

ZBA Meeting 4-18-2013

**TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Minutes
April 18, 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	Stanley Bystrek	Edward Covitz
	Robert Lange	John Petrosilli	Raymond Roskowski
	Stan Anderson		

Absent: Antonio DeAlmeida, Al Linck

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

Chair asked for a motion for the minutes of Regular meeting of February 21, 2013. Ron Bruno made the motion to approve and Ray Roskowski seconded the motion.

Roll Call (Ayes) Bruno, Roskowski, Bystrek, Covitz, Anderson, Petrosilli

Chair asked for a motion for the minutes of the Regular meeting of March 21, 2013. Ray Roskowski made the motion to approve and Ron Bruno seconded the motion.

Roll Call (Ayes) Roskowski, Bruno, Covitz, Anderson, Petrosilli

Chair asked for a motion to approve the bills. Ed Covitz made a motion to approve and Stan Anderson seconded the motion. Roll Call: Covitz, Anderson, Bruno, Bystrek, Roskowski, Petrosilli.

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CORRESPONDENCE - None

NJPA Training has been cancelled

OLD BUSINESS

Docket # 01-13-BA (Carried from March 21, 2013)
Lord of Lord's Bible Community Church
442 Route 9 North
Block 195 Lot 1.04
Change of Use

Attorney Dave Esposito greeted the Board and stated that they were ready to proceed.

Attorney Rumpf stated that there are 5 members of the Board present however, one member was not present at the last meeting and as yet has not reviewed the tapes. This means that we have (5) five voting members present. Obviously with a Use Variance application, you the applicant, are entitled to a full compliment of (7) seven members if you request it. We need a minimum of at least five (5). He said that he was not sure if the two absent members would be here tonight. The secretary stated that one was not heard from and one would not be here due to a death in the family. Again he stressed that you are entitled to a full compliment if you so wish.

Attorney Esposito said that because of their contract obligation for the purchase of the property they must proceed tonight.

Chair asked Mr. Esposito to bring us up to date as far as the new letter from our engineer. Mr. Esposito brought Tim O'Connor, the applicant's planner forward and Attorney Rumpf swore him in.

Mr. Esposito stated that they are seeking on this application to obtain a change of use for property that is currently used as a residential building to a permitted use of a House of Worship. Applicant seeks to delay any modifications to the property that are not required but fully understands that he cannot occupy the property for the intended use until and if we get an approved use. He also comes back to the board with a site plan and he understands fully that he has to bring a completed site plan for approval to the board before he can use the property for the intended purpose.

So the sole purpose of this meeting for this application tonight is to simply request that the board grant us the use variance so that we may proceed with the closing as bound by our contract and from that point they will develop the site plan and come back before the

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board with the site plan at a later date. Mr. O'Connor has submitted a conceptual plan, which is not necessarily how the project will look when completed the sole purpose of this conceptual plan is to satisfy the board's concerns that we can meet the criteria that we are required to meet. Such as necessary number of parking spaces, handicapped parking, garbage corrals, those kinds of services. We fully accept that we probably will make design changes when we come back

Mr. Esposito presented the plan to be marked in as Exhibit and he stated that he was specifying that they are here tonight to clarify the intention of the application tonight and that we are specifying that we are asking for use only tonight.

Mr. O'Connor was sworn in and stated his credentials.

Attorney Rumpf stated that for the record Mr. Lange has arrived which gives the board six voting members.

Mr. Oris stated that the first letter which had many statements in it in reference to site plan should be set aside and the current letter of April 16, should be the letter considered tonight as it refers to a change in use only and we are focusing on the applicant's request for a use variance and his need to meet the requirements, and if there are any negative impacts from the site.

Mr. O'Connor gave testimony as to the application under Attorney Esposito's questions.

Mr. Taylor stated that his notes indicated that no day care or soup kitchen or any other ancillary items like that were proposed.

Mr. Oris asked if there are any classes proposed such as outreach clinics such as substance abuse, etc. Mr. Esposito said that for the foreseeable future no not at this time. Only vacation Bible School, Sunday School.

Mr. Oris said for the record that you testified with regard to the surrounding properties in your professional opinion the proposed use is consistent with the character and nature of the neighborhood. Mr. O'Connor stated yes. Churches are permitted in a C-1 zone in other towns? Mr. O'Connor said yes. Does a House of Worship provide a service to the community and would you deem it beneficial to the zone and town. Mr. O'Connor stated yes.

Parking - Presented new parking plan, which shows 22 spaces, one of which is a handicapped.

Driveway – One driveway is 25 feet wide and will be in and out.

Mr. O'Connor stated that there is enough space to provide 49 parking spots.

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Mr. Oris asked if parking could be designed so that there would be no negative impact on neighboring properties such as headlights. Mr. O'Connor stated that it could.

Mr. Esposito questioned Mr. O'Connor in reference to the sewer system. He stated that system could handle the Church for now. If in the future if it became necessary they would put a grinder pump in.

Mr. Taylor stated that he felt that they addressed the issues, such as parking, and that the testimony regarding negative has been addressed. Churches are inherently beneficial uses, and they are conditionally permitted in this zone, that positive criteria is already met.

Attorney Rumpf swore Pastor Dayle Tate in. Pastor Tate testified to amount of members, attendance on Sundays, hours of worship and gathering. If membership expands it is planned to have two services, either two different times or two different days. Vacation Bible School and small meetings other than Sunday Morning worship. The small meetings usually are about 6 to 10 people in the evening during the week during 7 p.m. to 8:30 p.m. Youth groups during the week at night and attendance is about 6 to 12.

Pastor Tate testified that he was aware that the building could not be used for any meetings or services until the site plan has been approved with all necessary conditions and the CO has been issued by the Building Department.

Ron Bruno asked about emergency vehicles as to whether they would be able to get in if necessary. Mr. O'Connor said that would be addressed with the parking to make sure that there would be room.

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Jon Gard, 84 Elizabeth Street, member of the church, if it became necessary we would most certainly carpool to the extent required to match the numbers of parking spaces.

Adele Shaw, 170 Main Street, member of the church, stated that she was a long time resident and that the church has been a part of Waretown for quite awhile, and we care about our town and we care about our church and we want to be an important part of the community.

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Mr. Esposito stated that he felt his applicant intends to have a positive impact on the community and he can only ask that the Board grant the application.

Attorney Rumpf stated that he wanted to insure that he had the conditions correctly specified within the Resolution.

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1. There would be no occupancy or use of the property until site plan approval by the board.
2. The church shall comply with the local ordinance for parking requirements.
3. 7 day use permissible. As long as they are within the guideline of the noise ordinance no reason for limits. Main limit would be with Township CO and Fire Inspector on occupancy.
4. No daily day care.
5. If at any point in the future if the Township determines that the operation is causing parking on Route 9 or parking illegally on the site the church at that time will be required to implement shared parking, like carpooling or go to multiple services.

Pastor Tate asked if down the road if there is a change that they want to do would they be able to come back before the board for permission. Attorney Rumpf stated that yes they could.

Chairman asked for a motion.

Bob Lange made a motion to approve the Change of Use, Stan Anderson seconded it. Roll Call (Ayes) Lange, Anderson, Bruno, Covitz, Roskowski, Petrosilli

NEW BUSINESS

Docket No. 02-13-BA
Joseph & Kelly Dwyer
18 Hawkins Way
Block 166, Lot 4
Bulk Variance – Side Yard

Attorney Rumpf swore Kelly Dwyer and her engineer Bruce Jacobs in.

Mr. Jacobs stated his credentials.

Mrs. Dwyer said that she presently has a 1-story home and she and her husband are in need of more room so they want to put a second story on their home.

Mrs. Dwyer presented pictures that her husband took on April 16, 2013. Attorney Rumpf marked them as Exhibit A-1 and A-2.

Jim Oris, Engineer went over his letter.

Mr. Oris asked Mrs. Dwyer if she will stay within the proposed footprint to which she answered yes.

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Mr. Oris asked Mrs. Dwyer if in her opinion would there be any negative impact on the neighbors and she answered no.

Mr. Oris asked Mrs. Dwyer if it is her opinion that the addition would be consistent with her neighborhood.

Mr. Oris asked Mr. Jacobs as a planner if that was his opinion also. Mr. Jacobs stated the surrounding community single story dwellings with a few two-story houses. They would stay within the height limitations of the zone.

Mr. Jacobs explained the drainage patterns from the house.

Mr. Oris stated that they will have to adhere to the elevation that the current advisory is finished first floor of the structure would need to be at elevation 9. Mr. Jacobs said that they are aware of that.

Mr. Jacobs stated that based on the assessed value on the existing structure and the quotes that the applicant received from builders the cost to add the second story addition exceeds 50%.

Mr. Oris said than in that instance the applicant will be required to elevate the existing home.

Mr. Jacobs said that they are aware of that.

Attorney Rumpf stated that there could be a condition of approval that she would comply with whatever flood requirements may exist.

Mr. Jacobs stated that they would probably be at 26' to 27' height.

OPEN TO PUBLIC

Seeing none

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Chair asked for a motion.

Ed Covitz made a motion to approve and Stan Anderson seconded it. Roll Call (Ayes)
Covitz, Anderson, Bruno, Bystrek, Lange, Roskowski, Petrosilli.

Motion to Adjourn

Motion Adjourned at 9:01

Respectfully Submitted,

Laurie Clune,
Board Secretary

LC/ld

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