

A regular meeting of the Berkeley Township Planning Board was held on Thursday **February 7, 2013 at 6:30p.m.** in the Municipal Building at 627 Pinewald-Keswick Road, Bayville New Jersey, Present were Planning Board members Robert Winward, Councilman Mr. John CAL Bacchione, Jack Wiegartner, Paul Kaywork, Dominick Lorelli, and Nick Mackres. Also present were Council President James Byrnes, Engineer Ernie Peters, Planner, Attorney Greg McGuckin and Court Reporter Donna DeRado.

Vice-Chairman Mr. Jack Wiegartner leads in the Flag Salute, and then reads the Sunshine Act Statement.

Motion made by Mr. Kaywork seconded by Mr. Winward to approve the minutes from the December 2012 meeting, motion approved.

-Abstain Council President James Byrnes, Councilman Bacchione and Mr. Mackres

Motion made by Mr. Winward seconded by Mr. Kaywork to approve the minutes from the January 24, 2012 meeting, motion approved.

-Abstain, Council President James Byrnes and Dominick Lorelei.

Vouchers:

Court Reporter: \$275

Call of Agenda Applications

Applicant:	Water's Edge Restaurant Ziegler C.I.E., LLC
Block:	1218
Lots:	2,3,3.01,4,5,6,6.01,6.02,7,7.01,8,9,10 & 10.01
Address:	125 Bayview Avenue
Zone:	BC (Bay Front Commercial)

Harvey York, Esq., for the applicant is sworn in, as well as Stuart Challanor the applicant's engineer.

There are three (3) exhibits marked into evidence:

A-1 Google Images of the site,
Left Side pictures are prior to Hurricane Sandy, Right Side after Sandy

A-2 Four (4) photos taken after Super Storm Sandy for DEP to receive approval for emergency bulkhead permits.

A-3 Rendering of proposed plans.

Mr. York explains to the Board how this application was before the Planning Board last year with an application which was much larger than the one they are here with tonight. The prior application and owners obtained approvals to renovate and expand the use and structure on the site and received preliminary approvals along with several variances and waivers in May 2012. These said variances run with the land and the prior granted approvals remain in place subject to the conditions of the approvals. One of the conditions of the prior approval is that should there be any substantial deviation of the submitted plans, the entire proposal must be resubmitted for review and approval, and the prior owner, who received approvals in May, 2012 has subsequently sold the property to the current owner Ziegler LLC.

Mr. York explains to the board that this application is half of last year's application, and they cannot build anything bigger than their proposed plans, as that would take too long for approvals from CAFRA. He explains that there are 100 jobs at risk.

Mr. York explains how this plan works better because it is a much smaller scaled down plan that fits better on the site.

Mr. Challanor explains to the board the application to which he prepared the plans for. The new owner proposes to reconstruct a new facility within the existing footprint of the structure which structure will be raised above existing elevations for flood protection, the property contains approximately 3.99 acres and is located off of Bayview Avenue at the eastern most end of White Cap Way on the Barnegat Bay, the property currently contains a 1 story restaurant, marina, accessory structures associated with the restaurant and marina as well as a gravel/asphalt parking spaces for both uses the eastern property line is bulk headed along the Barnegat Bay the applicant is proposing to reconstruct the existing one story restaurant and decks to higher elevations and the applicant also proposes a second story addition to include an office, bar and dining area.

The applicant has proposed decorative paver drop off area, curb landscape islands, 6 new handicap parking spaces and reconstruction of bulkhead.

The applicant is seeking Four Variances:

1. Minimum side yard setback of 5 feet required, 0 feet proposed on the elevated decks, which variance has been previously granted.
2. Minimum of 20 feet rear yard setback, whereas 0 feet is proposed, a 5.4 foot variance was previously granted.
3. Minimum of 5 feet side yard setback for an accessory building, whereas 1.2 feet is proposed, which variance was previously granted.
4. Minimum Off-Street Parking Spaces Required, total required 191, whereas 183 total parking spaces are provided and a variance for 168 required spaces was previously granted.

The applicant is also seeking the following waivers:

1. a waiver from requiring curbs on all edges of paved surfaces;
2. A waiver with respect to the minimum access aisle width of 24 feet, whereas 14.5, 15, 17 and 18.7 is proposed.
3. a waiver for all parking areas and driveways to be paved and curbed; and
4. A waiver from requiring safety aisle landscaping.

Further waivers were sought with respect to the dimensions of parking spaces, whereas several are proposed 17 feet deep, which waiver has been previously granted, safety islands required between the front building line and the street line, which waiver has also been previously granted, a waiver from providing screening for the refuge storage area. The applicant also proposes PVC fencing and a waiver from requiring a minimum distance of two feet from any property line, whereas parking is proposed up to the property lines, which waiver has also previously been granted.

The Board notes that the facility essentially stands "on its own" as there are no nearby adjoining neighbors who will be impacted by the amended relief being sought herein.

Motion is made by Mr. Kaywork and seconded by Mr. Winward to approve the application with the following Conditions:

1. The applicant shall submit copies of amended plans to the Board Engineer for his review and approval in accordance with their discussions with the Township's Building Department.
2. The applicant shall provide to the Board Engineer copies of all correspondence exchanged between the applicant and the New Jersey Department of Environmental Protection regarding any state permits which were not required.

3. The applicant shall prepare a Deed of Consolidation for the lots into single ownership which Deed must be reviewed and approved by the Board Engineer and attorney prior to filing.
4. The applicant shall comply with all terms and conditions set forth in the Engineer Review Letter and Planning Review Letters of the Board's Professionals with the exception that they will not have to provide paving for the parking lot.

Motion is carried unanimously.

Next Meeting is set for 6:30 pm on March 7, 2013.

Respectfully Submitted,

Melissa Kazmac