

TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
May 21, 2009

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-Beacon, the Asbury Park Press and the Atlantic City Press. Notice was posted on the bulletin 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	Ronald Bruno	Stanley Bystrek
	Edward Covitz	Anthony Mercuro	John Petrosilli
	Antonio DeAlmeida	Dennis Tredy	

Pledge of Allegiance

Chairman Tredy asked for a motion to approve the minutes of April 16, 2009. Edward Covitz made a motion to approve and it was seconded by John Petrosilli. Roll Call (Ayes) Covitz, Petrosilli, Bruno, Bystrek, DeAlmeida, Tredy

Chairman Tredy asked for a motion to approve the bills for payment. Ron Bruno made a motion to approve the vouchers for payment and it was seconded by Edward Covitz. Roll Call (Ayes) Bruno, Covitz, Bonamassa, Bystrek, Mercuro, Petrosilli, DeAlmeida, Tredy

Chairman Tredy mentioned that if anyone wanted to peruse the correspondence it is in the Board's office with the secretary.

BOARD COMMENTS

Anthony Mercuro asked if Attorney Rumpf could briefly tell us about the letter from McGeoch.

Attorney Rumpf said that there was some delay in the consent or settlement. There was some miscommunication between the Township's attorney and Tom Butz the attorney for McGeoch. The inquiries were finally worked out between the two attorneys and the judge I believe signed the order about one month ago.

Chairman Tredy asked if the resolution that was approved should now follow any format that we ordinarily do after we approve a resolution.

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Chairman Tredy asked if there were any other questions or comments from the board. Seeing none Chairman Tredy stated we would go on.

OLD BUSINESS

Resolution # 06.09.BA
Docket No. 12.08.BA
Donna Lee Ploplis
18 Spinnaker Way
Block 120, Lot 5
“C” Variance

Chairman Tredy asked for a motion to approve the resolution. John Petrosilli said that at our meeting we stipulated a 90 day compliance and he didn't see that in the resolution. He said that it is in the minutes and wondered if that was sufficient. Attorney Rumpf said that technically it is sufficient if it is in the minutes, but I would suggest that if it was in the minutes I amend it.

Attorney Rumpf stated that he would like to suggest in that motion that it be included

Chairman Tredy asked John if he would amend his motion. John Petrosilli approved a motion that the resolution be amended to include the 90 day requirement in paragraph 8. Ron Bruno seconded the motion. Roll Call (Ayes) Petrosilli, Bruno, Bystrek

Ed Covitz asked if we were striking the nine months in paragraph 8 and Attorney Rumpf stated yes we were replacing it with the 90 day stipulation.

(Continuation of roll call) Covitz, DeAlmeida, Tredy

NEW BUSINESS

Docket No. 02.09.BA
Markkian Grek
66 Pennsylvania Avenue
Block 191, Lot 11
Front and Side Yard Setback

Markkian Grek and William C. Tallman Jr. were sworn in. William Tallman stated that he is the General Contractor for the job for Mr. Grek and he is with him tonight to help with explanations and to help with the language. Mr. Tallman said that there was confusion with the previous owner. When she received her field correction notice it stated that the deck needed repair. She thought that if she removed the deck and left the Footings and put up two temporary sets of stairs it was sufficient. What they want to do is

replace the deck to what it was previously. In order to replace the deck as it was I was told we needed a variance because of the rear and side yard setback.

Chairman Tredy asked Engineer McVicar to go over his letter with the applicant. Mr. McVicar asked them to look at the letter at the section where he asked them to bring pictures in. He asked them to bring those pictures up to the attorney so that they can be marked. Exhibit A-1 thru A- 10. Mr. Tallman explained what each picture was for the board.

Mr. McVicar asked what the hardship was in reference to the land.

Mr. Tallman explained that the property was purchased with the understanding that the existing structure on the north and east side of the existing single family one story dwelling could be repaired as per the field correction notice that was given. It was the item listed that the outside deck was unsafe. When Mr. Tallman went to get the permit he was told that he would need a variance because of the setbacks. Mr. Tallman said that the field correction notice stated that the deck was unsafe.

Mr. Mercurio asked that the previous owner then tore the deck down and put up two small decks for entrance and exit to the house?

Mr. Tallman said that is correct but they are only temporary.

Mr. Mercurio said but they must have met the standards because it enabled her to obtain the C.O. Mr. Tallman said that they must have.

Mr. McVicar said then there is no hardship with the land.

Mr. Spence Hondros was sworn in. Mr. Hondros explained that he has the Marina across the street from Mr. Grek. Mr. Hondros stated that he has taken the house which reminded him of a World War II Army barracks and Mr. Grek has done a wonderful job in enhancing that house and area. I feel that what he has done with that house helps the whole neighborhood.

Mr. Tallman asked that Exhibit A-12 be put into the file also which was of the Marina and A-13 was of the house before.

Chairman Tredy asked if any board members had any questions.

Mr. Bruno asked if there was any roof involved on this deck.

Mr. Mercurio spoke to the rails on the deck. He also spoke to the side setback. He also felt that there was a discrepancy on the side. Mr. Tallman said that he wanted to use the original footprint. Mr. Mercurio said that if they would go to 10 feet they would not need a variance for the side. Mr. Tallman said that if they didn't get any money back he would rather stay at what he put in.

OPEN TO PUBLIC

No one

PUBLIC SESSION CLOSED

Chairman Tredy stated it seems that the hardship on this property was not self imposed it was because of the township. So that is why he feels that he is in favor of the variance request. We do have seven members and I respect all seven of them.

May I have a motion of approval, or approval with condition in reference to this variance?

Nick Bonamassa made a motion in favor of the variance as presented and Stan Bystrek seconded. Roll Call (Ayes) Bonamassa, Bystrek, Covitz, Petrosilli, Tredy.

(No) Ron Bruno, Anthony Mercurio

Chairman Tredy said that the variance has been approved.

Docket No. 17.08.BA
Charles Francis/George Czurlanis
Block 83, Lot 2
38 Spruce Street
“C” Variance

Howard Butensky representing the applicants stated that they were here for a variance to permit the construction of a single family residence on property that actually fronts on two streets.

Sanyogita Chavan, PP, AICP was sworn in as the expert witness. George Czurlanis and Charles Francis were sworn in also.

Attorney Butensky had the applicants identify what was in each picture exhibit and they were presented to the board as exhibits A-1 thru A-5.

Attorney Butensky had Sanyogita Chauan address the questions in Mr. McVicar’s letter and to explain the hardships. Ms. Chauan spoke to the neighborhood comparison and how the new house will not be a detriment but it will enhance the neighborhood. She presented Exhibits A-6 thru A-8 and explained what they were.

The applicants also described the neighborhood and how they felt that their house would be upgrade and other newer homes in the area are in the same character as those.

BOARD COMMENTS

John Petrosilli asked about the driveway and Engineer McVicar discussed this issue. Mr. Petrosilli stated his concern about tree removal and Mr. Butensky said that there would be as little as possible removal of vegetation.

Mr. Covitz also asked about the clearing of the lot. It was explained why they were not coming in the other way and that would require crossing a drainage ditch.

Tony Mercurio stated that the area of disturbance of the lot is about one third. Mr. Covitz asked to review the DEP letter.

Mr. Mercurio asked to see the elevation of the finish floor and garage floor. Mr. McVicar said that it is not relevant because they are above flood plain.

OPEN TO THE PUBLIC

Seeing None

PUBLIC PORTION CLOSED

Chairman Tredy asked for a motion.

Anthony Mercurio made a motion to approve the application and it was seconded by John Petrosilli. Roll Call (Ayes) Mercurio, Petrosilli, Bonamassa, Bruno, Bystrek, Covitz, Tredy

Chairman Tredy announced that the application has been approved.

Docket No. 05.09.BA
James & Lynn Kratz
216 Maplewood Road
Block 273 Lot 12
“C” Variance

James and Lynn Kratz were sworn in. Mr. Kratz explained that he is seeking a variance to install a pool. He was not aware about the 30% lot coverage when he bought the house and he wanted to put in a small pool and was then told that he would be over in lot coverage.

Mr. Kratz stated that he would like to put a smaller in ground pool down because he found out that he can go down at least four feet without hitting water.

Chairman Tredy and Tony Mercurio both told him that he does not have to ask for a smaller pool than what he put on his application.

Mr. Kratz presented Exhibit A-1 board with drawing and pictures, and A-2 pictures.

Mr. McVicar addressed the items mentioned in his letter and Mr. Kratz answered and explained about his property and the neighborhood comparisons. He also addressed the issue of how he felt that this enhances his property and in turn the neighborhood.

Attorney Rumpf asked if his application was for an in ground pool. Mr. Kratz said yes it is.

BOARD COMMENTS

Mr. Petrosilli asked if we are going to approve for 33.5 % ground coverage. He also asked if he was planning to put a shed up. Mr. Kratz said no he was not.

The board discussed the possibility of a deed restriction because of the property will be over in lot coverage.

Attorney Rumpf explained how to put a notification on the deed that the property is maxed out with lot coverage.

OPEN TO THE PUBLIC

Seeing none

CLOSED TO PUBLIC

Chairman Tredy asked for a motion

Anthony Mercurio made a motion to approve the application as presented providing the pool meets all of the setbacks with Deed Covenant and Ronald Bruno seconded it. Roll Call (Ayes) Mercurio, Bruno, Bonamassa, Bystrek, Covitz, Petrosilli, Tredy

Chairman Tredy stated that the application has been approved.

Docket No. 04.09.BA
Reverend John & Deborah Cherry
23 Sands Point Road
Block 92 Lot 8
“C” Variance

Reverend John Cherry was sworn in and Joe Palka was sworn in.

Attorney Rumpf stated that Reverend Cherry just handed him a group of exhibits which he requested be passed on to board members. They are pictures and an aerial map which he marked as A-1 thru A-5 for identification.

Reverend Cherry explained that he is requesting a variance so that he can reconfigure and expand the second floor of his house. Now that the zoning has been changed the lot is now nonconforming. He explained what the pictures were. Reverend Cherry went on to explain what it is exactly that he wants to do to his home. He wants to expand his house from the existing height of 21 and ½ and would like to increase that to 25 and ½. Which would make it a cape cod appearance?

According to the engineers letter there is a shed that is nonconforming in terms of size, and rear setbacks as well as overall lot coverage. We will have the shed removed prior to issuance of C.O. The current light and air that we share with our neighbors will not be affected by the expansion of the second floor. The views to the lagoon on the west, the sunrise, sunsets and prevailing winds will be unchanged.

He feels we will enhance the value of the house and therefore enhance the character of the neighborhood.

BOARD COMMENTS

Anthony Mercurio stated that you are proposing to remove the garage and replace it with a utility room. He just brought up the point that now parking is more of a problem.

OPEN TO PUBLIC

Steven Gremminger, 33 Sands Point Road was sworn in. Mr. Gremminger stated he is confused about you having a problem with the height because I understand that there is 35 foot ordinance.

Wayne McVicar said the problem is the existing house is five foot from the setback and he is building on top of the house there. If he was to build up to 35 feet but in from the property line 10 he wouldn't have to come in for a variance.

CLOSED TO PUBLIC

Chairman Tredy asked for everyone to give their opinion before we make a motion.

Chairman Tredy started with stating that this is the trend now. Tony DeAlmeida said it is the new trend in the neighborhood. Ed Covitz said he would make a motion to approve. John Petrosilli said that it does seem to be the normal for that neighborhood. Ron Bruno said that he thought that it was an improvement. Nick Bonamassa said he is in agreement. Stan said he is in agreement. Chairman Tredy asked Tony Mercurio what his opinion was and I can not type his response because someone else spoke and I can't hear what Tony had to say.

Chairman Tredy said we have a motion on the floor and I need a second.

Nick Bonamassa seconded it. Roll Call (Ayes) Covitz, Bonamassa, Bruno, Bystrek, Petrosilli, Tredy

(No) Anthony Mercurio

Chairman Tredy said your application has been approved

Docket No. 06.09.BA
Donald & Stephanie Gebhardt
16 One Eye Way
Block 158 Lot 8
"C" Variance

Donald and Stephanie Gebhardt were sworn in. Mrs. Gebhardt presented Exhibit A-1 which is a letter to the board. They want to expand the house so that they can make it a home for their retirement. They need two variances one for each side and the other variance is for lot coverage because they are asking to go to 35.2 %. Mrs. Gebhardt said that they would not be encroaching on the air, light or view of any of their neighbors they would be even with their neighbors up and down and the patio and other patio would be equal to the people next door. There have been other variances granted for similar types of construction and we have given you pictures of all of that. Mrs. Gebhardt described the pictures which were numbered as Exhibits A-2 thru A-10.

Mr. McVicar went through his letter and asked if the pictures that he asked for were here.

He wanted to know if they would be above flood plain elevation of 6.0 to which Mrs. Gebhardt answered yes they would be.

Mrs. Gebhardt stated that the hardship is because the house is not 10 feet from the property line on either side. So we need permission to continue on that line we are not going any closer to the property line on either side that what we are now. We just want to square off the house where there are indentations. Lot coverage because of squaring off and because we have to move the patio out a little will increase lot coverage to 35.2.

Without patio the back yard would be unusable because it is impossible to sit out there without being covered. We would move the whole thing out but it would still be 20 feet from bulkhead.

On the south side of our house we would be 13.6 from the next building on the north side we would be 11.5. There won't be any negative effect on the air, light or air.

The Gebhardt's feel that the improvements that they wish to do will improve their property and will not be a detriment to the neighborhood it will enhance the neighborhood.

Tony Mercurio stated that they would be better off with a hip roof instead of the gable roof. Mrs. Gebhardt said that she wanted cathedral ceiling so she would be in need of the gable. Tony Mercurio said that she could still have significant cathedral ceilings. Mrs. Gebhardt said that she wanted to stay with what she had.

OPEN TO PUBLIC

Attorney Rumpf swore the witnesses in as they came to the podium:

Dolores Marino, 15 One Eye Way – feels that the Gebhardt's are wonderful neighbors
Arlene Navaro, 18 One Eye Way – The improvements will not bother her view
Dorothy Bacsik, 19 One Eye Way – All in favor of the Gebhardt's remodeling
Catherine Koerner, 17 One Eye Way – Feels that they need more room in their house and she thinks the roof would look very nice as Mrs. Gebhardt explained it.
Arlene Novaro, 18 One Eye Way –

PUBLIC PORTION CLOSED

BOARD COMMENTS

Chairman Tredy asked for any addition comments.

Nick Bonamassa, satisfied

Stan Bystrek, situation is similar to Sands Point

Tony DelAmeida said he felt that it is similar to existing houses.

Ed Covitz – No problem

John Petrosilli – no comment

Ron Bruno – no comment

Tony Mercurio – My comment would be on the sun porch. He struggle with giving them relief in the sun porch area. Not the sun room where we are granting 6 foot of relief in he setback, but that porch is temporary at best. He felt that it could be moved to 10 and

if they reduced in size it would get them a lot closer to lot coverage compliance. The Gebhardt's are asking for 35.6 and if the porch was 11' by 11' and put it in to 10' it wouldn't change the house much at all. They would almost be down to 34 % lot coverage.

Chairman Tredy said in the past when we are squaring off the house it is almost a given we have done that many times. But I had to agree with Tony when it comes to the overhang in the back it should be moved just enough to comply.

John Petrosilli asked if they would be willing to consider that option

Mrs. Gebhardt said that it would make it difficult for her table and chairs and keep everyone in the shade.

Tony Mercurio tried to explain what they could do to bring the lot coverage down. Mrs. Gebhardt said that she would move the patio over but wants to go out to 20 feet from bulkhead.

Edward Covitz said that he felt that we were encroaching on their comfort.

After more discussion between the board and the applicants Chairman Tredy asked for a motion.

Chairman Tredy asked if anyone is willing to make a motion for 10 x 14.

Laurie stated that before you make a motion we need to make it clear whether you are going to allow screens or not so that when it comes to me I know what was approved. I need to have that made clear that you will allow them to put screens in or not.

Tony Mercurio said as long as it is screens from ceiling to floor, no electric in knee walls, or anything like that, especially if it is in 10 feet.

Chairman Tredy said you have to make the decision for the motion.

Edward Covitz made a motion to approve as submitted and Nick Bonamassa seconded.

Roll Call (Ayes) Covitz, Bonamassa, Bystek

(No) Ron Bruno, Tony Mercurio, John Petrosilli, Dennis Tredy

Mrs. Gebhardt asked if they would vote again on the patio being 14' x 14' moved in 10'.

It was explained that it would still push the lot coverage issue.

Tony Mercurio made a motion the rear porch will be 14' x 10' and it be moved in 10' to comply with the side line, it can be enclosed fully with screens and a shed restrictions on the deed because they are high in lot coverage percentage. It was seconded by John Petrosilli.

Roll Call (Ayes) Mercurio, Petrosilli, Bruno, Tredy

(No) Nick Bonamassa, Stanley Bystrek, Edward Covitz

Chairman Tredy stated that the application has been approved with the conditions that were presented in the motion.

Motion to adjourn

Meeting Adjourned at 11:15 P.M.