

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Minutes  
October 19th 2017**

**7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

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:

Anderson, Stanley  
Ronald Bruno  
Corliss, Thomas  
DeAlmeida, Antonio  
Higgins, Brian (arrived at 7:15pm)  
Petrosilli, John  
Roskowski, Raymond  
Denning, Shawn – (arrived at 7:05pm)  
Tate, Valerie

Absent:

DeAlmeida, Antonio

**Professionals:**

Debra Rumpf & Jason Worth

**MINUTES**

The Chairman John Petrosilli asked for a motion to approve the Regular minutes of the meeting on September 19<sup>th</sup> 2017. Valerie Tate made a motion to approve and Stanley Anderson seconded the motion. Roll Call: (Ayes) Tate, Anderson, Corliss, Roskowski, Petrosilli

**BILLS**

The Chairman asked for a motion to approve the bills Raymond Roskowski made a motion to approve and Stanley Anderson seconded the motion. Roll Call: (Ayes) Roskowski, Anderson Bruno, Corliss, Tate, Petrosilli.

**CORRESPONDENCE:**

None

**MATTERS OF THE BOARD:**

None

**BOARD COMMENTS:**

None

**RESOLUTIONS:**

None

**OLD BUSINESS:**

- a. Docket # 02-17-BA, Divine Interventions LLC, Route 9, Block 62 Lot 3.02 & 3.03, Use Variance.

Divine Interventions was called to the stand. Tina Vicary asked for an adjournment. The second fire review letter was received by the fire chief at the meeting, applicant would like time to address the comments on that letter. She asked to have the adjournment pushed to the December meeting. She also requested a meeting with the Fire Chief and Engineer. Request was granted by the board for the meeting. Notice was waived,

Chairman asked for motion to approve the adjournment. Thomas Corliss made a motion to approve and Raymond Roskowski seconded the motion. Roll Call: (ayes) Corliss, Roskowski, Anderson, Denning, Tate, Petrosilli

- b. Docket # 05-17-BA, Richard & Eileen Siegel, 97 Baltic Ave, Block 200 Lot 31, Lot size, Lot width, combined yard setback

Applicant was called to the stand.

Richard Visclosky on behalf of Kelly Visclosky stepped forward to represent the applicant. He gave a brief description of the property as it is now, and the proposed project.

Mr. Visclosky advised the board there was a discrepancy with his real estate appraisal and corrected the value to \$56,000.00. He introduced his professionals' .Engineer – James Giordano Architect - Malcom Burton and Real Estate appraiser - Robert Kirwin.

Peter Luzzi representing the Baltic Marina stepped forward in opposition to the application. He argued the value to be \$30,000.00.

Mr. Visclosky pointed out the appraisal submitted by the Marina, prepared by Vivian Lange was not done by a certified appraiser and objected to it being submitted to the board. He pointed out that it was not legal for a real estate agent to prepare such a document, or to give testimony on it before a board.

Board Attorney reminded the board the property value should be based on the variances being approved.

James Giordano was sworn in by the Board Attorney, he provided his professional background and experience.

Exhibit A-1 was marked in. It was a plan of the proposed structure. He gave a brief description. (2) Photos marked A-2 & A-3 were also marked in.

Mr. Giordano gave a description of the existing structure, and current non conformities. Based on his inspection he feels the house is not habitable at this time. He noted the proposed structure would alleviate 3 of the existing variances. He gave a description of them, and how the proposed structure would be more in compliance, and would be an improvement to the neighborhood. The new structure would also meet the flood requirements, whereas the current structure does not.

Board Engineer went over their review letter. He confirmed there are current 6 non conformities, and the variance would alleviate 3, leaving 3 if approved. Board engineer discussed the flood zone, and drainage/grading plans for the project.

Board discussion took place on the height of the structure blocking the neighbors view. Mr. Giordano pointed out the existing structure actually blocks the view, and by relocating the home to the middle of the lot improves the surrounding views.

Discussion took place on the type of pilings, and bulk heading on the lot.

Malcom Burton was called to the stand and sworn in by the board attorney. He provided his professional background and experience.

A4 & A5 (plans) were marked in. Mr. Burton gave a description of each.

He explained how he eliminated the exterior stairs by moving it within the structure in order to comply with setbacks, and so they did not interfere with the 2 proposed offsite parking spaces.

Discussion took place on the ground floor enclosure, to be used for storage only.

Applicant called Robert Kirwin to the stand, he was sworn in by the board attorney, and provided his professional background and experience.

Mr. Kirwin provided testimony on his real estate appraisal, a copy was marked in as A-5. He concluded that there was an error in the lot size, and after his adjustment the lot would be valued at \$56,000.00

Mr. Kirwin went over the various properties he used for his comparisons and adjustments in relation to his appraisal.

Discussion on the final value took place between the board and Mr. Kirwin.

Applicant Richard Seigel was called to the stand and sworn in by the board attorney. He gave a brief description of his history with the property, and his main use of the property.

Mr. Seigel described the damages the structure incurred during Sandy.

Mr. Seigel stated he has had numerous discussions with the Marina owners on rebuilding his property, and the bulkhead replaced for the Marina that tied into his property. He stated the marina owner had used explicate language with him, saying he would not let him rebuild.

Discussion took place between the board and Mr. Siegel, he confirmed the PIQ was never his primary residence, but he spends most of his time in Waretown.

Discussion took place on the condition of structure of the home, and whether or not it can be raised in that condition.

Mr. Luzzi called Mr. Seigel back to the stand, he questioned the state of the bulkhead before it was replaced. He confirmed the bulkhead was in bad shape, and confirmed he complained to the marina owners on multiple occasions.

Board Attorney advised the board that land only needs to be offered for sale if it was vacant. This lot does have a structure, therefore the owner does not have to offer it for sale. Mr. Seigel confirmed he did not want to sell his property, and only offered because he thought he was legally obligated to.

Mr. Luzzi argued that he was not able to obtain a certified appraisal within a month. Board noted the value is not relevant at this time as the owner did not want to sell his property, and is not legally obligated to do so.

Board Engineer confirmed that the proposed project will improve the views of the neighbors.

**Chairman opened the application to the public.**

Malcom Smith stepped forward, he is the owner of the Baltic Marina. He objected to a new home being built so close to a working marina. He has concerns for the parking, and flooding in the area. He was also concerned about the possibility of homeowners complaining to the Township

**Closed to the public**

Shawn Denning made a motion to deny the application. None seconded.

Chairman asked for a motion to approve the application. Brian Higgins made a motion to approve the application. Raymond Roskowski seconded the motion. (Ayes) Higgins, Roskowski, Anderson, Corliss, Tate, Petrosilli (no) Denning

**NEW BUSINESS:**

- a. Docket # 06-17-BA, Robert Kenny, 102 Cayuga Ave , Block 272 Lot 332 , Lot depth, (2) rear yard setbacks

Applicant was called to the stand. Robert Kenny was sworn in by the board attorney. He gave a brief description of his project.

Board Engineer went over his review letter. Homeowner confirmed the shed currently on the property will be removed.

Mr. Kenny provided testimony, he didn't feel that the proposed garage or deck would have any negative effects, block views or airflow for the neighbors.

Mr. Kenny confirmed the area under the deck is to remain open.

Mr. Kenny submitted a photo to the board of his home from the neighbors view. It was taken by him, they were marked in as A-1.

Engineer conformed the railing must be see through. Homeowner confirmed they would be if approved.

Engineer requested if approved, a grading/drainage plan be submitted to the board engineer for approval before the building plans are issued.

**Opened to the public**

Seeing none

**Closed to the public**

Chairman asked for a motion to approve. Brian Higgins made a motion with conditions that 1. A grading/drainage plan be submitted, 2. The existing shed be removed, and 3. The siding for the garage must match the primary structure. Ronald Bruno seconded the motion. (Ayes) Higgins, Bruno, Anderson, Corliss, Roskowski, Denning, Petrosilli

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

Seeing none.

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

Next Regular Meeting November 16, 2017

Motion to Adjourn

All in favor (Ayes)

Meeting Adjourned at 8:51pm

Respectfully Submitted,  
Stephine Foberg  
Board Secretary  
SF