

August 3, 2016

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

Present

Harvey Langer  
Eileen Della Volle  
Frank Mizer  
Dawn Marie White  
Louis Sorrentino  
Carl Anderson

Also Present

John Miller, Esq.  
Brian Boccanfuso  
Tara Paxton  
Sean Kinnevy  
Denise Sweet

Absent

Dennis Raftery  
Stephen Leitner  
Jeffrey Schneider

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

The Board Professionals were sworn in.

**BA-2984- FDMC Construction, LLC**

Mr. Jackson addressed the Board referring to a letter he submitted to the Board Secretary requesting this application be carried to the November 2, 2016 meeting and no new notice be required. The Board agreed. Mr. Jackson also waived the time to accommodate the time the Board needed to hear this application.

This application was carried to the November 2, 2016 meeting. No new public notice is required.

**BA-2983- Anthony Scriffignano**

John Jackson was present to represent the applicant.

The applicant has constructed a platform landing and stairs, 10.6'x5', which encroach into the rear setback. A minimum rear setback of 15 ft. from the rear property line and from the bulkhead and setbacks of 2.5 ft. from the rear property line and from 8.2 ft. from the water-ward side of the bulkhead are existing.

The existing home was damaged by Super Storm Sandy and the home was elevated. The deck was constructed too large and a variance is needed for the steps and landing. On this property the deck and dock are level.

Dr. Scriffignano was sworn in. He stated his father purchased the home in the 1960's and he purchased the home from his father in the 1980's. Part of the bulkhead is located underneath the deck.

Sharon Bradley was sworn in. She resides 3 houses away. She objects to the planking underneath the stairway and platform. She stated it looks like a wall and obstructs her view of the water and blocks the air flow. She stated that portion of the stairs can be kept open. She stated if this application is approved other residents will do this and the waterway will be blocked from any view.

Mr. Jackson stated the applicant would agree to remove the planking from underneath the stairway and leave the planking underneath the platform. Just under 2 ft. of the deck is non-conforming.

#### EVIDENCE

A-1- Photo of the stairway and what portion of the planking will be removed

A-2- Photo of the stairway and the back portion of what planking will be removed.

Public portion closed

#### Factual Findings

Ms. White- This home was destroyed by Super Storm Sandy. The deck and stairway have been constructed and the deck was made 2' bigger. The applicant agreed to remove the planking from the stairway but keep the planking under the platform. The applicant uses a portion of the space underneath the stairs for storage. A resident in the audience objected to the stairway being closed in. This application will not create any negative impact on the area or the zoning plan.

Ms. Della Volle- Concurred

Mr. Sorrentino- Concurred

Mr. Mizer- Concurred

Mr. Anderson- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2983- Anthony Scriffignano. It was moved by Mr. Mizer and seconded by Mr. Sorrentino. Ms. White, Ms. Della Volle, Mr. Sorrentino, Mr. Mizer, Mr. Anderson and Mr. Langer voted AYE. Mr. Raftery, Mr. Schneider and Mr. Leitner were absent.

## **BA-2985- Jack Herbster**

Michael Paxton was present to represent the applicant.

Frank Baer was sworn in.

The applicant has constructed a platform landing and stairs, 130 square feet, about 12'x12' which encroaches into the front setback. The applicant has an existing tiki bar building about 9'x9' located between the pool and the bulkhead. The Township Code requires a minimum rear setback of 15 ft. from the rear property line and from the bulkhead for the bar building and setbacks of 0 ft. from the property line and 5ft. from the water-ward side of the bulkhead are proposed. The tiki bar is located 2.13 ft. from the rear setback line where 5 ft. is required by Ordinance. The revised front porch steps extended into the front setback at 7.8 ft. where 20 ft. is required by Ordinance.

Public portion closed

### Factual Findings

Mr. Mizer- The property is located in the R-5 zone. The applicant constructed a landing and stairs too close to the property line. The existing tiki bar is located 2.3 ft. from the rear property line where 5 ft. is required. The front platform is located at 7.8 ft. from the front property line where 20 ft. is required by Ordinance. This application will cause no detriment to the public or the zoning plan. It will not have a negative impact on the neighborhood.

Ms. Della Volle- Concurred

Ms. White- Concurred

Mr. Sorrentino- Concurred

Mr. Anderson- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2985- Jack Herbster. It was moved by Ms. White and seconded by Mr. Mizer. Mr. Mizer, Ms. Della Volle, Mr. Sorrentino, Mr. Anderson and Mr. Langer voted AYE. Mr. Raftery, Mr. Schneider and Mr. Leitner were absent. Mr. Anderson was present but not voting.

Recess: 7:50 Meeting resumed: 8:00

**BA-2878- GHU Properties, LLC**

Scott LaFavia was present to represent the applicant.  
Timothy Lurie was sworn in. (engineer)

The applicant is seeking an Amended Site Plan approval with a use variance and bulk variance to expand the existing monument sign on site to include information for a business identified as “Marine Max”, which is a use that does not operate on the subject property. In addition, the applicant is seeking the variance relief necessary to expand the area of the liquor shoppe sign on the sign structure from 14.25 sq. ft. to 28.5 sq. ft. And add a 28.5 sq. ft. sign panel for the Marine Max business.

Mr. LaFavia stated that the public are not aware that the marina and liquor store are located on this site and this sign would alert the public.

Mr. Lurie stated that since Route 70 was widened the bridge was made higher and the sign was too low. The sign will be a permanent structure and will be back lit. Making these changes to the sign will have no negative impact on the area.

It was noted that the Architectural Review Committee suggested that the address of the restaurant be placed higher on the sign so the public could see it. The applicant agreed to this and also to back lit the numbers.

The Board would like to see landscaping around the bottom of the sign. The Board suggested that the applicant’s engineer and the Board engineer work together on the proper landscaping for the bottom of the sign.

**EVIDENCE**

A-1- Rendering with existing photo of the sign looking east and west.

A-2- Rendering of the existing sign with Marine Max added

The following variances have been requested:

Item	Permitted	Existing	Proposed
Commercial sign not expressly and directly Related to the business conducted on the Premises on which they are located	No	No	Yes
Maximum Sign height	10 ft.	25 ft.*	25 ft.*
Minimum Sign setback	10 ft.	6.75 ft. **	6.75 ft. **
Maximum Sign area	25 sq. ft.	+/-137.7 s.f.	180.5 s.f.

Illuminated monument sign

No

Yes\*

Yes\*

Existing condition: no change proposed

\*Existing condition: no change proposed

\*\* Existing condition: no change proposed. However, the August 2014 approval for this Sign permitted a setback of 5 ft.

A letter was read into the record dated August 1, 2016 from the New Jersey Department of Transportation to the applicant. The letter stated that if GHU Properties intends to use the sign for off-premises activities as defined in the Roadside Sign Control and Outdoor Advertising regulations, N.J.A.C. 16:41C-1.1, it must submit an application and be approved for a permit for the sign and be approved for a license to engage in outdoor advertising before the erection of the proposed sign. The applicant stated they will comply.

Marco Giancoli was sworn in. He is part owner of the business. He stated there are 35 to 40 slips at the site. The sign on the building is important for the boats coming to the site at night. There are 69 channels on the radio and the radio is portable. The boats coming into the site do not stay overnight. Mr. Giancoli stated they are not changing the actual size of the sign and the Marine Max was leasing a part of the sign.

Public portion closed

Factual Findings

Ms. White- The property is located in the B-1 zone. The variances requested are listed above as well in the CME report dated August 1, 2016. The roof mounted sign is to remain. The address will be at the top of the sign and will be back lit. The applicant's engineer and the Board engineer will work on the proper landscaping at the bottom of the sign. If necessary the applicant will obtain DOT approval. This application will cause no detriment to the area or zoning plans.

Mr. Mizer- Concurred

Ms. Della Volle- Concurred

Mr. Sorrentino- Concurred

Mr. Anderson- Concurred

Mr. Langer- Concurred

It was moved by Mr. Sorrentino and seconded by Ms. White. Mr. White, Ms. Della Volle, Mr. Sorrentino, Mr. Anderson and Mr. Langer voted AYE. Mr. Mizer voted no. Mr. Raftery, Mr. Leitner and Mr. Schneider were absent.

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

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

A motion was made to adjourn the meeting at 9:00 p.m. All members voted AYE.

Respectfully submitted,

Christine Papa, Secretary  
Planning Board/Board of Adjustment