

**ZBA Meeting 7-19-2012**

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Regular Meeting  
July 19, 2012**

**7:13 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
	Tony DeAlmeida	Robert Lange	Stan Anderson
	John Petrosilli		

Absent: Raymond Roskowski, Albert Linck

Chair stated that before they go into the agenda Mr. Rumpf, the Board's attorney is going to address the meeting.

Attorney Rumpf stated at the last meeting after the application we had a brief discussion and you voted. He just wanted to remind the board of the importance of either caucusing or as we are voting even please try to state you reasons for the way you are voting on the record. Just so that we can have a better record not just for the purposes of the resolution but in the event anyone were to listen to the tapes afterwards, we want to have the board's informed decision on the record. What a lot of boards do is prior to somebody making a motion either for an approval or denial of an application is to hold a brief caucus and poll the board members to ask them what they think about the application and why and what they are inclined to do just so we can have some basis for the board's deliberation actually on the transcript and that would be very helpful.

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Chair asked for a motion to take action on the minutes of the Regular meeting of June 21, 2012.

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

Chair asked for a motion to accept the billing list.

Ron Bruno made a motion to accept the bills and Ed Covitz seconded it. Roll Call (Ayes) Bruno, Covitz, Bystrek, DeAlmeida, Lange, Anderson, Petrosilli.

### **NEW BUSINESS**

Docket No. 09.10.BA  
James Pecoraro  
Block 162 Lot 2  
3 Hawkins Way

Attorney Rumpf asked Mr. Pecoraro to step forward. Attorney Rumpf stated that the notice that you delivered to the Board Secretary this evening and which she reviewed seems to have one notice missing. Unfortunately without everyone having being properly notified the board would be without jurisdiction to hear your application.

Mr. Pecoraro asked who was missing and Attorney Rumpf stated that it was to Dorothy and William Crooks of 19 Skippers Blvd and they reside at 417 Stuyvesant Road in Forked River.

Attorney Rumpf said we went thru your notices three times and unfortunately that one is missing. Please also note with respect to James Moran you did send notice to a Moran but not to James Moran. The only option in this particular case is for the board if it is so inclined, to carry the application to allow you to notice the Crooks and you would also need to notice James R. Moran at 9 Hornblower Drive, Waretown.

Attorney Rumpf stated that the applicant should notice the Morans as well as the Crooks for August 16<sup>th</sup>.

The board should make a motion to carry this case to August 16, 2012 at 7:00 p.m.

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Chair asked Mr. Pecoraro if he understood everything the Attorney stated, to which Mr. Pecoraro said yes he did.

Chair asked if the Board had any comments at this time.

Chair asked for a motion to carry or decline.

Ed Covitz made a motion to carry and Bob Lange seconded it. Roll Call (Ayes) Covitz, Lange, Bruno, Bystrek, DeAlmeida, Anderson, Petrosilli

## **BOARD COMMENTS**

Chair apologized that he let last months meeting get out of hand and explained that it is very hard for the secretary who types the minutes to sometimes hear testimony when there is talking between board members or interruptions.

The Chair asked that we hold any other board comments until later.

## **OLD BUSINESS**

Resolution # 2012-13-BA  
Docket No. 05-12-BA  
Moose and Moo Family Trust  
Block 239 and Lot 28  
28 Bayview Avenue

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

## **NEW BUSINESS**

Docket # 04-12-BA  
Glenn Taylor  
Block 191 Lot 29.02  
4 Pennsylvania Avenue  
Conditional Use – Non-compliance

Chair asked Mr. Taylor to step forward and Attorney Rumpf swore him in.

Chair asked Mr. Taylor if he was in receipt of the letter from the Board's engineer. Mr. Taylor stated that he was.

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Chair explained that Mr. Taylor should explain what it is that he is proposing to do with his property. If there are any board questions he is asked to address them and then the letter from the engineer will be addressed.

Mr. Taylor stated that he has a two-car garage with an apartment above it. He is asking to be able to put a laundry room and a closet on the first floor with a front door entrance.

### **BOARD COMMENTS**

Seeing none – the chair asked Mr. Oris to address his letter.

Mr. Oris stated that his letter documents what has been submitted. He stated that the property is located within two zone districts. The zoning boundary line separates R-1 and the C-2.

The applicant is before the board this evening for an expansion of an existing non-conforming use.

The residential house and the accessory building are on one lot but the lot is split into two zones.

Mr. Oris said that the applicant indicates the apartment is an accessory apartment residential use which is listed as a conditional use within the R-1 Zoning District, however the municipal Zoning ordinance does not contain any specific requirements for accessory apartment residential uses.

Attorney Rumpf stated that the board usually seeks conditions such as parking availability, etc. but there are none listed.

Mr. Oris said that the intent of the ordinance was to allow for a conditional use for accessory apartment residential uses in the R-1 zone because it is stated there, however the defect in the ordinance is there are no conditions listed.

Mr. Oris asked Mr. Taylor the following questions:

Top Plate – variance needed for height – Mr. Taylor agreed

Habitable Space – variance needed – Mr. Taylor agreed

Roof pitch and height – variance needed – Mr. Taylor agreed

Habitable Space – Mr. Taylor explained that he is proposing additional on first floor (closet and laundry room) but no new habitable space on second floor, it is already existing.

Maximum Square footage – variance needed – Mr. Taylor agreed

Expansion of Non-conforming Use – variance needed

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1. Mr. Taylor testified that the existing apartment was above the garage in 1977 when the garage was originally built. In 1989 a house was demolished and a new house was built.
2. Mr. Taylor testified that there will be no expansion of the outside of the building or any expansion to the building. He will remove garage door and put in an entry door and will put matching siding in the opening.
3. There is parking available for six
4. Outdoor refuse will be stored inside the garage.
5. The storage shed is on the property as survey indicates
6. Utility service is separate and one water meter and one sewer
7. Mr. Taylor will obtain all necessary permits.

Mr. Oris stated that it is required when you have an attached garage you are required to have what is known as a fire door or vapor proof door. Mr. Taylor said that he is going to do that.

Mr. Oris asked Mr. Taylor the following:

There would not be a substantial detriment to the public good. – Mr. Taylor said no  
That it will not negatively impact the zoning. Mr. Taylor said no

Attorney Rumpf said that special reasons can be anything from the need to improve safety on that lot, the need to provide for more adequate storage to clean up property, might be making the property more living consistent with the preexisting condition which has been there for the past 30 years. Mr. Taylor testified that all of those apply. Attorney Rumpf asked Mr. Taylor if he could foresee that his relief that he is seeking could be harmful to the surrounding community. Mr. Taylor said no. He is not adding any additional structures or adding to the building outside. Mr. Taylor said that he felt that what he is doing in the area is consistent with the zoning. He felt that his tenants needed the additional storage and the laundry unit. Mr. Taylor stated that there will be no car parked in the garage.

Attorney Rumpf stated that if the board grants his relief Mr. Taylor would be able to do the changes the board would no longer have to worry about cars being parked under the apartment. Is that correct? Mr. Taylor said that is correct.

Attorney Rumpf that he must make the entire structure compliant with the local building and fire codes. Mr. Taylor stated yes he would.

Mr. Taylor said that he would build a wall between the car bay and the closet area.

It was stated that there will be only one apartment in the structure. Mr. Taylor said he would adhere to all state and local requirements in terms as to habitation.

It was determined that the board wants to know if the property is compliant with the utilities company for water and sewer or if he needs to separate it into two.

OPEN TO THE PUBLIC

CLOSED TO THE PUBLIC

Board members had no additional comments and the Engineer had no other comments.

Attorney Rumpf reiterated the comments that were mentioned thru out the hearing in references to the conditions.

Attorney Rumpf also stated that for an approval he would need 5 affirmative votes.

Robert Lange made a motion to approve with the conditions and Tony DeAlmeida seconded it. Roll Call (Ayes) Lange, DeAlmeida, Bruno, Bystrek, Covitz, Anderson, Petrosilli.

OPEN TO PUBLIC

Seeing none

CLOSED TO PUBLIC

Chairman Petrosilli stated that he did speak to the Township Committee and they do have the draft application for the zoning board variances. They said that they wanted the old application to compare with the new one before they approved any changes.

Motion to Adjourn

Adjourned at 8:30 P.M.

Laurie F. Clune  
Board Secretary

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