

June 14, 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 June 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. He noted the recent passing of one of Berkeley's own Department of Public Works' employee.

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. Morey, and Mrs. Walsh

Absent: Mr. Bollettieri, Mr. Gerb, and Mr. Mika

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

OATH OF OFFICE

Heather Walsh was sworn into the Berkeley Township Board of Adjustment as Alternate Member #2 with a 4-year-term expiring December 31, 2027.

AGENDA

1. Freitag – BOA23-5998

Location: 29 Drake Drive Block 1221.04 Lot 3

Type of Application: Construction of Pavillion with "c" Variance Relief

Chairman Elliott noted the past due submission for the application. This application will be carried to the next meeting, Wednesday, July 12th at 6:30pm with no further notice required.

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

****carried 2/8/23, 3/8/23, 4/12/23**

Type of Application: Use Variance

395 Lakeside Blvd Block 409 Lot 1

The applicant's attorney, Ryan Murphy presented the use variance application for block 409 lot 1, also known as 395 Lakeside Boulevard. The property in question currently contains 235 beds as a nursing home and rehabilitation center in the R-150 Zone. Mr. Murphy noted the proposed dual use of this one building with the proposed medical detox and substance abuse facility on the second floor. Ms. Susan Smith was called as a witness as the licensed nursing home facilitator at Crystal Lake. The proposed second floor would contain a maximum of 24 beds and be a 24/7 operation. Mr. Justin Auciello, the applicant's planner, testified to this being an inherently beneficial use and cause no negative impact on the surrounding area. Mr. Ernie Peters, the Board's Engineer, questioned the type of variance, whereas a D1 Variance (use) was determined. He asked if a site plan submission would be given although no changes to the existing facility will be made. Mr. Pavliv, the Board's Attorney, questioned the vacancy, quantity, and operations of the site. Ms. Adamson, the Board's Planner, questioned if any of the applicant's professionals or witnesses researched areas in the permitted zones for this use. Mr. Ferrara asked about the security features of the building. Mr. Gudaitis emphasized the lack of security and his weariness to mix the elderly population with the recovering new patients. Mr. McGrath explained the gas leak situation at the property in 2015 and ensured that an evacuation plan is in place. Mrs. Walsh, also a nurse, was concerned about the level of help the Township would be liable for. She also asked about the visitation policy. Mr. Bombardier and Mr. Haliscak requested clarification on staffing quantities and hours. Mr. Morey confirmed the patients on the second floor will be local members of the community. Mr. Murphy noted they will be transported from New Jersey, Pennsylvania, and Delaware. Mr. Morey went on to clarify that the operations on the second floor will not be managed by Crystal Lake themselves. Chairman Elliott commented on the lack of information for the Board because the operation manager of the second floor was not present. He accentuated the lack of parking at the property.

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 deny the use variance application by Mr. Gudaitis, seconded by Mr. McGrath, with all present in favor, the application was denied.

Chairman Elliott commenced a five-minute recess before the next application was heard.

3. Lipfert – BOA23-5994 Location: 6 Seabright Ave Block 1186 Lots 4295-4297, 4327, 4328
Type of Application: Construction of Single-Family Dwelling with "c" Variance Relief

The applicant's engineer, Jason Marciano from East Coast Engineering, represented the construction of a single-family dwelling application for 6 Seabright Avenue. This property is located in the Northeast section of Berkeley Township in the Ocean Gate section of town. Mr. Marciano went on to explain these are vertical additions to the already existing second floor. A one-foot side yard setback was requested for a variance. The accessory structures, the gazebo and detached garage, are existing non-conforming structures. Mr. Marciano testified to no detriment to the public good, and requested a waiver for curbs and sidewalks as this area has little to none already. There is adequate parking in accordance with the ordinance. Mr. Ernie Peters reminded the Board that a non-conformity already exists, so a variance is required. He noted the consolidation of lots as a condition of approval. Ms. Melanie Adamson explained the reason for the side-yard setback variance and the increasing encroachment in the front yard by the vertical raise. Mr. Morey confirmed the professionals' awareness to the flooding in the area. Mr. McGrath questioned the drawing of the deck. He emphasized the requested addition would increase the nonconformity substantially. Mr. Gudaitis was curious why no previous variance was ever granted for the nonconformity. Chairman Elliott agreed to the side-yard variance, but not the increase of the front yard.

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. Haliscak, with all present in favor, the above application was closed for discussion.

On a motion to approve the expansion of the nonconforming single-family dwelling by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the application was approved for the side-yard setback variance.

4. Byk – BOA23-5999 Grant Concourse at Berkeley Ave Block 792 Lot 1
Type of Application: Construction of Single-Family Dwelling with "c" Variance Relief

John Jackson, the applicant's attorney, and William Stevens, the applicant's engineer, presented the variance application for Grant Concourse at Berkeley Avenue. The variance proposed is for a side-yard setback of 3.67 feet. The Board's Engineer, Ernie Peters, reminded the Board that previous approval to Mr. Jerman was granted for construction across the street. The Board's Planner, Melanie Adamson, was informed there is no water and well/septic only. Mr. Gudaitis questioned the roof drains and noted the approval for a dead-end street. Mr. McGrath wondered why the applicant chose not to conform to the ordinance with regard to the small amount of footage required. Mr. Bombardier suggested the applicant vacate the paper street sometime in the future. Mr. Morey requested a barricade with reflectors compliant with the MUTCD and OM2-2's.

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. Haliscak, 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 by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the application was approved.

RESOLUTIONS

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the resolution for BOA21-5917 was approved.

Abstain: Mrs. Walsh

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA23-5993 was approved.

Abstain: Mrs. Walsh

On a motion by Mr. Gudaitis, seconded by Mr. Ferrara, with all present in favor, the resolution for BOA23-5993 was approved.

Abstain: Mrs. Walsh

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 minutes from the April 12th meeting were approved.

Abstain: Mrs. Walsh

Mr. Gudaitis made a statement to deny the May 10th meeting minutes as the January 11th minutes had still not been received.


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 and adjourn the meeting was entertained.

ADJOURNMENT

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the meeting was adjourned at 10:06 PM.



Chairman Elliott



Secretary Gudaitis

Respectively Submitted
Gabrielle Napolitano, Board Secretary