

TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Minutes
April 18th 2019
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:

Bruno, Ron
Calavano, Anthony
Corliss, Thomas
Dawes, Ralph
Higgins, Brian
Petrosilli, John
Raymond Roskowski
Zuzic, Kelly

Absent:

Bonnetti, David

Professionals:

Debra Rumpf & Jason Worth

MINUTES

The Chairman John Petrosilli asked for a motion to approve the minutes of the meeting on March 21st 2019 Brian Higgins made a motion seconded by Thomas Corliss. Roll Call: (Ayes) Higgins, Corliss, Bruno, Dawes, Roskowski, Calavano, Petrosilli

BILLS

The Chairman John Petrosilli asked for a motion to approve the bills. Brian Higgins made a motion seconded by Ron Bruno. Roll Call: (Ayes) Higgins, Bruno, Corliss, Dawes, Roskowski, Zuzic, Petrosilli

CORRESPONDENCES

None

BOARD COMMENTS:

None

RESOLUTIONS:

Resolution 2019-7-BA, Docket # 04-19-BA, 1 Shore Dr, Block 105 Lot 5, Susan Akroyd, Front & rear yard setback. Lot dept.

The Chairman John Petrosilli asked for a motion on the resolution. Ralph Dawes made a motion to approve seconded by Thomas Corliss Roll Call: (Ayes) Dawes, Corliss, Bruno, Calavano, Roskowski Petrosilli

OLD BUSINESS:

Docket # 10-18-BA, 29 Nautilus Rd, Block 96 Lot 37, Richard Krajunus,
Appeal the decision of the Administrating Officer, (Appeal a Substantial Damage Determination)

Applicant's attorney Christopher Reid requested an adjournment to be heard in May.

Board discussion took place, board felt adequate time was given to the applicant and applicant should have been ready to proceed.

Chairman asked for a motion on the application. Brian Higgins made a motion to deny the adjournment, and dismiss the application. Seconded by Ralph Dawes. Roll call (ayes) Higgins, Dawes, Bruno, Corliss, Roskowski, Zuzic, Petrosilli.

Request for adjournment was denied. Neither applicant nor his attorney were present to proceed. Application was dismissed without prejudice.

NEW BUSINESS:

Docket # 03-19-BA, 48 Main St, Block 221.02 lot 5.01, Crest Construction Group LLC, D Variance use variance, Bulk variances lot area, lot depth, lot coverage, front, rear, and side yard setback.

Chairman called applicant to the stand.

Richard P. Visotcky, Esq. of Kelly & Visotcky, LLC. He gave a brief description of the project, stating his client Ken Superak intended to continue to use the property as a contractor yard.

Frank Baer was sworn in as the applicants engineer to provide testimony.

Mr. Visotcky explained that they are proposing to put a security fence around the property, and a use variance as a contractor's office is not a permitted use in the BC zone.

Mr. Baer gave a description of the existing site, noting that the drive through on the existing building would be removed. He noted this property is undersized, and was previously in a C-2 zone. He also noted the current owner was approved for the use it is currently operation under before the zone was changed.

Photos of the site were marked in as A-1 through A-3 and passed around for board review.

Mr. Baer address the positive aspects to the application. They property would be cleaned and maintained. He feels the security fence would also deter people from entering the property. The only people onsite would be 2-3 employees. The other employees would be out on jobs during the day.

Mr. Baer also noted that the cut off for the C-1 zone is Main St. and this property would be zoned correctly across the street.

Mr. Baer stated they are proposing to install a double row of 8ft trees to serve as a sound barrier.

Jason Worth Board Engineer stated the prior approved use of a contractors office is not the same as the proposed use, as the applicant is proposing to store large heavy duty equipment and trucking.

Ron Bruno inquired on what time of vehicles would be stored onsite. Applicant stated they could have different types of vehicles including dump trucks.

Discussion took place on the current use of the property. The property has been vacant for many years.

Jason Worth explained that if the property was being used as an office for contractors it would be compliant, but with the heavy duty storage of vehicles, it would not be compliant.

Applicant stated no storage would be in the front of the property. Everything would be stored in the fence in section of the property.

Applicant stated there would be no major renovation to the building expect removing the drive through.

Discussion took place on the entrance to the site. Applicant feels the two way entrance would not interfere with traffic on Main St.

Discussion took place on the vegetation to the site. Flowers would be planted in the front for curb appeal.

Applicant is proposing to construct a dumpster enclosure, and have the waste removed from a hauler. Hours would be restricted for pick up.

Applicant stated the hours would be from 7am to dusk, they did not feel additional lighting was needed. No security lighting is proposed.

Applicant is proposing to use the existing signage, with a new base.

Applicant has submitted plans to the County for approval, but did not request approval from soils.

Discussion took place on the esthetics of the building. Kelly Zuzic does not feel the proposed use does not fit in with the neighborhood and feels a storage yard looks out of place.

Ken Superak testified that he is the current owner of Crest Construction. He has been in business over 10 years, and do a variety of construction and maintenance work. His office is currently in Route 9 in Barnegat.

Ken Superak stated there are 4 trucks at his current location overnight, the rest go home with the employees. Trucks range from mid to heavy duty trucks. He stated his heavy equipment is stored at another location.

Brian Higgins inquired on the number of trucks Ken would like approval for. Board asked for a number of trucks & equipment, Ken stated he would like approval for 12.

Ken stated he did not want to limit himself on the amount of vehicles he could have and would be ok limiting the weight to 33,000 pounds.

Brian Higgins inquired on snowplowing operations. Ken stated he does do snowplowing but would be ok with limiting the snow plowing hours, and does not store salt onsite. Ken stated he does not store fuel onsite. Ken does not feel he can limit the storage area to a specific spot, nor the type or amount of materials because it varies from job to job. Ken stated he does not bulk store materials, and buys them as needed.

Ralph Dawes inquired about the lighting, he felt it was not realistic to assume all his operations would cease at dusk, and had concerns on large equipment being operated after hours without proper lighting. Ken felt no additional lighting was needed.

Raymond Roskowski inquired on the maintenance of the vehicles. Ken stated no maintenance would be performed onsite.

Jason Worth went over their review letter. He confirmed the applicant would like approval for 12 medium duty trucks. A backhoe or other equipment would be included in the 12.

Jason Worth confirmed he would like the hours to be 7am to 5pm, it was also confirmed no snowplowing operations would take place there. Ken stated he may store a plow there to use during business hours.

Brian Higgins inquired on how someone could run a snow plowing business during business hours when it snows overnight and it was unrealistic to say the applicant can run snowplowing operations between 7am and 5pm.

Jason Worth confirmed no maintenance work would be performed onsite.

Jason worth inquired on the surface of the storage area. Grass is not sufficient to house equipment and trucks as waste will leak through into the ground. He inquired on creating a specific area for storage.

Applicant stated they could install stone. Jason Worth inquired on what the applicant would do with the runoff on Westcott, applicant did not have any plans for this.

Jason Worth inquired on how emergency vehicles would enter & exit the site. Applicant would install a gate in the fence to allow access. Dumpster pick up would have to go through the site as you would not be able to turn around. Applicant stated he would limit pickup to during the day.

Mr. Baer stated both entrances on Main St would go in, the exit would be on Westcott.

Jason Worth discussed the vegetation plan, he recommend 8 ft arborvitaes double row along the chain link fence.

Jason Worth confirmed no additional lighting or signage is proposed.

Jason Worth asked for testimony showing the use would not cause a detriment to existing properties. Mr. Baer did not feel it would negatively affect the neighborhood or zoning plan as it was already being used as a contractor office.

Debra Rumpf inquired on number of employees. Ken would estimate it to be at 6 onsite and up to 15 offsite.

Chairman opened the meeting to the public.

Open to the public

Brian Sullivan of 6 Westcott stepped forward. He inquired on whether or not the prior owner was approved for the equipment the applicant is proposing. Jason Worth confirmed the old use was not to the extent of the new proposal. He also pointed out the applicant s would like the hours of operation from dawn till dusk,. Yet in the summer dusk is almost 9pm. He also questioned the number of employees. 6 would be in their personal vehicles in the lot. Brian did not feel the buffer zone proposed was sufficient for noise, he was also concerned with the safety of the children that play in the neighborhood.

Robert Dege – current owner of 48 Main St stepped forward. He stated he was in compliance with the prior approvals in 2000 and was never limited to the number of vehicles/equipment onsite. Most of his storage was inside and on the left side of the building. Jason Worth clarified this was an expansion of the approved use.

Justin Pimm of 111 Marine stepped forward. He was concerned with the testimony provided by the applicant. He felt it was inconsistent and did not fit in well with the neighborhood. Justin questioned the fencing, Jason Worth confirmed it met the setback. He also stated he has seen flatbed trucks and heavy duty equipment coming out of the current applicant's location.

Debra Love of 9 Westcott stepped forward. She did not feel comfortable with large trucks existing on Westcott. She also stated there is a bus stop at the proposed exist and it is a safety concern.

John Hall of 77 Main St forward. He did not like the idea of the project. He felt it would interfere with traffic and the heavy trucks/equipment would interfere with the integrity of the bridge. He stated other neighbors who were not present disagreed with the application.

Valerie Tate of 32 Clearwater Dr. She felt this was a safety concern with all of the kids in the neighborhood and felt the testimony provided by the applicant was inconsistent.

Dan Collamer of 24 Bay Parkway stepped forward. He stated that while he is a full supporter of small business he did not agree with the proposed use. He felt a site plan was needed, and that if approved no site plan means there would be no mechanism to enforce the approval. Jason Worth confirmed they did submit a site plan. Dan stated the applicant might have been a bit overzealous and in his opinion is agreeing to limits that were not suitable to his business.

Christine Bozart of 8 Westcott stepped forward. She stated she also felt this was a safety concern for the children in the neighborhood. She also has drainage questions. She stated the water drains to her property and there was no plan in place for this. Christine also stated she looked at the applicants website, and they appear to do major construction projects and was not consistent with what was proposed.

Edward Bozart of 8 Westcott stepped forward. He felt a construction yard did not fit in with the neighborhood.

Daniel Collamer of 24 Dogwood Lane stepped forward. He stated he has worked for several construction companies, and the hours of operation proposed were not realistic. He expressed concern for the noise and safety of the neighborhood children. He feels this would be better suited for Route 9.

Mr. Visotcky noted this was an expansion of a prior approved use.

Chairman asked for a motion on the application. Brian Higgins made a motion to deny, seconded by Kelly Zuzic. Roll Call: Higgins, Zuzic, Bruno, Corliss, Dawes, Roskowski, Petrosilli

Board noted they feel it is a detriment to the existing neighborhood.

Application is denied.

Docket # 05-19-BA, 40 Bay Parkway, Block 76 lot 22, Robert Lange, Lot size & front yard setback

Chairman called the applicant to the stand.

Robert Lang was sworn in by the board attorney, he gave a description of his proposed project. He would like to build a NSFD on an undersized lot. He stated the prior home was removed and he was unsure of how/who demo'd the house.

Robert Lange submitted letters to the board, marked in as A-1 & A-2. They were buy/sell letters to the adjoining neighbors. Neither neighbor wished to buy/sell land to make the property conforming.

Jason Worth went over his review letter. He noted the lot is undersized, and needs a minor setback variance.

Robert Lange stated this would be a primary residence for a family, he also noted that all of the neighboring lots are also undersized due to a zoning change many years back, after the area was built. He stated it is an older neighborhood in town. He feels the proposed home will fit in with the neighborhood. He also noted the driveway is proposed on the less busy side on Chestnut. A grading plan was also submitted and was in compliance per Jason Worth.

OPEN TO THE PUBLIC

Seeing none

CLOSED TO THE PUBLIC

Chairman asked for a motion on the application. Brian Higgins made a motion to deny, seconded by Kelly Zuzic. Roll Call: Higgins, Zuzic, Bruno, Corliss, Dawes, Roskowski, Petrosilli

Application is approved.

OPEN TO THE PUBLIC
Seeing none
CLOSED TO THE PUBLIC

OPEN TO THE PUBLIC FOR GENERAL COMMENTS:

Seeing none

CLOSED TO THE PUBLIC FOR GENERAL COMMENTS:

MATTERS OF THE BOARD:

Discussion took place on the timeliness of the packets. Mrs. Rumpf apologized for the resolutions being sent in later than normal.

Brian Higgins expressed concern with the amount of time they had to review the packets due to them being released late. It was discussed that in the future applications will be handed the Friday before, even if they are incomplete to ensure the board has adequate time to review and make site inspections.

Discussion took place on cell tower applications article in the NJ planner. New time constraints were being implicated. Board Engineer suggested the board read up on the requirements.

Next Regular Meeting May 16th 2019
Motion to Adjourn
All in favor (Ayes)
Meeting Adjourned at 8:40pm

Respectfully Submitted,
Stephine Capaccio
Board Secretary
SC