



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
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**FEBRUARY 18, 2014
ZONING BOARD
MINUTES**

The meeting was called to order by Jim Bonek, Vice-Chair.

Flag Salute
Notification of Meeting

ROLL CALL

PRESENT: Baltera, Malia, Lawler, Polisano, Corkhill, Roswell, Bonek

ABSENT: Fritz

REORGANIZATION MEETING

Members reappointed and sworn in were:

Matt Lawler
Pat Malia
Alex Corkhill
Jeff Roswell

Positions of Chairman:

Motion for Jim Bonek was made by Joe Polisano – second – Pat Malia
All were in favor.

Position of Vice-Chair:

Motion for Pat Malia was made by Joe Polisano – second – Matt Lawler
All were in favor.

Position of Attorney:

Motion for John Rosenberger was made by Joe Polisano – second – Pat Malia
All were in favor.

Position of Board Engineer:

Motion for Remington, Vernick & Walberg (Eddie Dennis) was made by Joe Polisano – second – Matt Lawler

Approval of 2014 meeting dates:

Motion to approve – Matt Lawler – second – Joe Polisano
All were in favor.

OLD BUSINESS

Vote: Minutes of November 19, 2013

Motion to approve – Joe Polisano – second – Steve Baltera

ROLL CALL: Baltera, yes; Polisano, yes; Lawler, yes; Malia, yes

Vote: Annual D&R of 2013 ZB applications

Motion to approve – Joe Polisano – second – Steve Baltera

ROLL CALL: Baltera, yes; Polisano, yes; Lawler, yes; Corkhill, yes; Roswell, yes; Malia, yes; Bonek, yes

NEW BUSINESS

Appl. #1-2014 for Mike Martin – Block 93, Lot 14 – 200 E. Faunce Landing Road for a front yard setback variance for construction of an accessory building as well as a fence variance

Mike Martin, applicant and Stephanie Bell, 416 S. Genesta Ave. – Galloway, NJ were sworn in.

Mr. Martin – was not sure how he hard to proceed.

Eddie – explained the application to the Board as he believed it to be. He installed a 6 ft. high fence along Lisbon Avenue is not visibly transparent, so it had to be placed 10 ft. back from the property line. Mr. Martin placed it right on the property line. He is asking for a 0 ft. setback, where a 10 ft. setback is required for the fence. There is also a variance required for a fence that exceeds the height limit, where 4 ft. is required and the installed fence is 6 ft. high. The applicant said that he replaced an existing fence. The other variance being requested is related to a pole barn, which will be located in the back yard as shown on the survey he submitted. It's considered an accessory building, so therefore, the front yard setbacks apply to that building. It's a corner lot so it needs to be 25 ft. from the property line. He is proposing a 10 ft. setback from the property line along Lisbon Ave.

The height for the pole barn is 15 ft, which is the maximum allowed.

Mr. Martin – the higher fence helps with vandalism down there due to the location of the boat ramp.

There was a lengthy discussion on the pole barn location and the size of it. There were several different ideas suggested by Board members and the Engineer in order to help the Board to decide on an approval that would be beneficial to all. The applicant could not decide what kind of flexibility he was willing to agree to, so he needs to propose an amendment if he wishes to proceed. Since the survey was not an accurate depiction, a new one needs to be done to reflect the site and its conditions as of today. It's needed to figure out lot coverage as well. It's from 1989 and the property has had changes done to it.

A motion was made to table this application until the March 18th meeting in order for the applicant to come up with something that would work for everyone. Motion was made by Joe Polisano – second Matt Lawler All were in favor.

Appl. #2-2014 for Joseph Potkay – Block 1.02 – Lot 13 – 1117 Plymouth Landing Road for a rear yard setback for installation of an in ground pool

Applicant, Joseph Potkay appeared on behalf of himself. He explained he bought the house in 2008. A new deck was installed and in 2009 and they installed an above ground pool then. In November, a deer ran into his backyard and it destroyed the pool. They decided to install an indoor pool, but with the existing deck it does not meet the setback requirements. His yard is 37 ft. from the back of the house to the back of the property line. A standard pool is 16 ft. x 32 ft. leaving him 21 ft. to work with. He would then have to cut off his deck and remove it. They had used upgraded deck materials when it was constructed and do not want to take it down. They plan on staying in the house for a long time. The only other option would be to put in a lap pool, but that

is not a recreational pool for a family. A customized fiberglass pool is another option, but it is 25% more in cost.

Jim – asked what was behind the proposed edge of the pool to the back of the property line.

Mr. Potkay – it's the neighbor's back yard, which is 12-15 ft. and then the house is another few ft. so it's probably 25 ft. to the back of the property. It's a difficult situation and he's tried to work it out without having to come to the Board.

Alex – is 6ft. 6 inches after the concrete goes in?

Mr. Potkay – no it's before. There will be about 3 ft. off the deck with a step down because the contractor will need an area to build in the walls and insulation was an issue.

Eddie – there are two setbacks that apply here. One is for the pool structure in its entirety, which is considered an accessory structure. There is a 10 ft. setback requirement for any part of the pool that jets out and there is also an ordinance requirement of 10 ft. from the water's edge to any property line. Two variances would be needed. Another concern he had was that after scaling this in, the application was pretty close to the maximum lot coverage, which is 40% and he came up with 39%, which does not include concrete around the pool. It may take you over the allowance. He did a rough calculation and he came up to the applicant having about 42%. A variance for that would be required also. Eddie stated the three variances again.

1. Allowing a 4 ft. setback where 10 ft. is required
2. Setback of water's edge for 6.5 ft. where 10 is required
3. Lot coverage of 42% where 40% is allowed

Pat – inquired about the seat that will be installed at a pool's edge.

Mr. Potkay – we tried to find another location for it, but it didn't work anywhere else. He wished he could have done this the first time, but the cost was too much then.

Alex – asked if he tried to put it on the side of the house

Mr. Potkay – it would impede on the yard space and lose the play area. He plans on installing a safety cover on the pool also so he needs the 3 ft. around the pool also.

Exhibit A-1 – a photo of the proposed pool was marked into evidence.

Motion to open to the public – Joe Polisano – second – Matt Lawler

All were in favor.

No public comment.

Motion to close public – Matt Lawler – second – Joe Polisano

All were in favor.

Motion to grant the 3 variances mentioned – made by Jeff Roswell – second – Alex Corkhill

ROLL CALL: Baltera, yes; Malia, yes; Polisano, yes; Lawler, yes; Corkhill, yes; Roswell, yes; Bonek, yes

Approval - Release of Performance Bond for Dunkin Donuts and Acceptance of Maintenance Bond

Motion to approve – Joe Polisano – second – Steve Baltera

All were in favor.

Motion to adjourn meeting – Matt Lawler – second – Joe Polisano

All were in favor.

Respectfully submitted,

Tina Lawler, Secretary

Approved: _____