

**ZBA Meeting 4-17-2014**

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Minutes  
April 17, 2014**

**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 Asbury Park Press and the Press of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

**ROLL CALL**

Members Present	Stanley Anderson	Edward Covitz
Antonio DeAlmeida	John Petrosilli	Raymond Roskowski
Stan Linck		

Absent: Stanley Bystrek, Brian Higgins

**Professionals:** Attorney Brian E. Rumpf, Esq.  
Engineer Patrick Jeffrey

Chairman John Petrosilli asked for a motion for the minutes of the Regular meeting on March 20, 2014. Edward Covitz made a motion to approve and Antonio DeAlmeida seconded the motion. Roll Call: (Ayes) Covitz, DeAlmeida, Anderson, Roskowski, Linck, Petrosilli.

Chairman asked for a motion to approve the bills Edward Covitz made a motion to approve and Antonio DeAlmeida seconded the motion. Roll Call: (Ayes), Covitz, DeAlmeida, Anderson, Bruno, Roskowski, Linck, Petrosilli.

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**CORRESPONDENCE** - New Jersey Planner

**MATTERS OF THE BOARD** - NONE

**BOARD COMMENTS:**

NONE

**RESOLUTIONS**

NONE

**OLD BUSINESS**

NONE

**NEW BUSINESS**

Paul and Kathleen Kavka  
Docket # 02-14-BA  
110 Oregon Avenue  
Block 200 Lot 22.01  
Bulk Variance

Robert G. Lange Jr.  
Docket#03-14-BA  
83 Bay Parkway  
Block 87 Lot 39  
Bulk Variance

Mr. Brian Rumpf, the board Attorney, swore in the applicants, Paul Kavka and Kathleen Kavka.

The chairman asked the applicants to provide a testimony on their project.

The chairman asked if Mr. Kavka had received the Engineers letter and Mr. Kavka had said yes he did.

Mr. Kavka had placed his architectural drawings on the easel. He explained that the home is by the South Harbor Marina. He said the home received 24 inches of water in the house due to

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Super Storm Sandy. The neighbor, which was the lot they combined with their lot, had got flooded as well and she had sold the property to Mr. Kavka and Mrs. Kavka. They combined the lots and proposed that they raise the home and slide the home over. He said by consolidating the lots would create less of a variance needed. He explained that they still needed relief for the size of the lot and for the rear setback. They proposed to have 15 feet from the rear, where 20 feet is required, and the encroachment of the steps in the front. The flood elevation is 8 feet and he proposed 12 feet above.

They eventually will do something underneath the home, but he is not requesting anything on that presently. He explained the architectural design that showed the irregularly shaped rear of the home. Mr. Kavka explained that because of that he would like to square off the rear of the home which is one of the variances. He explained that everything on the right lot is now gone. Mr. Kavka showed his exhibits A1, A2, A3, and A4. A1 showed pictures of the two lots with the homes that existed with a view from the frontal. A2 provided pictures of the South Harbor Marina and A4 provided architectural drawings of the decking.

Mr. Rumpf, board attorney, asked when the photographs were taken and Mr. Kavka had said they were taken the weekend before the meeting. A2 had showed the South Harbor Marina, which is just to the rear of the home. A3 showed a picture of the lagoon, the right lot cleared, and the existing home on the left lot which are now the combined lot.

The chairman asked if the board members had any questions; no one had any questions.

The board engineer, Patrick Jeffery, explained the two lots that were nonconforming, they are now combined, and the applicant is proposing to lift/raise the home. Mr. Jeffery further explained the three variances of an undersized lot, rear yard setback and the encroachment for the stairs and landing in the front, where 40 square feet is permitted.

Mr. Jeffery went through his engineer letter and read each comment. He had asked the applicant, Mr. Kavka, to explain his testimony and the impact of this application. Mr. Kavka said that the home was damaged in Super Storm Sandy and they would like to eliminate future flooding. He further explained that this will improve parking, visibility because the previous parking/driveway was shared between the two lots before they were sold and combined.

Mr. Jeffery continued to go through the comments of the engineer letter. The third comment pertained to the hardships. He stated that Mr. Kavka had already provided sufficient testimony on that by combining the two lots. Mr. Kavka had stated the only negativity that may come about is the raising of the home may not be liked by others, but he felt there were no other negatives. Mr. Jeffery had asked Mr. Kavka about the drainage. Mr. Kavka had explained that Oregon Avenue is flat and the bulkhead is 1 foot from the grade. Mr. Kavka said this project will improve the grade.

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The Chairman asked if there were going to be gutters and Mr. Kavka had said no. Mr. Jeffery had asked about comments six and seven from the engineers' letter. He explained that underneath the home was not being enclosed and that Mr. Kavka may want to do that later down the road. Mr. Jeffery explained that there was no issue with the building coverage which proposed 21.5% coverage. Mr. Jeffery further explained comment nine which indicated the variance on the front stairs. Mr. Kavka needed relief on the front stairs due to the encroachment.

Mr. Jeffery had asked Mr. Kavka about the offstreet parking and Mr. Kavka had said he met the required two car parking and that that is sufficient for them. Mr. Kavka showed the board the plot plan to show where the parking would be. Mr. Jeffery also had said that the front to back parking will satisfy the ordinance. The proposed driveway is 10x20 and Mr. Kavka had said he is okay with that. Mr. Jeffery just wanted to remind the board to consider that the variances run with the land. Mr. Jeffery had said the final comment was for the applicant to provide photographs of the property; Mr. Kavka had provided those photographs to the board.

The Chairman asked if the board had any comments. Mr. DeAlmeida had stated that the applicant did well with combining the two lots. The Chairman had opened it up to the public;

### **OPEN TO THE PUBLIC**

**Seeing none**

### **CLOSED TO THE PUBLIC**

### **BOARD COMMENTS:**

Mr. DeAlmeida stated that Mr. Kavka could go higher if he wanted because he had the clearance and was allowed by ordinance to do so. Mr. Jeffery had stated the only issue with that it would extend the encroachment for the front stairs. He added that if Mr. Kavka wanted to go higher, that now would be a good time to act on it, therefore he would not have to return to the board.

Mr. Rumpf, board attorney, had stated that they are already going up 12 feet, Mr. Jeffery then added that if they do go higher it would then be 14 feet. Mr. Kavka had said they would like to make this change. Mr. Jeffery had said that the board needed to see exact numbers to truly vote on the application. Mr. Rumpf, the board attorney agreed with him. Mr. Kavka explained the original plan for the landing was 5.8 feet, the second plan showed down to the platform with turning point of the stairs. Mr. Jeffery had calculated 145 square feet for the new stairs of an elevation of 14 feet.

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The Chairman asked if there were any other comments.

Mr. DeAlmeida made a motion for approval of the application 02-14-BA and Mr. Covitz seconded it. Roll Call: (Ayes), DeAlmeida, Covitz, Anderson, Bruno, Roskowski, Linck, Petrosilli.

Mr. Rumpf, board attorney had sworn in the next applicant, Mr. Robert G. Lange Jr. The Chairman had asked Mr. Lange if he had received the engineers' letter. Mr. Lange had said yes. Mr. Jeffery, board engineer, asked if Mr. Lange could provide the board with a summary of his project.

Mr. Lange described the property. He said presently there is a concrete slab and does not conform. He proposed building a new home with a crawl space. He stated that all setbacks are met except the bulk. Mr. Lange had said he could do a 4 foot porch, but that would be somewhat unsafe; that is his reasoning for asking for relief on the bulk of 5 feet for the porch. He stated it would be safer. Mr. Jeffery stated that Mr. Lange is proposing to build a home on an undersized lot with an encroachment on the front steps.

Mr. Lange provided the board with pictures labeled A1, A2, and A3. Mr. Rumpf had asked if Mr. Lange had taken these pictures, and he said yes he did. A1 was a picture of the right side, A2 was a picture of the left side, and A3 was a picture of the rear. Mr. Lange had stated that the drainage would go out to the street and that the property is flat for the most part.

Mr. Jeffery had stated that the home proposed is a one story residential structure. Mr. Lange had provided the board with some history on the small summer homes in the area. He stated that he wanted to build a home here because there are no other properties to purchase, therefore making this a hardship. Mr. Lange had stated that the home is a little bigger than the homes in the area and that that is what buyers are looking for. The home proposed does not have a garage. Mr. Jeffery explained the engineers' letter and stated that Mr. Lange had met all the comments on the engineers' letter.

The Chairman asked if the board members had any comments. The Chairman stated that Mr. Lange had tried to stay within the requirements as much as possible. The Chairman opens it up to the public:

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**OPEN TO THE PUBLIC**

James L. Clancy approached the board. Mr. Rumpf, the board attorney, swore him in. Mr. Clancy had a concern on the height of the proposed home. Mr. Lange said the peak of the house would be less than 20 feet. Mr. Clancy had asked what the dimensions were. Mr. Lange stated that it is a 26 foot house with an elevation of 11.5 feet. Mr. Clancy said he is glad it is only one story. Mr. Lange had said he tried to do what the neighbors wanted. He said that the neighbors had told him they are glad something is going up.

**CLOSED TO THE PUBLIC**

**BOARD COMMENTS:**

NONE

**OPEN TO THE PUBLIC FOR GENERAL COMMENTS:**

Seeing none

**CLOSED TO THE PUBLIC**

Next Regular Meeting May 15, 2014

Motion to Adjourn

All in favor

Meeting Adjourned at 7:47PM.

Respectfully Submitted,

Renée Dronebarger  
Board Secretary  
RD