

ZBA Meeting Minutes 7-15-2010

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
July 15, 2010**

7:31 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 Asbury Park Press, Times Beacon 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 Tony Mercuro presided and called the meeting to order.

ROLL CALL

Members Present	Nick Bonamassa	Ronald Bruno	Stanley Bystrek
	Edward Covitz	John Petrosilli	Antonio DeAlmeida
	Alvin Beveridge	Robert Lange	Tony Mercuro

Pledge of Allegiance

Chairman Mercuro asked if there were any corrections to the minutes. Seeing none he asked for a motion to accept them.

John Petrosilli made a motion to approve the minutes of June 17, 2010 and it was seconded by Ron Bruno. Roll Call (Ayes) Petrosilli, Bruno, Bonamassa, Covitz, DeAlmeida, Beveridge, Mercuro

Chairman Mercuro asked for a motion to okay the vouchers for payment.

Nick Bonmassa made a motion to pay the vouchers, seconded by Edward Covitz. Roll Call (Ayes) Bonamassa, Covitz, Bruno, Bystrek, Petrosilli, DeAlmeida, Mercuro

BOARD COMMENTS

Chairman Mercuro stated that we had extensive discussion last month about quality of plans, Wayne was going to work on it, and Chair asked Wayne if he had anything to report.

Wayne McVicar stated that he had started the ball rolling and he needs to get back to the board when he has all the information that he has looked into.

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John Petrosilli stated that he thinks that we should leave it like it is. Because someone pointed out the cost for a builder but isn't the cost added onto the buyer?

Tony DeAlmeida said not if it is the homeowner it is their cost.

Discussion took place as to what is acceptable and what is not. Tony DeAlmeida stated that to build a house you don't need a sealed set of drawings as long as you are drawing it for yourself (the homeowner himself). The drawing comes in and is acceptable to our engineer it should be acceptable to us.

Wayne explained that the board in the past got upset because what the drawing looked like that was presented and what the finished product looked like was two different things. So you have to have the applicant guarantee that what you are looking at is what will be on the lot when it is completed.

The builder has to present a sealed set of drawings because it is not his house. The homeowner can come in without a sealed set.

Wayne explained that when anyone comes in to build a house we have asked for signed sealed plans.

Stan asked if we approve a structure within a footprint how can we tell them what design it has to be.

Tony said that Wayne's concern is that they tell you one thing and then build something else. Tony said we need to know the plan, whether it is sealed or unsealed to protect the neighbors and everybody else. We need to know we are not letting a barn be built.

Laurie stated that she checks all building jackets and if it is a variance she would check and make sure that it was the plan that was approved. She also stated that there are other costs that affect the homeowners. Not only are they paying a builder but they are getting charged a COAH fee. Before you even get started you have ten to thirteen thousand dollars put out that has nothing to do with the house.

We might not have that issue anymore that Wayne spoke about because we now have the special green jackets and Laurie goes thru them and approves them.

Discussion took place again with input from several board members about plans, drawings, etc.

Wayne said let me tell you what I think would be acceptable. Preliminary architectural plans that are not signed or sealed would show the footprint of the house that is going on the lot, the elevations so that we see what it looks like. I am not too concerned for the most part with what is happening on the second floor, or even interior. I want to see how the house sits on the lot and we can all take a look at what it looks like. Wayne doesn't want someone coming in and saying this is "kinda what I am going to build, except there won't be any garage or it is going to be over here".

Chairman Mercuro said he agreed and asked for confirmation from the board which he received.

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OLD BUSINESS

Resolution # 2010.08BA
Evelyn D. Colvin
Docket # 01-2010.BA
127 Marine Road
Block 239 lot 56

Edward Covitz made a motion to approve the resolution and Tony DeAlmeida seconded it. Roll Call (Ayes) Covitz, DeAlmeida, Bonamassa, Bruno, Petrosilli, Beveridge, Mercurio.

Resolution # 2010.09.BA
Utilities Department
200 Wells Mills Road
Block 41, Lot 13.02

Edward Covitz made a motion to approve the resolution and John Petrosilli seconded it. Roll Call (Ayes) Covitz, Petrosilli, Bonamassa, Bruno, DeAlmedia, Beveridge, Mercurio

NEW BUSINESS

Docket # 04.2010.BA
Stephen Fisher
115 Patterson Road
Block 274.01, Lot 16
“C” Variance

Robert Fisher is speaking for his brother Stephen. Attorney Rumpf explained that he did speak to Attorney Richard Hyer who has been consulting with Robert and his brother and it was determined that Robert Fisher may represent his brother. Robert Fisher was sworn in.

Robert Fisher stated that we had someone put in the driveway and patio and they told us that we did not need a permit. The driveway is built up to the property line as are nine other homes on the block. I didn't see a problem with that at the time. We are requesting a variance to allow it to stay that way. The shed on the property was there when we bought the property and now we find out it is too close to the property line.

Wayne McVicar asked if Mr. Fisher had a copy of his letter. Mr. Fisher said yes he did. Wayne said on page two he asked for pictures. Mr. Fisher brought the pictures up to the attorney to be marked as evidence. Mr. Rumpf asked if he personally took the pictures

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and when did he take them. Mr. Fisher said yes he did take the pictures and it was a couple of months ago. Attorney Rumpf marked the pictures Exhibit A-1 thru A-18. Mr. Fisher stated that Exhibit A-1 and A-3 are the pictures that Wayne asked for northerly direction along the lagoon .also A-4. Looking at existing shed A-5.

Neighbor's house is five foot off of property line. Mr. Fisher stated that if the moved the shed to where it should be they would have to tear up some of the driveway to install the anchors. Mr. Mercurio said that similar anchors could be installed in the concrete, so you would not have to tear up the driveway. Wayne asked him to give reasons as to why the shed should not be moved. Mr. Fisher stated it was original and to move it would be just another expense. The shed has been there for 11 years. The driveway does not restrict light, air for adjacent property on the south.

Mr. Fisher feels that the driveway improved the property from what it looked like before. It also makes it easier for his brother to get his wife in the wheelchair in and out of the house when they come.

Mr. Fisher also presented pictures A-10 thru A-18 of similar driveways with the same setbacks in the neighborhood.

OPEN TO THE PUBLIC

Seeing None

CLOSED TO THE PUBLIC

BOARD COMMENTS

Question asked if the sheds are grandfathered. Attorney Rumpf said that if a shed is on the property it can sit there until it is sold or they come before the board then it can be addressed.

Mr. Petrosilli asked if there was any issue with the pad in the back. Wayne said no there was no issue with that.

Chairman asked what is going to happen with the round slab and the other slab at the bottom of the steps. Is there going to be anything built on them? Mr. Fisher said no they are just for sitting purposes.

The shed came under discussion as to having it moved.

Chairman Mercurio asked if there was any more board discussion.

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Ed Covitz said that if he moves the shed he doesn't see how that is going to make the property look any better.

Chairman Mercuro said the front of the shed and its door will be on concrete.

Ed Covitz said the shed has been there a long time. I don't see how moving the shed will improve anything; I think that we should grant the variance. Why make the homeowner go thru the trouble.

Chairman Mercuro said he is going to poll the board in just move or don't move the shed.

Laurie asked the question as to if you want the shed moved. (Moved) Bruno, Bystrek, Petrosilli, Mercuro. (Stay) Bonamassa, Covitz, DeAlmeida

It was voted four (4) for moving and three (3) for it to stay.

Chairman Mercuro stated that the board would grant the variance if you moved the shed.

John Petrosilli made a motion to approve the variance with the shed being moved and Stanley Bystrek seconded it. Roll Call (Ayes) Petrosilli, Bystrek, Bruno, Covitz, DeAlmeida, Mercuro. (No) Bonamassa

Chairman Mercuro stated that he would like to see the driveways to be allowed to be closer to the property line to get cars off of the streets. Wayne suggested that it shouldn't be any closer than one (1) foot from property line. The letter should exclude some zones. The board would like Laurie to send a letter to the Township Committee in reference to this.

John Petrosilli suggested that maybe the Township Committee can put a letter out as a reminder to the property owners that you need a permit to make improvements such as driveways, or fences. Laurie suggested maybe they could put it on the website or TV channel. John Petrosilli would like to see it in the tax bill.

OPEN TO THE PUBLIC

Richard Ball, Barnegat Beach in reference to the case for Ferreira. Attorney Rumpf stated that the case could not be heard tonight it will be heard in August.

Mr. Ball said that the township had to cut his driveway and fix something in the road and then he said they were to fix the driveway. He presented an exhibit on his driveway to add to their information on driveways as to how they cut his driveway but did not put the driveway back as to what it was.

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Motion to adjourn.

Meeting adjourned at 9:53 p.m.

Respectfully Submitted,

Laurie F. Clune
Recording Secretary

LFC/ld