

February 14, 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 February 14th Zoning Board of Adjustment 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. Hyland, Mr. McGrath, Mr. Sager, Mr. Stone, and Mrs. Walsh

Absent: Mr. Mika and Mr. Morey

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

AGENDA

1. Marino – BOA#21-5929

Location: 207 Dogwood Drive Block 1558 Lot 4

Type of Application: Re-Interpretation Based on Newly Discovered Evidence

The neighbor's (Randy Hoff) attorney, Christopher Reid, explained the previous approval granted for the shed on 207 Dogwood Drive was done with evidence which was mistaken. The Board was told the shed existed prior to the zoning ordinance being established. However, the attorney proved the shed did not exist in perpetuity. Exhibit A1, A2, and A3 showed photograph evidence of such. The Board's Attorney, Alex Pavliv, explained this case was heard by the Board in 2021 and litigated to Superior Court, where the judge ruled to reopen the matter as the approval was based on mistake of fact. The Board agreed to allow the homeowner 60 days to take the shed down.

On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, the application was approved and the original approval was rescinded.

Abstain: Mr. McGrath

2. Keith and Melissa Wadsworth – BOA#23-6027

Location: 302 Gerard Ave Block 1689.05 Lot 18

Type of Application: Expansion and Elevation of Single-Family Dwelling with "c" Variance Relief

Lynne Dunn, the applicant's attorney, presented the application for the expansion and elevation of a single-family dwelling at 302 Gerard Avenue. Block 1689.05 lot 18 is situated on the barrier island in South Seaside Park. Matthew Hockenbury, the applicant's engineer, explained the following variances were requested: minimum front yard setback, minimum side yard setback, combined side yard setback, and maximum lot coverage. The following waivers were also requested: concrete curbing, sidewalks, and a paver driveway. Mr. Bombardier asked for confirmation that the house would be elevated in place and only vertically expanded. Mr. McGrath requested the roof drains to be labeled on the plans. Mr. Gudaitis commented on the high-water table in this area. He proposed an additional recharge system in conjunction with the two currently proposed. Mr. Hockenbury compromised and said the plans would allow for an increase from two feet by two feet to two and a half feet by two and a half feet.

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. Ferrara, 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: waiver for curbs, sidewalks, and a paver driveway, no accessory structure implemented without further review by the Board, enlargement of recharge system, and minimize the porch by one-foot.

3. Edward and Amanda Monari – BOA#23-6029

Location: 614 Bay Blvd Block 1374 Lots 22, 24, 26 & 28

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

The applicant's attorney, Greg Hock, and their engineer, Matthew Hockenbury, presented the application for the construction of an addition to a single-family dwelling at 614 Bay Boulevard. The location is in the R-100 zone, on the south side of Bay Boulevard. The engineer testified the dwelling will be raised to flood compliance numbers where it currently is not. The following variances were requested: minimum front yard setback, minimum side yard setback, and accessory rear yard setback (pre-existing condition). A waiver for concrete curbing and sidewalks was also requested. Mr. Hockenbury agreed to consolidate the lot numbers and comply with the other comments in RVE's review letter. The Board's engineer, Ernie Peters, confirmed there would be no issue for emergency vehicle access as the variance for the side yard setback is a pre-existing nonconformity. He confirmed the number of bedrooms (5) and bathrooms (2) and the proposed use of the structure. Mr. Hyland questioned if the elevation of the property would be greater than the neighboring properties.

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: waiver for concrete curbs and sidewalks and the addition to match the current siding of the dwelling.

Mr. McGrath recused himself from the following application.

4. William and Judy Waldy – BOA#23-6033

Location: 1011 Balsam Drive Block 1395 Lots 15 & 16

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

The applicant's attorney, Greg Hock, and engineer, Jason Marciano, presented the variance application for the construction of a single-family dwelling at 1011 Balsam Drive. The property is in the CR Zone, which requires 3 acres of lot area. The following variances were requested: minimum lot area (pre-existing nonconformity), minimum lot frontage (pre-existing nonconformity), minimum front yard setback, minimum side yard setback, combined side yard setback, maximum building coverages, and accessory side yard setback (pre-existing nonconformity). A waiver for concrete curbing and sidewalks was also requested. Mr. Peters, the Board's engineer, confirmed the applicant is aware Berkeley Township has no plans to raise this road contrary to the recurring tidal flooding. All DEP permitting is and is required to be recorded on the property. The Board's planner, Melanie Adamson, confirmed they will consolidate the lots. Mr. Bombardier proposed a second set of stairs in the rear for an additional means of egress. Mrs. Walsh noted the heavy flooding in the area. Mr. Gudaitis asked about the height of the proposed boardwalk to the stringers (4 feet per DEP requirement). He requested downspouts be implemented in the front and rear.

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. Ferrara, 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. Bombardier, with all present in favor, the application was approved with the conditions listed by Mr. Pavliv: outside agency approvals to be submitted, waiver for curbing, sidewalks, and driveway material, addition of stairs from rear deck, lots to be consolidated, and roof runoff to the front and rear.

5. Extra Space Storage, Inc. – BOA#23-6023

Location: 470 Atlantic City Blvd Block 858.17 Lot 15 & 16

Type of Application: Preliminary and Final Major Site Plan

Michael Vitiello, the applicant's attorney, presented the preliminary and final major site plan application at 470 Atlantic City Boulevard (block 858.17 lot 15 & 16). He noted last May the team came in front of the Board requesting

a use variance and FAR variance for the expansion of the existing Extra Space Storage. The applicant's engineer, Matthew Kunsman, requested the following variances: minimum lot area, minimum lot frontage, minimum front yard setback, minimum side yard setback, minimum combined side yard setback, minimum accessory building setbacks, maximum building lot coverage, maximum impervious coverage, maximum floor area ratio, minimum parking setback, minimum setback between buildings, minimum parking setback from building, total parking spaces, minimum sign setback, and maximum building sign area.

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. Ferrara, 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. Bombardier, with all present in favor, the application was approved with the conditions listed by Mr. Pavliv: The new underground storage system must be installed prior to the demolition of the current above ground system. Applicant shall provide a lighting study showing no spillage to adjoining properties. There shall be no parking along Route 9 (Atlantic City Blvd.) by the applicant's construction and demolition crews during the construction and demolition of the building and basin. No hazardous materials to be stored on site. No equipment or RVs shall be stored outside. The proposed loading zone shall be relocated to the west side of the building. The applicant shall submit all received Fire Dept. approvals to the Board engineer. The gas meter shall be relocated. The applicant shall provide a painted crosswalk. The applicant's lighting shall conform to the Board engineer's requirements. The applicant shall be compliant with ADA parking requirements. Trash receptacle to be relocated indoors. Ornamental trees shall be planted in front of the proposed building signage. A temporary fence to be installed during the construction and demolition phases of the project. The applicant shall install grass mats along the along the west side of the building. This is to be utilized in the case of an emergency-by-emergency vehicles only. The entrance shall be widened and a "pork chop" installed with a right turn only sign. A demolition study shall be provided to the Board Engineer. The proposed building shall be relocated 5 feet to the North. A 10-foot buffer shall be maintained along the southerly property line.

RESOLUTIONS

On a motion by Mr. Gudaitis, seconded by Mr. McGrath, with all present in favor, the professional appointment resolutions for board attorney (Alex Pavliv, Esq), board engineer (Ernie Peters – RVE), board planner (Melanie Adamson – RVE), and court reporter (Linda Sullivan-Hill) were approved.

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA#23-6020 was approved.

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA#23-6026 was approved.

VOUCHERS

Alexander Pavliv, Esquire
Remington & Vernick
Linda Sullivan Hill

On a motion by Mr. Gudaitis, seconded by Mr. McGrath, 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 January 10, 2024 meeting minutes were approved.

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

ADJOURNMENT

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the meeting was adjourned at 10:17 PM.


Chairman Elliott


Secretary Gudaitis

Respectively Submitted – Gabrielle Napolitano, Board Secretary