

April 5, 2017

A regular meeting of the Board of Adjustment was held in the Municipal Complex at 7:00 p.m.

| Present | Also Present |
|------------------|-------------------|
| Harvey Langer | John Miller, Esq. |
| Frank Mizer | Brian Boccanfuso |
| David Chadwick | Tara Paxton |
| Mike Jamnik | Sean Kinnevy |
| Dawn Marie White | Denise Sweet |
| Louis Sorrentino | |
| Stephen Leitner | |
| Raymond Claudio | |
| Carl Anderson | |

Mr. Langer led the salute to the flag: and the roll was called.

The Board Professionals were sworn in.

BA-2993- The Law Office of Kristen Johnson

Mr. Miller stated that it has come to his attention that one of the Board members could have a conflict with this application. This issue should have been brought to his attention before the first meeting but it was not. Mr. Miller stated he will look into the matter and decide how to proceed with this application.

Mr. Langer announced that this application will be carried to the April 19, 2017 meeting. No further notice will be given. A time waiver is needed.

BA-3008- Christopher Koeck

Mr. Langer announced that this applicant's public notices were deficient. Mr. Koeck will be given a later hearing date. New notices are required.

BA-2990-ARYA Properties, LLC

John Paul Doyle was present to represent the applicant.
Scott Kennel was sworn in (traffic engineer)
A.J. Guarido was sworn in (engineer)

Mr. Doyle stated the applicant is before the Board for a Final Major Subdivision approval to subdivide an existing parcel into seven new lots, six of which will be for single family residential use and the seventh to contain a stormwater management basin. New concrete sidewalk,

curbing, pavement widening and new storm sewer are proposed along the project frontage. New shade trees are proposed along Old Squan Road frontage and additional landscaping improvements are proposed on the stormwater management basin lot. The applicant agreed to comply with the conditions in Mr. Batzel's report. Ocean County Planning Board approval is still pending.

Mr. Kennel stated that there will be 6 additional trips to the site at the peak hours and approximately 60 trips daily. The homes are constructed with hammer head driveways so the resident can turn around. This application will not have any impact on the neighborhood or area. This proposed use is not a detriment to the Master Plan. A much more intense use can have been proposed for this site.

Mr. Guarido stated these additional 6 homes will cause no detriment to the area and will have no negative impact to the public good. This proposed application is consistent with the area.

Public portion closed

Factual Finding

Ms. White- The applicant received preliminary approval for this application on November 2, 2016. The applicant is proposing 6 residential homes along with 1 lot for a stormwater basin. Additional shade trees are proposed. An adequate buffer will be kept from Route 70. The applicant must comply with the conditions in the preliminary approval resolution. The positive outweighs the negative impact.

Mr. Mizer- Concurred

Mr. Jamnik- Concurred

Mr. Chadwick- Concurred

Mr. Leitner- Concurred

Mr. Sorrentino- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2990-FMS-ARYA Properties, Inc. It was moved by Mr. Chadwick and seconded by Mr. Mizer. Ms. White, Mr. Mizer, Mr. Jamnik, Mr. Chadwick, Mr. Leitner, Mr. Sorrentino and Mr. Langer voted AYE. Mr. Claudio and Mr. Anderson were present but not voting.

Recess: 7:45 Meeting resumed: 7:50 p.m.

BA-3020-Ed and Maureen Petersen

Edward Peterson was sworn in.

Maureen Peterson was sworn in.

Michael Noell was sworn in. (contractor)

Mr. Noell stated that the applicants are proposing to construct a 3 season room onto their existing home. The room will measure 12 ft. X 18 ft. off the rear sliding doors over the existing concrete patio. Also proposed is a covered concrete patio 10 ft. X 16 ft. 4" to the right of the proposed sunroom. The Ordinance required a minimum rear setback of 10 ft. and a setback of 8.3 ft. is proposed.

Mr. Petersen stated he had the approval from the Greenbriar Association. He also stated there will be no hear and no air conditioning in the room. The proposed room will be level with the roof of the existing home.

Mr. Noell stated this room will have no negative impact and will be a benefit to the area.

Public portion closed

Factual Findings

Ms. White- The property is located in the R-R-2 zone. The applicant is proposing a sunroom 12 ft. X 18 ft. at 8.3 ft. off the rear property line where 10 ft. is required. The room will not have heat or air conditioning. The applicant has obtained approval from the Greenbriar Association. This application will cause no detriment to the area or public good. No comments were made from the audience.

Mr. Sorrentino- Concurred

Mr. Leitner- Concurred

Mr. Jamnick- Concurred

Mr. Mizer- Concurred

Mr. Chadwick- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-3020- Ed and Maureen Petersen. It was moved by Mr. Leitner and seconded by Mr. Jamnik. Ms. White, Mr. Sorrentino, Mr. Leitner, Mr. Jamnik, Mr. Mizer, Mr. Chadwick and Mr. Langer voted AYE. Mr. Claudio and Mr. Anderson were present but not voting.

BA-3011-Daniel and Mary Redmond

(This application was heard on March 3, 2017 but was carried to the April 5, 2017 meeting. No testimony was given and the applicant is presenting a whole new application.)

John Jackson was present to represent the applicant.

Charles Lindstrom was sworn in.

Daniel Redmond was sworn in.

Mr. Redmond stated to the Board that his family has owned property at this site since 1939. In 2010 Mr. Redmond purchased the lot behind him.

Mr. Redmond is seeking a Minor Site Plan approval with a Use Variance and bulk variance to relief to demolish and remove an existing storm-damaged single story residential dwelling and construct a new 2 story, 3 level, 2 bedroom elevated home with a 98 square foot covered porch off the rear of the top living level and a garage and storage area on the ground level. It appears that the proposed home and covered porch will be in the same general location and be approximately within the same footprint as the existing home, except that a new elevated rear deck is proposed off of the lower living level extending to within 1.25 inches of the northerly property line; an exterior access staircase for this elevated rear deck is proposed to abut the westerly side of the new dwelling. In addition, a 2 foot wide cantilevered living space is proposed to extend from the southwesterly side of the lower living level beyond the existing footprint.

EVIDENCE

A-1- Photos of homes still existing

A-2- Photo of the property line facing east

A-3- Photo from the highway with the stairway

A-4- Photo from Redmond's home to the property behind him

A-5- Photo of the neighbor's homes to the property line.

Mr. Lindstrom stated that the proposed home will be flood compliant and up to code. The property is located in the R-7.5 zone in the BBC overlay.

The proposed development does not comply with the following conditional use requirements of the BCC overlay:

| Item | Permitted | Existing | Proposed |
|---|-----------|------------|------------|
| Minimum required side setback from Midpoint between adjacent buildings (as depicted on survey on file in the Township Clerk's Office) | 3 ft. | +/-2.7 ft. | +/-2.7 ft. |

The proposed deck measures 4.9 ft. wide, 28 ft. long. The home was elevated and the finished floor measures 11.5 ft. The deck measures 9 ft. above grade. The applicant will have enough room for parking under the proposed home. The home will comply with the building height. No structure will be constructed over the property line. A variance will be required for the staircase.

Recess: 9:05 Meeting resumed: 9:15 p.m.

The applicant agreed to pull the deck back to 1 ft. from the property line. The architect stated that the proposed home is 2 story with 2 bedrooms and 2 ½ bathrooms. The air conditioning and heating units will be on the roof. The home also has a 1 car garage.

Nick Honnchefski was sworn in. He questioned if anyone could build a deck on common ground.

Public portion closed

Factual Findings

Mr. Mizer- The property is located in the R-7.5 BCC Overlay zone. The proposed deck is to be constructed 1 ft. from the side yard setback. The proposed home will be 2 story with a 1 car garage. The heating and air conditioning units will be placed on the roof. This application will cause no detriment to the area.

Mr. Chadwick- Concurred

Mr. Jamnik- Concurred

Ms. White- Concurred

Mr. Mizer- Concurred

Mr. Leitner- Concurred

Mr. Sorrentino- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-3011- Daniel and Mary Redmond. It was moved by Mr. Chadwick and seconded by Ms. White. Mr. Mizer, Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Leitner, Mr. Sorrentino and Mr. Langer voted AYE. Mr. Claudio and Mr. Anderson were present but not voting.

A motion was made to approve the **Vouchers** as posted. It was moved by Mr. Leitner and seconded by Ms. White. Mr. Mizer, Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Leitner, Mr.

Sorrentino, and Mr. Langer voted AYE. Mr. Claudio and Mr. Anderson were present but not voting.

A motion was made to adjourn the meeting at 9:45 p.m. All members voted AYE.

Respectfully submitted,

Christine Papa, Secretary
Planning Board/Board of Adjustment