

**ZONING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
MARCH 14, 2022**

THE MEETING OF THE ZONING BOARD OF ADJUSTMENT was called to order at 6:00 pm by the Zoning Board Secretary Cecile Hodgson who stated that the notice of this meeting has been published in accordance with the requirements set forth in the New Jersey Open Public Meetings Act.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE ADMINISTERED TO VIRGINIA FITZSIMONS

ROLL CALL: VIRGINIA FITZSIMONS, KATHYRN ESPOSITO, KATHLEEN CLARK, MARK FINELLI, TIM BRINDLEY, LINDA PASSARO

**ASBSENT: NANCY SPARK, LEANN OROS, NANCY MANOOKIAN
ALSOS PRESENT MR. JOE CORONATO, ESQ & CECILE HODGSON**

MINUTES OF JANUARY 10, 2022 MEETING

AT THIS TIME Secretary, Cecile Hodgson, asked for a motion to approve the minutes of the January 10, 2022 meeting minutes. Esposito so moved, seconded by Passaro.

MOTION: Esposito

SECOND: Passaro

VOTE: AYES: Esposito, Passaro, Finelli, Brindley

NAYS: NONE ABSTAIN: Clark, Fitzsimons **ABSENT:** Oros, Spark, Manookian

**APPLICATION ZB 2022-01
23 W 8TH ST., MORRISON-ARLENE**

Arlene Morrison was sworn in.

Mr. Coronato explained to Ms. Morrison that the application did not include an explanation as to why an elevator would be necessary. Ms. Morrison explained that it is difficult for her to maneuver basic daily tasks such as carrying her groceries up a flight of stairs. Mr. Coronato explained that typically with applications such as these, it should include an explanation such as the one Ms. Morrison provided, in the case that a resident would come to review the application before it is heard. Mr. Coronato then asked Ms. Morrison to explain to the board how the elevator will be installed. Ms. Morrison requested that her architect, Mr. Robert Musnug be sworn in, in an effort to provide a more detailed explanation.

Mr. Robert Musnug was sworn in at this time and briefly presented his credentials. Mr. Musnug explained that the west side of the building comprises the kitchen, bathrooms and plumbing and that the back of the house is only one story. He explained that the object was to put it on the western side but they did not want to attach it to the area where the staircase is because it would be closer to the side yard property line. The decision was made to put it on the Eastern side between the window and the closet in the bedroom on the second floor and in the family room on the first floor. Mr. Musnug explained the variance is needed in that there is a 16-inch overhang, so it will have to lift to 5ft outside of that bump out. Mr. Musnug explained that for a wheel chair accessible elevator, a 5ft shaft is necessary. There will be a concrete pit on the bottom, one foot below grade. There will be framed walls to create the necessary 5ft shaft to go from the first to the second floor. Mr. Musnug stated that the side yard setback required is 9ft, and the applicant is requesting a 6ft 11" set back where it is currently 7ft 10". Esposito asked Mr. Musnug if there is currently a variance on the property. Mr. Musnug responded that he was unsure but it does look like it according to his materials. Ms. Fitzsimons asked Ms. Morrison and Mr. Musnug if she had looked into an internal elevator. Mr. Musnug stated that considering the size of Ms. Morrisons house it would not be possible for a 5ft square to be taken out. Mr. Musnug also explained that a variance would be required if they wanted to put the elevator on the opposite side of the house. Esposito asked what the difference between each variance would be. Musnug stated that 2 more inches would be taken if they installed it on the West side. Fitzsimons expressed concern for fire engines having access to the back of the house. Musnug stated that they had left 11ft on the side for this reason.

Esposito pointed to the provided material marked A-2 and stated that she thought it seemed too tight on the East side. Ms. Morrison explained that the landscaping shown in A-2 would be taken out in order to provide more space. Mr. Coronato asked the applicant to explain each of the photographs marked A-1 through A-5. Ms. Morrison stated that the material marked A-1 shows the outdoor shower on the east side where the elevator would be. Mr. Brindley asked what the difference would be between the outdoor shower and the elevator. Ms. Morrison stated that the elevator would come out about a foot further. Ms. Morrison went on to explain that A-3 shows another view of the East side of the house with landscaping. Ms. Morrison explained that A-4 exhibits the view from her neighbor's property which faces the East side of the house. Mr. Brindley asked if there was a view from the West side of the house, Ms. Morrison said she did not have this. Ms. Morrison went on to explain that A-5 displayed the East side of the house which included the outdoor shower and the landscaping. Mr. Brindley inquired about the height of the elevator. Mr. Musnug explained that the height of the elevator would go to the second-floor plane height, also stating that it will not go higher than the roof. Ms. Esposito asked if the landscaping on the East Side was comparable to the landscaping on the West side. Ms. Morrison stated that there is hardly any landscaping on the West side. Ms. Esposito wanted clarification that there would be no issue for emergency vehicles to access the West side, Ms. Morrison stated that this would not be an issue.

Ms. Fitzsimons asked that if this application was approved, would it establish a precedent for anyone else who might want to put an elevator in their home. Mr. Coronato responded, stating that each application rises and falls on its own merits. Mr. Coronato pointed to the survey of the subject property and asked Ms. Morrison if the shower was installed after the survey was created, as the shower was not shown. Mr. Coronato stated that normally they would need a more up to date survey but because the application was approved by the engineer, he would go along with it. He then explained that though the survey affidavit was signed stating that the survey is accurate it becomes a problem because the survey is in fact inaccurate. Ms. Esposito asked if the board could get an updated survey. Mr. Musnug explained that there would be a new survey created when the application is approved. Mr. Coronato explained that typically, the board should not accept surveys older than 10 years old. He also stated that protocol for a survey affidavit would include a sealed, dated survey as well as a statement from the applicant that the survey has not changed.

There being no public, Mr. Coronato asked for the board to discuss the application.

Ms. Esposito expressed concern that this application would establish a precedent and stated that the board should establish more firm standards for applications such as these. Mark Finelli stated that he didn't think there was an alternative area to install the elevator. Ms. Fitzsimons asked if Ms. Morrison had photos of the interior of the house. Ms. Morrison presented a drawing of the inside of the house that she herself created marked A6. Ms. Morrison gave an explanation of her drawing and stated that there would be no feasible area installation other than the area being requested. Ms. Fitzsimons asked Ms. Morrison which elevator companies she had consulted. Ms. Morrison stated that she had consulted Home Lift and accredited. Ms. Fitzsimons asked if Ms. Morrison had inquired about doing an elevator inside. Ms. Morrison stated that the elevator companies had looked at the house and it was found that an indoor elevator would not work.

Mr. Brindley expressed concern about the setback affecting the neighbor. Ms. Morrison explained that the neighbors received proper notice.

Mr. Coronato stated that each application rises and falls on its own testimony, he stated that Ms. Morrison and Mr. Musnug had indicated that putting the elevator on the interior of the house would be impossible without making substantial changes to the inside. Ms. Fitzsimons stated that she has reservations because she has seen transparent interior elevators that are nearly invisible. Ms. Fitzsimons then asked if Ms. Morrison had anything in writing from the elevator companies. Ms. Fitzsimons also expressed concern about where the outdoor shower would be moved to. Mr. Musnug stated that the outdoor shower would be placed in the back of the house and plumbing would be a nonissue.

Ms. Esposito stated that the board is having difficulty visualizing the request because the application seems to be missing information. Ms. Morrison asked what else the board would need to see in order for the board to be more comfortable with their decision. Ms. Esposito stated that typically, when the application is submitted it includes full interior plans with measurements. Mr. Brindley stated that if photos of the interior had been provided the board might have an easier time making a decision. Ms. Morrison asked the board if she should leave, take pictures of the house and then return. Mr. Coronato explained that the board would have to carry the matter to the next meeting if the board required Ms. Morrison to provide additional pictures. The board continued their discussion.

Ms. Fitzsimons asked Ms. Morrison if there was an immediate need for an elevator. Ms. Morrison explained that she currently has a difficult time carrying her grocery bags up the steps. Ms. Fitzsimons stated that she is concerned that this will establish a precedent, she stated that she understands each application is evaluated on its own merit, however if everyone in Barnegat Light struggled going up the stairs everyone would have an elevator. Mr. Brindley then stated that if there was a case where precedent was established it would have been in a previous application where the elevator was installed on the side of the house. Ms. Fitzsimons responded by saying in that specific case there was a need for a wheel chair. Mr. Coronato stated that the board could make a motion to carry it and ask for pictures and it will be heard at the next meeting or the board could make a make a motion to approve or deny it. Ms. Fitzsimons stated that she would like more information. Ms. Esposito stated that she was struggling with her decision, considering Ms. Morrison's need for an elevator versus Ms. Esposito's personal fear of the houses in Barnegat Light being too close to one another. Ms. Esposito stated that she would be okay with voting yes but the board should have a serious discussion about how they will move forward with future applicants requesting elevators. Mr. Finelli stated that he had been inside Ms. Morrison's house and believes it would not be a good fit for an inside elevator.

AT THIS TIME, Mark Finelli made a motion to approve application 2022-01, seconded by Tim Brindley.

MOTION: Mark Finelli

SECOND: Tim Brindley

VOTE: **AYES:** Esposito, Clark, Fanneli, Brindley, Passaro

NAYS: **ABSTAIN:** Fitzsimons **ABSENT:** Oros, Spark, Manookian

Ms. Morrison removed herself for the remainder of the meeting.

OTHER BUSINESS

Mr. Coronato suggested that the board come up with prerequisites as to what they would want to see when an elevator is applied for. Mr. Coronato stated that this application did not provide an adequate explanation as to why the elevator was needed. Ms. Esposito stated that she felt very uncomfortable with her vote for Ms. Morrison's application. Ms. Esposito stated that she knows Ms. Morrison needs the elevator and that she is sympathetic, however she believes that Ms. Morrison did not provide enough information. Mr. Coronato stated that there are a number of problems with this application. Mr. Coronato suggested that the board puts together some notes so that protocols could be established at the next meeting. Mr. Coronato also suggested that generators be discussed as many shore town residents have had a growing interest in putting these in. Mr. Coronato explained that many people will want to put it on the side of their property. Mr. Finelli stated that he had a generator put in last year and that he did not put it on the side of the house because it encroached on the 9ft setback. He stated that he thought noise would be a concern for the generators. Mr. Coronato stated that noise is a concern and that residents should know the decibel levels as they are installing them. Mr. Coronato stated that some people cannot put them in the back of their house for different reasons, so they will have to apply for a variance to install on the side of their property. He stated that the board should also prepare protocols for applications such as these. Mr. Coronato suggested that the board come to the next meeting with what they would want to see in future applications and then write a letter to Mayor and Council expressing their concerns. Ms. Fitzsimons asked to see what was required currently, the board secretary provided the application checklist to the members. It was decided that further discussion would be tabled until the next meeting.

Mr. Coronato stated that escrow should be discussed. He stated the current escrow amounts collected from applicants are too low. He stated that the fees are not enough to cover the attorney and engineer fees. Mr. Coronato stated that typically 750.00 is collected for attorney fees and 750.00 for the engineer for a total of 1500.00 in escrow. Mr. Coronato explained that the finance department has found that the escrow fees should be increased, as the standard rate has been insufficient in covering costs associated with applications. Mr. Coronato suggested that this also be discussed at the next meeting. Mr. Coronato suggested that the board make a recommendation to council with regards to escrow and have them make the final decision. Mr. Coronato also suggested that the board review lighting protocols, as issues could arise in the near future.

AT THIS TIME, Cecile Hodgson asked for a motion to open to the public.

MOTION: Katy Esposito

SECOND: Virginia Fitzsimons

AT THIS TIME, Cecile Hodgson asked for a motion to close to the public.

MOTION: Fitzsimons

SECOND: Katy Esposito

There being no further business before the board on a motion made by Fitzsimons, seconded by Clark, carried by all the meeting was adjourned.

CECILE HODGSON, BOARD SECRETARY