

ZBA Meeting 10-18-2012

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Regular Meeting
October 18, 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
	Tony DeAlmeida	Raymond Roskowski	Stan Anderson
	Albert Linck	John Petrosilli	

Absent: Robert Lange

Chair stated that because of the excessive number of people in the room and the Fire Marshall has said that we have way too many people here he stated that he was going to forgo the Administrative Board Comments and Old Business and go directly to the New Business.

NEW BUSINESS

Docket # 07-12-BA

US Homes/Lennar

Interpretation of ordinances, Appeal of action of Administrative Officer, Interpretation of Zoning Official

Attorney Rumpf stated that we might have one or two board members that may have reason to recuse themselves. Mr. DeAlmeida, Mr. Bruno and Mr. Roskowski all stepped down.

Attorney Rumpf stated that the room is overcrowded and we are being asked to address that situation which we need to do promptly. However he stated that there have been some last minute developments including that there is now representation on behalf of the Oceanaire Association. Mr. Kennedy stated his name and that he represents the

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Association. Mr. Rumpf mentioned Attorney McGuckin who also stated his name, his firm and that he represents the Township of Ocean.

Attorney Rumpf stated that Mr. Plackter who is representing the applicant, Lennar who is sitting before you at this moment, received notice from Mr. Kennedy and received briefing from Mr. Kennedy as to the issues under appeal. He understands that Mr. Plackter is going to inform the board that he has not had adequate opportunity to respond to that and wishes to do so.

Attorney McGuckin asked to speak to two other threshold issues. He stated that 1) he is Concerned about the fire issue and the capacity in this room, the Township in his opinion should be making arrangements to have this meeting held in a much larger meeting room so that resident that is here has the opportunity to participate in this proceeding. He stated that he was looking at the hall and people down the stairs, in the vestibule, they cannot hear, they cannot participate and I don't believe that would be appropriate. So that a request of adjournment if granted would be appropriate to arrange for a meeting place, which can accommodate such a large group of people. They should have the opportunity and they have the right to be heard and have the opportunity to participate. 2) Attorney McGuckin believes that there was a problem with the notice in this case and he believes that the applicant has an obligation to notice everyone that is within 200 foot of the outstanding outline of the entire project. The reason for this is even though it is an appeal of the decision for a particular lot it is his understanding that this could be constructed any where within the entire development.

Attorney Plackter stated with respect to the size of the room he is in agreement with Mr. McGuckin. He also stated that he is not in agreement with Mr. McGuckin in reference to the notice.

Chairman Petrosilli said that he felt that they were getting ahead of themselves because it was going to be rescheduled anyway.

Mr. Plackter said that was true but he would like it settled as to what notices would be decided.

Attorney Rumpf stated that he would recommend to the board that they should now notice within 200 feet anywhere within Greenbriar community.

Attorney Rumpf recommended to the board that all reports should be submitted ten days prior to the next hearing and that all reports be shared with all parties so that all parties are on a level playing field.

Chairman Petrosilli asked the board if they were in agreement with Mr. Rumpf's address as to the notice. They were in agreement.

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Chairman Petrosilli asked the board for a motion to carry this application to the third Thursday of December. Motion to carry to December's meeting was made by Bob Lange and seconded by Stan Bystrek. Roll Call (Ayes) Lange, Bystrek, Covitz, Anderson, Linck, Petrosilli.

Chairman Petrosilli stated that the application was carried to December 20th.

Chairman stated there would be a ten-minute recess, to allow anyone who wished to leave.

Chairman Petrosilli reconvened the meeting.

Chairman asked if there were any changes to the minutes, seeing none asked for a motion.

Ed Covitz made a motion to accept the minutes and Tony DeAlmeida seconded the motion. Roll Call (Ayes) Covitz, DeAlmeida, Bruno, Roskowski, Anderson, Linck, Petrosilli.

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

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

BOARD COMMENTS

Chairman mentioned that the Fire Company has offered their hall for our December meeting.

OLD BUSINESS

Resolution 2012-16-BA
Roger Ackerman
Block 152, Lot 6
12 Jolly Roger Way
Docket # 09-12-BA
Administrative Officer's Decision

Chair asked for a motion to accept the resolution

Bob Lange made a motion and Ray Roskowski seconded it. Roll Call (Ayes) Lange, Roskowski, DeAlmeida, Anderson

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Resolution 2012-17-BA
Raymond Cure
Block 93 Lot 3
6 Beacon Drive
Docket # 08-12-BA
Lot Coverage and Rear Yard Setback

Chair asked for a motion to accept the resolution.

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

NEW BUSINESS

Docket # 10-12-BA
John R. Souder
Block 95 Lot 9
30 Compass Road
Lot Area, Lot Coverage and side yard setback

Chair asked if Mr. Souder was in the audience. Attorney Rumpf stated that there is a difficulty with this application as well. Upon review of the notice regrettably proof of publication and the notice documentation was delivered belatedly to the board office but it appeared after review that it was not adequate. He asked the secretary to state what the inadequacy was.

Laurie Clune stated that they did not notice JCP&L, the number that they noticed for their side yard setback was 6' 6 and it was spelled out in the engineer's letter that it was really 4' 8.

Attorney Rumpf said that they were advised that they had to renote which probably is why they are not here this evening.

Board members brought up some issues that they thought might be a problem for Mr. Souder, maybe he should go to the building department before he goes thru with this variance request.

Attorney Rumpf suggested that maybe the board engineer could reach out to Mr. Souder, to which he agreed.

Chair asked for a motion to carry to the November meeting.

Ed Covitz made a motion to carry this application to November 15th and Tony DeAlmeida seconded it. Roll Call (Ayes) Covitz, DeAlmeida, Bruno, Bystrek, Lange, Roskowski, Petrosilli.

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OPEN TO THE PUBLIC

Seeing none

CLOSED TO THE PUBLIC

Chair asked if the Board had any other comments

Chair asked for a motion to adjourn.

Motion to adjourn

Adjourned at 7:29 P.M.

Respectfully Submitted,

Laurie Clune
Recording Secretary

LC/ld

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