

July 20, 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	Tara Paxton
Dawn Marie White	Sean Kinnevy
Stephen Leitner	Denise Sweet
Louis Sorrentino	
Jeffrey Schneider	
Carl Anderson	

Absent

Frank Mizer

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

The Board Professionals were sworn in.

BA-2958- John and Carmen Cafro

Vincent DeSimone was present to represent the applicants. John Jackson who is the attorney for Brian Duffy requested to have this application carried to another hearing date and Mr. DeSimone agreed. This application was carried to the September 21, 2016 meeting. No further notice is required. The time was waived to October 26, 2016.

BA-1891- Kim Amos t/a Allen Farms

Michael Pifko was present to represent the applicant.

The applicant is seeking Amended Minor Site Plan approval and a Use Variance to expand the hours and days of business operation that were permitted under the December 2005 Resolution of Approval for this site. It does not appear that any site improvements or public improvements are currently proposed.

Kim Amos was sworn in. She stated that she now has approval to sell retail, with a farm market and restaurant on the site. There is only seating on the 2nd floor of the restaurant. Ms. Amos is now approved to open the market on Monday-Friday from 6:30 am to 7:00 pm, Saturday from 7:00 am to 6:00 pm and is currently closed on Sundays.

The is requesting to be open additional hours. Monday-Friday from 6:30 am to 10:30 pm, Saturday from 6:30 am to 10:30 pm and Sunday 6:30 am to 10:30 pm. She will be adding ice

cream sales on the site. The public will go inside on the first floor for the ice cream sales. The seating on the lower floor will not be expanded. There are currently 36 seats on the second floor, 8 seats on the first floor and 32 seats on the patio for a total of 76 seats. They will all remain. Ms. Amos stated that at her peak hours of operation she will have 6 employees including herself. She does not require any additional parking. She also stated that the parking spaces have been re-stripped and additional lighting has been added to the site. Ms. Amos has also stated that this property has been in the family since the early 1940's. She feels the store gives the feeling of the old Mom and Pop store which is mostly gone now. The area is not densely populated and the use will have a positive impact on the town. There are also other businesses in the area. The existing sign will be updated but the size will not change. This application has no detriment to the area or the Master Plan. No changes are proposed to the site.

Public portion closed

Factual Findings

Mr. Raftery- The applicant is requesting to extend the hours of her business. The new hours will be 6:30am to 10:30pm on Friday, Saturday and Sunday. The existing number of seats will not change. There will be a total of 6 employees during peak hours including Ms. Amos. The site has been upgraded with stripped parking spaces and additional lighting has been added. Adding the sale of ice cream on the site will not create a detriment to the area. The Board now needs to decide on this application.

Ms. Della Volle- Concurred

Ms. White- Concurred

Mr. Leitner- Concurred

Mr. Sorrentino- Concurred

Mr. Schneider- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-1891- Kim Amos t/a Allen Farms. It was moved by Ms. White and seconded by Ms. Della Volle. Mr. Raftery, Ms. Della Volle, Ms. White, Mr. Leitner, Mr. Sorrentino, Mr. Schneider and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Mr. Mizer was absent.

BA-2983- Anthony Scriffignano

Mr. Langer addressed a letter to the Board from John Jackson dated July 14, 2016 requesting this application be carried to the August 3, 2016 meeting. The Board agreed and the application was carried. Mr. Jackson waived the time. No new notice is required.

BA-2986- Laurence and Maryann Gilman

Laurence Gilman was sworn in. He is proposing to install a 6 ft. high fence along the Barnes Drive frontage and part of the Lagoon Drive East frontage. The Township Code requires a minimum setback of 12.5 ft. from the property line at Barnes Drive and a setback of 4 ft. is proposed. The Code also requires a minimum setback of 25 ft. from the property lines at Lagoon Drive East and a setback of 4 ft. is proposed.

The lot is odd shaped and has 2 frontages. The applicant is requesting the fence for privacy for himself and his family.

Mr. Kinnevy stated that since the lot is odd shaped and has two frontages this constitutes a hardship for the applicant. He had no problem with the fence being installed but stated the applicant must keep the fence back 10 ft. from the pavement. The fence is a 5 ft. fence with 1 ft. of lattice work on the top.

The applicant must submit a revised survey to the Board showing exactly where the fence will be installed.

Public portion closed

Factual Findings

Mr. Raftery- The property is located in the R-7.5 zone. The lot has an irregular shape and 2 frontages. The proposed fence must be located 10 ft. off the pavement. The proposed fence is a 5 ft. white vinyl fence with 1 ft. of lattice work at the top which constitutes a 6 ft. fence. By Township Ordinance there is a 25 ft. setback and the applicant is proposing to construct the fence 4 ft. from the property line. There were no comments from the audience. A new survey will be submitted for the Board to review. This application will not cause any detriment to the area. The Board now needs to decide on this application.

Ms. Della Volle- Concurred

Ms. White- Concurred

Mr. Leitner- Concurred

Mr. Sorrentino- Concurred

Mr. Schneider- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2986- Laurence and Maryann Gilman. It was moved by Ms. Della Volle and seconded by Ms. White. Mr. Raftery, Ms. Della Volle, Ms. White, Mr. Leitner, Mr. Sorrentino, Mr. Schneider and Mr. Langer voted AYE. Mr. Anderson was present but not voting. Mr. Mizer was absent.

Recess: 7:40 Meeting resumed: 7:53p.m.

BA-2989- Neptune Shores, LLC

Richard Ramirez was sworn in. (engineer)

Eric Birchler was sworn in. (appraiser)

Donald Slaght was sworn in.- property owner

Jack Purvis was sworn in-(architect)

John Doyle was present to represent the applicant.

Buy sell letters were sent to all adjoining property owners. A response was made by Michael Nochinsom to purchase the property.

The applicant is seeking variance relief to construct a 4 level, 3 story, 4 bedroom single family residential dwelling with a roof deck. The ground level is proposed to contain a garage and foyer/mudroom that will provide access to a stairway to the upper levels, which will be used as living space. A long gravel driveway is proposed to provide parking and access the ground level garage. The new home is proposed to be serviced by existing public utility services and it does not appear that any public improvements are proposed as part of this application.

Mr. Birchler gave his credentials to the Board. The Board accepted him as a professional witness.

Mr. Birchler listed three comparable houses in the area.

1. 117 Lyndhurst Drive \$374,000
2. 507 Sunset Blvd. \$369,400
3. 532 Lake Court \$400,000

An offer was made on the 115 Neptune Court lot for \$200,000.

Mr. Ramirez gave his credentials to the Board. The Board accepted him as a professional witness.

In 1948 there was a subdivision granted on these lots. All lots on the north side are undersized. All the lots on the south side are more conforming. The home in questions does not meet the front and rear setbacks. The front setback required is 20 ft. and the applicant is providing 17.7 ft. The rear setback required is 15 ft. and the applicant is providing 10 ft. x 8.2 to the rear. The

home is approximately on line with the homes on the north side. The proposed home meet all side setbacks. The proposed house is calling for a flat roof. It was stated the proposed house fits in with other homes in the area. The proposed home is located in a CAFRA zone but no CAFRA approval is required. It was stated that an eave height variance may be required. If so, the application must be amended.

Jack Purvis gave the Board his credentials. The Board accepted him as a professional witness. The home was demolished from Super Storm Sandy. The applicant is proposing a 4 level, 3 story, 4 bedroom home with a roof deck. The proposed home will have a smaller footprint than the previous home but will be taller. This will provide more off street parking on the site. This is the only vacant lot left on the street. The home will be constructed on pilings. The railing on the roof deck is set back 2 ft. all around. The railings must meet all requirements set by the building department.

Michael Nochimson was sworn in. He said he received a buy, sell letter and responded with a \$200,000 offer for the lot. He feels the appraiser was incorrect in his assessment of the lot and he knows no one would pay \$393,000 for this property. He is against the style and height of the home. He lives on the next lot and told the board he would feel suffocating and crowded affect by the size of this home as it was one straight wall. He questioned why the applicant knock on his door to let him know what they were building.

Glenn Crysman was sworn in. He stated that since he came in to look at the plans the height went up and wanted to know why he wasn't noticed of the difference in height before the meeting. He also questioned in other new home in the area have flat rooves and a deck.

Gary Kusmick was sworn in. He stated that the home was too big and doesn't fit into the neighborhood. He also objects to the front setback as the existing street is too tight to fit through now.

Glenn Crysman stated that no other homes in the area have a flat roof and deck. The proposed home is too high.

Michael Nochimson stated the home is too big and too high.

Recess 9:55 Meeting resumed: 10:05 p.m.

Since there were objectors present to the application Mr. Doyle stated that the owner was willing to change 3 items. The railing will be removed from the deck, the staircase leading to the deck will be removed and the home will be lowered by 1 ft. He stated the applicant already shrunk the original foot print which will provide better parking. The other homes in the area that were constructed in the 1940's will eventually be removed and replaced with much bigger homes.

EVIDENCE

- A-1- Copies of the Buy or Sell letters to adjoining neighbors
- A-2- Packet of copies of the Appraisals for other homes in the area
- A-3- Copy of a Tax Map and Survey of Neptune Court
- A-4- Rendering showing different types of rooves
- A-5- Photos of the block from the West
- A-6- Photos of the block from the West
- A-7- Photo of home at 110 Neptune Ct.
- A-8- Photo of home at 111 Neptune Ct.
- A-9- Photo of home in area
- A-10- Photo of home in area

The following variances are requested:

Item	Permitted	Existing	Proposed
Minimum Lot Area	5,000 s.f.	3,181 s.f. (1)	3,181 s.f. (1)
Minimum Lot Depth	75 ft.	51.2 ft. (1)	51.2 ft. (1)
Minimum Front Setback	20 ft.	18.0 ft.	17.7 ft.
Minimum rear Setback	15 ft.	2.5 ft.	8.2 ft.
Maximum Building Mean Height	35 ft. (2) OR Elev. 41 (NAVD-88)	15.5 ft. (2) AND ELEV. 20.5	37.8 ft. (2) AND Elev. 42.8

(1) Existing condition: no change proposed

(2) As measured from the established average adjacent grade plane, in accordance with the current Township definition for building height.

Maximum Building Eave Height	26 ft. (3) OR Elev. 32 (NAVD-88)	9.8 ft. (3) AND Elev. 14.8	+/-36.5 ft. (3) AND Elev. +/-41.5
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(3) As measured from the established average adjacent grade plane, in accordance with the current Township definition for building height.

Public portion closed

Factual Findings

Ms. White- The property is in the R-5 zone. The variances requested are listed above as well as in the CME report dated June 15, 2016. There are many variances requested and the proposed home will not fit into the character of the neighborhood.

Mr. Schneider- Concurred

Mr. Sorrentino- Concurred

Mr. Leitner-Concurred

Ms. Della Volle- Concurred

Mr. Raftery- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2989-Neptune Shores, LLC. It was moved by Mr. Leitner and seconded by Mr. Sorrentino. Mr. Schneider, Mr. Sorrentino, Mr. Leitner, Mr. Raftery and Mr. Langer voted AYE. Ms. White and Ms. Della Volle voted no. Mr. Anderson was present but not voting. Mr. Mizer was absent.

A motion was made to approve the Resolution as posted for case BA-2976- Nancy Eberhardt. It was moved by Mr. Sorrentino and seconded by Mr. Schneider. Ms. White, Mr. Leitner, Mr. Sorrentino, Mr. Anderson, Mr. Schneider and Mr. Langer voted AYE. Mr. Raftery and Ms. Della Volle were ineligible. Mr. Mizer was absent.

A motion was made to approve the Resolution as posted for case BA-2981- David Wos. It was moved by Ms. White and seconded by Mr. Sorrentino. Ms. White, Mr. Leitner, Mr. Sorrentino, Mr. Schneider, Mr. Anderson and Mr. Langer voted AYE. Mr. Raftery and Ms. Della Volle were ineligible. Mr. Mizer was absent.

A motion was made to approve the Resolution as posted for case BA-2982- Gail Granowitz. It was moved by Mr. Leitner and seconded by Mr. Sorrentino. Ms. White, Mr. Leitner, Mr. Sorrentino, Mr. Anderson, Mr. Schneider and Mr. Langer voted AYE. Mr. Raftery and Ms. Della Volle were ineligible. Mr. Mizer was absent.

A motion was made to approve the Resolution as posted for case BA-2977- Kyle Lepree and Margaret Brunette. It was moved by Mr. Leitner and seconded by Mr. Sorrentino. Ms. White, Mr. Leitner, Mr. Sorrentino, Mr. Schneider, Mr. Anderson and Mr. Langer voted AYE. Mr. Raftery and Ms. Della Volle were ineligible. Mr. Mizer was absent.

A motion was made to adjourn the meeting at 10:30 p.m. All members voted AYE.

Respectfully Submitted,

Christine Papa, Secretary
Planning Board/Board of Adjustment