

**TOWNSHIP OF OCEAN**  
**Zoning Board of Adjustment**  
**Regular Meeting**  
**July 17, 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	Ron Bruno	Edward Covtiz	Anthony Mercuro
	John Petrosilli	Antonio DeAlmeida	Dennis Tredy

Members Absent:	Nick Bonamassa	Stanley Bystrek	Joe Lachaweic
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Professionals Present:	Brian Rumpf, Esq.	Board Attorney
	Wayne McVicar	Board Engineer

Pledge of Allegiance

Administrative

John Petrosilli thanked Laurie and staff for getting us the Resolutions etc. in a timely manner.

Chairman Tredy asked for a motion to approve the minutes.

John Petrosilli made a motion to approve the minutes, seconded by Anthony Mercuro. Roll Call (Ayes) Petrosilli, Mercuro, Bruno, Covitz, DeAlmeida, Tredy

Chairman Tredy asked for a motion to approve the vouchers.

Ronald Bruno made a motion to approve the vouchers, seconded by John Petrosilli. Roll Call (Ayes) Bruno, Petrosilli, Covitz, Mercuro, DeAlmeida, Tredy

Chairman Tredy stated that there was a list of correspondence available at the office if you wish to read it.

OLD BUSINESS

Resolution No. 18.08.BA  
Docket 23.07.BA  
Bar War Builders  
95 Poplar Street  
Block 122 Lot 9  
"C" Type Variance

Variance that was approved 12,500 square feet required and 11, 251 square feet proposed. May I have a motion of approval?

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

Resolution No. 19.08.BA  
Docket 05.08.BA  
Todd A. Smith  
6 Starboard Way  
Block 121 Lot 3  
"C" Type Variance

Variance that was approved 12,500 square feet required and 6,000 square feet proposed.  
May I have a motion of approval?

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

Resolution No. 20.08.BA  
Docket 07.08.BA  
Robert Lange Jr.  
38 Southwind Drive  
Block 108 Lot 2.02  
"C" Type Variance

Variance was also lot area, may I have a motion of approval?

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

Chairman Tredy said the next item on the agenda is the McGeoch application 31 Dock Avenue and he turned this over to attorney Rumpf.

Resolution No. 21.08.BA  
Docket 03.07.BA  
James and Ruby McGeoch  
31 Dock Avenue  
Block 84 Lot 12.02  
"C" Type Variance

Attorney Rumpf stated that the manner that this particular application was left last meeting was a little bit unusual. We had the applicant taking a break after the vote had been taken he was invited to come back and offer comments to the board and the issue essentially boiled down to several sheds that were on the property which apparently was the primary base for which the motion to approve the application was denied. The applicant went home leaving a note on the door that the door was locked and the mosquitoes were biting and they felt they should go home. Since then attorney Rumpf spoke to the applicants attorney and she informed him that she wished to speak to her client as to whether or not to appear before the board this evening to offer any suggestion or comment in spite of the fact that a vote had been taken and perhaps clear up any procedural questions that might still exist after the vote had been taken. At any rate that attorney who we had become familiar with after three applications apparently was terminated by the applicant and the applicant has hired attorney Butz to represent them in the continuation of the matter. Mr. Butz requested by letter that this application be carried to the August meeting to allow him to familiarize himself with the file. Attorney Rumpf contacted Mr. Butz and he had informed him that a vote had been taken to approve the application there was a three to three tie which results in the application being denied and he questioned Mr. Butz what purpose we would have in carrying it to August when we already had a denial. He also informed Mr. Butz that he was aware of our statutory obligation to adopt a resolution which memorializes the vote which was taken within forty-five days of the vote being taken. Mr. Butz agreed with his position that it would in fact be necessary to adopt the resolution and as a result of that Mr. Rumpf prepared a resolution of denial which he read into the record as the board has received it late. It appears that this will not be the end of the chapter on the McGeoch property. He suggested to Mr. Butz that if he and his client would like to discuss a settlement and it appears the sheds were the primary remaining concern he would then be obligated to file a complaint with the Superior court. A relatively quick conference could be requested with the judge and we could get a consensual remand to the board if Mr. McGeoch wishes to change his position that he had taken prior to leaving the room at the last meeting. The board is constrained at this point to adopt the resolution this evening, failure to do so would result of an automatic approval of the application without condition. Attorney Rumpf stated that the whereas clause simply states that it involves the property known as 31 Dock Avenue he read the resolution to the board. He stated that he anticipates that the matter will be in litigation one way or the other.

Wayne McVicar did mention that he did not see employees working however he did observe that vessels were in the process of being worked on. Dennis Tredy and Tony Mercurio did see vessels being worked on. Mr. Covitz asked how he knew if they belonged to Holiday Harbor Marina. Wayne did not see if they belonged to the marina.

Brian Rumpf said that he would change paragraph six to read reported to the board by the board engineer that upon the site inspection he saw vessels that appeared to be associated with the applicants business which is generally conducted at the Holiday Harbor Marina which applicant describes as his base of operation were found to be in the process of being worked on. John Petrosilli asked if his observations should be put in the resolution also. Mr. Petrosilli said that there were two employees working in the shop. Attorney Rumpf said that he will put in the report that there were three board members who saw employees working in the shop.

Attorney Rumpf stated that after they take the vote of Mr. Covitz ,Mr. Bruno and Mr. Petrosilli who are the three members eligible to vote, have the secretary call all of the members to vote on the form and content of the resolution just to insure that the record is clear and accurate as to what you recall.

Chairman Tredy asked for approval of the resolution of denial.

John Petrosilli made a motion to approve the denial seconded by Edward Covitz. Roll Call (Ayes) Petrosilli, Covitz, Bruno

Chairman Tredy asked for a motion to approve the form and content of the resolution. Edward Covitz made the motion and John Petrosilli seconded. Roll Call (Ayes) Covitz, Petrosilli, Bruno, Mercuro, Tredy

Docket No.06.08.BA, Jo Shinn has asked to be carried until August. Chairman Tredy asked for a motion

Edward Covitz made a motion to carry until August, seconded by Anthony Mercuro. Roll Call (Ayes) Covitz, Mercuro, Bruno, Petrosilli, DeAlmeida, Tredy

Docket No. 20.07.BA  
Joseph & Catherine Palmieri  
207 Eighth Street  
Block 272.01 Lot 94  
Bulk Variance

Joseph and Catherine Palmieri presented a packet with the survey and proposed addition that he wants plus a floor plan and pictures of neighbors who have additions. Attorney Rumpf said that we will mark the entire packet as Exhibit A-7 . Mr. Palmieri said that we are looking to seek a variance to square off the back of the house. The addition would be 12 x 38. The addition itself will stay within the setbacks. Height of the addition is going to stay at a single level no higher than the house.

Chairman Tredy asked to go over the engineer's letter. Mr. McVicar asked for Mr. Palmieri to describe what the pictures were. Mr. Palmieri said that page one picture

standing across the street of 8<sup>th</sup> looking down the northern side of his house towards 7th 8<sup>th</sup> Street towards the shed. Below that is a picture taken from the southern corner of the rear of the property looking towards the locations where I want to put the addition. Below that is a picture with me standing at the rear of the property looking directly at the location where I want to put the addition. Page 2 is a picture of a neighbor's house that sits on the corner of Whippany and 8<sup>th</sup> street that already has the addition that I would like to put on my house. There is also an aerial view of that house showing the relationship of the roof. Page 3 is another house on the corner of 8<sup>th</sup> Street and Tuckahoe that also has the addition squaring off the back of the house. Both of these houses are identical to Mr. Palmieri. Mr. McVicar said basically what you are indicating is that what you are proposing is not out of character with the neighborhood. Mr. Palmieri said that is correct.

Mr. McVicar said that you could build what you propose a little smaller without a variance. Mr. Palmieri said that he wanted to build a bedroom and a sitting room for his mother-in-law. He would like to build it so that the rooms are a nice size and be comfortable for her. Mr. McVicar said that you had talked about a second story but Mr. Palmieri said that because of limited funds and he would prefer to stay as a ranch so he will not be requesting to go up.

Chairman Tredy stated that he noted that you are doing this for your mother-in-law and he understands that an upstairs would not benefit her. Mr. Palmieri said that she would not be able to go upstairs and he himself would have trouble also.

Mr. McVicar asked if the shingles would match the existing structure to which Mr. Palmieri stated yes they would.

Mr. McVicar asked if he considered it to be a better zoning alternative than the existing site condition and he said yes he felt it would increase the value of the house.

Mr. Mercurio asked if the fourth bedroom would be the existing bedroom with the wall removed in the middle of the house. He explained that he would remove the wall so that he could make the hall longer. Mr. Mercurio said any bedroom has to egress. Mr. Palmieri said that he would build according to any building codes.

Mr. Mercurio said he has no problem with him enlarging his house he just wants the Board to look at picture number 2 and 3. We are looking at number 3 and he didn't feel that it advances our architectural desires too much. Mr. Mercurio was talking about the roof design. Mr. Palmieri said that he is not going to have that roof line, he doesn't like it. Mr. Mercurio said that is what you are showing us. What is showing in his neighborhood two people have similar additions so as far as I am concerned he can have the variance for coverage but he wished the building looked better. Mr. Mercurio explained what Mr. Palmieri could do to make the roof design look better. If he did this his new ridge would be at 18 feet. Ridge would center on 36 feet which would be 18 back from the front wall or 18 feet forward from the back wall. Mr. Palmieri said that he will change it.

Tony Mercurio said that he believed that he would have to put hot tar on the roof. He didn't think that the building inspector would allow it the way Mr. Palmieri has on his plan. He believes that it would have to be a hot tar or fiberglass the roof.

Mr. Covitz asked if the extension was being run off of the kitchen which Mrs. Palmieri said yes. Mr. Covitz asked if the roof was pitched to the peak, Chairman Tredy said no it was not according to the plan. Mr. Petrosilli said the roof over the new extension is over the sun room and as Mr. Mercurio explained you will have to pitch it off of that roof.

Chairman Tredy asked if any other members had any questions.

Chairman Tredy said that he felt that what Mr. Mercurio had brought forward is similar to what the other members feel. They do not want to deny this application but they feel that if you are taking a major step in putting such a large addition that should completely redo the rear side of your roof, creating a pitch identical to the pitch on the front. Because it is a longer distance the ridge will have to be raised to create the same pitch.

The board continued to discuss the ridge and Exhibit B1 was passed around to all members. Mr. Mercurio drew on the exhibit so that in looking at it they could see that the roof line would be a little gable. Mr. & Mrs. Palmieri said that they had a builder that would do it the correct way.

Mr. Petrosilli asked about the bedroom exits, and it was stated that will be handled by the building department.

OPEN TO THE PUBLIC

Seeing none

CLOSED TO THE PUBLIC

Chairman Tredy stated that Tony Mercurio showed the board the proper way to conduct this construction and he asked Mr. Mercurio to make the motion to approve with the changes.

Motion to approve was made by Tony Mercurio with the changes that were discussed and drawn tonight Exhibit B1, and seconded by Ron Bruno. Roll Call (Ayes) Mercurio, Bruno, Covitz, Petrosilli, DeAlmeida, Tredy

Chairman Tredy explained to Mr. & Mrs. Palmieri that their application was approved not exactly as they presented but with the changes that the board felt it should be. You have the option constructing it the way we recommend. Mr. Palmieri asked if in order to do this addition I need to have the roof line as discussed.

Docket 08.08.BA  
William Crooks  
20 Spinnaker Way  
Block 120 lot 6  
Bulk Variance

Chairman Tredy stepped down for this application and Anthony Mercurio chaired for this case.

William Crooks, 417 Stuyvesent Street, Forked River is the applicant for his rental property on 20 Spinnaker Way. Mr. Crooks was sworn in.

Mr. Crooks said that he is looking to enclose an existing porch that has an existing slab and existing roof line. The reason is two fold, the porch is useless the way it is it is fully screened and there is no way to have anything on it and keep it dry. It is not a living area it is not heated. The house is rented and the tenants have stapled plastic to stop the breeze and it is an eyesore. In addition to that there is only one way in and out of this house, the front door. There is a side door from the living room unto the screened porch but there is no exit from the porch to the outside. His presented sketch indicates that he wants to add a back door to the enclosed porch. Generally it is an improvement to the house, not to increase living space only storage.

Mr. McVicar asked if Mr. Crooks had his letter and he said that he did. Mr. McVicar asked Mr. Crooks to look at page two of his letter which asked for pictures. Mr. Crooks presented them and Mr. Rumpf marked them as Exhibit A1 and A2 for identification with today's date. Mr. Crooks explained that he took the pictures on June 11<sup>th</sup>. One picture was from the opposite side of Spinnaker Way looking southwest looking down the southerly line of the property line. The other is from the front yard looking south across the screened porch to the adjacent property.

Mr. McVicar asked what permits were applied for when the screen porch was constructed. Mr. Crooks said he had no idea because the porch was on the property when he purchased it in 2001 or 2002.

Mr. McVicar stated that he could put an addition on the rear without a variance at all. Mr. Crooks said that he was only looking to enclose the piece that is there presently to make it more useful to the tenants.

Mr. McVicar asked if he felt it would be a better zoning alternative to what exists now.

Mr. McVicar stated that this is because of weather proofing. Mr. Crooks said that with them stapling plastic up to keep the weather out it degrades the appearance of the house. Mr. Crooks said that he would not be affecting his neighbors because he is not increasing the footprint of the house in any way.

Mr. Bruno asked if he was going to put windows in instead of just screen. Mr. Crooks said that he is going to put matching vinyl siding, one window in the front and two windows on the side and a door.

He is not going to be finishing the inside with sheetrock he is leaving it as a porch. He is going to make the screen area smaller with windows. He is not going to put any electric or heat on the porch.

Mr. Petrosilli said that when he looked in it looked like the doorway was just plywood. Mr. Crooks said that there is a good door there.

Mr. Mercurio asked if there were bedrooms in there, Mr. Crooks said that there are two bedrooms. Mr. Mercurio asked if he intended to bring the windows up to egress. Mr. Crooks said that he hadn't planned on it. Mr. Mercurio said that he would like to see at least two egress windows in the bedrooms. Mr. Crooks said that he would replace one in each bedroom to be egress windows.

Mr. Bruno asked what type of windows are going to be put into the porch. Mr. Crooks said that they would be double hung windows.

Mr. McVicar stated if you made the porch a living space it would increase the square footage of the house. Mr. Crooks said that he could not raise the rent unless he made more addition to increase the bathroom size. If you want to determine tonight that you will finish the inside of the room to make it habitable you won't have to come back to us later.

Mr. Mercurio stated that he could make it habitable by insulating, sheetrocking, and electric sockets. He would have to put some kind of heat in there which was decided that he could put in a strip of electric baseboard heat. Mr. Crooks agreed that he would do these items.

Mr. McVicar asked if what was being proposed is in character with the neighborhood, Mr. Crooks said that it is in character

OPEN TO PUBLIC

Seeing none

CLOSED TO PUBLIC

Vice Chair Mercurio asked for a motion to approve.



Mr. Bruno asked what kind of a room is this going to be. It was stated that it will be living space and have at least one egress window along with the other two bedrooms will have egress windows.

Edward Covitz made a motion to approve seconded by Ron Bruno. Roll Call (Ayes)  
Covitz, Bruno, Petrosilli, DeAlmeida, Mercurio

Chairman Tredy stepped back up and asked if last month didn't we have a discussion about having a dry erase board so that we could use it at the meeting. Laurie stated that it had been ordered.

Meeting Adjourned at 9:06 P.M.

*Respectfully Submitted by  
Laurie H. Clune*