

ZBA Meeting 3-21-2013

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Meeting
March 21, 2013**

7:00 P.M.

PLEDGE OF ALLEGIENCE

The regular meeting of the Zoning Board of Adjustment was held on the above date and time;

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 and the Asbury Park Press. Notice was posted on the bulletin board in the Administration Building.

ROLL CALL

Members Present	Ronald Bruno	Edward Covitz	Antonio DeAlmeida
	Robert Lange	John Petrosilli	Raymond Roskowski
	Al Linck	Stan Anderson	

Absent: Stanley Bystrek

Professionals: Attorney Brian Rumpf, Engineer Jim Oris, and Landscape Engineer Scott Taylor

Chair asked for a motion to approve the bills. Bob Lange made the motion to pay the bills and Ed Covitz seconded it. Roll Call (Ayes) Lange, Covitz, Bruno, DeAlmeida, Roskowski, Linck, Petrosilli

CORRESPONDENCE

NJPO TRAINING – APRIL 20, 2013, 8:15 TO 1:15. Anyone interested let Laurie know

OLD BUSINESS - NONE

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NEW BUSINESS

Docket # 01-13-BA
Lord of Lord's Bible Community Church
442 Route 9 North
Block 195, Lot 1.04
Change of Use

Attorney Dave Esposito representing the applicant introduced himself and stated that He also stated that Tim O'Connor, Jersey Shore Surveying was present.

Attorney Rumpf swore Mr. O'Connor in.

Attorney Rumpf stated that Mr. Bruno had business dealings with Mr. Esposito years back and wanted to know if Mr. Esposito objected to Mr. Bruno sitting on the board for this case. Mr. Esposito stated that he felt that Mr. Bruno would act objectively so he was fine with him staying.

Chair asked Mr. Esposito if he was in receipt of our engineer's letter. Mr. Esposito stated that he was. Chair asked if he was ready to address all of the concerns in the engineering report. Mr. Esposito said that he was ready.

Mr. Esposito said that he did have additional photos that he presented to Attorney Rumpf to mark in as exhibits.

Chair asked Engineer Oris to address his report.

Jim Oris stated for the record the name of the application and address, zones, frontage on Route 9 and that the property is a residential dwelling that they wish to use as a House of Worship.

Mr. Taylor stated that he felt the use fell under eleemosynary uses.

Mr. Esposito said that he did not agree he felt the use should be considered House of Worship only.

Mr. Taylor asked him if he wanted to go under a D-1 use variance in lieu of a D-3?

Mr. Esposito said that at this point in time he was requesting only the use variance and nothing else.

Mr. Taylor said under a D-1 not a D-3?

Mr. Esposito said yes.

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Chair stated to the board that we are not considering this under charitable.

Attorney Rumpf asked Mr. Oris in reference to the minimum side yard setback the zoning requirement in the area is it 10 feet or 15 feet. Mr. Oris stated that the minimum is 10 and the deck is 10.6.

Mr. Oris is looking for the applicant to provide testimony with regard to additional site improvements.

Mr. Esposito stated that a House of Worship is a beneficial use and there are no negative criteria because it will not impact negatively on the neighbors or the intent of the ordinances of the town.

Attorney Rumpf stated that the photos are listed as Exhibits A1 – A17 and three 8 x 10 photos are marked A18 – A20. Large map is marked as A-21.

The photos were circulated to the board that Mr. O'Connor took.

Mr. Oris asked if Mr. O'Connor agreed with Mr. Esposito's statement there will be no negative impact he explained further what is near to the applicants property.

Mr. O'Connor said that the use would be very passive use.

Mr. Taylor asked if they could give testimony as to the complete use of the property.

Mr. Esposito stated that the extent the congregation which is small, will be using the building is for one worship service on Sunday; if they expand it might be two. Some Sunday school and bible study and administrative functions.

Reverend Tate was sworn in. Attorney Rumpf asked if he was the pastor and Reverend Tate stated that yes he is. Attorney Rumpf asked if he agreed with the proposed use that Mr. Esposito stated and Reverend Tate said that yes he did. Reverend Tate explained the use would be the same as the Assembly of God Church on Route 9. Sunday services, occasional meetings. He stated that there are approximately 40 and 50 adults. Some of that are families traveling together, which would be about 20 to 25. Meetings and studies during the week would be considerably less in number. Office hours would be probably 9 to 2 or 3, Monday thru Friday. He explained that 950 square feet for worship and the other portions of the building would be used for fellowship, youth, children and occasional activities. There are several rooms that would be used for Sunday school and meeting places.

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Mr. Oris stated that compliance with fire code, etc. will be reviewed by the building department and the access type will dictate how many seats will be allowed. Reverend Tate feels that 55 are what will be needed.

Mr. Esposito said that for clarification he asked the Pastor if he understood that there are certain requirements that might be necessary in the future such as handicapped ramps, handicapped parking spaces, bathrooms, et c. and he might have to come back to the board for those types of things if required. Pastor Tate said yes he did understand.

Mr. Oris stated that he believes the applicant is indicating that if the board should approve the use variance, they would come back to outline those site improvements as part of a separate site plan application.

Mr. O'Connor explained the parking plan and driveway plan.

Chair asked if the property was going to be used for services before site plan?

Mr. Esposito said that yes he would.

Mr. O'Connor said that they would like the approval so that they can purchase and then get on the property, take down what trees are necessary, clear out underbrush and that would enable them to see what they need to do for the parking places.

Mr. Taylor said those are some of the negative criteria that need to be addressed for the use variance. That becomes the difficulty, that if the board says yes that is appropriate in this location absent some kind of a plan or a sketch because this drawing shows not enough room for those cars. This plan does not show that there won't be a problem with parking. The board needs to make sure that the site is going to be safe for it to open for this type of use.

Mr. Oris asked if this sketch was submitted as an exhibit? Attorney Rumpf said yes it was.

Mr. Oris asked if this was submitted as part of the original application? Mr. O'Connor said it was not.

Mr. Oris said that it is helpful to see a sketch ahead of time so that he had time to review.

Mr. Esposito gave testimony in reference to the driveways and parking.

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Mr. Oris said it seems you have plans that you want to put forth, you would like to have a use variance to move forward, and then to immediately use the property and then phase additional improvements at a later date. The reason why that is problematic as Mr. Taylor indicated is that the board needs certain base information to make that decision, which should include at least a general understanding, not a full-engineered site but a general understanding of how the site might work when you apply this new use. Not to say that it all needs to be built immediately but certainly a phased in approach if you wanted to take, that could be undertaken through a site plan. He stated that he has concerns about allowing use to begin and at some point in time additional improvements may occur.

He feels the board needs to see how will this site lay out function in its use as a House of Worship.

Mr. O'Connor spoke to the shoulder of Route 9 as how it is not a dangerous situation of a hill, intersection etc.

Engineer Oris stated that it is reasonable and customary to have the sites laid out prior to going out into the field and doing it, you can make modifications in the field based on what you find that may be different. I would think that you would be able to design a site prior to starting any construction. That is what we are looking for; we just want a base minimum plan of layout as to how the site would function right now for the use variance.

Attorney Esposito asked Pastor Tate questions to which he answered.

- (1) that if he is granted the use variance he would be willing to submit a site plan application within the board's requirement of time.
- (2) that he would limit parking to 25 vehicles at any one time until the site plan approval.
- (3) He would submit to the board's requirements and would only use the facility for worship services until plans were finalized.

Jim Oris stated that they would need to receive a certificate of occupancy to use the facility as a House of Worship, which would require them to have a fire inspection. Other improvements could be part of a site plan, which could follow the use variance determination.

Attorney Esposito said that the use variance would allow him to have worship services. Other improvements would still have to be done thru the building department. Attorney Esposito said that they understand that no services will be held until handicapped requirements are fulfilled and what ever fire code requirements are.

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Because the plan presented tonight in reference to the parking safety issue and several other issues in the letter that need to be addressed did not give the board enough information it was suggested to carry this application to next month while Mr. O'Connor gets together with Mr. Oris and work out the details before the next meeting so that there is no problem next month.

Meeting adjourned at 8:36 P.M.

Respectfully Submitted,

Laurie Clune
Recording Secretary

LC/ld