

ZBA Meeting Minutes 8-19-2010

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
August 19, 2010**

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	Stanley Bystrek
	Edward Covitz	John Petrosilli	Antonio DeAlmeida
	Alvin Beveridge	Robert Lange	Tony Mercurio

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 approve the minutes and Edward Covitz seconded it. Roll Call (Ayes) Petrosilli, Covitz, Bonamassa, Bruno, Bystrek, DeAlmeida, Mercurio

Chairman Mercurio asked for a motion to approve payment of the vouchers. Tony DeAlmeida made the motion and Ron Bruno seconded it. Roll Call (Ayes) DeAlmeida, Bruno, Bonamassa, Bystrek, Covitz, Petrosilli, Mercurio

BOARD COMMENTS

Chairman Mercurio referred to Wayne McVicar's letter in reference to Preliminary Architectural Plans which he read aloud. He also asked Attorney Rumpf if this would be considered our rules and not require an ordinance to which Attorney Rumpf stated that was correct.

Discussion took place about what if they wanted to change the façade after approval from zoning board. If the resolution is specific the building department would come to me if they wanted to change something and I would in turn call Mr. McVicar to make sure that it would be acceptable.

Discussion took place about the wording of "true representation" Wayne explained that what he meant by that wording is what you see in the drawing is truly what will be built. Discussion continued in reference to façade etc.

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Chairman Mercuro asked if we have a motion for the board ruling on Preliminary Architectural Plans.

Antonio DeAlmeida made the motion to accept Wayne's letter as the ruling for the board in reference to plans and Nick Bonamassa seconded it. Roll Call (Ayes) DeAlmeida, Bonamassa, Bruno, Bystrek, Covitz, Mercuro

No John Petrosilli – he didn't feel that it was discussed enough

OLD BUSINESS

Resolution 2010.10BA
Vanessa Rosetti
Block 54.01, Lot 8
16 Laurelwyck Drive
Dismissal without prejudice

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

Resolution 2010.11.BA.
Marie Mallica
Block 191, Lot 8 & 9
72 Pennsylvania Avenue
Dismissal without prejudice

John Petrosilli made a motion to approve the resolution and Ron Bruno seconded it. Roll Call (Ayes) Petrosilli, Bruno, Bonamassa, Bystrek, Covitz, DeAlmeida, Mercuro

Resolution 2010.12.BA
Stephen Fischer
Block 274.01, Lot 16
115 Patterson Road
Barnegat NJ 08005
"C" Variance

Edward Covitz made a motion to approve the resolution and Ron Bruno seconded it. Roll Call (Ayes) Covitz, Bruno, Bystrek, Petrosilli, DeAlmeida, Mercuro.

NEW BUSINESS

Docket #05.2010.BA
Salvatore M. Ferraro
Block 239, Lot 28
21 Bayview Drive
"C" Variance

Christopher O'Rourke representing Mr. Ferraro and Tim O'Connor planner.

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Tim O'Connor was sworn in by Attorney Rumpf.

Mr. O'Rourke explained that Mr. Ferraro could not be here tonight due to extensive back surgery. He is available by phone if the board chooses to ask him questions.

Chairman Mercuro reiterated what was discussed previously this evening in reference to drawings. He stated that most of the board feels that they do not understand exactly what it is that Mr. Ferraro is proposing.

Chairman Mercuro said that some of the plans in the packet do not match the picture of a beautiful home in the packet. Mr. O'Rourke said that the picture is from the modular home company and it is what Mr. Ferraro intends to use.

Mr. O'Rourke said it is a hardship variance because the deck is no longer an issue. Mr. O'Rourke said maybe they should present their presentation and it might clear up some of the questions that the board has.

Chairman Mercuro stated that the board might not want to hear their presentation until they have the plans cleared up because there are three plans in the packet.

Attorney Rumpf explained that the board would like to see more detailed plans as to their discussion prior.

Mr. O'Rourke stated that they owned the property and there is no modular home out there that would fit on this property. They have taken a foot off of one section in order to make this house fit on the property.

Mr. O'Rourke said that if they can't get this thru the board the contract might fall through. The sellers have every right to back out because they have been involved for over six months. His client might want to back out because of such extra expense. This is what most of the applications are and the board is doing an injustice to itself. If the cost and time restraints are so prohibitive that they can't get an application through to get approved the contracts are going to fall through.

Chairman Mercuro said that he has been on the board for many years and he doesn't remember that being the case. Does anyone remember that?

Mr. Petrosilli said that they have many conceptual plans come before us and this one is really way out.

Chairman Mercuro said that they don't know what they would be saying yes to or no to today.

Some discussion took place on the plans in front of them.

Attorney Rumpf said that the board is within their rights to request the applicant to return with appropriate plans. The applicant can ask for you to take a vote on the application as is.

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Chairman Mercuro went on to describe what the board would require for them to receive an approval.

It was discussed as to whether they could give a preliminary approval as long as they send Wayne McVicar the plans that are required.

Wayne McVicar said that what he would require is a set of plans with everything that was discussed.

Chairman Mercuro asked to poll the members to see if they are comfortable with what they have in front of them to hear the case or if they want to carry. Yes vote would mean that they do want more information before hear the case.

Roll Call (Ayes) Bruno, Petrosilli, DeAlmeida, Mercuro (No) Bonamassa, Bystrek, Covitz.

Attorney Rumpf explained that the applicant needs to ask the board to carry it over to next month if he so chooses.

Mr. O'Rourke said a month is not enough time to get the proper plans. Mr. O'Rourke said he also needs time to discuss it with his client so he is agreeing to a postponement and extension of time, however, if his client does not want to or the sellers don't proceed with the contract he will notify Ms. Clune by way of a letter. There is no need for any further notice if it is going to be heard.

John Petrosilli made a motion to carry and Tony DeAlmeida seconded it. Roll Call (Ayes) Petrosilli, DeAlmeida, Bonamassa, Bruno, Bystrek, Covitz, Mercuro.

Docket No. 07.2010.BA
Peter & Mary Jeanne Smith
10 Cape May Court
Block 274.01, Lot 16
115 Patterson Road
"C" Variance

Mr. Smith was sworn in by Attorney Rumpf. Mr. Smith explained that he would like to put up a free standing Pergola which was approved by the Homeowners association. He thought that he could get a building permit, but he found out that the Pergola was on 12.8 feet from his setback, he is short by 2.2 feet. He wants to present the pictures that show that it is not a problem for his neighbors. He explained that because of all of the windows his house could not have any type of awning installed so that is why he is requesting to be able to have a Pergola.

Mr. Smith presented the pictures to Attorney Rumpf to be marked as Exhibits. Photo board with 12 pictures is Exhibit A-1. Mr. Smith explained what each picture was showing. Exhibit A-2 shows a Pergola and what Mr. Smith's back of house looks like.

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Wayne McVicar went over his letter and Mr. Smith answered his questions and explained the necessity of the Pergola for his wife and mother-in-law.

Wayne discussed the hardship of the lot because of its pie shape and the windows.

OPEN TO PUBLIC

Thomas Marcetti, 12 Cape May Court was sworn in and he stated that he looked at the plans and he is in favor of the Pergola.

Roy Wojchek, 8 Cape May Court was sworn in and he stated that he lives next door and has no problem with the Pergola.

Tom Koval, 6 Cape May Court was sworn in and he stated that he is against the Pergola because he did not receive any pictures like Mr. Smith said he sent out and he objects because the setback should be 15 feet. I will see the Pergola from my patio and it is against Greenbriar guidelines. Pergola's do not provide shade. He asked the board to deny the application.

Mary Jean Smith, wife of applicant stated that Greenbriar did approve this and she spoke in reference to the pictures. She explained that it would not be in Mr. Koval's view. It was brought up that they might possibly be adding lattice to the top.

Bob Bailey, 18 Cape May Court was sworn in and he stated he couldn't imagine anything going up on Mr. Smith's property that wouldn't enhance his (Mr. Bailey's) property .

Mr. Smith explained that he went personally to each one's house and gave them pictures. Mr. Koval did not get the pictures because they don't talk and he mailed his information to him and did not include pictures, only the application information.

CLOSED TO PUBLIC

BOARD DISCUSSION

Attorney Rumpf asked if anyone on the board feels that this Pergola would encroach on anyone's view.

Chairman Mercuro asked for a motion. Tony DeAlmeida made a motion to approve and Ron Bruno seconded it. Chairman Mercuro said that they did add the option of lattice so that is in the motion also. Roll Call (Ayes) DeAlmeida, Bruno, Bonamassa, Bystrek, Covitz, Petrosilli, Mercuro

Chairman Mercuro said he wanted to talk about driveway setbacks. He wrote a letter with his thoughts in it and asked the board to discuss it. Their discussion addressed side setback should be one (1) foot instead of five (5) and it should only be on one side on the garage side. Any lot with a frontage of 120 would be excluded.

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Chairman Mercuro stated that we have had a guy move in on Route 532 with a Landscaping Business and he has been parking 4 or 5 trucks there every morning, wanders across the street, blocks traffic so that he can back up his vehicles. Wrote a letter to county engineers to clarify parking situation on Route 532. The county wrote back and said that when the township asked for no parking on each side of Route 532, Bill Sneddon the chief at the time, wanted it up past the Priff School. The county came back and gave us 2500 linear feet from the westerly curb line of Route 9 to the west. That puts you just about to Ahearn's. This was approved by the county in 1978. We are not the same town as we were in 1978. The traffic is much heavier today. Chairman Mercuro stated that he believes that the parking should be restricted thru that tight corridor just about to the lake. At that point the shoulder widens up a little and the curbs at the lake make it easier for parking on the side.

The board approved for Laurie and the Chairman to address this issue.

Chairman Mercuro asked on behalf of the board for Laurie to send a memo to the Township Committee in reference to the driveway ordinance as to required setbacks.

Motion to Adjourn

Adjourned at 10:12 p.m.

Respectively Submitted

Laurie F. Clune
Recording Secretary

LFC/lid