

The Regular Meeting of the BERKELEY TOWNSHIP PLANNING BOARD was held on December 4, 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 (arrived at 6:05 pm), Brian Gingrich and Nick Mackres. Also present were Ernie Peters, Planning Board Engineer, Stanley Slachekta, Planning Board Planner, Greg McGuckin, Esq., Planning Board Attorney, Linda Sullivan Hill, 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.

Vouchers Submitted for Payment

Linda Sullivan Hill - \$550.00
Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors - \$3,889.09
Remington, Vernick & Vena - \$1,046.25
T & M Associates - \$4,917.20

Mr. Slachetak discussed the grant received for updating Master Plan and selection of sub-committee from Planning Board members.

Mr. Mackres, Councilman Bacchione and Mr. Lorelli would head the subcommittee.

Comments from the Public:

General public comments are limited to five minutes per person.

Meeting Time

The Planning Board meetings will end at 10:00 p.m.

Call of Agenda Applications

Chelsea Place

Preliminary Major Subdivision Approval
Request for One Year Extension

Attorney: Louis Felicetta
Engineer: Frank Baer, Jr.

Mr. Felicetta requested one year extension because permit extension act was going to expire and he did not feel the permit extension act would be extended.

Mr. Baer testified that the original project was designed by a different engineer and Mr. Baer felt there would not be enough time to prepare updated maps.

Mr. McGuckin requested time frame of extension.

Chairman DePaola opened to public.

Motion to approve the extension by Councilman Bacchione; seconded by Mr. Wiegartner. Motion carried.

Consideration of Agenda Application

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

This matter has been remanded by the Court.

Engineer: Speitel and Speitel, Inc.
Attorney: John A. Giunco, Esquire

Mr. McGuckin stated the case heard on October 2, 2014. A lawsuit was instituted against the Planning Board and Township of Berkeley and an order was instituted by the court remanding this matter back to the Planning Board. The Board is required to either reconsider the decision of the Board or the Board has to state their reasons for denying application. Mr. McGuckin requested that during public comments that one person speak at a time with no interruptions from the audience.

Mr. Giunco outlined and reviewed what was being proposed for this site. This was a permitted use in this zone and entitled to approval. The application meets all the appropriate legal criteria.

Mr. Slachetka requested that the Board be re-informed the nature of compliance of all the conditions that would be met per the conditional use requirements.

The Board questioned if there would be changes to the original plan that was presented in October.

Mr. Giunco stated that an alternative plan would be submitted and will focus on the safety issues.

Mr. DeDuca stated that he checked the area to see if there could be an additional access from the site. There is an access easement for the property. Mr. DeDuca approached several residents to try to retain second access to the property. Mr. DeDuca stated there are residents that are on waiting list for housing as proposed in this plan. The Berkeley Township Sandy victims would have a preference to rent from this development as long as they meet the criteria.

Mr. Giunco entered into the record Exhibit AA-1 offsite driveway exhibit dated November 25, 2014 prepared by Speitel and Speitel; Exhibit AA-2 of the site and emergency access dated November 25, 2015.

Mr. Speitel explained the conditional uses of the site. Mr. Speitel explained the changes to the site plan AA-1 exhibit and discussed exhibit AA-2. All conditional uses were reviewed. Driveway would be in compliance with the residential site improvement standards. The plan would comply with the fire code. The single access plan is in compliance with RSIS regulations. The island would be on site and in an arc to make a left hand turn. Landscape berm will be added so that the headlights of vehicles will not be directed into Mr. Gailis home.

The Board stated that there were 10 conditional uses to site; the traffic and parking spaces were discussed; questioned the barrier driveway on Route 9 and the turning radius; why was designed as T and not a loop; would the applicant consider putting in two access roads; the island location was discussed; questioned Mr. Peters on which layout was the better; school bus stops were discussed.

Mr. Peters suggested that the applicant get confirmation from DCA regarding the T shape turnaround. Mr. Peters stated that the preferable layout would be AA1 and questioned the amount of parking spaces; will traffic light on JFK add more safety to development; would request sidewalks; questioned the PILOT; wanted to know if building 9 could be changed.

Mr. Slachetka would like to hear more testimony for the traffic study and agreed AA1 layout was preferable layout. Mr. Slachetka wanted to know how the landscape would affect the AA-2 layout. The impervious coverage was questioned on the new layouts.

Mr. McCormack addressed the provision of another access to the site. There is appropriate site line for the criteria set by NJDOT. The hammerhead is in compliance of the RSIS standards. With addition of the access there would be ample access for fire trucks and safe and efficient. Mr. McCormack explained the trip generation that the site would produce. Mr. McCormack said that the bus stop would be recommended by the Board of Education. The sight radius can accommodate the bus stops. The Township would have to make the recommendation for the traffic light.

The Board questioned where the School bus stops would be located on the site; the amount of the parking spaces were questioned; will traffic light improve safety for drivers; sidewalks were discussed for the safety of pedestrians.

Mr. McGuckin said Board can make suggestions for the applicant regarding the traffic light and sidewalks. The Board cannot make it requirement of the approval.

Mr. DeDuca said they would pay their fair share of the cost of the light.

The Board members questioned if portion of the driveway could be widened between building 9 and 11.

Mr. Speitel said the radii can be increased into the hammerhead.

Mr. Giunco concluded the presentation by reviewing all the information presented before the Board.

Chairman Depaolo opened to the public.

Patrick Pizzi 27 Chain Blvd., Bayville, questioned the safety of how the emergency vehicles would get around in the development.

Rich Elliott, Bayville, recommended that Berkeley Township traffic safety should be involved.

Jerome Bollitieri, 260 Butler Blvd. concerned that this sort of development will increase the crime rate and felt it would affect the value of the homes.

Cheryl Bozinis, 74 Pleasant Valley Court, felt that the safety of the children would be jeopardized by the development of this site due to the traffic and was concerned about the student capacity in the schools.

Mr. McGuckin explained that the Town cannot hire the DOT; that the application has to be submitted by the applicant. The application does not have to be submitted before heard by Board, but can be made a condition that DOT approval is required.

Maureen Hall concerned about the conservation area.

Mr. Speitel referred to exhibit AA-1 and explained about the wetlands buffer.

Charles Anton, 40 Symphony Avenue, Bayville, stated they needed DEP approval. Mr. Anton was concerned about the residents who would be renting the apartments and the traffic that would be cause from the development.

Terry Sweeney, 5 Eastern Blvd., concerned that the money for the grant was not really being used for Sandy victims and worried about safety due to traffic and the conservation area.

Mr. McGuckin explained that Sandy funding was unfair in Ocean County.

Kim Morris questioned about how the plan is reviewed and the funding, DOT approval and was concerned about the traffic.

Mr. McGuckin stated they cannot deny application based upon traffic.

Rob Bokay referred to ordinance Article 8, 35-31.6 Planning Board actions and concerned about the traffic this development would cause.

Mr. McGuckin explained that legally the case cannot be denied by the ordinance. The law states that if the development is a permitted use in the zone, the ordinance does not take precedents over the law.

Jennifer Nichols 25 JFK Blvd., concerned about the safety issues on JFK Blvd. were not addressed and is concerned about the traffic and the impact will affect the safety of her children. Ms. Nichols felt that sidewalks on both sides would be better solution instead of on just one side. The parking is an issue of concern as well. The tax increase because of the additional children in this development is a concern.

Jerry Fisher, 2 JFK Blvd., concern about the driveway area being 24' wide and felt the driveway should be larger. Mr. Fisher stated there should be sidewalks and curbs.

Glenn Morris, Pine Beach, questioned the time frame of when public has to be notified of the meeting and when notice had to be published in the paper; the fire access was questioned; concerned about the conservation easement.

Mike McNeil, explained what low income meant. Mr. McNeil felt that there was a real need for affordable housing in this area and supported the application.

Vassilios Bozinis, stated that there was enough low income housing in the area and felt there was an element that came with low income housing.

Mr. McGuckin explained that the lawsuit was brought up before the Board adopted the Resolution.

David Rammler represents fair share housing center. Mr. Rambler explained the funding and how the funding was distributed.

Mr. McGuckin questioned the funding and how it was used for rebuilding after Sandy.

Mr. Slatcheka what were the issues the Board should consider based upon Mr. Rammler's testimony.

Jim Burns, 219 Dogwood Drive, Bayville, stated that the Town has had many meetings with the NJDOT regarding Route 9.

Diana Dozois, 6 Frost Drive, concerned about the traffic on Route 9 and worried about safety of children riding the bus.

Mathew Nichols, 25 JFK Blvd., Pine Beach, concerned about the traffic and the lights from the cars may affect his home. He felt that safety is an issue due to lack of sidewalks.

Charles Restivo concerned about the traffic and parking areas.

Chairman DePaola discussed the traffic on Route 9 and felt that this issue was an on-going issue for years.

Kelly Butler questioned Exhibit AA-1 and suggested that maybe rear buildings in the development could be removed. Ms. Butler was concerned with the parking situation.

Maureen Hall stated that Route 9 should have been extended.

Motion to close public comment by Mr. Winward; seconded by Mr. Wiegartner. Motion carried.

Motion to approve the application (exhibit AA-1) by Mr. Weigartner; seconded by Mr. Winward.

Mr. McGuckin reviewed the stipulations of the approval.

Mr. Wiegartner verified that this application was for Preliminary approval.

Mr. Mackres does not agree with the turnaround rules from RSIS standards.

Mr. Peters explained the process of approval of site plan. Mr. Peters stated that the site plan was in compliance with RSIS guidelines.

Mr. Slachetka stated there should be safe pedestrian access. Lighting is a concern.

Mr. Mackres said sidewalks and lighting should be included in the approval.

Mr. Bacchione questioned if there were any other sites available for this development.

Motion to approve the application (exhibit AA-1) by Mr. Weigartner; seconded by Mr. Wiegartner. Mr. Lorelli approved, motion passed, with Mr. Mackres abstaining and Mr. Bacchione and Chairman DePaola denying.

Motion by Mr. Bacchione to adjourn; seconded by Mr. Winward. Motion carried.