

MINUTES OF MEETING OF THE BOROUGH OF
OCEAN GATE LAND USE BOARD HELD ON JUNE 27, 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, MIHALKOVITZ, AND CHERNEGO. MRS. SHEPPARD, MAYOR KENNEDY, AND MESSRS. BUTOW, DISTEFANO, AND HOLSHUE WERE ABSENT. ATTORNEY DINA VICARI WAS PRESENT, AS WAS BOARD ENGINEER MALLON.

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 MAY 23, 2017 WERE APPROVED ON “YES” VOTES FROM ALL THOSE PRESENT.

THERE WAS NO CORRESPONDENCE, NOR WAS THERE OLD BUSINESS.

NEW BUSINESS:

THE VARIANCE APPLICATION BY BRIAN K. TRACY, FOR PREMISES AT 204 ASBURY AVENUE, BLOCK 25, LOT 8 WAS HEARD. THIS APPLICATION CONCERNED CONSTRUCTION OF A FRONT DECK ON AN UNDERSIZED, 30' BY 100' LOT

THE APPLICANT CAME FORWARD AND WAS SWORN IN BY THE ATTORNEY.

MS. VICARI REVIEWED THE EXHIBITS MR. TRACY HAD SUBMITTED AS FOLLOWS: A-1 – DRAWING “ASP 1” SOME ITEMS WOULD REQUIRE TESTIMONY PER THE STATEMENTS IN THE ENGINEER'S REVIEW LETTER. EXHIBITS A-2 AND A-3 (SURVEY MAP AND ARCHITECTURAL PLOT PLAN) WOULD ALSO REQUIRE CLARIFICATION AS TO THE PROPOSED BUILDING'S NUMBER OF STORIES AND HEIGHT.

MR. TRACY THANKED THE BOARD FOR THEIR CONSIDERATION. HE STATED THAT, BASED ON FEMA REGULATIONS, DUE TO DAMAGE BY SUPERSTORM SANDY, HE WAS REQUIRED TO BUILD FRONT STEPS AND A LANDING FOR STAIRS AND A DECK FOR FRONT ACCESS. FEMA REQUIRED THAT HE HAVE 10 RISERS. HE COULD NOT BUILD IN THE FRONT WITHOUT THE REQUIREMENT FOR A VARIANCE. HE PLANNED TO ENLARGE THE DECK SLIGHTLY IN ORDER TO MAKE FOR A RECTANGULAR SHAPE LINING UP WITH THE HOUSE.

MR. TRACY WENT OVER HIS RESPONSIBILITIES IN ACCORDANCE WITH THE ENGINEER'S REVIEW LETTER, AS FOLLOWS:

AS TO ITEM 3 – HE MUST PERFORM THE CONSTRUCTION IN THE FRONT YARD, AND ANY STEPS IN THIS AREA WOULD BE LOCATED SO AS TO REQUIRE A VARIANCE. ENGINEER MALLON NOTED THAT THE EXISTING DOOR PRESENTED A PROBLEM WITH GETTING ITEMS IN AND OUT, AND MR. TRACY WAS ATTEMPTING TO RECTIFY THIS. STEPS WITH RAISED RISERS COULD NOT BE ERRECTED AT THE EDGE OF THE DRIVEWAY. THE BUILDING CODE WOULD REQUIRE 75 SQUARE FEET, AND MR. TRACY WAS REQUESTING TO BE ALLOWED TO ADD AN ADDITIONAL 7 SQUARE FEET TO BRING THE DECK TO 82 SQUARE FEET. THE LANDINGS WOULD BE LOCATED IN THE MIDDLE OF THE WINDOWS.

MR. TRACY STATED THAT, IF HE WERE TO BUILD THE DECK AS HE HAD BEEN AUTHORIZED TO DO, THIS WOULD CREATE A VERY AWKWARD APPEARANCE TO HIS NEIGHBORS.

SINCE HIS HOUSE WAS MUCH SMALLER THAN OTHERS ON THE STREET, THERE WOULD BE NO IMPACT ON THE DENSITY OF THE AREA. MANY HOMES IN THE AREA WERE CLOSER TO THE CURB THAN THE DISTANCE OF HIS PROPOSED DECK. HE REPLIED TO MS. VICARI'S QUESTION, STATING THAT THERE WOULD BE NO DETRIMENT TO THE AREA OR BUILDING CODE DUE TO HIS CONSTRUCTION.

AS TO ITEM 4 – (DISTANCE TO ADJACENT DWELLINGS)

MR. TRACY STATED THAT THE EXISTING DISTANCES WOULD BE MAINTAINED. THE NEW STEPS AND LANDING WOULD LINE UP WITH THE HOUSE. MR. MIHALKOVITZ NOTED THAT THE DISTANCE TO NEIGHBORING BUILDING TO THE RIGHT WAS SHOWN AS 14.5'. DISTANCE TO LEFT SIDE WAS 13.3. (needs to be confirmed).

AS TO ITEM 5 – (FIRE CODE COMPLIANCE)

NO NEW WALLS WERE PLANNED (FIRE-RATED MATERIAL WOULD BE REQUIRED IF A DECREASE IN THE SPACE BETWEEN BUILDINGS WAS PLANNED; HOWEVER, IT WAS NOT).

AS TO ITEM 6 – LOCATION OF A/C UNIT)

THE AIR CONDITIONING UNIT MUST BE RELOCATED CLOSER TO THE STREET.

AS TO ITEM 7 – PARKING

THE PLAN SHOWED THE EXISTING CUT FOR THE DRIVEWAY. MR. TRACY TESTIFIED THAT THERE WAS SUFFICIENT SPACE TO PARK 2 CARS.

AS TO ITEM 8 – PROPOSED HEIGHT AND NUMBER OF STORIES

THE HOUSE WOULD REMAIN A ONE-STORY HOUSE; NO BASEMENT OR LOWER LEVEL WAS PLANNED. THE HEIGHT TO THE HIGHEST GABLE WAS 18'.

AS TO ITEM 9 – DRAINAGE ISSUES

MR. TRACY WAS NOT AWARE OF ANY ISSUES, AND HE PLANNED NO CHANGES, WHICH WOULD CAUSE AN IMPACT. HE DID NOT PLAN TO ADD GUTTERS.

MR. TRACY STATED THAT HE FELT HE HAD ADDRESSED ALL ITEMS IN THE REVIEW LETTER WITH THE EXCEPTION OF THE REQUEST IN ITEM 10 THAT HE PROVIDE A MAP OF THE 200' AREA SURROUNDING HIS PROPERTY. HE PRESENTED THIS AS EXHIBIT A-4. (EXHIBIT RETAINED BY ATTORNEY).

THE UNDERSIGNED CONFIRMED THAT MR. TRACY HAD SUBMITTED THE REQUIRED "LETTER OF NO INTEREST" FROM THE COUNTY OF OCEAN, AND MS. VICARI CONCURRED. THERE WAS DISCUSSION THAT POSSIBLE RELOCATION OF THE GAS CONNECTION WAS IN PROCESS.

MR. FRY INQUIRED ABOUT ANY CHANGE IN THE GAS METER LOCATION. MR. TRACY STATED THAT, IF HE WERE TO BUILD AS HE HAD BEEN ASKED TO DO, THIS WOULD CREATE AN AWKWARD SITUATION. HE WAS LOOKING INTO THE REQUIREMENTS ON THE PART OF THE GAS COMPANY.

MR. HANUSEY ASKED IF MR. TRACY HAD DOCUMENTATION OF THE EXTENT OF DAMAGE CAUSED BY SUPERSTORM SANDY. MR. TRACY STATED THAT HE HAD DOCUMENTATION THAT THERE HAD BEEN MORE THAN 50% DAMAGE. HE WOULD SCAN AND FORWARD THIS, ALONG WITH ZONING OFFICER BUTOW'S LETTER CONCERNING FLOOD DAMAGE TO HIS HOME.

***THE UNDERSIGNED HAS NOT RECEIVED THIS DOCUMENTATION; IT SHOULD BE CONFIRMED THAT THE BOARD ATTORNEY AND/OR ENGINEER HAS RECEIVED THIS, OR POSSIBLY THIS SHOULD BE MADE A CONDITION IN THE RESOLUTION. ***

MR. FRY STATED THAT THE PROPERTY WAS IN FLOOD ZONE AE ELEVATION 7. MR. TRACY STATED THAT HIS FINISHED FLOOR WOULD BE AT AN ELEVATION OF 9'. HE ALSO STATED THAT HE WAS REMOVING AN EXISTING SHED ON THE PROPERTY IN ORDER TO REDUCE HIS LOT COVERAGE, ALTHOUGH HE WAS NOT REQUIRED TO DO SO.

MR. MIHALKOVITZ NOTED THAT THE DISTANCE FROM THE EDGE OF THE DECK TO THE CURB WOULD BE 11 TO 12 FEET, AND MR. TRACY CONCURRED. IT APPEARED THAT THERE WOULD BE A DISTANCE OF 1' FROM THE DECK TO THE PROPERTY LINE. MR. CHERNEGO STATED HIS CONCERN WITH ACCESS FOR A STRETCHER FOR FIRST AID PURPOSES, BUT THIS APPEARED SUFFICIENT.

IT WAS THEN MOVED AND SECONDED BY MIHALKOVITZ AND HANUSEY, RESPECTIVELY, TO OPEN THIS MATTER FOR PUBLIC COMMENT. THIS PASSED UNANIMOUSLY BY VOICE VOTE. NO ONE CAME FORWARD AND THE PUBLIC PORTION WAS CLOSED IN THE SAME MANNER.

IT WAS THEN MOVED BY MR. COX AND SECONDED BY MR. CHERNEGO TO APPROVE THE VARIANCE REQUEST. THE VOTE WAS AS FOLLOWS: "YES" COX, HANUSEY, FRY, MIHALKOVITZ, AND CHERNEGO. THERE WERE NO NEGATIVE VOTES, AND THE MOTION THUS PASSED.

IT WAS MOVED AND SECONDED BY MIHALKOVITZ AND HANUSEY TO OPEN AND THEN TO CLOSE THE PUBLIC PORTION OF THE MEETING (NO ONE CAME FORWARD AT THE OPENING OF THE PUBLIC PORTION). THIS PASSED UNANIMOUSLY BY VOICE VOTE.

IT WAS MOVED AND SECONDED TO ADJOURN, AND THIS PASSED UNANIMOUSLY BY VOICE VOTE. MS. VICARI ADVISED MR. TRACY THAT HE MUST PUBLISH THE DECISION AFTER THE RESOLUTION WAS ADOPTED AT THE JULY 25 MEETING.

THE MEETING WAS ADJOURNED.

RESPECTFULLY SUBMITTED,

JEANNE TELLER, BOARD SECRETARY