

399 Monmouth Road
Oakhurst, NJ 07755-1589



The meeting was called to order at 7:10pm

ROLL CALL: Victor Ashkenazi, Jason Chmura, Anathony DeGennaro, Gino Dellomo, Anthony Pugielli, Mark Leneski, John Fuller

MEMBERS ABSENT: Lisa Littman, Chris Caramanica, Chairwoman Beale

OTHERS PRESENT: Attorney -Mark Steinberg, Board Planner -Jim Higgins, Board Engineer -Bennett Matlack, Zoning Officer – Kate Maloney, Planning Administrator - Colleen Mayer, Board Secretary – Claire Vilanova

SALUTE TO THE FLAG

CHAIR'S STATEMENT

Vice Chair Fuller announced the notice requirements for the Open Public Meetings Act have been satisfied. A copy of the notice was sent to the Asbury Park Press, and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk July 21, 2024.

NO SMOKING

BOARD POLICY: No new cases will be started after 9:00pm, and no new testimony taken after 9:30pm. In addition, the applicant will be limited to forty-five minutes of testimony.

NOTICE:

All meetings will be video and audio taped and shown on the Township of Ocean's Community Cable Chanel, Channel 22 on Verizon FIOS and Channel 77 on Cablevision. All cell phones must be turned off, or if you need to make a call, please make your call outside the meeting room.

A motion was made for the Minutes for Adoption for September 2023, by Member DeGennaro and seconded by Member Dellomo. Roll Call: Dellomo, Ashkenazi, Chmura, DeGennaro, Leneski

A motion was made for the Minutes for Adoption for October 2023, by Member Dellomo and seconded by Member DeGennaro. Roll Call: Dellomo, Ashkenazi, Chmura, DeGennaro, Fuller, Leneski, Pugielli

A motion was made for the Minutes for Adoption for November 2023, by Member Dellomo and seconded by and seconded by Member DeGennaro. Roll Call: Fuller, Chmura, DeGennaro, Leneski, Pugielli

A motion was made for the Minutes for Adoption for December 2023, by Member Ashkenazi and seconded by Member DeGennaro. Roll Call: Fuller, Dellomo, Ashkenazi, DeGennaro, Pugielli

The following amended resolution was discussed: Peter Lauria, 20 Barbara Lane, Ocean 07712, Block 26.01 Lot 7. Attorney Steinberg stated he was putting in a shed, and the Board Planner suggested it be 30 feet back on the side and 5 feet from the rear. Attorney Steinberg stated he thought it was supposed to be behind his fence, and that was the way the resolution was written. It has to be congruent with his fence or further back. The Resolution was corrected to fix this error and is an accurate reflection of what was approved. A motion by Member Dellomo to approve was made, and Member Ashkenazi seconded. Roll Call: Dellomo, Ashkenazi, Chmura, DeGennaro, Pugielli

The next amended resolution was discussed: Solomon & Sara Chehebar, 221 Elmwood Road, Oakhurst 07755, Block 25.31 Lot 11. Attorney Steinberg stated he failed to include in the resolution, and it was noticed for and it was discussed, once the Board approved the garage being a kitchen, it now became not a garage but an accessory building, and because it is an accessory building within such a distance from the house, it doesn't meet the accessory building setbacks. The Resolution was amended to include the setbacks of the garage which is now an accessory building, so if in the future it comes back up, it will come up correctly. The Resolution was corrected fix this error of missing the one variance which was approved. A motion by Member Dellomo to approve was made, and Member Ashkenazi seconded. Roll Call: Dellomo, Ashkenazi, Chmura, DeGennaro, Pugielli

The extension of the minor subdivision for the following was discussed: Deal Road, Poplar Place & Route 18, Ocean, Block 3, Lots 34.03, 2, 2.02, 5.1, 5.92 & 6. Attorney Steinberg stated it was voted and this is a resolution that the applicant couldn't do the minor subdivision within the time permitted by law. It is because they are unable to get the fire commissioner approval to sell one building and move it over in the lot lines so we gave them an extension. Member Ashkenazi made a motion to approve and Member Pugielli seconded. Roll Call: Fuller, Dellomo, Ashkenazi, Chmura, Leneski, Pugielli

The following Resolutions were Memorialized:

Matthew Bilbao, 1202 Logan Road, Ocean, 07712, Block 140 Lot 64
Michael-John Hancock, 1312 Franklin Parkway, Ocean, 07712, Block 104 Lot 19
Gerilyn Mahlof, 406 W. Park Avenue, Oakhurst, 07755, Block 26 Lot 66
Samantha Martinez, 500 Bowne Road, Ocean, 07712, Block 39.04 Lot 7.01
Costco Gas Station, 2361 NJSH Route 66, Ocean, 07712, Block 141 Lots 1, 2 & 23
All were in favor and no one opposed.

It was announced the following cases are carried to OCTOBER 9, 2024, WITHOUT NEEDING FURTHER NOTICE:

IAAT Services, LLC, 1418 Highway 35, Ocean, 07712, Block 182 Lot 7
IAAT Services, LLC, 922 Highway 35, Ocean, 07712, Block 141 Lot 12

It was announced the following cases are carried to OCTOBER 9, 2024, NEEDING TO RE-NOTICE:

Michele Lanza, 600 Bowne Road, Ocean, 07712, Block 39.01 Lot 1
Emerald Jade, LLC, 515 Myrtle Avenue, West Allenhurst, 07711, Block 62 Lot 4
Abraham & Margaret Mosseri, 491 South Edgemere Drive, West Allenhurst, 07711

Vicechair Fuller reiterated to be clear when someone needs to re-notice, it's just for the newspaper and was told it depends on what the faulty part is.

CONTINUED CASE:

Joseph Snado, 355 Lake Avenue, Oakhurst, 07755, Block 5 Lot 32, Zone R-4. Mr. Snado had pictures to present and were checked against the previous ones to ensure if they were the same or different. Mr. Joseph Snado and Mrs. Stella Snado introduced themselves and were sworn in by Vicechair Fuller. Mrs. Snado read a letter she wrote which was an overview of the challenges they faced as a family of seven in a 1400 square foot home and needed more space and utilized the detached garage and converted it. They apologized for doing the conversion without the required zoning approvals and asked for consideration of approval. She also read they were asking to expand the second-floor attic for the main house. She stated the original plans presented indicated guest house but the Architect made a gross error. An updated plan was submitted representing it correctly as a pool house. She stated it will have no bedrooms or sleeping areas.

The Zoning Officer, Kate Maloney, was sworn in by Vicechair Fuller. She stated the applicant did, in fact, state the case correctly in the they did covert the existing garage / workshop into a separate living space. It was discovered when the pool was being constructed, which did have the proper approvals. She stated the roofline remained the same and the garage doors were removed and regular swinging doors installed. Not sure if rear doors existed. She noted there is an air conditioner and questioned if the condenser was outside, and the answer was yes. She brought this up as she did not see it on the survey provided, and since the garage is pre-existing non-conforming, it's within the side and rear yard setbacks and would require a variance as well. They did the work before any approvals were granted by the Township, however, approvals could not have been granted by herself as Zoning Official as the separate living space is not a permitted use in a residential zone, and the detached garage was pre-existing, non-conforming; it was within the setbacks, and any structural change would require variances as well for both rear & side-yard setbacks.

Vicechair Fuller asked the Zoning Officer if the applicant could do anything to ensure this space does not become living space upon which she asked the applicant if there were any cooking appliances since the plans was labeled kitchenette. The answer was no. The bathroom includes a shower, and it was stated by the applicant that was all there before. There were no pictures to substantiate this other than Google Earth to qualify it was in a dilapidated shape.

Planner Higgins stated the crux of the application is whether this accessory building could ever be converted to a small dwelling which could easy be done by way of looking at the floor plan. The concern was the playroom which could have a door installed to easily make it a bedroom. He suggested, if the Board were to approve the application, to make a deed restriction that would state the rear building could never become an accessory apartment or a separate dwelling. The applicants do not have a problem in deed restricting the use. It was asked what happened to the gas line, and the answer was the pool company capped it. A permit was submitted to install one, but upon further realization, there was no use for it so it was cancelled. There is no gas line and no stove to be included in the deed restriction, and the applicants agreed.

Member Leneski questioned this structure as a pool house with enclosed walls. The Zoning Officer stated in order to keep them from becoming separate dwellings, you can either have a full bath, so in this case, the lavatory, sink and shower but you could not have a full kitchen. Since it was testified to there's no

cooking appliances so the kitchenette is just basically for storage so the full bath is permitted. The concern is for the placement of the a/c unit. Mr. Snado stated it is a mini-split system and was not sure it even worked as it was there prior to them moving in. The Zoning Officer recommended since it is an old unit, to put it on the plan so when it needs to be replaced, she will not deny it as it would need a variance for, per her guess, side and rear setbacks. It would need 10 feet as it is an accessory structure. Mr. Snado was asked where the unit is and he stated it is right behind where the unit is in the rear of the property. Member Chmura stated it appeared it was on the side yard. However, after further explanation, it is mounted to the exterior on the rear. The Zoning Officer recommended when the applicant submits the As-Built survey, which will be required for the pool, he ensure the section where the unit is attached to the building is shown.

Attorney Steinberg ensured the notice requirement included the phrasing for any and all variances as it did which will now cover this variance for the condensing unit not meeting side and rear setbacks. Member Dellomo asked if the unit had heat, and the answer was no – just air conditioning. Engineer Matlack questioned how it was winterized, and Mr. Snado stated space heater, but reiterated it does not have heat. Mr. Snado if it needed to be a condition of approval, he was alright with it. Engineer Matlack referred to Planner Higgin's report that the impervious coverage was difficult to calculate, and it wasn't clearly shown. Mr. Snado did provide an outline which calculated the impervious coverage, and Engineer Matlack had a chance to review it and agreed with it and stated they do not need a variance for impervious coverage. However, the building coverage, which Planner Higgins did note in his report, there is a variance required for that. Planner Higgins explained they are coming out with the second floor expanding the footprint of the building on the second floor.

Attorney Steinberg stated the Board will consider the expansion of the second floor of the main house and approval of the pool house with variances for side and rear setback be granted at 6 feet as it is existing at seven. Also, a deed restriction for no gas, no heat, no stove, no living space. Seeing that the Public had no questions or comments, Vicechair Fuller asked for a motion to close the public portion. Member Ashkenazi made the motion and Member Leneski seconded. Roll Call: Ashkenazi, Chmura, DeGennaro, Dellomo, Pugielli, Leneski, Vicechair Fuller. Member Ashkenazi made a motion for a positive resolution and Member Pugielli seconded. Roll Call: Ashkenazi, Pugielli, Leneski, Vicechair Fuller. Opposed: Chmura, Dellomo. Ineligible: DeGennaro

NEXT CASE:

1002 Bloomfield Ave., LLC, Block 40.12 Lot 8, 1002 Bloomfield Avenue, Ocean, 07712, Zone R-4.

Attorney: Robert Farber

Mr. Farber stated it was after 7:30pm and could proceed as his notice stated 7:30pm instead of 7:00pm. He proceeded to state variances are sought on a pre-existing home with front and side yard setback issues. It is an undersized nonconforming, irregular shaped lot and the rear decking is proposed which encroaches 1.7 feet within the 10-foot setback. Planner Higgins explained the application in stating they are trying to expand the house. In the front of the house they need a front yard setback. The ordinance requires 30 feet – the existing is setback 22.2 feet and they are basically going up with the second story with the same setback. There's a technical variance necessary. The proposed covered front porch is set back 28 feet so it is actually set back farther than the residence. There is a 2-foot deviation. The Master Plan recommends relaxing the setback requirements for covered front porches to try and make neighborhoods more attractive. He does not have a problem with the variances. There's a minor variance necessary for the patio; a very small corner of the patio extends 8.3 feet into the side yard, and the ordinance requires 10 feet.

Engineer Matlack stated his initial report had comments which were all addressed in the revised plans he received, and as a result, he has no concerns.

Thomas Lavin, Registered Architect, was sworn in by Vicechair Fuller. He referred to drawing P-1 and stated it is a one-story cottage with an original addition out the side. The first floor is to be reconfigured into living room, dining room, kitchen, and a bathroom, and then add an addition to the back of the house which is completely within the setback so there is no issue for that. Because of the way the property is angled, the corner of the new porch is 28 feet from the property line whereas the other corner is 22 feet from the property line. The second floor will have the bedrooms and bathrooms. It was noted the foundation of the floor is in good shape. There is no basement but a crawl space. The bilco door is to be removed and will be accessed through underneath the new staircase inside the house. The entire façade will have all new siding and exterior finishes and will match other homes in the area.

Attorney Steinberg pointed out the disclosure of ownership was not in the package and stated Mark Haber, who was sitting here owns 50% and then Alan Brilliant owns the other 50% in case anybody has any conflicts with those people. Vicechair Fuller asked if there were any questions or comments from the Board, and there were none. He opened it up to the public for any questions, and Mr. Zimo, 1101 Roseld Avenue, Ocean, asked if it was going to left as a slab or was a celler being built? The answer was it is a crawl space. He asked a question which was not for consideration for the Board, as Attorney Steinberg stated. There were no other questions or comments from the Public, and a motion from Member Dellomo to close the public portion was made, and Member DeGennaro seconded. Roll Call: Ashkenazi, Chmura, DeGennaro, Dellomo, Pugielli, Leneski, Vicechair Fuller. A motion for a positive resolution was made by Member DeGennaro and Member Dellomo seconded. Roll Call: Ashkenazi, Chmura, DeGennaro, Dellomo, Pugielli, Leneski, Vicechair Fuller. No one opposed.

A motion was made to adjourn the meeting by Member DeGennaro and seconded by Member Chmura. The meeting ended at 8:09pm.

Respectfully submitted,

Claire Vilanova
Zoning Board Secretary