

ZBA Minutes of November 19, 2009

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
November 19, 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; Vice Chairman John Petrosilli presided and called the meeting to order.

ROLL CALL

Members Present	Nick Bonamassa	Ron Bruno	Stanley Bystrek
	Edward Covitz	John Petrosilli	Antonio DeAlmeida
	Al Beveridge		

Absent: Anthony Mercurio

Pledge of Allegiance

Edward Covitz made a motion to accept the minutes and Nick Bonamassa seconded it. Roll Call (Ayes) Covitz, Bonamassa, Bruno, Bystrek, DeAlmeida, Petrosilli

Edward Covitz made a motion to approve the bills for payments, and Ron Bruno seconded it. Roll Call (Ayes) Covitz, Bruno, Bonamassa, , Bystrek, DeAlmeida, Petrosilli, Beveridge.

Attorney Rumpf swore in new member Al Beveridge.

NEW BUSINESS

Vice Chair asked if anyone was in the audience for Donald Slipp application. Vice Chair asked for a motion to carry this application to the December meeting. Edward Covitz made the motion to carry and Tony DeAlmeida seconded it. Roll Call (Ayes) Covitz, DeAlmeida, Bonamassa, Bruno, Bystrek, Beverage, Petrosilli.

Docket No. 10.09.BA
Aaron Shapiro
17 Sea Girt Lane
Block 57.08 Lot 5
Bulk Variance

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Mr. Shapiro was sworn in. He stated that he had very large steps going into the back yard from his house. Due to his medical condition he said that he needed a little patio installed in 2004. Sometime this year he was notified that the patio was in violation because it had gone into the 15 foot setback. At the time of the installation he was ignorant of what the setbacks were in the development so therefore he is now applying for a variance in order to bring the patio into compliance with the current law.

Wayne McVicar, engineer went over his letter with the applicant. Mr. McVicar asked for the pictures that he had asked the applicant to bring. Mr. Shapiro handed the pictures to Attorney Rumpf who marked them as Exhibits A-1 thru A-12. Mr. Shapiro stated that he took the pictures and he took them this current week. He had a patio built approximately 15 x 22 with a little notch out for the barbecue. The patio is flush with the door. Wayne stated that the patio is flush but it does have walls. Mr. Shapiro stated that they are 30 inches dropping down to approximately 22 inches.

Mr. McVicar asked are there any hardships with the land that forced you to come before the board. Mr. Shapiro stated no.

Mr. Shapiro stated that the existing condition was a small patio which went to the rear sliding doors and there was a step down from the doors to the portico and another step down to the patio itself. It was a problem for him with the steps because of a medical condition.

Mr. Shapiro said that he feels that there is a 100 percent positive visual impact upon the properties around. He does not feel that it is out of character with the neighborhood. Mr. Shapiro described what each picture was to the board showing other patios in the development with sitting walls.

Mr. Covitz said that it appeared to him that he appeared to have the largest patio in the immediate area. Mr. Shapiro said he did not agree with that. Mr. Covitz said that the knee wall extended the patio also. Mr. DeAlmeida asked if the patio was in compliance and Mr. Shapiro said it was. Mr. DeAlmeida said than the wall is what made it out of compliance. Mr. McVicar explained that the height of the wall is the problem.

BOARD COMMENTS:

Attorney Rumpf asked if the patio had created any drainage problems. Mr. Shapiro said no.

OPEN TO THE PUBLIC

James Robins, 33 Bradley Beach Way was sworn in. He stated that he has no problem with applicant's property.

Linda Allan, 19 Seagirt Lane, was sworn in. She stated that the patio is lovely and she has no problem with it.

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Dominique Bonomo, 43 Pancoast Road was sworn in. He stated that he objects to the setback because it affects the entire community of Greenbriar, plus the fact that when you pass the site it looks to him that it is such a large and high structure. He felt that he should have gotten permission from the community. Mr. Shapiro is the architectural review committee chairperson and he should know better. He has made other persons in the community take down structures because it didn't meet with the standards that are set.

Bernedette Bloominfeld, 32 Seagirt Lane, was sworn in She doesn't object to the patio. She understands the problem because she has the same problem in her back yard.

CLOSED TO PUBLIC

Mr. Shapiro stated that the architectural review committee does not issue violations, it is designed by the board of trustees and they follow their guidelines, and the whole committee has to approve it just like this whole committee does.

Vice Chair stated that the applicant said the patio was put in 2004. And in 04 you called the township and asked about a permit to put in the patio. The contractor said he didn't need a permit. Tony DeAlmeida said that in 04 you did need a permit to put in a patio. Laurie Clune stated that she did look back in the book in the office and you needed a permit as far back as the 80's. Mr. Covitz said that in the course of covering the concrete you extended it with pavers. Mr. Shapiro said about 3 feet. Nick Bonamassa said he thinks what happened in the first few years was that people had a very big misunderstanding as to what they needed and what they did not need to do as far as permits were concerned. I think that people are more educated about that now.

Vice Chair asked for a motion.

Nick Bonamassa made a motion to approve and Stan Bystrek seconded it. Roll Call (Ayes) Bonamassa, Bystrek. (No) Bruno, Covitz, Petrosilli, DeAlmeida, (Abstain) Beveridge.

Vice Chair stated that the application has been denied and that Mr. Shapiro should contact the zoning officer to see what needs to be done.

Docket 14.09.BA
Robert Wojtasek
206 Seneca Boulevard
Block 272 Lot 45
Bulk Variance

Mr. Wojtasek was sworn in by attorney Rumpf. Vice Chair asked Mr. Wojtasek if he was in receipt of the engineer's letter. Mr. Wojtasek stated that he was.

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Mr. Wojtasek spoke to his case which was that he was having a paver driveway installed and someone from the building department stopped his contractor because he had not gotten a permit for the work. He didn't know that he needed one. So he went to apply for a permit and he was told that it was going to be denied because the driveway was too long and too wide.

Engineer McVicar said that there is another issue also. When he did a site visit and when he looked in the back yard there is an existing deck located right at the bulkhead. This deck was shown on the survey which goes back a number of years and he checked with the zoning and building department and there was no record of any permits for the deck. Allowable setback for the deck is 25 feet and the deck is set at 0 feet.

Attorney Rumpf asked if the notice mentioned the second variance (deck). Which was noted it was not. He explained that the engineer discovered a nonconformity so the board would need to address it when the address the gentleman's request for relief for the driveway. It appears that the notice that initially went out only notified the surrounding neighborhood that he was seeking a variance for the driveway and he did not know he needed to ask for a variance for the deck. His suggestion is unless it is Mr. Wojtasek's intention to remove the nonconforming deck from his property it would be the attorney's suggestion that he ask the board for the time in which to notify properly so that he can seek variance relief for the deck.

Mr. Wojtasek asked the board to carry him to the next meeting.

Motion to carry to the next meeting was made by Ron Bruno and seconded by Ed Covitz. Roll Call (Ayes) Bruno, Covitz, Bonamassa, Bystrek, DeAlmeida, Beveridge, Petrosilli.

Docket 11.09.BA
George Przecha
18 Bluebeard Way
Block 150 Lot 9
Bulk Variance

Mr. Al Beveridge stepped down because he is a next door neighbor to the applicant.

Mr. Przecha was sworn in by attorney Rumpf.

Mr. Przecha explained that he built a Pergola to shade his patio. He did not know that he needed a permit so therefore he did not get one. When they applied for the permit they were informed that they needed to go for a variance.

When Mr. McVicar came out he found other things on his property that would need a variance for as well as the Pergola and the hot tub that he had asked for.

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Vice Chair stated that there are six variances that he is looking for. Mr. McVicar spoke to the six variances that would be needed. However the outdoor shower is not going to be a variance issue.

Mr. Przecha presented the photographs that were requested by the engineer and the attorney marked them exhibits A-1 thru A-6.

Mr. Przecha explained what each picture was and gave some history.

BOARD COMMENTS:

Seeing none

OPEN TO THE PUBLIC

Henry Tomko was sworn in. He lives across the lagoon. He feels that it is an improvement to the neighborhood and it is beautiful.

Sally Berchoff, 14 Blue Beard Way was sworn in. She is in favor of the Pergola.

Angelo Ferro, 19 Blue Beard Way was sworn in. He is a neighbor and is very happy with the property of the Przecha's.

CLOSED TO PUBLIC

Tony DeAlmeida asked if they were to approve all of the other variances would he be willing to forgo the hot tub. Mr. Przecha said yes.

Mr. Petrosilli said that he does have a problem with the lot coverage. If the variances are approved then the lot coverage would be 37.8%.

Nick Bonamassa made a motion to approve with the hot tub removed and it was seconded by Tony DeAlmeida. Roll Call (Ayes) Bonamassa, DeAlmeida, Bruno Petrosilli. (No) Bystrek, Covitz.

The application was approved.

OPEN TO THE PUBLIC

The question brought forward by Mr. Ferro was what is the statute of limitations on preexisting conditions on houses when they are sold.

Attorney Rumpf explained the statute.

Meeting adjourned