

ZBA Meeting 9-20-2012

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
September 20, 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	Edward Covitz	Tony DeAlmeida
	Robert Lange	Raymond Roskowski	Stan Anderson
	Albert Linck	John Petrosilli	

Absent: Stanley Bystrek

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

Ed Covitz a motion to accept the minutes and Bob Lange seconded the motion. Roll Call (Ayes) Covitz, Lange, DeAlmeida, Anderson, Linck, Petrosilli.

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

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

BOARD COMMENTS

Chair asked if anyone had any comments at this time.

Seeing none proceeded to agenda items

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OLD BUSINESS

Chair made a statement to the audience that for anyone that is in the audience for the James Pecoraro application, Mr. Pecoraro has requested his application be withdrawn, Chair read the letter presented from Pecoraro and the chair stated that it is dismissed.

Resolution No. 2012-14-BA

Docket # 06.12.BA

Edward and Margaret Mahoney

Block 272, Lot 374

127 Englewood Avenue

Chair asked for a motion to accept the resolution.

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

NEW BUSINESS

Chair stated that we did have on our docket the U.S.Homes/Lennar application. That application will not be heard tonight.

Attorney Rumpf stated there was a mistake in the notice that was generated by Lennar Homes. They incorrectly noticed the address of the property. He stated that it was his opinion that they would have to renotify; I considered that to be fatal defect, which would affect our jurisdiction to hear their application. It was two days ago that the attorney acquiesced with his decision. They will renotify for the next meeting in October. Just to preserve the record the board should entertain a motion to carry that application officially pending proper notice to our meeting October 18th.

Chair asked for a motion.

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

Docket # 09-12.BA

Roger Ackerman

Block 152 Lot 6

12 Jolly Roger Way

Administrative Officer's Decision Appeal

Attorney John Novak stepped forward to represent Mr. Ackerman. Attorney Novak stated that this is an application for an interpretation that is not something that a zoning board sees very often.

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Attorney Novak presented Exhibit A-1 that was a picture of the present patio cover, which has been deteriorating over the years. His client wants to replace exactly in size as the existing one. He wants to make it out of wood, and match his existing roof that he has now. He also mentioned case law and cited statutes.

BOARD COMMENTS

Stan Anderson asked if it was non-conforming before the zoning was changed. Ed Covitz asked if it is alteration or restoration. Attorney Novak said yes and yes. Mr. Covitz said that you can't have both. Covitz said he is demolishing the existing and putting up something that is more applicable.

Engineer Oris said that it appears from the picture that he has a flat roof and he asked Attorney Novak is he proposing a flat roof structure? Mr. Novak presented two pictures Exhibit #2 and Exhibit #3 that shows what they are proposing. It will be the same width, length, and the same height as the existing house but because of the shape of the roof it will be higher than the roof that he has now.

Chairman stressed his opinion on why it shouldn't be overturned.

Attorney Rumpf asked Mr. Ackerman to stand and he swore him in.

Mr. Ackerman stated that everything his attorney stated was correct and factual.

Chairman asked the Board if they had any questions for Mr. Ackerman or his attorney and there were none.

OPEN TO PUBLIC

Attorney Rumpf swore in five of Mr. Ackerman's neighbors who all spoke in favor of.

CLOSED TO THE PUBLIC

Chairman tried to bring the board back to whether he needs a variance or not. The case before them is not about the project being good or not the case before them is whether the denial is to be upheld according to our ordinances.

Attorney Rumpf stated that Laurie was willing to do what the board preferred. Attorney Rumpf swore Laurie Clune, zoning officer in.

The zoning officer gave testimony as what the request from Mr. Ackerman was and why she made her decision to deny.

Motion to overturn the zoning officer's decision was made by Bob Lange, and seconded by Ray Roskowski. Roll Call (Ayes) Lange, Roskowski, DeAlmeida, Anderson (Nay) Bruno, Covitz, Petrosilli
Motion to overturn carried

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Docket # 08-12-BA

Raymond Cure

Block 93 Lot 3

6 Beacon Avenue

Lot coverage and rear setback

Chairman Petrosilli asked Mr. Cure to step forward. Attorney Rumpf swore Mr. & Mrs. Cure in.

Mr. Cure explained that he would like to put a small deck in the center of house in the back of his house with two steps on each end. The deck would be approximately 20 feet long and out 8 feet with a stairway on each end and a railing.

Engineer Oris asked if there are homes on each side of the applicant's. He stated that yes there are. Mr. Oris asked if their decks extend towards the water further than his? Mr. Cure said yes they do. Mr. Oris stated that the deck Mr. Cure is proposing is approximately in line with that location as well, is that correct? Mr. Cure said yes.

Mr. Cure presented three photographs and he stated that he took the pictures himself and they were taken about three weeks ago. Attorney Rumpf marked them as exhibits A-1 thru A-3.

Mr. Oris did visit the site and noted that the shed has been moved from the lagoon and is almost in line with the house.

Mr. Oris asked Mr. & Mrs. Cure what the purpose and need for the deck is.

Mr. Cure stated that he has health issues where if he could barbecue on the deck rather than go up and down the steps it would be easier for him. It would also be nice to sit out on the deck in the evening.

Mrs. Cure said that she thought it would look nice.

They didn't feel that the deck would not have a negative impact on the neighbors and in fact it would be consistent of the character and nature of the adjoining properties.

BOARD COMMENTS

Chair asked about the steps and he was reassured that the steps would not go beyond the house.

OPEN TO THE PUBLIC

Seeing none

CLOSED TO THE PUBLIC

Chair asked for a motion

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

Application approved.

OPEN TO PUBLIC

A resident did come forward and inquired about noise and dog ordinance.

CLOSED TO PUBLIC

Chair asked for a motion to adjourn.

Motion to adjourn

Adjourned at 8:30 P.M.

Respectfully Submitted,

Laurie Clune
Recording Secretary

LC/ld