

Borough of West Long Branch

Zoning Board of Adjustment Meeting Minutes of March 26, 2015

Contact:

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Category: ZONING BOARD MEETINGS

FOR IMMEDIATE RELEASE West Long Branch, NJ - April 27, 2015

ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF WEST LONG BRANCH

MARCH 26, 2015

The Regular Meeting of the Zoning Board of Adjustment of the Borough of West Long Branch was held on March 26, 2015 at 7:00 PM in Borough Hall.

The Board secretary verified that adequate notice of the meeting was published and posted in accordance with the Senator Byron M. Baer Public Meetings Act (N.J.S.A. 10:4-6) known as the Open Public Meetings Law.

ATTENDANCE

Members Present: Mr. Robert Venezia

Mr. Michael Habeck

Mr. Michael Schulz

Mr. Scott LaMarca

Mrs. Pamela Hughes

Mr. Paul Santorelli

Members Absent: Mr. John Penta

Mr. Jared Murphy

Mr. Paul Giglio

Also Present: Michael Irene, Jr., Esq.

Bonnie L. Heard, P.E.

Lisa Norman, C.S.R.

MINUTES:

The Board reviewed the minutes for February 26, 2015. Mr. Schulz pointed out that Mrs. Swannack's name was misspelled. Mr. Santorelli, being the only member present who could vote on the minutes, made a motion to approve the minutes with the typo change, and seconded it. The minutes were approved by the following roll call vote:

AYES: Mr. Santorelli.

NAYES: None

NOT POLLED: Mr. Habeck, Mrs. Hughes, Mr. LaMarca, Mr. Venezia, and Mr. Schulz.

Michael Habeck recused himself as he had a conflict of interest with the Mizrahi application.

MATTERS BEFORE THE BOARD

APPLICATIONS:

New Application

Mizrahi

Block 42, Lot 2

John Giunco, Esq., was present on behalf of his client, Mizrahi. Mr. Maxwell Colby was also present representing a neighbor, Block 42, Lot 9, in objection to the application. Mr. Irene advised the Board that he has reviewed the noticing proofs for the application and finds that they are in order. There was an issue however, which may involve additional variances including a "d" variance possibly, in which case the applicant would have to re-notice. Mr. Irene explained that he has had a conversation with Mr. Giunco on the issues that afternoon and Mr. Giunco is present to advise the Board of where they were on those issues. The Board was given a copy of a letter from Mr. Giunco asking to carry the matter to April 23rd, in order for his client to compile information in response of the questions.

Mr. Giunco explained that there was a question about how the property had a pool house and tennis court and was already over the lot coverage maximum. Mr. Giunco explained that his client purchased the property about a year ago and was advised by the previous owner that all the proper permits and approvals had been obtained at the time those other accessory structures were constructed. Mr. Giunco explained that the prior owner stated that he received zoning board approvals around 1974. Mr. Giunco explained that there may also be some survey errors which need to be corrected. Mr. Giunco wished to have an opportunity to try and obtain copies of the proofs from the Borough for the approvals, and permits. There was also a question as to whether or not the pool house had been rented out. Mr. Giunco stated that as of 11am that day, the building was not occupied. He further requested an adjournment to get the survey revised to include a shade structure and playground not shown on the survey. Mr. Irene explained that depending upon the information to be obtained, there may be a need for variances to allow some or all of these other uses along with the basketball court that the applicant has applied for. Mr. Irene explained that if there is a resolution granting the variances, the applicant would only need the new variances. Mr. Venezia stated that he was also wondering about the lighting on the tennis court and whether or not the owner received approvals for lights, when the Board was accustomed to requiring there be no night lighting of tennis courts. Mr. Schulz requested that the applicant give permission for him to walk on the property. Mr. Giunco said that he did not believe this would be a problem, but that Mr. Schulz should advise his client when he wanted to come. Mr. Irene cautioned that there could be no more than 3 members on the property at one time, and they should not discuss the matter with the owner or the other members. On the issue of lot coverage, Bonnie Heard explained that she did not believe that a lot coverage maximum was in place when the property may have received earlier approvals. Mr. Irene explained that if the non-conformities predate the ordinance they would be pre-existing and only the new increases would require variances. Mr. Colby also pointed out that there was another ordinance 18.6.3.f which refers to accessory structures in the rear yard only taking up 25% of that yard space. He asserted that this was an additional variance not previously mentioned.

Mrs. Hughes made a motion to carry the application to April 23rd without further need of notice, unless other variances were required. Mr. Schulz seconded the motion, which was approved by the following roll call vote:

AYES: Mrs. Hughes, Mr. LaMarca, Mr. Venezia, and Mr. Schulz, and Mr. Santorelli.

NAYES: None

NOT POLLED: None

RESOLUTIONS:

The resolution for Monmouth University, Block 39, Lot P/O 8, was reviewed by the Board. Mr. Santorelli was the only member present who could vote on the resolution. The resolution which had minor changes suggested by the engineer, was read by Mr. Santorelli. He made a motion to approve the resolution as corrected, and seconded the motion. Mr. Santorelli voted yes to approve the resolution.

Mr. Schulz asked Mr. Irene if he could ask about an approval, which was granted by the Board. Mr. Schulz was concerned with the condition of the gas station site at 207 Monmouth Road, who had received two approvals from the Zoning Board and agreed at those meetings to clean up the rear of the property, which has parts and abandoned cars. Mr. Schulz wanted to know if Jim Miller, the zoning officer could be sent to write a violation notice. Mr. Irene explained that Mr. Miller could look at the resolution and determine if the applicant was in violation of the approval, or the ordinances. The secretary would make the request that he review the property for

violations. Mr. Schulz proposed that he would like to see every file that comes before the Board be reviewed for violations before they are heard. Mr. Irene explained that there may be violations on a property which would not having any relationship to zoning applications. He explained that there may be code violations regarding maintenance of a property, but it would not be something that the Board could deny an application on. He advised that if a property was in poor shape during application, the Board could ask that as a condition of approval the property be cleaned up, but could not make the decision based upon the condition of the property.

Mr. Schulz asked if Mr. Irene knew anything about a case, Ciaglia v West Long Branch. Mr. Irene explained that the case was about an undersized lot. He advised that the Board had denied the applicant the variances to build a single-family home. He told the Board that the denial apparently indicated that if the home were smaller or language to that affect, it would be better. The applicant came back and was denied again. The applicant could have appealed the decision, but instead asked the courts to affirm "adverse condemnation", which basically means the property was zoned into inutility. There is some indication that the lot was ultimately purchased by the Borough. Mr. Irene cautioned the Board that in the case of an "isolated" undersized lot the Board should understand that they may put "reasonable" conditions on the development, but cannot outright deny the application. Otherwise, the Borough could be responsible to purchase the property. He stated that sometimes the neighbors, if they object, could chip in and purchase an undersized lot, but that does not often happen and when it does then the trick is determining its value.

The Board was notified that the July 23, 2015 meeting would be cancelled, as the Monmouth County Board of Freeholders would like to hold a meeting on that date.

There being no further business the meeting was adjourned, at 8:30PM.

Respectfully submitted,
Anna R. Wainright
Recording Secretary