

December 9, 2015

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

Present

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

Also Present

John Miller, Esq.  
Brian Boccanfuso  
Sean Kinnevy  
Denise Sweet

Absent

Joseph Morrell

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

The Board Professionals were sworn in.

**BA- 2952- Charles Gilliland**

Noel Pagan and Charles Gilliland were sworn in.

Mr. Pagan is the builder. The proposed room is a 3 season room with no heat. The room measures 10'X14" and is proposed to be constructed 12' from the rear property line where 15' is required. The applicant lives in Greenbriar II and provided a letter of approval from the Association. A new concrete slab will be poured for a new foundation. The room will be 80% windows and have a sliding door.

Mr. Kinnevy stated this application will have no negative impact on the area and will be aesthetically pleasing to the home.

Public portion closed

Factual Findings

Mr. Raftery- The site is in the R-R-2 zone and is located in Greenbriar II. The applicant is proposing a 3 season room that stands 10' high and is measured 10'X 14'. No heat is proposed in the room. The applicant has received approval from Greenbriar Association. The room will be constructed at 12' from the rear property line where 15' is required. This application will cause no detriment to the area.

Ms. Della Volle- Concurred

Mr. Mizer- Concurred

Ms. White- Concurred

Mr. Leitner- Concurred

Mr. Schneider- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2952 Charles Gilliland. It was moved by Mr. Schneider and seconded by Mr. Mizer. All eligible Board members voted AYE.

### **BA-2951- Kathleen Johnson**

Donna Conover and Kathleen Johnson were sworn in.

The Board attorney asked if any of the professionals listed on the agenda were present at the meeting. Ms. Conover stated no professionals were present that she was able to present the application. The Board attorney told Ms. Conover the application could not be heard and should be carried to come back before the Board with a professional to present the application to the Board. Ms. Conover is not the applicant but the cousin of the applicant.

Ms. Conover stated that she was told by the Board secretary that she could present her application without a professional and that's why she was present at this hearing. The Board secretary stated that she never told Ms. Conover not to bring a professional, in fact if the applicant has any doubt that they are not capable of presenting the application she suggests they bring the builder, engineer or be represented by an attorney so this exact situation can be avoided. Ms. Conover insisted that the application be heard that she didn't think she should have to apply for a variance at all.

Mr. Langer asked Ms. Johnson if she wanted to be carried to another hearing date and if she did she would have to bring a professional. Ms. Johnson said she would like to have the application carried. Mr. Langer explained to her that having a professional at the meeting is for her protection as well as the protection of the Board.

The application was carried to the March 2<sup>nd</sup> meeting. Ms. Johnson agreed to waive the time.

Recess: 7:30 Meeting resumed: 7:40 p.m.

### **BA-2950- Alexander and Janice Serge**

John Jackson was present to represent the applicant.

Richard Butryn (engineer) and Jim Matarazzo (architect) were sworn in.

Mr. Serge is requesting to relocate the existing single family dwelling and elevate the structure to comply with FEMA and township flood hazard area requirements. The structure must be removed from the attached garage to be relocated. The garage will remain in its current location. An addition is proposed on the northerly side of the relocated and elevated dwelling and a deck is proposed off the northeasterly corner of the dwelling. The existing concrete driveway on the property is proposed to remain. The following variances have been requested:

Item	Permitted	Existing	Proposed
Minimum Lot Depth	75 ft.	64.11 ft.	64.11 ft.
Minimum Front Setback	20 ft.	11.6 ft.	11.6 ft.
Maximum projection of access Staircase into front yard Setback area	10 ft.	N/A	+/-12.3 ft.

#### EVIDENCE

- A-1- Rendering of the proposed home's floor plan and architecturals
- A-2- Photo of the existing home with cars parked on the street
- A-3- Photo of the existing home with cars parked across the property
- A-4- Photo of the existing home and a truck with a trailer parked across the property
- A-5- Google photo of the existing home on Drum Point Rd.
- A-6- Aerial photo of the site

Mr. Serge is proposing to move the home away from the corner which will be a better use of the land and also safer for Mr. Serge and his family. The height of the proposed home will be 28' 4" off grade. It will meet all FEMA and RSIS requirements. The lot is 60' deep where the majority of lots in the area are 100' deep. The bulkhead is not proposed to be replaced. This lot qualifies for CAFRA Permit by Rule.

Alexander Serge was sworn in. He stated he would provide a platform for the electric meter. His home was damaged by Super Storm Sandy and this would be the time to move the home.

Public portion closed

#### Factual Findings

Mr. Raftery- The site is in the R-5 Coastal A zone and CAFRA zone. The lot has an irregular shape. The site contains a single family home with a garage. The applicant is proposing to relocate and elevate the home. The garage must be detached. The applicant is proposing a small addition to the home along with a deck. The variances requested are listed above as well

as in the CME report dated September 1, 2015. This home was destroyed by Super Storm Sandy. The lot has 2 frontages which causes a hardship for the applicant. There were no comments from the audience. This application will cause no detriment to the neighbors or the area.

Ms. Della Volle- Concurred

Mr. Mizer- Concurred

Ms. White- Concurred

Mr. Leitner- Concurred

Mr. Schneider- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2950- Alexander and Janice Serge. It was moved by Ms. Della Volle and seconded by Ms. Della Volle. Mr. Mizer voted NO. All other eligible members voted AYE.

Recess: 8:10 Meeting resumed: 8:20 p.m.

### **BA-2965- Kamson Corporation**

Marc Policastro was present to represent the applicant.

Bernard Reily was present. He is the objecting attorney replacing Ron Gasiorowski.

Christine Nazzarro Cafone and Andrew French were sworn in.

The applicant is before the Board with an application of Interpretation. The Kamson Corporation is presently being heard before the Planning Board. It was questioned whether the application should remain before the Planning Board or be moved over to the Board of Adjustment.

Ms. Cafone provided evidence to the Board why the application should remain at the Planning Board. The site is in the Mixed Use Overlay Zone. The application requires C variances which can be heard before the Planning Board. She cited similar cases which were heard by the Planning Board. Ms. Cafone stated that the applicant complied all the conditions of the Conditional Use which can included meeting all density regulations, met all front setbacks, provided parks and gazebos, met all side setbacks, met the impervious coverage and all height requirements and went on to list many more conditions.

Mr. Reily cross- examined Ms. Cafone on her testimony. Ms. Cafone stated again that in her opinion this application should remain before the Planning Board.

## EVIDENCE

A-1- Copy of a resolution for Nobility Crest @ Brick dated December 14, 2011.

John Miller stated that there are three variances being requested that do not meet the conditions of the Conditional Use one of the conditions being parking on the site. Mr. Miller stated because of this it is his opinion the application should be moved to the Board of Adjustment

Mr. Policastro introduced the Resolution for Nobility Crest @ Brick, dated December 14, 2011 which was a similar application which was heard and approved by the Planning Board.

Mr. Policastro stated the same three variances were needed for this application.

Mr. Miller stated this resolution had no bearing on this application.

Mr. Policastro requested to have the application carried to another meeting in order to produce more information and give further testimony.

Mr. Miller stated the Board will be voting on this application at this meeting.

A motion was made that the application for Kamson Corporation presently before the Planning Board will be moved to the Board of Adjustment due to the fact that not all conditions of the Conditional Use were met. It was moved by Mr. Raftery and seconded by Ms. Della Volle. Mr. Langer, Mr. Raftery, Ms. Della Volle, Mr. Mizer, Ms. White and Mr. Leitner and Mr. Schneider voted AYE. Ms. Grenier was present but not voting. Mr. Morrell was absent.

A motion was made to approve the Resolution as posted for BA-2946-Tine and Joseph Simonetti. It was moved by Ms. Grenier and seconded by Ms. Della Volle. Ms. White, Ms. Grenier, Ms. Della Volle, Mr. Schneider and Mr. Langer voted AYE. Mr. Raftery, Mr. Mizer, Mr. Leitner and Mr. Morrell were absent.

A motion was made to approve the Resolution as posted for BA-2949- Ronnie Jampel. It was moved by Ms. White and seconded by Ms. Della Volle. Ms. White, Ms. Grenier, Mr. Schneider, Ms. Della Volle and Mr. Langer voted AYE. Mr. Raftery, Mr. Mizer, Mr. Leitner and Mr. Morrell were absent.

A motion was made to adjourn the meeting at 9:30 p.m. All members voted AYE

Respectfully submitted,

Christine Papa, Secretary  
Planning Board/Zoning Board

