

January 10, 2024
Zoning Board of Adjustment Minutes
Township of Berkeley
627 Pinewald-Keswick Rd P.O. Box B Bayville, NJ 08721

6:30PM

SALUTE TO THE FLAG

Chairman Elliott called the January 10th Zoning Board of Adjustment re-organization meeting to order at 6:30PM and asked everyone to please rise for the flag salute and a moment of silence.

SUNSHINE ACT STATEMENT

Chairman Elliott announced: "This meeting was advertised in the Asbury Park Press and posted on the Township's bulletin board as required by the Open Public Meeting Act."

ROLL CALL

Present: Chairman Elliott, Mr. Bombardier, Mr. Ferrara, Mr. Gudaitis, Mr. McGrath, Mr. Mika, Mr. Morey, Mr. Sager, Mr. Stone, and Mrs. Walsh

Absent: Mr. Hyland

Professionals Present from the Municipality: Alex Pavliv from Pavliv & Rihacek, LLC, Ernie Peters from Remington and Vernick Engineers, and Melanie Adamson from Remington and Vernick Engineers

BOARD RE-ORGANIZATION AND APPOINTMENT OF PROFESSIONAL STAFF

1. **APPOINTMENT OF BOARD CHAIRMAN** On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, **Richard Elliott** was appointed to Chairman.
2. **APPOINTMENT OF BOARD VICE CHAIRMAN** On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, **William McGrath** was appointed to Vice Chairman.
3. **APPOINTMENT OF BOARD SECRETARY – Mr. Gudaitis**
4. **APPOINTMENT OF ZONING BOARD SECRETARY – Gabrielle Napolitano**
5. **APPOINTMENT OF BOARD ATTORNEY – Alex Pavliv, Esq**
6. **APPOINTMENT OF BOARD CONFLICT ATTORNEY – Joseph Coronato Sr/Jr, Esq.**
7. **APPOINTMENT OF BOARD ENGINEER – Ernie Peters (RVE)**
8. **APPOINTMENT OF BOARD PLANNER – Melanie Adamson (RVE)**
9. **APPOINTMENT OF COURT REPORTER – Linda Sullivan-Hill**
10. **BOARD NEWSPAPERS**

Asbury Park Press
Atlantic City Press
Berkeley Times
Berkeley Patch

On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, the rest of the appointments were unanimously voted to remain the same as the year prior.

11. **BOARD MEETING TIME AND DATES**

The 2nd Wednesday of the month, Special Meeting reserved for 4th Wednesday of the month.

<i>Regular</i>	<i>Special</i>
<i>January 10 – Re-Org.</i>	<i>24</i>
<i>February 14</i>	<i>28</i>
<i>March 13</i>	<i>27</i>
<i>April 10</i>	<i>24</i>
<i>May 8</i>	<i>22</i>
<i>June 12</i>	<i>26</i>
<i>July 10</i>	<i>24</i>

<i>August 14</i>	28
<i>September 11</i>	25
<i>October 9</i>	23
<i>November 13</i>	27
<i>December 11</i>	18 (Due to holiday conflict)
<i>January 8, 2025 Re-Org.</i>	22

On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, to hold the meetings 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); was approved.

AGENDA

1. Crystal Care Realty LLC – BOA#23-6014

***carried from 10/11/2023*

Location: 395 Lakeside Blvd Block 409 Lot 1

Type of Application: “c” Variance Relief for an Existing Fence and Gazebo

On a motion by Mr. Gudaitis, seconded by Mr. McGrath, with all present in favor, this application was carried to the March 13th Board of Adjustment meeting with notice required.

2. Mike Fernandez – BOA#23-6019

***carried from 11/8/2023*

Location: 10 Amherst Drive Block 1221.02 Lot 3

Type of Application: Construction of an Above Ground Pool with “c” Variance Relief

After presenting their application and hearing the Board’s concerns, Mr. Fernandez and his engineer decided to withdraw their application and re-apply for the variance once the construction of the dwelling is completed.

3. Northern Ocean Habitat for Humanity – BOA#23-6020

***carried from 11/8/2023*

Location: 224 Second Ave Block 46 Lot 110

Type of Application: Construction of a Single-Family Dwelling with “c” Variance Relief

The applicant’s attorney, Steven Kotzas, and their engineer, Walter Hopkin, presented the application for block 46 lot 110, also known as 224 Second Avenue in Manitou Park. The property is an existing vacant lot in the MRRPD Zone. The professionals testified the current pattern of drainage will remain the same. They requested a waiver for curbs and sidewalks and plan to remove the trees required to remain consistent with the rest of the neighborhood. The Board’s engineer, Ernie Peters, questioned the location of the AC unit as well as the number of bedrooms proposed. Melanie Adamson, the Board’s planner, confirmed the applicant’s professionals made an effort to improve the current lot area. She agreed other existing variances could be granted for advancements per the zone requirements. Ms. Adamson proposed about ten feet of wooded area be saved in the rear yard of the property. Mr. Mika questioned the buy/sell letter. Mr. McGrath assured there will be no accessory structures unless further approval is granted. Mr. Gudaitis agreed with the comments made by his fellow board members. Chairman Elliott confirmed roof drains will be implemented.

On a motion by Chairman Elliott, seconded by Mr. Gudaitis, with everyone present in favor, the above application was opened for public discussion.

The adjacent neighbor to this property, Mr. Gallindo, asked the Board how something like this affects him and his property as he had never dealt with an application of this sort.

On a motion by Mr. Gudaitis, seconded by Mr. Mika, with all present in favor, the above application was closed for discussion.

On a motion to approve the variance application by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the application was approved with the conditions listed by Mr. Pavliv: AC in the rear of the property, no accessory structures without further approval, roof drains, and a waiver for curbs and sidewalks.

4. Richard Schmidt – BOA#23-6025

Location: Woodhaven Boulevard Block 330 Lot 1

Type of Application: Construction of a Single-Family Dwelling with “c” Variance Relief

The applicant’s attorney, Chris Reid, and their engineer, Jeff Daum, presented the application for block 330 lot 1, also known as Woodhaven Boulevard. A number of exhibits were submitted as follows: A1 Variance Plan, A2 House/Architectural Plans, A3 Aerial Photo, A4 Buy/Sell Letter with Certified Mailing Receipt, A5 Affidavit of Ownership, and A6 Area Map. The property is a corner lot with Alden Place (a paper street) adjacent to it. The variances involved include but are not limited to, lot area, front yard setback, and lot frontage. The applicant’s

engineer proposed the extension of Woodhaven Blvd with curbs on both sides and sidewalks on the one. Mr. McGrath asked the Board's planner where the measurement for front yard setback begins and ends. He asked the applicant if they ever considered vacating the paper street next to the vacant lot. He advised the professionals that a LOI from the NJDEP might be necessary regarding the wetlands nearby. Mr. Morey asked if the applicant had any current photos of the site, and which safety extremes they would implement at the end of the road. Mr. Gudaitis proposed a stone pad at the end of the pavement to absorb the extra runoff. Chairman Elliott told the applicant's attorney he is certain this property is in the wetlands, which require a fifty-foot buffer. The fire hydrant would need to be moved for flushing and the septic would need to be approved by the Ocean County Health Department. Chairman Elliott also informed the applicant's professionals of the thirty-six-inch pipe installed for the current water problem.

On a motion by Chairman Elliott, seconded by Mr. Gudaitis, with everyone present in favor, the above application was opened for public discussion.

Jeffrey Jerman noted Kenny Austin constricted this cul-de-sac with the Planning Board subdivision approval. Mr. Jerman noted the three lots next to this one did not require a LOI from the NJDEP for the wetlands. Jonathan Vazquez presented his concerns of the stormwater runoff. He also noted that he is the adjacent property owner. Mikki Baranyay questioned a sidewalk on only one side of the road. Christopher Hunt informed the applicant and Board that he would be interested in buying this property at fair-market value.

On a motion by Mr. Gudaitis, seconded by Mr. Morey, with all present in favor, the above application was closed for discussion.

The applicant's professionals agreed to provide Mr. Hunt with thirty days to submit an appraisal. If no conclusion is made by the neighbors, this application will be carried to the March 13th Board of Adjustment meeting.

5. Gregory & Patricia Heller – BOA#23-6026

Location: 244 Fernwood Drive Block 1555 Lot 23

Type of Application: Construction of a Single-Family Dwelling with "c" Variance Relief

The applicant's professionals: Alexaandra Servido, William Merunka, and Dennis McKenna presented the application for block 1555 lot 23, also known as 244 Fernwood Drive. The applicant requested "c" variance relief regarding the construction of a single-family dwelling.

On a motion by Chairman Elliott, seconded by Mr. Gudaitis, with everyone present in favor, the above application was opened for public discussion.

Hearing no one wishing to be heard, a motion to close to the public was entertained.

On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, the above application was closed for discussion.

On a motion to approve the variance application by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the application was approved with the conditions listed by Mr. Pavliv: roof runoff to the agreed upon location by engineers, rear steps added, height variance granted, bottom floor raised one foot, shed to be removed, waiver for curb and sidewalk granted, and front yard setback granted.

RESOLUTIONS

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA#23-6031 was approved.

Abstain: Mr. Sager and Mr. Stone

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA#23-6034 was approved.

Abstain: Mr. Sager and Mr. Stone

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA#23-6024 was approved.

Abstain: Mr. Sager and Mr. Stone

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA#23-6000 was approved.

Abstain: Mr. Sager and Mr. Stone

VOUCHERS

Alexander Pavliv, Esquire
Remington & Vernick
Linda Sullivan Hill

On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, the bills were approved.

MINUTES

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the December 13, 2023 meeting minutes were approved.

Abstain: Mr. Sager and Mr. Stone

Seeing no one wishing to be heard, a motion to close to the public and adjourn the meeting was entertained.

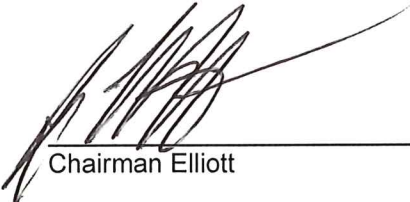
EXECUTIVE SESSION

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the meeting was closed for executive session at 10:05 PM.

Chairman Elliott discussed the procedure for the January 17, 2024 special meeting regarding BOA#22-5980.

ADJOURNMENT

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, executive session was closed, and the meeting was adjourned at 10:12 PM.



Chairman Elliott



Secretary Gudaitis

Respectively Submitted
Gabrielle Napolitano, Board Secretary