

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
June 19, 2008**

7:30 P.M.

STATEMENT: Pursuant to the provisions of the New Jersey, Open Public Meetings Act, sending copies of the notice of meeting properly provided adequate notice of the meeting to the Times-Beach, the Asbury Park Press and the Atlantic City Press. Notice was posted on the bulleting board in the Administration Building.

The regular meeting of the Zoning Board of Adjustment was held on the above date and time, Chairman Dennis Tredy presided and called the meeting to order.

ROLL CALL

Members Present	Nick Bonamassa	Ron Bruno	Stanley Bystrek
	Edward Covtiz	Anthony Mercuro	John Petrosilli
	Joe Lachawiec	Antonio DeAlmeida	Dennis Tredy

Professionals Present:	Brian Rumpf, Esq.	Board Attorney
	Wayne McVicar	Board Engineer

Pledge of Allegiance

Administrative

Chairman Tredy asked if there were any corrections, deletions, or additions to the minutes, if not he asked for a motion to approve.

John Petrosilli stated that the minutes did not reflect that he had stepped down for the Collamer case.

With that correction John Petrosilli made a motion to accept the minutes with the correction seconded by Ron Bruno. Roll Call (Ayes) Petrosilli, Bruno, Bonamassa, Covitz, Mercuro, Tredy.

Abstain Stanley Bystrek

Chairman Tredy stated that the minutes were very detailed and that was appreciated.

Chairman Tredy asked if there was a motion to pay the vouchers.

John Petrosilli made a motion to pay the vouchers and Nick Bonamassa seconded it. Roll Call (Ayes) Petrosilli, Bonamassa, Bruno, Bystrek, Covtiz, Mercuro, Tredy

Chairman Tredy said that there is a small correspondence list that you all received.

ZBA Minutes 6-19-2008

John Petrosilli asked if this is something that will come before the Zoning Board. Chairman Tredy said he had no idea. Laurie Clune said that would not come before the board that is a DEP issue.

BOARD COMMENTS

Chairman Tredy asked Mr. Mercurio if he had any comments or would like to talk about the memo that they received.

Tony Mercurio said that this memo was generated because of his suggestions for the Board to eliminate some of the administration of small projects with respect to surveys. There really should be a title above number one which should say Conditions for a Non Current Survey. In other words we would accept an old survey under the following conditions.

Is there a way that a board member could have some input if they have to step down? Attorney Rumpf said no there is not.

Joe Lachawiec asked if a member could testify if they were involved i.e. Next door etc. Attorney Rumpf said you should hire someone to represent you.

OLD BUSINESS

Resolution No. 16.08.BA
Block 47, Lot 3
Docket # 04.06.BA
Convery Investments
Route 9

Chairman Tredy asked if it could be added into resolution that there would be no stacking of the boats. Attorney Rumpf suggested that we add that to the first paragraph of the Board's ultimate decision beginning by consent of the applicant we have the subject property shall be limited to the placement of a total of 40 boats (which shall not be stacked) we can add in.

John Petrosilli made a motion to approve with the addition seconded by Anthony Mercurio. Roll Call (Ayes) Petrosilli, Mercurio, Bonamassa, Bruno, Covitz, Lachawiec, Tredy

Resolution No. 17.08.BA
Block 65 Lot 7.01
Docket # 04.08.BA
Daniel and Charlene Collamer
24 Bay Parkway
Zoning Ordinance Interpretation and Appeal

Chairman Tredy announced that the Zoning Officer was correct.

Motion to accept the resolution was made by Anthony Mercurio, seconded by Nick Bonamassa. Roll Call (Ayes) Mercurio, Bonamassa, Bruno, DeAlmeida, Tredy

Docket No. 03.07.BA
James and Ruby McGeoch
31 Dock Avenue
Block 84 Lot 12.02
Variance Ordinance Interpretation

Stanley Bystrek, Joe Lachawiec, and Tony DeAlmeida stepped down

Pamela Snyder gave a recap – Mr. McGeoch admitted to prior violation such as having employees working in his garage, also agreed that the use of his garage would conform to township ordinances as well, he agreed that he would forego preliminary notice of any future violations therefore that would allow the township to go straight to the step of issuing the summons if the Township observes any violations regarding the garage. Mr. McGeoch also agreed to install collar ties and he agreed to random inspections.

Ms. Snyder said she believes that summarizes the agreements that Mr. McGeoch made and asked the Chair if there was anything that she missed.

Attorney Rumpf stated that Mr. McGeoch agreed as well that there would be no commercial work performed in garage on subject property. There was as stated that an acknowledgement of the prior violations, the issue of the rafter ties, collar ties which would essentially be rafters that would limited the height of the second floor to 6 foot 9 or below thus making it non habitable. Mr. McGeoch said the statement is not quite correct, it should address the height of the second floor only, the issue of habitable space we need to talk a little further about. In addition to those stipulations set forth by counsel there is also a question , whether the board would ultimately would be requested to rule on an interpretation or whether we may simply proceed with respect to the grant of any variances which may be required for the subject property, obviously there have been some changes to the zoning ordinances over the past several years that would impact that property and to make the matter clear not only to this board but for any subsequent evaluations or future applications by the applicant. Counsel had agreed that they would be willing to simply submit to the Board's jurisdiction to grant the appropriate variances if the garage is deemed permitted to remain to insure that it becomes lawful. There is an issue as well we should put on the record over variance municipal court summonses which are presently pending concerning the existing garage, construction of the garage and the garage as it presently exists. Attorney Rumpf stated that he informed counsel that with the boards permission if we are to clear this application in a manner by consent of the applicant that I thought it appropriate that either myself or the zoning officer to communicate with municipal court prosecutor to alert the prosecutor to the terms of the resolution here at this board. Be mindful that we cannot bind the state in their interest

proceeding in any kind of a matter but I certainly feel that the municipal court prosecutor for the Township of Ocean would like to hear that the matter has been resolved to the satisfaction of the town's zoning board and it is now in compliance and that would have the necessary effect on the outstanding violations that may exist.

Ms. Snyder said that they would like to go one step further that the board or zoning official would if asked for their recommendation by the prosecutor would recommend that the matter be dismissed.

Attorney Rumpf stated that obviously we are talking about the discretion of the zoning officer here which the board doesn't control but he would leave it to her evaluations in terms of how the matter is concluded in terms whether or not she would be in a position to tell them the municipal prosecutor that the township no longer desires to prosecute and that the matter has been resolved. Attorney Rumpf asked Ms. Snyder if she concurred and she said yes.

Were presuming that we are heading towards an accommodation in part by consent though we do have some other issues to address this evening if there is such an accommodation this evening we will be able to make that declaration to the prosecutor.

Chairman Tredy said that there is one thing more and that is upon some sort of violation perceived that because of the admission of past practice that a summons could be issued immediately.

Ms. Snyder said correct to Chairman Tredy.

Chairman Tredy said as far as having anything to do with the prosecutor he felt that is above the authority of this board. He felt that because there is an accommodation and agreement will hang heavy on the judge and prosecutor.

Attorney Rumpf said that Chairman Tredy is correct the zoning officer though would be mindful of the resolution of the case and does have the authority to make a recommendation to municipal court prosecutor.

Mr. McVicar stated that on his letter on page two one of the variances condition was the creation of habitable space as defined by the Boca code.

Ms. Snyder stated that the storage areas are not considered habitable. Ms. Snyder asked Mr. McGeoch if he intends to use the second floor of his garage as a place for living, sleeping, cooking or eating. To which Mr. McGeoch said no.

Mr. McVicar said so then your testimony is there will be no habitable space on the second floor.

Mr. McVicar said the second part of his question is occupiable space. Occupiable space is defined as a room or enclosed space designed for human occupancy to which

individuals congregate for amusement, educational or similar purposes in which the room is equipped with heat, light, ventilation, that is what he sees might be happening on the second floor.

Mr. McGeoch said yes if I have a dart board, weight equipment, if there should be a pinball machine on the second which is on the second floor right now, these are items that I and my family use.

Mr. McVicar said then the answer is that you would request that variance.

Mr. McGeoch said yes.

Mr. Mercuro said that he would like the variance to state that it concludes labor just so that it would come under commercial. It would not exclude him from working on his own personal hobbies

Mr. McVicar said that we understand that no portion of the building will be habitable space.

Mr. McVicar said that the applicant is applying for a variance for the occupiable space with the condition that there will be no working upstairs.

Mr. McVicar said item 6 a variance would not be required because the applicants are proposing to install the rafters at 6 foot 9 inches.

Mr. McVicar said that item 7 a variance would not be required.

Mr. McVicar went on to read about what variances would be needed and the reasons for them.

Attorney Rumpf interjected that after talking to counsel the applicant is willing to remove one of the sheds. Obviously all three are variance condition but he is not sure which shed you are proposing to remove.

Ms. Snyder stated that she has extra copies of the survey to show where the different sheds are.

Mr. McGeoch said that the shed at the rear and furtherest from the house is the one he will remove.

Chairman Tredy asked if any board members had a question.

Mr. Mercuro said that the building is basically unfinished and he asked Mr. McVicar do we struggle with him finishing it, sheetrock, insulation as long as he complies. Mr. McVicar said there is nothing to prevent him from finishing as long as he complies with

whatever is settled tonight. Mr. Mercurio said that he should be allowed to finish and Mr. McVicar said he thought so too.

Ms. Snyder said that Mr. McGeoch fully plans to do this according to code, have the appropriate inspections so that he can close this out. One of the things we would like some clarification on is he going to be able to finish the garage under the permit that he has now?

Chairman Tredy said he can't answer that.

Attorney Rumpf stated that this is the permit the case has been on and the engineer reviewed this and he asked the zoning officer if they could continue on this permit. Laurie said he probably will have to reinstate it because it has expired.

Attorney Rumpf said that he believed that there is a process to reinstate a permit and the applicant will have to follow that process whatever that might be.

Mr. McGeoch asked if he could stop in the office to pick up whatever papers he would need to reinstate the permit.

Mr. McVicar stated that the only modification he could see is the plan of the rafters would be 6 foot 9 inches.

Chairman Tredy asked if Ms. Snyder had anything else.

Attorney Rumpf said that he may have cut the engineer off when he was speaking to the variances.

Number 8 if the board is willing to grant a variance for the applicant to have two sheds and that the applicant agreed to remove one of the sheds.

Number 9 would not be requested that being the home occupation.

Ms. Snyder request that the variance be granted as to the garage as to the two remaining sheds.

Chairman Tredy asked if the board members had any questions or comments. He stated to the board that you have heard what the attorneys have said and he agrees with and concur with the fact that we should grant the variance for the accessory structure being over 50 % as a residential garage with no commercial work being done on the property, random inspection by the code officer or the zoning officer because of the fact that there was acknowledgement of previous violations on record, there could be immediate issues of summons if any violation is found, granting the variance for the existing tool shed heights required collar ties at 6 foot 9 inches on the second floor, Mr. McGeoch will submit to all necessary inspections to obtain a co. In the resolution if it is approved he would ask the attorney to put one thing , to indicate that if the weather is bad it does not

ZBA Minutes 6-19-2008

change the ordinances in the town so you cannot work in the garage it is still a residential garage.

John Petrosilli said that the applicant did say that the one shed was put up illegally without a permit and we never did find concrete evidence that the other two sheds were there prior to the ordinance. We are giving Mr. McGeoch a lot of variances and he would suggest that the other two sheds should be considered to be removed because he has an abundance of storage in his garage.

Mr. Mercurio said that he thinks that he rebuilt the sheds without a permit he didn't put them up without a permit.

Mr. Petrosilli said he tore one down and put it back up without a permit but no one has proved that the other two were there before the ordinance.

Mr. Mercurio asked Mr. McGeoch how long he owned the house and he said ten years. Mr. Mercurio said you can look at those sheds and you can see that they are older than ten years.

Charles Boesch stated that they have been there for twenty years and he has lived there that long.

Ron Bruno said that they are not in compliance so at least bring them into compliance.

Mr. Mercurio said no neighbors have come in to protest so they must not be an annoyance to anyone.

Chairman Tredy said that the main reason he is here because of the garage not the sheds they just came into view because of the issue of the garage. There are many existing, non conforming sheds but they are marked as preexisting. I think we have come to a point that we have to make a decision on the approvals that were mentioned and the testimony made by the applicant and his attorney in regards to what they will do for us.

So at this time I am going to ask for a motion upon what was agreed at this point.

Nick Bonamassa made a motion to approve and it was seconded by Tony Mercurio. Attorney Rumpf mentioned that we are permitting the variance for the front most and the center shed and the rear shed is going to come down.

Chairman Tredy stated that he made a mistake, and he stated

OPEN TO THE PUBLIC

Seeing None

CLOSED TO THE PUBLIC

ZBA Minutes 6-19-2008

Chairman Tredy said that we do have a motion and a second on the floor and he asked for Roll Call. (Ayes) Bonamassa, Mercurio, Tredy

No Bruno, Covitz, Petrosilli

Attorney Rumpf asked if there were any other members that sat as part of the application. So the motion failed because the vote was three to three.

Attorney Rumpf explained that a majority of the board present is necessary to result in affirmation of the request for the variances. On the three three vote it is the equivalent of a no vote to the grant of the requested variances. At this juncture if there is any additional discussion that the board wishes to entertain amongst themselves to see if there is a way to break the tie if you will.

Mr. Mercurio said he would like to ask a question of the people that voted negative. "If they took the sheds down would the picture change?"

Ron Bruno said he was looking for them to put them in compliance as to how they should be.

John Petrosilli said they are in violation and he would like to see the sheds taken down.

Attorney Rumpf said for clarification he believes that he would be permitted one shed as well as the accessory building isn't that correct.

Chairman Tredy said that it seems that we are at an impasse here and it seems that the other board members may change their votes to yes if you were to agree to eliminate two of your sheds and leave one in compliance.

Mr. McGeoch said when he bought the property all three sheds were there.

Chairman Tredy said that is neither here or there, at this point you have been denied and we are keeping this hearing open to try to accommodate.

Mr. McGeoch said he has done a lot, I have done whatever you guys asked of me so far. I said I would take a shed down.

Chairman Tredy said are you agreeing to take two sheds down?

Mr. McGeoch said no he is not.

Chairman Tredy said, having said that and with no agreement amongst the board a tie vote is a loss.

Attorney Rumpf asked Ms. Snyder if she would have to discuss with her client about bringing the height of the sheds down.

Chairman Tredy said he would adjourn this particular hearing for ten or fifteen minutes after the next application. And we will call you back up if you choose to stay.

Docket # 05.08.BA
Todd A. Smith
Block 121 Lot 3
6 Starboard Way
Bulk Variance

Ron Bennardo, Esq appearing on behalf of the applicant.

Joe Lachawiec stepped down because of his working relationship with this attorney.

Mr. Bennardo said that his witness tonight would be Todd Smith.

Chairman Tredy swore Mr. Smith in.

Ron Bennardo asked to mark the plans that were submitted to the board Exhibit A-1, plot plan, Exhibit A-2 proposed construction.

Mr. Bennardo asked Mr. Smith if he was the applicant and contract purchaser of the property. Mr. Smith answered yes. Mr. Bennardo showed Mr. Smith the contract for vacant land and asked him if it was a true copy of the contract, Mr. Smith answered yes and the contract application is contingent upon Mr. Smith obtaining a variance. was marked as Exhibit A-3. Mr. Bennardo asked Mr. Smith if his intent was to build the structure with his partner on the subject lot if the variances were granted. Mr. Smith answered yes. Mr. Bennardo spoke to the letters that were sent out to neighbors particularly adjacent property owners and their responses Exhibit A-4. and Exhibit A-5. Mr. Bennardo also presented a letter from NJDEP Exhibit A-6 stating no wetlands on the this property. Mr. Bennardo presented aerial view photos, tax map, and photos of subject property and home in the area. Exhibit A-7. Mr. Bennardo gave a brief explanation of the packet to the board. Mr. Bennardo did not present a drainage plan, Mr. Smith would like to have this carried over so that he would have time to submit the drainage plan to Mr. McVicar and when we come back next month everything would be approved.

Chairman Tredy asked if they were asking to be carried.

Mr. Bennardo said if everything else is approved tonight we thought we should ask to come back next month because of the drainage question.

Mr. Mercurio said if everything else was approved tonight we could make it a condition that the drainage and grading plan be completed.

Mr. Bennardo said no it would be fine if the board wanted to grant approval with the condition of approved drainage and grading plan from our engineer.

Chairman Tredy asked Mr. McVicar if he had anything.

Mr. McVicar just brought up the items noted in his letter basically on page 3, Mr. Bernard stated that they are proposing to construct a single family resident on the lot.

Mr. Rumpf asked if they will need any variances because of zoning. Mr. Bennardo stated that they will be adhering to side yard etc. the only variance is the one for lot size.

Mr. Bennardo said that it is advancing the interest of zoning in that it is a conforming use for the subject property and we are not seeking other variances other than the lot size. It is not going to diminish light, air and open space from the side yard, rear yard, front yard setback types of requirements. It is going to be a new structure and will enhance the neighborhood and it will be an improvement to the township.

Chairman Tredy asked if there could be testimony according to number 8 of the engineer's letter.

Mr. Smith stated that on page there of the tax map all of the lots are the same size as his lot except for the one that is two lots together. We feel that putting a house on this lot that is the same size as most of the lots is conforming to the neighborhood. He asked if the board would look at page 9 and 10 of his packet of pictures which is 41 Letts Landing, and 43 and 47, which are the house directly behind his proposed construction. His proposed construction matches very closely in size as those three houses.

Chairman Tredy said and the lot size that you have is similar to almost all of the other lots on that street. Mr. Smith that is correct.

Mr. Covitz brought up the fact that there is a lot of heavily wooded and he assumes that the lot will be clear cut and his question is "where is the water going to go that was filtered in because of the growth.

Mr. McVicar said basically what he was requiring the applicant to do is under draining system to recharge the area which would be generated by the roof bearing

Mr. Covitz said he wasn't talking about the roof he was talking about the whole lot. Mr. Covitz asked if he was going to clear the whole lot.

Mr. Smith said that there was a clearing plan submitted and 75 to 80% of the lot would have to be cleared.

ZBA Minutes 6-19-2008

Mr. Covitz said that there is going to be a lot of rain water that will not be absorbed in that lot and it is going to run someplace. He is concerned about the runoff, where is it going to go and what kind of recharge system.

Mr. McVicar said there will be an underground drain.

Chairman Tredy asked Mr. McVicar if the type of drainage system stated would satisfy Mr. Covitz. Mr. McVicar said he believed it would, it would take care of the roof runoff and the lawn would take care of runoff from the driveway.

Mr. Covitz said that he is concerned about the runoff, and it might runoff to other people's property. He is concerned because there are no sidewalks, no curbs.

Chairman Tredy said that we have an engineer in his professional opinion saying that he could create a plan that would satisfy those concerns. It was indicated that the other area of the lot would be mostly grass. Mr. McVicar said any excess would be run to the street which is typical.

Mr. Petrosilli said that he travels through that area frequently and it is one of the higher areas in town and it is not prone to flooding.

Mr. Bruno was concerned about the size of the house because some of the others are very very small. Mr. Smith stated that there are other homes similar in size to what he is proposing to construct. Mr. Bennardo said that the lot along side is vacant and any new construction would probably be similar to Mr. Smiths. Mr. Petrosilli said that he is building within the setbacks. Mr. Bruno asked if 41 Letts Landing is the same size lot and the house is quite large. Mr. Mercurio said that the people in the smaller houses will benefit from having him building a larger house. The people in the larger houses will be happy also.

Chairman Tredy asked about the footprint on the survey. On the survey it shows a cantilevered chimney coming out the side and he believes that is in the side yard setback and he asked Mr. Smith if that could be brought inside the house.

Mr. Smith said he didn't think he could answer that question. He stated that if that is a condition to get approval he would make the appropriate adjustments.

OPEN TO PUBLIC

Seeing none

CLOSED TO PUBLIC

Anthony Mercurio made a motion to approve under two conditions # 1 Mr. McVicar is satisfied with their management of their roof runoff and to degree of grading of the lot so that it doesn't cause any problems to his neighbors # 2 that the fireplace is either shown

to be ok by Mr. McVicar (at this point Mr. McVicar stated that the chimney is not over two feet so it is not causing a problem in the side yard setback) the motion was changed to read with only one condition (# 1 drainage) seconded by John Petrosilli. Roll Call (Ayes) Mercurio, Petrosilli, Bonamassa, Bruno, Bystrek, Covitz, Tredy

Chairman Tredy announced that they were going to take a break

Chairman Tredy reopened the meeting

Chairman Tredy announced that prior to going on break there was an application, Mr. McGeoch had been given some time to rethink their position apparently they wanted to come back in and according to this note which Mr. Tredy read which stated "Dear Board Members and Mr. Rumpf, 8:53 P.M. 6/19/08, we tried to come back in and the door was locked, we waited approximately ten minutes, knocked on the door and no one came, the mosquitoes are horrendous so we left. Very Truly Yours, Pamela Snyder, James and Ruby McGeoch." Because of the fact that this was found outside we have to give them benefit of the doubt I am asking the board for a motion to carry the McGeoch application so that they can be contacted during the course of the month and if they want to make changes that we were requesting that they can come back. If that is okay with the members I would like to have a motion to carry.

Attorney Rumpf stated that the motion that was made previously for the McGeoch case resulted in the application not being approved there was discussion over a potential changes with regard to one aspect of the application which resulted in the board having additional discussion through counsel I would suggest if the board wishes to carry the applicant although you are not required to.

Chairman Tredy said I know that we are not required to but I think it is the honorable thing to do.

Anthony Mercurio made a motion to carry, seconded by John Petrosilli. Roll Call (Ayes) Mercurio, Petrosilli, Bonamassa, Bruno, Covitz, Tredy

NEW BUSINESS

Docket # 23.07.BA
Bar War Builders
Pat & Leonard Kurylo
95 Poplar Street
Block 122 Lot 9
Bulk Variance

Mr. Lachaweic still did not serve because of the attorney representing this case, Mr. Lachaweic has a working relationship with him.

Ronald Bennardo representing Bar War Builders, called George Wilhelm, President of Bar War to testify. Chairman Tredy swore George Wilhelm in.

Ronald Bennardo asked that survey and plot plan be submitted as Exhibit A-1 dated November 28, 2007. the other item are the elevations and floor plans Exhibit A-2 and the third item is drainage plan Exhibit A-3.

Mr. Bennardo asked Mr. Wilhelm if the Bar War owned the property since 1972 and if it was presently under contract to sell to R. G. Tac Inc. Mr. Wilhelm said yes to both questions. Mr. Bennardo said that the sale is contingent upon the granting of the variance to allow the construction of the single family home on this property. To which Mr. Wilhelm said yes it is.

Mr. Bennardo asked to have the contract marked as Exhibit A-4. Mr. Bennardo stated that Mr. Wilhelm directed him to send a letter to neighbors and he would like to submit this letter and their response as Exhibit A-5. Mr. Bennardo also submitted a packet with photos of area, and homes in the area and the tax map with property highlighted which he asked to have marked as Exhibit A-6.

Mr. Bennardo stated that Mr. McVicar's letter asked for testimony as to why the driveway location was the better area rather than locating the driveway off of Poplar. Mr. Wilhelm stated that currently Lighthouse Drive is the main thoroughfare you can see both ways for quite a distance which is beneficial when pulling out of a driveway. Would it also require setback variances if the house was relocated on the property so that the driveway would be off of Poplar, to which Mr. Wilhelm answered yes it would and it would also put the living area of the home closer to the street.

Mr. Bennardo stated that the contracted purchaser is here and would bring him forth for testimony if the board has any questions for him and he also brought the architect if you have any questions for him.

Chairman Tredy asked Mr. McVicar if he would like to speak to the application. He asked for testimony in reference to size of the house and its relationship to the surrounding properties.

Mr. Wilhelm stated that on Poplar Street that lots 10, 11, 12.01 and 12.02 are all new dwellings relatively new, well maintained, moderate to large ranches and two story residences. That is the scheme of new dwellings. This home would fit in with this theme on Poplar Street. The size is comparable even though it presents itself as a very large home if you look at the actual size of the house the base is 44 x 32.

Mr. McVicar said that this lot is 11250 square feet what are the size of the lots surrounding. There were some smaller than this lot and a few a little larger.

Mr. Wilhelm felt that this house would blend in with the other new houses on Poplar Street as well as raise the value of the area as far as the smaller homes are concerned. He

ZBA Minutes 6-19-2008

stated that he felt that the home would be in character with other homes in the neighborhood.

Chairman Tredy asked the board if they had any questions.

Don Sckodi, Architect was sworn in and Markiian Grek the person under contract to buy the home was sworn in.

Mr. Mercurio asked Mr. Grek if he planned to live there to which Mr. Grek answered yes.

Mr. Mercurio asked if the garage could have four and a half feet off it so that it would be further away from the side and rear yards. This would enable you to have more back yard room. Mr. Wilhelm stated that it would be difficult, you need at least two feet beyond the door on each side.

OPEN TO THE PUBLIC

Seeing none

CLOSED TO PUBLIC

Tony Mercurio made a motion to approve, seconded by Ron Bruno. Roll Call (Ayes) Mercurio, Bruno, Bonamassa, Bystrek, Covitz, Petrosilli, Tredy

Chairman Tredy asked Mr. Lachaweic if he was coming back on the board and he said he would not be back for the rest of the cases this evening.

Docket # 20.07.BA
Joseph Palmieri
207 Eighth Street
Block 272.01 Lot 94
Bulk Variance

Joseph Palmieri representing himself was sworn in and his wife Catherine Palmieri was sworn in. Mr. Palmieri stated that they were seeking a variance to put an addition onto their home on the back 12 feet out and 38 feet across. Basically we are squaring off the house. Mr. Palmieri presented photos showing his property from all angles. Exhibit A-1, back of house looking towards north over to edge of garage, Exhibit A-8 is basically the same view, Exhibit A-4 taken from across the street looking towards shed, A-2 and A-3 are the same, A-6 is of the back of the house.

Mr. Palmieri said he needs the addition for additional living space because his mother-in-law will be moving in with us. The addition will be a bedroom and a sitting area. Mr. Palmieri explained how he was going to build it.

Mr. Mercurio said that the plans submitted are not sufficient, we need to see better plans in order to make a decision.

Mr. Palmieri said that he thought to come before the board for a variance he didn't need to have the building plans he thought it was just to get approval for the use of the land.

Mr. Mercurio said if you have a builder he should have given you better plans.

Attorney Rumpf explained that even though you are looking to get approval for lot coverage the board can request plans to show exactly what you intend to place.

Chairman Tredy stated that what he would like the board to do is to carry it over to the next meeting so that you can get together with the builder and he can draw the plans that he would be submitting to the building department so that they are detailed enough so we could see what it is going to look like, the side view elevation, pitches and this is what would have to be done anyway for the construction department.

Mr. Petrosilli suggested if you would change it to 12 x 21 you wouldn't need a variance, maybe you should talk it over with your builder and see.

Mr. Mercurio said that they are not saying they would deny it they grant variances all of the time but if you didn't need it 38 feet you could avoid coming before the board for a variance.

Mr. Palmeiri said that he really needed the 38 feet because it would be for a bedroom and a sitting room for his mother-in-law.

Chairman Tredy said he thought it would be best for the board to make a motion to carry it over so that you can get your plans drawn up better.

Mr. Mercurio said that this is something that would need to be done for the building department anyway.

Chairman Tredy asked for a motion

Edward Covitz made a motion to carry, Ron Bruno seconded. Roll Call (Ayes) Covitz, Bruno, Bonamassa, Bystrek, Mercurio, Petrosilli, Tredy.

Docket No. 06.08.BA
Jo M. Shinn
Block 257 Lot 6
336 Pohatcong
Bulk Variance

Ms. Shinn was sworn in and stated that she was asking for a variance to convert her screen port into an all season room.

Chairman Tredy asked if she received a letter from Wayne McVicar our engineer to which she answered yes.

Wayne McVicar asked her if she had brought the items mentioned in his letter to which she answered yes.

Ms. Shinn presented pictures

Board members stated that they were not able to get into view the property because the stockade fence was locked. Wayne McVicar said he was not able to get in either that is why he asked for specific pictures.

Attorney Rumpf asked Ms. Shinn if she took the photos herself and asked her the approximate date. Ms. Shinn said yes she did take the pictures in May.

Mr. DeAlmeida stated that the previous owners Resolution stated there was approval for an all enclosed porch.

Attorney Rumpf explained that he had looked into this with the zoning officer and this case before us is a change in the room, it is now going to be an all season room.

Mr. Mercurio stated that his concern is the members that did not get in to see the project is that we have another conflict with the plans. The plans that are presented are no way what you are proposing.

Mr. Mercurio said that the roof pitch is not acceptable as far as a room is concerned. He explained to her how the roof should be pitched so that it won't leak and the current roof pitch is not to BOCA code for living space, it might be okay for a porch but not a room that will be living space. He said that yours would be a lot easier to put a gable facing in the back yard which would give you adequate pitch. The drawing that the architect drew did show a two story house with a porch with an adequate pitch, but you don't have a two story house. Referring to A-15 and A-16 somehow the architect got this picture in her mind when she was working on your project.

Ms. Shinn spoke to the pictures that show other houses in the neighborhood as well as her own property and addition. These photos are number A-1 thru A-12, Remaining photos

Chairman Tredy asked the board if they want to continue the application even though they did not have an opportunity to get in to view the project or would you prefer to have this carried.

Mr. Petrosilli stated that he would like to get in to see it but he also raised the question of the drawing, are we going to get a more accurate drawing.

Mr. Covitz said that he would like to make a motion to carry with accessibility within the next month plus a current plan.

Chairman Tredy explained to Ms. Shinn that the documentation that was presented was inadequate for the board to make a proper decision and asked her if she would like to carry this to next month. In the meantime you can contact who ever you are going to have do the construction explain to him the problem and I am sure Laurie Clune will be as helpful as possible to try to get you through the process. He asked if that was okay with Ms. Shinn.

Ms. Shinn said yes it would be okay.

Chairman Tredy said that if she wasn't ready she could always ask for an extension. You can always ask for an extension thru Laurie without coming here, you can ask for an extension of 30 days if you are not prepared.

Ms. Shinn said basically she needs another plan from an architect showing a pitched roof.

Mr. Mercurio said in his opinion that would work, but the architect may have another opinion but I feel that is a simple solution to your problem.

Mr. Covitz mentioned that they would also need access to your project. Ms. Shinn said she would have the gate unlocked anytime that you want to come. The gate on 5th street would be unlocked.

Chairman Tredy asked for a motion to carry to next month. Edward Covitz made a motion and John Petrosilli seconded it. Roll Call (Ayes) Covitz, Petrosilli, Bonamassa, Bruno, Bystrek, Mercurio, Tredy.

Docket No. 07.08.BA
Robert Lange
Southwind Drive
Block 108 Lot 2.02
Bulk Variance

Stanley Bystrek stepped down

Robert Lange was sworn in and Michele Lange was sworn in. Mr. Lange stated that he has owned the property and has saved it for his daughter when she graduated from college. When he bought the property there was a house on it and about 1992 or 1993 the tenants in the house had a fire and we demolished the house. Since then he has had about five renewals on the zoning permit and in 2005 the Township changed the ordinance where you now need 12,500 square feet instead of the 5000 that we have. So he is asking for this variance, his hardship he stated is he owned the property prior to the ordinance change which didn't allow him, he is not asking for any front, rear or side setbacks. He

stated that he addressed Mr. McVicar's letter as to the drainage and his architect's plan that in front of you is revised and it takes care of the roof runoff and the driveway. He also submitted to the board the sign sealed plan which should be adequate. The lot was 5000 square feet and the new law requires 12,500. My hardship is that I planned to build this for him daughter, the neighbor on the right is his other daughter and the neighbor on the left did tell Mr. Lange that he can't afford to buy any more property and he can't sell any of his because he only owns a 50 ft lot. The property behind is owned by Holiday Harbor Marina which he is the principal owner of. Out of the twenty-one house on the street there are eight two story and thirteen one story. It seems all of the new houses are two stories. Most of the new houses are two stories so that you can have a garage so that you can keep your junk inside and afford a little bit more living space. The ground coverage is only approximately 1250 square foot, 800 and change on the first floor living space and a little over 300 in the garage. We are not asking for a shed because the property is small. He presented photos numbered as Exhibit A-1 thru A-6 showing houses in the area, they show the houses on each side and the houses in the neighborhood. He stated that he thought that he answered the questions in Mr. McVicar's letter.

Mr. McVicar asked for an overall map which Mr. Lange presented a hand drawn one that is numbered as A-7 and he presented a tax map which is numbered as Exhibit A-8

Chairman Tredy stated that Mr. Lange mentioned property to the left, right and rear do you have any documentation on that. Mr. Lange said that he sent the registered letters and received the notification. Chairman Tredy asked if he had any documentation of people not interested in buying or selling. He said that he had a letter from the neighbor that mentioned that he did not want to buy or sell. Mr. McVicar said that he had copies of letters from both property owners.

Attorney Rumpf asked if the photos were taken by Mr. Lange to which he said they were taken by his daughter on June 18, 2008. Attorney Rumpf asked that the property to the rear of the property encompassing the full rear is the commercial property that you noted as Holiday Harbor Marina. Mr. Lange said yes it is.

Chairman Tredy asked the board if they had any questions,

Attorney Rumpf asked Mr. Lange if it would be his opinion as a builder and long time resident that the development of the property as you propose would be a benefit to the zone plan of the Township of Ocean, to which Mr. Lange yes it would and he said in his opinion it is a good tax ratable, in conformity with the rest of the neighborhood.

Attorney Rumpf asked when he proposed to start construction and Mr. Lange said hopefully within 30 days as soon as the Resolution is ratified.

ZBA Minutes 6-19-2008

OPEN TO PUBLIC

Seeing none

CLOSED TO PUBLIC

Chairman Tredy asked if he could have a motion

Edward Covitz made a motion to approve Anthony Mercurio seconded. Roll Call (Ayes)
Covitz, Mercurio, Bonamassa, Bruno, Petrosilli, Tredy

ADJOURN

*Respectfully Submitted by
Laurie F. Clune*