

**TOWNSHIP OF OCEAN**  
**Zoning Board of Adjustment**  
**Minutes**  
**August 17<sup>th</sup> 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:

Antonio DeAlmeida  
Ronald Bruno  
Raymond Roskowski  
John Petrosilli  
Shawn Denning  
Valerie Tate

Absent:

Stanley Anderson  
Brian Higgins  
Thomas Corliss

**Professionals:**

Brian Rumpf & Jason Worth

**MINUTES**

The Chairman John Petrosilli asked for a motion to approve the Regular minutes of the meeting on July 20<sup>th</sup>. Valerie Tate made a motion to approve and Ron Bruno seconded the motion. Roll Call: (Ayes) Tate, Bruno, DeAlmeida, Roskowski, Petrosilli

**BILLS**

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

**CORRESPONDENCE:**

None

**MATTERS OF THE BOARD:**

Sept Meeting date.

The Chairman asked for a motion to approve the September meeting date. Antonito DeAlmeida made a motion to approve and Ron Bruno seconded the motion. Roll Call: (Ayes) DeAlmeida, Bruno, Roskowski, Denning, Tate, Petrosilli

**BOARD COMMENTS:**

None

**RESOLUTIONS:**

a. Resolution No. 2017-02-BA, Margret & Matthew Griff, 88 Bonita Rd, Block 239 Lot 5, NSFD

The Chairman asked for a motion to approve the resolution. Valerie Tate made a motion to approve and Ron Bruno seconded the motion. Roll Call: (Ayes) Tate, Bruno, DeAlmeida, Roskowski, Petrosilli.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

a. Docket #04-17-BA, Rosemary Varela, 75 Strathmere St. Block 57.04 Lot 137. Sitting wall rear yard setback.

Chairman called applicant to the stand. She was sworn in by Brian Rumpf, Board Attorney.

Applicant gave a brief testimony of her project. Project was completed prior to the variance. Applicant explained that the contractor who performed the work submitted all of the permits for the patio & walls to the homeowners association and Township, and she was unaware that the walls installed were not on the applications or the approved permits until after they were paid for and installed.

Discussion took place between the board members on whether or not the walls were retaining walls or planters. It was determined they are sitting walls and not retaining walls. It was also noted the homeowner has electric installed to the walls without permits or HOA approval but were removed.

Board members discussed the violations from the HOA and Township. Applicant states she contacted the contractor and we would address the issues in the spring. Applicant states the contractor will not return her phone calls or address the problem.

Applicant was asked if she had sent any certified letters to the contractor regarding the issue. She confirmed she had not sent any correspondences and had spoken with him on at least two occasions.

Board Engineer discussed their review letter for the project.

Applicant was asked to provide testimony on why she believed the variance was a hardship. She stated it was a financial hardship as she already paid \$8,000.00 to have it installed, and it would be an additional cost to have it removed. She also stated her home was small and the seating area was needed for family gatherings.

Board Attorney noted that financial hardships cannot be considered the basis for a variance.

Applicant provided pictures of her existing patio. They were taken 8-11-17 by the applicant. Photos were marked in A-1 through A-11. Applicant gave a description of each photo for the board.

Applicant provided testimony that her home backed up to the woods, and would not affect any neighbors in the ear of the property.

Board Engineer went over options to bring the walls into compliance.

Applicant did not reach out to any adjacent land owners to attempt to purchase property. Board Engineer confirmed that buying land was not a possibility since it was owned by the association.

Applicant provided testimony on her property and the neighborhood and did not feel the walls would negatively impact the neighbors.

Applicant confirmed at this time the HOA also did not approve the walls in question. It was also determine the walls were part of the patio and could not be easily removed.

Chairman opened the application to the public.

Gary Kuykendall stepped up to speak, he was sworn in by the board attorney. He stated he is a member of the HOA Architectural committee. Gary confirmed the application did not include walls, and the existing walls could have been relocated to the sides of the patio and they would be in compliance, and a variance would not be needed. Gary stated the contractor does a lot of work in the community and knows the walls are not permitted. He also stated the contractor has not contacted them. Gary also stated another option would be for the homeowner to bring the contractor to small claims court in order. Gary confirmed that the walls were on the homeowner's contract with the landscaper but were not mentioned on either applications to the township or HOA.

Chairman closed the application to the public.

Board Attorney noted reminded board that finances on the applicants behalf should not be considered as a basis for a variance. Discussion took place and Board Attorney confirmed if the application was approved the approval would run with the land, and it would have a 12 ft rear yard setback.

The Chairman asked for a motion to approve the application. Shawn Denning made a motion to approve and Valerie Tate seconded the motion. Roll Call: (Ayes) Denning, Tate, Bruno, DeAlmeida, (No) Roskowski (Abstain ) Petrosilli.

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

Seeing none.

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

Next Regular Meeting September 19th, 2017

Motion to Adjourn

All in favor (Ayes)

Meeting Adjourned at 7:55pm

Respectfully Submitted,

Stephine Foberg

Board Secretary

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