

May 18, 2016

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.
Dennis Raftery	Brian Boccanfuso
Eileen Della Volle	Sean Kinnevy
Frank Mizer	Denise Sweet
Dawn Marie White	
Stephen Leitner	
Louis Sorrentino	
Carl Anderson	

Absent

Jeffrey Schneider

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

The Board Professionals were sworn in.

BA-2970- Barbara Schunke and Fred Williams

Lynne Dunn was present to represent the applicant.

The applicant is requesting to construct an in-ground swimming pool about 10' x 22' within the existing rear deck and pool equipment enclosed by a solid vinyl fence. The pool must be setback a minimum of 5' from the rear property line and a setback of 4.22' is proposed. The pool is also required to be setback a minimum of 15' from the bulkhead and a setback of 10.35' is proposed. The pool equipment should be setback from the side property line a minimum of 5' where 3.6' is proposed.

Mr. Williams stated that he has 6 grandchildren and he would like to have the pool installed for them.

Mr. Mizer asked the applicant if he would be willing to bring the pool closer to the home and giving more footage towards the lagoon. Mr. Williams stated that if he moved the pool that would interfere in the part of the yard where they place their table to eat.

Brian Gomez was sworn in. He is the pool contractor. He stated that bringing the pool closer to the home will not make a difference in the safety of the pool.

Mr. Kinnevy stated that it wouldn't make a difference if the pool was moved closer to the home or not. The pool will not block any view and conforms to other pools in the area. The pool will have no negative impact on the surrounding area.

Mr. Boccanfuso stated because the pool will be placed in the deck an additional variance will be required for the principal setback from the lagoon. The principal setback from the lagoon is 15' where 3.7' is proposed.

Mr. Boccanfuso also stated that a fence on the north side of the property was located over the property line. The Board does not have the authority to approve any structure over the property line. The applicant must submit all correspondence to NJDEP to qualify for Permit-By Rule.

Public portion closed

Factual Findings

Ms. White- The property is located in the R-7.5 zone. The applicant is proposing to construct an in ground pool in the existing rear deck. All variances required are listed above and in Mr. Kinnevy's report dated March 14, 2016. An additional variance was required for the principal setback from the lagoon since the pool will become part of the deck. There were no comments from the public. This application will have no negative impact on the neighborhood.

Mr. Raftery- Concurred

Ms. Della Volle- Concurred

Mr. Mizer- Concurred

Mr. Leitner- Concurred

Mr. Sorrentino- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2970- Schunke & Williams. It was moved by Mr. Mizer and seconded by Ms. Della Volle. Ms. White, Mr. Raftery, Ms. Della Volle, Mr. Mizer, Mr. Leitner, Mr. Sorrentino and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Mr. Schneider was absent.

Recess: 7:30 Meeting resumed: 7:36 p.m.

BA-2959- Brigitte Van Note

Harvey York was present to represent the applicant.

The home was damaged by Super Storm Sandy. The applicant is proposing to reconstruct the proposed home with a height variance.

James Giordano was sworn in. (engineer)

The applicant is proposing to construct a 4 level, 3 story, 5 bedroom single residential family residence dwelling with a +/-546 square foot first story attached rear terrace, a +/-87.5 square foot second story rear terrace and a +/-1,186.5 square foot third story room with an open floor plan. The ground level is proposed to be used for parking, while the upper levels are proposed to be used for living space. A decorative stone driveway is proposed in front of the dwelling to provide parking.

The following variances have been requested:

Item	Permitted	Proposed
Maximum Building Eave Height	26 ft. (1) OR Elev.32 (NAVD 1988)	28.38 ft. (1) AND Elev. 39.08 (2)
Maximum Building Mean Height	35 ft. (1) OR Elev. 41 (NAVD 1988)	36.15 ft. (1) AND Elev. 46.85 (2)
Maximum Building Peak Height	38.5 ft. (1) OR Elev. 45 (NAVD 1988)	43.91 ft. (1) AND Elev. 54.61 (2)

- (1) As measured from the established average adjacent grade plan of 10.7 (10.8+10.7+10.6+10.7) /4 = 10.7), in accordance with the current Township definition for building height.
- (2) The proposed building elevations indicated in the Zoning Schedule on the Variance Plan are slightly lower than those indicated above. The difference between the proposed building height and the proposed building elevation should be equal to the average adjacent grade plane: The Zoning Schedule should be revised accordingly.

This application should not impact the flow of air or light and is keeping with the area. The applicant has signed the document with the Army Corp of Engineers for the dune. The first floor is located in the dune height area.

EVIDENCE

A-1- Copy of a note from Post Engineering showing adjacent homes which received variances.

The applicant revised the plan after receiving the board engineer’s report and lowered the proposed home by 2 ft. The shower was eliminated and the footprint of the home was moved 2 ft. landward. The electric meter will be located above the base flood elevation. There is sufficient clearance for air conditioning planform and units.

The applicant agreed to consolidate the lots.

Kathleen Maxwell was sworn in. She lives in an older home across the street from the applicant. She is concerned that the height of the proposed home will compromise her air flow and light. The proposed home will also block her view. She also mentioned she is concerned with the drainage running into her property. Mr. Giordano addressed her concerns.

Public portion closed

Factual Findings

Mr. Mizer- The applicant is proposing to construct a 6,000 square foot home after the present home was destroyed by Super Storm Sandy. The applicant is proposing a height variance of 54.04 ft. This application will not compromise the light or air quality and conforms to other homes in the area. The applicants must conform to regulations of Permit –By- Rule and the site meets the RSIS standards. There were comments from the public which were addressed.

Ms. White- Concurred

Mr. Sorrentino- Concurred

Mr. Leitner- Concurred

Ms. Della Volle- Concurred

Mr. Raftery- Concurred

Mr. Langer- Concurred

A motion was made to approve the application for BA-2959- Brigitte Van Note. It was moved by Ms. White and seconded by Ms. Della Volle. Mr. Mizer, Ms. White, Mr. Sorrentino, Mr. Leitner, Ms. Della Volle, Mr. Raftery and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Mr. Schneider was absent.

BA-2951- Kathleen Johnson

John Jackson was present to represent the applicant.

The applicant is seeking a variance to construct a 2 story, 5 bedroom single family residential dwelling with an attached garage. Currently the site contains the remains of a single family home that was damaged by a fire in 2013. The existing asphalt driveway and existing above ground swimming pool on the property are proposed to remain. There are 2 decks not shown on the plot plan which may require additional variances.

The home is set up as a mother-daughter home but only has one set of utilities and one mail box.

The variances requested are as follows;

Item	Permitted	Existing	Proposed
Minimum lot area	15,000 s.f.	14,496 s.f.	14,496 s.f.
Minimum lot depth	115 ft.	87.86 ft.	87.86 ft.
Minimum front setback (principal structure)	35 ft.	38 ft.	25 ft.

Kathleen Johnson was sworn in. Her family has owned this property since 1973. The property was acquired by her family in 1947. There is a 10 ft. easement on the property. The proposed home is long and narrow due to the shape of the lot. There is no easement on the side of the home. The Board requested Mr. Jackson to contact the BTMUA to verify there is no easement on the side of the home. He agreed to contact them.

Mr. Jackson stated this proposed home will be an upgrade to the prior home. This application will cause no negative impact on the neighborhood or the master plan.

Public portion closed

Factual Findings

Mr. Raftery- The prior home was destroyed by fire and will be removed from the property. The variances requested are listed above as well as in the CME report dated August 12, 2016. One other variance was added to the application for a rear setback of 35 where 25 ft. is proposed. The applicant agreed to comply with all the conditions in the CME report dated August 12, 2016. The applicant will check with the BTMUA concerning the easement on the property. The applicant must meet all FEMA regulations. Buy and sell letters were sent to all adjoining property owners. There were no comments from the public. This application will cause no detriment to the area or the zoning plan.

Ms. Della Volle- Concurred

Mr. Mizer- Concurred

Ms. Della Volle- Concurred

Mr. Sorrentino- Concurred

Mr. Leitner- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2951-Kathleen Johnson. It was moved by Mr. Raftery and seconded by Ms. Della Volle. Mr. Raftery, Ms. Della Volle, Mr. Mizer, Ms. White, Mr. Sorrentino, Mr. Leitner and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Mr. Schneider was absent.

A motion was made to approve the Vouchers. It was moved by Mr. Raftery and seconded by Mr. Leitner. Mr. Raftery, Ms. Della Volle, Mr. Mizer, Ms. White, Mr. Sorrentino, Mr. Leitner and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Mr. Schneider was absent.

A motion was made to approve the Resolution as posted for case BA-2967-2/16-Cherly Cohan. It was moved by Ms. White and seconded by Mr. Sorrentino. Mr. Mizer, Mr. Raftery, Ms. White, Mr. Leitner, Mr. Sorrentino and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Ms. Della Volle was ineligible. Mr. Schneider was absent.

A motion was made to approve the Resolution as posted for case BA-2922-2/15- Brian Duffy. It was moved by Mr. Mizer and seconded by Ms. White. Mr. Raftery, Mr. Mizer, Ms. White, Mr. Sorrentino, Mr. Leitner and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Ms. Della Volle was ineligible. Mr. Schneider was absent.

A motion was made to adjourn the meeting at 8:45 p.m. All members voted AYE.

Respectfully submitted,

Christine Papa, Secretary
Planning Board/Board of Adjustment