

ZBA Meeting Minutes 10-21-2010

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
October 21, 2010**

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 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; Vice Chairman John Petrosilli presided and called the meeting to order.

ROLL CALL

Members Present	Nick Bonamassa	Stanley Bystrek	Edward Covitz
	John Petrosilli	Antonio DeAlmeida	Robert Lange

Absent: Tony Mercurio, Ron Bruno, Alvin Beveridge

Pledge of Allegiance

Vice Chairman Petrosilli asked if there were any corrections or addition to the minutes. Seeing none he asked for a motion to accept them.

Edward Covitz made a motion to approve the minutes and Antonio DeAlmeida seconded them. Roll Call (Ayes) Covitz, DeAlmeida, Bonamassa, Bystrek, Lange, Petrosilli.

Vice Chairman Petrosilli asked for a motion to approve payment of the vouchers. Edward Covitz made a motion to pay the bills and Robert Lange seconded it. Roll Call (Ayes) Covitz, Lange, Bonamassa, Bystrek, DeAlmeida, Petrosilli

BOARD COMMENTS

None

OLD BUSINESS

Docket No. 08.2010.BA
Frank & Michele Molinaro
346 Tuscarora Avenue
Block 272 Lot 366
"C" Variance

ZBA Meeting Minutes 10-21-2010

Mr. & Mrs. Molinaro came forward. Attorney Rumpf swore the Molinaro's in. Mr. Molinaro stated that he is looking for a variance because they do not have enough lot volume to sustain the additional coverage. They attempted to purchase property from both of the neighbors on each side and both did not have the extra property or were not willing to sell. The same situation exist for the driveway. They would like to install the pool because they both have back situations that would benefit from swimming. He presented two notes from physicians.

Attorney Rumpf said that regrettably the law does not permit the board to consider personal circumstances of the applicants.

Mr. Molinaro stated we feel that the pool situation is consistent with the neighborhood.

Engineer McVicar said that he would like to state that we are only talking about two variances. One is for lot coverage and the other is for location of driveway.

Mr. Molinaro stated that lot coverage is consistent with what is in the neighborhood. To the left and right of my property there are in ground pools. When I moved into the house it had a paver driveway and there is no problem with water when it rains. It is currently about 1.6 feet from the neighbor. It has been there since 2004 and it was there when I purchased the property. There are many pools in the neighborhood and most of them are even larger than the one he wants to install.

Engineer McVicar went over the letter that he sent to the board.

One of the issues was to go over the pictures that he requested Mr. Molinaro to take and bring to the board. Mr. Molinaro brought the pictures up to Attorney Rumpf to mark as the exhibits.

Attorney Rumpf marked the pictures as A-1 thru A-15. Mr. Molinaro explained what the pictures pertained to and were passed around the board.

Engineer McVicar asked if the driveway existed when they purchased the home. Mr. Molinaro said that it was. There was no permit as far as the building department could determine. Mr. & Mrs. Molinaro stated that hearsay is that permits were not required at that time for driveways.

Engineer McVicar went over the rest of his letter and Mr. & Mrs. Molinaro answered his questions.

OPEN TO THE PUBLIC

John Garback, 348 Tuscarora Avenue was sworn in. He feels that it adds value to the neighborhood. He is in favor of it.

ZBA Meeting Minutes 10-21-2010

Edward Elsworth, 344 Tuscarora Avenue was sworn in. The driveway for Molinaro's is adjacent to his property and when the former owner put it in he asked if I had any problem with it at that time and I stated no at that time and no at this time either. The pool is no problem to him either.

Katiner Giacone, 114 Hatteras Road was sworn in. Her property is around the corner from the Molinaro's and she feels it enhances her view and the neighborhoods.

CLOSED TO THE PUBLIC

Vice Chair asked if there were any comments from the board.

Bob Lange said that he felt this was a fine example of how things should be in the neighborhood. He also feels that the ordinances should be looked at because the driveways etc., were put in before the ordinance was written.

Vice Chair asked if there was going to be a fence because of the pool. Mr. Molinaro stated yes it is.

He also asked if things like this are addressed when a co inspection is done. Laurie explained that now it is and it would be required for the new or old owner to rectify it because of the ordinance.

Bob Lange asked if that would stop the CO.

Attorney Rumpf stated that in many towns there would be a condition placed upon the certificate of occupancy that the non conformity would be squared away either by removal or approval by the board.

Laurie said Waretown does not hold it up we would ask for a letter from the buyer so that they are fully aware of it so that we know that it has been exposed to them. In the past we only got a letter from the seller and after the fact found out that the buyer did not know about it. So we ask for a letter from both the buyer and seller so that it can be addressed at the closing table.

Nick Bonamassa made a motion to approve, seconded by Bob Lange. Roll Call (Ayes) Bonamassa, Lange, Bystrek, Covitz, DeAlmeida, Petrosilli

Docket No. 10.2010.BA
Nancy Matthews
444 7th Street
Block 241.01 Lot 1
"C" Variance

ZBA Meeting Minutes 10-21-2010

Nancy Matthews and George Gohr were sworn in. Ms. Matthews asked if Mr. Gohr her son-in-law could speak for her. Mr. Gohr will be moving into the addition and is familiar with the proposed construction. He explained that the proposed addition is off the back of the house and will square off the corner and will contain a bathroom, bedroom and a closet. The shingles will be matched with the rest of the house as well as the siding. Because of the pool they need a variance approval for lot coverage and also a rear yard setback.

Engineer McVicar went over the letter and requested the pictures be brought forward. Attorney Rumpf marked the pictures as Exhibit A-1 thru A-8.

Mr. Gohr explained each picture and handed them to the board members after explanation for them to view.

Engineer McVicar said in regards the addition the board does not like to see a flat roof they prefer a gable roof because of water flow and snow. Engineer said that they would like to get a commitment that he would change that design. Mr. Gohr said that he is not opposed he was just going on the contractor's suggestion.

Antonio DeAlmeida, said that he felt they should change the design because we are trying to get away from those kinds of roofs. Dress it up a little it will look so much nicer.

Bob Lange said bring the peak together and it will avoid problems later because those flat roofs eventually leak.

Mr. Gohr said that he will certainly change it.

Mr. Gohr said that the addition will not be detrimental to the neighborhood. He said that he feels that it would improve the appearance of the property .

OPEN TO PUBLIC

Ron Ripple, 442 7th Street was sworn in. He stated that he is the only neighbor adjacent to this property and he has no objection to the addition. He is more pleased with the addition rather than it going up.

CLOSED TO THE PUBLIC

BOARD COMMENTS

Antonio DeAlmeida made a motion to approve with the change in the roof design, seconded by Edward Covitz. Roll Call (Ayes) DeAlmeida, Covitz, Bonamassa, Bystrek, Lange, Petrosilli.

ZBA Meeting Minutes 10-21-2010

Vice Chair asked if the board had any questions.

Edward Covtiz asked Engineer McVicar about the rear yard, side yard issue and Wayne explained that he and Laurie work together for the interpretation.

Bob Lange asked about the driveways and Laurie said that a letter went to the Township Committee.

Vice Chair Petrosilli stated that he was not happy with the rendering of the roof line. He said that we the board need to look somewhere in between for the drawn plans.

Wayne explained that in going over the plans he felt that he had what he needed to make a decision for his recommendation for the board.

Bob Lange said he felt that Wayne did a good job because he managed to get what we wanted without making the applicant pay a lot for architectural plans and he now has the money to spend on the changes that we requested.

Motion to Adjourn

Respectfully Submitted

Laurie F. Clune
Board Secretary

LFC/ld