

ZBA Meeting Minutes 12-16-2010

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
December 16, 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; Vice Chairman John Petrosilli presided and called the meeting to order.

ROLL CALL

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

Absent: Tony Mercuro, Alvin Beveridge

Pledge of Allegiance

Vice Chairman Petrosilli asked if everyone had time to read the minutes.

Nick Bonamassa made a motion to approve the minutes and Ron Bruno seconded them. Roll Call (Ayes) Bonamassa, Bruno, Bystrek, Covitz, Lange, Petrosilli.

Vice Chairman Petrosilli said that there were no vouchers for payment.

BOARD COMMENTS

Vice Chairman Petrosilli asked if anyone had any comments, and he stated that there was no correspondence.

Laurie asked if anyone had questions about the RFP's that were in the packets. Bob Lange asked when they are voted on and Laurie stated that it would be at the reorganization meeting on January 20th, one half hour before the regularly scheduled meeting. She also stated that she would put a list of who was last year and who sent them in for this year in the January packet.

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OLD BUSINESS

Seeing none

NEW BUSINESS

Docket # 05.2010.BA
Salvatore Ferraro
Block 239, Lot 28
21 Bayview Avenue
“C” Variance

Vice Chairman Petrosilli stated that Mr. Ferraro sent another letter and is not going to show up tonight. After discussing it with our attorney, if the Board so wishes we can carry him but require him to renote. Attorney Rumpf said that is correct. He stated that many times if an applicant request to be carried for one or two months you don't require them to renote you simply advertise it at the meeting that you can always do. In the event that anyone is here this evening to hear the application as an objector or an observer they would be notified that it would be heard in January. Since this has been going on for three going on four months....

Antonio DeAlmeida asked what was submitted. Attorney Rumpf stated that the letter said that the submissions that the board had requested have not yet been completed. Antonio DeAlmeida asked if he was trying and Attorney Rumpf said that he hopes so and stated that the letter was from the attorney. Antonio DeAlmeida asked if this is the guy that didn't have the drawings right and it has been three months. Attorney Rumpf said that is correct. Attorney Rumpf asked if the board felt that the public would be better served by requiring new notice. You can impose that requirement, carry his application so that he does not lose all of the fees that he has paid to date but again require him to notice to all property owners within 200 feet if you feel it is appropriate. Antonio DeAlmeida asked if obtaining new drawings was the only issue. Vice Chair stated that was correct. Stan Bystrek asked if we could ask him to renote which is an expense for him and then if he cancels again then we would want him to renote again. Bob Lange said that if he renotes and then cancels again we should tell him he has to start over. The board agreed that Bob Lange's suggestion was fair.

Vice Chair asked Attorney Rumpf the question of when this gentleman came before us originally we were using a different standard for the drawings and since then we have adopted a new standard that Wayne is going to evaluate drawings, does he go under the old concept or the new.

Antonio DeAlmeida said that he needs to come in with drawings that are clearer not signed and sealed.

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Vice Chair asked for a motion as to whether we are going to carry or not with renote required. Ed Covitz made the motion and Antonio DeAlmeida seconded it. Roll Call (Ayes) Covitz, DeAlmeida, Bonamassa, Bruno, Bystrek, Lange, Petrosilli.

NEW BUSINESS

Docket 11.2010.BA
Diane Campitiello
Block 57.11 Lot 34
37 Spring Lake Boulevard
“C” Variance

Vice Chair asked Ms. Campitiello to come forward. Attorney Rumpf swore Diane Campitiello in. Vice Chair asked Ms. Campitiello to explain her situation. Ms. Campitiello explained that she needs a variance because she built a wall around her back patio and it is too high.

Wayne McVicar stated that the variance is needed because it was in the rear setback.

Wayne McVicar referred to his letter where he asked for her to bring certain things to the meeting. One of which is pictures. Ms. Campitiello did have the pictures and she gave them to Attorney to be marked as exhibits. The exhibits are A1 – A8 and were taken October 2010. Ms. Campitiello explained what each picture depicted.

Engineer McVicar explained that because the patio now has a wall it does not meet the requirements of the setback. A patio no higher than 12” can be up to 7 and ½ feet from the rear but because of the wall now it needs to be 15 feet from the rear. That is why a variance is needed.

Engineer asked Ms. Campitiello some questions such as are there any hardships with the land. She explained that the ground was high so she felt that a wall would be protection from falling. Mr. McVicar said that it really did not come under a hardship of the land.

Ms. Campitiello said that expanding the patio she has better use for it. It does not block any view for her neighbors. Her neighbors can see the patio but it does not block their view or light. Her patio is similar to other patios in the neighborhood.

Vice Chair asked if the board had any questions.

Antonio asked if this was done with a permit. Ms. Campitiello said yes she did have an approval from Greenbriar and no one said anything about a permit.

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Bob Lange asked how it came about that you would need a variance. Laurie said that she could answer that. She received a letter from Mr. Ritter approximately two and half years ago. It seemed that there had been a complaint from within on various properties this being one of them. There were a couple of others two of which have been before you for variances.

Ms.Campitiello said if she knew when she did it if she needed a variance she would certainly have done it.

OPEN TO PUBLIC

Alfonso Campitiello was sworn in he stated that he went to the Association and the woman that was in charge and she approved the plans and inspected it and said that it was ok. He did not know anything about a town permit.

Nick Bonamassa added that years ago that was the way things were done in Greenbriar and there was no knowledge of needing to do anything else other than approval from Greenbriar.

Laurie also stated that there was a misunderstanding because she had gone before the Architectural Committee and explained to them that there would need to be permits obtained for patios etc from the town.

Maurice Lee, 35 Spring Lake Boulevard was sworn in. Mr. Lee said that it looks very nice and it does not bother him in anyway.

CLOSED TO PUBLIC

Bob Lange said he believed the people did not really know in fact they were told that it was all right. Her hardship might be that she did do what she was told and she felt she did everything she should.

Ed Covitz asked if the association informs them now that they need to get a permit from the town. Laurie said yes they do and it is in their approval letter from the Association.

Ed Covitz made a motion to approve and Nick Bonamassa seconded it. Roll Call (Ayes) Covitz, Bonamassa, Bruno, Bystrek, DelAlmeida, Lange, Petrosilli

OPEN TO PUBLIC

No One

CLOSED TO PUBLIC

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Wayne explained that when the Board looks for hardships it has to be on the property not processes.

Stan Bystrek brought up a question and there was discussion as to the different types of fences, railings etc. Wayne explained the exemption talks about decks, patios without railings with a height of 12 “ so when you put a fence on it now it has a railing so now you are in the same boat.

Nick Bonamassa said that Greenbriar does not allow fences, but we are now allowing railings. Isn't that the same thing? It was discussed that if you put a flat top on the railing it is considered a railing and not a fence. The whole issue is not to block the view.

Vice Chair Petrosilli said that at the last meeting there was a discussion on parking vehicles. Ordinance 18.46 Storage of recreational vehicles and equipment. It states no more than two such recreational vehicles such as motor homes, travel trailers, campers boats or commercial vehicles or any combination thereof shall be stored.

Laurie stated that first and foremost you must have a principal structure on the lot.

Vice Chair wished everyone Merry Christmas and Happy New Year from him and Chairman Mercurio. Everyone repeated the same wish.

Vice Chair Petrosilli asked for a motion to adjourn.

Meeting adjourned at 8:14 P.M.

Respectfully Submitted

Laurie Clune
Board Secretary

LC/ld