

**ZBA Meeting Minutes 5-20-2010**

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Regular Meeting  
May 20, 2010**

**PLEASE NOTE THAT THERE WAS A MALFUNCTION WITH THE TAPING  
OF THIS MEETING.**

**7:32 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 Mercurio presided and called the meeting to order.

**ROLL CALL**

Members Present	Nick Bonamassa	Ronald Bruno	StanleyBystrek
	Edward Covitz	John Petrosilli	Alvin Beveridge
	Robert Lange	Tony Mercurio	

Absent                      Antonio DeAlmeida

**Pledge of Allegiance**

Chairman Mercurio 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, Bystrek, Beveridge, Lange, Mercurio

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

Edward Covitz made a motion to approve the vouchers for payment and John Petrosilli seconded it. Roll Call (Ayes) Covitz, Petrosilli, Bonamassa, Bruno, Bystrek, Beveridge, Lange, Mercurio.

Docket # 14.07.BA  
Manuel Periera  
92 Marine Road  
Block 240 Lot 13  
Bulk Variance

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This application is before the board because of lack of movement. After discussion the Chairman asked for a motion to dismiss without prejudice.

John Petrosilli made a motion to dismiss this application without prejudice and Ron Bruno seconded it. Roll Call (Ayes) Petrosilli, Bruno, Bonamassa, Bystrek, Covitz, Beveridge, Mercurio.

At 7:42 Manny Periera walked in and the Chairman allowed Mr. Periera to speak to this application.

Mr. Periera spoke to this case and he would like to move forward with this case.

Chairman Mercurio said that the board has no problem with this as long as Mr. Periera gives us a commitment as to time line. Mr. Periera asked if Mr. McVicar could send a new letter.

Attorney Rumpf stated that the application would be subject to all of the other approvals and ultimately before they could rule the same way. You must comply with all outside approvals. The question is when do you want to come back before the board.

Chairman Mercurio said let us table this to next month and within the next 30 days you and Mr. McVicar will try to resolve the issues.

Mr. Petrosilli made a motion to reconsider the motion to dismiss without prejudice and Nick Bonamassa seconded it. Roll Call (Ayes) Petrosilli, Bonamassa, Bruno, Bystrek, Covitz, Beveridge, Mercurio.

Chairman asked for a motion to table this application for thirty days until next month.

Ron Bruno made a motion to table this application until next month and Nick Bonamassa seconded it. Roll Call (Ayes) Bruno, Bonamassa, Bystrek, Covitz, Petrosilli, Beveridge, Mercurio.

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

Maria Mollica sent a letter in reference to why she has not been able to move forward for her variance at this time. She requested that this discussion be put on the June calendar meeting .

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John Petrosilli made a motion to hold this over until the June meeting and Nick Bonamassa seconded it. Roll Call (Ayes) Petrosilli, Bonamassa, Bruno, Bystrek, Covitz, Beveridge, Mercurio.

Docket 01.09.BA  
Vanessa Rosetti  
16 Laurelwyck Drive  
Block 54.01 Lot 8  
“C” Variance

Chairman Mercurio asked if there was anyone here to represent this case and in answer to our letter. Seeing none he stated that he saw no reason why we couldn't dismiss this case without prejudice.

John Petrosilli made a motion to dismiss this application without prejudice and Stan Bystrek seconded it. Roll Call (Ayes) Petrosilli, Bystrek, Bonamassa, Bruno, Covitz, Beveridge and Mercurio.

OLD BUSINESS  
NONE

NEW BUSINESS

03.2010.BA  
James & Donna O'Hearn  
46 Illinois Avenue  
Block 200 Lot 1.08  
“C” Variance

Steve Pepe Attorney representing the applicants. His clients are proposing to construct an inground pool. When the engineer was there he noted that there was an elevated patio that is in violation of the setback. He is requesting that previously constructed patio be included in this variance also. He asked that the contractor of the pool to come forward.

Greg Masterson, Pool Contractor was sworn in. Mr. Masterson spoke to the size and where on the property the swimming pool that is proposed for the O'Hearn's will be. He described the patio and how the rain water run off will run into the pool instead of towards any of the neighbors. Discussed the fence, retaining wall cartridge filter and sidewalk around the pool.

Engineer McVicar and Chairman Mercurio both discussed the rain run off and would prefer that it run towards street instead of into the pool. Board members and contractor both discussed alternatives. Mr. Petrosilli asked if the runoff from the downspouts will

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run into the stone area. Engineer McVicar stated that they should be redirected. It was determined that the downspouts will be redirected towards the front. Chairman Mercuro asked about a cartridge filter instead of a back wash.

Engineer McVicar asked if they could address his letter. The first item is the photos that were requested.

Attorney Pepe presented photo's and they were marked exhibits A-1 to A-6.

Chairman Mercuro stated that he was still concerned about the run off.

Engineer McVicar stated that the sidewalk would be pitched towards to the street. Down spouts are to be redirected and retaining wall close as possible to the fence.

Chairman Mercuro stated that he would like to hear from the neighbors at this time.

Attorney Pepe asked Anne Gerken to step forward. Attorney Rumpf swore Anne Gerken, 48 Illinois Avenue in. Mrs. Gerken lives directly to the east of the proposed pool. Mrs. Gerken stated that she is aware of the plan and she has no problem with their proposal if anything it is going to improve the water flow away from her property.

Attorney Pepe called Mr. Jorgenson up. Mr. Jorgenson was also sworn in. Attorney Pepe stated that Mr. Jorgenson resides on the south side of the O'Hearns. Mr. Jorgenson has no problem with the proposed pool.

Engineer McVicar stated that all of the issues had been addressed.

Mr. Petrosilli asked about the safety fence and it was stated that the building department will take care of all of that by code requirements.

OPEN TO PUBLIC

Seeing None

CLOSED TO PUBLIC

Chairman Mercuro asked for a motion.

Nick Bonamassa made a motion to approve and Ron Bruno seconded it.

Motion was approved with conditions agreed to by applicant such as down spouts to be redirected so that the roof run off goes to the front of the house. The retaining walls to be built as close as possible to the existing fence. Install a cartridge filter so that there will

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not be any backwash from the pool and the sidewalk around the pool will be pitched toward the street to allow run off in that direction.

Roll Call (Ayes) Bonamassa, Bruno, Bystrek, Covitz, Petrosilli, Beveridge, Mercurio.

PUBLIC COMMENTS

No on in the audience

Chairman Mercurio inquired about the information from the tax assessor in reference to the consolidation of lots.

Motion to Adjourn

Meeting adjourned at 9:01

Respectfully Submitted,

Laurie F. Clune  
Board Secretary

LFC/ld