

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
May 1, 2008

Meeting began at 7:35 PM

Pledge of Allegiance

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, sending copies of the notice of the meeting properly provided adequate notice of the meeting to the Times-Beacon and the Atlantic City Press. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Ocean Township Planning Board was held on the above date and time; Chairman Anepete presided and called the meeting to order.

ROLL CALL

Members Present:	Vincent Anepete	Lee Eagles	James Eckert
	Ralph Avellino	Dennis Tredy	Robert Knowles
	Richard Reilly	Craig James	Daniel VanPelt

Members Absent: Gordon VonSchmidt, Rita Sweeney

Chairman Anepete asked for a motion to approve the minutes of the April 3, 2008 regular meeting. Dennis Tredy made a motion to approve. Richard Reilly seconded the motion. All in favor: (aye) Tredy, Reilly, Avellino, Eckert, Knowles, VanPelt, James, Anepete.

*Mr. VanPelt asked for a correction on the minutes that he stepped down before the Gan's Application was heard at last months meeting. On the recommendation with the covering board attorney, Jerry Landers, he was advised to step down. It was not announced by the secretary.

Chairman Anepete asked for a motion to approve the vouchers. Dennis Tredy made a motion to approve. Richard Reilly seconded the motion. All in favor: (aye) Tredy, Reilly, Avellino, Eckert, Knowles, VanPelt, James, Anepete.

Chairman Anepete noted that the correspondence was available at the office for review.

**Please note, the minutes of April 3, 2008 were checked by the secretary and they do in fact reflect Mr. VanPelt stepping down before the Gan's time extension request was heard, however it was not announced during the meeting.*

The Board reviewed Ken Mosca's email regarding attendance at Redevelopment Committee meetings. The board had four volunteers (Mr. Eagles, Mr. Avellino, Mr. Tredy and the Chairman) to attend Redevelopment meetings on a regular basis. The meetings are currently random, but will probably begin meeting on a more regular basis. Diane Ambrosio, Committee Secretary, will notify Beth Laramee when meetings will be and she will contact the four volunteers.

Chairman Anepete asked for a motion to approve the voucher list. Dennis Tredy made a motion to approve and Ralph Avellino seconded. All in favor: (aye) Tredy, Avellino, Eckert, Knowles, Reilly, VanPelt, Eagles, Anepete.

Letter from T&M Associates to the Redevelopment Entity regarding Ofer Malchi Retail Stores, Block 64, Lot 7. Laurie Clune had forwarded this letter onto the Planning Board for their information.

BOARD COMMENTS

The Board discussed the Environmental Commission meeting with Les and Andy Alpaugh of foresTree. Wayne McVicar attended this meeting. Stafford ordinance was discussed. Mr. McVicar handed out a synopsis of all the landscape/tree ordinances and asked the board to review and discuss at the next meeting. Chapter 12.12 – our tree and shrub ordinance which may or may not be comparable to Stafford's ordinance. We may want to revise this with sections from Stafford's ordinance, or possibly replace it entirely. Mr. Tredy brought to the attention of the board that based on the Environmental Commission minutes; they also feel that a permit should not be required for taking down a single tree on a developed lot. Mr. McVicar pointed out that our ordinance, Chapter 12 currently reads "any" tree, so that is something that would have to be addressed and changed.

Ordinance 2008-12 was discussed by the board. Mr. VanPelt explained that this zone was created essentially as a buffer to the Town Center. It comprises roughly 1250 acres. It wraps around the entire municipality. The EC Zone is a Planning Area Five which allows no sewer. It was designed to concentrate higher density development in the Town Center. Zoning currently is one hour per 20 acres. There is no water or sewer there either.

OLD BUSINESS

Approval of Resolution No 12-08-PB Gan's Tree Service, Docket No. 17-01-PB, Block 195, Lot 17 Time Extension Request. James Eckert made a motion to approve, seconded by Bob Knowles. Roll call: (aye) Eckert, Knowles, James.

Approval of Resolution No 13-08-PB amending Chapter 18.020.080 of the Codified Ordinances of the Township of Ocean, with respect to Zoning. Ordinance No. 2008-13.

Motion made to approve the resolution by Dennis Tredy, seconded by Ralph Avellino. Roll call: (ayes) Tredy, Avellino, Reilly, James, Anepete.

Approval of Resolution No 14-08-PB amending Chapter 18.46 of the Codified Ordinances of the Township of Ocean, with respect to Accessory Buildings and Uses. Ordinance No 2008-11. Motion was made to approve the resolution by Dennis Tredy, seconded by Ralph Avellino. Roll call: (ayes) Tredy, Avellino, Eckert, Knowles, James, Anepete.

NEW BUSINESS

Docket No. 01-08-PB, Gary Schurig, Block 90, Lots 10 and 13.01, 9 Capstan Road, Minor Subdivision.

Michael Butler, with Mason, Griffin and Pierson, counsel for the applicant spoke. This is a subdivision, lot-line application. The non-conforming lot will be made larger. Two variances are also requested. Those variances include lot area and lot width. There are also two other variances requested. One has to do with a set-back on the bulkhead and one is a side-yard setback concerning the 40-year-old patio on the smaller lot.

Mr. Yost stated for the record that we do not have a Dallmeyer vs. Lacey Township situation because the Schurig's are not creating an undersized lot by the application, it already exists, and it will be made a little bit bigger and not smaller.

Mr. Bruce Jacobs, Engineer of Gravatt Consulting was sworn in. About four years ago, we came before the Board to create the larger lot by consolidating a variety of smaller lots. Now we are here to readjust the lot line to make the Lot 10 or new 10.01 a little more conforming. Currently asking for a variance of the lot area. The existing is 4,992 SF and we're proposing a lot of 5,324 SF. An increase of just over 300 feet. 12,500 is required. We are also requesting a lot width variance 52.19 feet is existing increasing it by almost a foot to 58.18 feet. 80 feet is required. Two other variances have to do with the existing dwelling on Lot 13.01 in which they built the pavers all the way to the bulkhead. The ordinance requires 10 feet off. On the side, it supposed to be 5 feet off the side property line and the brick pavers encroach approximately 2 inches. The owner of Lot 10 is proposing to take down the existing house and would like to have two side property lines parallel with each other which allows for a better placement of a new house. The proposed dwelling would be approximately 43 ft deep by 30 ft wide with a 10 ft porch on the back. Most of the lots in this area are 50 ft wide and most are around 5,000 SF. It would be consistent with the neighborhood.

Mr. McVicar offered that he sits on different boards for different towns and in the past he would generate a letter deeming an application complete and then it discussion would take place and public hearing at one meeting. In other towns, there is a separate step process where an application would be formally deemed complete at one meeting and then public hearing for review of the application would be done at a follow-up meeting.

Regarding the Schurig application, Mr. McVicar went through his review letter with the board where he deemed this application complete dated April 4, 2008.

Discussion took place regarding the new proposed dwelling. An architectural drawing was displayed for the board to review. All elevations were pointed out by Mr. Jacobs. Mr. Tredy asked a question to Mr. Yost regarding building on an under-sized lot; they have requirements that they have to try to acquire property to the left or to the right. Mr. Yost referred again to the Dallmeyer vs. Lacey Township case. If you are creating an undersized lot, there is an obligation to attempt to avoid that by causing an applicant to make an offer to purchase adjoining lots in order to bring the lot of the subject matter into conformity before you can ask the board for a variance to build on an undersized lot. What we have here is different. It is a lot that is already undersized and in fact, they are actually going to make it a little bit bigger. They are not creating a non-conforming lot. No bulk variances will be created when they tear down and build the new house. There are houses on both sides. Mr. Tredy stated that one of the requirements that have always been is that they prove that they tried to get additional property to make that undersized no longer undersized, any lot vacant or not vacant you have to attempt to make it conform. He got some property off the people on one side, but not the other. Mr. Jacobs stated that the other adjoining lot is built on and also an undersized lot.

Mr. VanPelt asked to clarify that there are two separate owners? Mr. Butler confirmed that they are two separate owners. Mr. VanPelt said if you took the house down and it was vacant how could you not consolidate, but since there are two separate owners, that wouldn't apply. Mr. VanPelt went on to sum up the application. There is a house there now; it's an undersized lot, its still going to be an undersized lot, with a bigger house on it.

Mr. Anepete asked why not take enough to make it a full-size lot? The answer was because then it would be pushing up on their driveway.

Mr. VanPelt stated that these are 5,000 SF lots from the 1930's. Mr. Anepete stated that this new house is consistent with the other houses in the neighborhood, they are typically that size. The new house would be an improvement to the neighborhood.

Mr. McVicar pointed out that the situation is if this lot existed as it is now, with the house on it that is now and the applicant wanted to tear down and put up the house that is proposed here, would he be required to come before the Zoning Board?

Mr. Tredy answered, "Yes he would".

Mr. McVicar stated, I don't believe he would. Because not if he's within all the allowable set-backs and doesn't exceed lot coverage, then basically the situation is it's a time issue. The board discussed the existing building envelope and whether 50% of the structure would need to remain. Mr. Yost felt that Mr. McVicar's recollection of the ordinance is accurate.

Mr. VanPelt asked if we were giving the applicant the 332 SF or not? The house is irrelevant.

Mr. Reilly asked a question based on the conversation was the notification to the surrounding resident's sufficient?

Mr. Butler stated that yes everyone was notified.

Chairman Anepete opened the meeting to the public.

OPEN TO THE PUBLIC

Richard Roytos, 28 Capstan Road approached and was sworn in, possibly Lot 7. His comment was this house would be an improvement to the neighborhood. He can't see anything in the application that would be detrimental to the area. I am not in the 200 foot range. I am on the water on the opposite side of the street.

CLOSED TO THE PUBLIC

Mr. VanPelt said that he shares Mr. Tredy's frustration but unfortunately this is the character of this portion of the municipality. I suspect the reason why there are no adjacent property owners here is it's going to be an improvement that translates into their property value. It's an improvement to the street.

Mr. Avellino stated he would have liked to have seen what the house looked like from square one, that whole area has been tear-downs and rebuilds. This is nothing new to the area. It's a shame he couldn't get more of an addition to the lot than what he is getting, but anything is better than nothing.

Chairman Anepete for a motion to approve. Mr. Knowles made a motion to approve the application, Mr. Eckert seconded the motion. All in favor: (aye) Knowles, Eckert, Avellino, Reilly, Tredy, VanPelt, Eagles, James, Anepete.

Mr. Tredy asked Chairman Anepete to direct the secretary to make sure to obtain copies from any applicant for all board members. Mr. McVicar stated one signed and sealed set for the file and then enough for everybody. Mr. Yost stated that it's really the applicant's obligation to check the rules out in advance. It's not the board secretary's job to chase the applicant. If she chooses to call him up as a courtesy to try to do business for the board, but really the buck stops at the applicant. Chairman Anepete said that at that point, the secretary would either not put him on the agenda or call the applicant up and say we need more copies.

NEW BUSINESS

Approval of Resolution 15-08-PB, Ordinance 2008-12, an Ordinance Amending Chapter 18.020.0870 of the Codified Ordinances of the Township of Ocean with respect to Permitted Uses within the EC Environmental Conservation District and to create New

Standards To Regulate Individual On-Site Disposal Systems East of the Garden State Parkway.

Chairman Anepete asked for a motion to approve. Mr. Knowles made a motion to approve the Resolution. Mr. Tredy seconded the motion. Roll call: (ayes) Knowles, Tredy, Avellino, Eckert, Reilly, VanPelt, Eagles, James, Anepete.

Chairman Anepete asked for any other comments before the meeting is adjourned.

Mr. McVicar asked about the completeness discussion. Would the board like there to be a separate completeness step? Mr. McVicar said the board should deem it complete before it goes to review. It takes the matter and puts it onto two different agenda's. One night for completeness, followed by the next meeting for review.

The board discussed both scenarios. Generally right now, an application doesn't come before the board unless it's deemed complete. There could be a separate section on the agenda where we deem the application complete and then address it further down in the agenda. Mr. McVicar feels there should be a two-step process on the agenda within the same night.

There was a consensus of action, no motion was needed to change the agenda.

Mr. VanPelt let the board know that Shoprite officially opens May 21st.

Motion to adjourn.

Meeting ended at 8:36 PM.

Respectfully submitted:

Beth Laramée

