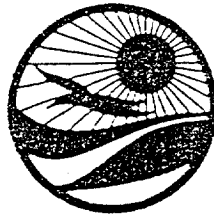


ZBA
AGENDAS
1996



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
DECEMBER 9, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB96-09 MONMOUTH UNIVERSITY BLOCK:70 LOTS:1,2,3.01
3.02 & 4

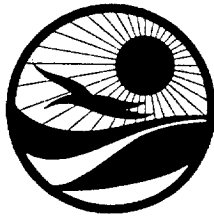
5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman

Cancelled



recycled paper



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

**BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
NOVEMBER 25, 1996
EXECUTIVE SESSION 7:30PM**

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED:None.
5. REORGANIZATION
6. RESOLUTIONS TO BE ADOPTED
7. ADJOURNMENT

By order of: Paolo Paone
Chairman

Cancelled





CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

**BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
OCTOBER 28, 1996
EXECUTIVE SESSION 7:30PM**

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB95-13	MACGREGOR	BLOCK: 470	LOT: 4.01
B) ZB96-03	CHEHEBAR	29	1,1.01,1.02
		16	1.01,12,13
C) ZB96-08	SITT	18	25.07

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



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APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY OCTOBER 28, 1996

A) MACGREGOR

ATLANTIC AVE

Attorney: Jeff Resnikoff

The applicant was carried to this date and originally heard at the April 8, August 12, and again at the September 9, meeting of the board. The applicant agreed to supply transcripts for the prior meetings so that all members would be able vote on the application. At this time those transcripts have not been supplied. This means that there are not five members who can vote (5 required for use variance). The applicant is seeking a use variance, subdivision, and bulk variances. The applicant proposes to subdivide the property to create one lot with a commercial use on it, and a second with a residential use (along with an expansion/addition).

(*Note: No new submissions have been provided since the 4/8 meeting. Also, applicant would need to certify that extensions have been granted on the contract to purchase or purchase has occurred.)

B) CHEHEBAR

OCEAN AVE.

Attorney: James Siciliano Attorney for the adjacent property "Ocean Beach Club" : Peter Falvo

The applicant is seeking variance relief in order to construct a 15,000+ sq.ft. single family home (see attached review by E. Waterbury).

C) SITT

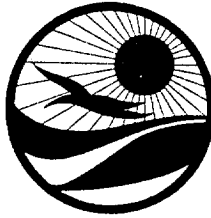
17 BREAKWATER PL.

Attorney: Michael Bruno

The applicant is seeking variance relief in order to expand an existing single family home.

NOVEMBER 25, 1996

DECEMBER 9, 1996



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

**BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
SEPTEMBER 9, 1996
EXECUTIVE SESSION 7:30PM**

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB95-13

MACGREGOR

BLOCK: 470 LOT:4.01

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

**By order of: Paolo Paone
Chairman**



APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY SEPTEMBER 9, 1996.

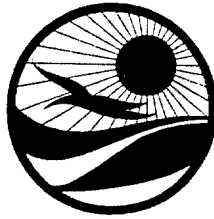
A) MACGREGOR

ATLANTIC AVE

Attorney: Jeff Resnikoff

The applicant was carried to this date and originally heard at the April 8, and again at the August 12, meeting of the board. The applicant is seeking a use variance, subdivision, and bulk variances. The applicant proposes to subdivide the property to create one lot with a commercial use on it, and a second with a residential use (along with an expansion/addition).

(*Note: No new submissions have been provided since the 4/8 meeting. Also, applicant would need to certify that extensions have been granted on the contract to purchase or purchase has occurred.)



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

**BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
AUGUST 26, 1996
EXECUTIVE SESSION 7:30PM**

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB94-16

COHEN

BLOCK: ~~172~~

LOT: 7

B) ZB95-13

MACGREGOR

470

4.01

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



recycled paper

APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY AUGUST 26, 1996.

**A) COHEN
OCEAN AVE**

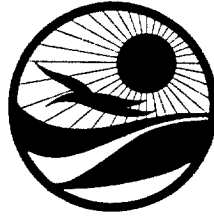
Attorney: Peter Falvo

The application was originally heard and carried from the July 8, 1996 meeting of the board. The applicant is before the board for a height variance on the southern wall constructed on a single family site under construction.

**B) MACGREGOR
ATLANTIC AVE**

Attorney: Jeff Resnikoff

The applicant was carried to this date and originally heard at the April 8, and again at the August 12, meeting of the board. The applicant is seeking a use variance, subdivision, and bulk variances. The applicant proposes to subdivide the property to create one lot with a commercial use on it, and a second with a residential use (along with an expansion/addition).
(*Note: No new submissions have been provided since the 4/8 meeting. Also, applicant would need to certify that extensions have been granted on the contract to purchase or purchase has occurred.)



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

**BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM**

AUGUST 2 **JULY 22, 1996
EXECUTIVE SESSION 7:30PM**

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB96-02	MARTINEZ	BLOCK: 172	LOT: 7
B) ZB94-15	CIRCLE A	132	3.01
C) ZB95-13	MACGREGOR	470	4.01

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



12✓

APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY AUGUST 22, 1996.

A) MARTINEZ

71-73 PEARL

Attorney: Paul Edinger

The application was originally heard and carried from the July 8, 1996 meeting of the board. The applicant seeks a use and bulk variances in order to expand and renovate a two family use in an R-4 single family zone. (See attached legal certification on two family).

B) CIRCLE A

WEST END AVE & HULICK

Attorney: Jeff Resnikoff

The applicant was carried to this date from the June 24, 1996 meeting of the board at which time testimony was given on the application. The applicant has amended his variance requests to include a density variance. Bulk variances, preliminary and final site plan approval is also required.

**See attached engineering review, aesthetic committee review, and letter from Carl Turner. (Please note that architectural plans submitted at the previous meeting were zerox copies, many details are hard to read.) No additional information has been submitted since the last meeting, for the file.

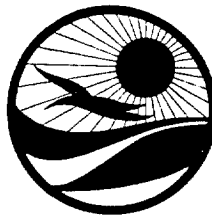
C) MACGREGOR

ATLANTIC AVE

Attorney: Jeff Resnikoff

The applicant was carried to this date and originally heard at the April 8, 1996 meeting of the board. The applicant is seeking a use variance, subdivision, and bulk variances. The applicant proposes to subdivide the property to create one lot with a commercial use on it, and a second with a residential use (along with an expansion/addition).

(*Note: No new submissions have been provided since the 4/8 meeting. Also, applicant would need to certify that extensions have been granted on the contract to purchase or purchase has occurred.)



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
JULY 22, 1996
EXECUTIVE SESSION 7:30PM

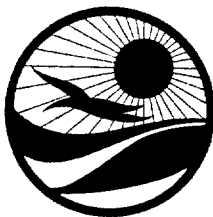
1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB94-15	CIRCLE A	BLOCK: 132	LOT: 3.01
B) ZB96-05	TSS OIL, INC.	201	2

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman





CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY JULY 22, 1996.

A) CIRCLE A

WEST END AVE & HULICK

Attorney: Jeff Resnikoff

The applicant was carried to this date from the June 24, 1996 meeting of the board at which time testimony was given on the application. The applicant has amended his variance requests to include a density variance. Bulk variances, preliminary and final site plan approval is also required. **See attached engineering review and aesthetic committee review.

B) TSS OIL, INC.

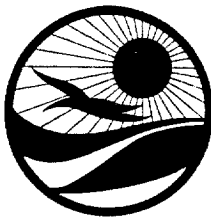
142 THIRD AVE.

Attorney: James Siciliano

The applicant is before the board in order to receive a variance to permit a 6' fence in a front yard area.



recycled paper



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
JULY 8, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB94-16	COHEN	BLOCK: 16	LOT: 3
B) ZB95-13	MCGREGOR	470	4.01
C) ZB96-02	MARTINEZ	172	7

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY JULY 8, 1996.

A) COHEN

OCEAN AVE.

Attorney: Peter Falvo

The applicant was carried to this date from the June 10, 1996 meeting of the board. The applicant is seeking variances to allow a 16' - 17' wall on the south eastern corner of the property. The application was first heard on February 26, 1996. In June there were only three members present who could vote on the matter. Please advise if you are not going to be available.

B) MACGREGOR

ATLANTIC AVE.

Attorney: Jeffrey Resnikoff

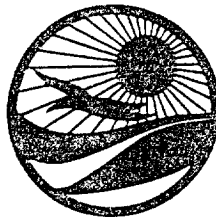
The applicant was carried to this date from the June 10, 1996 meeting of the board. The applicant is seeking a use variance, minor subdivision, and bulk variances. The application was first heard on April 8, 1996. In June there were only four members present who could vote on the matter. Please advise if you are not going to be available.

C) MARTINEZ

PEARL ST.

Attorney: Paul Edinger

The applicant was carried to this date from June 10, 1996 meeting of the board at their request. The applicant is seeking a use variance and bulk variances to expand a two family dwelling in an R-4 single family zone.



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
JUNE 24, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB94-15	CIRCLE A	BLOCK: 132	LOT: 3.01
B) ZB96-01	FRIERE	353	3

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



**APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY JUNE 24,
1996.**

**A) CIRCLE A
WEST END & HULICK AVES.**

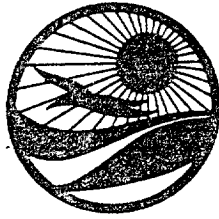
Attorney: Jeffrey Resnikoff

The applicant was originally scheduled for the May 13, 1996 meeting of the board. At that meeting the applicant asked to be carried due to a need to address engineering concerns.

**B) FRIERE
BRANCHPORT AVE.**

Attorney: Edward Stokes

The applicant was previously before the Board on May 13, 1996, in order to request use variance and bulk variance approvals for a two family home in an MB or R-4 Zone (applicant is under the zone line). Neither zone permits two family dwellings. The application was carried to this date without further need of notice.



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
JUNE 10, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB94-16	COHEN	16	3
B) ZB95-13	MACGREGOR	470	4.01
C) ZB96-02	MARTINEZ	172	7
F) ZB96-04	KERECMAN	47	4

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY JUNE 10, 1996.

A) COHEN

OCEAN AVE.

Attorney: Peter Falvo

The applicant was previously before the Board on February 26, 1996 in order to seek variance approval on a 16'-17' wall constructed on the property of a previously approved single family home under construction. The application was carried to this date without further need of notice.

B) MACGREGOR

ATLANTIC AVE.

Attorney: Jeff Resnikoff

The applicant was previously before the Board on April 8, 1996 in order to seek subdivision & variance approval on a property which contains two structures. The applicant proposes that one lot contain the existing commercial use & the other a residential use. The property is in a C-3 Commercial Zone. The applicant asked that the matter be carried as he was trying to obtain an extension of his contract commitment.

C) MARTINEZ

PEARL STREET

Attorney: Paul Edinger

The applicant has informed the office that notice has not been made. They have verbally requested that the matter be carried to the July 8th meeting. I instructed him to submit a letter to that effect, waive the time constraints, and the Board would make a decision on the request.

D) KERECHAN

HIGHLANDS AVE.

The applicant is before the Board in order to request variances to construct a garage attached to the existing one family home.

JUNE 24

CIRCLE A

FREIRE

TSS, OIL (FENCE ON THIRD) - Tentative

JULY 8

FRAGALE (Final Office) - Tentative



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
MAY 13, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB94-10	KARYKOUS	100	28
B) ZB95-8	EXXON	174	1,2,3
C) ZB95-06	SORRENTINO	192	25
D) ZB95-13	MACGREGOR	470	4.01
E) ZB96-01	FREIRE	353	3
F) ZB94-15	CIRCLE A	132	3.01

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman

APPLICATIONS TO BE HEARD BEFORE THE BOARD ON MONDAY MAY 13, 1996.

A) KARYKOUS

HOLLYWOOD AVE.

Attorney: James Siciliano

Objecting Attorney: Thomas Primavera

The application is before the board for reconsideration on the issue of abandonment.

Hearings were held on November 13, and August 14, 1995, and April 8, 1996. Members who were present at all hearings are, Paone, Quilico, Fischedick, and Foster.

B) EXXON

BROADWAY & BATH

Attorney: Peter Falvo

The applicant was previously heard on December 11, 1995, February 26, 1996, and March 11, 1996.

The applicant received certain variances and was denied others. The applicant has addressed site considerations in a letter (see attached). The members who have heard all testimony or were provided transcripts are: Paone, Quilico, Janeczek, Fischedick, Foster, Grant, and DeMaio.

C) SORRENTINO

MORRIS AVE.

Attorney: William Gannon

The applicant was previously before the board on March 11, testimony was given on their request for variances to construct a metal storage building on the existing auto repair garage site. The members who can vote are Janeczek, Fischedick, Foster, Grant, Agresti, and DeMaio.

D) MacGregor

Atlantic Ave.

Attorney: Jeff Resnikoff

The applicant was before the board on April 8, 1996 to give testimony for their request for variance and subdivision approval. The members who can vote are: Paone, Quilico, Janeczek, Fischedick, Foster, DeMaio.

E) Freire

Branchport Ave.

Attorney: Edward Stokes

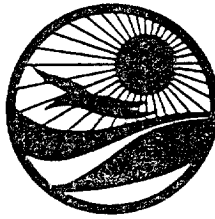
The applicant is requesting a use variance and certain bulk variances to create a two-family in a single family zone.

F) Circle A

West End Ave & Hulick

Attorney: Jeff Resnikoff

The applicant received a use variance in 1988 for 9 townhouses (see attached review) and have returned to the board for variance and site plan approval.



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
APRIL 8, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

A) ZB94-10	KARYKOUS	100	28
B) ZB94-16	COHEN	16	3
C) ZB95-13	MACGREGOR	470	4.01

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



Applications to be heard before the Board on Monday March 11, 1996.

A) KARYKOUS

HOLLYWOOD AVE.

Attorney: James Siciliano

Objecting Attorney: Thomas Primavera

The application is before the board for reconsideration on the issue of abandonment.

Hearings were held on November 13, and August 14, 1995. Members who were present at both hearings are, Paone, Quillico, Fischedick, and Foster. The attorney for the objectors were notified that they should provide transcripts for the other members, and apparently have opted not to do so.

B) COHEN

OCEAN AVE.

Attorney: Peter Falvo

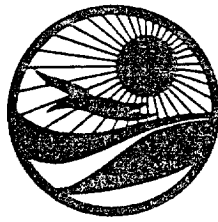
The application was last heard on February 26, 1996, to receive a variance for 16' wall on the ocean side of the property.

D) MACGREGOR

ATLANTIC AVE.

Attorney: Jeffrey Resnikoff

The applicant is before the board in order to receive use variance, variances, and subdivision and site plan approval on a property on Atlantic Avenue which contains two existing structures. The property is located in a C-3 Commercial Zone. It contains a commercial structure with a dry cleaning business in it, and an empty residential structure. The applicant wishes to subdivide the property, separate the two uses, and expand the residential structure.



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
MARCH 11, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

a) ZB95-08	EXXON	BLK:174	LOTS:1,2,&3
b) ZB94-10	KARYKOUS	100	28
c) ZB95-09	SORRENTINO	192	25
d) ZB95-13	MAGGREGOR	470	4.01

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



Applications to be heard before the Board on Monday March 11, 1996.

A) EXXON

BROADWAY & BATH

Attorney: Peter Falvo

The applicant was previously heard on December 11, 1995, and February 26, 1996. The applicants are seeking variances to change the layout of the existing gas station, and add a canopy. The application was carried to this date for VOTE ONLY, giving them time to submit revised plans for the engineer to review.

B) KARYKOUS

HOLLYWOOD AVE.

Attorney: James Siciliano

Objecting Attorney: Thomas Primavera

The application is before the board for reconsideration on the issue of abandonment. Hearings were held on November 13, and August 14, 1995. Members who were present at both hearings are, Paone, Quilico, Fischedick, and Foster. The attorney for the objectors were notified that they should provide transcripts for the other members, and apparently have opted not to do so.

C) SORRENTINO

MORRIS AVE.

Attorney: William Gannon

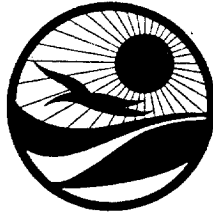
The applicant is before the board to receive variances to construct a storage building on the existing auto repair site. The applicant is attempting to replace illegal trailers existing on the site, with this proposal.

D) MACGREGOR

ATLANTIC AVE.

Attorney: Jeffrey Resnikoff

The applicant is before the board in order to receive use variance, variances, and subdivision approval on a property on Atlantic Avenue which contains two existing structures. The property is located in a C-3 Commercial Zone. It contains a commercial structure with a dry cleaning business in it, and an empty residential structure. The applicant wishes to subdivide the property, separate the two uses, and expand the residential structure.



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
FEBRUARY 26, 1996
EXECUTIVE SESSION 7:30PM

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

a) ZB95-8	EXXON	BLK:174	LOTS:1,2, & 3
b) ZB94-16	COHEN	16	3

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



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Applications to be heard before the Board on Monday February 26, 1996.

A) EXXON

BROADWAY & BATH

Attorney: Peter Falvo

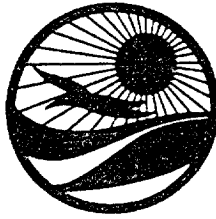
The applicant was previously heard on December 11, 1995 (minutes are enclosed). The applicants are seeking variances to change the layout of the existing gas station, and add a canopy. There are now three members who cannot vote on this matter without reading the transcripts, Mr. DeMaio, Mr. Harper, and whoever the new member may be. Enclosed is a third engineer's review and fire official review.

B) COHEN

1129 OCEAN AVENUE

Attorney: Peter Falvo

The applicant was before the board previously in order to receive certain bulk variances to construct a single family home. Those variances included lot coverage, height of garages, setbacks, and grading of property. A site inspection by the board engineer has determined that an additional variance is required for the wall which has been constructed on the property line.



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (908) 222-7000

BOARD OF ADJUSTMENT
REGULAR MEETING 8:00PM
JANUARY 8, 1996
EXECUTIVE SESSION 7:30PM

*Cancelled
Due to
Snow*

1. ROLL CALL
2. COMMUNICATIONS
3. RESOLUTIONS TO BE READ
4. APPLICATIONS TO BE CONSIDERED

a) ZB94-10	KARYKOUS	BLK:100	LOTS:28
b) ZB95-09	SORRENTINO	192	25
c) ZB95-13	MAC GREGOR	470	4.01

5. RESOLUTIONS TO BE ADOPTED
6. ADJOURNMENT

By order of: Paolo Paone
Chairman



recycled paper

Applications to be heard before the Board on Monday January 8, 1995.

A) KARYKOUS

HOLLYWOOD AVE.

Attorney: James Siciliano

Objecting Attorney: Thomas Primavera

The application is before the board on remand and was carried to this date to continue testimony.

B) SORRENTINO

353 MORRIS AVENUE

Attorney: William P. Gannon, III

The applicant is applying for variances to permit a storage building as an accessory structure to the site of an existing auto repair garage. The structure is intended to replace existing non-permitted storage trailers on the site.

C) MAC GREGOR

15 & 17 ATLANTIC AVE

Attorney: Jeffrey Resnikoff

The applicant is seeking approval to subdivide an existing property which contains one commercial structure and another residential structure. The applicant is also seeking a use variance to expand the residential structure, and other bulk variances to accomplish both.

ZBA OCTOBER 28, 1996

ALL NOVEMBER AND DECEMBER MEETINGS WERE CANCELLED
DUE TO CONFLICTS OF THE APPLICANTS

which is permitted. She explained that the garage had already been converted to storage and a utility room, and that the existing deck would remain. There were no interested parties present with regard to the application.

Jeffrey Sitt, 17 Breakwater Place, was sworn and described his proposal. He stipulated for the record that he proposed the expansion for his family use only and did not intend to convert the space into another unit. He stated that there was no available land which he could purchase to eliminate the need of the variances.

Mr. Agresti made a motion to approve the requested variances, Mr. De Maio seconded the motion, and upon this motion all members voted yes.

ZB96-03

CHEHEBAR

**BLOCK: 29
16**

**LOT: 1,1.01,1.02
1.01,12,13**

The applicant and his attorney James Siciliano were before the board in order to request variance relief for a proposed new single family home. The board attorney had reviewed the notice and found that the board did have jurisdiction. Thomas Primavera declared his presence on behalf of Ocean Beach Club and Samuel Hassine. The plans drawn by Teo Cambero were marked as A-1. Survey by Benchmark, dated 6/12/96, was marked as A-2. Jack Chehebar was sworn. He testified that he was looking for some time before he decided on this property on the ocean. He has five children and needs a large home to accommodate them and also his parents. The property is 290' by 589', and runs east/west from Ocean Avenue to the ocean. He stated that he had chosen the Roman Renaissance style, and needed a property of this size to meet the requirements for the size house he wishes to build. He described his study of the property through the winter storms and his decision to grade the property to protect it from erosion. Photographs of the bulkhead side of the property were marked and distributed to the board. He also discussed his request for a 12 foot masonry wall on the easternmost portion of the property (with the proposed grading and retaining wall a total of 12-24' on the exterior). He stated that he had discussed this during negotiations for the property with OBC, and informed them then that he would want to construct a wall of this height to block the view of the beach club's cabanas. He also explained that his proposal of structures within the 50' setback which is deed restricted, was done under the assumption that he would be able to negotiate their waiver of this restriction. He stated that he has realized since the submission of the plans that this is not a negotiable item as far as the OBC is concerned and he will revise the plans to show his compliance. An article showing the Guggenheim home which was torn down 56 years ago was marked into evidence. He testified to different items which he asserts were agreed upon during his more than one year of negotiations with the beach club, which Mr. Primavera argued were irrelevant because there is a contract to purchase and only those items in the contract (deed restrictions being one) are what was finally agreed upon. Mr. Primavera also argued that changing the plans to meet the restrictions could greatly effect the layout of the house and that those changes should be made and

submitted before this matter goes any further. During the break the applicant, attorneys and objectors discussed compromises and it was decided that the plans would be revised to reflect these compromises and the applicant would return in January (13th) to continue the hearing.

RESOLUTIONS: The following resolutions were adopted. None.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday September 9, 1996, at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch, NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Frank Fishedick, Peter Agresti, Joseph Foster, Avery Grant, Peter Quilico, and Richard N. DeMaio (Alt #1).

MEMBERS ABSENT: Paolo Paone, Terry Janeczek, and Robert Harrison (Alt #2).

Also present were: Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), Michael Irene, Jr. (board attorney), and Anna Juska (recording secretary).

COMMUNICATIONS: None.

APPLICATIONS TO BE CONSIDERED:

ZB95-13

MACGREGOR

BLK:470

LOT:4.01

The applicant, Stuart Macgregor was present, with his attorney Jeff Resnikoff. The application was carried from a previous meeting, jurisdiction already taken. The applicant was informed that there were not enough members present who were available to vote on the application. Mr. Resnikoff asked to be able to proceed, with the understanding that transcripts would be provided from all previous meetings so that there will be enough members to vote on the matter at the next meeting. The applicant, Stuart Macgregor, who was previously sworn, testified to the following. He stated that he had previously indicated that he wished to operate his own construction business out of the existing commercial structure. He had been informed that this was not a permitted use in the C-3 Zone. He has decided to operate a permitted use out of the commercial structure. He was not prepared to indicate which permitted use that would be (each use with different parking requirements). Board members indicated their concern that the limited parking layout on the property would prohibit the operation of most permitted uses without a parking variance. The applicant informed the board about his efforts to acquire the County property to the west of the commercial site. He stated that he has not proceeded further than previously stated, which was contact and indication that the property was available. He proceeded to describe his proposal for expansion of the residential property, and his intention to live there. He again informed the board that he wished to preserve and expand the residential for two reasons. One, that low financing was available on the residential portion, and two, that he wished to live there. The board stated its concern over the creation of not only a non permitted use, but an undersized non permitted use. They

explained their belief in the zoning and its desire to create larger conforming commercial uses at this end of town. Lot 3, and lot 4.01 (as it exists), consolidated would create a more conforming commercial site. Subdivision of the residential portion negates this possibility. In addition to the undersized proposal for the residential lot, the applicant is proposing a 1.56' to 2.32' side yard setback from the property line, and a 4' to 5' setback from the existing commercial building. The board informed the applicant that they could not vote on a hypothetical proposal of acquisition of additional land. Mike Irene asked the applicant if there were any other uses in the area that used the municipal lot for parking. The applicant stated that there were none that he knew of. Mr. Irene asked why Mr. Macgregor did not develop all of the lots for a permitted commercial use. Mr. Macgregor stated that there was not a big enough profit margin in that avenue. Mr. Irene stated that if the board were to grant the subdivision and use variance proposal, they would essentially be moving a zone line further west than the Planning Board had determined it should be. He stated that the board must consider what they will be creating for perpetuity on that land, notwithstanding this applicant's stated good intentions. Mr. Resnikoff stated that his client was proposing the improvement of what he believed to be an existing dilapidated residential use, and a separation of the two existing non-conforming uses. The board indicated that they believe that the lot size as it exists still offers the possibility of a future conforming commercial use, and once the lot is split that option does not exist. Mr. Fischedick stated that the applicant had stated that the driveway on the commercial use could not be moved, this limited commercial use even with lot 3 added. Mr. Foster stated that he saw the lot as more valuable to the City keeping it in tact, and that the financing problem was not enough of a reason to grant the proposal. Mr. Agresti stated that he had serious concerns about his down sizing a property and its use, when all of the City proposals of zoning, the Master Plan, and the Redevelopment Plan recommend the complete opposite. There were no public comments or questions. Mr. Resnikoff stated that he would like to return in October in order to give his client an opportunity to proceed further with the County on acquisition of Lot 3, and be prepared to give the board more concrete information on which they may make a decision. Mr. Irene asked that the applicant be sure that they are prepared at that time (7 weeks), as the application has been around for a long time and taken many places up on the board's busy agendas. The applicant waived any time constraints on the board to act.

RESOLUTIONS: The following resolutions were adopted. Cohen, Block 16, Lot 3, for variance to permit a wall.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday August 26, 1996, at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch, NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Terry Janeczek, Frank Fishedick, Peter Agresti, Peter Quilico and Richard N. DeMaio (Alt #1).

MEMBERS ABSENT: Paolo Paone, Avery Grant, Joseph Foster, and Robert Harrison (Alt #2).

Also present were: Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), Michael Irene, Jr. (board attorney), and Anna Juska (recording secretary).

COMMUNICATIONS: A letter was received from Jeff Resnikoff, on behalf of the MacGregor application. He has asked that the matter be carried to the September 9, 1996, meeting due to the fact that there are not enough members to vote on the application. The matter was carried to that date without further need of notice.

APPLICATIONS TO BE CONSIDERED:

ZB94-16

COHEN

BLK:16 LOT:3

Peter Falvo was present representing the applicant. The matter had been previously heard and carried to this date without further need of notice. Mr. Falvo entered into evidence two new plan submissions. A site plan dated revised through 7/19/96, by Nelson Engineering was marked as A-11. Fence details by Anthony Ingro, dated 6/20/94, were marked as A-12. The balistar treatment of the eastern wall was detailed in A-12. These plans were identified for design only the board was to rely on the plan by Nelson Engineering for dimensions. Tom James Murphy of Nelson Engineering, 464 Broadway, was sworn and he described the changes to the plan. He explained the height changes and further informed the board that the highest dimension from grade to top of wall (inside only) was now 6'. The wall has been cut down and the dimensions are as built today, including the cap. He described to the board how the wall is dropped in height. The southernmost portion of the wall is 4' to 5'. There were no interested parties present to question the witness. The applicant stipulated that the wall was level and not sloped, top of wall at 28.7. Mr. Fishedick made a motion to approve the wall as changed. Mr. Quilico seconded the motion and upon this all members voted yes.

RESOLUTIONS: The following resolutions were adopted. Martinez, Block 172, Lot 7, for use and bulk variances. Circle A, Block 132, Lot 3.01, for density, bulk variances, and preliminary approval.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday August 12, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Paolo Paone, Frank Fishedick, Peter Agresti, and Peter Quilico
Richard N. DeMaio (Alt #1) and Robert Harrison (Alt #2).

MEMBERS ABSENT: Avery Grant, Terry Janeczek, and Joseph Foster.

Also present were: Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), Michael Irene, Jr. (board attorney), and Anna Juska (recording secretary).

COMMUNICATIONS: None.

APPLICATIONS TO BE CONSIDERED:

ZB96-02

MARTINEZ

BLK:172 LOT:7

Paul Edinger was present representing the applicant Jose Martinez. The application was carried from the July 8, 1996 meeting without further need of notice. Mr. Edinger informed the board that he has requested legal use certification from Mr. Turner and has it for the board's reference. The document from Mr. Turner dated July 24, 1996, was submitted and marked as A-5. The document certifies that the property is a pre-existing non-conforming two family dwelling. Mr. Edinger summarized previous testimony and stated that the proposal would not be a detriment to the neighborhood, reflects similar uses in the neighborhood, would be an improvement to the property itself and the neighborhood, and would not be in conflict with the intent of the zoning ordinance. There were no interested parties in the matter. Frank Fishedick asked if the applicant intended to repair some of the existing problems with the structure, such as broken lattice, missing gutters, and unpainted broken porch details. Mr. Martinez stated that he intended that the entire porch would be repaired and replaced and that the entire structure would have a complete finished appearance if he gets his approval. Mr. Fishedick made a motion to approve the requested variances, Mr. Quilico seconded the motion and upon this all members voted yes, except for Mr. Harrison who was not eligible to vote.

ZB94-15

CIRCLE A

BLK:132 LOT:3.01

The applicant's attorney, Jeff Resnikoff, was present with his client Anthony Lucarelli. The application was previously heard on June 24th, and was carried to this date without further need of notice. Mr. Resnikoff was informed that there were only five members present who

could vote and that he would need all five affirmative votes for the density variance requested. Mr. Resnikoff decided to go forward. Anthony Lucarelli who was previously sworn testified that he purchased the property shortly after the approval in 1987 based on his belief that he had an approval for nine units. He discussed the recent letter from the Planning Department where Mr. Turner (the Director) has informed him of a major subdivision proposal immediately adjacent to this property which may have property available to purchase which might decrease variances and possibly eliminate a density variance. Mr. Lucarelli stated that the adjacent owner had been contacted in 1987 with regard to purchasing property and showed no interest in selling. He stated that he has made an effort again to contact this owner, and as recently as this day, been told that there is property they could purchase but the owner could not give him a price. A letter from James Siciliano who represents the adjacent owner (Macracken) was marked as A-1 8/12. Mr. Lucarelli stated that the property is encumbered by utility easements and probably cannot be used in any way. Mr. Irene pointed out that this would probably make its purchase reasonable, and that just adding the additional land might eliminate or lessen the variances without need to build on it. Mr. Lucarelli explained again to the board that he had purchased the property based on a nine unit approval, and since revised it to eight. He explained that the units were dropped in height from three stories to two to bring them more in line with the residential units in the neighborhood. The garages were eliminated, because the cost and purchase price for units with garages would price them out of the market. He submitted a colored rendering (A-2 - 8/12) of the units and addressed the variance for a deviation in the facades. He stated that he felt they would look more conforming if they were the same. He stated that with regard to the cul-de-sac he would be happy to contribute toward its construction if the adjacent property was also required to submit their fair share. Ms. Waterbury deferred this issue to the City Engineer, with regard to off site improvements. It was agreed that this issue would need to be resolved. Mr. Quilico questioned the applicant regarding the fence vs. wall on the railroad property line. It was agreed that the applicant would provide details for either a solid masonry wall or aluminum railed fencing. There were no interested parties present who wished to question the witnesses.

Stanley Brittman, who was previously sworn and qualified as an expert architect and planner, was present and testified. He stated that the use was specially suited to the site and explained his reasons for the change in height and layout of the units. Peter Agresti, chair of the aesthetic committee, questioned Mr. Brittman on proposed colors, textures, and materials of the structures. He stated his concern with lack of detail and placement of the chimney frame. He asked if the applicant should consider more aesthetically pleasing details on the elevation facing Sairs Avenue and the other residential homes. Mr. DeMaio asked about snow removal, and where it would go with the layout they propose. He was told it would be moved to the dumpster area.

Marilyn Frangos, Peachtree Dr., Manasquan, was sworn and recognized as an expert in real estate. She testified to her observations of the neighborhood with regard to the mixed

multi-family, apartments, commercial, and single family uses in this neighborhood. She testified that she did not believe that the townhouse proposal was out of character, and that the density was similar to that of the multi-family uses in the area. She stated that the use would be a benefit to the values of the homes in the surrounding area, and would not violate the intentions of the zoning plan. Her report was marked as A-3 - 8/12, into evidence.

Jeffrey Resnikoff summed up his case. Richard DeMaio made a motion to approve the variances and grant preliminary site plan approval, subject to the applicant acquiring the parcel of land indicated in A-1, providing fence details for review and approval, redesigning the rear elevations to the satisfaction of the aesthetics committee, a resolution on the cul-de-sac issues, satisfaction of concerns and issues of the board engineer in her letter of May 3, 1996, posting of bonds and contributing to off site improvements where applicable, acquiring all appropriate approvals of state and local agencies. Mr. Agresti seconded the motion and upon this all members voted yes.

ZB95-13**MACGREGOR****BLK:470****LOT:4.01**

Mr. Agresti has certified that he has listened to the tape on the meeting he missed and is eligible to vote. Mr. Irene stated that the matter was heard previously, jurisdiction had been taken, and the matter carried to this date without further need for notice. Stuart MacGregor, the contract purchaser and Frank Talerico were both present. Jeffrey Resnikoff, representing his client introduced Mr. Talerico and had him sworn. Mr. Talerico testified that he has owned the property in question for more than 30 years and operating the dry cleaning business on the property also during that time. Mr. Talerico testified that he had one tenant, a Charlie Secora, residing in the residential unit for eight or nine years. Then he had another tenant, a Donald Regan, who resided there from 1971 to 1991. When the house was vacated by this tenant he was told he had a substantial amount of work that had to be done to bring it up to code. He stated that he left it vacant for a while and then put the property up for sale. A copy of a C.O. issued in 1971 was marked as A-6. He stated that there was a fire which further damaged the home and it is a somewhat deteriorated shape at this time. A tax bill was marked A-7. He stated that much of the parking for the dry cleaning business is on the County property immediately adjacent. He stated that the dry cleaning business has been there since 1965. It was determined that the property is in a C-3 Zone, and both uses are considered non-conforming. Mr. Irene pointed out to the applicant that to separate the two lots increases the non-conformity and both lots will need a use variance to do so. Mr. Paone stated that he was uncomfortable with creating a 40' lot, which didn't meet even the minimum lot size for any use including residential. He asked why the applicant didn't just leave the situation as it was. Mr. MacGregor (previously sworn) stated that he wanted to live in the house and put his office in the commercial structure for now. He stated that he was also having trouble getting financing on the multi-mixed use property. Mr. Quilico asked how bad was the condition of the residential structure. Mr. Talerico stated that the exterior was in bad shape, but the

interior was not that bad. Mr. Quilico asked where the parking was for the residential. Mr. Talerico stated in the front yard, and always had been that way. There were no interested parties present to question the witness.

Stuart MacGregor was introduced (previously sworn). He stated to the board his intentions to live in the residential structure, and his desire to square off the back portion, and rearrange the layout to maximize the ocean view. Mr. Irene asked how much parking was actually on the site for the commercial use. Mr. MacGregor stated that there were 5 or 6 spaces (not delineated). Mr. Irene asked what would happen if the County decided to put a fence along the property line, how could two of the spaces be entered and exited? Mr. MacGregor stated that it would be difficult. He stated that he has been in touch with the County, and Mr. Collins (Administrator) stated to him that the County would be interested in selling the property to him, but he would have to own the adjacent property before they would consider it. The board was given new photos (A-8 & A-9) and asked to look at previously submitted photos. Drawings by L& S Design (unsealed concept plans) were marked as A-10. The plans were described.

Mr. Irene asked for clarification on the commercial use. Mr. MacGregor stated that he wanted to temporarily use it for an office for his construction business, and possibly later make it into a restaurant or something like that. Mr. Irene stated that he had a problem with this idea. He stated that first of all the construction office was not permitted in the zone, and there were no details or applications for this use. Secondly, if the board subdivides this lot and creates two undersized lots without considering the exact use on the commercial site they have opened up many potential future problems. Mr. Irene suggested that the applicant and his attorney make a decision on the use of the commercial property and then come back and include that use in this application. The application was carried to the August 26, 1996 meeting of the board.

Mr. DeMaio made a motion to empower the site plan committee to authorize professional review of any application they deem the review necessary to make an informed decision on. Mr. Fischedick seconded the motion and upon this all members voted yes.

RESOLUTIONS: The following resolutions were adopted. TSS Oil, Inc., Block 201, Lot 1, for bulk variances.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday July 22, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Paolo Paone, Terry Janeczek, Joseph Foster, and Richard N. DeMaio (Alt #1) and Robert Harrison (Alt #2).

MEMBERS ABSENT: Frank Fishedick, Avery Grant, Peter Agresti, and Peter Quilico.

Also present were: Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

Michael Irene (Bd Attorney), was absent due to a schedule conflict, Maxwell Colby (Planning Board Attorney) was present in his place.

COMMUNICATIONS: Mr. Paone welcomed the board's newest member, Robert Harrison, who has been appointed to fill the term of Clyde Harper as Alternate #2.

APPLICATIONS TO BE CONSIDERED:

ZB94-15

CIRCLE A

BLK:132

LOT:3.01

The applicant's attorney, Jeff Resnikoff, was informed that there were only three members present who could vote on the matter, and further that this amount would not be a quorum of the board so the matter was carried to the August 12th meeting of the board.

ZB96-05

TSS OIL, INC.

BLK:201

LOT:2

The board attorney, had reviewed notice and found that the board did have jurisdiction. James Siciliano, the applicant's attorney, was before the board in order to request a variance to permit a 6' fence (already constructed) in a front yard area. The applicants, Scott and Teresa Schmelter were also present. The survey of the property drawn by LeRoy Strobby, dated 4/22/96 was marked as A-1 into evidence. Scott Schmelter, 142 Third Avenue, was sworn. He testified that he is the president of TSS Oil, Inc., (616 E. Palisade, Englewood Cliffs - corporate office) who is the owner of record for this property. He stated that his wife is vice president, equal shares. He stated that he originally was not going to actually live on this property. However, the beachfront property was denied a variance to construct a home, and the County is trying to condemn it for park use. He described the unusual configuration of the lot which had one contiguous or what would be (if it were square) three front yards, fronting on Third and Westwood and the curve joining the two. He stated that the house actually fronts on Third Avenue. He stated that he

actually has no rear yard by definition. He stated that it wasn't until he and his wife actually started thinking about living in the home did they realize they would have a problem with the fence issue. He stated that when they realized the actual loss of privacy they would have if they constructed a 4' fence, that they decided to construct the 6' fence. He stated that he almost simultaneously constructed the fence, was informed of the violation, and directed his attorney to file the application. His wife Teresa was also sworn. They testified that they live on a very heavily pedestrian traveled corner. They stated that they have a dog and lawn furniture in the rear, and would have had no way to use this area or secure it if they had not constructed the fence. They stated that there is an abandoned 4 family home approximately 5' off of their property line on the south, and all road to the north, east and west. They stated that they have invested a lot of time and money improving the property, with gardens and landscaping, and they just wanted to provide some security and privacy to the only yard area they have. They stated that before they constructed the fence their yard was a shortcut from one street to the other, for mostly young people traveling back and forth from school. Board members commended the applicant on the new home and improvements, but were concerned about setting a precedent for 6' fences in the front yard. Mrs. Janeczek asked why not a 4' fence with 6' trees or shrubs. The applicants stated that it would take several years for a live barrier to grow, in the mean time they would have no real use of the yard.

There were no interested parties who wished to cross examine the witnesses.

Buddy Damiano, Damiano Funeral Home, Third and Franklin, across the street from the property, was present and sworn. He stated that he wanted to commend the applicants for the improvement to the neighborhood. He stated that the meticulous plantings and details on the home have provided a welcome relief to the eyesore next to it. He recommended that the board grant the variance for the reasons the applicants stated, and because the property was such an improvement to the whole neighborhood.

Glen Halvorsen, 160 Thrid Avenue, was sworn. He stated that he also felt that the board should grant the variance. He stated that he knows, as he also lives there, that security and privacy is definitely an issue in this neighborhood.

Mr. Colby asked if Mr. Siciliano was citing C-2 reasons for variance relief, by way of the exceptional uniqueness of the property. Mr. Siciliano stated that he was, however, he also believed that the applicant has proven to the C-1 criteria that the benefits outweigh the detriments.

Mr. Paone stated that he agreed that the applicants have upgraded the property and improved the neighborhood. However, he reminded the applicants attorney that the variance goes with the land, not the owner, and that the applicants knew that the uniqueness of the land would restrict what they could do when they purchased it. He and the board must be concerned with granting a variance which would create a snowballing

effect for the same reasons of security and privacy. Mr. Siciliano suggested that with the provision of privacy and security the City has been rewarded with a beautiful home where one might not have been built. Without the amenities a lesser home could have been built.

Mr. DeMaio made a motion to approve the variance, which was seconded by Mrs. Janeczek, and upon this all members voted yes except for Mr. Paone who voted no.

RESOLUTIONS: NONE.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday July 8, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Paolo Paone Peter Quilico, Terry Janeczek, Joseph Foster, Avery Grant, Frank Fishedick, Peter Agresti, and Richard N. DeMaio (Alt #1).

MEMBERS ABSENT:None.

Also present were: Michael Irene (Bd Attorney), Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

COMMUNICATIONS: None.

APPLICATIONS TO BE CONSIDERED:

ZB96-02

MARTINEZ

BLK:172 LOT:7

The board attorney, Michael Irene, had reviewed notice and found that the board did have jurisdiction. Paul Edinger, attorney for the applicant, Jose Martinez, was before the board in order to receive variance approval to expand a pre-existing two family dwelling in a single family zone. Mr. Irene directed that proof from the zoning officer that this was a pre-existing legal two family must be supplied. Mr. Edinger explained that the existing two family contained two small two bedroom apartments which were in an up and down, side by side configuration. He stated that his client would like to remove the rear single story portion of the building and add on a two story addition which will increase the square footage of the existing building from 1727 sq.ft., to 2578 sq.ft., and increase the units from two - two bedroom units to two three bedroom units. He explained that the actual footprint will be increased in the rear and that the existing one story rear section will become two story. A use variance is required to expand the use, several bulk variances, variance for providing two spaces where five is required, and setback variances for the driveways.

Jose Martinez, 71-73 Pearl Street, was sworn and testified that he is the owner/applicant. He described the existing conditions of the home as undersized. He explained that he needed more room so that he could bring his children to this country. Two C.O.'s from July and August of 1995 were marked as A-1 & A-2. He described the property as having the two units, no garage, and two driveways along either side of the house. Four photos of the property were marked collectively as A-3. The site plan, key map and architectural drawing by Robert Cook, dated revised March 14, 1996, was marked as A-4. The survey by Azimuth Land Surveying Co., Inc., dated 8/3/95, was marked as A-5. The applicant stated that there was no additional property he could purchase to eliminate the variances.

Mr. Quilico asked how the water was going to run off the property. He was told that it would essentially do what it does now. The driveways will be stone so most water will be absorbed, the property is pitched toward the street, and the leaders and gutters will be pitched toward the front. Mr. Martinez stated that the utilities are already separated. Ms. Janeczek was concerned about the parking and driveways. She was concerned that a larger structure could mean more cars, and that Pearl Street was already a narrow one way street with parking allowed on both sides. She also asked if the one driveway could be eliminated from the side closest to the neighbor and a turn around created in the back. She was told that this could be done but it would use up virtually all that was left of the rear yard, and there would be no green area left.

Robert Cook, P.O. Box 239, Atlantic Highlands, was sworn and qualified as an expert in the field of architecture. He described the plans that he designed and the purpose for the design. He described the units as undersized and poorly designed. He stated that he determined that the best layout was what he has presented to the board. He stated that the applicant chose to stone the driveways and parking so that the ground would perk any water collection and not run off onto the neighbors property. He proposed small plantings along the perimeter of the two provided spaces. He described the exterior materials to be vinyl siding with a clapboard appearance. He stated that most of the variance requests are existing conditions, and that his client only wishes to improve his home and the living conditions for both units. He described what he believed from his observation to be many multi-family homes on similar conditions in the surrounding neighborhood. He stated that from the street and the neighborhood this addition will have little or no negative impact, and actually be an improvement to the existing conditions.

Barbara Shirvanian, 964 Broadway, with Murphy/Better Homes & Gardens Real Estate, was sworn and recognized as an expert. She explained that she had sold the property to the Martinez family. She described the building as containing small substandard sized rooms. She described her observations of the neighborhood, which she believed contained many multi-family homes on undersized lots and similar conditions. She stated that she was told it was a two family when she was in the process of selling it. She stated that she believed this addition would not only improve the value of this property, but also enhance the values of the neighborhood.

There were no interested parties present to comment or question the witnesses. The board instructed the applicant to provide a letter from the zoning officer establishing the legal classification of the property. The application was carried to the August 12 meeting of the board.

ZB95-13**MACGREGOR****BLK:470****LOT:4.01**

The applicant's attorney, Jeff Resnikoff, was present for his client, however his client was not present. He asked that the board carry the matter to another date. The board carried

the application to the August 12, 1996 meeting of the board and the applicant waived the time constraints on the board to act.

ZB94-16**COHEN****BLK:16****LOT:3**

The applicant's attorney, Peter Falvo, was before the board for approval of the height of a masonry wall along the southern perimeter of the property. The application was carried to this date from a previous meeting, jurisdiction was previously taken. Mr. Fischedick and Mr. Agresti have both read the transcript of the previous meeting and are qualified to vote. Mr. Falvo reviewed some of the previous testimony. Mr. Falvo referred to a previous approval on this application brought by James Siciliano, on behalf of Mr. Cohen, to grade the property above 18". Mr. Falvo referred to minutes of that meeting, stating that they indicated that the applicant was approved to grade the property to a 28'-29' elevation, and that the plan that was submitted into evidence showed a retaining wall along the swale and a top of wall height which was almost what was existing. Ms. Waterbury pointed out that it should be understood that the plans mentioned (A-2 evidence 6/93) indicate a maximum height of 29' at the house, not in the area by the wall. Mr. Falvo submitted that the problem is that what has amounted to the result of the grading variance, which requires a retaining wall because of a swale on the other side of the property, combined with a permitted wall at grade, creates the 16-17' wall from the outside. A discussion with regard to drop of elevation down to the wall from the house, resulted in the conclusion that even from the final grade inside the wall, the wall is still a foot or more above the permitted height of 6'.

Chester D'Lorenzo, of Nelson Engineering, Broadway, Long Branch, was sworn, and qualified as an expert in the field of engineering. Photos were entered into evidence and marked A-7 thru A-9. Mr. D'Lorenzo explained that the contractor has stepped down the wall in the southeastern section. He proceeded to describe the photos. He described verbally the height changes as they would be measured inside and outside, with the recent step down change to the wall and the finished grade, and referenced them to the map submitted at the February meeting marked A-3.

Jeffrey Earle, 155 Pepper Lane, Monroe, Conn., was sworn and testified that he was the new project manager and that he has inherited this and many other problems that the previous contractor created before he left the site. He described some of the grade difficulties and reasons why the wall was constructed the way that it is. He described his efforts to step the wall down to lessen the severity of the effect.

Mr. Falvo was describing his belief that the wall was in fact a part of the original plan submission. Mr. Irene stated that the plan was submitted for purposes of showing the proposed grading, and that it was specifically stated that the applicant was not asking for any other variances (at that 1993 hearing). The previous evidence, A-2 6/93, was marked into evidence for this hearing as A-10 7/96. The board directed the applicant to revise the

plans to show what exists on the site today, including the changes, in order for them to completely understand what the applicant was asking for. The application was carried to the August 26, 1996 meeting of the board, and the applicant waived the time constraints on the board to act.

RESOLUTIONS: Friere, Block 353, Lot 3, for use and bulk variances.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday June 24, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Paolo Paone Peter Quilico, Terry Janeczek, Avery Grant Frank Fishedick, Peter Agresti, and Richard N. DeMaio (Alt #1).

MEMBERS ABSENT: Joseph Foster.

Also present were: Michael Irene (Bd Attorney), Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

COMMUNICATIONS: The Board and Council were notified that Clyde Harper has resigned. A Request was made for the Council to make a new appointment.

APPLICATIONS TO BE CONSIDERED:

ZB96-01

FRIERE

BLK:353

LOT:3

The board attorney, Michael Irene, stepped down due to his representation of Mr. Friere at his closing on the property. The applicant was previously before the board on May 13, 1996, and carried to this date without further need of notice. Frank Fishedick was qualified to vote on the matter as he has certified that he has listened to the tape of the previous hearing and reviewed the evidence in the file. Edward Stokes, attorney for the applicant summarized previous testimony and introduced to the board a new site plan/survey which includes topographic measurements requested by the board. Also, he has submitted a marked up copy of the 200' radius with indication of use on each lot (A-4). Mr. Stokes proceeded to describe the different uses in the neighborhood. He stated that he obtained the information from the LB Sewerage Authority records. Mr. Paone asked if he knew if these uses were "legal" uses or not. Mr. Stokes stated that he had no way of knowing if they were legal but he did see multiple meters and mailboxes on the multi-family uses. He stated that he has provided the topographic information as the board requested which indicates that the land is pitched to the street and there should not be any runoff to the neighbors yard. Mr. Friere has also provided railroad tie curbing along the driveway border to further prevent any overflow of water to the neighbor. Mr. Friere, who was previously sworn, described a drywell that he built in the parking area. He stated that he has a 2' deep hole with stones in it to help drain off and water that might accumulate on the asphalt. Mr. Quilico asked if there were permits issued for the sheds. Mr. Friere stated that he has removed the wooden shed, but no, he did not obtain permits. Mr. Quilico asked if the basement was being setup for an apartment. Mr. Friere stated that he was going to only use the basement for storage. Mr. Quilico stated that he saw what appeared to be bedrooms in the basement. Mr. Friere stated that there were bedrooms,

but he would only use the basement for storage. He stipulated on the record that he knew he could not convert the basement into an apartment, and that there would not be any cooking facilities installed in the basement. Mr. Paone asked if Mr. Friere needed to change the footprint or exterior look of the building in order to create the second apartment. Mr. Friere stated that he did not. He stated that it has all been essentially done, as the plans show and that it has not changed the exterior at all. He stated that there is no second means of egress from the second floor apartment, only the stairway inside which is also the entrance to that unit. Mr. Friere stated that there is no property which can be obtained to eliminate the need of some of the variances. Mrs. Janeczek asked if there was a kitchen on the second floor when he purchased the property. Mr. Friere stated that there was. He stated that he actually had two C.O.'s at one point, until the City notified him that the second unit was illegal. There were no interested parties present to ask questions or make comments. Mr. Grant made a motion to approve the variances. Mrs. Janeczek seconded the motion and upon this all members voted yes, except for Mr. Agresti who voted no.

ZB94-15

CIRCLE A

BLK:132 LOT:3.01

Jeffrey Resnikoff was before the board representing his client, Circle A, requesting site plan approval and bulk variances on a property that was granted a use variance in 1988. The board attorney had reviewed notice and previously taken jurisdiction. Mr. Irene asked that a clarification be made with regard to the issue of density. He stated that it was brought to his attention that the applicant has not noticed for the density variance, but did include the clause "and any and all variances that the board may deem necessary", Mr. Irene stated that the issue of density had originally come up in March of 1995, when the board engineer reviewed the site plan proposal. When the use variance was granted in 1988, a density variance was not required. Subsequent to the granting of that use variance the application was dismissed without prejudice for not appearing in 1989. The use variance is still valid because of the Permit Extension Act, until the end of this year. However, the density for all townhouse uses was lowered in 1993, and at this time the maximum permitted on this lot would be six (6). Mr. Irene stated that he had addressed this issue with the applicant in his letter of April 5, 1995. Mr. Resnikoff stated that he has always been operating under the assumption that the applicant has an approval for nine townhouses, and that he does not need a density variance. Mr. Irene stated that even though the proposal was eventually scaled down from 10 to 9 townhouses, the approval was subject to site plan and bulk variance approvals. And, now with the change in density zoning, the applicant also needs a density variance. Mr. Paone asked that the board vote on whether or not they agreed with their attorney that a density variance was necessary. The board all voted in agreement with Mr. Irene. The applicants attorney argued the issue and finally agreed to amend the variance request to include a density variance, even though he did not believe he needed one. The applicant requested that they be permitted to go forward with the witnesses they had present and come back at another time to bring an expert to testify with regard to the density issue. The applicant was permitted to proceed.

Anthony Lucarelli, 1026 Old Corlies Ave., Neptune, was sworn. Mr. Lucarelli stated that he is the owner and principle of Circle A Construction, the applicant. The site plans drawn by Charles Widdis, Assoc., dated 8/18/94, and revised through 2/5/96 were marked as A-1. Mr. Paone asked for a clarification of the plans. He was told that originally the proposal was for 10 townhouses, then nine, and they have now proposed eight in order to address some of the engineers concerns. The applicant stated that originally the units were three stories with garages, and are now two stories without garages. He stated that he had purchased the property in 1989 on a per unit basis of nine units. He stated that he has proposed a smaller unit to reduce the height impact on the surrounding neighborhood, and limit the view of the railroad tracks and surrounding commercial uses. Mr. Paone asked that there be a report from the aesthetics committee on the new proposal. Mr. Resnikoff outlined the bulk variances required for the eight units. A question with regard to the cul de sac was addressed. Mr. Resnikoff stated that originally the City had indicated their desire to have a cul de sac at the end of Hulick, because there was a proposal for another townhouse project on the other side of the street. At this point they have no way of knowing if that project will ever go forward and this would have to be reviewed by the City engineer.

Stanley Brittman, 952 Holmdel Road, Holmdel, was sworn and recognized as an expert in his field of architecture. He introduced new plans dated 12-8-94, most recently revised 6/6/96 (marked as A-2). He stated that they decided to locate the structures on the easterly side of the property facing the railroad tracks because they would provide a buffer between the existing residential and the tracks. He stated that it would be quieter for the existing residential because the vehicular activity would be on the tracks side. He stated that the property rises to the west and that three story or two story structures on the westernmost side would appear much higher because of the grade. He stated that they were two bedroom, 1 & 1/2 bath units with amenities like an optional fireplace, and patios off the back. The board questioned the rationale behind the laundry room which was placed in the "tower" feature. Mr. Brittman stated that the "tower" feature was meant to enhance the look and window treatment from inside and outside. He stated that they believed that it would be more useful as a separate use like a laundry room or small den/office, rather than just a feature window in a master bedroom. He stated that it was not big enough for sleeping and was not intended to be a bedroom. He stated that with regard to the change on the wall along the tracks, they had decided that the wall would require too much maintenance and might crack or be covered with graffiti. He stated that they have provided the required two parking spaces per unit and an additional space marked for handicapped parking. They discussed a previous proposal to landscape the border along the tracks. Mr. Brittman stated that there really is no room for landscaping along this border, without planting on Transit property. Mrs. Janeczek asked about the emergency exit on West End Ave. Mr. Brittman stated that they were proposing pavers under the grass and a break-away chain on that border, but no curb cut. With regard to the height difference, he stated that the previous proposal was for 35' height, and that this proposal was for 28' height. Mr. Lucarelli stated that he expected the unit to sell in the neighborhood of \$130,000, where originally the three story unit was expected to sell in the

neighborhood of \$180,000. Mr. Lucarelli stated that they eliminated the garages, put the parking in the street and brought the units in scale with the houses in the neighborhood, which made the units more economic in this market. Mr. Quilico asked if the reason given had been that lowering the unit made it so that they could not see the tracks. He was told that they were suggesting that the visual impact would be less. Mr. Quilico also questioned the rationale with regard to a wall versus the proposed fence. He stated that if it is properly constructed it will not crack. However, a wall would be a better deterrent to children that might be tempted to play by the railroad tracks. He stated that stockade fences can be broken and are broken in many cases. The applicant stated that they would do whatever the board required in that regard. Mr. Quilico suggested that they plant Ivy on the wall to discourage graffiti. Mr. Agresti asked about the materials and colors of the units. Mr. Brittman stated that it would be wood sided in pastel hues. Mr. Lucarelli stated that he intended to use "Victorian" details like wood shingles and gingerbread. There was a discussion with regard to the variance needed because the units are not supposed to have identical facades. Mr. Lucarelli stated that he would prefer to paint them all the same color, but if the board wanted him to he would change colors. It was explained that the ordinance requires the facade to change not the color. Mr. Irene asked to clarify in his mind, the elevation with the featured "tower", and special window treatments would face the railroad tracks and the view from the surrounding neighborhood would be relatively plain. Mr. Brittman stated that, "yes", the buildings were designed in this manner. Mr. Resnikoff asked Mr. Brittman asked if the use would enhance the zoning plan, be a proper buffer use between the railroad and the existing residential uses, and enhance the values of the neighborhood. Mr. Brittman stated that he believed they would be nothing but an improvement to the neighborhood.

Charles Widdis, 175 Broadway, was sworn and recognized as an expert in his field of engineering. Mr. Widdis stated that he and his office designed the plans in evidence. He described the drainage plans. He stated that the entrance was redesigned to include a better turning radius for better maneuverability. He stated that the site would have very little impact to the drainage in the area. He described the landscaping and lighting plans as adequate for the site. He suggested that the homeowners would probably provide their own landscaping.

Mr. Paone stated that he has heard testimony with regard to site plan, but nothing that addresses the density issues. Mr. Resnikoff stated that he was not prepared to address that issue that evening. Ms. Waterbury stated that there were several concerns that she had with regard to the site, but she needs a read from the board with regard to all of the other issues. She stated that the City engineer has to comment on the cul de sac. If the other project is not going to go forward then this must be considered with regard to necessity and possible off site improvement contributions. With regard to the drainage she can comment better when she knows that this is the plan that the board is or isn't going to approve. For instance, if the board does not grant the eight units the layout may change, or if they don't like the position of the townhouses with relation to the railroad tracks her concerns would be different.

There were no interested parties present to comment on the matter. The board directed the applicant to return with their testimony for density at the July 24, meeting of the board.

RESOLUTIONS:Exxon, Block 174, Lots 1,2,&3, for dismissal of the application due to withdrawal by the applicant. Kerecman, Block 47, Lot 4, for bulk variance approval.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday June 10, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Terry Janeczek, Peter Quilico, Frank Fishedick, Peter Agresti, and Richard N. DeMaio (Alt #1).

MEMBERS ABSENT: Paolo Paone, Joseph Foster, Avery Grant, and Clyde Harper (Alt #2).

Also present were: Michael Irene (Bd Attorney), Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

COMMUNICATIONS: The Board received notice that Clyde Harper (Alt #2) has resigned, due to previous commitments. A letter from Paul Edinger on the Martinez application, Block 172, Lot 7, was read. The applicant's attorney requested that the matter be carried to the July 8th meeting of the board. The applicant had not noticed for this meeting and will be required to notice for July 8th. The applicant waived the time constraints on the board to act. The matter was so carried.

APPLICATIONS TO BE CONSIDERED:

ZB94-16

COHEN

BLK:16

LOT:3

There were only three members present who could vote on the application. Mr. Falvo requested that the application be carried to the July 8th meeting to continue testimony. The matter was so carried without further need of notice, and the applicant waived the time constraints on the board to act.

ZB95-13

MACGREGOR

BLK:470

LOTS:4.01

There were only four members present who could vote on this matter. The applicant needs a use variance which requires five affirmative votes. The applicant asked that the matter be carried to the July 8th meeting. The matter was so carried, and the applicant waived the time constraints on the board to act.

RESOLUTIONS: The following resolutions were adopted: Karykous, Block 100, Lot 28, for no abandonment. Exxon, Block 174, Lots 1,2,&3, for denial of amended application regarding certain variances. Sorrentino, Block 192, Lot 25, for denial of use variance.

The applicant, Eric Kerecman, was before the board for variance relief to construct a one car garage attached to his home. The board attorney reviewed the notice and found that the board had jurisdiction. Eric Kerecman, 246 Highlands Avenue, was sworn. He had the survey by Charles Widdis, Assoc., dated 9/29/96, marked as A-1. The conceptual elevations and floor plans by Samuel Abate, dated 3/6/96, were marked as A-2. Mr. Kerecman stated that he has owned the property and lived there for 3 1/2 years. He stated that the home is a single family, with an existing driveway, but no garage. He is requesting a variance to permit a 5.08' setback from the proposed garage, on the side yard. He is also requesting a variance to permit the continuation of the 34.86' front yard setback on the proposed garage. All of the other variances are existing conditions. Included in the addition is a small area next to the kitchen which squares off the rear of the home and provides a much needed dining room area. He proposes the garage for a space to store his vehicle out of the weather, and a storage space for lawn and garden equipment. Mr. Kerecman stated that many of the homes in the neighborhood were similar in shape and size, but all had garages. In fact, he stated, the neighbor closest to the proposal had added a garage to his home on that side and it is only 5.19' off of the side yard property line. The board members asked why he didn't put the garage in the rear where there seemed to be plenty of room. Mr. Kerecman explained that he has made many improvements to his home since he moved in and one of the things he did was landscape the back yard. He stated that he would have to take down trees on either side if he were to locate the garage in the rear. He stated that he had taken a lot of time deciding which would be the best layout for the garage and finally decided on this configuration as the most functional. He stated that he was also mirroring what exists in neighborhood. Several photos of the homes within the 200' radius were submitted and marked into evidence. Mr. Kerecman described his home as a two bedroom home with no basement, and even living alone he is cramped for space. He stated that both homes on either side have added their garages. He stated that he intended to match the existing siding or put vinyl on both. A member asked about the plans indication that the dwelling was one story. Mr. Kerecman explained that the bedroom area was in what would probably be considered a half story or the second floor. He stated that the garage would only be 21' high, matching the first floor roof line. Mr. Quilico could not understand why the garage could not be built to the rear so that variances were not necessary. He stated that the dining area could be built without variances. Albert Kerecman, 748 Bowne Road, Ocean, NJ, was sworn in order to address these issues. He stated that he is the applicant's father and has some experience as a builder. He stated that if the garage were constructed on the west side there would be a roof line problem. Also, he stated that all of the entrances to the home are on that side and it is simpler and more functional to exit the kitchen to the garage, than create a door which would enter the living room from the garage. He stated that his son has worked hard to maintain the property and would have to destroy well established trees in the rear if he were to bring the garage to the rear. Mr. Kerecman stated that he would also like to request permission to pave the existing gravel driveway,

which is also within the required 10' setback. There were no interested parties present who wished to be heard on this matter.

Mr. Fishedick made a motion to approve the variances and addition request, including the setback on the driveway should the applicant decide to pave it. Mr. DeMaio seconded the motion and upon this all members voted yes, except for Mr. Quilico who voted no. The application was approved.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday May 13, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Paolo Paone, Peter Quilico, Terry Janeczek, Joseph Foster, Avery Grant, Peter Agretsi, and Richard N. DeMaio (Alt #1).

MEMBERS ABSENT: Frank Fishedick, and Clyde Harper (Alt #2).

Also present were: Michael Irene (Bd Attorney), Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

COMMUNICATIONS: NONE.

APPLICATIONS TO BE CONSIDERED:

ZB94-10

KARYKOUS

BLK:100

LOT:28

The matter was carried to this date without further need of notice. Thomas Primavera, attorney for the objector, and James Siciliano, attorney for the applicant were present. Mr. Siciliano, was present with his client, and a witness. Mr. Siciliano introduced Jessie Novak, 907 Heath Avenue, Spring Lake Heights, who was sworn. Ms. Novak testified that she lived in the "carriage house" from 1981 through about February or March of 1985. She stated that she rented the apartment from the owner at the time a Mr. Delineas, who lived in the main house. She described the building as she remembered it. She stated that it contained two bay doors on the first floor which had a ramped apron in the front of them. She stated that she entered the apartment from the side where the porch was. She stated that from the stairs one would enter a large kitchen - dining area, and from that room two other rooms branched off which she used as a bedroom and living room respectively, until her son was born and then the other room was turned into a nursery. She described the bathroom as small, containing a toilet, sink, and shower stall. She stated that the apartment was heated separate from the downstairs. She stated that she lived there until her son was six months old (he was born 7/7/84). Photos taken at the time she lived in the apartment were marked into evidence as A-1 thru A-4. Mr. Siciliano asked if she would describe the apartment as "old"? Ms. Novak sated, "Yes, quaint".

Mr. Primavera asked Ms. Novak if she could estimate the square footage of the apartment. She tried to describe the approximate size. She stated that it was split in half, one side all kitchen and the other the two bedrooms. Mr. Primavera asked if when she moved out did she know if anyone else moved in. She stated that she had no knowledge.

There were no other interested parties in the matter, and the attorney's summarized their cases.

Mr. Primavera stated that he would not dispute that the "carriage house" was used as a residence up to 1985, however no one lived there from 1985 to 1989 when he asserted that Mr. Greiser "abandoned" the use. He stated that he believed the use was abandoned when Mr. Greiser went beyond his permit and did not pursue his avenue of relief, by way of application to the zoning board. He stated that he also believed that the Karykous' abandoned the use, because they did not move to restore the use until 20 months after they moved in. He cited case law (Camarra), which he asserted the previous belief that there had to be "intent" to abandon a non-conforming use was changed. He stated that in this case a liquor store sign (which was illuminated) existed for 30 years. The store closed and the subsequent use tried to install an illuminated sign and were prohibited. The courts ruled that the closing of the store was enough to lose the use. The law disfavors the continuation of non-conforming uses, as they are inconsistent with zoning. He stated that the two dwelling units are not permitted in this single family zone. He stated that the City ordinance states that no non-conforming use may be expanded, and cannot be reconstructed if destroyed beyond 50% of the cost of the structure.

Mr. Siciliano disagreed with Mr. Primavera's summation of the Camarra case. He stated that there was also a local ordinance which stated that at termination of the business all signs must be removed. He stated that the owner took all items related to the liquor store out of the structure, and leased it to a chiropractor which is a totally different use. He stated that in 1989 the City of Long Branch by way of a zoning permit confirmed that this was a legal rentable apartment. He stated that law still supports an "intent" to abandon. He cited the Vallori vs Depford case regarding a pig farm which was changed to an alfalfa farm and was not allowed to return to a pig farm because physical changes, like removing the fenced pens, occurred. He stated that not only didn't Mr. Greiser remove the apartment he proceeded to expand it. Which brought about the stop work order and further litigation, which in itself precludes the owner from continuing the use until it is resolved. He stated that his client did not know what occurred with regard to this use, until they went for a building permit to restore it. At that time they were instructed to proceed for the necessary variances. Which they obtained. He stated that if mere non use were to be the basis of abandonment, then when an apartment is vacated and another tenant is not found, does that constitute an abandonment? He believed not.

Mr. Quilico made a motion that there was *no abandonment*. Mrs. Janeczek seconded the motion and upon this all members who could vote voted yes. (Mr. Foster, Mrs. Janeczek, Mr. Quilico, and Mr. Paone).

ZB95-8

EXXON

BLK:174

LOTS:1,2,3

Peter Falvo was before the board with regard to the above application. Previously the board had voted to deny a request for a canopy at 16 1/2' and the signage on that canopy. Other variances were approved with regard to the same application. Mr. Falvo submitted a letter or compromise to the board in an effort to amend the application and requests. He proposed to eliminate some of the illuminated areas and signage from the canopy, as his clients believe that the canopy is an integral part of the entire proposal. He stated that his client believes that the height is necessary for the safe passage of emergency vehicles and tractor trailer trucks under the canopy. Mr. Falvo proposed that the panel not be illuminated and that the Exxon name appear only on the east and west sides.

RESOLUTIONS: It was decided that the resolutions of the previous meeting be adopted. Exxon, Block 174, Lots 1,2,&3, for variance approval of fuel dispenser setback, parking and landscaping, and denial of canopy height and signage.

Mr. Falvo pointed out that the proposed signage was actually half of what is existing on the site. He offered that the 3' fascia on the canopy was essential to block the unsightly support structure and lights on the underside of the canopy. He cited the existing canopy's on the Getty on Broadway, Mobil on Joline, and Amoco in West End. He stated that the canopy and the height of same were crucial in the entire proposal. He stated that Exxon was interested in cleaning up the site and presenting it in what is a corporate look for their stations. The board suggested that the 3' fascia was not necessary, and that elimination or reduction would bring the canopy well within the limits of the ordinance. Mr. Falvo maintained that the 16.5' was necessary and similar to all others in town and out of town. Mr. Quilico made a motion to deny the proposed amendment, Mr. Grant seconded the motion and upon that motion all members voted yes, except for Mr. De Maio who voted no.

Mr. Falvo asked that the application be carried to the June 10th meeting in order to give his clients time to decide if they wished to proceed on the application. Mr. Falvo waived the time constraints and the matter was so carried.

ZB94-15

CIRCLE A

BLK:132

LOT:3.01

The applicant's attorney was present and requested that the matter be carried so that the applicant would have time to address some of the board engineer's comments subsequent to the revision submissions. The board attorney had reviewed the notice and found that the board had jurisdiction. The matter was carried to the June 24th meeting without further need of notice. The applicant waived the time constraints on the board to act.

ZB95-06

SORRENTINO

BLK:192

LOT:25

Sorrentino was previously heard at the March 11, 1996 meeting of the board at which time jurisdiction was taken and the matter carried to this date. Mr. Paone stepped down, as he

did not hear all testimony. Mr. Quilico also stepped down due to a possible conflict. The applicant's attorney, William Gannon, was present with the applicant. He stated that the board attorney had requested information on the establishment of the wholesale parts business on the site. He stated that he has discussed this with his client and decided that they would eliminate any existing or proposed use of the property with regard to the wholesale parts business. He stated that he had previously stated the case for his clients with regard to the proposed storage shed. He reiterated that his client expects that the storage shed will not only eliminate the two trailers on the site, but should enable the applicant to move the dormant cars more readily from the site. He stated that being able to buy the parts in bulk will limit deliveries to the site and the storage of a forklift in the shed will also expedite the removal of the parts from the truck when they do come. He stated that the fence in the rear of the property has been turned around with the finished side to the neighbor as promised. John Sorrentino, Jr., was present and answered questions of the board, he was previously sworn. Ms. Waterbury asked how the proposed facade would be attached to the building, as one was flat and one was round. Mr. Sorrentino stated that the building was modular and that it would have a separate panel made which would be attached to the front. Ms. Janeczek stated that she was concerned about the look to the neighbor on the side. They would be looking at a flat facade attached to a round building, from the side not the front. She asked why the rounded building was necessary. Why not a square structure. Mr. Sorrentino stated that the reason was cost and maintenance. He stated that a rounded building needed no roof, and the construction and maintenance of a roof was an added expense. Ms. Waterbury asked again with regard to the adjacent lot, why it wasn't included in the plan or proposal. The applicant stated that it was not a part of the site. They did not own it, they just used it once in awhile. Mr. Irene asked why the structure was 16' in height. Mr. Sorrentino stated that it was made to that height. Mr. Irene stated that it appears to be 16 1/2' and if so might require a use variance for height. It was stated that Mr. Widdis was present to address any calculation issues. Mr. Irene asked why the applicant was leaving the gap between the buildings. He was told that it was for air circulation and maintenance between the buildings. Ms. Waterbury asked again with regard to the parking issues why Lot 3 was not apart of the application, and if it were eliminated how would this impact the site. There was no response. The applicant was asked if they would have to remove the trailers anyway even if the variances are not granted. He stated that he would. Mr. Grant made a motion that the variances be approved with the condition that the wholesale parts sales be eliminated. Mr. Foster seconded the motion. All members voted yes, except for Mr. Agresti. The motion failed because a full five votes was necessary to approve the motion.

ZB96-01

FREIRE

BLK:353

LOT:3

The applicant was present with his attorney, Edward Stokes, for variance approval for a two family use in the MB Zone. The board attorney reviewed the notice and found that the board did have jurisdiction. Natalio Freire, 207 Branchport Avenue, was sworn. He stated that he has owned the property since 1/89. The deed was marked as A-1. He explained

that he lives in the house with his wife and stepdaughter (5 yrs old), downstairs. He stated that no one lives upstairs at the moment. He stated that he made many changes to the property since he purchased it, and admits he did them without permits because he did not understand that he needed them. He stated that he did most of the work himself. He stated that he enclosed the front porch, paved most of the yard, removed one stairway to the second floor, expanded a couple of rooms, added a bathroom, and constructed a couple of sheds in the rear yard. He stated that he didn't realize that he could not rent the second floor until he received a letter from Joseph Wenning which informed him that there was a problem. He stated that he had been given C.O.'s with the understanding that he had to live in the house. Mr. Irene explained that the issuance of a C.O. is not certification that the use is legal. He stated that when he found out there was a problem he asked the tenant to leave. Mr. Freire stated that Mr. Irene had actually been his lawyer when he purchased the property. Mr. Irene stated that he did not remember, but further asked if he had certified to the applicant that the property was a legal two family. Mr. Freire stated that this had not been done. Mr. Irene stepped down so that there would be no question of any possible conflict. The site plan by Charles Widdis Assoc., dated 10/25/95 was marked into evidence as A-2. The floor plans by Charles Widdis Assoc., dated February 14, 1996, were marked as A-3. Mr. Freire stated that there was a kitchen on the second floor when he purchased the home. He stated that the Realtor had termed the use "mother/daughter". He stated that he did alter the second floor to make it more like a separate apartment. The board questioned the applicant with regard to the "spare room". He stated that it was too small to be a bedroom so he called it a "spare room". The board suggested that this be changed to a closet. The board questioned the sheds close to the property line, and the extra pavement in the front. Mr. Freire stated that he could remove these things if the board so ordered. He stated that he is a mason and gets carried away with his work. Mr. Quilico stated that he was concerned about the drainage on this property which is almost entirely paved. He stated that a drainage plan should be submitted and reviewed. Mr. Stokes stated that the applicant needs a use variance, a lot coverage variance and several setback variances. Mr. Quilico asked what was being done in the basement. Mr. Freire stated that he and his wife were not in love any longer and that he lived in the basement. Mr. De Maio asked if there was a second fire exit from the second floor. Mr. Freire stated that there was not. Mr. Agresti asked if there were other two families in the area. Mr. Stokes stated that he would provide that information. The application was carried to the June 24, 1996 meeting of the board, in order for the applicant to provide more information.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday April 8, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Paolo Paone, Peter Quillico, Terry Janeczek, Frank Fishedick, Joseph Foster, and Richard N. DeMaio (Alt #1).

MEMBERS ABSENT: Avery Grant, Peter Agretsi, and Clyde Harper (Alt #2).

Also present were: Michael Irene (Bd Attorney), Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

COMMUNICATIONS: A letter from Peter Falvo requesting an adjournment of the **Cohen** application (**Block 16, Lot 3**) was read. The board granted an adjournment and the matter was carried to the June 10, 1996 meeting of the board. The board requested that a letter be sent to the Administrator to inquire how a 6' fence was permitted to be constructed on the corner property abutting Westwood and Third Avenues. A letter from the attorney for Mitchell Berlant requesting a special meeting was read. The board advised Mr. Irene to respond to the request. They were to be informed that the board could not consider a special meeting request without a complete application in place.

APPLICATIONS TO BE CONSIDERED:

ZB94-10

KARYKOUS

BLK:100

LOT:28

The matter was carried to this date without further need of notice. Thomas Primavera, attorney for the objector, and James Siciliano, attorney for the applicant were present. Mr. Primavera stated that he was ready to proceed. Mr. Siciliano stated that he had reservations to proceeding with the limited number of voting members present. There were only four members left who could vote on the matter. A discussion about the provision of transcripts to new members determined that no one was prepared to pay for and provide same transcripts. Board members have not opted to listen to the tapes. Mr. Irene considered Mr. Siciliano's concerns, but offered that matter must be concluded by court order. He suggested that Mr. Primavera finish up his case, get the testimony on record, let Mr. Siciliano offer any rebuttal or witnesses that he has, and let the board vote, and get the matter back to the judge. Mr. Siciliano continued his argument to not proceed, and Mr. Irene stated that his objections were so noted and recorded. Mr. Primavera began to offer evidence for marking. It was determined that the item had already been marked. The previous evidence was given to Mr. Primavera for reference. Jay Measley, 600 Woodgate, was sworn and proceeded to testify as to his knowledge of the property. He stated that the structure was a clapboard 1 1/2 story wood frame structure used as storage, in 1984 when he purchased his home. He stated that no one was living there

then. In 1987 the property was purchased by Gary Greiser and this is when activity on the property commenced. He stated that he called the building department and they issued a stop work order. Several pieces of evidence were discussed in the paper trail of events surrounding the construction and subsequent lawsuit filed by Mr. Measley. Mr. Measley's suit was later dismissed when Mr. Greiser went bankrupt and abandoned the property. Mr. Measley explained that he believed that the permits were issued incorrectly from the beginning. He further explained the condition of the structure at the time, and the subsequent illegal expansion, again. Mr. Irene stated that he would like the applicant to focus on the issue of abandonment. He explained that the sequence of events have been explained and that Mr. Measley and Mr. Primavera should concentrate on where exactly they believed the abandonment occurred. Mr. Primavera stated that the City ordinance states that the cessation of the use alone constitutes abandonment (ORD 20-10.2). He stated that when Mr. Greiser did not proceed on the expansion before the Board of Adjustment, abandoned the property, and further when the Karykous' stated that they had no intentions at first to fix the structure in the rear, all constituted an abandonment. Mr. Irene again clarified that if he understood correctly, then, the jumping off point appeared to be after the zoning permit for the repair of the pre-existing non-conforming use, and the time for appeal of that permit expired, therefore being at that point in 1989. It would seem that this was agreed upon. Mr. Measley again testified as to his knowledge of the events which took place after the issuance of the zoning permit, and the subsequent stop work for going beyond that permit. Mr. Greiser had been issued several summons and did not appear in court, nor proceed before the Zoning Board. Several copies of correspondence on these issues were submitted and marked as O-1 thru O-13 (4/8/96). Mr. Measley stated that he felt that the letter from the City Attorney's office (March 26, 1992) which instructed that no C.O.'s be issued until a "variance is obtained", left him to believe that the issued was closed. He stated that when the Karykous family purchased the property two years later they also did not file an application before the board and testified that they had no intentions at the time of purchase to renovate the rear structure. Mr. Siciliano objected and stated that his clients testified that they were concentrating on the front structure because it needed a lot of repair and they were going to live there. It wasn't until they went to get a permit to finish the rear when they were informed of the issues before this board. Mr. Primavera stated that he was finished with his testimony.

Mr. Quilico asked Mr. Measley several questions with regard to the condition of the structure when he went inside. Mr. Measley stated that the structure was gutted with the exception of certain obvious changes in windows and some plumbing and electrical work that appear to be recent. He stated that it was not habitable. Mr. Quilico asked if Mr. Measley would consider himself an expert in abandonment. Mr. Measley stated that he was a licensed Planner and did consider himself an expert on the issue. Mrs. Janeczek asked when Mr. Measley had entered the structure. Mr. Measley stated that he went in after Mr. Greiser had abandoned the property, because he was concerned about its structural integrity. He stated further that he believes that Mr. Greiser showed intent to abandon because he did not apply to the Board, or appear in court to address the expansion beyond his permit. Mr. Measley stated that the applicant waited two years from

purchase to apply to the Board of Adjustment. Mr. Primavera stated that the law clearly favors the elimination of non-conforming uses. He stated that from 1984 to 1994 the owners of the property showed no intention of continuing this use. Mr. Irene argued that the applicant did not fail to act he in fact went beyond his permit to act and was stopped by the City. Further, a lawsuit ensued, and Mr. Greiser filed bankruptcy, which in itself stays any action. Mr. Foster asked several questions, which were answered similarly to the former. Mr. Measley cited the dismissal of the lawsuit as ending the matter. Mr. Irene pointed out that the lawsuit was dismissed, a decision was not made either way.

Mr. Siciliano questioned Mr. Measley. He asked if he had any opinion as to whether or not the building had been used as a residence before he moved there in 1984. Mr. Measley stated that he had no idea. Mr. Measley stated that he had neighbors sign an affidavit regarding the two years prior to the issuance of the zoning permit in 1989 that there was no one living there during that time. Mr. Siciliano stated that he had a witness (who had not yet arrived) who stated that she had lived in the structure prior to 1984. (Mr. Siciliano was told this was hearsay until he produces that witness.) Mr. Siciliano continued to question Mr. Measley with regard to the condition of the structure. With regard to its use Mr. Measley stated that he could not speculate. With regard to the front structure he stated that it was a patchwork of sidings and in general disrepair when the Karykous' purchased it. He stated that it was generally still in the same condition. Mr. Siciliano submitted two photos (A-1 & A-2 4/8/96) of the front structure in order to defend their contention that the new owners went to substantial effort to repair the front structure. Mr. Siciliano submitted that this was further support to the reason that it took the Karykous' time to address the back structure. Mr. Siciliano asked Mr. Measley what his expert opinion of the use of the structure after his inspection. Mr. Measley stated that he never went upstairs, but it appeared that Mr. Greiser was trying to create habitable space downstairs, but it was being used as a storage area for construction materials. Mr. Siciliano stated that the bank took back the property, cleaned it up and sold it to the Karykous'. He asked Mr. Measley if this was true. Mr. Measley stated that he had no knowledge. Mr. Siciliano stated that Mr. Measley had said that he went into the rear structure to determine its condition because he was concerned it would fall onto his property. He asked if Mr. Measley was still concerned that the structure was going to fall onto his property. Mr. Measley stated that he was still concerned about its condition and its hazardous state. Mr. Siciliano asked if Mr. Measley had observed the water, electric and heat in the structure. Mr. Measley stated that he didn't know. Mr. Siciliano asked if there was still a sewer hookup. Mr. Measley stated that he had no knowledge.

There were no other interested parties in the matter. Mr. Primavera stated that his testimony was complete. Mr. Siciliano stated that he had two witnesses to testify to the residential use of the structure. He stated that one witness was not present, however she had been present on two separate occasions. It was decided that he would proceed with the witness present, and return the following month with the other witness to finish up.

Lynn Setyon, 322 Hollywood Avenue, was sworn. She testified that she lived next door to the applicant's property for 16 1/2 years. She testified that the rear structure had previously contained an apartment, and she knew the woman who lived there last. She stated that she had not actually been inside, but knew that the woman lived there with her young child. She stated that her name was Jessie Novak, and she now worked in the Health Food store in West End. She stated that she was not sure exactly how long she lived there or when exactly she moved out, but it was for a couple of years and a couple of years before Mr. Greiser purchased the property. She stated that Mr. Greiser had told her that he was going to renovate the structure for his mother to live in. Mr. Primavera questioned the witness with regard to her testimony.

The matter was carried to the May 13th meeting to give Mr. Siciliano an opportunity to produce his witness.

ZB95-13

MACGREGOR

BLK:470 LOT:4.01

Jeff Resnikoff was before the board representing his client, Stuart MacGregor, in order to request variance and subdivision approval. Jurisdiction was taken at a previous meeting at which time the matter could not be reached. The application was carried to this date without further need of notice. Stuart MacGregor, 426 Main St., Middletown, was sworn. He produced copies of a contract to purchase the property from Frank and Mary Talerico, and a subsequent extension on that contract (A-1 & A-2). The letter extended time through March 11th. Mr. MacGregor stipulated that the contract was extended orally through that evening. The minor site plan drawn by Charles Widdis Assoc., was marked as (dated 3/27/96) A-3, the minor subdivision map by Charles Widdis Assoc., dated 10/31/95, was marked as A-4. Several photos were marked collectively as A-5. Mr. MacGregor proceeded to describe the site and surrounding neighborhood. He stated that the property contained a commercial building with a dry cleaning business in it. To the west the property abutted a gravel parking area owned by the County (Lot 3). Mr. MacGregor stated that he had contacted the County with regard to the possibility of purchasing that lot also. He stated that to the east of that building there was a residential structure which has been vacant for some time. He stated that the structure is not in total disrepair, but does need a lot of work. He stated that the owner told him that after the last tenant vacated the building he was told that he needed to upgrade the furnace and kitchen in order to get another C.O.. At that time Mr. Talerico decided not to spend the money, as he was trying to sell the property. Mr. MacGregor stated that he would like to change the whole structure around, and expand it slightly to square it off. He proposed to move the bedrooms downstairs and move living space and a deck upstairs to get the most from the ocean view. Mr. Irene asked if the applicant had considered that this structure was only 4' from the existing commercial structure and that perhaps the better move would be to connect the two structures as a commercial use. Especially if he were to purchase the corner from the County for additional parking. Mr. Irene pointed out that what is proposed as a the residential subdivided area, would be only 40' wide, 80' deep, and only 3200 sq.ft. or area. The minimum permitted in any residential zone is 5,750 sq.ft., 50' of frontage and 115' of

depth. Mr. Resnikoff stated that his client wanted to combine the corner lot with the commercial use, but wanted to continue the residential on the east side. He proceeded to describe the adjacent residential uses to the east. It was pointed out to him that the other surrounding residential uses were in a different zone which permitted residential uses (the RC-1). Mr. Resnikoff stated that the residential use had been occupied up to a year or two ago, and was subsequently listed for sale. Mr. Irene informed Mr. Resnikoff that it would seem that if he was trying to submit that the residential was a pre-existing non-conforming use, then he should give proofs. The word of Mr. Talerico, who was not present, was not enough. The applicant should provide C.O.'s or other proofs that it was in fact a residence. Mr. Irene suggested that the applicant adjourn the matter and give themselves time to get the documentation. The application was carried to the May 13th meeting, the applicant waived the time constraints on the board to act.

Mr. Foster presented the recommendations of the nominating committee. He offered nominations that Paolo Paone continue as Chairman, Terry Janeczek continue as Vice Chair, and Frank Fishedick as Secretary. The nominations were seconded and upon them all members voted yes.

RESOLUTIONS: There were no resolutions adopted.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted: Anna Juska
Recording Secretary

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday March 11, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: *Paolo Paone, *Peter Quilico, Terry Janeczek, Frank Fishedick, Joseph Foster, Avery Grant, and Richard N. DeMaio (Alt #1).and the new member Peter Agresti.

MEMBERS ABSENT: Clyde Harper (Alt #2).

Also present were: Michael Irene (Bd Attorney), Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

COMMUNICATIONS: Mr. Paone welcomed the new member, Peter Agresti, who is replacing Brian Unger. Mr. Irene informed the board that he received a phone call from Thomas Primavera's office asking that the Karykous matter be carried to the April 8th meeting, as his client is out of town. Mr. Irene confirmed that the court has granted a further extension of time to conclude the matter.

APPLICATIONS TO BE CONSIDERED:

ZB95-8

EXXON

BLK:174

LOT:1,2,3

The attorney for the applicant, Peter Falvo, was before the board in order to present testimony on behalf of his client, Exxon Corp.. Jurisdiction had been previously taken at the February meeting and the matter was carried without further need of notice. Mr. Falvo summarized his clients requests. The application was carried for a vote only, giving the applicant time to revise the plans to include some of the details and conditions agreed to at the previous meetings. The new plan dated last revised 2/29/96, was marked as A-7. he added notes and revisions on the plan. He explained that the westernmost corner which is bordered both by Broadway and Bath Ave., has been redesigned to eliminate parking and landscaping was added. In that area the plans show new striping to indicate on the pavement that this is a "No Parking" area. A sign to indicate "No Left Turn" at the westernmost driveway on Broadway, has also been added. The additional arrow for that driveway has inadvertently been left out and will be added to new plans. Parking on the eastern border has been re-striped to the required 9' X 18' size for spaces. An additional tree has been added to the alley way landscaping. The engineer's concerns with regard to drainage on the site have also been addressed. Water from the canopy was to be piped to a drywell in a 4" pipe, the engineer asks for a 6" pipe, this will be met. The drywell grate will be changed to allow better flow. Mr. Falvo summarized the application as an attempt to increase and upgrade the fuel dispensing portion of the existing Exxon station. He said that the tanks would be upgraded to meet all of the DEP regulations. The fuel dispensers

would be multi-product dispensers which made each island more efficient, and eliminated any jockeying for a specific type of fuel. The canopy was intended to protect both the customers and the employees from the elements. And, the proposed kiosk is for shelter and payment exchange only. The canopy would also enhance the lighting and signage. He stated that the station would be an island of light which would be safer for the whole neighborhood. He stated that the parking on the westerly portion would be eliminated, and additional landscaping would beautify the site.

Mr. Foster asked if the applicant intended to upgrade the existing building. Mr. Falvo stated that other than painting, new signage, general cleanup, and new lighting, they did not propose any change to the building.

Mr. Irene suggested that the variances would be voted on individually, and they were described. Variances were granted on the setback for the northwestern fuel dispenser, parking within 10' of the property line and a waiver to allow no landscaping on the Broadway border. Variances to allow the height of the canopy, and the additional signage, were denied. Mr. Falvo asked for some time to explore the possibility of revising the site plan to include the canopy, but without the necessity of variances, before the board voted on the site plan. The application was carried to the May 13th meeting of the board. Mr. Falvo waived any time constraints within which the board might need to act.

Mr. Resnikoff was present on the **MacGregor (Block 470 - Lot 4.01)** application. He asked that the board carry the matter to the April 8th meeting, as it appeared that the application would not be reached. The board attorney reviewed the notice and found that the board had jurisdiction, and the matter was carried to that date without further need of notice. Mr. Irene also informed Mr. Resnikoff that that application needed site plan approval, and the application should be amended to reflect that. Mr. Irene stated that the maps should be more detailed on the commercial site, as the subdivision would be affecting the commercial site. For instance, the parking provided for the commercial site and whether or not it is sufficient. Mr. Resnikoff stated that he would address the site plan. Mr. Resnikoff waived the time within which the board needed to act. Mr. Irene asked that a confirmation that taxes were paid be added to the file.

ZB95-06

SORRENTINO

BLK:192

LOT:25

***Mr. Paone and Mr. Quilico were not present for this portion of the meeting.**

William Gannon, was present representing John Sorrentino, for an application for a use variance with bulk variances. The board attorney reviewed the notice and found that the board did have jurisdiction. John Sorrentino, 101 Beachwood Ave., West Long Branch, was sworn. He testified that he was the owner of the property in question for 41 years. He has operated an auto repair business from that property most of those years, and now his son runs the business. He stated that they are requesting the proposed structure for the warehousing of their parts. He stated that they presently store the extra parts in three

trailers in the back yard. He stated that they would like to put a permanent building in place of the trailers. He stated that they have six bays in the garage for repair, and they need the extra building for storage of the parts. He stated that deliveries are made approximately ten times a day, and tractor trailer deliveries about once a week. He stated that if he has more room for storage, the deliveries will be less frequent. He also stated that he believed that the cars on the site would not remain on the property as long if they were able to supply the parts faster. The building plans by Southeastern Steel Buildings, dated 4/26/94, were marked as A-1. The site plan by Charles Widdis, Assoc., dated 5/9/95, was marked as A-2.

John Smeriglio, 340 Chelsea Ave., and owner of the adjacent property, Block 192, Lot 6, stepped forward and was sworn. He stated that he was confused about the variances that the applicant was asking. He stated that he was concerned about the site in general. He stated that the applicant had promised to build a retaining wall when he originally excavated the property to put the business there, and he never did. He stated that the ground has eroded and he has lost some of his property because of that. The board explained that the applicant was before them to receive variances to construct a pre-fab metal building where the tractor trailers are now.

John Sorrentino, 61 Nottingham Dr., Eatontown, stepped forward and was sworn. He stated that he now operates the business that his father started. He stated that he needs the building for two reasons. One, to be able to store more parts, mainly exhaust parts, on site so that he can purchase at a better rate. Two, to be able to load and unload and sort the parts out of the weather. Presently, they unload the parts, sort them out of the boxes outside, and then put them in the proper place inside the trailers. He stated that he would also need less frequent deliveries if he had more space to store the parts. Three photos of the site were marked as A-3, A-4, & A-5. He stated that the proposal will take up the same exact space as the three trailers. He stated that his reasons to build the pre-fab building are cost and efficiency. He stated that he proposed to pave some of that area and provide a new waste facility. Ms. Waterbury pointed out that this proposal was not reflected in the plan. He offered a computer picture of the building which he altered with a depiction of a mansard roof to match the existing building (A-6). He stated that he wanted to clean up that area of the yard. He offered that the storage of more parts would allow them to move more of the "dormant" cars more quickly. He stated that the new building would mirror the existing building. Mr. Irene questioned how this would happen considering that the existing building was a stucco square building, and the proposal was a round roof metal structure. Mr. Sorrentino stated that he believed that the mansard roof would help it blend with the other structure. He also stated that he proposed fencing along the rear of the property, which was actually already in place facing the wrong direction. The applicant stated that he would have the fence turned around. He stated that he plans on removing the trailers if the building is approved. Mr. Sorrentino stated that regarding the erosion in the rear, he has built a railroad tie wall, upon which he has constructed the fence. He stated that he expects that the frequency of the large deliveries will be about once a month compared to 3 to 4 times a month. He stated that the inside will contain containers, bins,

and shelves. Mr. Grant asked if they intend on doing repairs in the new structure. Mr. Sorrentino stated that they would definitely not do repairs in that building. Mr. Fischedick asked why this structure would be heated if it were to store supplies only. Mr. Sorrentino stated that the parts would need to be inventoried and managed and that was the intent of the heat and habitable usage. Mr. Fischedick asked if he anticipated that the increase in storage of parts would increase their business traffic. Mr. Sorrentino stated that they do their parts sales by phone and deliver 2 to 3 times a day only. He stated that his clients know this and call in advance. Mr. Fischedick asked if the overhead door was intended for delivery directly to the door. Mr. Sorrentino stated that the overhead door would be used for a forklift which would pick up the pallets and boxes from the parked truck at the curb. Mr. Irene stated that he was not aware of what appears to be a separate business to the repair shop. He asked if Mr. Sorrentino had been notified that the trailers were in violation. Mr. Sorrentino stated that he had not. Mr. Irene further questioned whether or not the applicant had previously received an approval to expand the pre-existing nonconforming use by way of a separate parts distribution business. Mr. Sorrentino stated that he had a mercantile license for that use for 3 years now. Mrs. Janeczek asked why they were proposing a round roof which didn't match the existing at all, and further why they didn't just add on to the existing building. Mr. Sorrentino stated that it was faster, more efficient, and more cost effective to build this type of structure which required much simpler efforts to construct. Mrs. Janeczek asked if a smaller building would be sufficient and the rear yard setback variance not necessary. Mr. Sorrentino stated that the setback was actually better than the existing building and the same as the trailers there now.

Ms. Waterbury, questioned the apparent use of a portion of the adjacent lot for parking of vehicles, yet it was not included in this plan. The applicant stated that he did not own the other lot, he just had an agreement with the owner to use it for parking. Ms. Waterbury questioned the legality of the use and its exclusion from the plan as it is obviously part of the use. Mr. Irene asked if the building would be painted to match the existing building. Mr. Sorrentino stated that he did not want to paint it but he would if the board required it. Mr. Irene also addressed the height variance necessary on the structure. He stated that he understood the applicant's cost considerations, however, the applicant should also consider that he is within a residential zone and should consider how this appears to the neighborhood. Ms. Waterbury asked about the apparent stacking of parked vehicles on the site. She asked if the applicant could explain. Mr. Sorrentino explained that his employees move the cars on the site. The customer just pulls the car in and they jockey them according to the schedule of repairs.

Mr. Smeriglio stepped forward again and expressed his concern about the setback also. He stated that already the site precludes a loss of air and space with the existing structure 3-4' off the property line. Now the applicant wants to construct another building in the other end of the property. He said the ordinance requires 35', this is not even close.

Mrs. Janeczek questioned the height. She stated that it appears that the trailers are at the most 12' high. Mr. Irene stated that it appears that the applicant needs a lot coverage variance, also.

Michael Widdis, 175 Broadway, was sworn and recognized as an expert. He described the site plan which he drew. He stated that with regard to lot coverage he had only calculated building coverage and would have to advise with regard to this when he had a chance to re-calculate. Ms. Waterbury asked why the applicant needed the height variance. Mr. Widdis stated that the building was designed to meet the existing height of the existing structure. Mr. Widdis stated that with regard to the driveways, aisle widths, and parking, the site plan reflects the conditions that exist on the site. He stated the conditions have existed on the site, and that the standards would be impossible to meet because of the shape and size of the property. Ms. Waterbury was concerned about emergency access to the rear of the property. Mr. Widdis stated that he believed an access could be cleared of parking if necessary and shown on the plan as open for emergency vehicles. She asked about the requirement to pave the lot, and Mr. Widdis stated that the applicant wanted it to remain stone, for drainage purposes. She asked about the requirement for a buffer between uses. Mr. Widdis explained that it was difficult to provide this in the rear because there was very little space as it was. She suggested a small private hedge, and deciduous trees could accomplish something at least. She also addressed the deficiency in parking for the square footage of both buildings. He offered that the business has been there for thirty years. She stated that was true, but the new square footage required even more and the deficiency was increasing with this proposal. She asked how many cars were being parked on the adjacent lot. The answer was 12-14 cars. Mr. Foster asked if there was a formal agreement with the owner of that lot. They stated that they insure that lot, and otherwise it was a verbal agreement. Mr. Fischedick questioned why the applicant needs the added height. He stated that the trailers are 10-12' in height and this proposal would be a bigger impact. He also asked why the applicant didn't remove a couple of lifts inside and store the parts in there. The applicant stated that it would not be cost effective to do that. Mr. Fischedick stated that he had many concerns about the site. He stated concerns about the parking, deliveries on the street, and the management of the site in general. Mr. Irene again expressed his concern about the wholesale sale of parts from the site, when its use is a repair garage. He asked what percentage of the parts to be stored were for use on the cars to be repaired and what percentage was for the wholesale parts business. He asked why they needed to store such quantity. Mr. Sorrentino stated that it was because he could not compete with the prices of the parts unless he buys direct from the manufacturer, and that requires bulk purchases.

Because of the late hour the case was carried to the May 13th meeting to continue testimony, the applicant waived the time constraints on the board to act.

RESOLUTIONS: The following resolutions were adopted: The resolution and contracts for the board attorney and stenographer for the 1996 year.

A motion to adjourn was seconded, the meeting was so adjourned.
Respectfully submitted: Recording Secretary/Anna Juska

Paolo D. Paone/CHAIRMAN

The Regular meeting of the Board of Adjustment came to order on Monday February 26, 1996 at 8:00 PM in the City Council Chambers located at 344 Broadway, Long Branch NJ, having been duly noticed in accordance with the Open Public Meetings Act.

ROLL CALL:

MEMBERS PRESENT: Paolo Paone, Peter Quilico, Terry Janeczek, Joseph Foster, Avery Grant, Richard N. DeMaio (Alt #1), and Clyde Harper (Alt #2).

MEMBERS ABSENT: Frank Fishedick.

Also present were: Michael Irene (Bd Attorney), Margo Hroncich (stenographer), Elizabeth Waterbury (board engineer), and Anna Juska (recording secretary).

COMMUNICATIONS: Mr. Paone welcomed the new members, Richard N. DeMaio, and Clyde Harper, to the board. The new members are replacements for Michael Polk and Alice Jennings who both served as alternate members for the previous two years. The board has received a copy of a letter from Brian Unger tendering his resignation from the board. Mr. Paone stated his and the entire board's regret at the loss of Mr. Unger, Mr. Polk, and Mrs. Jennings, with best wishes expressed for their future endeavors.

APPLICATIONS TO BE CONSIDERED:

ZB95-8

EXXON

BLK:174

LOT:1,2,3

The attorney for the applicant, Peter Falvo, was before the board in order to present testimony on behalf of his client, Exxon Corp.. Jurisdiction had been previously taken at the December meeting and the matter was carried without further need of notice. Mr. Falvo summarized his clients requests. Mr. Falvo stated that the site is virtually the same as it was when it was originally approved in 1972. He stated that service stations are considered Conditional Uses in the C-1 Zone. However, this site does not meet all of the conditions of the provisions in that section. Technically this would be considered the expansion of a non-conforming use. He stated that this application proposes to redesign the site slightly, but that the structure and use as a repair garage would remain. He stated that the application includes the removal and upgrading of the tanks in the southwest corner (Bath Ave), a new canopy over the proposed new pump areas, and the construction of a small kiosk or shelter building on one of the new pump islands. He stated that the canopy will serve to illuminate and shelter both the patrons and the employees from the elements. He stated that the new canopy will also include new signage. As was decided at the previous hearing, the board engineer reviewed the report submitted by Mr. Ney, applicant's traffic expert, and offered her concerns and comments in her letter of February 7, 1996.

Mr. Ney, previously sworn was present to respond to the letter. Ms. Waterbury's concern was the increase in peak hours to at least double the traffic on the site now, and its relation to a new pump island 20' closer to the western most driveway on the Broadway side. She stated concern of stacking of vehicles trying to enter traffic on Broadway. Mr. Ney stated that he has based his projected traffic increases on published formulas and existing numbers on similar layouts on other sites. He stated that the study showed that this site is underutilized at 7 and 12 cars at peak hours. He stated that the increase was a worse case scenario and that he believed that there was sufficient room to avoid stacking. Ms. Waterbury was also concerned about the proposed 11.25 pass through lane being created between pump islands, for access by emergency vehicles. Mr. Ney responded that the fire Marshall has reviewed this issue and finds no concern. A third concern regarding the turning radius at the western most driveway was addressed by Mr. Ney. He showed an illustration of a template turning radius and found that there was sufficient room. There was some discussion about the realities of the site versus a template from a book. Ms. Waterbury stated that the applicants had discussed changing this driveway to an entrance only, but the changes had not been made. She stated that she did not have a problem with this if a U-turn on the site was necessary to re-enter Broadway at the easternmost driveway. Mr. Paone stated that the applicants had stated that they were going to make the westernmost driveway available for right turn only, but there was no indication on the plan. Mr. Falvo stated that they would provide that detail in new plans if they are approved. Mr. Foster stated that it would be tough to enforce this restriction unless the applicants file for Title 39 so that the police can enforce it. Mr. Grant and Mr. Ney discussed the turning radius issue again. Mr. Grant stated that he had seen a near accident that very day on the site as it is today, without the added traffic. Mr. Quilico was concerned about the maneuverability of a tractor trailer, such as fuel delivery. The applicants had stated that they needed the wide driveway for fuel delivery. Mr. Ney stated that they normally enter on Broadway and loop an exit to Bath Avenue. Mr. Quilico stated that it seemed as though this site is too small for all of this activity. Mr. Ney stated that Mr. DeMarzo (as a representative of Exxon, who was present but was not sworn or testified) had testified that the corporation planned on increasing restrictions on the site, such as limiting the parking, and maintaining the landscaping, and enforcement language would be in the new lease. He stated that the end of the lease period was coming up and they intended to enforce this new plan with restrictions in the lease. Mr. Quilico asked if their intention was to increase fuel dispensing, why not limit the parking even further. Why did they need to provide all of the parking in the first place. Mr. Falvo stated that the parking was meeting the requirement. Mr. Quilico stated that he preferred that the parking be limited even further, in order to free up space for traffic flow. Mrs. Janeczek stated that she had counted the cars on the site and found 14 cars and 4 trucks that night. She stated that it looked like a used car lot. Mr. Grant stated that there was a tow truck parked in the middle of the sidewalk. Mr. DeMaio stated that if the site was going to increase its business, wasn't that going to increase the garage business also. Mr. Falvo stated that the intent of the improvements was to increase business to the fuel pumps, with modern multi-purpose pumps. The canopy was intended for safety and comfort. He stated neither was designed to increase the garage business. However, it might in fact do so. Ms. Waterbury

asked if the applicant would not provide more stripping and signage on the western portion of the site to indicate the no parking restrictions. The applicant stated that they would do more signage. There were no interested parties present to question the witness.

David G. Roberts, 1466 88W, Brick, was sworn and recognized as an expert in his field of planning. He testified that he has reviewed the Zoning Ordinance and Master Plan for the City of Long Branch. He entered into evidence mounted tax map exhibits showing the area and identifying the site and surrounding uses. He also entered an aerial of the site showing the crossroads involved. He discussed positive aspects supporting the need for a service station on this corridor, and concluded that the proposal would not have a negative impact on the neighborhood, and in fact would be a positive improvement to the site and the neighborhood, and in compliance with the Master Plan and Zoning Ordinance which permits the use as a conditional use. Mr. Roberts described the requested variances. A use variance is required for the expansion of the non-conforming use. The canopy considered an accessory structure was exceeding the height maximum by 1 1/2'. He stated that the spaces provided were 8'X18' instead of 9'X18', and the applicant agreed to make them the required size. The signage on the proposed canopy would exceed the maximum permitted. The fuel dispensers are 11.8' from the right of way whereas 30' is required (he stated that this condition is existing). The driveways exceed the 24' maximum requirement (existing). The restrictions for distance to churches, schools, etc., were addressed and a variance was received with the original approval. A variance is required to permit a driveway within 50' of an intersection, the applicant indicates that a variance was previously received on this condition. The site provides parking within 10' of the property line, a variance is required. Mr. Irene asked if it was necessary for the lights on the canopy to be lit all night. The applicant stated that they would be lit while the station was open. Mr. Foster asked what the proposed hours of operation were. Mr. Roberts stated, 24 hours. In conclusion Mr. Roberts stated that the use was particularly suited for the site. That another use would not be suitable, because of the underground tanks. Many of the conditions were pre-existing and the use except for the variances was a permitted use. He stated that he did not believe the increase in traffic would cause any detriment to the existing pattern, because people will historically drive by a gas station that has any kind of line waiting for service. He stated that the applicant intends to improve the existing station both aesthetically and environmentally. He does not feel that the canopy would adversely impact the surrounding businesses, because a passer-by can see under the canopy to the other businesses. He stated that with the exception of the Getty on lower Broadway there is no other gas station on this central corridor to the beach, and serves a need. Mr. Paone questioned outstanding approvals from other agencies. Monmouth County has granted conditional approval to the proposal. The sewer approval is not necessary, as they will not affect the existing sewerage need. The Health Department would not need to inspect or approve the proposal. Freehold Soil would not be necessary because there would not be that much disturbance of the soil. Mr. Foster asked if the landscaping was specifically described. Mr. Roberts stated that the landscaping plan describes exactly what they were going to use. There were no interested parties in the matter.

Mr. Falvo stated that he was aware that there were only five members who could vote on the application. He asked that the matter be carried to the next meeting and he would provide transcripts to the other members. Mr. Paone carried the application for a vote only, to March 11, 1996, subject to the applicant providing revised plans reflecting the promised changes, ten days prior to the next meeting. Mr. Falvo waived the time constraints on the board to act. The matter was so carried.

ZB94-16

COHEN

BLOCK 16

LOT 3

Mr. Irene had reviewed the notice and found that the board did have jurisdiction. Peter Falvo, representing the applicant, was before the board in order to receive variance relief on the height of a concrete wall constructed in the southeast corner of the site. The applicant has previously received variances from this board to construct a single family home on Ocean Avenue. A plan provided by the engineer Robert Nelson, dated 7/31/95, was marked as A-1. Mr. Falvo submitted four photographs marked A-2 a-b-c-d. He described them in relation to the site and the surrounding area. He described the house approved and under construction and a concrete section in front of the wall which was also in question. Ms. Waterbury upon inspection of the site brought to the attention of the board this concrete in an area which the applicant stated would be grassed. She was concerned that the DEP would need to approve this as it was not on the original plan. Since then DEP has responded that they are not concerned. She also described a condition that has in the southeastern corner where a 16-17' high wall was constructed. Mr. Falvo stated that the applicant has opted for the concrete instead of grass to ensure the integrity of the approved increase in grading which the applicant has provided in the pool and patio area. Ms. Waterbury stated that from an engineering standpoint she had no problem with the concrete as long as the board and DEP did not. Mr. Falvo submitted five more photos which he had marked as A-3 a-b-c-d-e. The photos were described. The photos illustrated the adjoining properties from many angles. An engineer's report on the integrity of the constructed wall was marked as A-4. The report dimensioned the wall at 6'+ on the interior and exterior, an average of 7 1/2'. The applicant has cited the condition of the beach club site as a reason for the height. Chester D'Lorenzo, 464 Broadway, of Nelson Engineering, was sworn and recognized as an expert in his field in engineering. The engineer described the plans. He discussed the existing and created contours and elevations, which have resulted in a wall which is approximately 16 1/2' high on average. Mr. Paone asked why the wall was built in violation without the proper approvals. He was told that the applicant was seeking privacy from the neighboring beach club. Mr. Falvo described a similar wall to the north. It was pointed out that the wall was stepped in height from its highest to the west to the lowest at the east point. He explained that their property was also stepped in elevation in this manner. Mrs. Janeczek explained that she also has things next door to her she wishes she didn't have to look at, but this doesn't mean that she can build a wall to block it from her view. She also pointed out that the applicant was aware of the beach club when he purchased the property. Mr. D'Lorenzo tried to justify the appearance through elevation differences in the inside and outside grades. Mr. Grant

asked for clarification. He asked how much of the wall was necessary to retain the interior grade. Mr. D'Lorenzo stated that approximately 10' was necessary. Mr. Grant stated that only that much was justified for engineering purposes. Mr. Irene asked for a clarification on exactly what the discrepancy was. Mr. D'Lorenzo stated that the wall inside was approximately 7 1/2', and that from the outside it was 16 1/2'. Ms. Waterbury pointed out that originally there was a terracing effect on the wall, and the top of wall elevations have changed. Questions with regard to the original approvals resulted in a discussion surrounding whether or not the applicant stated with his original approval for the grading of the property that he would build the wall in compliance with the ordinance. Mr. Falvo stated that he had not been a part of that original approval and would like to get a chance to review that file in order to proceed on that issue. The application was carried to the April 8, 1996 meeting of the board without further need of notice, and the applicant waived the time constraints on which the board needs to act.

RESOLUTIONS: The board approved resolutions in grateful acknowledgment of the services of Brian Unger, Michael Polk and Alice Jennings, as members of the board.

A motion to adjourn was seconded, the meeting was so adjourned.

Respectfully submitted:

Paolo D. Paone/CHAIRMAN

Recording Secretary
Anna Juska