

December 2, 2015

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

Present

Harvey Langer
Dennis Raftery
Eileen Della Volle
Frank Mizer
Dawn Marie White
Jeffrey Schneider
Jennifer Grenier

Also Present

John Miller, Esq.
Brian Boccanfuso
Michael Fowler
Sean Kinnevy

Absent

Stephen Leitner
Joseph Morrell

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

The Board Professionals were sworn in.

BA-1891- Kim Amos t/a Allen Farms

Michael Pifko was present to represent the applicant.

The applicant is requesting an Amended Minor Site Plan approval to expand the hours and days of business operations that were permitted under the December 2005 Resolution of Approval for this site. The site is presently used as a retail food sales outlet and restaurant and the proposed use is an ice cream shop and sales outlet.

The Board's attorney, Mr. Miller stated that the applicant had received a Use variance in 2005 for the use of a restaurant and bakery with outside seating with specific hours of operation. Since the restaurant and bakery are non-permitted use in the zone this application is considered an expansion of a non-conforming use and must come back to the Board with a Use variance application.

Mr. Pifko disagreed with Mr. Miller and stated that the Use variance has already been granted with the prior application and this expansion falls under that approval. The applicant has already been granted the approval to serve food to the public.

Mr. Miller stated the restaurant was not the issue. It is the expansion of the hours that was the problem.

Kim Amos was sworn in. She is the owner of the site. She stated her family has owned the site since 1938. She feels she is being penalized because she wants to expand the hours and that

this approval was already granted to her. She stated she has always cooked downstairs and the public has always eaten upstairs in the restaurant. She would like to be open on Sundays from 10:00 a.m. to 10:00 p.m. She is proposing no changes to the building, only the hours.

Mr. Miller stated again that the proposed change in hours would require the applicant to apply for a Use variance.

Mr. Pifko asked if an amendment could be made to the original resolution.

Mr. Miller stated some case law defending his decision. Mr. Pifko did the same.

Since the applicant did not notice for a Use variance the public notices were deficient.

The Board agreed to carry this application but no new date was given since the application for the D variance would need to be submitted to be heard before the Board. The applicant agreed to waive the time to March 1, 2016.

BA-2958- John and Carmen Cafro

Vincent DeSimone was present to represent the applicants. They could not be present for this meeting. Mr. DeSimone stated that his clients and Mr. Duffy could not come to an agreement. Mr. DeSimone requested this application be carried to another hearing date.

Mr. Langer announced this application would be carried to the January 20, 2015 hearing date. Mr. DeSimone agreed to waive the time to March 1, 2015.

Brian Duffy was sworn in. He acknowledged that no agreement was met and his application before the Board is scheduled to be heard on January 20, 2015. Both application will be heard at the January 20, 2015 meeting.

Recess: 7:40 Meeting resumed 7:50 p.m.

BA-2948- Dennis and Linda Tarzian

John Jackson was present to represent the applicant. The applicant is proposing to construct a 3 story, 5 bedroom single family residential dwelling. The ground level is proposed to contain a 2 car garage and a storage area and will also provide access to an elevator. The 3 upper levels will be used as living space.

The following variances are requested:

Item	Permitted	Existing	Proposed
Minimum Lot Width	75 ft.	50 ft.	50 ft.
Minimum Front Setback	25 ft.	N/A	20.3 ft.
Minimum Side Setback (north)	6 ft.	N/A	5.1 ft.

Minimum Side Setback (south)	6 ft.	N/A	5.0 ft.
Minimum Side Setback (combined)	15 ft.	N//A	10.1 ft.
Maximum Building Mean Height	35 ft. OR Elev. 41 (NAVD-88)	N/A	28.8 ft. AND Elev. 41.25
Maximum Building Peak Height	38.5 ft. OR	N/A	40.55 ft. Elev. 53.0

Charles Lindstrom was sworn in. The site is in the R-7.5 zone. The lot is long and narrow and undersized. The applicant has obtained CAFRA approval. The proposed home will be FEMA compliant. The parking meets the RSIS standards. Eight cars can be parked off the street between the garage and driveway. There will be no runoff to the adjoining property and a platform will be constructed for access to the electric meter. This application will have no negative impact on the neighbors or area and the home will be fully compliant. The applicant agreed to consolidate the lots.

EVIDENCE

- A-1- Rendering of the home from the ocean elevation
- A-2- Rendering of the home from the street elevation

Christopher Rice was sworn in. (architect) He designed the home for this narrow lot. The home appears to fit well on the lot with the roof peaks and design. The home is a colonial design.

Brian Ferguson is a concerned neighbor. He has no objection to the construction of the home but was concerned where the equipment will be placed while construction is going on.

Public portion closed

Factual Findings

Ms. White- The site is in the R-7.5 zone. The applicant is proposing a 5 bedroom, 3 story home. The variances required are listed above and in the CME engineering report dated August 31, 2015. The retaining wall will require a Design Waiver. All outside agencies must be submitted and the applicant also agreed to consolidate the lots. There was one question from the residents. This application will have no negative impact on the area and the positive criteria outweighs the negative.

Mr. Raftery- Concurred

Ms. Della Volle- Concurred

Mr. Mizer- Concurred

Mr. Schneider- Concurred

Ms. Grenier- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2948- Dennis and Linda Tarzian. It was moved by Mr. Mizer and seconded by Mr. Raftery. All other eligible members voted AYE.

Recess: 8:30 Meeting resumed: 8:40 p.m.

BA-2906-Lawrence Wehrlen of Lawrence T. Wehrlen, LLC

John Jackson was present to represent the applicant.

Mr. Bauman stated he was not on the list and was never noticed. After checking his address was on the list but he did not live there at the time the notices were sent out. He bought the house recently.

EVIDENCE

0-13- Copy of the Deed between Adele Thomforde and Charles Wehrlen

The revisions sent to the Board were noted in a letter from Jeffrey Carr dated November 20, 2015. The original application proposed small additions to Buildings F and G and the existing shed to connect the buildings, resulting in a single building. The revised plans modified this to provide a connection between building G and the shed. Building F will be razed and new building 2A will be constructed. Building 2A will be constructed to meet the current side yard setback. This eliminates an existing side yard variance for building F.

It is also proposed to construct an 8 ft. high vinyl fence along lots 3.01, 3 and the rear of lot 12. The height of 8 ft. will require a variance. The fence will provide additional screening for the adjoining property owners. The plans have also been revised to address the various review letters issued by the Township's professionals.

This application still requires BTMUA approval. There are 396 parking spaces proposed and the trash is picked up by a private hauler. Sidewalks are proposed along most of the frontage on Princeton Ave. The applicant must comply with fire regulations. The D variance only applies to the restaurant on the site. The Board would like to see the ADA handicapped parking spaces moved closer to the entrance of the restaurant. Mr. Liston and Mr. Gasiorowski cross examined Mr. Carr.

This application was carried to March 16, 2016. No further notice is required. Mr. Jackson waived the time to April 1, 2016.

A motion was made to approve the Resolution as posted for case BA-2907- Robert Osborn of Robert T. Osborn Trust. It was moved by Ms. Grenier and seconded by Ms. White. Mr. Raftery, Mr. Mizer, Ms. White, Mr. Leitner, Mr. Schneider, Ms. Grenier and Mr. Langer voted AYE. Ms. Della Volle was ineligible. Mr. Morrell was absent.

A motion was made to adjourn the meeting at 10:00 p.m. All members voted AYE.

Respectfully submitted,

Christine Papa, Secretary
Planning/Zoning Board