

**ZBA Meeting 5-19-2011**

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Regular Meeting  
May 19, 2011**

**7:00 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 Times Beacon, Asbury Park Press 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 John Petrosilli called the meeting to order.

**ROLL CALL**

Members Present	Ronald Bruno	Stanley Bystrek	Edward Covitz
	Anthony DeAlmeida	Robert Lange	Aaron Shapiro
	Raymond Roskowski	John Petrosilli	

Absent: Stan Anderson

Pledge of Allegiance

Let the record show that Stan Anderson came in

Chair asked if everyone had an opportunity to read the minutes of the meeting. He asked if there were any corrections, if not he asked for a motion to approve.

Edward Covitz made a motion to approve the minutes and Aaron Shapiro seconded the motion.

Roll Call (Ayes) Covitz, Shapiro, Bruno, Bystrek, DeAlmeida, Lange, Petrosilli.

Chair asked for a motion to approve the bill list.

Ron Bruno made a motion to approve the bill list and Ed Covitz seconded it.

Roll Call (Ayes) Bruno, Covitz, Bystrek, DeAlmeida, Lange, Shapiro, Petrosilli

**BOARD COMMENTS**

Chairman Petrosilli asked if anyone had anything for Board comments.

Laurie mentioned that if they had not provided her with a picture there is a date and time to come in and have your picture taken for the id badge. May 24<sup>th</sup>, Tuesday between 9:30

and 10:30 a.m. All members should have an updated badge with the date on them. Pictures will be taken In the Recreation Office. If you provide a picture we will just put a date on it and crop your face onto a new badge.

## OLD BUSINESS

Chairman asked if anyone had anything for old business, seeing none he proceeded to new business.

## NEW BUSINESS

Docket No. 03-11-BA  
Patricia Johnson  
Block 196, Lot 14  
73 Oregon Avenue  
Side Yard and Lot Coverage

Chair asked Mrs. Johnson to come forward.

Antonio DeAlmeida stated that he had to step down because he has property within the 200 feet.

Chairman asked that the record show that Mr. DeAlmeida stepped down, and asked Mr. Roskowski to become a voting member in place of Mr. DeAlmeida.

Mrs. Johnson stepped forward and Attorney Rumpf stated that he should swear her in before she started to state her reason for being here. Mrs. Johnson said that both she and her husband will be testifying so Attorney Rumpf swore both Mr. & Mrs. Johnson in.

Mrs. Johnson apologized for not being in compliance for last month, which is when she should have been before the board. She had made a mistake in her paperwork..

She explained that the house that she purchased needs work on it and she wants to make some changes that require a variance. She brought pictures of houses in the area.

Chair explained that Mr. McVicar would go over his letter with her.

Mr. McVicar went over the issues that require the variances. On page three he asked for pictures that Mrs. Johnson said that she had. She handed them to the Attorney and he marked each one in as Exhibits A-1 – A-6. Attorney Rumpf asked Mr. Johnson if he took the pictures and when. He stated that he did and took them about April 18<sup>th</sup>. Mrs. Johnson showed the pictures to the Board and explained what each depicted; she went through all of them and explained them all. She stated that the shed in the back yard has been removed.

Mr. McVicar asked questions about the shingles and roof. Mrs. Johnson said that there will be new roof and shingles. Mrs. Johnson said that her improvements will not make her house stand out it will be a positive thing for the neighborhood. Mrs. Johnson said that she doesn't feel that she is overdeveloping the lot. She doesn't feel that she will block the air or light of the neighbors. Mrs. Johnson provided pictures of other homes in the neighborhood Exhibit A-7 thru A-11 that were taken May 19, 2011 that show houses with the same side yard setbacks that she is requesting. Mrs. Johnson stated that there are also homes in the area with similar lot coverage issues as hers. These are Exhibits A-12 - A-14 together with A-9 represents several other homes in the area.

Mr. McVicar asked why they felt they needed such a large home. Mrs. Johnson said that she intends to move down permanently and she has a large family and she wants to be able to have them come down and stay with her. Mr. McVicar asked why she didn't consider a second story and her answer was that it would affect her neighbors and a second story doesn't work well in the neighborhood.

Mrs. Johnson stated that the house wasn't in good shape and her improvement will enhance the neighborhood.

#### BOARD COMMENTS

Seeing none

#### OPEN TO PUBLIC

Susan Commini said that her house is next door to the Johnson's and she feels what they are doing is a positive thing because the house was very run down.

#### CLOSED TO PUBLIC

Ron Bruno asked about the water runoff. Engineer McVicar said that it shouldn't be a problem if they run the leaders directed to the street. Johnson's agreed

Chairman said in reference to the front porch replacement cannot exceeds the 25 square feet and no more than 48 inches high. Mrs. Johnson said that they have no problem with that size.

Chairman stated that there cannot be any more structures because you are over in lot coverage.

Attorney Rumpf stated that in the past the board has asked applicants that exceed lot coverage they record a deed memorializing that lot coverage is exceeding the current standard. The Johnson's agreed to that.

Mr. McVicar asked that if they want a deck in the back to make sure they check with Laurie so that she can explain what they can do.

Chairman asked if the board wanted to make a motion

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Robert Lange made a motion to approve and Ed Covitz seconded it. Roll Call (Ayes) Lange, Covitz, Bruno, Bystrek, Shapiro, Roskowski, Petrosilli.

Attorney Rumpf stated there was an unfortunate situation that caused her not to be heard at our last meeting and I understand that she has a contractor eager to start and what I have done and I spoke to the Chairman is that I have prepared a draft Resolution to save the applicant time that she wouldn't have to wait the thirty days therefore she would be able to move forward and get her permits.

Edward Covitz made a motion to approve the Resolution 2011-6-BA and Aaron Shapiro seconded it.

Roll Call (Ayes) Covitz, Shapiro, Bruno, Bystrek, Lange, Roskowski, Petrosilli

Docket No. 04-11-BA

Larry Rosica

Block 96, Lot 43

17 Nautilus Road

Lot Width and Lot Coverage

Mr. Rosica came forward

Attorney Rumpf stated that he understands that there is other council present this evening in reference to this case and he asked that he come forward and introduce himself as well.

Roy Santos stated that he is present this evening on behalf of an objector at 15 Nautilus Road. He has two jurisdictional objections on this application being heard this evening. One is in fact if the property owners within 200 feet were notified. As well as if it references the correct zone R-1A as well as the minimum lot and width requirements for that zone but it sites incorrect zone ordinance inspections according to zone R-1. I would contend that this action would make it an ineffective notice so therefore this application could not be heard at this time.

Attorney Rumpf asked on jurisdictional issues if Mr. Hyer had a response.

Mr. Hyer said that it was news to him. Mr. Hyer stated that he represents the applicant and he was not aware of any jurisdictional issues. His clients engineer and the boards engineer have discussed the zone that it is in and I have all the receipts of the letters that I sent out. I would need specifics as to whoever I didn't notify.

Attorney Rumpf stated that he believed that the objection was that the notification was improper and that it referenced the R1 and not the R1A zone. Mr. Santos said that it referenced the R1A zone and its requirements and not the R1 zone requirements.

Engineer McVicar stated that the letter incorrectly references the R1 zone in the citation. The dimensional information is correct but the section of the zoning cited it should have been 18.10.050.

Chairman Petrosilli asked for a 5-minute recess.

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Attorney Rumpf stated that the applicant's attorney said that he would redo the notice because of the error of the notification.

Attorney Rumpf advised that the board approve the application to be carried pending notification.

Tony DeAlmeida made a motion to carry the application, question from Stan Bystrek – he would like to know if there are any other objections. Attorney Rumpf said that the other objection was that a person was not notified. Mr. Santos gave the information to Mr. Hyer so that he would not miss sending that person a notice.

Bob Lange seconded the motion to carry. Roll Call (Ayes) DeAlmeida, Lange, Bruno, Bystrek, Covitz, Shapiro, Petrosilli.

OPEN TO THE PUBLIC

Mr. Trainer came forward but Attorney Rumpf said that the case could not be discussed.

Mr. Hyer said that Mr. Kirby was notified.

CLOSED TO THE PUBLIC

BOARD COMMENTS

Motion to Adjourn

Adjourned at 7:58

Respectfully Submitted

Laurie Clune  
Board Secretary  
LC/lid