

July 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 July 12<sup>th</sup> 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. Morey, and Mrs. Walsh

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

**Professionals Present from the Municipality:** Alex Pavliv from Pavliv & Rihacek, LLC, John LeCompte from Remington and Vernick Engineers, and Melanie Adamson from Remington and Vernick Engineers

**AGENDA**

**1. Martens – BOA#23-6002**

**309 Gerard Ave Block 1689.04 Lot 12**

**Construction of Single-Family Dwelling Addition and Elevation with "c" Variance Relief**

Lynne Dunn, the applicant's attorney, and Matthew Hockenbury, the applicant's engineer, presented the application for the construction of a single-family dwelling addition and elevation with "c" variance relief. Block 1689.04 Lot 12, also known as 309 Gerard Avenue, is in the R-31.50 Zone in South Seaside Park. The applicant proposed to expand the existing 1.5-story residence to a 2-story residence with 4 bedrooms and an attached one-car garage. The difference between existing living space and proposed living space is 355 square feet. Two covered porches are proposed at the front of the house and an open deck is proposed at the rear of the house. New laterals are proposed for public water and sewer connections. A variance is required for the minimum front yard setback, minimum side yard setback, combined side yard setback, minimum rear yard setback, and maximum lot coverage. The applicant's professionals testified there would be no negative impact and an overall improvement to the drainage system. A photobook created by MCH Engineering was submitted and entered as evidence A1. From the photos presented, Mr. Hockenbury noted these alterations to the property would promote a more visible desirable environment. Mr. John LeCompte from RVE questioned the recharge system and the calculation for the height of the building. Ms. Melanie Adamson, the Board's Planner, noted the need for a waiver for the driveway and sidewalk as a paver driveway and no sidewalks were proposed. Mr. Morey asked when the photographs were taken. Mr. McGrath questioned the need for a variance instead of shortening the deck. Mr. Gudaitis noted the placement of the shower on the architectural plans. The applicant and their professionals agreed for the top deck to have the enclosed shower be piped into the existing sanitary sewer line. The applicant's engineer stated the flagpole on the property will remain in place, but the mailbox is to be relocated. Additionally, all roof run-off shall be piped into infiltration trench the drainage design for the infiltration trench shall comply with a 25-year storm standard.

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 application for the construction of a single-family dwelling addition and elevation with "c" variance relief by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the application was approved with the conditions listed by Mr. Pavliv.

**2. Freitag – BOA#23-5998**

**\*\*carried 5/10 & 6/14**

**Construction of Pavilion with "c" Variance Relief**

**29 Drake Dr Block 1221.04 Lot 3**

The applicant's attorney, Christopher Reid, presented the application for the construction of a pavilion over an existing outdoor kitchen with electrical service at 29 Drake Drive. A four-foot setback variance for the side yard was granted. The applicant agreed to pipe the roof runoff through the bulkhead and into the lagoons. The plans shall be

amended to show where the electrical panel and pool equipment is to be re-located. so they are compliant with the Ordinance for setbacks. The electrical panel is to be installed by a licensed electrician and shall comply with all codes including base flood elevation. All pool equipment is to be wired into a GFCI breaker. The shed shall be relocated to be compliant with the Ordinance requirements for the side and rear yard requirements, which are 3 feet and 15 feet respectively from the property lines. The Board's planner, Melanie Adamson noted the complying lot coverage for the property and disregarding the need for a variance. Mr. Gudaitis noted the pre-existing nonconformities at this property without a variance. Mr. McGrath noted the nonconformities' longevity of existence. Mrs. Walsh questioned the location of the pool equipment as it was not noted on the survey submitted. Mr. Bombardier was unhappy with the Township allowing these nonconformities to remain for so long. Mr. Morey questioned when these photos were taken. Chairman Elliott expressed his discomfort granting relief for these nonconformities. He emphasized the kitchen, shed, and pool equipment all should've received a variance.

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

#### **RESOLUTIONS**

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the resolution for BOA#22-5988 was approved.

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the resolution for BOA#23-5994 was approved.

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the resolution for BOA#23-5999 was approved.

#### **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 transcript of the January 11<sup>th</sup> re-organization meeting from Linda Sullivan-Hill was approved.

**Abstain: Mr. McGrath and Mrs. Walsh**

On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the May 10, 2023 meeting minutes were approved.

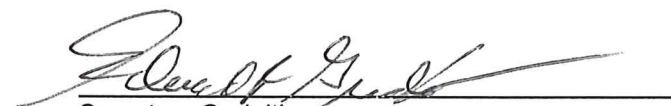
On a motion by Mr. Gudaitis, seconded by Mr. Haliscak, with all present in favor, the June 14, 2023 meeting minutes were approved.

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. Haliscak, with all present in favor, the meeting was adjourned at 9:04 PM.

  
\_\_\_\_\_  
Chairman Elliott

  
\_\_\_\_\_  
Secretary Gudaitis

Respectively Submitted  
Gabrielle Napolitano, Board Secretary