

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
August 21, 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	Stanley Bystrek	Edward Covtiz	Anthony Mercurio
	John Petrosilli	Joe Lachaweic	Antonio DeAlmeida
	Dennis Tredy		

Members Absent: Nick Bonamassa Ron Bruno

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

Pledge of Allegiance

Administrative

Chairman Tredy asked for a motion to approve the minutes.

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

Chairman Tredy asked for a motion to approve the vouchers.

Edward Covitz made a motion to approve the vouchers, seconded by Joe Lachaweic.
Roll Call (Ayes) Covitz, Lachawiec, Mercurio, Petrosilli, DeAlmeida, Tredy

Chairman Tredy stated that there was no correspondence this month.

BOARD COMMENTS

John Petrosilli stated that he mentioned two meetings ago in reference to a member stepping down. Is there a way that the member may participate in the questioning and abstain from the voting?

Attorney Rumpf said no. The law is pretty strict as to the role of a member stepping down with respect to apparent conflict. They have to have no role in the application whatsoever. There have been some judges that have suggested that members may not even be present in the room however he felt that you didn't need to carry it that far.

OLD BUSINESS

Resolution No. 22.08.BA
Docket #20.07.BA
Joseph Palmieri III
207 8th Street
Block 272.01 Lot 94
"C" Type Variance

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

Resolution No. 23.08.BA
Docket # 08.08.BA
William Crooks
20 Spinnaker Way
Block 120 Lot 6
"C" Type Variance

Because Chairman Tredy had stepped down he asked the Vice Chairman Tony Mercurio to call for a motion.

Vice Chair Mercurio asked for a motion to approve the resolution.

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

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

Ms. Shinn is back before the board because the plans for her house were not correct. She called her architect and the plans have been redrawn and should be accurate for a one story house with the roof pitch.

Ms. Shinn was sworn in and for the record stated her name as Jo Ann Shinn.

Chairman Tredy asked Engineer McVicar what we still need to go over.

Mr. McVicar went over the points in his letter.

Ms. Shinn said the purpose of her screen porch being where it is, is for the view.

Mr. McVicar asked her how this is a better zoning alternative to the previous site conditions.

Ms. Shinn said that her screen porch can only be enjoyed a few months of the year and an all season room can be enjoyed in all weather conditions as well as keeping the pollen out.

Ms. Shinn said she doesn't see anything negative about the change. But she does certainly feel the room would increase the property value as well as increase the neighborhoods property values.

Ms. Shinn said that the pictures that she had submitted showed that her room would not be out of character for the neighborhood.

Ms. Shinn said that the siding would match the rest of the house.

Tony Mercurio said that according to his calculations it really wouldn't cost much more to make the roof an "A" pitch. That would enhance the zoning in the area, it would not block anyone's view.

Mr. Smith, Ms. Shinn's builder explained what he intended to do as far as the roof was concerned. He was going to replace whatever plywood that was needed and do a roll torch down roof on it.

Mr. Mercurio said you are taking a substandard screen porch that has deteriorated because it wasn't built correctly and turning it into a living space.

Chairman Tredy said that irregardless of the decision of this board, we cannot approve a substandard construction it still has to meet the construction codes.

Tony Mercurio said a torch down roof really doesn't belong on a new habitable space. He said that he doesn't feel that it is improving the zoning with that kind of a roof.

Ms. Shinn said that the builder was going to raise the pitch. Mr. Mercurio said if the roof is going to be a 5 or 6 pitch it would be fine with him. But it is going to go over the ridge and it will have to be tied in with an "A".

Chairman Tredy asked Mr. Mercurio what the percentage difference would be from what was presented in the plans and what you suggested. Is it 50% more costly, or 25% more costly or what. 100 % more costly. Because the walls are going to have to be replaced.

Mr. Smith and Mr. Mercurio discussed what all was needed. The builder felt it would be best to knock down the existing screened on porch and build a whole new room. It was the consensus of both that to put all of the new glass on the old framing would be ridiculous.

Chairman Tredy asked if there was anyone else on the board with any questions.

Stanley Bystrek asked where does the building department come in to this case. John Petrosilli said that they are going to need new plans.

Mr. Bystrek said we could say we approve it with the setbacks etc. as long as it is built to the current code or building standards. The one stipulation is that it must have an "A" roof.

OPEN TO PUBLIC

Seeing none

CLOSED TO PUBLIC

Chairman Tredy explained to Ms. Shinn just what the decision by the board meant.

Tony Mercurio said that he thinks the resolution would say that the variance would be approved based on "A" roof and subject to the building inspectors approving the existing walls and plates and foundations to be verified.

Tony Mercurio made a motion to approve, with an "A" pitch on the 23 9 dimension of the house, all of the old rafters and roofing to be removed and disposed of and providing the building inspectors sign off on the condition of the existing frame, sills and foundations and bolts, if the building inspectors determine that they are unserviceable and has to come down then she would be allowed to build it to the current dimensions or smaller, (which is 11.5 feet) seconded by Stan Bystrek. Roll Call (Ayes) Mercurio, Bystrek, Covitz, Petrosilli, Lachaweic, DeAlmeida, Tredy

NEW BUSINESS

Docket No. 09.08.BA
Robert G. Lange Jr.
Block 79 Lot 3
46 Willow Street
Bulk Variance

Let the record show that Stanley Bystrek stepped down

Robert Lange was sworn in. Mr. Lange said that he received the letter from Remington and Vernick and his engineers have taken care of everything except the issues with the trees. He presented a picture of the tree in the front of the house on the right side is right in the middle of the driveway so he can't leave it there.

Chairman Tredy said before we go on is it that everything in the letter you are agreeing to except the trees?

Mr. Lange said that was correct.

I believe that every thing that was requested has been revised and worked out and was submitted to the engineer and I believe that everything is acceptable to everyone.

Wayne McVicar, engineer said that was correct.

Mr. Lange is requesting a classic hardship case because this lot was to the zoning until they changed the zoning a couple of years ago. The property on either side neither owner wanted to buy it from the owner so he decided he was going to build a house there. When every thing went sour he put it up for sale and I ended up being the contract purchaser. He went to both neighbors and submitted all of the letters and both people said that they don't have the money or desire to buy the lot. I can't sell them any unless they bought the whole thing and they don't have any land to sell him because the whole neighborhood is basically the same size lot. They are basically 80 x 100 or smaller. None of them conform to the current code. There are only very few lots in that neighborhood that are vacant and most of the houses started out as bungalows. The newer houses are bigger ranches or two stories and the existing houses started as summer cottages. When you go to the west which is Chestnut Street the houses are a little bigger. As you get down to Bayway the houses are a little bigger.

Chairman Tredy said that you mentioned that you made contact with your neighbors. Do you have those letters?

Mr. Lange said he gave them to Laurie. Chairman Tredy asked that they be marked into evidence. Exhibit A-1 thru A-4

Tony Mercurio said that he should consider a deck in the back of the house.

Mr. Lange said the request he has is because the lot is undersized now with the current zoning. Other than that he is under in all areas. He doesn't need any variances for anything else.

John Petrosilli asked about the pilings. Mr. Lange said that the pilings will be removed and a footing will be put in. Mr. Petrosilli said that there is a drainage ditch on the right side and the drain in the front on the street; does it go into the ditch? Wayne McVicar said that it is the end of the ditch.

Mr. Lange said that he will be above the flood elevation. The crawl space will be at elevation 9 and base flood elevation in that area is 6.

Mr. Lange presented pictures Exhibit A-5 thru A-9. They were pictures of houses in the neighborhood and picture of property showing the trees. We were requested to try to keep the tree if possible. In his experience this tree is 50 ft high and only 20 feet from the house and in his experience and judgment this tree being this close to the house it will cause the owner heartache. It would cost them 4 or 5 thousand to take this tree down later while I could take the tree down now for about 500. I am not objecting to putting new trees in but these are not the best trees in your front yard.

Tony Mercurio said that he had to agree with Mr. Lange because they can cause problems.

Wayne McVicar said what he was looking for is for trees to be located outside the building envelope. He agreed that the tree in the driveway would not be one to save however the front of the site south east corner there are some big trees. Mr. Lange explained that tree was a danger because of hanging over the house, falling on the house etc. The other problem is shows the sewer on the left side of the house and we need to cut all of the roots on that side of the tree and therefore if the wind comes it will really fall down. He feels that tree in the future will be a detriment. Mr. Mercurio asked what would be replanted there in its place. Mr. Lange said probably regular maple trees about 5 ft trees. He would like to ask the new owners what they would like.

Mr. McVicar said that he can see his point but he would like to see replacement 2 ½ caliper trees 10 to 12 feet in height.

Chairman Tredy said that he feels his testimony really shows a need to remove these trees. Mr. Lange said that he agrees to put new trees in as stated by the engineer.

Mr. Lange presented Exhibit A-10 which is the tax map showing the lots in the area. It shows most of the lots are the same which is 80 x 100. Back in the beginning of the zoning laws you could build on a 40 foot lot. So some of those summer bungalows were built on a 40 foot lot. Most of them have bought two lots and most are now 80 by 100. The only exceptions are the corner lots.

Mr. Lange stated that he thinks that this will be an improvement because it will be a house that will be used instead a vacant lot which just collects trash. He said a small two story house with a garage will be an improvement especially because they will have a garage to use for storage. It will be an improvement for the neighborhood, the neighborhood is a mix of small two stories and ranches but it will still be in character with the neighborhood.

Chairman Tredy asked if any of the board members had any comments.

Seeing that there is no one in the public we will go directly to the motion.

Joseph Lachaweic made a motion to approve with the trees, Attorney Rumpf added that Mr. Lange agreed to the acceptance of the contents of the engineer's letter in reference to the onsite infiltration system, seconded by Tony Mercurio. Roll Call (Ayes) Lachaweic, Mercurio, Covitz, Petrosilli, DeAlmeida, Tredy

Mr. Lange asked how long the resolution would be good for and Attorney Rumpf explained that you had nine months from the time of memorialization.

Chairman Tredy asked if anyone had anything else before adjourning.

Attorney Rumpf stated that he just explained to Mr. Lange that the township had an ordinance that required nine months was the time line after the memorialization. There has been a question from some of the attorneys that have recently appeared as to whether or not the permit extension act that more than likely would be signed by Governor Corzine would impact and supersede the local ordinance and that is a question to be answered some day soon.

Tony Mercurio asked what is the Extension Act, is it in reference to the building permit?

Attorney Rumpf said that it is in reference to both. There was an effort put forth to try to stimulate the economy here in New Jersey to promote the construction and building and generate jobs. So any approvals that were received January 2008 shall be valid until December 31, 2011.

Meeting adjourned

*Respectfully Submitted by
Laurie F. Clune*