

**ZBA Meeting 8-16-2012**

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Regular Meeting  
August 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	Stanley Bystrek	Edward Covitz	Tony DeAlmeida
	Robert Lange	Stan Anderson	Albert Linck
	John Petrosilli		

Absent: Ron Bruno, Raymond Roskowski

Chair asked if there were any corrections, or adjustments to the minutes if not he asked for a motion.

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

Chair asked if there was a motion to accept the bill list.

Tony DeAlmeida made a motion to pay the bills and Stan Anderson seconded the motion. Roll Call (Ayes, DeAlmeida, Anderson, Bystrek, Covitz, Lange, Petrosilli.

**BOARD COMMENTS**

Chair asked if anyone had any comments at this time.

Seeing none proceeded to agenda items

## **ZBA Meeting 8-16-2012**

### **OLD BUSINESS**

Resolution No. 2012-15-BA

**Glenn Taylor**

Docket # 04.12.BA

Block 191, Lot 29.02

4 Pennsylvania Avenue

“D” and “C” Variances

Chair asked for a motion to accept the resolution.

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

### **NEW BUSINESS**

Chair asked if Mr. Ackerman was in the audience. Seeing that he was, the Chair proceeded to state that they were going to hear Mr. Ackerman’s case first.

Docket # 09-12.BA

**Roger Ackerman**

Block 152 Lot 6

12 Jolly Roger Way

Administrative Officer’s Decision Appeal

Chair asked for Mr. Ackerman to step forward. Attorney Rumpf swore Mr. Ackerman in. Attorney Rumpf asked if Mr. Novak was representing him or did Mr. Ackerman want to represent himself. Mr. Ackerman said that Mr. Novak was representing him but was obviously not here yet. Mr. Rumpf asked if he would like to wait for him, and Mr. Ackerman stated that yes he would.

Chair stated that they would go on with the next case

Docket # 09.10.BA

**James Pecoraro**

Block 162, Lot 2

3 Hawkins Way

Bulk Variance

Chair asked Mr. Pecoraro to step forward, Attorney Rumpf swore him in.

Chair asked Mr. Pecoraro to explain what his application is about.

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Mr. Pecoraro stated that it is for a built in swimming pool. We need variances for side yard coverage, and lot coverage. He stated that his neighbors have some issues with the pool being too close to the property line and he understands that, he said because of that he is planning on making the pool smaller and move it closer to the building so that we retain a five foot buffer between the pool and the property line. All of the homes in the area are five foot from the property line.

Chair stated that he was confused because the application before the board is for an above ground pool and Mr. Pecoraro is speaking about an in ground pool. Mr. Pecoraro said that he sent paperwork in to change that.

Laurie stated that the letter she had from the Pool company states that the change is from an in ground to an above ground.

Mike from Prestige Pools came forward and was sworn in. He reiterated the problems that presented themselves with what Mr. Pecoraro originally was going to do. He stated that there were all kinds of problems with the review from the engineer and finally it was determined that the engineer was speaking about a property that did not belong to Mr. Pecoraro.

Mr. Oris, the present engineer said that he had spoke to the prior engineer and he felt that he could offer a few comments. First the temporary pool is not a part of the application this evening and when you leave tonight which either way your case goes you will have to comply with all of the pertinent codes and permits. The question Mr. Oris has is that they are proposing a in ground pool when the notice may have stated something other, he questioned if that was an issue.

Attorney Rumpf said that there are two points to consider: 1) issue of notice in terms as to what is being applied for and the 2) if you don't have the complete information and the correct plans to show what is being applied for that on occasion has caused the board to request the plans be corrected so that they will know what they are looking at.

Ms Clune stated that on August 3 Mr. Pecorora received a fax requesting all of the additional information that would be needed. Also the affidavit of notification was never given in to her office.

Chair stated that because they do not have everything that Mr. Pecoraro is doing and the affidavit of notification we have to carry this to next month. Mr. Pecoraro needs to send us the correct paperwork of what he is planning to do.

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

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Attorney Rumpf stated to Mr. Pecoraro to send a copy of the affidavit to the secretary next week. He also advised Mr. Pecorara to review his notice to make sure his notice does specify an above ground pool or in ground. He said he didn't want him to come back and not be able to be heard because the notice was incorrect.

Docket # 06-12-2012

**Edward and Margaret Mahoney**

Block 272 Lot 374

"C" Variance

Patricia Howard daughter of the Mahoney's will speak for them. Margaret Mahoney was present also.

Attorney Rumpf swore both of them in.

Chair asked the Mahoney's if they were in receipt of the letter from the board's engineer. They said that they were.

Chair asked them to give the board a brief explanation of what they are proposing to do.

Mrs. Howard stated that they were requesting a variance for their structure. Mrs. Howard said that they are looking to enclose a 3-season room.

Mr. Oris went over his letter that he had sent to the applicant as well as the board. He stated that the applicant is looking to construct a 3-season room on top of an existing patio, which will be attached to the current dwelling.

There are Existing nonconforming items as follows: Minimum lot area, minimum lot width, minimum lot depth, shed side yard setbacks, maximum shed area, and shed rear yard setback. The applicant is not before the board for these, they are existing non-conformities.

They will need a variance for the lot size, lot coverage for their 3-season room because of expanding a dwelling on an undersized lot.

Mrs. Howard stated that there were neighbors who have the exact same enclosure that they are looking to do.

Mrs. Howard said that the drainage would not be any problem. The roof leaders will be directed to the rear and not towards the neighbors.

The shed was put up about 20 years ago and it was according to the regulations at that time.

Mr. Oris said that the applicant is not before the board for the shed but he would suggest that if the board approves this application that it is noted that they are not approving the shed.

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Chair asked if the board had any questions.

Attorney Rumpf asked if the enclosure would hamper the view for the neighbors? Mrs. Howard said no it would not. Their new addition would be in line with their neighbor's house.

Chair asked about the roofline. Mrs. Howard said the pitch of the roof will be changed and the siding will match the house.

### **OPEN TO THE PUBLIC**

Seeing none

### **CLOSED TO THE PUBLIC**

Chair asked for a motion

Stan Anderson made a motion to approve this application with the agreed upon that the roof leaders will go to the rear and that you will match siding and roofing to the existing structure and Tony DeAlmeida seconded it. Roll Call (Ayes) Anderson, DeAlmeida, Bystrek, Covitz, Lange, Linck, Petrosilli.

Docket 09.12-BA  
Block 152 Lot 6  
12 Jolly Roger Way  
**Roger Ackerman**

Attorney Rumpf stated that he sees that his attorney has not shown and asked Mr. Ackerman if he would like his application carried so that he would have the benefit of counsel.

Mr. Ackerman said after what he heard Mr. Lange say he is basically falling into the same scenario so I will make a presentation.

Attorney Rumpf said, than you are waiving your right to counsel? Mr. Ackerman said yes depending on the outcome he might be back with counsel.

Attorney Rumpf explained that if the board were not to act favorably you do not have the same application. You might be able to bring a different application. Attorney Rumpf explained that Mr. Ackerman is appealing the decision of the zoning officer. This is somewhat different than the previous applicant because notice has not gone out to all of the affected property owners as per the tax accessor's list and it has not been published in the paper because it doesn't have to be. Mr. Ackerman is simply asking the board to take a look at the decision that was made by the zoning officer and is asking the board to find

that that decision was incorrect based upon what you are going to tell them. If we were to so find that our zoning officer's decision is incorrect than a permit would be issued to Mr. Ackerman. We do not have the authority tonight to issue a variance. There has been no publication, no review by our engineer. This is not a variance application this is simply an appeal of the zoning officer's decision.

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Mr. Ackerman said that he would wait for his attorney and come to the next meeting.

Ed Covitz made a motion to carry this to the next meeting and Bob Lange seconded it.  
Roll Call (Ayes) Covitz, Lange, Bystrek, DeAlmeida, Anderson, Linck, Petrosilli.

**OPEN TO PUBLIC**

Seeing None

**CLOSED TO THE PUBLIC**

**BOARD COMMENTS**

Stan Bystrek asked how many variances would it be for a variance application instead of an appeal. Attorney Rumpf said it was three. Stan Bystrek asked what it would cost for a variance versus an appeal. Attorney Rumpf stated that it would cost per variance being applied for and there is a fee for publication. Laurie stated \$100.00 application, \$500 for escrow for engineer and \$300 for legal fee. Stan asked if there is a township fee for what he is doing now? Laurie stated yes there is \$150.00 application and \$350.00 legal.

The board held a discussion on zoning in general.

Motion to adjourn

Adjourned at 8:10 P.M.

Respectfully Submitted,

Laurie Clune  
Recording Secretary

LC/lđ