Fronting On One Unimproved Road

Block: 520 Lots: 1, 2, 5, 7, 9, 11, 13, 15 & 17

Location: McKinley Avenue

Zone: R-125

Denial Reads: "Applicant proposes to create a 10,000 SF building lot (12,500 SF required). Applicant also proposes to create a corner building lot with one road to be improved and one road to remain unimproved."

Ms. Montalvo, Mr. Bruce Jacobs and Mr. Wayne Forte were sworn in.

Mr. Jacobs entered exhibits A-1 exhibit of site plan and A-2 copy of tax map; exhibit A-3 were pictures of the proposed dwellings that are being considered to be constructed on the properties. A roadway improvement plan will be prepared to widen (30 foot length) Lexington Avenue with gravel. Lighting, sewer and water will be extended. Four houses are to be constructed on the development. Mr. Jacobs is seeking waivers for

constructing a road along Madison Avenue and curbs and sidewalks along McKinley. The proposed house is consistent with the neighborhood. Also, waivers for grading along west side of roadway and submission from national resource inventory were requested. Mr. Jacobs agreed to the changes required in the T & M review letter. Mr. Jacobs requested a waiver to place the air conditioning unit in the front yard adjacent to Lexington. The applicant will extend the pavement.

Mr. Mallon explained applicant is applying for a variance for corner lot and the other three lots will be conforming when the roadway improvement is completed for the undersized lot. Lexington Avenue will not be paved. The house will front on McKinley which will be the improved road. The Township will have to approve the unimproved road. A waiver for clearing will be in the rear yard. Deed of consolidation and site triangles were requested. The air conditioning units have to be within the setbacks.

Ms. Adamson questioned how many bedrooms will be in the proposed homes; the bonding for the road and discussed the items in the review letter prepared by Remington, Vernick & Vena.

The Board questioned clearance for turnaround on new road; the storm drainage in the area; snow removal; would prefer curb returns on Lexington and Madison; trees in the site triangle on Madison and McKinley should be removed; would prefer to move trees to a better location than removed; why can't a portion of Lexington be paved to the rear edge of Lots 15 and 17; storm drains; roof drains going into drywells; requested that the driveways be paved to McKinley Avenue.

Mr. Cammarato returned at 7:50 pm.

Chairman Elliott opened to the public.

Motion to close by Mr. Bollettieri; seconded by Mr. Tuminaro. Motion carried.

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

4. **Bayville Storage – Robert McCabe**

BOA 15-5695

Application: Use Variance and Preliminary & Final Major Site Plan

Block: 973 Lots: 7.01 & 9

Location: 820 Route 9

Zone: HB Zone within the CN-B Overlay Zone

Denial Reads: "Applicant proposes to expand the lot size of a self-storage facility to an abutting lot where self-storage facilities are not a permitted use and to construct two 2-story storage buildings. Applicant is also requesting a variance for impervious coverage of 54.52% where 30% is maximum allowed."

Mr. Peterson questioned Mr. Challoner regarding the site plan.

Mr. Challoner testified to the past approval from 2002-2003. The applicant is seeking to expand the property to the north and has been in business for over 13 years. The access to the buildings was discussed and the basin. A fence will be provided around the entire property. The variances were discussed since the property had been re-zoned. Waivers were requested for off-street parking and access to basin. The review letters from T & M and Remington, Vernick & Vena were discussed. There would not be any detrimental effect with the construction of the additional self-storage facilities. Mr. Challoner requested a traffic waiver.

Ms. Adamson went over the comments in the Remington, Vernick and Vena review letter with Mr. Challoner.

Mr. Mallon questioned the handicap ramps and if they are ADA compliant and if not they will be changed to be compliant. Mr. Mallon requested a drainage easement.

The Board questioned the lighting; the impervious surface; the hours of operation; access to second floor; the site has one access road for emergency vehicles and would prefer another access; where does the inlet on the adjoining property go to; were borings taken on the property; garbage disposal; prefer a 6' vinyl fence instead of chain link; are there fire extinguishers on the site and where are they located; where does the pipe go to that runs through the road; the drainage in the area was a concern.

Mr. Robert McCabe testified to the parking in front of the office and the lighting on the property.

Chairman Elliott opened to the public.

Rich Kaminski, 828 Route 9, was in favor of the development and stated that the property was well maintained.

Motion to close to public by Mr. Cammarato; closed by Mr. Bollettieri. Motion carried.

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

5. **Jerman, Jeffrey** **BOA #15-5698**

Application: Single Family Dwelling with Lot Area and Bulk Variances

Block: 564 Lot: 11

Location: Nolan Avenue and Bergen Place

Zone: R-150

Denial Reads: "Applicant proposes to construct a SFD on an undersized 12,000 sf lot with 60' lot frontage where 15,000 sf and 100', respectively, are required, and a front setback of 26' where 35' is required."

Chairman Elliott carried to January 27, 2016 meeting.

Mr. Jerman consented to carry to the January 27, 2016 meeting.

Year End Report – 2015 Zoning Board Cases

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

VOUCHERS

Remington, Vernick & Vena

T & M Associates

Linda Sullivan Hill

Alexander Pavliv, Esquire

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

RESOLUTION

Wayne & Mary Alice Reed – BOA #14-5612

Motion to approve by Mr. Gashlin; seconded by Chairman Elliott.

ADJOURNMENT

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