

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Meeting Minutes  
January 15, 2015**

**7:12 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, adequate notice of the meeting was properly provided by sending copies of the notice of meeting to the, Asbury Park Press and the Press Atlantic City. Notice of the meeting was posted on the bulletin board in the administration building.

**ROLL CALL**

Members Present	Stanley Anderson	Ronald Bruno	Edward Covitz
	Antonio DeAlmeida	Brian Higgins	Raymond Roskowski
	John Petrosilli	Albert Linck	Michael DeCicco

Absent:

**Professionals:** Attorney Brian Rumpf, Esq.  
Engineer Patrick Jeffery

The Chairman asked for a motion for the minutes of the Regular Meeting from December 18, 2014. Brian Higgins made the motion to approve and Edward Covitz seconded the motion. Roll Call: (Ayes) Higgins, Covitz, Anderson, DeAlmeida, Linck, Petrosilli.

The Chairman asked for a motion to approve the bills, Edward Covitz made a motion to approve the bills and Brian Higgins seconded it. Roll Call: (Ayes) Covtiz, Higgins, Anderson, Bruno, DeAlmeida, Roskowski, Petrosilli.

**CORRESPONDENCE**

NJ Planner November/December 2014

**OLD BUSINESS - NONE**

**MATTERS OF THE BOARD** – Annual Zoning Board of Adjustment Report for 2014

**RESOLUTIONS-**

Resolution No. 2014-17-BA  
Docket# 09-14-BA  
Rudy & Melonie Marano  
10 Compass Road  
Block 95.02 Lot 19  
Several Bulk variances (side, front and rear)

Resolution No. 2014-18-BA  
Docket# 13-14-BA  
Gary & Mary Parisi  
11 Long John Silver Way  
Side setback variance

The Chairman asked for a motion to memorialize the Resolution No. 2014-17-BA, Rudy & Melonie Marano, 10 Compass Road for the approval of several bulk variances. Edward Covitz made a motion to memorialize the Resolution and Stanley Anderson seconded the motion. Roll Call: (Ayes) Covitz, Anderson, DeAlmeida, Higgins, Linck, Petrosilli.

The Chairman asked for a motion to memorialize the Resolution No. 2014-18-BA, Gary & Mary Parisi, 11 Long John Silver Way for an approval of the side setback variance. Edward Covitz made the motion and Stanley Anderson seconded the motion. Roll Call: (Ayes) Covitz, Anderson, DeAlmeida, Higgins, Linck, Petrosilli.

**NEW BUSINESS**

Docket # 10-14-BA  
George Mackres  
535 Route 9  
Block 41 Lots 37 & 39.01  
Sign Variance

Docket # 11-14-BA  
Alexandra Ciro  
136 Admiral Way  
Block 105 Lot 1.09  
Front yard setback

Docket # 12-14-BA  
U.S. Homes Corp  
30 Mantoloking Lane  
Block 57.22 Lot 46  
Rear yard setback

Mr. Chairman asked Attorney Brian Rumpf to read the letter that George Mackres' Attorney had sent over in regards to requesting to carry their application. David Roeber, representing George Mackres, stated in the letter that he would like to request for the

board to carry the application due to being in the hospital and George Mackres is out of the state in Florida.

The Chairman asked for a motion to carry the application. Stanley Anderson made a motion to carry the application and Antonio DeAlmeida seconded it. Roll Call: (Ayes) Anderson, DeAlmeida, Bruno, Covitz, Higgins, Roskowski, Petrosilli.

The Chairman introduced the next applicant for 136 Admiral Way, Docket # 11-14-BA for a front yard setback. Attorney Brian Rumpf swore in Alexandra Ciro, homeowner, and the builder Rick Woodward. The Chairman asked if they were in receipt of the engineer's letter. Rick Woodward began to provide the board with his testimony. He explained to the board that before he could catch it, the Husband of Alexandra Ciro had already constructed the porch that is now encroaching into the front yard setback. He advised the board that Mr. Ciro is a Masonry Contractor and they had placed a granite slab on top, making it a very expensive project to remove it all to conform.

The Chairman asked if the board had any questions at this point; seeing none at that time. Patrick Jeffery went through their Engineer's Letter. He then continued to go through the comments in the letter. He asked the applicant if this could be granted without any detriment to the public beings that it is not meeting the zoning district requirements of a 25 feet setback. They stated no it would not. Mr. Jeffery then asked the second comment if there were any other hardships to help support the variance. They said no only that the cost would be tremendous by roughly ten-thousand dollars to remove it. The following comments entailed that this will only pertain to the zoning not any other construction permits needed for other projects on the property. Patrick Jeffery asked that the applicant provide a signed and sealed copy of the survey and that this would be a condition as well as the lot coverage and area percentage. Mr. Chairman asked what was the lot coverage percent and Mr. Jeffery said it was 20.5% were the allowable is 30%. The applicant proposed a serious of alterations to the house where it would be about 28.5-29%. Mr. Woodward stated that when they first submitted to zoning the coverage was clearly under for the coverage for the lot. He asked if that could be considered to be a condition they could satisfy that.

The Chairman asked if the pool will impact the lot coverage in any way. Mr. Patrick Jeffery they should still submit the impervious coverage as well once the pool is proposed. Mr. Patrick Jeffery asked if those calculations were considered before to be sure it would conform to the impervious coverage. Mr. Woodward stated it was considered and it did conform under the 50%. As a condition of approval, Mr. Patrick Jeffery stated the impervious coverage would have to conform. Mr. Woodward stated that there is a two car garage and there are three bedrooms. Ed Covitz asked how far the garage was from the front porch. Mr. Woodward explained where it was according to the porch and told Mr. Covitz it was amount five feet.

OPEN TO THE PUBLIC

Seeing none.

CLOSED TO THE PUBLIC

Mr. Brian Rumpf gave the board a brief summary of the application heard. He stated that if there were to be a favorable motion given to this application that there would be three conditions. The applicant must provide a sign sealed survey to the construction office, prior to the issuance of the permits, the applicant must provide a calculation of lot coverage and impervious coverage and they must be in ordinance requirements. Mr. Jeffery wanted to make clear to the board that the pool is not included in this application.

Mr. Chairman asked for a motion on this application. Mr. DeAlmeida motioned to approve the application and Brian Higgins seconded it. Roll Call: (Ayes) DeAlmeida, Higgins, Anderson, Bruno, Covitz, Roskowski, Petrosilli.

Mr. Brian Rumpf the board Attorney swore in the next applicant representing 30 Mantoloking Lane, Docket 12-14-BA. Mr. DeAlmeida stepped down. Mr. Brian Rumpf wanted to put on the record that some of the board members do live in Greenbriar, but they are not in the 200 foot radius; therefore, there is no conflict. The Attorney representing U.S. Homes, Attorney Ronald Bernardo said there was no objection to that. Mr. Chairman stated the property 30 Mantoloking Lane, Docket # 12-14-BA asking for a rear setback variance. Attorney Bernardo introduced Mr. Rob Harrington who represents East Coast Engineering. They began their testimony. Mr. Harrington proposed the plans in the wrong place, making it a rear setback variances. Attorney Bernado asked if this was a common issue; Mr. Harrington stated it was not. Mr. Harrington explained that the lots are not your typical rectangular shaped homes; they are a pie shaped lot making the rear smaller sized than the front. He explained that it is a minor deviation.

The ordinance permits side yard setbacks on each individual's lots of five feet being the minimum. The proposed house was eight feet at its' narrowest point, as the house was proposed. The only deviation is the far rear of the structure, where it is not the entire length of the structure. Mr. Covitz asked what house numbers was this deviation between. Mr. Harrington stated it is between 28 Mantoloking Lane and 30 Mantoloking Lane. Mr. Harrington provided the board with a more detailed and larger plan of the property. 28 Mantoloking Lane is already constructed. There is 23 feet at the front, where the house is converged at the back it is 14.5 Feet. Therefore, the minimum separation is correct in between the structures, but slightly closer to the rear. The encroachment is only between 28 & 30, where 32 Mantoloking Lane does not have any encroachment issues.

Mr. Covitz asked if they did move the house over would it conform and Mr. Harrington stated yes, but right now the foundation is in place; that is where they had stopped work when the error was found.

Mr. Harrington stated that the owners of 30 Mantoloking Lane are currently in a tough situation where they are selling their current home and planning to move into 30 Mantoloking Lane. Attorney Bernardo asked if this variance could be approved without detriment to the community or to the Township, Mr. Harrington stated yes. Attorney Bernardo asked Mr. Harrington if the deviation impairs the air, light and open space. Mr. Harrington stated that there is more than sufficient air, light and space. Mr. Patrick Jeffery stated the relief that they are asked is the building to building. Mr. Anderson asked if the roof line would encroach more. Mr. Harrington stated that it would not and there is an eve down the side. It is only 6 inches closer. Mr. DeCicco asked if 28 Mantoloking Lane been sold and Mr. Harrington stated yes.

Attorney Mr. Brian Rumpf swore in Mr. Bob Pisciotta. He is an area manager for Lennar and covers the whole south of the state. He asked if they could consider the relief they are asking for because the individuals that purchased the home have no other place to go once they sell their home they are currently in.

The Chairman asked for a motion on this application. Brian Higgins made a motion to approve the application and Ron Bruno seconded it. Roll Call: (Ayes) Higgins, Bruno, Anderson, Covitz, Roskowski, Linck, Petrosilli.

Attorney Brian Rumpf stated that the applicant asked if we would be able to prepare a resolution in advance at the meeting anticipating either an approval or denial by the board. Mr. Rumpf stated that he did so in the past, and the board has been reluctant to act on the resolution the same night the application has been heard, the reason for that you do not want it to appear that you are pre-judging the application. There are some circumstances where there are extraordinary hardships where it would be permissible through the board for him to read in the resolution to the record. He stated if anyone were to decline then it would be next month. This is completely at the boards' discretion he stated.

The Chairman asked if 30 days is really going to set you back. Mr. Bernardo explained that East Coast Engineering would be paying for their temporary housing and the storage of the owner's furniture. He stated it is a hardship for the owners and the engineer in this situation. Mr. Higgins stated that 30 days is gold for a contractor. He stated he would be in favor of memorializing the resolution tonight.

Attorney Brian Rumpf read the resolution into the record.

OPEN TO THE PUBLIC

Seeing none

CLOSED TO THE PUBLIC

The Chairman asked for a motion. Brian Higgins made a motion to memorialize the resolution and Stanley Anderson seconded it. Roll Call: (Ayes) Higgins, Anderson, Bruno, Covitz, Roskowski, Linck, Petrosilli.

**BOARD COMMENTS:**

The Chairman wanted to make it clear that this board does not rubber stamp these applications. He stated that we need pictures and it should be in the engineer's letter. The Engineer stated that they will have the applicants provide the pictures.

Mr. Rumpf and Mr. Jeffery stated that they are appreciative of them being appointed for the board.

Mr. Jeffery discussed that the zoning annual report was something the board wanted to discuss at the next meeting. Mr. Chairman stated that the stairs are an issue. Mr. Higgins stated that he sees this issue everywhere, not only here. The Chairman stated that they have to look closer at the space between the houses for safety reasons, such as access for firefighters/first response teams for example. There was additional discussion on the steps/stairs.

Mr. Chairman stated that he would like to get something together on this issue. Mr. Patrick Jeffery stated that the encroachment for stairs that is allowed was originated from just raising the existing home. It did not include the additions or decking. Mr. Patrick Jeffery stated the board could suggest that perhaps there is not enough relief on encroachments. Right now the ordinance is just a blanket encroachment, meaning it could be any setback. Mr. Higgins stated that the encroachment could be for stairs only. Next month stated that any other recommendations that the board has can draft something and submitted it to the governing body and to the Planning Board.

Mr. DeCicco asked if there were any requirements from the zoning board in regards to private boat storage on private property. The Chairman stated it is an ordinance from the Township. That would be code enforcement.

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

Seeing none

**CLOSED TO THE PUBLIC**

Next Regular Meeting February 19, 2015

Motion Adjourn

All in Favor

Meeting adjourned at 8:10 P.M.

Respectfully Submitted  
Renée Dronebarger  
Zoning Board Secretary  
RD