

**ZONING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
AUGUST 13, 2018**

THE MEETING OF THE ZONING BOARD OF ADJUSTMENT was called to order at 7:30 pm by Chairman, Nancy Spark, who stated that the notice of this meeting has been published and posted in accordance with requirements set forth in the New Jersey Open Public Meetings Act.

The Pledge of Allegiance followed.

OATH OF OFFICE ADMINISTERED TO KATHRYN (KATY) ESPOSITO AS ALTERNATE # 1

**ROLL CALL: SPARK, WARK, OROS, CLARK, FITZSIMONS, MANOOKIAN, FINELLI, MESCOLOTTO, ESPOSITO ABSENT: NONE
ALSO PRESENT BOARD ATTORNEY STU SNYDER & ELAINE TOLLISON,
SECRETARY**

MINUTES OF JULY 9, 2018 MEETING

AT THIS TIME, Chairman Spark asked for a motion to approve the minutes of the July 9, 2018 meeting. Fitzsimons so moved, seconded by Manookian

MOTION: FITZSIMONS

SECOND: MANOOKIAN

VOTE: AYES: SPARK, OROS, CLARK, FITZSIMONS, MANOOKIAN, FINELLI, MESCOLOTTO

ABSTAIN: WARK

NAYS: NONE ABSENT: NONE

RESOLUTION TO MEMORIALIZE 2018:01V, HYNES & HAND

AT THIS TIME, Chairman Spark asked for a motion to memorialize resolution 2018-01V, for Hynes & Hand, 10 East 12th Street.

**RESOLUTION OF MEMORIALIZATION OF THE ZONING
BOARD OF ADJUSTMENT OF THE BOROUGH OF BARNEGAT
LIGHT COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2018:01V**

WHEREAS, Edward G. Hynes and Jamie Hand have made application to the Zoning Board of Adjustment of the Borough of Barnegat Light for variances to permit the restoration, renovation and modifications to the existing single family home including a cupola witches peak and widows walk to be constructed to a finished height of 38.6 feet at property known and designated as Lots 12 and 14 Block 21; 10 East 12th Street, in the Borough of Barnegat Light, County of Ocean and State of New Jersey; and

WHEREAS, the Zoning Board of Adjustment considered this application at a public hearing on July 9, 2018. The applicants were represented by James S. Raban, Esq. The application dated June 18, 2018 was entered into evidence as Exhibit A-1; a copy of the notice published in the Beach Haven Times was entered into evidence as Exhibit A-2; the affidavit of publication when received by counsel will be forwarded to the Board; the proof of service was entered into evidence as Exhibit A-3; the plan prepared by Horn, Tyson & Yoder, Inc., titled "Variance Map Lots 12 & 14, Block 21 Tax Map Sheet # 3 Borough of Barnegat Light, Ocean County, New Jersey" dated May 4, 2018 under signatures and seals of James D. Brzozowski, P.E., P.P. and Robert G deBlois, P.L.S. was entered into evidence as Exhibit A-4; architectural plans prepared by Jay Madden, Architect, titled "The Hynes/Hand Residence Lot 12 Block 21 10 E 12th Street, Barnegat Light, New Jersey" dated June 18, 2018 containing Sheets SP, 1, 2, 3, 4, 5, 6, 7, 8 & 9 was entered into evidence as Exhibit A-5; a plan containing three (3) drawings prepared by Jay Madden of the Original Cupola that was on the house; the proposed Cupola and decking proposed in this application and a cupola that could be constructed in substantial conformity to the borough ordinances was entered into evidence as Exhibit A-6; a photograph of the original house was entered into evidence as Exhibit A-7 and a current photograph of the house was entered into evidence as Exhibit A-8. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr. P.E., P.P., and C.M.E., dated July 3, 2017 was entered into evidence as Exhibit B-1. Testimony was

offered by James Brzozowski, applicant's professional engineer and planner; Jay Madden, applicant's architect; Jamie Hand and Edward G. Hines the applicants Mary Jane Saia; Salvatore Saia and Robert Mollitier, Jr.; and

WHEREAS, the Zoning Board of Adjustment after considering the Application, documentation entered into evidence and testimony of the witness has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The applicants are the owners of the property. The property is located in the RB-Two Family Residential Zone. The property consists of a lot with dimensions of 100 x 125 feet.
3. The property is developed with an historic single family home; the site consists of Lots 12 & 14 Block 21, which upon removal of the improvements would satisfy the minimum zoning requirements of two (2) single family building lots.
4. The house was built in or about 1886. Parts of the building have been modified over the years; with the rear portion being in a state of disrepair.
5. Applicants acquired the property in October 2017; with the intention to renovate the building to its original historic design. Part of the renovation will replace the rear third of the house with a two story addition. The entrance will be modified; as the house maintains a nonconforming front yard setback of 6.2 feet. That setback will be maintained and not exasperated by the reconstruction plans. Extensive interior renovations will be made; and the detached garage will be replaced with a shed in the rear of the house.
6. It appears that there was a spire or cupola on the original home which was removed during past renovations; applicant has presented Exhibit A-7 a photograph confirming the existence of that structure; as shown in the plans presented in Exhibit A-6 applicants are requesting variance relief to permit a building height of 38.6 feet to the top of a new cupola; they

intend to finish the area and prior tower construct a small deck (widows walk) with the cupola above.

7. The existing building height is 32.7 feet where 30 feet is permitted. The existing house has a basement; applicant's architect testified that the plan encompasses the filling in of the basement to assure FEMA compliance.
8. The Board adopts the contents of the review letter of Frank J. Little, Jr. dated July 3, 2018 entered into evidence as Exhibit A-1 as if set forth herein at length.
9. The Board finds that the plans of applicants to renovate and improve the subject property will be beneficial to the Borough and an asset to the neighborhood; however the work may be performed without exceeding the current non-conforming building height.
10. The existing building height exceeds that which is permitted; and with the proposed addition the finished height will be in excess of 8 feet higher than that which is permitted.
11. The municipality had considered a modification to the zoning ordinances to raise the maximum height requirement from 30 feet to 32 feet. The Master Plan has not addressed a change or increase in height nor has the zoning ordinance been amended to raise the building height limits.
12. But for the pre-existing nonconforming front yard setback; the only variance requested is from the building height requirement.
13. The house can be renovated without exceeding the existing nonconforming building height of 33.7 feet; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Barnegat Light has determined that the relief requested by the applicants Edward G. Hynes and Jamie Hand for variances to permit them to exceed the building height requirements; by constructing a widows walk and cupola at a finished height of 38.6 feet, in conjunction with the restoration and renovations to the existing three (3) story historical home, at property known and designated as Lots 12 and 14 Block 21; 10 East 12th Street, in the Borough of Barnegat Light, County of Ocean and State of New Jersey cannot be granted

without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Barnegat Light, as applicant has not demonstrated a hardship for variance relief under NJSA 40:55D-70 c.(1) or NJSA 40:55D-70.c(2) and the variance sought is not consistent with the intent and purpose of the master plan and zoning ordinances of Barnegat Light whereupon applicants have not demonstrated criteria required under N.J.S.A. 40:55d-70d.6. The property can be improved without exceeding the existing nonconforming building height of 33.7 feet.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Barnegat Light that the application of Edward G. Hynes and Jamie Hand for variances to permit them to exceed the building height requirements; by constructing a widows walk and cupola at a finished height of 38.6 feet, in conjunction with the restoration and renovations to the existing three (3) story historical home, at property known and designated as Lots 12 and 14 Block 21; 10 East 12th Street, in the Borough of Barnegat Light, County of Ocean and State of New Jersey; be and hereby is denied.

MOTION: FITZSIMONS

SECOND: MANOOKIAN

**VOTE: AYES: SPARK, OROS, CLARK, FITZSIMONS, MANOOKIAN,
FINELLI, MESCOLOTTO**

ABSTAIN: WARK

NAYS: NONE ABSENT: NONE

ELAINE TOLLISON, SECRETARY

-CERTIFICATION-

I, ELAINE TOLLISON, Secretary of the Zoning Board of Adjustment of the Borough of Barnegat Light, County of Ocean and State of New Jersey, do certify that the foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Barnegat Light at a public meeting held on August 13, 2018

ELAINE TOLLISON

OTHER BUSINESS: NONE

OPEN PUBLIC SESSION

AT THIS TIME, Chairman Spark asked for a motion to open to the public. Wark so moved, seconded by Manookian. Motion carried

There was no public

Chairman Spark asked for a motion to close to the public. Finelli so moved, seconded by Clark. Motion carried

LAND USE LIABILITY TRAINING:

A presentation was shown to the Board that was downloaded from the MEL/JIF website. This was mandatory training to have board members insured by the Municipal Excess Liability Joint Insurance Fund against lawsuits. A discussion followed with the board members and Mr. Snyder.

THERE BEING NO FURTHER BUSINESS BEFORE THE ZONING BOARD OF ADJUSTMENT, ON A MOTION MADE BY OROS AND SECONDED BY CLARK THE MEETING WAS ADJOURNED.

ELAINE TOLLISON