

TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
September 17, 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	Edward Covitz	Tony Mercurio
	John Petrosilli	Dennis Tredy	Antonio DeAlmeida
Absent:	Ron Bruno, Stanley Bystrek		

Pledge of Allegiance

Edward Covitz made a motion to accept the minutes and John Petrosilli seconded it. Roll Call (Ayes) Covitz, Petrosilli, Bonamassa, Tredy.

John Petrosilli made a motion to approve the bills for payments, and Edward Covitz seconded it. Roll Call (Ayes) Petrosilli, Covitz, Bonamassa, Mercurio, DeAlmeida, Tredy.

OLD BUSINESS

Resolution #15.09.BA
Vincent and Theresa Bilella
11 Spring Lake Boulevard
Block 57.11 Lot 46
Docket No. 08.09.BA

Nick Bonamassa made a motion to approve the Resolution and Edward Covitz seconded it. Roll Call (Ayes) Bonamassa, Covitz, Petrosilli, Tredy

Resolution #16.09.BA
Leo Whalen
7 Lavallette Lane
Block 57.13 Lot 17
Docket No. 12.09.BA

Edward Covitz made a motion to approve the Resolution and Nick Bonamassa seconded it. Roll Call (Ayes) Covitz, Bonamassa, Petrosilli, Tredy

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Chairman Tredy stepped down and gave the gavel to Vice Chair, Tony Mercurio for the next item on the agenda.

NEW BUSSINESS

Docket No. 03.09.BA
Jack Casey
100 Lighthouse Drive
Block 110, Lot 11
Bulk Variance

Attorney Tom Monahan representing Mr. Casey and he introduced Jay Pierson who is a planner and Mr. Casey.

Mr. Monahan stated that this is an isolated single lot that they are seeking a variance to build on that lot. There are no basic properties surrounding that lot, it does not meet the zoning ordinance because the zoning has been changed some time ago. So that this lot is sitting by itself and does not meet your zone so it is referred to as the isolated lot for which we are seeking a variance. The engineers report indicated that there are two other variances which are being sought obviously because of the size of the lot and the lot width with regards to the house. Those are the types of variances that we are seeking here tonight.

Mr. Monahan asked to have the planner sworn in and he will give testimony as to the location of the property etc.

Mr. Jay Pierson, of East Coast Engineering was sworn in by Attorney Rumpf.

Mr. Petrosilli asked the Chairman which plan are we looking at because there are two different setbacks on these plans. Engineer McVicar said that the plan that he reviewed is marked 4/24/09 and that is what his letter is based upon. This is the plan that will be discussed tonight.

He presented Exhibit A-1 which is the tax map of the area. Mr. Pierson explained where the property is located and described the area.

Mr. Monahan stated that there is no property available for sale and he did send out letters to neighbors asking if they would like to buy the applicants property. He did receive one response and he told her they were willing to sell at the assessed value and she never called back.

Mr. Monahan presented an aerial photo which was marked as Exhibit A-2 and he presented photos of the surrounding area which was marked as Exhibit A-3. He explained what each picture was.

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Mr. Pierson stated that this is better zoning position to put a house on the property because it will be an improvement to the area. The plan is not out of character of the neighborhood because there are three other lots the same size and two of them have a two story house such as we want to construct. The variance granting would enable them to benefit the neighborhood.

Mr. Casey was sworn in by Attorney Rumpf. The Plot plan was marked in as Exhibit A-4 which is the revised plan of 4-25-09. Mr. Monahan brought forth the architectural plan and it was marked as Exhibit A-5. Mr. Monahan stated that this is what will be built if the variance is granted.

After Mr. Mercurio's statements about it being identical to the house next door, the applicant stated that he would flip it so that it would be a little different.

Drainage was discussed by Mr. Petrosilli and Engineer McVicar that would benefit the property. It stated that an underground drainage system would help with the runoff.

Engineer McVicar suggested that grading of the lot would help to direct the drainage towards the front...

PUBLIC COMMENTS

Jeffrey Connell, 5 Keelson Drive, which is immediately behind this lot. He stated that he has experienced for the last two to three years possibly a foot a water in my back yard and around my house when there is a heavy rain. Water was up to the front door. The water has come about since the lot behind him was filled when they built the first house and I am afraid that when they build a second house it will only exasperate it. It appears that the water runs from that property onto my property when it rains. He brought this to the township engineer's attention and has not been able to get any relief. I will really need to see the water from this particular lot and the one next door directed to the street and away from me and my adjoining neighbors.

Vice Chair Mercurio stated that he did ask the zoning department to show him the topographical information for the development for lot 10. It appears that there is about two foot of fill been put into lot 11 sometime within the recent past. So he confers with Mr. Connell's observations that we are flooding his yard.

Vice Chair Mercurio said that we certainly cannot more forward without resolving this.

Engineer suggested that the grading be changed to direct the runoff towards the side where there will be swales to direct it to the street.

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It was agreed that there will have to be a plan presented by the applicants engineer to Mr. McVicar to correct this water problem.

BOARD COMMENTS

Mr. Petrosilli asked if the water problem has to be solved for the approval of the resolution. Vice Chair Mercuro stated that a plan has to be approved by Mr. McVicar for it to be approved.

Antonio DeAlmeida made a motion to approve the application under the condition that an appropriate plan in reference to the water drainage is approved by Mr. McVicar and the house be flipped and centered on lot and they will provide Mr. McVicar with a boring and the plot plan will reflect the flipped house and a different color. Edward Covitz seconded it. Roll Call (Ayes) DeAlmeida, Covitz, Bonamassa, Petrosilli, Mercuro

Board took a five minute recess

Back in session

The record reflect that Dennis Tredy is back as a board member but Tony Mercuro will continue to chair the meeting.

NEW BUSINESS

Docket No. 13.09.BA
Breanna Steins
51 Maple Street
Block 273, Lot 1.12
Bulk Variance

Mr. John Steins introduced himself as Breanna Stein's father. Attorney Rumpf swore Mr. Steins in. Attorney Rumpf asked Mr. Steins if Breanna Steins was present, to which he stated no she could not be here because of work, but he lived at the address and she gave him the authority to speak to the issues.

Vice Chair Mercuro asked Mr. Steins to go thru the letter from the board's engineer.

Mr. Steins stated that property owner previous had put a garage on the property that is about 21 feet from the back property line. There is not much room back there but Mr. Steins has purchased an oval shaped pool outside dimensions of 15 x 30 foot that would fit behind the garage. The required setback for the back is 10 foot and I am asking for a 2' 6" setback.

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Mr. McVicar referred to his letter, page 3. Mr. McVicar asked Mr. Steins to bring the pictures up to be presented and marked for the record. Exhibits A-1 thru A-5 are pictures that Mr. Stein took himself of the back of the property.

The photos were presented and Mr. Steins explained what each picture was.

Mr. McVicar asked Mr. Steins to go over his letter with him and answer certain points. Mr. Steins explained that the placement of the pool behind the garage would enable them to still have some yard area. The tree in the back of the property will not have to be removed. Mr. Steins said that he needs to exercise so he needs that size of a pool. Also he has four grandchildren and he felt they needed that size so that they would not be on top of each other. Mr. Steins also has a fence permit as soon as he starts to put the pool up which has been approved by zoning which will have gates with alarms. He stated that there is no place in the yard to put the pool without a variance. Mr. Steins stated that the houses around are summer homes so they are not occupied much of the year. There are two in the area but their yards are similar. He is not aware that there are any other neighbors with pools except for his neighbor across the street that has a pool but it has been there forever. Mr. Steins doesn't feel that it would be a detriment to the character of the neighborhood. Mr. Steins did speak to his neighbors and no one seems to have an objection.

OPEN TO THE PUBLIC

Seeing no one

CLOSED TO PUBLIC

BOARD COMMENTS

Mr. Petrosilli asked if there would ever be a deck. Mr. Steins said no because he would put pool up in spring and take down in fall and store it away.

Nick Bonamassa made a motion to approve the application and it was seconded by Antonio DeAlmeida. Attorney Rumpf stated with the condition of filter be relocated to the other side of the garage as shown on plan and there will not be a back charge system installed on the pool that would be a discharge system. Roll Call (Ayes) Bonamassa, DeAlmeida, Covitz, Petrosilli, Tredy, Mercurio.

BOARD COMMENTS

The board discussed changing the checklist for variances to include commonality of ownership be searched.

Meeting adjourned at 9:21