

The Regular Meeting of the BERKELEY TOWNSHIP PLANNING BOARD was held on October 2, 2014 at the Municipal Building's Meeting Room, Pinewald-Keswick Road, Bayville, New Jersey.

Roll call was taken. Present were Chairman Anthony DePaola, Councilman John Bacchione, Dominick Lorelli, Jack Wiegartner, Robert Winward and Nick Mackres. Also present were Ernie Peters, Planning Board Engineer, Stan Slachetka, Planning Board Planner, Greg McGuckin, Esq., Planning Board Attorney, Jacquelyn Wahler, Court Reporter and Kelly Hugg, Secretary to the Planning Board.

Chairman DePaola led the flag salute, moment of silence, read the public announcements and started the meeting.

Sunshine Act Statement: This meeting was advertised in the Asbury Park Press and the Press of Atlantic City and posted in the Clerk's Office on the Bulletin Board as required by the "Open Public Meeting Act."

Please be advised that there is to be NO SMOKING in this building in accordance with New Jersey legislation.

Memorialization of Pending Resolutions

Armando Cocci, Jr. – PB #14-009

Motion to approve by Mr. Winward, seconded by Mr. Bacchione; Mr. Mackres and Chairman DePaola abstained. Motion carried.

Breckenridge Properties, LLC - PB#14-007

Motion to approve by Mr. Winward, seconded by Mr. Bacchione; Mr. Mackres and Chairman DePaola abstained. Motion carried.

Costa/Demers – PB #11-665

Motion to approve by Mr. Winward, seconded by Mr. Wiegartner; Mr. Mackres and Chairman DePaola abstained. Motion carried.

Vouchers Submitted for Payment

Linda Sullivan Hill - \$275.00

Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors - \$429.00

Motion to approve by Mr. Wiegartner; seconded by Mr. Mackres. Motion carried.

New Business

Discussion regarding Ordinance changes - Ordinance No. 14-30-OA.

Mr. McGuckin discussed that Planning Board has right to review and comment on new ordinances.

Motion to approve ordinance by Mr. Wiegartner; seconded by Mr. Winward. Motion carried.

Correspondence

Ordinance No. 2014-20-OAB – Vacation of a Portion of Lavallette Avenue Abutting Block 1203, Lot 1, Block 1204, Lot 1, Block 1205, Lot 1 and Block 1207, Lot 1.01.

Ordinance No. 2014-19-OAB – Vacation of a Portion of Oakland Avenue Abutting Block 981, Lots 1-4 and Block 984, Lots 13 – 16.

Ordinance No. 2014-21-OAB – Vacation of a Portion of Bay View Avenue Abutting Block 1689, Lot 17, Block 1724, Lot 1.

Motion by Mr. Winward; seconded by Mr. Mackres. Motion carried.

Approval of Minutes

September 4, 2014 Meeting

September 18, 2014 Special Meeting

Motion by Mr. Wiegartner; seconded by Mr. Mackres; Mr. Bacchione and Chairman DePaola abstained for September 18 minutes. Motion carried.

Mr. McGuckin advised Board about Petition received from South Seaside Park seeking to be de-annexed from Berkeley Township. The Planning Board may have to have special meetings.

Call of Agenda Application

Consideration of Agenda Application

- 1. Applicant: Berkeley Family Apartments LLC**
Type of Application: Preliminary Major Site Plan
Block: 882 Lot: 4.01
Location: 175 Atlantic City Boulevard
Project: 88 Unit apartment complex
Engineer: Speitel and Speitel, Inc.
Attorney: John A. Giunco, Esquire

Action: Public hearing, discussion & consideration of application

Attorney Giunco began testimony with explanation of project as follows: proposing to develop 88 family unit apartments in different sizes with clubhouse and a garage with remaining being family apartments. Attorney Giunco requested that the application be considered under current ordinance. All members and Professionals representing Berkeley Family Apartments LLC were sworn in by Attorney McGuckin.

Joseph A. DeDuca, 21 East Euclid Avenue, Haddonfield, NJ 08033 of Berkeley Family Apartments LLC explained how the funding is expended. HMFA rules apply. The project is described as workforce housing, income restricted housing. The rents are required to be affordable, but must be paid by the tenant. Program is designed that 30% of income is spent on housing. The project would be consistent with the master plan. Mr. DeDuca explained the differences in programs of several existing apartment complexes that exist in Berkeley Township compared to the program that Berkeley Family Apartments LLC is obtaining. The State requires a fund to be held by the owner of the development for any repairs that need to be done complex. The Town is allowed a preference of who rents due to Sandy, tenant screening done and have to meet the credit standards. Entered exhibit A-1 Photo of Whispering Hills Project in Barnegat, Exhibit A-2 Clubhouse, Exhibit A-3 Elevation Rendering, Exhibit A-4 Site Plan, Exhibit A-5 Floor Plan of Unit B-1. The building is lead certified project; energy efficient housing. This development would be helpful with the COAH requirements of the Town. If complex was ever sold, the State would have to approve a qualified developer and the rules and regulations stay in effect for the project for 30 years. The garbage collection is done by private collector. The State dictates the rate of the rental and the increases. There is a bond posted in account from the developer and a reserved account for any items that need to be replaced or repaired. The State would make developer repair roads if there are issues with road in the development. Mr. DeDuca explained who manages the project. Mr. DeDuca explained the pilot plan for the development.

The Board questioned the difference between Section 8 and affordable housing; Sandy victims would have first choice; requested the ratio of the number of bedrooms; garbage collection; determination of who qualifies as Sandy victim will Town or the developer; do the rules and regulations stay in effect if sold; when will the project begin; how are the rental rates established; does State inspect the properties; how long is bond kept; utilities included in rent; questioned who is the owner of the property and who has the equity; cost of development; questioned ratable for Town.

Mr. McGuckin requested the FRM guideline rules; questioned the funding for this project, if not provided would this preference be available in future; does Township have to provide land or subsidy for this project; can you evict tenants who do not pay or cause problems and do not follow the rules; is there a limit of people living in apartment; is there anything in the lease that provides for anyone who commits a criminal violation for eviction.

Mr. Speitel stated what his credentials and years of experience. Mr. Speitel reviewed the site plan and layout of the site; described the location of buildings and trash enclosure. Mr. Speitel explained the runoff of the rain water and impervious coverage. The project is in compliance with conditional uses. Mr. Speitel reviewed the landscape plan. One exception was requested regarding the parking spaces. There is a significant amount of open space for this project. Mr. Speitel confirmed that the passive recreation area was 5%. The storm water management was described. Mr. Speitel agreed to meet all the requirements listed in the review letters prepared by the Engineer and Planners for the Board.

Mr. Slachetka requested the clarification of the exact percentage of passive recreation area.

Mr. Peters requested that Mr. Giunco reiterate and explain what type of municipal approval the applicant is attempting to obtain at tonight's meeting.

The Board had no questions for Mr. Speitel.

Mr. John McCormack stated his credentials. Mr. McCormack prepared traffic impact study for the site; explained trip generation site, on-site conditions, access permit to be submitted to DOT and on-site circulation; driveway design was described; exception for parking spaces.

The Board questioned the traffic in the area and stated that it can be an issue during certain times of the day; felt there would be more left turns out of the apartment complex.

Attorney McGuckin questioned what was previously approved and what type of traffic would be generated from that development.

Mr. Guinco explained site was previously approved by Board for 162 unit age restricted complex with 3 story office building.

Chairman DePaola opened meeting to public.

Steve Baeli, 33 Lawrence Avenue, Bayville. Mr. Baeli was concerned with the traffic, the busing, new students; type of development would not be good for this property; feels that the sanctuary in area would be polluted.

Cheryl Bozinis, 74 Pleasant Valley Court, Pine Beach, 08741. Ms. Bozinis did not feel that this project would help stimulate the Township. She is concerned about having low income development in this area.

Cheryl Altieri, 738 Route 9, Bayville and 8 Forest View Drive, Bayville. Ms. Altieri questioned about how the Sandy relief residents would qualify for the development. Ms. Altieri was concerned about the amount of new students, traffic in area, how often were the criminal checks done, and who polices the recreational site and club house.

Mr. McGuckin stated to public and to all representatives that everyone will have a chance to be heard and questioned answers but has to be done in an orderly fashion.

Catherine Hanhart, 21 Frost Drive, Bayville. Ms. Hanhart was concerned about the schools and said high school was filled to capacity, waivers from NJDOT traffic study, environmental DEP, square footage of the clubhouse, parking spaces for site, secondary access and disagreed with the traffic generated from the site.

Janice Freeman Kenney, 66 Pleasant Valley Court, Pine Beach. Ms. Kenney was concerned about the background checks, impact of taxes with the additional children to schools, the sanctuary that includes endangered species, and traffic on Route 9.

Beth Altieri, 8 Forest View Drive, Bayville. Ms. Altieri was concerned about who receives the copies of the leases and how often will the background checks for criminal activity be completed for residents of the complex.

Mr. DeDuca stated they do criminal background check and review on yearly basis. Mr. DeDuca stated they do monitor on a monthly basis every police call that does come into their development. There are security cameras on-site.

Mr. Charles Anton, 40 Symphony Avenue, Bayville. Mr. Anton was concerned that this area is not zoned for multifamily, did not think environmental study was correct, Route 9 traffic, rental income, parking spaces are insufficient and he felt developer was not worried about the Town.

Mary Ragucci 2 JFK Boulevard, Pine Beach. Ms. Ragucci was concerned about retention pond and would like to know how water will drain there, questioned why she was not notified of the meeting, will the property for this development be fenced, one way entrance, and will they be using a mosquito service due to the retention pond, and will insurances be provided for the site.

Mr. Seitel explained how the water would be drained into pond and then filtered.

Mr. Slachetka questioned what information is required to submit to the State for this type of projects.

Mr. DeDuca said the Government did the study on point basis.

Kevin Boughton, 14 Cranmer Road, Bayville. Mr. Boughton was concerned about school budget issue and traffic caused for added bus stops, and that there is no traffic light. Mr. Boughton was against the project and would like property to remain wooded.

Kelly Butler, 650 Bayview Avenue, Bayville. Ms. Butler questioned the minimum requirement of the income of the rentals and demographics used by the applicant. Ms. Butler was opposed of this development in this area.

Glenn Morris 56 Pleasant Valley Court, Pine Beach, NJ. Mr. Morris was concerned about number of apartments that are still available in the Town and is there a need for more apartments.

Attorney McGuckin stated there was a previously approved plan for age restricted development for this site.

Jerry Fisher, 2 JFK Boulevard, Bayville, NJ. Mr. Fisher stated that he did not receive notification of the meeting by certified mail and questioned why his family, who has property across the street from the site, were not notified; where are the sidewalks being constructed. Mr. Fisher said he had been approached by Rudolph Rinderer about purchasing property for easement about 6 months.

Mr. DeDuca stated they were not under contract 6 months ago; if access would be granted to JFK, they would consider to have a secondary access to property; willing to pay a portion for the traffic signal at JFK Blvd.; willing to talk about purchasing a portion of the property, and would be willing to do more buffering around the area.

Vinnie Annarumma, 2 Symphony Avenue, Bayville. Mr. Annarumma is concerned about increase in taxes due to this development and is opposed to this project.

Roland Gailis, 38 JFK Blvd., Bayville, NJ. Mr. Gailis questioned the CAFRA map he received in the mail. Mr. Gailis is concerned about lights from vehicles that would shine into his home and requested a buffer and felt that the development would make more traffic.

Mr. Mackres requested to see what map Mr. Gailis had in his possession

Attorney McGuckin asked Mr. Mackres to advise the discussion that was being held with Mr. Gailis. Mr. Mackres indicated that Mr. Gailis was showing where his property was on the map of the site plan and showed the map of the prior project which was entered as Gailis Exhibit A-1.

Dorothy Meelheim 413 Riverside Drive, Bayville. Ms. Meelheim concerned about what the benefit of this project would be to Berkeley, questioned the project on Elizabeth Avenue, and questioned the capacity of students in each classroom. Ms. Meelheim was concerned about traffic issues.

Mr. Peters said he was not aware of a subdivision of 60 lots, but 6 lots for Ocean's Inc.

Attorney McGuckin stated that public should realize the Board cannot deny based upon other approved projects in the Town, the traffic on Route 9, and because of additional school students. Attorney McGuckin explained Municipal Land Use Law.

Lawrence Burg 18 Frost Drive, Bayville, NJ. Mr. Burg was concerned about time limit on the meeting, questioned approval process for preliminary and final application submissions, what is the state and federal criteria, wanted to know the benefit of this project, concerned about the location of the site for this project.

The Board questioned what information was submitted to the State to see if the project would be accepted for this sort of funding.

Robert Stutzman 4 Country Woods Lane, Pine Beach. Mr. Stutzman was concerned about the tax burdens on the residents, what would happen if the project was sold, exits in and out of the project.

Mr. Wiegartner explained that the access for fire engines has to come before the construction office. If it meets the codes, it will be approved. However, if it does not, it will not be approved.

Chairman closed the Public portion of the meeting.

Motion to deny by Mr. Lorelli; seconded by Mr. Mackres reasons for denial fire engines would not have enough area for turnaround and only one access to enter and exit; with Chairman DePaola abstaining. Motion carried.

Adjournment

Motion to adjourn by Mr. Wiegartner; seconded by Mr. Mackres. Motion carried.