

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated December 9, 2016.

List of Board Engineer vouchers dated January 5, 2017.

Resolution #17-8-ZBA & 2016 Annual Variance Report.

The New Jersey Planner: November/December 2016; Vol. 77, No. 6.

Chairman Hanson read the agenda for the benefit of the public.

Mr. Armbruster made a motion to nominate James Hanson as Chairman and approve Resolution #17-1-ZBA. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	ABSTAIN		

Motion carried.

Mr. Brand made a motion to nominate John Armbruster as Vice-Chairman and approve Resolution #17-2-ZBA. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. Armbruster	ABSTAIN	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Armbruster made a motion to nominate William Galestok as Board Secretary and approve Resolution #17-3-ZBA. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Armbruster made a motion to nominate Lisa Schubert as Recording Secretary and approve Resolution #17-4-ZBA. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Armbruster made a motion to nominate Anthony Harvatt, II, Esq., as Board Solicitor and approve Resolution #17-5-ZBA. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Armbruster made a motion to nominate Mott MacDonald Engineers as Board Engineer and approve Resolution #17-6-ZBA. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Brand made a motion to approve Resolution #17-7-ZBA, meeting dates for 2017. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Utsch made a motion to approve the December 1, 2016 minutes. The motion was seconded by Mr. Brand. Motion carried.

Mr. Utsch made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. Armbruster. Motion carried.

Mr. Armbruster made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. Kennedy. Motion carried.

There was a discussion regarding the Marco resolution. It was explained the application was approved several months ago, but there was a typo in the resolution. The resolution before the Board is the corrective resolution.

Mr. Brand made a motion to approve the corrective resolution and the resolution from the December 1, 2016 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

Approval of Annual Variance Report and adoption of Resolution #17-8-ZBA subject to MLUL 40:55D-71.1.

Mr. Galestok explained he reviewed the report and didn't see anything that was out of the ordinary. He explained there were a lot of variances granted in the R-3 zone, but a lot of the lots are non-conforming, but he is not recommending and changes.

Mr. Brand made a motion to adopt Resolution #17-8-ZBA. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

1. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Bojidar Dimitrov for the location known as Block 135, Lots 24 & 25, 202 West Atlantic Avenue.

Mr. Ronald Gelzunas, Esq., represented the applicant.

Mr. Bojidar Dimitrov, applicant was sworn in by Chairman Hanson.

Mr. Gelzunas explained his client has an isolated undersized vacant lot.

Mr. Gelzunas submitted into evidence a letter from the adjacent property owner and an aerial photo.

Mr. Gelzunas explained there are similar lot sizes in the area. He explained his client would like to construct a single family dwelling that would meet all the setback requirements, coverage and height. He explained there would be no negative impact to the neighbors. He explained this is an existing undersized lot. He explained there would be adequate light, air and open space. He explained there would be no detriment to the zone or zone plan.

The Board explained the survey shows the building envelope and asked if the house was built to that configuration if it could be squared off? Mr. Galestok explained it could.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Armbruster made a motion to conditionally approve this application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

2. Use & hardship variance application to construct a deck encroaching into the rear yard setback, submitted by FUMA, LLC for the location known as Block 763, Lot 11, 1288 Wilson Drive.

Mr. Hance Jaquett, Esq., represented the applicant.

Mr. Jaquett explained a use variance was granted in 2016 for a duplex. He explained his client has obtained the DEP permits and is here tonight for approval of the rear decks, which was not on the original approval. He explained that the building itself is slightly different from the original approval.

Mr. John Kornick, PE, was sworn in by Chairman Hanson.

Mr. Kornick had submitted into evidence the DEP approved plans and architectural elevation plans. He explained the deck would be five feet off the bulkhead and would meet setbacks.

Mr. Kornick explained what is proposed is not a deterrent to the zone or zone plan and is consistent with the Master Plan. He explained a vehicle can be parked on the property without overhanging out onto Wilson Drive. He explained this lot abuts the bridge. He explained what is proposed provides for light, air and open space. He explained all FEMA rules will be met.

Mr. Galestok asked what datum was used? Mr. Kornick explained they used the 1988 datum. There was a discussion regarding the flood elevation. Mr. Kornick explained the building height would be under the allowed 35'. He explained there would be parking in the garage.

Mr. Galestok explained there is some MGB related businesses in this area. He explained that with past residential approvals, there has been something in the deed there is going to be noise generated by the MGB uses and not to complain. Mr. Jaquett explained they have no problem with that.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve the use variance application. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Brand made a motion to conditionally approve the hardship variance application. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

- 3. Hardship variance application to construct an addition and deck encroaching into the side yard setback and closer to the accessory use than allowed, submitted by Gregory Bulifant for the location known as Block 795, Lots 62 & 71, 1014 West Rio Grande Avenue.

Mr. Ron Gelzunas, Esq., presented the applicant.

Mr. Matt Sprague, Licensed Architect, was sworn in by Chairman Hanson.

Mr. Gelzunas explained there is an existing house on the lot. He explained the lot is narrow and the existing house encroaches into the side yard setbacks. He explained his client would like to construct an addition encroaching into the side yard setback and closer than permitted to the accessory use.

Mr. Sprague explained the existing single family dwelling is 1 ½ story. He explained they would like to raise the house to meet the flood elevation and add a 2nd floor with a six-foot extension and an eight-foot deck. He explained they would have a one hour fire rating on the side of the house. He explained the proposed house would be below the allowed height. He explained what is proposed would be an improvement to the area. He explained there would be no detriment to the area if approved. He explained there is a commercial use adjacent to this and there would be no impact to the business. He explained there would be about 2 ½' to the business and about 5' to the other side line.

The Board asked if the accessory use would remain? Mr. Sprague explained the accessory use would remain as it.

Mr. Gelzunas explained the building has been in the family for 60 years.

Mr. Greg Bulifant, applicant, was sworn in by Chairman Hanson.

Mr. Bulifant explained he is a local plumber. He explained this property has been in the family for 60 years and has been underwater twice. He explained when a storm threatens, he comes down to raise everything in the house.

The Board asked if there was anything from the Bureau of Fire Safety on this? Mr.

Galestok explained they do not get anything from Fire Safety unless it is a site plan or subdivision application.

The Board asked what type of siding would be installed? Mr. Sprague explained they really haven't discussed that yet, but it would probably be vinyl. He explained they are proposing a two-hour rating on both sides of the house.

This portion of the hearing was opened to the public.

Mr. Charles Gans was sworn in by Chairman Hanson.

Mr. Gans explained he is in favor of this application. He explained he is in favor of fixing up the area.

Mr. Chris Sartar was sworn in by Chairman Hanson.

Mr. Sartar explained he lives next door and is in favor of this application. He explained he has spoken with Mr. Bulifant about his one concern and he has agreed to a solid fence on the 2nd floor deck for some privacy.

This portion of the hearing was closed to the public.

Mr. Gelzunas explained they have agreed to a solid 6' barrier on the east side of the deck.

There was a discussion about fire rating the back of the building also. Mr. Sprague explained with the amount of windows in the back, it would be hard to fire rate this area. There was a discussion that this puts an undue hardship on the applicant. It was explained that this would also be Construction Code and if the Construction Office requires this wall be fire rated, then the applicant would have to fire rate it.

Mr. Armbruster made a motion to conditionally approve this application. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

Mr. Brand made a motion to adjourn at 8:00 P.M. The motion was seconded by Mr.

Armbruster. Motion carried.

Respectfully submitted,

Lisa A. Schubert,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.