

**ZONING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
NOVEMBER 9, 2020**

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

The Pledge of Allegiance followed

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

ABSENT: SPARK, FINELLI, PASSARO

**ALSO PRESENT BOARD ATTORNEY STU SNYDER & SECRETARY ELAINE
TOLLISON**

Due to absences Brindley sat on the Board

MINUTES OF OCTOBER 19, 2020 MEETING

AT THIS TIME, Vice Chairman Oros asked for a motion to approve the minutes of the October 19, 2020 meeting. Manookian so moved, seconded by Clark

MOTION: MANOOKIAN

SECOND: CLARK

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

ABSTAIN: BRINDLEY

NAYS: NONE ABSENT: SPARK, FINELLI, PASSARO

AT THIS TIME, Vice Chairman Oros asked for a motion on Resolution ZB-2020-02, Sulock, Paul & Ursula. Clark so moved to approve, seconded by Fitzsimons

MOTION: CLARK

SECOND: FITZSIMONS

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

ABSTAIN: BRINDLEY

NAYS: NONE ABSENT: 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-2020-02**

WHEREAS, Paul F. Sulock and Ursula H. Sulock have made application to the Zoning Board of Adjustment of the Borough of Barnegat Light for variances to permit the construction of an addition to the east side of their two story raised single family home to accommodate an elevator, creating a side yard setback of 4.3 feet where a minimum side yard setback of 9 feet is required to the single family home, and for the preexisting lot width and lot frontage of 45 feet; located at property known and designated as 4 W. 19th Street, Lot 7.02 Block 38 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 October 19, 2020. The applicants appeared pro se. The application dated October 2, 2020 was entered into evidence as Exhibit A-1; the plan prepared by Nelke/Tyszka Land Surveyors, LLC titled “Variance Plan T.M. Lot 7.01 Block 38 Tax Map Sheet #2 Borough of Barnegat Light, Ocean County, New Jersey Owner/Applicant Sulock, Paul F. & Ursula H 4 W. 19th Street, Barnegat Light, N.J. 08006” dated September 29, 2020 under signature and seal of Leon J. Tyszka, P.L.S., was entered into evidence as Exhibit A-2; a drawing titled Sulock Residence Block:38 Lot: 7 Boro of Barnegat Light Ocean County NJ Sheet A-1 titled “Addition” dated September 21, 2020 under signature of Paul F. Sulock, the applicant, containing floor plans and the elevation of the house; was entered into evidence as Exhibit A-3 and a series of five (5) photographs of the property, entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc. dated October 14, 2020 under signature of Frank J. Little, Jr. was entered into evidence as Exhibit B-1. Testimony was

offered by the applicants Paul F. Sulock and Ursula H. Sulock. Public comment was offered by Philip Meara; Mr. Matule; James Gutowski and Jerome F. Bohnert; 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-3 Single and Two Family Residential Zoning District. The property consists of a lot with dimensions of 45 x 125 feet improved with an elevated two story single family dwelling. The required lot width and lot frontage is 50 feet; a variance is being requesting for this preexisting condition.
3. Applicants are the owners of the property; they reside in the house on a full time basis. The house maintains reverse living; the main living area and kitchen are located on the second story.
4. Applicants are requesting variance relief to enable them to construct a 5 x 5.8 foot addition to house an elevator at the property; to service the ground level, first floor and second story of the house.
5. They are requesting permission to locate the addition in the easterly side yard setback. The proposed location lines up with the existing stairways and opens into areas suitable for wheelchair access and egress.
6. Applicant testified that based upon the configuration of the rear of the house, with the master bedroom constructed at the second story over an open deck; and the outside shower at grade; it was not practical to install and elevator at that location.
7. The proposed addition will encroach into the easterly side yard setback by 5 feet; reducing the side yard setback from 9.3 feet to 4.3 feet; a variance is being requested. The addition is located adjacent to the air-conditioning platform which encroaches into the side yard by four (4) feet.
8. The adjoining properties are developed.

9. The Board adopts the contents of the October 14, 2020 letter from Frank J. Little, Jr. entered into evidence as Exhibit B-1 as if set forth herein at length.
10. The proposed addition is necessitated to enable applicants to more effectively utilize their reverse living home, the area that encroaches within the side yard setback will not have any deleterious effect upon the adjoining properties; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Barnegat Light has determined that the relief requested by the applicants Paul F. Sulock and Ursula H. Sulock for variances to permit the construction of an addition to the east side of their two story elevated single family home to accommodate an elevator servicing the ground level; first and second stories, creating a side yard setback of 4.3 feet where a minimum side yard setback of 9 feet is required at property known and designated as 4 W. 19th Street, Lot 7.01 Block 38 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 eliminating any reference to “use” variances, 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; applicant requires the elevator to effectively utilize and live in the reverse living home. . But for the addition, all remaining setbacks and building and lot coverage will remain in conformance to the zoning requirements. The lot width and frontage of 45 feet is a preexisting condition that is unable to be adjusted due to the adjoining properties being fully developed.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Barnegat Light that the application of Paul F. Sulock and Ursula H. Sulock for variances to permit the construction of an addition to the east side of their two story elevated single family home to accommodate an elevator servicing the ground level; first and second stories, creating a side yard setback of 4.3 feet where a minimum side yard setback of 9 feet is required at property known and designated as 4 W. 19th Street,

Lot 7.01 Block 38 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 eliminating any reference to “use” variances, be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants submitting revised plans eliminating any reference to “use” variances.

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 this approval is subject to and conditioned upon the terms and condition set forth in the October 14, 2020 letter from Frank J. Little, Jr. 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 October 19, 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 November 9, 2020.

ELAINE TOLLISON, SECRETARY

APPLICATION ZB-2020-03, Damascus, James & Debra, 3 East 16th Street, Block 31, Lot 5.

Mr. James Raban, Esq. represented the applicants. The application was marked as A1, the variance map A2, and the architectural drawings A3. Currently there is a one story single dwelling on the property. The applicant wants to construct a second story above

the existing first story and bump out the front of the house with a second story above it. The reason they are before the board is the easterly side yard setback is currently 5.3 feet and the second story addition is exacerbating the nonconformity and also the front addition on the easterly side triggers the side yard variance. He said that the review letter from Mr. Little said that the side yard set back is 10 feet and Mr. Raban confirmed with him that it should be 9 feet. Mr. Snyder said that we are amending Paragraph 1 to have the setback 9 feet.

Mr. James Brzozowski, was sworn in. He is a licensed professional engineer and planner in New Jersey. He is employed by Horn, Tyson & Yoder since 1997. He said the property is conforming except for the easterly side yard setback that is 5.3 feet and 9 feet is required. The addition needs a variance for the side yard and that includes the front addition. The addition would make the house 2200 square feet. Mr. Raban passed out a page with three photographs and it was marked A-4. Mr. Brzozowski and Mr. Raban went over the photographs that shows the site. Mr. Brzozowski said that in his opinion there would not be a negative impact on the adjoining properties.

The board had questions for the engineer. Clark asked about the trees in between the houses. Mr. Raban said that owners would testify to that. Manookian asked about the AC platform in the rear yard that is shown on the plans and if it was conforming. The answer was that the smaller square is the existing and the larger is the proposed. Mr. Brzozowski said that he will talk to the architect to where the shower head is and see if it can be moved. Mr. Raban said that if it is separated it would conform as an accessory. The chimney was discussed and it was said that it was exempt up to 2 feet regarding the setbacks. Esposito asked about what is on the western side of the house and she was told here is a two story dwelling. Brindley and Esposito wanted to know if the front addition is conforming and it was discussed that it was except for the easterly side. A discussion followed about why there is a nonconformity on the side yard and that the house was probably built before the 9 foot setbacks were in effect. Mr. Snyder asked if the house conforms with FEMA and Mr. Brzozowski said that it did and it's in a AO flood zone and the first floor is above the requirement.

Mr. Craig Brearley was sworn in. He is an architect in New Jersey. The front of the house will be increased by 4 feet and will be conforming. He designed the house to create a cottage style home. The house does not have to be raised. Mr. Brearley went over the second floor plan that is going directly over the first floor. Brindley thought that it was nice that the house didn't have to be raised.

Mr. James Damascus and Mrs. Deborah Damascus were sworn in. Mr. Damascus said that he has owned the house since 2008. They have renovated some of the house and now they need more room as their family has grown and that it why they want to add on. They want to keep with the beach cottage style and they use the house year round. Mrs. Damascus said that she loves the house and they have been in Barnegat Light for a long time.

Mr. Brearley said that the new air conditioning unit will be conforming.

AT THIS TIME, Vice Chairman Oros asked for a motion to open to the public. Manookian so moved seconded by Esposito. All in Favor

There was no public comment.

AT THIS TIME, Vice Chairman Oros asked for a motion to close to the public. Manookian so moved seconded by Clark. All in Favor

AT THIS TIME Vice Chairman Oros asked for a motion on application 2020-03. Fitzsimons made a motion to approve the application, seconded by Esposito.

MOTION: FITZSIMONS

SECOND: ESPOSITO

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

ABSTAIN: NONE

NAYS: OROS ABSENT: SPARK, FINELLI, PASSARO

MOTION CARRIED TO APPROVE

AT THIS TIME, Vice Chairman Oros asked for a motion to open to the public. Fitzsimons so moved seconded by Manookian. All in Favor

There was no public comment.

AT THIS TIME, Vice Chairman Oros asked for a motion to close to the public. Fitzsimons so moved seconded by Esposito. All in Favor

OTHER BUSINESS: None

There being no further business before the Zoning Board of Adjustment, a motion was made by Manookian and seconded by Brindley, all in favor, the meeting was adjourned.

**ELAINE TOLLISON
BOARD SECRETARY**