

TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Minutes
Sept 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
Corliss, Thomas
DeAlmeida, Antonio
Higgins, Brian
Petrosilli, John
Roskowski, Raymond
Denning, Shawn – (arrived at 7:07pm)
Tate, Valerie

Absent:

Ron Bruno

Professionals:

Brian Rumpf & Jason Worth

MINUTES

The Chairman John Petrosilli asked for a motion to approve the Regular minutes of the meeting on August 17th 2017. Raymond Roskowski made a motion to approve and Antonio DeAlmeida seconded the motion. Roll Call: (Ayes) Roskowski, DeAlmeida, Tate Petrosilli

BILLS

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

CORRESPONDENCE:

Chairman acknowledged the NJ Planner July/August edition.

MATTERS OF THE BOARD:

None

BOARD COMMENTS:

None

RESOLUTIONS:

- a. Resolution No. 2017-03-BA Rosemary Varela
75 Strathmere St Block 57.04 Lot 137, Rear yard setback.

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

OLD BUSINESS:

None

NEW BUSINESS:

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

Chairman called the applicant to the stand. Richard Vistosky attorney for Richard & Eileen Siegel came forward. Richard gave history on the ownership of the property and gave a brief description of the project.

Mr. Vistosky stated due to the water on one side and the marina on the other, they could not buy any additional property to bring the property into compliance. He did offer to sell the property to the adjacent landowners. He introduced the engineer for the project, James Giardino with Tech Engineering & Malcom Burton the architect.

Applicant stated he did not receive a copy of the engineering letter. Engineer confirmed it was sent out August 17th, 2017.

Peter Luzzi, attorney for Water Realty stepped forward to object the application. The stated they were given the opportunity to purchase the property but they did not agree with the appraisal, and were not given enough time to obtain their own appraisal to counter the offer.

Brian Rumpf Board Attorney gave testimony on how the fair market value of the property plays an important role in the board decision to grant/deny a variance and gave the board options on how to proceed.

Mr. Vistosky explained that the appraisal was done based on an approval for a variance according to NJ case law. He stated he did not receive any formal objections from the Mr. Luzzi attorney until now.

Discussion took place on whether or not to proceed in hearing the application. The Mr. Luzzi requested 30 days to obtain their own appraisal. Mr. Vislosky noted the tax value of the property is currently \$120,000 and the offer of \$70,000.00 was not unreasonable.

Brian Higgins suggested the board hear the application. Shawn Denning agreed.

Board Attorney stated the value of the property is an important piece of evidence in the case, and should be considered.

Discussion took place on the timeline of the initial offer to purchase the property between the two parties.

Board agreed to allow the opposing party time to obtain their own appraisal.

Chairman asked for a motion to carry the application with a 30 day time limit. Appraisal is to be submitted to the board, with a summary if any 5 days before the next meeting.

Raymond Roskowski made a motion to carry the application, Brian Higgins seconded the motion. (Ayes) Roskowski, Higgins, Anderson, Corliss, DeAlmeida, Denning, Petrosilli.

Docket # 02-17-BA, Divine Interventions LLC Route 9, Block 62 Lot 3.02 & 3.03. Commercial, D Variance – Change of use.

Chairman called the applicant to the stand. Tina Vicary attorney for the applicant stepped forward.

Tina stated they provided a traffic report to the board engineer. Jason Worth confirmed he did not receive it. She also stated there are no bulk variances on this application but they are going for site plan approval with the change of use.

Tina Vicary introduced Gram Mcfarland with PDS He is the project manager. Mr. Mcfarland was sworn in by the board attorney, and provided some professional back round on himself.

Exhibits were marked in as A-1 through A- 7 which were the aerial display and site plans. Mr. Mcfarland gave a description of each exhibit.

Mrs. Vicary went over the engineering letter from T & M. They stated they will be providing public water & sewer to the property.

Board Engineer clarified that the exhibit only showed phase 1 of 2 of the project. Mr. Mcfarland confirmed that was correct. They also confirmed comply with T & M request for soil logs in regards to the seasonal water table.

Discussion took place on the parking for the property. Applicant had no issues with limiting the trucks to the Trucks to the site to no more than 26ft. They also confirmed there is no outdoor storage of any type, and no storage of boats, jets, or recreational vehicles.

Discussion took place on the landscaping plan, specifically the tress along route 9. Applicant requested a Design waiver for the landscaping in the rear of the property. Applicant also felt they did not need the burmming in the front of the property, and would like straight trees and hedges. They also noted they would be willing to work with any suggestions from T & M.

Discussion took place on the proposed fencing. Applicant proposed a 6ft high aluminum fence in the rear of the property.

Discussion took place on the enclosure for the garbage area. They also proposed a bench and a bike rack. They explained the project was designed to match the Town Center.

Discussion took place on the lighting plan. They would like architectural designed lighting fixtures as they would be more aesthetically pleasing. Applicant would provide security lighting as well. Applicant would only maintain the security lights after closing.

Applicant stated the key cards to access the site would be denied after a certain hour to control customers from entering 24 hours a day.

Signage is not proposed at this time. Signage will meet ordinance or the applicant will return to the board to seek approval.

Applicant called their traffic expert to the Scott Kennel to the stand. He was sworn in by the board attorney. He provided the board with his professional background.

Scott provided testimony on the traffic report he conducted on February 16th 2017. Board did not have the report at the time of the hearing, copies will be forwarded for the next meeting. Per his traffic study he determined the site would have a low impact to the area during the peak hours of the day. Scott explained the traffic path of the proposed site. He stated they would also apply for a DOT permit for the site. Discussion took place on the curb return, ordinance requires 30 feet and the applicant is proposing 15 ft. The applicant is proposing a curb opening of 60 ft. Applicant will request approval for DOT from this as well. They feel their design will provide a bigger turning radius, and safe and efficient movements.

Discussion took place on the 24 ft lane in the back of the property. The loading zone would be 12 ft. Travel lane would be 12 ft wide with a one way flow. Discussion took place on the time the traffic study was completed. Board voiced their concerns that the traffic study was done during the winter not during the summer when the area is more congested.

Discussion took place on the placement of the driveway. The driveway would be 300 ft south of the Seminole intersection.

Discussion took place on the turning radius for emergency vehicles. Discussion also took place on the number of parking spaces for the number of units proposed.

Discussion took place again on the impact on Route 9 traffic during the summer months. Applicant stated they felt the impact would be minimal.

Applicant called Victoria Rehrer to the stand. She was sworn in by the Board Attorney, and gave professional background in herself. She explained she visited other storage facilities in the area, and gave statistics on the amount of times people visit their storage units. Victoria stated the hours would be 7am to 10am, access would be denied after 10pm. An employee would be onsite from 8am to 5pm.

Applicant stated they would not allow overnight parking of boats, Jet Ski's etc on the site anywhere. Box trucks over 26 ft would not be allowed be contract.

Applicant felt the noise impact would be minimal if any. Applicant also stated it would not be a construction workhouse. Security cameras will be installed, as well as private garbage removal. Garbage enclosure would be locked to prevent customers from dumping their garbage.

Discussion took place on the auction of storage units, specifically the parking. Site does not have sufficient parking for an onsite action. Applicant stated they would need to look into the requirements for these auctions. Applicant stated if the auctions had to be done onsite they would make arrangements with emergency personal and the Township.

Applicant called Endy Racv to the stand, he was sworn in by the board attorney, and provided professional back round on himself. Mr. Racv is the builder for the proposed project, he provided testimony on different ways to have an onsite auction such as offsite bussing, and renting space from other venues in the area. He stated he is a contractor that visits his unit twice a week to load/unload construction equipment.

Discussion took place on the type of people that would be renting the units, such as homeowners, and business owners who need more space during transitional moves.

Discussion took place on the size of the bottom units, and the concern contractors would be working out of them. Applicant stated no vehicles would be permitted to be stored inside or outside the units.

Applicant called her architect to the stand, Flavio Riva he was sworn in by the board attorney. Exhibit A-5 through A-10 were marked in. Mr. Riva gave a brief description of the project/exhibits.

Mr. Riva states they are proposing 1 bathroom, the minimum code requirement. It would be centrally located within the building. They designed the building with windows, and manatar roofing to disguise any mechanical equipment and give the building a less box liker appearance. The building is designed with a nautical theme.

Board Engineer discussed the roof, ordinance requires a shingled look with subtle colors. Applicant explained they shingled the side of the building. Building height proposed was 35 ft to comply with the height ordinance. Ornamental lighting (acorn lighting). Lighting plan was not finalized yet, applicant stated they would work with the board/engineer to include requested lighting.

Applicant called Mr. Endy back to the stand to discuss the fire suppression system. He stated the walls between the units were metal, and no flammable material was used in between units to prevent fire from spreading. The suppression system for the upper units are not an active system as the units are not climate controlled. The lower units with climate control would have an active system. Each unit would have a sprinkler head/alarm per code requirements. Hallways would also have sprinkler heads.

Applicant called their planner to the stand. Thomas Thomas was sworn in by the board attorney and provided professional back round. Exhibit A-11 was marked in. Mr. Thomas provided testimony on the traffic flow for the neighboring businesses. He also provided testimony on the approved uses for the zone, and how this particular property with its width restrictions would not work for the approved uses in the zone.

Mr. Thomas provided testimony on the criteria of a use variance. He referred the Medici case in Middlesex County, and Larry Price vs Union City citing uses that were not permitted by ordinance but were suited to the individual property.

Mr. Thomas stated there will be conflicting lights, noises, or traffic to the adjacent areas, and would provide a general benefit to the people in the area. He stated this would be a low intensity use and would require little to no community services.

Board Engineer went over the 3 additional uses not mentioned earlier. Mr. Thomas stated those uses were also not applicable to the property in question.

Board Engineer summarized their letter. Applicant answered concerns in regards to number of units, hours of operation, storm water & soil management, loading docks area & traffic patterns.

Board Engineer requested more info on the landscaping in front and sides of building to better meet the ordinance. Applicant is seeking a design waiver for the rear of the property. Applicant stated they have no issues working with engineering on the landscaping.

Discussion took place on width entry and turning radius being 30 ft as opposed to 15 ft. Applicant is not proposing any acceleration or de-acceleration lanes. Applicant stated they are willing to meet with fire officials to discuss the access for emergency personal. And have the traffic report updated to reflect summer traffic patterns. They also stated if auctions do not have to be held onsite they would not be.

Discussion took place on the access to the restroom after employees leave for the night. They will reconfigure the restroom to allow access from both the office and common areas. Applicant also stated the access elevator would be large enough to allow access for a stretcher if needed.

Discussion took place on the roofing, and ways to make is appear smaller.

Discussion took place on where storm water was to go. Applicant stated it would be directed away from Route 9.

Discussion took place on the use of the office. Applicant confirmed with would also be used to provide retail services to the customers, such as shipping materials etc. Electrical outlets would not be inside the units but would be in the common areas as required by code. Applicant confirmed the police department would have a 24 hour access code. Applicant confirmed they would not provide any type of trucking/moving services. At this time no solar is proposed for the roof, and all mechanical units would be on the roof. Lighting would be on timers throughout the building/site.

Chairman opened the application to the public.

Seeing none – closed to the public.

Chairman opened the application for a motion.

Chairman made a motion to deny the application. Sean Denning seconded the motion.

Board Attorney went over the motion requirements for a D Variance approval.

Roll call was interrupted by the applicant requesting to bring the building down to 2 stories.

Roll Call for the motion to deny (ayes) Petrosilli, (no) Denning, Anderson, Corliss, DeAlmeida, Higgins, Roskowski

Discussion took place on the changes to lower the building down to two stories. Applicant agreed to come back to the board with revised plans.

Application will be carried to the next meeting pending new building design.

Chairman made a motion to carry the application. Sean Denning made a motion and Thomas Corliss seconded the motion. (ayes) Denning, Corliss, Anderson, DeAlmeida, Higgins, Roskowski, Petrosilli

OPEN TO THE PUBLIC FOR GENERAL COMMENTS:

Seeing none.

CLOSED TO THE PUBLIC FOR GENERAL COMMENTS:

Next Regular Meeting October 19th, 2017
Motion to Adjourn
All in favor (Ayes)
Meeting Adjourned at 9:46pm

Respectfully Submitted,
Stephine Foberg
Board Secretary
SF