

LITTLE EGG HARBOR TOWNSHIP ZONING BOARD

**665 Radio Road
Little Egg Harbor, NJ 08087**

Minutes of Meeting Held On August 10, 2016

1. Meeting called to order at 7:00 p.m. by Chairman Gautier.
2. Reading of the Sunshine Law & Notice of Public Meeting.
3. FLAG SALUTE
4. ROLL CALL:

PRESENT Chairman Gautier, Ms. Ramsay, Ms. Doherty, Mr. Sullivan, Mr. Armitage (alternate) & Mr. Burr (alternate).

ABSENT were Vice-Chairman Fuller & Mr. Jordan

APPEARING FOR THE PROFESSIONALS:

Brian Rumpf, Esquire, of Rumpf, Rumpf & Reid, Zoning Board Attorney
Ernest J. Peters, Jr., PE, PP, CME of Remington, Vernick & Vena Engineers, Zoning Board Engineer

5. APPROVAL OF MINUTES -

A motion to approve the minutes of the meeting of July 13, 2016 was made by Mr. Armitage, seconded by Ms. Ramsay. Roll Call:

Armitage – Yes	Burr – Abstain	Ramsay – Yes
Doherty – Abstain	Sullivan – Abstain	Gautier - Yes

6. RESOLUTIONS OF MEMORIALIZATION::

None

7. OLD BUSINESS:

A. Application # 2016-02

Weaver
21 W. Boat Drive
Block 315, Lot 11
Bulk Variance

Mr. Rumpf inquired if there were adequate board members to hear the application. It was noted by the board secretary, that Ms. Ramsay was aware that she had to abstain since she was not present for the prior two meetings for this application. Mr. Peters provided a re-cap of the Variances needed by the applicant. Sworn in applicant, William Weaver. Applicant has brought the existing shed into compliance. Mr. Kitrick and the applicant provided a summary of the application. The Chairman asked again about the removal of a piling. Sworn in Jeff Daum, applicant's engineer. Mr. Daum described the shape of the lot. Marked as Exhibit A-20 were four photographs taken by Mr. Daum on June 24, 2016. Ms. Doherty asked if the original residence had a door in front, which it did. She asked why there still could not be front stairs to eliminate the issue on the sideyard. Applicant stated that would not work as it would create 2 hallways.

Marked as Exhibit A-21 was a copy of the package submitted to the Little Egg Harbor Construction Office (this exhibit was returned to Mr. Kitrick). The existing house was raised, squared off and made larger. Marked as Exhibit A-22 was a photograph of another house in the area with similar stairs as being proposed. Mr. Burr inquired if a front door or more than one door is required. A house does have to have at least two points of ingress and egress. Applicant is limited on the right side of the house due to the easement. The chairman suggested a possible compromise that the shed be removed completely and allow the stairs to be remain. Mr. Armitage testified that it is the applicant's problem and he needs to address it and the board should vote. Mr. Sullivan believes the applicant should have brought forth some remedies to the situation. Mr. Kitrick testified that the primary steps would be those in the rear, not the ones on the sideyard. The stairs to the electrical box are permitted and will remain, applicant only needs approval to add the additional 5 feet of stairs. Ms. Doherty asked if there was an engineer certificate. Mr. Daum stated that is for capacity only and the permit is closed out, so he assumed there was one on file with the township.

On a motion by Mr. Burr, seconded by Ms. Doherty the application was opened to the public. All aye.

Marc Spielberg, Esquire for adjacent property owners, Mr. & Mrs. Szabo – Mr. Spielberg respectfully requested that all testimony be completed prior to opening to the public.

On a motion by Ms. Doherty, seconded by Mr. Armitage the application was closed to the public. All aye.

Mr. Daum testified that the stairs on the side of the house is the best location and do not cause a detriment to the community. Nothing can be placed on the right side of the property due to the easement. Applicant could put the HVAC unit on the platform also, which would cause additional noise.

Mr. Peters referring to Exhibit A-1 asked about the stairs in front of the house on this picture. Applicant stated they were temporary construction stairs only.

On a motion by Mr. Armitage, seconded by Ms. Doherty the application was opened to the public. All aye.

Marc Spielberg, Esquire for adjacent property owners, Mr. & Mrs. Szabo – Mr. Spielberg stated that if the applicant was an expert in construction as previously noted, why didn't he notice errors when they occurred. He feels that the applicant is not willing to make any changes to remedy the matter. His clients object to the removal of the shed and allowing the stairs to remain as built. His client's would, however, support the stairs being in front of the residence and requiring a frontyard setback. If the stairs were only for the electrical meter, they would rarely be used, not causing a nuisance to his clients. Mr. Spielberg respectfully requests the application be denied.

Peter Ferwerda – Mr. Ferwerda feels that this is a self-inflicted hardship and the fire code is being compromised and it will be a safety issue if there was a fire.

On a motion by Mr. Armitage, seconded by Ms. Doherty the application was closed to the public. All aye.

Mr. Kitrick stated that the stairs are only encroaching 21 inches and reminded the board that they need substantial detriment to deny the application.

Mr. Rumpf provided the board with instruction noting that each application must be decided on its own merits, relief can be granted unless there is substantial detriment, the public and private negative impacts should be taken into consideration.

Mr. Kitrick testified that the applicant would agree to use a fire retardant material for the stairs.

Mr. Armitage asked for some additional information on the easement.

On a motion to deny was made by Ms. Doherty, seconded by Mr. Armitage. Roll Call:

Armitage – Yes Burr – Yes Doherty – Yes Sullivan – Yes Gautier - No

Board members were polled as to their responses.

8. NEW BUSINESS:

A. Application # 2016-12

Snell
160 North Ensign Drive
Block 326.24, Lot 53 / Zone: R-50 Residential
Bulk Variance

Howard Butensky, Esquire for the Applicant, Frederick Snell. For the record, Mr. Rumpf stated that Mr. Snell was a previous client of his, but did not feel this representation was a conflict. Both the applicant and Mr. Butensky agreed.

Marked as Exhibit A-1, was a survey dated August 29, 2013 and Exhibit A-2, Plan prepared by Joseph Courtier, both of which were submitted with the original application package. Exhibit A-3 Notice of Substantial Damage Letter issued by Zoning Officer, Mark Ellis dated April 8, 2013. Exhibit A4A thru AE, photographs of the existing residence. The property has been owned by himself or his family for approximately 50 years and was destroyed by Super Storm Sandy. Applicant wishes to rebuild a new home, on pilings within the same footprint, adding some additional living space. Applicant is proposing a 14 ft. combined sideyard setback, where 15 ft. is required. The side property lines are not parallel, which causes the property to narrow. The applicant will removed the 2 ft. frontyard setback encroachment for the proposed stairs.

Sworn in Joseph A. Courtier, JR., AIA, who provided his background. Mr. Courtier prepared Exhibit A-2. Applicant requires Variances for combined sideyard setback and lot coverage of 35%. Mr. Courtier will prepare full architectural drawings if the application is approved. The attic will not be habitable space. Mr. Courtier testified that applicant's proposal will not be a detriment to the community. Mr. Peters discussed the fact that the board was working without actual architectural drawings and wanted to ensure that the relief granted was specific and understood so the applicant would not have to return to the board. Grading and drainage would be done so as to not adversely affect any neighbors. The HVAC and driveway location was also discussed. The entry deck would be reduced by 4 ft., so applicant no longer requires a frontyard setback. The Chairman indicated that the applicant would also have to meet the code for height of the structure.

On a motion by Ms. Doherty, the application was opened to the public. All aye.

Luigi DiRocco – Mr. DiRocco owns the house at 158 North Ensign Drive and stated that they applicant's new residence would block his lagoon view.

On a motion by Ms. Doherty, the meeting was closed to the public. All aye.

There was some additional discussion regarding the proposed lot coverage and living space. Mr. DiRocco asked for a postponement so he could retain counsel. It was noted that the applicant is in compliance with the rearyard setback.

On a motion by Mr. Sullivan, seconded by Mr. Armitage Application #2016-12 was approved.
Roll Call:

Armitage – Yes	Burr – Yes	Ramsay – Yes
Doherty – Yes	Sullivan – Yes	Gautier - Yes

9. CORRESPONDENCE:

None

10. OPEN TO THE PUBLIC:

There was no public present; accordingly the meeting was not opened to the public.

11. BOARD DISCUSSION / COMMENTS:

None

12. CLOSED SESSION:

N/A

13. PAYMENT OF VOUCHERS:

After being reassured that all voting members had an opportunity to personally review the individual voucher requests and having questions, if any answered to their satisfaction, the following vouchers were presented for payment:

- (a) payment of \$1,825.00 to Remington, Vernick & Vena Engineers;
- (b) payment of \$229.25 to Rumpf, Rumpf & Reid;
- (c) payment of \$2,588.25 to Taylor Design Group, Inc. for services rendered; and
- (d) payment of \$100.00 to Robin Schilling as the board's recording secretary.

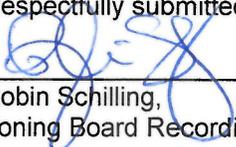
A motion to approve payment of vouchers was made by Mr. Armitage, seconded by Mr. Sullivan.
Roll Call:

Armitage – Yes	Burr – Yes	Ramsay – Yes
Doherty – Yes	Sullivan – Yes	Gautier - Yes

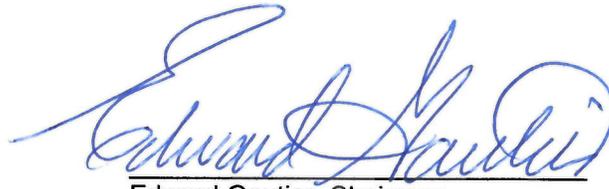
14. ADJOURNMENT:

A motion to adjourn is made at 9:50 p.m. All aye.

Respectfully submitted,



Robin Schilling,
Zoning Board Recording Secretary



Edward Gautier, Chairman
Township of Little Egg Harbor
Zoning Board