

**ZBA Meeting 6-19-2014**

**TOWNSHIP OF OCEAN  
Zoning Board of Adjustment  
Minutes  
June 19, 2014**

**7:00 P.M.**

**PLEDGE OF ALLEGIENCE**

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	Stanley Anderson	Edward Covitz
Antonio DeAlmeida	John Petrosilli	Raymond Roskowski
Albert Linck	Brian Higgins	

Absent: Stanley Bystrek (resigned his position that day)

**Professionals:** Attorney Brian E. Rumpf, Esq.  
Engineer Patrick Jeffery

Chairman John Petrosilli asked for a motion for the minutes of the Regular meeting on May 15, 2014. He made a suggestion to revise the last paragraph in the roll call for approving Mr. Lange's application. Edward Covitz made a motion to approve and Ronald Bruno seconded the motion. Roll Call: (Ayes) Covitz, Bruno, Anderson, DeAlmeida, Roskowski, Linck, Petrosilli.

Chairman asked for a motion to approve the bills Edward Covitz made a motion to approve and Ronald Bruno seconded the motion. Roll Call: (Ayes), Covitz, Bruno, Anderson, DeAlmeida, Roskowski, Linck, Petrosilli.

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**CORRESPONDENCE** - NJ Planner March/April 2014

**MATTERS OF THE BOARD** – Mr. Chairman let the record reflect that Mr. Stan Bystrek had resigned his position and read the letter that Mr. Bystrek wrote into the record to clarify his position.

**BOARD COMMENTS:**

NONE

**RESOLUTIONS**

Resolution No. 2014-12-BA  
Robert G. Lange Jr.  
Docket# 05-14-BA  
1 Spinnaker Way  
Block 119 Lot 15  
Bulk Variance

**OLD BUSINESS**

NONE

**NEW BUSINESS**

Christopher and Lisa Horner  
Docket# 04-14-BA  
Route 532/Wells Mills Road  
Block 33 Lot 31  
Bulk Variance

Robert G. Lange Jr.  
Docket# 06-14-BA  
132 Admiral Way  
Block 105 Lot 1.11  
Bulk Variance

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Chairman asked for a motion for Resolution No. 2014-12-BA, Robert G. Lange, Jr., Block 119 Lot 15, 1 Spinnaker Way, Bulk variance. Edward Covitz made a motion to approve and Antonio DeAlmeida seconded the motion. Roll Call: (Ayes), Covitz, DeAlmeida, Anderson, Bruno, Roskowski, Linck, Petrosilli.

Mr. Brian Rumpf, the Board Attorney, swore in Attorney Richard Visotcky and Frank Baer, of WSB Engineering Group in Toms River, NJ. The board attorney also swore in Mr. Horner as well.

Mr. Visotcky, representing Mr. Horner, explained that the property does not have an access easement with no directed street frontage as of now. 3.2 acres are in compliance with the zoning requirement of a dwelling where the applicant's property has 3.65 acres. They are proposing that they get relief for the access easement. Mr. Chairman explained that they go by the engineer's letter.

Mr. Baer of WSB Engineering Group, had been a licensed Planner for the state of New Jersey since 1994. He served as a conflict engineer in many other local boards. Mr. Baer had been qualified by this board prior. Mr. Chairman asked if they could provide an aerial view of the property. Mr. Visotcky provided the board with A-1, which provided a photograph of Wells Mills Road heading in a westerly direction. Mr. Baer explained that there is a gated access which takes you into the property. A-2 was a photograph of an aerial view of the property.

Mr. Chairman explained that he had a hard time finding the property. He asked for Mr. Visotcky and Mr. Baer to provide more testimony on the location. Mr. Baer explained that the property is just on the other side of the Vocational School on Wells Mills road; just west of the school. Mr. Visotcky stated that the applicant provided more exhibits to explain the location of the property. Mr. Baer explained that the property is around 400 by 400 square feet in size; relatively square. The lot was transferred into ownership from the Horner family just a few years ago. This qualified Mr. Horner to be under the cultural Housing criteria of Pinelands to build a home back there. They provided documentation from the Pinelands Commission that explained their approval for building a dwelling on the property.

Mr. Visotcky began to go through the engineer's letter with Mr. Baer. The board engineer discussed sheet 5, where the variances were listed. Mr. Jeffery, board engineer asked Mr. Baer to explain the principle use where the requirements are to build a dwelling in that zoning district. The applicant must meet the Cultural Housing requirements, which would be Mr. Horner's primary residence, Mr. Baer explained. Mr. Horner explained that this home must be his primary residence in order to meet the Pinelands Cultural Housing criteria's. Mr. Horner had met A-D on sheet 5 because they had to meet the Pinelands Cultural Housing Rules. Mr. Visotcky provided A-3 (document), which explained the approvals from the Pinelands Commission.

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Mr. Jeffery further explained the engineer's letter with item three that the applicant intends to utilize the 75 foot front yard setback. He explained that the applicant must provide testimony on any environmental constraints. Mr. Baer explained that the setback proposed exceeds the 75 feet; the wetlands buffer would be closer to the front lot line to the majority of the lot which created a hardship for the applicant. Mr. Jeffery asked the applicant to provide testimony on the origin of the easement. Mr. Baer discussed the deed that was filed with the county. This document was identified as A-4. Mr. Baer continued to explain the contents of the access easement that is owned by Mr. Barry Horner. The document indicated that the grant access runs with the land.

Mr. Jeffery asked if himself and Mr. Rumpf could review that document back at the office and had that as a condition. Mr. Chairman said yes. Mr. Jeffery asked for the applicant to provide any improvements they are proposing and any improvements that may or may not conform. Mr. Baer explained that the driveway would be a gravel travel way with the clearing of 18 foot wide to accommodate for sufficient room for emergency vehicles. Mr. Baer explained that no other homes would be utilizing the access easement other than the homeowners. He explained that they would maintain the entire access way. Mr. Jeffery explained that the applicant proposed the 18 foot because that is what is required. Mr. Higgins explained that 12 foot of gravel and 18 foot clearing sounds safe for a fire truck to make it to the dwelling without any issues.

Mr. Jeffery asked Mr. Baer for a testimony on deliveries such as UPS or some sort of delivery truck. Mr. Baer explained they could do a K-turn. Mr. Jeffery asked what about extending the driveway, and Mr. Baer said that would be sufficient. The mail delivery will be out on Wells Mills Road. The Utility service will be electric Mr. Baer explained. The entire service will be underground. Mr. Baer explained that this is safer for that wooded area. Proposed is a three car garage, Mr. Baer discussed with having plenty of room for a turn-around. A 10 foot driveway satisfied the board.

Mr. DeAlmeida asked if there was a lot of sugar sand out there and if it prevented larger machinery trucks to get back there; Mr. Baer said no. Mr. Jeffery asked Mr. Baer to provide testimony on the drainage. Mr. Baer discussed that there is grading proposed by the home and that there would not clear cut, they would just cut what it absolutely necessary. Mr. Jeffery asked Mr. Chairman that if Mr. Rumpf and his self could take the A-4 back to their offices to review the easement document. He said yes.

A-5 provided by the applicant had photographs that showed the access trail. A-6 provided photographs of the south side of the lot whereas A-7 provided a photograph that showed the front facing dew west. A-8 was a photograph that was a more center photograph of the lot. Mr. Baer stated that the variance presented is a hardship and the house would be rural in nature with no detrimental impact. The applicant will propose the cultural housing characteristics.

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Mr. Chairman asked if the board had any comments. Mr. Covitz asked if the survey was extensive enough to identify the wetlands. Mr. Baer explained the survey with the wetlands identified. The property extends into the buffer, but Mr. Baer explained that they are not building within the buffer where they have to stay about 330 feet to 340 feet away from the buffer. Mr.

Covitz asked the distance from the home to the closes point to the wetlands. Mr. Baer stated that it would be around 20-25 feet. The vehicles he explained would be on the north side. This concluded Mr. Horner's testimony.

The Chairman had opened it up to the public;

### **OPEN TO THE PUBLIC**

**Seeing none**

### **CLOSED TO THE PUBLIC**

Antonio DeAlmeida made a motion to approve Mr. Lange's application and Ronald Bruno seconded it. Roll Call: (Ayes), DeAlmeida, Bruno, Anderson, Covitz, Roskowski, Linck, Petrosilli.

### **BOARD COMMENTS:**

Mr. DeAlmeida asked if they would have to flare the apron a little. Mr. Baer said yes they will have to a little bit.

Mr. Rumpf provided the board with a summary that the agreed upon conditions were the satisfactory review of the access easement as well as the notice of consistency from Pinelands in addition to the easement being extended 20 feet beyond the driveway for an adequate turn around. Mr. DeAlmeida asked if that was truly enough room for a fire truck. Mr. Higgins suggested that the applicant should maybe have a cleared maintained additional 70 feet with 20 feet of drivable surface. This would make a more accurate turn around.

Mr. Chairman asked for a motion. Stan Anderson made a motion to approve and Antonio DeAlmeida seconded it. Roll Call: (Ayes), Anderson, DeAlmeida, Bruno, Covitz, Roskowski, Linck, Petrosilli.

Mr. Chairman asked Mr. Lange to step forward to get sworn in. Mr. Brian Rumpf, the Board Attorney asked for Mr. Lange to raise his right hand to be sworn in. Mr. Lange then proceeded with his application of 132 Admiral Way. Mr. Lange described the lot being 100 by 100 square feet in size. He is proposing a 1,943 square foot house where it has a two car garage.

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It conforms to all the zoning ordinance except the bulk. The lots vary in size in the area. It is a mixed neighborhood with his lot being one of the largest. The ordinance had been changed and made it hard for him to try to buy more area around him.

No one wanted to sell because they already have a small nonconforming lot. The home is proposed to be raised with the lowest part being 7 feet in height.

The drainage will be traveling downhill to the east and to the lagoon, Mr. Lange proposed. A-1 is a photograph that showed the lagoon, A-2 is a photograph to the right of the house, A-3 provided a photograph of the left side, A-4 provided the home that was impacted by Super Storm Sandy, A-5 provided a photograph of across the lagoon. There are a couple of ranch style homes in the area. Mr. Jeffery summarized the engineer's letter. He explained that Mr. Lange did a good job at providing his summary of his application. Mr. Jeffery explained that there should be the proper drainage. Mr. Jeffery did not have anything else to say.

The Chairman had opened it up to the public;

### **OPEN TO THE PUBLIC**

Mr. Richard Woodard, who is a contractor, came up to comment on the application. He explained that he looked at letter and testimony and noticed it was for a hardship and that the applicant would receive less of market value in letter. He felt that this application is not a hardship. He explained that instead of variance Mr. Lange could propose a smaller house. Mr. Jeffery explained that the variance was not because of the size of the home, it is strictly for the bulk. Mr. Jeffery provide more evidence on the zoning district ordinance therefore, everyone would have a better understanding of the bulk variance. In order for Mr. Lange to conform to the 12,500 square foot lot zoning district, he would have to buy from the lots next to him and that would put those lot owners in a much worse nonconforming predicament. Mr. Lange. Explained that he did everything he could to try to avoid the variance relief. Mr. Woodard explained that he now understands why Mr. Lange is asking relief on a hardship.

### **CLOSED TO THE PUBLIC**

Antonio DeAlmeida made a motion to approve Mr. Lange's application and Ronald Bruno seconded it. Roll Call: (Ayes), DeAlmeida, Bruno, Anderson, Covitz, Roskowski, Linck, Petrosilli.

### **BOARD COMMENTS:**

None

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OPEN TO THE PUBLIC FOR GENERAL COMMENTS:

Mr. Lange brought up that he felt this is an unfair situation to the people because the town made it so strict for anyone to build on these lots. He knows that the town is trying to work on that.

CLOSED TO THE PUBLIC

The board had a discussion regarding the R-1A zoning district. They suggested possibly writing a letter that discussed the bulk variances that had been coming to the board and asking for relief.

Next Regular Meeting July 17, 2014

Motion to Adjourn

All in favor

Meeting Adjourned at 8:11PM.

Respectfully Submitted,

Renée Dronebarger  
Board Secretary  
RD