

## **ZONING BOARD OF ADJUSTMENT**

### **BARNEGAT LIGHT JANUARY 13, 2020**

**THE MEETING OF THE ZONING BOARD OF ADJUSTMENT** was called to order at 7:30 pm by the Zoning Board Secretary Elaine Tollison, who stated that the notice of this meeting has been published in accordance with the requirements set forth in the New Jersey Open Public Meetings Act.

#### **PLEDGE OF ALLEGIANCE**

The oath of office was administered to: **KATY ESPOSITO & TIMOTHY BRINDLEY**

**ROLL CALL: MANOOKIAN, OROS, FINELLI, FITZSIMONS, WARK, ESPOSITO, BRINDLEY**

**ABSENT: SPARK, CLARK**

**ALSO PRESENT MR. STUART SNYDER**

**DUE TO THE ABSENCE OF SPARK & CLARK, ESPOSITO & BRINDLEY SAT ON THE BOARD.**

#### **NOMINATIONS FOR CHAIRMAN**

The Board Secretary asked for nominations for Chairperson. Motion made by OROS for NANCY SPARK as Chairperson and seconded by MANOOKIAN. No other nominations were forthcoming, and nominations were closed.

**MOTION: OROS**

**SECOND: MANOOKIAN**

**VOTE: AYES: MANOOKIAN, OROS, FINELLI, FITZSIMONS, WARK, ESPOSITO, BRINDLEY**

**NAYS: NONE ABSTAIN: NONE ABSENT: SPARK, CLARK**

#### **NOMINATIONS FOR VICE CHAIRMAN**

The Board Secretary asked for nominations for Vice Chairperson. Motion made by OROS for KEVIN WARK as Vice Chairperson and seconded by MANOOKIAN. No other nominations were forthcoming, and nominations were closed.

**MOTION: OROS**

**SECOND: MANOOKIAN**

**VOTE: AYES: MANOOKIAN, OROS, FINELLI, FITZSIMONS, ESPOSITO, BRINDLEY**

**NAYS: NONE ABSTAIN: WARK ABSENT: SPARK, CLARK**

#### **MINUTES OF MAY 13, 2019 MEETING**

**AT THIS TIME** Vice Chairman WARK asked for a motion to approve the minutes of the May 13, 2019 meeting minutes. FITZSIMONS so moved, seconded by ESPOSITO

**MOTION: FITZSIMONS**

**SECOND: ESPOSITO**

**VOTE: AYES: FINELLI, FITZSIMONS, ESPOSITO**

**NAYS: NONE ABSTAIN: MANOOKIAN, OROS, WARK, BRINDLEY**

**ABSENT: SPARK, CLARK**

**SETTING THE DATES & TIMES FOR MEETINGS FOR 2020**  
**RESOLUTION 2020-01**

**AT THIS TIME**, there was a discussion regarding the meeting time. It was decided that it would not be changed from 7:30pm since it would not work for some of the members.

On a motion made by FITZSIMONS and seconded by MANOOKIAN the meetings will be the second Monday, unless a holiday, then the third Monday at 7:30 pm, as previously held.

**MOTION: FITZSIMONS**

**SECOND: MANOOKIAN**

**VOTE: AYES: MANOOKIAN, OROS, FINELLI, WAR, ESPOSITO, BRINDLEY**

**NAYS: NONE ABSTAIN: NONE ABSENT: SPARK, CLARK**

**RESOLUTION 2020-01**

**RESOLUTION OF THE ZONING BOARD OF THE  
BOROUGH OF BARNEGAT LIGHT, COUNTY OF  
OCEAN, STATE OF NEW JERSEY, SETTING THE  
TIME, DATE AND PLACE OF THE MEETINGS**

**WHEREAS**, the ZONING BOARD of the Borough of Barnegat Light is a public body, which convenes regular meetings for the purpose of action on applications submitted to it pursuant to N.J.S.A. 40:55D-1, et. seq., and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq. mandates that the public be advised of all regular meeting dates; and

**WHEREAS**, the Board proposes to conduct regular meetings on the dates hereinafter specified with each meeting to be convened at 7:30pm at the Borough Hall, 10 East 7<sup>th</sup> Street, Barnegat Light, NJ 08006

**NOW, THEREFORE, BE IT RESOLVED**, this 13<sup>TH</sup> day of January, 2020

- 1.** The board shall meet on the following dates:  
February 10, March 9, April 13, May 11, June 8,  
July 13, August 10, September 14, October 19,  
November 9, December 14 and Organization 2021 on  
January 11, 2021

The Meetings will take place at 7:30 pm on the above mentioned dates, at the Borough Hall, 10 East 7<sup>th</sup> Street, Barnegat Light, NJ

2. The notice shall be:

Prominently posted in at least one (1) place reserved for similar announcements. Mailed, telephoned telegraphed or hand delivered to at least two (2) newspapers, which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings. Filed with the Borough Clerk as well.

3. The notice mentioned in paragraph two (2) hereof is to be given within seven (7) days of the date.
4. Notwithstanding anything contained herein to the contrary, the Board may call special meetings upon giving at least 48 hours advance notice in the manner specified in paragraph two of this resolution.

**DATED: JANUARY 13, 2020**

**MOTION: FITZSIMONS**

**SECOND: MANOOKIAN**

**VOTE: AYES: MANOOKIAN, OROS, FINELLI, FITZSIMONS, WARK, ESPOSITO  
BRINDLEY**

**NAYS: NONE ABSTAIN: NONE ABSENT: CLARK, SPARK**

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**ELAINE TOLLISON, BOARD 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 January 13, 2020

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**ZONING BOARD ATTORNEY FOR 2020**  
**RESOLUTION 2020-02**

Mr. Stuart Snyder, Esq. was again interested in serving as Board Attorney. FITZSIMONS made a motion, seconded by MANOOKIAN to appoint Stuart Snyder, Esq.

**MOTION: FITZSIMONS**

**SECOND: MANOOKIAN**

**VOTE: AYES: MANOOKIAN, OROS, FINELLI, FITZSIMONS, WARK, ESPOSITO, BRINDLEY**

**NAYS: NONE ABSTAIN: NONE ABSENT: SPARK, CLARK**

**RESOLUTION 2020-02**

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE  
BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT  
OF STUART D. SNYDER, AS BOARD ATTORNEY**

**WHEREAS**, there exists a need for Legal Services as Attorney to the Zoning Board of Adjustment of the Borough of Barnegat Light, and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

1. That Stuart D. Snyder, Esq., is hereby appointed Zoning Board of Adjustment Attorney for a term of one (1) year commencing on January 1, 2020, and ending December 31, 2020
2. The Chairman is hereby authorized to execute and the Board Secretary to attest an agreement with Stuart D. Snyder, Esq.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-1 (1) (a) of the Local Public Contracts Law because it is for services to be performed by a person authorized by law to practice a recognized profession.
4. A notice of this action shall be printed once in the official newspaper of the Borough of Barnegat Light.
5. This Resolution shall take effect on January 1, 2020.

**DATED: January 13, 2020**

**MOTION: FITZSIMONS**

**SECOND: MANOOKIAN**

**VOTE:       AYES: MANOOKIAN, OROS, FINELLI, FITZSIMONS, WARK, ESPOSITO  
              BRINDLEY  
              NAYS: NONE        ABSTAIN: NONE  
              ABSENT: SPARK, CLARK**

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**ELAINE TOLLISON, SECRETARY**

**ZONING BOARD ENGINEER FOR 2020**  
**RESOLUTION 2020-03**

Frank Little was interested as serving as Zoning Board Engineer & Professional Planner. OROS made a motion and seconded by ESPOSITO to appoint Frank Little of Owen Little & Associates

**MOTION: OROS**

**SECOND: ESPOSITO**

**VOTE:    AYES: MANOOKIAN, OROS, FINELLI, FITZSIMONS, WARK, ESPOSITO, BRINDLEY  
          NAYS: NONE    ABSTAIN: NONE    ABSENT: SPARK, CLARK**

**RESOLUTION 2020-03**

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH  
OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW  
JERSEY, AUTHORIZING THE APPOINTMENT OF FRANK J. LITTLE  
OF THE FIRM OWEN LITTLE AND ASSOCIATES AS  
ZONING BOARD ENGINEER & PROFESSIONAL PLANNER**

**WHEREAS**, there exists a need for Engineering Services to the Zoning Board of Adjustment of the Borough of Barnegat Light; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

1. That Frank Little, P.E., of the firm of Owen Little and Associates is hereby appointed Zoning Board Engineer for a term commencing January 1, 2020, and ending December 31, 2020.

2. The Chairman is hereby authorized to execute and the Board Secretary to attest to an Agreement with Frank Little of the firm Owen Little and Associates.

3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because it is for services to be performed by a person authorized by law to practice a recognized profession.

4. A notice of this action shall be printed once in the official newspaper of the Borough of Barnegat Light.

5. This Resolution shall take effect on January 1, 2020.

**DATED: JANUARY 13, 2020**

**MOTION: OROS**

**SECOND: ESPOSITO**

**VOTE: AYES: MANOOKIAN, OROS, FINELLI, FITZSIMONS, WARK, ESPOSITO  
BRINDLEY**

**NAYS: NONE ABSENT: CLARK, SPARK ABSTAIN: NONE**

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**ELAINE TOLLISON, SECRETARY**

**APPLICATION ZB-2020-01, WISLER TRUST**

Mr. James Raban represented the applicant. He stated that the property at 401 Central Avenue is owned by Wisler Trust and Wisler Survivors Trust, with each trust owning 50 percent. Mr. Snyder marked the following:

A1 Application ZB-2020-01

A2 Variance plans from Nelke & Tyszka

A3 Architectural Plans from Craig Brearley

B1 Review letter from Owen Little & Associates

Mr. Raban said that they want to demolish the house and rebuild. Currently the lot coverage is 41.3 percent and the proposed lot coverage would be 27.8 percent. The requirement for the setback is 15 feet. They are proposing 15 feet off of 4<sup>th</sup> Street and 5 feet off of Central Avenue.

Mr. Leon Tyszka, Professional Planner was sworn in. He prepared the plans marked as A2. He said that proposed is a 3 story dwelling, 56 feet by 24 feet, with a porch, deck and garage. Variance was needed for the setback. The height requirement was met. Fitzsimons asked questions about the lot size and Finelli asked about neighboring properties. Mr. Brindley brought in 6 pictures of the current house. They were marked as B2 and passed around. Mr. Tyszka said that the proposed house is in the same footprint of the current house. Wark said that they are looking for relief on the Central Avenue setback.

Mr. Craig Brearley, licensed Architect was sworn in. He prepared the plans marked as A3. He said that proposed is a 3 story house with a garage underneath and rook top deck. There would be a reduction of the current lot coverage.

Mr. Raban asked for a 5 minute break so that he could talk to his client.

Merry C. Wisler was sworn in as the owner of the 2 trusts that own the property and that each trust owns a 50 percent share in 401 Central Avenue. She purchased the house in December, 2000. The house was built in 1892. She said they are keeping the same footprint of the current house. Mr. Raban said that they want to amend the plan to now have a setback of 10 feet on Central Avenue and 17 feet on 4<sup>th</sup> Street. The board had a discussion. Fitzsimons asked about setting precedents. Mr. Snyder said no, not with this board. Mr. Snyder said that this is a C2 variance.

WARK asked for a motion to open to the public. Motion made by FITZSIMONS seconded by MANOOKIAN

There was no public comment

WARK asked for a motion to close to the public. Motion made by FITZSIMONS and seconded by MANOOKIAN

WARK asked for a motion on the application. MANOOKIAN made a motion to approve the application as amended. FITZSIMONS seconded the motion.

**MOTION: MANOOKIAN**

**SECOND: FITZSIMONS**

**VOTE: MANOOKIAN, FINELLI, FITZSIMONS, WARK, ESPOSITO, BRINDLEY**

**NAYS: OROS ABSTAIN: NONE ABSENT: SPARK, CLARK**

### **2019 ZONING APPLICATIONS AND APPEALS**

<u><b>NAME</b></u>	<u><b>PROPERTY ADDRESS</b></u>	<u><b>HOME ADDRESS</b></u>	<u><b>RESULT</b></u>
FOY, JOSEPH	603 BROADWAY	603 BROADWAY	APPROVED VARIANCE FOR ROOFTOP DECK HEIGHT AT 30.77 FT
SCILLACI, SUSAN	12 E. 22 <sup>ND</sup> ST	57 IRONWOOD RD TRUMBELL, CT	DENIED VARIANCE FOR ELEVATOR

WARK asked for a motion to approve the 2019 Zoning Report. OROS made a motion to approve, seconded by ESPOSITO, all in favor.

Mr. Snyder said that the report should go to the Council and that based on this there would not be recommendations to change any ordinances. Discussion followed regarding railing heights.

WARK asked for a motion to open to the public. Motion made by MANOOKIAN, seconded by OROS  
There was no public comment

WARK asked for a motion to close to the public. Motion made by FITZSIMONS and seconded by ESPOSITO

Other business: none

There being no further business before the Zoning Board, a motion made by MANOOKIAN and seconded by ESPOSITO, the meeting was adjourned.

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ELAINE TOLLISON, BOARD SECRETARY