

The Regular Meeting of the BERKELEY TOWNSHIP ZONING BOARD was held on December 10, 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, and Edward Gudaitis. Also present were Alexander Pavliv, Esq., Zoning Board Attorney, John J. Mallon, PE, Zoning Board Engineer, Melanie Adamson, PE, Zoning Board Planner, Linda Sullivan Hill, 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 will have to re-notice owners within 200 feet; carried to January 14, 2015.

2. **Petti, Marlene** **BOA #14-5631**  
**Application: Construct a 4-Season Addition Requiring a Front Setback Variance.**  
**Block: 10.29 Lot: 15**  
**Location: 61 Trent Drive**  
**Zone: RDA**

**Denial Reads: "Applicant proposes to construct a 4-season addition in a front yard that will leave an 8.5 foot setback where 20 feet is required."**

Mrs. Marlene Petti and Donna Renninger sworn in. Mrs. Petti testified that she was going for a variance for an extension to her home. The addition is being placed on an existing patio. The association has no issue with the location of the addition.

Mr. Mallon questioned Mrs. Petti's Engineer's plan square footage of addition; requested that trees be planted and will remain.

The Board members questioned the shed location; would you consider making the addition smaller; did contractor say he was going to build on top of the patio; is this four season room; were there any objections by neighbors; would footings be used for addition.

Chairman Elliott opened to public.

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

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

3. **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)."**

Chairman Elliott postponed with no further notice per Mr. Mallon; carried to January 8, 2015.

4. **Woodman, Evelyn** **BOA #14-5612**  
**Application: Replace a Storm Affected Single-Family Dwelling with a New Single Family Dwelling with a Rear Setback Variance.**  
**Block: 1543 Lots: 131 & 132**  
**Location: 233 Longview Drive**  
**Zone: R-64**

**Denial Reads: "Applicant proposes to construct a 12' X 30' deck 17' from the rear bulkhead where 20' is required and an attached landing with steps 12' from the bulkhead."**

**Attorney: Fred Weideke**

**Engineer: Jason Marciano**

Mr. Weideke testified to the variances applicant was requesting.

Mr. Marciano testified that lot was larger than normal and explained existing conditions and what was being proposed. There is a variance requested for the deck. No curbs are being proposed at this time. The electric meter was addressed per Engineer's review letter. The drainage in the area was discussed. Underneath the deck is not being enclosed. The air conditioning platform will be reduced. Breakaway walls not required in this zone. The house is in conformance with the distance to the oil tank on adjoining property. The pad was for a possible chair lift. The house will be flood compliant. Exhibits were entered into the record as follows: Exhibit A-1 Photograph package; Exhibit A-2 Architectural Plan; Exhibit A-3 Plot Plan; Exhibit A-4 Paperwork regarding site specific review regarding REMM Program.

Mr. Mallon verified location of air conditioning; requested to verify the dimension to the bulkhead; recommended to waive the grading plan; questioned if the deck was going to be enclosed.

Ms. Adamson questioned the proposed concrete pad; requested that the Architectural Plans would be signed and sealed.

The Board members questioned the location of the bulkhead; REMM regulation; requested larger prints of the architectural plans; consider reducing the size of the deck and moving the stairs; felt stairs were encroaching too much towards the bulkhead; trees and shrubbery are not an issue; wanted to see letter from REMM program regarding the oil tank; breakaway walls will need to be part of the condition of approval.

Chairman Elliott opened to the public.

Rita Johnson questioned the house number and questioned if they should receive the notice.

Victoria Viola requested that the changes be reiterated for the record and felt satisfied with the changes.

Mr. Mallon reviewed the stipulations that will be added to the Resolution.

Motion to close public portion by Mr. Gudaitis; seconded by Mr. Bollettieri.

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

5. **Baglieri, Michael & Charlotte** **BOA #14-5627**

**Application: Replace a Storm Affected Single-Family Dwelling with a New Single Family Dwelling with Setback Variances.**

**Block: 1542 Lot: 3**

**Location: 202 Maple Drive**

**Zone: R-64**

**Denial Reads: "Applicant proposes to replace a storm affected SFD with a rear deck that will leave a 13' rear yard setback (20' required) and a 5' side yard setback (7' required) and a combined side setback of 12' (18' required)".**

**Attorney: Fred Weideke**

Mr. Weideke requested that this matter be carried to next available meeting without further notice.

6. **Daly, Mark & Mary** **BOA #14-5639**

**Application: Replace a Storm Affected Single-Family Dwelling with a New Single Family Dwelling with Setback Variances.**

**Block: 1544 Lot: 38**

**Location: 212 Longview Drive**

**Zone: R-64**

**Denial Reads: "Applicant to replace a storm sandy affected SFD with a 1-story SFD with an attached rear yard deck and side yard walkway that will leave a 14.74' rear setback (20' required) and a side yard setback of 6' (7' required) and a 12' combined setback (18' required)".**

**Attorney: Fred Weideke**

**Engineer: John Kornick**

Mr. Weideke attorney for the applicant questioned Mr. Kornick, Engineer for applicant.

Mr. Kornick described the project and what the applicant was proposing and stated that was non-conforming. The home is in conformance with neighborhood. Exhibits were introduced into the record as follows: Exhibit A-1 Variance/Plot Plan; Exhibit A-2 copy of survey map; Exhibit A-3 first floor plan layout. Mr. Kornick stated that the architectural plans were not accurate and explained the setbacks. Mr. Kornick requested waiver for sidewalks and curbs. Drainage from the property will drain into lagoon and existing

inlet. Variance requested for air conditioning platform; shed to be removed; electric meter location will be complying with associated regulations; discussed the Engineer's and Planner's review letter. The architectural footprint sketch was entered as Exhibit A-3 and this shows the correct dimensions of what is proposed. A waiver for the driveway was requested.

The Board member requested an explanation of note number 8 on the survey; recommended to Mr. Kornick to change note number 8 on Baglieri survey; questioned what plan was accurate; recommended another stairway; the deck size is a concern; air conditioning location.

Mr. Mallon questioned the air conditioner location; does dimension shown on plan go to the bulkhead face; when will shed be removed – a condition will be added that shed to be removed 30 days from issuance of certificate of occupancy.

Ms. Adamson stated that there was a collapsed pipe in front of the property and the Township would like to request a 10 wide drainage easement on left or right hand side of this property. The pipe is located across the street.

Mr. Weideke did not feel that 10' wide drainage easement was feasible.

Mr. Pavliv explained that the Board does not impose those types of conditions regarding drainage easements.

Richard Johnson, adjoining property owner, testified that he does not want to compromise his property by agreeing to the 5' drainage easement.

Rita Johnson questioned the notification letter she received in mail.

Mr. Pavliv explained benefits of drainage easement.

Chairman Elliott opened to public.

Richard Johnson concerned about the proposed setbacks.

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

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

#### VOUCHERS

Remington, Vernick & Vena  
T & M Associates  
Linda Sullivan Hill  
Alexander Pavliv, Esquire

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

#### RESOLUTIONS

Jeffrey Jerman – BOA #14-5623  
Nick Sideris – BOA #14-5638  
Richard Lee – BOA #14-5626

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

#### ADJOURNMENT

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