

The **Regular Meeting of the Berkeley Township Planning Board** was held at 7:30 p.m. on January 21, 2010, in the Meeting Room of the Municipal Building, 627 Pinewald-Keswick Rd., Bayville.

Present were Chairman Anthony Mazzella. Vice-Chair John DiStefano, Mayor Jason Varano, Jack Wiegartner, Peter Schultz, Robert Winward, and Councilwoman Frances Siddons.

Also present were Edward F. Liston, Esq., Board Attorney, Chris Theodos, P.E., Board Engineer, Dave Roberts, AICP/PP, LLA, Board Planner, Linda Sullivan-Hill, and Patricia A. Osborne, Board Secretary. Also present were Guy Ryan, Conflict Attorney. Also in attendance was John Battisti, Township Zoning Officer and Kenneth Anderson, Township Code Enforcement Officer.

Chairman Mazzella led the Flag Salute and read the public announcements.

**Vouchers:**

Edward Liston, Esq. Legal Services .....\$ 448.53  
CMX Inc. Professional Services for November.....\$1,258.00  
CMX Inc. Professional Service for December .....\$3,378.50

A motion to approve was made by Mr. Wiegartner, seconded by Mayor Varano. Motion carried.

**Memorialization of Resolutions :**

PB09-648 – Revised-Ocean Mental Health Services, Inc. Bk: 1333 Lot: 13.01  
Original Resolution Adopted December 3, 2009.

A motion to approve was made by Mr. Wiegartner, seconded by Mr. Schultz. Motion carried.

Recess called.

**New Business:**

For Discussion:

1. Memo from David G. Roberts. AICP/PP dated January 11, 2010 RE: Sign Violation; Enforcement of Board Resolutions; Sign Ordinance Revisions.
2. Letter from the Mayor to Local Route 9 Business Owners.
3. Draft Ordinance Section 212-49 Signs.

- Dave Roberts began discussion of Signs along Route 9 and the misuse of signs.
- Mayor Varano requests to have Resolutions to be more specific on usage of signs.
- - Kenneth Anderson requests that Planning Board Secretary and Zoning Officer provide his office with the Resolution to enforce properly.
- Mr. Liston suggested that the Resolution should be signed by Lessee to be made of requirements as per the original Resolution.
- Mr. Roberts suggests that the Engineers Review be attached to Resolution.
- Chairman Mazzella suggests that the applicant be required to produce a Resolution and Engineer’s Letter to obtain a permit.
- Mr. Battisti suggests redesigning Zoning Permit Application to include this requirement

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- Mr. Roberts suggest a once a month sweep on Route 9 for violations, suggesting that the Police Department could help on weekend. Consist vigilance is a required.
- Signs on motor vehicles/mobile signs will be restricted.
- Violators should receive one notice then if not amended summons should be then issued.
- The need of stricter fines must be implemented.
- Suggestions from Mayor Varano for Mr. Battisti to help out Mr. Anderson in field.
  - Need to establish routine inspection on Route 9.
- Dave Roberts suggests follow-up at next meeting with transfer of specific issues into Sign Ordinance at next meeting.
- Mr. Battisti will change Zoning Permit and can be enforce without further action.
- Mr. Roberts also suggest another system to enforce Resolution requirements will be during annual Fire Inspection. Calling the inspection Fire/Mercantile/Zoning Inspection.
- Mr. Anderson stated that during inspections along Route 9 it would be necessary to have at hand the Resolution and Engineers report on file in his office.
- Mr. Roberts addresses the Mayor's letter to Business owners in town along Route 9 informing them of enforcement by Code Enforcement regarding illegal signs.
- Mr. Roberts stated that he would like to make the Board aware of the strategy to tighten up the follow-up of Resolution and Engineers review within the Planning Board office, Zoning office and the Code Enforcement office.

Discussion closed, Mr. Roberts will address Sign Ordinance at next meeting.

Mr. Edward Liston, Esq. recuses due to conflict with applicanton, Guy Ryan, Conflict Attorney sits in to hear application.

**Agenda**

**Applicant:** Diamond Developers of NJ, Inc.

**PB#09-643**

Type of Application: Preliminary Major Subdivision with Waivers

**Block:** Various, Lots: Various

**Address:** Tilton Boulevard, Virginia Avenue, Manhattan Avenue, Smith Street

**Project:** Subdivision of existing platted lots to create 30 single-family units and one detention basin lot, including right-of-way improvements to above streets.

**Attorney:** John Paul Doyle, Esq.

**Engineer:** William A. Stevens, P.E.

**Engineer/Planner:** Mr. Graham McFarland, PE P.P.

**Action:** Public hearing, discussion and consideration of Application.  
Carried from January 14, 2010 Public Hearing.

Applicants professionals were sworn in.

John P. Doyle, Attorney introduces the application seeking a "no variance" application for 28 lots instead of 30 lots to implement nature conservation area as suggested. Seeking waivers. All lots will comply.

Will seek vacation of potion of Tilton Boulevard resulting 100 ft right away.

Waiving Traffic Impact report.

Mr. Doyle stated that applicant made changes according to Engineers January 12, 2010 report.

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*Grading requirement will be met.*

*Outflow pipe to be redesigned with flared end or child safety valve.*

*Proposed 4ft high fence township requires a 6ft high fence, applicant will comply.*

*Lot 16/17 owned by Township. Sharp Street, vacation not required is applicant is to secure Lot 17 from Township.*

*Mr. Roberts satisfied with revised conservation area.*

*Applicant will establish Green Belt area along Bunnell side of property.*

*Lot 17 is a conforming lot to sell.*

*Engineer is requesting lot 16 to become Green Belt.*

*Chairman Mazzella makes it clear that conditions as opposed to requirements must be met when it should go before another board.*

*Applicant will be seeking from Council the proposed vacation of 50 ft. right-of-way along Tilton Avenue. Applicant will provide for parking on both side of street.*

*Mr. Roberts and recommends against vacation of Sharp Street at this time.*

*Paper Street North and South of Tilton Ave.*

*Well and septic this area.*

*Lot 5.13 will not conform without the vacation of Sharp Street.*

*Subject to further application to vacation of Tilton Ave. recommend to acquire lot 17.*

*Sidewalks on both side of street will be installed.*

*Mr. Doyle stated that the property owners within the 200ft. would be notified of the Final Major Subdivision Approval Hearing.*

*Contribution into the Drainage Trust Fund required.*

*Also that the areas of Proposed Conservation Easement will be dedicated to the Township of Berkeley as well as one proposed open space lot.*

*Motion to Adjourn made by Mr. Wiegartner, seconded by Ms. Harvey.*

*Motion carried.*

*Respectfully Submitted,*

*Patricia A. Osborne*  
*Board Secretary*