

Township of Lacey Zoning Board of Adjustment
REGULAR MEETING MINUTES
SEPTEMBER 4, 2024

PRESENT:

Thomas Ball, Jr, **Chairman**
John Downing
Edward Scanlon
Craig Tomalo
Brian Mannuzza, Alternate #2

ALSO PRESENT:

Stephen Smith, **Board Attorney**
Irina Gasparyan, **Board Secretary**

ABSENT:

Scott Tirella, **Vice-Chairman**
Kathleen Decker
Michael Troncone
Michael Dos Santos, Alternate #1

Chairman Ball called the meeting to order and requested that all rise and salute the Flag.

The Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the "Open Public Meeting Act" also known as the "Sunshine Law". Proper notice for this evening's meeting has been given in the Asbury Park Press on the 15th day of January and in The Beacon on the 18th day of January 2024. The times and dates of the Board of Adjustment meetings for the year 2024 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

A. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.
Motion by: Mr. Downing Seconded by: Mr. Tomalo
The motion was unanimously carried by all the members present.

B. MINUTES:

1. The regular meeting minutes of August 5, 2024: Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: all members
Motion by: Mr. Tomalo Seconded by: Mr. Scanlon
Roll Call Vote:
For: Tomalo, Scanlon, Downing, Mannuzza, Ball
Against: None
Abstain: None
Not Voting: None
Absent: Tirella, Decker, Troncone, Dos Santos

C. RESOLUTIONS:

1. Resolution of Approval Application # V24-11
Block: 284 Lot: 1.01
101 N. Main Street, Forked River
Applicant: **101 North Main, LLC**
Motion by: Mr. Downing Seconded by: Mr. Tomalo
Roll Call Vote:
For: Downing, Tomalo, Scanlon, Ball
Against: None
Abstain: None
Not Voting: None
Absent: Tirella, Decker, Troncone, Dos Santos

D. OLD BUSINESS:

None

E. NEW BUSINESS:

1. Application # V24-05

Block: 1582 Lot: 22-31

Lacey Road / North Bayonne Avenue / Alpine Street, Forked River

Single family dwelling with pool & fence

Variations – Use Variance & Bulk Variations

Applicant: **Gravino-Pasqueriello**

Applicant requested to carry the application to the next meeting date for full board attendance.

Motion to carry the application to the next meeting date of October 7, 2024 made by: Mr. Downing

Seconded by: Mr. Tomalo

Roll Call Vote:

For: Downing, Tomalo, Scanlon, Mannuzza, Ball

Against: None

Abstain: None

Not Voting: None

Absent: Tirella, Decker, Troncone, Dos Santos

2. Application # V24-09

Block: 146 Lot: 14

710 Buena Vista, Forked River

Single family dwelling with porch, garage & driveway

Variations – Minimum Lot Width & Lot Area

Applicant: **Retirement Fund, LLC**

Mr. William Halpern, Esq., attorney for applicant, introduced application, location, variations required, and professionals to testify on behalf of the application.

Mr. Robert Harrington, PE, licensed engineer for application, sworn in and credentials accepted by the Board.

Exhibit A-1: Photographs for Variance Application

Harrington: introduced the application and explained only variance area & width, new 3 bdrm 2 bath house will meet all setbacks, no variations associated with new construction. Mr. Harrington also provided planning testimony.

Rohmeyer: everything covered in the letter. No negative impacts to neighbors? Off-street parking met?

Harrington: no detriment, parking met

Open to public Questions/Comments

No public appeared on behalf of the application, the public portion was closed.

No conditions

Motion to approve the application by: Mr. Downing

Seconded by: Mr. Scanlon

Roll Call Vote:

For: Downing, Scanlon, Tomalo, Mannuzza, Ball

Against: None

Abstain: None

Not Voting: None

Absent: Tirella, Decker, Troncone, Dos Santos

3. Application # V24-12

Block: 1026 Lot: 7.14

110 Captain Giglio Way, Forked River

Above-ground Pool with deck

Variations – Minimum side setback (deck)

Applicant: **Cocco**

Mrs. Melissa Cocco, applicant, introduced application and provided background of events.

Cocco: Hired contractor June 2022, deck built too close to fence due to yard shape.

Exhibit A-1: Photographs of yard/deck

Rohmeyer: confirm variance is only for min. side setback, will make note that the final as-built survey shows deck location.

Downing: looks like pool equipment also in setback area

Smith: add the pool equipment variance to application

Open to public Questions/Comments

No public appeared on behalf of the application, the public portion was closed.

No conditions

Motion to approve the application by: Mr. Downing

Seconded by: Mr. Tomalo

Roll Call Vote:

For: Downing, Tomalo, Scanlon, Mannuzza, Ball

Against: None

Abstain: None

Not Voting: None

Absent: Tirella, Decker, Troncone, Dos Santos

4. Application # V24-14

Block: 1761.01 Lot: 27

731 Hill Street, Forked River

In-ground pool

Variations – Minimum Side setback

Applicant: **Yasenchock**

Mrs. Dayna Yasenchock and Mr. Kenneth Yasenchock, applicants, were sworn in

Rohmeyer: reviewed survey, property, fence. What material is fence?

Yasenchock: white vinyl with lattice on top

Rohmeyer: as shown it doesn't conflict with sight triangles. The pool equipment location on side is fine, no issue with grading.

Smith: Will fence block neighbors view of anything?

Yasenchock: no

Rohmeyer: fence and pool equipment also require variance for setback

Open to public Questions/Comments

No public appeared on behalf of the application, the public portion was closed.

No conditions. Pool equipment & fence added to variations

Motion to approve the application by: Mr. Downing

Seconded by: Mr. Tomalo

Roll Call Vote:

For: Downing, Tomalo, Scanlon, Mannuzza, Ball

Against: None

Abstain: None

Not Voting: None

Absent: Tirella, Decker, Troncone, Dos Santos

F. ITEMS FOR DISCUSSION:

1. Planning Board comments regarding Cooperative Sober Living Facilities/Rooming Houses
The Secretary advised the Board that the Planning Board sent back the recommendations for the rooming houses and asked that the Board provide more information and possibly a study. She also advised the Board that Mr. Tirella had sent out information that the subject was due for legislation and in light of this, it would be best to hold off on any action until the state acts accordingly.

The board members all agreed and tabled the subject.

G. COMMENTS FROM BOARD/STAFF/PUBLIC:

Public Comment: The meeting was opened to the public for comment.

Mr. Tony Risolli: Can put restriction on rooming houses, hope the board would consider restrictions. If it ends up on Lacey or Route 9, what would it look like?

Ms. Gasparyan: This subject is not for a specific application, but the subject matter in general. No application is being considered tonight.

Risolli: If it's a tax exempt business, then ask to consider not to accept.

Ball: The subject has been tabled until further action by the state.

Public Comment closed: With no other public present to make comment, this portion of the meeting was closed.

H. ADJOURNMENT:

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 7:10 pm.

Motion By: Mr. Tomalo

Seconded By: Mr. Downing

Respectfully submitted,

Irina Gasparyan, Lacey Township Board of Adjustment Secretary

1. Application # V24-04

Block: 1569 Lots: 21-25

1015 Lacey Road, Forked River

Digital multi-message billboard sign

VariANCES –Use, Min. front and side yard setbacks

Applicant: **Outfront Media LLC**

Applicant asked to carry the application further and waived all time constraints.

Mr. Downing asked that the applicant provide new notice since it has been carried so many times.

The Board took a vote to carry the application to October 7, 2024 with new notice;

Motion by: Mr. Downing

Seconded by: Vice Chair Tirella

Roll Call Vote:

For: Downing, Tirella, Scanlon, Decker, Troncone, Dos Santos, Ball

Against: None

Abstain: None

Not Voting: None

Absent: None

No Formal Action was taken on the above

F. NEW BUSINESS:

1. Application # V24-11

Block: 284 Lot: 1.01

101 N. Main Street, Forked River

Major Site Plan for Convenience Store & Gas Station

VariANCES – Conditional Use Variance & Bulk variances for front, side, rear, height, signs, etc.

Applicant: **101 North Main, LLC**

Mr. Joseph Micheleni, Esq., attorney for applicant, introduced application, location, variances required, and professionals to testify on behalf of the application.

Mr. Aaron Chan, PE, licensed engineer for application, sworn in and credentials accepted by the Board.

Exhibit A-1: Aerial view dated 8/1/24

Exhibit A-2: Site Plan Rendering

Exhibit A-3: Architectural Rendering

Chan: reviewed conditions and variances required. 15 conditions, don't meet only 1 of those. Feel parking is adequate because mostly in/out customers. 2nd standard not met- landscape buffer in tank area.

Notes from review letter to move ADA EV ready space closer to building, agree to do that. Driveway locations proposed to stay, added 1 driveway access on Jones Road closer to street. Design waivers- bollards & safety island. Lighting plan- note in engineer review to tone down, warmer light, we will agree. Landscaping- significant improvement to current, proposed 28 street trees. Operations- 24/7, full security cameras, 35-50 employees. Peak shift- 7-9 people, 2 gas attendants. Deliveries- fuel trucks 0-2/day. Smaller deliveries throughout day. Gas/tank/storage monitored by DEP, strongly enforced.

Micheleni: setback variances because building fronts on 3 streets. Only 2 conditional use variances.

Rohmeyer: requested variances for environmental waiver checklist

Chan: site fully developed, don't see environmental concerns.

Rohmeyer: sign on corner Twp. owned would be OK with providing easement for sign? What was reason for providing additional egress on Jones road?

Chan: OK with easement, additional egress to relieve neighbors.

Rohmeyer: sprinklers for landscaping? Signage to indicate traffic flow?

Chan: will provide both.

Downing: can remove added driveway? I vote to remove

Tirella: agree

Downing: lighting 18K lumen, 400K total

Chan: if remove driveway, lighting will also be reduced.

Meeting opened to Questions from the public regarding testimony from Mr. Chan

Mr. James Turtletaub, Esq: on behalf of Shell station appeared. Question the easement to the library, why not noticed for easement.

Smith: don't see any issues with cross-access easement, already existing.

Anne Smith, Lacey Rd., buried tanks, concerns about traffic & tank safety.

Chan: traffic engineer will answer all Q's; tanks are state mandated safety standards.

Viola Horvath, Jones rd. – proposed hours of construction, amount of time of construction

Chan: permits will dictate time and comply with Twp. construction codes and hours.

Joe Gill: how will protect kids from traffic accidents. Concerns about traffic/safety

Viktoria Kirstbergs: would appreciate environmental review

Jill Weigand, Renee Ct: can consider softening turn on Jones rd from Rte 9?

Steve Bahrle: can make left turn on Lacey Rd. Selling diesel? Trucks?

Chan: no commercial sales, only passenger vehicles.

Thomas Fallen, Jones Rd.: Noise regulations? Storm water discharge?

Chan: state mandated sound regulations for use type

Barry Bender: spillage on parking lot how will clean?

Chan: maintained & follow regulations.

-The Board requested 10 min Recess. Recess started at 8:01pm, Meeting called back to order @ 8:12pm. Roll Call, all members present.

Andrew Vischio, PE, traffic engineer for applicant, sworn in, qualified. Presented Traffic Impact Study dated May 10, 2024; Route 9 is controlled by NJDOT, Lacey Rd & Jones Rd. are Twp. roads. 75% of traffic already on roadway, traffic on the road whether QuickChek is there or not. Remaining traffic will result in one car in and out/minute. Proposed driveways will operate well but they will recommend some signal changes for traffic light at Lacey Rd. and Rt. 9 to NJDOT. Since not formal application, they don't have to consider it.

Traffic layout will accommodate fuel, fire, and delivery trucks. All will enter and exit from Lacey Rd. Proposed parking spaces, 49 instead of 57 is adequate due to rate of entry and exit. There will be no significant impact on current traffic. Delivery vehicles will all enter/exit on Lacey Rd. Fuel trucks estimated roughly 6-8/week.

Rohmeyer: what are busiest times for customer traffic/deliveries?

Vischio: 7-9am, 4-7pm. If fuel truck there, more than enough room for cars to maneuver.

Thomas Ricci, PP, Professional Planner for applicant, sworn in, qualified. Reviewed plans, documents, and ordinances; the C-150 Zone and its permitted and conditional uses. Indicates a wide variety of uses is acceptable. Application meets 15 of the 17 conditions for a Conditional Use. The proposed parking of 49 spaces is adequate for the proposed use. The buffer requirement is met over most of the site and the remaining non-conforming buffer of 4.7 feet along Jones Rd. is adequate for its location.

The canopy is an accessory use and meets the side yard requirements. The trash enclosure setback is adequate and lines up with the entry way. Signs: 4 wall signs are proposed where three are permitted. The additional signage is needed due to the frontage on three roads. The 2 proposed freestanding signs are needed to help drivers see them. The additional size is needed as the signs must display fuel prices.

Michellini: agree variances are di minimus?

Ricci: yes. although many variances are required, most are minor and required due to the frontage on three streets.

Michellini: consistent with master plan? Is building historically listed?

The proposed development is consistent with the Lacey Township Zoning Ordinance, the Master Plan, and facilitates the intent of the Municipal Land Use Law. There are no negative impacts and the proposed use is a good fit for this location. Not historic listed building.

Rohmeyer: proposed use fit in with neighborhood?

Ricci: think it fits well, lots of movement, passers by, fits character of zone.

Downing: sight triangle- how tall are enclosure walls?

Scanlon: 2nd sign on Lacey road not sure if needed, if sign tall on 9, place in center, can be seen from Lacey rd.

Chan: can modify sign to be 25-30' north from corner, monument sign removed

Vischio: meet sight triangle, 150'

Meeting was opened to the public for questions regarding the testimony of Mr. Vischio and Mr. Ricci

Viktoria Kirstbergs: willing to do traffic study in summer?
 Vischio: conducted summer traffic counts on 8/3/24 both am & pm
 Forest Wolf, Jones Rd.: another Quickchek 4 miles from here, what is ingress/egress for trucks?
 Vischio: have to take jug handle
 Steve Behrle: consideration taken for larger vehicles, trailers, garbage trucks?
 Vischio: site not designed for commercial trucks
 Barry Bender: Not allowed left turn? Apply complete streets to Jones Rd?
 Vischio: don't anticipate any customers travelling east on Jones.
 Justin Smith, Lacey Rd, sworn in: cut through parking lot
 Kyra Kosh, Marjorie Ct., sworn in: clarify filtration of runoff
 Jill Wygere: If request traffic light from DOT, has to be made mandatory
 Chan: agree, but no way we can guarantee it will be implemented
 Rohmeyer: portion of Lacey Rd. E- Twp. owned- would applicant agree to work with Twp. Engineer to come up with a way to block box to driveway?
 Justin Smith: numbers can't be right
 Thomas Fallen: If make formal request to DOT will they have to respond?
 Chan: no formal application since no driveway
 Mr. James Turtletaub, Esq: Say use is ideal but have commercial use backing up to residential. Could reduce size of building? Delivery trucks on Jones Rd.?
 Vischio: Theoretically can be done; no delivery trucks on Jones rd.
 Christina Coburn, Bobwhite Ct., sworn in: number of delivery trucks entering each day? Entering/exiting, how long will it take to travel Lacey Rd?
 Vischio: anticipate large truck deliveries 6-8 times/week so infrequent.

- With no additional questions from the public, the public portion was closed-
- The meeting was opened to the public for comments-

Raquel Higgins, Jones Rd., Forked River was sworn in and testified that she lives across the street from the proposed project and that the street is not 40 feet wide. Worried about traffic, accidents, and trouble pulling in and out. The issue was addressed by the applicant's professional.

Viola Horvath, Jones rd, sworn in: Quality of life, objection, traffic, safety, lighting, sound, contamination, loitering. Negative impact to neighborhood.

Thomas Fallen, Jones Rd, sworn in: Concerns with environmental, risk, 24/7 noise.

- There being no additional public, the Public Comment portion of the meeting was closed –

Conditions: eliminate 2nd Jones Rd driveway closest to Main, Maintain Lacey Twp sign with easement, reduce and move signs, work with Twp Engineer to best stripe, do not block box, change lighting levels, request DOT to change signal timing, bollards, sprinklers, EV spaces moved, directional signage.

All voting members were asked to put their vote and reason for vote on the record.

Motion to approve the application with the conditions listed above was made by: Mr. Downing

Seconded by: Vice Chair Tirella

Roll Call Vote:

For: Downing, Tirella, Decker, Scanlon, Troncone, Tomalo, Ball

Against: None

Abstain: None

Not Voting: Alternates Manuzza & Dos Santos

Absent: None

2. ITEMS FOR DISCUSSION:

NONE

3. COMMENTS FROM BOARD/STAFF/PUBLIC:

No comments from the Public.

4. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.

Public Comment closed: With no public present to make comment, this portion of the meeting was closed.

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 10:08 pm.

Motion By: Mr. Tirella

Seconded By: Mr. Downing

Respectfully submitted,
Irina Gasparyan, Lacey Township Board of Adjustment Secretary

Township of Lacey Zoning Board of Adjustment
REGULAR MEETING MINUTES

JULY 10, 2024

PRESENT:

Thomas Ball, Jr, **Chairman**
Scott Tirella, **Vice-Chairman**
Kathleen Decker
John Downing
Edward Scanlon
Michael Tronccone
Michael Dos Santos, Alternate #1
Brian Mannuzza, Alternate #2

ALSO PRESENT:

Stephen Smith, **Board Attorney**
Irina Gasparyan, **Board Secretary**

ABSENT:

Craig Tomalo

Chairman Ball called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Mr. Tomalo was found to be absent.

The Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the "Open Public Meeting Act" also known as the "Sunshine Law". Proper notice for this evening's meeting has been given in the Asbury Park Press on the 15th day of January and in The Beacon on the 18th day of January 2024. The times and dates of the Board of Adjustment meetings for the year 2024 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

A. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.

Motion by: Mr. Tirella Seconded by: Mr. Tronccone

The motion was unanimously carried by all the members present.

B. MINUTES:

1. The regular meeting minutes of June 3, 2024: Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: Ball, Tirella, Decker, Downing, Tronccone, Tomalo, Dos Santos.

Motion by: Vice Chair Tirella

Seconded by: Ms. Decker

Roll Call Vote:

For: Tirella, Decker, Downing, Scanlon, Tronccone, Tomalo, Dos Santos, Ball

Against: None

Abstain: None

Not Voting: Mannuzza

Absent: Tomalo

C. RESOLUTIONS:

1. Resolution of Approval # V24-03

Block: 1859 Lots: 41-44

Newark Avenue North, Forked River

Applicant: **Absolute Gem Development**

Motion by: Vice Chair Tirella

Seconded by: Ms. Decker

Roll Call Vote:

For: Tirella, Decker, Downing, Scanlon, Tronccone, Ball

Against: None

Abstain: None

Not Voting: Dos Santos, Manuzza

Absent: Tomalo

2. Resolution of Approval # V24-06

Block: 467 Lot: 7

911 Montauk Drive, Forked River

Applicant: **Yaghan**

Motion by: Vice Chair Tirella

Seconded by: Ms. Decker

Roll Call Vote:

For: Tirella, Decker, Downing, Scanlon, Troncone, Ball

Against: None

Abstain: None

Not Voting: Dos Santos, Manuzza

Absent: Tomalo

D. OLD BUSINESS:

1. Application # V24-04 * Carried to August 5, 2024

Block: 1569 Lots: 21-25

1015 Lacey Road, Forked River

Digital multi-message billboard sign

VariANCES –Use, Min. front and side yard setbacks

Applicant: **Outfront Media LLC**

Application was carried at the last meeting to August 5, 2024 without further notice.

No Formal Action was taken on the above

E. NEW BUSINESS:

1. Application # V24-07

Block: 846 Lot: 15

1226 Laurel Boulevard, Forked River

New Single Family Dwelling, Undersized Lot

VariANCES –Minimum Lot Area & Lot Width

Applicant: **Miegs & Rosa**

Ms. Sandra Ann Rosa, applicant, sworn in

Rosa: partner and I purchased home it was really run down. After purchase, found out whole house eaten by termites, got all permits to raise house, CAFRA permits, everything. Found out we had to tear it down and rebuild. Zoning denied said needed a variance.

Scanlon: Plot plan with old house, setbacks for new house- what you're building is more conforming than previous was?

Rosa: yes

Rohmeyer: Do you feel proposed dwelling improves the property? Off street parking met? Building height min. 35'- are you in compliance?

Rosa: yes, major improvement to the property. There is parking in garage and driveway. Building height conforms.

The following condition was stricken from the record: put a connection in the driveway for county road as it was found not to be county road. No other conditions were required.

Motion to approve the application by: Vice Chair Tirella

Seconded by: Mr. Scanlon

Roll Call Vote:

For: Tirella, Scanlon, Decker, Downing, Troncone, Dos Santos, Ball

Against: None

Abstain: None

Not Voting: Manuzza

Absent: Tomalo

F. ITEMS FOR DISCUSSION:

NONE

G. COMMENTS FROM BOARD/STAFF/PUBLIC:

Ms. Gasparyan informed the Board that the Planning Board received a copy of the Zoning Board recommendations regarding boarding houses and at the 7/8/24 meeting and they have tabled the discussion until their next meeting on 8/12/24 to allow time for the Board attorney to review and advise. She will update the Board as to the discussion after that time.

No comments from the Public.

H. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.

Public Comment closed: With no public present to make comment, this portion of the meeting was closed.

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 6:48pm.

Motion By: Mr. Tirella

Seconded By: Ms. Decker

Respectfully submitted,
Irina Gasparyan, Lacey Township Board of Adjustment Secretary

Township of Lacey Zoning Board of Adjustment
REGULAR MEETING MINUTES

JUNE 3, 2024

PRESENT:

Thomas Ball, Jr, **Chairman**
Scott Tirella, **Vice-Chairman**
Kathleen Decker
John Downing
Edward Scanlon
Craig Tomalo
Michael Tronccone
Michael Dos Santos, **Alternate #1**

ALSO PRESENT:

Stephen Smith, **Board Attorney**
Irina Gasparyan, **Board Secretary**

ABSENT:

Brian Mannuzza, **Alternate #2**

Chairman Ball called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Mr. Mannuzza were found to be absent.

The Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the “Open Public Meeting Act” also known as the “Sunshine Law”. Proper notice for this evening’s meeting has been given in the Asbury Park Press on the 15th day of January and in The Beacon on the 18th day of January 2024. The times and dates of the Board of Adjustment meetings for the year 2024 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

A. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.

Motion by: Mr. Tirella Seconded by: Mr. Tronccone

The motion was unanimously carried by all the members present.

B. MINUTES:

1. The regular meeting minutes of May 6, 2024: Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: Ball, Tirella, Decker, Downing, Tronccone, Tomalo, Mannuzza, Dos Santos.

Motion by: Mr. Downing

Seconded by: Ms. Decker

Roll Call Vote:

For: Downing, Decker, Tronccone, Tomalo, Dos Santos, Tirella, Ball

Against: None

Abstain: None

Not Voting: Scanlon

Absent: Mannuzza

C. RESOLUTIONS:

NONE

D. NEW BUSINESS:

1. **Application # V24-04 * request to carry hearing to August 5, 2024**

Block: 1569 Lots: 21-25

1015 Lacey Road, Forked River

Digital multi-message billboard sign

VariANCES –Use, Min. front and side yard setbacks

Applicant: **Outfront Media LLC**

The applicants sent a request to carry the matter to the August 5, 2024 meeting date without further notice and waived all time constraints, as evidenced by an email from the applicant’s attorney.

Motion to carry the application to August 5, 2024 by: Mr. Tomalo

Seconded by: Mr. Downing

Roll Call Vote:

For: Tomalo, Downing, Decker, Dos Santos, Scanlon, Tronccone, Tirella, Ball

Against: None

Abstain: None
Not Voting: None
Absent: Mannuzza

2. Application # V24-03

Block: 1859 Lots: 41-44

Newark Avenue North, Forked River

New Single Family Home on undersized lot

Variances –*Lot Area, Lot Width*

Applicant: **Absolute Gem Development**

Alexandria Severino, Esq., attorney for applicant, appeared.

William (Bill) Stevens, licensed engineer for applicant, was sworn in and credentials accepted by the Board.

Stevens: meets building height, municipal sewer but no water, proposed well. DEP approval needed for the well. C-1 hardship for existing undersized lot- without variance would be unusable. No substantial detriment.

Rohmeyer: no issues with grading/drainage? Some minor notes to be revised on plans.

Stevens: no issues.

Tirella: in 80's there was ground water contamination at least in Barnegat pines side, have you checked with DEP on this?

Smith: well water would have to be tested before approval

Scanlon: any effort made to buy lot 45 to make it more conforming

Stevens: sent letters to neighbors.

Opened to public for comments/questions

No public present, this portion of the meeting was closed.

Conditions: well water approval by DEP- any issues, let the Board know

Motion to approve with the conditions above by: Mr. Downing

Seconded by: Mr. Tirella

Roll Call Vote:

For: Downing, Tirella, Decker, Scanlon, Tomalo, Troncone, Ball

Against: None

Abstain: None

Not Voting: Dos Santos

Absent: Mannuzza

3. Application # V24-06

Block: 467 Lot: 7

911 Montauk Drive, Forked River

A/C Condenser

Variances –*Side yard setback*

Applicant: **Yaghan**

Michael Yaghan, applicant, sworn in.

Yaghan: spoke to neighbors, no one has any issues with the location. The units will be elevated and no windows near.

Rohmeyer: are AC units already installed?

Yaghan: yes

Rohmeyer: Any impact to neighbors? Said elevated, for safety? Able to access/maintain side yard?

Yaghan: no impact. Neighbors are fine with it. Elevated for safety and necessary. Yes, helps to have access to yard.

Opened to public for comments/questions

No public present, this portion of the meeting was closed.

Motion by: Mr. Tirella Seconded by: Mr. Downing

Roll Call Vote:

For: Tirella, Downing, Decker, Scanlon, Tomalo, Troncone, Ball

Against: None

Abstain: None

Not Voting: Dos Santos

Absent: Mannuzza

E. OLD BUSINESS:

NONE

F. ITEMS FOR DISCUSSION:

1. Vice Chairman Tirella asked for an update regarding the rooming houses recommendation to the governing body. Ms. Gasparyan informed the board that the matter was not sent to the Governing Body yet but was in the process, and the agenda for the Committee meetings now require a cut-off time, so the matter would be on the next meeting.

G. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.

Public Comment closed: With no public present to make comment, this portion of the meeting was closed.

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 6:56pm.

Motion By: Mr. Tirella

Seconded By: Mr. Tomalo

Respectfully submitted,

Irina Gasparyan, Lacey Township Board of Adjustment Secretary

Township of Lacey Zoning Board of Adjustment
REGULAR MEETING MINUTES

MAY 6, 2024

PRESENT:

Thomas Ball, Jr, **Chairman**
Scott Tirella, **Vice-Chairman**
Kathleen Decker
John Downing
Craig Tomalo
Michael Tronccone
Michael Dos Santos, **Alternate #1**
Brian Mannuzza, **Alternate #2**

ALSO PRESENT:

Stephen Smith, **Board Attorney**
Irina Gasparyan, **Board Secretary**

ABSENT:

Edward Scanlon

Chairman Ball called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Mr. Scanlon and Mr. Mannuzza were found to be absent. Mr. Mannuzza joined the meeting at 6:35pm.

The Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the "Open Public Meeting Act" also known as the "Sunshine Law". Proper notice for this evening's meeting has been given in the Asbury Park Press on the 15th day of January and in The Beacon on the 18th day of January 2024. The times and dates of the Board of Adjustment meetings for the year 2024 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

A. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.
Motion by: Mr. Tirella Seconded by: Mr. Tronccone
The motion was unanimously carried by all the members present.

B. MINUTES:

1. The regular meeting minutes of April 1, 2024: Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: Ball, Tirella, Scanlon, Decker, Tronccone, Tomalo, Dos Santos.

Motion by: Ms. Decker Seconded by: Mr. Tirella

Roll Call Vote:

For: Decker, Tirella, Tronccone, Tomalo, Dos Santos, Ball
Against: None
Abstain: None
Not Voting: Downing, Mannuzza
Absent: Scanlon

C. RESOLUTIONS:

1. **Amended Resolution of Approval Application # V23-29**

Block: 373 Lot: 20

820 Spar Drive, Forked River

Applicant: **Spada**

Motion by: Vice Chair Tirella Seconded by: Mr. Scanlon

Roll Call Vote:

Those in Favor: Tirella, Tronccone, Downing, Tomalo, Ball

Those Opposed: None

Those Absent: Scanlon, Mannuzza

Those Not Voting: Decker, Dos Santos

2. **Resolution of Approval Application # V23-30**

Block: 1631.03 Lot: 3

429 Lake Barnegat Drive North, Forked River

Applicant: **Krug**

Motion by: Vice Chair Tirella Seconded by: Mr. Troncone

Roll Call Vote:

Those in Favor: Tirella, Troncone, Decker, Dos Santos, Tomalo, Ball

Those Opposed: None

Those Absent: Scanlon, Mannuzza

Those Not Voting: Downing

3. Resolution of Approval Application # V23-32

Block: 1618 Lot(s): 25, 43, 44, 45

505 Holmes Ave. North, Forked River

Applicant: **Wollman**

Motion by: Vice Chair Tirella Seconded by: Mr. Troncone

Roll Call Vote:

Those in Favor: Tirella, Troncone, Decker, Dos Santos, Tomalo, Ball

Those Opposed: None

Those Absent: Scanlon, Mannuzza

Those Not Voting: Downing

4. Resolution of Approval Application # V24-02

Block: 465 Lots: 14, 15

912 Shenandoah Drive, Forked River

Applicant: **Pelliccia**

Motion by: Vice Chair Tirella Seconded by: Mr. Troncone

Roll Call Vote:

Those in Favor: Tirella, Troncone, Decker, Dos Santos, Tomalo, Ball

Those Opposed: None

Those Absent: Scanlon, Mannuzza

Those Not Voting: Downing

D. NEW BUSINESS:

NONE

E. OLD BUSINESS:

NONE

F. ITEMS FOR DISCUSSION:

1. Zoning Board Litigation: V23-32 Spada- 820 Spar Dr. Variance: Mr. Smith discussed recent board litigation regarding an application that was approved. He explained to members what the appeal was about and what to expect. He will file a response soon and will update the board on the process. Reminded the board about discussion of the application still under public meeting rule.
2. Vice Chair Tirella shared a discussion regarding the rising incidence of rooming or boarding houses in the state. He asked if the Board could send a recommendation to the governing body to research whether there should be an ordinance to address and restrict/regulate this type of use, especially in residential areas. The board agreed and added if there could be additional restrictions on parking, fire, limit on occupancy, permit and inspection process.

G. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.

Public Comment closed: With no public present to make comment, this portion of the meeting was closed.

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 6:57pm.

Motion By: Mr. Tomalo Seconded By: Ms. Decker

Respectfully submitted,
Irina Gasparyan, Lacey Township Board of Adjustment Secretary

Township of Lacey Zoning Board of Adjustment
REGULAR MEETING MINUTES

April 1, 2024

PRESENT:

Thomas Ball, Jr, **Chairman**
Scott Tirella, **Vice-Chairman**
Kathleen Decker
Edward Scanlon
Craig Tomalo
Michael Troncone
Michael Dos Santos, Alternate #1

ALSO PRESENT:

Stephen Smith, **Board Attorney**
Mark Rohmeyer, PE, PP, **Board Engineer**
Irina Gasparyan, **Board Secretary**

ABSENT:

John Downing
Brian Mannuzza, Alternate #2

Chairman Ball called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Mr. Downing and Mr. Mannuzza were found to be absent.

The Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the "Open Public Meeting Act" also known as the "Sunshine Law". Proper notice for this evening's meeting has been given in the Asbury Park Press on the 15th day of January and in The Beacon on the 18th day of January 2024. The times and dates of the Board of Adjustment meetings for the year 2024 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

A. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.

Motion by: Mr. Tomalo Seconded by: Mr. Troncone

The motion was unanimously carried by all the members present.

B. MINUTES:

1. The regular meeting minutes of February 5, 2024: Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: Ball, Downing, Scanlon, Tirella, Troncone, Tomalo, Mannuzza.

Motion by: Mr. Scanlon Seconded by: Mr. Tomalo

Roll Call Vote:

For: Ball, Scanlon, Tirella, Troncone, Tomalo

Against: None

Abstain: None

Not Voting: Decker, Dos Santos

Absent: Downing, Mannuzza

C. RESOLUTIONS:

1. **Resolution of Approval Application # V23-29**

Block: 373 Lot: 20

820 Spar Drive, Forked River

Applicant: **Spada**

Motion by: Mr. Tirella Seconded by: Mr. Scanlon

Roll Call Vote:

For: Tirella, Scanlon, Troncone, Tomalo, Ball

Against: None

Abstain: None
Not Voting: Downing, Mannuzza
Absent: Decker, Dos Santos

2. Resolution of Approval Application # V23-33

Block: 837 Lots: 18

1004 Peaksail Point, Forked River

Applicant: **West Tenth LLC**

Motion by: Mr. Tirella Seconded by: Mr. Scanlon

Roll Call Vote:

For: Tirella, Scanlon, Troncone, Tomalo, Ball

Against: None

Abstain: None

Not Voting: Downing, Mannuzza

Absent: Decker, Dos Santos

3. Resolution of Approval Application # V24-01

Block: 842 Lots: 1

1135 East Hickory Drive, Forked River

Applicant: **Neto**

Motion by: Mr. Tirella

Seconded by: Mr. Tomalo

Roll Call Vote:

For: Tirella, Tomalo, Scanlon, Troncone, Ball

Against: None

Abstain: None

Not Voting: Decker, Dos Santos

Absent: Downing, Mannuzza

D. NEW BUSINESS:

1. Application # V23-30

Block: 1631.03 Lot: 3

429 Lake Barnegat Drive North, Forked River

Existing Fence

Variances – *Fence in Front yard setback*

Applicant: **Krug**

Ms. Jodi Krug, Applicant, appeared and was sworn in by the Board attorney.

The Board Engineer, Mark Rohmeyer, PE, provided an overview of the application, location, surrounding neighborhood.

Krug: fence along Steuben Ave is 50/50 shadow box not completely closed

Tirella: Are you here as a result of a violation?

Krug: yes, from code enforcement

Exhibit A-1: Photos of site taken by applicant.

Rohmeyer: describe the photos

Krug: Bought house recently and replaced fence for dogs and children.

Smith: Does fence where located block any neighbors or vehicular views?

Krug: as you can see not blocking any driveways or views.

Public Comment: The meeting was opened to Public Comment

With no comments from the public, the public comment portion was closed.

The following conditions were placed on approval: Applicant to provide as-built/updated survey to show that the fence along Steuben has been moved out of the ROW.

Motion & Vote:

A motion to approve the application with the conditions specified was made by: Mr. Tirella
Seconded by: Mr. Tomalo

Roll Call Vote:

For: Tirella, Tomalo, Decker, Scanlon, Troncone, Dos Santos, Ball
Against: None
Abstain: None
Not Voting: None
Absent: Downing, Mannuzza

2. Application # V23-32

Block: 1618 Lot(s): 25, 43, 44, 45

505 Holmes Ave. North, Forked River

Existing Fence

VariANCES – Fence in Front yard setback

Applicant: **Wollman**

Mr. Marc Wollman, Applicant, was sworn in by the Board attorney.

The Board Engineer, Mark Rohmeyer, PE, provided an overview of the application, location, surrounding neighborhood.

Wollman: Fence was 0.2' into the ROW but that was moved

Rohmeyer: again recommend get updated survey to prove the fence was moved. What is the purpose of the fence? Would you agree it is a unique shaped property?

Exhibit A-1: 14 pages of photos updated and color coded survey by applicant

Wollman: Purpose was increased traffic on Adolphus, have highly trained dogs so fence is necessary. No obstructions, clear view from any of the stop signs. The lot is irregular shaped.

Rohmeyer: no issues with sight triangle as stated and no issue with waivers.

Smith: Stated that fence is better than what was previously there

Public Comment: The meeting was opened to Public Comment

Dan Roksvaag, 504 Holmes Ave N, sworn in: Had same wooden fence, we replaced it. Same as this was an eyesore. Think what they did helps beautify the area.

With no further comments from the public, the public comment portion was closed.

The following conditions were placed on approval: Applicant to provide as-built/updated survey to show that the fence has been moved out of the ROW.

Motion & Vote:

A motion to approve the application with the conditions specified was made by: Mr. Tirella
Seconded by: Mr. Tomalo

Roll Call Vote:

For: Tirella, Tomalo, Decker, Scanlon, Troncone, Dos Santos, Ball
Against: None
Abstain: None
Not Voting: None
Absent: Downing, Mannuzza

3. Application # V24-02

Block: 465 Lots: 14, 15
912 Shenandoah Drive, Forked River
In-ground swimming pool & Fence
Variances –Rear/Side yard setback
Applicant: **Pelliccia**

Mr. Mike Pelliccia, Applicant, appeared and was sworn in by the Board attorney.
The Board Engineer, Mark Rohmeyer, PE, provided an overview of the application, location, surrounding neighborhood. Fence & pool in side yard. Technically on cul de sac sp considered a side yard. Minimum rear yard setback along water. House constructed and pool is proposed, is the fence already existing? Describe fence
Pelliccia: yes, only place we have room is there in that location. Have letters from immediate neighbors. 6’ vinyl privacy fence
Rohmeyer: I have no issue with the grading & drainage, meet all other requirements

Public Comment: The meeting was opened to Public Comment
With no comments from the public, the public comment portion was closed.
No conditions were placed on approval

Motion & Vote:

A motion to approve the application was made by: Mr. Tomalo
Seconded by: Ms. Decker

Roll Call Vote:

For: Tomalo, Decker, Scanlon, Troncone, Dos Santos, Tirella, Ball
Against: None
Abstain: None
Not Voting: None
Absent: Downing, Mannuzza

E. OLD BUSINESS:

None

F. ITEMS FOR DISCUSSION:

1. 2023 Zoning Board of Adjustment Annual Report
The 2023 Annual report of the Zoning Board was presented by the Board Secretary. She noted the number of applications and zones that stood out. Most applications were for undersized lots. She pointed out that there are no recommendations. The report will be presented to the Planning Board.

G. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.
Public Comment closed: With no public present to make comment, this portion of the meeting was closed.
There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 7:15pm.
Motion By: Ms. Decker Seconded By: Mr. Tomalo

Respectfully submitted,
Irina Gasparyan, Lacey Township Board of Adjustment Secretary

Township of Lacey Zoning Board of Adjustment
REGULAR MEETING MINUTES

March 4, 2024

PRESENT:

Thomas Ball, Jr, **Chairman**
Scott Tirella, **Vice-Chairman**
John Downing
Edward Scanlon
Craig Tomalo
Michael Troncone
Brian Mannuzza, Alternate #2

ALSO PRESENT:

Stephen Smith, **Board Attorney**
Jason Worth, PE, PP, **Board/Conflict Engineer**
Irina Gasparyan, **Board Secretary**

ABSENT:

Kathleen Decker
Michael Dos Santos, Alternate #1

Chairman Ball called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Ms. Decker and Mr. Dos Santos were found to be absent.

The Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the "Open Public Meeting Act" also known as the "Sunshine Law". Proper notice for this evening's meeting has been given in the Asbury Park Press on the 15th day of January and in The Beacon on the 18th day of January 2024. The times and dates of the Board of Adjustment meetings for the year 2024 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

A. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.
Motion by: Mr. Downing Seconded by: Mr. Tirella
The motion was unanimously carried by all the members present.

B. MINUTES:

1. The regular meeting minutes of February 5, 2024: Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: Ball, Downing, Scanlon, Tirella, Troncone, Tomalo, Dos Santos, Mannuzza.

Motion by: Mr. Tirella Seconded by: Mr. Troncone

Roll Call Vote:

For: Ball, Downing, Scanlon, Tirella, Troncone, Tomalo, Mannuzza
Against: None
Abstain: None
Not Voting: None
Absent: Decker, Dos Santos

C. RESOLUTIONS:

1. **Resolution of Approval Application # V23-31**
Block: 1664 Lot: 31-35, 61-65
33 Manchester Ave., Forked River
Applicant: **Dunkley**

Motion by: Mr. Downing Seconded by: Mr. Tomalo

Roll Call Vote:

Those in Favor: Downing, Tomalo, Scanlon, Troncone, Tirella, Ball
Those Opposed: none
Those Absent: none

Those Abstaining: Decker, Dos Santos (absent), Mannuzza (not voting)

D. NEW BUSINESS:

1. Application # V23-29

Block: 373 Lots: 20

820 Spar Drive, Forked River

Single Family Residence Addition

VariANCES – *Front & Side yard setback*

Applicant: **Spada**

Mr. Gregory Hock, Esq. appeared to represent the applicant. He provided a brief overview of the application.

The Applicant's Engineer, Mathew Hockenbury, PE, was sworn in and the Board accepted his credentials. He provided an overview of the application, location, surrounding neighborhood. The garage addition would square off the 4' bumpout. He reviewed the architectural elevations. The covered portion is only a small section of the rear. He reviewed the variances requested: Lot coverage, front setback, side setback, combined setback, minimum accessory rear setback. The front setback only need relief for the front porch. Garage- applicant cant fit their car in existing garage, needs to expand it.

Exhibit A-1: Photos of site.

Hockenbury: pg. 2 larger photo looking NE- can see that neighbor has covered porch that projects into the setback ; would be similar to what is requested.

Hock: depth of deck- not going to get any further to water, is 12'

Hockenbury: Yes

Exhibit A-2: Google Earth images of nearby properties.

Hockenbury: images of properties along same side of street as this house. 817 Spar- shed, 815 Spar- shed, neighbor directly to W- shed. 823 Spar-shed projects more than setback.

Hockenbury: summarized application, meets the intent of zoning, will redirect stormwater.

Hock: C1 positive criteria- benefits and purposes of zoning. Does this meet the negative criteria as well?

Hockenbury: Yes

Hock: other item is the interpretation of the attached accessory structure. Our view is the garage is accessory use.

Worth: Zoning office interprets same as I that part of the principal structure and could one day be converted to living area, so treat it as principal structure. Also note proposed sundeck doesn't require variance because it's not high. Mentioned roof leaders going to direct water to bulkhead. Railings will be 50% see-through.

Ball: where is shed going?

Hockenbury: will be demolished

Open to Questions for the Engineer's testimony

Mr. Mark Galella, Esq. attorney for opposing neighbor, Kathleen Podgorniak, stepped forward.

Galella: How far are neighbors sheds that you identified in those photos, are those 6' setback?

Hockenbury: Yes

Height of porch roof?

Hockenbury: Don't have that measurement

Galella: Could garage be smaller and meet setback?

Hockenbury: no, only have a few inches to meeting the setback.

Public Comment: The meeting was opened to Public Comment

Kathleen Podgorniak, 819 Spar Drive, was sworn in and made comment: affect home value, extended roofline and structure will impact my view and cast shadows, etc.

Exhibit O1: Photo from side of her yard

Exhibit O2: View from my doorway- my view of the Bay.

Exhibit O3: Existing AC condensers

Scanlon: how wide is the shed? How far from house?

Hockenbury: I measured it yesterday- 5' so the addition is less than the shed currently.

Smith: board disregard what was said about relators as they are not here to testify.

Galella: closing comments: how can this be considered an accessory structures, when part of the principal structure. Detriment to public good. We would press the board to deny variances to side and rear yard.

With no further comments from the public, the public comment portion was closed.

Smith: Historically decks have been considered attached accessory structures depending on if it were covered

Tirella: are you in favor of stipulation of not closing in the covered deck?

Hock: absolutely.

Worth: clarify that not seeking variance for the entire deck, only the portion that goes into the setback.

Hock: 1.6' variance

Worth: do you feel that what is being proposed has less impact on light, air, open space?

Hockenbury: Yes, and having the roof jogged in as it is would be better than the shed with closed off sides. Applicant would be open to cutting the roofed portion.

Tomalo: I think this is benefit to neighbor.

The following conditions were placed on approval: The roof over the rear deck will be cut back to 15 to provide for a conforming rear yard setback, No portion of the rear deck shall be enclosed, all stormwater runoff will be directed to the lagoon and away from neighboring properties.

Motion & Vote:

A motion to approve the application with the conditions specified was made by: Mr. Tomalo

Seconded by: Mr. Tirella

Roll Call Vote:

For: Tomalo, Tirella, Scanlon, Downing, Troncone, Manuzza, Ball

Against: None

Abstain: None

Not Voting: None

Absent: Decker, Dos Santos

2. Application # V23-33

Block: 837 Lots: 18

1004 Peaksail Point, Forked River

Undersized lot variance

Variances – lot size, front & rear yard setbacks

Applicant: **West Tenth LLC**

Mr. Christopher Supsie, Esq. Attorney for applicant introduced the application, brief overview.

Request to modify resolution language to remove deed restriction. We received information that deed restriction could be eliminated by same owner. The dock has eroded away.

Exhibit A-1: Buy/sell letter to Herring

- Exhibit A-2: Buy/sell letter to Petriella
- Exhibit A-3: 2/18/08 approved plot plan
- Exhibit A-4: approved architectural plans
- Exhibit A-5: Aerial of site and surroundings
- Exhibit A-6: Photos of site.

Mr. Matt Hockenbury, PE, Engineer for applicant, was sworn in again. Reviewed variances, summarized the application. Sending all runoff to lagoon, retaining wall there to assist.

Supsie: fair to say that hardship to develop a property on the water without a dock or enjoyment of the water?

Hockenbury: yes, would also say all others have that access. Also for safety as its eroding.

Worth: parking spaces. Bulkhead approved by DEP?

Hockenbury: yes, will get all outside agency approvals.

Tirella: concern with dock- would you be open to condition that dick we within property lines as far as neighbor bulkhead line?

Hockenbury: Just ends up that would have 8' space within the property line. Yes.

Ball: any other option for AC condenser location?

Hockenbury: we could move it closer to right side of property next to sundeck.

Public Comment: The meeting was opened to Public Comment

William Herring, 1005 Peaksail- anyway can move stairs? I'm ok with the application.

Lynn Foley- Herring, 1005 Peaksail: What will you do if don't get approved to move fire hydrant? I'm OK to move it closer to me. Happy with neighbors.

Hockenbury: worst case would eliminate garage, add space to outside.

With no further comments from the public, the public comment portion was closed.

The following conditions were placed on approval: Relocate the fire hydrant is possible, authorized to remove the no dock condition and deed restriction, dock to be entirely within setback and in line with the bulkhead line of the neighboring dock, relocate the AC condenser.

Motion & Vote:

A motion to approve the application was made by: Mr. Downing Seconded by: Mr. Tronccone

Roll Call Vote:

For: Downing, Tronccone, Scanlon, Tomalo, Manuzza, Tirella, Ball

Against: None

Abstain: None

Not Voting: None

Absent: Decker, Dos Santos

3. Application # V24-01

Block: 842 Lots: 1

1135 East Hickory Drive, Forked River

Above-ground Swim spa

Variances – *accessory rear yard setback*

Applicant: **Neto**

Mr. Ronald Neto, applicant, were sworn in.

Neto: Described the application, reason for needing the swimspa since couldn't put in a pool for disability & health, recommendations from doctors for therapy. No nuisance to neighbors and not affecting anyone. Take full responsibility for the location being wrong when they put in the concrete pad for the swimspa. Misunderstanding with zoning.

Worth: Do you know the height of the spa?

Neto: about 4' high

Worth: no change in grade

Neto: water drains out to bulkhead

Worht: everything else is compliant.

Smith: waivers?

Worth: 200' radius map, building and structures on plans, flow arrows, considering building is already built.

Public Comment: The application was opened to the public for comment

William Herring, 1005 Peaksail, sworn in: I attest to neighbor's character.

Public Comment closed: With no further public present to make comment, this portion of the meeting was closed.

No conditions were placed on approval

Motion & Vote:

A motion to approve the application was made by: Mr. Scanlon Seconded by: Mr. Tomalo

Roll Call Vote:

For: Scanlon, Tomalo, Downing, Troncone, Manuzza, Tirella, Ball

Against: None

Abstain: None

Not Voting: None

Absent: Decker, Dos Santos

E. OLD BUSINESS:

None

F. ITEMS FOR DISCUSSION:

None

G. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.

Public Comment closed: With no public present to make comment, this portion of the meeting was closed.

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 8:44pm.

Motion By: Mr. Downing

Seconded By: Mr. Manuzza

Respectfully submitted,

Irina Gasparyan, Lacey Township Board of Adjustment Secretary

Township of Lacey Zoning Board of Adjustment
REGULAR MEETING MINUTES

February 5, 2024

PRESENT:

Thomas Ball, Jr, **Chairman**
Scott Tirella, **Vice-Chairman**
John Downing
Edward Scanlon
Craig Tomalo
Michael Troncone
Michael Dos Santos, Alternate #1
Brian Mannuzza, Alternate #2

ALSO PRESENT:

Stephen Smith, **Board Attorney**
Jason Worth, PE, PP, **Board/Conflict Engineer**
Irina Gasparyan, **Board Secretary**

ABSENT:

Kathleen Decker

Chairman Ball called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result all members were found to be present.

The Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the "Open Public Meeting Act" also known as the "Sunshine Law". Proper notice for this evening's meeting has been given in the Asbury Park Press on the 15th day of January and in The Beacon on the 18th day of January 2024. The times and dates of the Board of Adjustment meetings for the year 2024 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

A. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.
Motion by: Mr. Downing Seconded by: Mr. Tirella
The motion was unanimously carried by all the members present.

B. MINUTES:

1. Special Re-organization Meeting Minutes of January 10, 2024 & Executive Session minutes of January 10, 2024
Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: Ball, Decker, Downing, Scanlon, Tirella, Troncone, Tomalo, Dos Santos, Mannuzza.

Motion by: Mr. Tomalo Seconded by: Mr. Troncone

Roll Call Vote:

For: Ball, Downing, Scanlon, Tirella, Troncone, Tomalo, Dos Santos, Mannuzza
Against: None
Abstain: None
Not Voting: None
Absent: Decker

C. RESOLUTIONS:

1. **Resolution of Approval Application # # V23-28**
Block: 2600 Lot: 15.01
2116 Lacey Road, Forked River
Applicant: **K. Work**

Motion by: Mr. Downing Seconded by: Mr. Tomalo

Roll Call Vote:

Those in Favor: Downing, Tomalo, Scanlon, Tirella, Troncone, Ball

Those Opposed: none
 Those Absent: Decker
 Those Abstaining: none

**2. Resolution of Approval Application # V23-16
 Block: 1655 Lots: 1-21, 26-32
 Maxim Drive (Maxim Meadows), Forked River
 Applicant: RNL Property Holdings**

Motion by: Mr. Scanlon Seconded by: Mr. Tirella

Roll Call Vote:

Those in Favor: Scanlon, Tirella, Downing, Troncone, Ball
 Those Opposed: None
 Those Absent: None
 Those Abstaining: Decker, Tomalo

D. NEW BUSINESS:

**3. Application # V23-31
 Block: 1664 Lot: 31-35, 61-65
 33 Manchester Ave, Forked River
 Inground Pool
Variences – Accessory rear yard setback
 Applicant: **Dunkley****

Mr. Glen Dunkley and Mrs. Alexia Dunkley, applicants, were sworn in.
 Mr. Dunkley: Described the application, reason for needing the pool for son's disability, recommendations from doctors for therapy, and location to see the pool from windows.
 Worth: reviewed application location and zone-RO100 for detached strcutures
 Worth: neighbor designed swales so not going to impede anyone
 Downing: Hamilton ave is paper street- only thing that goes down there is sewer line
 Smith: only reason you even need a variance is the through lot.
Public Comment: The application was opened to the public for comment. No public appeared
Public Comment closed: With no further public present to make comment, this portion of the meeting was closed.
 No conditions were placed on approval

Motion & Vote:

A motion to approve the application was made by: Mr. Scanlon Seconded by: Mr. Tomalo

Roll Call Vote:

For: Scanlon, Tomalo, Downing, Troncone, Tirella, Ball
 Against: None
 Abstain: None
 Not Voting: Alternates
 Absent: Decker

E. OLD BUSINESS:

None

F. ITEMS FOR DISCUSSION:

None

G. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.

Public Comment closed: With no public present to make comment, this portion of the meeting was closed.

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 6:42pm.

Motion By: Mr. Tirella Seconded By: Mr. Tomalo

Respectfully submitted,
Irina Gasparyan, Lacey Township Board of Adjustment Secretary

Township of Lacey Zoning Board of Adjustment
SPECIAL MEETING MINUTES- ANNUAL RE-ORGANIZATION
January 10, 2024

PRESENT:

Edward Scanlon, **Vice Chairman**
Thomas Ball Jr.
John Downing
Scott Tirella
Michael Troncone
Kathleen Decker
Craig Tomalo

ABSENT: none

ALSO PRESENT:

Steven Smith, Esq. **Board Attorney**
Jason Worth, PE, **Board Engineer**
Irina Gasparyan, **Secretary to the Boards**

Michael Dos Santos, Alternate #1
Brian Mannuzza, Alternate #2

Vice Chairman Scanlon called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result all members were found to be present.

The Vice Chairman announced that the Lacey Township Zoning Board of Adjustment operates under the "Open Public Meeting Act" also known as the "Sunshine Law". Proper notice for this evening's meeting has been given in the Asbury Park Press on the 11th day of January and in the Beacon on the 12th day of January 2023. The times and dates of the Board of Adjustment meetings for the year 2023 have also been posted on the official bulletin boards of the Municipality, filed with the Municipal Clerk and posted on the Township website.

Oaths of Office: The Board Attorney, Mr. Smith, administered the oath of office to new members: Brian Mannuzza and Michael Dos Santos

Executive Session: Mr. Scanlon asked for a motion to enter into Executive Session to discuss annual nominations and appointments. This motion was made by Mr. Burton seconded by Mr. Ball and seconded by Mr. Tirella and unanimously carried by the membership present. The Board left the courtroom at 6:31 pm and convened the executive session of the meeting in the conference room. The meeting recording was paused.

The Board reconvened the public portion of the meeting at 6:46 pm. Motion to come out of executive session was made by Mr. Ball and seconded by Mr. Tirella and unanimously carried by the membership present.

A. ANNUAL RE-ORGANIZATION:

BOARD OF ADJUSTMENT CHAIRMAN – Mr. Downing made a motion to nominate **Thomas Ball, Jr.** as Chairman. This motion was seconded by Ms. Decker and unanimously carried by the membership present.

BOARD OF ADJUSTMENT VICE-CHAIRMAN – Mr. Downing made a motion to nominate **Scott Tirella** as Vice-Chairman. This motion was seconded by Ms. Decker and unanimously carried by the membership present.

BOARD OF ADJUSTMENT ATTORNEY – Mr. Downing made a motion to nominate **Stephen Smith, Esq.** as Board Attorney. This motion was seconded by Ms. Decker and unanimously carried by the membership present.

BOARD OF ADJUSTMENT CONFLICT ATTORNEY: - Mr. Downing made a motion to nominate **Debra Rumpf, Esq.** with the firm of **Rumpf Law** as Conflict Attorney. This motion was seconded by Ms. Decker and unanimously carried by the membership present.

BOARD OF ADJUSTMENT ENGINEER – Mr. Downing made a motion to nominate the firm of **Morgan Engineering, Mark Rohmeyer, PE, PP, CME** as Board Engineer. This motion was seconded by Ms. Decker and unanimously carried by the membership present.

BOARD OF ADJUSTMENT CONFLICT ENGINEER- Mr. Downing made a motion to nominate the firm of **T&M Associates, Jason Worth, PE, PP, CME** as Conflict Engineer. This motion was seconded Ms. Decker and unanimously carried by the membership present.

BOARD OF ADJUSTMENT SECRETARY – Mr. Downing made a motion to nominate **Irina Gasparyan** as Board Secretary. This motion was seconded by Ms. Decker and unanimously carried by the membership present.

BOARD OF ADJUSTMENT OFFICIAL NEWSPAPER – Mr. Downing made a motion to nominate **The Asbury Park Press and The Beacon** as the Official Newspapers of the Board. This motion was seconded by Ms. Decker and unanimously carried by the membership present

BOARD OF ADJUSTMENT MEETING DATES FOR THE YEAR 2024 –

Mr. Downing made a motion to approve the regular **Meeting Dates** for the **Year 2024**. This motion was seconded by Ms. Decker and unanimously carried by the membership present.

B. VOUCHERS:

Chairman Ball asked for a motion to approve the invoices as submitted.

Motion by: Mr. Tirella Seconded by: Mr. Downing

The motion was unanimously carried by all the members present.

C. MINUTES:

1. Regular Meeting Minutes of December 4, 2023

Chairman Ball asked for a motion to approve the regular meeting minutes. Those members eligible to vote: Ball, Downing, Scanlon, Tirella, Troncone.

Motion by: Mr. Tirella Seconded by: Mr. Downing

Roll Call Vote:

For: Ball, Downing, Scanlon, Tirella, Troncone

Against: None

Abstain: None

Not Voting: Decker, Tomalo

Absent: None

D. RESOLUTIONS:

1. **Resolution of Approval Application # V23-24**

Block: 1415 Lots: 23-28

218 Falkenburgh Avenue, Forked River

Applicant: Thompson

Motion by: Mr. Troncone Seconded by: Mr. Ball

Roll Call Vote:

Those in Favor: Troncone, Ball, Scanlon

Those Opposed: Downing, Tirella

Those Absent: None

Those Abstaining: Decker, Tomalo

2. Resolution of Approval Application # V23-26

Block: 183 Lots: 4, 1211 Maui Drive, Lanoka Harbor

Applicant: Stansbury

Motion by: Mr. Scanlon Seconded by: Mr. Tirella

Roll Call Vote:

Those in Favor: Scanlon, Tirella, Downing, Troncone, Ball

Those Opposed: None

Those Absent: None

Those Abstaining: Decker, Tomalo

3. Resolution of Approval Application # V23-27

Block: 226.01 Lots: 5

474 Admiral Road, Forked River

Applicant: Murray

Motion by: Mr. Downing Seconded by: Mr. Tirella

Roll Call Vote:

Those in Favor: Downing, Tirella, Troncone, Scanlon, Ball

Those Opposed: None

Those Absent: None

Those Abstaining: Decker, Tomalo

E. NEW BUSINESS:

1. Application # V23-28

Block: 2600 Lot: 15.01

2116 Lacey Road, Forked River

Pole Barn Accessory Structure

VariANCES – *Minimum Side & Rear Yard setback*

Applicant: **K. Work**

Mr. Brian Clancy, Esq., attorney for applicant, presented an opening statement and called his applicant witness.

Kenneth Work, applicant, was sworn in.

Work: Described the application, want to tear down old garage and put up the pole barn big enough to put my stuff in. Spoke to my neighbors, wanted it to blend in & be brown but open to Board's desire.

Exhibit A-1: photographs of property

Worth: would say all properties around you are open, looks like there is natural buffers?

Worth: Yes

Downing: looks to be a lot of distance from the rear, quite a lot hes asking for.

Clancy: idea is to maximize open space- one of ideals of pinelands.

Tirella: How detrimental would it be if 20-25' from the rear?

Clancy: I fboard comfortable with 20' we could do that

Public Comment: The application was opened to the public for comment.

Dave Groemm, 2117 Lacey, sworn in: curious to height & if its metal or wood?

Clancy: 23'8" height, metal roof

Groemm: think should pull away a bit from side, encourages encroachment, think earth colored better. I'd position it differently. Think it's a great idea tearing down old garage.

Public Comment closed: With no further public present to make comment, this portion of the meeting was closed.

Smith: ok with waivers?

Worth: yes

Clancy: applicant is comfortable with 20' from side and rear

Motion & Vote:

A motion to approve the application was made by: Mr. Tirella

Seconded by: Mr. Tomalo

Roll Call Vote:

For: Tirella, Tomalo, Downing, Decker, Scanlon, Tronccone, Ball

Against: None

Abstain: None

Not Voting: Alternates

Absent: None

F. OLD BUSINESS:

1. Application # V23-16 (CARRIED FROM DECEMBER 4, 2023 WITHOUT FURTHER NOTICE)

Block: 1655 Lots: 1-21, 26-32

Maxim Drive (Maxim Meadows), Forked River

8-Unit Townhouse with 2 Mixed-use Office/Apartment Units

VariANCES – d (use) Variance, bulk variances for front yard, side yard & height

Applicant: RNL Property Holdings

Mr. Joseph Coronato, Esq., attorney for applicant, presented an opening statement and called his professional witness.

Jason Marciano, PE, professional engineer for applicant, was sworn in. The Board accepted his credentials.

Marciano: Described the application & variances. Proposal to build a 50x60 structure, 2 office commercial on 1st floor and bulk of project set back from Maxim road is 8 residential structures.

Exhibit A-1: Expanded Site Plan view-Mr. Marciano described the site & structures, setbacks, zones. Installing 750' of sanitary sewer, none existing.

Exhibit A-2: Photos taken Nov. 6 of surrounding area & homes on all sides within 200'

Coronato: discuss parking

Marciano: Total of 38 required, proposing 41, have ample parking. Townhouse units have garage & driveways, not counted in parking.

Scanlon: office building parking is not next to them

Tirella: will there be dedicated parking for commercial & apartments?

Coronato: We could do that

Downing: what if move building back & give nose in parking on Maxim?

Coronato: We could do that- move building back & make some head on parking in front of building.

Worth: side shields added to lighting, when will they be active?

Marciano: yes, nearest house, will shield lighting. Active dusk to 11pm, after that security lighting

Worth: Relative to criteria is that site particularly suited for the use? Does proposed multi-family use have any detriment to surrounding neighborhood? Any operational impacts?

Marciano: Don't believe so, there is commercial use there already.

Coronato: if this was in the OC zone completely, could have multi-family, in fact density could be greater.

A 5 minute recess was taken at 8:27 pm

Public Questions: The meeting was opened to the public for questions related to Mr. Marciano's testimony. The public was informed they would have the opportunity to comment after the questions.

Donna Neal, 1011 S. Ranch Way: how are cars going to get out and make a right turn onto Lacey

Bethany Selph-Sitler, 47 Maxim Dr.: the road is unique spot, what would it take to get a traffic study?

Worth: applicant has already requested a waiver from having a full traffic study done.

Russell Gilbert, 719 Maxim: what's going o happen to all the storm water?. Retaining walls on plans. Are we going to be blocked out of our house during construction? Any reason for not paving all of the street?

Marciano: there is a stormwater plan and thorough design. The road will not be closed at all.

Adrian Del Monte, 716 Maxim: what about the water that is going to come inot our yard?

Worth: will you provide as many test pits and sil pits to show your water table?

Marciano: yes

Mark Wasserbach, 720 Maxim: rear setback?

Marciano: 39' to Plumstead

Marie Tarantino, 17 Carteret court, Waretown: concerned about school buses & cars how are people going to get out of there?

Public Questioning closed: With no additional questions, this portion of the meeting was closed.

Public Comment: The meeting was opened to the public for comment.

Adrian Del Monte

Bethany Selph-Sitler

Albert Del Monte

Mark Wasserbach

Public Comment closed: With no further comment, this portion of the meeting was closed.

Worth: Is there greater benefit if road was extended?

Downing: heard concerns, cul de sac seems odd, is there possibility of continuing road down Maxim Drive, think residents here would be happy

A 5 minute recess was taken at 9:44 pm

Coronato: my client has agreed to eliminate cul de sac, extend the road but we would ask that no drainage, 25' wide, no curbs, also request 1.5" paving on entire road.

Motion & Vote:

Motion to approve the application with the conditions and waivers outlined in testimony: Mr. Tirella

Seconded by: Mr. Tomalo

Mr. Scanlon voted against the application, stating that he felt the project was out of nature of the neighborhood, residents expressed this concern and he agrees with them.

Roll Call Vote:

For: Tirella, Tomalo, Decker, Downing, Troncone, Ball

Against: Scanlon

Abstain: None

Not Voting: Alternates

Absent: None

G. ITEMS FOR DISCUSSION:

None

H. ADJOURNMENT:

Public Comment: The meeting was opened to the public for comment.

Public Comment closed: With no public present to make comment, this portion of the meeting was closed.

There being no further business to be acted upon, the meeting was unanimously adjourned by the membership present at 10:04pm.

Motion By: Mr. Tirella

Seconded By: Mr. Tomalo

Respectfully submitted,

Irina Gasparyan, Lacey Township Board of Adjustment Secretary

***Lacey Township Board of Adjustment
Executive Session Minutes***

MEETING OF: Wednesday, January 10, 2024 – 6:34pm
SUBJECT MATTER: Re-Organization – 2024 Annual Professional Appointments
PRESENT: Ball, Decker, Downing, Scanlon, Tirella, Tomalo, Troncone,
Dos Santos, Mannuzza

ALSO PRESENT: Irina Gasparyan, Board Secretary

The Board Secretary reviewed the list of nominations as follows; she asked that if everyone was in agreement, we could take an official vote for each nomination during the public meeting so it is not done twice; she suggested that one person make all the nominations and all the seconds in the interest of time and to streamline the public portion. The following nominations were discussed:

CHAIRMAN NOMINATIONS

VICE-CHAIRMAN NOMINATIONS

BOARD ATTORNEY

CONFLICT ATTORNEY

BOARD ENGINEER

CONFLICT ENGINEER

BOARD SECRETARY

2024 OFFICIAL NEWSPAPERS

2024 MEETING DATES

With no further business to discuss, the Board left the conference room at 6:48 pm and returned to the Courtroom to reconvene the public portion of the meeting.

Respectfully Submitted,

Irina Gasparyan, Board Secretary
Lacey Township Zoning Board of Adjustment