

Mr. Schroeder opened the meeting to the public. There was no public input.

Caucus

Mr. Ganim questioned if the applicant should have another variance for 30.43% lot coverage.

Mr. Jackson stated for 1/2% you have to exercise judgment. The neighbors are aware and the Board can go either way.

Mr. Ganim stated pools don't pass water they hold water. They count as building coverage.

Mr. Seebald stated sheds don't count.

Mr. Sabosik stated above ground pools are temporary structures.

Mr. Jackson stated it is a 1/2% that may or may not be an issue. We are relying on the Zoning Officer.

Mr. Ganim questioned if the steps up to the garage were on the last application.

Mr. Schroeder doesn't remember.

Mr. Seebald stated her testimony is the steps were always there.

Mr. Jackson replied the applicant has the burden of proof. This is not our concern it needs to be referred to Mr. Burke.

Mr. Ganim questioned if a permit needs to be issued for solar panels on roof.

Mr. Seebald is sure she got a permit.

Mr. Jackson replied the roofs feed power back to the electric company.

Mr. Schroeder stated lets deal with the pool and refer other questions to the Zoning Officer. Mr. Schroeder feels the pool is non intrusive to the neighbors.

Mr. Ganim stated the neighbors are never going to see the pool.

Mr. Sutphen made a motion to approve the application, seconded by Mr. Seebald.

Roll Call Vote

Mr. Sutphen- Yes Mr. Sabosik- Yes Mr. Seebald- Yes Mr. Ganim- Yes
Mr. Seakan- Yes Mr. Schroeder- Yes

09-27 Block 286 Lot 8 -Hullfish- 1849 Shore Blvd-Lot Area, Lot Width & Side Yard Setback (7:21-7:27)

Mr. & Mrs. Hullfish came before the Board for Lot Area, Lot Width and a Side Yard Setback.

Mr. & Mrs. Hullfish were sworn in.

Mrs. Hullfish explained that she lives in Plainsboro, NJ. They purchased the home on Shore Blvd and fell in love with the house and the town. There is currently a partial second floor, which they would like to expand. They would also like to add a bathroom, a sitting room and a small deck. The lot is non-conforming. Any changes will remain in the existing setbacks. They are following the footprint of the home.

Mr. Seebald questioned if the new windows and siding will match the existing.

Mr. Hullfish replied windows and siding would be replaced.

Mrs. Hullfish likes the lines of the house. She feels the house has charm.

Mr. Sabosik agrees that the home has charm.

Mr. Schroeder asked if they feel the home fits into the character of the neighborhood.

Mr. Hullfish replied yes. There is also a similar home on the other side of the canal.

Mr. Jackson questioned the number of parking spaces.

Mr. Hullfish replied 2.

Mr. Ganim stated parking is not an issue on that street.

Mr. Schroeder opened the meeting to the public. There was no public input.

Caucus

Mr. Schroeder feels it is a nice design.

Mr. Seebald stated it is a 40ft lot.

Mr. Sabosik stated it would add character and modernization to the home.

Mr. Ganim stated there is no change to the footprint of the home.

Mr. Seebald made a motion to approve the application, seconded by Mr. Sutphen.

Roll Call Vote

Mr. Sutphen- Yes Mr. Sabosik- Yes Mr. Seebald- Yes Mr. Ganim- Yes
Mr. Seakan- Yes Mr. Scarpello- Yes Mr. Schroeder- Yes

Mrs. Kasper returned.

09-29-Block 279 Lot 222- Mosca- 1707 Bay Isle Drive- Lot Coverage & Building Coverage (7:28-8:08)

Mr. & Mrs. Mosca came before the Board looking for relief of Lot Coverage and Building Coverage.

Mr. & Mrs. Mosca were sworn in.

Mr. Mosca explained to the Board that when he built his home the cabana was in the original plan. The builder never completed the process. When he filed the application for the cabana the calculations for lot & building coverage had changed. Porches were not being calculated as part of building coverage at the time his home was built. Mr. Mosca submitted pictures.

A1- A5 was marked into evidence. Pictures of the proposed area for the cabana.

Mr. Mosca explained there is a picture of pavers with an open space for the cabana. There are also pictures showing the electric, water and gas lines to the area.

Mr. Jackson asked why that area.

Mr. Mosca replied that is where the original design plotted the cabana.

Mr. Jackson questioned if the lines have been inspected.

Mr. Mosca replied yes.

Mr. Schroeder questioned the height of the cabana.

Mr. Mosca replied 10ft.

Mr. Schroeder stated a cabana is an area where you can change. This is an entertaining area.

Mr. Ganim questioned if a sewer line would be installed. Is this going to be a wet bar.

Mr. Mosca replied no.

Mr. Seebald questioned if he ever came before the Board before since the building coverage is 38%.

Mr. Mosca replied no. The house was new construction and porches were not being included in building coverage at that time.

Mr. Ganim questioned when the permit for new construction was applied for.

Mr. Mosca replied 2 years ago.

Mr. Ganim questioned the 7 ½ side yard setback.

Mrs. Kasper asked if a variance was required for the 5.3ft setback.

Mr. Mosca replied no. The plans were submitted, approved and a CO was issued.

Mr. Jackson asked if an as built survey was submitted and how long ago was this project started.

Mr. Mosca replied the project was started in 2007 and completed this year. A CO was obtained in March or April of this year.

Mr. Jackson questioned if this went before the Planning Board.

Mrs. Kasper stated there would be no reason to grant 5.3-side yard setback.

Mr. Jackson stated that it could have gone before Planning with plans for the home and it could have been approved.

Mr. Ganim questioned what was not calculated.

Mr. Mosca replied porches.

Mr. Schroeder questioned if the Board wanted to go that far. You need to look at the position of the coverage. The rest is already done.

Mr. Ganim questioned if the picture submitted was an exact drawing of the work to be completed.

Mr. Mosca replied it is a conceptual drawing of what he is going to build.

Mr. Ganim would like a drawing of the cabana submitted showing the height.

Mr. Jackson explained to Mr. Mosca that the Board is not trying to be hard on him but these are things they need to know in order to grant the variance.

Mr. Mosca replied they wouldn't even be here since he had enough space according to the original calculations. He can't help what his builder didn't do.

Mr. Ganim questioned if it would impede any of the neighbors views. A rendering was submitted and he doesn't know all of the facts.

Mr. Mosca stated there is a transparent fence on the side. The neighbors on the right have an elevated porch. That is what we are going to build. An architect did the rendering.

Mr. Jackson questioned if the design of the cabana was similar to the house.

Mr. Mosca replied yes.

Mrs. Kasper is concerned that Mr. Burke had no issues with the setbacks on the plans.

Mr. Mosca stated he had several questions with the architect and this is the final product.

Mr. Schroeder opened the meeting to the public. There was no public input.

Mr. Mosca stated that if the town didn't change the calculations he wouldn't be here.

Caucus

Mr. Schroeder feels it is a beautiful plan and he understands the applicant's predicament. The Board has to imply what the town has set for building coverage and grant relief if possible. The building coverage is 8% over, which is an enormous amount of building coverage. There needs to be some sort of specific reason to grant the variance. This is a seasonal use structure. The need doesn't meet the requirement.

Mr. Seebald stated this is a very large house. He doesn't like structures that close to the lagoon.

Mr. Schroeder stated he would normally be allowed to build the structure. He is here due to the lot and building coverage.

Mr. Sabosik stated the conceptual plan is beautiful but would like to know what is going on.

Mr. Schroeder questioned how Mr. Sabosik felt about the building coverage.

Mr. Sabosik feels 8% is a lot.

Mrs. Kasper thinks it is beautiful. She also thinks it should be 5ft off the side yard. Mrs. Kasper is still not sure what happened with the lot to begin with. The lot is over crowded on a lagoon.

Mr. Schroeder stated the Board tends to hold waterfront to a higher criteria.

Mr. Ganim feels it is a lot of coverage.

Mrs. Kasper stated no one is here to complain but once it is built and the neighbor looks out and can't see the water it will be to late.

Mr. Sutphen feels it is not the Boards problem or fault. The Board can't grant past relief. 8% is 8%.

Mr. Seakan is sympathetic to the scenario that was presented. He would like to see the definite plans for the cabana.

Mr. Mosca stated they didn't create the issue. We followed the rules. The cabana will not block water views.

Mrs. Kasper has a different opinion.

Mr. Mosca stated again it doesn't interfere with views.

Mr. Ganim stated that once it is built it could be a different view.

Mrs. Kasper stated that they need an actual plan.

Mr. Mosca stated he presented it to Mr. Burke.

Mr. Schroeder stated please understand that the Board is considering aesthetics.

Mrs. Mosca stated that there are other cabanas in the neighborhood not open with all four sides enclosed.

Caucus

Mr. Seebald stated we could either vote or see another drawing.

Mr. Schroeder doesn't like coverage.

Mr. Sutphen doesn't want to table the application. This is a luxury item and doesn't need to be there.

Mr. Sabosik concurs with that. There are many ways to enjoy the yard without the cabana. It is so close to the back and side. The major part is the 8% coverage.

Mr. Schroeder stated it is a luxury item.

Mr. Seakan would like to see plans.

Mr. Scarpello agrees that 8% is a lot of coverage.

Mr. Ganim made a motion to deny the application, seconded by Mrs. Kasper.

Roll Call Vote

Mr. Sutphen- Yes Mr. Sabosik- Yes Mr. Seebald- Yes Mr. Ganim- Yes
Mrs. Kasper- Yes Mr. Seakan- Yes Mr. Schroeder- Yes

Unfinished Business

09-01- Block 249 Lot 13-T- Mobile Northeast, LLC- Use Variance and Site Plan(8:10-8:33)

Mr. Jackson and Mr. Schroeder stepped down.

Mr. Frank Ferraro, attorney for T- Mobile, was present. Mr. Ferraro stated he wanted to update the Board on why they keep requesting adjournments. Mr. Ferraro continued that there is essentially 10hrs of testimony. The Borough recently obtained a telecommunications representative, Declan O'Scanlan. Mayor and Council amended an ordinance making Borough Hall a permitted site for cell towers. The Borough is in the process of putting a bid package together which would be due August 15, 2009. Omnipoint could use this property and is interested in bidding.

Mr. Seebald asked Mr. Ferraro to set a firmative date to continue this hearing.

Mr. Ganim stated that the Board received a letter the night before the meeting requesting a postponement. The Board members spend a lot of time to get prepared. Mr. Ganim finds it disrespectful.

Mr. Ferraro apologized that was not the intent.

Mr. Sabosik stated every adjournment letter came the day before the meeting.

Mr. Seebald would like to pick a date now.

Mr. Ferraro stated he has to get authorization in order to postpone a hearing. They could proceed but it would be wasting the Boards preparation time.

Mr. Ganim stated it is not fair to tie up the commercial meetings.

Mr. Ferraro replied if Omnipoint were a successful bidder they would be withdrawing the application.

Mr. Ganim questioned what that bid has to do with this application. We are not here to protect the town. The plans have changes 3 times with no notice to the residents. Seventy people come to protest we want them to be noticed. Talley's is now out of business. Mr. Ganim would like to get to the application.

Mr. Ferraro stated a number of things have changed with the property. It is no longer operating as a car dealership and it is up for sale. The ordinance was introduced. We are now required to look at the Borough Hall site since it is a permitted use.

Mr. Ganim stated then with draw the application. Do you need to be the top tower at the new site?

Mrs. Kasper questioned if the bid specs will determine how many provides can be on the pole.

Mr. Ferraro stated it depends on the height of the pole, which will be in the bid specs.

Mrs. Kasper stated if you go out to bid it would be at least 30 -45 days to get a contract. So now we are looking at approximately October 1, 2009.

Mr. Seebald stated they would need to re-notice the residents.

Mr. Ferraro replied set a November date and we would re-notice the residents.

Mr. Seakan questioned what if T-Mobile lost the bid but was able to obtain a spot on the pole.

Mr. Ferraro replied the lead bidder would be responsible for that.

Mr. Ganim replied that is not our business. We are here to make a decision about a specific site. You are welcome to withdraw or pick a date.

Mr. Ferraro stated there is a linkage now between this Board and the Borough site. I understand that you want a conclusion but I don't have all of the facts at this time.

Mr. Seebald and Mr. Ganim will not be able to attend the November meeting.

Mr. Ferraro replied December 16th will be fine and he will wave the statutory time frame until December 31st.

Mrs. Kasper thanked Mr. Ferraro.

Mr. Schroeder opened the meeting up to the public.

Mr. Mark Bros 2108 Edgar Road questioned what would happen if they decide not to come on December 16th and send another letter requesting a postponement.

Mr. Sabosik replied that is the Boards decision.

Mr. Seebald replied they would be here.

Mr. Ferraro stated he is clear on what the Board wants. If there is a clear answer in 45 days everything will be moved forward. It will not be carried again.

Mr. Robert Dunston 2112 Edgar Road questioned if there was a possible change or the date is moved up will they be noticed.

Mr. Ganim replied yes.

Mr. Sabosik made a motion to carry the application to December 16th, 2009 with further notice to the residents. Mr. Ferraro waived the statutory time frame until December 31, 2009. Mr. Ganim seconded the motion.

Roll Call Vote

Mr. Sutphen- Yes Mr. Sabosik- Yes Mr. Ganim- Yes Mrs. Kasper- Yes
Mr. Seakan- Yes Mr. Seebald- Yes

Resolutions

09-22- Block 342 Lot 43- Hagel- 1615 Northstream Parkway

09-24- Block 386 Lot 22- Jordan- 2114 Riviera Parkway

Mr. Sutphen made a motion to memorialize the resolution, seconded by Mr. Sabosik.

Roll Call Vote

Mr. Sutphen- Yes Mr. Sabosik- Yes Mr. Seebald- Yes Mr. Ganim- Yes
Mr. Schroeder- Yes

09-23- Block 386 Lot 32- Schnappauf- 1511 Bel Aire Court

Mr. Sutphen made a motion to memorialize the resolution, seconded by Mr. Sabosik.

Roll Call Vote

Mr. Sutphen- Yes Mr. Sabosik- Yes Mr. Seebald- Yes Mr. Ganim-Yes

09-25- Block 354 Lot 1- Stanford & Nersita- 1836 Northwest Drive

Mr. Seebald made a motion to memorialize the resolution, seconded by Mr. Sutphen.

Roll Call Vote

Mr. Sutphen- Yes Mr. Seebald- Yes Mrs. Kasper-Yes Mr. Scarpello- Yes
Mr. Schroeder- Yes

Vouchers

King, Kitrick & Jackson, LLC

Genral- \$123.75	Christenson- \$247.50
Hiller- \$41.25	Hagel- \$292.50
Hullfish- \$41.25	Schnappauf- \$305.25
Mosca- \$33.00	

Motion to pay made by Mr. Sutphen, seconded by Mrs. Kasper. All were in favor.

Remington, Vernick & Vena Engineers, Inc.

Omnipoint Communications, Inc.- \$510.00

Motion to pay made by Mr. Seebald, seconded by Mrs. Kasper. All were in favor.

Requisitions

McKeever-\$149.00
Sislian- \$108.75
Palmieri- \$25.45

Motion to pay made by Mr. Sutphen, seconded by Mrs. Kasper. All were in favor.

Mr. Schroeder wanted to discuss an issue regarding the minutes from the last meeting. He wanted it to be clear that no Board member has an opinion on the Omnipoint Application.

Mr. Sabosik added he was strictly speaking in reference to the new ordinance.

Mr. Jackson stated that the minutes could be amended and vacated.

Mr. Ganim made a motion to amend and vacate the minutes from June 17, 2009, seconded by Mr. Sutphen. All were in favor.

The issue of having Kevin Burke attending meetings on occasion was also brought up. The Board has a budget and would be willing to pay Mr. Burke to attend meetings when necessary.

Mr. Schroeder stated it would have to be cleared with Council or Mr. Maffei.

Mr. Jackson stated other towns have a formal engineer review of applications. If there were a setback issue the engineer would look in to it. The escrow cost would dramatically increase for the applicant.

Mr. Schroeder replied there are certain things that the Board doesn't need to know. The applicant is here for one thing.

Mr. Jackson stated the Board has operated in this matter for many years and it seems to work.

Mr. Schroeder replied it is something to keep in our minds.

Mr. Seebald made a motion to adjourn, seconded by Mrs. Kasper. All were in favor. The meeting adjourned at 8:50

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary