

MINUTES OF MEETING OF THE BOROUGH OF  
OCEAN GATE LAND USE BOARD HELD ON DECEMBER 19, 2017

\*\* Note – This meeting was recorded at the Municipal Building under "Ocean Gate Court "

OPENED WITH PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

**ATTENDANCE:**

**THE FOLLOWING WERE PRESENT: COX, FRY, HANUSEY, HOLSHUE, MIHALKOVITZ, CHERNEGO, AND SHEPPARD. MESSRS. DISTEFANO, BUTOW AND MAYOR KENNEDY WERE NOT PRESENT.**

**THE BOARD ATTORNEY AND ENGINEER WERE ALSO PRESENT.**

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, INCLUDING PUBLICATION OF THE MEETING IN THE ASBURY PARK PRESS AND STAR LEDGER AND STATEMENT THAT A QUORUM WAS PRESENT WERE MADE BY CHAIRMAN FRY. ON A MOTION BY CHERNEGO SECONDED BY HANUSEY, THE MINUTES OF THE MEETING HELD NOVEMBER 28, 2017 WERE APPROVED WITH "YES" VOTES FROM THOSE MEMBERS WHO WERE THOSE PRESENT ON NOVEMBER 28, 2017.**

**THERE WAS NO CORRESPONDENCE, NOR WAS THERE OLD BUSINESS.**

**NEW BUSINESS:**

THE APPLICATION BY LISA YURKANIN FOR PREMISES AT: Block 26, Lot 14, vacant lot between 200 Asbury Avenue and 108 Asbury Avenue WAS HEARD. THE APPLICATION WAS A REQUEST TO ALLOW THE APPLICANT TO CONSTRUCT A DECK AT THE FRONT OF HER AS YET UNBUILT HOME, WHICH WOULD BE LOCATED WITH A FRONT SETBACK OF 4' IN LIEU OF THE 15' MINIMUM PER THE ZONING ORDINANCE.

MRS. YURKANIN AFFIRMED THE TRUTHFULNESS OF HER TESTIMONY, AS DID ALL THOSE GIVING TESTIMONY. SHE PRESENTED EXHIBITS, WHICH WERE MARKED AS FOLLOWS: A-1 - DRAWING OF THE PROPOSED MODULAR HOME SHE WISHED TO BUILD; A-2 - PHOTOS OF THE SURROUNDING AREA. SHE STATED THAT SHE WISHED TO BUILD HER FRONT DECK, WHICH WOULD BE ATTACHED TO HER AS YET UNBUILT HOME, IN ALIGNMENT WITH THE FRONT SETBACKS OF SURROUNDING HOMES IN THE AREA.

MR. MALLON AND MS. VICARI WENT OVER MR. MALLON'S REVIEW LETTER, DATED NOVEMBER 28, 2017. THERE WAS TESTIMONY THAT: (1) THE HOME WOULD HAVE 3 BEDROOMS, AND 2 AND 1/2 BATHS, (2) IT WOULD BE BUILT IN COMPLIANCE WITH THE REQUIRED FLOOD ELEVATION. THIS WAS A C-2 VARIANCE. MRS. YURKANIN WISHED TO CONSTRUCT HER DECK IN ALIGNMENT WITH FRONT SETBACKS OF OTHER HOMES NEAR HERS FOR AESTHETIC REASONS AND ALSO TO ENHANCE HER WATER VIEW. SHE WISHED TO HAVE A 4' SETBACK TO THE FRONT DECK. THE LOCATION OF THE HOUSE WOULD OTHERWISE CONFORM WITH THE REQUIREMENTS OF THE ZONING ORDINANCE. THE DECK WOULD NOT BE ENCLOSED.

BOARD ENGINEER MALLON HAD VISITED THE SITE DUE TO A DISCREPANCY BETWEEN WHAT WAS SHOWN ON THE PLOT PLAN AND IN THE PHOTOGRAPHS. HE NOTED THAT THERE WAS A CURB ON THE ASBURY AVENUE SIDE, BUT NONE ON EAST CHELSEA AVENUE. IT WAS DETERMINED THAT THERE WOULD BE A CUT-IN AND APRON ON ASBURY AVENUE. MR. MALLON ADVISED MRS. YURKANIN THAT SHE MUST GO TO THE COUNTY FOR APPROVAL, DUE TO THE NEED TO HAVE THE CUT-IN DONE ON ASBURY AVENUE. MRS. YURKANIN STATED THAT SHE UNDERSTOOD THAT SHE MUST DIVERT WATER RUNOFF FROM HER PROPERTY AWAY FROM HER NEIGHBORS' PROPERTIES. SHE WOULD USE STONE.

MR. MALLON NOTED THAT THE NEIGHBORING HOUSE AT 108 ASBURY AVENUE WAS LOCATED AT ABOUT 10' BEHIND THE CURB LINE. MRS. YURKANIN'S HOUSE WOULD BE LOCATED ABOUT 4' FARTHER BACK ON THE LOT.

IN DISCUSSION BETWEEN MESSRS. MALLON AND COX, IT WAS DETERMINED THAT MRS. YURKANIN'S HOME WOULD BE LOCATED AT 4' BACK FROM THE PROPERTY LINE, AND THE NEIGHBORING HOME WAS AT ABOUT 1.1 FEET. SO THAT THE NEW HOME WITH ITS FRONT DECK BEING BUILT BY MRS. YURKANIN WOULD BE ABOUT 3' FARTHER BACK THAN THE NEIGHBOR'S DECK. MR. MALLON ALSO NOTED THAT THERE WAS ROOM IN THE REAR TO MOVE MRS. YURKANIN'S HOUSE BACK FARTHER.

THE PROPERTY LINE WAS APPROXIMATELY 10' INSIDE THE CURB, AND THE DECK WOULD BE BUILT 4' FARTHER BACK FROM THIS POINT, WHILE THE NEIGHBORING HOME WAS AT 1.1'.

THERE WAS DISCUSSION BETWEEN MESSRS. HANUSEY AND MALLON THAT THE HOUSE WOULD BE 16' TO THE PROPERTY LINE, AND 10' TO THE CURB. THE ZONING ORDINANCE REQUIRED A MINIMUM DISTANCE OF 23' FROM THE CURB LINE TO A HOME. THIS WAS BEING MET. HE STATED THAT SUFFICIENT PARKING WAS BEING PROVIDED IN THE FRONT OF THE LOT, UNDER THE HOUSE, AND ON THE PROPERTY. THE REQUIRED MINIMUM FLOOD ELEVATION OF 9' WAS BEING MET. (THE APPLICANT'S PROPERTY WAS AT 11.75'). MR. CHERNEGO ASKED IF THE DECK WOULD BE OPEN, AND MRS. YURKANIN REPLIED THAT IT WOULD BE OPEN, ABOVE AND BELOW WITH A RAILING.

THERE WAS DISCUSSION OF THE FEASIBILITY OF MOVING THE HOUSE FARTHER BACK ON THE LOT, AND MR. MALLON STATED THAT, AS LONG AS ZONING REQUIREMENTS WERE MET, SHE COULD DO THIS. MR. HOLSHUE FELT THAT A GOOD VIEW OF THE WATER WOULD BE AVAILABLE EVEN IF THE HOME WERE MOVED BACK TO A MORE CONFORMING LOCATION. HE MADE REFERENCE TO ONE OF THE PHOTOS, WHICH HE FELT MADE THIS CLEAR.

MR. HANUSEY NOTED THAT THE HOUSE WAS 15' FROM THE PROPERTY LINE AND 10' TO THE CURB LINE. MR. COX NOTED THAT MRS. YURKANIN'S DECK WOULD NOT EXTEND FARTHER TO THE FRONT THAN THAT OF THE NEIGHBOR.

MR. MIHALKOVITZ MOVED TO OPEN THE MATTER TO THE PUBLIC, AND MR. HANUSEY SECONDED. THIS PASSED UNANIMOUSLY BY VOICE VOTE.

THE FOLLOWING CAME FORWARD:

1. R. YURKANIN, 216 WEST BARNEGAT BLVD., OCEAN GATE. HE STATED THAT HE HAD SPOKEN WITH SOME OF THE NEIGHBORS IN THE AREA, AND THEY WERE PLEASED WITH WHAT HE AND HIS WIFE PLANNED TO BUILD. HE STATED THAT THERE WAS A TREE 4' FROM THE BOARDWALK, WHICH HE REFERRED TO ON THE PHOTOGRAPH, MARKED A-2C. HE STATED THAT, IF THE HOUSE WERE MOVED FARTHER BACK ON THE LOT, THIS TREE WOULD BLOCK THE YURKANINS' WATER VIEW.

2. PATRICIA MURPHY, 108 ASBURY AVENUE, OCEAN GATE. SHE SPOKE IN SUPPORT OF THE YURKANINS' PLANS.

3. JOELLA NICASTRO, 100 ASBURY AVENUE, OCEAN GATE WHOSE HOUSE WAS LOCATED AT THE CORNER WITH AVALON AVENUE, STATED THAT THE PROPOSED FRONT DECK CONSTRUCTION, WOULD HAVE NO IMPACT ON HER PROPERTY, AND SHE HAD NO OBJECTIONS TO IT.

MESSRS. HANUSEY AND MIHALKOVITZ, RESPECTIVELY, MOVED TO CLOSE THE PUBLIC PORTION, AND THIS PASSED UNANIMOUSLY.

MR. CHERNEGO ASKED MR. AND MRS. YURKANIN IF THEY WOULD AGREE TO MOVE THE HOUSE WITH THE DECK BACK AN ADDITIONAL 2' ON THE LOT, TO 6'. MR. MALLON NOTED THAT THIS WOULD PLACE THEIR HOME 5' FARTHER BACK THAN THE NEIGHBORING HOME. MR. CHERNEGO STATED THAT HE WOULD PREFER THAT THERE BE AT LEAST A 6' SETBACK ON AT LEAST 3 SIDES OF THE PROPERTY.

MS. VICARI REVIEWED THE STIPULATIONS, WHICH WERE THE BASIS FOR THE MOTION TO APPROVE:

(1) THE FRONT DECK WOULD BE LOCATED AT 6' OFF THE PROPERTY LINE; THE HOUSE, ITSELF WOULD STILL BE IN CONFORMITY WITH THE ZONING ORDINANCE, (2) THE DECK WOULD BE OPEN, ABOVE AND BELOW, (3) OFF-STREET PARKING WOULD BE PROVIDED BELOW THE DECK AND IN ADDITIONAL OPEN SPACE ON THE PROPERTY, (4) STONE WOULD BE PLACED ON THE PROPERTY TO HELP TO PROTECT NEIGHBORING HOMES FROM WATER RUNOFF, (5) THERE WOULD BE A DESIGNATED DRIVEWAY AREA WITH APRONS CUT IN, (6) THE HOUSE, INCLUDING THE FRONT DECK, WOULD BE MOVED BACK 2' FARTHER ON THE LOT THAN WHAT HAD BEEN FIRST APPLIED FOR. WITH THESE STIPULATIONS, MR. HANUSEY MOVED TO APPROVE; MR. MIHALKOVITZ SECONDED, AND THIS PASSED WITH VOICED "YES" VOTES FROM ALL MEMBERS PRESENT.

SINCE THERE WERE NO OTHER COMMENTS, MESSRS. HANUSEY AND MIHALKOVITZ, RESPECTIVELY, MOVED TO CLOSE THE PUBLIC PORTION OF THE HEARING FOR THIS MATTER. THE GENERAL COMMENTS PORTION WAS ALSO OPENED AND CLOSED, AND BOTH MOTIONS PASSED UNANIMOUSLY AS DID THE MOTION TO ADJOURN, WHICH WAS BY MIHALKOVITZ, WITH HANUSEY SECONDING.

RESPECTFULLY SUBMITTED,

JEANNE TELLER, BOARD SECRETARY