

ZBA Meeting 2-16-2012

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
February 16, 2012**

7:00 P.M.

PLEDGE OF ALLEGIENCE

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 | Ron Bruno | Stanley Bystrek | Edward Covitz |
| | Antonio DeAlmeida | Raymond Roskowski | Al Linck |
| | Stan Anderson | John Petrosilli | |

Absent: Robert Lange

Chair introduced Jim Oris the Zoning Board of Adjustments Engineer. Mr. Oris gave a synopsis of his experience.

Chair asked if everyone had an opportunity to read the minutes of the Reorganization 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 of the reorganization meeting and Ron Bruno seconded it. Roll Call (Ayes) Covitz Bruno, DeAlmeida, Roskowski, Anderson, Petrosilli.

Chair asked if everyone had an opportunity to read the minutes of the Regular 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 it. Roll Call (Ayes) Covitz, DeAlmeida, Bruno, Roskowski, Anderson, Petrosilli.

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BOARD COMMENTS:

Chairman stated that he would like to put the Board Comments at the end of the meeting.

OLD BUSINESS

Resolution # 12.7.BA
Professionals for 2012

Edward Covitz made a motion to accept the resolution and Tony DeAlmeida seconded it.
Roll Call (Ayes) Covitz, DeAlmeida, Bruno, Roskowski, Anderson, Petrosilli.

NEW BUSINESS

Docket # 03.12.BA
Celeste Brown
Block 41, Lot 12
222 Wells Mills Road
Administrative Change

Ron Bernardo, Esq. representing Celeste Brown. Mrs. Brown could not be at the meeting so the witness presented by the attorney is the architect for the house change. The applicant received approved variances some time ago and since then there are some changes to the house design but they are bringing it before the board for administrative approval and to show that there is not change to any of the variances.

Attorney Rumpf swore John Skodi, architect licensed in the state of New Jersey. He prepared the plans that are before the board for this application. He stated that there were no changes that affected the setbacks. Changes are a different type of house and greenhouse type addition or building but they do not change setback approvals. Attorney Bernardo stated that there is a recorded deed of easement.

Chair asked about the utility poles that were mentioned in the previous paperwork. Attorney Rumpf stated that the applicant would have to abide by all of the stipulations in the resolution on the property. There is a mention of a pool and Attorney Rumpf said that they do not have to put a pool in but they had the option to do so.

Motion to approve this application was made by Tony DeAlmeida, and seconded by Stan Anderson. Roll Call (Ayes) DeAlmeida, Anderson, Bruno, Bystrek, Covitz, Roskowski, Petrosilli.

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Docket # 02.12.BA
Louis Barry III
Block 19, Lot 4
Brookville
Frontage, Access via easement

Richard Visotcky attorney for Mr. Barry. Mr. Barry is the owner of the landlocked property in Brookville, proposing to build a modest 3-bedroom home on 1 acre of the 35.6 parcel that Mr. Barry owns. We are looking to access over two lots, Lots 10.01 and 10.02 for access road in order to reach the property.

Chairman stated how he proceeded to find the property on his visit. He wasn't even sure if he was in the right place or not.

Attorney Rumpf swore Mr. Baer, engineer in for this case. Mr. Baer stated that the Chair was not on Mr. Barry's property and explained how he could have gotten to it.

Mr. Baer gave his testimony as to what is there and what is proposed. He stated the approvals that they have received from Pinelands that would be finalized if this board gives approval.

Mr. Baer explained that even though the applicants' property is closer to Brookville Road to put a road thru there is not feasible because of wetlands and wetlands buffer line that you can't cross. So they are requesting giving access to property that impacts the environment the least.

Mr. Baer took a series of photographs that he presented as exhibits and Attorney Rumpf marked as Exhibit A-1 thru A-9 for identification. Mr. Baer stated that he took the pictures himself on Monday. Mr. Baer explained what each picture was as they were distributed around the dais to the board members.

Mr. Visotcky stated that he did have in his possession letters from the OT Police, Fire, First Aid and OT Public works and were presented them as Exhibit A-10

Mr. Oris, engineer stated that there was a general description of the project which Mr. The attorney for the applicant adequately described so it would repetitious for him to go over that portion. The existing site is currently undeveloped and wooded so for the board there are no structures on the site? Mr. Baer said no there are none. Has there been any historical use on the site; Mr. Baer stated none to his knowledge. Mr. Baer stated that there are approvals for well, septic system. It should be noted that the current easement would need to be amended to also be in favor of lot 4 the property before this board this evening. You also indicated that you have letters of consent from the property owners.

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Has the applicant made attempts to purchase property, which would provide it with a usable access on either Jones Road or Brookville Road? Attorney Visotcky stated that he couldn't do that because it is restricted because of wetlands. A front yard setback is not required because there is no front yard, but the suggestion was made that there should be a 200 foot setback from any property line and that way he will be in excess of any required yard.

It was stated that the house will be relocated somewhat, he doesn't know if they can meet the 200 but he is willing to work with Mr. Oris to make it as close as possible. He cannot change well or septic because he has Pinelands approval already for them. Pinelands stated that we have a 200 x 200 square that we must put the house.

Mr. Oris said maybe we could establish that the one particular lot line that westerly generally parallel the Drift Road also known as Ridge Road could be considered the front yard. Attorney Rumpf said that there wouldn't be a difficulty with that condition being structured that way since we are not granting variance relief we are simply suggesting that as a condition of approval they will as close as possible to a 200 front yard setback. Mr. Oris went over the rest of his letter and specifically asked for testimony in reference to the access road. Mr. Baer explained the width, surface etc. Mr. Oris asked that the applicant widen the road to 18 feet, Mr. Baer stated that they would have to go back to Pinelands for that approval. The other homes in the area do have 12-foot roads and they keep it maintained at the width. Mr. Baer agreed to a turnaround at the property.

Attorney Rumpf swore Mr. Barry in so that he could provide testimony in reference to refuse storage pickup and disposal. He stated that garbage is picked up at Jones Road and Ridge Road and he will take his to that location.

Mr. Barry testified that the gravel is only 12 foot but the proposed driveway and Ridge Road are cleared 25 foot.

Chair asked the board how they felt in reference to the width of the roads. Discussion took place

OPEN TO THE PUBLIC

David Pharo was sworn in and testified that he has no problem and welcomes Mr. Barry. He indicated that he was the original person who uses the road easement. Mr. Pharo agreed that he would share the obligation of widening the road if that is the voted upon agreement.

Dan Collamer was sworn in and testified that there are many flag lots and this is no different than them.

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Mr. Oris stated that he feels it is imperative that the property owners share the upkeep of the road.

Attorney Rumpf suggested poll the board in reference to the width of the road. A poll to determine the members opinion specific Ridge Road from Jones Road to applicants driveway to 15 feet. Driveway to house to be 12 feet.

Motion to approve was made by Stan Anderson and Tony DeAlmeida seconded it. Roll Call (Ayes) Anderson, DeAlmeida, Bruno, Bystrek Roskowski, Petrosilli. (No) Edward Covitz.

Docket # 01.02.BA
Robert Sadowski
14 Long John Silver Way
Block 162/ Lot 7
“C” Side Yard Setback

Mr. & Mrs. Sadowski stepped forward and were sworn in. Mr. Sadowski stated that he would like to enclose his patio area and make it more comfortable for living.

Mr. Sadowski said that in reference to the request for the side yard variance there are many homes in the area that are similar.

Engineer Oris went over his letter with the applicant and Mr. Sadowski answered all of the questions asked.

OPEN TO PUBLIC

Seeing none

CLOSED TO PUBLIC

Tony DeAlmeida made a motion to approve and Stan Anderson seconded it. Roll Call (Ayes) DeAlmeida, Anderson, Bruno, Bystrek, Covitz, Roskowski, Petrosilli.

OPEN TO PUBLIC

Seeing none

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Chairman Petrosilli stated that we have some cases that have been in the office for some time and we would like to close these out if possible.

Attorney Rumpf stated that we should send them a letter stating that we are going to dismiss these without prejudice.

Two of these we have dealt with before and they did show up at a meeting a requested more time, which we granted. Now we are here again.

The board agreed that Laurie should send these letters out and tell them the board will dismiss these without prejudice at the May meeting. They may appear at that meeting and state their case.

Meeting closed at 9:22 P.M.

Respectfully submitted by

Laurie F. Clune
Board Secretary
/ld