

**TOWNSHIP OF OCEAN**  
**Zoning Board of Adjustment**  
**6:00 P.M.**  
**April 18, 2024**

6:00 P.M.

**CALL MEETING TO ORDER**

**FLAG SALUTE**

**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 of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

**CHAIRMAN'S STATEMENT:** This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

**ROLL CALL**

***Members Present***

David Bonnetti  
Thomas Corliss Jr.  
Anthony DeCondo  
Carmine Guiga  
Kevin Hartnett  
John Panebianco  
Anthony Pellegrino  
Raymond Roskowski  
Larry Saunders

***Professionals***

Debra Rumpf, Rumpf Law  
Jason Worth, T & M Associates

**APPROVAL OF MINUTES:**

February 15, 2024 Regular Meeting Minutes.  
Mr. Saunders motioned to approve, second by Mr. Pellegrino.

**Roll Call**

Mr. Corliss – Yes  
Mr. DeCondo – Yes  
Mr. Panebianco – Yes  
Mr. Pellegrino – Yes  
Mr. Saunders – Yes  
Mr. Pellegrino – Yes  
Mr. Panebianco – Yes

**APPROVAL OF BILLS**

Mr. Corliss motioned to approve, seconded by Mr. Saunders.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. DeCondo – Yes  
Mr. Guiga – Yes  
Mr. Hartnett – Yes  
Mr. Roskowski – Yes  
Mr. Saunders – Yes  
Mr. Pellegrino – Yes  
Mr. Panebianco – Yes

**CORRESPONDENCE:** NONE

**RESOLUTIONS:** NONE

**OLD BUSINESS:** NONE

**NEW BUSINESS:**

- a.) **Docket No. 11-23-BA**
  - Spiros Vlahos**
  - 10 Privateer Drive**
  - Block 95.01, Lot 1.18**
  - (d) Height Variance**

Michael York of Novis, York, Jacobus & Dooley steps forward to represent Mr. Vlahos. Mr. York stated that Mr. Vlahos is present to testify along with his engineer and architect. Mr. Spiros Vlahos is sworn in by board attorney, Debra Rumpf. Mr. York began to ask the applicant questions about the property. Mr. Vlahos stated he has owned 10 Privateer Drive since 2011. Mr. York inquired about the status of the house when he purchased the property. Mr. Vlahos stated he purchased the property from the bank with a partner and at the time it had broken windows.

Mr. York made an OPRA request where he obtained copies of construction documents – entered in as Exhibit A1 and A2. Exhibit A1 is a construction permit application for applicant Spiros Vlahos to “demo vandalized area of existing home, complete construction of home.” Exhibit A2 is a UCC New Jersey Construction Permit dated 2005 by applicant 10 Privateer LLC for the construction of a New Single-Family Dwelling. Mr. York opened the floor for questions from the board where Chairman Panebianco noted that he has walked the property on a number of occasions and noted that the house was not boarded and in terrible condition and inquired on the structural integrity of the home. Mr. Vlahos advised he did have a structural engineer and can provide a report of their findings.

The applicants’ architect, Frank LoDolce, is sworn in. Exhibit A3 is entered at this time, renderings of the architectural drawings. The architect verifies that he, along with the structural engineer, did a walk-through of the home certifying the integrity but needs to get the house weather-tight to eliminate any further deterioration of the structure. Mr. LoDolce stated that he believes the variance for height needed will be significantly less than the current 10.21 ft. required at this time depending on where the measurements are taken from/to but would differ to the civil engineer for clarification on this.

Jason Worth opened discussion with Mr. LoDolce regarding his review letter. Mr. Worth advised that the height is measured from the local design flood elevation, which is elevation 11 in this case, which would in turn allow for 32’

Board of Adjustment  
Meeting Minutes from April 18, 2024

height in the special flood hazard zone for a total height of 43' measured to the mean roof height. Mr. Worth elaborated to explain that the cupola is 6.21' above the local design flood which triggers the d6 variance which is for the maximum height exceeding 10%.

The applicants' engineer, Shri J. Kotdawala, is sworn in. Mr. Kotdawala explains that he agrees with Mr. Worth's calculations of the height where 32' is permitted and the structure is at 38.21' exceeding the allowable height by 6.21'. Mr. LoDolce elaborates that there is no habitable space in the third-floor cupola, it is simply a staircase with a hallway leading to an observation deck. Mr. Kotdawala stated that he has checked that no new application is required from the DEP due to substantial completion of the project, however an application has been made to Ocean County Soils for the re-disturbance of the site. Mr. Worth questioned the validity of not needing any new DEP approvals or clarification wetlands limits where Mr. Kotdawala states that due to the substantial completion of the project, no DEP permits are required unless any changes to the footprint (decks, pool, driveway etc.) are made. Mr. Kotdawala testified that should a DEP permit be required the applicant would seek and be granted same before any building permit be issued.

Mr. Worth also sought clarification on the number of bedrooms as it relates to parking. Mr. LoDolce advises that the applicant is proposing a four (4) bedroom house where three (3) parking spaces are required. Mr. Worth also asked for testimony for the suitability for the increase in height. Mr. Kotdawala and Mr. LoDolce advised that the main cause would be the current aesthetic and not to add any additional structural stress to make a flat roof in the cupola area. Mr. Worth also questioned if the negative criteria to the public good where Mr. Kotdawala advised that the completion of the project would help the neighborhood so it would be an improvement of the current conditions. Chairman Panebianco asked about the expiration of the previous permits where Mr. Worth stated they would have expired with the sunset of the Permit Extension Act in June of 2018. Chairman Panebianco also asked for clarification for fire suppression efforts, should they be needed, with the structure exceeding the height limitation set forth by the municipality. Attorney Rumpf asked for clarification that the lower garage level is only for storage, parking etc. where the applicant, along with his professionals acknowledge that the lower level is not for living spaces and should be designed with breakaway walls.

**OPEN TO THE PUBLIC:**

Mr. Pellegrino opened public comment.

Evelyn Kalendek – 11 Privateer Drive

Opposed to the variance. Mr. Worth elaborated after her testimony that the application before the board is only to allow for the height – all other prior approvals and construction applications must be made and approved before starting any work.

Kevin Kalendek – 11 Privateer Drive

Opposed to the variance request.

Nathaniel Green – 13 Privateer Drive

Opposed to the variance request.

John O'Donohue – 3 Privateer Drive

Opposed to the variance request.

Rich Rafferty – 5 Privateer Drive

Opposed to the variance request.

Michael J. O'Malley – 9 Privateer Drive

Opposed to the variance request.

**CLOSE TO THE PUBLIC:**

Mr. Panebianco closed public comment.

**MOTION TO APPROVE:**

Mr. Panebianco motioned to approve with the requirement of providing a Letter No Intent from DEP, CARFA, Flood Hazard and all other agencies involved, seconded by Mr. Bonnetti.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. DeCondo – Yes  
Mr. Guiga – Yes  
Mr. Hartnett – No  
Mr. Roskowski – Yes  
Mr. Saunders – Yes  
Mr. Pellegrino – No  
Mr. Panebianco – Yes

**b.) Docket No. 01-24-BA**

**Jim Bennett  
11 Jones Road  
Block 20, Lot 2  
Bulk Variance**

Mr. Jim Bennett steps forward and is sworn in by Attorney Rumpf. Mr. Bennett explains that he is proposing to build a pole barn in the backyard with a 16' wall height where 12' wall height is required due to the fact that a 14' door is needed for the 13.6' camper to be stored in the building.

Mr. Worth opened discussion regarding his review letter. Mr. Worth asked for clarification regarding the multiple doors on the pole barn where Mr. Bennett explained he is simply looking to keep the building uniform and have extra space for storage. Mr. Bennett also testified that he is not operating any business out the barn. Attorney Rumpf asked about any tree removal for the pole barn and if any electricity will be installed where Mr. Bennett advised he does have trees to remove for the space for the barn and he will be adding electric for lighting and to power the garage doors. Chairman Panebianco questioned if any bathrooms, waste or water will be installed in the barn where Mr. Bennett advised not. The overall grading plan of the property will not be changing. Mr. Bennett testified that the barn placement is where it is proposed so he has space to back the trailer into the barn. Chairman Panebianco questioned if the well or septic would be hindered with the proposed barn where Mr. Bennett advised that both are on the opposite side of the property.

**OPEN TO THE PUBLIC:**

Chairman Panebianco opened public comment.

No one came forward.

**CLOSE TO THE PUBLIC:**

Chairman Panebianco closed public comment.

**MOTION TO APPROVE:**

Mr. Pellegrino motioned to approve, seconded by Mr. Hartnett.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. DeCondo – Yes  
Mr. Guiga – Yes  
Mr. Hartnett – Yes  
Mr. Roskowski – Yes  
Mr. Saunders – Yes  
Mr. Pellegrino – Yes  
Mr. Panebianco – Yes

**c.) Docket No. 17-23-BA  
Waretown Storage LLC  
325 – 333 Route 9  
Block 62, Lot 3.02 & 3.03  
Bulk Variance**

A motion to carry Docket No. 17-23-BA to May 16, 2024 meeting.

**MOTION TO CARRY:**

Mr. Pellegrino motioned to carry, seconded by Mr. Hartnett.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. DeCondo – Yes  
Mr. Guiga – Yes  
Mr. Hartnett – Yes  
Mr. Roskowski – Yes  
Mr. Saunders – Yes  
Mr. Pellegrino – Yes  
Mr. Panebianco – Yes

**MOTION TO ADJOURN:**

Mr. Pellegrino motioned to close, seconded by Mr. Bonnetti. All in favor.

**MEETING ADJOURNED AT 7:11 PM**

Diane Ambrosio  
Board Secretary

Prepared by: Jessica Napolitano