

ORDINANCE NO. 2024- 21- OA **B**

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF VIRGINIA AVENUE (AT THE INTERSECTION OF ARLINGTON AVENUE AND PRINCETON AVENUE) ABUTTING BLOCK 675, Lots 29-34 and Block 674, Lots 1-6**

April 15, 2024

**WHEREAS**, there exists a right-of-way on Virginia Avenue (at the intersection of Arlington Avenue and Princeton Avenue), Block 675, Lots 29-34 and Block 674, Lots 1-6, on the Berkeley Township Tax Map, County of Ocean, State of New Jersey; and

**WHEREAS**, the Township Engineer has reviewed the request to vacate portions of Virginia Avenue (at the intersection of Arlington Avenue and Princeton Avenue), described in Schedule A, provided by the property owners of adjacent property, Greg & Meghan Senatore and Peter & Judith McNulty, and approves of same; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(4) authorizes the Berkeley Township Council to extinguish and vacate said portions of the street provided that said action is authorized by Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Berkeley, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** There is hereby vacated all of the right, title, and interest of the public for all public usages and purposes in and to those portions of Virginia Avenue (at the intersection of Arlington Avenue and Princeton Avenue) abutting Block 675, Lots 29-34 and Block 674, Lots 1-6, as is set forth on Schedule A, attached hereto and made a part hereof. However, the Township does hereby expressly reserve and except from the vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186, (C. 48:5A-1, *et seq.*), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, being vacated by the provisions of this ordinance.

**SECTION 2.** At least one (1) week prior to the time fixed for further consideration for final passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.


**SECTION 3.** This ordinance shall be published at least once in an official newspaper of the Township of Berkeley at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

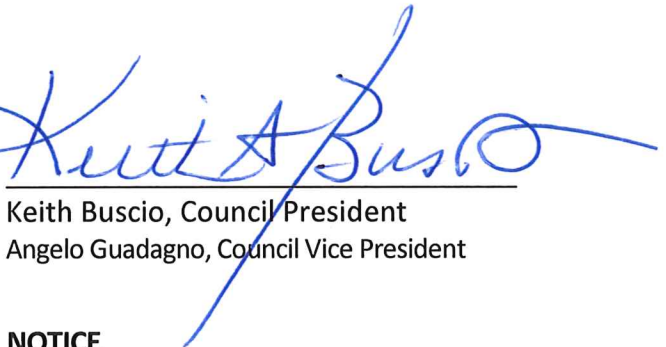
**SECTION 4.** The Township Clerk, if this ordinance is adopted on final reading, shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk's Office for recording in the Book of Vacations.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

**SECTION 6.** A copy of Schedule A as referenced herein shall be kept on file and made available for public inspection in the Township Clerk's Office during normal business hours.

**SECTION 7.** A condition of the vacation of the portion of Virginia Avenue (at the intersection of Arlington Avenue and Princeton Avenue) is that this street must be consolidated with the property owned by Greg & Meghan Senatore.

  
John A. Bacchione, Mayor

  
Keith Buscio, Council President  
Angelo Guadagno, Council Vice President

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on April 15, **2024**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **20<sup>th</sup> day of May 2024**, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

  
**KAREN STALLINGS, RMC**  
Township Clerk, Township of B



# LEO A. KALIETA & CO.

PROFESSIONAL LAND SURVEYOR  
20 MIDDLESEX ROAD MATAWAN, NEW JERSEY 07747  
(732) 583-9155  
FAX (732) 583-8528

March 27, 2024

## **Township of Berkeley Ocean County, New Jersey**

Beginning at a point formed by the intersection of the said Westerly Right of Way Line of Princeton Avenue, and the Northerly Right of Way Line of Virginia Avenue, (unimproved), and running thence

1. South 02 degrees 52 minutes 00 seconds West, along the Westerly Right of Way Line of Princeton, a distance of 25.00 feet to a point, thence
2. North 87 degrees 08 minutes 00 seconds West, a distance of 150.00 feet to a point, thence
3. North 02 degrees 52 minutes 00 seconds East, a distance of 25.00 feet to a point lying in the Northerly Right of Way Line of Virginia Avenue (unimproved), thence
4. South 87 degrees 08 minutes 00 seconds East, along said Right of Way Line, a distance of 150.00 feet TO THE POINT AND PLACE OF BEGINNING.

Describing the Northerly 25.00 feet of Virginia Avenue (unimproved) to be vacated & conveyed to Lots 1 thru 6 in Block 674, Township of Berkeley, Ocean County, New Jersey



Leo A. Kalieta, P.L.S.  
License #31268

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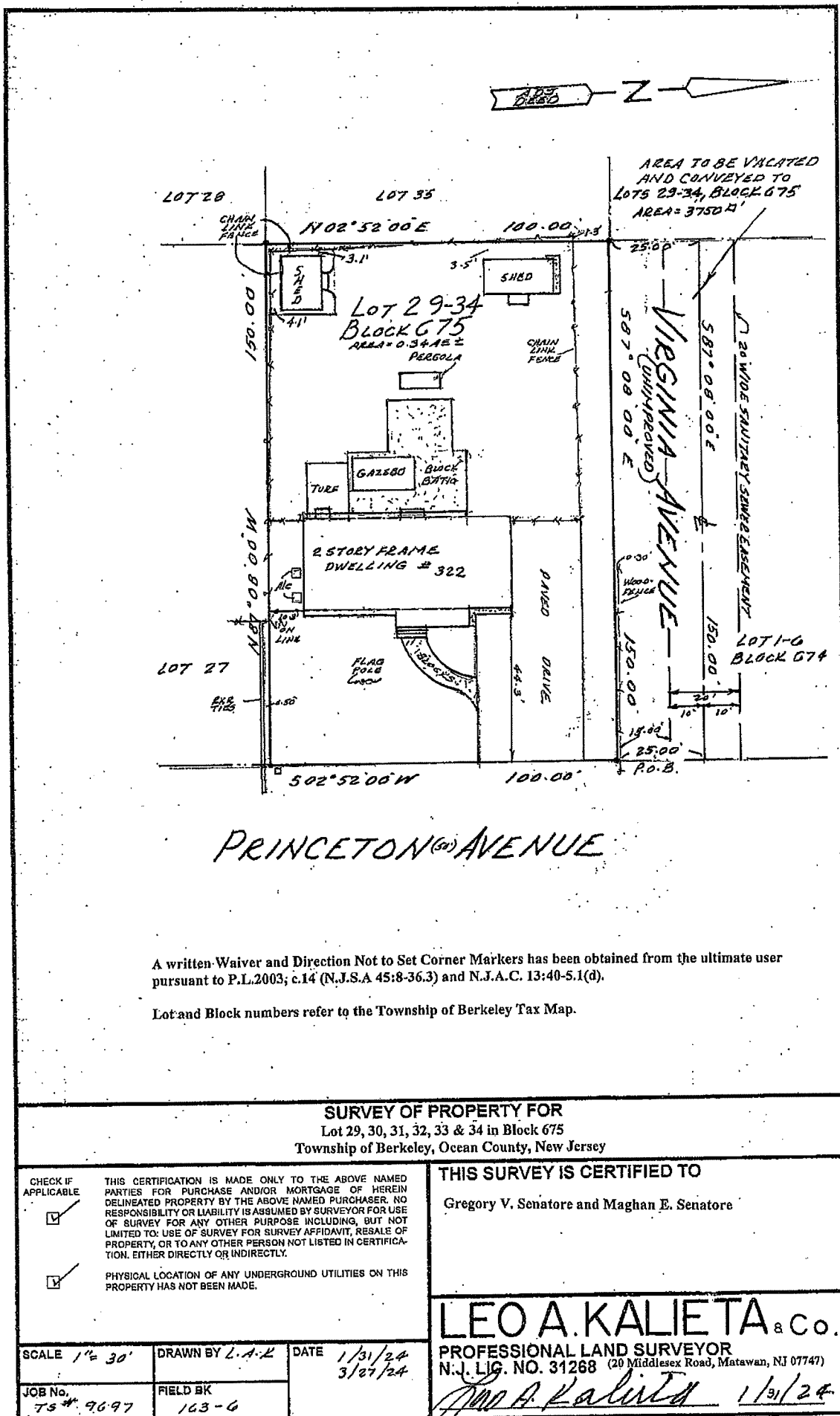
Beginning at a point lying in the Westerly Right of Way Line of Princeton Avenue, said point being distant 15.00 feet Northwardly from a point formed by the intersection of the said Westerly Right of Way Line of Princeton Avenue, and the Southerly Right of Way Line of Virginia Avenue, (unimproved), and running thence

1. North 87 degrees 08 minutes 00 seconds West, a distance of 150.00 feet to a point, thence
2. North 02 degrees 52 minutes 00 seconds East, a distance of 20.00 feet to a point, thence
3. South 87 degrees 08 minutes 00 seconds East, a distance of 150.00 feet to a point lying in the Westerly Right of Way Line of Princeton Avenue, thence
4. South 02 degrees 52 minutes 00 seconds West, along said Right of Way Line, a distance of 20.00 feet TO THE POINT AND PLACE OF BEGINNING.

Describing a 20 foot wide sanitary sewer easement.



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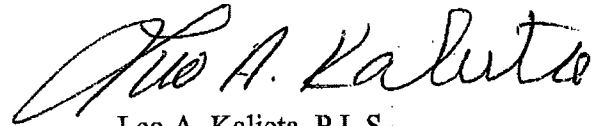
March 27, 2024

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1. North 87 degrees 08 minutes 00 seconds West, along the Southerly Right of Way Line of Virginia Avenue (unimproved), a distance of 150.00 feet to a point, thence
2. North 02 degrees 52 minutes 00 seconds East, a distance of 25.00 feet to a point, thence
3. South 87 degrees 08 minutes 00 seconds East, a distance of 150.00 feet to a point lying in the Westerly Right of Way Line of Princeton Avenue, thence
4. South 02 degrees 52 minutes 00 seconds West, along said Right of Way Line, a distance of 25.00 feet TO THE POINT AND PLACE OF BEGINNING.

Describing the Southerly 25.00 feet of Virginia Avenue (unimproved) to be vacated & conveyed to Lots 29 thru 34 in Block 675, Township of Berkeley, Ocean County, New Jersey



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Describing a 20 foot wide sanitary sewer easement.



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License #31268





**REMINGTON  
& VERNICK  
ENGINEERS**

9 Allen Street  
Toms River, NJ 08753  
O: (732) 286-9220  
F: (732) 505-8416

January 5, 2024

Ms. Karen Stallings, Clerk  
Berkeley Township  
627 Pinewald-Keswick Road  
P.O. Box B  
Bayville NJ 08721

Re: Application for Street Vacation  
RECOMMENDATION OF APPROVAL  
Street Vacation Application  
Portion of Virginia Avenue, between Arlington Avenue and Princeton Avenue  
Block 675, Lots 29-34/ Owner & Applicant: Greg & Meghan Senatore  
Block 674, Lots 1-6 / Owner: Peter & Judith McNulty

Dear Ms. Stallings

Our office has received the Application for Street Vacation for the above referenced Blocks and Lots. We have reviewed this application and offer the following:

- The Applicant has provided the attached submittals on the Application for Street Vacation form. The Applicant is proposing to vacate a 150 ft X 50 ft Street Vacation of a portion of Virginia Avenue located between Arlington Avenue and Princeton Avenue, fronting Block 675, Lots 29 thru 34 and Block 674, Lots 1 thru 6. The Applicant known as Greg & Meghan Senatore wishes to vacate this portion of Virginia Avenue for personal use. The Street Vacation is shown on the attached tax map highlighted in yellow.
- The proposed vacation will not result in changes to the existing traffic patterns in this area.
- There have been no objectionable public comments.
- Our office has notified Berkeley Township Agencies regarding the proposed Street Vacation and the following responses were received:
  - The Director of Public Works had given no response.
  - Berkeley Township Sewerage Authority has no objection as long as a 20 ft. wide utility easement is in place for a future sewer pipe.
  - The Fire Official had no objection to this Street Vacation.
  - The MUA had no objection to this Street Vacation.


In accordance with Chapter 17-2.2, our office recommends that the Township Council allows the 150 ft X 50 ft Street Vacation of a portion of Virginia Avenue located between Arlington Avenue and Princeton Avenue, fronting Block 675, Lots 29 thru 34 and Block 674, Lots 1 thru 6. Should the Council issue a favorable determination, the Applicant will be required to provide the Township Clerk with all items required in Chapter 17-2.44. The metes and bounds description and the map for the Street Vacation show the 20 ft. wide BTSA utility easement.

I trust the above is satisfactory; however, should you have any questions or require additional information, please do not hesitate to contact our office.

Berkeley Township  
Our File: 1506-T-004

Page 2

God Bless America  
Remington & Vernick Engineers



Alan B. Dittenhofer, PE, PP, CME  
Office of the Township Engineer

JAZ/ABD:ag

Enclosure

cc: sent with enclosures  
Ms. Lauren Staiger, Esq., Township Attorney  
Mr. Ernest J. Peters, Jr., PE, PP, CME - RV  
Ms. Jamison Zimmerman, CFM - RV



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[illegible]

101 WHEATON

[illegible][illegible][illegible]

**JOHN C. FELLOWS & SON - CIVIL ENGINEERS**  
**310 MAIN STREET** **TOMAS RIVER.**

Vacate  
Roads

## Food

**TOWNSHIP OF BERKELEY  
APPLICATION FOR VACATION OF STREET**

**Application Fee: \$ 500.00**

1. Applicant's name, address, and telephone number:

GREG SENOIA 322 Princeton Ave 845 992 3937

2. Name, address, and telephone number of attorney representing applicant (if applicable) and/or the name, address, and telephone number of any other person to be contacted on behalf of the applicant:

3. Name and a general description of the street, highway, right-of-way or other public place to be vacated:

Virginia Ave Road - not cleared or paved

4. If applicant is a corporation, partnership, or other entity, the name and address of each person holding an interest of the percent (10%) or more in the ownership of such corporation, partnership, or other entity:

5. List of the lot and block numbers of all property adjoining the area to be vacated, together with a list of the names and addresses of the assessed owners of such adjoining properties:

674-1 McNULTY, Peter & Judith  
318 Princeton Ave, Bayville, NJ.

6. Description of the current use of the area to be vacated:

wooded area - not used

7. Description of the applicant's intended use of the area to be vacated:

needed for required side set back for garage addition

8. Description of any improvement on the area to be vacated including but not limited to paving, gravel, utilities or structures:

removal of dead trees.

I certify that the information set forth or attached to this application are true and accurate.

[Signature]  
Signature of Applicant or Applicant's Representative

11/18/23  
Date

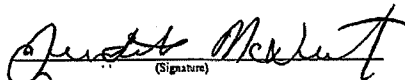
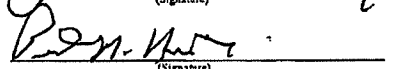
**NOTES:**

- (1) Applicant must furnish with this application a reproduction of the tax map showing the area surrounding the area to be vacated, as well as all intersecting roads and adjoining parcels. The reproduction may be obtained from the Township Assessor's Office.
- (2) Applicant must also furnish with this application a signed consent form in the attached format from each of the property owners of property adjoining the area to be vacated.
- (3) Applicant agrees to pay all additional fees and expenses as stipulated in the Township's Street Vacation Ordinance.
- (4) Applicant must supply (at the time of application) proof of notification to the property owners within two hundred (200) feet of the area to be vacated.
- (5) Affidavit of publication from local newspaper must be submitted at the time of application.

CONSENT FORM  
(APPLICATION FOR VACATION OF STREET)

I/We, the property owners of Block 674, Lots 1,  
adjoining the area requested to be vacated on VIRGINIA AVE.  
(name of street)  
which has been requested by GREG & MARGAN SEVATYK, do hereby consent to the  
(name of person(s) requesting vacation)  
requested vacation if granted by the Township of Berkeley.

I/we understand that if this vacation is granted, we shall receive fifty percent  
(50%) of the title of the stated road, and further understand that we will be assessed for  
the additional property.


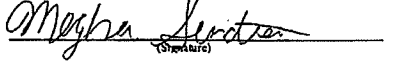
  
(Signature)  
  
(Signature)

11-21-23  
(Date)

CONSENT FORM  
(APPLICATION FOR VACATION OF STREET)

I/We, the property owners of Block 675, Lots 29,  
adjoining the area requested to be vacated on VIRGINIA Ave.  
(name of street)  
which has been requested by GREG & MEGAN SONTAG do hereby consent to the  
(name of person(s) requesting vacation)  
requested vacation if granted by the Township of Berkeley.

I/we understand that if this vacation is granted, we shall receive fifty percent  
(50%) of the title of the stated road, and further understand that we will be assessed for  
the additional property.

  
(Signature)  
  
(Signature)  
11-18-2023  
(Date)

**AFFIDAVIT OF PUBLICATION**

State of New Jersey, County of Hudson, ss:

Nicole Riegert, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

**PUBLICATION DATES:**

Apr. 23, 2024

**NOTICE ID:** LaXRI7nSUzM9COdWZZeY

**PUBLISHER ID:** COL4977

**NOTICE NAME:** April 15, 2024 Ordinances

**Publication Fee:** 107.80

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



(Signed)

SHANNEA H HOLMES  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires August 1, 2026

**VERIFICATION**

State of New Jersey  
County of Hudson

Subscribed in my presence and sworn to before me on this: 04/24/2024



Notary Public  
Notarized remotely online using communication technology via Proof.



## 04-15-24 Berkeley Township Notice of Pending and Adopted Ordinances

### Berkeley Township Notice of Pending and Adopted Ordinances

24-17-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" §7-24, ENTITLED "RIGHT TURN ONLY" (SHORE PLAZA)

24-18-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, SO AS TO AMEND SECTION 7-35.2, ENTITLED "HANDICAPPED PARKING ON STREET FOR PRIVATE RESIDENCES" (106 Sprague Ave)

24-19-OA

AN ORDINANCE AMENDING Chapter 35, Land Development, OF THE CODE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 35, LAND DEVELOPMENT, ARTICLE XVIII, PINELANDS AREA USE (Pinelands Comprehensive Management Plan)

24-20-OA

AN ORDINANCE OF THE CODE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14

24-21-OA

AN ORDINANCE AMENDING Chapter 35, Land Development, OF THE CODE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE VACATION OF A PORTION OF VIRGINIA AVENUE (BETWEEN ARLINGTON AND PRINCETON AVES ) ABUTTING BLOCK: 675 LOTS: 29-34 AND BLOCK 674, LOTS: 1- (Greg & Meghan Senatore)

24-22-OA

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 513, LOT 20 ON THE MUNICIPAL TAX MAP TO JAMES & HEATHER DELLA PIETRO IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (MADISON AVENUE; \$30,300.00)

24-23-OA

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 513, LOT 18 ON THE MUNICIPAL TAX MAP TO JAMES & HEATHER DELLA PIETRO IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (MADISON AVENUE; \$30,300.00)

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on April 15, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 20 th day of May, 2024 , at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Copies of the Ordinance will be provided upon request from the Clerk's office at the address above, during regular business hours and can be found online at [www.berkeleytownship.org](http://www.berkeleytownship.org)

Karen Stallings, RMC

Township Clerk, Township of Berkeley

### Berkeley Township Notice of Ordinance Adoption

24-12-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 11, LOT 19 ON THE MUNICIPAL TAX MAP TO M&T REALTY IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (MULE ROAD; \$50,000.00)

24-13-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS IN CHAPTER XXVI ENTITLED "USE OF PUBLIC RE-SORTS" ( Recreation Fees)

24-16-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS IN CHAPTER XXV ENTITLED "MUNICIPAL GOLF COURSE REGULATIONS" (Fees)

Foregoing Ordinances were duly passed after Public Hearing held March 18, 2024 at a regular meeting of the Township of Berkeley and were approved by the Mayor on 4/15/2024

Printer Fee: \$107.80  
Pub Date: April 23rd, 2024

Order #: COL4977