

ZBA Meeting 7-21-2011

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
July 21, 2011**

7:00 P.M.

Pledge of Allegiance

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
	Stan Anderson	John Petrosilli	

Absent: Ray Roskowski

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 Tony DeAlmeida seconded the motion.

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

Chair asked for a motion to approve the bill list.

Bob Lange made a motion to approve the bill list and Ron Bruno seconded it.

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

BOARD COMMENTS

Seeing none at this time

OLD BUSINESS

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Resolution No. 2011-07-BA
Larry Rosica
Block 96, Lot 43
17 Nautilus Road
Lot Width and Lot Coverage

Motion was made by Tony DeAlmeida to approve and Bob Lange seconded it. Roll Call (Ayes) DeAlmeida, Lange, Bruno, Bystrek, Covitz.

NEW BUSINESS

Docket No. 09-11- BA
Brian Higgins
Block 44 Lot 1 & 2
4 Horner Street
“C” Variance Front Yard Setback

Chairman asked Mr. Higgins to step forward explained that he would ask him to give a brief explanation as to why he needs a variance and asked him if he received his letter from Engineer McVicar. Mr. Higgins said yes he did.

Mr. Brian Higgins, 63 Bay Parkway was sworn in by Attorney Rumpf.

Mr. Higgins stated that he had asked for a variance for Lot #1 only, there are two separate lots and the house is on Lot # 1. There isn't anything for Lot # 2.

Wayne McVicar asked if Lot #1 was in excess of 30,000 square feet.

Mr. Higgins stated that he had gone over all of that with Mrs. Clune. Mrs. Clune stated that they are two separate lots.

Laurie explained that this was addressed before with the previous owner Laurie explained that the tax office stated that one lot fronts Wells Mills Road and one lot fronts Horner Street. They explained that if they don't front on the same street they cannot be combined.

Mr. McVicar stated that if the variance is only for Lot 1 the garage might be less than 10 feet from the side yard.

Attorney Rumpf said that he would have to review the notice. The notice request a variance to allow the applicant to construct a 24' x 40' one story addition on the back of the house. Attorney Rumpf asked if during the hearing would there be a need for additional variances brought forward.

Mr. McVicar stated that if he had realized the situation would have requested the dimensions provided between the garage and the side yard.

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The allowable setback for an accessory building is the same as for a principal building, which is 10 feet so it is a nonconforming condition if only lot 1 is being considered.

Discussion took place as to what the real footage is, and Bob Lange asked if because it is an existing building doesn't that matter.

Attorney Rumpf said that there are two options here, 1) present the application as if it were not required and present a sealed survey to demonstrate prior to the adoption of the memorialization of the resolution. 2) If it had been required you would have to come back, redo everything, give the public a chance to speak once again and essentially start from scratch. Regrettably from a jurisdictional standpoint it appears that it is unclear or listening to Mr. McVicar you would require that additional variance and you would have to provide the notice that it would be required.

Mr. Higgins said even though we are not touching or doing anything with the garage and nothing is going to get attached to the garage. It is already an existing non-conforming building.

Attorney Rumpf said yes because it is attached to the house. Mr. Higgins said it is not attached to the house.

Mr. McVicar said he didn't consider the side setback because he thought the two lots were combined.

Mr. Higgins said his application from day 1 only stated Lot 1.

Mr. McVicar said that Mr. Higgins is correct, the application does state just lot 1.

Attorney Rumpf said than if that is the case then if the board should so choose to move forward with the application you would still need to provide a signed sealed survey indicating that there is no nonconformity existing with regards to the detached garage if there is in fact nonconformity I would suggest to the board that you would then require as a condition of approval that the applicant then return is there is to be an approval to seek bringing the detached garage into conformity by a new application for a variance for a garage. Normally you would do it all at once. Mr. Higgins said he would have it he knew about it.

Mr. Higgins Sr. (the applicant's father) was sworn in. He asked if it would be possible to move ahead with the application and then provide an updated survey and if they do not conform then we can start over again. But if they do we wouldn't have wasted a whole month.

Attorney Rumpf said yes that is what he had said.

Chairman asked if the Board wanted to go forward. The board indicated to go ahead.

Chairman stated that they would move forward with the understanding that a new sealed signed survey would be presented to the Board Secretary.

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Mr. Higgins stated that he would like to put a 24 x 40 addition on the house three bedrooms, two bathrooms and a utility room and rehab the existing house. He would like to create a place to raise his family. The house was built in 1870 and faced Chapel Street, in 1970 Chapel Street was vacated so therefore now the side of his house is considered the front of his house.

Mr. Higgins addressed Mr. McVicar's letter. There is no plan to use the property in question to store contractor's storage. Most of the vehicles on the property currently do not belong to Mr. Higgins.

Mr. Higgins presented photos, Attorney Rumpf marked them A-1 thru A-7 in sequence. Mr. Higgins took the photos about a month ago. Mr. Higgins explained what the photos are.

Mr. Higgins presented photos, which were marked as exhibits A8 – A-14 that depicted Horner Street looking towards Wells Mills Road and from Wells Mills Road.

Photo Exhibit A-15 and Mr. Higgins presented photos A-16 thru A-21, which depicted other homes in the area that had similar front setbacks.

Chairman asked if the board had any questions. Stan Anderson asked about combining the lots, Chairman asked about the machinery on the property. Mr. Higgins addressed both issues. Ed Covitz stated that he only saw one construction vehicle on lot 1.

OPEN TO THE PUBLIC

Edward Lee, 1 Horner Street was sworn in. He stated that he is in favor of the application.

CLOSED TO THE PUBLIC

BOARD COMMENTS

Attorney Rumpf stated that if in fact the board voted to approve this application for a front yard setback variance the applicant shall within the next 30 days supply a signed, sealed survey to the Board Engineer, to the board secretary to ascertain the precise location of the detached garage. If in fact if the detached garage is located less than 10 feet from the side property line the as a condition of approval here this evening the applicant agrees to come back before the board to obtain variance approval for that setback for the detached garage from the sideline. The other conditions that were agreed to by the applicant is that the existing shed will be removed and the siding and roofing will match the existing building to every extent possible to preserve the historic architecture.

Chairman asked if they needed to state that there will be no construction vehicles stored on lot 1. Attorney Rumpf said yes that could be added as well.

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Edward Covitz made a motion to approve this application with the conditions, seconded by Aaron Shapiro. Roll Call (Ayes) Covitz, Shapiro, Bruno, Bystrek, DeAlmeida, Lange, Petrosilli.

OPEN TO PUBLIC

Seeing None

CLOSED TO PUBLIC

Motion to Adjourn

Adjourned at 7:49

Respectfully Submitted

Laurie Clune
Board Secretary
LC/lid