

September 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 September 13th 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. McGrath, Mr. Mika, Mr. Morey, and Mrs. Walsh

Absent: Mr. Bollettieri and Mr. Gerb

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

AGENDA

1. Luoro – BOA#21-5924

Location: 136 Sunset Drive North Block 1671 Lot 1

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

The applicant, Victor Louro, requested a time extension for his project because the CAFRA permit process took him fifteen months to complete. Mr. Ernie Peters noted the applicant received a letter of compliance from his office at the end of July.

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, a one-year time extension was granted.

2. Taras Shtander – BOA#23-6008

Location: 324 Holly Boulevard Block 1350 Lots 22 & 24

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

The applicant's attorney, Anthony Pagano, presented an application for the construction of a single-family dwelling requesting "C" variance relief. 324 Holly Boulevard, also known as block 1350 lots 22 and 24, is situated in the R-100 zone. The applicant's engineer, Stewart Challoner, described the nature of the location – an undersized lot, requesting a variance for the lot area, lot frontage, and combined side yard setback. Mr. Challoner presented the buy/sell letters from the adjoining neighbors as Exhibit A1 and A2. His architectural plans were then introduced as Exhibit A3. The neighborhood is a mix of older homes dating back to the 70s to newer developments. The applicant requested a design waiver for curbs and sidewalks. He agreed to maintain the existing off-street parking patterns, proposed a concrete driveway, and the utilization of public water and sewer. The two-story dwelling proposed would have four bedrooms and two and a half bathrooms. The Board's engineer, Mr. Ernie Peters confirmed the applicant agrees to the comments listed in RVE's review letter dated July 9, 2023. Melanie Adamson, the Board's planner, confirmed the existing fire hydrant is within three-hundred feet of the property. She questioned the installation of a retaining wall as this board has shown to be unfavorable to such. The applicant agreed to drain the entire property to Holly Boulevard and use the pop-ups instead of the wall. Mr. Mika asked to move the AC unit from the side yard to the rear. The applicant's engineer noted although the property is not in the flood zone, it was designed as if it was. Mr. Gudaitis questioned incomplete pages of the application submitted as well as the location and height of the proposed fences. Mr. McGrath questioned the cost of the lot for the neighbors. Mr. Morey requested pictures of the area to better understand the nature of the neighborhood.

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 320 Holly Boulevard, Rebecca Hess, emphasized her strong objections to the construction although she realizes why the Board of Adjustment can only apply conditions to their approval of the application. Patrick Grant, the owner of 321 Holly Boulevard and a Berkeley Township resident for over 30 years, strongly opposed the application. The owner of 326 Holly Boulevard, David Mash, believed the proposal may flood his property and the survey supplied showed incorrect property lines.

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, 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. Haliscak, the application was approved with the following conditions listed by Mr. Pavliv: flood issues are the contractor/homeowner's responsibility, no retaining wall (pop-ups instead), move AC to the rear, waiver for curbs and sidewalks, and a concrete driveway.

Ayes: Chairman Elliott, Mr. Gudaitis, Mr. Haliscak, Mr. McGrath, Mr. Mika, Mr. Morey, and Mrs. Walsh

Nays: Mr. Bombardier and Mr. Ferrara

3. Taras Shtander – BOA#23-6009

Location: 260 Grand Central Parkway Block 241 Lots 4, 12, 13, 14

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

The applicant's attorney, Anthony Pagano, presented an application for the construction of a single-family dwelling requesting "C" variance relief. 260 Grand Central Parkway, also known as block 241 lots 4, 12, 13, 14 is situated in the R-150 zone. The applicant's engineer, Stewart Challoner, described the nature of the location and noted variance requested is only for lot frontage. Mr. Challoner presented the buy/sell letters from the adjoining neighbors as Exhibit A1 and A2. The proposal is fully compliant with the setback requirement and will have a private water and sewer (well) system. Exhibit A3 was introduced as the affidavit of personal service and exhibit A4 were the photos of the neighborhood/proposed architecture of the dwelling. Mr. Pagano noted the design is consistent with the current neighborhood aesthetics and can be constructed without any substantial detriment to the public good. The Board's engineer, Ernie Peters, confirmed the length and width of the driveway (170ft long and 20ft width) and the drainage patterns. Ms. Adamson, the Board's planner, questioned the existence of the current accessory structures. Mr. Morey asked about the number of trees to be removed. Mr. Bombardier questioned the runoff of the driveway. Mrs. Walsh wondered if switching the front of the house to front Calvin Place would be better, but the applicant's professionals stated it would be more intrusive. Mr. McGrath suggested a decrease in the proposed amount of fill to be placed in the rear yard. Mr. Gudaitis agreed with Mr. McGrath's request and also suggested the roof drains be tied underground. Mr. Ferrara confirmed the existence/location of septic. Mr. Mika questioned the size of the driveway. Chairman Elliott proposed the addition of stone in the driveway as well as keeping and adding trees throughout the 170 feet as a buffer in the driveway.

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

Ronald Sledzik, the owner of 262 Grand Central Parkway, was interested in purchasing lot 4 at fair market value. Mr. Pavliv, the Board's attorney, said the application could be carried while the applicant and neighbor work numbers and who will be doing the subdivision. If they can come to an agreement, the application will be dismissed, and if not, the Board of Adjustment will rehear the case.

On a motion by Mr. Gudaitis, seconded by Mr. Mika, with all present in favor, the above application was closed for discussion. Because of the newfound information, Chairman Elliott agreed to carry this application to the December 13th meeting if no resolution could be made between the neighbors.

Alex Pavliv recused himself as the Board's attorney as he represents the LLC. Mr. Joe Coronato JR stepped in as the Board of Adjustment's conflict attorney.

4. ARV Homes, LLC – BOA#23-6004

Location: Railroad Avenue Block 661 Lot 13.01

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

The applicant's professionals, Mr. William Stevens and Mr. Peter Loffredo, proposed a fully conforming lot on an unimproved section of Railroad Avenue. Exhibits A1, A2, and A3 were introduced by Mr. Stevens as the packet of pictures, architectural plans, and the aerial photo of the property. The original application proposed a road 28ft paved in width with 3ft stone shoulders around the entire perimeter. The cul-de-sac proposed was widened as much as possible to 24 feet in radius. Mr. Haliscak confirmed there is a fire hydrant directly across the street. Mr. Ferrara confirmed signage at the end will be implemented. Mr. Morey requested reflectors at the end of the street. Chairman Elliott suggested cutting the cul-de-sac in half and implementing a hammerhead – for the use of safety vehicles instead of an easement.

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

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

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, 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. Haliscak, with all present in favor, the application was approved with the following conditions listed by Mr. Pavliv: applicant will supply water and sewer, extension of utilities, implementation of streetlight, hammerhead turnaround of stone. Approval from outside agencies (DPW & Fire department), barrier at the end with a 3ft breakaway, waiver for curbs and sidewalks, 3ft stone trench, and roof drains into drywells.

5. Petros Stamaterakis – BOA#23-6001

Location: Harding Avenue Block 557 Lots 9-14

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

The applicant's engineer, William Jensen, presented an application for the construction of a single-family dwelling on Harding Avenue, an unimproved road. Block 557 Lots 9-14 is currently a vacant/wooded area, where a four bedroom, 2 story, 2 car garage with a 25ft paved driveway is proposed. Public water, electric, and sewer were proposed to be extended through the property. The applicant agreed to install a fire extinguisher within 300ft of the property, a no outlet sign at the end of the street, and a streetlight. This property requires no special flood hazards and conforms to all the other zoning requirements. Ernie Peters confirmed the applicant and his professionals agreed to all the comments in RVE's review letter dated August 22, 2023. Alex Pavliv assured the applicant would post a cash bond for the road. Melanie Adamson confirmed the drainage would be in uniform to the rest of the neighborhood, and the lots would be consolidated. A hammerhead was proposed at this location as well.

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

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

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, 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. Haliscak, with all present in favor, the application was approved with the following conditions listed by Mr. Pavliv: hammerhead, roof runoff to drywells, installation of fire hydrant, application for street sign and stop sign, reflectors at end of street, 6ft U-channel with 3ft breakaways, and 28ft road with 3ft stone.

RESOLUTIONS

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the resolution for BOA#23-6002 was approved.

Abstain: Mr. Mika

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the time extension resolution for BOA#22-5968 was approved.

Abstain: Mr. Mika

VOUCHERS

Alexander Pavliv, Esquire

Remington & Vernick

Linda Sullivan Hill

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

MINUTES

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the August 9, 2023 meeting minutes were approved.

Abstain: Mr. Mika

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

CLOSED SESSION

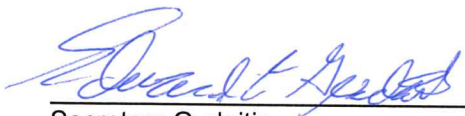
On a motion by Chairman Elliott, seconded by Mr. Gudaitis, with all present in favor, the board members went into closed session at 10:04 PM.

ADJOURNMENT

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the meeting was adjourned at 10:32 PM.



Chairman Elliott



Secretary Gudaitis

Respectively Submitted
Gabrielle Napolitano, Board Secretary