

**ZONING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
DECEMBER 14, 2020**

THE MEETING OF THE ZONING BOARD OF ADJUSTMENT was called to order at 7:30 pm by the Zoning Board Vice Chairman Oros 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. The meeting location change was published in the Beach Haven Times and The Asbury Park Press.

PLEDGE OF ALLEGIANCE

ROLL CALL: ESPOSITO, CLARK, OROS, MANOOKIAN, BRINDLEY

ABSENT: FITZSIMONS, SPARK, FINELLI, PASSARO

**ALSO PRESENT MR. STUART SNYDER, ESQ & ELAINE TOLLISON, BOARD SECRETARY
DUE TO ABSENCES BRINDLEY SAT ON THE BOARD**

MINUTES OF NOVEMBER 9, 2020

AT THIS TIME OROS asked for a motion to approve the minutes of the November 9, 2020 meeting minutes. ESPOSITO so moved, seconded by CLARK

MOTION: ESPOSITO

SECOND: CLARK

VOTE: AYES: ESPOSITO, CLARK, OROS, MANOOKIAN, BRINDLEY

NAYS: NONE ABSTAIN: NONE ABSENT: FITZSIMONS, SPARK, FINELLI, PASSARO

RESOLUTION ZB-2020-03, DAMASCUS

AT THIS TIME OROS asked for a motion on resolution ZB-2020-03 for Damascus. Motion made by MANOOKIAN to approve and seconded by ESPOSITO

MOTION: MANOOKIAN

SECOND: ESPOSITO

VOTE: AYES: ESPOSITO, CLARK, OROS, MANOOKIAN, BRINDLEY

NAYS: NONE ABSTAIN: NONE ABSENT: FITZSIMONS, SPARK, FINELLI, PASSARO

**RESOLUTION OF MEMORIALIZATION OF THE
ZONING BOARD OF ADJUSTMENT THE BOROUGH OF BARNEGAT LIGHT
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. ZB-2020-03**

WHEREAS, James Damascus and Debra Damascus have made application to the Zoning Board of Adjustment of the Borough of Barnegat Light for variances to permit the construction of a second story addition to their one story single family home, and to construct a

two –story addition together with a first floor porch to the front of the house located at property known and designated as 3 East 16th Street, Lot 5 Block 31 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 conducted on November 9, 2020. The applicants were represented by James S. Raban. The application dated October 19, 2020 was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc. titled “Variance Map Lot 5 Block 31 Tax Map Sheet # 3 Borough of Barnegat Light, Ocean County, New Jersey” dated August 21, 2019 with a final revision date of August 13, 2020 under signatures and seals of James D. Brzozowski, PE, PP and Robert G deBlois, PLS was entered into evidence as Exhibit A-2; architectural plans prepared by Craig W. Brearley AIA titled “Damascus Residence Lot:5 Block 31, Borough of Barnegat Light, Ocean County, New Jersey, Ocean County, New Jersey” dated July 29, 2020 under signature and seal of Craig W. Brearley, AIA, containing Sheet BD-1 and Sheet BD-2 was entered into evidence as Exhibit A-3; a series of three (3) photographs of the front and rear of the subject property, and the adjoining house was entered into evidence as Exhibit A-4.. The review letter from Owen, Little & Associates, Inc. dated October 30, 2020 under signature of Frank J. Little, Jr. was entered into evidence as Exhibit B-1. Testimony was offered by James D. Brzozowski, applicant Professional Engineer and Professional Planner, and by Craig W Brearley, applicants architect, the applicants James Damascus and Debra Damascus also testified. There was not any public comment; and

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

1. All jurisdictional requirements have been met.
2. The property is located in the R-B Two Family Residential Zone. The property consists of a lot with dimensions of 50 x 130 feet improved with a one story single family ranch dwelling and detached shed. The lot area is 6,500 square feet.

3. The development of the property with a single family mandates conformance to the RA Zoning requirements. Side yard setbacks of 9 feet are required for each side; applicant maintains a side yard setback of 10 feet and a side yard setback of 5.3 feet, a preexisting nonconforming condition.
4. The existing front yard setback is 27.9 feet, 25.00 feet is required and the proposed front yard setback is conforming at 26.5 feet. The permitted building coverage is 35%, existing building coverage is 20.3%; the proposed building coverage is 23.3%.
5. The existing house is a modest ranch home with three (3) bedrooms. Applicants propose to construct a second story to the houses, providing two (2) bedrooms, a sitting room, laundry room and two (2) bathrooms. An interior stairway will provide access and egress to the second floor. The addition to the front of the house reflects a 4.1 foot bump out on the easterly side of the property to enable applicant to increase the size of a bedroom, and enlarge an existing bathroom on the first floor; a 4.0 foot expansion is provided at the westerly portion of the house, which will accommodate an enlargement of the living room and new interior stairway. A new porch will be constructed on the westerly side with dimensions of 6 x 20.8 feet; all as reflected on the plans entered into evidence as Exhibit A-2 and A-3; the front of the house will be squared off; there is a 5 x 10 foot deck proposed on the second story.
6. The existing house maintains approximately 1,000 square feet of living space, upon completion of the addition the living area will be 2,200 square feet.
7. The board finds the property will be architecturally pleasing, the design will comport with the neighborhood and Borough. The seashore cottage style will be retained with the additions. Applicants will continue to provide adequate parking and the building height shall is shown at 29.2 feet; where 30 feet is permitted.
8. Applicants do not propose to raise the existing house; the existing elevation meets FEMA requirements.
9. Applicants are requesting variance relief to enable the second story addition be constructed over the first floor and maintain the nonconforming setback of 5.3 feet.

10. The properties on both sides of the subject property are buffered by mature trees; applicants do not propose to remove the trees within their side yards.
11. The proposed plans provide for a new air conditioner platform of 4 x 8 feet; there currently is a 4 x 4 foot platform; applicant will attempt to retain the original platform and supplement same with a 4 x4 platform to be located at the rear of the house.
12. The Board adopts the contents of the October 30, 2020 letter from Frank J. Little, Jr. entered into evidence as Exhibit B-1 as if set forth herein at length; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Barnegat Light has determined that the relief requested by the applicants James Damascus and Debra Damascus have made application to the Zoning Board of Adjustment of the Borough of Barnegat Light for variances to permit the construction of a second story addition to their one story single family home, and to construct a two –story addition together with a first floor porch to the front of the house located at property known and designated as 3 East 16th Street, Lot 5 Block 31 in the Borough of Barnegat Light, County of Ocean and State of New Jersey in accordance with the plans entered into evidence as Exhibit A-2 and A-3, to be revised to reflect that the existing air conditioning platform shall remain; and an additional platform with dimensions of 4 x 4 feet will be constructed at the rear of the property, can 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; there will not be any negative impediment to the light or air of surrounding properties; the house is aesthetically pleasing, the only variance is to permit the second story to retain the preexisting nonconforming rear yard setback of 5.3 feet; the remainder of the development conforms to Borough Ordinances; and the side yard setback is adequately buffered with mature trees.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Barnegat Light that the application of James Damascus and Debra Damascus have made application to the Zoning Board of Adjustment of the Borough of Barnegat Light for variances to permit the construction of a second story addition to their one story single family home, and to construct a two –story addition together with a first floor porch to the front of the

house located at property known and designated as 3 East 16th Street, Lot 5 Block 31 in the Borough of Barnegat Light, County of Ocean and State of New Jersey in accordance with the plans entered into evidence as Exhibit A-2 and A-3, to be revised to provide that the existing air conditioning platform will remain; and a supplemental 4 x 4 foot platform will be constructed at the rear of the house, be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon all construction at the property conforming to FEMA requirements and all building, fire and safety Codes.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules regulations and statutes and ordinances effecting this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

BE IT FURTHER RESOLVED that variance relief was granted to permit the second story to be constructed at the preexisting side yard setback of 5.3 feet. The remainder of the development shall comply with all zoning ordinances of the Borough of Barnegat Light.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon the terms and condition set forth in the October 30, 2020 letter from Frank J. Little, Jr., modified to reflect that side yard setbacks of 9 feet are required; entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required.

BE IT FURTHER RESOLVED that the Applicant is required to comply with all ordinances of the Borough of Barnegat Light, and failure to specify compliance herein shall not

be deemed a waiver or recommendation by the Zoning Board of Adjustment with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions and representations made by applicants and witnesses for the applicant and as placed on the record at the public hearing conducted on November 9, 2020 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant complying with all technical revisions and any other requirements as set by the Borough Engineer and Building Department.

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 December 14, 2020.

ELAINE TOLLISON, SECRETARY

OPEN TO THE PUBLIC

AT THIS TIME OROS asked for a motion to open to the public. CLARK so moved, seconded by BRINDLEY
ALL IN FAVOR

There was no public

OTHER BUSINESS

There was no other business

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

ELAINE TOLLISON, BOARD SECRETARY