

ZBA Meeting Minutes 6-17-2010

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
June 17, 2010**

7:35 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	Edward Covitz
	John Petrosilli	Antonio DeAlmeida	Alvin Beveridge
	Robert Lange	Tony Mercuro	

Absent Stanley Bystrek

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 accept the minutes and Edward Covitz seconded them. Roll Call (Ayes) Petrosilli, Covitz, Bonamassa, Bruno, Beveridge, Lange, Mercuro

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

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

BOARD COMMENTS

Chairman Mercuro brought up to the board for discussion signed and sealed plans. Wayne explained that we wouldn't need it for driveways, front yard setback, additions. Chairman Mercuro stated that it is a hardship for the applicant who comes in because of an undersized lot.

Robert Lange said that other towns required copy of the plans to scale. He stated that if they come to our board and the board wants to make changes then the applicant has wasted four or five thousand dollars on his original.

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Chairman Mercurio said again that this is an undersized lot. Where to view and situation with the neighbors would be a critical point in what we are trying to determine

Tony DeAlmeida stated that if it is properly drawn by the homeowner then it should be accepted. If it is not then they have to get help from somebody.

Chairman Mercurio said how do we make that decision until they are up in front of us or until we get the package.

Laurie said sometimes there is an applicant who comes before the board for a variance for an undersized lot and then they can't afford to build so they sell and then the new owner is stuck with the architectural plans. They are always restricted to that architectural drawing. You might want to change that in the rules that they are not restricted to that plan.

Tony DeAlmeida said then they should come back before us.

Laurie said they should? Tony DeAlmeida said "yes"

Bob Lange said that he has been reading the Land Use Law and maybe I am not reading it right but I don't believe that the board has the right to tell the people what kind of architecture they have, we have the right to grant them relief from a setback but I don't thing we have the right to infringe on their privacy or whatever you want to call it. Now if it is blocking the view we have the right to say you can't block the view 15 feet from the corner or 25 whatever the setback is. But I really think it is wrong for us to tell people what color their house is or what kind of roof they have and that stuff.

Wayne McVicar said I don't think it is the issue of color, the issue has to do when you have an undersized lot with certain setbacks and you have someone shows you a drawing and it looks like a pretty house sitting within the setbacks and when it is built it is a box without any architectural treatment that is where the board gets upset. That has been my experience in the past. If you were to relax the requirements for sealed plans then you put in the resolution certain treatments that any building should have. So you don't get a square box sitting on an undersized lot.

John Petrosilli said that he felt they need to look at it a little bit longer because he feels that we should keep them certified so that we get plans that we get to see are certified so that we don't slip back to getting all mix match stuff that we were getting. A lot of the things we say to the applicants are suggestions and very few of them do we demand or recommend changes. We might say this way might be better and it gives them the option to change something. Once you release one of those requirements it could be tumble down hill to lets not do this, lets not do this.

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Chairman Mercurio stated that maybe we could describe the plans as adherent to existing professional standards. Now that just means it is a decent drawing, and it could be prepared by an architect for a reasonable low fee, and they could go ahead and finish the plan once they are here.

Laurie Clune stated that once they are sealed it cost a great deal of money.

Bob Lange said the way it is now they have to be sealed

Chairman Mercurio says we could change that and say that as long as it meets the current industry professional standards for what we want. Which is a couple of elevations a good footprint. We don't need to see interior rooms.

Chairman Mercurio said there are a lot of specs that comply to current industry standards. Which doesn't mean it is sealed, maybe we can look at the wording.

Tony DeAlmeida said preliminary specs.

Bob Lange said preliminary plans and you would need a front view, back view and side view and a floor plan.

Chairman Mercurio said they should still adhere to professional standards because if they don't we will still get the drawing that are not proper.

Ed Covitz asked if you need a floor plan

Wayne McVicar said no you need the footprint. to show that it is going to fit on the lot.

Chairman Mercurio said you need elevation, dimensions and scale and it could be marked preliminary or conceptual. The applicant could get by going to an architect and he draws you a couple of conceptual plans that is what you would need. If you say it meets current industry or professional standards then it can't be a cartoon. Maybe the guy is good enough to draw it up accurately enough for us to look at and that would be okay. But if he is not he will need someone to do it. Maybe we could put some wording together within the next 30 days.

Bob Lange said I am a builder and I know what is expected, the problem for some homeowners they do not know so they need a sheet that explains exactly what is needed and then they understand.

Chairman said we still need to say it has to meet industry or professional standard.

Wayne McVicar said he thinks if we take sealed out and state provide preliminary architectural specify footprint and elevations that would be adequate. People could

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purchase the plans for about \$100 or \$150. Then if they get their variance they can then take them to an architect and he can perfect the plans.

Chairman Mercurio said he has a problem with that because we have a wide range of applicants, we have our bay fronts, that approach million dollar properties, and I don't think that is going to come out of a book.

Wayne said we are not talking about them we are talking about people who are having trouble paying for sealed preliminary architectural plans someone who is trying to develop a single house on an undersized lot. The person on the bay front property is not going to have a problem with getting an architect to provide whatever we could possibly want.

Tony DeAlmeida stated isn't the footprint what we are really looking at. Why can't they come in and get the footprint approved and then a final approval upon seeing their drawings.

Laurie said that you now have two meetings for the professionals and that can be expensive.

Tony DeAlmeida said the neighbors are coming in to see what is going to be built next to them and it is not fair unless they can see that. I can't see them getting approval to build a certain house and then they sell before they build and the next person can change it and build something else without approval. So I feel that they have to come in if they want to change the house.

Wayne McVicar said if they don't come in with any architecturals you are asking them to come out to a meeting twice. The applicant will probably have to notice twice.

Chairman Mercurio said we have to have a means to say that they are not adequate. We have to put some wording in there to describe what we want or we will get the drawings that are not proper.

What you could do if you want is to leave it up to the board engineer to make the call about the architecturals as to whether they are good enough.

John Petrosilli asked Wayne if he could put together what the standards should be.

Chairman Mercurio said that he would like to look at them too.

Wayne said they come into the board and when I get my copy and I am doing my review and look at it for example that the architectural doesn't match the survey plan then there are some adjustments have to be made. But if it doesn't make any sense at all then we could say that the plans are not acceptable.

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Chairman Mercurio said he didn't think he could look at them prior to a meeting.

Brian Rumpf said that I think you are running into the problem of pre judging the application.

Chairman Mercurio said he agreed so it would be better to have the professional make the call.

Chairman Mercurio stated that in their packet there should be a description of what we are looking for.

Laurie explained that we could insert a letter explaining that there is a possibility that the board is going to review the architectural plans and if they are not up to standard a. b. whatever the you might be sent back. Just so that they are aware and are not shocked.

Chairman Mercurio said that is where we can put the language in.

Laurie said that you can bring it back in 30 days and we can work it up from there.

Wayne McVicar and Brian Rumpf will work the explanation.

OLD BUSINESS

Resolution # 2010.7.BA
James and Donna O'Hearn
46 Illinois Avenue
Block 200, Lot 1.08
Docket # 03.2010.BA

Chairman Mercurio asked if there is a motion to accept the resolution.

Edward Covitz made a motion to accept and Ron Bruno seconded it. Roll Call (Ayes)
Covitz, Bruno, Bonamassa, Petrosilli, Beveridge, Mercurio

Docket # 14.07.BA
Manuel Periera
92 Marine Road
Block 240 Lot 13
Bulk Variance
ZBA Meeting Minutes 5-20-2010

Manuel Periera was sworn in. Manuel stated he would like to make a suggestion in the Uniform Construction Code, N.J.A.C.5:23-2.15(a) this might help you for the discussion you were having prior.

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Manuel Periera spoke to Mr. McVicar and he suggested that I come to the board and ask for an exemption

Chairman Mercurio said maybe that word exemption is something that could key Wayne in on this. In other words Wayne's review of their plans could say Wayne will approve an exemption.

Bob Lange said he didn't think the people would understand that.

Wayne said he thought it would be better to leave it at preliminary plans. Describe it as being the footprints, elevations, elevations to dimensions. He would look at it and see if it was done to scale, carefully, does it make sense or is it something that was just thrown together and doesn't look like it would work.

Manuel Periera stated that he is asking for an exemption and he will submit plans that are legible. He is going under contract with Taylor, Wiseman and Taylor, Engineering and he is going to handle other issues.

Chairman Mercurio asked if what he is looking for is to hold his application for 60 days?

Wayne McVicar stated that he has told Mr. Periera that the environmental aspects are different than his variance issues. He could go ahead and get his variance approvals but could not build until he had his environment conditions taken care of.

Chairman Mercurio said are the environmental requirements going to impact on his building and Mr. Periera said you never know. Then Mr. McVicar agreed that he needed to wait then.

My engineer and I read into the letter from Mr. McVicar that we needed to get all of our approvals before we come before you so that is why it has been so long.

Chairman Mercurio said then what you are looking for is for us to grant you 90 days before you come back and submit a formal application to Laurie.

Mr. Periera stated that Wayne had already asked for an addendum to the plan and that is no problem. I need 90 days to see where we are going because of the outside agencies.

Chairman Mercurio asked for a motion to grant an extension of 90 days for Mr. Periera.

Ron Bruno made a motion to allow Manuel Periera to complete and submit an application 90 days from this date. Nick Bonamassa seconded it. Roll Call (Ayes) Bruno, Bonamassa, Covitz, Petrosilli, DeAlmeida, Beveridge Mercurio

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Docket # 15.08.BA
Maria Mollica
72 Pennsylvania Avenue
Block 191 Lot 8.01
Bulk Variance

Chairman Mercuro asked if anyone was in the audience for this case.

Chairman Mercuro stated that last month she had sent in a letter stating that she could not be here because of knee surgery and we granted her another 30 days. We have not been able to contact her since.

John Petrosilli made a motion to dismiss without prejudice and it was seconded by Antonio DeAlmeida. Roll Call (Ayes) Petrosilli, DeAlmeida, Bonamassa, Bruno, Covitz, Beveridge, Mercuro.

NEW BUSINESS

Docket 01.2010.BA
Evelyn D. Colvin
127 Marine Road , mailing address 215 Elm Ave, Hackensack, NJ
Block 239, Lot 56
“C”Variance

Evelyn D. Colvin, Ronald Colvin were sworn in. Mrs. Colvin said her project is a new paver driveway which replaced her broken concrete driveway. She stated that her contractor applied for a permit but did not wait for it so he did not know about the 5’ foot side setback and he completed the job and then we realized that we had to get a variance. They also had a shed in the back yard that has been removed and there remained a concrete pad. So we put a Pergola on it not realizing that they needed a 10’ side set back for it and they only have an 8’ 3” side setback so they are applying for that variance also.

Mr. McVicar’s letter suggested that they take pictures which she has with her and will submit as exhibits. Exhibits A1 – A10. Attorney Rumpf asked when the pictures were taken to which Mrs. Colvin said approximately 2 months ago.

Mrs. Colvin said that the driveway does not affect the air and light for the neighbors.

Mrs. Colvin said that the driveway has improved the appearance and neighbors have complimented them on it. The Pergola is attractive and adds to the appearance of the property. Mr. Colvin said that he did not get a permit for the Pergola.

Mrs. Colvin presented pictures of other neighbors with similar setbacks for their driveways.

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OPEN TO PUBLIC

Seeing None

CLOSED TO PUBLIC

Edward Covitz made a motion to approve and Alvin Beveridge seconded it. Roll Call (Ayes) Covitz, Beveridge, Bonamassa, Bruno, Petrosilli, DeAlmeida, Mercuro.

Wayne McVicar has stepped down for the next application.

Docket # 06.2010.BA
Utilities Department
James Drive and Wells Mills Road
Block 41, Lot 13.02
Cliff Keene Jr. Director
“C” Variance

Attorney Robert Budesca stated that they were before the board to seek approval of the expansion of the water treatment plant. Cliff Keene was sworn in and he explained that because of the expansion of residents, Greenbriar, and they are running the plant 23 hours a day every day of the week during the summer time to keep up with the irrigation. The renovation that we are seeking a variance to do would allow the plant to put out the capacity that will allow Greenbriar now and in the future plus any other projects that come on line.

Chairman Mercuro stated that basically this has nothing to do with sewer services. Cliff Keene said it is only water.

Engineer Dittenhofer said that we are asking for six (6) variances. front yard setback, lot coverage, located in front yard, height, % of area in reference to plant building, number of accessory buildings.

They believe that the variances are justified and needed to increase the capacity of the plant.

Chairman Mercuro asked if they are using gas or liquid chlorine. It was stated that they currently use gas chlorine, we are moving to a tablet chlorine system with this renovation. We do still have gas chlorine at the Pebble Beach location.

The tank that is going in is a chlorine contact tank that actually allows for water to sit for the chlorine to interact with the water to kill off any bacteria before it goes out to its first customers on Route 532.

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Chairman Mercurio said then you are not storing large amounts of chlorine. Cliff said no we are not.

Engineer Hess said that you were considering the back flush storage tank as an accessory building.

Cliff said yes

Engineer Hess said he is not sure that he agrees with that because it is really a process tank but lets say that it is then we need to amend the application to include a height variance because accessory buildings you are limited to 12 feet.

Engineer Dittonhofer said that his understanding is that the height can be 24 feet. The reason we said 9 accessory structures was to err on the side of caution but if the board deems it not, then that is the board's decision.

Engineer Hess said that his own opinion is that it is not an accessory structure. So then it doesn't need a variance for height at all.

Engineer Dittonhofer said than we can delete that one.

Attorney Rumpf asked Cliff to briefly upon the use variance criteria based upon this being an conditional use variance expand on this.

Cliff said that it is his understanding with this application that this use is a conditional use that does not meet the conditions namely in that the size or lot is undersized. The size of the lot has been 5.41 acres and the plant has been there for 18 years. It is beneficial to the town and we would like to keep it at its present location versus trying to find a new home for the water treatment plant.

BOARD COMMENTS

John Petrosilli asked about the backwash recovery.

Cliff explained that it mainly cleans out iron then it allows them to take the clean water off the top, treat it again and then it can be used instead of dumping it into the sewer system.

OPEN TO PUBLIC

Seeing none

CLOSED TO PUBLIC

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Chairman Mercurio asked for a motion.

Antonio DeAlmeida made a motion to approve and Ron Bruno seconded it. Roll Call (Ayes) DeAlmeida, Bruno, Bonamassa, Covitz, Petrosilli, Beveridge Mercurio

Motion to Adjourn

Meeting adjourned at 8:59

Respectfully Submitted,

Laurie F. Clune
Board Secretary

LFC/ld