

April 12, 2023
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 April 12th 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. Haliscak, Mr. Mika

Absent: Mr. Bollettieri, Mr. Macmoyle, Mr. Morey, Mr. Tuminaro,

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. Messina Land LLC – BOA23-5992
23 Double Trouble Road

Type of Application: Use Variance **carried from 3/22/23
Block 23 Lot 4

The Zoning Board of Adjustment's attorney, Mr. Pavliv, asked Mr. Mika to confirm he listened to the meeting audio from March 22nd and is prepared to vote on the subject matter. With the verification of a quorum, a motion to act on the application was entertained.

RESOLUTION

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara with all present in favor, the resolution in favor of the use variance was approved.

Ayes: Chairman Elliott, Mr. Bombardier, Mr. Ferrara, Mr. Gudaitis, Mr. Mika

Nays: N/A

Abstain: Mr. Haliscak

2. Jerman – BOA23-5991

Location: Coolidge Ave Block 487 Lot 11.01

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

The owner and applicant, Mr. Jerman presented the variance application with his engineer, Mr. William Stevens. The proposed single-family home will be fully conforming to the Township's schedule of requirements, only requesting a waiver for curbs and sidewalks. The property in question is in the R-125 Zone. Mr. Jerman testified there would be adequate drainage because of the stone trenches and the new construction meets the intent of the stormwater ordinance. Mr. Williams attested that there should be minimal to no drainage issues as it will be newly constructed and grade south to north. The Zoning Board of Adjustment's Engineer, Mr. Ernie Peters, clarified the applicant is seeking a "C" variance on an unimproved road. He commented on the location of the fire hydrant and noted it should be relocated and requested additional protection. The Board's planner, Ms. Melanie Adamson, assured the tree removal of the project would not require additional waivers. Mr. Gudaitis asked Mr. Pavliv to include the implementation of trenches alongside the road in the resolution, as well as drywells for roof drains and guard rails around the fire hydrant with reflectors. Mr. Mika confirmed the house to be constructed will fit within the building envelope. Chairman Elliott emphasized the necessity of the guardrail with access to the fire hydrant.

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

On a motion to approve the construction of a single-family dwelling with "C" variance application with the conditions listed above by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the application was approved.

3. Jerman – BOA22-5989

Location: Fremont Ave Block 590 Lot 13.01

Type of Application: Construction of Single-Family Dwelling on an Unimproved Street

The applicant, Mr. Jerman, and his engineer, Mr. Stevens presented an application for the construction of a single-family dwelling on an unimproved street at block 590 lot 13.01. This construction would require a frontage variance as fifty feet is proposed where one hundred feet is required. The applicant agreed the roof runoff shall be discharged into drywells that are compliant with a 25-year storm. The road improvement will be paved 30 feet in width with two feet of stone trenches on each side of the paving. The road will be paved in its entirety, with reflectors at the end and a "No Outlet" sign at the beginning of the street. Mr. Peters questioned a sight issue at the intersection. Ms. Adamson inquired about the accessibility for first responders. Mr. Gudaitis proposed a thirty-foot driveway with stone on both sides while also eliminating the roundabout at the end of the street. Mr. Mika noted the Department of Public Works' struggle with garbage/recycling pick-up. Mr. Ferrara added the difficulty snowplows would have on this roadway. Mr. Bombardier commented on the fire hydrant location, number of light poles to be implemented, and a "No Outlet" sign. Chairman Elliott agreed with Mr. Gudaitis' suggestion to increase the road size to thirty feet as he emphasized the priority of safety. He also added a thirty-five foot by fifty-foot conservation easement from Jackson Avenue be placed in as a deed restriction.

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

The owner of 363 Veterans Boulevard spoke to the Board about his disagreement with this construction. As a longtime resident with drainage issues in the slightest rainfall, he was worried that additional construction would only be a detriment to his neighborhood. His neighbor, the owner of 362 Veterans Boulevard, agreed with those statements. He added his fear of greater burn potential with this proposed construction.

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 construction of a single-family dwelling with "C" variance application with the conditions listed above by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the application was approved.

4. Crystal Lake Rehabilitation and Healthcare Center – BOA22-5988

****adjourned 2/8/23 and 3/8/23**

Type of Application: Use Variance

395 Lakeside Blvd Block 409 Lot 1

Mr. Pavliv announced the applicant's testimony distributed via email is inadmissible. Mr. Ryan Murphy, the applicant's attorney requested the application be adjourned to the next available meeting as it is a use variance application, and all members of the Zoning Board should be present. The parties agreed to no further notice needed, as well as time restrictions waived. The application is to be carried to the Zoning Board of Adjustment's meeting on Wednesday, June 14th at 6:30PM.

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. Bombardier, with all present in favor, the February 8, 2023 minutes were approved.

Abstain: Mr. Mika

On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, the March 8, 2023 minutes were approved.

Abstain: Mr. Mika

On a motion by Mr. Gudaitis, seconded by Mr. Bombardier, with all present in favor, the March 22, 2023 minutes were approved.

Abstain: Mr. Haliscak and Mr. Mika

Mr. Gudaitis requested the January 11, 2023 re-organization meeting minutes be written as well. Mr. Pavliv noted the current Board Secretary was not present at that meeting.

OPEN TO PUBLIC

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


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

CLOSE TO PUBLIC

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the public comment portion of the meeting was closed.

ADJOURNMENT

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the meeting was adjourned at 8:06PM.



Chairman Elliott



Secretary Gudaitis

Respectively Submitted
Gabrielle Napolitano, Board Secretary